

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
February 9, 1995
Alaska Native Brotherhood Hall
Hoonah, Alaska

VOLUME II

COUNCIL MEMBERS PRESENT:

- William C. Thomas, Sr., Chair
- Vicki LeCornu, Secretary
- Herman Kitka, Sr.
- John P. Feller
- Richard Dalton, Sr.
- Patricia A. Phillips
- Wm Robinson
- Lonnie Anderson
- Marilyn R. Wilson
- John F. Vale
- Carol Jorgensen, Coordinator

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
277-0572/Fax 274-8982 272-7515

PROCEEDINGS

1

2

3

CHAIRMAN THOMAS: from where we left off yesterday. We had a proposal yesterday to include a doe season in Game Unit 2. Game Unit 2 is located on Prince of Wales Island. In Southeast we have five game units, and those units span from Ketchikan to Yakutat. This area here, if I'm not mistaken, is it GMU 4 -- is that right? Game Unit 4. And Prince of Wales had a proposal in to allow the harvesting of a doe during the deer season. The result that we arrived at yesterday in that proposal -- the proposal was written to allow for a harvest of four does. It was a consensus here that four does would have been excessive, it wasn't good responsibility, it wasn't a good management for the deer with the amount of hunters that go after them during a season. So, that number was modified from the number four to number one, and that one doe was put in place of a buck. In Unit 4 you're allowed four bucks. Now, if you choose to use an option to get one doe out of those four deer, if this is adopted and this is passed, that will be the provision. That's where we left off last night.

21

22

Okay. After we recessed last night till this morning, one of our council members has gotten some information from the committee she represents and things happened so fast and that her understanding of what was not here, the discussion level that we're at, what was being said, what the implications were, it happened so fast. She's keeping notes, and so her thought process wasn't able to keep up, and I'm glad it was her and not me because I wouldn't have had anything down. But she asked for consideration to come back to that proposal. We're allowing that to happen. If we don't allow that to happen we're not serving our purpose. Our purpose is to give each proposal, each consideration the best discussion, the best presentation so that it will move forward to whoever makes the final action on that. In this case the Secretary of Interior -- from here we give a recommendation to the Federal Subsistence Board that normally meets in Anchorage.

38

39

With that, Vicki, are you ready for your comment?

40

41

MS. LeCORNU: Yes, I am. Thank you, Mr. Chairman.

42

43

COURT REPORTER: Mr. Chairman. I haven't heard you say we're on record yet and I haven't been taking notes.

45

46

CHAIRMAN THOMAS: I pulled a typical bureaucratic move. I moved into it in a blur. I apologize.

48

49

COURT REPORTER: Accepted, and we're on record now.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 CHAIRMAN THOMAS: Notice how nice the Chairman is?
3 Vicki.

4
5 MS. LeCORNU: Thank you, Mr. Chairman. This topic that
6 I'm going to address -- actually, I think, it involves all of
7 the proposals, because I think what we did yesterday was a
8 mistake in our approach. And I had this feeling -- like you
9 said, it's not an easy thing to figure out. The State had a
10 management system similar to ours, I think, and they made
11 mistakes, too. The mistake I'm talking about is restrictions
12 that are being put, I feel, arbitrarily by this regulation,
13 and, you know, I kind of wandered into the proposal with Dewey,
14 and I don't think we approached it as broadly as we should
15 have. And the reason I'm saying this is because you can't
16 restrict by permit unless for conservation purposes. Ours are
17 not such, and we should not have regulations without the need
18 for the anticipated needs for the next coming year. That is the
19 purpose of the Annual Report to the Secretary of the Interior,
20 and those funds have to be appropriated to allow for meaningful
21 participation, and that hasn't been met in Hydaburg or Prince
22 of Wales, the customary and traditional -- rural and customary
23 and traditional standards.

24
25 So the priority is there all of the time for rural
26 customary and traditional users, and the fact we're not doing
27 it doesn't mean it's right; we are supposed to ensure that
28 there is a priority. And although you might not read that
29 priority right into the 805, it went to court in Kenaitze, and
30 the judge said that there were two kinds of priorities, and you
31 can't restrict one group to benefit both, and to me that's what
32 we're doing in this approach: We're allowing all users and not
33 allowing for the needs of those communities -- the Native
34 communities. So, are we doing the same as the State by not
35 identifying rural users? Are we making the same mistakes that
36 they made in Kenai when they were overrun by fishermen in
37 denying the Kenaitze Tribe any access by being the
38 over-populated? And that, to me, that's what the problem is, a
39 population problem.

40
41 So, we're assuming that these regulations are necessary
42 and we don't really know that. The State standards are
43 reasonable is what their standards are, and in Indian law it is
44 reasonable and necessary. It has to be proven to be necessary.
45 So the other question I have on the problems of our approach
46 what is rural? And I think it was discussed on the State
47 Board's -- John might remember. Rural could be certain Native
48 communities. And so those -- that being the case, those are
49 different standards, and I think the socio and cultural impacts
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

talked to that. Those are our standards; if we feel that a deer is okay now, those are our standards. So, we need to interpret it in our -- to our benefit and not to our demise, as we are in this proposal.

5

6 So we need to interpret it as Indian legislation, and we need to see it as remedial legislation. That means this is a law that is making up for a mistake that was made 20 years ago. So, what were the communities like 20 years ago? Did we have logging communities on the island? The standards are different in the communities, and some of them may even be dependent Indian communities. So, I think that also needs to be addressed in the fact that some of these communities that you go to may have that one prerogative as a dependent Indian community status.

16

17 And I also want to take a little difference with what Bill said on my understanding of subsistence, and this went through court in Washington state, and they allow for a moderate standard of living. So you're talking about changing some of these standards of living. We have to be a lot more careful, and I think that I was glad to hear in Rachel's report that doe is okay in one culture. But does that mean it's okay for all the logging communities, too, because if it's not, it's going to impact the taking of doe by all of those residents; we will negatively impact the population of deer. So, that's all I have. Thank you.

28

29 CHAIRMAN THOMAS: Okay. I appreciate that, but with that do you have recommended changes to offer?

31

32 MS. LeCORNU: I think our whole approach has to be different. I don't think we can assume that these regulations are necessary for the -- all the communities where, you know, they have different standards for those communities. You know, I don't have to take the needs of everybody in the Ketchikan area. My needs aren't being met.

38

39 CHAIRMAN THOMAS: What do you wish us to do?

40

41 MS. LeCORNU: Oh, I would just like a chance to work with Dewey on another proposal, maybe.

43

44 CHAIRMAN THOMAS: So do you want to come back -- do you want to reconsider the action on this proposal?

46

47 MS. LeCORNU: Yes.

48

49 CHAIRMAN THOMAS: So you move for a reconsideration?

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. LeCORNU: Yes.
3
4 MR. VALE: I second it.
5
6 CHAIRMAN THOMAS: You heard the motion and a second for
7 reconsideration, a proposal which was adopted. Reconsideration
8 is only allowed by those on the prevailing side. The maker of
9 the motion has to be on the prevailing side. The motion is in
10 order. Further discussion on the motion?
11
12 MR. DALTON: Mr. Chairman.
13
14 CHAIRMAN THOMAS: Richard.
15
16 MR. DALTON: In support of the motion, I wholeheartedly
17 agree. I would like to just put a little light on priorities.
18 We know for thousands of years that our area here in Hoonah
19 covers at least 380,000 square miles of Hoonah territory,
20 exclusively Glacier Bay, and under that we have some resource
21 people who protect the fish and game. They're about the best
22 resources people. Like myself, T'akdeintaan; if I have to go
23 through Canadian territory, I don't go over there just because
24 of T'akdeintaan. They have their own fish and game rivers
25 that they protect. I have to have the permission of the true
26 Canadian people, that's the Tlingit law. And by that law we
27 never overtake any fish and game, we always are strong-minded
28 people and conservative people, because we look into the
29 future.
30
31 So, one of the things is William Paul made a statement
32 in his land suit. The statement was the clan in Wrangell and
33 in Sitka, there's a division there, they're all of one
34 clan, and perhaps of one blood, but still there's a division
35 here between Wrangell and Sitka. So, when they come over to
36 Sitka they have to rely on the law of the Tlingit territory of
37 Sitka, and it's likewise when they go over to Wrangell. The
38 Sitka people don't go over there and just take the fish and
39 game because they still have to approach those clan people in
40 Wrangell in order for them to get what they need. And I don't
41 know if this proxy detail, whether I'm in favor of it myself.
42 Thank you.
43
44 CHAIRMAN THOMAS: Richard, were you speaking in favor
45 of the motion?
46
47 MR. DALTON: Yes.
48
49 CHAIRMAN THOMAS: Okay. Further discussion?
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. VALE: Mr. Chairman.
3
4 CHAIRMAN THOMAS: John.
5
6 MR. VALE: Are we simply voting to reconsider the
7 proposal or are we talking about the merits of the proposal
8 set?
9
10 CHAIRMAN THOMAS: We're reconsidering the action of the
11 proposal.
12
13 MR. VALE: So, if we vote to bring the proposal back
14 up?
15
16 CHAIRMAN THOMAS: To change it from allowing the
17 proposal to go forward, and it will remain as it is.
18
19 MS. LeCORNU: I'd like a chance to redo it sometime, so
20 if we can do it at the end, you know, it's possible for us to
21 redo it.
22
23 CHAIRMAN THOMAS: If we're going to deal with
24 proposal 1, we're going to finish it during this session,
25 because once we move on, we've been given this opportunity. I
26 think we're generous, we're going to do it. Once we move on
27 then we'll have Proposal 1 behind us.
28
29 Further discussion? Mim.
30
31 MS. ROBINSON: Well, it sounds like Vicki wanted time
32 to talk to Dewey some more about this. So, I would suggest
33 that the two motion makers there withdraw their motion and
34 consider this later.
35
36 CHAIRMAN THOMAS: Has there been discussion prior to
37 this that I haven't heard about? Okay, so we're still
38 discussing a motion. And if we understand the motion, speak to
39 it like you do. If you don't understand the motion, I don't
40 know what to -- the motion is to reconsider.
41
42 Further discussion? Maybe we do need to explain the
43 intent of the motion. Okay. What was your intent to do with
44 the motion?
45
46 MS. LeCORNU: Well, I wanted to redo it and not accept
47 that everybody would have access to the first one.
48
49 MS. WILSON: Mr. Chairman.
50

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
277-0572/Fax 274-8982 272-7515

1
2 CHAIRMAN THOMAS: Marilyn.
3
4 MS. WILSON: Could you read that motion over? I think
5 I'm getting a little more confused here as we discuss it.
6
7 CHAIRMAN THOMAS: I certainly am. Could you read the
8 motion, Vicki, please?
9
10 MS. LeCORNU: To reconsider the proposal.
11
12 CHAIRMAN THOMAS: Your Proposal 1. I didn't realize
13 that we're going to need more time for somebody that is not
14 here. That makes it pretty awkward. I guess I'm looking for
15 guidance from the Council.
16
17 MS. LeCORNU: Has it been seconded?
18
19 CHAIRMAN THOMAS: Yes, it has. Mim.
20
21 MS. ROBINSON: Vicki, are we just waiting for Lonnie to
22 come back?
23
24 MS. LeCORNU: Yes, so he can withdraw his motion.
25
26 MS. ROBINSON: That's what I thought. Mr. Chairman, I
27 recommend we take a few minutes' break. I think it looks like
28 maybe the motion should be withdrawn at this time to reconsider
29 later.
30
31 MR. McKINLEY: May I take the floor?
32
33 CHAIRMAN THOMAS: Okay. We'll stand in recess right
34 now and allow the floor to Al.
35
36 (Off record)
37 (On record)
38
39 CHAIRMAN THOMAS: I'm going to call the meeting back to
40 order. Realizing that this reconsideration is going to involve
41 more time, we've got the technical expertise here to help
42 formulate that language. We're happy that you're here. It's
43 not possible for us to continue action other than to approve
44 the motion that was on the floor right now, that was to
45 reconsider. It's the wish of the council to do something
46 different than that. In order to facilitate that, the Chair
47 will entertain a motion to table until later on this session,
48 and during the time it's in the tabled status, I will offer
49 time for people to get together with language on here that we
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

can understand and support, then bring back at a later time.

2

3 MS. ROBINSON: So moved.

4

5 CHAIRMAN THOMAS: Moved to table?

6

7 MS. ROBINSON: Yes.

8

9 CHAIRMAN THOMAS: Is there a second?

10

11 MR. FELLER: I'll second it, Mr. Chairman.

12

13 CHAIRMAN THOMAS: It's non-debatable. All those in
14 favor, say aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN THOMAS: Those opposed?

19

20 (No opposing responses)

21

22 CHAIRMAN THOMAS: Motion carries. Okay, what happens
23 here, students, is that there is some more work that we need
24 to do, and the people you saw huddle up here are people that
25 have technical knowledge and background and know what each word
26 implies in the language of this proposal. So, as we move on
27 with the rest of our agenda, we're going to take time for those
28 same people to get their minds together -- they'll get more
29 time to put together something that is a little more supportive
30 and understanding.

31

32 So, now we're going to move on to another proposal, and
33 our proposal process involves several people, like you will
34 see.

35

36 Do you folks have a copies of the agenda; is there a
37 copy among you? On the agenda it gives you a process how each
38 proposal is handled. Okay. To demonstrate how that works, I'm
39 now going to turn the microphone over to Ms. Carol Jorgensen,
40 who is the coordinator for this Council.

41

42 MS. JORGENSEN: Mr. Chairman, Proposal 2. The existing
43 regulation reads:

44

45 There are no transferrable permits specified for
46 federal subsistence hunts of large animals in Units 1
47 through 5.

48

49 The proposed regulation would read: A qualified

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

subsistence user of Units 1 through 5 may designate another qualified subsistence user of Units 1 through 5 to take deer on his or her behalf unless the recipient is a member of the community, operating under a community harvest system. The designated hunter must complete and return the harvest report on behalf of the recipient and must turn over all salvaged meat to the recipient. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his or her possession at any one time.

10

11 CHAIRMAN THOMAS: Okay.

12

13 MS. JORGENSEN: And Robert will do the analysis.

14

15 MR. WILLIS: Thank you, Carol. As most of you are aware, deer populations vary quite widely across Southeast Alaska. Unit 4, where we are now, traditionally has had the highest populations, mainly because there are no significant predators on deer in this area. Units 1 and 3 typically have the lowest populations because they do have predators, chiefly wolves and black bears. And Unit 2, as we discussed at some length yesterday, falls somewhere in between those two, as far as population levels. Unit 5, which is the Yakutat area, has a very limited amount of deer habitat. There's only one area that deer are seriously hunted there, and they currently have a one month season, with a harvest limit of one buck.

27

28 Deer populations in all the units are decimated periodically by severe winters, but they tend to bounce back rather quickly in the units that don't have significant predation problems. After the bad winters that we had in '69 through '71, the bear came back rather quickly in Unit 4, but they are still pretty severely depressed in Units 1 and 3 because of the fact that those units have bears and wolves to keep the populations down. There's a threshold level, as we call it, above which a population of deer or other large mammal species that are preyed on have to rise before they can show significant gains in their population, and, once they have high enough numbers to get above the threshold level, then they can increase pretty rapidly, even though they are being preyed on.

41

42 Units 1 and 3, this is not quite the case yet. We're getting close to that threshold level but we've seen populations come up sufficiently in Units 1 and 3 over the last few years to increase the season somewhat. Most of them, though, are still fairly short and have a one buck or a two buck limit.

48

49 Unit 2, we talked about yesterday, and we have a four

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

buck limit there, and apparently a fairly extensive season, and feel that the population is stable and with the opportunity to expand slightly, and we don't know the outcome of the doe season that has been proposed for that area.

5

6 In conclusion, I guess, we don't anticipate any significant biological impact from this proposal on Unit 4. We do feel like in Units 1 and 3, possibly in Unit 2, that there could be a significant increase in the harvest from this designated hunter proposal: The reason being that where you have low bag limits, only one or two deer, that's all that the deer herd can support, and you let the best hunters go out and harvest multiples of that number, two or three or four deer, then you could end up depressing the population, or at least slowing the recovery, to some degree. In Unit 2 we could also see a significant increase because of the accessibility there, the extensive road system and the access by boat; access that you don't have to the same degree in Units 1, 3, and 4. And it's also worth noting, of course, that in all the units we still have ongoing timber harvest, which is going to reduce the available habitat and, therefore, the overall deer population in the years to come.

23

24 I wanted to mention, too, that one of the points that Bruce brought up yesterday involved a wanton waste of meat. He was concerned that the regulation wouldn't allow or specify who was responsible for salvaging meat. And that's not true. I dug out the Federal Regulations, and I'll read to you what it says on that point.

30

31 Under Utilization of Wildlife: Failure to salvage edible meat of ungulates, bear, grouse or ptarmigan is prohibited. So, the word "salvage" is the key word there. It's not the responsibility of someone who is going to be receiving meat to see that all that meat is brought out. The salvage is the responsibility of the person taking the animal. They're the only one going to be there who can salvage the meat. So, that point, I don't think, that Bruce brought up, has merit.

40

41 At this time I'll turn the program over to Rachel.

42

43 MS. MASON: Thank you. The main rationale for this proposal is to legalize the practice that's already taking place. The proposal would permit hunters to harvest deer expressly for sharing with other people. Any household can go through several developmental stages in its life that has widely varying ratios of producers' dependents. Older people who used to be able to harvest for themselves may no longer be

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

able to do so. A single parent family is another category of households that might rely on others to supply them with resources, and in any household there may be members who are unable to harvest for themselves, or simply choose not to do so. Also, some individuals are better harvesters than others.

6

7 In every community there's a minority of good hunters, trappers and fishermen. The sharing of deer and of other resources is very well established in rural Southeast Alaska. The total population of rural Southeast communities was 25,252 in 1990, and the population is culturally and socially heterogeneous, which influences the nature and level of subsistence harvest and of distribution.

14

15 85 percent of rural Southeast households harvest subsistence foods, and in some communities the figure is 100 percent. Almost -- the residents also tend to harvest a lot of different types of subsistence resources. About 60 percent of all households harvest at least four different types of fish, wildlife and plants. Sharing of deer is particularly well established, and more households use deer and harvest it, which shows how widely it's an established practice. In Klukwan, for example, 47.5 percent of the households use deer, but only 12.2 percent harvested it. So, that shows that sharing goes on.

26

27 As I said, the justification for this proposal is that hunters cannot legally fulfill both their household requirements and those of other individuals with whom they want to share. The proposal would benefit, then, only those individuals who could procure their own legal, personal harvest limit, and then would seek additional animals for other persons. It wouldn't affect harvesters who couldn't already meet both their own household requirements and those of sharing within their personal harvest limits. So, the maximum number of hunters that are potentially available to harvest additional animals under a designated hunter scenario would be those individuals who currently take either their own personal harvest limit or more than that limit. And, as depicted in ADF&G data, that group, at least in Unit 4, that represents between eight to 29 percent of the total hunters.

42

43 So, our preliminary conclusions are that currently the system of personal harvest limits might not accommodate the additional practices of harvesting distribution and consumption, and in particular the current Federal system does not allow for a hunter to harvest resources for non-hunters.

48

49 Before we can approve this proposal, however, it must

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

He determined that the regime would not risk the health of deer populations. Under the provisions of proposals, all the rural residents in Southeast Alaska, Units 1 through 5, could designate someone to harvest deer on their behalf. So, a central factor in determining how much deer is going to be harvested is the number and the abilities of the harvesters that are available and willing to take conditional animals other than their personal harvest limits. And based on the example of Unit 4, there are relatively few such harvesters. But it still must be considered that it's possible that a designated hunter program could result in increased harvest.

12 As a result, as Robert told you, the proposal can only be supported in those areas where the deer population is healthy enough to support an increased harvest.

15

16 As he indicated, also, it appears that the deer population in Unit 4 are more resilient than populations elsewhere in Alaska, and for that reason if this proposal is to be limited, it should be limited to Unit 4 until its effect can be evaluated in other areas.

21

22 MS. JORGENSEN: Okay. Mr. Chairman, we had six responses to this proposal. The first one was opposed, as written. The State believes -- and it's from the Alaska Department of Fish & Game. The State believes the proposal, as written, raises too many questions about how a transferrable permit system would be implemented and its potential effects. The program should not result in a level of harvest that could endanger the resource base. The purpose of the program should be to provide a customary and traditional harvest opportunity for those who are unable to harvest for themselves. Participants should be legally qualified to participate under applicable federal and state laws, because program involves the use of public resource. Participants should be accountable for their actions. Participants should comply with all applicable harvest regulations. The program should not result in waste of edible meat. And that's from the Alaska Department of Fish & Game.

39

40 This one is from the Gastineau Channel Fish & Game Advisory Committee, in Juneau: We oppose letting able-bodied persons designate another person to fulfill their subsistence game tags. We believe that ultimately the elderly or persons with disabilities should be allowed to designate others to fill their tags. We believe that, as written, the resource could be jeopardized by abuse of the system; ultimately, to the detriment of subsistence hunting for future generations. The Federal language should match the State language which adequately provides for subsistence users while providing

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

reasonable controls against abuse. Gastineau Channel Fish & Game Advisory.

3

4 This is from the Sitka Conservation Society: We are not opposed, provided sufficient oversight of the harvest is undertaken. Sitka Conservation Society.

7

8 This is from the Petersburg Fish & Game Advisory in Petersburg: Opposed. We think there would be far too many abuses and be detrimental to the deer herd to allow unregulated proxy hunting. Petersburg Fish & Game Advisory.

12

13 This is from the Territorial Sportsmen: We oppose letting able-bodied persons designate another person to fill their subsistence game tags. We believe that the only -- that only the elderly or persons with disabilities should be allowed to designate others to fill their tags. We believe that, as written, the resource could be jeopardized by use of the system, and the Federal language should match the State language. Territorial Sportsmen.

21

22 And we received a fax from Susan Enstrom, Chairman of the Sitka Fish & Game Advisory. It says: To whom it may concern: The Sitka Fish & Game Advisory Committee met on February 1, 1995, with Herman Kitka, representative from Federal Southeast Regional Subsistence Council, Dale Kanen, (Indiscernible), Subsistence Program Manager, and Ray Nielsen and Jude Pate (ph), from the Sitka Tribes, in attendance, to discuss the proxy provider hunt proposal. The advisory committee has no objection to someone providing for needy, handicapped or elderly, but felt a little concern about a whole about a wide open proxy provider hunt, for fear it would be abused and the game would be harder to manage.

34

35 They also have a -- it goes on on another proposal, and will reread this, but it says, the marten proposal for opening Michagof Island for trapping next year was also discussed and supported by the members. We appreciate the opportunity to include in the discussion on these items that are important to our area, and wish to thank those who brought them to our attention. Respectfully, Susan Enstrom, Chairman, Sitka Fish & Game Advisory Committee.

43

44 CHAIRMAN THOMAS: Mr. Willis.

45

46 MR. WILLIS: I just wanted to add that, from an administrative standpoint, there is some concern about how this designated hunter proposal would be implemented if it is passed to regulation. We talked to the State about -- there are two

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

possibilities. One is using a Federal permit, the other is to allow the transfer of State game tags from one person to another. We discussed the latter point with the State, and it's clearly -- currently a violation of state law for one person to use another person's deer tags or license. We have the problem -- with the federal permit we have the problem of getting those permits distributed. Some of the agencies -- the Federal agencies expressed concern about trying to establish a Federal permit system.

10

11 At this point we're trying to set up a meeting with the State Fish & Game, the State Attorney General's Office and our Federal Solicitor's to try to work out a system to administer a designated hunter permit. And if John Morrison, with the State, were here, he could probably tell us at what stage we are. We left that with him about two weeks ago and I haven't heard anything further on it. But I just wanted you to be aware of the problems that we're encountering right now in trying to determine how this type of a program may be administered. Thank you.

21

22 CHAIRMAN THOMAS: Appreciate that. Thank you very much. Appreciate the fine analysis that was delivered around this. It's not the first time this proposal has been before us. It was before us last year. We carried it on favorably. It ran into a snag at the board level, and I'm not exactly sure how it wound up back here, but we'll carry it forward again.

