

**SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
February 4, 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
- Mr. Lonnie Anderson
- Ms. Marily R. Wilson
- Ms. A Millie Stevens
- Ms. Carol Jorgensen, Coordinator

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PROCEEDINGS

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 2 MR. THOMAS: quorum, we established a quorum
 yesterday, and the quorum will be intact until we adjourn; if
 I'm here by myself, it'll still be a quorum. So an editorial
 from yesterday. I don't know if some of our process had
 interfered with what some of the ambitions of the public were.
 Some of the expressions that were made to me that they felt
 Mike Staff was dominating the microphone. I guess I didn't
 recognize that as such, only in the fact that there wasn't much
 competition for it. But that being the case and wanting to be
 sensitive to everybody, I would hope that we would kind of keep
 an eye open for that and do what we can to encourage people to
 take advantage of the time they can to testify.

14
 15 And so with that, I think we're doing pretty good with
 what we're trying to do here. And we'll go ahead and proceed.
 We'll go back to the format we had yesterday. In case there's
 anyone in the audience that wasn't here last night that wish to
 testify that has to leave sooner today, we'll give you the
 opportunity to do that. If you are such a person, please let
 us know either by raising your hand or a glare or anything,
 we'll try to pick up on it, and do that any time during the
 course of the day. And the people come in and let you know and
 don't say anything to me, please let me know, because my
 perception is quite limited sometimes.

26
 27 We'll continue with the format we had yesterday. And
 the notes suggest that we start with Proposal Number 7 this
 morning. So Staff, if you'd be so kind, Proposal Number 7.

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 31 MR. LOCKHART: Thank you, Mr. Chair. Proposal 7 by
 Alaska Department of Fish & Game is a proposal to change
 Section 25(k)(4)(ii)(D) which is a description of the Northeast
 Chichagof Controlled Use Area. As currently provided for in
 regulations, the description is as follows: Northeast
 Chichagof Controlled Use Area (NECCUA) consisting of that
 portion of Unit 4 on Chichagof Island north of Tenakee Inlet
 and east of Idaho Inlet and north of Trail River, and north of
 a line from the headwaters of Trail River to the head of
 Tenakee Inlet is closed to the use of any motorized land
 vehicle for brown bear hunting, or for the taking of marten,
 mink, or weasel.

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 44 The proposed regulation change by the Department would
 change the wording to: Northeast Chichagof Controlled Use Area
 (NECCUA) consisting of that portion of Unit 4 on Chichagof
 Island north of Tenakee Inlet and east of the drainage divide
 from the headwaters of Gull Port into Fort Frederick Portage,
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including all drainages into Port Frederick and Mud Bay is closed to the use of any motorized land vehicle for brown bear hunting, or for the taking of marten, mink, or weasel.

3

4 The Department cites the reason for changing the regulations as the boundary changes would encompass the area where motorized land vehicles are now used for other purposes, and to be easily followed by the public, thereby meeting the objectives of the NECCUA more realistically. The boundaries proposed in the Rule split the Trail River/Idaho Inlet drainage and not good biological boundaries for wildlife species for which the area was created to affect; which are the brown bear, marten, mink and weasel. Most individuals of these species in that area will include both sides of the streams in the watersheds of their home ranges. Home range boundaries are more apt to be -- to extent over both sides of the watershed drainage than to end at the stream banks.

17

18 The effect of the proposed change on wildlife populations, by encompassing a watershed drainage concept into the NECCUA, the area will more satisfactorily encompass the home ranges of bears, mustelids -- and mustelids in the area. Better harvest data will result because fewer animals will have home ranges extending over the areas both inside and outside the NECCUA.

25

26 The boundary changes would not significantly affect the activities of the subsistence users. The area of Idaho Inlet/Trail River not included in these boundaries is not presently accessible by motorized land vehicles.

30

31 And as additional information, the State said that these boundaries are being proposed to the Alaska Board of Game. And by coinciding the State and Federal regulations, public confusion will be avoided and subsistence users less likely to violate the law by mistake.

36

37 NECCU- -- as far as the Staff Analysis, I'll go through that briefly. NECCUA was established to prohibit use of motorized land vehicles for hunting of brown bear and the taking of marten, mink, or weasel. ADF&G believes the proposed recommendation will better facilitate the purposes of NECCUA by realigning the boundaries to more realistically cover the home ranges of those species.

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45 The boundaries of NECCUA are defined differently in the current State regulations and in the proposed or current Federal regulations. Existing State regulations incorporate little more than half of the land mass of Federal regulations

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and do not include lands between -- found between Port Frederick and Idaho Inlet. And I think if you turn to your map you'll see that. On the next page, you can see the point there Port Frederick, all the lands to the north and west of that are not included in the current State definition.

5

6 Passage of this proposal will not align State and Federal regulations and will require subsequent action by the Alaska Board of Game, which ADF&G is presumably forwarding a similar proposal to the Board of Game at the Spring 1994 meeting.

11

12 The proposed regulation boundary parallels the existing Federal boundary but eliminates just a small finger of land between the ridge and the drainage/inlet line. Again, you see the map, that's -- the proposed boundary is roughly this, characterized by the dashed line. Although the existing Federal boundaries circumscribes the entire area that will be delineated in this proposal, the State maintains the harvest data may be compromised under the current definition. ADF&G submits that the proposed regulation -- right, I'll get to that it is more -- is a more biolog- -- logical biological boundary and better characterizes the home ranges of mustelids and brown bears occupying the NECCUA.

24

25 Subsequent to submitting this proposal, ADF&G requested a minor modification to the NECCUA description from how it appeared in the proposal booklet. And we, Staff, worked with ADF&G to look at that and come up with a modification even to the proposed language that ADF&G had submitted by the letter dated November 15th.

31

32 Passage of the proposal would have no substantive biological or cultural impacts. In addition, the proposed regulation would help minimize public confusion if the State Board of Games passes a similar proposal. It will also facilitate better acquisition and exchange of data on brown bear/mustelids and the harvest levels and population trends. After consultation and concurrence with ADF&G Staff, our Staff further recommends an alternative boundary description that better facilitates the NECCUA identification without affecting the proposal intent.

42

43 And in our analysis, we have a description there that we have offered. We have subsequently modified that, and I think that was handed out to everybody. So our recommendation now that we would have would again be for changing Section 25(k)(4)(ii)(D) and it would read: Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of

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Chichagof Island north of Tenakee Inlet and east of the drainage divide from Gull Cove to Port Frederick portage, including all drainages of Gull Cove, is closed to the use of any motorized land vehicle for brown bear hunting and/or for the taking of marten, mink or weasel.

5

6 And one other correction, if you look on the map, the
7- that is provided, Gull Cove is incorrectly labeled; it is
8 actually the small cove at the end of the dash line. So, that
9 concludes the analysis.

10

11 MR. THOMAS: Questions of Staff? John.

12

13 MR. VALE: Did you say that Staff was supporting this
14 proposal?

15

16 MR. LOCKHART: Yes. We've offered that as -- that
17 language as a recommendation for the Board to pass.

18

19 MR. THOMAS: The modification that you just read was
20 yours?

21

22 MR. LOCKHART: Yes.

23

24 MR. THOMAS: Ann.

25

26 MS. LOWE: Now, you indicated that you guys did sit
27 down with the State and work this proposed regulation change
28 out?

29

30 MR. LOCKHART: That's correct.

31

32 MS. LOWE: And Fish & Wildlife was involved in it as
33 well, were you

34

35 MR. LOCKHART: That -- that's correct. Fish & Wildlife
36 and the Department.

37

38 MS. LOWE: Okay. So would you just one more time go
39 over the area that's -- it looked like it expanded it quite a
40 bit so -- but what is the area again that you're

41

42 MR. LOCKHART: Okay. If you look

43

44 MS. LOWE: Tell me what you gave up and tell me what
45 you're doing instead again.

46

47 MR. LOCKHART: Okay. Again, refer to Map 1, the
48 existing boundary is everything that's shaded.

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1 MS. LOWE: Right.

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3 MR. LOCKHART: Okay. And that boundary follows the
4 inlet line and the river, which is in -- essentially, in a
5 completely separate drainage. What ADF&G is recommending is
6 that we align the boundary according to the drainage divide or
7 the ridge line, which is the dash line, so that the home ranges
8 of the animals that are actually within the major part of
9 NECCUA more accurately are represented. Because in the other
10 part of the drainage divide, you would have species that may be
11 reported as taken in the NECCUA area that actually are more
12 aligned with the other drainage, the Trail River.

13

14 MR. THOMAS: Further questions? John.

15

16 MR. VALE: So the Trail River side would then be left
17 out of the NECCUA?

18

19 MR. LOCKHART: That's correct. Everything to the south
20 and west of that dash line would be taken out of NECCUA.

21

22 MS. LOWE: Is -- presently now, the reporting on
23 harvesting has included that other side, right?

24

25 MR. LOCKHART: Well, there's -- again, there's -- the
26 existing State and Federal regulations are not in alignment
27 now.

28

29 MS. LOWE: Right.

30

31 MR. LOCKHART: The State regulations for NECCUA only
32 include everything south and east of Port Frederick.

33

34 MS. LOWE: Right.

35

36 MR. LOCKHART: So we probably ought to ask the
37 Department that, on how the reporting is handled, but I'm not
38 real sure.

39

40 MS. LOWE: Okay. When you drew your line, how did that
41 skew your numbers for bear? I mean, how did you determine what
42 would be affected or not be affected by that?

43

44 MR. LOCKHART: Again, my understanding, and you all can
45 jump in here if there's anything different, my understanding is
46 just to accommodate better or future reporting. And it's to
47 allow for a take -- a reported take in these drainages rather
48 than having the influence of two drainages affecting reporting.

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So I don't know if there's really any population information there that would sway their decision.

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3 MR. THOMAS: Okay. You got a room full of volunteers
back there, so why don't you move over, Mike, and make room for
some of the --

6

7 MR. LOCKHART: Okay.

8

9 MR. THOMAS: some of the authorities. Whoever's
the senior authority, please come forward.

11

12 MS. LOWE: That's the State there, Bill. That's the
State.

14

15 MR. TITUS: Good morning, Chairman, my name is Kim
Titus, I work for Alaska Department of Fish & Game.

17

18 MR. THOMAS: Your wire's tangled up on your chair.

19

20 MR. TITUS: And this is Ted Schenck, who works for the
Chatham area of the USGA Forest Service in Sitka. There are a
number of points that -- I don't know whether you want me to go
through them or not about why we're trying to do this.

24

25 MR. THOMAS: Yeah. There's some curiosity around, so
if you would.

27

28 MR. TITUS: Okay.

29

30 MR. THOMAS: Yeah.

31

32 MR. TITUS: There's a history behind this; in fact --
if I have to stay at the microphone, if I went up there, it
might really

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36 MR. THOMAS: Your voice carries, go for it.

37

38 MR. TITUS: Okay.

39

40 MR. THOMAS: No knees (ph).

41

42 MR. THOMAS: The original Northeast Chichagof
Controlled Use Area as established by the Alaska Department of
Fish & Game in 1989 is this area here. We have various permits
and registration permits for brown bear hunting that include
this so we can obtain data relative to this road system and
brown bear hunting, and our records are consistent over time.

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And subsequently, the Federal Subsistence Board -- I'll ask Ted to clarify things -- expanded the size of this area, and expanded it to -- this area is closed to the fall hunting of brown bear, so that's not up on the agenda right now, but it's part of this whole issue. It expanded the size of this and also put in restrictions associated with the use of motorized vehicles on Federal lands for marten trapping, in particular, in the taking of mustelids.

8

9 The original boundary used the headwaters here of Tenakee Inlet and the headwaters here at Idaho Inlet. We've received -- I wouldn't say a lot but a variety of complaints from, in my case, personally, from brown bear hunting guides of Honah, and Sitka and Juneau that on the ground here they can't tell whether they're inside or outside of that area, depending on which side of the mudflat or stream that they're on. And so the Department, in conjunction with the other resource agencies, have sought a better solution to this administratively. And this is the solution that we've come up with.

20

21 There are no roads over in this area, so it has a logical basis behind that. And although it may seem illogical to make a boundary to be a series of mountain peaks, no ones up there, in practice, hunting and/or trapping, so it becomes very logical, and that's the short story behind that. And we're trying to align the regulations now so that there is less confusion for the trappers and the brown bear hunters, in particular, out there.

29

30 MR. THOMAS: Are there obvious physical characteristics that tell them whether they're in or out?

32

33 MR. TITUS: Yeah. It's the top of the mountains where one, you know, is hunting or trapping.

35

36 MR. THOMAS: Ann.

37

38 MS. LOWE: Okay. Now, you've had this regulation protecting these areas in for a while. What is the difference that it's made?

41

42 MR. TITUS: That's not germane to this proposal, per se. But in the case of the Northeast Chichagof Controlled Use Area with regard to brown bear harvest, the harvest was very high in the mid-1980s, and the Department had an emergency closure and closed any -- the fall hunting season. That fall closure has remained in effect. The Federal Subsistence Board has adopted that regulatory process so it's consistent. The

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Department has found that the brown bear harvest went down immediately after that emergency closure, brown bear hunters and guides generally avoided this area with the fall season being closed. Deer hunters could no longer hunt brown bears in association with their deer hunting. And what we have found over the past few years is that the take of brown bears has begun to creep back up. And now, it's up to what we consider to be a sustainable harvest by still only having the spring season.

9

10 MS. LOWE: Have you got

11

12 MR. TITUS: So that

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14 MS. LOWE: hard numbers on what's in there?

15

16 MR. TITUS: Yeah. We have -- we know how many brown bears live in this area.

18

19 MS. LOWE: How many?

20

21 MR. TITUS: Three hundred and seventy.

22

23 MS. LOWE: And so what -- how many do we harvest of the 240, is there a cap?

25

26 MR. TITUS: About five percent of those bears would be about anywhere from 12 to 15 bears a years, and we're at that threshold currently between the legal and the illegal killing of bears there.

30

31 MR. THOMAS: Richard.

32

33 MR. DALTON: Yeah. I'd like to ask a question. You say that a lot of brown bear was hunted in this area from Hoonah, did you say?

36

37 MR. TITUS: Yes, sir.

38

39 MR. DALTON: I live in Hoonah, and I know who goes in hunting in certain areas, and I have never seen abundant amount of brown bear coming into Hoonah. The only thing that I do know is the big game guides go in there and take people there for the purpose of making money.

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45 MR. TITUS: You're exact- --

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47 MR. DALTON: And those are not Hoonah people.

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MR. TITUS: Well, the two guides in Hoonah live in Hoonah.

MR. DALTON: I know, but that's not the only one that takes a guide tour in that area.

MR. TITUS: You're

MR. DALTON: There's several of them in Juneau that I know I've seen them in Gull Cove hunting in that area.

MR. TITUS: You're correct, and there are guides from Sitka that hunt this area as well.

MR. DALTON: That's right. I can agree with you there. But as far as you saying that Hoonah people is taking that game, we have no use for the brown bears as a Tlingit.

MR. THOMAS: No, he said guides from Hoonah.

MR. DALTON: But if we use it, we take everything. I have run across some carcasses over there that's left by big game guides, that's wanton of waste, if that's the case. Now, as I understand that in this here, it says including drainages of Gull Cove is closed to use of motorized vehicle for brown bear hunting or the taking of marten, mink or weasel.

According to the testimony we listened to yesterday, which was presented to us by Mark Jacobs, Jr., those are not natives of those area, they were transplanted, and there's abundant amount of that stuff that's just taking a lot of Ptarmigans and grouse, and even the squirrels that they have here. We don't have those things around there any more. So I can't see a justified statement to why they would close trapping in that area for anybody that wants to make a little income out of it. And I don't believe that there's anybody from Hoonah that traps in that area anyway. And I don't see any road, you just said that, and then this thing here says motorized vehicle. So I don't understand this language too well.

MR. TITUS: Can you step in (ph).

MR. SCHENCK: A couple of points. We do have trappers that use this area, and I get a call every year from trappers that stay at Elkin Cove who want to trap in Idaho Inlet, and they don't know where the boundary is. So we have to tell them every year. If we change the boundary, that will reduce their confusion. And when we put that boundary in there, we picked

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an old ADF&G boundary line from the previous regulation. And moving the boundary line from the bottom of the river to the top of the hill will allow more opportunity for trapping in this particular area, especially for those folks from Idaho Inlet area, Gull Cove or the people who live at Elkin Cove to go in and trap more frequently. It'll open that up a little bit, and it will put the boundaries on the lines that the Forest Service uses for managing our data, just like for ADF&G.

8

9 When Butch Young and I proposed this regulation, we used an old State boundary line, and we didn't think about putting it on the boundary lines that were used for data management. And this would make it better, so they

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14 MR. DALTON: Well,

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16 MR. SCHENCK: wouldn't need to restrict anybody.

17

18 MR. DALTON: you just rubbed my nose the wrong way when you said Hoonah people, now you say that Idaho Inlet and Tenakee Inlet -- I mean, Pelican and Elkin cove. Now, that I can understand, those people, it's close for them to get there because of the weather condition. Well, our condition and weather-wise, we can't get there, no matter how we try to get there, unless we take a great big boat and get there. But that's not the case at this time.

26

27 A lot of people in Hoonah used to tra- -- I'm a trapper, I know what that's all about. But when I go trapping, I go after some game that I can be satisfied with. Now, when you say that marten closure, I honestly don't believe that there is a close- -- that there should be any protection of closure to that marten because they just multiplied. There's a lot of martens right there in Hoonah and nobody is trapping there in Hoonah except a couple of guys maybe from Whitestone Logging Company, but those men are Native oriented people.

36

37 So it kind of disturbs me to find that a regulation co-management with State and Federal. If we're going to be Federal take over, let's do something under Federal regulation not under State or ADF&G. We can certainly sympathize the fact that we are under appointment to this Board here for that particular reason, by Bruce Babbitt of the Interior Secretary. So I don't believe that we should try to hold a co-management with State of Alaska. We have to change some order there someplace, and the ANILCA is not the Bible to this particular decision that we have to make. We're bounded by what kind of a decision that we make to your proposal and your regulation of changes.

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1 MS. LOWE: Mr. Chairman.
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3 MR. THOMAS: Wait. Wait.
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5 MS. LOWE: I just want to ask Ted if he would
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7 MR. THOMAS: Wait for a minute.
8
9 MS. LOWE: explain the history to Richard.
10
11 MR. DALTON: I think I still got the floor.
12
13 MR. THOMAS: Yeah, you still got the floor.
14
15 MS. LOWE: It might help you.
16
17 MR. DALTON: And I'll give you a chance to say
18 something after I'm through.
19
20 MR. THOMAS: We all have our problems, let's hear
21 Richard.
22
23 MR. DALTON: So I think that in all fairness the
24 decision we arrive at, we have to satisfy the public from this
25 particular Board. And what you're telling us, we have the
26 authority to deliberate to where we make adjustment to your
27 proposal, we can either go for it or we don't go for it. This
28 is the way that I understand the responsibility as a
29 councilman, unless somebody else understands it a little bit
30 differently, I'd like to know.
31
32 MR. THOMAS: Yeah. I don't think there's any question
33 about that, Richard. I think what the proposal is asking is if
34 we adopt this proposal, what it'll do is expand the white area
35 on the chart. Is that an accurate result? If this is adopted,
36 that dotted line will disappear, the white will move over to
37 there, and that's just a difference in how this will look.
38
39 Ann.
40
41 MS. LOWE: Mr. Chairman, it would help, too, if Ted
42 would go back and give a little history of why this proposal
43 was adopted in the first place, because I think it's confusing
44 some people of why this is even necessary, because I think we
45 had, some time back, the Subsistence -- Federal Subsistence
46 Board had been petitioned or requested by Hoonah residents to
47 protect them, their resources around them because the logging
48 had opened up so many roads, and they were getting a lot of
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pressure, not from just the Hoonah residents, from people who were coming over there on the ferries and using the road systems to take game around Hoonah and to trap around Hoonah and stuff. And they asked us for this protection from outside pressures and not just the Hoonah residents. And I think that's -- if you would go back in the history, that would help us understand this a little better, if you would.

7

8 MR. SCHENCK: Okay. We can talk about it now. Well, there is a proposal to deal with marten, Proposal Number 14, so we will get into this in a little bit more detail.

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12 As Kim said, in 1989, the Department was getting concerned with the populations of brown bear, and the people who were coming to Hoonah hunting from the road system and harvesting brown bear from the road system, particularly in the fall. And at that time, the Department took emergency action closure to protect the brown bear. At the same time, they felt that trapping from the road system was starting to affect the marten population.

20

21 Since 1989, the Department of ADF&G and the Forest Service has started two studies to determine the effects of changes in habitat at Hoonah by logging, by roads on brown bear and marten. And these projects have been going on since about 1989 and 1990, in that area. And we have gotten some very good information about marten populations and about brown bear populations.

28

29 Yesterday, we heard testimony that Eight Fathom Bite area is important to Hoonah residents. And there is some logging and road construction that's planned for that area. Because the Forest Service and the Department are interested in the resources, the wildlife resources, as well as meeting the needs of the public for those resources, we became concerned about the populations of marten and brown bear. We already know that with more logging and more roading, you get a higher mortality on brown bears and you get a higher mortality on marten.

39

40 We had closed the trapping season in the winter of 1990, 1991 because -- in this area because we're concerned about the marten population getting too low. We had restricted the seasons in 1991, '92 out there, and '92/'93, made it shorter because we're concerned about the populations of marten. And because of the studies that we're doing, we have found out that the population of marten on the east side of Port Frederick is actually lower than the brown bear population. So while the marten have the potential to

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reproduce very quickly, they're also at fairly low numbers in comparison to brown bear.

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3 We've also been able to find out that any marten whose home range has a road in it has a 90% chance of being able to be trapped by a trapper. Last year, we found out because nine out of ten of our radio collared marten got trapped, and every one of those had a road going through their area. Now, I don't know - and a lot of this was trapped marten who were being trapped on private land, because the Forest Service is closed. So we know that there is a strong likelihood that if you use the road systems, you can trap a lot of the marten.

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13 MR. THOMAS: Does it work better if the roads are about
14 feet wide?

15

16 MR. KITKA: Can I say something

17

18 MR. THOMAS: Sure.

19

20 MR. KITKA: for the benefit of the Board here. We have Native trappers, Indian trappers in Sitka, and they were very concerned they couldn't find the marten any more close to the beach. The ones that came down is the ones that they were after. And those people -- those Caucasians that bought the three-wheelers, they were trapping from way back. They never did get more than 40 marten per season. But after they start using the road system, their catch jumped as high as 300 per person, marten.

29

30 And our group was concerned. At one time, I've testified in front of the -- I don't know if she was on there, and I said -- they said outlaw the three-wheelers for trapping. They also shoot deer uselessly, just for the fun of shooting. They came across lots that were -- I thought they were starved but when I examined them closely, it had holes in the middle of them. So they must be doing the same thing to the brown bear, too. I'm not sure. But I know

38

39 MR. THOMAS: I'll -- wishes to know (ph)

40

41 MR. KITKA: the three-wheeler is very deadly, and they drove all the Indian trappers out of business because no more come down to the shoreline during the wintertime.

44

45 MR. SCHENCK: And

46

47 MR. THOMAS: Okay.

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272-7515

MR. SCHENCK: our -- that's ex- -- the data that we have for marten on Chichagof Island show that there is a good bit of movement from lower elevations to the beaches up into the forest. And it also shows that if we don't trap the marten that are away from the beaches, they serve as a source of supply to re- -- to move down to the beaches and to move -- you know, where they move back along. So having an interior supply of marten that are not trapped from the road helps the population, and you can trap from the beaches. And this is what our proposal does, it allows trapping in the old way, trapping from the beaches or from the road system as long as you don't use a three-wheeler.

12

13 MR. THOMAS: I guess that's the point you're trying to make.

15

16 MR. SCHENCK: Yes.

17

18 MR. THOMAS: I'm trying not to put words in his mouth, but -- because marten is not considered a national bird (ph) on Baranof Island or Chichagof Island, so marten really doesn't have much for sentimental protection. So I guess what I hear is that while making harvesting conditions to be more productive of marten that other species suffer a certain degree of mortality in the process. What can be done about that? I don't know. I'm just offering that as an editorial.

26

27 MR. SCHENCK: That's an excellent question.

28

29 MR. THOMAS: Well, I'm not expecting a response. Ann.

30

31 MS. LOWE: Mr. Chair, in this proposal -- I did all that to help us get back to this. In this proposal, it does say it's closed to the use of any motorized land vehicle for brown bear, the taking of marten, mink or weasel. Mink being indigenous, weasel being indigenous. The marten, however, we'll probably get a bigger discussion of that as we go along. So basically, what you've done, you did it for protection of these animals. In the Interior, I believe you explained to us once before, that bear -- oftentimes, the females come down with the cubs along that way, root (ph) and so forth, and that you did that for protection.

42

43 So basically, this proposal that you've introduced with the new lines is for brown bear protection is what this is about, even though it does indicate here marten, mink or weasel, and for keeping better records of where those bear are coming from.

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MR. SCHENCK: It has more than one species as -- of concern, and brown bears is the one that we're really concerned about,

3

4 MS. LOWE: Okay.

5

6 MR. SCHENCK: also.

7

8 MR. DALTON: Mr. Chairman.

9

10 MR. THOMAS: Richard.

11

12 MR. DALTON: We opposed the transplanting of martens, when they were first considering to transplant. And that came from the mainland and they transplanted it. We didn't want it because there was going to be a problem with it sooner or later. I can see the problem, what we have here, right now. But the thing is I don't think that the Tlingit nation should be considered they're the ones that's doing the damage. Because that's why they eliminated us from Glacier Bay, because when the price on the furs that went up on seal to 500, 150, the lowest was \$100.00. We had some people come from California with a great big subchaser (ph), maybe 10 boats on them. All of a sudden, the whole bay was full of dead seal, with carcasses just floating around, just taking the fur.

25

26 Hoonah was penalized for that. And now, we can't go into Glacier Bay and hunt seal for our subsistent use or for our payoff (ph) parties, so to speak. One person was taken to court for the reason of taking for one seal. How much does that one seal hurt the rest of the seal population? I don't see any breakdown (ph) on how much of the Natives and how much the Caucasian take of the Glacier -- of this martens and the brown bears, because I don't see any Natives taking any brown bear in Hoonah. Maybe in Tenakee, maybe in Pelican or Elkin Cove, I don't know.

36

37 MR. THOMAS: Okay. We're getting -- we're including staff in the Council deliberations. Let's keep our questions and questions. If we need Staff in the course of our deliberations, we'll ask questions of them, but let's keep our deliberations confined to the Council.

42

43 Patti.

44

45 MS. PHILLIPS: The timber sales are -- the scope will include an expansion of the road system into the western part of NECCUA?

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272-7515

MR. SCHENCK: Yes.

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2 MS. PHILLIPS: And how soon before, like into the Mud
Bay area, will that be occurring?

4
5 MR. SCHENCK: Within the next three to five years.

6
7 MS. PHILLIPS: So I see this proposal mainly as a
housekeeping proposal, because they are looking ahead, there's
going to be an expansion of the road system. I feel, you know,
a need for, you know, conservation of our stocks, of our fish
and wildlife stocks for the benefit of our future generations.
And one of my ultimate goals, personal goals, is co-
management. I've heard testimony from some of the Hoonah
people of co-management. We might not be there yet, but we are
working towards that goal. And I just feel that housekeeping,
it's pretty simple, let's just do it.

17
18 MR. THOMAS: Okay. I asked you, just before you asked
questions,

20
21 MS. PHILLIPS: I know.

22
23 MR. THOMAS: just keep it to a question, we'll
keep deliberations within the Council. And if we don't start
showing some disciplines around that area, we'll alter our
process of questioning.

27
28 Mim.

29
30 MS. ROBINSON: Mr. Chairman, mine is definitely a
question.

32
33 MR. THOMAS: Thank you.

34
35 MS. ROBINSON: And I wanted Ted or somebody to answer
the question that you asked about the Ptarmigan and the grouse,
what is being done to get those levels up a little more.

38
39 MR. SCHENCK: I'll have Kim respond to that.

40
41 MR. TITUS: The answer is the same for Ted and I, we
have no information on that. I think we are acquiring some
information on food habitats of marten out there, and -- but I
don't have those data at -- with me right now.

45
46 MR. SCHENCK: I'd make one comment regarding that. The
Marten have been considered a management indicator species for
the Forest Service. They're a species that has habits and

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272-7515

habitat -- or habitat requirements that are representative of a number of different species. And we're looking at marten to see the effects of our management on that species. We have not considered the Ptarmigan or the spruce grouse to be a management indicator species. So from our perspective, they're important, but we don't have as much data available because we've got the studies going on for brown bear and for the marten. And one of the reasons that marten was selected is because it is an indicator species and we are concerned about that population.

10

11 I have to also say that from a Forest Service perspective, the Forest supervisor does have the responsibility to maintain viable populations of all of the species that are out there, and to work in cooperation with the public and the ADFG to help maintain population -- habitat for those populations well distributed throughout the Forest lands. So we are concerned, we just don't have information -- as much information.

19

20 MR. THOMAS: Okay. Mim.

21

22 MS. ROBINSON: It sounds as though what I'm hearing is that the marten are considered -- and the mink and the weasel are considered animals that can -- are definitely impacting, you know, the bird population. And there's -- people seem to be concerned about that, which to me seems pretty valid. And I'm just -- you know, is the Forest Service -- you know, do they take that into consideration that those are impacting it and that increased trapping would, you know, bring those levels up a little bit, you know, with the birds.

31

32 MR. SCHENCK: Certainly.

33

34 MS. ROBINSON: Are there -- I mean, it just -- it sounds like you're ignoring that impact because they want to keep this -- the marten around because they're a part of their studies. I don't know, I'm just

38

39 MR. THOMAS: I have an easier question. How come you didn't bring us a proposal that would lessen the confusion, to more control the marten, enhance the bird population and have better regs on the hunters?

43

44 MR. SCHENCK: I hadn't had a chance to talk to you to see what you had in mind.

46

47 MR. THOMAS: But those -- that was a good question, Mm. And if you don't have -- if you're not equipped with

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272-7515

appropriate responses or accurate data, we respect that,
So

2

3 MR. SCHENCK: Okay. I have to say that I have been
working with the Local Advisory Councils and the State Regional
Councils and heard testimony from Native people and trappers
regarding that. Patricia Phillips from -- made an eloquent
presentation at a regional council meeting that I was at
regarding the concern for the hooters (ph) particularly, and
the impact that the marten have had.

10

11 MS. PHILLIPS: Um-hum.

12

13 MR. SCHENCK: I've heard Mark Jacobs' testimony a
number of times. And when we put the -- when we made the
recommendations to the Federal Subsistence Board in place for
marten there, we had in mind doing as best as we could to
maintain the opportunity for trapping marten by subsistence
users. We didn't want to eliminate marten trapping because we
knew that was important, in part, playing a role in the
predator/prey relationship and to allow that harvest so that
there was some control of those marten populations. And this
was the minimum amount of restriction that we could come up
with and still try to achieve a balance of what we have in
place on the northeast end of Chichagof Island.

25

26 And to that extent, we've heard testimony at the Sitka
Advisory Board and the Regional Council meeting not to restrict
trapping in other areas because the populations weren't as much
of a problem. I've heard Ann Lowe's testimony at Sitka a
number of times saying how the Ptarmigan population has been
affected by that. So, in fact, we have been concerned with
this balance between the predators, the marten, and the prey
population, the ground nesting critters. And we do take -- I
can speak personally, I do take that into account when we are
proposing these kinds of regulations.

36

37 MR. THOMAS: Sure. Ann.

38

39 MS. LOWE: When -- I know when you -- the Staff goes
through in there and looks at Staff Analysis, one of the things
that you do is look at how it affects the sociological
community around it and so forth. And just to help you get
some more information out that I think you know and haven't
said yet, isn't that one of the considerations you had about
trying to protect marten is that trappers -- and I'm not going
to say Native because it's a non-Native/Native event, it's a
trappers event which is recognized as a subsistence use, that
trappers use those resources to supplement their livelihood or

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272-7515

the customary and traditional way for them to live or to make use of that resource. And that you took into consideration that if the trapper went too far, he would lose that ability to have that extra cash or whatever that he relied on in small villages as well as -- all rural villages, actually, as well as larger communities that do the same thing. Is that not something that drove somewhat of an idea to protect marten, such as the fact that he's an indicator species for you?

8

9 MR. SCHENCK: That's exactly correct. We heard testimony that rural residents in Game Management Unit 4 did depend on trapping as a supplement to their income throughout the entire Game Management Unit on ABC (ph) Islands. Even though marten are an introduced species, there are times when they are fairly valuable.

15

16 We do have a concern because there are certain trappers who are rural residents that are very effective and efficient in trapping from the road system. And there are individuals, as Mr. Kitka pointed out, that can indeed catch hundreds of marten from the road system. One of those is a resident of the Honah area and has been very successful in trapping marten. And I would just point out that if you use the resources wisely over time, you'll have the resources. But if you take more than is necessary, then you may affect other people's ability to supplement their income.

26

27 MS. LOWE: One more question.

28

29 MR. SCHENCK: And we did take that into account.

30

31 MR. THOMAS: I think we've really established the thing (ph) on the marten here. Ann.

33

34 MS. LOWE: I'm wondering just for protection, how you are going to -- the enforcement part of this, I'm kind of thinking about now. How does the Forest Service and ADF&G enforce this particular regulation in this area, the brown bear hunting and the -- I mean, how is that -- who does that, who's responsible or -- the State is not actually going to be enforcing this, it'll be the Federal managers that will be or how is it

42

43 MR. TITUS: The State, in many cases, has similar regulations, so the State Department of Public Safety, Fish & Wildlife protection officer can enforce these similar types of regulations under the State's jurisdiction.

47

48 MR. SCHENCK: We have one of the Forest Service law

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272-7515

enforcement officers here, Charmaine Kern an agent from Sitka is not here, but I'd like to ask Jeff Bryden, one of our Forest Service law enforcement officers to respond to that.

3

4 MS. LOWE: Jeff, say your name nice and loud into the
5 mike and spell it.

6

7 MR. BRYDEN: It's Jeff, the last name's Bryden,
8 B-R-Y-D-E-N. And if I understand the question right, you're
9 asking how does the Forest Service enforce the regulation on
10 10? What happens is a Code of Federal Regulations, CFR, comes
11 about due to these proposals. And if the proposal comes in
12 that there is a road closure for the trapping, that's the
13 regulation that's then enforced.

14

15 MS. LOWE: Is there someone there in Hoonah that does
16 that, Richard or

17

18 MR. DALTON: The Forest Service has some law enforcer
19 but I don't know who it is, and I have never seen the man.

20

21 MR. BRYDEN: It's me.

22

23 MS. LOWE: It's you. Richard, meet -- Jeff meet
24 R#chard.

25

26 MR. DALTON: They've been running around with an
27 unidentified vehicle in order to trap the people.

28

29 MS. ROBINSON: It sounds like you've been a law abiding
30 citizen.

31

32 MR. BRYDEN: My home duty station is Yakutat, although
33 I am the Chatham area officer, so I work Hoonah, Sitka, Juneau,
34 Admiralty and Yakutat, so

35

36 MR. DALTON: I'd like to ask a question. I heard from
37 the gentleman sitting back there, he heard several different
38 testimony, and all of a sudden he's glorifying Elkin Cove and
39 Belican public. But I've never seen or heard any public
40 gathering in Hoonah as far as Forest Service Department is
41 concerned, only on the hatchery detail, that's the only one
42 that I know of. So when we say about the road closures, a lot
43 of roads is closed in Hoonah area already. So I don't see how
44 that when they block off those roads, that's for deer
45 population and we favor that. And somebody will have to walk
46 the road where it's blocked off if they want to get some
47 harten. But I don't know it. Just before the blocking of the
48 road, I believe there was a lot of access to that roads by

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272-7515

trappers. And I don't know of anybody in Hoonah that used to trap that's Tlingit. I have never seen them go out there and trap.

3

4 All of a sudden, we see a lot of snowmobiles in
Whitestone Logging Company, naturally they can afford to buy 3
6r \$4,000.00 snowmobiles. And those are the things that it
Kind of disturbs me to penalize the majority of people who
8eally utilizes this particular game in order to supplement
0heir income. Like myself, I'm a retired fisherman, I might
c0nsider to go trapping, and then if you close it, then I won't
håve anything to do.

12

13 MR. BRYDEN: I think -- and maybe I'm missing this
p#oposal, but this proposal will actually increase the area
p#eople will be able to trap at is my understanding. The way
thi# proposal is is that extra portion of land that has been
c0sed to motorized vehicles will now be allowed motorized
v#hicles to be used in that small extra area. There's no roads
1# there, but we all know that, you know, four-wheel rigs
00
21

22 MS. LOWE: It doesn't matter anyway. Okay.

23

24 MR. BRYDEN: So I guess I'm missing some of this. And,
25u know, this is not my specialty at all but as far as the
2#osures
27

28 MR. THOMAS: Well, you were only asked to identify
29ourself as the law enforcement. You can be excused.

30

31 MR. BRYDEN: Thank you.

32

33 MR. THOMAS: We're moving into another area. Any more
34uestions of Staff? Questions.

35

36 MS. LOWE: Thank you, Bill, that was real informative.

37

38 MR. THOMAS: Questions? If you want to deliberate,
39e'll close discussion because I'm not going to allow
4#eliberation to continue. Question? Question? John.

41

42 MR. VALE: Could you identify for me where the Eight
43ile Bite is located at.

44

45 MS. ROBINSON: Fathom.

46

47 MR. VALE: Eight Fathom Bite, I guess.

48

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MS. PHILLIPS: Or Eight -- what's it called?

1
2 MR. SCHENCK: The proposed timber sale area that we're
calling Eight Fathom Bite will extend in this vicinity. It'll
take in part of Mud Bay and in the central part of the west
Port Frederick area. It starts here and works up through here.

6
7 MR. VALE: Okay. Thanks.

8
9 MR. SCHENCK: Sure.

10
11 MR. THOMAS: Any further questions of Staff?

12
13 MS. LOWE: There's somebody in the back with their hand
up.

15
16 MR. THOMAS: He's not Staff. The Council.

17
18 MS. LOWE: Dale's Staff, he's Forest Service.

19
20 MR. THOMAS: Any public? How about other agencies?
Dale.

22
23 MS. LOWE: Other agencies.

24
25 MR. KANEN: Yeah. I wanted to speak to Proposal
Number 7. And I was involved in the initial proposal
discussion. And it's true, in a very minor, minor way, all of
the things you've been discussing, the marten, the Ptarmigan,
the brown bear are affected by this proposal because it's a
boundary line for NECCUA. But there are other regulations,
other Federal regulations, which would more directly affect the
take of all of those species. Patti Phillips was correct, in
my view, this is a minor -- for our agencies, at least as we
initially understood it ourselves, it's a minor housekeeping
type of thing; although it affects those species in a very
minor way, it's a major source of confusion the way that
boundary line runs right now. There's very little real estate
change involved, and that's where our agency was coming from in
supporting this.

40
41 MR. THOMAS: Thank you. Any questions of Dale? See
the difference between clarity and not clarity, that was a good
job, thank you.

44
45 MS. LOWE: Motion to adopt Proposal 7.

46
47 MS. ROBINSON: Second.

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MR. THOMAS: Did we include everybody in the testimony already? You got other questions already? It's been moved to adopt Proposal Number 7 and seconded. Discussion. I can't imagine no discussion with all the questions.

4

MS. ROBINSON: Call for the question.

6

MR. FELLER: Wait.

8

MR. THOMAS: John.

10

MS. ROBINSON: Sorry.

12

MR. FELLER: Yeah. He said it was very little area, actually, it is -- that's a pretty sizable area, it compares with Fresh Water Bay on this side, it's bigger on that side (ph). That's the only comment I have.

17

MR. THOMAS: Okay.

19

MR. FELLER: I'm in favor of the proposal.

21

MR. THOMAS: Any more discussion? John.

23

MR. VALE: I guess from what I've heard in the testimony it indicates that it will provide for more opportunity for trappers and, in fact, would be beneficial to subsistence users in that regard.

28

MR. THOMAS: More discussion?

30

MR. DALTON: Yes, Mr. Chairman.

32

MR. THOMAS: Richard.

34

MR. DALTON: I would be in favor of this motor vehicles that's been used in the roads that has been developed, to eliminate motor vehicle completely. And as far as regulation of closures of the marten, I would not favor that because it's doing damage to our other species. And another thing that I would say is take a close count of who does the bear hunting, if it's Hoonah people oriented, I can understand; but if it's not Hoonah people oriented and if it's a big game, then I would have to take a good, hard look at it. But right now, we don't really know who's doing the hunting on brown bear from Hoonah that's Tlingit oriented. But I do know that we have guides over there and some guides come over there and they take these particular game. They have a license to do that, which we can understand that. But then when you mention Hoonah people, that

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kind of disturbed me awhile ago, why I raised that question.

1

2 MR. THOMAS: Okay. Patti.

3

4 MS. PHILLIPS: I just want to add support to Herman's
Statement on we are people with integrity here, but there are
people out there without integrity, if they have access to
those road systems, would be wanton waste killing of species
that I feel I'm here to help protect.

