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1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3

4 VOLUME I

5

6 Juneau, Alaska

7 Frontier Suites Airport Hotel

8 March 12, 2002

9 8:30 o'clock a.m.

10

11

12

13 COUNCIL MEMBERS PRESENT:

14

15 William C. Thomas, Chairman

16 Bert Adams

17 Michael Douville

18 Dolly Garza

19 Floyd Kookesh

20 John Littlefield

21 Harold Martin

22 Patricia Phillips

23 Mary Rudolph

24 Richard Stokes

25 Marilyn Wilson

26

27 Regional Coordinator, Robert Schroeder

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1 PROCEEDINGS

2

3 (Juneau, Alaska - 3/12/2002)

4

5 (On record)

6

7 CHAIRMAN THOMAS: Good morning everybody.

8 We'll call this meeting to order and we'll have some

9 comments after our invocation for us. Bert.

10

11 (Prayer)

12

13 MR. ADAMS: Our Father, Leader of all

14 Teams, we bow our head at this time to acknowledge the

15 fact that everything that we do. We are grateful that we

16 can be gathered here at this table to talk about and

17 discuss and do the things that will be beneficial to

18 those people who are dependent upon the resources. We

19 pray that Thou would help us to use good judgment and to

20 follow the guidelines that have been set before us and

21 that we'll use the rules and regulations and laws that

22 pertain to these issues in a righteous manner. We are

23 grateful for the many blessings that Thou has provided

24 for us. The opportunity that we have to live in a free

25 country that allows us to partake of these resources. We

26 ask Thy guidance and inspiration that we might follow

27 these guidelines and that we will all work together to

28 accomplish the goals that have been set before us.

29

30 We turn this meeting over to Thy guidance

31 now and we do it humbly and gratefully for the

32 opportunities that we have. In the name of the Lord and

33 the Savior, Jesus Christ.

34

35 Amen.

36

37 CHAIRMAN THOMAS: I don't know if

38 everybody in the audience is familiar with that part of

39 the protocol. Even if I was the only Native person on

40 the Council I would still have this part of the agenda

41 because it's an important protocol that most of us were

42 raised with and respect that and consider that an

43 important component of any agenda. So I'm sure most of

44 you here are aware of that and have been exposed to that

45 and understand. But in case there's one or two people

46 here that aren't familiar with that, that's how we do

47 business.

48

49 I want to welcome everybody to Hoonah.

50

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1 (Laughter)

2

3 CHAIRMAN THOMAS: I hope you all had a
4 good trip. Actually, I'm very distressed that we didn't
5 get to Hoonah but it wasn't anything that we could
6 control. We might be courageous in many places but we're
7 not crazy enough to defy weather that doesn't need
8 defying. And that was just an unfortunate circumstance
9 in this particular meeting. We know that Hoonah goes all
10 out to make sure their visitors have something to
11 remember Hoonah by, generally it's very good. Everybody
12 in the community works together and it's a big deal in
13 the village to have a meeting like this, to meet in their
14 community, they look forward to it. They show off their
15 wares. They show off their culinary arts. They talk
16 Tlingit to you and they talk about you in Tlingit and
17 it's never very flattering but it sounds good.

18

19 And we have people out there that the
20 issue of subsistence to them is everything in the world.
21 And they're really -- they're really supportive of
22 anything that anybody does on their behalf to make sure
23 their access to their subsistence way of life isn't
24 threatened. They understand the hazards of it, they
25 understand the way some people don't use the resources
26 like they should but overall they're very responsible and
27 there's nobody more conservation minded than the users.
28 It's like any other user group, you're going to have the
29 few that you wish weren't in your group.

30

31 So that being said, welcome to Juneau.
32 This change, I don't know if it made an allowance for us
33 to have anybody from Juneau make any welcome remarks but
34 under IC it's got welcome Hoonah Indian Association, the
35 city of Hoonah and District Ranger. Is there anybody
36 from the Forest Service that would like to make some
37 comments in their defense? Ken.

38

39 MR. THOMPSON: Yes, Mr. Chairman, members
40 of the Board. I'm really pleased that we were able to
41 intercept all of you on your way to Hoonah yesterday and
42 I trust you're comfortably been accommodated here in
43 Juneau. I look forward to a meeting which is productive,
44 as productive as we would have had in Hoonah. We have
45 some very interesting issues to address over the next
46 three days. Just want to assure you that we appreciate
47 the changes that you've made in your schedule to
48 accommodate this meeting and to make sure that your
49 recommendations are carried to the Board in a timely
50 manner.

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1 That's what we were up against. We would
2 have liked to have rescheduled this meeting if we had had
3 the pleasure of doing that. But the Board's schedule is
4 so tight we just could not do that.

5
6 So thanks again for accommodating our
7 needs.

8
9 CHAIRMAN THOMAS: Thank you, Ken. Anyone
10 else? Okay, hearing none, Marilyn, are you ready with
11 the roll?

12
13 MS. WILSON: Yes, Mr. Chairman. Bert
14 Adams.

15
16 MR. ADAMS: Here.

17
18 MS. WILSON: Floyd Kookesh.

19
20 MR. KOOKESH: Here.

21
22 MS. WILSON: Chairman William C. Thomas.

23
24 CHAIRMAN THOMAS: Here.

25
26 MS. WILSON: Clarence Laiti. Richard
27 Stokes.

28
29 MR. STOKES: Here.

30
31 MS. WILSON: Mary Rudolph. Patricia
32 Phillips. Michael Douville.

33
34 MR. DOUVILLE: Here.

35
36 MS. WILSON: Marilyn Wilson, here. John
37 Littlefield.

38
39 MR. LITTLEFIELD: (In Native)

40
41 MS. WILSON: Harold Martin.

42
43 MR. MARTIN: Here.

44
45 MS. WILSON: Dolly Garza.

46
47 MS. GARZA: Here.

48
49 CHAIRMAN THOMAS: We have a quorum.
50 Okay, welcome introduction of Regional Council members,

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1 Staff and guests. Okay. I gave you my best welcome
2 earlier. Any introduction of -- we're going to do this
3 like we do at every meeting and we're going to introduce
4 the Council individually and the people at this table and
5 we're going to include all the people in the audience
6 that wish to introduce themselves. We do this to kind of
7 give us a closer working relationship and some idea of
8 who you are and make sure you guys have your green cards
9 and this kind of stuff.

10

11 We'll start with Mr. Meyers and work this
12 way.

13

14 MR. MEYERS: Yes, Marty Meyers. I'm with
15 the U.S. Forest Service and I'm the subsistence law
16 enforcement coordinator with the Council from the Forest
17 Service.

18

19 CHAIRMAN THOMAS: Marilyn.

20

21 MS. WILSON: Marilyn Wilson from Haines.

22

23 MR. STOKES: Dick Stokes from Wrangell.

24

25 MR. LITTLEFIELD: (In Tlingit) My name
26 is John Littlefield. My Tlingit name Nas.aax. I'm from
27 Sitka. Thank you.

28

29 MR. MARTIN: I'm Harold Martin, I'm from
30 Juneau.

31

32 CHAIRMAN THOMAS: Bill Thomas, Ketchikan,
33 Chair.

34

35 MS. GARZA: (In Tlingit) My grandmother
36 is Elizabeth Gardner from Howcan. My mother is Myrna
37 Garza from Ketchikan -- Craig and Ketchikan. My name is
38 Dolly Garza and I'm Haida Eagle and Frog and Sculpan.
39 Thank you.

40

41 MR. KOOKESH: Floyd Kookesh, Angoon.

42

43 MR. ADAMS: Bert Adams from Yakutat.

44

45 MR. DOUVILLE: I'm Mike Douville from
46 Craig.

47

48 MR. SCHROEDER: Bob Schroeder. I'm your
49 Regional Council coordinator.

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1 MR. JOHNSON: Dave Johnson, subsistence
2 coordinator for the Tongass.

3
4 MR. CASIPIT: Cal Casipit. I'm the
5 subsistence Staff fisheries biologist and the fisheries
6 biologist for this Council.

7
8 MR. RIVARD: I'm Don Rivard with the
9 Office of Subsistence Management in Anchorage and liaison
10 for the Forest Service here in Region 1.

11
12 CHAIRMAN THOMAS: Mike.

13
14 MR. TUREK: Mike Turek, Division of
15 Subsistence Fish and Game Regional Office here in
16 Douglas.

17
18 MR. PEARSON: Ken Pearson, leading
19 subsistence enforcement officer for the south half of the
20 Tongass and Ketchikan.

21
22 MS. MCKINLEY: Dianne McKinley with the
23 National Park Service, subsistence.

24
25 MR. EASTLAND: I'm Warren Eastland. I'm
26 the wildlife biologist with BIA stationed here in Juneau
27 but the area that I cover is the entire state of Alaska.

28
29 MR. WILSON: Paul Wilson, Haines.

30
31 MR. RICKARDS: Larry Rickards from Juneau
32 Forest Service.

33
34 MR. THOMPSON: Ken Thompson, Forest
35 Service, Staff Committee to the Board.

36
37 MR. CAPRA: Jim Capra with Glacier Bay
38 National Park.

39
40 MR. REID: Mason Reid, wildlife
41 biologist, Wrangell-St. Elias.

42
43 MR. TITUS: Hi, I'm Kim Titus with
44 Division of Wildlife Conservation for Fish and Game in
45 Douglas.

46
47 MR. YOUKEY: Don Youkey, Forest Service
48 in Juneau.

49
50 MS. HOWELL: Susan Howell with the Forest

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1 Service on Prince of Wales Island. And my daughter Erin
2 is with us today.

3

4 CHAIRMAN THOMAS: Well, welcome to each
5 of you we're glad you're here. My vice-Chair has a habit
6 of making me look really bad sometimes. Sometimes she
7 doesn't have much to do because I do most of it.

8

9 I'd like to acknowledge something that I
10 almost overlooked. Dr. Rob Schroeder is our new
11 coordinator and he came in at a time when there's a lot
12 happening with Federal subsistence management. And he's
13 had to acquaint himself with the logistics for one;
14 correspondence, two; knowing where everybody is, number
15 3; and acquaint himself with other players in the
16 community that are involved in this process. Plus
17 satisfy the heavyweights in Anchorage. And he's done a
18 remarkable job. He's done it very gracefully, he's done
19 it very professionally and I think we're fortunate to
20 have him replace Fred, who we were all very fond of. And
21 I just wanted to acknowledge Rob for all those efforts.

22

23 We know what's been going on, for
24 instance, another item was that we didn't get our
25 packets. I just now opened mine. And I'm glad I got it.
26 And this doesn't happen every time. The weather change
27 from going to Hoonah, he had to cover a lot of bases, he
28 had a lot of people to contact, a lot of heart-broken
29 explanations to give so I just wanted to make sure that
30 the record showed our appreciation for Mr. Schroeder.

31

32 Thank you.

33

34 Okay, the Council has had a chance to
35 review the agenda, what's your wishes regarding the
36 agenda?

37

38 Dolly, go ahead.

39

40 MS. GARZA: Mr. Chairman, I didn't see a
41 Stikene report on here.

42

43 CHAIRMAN THOMAS: What would you like to
44 do about it.

45

46 MR. SCHROEDER: Mr. Chairman, it would be
47 appropriate to add that as an item when we're done
48 dealing with the regulatory proposals.

49

50 CHAIRMAN THOMAS: So we'll put that

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1 under.....

2

3 MR. SCHROEDER: It would be somewhere
4 between X, Roman Numeral X and Roman Numeral XII. And we
5 may need to change the order of those, depending on
6 people's availability in any case.

7

8 MR. LITTLEFIELD: Mr. Chair, I have two
9 issues, too.

10

11 CHAIRMAN THOMAS: Okay. So between X and
12 XI would be Stikene?

13

14 MR. SCHROEDER: That would be a good
15 spot, Mr. Chairman.

16

17 CHAIRMAN THOMAS: Okay. John.

18

19 MR. LITTLEFIELD: Thank you, Mr. Chair.
20 There are two items that I would like to have added to
21 the agenda, one is discussion on the Federal Subsistence
22 Board's actions on the Redoubt Bay fishery and the second
23 would be a discussion on per diem rates,
24 honorarium/whatever for Council members.

25

26 CHAIRMAN THOMAS: Okay, that's under new
27 business.

28

29 MS. WILSON: What was the second one?

30

31 MR. LITTLEFIELD: Per diem rates.

32

33 MR. MARTIN: Mr. Chairman.

34

35 CHAIRMAN THOMAS: Harold.

36

37 MR. MARTIN: Mr. Chairman, if you will
38 recall this Council has supported the halibut as a
39 subsistence resource. They've again asked for our
40 support and I'd like to add this to the agenda or however
41 you may want to handle it.

42

43 CHAIRMAN THOMAS: Okay. This one here,
44 from what I understand, is going to need some action
45 pretty quick so we'll put that under XI, but we'll put an
46 ad hoc committee to come up with some language to submit
47 after we finish our scheduled work day today.

48

49 MR. MARTIN: Thank you.

50

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1 MR. ADAMS: Mr. Chairman.

2

3 CHAIRMAN THOMAS: Bert.

4

5 MR. ADAMS: I'd like to take a little bit
6 of time here and give a report on the Wrangell-St. Elias
7 Subsistence Resource Commission meeting. We had a
8 meeting last month. There's not much to report but I'd
9 like to just, for the record give one.

10

11 CHAIRMAN THOMAS: Okay.

12

13 MR. ADAMS: Would that be under Council
14 reports?

15

16 CHAIRMAN THOMAS: Let's put that under
17 Council reports on D; will that work?

18

19 MR. ADAMS: That will work.

20

21 MS. GARZA: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Dolly.

24

25 MS. GARZA: I was also hoping I could put
26 Stikene under Council reports because I have a report.

27

28 CHAIRMAN THOMAS: Okay. Okay, so we've
29 got two additions under VID, that's a report on Wrangell-
30 St. Elias and a report on Stikene.

31

32 MS. WILSON: Mr. Chairman.

33

34 CHAIRMAN THOMAS: Marilyn.

35

36 MS. WILSON: Where are the Council
37 reports going to be, please, I missed it?

38

39 CHAIRMAN THOMAS: The Council reports are
40 going to be the next item after V, it's going to be VI,
41 VID.

42

43 MR. ADAMS: Mr. Chairman.

44

45 CHAIRMAN THOMAS: Bert.

46

47 MR. ADAMS: Has a motion been made to
48 accept the agenda?

49

50 CHAIRMAN THOMAS: No.

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1 MR. ADAMS: Well, I move that we accept
2 the agenda as been amended and that we use it as a guide.

3
4 CHAIRMAN THOMAS: Is there a second?

5
6 MR. MARTIN: I second that motion.

7
8 CHAIRMAN THOMAS: Discussion.

9
10 MR. MARTIN: Question.

11
12 CHAIRMAN THOMAS: Question's been called.
13 All those in favor say aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN THOMAS: Opposed.

18
19 (No opposing votes)

20
21 CHAIRMAN THOMAS: Motion has been carried
22 top adopt the agenda as amended and to use it as a guide.

23
24 MR. ADAMS: Mr. Chairman.

25
26 CHAIRMAN THOMAS: Bert.

27
28 MR. ADAMS: Under the guide part of it
29 means that we can add or subtract anything on the agenda
30 as we go along.

31
32 CHAIRMAN THOMAS: That's true. I was
33 assuming that everybody knew that.

34
35 MR. ADAMS: That was the intent.

36
37 CHAIRMAN THOMAS: I was assuming
38 everybody knew that, yeah. It's time we can assume that
39 now.

40
41 Okay, we got a couple of -- Regional
42 Council meeting December 9th. I didn't bring my notes
43 with me on that, I didn't know. Did anybody have any
44 literature?

45
46 MR. MARTIN: It's under Tab B.

47
48 CHAIRMAN THOMAS: Tab B, thank you.
49 Okay, it is in Tab B and whoever done it done a good job.
50 Okay, this one on Tab B is the Regional Council Chairs.

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1 So we'll do that one first as long as I got it in front
2 of me.

3

4 Status of the minutes, number V, thank
5 you. For the meeting from Yakutat.

6

7 MR. SCHROEDER: Mr. Chairman, I have to
8 report that the minutes aren't prepared at this time. I
9 attempted to get Mr. Clark to return from Wisconsin to
10 deliver the minutes and I couldn't convince him to do
11 this, so we'll have minutes for you at the fall meeting.

12

13 CHAIRMAN THOMAS: Okay. So we'll suspend
14 with the minutes and we'll suspend with agenda Item V.
15 Okay, under Regional Council Chairs you have in Tab B,
16 the Chairs themselves did have a varied agenda. We had
17 Carl Jack who was the Native liaison give a report on the
18 request for per diem adjustment. At that time there
19 wasn't any response but since then we found out that the
20 Secretary's pretty dug in on leaving things where they're
21 at with regards to per diem. And you could tell by Ralph
22 Lohse's comments, the best presentation so far in the
23 compensation request, so he did give a good report.

24

25 Okay, we had a little bit of admonishment
26 there. We had a region, the Eastern Interior, submit a
27 proposal and -- what do we use around here for submitting
28 stuff, resolutions, for some action to occur up there,
29 but that would have had some different impacts on a
30 region that was a neighboring region to them and the
31 neighboring region was upset that they weren't consulted
32 on this and so I had to do some clean up work down there
33 to get those -- where regions have overlapping
34 commonality with their fisheries and so the arguing
35 region was the Kodiak/Aleutians and you could see here
36 where Ron Sam said that the issue had been worked on
37 which meant that they were doing to -- it was just an
38 oversight on their part. But anyway, the report is all
39 written out here.

40

41 Tim Jennings -- most of our time was
42 taken up with a briefing on customary trade options and
43 that was quite complex. And what added to the complexity
44 is we kept interrupting his presentation with questions
45 that he had answers to if we gave him a chance to keep
46 speaking. So it took us a while to understand that. But
47 I'm not going to go into that, you folks can read the
48 report in its entirety.

49

50 MR. LITTLEFIELD: Mr. Chair.

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1 CHAIRMAN THOMAS: Yeah, John.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.
4 Could you clarify for me something that's on Page 2 of
5 the Regional Council Chairs, it would be in the last
6 paragraph that starts with better representation on
7 salmon matters. And when I read that there was -- about
8 the third sentence down it said, Dan O'Hara said that
9 sockeye is the only non-predator having no by-catch
10 issue and I was wondering if you could clarify what that
11 meant?

12

13 CHAIRMAN THOMAS: Sockeye only eats
14 plankton; is that correct? Who's the biologist here?

15

16 MS. WILSON: Correct.

17

18 CHAIRMAN THOMAS: Our regional biologist
19 from Haines said that they only eat plankton. What he
20 meant was that they don't feed on traditional foods of
21 herring and needlefish and that kind of thing. And they
22 don't eat eggs and that kind of -- that's my
23 understanding. And if I'm wrong, our biologist from
24 Haines will straighten me out.

25

26 MR. MARTIN: Mr. Chairman.

27

28 CHAIRMAN THOMAS: Harold.

29

30 MR. MARTIN: Are there any biologists out
31 there that can confirm this?

32

33 MR. CASIPIT: True. Sockeye eat
34 zooplankton in the ocean.

35

36 MR. MARTIN: Thank you. I just wondered
37 because when I'm sportsfishing I catch them on various
38 lures.

39

40 CHAIRMAN THOMAS: You better show me and
41 make sure it's sockeye. Yeah, they do. I know when they
42 fish them in Canada they use a red yarn on their hook for
43 a lure. Okay, I'd appreciate if your questions were a
44 lot easier to answer.

45

46 MR. ADAMS: Mr. Chairman.

47

48 CHAIRMAN THOMAS: Bert.

49

50 MR. ADAMS: I got a hard one for you.

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1 CHAIRMAN THOMAS: Okay.

2

3 MR. ADAMS: On Page 3, delegation of
4 authority to Federal Subsistence Board to make
5 appointments to the RACs, maybe you can elaborate on that
6 little bit more if you would?

7

8 CHAIRMAN THOMAS: Okay, on Page where?

9

10 MR. ADAMS: 3.

11

12 CHAIRMAN THOMAS: Delegation of authority
13 to the Federal Subsistence Board to make comments to the
14 RACs Gerald Nicholia said the Eastern Interior Council
15 is down to three members and he has been trying to reach
16 Gail Norton. Why should his Council have a winter
17 meeting if they can't formally conduct business? Harry
18 Wilde said that the Yukon-Kuskokwim is down to six
19 members and he's a quorum. Donald Mike said that since
20 September 2000, Eastern Interior Region Council, without
21 adequate representation had not been able to make proper
22 recommendations. And then Mr. Know It All said that this
23 will be addressed tomorrow by the Federal Subsistence
24 Board. So what was happening is that there was a delay
25 in appointments in those regions. And as time kept going
26 on, other incumbents were reaching the ends of their
27 term. And so these people were concerned enough that
28 they thought that the authority of appointing RAC members
29 would be better served if it was done in the state, at
30 least, and give the Board that authority so that we can
31 expedite the process of selecting Council members. So
32 that's what that was about. Shortly after that, we got
33 our appointments. But up until then it looked pretty
34 grim.

35

36 MR. ADAMS: Mr. Chairman, that would have
37 to make some kind of changes in ANILCA, though, wouldn't
38 it, because ANILCA spells out how Advisory Councils are
39 appointed?

40

41 CHAIRMAN THOMAS: Yeah, uh-huh. But
42 we'll try anything. Okay, the.....

43

44 MS. WILSON: Mr. Chairman.

45

46 CHAIRMAN THOMAS: Marilyn.

47

48 MS. WILSON: Yes, all these items that
49 were brought up in your meeting, is it going to be in a
50 report form to us as Council members from the Board, the

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1 Federal Board?

2

3 CHAIRMAN THOMAS: I don't think so.

4

5 MS. WILSON: Are they going to
6 discuss.....

7

8 CHAIRMAN THOMAS: I think what's in here
9 is probably it. And it's a good report.

10

11 MS. WILSON: It's a great report.

12

13 CHAIRMAN THOMAS: It's complete but I
14 don't think you'll get it in a different form.

15

16 MS. WILSON: Well, is it going to be
17 acted upon further, like by the Federal Board?

18

19 CHAIRMAN THOMAS: We'll have to wait and
20 see what happens when they respond to our annual report.
21 We could ask for that in our annual report.

22

23 MS. WILSON: Okay, thank you.

24

25 CHAIRMAN THOMAS: Good question. Dolly.

26

27 MS. GARZA: Following with what Marilyn
28 said, there has been some interest in not only getting a
29 report from the Chair's meetings but a transcript made
30 available to whoever wants on of the full Federal
31 Subsistence Board meetings, so we don't just get a
32 summary of their decisions but some of the discussion
33 leading up to them so that if we disagree with what
34 they've said we have a better understanding of how they
35 came to that decision.

36

37 CHAIRMAN THOMAS: Okay. With regards to
38 Item B, where the Council and the Board met, the report
39 would be the same because we went over the same agenda
40 that the Chairs went over the day before and we met
41 combined with the Federal Subsistence Board the following
42 day and they didn't have any disagreements with us on any
43 of the agenda items. So whatever's in the first report,
44 we'll include that information as well.

45

46 C, Federal Subsistence Board fisheries
47 meeting, December 11th and 13th, .805 letter. Let's see
48 what that is.

49

50 MR. LITTLEFIELD: Mr. Chair.

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1 CHAIRMAN THOMAS: John.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.

4 When I read through this, I noticed that the Federal
5 Subsistence Board did list where they had no data to
6 support of whatever for every proposal in here except
7 Proposal 29, which I could find no statement that they
8 had found that the data did not demonstrate a resource
9 shortage of sockeye and that would be the subject of what
10 I asked you to add to the agenda on the Redoubt action.
11 But I would also like to further the comment made that if
12 we could get a copy of those minutes and I'm wondering if
13 those minutes could be available for review by Council
14 members during this meeting, if they want to refer to the
15 actions that we took in October. I know the transcripts
16 are available and also if we could refer to the Federal
17 Subsistence Board minutes, if they were just available
18 for us to look into.

19

20 CHAIRMAN THOMAS: How many want -- you're
21 talking about the Federal Subsistence Board meeting?

22

23 MR. LITTLEFIELD: Yes, Mr. Chair. I
24 would like to have those minutes available for review
25 here if we need them and also the October transcripts.

26

27 MR. SCHROEDER: Mr. Chair, I think we
28 have these available in our office downtown, so we just
29 need some time to pick those up; is that correct, Cal?

30

31 MR. CASIPIT: (Nods affirmatively)

32

33 MR. SCHROEDER: When would the Council
34 like those?

35

36 CHAIRMAN THOMAS: After lunch.

37

38 MR. LITTLEFIELD: Yes, Mr. Chair.

39

40 MR. CASIPIT: You want the Council
41 minutes and the Board's minutes for that discussion on
42 Redoubt, correct?

43

44 MR. LITTLEFIELD: That's correct. The
45 Chairman has scheduled this for new business to the
46 Federal Subsistence Board action so after lunch would be
47 fine but I think we should be able to look at them.

48

49 CHAIRMAN THOMAS: Okay, the results of
50 the meeting are listed from Page 10 to 15 on Tab B. That

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1 gives you an idea of the action that was taken by the
2 Board. Did you want to go through those individually or
3 what's the wishes of the Council? Do you want to read
4 these at your own leisure or did you want us to do them
5 now?

6

7 MS. WILSON: Mr. Chair.

8

9 CHAIRMAN THOMAS: Marilyn.

10

11 MS. WILSON: It seems like we're going to
12 be discussing the customary trade draft regulatory
13 language and that's -- this report consists a lot of
14 that. So I think we should just leave it and read it at
15 our own leisure.

16

17 CHAIRMAN THOMAS: Any other thoughts?

18

19 MR. ADAMS: Mr. Chairman.

20

21 CHAIRMAN THOMAS: Bert.

22

23 MR. ADAMS: I have already read it at my
24 own leisure.

25

26 CHAIRMAN THOMAS: Okay, thank you.

27

28 MR. LITTLEFIELD: Mr. Chair.

29

30 CHAIRMAN THOMAS: John.

31

32 MR. LITTLEFIELD: Mr. Chair, thank you.
33 I would suggest that when you go through these proposals
34 and, I have read them at my leisure, too, so I would
35 suggest that when you go through them that you look in
36 the portion that's in the smaller paragraphs, in other
37 words, that is Board action. And in there, there are
38 three reasons why the Board can reject a proposal put
39 forward by this or any other Council and they should
40 state those and that's why I asked to see the minutes.
41 For instance, on Page 3 under Proposal 27 submitted by
42 the Sitka Tribe. Inside the indented portion said the
43 Board found the data available did not demonstrate a
44 resource shortage of sockeye in Federal waters.

45

46 I think we need to see a statement for
47 one of the three reasons why they can reject a proposal
48 in every one of these comments. And I noticed that on
49 Proposal -- the last one that's in the book, on Page 14,
50 and that was a proposal on the Transboundary, we're going

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1 to talk about both, Transboundary and Redoubt later, but
2 the Board did not act on this proposal. I would like to
3 see the minutes on that because I think these proposals
4 that are submitted by the Regional Advisory Council are
5 preeminent in the law and in regulation and I really need
6 to see more information on these things about why the
7 Federal Subsistence Board takes the actions they do.

8

9 Thank you.

10

11 CHAIRMAN THOMAS: That's a good point.

12

13 MS. WILSON: Mr. Chairman.

14

15 CHAIRMAN THOMAS: Marilyn.

16

17 MS. WILSON: I take that back. I thought
18 we were talking about the Chairman's report. I'm sorry.

19

20 CHAIRMAN THOMAS: Okay. So what's the
21 wishes, do you want to go through each item that was
22 mentioned or what's your pleasure?

23

24 MR. LITTLEFIELD: Mr. Chair.

25

26 CHAIRMAN THOMAS: John.

27

28 MR. LITTLEFIELD: I would suggest that we
29 have time to review the minutes if we have questions on
30 these, so it should be better until after we get the
31 minutes down here so that we can actually refer to our
32 minutes and their minutes to clarify conflicts.

33

34 CHAIRMAN THOMAS: Okay. So with that,
35 then we'll move into D, Wrangell-St. Elias.

36

37 MR. ADAMS: Already. Mr. Chairman, could
38 I just sit here and do it?

39

40 CHAIRMAN THOMAS: (Nods affirmatively)

41

42 MR. ADAMS: Thank you, Mr. Chairman. I
43 don't have anything written out. I really should have so
44 that it could have been put in your packet but we just
45 had a meeting, I think it was February 19th and 20th up
46 in Chitina, yeah, just a few weeks ago so I really
47 haven't had time, you know, to put anything together but
48 I thought I'd just mention a couple other things. A
49 couple things that we addressed up there that pertains
50 to, you know, our area.

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1 First off I told a story about Chitina,
2 several years ago I was walking down the aisles at the
3 Anchorage Airport and I saw these two, a couple walking
4 down from a distance and they were wearing real bright
5 yellow T-shirts and as I got closer and closer to them, I
6 noticed that there was some writing on the front of their
7 T-shirts and one of them, I think it was the female's
8 asked the question, where the hell is Chitina -- no, that
9 was on the male side, and then on the female side the
10 answer was there and that read, I know where Chitina is
11 but I ain't telling.

12
13 So you know, I use that because so many
14 times we -- I think there's a moral here that so many
15 times, you know, we don't want to make our resources
16 known because of the way that we like to protect them and
17 so I thought that was a pretty good message there.

18
19 In any event, there were two issues, you
20 know, that Wrangell-St. Elias has been struggling --
21 well, there is one that they have been struggling with
22 for years and that was the ATVs use on Malaspina
23 forelands. We have across the bay of Yakutat, you know,
24 Point Mamby and all of that other side of the bay that is
25 under the jurisdiction of the National Park Service. And
26 one of your former, the guy that I replaced anyhow, John
27 Vale, has been trying to -- had been introducing a
28 proposal, you know, to have ATVs, you know, allowable on
29 the forelands and there has been a lot of opposition in
30 the community of Yakutat about that because they don't
31 want to see the area, you know, spoiled as a result of
32 that. Because over on the Yakutat forelands we are
33 dealing with ATVs, you know, that we see is very damaging
34 to the resources, but I can see both sides of it. That
35 way over there -- I don't -- I think, you know, that
36 maybe a limited number of ATVs can be used there. I
37 think John wanted to use it for the purpose of going over
38 there and hunting moose and being able to get his meat
39 out, you know, a lot easier.

40
41 But anyhow, that has not been acted upon
42 and I think it's going to come forth, you know, in the
43 future again. Another one is the East Alsek River study
44 that is presently being researched. In fact, we have
45 received \$25,000, you know, from the U.S. Fish and
46 Wildlife Service or -- well, the money actually came from
47 the Forest Service and then filtered down to us to do a
48 TEK study down there. And we had some additional
49 funding, you know, involved with working with the Science
50 Lab sunk into that project so we can look at the ways

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1 that the -- the reasons why, you know, East Alsek River
2 has been on a decline. In fact, for the past three or
3 four years now there has been no commercial fishing
4 opening there. And we see in the early 1980s and even up
5 into the first part of the 1990s there was record runs of
6 sockeye into that system and all of a sudden it just
7 started declining more and more and more until the
8 returns had been very bad that they haven't had any
9 openings there for the past few years. And so we have an
10 anthropologist, a Native anthropologist, Dolly, you might
11 know her, Judy Ramos, who is doing our TEK study for us.
12 She is working on that as we speak. And I keep telling
13 her that she needs to do a lot of research on the ways
14 that our people, you know, manage their resources, you
15 know, a long time ago.

16

17 Because if you take that Dry Bay area and
18 do some study and research about it, and I have done a
19 little bit of it, we've had seven to 10 tribal houses
20 down there and each of the -- as you know each tribal
21 house, you know, takes care of about 50 or 60 people, so
22 you're talking hundreds and hundreds of people who have
23 survived off of those resources there years and years ago
24 and today, you know, it is hardly able to take care of a
25 hundred. And so, you know, she's going to do a lot of
26 research and study and come up with, you know, ways and
27 means that our people have managed the resources so that
28 they could always -- so that they were always able to
29 return.

30

31 Anyhow, those are the two issues, you
32 know, that we talked about that pertained to our area.
33 And that's about the extent of my report, Mr. Chairman.
34 I'd be happy to answer any questions.

35

36 CHAIRMAN THOMAS: Thank you, Bert. I
37 missed the species you mentioned that you noticed a
38 decline in.

39

40 MR. ADAMS: Sockeye. There will be other
41 proposals coming forth. When we first started putting
42 this project together several years ago, two or three
43 years ago, we came up with -- the thing that I liked
44 about this project is that we got as many people, in
45 fact, as many people as we possibly could involved in the
46 steering committee or the committee that started looking
47 at the proposals. And that included, you know, the
48 tribe, National Park Service, Forest Service, the city
49 and borough had a representative on there, the village
50 corporation had a representative on there. I guess there

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1 was about seven or eight committee members that
2 represented, you know, a broad cross-section of the
3 community. And as we sat down and started looking at
4 what we could do about the East Alsek River, we came up
5 with four proposals. And the TEK one, you know, was our
6 number 1 priority and then the others, you know, we want
7 to do a hydrology study, you know, which will probably be
8 our next proposal and that will probably come forth next
9 year. We want to find out what, you know, has been
10 happening down there.

