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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME II

Petersburg, Alaska
February 23, 2005
8:39 o'clock a.m.

COUNCIL MEMBERS PRESENT:

- John Littlefield, Chairman
- Bertrand Adams
- Michael Bangs
- Michael Douville
- Dolly Garza
- Donald Hernandez
- Eric Jordan
- Harvey Kitka
- Floyd Kookesh
- Patricia Phillips
- Michael Sofoulis
- Richard Stokes
- Regional Coordinator, Robert Schroeder

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P R O C E E D I N G S

(Petersburg, Alaska - 2/23/2005)

(On record)

CHAIRMAN LITTLEFIELD: Let's come to order, please.

(Pause)

CHAIRMAN LITTLEFIELD: Okay, the meeting will come to order, please. Welcome back. Good to see everybody, hope everybody had a good night's sleep. We have a couple things we'd like to take care of this morning, one housekeeping message is if you got a cell phone, please put it on vibrate or we don't want it ringing during the meeting, it upsets the transcribing a little bit so we don't want to do that.

And second we have some messages that we have to relay about things that have happened in our community.

And first I would like to let Mr. Floyd Kookesh have the mic.

MR. KOOKESH: Thank you. Thank you, Mr. Chairman. Yesterday I received a phone call from my daughter that a friend of mine, a young gentleman had passed away in our community and I really respected the young man for who he was. He took care of his father when his father was very sick, and it was sad to hear of him passing. At this time, Mr. Chairman, what I'd like to do is, if we can, have Mr. Adams do a prayer for Mr. Robert Frank and his family and his friends and our community.

CHAIRMAN LITTLEFIELD: We'll do that in one second, we'll also give the floor at this time to Mr. Douville.

MR. DOUVILLE: I just wanted to let you know that Gordon James from Craig passed away last night. He's one of our pillars in Craig, well respected and we always thought that he'd be there for everyone, but in any case he's not. And Gordon is Dolly's uncle.

CHAIRMAN LITTLEFIELD: Mr. Martin, would you please come forward.

1 MR. MARTIN: Mr. Chairman, I just have
2 another one from Kake, also, a guy by the name of Matthew
3 Adams who just passed away.

4
5 CHAIRMAN LITTLEFIELD: Okay, at this time
6 I believe it would be appropriate for Mr. Adams to say a
7 few words on behalf of the Council.

8
9 MR. ADAMS: Our gracious heavenly father,
10 we come before the at this time recognizing all that you
11 do in this life, and the taking of life is thy will. And
12 we pray that these individuals who have been taken in the
13 past few days, taken in regards to Robert Frank, Gordon
14 James, and Matthew Adams. We pray that they are in thy
15 comfort now and that they might have peace and quiet in
16 thy kingdom.

17
18 We are also mindful of the greeting that
19 it will take place to their families and to their friends
20 and in their communities.

21
22 We ask you to bless these families in
23 these communities that they may be comforted in the fact
24 that their children are with thy, and that they will be
25 comforted in the fact that their souls are well taken
26 care of.

27
28 We pray for the well-being of their
29 families, that they may be able to go through this
30 grieving process and that they may have thy peace and thy
31 calm and thy assurance that their love ones are safe.

32
33 We are grateful Father for life itself
34 and we pray that during this time that you will be
35 mindful of those who are ill, those who have lost their
36 loved ones and even for those who are preparing to bring
37 new birth to the world.

38
39 We ask you to bless us during this
40 meeting, that we will enjoy thy peace and comfort as we
41 deliberate over the many things that are before us this
42 day. But most of all we pray that hallowed be with those
43 who are grieving at this time.

44
45 For these blessings we ask them in the
46 accordance of thy will and thy great love and care and we
47 say these things in the name of thy son, even Jesus the
48 Christ.

49
50 Amen.

1 CHAIRMAN LITTLEFIELD: Dr. Garza is
2 making some phone calls so she'll join us later. At this
3 time we're at Item 9 in the agenda, second page, public
4 testimony. And Dr. Schroeder will give us an overview of
5 what happens under public testimony as well as Council
6 deliberations and then we're going to go into Proposal
7 WP05-01.

8

9 Dr. Schroeder.

10

11 DR. SCHROEDER: Thank you, Mr. Chairman.
12 The Council provides times for public testimony
13 throughout the meeting. The first opportunity is
14 provided for members of the public or organizations who
15 wish to address the Council with any concerns that they
16 may have concerning subsistence harvest and use in
17 Southeast Alaska.

18

19 According to our procedure we will be
20 providing public testimony following each proposal
21 presentation. Our procedure for dealing with proposals
22 is outlined in our Council book. For those of you who
23 don't have a Council book before you, the way we proceed
24 with proposals is that first Staff introduces proposals
25 and present analysis. Our second item is the Alaska
26 Department of Fish and Game presents their comments. We
27 then hear from comments from other, Federal, State and
28 tribal agencies. If there are any Fish and Game Advisory
29 Committee comments that someone wishes to make, we have a
30 summary of written public comments and then following
31 that there is an opportunity for public testimony. And
32 we encourage members of the public to weigh in on the
33 proposals before the Council. And the final step is the
34 Council moves to deliberation, makes recommendations and
35 justifies their actions.

36

37 So at this point we'd be open for public
38 testimony.

39

40 CHAIRMAN LITTLEFIELD: Is there any
41 members of the public who would like to testify at this
42 time. State your name for the record and if you can turn
43 the mic on.

44

45 MR. STAINBROOK: Mr. Chairman. Council.
46 First I'd like to say thank you very much. My name is
47 Mike Stainbrook, and I live in Kupreanof. I live right
48 on Petersburg Creek. And I don't come here with a lot of
49 knowledge, I come here with a request that when you
50 consider the steelhead subsistence regulations for both

1 Petersburg Creek and Big Creek, since I believe that they
2 will be newly implemented in this area and there's a
3 large population here, that you consider a real slow
4 approach. And the reason why I ask this is because I
5 think there's a lot of uncertainty. And I think there's
6 uncertainty as to how many people will utilize this
7 resource. And I think there's uncertainty between the
8 agencies on what the best policy is, both the State and
9 the Federal. And I think the real certainty is that we
10 want to see those fish in perpetuity. And if the
11 subsistence program is to go on in perpetuity too, if we
12 start out with a real small bite I think we can change it
13 in the future.

14
15 So I just would like to make the request
16 that you give a lot of -- maybe a go slow approach nod in
17 the beginning and we can see where we're at in the
18 future.

19
20 So thank you very much.

21
22 CHAIRMAN LITTLEFIELD: Are there any
23 questions for Mr. Stainbrook, is it?

24
25 MR. STAINBROOK: Mike Stainbrook.

26
27 CHAIRMAN LITTLEFIELD: Stainbrook.

28
29 MR. STAINBROOK: And I live right on the
30 creek there.

31
32 CHAIRMAN LITTLEFIELD: Any questions or
33 comments.

34
35 (No comments)

36
37 CHAIRMAN LITTLEFIELD: Mr. Casipit, could
38 you probably tell him what we're going to be doing on
39 steelhead at this meeting, could you do that?

40
41 MR. CASIPIT: Thank you, Mr. Chair. Mr.
42 Stainbrook, this is a wildlife meeting and we're dealing
43 with wildlife proposed regulations. Later in the agenda
44 we'll talk about proposals for next cycle, and, you know,
45 maybe that's a better to talk about this, but at the same
46 time we're also trying to do consultations with the State
47 as required by the regulations and, you know, we're just
48 waiting for that to happen. I think we've had
49 discussions before.

50

1 Yep, thanks.

2

3 CHAIRMAN LITTLEFIELD: And then I believe
4 there's an add-in by Mr. Turek, are you going to be doing
5 a presentation or bring us up to date or something;
6 wasn't that an add-in?

7

8 MR. TUREK: Correct, Mr. Chairman. What
9 I'll do is when we speak about this, we'll go over the
10 -- okay.

11

12 I'm Mike Turek with the Alaska Department
13 of Fish and Game, Division of Subsistence. I wanted to
14 speak to you about this is when we review the projects,
15 FIS projects, then I'd like to be able to have a few
16 minutes to talk about the status of the POW steelhead
17 report, which I'll have a draft which I want to
18 distribute to the RAC members later in the meeting. I
19 have to make about five more copies to have enough, but I
20 can speak about that at that time.

21

22 CHAIRMAN LITTLEFIELD: Thank you, Mr.
23 Turek. So as he said this is a wildlife meeting, but
24 we're going to have some briefings on that and hopefully
25 if you have questions just go ahead and jot them down.
26 Mr. Casipit is the Federal biologist, and of course Mr.
27 Turek is for the State subsistence, so these guys can
28 probably help you if you have specific questions.

29

30 Mr. Jordan.

31

32 MR. JORDAN: Thank you. I have a couple
33 questions. When you said go slow, what did you mean by
34 go slow?

35

36 MR. STAINBROOK: Well, my specific
37 concerns are since there's a pretty big population here
38 and Big Creek and Petersburg Creek are pretty
39 accessible, I would think slow in the sense of having
40 tight restrictions and the ability to make sure that
41 there isn't a real large accordion of time between the
42 reporting and the ability to either change or slow down
43 the consumptive use if it reaches a point that's not
44 healthy for the stocks. I'm afraid that there may be too
45 large of window in the reporting and the ability of the
46 management to make a quick and effective decision to keep
47 the stocks healthy.

48

49 CHAIRMAN LITTLEFIELD: Follow up.

50

1 MR. JORDAN: Mr. Chair, thank you. I
2 would hope that you would follow this. I also have some
3 concerns, in fact, I voted against some of the steelhead
4 stuff on the Council, and I have fished steelhead both in
5 Five Mile Creek and Petersburg Creek, and it's a
6 wonderful resource you have here. But as with a lot of
7 these creeks in Southeast, they're small and clear,
8 especially during the dry times in April and May and they
9 are especially vulnerable.

10
11 But as you know the Council's mandate is
12 to provide for subsistence harvest and traditional
13 methods and means, and trying to figure out how to
14 provide for that priority is often times very, very
15 complex.

16
17 My utmost concern, and I would hope that
18 some of the public would come to the Council with that
19 and I applaud you for coming is for the continued
20 sustainability of these runs of steelhead in Southeast,
21 which, now, in my opinion, are relatively abundant
22 compared to what they were when I started steelhead
23 fishing in the early '70s. So let's do whatever we can
24 to keep them healthy so all the users have a continued
25 opportunity.

26
27 Thank you, Mr. Chairman.

28
29 CHAIRMAN LITTLEFIELD: Mr. Stainbrook, as
30 a matter of process what will take place is that
31 suspected or anticipated closures or restrictions on
32 Petersburg Creek, Five Mile in the local area will both
33 be done in consultation with the ADF&G as well as Mr.
34 Bangs and Mr. Hernandez who are the local members and
35 myself, if I think I can add something. And we will
36 typically go slow. I think that message is loud and
37 clear and we're mandated to do conservation of the
38 species, so we don't want to do anything that will upset
39 the apple cart. Your local input is valuable to us and
40 we appreciate it.

41
42 Any other Council. Mr. Hernandez.

43
44 MR. HERNANDEZ: I just wanted to ask
45 Mike, have you taken your concerns to the local area
46 managers, have you talked to them about that and have
47 they done anything to kind of alleviate your concerns?
48

49 MR. STAINBROOK: Thanks. No. This is
50 the first public forum I've addressed this in. I

1 basically swore myself that I would never talk about
2 steelhead on this side of the narrows so right now it's a
3 difficult thing for me to do.

4

5 And I appreciate you letting me speak out
6 of order, I just -- but, no, this is the first step I've
7 taken.

8

9

Thank you.

10

11

CHAIRMAN LITTLEFIELD: And I noticed on
12 the board last night there was a Petersburg Fish and Game
13 Advisory Committee meeting tomorrow night, and as Dr.
14 Schroeder went through, the Fish and Game Advisory
15 Committee comments are something we highly value as well
16 as local individuals. And if you feel like you want to
17 come forward later we'll give you some more time.

18

19

Any other Council. Ms. Phillips.

20

21

MS. PHILLIPS: Thank you, Chairman
22 Littlefield. I appreciate you coming forward also. Our
23 inherent process is a slow process, I mean we have to go
24 through a series of public meetings before, and proposals
25 have to come before us, they have to go out for public
26 comment and then we make recommendations and then it goes
27 to the Federal Subsistence Board so our process is a slow
28 process.

29

30

But I do understand your concern about
31 the harvest and the length of time between harvest and
32 management making decisions.

33

34

With your local knowledge, is the harvest
35 of steelhead in Petersburg Creek and Five Mile, is that a
36 local harvest or is there a non-local harvest on those
37 systems?

38

39

MR. STAINBROOK: Well, thank you for the
40 question. Basically the streams that I fish the most are
41 Big Creek and Petersburg Creek, okay, and Petersburg
42 Creek I spend a considerable amount of time on. It gets
43 a lot of both local and non-local traffic. And the only
44 fair thing I think I can say is every year that the
45 amount of pressure seems to increase and that's just
46 anecdotal observations that I make. I have no real hard
47 data on that, but there's more jet boats and more people
48 and there's only so much resource as everybody here
49 knows.

50

1 CHAIRMAN LITTLEFIELD: Mr. Adams.
2
3 MR. ADAMS: Thank you, Mr. Chair. I
4 think maybe -- just make a comment here, my buddy next to
5 me promised that he would not say anything today but this
6 idea is coming from him so I'm going to relay.
7
8 MR. KOOKESH: I can't talk.
9
10 (Laughter)
11
12 MR. ADAMS: But anyhow, there's an
13 advisory meeting today or tomorrow, I think that's the
14 spot where you need to start.
15
16 MR. STAINBROOK: Okay.
17
18 MR. ADAMS: And come forth with
19 proposals, you know, for our next meeting which we will
20 be able to take up at that time. So a matter of advice
21 for you, sir.
22
23 MR. STAINBROOK: Well, thank you very
24 much.
25
26 CHAIRMAN LITTLEFIELD: Yes, thank you.
27 Any other members of the public who would like to speak
28 to -- would you stay here just a minute, Mr. Stainbrook
29 -- would you please stick with us for just a minute, I
30 have another question.
31
32 Mr. Stokes.
33
34 MR. STOKES: I don't really have a
35 question but this month's issue of the Alaska Airlines
36 magazine they've got quite a spread on the Petersburg and
37 the surrounding area, so that's going to have an affect
38 on your population here.
39
40 CHAIRMAN LITTLEFIELD: I've got a copy in
41 my room, I read through it last night, it has a nice
42 article in there.
43
44 Any other Council comments or questions
45 for Mr. Stainbrook.
46
47 (No comments)
48
49 CHAIRMAN LITTLEFIELD: Thank you, sir.
50

1 MR. STAINBROOK: Thank you.
2
3 CHAIRMAN LITTLEFIELD: Any other members
4 of the public who would like to speak at this time.
5
6 (No comments)
7
8 CHAIRMAN LITTLEFIELD: Okay, we'll go to
9 Dr. Wheeler, Proposal 1.
10
11 DR. WHEELER: Thank you, Mr. Chair.
12
13 CHAIRMAN LITTLEFIELD: Mr. Chester, would
14 you like to come forward at this time, too, please.
15
16 Go ahead.
17
18 DR. WHEELER: Thank you, Mr. Chair. For
19 the record my name is Polly Wheeler and I work with the
20 Office of Subsistence Management. My primary duties are
21 with the Fisheries Information Services, overseeing the
22 Fisheries Research Projects, or at least the social
23 science fisheries research projects. But today I'll be
24 talking to you about Proposal 1, the bear claw proposal.
25 I developed the analysis and as a result I get to talk to
26 you about the analysis.
27
28 The analysis can be found on Pages 26 to
29 64 in your books, it's sort of lengthy, but it's mostly
30 lengthy because there's three appendices attached to it
31 the analysis itself isn't that long. I'll kind of walk
32 you through it and Dennis is here, too, because there's a
33 related proposal, Proposal 3, which this Council
34 submitted and part of the analysis is done -- I mean
35 there's a parallel analysis to a certain extent as far as
36 the definitions go. But I guess I'll be talking first
37 and then Dennis will be talking about his analysis for
38 Proposal 3.
39
40 CHAIRMAN LITTLEFIELD: Okay. So that
41 everyone understands, what we're going to be doing is
42 discussing Proposal 1 and 3 at the same time,
43 concurrently, because of the overlapping information.
44
45 Go ahead, please.
46
47 DR. WHEELER: And I would say, Mr. Chair,
48 that Proposal 1 is a statewide proposal, Proposal 3 is
49 specific to the Southeast region, but Proposal 1 is a
50 statewide proposal. But, again, because Proposal 3 deals

1 with the definition of handicraft we developed that part
2 of the analysis together so that we'd have the same
3 definition.

4
5 Proposal 1 was submitted by the Fish and
6 Wildlife Service. It requests that the definitions of
7 handicraft and of skin, hide, pelt, or fur be changed to
8 clarify the Federal Subsistence Board's stated intent to
9 allow the sale of handicrafts made in Alaska by rural
10 Alaskans from bear fur and claws. The proponent of the
11 proposal also requests that the regulatory language that
12 allows the sale of such handicrafts be modified to
13 clarify that both the external covering of the bear and
14 the claws can be used in handicrafts for sale. And the
15 third part of the proposal requests that commercial sales
16 of such handicrafts be disallowed.

17
18 This proposal was basically submitted in
19 an effort to clarify that Federal subsistence regulations
20 with regard to handicrafts and the inclusion of bear
21 claws and the definition of fur. As you well know, since
22 2002 a number of proposals have been before both you and
23 the Board dealing with black bears and brown bears and
24 their uses. Most recently in 2004, the Board addressed a
25 proposal requesting the allowance of handicraft items
26 made from the fur of brown bear and the Board supported
27 this request in specific units, but as you might remember
28 from having been at the meeting there was lengthy
29 discussion over the intended inclusion or exclusion of
30 bear claws in the Federal definition of fur and because
31 of that lengthy discussion and some confusion, I guess,
32 the Fish and Wildlife Service submitted this proposal to
33 provide additional clarification on the fact that bear
34 claws are included in the definition of fur. They also
35 submitted the proposal to clarify the definition of
36 handicraft and also to clarify that commercial sales of
37 such handicrafts are disallowed.

38
39 Again, this is a statewide proposal
40 because it clarifies the definition but it does not
41 change the current allowance for the sale of handicraft
42 articles made from the fur or claws of brown bear.

43
44 The existing regulation can be found on
45 Pages 28 and 29 of your book. And I probably don't need
46 to read the existing regulation to you because you're
47 probably well familiar with it. I guess I'll just point
48 out a few things. First of all the definition of
49 handicraft basically parallels the definition of
50 handicraft in the Marine Mammal Protection Act, that's

1 where some of the language came from. And also this
2 definition was adopted from State regulation, so it
3 stands in State regulation and was adopted in Federal
4 regulation but it paralleled the definition of handicraft
5 in the Marine Mammal Protection Act.

6
7 Again, the proposed regulation clarifies
8 some points in the definition. It clarifies that the
9 external covering of an animal includes bear skin, hide,
10 pelt or fur and that means that the claws are attached to
11 that. And then it also clarifies that if you're a
12 business as defined under Alaska Statute, you may not
13 purchase, receive or sell handicrafts made from the skin,
14 hide, pelt or fur of a black or brown bear. And I would
15 say that at the bottom of Page 29 in your book there's a
16 definition of what business is under Alaska Statute. So
17 in a footnote on the bottom of Page 29 you've got that
18 definition there, what it actually means to be a business
19 under Alaska Statute.

20
21 And as I mentioned earlier, the Southeast
22 Regional Advisory Council submitted a proposal, Proposal
23 3, that proposes to limit the bear parts useable for
24 handicraft items to bear, fur, claws, bone, teeth and
25 skulls as well as to modify the definition of handicraft
26 further. And the request to modify this definition of
27 handicraft is considered in the context of this proposal.

28
29 Everybody with me so far.

30
31 CHAIRMAN LITTLEFIELD: I had one
32 clarification just for the record. We were given some
33 handouts yesterday and if anybody is interested in a more
34 complete listing of that Alaska Statute 43.70.11 that's
35 shown on the bottom that you just referenced, a copy of
36 that is in your manilla folder for you to look at.

37
38 Go ahead.

39
40 DR. WHEELER: Thank you, Mr. Chair.
41 Again, this is a statewide proposal, so the customary and
42 traditional use determination is somewhat lengthy, it's
43 included as an appendix in the proposal and if you're
44 interested it's found on Pages 40 to 46 in your books,
45 and that gives, again, all game management units in the
46 state and the C&T determination for black bear and brown
47 bear and also it provides some regulations too, but it's
48 kind of a lengthy table so it was included as an
49 appendix.

50

1 As far as the regulatory history goes,
2 I'm not going to go through the entire regulatory history
3 here but, again, a few key points are worth bringing up.
4 And I would say that in the proposal, Appendix B is an
5 analysis that was written for a proposal two years ago
6 that includes a very lengthy regulatory history back
7 before statehood as to what could be done or couldn't be
8 done with black and brown bear, and that's included on
9 Pages 47 to 61 in your book. And I'm just giving you
10 these page numbers as a reference so that you can follow
11 along here.

12
13 Again, this proposal was submitted in
14 large response to discussions that occurred at the
15 Federal Subsistence Board last May, and you probably
16 remember them, John, where there was a lot of discussion
17 about what was included and what wasn't included in the
18 definition of fur, and that was kind of the focus of the
19 discussion. And part of the discussion was also on what
20 was done customary and traditionally with bear claws. So
21 this proposal was submitted in part to clarify what,
22 actually the definition of fur includes and also to
23 address some of these secondary issues with regard to
24 what was done historically with bear claws. I guess the
25 key to allowing the sale of handicrafts with claws
26 remains with the definition of skin, hide, pelt or fur,
27 which contains the statement, again, in the definition,
28 the skin, hide, fur or pelt of a bear shall mean the
29 entire external covering with the claws attached. That's
30 really the key.

31
32 As you probably remember, there's
33 differences between State regulation and Federal
34 regulation as far as what actually the skin, hide, fur or
35 pelt includes. Under Federal definition it, in fact,
36 includes the claws; under State definition it does not.

37
38 The cultural history can be found on
39 Pages 31 to 34 in your books. And, again, this is the
40 cultural history that looks at what's been done
41 statewide, not just for Southeast. Proposal 3 includes a
42 lot of information, cultural information specifically for
43 Southeast, but because this is a statewide proposal we're
44 taking a broader view that includes practices throughout
45 the state. And, again, this section is included as a
46 means of providing additional information on cultural
47 practices with regard to bear claws that has not
48 previously been provided as part of consideration of this
49 issue.
50

1 I'm not going to go into a lot of detail
2 here. But as you can see from reviewing this section,
3 Alaska Native groups all over the state had a rich
4 history of using bear claws and teeth and fur in all
5 kinds of ways. From Tlingit headdresses to fishing lures
6 to incorporating them into all kinds of jewelry and
7 regalia. While limited, there is some evidence for some
8 groups being involved in the sale of some of these items.

9
10 During deliberations on Proposal 04-01,
11 again, last May, the Board spent considerable time on the
12 issue of whether or not claws were customary and
13 traditionally used in handicraft items and whether these
14 items were sold. It should be noted that the proponent
15 of that proposal did not specifically request the use of
16 claws and handicraft for sale, the proponent actually
17 just requested the use of fur but because the Federal
18 definition of fur includes claws sort of provided the
19 avenue for that discussion. But because the proponent
20 didn't specifically ask for the use of claws in that
21 proposal the Staff analysis did not address the issue of
22 allowing claws to be incorporated into handicrafts for
23 sale.

24
25 However, some would argue that whether or
26 not a practice was customary and traditional is
27 irrelevant, since a reasonable interpretation of ANILCA
28 is that as long as the use, that is, the harvest for
29 personal and family consumption of the bear is customary
30 and traditional, no additional determination is necessary
31 for each specific part of the bear.

32
33 And if you'll allow me I'll digress a
34 little bit here, but it is relevant so hang with me.
35 There's a comparable case involving interpretation of
36 traditional handicrafts of sea otter that supports this
37 interpretation. The Didrickson Decision concerned the
38 definition of handicraft under the Marine Mammal
39 Protection Act, although that statute is, of course,
40 different than ANILCA, the Court's reasoning is
41 potentially relevant here because the Court concluded
42 that the term handicraft should be interpreted broadly to
43 allow the use of a wide variety of natural materials and
44 methods of production by Alaska Natives. In large part,
45 the Ninth Circuit Court of Appeals based its decision on
46 is finding that neither the statute nor the Legislative
47 history of the MMPA reveals any intent by Congress to
48 exclude sea otters or any other species from Native uses.

49
50 Using the same reasoning, it's likely

1 that the Court would similarly conclude that the term
2 handicraft in ANILCA should be interpreted broadly and
3 that Congress did not intend to exclude bear claws from
4 being used by rural Alaskans and handicrafts when it
5 passed ANILCA.

6
7 So that sets the state, Mr. Chair and
8 Council members.

9
10 The effects of the proposal again, the
11 biological background is included on Page 35 in your
12 book, a somewhat short section but we'll skip to the
13 effects of the proposal.

14
15 If adopted, this proposal would change
16 the definition of handicraft to clarify that it refers to
17 articles made in Alaska by rural Alaska residents from
18 non-edible by-products of fish or wildlife, which is
19 composed wholly or in some significant respect of natural
20 materials. As such, the definition is more closely
21 aligned with that outlined in Section .803 of ANILCA.
22 The proposed definition also includes weaving, lacing and
23 beading, and the list of possible methods to develop
24 handicrafts, presently only sewing is included.
25 Including language specifying that the handicraft can be
26 either traditional or contemporary in design which is
27 drawn from Proposal 05-03 also provides additional
28 clarity. And these additions are consistent with the
29 definition of handicraft included under the MMPA and,
30 again, provide further clarification that will assist
31 rural Alaskan artists in understanding regulations and
32 providing for allowable uses.

33
34 The proposed regulatory language also
35 clarifies that both the external covering of the bear and
36 the claws can be used in handicrafts for sale.

37
38 This clarification clearly articulates
39 that Federal law is different than State law, which does
40 not allow the claws of black or brown bears to be sold.
41 Adopting this proposal maintains consistency with
42 regulations adopted by the state of Alaska in 1998 for
43 the use of black bear fur in handicrafts and in 2004 for
44 brown bear fur and handicrafts with one major exception,
45 and, again, that is that Federal regulations include
46 claws in their definition of fur and State regulations do
47 not.

48
49 Additionally, adopting this proposal
50 provides additional clarification by stating in

1 regulation that the authorization for use in handicrafts
2 applies to all four terms, that is skin, hide, fur and
3 pelt, and it maintains the same definition of skin, hide,
4 pelt and fur so that the user is not left wondering what
5 the difference is between a fur and a pelt or a fur and a
6 hide.

7
8 Current Federal regulations allows the
9 sale of handicraft made from fur with claws attached, but
10 does not specifically allow the sale of handicrafts made
11 from the pelt or the skin or the hide with claws
12 attached.

13
14 It's important to note that adoption of
15 the proposed regulatory language does not provide for any
16 additional opportunity for subsistence users, rather it
17 only provides clarification of previous Board decisions
18 to allow the use of claws and handicrafts for sale. The
19 extent of existing opportunities is unknown but it is
20 likely to be limited given harvest limits for black and
21 brown bear, and, again, included in Appendix A there's a
22 full listing of subsistence bear harvests limits by unit.

23
24 While handicrafts made from brown bear
25 fur and claws reportedly have significant economic value
26 and can be sold at high prices, subsistence harvest
27 limits restrict the availability of raw materials. Under
28 ANILCA, the bears must be harvested for customary and
29 traditional uses, i.e., for personal or family
30 consumption, bears cannot be harvested solely for raw
31 parts to be made into handicrafts. So it is not expected
32 that a drastic increase of bear harvest will occur should
33 this regulation be adopted.

34
35 Illegal harvest of both brown and black
36 bears is an ongoing issue in the state, however, this
37 proposal addresses bears that are legally taken for
38 subsistence under ANILCA.

39
40 The elements of this proposal that
41 restricts the sale or purchase of such handicrafts by
42 Alaska businesses and which clarify that the handicrafts
43 must be made in Alaska by rural Alaskans are consistent
44 with the current interpretation of the Board's intent as
45 expressed in a question and answer brochure approved by
46 the Federal Subsistence Board and distributed by the
47 Office of Subsistence Management in August of 2004. And
48 Mr. Chair, and Council members, that brochure is included
49 at the end of this analysis as Appendix C, and I forgot
50 to write down the page number and I apologize for that,

1 but it's at the very end of the analysis.

2

3 CHAIRMAN LITTLEFIELD: Page 62 and 63.

4

5 DR. WHEELER: Page 62 and 63, thank you.

6 While the recent commercialization of handicrafts made
7 from brown bear fur and claws could lead to an increase
8 in demand of harvest of some bear populations, managers
9 should be aware of this and carefully monitor the
10 harvest. The sustainable yield of brown bear is low and
11 except under special circumstances in limited areas,
12 regulations should continue to be conservative to avoid
13 over-exploitation.