9

10 MR. THOMAS: Anybody else?

11

12 MR. FELLER: Mr. Chairman, I call for the question.

13

14 MR. THOMAS: The question was called. Call the roll,
please.

16

17 MS. LOWE: Mim Robinson?

18

19 MS. ROBINSON: Yes.

20

21 MS. LOWE: Lonnie Anderson?

22

23 MR. ANDERSON: Yes.

24

25 MS. LOWE: Marilyn Wilson?

26

27 MS. WILSON: Yes.

28

29 MS. LOWE: Millie Stevens?

30

31 MS. STEVENS: Yes.

32

33 MS. LOWE: Ann Lowe? Yes. John Vale?

34

35 MR. VALE: Yes.

36

37 MS. LOWE: Bill Thomas?

38

39 MR. THOMAS: Yes.

40

41 MS. LOWE: Herman Kitka?

42

43 MR. KITKA: Yeah.

44

45 MS. LOWE: John Feller?

46

47 MR. FELLER: Yes.

48

49

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1 MS. LOWE: Richard Dalton?
2 MR. DALTON: Yes.
3
4 MS. LOWE: Patricia Phillips?
5
6 MS. PHILLIPS: Yes.
7
8 MS. LOWE: Mr. Chair, it passed unanimously.
9
10 MR. THOMAS: Thank you. Our next order of business is
11 a five minute break.
12
13 MS. LOWE: Great.
14
15 MR. THOMAS: Right after the break, John, okay? Okay.
16 (Off record)
17
18 (On record)
19
20 MR. THOMAS: We're going to exercise divergence from
21 what we're doing right now. I learned a new word yesterday.
22 And we're going to allow Robert Martin, he's got some testimony
23 regarding Proposal 8 but he needs to be someplace else, and so
24 we're going to grant him the time to offer his testimony. Bob.
25
26 MR. ANDERSON: John, Mr. Chairman; John Martin.
27
28 MR. THOMAS: John Martin, I'm sorry, I called him Bob
29 Martin. Proceed, Mr. Martin.
30
31 MR. MARTIN, SR.: Good morning. My English name is
32 John Martin, Sr.; my Tlingit name is Xa Kluth Eesh (ph). I'm a
33 Sakdeintaan from the Sockeye House. I was born in Tenakee in
34 1935. I am bilingual and I understand the culture and
35 tradition. (Speaking Tlingit)
36
37 I'd like to interpret in Tlingit my Tlingit statement.
38 I lost my father in Dennis Bay going after his food and his
39 way of life to support himself. And I also want to relate an
40 incident that occurred here in Juneau by a Tlingit by the name
41 of Sam Hopkins. Sam was an elderly Tlingit that had a diet of
42 salmon, and he could -- he looked forward to when the salmon
43 was running in the river. And he used to take his gaff hook
44 out to Montana Creek and it was on every other day. If the
45 health allowed him, he'd probably do it every day. And he was
46 known in jail consistently. And when he was in jail he
47 wouldn't eat the regular diet. And one of the things that he
48 said in Tlingit was (Speaking Tlingit). What he was saying is
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272-7515

it doesn't matter to me. No matter what they do to me, it doesn't matter, he said, the most important thing is my food. I don't care if they arrest me, I'm going to continually to go out and get my salmon.

4

5 So when Sam would get in his car, he would -- the police cars and Fish & Game would say here comes Sam Hopkins, just let him go on through. You can notice his car, he's got his fish hook and pole tied to his car. So they would allow him to go, and that's the way he died. They would allow him. Those are special considerations for Sam as a Tlingit, an elderly Tlingit that was on a salmon diet.

12

13 I am speaking to you this morning on Proposal 8. And I want to say it to you because I think the Advisory Board is here to look out for interests from your geographic area, namely Southeast and some of the communities. I can only relate to you what our recipients, our enrollees from Tenakee is and I don't want -- I want to impress on you that I'm not doing it on my own. I want to say to you that laws that affect the Native Americans must be consistent. The Federal Government has granted fishing and water rights to the State of Washington Indian tribes based upon an existing treaty, executive orders and acts of Congress as of March 17, 1988.

24

25 Federally recognized tribe villages must retain their sovereignty, which includes but not limited to, fishing, hunting, trapping, forestry and other natural resources. The Tenakee Tribe affirms that it has already earned the right to live and exist and maintain, protect and advance our traditional system of commerce and subsistence lifestyle that we have exercised since time in memorium.

32

33 Our question to the Regional Council is would you recommend on behalf of Tenakee that we manage our culture existence and traditional subsistence lifestyle. (Speaking Tlingit.) Thank you.

37

38 MR. THOMAS: Thank you, John. Questions.

39

40 MR. VALE: Mr. Chairman.

41

42 MR. THOMAS: John.

43

44 MR. VALE: John, if you would, could you describe for me so I can learn a little more about the people here in Southeast, what -- you refer to the Tenakee Tribe, and I think you said you were a T'akdeintaan, is that a part of the HUNA Tribe or could you describe a little bit for me about your

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people and your history?

1

2 MR. MARTIN, SR.: I don't profess to be an expert of
3 all of the Southeast Tlingits, but I am a Tlingit from Tenakee.
4 I'll try to make it as brief as I could. I understand Tlingit
5 better than I do English. At one point in time, I thought I
6 was assimilated, but you know, I have respect for both
7 cultures.

8

9 My -- on my mother's side, the Wooshkeetaan comes from
10 Aogoon and the Tribal House is Nu Heit (ph); and on my father's
11 side, my father comes from the Wolf (ph) House. My great-
12 great-grandfather is Kakwan (ph) from Klukwan. And my father
13 was the one that built the tribal house in Hoonah, Nu Heit,
14 Wolf House. He took the post from Klukwan which meant that he
15 now had the responsibility and the strength to build that house
16 in Hoonah.

17

18 So you see, I'm a descendent from the Wooshkeetaan who
19 was my mother, the Andrew Jack (ph) family from Tenakee, and
20 his Tlingit name was Ja Kaeennuk (ph). The White Man couldn't
21 understand or pronounce his Tlingit name, Kaeennuk. Can you
22 give it a shot, John, see if you can say Kaeennuk.

23

24 MR. VALE: Kaeennuk.

25

26 MR. MARTIN, SR.: Close. See, it's really difficult,
27 the first White Man that came encountered with my
28 grandfather, they just stuck that name on; you know, how it
29 goes, like Jack; I don't know if they got that from Cracker
30 Jack or what. But anyway, they gave him the name Jake. So now
31 that my family from the Ja Kaeen -- descendants from the Ja
32 Kaeennuk, we retained the name Jack. So what I'm saying is we
33 have Wooshkeetaan, T'akdeintaan, Shangukeidi, Kaagwantaan that
34 have also settled in Tenakee, and that's also synonymous with
35 Hoonah. And incidently, the Hoonah was original, we have a
36 deed for Tenakee, and the deed reads Hoonah Hot Springs.

37

38 MR. VALE: Thank you.

39

40 MR. THOMAS: Thank you very much.

41

42 MR. MARTIN, SR.: Thank you for allowing me to speak.

43

44 MR. THOMAS: Okay. Back to Proposal 8. This testimony
45 we got now is going to be considered as testimony regarding
46 Proposal 8. Staff, please.

47

48 MR. WILLIS: Mr. Chairman, Proposal Number 8, as you'll

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272-7515

surely recall, was submitted by this Council; it deals with Regulation 25(k) (4) which states at present: Boats may not be used to take ungulates, bear, wolves or wolverine, except for persons certified as disabled. The proposal for change would read: Boats may not be used to take bear, wolves or wolverines except for persons certified as disabled.

6

7 The reason for changing this regulation is stated to be that the proposed rule does not comply with Title VIII of Section 811 of ANILCA which requires the Secretary to provide reasonable access to subsistence resources by rural residents. Subsistence users should be able to use modern methods such as snowmachines, motor boat or other means of surface transportation.

14

15 There are several issues raised by this proposal. Currently, the regulation mirrors the State regulation. The State prohibits the use of boats to take ungulates and other selected species in Units 1 through 5. This prohibition was instituted to decrease hunter efficiency in harvesting ungulates which are deer, moose and goats in this area; primarily, deer; which are highly vulnerable to harvest when they congregate on the beaches following heavy snow buildups on land.

24

25 The use of boats generally occurs on navigable waters, which currently are under State jurisdiction. Now, you're probably aware that Judge Holland ruled just a few days ago that -- and in a temporary ruling, that the navigable waters would fall under jurisdiction, and they're considered part of the Federal public lands under Title VIII of ANILCA. However, that ruling is pending arguments to be heard on March the 18th; and so until that time, until we get some further clarification, the State still has jurisdiction over navigable waters.

35

36 So there are two concerns here then. The most important being that even if Federal regulations authorize the use of boats to take ungulates, subsistence users would still be subject to prosecution for violating State regulations which prohibit the use of boats.

41

42 A secondary issue is whether the Federal Government can make regulations covering activities which occur on State managed waters. The argument can be made that the Federal Government has no jurisdiction over boats on navigable waters. The opposing argument is that the activities which occur on those waters are directed toward naviga- -- or Federal public lands, and there is some precedent for Federal jurisdiction of

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1007 WEST THIRD AVENUE
272-7515

activities which are not on Federal lands if that activity is associated with an activity which occurs on Federal land.

2

3 The proposal asserts that the prohibition violates
4 Section 811 which guarantees subsistence users reasonable
5 access to subsistence resources. However, there is a
6 difference in law between access and methods and means. This
7 regulation doesn't restrict access because hunters can use
8 boats to get access to the deer. In this instance, shooting
9 from the boat would be the same as shooting from an airplane or
10 a motor vehicle or anything else. This makes the boat, the
11 airplane or whatever a method of taking game rather than
12 providing access to the game.

13

14 There are some biological concerns that shooting from
15 boats may result in increased deer mortality because of the
16 difficulty of shooting accurately from an unstable platform
17 such as a boat. This could result in an increased loss of deer
18 and wasted meat due to the inability of hunters to recover deer
19 that were hit and wounded but not killed quickly enough or to
20 get in a killing shot or to not investigate. There's the
21 possibility of -- because of the difficulty of landing boats in
22 some areas of Southeast, that it's easy to shoot from the boat
23 and not necessarily easy to land and check out and see whether
24 you hit. Oftentimes, deer, especially, will run when
25 shot at. They're herded up on the beach. And there are people
26 who will not follow up a wounded deer or follow a deer that's
27 shot at but shows no sign of being hit.

28

29 And so this is a concern that while the number of deer
30 harvested may remain the same, the number of overall deer
31 killed may increase because of the deer wounded with high-
32 powered rifles generally die, and the hunters who didn't
33 recover those animals would go on hunting and kill other deer.
34 So there are some possible biological concerns there also.

35

36 From the enforcement standpoint, since State
37 regulations prohibit the use of boats for taking ungulates in
38 Units 1 through 5, a disparity created between State and
39 Federal regulations if this proposal is adopted may increase
40 the complexity of law enforcement and confusion for the user.

41

42 So the conclusions that we reached in this analysis
43 were that if the proposal is adopted, subsistence users would
44 still be subject to prosecution under State regulations because
45 the use of boats to take ungulates generally occurs on
46 navigable waters, which are under State jurisdiction; and State
47 regulations prohibit that practice. The existing regulation
48 does not violate ANILCA Section 811 because the boats can still

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272-7515

be used to get access to the resources but not used as a method and means of reducing that animal to a bag.

2

3 If the proposal is adopted, there is a possibility that mortality for deer, moose and goats may rise, and enforcement may become more complex because of the difference in regulations.

7

8 We did have some comments from the public on this issue. There was one comment which was a conditional support, however, it was in support if the boat refers to a kayak, canoe, rowboat or other non-motor driven boat, and if it referred to a motor driven boat, then this particular group was opposed to this regulation. There was one other letter in opposition to allowing shooting from the boat. And the Alaska Department of Fish & Game was also opposed to it because of the reasons mentioned of the possibility of a higher wounding loss and waste of game meat. And I believe that's everything. Questions.

19

20 MR. THOMAS: Yeah. Just a editorial, we're discussing subsistence issues now. When a person goes out to use any kind of a resource, they generally don't attempt to shoot unless they're pretty darn sure that they're going to retrieve the game that they shoot at. Another thing, wounded animals and loss of animals from bum shots aren't confined to people shooting from boats. I know of people that have lost animals that were shot from benchrests in the woods. So I'm not challenging anything, I'm just offering this as an observation that everybody that shoots or sees a deer knows.'

30

31 And it's such an old regulation and old provision and the justifications haven't altered in the 30 years I know of. But just this is the first time, I think, a subsistence advocacy had an opportunity to let the rest of the world know that we know what happens down there; not disagreeing but wanting to make sure that it's not an isolated condition of shooting or wounding or losing. But I'm not challenging your information at all, I just wanted to point that out.

39

40 MR. WILLIS: Understood, Mr. Chair.

41

42 MR. THOMAS: Another question I had, just for clarification, I think you did clarify it in your remarks, in reference to the temporary provision. Now, as we know now, what temporary will take us through March 18th?

46

47 MR. WILLIS: That's correct.

48

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272-7515

1 MR. THOMAS: Okay. Any other que- -- Ann.
2 MS. LOWE: Okay. Question, huh, Bob.
3
4 MR. THOMAS: Question.
5
6 MS. LOWE: I guess I'll start it out like this. Bob,
7s the Fish & Wildlife support -- Service supporting this
8 proposal?
9
10 MR. WILLIS: We don't have an official position on this
11 one, for or against.
12
13 MS. LOWE: Did the Fish & Wildlife Service write up --
14 Staff write up this analysis?
15
16 MR. WILLIS: Yes. With input from other agencies and
17 individuals.
18
19 MS. LOWE: What input?
20
21 MR. WILLIS: I spoke to the State Forest Service
22 personnel on the phone. I talked to about all

23
24 MS. LOWE: The State Forest Service?
25
26 MR. WILLIS: State and Forest Service personnel over
27 the phone on this issue. I talked to Carol and got some input
28 from her. I've talked to, I guess, just one Native person that
29 had access to, and one -- another biologist, an acquaintance
30 of mine who's had some experience with shooting from boats on
31 Kodiak Island, deer hunting.
32
33 MS. LOWE: Now, I want you to take this in a positive
34 way, 'cause I come

35
36 MR. WILLIS: She's going to rip me up, I know it.
37
38 MS. LOWE: Yeah. 'Cause I have a tendency to come on
39 too strong sometimes, and this is one of my problems with
40 what's happening here with -- when you present Staff Analysis
41 and things. Did you, as a biologist, talk to anyone else that
42 was not a biologist or a bureaucrat on this proposal?
43
44 MR. WILLIS: I don't consider Carol either a biologist
45 or a bureaucrat. There was a gentleman on the plane coming
46 down here who -- who's name was Joe Jackson, I believe it is;
47 he's

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272-7515

MS. LOWE: Before you printed this up. The plane ride's not going to count.

2

3 MR. WILLIS: Okay.

4

5 MS. LOWE: I'm looking at your bias in this analysis.

6

7 MR. WILLIS: Well, I got a lot of information from this fellow and I thought it was worthwhile. But anyhow, no, to get back to your question, we have cultural staff that we get input from. Okay, our cultural sciences people. My input from the -- from that side, from the sociological side, comes from them; that goes into this also.

13

14 MS. LOWE: Who is them?

15

16 MR. WILLIS: So I'm not strictly reading my words. Let's see, we have George Sharett (ph), Taylor Grelsford (ph) and Helen Armstrong and Ron Thuma (ph) are all sociologists, socioeconomists and anthropologists on our Staff. We've had people sick and we've been switching assignments around, and I can't tell you right now who worked on this and provided me with the information that I used to write up that end of it, other than Carol; I got input from Carol. Her input or her feeling mostly was that the local people that she knew did not feel, as Bill said, that there would be a problem with wound- - increased wounding loss; how many people she talked to, I don't recall. Our legal specialist -- one of our legal people had provided the information on the problems with jurisdiction. And our -- I guess our direct input from the public is necessarily limited to what people write in to us. We have to rely on our professional people to put these reports together.

32

33 MS. LOWE: Okay. Bill, you're responsible for Southeast -- I mean, Bob, for Southeast and for

35

36 MR. WILLIS: Southcentral, Kodiak and the Aleutians.

37

38 MS. LOWE: All right. Your

39

40 MR. WILLIS: Ketchikan to Adak.

41

42 MS. LOWE: So your experience in Southeast would be limited basically to what you hear from other biologists or staff support?

45

46 MR. WILLIS: I've had some personal experience poking around in this country and hunting. I've been a hunter for many years, shot many deer, shoot in competition. I know a

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great deal about shooting and firearms, so my remarks about shooting from unstable platforms as being more difficult than shooting from standing on Mother Earth are not made lightly.

3
4 MS. LOWE: Okay. What I'm getting at is I noticed in the analysis, I didn't see any positive things listed about shooting from boats. I notice that everything that could possibly be wrong was mentioned, but when you do a thing and you take a neutral position, it seems to me like you try to point out other sides of the picture as well, and I don't see that in here. So when you indicate to me that you've got a neutral position, you don't have a stand, I'm somewhat suspicious of that statement. It doesn't reflect it here.

13
14 MR. THOMAS: Yeah, wait, wait. We'll save that for the Council.

16
17 MS. LOWE: Okay.

18
19 MR. THOMAS: Continue the question from now on.

20
21 MS. LOWE: Okay. So basically, I guess, you've answered me; you didn't talk any to any subsistence users. The other question I've got is it says in here that the reason this regulation was adopted -- the reason stated, at least from you, was that the biological concerns for the deer population and did you -- where did you get that information from?

27
28 MR. WILLIS: I don't see exactly what you're referring to.

30
31 MS. LOWE: Let me find it real quick. I'll stand by and let someone else ask questions while I find that for him.

33
34 MR. THOMAS: Okay. Well, John.

35
36 MR. FELLER: Mr. Chairman, I believe that Matt Kookesh wants to come forward and do some testimony on this proposal.

38
39 MR. THOMAS: We'll allow that, we have a place for that.

41
42 MR. FELLER: Okay.

43
44 MR. THOMAS: Yeah. (Indiscernible) -- Jim.

45
46 MR. KURTH: I would just maybe want to clarify our process a little bit and go back to my introductory remarks for tomorrow. The Fish & Wildlife Service and the Board doesn't

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272-7515

have a position on this, and Ann's right in her observation that subsistence users have not had substantial input in some of these, and that's precisely why we're here today. I think we have subsistence users today that we want to hear from before we would make a recommendation. And that's the whole reason of having councils is because we don't have that ability sometimes, and that's why we're preliminary; this is draft staff work. We're here to get that input today from the Council. So I don't apologize because we don't have some of it, because that's why we're here today is to try and get it.

10

11 MR. THOMAS: Thank you. That's true but we're in a tribunal mood today so

13

14 MS. LOWE: I found this place.

15

16 MR. THOMAS: Did you? Good.

17

18 MS. LOWE: It' on Page 29 in Staff Analysis, it says: The regulation at issue mirrors State regulations. The State prohibits the use of boats to take ungulates. The prohibition was instituted to decrease hunter efficiency in harvesting ungulates.

23

24 MR. WILLIS: That was information provided by ADF&G.

25

26 MS. LOWE: Okay.

27

28 MR. WILLIS: And I don't recall if I got that directly from them or from someone who had researched the history of that regulation.

31

32 MS. LOWE: But you didn't -- Fish & Wildlife didn't personally research the history themselves?

34

35 MR. WILLIS: Yes.

36

37 MS. LOWE: And that's what you found?

38

39 MR. WILLIS: Yes.

40

41 MS. LOWE: Okay.

42

43 MR. THOMAS: I just got a phone call from the devil, he was talking about unstable platforms. I've been seal hunting for many years, and I saw very few seals from a stable platform. A lot smaller target and I don't know of any that got away. So a lot of this -- we're talking about subsistence uses, now. You got uses, abuses and violators, and those fall

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272-7515

under different categories. We're trying to represent the subsistence person that goes out with a conscientious subsistence attitude. And that's all we can speak for, we can't speak to the world, that's you guys' job. So what we're trying to do is to help language here that would provide for the subsistence person, right. And I guess I haven't found any use of any subsistence that would have a negative impact on resources, whether or not a sustained yield was there. I don't know that subsistence use can dictate to a sustained yield, from the information I got of the impact on an overall use of a subsistence resource. That's just an editorial.

11

12 So I guess I feel like the subsistence people need some representation, and that's what I'm trying to do now with some of the things I'm offering. The devil happens to be the subsistence user, so I'm in close touch with him. So anyway, I just wanted you to know that I think everybody here is trying to think of some friendly way of responding to some of the justification that you provide, see. But we'll continue with (undiscernible) we'll find something in our deliberations, if we have anything left at that point.

21

22 Somebody here have any more questions? Okay. Thank you. We'll allow for the public. Do we have something from public? Matt?

25

26 MR. KOOKESH: Yeah. I'm Matt Kookesh, and I work with the Department of Fish & Game, Subsistence Division, and I also wear a couple of other hats. I'm a charter operator and a commercial trawler and subsistence user, and I sit on the Southeast Native Subsistence Commission; so I have a lot of hats that I wear, and I use that to my advantage as being a very knowledgeable person.

33

34 So I did a study in 1982 on deer hunting, and basically, the study -- the idea of the study was to have a January season for subsistence users; and that's why we have this extended season now. We had two fellows get caught beach hunting in Angoon. They brought them back to Angoon, they took their rifles, they fined them. They gave the deer -- the two deer to the Salvation Army; the Salvation Army guy called me up and said what should I do with these two deer, and I said give them back to the two guys that got popped; and that's what they did.

44

45 But basically, there is some information that I think I should mention. One is that over in Angoon, over 55% of the hunters hunt on the beach; that's one bit of information. And all the hunters in other communities also use the beach quite a

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1007 WEST THIRD AVENUE
272-7515

bit. And if you look at the traditional boundaries using Goldschmidt & Haas (ph), a lot of people don't go beyond those boundaries. There's a lot of respect for each community, and there's also a lot of respect for the deer.

4

5 The analysis that the Staff had for Fish & Wildlife
6 sort of contradicted everything that a subsistence hunter does.

7

8 UNIDENTIFIED VOICE: Um-hum.

9

10 MR. KOOKESH: For example, you mentioned the seal. If
11 you look back enough, we didn't have high-powered rifles to
12 shoot seals. Fellows started with 30-30s, and if you can shoot
13 a seal with a 30-30, you're a pretty good shot. And right now,
14 most of the beach hunters go for head shots in rough weathers,
15 and that's really hard to believe. We're expert shots, and a
16 lot of people are better shots than myself.

17

18 The other thing is that this regulation, if you look at
19 the statewide regulation, it's inconsistent. Only Southeast
20 you do not allow hunting for ungulates.

21

22 UNIDENTIFIED VOICE: Um-hum.

23

24 MR. KOOKESH: So those are the two things that I wanted
25 mention. And I also want to make myself available to the
26 Fish & Wildlife Staff and the Forest Service Staff, I invite
27 them out, I'll take them out. I'll find somebody to take them
28 out and to show them. I'll also help them on counting deer. I
29 don't agree with the way the deer count is going. Somebody
30 just mentioned that, at one of the breaks, that did you know
31 marten eat deer pellets. So if marten are eating deer pellets
32 and they're counting them for deer, then we're in trouble.
33 That's all I had. Thank you.

34

35 MR. THOMAS: Any questions for Matt, anybody? Herman.

36

37 MR. KITKA: Are you aware that years ago before White
38 men perfected outboards, the sealing boats from each community
39 went actually hunting for the community. And they perfect the
40 deer call. They call the deer right down to the beach, and the
41 deer is shot off of that sealing boat. They didn't have
42 outboard, they rode those sealing boat. So today, they're
43 using outboards but they're still hunting the same way, from
44 Sitka. They go along the beach and they know exactly which
45 areas that they use in certain parts of the month. And those
46 areas, they stop and they call for the deer. And if the deer
47 shows up, it's shot off the boat. These are subsistence users
48 we're talking about.

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272-7515

1 MR. KOOKESH: I did one section on methodology. And
 2 during the 19th Century, they included the use of dogs. This
 3 is research that we've got out of either deLaguna or Oberg.
 4 And also, the deer hunting weapons included bows, arrows, and
 5 spears. And to get those -- to use that, you had to have a
 6 deer call. And they talked about using a Jake-beralee (ph).
 7 And deLaguna also reports one account documents the use of a
 8 torch in night hunting. So, you know, I think that's going to
 9 be the next issue coming up is somebody's going to get caught
 10 night hunting.

11

12 Yes, we are aware of different methods that -- and we
 13 haven't documented all, and I'd like to spend -- we'd like to
 14 spend more time on deer and researching deer, but we just don't
 15 have the time and effort and money. And I know studies like
 16 this need to be done in every community. Who does them? I
 17 really don't know. We haven't done a study like this in quite
 18 a while.

19

20 MR. THOMAS: Matt, you offered some good information
 21 and some good ideas. And I don't know that I've ever heard
 22 this considered before. But to take somebody from a
 23 subsistence area to offer to participate in all the data that
 24 the Government is interested in collecting and gathering, and
 25 go out there and do a qualified evaluation of what's out there,
 26 you know. And I think that's a good, cooperative idea. And if
 27 you pursue it and feel like you're getting discouraged with
 28 doing that, would you please bring it back to us and ask us to
 29 get involved in trying to facilitate that. I think it's an
 30 outstanding idea.

31

32 MR. KOOKESH: Okay. Yeah, that was just a suggestion I
 33 made to, you know, Dale Kanen, you know, just my concern was to
 34 help him count deer.

35

36 MR. THOMAS: Yeah. That's the best deal I've heard in
 37 a long time.

38

39 MR. KOOKESH: Well, the reason why I was concerned
 40 about it is we have closed areas around Angoon, and they're
 41 saying that the deer populations are hurting. And I think it's
 42 just the way the laws are set up, the wildlife analysis areas
 43 are set up where, you know, the habitat model includes areas
 44 that there's no habitat. But then, there's one area like
 45 Catherine Island which is really great habitat, but when you
 46 use the model, there is so much other areas that where there's
 47 forest that it shows that the deer population could hurt
 48 real easy, from that model. So that's one of my -- that was

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one of my concerns.

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2 MR. THOMAS: All right. Thank you.

3

4 COURT REPORTER: Matt,

5

6 MS. LOWE: Matt, he wants you to spell your name.

7

8 COURT REPORTER: will you spell your name,
please?

10

11 MR. KOOKESH: It's K-O-O-K-E-S-H.

12

13 COURT REPORTER: Thank you.

14

15 MS. LOWE: Sorry, I didn't get that.

16

17 MR. THOMAS: Ray.

18

19 MR. NEILSON, JR.: Thank you, Mr. Chairman, Board,
Staff. My name is Ray Neilson, Jr., I am here representing the
Sitka Tribe of Alaska. My previous testimony last fall still
stands, and I gave you all packets of information to verify my
testimony. There is a couple of new additions.

24

25 Now, we're talking about Proposal Number 8. I tie that
26 with Proposals Number 9 and 10 as customary and traditional,
past and present. Now, we're talking about shooting deer from
28 boat. Well, it's a common practice. And as being a
20 coordinator for the Subsistence Food Program, it's a practice
of ours to consider ourselves -- a few of us in Sitka as
providers. We are a vehicle to take out people that don't have
access, ways, means or knowledge to go out, whether it be
elderly, disabled or don't have a boat. Well, we take them
out, we provide everything; the boat, the gas, the rifle. We
show them where to go.

And far as shooting from -- with a rifle, well, my choice is a
37 caliber, it is flat and fast. I practice -- I bought it for
shooting seal. I love seal hunting. I tell everyone that
wants to be a good shooter, if you shoot seal, you will be a
good shot, you can shoot anything. And you learn to shoot
distance, whether it be from a boat, to step off the beach,
take a long beach shot and you become the provider. People
look up to you to take them out and shoot. And you can -- you,
too, can become one of the providers for the community of
Sitka.

46

47 While the Sitka Tribe is comprised of 3,000 people, and
there are a few us, We consider ourselves providers and we go

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272-7515

out, and we pay attention. Okay. We pay attention to the tides, the wind, the snow, the time of the tide, the season, whether it's early, later (indiscernible), the time of the day and also identifying the deer by sex, even at the end of the day. Well, we use a very powerful binoculars, they cost \$700.00. And we can look at the deer and identify by the hairs on it which ones we want to shoot. There are times in a season you've either got to shoot buck -- or does, excuse me. We will shoot bucks only early in the season. And there's times we don't want to shoot the bucks. On an extended season, we prefer to shoot the doe. When we (indiscernible) out a young doe. If the older doe is already pregnant, we let her go; however, if it's an old doe that is barren, we'll shoot that doe.

14

15 And we are good at identifying a hit and a miss, a lot of people don't know that. If you miss a deer, we know it; if we hit it, we see that tail fly up. And also shooting, we pay attention to the movement of what the deer is doing at the time we choose to shoot; if he's moving through the woods, well, that would be a hard shot. But there are some hunters that are real good that can -- they can lead a deer and shoot it. And we also -- if we're not sure, we hit the deer and it still runs up, well, we go after it. Sometimes, it may take two hours to find that deer but we will look.

25

26 In some of the paperwork I gave you, it shows that as far as customary and tradition that is the way we view the practice. Subsistence is a term for usage as in meetings like this. The State Board of Fisheries, they would not address our subsistence rights. But this Board here, subsistence is a terminology, and I'm glad to be in front of you, because you recognize that term.

33

34 And I gave you a copy of my testimony to the State Board of Fisheries, even though they would not address our issues; I gave them an earful anyway. It is upon my shoulders from Sitka Tribe to be here, and I am proud to do it. The Councilmen give me full backing and that's why I'm here before you.

40

41 The new additions we have in my information packet are papers from the Health Committee which we have formed, which are comprised of Sitka tribal members, staff from the Pioneer's Home, the Swan Lake Senior Center, and CERTS (ph) itself. And here also -- we have paperwork from the CERTS administration. So they do recognize the fact and values of our eating Native foods. Thank you.

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272-7515

1 MS. LOWE: Ray, do you have

2 MR. THOMAS: Questions for Ray.

3

4 MS. LOWE: a copy of your testimony that you can
5 turn in?

6

7 MR. NEILSON, JR.: I could make copies.

8

9 MS. LOWE: Thank you.

10

11 MR. THOMAS: John.

12

13 MR. VALE: Ray, how do you identify older female deer
14 that, you know, perhaps, are barren or past producing
15 year (ph).

16

17 MR. NEILSON, JR.: You see, they are real big, just
18 like bucks

19

20 MR. VALE: Just the size of them?

21

22 MR. NEILSON, JR.: Yes. We run across some, if we see
23 them in the woods, well, we shoot that. You don't see it very
24 often but they are there. See, the good hunter, they pick up
25 all this from the Elders and past, and you pick up on it
26 through your own experiences. And as being a provider of the
27 Sitka Tribe, we teach the younger ones how to do what we do.
28 One day I'll be old, and I'll want them to provide for me.

29

30 MR. VALE: Now, it's mentioned in the analysis here
31 that -- I'm not sure where I saw it at -- about there was some
32 opposition to the -- I guess it's the transfer of the permits
33 on the proxy hunt some, because it said not all the hunters
34 were utilizing all their harvest tickets, and they felt that
35 maybe it wasn't needed. And so just to ask you personally, are
36 do you generally get your limit every year? And how much do
37 you provide for other people?

38

39 MR. NEILSON, JR.: I used to, I don't any more, because
40 we take out many people; we're the vehicle for them to go out,
41 and as -- take them out to shoot or we shoot, half of what they
42 get comes back to our program to be disbursed among others.
43 All benefit from our program. So I don't need to shoot, I just
44 take them out.

45

46 MR. VALE: Okay. Thanks.

47

48 MR. NEILSON, JR.: Thank you.

49

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1007 WEST THIRD AVENUE
272-7515

1 MR. THOMAS: Thank you, Ray. Anybody else from the
2 public like to testify on Proposal 8? How about others? I'll
3 define other again; other is agencies that haven't been defined
4 or groups. Not seeing

5
6 MR. WILLIS: Bill, could I have a little redirect?

7
8 MR. THOMAS: Sure.

9
10 MR. WILLIS: For about 30 seconds. I'm also going to
11 address some of the issues that Ann raised about our analysis,
12 and point out a couple of things also related to what you said.
13 First of all, if you read carefully what's in here from the
14 biological analysis of the possibility of an increase wounding
15 loss, you'll see that we use the word "may." Obviously, we
16 don't have hard information on this, we have some very
17 scattered information.

18
19 I have one anecdotal story told to me by another
20 biologist of observing some Native hunters on Kodiak Island who
21 shot into a group of deer and let a lot of wounded deer get
22 away. They picked up what they could find on the beach. But
23 we don't

24
25 MR. THOMAS: Is that guy in jail?

26
27 MR. WILLIS: Beg your pardon?

28
29 MR. THOMAS: Is that guy in jail, the guy that shot?

30
31 MR. WILLIS: No. No.

32
33 MR. THOMAS: He's not in jail?

34
35 MR. WILLIS: He's not in jail to my --

36
37 MR. THOMAS: It's probably a hypothetical.

38
39 MR. WILLIS: to my knowledge. No, sir. This
40 person is absolutely reliable, and I would not have repeated
41 that story if I didn't believe it completely.

42
43 MR. THOMAS: Okay.

44
45 MR. WILLIS: Okay?

46
47 MR. THOMAS: Okay.

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

MR. WILLIS: The other thing is that where we don't have hard information, we have to try to make our best guess about what could happen, some -- raise possibilities. And that's what we've done here. There is a possibility, there are something thousand people in Southeast Alaska, the great majority of them are conscientious as you described them, but there's also a percentage of them, I'm sure, who are not as conscientious.

8

9 The fact that the subsistence user would not abuse this type of opportunity, this type of regulation to the exclusion of those people who might, we have to realize and make in the regulation that a lot of people are affected by the regulation. A lot of people can change their methods of operation because of the regulation. And those people who are not true subsistence users have to be considered in that also, because they have an impact on the deer population or the population of whatever we're dealing with. So we don't have the luxury of just looking at people like we have sitting here in front of us who we know are trustworthy and truly value the resource and use it. We have to realize that there is a component of the public that simply don't feel that way, and they also can have an impact.

23

24 So I just wanted to clarify that and point out, especially to Ann, that these are nothing hard and fast here. These are our perceptions. We're raising possibilities for the consideration of this Council and for the consideration of the Board. Thank you.

29

30 MR. THOMAS: One thing you'll hear from a subsistence user, they'll say don't make us criminals. Don't interrupt our heritage, our way of doing things, our customary and traditions by imposing a regulation that would make that anything but legal. Because it's going to continue. And then there's another thing that you hear that didn't come from the Native community, that laws were only made for the honest.

37

38 And so given that information, one of the difficulties that subsistence advocates, subsistence users have is that we spend a majority of our time considering the abusers and the violators for managing -- managing other uses. And I don't know of anybody that agrees that that should be the case. If there's so much disagreement around that island (ph), I don't know why it's still the case.

45

46 Subsistence, in its truest sense, is a means of providing for one's well-being, that's all it is. And if your well-being isn't taken care of within a six month period, and

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

you have a shortage of a means of taking care of your well-being three weeks early, chances are somebody's going to forget about that six months; they'll do it with a heavy conscience But they'll do it, see. So subsistence, compared to everything else, is the petal of a vine that's covered with thorns. And I think it should be handled that way. It's a pure use of the resource.

7

8 And look at the paper in front of us, and this is just a touch. We're talking about something -- a need, a need. There's a difference between a need and greed, see. And the trouble we're having is with the greeds in some areas. You can only eat so much. You can only use so much. And we're trying to cover people that's finding (ph) commercial value in some of this. Well, I would approach it from another area (ph). Don't leave that the responsibility of the subsistence users, see, they're identifiable.

17

18 Reading this regulation, what the devil told me awhile ago, in the proposal for regulation change. Now, this -- the devil said that this could be the bureaucratic definition. Boats may not be used to take, and it's got ungulates scratched out there. So I'll read it, it says: Boats may not be used to take bear, wolf or wolverine except for persons certified as disabled. Okay. I would interpret that that the only thing they can take is ungulates, see. So -- and that could be supported. Just an observation, me and the devil.

27

28 But I just wanted to point that out, that it wasn't anything personal on your part. Like I said before, I respect the information that you bring with us. I respect the manner in how you derived it. So thank you for helping us out with that.

33

34 Any more questions?

35

36 MS. STEVENS: Mr. Chair.

37

38 MR. THOMAS: Millie.

39

40 MS. STEVENS: Yeah. Bob, I have got to back up what Ann's concern was as far as the public, getting input from the public. To my knowledge, in every single village, town, community there are Fish & Game or U.S. Forest Service. You know, all those people have to do is call a public meeting and they can get their input on this issue and get it back to your department. So I have the same concern. Do you know what I'm saying?

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1007 WEST THIRD AVENUE
272-7515

MR. WILLIS: I would assume that your concern is that we don't get enough direct input from the public, is that what you're saying?

3

MS. STEVENS: Well, Ann kept questioning you as to where you were getting your information from. You know, why -- you know, if you're going to do an analysis on this, it needs to come from the people that are taking advantage of the subsistence. And it's -- the way I hear it, you're getting all your information from people in your office. I'm not saying that they're not that knowledgeable, but I think you need to go out to the people that do the actual hunting. 'Cause I listened to some of these gentlemen here that are hunters and trappers and they gave you valuable information, the same information you can get from people that utilize this.

15

MR. WILLIS: Given sufficient time and personnel, we could do that, Millie. It's unfortunate that we have -- we're down to two people and two part-time people in our Cultural Resources Division to cover the entire State of Alaska this year. And we had only -- we had 88 proposals all over the state and only a few weeks to get this information on every one of those proposals. So that's my only defense as far as any lack of information. Plus, we asked -- we had a public comment period, and we asked for public input, and we -- as I said, we received only two letters on this particular proposal, both were in opposition to it and neither one were from subsistence users. So

28

MS. STEVENS: What are your ways or what are your means of trying to get this information? When you say you have a public hearing, where was the public hearing; how did you let the people know?

33

MR. WILLIS: No. I didn't say a public hearing.

35

MS. STEVENS: Was it in the paper?

37

MR. WILLIS: I said we had a public comment period.

39

MS. STEVENS: Public comment.

41

MR. WILLIS: They can provide -- books are mailed out to the villages and they can provide written comments. And we have Carol down here who also provides some input.

45

MR. THOMAS: I might be able to help with that. As we mature as a part of this whole effort, I think individuals for various communities could probably facilitate in having these

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

kind of forums for this kind of hearing. I think once we establish a place and a time for that particular forum, we could probably find out if there are any people -- resource people available to attend to talk with us. Maybe if they're in a close enough proximity, we can combine them. But I think we can do something to help that. I think -- but we haven't done so so far because we're used to getting ourself all geared up to go a forum and either be denied that time and be put off for six months or have everything we have fall on deaf ears. So there's a stigma with public input, and we're trying to contribute to improving that and so we can do a better job at what we're trying to do here, so

12

13 MR. WILLIS: We're fighting, too, Bill. This -- it's a new process for all of us, and, you know, this -- having the Councils this year put even a new constraint on us because it shortened the time period that we had to put this together.

17

18 MR. THOMAS: Um-hum.

19

20 MR. WILLIS: Last year, we had until the Board meeting in April and the Staff committee meeting in March, and this year, that was shortened up considerably.

23

24 MR. THOMAS: Okay. I think we're straying away here, are you going to bring us back to the proposal?

26

27 MS. ROBINSON: Well, I could ask them separately.

28

29 MR. THOMAS: Okay. Thank you.

30

31 MS. ROBINSON: Um-hum.

32

33 MR. THOMAS: Keep it to the proposal. Ann.

34

35 MS. LOWE: Mr. Chair, I'd like to ask the protection officer for the Fish -- for the Forest Service, I don't know your official title but Charmaine, if she could come up for a second for some questions, some information.

39

40 MS. KERN: Yes, Mr. Chairman.

41

42 MS. LOWE: You know, of course, that this is part of the reason why there seems to be a lack of support from the Fish & Wildlife for this is enforcement reasons. Can you explain how this might work for the subsistence user, as far as the Forest Service is concerned, 'cause you are the one that's going to probably have to do that, be involved in that.

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

MS. KERN: Okay. Right. And regarding Proposal 8 specifically, I would offer to the Council that if this proposal is adopted, while it will create or it may create some conflicts between State and Federal jurisdiction -- again, depending on the decisions that is going to be rendered shortly, while it may create some conflicts there, I would say that to address some of the concerns that have been mentioned about wanton waste or other abuses, to address those concerns, I would say that those could be handled with law enforcement or with enforcement measures. We have provisions to handle those concerns under the wanton waste regulations.

11

12 MS. LOWE: Charmaine, spell your last name for

13

14 MS. KERN: Does that answer your question?

15

16 MS. LOWE: Say your last name and spell if for
our

17

18 COURT REPORTER: I already got it, thanks.

19

20 MS. LOWE: You got it, okay.

21

22 MS. KERN: Thank you. Does that answer your question,
An?

23

24 MS. LOWE: Yeah, it does.

25

26 MS. KERN: Okay.

27

28 MS. LOWE: Did you have anything else you wanted to
impart that we might -- could be useful for us?

29

30 MS. KERN: I really don't think so, other than like I
said, the point to address any concerns that might be out there
on the wanton waste issue, again, we have provisions that could
address that through enforcement measures,

31

32 MR. THOMAS: Appreciate it.

33

34 MS. KERN: if the proposal is adopted.

35

36 MR. THOMAS: Thank you.

37

38 MS. KERN: Thank you, Mr. Chairman.

39

40 MR. THOMAS: Jim.

41

42 MR. KURTH: I might want to add a little bit of

43

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1007 WEST THIRD AVENUE
272-7515

clarification to the enforcement because I have spoken with our Department's lawyers about this issue of jurisdiction and maybe clarify the concern. If the Board authorizes this proposal, it would be allowed under Federal regulations. And if somebody's on a boat and they're shooting a deer on the public lands, that would be considered under the jurisdiction. But the State shares that jurisdiction. And if you're on the boat on waters regulated by the State, they will share a jurisdiction and they could choose to prosecute under State law.

9

10 So our concern that if the Council does endorse this, they recognize that it maybe hasn't solved the whole problem, you still have to address to the State regulation that concurrent and shared jurisdiction here. So I just wanted to make sure that's really where we were coming on that enforcement is that even if the Board supports this, it doesn't clear up all the hurdles that are there.