11

12 I know in the early years of the East
13 Alsek River is that it broke off, you know, from the
14 Alsek River and formed its own little creek about, you
15 know, between 70 to 100 years ago. And some kind of an
16 earthquake or some other reason had blocked that up off
17 again and all of those little systems, you know, that
18 traditionally made up the East Alsek River, estuaries and
19 ecology and all of that stuff, you know, was beginning to
20 dry up as a result of that and I think, you know, those
21 are some of the things that the biologist and so forth
22 are going to look at.

23

24 So there's a lot of reasons why people
25 can theorize, you know, about what happened down there
26 but we won't know until after, you know, we get all of
27 this information together. So over a period of about
28 four proposals, if we get them all approved, you know, we
29 should have an idea.

30

31 And this TEK thing, the reason why we
32 want to do that is we want to document, you know,
33 everything that we possibly can about traditional and
34 ecological knowledge and local knowledge and so forth and
35 get that documented and then when we start doing some
36 management proposals or enhancement or so forth that we
37 can take that TEK and bridge it with Western Science.
38 And we feel that we would be able to come up with some
39 very, very good proposals as to how we can make that
40 river productive again.

41

42 MS. WILSON: Mr. Chairman.

43

44 CHAIRMAN THOMAS: Marilyn.

45

46 MS. WILSON: You mentioned four
47 proposals, one was TEK.....

48

49 MR. ADAMS: Uh-huh.

50

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1 MS. WILSON:and the other one
2 hydrology.....

3

4 MR. ADAMS: Uh-huh.

5

6 MS. WILSON:and what was the other
7 two?

8

9 MR. ADAMS: Well, I wish I could remember
10 them all.

11

12 MS. WILSON: Okay.

13

14 MR. ADAMS: It was several years ago when
15 we did that but one was the TEK, there was a hydrology
16 study and then there was going to be something about, you
17 know, some -- I don't know, I can't remember. I should
18 have brought it with me.

19

20 MS. WILSON: Okay.

21

22 MR. ADAMS: But there are four of them
23 that will come forth. The last one is going to be real
24 big bucks and it's going to involve, you know, putting in
25 a weir there probably, you know, to count the fish and so
26 forth. And you know, we're talking going from \$25,000 up
27 into hundreds of thousands of dollars to that last grant.

28

29 I don't know, Jim Capra, maybe you
30 remember the four proposals. Thank you, you rescued me.

31

32 MR. CAPRA: Jim Capra with the National
33 Park Service.

34

35 CHAIRMAN THOMAS: Turn your mike on.

36

37 MR. CAPRA: Jim Capra with the National
38 Park Service in Yakutat. Marilyn, Council members, the
39 four proposals were for the TEK study, a hydrology study
40 of the East River, gathering of all the past information
41 and studies we could find in the zero-check sockeyes,
42 which are the race of sockeyes that make up most of the
43 sockeye in the East Alsek system and the escapement
44 studies and recruitment studies for the East Alsek which
45 is the big dollar, long-term one that Bert referred to.

46

47 And it appears that this year we'll at
48 least start in the hydrology and the past references,
49 collecting all the past references with funding from
50 other sources. So we'll at least get the basics of that

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1 done as well as the TEK study that's under way.

2

3 CHAIRMAN THOMAS: Any questions. John.

4

5 MR. LITTLEFIELD: Thank you. Big bucks.
6 How much are we talking for these four projects?

7

8 MR. CAPRA: Mr. Littlefield, I don't
9 recall the amounts on the studies. But the order of
10 magnitude, the TEK study was 25,000, I believe. The past
11 studies and the hydrology studies were on the order of
12 between 10,000 and 40,000. I don't have the amounts
13 there. The recruitment and escapement study is three
14 years with a weir and was over \$200,000. I don't know by
15 how much but it is in order of magnitude larger than the
16 other ones.

17

18 CHAIRMAN THOMAS: John.

19

20 MR. LITTLEFIELD: Thank you, Mr. Chair.
21 Obviously this question is not for you, Jim, but just a
22 comment. We've been -- all of these projects seem to
23 have perfect merit to me but we've been struggling with
24 this funding issue and I don't know if it's appropriate
25 for this Council to discuss that, fully funding the
26 Forest Service so that these worthwhile projects can take
27 place but I don't know if that's appropriate, Mr.
28 Chairman. I think I would like to see some discussion on
29 this at the Council level if that's possible, so that we
30 can get projects like this as well as all the other
31 worthwhile ones funded.

32

33 CHAIRMAN THOMAS: I would imagine if they
34 come to us, it'd come to us in the proposal format.
35 Other than that it would go directly to the agencies.

36

37 MR. LITTLEFIELD: Mr. Chair.

38

39 CHAIRMAN THOMAS: John.

40

41 MR. LITTLEFIELD: Mr. Chair, that's
42 correct, yes. We have been reviewing the Fisheries
43 Information Service proposals, FIS proposals and I assume
44 that's where this is coming from. The problem that we've
45 struggled with at the meeting in Anchorage two years ago
46 and subsequently is there's not enough money to fund
47 these projects and they're worthwhile projects. We've
48 had to make cuts on, I would suspect, half the projects
49 that are submitted to us are cut because we don't have
50 enough money for them. And that was the thrust of what I

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1 would like to discuss, is how we can either make a
2 statement or take some action to support getting fully
3 funding for these projects.

4

5 MR. ADAMS: Mr. Chairman.

6

7 CHAIRMAN THOMAS: Bert.

8

9 MR. ADAMS: We did run some of these
10 projects, you know, through this body and if you
11 remember, John, a couple years ago when we were in
12 Anchorage we had this real big meeting and we kind of
13 prioritized TEK was the number 1 project and our Yakutat
14 project, you know, was included in that. And I think we
15 introduced, maybe at our last RAC meeting, it was this
16 one or the one before that, the next one that we wanted
17 to propose and that amounted to about \$78,000, Jim, if I
18 remember correctly. And we decided that this body would
19 not act on it at this time because it was just too soon,
20 you know, it was forthcoming. So it was going to be
21 brought forth at another meeting. So our intent is to
22 try to run them through here and, you know, go the proper
23 procedure after that. Thank you.

24

25 CHAIRMAN THOMAS: So you want to show
26 them to us and then go over our head afterwards?

27

28 MR. ADAMS: Yes.

29

30 CHAIRMAN THOMAS: Any further questions
31 for our -- what place was that -- what did the shirt say,
32 where the heck is where?

33

34 MR. ADAMS: Where the hell is Chitina.

35

36 CHAIRMAN THOMAS: Any further information
37 from the Chitina area? Okay.

38

39 MR. ADAMS: Mr. Chairman, I know where
40 Chitina is now but I ain't telling.

41

42 (Laughter)

43

44 CHAIRMAN THOMAS: Okay, with that we'll
45 take a break. We got some conferencing to do with the
46 people that are familiar with the Stikene so we'll give
47 them a chance to caucus and get their lies in order and
48 then we'll come back to share them here.

49

50 (Off record)

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1 (On record)

2

3 CHAIRMAN THOMAS: We took a break to
4 coordinate information regarding activities on the
5 Stikene and that having happened, I don't know if it's
6 going to be a joint report between Dolly and Dick but
7 we'll handle it however we need to handle it. With that,
8 I'll turn it over to Dolly.

9

10 MR. ADAMS: Mr. Chairman, before we begin
11 with all these reports I would just like to acknowledge
12 something. A little bit earlier when I was giving my
13 report I mentioned a name that I think maybe we need to
14 correct. I didn't mean to imply, you know, that Mr. Vale
15 was in a derogatory manner. Mr. Vale and I get along
16 very well, I respect him as well as this Council. And so
17 if it would please the Chair, I'd like to have, you know,
18 his name taken off of the minutes as a reference, you
19 know, and just say maybe something like former Council
20 member. But I just wanted to acknowledge that and
21 apologize for making it sound like, you know, he wasn't a
22 very good guy, he is.

23

24 CHAIRMAN THOMAS: I don't think we'll
25 change the record. I think we'll just acknowledge the
26 fact that there was no derogatory intent in your
27 comments.

28

29 MR. ADAMS: Thank you, Mr. Chairman.

30

31 CHAIRMAN THOMAS: Also I don't know if
32 you any of you or all of you know this, but Mary Rudolph
33 came into the meeting and look who she's representing.
34 And she's got a glowing report that will make us all feel
35 like heels and I'm going to give her that chance to do
36 that because she -- it took some doing for her to get
37 over here, it was not a usual flight. So when she
38 finishes her report we're going to have a sign-up for
39 anybody that just wants to fly across Chatham and back
40 again during a break this afternoon. So Mary.

41

42 MS. RUDOLPH: I just wanted to let you
43 know how excited the tribe was for this meeting. The
44 Hoonah Indian Association really got involved in getting
45 ready. The dancers were practicing where they were going
46 to give a regular protocol, Native welcome for the
47 meeting to be over there. And the kids were involved and
48 there was more people involved than I had expected, but
49 the whole -- I think Bill was causing a lot of
50 excitement, they wanted to make sure Bill was

00025

1 comfortable. But there was a lot of disappointment last
2 night when the phone was ringing off the hook there
3 trying to find out why.

4

5 And our Hoonah Indian Association
6 president said he'll come out tomorrow and he's got a
7 chip on his shoulder so -- but I had a flight coming in
8 all right, it was pretty bouncy but we went towards Hawk
9 Inlet and came through the pass there and came in just
10 before it started snowing.

11

12 But to have the tribe that excited about
13 a meeting really, really made me feel good and Cal, I
14 think, was talking about maybe trying to put it for fall
15 time and I said, yeah, they probably won't pay attention
16 to us then, they're going to tell us, oh, we heard that
17 before. But I just wanted to let you know there was a
18 lot of disappointed people.

19

20 Thank you.

21

22 CHAIRMAN THOMAS: Thank you, Mary. We're
23 really happy you're here. And I don't think anybody
24 could adequately describe our disappointment for not
25 being able to get there.

26

27 MR. MARTIN: Mr. Chairman.

28

29 CHAIRMAN THOMAS: I'm still making
30 excuses. So we're happy that you're here and we're happy
31 that everybody that is here is here. Harold.

32

33 MR. MARTIN: Thank you, Mr. Chairman. I
34 strongly suggest that this body, this Council write a
35 letter expressing our disappointment to the city of
36 Hoonah. In fact, I'll make that a motion, Mr. Chairman.

37

38 CHAIRMAN THOMAS: You heard the motion.

39

40 MR. ADAMS: Second.

41

42 CHAIRMAN THOMAS: It's been moved and
43 seconded. Discussion.

44

45 MS. GARZA: Question.

46

47 CHAIRMAN THOMAS: Questions' been called.
48 All those in favor say aye.

49

50 IN UNISON: Aye.

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1 CHAIRMAN THOMAS: Opposed.

2

3 (No opposing votes)

4

5 CHAIRMAN THOMAS: Motion carries. Okay,
6 thank you, we'll turn this over to Dolly and Mr. Stokes.

7

8 MS. GARZA: Thank you, Mr. Chairman. I
9 kind of self-appointed myself for one of the leads for
10 the Stikene mostly because it pisses me off so badly that
11 I'm going to see it to the end no matter what. Excuse my
12 language, Mr. Kookesh.

13

14 So we will be hearing from Dick Stokes
15 about how he was disinvited from a meeting and Cal was at
16 the Transboundary Meeting in Vancouver and then I have a
17 set of recommendations and some information from a
18 Pacific Salmon Commission member. So maybe we could
19 start with Dick.

20

21 MR. STOKES: Yes, thank you, Madame
22 Chair. I don't really know why I was not allowed to go to
23 the Vancouver meeting because I was looking forward to it
24 and wanting to give a testimony. But they said here that
25 we would establish a new fisheries on the Stikene but our
26 people at the mouth of the Stikene and on the Stikene
27 River have been using that for about 10,000 years and I
28 resent the fact that in this area here it said we would
29 be establishing a new fisheries.

30

31 I got a letter addressed to Bill that
32 said, Dear Mr. Thomas, this letter is to inform you that
33 the -- Regional -- and the Regional Advisory Council,
34 that the Wrangell-Cooperative Association, the IRA had a
35 meeting March 7th, 2002 passed unanimously a motion to
36 support all the pending proposals presented by me to
37 protect and establish fisheries in the Wrangell
38 vicinities for our continuing advancing of our
39 subsistence resource.

40

41 So Cal, perhaps you could tell me more
42 about that Vancouver meeting and why I was deleted.

43

44 MR. CASIPIT: Thank you, Mr. Stokes, Ms.
45 Garza, Chairman Thomas and Council. This whole process
46 of getting the Commission's views on our proposed Federal
47 subsistence fishery has been -- and I'm choosing my words
48 carefully so even if they sound harsh it's because I
49 believe it has been. It's been a bureaucratic nightmare.
50 It took almost a year after the Board passed it or

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1 basically tabled the proposal that was passed by this
2 Council over a year before we even got a written response
3 from anybody from the Commission regarding our proposed
4 fishery.

5
6 At one time, again, Mr. Stokes and I was
7 invited to attend the Transboundary Technical Committee
8 meeting which we did in November in Whitehorse. At that
9 time it was my understanding that Dick was going to be
10 able to go with me to Vancouver as well. About a week or
11 two weeks before that Vancouver meeting we got a letter
12 from the Transboundary Panel Chair saying that only one
13 representative of the Board would be invited and they had
14 requested that Federal Staff be present and not Council
15 members. So I think that's why I ended up going and not
16 Mr. Stokes.

17
18 Just to report to you on what happened at
19 the meeting in Vancouver, I mean I felt like a decision
20 was made before I even walked into the room. And most of
21 the questions from the panel regarded basic questions of
22 the Federal Subsistence structure and how it operates and
23 how we pass regulations and that sort of thing. There
24 were some questions regarding customary trade and what
25 kind of customary trade we may allow and that sort of
26 thing. But like I said, I felt like a decision was
27 already made by the time I showed up there.

28
29 As a result of that meeting we did get a
30 letter from the Pacific Salmon Commissioner for Alaska
31 Mr. Kevin Duffy, he wrote a letter back to Mr.
32 Demientieff, Mitch Demientieff, basically outlining -- I
33 don't know if this is the Alaska view or the Commission
34 view or what but this basically -- the written response
35 we got from the Commission regarding this issue I need to
36 report to you that this letter is with our attorney, Jim
37 Ustasiewski, he's got this letter and he will be drafting
38 some recommendations or some options for the Board to
39 consider in how they want to deal with this.

40
41 I don't know how the Board is going to
42 deal with this, I don't know what the outcome is going to
43 be. I have no idea what Jim Ustasiewski may suggest.
44 But this is simply where it is now. It's with our
45 attorney and he's going to come up with some options for
46 the Board.

47
48 CHAIRMAN THOMAS: Cal, what was the
49 sentiment about -- what was the discussion about a new
50 fishery? How did it justify that this was a new fishery?

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1 MR. CASIPIT: Thank you, Mr. Chairman.
2 Maybe Dolly can add to this, too, but it appears to me
3 that the Commission is interpreting this to mean that
4 because there were no subsistence regulations for fish on
5 the Stikene before the treaty was signed in 1985, they
6 regard any fisheries that are proposed after '85 as a new
7 fishery, even though, like Dick said, the Native peoples
8 of -- have used the Wrangell fisheries for 10,000 years.
9 Apparently that's -- that doesn't go into their decision
10 process, it's whether or not the fishery existed in
11 regulation before 1985.

12
13 CHAIRMAN THOMAS: That sounds more
14 arbitrary than it does scientific.

15
16 MR. CASIPIT: Well, you recall I was
17 talking about the morass that we were navigating through.
18 I think this was part of it.

19
20 MR. STOKES: Mr. Chair.

21
22 CHAIRMAN THOMAS: Dolly, I said.

23
24 MR. STOKES: Okay.

25
26 MS. GARZA: Go ahead Dick.

27
28 MR. STOKES: My grandfather told me that
29 there is an existing treaty where the Talltan an the
30 Tlingits in the lower part of the river exists. I
31 haven't been able to locate it. But we were able to, at
32 one time just go up the river and hunt moose and goat and
33 dry the fish as they do it up in the -- along Telegraph
34 Creek. They were allowed to come down and use the
35 saltwater area to get clams, cockles, halibut, seaweed
36 and as I say, I haven't been able to locate this treaty.
37 So we're not going on anything new. We've had history in
38 the past of utilizing the Stikene River.

39
40 Thank you.

41
42 MS. GARZA: Thank you, Dick. First, I'd
43 like to go back a bit and when this idea was first
44 brought to the Canadian Transboundary Panel and to the
45 Pacific Salmon Commission their only response was that's
46 an Alaska allocation issue and we don't want to deal with
47 it. They had nothing about new fishery. They had
48 nothing about anything. They said that's an allocation
49 of those species among Alaskans, period. Some how or
50 another it went back the next year with the issue of,

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1 well, this is a new fishery. If you look at the Pacific
2 Salmon Commission Treaty in 1985 the only area where it
3 says that Canada and the US must agree on new fisheries
4 is for chinook salmon. Nothing for coho. Nothing for
5 dogs. Nothing for sockeye.

6
7 So in my opinion, to begin with, the
8 Federal Subsistence Board could have easily acted on the
9 proposals regarding coho, sockeye or dogs.

10
11 In addition, in the Commission's treaty
12 there's a provision that they will not undermine any
13 existing Native rights primarily based on the Canadian
14 Treaty Process but that also includes us. If we had
15 historic rights to resources and we continue with them
16 then the treaty does not interfere with that.

17
18 But I did end up going to the Vancouver
19 meeting on my own dime and ended up finding out that what
20 had happened when Cal attended the meeting, what he
21 didn't tell you was that he was continually thrown out of
22 the meeting. The Canadian reps could not figure out why,
23 it was because they were being fed misinformation during
24 times when Cal was not in the meeting from what I can
25 tell.

26
27 I ended up meeting with two of the
28 Canadian Transboundary people who had the impression that
29 if there were a Wrangell-Stikene king salmon fishery that
30 basically because the State of Alaska has rural
31 preference for the whole state of Alaska that anybody
32 from the state of Alaska could fish. They had the
33 impression that there would be no restrictions and that's
34 what they were voting against.

35
36 They were also very, very concerned that
37 there was nobody from Wrangell there. They were very
38 impressed with Dick Stokes presentation in Whitehorse and
39 they were wondering why, if they were so concerned about
40 this new fishery, why Dick wasn't there. And I had no
41 idea that he had been disinvited so I wasn't sure how to
42 answer that.

43
44 In the report I did read the letter from
45 Ken Duffy from ADF&G and it's very different than the
46 report that the Pacific Salmon Commission actually put
47 out. Under Stikene subsistence February 11th to the
48 15th, the Bilateral Transboundary Panel progress report,
49 it says, the US presented a proposal for a new Federal
50 subsistence fishery on the Stikene River. There were

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1 lengthy discussions on the subject followed by Canada's
2 response on February 14th indicating opposition to a new
3 fishery on the Stikene at this point.

4

5 I spoke with them at length and brought
6 up the same concerns that Dick did. I said, you know,
7 those guys have been living there for 4,000 years,
8 there's nothing new about this fishery. They brought up
9 the conservation concern. I said it isn't a conservation
10 concern. As you brought up earlier, it's an allocation
11 concern.

12

13 There are several things that I think
14 that we, as a Regional Advisory Council should be doing.
15 One, we need to get somebody on that Transboundary Panel.
16 There are basically commercial fishermen on that panel at
17 this time who are certainly not going to be in favor of a
18 subsistence fishery in the Stikene.

19

20 I spoke with Gordon Jackson at Tlingit-
21 Haida about this whole problem. There are also in the
22 Transboundary Panel, the Taku River is covered, the Situk
23 River and the Alsek. He said that he has the ability to
24 get names forward for these types of panels and is
25 submitting the name of Carolyn Powell to be on the
26 Transboundary Panel with John Feller from Wrangell as a
27 back up. So I would recommend that we support Tlingit-
28 Haida's efforts to get somebody on that panel.

29

30 In addition, what was pointed out to me
31 is that every other panel for the Pacific Salmon
32 Commission has a Federal representative. Primarily
33 National Marine Fisheries Service because most of the
34 issues are marine. However, the Transboundary Panel does
35 not have a Federal representative and I think we should
36 recommend that Cal Casipit be the US Fish and Wildlife
37 Service Federal representative.

38

39 Cal had pointed out to me that that's a
40 non-voting position, however, just having somebody in and
41 watching what's going on, I think, would be very
42 valuable. It was pointed out to me by the Canadian
43 representative who is a guy who used to live in Haines, I
44 can't remember his name, but that there is a
45 Transboundary meeting in Juneau this April or May and
46 that we should be at that meeting. I don't know why they
47 said that Cal could be the only one at the Transboundary
48 Panel meeting. The Canadians were certainly willing to
49 have more people there. They had wished the Wrangell
50 people were there so they could try and work something

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1 out. The Talltan person is Sherry Frocklage. She would
2 like Talltan people to meet with Wrangell people because
3 they felt very bad about this whole process.

4

5 The -- let me see -- so I think that's
6 the extent of my report, is that, when I look at the
7 report from the ADF&G response which is not necessarily
8 the bilateral response from my understanding because the
9 Bilateral Transboundary Panel progress report that went
10 to the Pacific Salmon Commission is one paragraph.

11

12 And so I think we need to follow this
13 through. I think we need to, one, get back to the
14 Federal Subsistence Board and say they should have never
15 taken no action, they should have passed all three of
16 them. And then from there, gone forward to working it
17 out with the Pacific Salmon Commission and made it clear
18 that we were supporting the subsistence rights of these
19 people in this region.

20

21 Two, I think that we should support
22 somebody being on that Transboundary Panel and since T&H
23 has taken the lead on that, I think that we should
24 support their efforts because I think it's going to be
25 hard to get somebody on that panel and we shouldn't be
26 divided, we should be united on that issue.

27

28 And that we should also get somebody from
29 the Federal on that panel even if it's as an ex-officio
30 member. It is my understanding in meeting with the
31 Canadian Panel members that they do not consider this a
32 dead issue. It will not be acted on until the next
33 January or February meeting so we've got a year to work
34 on it. They did not think that their decision was final
35 and that it's over so they would welcome any further
36 discussion that we have to offer.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN THOMAS: Any questions for Dolly
41 or Dick or Cal?

42

43 MR. DOUVILLE: I have a question.

44

45 CHAIRMAN THOMAS: Mike.

46

47 MR. DOUVILLE: Thank you, Chairman.
48 Dolly, were you looking then for a motion to support
49 T&H's efforts, if that's the case -- I don't know how to
50 word it but I would be in favor of making a motion if you

00032

1 want.

2

3 MS. GARZA: I so move.

4

5 MR. DOUVILLE: I so move.

6

7 CHAIRMAN THOMAS: Okay, we got a motion
8 to address this, what's the motion?

9

10 MS. GARZA: The motion is to support T&H
11 efforts to put a Native representative on the
12 Transboundary Panel, right, and an alternate.

13

14 CHAIRMAN THOMAS: And it's been seconded.
15 Discussion.

16

17 MR. KOOKESH: Question.

18

19 CHAIRMAN THOMAS: Question's been called.

20

21 MR. DOUVILLE: Just a moment.

22

23 CHAIRMAN THOMAS: Dolly.

24

25 MR. DOUVILLE: I have some questions that
26 may not directly relate to this motion, sort of, I guess,
27 on the allocation question I guess.

28

29 CHAIRMAN THOMAS: Let's go ahead and act
30 on motion as presented and we'll be flexible enough to
31 get our points across for what it takes. Was there a
32 question called for?

33

34 MR. LITTLEFIELD: Question.

35

36 CHAIRMAN THOMAS: Question's been called.
37 All those in favor signify by saying aye.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN THOMAS: Those opposed.

42

43 (No opposing votes)

44

45 CHAIRMAN THOMAS: Motion carries.

46

47 MS. GARZA: I had three recommendations.

48

49 CHAIRMAN THOMAS: Okay.

50

00033

1 MS. GARZA: So the other motion, Mr.
2 Chair, would be that the Southeast Regional Advisory
3 Council request that there be a US Forest Service Federal
4 representative Cal Casipit, that we recommend that he be
5 the Federal appointee on the Transboundary Panel.

6
7 MR. LITTLEFIELD: Second.

8
9 CHAIRMAN THOMAS: Motion's seconded.
10 Discussion.

11
12 MR. KOOKESH: Question.

13
14 CHAIRMAN THOMAS: Question's been called.
15 All those in favor say aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN THOMAS: Those opposed.

20
21 (No opposing votes)

22
23 CHAIRMAN THOMAS: Motion carries.

24
25 MS. GARZA: Mr. Chairman.

26
27 CHAIRMAN THOMAS: Dolly.

28
29 MS. GARZA: I would recommend that the
30 Southeast Regional Advisory Council make attempts to
31 attend the April or May Transboundary Panel meeting in
32 Juneau. If necessary, at the invite of the Canadian
33 Transboundary Panel members.

34
35 MR. STOKES: Second.

36
37 CHAIRMAN THOMAS: Moved and seconded.

38 Discussion.

39
40 MR. MARTIN: Question.

41
42 CHAIRMAN THOMAS: Question's been called.
43 All those in favor signify by saying aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN THOMAS: Those opposed, same

48 sign.

49
50 (No opposing votes)

00034

1 CHAIRMAN THOMAS: Motion carries.

2

3 MS. GARZA: I forget what my third
4 recommendation was, does anybody remember?

5

6 CHAIRMAN THOMAS: That was it.

7

8 MS. GARZA: No, there were three.

9

10 MS. WILSON: Mr. Chair.

11

12 CHAIRMAN THOMAS: Marilyn.

13

14 MS. WILSON: Your other recommendation
15 was for our Council to urge the Federal Subsistence Board
16 act upon this.

17

18 MS. GARZA: So Mr. Chairman, I know that
19 we will take up the Federal Subsistence Board actions to
20 our fishery proposals later and I don't know if we should
21 discuss them all at once and then make recommendations
22 back to the Federal Subsistence Board or if we should do
23 this now for the Stikene.

24

25 CHAIRMAN THOMAS: What I had in mind was
26 to create an ad hoc committee of people that have
27 attended those meetings or been involved in that process
28 to date with the addition of Mike Douville. And is there
29 anybody else that would like to serve on that? I'd like
30 to ask Dolly to Chair it. And we could meet here to get
31 some strategy put together and do follow up if we need to
32 at a later time.

33

34 MS. GARZA: Mr. Chairman, so that's an ad
35 hoc committee on responding to the Stikene?

36

37 CHAIRMAN THOMAS: Everything that's got
38 to do with the Stikene.

39

40 MS. GARZA: Okay.

41

42 MS. WILSON: Mr. Chair.

43

44 CHAIRMAN THOMAS: Marilyn.

45

46 MS. WILSON: Would Dick Stokes be on that
47 also?

48

49 CHAIRMAN THOMAS: Yes. Yes.

50

00035

1 MS. WILSON: Could you name all the names
2 that will be on it?

3
4 CHAIRMAN THOMAS: Dick Stokes, Dolly
5 Garza, Mike Douville, Cal Casipit. I might add, you
6 know, I was involved early on when they formed that
7 US/Canada treaty process. And I had the liberty of
8 reviewing the first draft and it was initialed by the
9 State Department represented by Ted Stevens and his
10 counterpart in Canada. Well, the Department showed us --
11 there was no Regional Advisory Councils in them days,
12 this was Grand Camp, fisheries, they showed us that draft
13 treaty and it called for a huge reduction in chinook
14 salmon harvests in Southeast Alaska and an increased
15 harvest in Canada, especially the west side of Vancouver
16 Island. So it was biased and arbitrary at best and we
17 rejected the acceptance of that draft and everybody else
18 them days, at the State Fisheries meeting followed suit.
19 So nobody in Alaska liked the first draft and it really
20 hasn't had changed that much. And the only reason that
21 it was put together was to address the chinook salmon,
22 like Dolly says. And so the Federal Subsistence Board is
23 very remiss on their actions with regards to the Stikene.
24 They're not following the right information. And there
25 hasn't been enough research to educate them in this. And
26 I'm not saying that that's bad or that's wrong, it's just
27 another gap we need to fill.

28
29 But we'll let the committee work on the
30 amendments of that. Dolly.

31
32 MS. GARZA: Okay, so I have an issue of
33 clarification, Mr. Chairman. From the letter from the
34 Federal Subsistence Board regarding our fishery proposals
35 from last year, their response on Page 14, Proposal FP01-
36 27, as Mr. Littlefield indicated earlier, that the Board
37 did not take action, does that mean that that proposal is
38 dead?

39
40 MR. CASIPIT: I believe that it's just
41 deferred. That every year this will keep coming up
42 before the Board and they'll have to act. And that may
43 be just deferring another year, it may be accepting if,
44 you know, they felt they could.

45
46 CHAIRMAN THOMAS: If they took no action
47 it was because they didn't have any potholders.

48
49 MS. GARZA: So Mr. Chairman, I would
50 request that we ask that this proposal FP01-27 go back to

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1 the Federal Subsistence Board at their next meeting, out
2 of cycle, so it would be the immediate next meeting that
3 they have, if they're covering game, that the fish would
4 still go there and that the proper report that we could
5 draft would be submitted with it to clarify the issues as
6 there are almost no issues, if the Federal Subsistence
7 Board would understand the proposal process clearly, that
8 they should be able to simply vote in favor of all three
9 of the fisheries as reestablishing these subsistence
10 fisheries.

11

12 MR. LITTLEFIELD: Second.

13

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

16

17 MR. LITTLEFIELD: Mr. Chair.

18

19 CHAIRMAN THOMAS: John.

20

21 MR. LITTLEFIELD: Thank you, Mr. Chair.
22 And when this goes before the Federal Subsistence Board I
23 would like to make sure that as in the past, the State
24 and the Federal Subsistence Board have looked upon these
25 as new fisheries and I want to reiterate what Mr. Stokes
26 says, we've been doing this since time and memorial,
27 these are not new fisheries but you're regulating
28 fisheries that we've practiced forever, but there's
29 nothing new about them and I think that point needs to be
30 stressed.

31

32 CHAIRMAN THOMAS: Well, if the Stikene
33 River wasn't there, Wrangell wouldn't be there.
34 Discussion. Mike.

35

36 MR. DOUVILLE: We've got a motion?

37

38 CHAIRMAN THOMAS: Yeah. Further
39 discussion on the motion. Marilyn.

40

41 MS. WILSON: I just want clarification on
42 what proposals that this motion is made on?

43

44 MR. LITTLEFIELD: 27, FP01-27.

45

46 MS. WILSON: FP01-27.

47

48 CHAIRMAN THOMAS: Mike.

49

50 MR. DOUVILLE: I do have a question,

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1 thank you. There is -- the US has allocated a certain
2 amount of these fish already in the Stikene so it's
3 regulated by the State, right, so what is the problem
4 then? We're not doing a new fishery. These -- we have
5 an allocation. Why can't we use that allocation? Why is
6 it a problem? I mean it's -- okay, that's my question.

7

8 CHAIRMAN THOMAS: Dolly.

9

10 MS. GARZA: Mr. Chairman, that was
11 exactly the Transboundary Panel -- the Canadian side of
12 the Transboundary Panel and the Pacific Salmon
13 Commission's first response, was it shouldn't even be
14 brought before us, it's merely an allocation of the
15 resources within the state of Alaska's portion of salmon.
16 We don't care. And then somehow or another it came back
17 to them that this would, in fact, be a new fishery and
18 that's where it falls under the Pacific Salmon
19 Commission's treaty requirement that if there is a new
20 fishery for chinook only that it must be agreed upon by
21 both parties. And, you know, I tried to be a very
22 respectable person but in my opinion it was someone's
23 attempt to simply continue to keep this whole process in
24 the red tape and to keep a subsistence fishery out of the
25 Stikene River. It's just a mechanism to an end that
26 somebody appears to want.

27

28 The one thing that I would like to point
29 out is even though that treaty was passed and it says
30 that there's no new fisheries, the Canadians have pointed
31 out, not the Alaskans, but the Canadians pointed out to
32 me that the ADF&G Department did, in fact, create a new
33 fishery in the Stikene for a personal fishery after this
34 treaty was passed but will not create -- will not re-
35 recognize a subsistence fishery.

36

37 CHAIRMAN THOMAS: Who wouldn't recognize
38 it?

39

40 In my opinion if ADF&G could have created
41 a personal use king salmon fishery on the Stikene without
42 going through this treaty process it certainly could have
43 been done for subsistence.

44

45 CHAIRMAN THOMAS: Cal.

46

47 MR. CASIPIT: Yeah, the Fish and Game did
48 create a personal use fishery for sockeye on the Stikene
49 in regulation, however, that opportunity wasn't printed
50 on their permits until last year. And I think it was

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1 first allowed in regulation under State personal use
2 regulations, I believe, in the mid to late-90s.

3

4 CHAIRMAN THOMAS: John.

5

6 MR. LITTLEFIELD: Thank you, Mr. Chair.
7 This is a question for Cal, on the second page of the
8 letter to Mitch it says, in fact, as a result of
9 discussions, ADF&G has suspended the current personal use
10 fisheries. I was wondering if you could give me an
11 overview of the existing fisheries that are allowed right
12 now; personal, subsistence, commercial, whatever they
13 are?