14

15 It should be noted that the use of black
16 bear fur for handicrafts had been legal under State
17 regulations for six years and while the ADF&G has not
18 collected data to assess the effects of this regulation,
19 no problems have been reported.

20

21 Similarly, little to no information
22 exists regarding the legal sale of handicrafts made from
23 the byproducts of fish and wildlife harvested on lands
24 and waters under National Park Service jurisdiction but,
25 again, no issues have been reported.

26

27 So the preliminary conclusion, Mr. Chair,
28 is on Pages 36 and 37 in your book, and that is to
29 support the proposal with modification, and I'll go
30 through the modification here.

31

32 The modification is to add additional
33 language to further clarify the definition of handicraft
34 as well as to add language that clarifies the exemption
35 of those operating as a business. So the proposed
36 regulation is, again, on Pages 36 and 37, although we did
37 note an error and I'm going to read it to you now, the
38 actual language, and that's on Page 108, which is the
39 analysis for Proposal 3. And the proposed regulation for
40 the definition of handicraft should read:

41

42 handicraft means a finished product made
43 in Alaska by a rural Alaskan resident
44 from non-edible by-products of fish or
45 wildlife which is composed wholly or in
46 some significant respect of natural
47 materials.

48

49 the shape and appearance of natural
50 material must be substantially changed by

1 the skillful use of hands by sewing,
2 weaving, lacing, beading, caving,
3 etching, scrimshawing, painting or other
4 means, and, incorporated into a work of
5 art, regalia, jewelry, clothing or other
6 creative expression which can be either
7 traditional or contemporary in design.

8
9 the handicraft must have substantially
10 greater monetary and aesthetic value than
11 the unaltered natural material alone.

12
13 Again, it's somewhat of a mouthful but
14 it's providing additional clarification which combines
15 both the clarification requested by the proponent in
16 Proposal 1 and also this Council with Proposal 3.

17
18 CHAIRMAN LITTLEFIELD: The Council should
19 note that that correct definition is on Page 108 in your
20 books so that you didn't have to write that down, Page
21 108.

22
23 DR. WHEELER: Right Page 108. The
24 intent, again, of doing these analysis together was to
25 have the same definition and so this was an oversight on
26 the part of, on my part actually for not including that
27 incorporated into a work of art and I apologize for that
28 oversight.

29
30 The justification for supporting this
31 proposal as modified, Mr. Chair and Council members, is
32 that it provides additional clarification in the
33 definition of handicraft as well as to the use of claws
34 and handicrafts that are for sale. Again, the definition
35 of handicrafts includes components offered by the
36 proponent of Proposal 3 as well as Proposal 1 and
37 provides additional clarification as to the definition of
38 handicraft. The proposal does not provide for additional
39 harvest opportunity for subsistence users that could
40 potentially impact bear populations. And the proposal
41 assists law enforcement efforts by clarifying in
42 regulation the Board's intent.....

43
44 (Phone ringing)

45
46 DR. WHEELER: You said cell phones off,
47 not the regular phone off.

48
49 (Laughter)

50

1 DR. WHEELER: To clarify the Board's
2 intent to restrict the commercial sale or purchase by
3 businesses and to require that the products be made
4 within Alaska by rural Alaskan residents.

5
6 So Mr. Chair and Council members, that's
7 it for the analysis for Proposal 1 and I'm available for
8 questions.

9
10 CHAIRMAN LITTLEFIELD: Council questions.

11
12 (No comments)

13
14 CHAIRMAN LITTLEFIELD: No questions. I
15 have one on Page 36, the top of Page 36 it says bears
16 cannot be harvested solely for raw parts to be made into
17 handicrafts. That statement is based, in fact, in part,
18 because the State has prohibited people from practicing
19 their customary and traditional practice, just like the
20 Marine Mammal Protection Act; is that correct? In other
21 words, a long time ago people took bears for pelts and
22 used them and so that's a customary and traditional
23 practice that hasn't been done since statehood, so that's
24 kind of open to interpretation, that statement, would you
25 say that's correct or not?

26
27 DR. WHEELER: Under the Marine Mammal
28 Protection Act, animals can be taken for subsistence or
29 handicraft purposes but under ANILCA it says that they
30 have to be taken for personal or family consumption. So
31 I guess that's somewhat of a distinction there. But
32 that's my understanding of it, Mr. Chair.

33
34 CHAIRMAN LITTLEFIELD: Okay. My question
35 was I was referencing the customary trade part of ANILCA.
36 In other words it was customary and traditional.....

37
38 DR. WHEELER: Oh, I see, right.

39
40 CHAIRMAN LITTLEFIELD:before the
41 State got involved in brown bear management under game
42 management to trade in hides and claws and other items,so
43 that's what my question was. I think it's just been
44 suppressed is how we got to this point.

45
46 DR. WHEELER: That could be a reasonable
47 interpretation, Mr. Chair, yeah.

48
49 CHAIRMAN LITTLEFIELD: Mr. Adams.

50

1 MR. ADAMS: Thank you, Mr. Chairman. If
2 you go over to Page 104.....

3
4 MR. KOOKESH: 108.

5
6 MR. ADAMS:actually it's 108 but
7 it's on the top of 109, there's a -- my partner and I
8 have been conferring back and forth, you know, and he's
9 trying hard not to make a comment, he's trying hard not
10 to talk.

11
12 But anyhow it says here on top, a
13 handicraft must have substantially greater monetary and
14 so forth and so forth, I'd like to change that word must
15 to the word which. I think that that kind of language is
16 -- I have a problem with that.....

17
18 MR. KOOKESH: Must have.

19
20 CHAIRMAN LITTLEFIELD: Okay, that would
21 be under Council discussion, an amendment to do that, and
22 that would be in order at that time.

23
24 MR. ADAMS: And then Mr. Kookesh has my
25 permission to break his silence, he has another language
26 problem that he wants to bring up.

27
28 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

29
30 MR. KOOKESH: Mr. Chairman, and my
31 question is, since we're going to get into this later on
32 is, when you go to the handicraft means a finished
33 product made in Alaska by rural Alaskans, I'm wondering
34 why we're using that language made in Alaska by rural,
35 language, when we're only speaking for rural and that's
36 covered under Federally-qualified subsistence user, which
37 is on the bottom of the supported, you know, the modified
38 proposal. I'm wondering why we're saying made in Alaska
39 by rural Alaskans. It would seem that that's
40 insignificant because if you make a definition for a
41 handicraft, say like if an Eskimo or someone who lives in
42 one of our communities makes something in their home and
43 they're not living in a rural area, I believe we're only
44 talking for rural areas and the use of the Federally-
45 qualified subsistence user seems to me covers that. But
46 when you talk about the definition of handicraft,
47 handicraft could be made not necessarily specifically to
48 rural Alaskans, you know, made in Alaska by rural
49 Alaskans. I think we're focusing only on rural areas,
50 and I'm wondering why we're using made in Alaska by rural

1 Alaskans, the language, I'm kind of -- it seems, I don't
2 know, like we're saying something twice but it seems like
3 we don't need to be saying that. Because handicraft
4 should stand alone, it shouldn't be a made in Alaska by
5 rural Alaskans because handicrafts are made probably in
6 urban areas, too, I'm sure with the same parts that are
7 listed in that same sentence.

8

9 CHAIRMAN LITTLEFIELD: Dr. Wheeler, would
10 you like to respond to that?

11

12 DR. WHEELER: Well, you raise an
13 interesting point, Member Kookesh, and this is through
14 the Chair. I guess the language was included to provide
15 further clarity for the Federal Subsistence Program,
16 which is why they include that language there, and that
17 was the whole intent of the proposal, was to provide
18 further clarity within the context of the Federal
19 Subsistence Management Program.

20

21 CHAIRMAN LITTLEFIELD: Follow up.

22

23 MR. KOOKESH: I'd just like to know how
24 this Council feels as Council members to see this
25 language because when we're speaking about rural areas,
26 we're covered under Federally-qualified, the proposal
27 only speaks to that. That's what the proposal, in my
28 opinion, is speaking only to Federally-qualified as
29 listed under 25(j)(7), that's all we're speaking to.
30 That's why I couldn't understand why we're putting made
31 in Alaska by rural Alaskans. I can see handicraft means
32 a finished product made, you know, from non-edible
33 byproducts of fish and wildlife, et cetera, et cetera.

34

35 CHAIRMAN LITTLEFIELD: Okay, I would say
36 that that would be appropriate for Council deliberations.

37

38 MR. KOOKESH: Yeah.

39

40 CHAIRMAN LITTLEFIELD: But, you know, Dr.
41 Wheeler, that this is going to come and so we're asking
42 you to be prepared to defend that either now or later if
43 you were asked to, why that specific language is in
44 there.

45

46 Mr. Hernandez.

47

48 MR. HERNANDEZ: Thank you, Mr. Chairman.
49 Also for considerations in our deliberations I'd like to
50 point out some language in the proposal here. It

1 says.....

2

3

DR. GARZA: What page?

4

5

MR. HERNANDEZ: Page 109. I want people to keep this in mind for later, too. If you are a Federally-qualified subsistence user, you may sell handicraft articles made from the fur of brown bear taken from Units 1 through 5, 9(A)(C), it says in Units 1, 2, 3, 4 and 5, you may sell handicraft articles made from the fur of claws, bones, teeth or skull for brown bear. I'd like to point out that in Units 2 and 3 there is no present season for brown bear so we may have to talk about that language as well.

15

16

17

CHAIRMAN LITTLEFIELD: Okay. But let's let Mr. Chester do that, that's Proposal 3.

18

19

MR. HERNANDEZ: It's in Proposal 3.

20

21

22

23

CHAIRMAN LITTLEFIELD: Proposal 3, and we'll bring that up that there are no bear. Any other questions.

24

25

Dr. Garza.

26

27

28

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50

CHAIRMAN LITTLEFIELD: We're No. 1.

MR. ADAMS: Mr. Chairman.

CHAIRMAN LITTLEFIELD: Mr. Adams.

1 MR. ADAMS: Thank you, Mr. Chairman. And
2 kind of an answer to Dolly's question, we considered 1
3 and 3 at our SRC meeting last week. And, of course, you
4 know, we adopted the statewide proposal and we didn't
5 take care of No. 3 because it died for a lack of second.
6 And people, and you'll probably find this, Polly,
7 significant, as you go to other areas and present this,
8 that there are very strong feelings about this. And some
9 regions, you know, will accept it and others, you know,
10 are going to turn it down like the SRC did.

11
12 I just wanted to lend that out to you as
13 a word of caution.

14
15 CHAIRMAN LITTLEFIELD: Any other Council,
16 questions for Dr. Wheeler.

17
18 Mr. Hernandez.

19
20 MR. HERNANDEZ: Thank you, Mr. Chairman.
21 Under effects of the proposal on Page 108, your analysis
22 says that Federal and State law enforcement continue to
23 oppose liberalizing the commercial sale of bear parts
24 within Alaska. They feel that the incentives created by
25 such regulations are likely to increase the subsistence
26 harvest of bears and potentially mix subsistence taken
27 bear parts in an arena of black market or illegal trade.
28 Under the current regulation, illegal sale of bear parts
29 are clouded by other regulatory requirements for the
30 transportation of such items such as CITES.

31
32 I had concerns when I read that, and I
33 was wondering are we going to hear from enforcement about
34 their concerns? Is anybody here to tell us about their
35 concerns in more detail.

36
37 CHAIRMAN LITTLEFIELD: He's sitting right
38 there at the end of the table. And what I'm going to do
39 is I've got three things marked on Proposal 3, and what I
40 think we should do is hear from Mr. Chester and then both
41 of them will be there and everything will be on the table
42 and we could go ahead and quiz them over all of the book
43 because we don't have the Proposal 3 in front of us yet
44 and the questions on Page 108 and 109 are for 3. So if
45 the Council doesn't mind I'd like to have Mr. Chester
46 make his presentation and then we'll get on both of you
47 at the same time.

48
49 (Laughter)

50

1 MR. CHESTER: Thank you, Mr. Chairman.
2 Members of the Council. For the record my name is Dennis
3 Chester. I'm a Forest Service biologist out of the
4 Juneau Ranger District. And it's my pleasure today to
5 present the analysis for Proposal 3, which was submitted
6 by you the Southeast Regional Council. And it would
7 modify existing regulations to allow for the sale of
8 handicraft articles using brown and/or black bear fur,
9 claws or other body parts in the Southeast Alaska Units.
10 It would also establish a definition of handicraft that
11 would apply to brown and black bear fur, claws and other
12 body parts.

13
14 It differs from Proposal 1, in that, it
15 would not prohibit commercial sales. And as I try and go
16 through this I'll try not to duplicate too much of what
17 Polly has already said.

18
19 CHAIRMAN LITTLEFIELD: Mr. Chester could
20 you please use page number to help us follow you through,
21 if you would please?

22
23 MR. CHESTER: Okay. The proposal starts
24 out on Page 75, and goes through 110, and I started out
25 there on Page 75.

26
27 And moving on to the regulatory history
28 on Page 77, I think Polly has, again, done a pretty good
29 job of going through this. I guess I just wanted to
30 reiterate that there are some differences between the
31 Federal proposals and the State existing regulations and
32 the Federal proposals allow for the use of claws and the
33 State do not in their interpretation. There's also a
34 little bit of difference in regulations relating to the
35 requirements to salvage meat between the Federal and
36 State regulations, particularly with brown bears.

37
38 One other thing I wanted to point out is
39 that both brown and black bears are listed in Appendix 2
40 of the Convention on International Trade and Endangered
41 Species and Wildlife Fauna and Flora, also known as the
42 CITES Treaties, and that relates to regulatory concerns
43 later on.

44
45 And you can kind of skip through a lot of
46 the regulatory history tables presented up through Page
47 98, and I'm going to skip to Page 99, a little bit of the
48 biological background.

49
50 I think overall through Southeast Alaska

1 Units pretty much the harvest guidelines are being met
2 for both brown and black bear, according to the
3 guidelines that the State uses. There's certainly some
4 harvest concerns in specific areas, specific wildlife
5 analysis areas, but overall we seem to be within the
6 guidelines.

7
8 Specifically for black bears, Kuiu Island
9 has an area of concern, and Prince of Wales has an area
10 of concern. Brown bear populations on the other hand
11 appear to be stable in Units 1 and 5, and stable to
12 slightly increasing in Unit 4. So based on what
13 information I could find there appear to be no
14 conservation concerns for either species, although brown
15 bear harvest levels are closer to Fish and Game's level
16 of concern. I wanted to point out, though, that
17 subsistence harvest is a very small portion of the
18 overall harvest.

19
20 And on Page 100 and 101 there are some
21 tables that help show this as I go into the harvest
22 history. On average, about 942 black bears are taken in
23 Units 1 through 5, of these 126 are taken by subsistence
24 eligible hunters. We don't have information on
25 specifically which hunters are taking bears, they
26 consider it a subsistence harvest so the way we looked at
27 this information was somebody who had harvested a bear
28 that had customary and traditional use determination for
29 that unit was considered a subsistence harvest for these
30 tables. Again, we don't know whether they actually
31 considered that to be subsistence for their purposes.
32 But this should give us an overall idea of what level of
33 harvest we're talking about. So basically for black
34 bears it's about 13 percent of the overall harvest and
35 this does vary to some degree by harvest unit. For brown
36 bears an average of 241 bears are taken annually, of
37 these, subsistence eligible residents take 39, that's
38 about 16 percent of the total. And overall the total
39 harvest has increased through time, but the percentage of
40 subsistence eligible harvest has either pretty much
41 stayed the same or decreased slightly.

42
43 Moving on to the handicraft regulatory
44 history, I think Polly did a good job of going through
45 that so I don't really want to reiterate a lot of that.
46 And, again, I think there's ample use -- this proposal
47 goes a little bit more specific into Southeast Alaska use
48 of regalia and handicrafts. Again, I think there's quite
49 a bit of evidence that of these uses and so I won't go
50 into a lot of detail there.

1 I think it's important to note, as I
2 think John kind of mentioned that non-regalia handicraft
3 sales have not been allowed in regulation so therefore it
4 is kind of hard to come up with a lot of information on
5 these. There's a table here that shows some of the
6 information that was gathered through the Museum of
7 Articles and types of things that have been made in the
8 past. A lot of this comes to museums through sales and
9 that kind of attracts, so that gives some indication that
10 there was some sales in the past.

11
12 Finally, the proposed regulation would
13 apply to contemporary designs and incorporation of black
14 and brown bear materials into jewelry, works of art and
15 other creative expressions.

16
17 Moving on to the effects of the proposal
18 on Page 107. The meat of this proposal would create an
19 additional exemption to 50 CFR, Sec. 107 that would allow
20 rural Alaska residents to -- or rural Alaska -- rural
21 Southeast Alaska residents to sell handicrafts made with
22 brown and black bear teeth, bone and skulls that have
23 been legally taken under Federal subsistence regulations.
24 It would create a definition of handicraft for Southeast
25 Alaska that is different from the statewide definition.
26 It would create a separate definition for handicrafts
27 made from bear parts in Units 1 through 5, and this would
28 differ from the definition proposed by the Fish and
29 Wildlife Service in Proposal 1 because it would limit the
30 definition of non-edible byproducts to fur, including
31 claws, teeth, bones and skulls.

32
33 The proposal could possibly create the
34 need for CITES permits for the transport of handicrafts
35 purchased in Alaska and taken outside of the state. It
36 could be either outside of the state of Alaska to other
37 U.S. states or to other countries, depending on the --
38 it's a pretty complicated situation but it does depend
39 somewhat on the regulations in the state or country that
40 you would be taking it to.

41
42 This proposal does not include a tracking
43 method for following the bear parts used in handicrafts
44 and regalia. I think it's important to point out,
45 though, that illegal markets for bear part already exist
46 and will continue to exist whether or not the proposal is
47 adopted. And I think the important question is whether
48 this proposal would lead to an increased legal or illegal
49 bear harvest. Legal activity is pretty easy to follow
50 but it's kind of speculative whether illegal harvest

1 would increase and it would be very hard to show one way
2 or another. So far we do not have enough information to
3 see whether bear harvest has increased since the passing
4 of regulations in 2002 and 2004.

5
6 We do not expect that this proposal would
7 cause an increase in subsistence harvest of bears, it
8 does not change the harvest limits.

9
10 As pointed out earlier, the Federal and
11 State law enforcement continue to oppose liberalizing
12 commercial sale of bear parts, this continuation of
13 concerns, I'm sure you hear for the 2002 and 2004
14 proposals. They feel that it would increase subsistence
15 harvest and it would be hard for them to tell whether
16 something for sale on the market came from a legally
17 harvested or an illegally harvested bear. There are also
18 some concerns that this proposal continues the divergence
19 in the interpretation of State and Federal laws,
20 basically the use of claws and other body parts.

21
22 The preliminary conclusion on Page 108
23 was that we support with modification. We would change
24 the definition to match Proposal 1, at least the proposal
25 in their preliminary conclusion, the correct language is
26 here on Page 108 and 109. It would leave the parts
27 25(j)(6) and 25(j)(7) the same where the actual
28 exclusions that allow the sale of parts, bear parts with
29 additional to the bones, teeth and skull of black bears
30 and brown bears.

31
32 The justification, we feel like a single
33 definition of handicraft statewide is preferable to
34 regional definitions and the proponents intent of
35 allowing the sale of handicrafts made of fur, bones,
36 claws, teeth or skulls is captured in the 25(j)(6) and
37 (7) parts.

38
39 A small number of black and brown bears
40 are taken annually under subsistence regulations. And
41 ANILCA does allow for the use of non-edible byproducts
42 taken for subsistence purposes.

43
44 We have shown the non-edible byproducts
45 figure in traditional Tlingit, Haida and Tsimshian
46 regalia and cash payment is often required with this and
47 is likely to have figured in the customary and
48 traditional -- or handicraft customary trade when such
49 use was legal. We feel like that allowing the sale of
50 handicrafts as requested will pose no conservation

1 concern and that we should be able to identify problems
2 if they arise.

3

4 So those conclude my comments for now,
5 Mr. Chair.

6

7 CHAIRMAN LITTLEFIELD: Okay, we've heard
8 Proposal 1 and, Proposal 1, preliminary conclusion is on
9 Page 36. We've also heard the presentation on Proposal 3
10 and the preliminary conclusion is on Page 108. I tried
11 to keep track of the questions on Proposal 3, and I had
12 Mr. Kookesh, Mr. Adams and Mr. Hernandez all had
13 questions about 108. Either of these two proposals are
14 now open for discussion, we have both of you there.
15 First, I'll go to Mr. Kookesh, followed by Mr. Adams and
16 then Mr. Hernandez to follow up on their previous
17 questions.

18

19 MR. KOOKESH: My question is if you go to
20 Page 107, the third paragraph, there's a statement made
21 in there and I'm wondering why we've allowed those kind
22 of statements to be made. It says that some items in
23 current museum collections may have been made for the
24 tourist or courier trade; why did they use may have; is
25 that like speculating or guessing or is there any fact or
26 why was that statement put in there?

27

28 MR. CHESTER: Well, yeah, I think part of
29 what you said is correct, I don't know that we have
30 direct evidence why it was made. We feel like that -- we
31 don't know, like I said, why exactly the thing was made,
32 that's where it ended up. I guess for further
33 clarification I might refer to Dr. Schroeder who is the
34 co-author.

35

36 DR. SCHROEDER: Yes, through the Chair.
37 Floyd, I think what we have are we know how certain
38 collections did take place and how items got into museum
39 collections but we don't have records that show that a
40 sale took place or precisely how certain artifacts moved
41 around. But we did get some really good help from Dr.
42 Steve Hendrickson at the State Museum in Juneau, who took
43 time to go through his notes and his records and see what
44 artifacts he could track for us. And then just my own
45 understanding from reading the history of Southeast
46 Alaska, in particular, we know something of the way
47 artifacts were collected in communities.

48

49 Quite often artifacts were either
50 collected for museum collections by someone who had a

1 budget to do so and went out and either commissioned
2 articles to be made or purchased things that were there.
3 Other things ended up in museum collections via private
4 collections, in that, someone spent a good deal of time
5 Alaska communities and amassed some store of baskets,
6 weavings or things made possibly from bear parts, so
7 that's why we sort of had that qualified there.

8

9 CHAIRMAN LITTLEFIELD: I have Mr. Adams,
10 and then Mr. Hernandez and then Dr. Garza.

11

12 MR. ADAMS: I'll pass, Mr. Chairman.

13

14 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

15

16 MR. HERNANDEZ: Thank you, Mr. Chairman.
17 I guess my questions are kind of relating to getting a
18 regulation that's consistent statewide, regionwide, and
19 also maybe something that is fairly closely aligned to a
20 State regulations, and I see a number of differences.

21

22 I guess I wrote down you mentioned
23 differences between Yes. And State regulations regarding
24 salvage of meat. Could you maybe tell us what those
25 differences are and if you see any problems in having a
26 divergent regulation there?

27

28 MR. CHESTER: I'd probably have to go
29 back to the subsistence Fish and Game regs to do it
30 perfectly. But basically for subsistence purposes, you
31 are required to salvage meat, whether it's brown bear or
32 black bear. There are certain times of the year, I
33 believe fall black bear the State does not require
34 salvage of meat, and they do not require the salvage of
35 brown bear meat.

36

37 Those are the differences I know off
38 hand. There may be additional.

39

40 MR. HERNANDEZ: On the Federal regulation
41 is the salvage of black bear meat, is that a year-round
42 regulation?

43

44 MR. CHESTER: That is correct, to my
45 knowledge.

46

47 MR. HERNANDEZ: Okay, thank you. Another
48 question, there's a difference between the Southeast
49 regulation 03 and the statewide regulation 01. In the
50 Southeast regulation it wasn't your recommendation to

1 include the language regarding the commercial sale to a
2 business that's included in the statewide regulation, do
3 you want to give me a reason why you didn't recommend
4 that for Southeast but it's in the statewide?
5

6 MR. CHESTER: My understanding is that
7 was the desire of the Council to allow commercial sales.
8

9 CHAIRMAN LITTLEFIELD: That's correct as
10 I see it. It can be changed though.
11

12 Dr. Garza.
13

14 DR. GARZA: Thank you, Mr. Chair. I'd
15 like to suggest something, if possible. I'd like to see
16 up on the screen sort of a big block of the statewide
17 proposal, the Federal proposal and then the State
18 proposals, and sort of what the differences are because
19 it's kind of confusing trying to flip back between the
20 pages and get a feel for what the differences are between
21 the proposal and if we're trying to align with the State
22 and will that benefit or not benefit subsistence users.
23 And so perhaps we could take a break and someone could do
24 that.
25

26 CHAIRMAN LITTLEFIELD: Okay. When the
27 State makes theirs presentation, at least, as I remember
28 it there's some updated information from the last meeting
29 that would correct some of this information where --
30 because they did not accept that -- or reject that
31 proposal that's listed in here. So we'll let the State
32 do their presentation, after the break, and then we'll
33 put that information up and we can call them back up if
34 we have questions about it. But are there other
35 questions right now.
36

37 Ms. Phillips.
38

39 MS. PHILLIPS: Thank you, Chairman
40 Littlefield. These reviews of -- or these preliminary
41 draft Staff analysis are very thorough and thank you for
42 the work that you put into these draft Staff analysis.
43

44 However, I would like to ask if you are
45 familiar with the book Haa Aani, it's a Goldschmidt Haas
46 booklet that documents customary and traditional ways of
47 Alaska Native life in Southeast Alaska that they went
48 village to village in the 1940s and those were presented
49 as expert documents in court cases concerning the Tlingit
50 and Haida's claim to the land. This winter I had the

1 privilege and honor of interviewing William Mork who is
2 the eldest son of the eldest daughter of a Kaagwaantaan
3 Chief from Hoonah, and William Mork's grandfather was a
4 bear hunter by trade and Goldschmidt Haas documents that
5 the Tlingit people would hunt and fish and then sell or
6 trade to non-Natives, and that is a customary and
7 traditional practice that is documented in Haa Aani. And
8 I just wanted to, more than ask you a question, but to
9 provide that comment.

10

11 Thank you.

12

13 CHAIRMAN LITTLEFIELD: Dr. Wheeler.

14

15 DR. WHEELER: Mr. Chair. Ms. Phillips.
16 This is exactly what these meetings are for, is that
17 these are draft Staff analysis so if there are additional
18 sources of information that we've missed or oral
19 testimony, that's what we're looking for, so we thank you
20 for the additional piece of information.

21

22 CHAIRMAN LITTLEFIELD: Are there other
23 questions for Federal Staff.

24

25 (No comments)

26

27 CHAIRMAN LITTLEFIELD: Comments.

28

29 (No comments)

30

31 CHAIRMAN LITTLEFIELD: Okay, what we'd
32 like you to do is look toward that, putting these
33 together with the State so that we can look at all of
34 them together. At this time we're going to take about a
35 10 minute break and we'll come back with the State
36 presentation on Proposal 1 and 3 at the same time.

37

38 (Off record)

39

40 (On record)

41

42 CHAIRMAN LITTLEFIELD: Okay, the meeting
43 will come back to order, please. We had to take a little
44 bit of time there to get Dr. Garza's request, and it's up
45 on the screen ahead of you. At this time we're going to
46 let the State make their presentation. ADF&G.

47

48 MS. SEE: Thank you, Mr. Chair. Members
49 of the Council. My name is Marianne See with the Alaska
50 Department of Fish and Game. I also have with me Doug

1 Larsen and both of us will be available to speak to
2 questions that may arise from aspects of this proposal or
3 our comments.

4
5 We understand that the Federal program
6 intends to clarify definitions with this proposal,
7 however, the current proposal does not address concerns
8 raised by the Department in a request for reconsideration
9 submitted to the Federal Subsistence Board in 2004
10 regarding the Federal regulation authorizing sale, and I
11 emphasize that word, sale, of handicraft items made from
12 the skin and claws of brown and black bears. And just
13 sort of for the record, the State's concerns about this
14 have been raised previously in the Southeast Regional
15 Council meeting last year as well as at the Federal
16 Subsistence Board meeting last May. And we note that the
17 Federal analysis and appendices explain many of these
18 issues as well.

19
20 As noted by the Federal Staff, the State
21 does not allow the sale of bear claws, and that is the
22 major distinction between State and Federal circumstances
23 at this time, and also as proposed.

24
25 We also note here, and I'm actually
26 drawing in part from comments that are in your book,
27 they're in two places, they're both for Proposal 1 and
28 Proposal 3, Page 64 is where the first statement is made
29 here. But we say the same thing for Proposal 3 as well.

30
31 We note that it's unclear how the
32 proposed changes in this proposal would address
33 conservation concerns associated with the sale of
34 handicraft s made from bear fur, claws and other body
35 parts, so we are speaking both to Proposal 1 and 3 in
36 this comment. In the absence of a tracking system that
37 would document how many bears are being harvested for the
38 purpose of making handicraft items for sale.

39
40 If you have additional questions about
41 the State regulations or other aspects of this proposal,
42 which we realize pull in a lot of fairly complicated
43 aspects of definitions and other kinds of issues, we'd be
44 happy to try to answer them for you and so Doug and I are
45 both here with that intent.

46
47 So, Mr. Chair, with that please let us
48 know if you have questions.