17

18 MS. LOWE: Thank you, Mr. Chair.

19

20 MR. VALE: Mr. Chairman, I'd like to ask a question from one of the Forest Service biologists there, I don't know who's the most appropriate. But could you describe the general health of the deer population in Unit 4? It's a large area, I know, but as best as you can?

25

26 MS. LOWE: Could we do that analysis, Mr. Chair, on the proposal that it is affecting instead of this boat one?

28

29 MR. VALE: Well, it would affect how I would look at this proposal, because it seems that if authorized hunting from a boat, that there would be some impacts to the resource, especially with a community like Sitka with 7,000 people. And there's some increased opportunity there, so I think it's relevant to this proposal, that's why I asked.

35

36 MR. SCHENCK: Ted Schenck, Forest Service biologist at Sitka. At this point, the indirect indicators that we have of the deer population, I don't -- besides what I see personally, seem to indicate that the deer population is healthy. It's on a stable or upward trend. We're coming off a fairly mild winter so far; we had an exceptionally good summer last summer, we had a mild winter last winter. I personally saw numbers of twins, I didn't see any triplets this year, but I have had them reported to me. So I'd say that the population in GMU 4 is healthy at this time.

46

47 MR. VALE: Thanks.

48

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1007 WEST THIRD AVENUE
272-7515

MR. SCHENCK: Could I make another comment while I'm here?
2
3 MR. THOMAS: By all means.
4
5 MR. SCHENCK: I'm taking off a
6
7 MR. THOMAS: By all means.
8
9 MR. SCHENCK: Forest Service hat, I'm Ted Schenck, firearm safety instructor and hunter safety instructor who has a deep personal interest in the health and welfare of the hunting resource as well as the hunted resource. I have personal experience with firearms accidents that involve vehicles, boats and airplanes that have resulted in increased crippling loss and mortality to hunters. And I would encourage all of you and all of us to train each other and to be sensitive to the safety issues dealing with loaded firearms in boats, in airplanes and vehicles and shooting from roads and shooting from boats into areas where you're not sure of your back stop. After having been on both ends of the firearm or picking up the results of that from both ends, I would encourage you to look out for the health and welfare of yourselves and your future generations. And that's all I'll say about that.
25
26 MR. THOMAS: Thank you very much. One more question from the Forest Service or from the hunter safety guy?
28
29 MR. KITKA: From the Forest Service.
30
31 MR. THOMAS: Okay.
32
33 MR. KITKA: What you said about the safety of the hunters and the safety of the game, this is being taught by STA, they (ph) verified it. We're trying to teach our youngsters how to use our subsistent and cultural ways and not to take more than what we need and how to survive in the country. It's being passed down by the Elders to the youngsters, so your program is -- we're ahead of you on that program.
41
42 MR. SCHENCK: I compliment you for that. And if I can help you in any way, I will be glad to.
44
45 MR. THOMAS: From here on, I will recognize you as Kingit brother, so
47
48 MS. PHILLIPS: As far as you are concerned.
49
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1007 WEST THIRD AVENUE
272-7515

1 MS. LOWE: Motion to adopt Proposal 8.

2

3 MS. ROBINSON: Second.

4

5 MR. THOMAS: You all -- and seconded?

6

7 MS. LOWE: Who seconded?

8

9 MR. THOMAS: Mim.

10

11 MS. LOWE: Okay.

12

13 MS. WILSON: The same ol' two.

14

15 MR. THOMAS: Discussions. Mim.

16

17 MS. ROBINSON: Yeah. I've got a lot list here of
18 things

19

20 MR. THOMAS: All right.

21

22 MR. THOMAS: that I've been writing down. First
23 of all, I'd like to note that in this thing here, the '94/'95
24 Subsistence Proposals Proposed Recommendations that kind of has
25 summary of the Fish & Wildlife, Forest Service and ADF&G,
26 that they were -- all three were, in fact, opposed to this,
27 that there was not a neutral position taken.

28

29 The anecdotal evidence in my area shows that hunters
30 do not to wound a deer and then leave it. They get out of the
31 boat and they go tracking it and they, you know, make the
32 effort to go find it, you know, however long it takes. I don't
33 I have not heard stories about finding carcasses in the
34 woods or on the beach or that kind of thing.

35

36 Also, I know from my own experience, we go -- that's
37 our main method of hunting is beach hunting. And -- but
38 generally, what we do is we beach the skiff or I drop my
39 husband off on the rocks and he shoots from the beach. But
40 there have been occasions when the water's calm enough that we
41 can shoot from the boat. And so I mean, we have done that; but
42 generally, we prefer to shoot from a stable platform.

43

44 Okay. This -- plus my understanding -- it said in the
45 booklet here that the reason for this regulation was because of
46 the high harvest rate during heavy snowfalls, that that's why
47 this regulation came about. And my understanding of what
48 actually happened was it was due to a hunter that was killed on

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1007 WEST THIRD AVENUE
272-7515

the beach from a boat. And I just wanted to get that out.

1

2 And then, mortality -- well, I don't see that mortality
3 will rise as a result, if this is adopted, because this is a
4 customary and traditional practice, you know, it's already
5 occurring, and I just -- I don't see that it would have that
6 much of an impact if it was adopted.

7

8 And then as far as the State is concerned, if this is
9 adopted by the Federal Government, then the State could reduce
10 the enforcement problems by adopting the same proposal. And,
11 you know, that's something I intend to pursue.

12

13 This proposal, if adopted, would help subsistence
14 hunters meet their needs in years when there is little
15 snowfall, especially the hunters that are not able to hike back
16 into the high country or are not very good woods hunters; you
17 know, maybe they're just not very good at that kind of hunting,
18 I know I'm not very good at it. And because the few times when
19 there is some snowfall like we've had this winter, we've had
20 very little snowfall, and the few times that there has been
21 some, that has been the time when the hunters have gotten their
22 meat for the winter, because they've been able to do it from
23 their skiffs.

24

25 And I think also I'd just like to stress that there are
26 advisory committees out there. There -- I think there are six
27 of them in Unit 4. And if the Fish & Wildlife Service or
28 whoever has not heard from the population, especially on this
29 type of a proposal, just phone calls could gather a lot of
30 information, you know, if it's made to the chairman of those
31 committees. And sometimes, people don't -- and especially with
32 this council system that's just getting set up, there's a lot
33 of people that don't know about stuff. There were very few
34 proposal books that were sent out, and little time to get stuff
35 together and get comments out and that kind of thing. And I
36 think that the bureaucrats need to make the effort to reach the
37 population, and an advisory committee chairman is a really good
38 source to find out what you need to know to get a more balanced
39 view of what's going on out there.

40

41 That's all I have.

42

43 MR. THOMAS: Good job.

44

45 MS. ROBINSON: I support this proposal.

46

47 MR. THOMAS: And supporting of what you said in making
48 reference to the heavy snowfalls, when you do find the

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

concentration more so on the beach. You take a heavy snowfall and a three week freeze, regulations or regulations (ph), they are (ph) going to drop on the beach right where they're at anyway, so then they go out and count them, so then they blame Mother Nature. So those are things that subsistence people get a rep for.

6

7 And the comment that was made about the accuracy of shooters, I've never known anybody -- I'm sure they're out there but I've never known anybody that would do anything but less than a head shot from a boat; head or neck. That was always the practice. If you missed, you missed; if you hit, you didn't have to track very far. And so things like that are some of the things that subsistence users would like protected, and I think that can happen.

15

16 Anybody -- Herman.

17

18 MR. KITKA: Mr. Chairman, I oppose adopting this proposal 8 on the use of boat. I represent 2,000 Tlingit Indians from Sitka. Our corporation, Sitka ANB and our local TWH, and I'm the chairperson of that committee and they instruct me to oppose it on the grounds that we still use that method of hunting from Sitka. And most of the time, when the tenderlies can get a tag, we take them along, even though they don't do the shooting. He gets to see the deer being called to the beach. At one time, I even took a State Fish & Game Biologist out hunting. I told him wait, wait, don't shoot, wait till the deer steps in the boat. I called him that close. And this is the custom among our people from way back, even when they had canoes, they hunted that way. The bow and arrow never shot very far, so they perfected how to call the deer to be close. My dad never shot a deer when we were hunting in the woods unless that buck smelled the end of that 30-30 barrel before he pulled the trigger. And that's how good they are with the deer call.

36

37 And in the old days, the canoes used to fill up with deer. And they'd bring it into the community and they'd divide it among all the family. This is the custom that we have for generations. The young people are the ones that done it, and they're taught never to waste the game. And today, we're teaching the young fellows the same thing; we're passing on our culture to even teaching them how to preserve that food for winter use like the old people used to.

45

46 And I'm opposing the State cutting out that hunting from the boat. I was instructed to oppose it.

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

MS. ROBINSON: Oppose it or support it?

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MR. DALTON: Mr. Chairman.

MR. THOMAS: Further discussion? Richard.

MR. DALTON: Yes. To support Herman Kitka's opposing the no boat hunting. It's been a customary thing that we've been talking about here, traditional; traditional uses. I have not seen anyone lose any game that shot from a boat. They have always made a very careful survey of the area that they see the game in. If they can get off the boat, they will get off the boat. And a lot of times, these are something that you're going after, whether you're going to get it or whether you're not going to get it. And if they know you're coming, they're going to run up anyway and you're not going to get the game. And that's been a common thing that we see when we go hunting off the boat.

And I have taken some friends, school teacher friends of mine, when we talk about accidents on a boat, what the gentleman mentioned. I would never take a person out who was still having their breakfast when he loaded up his 30.06, six shells, one in the chamber. And I told him I'm not going out taking you out hunting. He asked me why. Did you see the game already? I said no. Why then do you have a shell in your chamber? I don't want to have my head shot off. This is the way I hunt. So it appears to me that he's never had proper training. So we specifically instruct our younger generation how to use that firearm and how to be careful.

So I, myself, have never put any shell in the chamber unless I see the game that I'm going to take. And so I'm opposed to the bill myself, along with Herman Kitka.

MS. WILSON: Mr. Chairman.

MR. THOMAS: Marilyn.

MS. WILSON: Yeah. I think for the record that Herman and Richard, they really are for the bill.

MS. LOWE: Proposal.

MS. WILSON: I think that should be on record.

MS. LOWE: It is, I've

MS. WILSON: 'Cause it is confusing.

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1007 WEST THIRD AVENUE
272-7515

1 MS. LOWE: I wrote it down as that way.

2

3 MS. WILSON: Yeah. I also wanted to make a statement
that we're here, and we proposed this change in the regulation
here. And every one of us are stating why we believe that
we're for it. And it seems like we're always trying to
regulate our subsistence on the chance of something happening
later. And it's always curtailed our subsistence right, you
might say. I think we're worried about what the State will do
right now if we shoot from the State waters into the Federal
land and the State could possibly prosecute us. But it all
comes down to enforcement also. It also comes down to Katie
John, maybe this will come under Federal jurisdiction pretty
soon, for all we know.

15

16 I think we should stop thinking about the State that
much and start thinking about protecting our subsistence user.
17 We're here to protect our subsistence resources, that's the
first thing; but we also need to protect our user. Anyway, I'm
for the proposal.

21

22 MR. DALTON: Mr. Chairman.

23

24 MR. THOMAS: Thank you. Richard.

25

26 MR. DALTON: I believe that there is a little criticism
of the fact that shooting off a boat is probably considered a
wanton of waste shooting the deer and that we go after it. If
I wound a deer, my first thing in my mind is to go after the
deer, and I do and I find it and I bring it down. I don't like
the idea of waste, because it's not a customary thing for us.
We utilize everything on the deer we take; the skin, the
interior part, there is a lot of things that we use in the
best.

35

36 Yes, we maintain the customary and the spiritual
meaning of that game itself. In that life, there's a spiritual
life in that thing there. And we don't want to abuse the life
of that spiritual meaning of that animal. Our Tlingit people
have utilized -- been in there for thousands of years when we
lived (ph) amongst those things, and we know what that natural
biologist is telling us, that's why we respect that game. And
we don't want to take anything that we need to take more. And
we want to supplement some of our people that can't go out
after this, and how do we arrive doing that? We try to get the
use of the possible good rifle and maybe a boat. Sometimes, I
take my elderly person out, and if he sees that game, and what
he wants, he knows what he wants, and I will shoot what he

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1007 WEST THIRD AVENUE
272-7515

wants, and I bring it down to him because he can't get off the boat nor can he pack that deer down to the boat. So I clean it up for him, and then he says one is all I need, no more.

3

4

MR. THOMAS: Thank you. Patti.

5

6

MS. PHILLIPS: Mr. Chair, I would like to thank my fellow Council members for rising to the challenge of changing a proposal which recognizing -- recognizes customary and traditional. And to support the customary and traditional, I would like to say that I went out with my father when I was young, out in a boat, we got deer as a family. I am now a mother of three sons, my husband and I take our children out in a boat and in similar circumstances as Mim stated and provide for our family and community members. And I look forward to the time when those -- my children can show that to my grandchildren.

17

18

And I'd also like to state that if this proposal passes, it is a dire- -- to me, it is direction to the Federal Staff to follow up at the State level to ensure that State regulations coincide with the recognition of a customary and traditional practice.

23

24

MR. THOMAS: Ann.

25

26

MS. LOWE: Mr. Chair, recognizing that we're asking the Federal Subsistence Board to do something that is new and interesting -- that they think is new and interesting, I'm going to participate in the record building that we're doing here; 'cause that's what we're doing as we discuss it. I'm going to look out at the audience and the Forest Service once we clarify one issue, and my statements are to the Council; I'm not arguing out there for them, whether they believe this or not, 'cause we're going to make the presentation. And here is my one time. There was a statement made that there was opposition to this proposal by Forest Service, Fish & Wildlife and ADF&G, could that be clarified? I don't think that's true.

38

39

MR. THOMPSON: Mr. Chairman, Ken Thompson, Forest Service. I believe what Mim was looking at was a document that we generated internally for planning purposes only. It was only for the sake of being able to identify where additional was needed. It was not meant for the Councils. It was not meant as an indication of the agency position. We have no position at this time, nor does the Fish & Wildlife Service or any other Federal agency.

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48

MS. LOWE: Thank you for clarifying that.

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1007 WEST THIRD AVENUE
272-7515

1 There's lots of things that interest me about this
proposal, and I knew that it would be -- it'd generate a lot of
concern because Fish & Wildlife Service, who is the lead agency
for regulating ANILCA practices and so forth in the state, have
a long tradition of being sports-minded in the way they
regulate and manage game. So it's been real hard for them
even, because they don't usually do any of their regulations in
the presence of public, and so acknowledging these handicaps
for them, they've done a fairly good job here. However, those
are handicaps that have showed up in this analysis in some of
these things that I have noticed. And it's real hard if you've
been a sports hunter for years and years to get away from that
kind of thinking about game.

14

15 And as a person, myself, who is not a trophy hunter but
a meat hunter, I like to take the game the most quick and
efficient way I can. It's not that I don't enjoy the hunt, I
definitely do as an individual. Before they passed the
regulation that you could not -- that a non-Native could not
hunt seals, I used to hunt seals, and I hunted with a .22. And
that was one of the most fulfilling hunts I think I've ever
participated in is seal hunting, I thoroughly enjoyed it. I
think I had a reaction one time like guys describe when they
get buck fever, every muscle in my body was trembling, I could
hardly control it. So it is a interesting thing, and I know a
lot of young people in the Native communities have grown up
with that type of training, and I think you develop quite a bit
of skill with your rifle when you do that, because I had very
few opportunities to position myself on a rock and shoot.

30

31 At the risk of exposing myself to illegal activities, I
guess, considered by the State now, I'm going to testify to our
community's hunting practices as well as my family's. I also
have attended meetings with Herman, and we've listened to
people tell us the way they hunt.

36

37 And having been in the air when this regulation was
passed by the State and personally knowing the gentleman that
was shot, who was a teacher, his name was Mr. Weilfelt (ph),
and the conditions involved in that, this whole regulation
started; the snowball effect started from that incident. And
all of these things that are listed in here under the Staff
Analysis that the reasons why have developed after that;
they're not the truth. And if anyone had researched it better
and had been involved in the public process then would have
known what started the whole snowball effect. In the rest of
the state -- Southeast is the only one that is not allowed this
practice, they do it in the rest of the state, and it was done

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1007 WEST THIRD AVENUE
272-7515

because of emotionalism, not biological facts and other factors involved in (ph).

2

3 Hunting from a boat is a practice that we do in our
4 family and our community does a lot. Unfortunately, the reg
5 that the State passed has caused us to be considered criminals.
6 We've had lots of people prosecuted on the basis of that,
7 their guns taken, the game taken, whatever. So it causes most
8 of us not only to be really good hunters but to be sneaky ones
9 and not to be caught by protection. So we avoid -- we do two
10 types of hunting when we hunt; hunting places to be where the
11 protection isn't and hunting deer.

12

13 We always try for head shots. I personally, myself, am
14 not a person that likes to take any other type of shot. I have
15 done it before on land, when I was determined the animal wasn't
16 going to get away at any cost, and had presented different
17 areas of the body that I couldn't see a head, and I have done
18 that. But generally speaking, I think most people try to do
19 that. And if they miss, there have been occasions when an
20 animal has gotten away, but people make an effort to go after
21 that animal; it bothers people to do that to animals.

22

23 There has been times on land when I have been
24 positioned and have a deer and hadn't done a good job of it and
25 heard him bellow, and I don't like it at all. I don't like to
26 hear that. I'm a trapper, I don't like to hear my animals cry.
27 I'm sensitive to that fact. And so I try to be as
28 conscientious as I can about it.

29

30 This regulation is going to address -- when the Federal
31 Government came on hand, they adopted State regulations
32 wholeheartedly, blank, just took them carte blank; didn't have
33 any information from subsistence users, didn't attempt to even
34 do that, just took everything from the State. This is left
35 over from the State. It doesn't recognize what really happens
36 with subsistence hunters. This is a good step for us. I think
37 it's a first step for sending a clear message about what we are
38 expecting for protection and uses that the subsistence hunter
39 does. It's recognizing a practiced -- a practice that we all
40 do. And I'm sorry there's going to be some confusion with the
41 State reg and the Federal reg, but I do believe that that can
42 be worked out, either at the State level or the Feds can start
43 petitioning for changing this.

44

45 I know for years and years, Southeast people have tried
46 with the Board of Game, almost every time that reg comes up to
47 put one in about that. So I mean that's something that we can
48 send a message, I think, through this Council to the State too

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1007 WEST THIRD AVENUE
272-7515

that it's time that they took another look at this issue and faced it squarely.

2

3 I do not believe that this is going to change the deer
4 numbers that are being taken. They are being taken now and
5 just nobody knows, has a count of it, because these activities
6 are not considered particularly kosher by a sports hunter. And
7 he can do his thing, if he wants to climb to a top of a
8 mountain or get off on the land and shoot and go after a big
9 buck with his horns, I don't begrudge him that activity; he can
10 do that. However, I don't think he has a clear harder
11 understanding of what a subsistence user's about and is doing.
12 And when I'm providing for my family, I'm going to take what I
13 need to do. And we'll all do that for our families, no matter
14 what the cost, and we'll do what we can for our families. And
15 this is one of those areas where that provision goes against
16 the State law and that's unfortunate, but we'll do what we have
17 to do.

18

19 And so with that, I will close out my comments and will
20 write down everybody else's.

21

22 MR. DALTON: Mr. Chairman.

23

24 MR. THOMAS: Richard.

25

26 MR. DALTON: As you know, the land suit resolution
27 passed at the Alaska Native Brotherhood/Alaska Native
28 Sisterhood Convention, Haines, Alaska, 1926, 1929. I have to
29 emphasize the fact that my father, George Dalton, Sr., who died
30 at the age of 106 years old, was the first person that
31 introduced the lands suit bill in Haines Convention; supported
32 by Frank Sinclair from Hoonah who was in -- at that time Haines
33 Convention, he was living there. William Shakley (ph) second
34 that motion, from Hoonah, Alaska. And William L. Paul was the
35 grand president and Frank E. Johnson grand secretary. I'm not
36 going to read all of it.

37

38 As is made clear from this ANB, ANS resolution, the
39 names may have changed since 1929, but the situation remains
40 the same. The United States Government and the State of Alaska
41 continue to disregard the subsistence rights of Native
42 Alaskans. The ANB/ANS resolution eloquently states a fact
43 which has not changed from time immortal. Subsistent together
44 with land and self-government are the three interconnected
45 interests vital to the existence of Native Alaskans as a
46 people.

47

48 So this is something that's not new to us, how we

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272-7515

utilize of going after that particular game. We go after it the best possible way that we can get the game and not abuse the game. That's what I said earlier. I'm not going to say whatever it takes for me to get it, but I want to be steadfast and assured that if I do go after that particular game, I want to make sure I'm going to get that game and be satisfied, because that's an open season and that's why I supported Herman Kitka's statement there. Thank you.

8

9 MR. THOMAS: Further discussion?

10

11 MS. WILSON: Question.

12

13 MR. THOMAS: The question has been called for. Call the roll, please.

14

15 MS. LOWE: Lonnie Anderson?

16

17 MR. ANDERSON: Yes.

18

19 MS. LOWE: Marilyn Wilson?

20

21 MS. WILSON: Yes.

22

23 MS. LOWE: Millie Stevens?

24

25 MS. STEVENS: Yes.

26

27 MS. LOWE: Ann Lowe? Yes. John Vale?

28

29 MR. VALE: Yes.

30

31 MS. LOWE: Bill Thomas?

32

33 MR. THOMAS: Yes.

34

35 MS. WILSON: Herman Kitka?

36

37 MR. KITKA: What are we voting on, that is stated (ph)?

38

39 MR. THOMAS: The change to

40

41 MS. LOWE: You're in favor of changing the regulation that it allows deer hunting from a boat.

42

43 MS. LOWE: So that you can hunt from the boat.

44

45 MR. KITKA: Yeah.

46

47

48

49

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272-7515

1 MS. LOWE: Yes. John Feller?
2 MR. FELLER: Yes.
3
4 MS. LOWE: Richard Dalton?
5
6 MR. DALTON: Yes.
7
8 MS. LOWE: Patricia Phillips?
9
10 MS. PHILLIPS: Yes.
11
12 MS. LOWE: Mim Robinson.
13
14 MS. ROBINSON: Yes.
15
16 MS. LOWE: Mr. Chairman, it seems to have passed
17 unanimously.
18
19 MR. THOMAS: Hey, hey, hey. For everybody's
20 information, Mr. Willis' name is Robert, and this is his
21 preference in addressing; and we will refer to him as Robert
22 instead of Bob. If we can clear (ph) ourselves, sometimes we
23 get creative in our exchange but we need to respect people, so
24 Robert will be the word of the day. So in a positive context,
25 however. Dale.
26
27 MR. KANEN: Bill, I was going to ask if it was tempting
28 for the Tlingit to shorten those long White man names.
29
30 MR. THOMAS: We'll think of an appropriate one here for
31 you. Okay. The orders of the day will be we'll dispose of
32 Proposal 9, we'll take a lunch break. The lunch break will be
33 at least an hour and fifteen minutes in length and possibly an
34 hour and a half, depending on when we break. This is to
35 facilitate people that are away from their offices that need to
36 do some checking in, some other people need to do some other
37 business besides lunch, and so we'll probably take an hour and
38 a half lunch as soon as we finish Proposal 9. We'll go right
39 into Proposal 9.
40
41 UNIDENTIFIED MALE VOICE: Mr. Chairman, can I whisper
42 you (ph) here?
43
44 MR. THOMAS: Yeah.
45
46 (Off records comments)
47
48 MR. THOMAS: Okay. Is the Staff ready for Number 9?
49
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1007 WEST THIRD AVENUE
272-7515

Please.

1

2 MR. KURTH: Mr. Chairman, Proposal 9 and 10 and 15 were
3 all analyzed together, because they basically, from an analysis
4 point of view, deal with the same issue; and that's the notion
5 of allowing someone to hunt for a person who's disabled by
6 either their advanced age or other physical disability.

7

8 You get stuck with me presenting this, the gentleman
9 who wrote this had to attend another one of the Council
10 meetings, so I'm going to attempt to decipher some of our
11 analysis for you.

12

13 In a quick summary, the Proposal Number 9 and Proposal
14 Number 10 came from this Council. And it asked that in two
15 portions of the three units we've designated in Unit 4, that we
16 allow a qualified subsistence user to designate another person
17 to hunt on their behalf if they're disabled by age or physical
18 handicap. Proposal 15 speaks of Unit 5A and was submitted by
19 the Yakutat Alaska Native Brotherhood and Alaska Native
20 Sisterhood.

21

22 The analysis that was presented there was written by
23 one of these very highly educated social scientist types that
24 we have on our staff, and if it seems confusing to you, you
25 have lots of company. Because sometimes, it is also confusing
26 me to go through that. But really, the first part of that
27 analysis, what it attempts to do for people like me, is to go
28 through studies and the anthropological literature and show
29 that yes, in fact, you can substantiate in these studies that
30 many of these villages that certain hunters do traditionally
31 hunt for other members of the community and that, oftentimes,
32 one individual may provide for the needs of many. And so while
33 there's a lot of fancy words there, that's really the first
34 part of what that analysis gets at is yes, we can see where
35 this does occur in many of these communities.

36

37 From there, the analysis tries then to understand what
38 the impacts of a change in this regulation may be. And quite
39 frankly, that was very difficult to do because it's hard for us
40 to know exactly what's going on now. And they use some numbers
41 to try and get at well, how many people in this area may fall
42 into this category of being disabled or over 65 years of age,
43 and try to use numbers to come some kind of understanding of
44 what the impact on the deer resource, particularly, might be
45 from this kind of proposal.

46

47 What it ended up doing is having a very wide range of
48 numbers, like somewhere from 400 and some to over 4,000, deer

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1007 WEST THIRD AVENUE
272-7515

that such analysis might predict be killed. And then goes on to say well, we really don't think that it would probably even approach that lower number because, in fact, the number of these hunters in communities that actually go out and provide for many people, is usually a small number; that only a certain few in each community are the hunters that gather for many. And really, it became very difficult to come up with any kind of number on what the impact of this might be.

8

9 One thing that was a concern was that as we moved to 10y and do things like this, that deer, of course, is a species that's very productive and abundant. And our concerns for deer are much less than they would be for bear or some of the other species that, you know, can sustain much less of a harvest.

14

15 The Federal Subsistence Board, when it enacted the regulations that set up this program, recognized that these customs and traditions in villages do occur. That, oftentimes, you know, people do harvest for other's need, and regulations allow for this type of scenario. What I think we find ourselves needing is input and advice on how to make this work. You're all aware, of course, that the State did initiate a proxy system, and what the Board of Game said was that people that were disabled because of age or physical disability should be allowed to have someone else provide for their needs. But what we've heard as to how they actually implemented that has been very confusing and hasn't worked very well.

27

28 What, I think, we need help from you is understanding how in changing this regulation would it provide for customary and traditional uses. I think the first that we'll have to conclude is that the individual bag limit of six, or four or whatever it may be, constrains users in certain communities from providing for the customary and traditional uses. And I think that's something that we would like to hear and validated from this group and hear your experience.

36

37 As two of these proposals came from this Council, I think we need some more insight on how what you asked might be different from the State regulation is, and how, you know, we might be able to make such a proposal work. We're concerned, of course, that in changing these regulations, we have some way of tracking the harvest to know how many deer are taken so we can work to provide for the deer's health. We also need to have some way to knowing that this has been authorized. I mean, how is it that we're going to allow someone to hunt for someone else, and who is going to be responsible for reporting the harvest.

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1007 WEST THIRD AVENUE
272-7515

I think also in the proposal that was submitted from both Yakutat and from this Council, we talked about advanced age. And I think we do need more definition on exactly what it is that this Council, and if someone from Yakutat could give additional information, what does that mean. I mean, because, unfortunately, all of this, sooner or later, if it changes, has to be written in a regulatory language. And, you know, if the language is ambiguous, then it makes it hard for us to go ahead and try and do that which we think is the right thing. Likewise, the notion of disability, I think we would like maybe some additional guidance on what precisely and how we want to define this.

12

13 Maybe I'll close the analysis with saying that we have recognized that it is customary and traditional, from we can see in the evidence that's available to us, that in certain circumstances, people do harvest for the needs of others than just themselves. And the Board has recognized, in its regulations, that we can authorize this use. What we need, I think, to do is to hear from you that it is customary and traditional, and how we can devise a system that'll provide for that.

22

23 So it's a good example, I think, of a type of proposal where we need to work with the Council. We need your input and your advice, and hopefully work together for solutions.

26

27 MR. THOMAS: Thank you. I think you're setting a very good tone for what the whole management scheme in this country needs. If ever a user group was put to the test like subsistence users are, we'd have some pretty good programs in place.

32

33 First of all, it doesn't work very well; what does not work very well mean?

35

36 MR. KURTH: In this

37

38 MR. THOMAS: What is working well?

39

40 MR. KURTH: Well, from my understanding, the system that the State of Alaska adopted involves fairly complicated forms, and I think it requires two different people to go down and sign up at the same time. Why I say that it doesn't appear to be working very well is the numbers of people who have actually used it are very low. I think much lower than we anticipated. And I think we've heard comments from some individuals that it seems to be overly burdensome in terms of paperwork and things like that.

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 MR. THOMAS: That's why we're here, because nothing
2 here works very well. No, the reason for the -- we keep
3 getting drilled by customary and tradition. But yet, the State
4 allows for the annihilation of foods like abalone, crab,
5 anything that's on the bottom. They got mechanical ways of --
6 there's really no data supporting the yield possibilities --
7 the sustained yield possibilities of any of that, but there's
8 no regard given to that. But for a person to go out in a boat
9 and get some food or get some provisions for a person that's
10 disabled, I mean, now we got to go to the Mayo Clinic and come
11 back with a definition that's acceptable to the people that are
12 considering the regulations. That's nothing short of
13 ludicrous, by comparison, and I don't know that we're going to
14 do that. We might come up with something different that might
15 not be as demanding of some of those things. And hopefully,
16 we're going to try to replace some of the way of doing things
17 with some practical approaches, and hopefully that they will be
18 understood, and hopefully they'll be delivered in such a way
19 that they'll be attractive to people that will be able to be --
20 take the responsibility for making sure it works.

21

22 But I appreciate your presentation. Any questions from
23 staff, please?

24

25 MS. LOWE: It's a friendly one.

26

27 MR. THOMAS: A friendly question.

28

29 MS. LOWE: Yeah. I'm not going to -- basically, then,
30 you guys are, basically, just throwing it back to us here? I
31 mean, you have no -- in your analysis, you're not really making
32 any input about any way that you see that might work better
33 than others, you're just asking us for direction on how to
34 implement it?

35

36 MR. KURTH: I think -- excuse me, Ann. I think what's
37 important is the State, I think, Game Board, when they made
38 their proxy thing, did a good thing. I think everyone agrees
39 that someone's elderly or handicapped, it's good. But then
40 what you found is the public forum was gone and someone had to
41 implement it. And I'm sure that the Fish & Game staff did the
42 best they could. And -- but it ended up coming up with
43 something that I don't think they feel works as well as they
44 want. And I think that that's why we have this forum is, you
45 know, to get input from you on well, what is a way that if the
46 Board wants to adopt such things, that'll be a way that people
47 would use and will work.

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1007 WEST THIRD AVENUE
272-7515

And I think that there are some clarifications. There is a proposal from the Kodiak Region that's very similar to this. And I was with that Council when they were developing the proposal, and their discussions started based on the State system. And one of the gentlemen said, well, you know, fifty-five in the State system, that seems old, you know, and he was from one of the villages in Kodiak and he had a different notion. And I think it would be a mistake on our part for us to automatically assume that you want something for people only 65 and over. If that's your wish, then I want to understand that. But I know some people don't necessarily think that's the right age.

12

13 And what I hope we can avoid is us hearing what you say that you want the notion of proxy hunters, and the Board to endorse, and then we go back to our offices and start writing up forms and things that aren't what you meant at all. So hopefully, we can have a dialogue here that we can understand what will work.

19

20 MS. LOWE: Well, when I first started trying to develop this in Sitka, even then, I didn't have the exact wording that was really looking for wanting to express. So as we work on this now, we can introduce a better wording at this time, like you did with that proposal on that unit, that corrective thing; we can still correct this at this point?

26

27 MR. KURTH: Sure.

28

29 MS. LOWE: Okay.

30

31 MR. KURTH: Up to the Board meeting time when Bill presents the Council's things, we can always work with the language to make it sound right. What's important is making sure we know what everyone wants to do, and then we can work together to make sure we get the technical language right. But it's the understanding of exactly what people are asking that's important. And sometimes, that takes more time than it should for us in the Federal community to understand thoroughly, but it's worth the time to listen and talk.

40

41 MR. THOMAS: Herman.

42

43 MR. KITKA: I wanted to ask a question. How come the proxy hunter can't get the permit themselves? We have problems with it Sitka. Some of the people, old people, that come to the hospital, the CERTS hospital, they doctor comes to our ENV (47h) meeting and requests some cultural Indian food prepared the old way. And we can't go out and get what that person

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1007 WEST THIRD AVENUE
272-7515

wants because that person is unable to go and get those permits. This is the problem we have with it in Sitka.

2

3 MR. KURTH: I can see that as being a problem that I think the State system presents, and it's the type of thing that, should the Board adopt this, I hope we would avoid. It seems to be, maybe, an honest mistake they made on their part because maybe they didn't do enough talking about it first. But that seems to be an excellent, you know, observation for us to consider, that we shouldn't make a disabled person have to go and physically go somewhere to get it. And I appreciate your comment.

12

13 MR. THOMAS: Carol.

14

15 MS. JORGENSEN: Mr. Chairman, if you will. As we were talking about these proposals, George Sherrod (ph) and some of us, it was pointed out, you know, that -- and George is very familiar with the northern regions also, but customary and traditionally -- and this wouldn't eliminate -- I mean, it's customary and traditionally there are key areas that there are designated hunters. And there's -- we know the hunters who are designated, and they are the hunters that go out and hunt for the village and so on. And this if -- when we're thinking in terms of a proxy, it was simplification so that it's not -- it's so difficult sometimes for people to get in some place and have witnesses and so on. Also, it allows for more accurate data, because when people do not feel like they're going to get penalized, then there's a honest reporting data biologically and so on.

30

31 So there was lots and lots of conversation. And then again, it was put back to we absolutely need all the thinking of the Council when we think about this. But it was -- you know, the State system was looked at, and it was a good idea. I think, like Jim said, it was very honorable that this was come up with. But there is -- there's widowers, there's all these things that are hunters always took care of in the villages. Plus, this is not a non-Native thing either, because in communities, people go out and they provide for the community.

41

42 So however our thinking goes, however we can simplify it to make the system work and get accurate data on top of it, it's important.

45

46 MR. THOMAS: Thank you. Any more questions? Is there any more deliberation from the Council? John.

48

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1007 WEST THIRD AVENUE
272-7515

MR. VALE: The analysis in here done by the Staff is -- you know, just discusses deer. And I just wanted to point out for you that on Proposal 15, you know, we're dealing with other animals; moose, primarily. And you know, with deer, we only have a one animal bag limit, and also with moose, we only have a one animal bag limit. And even likewise with mountain goats. So what this would do is, you know, under those circumstances, you know, it allows somebody with those types of bag limits

9

10 MR. THOMAS: Are you going to get to the question?

11

12 MR. VALE: I -- no, I guess it's not a question, it's just an effort to

14

15 MR. THOMAS: Well, keep the deliberations to the Council, please.

17

18 MR. VALE: Okay.

19

20 MR. THOMAS: Any other questions? Public, any public comment on Proposal 8. Thank you.

22

23 MS. LOWE: 9.

24

25 MS. PHILLIPS: 9.

26

27 MR. THOMAS: 9. I am one behind all of you so -- any public comment on Proposal Number 9? Any other agencies? Matt, please.

30

31 MR. KOOKESH: I think before you do Proposal 9, I think you need to do a research project in a community in all of Southeast. If you submit the proposal as is, you'll have problems that we've had in the past where people will not abide by the regulation, which is already happening with the other proxy hunt. I've tried to issue proxy permits in Angoon and had a difficult time because the people didn't want to do the paperwork.

39

40 So a research project needs to be identified, and you need to identify the problem. The problem which is yes, we do have community hunters, and you also need go back and find out the -- why people do community hunting. If you look back at the Tlingit villages, everybody used to share one house; four or five families in one house, and there weren't that many houses. And so, you'd have one person for four or five families. And as we grew, that still continued; people got into different houses but we still had the hunter continue the

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1007 WEST THIRD AVENUE
272-7515

hunt for four or five families. And it's not just for disabled people. It was for widows, it was done for Indian parties, it was done for a lot of different reasons. And that's part of the reasons of why you need research.

4

5 There's also some other reasons for research. One is
6 to try to figure out how best to -- I mean, this is a really
7 important proposal -- how best to get information. We did, at
8 one time, have a permit hunt in Angoon, and we had a lot of
9 good information come back from the permit hunt. The hunters
10 were real happy to report back to us. But right now, the
11 problem that you're having in Native communities is you have a
12 sport regulation on a subsistence hunter. And he knows he's
13 illegal already, and he's not going to report. I've had --
14 when I've done research in the community with my deer research,
15 I've had people initially tell me they only got the limit,
16 which used to be four. You know, and I'd sit there for a while
17 and, eventually, it would come out, and they'd start telling me
18 well, I've hunted for my mother, you know, and I hunted for the
19 Indian parties. And so that is a problem. And to -- and I
20 just wanted to point out that there's more than just disabled
21 people, there's more than just -- there's about, I'd say --
22 well, in Angoon, there's about 25 people that hunt for other
23 people. I know of one boat -- that about seven or eight
24 hunters use one boat; last year, that boat harvested about 70
25 deer.

26

27 And so there's a lot of information that's out there
28 that needs to be gathered before any proposals like this come
29 up, otherwise, it just kills it. You make the regulation,
30 it'll sit on a shelf. That's all I had.

31

32 MR. THOMAS: Thank you. Any further public testimony?
33 I feel like I need to do the Clan Song here and get everybody
34 up here. Okay. Seeing none, we'll bring it to the Council for
35 deliberations and action. What's the wish of the Council?

36

37 MR. WILSON: Move to adopt the regulation, Proposal 9.

38

39 MR. THOMAS: It's been moved to adopt Proposal 9, do I
40 hear a second?

41

42 MR. ANDERSON: I second Marilyn's motion.

43

44 MR. THOMAS: It's been moved and seconded. Further
45 discussion? To offer discussion, if we're going to consider
46 this, I think that the language should include the entire
47 region rather than isolated, identified areas, for one thing.
48 Number 2, this is a classic example of regulation interference,

49

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1007 WEST THIRD AVENUE
272-7515

like I mentioned earlier. This is a practice that's been going on for centuries. Now, there's a law that makes criminals out of people that continue that practice.

3

4 MR. KITKA: Mr. Chairman.

5

6 MR. THOMAS: I'm not through yet. And I think by adopting this that we'll have opportunities in the future to, if it is put into a regulation, that as research goes on and more information is gathered, the regulation can be improved on at the time -- but I don't think we can afford to stifle it at this point.

12

13 Herman.

14

15 MR. KITKA: I am going to oppose the regulation as written because it don't include the community subsistence lifestyle like this, each family puts on 40 day party which is 18 which was practiced even before Western Man came among us. That party was named One Month, One Moon and One Week. And when they had open fires in the middle of the community house, and they passed the dish around and they call it (Tlingit word) 22 Tlingit. You take a spoonful and you throw part of it and you name the person that you've given it to when you throw one 24 the fire.

25

26 And community meetings like ANB meetings, it falls on the young fellows to provide the cultural food prepared for a banquet. And it's not covered in this regulation. I know a lot of times, I had to put up -- dig into my own food supply to supply the needs of the community. And I think the regulation should also allow community activity along with the disabled people, because it's customary to provide the Indian foods for those doings, the 40 day party and memorial parties and community gathering parties. That's all I have to say on it.

35

36 MR. THOMAS: Thank you. Further discussion.

37

38 MR. DALTON: Mr. Chairman.

39

40 MR. THOMAS: Richard.

41

42 MR. DALTON: Well, I think we voted for Number 8, and where it says boats may not be used to take wolf, wild bear, wolverine and maybe even deer. It still says right here to regulate against the use of hunting from a boat. And I don't feel that I should support this to pass because I think we have to have a better language on the basis of traditional and customary subsistence users.

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1007 WEST THIRD AVENUE
272-7515

1 MR. THOMAS: Okay. Further discussion.

2

3 MS. WILSON: Is that in this?

4

5 MS. LOWE: Mr. Chair. No, it's not in this proposal.

6

7 MS. ROBINSON: It's not in there.

8

9 MS. WILSON: It's in Proposal 15.

10

11 MR. VALE: We're on Proposal 9, Richard.

12

13 MS. LOWE: We're on Proposal 9, and Proposal 9 is
basically a description of Unit 4. Unit 4 has been divided
into several subunits, and that's all this does. And it's not
a really great place to try to address what we're trying to
address, but what they had open for us to comment on was rather
restrictive. And so I wanted to get this issue in here, and I
asked Staff to help me find a place to put it, and that's why
it's where it is, under the description of the unit to hunt.
And I mean, I guess technically speaking, they weren't going to
give that to us to comment or do anything with, but I went
ahead and jumped the gun and stuck it into an area where it was
talking about seasons and bag limits and defining hunting areas
in order to give us an opportunity to introduce this to the
Federal Board so that we could start effecting some changes
there that reflected subsistence uses.

28

29 And when I first did this, I did it on the basis of all
the testimony I have had from being on the advisory committees
in Sitka for years and having older people come to the
committees and tell us the State didn't provide anything for
them. The only thing the State had on their records was
hunting for blind.