14

15 MR. CASIPIT: Well, for chinook salmon on
16 the Stikene there are no fisheries that are allowed under
17 State regulations. Under State regulation there is a
18 sportfishery that is allowed for coho salmon, it's
19 basically four fish a day, eight in possession rod and
20 reel method. And like I said, since the mid-90s, I'm not
21 sure of the exact date but they have allowed a personal
22 use fishery for sockeye in the Stikene River. Like I
23 said, though, that opportunity wasn't even -- wasn't very
24 well published, you know, wasn't published on the permit
25 until last year.

26

27 And then there was some discussions in
28 the Panel meeting in Vancouver where the Canadians were
29 concerned about a return of Talltan Lake sockeye and as a
30 result Bill Bergman, the Fish and Game manager of
31 Petersburg said, well, if you guys have a concern about
32 Talltan Lake sockeye we'll just cut off the personal use
33 fishery this year.

34

35 CHAIRMAN THOMAS: Who said this?

36

37 MR. CASIPIT: Bill Bergman.

38

39 CHAIRMAN THOMAS: He's with?

40

41 MR. CASIPIT: He's with Fish and Game at
42 Petersburg.

43

44 CHAIRMAN THOMAS: Okay.

45

46 MR. CASIPIT: And would be the manager
47 for the Stikene fishery. But the concern was over the
48 Talltan Lake escapements. The Canadians were looking for
49 something from Bill or Andy McGregor, basically, you
50 know, they wanted to know what the Alaskans were going to

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1 do about the low returns of the Talltan Lake sockeye.

2

3 CHAIRMAN THOMAS: Okay, what we'll do is
4 probably defer the -- take the comments to the committee
5 and once they strategize and before we adjourn this
6 meeting we'll see if you guys are prepared to give us a
7 status of where you're at. So if there's no objections
8 from the Council that's what we'll do.

9

10 MR. LITTLEFIELD: Table this motion.

11

12 CHAIRMAN THOMAS: No.

13

14 MS. GARZA: Call for the question on the
15 motion.

16

17 CHAIRMAN THOMAS: Question's been called.

18 All those in favor say aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN THOMAS: All those opposed.

23

24 (No opposing votes)

25

26 CHAIRMAN THOMAS: Motion carries. Okay,
27 so before we go into memory reports and comments -- what
28 are you doing?

29

30 MR. LITTLEFIELD: Microphone.

31

32 CHAIRMAN THOMAS: It's not my mike that's
33 the problem, it's the reception. I listen real good but
34 I can't hear anything.

35

36 Before we get into members reports and
37 comments, I have two indigenous types people that entered
38 the room while we were in business and I would like them
39 to rise and introduce themselves starting with the
40 Mexican.

41

42 MR. McKINLEY: Amigos. Yeah, my name is
43 Alfred McKinley. I'm here observing everything within
44 sight or hearing. I'm here representing the Grand Camp
45 ANB and also I'm a delegate to the Central Council
46 Tlingit-Haida and we'll see what goes on here. So I
47 might have a few comments depending on what I perceive.

48

49 Thank you.

50

00040

1 CHAIRMAN THOMAS: Kagwaagtaan.

2

3 MR. WHITE: My name's Frank White,
4 originally from Hoonah. Born and raised there. I was
5 raised on subsistence, what you people call subsistence
6 now. But I live here now since I retired and I belong to
7 Camp 2 ANB. And this is my big interest subsistence.
8 There's a lot of our people in the rural area who depend
9 upon this because there's no jobs in the small towns and
10 that's their whole lifestyle. Whenever this kind of
11 meeting is going on about subsistence I usually try to
12 get there. If it's up in Anchorage, I listen in on AFN
13 conventions and convey back to the Camp 2 ANB.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN THOMAS: Thank you. We had more
18 people come in, could you identify yourselves if you
19 haven't already.

20

21 MR. MARBLE: Thank you, Mr. Chairman,
22 Board. I'm Jay Marble, I'm with KTOO radio.

23

24 CHAIRMAN THOMAS: Okay, thank you.
25 Dolly.

26

27 MS. GARZA: Mr. Chairman, it did just
28 come to me, now, that I'm off the Stikene, from Council
29 reports Mr. Littlefield, yourself and I did attend the
30 Ketchikan/Saxman meetings on rural determination and I'm
31 not sure where we should be reporting on that or if we
32 should do it now as Council report.

33

34 MR. STOKES: Mr. Chairman.

35

36 CHAIRMAN THOMAS: Don.

37

38 MR. RIVARD: Mr. Chair, Dolly, this is
39 Don Rivard. I'll be giving an update on that, just a
40 briefing to the Council a little bit later on in your
41 agenda and then maybe you could provide your comments
42 then, just a suggestion.

43

44 MS. GARZA: Where?

45

46 MR. RIVARD: Under Office of Subsistence
47 Management briefings, update on the rural determination
48 contract. Because that's one of the aspects of what
49 you're talking about, the focus groups that you were a
50 part of?

00041

1 MR. LITTLEFIELD: That's correct.

2

3 MR. RIVARD: Okay.

4

5 CHAIRMAN THOMAS: Who assumed that I
6 would be able to would be able to read Roman Numerals?
7 Schroeder, was that your doing? It's all Greek to me.
8 We have a distinguished guest that just walked through
9 the door. And he looks like somebody of great importance
10 and high esteem, well respected, knowledgeable, wise.
11 Introduce yourself, we're all curious now what your name
12 is.

13 MR. KANEN: Thank you, Bill. My name is
14 Dale Kanen. I'm the District Ranger from Craig. And
15 Bill talks to all dog salmon that way.

16

17 (Laughter)

18

19 MR. STOKES: Mr. Chairman.

20

21 CHAIRMAN THOMAS: Dick.

22

23 MR. STOKES: Before we get off the
24 Stikene issue, I would like to point out that I had met
25 with the Talltan people almost two years ago now in fall
26 and they expressed a desire to reestablish the old
27 tradition where we were able to go back and forth between
28 the Canada and the US. I might point out that I talked
29 with the Royal Mounted Police and the Canadian fisheries
30 agent for Fish and Game and I told them that I wanted to
31 express my rights as a First Nation Individual and so I
32 was able to spend a month up there and went moose
33 hunting, although he said it was fine, I didn't have to
34 get a tag or anything but I wasn't allowed to pull the
35 trigger but I did end up with a moose.

36

37 CHAIRMAN THOMAS: Well, where's it at?
38 Dolly.

39

40 MS. GARZA: Mr. Chairman, one final
41 comment on the Stikene. Something that I had worked on a
42 number of years ago with some people in Prince George
43 area and they were looking for this treaty and what I
44 found out was that that treaty is in the Alaska State
45 Museum under the care of Steve Hendrickson and it is
46 technically owned by the Haines people and they would
47 have to get permission from the Haines people before they
48 can even look at it. And so I think that we might be
49 able to track that treaty down.

50

00042

1 CHAIRMAN THOMAS: Okay. We're officially
2 away from the Stikene comments. The rest is left up to
3 the committee. We've got a committee of high esteem.

4
5 John.

6
7 MR. LITTLEFIELD: Thank you, Mr. Chair.
8 Under member reports, I did attend a Board of Fish
9 herring meeting in Anchorage and although the Southeast
10 Alaska Regional Advisory Council did not take a position
11 on that they did take action on a proposal in Yakutat,
12 25, that could support and did support -- 25 draft
13 comments did support the Sitka's people right to take
14 herring eggs. And I spent four days up there and that
15 was successful to the Sitka Tribe's satisfaction and
16 there is an establishment of an in-season monitoring and
17 maybe Mike Turek might add more to that as well as pre-
18 season involvement of the Sitka Tribe.

19
20 And I also attended a game meeting on
21 behalf of the SERAC for the deer shooting from a boat and
22 you'll notice that that's been withdrawn, Proposal 12. I
23 just wanted to let you know that we did testify there and
24 the results were 6-1, I believe that the Board of Game
25 did not endorse shooting from a boat so those were two
26 meetings I attended on behalf of SERAC.

27
28 CHAIRMAN THOMAS: Thank you John. Is
29 that it for Council reports? Okay, hearing none, public
30 comments. I'm hoping we have forms at the table back
31 there. Do we have anybody manning that table?

32
33 Normally we like let the public comment
34 on any of the agenda items, so we like you to fill out
35 those blue forms back there -- anyway, from what I can
36 see here most people are agency people anyway, I don't
37 see anybody that would typically be under public comment.
38 So nobody here is public.

39
40 Okay, briefings. This section is for
41 information needed by the Council for discussing proposed
42 changes to hunting regulations. Dolly.

43
44 MS. GARZA: Mr. Chairman, just for the --
45 for Al or Frank, if you have public comments later, as
46 long as you give us those sheets you can speak any time.
47 So if you're not ready to testify to us now, we will take
48 it later, that's our general policy.

49
50 MR. McKINLEY: Mr. Chairman, if you're

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1 going to speak on the herring eggs issue or something
2 like that, my culture and all these things that's related
3 to that area so.....

4

5 CHAIRMAN THOMAS: Okay, now, listen
6 carefully. If we're talking about shooting deer, I don't
7 want you to come up and talk about fish eggs. So when
8 you're ready to testify just take a seat up here and push
9 the button until the light comes on and we'll be
10 copasetic. If you need your attorney with you bring him
11 with you.

12

13 Yeah, okay. My vice-Chair is getting up
14 to fill her coffee cup so I think we'll take two minutes
15 to give everybody else a chance to fill their coffee cup.

16

17 (Off record)

18

19 (On record)

20

21 CHAIRMAN THOMAS: Call the meeting back
22 to order. Normally we have members of the community to
23 welcome us when we go visit them and since we didn't have
24 a chance to get Mayor Egan and Governor Knowles here and
25 Commissioner Rue and all those guys to do that we have to
26 substitute with whatever we could find.

27

28 MS. GARZA: Hey, we took a step up.

29

30 CHAIRMAN THOMAS: Yeah. Alfredo is on
31 the executive committee of the Alaska Native Brotherhood.
32 And to get that position you had to have served as the
33 Grand President of that organization. So Alfredo is
34 going to pinch hit and give us a welcome. Thank you.
35 Al.

36

37 MR. McKINLEY: Thank you very much Mr.
38 Chairman, Madame Chair, the executive members of the
39 decision-making body.

40

41 (Laughter)

42

43 I'm here to welcome you to Juneau,
44 Alaska. I want to let you know that in the old days,
45 this Juneau town was actually Whiskeeton country and I'm
46 whiskeeton and this is where our people actually come
47 from, Juneau, Alaska. Until the gold was found and then
48 they pushed us out of here. But we welcome you to
49 Juneau, Juneau, Alaska. We call this Sundakaheeni (ph),
50 Gold Creek. And that's what our people used to call this

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1 long ago.

2

3 And we had different tribes like -- I
4 forgot the other tribes that were here and there was a
5 composite of different tribes and according to history,
6 our people had -- 40,000 of our people here that were all
7 killed off by small-pox, I guess, something like that.

8

9 But anyway, welcome to Juneau.

10

11 And right now I want to give you a
12 history about the little snow that we're getting. That
13 in our culture we have everything -- right now we have to
14 -- ptarmigan that's actually flaps its wings and that's
15 why we get a little snow, and that's the history and it's
16 going to be towards spring pretty soon. That's a little
17 history that we have about the ptarmigans that are doing
18 their thing.

19

20 But welcome to Juneau, Alaska. Enjoy
21 your stay but don't eat too much in the restaurant
22 otherwise it's no good for you.

23

24 Thank you very much.

25

26 (Applause)

27

28 MS. GARZA: Al.

29

30 CHAIRMAN THOMAS: Alfredo. You got cross
31 examination.

32

33 MS. GARZA: Thank you, Mr. McKinley for
34 your kind welcome to your traditional area, it's much
35 appreciated.

36

37 I had two comments for you. One to you
38 as a Juneau resident. I'm not sure if you're aware but
39 the Federal Subsistence Board is going through the
40 process of looking at rural determination, which
41 communities are rural for the purposes of subsistence,
42 that will be reported on later. I would, however, like
43 to recommend that Juneau through ANB, T&H, through
44 SeaAlaska, through whoever, that both Juneau and Douglas
45 make efforts to establish rural determination for both
46 Juneau and for Douglas. Douglas had made an attempt
47 several years ago and they probably could have gotten
48 fairly close to it but it wasn't followed through to the
49 end.

50

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1 Juneau has made presentations to this
2 Regional Advisory Council, however, I think this would be
3 the time when a big effort could be made to include
4 Juneau as well as Ketchikan as rural for the purposes of
5 determination. Later it will be reported on the
6 Ketchikan meeting, but it looks like there's a lot of
7 interests in establishing Ketchikan as a rural community.
8 And if Ketchikan should qualify, one would think that
9 Juneau would also qualify.

10
11 So it may be something that could start
12 with your local ANB or could start with T&H and could
13 work up to the Grand Camp or whatever process but I think
14 this is an excellent opportunity for you guys to work on
15 it again.

16
17 The other point I wanted to make and this
18 is for you, as ANB executive, is that, we are supporting
19 Tlingit-Haida's efforts to get a Native person on the
20 Transboundary Panel, and I'll talk to you at break, but
21 if we could get ANB executives support to get a Native
22 person on this panel, it's the Transboundary Panel for
23 fisheries for the Pacific Salmon Commission which would
24 include the Stikene, the Alsek, Situk, Taku. We don't
25 have a Native person on that panel and if we could get
26 ANB's executive or Grand Camp support for that, it would
27 go a long way in getting Native representation on that
28 panel.

29
30 Thank you.

31
32 MR. MCKINLEY: Right. And I thank you
33 very much and we try and -- and we know when you try hard
34 -- because we're trying to get a person to include in
35 subsistence not only for the rural communities but for
36 us, too, because we have over 4,000 of Tlingit-Haidas
37 here in Juneau. And actually their culture will be dying
38 without the resources. But we do have training for our
39 Native kids in school of how to prepare all our Native
40 foods, which you call subsistence and it's one of those
41 things that we have. And we have Mr. Robert Willard,
42 actually who wrote an essay on that for us and it's
43 really good. And we still have that document. And I'll
44 try and get that document for you and it's very good.

45
46 And I thank you very much. And you guys
47 do a good job for the people in the state of Alaska and I
48 thank you very much.

49
50 CHAIRMAN THOMAS: Thank you Alfredo. I

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1 might point out that much of our discussion here had to
2 do with tribal interests. But Title VIII is not a tribal
3 issue, it's a location issue and so this applies to
4 everybody in a rural setting, whether they're Native or
5 non-Native. I just wanted to point that out. Lots of
6 times because of our other Native forums, such as the
7 General Assembly and the Grand Camp Convention, AFN, we
8 get pretty immersed in these topics, where the topics
9 are, in fact, focused on tribal issues and concerns.

10

11 But when we get to this form, we're
12 dealing with a Federal document and Title VIII and that
13 doesn't limit to just tribal members. So I just want the
14 people here to be reminded of that and to be aware of
15 that.

16

17 Okay, does that take us out of public
18 comments now and into briefings? If I happen to overlook
19 anything on public comments, please don't hesitate to
20 remind me but be gentle when you do so. And right now
21 we're under briefing. What do we have on VIII A, who's
22 got that charge?

23

24 MR. JOHNSON: Mr. Chairman.

25

26 CHAIRMAN THOMAS: Dave.

27

28 MR. JOHNSON: Approximately four years
29 ago, Mr. Chairman, the Federal Subsistence Board approved
30 a Federally designated hunter program that provided for a
31 permitting system that allowed for rural residents to
32 hunt for other rural residents but you had to have a
33 Federal designated hunter form. We will discuss this in
34 more detail later, Mr. Chairman, but a number of the
35 proposals this year with wildlife allege a number of
36 abuses and illegal activities associated with the
37 Federally designated hunter permit system.

38

39 We also have received other criticisms,
40 both internally and externally that there are some
41 problems with how we issue the permits and also with how
42 the permits are returned and with how the permits are
43 analyzed, the data interpreted and then follow up from
44 those residents, rural residents that have gotten a
45 permit that have not sent in their report form.

46

47 In further investigation internally, the
48 Office of Subsistence Management has been historically
49 receiving the results of these reports as well as OSM has
50 also been the ones issuing the permits. The problem we

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1 found is that from the administration of the permit, from
2 the time it is issued until the time it gets to the field
3 units until the time the hunters come in and get their
4 permit and then getting the information back creates a
5 lot of problems.

6
7 I do have before me copies of the raw
8 data from the four years that we've had that. Some of
9 the criticisms have been lack of reporting. Some of the
10 criticisms have been who are getting the permits and
11 whether or not people are doing what the Federal
12 designated hunter permit was supposed to do.

13
14 In brief, we are now looking to try to
15 fix the system. Many of those criticisms are valid, Mr.
16 Chairman and Council. We're hoping that we can move the
17 permit issuing system to the Tongass National Forest
18 where we can establish the data base and begin to track
19 on some of the problems that have been reported.

20
21 Additional problems have been a lack of
22 understanding by the Forest Service personnel who are
23 issuing permits who, in many cases are folks at the front
24 desk, as to what to do with permits after the season is
25 over with. So some of the criticism is we have X number
26 of permits that came out of OSM but we don't know what
27 happened to the permits you didn't issue so there are
28 several things that I consider to be broken right now
29 with our system, but I don't think they're broken so
30 badly that they're not fixable.

31
32 And I think law enforcement may have some
33 additional further comments on this now or later but that
34 basically concludes my briefing on the Federally
35 designated permit report.

36
37 CHAIRMAN THOMAS: Thank you, that was a
38 good report. I have some questions. With the problems
39 that you got, did any of them reflect a conservation
40 concern?

41
42 MR. JOHNSON: To my understanding, no,
43 Mr. Chairman. Also some of the criticisms are a result
44 of some of the confusion created between the Federally
45 designated hunter permit system and the Alaska Department
46 of Fish and Game, Wildlife Conservation Division proxy
47 permit system.

48
49 CHAIRMAN THOMAS: Okay, do you have
50 copies of those criticisms?

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1 MR. JOHNSON: No, I do not Mr. Chairman.

2

3

4 CHAIRMAN THOMAS: See, I don't deal with
5 hearsay. If it isn't written it isn't said. And I want
6 to know if those concerns are documented and are they
7 definitive. So those are the two things I look for
8 because here's something that's tough to handle. I need
9 to see a hard copy with somebody having ownership to it.
10

11 MR. JOHNSON: Mr. Chairman, the
12 criticisms are valid. I can write a report for the
13 Council. We do know that there are some problems with
14 the administration of the system. I know that first
15 hand. Now, granted that -- if that's hearsay, I think,
16 since it's on the transcript here it probably wouldn't be
17 hearsay here, it's a matter of the record. We know there
18 are some problems in how we are administering our
19 program.
20

21 CHAIRMAN THOMAS: Would you like the
22 Council to design a management plan for you?

23

24 MR. JOHNSON: No thank you, Mr. Chairman.
25 But we do believe that by the next meeting we should have
26 a briefing before the Council that identifies
27 specifically what problems we do know to be existing in
28 the program and two, how we're going to fix it.
29

30 CHAIRMAN THOMAS: So right now we got
31 some hindsight on our side?

32

33 MR. JOHNSON: That's correct, Mr.
34 Chairman.

35

36 CHAIRMAN THOMAS: Thank you. Any
37 questions? John.

38

39 MR. LITTLEFIELD: Thank you, Mr. Chair.
40 Dave, I think we're going to get into this next when we
41 go on to Proposals 4, 5 and 6, but I believe it would be
42 detrimental to subsistence users to eliminate this proxy
43 program; is that correct?
44

45 MR. JOHNSON: Most assuredly Mr.
46 Littlefield, Council, Chair. I have not seen anything in
47 the program in spite of the criticisms that would warrant
48 getting rid of the permit. And secondly, that's based on
49 the fact of how the permit came to be to start with. And
50 so although there's some problems that we need to get

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1 ironed out, I do support the designated hunter permit and
2 I believe if it's administered better and if people
3 understand better what the information's for, we'll have
4 better compliance.

5
6 I also know that the Rangers are taking a
7 more active role in ensuring the responses come in as
8 well as law enforcement and we're doing it very gently.
9 We're not doing it in a manner that plays the I got you
10 game. It's a manner of, again, we're just getting into
11 this and people don't quite understand it so there's a
12 lot of misunderstanding between the two systems. Between
13 the State proxy system and the Federal designated hunter
14 system. And so there's an educational process going on
15 there.

16
17 CHAIRMAN THOMAS: Marty.

18
19 MR. MEYERS: Mr. Chair, Council, just to
20 follow up on what Dave said. There are a couple of major
21 issues and one is how the program is administered. We
22 can fix the administration of the program. The other
23 side of this, not dealing with just hunter permits but
24 permits in general is getting the participation from the
25 user to submit those as part of the permits -- to submit
26 those back to the Federal government for the data
27 processing. And that's the part that Dave was talking
28 about as far as we're working with the users in order to
29 get that data in in a practical manner and trying to
30 avoid having to write citations for people who have not
31 reported it.

32
33 If it comes to the point where people
34 just don't want to then I guess we have to look at
35 several different options, whether or not we actually
36 cite people or whether or not they're entitled to
37 continue to subsist under those permits if they're not
38 going to comply with them.

39
40 But that's an issue that's down the road.
41 I don't think it can be a problem but I think for the
42 most part, if -- once we, you know, part of this is
43 establishing the communication between the different
44 Federal agencies to get the information to one point, to
45 be manageable. Secondly is to get the participation from
46 the user to be involved in that program to help come up
47 with the data to manage it properly.

48
49 Thank you.

50

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1 CHAIRMAN THOMAS: You guys are armed,
2 though, aren't you?

3

4 MR. MEYERS: Yes, sir.

5

6 CHAIRMAN THOMAS: That should take care
7 of some of the problem.

8

9 One thing I might suggest that as I
10 notice as a personal use fisherman in Ketchikan. I think
11 the reports have to back into the office the first of
12 November; is that right Kim?

13

14 MR. TITUS: (Nods affirmatively)

15

16 CHAIRMAN THOMAS: And they send out,
17 what's that color, that bright -- it's a reminder for you
18 to report your personal use catch. And that thing -- it
19 would make a beautiful lure, but it's a bright one. When
20 you see that in the mail you know what it is because it
21 don't take long to program the users of what this bright
22 color piece of mail is and it's very friendly. And you
23 can call it in or you can send in a written report and
24 they give you an okay and you're good to go again.

25

26 MR. MEYERS: If I may, just to respond to
27 that, is that, that's the same kind of approach we're
28 using, I think, but as far as the colored paper maybe
29 that's a good idea. But we're just letting them know
30 that they need to do that in a friendly manner so that we
31 can at least get something started. Because probably
32 most of the time people forget and it is a reminder. But
33 we're also, you know, going to pursue the ones that don't
34 forget and just don't want to.

35

36 CHAIRMAN THOMAS: If you're under 60 you
37 don't forget.

38

39 (Laughter)

40

41 CHAIRMAN THOMAS: Dolly.

42

43 MS. GARZA: Mr. Chairman, thank you. So
44 I have a question for you, Dave. You had said that you
45 will be writing a report that we could review in terms of
46 the concerns voiced by people regarding misuse of this
47 program. One of the things I would like to know is if
48 it's from general public or from agency people, if you
49 could summarize the two?

50

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1 Also if you're going to be making
2 recommendations for changes to this program, I think Bill
3 had said facetiously, do you want us to write it for you
4 and you had said, no, but it may be beneficial to involve
5 someone from this Council with that process. Otherwise
6 you may devise something that we're not happy with and it
7 may, in the end, look like something -- like some
8 proposals that we may look at later that we're not happy
9 with. And so we make to sure we're involved.

10

11 CHAIRMAN THOMAS: Dave.

12

13 MR. JOHNSON: Mr. Chairman, Council,
14 Dolly. Definitely I would appreciate having any
15 participation you would like to have be a part of the
16 review. My comments were in the context that from an
17 administration standpoint, any support that you can
18 provide, if you feel or you support the issues associated
19 with the Office of Subsistence Management, which is in
20 Anchorage, just the time lag of how permits get issued
21 and people think that it's an OSM permit, which it is but
22 the people that need the information are the people that
23 are on the Tongass.

24

25 And the second thing that would be very
26 helpful from the Council members and I am available, as
27 the Forest coordinator, if you'd like to have some
28 education and briefing in your communities, I can tell
29 you this, the other day Mike Douville and I went together
30 with the tribes -- to meet with the tribes and it creates
31 a whole different perception of how things are being run
32 and what the purposes are for some of the things that
33 we're doing on the Federal side. I think if people
34 understood that and were educated why it was so important
35 to return these reports I think we would have a much
36 better compliance. So I think it's just a matter of not
37 totally understanding.

38

39 And lastly, I would say, Mr. Chairman, if
40 we can't fix it then why are we bothering to go through
41 the motions of having it? Because right now we're just
42 having people send information to a place, it gets filed
43 and then we just haven't been analyzing all that to make
44 some recommendations or to provide briefings to the
45 Council and to others that may need to make decisions
46 about population or regulatory proposals.

47

48 CHAIRMAN THOMAS: That was one of the
49 reasons I suggested a plan. And what I'd like to do now
50 is that sometimes during the course of these meetings

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1 that you and Dolly get together and strategize and -- no,
2 you and Dolly, Dolly can do her own designating from
3 there. So we're going to start there. She's always
4 trying to show independence around here and I'm tired of
5 it.

6

7 MR. DOUVILLE: Mr. Chairman.

8

9 CHAIRMAN THOMAS: Michael.

10

11 MR. DOUVILLE: I know what Dave's talking
12 about. When I mailed my permit back it went to Anchorage
13 and I was surprised that it would go there and not to
14 like the Craig office. They need, more than anybody,
15 need to know what's going on first. I couldn't imagine
16 what they would do with it in Anchorage.

17

18 CHAIRMAN THOMAS: Yeah, that's why a plan
19 is really necessary. Good points. Dave.

20

21 MR. JOHNSON: Mr. Chairman, I would just
22 add to that, we also have antlerless permits, we have
23 Federal subsistence fishing permits, we have Federal
24 subsistence steelhead, hooligan on the Unuk River
25 permits; it would seem logical to me that that entire
26 permitting system and process, whatever we're going to do
27 on the Fed side on the Tongass National Forest should be
28 handled at that level. And so it's broader than just
29 Federally designated hunter permits. It's a whole array
30 of permitting issues that has more to do with bureaucracy
31 and administration than it does to do with the user or
32 the resource.

33

34 CHAIRMAN THOMAS: Yeah, well, see it's
35 kind of a two-edged sword. In a good sense, the Forest
36 Service is the lead agency in this region. One of the
37 things we see as a hazard, if we left the recommendation
38 up to the agency to get it to OSM without the
39 participation of the RAC, see, we learn right away not to
40 trust you guys. So we have to be careful there.

41

42 John.

43

44 MR. LITTLEFIELD: Thank you, Mr.
45 Chairman. Earlier, the Council discussed the need for
46 permits on fish and that we changed them so that you
47 wouldn't be thrown in jail automatically. We changed the
48 language to may and may be separate, but I got a problem
49 with this deer reporting. Because I agree with you
50 completely, I see only one thing that affects the deer

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1 population and that's severe winters. Hunting pressure
2 doesn't do it. And my understanding, talking to
3 biologists is that they take these numbers and just like
4 you said, they throw them in a pile somewhere and they're
5 not used for anything, other than saying how many deer
6 were taken. But there is no conservation concern on
7 deer. It has to be -- it's totally related to weather.

8

9 And for the second year in a row, I
10 submitted a proposal to eliminate the requirement for
11 hunting licenses on Federal land permits and it was
12 thrown out by the Federal Subsistence Board. But I still
13 think that's deserving of discussion. If we don't need
14 those permits, why do we have them?

15

16 CHAIRMAN THOMAS: Dave.

17

18 MR. JOHNSON: John, Mr. Chairman,
19 Council. We're talking about two different issues, John,
20 and I don't disagree nor do I agree. My main issue had
21 to do with Federally designated permits and that data.
22 The actual licensing that the State does, the hunter
23 harvest data that the State does, that data is looked at.
24 That data is analyzed. That data is the basis for some
25 of the analysis that you'll have before you later. So
26 I'm not talking about the State now, I'm talking about
27 the Federal -- whatever we're going to do on the Federal
28 side for subsistence on the Tongass, it would seem that
29 should be the place that we start looking at ways to fix
30 the things that are broken.

31

32 The issues you raise about other
33 licensing, permitting, those may be very valid as well,
34 but I wanted to keep my discussion in the context of the
35 Federal permitting system and specifically the Federally
36 designated hunter permit process.

37

38 CHAIRMAN THOMAS: Thank you, Dave. So
39 don't argue with Dave no more.

40

41 MR. LITTLEFIELD: You want me to let him
42 have the last word?

43

44 CHAIRMAN THOMAS: Yeah. No, Mary's going
45 to have the last word.

46

47 MS. RUDOLPH: Dave, so when you come out
48 to give kind of like a workshop, do you focus only on the
49 Federal issues for hunting? I know that's a problem
50 we're having and, you know, we had a meeting on

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1 subsistence getting ready for this meeting and half of
2 the people were for the State and the other half was for
3 the Federal and I'm very confused by the two issues. So
4 my ears perked up when you mentioned somebody coming out
5 and -- because that's really what I think a lot of times
6 would need to get a better understanding and less
7 criminals being caught.

8

9 CHAIRMAN THOMAS: Dave.

10

11 MR. JOHNSON: Yeah, Mary, Council, you're
12 absolutely correct, it is very confusing. It's very
13 confusing for people that work within the system. It's
14 confusing for people at the front desk when people come
15 in and start asking questions and you find out that
16 they're asking questions about the State system and the
17 person that's sitting there has been trained in the
18 Federal system and now they're really confused. And then
19 the person leaves is confused and so when you try to talk
20 to the people at the front desk, it's hard to get a grasp
21 of what were the issues that they were dealing with.

22

23 In response to your question, I'd be more
24 than glad to talk about the permitting system, the State
25 permits, the State license, whatever this Council wants
26 to talk about, the issue of whether or not a State
27 license is needed when you're hunting on Federal lands,
28 all those kinds of issues are for this Council to deal
29 with and I'll be more than glad to listen to what those
30 concerns and issues that you're raising and then I will
31 carry that back to the folks like Mr. Thompson and others
32 at OSM to say this is what I heard when I was out there
33 listening to Council members along with these
34 communities.

35

36 And that's really the key. I want to
37 emphasize the relationship between -- that you folks
38 already know you have between this role as Council
39 members representing all these communities and then
40 meeting together with the Fed representative, Council
41 person and the community. Without any one of those
42 three, I think that's where you're going to have the
43 confusion.

44

45 CHAIRMAN THOMAS: Is it clear as crystal
46 now?

47

48 MS. RUDOLPH: Yes.

49

50 CHAIRMAN THOMAS: Okay. Shooting from

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1 boats, State Board of Game action. Who's going to --
2 okay, Ken.

3

4 MR. THOMPSON: Yes, Mr. Chairman, members
5 of the Council. For the record I'm Ken Thompson, Board
6 Staff Committee. I'm here on behalf of Dan LaPlant of
7 the OSM Staff who is the OSM representative to the Board
8 of Game is currently attending some Board of Game
9 meetings as I understand, asked me to provide you this
10 briefing on this particular topic which has been such a
11 key interest to you and your constituents. So bear with
12 me, I will try to uphold Mr. LaPlant's standard of
13 excellence and briefing you on a variety of issues, this
14 one being the shooting from boat.

15

16 Let me provide you just a little history
17 just to get you up to speed on where we are on this
18 issue. Shooting from boat issue, actually the State
19 passed regulations prohibiting the traditional practice
20 of shooting from boats back in 1972. Then in 1994, with
21 your recommendation the Board adopted a Federal
22 regulation which permitted shooting from boats under the
23 Federal Subsistence regulations. Then a next key stage
24 in this issue occurred in 1999 when the Katie John "Katie
25 John Regulations" were adopted, there were provisions in
26 those regulations which specifically excluded marine
27 waters from Federal jurisdiction and that regulation in
28 itself also applied to the entire program so by default
29 it applied to the shooting from boat.

30

31 At the same time, the Council has been on
32 record a number of times of supporting the practice of
33 enabling the practice to continue shooting from boats in
34 marine waters and that continues to this day. Both we
35 and the State recognize that.

36

37 We then had reports of the State
38 enforcing their regulation which prohibited shooting from
39 boats in marine waters. At the time we thought we were
40 safe in assuming that the actual harvesting, where the
41 deer was located, up on Federal lands would suffice to
42 make the practice legal under our regulations, even
43 though the shooter was in marine waters. This has since
44 been contested by the State. Our attorneys have advised
45 us to not pursue that debate with the State at this time
46 until there's further clarification in the courts about
47 whether or not we have jurisdiction.

48

49 So in order to try to solve the problem,
50 we thought there should be, at least a two-prong

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1 approach, one we would submit a proposal which the Board
2 did, which our Board did to the State Board of Game to
3 rescind their regulation on prohibiting the shooting of
4 boats and that was submitted about a year ago. In the
5 interim , John Littlefield and on one occasion, Wini --
6 or Dolly and on one occasion Dave on behalf of the
7 Council and Wini Kessler who is our member of the Board
8 provided testimony to the Board of Game and they
9 ultimately took action on that in January where, again,
10 there was testimony provided by this group and the Board
11 of Game denied our petition or our proposal to rescind
12 that regulation.