49
50 CHAIRMAN LITTLEFIELD: For the record,

1 you oppose both of these, Proposal 1 and 3?

2

3 MS. SEE: That's correct, Mr. Chair.

4

5 CHAIRMAN LITTLEFIELD: Council questions
6 for State, ADF&G.

7

8 Dr. Garza.

9

10 DR. GARZA: Mr. Chairman, thank you.
11 It's my understanding that ADF&G allows hunting of bears
12 for predator control, could you expand on that?

13

14 MR. LARSEN: Mr. Chair. Dr. Garza.
15 Right now there are liberalized hunting seasons and in
16 particular there are some units where brown bear
17 populations are considered large enough or high enough
18 that modifications to regulations have been made, and
19 primarily there's two things that have been done to
20 address that.

21

22 Number 1, there are areas where instead
23 of a brown bear every four years which is more than norm
24 across the state there are regulations that allow for one
25 bear to be harvested each year, and the other is, that in
26 areas, again, with high brown bear densities the \$25 tag
27 fee that residents are required to purchase to hunt brown
28 bears has been removed. So that's really what I think
29 you're referring to in the context of at least attempting
30 to take more brown bears in some specific areas, and
31 that's primarily up north in Interior Alaska.

32

33 CHAIRMAN LITTLEFIELD: Follow up.

34

35 DR. GARZA: And are those areas where
36 there is subsistence hunting opportunities and you're
37 still opposing it for those areas?

38

39 MS. SEE: Through the Chair. Dr. Garza.
40 Proposal 1 is a statewide proposal, Proposal 3 is region,
41 so with that distinction, yes.

42

43 CHAIRMAN LITTLEFIELD: Follow up.

44

45 DR. GARZA: And in these areas where they
46 can now take one per year and not pay anything for the
47 fee, are they required to salvage the meat and are they
48 able to make money from the hides or from any other parts
49 of the animal?

50

1 MR. LARSEN: Mr. Chair. Dr. Garza.
2 There are places where there are, what are referred to as
3 brown bear management areas, and in those areas, as I
4 mentioned before, that's a place, for example where the
5 \$25 tag fee would be removed and in lieu of actually
6 bringing a hide in and a skull, then the hunter would
7 bring in, would salvage the meat in those instances.
8
9 CHAIRMAN LITTLEFIELD: I have a question
10 -- or Dr. Garza, follow up.
11
12 DR. GARZA: Go ahead.
13
14 CHAIRMAN LITTLEFIELD: My question was,
15 are there any areas where there are two bears allowed per
16 year, I thought 20(E) had two bears per year?
17
18 MR. LARSEN: Mr. Chair, I'll look that
19 up. That's an area I'm not very familiar with so I'll
20 take a look for you in the regulation book.
21
22 CHAIRMAN LITTLEFIELD: Okay, thank you.
23 Dr. Garza.
24
25 DR. GARZA: Thank you, Mr. Chair. So I
26 still didn't quite get the response to that. So they are
27 required to salvage the meat on those brown bears,
28 however can they use the bear claws or the hide or any
29 other parts of that animal and sell it?
30
31 MR. LARSEN: Mr. Chair. Dr. Garza. The
32 answer is, no, statewide the regulation allows for the
33 fur of a bear to be made into handicrafts and sold,
34 however, that does not include claws, and that's
35 statewide.
36
37 And, Mr. Chairman, the answer to your
38 question is in Subunit 20(E), you're correct for both
39 residents and non-residents it's a two bear bag limit.
40
41 MS. SEE: Mr. Chair.
42
43 CHAIRMAN LITTLEFIELD: Go ahead.
44
45 MS. SEE: Mr. Chair. Also to further
46 address Member Garza's question, the State regulation
47 basically says that you cannot sell any part of a bear
48 except an article of handicraft made from the fur of a
49 bear, so that's a general overarching regulation.
50

1 CHAIRMAN LITTLEFIELD: Council. Dr.
2 Garza, follow up.
3
4 DR. GARZA: I'm sorry, we were trying to
5 clarify something here.
6
7 CHAIRMAN LITTLEFIELD: Go ahead.
8
9 DR. GARZA: So can you say that again,
10 please?
11
12 MS. SEE: Through the Chair, yes, I'll
13 repeat what I said. That the regulations say you cannot
14 sell any part of a bear except an article of handcraft
15 made from the fur of a bear, and, again, the State's
16 definition does not include claws as part of fur.
17
18 CHAIRMAN LITTLEFIELD: Mr. Hernandez.
19
20 MR. HERNANDEZ: Why is the State so
21 opposed to the sale of claws? What's their reasoning
22 there?
23
24 MR. LARSEN: Mr. Chair. Mr. Hernandez.
25 The real reason is as what was brought up in previous
26 reports. The concern really has to do with the increase
27 harvest levels and particularly in Southeast Alaska where
28 we are managing harvests that are relatively fine-scale.
29 In other words the numbers of bears that are being
30 harvested, brown bears, in particular, are very close to
31 what we believe the sustainable harvest can be. So the
32 idea of allowing the sale of items that include claws,
33 we're fearful that that would exacerbate the amount of
34 interest and consequently the amount of harvest that we
35 would see which would push us over what is already a
36 relatively fine line in terms of numbers of bears that
37 are available to harvest.
38
39 So that's really our concern, and it has
40 to do with overall conservation of numbers of brown bears
41 in Region 1.
42
43 MS. SEE: If i could just add to that.
44 Some of those concerns were fairly carefully pointed out
45 in Pages 107 and 108 of your book where some of the
46 enforcement aspects, their views about that were
47 articulated.
48
49 CHAIRMAN LITTLEFIELD: Mr. Hernandez,
50 follow up.

1 MR. HERNANDEZ: Thank you, Mr. Chairman.
2 So from what you're telling me there, I guess I'm
3 assuming that it is -- you are fairly confident that it's
4 a known thing that there is definitely more of a market
5 potential for the claws than just for the fur; is that
6 accurate?

7
8 MR. LARSEN: Mr. Chairman. Mr.
9 Hernandez. Yes, I think that it's, at least, widely
10 believed that claws are considered a preferable item in
11 terms of bear parts to other parts of a bear, and that by
12 allowing the sale of claws, that that actually would be
13 something that people who right now wouldn't necessarily
14 be interested in engaging in may because of the monetary
15 return that they could get for those.

16
17 MS. SEE: And if I could just add to
18 that. One of the Federal Staff from OSM last spring when
19 this was under discussion from the Federal Subsistence
20 Board meeting went out and just did an internet search
21 for people selling brown bear claws and found them at
22 \$200 as sort of a market value. So there are people out
23 there trying to sell these kinds of things and whether or
24 not they get that money we can't say, but there are high
25 values in general that tend to be associated with claws.

26
27 CHAIRMAN LITTLEFIELD: Mr. Hernandez,
28 follow up.

29
30 MR. HERNANDEZ: Right now any such sale
31 would be illegal under any regulation, correct, so it
32 would be a black market essentially?

33
34 MR. LARSEN: Mr. Chair. Mr. Hernandez.
35 That is correct under State law that would be illegal.

36
37 CHAIRMAN LITTLEFIELD: Other Council.
38 Mr. Adams.

39
40 MR. ADAMS: It says here that illegal
41 markets for bear parts.....

42
43 MR. KOOKESH: What page?

44
45 MR. ADAMS: I'm sorry, Page 8 at the very
46 top. Illegal markets for bear parts already exist and
47 will continue to exist whether or not this proposal is
48 adopted.

49
50 DR. GARZA: What page?

1 CHAIRMAN LITTLEFIELD: 108.
2
3 MR. KOOKESH: 108.
4
5 MR. ADAMS: Yes, 108, top of the page at
6 108. Very top of the page at 108.
7
8 Everyone got it?
9
10 MR. KOOKESH: We got it.
11
12 MR. ADAMS: Okay. My question is, if
13 that is so, you know, somebody mentioned black market,
14 but how is that being monitored and how do we know that?
15
16 MR. LARSEN: Mr. Chair. Mr. Adams. I
17 guess, you know, I think that's really more of an
18 enforcement related issue or question. I'm not sure if
19 there's somebody here that might better speak to that
20 specifically but it does have to do with the CITES
21 regulation that has been referenced in the previous
22 reports. So I would defer to enforcement for that
23 specifically.
24
25 CHAIRMAN LITTLEFIELD: Follow up.
26
27 MR. ADAMS: So if this is going to
28 increase, you know, the illegal taking of bear, then
29 enforcement would then be a continued problem then,
30 correct?
31
32 MR. LARSEN: Mr. Chair. Mr. Adams. I
33 would anticipate that is the case
34
35 CHAIRMAN LITTLEFIELD: Mr. Adams.
36
37 MR. ADAMS: Just a comment, I think
38 that's probably where the real issue should be dealt
39 with, is the enforcement part of it.
40
41 Thank you.
42
43 CHAIRMAN LITTLEFIELD: Dr. Garza.
44
45 DR. GARZA: Thank you, Mr. Chair.
46 Certainly the information I have is vague, but it seems
47 like when we had past -- we had a working group for
48 Baranof/Chichigof brown bear and it was my understanding
49 that the stock was fairly healthy there. And on Prince
50 of Wales, I mean we heard at the Unit 2 Deer meetings

1 that bear have had a substantial impact on deer and
2 perhaps we should be harvesting them as part of predator
3 control. But I don't -- from my understanding of the
4 bear stocks, I mean there may be one or two instances,
5 but even on -- I heard on Kuiu, it sounded like Kuiu had
6 a huge supply of bears and so I'm not sure where the
7 conservation concern is kicking in.

8
9 I mean if you can take 200-some bears and
10 only 39 of them are taken by Federal subsistence users,
11 an increase in that Federal subsistence use doesn't
12 necessarily mean an increase in the total harvest, it
13 just means that we need to better manage and decrease out
14 of state or international harvest or perhaps other users
15 within the state of Alaska, but that doesn't imply that
16 we're going to all of a sudden be taking 500 because I
17 believe that our managers could do a very good job in
18 keeping it at whatever that estimated level should be.

19
20 CHAIRMAN LITTLEFIELD: Go ahead.

21
22 MR. LARSEN: Mr. Chair. Dr. Garza. I
23 guess I would emphasize the brown bear component. And
24 you're correct, in the Unit 4 brown bear planning effort,
25 you know, lots of discussion about numbers of bears and
26 how best to divvy those bears, allowable harvest of bears
27 up was part of that group's discussions and
28 recommendations that came out of that effort. But in
29 parts of Unit 4, even, where we have relatively high
30 densities of brown bears currently, there are localized
31 areas where potential overharvest or higher harvest than
32 what we would like to see could occur. And so, again,
33 thinking about where individuals would be likely to hunt,
34 there may be areas that are more vulnerable in terms of
35 local overharvest than others, and that falls into that
36 concern about the numbers in those areas specifically.

37
38 Relative to black bears, I guess, you
39 know, we manage black bears, with the exception of Kuiu
40 without a whole lot of information about densities. And
41 base our management decisions on what we know about black
42 bear populations elsewhere in the state and in other
43 parts of North America. And at this point we don't
44 believe that we have excessive harvest in either Unit 2
45 or Unit 3, but those are the places where we have the
46 most interest and the most hunting activity. But you're
47 also correct in that there are ways to address harvest
48 through the allocation process.

49
50 CHAIRMAN LITTLEFIELD: Follow up.

1 DR. GARZA: Thank you, Mr. Chair. So in
2 regard to State sport and guided harvest, has there ever
3 been an attempt to reduce those levels based on
4 conservation concerns?

5
6 MR. LARSEN: Mr. Chair. Dr. Garza. Yes,
7 there's been -- in fact, as part of the Unit 4 planning
8 effort, the State has worked cooperatively with the
9 Forest Service to determine numbers of bears that can be
10 allocated to the guiding industry and numbers of guides
11 that are able to participate in those hunts.

12
13 CHAIRMAN LITTLEFIELD: Other Council.
14 Mr. Bangs.

15
16 MR. BANGS: Thank you, Mr. Chair. In
17 reports we've heard in this Unit 2 Deer Subcommittee,
18 we've talked a lot about bears and what happens when you
19 harvest out the larger bears, the large male bears which
20 seems to be happening through the guided bear hunting
21 because that's what the guided hunters would like to do,
22 is get the larger bears, well, through the reports we
23 found that the biological end of it seems to cause an
24 increase in population when you select out those larger
25 bears. And by looking at the report here on Unit 4 where
26 there is a lot of brown bears, it's actually the only
27 area that it has the largest harvest, yet, it's the only
28 area that's on the increase, or at least stable or
29 slightly increasing. And I'm wondering if the Department
30 has thought about some way to select out bears through,
31 you know, can you do a selective harvest or is that even
32 considered?

33
34 CHAIRMAN LITTLEFIELD: 50-inch antlers.

35
36 (Laughter)

37
38 MR. LARSEN: Mr. Chair. Mr. Bangs. I
39 guess in following up on that, you know, the three-inch
40 canine rule or something, you know, but, no, and actually
41 in terms of bears and their ecology, there's still some
42 debate out there about whether taking large males out of
43 populations does or does not, in fact, influence numbers
44 of bears in the population. Certainly there are
45 behavioral things that I think all of us are familiar
46 with in terms of what bears do under various scenarios,
47 including where they encounter cubs and, you know, the
48 idea of killing cubs so that they can breed females and
49 stuff, but those cubs are nonetheless removed. So
50 there's both mortality as well as potential productivity

1 as a result of those behaviors. But I'm not sure that we
2 can conclude definitively that that's going to create
3 more bears by taking out large males.

4
5 And in terms in sort of the broader
6 question about other selective harvest regimes, there may
7 be other biologists that we could refer to to get some
8 ideas about that but I'm not aware of, personally,
9 anything that would be suggested to try and accomplish
10 that.

11
12 Right now, as you mentioned, most people
13 who go in the field at least in terms of wanting to find
14 a bear that they would consider a trophy bear are going
15 to look for a large one, whether it's a large male or a
16 large female and females can get relatively large as
17 well.

18
19 So predominately the harvest that we've
20 had from the non-resident side have been males in large
21 part, and, that, I think is a reflection of their
22 interest in getting the larger animals. But beyond that
23 I don't know of anything that could be done to try and
24 highlight or to target a specific -- other specific
25 cohorts in the populations.

26
27 MR. BANGS: Thank you.

28
29 CHAIRMAN LITTLEFIELD: Other Council.
30 Mr. Kookesh.

31
32 MR. KOOKESH: My question kind of follows
33 along on Page 106 -- or 108, excuse me, following up,
34 just going a little past what Mr. Adams talked about. I
35 know the State is opposed because of no tracking system,
36 but if you read on the first paragraph it says legal
37 activities easily monitored. What would be so hard about
38 doing that and -- don't answer that yet, but on the
39 second paragraph it says implementation of this proposal
40 is not expected to cause an increase in substantial
41 harvest of bears. This proposal does not provide for
42 increases in harvest limits but would allow for a more
43 complete utilization for bears that are harvested.

44
45 And what's wrong with that, is there
46 something wrong with that?

47
48 MR. LARSEN: Mr. Chair. Mr. Kookesh. I
49 guess the answer to sort of start with your last part of
50 your question, I don't think there's anything wrong with

1 utilizing bear claws for handicraft items. It really
2 comes down to the issue of selling them as such.

3
4 I mean certainly right now under State
5 regulations somebody that harvests a bear can use claws
6 in whatever manner they feel appropriate, they just
7 couldn't sell something with the claws on it, so, you
8 know, that remains a viable option for hunters, or for
9 individuals in general.

10
11 In terms of the tracking, the harvest
12 techniques that we -- reporting techniques that we have
13 now through the registration permits for brown bears and
14 the sealing requirements for black bears, you know, we
15 can get a good sense, I think, of numbers of bears taken
16 on the legal front. And I think, you know, to what
17 extent illegal activity occurs, I think you make a very
18 good point. I'm not sure that that's something we're
19 going to be able to track outside of the enforcement
20 efforts that are in place to know how much of that is
21 going on, and certainly to the extent that it increases,
22 there's a good chance that we wouldn't know how much it
23 increases because again it's illegal activity.

24
25 CHAIRMAN LITTLEFIELD: Does that mean
26 then you would support Proposal 1 because Proposal 1
27 talks about prohibiting the commercial sale, you know,
28 that's the difference between these two. So does that
29 mean you would have support for Proposal 1 then?

30
31 MS. SEE: Mr. Chair. I think we applaud
32 the effort to specify that that proposal, as currently
33 drafted, would prohibit commercial sale but we don't
34 think the proposal as a package goes far enough to
35 address the concerns that you would still allow claws for
36 sale because the State does not, and that's a fundamental
37 disagreement.

38
39 I would like to offer either now or at
40 your pleasure, Mr. Chair, an update about the State's
41 Board of Game consideration that you asked for before the
42 break.

43
44 CHAIRMAN LITTLEFIELD: Let me go to Ms.
45 Phillips first and then right after that we'll take care
46 of it.

47
48 MS. PHILLIPS: Thank you, Mr. Chair. On
49 Page 100 and 101 it talks about Southeast, Alaska harvest
50 data for black bears and brown bears and for the last

1 five years it shows for black bear that subsistence
2 harvest is 13 percent of total harvest numbers, and for
3 brown bears that subsistence harvest is 16 percent of
4 overall harvest. That is -- subsistence does not
5 materially or negatively affect wildlife populations if
6 they're taking 13 percent of black bears and 16 percent
7 of brown bears. And the harvest is not accomplished in a
8 wasteful manner. I mean, they, by Federal regulations,
9 are required to use the meat which the State doesn't
10 require. So if you look at the sport harvest for brown
11 bear -- black bear of 85 percent of the harvest is sport
12 and for brown bear 81 percent of the harvest, the sport
13 hunters are allowed to harvest in a wasteful manner.
14 They're not required to use the meat and that harvest for
15 sport could materially and negatively affect the wildlife
16 populations.

17
18 Our requirement as a subsistence Council
19 is to support the continued opportunity, the subsistence
20 opportunity. If there's a concern by the State about
21 wasteful take then the focus should be more on your sport
22 harvest that you allow that is over 80 percent of the
23 harvest of populations of bears.

24
25 I'm just making a comment there, not so
26 much a question.

27
28 CHAIRMAN LITTLEFIELD: Let me follow up
29 on that a little bit. On that same two pages, I was
30 going to bring this up, I'm glad you brought it up. I
31 totally dispute those numbers.

32
33 In other words, if you look at brown
34 bears for the past five years, you show that 142 were
35 taken in Unit 4, they were sealed in Unit 4, they're not
36 subsistence brown bears and to call them subsistence
37 brown bears, I think, is missing the point, because I
38 would say that of those brown bears probably slim to none
39 of them the meat was salvaged. They were taken under
40 State regulations, sealed in Sitka so, therefore, you
41 call them a subsistence brown bear. I think these
42 numbers are very misleading here, Dr. Schroeder thinks
43 they aren't.

44
45 DR. SCHROEDER: Mr. Chairman. Perhaps
46 we could ask Dennis to describe these numbers. I believe
47 that what we attempted to do was identify bears that were
48 taken by people who were eligible as subsistence users
49 and not necessarily that people did salvage the meat or
50 used these bears for subsistence purposes, but I'd refer

1 to Dennis on that.

2

3

CHAIRMAN LITTLEFIELD: The reason I brought it up is this is based on State data, this is ADF&G sealing data. So it paints a picture in my estimation is not true. Patty brought up 80 percent of them are taken by the guides, well, of that 142 taken in Unit 2, a whole bunch of those are sport bears, they're not subsistence bears, and to call them subsistence bears I think gives the wrong impression that 142 of those bears were taken home and eaten because I dispute that. As well as on the black bear 628 of those, just because they were -- the people living in Unit 2 and 3 happen to seal those does not mean that they were under the subsistence regs where they were required to take them home and salvage the meat because I don't think that's happening. And this is based on State data, that's why I brought this up.

19

20

Dr. Garza.

21

22

DR. GARZA: Thank you, Mr. Chairman. I have a question on the data on Page 100 as well as 120 and 121 and the availability of data. There was a conclusion that we don't have enough data from when the law was changed to allow for sales. In the Table 3 and Table 4 on Page 101 and 102 it refers to the years '71 to 2003, and yet when we go starting looking at the bars on Page 120, it only goes to 2002. And so we seem to be missing at least one bar of harvest level that would give us an indication of whether or not there was an increase or not. While we have the summary data up to 2003, that I see, unless I just missed it, have anything that shows 2003 alone. So if that data is available, I'd like to see it. And following on that, I can't imagine that data wouldn't be available because I know the State is very fastidious about getting those -- when you get a brown bear permit you have to have your permit back on time or you get hauled off to court, which I learned. And so those numbers should be readily available for 2003 as well as 2004.

42

43

So I'm not sure if that data's not being made available to us so that it's easier to summarize that we can't compare of if that data is sitting at someone's desk and just hasn't made it to this booklet. But the harvest is not that high. They track the permits very well. Someone should know what those harvest levels are.

49

50

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: Okay, I think we
4 may have gotten proposals mixed up there, at least the
5 way I saw it. But, Dennis, if you wouldn't mind coming
6 up and fielding some of these questions as well.

7

8 MR. CHESTER: Okay.

9

10 CHAIRMAN LITTLEFIELD: Because basically
11 you put this data together and we have to interpret the
12 data, substantial data is what we're going to be required
13 to make our decision, but it's based on State data so
14 both of you can stay there and field these questions I
15 would appreciate it. And if you could go ahead and
16 explain how you developed this data.

17

18 MR. CHESTER: Okay, thank you, Mr.
19 Chairman. Member Garza.

20

21 The stuff on Pages 120, 121, I can't make
22 any claims for it, that's a different proposal, that's
23 actually deer data, I believe. So I got this data from
24 the Office of Subsistence Management and included data up
25 through the 2003 harvest season. I do not know why I did
26 not get 2004, this was as of about two months ago --
27 well, it was in January when I got this information. So
28 I don't know if they have not received it from the State
29 yet and got it into the computer or what, so I had data
30 through 2003.

31

32 I wanted to confirm what the Chairman
33 said as far as the subsistence harvest is by people that
34 were eligible to be considered subsistence harvest by
35 means of where they -- by their residence, and that they
36 had customary and traditional use determinations. It
37 does not mean that they considered that their harvest met
38 Federal subsistence regulations, and I tend to agree, I
39 don't think particularly for brown bears, that many of
40 these bears were actually harvested under subsistence
41 regulations, but that was the best I could do to give you
42 an indication of how much of it was sport and what the
43 potential subsistence harvest was as a maximum. I think
44 it's much less than that.

45

46 CHAIRMAN LITTLEFIELD: So as far as
47 allocation, if we were to stay within the 241 bears, you
48 know, as average, would that be a conservation concern in
49 your mind if we were to just allocate some of those bears
50 or more of them to subsistence?

1 MR. CHESTER: My personal reading of the
2 data is that currently with exceptions like Doug
3 mentioned, that there are specific areas that have higher
4 harvest of concern, some smaller areas, some wildlife
5 analysis areas that the information I have suggests that
6 we are currently beneath the level of harvest, the four
7 percent level with brown bears, specifically in Unit 4
8 which is where they have the best data. I think the most
9 recent information suggests their densities are maybe
10 increasing their -- they have increased their density
11 estimates within the last few years so they may not be as
12 close as they felt they were at the time of the brown
13 bear report that I referenced in this report so, yes, in
14 short, it seems like although brown bear is closer to the
15 level of concern, right now we are within that criteria.

16
17 CHAIRMAN LITTLEFIELD: Council.

18
19 (No comments)

20
21 CHAIRMAN LITTLEFIELD: Any other
22 questions.

23
24 (No comments)

25
26 CHAIRMAN LITTLEFIELD: Okay. And
27 hopefully you'll be available when we go into
28 deliberations if the Council has any questions, we could
29 call you back for questions.

30
31 Okay, thank you. At this time we're
32 going to go to any other Federal, State or Tribal
33 agencies. Any one of them. Any Federal, State or Tribal
34 agencies that would like to testify on Proposal 1 or 3.

35
36 (No comments)

37
38 CHAIRMAN LITTLEFIELD: Okay, hearing
39 none, Interagency Staff Committee comments.

40
41 MR. KESSLER: Good morning, Mr. Chairman
42 and members of the Council. I'm Steve Kessler with the
43 USDA Forest Service and a member of the Interagency Staff
44 Committee. To remind you, the Interagency Staff
45 Committee makes comments to you about issues associated
46 with proposals that we think you should be aware of and
47 may not be covered in the write ups.

48
49 Following review of the initial Staff
50 recommendation proposals, before what you've seen here in

1 this book for numbers 1 and 3, each had a different
2 proposed definition of handicrafts. The Interagency
3 Staff Committee thought they would benefit the Federal
4 Subsistence Program to have a statewide definition of
5 handicraft as shown in Subpart 25(a), then in Section
6 25(j) differences between Southeast Alaska and elsewhere
7 in the state could be provided.

8

9 I anticipate that this will be our
10 eventual recommendation to the Federal Subsistence Board
11 and we encourage the Council to consider a handicraft
12 definition that would be adopted statewide.

13

14 Any questions.

15

16 CHAIRMAN LITTLEFIELD: Could you
17 reference a page for us, please?

18

19 MR. KESSLER: The definition that is
20 consistent between the two proposals, 1 and 3, is on Page
21 108, and we are just recommending that there be one
22 definition statewide. This is the Staff preliminary
23 conclusion at this point.

24

25 CHAIRMAN LITTLEFIELD: Okay, the
26 Interagency Staff Committee recommendation is the
27 language on Page 108 for 25(a) and could you comment,
28 please, on the differences between 3 and 1, as far as
29 25(j)(6) and (j)(7)?

30

31 MR. KESSLER: I just want to clarify that
32 what the recommendation of the Interagency Staff
33 Committee is at this point, is that we have one
34 definition statewide. The Staff Committee doesn't
35 necessarily agree that this should be the definition.
36 That's not our role at this point in the process.

37

38 Our role at this point, the definitions
39 that you see here and the language that you see here is
40 the recommendation of Staff, the agency Staff or the
41 Office of Subsistence Management Staff, not of the
42 Interagency Staff Committee. So we don't say this is it,
43 all -- the only information I'm providing to you at this
44 point is that we believe, and we believe that the Federal
45 Subsistence Board will want to have one statewide
46 definition for the word, handicraft.

47

48 CHAIRMAN LITTLEFIELD: I understand that.
49 In other words, you don't have any recommendation for us
50 on the remainder of the language in the two proposals?