35

36 I went to the Legislature with Ben Grusendorf with the
request because I was told by the Board that they didn't have
the authority to pass such a regulation without legislative
authority. And I asked our Legislature to introduce something
that would give the authority to expand that from the blind to
handicapped and aged folks so that people could hunt for them
or proxy hunt for them. And that took some time, that was a
very long process; it started about probably 12, 14 years ago.
And then the State did come up with this hunt that they passed
recently, and it turned out to be so complicated -- so very
complicated that I don't think anyone's going to use it. They
might but I doubt it.

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1007 WEST THIRD AVENUE
272-7515

So when I introduced this idea at the Council and tried to use this place to introduce it into, it's not probably the best thing in the world; it's probably not written the best, as Herman is concerned about; it probably doesn't reflect all of our -- I know it doesn't reflect all of our things. But it was a start -- a place to start pushing the issue and getting the Federal Council to quit thinking about -- you know, they adopted all the State regulations as were, in totality; and that you've got to remember that all of those were based on sports hunting regs. And I wanted to do this to start jabbing them to start thinking about formulating things that were more reflective of subsistence users.

12

13 And so I admit this probably isn't the best wording or the best place, but it wasn't exactly something we were supposed to comment on at this time either. So we kind of stuck it in here. And I'd like to not kill it at this point in time by not supporting it, but rather whether see if we can't take some time as the Council, if we have to, to take a few minutes or whatever and see if we can come up with wording or agreement that could meet some of the other concerns that we've been hearing.

22

23 I, basically, when I introduced this and when we were talking to the Council, I don't think we really thought clearly all the way through about what all the ramifications were. We wanted to get the concept out there. And I was mostly concerned about trying to meet the needs of the elderly that I had been hearing. And I knew -- already knew that a lot of us in the community were going and getting it and not telling anybody and providing it, and that at some point in time, we were probably going to get caught, because people don't know how not to talk. And we have some pretty aggressive Wildlife protection officers in Sitka who like to act on talk they hear, and at some point in time, someone's going to get slapped. And 35 I was trying to make an avenue for the people who do provide for elderly or handicapped in order to do it in a legal way and not get their whole house taken away from them and spend 25 years in jail.

39

40 So some of these fines they levy on us are worse than if you killed somebody, so that's kind of what was motivating the introduction of this. Now, I'm not -- I've since heard testimony from our community, I think as Herman has too, that we haven't hit all the grounds that they'd like to see. They've talked a lot about proxy hunting. Our Advisory Committee had a subcommittee meeting, and people from the community came to that and participated in that process to give that to me before I left.

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1007 WEST THIRD AVENUE
272-7515

1 They never did come up with any con--- anything
 2 concrete for me to really lay my hands on. There were some
 3 suggestions that everyone be responsible for going and getting
 4 their own deer tags; at some point in the season, everyone
 5 would go and get their own deer tags, handicapped or otherwise,
 6 be responsible for that. And when the time came to go harvest,
 7 that person would then have his tag and could give it to an
 8 individual, and if that individual was out there hunting, he
 9 better -- and he's filled his, he better have that other guy's
 10 tag with him. And

11

12 MR. THOMAS: If we're going to come back to this at
 13 another time, maybe we could save some of this for a later
 14 time. I have a hunch we're going to take action to defer for a
 15 while.

16

17 MS. LOWE: We're not going to discuss the proposal
 18 then?

19

20 MR. THOMAS: Not unless we're going to act on it. If
 21 we're going to act on it now, we'll continue our discussion.

22

23 MS. LOWE: Well, there's a motion on the floor to
 24 support it, that's what I was speaking to is to the proposal.

25

26 MR. THOMAS: Well, there's always action to defer on a
 27 motion, if the Council feels like we should defer it, we can do
 28 that.

29

30 MS. LOWE: Defer it

31

32 MR. THOMAS: Marilyn.

33

34 MS. WILSON: Mr. Chairman. I wanted to bring up that
 35 proposal 9, 10 and 15 are, more or less, alike, only different
 36 areas. And you just mentioned that we should combine it into
 37 all areas?

38

39 MR. THOMAS: It should be inclusive of the whole
 40 region, sure.

41

42 MS. WILSON: Okay. Instead of putting all of these
 43 things in here, I just got a suggestion that we should just put
 44 into this a qualified subsistence user may designate another
 45 qualified subsistence user from the same described area to take
 46 wildlife on their behalf. That's it. Just cross everything
 47 else out.

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1007 WEST THIRD AVENUE
 272-7515

MS. LOWE: Well, Mr. Chair, do we need a motion to defer so we can spend time talking about how to address this?

2

3 MR. THOMAS: Sure do.

4

5 MS. LOWE: Okay. I make a motion we -- how long do we have to defer, just for

7

8 MR. THOMAS: It's got to be settled during this session.

10

11 MS. LOWE: Okay. So I'll make a motion that we defer so that we can work on what we really want to see in this proposal.

14

15 MR. THOMAS: Just make a motion to defer. I'll (indiscernible - interrupted)

17

18 MS. LOWE: Okay. Motion to defer.

19

20 MR. THOMAS: order.

21

22 MS. ROBINSON: Second.

23

24 MR. THOMAS: Okay. Non-debatable, so ordered.

25

26 MR. VALE: What does the motion do, could you describe that?

28

29 MR. THOMAS: We'll take it up later on in here. It will give us time to consider language to put in there.

31

32 MR. VALE: At this meeting right here?

33

34 MR. THOMAS: Yeah.

35

36 MR. VALE: Okay. And this motion is just to Proposal 9 when?

38

39 MR. THOMAS: Yes. Jim.

40

41 MR. KURTH: Mr. Chair. Just while I think that's a very good idea, I want to make sure that we remember in this process if we substantially change the scope of this, recognize these proposals have already gone out for review

45

46 MS. LOWE: That's right.

47

48 MR. KURTH: to all the public as is required in

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1007 WEST THIRD AVENUE
272-7515

this regulatory process. And there's a line that we draw if we really change what we're talking about; the rest of the public has not had a chance to review any dramatically different, new proposal. And they would -- it would be required if you want to change dramatically the scope of what's been before the public, that they need the opportunity to review that as well, just for

7

8 MS. LOWE: Mr. Chair, we'll work with Staff to make sure we don't do a substantive change, we're familiar with that word. The Board does it to us all the time.

11

12 MR. THOMAS: Okay. The discussion is closed on that topic, let's go on to another proposal.

14

15 MS. ROBINSON: We need to vote on that motion.

16

17 MR. THOMAS: All those in favor say aye.

18

19 COUNCIL MEMBERS: (In unison) Aye.

20

21 MR. THOMAS: Opposed? New proposal. We're going to take a lunch break, that's going to be my proposal.

23

24 MR. KITKA: A good one.

25

26 (Off record)

27

28 (On record)

29

30 MR. THOMAS: I'd like to welcome Al McKinley, he's come to join us. Good to see you, Al, (Native salutation). Okay. We're trudging on, beginning with Proposal 10.

33

34 MS. LOWE: We're on 9. It's deferred.

35

36 MR. KURTH: Mr. Chairman, if I might recall when we presented the analysis on Number 9, that same analysis is relevant to 9, 10 and 11, because they all deal

39

40 MS. ROBINSON: 15.

41

42 MR. KURTH: Or excuse me, in 15, not 11.

43

44 MR. THOMAS: Yeah.

45

46 MR. KURTH: Because they deal with proxy hunts. We don't have any additional Staff Analysis.

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1007 WEST THIRD AVENUE
272-7515

MR. THOMAS: Okay. Yeah. That's fine. We anticipated as such. Because of a similarity in nature and for fear of having overlooked anything, does anybody have any questions of Staff at this time regarding Proposal 10? Okay. Any public comment on Proposal 10? Any non-public comment on Proposal 10? We'll bring it back to the Council for deliberation and action. What's the wishes of the Council?

7

8 MS. ROBINSON: I move that we defer the proposal.

9

10 MR. VALE: Table is probably a better word.

11

12 MS. ROBINSON: Is it table it? Defer or table?

13

14 MR. VALE: I don't know, ask Mr. Chairman that.

15

16 MR. THOMAS: What's your intent?

17

18 MS. ROBINSON: Well, the last one

19

20 MR. THOMAS: What's your intent?

21

22 MS. ROBINSON: To do what we did with the other one,

~~23~~
24

24

25 MR. THOMAS: Well, a motion to defer would be
26 consistent with the one before.

27

28 MS. ROBINSON: Um-hum.

29

30 MR. THOMAS: Is that what you would like to do?

31

32 MS. ROBINSON: Okay. Yeah.

33

34 MS. LOWE: Do we need to do that at this time or you
35 did not work out

36

37 MS. ROBINSON: I'd kind of like to know where we're
38 headed with this. I mean, we want to talk about this stuff.
39 What's the best way to deal with this?

40

41 MR. THOMAS: Let's move to adopt now, and if we reach a
42 point to where we

43

44 MS. LOWE: Right. Right.

45

46 MR. THOMAS: recognize to defer, we'll -- the
47 deferral will take precedence over the adopt.

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272-7515

1 MS. ROBINSON: Okay. Then I'll move that we adopt.
2 MR. THOMAS: You heard the motion.
3
4 MR. ANDERSON: I second Mim's motion.
5
6 MR. THOMAS: Okay. It's been moved and seconded.
Discussion. John.
8
9 MR. VALE: All right. It seems that the issues are the
same here on this one and the other one, so I think we need to
make a determination on how we're going to deal with these.
Are we going to -- are we looking for language to -- new
language to craft that's going to be for all of Southeast
Alaska, is that our intent? That was my understanding on the
last one, and I really wasn't clear about it.
16
17 MR. THOMAS: Yeah, that was my intent. Where it's
applicable to include the whole region rather than isolation,
otherwise you're drawing lines of -- not that it has that much
of an impact. But when people see something on paper there
(ph) they're going to wonder why.
22
23 MS. ROBINSON: Right.
24
25 MR. THOMAS: It's a lot easier to include them than
to justify why you didn't. Ann.
27
28 MS. LOWE: Mr. Chairman, there was some discussion from
them that we had to be careful about altering it so that it
turned to a substantive change. And after reviewing and
looking ANILCA, I think that we can make a change that will be
meaningful to us as subsistence users and still not have to
send it back through a public process.
34
35 And I'd like to look at ANILCA, Section 805, Subtitle
B6 It says that the region (ph) identifies the regional
Council -- regional advisory council in each subsistence
Resource region. And it says what we shall be composed and
what we shall have the authority to do. And in that is the
provision of a forum for the expression of opinions and
recommendations by persons interested in any manner related to
subsistence use of fish and wildlife. And I would like to
offer that we are that forum, and we are another -- we are a
process that is another form of public comment on your
documents. And that this book is just one process that you use
that you've developed, that there are other processes. And I
think ANILCA recognizes us as that forum.
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1007 WEST THIRD AVENUE
272-7515

And on the basis of that, I think we can go ahead and advance the change that we're looking for. And so with that, I'd like to make an amendment to the motion. And we're working under Proposal Number 10 right now, but I would like to have this proposal usurp Proposal 9 and 10 and what was the other one?

6

7 MS. ROBINSON: 15.

8

9 MS. LOWE: 15 that related to it, and insert the wording of qualified user with C&T determination may designate another qualified user from the same described area -- the same -- let's see, how did I write this down? Wait a minute here. What I want to knock out, if you're looking on Page 31, starting with the words "all drainages of Chichagof Island" down to the last part of that "North Cape of Whale Bay"; I just wanted to knock out that whole description.

17

18 MS. ROBINSON: I

19

20 MR. THOMAS: Mim.

21

22 MS. ROBINSON: The -- Marilyn had suggested to stop at the word "behalf," make your period there.

24

25 MS. LOWE: Yeah. I've got -- I've also got scratched if they are disabled by age or physical handicap"

27

28 MS. ROBINSON: Okay.

29

30 MS. LOWE: scratched out of there. And if there is a second, then I'll speak to the motion of what I want to do with that language (ph).

33

34 MS. ROBINSON: Second.

35

36 MS. LOWE: Just a second, I'll catch up with writing.

37

38 MS. ROBINSON: So you're adding "with C&T determination?"

40

41 MS. LOWE: Yes.

42

43 MS. ROBINSON: And crossing off "of the following portion of Unit 4?"

45

46 MS. LOWE: That's correct.

47

48 MR. THOMAS: In your amendment, you want to bring 9

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1007 WEST THIRD AVENUE
272-7515

back to this as well?

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2 MS. LOWE: I want it to be -- include 9, 10 and 15.

3

4 MR. THOMAS: Okay. So when we get through with 9, it
will no longer be deferred -- in a deferred status. So this
will bring it out of a deferred status.

7

8 MS. LOWE: Um-hum.

9

10 MR. THOMAS: Okay. Is that understood? Okay.

11

12 MS. LOWE: Okay.

13

14 MR. THOMAS: Mim.

15

16 MS. ROBINSON: What I'm wondering about is if there is
17 C&T determination.

18

19 MS. LOWE: I'm going to address that, too.

20

21 MS. ROBINSON: Are you?

22

23 MS. LOWE: Um-hum.

24

25 MS. ROBINSON: Good.

26

27 MS. LOWE: Go ahead, you can

28

29 MS. ROBINSON: Well, I'm just wondering what the effect
30 what effect that would have. I mean, I don't want to -- I
want this to be as broad as possible.

32

33 MR. THOMAS: I think you're starting off on a real good
deliberation mode here, because I think Ann has some
information that she's going to be willing to share. And I
think she's comfortable in addressing anything that we want
clarified.

38

39 MS. ROBINSON: Good.

40

41 MR. THOMAS: And if she isn't, we'll probably -- we
might need to help her with clarification. So I think we're
doing okay. So let's approach this with the caution only to be
sure that what we want is deliberate and that we understand. I
think we're doing that. I'm trying to stall them while you're
writing, Ann.

47

48 MS. LOWE: Okay. Thank you very much, Bill. Okay. We

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1007 WEST THIRD AVENUE
272-7515

had thought -- I had thought about this with C&T determination, as you mentioned, Mim, because basically, this Council is going to re- -- is going to face the C&T ourselves. I mean, we're going to come up with something ourselves, that it has not been addressed, it's been accepted. What they're working with now is what was developed during the State's -- Regional Council developed that sometime and with the Subsistence Division and others, and that's what -- the criteria they developed. But I think we have more understanding of what's need to be in that criteria than we did at that time, and so I think it's sort of outdated or outmoded or doesn't completely fit. And that we will, as a Council, address that.

12

13 The reason why I insert the words "C&T determination" there or "users" is what I was preferring to use is it further qualifies this regulation so that it meets the ANILCA standard that rural residents only would participate in a proxy hunt. That's what I'm trying to do. And I just figured that we will address the C&T, and we'll take care of determining that -- what that will be, and that would already be in this wording. We're still under a C&T, no matter whether we address it, yeah. I mean, they're still applying that. They will -- we will change it as we go along, hopefully. But when they're applying these regulations, they are still looking at this same C&T that they've got adopted. By law, they have to do it that way, until something changes.

26

27 So I wanted to make sure that we got it into this regulation this time to notify that or to put validity to that. And so that's why I said a "qualified subsistence user with C&T uses" that we specified specifically who we're talking about.

31

32 MR. THOMAS: Mim.

33

34 MS. ROBINSON: How does that -- I'm trying to picture how that is going to affect people prior to this Council coming up with C&T determinations.

37

38 MS. LOWE: Well, you know, I kind of thought about that, too, and I was informed by a Staff person that that's their problem to work out. That we need to tell them

41

42 MS. ROBINSON: But I don't want to hurt --

43

44 MS. LOWE: Right.

45

46 MS. ROBINSON: you know.

47

48 MS. LOWE: That we need to tell them what we want, and

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1007 WEST THIRD AVENUE
272-7515

they need to buy -- provide the biological and other data to support that when -- or not support it, one way or the other. That really, that we didn't have to prove ourselves here so much as give testimony to what we really need in order to practice subsistence uses.

5

6 MS. ROBINSON: I just want to make sure that what we're doing is accomplishing what we're trying to do and not doing more than that what we wanted to do.

9

10 MR. THOMAS: I's sure we'll take the time to revisit that as we go through this.

12

13 MS. ROBINSON: Okay.

14

15 MR. THOMAS: John.

16

17 MR. VALE: Can you read the amendment again? And do we need a motion to get that amendment on the table?

19

20 MR. THOMAS: The amendment

21

22 MS. LOWE: It's on the table.

23

24 MR. VALE: It's already seconded (ph).

25

26 MR. THOMAS: The amendment's been made and seconded. We're in a discussion mode.

28

29 MR. VALE: Okay.

30

31 MR. THOMAS: When we take action on the amendment.

32

33 MR. VALE: Okay.

34

35 MS. LOWE: The amendment reads: A qualified
36 subsistence user with C&T uses may designate another qualified
37 subsistence user, from the same described area, to take
38 wildlife on their behalf. And that -- that's where it ends.

39

40 MS. WILSON: Ann? Mr. Chairman. Could you just read
41 it to -- or write it down to read a "qualified C&T subsistence
42 user, a qualified customary and traditional subsistence user?"

43

44 MS. LOWE: I have to write the wording out, is that
45 what you mean?

46

47 MS. WILSON: Yeah.

48

49

50

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MS. LOWE: Yeah. I have to -- I'm just abbreviating
for

2

3 MR. ANDERSON: Would that -- now, what -- that would --
basically, you're saying all rural C&T users?

5

6 MS. LOWE: Is that going to be adequate? Does anybody
see a problem with that?

8

9 MS. ROBINSON: With what?

10

11 MR. ANDERSON: No. We're saying the rural's (ph)
designation, right?

13

14 MS. ROBINSON: Basically, yeah.

15

16 MR. THOMAS: Mim.

17

18 MS. ROBINSON: Yeah, Mr. Chair. I think what Marilyn
was saying, Ann, is just to put C&T between the words
subsistence and user. You don't need to add with C&T uses.

21

22 MR. THOMAS: I see some assistance available in the
audience requesting a five minute break to caucus and help us
with some of the language.

25

26 MS. LOWE: Okay.

27

28 MR. THOMAS: With that, I will declare a five minute
cess.

30

31 (Off record)

32

33 (On record)

34

35 MR. THOMAS: Hey, do you remember when we took that
cess, it was to take advantage of some of the ideas, and
thoughts and knowledge and guidance from members of the
audience, and we do appreciate that. And the language that
we're going to hear now is to reflect in the language that
shows in Proposal 9 and 10. And for not knowing any more than
that about it, I will turn it back over to Ann.

42

43 MS. LOWE: Mr. Chair. It probably gets irritating
listening to me chewing this gum.

45

46 MR. THOMAS: No, you're doing okay.

47

48 MS. LOWE: Mr. Chair. After having listened to the

49

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various comments that descended around me here, and weighing things, I think every person that contributed had a valid -- something valid to say about how this would work. And so trying to balance those out into a plan of approach or attack, however you want to call it, I'd like to share what I've got in my mind and offer the wording.

6

7 What I've got in my mind is a strategic approach to the Board, the Federal Board, having dealt with them before and understanding what they mean by a substantive change, I offer to the Council members that what we could do is take Proposal Number 9 and, in that proposal, substitute this wording. "A qualified subsistence user may designate another qualified subsistence user if the same area -- in the same area to take fish and wildlife on their behalf.

15

16 And that is a very inclusive change in this proposal. It would be including all subsistence users in Southeast Alaska. This would be attached to Proposal Number 9. The Board would come to this proposal first, they would look at this wording. If this was an accessible wording and they could work with this concept, they would adopt this wording in Proposal Number 9 and all of Southeast would be included. However, if this had a strategic problem with it and they could not adopt it as it is, they would reject this proposal or send it back for public comment -- since it'd be a big change, they would send it back out into the public; we would see it again at the Council next year, this new wording.

28

29 Then in Proposal Number 10, I also heard Council that we need to be area specific because the Board has gone on record, at least three times, for supporting proxy hunting type of a thing or whether one person goes out and gets for the whole village or whatever in a designated area; that is a site specific area or place. And that they are -- they have shown that they have a perchance or a willingness to work with that concept.

37

38 So Number 10 would then be the area that would be a distinct designated area. And in Number 10, we would take that proposal and scratch the words out of there -- what was it, Marilyn?

42

43 MS. WILSON: If they are disabled.

44

45 MS. LOWE: If they are disabled by age or handicap -- physical handicap, at the end of that behalf. We would have Proposal 10 then not having necessarily a substantive change, rather a specific area that's pointed out in the description;

49

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272-7515

which would be those all drainages, da, da, da. This would be the one area that would give them a chance to actually put this into practice in our next deer hunting season next winter; this would be the '94 hunting season. They would have an opportunity to see how this is actually going to work, what paperwork they would need to get in line to -- and when the Council, then, came back on-line to look at the whole issue -- we may have some more -- we may not want to do it, say, in the fall when we meet, but rather in the spring meeting when we've got more data collected from that type of a situation, and apply that to -- or it would help to apply it to the rest of Southeast that we want to apply it to.

12

13 And this is the strategy that I've been sitting here thinking in my mind, if we go for this wording change, we may lose the whole ball game this go around; it'll come back to us; if we may go ahead and take a bite out of something and start applying it. And so that is what is in the back of my mind as a strategy to go before the Federal Board with. I would expect Staff -- I did get some assurance of Staff is -- then would work out all the necessary biological data that would go with these recommendations that we're going to consider, which they have already done in 9 and 10, as a stand. But they would have to do a little more thinking about with these changes that we would offer.

25

26 And that's what I'm considering. And I know I put an amendment on the floor and it was seconded by Patricia, the wording was not clear. But in that amendment, I suggested that I wanted to cover Proposals 9, 10 and 15. And at this time, I do not want 15 included that. I looked at it again and it's a separate issue, it's a separate thing; it doesn't really apply to what we're trying to do with 9 and 10. And I want to separate out and handle 9 and handle 10 separately, 'cause I want to approach it with two different sets of wording. And I think it'll accom- -- I am hoping it'll accomplish the purpose we're trying to accomplish at the Federal Board level.

37

38 MR. THOMAS: From the Chairman's end, I appreciate the responsibility you took, Ann, in challenging that idea, and I'm sure everybody is, because it took some boldness to even consider it. I can't guarantee how kind we'll be to that, but we do respect that happening. I think with the thoroughness and the deliberate approach that members of the Council have, I think with that will give us a real good idea on something to at least something to have a position on, individually, and see how well we do from there.

47

48 With that, is there any questions, comments from

49

50

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anybody? John?

1

2 MS. LOWE: My comment is how do we make a motion

3

4 MR. VALE: Mr. Chairman.

5

6 MS. LOWE: from here?

7

8 MR. VALE: I have some comments, but I just want to
wait a little bit to see if there's any more comments with
regard to that language and stuff. And so, I guess I'll go
ahead, but I don't want to muddy the waters here too much. But
12-- you know, the Staff Analysis, the very last paragraph,
indicates that they felt that this should apply to deer only.
And so I guess the question I think we need to -- one question
we need to address here as the Council is what resources; is
this going to apply to all resources or just some resources.

17

18 MS. LOWE: I forgot to mention that, Mr. Chairman; I
thought I was being thorough and I wasn't.

20

21 MR. THOMAS: You're doing a good job.

22

23 MR. VALE: You know, we have many populations in bears,
and goats and all sorts of things, and moose. And I think we
need to understand what it is we're doing here and the
 ramifications. So I just throw that out for us to address.

27

28 MR. THOMAS: Why don't you offer something around that
and let them chew on that for a while?

30

31 MR. VALE: Well, okay. I think it's

32

33 MR. THOMAS: Go ahead and muddy the waters.

34

35 MR. VALE: Yeah. It's clear that customary and
additional use subsistence harvesting occurs on many different
resources, and that those resources are brought back to the
community and shared. As we -- has been mentioned over and
over again here, almost all communities have a small number of
harvesters or, you know, a lesser number of harvesters who
distribute resources out to the rest of the community. Well,
even that, you know, maybe it should include all resources.

43

44 And I don't know that much about Southeast here, but
when I look at the Yakutat area here

46

47 MR. THOMAS: This is the Southeast region, John.

48

49

50

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MR. VALE: Yeah. But just as an example, it's probably the same down here, but I guess I would have a reluctance to maybe include some resources; for example, like brown bears in there because of the type -- their pop- -- the nature of their populations and that it doesn't take very many animals to take the harvestable surplus. And I guess so there's -- it just gives me some -- a little bit of heartburn right now, and I kind of want to hear from other Council members on what their thoughts are.

9

10 MR. THOMAS: What's harvestable surplus?

11

12 MR. VALE: It's a difficult question, and --

13

14 MR. THOMAS: Who

15

16 MR. VALE: and it depends on the population and where it's at.

18

19 MR. THOMAS: Who does harvestable surplus attract, normally?

21

22 MR. VALE: Yeah. I guess I understand what you're saying there, subsistence comes first, you know. But that's what I want to hear from others, if that's how they feel.

25

26 MR. THOMAS: You know,

27

28 MS. LOWE: Mr. Chairman.

29

30 MR. THOMAS: I know it's difficult. And one of the reasons that we're dealing with subsistence at this point is because of the sensitivity that each one of us has demonstrated in our Letter of Intent and in our process of looking to be appointed to this. So I'm not criticizing anybody that is sensitive to other uses.

36

37 I just want to be sure that our efforts are into applying to and providing for subsistence use, period. I think what's happening here is we recognize that other uses have failed in their attempts of management. And so the people have targeted the Subsistence people. In this case, I think we need to look at subsistence with all respect to other users. I think we should really confine our efforts and language to reflect only that of the subsistence community.

45

46 John.

47

48 MR. VALE: Okay. I guess you helped me focus on part

49

50

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of the heartburn that I'm getting out of this, is I suspect -- when I look at, for example, mountain goats, you know, main mountain goat populations, you know, are populations of 60, 70 animals on one particular ridge. And with a five percent harvest allowed, you end up with a allowable harvest of, say, four animals -- or three or four animals on some populations. And so if you have transferrable harvest permits, then it would allow one or two harvesters to take all of the available resources; and that would not be available to other subsistence users. And I think the same is true, maybe, for bears in some areas; I don't know the population status for all of Southeast Alaska on all species. But -- so I don't know, that's just a part of what we think -- I think we need to consider here.

13

14 MR. THOMAS: Well, if we're going to do that, my thoughts are to continue to be inclusive as we can. Whether the species even exist in some areas, it doesn't hurt to leave it in there, but leave out availability, you know. If that's a distraction that's somebody trying to regulate it, then they got a problem, but, you know, if you're going to look around for something that's not there to regulate it. But I think for regulation purposes, it'll give the flexibility for use of the areas where those species are.

23

24 MS. LOWE: Mr. Chair, can I clarify what the heck I've got on the floor? I don't know what the motion is, I'm not sure where I'm at right this minute.

27

28 MR. THOMAS: What I would like to try to do at this time is since we made a move to defer 9, and all the time knowing that we were going to consider 9 and 10 for the sake of clarification and being specific. I would like us to stay with Number 10, because in our attempt to 9 from a deferred status, it became a little bit cumbersome, and so I think we should dispose of Proposal Number 10 first. And then, if it's agreeable with the Council, and we want to bring Number 9 from the status of being deferred, go back and do that before we beyond 10.

38

39 MS. LOWE: Is that acceptable with the second to withdrawal your second on that amendment at this point in time?

41

42 MS. ROBINSON: Um-hum.

43

44 MS. LOWE: Okay. Thank you.

45

46 MS. WILSON: Good.

47

48 MS. PHILLIPS: Yes.

49

50

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1 MS. LOWE: So Mr. Chair, we do have a motion to adopt
 2 Proposal Number 10 on the floor.

3
 4 MR. THOMAS: That's correct.

5
 6 MS. WILSON: As is?

7
 8 MR. THOMAS: Okay. Now, that 10 is here all by itself
 9 without an amendment at this time, right?

10
 11 MS. LOWE: Okay.

12
 13 MR. THOMAS: Okay.

14
 15 MS. LOWE: Now, I'd like to make an amendment

16
 17 MR. THOMAS: All right. Okay.

18
 19 MS. LOWE: that refers to Number 10.

20
 21 MR. THOMAS: Ann.

22
 23 MS. LOWE: Mr. Chair, I'd like to make an amendment to
 24 Proposal 10, and that amendment would strike the words "if they
 25 are disabled by age or physical handicap" and put a period
 26 after "behalf."

27
 28 MS. WILSON: I second it.

29
 30 MS. LOWE: It's been moved and seconded. Discussion.
 31 John.

32
 33 MR. VALE: Well, I guess my comment's not -- well, I
 34 guess it's specific to the amendment. On the language there, I
 35 guess we'd be keeping in the language that describes the
 36 portions of Unit 4 that this would apply to. The question is
 37 do we want to consider making it all of Unit 4 or just the
 38 specific areas listed here.

39
 40 MS. LOWE: My motion is -- to amend is specifically to
 41 the wording only, I wish to leave the description in there.
 42 This is the one I'm hoping will be a definite area. You know,
 43 explained the strategy I was thinking in my mind, and this is
 44 the one where I would want to leave a definite description in.
 45 I'm hoping we'll go back to 9 and put our real wishes
 46 together.

47 MR. VALE: Well, for the sake of discussion, I
 48 guess I would say that I don't think it would be too great of a
 49 divergence in the public process here if we made it all of

50

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Unit 4 as opposed to just these areas here.

1

2 MR. THOMAS: Is that an amendment?

3

4 MR. VALE: So moved.

5

6 MR. THOMAS: It's been moved and seconded to amend to
7 include

8

9 MS. LOWE: To amend the amend- --

10

11 MR. FELLER: Seconded.

12

13 MR. THOMAS: Amend the amendment to read Unit 4, all of
14 Unit 4.

15

16 MS. WILSON: How would you put that, all of Unit 4?

17

18 MR. THOMAS: All of Unit 4, yeah.

19

20 MS. LOWE: Who seconded that motion? John.

21

22 MR. THOMAS: John.

23

24 MR. FELLER: Yeah.

25

26 MR. THOMAS: John moved and John seconded.

27

28 MS. LOWE: Okay.

29

30 MR. KURTH: Could you clarify, Ann, is that all species
31 now or just deer? I'm sorry, I didn't hear.

32

33 MS. LOWE: I didn't change anything in my amendment
34 except if they are disabled by age or physical handicap. John
35 changed the description in his amendment. And I don't know
36 what's going to happen with the next amendment.

37

38 MR. THOMAS: Any discussion on the second amendment?

39

40 MR. VALE: Question.

41

42 MR. THOMAS: The question's been called. We'll do a
43 voice vote on the amendments. All those in favor say aye.

44

45 COUNCIL MEMBERS: (In unison) Aye.

46

47 MR. THOMAS: Opposed? The motion carries. Could you
48 help me out with the amend- -- the first amendment as it

49

50

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stands, Ann.

1

2 MS. LOWE: Okay. Just a second, Mr. Chair.

3

4 MR. THOMAS: I'll tell another story while you're

5

6 MS. LOWE: Okay. Mr. Chair, the amended amendment
would read: A qualified subsistence user of Unit 4 may
designate another qualified subsistence user from the same
described area to take wildlife on their behalf.

10

11 MR. THOMAS: Do you understand the amendment as it now
stands? Further discussion? John.

13

14 MR. FELLER: Does this include then Wrangell and Kake
of

16

17 MR. THOMAS: Just Game Unit 4 right now.

18

19 MR. FELLER: Just the proper (ph), huh?

20

21 MS. LOWE: Just Unit 4.

22

23 MR. FELLER: Okay.

24

25 MS. LOWE: And the reason why we're doing -- sticking
with Unit 4 is we don't want to get too substantive in the
change to kick it back out to the public process again. I want
to see something actually happen.

29

30 Mr. Chair, is it possible through discussion of the
Council here that we could, in our discussion here, build a
record indicating what we mean by the word "wildlife" that's in
this proposal?

34

35 MS. WILSON: Can we take care of that amendment, first,
striking -- did we vote on that? Striking the words

37

38 MR. THOMAS: No, we haven't voted on the amendment yet.
We voted on the second amendment but not the first one.

40

41 MS. LOWE: Yeah. The amended amendment is before us
now, and it may need

43

44 MS. WILSON: Yeah.

45

46 MS. LOWE:, further amending, depending on what
you think about the world wide -- the word wildlife is what's
at the table now (ph).

49

50

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1 MR. THOMAS: Are there more than one description to
Wildlife?
3
4 MS. LOWE: I heard some concerns about wildlife, would
that mean goat, bear, da, de, da, de, da, de, da.
6
7 MR. VALE: It means everything.
8
9 MR. THOMAS: Yeah. That

10
11 MR. VALE: There's a definition in ANILCA for wildlife,
and basically, I believe it says any member of the animal
kingdom, and I think it might even include plants and berries
and stuff like that, maybe. We found it (ph).
15
16 MR. ANDERSON: Mr. Chairman,

17
18 MR. THOMAS: Lonnie.
19
20 MR. ANDERSON: if I could interrupt. When you
talk about subsistence, I think that includes -- that's enough
said. Subsistence means everything

23
24 MR. THOMAS: I agree.
25
26 MR. ANDERSON: you use.
27
28 MR. THOMAS: I agree.
29
30 MR. ANDERSON: You don't have to get into specifics as
John has said. Wildlife, whether it's goats, whatever; even if
it's not in your area.
33
34 MR. THOMAS: I mean, if we're anticipating --

35
36 MR. ANDERSON: That's irrelevant to the motion.
37
38 MR. THOMAS: if we're anticipating qualifying
Wildlife, the next word we'll be anticipating is "take."
40
41 Patti.
42
43 MS. ROBINSON: Just to clarify wildlife

44
45 MR. THOMAS: Thank you.
46
47 MS. ROBINSON: means any hare, rabbit, Ptarmigan,
house, ungulate, bear, fur bearer or unclassified species, and
49
50

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includes any part, product, egg or offspring thereof, or carcass or part thereof.

2

3 MR. THOMAS: Thank you. That takes care of that.
We've got resources unlimited here. Any more discussion,
please?

6

7 MS. WILSON: Mr. Chair.

8

9 MR. THOMAS: Marilyn.

10

11 MS. WILSON: When we were talking about -- or I think
~~Ken~~ mentioned wildlife, would -- and also John was talking
about that wording "wildlife" in there. It seems -- well, if
we wanted to, we could keep this to maybe ungulates in this
proposal. But in our Proposal 9 which we want to send out this
strong message to the Federal Board, we could probably include
the wildlife. And then Lonnie says we need not even worry
about it. So I don't know what to think any more.

19

20 MR. THOMAS: I'm glad you said that.

21

22 MR. ANDERSON: As long as it's subsistence.

23

24 MR. THOMAS: If we're going to send a strong message
out, let's strong -- a strong message, let's not send a strong
message with a broken back, you know.

27

28 MS. LOWE: Mr. Chair, what -- is there any feeling from
the Council on inserting the word "fish and wildlife"; is there
discussion on that?

31

32 MR. THOMAS: Subsist- -- you know, subsistence, like
Bonnie says.

34

35 MS. LOWE: But we're dealing with a Board that has
certain limitations on their understanding of words, and
so

38

39 MR. THOMAS: But if they're going to define subsistence
and we use subsistence, you know, I think it would be the --
the burden would be theirs to tell us what isn't subsistence.

42

43 MS. LOWE: No one feels strong enough to add fish right
now?

45

46 MS. WILSON: Mr. Chair.

47

48 MR. THOMAS: Marilyn.

49

50

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272-7515

1 MS. WILSON: I think we should add fish to the other
2 one and leave this one as it is, and just send this one through
3 Hoping that the Federal Board will act on this one and it'll go
4 through.

5

6 MR. THOMAS: Okay. Commentary from the Chair. With
7 all respect to the provisions and the effort in putting that in
8 there, I -- you know, we've been reminded more than one time
9 that people are waiting for input from this Board. That's all
10 we're doing is offering input. And when we got appointed, the
11 process afforded an extensive background on each one of our
12 involvements, our knowledge, our resources in this region.

13

14 And I think we -- like I told some people earlier here,
15 we got a coat that we're having a hard time taking off. I
16 think we need to let that thing drop to the ground and see what
17 the weather feels like. And so I'm only postured right now to
18 support the language that's proposed for Proposal 9 to include
19 Number 10. That's just my part of the discussion, you guys can
20 continue on. I'm only one vote, and you can continue as you
21 are. Any more discussion?

22

23 MS. LOWE: Call for the question on the amended
24 amendment.

25

26 MR. THOMAS: The question called for.

27

28 MS. WILSON: What was the amended amendment?

29

30 MS. LOWE: Okay. The amended amendment is: A
31 qualified subsistence user of Unit 4 -- Game Unit 4 may
32 designate another qualified subsistence user from the same
33 described area to take wildlife on their behalf, period.

34

35 MR. THOMAS: I think we'll call the roll on this, if we
36 could. Yeah. This is on Proposal 10.

37

38 MS. LOWE: Proposal 10, an amendment, sir.

39

40 MS. WILSON: That's to strike the words "of the
41 following portion" -- I mean, the following portion and that's
42 all.

43

44 MS. ROBINSON: Right.

45

46 MR. VALE: Um-hum.

47

48 MS. LOWE: That's gone, yeah.

49

50

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1 MS. WILSON: Yeah.
2
3 MS. ROBINSON: Yeah.
4
5 MS. LOWE: That's gone. Okay. On more time, the
6 amended amendment will read: A qualified subsistence user of
7 Game Unit 4 may designate another qualified subsistence user
8 from the same described area to take wildlife on their behalf,
9 period.
10
11 Marilyn?
12
13 MS. WILSON: What?
14
15 MS. LOWE: Aye or nay?
16
17 MS. WILSON: Yeah.
18
19 MS. LOWE: I could put one (ph) down in here but I
20 don't know. Okay. Millie Stevens?
21
22 MS. STEVENS: Yes.
23
24 MS. LOWE: Ann Lowe? Yes. John Vale?
25
26 MR. VALE: Yes.
27
28 MS. LOWE: Bill Thomas?
29
30 MR. THOMAS: Yes.
31
32 MS. LOWE: Herman Kitka?
33
34 MR. KITKA: Yeah.
35
36 MS. LOWE: John Feller?
37
38 MR. FELLER: Yes.
39
40 MS. LOWE: Richard Dalton?
41
42 MR. DALTON: Yes.
43
44 MS. LOWE: Patricia Phillips?
45
46 MS. PHILLIPS: Yes.
47
48 MS. LOWE: Mim Robinson?
49
50

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1 MS. ROBINSON: Yes.
2
3 MS. LOWE: Lonnie Anderson?
4
5 MR. ANDERSON: Yes.
6
7 MS. LOWE: Mr. Chair, it passed unanimously, the
8 amended amendment.
9
10 MR. THOMAS: Okay. Now, before us is a motion as
11 amended. Any further discussion on the motion?
12
13 MS. ROBINSON: Call for the question.
14
15 MR. THOMAS: The question's been called for. Call the
16 roll, please.
17
18 MR. ANDERSON: Mr. Chairman, could we have the motion
19 read as
20
21 MS. WILSON: Yes.
22
23 MR. THOMAS: Okay.
24
25 MS. LOWE: Okay. Hold on a second folks, I'm kind of
26 falling behind here.
27
28 MR. THOMAS: Time for another joke or something.
29
30 MS. ROBINSON: Hey, Gina (ph), are we going to get
31 copies of those?
32
33 MS. MARTINEZ: You want copies?
34
35 MS. LOWE: Okay. The motion as amended -- the original
36 motion as amended: A qualified subsistence user of Unit 4 may
37 designate another qualified subsistence user from the same
38 described area to take wildlife on their behalf.
39
40 MR. THOMAS: But the motion was to adopt Proposal
41 Number 10.
42
43 MS. LOWE: Yes, sir, as amended.
44
45 MR. THOMAS: Yeah.
46
47 MS. LOWE: And that's how it reads now as amended.
48
49
50

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272-7515

1 MR. THOMAS: Are we ready for the vote?
2 MS. WILSON: Question.
3
4 MS. ROBINSON: Yes.
5
6 MS. PHILLIPS: Yes.
7
8 MS. ROBINSON: I called for the question.
9
10 MR. THOMAS: The question's been called, call the roll,
11 please.
12
13 MS. LOWE: Okay. Where did I leave off last time?
14 Mallie Stevens?
15
16 MS. STEVENS: Yes.
17
18 MS. LOWE: Ann Lowe? Yes. John Vale?
19
20 MR. VALE: Yes.
21
22 MS. LOWE: Bill Thomas?
23
24 MR. THOMAS: No.
25
26 MS. LOWE: Herman Kitka?
27
28 MR. KITKA: Yeah.
29
30 MS. LOWE: John Feller?
31
32 MR. FELLER: Yes.
33
34 MS. LOWE: Richard Dalton?
35
36 MR. DALTON: Yes.
37
38 MS. LOWE: Patricia Phillips?
39
40 MS. PHILLIPS: Yes.
41
42 MS. LOWE: Mim Robinson?
43
44 MS. ROBINSON: Yes.
45
46 MS. LOWE: Lonnie Anderson.
47
48 MR. ANDERSON: Yes.
49
50

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272-7515

1 MS. LOWE: Marilyn Wilson?

2

3 MS. WILSON: Yes.

4

5 MS. LOWE: Mr. Chair, the amended Proposal Number 10
6 passed 10-1-0.

7

8 MR. THOMAS: Okay. My understanding then it is our
9 wish to bring Proposal Number 9 from a deferred status back to
10 the Board for action.

11

12 MR. VALE: So moved.

13

14 MR. THOMAS: It's been moved that we adopt Proposal 9,
15 is there a second? Second by Millie. I'll take one battery
16 out so our Secretary can keep up here. So the motion now is to
17 adopt Proposal 9.