28

29 And, let's see, did anybody sign up for public comment on this proposal? Would you sign up now and come forward now?

31

32 MR. MCKINLEY: Thank you very much, Mr. Chairman. For those of you who don't know me, my name is Alfred McKinley, Sr. I am the elected Grand President of Alaska Native Brotherhood, which represents the entire Southeast of Alaska.

36

37 First of all, our people in Southeast Alaska would propose the proxy for our people because most of our elder people that are retired are unable to purchase a boat that other full-time employees, federal or state government employees, that our rural communities do not have. So, as a result of that it's difficult for our people throughout the State of Alaska that -- where we recommend that we have a proxy, but instead of proxy, I think it's almost like a profit making corporation that we're using. I think we should use to provide -- assist our people in the process of the subsistence. I would recommend that even though, Mr. Chairman, it's not written in the Federal guidelines as of now, but under Section 9 it is allowable that we insert that into the system, where

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

under Title -- under Section 8, where it provides customary and traditional use. Also, Mr. Chairman, it allows the Federal Government in the event there's any problem or misinterpretation of the ANILCA law, and then the ANILCA law, under the Supreme Court -- or not Supreme Court, but the Ninth Circuit Court of Appeals stipulates if there's any case -- if there's any ambiguity in the law then they actually should lean towards our people in the process of the completion of the law.

9
10 Mr. Chairman, I'd like to remind the board that the title preference was established for our people throughout the villages. The reason for that, in the event the wild renewable resources depletes, then the rural community will have first preference. So far, as long as the wild renewable resources are in abundance for all the people, including the big cities, there's no problem; as long as we have proper management of the resources, we won't have that problem. But we are having this problem today.

19
20 And yesterday there was an argument when Bob Anderson represented our people in the Ninth Circuit Court of Appeals, the debate took place yesterday, but I didn't know how this was going. But, in any event, Mr. Chairman -- in fact, we should actually go farther than what we have, Mr. Chairman. I think we should actually build into the system, instead of proxy, also add in there funeral ceremonies for our people. And this is what we practice throughout the state of Alaska in the rural communities. If one of our family dies, Mr. Chairman, we actually provide the tribe to settle the last resort where a family actually mourns -- goes through the mourning process. These things are incomplete. For example, last year, Mr. Chairman, we actually -- my brother actually shot two and smoked two deer, and I shot two deer, and we had to utilize this for our customary and traditional ceremonial services for our people. And this is what we had to practice for years and years and years. And I don't see any problem with adding a proxy for our people throughout the state of Alaska.

38
39 So, Mr. Chairman, I would recommend that also you have this addendum, add it to the considered -- have the board consider and have this implemented to the original board to act where it provides under ANILCA, Section 8, to have this provision, because it's very expensive for our people to actually have a boat, then you have to have insurance. Only the full-time employees actually can utilize the system. To me, as is my own analysis of this, it's not fair for our people to actually have -- to not give our people the resources they need.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 And that's all I have, Mr. Chairman. I so recommend
 2 that they have due process of the board, and thank you very
 3 much, Mr. Chairman.

4

5 CHAIRMAN THOMAS: Thank you very much, Mr. McKinley.
 6 Any further comment from the public? Ray.

7

8 MR. NIELSEN: Mr. Chairman, Council members, I'd like
 9 to thank Hoonah for hosting the Council meeting this year. I'd
 10 like to make a few comments on Proposal #2 for the Federal
 11 proxy system. I, too, have a problem with the word "proxy."
 12 It's state terminology. I've always liked the word "customary
 13 and traditional provider, designated shooter." In the world of
 14 terminology, subsistence was derived from putting food on the
 15 table. We like to use the word "customary and traditional,
 16 customary and traditional users, practices and values." The
 17 term "subsistence," in the world of terminology, practices
 18 putting food on the table; meat, herbs, fish, mammals. And for
 19 the designated provider system we like to use that because it
 20 we shoot deer for qualified residents, whether they are
 21 elderly, disabled, disadvantaged or those that do not want to
 22 go out and shoot. They're a little bit squeamish about
 23 shooting or never been able to hunt. And as far as the elderly
 24 shooting too many deer, us shooting too many deer, we go out
 25 and get their proxy of four or six, whatever it is, all the
 26 elderly do not all need four or six deer for the year. Many
 27 can get by with a couple, and they share with other elderly
 28 people. They don't need as many as we do unless their family
 29 member is a family provider for that family that has many to
 30 feed. We do that in the case of the Pioneer Home and Swan Lake
 31 Senior Center. They get by with a handful of deer, which feeds
 32 many, many residents. And we also donate to other groups,
 33 agencies, families or single persons. And some of them are
 34 even people in the hospital. We have people in the hospital,
 35 they request Native food, they come see us and we are more than
 36 glad to do it.

37

38 Now, Fish and Game Advisory Council, they had concerns
 39 about too many deer being shot because of the proxy system.
 40 Well, there is a State proxy system in place today, and we have
 41 a problem with that where they have one enforcement officer to
 42 monitor the incoming boats. Well, we'd like to have a Federal
 43 program system where there'll be more than one enforcement
 44 officer. The Sitka Tribe is in the process now of getting
 45 monies so we can have a tribal enforcement officer to help
 46 monitor harvests and data gathering. If all else fails, Sitka
 47 Tribe would also see the tribal permit system to carry on the
 48 additional -- customary and traditional practices now and in
 49 the future.

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1
2 Now, everyone knows that there was a problem of wanton
waste of deer in Sitka. It was something that was widespread
this year because of the extreme cold and snow. Now, that is
not the way of our people, they are the so-called sportsmen.
They're after the horn, or the easy thing to do is take the
hindquarters. It was a real bad scene that the State would not
recognize because it made them look bad. And many people came
to the Tribe, and they were saying, what about all these deer
that went to wanton waste? And a state trooper called me and
he says, why do we do this, bring this out to the public?
Because it is a problem that we recognize and we'd like to make
Sitka Tribe as a part of the solution. And he said, well, he
was well trained in watching these. And I said, well, you
weren't trained enough because, well, how do you find it? He
says, easy, you walk down -- walk out the road, drive out the
road and see a bunch of birds, you know they're there for a
reason. He was too over-trained. He couldn't figure that out.
So, on that basis, I could say that the State proxy system
doesn't work and the Federal proxy system warrants a better
look at it and see if it can work.

22
23 CHAIRMAN THOMAS: Thank you, Ray. Any questions for
Ray? Thank you.

25
26 MR. NIELSEN: You bet.

27
28 CHAIRMAN THOMAS: Any other comment from the public?
Harold.

30
31 MR. MARTIN: Mr. Chairman, I didn't find one of those
forms.

33
34 CHAIRMAN THOMAS: They're supposed to be on the back
table there. We'll waive that right now. Thank you.

36
37 MR. MARTIN: Thank you, Mr. Chairman. My name is
Harold Martin. I'm the Subsistence Director for the Central
Council for Tlingit Haida. I'm also president of Southeast
Native Subsistence Commission. The designated hunter, I think
I testified on this in the past. It's not a new concept to
Native people. We've been taught from an early age as Natives
to share our good fortune in fish and game. This continues
today in the villages. What I see is we're trying to legalize
the designated hunter. There is a -- I think there is a
misleading sentence in there where it says the current Federal
system does not allow hunters to harvest resources for the
non-hunters. It makes it sound like we're going to encourage
the non-hunters to get their permits or whatever and have us
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

hunt on their behalf. I don't think that's so. I think non-hunters should remain non-hunters. I think we should concentrate on the elderly people and the disabled who are accustomed to eating deer.

5

6 It's not surprising that some environmentalists -- conservationist people think that the Natives are going to abuse our hunting. I'd like to remind these people that the Federal government is leaning a little more towards acknowledging our traditional knowledge and our co-management concepts. In fact, in the recent re-authorization of the Marine Mammal Protection Act, there was a provision -- an amendment where the Federal government will allocate an appropriation to develop co-management concepts. These monies are going to be divided among the subsistence organizations throughout the state.

17

18 And, also, I'd like to remind these people that we've managed our fish and wildlife resources for centuries, before the first European set foot on our earth in our country, and we have never, ever placed an animal on the endangered species list, nor have we ever depleted any resources to the point of extinction.

24

25 I speak, Mr. Chairman, in favor of the proposal. Thank you.

27

28 CHAIRMAN THOMAS: Thank you, Mr. Martin. Appreciate that. Further comments from the public? Okay. We'll bring it back to the Council for action.

31

32 MS. ROBINSON: I move to adopt Proposal #2.

33

34 CHAIRMAN THOMAS: It's been moved to adopt. Is there a second?

36

37 MR. KITKA: Second.

38

39 CHAIRMAN THOMAS: It's been moved and seconded. Discussion? John.

41

42 MR. VALE: Mr. Chairman, I have one question for the staff people I wanted to pose to.

44

45 CHAIRMAN THOMAS: Proceed.

46

47 MR. VALE: I guess Robert would be the best person to answer this, but in the staff analysis here you can express some concerns over what this might mean to the populations in

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Units 1 and 3, and perhaps 5 and 2. I guess my question is: How did you consider the impacts of the State proxy system on these populations in your analysis?

4

5 MR. WILLIS: The State proxy system is very much under-utilized. It's rather cumbersome. It's limited to those 65 of age or older or with at least 70 percent disability. The person who is going to receive the harvested animal, whether it's deer, moose or whatever, has to get to Juneau or Anchorage or Ketchikan or wherever, some of the major centers, to get one of these proxy forms, and in some cases has to prove disability, and it's a rather cumbersome system. The State is as you know, it was experimental to them, and to they're not locked into it. They're thinking of ways to modify their own system, but at the current time it's very much under-utilized, and I don't think it's a factor at all in harvested deer in Southeast.

18

19 MR. VALE: Okay. So -- but you still have concerns that a designated hunter system here, you know, might jeopardize these populations, even though there is already a State system that could be utilized?

23

24 MR. WILLIS: The Federal system -- this proposal is much broader and so much easily applied than the State system that I really don't think the two are comparable. We looked at the State system and number of people who were actually utilizing it and it's extremely low, and the people who are utilizing the State system are concentrated around the larger cities, like Anchorage and Juneau, where they can physically get to the forms and get these designations made. The current proposal would not require that. As I said earlier, we haven't fully worked out the system yet. We're not sure how it would work, but it's pretty much wide open. Any person could harvest for any other person, and up to two bag limits, and so it -- we envision it as being much easier than the State system. That was the whole idea, really. The State system is too cumbersome and not effective for the people who are in the rural communities who need it the most, and we're trying to make it as easy as possible to apply without going overboard. As you heard the public comments, we've gotten a lot of comments from people who are concerned that it's a little bit too broad. But it should be more limited to those who can't physically hunt for themselves, for one reason or another.

45

46 But to sum up, I guess, a state system is so under-utilized, especially in Southeast, that we don't think it's a factor at all, but we feel like the Federal system, at least in the form of this proposal, would be much more broadly

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

used. And our concerns, as I said earlier, are not really for the areas, like Unit 4 where you have a six deer limit already and no predation problems. In most years you have high deer populations, but those areas that are currently still recovering from the severe winters two decades ago that have to deal with heavy predation from wolves and black bears, in those areas with one buck and two buck limits and relatively short seasons, having the best hunters out shooting multiple numbers of deer for an unlimited number of people could have a detrimental impact. You know, this is an assumption on our part. We certainly can't prove it because we don't yet know what the extent of participation would be. But we have to consider this as a possibility and bring it before the board and this council to make sure that that's considered in your deliberation.

16

17 CHAIRMAN THOMAS: Further discussion? Mim.

18

19 MS. ROBINSON: Yeah, I have several questions here. First of all, I was hoping to get a little more response to Bruce Dinneford's comments that were made yesterday. Robert, you said something briefly there, just before -- it was when you ended your last report, something about the edible parts -- I didn't catch what you said there. And then also respond to turning the harvest report. Maybe the pros and cons of who sends that report in, and also maybe something about the qualified part, whatever else you commented on.

28

29 MR. WILLIS: Okay. My first comment dealt with his statement that there was no provision for determining who is responsible for salvaging meat, whether it was the person that actually harvested the animal or the person for whom they are harvesting the animal. And that seems to me it's clear in our Federal regulations that the prohibition is against not salvaging meat, so, obviously the person who is out there on the ground where the dead animal is is responsible for getting the meat of that animal out of the field and salvaging it. And we don't feel that the recipient, you know, is responsible or legally liable for anything that happens.

40

41 The second point, would you repeat that?

42

43 MS. ROBINSON: He also made a comment about who should turn the harvest report. I think the State system says that the recipient sends in the report.

46

47 MR. WILLIS: That's correct. And that's one of those things that we hope to work out in this joint meeting that we're trying to set up with the State. Currently we don't have

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

a system. We have a proposal before us which could be put into regulation and no means of implementing it, and that bothers us.

4

5 We're trying to avoid the situation that we had last year with the shooting from a boat issue where the Board passed a regulation allowing that to happen, and the State says, if anyone does it, we'll arrest them because we control navigable waters. And that's an untenable position, putting someone in who is out there with two sets of regulations to deal with. So, between now and the board meeting we're going to work something out with the State and set up a system.

13

14 Now, there is more than one way of doing that. One of the proposals was to simply allow the person who is going to be receiving meat to buy a hunting license and get the deer tags, sign their name on those tags and turn them over to the person who would be doing the hunting for them. That's currently illegal under State law. And it's fairly, clearly specified that tags and licenses are not transferrable. And there would also be no reporting requirement under that type of a system.

22

23 The other idea that we had was to use a Federal permit. This is something that we, in our office at Fish & Wildlife Service, could develop these permits. In fact, I drew one up last summer just as a preliminary -- a pilot, I guess, for people to look at, whereby the designated hunter goes to assigned place where he gets his State license and such, fills out a card which has only his name and address and hunting license number on it. And this card would be retained by the license vender. The designated hunter would also have another part of that card which went with it. Actually, I had it divided into three parts; one of these small tags which he carries with him in the field which says he is a designated hunter, and the third part would be a post card that's mailed in at the end of the year with the number of deer that he harvested, how many were bucks and does and who he harvested those deer for. And this would be an information gathering tool to let us know what the effect of this new regulation is.

40

41 I personally am not comfortable making such a drastic change in regulations without having some type of reporting so that we know the effect of it next year. And as I said, we would like to limit it to Region 4 this year, where we know the deer herd can handle any increase in population, about what type of harvest we're getting, and then we can better apply it to Units 1 through 5.

48

49 So, at this time we don't have a system. Those are

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Some of the possibilities that we're working on.

2

3 MS. ROBINSON: If the Council went with what's in the
 proposal here, to have the hunter return the report, would that
 be locking you in too much to work with the State on that
 section of it?

7

8 CHAIRMAN THOMAS: Just a minute. Before you get to
 that, before we vote on this proposal, I'm going to ask for
 somebody to interpret or identify what recipient -- to define
 the term "recipient." Before this goes forward I would like to
 see that term "recipient" defined in the language in the
 proposal so that it will take away some of the ambiguities for
 consideration. So, just plan on that before we get there. I'm
 going to take a little break and do that and ask for volunteers
 to offer to do that. I would like a mix of technical people
 and council people. So, keep that in mind.

18

19 MR. WILLIS: The answer to your question, Mim, is, no,
 that wouldn't lock us in. We have another proposal from the
 Kodiak/Aleutian Council for a designated hunter for deer on
 Kodiak Island, and that proposal specifies the Federal permit
 and a reporting requirement.

24

25 MS. ROBINSON: And the other point that Bruce Dinneford
 had brought up was "qualified," and, I think, from my
 understanding of the qualified part is that's taken care of in
 the Federal Regulation, because qualified subsistence user
 means you're from a designated rural community.

30

31 MR. WILLIS: That's correct.

32

33 MS. ROBINSON: So, to me, in my mind "qualified" is
 clear. I kind of got the impression it wasn't for him. So, I
 think that would take care of hunters from Juneau or Ketchikan,
 say, they should not be designated hunters. So, that would
 answer some of the concerns that like Gastineau Channel
 Advisory Committee had, you know, those kind of groups, I would
 think.

40

41 MR. WILLIS: That's correct, yes.

42

43 MS. ROBINSON: Another question that I had -- okay, I
 had and of have a question -- a combination question/comment here.
 Wouldn't the unreported number -- looking -- I saw that
 yesterday about the number of deer that you all consider taken
 into account that are not reported. Would the unreported
 number likely include a portion of already occurring designated
 hunter hunting?

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1
2 MR. WILLIS: I'm sure it would. In those instances
where we've gone -- had our ADF&G Subsistence Division gone to
the villages to interview people face to face, they come up
usually with a higher reported harvest than what shows up on
the questionnaire survey. And, obviously people who are
harvesting deer for other people illegally and are not likely
to report it, most of the time they won't report it, and if it
were legal, I'm sure that they would -- most of them, anyway,
would be glad to do so.

11
12 MS. ROBINSON: Kind of what's in my mind here on this
13 that when you're -- it's kind of an assumption that I'm
making, that in the more isolated communities there is probably
15 that's probably where most of the unreported hunting occurs,
mostly due to lack of supervision by the authorities, or
there's just not -- you know, you're just not going to
encounter any rangers out there looking over your shoulder,
it's unlikely, and so I'm just assuming that's probably where
most of that occurs. And, you know, therefore, on the other
side of the stick, in places around larger communities and
where there may be staff living and stuff, that that may not be
as likely to occur, that more of the hunting occurs there is
probably reported more accurately on -- you know, it's a little
harder to get away with something, not having tags on you and
sending in reports, things like that.

27
28 So, if the designated hunter issue here, if you're from
29 if there's a designated hunter going out from a place like
Honah or Sitka or something like that, there -- it's hard to
say how much of that is already occurring in the larger
communities that is not being reported. I'm assuming -- I
guess I'm assuming that there's more designated hunting going
on in the more isolated areas than there is in the larger
communities. Is that

36
37 MS. MASON: It's very hard to make any kind of
generalizations about unreported hunts because those are the
ones that we don't know anything about. Well, first of all, I
think there is -- it is a little more complex than "just
communities that are isolated don't report." There are a lot
of factors, including some communities don't like to report,
others are more willing to report. But I think a fairly safe
assumption is that if somebody is making a large unreported
harvest, they're not keeping all that deer for themselves,
they're giving a lot of it away. So, in that way -- that's why
this system that is proposed is one that would simply legalize
what is already going on, and it's fairly safe to assume that
there would not be an enormous increase in harvest as a result

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

of legalizing that system.

2

3 MS. ROBINSON: My point. Right.

4

5 MS. LeCORNU: Can I make a comment? I just wanted to
6 clarify, when Robert -- when you say legal, you know, that to
7 us, that's a law that you made making us outlaws. So, I'd be
8 real careful using those terms and definitions without
9 qualifying it, because that's what we determined as an
10 ipso facto law. That's a law that means it's illegal -- that's
11 what this is all about. So, what is wrong about these
12 proposals, how do we make it -- how do we make them legal?

13

14 MR. WILLIS: The whole idea of this proposal is to
15 change the law and to make it legal for those people who have
16 customarily and traditionally followed this practice. This is
17 -- the Federal law is one that was inherited from the State
18 when the Federal program began in 1990, and that's the whole
19 purpose of being here is to bring those laws more into line
20 with what actually goes on in the community.

21

22 MS. LeCORNU: Thank you.

23

24 CHAIRMAN THOMAS: Herman. Give him the mike, you guys.

25

26 MR. KITKA: My comment is for the council. In Sitka at
27 meeting with Fish & Game Advisory Board when they asked me
28 all kinds of questions through the Sitka ANB Welfare, who were
29 working with the SBA, and we had hunters that are working
30 people that have families of their own and yet they donate deer
31 to the welfare group to distribute to the Natives that are
32 unable to go out and get food for their children. When I say
33 children there are divorces where the father just leaves or a
34 widow is left with little children, and that's the way welfare
35 in Alaska, they have a hard trying to obtain any money to
36 feed their family. So, through the ANB and SBA you have
37 hunters that are working, they have their own ticket and they
38 donate the deer to feed those families. That's how come Sitka
39 Fish & Game Advisory went along with that. They said they had
40 nothing against having the proxy hunt. What we're trying to do
41 is have the hunter hunting for those people. I know Ray has a
42 list that we carry, rather than the hunter donating his proxy.
43 That's taking food away from his children. We want to have
44 that proxy hunt in place so they don't have to do it. Okay.

45

46 CHAIRMAN THOMAS: Thank you, Herman. Richard.

47

48 MR. DALTON: Hand me the mike, please. Yes,
49 Chairman. You know, this last winter we had a terrific

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

amount of snow and the deer population was hurt by this winter. Local people didn't go out to take advantage of what was on the beach. We figured that if the winter kill is going to take place, the local people were not going to be responsible for that kill. It's what you might call it's an act of God to say. However, during the season I don't know whether the proxy hunters or whatever, if there's anybody that takes account of how many deer goes to Juneau or elsewhere, it's not the responsibility of the local hunters. But during the season all these deer population was on the beach, and I don't hear a report of Fish & Game given.

12

13 Has any report on how many winter kill has been found on the beach? And not only that but, like I say, those people that came in with those two boats and each boat had between 35 and 40 deer hanging on deck there. Now, I don't know whether they're proxy hunters or what, but I know they didn't go up the mountains either to get that deer; they take it from the beach. So, that's a lot of deer that went out of here, about 70 deer.

20

21 Now, whether they're Fish & Game or the party in Juneau who takes a count and tally on these particular deer. We let that deer go in order for them to see if we can get 'em, and whether the population increases again, because I have never seen any one of those boats that go out hunting, because we feel anytime that the deer start roaming on the beach they start gnawing on the kelp and the meat gets dark, we leave it alone, or even before satisfaction takes place we don't like to take anything that's hurting their health. We like to take the population of deer that has a stronghold and is nice and fat, per se, that's the way the culture is because we like to respect the deer's spiritual life. Thank you.

33

34 CHAIRMAN THOMAS: Thank you, Richard. John Feller.

35

36 MR. FELLER: Thank you, Mr. Chairman. I just want to say that I'm in favor of this proposal. And I don't want to see area Number 3 excluded from this proposal. I think there's a heavy population. I know there's a harvest of quite a few -- there was a lot of bucks spotted in Zarembo. That's just west of Wrangell. The wolves have been decreased by some numbers in past years by one hunter, in particular, out of Point Baker. I know one winter he got 25. Well, that's actually -- I'd estimate that was four years ago. And it's documented. That would be like a herd of wolves off of Zarembo.

46

47 And also I'd speak to the motion that the designated hunter are, in this case, probably the state hunter -- the state proxy hunt worked good in Wrangell. From one hunter I

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

talked to, he said that he got one for a Haida elder and he
 turned around and he was going to get one for his father-in-
 law, of Norwegian descent. So, that was the only instance, and
 I just wanted to make that statement for Council's information.
 Thank you.

6

CHAIRMAN THOMAS: Thank you, John. John.

8

MR. VALE: Thank you, Mr. Chairman. I'm going to be
 supporting the proposal. I feel like this is only going to
 authorize practices that are already occurring. And it is a
 customary and traditional practice to harvest resources for
 other people in the community, and there will be better
 reporting, I believe, as a result if this passes.

15

And with regards to the conservation concerns on the
 other units besides Unit 4, it's my feeling since this is a
 customary and traditional practice, that as long as we have
 harvests by non-subsistence users, and they're significant
 harvests at that, I think 30 to 40 percent are some of the
 figures we heard, as long as we have those harvests going on, I
 don't feel we should be restricting subsistence users and their
 customary and traditional practices. So, for that reason, I'm
 going to support this for all the units listed.

25

And -- however, I am going to offer a motion for
 amendment, and it seems to me, and this is my own personal
 opinion, we can hear from the other council members, that the
 best person to report the harvest is the recipient of the meat
 or the beneficiary rather than the hunter. And I know many
 hunters who are harvesting for other people in the community,
 and I think they'd prefer that those recipients do the
 reporting rather than the guys who are actually doing the
 taking.

35

So, for that reason, I would move to amend the proposal
 to require the recipient to report the harvest rather than the
 hunter.

39

CHAIRMAN THOMAS: Okay. I support the motion, John.
 What I would like to do, at this time I'd like for people to
 get together and redo the language in the proposal to include
 what you said and to identify "recipient." Then we can deal
 with that proposal and it will be a finished product and we can
 deal with it then. So, if there's no further comment different
 than that,

47

MR. VALE: Well, I'll withdraw my motion for the time
 being, Mr. Chairman.