1 MR. KESSLER: That's correct.
2
3 CHAIRMAN LITTLEFIELD: All right. Are
4 there questions from Council for Mr. Kessler.
5
6 (No comments)
7
8 CHAIRMAN LITTLEFIELD: Okay, thank you.
9
10 MR. KESSLER: Thank you, Mr. Chair.
11
12 CHAIRMAN LITTLEFIELD: Any Fish and Game
13 Advisory Committee present that would like to testify on
14 these two proposals.
15
16 (No comments)
17
18 CHAIRMAN LITTLEFIELD: Dr. Schroeder
19 summary of written public comments.
20
21 DR. SCHROEDER: Mr. Chairman, we haven't
22 received written public comments for this proposal -- for
23 either of these proposals.
24
25 CHAIRMAN LITTLEFIELD: Public testimony.
26 Do we have any people signed up to testify?
27
28 MS. HERNANDEZ: (Shakes head negatively)
29
30 CHAIRMAN LITTLEFIELD: Okay. Are there
31 any members present who would like to testify on Proposal
32 1 or 3 before we go to Regional Council deliberations at
33 which time you will not be allowed to testify further.
34
35 (No comments)
36
37 CHAIRMAN LITTLEFIELD: Okay, the Regional
38 Council now has Proposal 1 and 3, and I would suggest
39 that we handle these separately and develop -- while we
40 talked about them together, I think we should do a vote
41 separately on Proposal 1 and Proposal 3. You have a
42 Council recommendation form that was distributed earlier,
43 and it lists the critical three criteria.
44
45 And of course the number 1, is the
46 conservation concerns. Does the
47 recommendation agree with the principles
48 of fish and wildlife management as far as
49 conservation; that's our mandate.
50

1 Is the recommendation beneficial to
2 subsistence users.
3
4 Is the recommendation supported by
5 substantial data.
6
7 And, in addition, we always consider the
8 effect on non-subsistence users and
9 whether that action is justified.
10
11 So the Council's wishes of how to proceed
12 on this, we're open.
13
14 Dr. Garza.
15
16 DR. GARZA: Mr. Chairman, for the sake
17 of putting this on the table, I would move we accept the
18 Staff recommendation for Proposal 1 as written on Pages
19 36 and 37.
20
21 CHAIRMAN LITTLEFIELD: Before I accept
22 the second, I'm always arguing with the Federal
23 Subsistence Board upon the process of how these things
24 are taken care of and I'm always recommending that they
25 take the Regional Advisory Council recommendation first,
26 adopt that and then substitute. In fairness, I would
27 recommend that we adopt the language of the proponent,
28 which is the Fish and Wildlife Service, on Page 26 and
29 then propose substitute language or amendments as needed;
30 that would be my recommendation, Dr. Garza.
31
32 DR. GARZA: Okay.
33
34 CHAIRMAN LITTLEFIELD: So the proponents
35 recommended language is on Page 26.
36
37 MR. KOOKESH: Is your recommendation a
38 motion?
39
40 CHAIRMAN LITTLEFIELD: Yes, I would
41 recommend that we move to adopt the language that the
42 proponent has put forward and then discuss it and change
43 it with substitutes and amendments.
44
45 MR. DOUVILLE: Mr. Chair, I would
46 request we take a five minute recess.
47
48 CHAIRMAN LITTLEFIELD: Okay, five minute
49 recess.
50

1 (Off record)
2
3 (On record)
4
5 CHAIRMAN LITTLEFIELD: Let's come back to
6 order, please.
7
8 (Pause)
9
10 CHAIRMAN LITTLEFIELD: We'll come back to
11 order. First off, I don't want to seem heavy-handed at
12 all by using Robert's Rules of Order to try to stifle any
13 discussion but at the Federal Subsistence Board I've been
14 fairly consistent in asking them to consider the Regional
15 Advisory Council's recommendation as a mark up vehicle,
16 and, so, therefore, I think that we should do the same to
17 anybody that proposes a proposal to us. And the language
18 on Proposal 01 is on Page 26.
19
20 Dr. Wheeler, when she gave her
21 presentation told us that the real language that she
22 wanted was on Page 108, and that was my recommendation
23 that we would adopt the language on Page 26, then move to
24 substitute paragraph 25(a), the language on 108, that
25 would put the proposal before us that they're
26 recommending and then we would debate each of those
27 merits of that proposal, that would be my recommendation.
28
29 MR. DOUVILLE: Mr. Chair.
30
31 CHAIRMAN LITTLEFIELD: Mr. Douville.
32
33 MR. DOUVILLE: Mr. Chairman, I so move.
34
35 MR. STOKES: I'll second.
36
37 CHAIRMAN LITTLEFIELD: Okay, it's been
38 moved and seconded to adopt the language of WP05-01 as
39 shown on Page 26, is there any discussion.
40
41 (No comments)
42
43 CHAIRMAN LITTLEFIELD: Hearing none, any
44 amendments.
45
46 MR. DOUVILLE: Mr. Chairman.
47
48 CHAIRMAN LITTLEFIELD: Mr. Douville.
49
50 MR. DOUVILLE: I would like to amend it to

1 adopt the paragraph (a) on Page 108.
2
3 CHAIRMAN LITTLEFIELD: Is there a second.
4
5 MR. STOKES: I'll second it.
6
7 CHAIRMAN LITTLEFIELD: It's been moved
8 and seconded to substitute.....
9
10 REPORTER: John.
11
12 CHAIRMAN LITTLEFIELD:the
13 language.....
14
15 REPORTER: John.
16
17 CHAIRMAN LITTLEFIELD: It's been moved
18 and seconded to substitute the language in paragraph
19 25(a) as shown on the bottom of Page 108 and 109. Any
20 discussion.
21
22 (No comments)
23
24 CHAIRMAN LITTLEFIELD: Are you ready for
25 the question.
26
27 DR. GARZA: Mr. Chairman.
28
29 CHAIRMAN LITTLEFIELD: Dr. Garza.
30
31 DR. GARZA: Mr. Chairman, I'm just
32 trying to compare the two to see what the major
33 difference is, if someone could enlighten me.
34
35 CHAIRMAN LITTLEFIELD: Dr. Wheeler.
36
37 DR. WHEELER: Mr. Chair. Member Garza.
38 The language on Page 26, the first paragraph does not
39 include the whole section of -- well, actually the one
40 addition is made in Alaska by rural Alaskan resident,
41 that was added in, okay. And then there would be a
42 period after natural materials. And I'm looking at the
43 definition on Page 26. And then the big addition is, the
44 weaving, lacing, beading, that was in 26, but then it
45 goes on to say and incorporated into a work of art,
46 regalia, jewelry, clothing, or other creative expression
47 which can be either traditional or contemporary in
48 design.
49
50 That's the big difference, because that

1 wasn't included in the proponent's language and it's the
2 improved upon version of a handicraft, improved upon
3 definition of a handicraft.

4
5 Have I confused you more or clarified?
6

7 CHAIRMAN LITTLEFIELD: Dr. Garza, is that
8 acceptable or do you want more follow up on that?

9
10 DR. GARZA: That's fine.

11
12 CHAIRMAN LITTLEFIELD: Any other
13 discussion on the amendment.

14
15 MR. BANGS: Mr. Chairman.

16
17 CHAIRMAN LITTLEFIELD: Mr. Bangs.

18
19 MR. BANGS: Thank you, Mr. Chairman. In
20 regards to Mr. Kookesh's concern about the wording, made
21 in Alaska by rural Alaska resident.....

22
23 CHAIRMAN LITTLEFIELD: It's out of order
24 at this time.

25
26 MR. BANGS: Pardon?

27
28 CHAIRMAN LITTLEFIELD: It's out of.....

29
30 MR. BANGS: Oh, okay.

31
32 CHAIRMAN LITTLEFIELD: Let's move to
33 adopt the amendment and if it's adopted you can speak to
34 it.

35
36 Is there any other discussion.

37
38 (No comments)

39
40 CHAIRMAN LITTLEFIELD: You ready for the
41 motion on the amendment.

42
43 (Council nods affirmatively)

44
45 CHAIRMAN LITTLEFIELD: The amendment
46 before you is to substitute paragraph 25(a) as shown on
47 the bottom of Page 108 and the top of Page 109 for the
48 language shown in 25(a) on Page 26. All those in favor
49 please signify by saying aye.

50

1 IN UNISON: Aye.
2
3 CHAIRMAN LITTLEFIELD: Those opposed,
4 same sign.
5
6 (No opposing votes)
7
8 CHAIRMAN LITTLEFIELD: The motion is
9 adopted. You have before you the amended language of
10 WP05-01 as shown on 26. Mr. Bangs.
11
12 MR. BANGS: Thank you, Mr. Chairman.
13 I'm speaking in regards to the made n Alaska by a rural
14 Alaska resident, and Mr. Kookesh brought up a point that
15 kind of concerns me that possibly a rural resident has
16 had to move to a non-rural community for whatever reason
17 and the bear could be harvested by a rural resident but
18 maybe the person that does that handicraft doesn't live
19 in a rural community anymore but that's what they do,
20 such as an elder or someone in a hospital or whatever.
21 And I would hate to see that not looked at as far as --
22 so I would like to see that wording changed a little bit.
23
24 I can see that it should be in Alaska,
25 but possibly not by a rural resident.
26
27 Thank you.
28
29 CHAIRMAN LITTLEFIELD: Mr. Kookesh, would
30 you please let Mr. Bangs know what your thoughts are, and
31 the rest of us.
32
33 MR. KOOKESH: Well, whatever Mr. Bangs
34 said is exactly what I was saying. I believe that's
35 right.
36
37 CHAIRMAN LITTLEFIELD: Do you have any
38 suggested language that you would like to change.
39
40 Dr. Garza.
41
42 DR. GARZA: I just have a clarification,
43 or a question. Can, if Mike hunts a bear, trade with me
44 for strawberries since I have nothing else in Ketchikan,
45 and I can make something from that bear and sell it?
46 Under trade and barter is that permitted and does this
47 affect that and so the difference here is whether -- it
48 doesn't matter who harvested it but who has the right to
49 use it. If I gave him cash for it then it would be
50 illegal under this particular reading. But if I traded

1 him for strawberries, would I be able to make something
2 and sell something from it?

3

4 CHAIRMAN LITTLEFIELD: Dr. Wheeler.

5

6 DR. WHEELER: Mr. Chair. Member Garza.
7 Somebody might want to -- if I'm -- my understanding of
8 this would be, no, that you would not be able to sell
9 that as a handicraft because Ketchikan is non-rural.

10

11 DR. GARZA: Could I trade him.....

12

13 DR. WHEELER: You could trade.....

14

15 CHAIRMAN LITTLEFIELD: Mr. Probasco,
16 could you come forward and help us in the discussion of
17 these items.

18

19 MR. PROBASCO: Mr. Chair. Ms. Garza,
20 Dr. Wheeler is correct. These regulations apply to rural
21 residents. Mike could provide that product to you but
22 you could not sell it as a handicraft.

23

24 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

25

26 MR. KOOKESH: I have a question here.
27 The question that was presented to me, is, will this
28 proposal make it illegal to sell handicraft bear at AFN?

29

30 CHAIRMAN LITTLEFIELD: We'll direct that
31 to the OSM Staff.

32

33 MR. PROBASCO: Where'd you get that Mr.
34 Kook -- no. Mr. Chair. Mr. Kookesh.

35

36 (Laughter)

37

38 MR. PROBASCO: Both the State and the
39 Federal arena debate about where a product can be sold.
40 Our interpretation is if the product is made, harvested
41 on Federal public lands, made by a rural resident, the
42 point of sell is in debate. We feel it's legal, the
43 disagrees.

44

45 So in Anchorage at AFN, you're in a grey
46 area.

47

48 Mr. Chair.

49

50 CHAIRMAN LITTLEFIELD: Very grey. Other

1 Council.

2

3 MR. JORDAN: Mr. Chairman.

4

5 CHAIRMAN LITTLEFIELD: Mr. Jordan.

6

7 MR. JORDAN: Mr. Probasco, would you
8 define grey.

9

10 (Laughter)

11

12 MR. PROBASCO: Mr. Chair. Mr. Jordan.
13 It's an area of debate between State and Federal as far
14 as where a legal sale, Anchorage is not a rural area, but
15 under the Federal interpretation regulation where the
16 animal or fish is harvested and by who is of what we feel
17 is important.

18

19 CHAIRMAN LITTLEFIELD: Okay, before we go
20 any farther, with the Council's indulgence, if they don't
21 object, I would like to dispose of Proposal 1 by
22 paragraph so we can confine or discussion to paragraph
23 (a) and the two paragraphs there under 25(a), and then
24 debate that one first and then we'll move down to (j)(6)
25 so that we can stay on one subject.

26

27 Does the Council have any objection to
28 doing that?

29

30 (Council shakes head negatively - no
31 objections)

32

33 CHAIRMAN LITTLEFIELD: Okay. So
34 questions confined to 25(a) are in order right now.

35

36 Mr. Probasco.

37

38 MR. PROBASCO: Mr. Chair. During the
39 break, Mr. Kookesh and I were discussing 25(a) and why we
40 have reference to made in Alaska by rural Alaskan
41 resident. It's important to understand that our
42 regulations, even though Mr. Kookesh is correct that our
43 regulations only apply to rural Alaskan residents, we're
44 not the only -- you're not the only people that are
45 reading these regulation books. Everybody, these
46 regulations have to be drafted to that everybody has a
47 clear understanding.

48

49 So in sense, if somebody's in Juneau or
50 in Anchorage or some non-rural area, they read that

1 language it's very clear to them being non-rural that
2 they cannot be engaged in this activity. If you remove
3 reference to rural out of that, then it's open to debate
4 if you're an individual, a public person that's non-rural
5 reading that language. Having it in there makes it very
6 clear who can legally participate in this activity.

7
8 Mr. Chair.

9
10 CHAIRMAN LITTLEFIELD: Other questions
11 about paragraph (a).

12
13 DR. GARZA: Mr. Chairman.

14
15 CHAIRMAN LITTLEFIELD: Dr. Garza.

16
17 DR. GARZA: Mike and I are still
18 negotiating whether or not we're trading or selling. So
19 does this mean that he could not sell me a bear hide?

20
21 CHAIRMAN LITTLEFIELD: Mr. Probasco.

22
23 MR. PROBASCO: That's correct. The
24 answer would be yes.

25
26 DR. GARZA: And to follow up on that.

27
28 CHAIRMAN LITTLEFIELD: Follow up -- Mr.
29 Knauer, would you please join us at the table, and we'll
30 get all the OSM.....

31
32 MR. KNAUER: What I.....

33
34 CHAIRMAN LITTLEFIELD: Please have a
35 seat, sit down, please.

36
37 DR. GARZA: So that's one part of the
38 question okay, the second part was, could he sell me bear
39 claws, untouched, just off the bear?

40
41 MR. PROBASCO: I may have misspoken, go
42 ahead, Mr. Knauer.

43
44 MR. KNAUER: My name is Bill Knauer. I'm
45 a policy and regulations specialists with the Office of
46 Subsistence Management. Mr. Chairman. Dr. Garza.
47 Under the Federal regulations, he would not be able to
48 sell the raw or untouched hide or claws and I believe
49 that's the same under the State, that he would not be
50 able to sell those. Only if they were made into a

1 handicraft would he be able to sell them. Now, he could
2 provide them to you for you to make regalia or something
3 for him but he couldn't sell them to you.

4
5 DR. GARZA: I'm not going to make him
6 anything.

7
8 (Laughter)

9
10 DR. GARZA: So following up on that. I'm
11 the seamstress, he's not, well, actually he probably sews
12 fairly well, but I want some bear hide and some teeth so
13 I can make my own regalia, say, I'm Kaagwaantaan or
14 something and I need bear regalia or I'm making it for
15 someone from bear, so that would not be permitted unless
16 it were through trade, or would even trade be allowed?

17
18 MR. KNAUER: Mr. Chairman. Dr. Garza.
19 He would be able to trade or barter those to you, but not
20 sell for you to use in your development of regalia or
21 articles.

22
23 CHAIRMAN LITTLEFIELD: Dr. Garza, follow
24 up.

25
26 DR. GARZA: Okay, so say I wanted to, as
27 part of potlatch gifts for, well, my uncle now, give
28 people bear claw necklaces, if he sells me claws that
29 have holes drilled in the top of them so I can add my own
30 beautiful Russian trade beads and my own leather straps,
31 is that allowed in this definition?

32
33 MR. KNAUER: Mr. Chairman. Dr. Garza.
34 If all they have is a hole, I believe if you read either
35 the existing regulation or the proposed regulation, that
36 would not meet the definition of handicraft that's been
37 substantially altered and have substantially greater
38 monetary and aesthetic value than the unaltered material.

39
40 DR. GARZA: So what would he have to do
41 to that tooth [sic] in order to sell it to me so that I
42 can make necklaces to give at a potlatch.

43
44 MR. KNAUER: He would have to make that
45 into a handicraft himself if he is going to sell it. If
46 he wishes to give it to you to include in the potlatch so
47 that you could make it, he could give it. He could
48 barter it to you for strawberries, but he could not sell
49 it for greenbacks.

50

1 CHAIRMAN LITTLEFIELD: Dr. Garza.

2

3 DR. GARZA: Mr. Chairman, I guess I have
4 substantial concern with this. As an urban resident,
5 it's very easy to say that we have almost nothing to
6 trade or barter with. People in Craig or Hoonah or
7 Angoon live there because they want to eat those foods
8 there because that's part of their sustenance and
9 culture. And they really don't need a case of pilot
10 bread or strawberries or a lot of those things, and, so,
11 often the easiest form of transfer in itself cash to help
12 them pay for boat gas, to help them pay for getting new
13 flares for the skiff or whatever else. And so I'm not
14 sure that this language provides the opportunity that I
15 was hoping that we would provide to rural residents.

16

17 CHAIRMAN LITTLEFIELD: Other Council.

18

19 (No comments)

20

21 CHAIRMAN LITTLEFIELD: Any other
22 questions on (a), paragraph (a), or any amendments.

23

24 MR. JORDAN: Mr. Chairman.

25

26 CHAIRMAN LITTLEFIELD: Mr. Jordan.

27

28 MR. JORDAN: I don't have a question, I
29 just want to really thank Mr. Probasco and Mr. Knauer and
30 Council member Garza for really helping me understand the
31 definition of grey, I have a much better understanding
32 now.

33

34 (Laughter)

35

36 CHAIRMAN LITTLEFIELD: Any other Council,
37 questions on (a).

38

39 (No comments)

40

41 CHAIRMAN LITTLEFIELD: Perhaps you should
42 stay there, we're going to go through these other
43 paragraphs, too.

44

45 Mr. Kookesh.

46

47 MR. KOOKESH: I have one little question.
48 What specifically does substantially greater monetary
49 aesthetic value mean, is that like it has to be more than
50 \$10,000 or is there a number that goes with that?

1 Because if you're broke, 200 bucks is a lot of money, or
2 even 25 bucks -- what's a case of beer cost -- no
3 kidding.

4

(Laughter)

6

CHAIRMAN LITTLEFIELD: Mr. Knauer.

8

9

MR. KNAUER: Yes, Mr. Chairman. Mr.
10 Kookesh. This is not a fat monetary value, but it must
11 be greater than the raw materials. In other words, if
12 the raw materials are 50 cents, the handicraft needs to
13 be significantly or substantially greater value than 50
14 cents, maybe 75, I don't know. If the raw materials sell
15 for 200, then the handicraft needs to be substantially
16 more than that. And there is no set dollar amount
17 specified.

18

19

CHAIRMAN LITTLEFIELD: Follow up, Mr.

20

21

22

MR. KOOKESH: So that means that unless
23 -- from what you've just told me that it must exceed
24 commercial business guidelines as defined as a -- a
25 business as defined by whatever the State defines it; is
26 that correct, you know, like what's his name, the Green
27 guy in Anchorage that sells furs, you know.

28

29

CHAIRMAN LITTLEFIELD: Perry.

30

31

MR. DOUVILLE: Perry.

32

33

DR. GARZA: David Green.

34

35

MR. KOOKESH: David Green.

36

37

CHAIRMAN LITTLEFIELD: His son.

38

39

MR. KOOKESH: Dave Green, is that what
40 you're saying about that kind of value, it should follow
41 a commercial established Alaskan business commercial
42 value; is that what you mean?

43

44

CHAIRMAN LITTLEFIELD: Mr. Probasco.

45

46

MR. PROBASCO: Mr. Chair. Mr. Kookesh.
47 If you'll recall what we're trying to do is clarify what
48 the Federal Subsistence Board passed, and during their
49 deliberations, Mr. Littlefield was also in attendance at
50 the meeting, they were trying to get their arms around

1 preventing the sale of raw products, and not hampering
2 with customary handicrafts and so this is the language
3 that they started with to define what a handicraft is to
4 prevent sale of raw products. And a lot of discussion
5 focused on what Ms. Garza brought up, is, drilling a hole
6 in a claw substantially changed and they debated back and
7 forth and they never landed on a firm answer. And so
8 consequently it came back to OSM. We were tasked with
9 trying to draft the language to put in the regulation
10 book and we couldn't get agreement.

11
12 So now we come back through the process
13 to clarify what the Board originally passed so that it's
14 very clear on the intent of that language, and that's
15 what this process is, it's just to clarify what the Board
16 passed last spring because the record isn't sufficient to
17 support exactly what they meant by handicraft. We offer
18 this up as a definition to capture the Board's intent to
19 not allow the sale of raw products.

20
21 Mr. Chair.

22
23 CHAIRMAN LITTLEFIELD: Thank you. Just
24 for the record, I did say that I considered a single claw
25 that was whacked out of the paw of a bear and a hole
26 drilled through it to be significantly altered from its
27 natural form. And so I don't necessarily agree that
28 drilling a hole through it and hanging a necklace around
29 your neck is not significantly altered because it bears
30 no resemblance to what it was like when it was on a
31 bear's claw.

32
33 Dr. Garza.

34
35 DR. GARZA: Mr. Chairman, thank you.
36 And that was -- in this review, Polly did refer to the
37 Didrickson case, and I'm on the Sea Otter/Sea Lion
38 Commission and Fish and Wildlife Service held this great
39 conference to talk about significantly altered in the
40 ability of Natives to transfer items between Natives and
41 non-Natives and what is significantly altered and we've
42 wrestled for it for ages and never come up with a
43 definition. Except in Cordova, where, I cannot remember
44 his name, he's an old hunter, wandered into our meeting,
45 listened to it for a half an hour, got up and he said as
46 soon as you put a hole through that sea otter's head it's
47 significantly altered.

48
49 (Laughter)

50

1 DR. GARZA: And we accepted that.

2

3 CHAIRMAN LITTLEFIELD: I agree. I agree.

4

5 DR. GARZA: We accepted that. But the
6 question I have on the top of Page 109, a handicraft must
7 have substantially greater monetary value and aesthetic
8 value, there's great issues with aesthetic value, because
9 you have to have some determination. I mean Fish and
10 Wildlife Service when through this whole process of
11 trying to define art, which never happened. I mean we
12 have pieces of flying fabric in New York that's \$20
13 million there. That has clearly been defined as art by
14 somebody and clearly defined as not art by many other
15 people, who's to say. But in terms of substantially
16 greater monetary value, from the sea otter world, a full
17 sea otter pelt can be worth up to \$1,300 but I know that
18 as a sewer, if I cut it up I'm not going to get \$1,300
19 from all of the neck pieces or gloves or scarves or
20 anything that I can make from that pelt, that total will
21 never exceed the \$1,300 because people want the whole
22 pelt. And so we have an issue here because that may be
23 true with a bear hide. Someone may want the hide much
24 more than they want anything because bear is rough and so
25 nobody's going to be sticking it around their collar. A
26 collar may be worth nothing where the hide is worth a
27 substantial amount.

28

29 And so you could say it has to be greater
30 than, but it may never actually be, and so we have issues
31 in terms of monetary value. In terms of aesthetic value,
32 I mean you have issues of the New York thing, of what I
33 consider art and what Mike considers art, I mean I like
34 things that are substantially abstract where other people
35 may like things that are very traditional. And if this
36 goes to court, there could be serious issues in terms of
37 defining something that has aesthetic value. But I see
38 that it's not bolded, so this language was already in
39 there which means that we may have problems to begin
40 with.

41

42 I'm not sure what to do.

43

44 CHAIRMAN LITTLEFIELD: I believe that
45 whole sentence is up for adoption or change by the
46 Council if that's their wish.

47

48 Mr. Jordan.

49

50 MR. JORDAN: Mr. Chair. I have all kinds

1 of notes to myself to stay out of this. But.....

2

3 (Laughter)

4

5 MR. JORDAN:maybe because I'm back
6 in my home town in Petersburg and I'm being truant doing
7 things my mother also wouldn't probably feel -- I happen
8 to agree with Dolly Garza a great deal. And what I'd
9 like to see is the exact language that she would like
10 substituted here so I had an opportunity to vote on it
11 because like her, I have -- the word that came out to me
12 was substantially greater aesthetic value, and, boy, to
13 some of us the greatest aesthetic value is, of course,
14 when that hide is still on the bear and it declines as
15 you piece it up substantially no matter what you do to
16 it. So I have problems, as Dr. Garza does with that
17 particular language.

18

19 And I don't have a substitute for it, but
20 if she does I would sure like to see it so I had an
21 opportunity to support it.

22

23 Thank you.

24

25 CHAIRMAN LITTLEFIELD: Just for the
26 record, this language came from the State as far as I
27 know, and if you look in ANILCA, all it talks about is
28 handicraft, and so that's what we're trying to do and we
29 don't necessarily have to adopt the State language and if
30 the Council decides to change that that's in their
31 purview to do so.

32

33 Other Council.

34

35 MR. STOKES: Mr. Chairman.

36

37 CHAIRMAN LITTLEFIELD: Mr. Stokes. What
38 will this do to the tag that has made in Alaska by Alaska
39 Native and now it's rural, what effect will that have?

40

41 CHAIRMAN LITTLEFIELD: Mr. Knauer.

42

43 MR. KNAUER: Mr. Chairman. Mr. Stokes.
44 That is a State of Alaska, I'll say Chamber of Commerce
45 effort to promote Native arts and handicrafts. And it
46 has certain restrictions in and of itself I'm not
47 familiar with but if something meets those requirements
48 they would be able to use the hand sticker and if it
49 doesn't they wouldn't, so.....

50

1 CHAIRMAN LITTLEFIELD: Other questions.
2 Council.
3
4 (No comments)
5
6 CHAIRMAN LITTLEFIELD: Okay, we're not
7 going to take any action on (a) at this time, but let's
8 move to the next item there.
9 MR. DOUVILLE: I just have a comment,
10 Mr. Chairman, if I may.
11
12 CHAIRMAN LITTLEFIELD: Mr. Douville.
13
14 MR. DOUVILLE: I would tend to disagree
15 with some of this, and I would like to say that if I got
16 a bear, cleaned the claw and drilled a hole in it it is
17 significantly altered, and who is going to be the Federal
18 appraiser to determine whether I've done enough to it and
19 where are they going to be?
20
21 CHAIRMAN LITTLEFIELD: Mr. Knauer
22
23 MR. KNAUER: Mr. Chairman. Mr. Douville.
24 The people that would be involved in that would be the
25 law enforcement people, initially. And then if it went
26 to court it would be judge and/or jury making a
27 determination.
28
29 CHAIRMAN LITTLEFIELD: And for that, I
30 believe the Staff analysis provided us the reference to
31 the Didrickson case of what a handicraft was and it was
32 quite liberal.
33
34 Any other questions for Staff.
35
36 (No comments)
37
38 CHAIRMAN LITTLEFIELD: Okay, would you
39 just stay with us for a minute as we work our way through
40 these if you don't mind.
41
42 Okay, so we've discussed (a), let's go to
43 25(j)(6).
44
45 DR. GARZA: We're ready to deal with (a).
46
47 CHAIRMAN LITTLEFIELD: Pardon me?
48
49 DR. GARZA: We're ready to deal with (a).
50

1 CHAIRMAN LITTLEFIELD: Okay. The Council
2 believes they're ready to deal with (a) in a form of a
3 motion so we'll go back to that.

4
5 Dr. Garza.

6
7 DR. GARZA: Even though I'm still mad at
8 you from earlier, I guess I'll make a motion.

9
10 Mr. Chairman, I would move that in the
11 section (a) on Page 108, 109, that we delete the final
12 sentence found on 109, a handicraft must be substantially
13 greater in monetary and aesthetic value than the
14 unaltered natural material alone.

15
16 CHAIRMAN LITTLEFIELD: Is there a second.

17
18 MR. JORDAN: Second.

19
20 CHAIRMAN LITTLEFIELD: Okay. It's been
21 moved and seconded to delete the last sentence as shown
22 on the top of Page 109, and that whole paragraph, by the
23 way, has been substituted for 25(a), so we'll look up
24 here on the board.....

25
26 DR. GARZA: Mr. Chairman.....

27
28 CHAIRMAN LITTLEFIELD:we'll see
29 that and make sure that that captures your motion, Dr.
30 Garza.

31
32 (Pause)

33
34 DR. GARZA: Mr. Chairman, I'm going to
35 talk while he's doing that.

36
37 I think in terms of intent that that last
38 sentence was probably valuable before we used all of the
39 other terminology and the two previous sentences that
40 expanded on what you can and should be doing, so by
41 adding substantially changed by skillful use and hands,
42 weaving, lacing, beading, incorporated into a work of
43 art, regalia, jewelry, clothing and other creative
44 expressions which can either be traditional or
45 contemporary; I think that gives the boundaries to
46 whoever this artist is of what they can and should be
47 doing to it, and I think that makes that last sentence
48 unnecessary.

49
50 Thank you.

1 CHAIRMAN LITTLEFIELD: Further discussion
2 on the amendment.
3
4 MR. JORDAN: I wonder what the Federal
5 Staff that are sitting here think of this amendment.
6
7 CHAIRMAN LITTLEFIELD: Mr. Probasco.
8
9 MR. PROBASCO: Mr. Chair. Mr. Jordan. I
10 think Ms. Garza provides a very good critique and edit
11 for the definition and I can't disagree with what she
12 provides.
13
14 Mr. Chair.
15
16 CHAIRMAN LITTLEFIELD: Mr. Jordan, follow
17 up.
18
19 MR. JORDAN: Mr. Chair, that's my opinion
20 also. A lot of times the greatest work is done here in
21 minimizing excess words and stuff, and I think Dr. Garza
22 has provided a great service here in figuring out how to
23 edit this simply that makes it a better product.
24
25 Thank you.
26
27 CHAIRMAN LITTLEFIELD: Any other
28 discussion on the amendment.
29
30 (No comments)
31
32 CHAIRMAN LITTLEFIELD: You ready for the
33 question on the amendment.
34
35 MR. ADAMS: Call for the question.
36
37 CHAIRMAN LITTLEFIELD: The question has
38 been called. The amendment before you is to strike the
39 last sentence as shown on Page 109, which would strike
40 the language beginning with a handicraft must have and
41 that should be as shown on the screen.
42
43 All those in favor, please signify by
44 saying aye.
45
46 IN UNISON: Aye.
47
48 CHAIRMAN LITTLEFIELD: All those opposed,
49 same sign.
50

1 (No opposing votes)
2
3 CHAIRMAN LITTLEFIELD: Hearing none the
4 motion has been adopted.
5
6 The amended language of 25(a) does not
7 include the last sentence. Is there further amendments
8 to 25(a).
9
10 Ms. Phillips.
11
12 MS. PHILLIPS: Chairman Littlefield. I
13 move to strike made in Alaska by rural Alaskan residents
14 from -- or no, excuse me. Made in Alaska by a rural
15 Alaskan resident is composed wholly or in some
16 significant respect of natural materials.
17
18 So it would read handicraft means a
19 finished product from non-edible byproducts of fish or
20 wildlife in which the shape and appearance of the natural
21 material must be substantially changed by the skillful
22 use of hands by sewing, weaving, lacing, beading,
23 carving, etching, scrimshawing, painting or other means
24 and incorporated into a work of art, regalia, jewelry,
25 clothing or other creative expression which can be either
26 tradition or contemporary in design.
27
28 CHAIRMAN LITTLEFIELD: Ms. Phillips, if
29 you could go through that one more time, Dr. Schroeder
30 will attempt to capture that motion on the screen so that
31 everyone is clear exactly what your motion is.
32
33 MS. PHILLIPS: Okay.
34
35 CHAIRMAN LITTLEFIELD: And before we do
36 that, does someone want to second this.
37
38 DR. GARZA: Second.
39
40 CHAIRMAN LITTLEFIELD: Okay, it's been
41 moved and seconded. Go ahead and make the changes. And
42 while we're waiting for the changes, Ms. Phillips you can
43 address the Council.
44
45 MS. PHILLIPS: Do I need to.....
46
47 CHAIRMAN LITTLEFIELD: Oh, excuse me, go
48 ahead and make the changes, I'm sorry.
49
50 MS. PHILLIPS: I want to strike made in

1 Alaska by rural Alaskan resident is composed wholly or in
2 some significant respect of natural materials. That's
3 what I want to strike.