18

19 MR. VALE: Mr. Chairman, I'll offer an amendment.

20

21 MR. THOMAS: Okay.

22

23 MR. VALE: I move to amend

24

25 MR. THOMAS: How about writing your amendment out?

26

27 MR. VALE: I got it.

28

29 MR. THOMAS: Okay. And you will give it to Ann when
30 you get through?

31

32 MR. VALE: Uh-huh. It's pretty simple.

33

34 MR. THOMAS: Okay.

35

36 MR. VALE: Move to amend Proposal 9 to read: Qualified
37 subsistence user of Units 1 through 4 may designate another
38 qualified subsistence user from the same described area to take
39 wildlife on their behalf.

40

41 MR. THOMAS: You heard the amendment, is there a
42 second?

43

44 MS. ROBINSON: Second.

45

46 MR. THOMAS: It's been moved and seconded. Discussion?

47

48 MS. LOWE: Pass the wording down here, if you got it

49

50

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272-7515

written, John. I think it's the same

1

2 MR. VALE: It's the same as the past one only it's
Units 1 through 4 instead of Unit 4.

4

5 MR. ANDERSON: Let's see, how many units do we have in
Southeast?

7

8 MS. WILSON: Do we discuss this?

9

10 MR. THOMAS: Marilyn.

11

12 MS. WILSON: Yes. It seems like since we've passed
Proposal 10, I thought we were going to make Proposal 9 all
encompassing.

15

16 MR. VALE: Yeah.

17

18 MS. LOWE: That's what 1 through

19

20 MS. WILSON: So you're not doing that by making that
amendment.

22

23 MR. VALE: What am I leaving out

24

25 MS. ROBINSON: 5.

26

27 MS. WILSON: Is that all of the area, the whole area?

28

29 MS. LOWE: Units 1 through 4 are all of Southeast.

30

31 MS. WILSON: I see. You added 1.

32

33 MR. VALE: Yeah, 1 through 4.

34

35 MS. LOWE: Yeah.

36

37 MS. WILSON: I'm sorry.

38

39 MR. THOMAS: Any discussion on the motion -- on the
amendment.

41

42 MR. VALE: Mr. Chairman.

43

44 MR. THOMAS: John.

45

46 MR. VALE: Thought for the Council if a lack of
adequate public is a concern to the Council Members, then on
this particular proposal, then I think we have another avenue

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272-7515

available to us that we can consider. And that is there's the Federal Board's meeting of April 14th or something around there.

3

4 MR. KURTH: The week of the 11th.

5

6 MR. VALE: The week of the 11th. I believe there is time, if we so choose, if this proposal is important to enough to this Council to schedule another meeting in late March and send this proposal out for public comment, and then take it up once again before the Federal Board meeting. So I am just suggesting that as a possibility if this a major concern.

12

13 MR. THOMAS: How much time would it take between late March and April 11th to get public comment and then have that feedback to the Board, do you think? Kind of a tight window, huh?

17

18 MR. KURTH: Yes. I think there is the practical matter of trying to give the public comment, and then there's the legal requirements to distribute it throughout the state and to allow all the publics to have a reasonable time period. You know, we give a 60 day comment period on proposal review and comment. And I'm concerned about -- obviously, we want to make sure the public understood, but also, we don't want to not fulfill the legal requirements of public notice and comment. So I would suspect you might have a very difficult time with the time frame to send it out again.

28

29 MR. VALE: Okay.

30

31 MR. THOMAS: Yeah. That was a good point, John, but on the other hand, as this process matures and we start -- we reach a point of using hindsight. One of the things we're going to have to do is constantly remind ourselves that we are part of the process, and we have to be contributing and cooperative in this, see. And I think we're doing that. But I guess if anything needs for -- to have more public input, we'll probably have to look at another proposal period.

39

40 MS. LOWE: Mr. Chair.

41

42 MR. THOMAS: Ann.

43

44 MS. LOWE: John, when you made your motion and I was writing furiously here, did you say to take fish and wildlife on their behalf or did you just say wildlife?

47

48 MR. VALE: I just said wildlife.

49

50

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272-7515

1 MS. LOWE: Okay.
2
3 MS. WILSON: Mr. Chairman.
4
5 MR. THOMAS: Marilyn.
6
7 MS. WILSON: I'd like to make an amendment to the
8 amendment.
9
10 MR. THOMAS: Okay.
11
12 MS. WILSON: I move that we add "fish and wildlife";
13 add the word "fish."
14
15 MR. THOMAS: You heard the amendment to add the word
16 "fish," is there a second.
17
18 MR. DALTON: I second.
19
20 MR. THOMAS: Richard seconds. Discussion. John.
21
22 MR. VALE: I'd like to ask the Staff if that creates
23 any legal problems for the Board in terms of including fish in
24 there in their regulation structure.
25
26 MR. KURTH: I don't think that the notion of it does,
27 but I might just recall for the Council that our fisheries
28 regulations and our wildlife regulations now are in separate
29 rule-making documents. So this really is only the Board's
30 wildlife section of this regulation. We decided to split the
31 fisheries off so it would have a regulatory year that falls in
32 the calendar year rather than changing fishing seasons and
33 regulations July 1, that didn't make any sense. And so we're
34 going to have a separate cycle for fish and wildlife
35 regulations.
36
37 So while it's a valid notion, this probably isn't the
38 best rule-making to do it in, it would be in the fish
39 regulations.
40
41 MR. THOMAS: Thank you. More discussion?
42
43 MS. WILSON: Mr. Chairman.
44
45 MR. THOMAS: Marilyn.
46
47 MS. WILSON: I'd like to get it straight. You're
48 saying we really shouldn't put fish in this language at this
49
50

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272-7515

time?

1

2 MR. KURTH: Again, I'm very careful not to tell you
what you should do.

4

5 MR. THOMAS: No, no, no.

6

7 MR. KURTH: You can make any recommendation. But these
regulations are specific to taking wildlife, and we'll have a
separate rule-making process for regulations that regard the
taking of fish.

11

12 MR. DALTON: Mr. Chairman.

13

14 MR. THOMAS: Richard.

15

16 MR. DALTON: There is a regulatory basis for opening
dates on the fish and the closure by public notice from the
perspective point of view on a regulatory basis. And also, the
opening date of the wildlife by the same principle. So I don't
think there would be any word of conflict of two different
species. So when we say fish and wildlife, that's been the
language here as far as subsistence users is concerned, which
is customary, traditional uses.

24

25 MR. THOMAS: I don't think you are denying the fact
that fish are going to be considered. What I heard him say is
that the Board up there separated fish from the wildlife on the
beach. And that at another proposal period for consideration
there will be a proposal period to address fish by itself.
It's not that (indiscernible), just that right now to combine
the two of them he feels that might -- it might have a tendency
to be cumbersome at the Board level, so that's all he was
trying to say. There wasn't any suggestion of not allowing it.

34

35 Mim.

36

37 MS. ROBINSON: I'd be inclined to not want to confuse
this issue and keep it as simple as possible. And it sounds
like the fish could be taken up in another area, we could maybe
do the same kind of thing with the fish regulations and just
leave this one as with wildlife.

42

43 MR. THOMAS: Marilyn.

44

45 MS. WILSON: Mr. Chairman, I would like to take my
motion back if the second would withdraw. And Lonnie also
mentioned that maybe in our next proposal that we write up, we
should mention aquatic to include all the seafood that we eat,

49

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272-7515

the customary and traditional.

1

2 MR. THOMAS: Yeah, it's a maturing process. We got
3 nothing to be ashamed of. Does the second withdraw the second
4 for the third time?

5

6 MR. VALE: Richard, wasn't it?

7

8 MS. ROBINSON: It was you, Richard. Do you want -- she
9 wants to withdraw her amendment.

10

11 MR. DALTON: I know, I heard. I'm making a decision
12 (indiscernible - laughter).

13

14 MS. ROBINSON: The wheels are turning.

15

16 MR. THOMAS: A command decision.

17

18 MR. DALTON: Well, if we come back to the fish
19 regulation and we're going to do the same thing with what we
20 did here on Unit 9 and Unit 10, I don't have any argument with
21 it. If that's the case, I would withdraw.

22

23 MR. THOMAS: Okay. The amendment and the second have
24 been withdrawn. And that is the case, we're anticipating
25 having an opportunity to do the similar thing when it comes
26 time to do the fisheries part. More discussion? Do we still
27 have an amendment?

28

29 MS. LOWE: Yes, sir.

30

31 MR. THOMAS: John.

32

33 MR. VALE: I would just want to finalize what I have to
34 say by saying that I think this truly does represent a type of
35 hunting that is conducted by subsistence users, and that I
36 think it really goes a long way to establishing hunting
37 practices that are customary and traditional. And, you know, I
38 think that's pretty clear to all of us.

39

40 MR. THOMAS: Ann.

41

42 MS. LOWE: To add to the record, Mr. Chair, I would
43 like to proffer that as the Board looks at this and passes such
44 regulation, they'll need to promulgate a way to do it. And
45 for suggestions, I like to suggest that one of the ways that
46 they could keep track of this is to go ahead and use -- but
47 eventually, I'd like to get away from using that State license
48 you buy and have the Federals have their own kind of tag

49

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1007 WEST THIRD AVENUE
272-7515

process. But I know that monies aren't there right now to do that. But have individuals be responsible for getting their own tags, and that a hunter who hunts for another's needs have that person's tags in their possession, and they can maybe sign the back of that tag which would indicate that they had given it to that hunter.

6

7 And that when that animal has been harvested, that tag is then properly ripped and torn like it's supposed to be on the edges. And that the ends when hunting season is over, if there's any tags left over, those tags would be returned to the Department and they'll have a way then of knowing -- having a pretty -- fairly good idea of what the deer harvest was like for that year. They'll know the numbers of deer that are taken out of that unit, and that that might be one way of managing this particular harvest is through -- and then we don't have to have a lot of cumbersome paperwork, that's what I'm trying to get away from.

18

19 Something we've already got in the system is going and getting your deer tags; even if you're a child, you don't have to have a license, you go get your deer tag, and your parent can use that deer tag or whoever is the designated hunter but it has to be signed or validated in some way on the back. And those unused tags can be turned back in or you could have the used ones turned back in, I don't know. But do it some way that we do it as simple as possible.

27

28 MR. THOMAS: Are you hoping for a reaction from Staff
29

30

31 MS. LOWE: Sort of or Council Members or whatever.

32

33 MR. THOMAS: If you're comfortable in reacting to that?

34

35 MR. KURTH: Yes. And it does lead to a question that we've debated quite a bit when we've tried to figure out how to make this work. And it may seem silly to you, but it's one of those things we can't answer ourself. If we allow something like this where someone's harvesting for another's need, and we all accept that it's important to know how many animals are taken so we can make sure that there's enough, who is that would be the best person to report that taking; is it the person who did the shooting or is it the person who is receiving the wildlife, who is actually using it. And those are the type of judgments that are very difficult for us to make. We do know it's important that we know how many animals are harvested for proper management, but it's very hard to sit here in Anchorage and say well, how do we do this. And so if

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272-7515

you have suggestions on the most appropriate ways to make sure we get this information, that kind of information helps us greatly.

3

4 MR. THOMAS: I think what Ann offered is pretty practical and usable and doable. You got to remember we're talking about people that are provided. We're not doing any export, we're not doing any altering. The only altering we're doing is gutting and feathering and cooking, if we got heat here.

10

11 So we're considered as part of the baggage with other concerns of other users in a lot of areas. I appreciate and respect that. What I'm hoping to happen is that some degree of confidence be give to this particular group of users, given them the opportunity to show their stuff on what they're doing and reward them for that. And I think that would -- I think management of subsistence is pretty self-limiting, myself, it always has been. The resource never got into trouble until it expanded from subsistence anyway. So I think for a lack of anything better, I like Ann's suggestion.

21

22 MR. VALE: It raises a really good question in how is this manageable, what we're proposing here. And I guess, if I understand correctly, the deer harvest tags; as an example, deer, there's other resources also; are for the most part -- or are issued by the State. And I don't believe that what we're proposing here would be legal under State law. So it raises a question in my mind of how are the permits going to be transferable. And I guess,

30

31 MS. LOWE: I got the answer.

32

33 MR. VALE: at first look at it, it appears to me that the permits are going to have to come from a Federal agency as opposed to the State in order for it to work. But I don't know what

37

38 MR. DALTON: Mr. Chairman.

39

40 MR. THOMAS: Ann and then Richard.

41

42 MS. LOWE: I have that figured out, too, John; I mean, I tried to (ph). It makes no difference who -- if the State or the Feds or whoever gives -- is licensing. The fact of the matter is if the State is the one that's still doing its oversight with the protection, and the licensing and collecting the license, I expect that's going to change down the road; that's what I was saying.

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272-7515

1 But right now, when you go deer hunting, if you're over
 26, you buy yourself a deer license, you get your four or six
 bags, wherever you're at; they put the number of your license
 on the back of your tag, that little thing at the top. You go
 hunting, you don't never turn that tag into anybody; it never
 goes anywhere. Out in the field, you take and you rip the
 little month and you rip the little date, and you keep it in
 your pocket. And you go home, and if there's a protection
 officer, you flip it out and show him. And that's all -- as
 far as it ever goes. No one ever sees you otherwise. Very
 seldom has anybody ever been stopped by a protection, I bet.
 You take your deer tag home, at the end of the season, in the
 garbage. No one ever sees it. No one knows how many you ever
 even used or got or anything.

15

16 And what I'm saying is it makes -- it doesn't make a
 hill of beans who sold you the tags or who's responsible for
 giving them to you. What you can do with that, whether the
 State does it or Feds does it, is once the individual has a tag
 and he gives someone else proxy to hunt for him, he's on
 Federal lands, he's not on State lands. It has nothing to do
 with nothing. It's Federal lands that he's on, that he has
 this authority to have a proxy hunt. That's the only place
 where he has the authority, other than all the complicated regs
 that the State just passed that you have to go through.

26

27 So if he's on Federal lands, he has this other person's
 tag that signed it or made an X, if they're 2 or 1, you'll have
 to help them make an X or whatever. Whatever the way is that
 you want it to be shown that someone's given you their proxy.
 Then at the end of the season, the State doesn't want those
 tags back, the State doesn't care, they never look at nothing.
 And if they do in the field, they never take that tag away
 from you and say oh, okay, you've used this one. I mean they
 go to the garbage or whatever. Why couldn't we send it in to
 the Forest Service biologist and say here's what we had
 leftover, we didn't harvest these tags. That will give him a
 pretty good clue of what was harvested without being intrusive
 to anybody. The State's not going to miss anything, they never
 collect the tags anyway.

41

42 So I think it's real simple and real usable and not
 real expensive at this point in time. And then it may -- I've
 got to have the trouble with having to buy my license to hunt
 on Federal lands from the State right now, and I think we'll
 probably address that later on down the line. But right now,
 that's the way it's set up, and I think we can work around it.

48

49

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1007 WEST THIRD AVENUE
 272-7515

MR. THOMAS: Richard.

1

2 MR. DALTON: Yes. There's been some people given a
 citation when they had a tag and shot the deer and didn't put
 the tag on the deer. I have a retired license here from the
 State of Alaska which allows me not to buy any license.
 Anybody that's 65 years and over is privileged to have a
 license like this. And with license, I go to an agency and he
 gives me a deer tag, and I can use that deer tag. I am not
 required by law to return what I did not use in that deer tag,
 but I am required by law to return what deer tag I did use.
 And I tear that off and put it on, and then I send that back.
 And then by that, the Fish & Game has got some biological count
 of what was taken from what area I was hunting.

14

15 It would be the same thing true, I believe, if we gave
 16 or somebody -- even though that I am still able to go and
 get some deer meat and hunt for myself. But I know of some
 people who can't go and probably still have a license like
 this, and he goes after his deer tag, and he gives me that deer
 tag. And let's just say I shoot that deer, and I just put that
 tag right on that deer. And it'll be his responsibility or her
 responsibility to send that in to the Fish & Wildlife. It's
 just as simple as that.

24

25 MR. THOMAS: John.

26

27 MR. VALE: I'd like to ask the Staff if they've got any
 thoughts about the -- whether or not this type of harvest
 structure would meet legal muster.

30

31 MR. KURTH: That's a difficult question. I might point
 out a couple of things. One, when we're using State of Alaska
 permits, and I think we have to remember there are the deer
 tags like Ann mentioned, but with other species there's more
 restrictive registration permits. When the State of Alaska is
 issuing them, they do have some say over whether they're going
 to honor them or whether that's a legal use of the permit. And
 we would have to coordinate. I can't speak, and I don't think
 they could now, to that.

40

41 But I might add with species, say like, mountain goats
 where you need a State registration permit in most areas, if
 people would hunt mountain goats for somebody else, our
 experience is even if they did it legally under our
 regulations, there's a reluctance to report that to ADF&G when
 it's a violation of their regulations to hunt more than two.

47

48 And I don't -- I think it's just to point out there's

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1007 WEST THIRD AVENUE
 272-7515

things that have to be worked out here. It's not, you know, as easy as it seems. And to make it so it's not complicating is complicated.

3

4 MS. LOWE: It's not as complicated as it seems. It's you guys figure it out to be complicated.

6

7 MR. VALE: If I could get the floor back. I guess given that, I don't know that we can work through this particular portion of it right now. So if this proposal passes, and I suspect it will, I guess I would just expect that in all likelihood, when the Chair works with the Staff and the Federal Subsistence Board that there might have to be some sort of creative solution that comes about of this. And that, you know, I feel the Chair should have plenty of discretion to work with them and develop something that's workable here. So

16

17 MS. LOWE: There is only one charge I would like to make and that is make them keep it simple.

19

20 MR. THOMAS: Believe me, if it reaches a point that I can understand it, you guys are home free.

22

23 MR. DALTON: Mr. Chairman.

24

25 MR. THOMAS: Richard.

26

27 MR. DALTON: It appears to me in Yakutat area, we're looking at 1 and 4 units -- through 4 units. If they go out after the goat, we don't go out after goat because it's very limited to where we can go. In fact, I don't think in the area that's close by the Park Services there is no place where we can go after the goats in Southeast in Unit 4. So a problem arises when we approve of Unit 1 and 4. I don't know and I don't understand the problem of Yakutat any more than they understand the problem of Hoonah area.

36

37 So I'm kind of reluctant to say what problem they have in Yakutat as far as goat is concerned. But it appears to me like what you described that they have to have a registration to go after the goat. And some of those are big game hunters that goes after big horns, and they're happy when they get the big horns. So it seems to me like those people in Yakutat area are more for trophy hunters than subsistent users.

44

45 MR. THOMAS: I am not so sure we want to get into that. While we might disagree on that, it's not really addressing the subsistence part of this. That's a sport or a different use.

49

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1007 WEST THIRD AVENUE
272-7515

1 Patti.
2
3 MS. PHILLIPS: Mr. Chair. Richard, the motion reads
4 came Unit 1 through 4, which is not including the Yakutat area.
5 MR. DALTON: All of Unit 1 is

6
7 MS. ROBINSON: Yakutat is 5.
8
9 MS. PHILLIPS: Yakutat's Unit 5.
10
11 MR. DALTON: What is all of Unit 1 then?
12
13 UNIDENTIFIED VOICE: Region 1.
14
15 (Side conversations)
16
17 MR. THOMAS: The Chair appreciates the assistance
18 between Board Members, that's good. Do we have any further
19 discussion? Do you need some time to think, like a menu
20
21
22 MS. LOWE: Mr. Chair. Call for the question on the
23 amendment.
24
25 MR. THOMAS: The question's been called. Would you
26 please read the motion, Ann? Are we ready for the motion as
27 amended or just the amendment?
28
29 MS. LOWE: Just the amendment, sir.
30
31 MR. THOMAS: Thank you.
32
33 MS. LOWE: And I have written so much I can't find it
34 now. Wait a minute here. Okay, here it is. They have moved
35 amend Proposal 9 to read: A qualified subsistence user of
36 Units 1 through 4 may designate another qualified subsistence
37 user from the same area to take wildlife on their behalf.
38
39 MR. THOMAS: The question's been called. Do you think
40 we need a roll or do we need a voice vote?
41
42 MS. LOWE: I don't care.
43
44 MR. THOMAS: Voice.
45
46 MS. PHILLIPS: Yes.
47
48 MR. THOMAS: The ayes, all those in favor say aye.
49
50

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1007 WEST THIRD AVENUE
272-7515

1 COUNCIL MEMBERS: (In unison) Aye.
2
3 MR. THOMAS: Those opposed?
4
5 MS. LOWE: Amendment passed, sir, unanimously.
6
7 MR. THOMAS: The amendment passed. So now we have
8 before us Proposal Number 9 as amended.
9
10 MS. LOWE: Yes, sir.
11
12 MR. THOMAS: Any discussion on Proposal 9 as amended?
13 The motion's been made to adopt earlier.
14
15 MR. VALE: Call for the question.
16
17 MS. ROBINSON: Question.
18
19 MR. THOMAS: The question's been called for. Call the
20 roll, please.
21
22 MS. LOWE: Ann Lowe? Yes. John Vale?
23
24 MR. VALE: Yes.
25
26 MS. LOWE: Bill Thomas?
27
28 MR. THOMAS: Yes.
29
30 MS. LOWE: Herman Kitka?
31
32 MR. KITKA: Yes.
33
34 MS. LOWE: John Feller?
35
36 MR. FELLER: Yes.
37
38 MS. LOWE: Richard Dalton?
39
40 MR. DALTON: Yes.
41
42 MS. LOWE: Patricia Phillips?
43
44 MS. PHILLIPS: Yes.
45
46 MS. LOWE: Mim Robinson?
47
48 MS. ROBINSON: Yes.
49
50

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1 MS. LOWE: Lonnie -- whoops, there he is. Lonnie
Anderson?
3
4 MR. ANDERSON: Yes.
5
6 MS. LOWE: Marilyn Wilson?
7
8 MS. WILSON: Yes.
9
10 MS. LOWE: Millie Stevens?
11
12 MS. STEVENS: Yes.
13
14 MS. LOWE: Mr. Chairman, it passed unanimously, 11-0-0.
15
16 MR. THOMAS: I'll vote Bob Sanderson's proxy.
17
18 MS. ROBINSON: Where is she getting eleven?
19
20 MR. VALE: Mr. Chairman, I'd like to request that we
take up Proposal 15 now since -- because of its similarity.
22
23 MR. ANDERSON: No attention from the floor (ph).
24
25 MR. VALE: And I have a motion on Proposal 15, too, if
it's in order.
27
28 MS. WILSON: I second it. Was it a motion?
29
30 MR. ANDERSON: John, I don't know if he knew what he
was talking about.
32
33 MS. LOWE: We're not going to do the Staff report first
before we put motions on the floor?
35
36 MR. VALE: We've already heard it.
37
38 MR. THOMAS: Nothing of substance to change, huh?
39
40 MR. KURTH: Nothing to add, Mr. Chair.
41
42 MR. THOMAS: Same frustrations?
43
44 MS. LOWE: Yes.
45
46 MR. KURTH: I'm enjoying this. I think we're all
learning together.
48
49
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1 MR. THOMAS: Okay. So the information we've already
2 heard applies to Proposal 15.

3 MR. VALE: Move to adopt.

4
5 MR. THOMAS: It's been moved to adopt.

6
7 MR. FELLER: Second.

8
9 MR. THOMAS: It's moved and seconded. Discussion.

10
11 MR. VALE: Mr. Chairman, I'd like to

12
13 MR. THOMAS: John.

14
15 MR. VALE: amend the -- I'd like to amend the
16 proposal to read: All qualified rural residents of Unit 5 may
17 designate another qualified rural resident of Unit 5 to take
18 wildlife on their behalf. I would note that where I'm deleting
19 the "A", that we're talking about all of Unit 5 and not
20 Unit 5A. And we're also deleting "if they are disabled by age
21 or physical handicap."

22
23 MS. WILSON: Are you deleting A?

24
25 MR. VALE: The A portion. So it's all of

26 MR. THOMAS: The A portion.

27
28 MR. VALE: Unit 5 not just 5A.

29
30 MS. WILSON: Okay.

31
32 MR. THOMAS: And it'll read 5 in both cases.

33
34 MS. LOWE: Could you go over that change, please,
35 again, John?

36
37 MR. VALE: Okay. I'm just deleting the A after 5 and
38 they are disabled by age and physical handicap. So it would
39 read: A qualified rural resident of Unit 5 may designate
40 another qualified rural resident of Unit 5 to take wildlife on
41 their behalf.

42
43 MR. THOMAS: Is there a second to the amendment?

44
45 MR. KITKA: Second.

46
47 MR. THOMAS: It's been moved and seconded. Discussion.

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MR. VALE: I would note that our discussion is -- from the previous proposals is valid on this one as well. Call for the question on the amendment.

3

4 MR. THOMAS: The question on the amendment's been called for.

6

7 MS. LOWE: Mr. Chair, who seconded that?

8

9 MR. THOMAS: Herman.

10

11 MS. LOWE: Herman. Thank you.

12

13 MR. THOMAS: All those in favor say aye.

14

15 COUNCIL MEMBERS: (In unison) Aye.

16

17 MR. THOMAS: Opposed? The motion carries. We have before us Proposal 15 as amended, any discussion on that?

19

20 MS. ROBINSON: Question.

21

22 MR. THOMAS: The question's been called, call the roll, please.

24

25 MS. LOWE: John Vale?

26

27 MR. VALE: Yes.

28

29 MS. LOWE: Bill Thomas?

30

31 MR. THOMAS: Yes.

32

33 MS. LOWE: Herman Kitka?

34

35 MR. KITKA: Yeah.

36

37 MS. LOWE: John Feller?

38

39 MR. FELLER: Yes.

40

41 MS. LOWE: Richard Dalton?

42

43 MR. DALTON: Yes.

44

45 MS. LOWE: Patricia Phillips?

46

47 MS. PHILLIPS: Yes.

48

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1 MS. LOWE: Mim Robinson?
2 MS. ROBINSON: Yes.
3
4 MS. LOWE: Lonnie Anderson?
5
6 MR. ANDERSON: Yes.
7
8 MS. LOWE: Marilyn Wilson?
9
10 MS. WILSON: Yes.
11
12 MS. LOWE: Millie Stevens?
13
14 MS. STEVENS: Yes.
15
16 MS. LOWE: Ann Lowe? Yes. Mr. Chairman, it passed
17-0-0.
18
19 MR. THOMAS: Thank you. If you all promise to come
20 back in 10 minutes, I'll declare a break.
21
22 MS. LOWE: Promise.
23
24 (Off record)
25
26 (On record)
27
28 MR. THOMAS: Okay. It has been suggested to me that
29 the next three proposals in succession are identical enough to
30 consider to be the same, and does the Council recognize that as
31 such?
32
33 MS. PHILLIPS: So what are we on, 11?
34
35 MR. THOMAS: Ann.
36
37 MS. LOWE: Mr. Chairman, before we proceed further
38 today, there's been Council Members that approached me about
39 some wordsmithing that we need to correct. And so from your
40 advice, we passed an amendment that needs to be wordsmithed a
41 little different because it gives the impression -- and I'll
42 just give you an example. In Proposal Number 9, we passed that
43 amendment that read: A qualified subsistence user of Units 1
44 through 4 may designate, et cetera, et cetera. And it's been
45 pointed out to me that sometimes bureaucrats have a tendency to
46 be more literal in their reading of the thing rather than know
47 what your intent is. So that we want them to know our real
48 intent. We don't intend that a person has to be a designated
49
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subsistence user in 1, 2, 3 and 4, but out of one of these units; that we should change the sentence so that it reads: In Units 1 through 4, a qualified subsistence user may designate another. And that's a housekeeping measure. How would we go about doing that?

5

6 MR. THOMAS: Is it agreeable to the Council that we do that without any action?

8

9 MR. VALE: That was my intention of the motion that was made.

11

12 MR. THOMAS: Okay. We'll just consider that and

13

14 MS. LOWE: Okay. I'll clean it up.

15

16 MR. THOMAS: anticipate that. Yeah.

17

18 MS. LOWE: Okay.

19

20 MR. THOMAS: Yeah. Have you all had a chance to look at 11, 12 and 13 and consider them close enough to be addressed as identical?

23

24 MR. WILLIS: Mr. Chair, I could possibly help out a little bit by saying that what I would like to do in the interest of time and efficiency is to present the overview of the deer situation and the harvest situation in Unit 4 prior to getting into the three separate proposals, and then give a summary of each of the proposals in how they're alike and how they differ, perhaps that will be the best way to proceed.

31

32 MR. THOMAS: I think so, and I appreciate you for mentioning that. So perhaps, if you start with the proposal and of it and do that, yeah.

35

36 MR. WILLIS: Are we ready then?

37

38 MR. THOMAS: Proceed, please.

39

40 MS. WILSON: Okay. Proposals 11, 12 and 13 all deal with setting deer seasons and harvest limits in GMU 4. Proposal 11 was submitted by Leon Shaul and Bob Pegues; I'm sorry if I didn't pronounce that right.

44

45 MR. THOMAS: Pegues.

46

47 MR. WILLIS: Pegues.

48

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MR. THOMAS: Yeah.

1
2 MR. WILLIS: Number 12 was submitted by the U.S. Forest
Service and Number 13 by the Alaska Department of Fish & Game.
4 The current regulation, as you're probably aware divides
Unit 4 into three separate harvest areas. And Area 1 being
Admiralty Island, South Baranof Island and Western Chichagof
Island; Area 2 being Northeast Chichagof Island and Area 3
Being the Sitka Sound/Peril Strait area.

9
10 To give you an overview of the deer situation as we see
it in GMU 4, analysis of the harvest data, pellet count
surveys, beach surveys indicate that there are additional
available deer -- harvestable deer this year over what was
available last year. The 1992/'93 harvest data -- excuse me
just a second -- indicates that, first of all, there are
sufficient harvestable deer available in Harvest Area 1 to
continue the January 1 -- excuse me -- August 1/January 31
season with a six deer harvest limit for both subsistence and
non-subsistence hunters which is currently in effect. There
are sufficient harvestable deer available in Harvest Area 2 to
allow non-subsistence hunting beyond the current October 31
season end date. And deer populations in Harvest Area 3, which
had been reduced by weather and human harvest to a point where
harvest by non-subsistence hunters would have slowed or
reversed the recovery which began with the milder than average
winter of 1991/'92, have recovered sufficiently to allow
additional harvest beyond that which is expected to occur under
the current regulation.

29
30 The 1992/'93 harvest survey indicates that the harvest
in all three harvest areas was significantly lower than the
target harvest, which is set at 10% of the estimated available
deer based on habitat capability. The winter of 1992/'93 was
also milder than average, and the number of deer successfully
overwintering was expected to have been high. A healthy fawn
crop was also expected due to does surviving the winter in good
physical condition. Likewise, the spring and summer of 1993
provided near ideal conditions for survival of fawns.

39
40 So with a lower than target harvest in 1992/'93, good
overwinter survival conditions and the excellent fawn survival
conditions, the 1993 fall population is expected to have
increased in all three harvest areas. And the deer hunter
reports that we received as of mid-December when these words
were printed indicates that populations are, indeed, quite high
in most areas.

47
48 Our information from the subsistence users and the
49

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ADF&G Subsistence Division and the Forest Service indicates that, historically, subsistence hunters have taken deer from August through February, with some harvest taking place in April, May and June. Contemporary data indicate that most of the harvest is from August through December or January; although, a mild winter with light snowfall such as we're having this year, can cause the harvest to be pushed back into February.

8

9 ADF&G did some research in the small communities which indicates that a minority of the households and hunters harvest most of the deer taken in communities. Significant numbers of single hunter households will harvest more than one person's limit of deer, whether that limit is four or six. And we have discussed that at some length already. Since these persons are providing meat for numerous other individuals, it makes it difficult to determine the actual number of deer customarily harvested per subsistence user.

18

19 The three proposals differ in their recommendations to some degree, so I'll run through the differences and let you know what those are, if you like. Proposal Number 11 requests the Board to extend the non-subsistence deer season in the five wildlife analysis areas, which comprise the Tenakee Inlet area of the Northeast Chichagof Island, from August 1 until October 25, change that to August 1 to January 31. I believe there is a three deer limit in effect at this time in that area. This proposal requests a season length extension only for those five wildlife analysis areas that were mentioned, those comprising Tenakee Inlet.

30

31 Proposal Number 12, submitted by the Forest Service, would eliminate the three deer harvest areas that are currently being used, and would also eliminate the closure of Federal public lands to non-subsistence hunters in the Northeast Chichagof and the Sitka Sound and Peril Strait areas, and would establish an August 1 to January 31 season with a six deer harvest limit for all hunters in all of Unit 4.

38

39 Proposal Number 13 by Alaska Department of Fish & Game would also eliminate the three harvest areas used last year. It would eliminate the closure of Federal public lands in Northeast Chichagof and the Sitka Sound/Peril Strait areas to non-subsistence hunters. And it would establish an August 1 to December 31 season with a four deer harvest limit for all of Unit 4, except that portion of Chichagof Island east of Port Frederick and north of Tenakee Inlet which would have an August 1/December 31 season with a three deer harvest limit.

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Our conclusions on these three proposals were as follows. On Proposal Number 11, the proposal to increase the season length only on the five wildlife analysis areas surrounding the Tenakee Inlet area, while these wildlife analysis areas normally do receive less hunting pressure than some of the others in Harvest Area 2, limiting a season extension to only those five areas may actually concentrate hunters with a result in excessive harvest in a localized area and increased competition between subsistence and non-subsistence users. Therefore, we came to the conclusion that any extension of the season in Area 2 should be for the entire area, that is, all of Northeast Chichagof Island or a larger area, rather than just for those five wildlife analysis areas.

13

14 In looking at Proposal 12, which would have created a August 1 to January 31 season with a six deer limit for all hunters in all of GMU 4, first of all, we have to make an assumption. We have to assume that this mild winter we're having is going to continue for the rest of the year, and while it's headed that way, everything that I say has to be related to the possibility that we'll get a big dump and a hard freeze and lose a lot of deer to natural causes between now and then. 2 But assuming that the winter of '93/'94 is an average or milder than average winter, there should be sufficient harvestable deer available during the '94/'95 hunting season to 25 continue the August 1 to January 31 season with a six deer 26 limit for both subsistence and non-subsistence hunters in the 27 area currently designated as Harvest Area 1, which is Admiralty 28 Island, South Baranof and West Chichagof.

29

30 There should be sufficient harvestable deer available 31 in Harvest Area 2, which is the Northeast Chichagof area, to 32 also allow an August 1 to January 31 season with a six deer 33 harvest limit for both subsistence and non-subsistence hunters. 34 There should be sufficient deer -- harvestable deer available 35 in the Sitka Sound/Peril Strait area to increase the season and 36 bag limit but, perhaps, not to the extent of the other areas.

37

38 Now, using the harvest data with the deer harvest -- 39 that 4 deer harvest model that we have been working with for 40 the last year and a half indicates that the Northeast Chichagof 41 area could accommodate an increased season of August 1 to 42 January 31 with a six deer harvest limit. It indicates that 43 the Sitka Sound/Peril Strait area could accommodate an August 1 44 December 31 season with a four deer harvest limit for all 45 hunters without detriment to the deer population; or to 46 increase the season length and/or the harvest limit for 47 subsistence hunters only to some degree.

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There would be some increase in competition between subsistence and non-subsistence hunters in the Hoonah area, the degree of that increase is difficult to predict because of the changes in the ferry schedule which allow hunters from Juneau to access the road system in the Hoonah area. There may also be some competition -- or increased competition between subsistence and non-subsistence hunters in the Sitka area as well, but this is expected to be minimal due to the small percentage of the harvest which is taken by non-subsistence hunters in that area, approximately 10%.

10

11 The proposals that are up on -- going to the Board for proxy hunting we don't feel are going to have a significant impact on deer populations, with the possible exception of the Sitka area, because of the large number of hunters there and because of the large variations in harvest which occur in the Sitka area when conditions are favorable to go out and shoot a lot of deer. And as I said before, a severe winter with a high deer mortality could change these projections, but we won't know that for another month or so.

20

21 Proposal -- that fairly well summarizes Proposal 13 also, submitted by the State. Obviously, if we can accommodate six month and six deer harvest limit in Area 1, and a six and six harvest -- season harvest limit in Area 2, Northeast Chichagof, then we can also accommodate the State's recommendation of a five month and four deer season in those areas if either of these proposals could be accommodated.

28

29 The proposal to eliminate a month of the season and two deer on the bag limit on the Admiralty Island, South Baranof, West Chichagof area could possibly result in an overpopulation situation due to overbrowsing and subsequent degradation of habitat, and then the inevitable large die-off when we have a severe winter. However, since the hunters in that area are not currently harvesting as many deer as we feel are available for harvest under a August through January and six deer limit, we don't think that's going to be a factor.

38

39 Also, liberalizing the seasons would allow former Hoonah residents to come -- who no longer live in that area to come back and hunt with their relatives and friends in the Hoonah area. And likewise for Sitka Sound/Peril Strait, the people who formerly lived here and wish to come back and hunt would be allowed to do so, with the removal of the closure of Federal public lands to non-subsistence hunters.

46

47 I made a couple of charts for you to look at out on the wall here on my left. The star represents the target harvest

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that we have, and the two lines represent the maximum and the minimum harvest that we expect under these various seasons and bag limits. So you can look at the areas where the star falls between the lines and that tells us we're in good shape. If the lines extend well above the star, then that indicates that we may have an excessive harvest of deer under those season and bag limit restrictions.

7

8 The chart on the far -- on my far left, which has two tables on it or two charts, deals with the potential regulations -- thank you, Ted -- for subsistence and non-subsistence hunting. The one on the right here is if the Council decides to go with a subsistence hunt on- -- an expansion of the subsistence only hunt which is currently in place in the Sitka Sound/Peril Strait area. This would show something of the effects of various increases in the season and bag limit for the subsistence hunter only.

17

18 Two other things that I probably should mention -- well, one I've already mentioned is that winter is a factor that we can't really deal with at this point other than to hope that it continues to be mild.

22

23 The other factor is changes in habitat carrying capacity because of timber harvest operations. The model that we used to make these predictions is not set up to deal with changes in habitat due to the harvest operations that are ongoing. And I noted, in looking at the Forest Service's analysis of their proposal, they state that the actual habitat carrying capacity for these areas, that's Areas 2 and 3, is less than presented here due to logging activities. Since January 1992, approximately 6,448 acres of timber have been cut.

33

34 So what that means is, as you're probably aware, there are many deer as -- probably as there were in the late '80s in the areas where there are still habitat. In the areas where the habitat's been altered, then the carrying capacity has been reduced to some degree. And so that's something else to consider when you look at these figures, because the model can't compensate for that.

41

42 Questions.

43

44 MR. ANDERSON: Robert,

45

46 MR. THOMAS: Lonnie.

47

48 MR. ANDERSON: what you're saying is that if the

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area has been logged, there's no longer any deer.

1

2 MR. WILLIS: No, I didn't say that.

3

4 MR. ANDERSON: But guys that know

5

6 MR. WILLIS: The carrying capacity is reduced, you know. Without getting into a deer habitat management lecture here, you know, the areas that are logged do provide some habitat, some food source for a period of time, when the snows are off of it, you know, Obviously, when your timber's gone and you have the deep -- and you get a deep snow, then you -- the deer can no longer get to the forage that's still available. But no, the automatic -- you don't automatically lose all your deer when you log off an acre of habitat, but you do reduce the carrying capacity significantly.

16

17 MS. LOWE: Carrying capacity, maybe you better define that.

19

20 MR. ANDERSON: I've made my point so

21

22 MR. THOMAS: Ann.

23

24 MS. LOWE: Okay. Robert, this is a hard one. I guess what I need to ask is I see your -- this is a new style of showing deer populations and the effects and so forth that is sort of new to us; we're used to graphs and things that go like this, and bars and things like that. So bear with me if I don't quite understand it completely. But would you tell me where you got your estimate of numbers of deer in the first place?

32

33 MR. WILLIS: We had a meeting, it's been I guess almost two years ago now, initially, all the local biologists here, actually before I came. This started before I came to Alaska two years ago. And -- but we get together and we make our estimate of what the population is, based on knowledge of how many acres of deer habitat are out there and roughly what the carrying capacity of that habitat is, and we come up with a SWAG, Bill, on what the total deer population is. And we update that annually. Like last year, we had a meeting in February, at that time since we didn't have the Council meetings coming up early; was able to wait till February to come down here and meet with all the State and the Forest Service biologists and just have a brainstorming session about what the winter's been like, what the hunting season was like; and we think the herd had increased any over the past year when we had made this initial estimate. And we anticipated about a

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10% increase last year.

1

2 This year, we've done the same thing. We haven't had
the luxury of having a get-together, but we've been
communicating by telephone and watching the weather and the
harvest and so forth. And we anticipate there's probably been
about another 10% increase over last year.

7

8 MS. LOWE: Where does your preponderance of information
come from?

10

11 MR. WILLIS: Preponderance of information, well, let's
see.

13

14 MS. LOWE: Who's supplying it, I mean, when you get
together?

16

17 MR. WILLIS: The Forest Service and ADF&G supply most
of the data that I have to work with.

19

20 MS. LOWE: Okay.

21

22 MR. WILLIS: And, you know, I can call on some of them
if you have a more specific question.

24

25 MS. LOWE: Don't worry, I'm going to do that. There is
just one comment I'd like to make, Mr. Chair, that would really
help us since we're in a cooperative mood here with everyone,
that would help us as Council Members in the future. I'd like
to see some maps in these books of these laws and stuff. They
have a map of Game Unit 4, Game Unit 3 and stuff. But in the
Staff Analysis thing and so forth, I kind of lost track of
where the walls are divided around Tenakee and so forth. And
that would be real helpful for the rest of the Council who
might not be as familiar with this area, as well as myself, if
we had one here now or one in our books to look at.

36

37 MR. WILLIS: Duly noted, Ann knows

38

39 MR. THOMAS: Ken, do you got something like that?

40

41 MR. THOMPSON: Yeah, Mr. Chairman, we do intend to give
you some additional information which will include a map to
find the areas.

44

45 MS. LOWE: Great.

46

47 MR. THOMAS: Okay. Thank you.

48

49

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MS. LOWE: Is it going to be on the screen?