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1
2 CHAIRMAN THOMAS: It will make it easier for me and
we'll consider -- we'll allow that to happen. Marilyn.

4
5 MS. WILSON: I just have a question. I think the main
concern is how we report or how many deer we get. And I'd like
to know how this will come about. Is it by paper or mail or
can it be by phone or can somebody from the village work as a
liaison and do the reporting and send it into the central
office? We're supposed to be here making rules and regulations
but we're trying to follow the State system, and the State
system has not worked. I'd like to see this -- I'd like to see
us, as a council, look at options on our reporting and the
different systems to make it easier on customary and
traditional usage. Just a comment.

16
17 CHAIRMAN THOMAS: It's a good comment. What we're
going to do here, if the intent of the proposal is to allow for
a designated hunter and it involves a hunter and the user, the
process of reporting will come under different actions than
what we're doing now. It's not going to be a part of the
proposal, it will be part of a process of implementing. So,
our proposal right now is to make those allowances, and that's
where we're going to have to limit our focus.

25
26 And I respect and appreciate the ambitions of people in
the audience, but the public comment period is closed. If the
Council chooses to call on you for resource information, we
will be glad if you would cooperate and respond then. Right
now it's the action of the Council and the discussion is
limited to the Council. Thank you very much. Vicki -- Patty.

32
33 MS. PHILLIPS: Thank you, Mr. Chair. I would like to
thank staff for acknowledging recognized community harvest
practices.

36
37 I want to comment on one thing that Richard brought up,
that was the taking of deer from the beach. We customarily
take deer from the beach. It is our belief that when deer
start eating seaweed that they are higher in iodine, and when
we're eating deer that eat seaweed we are getting iodine from
that deer, so we continue to take deer from the beach.

43
44 Also, I want to thank Robert for one strategy for the
harvest reports, the post card and the tag -- one tag for the
hunter, one tag for the beneficiary, I believe, and then the
post card. That's what I like to see coming from staff is
strategies. We have ideas -- council members have ideas and
these paid staff members that come back to us with
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

strategies, and that's what I like to see; that's one strategy, and I happen to like it.

3

4 And I would also like to offer a comment that perhaps
5 it could be inserted in this regulation booklet. In our
6 community we have vendors that issue fish and game tags, and
7 that -- if you were going to be passing out tags, it would be
8 those those vendors that would be the best resource person in
9 our community.

10

11 CHAIRMAN THOMAS: Let's confine our discussion

12

13 MS. PHILLIPS: I support the proposal.

14

15 CHAIRMAN THOMAS: to the motion. Right.
16 Thank you. Because, like I said, the process of implementing
17 the different areas.

18

19 MS. PHILLIPS: I have concerns about the -- who would
20 be doing the harvest limits, and my personal opinion is who
21 will be reporting the harvest, and I believe the hunter would
22 be best to report the harvest because he doesn't distribute one
23 deer to one person all the time, sometimes one deer will be
24 divided amongst several people. So, I really feel that the
25 hunter would be the best person to report the harvest. I guess
26 that's all I have for now, Mr. Chairman.

27

28 MR. DALTON: Mr. Chairman.

29

30 MS. PHILLIPS: Oh, I have another comment.

31

32 CHAIRMAN THOMAS: Patty.

33

34 MS. PHILLIPS: They were concerned about who the
35 qualified subsistence user is. In each of our units, under
36 deer, we have who is qualified to take deer, so we should be
37 understood that if -- in Unit 2 it says rural residents of Unit
38 (B&A), 2 and 3, then only a designated hunter from that area
39 could take deer and give it to a recipient in that area, and
40 not everyone from Unit 1 through 5 would be that. I wasn't
41 sure if I understood that right or not.

42

43 CHAIRMAN THOMAS: Good point. Thank you.

44

45 MS. PHILLIPS: Thank you.

46

47 CHAIRMAN THOMAS: Richard.

48

49 MR. DALTON: Yes. In answer to Patty, the concept that

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

I was using is 40 deer to 35 deer. That's taking an awful lot of deer that's not accountable by proxy or by any other recipient. We don't do those things, we don't practice those things. If we find that that deer is going to have little pups about so big inside, we leave it along so that they can populate. That means these deer are being hurt by winter, and when they start to chew on something that is not of their culture, their culture is strictly up there, and their food is pretty well covered up by heavy snow, so they go down to the beach and start eating whatever they can find on the beach. It's not customary and traditional for us to try to take those things that will hurt the population. I don't think that they're meant to eat on kelp.

14

15 So, I was thinking in terms of proxy hunter and mentioned that in terms of somebody taking 40 to 70 deer from the beach when they're hurt. I'd like to see those things survive, myself. That's where I'm coming from. Thank you.

19

20 CHAIRMAN THOMAS: Thank you, Richard. I don't think -- I think we started to go around in a circle again, so I think at this time we'll take a break. But I want to appoint several people to work together in coming up with adding the language we're needing in the proposal. Carol, I'd like you to work with John Vale, Robert, Rachel and Herman.

26

27 And we'll take a 10-minute break.

28

29 (Off record)

30 (On record)

31

32 CHAIRMAN THOMAS: The meeting will come back to order. Bonnie Anderson, don't be looking at your watch, we're going to work till midnight tonight. I want to thank those that graciously accepted to take on the challenge of making the language in this proposal, giving us a little more to discuss, to suggest a direction. I say the word "suggest" because it was a difficult task for them trying to anticipate what each one of our thoughts were going to be. So, I asked them to offer anything at all that would get us off of high dead center, and we'll hammer it out here as member of the council in our deliberations. So don't hold it against anybody for any language that's in there. If you've got some input on that and you feel it will make it more defined, more presentable, more manageable and all that kind of stuff, don't hesitate, and we'll just deliberate this until we reach a point to where we can take positive action on the proposal.

48

49 With that, I'll ask Carol to share with us the language

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

and maybe some justification that they came up with in that. I didn't even ask her if she was the one that had it. She's my crusty supporter over here, so I'll give the mike to Carol to kind of get it back on track. Thanks, Carol.

5
6 MS. JORGENSEN: There was a lot of discussion, Mr. Chairman, of different ideas and different points of view. We grappled over the word "recipient," and we decided that that's the person to whom the tags are issued. And in the language we -- all we changed was to throw it out there for debate or conversation. A qualified subsistence user of Units 1 through 5 who does not wish to hunt for themselves may designate another qualified subsistence user of Units 1 to 5 to take deer on his or her behalf. That's the only thing we changed in the wording.

16
17 CHAIRMAN THOMAS: Okay. Who does not wish to hunt for

19
20 MS. JORGENSEN: Who does not wish to hunt for themselves.

22
23 CHAIRMAN THOMAS: Oh, themselves.

24
25 MS. PHILLIPS: Would you repeat that?

26
27 MR. FELLER: Mr. Chairman.

28
29 MS. JORGENSEN: Sure. A qualified subsistence user of Units 1 through 5 -- and this is where the change is -- we added language, who does not wish to hunt for themselves. Now, first we had who is unable or does not wish to hunt for themselves, but then we said, well, we'll keep it a little bit simpler, we'd cover it if we say who does not wish to hunt for themselves. And we talked about the fact that it's different in lots of areas. I mean, like we know that if Gabriel were here he'd say it a lot better, but like in their area they have designated people who are recognized that go out all the time and hunt for the community. That's just -- you know, it's not a lot of people are working and they can't go out, and so these people go out and hunt for the community. Then in other areas it's just -- it may be very different.

43
44 CHAIRMAN THOMAS: Thank you. Again, we're now in discussion. Marilyn.

46
47 MS. WILSON: Yes, Mr. Chairman. I have a question. I asked it the last time. It says the designator -- oh, wait, wait. Okay, may take deer on his or her behalf unless the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

member -- unless the recipient is a member of a community operating under a community harvest system. We do not have that in Southeast Alaska, do we? Just up north?

4

5 CHAIRMAN THOMAS: John.

6

7 MR. VALE: Presently we do not. The reason that's in there is because when we got the report from the Designated Hunter Task Force that we reviewed at our last meeting, they outlined four different scenarios for addressing these type of activities, and two of which they felt that they could deal with under the current regulations: One, this designated hunter type scenario, and, two, the community harvest type scenario. And the reason we put that language in there was to leave the door open to any of those communities in Southeast here who perhaps wanted to go with the other alternative, a community harvest system rather than a designated hunter system, and that's why we had the language in there. But there presently are no community harvest systems in Southeast. So, I hope that's helpful there.

21

22 CHAIRMAN THOMAS: Yeah, that was helpful, John. Thank you. Just to spurn discussion here, I'm going to give you a realistic hypothetical situation here. Supposing we took this proposal and adopted this language to read, does not wish to hunt for themselves in this. Okay, try to visualize in your own mind how the Federal Board would deal with this when it got to their level for consideration. Do you feel that there's enough clarification in there for them to deal with? And if there isn't, do we have enough justification in our notes to support our reason for bringing that language forth? Just something for thought.

33

34 John, you had your hand up.

35

36 MR. VALE: Yeah. When we looked at the language here and tried to come up with something, I guess the more we talked the more difficult it got. But I guess we were charged with trying to define recipient, and we did that, I guess, in two ways: One, we said the person to whom the tags are issued, and that would be the recipient. Well, it would be whoever -- everybody in the unit is a qualified subsistence user or, you know, in a given area there's a number of them, I guess. But, anyway, then the question arises, in terms of a recipient, and this is something that we need to address as a council and what we want out of this proposal, and we kind of need to resolve -- and that is are there any limitations upon the recipient that we feel are appropriate, such as age, disabled by physical handicap or what-have-you, and when we came up with the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

language "...that does not want to hunt for themselves..."
 That's very general and vague because we need to consider the
 people in the respective communities that are affected by this,
 what type of people are going to want to do this type of
 transfer to designate a hunter. And it was mentioned that,
 well, what about single parent moms, you know, or -- you know,
 if you had an age or a disability requirement in there then you
 would be not allowing single parent moms, for example, to
 participate in this, and so it kind of goes back to what is
 customary and what is traditional in the communities. And, you
 know, we have to determine that, I guess. And, you know, with
 just, you know, moving on with that, I guess when I look at my
 community the harvesters are harvesting resources for any
 number of people in the community and they're not being limited
 by age or physical handicap. So, we kept it simple and said
 "...who does not wish to hunt for themselves..." so that the
 Council could consider these things amongst us and discuss it
 and come up with some resolution as to whether there should be
 any type of restrictions on the recipient in terms of who would
 qualify or who could do this type of transfer. So, that's
 something we need to talk about and discuss.

22

23 CHAIRMAN THOMAS: When I asked for the term
 "limitations" I intended to include people like single mothers.
 Personally, I don't happen to know any single mothers that
 have the physical capabilities of going out and harvesting
 their own deer. If you guys do -- I mean to me that's a
 superwoman -- they're super women anyway. But to expect them
 to take on the responsibility of surviving and to involve
 themselves with subsistence, to me they would qualify under
 physical limitations.

32

33 MR. VALE: I guess under that then we would need to
 define what physical limitations are in order

35

36 CHAIRMAN THOMAS: That's what I said, a single -- I
 don't know of any single mothers that can -- well, say they
 went out in a boat. I don't know, some can run boats all
 night, but they're not qualified or not good at shooting a
 rifle. I don't know how many that use a switch and get the job
 done, this kind of thing. There's a lot of things that goes
 into harvesting an animal. That's why I designated Herman to
 mine. Herman still likes to climb mountains and I can't, so
 he is my designated hunter. Mim.

45

46 MS. ROBINSON: Well, Mr. Chairman, I kind of get the
 feeling that you think that the Subsistence Board would not be
 satisfied with a vague idea of who a recipient is; you'd like
 to see us define that.

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1
2 CHAIRMAN THOMAS: Yes.

3
4 MS. ROBINSON: Okay. So, I kind of sense some
hesitation on the part of council because then we're really
restricting what is customarily and traditionally done. There
are some people that receive deer meat that are capable of
going out and hunting, but they choose not to for no good
reason, just someone else is willing to do it for them and to
share what they have. So, you know, I don't know if we want to
be put in a box like that, how you suggested it, but maybe
that's the only way it can pass muster for

13
14 CHAIRMAN THOMAS: I'm recognizing a variety of C & Ts.
15 C & Ts that I'm familiar with was generally distributed to
people that couldn't do for themselves -- not that they didn't
want to; they weren't able to. Those were the people that were
benefactors of people that were able to hunt. See, that --
those provisions aren't written any place. That's what I grew
up with. That's why I'm saying what I am. But, if you know of
communities where people are -- where you have a designated
hunter for a welfare system, then that's different, you know.
Vicki.

24
25 MS. LeCORNU: Mr. Chairman, I wanted to comment on the
physical limitations that you were trying to build in here that
might not necessarily be the customary and traditional uses,
like Mim said, and some of the reasons might not be the same
reasons, you know. They might not have a boat. You know, they
can even borrow -- or a car, and so those people that have
those resources should be able to share as they have in the
past.

33
34 And I have a quote here about sharing. Someone in the
audience wanted to share it. It's a quote: "When I was a
child I knew how to give. It was only after I became civilized
that I lost this ability to share." That's Chief Luther
Standing Bear. And I hope we aren't over-civilizing ourselves
on this issue.

40
41 CHAIRMAN THOMAS: Good point. Carol.

42
43 MS. JORGENSEN: Just for a point of clarification, to
the Federal Subsistence Board for us, if we choose so and adopt
his language, or whatever is adopted, the Board, usually
always the chairman and then the coordinator asks us, and we're
here to help facilitate the process so that if there was any
unclear understanding from the Federal Subsistence Board they
would draw upon us to say what was the thinking on the council
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

on this.

2

3 But also the other areas, I do know in the far north
4 areas, too, they just literally do have designated hunters in
5 communities, others are able to go out and hunt, it's not that,
6 it's just that there's certain people designated in their area
7 to go out and do the hunting, and others that have other skills
8 to go out and share their skills, whether it be sometimes
9 bringing in the money for the community or whatever, they do
10 that. So, I think that whatever we choose, Bill and I will be
11 there to help facilitate the -- if there's any
12 misunderstanding.

13

14 CHAIRMAN THOMAS: Thank you, Carol. Another thing,
15 what was brought forth last year, other regions got a hold of
16 the idea and liked it. So the thing went statewide, and it got
17 really cumbersome, and the Board was trying to adopt this
18 proposal on a statewide basis. It didn't work. You've seen
19 the results from task forces, we've had task force meetings,
20 and I think this council feels, and I support that, that what
21 we should be able to bring forth a proposal that's doable and
22 something that the Board could accept when it was brought to
23 their attention. John. Marilyn.

24

25 MS. WILSON: Yeah, Mr. Chairman. It sounds like when
26 we add the words "who does not wish to hunt for themselves" we
27 put limitations on our hunters and our recipients, and that's
28 exactly what the State does. No offense, but if you put too
29 many rules and regulations, it will not be enforced, it never
30 is. How can we? Even the State can't enforce everything. And
31 just to have it generic, just the way it is, I think is good
32 enough. I don't think you need to state a reason that the
33 person does not wish to hunt; you don't need that. I don't
34 believe you do anyway. Just the generic quality "subsistence
35 user may designate another qualified subsistence user." And
36 that's all I want to say.

37

38 CHAIRMAN THOMAS: That's a good point. Bear in mind
39 now, we don't want to give up on the messengers. We asked them
40 to do this and it was a difficult task. Mim, don't beat up on
41 anybody.

42

43 MS. ROBINSON: We're just beating up on you; you're the
44 one that assigned the task force, the little committee there.
45 I'm inclined to agree with Marilyn there. For one thing, it
46 just -- it repeats what's already being said. Obviously, if
47 someone's designating someone to hunt for them, they don't want
48 to hunt for themselves. So, you're just being -- I can't think
49 of the word, but

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. MASON: Redundant.

3
4 MS. ROBINSON: redundant, thank you. Also, I
wanted to say that the idea here is to establish in regulation
what is customarily and traditionally done, and it's
customarily and traditionally done in a way that is very --
it's very broad. There's lots of different reasons why people
don't hunt for themselves, and I would hate to see it become
too narrow, and I think it's better to just stay away from
that, and I really don't think it would be abused. So, anyway,
that's

13
14 CHAIRMAN THOMAS: Am I hearing that we're happy with
the language that is in the shadowed area, without changing any
of it? John.

17
18 MR. VALE: Well, Mr. Chairman, I'm agreeable with that,
what Marilyn said in regards to the -- who does not wish to
hunt for themselves. I really thing that the proposal says
that and we're really being redundant by putting that in there.
It was, I think, really more of a clarification for discussion
purposes, the reason we came up with that.

24
25 I just wanted to point out that the other half -- the
other thing we need to talk about here, and after we get
through with this discussion is: Who does the reporting? And
if we're ready, you know, we can enter into that discussion.
You know, we may need to change the language in the proposal,
but we need a discussion as a council also on the reporting,
who does it, the hunter or the recipient, the person who
receives the tags? You know, at one point I was ready to offer
a motion on that, however, now I'm not, and I didn't come up
with language. The more we talked about it the more I realized
that there's a lot that needs to be talked about with regards
to who does the reporting. And we kind of felt like we need to
resolve that amongst the council here first before offering
motions or anything of that nature. So, you know, we -- I
could go on and talk a little bit more about that but I don't
want to get

41
42 CHAIRMAN THOMAS: I know you can.

43
44 MR. VALE: I don't want to get into it unless we're
finished with our discussion about the recipient.

46
47 CHAIRMAN THOMAS: Okay. What we're going to do, I
mentioned and I'll probably have to again. When we're finished
disposing of the proposals on our agenda, we're going to come
50

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
277-0572/Fax 274-8982 272-7515

back and visit them in the areas of language to suggest
 implementation. In that language we'll discuss reporting.
 When we get back to that portion of it this discussion is
 going to expand to include everybody in the building. But
 right now we're dealing with the language in the proposal, and
 that discussion is limited to members on the council. Richard.

7
 8 MR. DALTON: Yes, Mr. Chairman. I'll have to agree
 with Marilyn's remarks in regards to -- you know, earlier I
 mentioned local, who understands Hoonah, the problems we face
 here. It's not in the regulatory basis, I think, that we have
 to make a report to the state of how much deer habitat we're
 taking in or how much fuel that we have taken in, or you're not
 obligated to make a report to the state. But we don't have to
 follow anybody's mistakes, we are obligated to make an
 initiative that people can live with.

17
 18 CHAIRMAN THOMAS: Okay. Richard, that's not

19
 20 MR. DALTON: No, it's not -- what I'm saying is the
 fact that I don't like to hear after the facts is what I'm
 saying, because I think we need to exercise what we are
 obligated to do, to try to make these people live with it.

24
 25 CHAIRMAN THOMAS: We're going to do that, and right now
 we need to determine, are we happy with the language in the
 key areas? If we're happy as it's written, let's dispose of
 that part of it. If we're not happy with it, let's offer
 language to change. We've already said what we don't like
 about it. Let's say what we will like about it. Marilyn.

31
 32 MS. WILSON: There was a question as to the word
 "recipient," what does it mean. Why couldn't we put in
 parentheses, after that word "recipient," our explanation, a
 qualified subsistence user or meaning a qualified subsistence
 user? That way it would be clear -- you know, it would be
 clarified right within the regulation.

38
 39 CHAIRMAN THOMAS: It's already in there, the first
 sentence. John.

41
 42 MR. VALE: Yeah, Mr. Chairman. The -- what we came up
 with, recipient, was we felt we needed to determine who was the
 recipient -- I mean you have to be a qualified subsistence user
 in order to participate. So, we were wondering who was the
 recipient, and what we came up with was the person who receives
 the tags for getting the deer, and that person could transfer
 his hunting privileges to a designated hunter, but the
 recipient would be the person who receives the tags. Now, we

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

can put a qualifier lower down in the proposal or in parentheses, whatever you want to do, defining recipient, saying the person who receives the tags. I don't know that we really need that as a part of the grey area, but we could put a qualifier in there on that.

6

7 But with regards to the wording in the grey area, and passing this proposal, the second half of it is -- reads: The designated hunter must complete and return the harvest report upon behalf of the recipient and must turn over all the salvaged meat to the recipient. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits on his or her possession. So, if we pass this proposal, as written, then that means we're making a decision that the hunter is the person who does the reporting. And that's why we need to resolve who is going to do the reporting, the recipient or the hunter. And, like I said, I initially felt that the recipient probably was the best person to report on. But I'm no longer willing to offer a motion to do that because I want to see what the other council members feel like. I'm on the fence now and don't know where I'm going to go with that part of it. So, we kind of need to resolve that aspect of it.

24

25 CHAIRMAN THOMAS: Well, yeah, we need to discuss this, and this is really what I'm trying to do. We're all touching on what we should be doing but we're not doing what we're touching on. It's like that taffy pulling at St. Peters. Anyway, when we took the break we were in this dilemma before the break. The intent of the break was asking the people to give us a different look at this. Apparently, it was a task greater than the people we had, the information they had and the time we had. I understand that. I still appreciate the effort. You're right, everything in this grey area has to be addressed at the same time. So, let's take the time to make that grey area look like the way we want it. Mim.

37

38 MS. ROBINSON: Before you go into who is going to do the reporting, just a thought to clarify the qualified subsistence user, and you could put after the first words, a qualified subsistence user, and then in parentheses have the word "recipient" in quotes or something so that as you read on you know who the recipient is. It's that first reference there to a qualified subsistence user.

45

46 Is that clear, what I'm suggesting? That would take care of one of the problems.

48

49 CHAIRMAN THOMAS: I'm not hearing you, so I hope

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Someone else will respond.

2

3 MS. ROBINSON: You couldn't hear me?

4

5 CHAIRMAN THOMAS: No, I can't.

6

7 MS. ROBINSON: Okay. I'll stop looking at you and talk
~~8~~ into this thing. To put the word "recipient" after the first
~~9~~ phrase there of a qualified subsistence user, and in
~~10~~ parentheses put the word "recipient" maybe in quotes or
~~11~~ something so that we know the recipient is referring to that
~~12~~ person who is a qualified subsistence user.

13

14 CHAIRMAN THOMAS: I see, okay. If they use a slash
~~15~~ recipient

16

17 MS. ROBINSON: Or just in parentheses so the other --
~~18~~ you know, recipient with a capital R or, you know, some way to
~~19~~ set it apart.

20

21 CHAIRMAN THOMAS: Sure. Okay.

22

23 MS. ROBINSON: For those that don't know grammar or
~~24~~ something, I don't know.

25

26 MR. VALE: Mr. Chairman.

27

28 CHAIRMAN THOMAS: John.

29

30 MR. VALE: Okay. In order to help move us along on
~~31~~ who does the reporting aspect of this, I'd like to ask
~~32~~ Mr. Bob Schroeder a question. He used to work for the
~~33~~ Subsistence Division.

34

35 Are you still with the Subsistence Division, Bob, or
~~36~~ are you in some other area?

37

38 MR. SCHROEDER: Unless things changed this morning, I
~~39~~ am still there.

40

41 MR. VALE: You're still there. Okay. Let me ask you a
~~42~~ couple of questions, if you would step up to the mike.

43

44 During the break you had mentioned to me a little bit
~~45~~ about the reporting requirements on deer in Southeast. Could
~~46~~ you elaborate with council on that?

47

48 MR. SCHROEDER: Sure, Mr. Chairman. For the record,
~~49~~ I'm Bob Schroeder, Regional Program Manager for Regional

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

Subsistence. What has been going through my mind as this discussion has been proceeding, just some clarification on the way reporting systems takes place within Southeast Alaska. Basically, as all the people who were hunters here know, to hunt here in Southeast Alaska you're required to have a valid State hunting license and to obtain deer tags under the State System. However, at the time there is no mandatory reporting of how many you take. The reporting takes place through a mail-out survey and participation is voluntary. Occasionally the Division of Subsistence, with assistance of the Forest Service, has been able to do interviews in communities to provide a correction to the mail-out survey. But, at this time, hunters are not required to make any report. So, changing to a system that would have a mandatory reporting requirement would be a major change from what we've been experiencing over the past years.