4

5 MR. KOOKESH: Wouldn't made.....

6

7 CHAIRMAN LITTLEFIELD: I believe for
8 style that may make more sense, it would read:

9

10 Handicraft means a finished product made
11 from non-edible byproducts of fish and wildlife; would
12 that be acceptable Ms. Phillips?

13

14 MS. PHILLIPS: Yes.

15

16 CHAIRMAN LITTLEFIELD: That's a good
17 suggestion.

18

19 Dr. Garza.

20

21 DR. GARZA: I'm just reading first.

22

23 CHAIRMAN LITTLEFIELD: All right, we'll
24 get the correct language on the screen.

25

26 (Pause)

27

28 MS. PHILLIPS: Chairman Littlefield.

29

30 CHAIRMAN LITTLEFIELD: Ms. Phillips.

31

32 MS. PHILLIPS: My justification is that
33 it's almost putting it back to existing regulation and
34 unless it is explicitly denied then it is implicitly
35 allowed, and I think that it would help to address some
36 of the concerns brought forward by Council members.

37

38 Thank you.

39

40 CHAIRMAN LITTLEFIELD: Do we have the
41 correct language up there now.

42

43 DR. SCHROEDER: Yes.

44

45 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
46 will you please read the language that you have into the
47 record.

48

49 DR. SCHROEDER: Mr. Chairman. Ms.
50 Phillips. What we have on the screen right now is:

1 Handicraft, Section 25(a). Handicraft
2 means a finished product made from non-
3 edible byproducts of fish or wildlife.
4 The shape and appearance of the natural
5 materials must be substantially changed
6 by the skillful use of hands by sewing,
7 weaving, lacing, beading, carving,
8 etching, scrimshawing, painting or other
9 means and incorporated into a work of
10 art, regalia, jewelry, clothing or other
11 creative expression which can be either
12 tradition or contemporary in design.
13

14 Is that correct?

15
16 MS. PHILLIPS: (Nods affirmatively)

17
18 CHAIRMAN LITTLEFIELD: Okay, that's the
19 amendment before you. Council discussion.

20
21 Mr. Hernandez.

22
23 MR. HERNANDEZ: Well, first of all, I
24 think the words, made in Alaska should remain. I think
25 that's a good provision. And the other question is, the
26 words, which is composed wholly or in some significant
27 respect of natural materials, I was wondering why that
28 language was recommended to be added and I guess I also
29 might ask Patty why she suggests it be removed.

30
31 CHAIRMAN LITTLEFIELD: Staff. Mr.
32 Probasco.

33
34 MR. PROBASCO: Mr. Chair. Mr. Hernandez.
35 As far as the part which is composed wholly or in some
36 significant respect of natural materials, Mr. Knauer and
37 I were discussing that and that part we feel could be
38 removed. The other part, though, as far as made in
39 Alaska by rural Alaskan residents, that these regulations
40 are an attempt to provide clarification to all who read
41 regulations including non-rural residents, and who can
42 legally participate in that activity.

43
44 Mr. Chair.

45
46 CHAIRMAN LITTLEFIELD: Let's go back to
47 .803, which is the law. The law says traditional uses by
48 rural Alaska residents. So your suggestion probably
49 wouldn't hurt to put that back in because that's what the
50 law says we have to do. And so the regulation, it can't

1 be interpreted different from the law.

2

3 So Council wishes.

4

5 MS. PHILLIPS: Chairman Littlefield.

6

7 CHAIRMAN LITTLEFIELD: Ms. Phillips.

8

9 MS. PHILLIPS: I'm willing to, you know,
10 amend this. Were you suggesting handicraft means a
11 finished product made by or made in Alaska from non -- is
12 that the wording you were suggesting I know that's what
13 Don was suggesting, but what were you suggesting Mr.
14 Chair?

15

16 CHAIRMAN LITTLEFIELD: I wasn't
17 suggesting anything. I'm just telling you what the law
18 says. There's two -- this is a regulation that we're
19 talking about here that interprets the law. The law says
20 it has to be a rural Alaska resident, so overriding,
21 notwithstanding what the regulation says, anybody that's
22 trying to interpret it has to look to the law which says
23 rural Alaska resident. It's already covered so it
24 wouldn't hurt to have it in there. It would probably
25 make it more clear. But it already is a rural Alaska
26 resident by the law.

27

28 I could go either way, I think it's
29 covered.

30

31 Ms. Phillips.

32

33 MS. PHILLIPS: Well, it says, the term
34 subsistence uses means the customary and traditional uses
35 by rural Alaskan residents of wild renewable resources
36 for directly personal and family consumption of food,
37 shelter, fuel, clothing, tools or transportation for the
38 making and selling of handicraft articles out of non-
39 eligible byproducts of fish and wildlife resources taken
40 for personal or family consumption for barter or sharing
41 for personal or family consumption and for customary
42 trade.

43

44 I mean I was putting this forward to put
45 it closer to the existing regulation and the existing
46 regulation strikes -- doesn't include, which is composed
47 wholly or in some significant respect of natural
48 materials.

49

50 CHAIRMAN LITTLEFIELD: All right. And

1 what I was suggesting that, because the law already says
2 rural Alaska resident, the statement that we deleted
3 where it said made in Alaska by a rural Alaska resident,
4 that is exactly what the law says so there's n harm in
5 including that language in this proposal, the way I look
6 at it because it complies with -- that's exactly what the
7 law says.

8

9 Dr. Garza.

10

11 DR. GARZA: I understand thee by a rural
12 Alaska resident, I mean that's ANILCA, cut does it have
13 to be -- is in Alaska already there or are we actually
14 adding that?

15

16 CHAIRMAN LITTLEFIELD: Mr. Knauer.

17

18 MR. KNAUER: We would be adding that.
19 There has been concern expressed by some Council members
20 that there might be some abuse of the system sending the
21 products to, we'll say, China, Southeast Asia for
22 construction and then returning it and then claiming a
23 subsistence handicraft.

24

25 CHAIRMAN LITTLEFIELD: Follow up, Dr.
26 Garza. And then Mr. Hernandez.

27

28 DR. GARZA: Thank you. So actually when
29 they do -- I mean if that happens, if someone is sending
30 something to China, I mean first they should be knocked
31 by CITES, secondly they're not rural Alaska residents so
32 the in Alaska isn't really necessary there. And I guess
33 what I'm trying to think of is, you know, if you have
34 some elders who have to see a doctor in Seattle and
35 they're going to be there for six months for cancer
36 treatment, they may be sitting there doing sewing, and
37 come back and sell it, well, that's not made in Alaska
38 but their family may have shot it, I mean they be rural
39 in every sense of the word and yet they're forced to go
40 outside for medical care, we would be denying them that
41 opportunity.

42

43 CHAIRMAN LITTLEFIELD: Mr. Knauer.

44

45 MR. KNAUER: Mr. Chairman. Dr. Garza. I
46 think Dr. Garza presents a very good justification here.
47 I think by having just the statement by a rural Alaska
48 resident you've probably covered the situation and that
49 you would probably not have to have the prepositional
50 phrase in Alaska in there.

1 CHAIRMAN LITTLEFIELD: Okay. Mr.
2 Hernandez first, followed by Mr. Jordan.

3
4 MR. HERNANDEZ: Thank you. I'm in favor
5 of leaving the term, in Alaska, in the wording. In
6 reading through the material I remember reading some
7 mention of the worry that people would do something
8 essentially similar to, you know, what was talked about
9 with Mr. Douville and Dr. Garza there, that a situation
10 could arise where finding essentially a loophole in our
11 handicraft laws and people would do a minimal amount of
12 altering to a product such as drilling a hole through
13 claws or teeth and essentially sending them overseas
14 where they would be disassembled and then remanufactured
15 into a more valuable product, and I see that as a pretty
16 good loophole, and I think we need to close it. And I
17 think leaving the words, in Alaska would do that. I
18 don't see it as a big imposition on rural Alaskans. I
19 think there's other wording that would allow people to do
20 what they would want to do, rural communities.

21
22 CHAIRMAN LITTLEFIELD: You're speaking
23 for the motion; is that correct or against the motion?
24 In other words, the motion before us right now is to
25 strike that language, so you'll clarify whether you're
26 for or against it.

27
28 MR. HERNANDEZ: Yes, I'm speaking for the
29 motion to.....

30
31 CHAIRMAN LITTLEFIELD: Okay.

32
33 MS. PHILLIPS: Mr. Chair.

34
35 MR. HERNANDEZ: No, no, I mean.....

36
37 CHAIRMAN LITTLEFIELD: I'm glad to hear
38 you're in favor of it.

39
40 (Laughter)

41
42 MR. HERNANDEZ: You'll have to tell me
43 exactly what the motion is.

44
45 CHAIRMAN LITTLEFIELD: In other words,
46 just for clarity here, we have an amendment -- order
47 here, please -- we have an amendment before us so that's
48 what we can speaking to, and Ms. Phillips' amendment is
49 shown on the board and so you were, I take it speaking
50 against that because you wanted to change the language.

1 So the language before us right now is as shown on the
2 board in bold red at the top as Ms. Phillips described.

3

4 MR. HERNANDEZ: That's correct, I'm
5 speaking against the motion.....

6

7 CHAIRMAN LITTLEFIELD: You're speaking
8 against it, okay.

9

10 MR. HERNANDEZ:as represented
11 there.

12

13 CHAIRMAN LITTLEFIELD: Okay. I have Mr.
14 Jordan next.

15

16 MR. JORDAN: Mr. Chair. After looking at
17 that and thinking about it, the way I would like it to
18 read is, and of course Mr .Schroeder has it highlighted
19 so I can't read it, there we go, the way I would like it
20 to read, if everybody else was comfortable and I think
21 maybe Ms. Phillips meets her goal, is handicraft means a
22 finished product made by a rural Alaska resident from
23 non-edible byproducts of fish or wildlife and then
24 continue on as stated.

25

26 So what I'm suggesting is cross out in
27 Alaska and cross out which is composed wholly or in some
28 significant respect of natural materials.

29

30 I think that ends up with a spare and
31 powerful definition without excess preposition or words,
32 and I think if we could end up with something like that
33 we will have accomplished good work here.

34

35 CHAIRMAN LITTLEFIELD: Ms. Phillips, that
36 was a friendly recommendation and you have the option to
37 change your motion to comply if you desire.

38

39 MS. PHILLIPS: Chairman Littlefield, I'm
40 agreeable to that friendly amendment.

41

42 Thank you.

43

44 CHAIRMAN LITTLEFIELD: Does the second
45 have any objection to that?

46

47 DR. GARZA: (Shakes head negatively)

48

49 CHAIRMAN LITTLEFIELD: Okay. So we have
50 the new amended language on the board which would strike

1 in Alaska, as I understand it; is that correct, that's
2 shown up there right now? We'll let Dr. Schroeder have a
3 second here to correct that.

4
5 (Pause)

6
7 DR. SCHROEDER: Ms. Phillips, is that an
8 accurate representation of the current language?

9
10 MS. PHILLIPS: Yes.

11
12 CHAIRMAN LITTLEFIELD: Okay, the language
13 before you, the amendment is to change the language as
14 shown in 25(a), we have an amendment on the floor right
15 now, not the whole motion. So is there any other
16 discussion on this amendment.

17
18 (No comments)

19
20 CHAIRMAN LITTLEFIELD: Are you ready for
21 the question.

22
23 DR. GARZA: Wait. Wait. Wait. Read --
24 I'm the seconder -- I think that -- you know, I think
25 that we can later deal with Don's concerning by adding
26 something that says altering and resale is not allowed,
27 but I don't think that by saying in Alaska is going to be
28 the trick because there are things that are done in
29 Alaska. I mean in Ketchikan there's a lot of ugly bowls
30 there that says hand painted in Alaska and those things
31 are produced in China but because somebody's being paid
32 25 cents to do it in Alaska they still can stick that
33 sticker on there. So I think that we have to do it
34 through additional alterations and resales.

35
36 CHAIRMAN LITTLEFIELD: And I believe the
37 Federal Staff said that it's not -- you know, there's a
38 whole battle between the State, of how they consider the
39 taking and where you sell those things, however they're
40 handled, so that's something else we can come up with
41 later. So any other discussion on the amendment.

42
43 Mr. Adams.

44
45 MR. ADAMS: Thank you. I think Don's
46 concern could be answered, you know, by that phrase by a
47 rural Alaska resident. I think that covers the, you
48 know, the elimination of in Alaska, pretty well in my
49 opinion, so I hope you can see fit to feel comfortable
50 with that.

1 CHAIRMAN LITTLEFIELD: Any other
2 discussion.
3
4 (No comments)
5
6 CHAIRMAN LITTLEFIELD: Are you ready for
7 the question on the amendment.
8
9 MR. KOOKESH: Question.
10
11 CHAIRMAN LITTLEFIELD: Question before
12 the Council is the amendment as shown on the screen and
13 the language changes would be to strike in Alaska as well
14 as which is composed wholly of -- wholly or in some
15 significant respect of natural materials. All those in
16 favor of the amendment, please signify by saying aye.
17
18 IN UNISON: Aye.
19
20 CHAIRMAN LITTLEFIELD: All those opposed,
21 same sign.
22
23 MR. HERNANDEZ: Aye.
24
25 CHAIRMAN LITTLEFIELD: The 25(a) is
26 before you as amended, any other discussion. Dr. Garza.
27
28 MR. KOOKESH: Recognizing one opposed.
29
30 DR. GARZA: Mr. Chairman, I have one
31 final amendment. The second sentence, the shape and
32 appearance of the natural material must be substantially
33 changed by the skillful use of hands by sewing, weaving,
34 lacing, beading, carving, I would add drilling, etching,
35 scrimshawing, painting or other means, blah, blah, blah.
36 So the intent is to add drilling.
37
38 CHAIRMAN LITTLEFIELD: Is there a second.
39
40 MR. DOUVILLE: Second.
41
42 CHAIRMAN LITTLEFIELD: It's been moved
43 and seconded to add the word drilling after carving on
44 25(a). Discussion.
45
46 Dr. Garza, it's your amendment.
47
48 DR. GARZA: Mr. Chairman, I do a lot with
49 regalia, and I haven't worked with black or brown bear
50 claws but I have worked with polar bear claws and in

1 providing regalia to men who are going to perform in
2 dance, they don't want anything that's foo-foo, they
3 don't want anything that's substantially changed, they
4 want a piece of claw that's on a leather strap, and if I
5 put beads on they probably just take the beads off. I
6 mean just that one powerful piece is all that they want.

7
8 And so, you know, I think we need to make
9 that opportunity available if that's the intent, is to
10 provide the kinds of traditional arts and crafts that we
11 have in the past, that we need to have that kind of
12 opportunity in this language.

13
14 CHAIRMAN LITTLEFIELD: Other discussion.
15 Council. Mr. Hernandez.

16
17 MR. HERNANDEZ: I would ask Dr. Garza if
18 she thinks that the word lacing, which is already
19 included would cover that circumstance?

20
21 CHAIRMAN LITTLEFIELD: Dr. Garza.

22
23 DR. GARZA: Where does lacing come?

24
25 CHAIRMAN LITTLEFIELD: The amendment
26 before you is to add the word drilling after carving so
27 that's what we're discussing. Mr. Adams.

28
29 MR. ADAMS: Thank you. I appreciate the
30 fact that Dolly has added drilling to it because if
31 you're going to drill a bear claw you're going to have
32 that drilled in order to change it substantially.

33
34 So thanks.

35
36 CHAIRMAN LITTLEFIELD: It's quite
37 substantially all they're going to drill a hole through
38 it.

39
40 Other Council.

41
42 Mr. Probasco.

43
44 MR. PROBASCO: Mr. Chair. Ms. Garza,
45 your specific question is where did lacing come. I have
46 to step into the process of developing this language
47 that's before you, went through a couple steps including
48 Staff, then before what we call the leadership team and
49 then the Staff Committee takes a look at it and through
50 that process, three different looks at it, things were

1 added to it to try to encompass, just like you're doing,
2 what are all the activities that may take place. And so
3 lacing came up and you came up with drilling, so that's
4 where it came from?

5
6 Mr. Chair.

7
8 CHAIRMAN LITTLEFIELD: Follow up by Dr.
9 Garza and then Mr. Kookesh.

10
11 DR. GARZA: Okay, I guess I just don't
12 know what lacing is. I mean when I think of lacing, I
13 think of crocheting and making lace, and so I'm not sure
14 if there's another definition that you guys, as leather
15 people are referring to.

16
17 CHAIRMAN LITTLEFIELD: Dr. Wheeler,
18 lacing your shoes.

19
20 (Laughter)

21
22 DR. WHEELER: Actually if you look at the
23 original language that was proposed by the proponent,
24 lacing is included in that. The proposed regulation
25 included weaving, lacing, beading. And for the record, I
26 would agree with Dr. Garza that lacing would be
27 incorporating an item into the -- you know if you're
28 doing a dream catcher or something like that, that would
29 be lacing, so that you would be including the item into
30 lacing, a piece of lacing.

31
32 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

33
34 MR. KOOKESH: We're getting pretty
35 technical so I should maybe we should throw gluing in
36 there, too.

37
38 (Laughter)

39
40 CHAIRMAN LITTLEFIELD: Thank you. Mr.
41 Knauer.

42
43 MR. KNAUER: Yes, Mr. Chairman. Not being
44 of the opposite sex, to me, lacing deals with leather
45 work and the use of leather lace, which is a heavier
46 material and is frequently used in decorative edging or
47 stitching, so it need not be the finer material such as
48 in a dream catcher or something like that. So there are
49 various definitions of lacing, depending on the material
50 you're working with.

1 CHAIRMAN LITTLEFIELD: All of these which
2 have been greatly expanded upon what the law says. So
3 any other discussion on the amendment.
4
5 (No comments)
6
7 CHAIRMAN LITTLEFIELD: Are you ready for
8 the question.
9
10 MR. KOOKESH: Question.
11
12 CHAIRMAN LITTLEFIELD: The question
13 before you is to add the word, drilling, after carving in
14 25(a), all those in favor, please signify by saying aye.
15
16 IN UNISON: Aye.
17
18 CHAIRMAN LITTLEFIELD: Those opposed,
19 same sign.
20
21 MR. HERNANDEZ: Aye.
22
23 CHAIRMAN LITTLEFIELD: We have one
24 objection and the motion has been adopted.
25
26 You have before you now the 25(a) as has
27 been amended, further discussion or amendments.
28
29 Ms. Phillips.
30
31 MS. PHILLIPS: Thank you, Chairman
32 Littlefield. Are we on 25(a)?
33
34 CHAIRMAN LITTLEFIELD: Yes. We have
35 amended 25(a), I think three times by my record and 25(a)
36 as amended is before the Council at this time.
37
38 MS. PHILLIPS: Okay.
39
40 CHAIRMAN LITTLEFIELD: Ms. Phillips.
41
42 MS. PHILLIPS: Chairman Littlefield.
43 These regulations were adopted by basically mimicking
44 State regulations. The State regulations did not always
45 acknowledge certain Native cultural values and non-Native
46 traditional and social existence that maintain rural
47 customary and traditional activities, and in my opinion
48 the changes that we're going to approve in this motion
49 more reflects customary and traditional activities.
50

1 Thank you.
2
3 CHAIRMAN LITTLEFIELD: You're speaking
4 for 25(a) as amended.
5
6 MS. PHILLIPS: Yes, I'm speaking for
7 25(a).
8
9 CHAIRMAN LITTLEFIELD: Any other Council.
10
11 (No comments)
12
13 CHAIRMAN LITTLEFIELD: And when we've
14 gone through this by paragraph, sometime in here we're
15 going to have to do our justification for the Federal
16 Subsistence Board and cover those points, and you've
17 started to build the record on that, I appreciate that,
18 Ms. Phillips.
19
20 Any other comments.
21
22 (No comments)
23
24 CHAIRMAN LITTLEFIELD: Are you ready for
25 the question on 25(a) as amended.
26
27 (Council nods affirmatively)
28
29 CHAIRMAN LITTLEFIELD: Okay. The
30 question before the Council is to adopt 25(a) as has been
31 amended. The language is as shown on Page 108 and as
32 before you on the screen. All those in favor, please
33 signify by saying aye.
34
35 IN UNISON: Aye.
36
37 CHAIRMAN LITTLEFIELD: Those opposed,
38 same sign.
39
40 (No opposing votes)
41
42 CHAIRMAN LITTLEFIELD: It was unanimous.
43 The motion has been adopted 25(a).
44
45 I think we better take a lunch break
46 because I don't think we're going to make it through the
47 next one.
48
49 DR. SCHROEDER: Some announcements.
50

1 CHAIRMAN LITTLEFIELD: Just a second
2 please we have a couple announcements that we have to
3 take and then we'll go on a break.

4
5 Mr. Jordan.

6
7 MR. JORDAN: Mr. Chair, I'd like to take
8 a moment of personal privilege and introduce somebody who
9 let's me attend these meetings and has been a subsistence
10 harvester for all her life in Alaska, born in Fairbanks,
11 Alaska, my wife Sara Jordan.

12
13 (Applause)

14
15 CHAIRMAN LITTLEFIELD: Sara, it's good to
16 see you and thank you for allowing your husband to
17 participate with us.

18
19 Any other announcements. Dr. Schroeder.

20
21 DR. SCHROEDER: Mr. Chairman, we had two
22 announcements dealing with tomorrow's lunch and dinner
23 this evening. Melinda, could you give us info on
24 tomorrow's lunch and then Mr. Bangs, could you tell us
25 about this evening's entertainment.

26
27 MS. HERNANDEZ: Hi, yes, I was approached
28 yesterday by a member of PIA, I'm not sure of all the
29 details, but I know there is going to be a lunch provided
30 tomorrow. They would like to do a fundraiser lunch, so
31 lunch will be taken care of tomorrow, chowder and
32 sandwiches, I believe, and as I get more details, I'll
33 let everybody know, and they're going to bring it here.

34
35 CHAIRMAN LITTLEFIELD: Mr. Bangs.

36
37 MR. BANGS: Thank you, Mr. Chairman.
38 Tonight we're going to have a crab feed at my house which
39 is right up the road here on Haugen Drive, the road that
40 goes to the airport and the house number is 402, so it's
41 three blocks up and it's right on the corner. It's on
42 the opposite side of the road from where we're at and
43 it's a green house. I'm going to have the crab and a few
44 other things to go with it so if you think of something
45 that might go well with that, you're welcome to bring it
46 and I have lots of dishes and what not to contain
47 anything and beverages are welcome of whatever you'd
48 like, and everyone's welcome, so I hope you're able to
49 make it.

50

1 Thank you.
2
3 CHAIRMAN LITTLEFIELD: Prime rib goes
4 well with that.
5
6 (Laughter)
7
8 CHAIRMAN LITTLEFIELD: Okay, let's take a
9 break to 1:00 o'clock and then come back.
10
11 (Off record)
12
13 (On record)
14
15 CHAIRMAN LITTLEFIELD: Let's call the
16 meeting back to order. And just as a matter of process,
17 we've amended 25(a) three times and we've adopted the
18 existing language, and so we're on -- we're going to
19 try to take care of, on Page 26, 25(j)(6), (7), and (8)
20 and then we'll move to Proposal 3, and hopefully we'll
21 accomplish this by 3:00 o'clock at which time we will
22 then go to the U2 Deer Subcommittee report, and we'll get
23 on line for the public testimony that the Petersburg
24 residents will be giving us later this afternoon.
25
26 So we're on 25(j)(6) on Page 26. Council
27 wishes.
28
29 (No comments)
30
31 CHAIRMAN LITTLEFIELD: Is the Council
32 happy with that second paragraph, it was my understanding
33 that was part of it and we substituted the language of
34 25(a), I just wanted to make sure that everybody's clear
35 on that, the language that was substituted.
36
37 If you look on Page 26 there's a
38 paragraph that is part of, I believe part of 25(a) we did
39 not discuss, the one that starts with skin, hide, pelt,
40 fur, and that paragraph, I think it's appropriate for the
41 Council to talk about that or make a motion or amend if
42 they would do so.
43
44 (No comments)
45
46 CHAIRMAN LITTLEFIELD: Does anybody have
47 any problem with the language in there.
48
49 (No comments)
50

1 CHAIRMAN LITTLEFIELD: Okay, what I'd
2 like to do is we'll go ahead and go to (j)(6) then. At
3 the end of this process that we're going through by
4 paragraph and adopting these, the Council will be given
5 an opportunity to justify their decisions and
6 recommendations to the Federal Subsistence Board at which
7 time we will adopt all of WP-01 in its entirety. So we
8 could go back if we need to but at this time I'd like to
9 go to (j)(6).

10

11 Mr. Kookesh.

12

13 MR. KOOKESH: Mr. Chairman, for purposes
14 of discussion, I'll make a motion to adopt 25(j)(6).

15

16 CHAIRMAN LITTLEFIELD: Is there a second.

17

18 MR. ADAMS: Mr. Chairman, I second.

19

20 CHAIRMAN LITTLEFIELD: Okay, it's been
21 moved and seconded. The discussion is on 25(j)(6) as
22 shown on Page 26.

23

24 Mr. Kookesh.

25

26 MR. KOOKESH: Well, Mr. Chairman, I was
27 agreeing with you, that was the language on Page 26.

28

29 CHAIRMAN LITTLEFIELD: Is everybody clear
30 on where we are.

31

32 (No comments)

33

34 CHAIRMAN LITTLEFIELD: Does the Council
35 have any recommendations or changes to (j)(6).

36

37 (No comments)

38

39 CHAIRMAN LITTLEFIELD: Hearing none, are
40 you compared to go to (j)(7).

41

42 (No comments)

43

44 CHAIRMAN LITTLEFIELD: Okay, let's
45 dispose with (j)(6) then, we have a motion before you to
46 adopt the language as shown, are you ready for the
47 question.

48

49 MR. DOUVILLE: Call for the question.

50

1 CHAIRMAN LITTLEFIELD: Question's been
2 called. The motion before you is to adopt the language
3 on Page 26 under 25(j)(6), if you are a Federally-
4 qualified subsistence user, you may sell handicraft
5 articles made from the skin, hide, pelt, or fur of a
6 black bear, including claws. All those in favor --
7 excuse me, Dr. Schroeder.

8
9 DR. SCHROEDER: Mr. Chairman, excuse me.
10 I'd like to highlight that the Council proposal deals
11 with similar issues and it includes teeth, bones and
12 skull, and the Council may wish to consider whether it
13 wishes to include teeth, bones and skull either here or
14 in Proposal 3.

15
16 CHAIRMAN LITTLEFIELD: Although we're
17 considering these separately, it's probably appropriate
18 to look to the language on Page 109 which is what we
19 proposed as the Council for their language and you may
20 want to substitute that language at this time and discuss
21 it. It's the Council's wishes, but in the meantime
22 25(j)(6) is on the floor.

23
24 Mr. Adams.

25
26 MR. ADAMS: Mr. Chairman, with that I
27 would make a motion that we amend that portion of it and
28 include the language that is found on Page 109 under
29 25(j)(6).

30
31 CHAIRMAN LITTLEFIELD: Your motion is to
32 substitute the language on Page 109 25(j)(6) for
33 25(j)(6); is that correct?

34
35 MR. ADAMS: That's correct.

36
37 CHAIRMAN LITTLEFIELD: Is there a second.

38
39 MS. PHILLIPS: It's been moved and
40 seconded to substitute the language 25(j)(6) shown on
41 Page 109 for 25(j)(6) as shown on Page 26. Any
42 discussion.

43
44 DR. GARZA: Mr. Chairman.

45
46 CHAIRMAN LITTLEFIELD: Dr. Garza.

47
48 DR. GARZA: Mr. Chairman, the only word
49 I'm thinking about adding is sinew, furs, claws, bones,
50 teeth, sinew or skulls of a black bear.

1 CHAIRMAN LITTLEFIELD: Okay, what I think
2 we should do, under process is probably go ahead and vote
3 on this to accept that as substitute language and then we
4 can further amend that as the Council sees fit.

5
6 Mr. Adams.