1

2

MR. THOMPSON: Yes.

3

4

MS. LOWE: Okay. The other thing that concerns me, I've looked at information about the deer for a long time back, I got all kinds of stuff here myself; studies and guesses and whatever. And the information that tends to bother me quite a bit is the deer modeling information. You're familiar with that, I assume?

10

11

MR. WILLIS: Yes.

12

13

MS. LOWE: Okay. Could you explain to the Council how that deer modeling is used and how it was formulated in the first place?

16

17

MR. WILLIS: I will probably call on Ted Schenck if you're going to go all the way back to when this model was formulated, because he was in on the initial development. The harvest model -- it is a harvest model, that is, it's based on winter success; how many hunters there, how successful they are additionally over the last five year periods, that's the basis for the model. And all it does is to predict for us, under various season and bag limit combinations, what we can expect in the way of a harvest. That's all the model really does. Did I answer your question?

27

28

MS. LOWE: Not exactly but you're getting close. The model -- I don't know if we're talking about the same thing. The model that I saw was developed by the Forest Service to predict a long-range harvest level and habitat capacity.

32

33

MR. WILLIS: That's a different model from the one I'm talking about, yes.

35

36

MS. LOWE: Okay. That's why I'm not connecting here. What one are you talking about?

38

39

MR. WILLIS: Well, the GMU 4 deer harvest model was developed by our office and the Forest Service and State biologists over the last couple of years, and we're still working on it and refining it all the time. But as I said, it simply looks at the past harvest data as accumulated by ADF&G.

44

45

MS. LOWE: Is that sports hunting data?

46

47

MR. WILLIS: Right.

48

49

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MS. LOWE: Um-hum.

1
2 MR. WILLIS: The number of hunters, how successful they
3- how many hunt- -- or deer each hunter killed and so forth.
4 We use that under various seasons and bag limits. And we use
5 that data to predict what will happen in a given year under
6 different seasons and bag limits. And that's what I've done up
7 here.

8
9 MS. LOWE: Is that

10
11 MR. WILLIS: It's just one tool that we use, and, you
12 know, it's not the end-all deer management technique by any
13 means, it's one tool that we use in making these assessments.

14
15 MS. LOWE: Is that deer harvest -- have you worked with
16 the subsistence -- State Subsistence Division, you guys, when
17 you've done this? I mean,

18
19 MR. WILLIS: Yes.

20
21 MS. LOWE: so you know what percentages actually
22 come from a subsistence user versus the sports harvest?

23
24 MR. WILLIS: Yes.

25
26 MS. LOWE: And that's reflected in this

27
28 MR. WILLIS: Yes.

29
30 MS. LOWE: diagram? Okay.

31
32 MR. THOMAS: Patti.

33
34 MS. PHILLIPS: On Proposal 12 and 13, what I'm
35 wondering is the difference in the bag limit and the length of
36 the season, is that

37
38 MR. WILLIS: Yes. That's

39
40 MS. PHILLIPS: That's the only difference, okay.

41
42 MR. WILLIS: Right.

43
44 MS. PHILLIPS: Thank you.

45
46 MR. THOMAS: Any further questions of Robert? Thank
47 you, Robert, we'll have you on standby. Thank you. Public.
48 Any public testimony around Proposal 11?

49
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1 MR. SHAUL: My name is Leon Shaul, I'm a resident of
Douglas.

3

4 MS. LOWE: Leon, spell your last name.

5

6 MR. SHAUL: S-H-A-U-L. And I'm a deer hunter, both
locally here and in Tenakee, and I'm also very interested in
the deer resource in general. Bob Pegues and I authored
Proposal 11. And it would -- basically, I think it's -- it was
misinterpreted a little bit or reworded. What it would do is
simply remove the Federal restriction so that the season would
be the same as the State season, it would end on December 31st
not January 31st as you heard. So it wasn't our intention to
extend it through January. The subsistence season in Tenakee
Inlet would remain the same at six deer and six months.

16

17 The basic reasons for the proposal are first of all
it's not -- we don't feel it's needed for conservation.
Secondly, it's had no identifiable benefit for subsistence
users. And I'll get into each one of these a little bit later.
Third, it's not supported by the local community. Fourth,
it's detrimental to use by ineligible hunters and the friends
they hunt with. Fifth, it's detrimental to -- it has been
detrimental to the economy of Tenakee Springs. And the sixth
issue is it doesn't address the primary issue, and that's
habitat loss in area.

27

28 As far as the first, I've handed out a map here, and it
shows the estimates for 1992 of the harvest within the Tenakee
Inlet area, estimates; and these are the mail out surveys for
the communities that didn't have household surveys, but for
some of these core subsistence communities, it includes actual
household interviews. Basically, as you can see, the harvests
in that area and also the effort follows the same trend, is
fairly low compared to most of the other areas in Unit 4. And
I guess just judging from that, we expect that because the
harvest is more intensive in the Sitka and Juneau areas, and we
will see that deer populations appear to be increasing in
those areas, it's doubtful that the harvest in Tenakee is
actually having a major limiting factor influence on the deer
population.

42

43 Secondly, the deer model was developed for land use.
The 10% figure and -- I believe that's inappropriate really for
managing hunting. It was basically -- the 10% figure was
basically what was figured to be needed to maintain the deer --
the current subsistence -- availability of deer to subsistence
users with habitat degradation. And let's see. And I think

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that if you look at some of these areas, Juneau and Sitka and some of the other areas, you'll see that the harvest routinely exceeds 10% in many of these individual areas.

3

4 Okay. As far as the subsistence harvest, the restriction was first implemented in 1992. And just to get some idea of what the effect might have been on the subsistence harvest by Tenakee residents, which is the primary community using the resource there, primary local community, in 1991 the household survey indicated the harvest was 63 deer and that was before the restriction, and in '92 the harvest was estimated at 64, which is really not a significant difference. And at that time, at the same time, the deer herd was also increasing substantially after the 1990/'91 winter.

14

15 Attached to the map I've given you is some minutes of a meeting that was held by Dale Kanen in Tenakee and has testimony from residents of the town. Also -- it indicates general support for maintaining the sport season through December. And if deer numbers are limiting -- limited, using bag limit or antler restrictions rather than curtailing the season.

22

23 It's also support for separating Tenakee from Hoonah in the regulations because of the different conditions that exist. In Tenakee, competition is not really the major issue there, because most of the hunting does not occur on the road system; it's mostly by boat and walking from town. There's a fairly large area, there's not the congested hunting situation that you get on the road system. And there's also a much smaller boat community using the area.

31

32 And I think the fifth point that was -- is generally made there is that habitat protection is the major issue of concern.

35

36 I just estimated the loss to ineligible hunters at about 100 to 300 deer with the current regulation, per year. It's also been detrimental to the economy of the town in the fall from lost revenue from people purchasing at the store, lodging, fuel and the sales tax. And these indirectly affect the residents of the community.

42

43 I think, in general, the primary issue here is -- in that area is habitat loss. And I think, basically, when this restriction was implemented; I've read the minutes of that meeting; and essentially, the testimony that led to that centered mainly on habitat loss in the Hoonah area to residents. And I think the Forest Service basically

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implemented this as a measure to address that and as well as the road competition situation.

2

3 However, hunting is not really a good remedy,
4 restricting hunting, for the basic problem of habitat loss.
5 Clear cutting deer habitat has a destabilizing influence, it
6 reduces the productivity and has long-term effects, over a
7 hundred years, 100 to 200 years. On the contrary, hunting is
8 more of a stabilizing influence, it does not reduce the overall
9 productivity of a herd and has a short-term effect. So
10 basically, implementing hunting restrictions to deal with a
11 habitat problem is sort of like, I think, putting a patient on
12 life support when they have, basically, a long-term terminal
13 illness and not treating the basic symptom.

14

15 And just when addressing the issues brought up in the
16 Federal testimony, I think the populations, the data indicates
17 the available data indicates that populations, deer
18 populations, are fairly localized. And that the available
19 tagging data I've been able to find indicates that deer tend to
20 be very faithful to their home range and do not move to a great
21 extent over large distances. And therefore, you know, I think
22 that this proposal would not really affect the Hoonah area
23 much.

24

25 Now, the issue was also brought up that competition
26 would be displaced to the Tenakee area, and I think that's
27 unlikely to be very substantial either. If you look at the
28 fact that a lot of the people who are restricted from hunting
29 the Hoonah area are friends and relatives who would hunt
30 over there, and the other class is a lot of people who hunt
31 with vehicles, who go on the ferry, and that's not possible in
32 Tenakee. I would suspect that actually more of those people
33 might go to Prince of Wales Island or somewhere like that if
34 they're -- so in summary, we're requesting that you consider
35 Tenakee Inlet separately, regardless of how you act on the
36 other proposals. And -- because of the habitat, the user/use
37 patterns, socioeconomic and the hunting effort in the area.
38 And that you left the November/December restriction on the
39 subsistence season.

40

41 Thank you.

42

43 MR. THOMAS: A couple of questions. Are you a
44 subsistence user/subsistence hunter?

45

46 MR. SHAUL: I follow pretty much that pattern. I live
47 Juneau, I have a job, but I do hunt for meat, and I feed my
48 family deer, I don't

49

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1 MR. THOMAS: Does any of your hunting associate in any
2(ph) entrepreneurship?

3

4 MR. SHAUL: No.

5

6 MR. THOMAS: Okay.

7

8 MR. SHAUL: No. The co-sponsor, Mr. Pegues, is one of
9the owners of the store in Tenakee but I have no interest
10beyond my own hunting.

11

12 MR. THOMAS: Thank you. Any questions for Mr. Shaul?

13An.

14

15 MS. LOWE: Just one question. I notice the thing that
16you turned in here, you turned in some kind of minutes or
17cōmments from the community, and their concerns, look like to
18me, dealt directly with habitat issues. And I don't know, does
19this have some kind of significance to you about the seasons?
20Cause they sure didn't mention much about their preference on
21season or anything else.

22

23 MR. SHAUL: I believe most of them, if you read through
24there, just about every one thought that the season should be
25left through December, but that bag limits and antler
26restrictions, if necessary, should be used. There's a copy
27right in front of you, you better (ph) read -- that's what
28.....

29

30 MS. LOWE: And when you said "we," were you talking
31about you and Bob? You weren't talking about more people
32involved in your

33

34 MR. SHAUL: Well, I should mention that last year,
35there were -- we submitted the same proposal and there were 24
36people that signed on as co-sponsors from Tenakee on the
37proposal last year. And those are basically just people that
38were available that Bob talked to within about an hour or so,
39we didn't have much time to meet a deadline to get it in.

40

41 MS. LOWE: Are you aware of the petition this year --
42from there this year?

43

44 MR. SHAUL: Which is that?

45

46 MS. LOWE: That there is a petition from Tenakee this
47year, are you aware of it or part of it or

48

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MR. SHAUL: No.

MS. LOWE: Okay.

MR. THOMAS: Further questions?

MR. DALTON: Yes, Mr. Chairman.

MR. THOMAS: Richard.

MR. DALTON: I don't know if you have too much competition with Hoonah people coming over to Tenakee area as far as subsistent hunters is concerned. But I think you do have a lot of competition who come into Tenakee and do a lot of hunting. And they have supplied those hunters by taking them out when they come either on ferry boat or by plane.

And the area that you are specifically talking about kind of interests me because I can go to Tenakee area and hunt for my subsistent use. And my reason would be is if I am in that area, but it's not likely that I come into Tenakee area to do any hunting. So it kind of bothers me to see the fact that we have been getting reports in our Hoonah area that a lot of Juneau people is doing an awful lot of hunting in Tenakee area. Is that true?

MR. SHAUL: I think it's -- yeah, as far as the proportion of the harvest that's taken by Juneau hunters, I believe the not -- the ineligible group, which would be primarily Juneau, is about probably at least 60% of the harvest. That's dropped dramatically with closing those last two months of the season, though. In the last two years there's been a lot less because the main hunting months, November and December, are gone.

MR. DALTON: According to what I'm reading here is they're saying that they want to break Hoonah into one division and Tenakee in a different division. I don't know how feasible that is going to work when it comes to habitat.

MR. SHAUL: I guess the only issues that I see is the deer are fairly localized. The road system really doesn't affect from Hoonah, it doesn't affect the Tenakee area that much. There is habitat loss going on in Tenakee which is a concern.

The other issue was the size of the community. There just isn't as much subsistence demand in Tenakee as there is in the areas accessible to Hoonah. So there's room for more non-

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subsistence hunting there. This is the issue.

1

2 MR. THOMAS: John Vale, you had your hand up.

3

4 MR. VALE: Yeah. I would just ask if you would speak a
5 little bit to the loss of habitat due to logging. Can you
6 describe that a little bit and how it's affecting area? And in
7 addition to that, do you feel the Forest Service is taking
8 adequate steps to protect the habitats for subsistence users in
9 the area there?

10

11 MR. SHAUL: Well, there's -- on the north side of the
12 inlet -- I guess the areas I've seen there, there's substantial
13 habitat loss, and it goes back, essentially -- you can see the
14 signs back to 80 years or so; dense, second growth stands that
15 were cut -- clearcut at that time to build some of the
16 canneries, interspersed with those, are some newer clearcuts.
17 And in that area, there's a fairly -- the habitat, if you
18 really look at it, is fairly marginal compared to what it must
19 have been at one time. The south side still has a lot of
20 habitat in those deeper drainages that was not accessed in
21 earlier logging. And now, they're going into those areas and
22 removing a lot of the old growth in those areas.

23

24 So it's been an issue certainly there. And there was
25 just a timber sale that's been -- I believe, been approved in
26 Southeast Chichagof, which it involves a lot more cutting in
27 those areas.

28

29 MR. VALE: I know you're not a forester, but as a
30 resident in the area there, do you feel that there's other
31 timber stands available to the timber industry that -- besides
32 these old growth drainages that are important?

33

34 MS. LOWE: Could I clarify one thing? Are you a
35 resident or are you not?

36

37 MR. SHAUL: No, I'm a resident of Douglas.

38

39 MS. LOWE: Okay.

40

41 MR. VALE: I'm sorry, I thought you were a resident of
42 Tanakee, but you can go ahead and answer the question anyway.

43

44 MR. SHAUL: Yeah. I think if you look at -- of course,
45 the timber that was cut 80 years ago or so is not really
46 anywhere near; it's not going to be ready to harvest for many,
47 many decades. You know, so there really isn't any second
48 growth available. My feeling is that they should be looking at

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trying to protect the local subsistence areas that are accessible from the water, look at protecting those; the ridges, the areas that deer need to migrate up and down. And at least in the short-term, confine the harvesting farther up in the valleys that are not accessible. I think that would be a short-term solution. I think over the long-term, we need to look at different ways of harvesting timber, selective cutting and that sort of thing.

8

9 MR. VALE: Okay. Thanks.

10

11 MR. DALTON: Mr. Chairman.

12

13 MR. THOMAS: Richard.

14

15 MR. DALTON: Last question. Is it true on the north side -- I mean, on the south side -- excuse me -- that from Corner Bay that there might be some road access by all the timbers that were hauled out, into Corner Bay?

19

20 MR. SHAUL: I believe there's some road connection or possibly one cross from Corner Bay over to the other side. I'm not real

23

24 MR. DALTON: I think there's more than one road that is in Tenakee, on the corner of bay side of it because there's quite a population there.

27

28 MR. SHAUL: Right.

29

30 MR. DALTON: And it appears that it does not answer the question, the fact that we don't know how much has been hauled out by plane, if they landed in Corner Bay. So it might be a little destructive on the deer habitat.

34

35 MR. SHAUL: You're talk- --

36

37 MR. DALTON: On the take of the deer as non-subsistent users. I'm not a sport hunter myself, I'm a subsistent hunter.

39

MR. SHAUL: Yeah. I think most of the access over here, some is by plane into Tenakee; people that live in Corner Bay, I believe, hunt out of there, pretty much in that area, off that road. But I don't believe there's a lot of other hunting by outside people coming into Corner Bay, most of that, I believe, is out of Tenakee, coming in on the ferry, either walking from town or taking small boats; bring in small, inflatable boats and moving out or hunting with friends who have boats, that sort of thing.

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MR. DALTON: Mr. Chairman.

1

MR. THOMAS: Richard.

2

3

MR. DALTON: The last remark and question is last year
or last fall, I drove into that extend (ph) road on -- that
goes by Superior Packing Company, it's on just a corner of that
place. And I parked over there with my grandson, and pretty
soon I see three hunters coming out of Tenakee site. So we
walked down the beach there, we saw some boat on that site.
And on that boat site there was five deer aboard that boat. So
I asked if those people if they were from Tenakee, and they
said no. So it appears that Juneau people are still giving the
problem of Tenakee's hunting area a bad time.

14

MR. SHAUL: And I guess all I can say is the feedback
I've gotten from the area is that several years ago there was a
lot of concern over the sheer numbers of deer that were being
hailed out on the ferry; piles of deer back when the limit was
50x deer. So -- and they requested a reduced bag limit through
the Board of Game, but have never requested that the season be
shortened. And I think that's, you know

22

MR. THOMAS: You don't even have to respond to that,
that was a surmise, and you're having to assume to respond, so
I'll let you off the hook on that one. Question?

26

MS. ROBINSON: Yes. I'm wondering if Proposal
Number 12 would meet the needs there in Tenakee.

29

MR. SHAUL: I think it

31

MS. ROBINSON: Are you familiar enough with that?

33

MR. SHAUL: I think it would, because it basically
encompasses the same thing. I think that it's just for the
larger area that it encompasses that same issue. But I think
the feeling was they didn't want to get into other people's
backyard, you know, on that. And this is -- those of us that
dealt with the proposal, it's just we felt that restricting it
to Tenakee where we felt there was support and that the deer
could sustain that.

42

MS. ROBINSON: But 12 would take care of the problem?

44

MR. SHAUL: Yes. It would encompass that.

46

MS. ROBINSON: Um-hum.

48

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MR. THOMAS: Further questions? Thank you. Any more public address on Proposal Number 11? Ernestine.

2

3 MS. HANLON: My name is Ernestine Hanlon. I'd like to thank the Board for considering what the Hoonah residents had to go through a couple years ago, and what we had to deal with was a lot of wanton waste on behalf of the sport hunters from Juneau. We have noticed a lot of baby deer left on the road after they got a bigger deer. We've seen a lot of deer with hindquarters out of -- just the hindquarters taken. And at one time, I went down to the ferry terminal to meet somebody and saw a deer just cut in half, not cleaned up, and hanging on the side of a car. And somebody else was showing off their deer in a little garbage bag.

14

15 I don't feel that opening up the hunting season to six months and six deer is going to be beneficial to our community. I'd like -- the logging has had a negative impact on our deer, and that really seriously needs to be taken into consideration. And it definitely increases the competition to open the deer hunting to Juneau people.

21

22 I'd like to say that for the hunters -- the two hunters that were picked up and said were -- they were from Juneau -- living in Juneau but they're from Hoonah, traditional Tlingit law would have allowed them to be there because it's theirs. We do not deny our family from food. So I'd like to say that I'd like to see subsistence considered first before sports hunting, and that we just can't afford to be more severely impacted with urban hunters. Thank you.

30

31 MR. THOMAS: Questions? Ann.

32

33 MS. LOWE: Ernestine, would you be opposed to six deer, six months subsistence hunting only for Hoonah?

35

36 MS. HANLON: Yeah, I'm opposed to that.

37

38 MS. LOWE: Is that too much for Hoonah residents, too long? I'm talking about subsistence hunters only in Hoonah.

40

41 MS. HANLON: We're just now beginning to see a li- -- ~~li~~ -- I live on deer. I have to have it every year. And last year, I did not see any deer in the freezer because of increased pressure from outside. So since the pressure has come off, I finally have some deer in my freezer.

46

47 MS. LOWE: Well, that's what I'm getting at. If we continued protection for Hoonah from outside hunters, would six

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deer or six months be too much for Hoonah people? I mean, do you feel like

2

3 MS. HANLON: I believe so, yes.

4

5 MS. LOWE: What would be a more -- what do you feel would be a more realistic number for subsistence hunters in Hoonah?

8

9 MS. HANLON: For subsistence hunters, I couldn't really say for sure, but I like -- well, the deer is beginning to show up, I think that we can approach it from three to six.

12

13 MS. LOWE: Three to six deer?

14

15 MS. HANLON: Um-hum.

16

17 MS. LOWE: For how long?

18

19 MR. THOMAS: If you're not comfortable with a length of time, just say that.

21

22 MS. HANLON: I couldn't say.

23

24 MR. THOMAS: Yeah, that's fine.

25

26 MS. HANLON: I couldn't say.

27

28 MS. LOWE: Now, I guess -- am I understanding, most of the testimony that you gave is you're talking about abuses by people who are not residents of Hoonah?

31

32 MS. HANLON: That's right.

33

34 MS. LOWE: Okay.

35

36 MR. THOMAS: Further questions? Thank you, Ernestine.

37

38 MS. HANLON: Um-hum.

39

40 MR. THOMAS: Al.

41

42 MR. MCKINLEY, SR.: Thank you very much, Mr. Chairman. My name is Al McKinley, Sr.. I'm the local president of the Alaska Native Brotherhood, Juneau Camp Number 2. And I was born and raised in Hoonah, and also my grandparents from Tenakee, Albert Howard and Ema Howard, and all my ancestors left Tenakee. So it's kind of difficult to say, when I hear someone's testimony saying they really want to have tradition

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when actually the people in Tenakee are actually Hoonah residents before; so it's kind of difficult to kind of have a division as far as management or managing the resources of our deer population.

4

5 But all in all, I'd like to say about our subsistence actually -- of course, if you want to quote ANILCA, actually managing of the deer population, actually they established the management of wild resources to go to -- for the people, that they established the rural communities so that should the deer resources actually deplete, then the rural priority would actually go into effect. And that was the purpose for ANILCA.

12

13 And -- but the problem I have, it's just like, you know, all of a sudden, you know, raised on deer -- in fact, I went to Mount Edgecumbe High School. When I went to high school in Mount Edgecumbe High School, I didn't know what a turkey was. And so I tasted my first turkey and different from the lifestyle that I grew up where we didn't have nothing but deer. My dad and I used to go out hunting to get some deer and mallards, seals, the whole kaput. I mean, to me, that was Thanksgiving; you know, that was traditional food. But I read about the Pilgrims and the turkey and all these things until I learned the first time I taste turkey was in Mount Edgecumbe High School. I mean, that's the truth. And -- but sometimes the teacher used to make them gobble-gobble and -- when they're in grade school and that's what it was.

27

28 And so as far as the deer population, the -- I had the experience, you know, I went hunting with my brother over there. And I grew up hunting before they invented automobiles, you know, over there, you know. In fact, I like to hunt. And my problem is that, you know, when you start getting arthritis in your legs just like everybody else, you're getting old; you know, you can't hunt no more. And I can have no problem walking up the hill, but going down when you're packing deer that's when it really hurts in your knee, you know. And as a result of that, it's, you know, difficult for anybody to do hunting. But I still hunt, I still do.

39

40 But when you talk about restriction of our deer population, I know that all my relatives come from Hoonah and Tenakee. And I know the previous testimony given by the person here stated that they really had a difficult time of actually getting deer because the Juneau area people start to deplete the resources. And to me, if I just got two, I was satisfied. And to have two deer from Hoonah was satisfied. In fact, I still have my deer tags, four deer tags or six deer tags, I never got a deer, because they close the population -- they

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closed the area to urban October 31st.

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2 And just for your information, our Native people that
3 have migrated to the city are getting sick, they're getting
4 arthritis and they're getting -- what do you call that when you
5 actually have fits or

6

7 MS. WILSON: Epilepsy?

8

9 MR. McKINLEY: Pardon?

10

11 MS. WILSON: Epilepsy.

12

13 MR. McKINLEY: Right. Epileptic. Sugar diabetes is
14 the other one that we're actually being hit by because all the
15 meat, meat that's been filled up with all kinds of penicillin,
16 it's not actually good for our people. As a result of that,
17 it's really difficult; you know, we are really being hurt. And
18 the urban people are really hurting -- our people that have
19 moved to the urban are actually being hurt because of that.
20 And I have reali- -- I notice, realize that the -- I can -- I'm
21 concerned about -- like I'm working eight hours a day, I have
22 a problem of actually getting the resources to eat.

23

24 But I still think that we should still have a piece of
25 the action as far as our people that have left the communities
26 in a city. You know, our people, a long time ago, said you're
27 going to college, get your degree. And we all got our degrees,
28 and we left our community. We left our community because of
29 economics, there was no jobs for us to -- in our communities.
30 And so therefore, we're here. But it's kind of difficult.
31 When I go back sometimes to my own people, they tell me why
32 don't you go back to where you come from. And some of the
33 people that are in Hoonah right now, you know, don't even know
34 who I am. So I said -- I say something else to them, you know.
35 I was born and raised over here in Hoonah and you don't know
36 who I am.

37

38 So I mean, these are some of the things that's taking
39 place as far as our people. And -- but I think as far as
40 subsistence for the people in Hoonah, I think it still (ph) be
41 status quo. And of course, the Federal management would
42 actually have -- should the resource start to deplete, well,
43 they would have the authorization to manage the resources
44 themselves. But surely, I don't think our people are going to
45 actually deplete the stock entirely. Our people trained us to
46 manage our own resource. And if you see, you know, one salmon
47 in the river or there are two left, you know, by God, you know,
48 you better not -- our people would tell us not to bother it. I

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mean, that's how we're trained; we're self-conservative individuals, you know, as far as how we were trained.

2

3 And -- but if you're going to divide Hoonah and
Tenakee, we're the same people, actually. I mean, that's -- my
grandfather is Andrew Jack from Tenakee. And Walter Solkaloff
(ph) is the only one I know that is over there, and he told me
that, you know, Al, I want to let you know I'm moving to Juneau
for a while. But you know, I'll tell you what, I didn't leave
Tenakee entirely, but I still anchored a boat in Tenakee. I
mean these are our philosophies that we have among our Tlingit
people.

12

13 But I don't know how I would approach the Councilmen,
but it seems like to me that the -- there should be some kind
of priority consideration for our people that have left the
communities. I'm also a Hoonah shareholder, but I sign up as a
gold belt; I'm a gold belt shareholder but down here is my
shares from Hoonah. And my ancestors also come from
(Indiscernible), Angoon, if you want to go back. So you can't
separate that. And my people, when we got pushed out of
Glacier Bay, my people went toward Excursion Inlet, main shore.
From home (ph) shore on the way all up, that's where all my
people are.

24

25 MR. THOMAS: Okay.

26

27 MR. McKINLEY, SR.: If there's any questions, I've been
involved in subsistence since 1978. And they killed the first
one, they killed the second one; so far, they haven't come up
with a third one. But now we have the Federal dual management
in the subsistence, so sometimes I get mixed up which one do I
do by. So if there's any questions.

33

34 MR. THOMAS: Just follow me, Al, you'll be all right.

35

36 MR. McKINLEY, SR.: All right.

37

38 MR. THOMAS: Ann.

39

40 MS. LOWE: Al, could you -- in short, you have
testified to the needs of Natives who used to be Hoonah
residents or village residents of any area

43

44 MR. McKINLEY, SR.: Right.

45

46 MS. LOWE: to return to harvest deer. Would, by
any chance -- the Council's wrestled over this proxy hunt,
would, by any chance, the proxy hunt be something that would be

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able to meet your needs as a Native consumer of the resource and a resident of Juneau who is not allowed to hunt in a rural area because of the fact that you live in an urban area?

3

4 MR. MCKINLEY, SR.: I didn't understand what you mean by proxy hunt.

6

7 MS. LOWE: That's where someone else can hunt for you.

8

9 MR. MCKINLEY, SR.: Yes. Well, that would actually be a problem, you know. And I -- well, with me, I like to go hunt myself, you know. But -- you know, but I would be right in line to get the resources so I can consume the resources. It'd be fine, yes.

14

15 MR. THOMAS: Ann, how would proxy be relevant to 11?

16

17 MS. LOWE: Well, what I'm sitting here thinking to myself if you had a member of your family or the extended hunter, the person that does the hunting designated, and he had an extended family and he was to get, say, deer tags for a five or six year old and use those tags to supply his extended family that might be in Juneau or might be in Ketchikan or somewhere else.

24

25 MR. THOMAS: I'm not convinced that that's applying to Proposal 11.

27

28 MS. LOWE: Well, what I'm -- I'm going to get to this.

29

30 MR. MCKINLEY, SR.: Okay.

31

32 MR. THOMAS: Well, let's start there.

33

34 MS. LOWE: Okay. What I'm getting at is I'm looking at the deer season in Hoonah and the length of time. And I've heard some testimony from certain Hoonah residents that for Hoonah itself, their needs there in Hoonah, they only might need from three to six in a certain length of time or whatever. And I was thinking to address this problem of relatives and extended family that don't live there, if maybe I would proffer to the Hoonah residents that, you know, someone like you might be taken into consideration that they might, indeed, want to go ahead and have a more liberal deer season so that they could take care of their extended family. If they don't use but three, they could send the three that they don't use to their extended family. That's what I was sort of thinking in my mind here, that's why I asked you if that would meet your needs.

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MR. MCKINLEY, SR.: It would meet my need but we have other -- like for example, like we have other customary things that we do, you know. For example, if I'm allowed say six -- say I got my six maximum deer, and then the problem I would have again is that we have what we call 40 day parties, you know, then we have our payoff (ph) parties. And in our custom, Inupiat custom is that, you know, like, for example, we're going to be having my mother's payoff party in November. Okay. If I got my six deer, well but our customary and traditional is to actually serve the food that she ate and liked while she was alive, that's our tradition.

11

12 So -- but when you actually say six and I already fulfilled mine, and then how are we going to go around and deviate from the six, and how am I going to actually get the other and shoot the other deer, and then I would be breaking the law. But it's kind of difficult where you say six, but it seems like to me there should be some provision also for our people to get the game so that we can actually carry out our tradition to get the deer. Like my mother really liked deer, so when we have payoff party this year in November, that's what we will serve; and we will serve deer, we'll also serve porcupine and seal; that's what she really like when she was a alive so that's what we're going to serve at her payoff party.

24

25 MS. LOWE: Can I ask another question?

26

27 MR. THOMAS: Sure.

28

29 MS. LOWE: And the payoff party, is it customary and traditional that your family provide all that or do you get help from other people to provide it?

32

33 MR. MCKINLEY, SR.: Well, it's who is designated. In some cases, you designate what they call harchani (ph) or something like that; you know, you designate a person to do that. For example, what happened in Glacier Bay to Greg Brown, he was designated by his uncle to shoot that seal. And then, in the meantime, he ran into a problem. So that's a problem that we have with our -- you know, in times, you know, we don't like to tell what we do, but now we're coming out with it and telling the people to start to learn about what we do, you know. Our people is that we worship -- almost, like, worship the land, for example; we worship all the animals. We don't say anything about any animals. We even talk to the killer whales, we even talk to the bear; the bear is our grandpa. And the killer whales -- like I'm a shark, I'm a Wooshkeetaan, and the killer whales are my brothers and my sister, and my sister's right over there, she's a killer whale.

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1 MS. LOWE: Do -- say this event that's coming up in
November, do you have someone to designate in Hoonah or a rural
area to fulfill the need?

4

5 MR. McKINLEY, SR.: No. We haven't. We just simply
set the date. My sister -- in this case, my sister is the one
that -- she's the boss; you know, she's the one who tells us
what to do. But she said the date right now, and we haven't
implemented who is going to be doing it.

10

11 MS. LOWE: Okay. The reason I was asking is just
trying to figure out how some of these needs can be met through
these regs that we're dealing, and that's why I asking.

14

15 MR. THOMAS: It was a good question. Good question.

16

17 MR. McKINLEY, SR.: Yeah. So that's the -- one of the
problems, you know, when you say a household, when you say six.
But we run into a problem when we have the --

20

21 MS. LOWE: Ceremonies.

22

23 MR. McKINLEY, SR.: like I'm here in Juneau, so
after October 31st, then I'm going to go out to hunt. But I
can only hunt, perhaps, on the private land, the Sea-Alaska
Corporation, some of the corporation's land over there, you
know. And -- but as a Government employee, I'm not going to --
I don't even want to go -- when they close it, I just adhere to
the spirit of the rules and regulations. So I don't want to
get in trouble and

31

32 MS. LOWE: Right.

33

34 MR. McKINLEY, SR.: have problems with the
Federal

36

37 MR. THOMAS: To try to answer your question on who does
the providing for these parties, it's members of his tribe that
provide that. So it could be anybody, it doesn't have to be
the immediate family but members of this tribe.

41

42 MS. LOWE: Okay. Thank you.

43

44 MR. McKINLEY, SR.: Yeah.

45

46 MR. THOMAS: Any other questions? John.

47

48 MR. VALE: In the past, though, when you were living in

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Hoonah and now, how much of a need is there to hunt deer in January?

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3 MR. MCKINLEY, SR.: Well, when I grew up in Hoonah, we
 4 got all our deer around -- before December. And in December,
 5 we wouldn't even bother. After December 31st, you know, we
 6 didn't even bother, unless everybody's changed over there. The
 7 way my dad -- my dad's name was Jim McKinley, and he's a Raven,
 8 'akdeintaan; that's my daddy over there, Richard Dalton. And
 9 we never hunt deer after the new year. We never shoot -- the
 10 deer population is -- they're already skinny, and the fat is
 11 gone, and the buck actually is really strong by then, you know,
 12 in January. And we never actually hunt deer, but we do
 13 actually -- if we run out, if our need is there, well then, we
 14 will go out and get a deer, you know, but it's that critical.

15

16 But like, say, I left Hoonah there back in the '50s,
 17 and -- early '50s, and if things has changed from the time I
 18 left and went in the military and went onto college, you know.

19

20 MR. DALTON: Mr. Chairman.

21

22 MR. THOMAS: Richard.

23

24 MR. DALTON: Just to enlighten hunting to 31st of
 25 January, I believe it was done several years back for Angoon
 26 people, to hunt after the closed season, the subsistent user.
 27 And likewise in Hoonah because of critical weather, nobody got
 28 any chance to do any hunting. That's why this January 31st was
 29 extended from the closure of December through January 31st, and
 30 that has happened this year, and this is the first time we had
 31 decent weather for the last five or six years. So in order to
 32 justify the take of the deer, it was extended to 31st. Prior
 33 to that time, I think the Hoonah people has always respected
 34 the closures of those areas.

35

36 MR. MCKINLEY, SR.: Right. It's one of those areas,
 37 you know, where, like for example, it's kind of difficult to --
 38 for me to say since I haven't been back there living there for
 39 a long time, and -- but I have my relatives over there. In
 40 fact, almost 100% of them are relatives over there in Hoonah
 41 and also in Tenakee, and relatives in Angoon. And that's the
 42 a lot of us have left over there, and, in fact, I know your
 43 Chairman there, his forefathers actually came Hoonah, also that
 44 have moved out.

45

46 But in my -- and when Glacier Bay -- actually pushed us
 47 out of Glacier Bay, my people went toward Excursion Inlet. And
 48 that's where I'm coming from. I was -- grew up in Excursion

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Inlet, and then my dad married my mother; my dad is from Hoonah. Then the Federal Government -- we were staying in Excursion Inlet when the Federal Government said well, we're going to take the kids away from you, they have to go to school, so that's how we ended up in Hoonah.

5

6 I mean, these are the kind of things that you actually
7- that happened in our history of our people. So

8

9 MR. THOMAS: Further questions? I'm going to put a
stop to the history lesson here. Carol.

11

12 MS. JORGENSEN: Just for the purposes of the record for
people that are not of the culture, I just want to expound that
we appreciate your testimony in the sense of it's -- I don't
think there's any of us sitting here as a Native person that
this isn't extremely emotional and difficult. And it's very
difficult because these things have always been kept within
ourselves, and we don't talk about them. And it's -- and now
we're finding that we have to share these things just for
purpose of the protection of the cultural process. And so, you
know, for managers -- land managers and that, this is difficult
for all of us, and I appreciate Al doing this because it's
emotional for all of us. It's very difficult.

24

25 MR. THOMAS: Thank you.

26

27 MR. KITKA: Mr. Chairman. I spoke on this issue,
Mr. McKinley needs, I know it's very valid. It ties into the
Tlingits customary, religion, the way that we live for
thousands of years. The customary food that's going to be
given at that religion doing that he can't have. I spoke on
that earlier, that they should be allowed to take for religious
purpose. It ties into our belief.

34

35 I mentioned that the Tlingit Indians believed in one
god that we pray to, the Holy Spirit. Western Man came among
us, they told us there was three. And yet, some ministers that
talked to said that our belief is very valid. The Holy
Spirit is part of religion, Christianity, today; it's all one,
that's the way they explained it to us. And those families
that use that food, the religion among us that they have to
serve a guest with that customary food. That's our religion.
How are we going to get around those things? How are we going
to feel denying what he's asking us? This is my question.

45

46 MR. THOMAS: I think we know that.

47

48 MR. MCKINLEY, SR.: Yes. It's a difficult -- you know,

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it's a difficult situation, you know, what ANILCA has implemented in due process of the law, you know. And like I say, I was involved with subsistence since 1978, you know, and it's a tough go. And we didn't actually want subsistence, period, because we know what is going to happen.

5

6 MR. THOMAS: Before

7

8 MR. McKINLEY, SR.: Because our people were actually -- were compared (ph) (indiscernible) to non-Natives, so we killed 10 in 1977, but in 1978, they pushed it through.

11

12 MR. THOMAS: I have to also appreciate your presentation. This is why I've mentioned, on several occasions during this session, that the term "subsistence" in the English language is a real poor representative of what we try to depict, and I use -- in a cross-cultural situation. I think your brief introduction to some of the uses and what subsistence is is one of the better ways I've heard of explaining subsistence in a more entire scope, and I thank you for that.

21

22 MR. McKINLEY, SR.: Right. Well, if there aren't any questions, then I thank you very much for given the opportunity 24 to testify before the Council. And this is the first time I know that this was in existence, but I know you guys are doing 26 very good job. And I know that you will carry out the wishes 27 of the people.

28

29 MR. THOMAS: Thank you.

30

31 MR. McKINLEY, SR.: Thank you very much.

32

33 MR. THOMAS: Thank you. I saw another hand. Please.

34

35 MR. MEHRKENS: My name is Joe Mehrkens, that's M-E-H-R-K-E-N-S; I'm a resident of Juneau, and I've just been interested in this issue for -- since about 1980. I want to compliment Chairman Thomas on spending as much time as he has 38 running the meeting and also having the flexibility yesterday to adjust the schedule.

41

42 My background is I've worked with the Forest Service, Wilderness Society, been a commercial fisherman, timber business in terms of family business. I've been on all sides 45 the issue of habitat. And my concern today is that I'd like 46 I see a focus on allocation issues without really going to the root cause of why we may have problems allocating between 48 users, and that's habitat loss.

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1 What it basically boils down to is I'd like to talk to,
 perhaps, or make some suggestion to the Council on their
 advocacy role in promoting subsistence. And I'd like to do
 that in two ways. One is to probably try to state a statement
 of concern or a problem I see, and then also, to suggest ways
 that, perhaps, the Council could act to remedy that.

7

8 In terms of habitat, there isn't anything that is --
 that all sides of the issue point to habitat, let me put it
 that way, that there is consistent interest between commercial
 users, sport users, subsistence users and that, and that's
 preserving the factory or preserving the ability of the land to
 produce the resources. In other words, it's a lot easier to
 try to allocate uses between a thousand deer than a hundred
 deer or ten deer. And if we continue to lose habitat like we
 have, and I believe we have, your role, if you look at the
 habitat issue, is going to become much more difficult as time
 goes through.

19

20 Well, what can be done about that? I think that there
 is an interest that this body should be taking in things like
 the Tongass Land Management Plan or any other management plan
 that an agency comes out with that would have an effect on
 habitat. As a forest planner, that's a part of my background.
 25 should say right now, I'm a resource consultant, which is a
 politically correct way of saying I'm self-unemployed,
 according to my wife. But one of my roles has been in forest
 planning. And until subsistence gets an equal status to the
 timber management role and how they deal with the planning of
 timber, subsistence is always going to be a secondary
 consideration; it's just how it's going to work.

32

33 Now, what do I mean by that? In the planning process,
 we allocate land area such that there is a non-declining, even
 flow of timber that's available for harvest to sustain an
 industry. We need the equivalent of that for subsistence. We
 need to allocate habitat areas in a way that we can maintain a
 non-declining, even flow of subsistence alternatives and
 opportunities. If not, I'm afraid that subsistence is always
 going to be on the short end of the stick.

41

42 Secondly, I think this group could take a very active
 role in actually reviewing individual timber sales. It's -- I
 believe it's something that might be authorized under ANILCA,
 45's certainly appropriate. In other words, you -- if you
 were, let's take the example of opening up another whole area
 where we have the problems of additional road system and access
 and increased inefficiency on take on marten or, let's say, an

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indigenous species, deer and so forth. I think this body should appropriately request that the agencies give you some upfront guarantees as to how they're going to deal with the added in pressures or the unintended effects of an open up -- or an open road system. That probably won't happen unless some outside group, like yourself, raises the issues and demand that be the case.

7

8 Thirdly, at one time when I was director of the
9 Southeast Alaska Natural Resources Center, which was an
10 environmental group, we had worked with the Southeast Native
11 Subsistence Commission in looking at a study that would
12 identify the current uses of subsistence. And then also
13 attached to those uses, the habitat necessary to maintain that,
14 both in the current sense that we have enough opportunities,
15 thus, I think we have to look into the future and say the
16 demand for subsistence resources is probably to grow, if the
17 villages and the population in those areas grows. So it isn't
18 a static thing, we've got to plan for literally more.