17

18 One other comment is that by and large the mail-out system appears to be fairly successful at picking out what's going on in larger areas of Southeast. Namely, if we're talking about an area the size of a game management unit, Fish & Game, including the Division of Subsistence, are reasonably happy with the numbers that we get in the mail-out survey. Where we run into trouble is in looking at the harvest in specific communities when we try to talk about what deer harvest takes place in a particular bay or drainage or possibly an area that is going to be effected by roads or intensive timber management. The data aren't strong enough to tell us who hunts in one area to give us a really fine factor of measuring deer harvest in those area.

31

32 Did that answer what you had in mind, John?

33

34 MR. VALE: Yeah, it did. I guess, in your experience with the Subsistence Division with this issue, do you have any feel for how people would receive -- being required to report their harvest?

38

39 MR. SCHROEDER: Overall, people don't want more regulations, and when you go out in communities we hear all kinds of things, both on the State side, comments on the State program and Federal side, but I've never heard anyone say what we really need are more regulations, what I want to do is be able to send more reports and what are you guys doing, why don't you make it tougher for us to hunt and fish. So, there's a general resistance among hunters and fishers, whether it's subsistence users or non-subsistence users, to regulatory changes that in effect require them to do something they don't have to do now. And a question from the management side is

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Whether you really need to have more and accurate information. As you well know, Yakutat has a lot closer management of moose than there is for deer as to Southeast. I guess the question, from a management perspective, is how do you get information that you really need without putting too much of a burden on the public.

7

CHAIRMAN THOMAS: I agree with that, and I don't know who wouldn't in this room. I'm wondering, would we be able to submit the same proposal straight from that one sentence that applies to that? What's the ambitions of the council? John?

12

MR. VALE: Let me follow-up with one more question with Bob. In that regard, who receives the mail-out surveys? Are these individuals who receive the tags?

16

MR. SCHROEDER: The mail-out surveys are based on people who get tags. When someone gets a tag a report is submitted by the vender in the community, then that goes into the statewide listing, and then the people who receive surveys are based on the sampling procedure. Namely, you have small communities, usually everyone gets a survey. In larger communities the way statistics work out, they take a sample of hunters. So, that does come off of tags. In the case of this proposal, you would be capturing the names, addresses, mailing address of both people who are hunters and anyone else who got tags. So, if someone was not planning to hunt for themselves, this proposal is directed to the one with the hunting license and State tags, or essentially tags, they'd appear in there as if they're a hunter, so I guess they'd get a survey.

31

Methodologically, you know, if it would be possible to provide some direction to managers, then let them put their heads together to figure out how to meet that direction. An alternative is if you could try to figure out exactly how a permit system is.

37

MR. VALE: Okay, Bob, thanks a lot. And with regards to your comment, Mr. Chairman, about striking that sentence, I guess I'm leaning right now, based on what I heard, towards doing that. It seems that the mail-out surveys and that type of information gathering would still be available, and, however we -- in a technical aspect we need to know how the Federal Managers would go about authorizing the transfer, and clearly some kind of permit or something would need to be required, and I'd call that technical and maybe not necessarily part of this proposal. That some type of form would need to be filled out by somebody, maybe the hunter or whatever, and who is going to do it. You could go to a Federal body and whatever and receive

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

this permit to go be a designated hunter, and then perhaps there could be some reporting associated with that permit, and annually they could report how many they took or something like that. That's where I'm at.

5

6 CHAIRMAN THOMAS: Could you lean far enough to make that a motion, John?

8

9 MR. VALE: Well, for the sake of discussion then, I'll make a motion that we strike the last sentence from the designated hunter, unless complete and return the harvest, so on and so forth.

13

14 MS. WILSON: I second that.

15

16 CHAIRMAN THOMAS: The last sentence or the sentence before the last one?

18

19 MR. VALE: The second sentence, I guess I would leave the last sentence remaining, the one that says the designated hunter may hunt for any number of recipients but no more than two harvest limits or possession limits, that one would remain the last sentence.

24

25 CHAIRMAN THOMAS: So, strike the sentence that says the designated hunter must complete and return the harvest report on behalf of the recipient, strike that sentence?

28

29 MR. VALE: Yes, Mr. Chairman.

30

31 CHAIRMAN THOMAS: And there is a second?

32

33 MS. WILSON: I seconded it.

34

35 CHAIRMAN THOMAS: Marilyn seconded it. Any further discussion?

37

38 MR. FELLER: Call for the question.

39

40 CHAIRMAN THOMAS: Question has been called. All those in favor, say aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN THOMAS: Opposed.

46

47 MR. FELLER: No.

48

49 CHAIRMAN THOMAS: One no.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. FELLER: I vote against, Mr. Chairman. Yeah, the
3 reason I voted against that, Mr. Chairman, is I think it makes
4 sense in the way that the hunter is the only one that usually
5 knows where he got the game, the wildlife, and when you tell
6 somebody else if they're not familiar with an area, you tell
7 them where you got something, that doesn't always stick in
8 their minds, so, just for the purpose of the report, that's
9 what I voted.

10
11 CHAIRMAN THOMAS: Thank you, John. Okay. So, now you
12 have a different proposal in front of you, the difference being
13 with that one sentence struck. So, the action we took was to
14 eliminate that sentence. Is there further action on the
15 proposal that we wish to do at this time?

16
17 MS. ROBINSON: Yes. I'd like to make a motion to amend
18 the proposal by adding the word "recipient" after the first
19 phrase, a qualified subsistence user. So recipient would
20 be

21
22 CHAIRMAN THOMAS: Okay, a motion is being made to offer
23 the word "recipient" that will fall in place as the fifth word
24 in the proposal, immediately after the word "user", highlight
25 the word "recipient" in parentheses or by using a capital R.
26 Is there a second to that?

27
28 MR. VALE: Second.

29
30 CHAIRMAN THOMAS: It's been moved and seconded. Any
31 discussion?

32
33 MS. PHILLIPS: Question.

34
35 CHAIRMAN THOMAS: Question has been called. All those
36 in favor, say aye.

37
38 IN UNISON: Aye.

39
40 CHAIRMAN THOMAS: Opposed, same sign.

41
42 (No opposing responses)

43
44 CHAIRMAN THOMAS: That motion is carried. Any further
45 action regarding Proposal #2? Bear in mind, any language to
46 adopt now would have to make reference to the amendments. In
47 other words, a motion to adopt would be to move to adopt as
48 amended. John.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. FELLER: Mr. Chairman, I'm not sure about if after
 2 Units 1 through 5 -- on the first sentence after qualified
 3 subsistence user in Units 1 through 5, is that what the
 4 committee came up with was who does not wish to hunt for
 5 themselves; is that language still in there?

6
 7 CHAIRMAN THOMAS: No.

8
 9 MR. FELLER: Oh, I lost that in the discussion.

10
 11 CHAIRMAN THOMAS: So, that was just kind of a place for
 12 us to work from.

13
 14 MR. FELLER: So -- and then after that I may designate
 15 I was thinking about adding some considerable language in
 16 there, but I don't know where I'm going with it. Actually,
 17 it's just something that I jotted down. So, does Council

18 CHAIRMAN THOMAS: It would help to have some direction.

19
 20 MR. FELLER: Yeah. Well, I do have it written down, so
 21 does Council wish to hear it?

22
 23 CHAIRMAN THOMAS: By all means.

24
 25 MR. FELLER: I'm not sure I'd like to make this into a
 26 motion yet. After that may designate, I would like to add in a
 27 customary and traditional appropriate manner in regard to
 28 orders, or maybe I could just put, in regard to disenfranchised
 29 recipients. That's just what I have, but -- for example, that
 30 could include, Mr. Chairman, elders and widows or single
 31 parents. So, I just thought I'd throw it out for the Council
 32 and see what they thought.

33
 34 CHAIRMAN THOMAS: Marilyn.

35
 36 MS. WILSON: Mr. Chairman, that's tying our hands
 37 again. When you put all this language into a regulation we're
 38 going to have to prove that we can't go hunting, we have to
 39 prove that we have no boat, we have to prove that we are a
 40 single parent, all this. I don't think that would be good. At
 41 least I don't -- I'm against that.

42
 43 CHAIRMAN THOMAS: Thank you, Marilyn. Any other
 44 violent reactions?

45
 46 MR. FELLER: Yeah. I'd like to respond to that,
 47 Mr. Chairman. In all due respect to Marilyn, I think C & T
 48 criteria is -- can stand on its own pretty much and it doesn't
 49 need to be viewed as regulations. So, with that, I'd just

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1 respect Council's views. Thank you, Mr. Chairman.

2

3 CHAIRMAN THOMAS: You bet. Any other observations or
4 reactions to the language that Mr. Feller has shared with us?
5 Mim.

6

7 MS. ROBINSON: I would just say that I agree with what
8 Marilyn was saying.

9

10 CHAIRMAN THOMAS: Okay. Vicki.

11

12 MS. LeCORNU: Mr. Chairman, I agree with Marilyn. I
13 believe that less restricted language would be beneficial to
14 the users.

15

16 CHAIRMAN THOMAS: Thank you. Okay. The Chair is
17 entertaining any further action, considerations on Proposal 2.
18 Mim.

19

20 MS. ROBINSON: Yeah. Just to throw something out, just
21 a little thought here. It sounded like some of the responses
22 some of the comments from the public were concerned about
23 abuse of the system, and I'm just -- one thing that occurred to
24 me was maybe there's some larger communities in these units
25 that should not be included in this. I know you would say
26 something like except for residents of such and such a
27 community, and taking into account that Juneau and Ketchikan
28 are already not included because they're non-rural designation
29 here, I don't know of any -- myself, you know, that would --
30 would want to put in there that maybe some other people from
31 around Southeast might know of some communities that should be
32 exempted from this.

33

34 CHAIRMAN THOMAS: Okay. Marilyn.

35

36 MS. WILSON: Mr. Chairman, what Mim brought up, maybe
37 that could be addressed in another form, like local regulation
38 or something, maybe the local IRAs could count the deer that
39 people take, make sure that they're local or whatever. I don't
40 know if it should be in this proposal.

41

42 CHAIRMAN THOMAS: Okay, further action?

43

44 MR. VALE: Question.

45

46 CHAIRMAN THOMAS: There's no motion.

47

48 MS. ROBINSON: There was a motion to adopt a proposal,
49 amended.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 CHAIRMAN THOMAS: Okay. But it's been amended since.
3
4 MS. ROBINSON: Yeah.
5
6 MS. WILSON: Could we have it read, Mr. Chairman?
7
8 CHAIRMAN THOMAS: Are you ready?
9
10 MS. LeCORNU: Yes.
11
12 CHAIRMAN THOMAS: Okay.
13
14 MS. LeCORNU: Could you call back the question? I have
15 discussion.
16
17 CHAIRMAN THOMAS: Sure we can have further discussion.
18
19 MS. LeCORNU: This is just another small point. I was
20 wondering about the designated hunter, who is responsible to
21 report harvest?
22
23 MS. PHILLIPS: The way it's written is struck, instead,
24 asserting the designated hunter is responsible to report
25 harvest.
26
27 MS. LeCORNU: Realizing that it is voluntary

28
29 CHAIRMAN THOMAS: What are your wishes?
30
31 MS. PHILLIPS: That should a designated hunter wish to
32 report it that they will be responsible for reporting the
33 additional

34
35 CHAIRMAN THOMAS: On a voluntary basis?
36
37 MS. PHILLIPS: Right.
38
39 CHAIRMAN THOMAS: There's no prohibition reporting, no
40 order to make your report.
41
42 MS. ROBINSON: Yeah. Mr. Chairman, I can see one of
43 the advantages to that, when the surveys go out who they would
44 report that hunt to. It would make it clear.
45
46 CHAIRMAN THOMAS: Are we still happy with it?
47
48 MS. WILSON: I'm getting confused here. But who do we
49 report to when they send out these booklets to different
50

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
277-0572/Fax 274-8982 272-7515

ANCHORAGE, ALASKA 99501

people? Bob said in the small communities almost everybody gets these booklets. So, is that the form of reporting that we have to do? The hunters, I mean.

4

5 CHAIRMAN THOMAS: Yeah. I am -- I used to be real good at mind reading, but I've kind of lost my touch on that. So, if there's any unhappiness with our striking that second sentence, let's address it as a reconsideration. If we're still speaking in support of that, let's move on to some action on Proposal 2. But I just can't read minds. Mim.

11

12 MS. ROBINSON: I wonder if it would be -- I don't know if we would necessarily have to reconsider that amendment, we can just offer another amendment to -- 'cause it's a totally different sentence, it's not -- it's saying something entirely different. So, I would suggest that maybe Patty move to amend the proposal with that sentence, how she said it.

18

19 CHAIRMAN THOMAS: All right. Mr. Willis has something he'd like to share with us.

21

22 MR. WILLIS: I'd like to offer the fact that the State 23 if you are not going to have a new requirement for reporting and you're going to depend on the State questionnaire survey for the reporting under this new regulation, the State survey specifies that the hunter, the person doing the shooting, will do the reporting.

28

29 MS. WILSON: Thank you.

30

31 MR. WILLIS: I might add that there may be some requirements if we go with a Federal permit. There may be some reporting requirements if it's done administratively and not within the regulation. That's always a possibility.

35

36 CHAIRMAN THOMAS: Thank you. Please help me, I'm falling.

38

39 MS. WILSON: I was just reading the alternate. Let's read the motion and vote on it.

41

42 CHAIRMAN THOMAS: I'm here to direct the wishes of the Council. Say again.

44

45 MS. LeCORNU: Shall I read the motion?

46

47 CHAIRMAN THOMAS: Please.

48

49 MS. LeCORNU: A qualified subsistence user (recipient)

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1- a qualified subsistence user, "recipient" in Units 1 through 25 may designate another qualified subsistence user of Units 1 through 5 to take deer on his or her behalf if the recipient is a member of the community operating under a community harvest System. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his or her possession at any one time.

8
9 CHAIRMAN THOMAS: Further discussion on the motion?

10
11 MR. VALE: Call for the question.

12
13 CHAIRMAN THOMAS: Question has been called. This is a motion to adopt. All those in favor, say aye.

14
15
16 IN UNISON: Aye.

17
18 CHAIRMAN THOMAS: Those opposed, no.

19
20 (No opposing responses)

21
22 CHAIRMAN THOMAS: Motion carried. Well, ladies and gentlemen, our soaring has resulted in a sky dive. What's our lunch considerations? Is Dominoes going to swing by or are we going to go out for a Big Mac? What's the wishes of the Council? Do you want to take a lunch break? Let's take a lunch break. How long? 1:30? We'll break for lunch.

23
24
25
26
27
28
29 (Off record)

30 (On record)

31
32 CHAIRMAN THOMAS: Okay. The meeting will come back to order. I trust you all had a good lunch. We thank Richard Dalton for his expert guidance on where we could find subsistence during the lunch hour.

33
34
35
36
37 I want to welcome Al Dick. He's been the absent professor for the last day. We're glad he's here. Welcome, Al. And those of you who came here for the first time, I'm glad that you're here.

38
39
40
41
42 We are now moving in to consider Proposal #3. With that, I will turn it over to Carol.

43
44
45 MS. JORGENSEN: Thank you, Mr. Chairman. Proposal #3, the existing regulation is:

46
47
48 Unit 1(B) - South and east of LeConte Bay and Glacier.
49 antlered bull with spike-fork or 50-inch antlers or 3 or
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

more brow tines on either antler, by Federal registration permit only. Public lands within the Stikine River drainage are closed to the taking of moose, except in accordance with these regulations by qualified rural residents during seasons identified above. And that's September 15 through October 15.

6

7 The proposed regulation is: Unit 1(B) south and east of LeConte Bay and Glacier. And then it would be 1 antlered bull by Federal registration permit only. Public lands within the Stikine River drainage are closed to the taking of moose except in accordance with these regulations by qualified rural residents during seasons identified above.

13

14 So, it would remove the restriction of the 50-inch antlers or three more brow tines. With that, I'll turn it over to Robert -- to Rachel.

17

18 MS. MASON: All right. Almost all of the moose that were harvested in the Stikine River area

20

21 CHAIRMAN THOMAS: We can't hear you, Rachel.

22

23 MS. MASON: Is this thing on?

24

25 MS. JORGENSEN: Yes.

26

27 MS. MASON: Okay. Almost all of the moose that's harvested in the Stikine River area is taken by residents of Wrangell and Petersburg. ADF&G data indicate that in 1987 12.4 pounds per capita of moose were harvested in Wrangell, and 17.5 in Petersburg. Moose were harvested by 6.3 percent of Wrangell households and 8.4 percent of Petersburg households. Moose meat was used by 42.5 percent of Wrangell households and 27.4 percent of those in Petersburg. The Stikine River area is one of Petersburg's two major moose hunting ranges, and the other one is Thomas Bay.

37

38 Changes in habitat resulted in migration of the moose towards the Thomas Bay area, and consequently more hunters have gone to that hunting range rather than the Stikine.

41

42 So, to summarize, basically there is modest moose harvest in both Wrangell and Petersburg, and those are the two main communities that use the moose that are in question.

45

46 MR. WILLIS: From a biological standpoint, those of you who were council members last year, I'm sure, are still familiar with the Stikine River valley moose situation. Increasing hunting pressure there, over a period of years, had

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

almost completely eliminated the mature bulls in that population. It's a relatively small area with a modest moose herd, to begin with. The harvest dropped from 58 bulls back in 1988, which was the high harvest year, to only 19 in 1992, and 96 percent of those harvested were 3-1/2 years old or younger. This was what prompted the Board to act to go to a spike fork or 50-inch or three brow tine regulation for the 1993 season.

8

9 The State, as you heard yesterday from Bruce, proposed the same regulation for State land. At that time, however, the State board elected not to institute that, and so we wound up with an antler restriction on the Federal lands, but an any bull regulation on State lands.

14

15 During the one year or the first year that the spike fork, 50-inch regulation was in place on Federal lands there were 15 moose harvested, but seven of those didn't meet the antler requirements of the Federal regulation, and were claimed to have been harvested on state and private lands, even though those lands constitute only 10 percent of the total area. The lack of breeding age bulls in that area causes the decrease in calf production. The younger animals -- the few younger animals that are left are simply not as efficient in breeding the bulls. You have moose -- excuse me, breeding the cows, you have cows that are not bred, you have cows that are bred late in the estrus cycle so that the calves they produce don't survive as well the following year.

28

29 We currently have more moose habitat than we have moose in that area. Because of this lack of breeding age bulls and the drop in calf production, ADF&G issued an emergency closure last summer and closed the moose season on state and private lands in the Stikine area. And they have proposed to their Board again this year that a spike fork, 50-inch regulation, matching the Federal regulation for state and private lands, and have also issued something of an ultimatum. If you read the State proposal, it says that if it's not passed by the Board this time, they'll issue another emergency closure next summer.

40

41 The proposal -- the spike fork 50-inch proposal, as I said, is designed to protect the breeding bull population. It will allow hunting to take place for those animals that have spikes or forks, which is about 40 percent of each year's production. That is for the first year that the bulls are mature, that is they are a year-and-a-half old. About 40 percent of them are going to have spike fork antlers and about 60 percent will have pollinated (ph) antlers, the ones with the pollinated antlers will become the better breeding

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

bulls, and those are the ones that you want to protect. During that period of time when they're from one-and-a-half up to about six years, at which time they will have bred a number of years, they'll have antlers that are much larger and will again be subject to harvest. In summer -- I guess I can just say that there's obviously still a need for this regulation.

7

8 I might mention that this past year, '94, because of the emergency State closure and high water conditions on the Stikine River, there was not a lot of moose hunting effort. We know of only three bulls that were harvested under the Federal regulations, and we feel very strongly that we need to retain this spike fork 50-inch regulation until such time as our surveys and our harvest shows that we once again have a suitable mature bull component and calf production is back up to normal level. We would expect this to happen probably in three to five years.

18

19 MS. JORGENSEN: Mr. Chairman, we had three statements on this proposal. The first one is from the Alaska Department of Fish & Game: We are concerned about diminishing numbers of breeding age bulls in the moose population in the area south and east of LeConte Bay and Glacier in Unit 1(B). We have prepared a recommendation to the State Board of Game to substitute spike fork 50-inch restrictions for this area. If the Board of Game does implement this request then the Department will probably close. If the Board of Game does not implement this request, the department will probably close the 1995 hunting season by emergency order, as it did in 1994. Survey data, including evidence of low calf production indicate that recruitment may be a problem. Alaska Department of Fish & Game.

33

34 We received another one from Sitka Conservation Society: We are opposed, especially in light of the originator's admission that information on the moose population cannot be accurate. This proposal appears to be based solely upon conjecture. If data ascertained, the true numbers and health of the stock are not available, it would be best to err on the side of safety and give the benefit of the doubt to the wildlife species being harvested. Sitka Conservation Society.

42

43 And then another one from Petersburg Fish & Game Advisory: Opposed. The Stikine moose herd has been decimated primarily by over-hunting. The spike fork 50-inch regulation may be the only restriction needed to allow the herd to rebuild. Without it the need may soon be for a total closure. Petersburg Fish & Game Advisory.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 CHAIRMAN THOMAS: Okay. Thank you. You've heard the
2 introduction of the proposal, technical analysis, response to
3 the proposal, and we're now in a portion of public comment. Is
4 there anybody from the public that would like to comment on
5 Proposal #3, having to deal with moose in Unit 1? Seeing none,
6 we'll bring it back to the Council for consideration and
7 action. What's the wish of the Council? Mim.

8

9 MS. ROBINSON: Well, from what I've heard, it sounds
10 like it's not a very good idea to change what is already
11 happening. So,

12

13 MR. VALE: I can't hear you, Mim.

14

15 MS. ROBINSON: It sounds like it's not a good idea to
16 change what's already going on, from what we've been hearing
17 here, so I would suggest we don't take any action on this
18 proposal.

19

20 CHAIRMAN THOMAS: What did you say, Mim? Richard?

21

22 MS. WILSON: Make a motion.

23

24 MR. ANDERSON: Mr. Chairman.

25

26 CHAIRMAN THOMAS: Lonnie.

27

28 MR. ANDERSON: I request a response from Mr. Feller
29 here. The proposal was introduced by one of his constituents.

30

31 CHAIRMAN THOMAS: Mr. Feller, do you wish to comment in
32 that capacity?

33

34 MR. FELLER: Thank you, Mr. Chairman. This proposal, I
35 think it's the second time that it's come before the Council or
36 the third time, actually. Correct me if I'm wrong, but this
37 proposal, I believe, comes from Janice Rooney, and she had the
38 same one in last year. And when I left Wrangell I had to talk
39 to the chair of the Wrangell Advisory Committee, and I
40 understood from that conversation that they support this. It's
41 the same thing as before then; virtually all the hunters in
42 Wrangell support this proposal.

43

44 But to me, as before, I was in -- the last time they
45 put me on the spot, and it's Lonnie this time, so, I speak
46 against this proposal, Mr. Chairman.

47

48 CHAIRMAN THOMAS: Well, let me make -- try to make it
49 more comfortable for you, realizing some of the consequences on

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 this. With the proposal, I don't know that we have any data
2 supporting that change or any analysis.

3
4 MR. FELLER: Mr. Chairman, do you mean from the
5 Wrangell Advisory Committee?

6
7 CHAIRMAN THOMAS: Right.

8
9 MR. FELLER: No. He was going to give me some written
10 stuff to bring by hand but he didn't bring it forward, so I
11 guess it's a moot point now.

12
13 CHAIRMAN THOMAS: I'm not encouraging to bring this
14 forth, to adopt, but I'm wondering if there is anybody here
15 that does? John.

16
17 MR. VALE: Mr. Chairman, I don't support the proposal,
18 but I think it's appropriate that we take some action on it.

19
20 CHAIRMAN THOMAS: I will guide that. Okay. The Chair
21 will entertain a motion to adopt, with a recommendation to vote
22 down.

23
24 MR. VALE: I'll move to adopt the proposal.

25
26 MR. ANDERSON: I'll second it.

27
28 CHAIRMAN THOMAS: It's been moved and seconded to adopt
29 Proposal #3. Any more discussion? John.

30
31 MR. VALE: Oh, just one comment, Mr. Chairman. I think
32 that the information provided to us demonstrates that there are
33 some conservation concerns on the stock here and that this
34 would make matters worse, and I think that conservation of the
35 resources is our first and most important consideration, and
36 for that reason I don't support the proposal.