7
8 MR. ADAMS: I think Mr. Hernandez made a
9 comment about that this morning in regards to two, three
10 or three and four that was not -- you kind of alluded
11 that it was not applicable to this.

12
13 CHAIRMAN LITTLEFIELD: First, what I
14 would like to do is accept the substitute language so
15 that we can debate that.

16
17 MR. ADAMS: Well, thank you, Mr.
18 Chairman, I stand corrected.

19
20 CHAIRMAN LITTLEFIELD: Okay. If there's
21 no objection, I would like to take the vote on this for
22 -- and the vote would be to adopt substitute language
23 25(j)(6) as shown on Page 109 for the 25(j)(6) shown on
24 Page 26. All those in favor, please signify by saying
25 aye.

26
27 IN UNISON: Aye.

28
29 CHAIRMAN LITTLEFIELD: All those opposed,
30 same sign.

31
32 (No opposing votes)

33
34 CHAIRMAN LITTLEFIELD: And the motion is
35 carried. The language on 109 is what you should be
36 referring to now for 25(j)(6) and amendments or changes
37 to that language are in order.

38
39 Mr. Adams.

40
41 MR. ADAMS: Okay. I bring the issue I
42 brought up earlier in regards to Mr. Hernandez' comment
43 on, I think it's Units 2 and 3, that they are not
44 applicable or it's not -- I'd say applicable to this
45 language here, but I think for future reference in case
46 something does happen in those areas, you know, I just
47 wanted to remind you that maybe we just need to keep them
48 in there.

49
50 CHAIRMAN LITTLEFIELD: Okay. Certainly

1 three. Because if we look on Page 100 or where the Table
2 4 was -- excuse me, let me find that real quick, on Page
3 100 and 101, you'll see that there is take in Unit 3 on
4 the mainland, I suspect of brown bears so.....

5
6 DR. GARZA: Brown bear.

7
8 DR. SCHROEDER: This is black bear.

9
10 CHAIRMAN LITTLEFIELD: Excuse me, black
11 bear. Is there any in three, I would suggest that you
12 leave them in there, too, so any other Council.

13
14 Mr. Hernandez.

15
16 MR. HERNANDEZ: Well, I guess that was my
17 question. The tables on Pages 100 or 101, you talk
18 about take of brown bear, I don't know if that refers to
19 people's residence of where they lived and not
20 necessarily where the brown bears were taken. My point
21 is that as of right now there is no legal brown bear
22 hunts in Unit 2 or 3 -- we're still on black bear?

23
24 CHAIRMAN LITTLEFIELD: Yes, we're at
25 25(j)(6) for black bear.

26
27 MR. HERNANDEZ: I have no problems with
28 25(j)(6), 25(j)(7) was my contention.

29
30 CHAIRMAN LITTLEFIELD: Mr. Knauer, would
31 you come forward and clarify this for us.

32
33 MR. KNAUER: Mr. Chairman, just one
34 suggestion on this. I would suggest that after the word,
35 black bear, you add the words, taken in those units.

36
37 DR. GARZA: What words?

38
39 MR. KNAUER: In other words it would read
40 in Units 1, 2, 3,, 4 and 5 you may sell handicraft
41 articles made from the fur, claws, bones, teeth or skulls
42 of a black bear taken in those units.

43
44 CHAIRMAN LITTLEFIELD: Council's wishes,
45 would they like to make this as a motion.

46
47 (No comments)

48
49 CHAIRMAN LITTLEFIELD: Would you -- I'll
50 let you defend the point although there's no motion but

1 if you could help us out here.

2

3

4 MR. KNAUER: Thank you, Mr. Chairman.
5 This would clarify that it would refer to the animals
6 that were harvested in those units and not necessarily
7 harvested anywhere else in the state, but merely sold in
8 here. I believe that is the intent of the Council, that
9 would be for the use of bears that had been taken in
10 these units.

11

12 CHAIRMAN LITTLEFIELD: Council wishes.

13

14 Mr. Adams.

15

16 MR. ADAMS: Mr. Chairman, I'd be happy to
17 take the recommendation of Mr. Knauer and add that
18 language into that taken in those units to be added to
19 that.

20

21 CHAIRMAN LITTLEFIELD: Is there a second.

22

23 MS. PHILLIPS: Second.

24

25 CHAIRMAN LITTLEFIELD: Okay, it's been
26 moved and seconded to add taken in those units after the
27 bold language shown on Page 109, 25(j)(6). Council
28 discussion.

29

30 (No comments)

31

32 CHAIRMAN LITTLEFIELD: Dr. Wheeler, did
33 you have a comment.

34

35 DR. WHEELER: Thank you, Mr. Chair. And
36 just for the record, in Proposal No. 1 the intent of
37 adding -- or the intent of 25(j)(6) and 25(j)(7) was to
38 clarify that fur also included skin, hide and pelt, so
39 when you had substituted the language on Page 108/109 for
40 the language on Page 26, the language on Page 109 just
41 reads: If you're a Federally-qualified subsistence user
42 you may sell handicraft articles from the fur of a black
43 bear, so you may want to consider, just as a suggestion,
44 adding skin hide and pelt just to be consistent.

45

46 Mr. Chair.

47

48 CHAIRMAN LITTLEFIELD: Okay. Right now
49 we have a motion to do taken in those units first, and
50 then we can address that in just a minute.

51

1 Any discussion on the taken in those
2 units amendment.

3
4 Dr. Garza.

5
6 DR. GARZA: Mr. Chairman, so the intent
7 of the current amendment is to provide the opportunity
8 for residents of Units 1, 2, 3, 4 and 5 with C&T to make
9 artifacts from animals that they've taken in those
10 respective units so that if other regions in the state
11 say we don't want it in our region then the opportunity,
12 the language to provide the opportunity would still be
13 there for Southeast.

14
15 CHAIRMAN LITTLEFIELD: Mr. Knauer.

16
17 MR. KNAUER: I believe I understand what
18 Dr. Garza's saying, yes, it does not preclude other
19 residents in other areas from having their own regulation
20 as Southeast would here.

21
22 CHAIRMAN LITTLEFIELD: Council.

23
24 (No comments)

25
26 CHAIRMAN LITTLEFIELD: Are you ready for
27 the question.

28
29 MR. KITKA: Question.

30
31 CHAIRMAN LITTLEFIELD: Question's been
32 called. And the motion before you is to add the words
33 taken in those units behind the bold lettering on
34 25(j)(6) as shown on Page 109. All those in favor,
35 please signify by saying aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN LITTLEFIELD: All those opposed,
40 same sign.

41
42 (No opposing votes)

43
44 CHAIRMAN LITTLEFIELD: The motion's been
45 adopted, the amendment's adopted. And I'm hoping Dr.
46 Schroeder is following us through on the language here,
47 it looks like he is on the board. And so we had another
48 suggestion from Dr. Wheeler, if you'll refer to Page 26,
49 I believe she was -- well, actually I'll let her talk
50 about that if you would, again, Dr. Wheeler.

1 DR. WHEELER: Thank you, Mr. Chair. If
2 you look at the language on Page 26, paragraph 25(j)(6)
3 if you're a Federally-qualified subsistence user you may
4 sell handicraft articles made from the skin, hide, pelt
5 or fur of a black bear, and that was just to provide that
6 clarification that we had talked about earlier that fur,
7 in fact, means skin, hide, pelt, and includes claws, so
8 for the language that you had suggested substituting on
9 Page 109, I would just offer that you might want to
10 consider adding skin, hide, pelt or before fur of black
11 bear, similarly with the next paragraph down.

12
13 CHAIRMAN LITTLEFIELD: How about the
14 including claws?

15
16 DR. WHEELER: Yeah.

17
18 CHAIRMAN LITTLEFIELD: Dr. Garza.

19
20 DR. GARZA: Mr. Chairman, I would move we
21 amend 25(j)(6) to include selling handicraft articles
22 made from fur, skin, hide, pelt, claws, bones, sinew,
23 teeth or skulls of a black bear.

24
25 CHAIRMAN LITTLEFIELD: Is there a second.

26
27 MR. DOUVILLE: Second.

28
29 CHAIRMAN LITTLEFIELD: It's been moved
30 and seconded. Could you read that one more time, please
31 so that Dr. Schroeder can correctly show that on the
32 board.

33
34 DR. GARZA: Okay. So it'd say in Units
35 1, 2, 3, 4 and 5, you may sell handicraft articles made
36 from the skin, hide, pelt, fur, claws, bones, sinew,
37 teeth or skulls of a black bear.

38
39 CHAIRMAN LITTLEFIELD: Excuse me, but I
40 think the recommendation was to add that language in the
41 first sentence; is that correct, not in the second
42 sentence. That was the recommendation. Dr. Wheeler,
43 could you address that please?

44
45 DR. WHEELER: That was my recommendation,
46 Mr. Chair, because the first sentence speaks to
47 statewide, the second sentence speaks to Southeast
48 specifically.

49
50 CHAIRMAN LITTLEFIELD: Is that clear with

1 the maker of the motion that it's in the -- the statewide
2 is what we're adjusting right now. Any discussion on
3 this.

4

(No comments)

6

7 CHAIRMAN LITTLEFIELD: Let's make sure we
8 got it correct on the board, Dr. Garza would you look at
9 that and make sure that captures what you meant.

10

11

(Pause)

12

13

DR. WHEELER: Including claws.

14

15

DR. GARZA: Yeah, adding that for the
16 statewide is fine, and so what we're saying is that for
17 Southeast, in addition, it may be claws, bones, sinew,
18 teeth or skulls, and my understanding was that there were
19 some regions that may not want to deal with claws, bones,
20 teeth or skulls.

21

22

DR. SCHROEDER: Where do you want.....

23

24

25

26

27

CHAIRMAN LITTLEFIELD: Dr. Wheeler.

28

29

30

31

32

33

34

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46

47

48

49

50

(Pause)

DR. GARZA: Yes.

CHAIRMAN LITTLEFIELD: Okay, the language
is correct as shown on the screen and any further
discussion on that, further discussion.

(No comments)

CHAIRMAN LITTLEFIELD: All those in favor

1 of the motion.....

2

3 MR. SOFOULIS: Mr. Chair.....

4

5 CHAIRMAN LITTLEFIELD: Mr. Sofoulis, go
6 ahead.

7

8 MR. SOFOULIS: It may mean nothing at all
9 but I don't believe there's a black bear season in Unit 4
10 is there?

11

12 CHAIRMAN LITTLEFIELD: As far as I know
13 that's correct, but we're talking about Southeast, so it
14 would be appropriate to go 1 through 5, but I'll refer
15 this to Staff, though, for further discussion.

16

17 Mr. Probasco, please.

18

19 MR. PROBASCO: Mr. Chair, your intent is
20 clear but it's not totally captured on what Dr. Schroeder
21 has there. What's said in the first part statewide is
22 accurate, now we're going to move into Southeast Subpart
23 (a), you have no reference on skin, hide, pelt or fur for
24 Southeast, all you address is claws, bones, teeth, sinew,
25 skulls of a black bear. So we need to be specific and
26 add to that skin, hide, pelt or fur so we capture
27 everything specific for Southeast.

28

29 CHAIRMAN LITTLEFIELD: Dr. Garza.

30

31 DR. GARZA: I wonder if we could just use
32 also instead of repeating. You may also sell blah,
33 blah, blah.

34

35 MR. PROBASCO: As you know, you capture
36 the intent of the language and then these regulation
37 specialists and lawyers do their thing to it so.....

38

39 CHAIRMAN LITTLEFIELD: Why don't we put
40 it in so that there's no misunderstanding of what our
41 intent is.

42

43 And the maker of the motion, if you would
44 look at the language and make sure that that meets with
45 your approval. Do you have it up there, Dr. Schroeder.

46

47 (Pause)

48

49 DR. SCHROEDER: Mr. Chair, would it be
50 useful for me to read that and see if it sounds okay.

1 CHAIRMAN LITTLEFIELD: Is that right --
2 just a second -- is that right?
3
4 DR. GARZA: (Nods affirmatively)
5
6 CHAIRMAN LITTLEFIELD: Okay, go ahead and
7 read it.
8
9 DR. SCHROEDER: Just reading it into the
10 record, the proposed as amended:
11
12 25(j)(6) if you're a Federally-qualified
13 subsistence user you may sell handicraft
14 articles made from the skin, hide, pelt
15 or fur of a black bear, including claws.
16
17 (a) in Units 1, 2, 3, 4, and 5 you may
18 sell handicraft articles made from the
19 skin, hide, pelt, fur, claws, bones,
20 teeth, sinew, or skulls of a black bear
21 taken in those units.
22
23 CHAIRMAN LITTLEFIELD: Are we ready for
24 the question.
25
26 (Council nods affirmatively)
27
28 CHAIRMAN LITTLEFIELD: All those in
29 favor of the amended language of 25(j)(6) as shown on the
30 board and as read into the record, please signify by
31 saying aye.
32
33 IN UNISON: Aye.
34
35 CHAIRMAN LITTLEFIELD: All those opposed,
36 same sign.
37
38 (No opposing votes)
39
40 CHAIRMAN LITTLEFIELD: The amended
41 language is adopted for 25(j)(6). Any further discussion
42 or amendments on 25(j)(6).
43
44 (No comments)
45
46 Mr. Knauer.
47
48 MR. KNAUER: I have nothing.
49
50 CHAIRMAN LITTLEFIELD: Are you ready for

1 the motion to adopt the language on 25(j)(6). The
2 question before you is to adopt the language 25(j)(6) as
3 shown on the board as substitute -- it's not a substitute
4 language but as amended. All those in favor please
5 signify by saying aye.

6
7 IN UNISON: Aye.

8
9 CHAIRMAN LITTLEFIELD: All those opposed,
10 same sign.

11
12 (No opposing votes)

13
14 CHAIRMAN LITTLEFIELD: The motion has
15 been adopted to the language as shown on the board,
16 which is now shown on Page 26. Before you now is
17 25(j)(7), and I suspect we're going to be going through
18 the same process here.

19
20 So Council wishes on 25(j)(7).

21
22 (No comments)

23
24 CHAIRMAN LITTLEFIELD: I guess what we
25 could do is have that substitute language but you only
26 have to change a little bit of the language that we just
27 adopted for (j)(6) and refer that to brown bear and then
28 maybe the Council could make that as a substitute motion
29 for 25(j)(7).

30
31 Mr. Knauer, could you take a quick review
32 of this and make sure that it captures the intent and is
33 worded correctly.

34
35 MR. KNAUER: Yes, Mr. Chairman, that does
36 match with the appropriate adjustments from (j)(6).

37
38 CHAIRMAN LITTLEFIELD: Okay. A motion
39 from the Council would be in order to adopt the
40 substitute language as shown on the screen.

41
42 MR. KITKA: I so move, Mr. Chair.

43
44 CHAIRMAN LITTLEFIELD: Is there a second.

45
46 MR. ADAMS: Second.

47
48 CHAIRMAN LITTLEFIELD: The substitute
49 language before you -- the motion before you is to adopt
50 substitute language as shown on the screen for 25(j)(7)

1 on Page 26.

2

3 Discussion.

4

5 (No comments)

6

7 CHAIRMAN LITTLEFIELD: Are we happy with
8 this.

9

10 (No comments)

11

12 CHAIRMAN LITTLEFIELD: Are we ready for
13 the question.

14

15 DR. GARZA: Dr. Garza.

16

17 DR. GARZA: I guess I want to bring up
18 what Mike Sofoulis brought up for the black bear which we
19 didn't discuss and then as well for brown bear, there are
20 several units where we don't have any hunts. It was my
21 understanding it was Unit 4 for black bear and 2 and 3
22 for brown bear, so I'm not sure if those should be
23 excluded.

24

25 CHAIRMAN LITTLEFIELD: Maybe we could get
26 OSM to help us out here. It's my read that this doesn't
27 trump the seasons that are in effect and open and the
28 closed season, so maybe if you could help us through that
29 Mr. Knauer.

30

31 MR. KNAUER: That's correct, Mr.
32 Chairman. This has nothing to do with whether or not
33 seasons or harvest limits exist. This is in place if a
34 season is later established, then you don't have to go
35 back and make the change here. If a season is
36 eliminated, this still remains in place in the event that
37 a season is reinstated.

38

39 CHAIRMAN LITTLEFIELD: Thank you. Other
40 comments or questions from the Council.

41

42 Mr. Adams.

43

44 MR. KNAUER: I thank Mr. Knauer for
45 explaining that, that's the way I was going to address it
46 as well, so Gunalcheesh.

47

48 CHAIRMAN LITTLEFIELD: Mr. Douville.

49

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

1 According to the language as I'm understanding it, you
2 have to take your bear and process it or whatever in the
3 units you harvest it in, and if there is no hunt for
4 brown bear in Unit 2 and I go hunt in Unit 5, say, and
5 get one, is there a restriction to me taking it to 2 and
6 making handicrafts?

7
8 CHAIRMAN LITTLEFIELD: Dr. Wheeler.

9
10 DR. WHEELER: Mr. Chair, thank you.
11 Member Douville, no.

12
13 CHAIRMAN LITTLEFIELD: You want to follow
14 up on that Mike or anything.

15
16 MR. DOUVILLE: (Shakes head negatively)

17
18 CHAIRMAN LITTLEFIELD: Any other
19 questions.

20
21 (No comments)

22
23 CHAIRMAN LITTLEFIELD: Is the Council
24 ready to have action on (j)(7).

25
26 (No comments)

27
28 CHAIRMAN LITTLEFIELD: Hearing no
29 objection the motion before the Council is to adopt the
30 substitute language for 25(j)(7) as shown on the screen.
31 All those in favor please signify by saying aye.

32
33 IN UNISON: Aye.

34
35 CHAIRMAN LITTLEFIELD: Those opposed,
36 same sign.

37
38 (No opposing votes)

39
40 CHAIRMAN LITTLEFIELD: The motion has
41 been adopted. We're at (j)(8), 25(j)(8) on Page 26. A
42 motion to adopt is in order.

43
44 MR. KOOKESH: So moved.

45
46 CHAIRMAN LITTLEFIELD: Is there a second.

47
48 MR. DOUVILLE: Second.

49
50 CHAIRMAN LITTLEFIELD: Okay, it's been

1 moved and seconded to adopt the language 25(j)(8) as
2 shown on Page 26. Council discussion.

3

4 Dr. Garza.

5

6 DR. GARZA: Do we have the definition of
7 business somewhere?

8

9 CHAIRMAN LITTLEFIELD: Yes, it's in the
10 packet. Let's make sure everybody has that, and it's in
11 the footnotes, too.

12

13 Dr. Wheeler, can you cover this please.

14

15 DR. WHEELER: Certainly, Mr. Chair, just
16 give me a minute to find it. On Page 29 in your book
17 there's a footnote so you have to just go down to the
18 bottom of the page, and it's referencing that paragraph
19 that's under discussion right now, if you're a business
20 as defined under Alaska Statute 43.70.11.10 (1), the
21 footnote there says under Alaska Statute definitions,
22 business means a for profit or non-profit entity engaging
23 in and offering to engage in a trade, a service, a
24 profession, or an activity with the goal of receiving a
25 financial benefit in exchange for the provision of
26 services or goods or other property. And I believe as
27 Dr. Schroeder said earlier, you have a handout in your
28 brown folder that also has sort of the whole, more of
29 that section, definitions.

30

31 CHAIRMAN LITTLEFIELD: Does everyone have
32 the handout, I think it includes who's included and who
33 it doesn't cover.

34

35 (Council nods affirmatively)

36

37 DR. GARZA: Mr. Chairman.

38

39 CHAIRMAN LITTLEFIELD: Dr. Garza.

40

41 DR. GARZA: I got to flip to the right
42 page but I have problems with Section 8 and I don't know
43 if we can make that definition tighter, but as a
44 basketweaver, I get a business license because under IRS
45 code, if I sell more than \$600 a year I'm supposed to
46 have a license, so would that preclude me from any
47 opportunities and I would say a lot of these guys that go
48 to AFN have business licenses. I mean they have business
49 cards, they have, you know, I mean -- but they're still
50 Mom and Pop operations by all means and intent. I mean I

1 think the intent is to exclude being able to walk into
2 some gallery on Fifth Avenue and see something there, but
3 we may, unintentionally exclude a whole lot of people who
4 are trying to follow the IRS guidelines and applying for
5 a business license.

6
7 CHAIRMAN LITTLEFIELD: Okay, before I got
8 to Mr. Knauer, just everyone should know that Proposal 3
9 does not include any reference to (j)(8), so we're only
10 -- you know, just remember that, we don't have that in
11 our proposal, so this is your one chance.

12
13 Mr. Knauer.

14
15 MR. KNAUER: Yes, Mr. Chairman, and Dr.
16 Garza. I think that the statement as part of your
17 business transactions that's found on Page 37 tries to
18 resolve that issue such that an individual having a
19 license could still purchase or sell a handicraft article
20 if they were a qualified Federal user, but not as part of
21 their business.

22
23 In other words, you want to -- the intent
24 of this is to not allow the products to become part of
25 the commercial operations but not to preclude qualified
26 users from an occasional sale of a handicraft.

27
28 CHAIRMAN LITTLEFIELD: Okay. What we
29 need to do here is we've made a motion to adopt the
30 language on Page 26, but if we look at the language on
31 Page 37 that Mr. Knauer is talking about, that is the
32 language that their preliminary conclusion is talking
33 about, so we should move to substitute that language on
34 25(j)(8) on Page 26 and then debate that, that would be
35 the process.

36
37 Is there a motion to substitute language.

38
39 (No comments)

40
41 CHAIRMAN LITTLEFIELD: Okay, what we got,
42 the language on Page 26 of (j)(8) is not the language
43 that's on Page 37 under (8). Dr. Wheeler.

44
45 DR. WHEELER: Mr. Chair. Member Garza.
46 The key part is as part of your business transactions,
47 and on Page 37, that last little part there.

48
49 CHAIRMAN LITTLEFIELD: So a motion would
50 be in order to substitute (8).

1 MR. DOUVILLE: So moved.
2
3 CHAIRMAN LITTLEFIELD: Is there a second.
4
5 MR. ADAMS: I'll second.
6
7 CHAIRMAN LITTLEFIELD: It's been moved
8 and seconded to substitute the language under (8) bold on
9 top of Page 37 for the language in 25(j)(8) on Page 26.
10 Is there any discussion.
11
12 (No comments)
13
14 CHAIRMAN LITTLEFIELD: Hearing none, all
15 those in favor of accepting the substitute language under
16 (8) on the top of Page 37 for 25(j)(8) on Page 26 please
17 signify by saying aye.
18
19 IN UNISON: Aye.
20
21 CHAIRMAN LITTLEFIELD: Those opposed,
22 same sign.
23
24 (No opposing votes)
25
26 CHAIRMAN LITTLEFIELD: Okay. The
27 language before the Council at this time is the language
28 on Page 37 and that's what's under discussion.
29
30 Dr. Wheeler.
31
32 DR. WHEELER: Mr. Chair, thank you. You
33 might also want to consider adding -- in the previous two
34 actions that you took with regard to Proposal 25(j)(6)
35 and 25(j)(7), you had special conditions for Units 1, 2,
36 3, 4 and 5, so you may want to consider adding those
37 special conditions to that language, depending on what
38 you do with the language. So you've got the teeth --
39 bones, teeth, skulls, sinew, so if you're going to pass
40 that special condition, then you would add that, you
41 would include what you just did for Southeast in that
42 exclusion.
43
44 CHAIRMAN LITTLEFIELD: Thank you for your
45 suggestion, but you're presuming that the Council wants
46 to add this language which they did not include in their
47 proposal. So if anybody wants to make that motion they
48 could do that because that is not in Proposal 3.
49
50 What's the Council's wishes on 8.

1 (No comments)
2
3 CHAIRMAN LITTLEFIELD: For myself I would
4 not accept the language eight as part of the statewide
5 proposal because I don't think it's needed, but I'm
6 waiting to hear what the Council says.
7
8 Ms. Phillips.
9
10 MS. PHILLIPS: Thank you, Chairman
11 Littlefield. I would vote against No. 8. I believe
12 purchase, receive or sell is customary trade.
13
14 Thank you.
15
16 CHAIRMAN LITTLEFIELD: Any other Council.
17
18 (No comments)
19
20 CHAIRMAN LITTLEFIELD: Are you ready for
21 the question on 8 -- we'll do it at the end of
22 everything.
23
24 Okay, the motion before you is to adopt
25 the substitute language for 25(j) and that language is as
26 shown on Page 37 under A -- is it on the board, too?
27
28 DR. SCHROEDER: Yes, it is.
29
30 CHAIRMAN LITTLEFIELD: It's also on the
31 board. All those in favor of adopting that language
32 please signify by saying aye.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN LITTLEFIELD: Those opposed,
37 same sign.
38
39 IN UNISON: Nay.
40
41 CHAIRMAN LITTLEFIELD: Nay. We better
42 have a vote on this, so a show of hands -- so we'll take
43 show of hands on this, all those in favor of adopting 8
44 please raise your right hand, and the Secretary if you
45 would count the roll, please.
46
47 Voting Yes - Show of Hands
48
49 MR. HERNANDEZ
50

1 MR. BANGS
2
3 MR. SOFOULIS
4
5 MR. JORDAN
6
7 MR. STOKES
8
9 CHAIRMAN LITTLEFIELD: Okay, all those
10 opposed, same sign.
11
12 Voting No - Show of Hands
13
14 MR. ADAMS
15
16 MR. KOOKESH
17
18 DR. GARZA
19
20 CHAIRMAN LITTLEFIELD
21
22 MR. KITKA
23
24 MS. PHILLIPS
25
26 MR. DOUVILLE
27
28 CHAIRMAN LITTLEFIELD: Mr. Secretary.
29
30 MR. ADAMS: We have a tie.
31
32 CHAIRMAN LITTLEFIELD: Then the motion is
33 failed. 8 is not adopted as part of the proposal. What
34 we have now is we've gone through this by paragraph, the
35 language on Page 26, we've made amendments, adoptions,
36 you know, and I'd like to have a copy of this for the
37 Council to look at because there was quite substantial
38 changes, so we need to make sure that we go through this.
39 We have to justify all of the things we did according to
40 the little blue sheet you have in front of you for the
41 Council recommendations and why we took the actions that
42 we did on all of these proposals for the Federal
43 Subsistence Board.
44
45 So Dr. Schroeder can we get a copy of
46 that so everybody can look at what we did?
47
48 DR. SCHROEDER: (Nods affirmatively)
49
50 CHAIRMAN LITTLEFIELD: Dr. Garza.

1 DR. GARZA: Mr. Chair, I have concern on
2 the tally from the vote, if we could please vote again,
3 and I'd like to get the numbers because I counted
4 differently.

5
6 CHAIRMAN LITTLEFIELD: Okay, if there's
7 no objection I'll do that again. What we're going to do
8 is take the vote on the language and I'd like to do it,
9 Mr. Secretary, if you would do it by roll call at this
10 time so that we can get everybody on the record and it
11 will be on the language on Page 37 under 8 and as shown
12 on the board.

13
14 All those in favor will answer the roll
15 aye or nay.

16
17 MR. ADAMS: Bert Adams says no. Floyd
18 Kookesh.

19
20 MR. KOOKESH: No.

21
22 MR. ADAMS: Donald Hernandez.

23
24 MR. HERNANDEZ: Yes.

25
26 MR. ADAMS: Richard Stokes.

27
28 MR. STOKES: Yes.

29
30 MR. ADAMS: What was it?

31
32 MR. STOKES: Aye.

33
34 MR. ADAMS: Aye. Patricia Phillips.

35
36 MS. PHILLIPS: Nay.

37
38 MR. ADAMS: Michael Douville.

39
40 MR. DOUVILLE: No.

41
42 MR. ADAMS: No. Harvey Kitka.

43
44 MR. KITKA: No.

45
46 MR. ADAMS: Eric Jordan.

47
48 MR. JORDAN: Aye.

49
50 MR. ADAMS: Dolly Garza.