13

14 And let me read in part the report from
15 Dan on that action. He did provide, on January 22nd,
16 following your testimony at the Board of Game, a good
17 summary of the rationale for enabling of people to
18 continue this traditional practice. Why it made sense,
19 why it would be inconsistent to restrict this activity
20 where there are other locations in the state that the
21 State was enabling the shooting from boats, and in their
22 deliberations on the 22nd, this is what Dan is reporting.
23 Mr. Lhoring from the Department of Public Safety stated
24 that their only comment on the proposal was that the
25 Troopers have concerns about the illegal shooting of deer
26 that takes place in the Sitka area by hunters using
27 spotlights from fishing vessels.

28

29 As part of the Board's deliberation, one
30 Board member, Greg Stravler expressed his opposition to
31 the practice of shooting from a boat using an example of
32 deer on the beaches near Gustavus that could be taken
33 advantage of as they crowded on the beached during
34 January due to keep snow conditions. He stated he had
35 considered offering an amendment, Mr. Stravler did, that
36 would allow shooting from a boat only if the boat was
37 beached, however, he did not offer the amendment because
38 it would have provided little or no resolution to the
39 issue. There was some obvious opposition by some of the
40 Board members, so he did not offer that amendment.

41

42 Mr. Grusendorf talked at length about
43 wounded deer that he discovered while hunting near the
44 beaches of hunting, stating he had seen things that would
45 have "make a grown man cry" clearly expressed his
46 opposition to the proposal. Mr. Grusendorf also
47 expressed his concern about the safety issue and he told
48 the other Board members about his friend that was killed
49 on the beach by a hunter back in the late 1960s, which
50 is, as I understand, is what precipitated this

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1 prohibition to begin with.

2

3 Board members Meyer and Matts also made
4 brief statements in opposition to the proposal. Mr.
5 Flaegle stated that he was in favor of the proposal an
6 that he has shot moose from a boat in his home area. He
7 also said he had considered offering some amendments to
8 make the proposal more acceptable based upon the
9 testimony he heard from Dolly Garza and others. He
10 discussed possibly allowing shooting from a boat only
11 during the latter part of the season when sport hunters
12 were not common in the area and perhaps only from small
13 boats. He concluded his statement by saying that based
14 on the comments from other Board members that he -- that
15 it was clear that he had a minority opinion among the
16 Board members and that offering such amendments would not
17 result in acceptance by the other Board members.

18

19 The question was then called and the vote
20 was 1-6, six in opposition.

21

22 So that's the outcome of our effort to
23 try to provide a resolution through the State Board of
24 Game.

25

26 At the same time this was going on, we
27 thought another approach to helping address the public
28 confusion element of this issue, hunters who are out
29 there believing because in the Federal regulations it
30 states that you can shoot from boats, that if, in fact,
31 the interest was only in marine waters, we submitted a
32 proposal, the Forest Service did, through our Board
33 process, to rescind that regulation entirely so that even
34 though it is legal to shoot from boats in Federal waters
35 which would be upland fresh waters, we thought possibly
36 that your constituents had no interest in that and that
37 by removing that it would remove the public confusion.
38 Well, we were wrong. We understand you're very much in
39 favor of retaining whatever opportunity you can whether
40 it's in marine waters or fresh waters. So because of
41 that advice, because of the action that the State Board
42 of Game took, we have withdrawn that proposal, Proposal
43 No. 12 for your consideration.

44

45 So as it stands now, the regulation will
46 stay on the books in our Federal hunting regulations that
47 it will be legal to shoot from boats in Federal waters,
48 which do not include marine waters.

49

50 We also add to our public regulation

00058

1 booklet this next year, some language which will advise
2 hunters that it applies only to upland fresh waters to
3 try to address the public confusion aspect of this issue.

4

5 I think I'll leave it at that at the
6 moment unless you have questions?

7

8 CHAIRMAN THOMAS: Are you guys going to
9 provide the instruments to test the salinity?

10

11 MR. THOMPSON: Mr. Chairman, I wish we
12 could. We do have designated boundaries on maps which
13 you are probably aware of in our local offices for the
14 benefit of hunters who may inquire about where Federal
15 waters stop and where they start. That's the extent of
16 our boundary information however.

17

18 CHAIRMAN THOMAS: Any questions of the
19 Council for Mr. Thompson?

20

21 MR. LITTLEFIELD: Mr. Chairman.

22

23 CHAIRMAN THOMAS: John.

24

25 MR. LITTLEFIELD: Mr. Chair, Ken, when
26 are we going to address the marine waters issue? I mean
27 it's something that this whole thing can be easily
28 solved. It's a customary and traditional use, without a
29 doubt and we have the ability right now to exert extra-
30 territorial jurisdiction although I don't think you have
31 to go that far. I already think you have the
32 jurisdiction. But even within the existing regulations,
33 you can exert extra-territorial jurisdiction and tell
34 them to just quit arresting our people that go out and do
35 this.

36

37 And I don't know what it would take to go
38 even that step and I'd like -- there's two steps, we
39 could just say we own the Tongass to the exterior
40 boundaries which I believe is right or waiting for that
41 one to be resolved, we can just say, we're exerting
42 extra-territorial jurisdiction and we want you to quit
43 harassing people and arresting them who shoot deer from a
44 boat.

45

46 MR. THOMPSON: Yeah, through the Chair,
47 Mr. Littlefield. We're well aware of the contested
48 interest in whether or not we own marine waters or not.
49 Our lawyers, the Office of General Counsel as well as the
50 Department of Justice are, as you know, involved in

00059

1 litigation which does address whether or not we can
2 assert jurisdiction in marine waters. That is not final
3 yet.

4

5 In the meantime, it is the -- the
6 Secretary has the authority as you indicate to assert a
7 jurisdiction to intervene off of Federal public lands in
8 order to assure a subsistence priority on Federal lands.
9 That would be a petitioning process which I would suggest
10 would come from the constituents and not from within the
11 agency. If your constituents so choose to petition the
12 Secretary, you certainly have always had that right to do
13 that and that might provide some further clarification or
14 explanation of why we could or cannot, in this particular
15 case, on this particular issue intervene on Federal
16 public lands.

17

18 If you want a better legal definition of
19 why we are not, at the moment, asserting jurisdiction in
20 marine waters within the exterior boundaries of the
21 Tongass, I would be glad to try to get our lawyers to
22 explain that. I believe they've done that once before
23 but they could remind us all of what the current legal
24 thinking is along that line. But I'll leave that to your
25 judgment.

26

27 MR. LITTLEFIELD: Could I follow up?

28

29 CHAIRMAN THOMAS: John.

30

31 MR. LITTLEFIELD: The petition, could
32 that petition come from the Council or does it have to
33 come from an individual or someone who has been aggrieved
34 or could the Council submit that petition?

35

36 MR. THOMPSON: Through the Chair, Mr.
37 Littlefield, I would suggest it would have more effect on
38 the Secretary's decision to at on this if it were to come
39 from constituents. That's my personal feeling.

40

41 MR. MARTIN: Mr. Chairman.

42

43 CHAIRMAN THOMAS: Harold.

44

45 MR. MARTIN: Mr. Thompson, I'm somewhat
46 troubled by the comments by Mr. Grusendorf on wounded
47 deer. Are these allegations or did they actually witness
48 people from boats wounding these deer?

49

50 MR. THOMPSON: Through the Chair, Mr.

00060

1 Martin, I assume that he -- what he's is, in fact, true,
2 that he's personally witnessed this. But I can't say for
3 sure. I don't know. I don't have any personal knowledge
4 of whether he has or hasn't.

5
6 CHAIRMAN THOMAS: Okay, thank you, Mr.
7 Thompson. Well, we're getting into the proposal process,
8 before that, unless we can finish them in 10 minutes
9 we'll break for lunch. Rob.

10
11 MR. SCHROEDER: Mr. Chairman, I know the
12 Council -- I'd like to apologize for Federal Staff the
13 fact that the Council got their Board books rather late
14 this cycle, just yesterday or this morning. I know you
15 have quite a lot to read, we've received a fair amount of
16 written public comment on a number of the proposals.
17 This public comment is summarized in your Board book,
18 however, out of courtesy to the people who did take time
19 to write in their comments on these proposals, I've
20 duplicated their letters and some of you may wish to take
21 a look through these.

22
23 Unfortunately, right at this moment we
24 just have seven copies of these, Forest Service Staff is
25 out making some more copies as we speak. So I'd like to
26 give those to any gluten for punishment person who would
27 like to take a look through these and we'll make sure
28 everybody gets copies as soon as possible.

29
30 CHAIRMAN THOMAS: John.

31
32 MR. LITTLEFIELD: Thank you, Mr. Chair.
33 That's a good idea, Bob. And I think we can take
34 something that's good from the Board of Fish and the
35 Board of Game and that's the practice that they have of
36 putting a book in the back of the room, several books in
37 the back of the room that contain the proposals as
38 written by the proponents, word for word, as well as the
39 comments from the public word for word. I think we need
40 to look at those. I agree with you complete, opposed,
41 two oppose, one support; that's inadequate to the people
42 that spent weeks working on their writing up their
43 opposition and I think it's pretty easy for this -- I
44 know you guys are overworked already but I think it would
45 be fairly easy to put together at least one or two books
46 that the Council could look at as well as the public.

47
48 MR. SCHROEDER: Mr. Chairman.

49
50 CHAIRMAN THOMAS: Rob.

00061

1 MR. SCHROEDER: Mr. Chairman, John, we'll
2 also have copies available in the back of the room for
3 any members of the audience who want to look through
4 these letters.

5
6 MR. LITTLEFIELD: Thank you.

7
8 CHAIRMAN THOMAS: What we typically do
9 with these and I would like to continue that, is that,
10 that the coordinator would see these proposals and give
11 us an indication of those proposals that support and
12 those that do not support, just an analysis, so many
13 support, so many don't and then we'll consider them
14 randomly and go from there. We'll just take our time
15 with them. Okay?

16
17 MR. SCHROEDER: (Nods affirmatively)

18
19 CHAIRMAN THOMAS: We had a late comer
20 here, he's (In Tlingit) from Hoonah. He went to Hoonah
21 this morning, he didn't see us so he came back and we
22 apologize for not being there. I'd like to recognize
23 Robert Loescher who just came in. We're glad you're at
24 our meeting. Boy, we spent an hour and a half talking
25 about you today, all good stuff this morning. So with
26 that we're going to take a lunch break and be back at
27 12:15.

28
29 (Laughter)

30
31 We've got a lot of proposals ahead of us,
32 so I would suggest everybody go to Bullwinkle's for --
33 what time?

34
35 MS. GARZA: 1:30.

36
37 CHAIRMAN THOMAS: 1:30 reconvene, right
38 here.

39
40 (Off record)

41
42 (On record)

43
44 CHAIRMAN THOMAS: Okay. We got some
45 people that just showed up here and we're going to go
46 back to the beginning of our agenda with the invocation
47 and bring them up to speed so they don't miss out on
48 anything. So those of you, I hope you remembered your
49 comments because we're going to check you for accuracy.
50

00062

1 I want to welcome Gordon Jackson and Matt
2 Kookesh who just came in. Stand up and tell us who you
3 guys represent. Come to the mike. Be visible. Don't
4 take all afternoon.

5
6 MR. JACKSON: My name is Gordon Jackson
7 and I'm manager of the business and economic development
8 section for the Central Council and also follow the
9 subsistence issue for the Central Council.

10
11 CHAIRMAN THOMAS: Thank you.

12
13 MR. KOOKESH: I'm Matt Kookesh. I'm
14 working with Gordon and I'm forming a new commission here
15 in Southeast, replacing the Southeast Native Subsistence
16 Commission. And I also sit on the Alaska Halibut Working
17 Group Committee which works closely with the National
18 Marine Fishery Service on subsistence proposals.

19
20 CHAIRMAN THOMAS: Thank you very much.
21 Welcome to our meeting. So we're going to move into
22 proposals now so you guys can be excused we just wanted
23 you to introduce yourself.

24
25 MR. KOOKESH: Okay. We did sign up to
26 talk, will that come later?

27
28 CHAIRMAN THOMAS: Who's got them? Who's
29 the coordinator here?

30
31 MR. SCHROEDER: Who's on first?

32
33 CHAIRMAN THOMAS: Are you the one that I
34 gave all the glowing reports about this morning? Thank
35 you.

36
37 MS. GARZA: I wanted to pre-screen them.

38
39 MR. CASIPIT: Mr. Chairman.

40
41 CHAIRMAN THOMAS: Cal.

42
43 MR. CASIPIT: While you guys were just
44 looking there, I just wanted to make the Council aware
45 that I did provide the transcripts from the Board
46 discussion on the Redoubt proposal, Proposal 29. Also I
47 provided copies of the transcripts from the Regional
48 Advisory Council meeting that occurred in Yakutat on the
49 same subject. I also provided -- made some copies, at
50 Mr. Stokes' request of the letter to you from the

00063

1 Wrangell Cooperative Association so all members should
2 have a copy of that.

3

4 And then in addition to that, this kind
5 of relates to the Stikene River issue, I just received a
6 copy -- I just received a letter from State of Alaska,
7 them asking about the regionwide coho proposal that was
8 passed by this Council and the Board, well, last December
9 and it's in regulation this year and it's a fishery that
10 will occur this year, a Federal subsistence fishery but
11 there's some concern on the part of the State with that.

12

13

14 CHAIRMAN THOMAS: Yeah.

15

16 MR. CASIPIT: And so I provided that
17 letter to you as well and I'm not sure where this is
18 going. It went to Mitch, so we'll probably be talking
19 about some sort of response.

20

21 CHAIRMAN THOMAS: Okay.

22

23 MR. CASIPIT: So I just wanted the
24 Council to be aware of that.

25

26 CHAIRMAN THOMAS: Thank you. Dolly.

27

28 MS. GARZA: I don't remember raising my
29 hand but I'll talk anyway. So under the public testimony
30 were there any that wanted to testify before we go into
31 proposals, Mr. Chair.

32

33 CHAIRMAN THOMAS: Robert -- Robert
34 Loeschler is recognized.

35

36 MR. LOESCHER: Yeah, I was wondering if
37 Matt and them were going to make their talk on the
38 halibut thing first.

39

40 CHAIRMAN THOMAS: Is that your intent?

41

42 MR. KOOKESH: Yes, sir.

43

44 CHAIRMAN THOMAS: Go for it.

45

46 MR. KOOKESH: Gordon is going to talk
47 about the organization reform first.

48

49 CHAIRMAN THOMAS: Okay. Now, I got to
50 make one clarification. Normally I wasn't going to allow

00064

1 this until after we finished our agenda item because
2 we're going to be dealing with wildlife. I understand
3 you're traveling pretty soon?

4

5 MR. KOOKESH: Uh-huh.

6

7 CHAIRMAN THOMAS: So for that reason
8 we'll make this exception.

9

10 MR. KOOKESH: Okay.

11

12 CHAIRMAN THOMAS: We do have plans on the
13 Council to address that. We've got people put together
14 and we'll be willing to hear what you have to say. Go
15 for it.

16

17 MR. JACKSON: Let me first say it doesn't
18 surprise that you folks didn't make it to Hoonah last
19 year, about this time we were going to have an economic
20 initiatives conference in Angoon and the people who were
21 running the catamaran said, oh, we can run in any kind of
22 weather.

23

24 CHAIRMAN THOMAS: Gordon, let me
25 interrupt you just one second, I'm sorry about that.
26 Patty Phillips from Pelican came in. I don't know if she
27 walked in or flew; how did you get here?

28

29 MS. PHILLIPS: Flew in.

30

31 CHAIRMAN THOMAS: You couldn't have, the
32 planes aren't flying.

33

34 MS. PHILLIPS: It was beautiful until we
35 hit Lynn Canal.

36

37 CHAIRMAN THOMAS: Uh-huh. And Mr.
38 Probasco.

39

40 MR. PROBASCO: I hitchhiked.

41

42 CHAIRMAN THOMAS: You hitchhiked. So we
43 try to acknowledge people as they get here. We know the
44 difficulty in some of the legs of transportation getting
45 here and we're glad to see everybody and thank you for
46 letting me interrupt you. Please continue.

47

48 MR. JACKSON: No problem. You're the
49 Chairman, Mr. Chairman. I appreciate the opportunity to
50 talk to this very distinguished body. When Harold Martin

00065

1 left the Central Council as subsistence director, I made
2 the mistake of calling Ed Thomas and said, since Harold's
3 gone who's going to handle the subsistence division, a
4 few minutes later about 10 piles of subsistence paper
5 landed on my desk with a word on it, thank you. So ever
6 since then I've been working on the subsistence division.

7

8 One of the things I really wanted to do
9 was to reorganize the total area and make it more
10 effective and responsive. And one of the ways that we
11 did it was we've started reorganizing all the grants and
12 contracts and decided to start working on a Southeast
13 Alaska Inter-Tribal Fish and Wildlife Commission. So far
14 based on the utilization of the tribes and tribal
15 organizations using the Public Law 93638 and in order to
16 go ahead with this whole thing we sought sanctions from
17 the tribes. So far we've received resolutions from seven
18 tribes with five pending. And we really truly believe
19 that the power and authority for looking at subsistence
20 and the rules and regulations and policies relating to it
21 we'll have much more force of tribal law than utilizing
22 what has happened in the past.

23

24 We've held two meetings, the first one
25 was to look at the articles and bylaws and we used some
26 of the models that have been utilized in the South 48
27 tribes, for instance, Columbia River Inter-Tribal Fish
28 Commission. They handle the development and policies
29 related to keeping the wild salmon alive on the Columbia
30 River. They have four tribes that have given it
31 resolutions and their goal is to bring back the wild run
32 all up and down the Columbia River. That includes a lot
33 of the king salmon or chinook, as they call it, that come
34 back to Southeast Alaska. And we use that as a model and
35 that office that they run just to provide assistance in
36 bringing back the wild runs is huge. They must have a
37 couple hundred employees and several million dollars
38 worth of budget just to address those kinds of concerns.
39 So we used that as a model.

40

41 And our second meeting held, a little
42 over a couple of weeks ago, we started addressing many of
43 the different issues relating to subsistence n Southeast
44 Alaska and we plan to meet again as a commission the
45 first week in April after the Gold Medal Tournament or we
46 tried to have one there in the Gold Medal but everybody
47 had other meetings planned during that time.

48

49 And the issues relating to the whole
50 subsistence field is huge and we feel very strongly that

00066

1 a body such as this addressing that, plus, even
2 commercial fishing, rules and regulations is a sound
3 goal. I say commercial fishing because almost every
4 single community in Southeast Alaska have been working in
5 what I call our number 1 industry -- that was our number
6 1 industry in the smaller communities in the past. And
7 we need to start addressing some of the policies relating
8 to it so that industry doesn't disappear. And we think
9 that the Commission can, in fact, provide that with some
10 of the Staff support that is going to be provided.

11

12 And there is going to be Staff support.
13 We have, like I said earlier, there have been several
14 grants and contracts that we've been able to secure based
15 on the needs that have been identified and we've
16 restructured them so we at least have some research and
17 Staff support.

18

19 One of the items that we just finished is
20 probably in front of you. It's regulating subsistence
21 fishing in Southeast Alaska. We went and did all kinds
22 of interviews throughout Southeast Alaska and talked to
23 the State and Federal agencies about the rules and
24 regulations governing subsistence and the court cases.
25 And where they're at at that point. And also have a
26 number of suggestions in front such as to continue to use
27 tribes and tribal organizations in co-management systems
28 in Southeast Alaska.

29

30 But we think that we have the capability
31 as the tribe, Central Council as the lead tribe, but like
32 I said, the ones that are going to be developing the
33 policy are the ones that are joined by a resolution and
34 they're joining pretty fast so I think that it's going to
35 be a really effective and responsive organizations.

36

37 One of the first things that we addressed
38 was halibut subsistence. And like Matt said, he was on
39 the halibut working group. It looked like we had real
40 good policy but now it's beginning to get all fouled up
41 and with that I'll just give the mike over to Matt who
42 can explain that halibut subsistence.

43

44 MR. KOOKESH: I'll try to get right to
45 the point. Basically we have a threat to the subsistence
46 halibut regulations in Southeast Alaska. Everything was
47 fine up to October 2000 when they adopted the regulations
48 as is, which would have given us 30 hooks and 20 fish a
49 day and that would have taken care of all our ceremonial
50 and our winter fishing and just about every need that we

00067

1 have for halibut in Southeast. But, you know, the
2 Council has a working relationship with the Board of Fish
3 so they asked the Board of Fish to make some
4 recommendations and that kind of opened it up and now
5 there are two proposals in front of the Council.

6
7 The first proposal is called Alternative
8 2, which was -- it's really a revised proposal. And Bob
9 Penny, who sits on the Council, I would say this is his
10 proposal. And that proposal would severely restrict
11 Sitka subsistence users and would severely restrict the
12 Sitka Lamp area. So normally what happens when there's a
13 proposal on the floor, to counter that proposal, we had
14 Robyn Samuelsen from Bristol Bay come up with a new
15 alternative and that's Alternative 3. And it sort of
16 gave Sitka residents an opportunity to have a range from
17 two to 15 hooks, five fish a day and it gave them a
18 little bit more room to testify and justify fishing in
19 the Lamp.

20
21 But somebody from the AP, there's two
22 organizations that recommend things to the Council, the
23 Advisory Panel and the Scientific Panel. And somebody
24 from the AP put a sub-option underneath Sitka which says,
25 apply the above provision to all of Area 2(C), which mean
26 that we would be treated like the Sitka Sound Lamp, all
27 of 2(C). And the problem that I have with all these
28 regulations is that a non-resident fishing up here in
29 Alaska could theoretically harvest more fish than we
30 could because the Lamp would be limiting us to a 20 fish
31 annual limit and somebody could come up here and fish two
32 fish every day with no restrictions. No restrictions on
33 sportfishing at all.

34
35 And so with that in mind we were called
36 by NMPF to gave a meeting on these proposals and they
37 requested from us two things. They wanted us to set up a
38 proxy system for the halibut and they wanted to set up a
39 community harvest system. So we did that keeping in mind
40 that we might be restricted. And at the same time as we
41 set up the proxy system we set up a community harvest
42 system we came up with a tribal permit also. And the
43 tribal permit would be for three things. Number 1 would
44 be for ceremonies, it would be for culture and education.
45 And it's just a fall back in case we have to be treated
46 like the Lamp in all of Area 2(C).

47
48 So basically what I'm here for today is
49 to ask the Council to support the original intent of the
50 proposal of October of 2000 which left everything as is,

00068

1 30 fish -- or 30 hooks, 20 fish a day. And I would be
2 glad to spend some time with the committee, if you put a
3 committee together to come up with a recommendation to
4 the Council and I think it would -- you know, I've asked
5 myself, well, why should we ask the RAC to make a
6 recommendation? Well, we're asking all the RACs to make
7 recommendations. We're asking the RACs up north to make
8 recommendations. And if you really look at it, I realize
9 that this RAC does not have management authority over
10 halibut, well, nor does the Board of Fish. And so I
11 think it would be appropriate for this body to be
12 concerned about the overall balance of subsistence
13 halibut and subsistence resources. Because if we're
14 restricted one way we're going to go and do it another
15 way. But the overall group of people that I represent
16 are going to be breaking the law. And that's the
17 important thing to me is to make things so that we're not
18 breaking the law.

19
20 We're constantly looking over our
21 shoulders when we're halibut fishing and it just doesn't
22 seem right.

23
24 And it's really sad, but true, that in
25 1981 I was in front of the Board of Fish saying this
26 exact same thing. And we got it to change a little bit
27 but not much. Everything's kept to within the limits of
28 the sportfish, whereas even sportfish is more -- it's
29 easier to sportfish and get your limit through
30 sportfishing than it is to subsistence fish, but
31 unfortunately we have a lot of subsistence fishers out
32 there.

33
34 So that concludes my presentation to you,
35 Mr. Chairman. I want to thank you for giving me this
36 opportunity to speak.

37
38 CHAIRMAN THOMAS: Thank you. This
39 morning, didn't I mention something about halibut or was
40 I going to defer that?

41
42 MR. MARTIN: We were going to defer it
43 until after we heard from testimony.

44
45 CHAIRMAN THOMAS: Okay. We talked about
46 it this morning and I do want to put together a small
47 committee just for the purposes of drafting language that
48 the Council can adopt and move forward. And so I'd like
49 you and Harold on there, Dolly, you're not a -- Floyd --
50 now, I need a technical writer, John, and Bob.

00069

1 So at your convenience, after we finish
2 today's agenda, it shouldn't take you very long to give
3 them the points you want to make and allow him to put it
4 in the format and we'll forward that from the RAC.

5
6 Thank you very much.

7
8 Dolly.

9
10 MS. GARZA: I just have a couple
11 technical questions, Matt. What's the process from here
12 forward and how was a group able to alter the original
13 proposal from the October 2000 draft?

14
15 MR. KOOKESH: It was a motion made on
16 December 8th, 2001 to, I guess, it's consistent with the
17 Council's policy to go to the Board of Fish and ask them
18 for recommendations on subsistence fishing. So that --
19 it was just a motion made on December 8th, 2001.

20
21 CHAIRMAN THOMAS: That's the Halibut
22 Council?

23
24 MR. KOOKESH: Right. The North Pacific
25 Fisheries Management Council. But it opened it up for
26 everybody. The AP had recommendations, the Scientific
27 Review Group didn't alter it at all but the AP and Bob
28 Penny, the new member appointed by Knowles pretty much
29 took the lead on that after that.

30
31 MS. GARZA: Okay. And then what happens
32 from here, you're looking for support from the RACs and
33 then the next Council meeting?

34
35 MR. KOOKESH: Well, the next -- April of
36 2002, the 8th and 9th is the AP and the Scientific Review
37 Group meeting and then from April 10th to the 15th is the
38 Council meeting. And normally the Council takes up the
39 subsistence proposals on Saturday, the 13th, they usually
40 do it on a Saturday.

41
42 MS. GARZA: And so if they make a
43 recommendation, is that the final step and what happens
44 from there, from there it goes to D.C.?

45
46 MR. KOOKESH: This is the final step
47 right here. This April 2002 is the final step for
48 subsistence halibut regulations. So whatever's passed on
49 this -- and there's two motions on the floor, and if they
50 pass -- if they take Alternative 2, that would severely

00070

1 restrict Sitka but it wouldn't affect us. We would still
2 have our 30 fish, 20 hook [sic] but if they go with
3 Alternative 3, it will severely restrict us to Sitka's
4 Lamp standards.

5
6 MS. GARZA: So by, us, are you
7 specifically -- is that specifically Angoon?

8
9 MR. KOOKESH: No, this is the Southeast.
10 One of the things I failed to mention is that I'm the
11 Chairman of this new organization that we're starting up,
12 the Southeast Alaska Inter-Tribal Fish and Wildlife
13 Commission so I wrote this position paper on halibut.
14 I'll give it to your Staff to hand out.

15
16 MR. LITTLEFIELD: Mr. Chairman.

17
18 MR. MARTIN: Mr. Chairman.

19
20 CHAIRMAN THOMAS: Okay. John.

21
22 MR. LITTLEFIELD: I'll defer to Harold.

23
24 CHAIRMAN THOMAS: Okay, Harold.

25
26 MR. MARTIN: Thank you. Just for your
27 information, the halibut, as a subsistence resource went
28 through the public process for four years and I object
29 strongly to how the North Pacific Fisheries Management
30 Council handled this issue. They were very cooperative,
31 they adopted the proposed regulations at Sitka in the
32 year 2000 unanimously and then they turned around and
33 asked the State Fish Board to make comments and
34 recommendations. Now, I'm wondering why the State Fish
35 Board was not involved during those four years of
36 testimony and now they've got it taken all apart. To me,
37 it's like just another broken treaty, breaking an
38 agreement, the reneged on a decision they made
39 unanimously.

40
41 So I think I strongly suggest that this
42 Council, again, support the Halibut Working Group.

43
44 CHAIRMAN THOMAS: Anybody else. John.

45
46 MR. LITTLEFIELD: Thank you, Mr.
47 Chairman. In Hydaburg, we supported -- Harold made a
48 report on the October 7th, 2000 motion and I added some
49 comments, this Council did support the efforts at that
50 time and I fully expect them to do so again. And I'd

00071

1 like to thank you for your work on this. I think we'll
2 certainly support it.

3

4 I have one other thing -- one other
5 comment is to Dolly's question. It's my understanding
6 that after the Council approves, disapproves or amends or
7 does whatever they want with their options then it still
8 has to go before NOAA for regulatory review and then is
9 sent to the Secretary of Commerce, so we're not looking
10 at it for this summer, at the very, very minimum it would
11 next year before anything would happen.

12

13 CHAIRMAN THOMAS: Dolly.

14

15 MS. GARZA: Mr. Chairman, I have a couple
16 things and even though there is a technical writing
17 committee, I think that we -- I would move that the Board
18 reaffirms its position from the October meeting in
19 Hydaburg to support the maximum benefits for subsistence
20 halibut for Southeast.

21

22 MR. MARTIN: Second that motion.

23

24 CHAIRMAN THOMAS: It's been moved and
25 seconded. Discussion.

26

27 MS. GARZA: Sorry, it's so poorly worded
28 but it's to reaffirm what we did in Hydaburg.

29

30 CHAIRMAN THOMAS: Discussion.

31

32 MS. GARZA: Question.

33

34 MR. LITTLEFIELD: I got a question.

35

36 CHAIRMAN THOMAS: John.

37

38 MR. LITTLEFIELD: And this is a question
39 for Matt. Neither of the two alternatives mention the
40 things that were in the first option, the October 7th,
41 2000 option. And that had to do with eligibility and
42 defining subsistence and stuff like that. There were, I
43 believe five altogether. Is your sense that those are
44 going to remain unchanged. The definition of customary
45 trade and no significant.....

46

47 MR. KOOKESH: Yes, it is my opinion.

48

49 CHAIRMAN THOMAS: Question's been called
50 for. All those in favor say aye.

00072

1 IN UNISON: Aye.

2

3 CHAIRMAN THOMAS: Opposed same sign.

4

5 (No opposing votes)

6

7 CHAIRMAN THOMAS: Motion carries. Dolly.

8

9 MS. GARZA: Mr. Chairman, I'm not sure if
10 Gordon and Matt are looking for a vote of confidence for
11 the report that you have submitted to us. If you need an
12 affirmative on that so that you can use it for further
13 funding, writing?

14

15 MR. KOOKESH: That would be nice. But
16 it's there for your study and I think it's pretty good.
17 I did a lot research and a lot of interviews and I think
18 the substance is there and it's pretty good, I think.

19

20 MS. GARZA: Mr. Chairman, I don't know if
21 we should address that now or give the Council time to
22 review it. But they do have a list of nine
23 recommendations that I certainly would support as a
24 Council member and maybe we should bring that up tomorrow
25 to give other members a chance to read it.

26

27 CHAIRMAN THOMAS: Yeah, we'll take those
28 items up after we finish our planned agenda. We got a
29 technical writing committee going so.....

30

31 MS. GARZA: Cal, do you have these if
32 someone didn't get theirs in the mail?

33

34 MR. CASIPIT: Yeah. I mailed a copy --
35 to each Council member but I think there's some
36 additional copies on the back table if you didn't bring
37 it with you.

38

39 CHAIRMAN THOMAS: Thank you.

40

41 MS. GARZA: Okay, Mr. Chairman, one final
42 comment. I'm not done with you guys. This is for you,
43 Mr. Jackson. I have talked to you several times about
44 the issue of Stikene River. And the Council, this
45 morning, voted to support T&H's efforts to get somebody
46 on the Transboundary Panel. So whatever name you submit,
47 we understood it may be Carolyn Powell or it may be John
48 Feller, that we support your efforts and we will back
49 that.

50

00073

1 MR. JOHNSON: Well, either one are pretty
2 good. Carolyn Powell has been working on the sustainable
3 salmon fund stakeholders group and she's been well
4 educated on all the different rivers and estuaries all up
5 and down Southeast. So either one of them are pretty
6 good.

7
8 MS. GARZA: So you know the process
9 better than me, I don't know, but as you submit the name
10 forward, if you need a list of people who are supporting
11 your candidate then we're there.

12
13 MR. JACKSON: It goes right to the
14 Governor's office.

15
16 CHAIRMAN THOMAS: John.

17
18 MR. LITTLEFIELD: Thank you, Mr. Chair.
19 The halibut, a tribal resources background is not dated.
20 Did you have a -- was that today's date that this came
21 out?

22
23 MR. KOOKESH: Just did it today.

24
25 MR. JACKSON: Just did it.

26
27 MR. KOOKESH: I just had them take the
28 date off, sorry about that.

29
30 MR. LITTLEFIELD: So it is today's date?

31
32 MR. KOOKESH: Yeah.

33
34 MR. LITTLEFIELD: And the second question
35 is, has a copy of this -- or will a copy of this be made
36 available to the Sitka Tribe of Alaska as soon as
37 possible? They are in negotiations with the other
38 stakeholders in Sitka and I would like them to have a
39 copy of this and I will let them know of our actions here
40 today as soon as possible.