37
38 CHAIRMAN THOMAS: Thank you. Anybody else?

39
40 MR. ANDERSON: Mr. Chairman.

41
42 CHAIRMAN THOMAS: Lonnie.

43
44 MR. ANDERSON: I concur with Mr. Vale, and I would vote
45 against this proposal.

46
47 CHAIRMAN THOMAS: Thank you. Further discussion?

48
49 MS. WILSON: Mr. Chairman.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 CHAIRMAN THOMAS: Marilyn.
3
4 MS. WILSON: If we vote against this proposal there
will be no regulation -- there will be no hunting for moose on
Federal lands?
7
8 CHAIRMAN THOMAS: There will be no change to the
regulation. There's no regulation in place. There just won't
be a change.
11
12 MS. WILSON: Oh, okay.
13
14 CHAIRMAN THOMAS: Further discussion?
15
16 MR. FELLER: One comment. Mr. Chairman, I think it's
17 the Wrangell hunters are used to their lifestyle, per se,
their hunting practices, and that's been their practice for
years, and that's where it got us. And one thing that comes up
a lot of times is in comparison with Thomas Bay, and I'll just
say for the record that the hunters in the Wrangell area think
that that's not a fair comparison. Personally, I think it's --
23 said it before and I'll say it again, I don't think you can
argue with success, that's a successful model in my eyes in
Thomas Bay, having probably twice as much moose harvested in
half the amount of time, probably more so than last season.
There was a real limited harvest on the Stikine. So, thank
you, Mr. Chairman.
29
30 CHAIRMAN THOMAS: Thank you, John. Further discussion?
31
32 MS. ROBINSON: Question.
33
34 CHAIRMAN THOMAS: Question's been called. Nonsupport
of this will result in a vote to defeat the motion and what, I
think, is the position of the Council. So, all those in favor,
say aye.
38
39 (No affirmative responses)
40
41 CHAIRMAN THOMAS: All those opposed, say aye?
42
43 IN UNISON: Aye.
44
45 CHAIRMAN THOMAS: The motion fails. We'll move on to
proposal #4.
47
48 MS. JORGENSEN: Proposal #4. The existing regulation:
49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 There are no transferable permits specified for federal
2 subsistence hunts of large animals in Units 1 through 5.

3

4 Proposed regulation: A qualified subsistence user of
5 Unit 5 may designate another qualified subsistence user in Unit
6 5 to take moose on his or her behalf unless the recipient is a
7 member of a community operating under a community harvest
8 system. The designated hunter must complete and return the
9 harvest report on behalf of the recipient and must turn over
10 all salvaged meat to the recipient. The designated hunter may
11 hunt for a number of recipients but may have no more than two
12 harvest limits in his or her possession at any one time.

13

14 MR. WILLIS: The moose season and the harvest quota
15 that we're dealing with here in Unit 5 would not change with
16 the adoption of this proposal. The current season is October
17 15 through November 15 in Unit 5(A) or until the quota is
18 reached, and it is September 1 to December 15 in Unit 5(B) or
19 until the quota is reached. The quota in 5(A) is 60 bulls, no
20 more than 30 of which could come from west of Dangerous River.
21 These 30 are almost always taken fairly quickly during the
22 season because that's the road assessment portion of the area.
23 But the total quota for 60 was reached for the first time only
24 last year -- or this year, I should say, 1994. Across the bay
25 in Unit 5(A) there's a 25 bull quota, and that quota has never
26 been reached in the history of that hunt. There's also a
27 special Federal permit which allows individuals in Unit 5(A) to
28 take up to 10 moose of either sex for community use in
29 ceremonial feasts.

30

31 ADF&G did complete a moose survey this winter after
32 your books were published, so I do have some survey information
33 that you don't have in front of you, unless you got it from
34 another source. The total moose observed this year was 397.
35 ADF&G uses a 50 percent sight ability factor, which is to say
36 that whatever they see, they figure they're seeing half of the
37 number of moose that are actually there. So, the total would
38 be somewhere in the vicinity of 800 moose. This compares
39 pretty favorably with what we have estimated in years past,
40 that the carrying capacity of the area was about 1,000 moose
41 but there were about 200 animals below that capacity. This is
42 what we reported to you last year when we dealt with the
43 ceremonial moose proposal. And, so it looks like our figures
44 were pretty decent last year.

45

46 The population composition was 20 bulls and 32 calves
47 per 100 cows. And this also compares favorably with the
48 previous five-year average, which was 26 bulls and 28 calves
49 per 100 cows. So, production seems to be pretty good in the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

area and the population would be considered stable.

2

3 From a biological perspective, the proposal would not
 4 have any impact on the moose population because we have a quota
 5 there and there's no proposal. The proposal would not increase
 6 that quota. You still have a maximum of 60 bulls that could
 7 be taken in 5(A), 30 on the west side of Dangerous River, and
 8 25 across the bay -- excuse me, that's in 5(B), 25 across the
 9 river in 5(A). There could be a slight increase in the harvest
 10 if you have your better hunters who have the opportunity to
 11 take more than one moose. That is to say that the quota of 60,
 12 which was reached in 5(B) for the first time in '94, might be
 13 achieved more frequently than it has in the past. But as long
 14 as the population is healthy and able to withstand a 60-bull
 15 quota, then that shouldn't be a problem.

16

17 MS. MASON: The main rationale for this proposal is
 18 similar to the decimated deer hunter proposal, and that is that
 19 it legalizes a practice that already takes place. It's common
 20 for a single hunter to harvest for three or four other
 21 individuals. And as we discussed in terms of the deer
 22 proposal, it's very common for households to contain members
 23 who either do not wish to harvest for themselves or cannot
 24 harvest for themselves, and the same is true for the moose.

25

26 Sharing a moose is established practice in Yakutat and
 27 that's the only community in Unit 5. The Yakutat residents
 28 harvested about 20 pounds of moose per capita in 1987. In that
 29 year almost 60 percent of households used moose but only about
 30 30 percent harvested it. Residents of Yakutat harvested moose
 31 since that animal first emigrated from Canada onto the Yakutat
 32 forelands in the late '20s and early '30s, and traditionally
 33 harvesting of both bulls and cows occurred year round, and all
 34 parts of the moose were utilized.

35

36 To conclude, this is -- the purpose of this proposal is
 37 to legalize a situation that's already going on. In order to
 38 approve the proposal it has to be determined that the regime
 39 would not risk the health of the moose population. And since
 40 the proposal would not increase the quota of bulls that can be
 41 harvested in this unit, it would not increase the harvest. So,
 42 it doesn't risk the health of moose population. Thank you.

43

44 CHAIRMAN THOMAS: Robert.

45

46 MR. WILLIS: I was going to ask Carol if there were any
 47 public comments on that one. I don't recall, you have the list
 48 of comments. I might add, Bill, that I guess our major concern
 49 here was more of a management concern than a biological

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

concern, and I'm sure you'll discuss this at some length, but since we do have a quota of moose here where we don't have a quota of deer under the designated hunter for deer proposal, there could be some people who would -- local people who might be opposed to this. I've leaned pretty heavily on John for information on that. We were concerned that everybody be heard, including a minority who might be opposed to this because the quota for bulls could be shot out before they have the opportunity to harvest one for themselves.

10

11 MS. JORGENSEN: Mr. Chairman, the comments are -- and we have three. The first one is from the Alaska Department of Fish & Game: Opposed, as written. The department's position is basically identical to the -- I can't read that word, there's something there, something for Proposal 2. Additionally, the department is concerned that in moose hunts having limited harvest quotas. Demand for designated hunter permits would outstrip the allowable surplus number of moose. If the designated hunter does not salvage all meat, who has the legal responsibility for the unsalvaged portions? The (indiscernible) who is legally responsible. The proposal makes no provision for the inclusion of a harvest reporting system. The board should investigate fully the extent of public opinion among residents before making a decision on the proposal. Alaska Department of Fish & Game.

26

27 The next one is from Petersburg Fish & Game Advisory. 28 says: Opposed. We think there would be far too many uses and be detrimental to the deer to allow unregulated proxy hunting. Petersburg Fish & Game Advisory.

31

32 And then the last one is from Sitka Conservation Society: We do not object to this proposal, provided the stringent and proper oversight of the harvest is maintained. Sitka Conservation Society.

36

37 CHAIRMAN THOMAS: Is there any public in attendance that would like to comment with regards to this proposal? Seeing no one come forward, we will now bring this to the Council for deliberation and action. What's the wish of the Council? Vicki.

42

43 MS. LeCORNU: Mr. Chairman, I just have a question for the

45

46 CHAIRMAN THOMAS: Sure.

47

48 MS. LeCORNU: I don't know who to address it to. It says, in many cases -- it says in their Preliminary

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Conclusions. I don't know if that's your conclusions. "In many cases the current system of personal harvest limits may not accommodate traditional harvest distribution and consumption practices." I wonder, could you explain that?

5

6 MS. MASON: Certainly. It means that what is currently legal, in terms of personal harvest, that that might not be enough to accommodate what is traditional as far as how much you harvest, how much you distribute and how much you consume.

10

11 MS. LeCORNU: Thank you.

12

13 MS. MASON: You bet.

14

15 CHAIRMAN THOMAS: John.

16

17 MR. VALE: Mr. Chairman, I -- first question about the process here. I do have an amendment to this proposal. So, should we move to adopt it to get it on the table first and then move for an amendment; is that the right way to do it?

21

22 CHAIRMAN THOMAS: That's correct, yeah.

23

24 MR. VALE: Okay. Well, I move to adopt the proposal.

25

26 MS. LeCORNU: Second.

27

28 CHAIRMAN THOMAS: It's been moved and seconded to adopt Proposal #4. Discussion? John.

30

31 MR. VALE: Thanks, Mr. Chairman. The Yakutat Advisory Committee held two meetings in Yakutat since our last meeting here where we discussed the proposal, and while we had representatives of the subsistence community there from ANB, ANS and, you know, everybody in the community, it was a well attended meeting, and we reached a consensus as to how we wanted to approach this proposal in Yakutat. And because of the limited number of animals that are available there it was felt that we needed to -- everybody felt that they wanted to have an age restriction and a physical disability restriction in the proposal. And what we ended up -- we ended up going back to the original proposal that was submitted last year from ANB and ANS, and took the position of supporting that proposal as written.

45

46 So, I'm going to move to amend the proposal so that it would read: Qualified subsistence user of Unit 5, over the age of 55 or physically disabled may designate another qualified subsistence user of Unit 5 to take moose on his or her behalf.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 The designated hunter may hunt for any number of recipients
 2 but may have no more than two harvest limits in his or her
 3 possession at any one time. The middle portion of that
 4 proposal, as written, would be deleted and the words after Unit
 5 would be added that say over the age of 55 or physically
 6 disabled.

7

8 CHAIRMAN THOMAS: What would be deleted?

9

10 MR. VALE: From -- the sentence would end on a
 11 qualified subsistence user of Unit 5 over the age of 55 or
 12 physically disabled may designate another qualified subsistence
 13 user in Unit 5 to take moose on his or her behalf, period. It
 14 would be deleted from "unless..." all the way to, but not
 15 including, the last sentence. The last sentence would still be
 16 included, which says: The designated hunter may hunt for any
 17 number of recipients but may have no more than two harvest
 18 limits in his or her possession at any one time.

19

20 CHAIRMAN THOMAS: So strike everything from unless to
 21 the

22

23 MR. VALE: From "... behalf..." to "...recipient."

24

25 CHAIRMAN THOMAS: The recipient on the second to the
 26 last line?

27

28 MR. VALE: Yes.

29

30 CHAIRMAN THOMAS: Okay. You heard -- that's a motion
 31 to amend?

32

33 MR. VALE: That's a motion to amend.

34

35 CHAIRMAN THOMAS: You heard the motion to amend. Is
 36 there a second?

37

38 MS. WILSON: I second it.

39

40 CHAIRMAN THOMAS: It's been moved and seconded.
 41 Discussion. Only discussion I have is that the Chairman
 42 recognizes a radical move there. John.

43

44 MR. VALE: Oh, just once again there was some concern
 45 from the folks in the community that had to do with
 46 competition. Since there's only a limited number of animals
 47 available they felt that if there wasn't some restrictions and
 48 on the designated hunter -- in other words, if there wasn't,
 49 too many people would be out competing for the resource since
 50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

there's such a limited number of animals, and so they felt that given the road system that provides vehicle access and everything that, you know, it was necessary and desired to have that age and physical disability restriction on there.

5

6 CHAIRMAN THOMAS: The Chair appreciates the homework that John brings with him in regards to these proposals. It's very evident that he talks to members of his community, they come up with good rationale, and I commend you on your presentation. I think you've done a good job with that. Further comment?

12

13 MR. ANDERSON: John, how many moose were taken by outside guided hunters this last year? Do you have that?

15

16 MR. VALE: I don't have that information in front of me, but I can tell you about what has been taken by local hunters over the last two or three years. I don't know about last year's information, but Yakutat hunters have been taking about 40 of the 60 animals on Unit 5(A), and out of the 10 or 21 animals that are taken on 5(B), probably, you know, most, if not all of them, were taken by Yakutat residents.

23

24 MR. ANDERSON: How strenuous is the outside pressure of the Yakutat moose herd?

26

27 MR. VALE: I guess that's a matter of perspective. For the sake of the council members, I'll give you a little history on the moose there. There is initially a large population -- I'll try to be brief on this -- there's a large population that kind of boomed up until the late 1960s of several thousand animals, and there was quite a significant harvest of bulls and cows went on, upwards of three to 400 animals a year. During some hard winters in the late '60s, early '70s, the moose crashed all the way down to about three or 400 animals. The season was closed down for several years altogether while they rebuilt somewhat. Then it was opened up to 25 bull quota on 5(A), and later in the '80s it was increased to 50.

39

40 The historical hunting practice was that there were a lot of non-local residents, mostly state residents that came here to hunt, and it was kind of like a derby hunt. Most of the time the quota would be taken in three days, four days, something like that, and Yakutat residents actually got very little of the harvest when it was 25 bulls or probably an average of 10 or 11 taken by Yakutat residents. Then when it was increased to 50, there was about 20 taken by Yakutat residents.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 So, then Yakutat residents then approached the State
2 Board and asked them, they felt that we weren't getting
3 adequate supplies to meet subsistence needs, and they asked the
4 State board to give Yakutat residents a seven-day head start
5 over non-local residents, and the State board found that there
6 was a Tier II situation that did exist, and they accepted the
7 proposal and gave Yakutat a seven-day head start.

8
9 Then the McDowell case came along and the State fell
10 out of compliance with ANILCA, at the same time that the State
11 asked the -- went to the Game Board after that decision and
12 increased the quota from 50 to 60 and told the Game Board that
13 a priority was no longer needed for Yakutat residents because
14 they were giving us 10 more moose, and the Game Board removed
15 that seven-day priority. Then Yakutat appealed to the Federal
16 Subsistence Board and asked them to reinstate that seven-day
17 head start, and the Federal Board did. So, we kind of had a
18 derby hunt that went on until the seven-day head start came in
19 and, I think, in my opinion, there were an adequate number of
20 animals that have been taken by Yakutat residents.

21
22 The situation is such that, you know, most people know
23 where the moose are, including the outside hunters, and so when
24 the opens, you know, there are a lot of moose taken initially,
25 right off the bat, and so I'm just trying to give you a little
26 history. But I think now we're adequately -- my feeling, the
27 needs are being met with the current harvest, and there still
28 is a little bit of derby kind of thing that goes on. The
29 season hasn't lasted the full length of the season but one
30 year, I believe, and it's been shut down early each year. So,
31 that's a little history for you. I hope that helps.

32
33 MR. ANDERSON: Thank you. That was basically some of
34 the people that might not recognize the activity that takes
35 place in Yakutat. Your needs -- subsistence needs have been
36 met in Yakutat under this specific proposal, right?

37
38 MR. VALE: Under current management, in my own personal
39 opinion, I feel that we're able to take adequate numbers of
40 moose to meet local needs. That's my own personal opinion.

41
42 MR. ANDERSON: Question.

43
44 CHAIRMAN THOMAS: Question has been called for on the
45 motion to amend.

46
47 MS. WILSON: Would you repeat the amendment?

48
49 CHAIRMAN THOMAS: Madame Secretary.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. LeCORNU: A qualified subsistence user of Unit 5,
over the age of 65

4
5 MR. VALE: 55.

6
7 MS. LeCORNU: Oh, okay. or disabled may
designate another qualified subsistence user of Unit 5 to take
choice on his or her behalf. The designated hunter may hunt for
any number of recipients but may have no more than two harvest
limits in his or her possession at any one time.

12
13 CHAIRMAN THOMAS: Thank you, Madame Secretary.
Question's been called for on the amendment. All those in
favor, say aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN THOMAS: Those opposed, nay.

20
21 (No opposing responses)

22
23 CHAIRMAN THOMAS: Further discussion on the main
motion?

25
26 MR. VALE: Question.

27
28 CHAIRMAN THOMAS: Question's been called on the main
motion, as amended. All those in favor, say aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN THOMAS: Opposed, same sign.

34
35 (No opposing responses)

36
37 CHAIRMAN THOMAS: That motion carries. We now move on
to Proposal #5.

39
40 MS. JORGENSEN: Our last proposal, Proposal #5,
existing regulation is:

42
43 Trapping: Marten, on Chichagof Island, no open season;
Mink and weasel, Chichagof Island, no open season.

45
46 The proposed regulation: Trapping: Marten, no limit,
Chichagof Island, December 1 through December 31; mink and
weasel, no limit, Chichagof Island, December 1 through December
31. And, I guess Rachel will do the

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
 2 MS. MASON: I'll lead off. There are five rural
 communities on Chichagof Island, and they are all highly
 involved in subsistence harvesting uses. All five of them use
 5- 100 percent of the residents of those communities use
 subsistence resources. Since regulated trapping began on
 Chichagof Island in 1962, the seasons have ranged from 30 to
 800 days during November through February, and trapping is done
 with leg-hold traps, but in the recent years there's been
 little effort to trap weasel, marten or mink, either among
 residents of Chichagof Island or indeed elsewhere in rural
 Southeastern Alaska.

13
 14 And in the last -- since 1983 the only reported or
 estimated harvest of any of the species in question was 10
 martens and 29 minks by Tenakee Springs households. So,
 generally the reason that the trapping effort has declined is
 because the price of fur has not made the considerable effort
 that it takes to be worthwhile, so, generally there has not
 been a lot of effort in trapping of any of these species on the
 island.

22
 23 MR. WILLIS: From a biological perspective, I guess you
 could say there's good news and bad news. The good news is the
 marten population is increasing. The bad news is the marten
 population is increasing. It kind of depends on your
 perspective. We dealt with this last year, I believe.

28
 29 CHAIRMAN THOMAS: That woke me up.

30
 31 MR. WILLIS: But as a rural wildlife manager whose
 charge it is to maintain

33
 34 (Tape changed)

35
 For the benefit of those who weren't involved in this issue
 last year, because of the extensive volume that's gone on on
 Chichagof Island, and the network of the roads that was put in
 place to accomplish that, marten populations crashed pretty
 severely over the last few years, mostly due to an
 over-harvest, partly due to loss of habitat. Because of that
 the Federal Board moved last year to close marten trapping on
 Chichagof Island after the results of a study done by ADF&G and
 US Forest Service revealed extremely low populations. And the
 season on mink and weasel was also closed because marten are
 often incidentally taken in traps set for those species. The
 Board brought up -- I had considerable testimony that marten
 populations should be kept low deliberately in order to,
 hopefully, bring back grouse and ptarmigan populations, but

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
 277-0572/Fax 274-8982 272-7515

this -- the Board has traditionally not tried -- or not passed proposals which would decrease the population of one species in order to increase the population of another species. That's considered predator control or use of control, and the Board traditionally has not done that.

6

7 Our situation now is that the marten population is beginning to come back because of that closure for several seasons, partly because of the closure, partly because their food base, which is the voles and mice they feed on primarily, the population of those species are also coming back. And there are more juveniles in the population, there's a better ratio of juveniles to adult females. And they seem to be rebounding fairly quickly. But they're still at fairly low levels, especially on the southern end of the island. I had recent discussions with the ADF&G and the Forest Service personnel who have been involved with the study who indicate that the population is doing better on the north end than it is on the south end. Apparently it's still decreasing, to some degree, on the south end. But the signs are hopeful that the food base is coming back and the ratios of adults to juveniles is improving, the ratio of juveniles to adult females is improving.

24

25 From a biological perspective, however, we feel that they need at least one more year to allow the population to recover sufficiently to support a trapping season. That's not to say that a trapping season set this year would be extremely detrimental to the population, but it would certainly slow the recovery, and we'd like to see protection extended for another year.

32

33 Yes, ma'am.

34

35 MS. ROBINSON: Yeah, I kind of had -- well, one question is what's the history behind the introduction of martens; whose idea was that?

38

39 MR. WILLIS: I believe they were introduced by one of the Federal agencies, possibly the Forest Service. Either Ken Thompson or Norm can speak to that, in fairly recent times, back in the '50s, I believe. Do we have an expert on that in the audience here? We do have an expert.

44

45 MS. ROBINSON: Who started this mess?

46

47 MR. SCHENCK: Mr. Chairman, I'm Ted Schenck, Chatham Area wildlife biologist, for the record. I'd like to respond to that question.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
 2 The Federal Fish & Wildlife Service introduced marten
 3 to Baranof Island in 1934, and they introduced marten to
 4 Chichagof Island between 1949 and 1952. The initial
 5 introductions -- these are the ones that we have official
 6 records for -- I suspect that there may have been others.
 7 There were seven marten captured on the mainland, near
 8 Cape Fanshaw, just south of town here, and moved to Baranof
 9 Island, and there were 21 marten introduced near Pelican by
 10 Fish & Wildlife Service between 1949 and 1952.

11
 12 CHAIRMAN THOMAS: Thanks a lot.
 13

14 MS. ROBINSON: May I continue with my questions? I was
 15 also curious -- well, maybe Carol should go ahead and read the
 16 other testimony. This might get into other stuff here.

17
 18 CHAIRMAN THOMAS: Okay. Carol.
 19

20 MS. JORGENSEN: Okay. We received five responses.
 21 First, the Alaska Department of Fish & Game: Support. ADF&G
 22 surveys indicate that the marten population is increasing and
 23 can support the harvest. The trapping closure on mink and
 24 weasel was made only to prevent the inadvertent trapping of
 25 marten. Trapping of these species should not be re-opened.
 26 Alaska Department of Fish & Game.

27
 28 The next one is the Alaska Wildlife Alliance,
 29 Anchorage: We are opposed. It is unwise to set a no limit bag
 30 limit on any species, especially for those which there is
 31 little information and where a ceiling is not required. If an
 32 open season must be established, we recommend that the Board
 33 respect standard conservation principles and set a responsible
 34 bag limit. Alaska Wildlife Alliance.

35
 36 The next one is Sitka Conservation Society, Sitka,
 37 Alaska: We strongly object to this proposal. The Chichagof
 38 Island area has already been repeatedly and adversely affected
 39 by massive and intensive logging and the species in question
 40 have already suffered a great loss of habitat. This proposal
 41 seems to be based solely upon the personal observations of the
 42 originator. We feel this is an insufficient basis to amend the
 43 existing regulations barring any other factual basis. No
 44 regulations should be made more lax based simply upon
 45 assumption. All regulations operate to maximize protection of
 46 the regulated species whenever any doubt arises. Sitka
 47 Conservation Society.

48
 49 The next one is by Petersburg Fish & Game Advisory: We
 50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

encourage the board to follow the advice of the ADF&G biologist because their knowledge -- because of their knowledge of the area. Petersburg Fish & Game Advisory.

4

5 And then although I read this earlier on another proposal, I'll reread this. This is by Susan Enstrom: The Sitka Fish & Game Advisory Committee met on February 1, 1995, with Herman Kitka, representative of the Federal Southeast Regional Subsistence Council, Dale Kanen, Chatham Area Subsistence Program Manager, and Ray Nielsen and Jude Pate from Sitka Tribes in attendance, to discuss the proxy provider hunter proposal. The advisory committee has no objection to someone providing meat for the needy, handicapped or elderly but felt that they were a little concerned about a wide open proxy provider hunt for fear it would be abused and the game would be harder to manage.