1 DR. GARZA: No.
2
3 MR. ADAMS: Michael Sofoulis.
4
5 MR. SOFOULIS: Yes.
6
7 MR. ADAMS: Michael Bangs.
8
9 MR. BANGS: Yes.
10
11 MR. ADAMS: Frank Wright is excused. So
12 we have one, two, three.....
13
14 CHAIRMAN LITTLEFIELD: No.
15
16 MR. KOOKESH: You have to ask him if he
17 wants to vote.
18
19 MR. ADAMS: Oh, sorry, John.
20
21 (Laughter)
22
23 CHAIRMAN LITTLEFIELD: No.
24
25 MR. ADAMS: No. And we have Frank Wright
26 who's not here.
27
28 Okay, one, two, three, four, five, six
29 no's.
30
31 CHAIRMAN LITTLEFIELD: Seven no's.
32
33 MR. ADAMS: One, two, three, four, five,
34 six, seven -- eight no's.
35
36 (Laughter)
37
38 MR. KOOKESH: Dick voted yes.
39
40 CHAIRMAN LITTLEFIELD: Let's look up here
41 and everybody can verify their vote. The vote is shown.
42
43 MR. ADAMS: Just a minute, Mr. Chairman.
44 I think I put down a no where somebody voted yes so let
45 me try that again.
46
47 I've got one, two, three, four, five,
48 six, seven no's. And one, two, three, four yes'.
49
50 (Laughter)

1 CHAIRMAN LITTLEFIELD: The Council will
2 please look at the screen and make sure that accurately
3 records your vote.
4
5 (Pause)
6
7 CHAIRMAN LITTLEFIELD: Mr. Secretary,
8 would you please give me the tally again, no one has
9 disputed what's going on.
10
11 MR. ADAMS: One, two -- and this is going
12 to be accurate this time, Mr. Chairman, I promise.
13
14 (Laughter)
15
16 MR. ADAMS: I got one, two, three, four,
17 five, six, seven no's. And I've got one, two, three,
18 four, five yes'.
19
20 CHAIRMAN LITTLEFIELD: The motion fails,
21 eight is not part of Proposal No. 1, and we're back to
22 Council recommendations. The criteria again, you should
23 have it on a blue sheet in front of you. We need to
24 cover all three of those and Ms. Phillips started on
25 that, and I'd like to give her the first go at this to
26 make the record clear of why you made your decision.
27
28 Actually, let me do this a little
29 different. What I'd like to do now is make a motion to
30 adopt WP05-01 as amended in its entirety and then we will
31 make your recommendations after that.
32
33 MS. PHILLIPS: Proposal 1 as amended in
34 its entirety.
35
36 CHAIRMAN LITTLEFIELD: Is there a second.
37
38 MR. KITKA: Second.
39
40 CHAIRMAN LITTLEFIELD: Okay, the motion
41 before you now is to adopt WP05-01 as amended and
42 changed, and I'm hoping we can have that on the board, we
43 need to be able to look at that.
44
45 DR. SCHROEDER: That will take some time.
46
47 CHAIRMAN LITTLEFIELD: What we're going
48 to do is take a minute or two. We've already discussed
49 all of it, this is a vote up or down, but it's also the
50 opportunity to justify the decision that we're making.

1 So we're going to take about five minutes to make sure
2 that we get this screen on a paper hopefully that
3 everybody has a copy to look at this.

4

5 Mr. Hernandez.

6

7 MR. HERNANDEZ: Mr. Chairman, before I'm
8 prepared to vote on this in its entirety, you know, I
9 voted on the language in individual paragraphs, before I
10 vote on it in its entirety, I would like to have an
11 opportunity to question enforcement people on some of
12 these issues.

13

14 CHAIRMAN LITTLEFIELD: That's
15 appropriate, we'll do so, as soon as -- we'll just give
16 him a minute or two to come forward so that the Council
17 knows exactly what they're voting on with all the
18 changes, and then we will ask law enforcement to tell us
19 whether this meets with their approval or not because
20 they were the ones that basically put it forward.

21

22 DR. GARZA: Mr. Chairman.

23

24 CHAIRMAN LITTLEFIELD: Dr. Garza.

25

26 DR. GARZA: And following enforcement, if
27 we could also get a picture of an idea of, this is a
28 statewide, so what will be the process, blah, blah, blah.

29

30 CHAIRMAN LITTLEFIELD: Will you be
31 prepared to do that when we come back, take a short five
32 minutes and put this together and we will address those
33 as soon as we come back.

34

35 (Off record)

36

37 (On record)

38

39 CHAIRMAN LITTLEFIELD: Let's come back to
40 order, please.

41

42 (Pause)

43

44 CHAIRMAN LITTLEFIELD: Okay, the
45 meeting's back in order. We do not have a functioning
46 printer that will allow us to give you a printed copy.
47 What Dr. Schroeder is going to do is run through this,
48 each paragraph by paragraph, which will be shown on the
49 screen and let's make sure everybody's happy with it and
50 we'll go to the next -- Dr. Schroeder.

1 DR. SCHROEDER: Mr. Chairman, thank you.
2 And we will by the close of the meeting on Friday be able
3 to have printed copies for Council members. We acted
4 separately on the four or five paragraphs.

5
6 I'll read them through and ask if we can
7 make sure that we're in agreement on the four paragraphs,
8 and I'd like to thank Dr. Wheeler for helping with the
9 language here.

10
11 Paragraph 25(a) which is the basic
12 definition is on the screen. I'll read the language that
13 you adopted:

14
15 Handicraft means a finished product made
16 by a rural Alaska resident from non-
17 edible byproducts of fish or wildlife.
18 The shape and appearance of the natural
19 material must be substantially changed by
20 the skillful use of hands by sewing,
21 weaving, lacing, beading, carving,
22 drilling, etching, scrimshawing, painting
23 or other means and incorporated into a
24 work of art, regalia, jewelry, clothing
25 or other creative expression which can be
26 either traditional or contemporary in
27 design.

28
29 The second paragraph of that section.

30
31 CHAIRMAN LITTLEFIELD: Just stop for a
32 second.

33
34 DR. SCHROEDER: Okay.

35
36 CHAIRMAN LITTLEFIELD: Does that meet
37 everybody's -- is that everybody's recollection, that's
38 mine.

39
40 (Council nods affirmatively)

41
42 CHAIRMAN LITTLEFIELD: Okay, we'll go to
43 the next paragraph.

44
45 DR. SCHROEDER: The Council had no
46 discussion of the second paragraph of that first section,
47 it reads:

48
49 Skin, hide, pelt or fur means any tanned
50 or untanned external covering of an

1 animals body, however, for bear the skin,
2 hide, pelt or fur means the external
3 covering with claws attached.
4

5 CHAIRMAN LITTLEFIELD: Any questions.
6

7 DR. SCHROEDER: Are there any questions
8 concerning that wording. We made no changes there.
9

10 (No comments)
11

12 CHAIRMAN LITTLEFIELD: Go ahead.
13

14 DR. SCHROEDER:
15

16 25(j)(6), if you are a Federally-
17 qualified subsistence user you may sell
18 handicraft articles made from the skin,
19 hide, pelt, or fur of a black bear
20 including claws.
21

22 (a) in units one, two, three, four and
23 five you may sell handicraft articles
24 made from the skin, hide, pelt, fur,
25 claws, bones, teeth, sinew, or skulls of
26 a black bear taken in those units.
27

28 Is that the language that you believe you
29 passed.
30

31 (No comments)
32

33 DR. SCHROEDER: If there are no questions
34 or suggested changes.
35

36 25(j)(7) concerns brown bear. If you are
37 a Federally-qualified subsistence user
38 you may sell handicraft articles made
39 from the skin, hide, pelt or fur of a
40 brown bear including claws taken from
41 Units 9(A) to (C), 9(E), 12, 17, 20 and
42 25(A), in Units 1, 2, 3, 4, and 5 you may
43 sell handicraft articles made from the
44 skin, hide, pelt, fur, claws, bones,
45 teeth, sinew, or skulls of a brown bear
46 taken in those units.
47

48 Are there any questions concerning the
49 wording of that section.
50

1 (No comments)

2

3 DR. SCHROEDER: Hearing none. The final
4 section in Proposal WP05-01 was 25(j)(8) and the Council
5 did not adopt that section.

6

7 Mr. Chair.

8

9 CHAIRMAN LITTLEFIELD: Is everybody
10 satisfied with that language as a correct interpretation
11 of what we did.

12

13 (Council nods affirmatively)

14

15 CHAIRMAN LITTLEFIELD: Okay, we have a
16 motion before you to adopt WP05-01 in its entirety. I
17 have two requests from Council members, first would be
18 Mr. Ken Pearson from law enforcement, if you would come
19 forward please.

20

21 Mr. Hernandez.

22

23 MR. HERNANDEZ: Thank you, Mr. Chairman.
24 As I said, before I deliberate on this proposal I think
25 we do have to have a presentation from law enforcement.

26

27 In my mind the merits of what our intent
28 with this proposal, are good. I think the idea of
29 allowing subsistence users to make and sell handicrafts
30 from bears that are legally harvested as a subsistence
31 practice, and I'd like to point out that under ANILCA
32 bears must be harvested for customary and traditional
33 uses and that is for personal and family consumption.
34 Bears cannot be harvested solely for raw parts to be made
35 into handicrafts, so it is not expected -- and then it
36 goes on to say it's not expected that a drastic increase
37 of bear harvest will occur should this regulation be
38 adopted.

39

40 However, it is important to note that,
41 you know, bears cannot be harvested solely for raw parts
42 to be made into handicrafts. So I want to make sure that
43 we have provisions in the regulations that ensures that
44 doesn't occur. And I think that once you start putting a
45 monetary value, a profit motive, if you will, on the
46 taking of bears it could lead to essentially what would
47 violate the principles of subsistence and I want to have
48 a regulation in place that doesn't violate subsistence
49 principles.

50

1 Two reasons. There are the conservation
2 concerns of putting a profit motive on hunting could do,
3 but also, you know, is the recommendation, the other one
4 of our criteria, is the recommendation beneficial to
5 subsistence users. And I know of a number of subsistence
6 users who quite frankly would be offended if they felt
7 that bears were being taken for reasons other than what
8 is intended under ANILCA.

9
10 So if we're going to have these
11 regulations, I'd like to, in my mind have some assurances
12 that they are regulations that essentially close all the
13 loopholes and I also want some kind of assurances that
14 they're enforceable. So I guess my question is to Mr.
15 Pearson are, have his impressions just how these
16 regulations could be enforced, what do we have in place
17 that aids us and insuring that there is not wanton waste
18 going on, and I guess the other concern is what, you
19 know, how do you think you could deal with potential
20 poaching issues which is probably a concern to a lot of
21 people.

22
23 CHAIRMAN LITTLEFIELD: Okay, this is a
24 little bit on the edge. Before us now is the motion to
25 adopt and I thought it was okay to have law enforcement
26 come up here and answer a specific question. But we are,
27 this Council owns this right now, and I will let Mr.
28 Pearson answer that, what he thinks about it, but let's
29 remember I don't want to stray too far, this is pretty
30 much our decision to adopt what you're saying or not, or
31 support that.

32
33 But Mr. Pearson, if you could give us a
34 short statement on that, go ahead.

35
36 OFFICER PEARSON: Mr. Chair. Council
37 members. Council member Hernandez. First I need to
38 apologize a little bit because I'm not as prepared as I
39 probably should be. Mr. Myers is the one that done the
40 research on this so I'm not up to speed as much as I
41 should. So I'm just going to have to elaborate a little
42 bit on what he said.

43
44 Law Enforcement. We're concerned that
45 potentially this could create some incentives for the
46 potential poaching of bears which would lead to wanton
47 waste, and your question was how could we combat that.
48 Essentially through the same tools that we use now, but
49 understanding, of course, on the 17 million acres of the
50 Tongass National Forest there's only about 11 officers

1 working that. So this would create somewhat of an
2 enforcement concern for us. Does it mean that such
3 things will happen, no. It just means that we're
4 somewhat concerned with that.

5
6 Another issue that we're concerned with
7 of course is with the divergence from State law and how
8 do you track the bears, determining which bears were
9 subsistence taken and which bears were not subsistence
10 taken or which were taken under sport.

11
12 So those are some of the issues that
13 we're concerned with. I think, in general, this proposal
14 for regulation is certainly doable but, again, there are
15 some concerns and I'm not saying that we're adamantly
16 opposed to it but we are concerned with it.

17
18 Thank you.

19
20 CHAIRMAN LITTLEFIELD: Thank you, Mr.
21 Pearson. I'm going to let OSM Staff have one last bite
22 at the apple here, again, we're under deliberations so
23 this belongs to the Council but we do want to have your
24 input.

25
26 Mr. Knauer.

27
28 MR. KNAUER: Thank you, Mr. Chairman.
29 Mr. Hernandez, this is in response to the other part of
30 Mr. Hernandez' question, whether or not there should be
31 something in place to provide for the salvage of bears
32 and, in fact, we have a regulation already in place that
33 requires that the hide and edible meat of a brown bear,
34 except in certain portions you need not salvage the hide,
35 but that requires the salvage of meat. And then there is
36 another section that requires the hide and edible meat of
37 a black bear be salvaged.

38
39 So those regulations are already in
40 place.

41
42 CHAIRMAN LITTLEFIELD: Follow up, Mr.
43 Hernandez.

44
45 MR. HERNANDEZ: Yes. Mr. Pearson, I
46 think that illustrates one of the places where State and
47 Federal regulations diverge on the salvage of meat; isn't
48 that correct?

49
50 OFFICER PEARSON: Mr. Chairman. Council

1 member Hernandez, that is correct. Under State law
2 there's times when the salvage of meat is not required,
3 however, under Federal law it is always required to
4 salvage the meat of both brown and black bear.

5
6 CHAIRMAN LITTLEFIELD: Other Council.
7 This is your last chance to ask questions of Law
8 Enforcement or OSM before we deliberate.

9
10 Dr. Garza.

11
12 DR. GARZA: To Mr. Pearson, in terms of
13 enforcement, are there issues with illegal takes of bear
14 and if there are do you have an idea if they are taken by
15 locals, by Alaska residents, by non-residents, by non-US
16 residents; how does that bread out.

17
18 OFFICER PEARSON: Mr. Chairman. Dr.
19 Garza. There is somewhat of an ongoing enforcement issue
20 with the taking of bears. I don't have the numbers in
21 front of me. If I were to have to go out on a limb here,
22 you know, we have a fair number or a large number of out
23 of state hunters that come into Southeast Alaska to hunt
24 bears, and a lot of our enforcement do revolve around
25 that, mostly unguided hunters and specifically failure to
26 salvage meat. So there is some of that going on without
27 a doubt and every year we deal with that, yes.

28
29 CHAIRMAN LITTLEFIELD: Other Council
30 questions.

31
32 Mr. Hernandez.

33
34 MR. HERNANDEZ: One other more specific
35 question. ADF&G comments where they did not support this
36 proposal say in the absence of a tracking system that
37 documents how many bears are being harvested for the
38 purpose of making handicraft items for sale, that would
39 indicate if this proposal is adopted, that would be
40 subsistence taken bears. What is in place now to keep
41 track of what the harvest is? I know there's sealing
42 requirements, are there any other requirements that keep
43 close track of who's taking bears?

44
45 OFFICER PEARSON: Mr. Chairman. Mr.
46 Hernandez. Under the Federal system, I may be wrong
47 here, but I don't think there's any provisions to track
48 the subsistence number of bears taken. The State, of
49 course, non-residents to obtain tags and then the sealing
50 requirement, but as far as determining the subsistence

1 take of bears, I don't think there is anything in place
2 right now to track that.

3

4 So if this regulation were to go through,
5 you know, a potential avenue probably would be a Federal
6 registration permit for subsistence bears would be one
7 way you could potentially track it.

8

9 CHAIRMAN LITTLEFIELD: Mr. Knauer, could
10 you comment on that, please, I believe there is existing
11 regulations that have some conditions tied to them.

12

13 MR. KNAUER: Yes, Mr. Chairman. For
14 brown bear taken under Federal regulations, a State
15 registration permit is required in Southeast Alaska.

16

17 CHAIRMAN LITTLEFIELD: And I believe
18 sealing is required everywhere except in Yakutat; is that
19 correct, for the Southeast region?

20

21 MR. KNAUER: I believe you're correct
22 there.

23

24 CHAIRMAN LITTLEFIELD: So the answer to
25 your question is there is a means to track those and that
26 was the data that I was talking about earlier that gives
27 the false impression that all of those bears are
28 subsistence. All the bears taken in Unit 4 have to be
29 sealed whether they're subsistence or sport.

30

31 Any other questions for Staff or Law
32 Enforcement.

33

34 Dr. Garza.

35

36 DR. GARZA: So this proposal, however, we
37 ship it out will go to OSM -- well, to the Federal
38 Subsistence Board and then of course all other regions
39 will be making determinations, whether or not they
40 support it or amend it five million times, and then again
41 speaking forward, we have Proposal 3, which is fairly
42 similar now. And the intent of this proposal was
43 initially to clarify and I'm not sure if we've clarified
44 anything anymore is to clarify if this proposal in its
45 entirety does not pass Federal Subsistence Board, then
46 the opportunities are still there, they are just in
47 something that we may consider a grey area in terms of
48 opportunities?

49

50 CHAIRMAN LITTLEFIELD: Mr. Knauer.

1 MR. KNAUER: If the Board does not adopt
2 Proposal 1 as amended, the opportunity to use handicraft
3 -- or the sale of handicrafts in Southeast will remain as
4 it currently is, which would mean that skulls, teeth,
5 bones, sinew would not be part of the mix. In other
6 words, it would just be fur and claws.

7
8 CHAIRMAN LITTLEFIELD: Any other
9 questions.

10
11 (No comments)

12
13 CHAIRMAN LITTLEFIELD: It will not be
14 part of the regulations, doesn't mean it's not part of
15 the mix, just regulations.

16
17 Dr. Garza.

18
19 DR. GARZA: Thank you. And then finally,
20 the way this proposal is written is we've added something
21 specifically for Southeast but other regions can choose
22 to modify it to their liking so they may or may not
23 support skull or whatever else for their particular
24 region. So we're not dictating to any other region.

25
26 CHAIRMAN LITTLEFIELD: Mr. Knauer.

27
28 MR. KNAUER: Yes, Mr. Chairman. Dr.
29 Garza. The other regions would not be providing comment
30 and recommendations on the portion relative to Southeast,
31 only on the statewide provisions.

32
33 CHAIRMAN LITTLEFIELD: Other Council
34 questions.

35
36 (No comments)

37
38 CHAIRMAN LITTLEFIELD: So (a) is not
39 included in the statewide discussion, (a) would not be
40 included; is that correct?

41
42 MR. KNAUER: That's correct. 6(a), 7(a)
43 would not be included.

44
45 CHAIRMAN LITTLEFIELD: Any other
46 questions to Law Enforcement and/or OSM Staff.

47
48 (No comments)

49
50 CHAIRMAN LITTLEFIELD: Thank you, very

1 much. At this time if there's any other Council members
2 that would like to have State, OSM, the presenters, Dr.
3 Wheeler or others answer a question before we get to the
4 motion here now is the time to ask because we're not
5 going to do it anymore.

6

7

(No comments)

8

9

CHAIRMAN LITTLEFIELD: Okay, the motion
10 is before the Council. And we need to justify the action
11 that we're going to take. And like I said it was started
12 earlier by Ms. Phillips, but the three criteria are:

13

14

Does this recommendation raise
conservation concerns.

15

16

17

Does the recommendation agree with the
principles of fish and wildlife
management as relates to conservation.

18

19

20

21

Is the recommendation beneficial to
subsistence users. It has to be
beneficial to them to get our okay.

22

23

24

25

Is the recommendation supported by the
data. Is the data that was given in this
book, presented by the ADF&G, presented
by all the people who came before you, is
it adequate enough for you to make your
decision.

26

27

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31

32

And we should talk a little bit about
substantial evidence. Substantial
evidence means a reasonable person
interpreting the people came before you,
and you a reasonable person could
interpret that to support their decision.
IT doesn't mean proof beyond a reasonable
doubt or any of these other high
criterias, it just means a reasonable
person.

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And lastly we always consider what is the
effect on the non-subsistence users. And
is it justified, the action that we're
going to be taking.

44

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So if the Council could please --
somebody could try all of them at once or try those four,
and we need to get this into the record for this

1 proposal.

2

3

Ms. Phillips.

4

5

MS. PHILLIPS: Thank you, Chairman Littlefield. I will be voting for the motion. The subsistence harvest of brown and black bear does not materially and negatively effect wildlife populations of bear. And the harvest is not conducted in a wasteful manner. Current Federal regulations for subsistence harvest of brown bears and black bears require that you salvage the following parts for human use, the hide and the edible meat of brown bear and black bear.

14

15

These regulations were taken verbatim from the State regulations. The State regulations did not acknowledge certain Native cultural values and non-Native-traditional and social existence that maintain rural, customary and traditional activities.

20

21

Thank you.

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CHAIRMAN LITTLEFIELD: Thank you, Ms. Phillips. Other Council. Dr. Garza.

DR. GARZA: Thank you, Mr. Chair. I will be voting for the proposal. Does the proposal raise conservation concerns, I don't think so, currently subsistence harvesters take about 15 percent or so, certainly less than 30 percent of the total harvest. Even then some of that harvest may not be subsistence harvest but rather in subsistence areas.

In terms of conservation concerns, our bear, both brown and black bear from my understanding are healthy stocks. And further it is not the obligation of the subsistence and rural communities to bear the brunt of conservation. And so our opportunity should not be denied because a potential occurs out there. We went through that same argument with steelhead, we're going to overharvest, we're going to overharvest, we're going to overharvest, can't have them taking that, meanwhile there was a sportfishery going on for that. This is the exact same thing.

Is the recommendation beneficial to subsistence users, absolutely. I mean we have it in here documented that bear teeth, claws, hides were substantially important to certain clans throughout Southeast Alaska. People like Herman Kitka were denied

1 the opportunity to use it. He's a little bit old to go
2 out and hunt for himself and the opportunity to be able
3 to buy it from some young man who's got kids and needs to
4 make money, that opportunity should exist.

5
6 Is the recommendation supported by
7 substantial data. I think that we've had a wealth of
8 data presented both on the State and proposal and as well
9 as the Southeast proposal that documents the use by
10 Native people in Southeast. That has documented that
11 basically the stocks are healthy. And so I don't see any
12 reason not to support this proposal.

13
14 Will there be effects on non-subsistence
15 users, yes, that is possible. There may be some impacts
16 on guided hunts, I'm not sure. There was also the
17 concern of enforcement and it sounded like the majority
18 of the enforcement issues were basically non-residents
19 who weren't going through guides. That's not an
20 enforcement issue that we should deal with, but it didn't
21 sound like the enforcement issue was because rural
22 residents were going out there and illegal shooting bear.

23
24 So for all these reasons, Mr. Chair, I
25 support this proposal.

26
27
28 CHAIRMAN LITTLEFIELD: Other Council.

29
30 Mr. Adams.

31
32 MR. ADAMS: Thank you, Mr. Chairman. I'm
33 going to vote in favor of this proposal as we have
34 amended it over and over again so that it satisfies the
35 subsistence user. I don't really see any conservation
36 issues there. And I believe that we have worked it over
37 so that it does agree, you know, with the principles of
38 management of fish and game.

39
40 If you would all turn to Page 100 in the
41 booklet, I'll read a paragraph there that kind of
42 addresses the issues that we are concerned with here, and
43 I'll just go ahead and read that whole paragraph. Right
44 up on the very top of the page, it says:

45
46 It says, based on this information there
47 are no conservation concerns for either
48 brown bear or black in Southeast Alaska
49 at this time. Current brown bear harvest
50 are closer to the ADF&G maximum allowable

1 level for populations , sustainability
2 than are black bears, thus it would not
3 take a large increase in harvest to cause
4 a concern for brown bears. However,
5 subsistence harvest is a small amount of
6 the total harvest. Brown bear
7 populations are closely monitored and
8 harvest levels are kept within guideline
9 harvest levels. Black bear populations
10 are abundant, particularly in Units 1, 2
11 and 3 and habit -- changes do not seem to
12 have had an affectable influence on
13 population levels.
14

15 So I don't see any conservation concerns
16 here, Mr. Chairman. I think it does benefit the
17 subsistence users and as I mentioned earlier it does
18 support substantial data that we can make a wise and
19 proper decision on this.
20

21 I don't think it also has any effect on
22 non-subsistence users.
23

24 Thank you, Mr. Chair. Thank you. I have
25 three speakers so far in favor, are there any opposed who
26 would like to speak at this time.
27

28
29 (No comments)
30

31 CHAIRMAN LITTLEFIELD: Are there any
32 other Council, are you ready for the question.
33

34 MR. ADAMS: Question.
35

36 CHAIRMAN LITTLEFIELD: The question
37 before you is to adopt the amended language which as was
38 described and read into the record into the record by Dr.
39 Schroeder and generally as shown on Page 26, it's WP05-
40 01. All those in favor of adopting the amended language,
41 please signify by saying aye.
42

43 IN UNISON: Aye.
44

45 CHAIRMAN LITTLEFIELD: Mr. Jordan, go
46 ahead, I haven't accepted anything yet.
47

48 MR. JORDAN: Since nobody else has spoken
49 I was thinking there might be an opposition to this, I
50 think I will state my position for the record.

1 I believe very good work was done on this
2 proposal by this Council, and I appreciated being part of
3 that very much. However, for me in the final analysis I
4 am going to vote against this proposal recognizing that
5 it will pass, and that I will be in the minority but this
6 regulation raises significant conservation concerns to me
7 as most changes in regulation raise conservation concerns
8 for me.

9
10 In this case the final straw for me is
11 the fact that on a 7/5 date we're opening up liberalizing
12 the sale to licensed businesses as part of their business
13 transactions. We're not excluding that specifically,
14 which I think we should be.

15
16 Also to go through these points, I think
17 the principles of wildlife management that I've always
18 aspired to is that all users share the burden of
19 conservation. I hear quite a bit of rhetoric around here
20 that subsistence harvests are so small so as to excuse
21 subsistence harvesters from a conservation burden. I
22 feel that as the most dependent users on the resource the
23 subsistence users need to be the standard bearer for
24 conservation concerns as we look at these issues and I
25 hope that we will be, that you will be.

26
27 I think the recommendation is beneficial
28 to subsistence users to a large degree and if I was
29 solely deciding on the merits of it, especially in the
30 short-term I would for it.

31
32 Is the recommendation supported by
33 substantial data, I think there's reams of data and I
34 applaud all the people that have participated in putting
35 this together and educating us, I think we are very well
36 informed on this, but I think some of the data and the
37 testimony is conflicting, in that, there are problems.

38
39 Finally, what is the effect on the non-
40 subsistence users. I see a negligible effect except that
41 the view that we are liberalizing the sale of these
42 parts, even to businesses, may create additional problems
43 for enforcement. And the element of our society that may
44 not always follow the rules.

45
46 So anyway, it is with a heavy heart that
47 I vote in the minority because I was really hoping to be
48 able to vote in the majority and support a lot of the
49 good work that was done on this proposal, but I am going
50 to vote against it for the above stated concerns.

1 Thank you, Mr. Chairman.

2

3

4 CHAIRMAN LITTLEFIELD: Thank you. Other
5 Council.

6

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9

10 MR. HERNANDEZ: Mr. Chairman, I've had a
11 difficult time deciding my own self on how to vote on
12 this one for many of the same reasons that Mr. Jordan
13 has.

14

15 However, I think I'm going to take the
16 stance of, you know, not speculating on a conservation
17 concern in this instance, however, I think that in the --
18 maybe the next step in this process we may need to enact
19 some regulation that would try and give us a better
20 handle on tracking just how much of this activity is
21 going on, I don't think anything in this regulation gives
22 us a good handle on this situation. And seeing as how it
23 is speculative what may occur, I think we should all be
24 thinking along the lines what we may have to do maybe as
25 a result of this regulation to try and keep better track
26 of just how much activity is taking place out there.

27

28 So I'd just like to say that I will be
29 voting for this measure at this time with that also in
30 the back of my mind for the future.

31

32

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35 CHAIRMAN LITTLEFIELD: Thank you. Other
36 Council.

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MR. DOUVILLE: Thank you, Mr. Chairman.
Chairman Thomas said there has never been a documented
species wiped out by subsistence or decimated in any way.
Prior to statehood, all of these things we're talking
about were completely legal and practiced and they
weren't wiped out or damaged in any way, so I fully
intend to support this motion because there is nothing
but fear itself keeping you from doing it. Just like
steelhead, just like other things, well, oh, this might
happen, well, it doesn't happen. And I don't think it
will change much. And it was practiced customarily in
the past, customary and traditional, before statehood, so
I don't see a problem with it.

Thank you.

1 CHAIRMAN LITTLEFIELD: Thank you. Other
2 Council.

3
4 MR. PHILLIPS: Mr. Chairman.

5
6 CHAIRMAN LITTLEFIELD: Let's go Mr.
7 Adam's first, then Ms. Phillips.

8
9 MR. ADAMS: I'll yield to Patty.

10
11 MR. PHILLIPS: Thank you, Chairman
12 Littlefield. I mentioned earlier about the sale,
13 purchase or receive in my opinion is customary trade. I
14 also mentioned earlier that Goldschmidt Haas documented
15 customary and traditional ways of Alaska Native life in
16 Southeast Alaska from the 1940s. It documented the
17 harvest of wildlife for sale to the non-Natives. And the
18 1800s, HH Bancroft wrote the history of Alaska, and in it
19 he also documents the harvest of fish and wildlife for
20 sale to non-Natives. And I'm just trying to verify why
21 I'm supporting another part of this proposal.

22
23 CHAIRMAN LITTLEFIELD: Thank you. Mr.
24 Adams.

25
26 MR. ADAMS: Thank you, Mr. Chairman. And
27 thank you Patty for bringing that up again, I was going
28 to reiterate that as well. I have that book, and it's a
29 great book. The thing that I like about it is that not
30 only one person, you know, is making a statement but it's
31 backed up by other testimonies from other people. So
32 that's a real excellent book.

33
34 I think the problems and conflicts that
35 we are going to experience in this thing as addressed,
36 you know, by a couple of the other Council members, is
37 are problems and conflicts that's going to be -- we're
38 going to be confronted with any type of a regulation.
39 And I support, you know, Mr. Hernandez idea of hoping
40 that we can develop a tracking program that would keep
41 better records or data about, you know, what is taken and
42 so forth. And so with that, I just wanted to make that
43 statement and thank you for allowing me.