19

20 That study was never taken up. I'm not suggesting that
21 you follow that necessarily, but you could support something
22 similar to that. It would be information that would be kept by
23 an outside group, either the Commission or, perhaps, yourself.
24 And I think it would lend towards the whole idea of, perhaps,
25 management, because you would be keepers of the information.
26 And you would have the ability then to say to the Forest
27 Service or other land management agencies these are the areas
28 that are important to us, these are the habitat areas that we
29 need protected. Take this information and run with it.

30

31 I also would urge you to get into another area that I
32 found that seems to be lacking in, at least, the last couple of
33 days' discussion. But there are people within Southeast Alaska
34 that seem to have a notion that we ought to make this into some
35 kind of a zoo for exotic animals, whether it be elk, marten or
36 whatever. And I think that we don't understand what that
37 means.

38

39 There's some indications that the introduction of these
40 other species will adversely affect the take and opportunities
41 for subsistence and sport hunters on the native species. If
42 that is, indeed, the case and the information comes out as
43 such, perhaps, you can hold forums in which you can get experts
44 to debate the issue about the merits of this particular type
45 efforts. You could also monitor the legislation that's
46 going through the State Legislature that advocates this and,
47 certainly, take a position. I think you're weighed with the --
48 appreciated in terms of weighing in on the issue, and I think

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they'd have to listen up.

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2 Third -- the third area which I think is critical, it
 always seems to be missed by a lot of the advisory groups, and
 that's getting involved in the budget process; the
 appropriation process for state and federal agencies. We can
 no longer afford, for example, to say we're going to open up an
 area and if we have -- and if it facilitates abuses such as
 overtaking or other things, that that's the State's problem to
 manage; particularly, if we don't, in turn, give them enough
 resources and money to mitigate those measures.

11

12 Likewise, we're going to be in a case, at both the
 Federal and State levels, with budget cutbacks. And it's going
 to -- the squeaky wheel gets the grease in those cases. And I
 think it would be in your best interest to get involved with
 that; to Number 1, make sure that your budget is adequate, that
 you can take on these added responsibilities; and secondly, to
 ensure that the Federal and State agency people have enough to
 work with.

20

21 MR. THOMAS: Let me interrupt you for a minute. Are
 you coming in general here or are you speaking to Proposal 11
 -- I guess you lost me there someplace.

24

25 MR. MEHRKENS: My -- I guess I have used 11 to work
 into this speech. I wanted to talk yesterday on other -- when
 you opened it up on general issues and -- during the hour, but
 being from Juneau and not wanting to steal from other people's
 time, I decided I could probably talk to this -- what brought
 this all to head here is the fact that Alternative 11 there is
 a comment about habitat loss, that we have to deal with all
 these things, but that because of the habitat loss it seems to
 be minor.

34

35 MR. THOMAS: No, you're fine. I was just trying to
 make sure -- make sure I followed you.

37

38 MR. MEHRKENS: No, I understand, that's a fair
 question. It's a very fair question. That comment within the
 proposal struck me as accepting habitat loss as inevitable and
 something outside the realm of this committee. And I would
 urge you to take a different tact than that, if, indeed, that
 is the case. I think you can make a difference when it comes
 to habitat issues, and things like land management planning and
 forth.

46

47 But getting back to the budget level, I have personally
 been successful in working with Congress in not only advocating

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money for certain programs, but when there isn't enough money, to go back there and say well, let's take from this pot and put it into another pot. And believe me, on this forest, at least in the Tongass National Forest, there is surplus funds everywhere to do that.

5

6 I would also suggest that there are people back in Congress that are very interested in your input in terms of doing just that, identifying your needs, saying what you need to defend your area, whether it be subsistence or the fish and wildlife program or whatever it's going to be.

11

12 So those are my three concerns, and I appreciate your time and effort and ability. And thank you for giving me the opportunity to speak.

15

16 MR. THOMAS: Okay. Before I -- I'm going to take the first shot this time; only the first shot at speaking is what I mean. For one thing, I'm flattered at your assessment of our energy here in being able to tackle the variety of areas that you listed. And I agree, they're all very critical and do need some help. And another thing that's encouraging is that one of the things that is a positive is that, perhaps, this group has profiled itself since the early stage to give people the confidence that, perhaps, they would get the attention for consideration in some of the areas that you mentioned.

26

27 What I must offer as a reminder, however, is that subsistence has been regarded as an alien part of lifestyle in Alaska. And so it's going to take some concentrated effort on bringing it up from that. You mentioned it was secondary. Secondary is real flattering for subsistence, if it made it that high. So while I appreciate and respect everything that you offered, I appreciate the thought that went into your presentation, your personal convictions and all this, in reference to habitat, subsistence in its own sense is the greatest protector of habitat. And so we're trying to keep that charge in the forefront of everybody's focus; hopefully, we'll be successful and we appreciate your confidence.

39

40 Questions from the Council? Ann.

41

42 MS. LOWE: Where is it?

43

44 MR. MEHRKENS: I'm sorry?

45

46 MS. LOWE: All those funds, I want you to start listing them right now, I'm going to write them down.

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MR. MEHRKENS: That would take another two days, and I don't think we want to do that, but

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MS. LOWE: As you can tell, I'm very dissatisfied with staff's knowledge of things, and they need monies to do projects and studies. So where is it?

6

MR. MEHRKENS: Monies are there, and it's substantial monies. I think it would be a mistake for me to delve into some of the details. I'd be more than willing to help or work with you all in trying to do something.

11

MS. LOWE: Wonderful. I like that, Mr. Chair.

13

MR. MEHRKENS: I would also like to say, too, is that I'm an ex-Federal bureaucrat, and I'm a little sensitive every now and then, even though I beat up the agency myself. They're out there trying to do a decent job, and when you've got two or three people going statewide, they need the resources. I mean, they want to do a good job.

20

MR. THOMAS: Herman.

22

MR. KITKA: You're saying you're willing to work with the subsistent group?

25

MR. MEHRKENS: Yes.

27

MR. KITKA: I got involved with the Forest Service over Deep Bay, Lasek (ph) Bay, Hoonah Sound logging sale. And at that time, when I testified at Sitka for that area, I said they left 40 acres and the next 40 acres is clearcut, and the clearcut is not large enough to support shelter for our subsistent game. And the Forest Service, at that time, says the forest is already up enough to protect, we're going to go right ahead with the sale. But the funny part of it is that ADP (ph) closed up and that saved our area from being depleted of game.

38

And at that doing, there was people from Hoonah on their concerns on their logging operation. They also wanted to protect some of the areas -- habitat areas, their habitat, and they were being ignored is what they told me.

43

MR. MEHRKENS: May I comment?

45

MR. THOMAS: Sure.

47

MR. MEHRKENS: First off, I wouldn't be entirely

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comfortable with the fact that just because APC (ph) shut down that that area is still not at risk. And the problem there being, again, is that as long as subsistence doesn't have just as strong or equal a role in the land allocation process, not just the allocation of wildlife to different users, as timber, when those areas sooner or later will be -- probably have to be taken, according to the Forest Service. Now, I don't believe that that's the right way to do things.

8

9 MR. KITKA: Well, when the other -- clearcut areas, if the trees is big enough to shelter those deer, I'll go along with that. But while they're small

12

13 MR. MEHRKENS: I agree, and that's

14

15 MR. KITKA: is what I'm talking about.

16

17 MR. MEHRKENS: Yes. And from what the science -- scientists tell me that could be as much a 150 to 200 years, so effectively, that's generations away. That's why the -- getting some kind of a protected or a status or a management or anything guaranteeing those opportunities now on the ground is what we've got to do. We can't just rely on the fact that the forest may grow back some day to help us out.

24

25 MR. THOMAS: Further questions? Richard. Questions.

26

27 MR. DALTON: Yes. Some of these statements and what I'm hearing, I guess this is something that I actually wanted to hear from the Forest Service Department so that we would have something to work with on a ground rule. And this is the first time I heard a statement that I could honestly feel a little comfortable with. And the fact is, Forest Service, from what I heard when I was back in Washington, D.C. trying to find out what it's doing to our area by clearcutting, I had learned that this -- between 1920 and 1924, the Forest Service had allocated clearcutting. And they go beyond clearcutting, and when, they harm the habitat of our resources.

38

39 So when we say we managed these resources for thousands of years and never harmed the habitat, nor did we have any initiative attitude to clearcutting, we cut some wood maybe for even smoking the deer meat or the fish. And that's the only thing that we know that we never did understand. But now when they say the Forest Service with all these things that's piled up in front of us and leaving it to the public to make a decision or to even have public input, and yet, the Forest Service Department, all the Federal agencies does not give us enough information.

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1007 WEST THIRD AVENUE
272-7515

1 MR. MEHRKENS: I would like to comment that -- on that,
 2 two aspects. One is I can understand the frustration that you
 3 have with Federal and State agencies. At the same time, I
 4 think they can be a friend in terms of acting as staff for you.
 5 It's going to have to be a partnership. And as much as I've
 6 been a critic of my ex-agency for years, I also believe there's
 7 an opportunity, particularly if we use the budget process, to
 8 get the money, and it's dedicated towards that. And those are
 9 two big ifs.

10

11 We can work in a situation to support a project like I
 12 was talking about before with the Southeast Native Subsistence
 13 Commission where we go out and we identify the uses. We
 14 identify the habitat needs. And I would also point out that I
 15 believe that it's important to do it not only on Federal lands
 16 but on State and private as well. I was a lobbyist for the
 17 Tongass Timber Reform Act and subsistence people generally
 18 supported that. And I look now between that Act and ANILCA and
 19 the land allocations, I think Native's -- subsistence users --
 20 subsistence users in general, perhaps, were better off, but it
 21 wasn't a good solution for everything.

22

23 MR. THOMAS: Okay. I'm going to cut it off there
 24 because it's apparent we're out of questions. And thank you
 25 very much.

26

27 MR. MEHRKENS: Thank you.

28

29 MR. THOMAS: Any

30

31 MR. VALE: Do you have your statement in writing at
 32 all? No?

33

34 MR. MEHRKENS: No, I don't. I've, like I say

35

36 MR. VALE: Okay. We have a transcript, I guess, so
 37 we'll see it.

38

39 MR. MEHRKENS: Okay. Thank you.

40

41 MR. VALE: Thank you.

42

43 MR. THOMAS: Thank you. Any further input from the
 44 public?

45

46 MR. ANDERSON: Any rebuttal?

47

48 MS. LOWE: Mr. Chair, is Matt Kookesh still here? I

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1007 WEST THIRD AVENUE
 272-7515

have some questions I wanted to ask them from the Subsistence Division and ADF&G.

2

3 UNIDENTIFIED VOICE: Matt's not here, but I'd be happy
4 to answer.

5

6 MS. LOWE: Okay.

7

8 MR. THOMAS: Are we through now with public testimony,
9 is that it?

10

11 MS. LOWE: Is this just other -- I guess.

12

13 MR. THOMAS: Huh?

14

15 MS. LOWE: Is this other agencies?

16

17 MR. THOMAS: We can ask for a recess if we're going to
18 get into deliberations.

19

20 MS. LOWE: Well, isn't other agencies under public
21 testimony?

22

23 MR. THOMAS: Yeah, but you're requesting them to come
24 up.

25

26 MS. LOWE: Because he can't come up voluntarily.

27

28 MR. THOMAS: Okay. It's now in the hands of the
29 Council for deliberations and action. What's the wish of the
30 Council?

31

32 MS. LOWE: I'd like to get more Staff input from other
33 agencies.

34

35 MS. ROBINSON: Um-hum.

36

37 MS. LOWE: And they're shy and I have to ask them to
38 come up.

39

40 MR. THOMAS: No, I'm not going to allow that. They can
41 come up. I got a provision for them to come up, and we're
42 going to use that provision. Does the Council wish no action
43 on it? I didn't ask for a bunch of bewildered looks, I asked
44 for some action on it here. We've heard a lot of discussion,
45 we should be at a position by now.

46

47 MS. ROBINSON: That was a long time ago.

48

49

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272-7515

MS. PHILLIPS: Yeah.

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UNIDENTIFIED VOICE: Two hours ago.

MS. LOWE: Motion to support Proposal 11, get it on the table, and then I'm going to ask some questions of Staff.

MS. ROBINSON: Could I make a suggestion? Could we take a break before we do any action on anything?

MR. THOMAS: Five minutes.

MS. ROBINSON: Thank you.

(Off record)

(On record)

MR. THOMAS: Okay. The -- for lack of better anticipating, when we dispose of Proposal 11 -- when I say dispose of, that merely means taking action on the proposal -- there's some considerations we're going to have to take a look at; and that is an estimated time we anticipate before we wrap this session up. We need to consider can we finish tonight, we have the room till 9:00 o'clock. If we take a dinner break -- I'm sure we will take a dinner break. I don't want another meeting like I had yesterday. So planning on incorporating a dinner break and coming back or work through dinner and stop earlier than we did last night. And if we have facilities available tomorrow -- I don't know that they are available tomorrow. Carol?

MS. JORGENSEN: Mr. Chairman, our Camp 2 president is looking into the possibility of either if we decide to go on further tonight or tomorrow, possibly getting the ANB Hall up until either noon or 3:00; he's checking on it now.

MR. HOWSE: That's tomorrow then, 'cause I think he's check- -- he was checking on tonight.

MS. JORGENSEN: Tonight, and there was also the fact that if we might need it

MR. HOWSE: The Sisterhood's using the kitchen but the best of it's available after 9:00 o'clock.

MS. JORGENSEN: Okay.

MR. HOWSE: Tonight, anyway.

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272-7515

1 MS. JORGENSEN: Only, okay.

2

3 MR. THOMAS: Beyond 9:00 o'clock, it is going to be --
4 It could pose quite a burden for some people. And so if we
5 determine we need to go beyond 9:00 o'clock, I have no way of
6 knowing at this point how much farther beyond 9:00 o'clock. I
7 need some -- anyway, while we're disposing of 11, I want you to
8 dilute your thinking with what we're going to do afterwards.
9 So, we're sticking to tradition now, we've got to confuse
10 everything we do. We're always short on something.

11

12 Mim.

13

14 MS. ROBINSON: I've been thinking about what to do with
15 these three proposals, and what I would like to do is to take
16 action on 11 and 13 and deal with 12. Let 12 be our working
17 document that we play around with and use as our guideline for
18 what we're going to do.

19

20 MR. THOMAS: Let me take a look at 12.

21

22 MS. LOWE: Mr. Chair, could you clarify now, we're
23 going to work until we dispose of 11, and then -- or 12 or
24 whatever one we do, and then go into a break, or we're going to
25 work and go when we're done or has that been settled?

26

27 MR. THOMAS: Yes and no.

28

29 MS. LOWE: Yes and no.

30

31 MR. THOMAS: It's a new term I picked up. I learned
32 that about the time I learned SWAG. I don't know. I am asking
33 you folks' guidance on that. Like I said, there are some
34 things we got to consider. Now, some are leaving tomorrow come
35 bell or high water, and I understand that.

36

37 MS. ROBINSON: How many?

38

39 MR. THOMAS: Who all's leaving early tomorrow?

40

41 MS. ROBINSON: Regardless of

42

43 MR. THOMAS: Richard.

44

45 MS. ROBINSON: whether we're done or not?

46

47 MS. LOWE: Regardless?

48

49

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272-7515

1 MS. ROBINSON: No matter what?
2 MR. THOMAS: Yeah. No matter what.
3
4 MR. DALTON: I'm the president of the TNH in Hoonah,
5 and we're going to have a meeting tomorrow morning at
6 10:00 o'clock, and I have some people coming over there, and I
7 need to kind of entertain them in that meeting.
8
9 MR. THOMAS: So Herman and Richard would be
10
11 MS. LOWE: Herman's not going anywhere, he lied.
12
13 MR. ANDERSON: We -- Herman and I had our hands up, you
14 just didn't see us.
15
16 MR. KITKA: I got a doctor's appointment Monday.
17
18 (Off record comments)
19
20 MR. THOMAS: Okay. So we have two leaving and three
21 that want to.
22
23 MS. ROBINSON: No, one leaving and two that want to.
24
25 MR. ANDERSON: The rest of us want to.
26
27 MR. THOMAS: Okay. So
28
29 MS. LOWE: So will we still have a quorum?
30
31 MR. THOMAS: We'll have a quorum if I'm here by myself,
32 we established one when we called the meeting.
33
34 MS. LOWE: All right. So Mr. Chair, can -- do we need
35 to make a motion to work tomorrow or can we so order it if we
36 I mean
37
38 MR. THOMAS: Well, we're not going to have any choice
39 if we're going to finish our agenda.
40
41 MS. LOWE: All right.
42
43 MR. THOMAS: Mim.
44
45 MS. ROBINSON: I would request that we not go too late
46 tonight, 'cause I'm already just about at burnout point, and I
47 just -- my brain just sort of stops functioning after awhile.
48
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272-7515

1 MR. THOMAS: Would you be agreeable to taking a later
2 dinner break and not coming back?

3 MS. ROBINSON: I've got cheese and crackers here that
4 we could put out and that might help us get through, you know,
5 we can all dig into that and that might, you know -- so we
6 could

7
8 MR. THOMAS: I feel a lot better.

9
10 MS. ROBINSON: take a late dinner break.

11
12 MR. THOMAS: I had one

13
14 MS. ROBINSON: I hate going to eat and then coming back
15 to work again.

16
17 MR. THOMAS: I do, too.

18
19 MS. ROBINSON: That just

20
21 MR. VALE: That's my preference, Mr. Chairman.

22
23 MS. ROBINSON: Yeah.

24
25 MS. LOWE: Me, too, Mr. Chair.

26
27 MR. THOMAS: Okay. We have a majority of three here.
28 the majority will rule. So let's stop and take a look at 12
29 and we'll plan on taking a break after that, and then we'll
30 discuss after that. Ann.

31
32 MS. LOWE: Mr. Chair, is -- the public part of it is
33 not completely closed yet, we don't have a motion on the floor,
34 when now is the time that we get testimony from other agencies.

35
36 MR. VALE: Mr.

37
38 MR. THOMAS: On 11 or 12?

39
40 MS. LOWE: 11. I think what they'll give us will
41 probably cover 11, 12 and 13.

42
43 MR. THOMAS: Where are we at? Was there a motion made
44 on 11?

45
46 MS. LOWE: No, sir.

47
48 MR. VALE: No.

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272-7515

1 MS. ROBINSON: We're not done with the testimony yet.
2
3 MS. LOWE: We're not done with testimony.
4
5 MR. THOMAS: Okay. Other. Mr. Other, please.
6
7 MR. THOMPSON: Thank you, Mr. Chairman. I'm Ken
8 Thompson, Forest Service. In the sake of efficiency and time,
9 we will forego a prepared presentation that we had, but we feel
10 there are, at least, a couple of points that are germane to
11 your making a proper decision on deer -- on the deer regulation
12 for GMU 4. I would like your indulgence to bring two or three
13 people up to make ourselves available on those central points.
14
15 MR. THOMAS: By all means.
16
17 MR. THOMPSON: I'd like to introduce Ted Schenck, our
18 local biologist from Sitka, and he has a couple of other people
19 he'd like to bring with him.
20
21 MR. THOMAS: Okay.
22
23 MS. LOWE: Do you have the map with you, 'cause we'd
24 like to see that while you're doing it, if you would.
25
26 MR. VALE: Mr. Chairman.
27
28 MR. THOMAS: John.
29
30 MR. VALE: Is it necessary to take any formal action on
31 11 and 13 or we just passed over those?
32
33 MS. LOWE: We can take no action.
34
35 MS. ROBINSON: We're not doing anything yet, we're
36 still doing

37
38 MR. THOMAS: You guys tell me.
39
40 MR. KURTH: Mr. Chairman, could I maybe offer some
41 suggestion on how the Board has dealt with this? It sometimes
42 helps when you get some similar ones that you --

43
44 MR. THOMAS: We would appreciate that.
45
46 MR. KURTH: Oftentimes, the Federal Board has dealt
47 where you have several different groups having a proposal on
48 the same issue. For example, we've oftentimes dealt with three
49
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1007 WEST THIRD AVENUE
272-7515

or four Unit 4 deer proposals. And often, what they'll do is what Mim suggested, and that's take the most expansive proposal and deliberate on that, and when the Board makes their decision on that, by default it's already made the decisions, and then they'll move expeditiously to either vote down or vote in support of the other ones. So if you can do as Mim suggested, a comprehensive discussion on the Unit 4 deer management strategy that you want, I think you'll find very quickly the other two can be disposed of by just motions.

9

10 MR. THOMAS: Thank you.

11

12 MR. SCHENCK: As Ann requested, here's the map of CU 4, somewhat truncated toward Port Alexander, I'm sorry about that, I can't get it quite close enough.

15

16 MS. ROBINSON: I'm getting very defensive of that, Ted, I'm sorry, but

18

19 MR. SCHENCK: But basically, I just want to kind of set the parameters and some of the reasons that we ended up where we are right now, very quickly. In the winter of 1991 -- '90 and '91, soon after the State subsistence turned into a co-management situation, we had a bad winter. The Department of Game Fish -- Fish & Game said we're going to close the season early. And we had to come up with some idea of where we would need to close the season to protect the resource for subsistence users, where closing the season for non-subsistence users would be appropriate. And we came up with these boundaries, and these were not arbitrary boundaries, these were boundaries that we had a concern for the health of the herd.

31

32 Admiralty, West Chichagof and South Baranof areas, we didn't have a concern for the health of the herd if the non-subsistence use eliminated early. In the Northeast Chichagof area, the preponderance of the harvest previously from the period 1987 to about 1990 had been by non-subsistence users. And there was a concern that we were harvesting more deer than the habitat would support. In the Sitka Sound/Peril Strait area, there was a concern for the health of the herd, but most of the harvest was by subsistence users.

41

42 That's the difference between those three areas. And we were concerned for the health of the herd for a variety of reasons, not only were we concerned for the health of the herd because of declining habitat, we were concerned for the health of the herd because of the ability of hunters being able to take the deer while they were being forced down on the beach by bad weather, and there wasn't sufficient winter habitat to

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272-7515

protect them. So at that time, we came up with these areas. And these areas were developed cooperatively with the Department of Fish & Game, that's how we got to these areas.

3

4 Now, subsequent to that, we've had two seasons where there have been different regulations in here. And I'd like to ask Tom Thornton from ADF&G Division of Subsistence to come up here and help me just a second, 'cause he can tell you, by his data analysis, from face-to-face surveys in local communities and also from the harvest mail-outs surveys that ADF&G does, what affect the change in regulations have had on the deer hunting in those areas. Tom, do you want to go ahead there?

12

13 COURT REPORTER: Do you want to spell your last name first, please?

15

16 MR. THORNTON: Yeah. T-H-O-R-N-T-O-N. And what I have is really just the harvest side of the picture. As Ted said, we did face-to-face surveys in three communities -- actually five communities but three of them are in the Hoonah area; Hoonah, Game Creek and Whitestone Logging Camp, and then the other two were Angoon and Tenakee. We did face-to-face surveys in those communities in 1992, asking about the level about of deer harvest so we can report to you on how many deer they took in each of these areas.

25

26 MR. THOMAS: Okay. Now, in that harvest, was that both subsistence and non-subsistence, just harvest in general?

28

29 MR. THORNTON: Yes. We have another source of information for the rest of our harvest data, and that is the deer hunters' survey, which is a mail-out survey

32

33 MR. THOMAS: Okay.

34

35 MR. THORNTON: which is administered by the Division of Wildlife Conservation. And we also broke that data down into sport versus subsistence, according to the Federal definitions of those terms for Unit 4. So some people were asking about, for example, percentages, how much of the harvest in a particular area is taken by subsistence or by sport hunting. And we do have those figures, and it's a whole table, and I haven't reproduced it. I don't know if you have. But I am ready to quote those figures, if you would like them.

44

45 MR. THOMAS: Please. Please.

46

47 MR. THORNTON: For Area 1, which is the Admiralty Island, West Chichagof, South Baranof Island, in 1992, our

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272-7515

report says 1855 deer were taken by sport hunters, that's 48% of the total, and 1973 deer were taken by subsistence hunters, that's 52% of the total, for a combined harvest of 3,802 -- and 28.

4

5 MS. ROBINSON: What year was that again?

6

7 MR. THORNTON: That was 1992/'93 har- -- we call it the 1992 harvest year, but it includes January of '93.

9

10 For Area 2 -- and I have this data for nine years, going back to '84. But for '92, in Area 2, which is the Northeast Chichagof, we had a sport harvest of 248 deer, representing 16% of the total, and a subsistence harvest of 1266 deer, representing 84% of the harvest in that area, for a combined total of 1514 deer.

16

17 MR. THOMAS: Maybe you could identify fluctuations, of significant fluctuations in given years

19

20 MR. THORNTON: Okay. Yeah. What you see in the Northeast Chichagof one, basically, in the Area 1 where Ted said there's not a problem with the herd, there's also not a problem with the harvest in relationship to habitat capability. So I won't discuss that area unless people want me to.

25

26 In Area 2, what you have is, in the mid-'80s, a harvest which exceeded this target figure, which is 10% of the habitat capability, by a significant margin. But then in the last two years when sport hunting was restricted, it did curtail the level of sport hunting in those areas and bring it closer to that target level as defined by 10% of habitat capability. So you do see a drop there since the mid-'80s.

33

34 In Area 3, Sitka Sound/Peril Strait, it's the same pattern. You see the harvest at 100% over habitat capability or 200% of habitat capability. But then it drops quite a bit in 1991 and '92 so that you're down to 66% and 94%. And in both -- in Area 3, though, the sport harvest did not decline a great deal, mainly because there isn't very much sport harvest in that area, it's mainly Sitka and other subsistence communities.

42

43 MS. ROBINSON: What are the numbers for Area 3?

44

45 MR. THORNTON: In 1992, there was a sport harvest of 461, a subsistence harvest of 2,276, and that represented 96% of -- the subsistence was 96% of the total harvest, for a total harvest of 2377.

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1007 WEST THIRD AVENUE
272-7515

1 And something else that we did, sort to just of be
 2 responsive, since we have put together a lot of this data in
 3 the Division of Subsistence and have developed this system for
 4 analyzing it basically in different ways, we were able to
 5 distinguish between the Tenakee adjacent drainages and those
 6 other drainages in Northeast Chichagof, which are closer to
 7 Hoonah. And I thought this might be relevant in relation to
 8 Mr. Shaul's and Mr. Pegues' proposal, something -- that we did
 9 do a breakdown on that as well. And I can report on that, if
 10 people are interested, but I don't know if it's relevant.

11

12 MR. THOMAS: If you have questions about relevancy,
 13 please use your best judgment and maybe not share that,
 14 ~~do~~

15

16 MR. THORNTON: Okay.

17

18 MR. THOMAS: Thank you. Ann.

19

20 MS. LOWE: It's revellent. And I've spent a lot of
 21 time on the phone to Tenakee Inlet people to find out what they
 22 wanted to see for a regulation for their area. And I've heard
 23 testimony here from the public which I think is contrary to
 24 what I heard from the people there. So, it's revellent to me,
 25 and so would you share it, please?

26

27 MR. THORNTON: Okay. Well, we divided that Area 2 then
 28 into two sub-areas. And the first Area 2A is the Hoonah area,
 29 which includes, basically, all the whas (ph) in the Hoonah road
 30 system and a few beyond. And we found, in 1992, that the level
 31 of har- -- sport harvest there was 172, that's a pretty
 32 significant decline from previous years; and a subsistence
 33 harvest of 1133, and for a combined harvest of 1305, which is
 34 over that target level of the conservative estimate of habitat
 35 capability.

36

37 MS. ROBINSON: What are the percentages?

38

39 MR. THORNTON: Sport was 13% and subsistence was 87%
 40 for 1992, and that's a significant change, if you go back to
 41 say 1988, it was 35% sport and 65% subsistence.

42

43 MS. ROBINSON: What year was that?

44

45 MR. THORNTON: I'm just going back five years. If I go
 46 back even two years, it was 29% sport in 1990, this is before
 47 the regulation, and 71% subsistence. And then in

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1007 WEST THIRD AVENUE
 272-7515

MS. LOWE: Go ahead.

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2 MR. THORNTON: Question? In Tenakee, what we see is a
dramatic drop in the level of sport hunting between 1991 and
1992, it went from 224 deer in 1991 to 76 deer in 1992,
according to our data. So it went from 60- -- a sport harvest
of 66% of that Tenakee Inlet adjacent drainages there to 36% in
1992. Whereas, the subsistence harvest remained about the
same, but as a percentage it went; it went from 34% of the
harvest to 60- -- 64%, mainly because the total harvest dropped
in those drainages.

11
12 MS. PHILLIPS: What are the actual numbers of the
subsistence take for those two years?

14
15 MR. THORNTON: Okay. In 1991, it was 117, and in 1992,
16 was 133.

17
18 MR. THOMAS: Ann.

19
20 MS. LOWE: I guess I'm going to have to ask this
question, Tom. Every time you talk about percentages and take
and so forth, you're basing that on what you've estimated as
the total population out there. And you're applying what was
harvested to see if you take -- you take 10% of what you've
estimated is out there and use it as a guideline for the
harvest level you'd like to have. And I mean, I keep hearing
that over and over and over.

28
29 And first of all, it bothers me because I know when
that modeling that was set up that was used and that 10% figure
was used, when the Fish & Game first started to use that, the
gentlemen that were involved in that, it was just an exercise
that they were doing to see how things washed out with the idea
that they would never, ever use it as a management tool. And
that is exactly what has happened, it's turning into a
management tool.

37
38 And I am real uncomfortable with that because it is not
accurate. And I feel like we're not really getting good
information to the Council here because of that. The only
thing you really ba- -- have that's fairly solid is when you do
your deer pellet counts, your hunter surveys, which are based
on the sports hunting survey, right, it's not a subsistence
hunting survey?

45
46 MR. THORNTON: That's right. Although, we did a
subsistence hunting survey for 1992 in --

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272-7515

1 MS. LOWE: But you haven't

2 MR. THORNTON: in GMU 4.

3

4 MS. LOWE: Okay. Did you get -- you've gotten your
5 results back?

6

7 MR. THORNTON: Yeah. And that's what I was giving to
8 you.

9

10 MS. LOWE: And those were the figures you -- you didn't
11 take them off of a ticket or anything like that?

12

13 MR. THORNTON: No. What I gave you was combined
14 figures. It was face-to-face interviews in Hoonah, Tenakee
15 and

16

17 UNIDENTIFIED VOICE: Game Creek.

18

19 MR. THORNTON: Game Creek, Mount Feather (ph) and
20 Adgoon. But the rest of that data, mainly the sport hunting
21 data, comes from the deer hunter survey as to

22

23 MS. LOWE: Okay. Now,

24

25 MR. THORNTON: previous years.

26

27 MS. LOWE: that's what I'm interested in, the
28 face-to-face subsistence thing. Can -- is there information
29 there that you've learned that you can impart here that will
30 help us with the subsistence thing? That's what I want to know
31 about.

32

33 MR. THORNTON: Well, the face-to-face survey did
34 correct what I think were some low figures for certain
35 communities in the deer harvest mail-out survey. You know, and
36 it's a voluntary response to that, and it's sent out to a
37 sample of hunters. So in any particular year, you can get a
38 low response rate, which may affect the quality of your
39 results. And that was one of the reasons why we did it.
40 Another reason why we did it -- and this project was done in
41 cooperation with the Forest Service -- was because of some of
42 these issues that are developing around GMU 4 deer.

43

44 MS. LOWE: So tell me what you found out.

45

46 MR. THORNTON: Well, what we found out was the level of
47 harvest that I just reported. And those -- I call them
48 subsistence harvest, but they include that information from
49

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Tenakee, Hoonah and Angoon, but they also include data on other subsistence communities, which for some of those areas is minimal.

3

4 MS. LOWE: Okay.

5

6 MR. THORNTON: So I've just given you those figures. And I don't know what you want me to comment on beyond that.

8

9 MR. SCHENCK: I might point out that we found out in the face- -- we found out 'cause we paid for it and they did the work, a cooperative effort. The reporting from some of the communities where we did face-to-face, Angoon and Hoonah in particular, was being under-represented during the mail-out surveys, and we got a higher figure back during our face-to-face interviews. It's -- we found out that people are as one of -- as Matt Kookesh had said earlier, are more likely to report harvesting the deer that they needed in a face-to-face interview than they were in a mail-out survey. Would you

19

20 MR. THORNTON: Yeah. Well, I think that's correct. And I mean, there's a whole different methodology that went into the face-to-face survey, and it took a lot of resources actually to do that in those three communities. I'm not necessarily advocating that for all of Southeast. But it did produce some significantly different results in Hoonah and in Angoon; in Tenakee, the difference was within what you might consider a margin of error.

28

29 MS. LOWE: Now, those surveys, did they ask hunters for perceptions of deer populations and of how many they thought were out there, too, or were they just asking what they harvested?

33

34 MR. THORNTON: Actually, I don't think an assessment of population was asked for, but I might defer to Bob Schroeder on that one, if he was here, since he actually wrote the survey.

37

38 MR. SCHROEDER: I think I -- Mr. Chairman, I think I can be real brief on that, so I won't come up to the table.

40

41 MR. THOMAS: Please, Bob.

42

43 MR. SCHROEDER: I will come up to the table.

44

45 MS. LOWE: Spell your last name, too, Bob.

46

47 MR. SCHROEDER: Mr. Chairman, for the record, my name is Bob Schroeder, S-C-H-R-O-E-D-E-R. And in answer to

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Ms. Lowe's question, this particular survey was -- had a pretty single-minded focus, and that was to see what kind of harvest figures we'd get from people in the study communities for the '92/'93 season, and to find out where they got their deer. In a number of meetings with Forest Service staff and Division of Wildlife Conservation, we realized that we were missing certain things with the mail-out survey in certain communities.

7

8 The basic problem is that people don't turn them in. As a gathering data tool, it may not work real well in small communities; and it definitely doesn't work well in communities where there are community harvesters who may harvest quite a few deer.

13

14 Without getting into it at great length, we find that people are reluctant to answer an anonymous mail-out survey and report, for instance, that they hunted 12 or 15 deer or more deer because that is against the regulations that are in force. Does that answer your question?

19

20 MS. LOWE: Okay. And so basically, you're comfortable that you got more accurate information with the face-to-face, that you were told more accurate information?

23

24 MR. SCHROEDER: That was the objective, and that's generally the phenomena in manners of research, that if you're able to spend more time on it and put more resources in on it, you'll probably get better results. I'll also point out that in these particular surveys, they were done by using staff hired for the purpose in the communities where the surveys were done. So we also were able to have that advantage in this effort.

32

33 MS. LOWE: Does this, that information, askew past information? I mean, what's the margin of error now that you know the truth versus the perceived truth?

36

37 MR. SCHROEDER: The problem was most acute, we noted, in earlier years for Angoon, due to a very low response rate to the mail-out survey, including the normal two reminders that we sent for -- to the mail-out survey. The response to the face-to-face interviews was in line with our best -- I won't say it's a SWAG estimate, but in line with earlier survey results and our knowledge of those communities that provide other marks of what the deer harvest is likely to be in Angoon and Hoonah. So they provide significant correction for Angoon and Hoonah, and as Tom said, Tenakee came in pretty much about the same, so there wasn't a major change for Tenakee.

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MS. LOWE: Okay. Thank you.

1

2

MR. THOMAS: Mim.

3

4

MS. ROBINSON: Yeah, just a few things. First of all, I suggest that you have -- when you mail those out, those -- the ones that they're supposed to mail back, that you say on there that there'll be a drawing maybe for a deer hunting rifle or something and maybe you'll get a better return.

9

10

MS. LOWE: And then you don't

11

12

MR. THOMAS: And a planned (ph) lottery or something.

13

14

MS. ROBINSON: Also, it seems contradictory that a deer hunter would be less likely to be honest in the anonymous one, a form that's mailed in, rather than face-to-face. I marvel at the skill of the interviewers to be able to get the truth out of the hunters. It's -- that's intriguing. I'll just leave that.

20

21

But I'm also curious about the questions that were asked. How many were there, were there quite a few?

23

24

MR. SCHROEDER: Just in response to your first comment. People regularly report in face-to-face interviews with non-enforcement personnel non-legal kills or non-legal harvest methods that are used. And as members of small communities around Southeast, you're definitely aware that people have been shooting deer from boats. I heard testimony earlier today that people may be doing other things. If we were talking fish, we may find out about how king salmon somehow end up back in the pot at home that had to be stretched a couple of inches, and quite a few other things that people will report in a face-to-face interview where enforcement is not an issue.

35

36

As far as the mail-out survey goes or the sort of data you get, this may be my chance to make a pitch for providing better data. What you as a council are faced with are making tough decisions on increasingly small areas. And we as Staff wouldn't be doing our job if we pretended that we had data down to the double decimal point. We are doing the best job we can with the tools that are available to us. A mail-out survey has the great advantage over face-to-face and that's cost and administration. And until there is additional resources devoted to this kind of data gathering, you'll be back here next year asking the same questions, kind of wondering whether the numbers that are provided you for very small areas are, in fact, accurate.

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1 MS. ROBINSON: Do I still have the floor?

2

3 MR. THOMAS: Sure.

4

5 MS. ROBINSON: The questions that are asked on the
6 mail-out survey are the same as the ones that you asked in the
7 face-to-face interviews?

8

9 MR. SCHROEDER: For this venture, they were really
10 parallel. We wanted to know how many deer were taken and what
11 wildlife analysis areas they were taken from, and so they were
12 parallel in that respect.

13

14 MS. ROBINSON: Okay. And that's all you asked in the
15 face-to-face interviews?

16

17 MR. SCHROEDER: That was essentially all. We asked a
18 number of other questions that weren't parallel. We asked
19 about previous years' harvest by hunters. We asked -- we did
20 ask a need question. We asked how many deer people personally
21 used themselves and how many they gave to others. So we were
22 attempting to gather some information on those questions as
23 well. We asked if people received deer and a number of other
24 we also asked -- it was of interest to Forest Service
25 wildlife biologists whether people took yearlings or young deer
26 we do find deer less than one year of age. And we wanted to
27 see if there was a significant draw from the population from
28 subsistence hunters of deer that were real young. We didn't
29 find that there was much harvest at all of this year's spawn.

30

31 MS. ROBINSON: Did you ask any questions about any
32 other -- anything else besides deer, you know, any other
33 regulates or

34

35 MR. SCHROEDER: Not in this effort. In Angoon and
36 Honah, this survey was pared with related work -- related
37 subsistence research; we were -- had another research effort
38 going on on seal hunting at the time. So some of the deer
39 hunters were also asked seal hunting questions at the same
40 time. That was also true and that's how we do it.

41

42 MS. ROBINSON: Thank you.

43

44 MR. THOMAS: John.

45

46 MR. VALE: This is probably a question for Ted, but
47 just based on what Tom -- some of the information that Tom had
48 here, he mentioned in a couple of -- four different areas

49

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here, that the harvest numbers were above -- I believe what you said -- the 10% habitat capability. And I'm wondering, is that a reflection of an overpopulation of deer or an overharvest? If I have it correct, and if I don't, tell me where I'm wrong.

4

5 MR. SCHENCK: Let me get up here and use these as an example. For the pa- -- for the years prior to 1991 winter, looking at the harvest information, it was apparent that the deer population was well above this carrying capacity notion that we have out of one of the deer habitat models -- the deer habitat model that we have. We were -- and we are using the output of the deer habitat model and the 10% of that population for a couple of reasons. That was developed as a strategic plan for deer management in Southeast Alaska, and it was developed for the Forest Service to use in land management planning, to have some idea of what the habitat would support; a tool that we could use to determine what the habitat would support after we did logging. So that's how we got those numbers.

19

20 And I can't say that the deer were overpopulated because the deer read different books than the biologists, and they do whatever they want, and they don't have to follow our rule. The deer population grew in response to a set of weather conditions and habitat conditions that allowed them to grow very rapidly. When we got bad winter weather, the ones that couldn't survive starved to death. And what was happening, in a number of those years, we had a four deer -- say a four deer, five month season. And this 10% number would have been a goal, but our actual harvest may have been higher -- much higher than that because the population was way above the population that could be supported during a bad winter. Okay. And we did -- we've heard testimony that people believe that deer hunting does not influence the deer population in most cases. And I -- and that weather is the problem.

35

36 So to answer your question very quickly, the deer populations were well above that that would be projected by our computer models regarding habitat. And that would be entirely consistent with what we'd expect because our habitat models were determined to be under a worse case scenario; the weather conditions and so forth, and how many deer are going to survive when it's really tough, not how many deer can survive when the weather's really good.

44

45 So in many cases, if the deer populations are higher than we project, we can harvest -- another point. Any of the deer in the population that are above this carrying capacity are at a certain amount of risk that we're going to have a bad

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winter. And any of that or above that much are likely not to survive in the event that we have a bad winter; you know, they're above the capacity of the land to carry them. As we as Biologists understand it.

4

5 MR. VALE: So I believe I understand you, and so given
6 that, I guess I would assume that liberalizing the bag limits
7 is a management tool to try and address that situation, huh?

8

9 MR. SCHENCK: That's one way that you can address that
10 population. We've been suggesting that as good conservation
11 practice we wouldn't recommend a season and bag limit that was
12 higher than what was suggested for strategic planning, and that
13 comes from the heart of it. I'm looking out for the best
14 interest of the resource over the long time, and I can't
15 predict the weather very well. So if you ask me as a wildlife
16 biologist what my recommendation is, it's going to be tiered to
17 a conservative harvest and bag limit.

18

19 Now, if the populations are above that level,
20 increasing the season length or bag limit does not add extra
21 risk to that herd

22

23 MR. VALE: Right.

24

25 MR. SCHENCK: over what would be -- come with
26 winter.

27

28 MR. VALE: Right.

29

30 MR. SCHENCK: But I would -- I can't recommend, as a
31 biologist, to exceed that long-term strategy over the long-
32 term. Short-term, it probably wouldn't have a great effect on
33 the herd, but as a proposal, not knowing what winter's going to
34 be this winter, not knowing what reproduction is, I cannot
35 commend.