17

18 Now, where it speaks to this proposal, the marten proposal for opening Chichagof Island for trapping next year was also discussed and supported by the members. We appreciate the opportunity to be included in the discussion on these items that are important to our area and wish to thank those who brought them to our attention. Respectfully submitted, Susan Enstrom, Chairman, Sitka Fish & Game Advisory.

25

26 CHAIRMAN THOMAS: Are there comments from the public regarding the proposal? Seeing nobody come forward, we'll bring it to the board and council for deliberation and action.

29ohn.

30

31 MR. VALE: I'd just like to ask a question. What's this, does the State have a season, and if so what is it?

33

34 MR. WILLIS: The State does have a season on state and private lands. We'll have that for you here in a second.

36

37 MR. SCHENCK: Okay. The State season is that the northeast part of Chichagof Island is from the 1st of December to the 31st of December, and the rest of GMU-4 is from the 1st of December until the 15th of February.

41

42 MR. VALE: Okay. So this proposal deals with that northeast portion of Chichagof Island that is concerned, no?

44

45 MR. SCHENCK: It would deal with all of Chichagof Island.

47

48 MR. VALE: All Unit 4 takes in the rest of Baranof?

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. SCHENCK: Baranof and Admiralty.
2
3 MR. VALE: Okay, thanks. I move to adopt the proposal.
4
5 MS. WILSON: Second.
6
7 CHAIRMAN THOMAS: It's been moved and seconded to adopt
8 Proposal 5. Discussion? Mim.
9
10 MS. ROBINSON: I have a couple questions. One thing I
11 was curious about is the value to the hunters; what, you know,
12 overall value -- I notice that in '90/91 there were 13 trappers
13 involved, '91/92 there were 31, and '92/93 there were 17, and
14 I'm just wondering what is the financial impact for those
15 trappers; do we know what the total overall value is for these
16 people for the

17
18 MS. MASON: I don't have that information.
19
20 MS. ROBINSON: It seems like that would fall under
21 socio and economic kind of questions.
22
23 MS. MASON: Yeah, it would. Unfortunately, I don't
24 have that information.
25
26 MS. ROBINSON: Okay. Sorry to put you on the spot like
27 that. The other question I have is in the Preliminary
28 Conclusions on page 32. It says -- the second sentence says
29 "To reinstate trapping at this time would not be consistent
30 with sound wildlife management principles or the conservation
31 of healthy populations of wildlife on federal public lands."
32 And my question is introduce wildlife or that indigenous to the
33 area? It kind of made me think of the little analogy that rats
34 were introduced to Port Alexander about five or -- no, actually
35 about seven or eight years ago, and I just -- I wonder if we're
36 going to be in trouble here with everyone starting to get cats
37 to deal with the predator control, and I just wondered if we
38 are going to be in big trouble now 'cause we've got these rats
39 living there. Are they considered part of the wildlife or --
40 you know, I just

41
42 MR. WILLIS: There doesn't seem to be a lot of people
43 grabbing for the microphone when you asked that question, Mim,
44 but I can't speak to your rat situation. That's a pretty
45 recent introduction, but at this point I

46
47 MS. ROBINSON: It was a serious question though.
48
49 MR. WILLIS: I would point out that

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MS. ROBINSON: Not about the rats but

3
4 MR. WILLIS: Understood, yeah. Marten are considered
part of the indigenous wildlife for management purposes. I
might also point out that deer are an introduced species on the
islands also. You don't see many people wanting to get rid of
the deer though. They don't eat birds.

9
10 MS. ROBINSON: When were deer introduced? I'm wasn't
aware of that.

12
13 MR. WILLIS: When were deer introduced?

14
15 MS. ROBINSON: Uh-huh (affirmative).

16
17 MR. WILLIS: In the '20s. I'm not sure exactly when,
Mm. I could find that information for you if

19
20 MS. ROBINSON: Is that for A, B, C or just Chichagof or
the whole

22
23 MR. WILLIS: I'm speaking generally. Without having
the actual history in front of me I couldn't tell you
specifically for Chichagof Island, but there were deer
introductions all up and down Southeast and also on Kodiak
Island throughout the early part of the century.

28
29 MS. ROBINSON: I believe also that squirrels were an
introduction to the islands also.

31
32 MR. WILLIS: That's right, yes.

33
34 MS. ROBINSON: So, what -- is there some kind of
guideline that followed that is determined when it becomes --
when an introduced species become indigenous?

37
38 MR. SCHENCK: Under the National Forests Management Act
the forest supervisor is responsible to maintain healthy
populations of all native species and desired non-natives, and
they figure out what's desired by whether or not they are
commonly hunted and fished, trapped. And since the marten were
introduced by Fish & Wildlife Service for human use, and since
the squirrels were introduced as a food source for human use --
for the martens for human use, it's a subject of a good bit of
discussion. The mountain goats are also an introduced species
on Baranof Island, and we haven't gotten into a concern at this
board with those at this time. But it's still the
responsibility of the Forest Service wildlife managers to

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

maintain healthy habitat for healthy populations.

2

3 MS. ROBINSON: I guess then since -- to answer my other
4 question, since rats are not a desired species that it's okay
5 to have cats to kill 'em?

6

7 MR. SCHENCK: I would say that's correct.

8

9 CHAIRMAN THOMAS: That information came in an element
10 of surprise to my indigenous members on the council. Further
11 discussion? Herman. Give Herman the mike, you guys.

12

13 MR. KITKA: I'm one of the old timer trappers, and I
14 was in favor of opening the season but to outlaw the
15 three-wheelers. The trappers that are using those roads -- I
16 know of one person that tried in in '91. For years he was
17 getting 90 marten a year. Every year he used a three-wheeler,
18 he came to hunt over 500 marten then. On that ground I oppose
19 that three-wheelers and the Forest Service roads be used to
20 trap them. He should walk in through the area and it will not
21 have any effect on the population. A lot of people in the old
22 days used to trap very extensively because there was more of
23 them to take for the Native people. I know we used to trap a
24 lot. In some years we used to get as high as 700 minks a year.
25 Year after year we got that many. It never affected the
26 population. Other people came in and also trapped, but people
27 coming in to the valleys on those Forest Service roads was
28 responsible for depleting most of the marten population.

29

30 I was surprised that the Sitka Advisory Board didn't
31 come up with a resolution for the proposal because I have
32 (indiscernible). I have nothing against the proposal here if
33 we do away with the three-wheelers as part of it.

34

35 MR. DALTON: Mr. Chairman.

36

37 CHAIRMAN THOMAS: Thank you, Herman. Richard. Give
38 him the mike, you guys.

39

40 CHAIRMAN THOMAS: He doesn't let up, does he?

41

42 MR. DALTON: Thank you, Mr. Chairman. I've got a
43 strong arm but it's getting a good workout transferring it back
44 and forth.

45

46 For a number of years my father and I trapped all along
47 Admiralty Island, Chichagof Island, but then they had a good
48 price on fur. Some of the fur brought in -- like the land
49 otter, maybe 120, 125 or 150, depending on the color, but when

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

the price tag went down to -- on land otter maybe \$15.00, \$18.00, nobody bought it. There was a reason why we left it alone. On that price tag if I was to go out trapping again like I used to, I'd never be able to recover my gas price and what little food or -- even going out on other missions, it would be a little bit competition there with my price tag of paying for gas, the price we have to pay. However, what I'm saying is I think that transplant, I'm always against transplanting of anything because then it wouldn't be considered native to the area, and this is what has happened to Admiralty Island and has happened to Chichagof Island.

12

13 Now we're faced with the problem with the wolves on a transplant, which is a predator. It's just a predator, that's all. One of the things I would like to see are a more favorable condition for the martens and the minks and the otters because there is a lot of those animals around nowadays. But it bothers me when there's a four trapper -- 68 from Honah taken, and then seven trappers 412, and then 90 marten with four trappers. I never seen any Tlingits going out trapping for these species. So, I don't think it comes from Tlingits that's trapping. There's a reason why they're not trapping them, in other words, so I don't know, it's kind of disturbing. If the price tag goes up I might set a couple of traps up if I'm able to meet my bills. Thank you.

26

27 CHAIRMAN THOMAS: Further discussion? Patty.

28

29 MS. PHILLIPS: Thank you, Mr. Chair. I'd like to add an amendment to add a special provision reading: All portions of Chichagof Island is closed to the use of any motorized land vehicle for the taking of marten, mink and weasel.

33

34 CHAIRMAN THOMAS: You heard the motion.

35

36 MR. VALE: Second.

37

38 CHAIRMAN THOMAS: Moved and seconded. Discussion?

39

40 MR. VALE: Mr. Chairman.

41

42 CHAIRMAN THOMAS: John.

43

44 MR. VALE: Just so I'm clear on this, I thought I heard that Bruce Dinneford, in his testimony, state that the State currently has a vehicle restriction. Is that correct?

47

48 MR. SCHENCK: The only vehicle restriction that the State would have is on the northeast part of Chichagof Island.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1The rest of the area is open for use of motor vehicles on
 2state lands -- state and private lands. There is a federal
 3restriction also on all of the north end of Chichagof Island on
 4both sides of West Port Frederick. We took that action a
 5couple of years ago to implement that, but the State didn't put
 6the restriction on the other side of West Port Frederick, they
 7just have the northeast Chichagof controlled use area
 8restriction, right there, close to Hoonah, on this side of West
 9Port Frederick.

10

11 MR. VALE: Okay. Thanks.

12

13 CHAIRMAN THOMAS: Further discussion on the amendment?
 14 Richard.

15

16 MR. DALTON: It always disturbs me when I hear Hoonah
 17 in trouble with restrictions, and Hoonah's been in trouble
 18 for two years with Indian (indiscernible). I just heard on the
 19 basis of the salmon industry. I approve of the motion that a
 20 restriction on any motor vehicle in the road study with access
 21 to these particular game. I don't like to see that any more
 22 than anybody can walk with snowshoes to get to that game.

23

24 MR. SCHENCK: I should point out that both the state
 25 and the federal biologists feel that the road closures have
 26 been -- for motor vehicle use on trapping have been very
 27 effective in restricting the harvest from the road system.
 28 Our research data, down here in Gate Creek (ph), indicates that
 29 where you can't trap using a motor vehicle from a road system,
 30 compared to where you can, the marten, whose home ranges are --
 31 include a road that you can trap from, we can catch 9 out of 10
 32 of them from the road system using motor vehicles. Our
 33 harvest rate from the walk-in is much less than that. So, by
 34 closing the roads it is very effective in protecting the
 35 marten.

36

37 CHAIRMAN THOMAS: Thank you. Further discussion?

38

39 MR. VALE: Question.

40

41 CHAIRMAN THOMAS: Question has been called. All those
 42 in favor of the amendment, say aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN THOMAS: Opposed, same sign.

47

48 (No opposing responses)

49

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

1 CHAIRMAN THOMAS: Further discussion on the main
2 motion? John.

3

4 MR. VALE: Yeah, Mr. Chairman. I further would state
5 for the record, I guess, I'll support the motion or the
6 proposal as amended and, just for the record, you know, there
7 were still conservation concerns expressed on the marten by the
8 Fish & Wildlife Service, and, you know, I look at the one month
9 season and I see that as a pretty conservative season, you
10 know, December 1 to December 31. And, together with the
11 vehicle restriction and the fact that we've heard that they are
12 rebounding, I'm comfortable in supporting the proposal, and so
13 I think that we have enough measures in place with that to help
14 conserve the -- continue to conserve them and still provide a
15 trapping season.

16

17 CHAIRMAN THOMAS: Is there any discussion against the
18 motion as amended? Mim.

19

20 MS. ROBINSON: I'm not voting against it, but I do,
21 just for the record, want to state my concern about the ground
22 dwelling birds and the concerns people have expressed about
23 feeling that those numbers have declined. It seems like that
24 should be looked into. And in the future it would be
25 interesting to find out what the dollar value is for these
26 trappers with this industry, so that we'll -- if this ever
27 comes up again, changes, we'll, you know, know more about the
28 impact that it could have -- any changes it could have on those
29 trappers.

30

31 CHAIRMAN THOMAS: John.

32

33 MR. FELLER: Yeah, Mr. Chairman. I think a prime
34 marten about four years ago was \$80.00 -- an \$80.00 value.

35

36 CHAIRMAN THOMAS: How much?

37

38 MR. FELLER: That's in the ballpark, \$80.00
39 currency.

40

41 CHAIRMAN THOMAS: We're talking now a 90-day season.
42 Patty.

43

44 MS. PHILLIPS: I shared this with Ted, but a personal
45 observation this winter was I saw, for the first time, near my
46 house, ptarmigan. And that was an encouraging sign, 'cause
47 normally you have to go up to the mountain tops to see them.
48 And I just enjoyed seeing the ptarmigan.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 CHAIRMAN THOMAS: Further discussion?
2
3 MR. VALE: Question.
4
5 CHAIRMAN THOMAS: Question? Question has been called.
6 All those in favor of the motion as amended, say aye.
7
8 IN UNISON: Aye.
9
10 CHAIRMAN THOMAS: Opposed?
11
12 (No opposing responses)
13
14 CHAIRMAN THOMAS: Motion carries. That completes
15 proposals 2 through 5. We still have before us Proposal 1.
16 Proposal 1, dealing with the antlered and doe season. Vicki.
17
18 MS. LeCORNU: Mr. Chairman, I'm going to withdraw my
19 motion to reconsider, so I can make sure I have community
20 consensus, and I'll check with other board members involved.
21 So, I make a motion to withdraw for reconsideration on the
22 proposal.
23
24 CHAIRMAN THOMAS: Then that will leave us where we left
25 off yesterday?
26
27 MS. LeCORNU: Yes.
28
29 CHAIRMAN THOMAS: There's a motion to request to
30 withdraw the motion to reconsider. What's the wish of the
31 Council?
32
33 MR. ANDERSON: Did she make a motion to?
34
35 CHAIRMAN THOMAS: She made a motion just now, she wants
36 to withdraw, just the reconsideration part.
37
38 MR. ANDERSON: I'll second the motion.
39
40 CHAIRMAN THOMAS: Okay. So we have the agreement of
41 the maker of the motion and the second. That then puts us back
42 to the action we had yesterday.
43
44 MR. DALTON: Mr. Chairman. According to parliamentary
45 procedure we just withdraw, that's it. The second -- if the
46 second supports to withdraw

47
48 CHAIRMAN THOMAS: We did that.
49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. DALTON: We did that already?

2

3 CHAIRMAN THOMAS: We did that.

4

5 MR. DALTON: Okay.

6

7 CHAIRMAN THOMAS: The interim caucuses you're having
8 are disturbing your ability to follow. Mim, get out of his
9 ear.

10

11 MR. ANDERSON: Don't whisper in Mim's ear.

12

13 CHAIRMAN THOMAS: So, we're at now where we left off
14 yesterday. Vicki, would you read that again, just so we have a
15 refresher?

16

17 MS. LeCORNU: I didn't -- we moved to reconsider the
18 motion I made to withdraw the motion I made earlier.

19

20 CHAIRMAN THOMAS: Well, where did we leave off
21 yesterday?

22

23 MS. LeCORNU: We passed the proposal.

24

25 CHAIRMAN THOMAS: Okay. So, the proposal passed as
26 written?

27

28 MS. LeCORNU: Yes.

29

30 CHAIRMAN THOMAS: Okay.

31

32 MS. ROBINSON: It was amended.

33

34 CHAIRMAN THOMAS: Oh, it was

35

36 MS. LeCORNU: It passed as amended, yes.

37

38 CHAIRMAN THOMAS: To provide the one doe be part of the
39 four allowed?

40

41 MS. LeCORNU: Yes.

42

43 CHAIRMAN THOMAS: Okay. Are we all clear? That being
44 the case, then, now listen carefully because I'm going to
45 close

46

47 MS. ROBINSON: I just thought of something. I'm sorry.
48 I have written down here that we tabled that motion to
49 reconsider.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 CHAIRMAN THOMAS: We need a motion to move it off the
3 table.
4
5 MS. ROBINSON: Yes, we do. I so move.
6
7 MR. VALE: Second.
8
9 CHAIRMAN THOMAS: It's been moved to move it off the
10 table. It's seconded. All those in favor, say aye.
11
12 IN UNISON: Aye.
13
14 CHAIRMAN THOMAS: Opposed?
15
16 (No opposing responses)
17
18 CHAIRMAN THOMAS: Now we can get back to where we were?
19
20 MS. ROBINSON: Now we can withdraw their motion to
21 reconsider.
22
23 MS. LeCORNU: I so move.
24
25 MR. ANDERSON: I'll second it.
26
27 MR. FELLER: I call for the question.
28
29 MS. ROBINSON: We don't need to vote any more.
30
31 MR. FELLER: That's it?
32
33 MS. ROBINSON: That's it.
34
35 CHAIRMAN THOMAS: I'm getting caught up in the
36 excitement of the whole thing.
37
38 MS. ROBINSON: Are you awake now?
39
40 CHAIRMAN THOMAS: Okay. So that's all the action
41 that's necessary. Mim.
42
43 MS. ROBINSON: That's it.
44
45 CHAIRMAN THOMAS: Well, now that we've done that, I
46 have to tell you guys, that yesterday there wasn't anybody more
47 proud than I was with the rapid pace that we went through these
48 proposals. But I have to tell you, as of nine minutes after
49 noon today, I was very disappointed in you guys.
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

MR. VALE: How about till 3:15 today?

CHAIRMAN THOMAS: At quarter after three, we've got some more discussion, but we're going to take a 15-minute break.

(Off record)

(On record)

CHAIRMAN THOMAS: Okay. If we will go back with some of our previous action. Is there anyone here that feels that we need to go back and revisit language regarding the implementation of some of the action taken on any of these proposals? John.

MR. VALE: With regards to Proposal 5, on the Yakutat Designated Hunter Proposal, just for your benefit, I anticipate and expect that there will be some kind of permit or structure that is developed by the agency to allow that to happen, and, you know, I think that's just expected, and I don't know that we need to get into the details on that, but just recognize that that's expected to occur.

CHAIRMAN THOMAS: Would the council support an approach in fact this becomes a topic of discussion at the board level and they solicit us for our input? Would I represent the council in saying that we would do that?

MR. VALE: Yes, Mr. Chairman, I would.

CHAIRMAN THOMAS: Does everybody understand that?

MR. ANDERSON: No, we don't.

CHAIRMAN THOMAS: Okay. When we go to give our recommendations to the Board and they get to these areas where implementing these proposals might need some more input, and they'll say, if we give it back to the council for input on suggestions for implementing, will I be right in saying, yes, we'll do that? In order for me to do that, I need the endorsement of the Council by just agreeing that that would be okay. John.

MR. VALE: Well, I'll make it easy for you, Mr. Chairman. I would move that we authorize the Chair to work with the staff during the Federal Board process and implementation of these proposals when passed.

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MS. ROBINSON: Second.

2

3 CHAIRMAN THOMAS: You heard the motion. It was
4 seconded. Further discussion?

5

6 MR. VALE: Question.

7

8 CHAIRMAN THOMAS: Question has been called. All those
9 on favor, say aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN THOMAS: Opposed, same sign.

14

15 (No opposing responses)

16

17 CHAIRMAN THOMAS: Motion carried. Okay. What that is
18 going to mean then when, if we get to that point, and I do
19 agree that the Council will give their input, I will then work
20 with Carol and let her coordination responsibilities get the
21 word out to the council members that this is what they asked us
22 to do, and then we'll work from there. Okay. So that takes
23 care of that. Thank you for making it simple.

24

25 There was, from the community, some resolutions that
26 were wanted to be brought forth. Jumbo, is there anybody here
27 that could represent the resolutions, or is there anybody in
28 the audience from Hoonah?

29

30 MR. ANDERSON: Mr. Chairman, I believe Pat

31

32 CHAIRMAN THOMAS: Oh, Pat. Come forward, Pat.

33

34 MR. MILLS: My name is Patrick Mills. I'm currently
35 the Hoonah Native Subsistence Commissioner. I, myself, had not
36 written any proposals for the group over here today, and the
37 only thing I wrote on was something about to do with customary
38 and traditional. I am -- I have listened to you all morning
39 and listened to you describe all this stuff about recipients,
40 and I kind of chuckled to myself because I had to meet with a
41 person that got all the deer that somebody else shot. And I
42 called him Lucky. So, I definitely know that some of the
43 proposals that were done, like subsistence proxy hunting, they
44 call it, I guess, but we don't call it proxy hunting. We've
45 got our own word for something like this, we call it KNS. Now
46 you can get to me some time later, whatever. So, like I said,
47 don't have any proposals written, I feel that I should have.

48

49 The way things have changed a little bit by recognition

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

of the IRA by Ada Deer and her group has slackened our intensity a little bit to protect ourselves. However, we know that as long as we sit by the State we're going to always be prosecuted for something, whether it's taking fish and game or taking something without a license. For many years, before ANCSA and ANILCA, we were prosecuted at Excursion Inlet. My grandmother had to shake her cane at one of the protection officers because he had busted my cousin for getting fish for her. I really feel that in the long run you're going to see that the Hoonah people have lived everywhere here in the traditional and cultural way, and I'll use my own family for a small example. My grandmother marries Arabia (ph) Tee-Kaa-Taa Chan. She was born at Port Elchuck (ph). My father, Gilbert A. Mills, Wooshkeetan Clan, he was born in Dundas Bay. He grew up in Bartlett Cove. Now, he can tell you today where everybody lives up there and yet Glacier Bay is denied to us, as a customary and traditional usage area. People don't understand when something is ripped away from you literally and figuratively.

20

21 For many years a lot of our people have gone and gotten seagull eggs, and I was one of them, in my early teens. My dad Gilbert and my mother Katherine would make a trip every year, we'd take our small 16' boat and go to Dundas Bay, and we'd take seagull eggs because we knew when the time was here, seagulls were gone. So we knew when to get our eggs, and we knew what eggs to take, the ones with not more than three eggs in a nest, and we observed conservation in this way. We did not go to a nest with five eggs in it and take them all out. We know better than that. We know they're just birds already, and we know from past experience that if you kill something off it will never come back.

33

34 So, in this way we try to practice our own type of conservation among our people. We try to only take what we need, and if my grandmother cannot get some deer meat, bless her soul now, we'd get it for her, and we'd never ask for anything because it was the way of our people, to look after our elders and behold them in high esteem, because they're the ones that brought you this far. And as they got along, later in their ages, they cannot get on any further, and that's when we have to come in and help. And today a lot of our people have been taught this. But in the public schools they're not being taught the right things any more. Things have been changed drastically. You will understand that the state is driven by resource development, and resource development is a prime concern today, and when you realize that our subsistence gets in the way of the resource development, you might as well say goodbye to our resources.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 For a long time I hear Klawock and I've complained
3 about the eve (ph), and I shudder to think of what will happen
4 when they come up this far and start packing the seaweed off
5 our rocks. For many years our people had to disclaim our cause
6 to save us, and yet it wasn't applied because all of us were
7 prosecuted before 1970, and yet our rights were not recognized.

8
9 I have my own statement I'd like to present to you
10 today. I mentioned that my parents were born in Glacier Bay,
11 but I neglected to tell you where my mother was born. She was
12 born up at Excursion Inlet, in the park. And I, myself, was
13 born here, in Hoonah. My father's grandfather comes from the
14 Shungookatee (ph), the Thunderbird Clan. My mother's
15 grandfather and my grandmother and grandfather, they had come
16 from the Wolf House, the Wolf Clan, and their fathers. So, I
17 am a small history of Hoonah sitting here in front of you,
18 because I am Wooshkeetanyeti (ph), and I am from the people
19 that descended from Lituya Bay, among fair weather people. So,
20 you can see the extent and the vastness of how far our people
21 have spread down through the years and where we're all from.
22 You will have to understand why we hang on to our subsistence
23 so hard, because we know that someday there may be nothing left
24 and all this food out here will be just a memory, just like the
25 seagull eggs from Glacier Bay.