41
42 MR. KOOKESH: They were all sent by
43 email, by fax and out in the mail today.

44
45 MR. LITTLEFIELD: Thank you.

46
47 CHAIRMAN THOMAS: Thank you. Okay,
48 Proposal No. 1.

49
50 MR. WHITE: Mr. Chair, just for my

00074

1 benefit, you caught me off guard in the halibut
2 subsistence issues and I was ready to talk to the Council
3 later on in your agenda on halibut.

4
5 CHAIRMAN THOMAS: We're going to be
6 discussing it further.

7
8 MR. WHITE: Okay. And if you do have a
9 technical committee getting together I do have some
10 additional stuff. The two gentlemen did a very good job
11 of summarizing where we're at and I think I have
12 additional information that will help the writing
13 committee as well, Mr. Chair.

14
15 CHAIRMAN THOMAS: You could assist that
16 committee if you'd like.

17
18 MR. WHITE: I'm sorry?

19
20 CHAIRMAN THOMAS: You can work on that
21 committee if you'd like on the drafting.

22
23 MR. WHITE: Thank you, Mr. Chairman.

24
25 CHAIRMAN THOMAS: You could be a
26 resource.

27
28 MR. WHITE: And I'll be ready to talk
29 later in the meeting to bring the alternatives.

30
31 CHAIRMAN THOMAS: Okay.

32
33 MR. LOESCHER: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Robert.

36
37 MR. LOESCHER: Could I have a few words
38 on the public input part. I don't know how long I'm
39 going to be here.

40
41 CHAIRMAN THOMAS: Okay.

42
43 MR. LOESCHER: Mr. Chairman and members
44 of the Council. Thank you very much for allowing me to
45 speak under public input portion of your agenda. I would
46 like to express my appreciation for all the work that you
47 folks have done, I've been reading some of your
48 transcripts and some of the actions and proposals that
49 you've sent to the Federal Subsistence Board and I
50 appreciate the way you've conducted and presented the

00075

1 materials there. And particularly, you, Mr. Chairman,
2 you do quite well for us in the Federal Subsistence Board
3 as the meeting is conducted and make sure our input and
4 our points from our region are adequately represented.

5
6 Anyway, Mr. Chairman, in the course of
7 reviewing some of the documents, I am concerns about the
8 State waters issue and the way the Federal Subsistence
9 Board is treating that issue and also the proposals that
10 come from this Regional Advisory Council. As you know,
11 and not to go into a long story, Tlingit people are
12 called the Tides People. And you know much of our
13 subsistence comes from the tideland area and the marine
14 waters and, of course, some comes from the upland but
15 primarily the largest part probably comes from the
16 tidelands and the marine waters. And my concern is that
17 almost every proposal that you folks deliberate on that
18 come from our communities has to do, at least, the ones
19 that have come to you to this point, have to do with
20 resources, fish and other things that migrate from the
21 marine waters through the tideland area to the upland
22 streams and lakes and rivers. And your proposals, what
23 is happening, you're effective on the upland but you lose
24 effectiveness in advancing our proposals below mean high
25 water. And the sportsfishermen and even the commercial
26 fisheries interests seem to have more sway on that issue
27 when it gets to the Federal Subsistence Board, at least,
28 as the State represents those interests.

29
30 And there is this theory that there's
31 this abundance of fish, abundance of coho's, for
32 instance, on the Sitka proposals, therefore there's no
33 need to regulate the marine waters from the State's point
34 of view for subsistence. Therefore, notwithstanding the
35 fact that the communities and this Council have
36 identified a conservation need and protection of
37 subsistence resources or restrictions in the upland areas
38 and control of harvest methods and what not. And so it
39 basically negates the effectiveness of the activities of
40 this -- the communities and this Council if there is no
41 reciprocal consideration in State waters. So I'm
42 wondering, I'm wondering what it all means.

43
44 I have thought, Mr. Chairman, about a
45 number of things. One I don't agree with the Federal
46 Subsistence Board's position and I hope that you folks
47 would consider what they said at the last December
48 meeting which they've said many times before I'm sure,
49 that they're not going to regulate in State waters.
50 Well, basically what they're saying to the Tlingit and

00076

1 Haida and Simseon people is that Title VIII of ANILCA is
2 inapplicable to Southeast Alaska when you consider
3 largely our subsistence comes from tidelands and marine
4 waters. And that administration fiat, they're taking
5 away some of our rights. Of course they say we can
6 petition to the Secretary of the Interior and in the case
7 of Southeast, the Secretary of Agriculture, regarding
8 these matters. Well, we can do that.

9

10 Today they said that we should consider
11 asking -- having consideration of constituents making the
12 appeal to the Secretary. Well, we can do that
13 individually as Tlingits, Haida and Simseons, we can do
14 it through our new Inter-Tribal Fish and Wildlife
15 Commission, but also I feel strongly that this Council,
16 this Regional Advisory Council should take up this issue
17 and work to protect our interests for the subsistence
18 resources, wherever they might be, uplands, tidelands or
19 marine waters of Southeastern Alaska. And I appeal to
20 you to do that. We need your experience to help us
21 through the process of dealing with the government, the
22 Department of Agriculture and Department of Interior
23 since there is a system already set up. The other thing,
24 Mr. Chairman, is that the technical resources that are
25 necessary to make a petition to the Secretary are not
26 readily available to us. Lawyers, we need lawyers to
27 assist us if we really get into this. We need to make
28 sure our presentation is correct. And I say this because
29 it's kind of complicated.

30

31 I don't agree with those in the Federal
32 service that say that Katie John does not have any
33 precedence in this issue. They say that Katie John ends
34 where the saltwater touches the marine waters. I think
35 navigable waters are both in fresh water and in marine
36 waters. And I believe that if we press the case,
37 legally, we can assert that and make that happen. If
38 that's where they want us to go then let it be.

39

40 We're going to have to spend a million
41 dollars to do it but maybe that's what we have to do to
42 protect our subsistence in Southeastern Alaska.

43

44 The other thing, Mr. Chairman, is that I
45 know and I believe that in the Federal regs, they
46 indicated that they wouldn't be regulating in State
47 waters. I don't know the history of that. But I believe
48 that the Secretary of Interior and Secretary of
49 Agriculture have a responsibility to protect our
50 interests in subsistence. Title VIII provides for that.

00077

1 The Federal Constitution provides for that. And the
2 authority of the government over Indian Affairs and also
3 the Interstate Commerce Act because there are commercial
4 and sportsfisheries, the United States government has a
5 right under the Interstate Commerce Act to intervene in
6 these matters. And we can get into the legalisms of all
7 this but the problem is that it's going to take us a lot
8 of money and time to do it.

9
10 And I believe that we should work through
11 this system, starting with the Regional Advisory Council
12 going back to the Federal Subsistence Board and seeing if
13 we can't repeal to the powers that be to take a real
14 hard look at this systemic application of the proposals
15 and the rules that you folks are involved with and are
16 ultimately approved by the Federal Subsistence Board and
17 become law in this area of jurisdiction between the
18 upland and the marine waters. It makes no sense, Mr.
19 Chairman, for you folks to make a rule over here and the
20 State to ignore it over there when the resources are the
21 same.

22
23 And, anyway, I'd just like to conclude my
24 remarks that I would like to appeal to this Council to
25 take this issue up again and see if there's a way that we
26 can all work together to come out with some sensible
27 approach to this issue.

28
29 Thank you.

30
31 CHAIRMAN THOMAS: Thank you, Robert. You
32 brought up some very good points. Stay there because
33 you're going to get lots of tough questions. See, one of
34 the things about using that chair is you got to be thick-
35 skinned.

36
37 MR. LOESCHER: I see.

38
39 CHAIRMAN THOMAS: Our Council is operated
40 to demonstrate reflections of the wishes of the various
41 communities that are eligible users. And for us to draft
42 a document on our own wouldn't be as effective as it
43 would be if we had a petition of some sort from the
44 communities, you represent the communities with your
45 organization. Anything that will show us that we
46 demonstrated the wishes of the communities. See we have
47 to have hardcopies of that. It doesn't have to be much,
48 just give us some ideas on that and we'd probably even
49 solicit your participation in putting together language
50 that we would put forward.

00078

1 So if that sounds reasonable to you that
2 would help us a lot in getting some of that done.

3

4 MR. LOESCHER: Yes, sir.

5

6 CHAIRMAN THOMAS: Dolly.

7

8 MS. GARZA: Mr. Chairman, Bob, I think
9 that you've summarized very well the frustration that
10 this Council has faced in the last three or four years
11 and I'm surprised that you're coming to us because right
12 now, as a Council, I'm feeling very futile because we've
13 gotten so little through this process. That when we
14 talked this morning about the steelhead and the coho
15 issues and the Stikene issue, that it seems that through
16 the Federal process there is a lot of ways to drag things
17 out for so long that the subsistence needs are never
18 really met. And it seems like what I was hearing this
19 morning was a need to go through the petition process to
20 the Secretary of Interior and request that she reach out
21 in these necessary areas because as you had stated, you
22 know, if 80 percent of our subsistence comes from beyond
23 mean high and it does, then we really aren't being
24 protected.

25

26 And so I was starting to think this
27 morning of, who, should we be approaching in order to
28 start this whole separate process because I don't think
29 that the Council to Federal Subsistence process is doing
30 what we expected it to do.

31

32 And so, although, I'm appreciating that
33 you're coming here I'm also trying to tell you that it
34 isn't working and it's possibly something that we can
35 work with you and with Matt and with Gordon when Gordon
36 can take 10 minutes off from his business and economic
37 development to work on subsistence to try and find a
38 bigger picture solution. Whether or not we take one of
39 these cases forward or whether or not we take everything
40 forward, but I think we need to follow another avenue.

41

42 Thank you.

43

44 MR. LITTLEFIELD: Mr. Chairman.

45

46 CHAIRMAN THOMAS: John.

47

48 MR. LITTLEFIELD: Thank you, Mr.
49 Chairman, Mr. Loescher. I think I have to support what
50 Dolly said, too. Last year when we submitted proposals

00079

1 asking that the jurisdiction -- Federal jurisdiction be
2 extended into marine waters, the Sitka Tribe proposals
3 were exactly meant to do that to test and see whether we
4 could do that but I got to looking back in the records
5 and the very first annual report of this Council they had
6 marine jurisdiction as one of their highest priorities
7 and they've been unable to get anything done. So that's
8 why I think that maybe the comment that was given by
9 Staff today that we petition the secretary will have more
10 weight.

11
12 Because we've been in effect, you know,
13 I'm unhappy -- you know, this Council, specifically in
14 Yakutat that they change the definitions of inland
15 waters, that they only go to headlands to headlands,
16 which can be interpreted at least more broadly. And we
17 have got lip service and I'm not happy with it so I think
18 the suggestion we made this morning should be followed
19 through and maybe -- I don't know who's going to lead
20 this. I made a call already and I hope -- I share all of
21 your concerns and I agree with your comments but we, as a
22 Council, haven't been able to do the right thing for you.

23

24 MR. MARTIN: Mr. Chairman.

25

26 CHAIRMAN THOMAS: Before you leave Robert
27 and Matt and Gordon, I wish you guys would leave on a
28 note, your affiliations in this process and leave it with
29 Mr. Schroeder so that you'll have some contact people to
30 address some of these specific issues. If you would do
31 that that would help us out a lot.

32

33 Harold.

34

35 MR. MARTIN: Thank you, Mr. Chairman. I
36 was just going to suggest that perhaps this could be
37 project for the new Southeast Inter-Tribal Fish and
38 Wildlife Commission.

39

40 MR. LOESCHER: Gordon and I already had
41 eye contact.

42

43 (Laughter)

44

45 MS. RUDOLPH: Mr. Chairman.

46

47 CHAIRMAN THOMAS: Mary.

48

49 MS. RUDOLPH: I liked what Bob had to say
50 and Matt and Gordon. That is a concern for all of us and

00080

1 I think one of the things that each of us from our region
2 should go home is to get support from our recognized
3 tribe. To come forward and maybe get -- I could get some
4 help on getting some of the issues out then we could
5 probably all help each other by mailing them out to the
6 recognized tribes.

7

8 CHAIRMAN THOMAS: Yeah, anything that we
9 can demonstrate coming from the communities, that's where
10 our ineffectiveness has been to this point. And I'm
11 really mad because this whole issue makes me look like a
12 failure as a leader and a weak pillar of my community.

13

14 MR. LOESCHER: Mr. Chairman, you're a
15 very strong man and we respect you. We don't want you to
16 give up or think that you're a failure because we need
17 you and everybody here. What we're trying to say and
18 I've talked to many people in the tribes is that it's
19 difficult for us to see how on one hand you can be
20 supported here by Federal agency people and then on the
21 other hand they can say that they're not in a position to
22 help us with this matter.

23

24 You know, folks could say let's form a
25 working group, you know, between this Council and the
26 tribes and with the Federal agencies and if the State
27 wants to participate, fine. But let's find a process
28 where we can readdress this at this level rather than
29 dealing with it in court or dealing with it in Congress.
30 And that would be the most productive just of our time.
31 But I cannot believe, you know, we have the power of
32 requesting consultation with the Department of Interior
33 and also Agriculture and they would have to come and
34 spend time with us. But we're at a loss because of the
35 technical and legal things that we need to help us put
36 forward a reasonable and coherent and a respectful
37 request of the Secretary. We need help.

38

39 Yes, we can go and put our coins together
40 and it will take us a little longer. But if we do that
41 we're going to take a very hard position, rather than
42 trying to find practical, enforceable, reasonable ways
43 among our people, whether it's Native, non-Native, State,
44 Federal, Tribal whatever, to solve this problem. You
45 know, we agree it's on the table but what we're
46 requesting, Mr. Chairman, is you not to think you're a
47 failure nor this Council, but help us, you know, use your
48 influence to develop a process to address this otherwise
49 we'll deal with this the Tlingit way.

50

00081

1 CHAIRMAN THOMAS: See, you're right. And
2 one of the things that Southeast Region enjoys is that
3 our population in Southeast is much more sophisticated in
4 dealing with the bureaucracies than other regions of
5 Alaska. And that being recognized, sometimes the
6 bureaucracy kind of bolsters their position. And I don't
7 know whether it's done intentionally or whether it's a
8 reflex, you know.

9

10 But with regard to legal counsel and that
11 area, we do have some resources within our ranks. And
12 they're not bad. And I think we could employ them and
13 make them part of this integral working group because
14 this is the first meeting in 10 years that I've seen
15 tribal interests come to our meeting with any meaningful
16 input or observations and such, criticisms, constructive
17 criticism, and I'm happy to see that. It needs to
18 change.

19

20 I think there was -- I'm not sure what
21 happened but we've been in the organization over 10 years
22 and just haven't seen any activity. In fact, the
23 existing tribal fisheries or tribal resource people were
24 involved in a situation where they have -- where it
25 couldn't be considered anyway. So there's a difference
26 with the Federal program. And I'm making reference to
27 tribal groups right now because we're hearing from the
28 tribal community.

29

30 If we're hearing from a non-tribal
31 community, I would give them the same courtesy.

32

33 Thank you, again, for your comments and
34 your presentations. I know the credentials behind them
35 and I respect and appreciate them.

36

37 MR. LOESCHER: Thank you.

38

39 MR. MARTIN: Mr. Chairman.

40

41 CHAIRMAN THOMAS: Harold.

42

43 MR. MARTIN: Could I just offer a head's
44 up for Gordon, Matt and Bob Loesher. On Friday's paper,
45 there was a notice that says subsistence info at next
46 fish caucus. Understanding Federal management of Alaska
47 subsistence fisheries is a topic at this Thursday's
48 meeting of the fish caucus. I'm thinking that that's
49 this coming Thursday. Dave Bedford of the Southeast
50 Alaska Seiners and United Fishermen in Alaska Subsistence

00082

1 Committee Chairman will summarize how Federal management
2 affects commercial fisheries. Tom Morfed, Subsistence
3 Outreach Coordinator for United Fishermen of Alaska will
4 focus on complications of dual management, current
5 revisions of Federal regulations for cash, cash sales of
6 subsistence fish and halibut subsistence fishery
7 proposal. The fish caucus can be heard at all
8 legislative information offices starting at noon.

9

10 So for your information, I think somebody
11 should be there, especially on the halibut issue.

12

13 Thank you, Mr. Chairman.

14

15 CHAIRMAN THOMAS: Okay.

16

17 MR. LITTLEFIELD: Mr. Chair.

18

19 CHAIRMAN THOMAS: John.

20

21 MR. LITTLEFIELD: In Yakutat we made
22 several motions towards the end of the meeting, one of
23 them which was to establish a cooperative working group
24 composed of tribal and Federal and State biologists that
25 would kind of do what you asked us to do here and I'd
26 like to know from Staff, if there's going to be any
27 presentation on that during this -- you know, the results
28 of those votes that we took in October, the status report
29 of where we are?

30

31 MR. CASIPIT: Cal Casipit. Regional
32 Subsistence Fisheries Biologist for the Forest Service.
33 I was aware that at least for the north end of the
34 Southeast, that meeting did occur, that meeting was March
35 5th in Sitka where they talked -- where they had tribal
36 representatives, I believe, from Kake, Angoon, Hoonah and
37 Sitka along with Federal -- Forest Service Federal
38 subsistence biologists as well as various state managers.

39

40 The meeting occurred, I think there were
41 some -- a lot of good that came out of that meeting and
42 some -- you know, basically the State agreed to modify
43 some of their subsistence permits based on that meeting.
44 I'm not aware of a meeting that will occur in the South
45 end and I wasn't in attendance at that meeting in Sitka
46 as well. I got a copy of the agenda but it sounded like,
47 you know, it was a working group of the on the ground
48 people so I kind of let those folks go ahead and do their
49 work.

50

00083

1 But that is about the only thing that I
2 know of that occurred in direct response to that motion.

3

4 CHAIRMAN THOMAS: Okay. Are we ready to
5 go to proposals? I propose we do proposals. We've been
6 almost an hour with undivided attention and I want to
7 reward you with a two minute coffee break and a three
8 minute smoke break for the smokers and a five minute nap
9 for our hardworking executive members.

10

11 (Off record)

12

13 (On record)

14

15 MS. GARZA: Mr. Chairman.

16

17 CHAIRMAN THOMAS: Dolly.

18

19 S. GARZA: I move to support WP02-1 just
20 to get it on record.

21

22 MR. ADAMS: Second.

23

24 MS. GARZA: And all the guys on the left
25 side of me say they'd vote however I vote so we should be
26 able to whip through this real fast.

27

28 MR. LITTLEFIELD: Mr. Chairman.

29

30 CHAIRMAN THOMAS: John.

31

32 MR. LITTLEFIELD: I'm just questioning
33 the format we use. Previously it was to discuss this and
34 then go through public comments and then put it before
35 the Board. I don't mind voting on this right now but I
36 think that was the format we used previously.

37

38 CHAIRMAN THOMAS: You got to have faith,
39 John. You got to have faith.

40

41 MR. LITTLEFIELD: Okay.

42

43 CHAIRMAN THOMAS: We are going to use
44 that. It's going to be introduced. We're going to go
45 back to the format that we use. My vice-Chair is just
46 exerting to be exerting.

47

48 MS. GARZA: Robert's Rules of Order
49 require you have a motion on the table in order to
50 discuss a subject.

00084

1 MR. MARTIN: I agree with that.

2

3 CHAIRMAN THOMAS: No, it's just
4 introduced and then we discuss it. Okay, who's going to
5 introduce Proposal No. -- you, Dave.

6

7 MR. MARTIN: There's a motion on the
8 floor.

9

10 CHAIRMAN THOMAS: The motion will happen
11 after he introduces the -- it hasn't even been introduced
12 yet.

13

14 MR. JOHNSON: Mr. Chairman, Council. My
15 name's Dave Johnson, I'm the subsistence coordinator for
16 the Tongass National Forest. Before you have WP02-1 as
17 Dolly mentioned. It's been proposed by Craig Fleener of
18 Fort Yukon. And basically he's requesting that brown
19 bear and black bear be changed to be defined as a
20 furbearer under State regulation.

21

22 The reason for changing the regulation
23 was to allow subsistence hunters to use bear hides and
24 other parts. There are limited uses for bear parts and
25 they could be wasted. Grizzly could be used for arts and
26 crafts and sold. The effect of the change, there may be
27 a slight increase in harvest but he did not believe it
28 would be excessive because bear parts are not extremely
29 valuable.

30

31 The effect of the proposed change on
32 subsistence users, that it would benefit subsistence
33 users by allowing them to fully utilize a resource and
34 supplement their subsistence lifestyle with a resource
35 that does not get used.

36

37 Additional information, bear populations
38 in most of Alaska are at very high levels. Three black
39 bears is common harvest throughout the state -- three
40 black bear per year is common throughout the state.
41 There are concerns about poaching increasing but this
42 person consulted with the Ted Pappas of the Western
43 Canadian raw fur auction in Canada where sale of bear
44 parts has been legal for a long time. And he said that
45 the harvest had not increased significantly. Mr. Pappas
46 also reported that the average price paid for a black
47 bear hide is about \$60.

48

49 Tom Kron is the person that presented
50 this or did the analysis for this particular proposal

00085

1 statewide, and the preliminary conclusion, Mr. Chairman
2 and Council was to oppose the proposal based on the
3 justification that it would generate legal, cultural and
4 biological concerns, except for an article of handicraft
5 made from fur of black bear, the purchase, sale or barter
6 of any part of a bear is prohibited in Alaska by State
7 regulations. And there are also concerns that legalized
8 sale of bear hides and parts from bears taken from
9 Federal lands would provide incentives for illegal
10 hunting.

11

12 Given the commercial aspects of this
13 proposal and the legal jurisdictional issues, it may be
14 appropriate for the proponent to work with the Alaska
15 Board of Game to address these issues rather than with
16 the Regional Advisory Councils.

17

18 The proposal also seems to be in direct
19 conflict with traditional cultural values in certain
20 areas of Alaska, particularly in the Koyukon, Athabascan
21 culture, it is inappropriate to sell items that include
22 bear parts. And in all Alaska Native cultures, bears
23 are very important and highly respected. In the
24 Athabascan, Inupiat, Yup'ik and Alutiqq cultures, it has
25 been reported that there's a preference for leaving the
26 bear hide and skull in the field.

27

28 The sale of handicrafts made from black
29 bear fur was authorized by the Alaska Board of Game in
30 1998, subsequent to that time there has been no follow-up
31 proposal to align Federal regulations with those State
32 regulations. IT seems appropriate to align these
33 regulations in order to protect the resource, facilitate
34 consistency and reduce the confusion between State and
35 Federal regs.

36

37 That concludes my analysis, Mr. Chairman.

38

39 CHAIRMAN THOMAS: Any questions of Mr.
40 Johnson? Dolly.

41

42 MS. GARZA: Dave, what are the current
43 regulations for the take of black bear in Southeast?

44

45 MR. JOHNSON: The proposed Federal
46 regulation would be the same as the State existing
47 regulation which is defined as -- one moment Mr. Chair --
48 State regulations define big game and furbearer as
49 follows: Big game means black bear, brown, grizzly bear,
50 bison, caribou, Sitka Black-tail deer, elk, mountain

00086

1 goat, moose, muskoxen, dall sheep, wolf and wolverine.
2 Big game is a classification of animals to taking with a
3 hunting license.

4

5 Furbearer means beaver, coyote, Arctic
6 fox, red fox, lynx, marten, mink, weasel, muskrat, land
7 otter, red squirrel, fling squirrel, ground squirrel,
8 marmot, wolf and wolverine. And furbearer is a
9 classification of animals subject to taking with a
10 trapping license 5 AAC 92.990. Also under State statute
11 or State regulations it states in the 2001/2002 trapping
12 regulations, you may sell any part of an animal taking
13 under trapping license. Further derived from 5 AAC
14 92.200 and personal communication with Reynolds 2002, 5
15 AAC 92.200 it states that the purchase sale and barter of
16 game or any part of game is permitted except as provided
17 in this section 5 AAC 92.200(b)(2) states that a person
18 may not purchase, sell or barter any part of a bear
19 accept an article of handicraft made from the fur of a
20 black bear.

21

22 That was a long answer, Dolly, but
23 basically you can currently take -- handmade --
24 handcrafted articles from the fur of black bear.

25

26 MS. GARZA: Actually, the question I was
27 asking was the regulatory hunting part. Is it one bear
28 every other year?

29

30 MR. JOHNSON: It depends on whether it's
31 brown bear or black bear. The current -- Dolly, Council,
32 there are a number of stipulations on bears, depending on
33 what part of the State you're in and it says here that
34 you could take -- your question is still -- a State -- a
35 State request? Say that again, I'm confused.

36

37 MS. GARZA: Okay. It seems like this
38 went to -- this came to us before from Sitka, from
39 Harold's dad. I can't think anymore. And it was my
40 understanding that it was one black bear every four years
41 or some -- okay, we've got a biologist who's trying to
42 waive to me and tell me what it is.

43

44 CHAIRMAN THOMAS: Kim.

45

46 MR. TITUS: Good afternoon everyone. My
47 name is Kim Titus and I'm the regional supervisor for the
48 Division of Wildlife Conservation and maybe I could just
49 help this situation out.

50

00087

1 Generally speaking, in Southeast Alaska
2 for residents the black bear harvest in most places for
3 residents is two black bears per year and I believe in
4 that case, the Federal regulations and the State
5 regulations are generally in alignment. And for brown
6 bears it's one brown bear every four regulatory years.
7 And that's for brown bears. So in terms of black bears,
8 it's a fairly liberal harvest.
9

10 CHAIRMAN THOMAS: Thank you. Okay, Dave.
11 The only -- I got a red flag that flies in front of me
12 and it has been there for 10 years. Under justification,
13 after all that has been said and done, the bottom line is
14 there are also concerns that the legalized sale of bear
15 hides and parts from bears taken from Federal lands would
16 provide incentives for illegal hunting. That is negative
17 characterization of the subsistence community. I've been
18 combatting that for 10 years. And I have a sneaking
19 hunch that this didn't come from our Staff analysis. In
20 fact, I could put some money on it. And for that reason
21 I'm having a difficult time to not support this proposal.
22

23
24 Because that language, at some point, has
25 to disappear from justifications on opposing
26 recommendations from this Council. But I thank you for
27 introducing it.
28

29 Any other questions of Dave? Thank you.
30 Biological and socio-cultural analysis, you handling
31 that, too?

32
33 MR. JOHNSON: The customary and
34 traditional -- Mr. Chairman, there is no C&T
35 determination at this time for....

36
37 (Pause)

38
39 MR. SCHROEDER: Excuse me, Mr. Chairman,
40 there's -- this proposal doesn't call for any C&T
41 analysis and all the biological and socio-cultural
42 information was presented has been summarized by Dave.
43

44 CHAIRMAN THOMAS: Do we need a minute for
45 Staff to get together on the rest of the components of
46 this proposal while we -- are we good to go? Okay, so
47 agency and government comments. Agency and government.
48 Kim.

49
50 MR. TITUS: Good afternoon once again.

00088

1 This is Kim Titus from the Department of Fish and Game.
2 The State does not support this proposal for many of the
3 reasons that have already been discussed and I won't go
4 over those. And I would point out, in fact, that the
5 Board of Game has taken up these types of proposals in
6 the past and in March 2000 they formed a committee to
7 discuss the sale of bear parts that involved many rural
8 users around the state and, in fact, that committee
9 report came out -- back to the Board of Game in
10 opposition to the sale of bear parts citing a variety of
11 reasons, including the International trade in bear parts
12 being one of them. And the other issues associated with
13 Alaska Native traditions relative to some of these
14 things, these issues.

15

16 So for those reasons, the Department has
17 not supported this proposal.

18

19 CHAIRMAN THOMAS: Any questions of Mr.
20 Titus. Dolly.

21

22 MS. GARZA: I'm a bit confused then.
23 Because I thought the Board of Game took action in '98,
24 what was that action? Isn't that what you reported on
25 Dave? Mike? When Dave Johnson was making his report, I
26 thought I heard that the Board of Game had taken action
27 in '98 regarding sale of bear parts?

28

29 (Pause)

30

31 MS. GARZA: Okay, so that's handicraft?

32

33 CHAIRMAN THOMAS: Kim.

34

35 MR. TITUS: Through the Chair, thank you,
36 that is correct. But the committee report was to expand
37 this greatly through -- in a lot of other arenas as the
38 current proposal you have before you and that's what the
39 Committee did not move forward with. Does that make
40 sense?

41

42 CHAIRMAN THOMAS: Anybody else? John.

43

44 MR. LITTLEFIELD: Yeah, I have a question
45 on Page 5 about the CITES permit, would a CITES permit be
46 required to ship bear parts out of the state?

47

48 MR. TITUS: This is Kim Titus. It would
49 be my understanding that a CITES permit would only be
50 required for brown bears, not for black bears and a CITES

00089

1 permit is currently required for brown bears because
2 brown bears, grizzly bears are a CITES species, black
3 bears are not.

4

5 MR. MARTIN: Mr. Chairman.

6

7 CHAIRMAN THOMAS: Harold.

8

9 MR. MARTIN: With this two black bear a
10 year and one brown bear every four years.....

11

12 CHAIRMAN THOMAS: Yes?

13

14 MR. MARTIN:how much money can you
15 make off of bear and what part of sale of them and for
16 how much?

17

18 CHAIRMAN THOMAS: Who are you directing
19 your attention to?

20

21 MR. MARTIN: Either one of them, they're
22 both experts, aren't they?

23

24 MR. JOHNSON: I'll defer to the State.

25

26 (Laughter)

27

28 MR. JOHNSON: Since they were the ones
29 that had the convention and meeting statewide to review
30 that.

31

32 MR. TITUS: This is Kim Titus. I don't
33 have any information on the sale of that information I
34 was not at that meeting. From my experience, as someone
35 who's worked on brown bears a number of years, the most
36 lucrative arena relative to brown bear parts and black
37 bear parts are the galls and the gallbladders sold to
38 Asian countries and the market in that is arguably worth
39 far more than -- the Black Market in that is worth far
40 more than skulls and hides and claws, which are
41 associated with, you know, ceremonial things.

42

43 CHAIRMAN THOMAS: John.

44

45 MR. LITTLEFIELD: Thank you. Following
46 up on Harold's question. Dave said there wasn't a C&T, I
47 believe there is a C&T for one brown bear every four
48 years for the residents of Southeast Alaska. The
49 definition of customary trade says that -- that we've
50 endorsed said that it was the sale for cash under, fish,

00090

1 and we were talking there, legally taken under these
2 regulations. And if you could apply that same rationale
3 to this bear, you could sell then one bear every four
4 regulatory years so I'm having a hard time seeing any
5 problems with this.

6

7 MR. JOHNSON: John, if you'll look at
8 Page 12, second -- third paragraph down, there's a good
9 narration there on the value of and the types of articles
10 and pieces of bear hides and other portions of the bear
11 that can be sold and what they sell for.

12

13 CHAIRMAN THOMAS: John.

14

15 MR. LITTLEFIELD: My point, exactly. In
16 other words, you could do this for a brown bear once
17 every four years. I don't think we're talking -- because
18 they still have to be legally taken under the regulation
19 so we're not talking about somebody shooting 20 brown
20 bear in one year, that's illegal. We're talking about
21 someone shooting one brown bear every four years. And I
22 see that as negligible.

23

24 CHAIRMAN THOMAS: Mike, did you have your
25 hand up?

26

27 MR. DOUVILLE: I did, Mr. Chairman, but I
28 was going to direct Harold to Page 12.

29

30 CHAIRMAN THOMAS: Okay.

31

32 MS. PHILLIPS: Mr. Chair.

33

34 CHAIRMAN THOMAS: Patty.

35

36 MS. PHILLIPS: Does ADF&G support this --
37 or oppose the preliminary conclusion also?

38

39 MR. LITTLEFIELD: That's a double-
40 negative.

41

42 MS. PHILLIPS: Does the ADF&G oppose the
43 preliminary conclusion?

44

45 MR. JOHNSON: Yes.

46

47 MR. LITTLEFIELD: The preliminary
48 conclusion opposes the double-negative.

49

50 MS. PHILLIPS: But then underneath that

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1 it says, support.

2

3 MR. RIVARD: Mr. Chair, may I clarify?

4

5 CHAIRMAN THOMAS: Don.

6

7 MR. RIVARD: This is Don Rivard with OSM.
8 What Tom Kron did as the lead author on this was oppose
9 the proposal but then made the recommendation of
10 supporting aligning what the State already allows for
11 black bear part -- black bear fur. So that was the way
12 we worded it. He was opposing the proposal. We couldn't
13 really say support the proposal with modification or
14 oppose the proposal with modification. It's just a
15 suggestion to the Council that it may consider aligning
16 what the State already has in regulation as with regards
17 to black bear fur.

18

19 CHAIRMAN THOMAS: Anybody else? Okay.
20 Do we have any more agency and government comments?
21 Marty.

22

23 MR. MEYERS: Marty Meyers, Forest Service
24 law enforcement. I'd like to say in reviewing the
25 materials here and looking at what has been proposed and
26 I think there's good reasons why the parts have banned
27 from sale in this state and in many other states in this
28 country. And I've also dealt personally with
29 investigations dealing with the sale of bear galls, which
30 is a huge problem with the animals. In some places they
31 take bear just for that.