36

37 MR. VALE: Thanks a lot.

38

39 MR. SCHENCK: Um-hum.

40

41 MR. THOMAS: Further questions? Thank you. Questions
42 the Staff? Who was -- Ken, did you have something to
43 offer?

44

45 MR. THOMPSON: What's your question?

46

47 MR. THOMAS: No. I'm getting ready to go back to Staff
48 now if -- of

49

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1 MR. THOMPSON: Yes. We do have one other short
 2 testimony. I'd like to ask Dale Kanen to --

3

4 MR. THOMAS: Okay.

5

6 MR. THOMPSON: to discuss C&T and a couple of
 7 others.

8

9 MR. THOMAS: Okay.

10

11 MR. KANEN: Thank you, Mr. Chair. My name is Dale
 12 Kanen, I'm the Subsistence Program Manager for the Chatham Area
 13 Forest Service. And probably of the Federal agencies, I'm the
 14 manager that, for the last three years, has been going around
 15 the communities involved in this -- these three proposals
 16 trying to find out where the center of gravity was in each
 17 community in terms of their needs and desires for friendly (ph)
 18 Federal regulations to protect their subsistence priority.

19

20 And I wanted to bring out several things that may not
 21 have come out. Leon Shaul spoke regarding the concerns around
 22 Tenakee. And most of -- we don't have a representative from
 23 Tenakee here. And the time that I've spent in the town talking
 24 to people leads me to believe that there is a large number of
 25 people in Tenakee who would like to see an extended sport
 26 season permitted through December, because they rely on cabin
 27 rentals and selling merchandise to the hunters from Juneau who
 28 come there. There are also, at least, a few families who like
 29 not having so many hunters in the area.

30

31 The other thing is that I have had most of the people
 32 I've talked to, including Elders in Tenakee, state that they do
 33 not feel that a six deer/six month season should be the
 34 subsistence standard for them; that three deer would be fine or
 35 four deer would be fine. And that they do not require as many
 36 deer as, say, Angoon, which is clearly on record as desiring a
 37 six deer/six month standard for their protection.

38

39 If you look at the demographics that's in your data,
 40 Tenakee, I believe, has an average age of 52, so it's unique in
 41 that respect.

42

43 If you would like, Mr. Chairman, I'd like to summarize
 44 the three proposals in terms of that they

45

46 MR. THOMAS: Well, while you're doing that, I would
 47 like you to also give us a comparison of what these are
 48 proposing and their consistency to the representation that we

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delivered at the Board meeting in October in regards to
expanding the sport season in Unit 4. Do you remember that?

2

3 MR. KANEN: Okay. There is an interest among some of
the communities right now where the sport season has been
closed. There is an interest in allowing some sport.

6

7 MR. THOMAS: I guess what I'm trying to avoid is to
come to the Board with an inconsistency from one meeting to the
next in our representations.

10

11 MR. KANEN: I'm not sure remember the second part of
your request, maybe you could question me after I could do the
summary and try and bring -- draw out the issues that each
proposal raises, at least

15

16 MR. THOMAS: Okay.

17

18 MR. KANEN: in the three years that I have been
trying to find a best solution.

20

21 MR. THOMAS: Okay.

22

23 MR. KANEN: Okay. The first proposal, Proposal 11, by
Leon Shaul and Pegues is fairly representative of the people in
Tenakee who rely on the business of the Juneau hunters through
the season. That one would carve out another -- as you saw on
the map, we've already taken MU 4 and carved it into three
separate areas. It would carve out a fourth area. So we're
really getting into micro-management, and a hunter would have
to have a real good map, encompassing (ph) an attorney with him
to make sure that he was in the right area and following the
right regulations. But perhaps, you would want to do that.

33

34 Also, if we remove Tenakee from the deer model
population base that presently, right now, also includes
Hoonah, there may not be enough deer, in the deer model anyway,
to allow any sport hunting in Hoonah. We have just liberalized
sport hunting for Tenakee and shut it down completely for
Hoonah. Right now, it closes the 1st of November. That's --
those are the kinds of issues that Proposal 11 raises.

41

42 Proposal 12 is the Forest Service proposal, and it's,
perhaps, the simplest, it would just have a six deer/six month
season. There would no longer be a restriction to sport
hunters in the Sitka Sound/Peril Straits area, and there would
no longer be a restriction to sport hunters beginning in
November in the Hoonah area. And it's, perhaps, the simplest.
The deer model indicates that it might lead to slightly

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excessive harvesting in the Sitka Sound/Peril Straits area. That I was the original drafter of that proposal. The testimony I heard from Hanlon and from Al McKinley tonight kind of changed my feelings a little bit on how I would modify that one.

5

6 And with that proposal, it appears that although the deer model says there are enough deer in the Hoonah area, it sounds like Hoonah is still asking for protection from the ferry traffic; that's, I think, what I heard. But I also heard concern for extended family members to be able to come and participate in some way in the hunt. I think I heard Al ask for a one or two deer bag limit.

13

14 The complete closure to sport is not popular in Sitka. I guess I would -- now, if I were writing -- rewriting Proposal 12, I would recommend the six deer/six month season, but I'd add language to say that in Areas 2 and Areas 3, that would be the Hoonah down through Sitka Sound/Peril Straits, there would be a restriction of one or two deer for sport. That would allow Tenakee hunters to hunt through December. It would allow hunters to come to Hoonah and hunt through December but only take one or two deer under State sport regulations.

23

24 The third proposal is by the Department of Fish & Game. And I think if I recall correctly, it would simply have a four deer bag limit, and more or less conform closer to the State regulations and not have the restrictions -- the federally imposed restrictions right now on sport hunting in Sitka Sound and Hoonah.

30

31 That's all.

32

33 MR. THOMAS: Okay. I -- not having the exact language of what I was trying to refer to with the October meeting in Anchorage last night (ph) with the Federal Board, the request that we denied that was proposed by the ADF&G was to expand sport hunting in GMU 4, and that was vehemently opposed by most areas, if not all areas in that unit. And so I carried that banner to the Board and prevailed. And I need to know if this is a change or a compromise or what are we looking at?

41

42 MR. KANEN: Okay. I follow you. Yes, it is a change from that, but then the amendment to the proposal that I had originally been the drafter of, Proposal 12, would come back into consistency with that. That -- back then, the case we made was that Hoonah still was -- the main center of attention and that was the effort to remove the closure to sport hunters that begins in November and goes through December in the Hoonah

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area, that was the State's interests. And some of the agency people who were using the model were saying that there were plenty of deer out there for both the sport hunters and the subsistence hunters and that no restriction was needed. And based on public testimony and past public testimony, you took the stand that we should not remove that restriction for that season.

7

8 As Proposal 12 now reads, for next year -- and this was based on the question of it's been such a mild winter, are there going to be lots of deer for Hoonah. Proposal 12 would, in fact, open the Hoonah area to sport hunters through December, and they would be able to take a three deer bag limit, I believe, if the State regulati- -- if the Board of Game doesn't change State regulations. But the amendment that I suggested would be to just take -- would be to amend Proposal 12 and put in, perhaps, a one or two deer sport harvest restriction for Areas 2 and Areas 3, the Hoonah down through Sitka Sound areas. There's no need, there are plenty of deer in Area 1 that we are under-harvesting even with very liberal sport and subsistence bag limits in that area. Everybody seems to agree to that.

22

23 MS. LOWE: Dale, back away from that mike a little bit.
24 Thanks.

25

26 MR. KANEN: Excuse me.

27

28 MR. THOMAS: Any questions of Dale from the Council?
29 Richard.

30

31 MR. DALTON: What's the bag limit now, four,

32

33 MR. KANEN: The --

34

35 MR. DALTON: for sport hunters?

36

37 MR. KANEN: the sport hunting season is four, but I believe -- and the State maybe ought to raise their hand. I believe in your area, right around Hoonah, it's restricted to three. That was done a number of years ago.

41

42 MR. DALTON: And the closure for the sport hunting is October, is that correct?

44

45 MR. KANEN: That's right. It closes October 31st. That's when the snow flies, and that's when the deer become vulnerable, and that's when a lot of people from Hoonah told me that they get serious about putting meat in the freezer. And

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they wanted protection from the Hoonah -- I mean, the ferry traffic.

2

3 I should also point out the ferry schedule is not as friendly to weekend warriors to come in and be home again on Monday. So maybe the ferry, just by changing its schedule, isn't as big a problem as it used to be.

7

8 MR. THOMAS: That ferry schedule will hinge on what we do, I'll tell you, because there's enough influence out there to make that difference.

11

12 MR. KANEN: The other thing is when I propose that you put a restriction -- that you allow a sport season but put a restriction, perhaps, with fewer deer than the State allows in their sport season, that move is very unpopular with some -- with the State and with some agencies. So it's

17

18 MR. THOMAS: Are they being threatened by the move of subsistence, is this what's happening?

20

21 MR. KANEN: I don't -- I'm not sure. I think it has to do with cooperative agreements or policies between agencies and the State that were formed in the past. I'm not sure, you would have to ask them, I would not want to speak on that.

25

26 MR. THOMAS: Well, that

27

28 MR. KANEN: It was done once in the Hoonah area a year ago, the reg.

30

31 MR. THOMAS: Yeah. Okay. No. I -- that was just a thought. The devil made me do that. Mim.

33

34 MS. ROBINSON: I don't have any questions for Dale other than the fact that I feel like I'm ready to make a motion. But I would like some help from Dale on crafting the language, and so I'm asking for a little break.

38

39 MR. THOMAS: Five minutes, is that enough?

40

41 MS. ROBINSON: Maybe Dale's not ready, I don't know.

42

43 UNIDENTIFIED VOICE: If we're going to lose anybody, let me tell you that you're meeting over at ANB Hall at 8:50 o'clock in the morning.

46

47 MS. LOWE: 8:00 o'clock.

48

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1 UNIDENTIFIED VOICE: 8:00 o'clock tomorrow.
2 MS. LOWE: 8:00 o'clock in the morning?
3
4 MS. ROBINSON: 8:00 o'clock?
5
6 UNIDENTIFIED VOICE: 8:00 o'clock. That's when it'll
be available.
8
9 MS. ROBINSON: For how long is it?
10
11 MR. ANDERSON: Joe will need time to get set up.
12
13 MR. THOMAS: It's available at 8:00?
14
15 (Off record)
16
17 (On record)
18
19 MR. KANEN: This is a personal position, it's not the
agency position, but I would be glad to do that. My brain's a
little like Mim's, it sort of checks out at about 5:00 o'clock
after a lot of meetings.
23
24 MS. ROBINSON: Um-hum.
25
26 MR. KANEN: But maybe she's a candidate for a
bureaucratic position.
28
29 MR. THOMAS: For a bureau position, yeah.
30
31 MS. ROBINSON: The first of all was probably more
accurate.
33
34 MR. THOMAS: Okay. We're in

35
36 MR. ANDERSON: Dale, how many people are in Tenakee?
37
38 MR. THOMAS: Yeah.
39
40 MS. LOWE: Just a quick question.
41
42 MR. ANDERSON: What's the Tenakee population?
43
44 MR. KANEN: About a hundred.
45
46 MR. ANDERSON: About a hundred.
47
48 MS. LOWE: We'll have a regular motion to put it on the
49
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floor, and you're going to work on an amendment, is that what you're going to do?

2

3 MS. ROBINSON: Yeah. This would be an amendment.

4

5 MS. LOWE: Okay. So we'll have time to discuss it as a
6 real motion before we do a minute

7

8 MS. ROBINSON: Yes.

9

10 MS. LOWE: Okay.

11

12 MS. ROBINSON: I hope so.

13

14 MR. THOMAS: Yeah. Yeah.

15

16 MS. ROBINSON: I hope so.

17

18 MR. THOMAS: Yeah. Yeah.

19

20 MS. ROBINSON: But I just -- I'm sort of getting ready
21 to do something and I

22

23 MR. THOMAS: Okay. When my cup drops, we're in five
24 minutes.

25

26 (Off record)

27

28 (On record)

29

30 MR. THOMAS: Madam Foreman of the jury, do you have a
31 verdict?

32

33 MS. PHILLIPS: Guilty.

34

35 MR. ANDERSON: Mr. Chairman, we vote to go home.

36

37 MR. THOMAS: Well, we've still got a guy that wants to
38 go home. Are we ready for a motion?

39

40 MS. ROBINSON: Um-hum.

41

42 MR. THOMAS: The Chair will so entertain. I'll humor
43 them for a while we get those grounds (ph) down, it's

44

45 MS. ROBINSON: That's okay, I'm ready.

46

47 MR. VALE: Do we need a

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1007 WEST THIRD AVENUE
272-7515

1 MS. LOWE: I'll make a motion to support Proposal 12.
 2
 3 MR. VALE: Second.
 4
 5 MR. THOMAS: It's been moved and seconded to approve
 6 Proposal 12.
 7
 8 MS. LOWE: Mr. Chair.
 9
 10 MR. THOMAS: Ann.
 11
 12 MS. LOWE: I'd like to speak to that motion before
 13 amendments are stuck out here, 'cause this might change some of
 14 the amendment attitude, I don't know.
 15
 16 This has been a -- this proposal -- these series of
 17 proposals have been -- have caused me a great deal of work and
 18 anxiety as I dealt with what would be good for subsistence
 19 people and what would be good for our area. And I spent
 20 probably hundreds of dollars in phone calls on my own to
 21 Tenakee Springs to try and get a handle on what they were
 22 feeling over there, because the last time, people were hesitant
 23 about doing regulations because we didn't have a representative
 24 from there. And we were charged that our responsibilities were
 25 as a Southeast representative, not just some community that we
 26 lived in. So taking that charge pretty seriously, I took the
 27 trouble to spend a lot of time trying to call around and get an
 28 understanding of what people would really like to see.
 29
 30 I attended a series of meetings in my community. The
 31 typical meetings that you go to like the Sportsmans, and the
 32 Advisory Committee and ANB and whatever, you know, wherever you
 33 could go where there's a group of people gathered that can give
 34 you an expression of opinion. I work in a place that is
 35 predominantly frequented by men who hunt, because they come to
 36 buy outboards and motorcycles and things like that. So I have
 37 a lot of contact in that vicinity, and they don't hesitate to
 38 tell me their opinion, one way or the other there.
 39
 40 So I just want to preference that with the fact that
 41 I'm just not speaking for myself, but I'm speaking for all the
 42 different things I've heard. I will give my own family's
 43 personal testimony 'cause that helps when we tell the Federal
 44 Board how we use subsistence so that our needs can be met.
 45
 46 There are several things that I've heard that seem to
 47 be a core feeling that I want to pass on, and then I'll go from
 48 there. Of all the people that I spoke to, all the different
 49 issues that we addressed, there is two things that surfaced
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810 N STREET
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1007 WEST THIRD AVENUE
 272-7515

that they all had in common. One of them is they kept saying over and over, I would like to see a regulation that is consistent for Game Unit 4.

3

4 What I was hearing was that they thought Game Unit 4 had been divided up into too many different areas of micro-management, and it was confusing and difficult for a subsistence user to hunt under those conditions. The other thing that I heard consistently was I would like to see a deer season that was consistent, that you did not play with all the time and jack around from one year to the next. I'd like you to see -- put something out there and leave it alone and let us go with it.

13

14 And I have heard various reasons of why, but one of the things I am hearing from people who have been around Alaska for a long time, as well as myself, and I did go back and research some of what they were telling me to see if there was a basis for it or -- of why they felt that way. And what emerged from that, that there is a weather pattern in Southeast; that weather pattern tends to run on an 11 year cycle. And that is our weather will change and get mild in the winter and progressively build to a tougher winter, and then we'll get mild. And that our deer have a wonderful ability of resilience with the weather. And that we are always changing the deer season trying to anticipate how we could manage this thing. That if the managers would please light on something and leave it there, that in the long run, all of these numbers will average out to be healthy.

29

30 The main -- other thing that I heard was about habitat concerns, that weather was a limiting factor but the practices of the logging practices on the habitat adds another dimension to weather that is far more -- has more influence on the deer population than any hunting that we could ever do. And that combination of habitat and weather were intricately interlocked with one another and were difficult to separate.

37

38 It's not just the Forest Service mandate that they have to put timber to sell. I mean, they are under a mandate to do this because of a contract. And it's difficult for them, they have to do this and deal with subsistence and deal with multiple use things that come down the line to them. So those two things, unfortunately, sort of go hand in hand, and I wish they didn't because it would make it easier but it doesn't.

45

46 Now, I was involved with the Timber Reform Act for the State, because the State of Alaska was selling timber on their lands and they were not doing a very good job of logging; they

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1007 WEST THIRD AVENUE
272-7515

were doing a worse job of protection for streams and habitat than the Forest Service, who we always used to jump on and give such a hard time to. The Forest Service was actually -- looked wonderful compared to what the State was doing to their lands. They got that timber -- that Forest Practices Act passed in the State and made some changes there.

6

7 There is another entity out there that are logging lands, and that's the Native lands, and they are not doing a very good job. And they are also ones that are changing their own destiny and their own habitat that is available to them for their fish and game. And these things all come together.

12

13 But to me, when I've talked to all of these people, the main issues in their mind was consistency for the ease of a subsistence hunter. They weren't thinking about sports, they were thinking about their subsistence hunt, and settling on a season and leaving it alone. And then if a particular area got into trouble or cried out for help, deal with that particular area then.

20

21 Okay. In Tenakee, there -- you heard demographics that the average -- the age out there, that they were an old population, something like 52 years or something of that respect, and that probably they didn't need as much deer and that thing. And that gets us to thinking about separating them away to get -- so they get less of the number, and that gets into this -- all these regulations of management that separates us up into all these little units. And the fact of the matter is if there is a six deer season and you don't need six deer, you don't have to take six deer. If you live in Tenakee Springs and you're a one person or a couple and you only use one or two, then take one or two.

33

34 It still -- Game Unit 4 can be consistent, you don't have to go the limit when you harvest your deer. People that I talk -- now Tenakee does have young people there, they have a school with young people in it. And so there are some families that I talked to that do harvest more; they harvest what they need. It's no big deal. I mean, they don't have a lot of pressures out there, they don't have to report to anybody, it's a big deal.

42

43 And so it seems to me that we're making more out of this than it should be for that Tenakee Springs area to separate that out -- that little area out and set something different on one side of the bay and on the other side of the bay. And a lot of the people told me I don't understand why this year we could here and right across the bay they did this.

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1007 WEST THIRD AVENUE
272-7515

Why can't you make things consistent. And they did report to me that there had been abuses in the past of non-resident people that had come on the ferry and went out of there with just tons of deer. And that the perception was that was not cool, although they're not sure that it hurt anything, because they were perfectly capable and able of meeting their needs out there; that's what they told me. Not one person that I talked to told me that he did not get what he needed.

8

9 And so where the difference came in in the
10 conversations I had with them was different people had
11 different ideas about how many deer and the season. But in
12 general, they were in agreement on the need to make it
13 consistent and the need to -- I lost my train of thought, how
14 about that.

15

16 And their other issue that they -- I heard a lot about
17 was habitat, which I think as a council we probably will get
18 involved in, because it is going to directly effect the levels
19 the game can survive; the levels at which they'll survive and
20 be available to these people.

21

22 In Sitka, there are people who hunt deer for lots of
23 various reasons, but every resident in Sitka is a rural hunter,
24 some of them just don't understand that concept and have a hard
25 time understanding it. And so we have a sportsman's
26 association who came to our advisory committee level and said
27 we need a sports season because we're excluding sports hunting
28 and we don't need to, we have lots of deer available and we
29 don't need to exclude them. And when you try to point out to
30 them we're not excluding anybody in Sitka, you all are
31 subsistence users, it's very difficult for some to understand
32 because they don't view themselves that way. And that's fine.
33 What I'm saying is if they view themselves as a sports hunter,
34 they can go out there and take it as a sports hunter, it
35 doesn't change anything. The numbers that are harvested there
36 in Sitka will stay basically the same, because they're all
37 rural users, whether they understand -- every single person
38 here understands it or not.

39

40 And generally speaking, I had testimony from people
41 that did tell me they did not get what they needed this year;
42 however, they did not feel it was due to a lack of deer, they
43 thought it was due to lack of weather. And that weather being
44 the type that runs them down to areas that make them more
45 accessible or easier to get to. And I have heard lots of
46 testimony to the fact that there were lots of good deer numbers
47 out there, lots of healthy deer, lots of new deer, so on and so
48 forth.

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 And so I believe the people that are in the field that
2 have done that, I believe the testimony they gave me is
3 accurate. And I have more confidence in their testimony than I
4 do in the deer modeling that has been proffered by the
5 Department here that they're using to try to manage the deer.
6 And that's what we're here for is to help give them some
7 balance to that funky deer modeling thing they're using.
8 Everyone has to realize that was done in order to use as a
9 management tool for timber purposes. And whether we believe it
10 or not, all that area is going to be logged at some time or
11 another, and they're trying to tell us, a lot of times in the
12 E2Ss, we are going to lose deer habitat and, therefore, the
13 numbers will eventually go down of deer that will be available;
14 and that's a fact of life, when you incorporate the logging
15 into it.

16

17 And understanding that -- I understand that, but I am
18 still supportive of people in the community who feel that the
19 season should be left consistent and left alone, and that it
20 can be handled in a six month/six deer; and if you don't need
21 that many, then you don't need to take them. Now, I did not
22 get a clear understanding of how the proxy would change that in
23 their minds because, at that time, they didn't really
24 understand what this proxy hunting might mean to them. And I'm
25 not sure, if I went back to my community, if -- and if I talked
26 Tenakee people now and said, hey look, you can hunt for
27 someone else maybe next year, if it passes, will this change
28 the numbers of deer that you feel you need to have out there or
29 whatever for harvesting.

30

31 I don't know that, all I can say is as of this point
32 right now there's a strong indication that folks want to see
33 Game Unit 4 go back to one game unit management area. And
34 identify -- there is some concern that we identify anybody --
35 any community that screams out for help because their
36 subsistence needs are not being met, and that we address that
37 specifically. And there is some concern that they be
38 consistent regulations and not go up and down and change every
39 year. And there was a lot of folks that said you've got the
40 authority to use the emergency closure authority if things get
41 out of hand with a rough winter, or you could go back to what
42 we had in the past where you could take one deer per day in the
43 field in January, and that would alleviate any pressures that
44 might come upon the herd for bad weather or whatever.

45

46 So Number 12, when I look at it, and all the others
47 with all the different little micro-managements and these
48 things on this chart, when I looked at it, it seemed to me to

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

address the people that testified to me of what they felt and the frustrations they felt about all of this jacking around the deer seasons all the time, and drawing lines where people didn't know out in the field where the heck they were and that kind of stuff. So that -- and I must admit, there wasn't a lot of sympathy towards the State wanting it to be consistent with the State land -- the State's season. There was -- seemed to be a deal well, let the State change to fit the Federal more than the other way around. So that was kind of an interesting attitude that I ran into.

10

11 So I feel that this motion, this Proposal Number 12, as written down here; six deer, however, antlerless may be taken from September 15 to January 3rd (sic). Open season, August 1 to January 31st, more adequately fits the different concerns that I heard from people, they're ideas that came from people.

16

17 Also, I am concerned about Hoonah, I think Hoonah has asked for relief, and so there, I am willing to address -- or look at an amendment that will address Hoonah's concerns because they are in a unique position over there with that ferry coming in with outside pressures that could really affect them because their habitat is in big trouble because of all the lands around them that have been severely logged. And so I would support an amendment that would go for that. And I think that the people I talked to, I wouldn't be betraying their interests or any of their concerns if I did that.

27

28 As for public -- for testimony for myself, I have five children; at present only two live at home, the other three have moved away from the home. But we still provide for them because they're very poor and don't have access to these resources like mom and dad have managed to do over the years, we've built up more because we're older. And so we tend to use lots of deer in my family, and there is very seldom a season goes by that we don't harvest at least a minimum of 20 deer. And we eat deer because it's healthy for you, it's very important to us in that respect and because we happen to like it; it's very good for you. And so we use -- our particular family consumes a lot of deer.

40

41 Also, a lot of people that I know around me need deer, and I cannot say no to anybody that is -- needs something. That's just the way I feel about things. So I will give what I can give, and if necessary, my stock runs low, I'll go get more if I need it. So I think the proxy hunt, in our family's case may help us meet the needs of a lot of the people around us, and not just elderly people. But there are people -- there are women around us who are divorced and have children and don't

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

have any way to do that or be involved and need that extra help, and that is healthy for their children. And so our family does use a lot of deer. And six deer would be fine, it'd help keep us legal. I've got to say in all honesty, we'll probably still -- whatever number comes, we'll probably still meet our needs, that's probably the honest truth, and if anybody arrests us, I guess I'll go to jail, I don't know.

7

8 But that is where I feel I need to come from after all the hours of listening to people on this proposal. Thank you, sir.

11

12 MR. THOMAS: Before we go on, again, the reason we're here is because the public demanded that subsistence be given at least an opportunity. Prior to this act by the Federal Government, the opportunity wasn't here like it is now.

16

17 My personal thoughts are that everybody has a responsibility to subsistence. I don't think subsistence has a responsibility to anybody. I think we need to consider that. The concerns that we're hearing from other user groups now is a result of inability to have managed and are again hoping for influence to have some positive impact.

23

24 I'm sure down the road we will, but we're going to have to give subsistence a chance to -- for a jump start again. It's been in a coma for a long time. I think now is an opportunity for use to revive it, give it an opportunity, and I think other management schemes and styles will find a place in embracing that and do something likewise. So in all respect to other users, I'm still focusing on the well-being and the advantages for subsistence.

32

33 Comments? Mim.

34

35 MS. ROBINSON: Yes. I'd like to make an amendment, and when I have

37

38 MR. THOMAS: Okay.

39

40 MS. ROBINSON: some comments to speak to the amendment.

42

43 MR. THOMAS: Amendment is in order.

44

45 MS. ROBINSON: Okay. The amendment would be to proposal 12, at the end of the exist- -- you know, the proposed thing here, it would read: Non-federally eligible hunters are restricted to two deer in Area 2.

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 MR. THOMAS: That's the language?

2

3 MS. ROBINSON: Um-hum.

4

5 MR. THOMAS: Is there a second to the amendment?

6

7 MS. LOWE: Would you reread that, please?

8

9 MS. ROBINSON: Non-federally eligible hunters are
restricted to two deer in Area 2.

11

12 MR. THOMAS: Would you consider changing the word
"restricted" to "limited?"

14

15 MS. ROBINSON: That would work. Restricted, limited, I
don't know.

17

18 MR. THOMAS: Ken.

19

20 MR. THOMPSON: Mr. Chairman, I think I need to remind
the Council that we got into attempting to consider non-
subsistence bag limits in the past, and we've decided that we
do not have the Federal authority to actually dictate a
specific bag limit, but instead, to -- our authority lies in
access to public lands. So in other words, it's the length of
the season of the non-subsistence season that we have the
flexibility to address. And we can accomplish the same, I
believe, in -- if you could give us a framework to work within,
I think we could craft that restriction, should it be
necessary. But without the numbers in front of me

31

32 MR. THOMAS: No.

33

34 MR. THOMPSON: to translate that into season
length, but

36

37 MS. ROBINSON: So in other words, instead of
accomplishing this by number of deer, you would do it by number
of days?

40

41 MR. THOMPSON: Days that we provide access to Federal
lands to non-subsistence take.

43

44 MS. ROBINSON: So what you want from me, instead of
this amendment, is what?

46

47 MR. THOMPSON: You may not be able to provide it
because it would take some mathematics to run that out, to

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1007 WEST THIRD AVENUE
272-7515

convert the two deer to maybe some restriction in season length.

2

3 MS. LOWE: We could do it.

4

5 MR. THOMPSON: See, the State is proposing, I believe, three deer for that year, so you're talking an additional -- the equivalent of one deer for the restriction. So instead of maybe December 31st, it would be November 31st. See, we're back into this situation of the regulation changing

10

11 MR. THOMAS: Yeah. See, that --

12

13 MR. THOMPSON: every year. So

14

15 MR. THOMAS: that's what I'm trying to avoid.

16

17 MS. ROBINSON: I was hoping that this was going to be dealt with during the break.

19

20 MR. THOMAS: Yeah, I did, too. But yeah, I would -- I'm not going to try to overrule anything, but I just got through saying that we should confine ourself to what subsistence is instead of what non-subsistence is.

24

25 MS. ROBINSON: Um-hum.

26

27 MR. THOMAS: And so if could do that, I think that would make it easy for us

29

30 MS. ROBINSON: Could we take a short break to get

31

32 MR. THOMPSON: Well, yes, and again, I think we can work with this, if you can give us some parameters that

34

35 MS. ROBINSON: Uh-huh.

36

37 MR. THOMAS: the subsistence need is.

38

39 MS. ROBINSON: Well, maybe I should go ahead and speak about what I'm trying to do here, and then maybe that'll help them come up with

42

43 MS. LOWE: There -- Mr. Chair, there is no second to the motion, so we're not --

45

46 MS. ROBINSON: I'll withdraw

47

48 MS. LOWE: we have not bought into it.

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1007 WEST THIRD AVENUE
272-7515

1 MS. ROBINSON: Right.

2

3 MS. LOWE: Okay.

4

5 MS. ROBINSON: I'll withdraw the -- my proposed
6 amendment.

7

8 MR. THOMAS: Mim still has the floor.

9

10 MS. ROBINSON: Can I go ahead and make some comments
11 then?

12

13 MR. THOMAS: Sure.

14

15 MS. ROBINSON: Okay. First of all, four deer, I
16 believe, is not enough for a family, even a small family, for
17 the winter; six is -- more accurately reflects the subsistence
18 users' needs. You know, for my family, six is just barely
19 enough; sometimes, if we're fortunate, we get more.

20

21 Okay. That's one thing. The other thing is that for
22 Hoonah, from what I understand, it's taking four to five days
23 for Hoonah subsistence users to get a deer. And this is an
24 increase in effort by about two or three days. It's just --
25 it's taking them a lot longer to get a deer than it used to.
26 And that would be really frustrating. And so I've tried to
27 help them with that situation. Limiting the sport harvest to
28 two deer would -- you know, that would decrease those number of
29 days of effort.

30

31 So that's where I'm trying to head. Now, if, you know,
32 two deer, three deer, whatever, I'm just trying to get it so it
33 doesn't take the Hoonah subsistence user quite so long to get
34 two deer -- get their deer.

35

36 MR. THOMAS: Is anybody

37

38 MS. ROBINSON: Okay.

39

40 MR. THOMAS: Can anybody respond to that?

41

42 MR. THOMPSON: I don't have any more to add than what I
43 said about

44

45 MR. THOMAS: Even if an adversary, we'll take your word
46 for it, but we was looking for some guidance from you, because
47 we're trying to be -- we're trying to substantiate what we do,
48 and we want to do it with some sense of

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. THOMPSON: Of knowing what the effect is on non-
 2 subsistence?

3

4 MR. THOMAS: Well, some qualification.

5

6 MR. THOMPSON: Sure.

7

8 MR. KURTH: Maybe I can try and make everyone aware of
 9 some of the concerns that we've struggled with in the past.
 10 But the Federal Board is charged for providing for subsistence
 11 uses in setting seasons and bags that will meet the customs and
 12 the traditions of the users. They don't set sport
 13 regulations

14

15 MR. THOMAS: No.

16

17 MR. KURTH: or the regulations for other users.

18

19 MR. THOMAS: Right.

20

21 MR. KURTH: But what their charge is when it's
 22 necessary to restrict other users in order to provide for
 23 subsistence uses, then they'll do so. What the State has
 24 maintained is fine, if you need to provide this priority,
 25 that's fine. But we should be the ones that set the seasons
 26 and the bags, you know, when it's not closed, for the other
 27 users of the State. And the Board has generally agreed with
 28 that. They're not reluctant at all, if there's not enough
 29 animals to go around, to close that. But when it's open, the
 30 State would like the flexibility to set the seasons for their
 31 other users.

32

33 So I think what you need to do, and you've done, I
 34 think, first, is decide what the season and bag for subsistence
 35 should be; that's your first charge. And then you need to
 36 decide are there another -- enough animals for the other users,
 37 and if the answer is no, then we should close it in order to
 38 provide that use; that's generally the Board's strategy. And I
 39 think, you know, two or three, we've got to be careful. I
 40 think Mr. McKinley earlier spoke very eloquently, there are
 41 other people there. If there's enough animals, we need to make
 42 sure that we don't close it unnecessarily; if there's not
 43 enough animals, then you should tell us you feel that way and
 44 ask the Board to close it to provide the priority.

45

46 MR. DALTON: Mr. Chairman.

47

48 MR. THOMAS: Yeah.

49

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810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1 MR. DALTON: I think Mr. McKinley, in general, was
 2 concerned that Juneau subsistence users are eliminated by the
 3 law, and also Ketchikan, where they want to get in on the fair
 4 shake of the take. And I don't think he was addressing himself
 5 as a sport hunter, I think he was addressing himself as a
 6 subsistent user. He also made a statement that he would be
 7 perfectly happy if he got one even, and last year, he didn't
 8 get any.

9

10 So it appears to me that by these kind of laws that we
 11 have to live with kind of makes a lot of friction as far as
 12 Juneau people is concerned and also Ketchikan. And it seems to
 13 me that if we're going to consider the wishes of the sport
 14 hunter, I don't know if that would be the language to use to
 15 say go ahead. It's not the language that I want to hear. I
 16 want to hear the language that we should be able to supply
 17 those people who is bona fide resident of Hoonah who has to
 18 come into Juneau and work.

19

20 And the other language that I hear, as far as sport
 21 hunting is concerned, maybe between the wife and the man brings
 22 home of about \$60,000.00 a year. Why would they have to rely
 23 on the subsistent hunting and call it sports? If I was making
 24 that kind of money, I would probably be inclined to buy
 25 a hamburger instead of going hunting in order to supplement.
 26 Some of these people here go after that particular game in
 27 order for them to save the money that they might want to spend
 28 at Fred Meyer or Foodland, in order for them to go to Hawaii
 29 and have a good time for a week or two. Some of these things I
 30 hear and some of these things we see.

31

32 So I think in order to justify the feeling of the
 33 Tlingit oriented or Haida oriented person should be allowed
 34 from this particular Juneau, Alaska and Ketchikan to come and
 35 prove that -- to you people or to the Board that he is from
 36 Hoonah or he is from Tenakee, and he comes with that kind of
 37 proof, why would they want to eliminate them?

38

39 MR. KURTH: Yeah. I just want to make sure you
 40 understand, I'm not saying you should consider yourself with
 41 sports, that's not what I meant. But what I think you'll find
 42 carefully choosing our words about other users, and that I
 43 think we all recognize that ANILCA, this law, didn't protect
 44 everybody who could claim to be a subsistence user. Certainly,
 45 there are Native people in Juneau and Ketchikan, and Anchorage
 46 for that matter, and we generally refer to other uses because
 47 some people don't like to be characterized as sport hunters in
 48 this community. So what we try and do is make sure we provide

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810 N STREET
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1007 WEST THIRD AVENUE
 272-7515

for the subsistence priority that's in ANILCA. And if it's necessary to restrict other users; and I'm not going to give them a title; but other uses, in order to provide that priority for the rural subsistence, then the Federal Board's very willing to do that. But it does it reluctantly because if there's enough to share with other users, then the Board wants to do that.

7

8 MR. THOMAS: Okay. Two things. In 30 minutes, if we don't have this disposed of, we're going to continue in the morning on the same one. Secondly, in reference to what the Board wants and what we should be willing to give them might not be the same. For us to be able to give them a determination amount of available deer out there, there's no way for us to tell that. We've been here for four months, I think we should offer them a proposal from here, give it a chance to work; you know, take a look at it, and it may not have a negative impact on anybody. If it does, we need to know how, why and the duration. And so I would like for the Council to consider offering that language so that the Board will know what we'd like for them to consider that rather than giving them all that information that we can't provide.

22

23 Mim.

24

25 MS. ROBINSON: Okay. Along those lines, okay, what I'm hearing is one method from you and one from you. One says yes, go ahead and do the two deer, do a number of deer; the other one is saying no, no, no, you can't do that because you're saying what the sport limit is. The other -- and they're saying no, you have to do a date. So why am I hearing these two different messages?

32

33 MR. KURTH: Well, I think maybe you're misunderstanding. I think what we need to hear in your recommendation, basically, is that you don't think there's enough deer to go around for all the users. I mean, that would be why you would

38

39 MS. ROBINSON: Well, that would be coming out in this amendment.

41

42 MR. KURTH: Right. And I mean, if you feel that way, then that's fine, and you can recommend, you know, that in any form --

45

46 MS. ROBINSON: I mean, it seems kind of obvious.

47

48 MR. KURTH: any format that you'd like to. What

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I think Ken and I are trying to make you aware of is the Board may, in order to fulfill what it thinks its legal charge, try and provide for that same protection so those resources are available for subsistence users through a closure rather than a bag limit for the State other hunters.

5

6 MS. LOWE: A date, that's what he's saying.

7

8 MR. DALTON: Mr. Chairman.

9

10 MR. THOMAS: Richard.

11

12 MR. DALTON: If I may be allowed, I would like to read a memorandum which was sent July 15, 1992 (ph). And this was all Commissioners, all Southeast communities and Robert Willard, President of Southeast Native Subsistent Commission. Subject, Subsistent and Non-Subsistence Areas Under New State Statute In Relationship to U.S. Forest Service. I'm not going to read all of it, but I want to read enough so that you understand the language.

20

21 The State Subsistence Statute provides that the drawing Boards of Fisheries and Game will designate areas where there is no interest to subsist users, while this sound as if it means Juneau and Ketchikan. There are also inherent dangers in the State designating areas that are of interest to subsistent users. There is in then (ph) the U.S. Forest Service that logs within the Tongass National Forest under the new State law, while base inlets, passages, canals and sounds will be designated as subsistence use areas or it will be designated as non-subsistent area as we have not demonstrated any interest in that particular bay. However, this could be of interest if the U.S. Forest Service logged that bay out.

33

34 And you have already expressed non-interest in the Atkinson (ph) Bay. Let me give you an example, in the Peril Straits area, Rotnam (ph) Bay, they have interest today and they designated a subsistence use area under the State law. The bay next to it is Suit (ph) Bay. If there is little or no interest in Suit Bay, it likely could be a non-subsistent and classified. But then they use -- the U.S. Forest Service logs out the Rotnam Bay, and then suddenly Suit Bay becomes of interest. But it has already been designated as non-subsistence. The same is true with the Sitka area, Katlian Bay may not be of interest. But the Nakwasina Pass is the situation could be reversed as the U.S. Forest Service plans on logging near the Nakwasina, and that could become non-subsistence for a period of time, until the regrowth of the trees occurs.

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1 These are hypothetical examples of forest. What I am
 2 saying is that one area may be of non-interest today but could
 3 be of interest tomorrow. If the Atkinson areas is logged out,
 4 what is all -- what all this means is that the Southeast Native
 5 Subsistent Commission may have to call the State and U.S.
 6 Forest Service to the table and begin correlating long-term
 7 plans for each community, community by community. In the end,
 8 it will be the local people coming to the table and telling us
 9 what areas they want to have designated as of interest to
 10 subsistence and what areas are of no interest. Then, we'd have
 11 to determine what areas we want to have protected from logging.

12
 13 If that sounds complicated, the Governor signed Subsist
 14 Bill, Klukwan then contributes \$2,000.00 to the cent (ph) when
 15 U.S. Forest meet on the Southeast Chichagof project. The State
 16 Board of Fish & Game posed regulations on deer, the Federal
 17 Subsistent Board meets on deer hunting on Game Management
 18 Unit 4.

19
 20 The Southeast Commission calls for local input for any
 21 deer hunting regulatory changes. The Southeast Commission
 22 objects to the use of the term "subsistence" in a non-wasteful
 23 manner. Governor to sign capital improvement projects bill.
 24 Governor makes a swing through Southeast, Natives object to
 25 Alaska Supreme Court decision. State has customary trait (ph)
 26 proposal prepared. And the Southeast Commission asked the
 27 Alaska Legal Council opinion on Proposal Number 352 that would
 28 restrict sale of herring eggs by Natives or -- any TNH -- or to
 29 meet and propose study on commercial license (indiscernible)
 30 and black seaweed.

31
 32 I just wanted to point out some of these because I
 33 listened to

34
 35 MR. KITKA: May I make a comment?

36
 37 MR. THOMAS: Okay. One more comment and then we're
 38 processing till 9:00 o'clock tomorrow -- 8:30 tomorrow morning.

39
 40 MR. KITKA: The comment I want to make is I'm a
 41 chairman for Subsistent Sitka, ANB and TNH and various kind of
 42 person (ph). And the residents from Tenakee come to our
 43 meeting. And what they're stressing and what they're worried
 44 about is their subsistent take of the deer. They claim there's
 45 not enough to go around, they think you want to extend the
 46 season, they want it to remain closure November 1st; this was
 47 their concern. They claim they lost too many deer habitat and
 48 the population is getting low; it's getting hard for subsistent

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users to obtain their need for the winter. Most of the people that are living there are elderly, retired Indian living there on the Social Security, which don't provide enough. This is the statement that we're making at our meetings.

4

5 So they're very concerned about the take of the
6 subsistent use of the game.

7

8 MS. WILSON: Where is this at?

9

10 MR. ANDERSON: Tenakee.

11

12 MS. WILSON: Tenakee.

13

14 MR. KITKA: Um-hum.

15

16 MR. THOMAS: Okay. 8:30 tomorrow, ANB Hall.

17

18 MS. JORGENSEN: Everybody has to take their stuff.

19

20 MR. THOMAS: Everybody's got to take your stuff.

21

22 (Off record)

23

24 (END OF DAY'S PROCEEDINGS)

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17 THAT the transcript is a true and correct transcript
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Squires to the best of her knowledge and ability;

20
21 THAT I am not an employee, attorney, or party
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24 DATED at Anchorage, Alaska, this 14th day of February,
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