26
27 My Tlingit name is Skudusa, my English name is
28 Patrick Mills. I was born in Hoonah in 1947, 12 years before
29 statehood. I ate fish 12 years, I was 12 years old before
30 statehood. I ate food that was here before statehood. Yes, I
31 felt very sad when Alaska became a state, even though I was
32 only 12 years old, because I knew then we would have no
33 self-determination amongst us. Sometimes when you see -- and
34 when you grow up with our elder people and when you pack water
35 for them or when you chop wood for them, yes, even when you
36 dump the cross (ph) and you're working for respect, the respect
37 of your elders -- and this is how we've been taught, these
38 people here.

39
40 We have been very fortunate to have a high school here
41 in Hoonah. They did not take me away from the influence of my
42 grandmother and my grandfathers. I got to grow up with my
43 grandmother's and my grandfather's people, and yet I feel like
44 an outsider. Well, we were in the United States Army and
45 serving overseas, and many of our people are Vietnam veterans.
46 When we came home all our hunting and fishing rights were
47 sold. To this day that's the biggest problem among our people
48 today; we have no self-sufficiency, our self-esteem is
49 somewhere out there with what the State sells on the street.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

That's where our self-esteem has gone, and we face a multitude of problems today that are longer than all the history of the White man in America and alike, and they're the ones that are accelerating our grief. And you will understand today why things are not exactly the same anymore. We don't have a lot of singing going on, a lot of dancing. Our spear has been literally taken from us. So, you know, I'm only speaking regarding the rural areas. I can imagine the grief that goes on amongst our people that live in the urban countries, how they feel today.

11

12 Right now I feel very uneasy because I did not have any proposals written up for you, and I'll have to apologize to my people for this. I am only a watchdog for subsistence, I am no longer president of the State advisory council here in Hoonah because my term expired, and although I see all of you today there are only probably about half as many of you that would sit on the advisory council here in Hoonah. Maybe 15 or 16, and to try to get somebody to agree on something was an impossible task, very impossible, and things were not handled in a subsistence way. Everybody was looking out after their own side. So, today you have not seen Hoonah Advisory Council or Icy Straits Advisory Council with a list of proposals to speak for you.

25

26 Ever since the State has been out of compliance with ANILCA, I feel that I can no longer trust the State. You can no longer trust somebody to handle our food for us. We do not tell somebody in Hoonah what to buy at the store. We do not tell somebody what kind of supervision they need when they go to the store. I do not place bag limits on how many bags you can carry from the supermarket to home. And I don't put a price on my trees. They're priceless. Each tree that's for 400 years old, once it's gone, a 400-year-old impact will be standing there, a stump for all the world to see and wonder how tall was this tree and what lived up here?

37

38 I'll tell you a little bit what lived up there. The martens that were introduced. Now, I hear you talking about martens and how they got depleted up here. The ptarmigan are happy. The indigenous ptarmigan, not the interloper, the marten. And today we see a lot of ptarmigan around, like we did in the 450s. Although Federal recognition has come to Hoonah, it is only as long as my hair, and we're still trying to get a grasp of ideas of how to continue our culture. And we were lucky for a long time to have the tribal council sitting up there and guiding us.

48

49 Now, I have to present my testimony. I just wanted to
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

let you know how these things have affected us and how things will never be easy again.

3

4 Yes, ladies and gentlemen, I myself and a lot of my brothers behind me have gone through the wringer of ANILCA and ANCSA and all the other laws that have been passed and designed to separate our people from our young. I've gone through the wringer, not if we can help it. They're gone through the wringer, but I don't think our young people will, not if we can help it. They are the ones that are the treasurers of our elders, and they will always remain so.

12

13 I would like to take this time to welcome you to Hoonah. It is a pleasure to be here before you and to realize, yes, the United States Government is concerned for the subsistence way of life for Natives and rural residents as well.

18

19 For many years we Hoonah Tlingits have lived only with the promise of ANILCA, Title VIII, nothing more, nothing less. And now the regional advisory council, Federal Subsistence Board is searching for a definition of traditional and customary uses of the natural resources. Well, ladies and gentlemen, the Huna Tribe and the other tribes in rural Alaska are a perfect match to fit the customary and traditional definition of subsistence users.

27

28 Unemployment is big business in small, rural villages of Alaska. Many of our Native people have been forced out of the customary and traditional way of life by ANILCA and by the forever dangerous to Alaska Natives, ANCSA. Both acts of Congress continue to change our traditional ways of life. Our culture continues to erode because many Native elders cannot get certification to teach in Alaska's public schools. Yes, Indian education is out of tribal hands. And this question burns in our hearts always. Why are the acts of Congress so designed to forever separate our young from our elders? This is not cultural nor traditional. And today many of our young families are forced onto the welfare roles and Federal public handouts. This is not good for the self-esteem of our young people.

42

43 The knowledge of who we are and how long we have been here helps our people face an uncertain future, a future full of promises of ANILCA, but nothing near or real. ANILCA promises customary and traditional uses but also denies the Huna Tribe any action in Glacier Bay National Park. Many Native allotments in the Tongass and Glacier Bay National Park have been denied to a group of Natives or -- excuse me, many

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

Native allotments in the Tongass and Glacier Bay National Park have been denied because a group of Natives or a village has existed on the same spot. Then they say it doesn't belong to just one person, allotment denied. And at the same time they will deny there was no subsistence hunting in the past. I suppose all these Natives imported their traditional and customary food from somewhere else. At the same time, at the time there were very few stores in the customary and traditional usage areas, the Huna Tlingits had to live on something. In Glacier Bay it was wildlife, seals, salmon, halibut, shellfish and the many plants and berries that abound in Glacier Bay National Park.

13

14 And now I'll tell you, I'll talk about why diseases, alcohol and drug abuse have been so prevalent among the Natives of Alaska. A forced change in our customary and traditional way of life by ANILCA and ANCSA have literally ripped the food off our people from their mouths and the pride from their hearts. This ability of providing for a young family, denied, and replaced with a welfare system. But no welfare system by the Feds, by the State, can sustain the self-esteem needed to survive in any society. A change back to our traditional and cultural way of life could restore our self-esteem and the ability to provide for our young people.

25

26 Yes, council members, a change in our lifestyle has been blamed for many, many of the social ills and diseases that plague our young Native people in Alaska today. Now we know that the problems are caused by a forced change in our lifestyle. Let's change it back, at least out here in the rural villages.

32

33 The Federal government cuts in the BIA budget will cause undue hardship for the Hoonah Natives unless we can convince Congress to grant the Huna Tribe customary and traditional usage of our natural resources in Glacier Bay National Park. Today we stand outside the park and watch other people using it.

39

40 Thank you for listening to what I've had to say. These words spoken today are just to prepare you for what could happen in the future, and we want you to be ready to support the Huna Tlingits, the original inhabitants of Glacier Bay National Park, when it does happen.

44

45
46 CHAIRMAN THOMAS: Thank you, Patrick. Your expressions and your comments that you just shared with us are almost word for word of what we have taken to the Board level at this time. One of the benefits of having a regional advisory council

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

copies that -- very much that of Indian politics. You can look at us as like a mini-grand camp. We represent as many villages as allowed. Thirteen isn't bad. ANB represents 19. The character of the rural communities have taken on a little different profile.

6

7 In 1942 when the first subsistence law was designed by the Federal government and they made reference to the rural preference, in those days the intent was to protect that of the indigenous tribes in those areas, because rural depicted indigenous people. Since then, employment, lifestyle preferences, opportunities have brought many people that aren't indigenous to the areas. They're still rural. The language "rural" in the law is still there. So those that aren't of a Native community that serve on this council have been as committed to preserving the very concerns that you shared with us. In return, we commit ourselves to ensuring their portion of their lifestyle in their rural setting. That's how it's got to work and that's what we're having throughout the state.

20

21 Each region brings a plate exactly as the one you just brought to us. It doesn't just occur in Hoonah. Hoonah's been a blessing to the strife of subsistence in Southeast for a long time. You mentioned the tribal council, you mentioned the tribal involvement. They've been very vocal, very articulate. We act like a professor in college who said these resources have been here, now they're not here. The ones that are here may not as well be here because of the restrictions put on us for gathering them. Our customs and traditions have been severely interfered with, making us criminals, and in some cases they use subsistence. We understand that and we're trying to represent an improvement to that in our efforts working with the Federal Subsistence approach.

34

35 This is a brand new approach. The regionalization of councils, I think, is a real improvement over what we've been trying to do before. We have 80-some -- 84 council members in the state, compared to a traditional seven. And I think that the members of this council have recognized the improvement, they're confident that this has been more effective. It's a new approach, and we're more sensitive, and we embrace the very concerns that you shared with us.

43

44 When we came to Hoonah this time, we knew that we were going to at least be introduced to some of the concerns of Chacier Bay. When Greg was in here the other day our hearts sank completely because we're familiar with the background of that case. That was injustice in its purest form. We understand that and agree with that; we don't endorse it. If

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

We can be a forum, we come here with no authority, but we do come here with responsibility. We come with commitment, we're here to represent somehow what we learn here, what you give to us. We're going to try to find some way of taking that somewhere where that will make a positive difference.

6

7 If we were the ultimate authority in offering fixes to whatever is wrong, we would certainly do that. I really admire your presentation. We're going to hear some more, some more has been brought to my attention since we've been here, and we're going to do the best we can with them and try to be a champion in some way for them, but please understand, all we can do is try to find an ear, and I think we have an opportunity, with the many of us here, to find that ear.

15

16 Thank you, Patrick.

17

18 MS. WILSON: Mr. Chairman.

19

20 CHAIRMAN THOMAS: Marilyn.

21

22 MS. WILSON: I'd like to ask you a question, Mr. Mills. We all got a copy of the Hoonah Indian Association Resolution Number 95-05. This is what I've been talking about, a different way to help regulate the fish and game around our communities, and I think every one of the council members got one. It's from the Hoonah -- I'd like to see us at least support this resolution and add something to it, maybe a letter, 'cause they're going to be sending -- did you already send this out?

31

32 MR. MILLS: Not to the best of my knowledge. I think we -- I'm not really sure, although I'm a member of the IRA Council, I've not spoken to the secretary, if she sent this out yet.

36

37 MS. WILSON: Also, the -- if all the council has -- the last part of it where it says, "Now therefore be it resolved," it says to send -- oh, send copies of the resolution to the Federal Subsistence Board and the US Forest Service, the US Alaska delegation; Ted, Frank Murkowski, Don Young. But I think you need to send one to the Secretary of Interior also, 'cause he's the one that deals with this.

44

45 CHAIRMAN THOMAS: If I could, when we come to Patrick's resolution, I'd like to refer this to the signature on the resolution. Kenneth, if you would come up and rescue Patrick. You're trying to leave him there for a sacrificial lion, huh, Patrick?

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. GRANT: Thank you, Mr. Chairman.

3
4 CHAIRMAN THOMAS: Ken.

5
6 MR. GRANT: Members of the council, my name is
Kenneth J. Grant, how I always sign my name, otherwise known as
(indiscernible Tlingit name) T'akdeintaan Tee-kaa-tan. I'd
like to take this moment to thank the advisory board first for
coming to Hoonah, and you honor us with your presence here. As
everyone knows, Hoonah is one of the popular southeast villages
in Southeast Alaska. It has a rich history, which you are
addressing at this very moment. And it's not just me that's
being honored, it's the children of future generations to come
because the actions you take will influence their future,
because what we are dealing with here is the traditional and
cultural practices that are deeply ingrained in our every day
living, and to us what subsistence is to the Federal government
is actually our way of life. It's a spiritual thing. We have
the fish people, the salmon people, the otter people, the
spirits of the mountain, the spirit in the glacier, all tied in
with what you're dealing with here. So, I thank you for coming
to Hoonah, on behalf of the Hoonah Indian Association.

24
25 I know you are addressing the resolutions. I believe
there's one in your hand that's called the Second Ice Age, and
I don't happen to have one, I don't know what the resolution
number is, but all are related towards management of our
resources.

30
31 CHAIRMAN THOMAS: We don't have the Ice Age one, Ken.

32
33 MR. GRANT: I think -- well, anyway, I'm going to speak
on them. They all address management by the Hoonah Indian
Association, so I can address all of them at once.

36
37 I am certain that we have heard many interpretations of
ANILCA, and you've heard of all the traditional uses and
cultural uses, and I cannot get into those at this time because
I feel that you've heard enough. The resolution specifically
states that the Hoonah Indian Association is a federally
recognized tribe, a sovereign tribe that enjoys a government to
government relationship with the Federal government, and the
resolution points out specifically that we have the right
to contract Federal services, and this is with the
self-determination, 93-638, and ANILCA Title I, Section 809.

47
48 Now, the spirit of the resolutions before you is
directed at Hoonah right now. We believe that we are capable
50

R & R COURT REPORTERS

810 N STREET 1007 WEST THIRD AVENUE
277-0572/Fax 274-8982 272-7515

of managing our own resources. For an example, when any of us go hunting here for deer, we have to go to Alaska Department of Fish & Game to buy a license which are considered a subsistence license. And, to me, I think it's a mishandling of the laws because I don't feel that we need to pay for State licenses to a state that is out of compliance with our systems with ANILCA. But I feel that we, as a tribe, can we handle these things on a more local basis? We have better knowledge of the resources, and I believe that we can handle them.

10

11 I believe that the Hoonah Indian Association can manage the resource, and that's a specific reason why we have those resolutions for you. I want to get into some details which probably nobody even thought of at this time, because people often do too much talking, and we, as a tribe, Hoonah Indian Association, have been very busy taking action on our own behalf. We like to take over things but we haven't really worked through all the specifics that are involved in taking over management, which the resolutions are calling for. Hoonah Indian Association has been exercising self-determination, and we have put upon ourselves to take over contracts. The Self-determination Act, 93-638 allows for it, so we have been doing it.

24

25 We have been putting up a bank of our tribal members with their work expertise and have a work bank now in operation. We are also in the process of acquiring office space. To date we have two computers, which is not enough, but we are in the process of acquiring four more computers for our managers, our directors, which will become a part of our work force. So, my attempt here is to show you that we are capable. We are being heard and we'd like you to support the resolutions that are before you as you are part of the process of the handling our lifestyle and what we call cultural and traditional uses -- you call it subsistence use.

36

37 But I don't want to beat the thing to death. I think the resolutions are very explicit, they state what we want. It's asking you to come and sit down with us so that we can work out something in the future. We don't have to have all the answers right now, we don't have all the answers, but let's get together and do what the Federal government allows for.

43

44 My big conclusion here, I was fortunate to be one of those tribal members who had the privilege of going to Washington DC in which I handcarried all of the -- I mean the 47e Age package to the President of the United States, to Ada Deer and Janet Reno and Bruce Babbitt and to all the Congressional delegation there in Washington, DC. We've had

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

responses from them, but we haven't had too much action, and those things are still coming to pass.

3

4 But I'd like to bring to your attention something that the President of the United States said while we were there. He guaranteed that he would provide for our religious practices. He stated that in his address to the tribal leaders. He promised us respecting our values, our religion, and our sovereignty, and he also pointed out that they respected our government to government relationship.

11

12 Now, I know in one of your letters, sitting on the desk there yesterday, I read something where you weren't responsible for tribal operations or it didn't lie within your purview, but the President came out with a very specific document which he signed at the time, and he put two points forward. One of the points was first to remove all the barriers that prevent them and that's the Federal government, from working directly with tribal governments; and the second one was that if they, the Federal government, were to take action affecting tribal resources -- and what we're talking about here is tribal resources, they consult with tribal governments prior to the decision. And these are some of the things that the President stated at that time, and I think it would be in all of our best interests to look at these words that we're adhering to.

26

27 That completes what I had to say. Thank you very much, Mr. Chairman.

29

30 CHAIRMAN THOMAS: Thank you very much, Ken. Again, we want to be as effective as we can in helping you with your cause. In this case your cause is our cause, and in order for us to do that and to do a real good job of it, we really need to have the best understanding possible of exactly what you're wanting to achieve. And I don't know if you're expecting anything or anticipating anything to happen as far a response from us at this time, or maybe you can help me with that. If you want, we can talk about it with the council.

39

40 MR. GRANT: Thank you, Mr. Chairman. The next step, what I foresee happening is the advisory council coming and sitting with us for a meeting of the minds. I believe we can do a brainstorming. I think we can agree on a certain agenda, which is taking charge of our own cultural and traditional issues. I believe we do have those before us. We have the instruments that provide us to do it, and I think all we have to do is identify how to do it. And I would entertain a meeting with the members of the advisory council, just for a brainstorming session. We don't have all the answers. If we

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

can set down a timeline in which we might achieve certain objectives, I think we'll be heading in the right direction.

3

4 CHAIRMAN THOMAS: I think that's a good approach. Carol, do you have anything that you can offer or would you be receptive to letting us put what we've done so far with him, in terms of our agenda, so let's get that ready to forward, and when we get done with that, immediately following that, to explore a possible time when and who can do that where, and see if there's a budget supporting that. And we need to make sure that the people that we're responsible to have an understanding and that they endorse our efforts. I'm sure they will. But we need to go through these hoops in order to do that. But I think it's a good idea.

15

16 Does anybody else have any comments around that? John.

17

18 MR. VALE: Yeah, thanks. Part of what we do, which I think helps what you want to accomplish is, we had a discussion earlier in this meeting -- I don't know if you were here or not, but it was about an annual report that Title VIII, Section 805, has us submit to the Secretary every year. And in that annual report in 805 it states that we should identify uses and needs and develop a strategy for implementing that management structure or management strategy to meet those uses and needs, and I see what you were trying to accomplish in those resolutions. I see our annual report as an avenue to follow through on your resolutions, and I would ask that of organizations in the communities and whatnot around Southeast Here, asking them to provide us with, you know, their lists of their needs and uses and a strategy to help manage those uses.

32

33 And so I would encourage you to be watching for that letter and to next October when we meet, try and interact with this and help us recommend a strategy to work with you to address your concerns, and I think that annual report would be a good vehicle to follow through on what it is you want to do.

38

39 MS. JORGENSEN: Mr. Chairman. Mr. Grant, this is not the regional council thing, but I talked to our chairman and I would like to say that May 1 through 4, the Native American Fish & Wildlife Society is hosting a national conference, and all the tribal biologists from the Lower 48 and from Canada will be coming. The Native American Fish & Wildlife Society Chapter in Alaska has been working with Council of Athapaskan Tribes, with Elim, Shaktoolik, and some of the others, to develop their resource management plan to draft these up. If you would be interested, I could have our technical resource director come down to Hoonah and work with you and share some

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

of the other things that others are now in the motion of doing, and just in mind with this resolution, and then if it's possible, as many people as possible come to the May 1 through 4 national conference. All the tribes are going to be there, and they're going to be talking about all of these things; enforcement and management plans and so on. So there's some assistance through that, too, and it's available to you. We have a grant for that so that it wouldn't cost you to have Jim come down also.

10

11 MR. GRANT: Yeah. There's no doubt in my mind that that would be helpful. I would like to have a letter -- follow-up letter that we will have for the record for that. I don't think there is any doubt in my mind that Hoonah will be in favor of such a thing.

16

17 CHAIRMAN THOMAS: Like I say, a written invitation will enhance your trust. We can understand that. We'll be glad to do that.

20

21 Any questions or comments? Ken?

22

23 Like I said before, I do have the authority by myself to grant all of these things, but I want to make you guys earn it before I give it to you, see, so, so far I've got one jar of blueberry jam. Now, come on. In my briefcase I have the clear title to Glacier Bay and one jar of jam.

28

29 MR. GRANT: That's probably worth one sockeye, right?

30

31 CHAIRMAN THOMAS: Yeah.

32

33 MR. GRANT: Well, I may -- just to follow-up, I really would like to thank you and the board for coming to our little village and hear us, you know. It's quite an honor to have you here. We've not been given the opportunity to welcome you in the proper fashion, but thanks a lot for coming here.

38

39 CHAIRMAN THOMAS: Well, you folks are generous with your information, including us in the loop. Wanting to get something done, to me, is an honor, and I'm sure the council feels the same way. This could be a model for how the rest of the world might want to do things, so I think it's a good start, I'm excited about it. So, thank you very much.

45

46 MR. GRANT: Could I make one more comment?

47

48 CHAIRMAN THOMAS: By all means.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. GRANT: At the present time I feel like subsistence
2s in a state of flux. Everybody knows what is happening here,
3you know, and I don't know how this will sit with the
4legislature because they don't want to lose any more of their
5ontrol, but this is a reality, our legislature and the State
6f Alaska didn't want to come into compliance. We've got the
7next step defined already, as far as the management at the
8illage level. Thank you.

9
10 CHAIRMAN THOMAS: We never thought we'd portray the US
11overnment, but here we are. Next? SEACC, how much time are
12you going to need? Thank you. Mr. Entertainment Chairman,
13MR. Dalton?

14
15 MR. DALTON: Yes.

16
17 CHAIRMAN THOMAS: We need to be out of here at what
18time, 5:00 o'clock, to give them time to set up?

19
20 MR. DALTON: I think that would be sufficient, but I
21think that they were talking about 6:00 o'clock.

22
23 CHAIRMAN THOMAS: They want to begin at 6:00?

24
25 MR. DALTON: Yeah. Well, I figured that they would get
26 ready by 7:00, but they need time to set it up before, for
27sure. If you want to adjourn at 5:00, then we can begin at
2800, maybe.

29
30 CHAIRMAN THOMAS: We'll set a time right now of 5:30.
31If we get done before that, we'll leave before then.

32
33 MR. DALTON: Okay. Thank you.

34
35 CHAIRMAN THOMAS: Does that sound like a plan?

36
37 MR. DALTON: Okay. Sounds good.

38
39 CHAIRMAN THOMAS: Got to stay coordinated with our
40entertainment chairman over here.

41
42 Okay. Please tell us who you are, where you're from,
43what you're doing, what are your intentions.

44
45 MR. JEREMY ANDERSON: Thank you, Mr. Chairman, thank
46you, Council. My name is Jeremy Anderson, and I'm the
47representative of the Southeast Alaska Conservation Council,
48SEACC. SEACC is a grass roots conservation organization that
49has been in Southeast Alaska close to 25 years. We have 15

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

member conservation organizations in 12 communities in Southeast Alaska. We have 27 board members, all of whom are from Southeast Alaska, and they represent communities from Hydaburg to Yakutat. Many of them are fishermen, many of them are hunters, many of them are subsistence users. We have a firm stake in Southeast Alaska and the resources here. In fact, the SEACC Bylaws, one of the primary functions of SEACC is to advocate and protect subsistence resources and the subsistence way of life in Southeast Alaska.

10

11 One example of the work that we've done, we've worked with people in Hoonah and the National Park Service to get the National Park Service to recognize customary and traditional fish in Glacier Bay National Park.

15

16 One of the -- what I'm here to talk about today is a bill that Senator Murkowski introduced last Congress and is expected to introduce again this Congress, that's Senate Bill 2539, as it was introduced last Congress. We felt that it was very appropriate and important that we come and speak to this body to talk about this bill to make sure that you have a clear understanding of this bill and its implications. We feel that the subsistence advisory council, particularly since it's responsible for protecting and managing the wise use of subsistence resources in Southeast, was an important forum to speak to. You're the leaders in your communities in Southeast Alaska, and people will be asking you about this bill, and we felt that it was important that you understand it and what it is.

30

31 We've given you all a packet of materials. We encourage you to look through that packet. If you have any questions or concerns or thoughts, to call SEACC or talk to me before this meeting ends.

35

36 Senate Bill 2539, and Senator Murkowski has called it the Landless Native Allocation Bill. We at SEACC are not arguing for or against the Landless Native Claims. If a fair examination shows that redress needs to be made, then it needs to be done in public with a solution that involves all the people of Southeast Alaska and all the people who use the Tongass, including subsistence users.

43

44 Senator Murkowski's bill would create five new Native corporations in Southeast Alaska in the communities of Ketchikan, Wrangell, Petersburg, Haines and Tenakee. It would allow those five corporations -- five new corporations to select up to 645,000 acres of land from the Tongass National Forest. The areas that those corporations would be allowed to

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

select from are areas that the Forest Service has designated as LUD II areas. If you look at the map that I gave you in your packet, on this map, those areas are the orange areas on this map; places like Lynn Canal, Seal and Long Bays, and a bunch of other places in Southeast Alaska. It also very well could include, depending on the reading of the bill, the purple areas on this map, places like Anan, Nutkwa, Sarkar Lake, Colt or Holbrook, the Outside Islands, Kadashan, Upper Hoonah Sound, Bisianski, Berners Bay, other areas in Southeast Alaska.