32

33 And currently, I got a price list here
34 that was published in February from Fish and Wildlife
35 Service that they put together a series of going rates
36 for different parts of animals that they use for their
37 basically reimbursement numbers for the cases that they
38 work to reimburse the states or for the values of the
39 animals that were taken illegally. But basically a bear
40 gallbladder now goes for, in South Korea, approximately
41 \$10,000 a piece. And in Japan they're ranging from
42 \$2,000 to \$10,000. Bear claws in US go for between 20
43 and \$40 each. Bear teeth, this is black bear, average
44 about \$8 and necklaces -- claw necklaces run between 359
45 to \$2,100 each set.

46

47 That's just an example of some prices.
48 And for the most part, such as the gallbladders they're
49 in a Black Market situation. And although there are some
50 countries and some -- like in some of the Canadian

00092

1 provinces are able to sell bear parts, the bladders are
2 still considered a Black Market, and even legalizing the
3 sale of that particular part just mixes something taken
4 legally into a Black Market. It doesn't decrease the
5 Black Market, it doesn't make it safer for bears in other
6 places that populations are a problem.

7

8 So with those things in mind and also
9 looking at, again, traditional purposes of the use of
10 bear by Alaskans, I'm not sure, in my mind that the sale
11 of their parts is considered, I guess, prudent. In many
12 ways, people could look at this as a way to make more
13 money and establish a new market for things that are out
14 there.

15

16 CHAIRMAN THOMAS: I have a question.

17

18 MR. MEYERS: Sure.

19

20 CHAIRMAN THOMAS: Now, are you talking
21 from information data from Alaska or are you speculating?

22

23 MR. MEYERS: No, I'm talking about what
24 I've read here in this packet so far.

25

26 CHAIRMAN THOMAS: Where were those bears
27 hunted, from Alaska?

28

29 MR. MEYERS: Pardon?

30

31 CHAIRMAN THOMAS: Those bears you were
32 talking about, were they hunted in Alaska?

33

34 MR. MEYERS: Which bears?

35

36 CHAIRMAN THOMAS: The gallbladder part
37 you were selling?

38

39 MR. MEYERS: In talking to the Fish and
40 Wildlife Service, yes, there have been bears in Alaska
41 that have been taken for their bear gallbladders and I've
42 also, personally, worked cases in other parts of the
43 country that that's stemming -- I mean I'm just using
44 that as an indication that that happens and I've
45 witnessed those myself.

46

47 CHAIRMAN THOMAS: Okay.

48

49 MR. MEYERS: And I'm not saying that it
50 doesn't happen here, I'm not saying it does happen here.

00093

1 I don't have personal knowledge here.

2

3 CHAIRMAN THOMAS: Yeah.

4

5 MR. MEYERS: But you know, I've had
6 sources just like anybody else has that it does happen.
7 And I guess what I'm saying is we're against, basically
8 having those kinds of items mixed into a market that's
9 already established as being an illegal market.

10

11 CHAIRMAN THOMAS: Okay. But if we're
12 going to regulate it out, there's no point in having law
13 enforcement. But anyway, we'll get to that later, I want
14 to discuss that some more anyway.

15

16 MR. LITTLEFIELD: Mr. Chairman.

17

18 CHAIRMAN THOMAS: John.

19

20 MR. LITTLEFIELD: I have a question for
21 Marty. Looking at that paragraph on Page 12, the middle
22 paragraph, the last sentence says, I don't know how you
23 say that's gentleman's name, 2001 personal
24 communications, noted that gallbladders -- the value of
25 gallbladders has declined significantly in recent years
26 and that he just sold more than 100 gallbladders for
27 about \$30 a gallbladder, now, that varies dramatically
28 from \$10,000 a gallbladder.

29

30 MR. MEYERS: Absolutely. And that's one
31 person and I don't know what the background of that
32 particular issue is. And the information I gave you is
33 from what the Fish and Wildlife has compiled through all
34 their investigations and the work they do throughout the
35 country. So a lot of the stuff, I suppose, could be
36 just individual perceptions or just this one business
37 does that. But there are markets other places that are
38 different. So I suppose that's just a difference.

39

40 CHAIRMAN THOMAS: Dave.

41

42 MR. JOHNSON: Mr. Chairman, keep in mind
43 that the portion that's being opposed is the change in
44 the classification from a big game animal to a furbearer
45 and that's what then kicks in what you can do with it.

46

47 CHAIRMAN THOMAS: So are we saying that
48 bear don't have fur?

49

50 MR. JOHNSON: They do have fur, but

00094

1 they're not classified as furbearers, Mr. Chairman.

2

3 MR. LITTLEFIELD: They're hairbearers.

4

5 MR. JOHNSON: I didn't define the system,
6 Mr. Chairman.

7

8 CHAIRMAN THOMAS: Okay. Other agency or
9 government comments. Okay, hearing none, thank you Dave.
10 Tribal governments. No tribal governments. State of
11 Alaska.

12

13 MS. GARZA: We did it.

14

15 CHAIRMAN THOMAS: State of Alaska.

16

17 MR. TITUS: I already gave it.

18

19 CHAIRMAN THOMAS: Okay. You're done?

20

21 MR. TITUS: (Nods affirmatively)

22

23 CHAIRMAN THOMAS: You're done, okay.
24 Other government organizations. Are you going to cover
25 other government organizations? Summary of written
26 public comments.

27

28 MR. SCHROEDER: Mr. Chairman, there are
29 just two written public comments. One is really from a
30 government agency from State of Alaska Department of
31 Public Safety. It's in your book. Colonel Joel Hard is
32 the director. The Department of Public Safety opposes
33 this proposal. They believe that allowing the sale of
34 bear parts will increase illegal take and waste of bears
35 and will exacerbate the Black Market issues. Will go
36 against North America trend that is more restrictive
37 concerning sale and is not consistent with customary and
38 traditional practices.

39

40 The Department of Public Safety is
41 opposed to Proposal 1, which would request brown bear and
42 black bear as furbearers and allow the sale of bear
43 parts.

44

45 We've got very brief line supporting this
46 proposal from Mr. Glenn Alsworth of Port Alsworth,
47 Alaska. I am in favor of adopting the wording change for
48 this regulation. I believe that any time a subsistence
49 user can derive more benefit from a legally taken
50 subsistence resource the better.

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1 And that's all we have received so far.

2

3 CHAIRMAN THOMAS: Okay. Public
4 testimony. Anybody from the public. We've got no public
5 here, everybody belongs to something.

6

7 Okay, hearing none, it now moves to the
8 property of the Regional Advisory Council. And
9 discussion will be limited to voting members of the
10 Regional Advisory Council with the exception that if a
11 Council member would like to glean resource information
12 from a Staff person, that will be allowed. That's the
13 practice. So what's the wish of the Council?

14

15 MR. LITTLEFIELD: Mr. Chair.

16

17 CHAIRMAN THOMAS: John.

18

19 MR. LITTLEFIELD: Could the maker of the
20 motion clarify the motion, whether we're talking about
21 the original proposal on Page 2 or exactly what was her
22 motion on, to accept the proponent's definition?

23

24 CHAIRMAN THOMAS: Dolly.

25

26 MS. GARZA: Mr. Chairman, my intent as
27 the maker of the motion is to support the proposed
28 regulation as submitted by Craig Fleener.

29

30 MR. LITTLEFIELD: Thank you.

31

32 CHAIRMAN THOMAS: Is there a second?

33

34 MR. STOKES: I second it.

35

36 CHAIRMAN THOMAS: It's been moved and
37 seconded to support. Discussion. John.

38

39 MR. LITTLEFIELD: Thank you, Mr. Chair.
40 I am going to support this. I think there's been
41 insufficient data presented one way or another. We have
42 very clear language that animals have to be legally
43 taken. These limits are so liberal as to not cause any
44 conversation concern. The data shows that there's plenty
45 of bears around. The effect on other users would be
46 negligible and the effect for subsistence users would be
47 positive therefore I support.

48

49 CHAIRMAN THOMAS: I'm going to vote in
50 favor of the thing also because I just have to -- I can't

00096

1 say strong enough, my opposition to the language used
2 such as there's also concerns that legalized sale of bear
3 hides and parts from bears taken from Federal lands would
4 provide incentives for illegal hunting. That has nothing
5 to do with Title VIII.

6

7 Title VIII -01 says we must provide a
8 continued access for subsistence, that is our charge.
9 And so this justification is in total conflict with the
10 intent of Title VIII.

11

12 Further discussion. Dolly.

13

14 MS. GARZA: I guess I would like to hear
15 from anyone from Federal subsistence if other regions
16 have already voted on this proposal since it is a
17 statewide proposal, and what the outcome from those
18 regions has been.

19

20 CHAIRMAN THOMAS: Don.

21

22 MR. RIVARD: Don Rivard with Office of
23 Subsistence Management. Mr. Chair, Dolly, there have
24 been other meetings that have gone on. I'm not familiar
25 with all of them. The one that I attended was Eastern
26 Interior where Craig Fleener is a member of the Eastern
27 Interior Regional Council. They voted to defer this
28 because Craig was not at the meeting and they wanted to
29 hear directly from him or they deferred that. I believe
30 the Yukon-Kuskokwim Council last week voted with the
31 Staff recommendation to oppose. So those are the two
32 that I'm familiar with.

33

34 MR. EASTLAND: I'm Warren Eastland with
35 the BIA.

36

37 REPORTER: Wait, you need to come
38 forward.

39

40 CHAIRMAN THOMAS: Come on up. I called
41 for agencies earlier.

42

43 MR. EASTLAND: Sir, I'm responding to
44 your comment about how other RACs voted. I attended the
45 Barrow meeting and they voted to oppose the proposal as
46 written for the reason that adding -- the simple act of
47 adding black bear and brown bear to the list of
48 furbearers does not provide additional subsistence
49 opportunity.

50

00097

1 CHAIRMAN THOMAS: Thank you.

2

3 MR. EASTLAND: Thank you.

4

5 CHAIRMAN THOMAS: Further discussion.

6 Marty. You been to a meeting?

7

8 MR. MEYERS: Yeah.

9

10 CHAIRMAN THOMAS: Okay, what meeting did
11 you go to?

12

13 MR. MEYERS: Marty Meyers, Forest
14 Service. I was at the Southcentral last week and they
15 voted not to have it as a furbearer but I think they
16 amended the proposal to say that you can use the hide to
17 make handicrafts and also sell the head, teeth and claws.

18

19 CHAIRMAN THOMAS: Thank you. Any more
20 discussion on the motion?

21

22 MR. ADAMS: Mr. Chairman.

23

24 CHAIRMAN THOMAS: Bert.

25

26 MR. ADAMS: I'm struggling with this
27 because that portion in there where it says allow parts
28 to be sold kind of bothers me. And I don't know.....

29

30 CHAIRMAN THOMAS: Where does it say parts
31 to be sold?

32

33 MR. ADAMS: It's on Page 1.

34

35 CHAIRMAN THOMAS: Why does it bother you?

36

37 MR. ADAMS: It says -- well, I have a
38 little problem with selling subsistence resources.

39

40 CHAIRMAN THOMAS: Well, you don't eat the
41 claws.

42

43 MR. ADAMS: I know.

44

45 CHAIRMAN THOMAS: You know, and there's
46 parts of it that's not edible.

47

48 MR. ADAMS: Well, what I was going to say
49 is that I've been going back and forth listening to
50 people, you know, discuss it and so I just need to hear

00098

1 more discussion to help me make a decision one way or
2 another.

3

4 Thank you.

5

6 MR. MARTIN: Mr. Chairman.

7

8 CHAIRMAN THOMAS: Harold.

9

10 MR. MARTIN: I guess I'm having the same
11 problem. The question here seems to be reclassifying
12 black bears from big game to furbearing animals. As
13 Native peoples we have great respect for the brown bear
14 and I don't want to see them classified in the same class
15 as lynx and marten and otters. The other question is
16 whether to sell parts of the bear. And I think I need to
17 hear more to make a decision.

18

19 CHAIRMAN THOMAS: Okay, somebody speak up
20 and give us more information. What do you want to hear
21 that you haven't heard?

22

23 MS. WILSON: Mr. Chair.

24

25 CHAIRMAN THOMAS: Marilyn.

26

27 MS. WILSON: I would like to know what do
28 people here in Southeast use the bear for? I know some
29 of our people use it in our regalia. And I can't see
30 anybody getting rich off selling one bear for every year.

31

32 MR. LITTLEFIELD: Four years.

33

34 MS. WILSON: Every four years. Who's
35 going to get rich off of that. And I'm of the thought
36 that we need to keep subsistence -- or the opportunity
37 for our people to gather this and to sell it if they
38 wish. Like if they need to sell it to another artist, we
39 shouldn't curtail that. And I can't see our people or
40 anybody -- any person getting rich off of one bear every
41 four years.

42

43 MR. MARTIN: Mr. Chairman.

44

45 CHAIRMAN THOMAS: We're running into a
46 problem where people are shy about doing their own
47 thinking. We used to bring influence and we're
48 comfortable in past practices, right or wrong, we're
49 comfortable with them. And we need to outgrow that.
50 Since this is going to be wide open, we need more

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1 information. The Chair's going to recognize Craig.

2

3 MS. GARZA: Dale.

4

5 CHAIRMAN THOMAS: Come on up Dale.

6

7 MR. KANEN: Marilyn, I don't know if this
8 will help your question about past customary tradition
9 but -- and I'm going back about 10 years in memory when
10 we were dealing with brown bear in Unit 4, but I think --
11 I think one of the uses that I haven't -- I didn't see
12 when I skimmed this that was widespread in Southeast for
13 brown bear, and I don't know about black bear, but for
14 brown bear the fat was real important in terms of
15 preserving things, berries and stuff through the winter.
16 So brown bear were harvested for their fat.

17

18 If I recall correctly, I think the
19 Yakutat were the one tribe we ran across that harvested
20 them to eat and typically that was when they were two
21 year olds or younger in the dens.

22

23 So with modern refrigeration, some of
24 that use seems to have disappeared. But that's kind of
25 going back about 10 years in my memory.

26

27 CHAIRMAN THOMAS: Thank you, Dale.

28

29 MR. MARTIN: Mr. Chairman.

30

31 CHAIRMAN THOMAS: Harold.

32

33 MR. MARTIN: When I asked, I guess I was
34 thinking about the subsistence uses of black and brown
35 bear and customary and traditional uses of these animals.
36 And in the old days we used the black bear and brown bear
37 for food, you mentioned the use of the fat and used the
38 hides for blankets and rugs and the claws and teeth for
39 ceremonial purposes. I don't recall, as I was growing
40 up, selling parts of a brown bear, as I said, we had
41 great respect for the bear.

42

43 CHAIRMAN THOMAS: Dave.

44

45 MR. JOHNSON: Just to refer you to, Mr.
46 Chairman and Marilyn, Page 9, the last paragraph there
47 has a fairly detailed -- regarding what's gone on in the
48 state with respect to the various tribes with bears.

49

50 CHAIRMAN THOMAS: John.

00100

1 MR. LITTLEFIELD: Thank you, Mr. Chair.
2 Just a -- without wordsmithing this at all, furbearer, as
3 you look at it, is exactly what a black bear and brown
4 bear is. If you look at all the other animals there,
5 they're all furbearers and when you look at the other big
6 game, they're all hairbearers. They're caribou, moose
7 and all the other things that they've got limited. But
8 all of those things were subsistence uses.
9

10 The language that protects this is
11 customary trade. If one person has established a
12 customary trade or 10 persons, that's okay with me. But
13 I'm not advocating it at all that people get into the
14 wholesale market of selling this under trade to people
15 that they do not have -- they have not established a
16 customary trade route with. So in other words, so if
17 those people want to do that, I would say that they
18 should be able to continue their customs and traditions.
19

20 Thank you.

21
22 CHAIRMAN THOMAS: Thank you. Anybody
23 else?

24
25 MR. ADAMS: Mr. Chairman.

26
27 CHAIRMAN THOMAS: Bert.

28
29 MR. ADAMS: That part there where it says
30 allows parts to be sold still kind of bothers me. It's
31 kind of like putting a rider on an appropriations bill.
32 And I don't know, I just feel uncomfortable about it.
33 When Marty was giving us some figures here on the amounts
34 of dollars some of those gallbladders were worth, South
35 Korea \$10,000, Japan two to 3,000 and so forth. You
36 know, this could turn into real big business for someone.
37 I don't know.

38
39 CHAIRMAN THOMAS: More discussion.
40 Dolly.

41
42 MS. GARZA: I guess if you looked just at
43 the dollar value of it, I mean we're also looking at
44 customary trade regulations and if the regulations that
45 are being proposed pass, \$1,000 per person or \$1,000 per
46 household and perhaps \$500, then gallstones [sic] aren't
47 going to be sold under subsistence. So I don't see that
48 as a major issue.

49
50 In terms of being able to access some of

00101

1 these resources, I have run across dancers in dance
2 groups that would like to be able to buy bear or bear
3 teeth for their regalia and because they're working
4 people in Ketchikan and don't really have anything
5 worthwhile to trade for and so I see instances where
6 there is a need for this type of activity. I understand
7 what John is saying, that, you know, if this is
8 subsistence and there's some way we can enhance the
9 benefits to subsistence users, that's what we should be
10 doing. That's what this Council is meant for.

11
12 And I think there are other fractions
13 outside of this U-shape that will work harder to close in
14 on what we can do in terms of this proposal.

15
16 I also have problems because we, you
17 know, traditionally did not sell gallstones or
18 gallbladders or whatever to Asian countries and so I
19 think that is a bother to all of us. But when I do look
20 at this proposal and, granted that we got our packets
21 this morning so we're not all like well-versed on what's
22 in here. But in terms of CITES, the way I understand
23 CITES is that that is actually an import law so we can
24 send it to any country that chooses to allow to import
25 it. Canada is one of them. If you read this it sounds
26 like Canada would allow for the importation of these
27 products. There may be countries that don't allow for
28 the importation of these products and those countries
29 would simply not allow it. And so for that reason I
30 don't see where CITES fits into this. It would be sold
31 within the United States, where it can be sold since
32 brown bear and black bear are not listed under our local
33 Endangered Species and CITES is an international treaty,
34 not a US treaty.

35
36 But it's confusing. I mean I'm here with
37 Bert and I'm here with Harold. Perhaps if there was some
38 modification to this I could support but otherwise I'm
39 sitting right on the fence with you guys.

40
41 CHAIRMAN THOMAS: I guess I need to
42 apologize for being so naive. You know, my version of
43 subsistence is when you go after a resource, it's for
44 your benefit, for your consumption, for your comfort,
45 this kind of thing. It's all it is. And I've never
46 heard this kind of discussion before in a subsistence
47 community. I'm not saying that it's wrong, not saying
48 that it's wrong, it's just new to me. And so I'm a
49 little bit embarrassed for being so far behind on this.
50 But we'll continue with the discussion.

00102

1 Bob.

2

3 MR. SCHROEDER: I just had a couple of
4 items -- thoughts that came up. One was concerning the
5 sale of gallbladders. And many of you may know that
6 bears are kept in dismal conditions in China at the
7 present time and their gallbladders are bilked and this
8 has depressed the international market for galls, so I
9 think Marty's figures are correct as well as probably the
10 other figures here are correct.

11

12 Just something else that came to mind was
13 Dolly was mentioning the use of different bear parts for
14 regalia for other traditional uses. This happens with a
15 lot of other subsistence items in Alaska where artists
16 from one region barter or trade with artists from another
17 region for ivory, for marine mammal parts, et etcetera.
18 Trade in this circle for marine mammal parts is legal,
19 above board it's protected by treaties. We do have sort
20 of a peculiar situation with brown bear parts. It's a
21 little bit like the situation that was faced by many
22 Lower 48 Indian tribes in the trade or use of eagle
23 parts, which, of course, was really highly sensitive.

24

25 So I just have those observations. I
26 don't have any answer to this question.

27

28 MR. JOHNSON: Mr. Chairman, also on Page
29 5, again, coming back to this classification of why
30 furbearer or big game is -- from a legal standpoint, if
31 you look there in the middle of the page it says a
32 furbearer is a classification of animals subject to
33 taking with a trapping license under State regulation 5
34 AAC. The other aspect is a subject to sealing
35 requirements. The State 2001/2002 trapping regulations
36 specify that "you may sell any part of an animal taken
37 under a trapping license." So what it does is just make
38 everything legal in terms of State regulations. Whether
39 or not that has anything to do with the cultural
40 discussions you're having, it's more for clarification of
41 that.

42

43 CHAIRMAN THOMAS: Patty.

44

45 MS. PHILLIPS: Mr. Chair. I oppose the
46 proposal. I do support the Staff rewording of -- but
47 modified -- utilization of fish, wildlife or shellfish.
48 You may sell handicraft articles and food items made from
49 the legally taken -- made from a legally taken bear -- or
50 you may sell handicraft articles and food items made from

00103

1 the fur, head, teeth and claws and other body parts of a
2 legally taken bear.

3

4 CHAIRMAN THOMAS: John.

5

6 MR. LITTLEFIELD: Maybe I can explain why
7 I supported this. Our previous coordinator, Mr. Clark,
8 used to always tell us, at least since I've been on this
9 board that there were four things that we should consider
10 when we make our decisions, and only those four, not
11 commercial, not anything else. And those things that he
12 told us was to analyze the data that was presented to
13 you. Secondly, to analyze whether there's a conservation
14 concern with the species. Thirdly, analyze the affect on
15 other users. And fourth, whether it was detrimental or
16 good for subsistence users. And those were the four
17 reasons I gave you when I first spoke. And I find that
18 the data is completely insufficient to make a clear
19 decision whether we're grasping at \$10,000 or \$30, we
20 don't have any idea. We do know that, legally taken,
21 means one bear every four years. And so I don't think
22 that's going to hurt anything so there is no conservation
23 concern.

24

25 I just wanted to explain why I gave the
26 answers in the order that I did because he said it was
27 important for the Federal Subsistence Board to know that
28 we took action based on those four principles. And I
29 just wanted to explain why I'm voting to support.

30

31 CHAIRMAN THOMAS: Dolly.

32

33 MS. GARZA: I guess I'm thinking on my
34 butt since I'm not standing and not thinking on my feet.
35 I have to agree with John 100 percent after kind of going
36 over through the material and trying to think of both
37 sides. I've jumped on the fence to support the proposal
38 as written because, one, there is no conservation
39 concern. Our black bear stocks are certainly healthy,
40 those are the ones where we could harvest two per year.
41 I've known hunters in the Sitka area and bear hunting is
42 work, it's not like everybody's going to go charging out
43 to shoot one to get something; it takes a lot of work.
44 There's no conservation concern with the brown bear.
45 It's one per every four years. If you compare that to
46 the State sport harvest, that sport harvest is much
47 higher than the subsistence harvest so if there is a
48 conservation concern then we should be looking at sport
49 and game harvesting of bear, brown bear, before we look
50 at subsistence brown bear harvesting.

00104

1 In terms of subsistence, if we have
2 subsistence hunters that are taking brown bears because
3 they still like to eat it and I certainly know people who
4 do that, then this may provide them with a little more
5 income and I think that that's okay because I think in
6 terms of customary trade, that we will likely have limits
7 placed on the dollar amount so it's not like someone's
8 going to be going out there and making \$40,000 a year off
9 of bear. That's simply not going to happen under the
10 legal process.

11
12 So those are my comments, Mr. Chair.

13
14 CHAIRMAN THOMAS: Thank you. Further
15 comments. Questions. Yes.

16
17 MR. REID: My name is Mason Reid,
18 wildlife biologist for Wrangell-St. Elias National Park
19 and Preserve. One thing that hasn't been mentioned here,
20 although the trade -- the Council seems to be tending
21 towards the trade. The other thing that has not been
22 mentioned is the classification as a furbearer and the
23 one thing that that does do is change the means and
24 methods of takes and that has not been discussed. And
25 what the change of classification to a furbearer would be
26 would be to allow trapping of bears.

27
28 And regarding any conservation concerns,
29 when you allow trapping of wildlife, it is more non-
30 selective or less selective than taking with a firearm.
31 So a minor conservation concern would be, you know, even
32 though the actual numbers are regulated, the make up of
33 those numbers would change -- would change in what
34 animals you're actually taking. So it's a minor concern
35 but it is one that hasn't been addressed either in the
36 Staff analysis.

37
38 But the main point I wanted to make is
39 the methods and means would be changing with the
40 furbearer classification. And at the Southcentral RAC
41 meetings, they decided not to go with the furbearer along
42 the discussion of trapping and reclassification. So they
43 decided to allow the sale of parts and still classify it
44 as a game species.

45
46 In the Wrangell-St. Elias Subsistence
47 Resource Committee meetings some of the committee had, I
48 guess, philosophical concerns about treating the bears as
49 furbearers along the lines of wolverine and other smaller
50 furbearers. They thought that that was disrespectful for

00105

1 the bear.

2

3 That's all.

4

5 CHAIRMAN THOMAS: Thank you.

6

7 MR. LITTLEFIELD: Mr. Chair.

8

9 CHAIRMAN THOMAS: John.

10

11 MR. LITTLEFIELD: Did you look at the
12 definition of furbearer? I don't want to get into a
13 debate or go over it with you but a furbearer is listed
14 as a wolf. And in our culture here, those of us who are
15 not raven are wolf. I mean so half of the Tlingit people
16 in Southeast Alaska are wolf, so, I mean that's just too
17 simple the way you're putting that, the high esteem.

18

19 Thank you.

20

21 CHAIRMAN THOMAS: Further questions.

22 Discussion. Mike.

23

24 MR. DOUVILLE: Thank you, Mr. Chairman.

25 The proponent is seeking to sell arts and crafts made
26 from the hides and parts, he's not saying anything about
27 selling gallbladders. If he goes to take a bear to eat
28 instead of leaving the fur there, he won't eat that, he
29 can make something out of it. I'm referring -- you can
30 already do that with black bear. But what I'm seeing
31 here is if he could do that with brown bear it would help
32 the subsistence user.

33

34 Can this be modified to address that
35 without changing the furbearer status, changing it to a
36 hairbearer to a furbearer so to speak?

37

38 CHAIRMAN THOMAS: Thank you. Anybody
39 else. Harold.

40

41 MR. MARTIN: Mr. Chairman, I guess I
42 agree with the gentleman down there, that I'm having more
43 problems with reclassifying the bear as a furbearer than
44 I am selling parts. So if there could be a modification
45 there I would vote for it.

46

47 CHAIRMAN THOMAS: Further discussion.

48 Dolly.

49

50 MS. GARZA: Mr. Chairman, I guess I just

00106

1 need clarification. So under State law, Craig Fleener
2 can go hunt black bear and sell handicraft from it on
3 State lands, that already exists? And under State law, I
4 mean I have seen Interior videos on bear hunting where
5 they do trap bear, so is that not legal on State lands?

6

7 Kim.

8

9 CHAIRMAN THOMAS: Mr. Titus.

10

11 MR. TITUS: To my knowledge it's not
12 legal to trap bears anywhere in the state of Alaska.

13

14 MS. GARZA: Okay. So then in your
15 reading of what Mr. Fleener is attempting to do in this
16 regulation, by changing bear over to a furbearer, that is
17 for the sole purpose of allowing a different type of gear
18 for hunting?

19

20 MR. TITUS: All I can read into it is the
21 proposal as written, and the proposal as written as this
22 Board and others have discussed, by that mere change has
23 broad ramifications.

24

25 MS. GARZA: So then, I guess, I'd like to
26 ask other Council members, has bear traditionally been
27 trapped in Southeast?

28

29 MR. MARTIN: Mr. Chairman.

30

31 CHAIRMAN THOMAS: Harold.

32

33 MR. MARTIN: As a little boy, I remember
34 my grandfather having great big traps and setting it in
35 the creeks. He trapped bears and my dad trapped bears.

36

37 CHAIRMAN THOMAS: Same here. We had bear
38 traps everywhere, but that's not to say that that's the
39 thing to do. If there's any part of this I disagree
40 with, that would be to change that part of harvesting to
41 allow the trapping of bear. The discussion I heard and
42 the concerns I heard around that, I agree with. But for
43 the rest of the proposal, I find no problem with
44 supporting.

45

46 So I would entertain a motion for a
47 revision or whatever the Council wishes.

48

49 MS. GARZA: I guess, Mr. Chairman, I have
50 a clarification. I mean if you were talking that both

00107

1 you and Harold remember trapping as a traditional method
2 but you're speaking against trapping as a current method
3 for harvesting bear in Southeast?

4

5 CHAIRMAN THOMAS: Yeah, that's correct.
6 Because I'm kinder and gentler now. I'm in the world of
7 sophistication and fiberoptics and that kind of stuff. A
8 long time ago everything was done in a barbaric manner.
9 I mean a bear trap is not a pleasant instrument at all.
10 In fact, you've heard of the two most painful feelings in
11 the world, uh, you want to tell them Dave?

12

13 MR. JOHNSON: No, go ahead Mr. chairman,

14

15 CHAIRMAN THOMAS: No, I'm not going to
16 tell them either.

17

18 (Laughter)

19

20 CHAIRMAN THOMAS: But they were harvested
21 in many ways. Any means you could do to harvest whatever
22 you went after was used. Whether it was trapping him,
23 whether it was dead falls, whether it was snares,
24 anything to get the critter you were going after. But
25 with the way things are now days, if they're eligible to
26 harvest them without trapping them I would be in more in
27 support of that.

28

29 Dolly.

30

31 MS. GARZA: Mr. Chairman, the current
32 motion that is on the floor is to support the proposal as
33 written by Craig Fleener that would allow for selling of
34 parts as well as trapping of bear and, this is a
35 statewide proposal. I have the feeling that there is
36 some support on this Council for this proposal as
37 written. And if we were to call for the question and
38 this proposal was voted down because there is also
39 opposition to this proposal, can we then submit a
40 modified proposal or do we need to figure out how we
41 might want to alter this proposal before we vote on it?

42

43 CHAIRMAN THOMAS: Okay, the motion has
44 been made to adopt, a motion is in order to amend.

45

46 MR. MARTIN: Mr. Chairman.

47

48 CHAIRMAN THOMAS: Harold.

49

50 MR. MARTIN: Speaking to Dolly's question

00108

1 earlier, although my grandfather trapped black bear -- or
2 brown bear and my dad did also it's not the safest way to
3 take a bear. I think it's more humane to shoot the
4 things.

5

6 MS. WILSON: Mr. Chair.

7

8 CHAIRMAN THOMAS: Marilyn.

9

10 MS. WILSON: Could we not amend the
11 motion -- I mean amend to adopt the motion as amended?

12

13 CHAIRMAN THOMAS: By all means.

14

15 MS. WILSON: Could we put the exception
16 of the -- the proposal that I see here is Wildlife
17 Proposal WP02-01 submitted by Craig Fleener of Fort
18 Yukon, requests that black and brown bears be classified
19 as furbearers but we could change the hunting method and
20 I don't know how to word it. That's what I'd go for if
21 someone could word it better.

22

23 CHAIRMAN THOMAS: If you had any friendly
24 colleagues they'd be jumping at the chance to help you
25 with that.

26

27 MR. LITTLEFIELD: I could reword it but
28 I'm not going to.

29

30 CHAIRMAN THOMAS: Mike.

31

32 MR. DOUVILLE: Thank you, Mr. Chairman.
33 The proponent is using the change to a furbearer only to
34 access further utilization of the animal is what I'm
35 reading. And to take the black or the brown bear and put
36 it in line with what's on Page 13 in the middle
37 paragraph, you may sell handicraft articles made from the
38 fur of black bear in the next paragraph, if this motion
39 was either defeated or amended to address or to adopt
40 these as the black bear is, well, then I would be in
41 favor of it. You would be fully utilizing something that
42 you're going to take for meat anyway or whatever.

43

44 But, at least, you wouldn't have the
45 problems pointed out with changing it to a furbearer
46 where method of take and everything else is affected.

47

48 MR. MARTIN: Mr. Chairman.

49

50 CHAIRMAN THOMAS: Harold.

00109

1 MR. MARTIN: If there was a motion to
2 amend the motion to not reclassify the bear as a
3 furbearer, then I believe the method of take would remain
4 the same.

5
6 CHAIRMAN THOMAS: Thank you. Patty.

7
8 MS. PHILLIPS: Mr. Chair, I want to
9 clarify my position. I do not support the
10 reclassification of bear as a furbearer. I do support
11 the changing of the utilization of fish, wildlife or
12 shellfish. As I stated earlier, you may sell handicraft
13 articles and food items made from the fur, head, teeth,
14 claws, body parts of a legally taken bear. It doesn't
15 define it brown bear or black bear it just says bear.
16 And if you want to change that to legally taken black or
17 brown bear.

18
19 CHAIRMAN THOMAS: You know, this reminds
20 me of a story I heard during lunch at another Regional
21 Council meeting, they spent three hours debating
22 something they couldn't do anything about anyway. And
23 we're kind of on the same track here. We're a long ways
24 from Fort Yukon. And when we get done here, I probably
25 would be most satisfied with no position from the region.
26 But that's up to you guys. You guys look like you're
27 really enjoying.