10

11 Senator Murkowski claims that this bill is a response to a longstanding belief in many communities in Southeast Alaska that they were unfairly considered under the 1971 Alaska Native Claims Settlement Act. SEACC is concerned that the real motivation for this bill is to -- is the corporate interests of the timber industry in Southeast Alaska. We feel that the primary interest in Senator Murkowski and this bill is opening up these administrative and legislative LUD II areas, the orange and purple areas on this map, for timber harvest. These areas are currently protected from logging by the Forest Service and by Congress. They've been specifically protected because of their rich fish and wildlife values, because of their important subsistence areas, and because they are high valued areas in the Tongass National Forest, and they are currently off limits to logging.

26

27 We are extremely concerned about several things in this bill. First, we're concerned about what would happen to these areas in the bill, but we're also concerned about what would happen to Southeast Alaska. There hasn't been a lot of public discussion about this bill, there hasn't been a lot of press about it. As with the Alaska Native Claims Settlement Act, the Tongass Timber Reform Act, ANILCA, it was a public discussion, it was the public that got involved and talked about these things. What we would like to see is public discussion where people in the landless Native communities tell their story, where people who use these important customary and traditional use areas tell their story: Why are these areas important? Why are they important for hunting, why are they important for fishing? Let everyone tell their story in a full and public forum where some of these issues can be addressed.

42

43 Currently, as the bill is designed and is proceeding, people in Southeast Alaska haven't been allowed to participate in that decision, and that concerns us. Being a grass roots organization, we believe strongly that the best solutions are ones that people and communities put together, working together, talking together. And that, I guess, is what I'd like to say.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. ANDERSON: Does the council have any questions?
3 John.

4
5 MR. VALE: Yeah, Jeremy. So I have it straight, SEACC
6 is not advocating any kind of position on this issue; you are
7 really asking that -- for assistance, if I got this right, to
8 help ensure that there's a fair and open public process for
9 this to be considered; is that correct?

10
11 MR. JEREMY ANDERSON: That's correct. We're not
12 arguing for or against the claims. If the claims are -- if
13 it's determined that in a fair examination that there is some
14 redress that needs to be done, that needs to be done publicly
15 and not in a back room kind of deal, it needs to be done
16 publicly, and a solution that is fair to all the residents in
17 Southeast Alaska and all the users of the forest resources,
18 including subsistence users.

19
20 MS. WILSON: With these public hearings, would that be
21 open to all the public down in the Lower 48? I'm very
22 interested if this is so.

23
24 MR. JEREMY ANDERSON: I'm not in charge of setting up
25 the hearings. Senator Murkowski would be in charge of setting
26 up the hearings with the State of Alaska, so that's not a
27 question I could answer. Our -- what I would like to see and
28 what SEACC would like to see is Southeast Alaskans sitting down
29 together. Groups from Southeast Alaska, like SEACC, the
30 landless Native communities, the areas -- the communities that
31 use these areas, all sitting down together in a full and public
32 forum and examining these issues and coming up with some
33 solutions that are fair to everybody, instead of a decision
34 being determined by someone in Washington, DC, without the full
35 public support of people in Southeast Alaska.

36
37 MS. WILSON: What I was worried about when I first got
38 a call on this about the public hearings is that there would be
39 a danger that the people who attended these public hearings
40 would have a negative impact and that they wouldn't want our
41 landless to even get their land because of all the negative
42 impact on the resources. I hate to see that, it seems like a
43 big danger to me, and I think I'm more or less against that. I
44 think our people need to get that land, then do something, you
45 know, -- and then do something about the impact of the
46 resources. But they were left out of the land claims. Now
47 we're putting a stumbling block before them. That's the way I
48 look at it. That kind of scares me because I don't want to see
49 our landless not get their land.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. JEREMY ANDERSON: I hear what you're saying. I
think that there's a real danger of putting our hands in front
of our eyes and saying that this is the only way to solve the
landless Native problem or question. These are some of the
most important areas in Southeast Alaska that have been set
aside from logging, particularly because they are important
fish and wildlife habitat areas. They are important
subsistence areas to many of the communities in Southeast
Alaska. People need to be able to talk about those problems
and talk about the future. What is it that we want to see here
in Southeast Alaska in 10 or 20 years? What is it that we want
to be able to turn over to our children and their
grandchildren? I think those questions need to be asked and
raised, instead of just rushing to the only -- what has been
portrayed as the only solution. I've talked to -- I think
there could be possibly lots of different solutions, and those
kind of solutions ought to be talked about in a full and public
forum.

20

21 MS. WILSON: I have another comment -- it's actually a
comment. We were fighting against the airport expansion in
Haines, and we had public meetings after public meetings, and
we all spoke against it, most of us did -- I would say most of
us, but there was some that were for it. But the way I look at
our public meetings, at least with the State, it doesn't do any
good because the Department of Transportation and all these
bureaucrats, they do what they want anyway, and to me it's kind
of a useless thing. It's just a personal view, dealing with
the state law.

31

32 MR. JEREMY ANDERSON: Our feeling is that when you
don't have control, the people in Southeast Alaska don't have
control over this process, but it's the responsibility of
groups like SEACC and boards like the subsistence advisory
council to make our bureaucrats and public leaders listen to
what we're saying.

38

39 MS. LeCORNU: Yes, I'd like

40

41 MR. ANDERSON: Vicki.

42

43 MS. LeCORNU: I'd like to comment on the public
process, and we shouldn't be afraid of it because it allows us
some kind of management, per se, and also as a board I think we
need to make some kind of recommendation because it is
subsistence lands that will be impacted. So, the way those
lands are being used, I think, should be commented on.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. ANDERSON: John.

2

3 MR. VALE: Jeremy, do you have some action that you
would like us to take with regard to this issue?

5

6 MR. JEREMY ANDERSON: I think that would be appropriate
and important for this body, first, to ask the State and the
Federal government what kind of impacts this bill would have on
subsistence resources in Southeast Alaska, and so that everyone
in Southeast Alaska knows exactly what kind of impacts this
would have on on subsistence areas so that we have that
information and data. I also think that it would be important
and appropriate for the board to pass a resolution or sign a
letter calling for a public process that involves the people of
Southeast Alaska.

16

17 MR. VALE: Thanks. I have one comment myself on that.

18

19 MR. ANDERSON: Let's give Richard a chance.

20

21 MR. DALTON: Thank you. I would say that what he is
asking the council, I don't see anybody here to make any
remarks in regards to this introduction on the landless, so one
or two -- it's local. However, I think we need to exercise and
hear those parties and equalize their statements and try to
justify a feeling whereby everybody would be comfortable with
it.

28

29 MR. JEREMY ANDERSON: I think that's completely
appropriate. I would like to say though that we're trying --
we're not taking sides on this, and we feel that that is the
biggest danger of this bill, and one of the reasons why public
discussion is so important. We don't want to take sides on
this bill, we don't want this to be a bill that divides the
people of Southeast Alaska from one another.

36

37 CHAIRMAN THOMAS: John.

38

39 MR. FELLER: Thank you, Mr. Chairman. Yeah, Jeremy, I
want to ask you one question: Is that information that you had
about the LUD II, I understood that the last landless met in
Wangell at the Snow Building there. Our chairman -- she's
also the chairman of SAALAC -- it's Mona Torgramsen, she
informed us that that was a proposal to select lands out of LUD
45, and it wasn't even passed. Do you have information that it
was passed or something or

47

48 MR. JEREMY ANDERSON: All we have to go on is a copy
of the bill that Senator Murkowski introduced

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1
2 MR. FELLER: It was kind of ambiguous.

3
4 MR. JEREMY: ANDERSON: to the last Congress, and
what Senator Murkowski -- in the bill, what happened is he
excludes the blue areas, which are the wilderness areas, he
excludes the yellow and green areas, which are the timber base,
those are LUD III and LUD IV, and he also excludes the areas
that have already been selected by Native corporations, and
what that leaves is LUD II areas.

11
12 MR. FELLER: Excuse me. Is some of that land under
federal and public? That's what I understood at our meeting,
that we had public lands and federal lands to select from, and
also that if LUD II were proposed, you know, they weren't open
yet -- they weren't available for us yet.

17
18 MR. JEREMY ANDERSON: Yes, nothing has been passed.
There's been no bill that's been passed through Congress, but
the bill that is in Congress that Senator Murkowski introduced
calls for the LUD II areas to be the only areas that we could
select land from. It doesn't say that specifically, but if you
look at the language, and I think you have a copy of the bill,
it excludes all the other areas.

25
26 MR. FELLER: Yeah. Mr. Chairman. I read that, too. I
know it was kind of ambiguous. That was our understanding
about the meeting, and I don't even know if I should be
shedding light on it. That's been our policy because we do
have powerful enemies, and I've been involved since about six
years or five years back. And, recently I haven't, since it's
beaten up, so I'm kind of out in the cold there, Jeremy. Yeah,
that one thing stuck out in my mind, so I wanted to clarify it.
34 don't think any of that -- I think Senator Murkowski's staff
was working on it to reintroduce it, and I think what comes out
will be probably somewhat different than we even think, and we
know it's going to be continually changing as it goes along.
38, yeah, I'd welcome an open forum. I'm really not in a
position either. Thank you, Mr. Chairman.

40
41 CHAIRMAN THOMAS: We have another person in the
audience from -- are you from the landless? Were you prepared
to speak on behalf of landless?

44
45 MR. HILL: Prepared.

46
47 CHAIRMAN THOMAS: Okay. Would you come forward? We'd
like to hear from you.

49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. HILL: Thank you, Mr. Chairman. Let it not be said
 2 that we don't learn and take hints. Enjoy. By the way, I
 3 believe it is sockeye, from traditional and customary use.

4

5 CHAIRMAN THOMAS: Please give your name and everything.

6

7 MR. HILL: Yes, I will. My name is Naqua. My formal
 8 name is Alessandro Thomas Hill, Sr. I think before I begin I
 9 need to separate the two terms, SEACC and SAALAC. They kind of
 10 slip off your tongue and sound similar, but I guarantee you
 11 they mean two totally different things. SAALAC is the
 12 Southeast Alaska ANCSA Landless Acquisition Coalition, who has
 13 been long enduring to bring about and correct a wrong done long
 14 ago. SEACC, Southeast Alaska Conservation Council is the group
 15 that has been inundating these communities with calls and
 16 letters in the hopes of inflaming individuals in the
 17 communities to come out in opposition to this bill, even though
 18 they say they are not in opposition or taking a stand on this
 19 bill. That speaks for itself.

20

21 I'm not going to debate the individual items within the
 22 bill that is not totally constructed at this time. And as you
 23 know and I know, there's no way that we can avoid a process of
 24 review of any legislation from the Federal level that all
 25 parties will have equal and ample opportunity to do so. But I
 26 want to give a little background in perspective to what is
 27 going on here.

28

29 In 1971, some background on me, without hesitation I
 30 enrolled to my childhood home of Tenakee, however,
 31 environmentalists, feeling they had given the Natives enough,
 32 drew a line in the sand. Keeping in mind the grander plan, and
 33 having been fought each step forward by these environmental
 34 groups, our leaders relented to pressure and dropped some
 35 communities from ANCSA and allowed others to be ignored.

36

37 As a result, one-fifth -- one in five of all
 38 Southeastern Natives were denied their birthright that was
 39 fought for by a long line of distinguished Native leaders. For
 40 years the landless have continued to struggle for
 41 recognition, while the included communities basked in the glow
 42 of their success. But soon even these included communities
 43 found that continued progress would only be accomplished by
 44 overcoming objections by these groups. At each turn they
 45 experienced barriers of objection. And to the best of their --
 46 excuse me. But despite these barriers these Native
 47 corporations continued, and to the best of their abilities in
 48 what proved to be a foreign world, they did succeed, and their
 49 success spawned a renewed effort in areas of concern which also

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

were not adequately addressed in ANCSA or ANILCA.

2

3 The rural Natives began to fight with renewal for their
4 rights for cultural and traditional use. They began to
5 challenge their exclusion from ancestral areas such as
6 Glacier Bay, and because of their inclusion in ANCSA they began
7 to assert their right to traditional Native government and
8 sovereignty. But as we walk this path, behind every tree and
9 under every rock we would find first, second, and third
10 generation Alaskans, calling themselves environmentalists,
11 throwing up new road blocks.

12

13 After a long struggle, we again find ourselves on the
14 threshold of success. As a result of this success, we find
15 that the battle lines have again been drawn. Mark my words,
16 they are. And the enemy across the creek looks familiar. But
17 like you, who have paved the path for us, we will stand firm.

18

19 The landless owe a great deal of gratitude to all the
20 Native corporations that have gone before us. You have
21 struggled in that foreign corporate world and have paid the
22 price. Along with the positive steps forward that you have
23 made for our people, you have also made some mistakes. Some of
24 these mistakes have even endangered your most precious
25 birthright, the land, of these groups, like SEACC would point
26 out and take advantage of. But holding true to your ancestral
27 heritage, you are now on a path to work with your corporations
28 to remedy these mistakes.

29

30 For 24 years one-fifth of your brothers have been
31 watching and observing your actions. Some corporations have
32 paid a high price for the knowledge that you pass on to us as
33 we enter a new phase in our continuing struggle. But in 24
34 years you have educated many young, promising Natives that will
35 be able to assist us in establishing sound cultural, economic
36 and environmentally conscious corporations. There is data
37 nationwide that proves that Native Americans can manage their
38 own resources in an ecologically sound manner.

39

40 Most importantly, you have shown us that our actions
41 can be detrimental to our long-term goals, and that at times we
42 must listen to that enemy across the creek. I look around and
43 you look around and you'll find Natives sitting with the same
44 concerns on this issue as the environmentalist. This is not a
45 sign of disunity or division of the Native people, but rather a
46 testimony of the capacity to learn and adapt.

47

48 The world of 1995 is not the same world of 1971. The
49 Tlingit, the Haida and the Tsimpsian of 1995, though we share a
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

culture that transcends thousands of years, is not the same
 Native of 1971.

3

4 My faith is in my people's ability to learn and evolve
 5 in a sometimes hostile world. My belief is that because of the
 6 knowledge gained by your endeavors, we will be able to create
 7 real jobs that we can pass on to future generations. And my
 8 hope -- my hope is that those generations will still be walking
 9 on pride on those lands we have bequeathed to them.

10

11 I ask the corporations and I ask SEACC and like groups
 12 to work with us in moving our people to this new path. That
 13 rather than resolutions of objection, to a birthright that in
 14 your hearts you recognize, that you sit with us around the
 15 table and share your wisdom and experience. I ask you to have
 16 continued faith in the Natives of Southeast Alaska. Thank you.

17

18 CHAIRMAN THOMAS: Thank you. I need to ask you, are
 19 you speaking for yourself or for the landless?

20

21 MR. HILL: I'm speaking on behalf of the landless.

22

23 CHAIRMAN THOMAS: Okay. What is your position with
 24 regards to the bill?

25

26 MR. HILL: I currently represent the Tenakee
 27 Corporation and sit as a director in the Southeast Alaska
 28 Landless Acquisition Coalition.

29

30 CHAIRMAN THOMAS: So the bill, like we have now, is a
 31 copy of Senate Bill 2539 that you're subscribing to in this
 32 context?

33

34 MR. HILL: The bill that you're referring to, that was
 35 not acted on by the last Congress, at this point in time does
 36 not exist until reintroduction.

37

38 CHAIRMAN THOMAS: But do you subscribe to its content?

39

40 MR. HILL: Pardon?

41

42 CHAIRMAN THOMAS: Do you subscribe to its content?

43

44 MR. HILL: Yes, I did.

45

46 CHAIRMAN THOMAS: Any further questions? John.

47

48 MR. VALE: Yeah. I want you to know that I support the
 49 communities in getting a village corporation and a land base.

50

R & R COURT REPORTERS

810 N STREET
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
 272-7515

My question to you is: Do you support a fair and open process here in Southeast Alaska to maybe help get a consensus so at least a fair and open process, you know, in this issue is decided?

5

6 MR. HILL: Do you think we'll have any other choice than to have that? If witness what I have seen already, it will be brought into an open process. The democratic process of passage of a bill in itself dictates that that happens, and as you've already witnessed, there are groups within the community and in the state that would allow nothing other than that. Yes, I think the birthright that we have, the knowledge that we have gained will stand up to scrutiny.

14

15 MR. VALE: Thanks. I appreciate you saying that and I appreciate your -- as you mentioned in your statement there, that you'd like to sit down with people at the table and talk about these issues, and I think that's great. Personally, that's -- as I sit here now is all I would like this to be, guaranteed that there is a fair and open process as we work through this.

22

23 CHAIRMAN THOMAS: John.

24

25 MR. FELLER: Thank you, Mr. Chairman. I was just going to make some comments about ANCSA. One of our great leaders, William Paul, worked on that, and a lot of the ANB Grand Camp in 1929, I believe they started it. But as far as when they were working on it in Washington, I think John Borbridge was probably there and Roger Lang, from Sitka, and our two representatives from Wrangell, and quite a bunch of other people. I think Robert Willard, he's currently the coordinator of SAALAC, and he related to me in his office not three weeks ago that in order for the Alaska Native Claims Settlement Act to be considered by Congress they had to get the permission of each community in Southeast Alaska to agree to give up a majority of their land, to retain a portion of their land, and that is their birthright land. The lands that one hundred years before had all Tlingit names on the points of mountains and bays and creeks and rivers, and Congress wouldn't consider this unless virtually every community in Southeast Alaska agreed to do this. And, so, some of the media that's come out in the Ketchikan paper -- I haven't been here to read them but I heard about them -- we are in the landless just trying to get and that's rightfully ours, our birthright. Do you agree to that now; is that pretty much true?

47

48 MR. HILL: One hundred percent.

49

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 MR. VALE: Okay. Thank you, Mr. Chairman.

2

3 CHAIRMAN THOMAS: Any further questions? Vicki.

4

5 MS. LeCORNU: I just wanted to make one comment, that,
6 you know, I can understand your feelings about you being in
7 control of your world now, but we have some mistakes that we
8 need to remember, that those corporations were not a tool of
9 our people and they never will be. They're a tool of the White
10 man.

11

12 And I have a poem here, I don't want to be long-winded
13 or anything, but it just has to do with the structures of the
14 corporate world and the Indian world. It's from an article by
15 Robert Williams, Jr.:

16

17 The Algebra of Federal Indian Law.

18

19 Obviously, it would be forcefully argued that what
20 caused or led to the establishment of European gemini (ph) in
21 the New World has had far more to do with superior destructive
22 technologies, and a consumption-oriented world view than with
23 theoretical formulations of the legal status and rights of
24 Indian tribes. As our explorations into the neglected
25 doctrinal archives of European (indiscernible) that will
26 nearly reveal, however, the White man's theoretical engine of
27 colonialism had built a 500-year head of steam prior to
28 reaching the station of its destiny in the virgin forests of
29 America. Long-held notions on the rightness of subjugating
30 non-Indian peoples for purposes of their remediation provided a
31 firm roadbed upon which European colonial theory might blame
32 its right-of-way in lands occupied by the heathenish infidel
33 savages of the New World.

34

35 So what we learned from all that is we lost our land.
36 We have landless people in Haida Corporation, we have landless
37 people in Sealaska. We need to learn those lessons and make it
38 our world, not somebody else's. Thanks.

39

40 MR. HILL: I agree with you, and as Mr. Patrick Mills
41 adequately stated, each new law just separates us further
42 from our children, and that at one point in time our feet
43 walked over all of Southeast Alaska, not just restricted little
44 portions that we're now left with the ability to select.

45

46 CHAIRMAN THOMAS: Richard.

47

48 MR. DALTON: Yes. There was an extreme limit -- I
49 agree with the statements that Mr. Hill is making. Earlier I

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

mentioned with the staff when you (indiscernible), about a person taking documentation of Alaska, the sale of Alaska to the Russians by the Tlingit people or the Aleuts or the Eskimos or the Athapaskans or anyone of our Tlingit people inclusively, but there was no finding in anything whatsoever. I have that documentation. We studied five major different law schools; four in the United States and from Russia, and he could not find any sale or anything that was giving permission to the Russians to be able to claim anything in Alaska, and yet it was sold to the United States. I fully agree with the fact that we lost our land to a certain degree, and they're only trying to claim their birthright, to a certain amount or degree, what we lost before, we're going to take it back to that certain amount or degree. Thank you.

15

16 CHAIRMAN THOMAS: Thank you. Patty.

17

18 MS. PHILLIPS: Mr. Chair. When this was brought to our attention in Pelican, we contacted Frank Murkowski's office and he told us that when the bill is introduced it will go through the same public scrutiny as any other bill which is introduced, and so we felt like we did not need to take this up as an issue.

24

25 CHAIRMAN THOMAS: Thank you, Patty. Anybody else? Thank you very much.

27

28 MR. HILL: Thank you.

29

30 CHAIRMAN THOMAS: I think we've had a very long day. I think we've done good. I think we have an exciting evening to anticipate. Patrick Mills is going to do some solo performing this evening and I'm not sure what the gathering is going to consist of. I think we'll have to be surprised and hold our breath. So, I think what we'll do is take time out to freshen up a little bit, go and get a buzz on and then come back. John.

38

39 MR. VALE: Yeah, Mr. Chairman. I was kind of waiting to see if anybody else wanted to speak to address this issue, but I had a motion that I wanted to make, as long as this is fresh in people's minds.

43

44 CHAIRMAN THOMAS: A motion to what?

45

46 MR. VALE: Well, the motion would be, Mr. Chair, and I'll start it that the Council direct the Chairman to write a letter to the Governor and the Senators in the Senate that on introduction of a bill for the landless Natives that they

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

request that public hearings be held in Southeast Alaska on that bill, and that's the motion. And I'll speak to that in just a second.

4
5 CHAIRMAN THOMAS: You heard the motion. Is there a
6 second?

7
8 MS. PHILLIPS: I'll second it.

9
10 CHAIRMAN THOMAS: Discussion?

11
12 MR. VALE: Thank you, Mr. Chairman. There are various
13 levels of public scrutiny that go on when bills run through the
14 Congress, and sometimes they hold public hearings in, you know,
15 remote areas in like Alaska, and sometimes they do not, and I
16 think this issue is of enough importance that we have a fair
17 and open public process, 'cause we in Southeast are going to be
18 the ones most greatly affected by this, and, you know, not all
19 bills that affect us do have public hearings here in Southeast
20 Alaska. So, I think it is important that, you know, we make a
21 statement on that. Thank you.

22
23 CHAIRMAN THOMAS: Further discussion?

24
25 MS. LeCORNU: Question.

26
27 CHAIRMAN THOMAS: I was smiling because I thought it
28 was interesting that the work can come from a non-Chair holder.
29 Question has been called. All those in favor, say aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN THOMAS: Opposed?

34
35 (No opposing responses)

36
37 MS. WILSON: Mr. Chairman, are we meeting tomorrow?

38
39 CHAIRMAN THOMAS: Yeah, at 6:30 tomorrow in the
40 morning. Yeah, the party won't break up till 4:30 in the
41 morning. We're going to have a wild one tonight. Okay. Like
42 said, we did have a busy day and I think that motion was a
43 good place to wind up. I want to thank everybody for the time
44 and energy you put into this. We'll be here tomorrow at 9:15.
45 I'm going to give you a little slack.

46
47 Okay. The dinner is scheduled for 6:30, and 6:30
48 Alaska Native Time, to allow 30 more minutes to be 7:00
49 o'clock.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

(Off record)

(PROCEEDINGS TO BE CONTINUED)
*** * * * ***

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 commencing at the hour of 9:00 o'clock a.m., at the Alaska
3
4 Native Brotherhood Hall, at Hoonah, Alaska;

5
6 THAT this Transcript, as heretofore annexed, is a true
7
8 and correct transcription of the proceedings, recorded by
9
10 Laurel L. Evenson and thereafter transcribed by
11
12 Laurel L. Evenson.

13
14 IN WITNESS WHEREOF, I have hereunto set my hand and
15
16 affixed my seal this 22nd day of February 1995.

17
18
19
20 Notary in and for Alaska
21 My commission expires: 10/10/98
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515