28
29 Dolly.

30
31 MS. GARZA: I guess, Mr. Chairman, I am
32 having a hard time understanding why other people are
33 opposed to reclassification. I mean, to me, it doesn't
34 matter. I mean whether or not it's called a furbearer or
35 a big game, except that whether or not it's one category
36 or another category determines what you can do to that
37 animal. So I don't know if you're opposed to just the
38 fact that you think it's a big animal or a little animal
39 or if you're opposed to what that implies legally as to
40 what you can do with it.

41
42 CHAIRMAN THOMAS: Dave.

43
44 MR. JOHNSON: Mr. Chairman, at the risk
45 of incurring the wrath of the Chair, why couldn't the
46 bear remain as a big game animal but allow certain parts
47 to be sold to be specified by the Council so you'd keep
48 it as a big game animal but you'd simply amend the
49 portion of what parts you want sold?

50

00110

1 CHAIRMAN THOMAS: Well, the Chairman's
2 spine has been stripped at this moment so whatever the
3 wish of the Council is.....

4
5 MR. LITTLEFIELD: I call for the
6 question, Mr. Chair.

7
8 CHAIRMAN THOMAS: Question's been called
9 for. All those in favor of adopting this proposal,
10 signify by saying aye.

11
12 IN UNISON: Aye.

13
14 CHAIRMAN THOMAS: Those opposed.

15
16 MR. MARTIN: Nay.

17
18 MR. DOUVILLE: Nay.

19
20 MS. PHILLIPS: Nay.

21
22 MR. ADAMS: Nay.

23
24 MS. RUDOLPH: Nay.

25
26 CHAIRMAN THOMAS: Okay, show of hands.
27 Ayes. One, two, three, four, five, six.

28
29 MR. LITTLEFIELD: Mr. Stokes.

30
31 MS. GARZA: We're missing Dick.

32
33 (Laughter)

34
35 MS. GARZA: That as an aye.

36
37 (Laughter)

38
39 CHAIRMAN THOMAS: Okay, so the motion
40 carries.

41
42 MR. ADAMS: Hey, we didn't get to vote.

43
44 MR. MARTIN: We didn't get to vote.

45
46 CHAIRMAN THOMAS: I don't care, you're
47 six -- six hands up there and there's only eight people
48 here. Okay, just for constitutional appropriateness
49 we'll hear from the nays. Same sign. One, two, three,
50 four, five, six. 6-6 and we only got eight people here.

00111

1 MR. LITTLEFIELD: No, that wasn't it.

2

3 MR. SCHROEDER: Let's do this again.

4

5 CHAIRMAN THOMAS: Well, he was in
6 consultation with legal counsel.

7

8 MR. LITTLEFIELD: There was only
9 five.....

10

11 MR. SCHROEDER: Mr. Chairman, could I
12 suggest a roll call vote on this?

13

14 CHAIRMAN THOMAS: Yeah, we'll do the roll
15 call.

16

17 MS. GARZA: So, Mr.....

18

19 CHAIRMAN THOMAS: Madame Secretary, would
20 you call the roll?

21

22 MS. GARZA: Mr. Chairman, could we just
23 clarify what we're voting on, so it would be -- the
24 motion that was made by me was to support the proposal as
25 written by Craig Fleener, not the modifications proposed
26 by Staff.

27

28 CHAIRMAN THOMAS: That is correct.

29

30 MS. WILSON: Bert Adams.

31

32 MR. ADAMS: Nay.

33

34 MS. WILSON: Floyd Kookesh.

35

36 MR. KOOKESH: Aye.

37

38 MS. WILSON: Oops, do I have to turn this
39 on?

40

41 CHAIRMAN THOMAS: Yes.

42

43 MS. WILSON: William C. Thomas.

44

45 CHAIRMAN THOMAS: Aye.

46

47 MS. WILSON: Floyd Kookesh, I didn't get
48 you.

49

50 MR. KOOKESH: Aye.

00112

1 MR. LITTLEFIELD: Why, he just told you.

2

3 MS. WILSON: Clarence Laiti, he's not
4 here.

5

6 CHAIRMAN THOMAS: Aye.

7

8 MS. WILSON: Richard Stokes.

9

10 MR. STOKES: Aye.

11

12 MS. WILSON: Mary Rudolph.

13

14 MS. RUDOLPH: No.

15

16 MS. WILSON: Patricia Phillips.

17

18 MS. PHILLIPS: No.

19

20 MS. WILSON: Michael Douville.

21

22 MR. DOUVILLE: Nay.

23

24 MS. WILSON: Marilyn Wilson, yes. John
25 Littlefield.

26

27 MR. LITTLEFIELD: Yes.

28

29 MS. WILSON: Harold Martin.

30

31 MR. MARTIN: Nay.

32

33 MS. WILSON: Dolly Garza.

34

35 MS. GARZA: Yes.

36

37 MS. WILSON: Six yes, five no.

38

39 CHAIRMAN THOMAS: Motion carries. We're
40 going to take a five minute break. I got another spine
41 being delivered, so I'll be back in shape for the next
42 proposal. Five minute break.

43

44 (Off record)

45

46 (On record)

47

48 CHAIRMAN THOMAS: Okay, we'll call the
49 meeting back to order.

50

00113

1 MS. GARZA: Mr. Chairman.

2

3 CHAIRMAN THOMAS: Dolly.

4

5 MS. GARZA: For purposes of the record
6 for the Proposal WP02-01, it's my understanding that
7 those who voted in favor of it, voted in favor of it,
8 one, because there's no conservation issue and two,
9 because it improves the status for subsistence users and
10 the data doesn't indicate that we should have voted
11 otherwise. I can't remember what the last -- the four
12 things that Fred told us we had to keep looking at. But
13 just so when Federal Subsistence Board looks at our
14 minutes they'll understand why we voted the way we did.

15

16 Thank you.

17

18 CHAIRMAN THOMAS: I want us to rest
19 easily now, the U.S. Attorney General just entered the
20 room. Jim, nice to see you.

21

22 MR. USTASIEWSKI: It's good to see you,
23 too.

24

25 CHAIRMAN THOMAS: Jim Ustasiewski,
26 attorney at law and I mean that, law. Okay, this brings
27 us to WP02-2, that's been withdrawn. WP02-3 is one that
28 came from Hoonah and our Council member from Hoonah says
29 that at this point it's inappropriate and would like to
30 defer it: is that correct?

31

32 MS. RUDOLPH: Yes, Mr. Chairman. I was
33 talking with Bob and I guess he knows more about why it
34 was introduced by a Staff member for educational purpose.
35 I didn't get to talk with the Board members and I sit on
36 the chair of the Subsistence Committee and this wasn't
37 brought before us so I was kind of leery about doing
38 something that the Board didn't know about or what
39 education program he's talking about that needs the five
40 bears.

41

42 CHAIRMAN THOMAS: Would you like Bob to
43 introduce this.

44

45 MR. RUDOLPH: Yes, would he. I think he
46 talked to him more about -- Dave Belton is our Staff
47 coordinator there in Hoonah and I guess he talked to Bob
48 about it.

49

50 MR. SCHROEDER: Mr. Chairman, Mary, as I

00114

1 understand this situation and you got to remember that I
2 am a new guy at this and I haven't been following the ins
3 and outs of subsistence regulations as closely as I once
4 did.

5
6 On the books is a provision for providing
7 educational permits for harvesting of brown bear. An
8 educational permit would be used basically for teaching
9 people the right ways of harvesting and caring for brown
10 bear. I'm not clear, I think, Dave, when he gives his
11 presentation on this proposal can give you back on what's
12 happened with educational permits.

13
14 At the present time, the reading on the
15 educational permit is that it's given to an individual
16 and that that educational permit counts against the
17 person's one bear every four years. And the proponent of
18 this proposal doesn't want an educational permit to count
19 against the other rule of the one bear for every four
20 years which is a general rule for brown bear hunting for
21 Southeast Alaska.

22
23 So that's about all I know of this
24 proposal.

25
26 CHAIRMAN THOMAS: Did you want us to move
27 forward on this Mary?

28
29 MS. RUDOLPH: I think I just have to
30 defer to the next meeting.

31
32 CHAIRMAN THOMAS: Okay, by virtue of
33 request from the Hoonah.....

34
35 MR. LITTLEFIELD: Point of order.

36
37 CHAIRMAN THOMAS:representative --
38 what's your point?

39
40 MR. LITTLEFIELD: My point is that this
41 was submitted by the Hoonah Indian Association.

42
43 CHAIRMAN THOMAS: That's correct.

44
45 MR. LITTLEFIELD: And so therefore it can
46 only be withdrawn by the Hoonah Indian Association. I
47 mean we could vote this down if that was what you want to
48 do, but I believe that the proponent is the only one that
49 can withdraw a proposal.

50

00115

1 CHAIRMAN THOMAS: We're not withdrawing
2 it, we're deferring it.

3

4 MS. GARZA: Mr. Chairman.

5

6 CHAIRMAN THOMAS: Dolly.

7

8 MS. GARZA: I think one thing that Mary
9 had stated when she came here this morning is that --
10 who's the guy at Hoonah Indian?

11

12 MS. RUDOLPH: David Belton.

13

14 MR. LITTLEFIELD: David Belton.

15

16 MS. GARZA: Will be here tomorrow. And
17 so if we are to defer I would like to defer until
18 tomorrow and not until the next meeting because he may
19 come here, not only pissed off at us because we didn't go
20 to Hoonah but pissed off at us because we deferred it to
21 the next meeting.

22

23 CHAIRMAN THOMAS: Are you talking kidneys
24 now or gallbladders?

25

26 MS. RUDOLPH: Mr. Chair.

27

28 CHAIRMAN THOMAS: Mary.

29

30 MS. RUDOLPH: I don't know if David
31 Belton is going to be coming but I can talk to him
32 tonight if you would prefer to move it to tomorrow. I
33 know the HIA president's going to be here tomorrow for
34 the meeting. And I thought because I was on the Board as
35 vice-President and the CTU Chairperson, the concern I had
36 was it wasn't brought before us and, you know, where this
37 educational program was going to come in. And just
38 concerned about it so I just thought I'd defer it to
39 another meeting so that if it's important enough for us
40 to act on then we'd rather do it that way. But if you
41 need an answer by tomorrow, that's fine.

42

43 CHAIRMAN THOMAS: As long as they don't
44 enter their kidneys on us.

45

46 MR. LITTLEFIELD: Mr. Chair.

47

48 CHAIRMAN THOMAS: John.

49

50 MR. LITTLEFIELD: Thank you, Mr. Chair.

00116

1 I don't have any problem deferring this until later in
2 the agenda but this is the wildlife meeting. I think,
3 personally, this has some affect all over Southeast
4 Alaska and cultural education programs exist in other
5 places than Hoonah so this covers all of -- I would like
6 to discuss this before the end of this meeting at some
7 time.

8

9 CHAIRMAN THOMAS: I'm sure we will.

10 Okay, having said that we'll move on to.....

11

12 MR. LITTLEFIELD: Is that at the end
13 then; is that right?

14

15 CHAIRMAN THOMAS: We'll determine that
16 later. Let's see, we're now into IV, revise designated
17 hunter requirements for deer, let's see, 4, 5, 6 and 10
18 are all the same. Is that to be understood that those
19 can all be covered as a lump?

20

21 MR. JOHNSON: That is correct, Mr.

22 Chairman.

23

24 CHAIRMAN THOMAS: Okay. Are you going to
25 be introducing them.

26

27 MR. JOHNSON: Yes, I will. I'm going to
28 give a fairly lengthy introduction to each one. Because,
29 again, it reinforces what we talked about earlier today,
30 which is partly a lack of understanding of the Federally
31 designated permit system and also the comparison between
32 that and the proxy system.

33

34 The Proposal 4 was submitted by Brian
35 Merritt of Wrangell. And he was proposing that the
36 designated hunter may hunt for any number of recipients
37 but may have no more than two harvest limits in his or
38 her possession at any one time be stricken and be changed
39 to a designated Federal proxy hunter may proxy hunt for
40 one individual in their own family only. Each family may
41 have only one person that is proxy hunting for another
42 member of their immediate family. The proxy hunter can
43 choose who the one person they proxy hunt for is.

44

45 Mr. Chairman, unless the Council would
46 like me to read all that that Mr. Merritt submitted, it's
47 pretty clear that there's some confusion about the
48 difference between the Federally designated hunter permit
49 system and the proxy system.

50

00117

1 CHAIRMAN THOMAS: Yeah, there is because
2 the State doesn't have a designated hunter program and
3 the Feds don't have a proxy program. Now what? This
4 makes reference to a proxy hunter.

5
6 MR. JOHNSON: Well, it goes deeper than
7 that. He goes on to say that hunting should be a
8 recreation for the young and old to participate in. And
9 on Zarembo Island it's getting very difficult for young
10 and old hunters to get a deer mainly because the kids are
11 in school during the week and the greedy Federal proxy
12 hunters stay hunting for weeks at a time and they shoot
13 lots of deer from the roads or close proximity.

14
15 MR. STOKES: What page are you on?

16
17 MR. LITTLEFIELD: Page 30.

18
19 MR. JOHNSON: Exactly, on Page 30. It
20 goes on to say, limiting how many deer a person can shoot
21 would leave more of the resource for everybody. Some of
22 the proxy hunters I know won't pass up a spike or any
23 legal size deer even though they have shot 15 or more
24 bucks already that same year. Again, that demonstrates
25 the lack of understanding of the Federal designated
26 permit system where you can hunt up to as many as two
27 different other rural residents at the same time and you
28 can keep hunting once you've harvested the deer for
29 whomever, go back and get additional permit to continue
30 to do that. You just can't have more than eight in your
31 possession.

32
33 And that's my understanding, looking at
34 the record as to why this Council and the Board chose to
35 support a Federally designated hunter system. Not just a
36 "proxy" system.

37
38 The effects, again, unless it's an
39 illegal harvest, if you're taking the same number of deer
40 that would be legal under the licensing and permitting
41 from the State, if you have a healthy population, you
42 should be able to take as many deer as those number of
43 hunters would be taking if they were harvesting them
44 themselves. So that's basically the issues with regard
45 to Mr. Merritt's proposal.

46
47 CHAIRMAN THOMAS: And this is all the
48 technical information there is on that?

49
50 MR. JOHNSON: Yeah, the complete analysis

00118

1 is done on over in -- on Page 38, that's where we have
2 all three of the proposals and in 10 it's slightly
3 different but I was introducing them from the other
4 pages.

5
6 CHAIRMAN THOMAS: What's the wishes of
7 the Council, do you want to discuss them individually or
8 collectively when they get through introducing, they all
9 seem to have a pretty close resemblance?

10
11 MS. WILSON: Mr. Chair.

12
13 CHAIRMAN THOMAS: Marilyn.

14
15 MS. WILSON: Could we have Dave go
16 through all of them and then just start discussing them
17 one at a time? That would be easier for me.

18
19 CHAIRMAN THOMAS: Okay, Dave.

20
21 MR. JOHNSON: Mr. Chair. Proposal 5 is
22 submitted by Mark Armstrong, also of Wrangell. Mr.
23 Armstrong apparently talked to Mr. Merritt because it
24 appears that -- and the reason for changing the
25 regulation, again, has to do with the discussion about
26 the proxy hunting system and it goes to great lengths to
27 talk about what we call the Federally designated hunter
28 system, he calls the Federal proxy system.

29
30 It goes on to say, in the middle of the
31 paragraph, some of the hunters in the Wrangell area are
32 greatly abusing this program that was set up in the
33 beginning to allow people to hunt for elderly people to
34 bag a couple of extra deer for their families. Again, I
35 don't think the Federally designated program was set up
36 just for elderly people. It goes on to say that the
37 effects of this proposal would lead to larger bodied
38 heavy antlered deer. Also the effects on the subsistence
39 users who hunt themselves will benefit greatly because
40 there will be more animals around for them to get and by
41 limiting the game hogs that won't kill as many deer so
42 some bucks will live longer and maybe breed more does.

43
44 That is Proposal 5, Mr. Chairman,
45 Council.

46
47 Proposal 6 is proposed by the Petersburg
48 Fish and Game Advisory Committee. And again, we have the
49 portion that they want to change is the designator may
50 hunt and then strike, for any number of recipients, but

00119

1 may have no more than two harvest limits to his -- in his
2 or her possession at any one time, change that to be, an
3 unlimited number of beneficiaries who are within the
4 second degree of kindred and may hunt for no more than
5 one beneficiary who is not within the second degree of
6 kindred.

7

8 So not only do you now have to have an
9 attorney, I guess you have to have some kind of a family
10 tree document with you as well, Mr. Chairman.

11

12 It goes on to say that the reason for
13 changing the regulation is the current regulation is
14 being abused as a legal means of exceeding the bag limit
15 for deer, Page 36, some individuals actively recruit
16 recipients including infant children in order to exceed
17 the current bag limits for deer. This activity increases
18 the potential for biological problems due to overharvest.
19 Such abuses disregard the intent of the designated hunter
20 regulation and promote ill-will with hunters who do not
21 qualify for Federal privileges and pose a threat to the
22 recovery of deer populations coming back from population
23 declines such as those in Unit 3. Continued uses of the
24 designated hunter regulation are likely to forestall the
25 liberalization of bag limits for deer in some units.
26 This proposal seeks to reduce the abuse of the regulation
27 by limiting the number of recipients a designated hunter
28 may hunt for during a single season while at the same
29 time preserving the original intent of the program.

30

31 Again, the effect of the proposal would
32 be expected increase as a result of the anticipated
33 reduction in harvest and also that legitimate subsistence
34 users will benefit as a result of the increased
35 availability of deer.

36

37 For the purpose of this proposal, "within
38 the second degree of kindred" means mother, father,
39 brother, sister, son, daughter, spouse, grandparent,
40 grandchild, brother or sister-in-law, son or daughter-in-
41 law, father or mother-in-law, step-father, step-mother,
42 step-brother, step-sister, step-son or step-daughter.

43

44 MR. STOKES: You left out grandchildren.

45

46 MS. PHILLIPS: Or his cousin.

47

48 (Laughter)

49

50 MR. JOHNSON: I think that covers 4, 5

00120

1 and 6, Mr. Chairman as to who submitted the proposal and
2 what the issues are around those three proposals.

3

4 I guess I would kind of like to wait --
5 if you'd like me to go into 10 I can go into 10 now as
6 well. It's a similar proposal but is slightly different.

7

8 CHAIRMAN THOMAS: Okay, then let's deal
9 with the three.

10

11 MR. JOHNSON: Okay.

12

13 MR. LITTLEFIELD: Are we lumping these
14 together, Mr. Chairman?

15

16 CHAIRMAN THOMAS: Yes, we are.

17

18 MR. LITTLEFIELD: Okay. Mr. Chairman, I
19 move to adopt Proposals 4, 5 and 6.

20

21 CHAIRMAN THOMAS: You heard the motion,
22 is there a second.

23

24 MR. MARTIN: Second the motion.

25

26 CHAIRMAN THOMAS: Moved and seconded.

27 Discussion. Just a minute, just a minute. We're way out
28 of order here. Now, we got to hear -- we heard the
29 introduction. Did you cover the biological socio-culture
30 as well, was that covered in there?

31

32 MR. JOHNSON: The biological, it doesn't
33 appear that the proposal has any effect from a biological
34 standpoint in terms of the permit itself. The issues
35 center more around the "illegal" use of people that may
36 be abusing the permitting system rather than the
37 biologically aspects of the Federally designated permit
38 system.

39

40 CHAIRMAN THOMAS: Okay. So does that
41 complete your presentation at this point?

42

43 MR. JOHNSON: Well, the conclusion from
44 the Staff was to oppose the proposal and again, the
45 justification is that adopting the proposal would have a
46 negative effect on rural households that cannot hunt for
47 themselves but yet rely on deer for a portion of their
48 diet. The designated hunter system provides an efficient
49 method to harvest deer for extended families and
50 neighbors within rural communities. It is unclear if

00121

1 there is widespread abuse of the Federally designated
2 hunter system or only a few offenders.

3

4 The Federal Subsistence Program currently
5 requires rural subsistence hunters to have all valid
6 State hunting licenses and harvest tickets. And I think
7 part of the problem, Mr. Chairman, is that when people go
8 down to the local vendor and by a State license and get
9 their harvest tickets, if they then come to the Federal
10 Forest Service to pick up their Federally designated
11 permit, the person at the front desk makes the assumption
12 that, if you have a State license and State tickets, I
13 don't need to see a verification of identification to
14 support that. I mean if you have the licen -- I mean we
15 need to know that who the person is giving us the license
16 is the same person -- or the license is the same person
17 that's coming into the office. But as far as the
18 checking on a person's identification, that should take
19 place when the person gets their State license and State
20 ticket.

21

22 The recent State Board of Game decision
23 that increases the age requirement to obtain State
24 harvest tickets will help prevent some of the abuses that
25 may be occurring like the one allegation was that some
26 folks may be going in and getting harvest tickets for
27 their four kids that are between the ages of three and
28 six or one and four, not old enough to hold a gun.

29

30 Forest Service personnel working with the
31 OSM Staff to look at other options for having the Forest
32 Service be responsible for most of the aspects of the
33 designated hunter permitting system, the process that we
34 talked about this morning, having Forest Service
35 personnel handle the data will also help ensure timely
36 analysis of data in order to be included in the next
37 round of wildlife proposal analysis for presentation to
38 this Council.

39

40 That concludes my presentation.

41

42 CHAIRMAN THOMAS: Okay. You know, this
43 doesn't really look like a Council issue, it looks like
44 an administrative issue and I think it needs to be looked
45 at. But just out of curiosity, I want to hear what the
46 agencies and I want to hear what the agencies have
47 considered regarding these proposals, but we're going to
48 go through the process on this in any case.

49

50 So does that cover your comments?

00122

1 MR. JOHNSON: Yes, Mr. Chairman.

2

3 CHAIRMAN THOMAS: Thank you. Agency and
4 government comments. Mr. Turek.

5

6 MR. TUREK: Mr. Chair and Council, I'm
7 Mike Turek with the Subsistence Division, Alaska
8 Department of Fish and Game. ADF&G comments for Proposal
9 WP02-04, we oppose the proposal. The number of active
10 deer hunters is limited in some communities. Some
11 Federally-qualified subsistence users, including elderly
12 persons may not have immediate family members living
13 nearby who could harvest deer for them under the
14 designated hunter provisions. Adoption of this proposal
15 would deny access to deer by persons who are unable to
16 hunt for themselves and who do not have immediate family
17 members living nearby.

18

19 And for 05, we also oppose that proposal.
20 The number of active deer hunters is limited in some
21 communities and some of those individuals have a history
22 of hunting for more than one family. In the absence of
23 abuses of the designated hunter provision, like those
24 described in this proposal, this proposed change would be
25 an unnecessary restriction on subsistence deer hunting on
26 Units 1 through 5.

27

28 And then Proposal 06, our comments,
29 pending evaluation, we defer action pending an
30 evaluation. We recommend deferring action pending
31 evaluation of the designated hunter programs in Units 1
32 through 5. The Department is concerned about the issues
33 raised about Federally designated hunter regulation in
34 this proposal and in Proposals 4 and 5. However, some
35 Federally-qualified subsistence users, including elderly
36 persons may not have relatives within the second degree
37 of kindred living nearby who could harvest deer for them
38 under the designated hunter provisions. Adoption of this
39 proposal would deny access to deer by persons who are
40 unable to hunt for themselves.

41

42 The Department requests that the Federal
43 Board appoint a task force to review the designated
44 hunter programs in Units 1 through 5 and recommend
45 strategies for addressing the kinds of problems described
46 in Proposals 4, 5 and 6. Designated hunter statistics
47 should be evaluated as part of this review.

48

49 CHAIRMAN THOMAS: Thank you, Mike. You
50 know, when I called for agency and government comments, I

00123

1 was hoping to hear from law enforcement. It sounds like
2 we got a rampant situation going on in the Petersburg
3 area. If that's the case I'd have every law enforcement
4 officer we got dispatched to that area with their weapons
5 drawn to correct this. And I see everybody's there but
6 two people.

7

8 Have you folks had any leading
9 information on this prior to this?

10

11 MR. MEYERS: This falls along the lines
12 of what we discussed earlier, you know, basically, not
13 having enough reports turned in from the number of
14 animals that are being killed out there. But as far as
15 specifics, as far as individuals who have shot more deer
16 than they were supposed to or proxy problems, we have not
17 had any cases brought forth dealing with this issue. No
18 suspects.

19

20 CHAIRMAN THOMAS: Okay, thank you.
21 That's a pretty distressing account we got there. And I
22 can't take much more distress. Any more comment from
23 agency and government? How about tribal governments.

24

25 MR. STOKES: Mr. Chairman.

26

27 CHAIRMAN THOMAS: Dick.

28

29 MR. STOKES: We've only got four or five
30 that really abuse this policy. And if there was some way
31 to stop them -- I know when -- I'm speaking for Wrangell
32 not Petersburg. I don't know how many there are in
33 Petersburg, but when the enforcement agents are on
34 Wrangell, they all know about it so they lie low. And
35 when they're gone, as soon as they're gone they take off,
36 especially at night. And those that don't actually shoot
37 at night, they go out just before daybreak and they use
38 their light and they find where their deer are and then
39 at daylight they go in after them. And there's a half a
40 dozen that do this. And when I went in behind one a
41 couple of years ago and he had six deer and all of them
42 were just toe-heads. And my grandson's dog was bigger
43 than them. So if we could have some more enforcement on
44 the island during the season, I think that would probably
45 do better than changing all the regulations.

46

47 Thank you.

48

49 CHAIRMAN THOMAS: Just give us their
50 names for the record, Dick, and we'll take care of it.

00124

1 (Laughter)

2

3 CHAIRMAN THOMAS: Okay, are you guys
4 talking tribal governments or where are we at, back to
5 agencies? Okay, Marty.

6

7 MR. MEYERS: Just a follow up for Dick,
8 you know, we have been working pretty diligently with the
9 deer hunting down there and especially the after hours
10 stuff. We have the ability to do some investigative
11 work. And we have caught a few people doing that. But
12 the problem is that we only have -- currently have one
13 officer in Wrangell and we have a couple in Ketchikan now
14 but the biggest help to all of this is being able to have
15 people who know who these people are and know of the
16 activities to let us know, with enough information that
17 we could actually go out there and deal with it. But,
18 yeah, we understand there's a problem and we're out there
19 during the deer seasons to take care of it. But we're
20 not very many, but the more information we can receive
21 from folks the better we can help curtail that.

22

23 Thank you.

24

25 CHAIRMAN THOMAS: Okay. I'm assuming
26 that there's no tribal governments. State of Alaska.
27 The State's already been heard. Other government or
28 organizations, already been heard. I don't know if we're
29 organ -- I haven't seen much organization. I've seen a
30 lot of people here but not much organization, except for
31 our legal counsel.

32

33 Summary of written public comments.

34

35 MR. SCHROEDER: Mr. Chairman, we have a
36 few comments. They're summarized in your book. Mr.
37 Isley supported these three proposals, just saying he
38 supports them. This is someone living in Port Angeles,
39 postmarked from Port Angeles. Ben Mitchell from Sitka
40 strongly supports this proposal. He believes that the
41 proxy hunter privilege is being abused here in the Sitka
42 area. The reason for changing the regulation describes
43 the abuse that is occurring here in Sitka. The present
44 proxy hunter regulations have created a broad market
45 hunting situation here. Many proxy hunters are actually
46 on the payroll to hunt unlimited numbers of deer for an
47 unlimited number of dependent and unrelated people.
48 Proxy hunters should only be allowed to hunt for one
49 registered family and be allowed only two yearly bag
50 limits, 12 deer in Sitka. Also spotlighting should be

00125

1 curtailed.

2

3 We've got comments listed in your book
4 that's under Jim Bachteal. These are reprinted in --
5 they're the last set of comments in the reproduction that
6 I gave you. And these are really from Jim, in his
7 capacity as the Chair of the East Prince of Wales Fish
8 and Game Advisory Committee. And that committee met a
9 number of times to deal with Prince of Wales Deer issues
10 and they oppose this set of proposals 4, 5 and 6, as well
11 as Proposal 10. Basically saying that this is just --
12 the proposer's harvest statements are perception rather
13 than that of documented abuse. This proposal limits
14 helping out folks outside the family and you should be
15 able to help share with a neighbor with proper licenses.
16 Let's see if they said any different here, they do this
17 in a couple of places.

18

19 No, that summarizes the written comments
20 that we've received on these proposals, Mr. Chair.

21

22 CHAIRMAN THOMAS: Okay. Public
23 testimony. Robert.

24

25 MR. LOESCHER: Mr. Chairman, members of
26 the Board, Advisory Council. You know, I would like to
27 align my comments with that of the State in their
28 observations about this proposal. But I'd like to offer
29 additional comments. There's only less than a couple
30 hundred people using this program, my understanding is.
31 And my understanding under the Federal rules that there
32 are no special qualifications for handicapped, elderly,
33 other special classes of people as opposed to what the
34 State has, which I'm more familiar with.

35

36 I had experience with the State's program
37 about a hunting license and I went to apply for the thing
38 and there's one person in the State office, Wildlife
39 Conservation, that handles it. It's pretty hard to get
40 her attention and lots of paperwork to do. They're very
41 restrictive about how to do that and then you have to get
42 your designated hunter right off the bat and that's
43 difficult to do as noticed in the discussion here.
44 There's various circumstances under which you need a
45 designated hunter, you know, one for yourself if you
46 can't go hunting. You need to either find a friend or a
47 family member or somebody who's willing to do that for
48 you. And then culturally, when we have a need for a deer
49 for parties, like, depending on what the party is about,
50 you may have the opposite clan get that deer or if you're

00126

1 putting on the party your own clan member get that deer
2 and it may be out of season or whatever. And so we have,
3 you know, all kinds of situations where you need to have
4 somebody go get deer.

5
6 The other thing that's kind of tricky,
7 quite frankly, I don't think the record keeping on either
8 the State's program or the Federal's program is worth a
9 darn because people don't report very much. And I wonder
10 about this business of permitting. And not only in this
11 instance but in all instances dealing with subsistence.
12 I really don't think it's a good idea in the first
13 instance to have permitting since it's our right to go
14 get these resources. But if you had to have some kind of
15 record keeping at all, I'd urge you to examine, not only
16 in this instance, but in future instances, a concept that
17 was engendered in State Forest Practices Act, it was in a
18 different context altogether. Hunting trees in that
19 instance, not deer. But it's a notice and a reporting
20 system where people notice their intent to do something
21 and then they report. And that system works a lot better
22 than the permit and reporting system such as that seems
23 to be prevalent in the existing Federal and State regs in
24 this area.

25
26 So anyway, I just want to offer, you
27 know, my experience. There are many elderly people who
28 need this help, there are many handicapped people like
29 myself who need this help. And then there are family
30 members, you know, there are single mothers trying to
31 maintain a family in a village that need this help and we
32 need to be very flexible on how we address this.

33
34 And I would like to align my comment with
35 the State. I think they have the most realistic
36 observation of this problem at this moment.

37
38 Thank you.

39
40 CHAIRMAN THOMAS: We'll scratch that from
41 the record. Anybody that aligns themselves with the
42 State is out of alignment.

43
44 (Laughter)

45
46 CHAIRMAN THOMAS: Thank you, Robert.
47 Further public testimony. As long as you're not a bear.

48
49 MS. CULP: I am a bear.
50

00127

1 CHAIRMAN THOMAS: Okay.

2

3 MS. CULP: In the hunting experience
4 I've had around the Hoonah area, I've not heard of these
5 Federal permits and more recently I've heard of the State
6 permits and how they operate. But under the customary --
7 my name is Wanda Culp. But under the customary and
8 traditional way of harvesting and taking care of
9 ourselves as far as distribution goes, we've not needed a
10 permit to do that because we'll take care of the ours --
11 the ones that cannot hunt but also we have our own
12 hunters in our communities which are the experts and not
13 every household has a hunter. So that makes a difference
14 also.

15

16 This does not seem to really point at the
17 subsistence users but there seems to be an issue,
18 probably with the sport users as we notice that around
19 Hoonah with the increased sports usage, is a lot of deer
20 that have just -- they're small or they're left or
21 they're half buried or just the hindquarters are taken
22 out. We, in good conscious couldn't do that because
23 we're just too hungry for even a small deer. We won't
24 waste.

25

26 But this effort seems to be focused at
27 the sports hunter more than it does for those that are
28 out getting food for their families. Because under the
29 customary and traditional way, we tend to take care of
30 that without needing permits and it's done quietly and
31 we're own enforcers.

32

33 Thank you.

34

35 CHAIRMAN THOMAS: Thank you. Other
36 public comments. Seeing none, Regional Council
37 deliberation, recommendations and justifications. What's
38 the wish of the Council?

39

40 MR. LITTLEFIELD: Mr. Chair, I move to
41 adopt Proposals 4, 5 and 6.

42

43 CHAIRMAN THOMAS: You heard the motion.

44

45 MR. MARTIN: Second the motion.

46

47 CHAIRMAN THOMAS: Moved, seconded.
48 Discussion.

49

50 MR. LITTLEFIELD: Mr. Chair.

00128

1 CHAIRMAN THOMAS: John.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.
4 I agree with everybody. This is unusual. I agree with
5 the State. I agree with the Feds. I agree with Staff.
6 We should oppose this outright. 4 and 5, basically
7 they've screwed up in talking about the two different
8 systems and this works well. While there may be some
9 cases of misuse, I suggest that administratively they
10 could be handled and we could just leave this as it is.

11

12 I'm going to vote against the motion.

13

14 CHAIRMAN THOMAS: Dave.

15

16 MR. JOHNSON: Point of clarification,
17 John, I think in your motion you just said Proposals 4
18 and 5.

19

20

21 MR. LITTLEFIELD: No, 4, 5 and 6, right?

22

23 REPORTER: (Nods affirmatively)

24

25 CHAIRMAN THOMAS: He's like me he listens
26 good but he can't hear.

27

28 MR. LITTLEFIELD: I said 4 and 5 were
29 proxy -- mishandled.

30

31 CHAIRMAN THOMAS: Mike.

32

33 MR. DOUVILLE: Thank you, Mr. Chairman.
34 I'm opposed to any change in this designated hunter
35 regulation. I've talked to several of these Wrangell,
36 Brian Merritt, I've spoke with him and several local
37 people there. It's a really isolated thing. They say
38 there's abuse of the designated hunter program but I
39 don't understand how you could abuse it. If you go and
40 get your permit, you might abuse the method you might go
41 get the deer, but on the other hand, it's never been
42 clear to me how they're abusing the designated hunter
43 part of it.

44

45 In any case, it works well for most of
46 the rest of the other -- it works well for people around
47 Craig so, you know, I'm opposed to any change.

48

49 Thank you.

50

00129

1 CHAIRMAN THOMAS: Thank you.

2

3 MR. LITTLEFIELD: Call for the question,
4 Mr. Chairman.

5

6 CHAIRMAN THOMAS: Question's been called.

7 All those in favor say aye.

8

9 (No aye votes)

10

11 CHAIRMAN THOMAS: All those opposed say

12 no.

13

14 IN UNISON: No.

15

16 CHAIRMAN THOMAS: Motion defeated.

17

18 MS. GARZA: Mr. Chairman.

19

20 CHAIRMAN THOMAS: Dolly.

21

22 MS. GARZA: For discussion purposes, I

23 move that we adopt WP02-10 revised designated hunter

24 requirement for deer.

25

26 MR. LITTLEFIELD: We have to have

27 introduction first.

28

29 MS. GARZA: I thought the Staff analysis

30 was for 4, 5, 6 and 10 -- all right.

31

32 CHAIRMAN THOMAS: No, see on the process,

33 No. 6, bring this deliberation, recommendations and

34 justification, so generally the motion happens on line

35 six.

36

37 CHAIRMAN THOMAS: But the Chair will

38 recognize the motion to adopt.

39

40 MR. MARTIN: Second the motion, Mr.

41 Chairman.

42

43 CHAIRMAN THOMAS: Moved and seconded.

44 Now, we get into discussion. Dave, do you want to

45 introduce that one?

46

47 MR. JOHNSON: Yes, Mr. Chair. Proposal

48 10 is slightly different than the three previous ones

49 that you considered, in that, Mr. Wright would like to

50 exclude Federally designated hunters from hunting in the

00130

1 areas of Mitkof, Woewodski and Buttersworth Islands and
2 that portion of Kupreanof Island which includes
3 Lindenburg Peninsula east of the Portage Bay, Duncan
4 Canal Portage. Mr. Chairman, there's not a whole lot
5 left in Unit 3 after you take those out if you look at an
6 area of Unit 3.

7

8 Basically he felt that the deer
9 population was being affected in those portions where
10 Federally designated were currently harvesting deer. And
11 that by restricting or not allowing the use of Federally
12 designated hunting permits in those locations would
13 provide more opportunities for hunting for other people
14 in those other areas outside what's listed in the
15 proposed regulation.

16

17 It goes on to say that -- basically he
18 reiterates what's already in the existing regulatory
19 language for the Federally designated, so basically it's
20 just a restriction on where you can hunt.

21

22 CHAIRMAN THOMAS: Okay. Biological and
23 socio-cultural analysis.

24

25 MR. JOHNSON: Biologically the area has
26 had a high deer population with an annual harvest of
27 about 600 deer. From about 1960 to 1968 on Mitkof
28 Island, but during the winters of 1971/1972 there was a
29 decline to very low levels prompting a hunting season
30 closure in '73. The deer population recovered to
31 moderate levels in the '80s and then in 1991 Mitkof
32 Island was reopened to deer harvest with a conservative
33 16 day season harvest limit. Presently it's estimated
34 that there is a moderately high deer population on Mitkof
35 Island which is one of the major islands affected by this
36 proposal.

37

38 If some individuals are actively abusing
39 the system by utilizing the designated hunter program to
40 harvest large number of deer, there is concern that
41 population may experience a dramatic and speedy decline.
42 Information through the designated hunter application for
43 2001 show that 85 percent of the people applying for the
44 designated hunter permits were hunting for only one or
45 two people, usually family members. Large number of deer
46 harvested by an individual was 14 and that individual was
47 harvesting deer for only four Federally-qualified hunters
48 under these subsistence regulations.

49

50 As I mentioned, the effects of the

00131

1 proposal would be to limit Federally-qualified users in
2 certain locations in Unit 3, which would also limit the
3 amount of deer potentially that would be available for
4 families that would depend on Federally designated
5 hunters to provide them with their venison. It also
6 raises safety issues because you would be concentrating
7 your hunter effort and harvest effort in a very small
8 area. So the risk or the potential for safety issues are
9 high.

10

11 That concludes my analysis, Mr. Chair.

12

13 CHAIRMAN THOMAS: Thank you. Questions.

14 Okay, hearing none.....

15

16 MR. LITTLEFIELD: I have a question.

17

18 CHAIRMAN THOMAS: John.

19

20 MR. LITTLEFIELD: Thank you, Mr. Chair.

21 Dave, is this regulation that's in the book that says
22 there is one antlered deer by State registration permit
23 only in this area, is that the correct regulation for
24 that area that's described Mitkof, et al., it's this one,
25 I'm looking at this one on Page 31 of the brown book? So
26 the way I read it it's only one deer in that area.

27

28 MR. JOHNSON: Page 31?

29

30 MR. LITTLEFIELD: Yes.

31

32 MR. MARTIN: There's only one allowed on
33 Mitkof Island.

34

35 MR. JOHNSON: Mr. Chairman.

36

37 CHAIRMAN THOMAS: I think he's getting
38 some help from Mr. Titus.

39

40 MR. LITTLEFIELD: Is that the area that's
41 described, that same on that's in Unit 3 there?

42

43 MR. JOHNSON: That's correct.

44

45 MR. LITTLEFIELD: Okay.

46

47 MR. JOHNSON: You'll see n Page --
48 basically it's that whole section right there just down
49 from the first couple of lines below the bear section,
50 yes.

00132

1 CHAIRMAN THOMAS: Further questions.
2 Tribal governments. State of Alaska. Mr. Titus.

3
4 MR. TITUS: Good afternoon, again, Chair
5 Thomas. This is Kim Titus. This is actually an
6 interesting regulation. And the State's comments on it
7 are that we have no recommendation at the time. However,
8 if evidence is presented that the Federally designated
9 hunter program is being misused as alleged in this
10 proposal and if these misuses are significantly impacting
11 the Unit 3 deer population, which is essentially Mitkof
12 Island, for the standpoint of this proposal, then the
13 Department recommends that the Board consider adopting
14 some changes to these designated hunter programs.

15
16 And I guess I'll stop there. But the
17 issue is the fact that Mitkof Island and Central
18 Southeast Alaska has a deer herd that's on a long-term
19 rebound from deer hunting so, in fact, under both State
20 regulation and under Federal regulation, we have a one
21 buck and one antlered deer bag limit there and a short
22 hunting season and from the standpoint of Petersburg
23 residents, something of a derby style hunt there. And
24 the proponent, you know, wishes to make some changes in
25 the designated hunter program associated with that type
26 of hunt because of the viewpoint that antlered deer and
27 deer populations in general are on the rebound on Mitkof
28 Island and that those should be disbursed more equitably
29 for what is essentially is a local hunt.

30
31 CHAIRMAN THOMAS: Okay. So the proposed
32 regulation reads, except for Mitkof, Woewodski and
33 Buttersworth Islands and that portion of Kupreanof Island
34 which includes Lindenburg Peninsula east of Portage Bay,
35 Duncan Canal Portage, a Federally-qualified subsistence
36 uses recipient may designate another Federally-qualified
37 subsistence user to take deer on his or her behalf unless
38 the recipient is a member or community operating under a
39 community harvest system.

40
41 That's the proposed regulation. I guess
42 I'm not able to -- maybe you could help me interpret
43 that, if that's the proposed regulation.

44
45 MR. JOHNSON: Mr. Chair, the part that's
46 the community -- is from the existing regulation, the
47 only part that's the proposed is the bold portion, the
48 rest is as the existing reg.

49
50 MS. GARZA: Mr. Chair.

00133

1 CHAIRMAN THOMAS: Just a second. My
2 reason for asking that is because if it's suggested that
3 we consider making a change in the designated hunter
4 system, I guess I'd like some guidance as to what kind of
5 changes would be felt appropriate there. And would those
6 be statewide or would that be a regionwide adjustment?

7
8 MR. JOHNSON: Well, Mr. Chair, first of
9 all it would only be southeast wide since it's just in
10 Region 1. And we don't know if the abuses are -- well,
11 number 1, we don't know how many or what amount of abuse
12 may be occurring and number 2, we're not sure if there is
13 abuse, whether or not it's tied to the State system which
14 has less of an accountability in terms of you get
15 additional harvest tickets.

16
17 If I was to wash my harvest tickets in
18 the laundry tonight and wanted to go get four more, I'm
19 sure I wouldn't have any problem and if I lost those on
20 the way back here tomorrow and needed four more, maybe
21 six months from now, I could get four more. So there's
22 not the tracking or accountability in the existing State
23 system for deer harvest.

24
25 Now, having said that, we're new enough
26 in the Federal permitting system that we haven't
27 determined how much of this is "abuse" and how much of it
28 is administration.

29
30 CHAIRMAN THOMAS: Well, I don't see a
31 need to implicate the whole region if we got a
32 conservation concern isolated in GMU3.

33
34 Dolly.

35
36 MR. DOUVILLE: Mr. Chairman.

37
38 CHAIRMAN THOMAS: Mike.

39
40 MR. DOUVILLE: Thank you, Mr. Chairman.
41 I would like to ask one or most of these gentlemen how
42 you abuse the designated hunter program? I mean if you
43 go in there and you qualify under that program and they
44 issue -- how do you abuse it, you know? If you're
45 abusing hunting means or something else -- they're using
46 the wrong term, I think, you know. I these guys are
47 hunting illegally or doing something like that, it
48 doesn't have anything to do with the designated hunter
49 portion of it, I don't think.

50

00134

1 But explain it to me, please.

2

3 MR. JOHNSON: I guess I'll have the first
4 crack at it and I'll defer to Mr. Titus.

5

6 One way you would be able to abuse it,
7 Mike, is if you have a family of say four kids and all of
8 them were under the age of five or six, they wouldn't
9 really be able to "hunt" for themselves. But if, when I
10 go into the local vendor to buy my hunting license and
11 tell him I also want my harvest tickets and he says,
12 well, how many harvest tickets do you want? Well, I want
13 enough for me, my wife, and my four kids and their names
14 are -- well, how old are they, well, they're 13. See,
15 you don't have to have a State license at that point.
16 And if the guy doesn't know this person, if you get your
17 license in Ketchikan or some other community, he's
18 probably going to write them out because he's going to
19 look for your driver's license, he may ask for your
20 wife's driver's license or he may say send me that
21 information later.

22

23 So the way it would be abused then, you
24 then come down to the Forest Service because now you have
25 two hunting licenses and about 16, 24 harvest tickets.

26

27 CHAIRMAN THOMAS: Okay, let me interrupt
28 you there. That's nothing the Council can do anything
29 about. That's another administrative thing. So work
30 needs to be done on the understanding of those permits.
31 The intent has to be clearly made and understood to the
32 people that are applying for those provisions. So
33 there's nothing that this Council can do with that.
34 That's strictly administrative.

35

36 MR. JOHNSON: Mr. Chairman.

37

38 CHAIRMAN THOMAS: Dave.

39

40 MR. JOHNSON: Mr. Chairman, with all due
41 respect, I was simply responding to the question of the
42 Council member that was asking how to abuse the system.
43 Thank you.

44

45 CHAIRMAN THOMAS: It still made me mad.

46

47 MR. JOHNSON: Okay.

48

49 MR. LITTLEFIELD: Mr. Chairman.

50

00135

1 CHAIRMAN THOMAS: John.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.
4 This is for both of you, I'm looking again at Page 31 in
5 the brown book and it says, and this is even for rural
6 residents and it says, you can only take one antlered
7 deer in that area by a State registration permit. So
8 there is no multiple tags the way I read this and it's a
9 registration permit in this area. It seems to me there
10 should be really tight control in this area already.

11

12 CHAIRMAN THOMAS: Dave.

13

14 MR. JOHNSON: That's correct, John. And
15 I was talking -- there's two different issues here. This
16 particular region only has one antlered deer and so my
17 example would not apply. And in those portions of
18 Southeast where you have a four deer season or six deer
19 limit it increases the potential to be able to abuse it
20 more. And I agree with the Chair that I think much of
21 this is administrative and I think that with a
22 subcommittee or ad hoc committee, as I mentioned earlier
23 this morning, I think we could report back to the Council
24 in the fall meeting we may be able to fix some of this.

25

26 MR. TITUS: What happens in practice in
27 the Petersburg office is, in fact, these other hunters
28 who are not -- who are participating in the Federal
29 designated hunter program, they don't come in, the actual
30 hunter comes in. These other people come -- or these
31 other -- and they want these registration permits for
32 this limited Petersburg hunt for these other people to
33 acquire their deer from. So that's where the proponent
34 is going with their proposal, by saying that the
35 designated hunter program would not apply in this case.

36

37 CHAIRMAN THOMAS: John.

38

39 MR. LITTLEFIELD: Thank you, Mr. Chair.
40 Can't the State solve this problem by putting, you know,
41 you guys write registration permits all the time and you
42 simply put limits on them of what they can do. Can't you
43 limit that. Right now you still have to have this State
44 registration permit but I think you could put enough
45 State limits on that so that only one of them goes out or
46 say none of it. It doesn't sound like it's a Federal
47 problem, it sounds like a State problem.

48

49 MR. TITUS: I guess my response to that
50 is if, in fact, the State does that I might contend that

00136

1 you would see a proposal before you very quickly that
2 would then say that was therefore a restriction that the
3 State implied from someone who wanted to obtain a permit
4 for a Federally designated hunter, a participant, who is
5 not the hunter and therefore we were acting more
6 restrictive by limiting those permits and then you would
7 rather quickly see a Federal proposal from a proponent
8 who would say the State system was restricted, when what
9 we were trying to do is basically help this, what is a
10 derby style hunt in Petersburg.

11

12 CHAIRMAN THOMAS: I really appreciate
13 your guy's response. But this is a typical demonstration
14 of a non-subsistence community. That is not the attitude
15 of a subsistence community. It's a very isolated
16 situation. You never hear this from anyplace else in
17 Alaska, if you do, they're pretty quiet about it. So
18 there's something wrong with the attitude and the
19 embracing of the subsistence activity in Petersburg.

20

21 MR. MARTIN: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Harold.

24

25 MR. MARTIN: Mr. Titus, are there -- is
26 there data and statistics as to how many people in
27 Petersburg actually participate in the designated hunter
28 program? Because I'm just surprised at the allegations
29 because Petersburg has a very small Native community and
30 there's -- I don't know if they have many hunters in
31 Petersburg among the Native people.

32

33 MR. TITUS: Through the Chair, I'm sorry,
34 I can't answer that question. I don't know the numbers
35 of Federal permits issued.

36

37 MR. LITTLEFIELD: 196 deer Southeast
38 wide.

39

40 CHAIRMAN THOMAS: Okay, Regional Council
41 deliberation, recommendation and justification. What's
42 the wish of the Council. There was a motion made to
43 adopt.

44

45 MR. LITTLEFIELD: Public or written.

46

47 CHAIRMAN THOMAS: Oh, summary of written
48 comment. Do we have a summary of written public
49 comments?

50

00137

1 MR. SCHROEDER: Yes, Mr. Chair. The
2 comments are essentially the same as the previous
3 proposal. Mr. Jim Bachteal, both as an individual and as
4 the Chair of the State Fish and Game Advisory Committee
5 on Prince of Wales, opposes this proposal on basically
6 the same grounds. Also he says that this would be an
7 enforcement nightmare as well. So he's saying we should
8 avoid nightmares at all costs.

9

10 CHAIRMAN THOMAS: Okay. Public
11 testimony. This is too embarrassing to address for the
12 public. Okay, we're into Regional Council deliberation,
13 recommendation and justification.

14

15 MR. LITTLEFIELD: Mr. Chair.

16

17 CHAIRMAN THOMAS: John.

18

19 MR. LITTLEFIELD: Mr. Chair, I'm going to
20 vote against this proposal. Quite frankly, we don't have
21 any data that supports this one way or another. If, in
22 fact, there is a conservation concern then it should be
23 submitted for a conservation concern and not attack the
24 designated hunter permit and if you came to us with that
25 proposal that you threatened you will if the State isn't
26 happy with this we would be certainly happy to look at
27 that and we support conservation concerns if that comes
28 before us. But I'm going to oppose this motion.

29

30 CHAIRMAN THOMAS: Further comments.
31 Discussion.

32

33 MS. PHILLIPS: Mr. Chair.

34

35 CHAIRMAN THOMAS: Patty.

36

37 MS. PHILLIPS: I also am going to oppose
38 the proposal. I do not approve of the kind of remarks
39 that the Chair made concerning the community of
40 Petersburg. I would like to banish the stereotyping that
41 goes on about certain communities. And I want to say
42 that I believe that there's incremental progress, very
43 minute incremental progress that they have come to us
44 with a proposal, individuals from the community of
45 Petersburg, recognizing that there is Federal subsistence
46 management on Federal lands. They're recognizing that.
47 To me, that's an incremental step of progress.

48

49 CHAIRMAN THOMAS: The Chairman was
50 justified in his comments. Further discussion.

00138

1 MR. MARTIN: Call for the question.

2

3 CHAIRMAN THOMAS: Question's been called.

4 All those in favor say aye.

5

6 (No aye votes)

7

8 CHAIRMAN THOMAS: All those opposed, nay.

9

10 IN UNISON: Nay.

11

12 CHAIRMAN THOMAS: Motion defeated. It's
13 5:00 o'clock, what's the wish of the Council? Dave.

14

15 MR. JOHNSON: Just a question, Mr. Chair.

16 We've got a number of housekeeping types of items that
17 can wait until tomorrow. We have an additional written
18 testimony that's come in on some other proposals you'll
19 be hearing later. We also have some errata that needs to
20 be taken care of in the briefing booklet. So I just
21 throw that out, it doesn't have to be done now but just
22 wanted to bring it to your attention.

23

24 CHAIRMAN THOMAS: Yeah, I appreciate you
25 bringing that up. Because this morning, as generally
26 happens at these meetings, we have some work that needs
27 to be done in committee, even if they're ad hoc, they're
28 generally ad hoc. And this morning we established at
29 least two of them. One of them was with the halibut
30 issue and the other one is the Stikene. So I think the
31 one that's more pressing right now is the halibut one
32 because of a deadline; is that right, Mr. Kookesh?

33

34 MR. KOOKESH: (Nods affirmatively)

35

36 CHAIRMAN THOMAS: Things are happening
37 pretty fast, uh?

38

39 MR. KOOKESH: (Nods affirmatively)

40

41 CHAIRMAN THOMAS: So is there anybody
42 here that was appointed to serve on both of those
43 committees? Okay, who was appointed to serve on halibut?
44 One, two, three, four and Matt. Okay, who was on the
45 Stikene, Dolly, Dick and Cal and Mike.....

46

47 MS. GARZA: And Mr. Ustasiewski.

48

49 CHAIRMAN THOMAS: Uh?

50

00139

1 MS. GARZA: We've got an attorney with
2 our group.

3
4 CHAIRMAN THOMAS: Oh, you got an attorney
5 with your group, okay. Attorney at law's been drafted.
6 Dave.

7
8 MR. JOHNSON: Mr. Chair, I don't know if
9 you actually appointed a third ad hoc committee or not
10 but there was discussion regarding the Federally
11 designated hunter permit that there would be some people
12 to get together to deal with that.

13
14 CHAIRMAN THOMAS: I would leave that up
15 to Staff that is here because it seems to be mostly
16 administrative and they would probably have the best
17 dialogue of those of us present. So if you'd like to do
18 that we'd appreciate that.

19
20 MS. GARZA: Mr. Chair.

21
22 CHAIRMAN THOMAS: Dolly.

23
24 MS. GARZA: So is that -- Dave, is that
25 committee the same as the committee that's mentioned on
26 Page 52 for Proposal 10, that the Forest Service is
27 forming a task group to study alleged abuses occurring
28 under the designated hunter system or are those two
29 separate committees?

30
31 MR. JOHNSON: You're absolutely correct,
32 Dolly, and, in fact, it's not just with 10, if you --
33 back to our discussion again this morning, we want -- I
34 would like to have at least one person from the RAC that
35 can help us look at the effects of the existing
36 permitting process that we have and does it affect the
37 rural users in a negative way. Or to say it another way,
38 are we providing the best service we can under the
39 Federal permitting system, all the permits or are we
40 making it a cumbersome arbitrary bureaucratic process
41 that may be why we are having some problems with the
42 compliance; that's the first part.

43
44 The second part has to do with how many
45 people have been trained and understand either in the
46 communities or in the Forest Service how all this
47 permitting system is meant to be. And so that was the
48 focus of what I was requesting.

49
50 MS. GARZA: You didn't answer my question

00140

1 though. Is.....

2

3 MR. JOHNSON: It is the same one, yes.

4

5 CHAIRMAN THOMAS: How did you miss that?

6

7 MR. MARTIN: He didn't answer it.

8

9 MS. GARZA: I said is it A or B and he

10 said, yes, you're right.

11

12 CHAIRMAN THOMAS: He said bureaucratic

13 language.

14

15 (Laughter)

16

17 CHAIRMAN THOMAS: You know, those points

18 you just brought up were excellent. And if it were up to

19 me to address those, I think I would start from scratch.

20 I would first consider what do we want this permit to do?

21 Okay, once we find out what we want that permit to do,

22 how are we going to design it to where the permittee can

23 understand it unequivocally, the same as the agencies?

24 And I think those would be the two things to consider.

25

26 It sounds to me like we overlooked those

27 some place in the process. But I don't know. I don't

28 mean to be critical, that's just kind of how I would

29 approach it.

30

31 Dave.

32

33 MR. JOHNSON: Mr. Chair, in response,

34 also the third area has to do with who actually should be

35 the agency, through the Office of Subsistence Management,

36 to deal with this and that's why I'm asking from input

37 from the Council because part of the awkwardness of this

38 system is because of how it's set up currently. And we

39 talked about it briefly with permits going to Anchorage

40 and, you know, people that are out there on the ground

41 are thinking well, Forest Service doesn't have anything

42 to do with this anyway, it's going to Anchorage to the

43 Fish and Wildlife Service.

44

45 So I guess the reason I'm asking for

46 input, I want the Council to weigh in on what's the

47 easiest best way to deal with -- to ensure that we're

48 providing the best service we can to our constituents.

49

50 CHAIRMAN THOMAS: Okay, we appreciate

00141

1 that. And if you're going to meet simultaneous with
2 these other groups that are going to meet, I got three
3 ladies over here that could offer as much critique and
4 establish an understanding as good as anybody can and is
5 there any of you that would be willing to serve with
6 those guys? One, two or all three of you?

7

8 MS. PHILLIPS: On the designated hunter?

9

10 CHAIRMAN THOMAS: Yeah.

11

12 MS. PHILLIPS: Sure.

13

14 CHAIRMAN THOMAS: Mary.

15

16 MS. RUDOLPH: Sure.

17

18 CHAIRMAN THOMAS: Marilyn.

19

20 MS. WILSON: Yes.

21

22 CHAIRMAN THOMAS: I appreciate that. You
23 got the cream of the crop.

24

25 MR. JOHNSON: Mr. Chair, the enthusiasm
26 was overwhelming.

27

28 (Laughter)

29

30 CHAIRMAN THOMAS: We're not pushovers.
31 We could be had but we're not pushovers.

32

33 MR. DOUVILLE: Mr. Chairman.

34

35 CHAIRMAN THOMAS: Mike.

36

37 MR. DOUVILLE: Thank you, Mr. Chairman.
38 I still am not clear on the designated hunter abuses.

39 You said that they'll go to the State to get their tags.

40 So if they qualify for tags then they can get designated

41 hunter status on those tags. Can they get more than one

42 person's tags? Can they only be a designated hunter for

43 one person at a time? Okay, now, of the State gives them

44 tags, how is this an abuse in the Fed's eyes or anybody

45 else's if they qualify for the tags? And it's my

46 understanding now that there's some movement within the

47 State to change that so you just can't go get tags for

48 them, that you will probably have to complete the hunter

49 safety before you will qualify for tags other than the

50 State system.

00142

1 CHAIRMAN THOMAS: Dave.

2

3 MR. JOHNSON: The reason why I say there
4 is an abuse, Mike, is because the current Federal system
5 is joined at the hip with the State system. These
6 Federal regs say that when you go out and do anything,
7 under the Federal Subsistence Program, I can read it here
8 for you if I can find it, it says you will have all State
9 licenses, tags, tickets, permits and anything else that's
10 required under the State system for harvesting fish and
11 game.

12

13 So if you're able to abuse the State's
14 system in that process, that's just going to carry right
15 on through to the Federal part.

16

17 Do you follow me?

18

19 CHAIRMAN THOMAS: Mike.

20

21 MR. DOUVILLE: In my opinion, they're not
22 abusing, they're willingly given the State tags. All
23 they have to do is their child comes in with them or
24 whatever, you know, is there a State cut off there on
25 age?

26

27 CHAIRMAN THOMAS: Dave.

28

29 MR. JOHNSON: Recently I understand the
30 Board of Game did adopt an age limit. I'm not sure what
31 that is.

32

33 MR. LITTLEFIELD: I think it's 12.

34

35 MR. JOHNSON: 12. Prior to that, there
36 wasn't a whole lot of review of who's coming in to get
37 tickets for their kids. So, therefore, when we are at
38 the Federal side and a person brings in these tickets,
39 it's kind of rude to the person coming in that we would
40 ask for -- well, let me see your identification when
41 they've just gone down the street to get the State
42 license or tickets.

43

44 CHAIRMAN THOMAS: Dolly.

45

46 MS. GARZA: Well, I think that the point
47 that Mike is making is that, I mean if you're getting a
48 permit for your kids and you're feeding your kids, then
49 that's not a misuse. I mean if you need 20 deer a year
50 because there's no more timber on Prince of Wales to be

00143

1 harvesting anymore then you need 20 deer a year and
2 that's it. I mean, and if you're providing for three
3 other families that got four kids and they're giving
4 their permits, then that's not a misuse. I mean, you may
5 be a high harvester but if people are eating those deer
6 then what's wrong?

7

8 CHAIRMAN THOMAS: Mike.

9

10 MR. DOUVILLE: Thank you, Mr. Chairman.
11 The reason I'm bringing up these issues is because you
12 are going to get some help from these ladies on this and
13 my boy got his first deer when he was seven, he shot it
14 himself. So, you know, so you say you don't eat deer
15 meat until you're 12 years old, I mean we need to be
16 careful when we set these guidelines so that we're taking
17 care of the younger ones, okay. I think the State's
18 going to be a little more -- if you have to pass a hunter
19 safety course before you can be issued tags, well, then
20 that takes a lot of the younger ones out of the system
21 and I don't believe that should be the case. I mean,
22 certainly we need to modify it somewhat, I guess, but I
23 would certainly be careful, you know, how far you went.

24

25 Thank you.

26

27 CHAIRMAN THOMAS: Dick Stokes.

28

29 MR. STOKES: Thank you, Mr. Chairman. I
30 was going to say I have a grandson now who's 10 and he's
31 been with us hunting and he's had hunter safety courses
32 from both his father and myself and he hunts ducks, deer
33 and he's a trapper. He got his first two mink this year
34 and one marten and he's only 10 years old. So I hesitate
35 to put an age limit like that on it.

36

37 CHAIRMAN THOMAS: So there. Dave.

38

39 MR. JOHNSON: Mr. Chairman, this is
40 exactly the type of input that I want because I think
41 there may be, not only the Federally designated hunter
42 permit system but in these other permitting processes
43 that we have on the Federal side, there may need to be a
44 divergence from the State system. That was my only
45 point.

46

47 MR. DOUVILLE: Mr. Chairman.

48

49 CHAIRMAN THOMAS: Mike.

50

00144

1 MR. DOUVILLE: I just want to make one
2 other comment. That was very good Dick, I appreciate
3 that. But when my boy goes out, he went out younger than
4 that, he's under my supervision and lots of experience.
5 In any case, he wouldn't be able to pass a hunter -- a
6 designated -- or the hunter safety but under my
7 supervision he's well qualified, I feel, and that's the
8 case in most families, you know, in our neighborhood
9 anyway.

10
11 CHAIRMAN THOMAS: Well, I have to support
12 that, you know. When my son was about nine, 10 years
13 old, he passed a hunter safety program. I took him out
14 seal hunting. And we found some seal on a rock and I was
15 able to get off on another rock and I sent him down by
16 the boat. I said, now, when you hear me shoot you go out
17 and pick up the seal. I'd shoot, and I'd say, no, no,
18 don't go nowhere's yet. Well, I'd shoot again, oh, no,
19 no, don't, don't go yet. After five shots I still had
20 nothing floating around out there. So I called him up to
21 where I was and I said, I'll trade places with you. I
22 said you shoot, I'll go retrieve. So I heard a shot and
23 he said, there it is. So I canceled my hunter safety
24 program right there, because I'm not a good instructor.
25 But young people have to be considered.

26
27 MR. MARTIN: Mr. Chairman.

28
29 CHAIRMAN THOMAS: Harold.

30
31 MR. MARTIN: I have to agree with Mr.
32 Douville and John, as Native people we take pride in
33 teaching our children about hunting, fishing and
34 trapping. Now, my boys are very young, nine years old
35 and I started teaching them how to shoot, they took seal
36 and deer. They might not have passed the hunter
37 education program the State puts forth but they knew the
38 safety rules, they knew a rifle was not a toy but a
39 weapon and they're very well disciplined. I served in
40 the United States Marine Corps, you know, these boys are
41 disciplined.

42
43 MR. LITTLEFIELD: Mr. Chair.

44
45 CHAIRMAN THOMAS: John.

46
47 MR. LITTLEFIELD: I'll support those
48 comments. As some of you may know we run the Dog Point
49 Fish Camp and the ages of students who are allowed to go
50 are six to 16 and six and seven year olds have to have an

00145

1 adult sponsor. But one of the things that we do at every
2 camp is we have hunter safety, where every student is
3 given the opportunity, if they want to, to learn how to
4 shoot a .22. Last year we were fortunate we had an
5 Alaska State Trooper, Fish and Wildlife Protection, come
6 to our camp, run through the ready on the right, ready on
7 the left and everything and they really learned good gun
8 safety. And we take all of those kids out hunting.
9

10 So I want to make sure that you know that
11 the age is not necessarily the most important thing to
12 us. And it would eliminate a lot of our children. They
13 hunt everything. They hunt seal, they go with us seal
14 hunting. They go deer, they go fish, everything. That's
15 the thrust of our program, is to teach those younger
16 students how to do it. So good job.

17

18 CHAIRMAN THOMAS: Okay, I'm trying to
19 give you guys some time off this evening. I'm trying to
20 suggest that we recess until 1:30 tomorrow afternoon; is
21 that a good time?

22

23 MR. MARTIN: So moved.

24

25 (Laughter)

26

27 CHAIRMAN THOMAS: 8:30. Is 8:30 a good
28 time for everybody. Kim.

29

30 MR. TITUS: Thank you for recognizing me,
31 Mr. Chairman. I wanted to recognize Dave Person and Boyd
32 Porter, both from Ketchikan who are here under the
33 presumption that tomorrow morning we will discuss Prince
34 of Wales Island deer and so they have worked on that
35 issue and worked on Prince of Wales Island for a number
36 of years and they're here to provide you with the facts,
37 as we understand them relative to deer populations on
38 Prince of Wales Island.

39

40 CHAIRMAN THOMAS: Okay, thank you.
41 Welcome. Okay, so we're going to recess until 8:30 and
42 those various ad hoc committees, I'll leave it up to you
43 folks to decide when you want to meet and where.

44

45 MR. MARTIN: Mr. Chairman.

46

47 CHAIRMAN THOMAS: Harold.

48

49 MR. MARTIN: The halibut ad hoc committee
50 will meet immediately following the recess of this

00146

1 Council, here.

2

3

CHAIRMAN THOMAS: We're in recess.

4

5

(PROCEEDINGS TO BE CONTINUED)

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