44
45 CHAIRMAN LITTLEFIELD: Other Council.
46 Dr. Garza.

47
48 DR. GARZA: Thanks, Mr. Chairman. Two
49 more points. I mean one is that one of the ethics of
50 utilization is full utilization, you know, they say if

1 you take something you're supposed to use it all, you
2 know, and so this is exactly what we're doing so it fits
3 perfectly within conservation ethics.

4
5 I am concerned with one of the points
6 that Eric brought up, in terms of that last point of
7 being able to sell within a business. And I understand
8 -- I mean I don't want to see it in galleries in
9 Anchorage, I don't want to see it in tourist shops, I
10 don't want to see it in things like that, but the concern
11 I had was that there are people that their business is
12 arts and crafts, and if they have that \$100 license then
13 they're just absolutely excluded from this. And I don't
14 know if there is a way at the State level to sort of
15 getting around providing the opportunity to people who do
16 this in rural Alaska as part of making their money so
17 they don't have to live off of Welfare and still take
18 care of that sort of urban, don't want to put it in those
19 kind of shop situation. Under MMPA, the way we deal with
20 it, that's Marine Mammal Protection Act, is that has to
21 be in the in cottage industry base, so it has to be sort
22 of a one person operation, a small operation, if it goes
23 into this industrial operation then it is illegal. And I
24 don't know if we could look at something like that in
25 terms of providing boundaries, but I certainly would
26 agree that if we looked at boundaries in the future that
27 that would be good.

28
29 Thank you.

30
31 CHAIRMAN LITTLEFIELD: Mr. Jordan.

32
33 MR. JORDAN: To just follow up briefly.
34 That, what Dolly -- what Dr. Garza just said, is the crux
35 of why I ended up voting the way I do. And when you're
36 speaking to the Subsistence Board on this, as there's
37 further wrestling with this, if that can be addressed, it
38 would, I think, go a long way to satisfying some of my
39 individual concerns.

40
41 I also want to say how much I respect the
42 positions of all the other Council members as they've
43 come down. And I also want to say in respect to my
44 friend, the guide here, though, that I understand that
45 we're making regulations dealing with subsistence here in
46 the face of a highly valuable guided industries use of
47 the bears in a wholly different fashion that I personally
48 have some issues with but are not germane to this
49 discussion, and I just hope that my concerns about
50 subsistence would not mean that I totally support what's

1 going on in another arena while we're focusing on the
2 details of people harvesting bears primarily for their
3 own use.

4
5 Thank you.

6
7 CHAIRMAN LITTLEFIELD: Other Council
8 comments. Questions.

9
10 Mr. Bangs.

11
12 MR. BANGS: Thank you. Mr. Chairman. I
13 had the same concerns as Mr. Jordan, and I think that Dr.
14 Garza explained it very well, that we need to keep in
15 mind that if we go through these proposals and always
16 worry about the things that might happen, we wouldn't get
17 very far. And with that in mind I think that there isn't
18 a problem and if we're going to carry on with anything we
19 need to keep that in mind.

20
21 And so with that point alone, I was
22 worried about exclusion of the business aspect of it, but
23 I think we need to move ahead and I'm going to vote in
24 favor of this.

25
26 Thank you.

27
28 CHAIRMAN LITTLEFIELD: Thank you. Mr.
29 Kookesh.

30
31 MR. KOOKESH: I'm breaking my vows.

32
33 (Laughter)

34
35 MR. KOOKESH: Mr. Chairman, I support the
36 proposal as it's posted here. And one of the things I'd
37 like to say is they always tell us that change is hard to
38 accept, you know, all of us know that. I know that just
39 from listening to Mr. Jordan, I'm almost wondering if
40 you're with PETA, I mean pretty soon we're going to start
41 banning leather shoes, you know, then what would we have.

42
43 But to get to my point. I noticed that
44 on Page 54 and I've had the opportunity to read this book
45 twice and then to see all this information just keep
46 coming out at me, on Page 54 on the second to the last
47 paragraph, and it talks that the language that may be --
48 it's important that we should look at down the road, and
49 it says to legalize the sale of black and brown bear
50 hides and parts would represent a major change in the

1 approach to black and brown bear management in Alaska,
2 and such a change could be expected to impact a wide
3 variety of related programs and regulations. And my
4 point being that maybe we should go down that road, you
5 know, it might not be a bad thing. Maybe it's time to
6 accept change and maybe it will be for the better.

7
8 You know, just like said, we should lay
9 all our cards on the table and find out how much we're
10 actually taking, it might not be that bad of a monster.

11
12 But I do support this proposal, Mr.
13 Chairman.

14
15 CHAIRMAN LITTLEFIELD: Okay, thank you.
16 Other Council.

17
18 (No comments)

19
20 CHAIRMAN LITTLEFIELD: Just for the
21 record, and for the Council's, letting them know what
22 I've done at the Federal Subsistence Board, of course,
23 you know when this first came forward, I told the Federal
24 Subsistence Board and in an aside after with Mr. Bschor,
25 that this Council would certainly be willing to act if
26 there were bona fide conservation issues brought forward
27 to us, that we could see there was a problem with this,
28 and we would not just say there can't be any concerns.

29
30 But what we have is the sky is falling,
31 and I don't buy any of that. I never buy any of that.
32 All of these things are all conjecture that we're going
33 to have problems with law enforcement, we already have
34 people selling gall bladders right now, it's against the
35 law. We have them selling claws now, it's against the
36 law. And law enforcement needs to do their part and take
37 care of that, that's not what we're here for.

38
39 We're here to provide a meaningful
40 priority for subsistence users, and the criteria is
41 spelled out in ANILCA and that's why we're going through
42 this three criteria, and if it meets that criteria, the
43 Federal Subsistence Board cannot overrule the decision of
44 this Council and that's why we're going through this
45 process.

46
47 And for me, this is merely an allocation
48 issue. If there was a problem and we took twice as many
49 bears for subsistence, the bears would have to come from
50 somewhere else. But that's what this program is, it's

1 for subsistence users it is not for commercial users, it
2 is not for sport users, that is not in our purview. If
3 the changes that we make have an affect, they need to be
4 justified and here we're talking a very small amount.

5
6 So there's no conservation problem at
7 all, as long as the subsistence users took less than 241
8 bear a year there would be zero change to the bears that
9 are taken in Southeast Alaska. And like I said it's
10 strictly allocative, the guides would lose some but
11 that's the way it is, subsistence is the priority. The
12 recommendation is, without a doubt, beneficial to
13 subsistence users.

14
15 The record is clear that the Tlingit and
16 Haida and Tsimshian of Southeast Alaska used brown bears
17 in their entirety before contact and before the game
18 management laws of the state of State prohibited. Brown
19 bear hides and other hides, moose hides they were
20 considered money, dona, long tie ago, and that's what you
21 would bring to a potlatch, is hides. What we do now,
22 that's just money, but that's the same way we look at it.
23 We have a customary and traditional use of doing this
24 that predates Americans and predates contact with the
25 non-Native populations, and it's something we should be
26 able to do.

27
28 The data, as was mentioned earlier, is
29 suspect in that it over estimates the amount of
30 subsistence use. It does not -- the data, I would have
31 no problem with 15 percent or 16 if that was the actual
32 figure, I think it's way less than that, I think it's one
33 percent or even less. And so when we do our job here we
34 need to make sure that those criteria are met because
35 that's the standard, not what we feel about other things,
36 the standard is meet those criteria, when we go to the
37 Federal Subsistence Board we will defend the position on
38 that and they have to refute it on that and I've been
39 asking them to, if you refute our proposal you need to
40 justify why according to these criteria.

41
42 And, again, I will go on the record
43 saying that I'm not opposed to taking action if the land
44 manager says we've got a problem, people are killing all
45 the bears and they say can we close the subsistence, I'm
46 not opposed to that. But then the problem will be real,
47 and right now they're not real, and so I certainly am in
48 favor of this.

49
50 Any other Council.

1 (No comments)
2
3 CHAIRMAN LITTLEFIELD: You ready for the
4 question.
5
6 (Council nods affirmatively)
7
8 CHAIRMAN LITTLEFIELD: All those in favor
9 of adopting the language of WP-01 as changed, adopted,
10 amended and is shown on the board please signify by
11 saying aye.
12
13 IN UNISON: Aye.
14
15 MR. SOFOULIS: Aye.
16
17 CHAIRMAN LITTLEFIELD: The motion is
18 carried. It's WP05-01 is adopted. We have a few minutes
19 before we go to deer. I would like to take care of WP-03
20 because my recommendation there is that we take no action
21 on WP05-03 because what we've done is we've taken all of
22 the language in WP05-03 and substituted it into WP05-01
23 and so there really is no sense in going through all of
24 this debate again, we've heard all of the language. So
25 my recommendation would be to have a motion to defer
26 WP05-03. It would be no action, on the motion.
27
28 MS. PHILLIPS: Chairman Littlefield.
29
30 CHAIRMAN LITTLEFIELD: Ms. Phillips.
31
32 MS. PHILLIPS: Move to take no action on
33 WP05-03 because it's been made moot by our previous
34 action.
35
36 MR. DOUVILLE: Second.
37
38 CHAIRMAN LITTLEFIELD: There's a second.
39
40 MR. DOUVILLE: Second.
41
42 CHAIRMAN LITTLEFIELD: What we have before
43 us, the action, if we were to adopt this would be -- we
44 should just leave it in limbo, we haven't taken any
45 action on it.
46
47 MR. ADAMS: Mr. Chairman, for the sake of
48 discussion I would second it.
49
50 CHAIRMAN LITTLEFIELD: Well, we did have

1 a second.
2
3 MR. ADAMS: Did we?
4
5 CHAIRMAN LITTLEFIELD: Yes, we did.
6
7 MR. ADAMS: Okay.
8
9 CHAIRMAN LITTLEFIELD: Okay. So there's
10 really -- I don't see any sense to debate this. It just
11 doesn't make any sense to do so. We've covered all of
12 those points in Proposal 1.
13
14 Anybody want to comment on that.
15
16 MR. ADAMS: Mr. Chairman.
17
18 CHAIRMAN LITTLEFIELD: Mr. Adams.
19
20 REPORTER: Who seconded, Mr. Douville, is
21 that right, I think that's who I have?
22
23 MR. ADAMS: Who seconded, she wants to
24 know who seconded it?
25
26 CHAIRMAN LITTLEFIELD: Mr. Douville.
27
28 REPORTER: Thank you.
29
30 CHAIRMAN LITTLEFIELD: And if I allow
31 discussion it's been seconded.
32
33 DR. GARZA: Question.
34
35 CHAIRMAN LITTLEFIELD: Question's been
36 called for, all in favor of taking no action on WP05-03
37 please signify by saying aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN LITTLEFIELD: Those opposed same
42 sign.
43
44 (No opposing votes)
45
46 CHAIRMAN LITTLEFIELD: And there's no
47 action on three. At this time let's take a short break,
48 we're going to come back with -- we're going to go
49 outside of the agenda and adjust it a little bit, we're
50 going to come back with 11, which is the update on Unit 2

1 Deer Subcommittee, Mr. Hernandez will have that.

2

3 We'll take a short break.

4

5 (Off record)

6

7 (On record)

8

9 CHAIRMAN LITTLEFIELD: Okay, the meeting
10 will come back to order, please take your seats.

11

12 (Pause)

13

14 CHAIRMAN LITTLEFIELD: Dr. Schroeder has
15 brought sustenance to us this morning, I think we should
16 request that we have bear claws in the morning.

17

18 (Laughter)

19

20 CHAIRMAN LITTLEFIELD: Mr. Hernandez is
21 the Chair of the Unit 2 Deer Subcommittee and he will be
22 allowed 10 minutes to make his case.

23

24 (Laughter)

25

26 CHAIRMAN LITTLEFIELD: No, kidding, go
27 ahead, Mr. Hernandez.

28

29 MR. HERNANDEZ: Okay, thank you, Mr.
30 Chairman. I have Doug Larsen from ADF&G, he's the Staff
31 person representing the Department on our subcommittee
32 and Dave Johnson is here also representing the Staff for
33 the Forest Service that's been involved in this. Greg
34 Killinger, the Craig Ranger District was the actual
35 person that sat on our committee but he's not here,
36 Dave's been to all the meetings so he can fill in on any
37 questions concerning the Forest Service's role in this.

38

39 So hopefully in your handouts you have a
40 copy of the report prepared that you can follow along
41 with and I'll go through that first and then we'll answer
42 any questions you have and we'll pay probably particular
43 attention to the deer harvest report, which we will be
44 dealing with as a proposal relating to the permitting
45 requirement and we can answer specific questions on that.

46

47 So as an introduction, the Unit 2 Deer
48 Subcommittee was established by the Federal Subsistence
49 Board in April of 2004, this past year, at the
50 recommendation of the Southeast Alaska Regional Advisory

1 Council, the subcommittee's goal is to develop a
2 subsistence based publicly supported management approach
3 for deer in Unit 2 and that should allow subsistence
4 users of deer to meet their needs as required under
5 ANILCA. Account for changes in forest habitat that may
6 affect deer population abundance over time. Recognizes
7 changes and access and demography that may affect hunters
8 future demand for deer and also minimizes adverse affects
9 on non-subsistence hunters who also Use Unit 2.

10

11 So far we've met three times. We had a
12 meeting in Craig in November, Ketchikan in December and
13 Wrangell just this past January. And we have two
14 additional meetings scheduled to try and accomplish our
15 goal statement.

16

17 At each meeting the subcommittee has
18 heard technical presentations by State and Federal agency
19 wildlife and land managers and we've also heard public
20 testimony and discussed the issues involved with managing
21 Unit 2 deer. And this past meeting in January we began
22 -- the subcommittee began to develop recommendations to
23 pass on to you, the Council, on a number of issues.

24

25 This is an interim report that describes
26 the subcommittee process and recommendations to date and
27 we will have a final report that will be presented to the
28 Council when we complete our goal.

29

30 So the problem statement addressing the
31 issues is we developed the following problem statement to
32 outline the issues that we planned on addressing in our
33 five meetings, and here is the problem statement.

34

35 Strong concerns have been raised in
36 regulatory proposals to the Federal Subsistence Board
37 since 1997, that the subsistence needs of Federally-
38 qualified users of deer in Game Management Unit 2 are not
39 being met. While the Board has responded with regulatory
40 changes, the new regulations have been contentious and
41 have highlighted the need for high quality information on
42 which to base regulatory decisions. In addition, the
43 Unit 2 Deer Planning Subcommittee anticipates that there
44 will be increasing pressure on the deer resource and
45 potential for conflict among users in the future as the
46 demand for deer increase with improved access to and on
47 Prince of Wales Island and demographic change and the
48 supply of deer decreases as the regenerating forest on
49 thousands of acres of clear-cuts provide less productive
50 habitat for deer. The magnitude of the population

1 decline is difficult to estimate. Winter weather and
2 wolf predation also affect deer abundance on the island.

3
4 Based on this problem statement the
5 Subcommittee sees a need to anticipate and plan for
6 changes or changing conditions and potential
7 supply/demand problems related to deer management in Unit
8 2 in the future.

9
10 The following issues which were
11 identified and will be discussed by the Subcommittee
12 relate to understanding and managing the demand for deer
13 in Unit 2. And understanding and attempting to influence
14 the supply of deer. To adequately address many of these
15 issues, the Subcommittee may recommend additional data
16 collection and/or research.

17
18 So that's just saying that's how we've
19 dealt with the problem, that's how we decided to deal
20 with the problem, we kind of broke it down into problems
21 related to demand and then problems related to supply.
22 And then we put together a table here that kind of
23 details what we've discussed.

24
25 And on the demand side, the first topic
26 is the use and need for deer. And what we decided was we
27 need to improve data on annual yearly harvest, and know
28 how many deer are taken by who and where. And we have
29 come up with one recommendation in regard to that.

30
31 On improving data on subsistence use and
32 documentation of subsistence needs, our discussion is
33 still under way. Now, the Subcommittee has identified
34 the need for improved information on subsistence use and
35 need as a high priority. U.S. Forest Service and ADF&G
36 are working to recommend a research approach and plan for
37 funding through the Wildlife Information Services. And
38 we have a recommendation on that issue also.

39
40 On deer harvest management, we hope to
41 improve coordination of Federal and State harvest
42 management, and we have a recommendation there regarding
43 mandatory harvest reporting system which would be jointly
44 administered by U.S. Forest and ADF&G. The proposed
45 system would improve State and Federal coordination and
46 harvest management and reduce confusion for hunters.

47
48 We addressed enforcement issues and
49 discussion is still underway on that. State and Federal
50 law enforcement officers have met with the Subcommittee

1 to discuss enforcement efforts and regulation changes
2 that could address enforcement issues.

3

4 On access questions. We considered
5 impacts of road management, maintenance and closure
6 decisions on subsistence and non-subsistence hunting
7 demand, and we have a recommendation on that regarding
8 planning for road and access management on Federal lands
9 on Prince of Wales Islands.

10

11 Considering effects of the Inter-Island
12 Ferry Authority to Prince of Wales Island on hunting
13 demand. The Subcommittee heard a presentation about the
14 IFA ferry service and plans for it to serve Coffman Cove.
15 No further discussion has occurred.

16

17 So those are the issues and actions we've
18 taken in regards to demand for deer.

19

20 On the supply of deer. Understanding
21 deer population trends, we'd hope to improve data on deer
22 population trends in Unit 2 and discussions are still
23 underway there. The Subcommittee has identified the need
24 for improved information on deer population as a high
25 priority. A task group is working on a recommended
26 approach for potential funding through the WIS system,
27 and we have a recommendation on that.

28

29 Actions to increase deer population in
30 Unit 2. We considered potential for young growth forest
31 management to increase productivity for deer and we have
32 a recommendation on that regarding treating young growth
33 forest stands.

34

35 Considering approaches to timber land
36 management to benefit or avoid impacts to deer resource,
37 we have a recommendation there regarding alternative
38 harvest design and methods that provide more benefit to
39 wildlife resource.

40

41 On predator management, we've had no
42 discussion to date.

43

44 Changes to harvest regulations that would
45 increase productivity with deer populations, we have no
46 discussion to date on that.

47

48 Those were topics that we've discussed
49 talking about we just haven't discussed them yet.

50

1 Actions to maintain or enhance physical
2 access to the deer supply. We considered how road
3 management decisions, maintenance and closure may impact
4 access to deer supply and the ability of subsistence
5 hunters to meet their needs, and we have a recommendation
6 there regarding planning for road and access management
7 on Federal lands on Prince of Wales Island.

8
9 As far as the future of Unit 2 deer
10 management scenarios and alternatives. We'd like to
11 address potential future scenarios related to deer supply
12 and demand on Prince of Wales Island and consider a
13 toolbox of alternative management approaches to meet
14 subsistence needs while minimizing adverse effects on
15 non-subsistence users. And we just began this discussion
16 at our last meeting, and that needs to have more
17 discussion on that topic.

18
19 We have listed the recommendations that
20 we have made that I mentioned, just previously, we have
21 those recommendations all listed here for you. And these
22 are all recommendations that the Subcommittee is putting
23 forward to you as a full Council. These are things that
24 we reached consensus on, and we would be asking the
25 Council for their approval of our recommendations to be
26 passed on to various agencies to implement and that's
27 what we hope to have done at this meeting, is for you to
28 review these recommendations and give your approval or
29 rejection of them.

30
31 And those recommendations are on the
32 harvest reporting, Federal funding for wildlife and
33 subsistence research needs, the access and travel
34 management plan, and potential for management of young
35 growth stands.

36
37 And the harvest reporting, and this
38 relates to the proposal that you have before you on the
39 registration permit and this is our recommendation. The
40 Subcommittee recommends implementation of the mandatory
41 Unit 2 deer harvest reporting system developed by the
42 U.S. Forest Service and the ADF&G to achieve the
43 following goals. Have a high harvest information report
44 rate, hopefully over 90 percent with community specific
45 harvest information. Have a unified permit and harvest
46 report forms for all deer hunters for all deer and all
47 deer hunts on all lands in Unit 2. This would be
48 subsistence, non-subsistence and antlerless deer. The
49 system should be convenient for the user, making it
50 available at convenient locations, simple paperwork and

1 no additional fees. Required harvest reporting would
2 have required harvest reporting but without heavy-handed
3 enforcement. It would also educate hunters regarding the
4 importance and benefit of reporting accurate deer harvest
5 information. And we have a presentation of the proposal
6 that we've put together and we'll be presenting that to
7 you also.

8
9 In the Federal funding for wildlife and
10 subsistence use research, the Subcommittee recommends
11 that the Wildlife Information Studies WIS funding
12 available to the Tongass National Forest for wildlife
13 research related to subsistence management in fiscal year
14 2005 be prioritized for research related to Unit 2 deer
15 management. Funding should be targeted to meeting the
16 priority information needs identified in the Unit 2 Deer
17 Planning Subcommittee, including harvest information, how
18 many deer are taken, where, when, by whom and level of
19 effort and deer population, population trends and factors
20 that influence the population and subsistence use and
21 need. What is the subsistence use and need for Unit 2
22 deer relative to the provisions of ANILCA, Title VIII.

23
24 Our recommendation U.S. Forest Service
25 access and travel management planning. The Subcommittee
26 recognizing that not all existing U.S. Forest Service
27 roads on Prince of Wales Island will be kept open to
28 vehicle traffic due to funding constraints. Decisions
29 regarding which road should remain open for road and off
30 road vehicle should consider the importance of road
31 access for deer hunting, particularly in areas where
32 hunting pressure is high. Should also recognize that
33 road closure may be a tool that would help manage and
34 improve deer supply. Roads that are closed should be
35 left passable for foot traffic for hunter access.

36
37 And our recommendation on potential
38 management of young grown stands for deer benefit. The
39 Subcommittee encourages the U.S. Forest Service to
40 continue and expand its research and to implement a
41 comprehensive program to restore and rehabilitate young
42 growth forest for the benefit of deer. It also
43 encourages implementation of alternative commercial
44 timber harvest methods, that is alternatives to clear-
45 cutting that may provide greater benefit to deer than the
46 harvest techniques of the past. The young growth forest
47 rehabilitation program should target areas that would
48 provide the greatest benefit by increasing the supply of
49 deer in areas intensively used for hunting.

50

1 To address the issues with deer supply
2 relative to demand. The Subcommittee recommends that the
3 U.S. Forest Service State and private forestry work with
4 private land owners to support and implement similar
5 young growth rehabilitation projects on their lands.
6

7 So the report also has the minutes from
8 our meetings included in them if you care to look at
9 those. And then I guess maybe at this time I'll ask if
10 there's any questions. We'll probably want to spend some
11 more specific time going over our recommendation on the
12 harvest report. That's something that requires, to me,
13 an action, so I don't know if you have any questions at
14 this point.
15

16 CHAIRMAN LITTLEFIELD: Thank you, Mr.
17 Hernandez for that report. I have one question on Page 3
18 under the supply of deer under 3, two -- third bullet, it
19 says consider predator management, no discussion to date.
20 For the record, the Federal Subsistence Program does not
21 do predator management so that would have to be under the
22 State if they were to do any of that. But maybe you
23 could correct me if I'm wrong here, Mr. Knauer, but I
24 believe there was a paper presented to the Federal
25 Subsistence Board that predator management is not within
26 the purview of Title VIII, so we can't consider -- maybe
27 Mr. Knauer, if you could explain that.
28

29 MR. KNAUER: You're correct, Mr.
30 Chairman.
31

32 CHAIRMAN LITTLEFIELD: Okay. So let's
33 make sure of that when we put that in there, that it has
34 to be only the State that can do this, we can't go there.
35 That's all I had.
36

37 Other Council questions. Okay, let's go
38 with Mr. Adams and then Mr. Kitka.
39

40 MR. ADAMS: I don't have a question, I
41 just want to compliment, you know, Don, and your group,
42 you know, for a job well done here. And when this
43 committee was formed and knowing that Mike and Dolly and
44 you were going to be the lead people on this I could see
45 that you got yourself some real good committee members
46 that -- I don't know whether they volunteered or whether
47 you asked them to participate or not, by my compliments
48 to you and I'll probably have some questions later on as
49 we go through.
50

1 Thanks.

2

3 CHAIRMAN LITTLEFIELD: I second. Mr.
4 Kitka.

5

6 MR. KITKA: Thank you, Mr. Chairman.
7 Don, I really liked your presentation and I was more
8 curious as to whether your committee members were happy
9 with the way things worked or if there were any problems
10 in that point?

11

12 MR. HERNANDEZ: Thank you. Mr. Kitka, Mr.
13 Adams. The Subcommittee's been working very well
14 together. It's a very diverse group, we have members of
15 -- residents of Prince of Wales Island, residents of
16 Ketchikan, four from each area and as well as the Staff
17 people Council members and somebody from Wrangell,
18 somebody from Petersburg as well and we have all been
19 working together very well. It's been a very positive
20 experience.

21

22 CHAIRMAN LITTLEFIELD: Other Council.

23

24 Mr. Bangs.

25

26 MR. BANGS: Yes, thank you, Mr. Chairman.
27 I'd just like to thank Jan Caufield for speaking us on
28 track because the meetings were a diverse group like that
29 tends to stray off and she really did a good job, so I
30 just wanted to acknowledge her hard work and keeping us
31 focused.

32

33 CHAIRMAN LITTLEFIELD: Other Council.

34

35 (No comments)

36

37 CHAIRMAN LITTLEFIELD: And we would
38 acknowledge that in our customs and say Ah Haa or Ah Waa,
39 or something (ph), but we know you don't know that.

40

41 Other Council.

42

43 (No comments)

44

45 CHAIRMAN LITTLEFIELD: I want to echo
46 those comments. When I talked earlier about serving with
47 no compensation, this Unit 2 Deer Subcommittee serves
48 with no compensation, that includes the members of the
49 public they're only given their expenses to come there,
50 and I applaud you for that, all of you that have served

1 on there, the Council members as well as public because
2 this takes a commitment to try to solve these things, and
3 I know that the schedule that you guys have is quite
4 active, it's been active.

5
6 Mr. Hernandez, proceed as you want to go.

7
8 MR. HERNANDEZ: Thank you, Mr. Chairman.
9 I think we'd like to get into our recommendation on the
10 deer harvest reporting system now. That's detailed on
11 Pages 168/69 in the briefing book and it's also on the
12 back of the handout that you were all given. So if
13 everybody has that.

14
15 Just as background, as you know the
16 Regional Council submitted two proposals, one to the
17 Federal Subsistence Board and one to the Board of Game,
18 asking for a registration permit hunt for Unit 2 deer.
19 The Board of Game met in November and discussed our
20 proposal and they deferred it and asked that the Unit 2
21 Deer Subcommittee which had been formed, review that
22 proposal and give our opinion on the proposal. We did
23 that at our December meeting and the Subcommittee
24 recommended that the registration permit be adopted.

25
26 After that meeting, here we get to where
27 it starts in your briefing book, following the December
28 meeting of the Unit 2 Deer Planning Subcommittee, Staff
29 from the USDA Forest Service and the Alaska Department of
30 Fish and Game met to discuss the Subcommittee's
31 recommendation to improve the deer harvest reporting by
32 establishing a registration permit hunt. Mike Douville
33 and myself also participated in that meeting. The
34 Interagency group focused on achieving the Subcommittee's
35 and Regional Advisory Council's goal for collecting Unit
36 2 deer harvest information, and those goals included the
37 high harvest information report rate, with community
38 specific harvest information. A unified permit and
39 report form for all deer hunters, all deer hunts on all
40 lands in Unit 2, that includes subsistence, non-
41 subsistence and antlerless deer, convenience for the
42 user, available at convenient locations, simple
43 paperwork, no additional fee and had a required deer
44 harvest reporting without heavy-handed enforcement and
45 would also educate hunters regarding the importance and
46 benefit of reporting accurate deer harvest information.

47
48 As a result of this meeting, the U.S.
49 Forest Service and Alaska Department of Fish and Game
50 developed an alternative to the registration permit that

1 they felt would meet the above goals, would use existing
2 agency systems to minimize impacts on hunters, staff and
3 budgets. They were suggesting to the Subcommittee that
4 this alternative system be used instead of the
5 registration permit hunt for Unit 2 deer. The system
6 would include the following features, and we get into
7 those.

8

9

10 So after our December meeting, the group
11 that was put together to see how a registration permit
12 hunt could operate, decided that they could come up with
13 a better alternative to a registration permit hunt. They
14 put together their ideas and then brought them back to
15 the Subcommittee to see if that met what we intended as a
16 goal and we felt that it did and now we are bringing that
17 alternative to the full Council to see if it meets with
18 your approval as an alternative to the registration
19 permit.

20

21 And that is on Page 168 and 169 in the
22 book.

23

24 So here's how it's proposed to work and
25 the specifics have been worked out by Fish and Game and
26 Forest Service Staff and, you know, any questions you
27 have about the specifics, Dave and Doug could probably
28 answer.

29

30 So as far as harvest tickets and harvest
31 report form. Unit 2 deer hunters would obtain a standard
32 deer harvest ticket with an attached Unit 2 deer harvest
33 report form. The harvest report form would be jointly
34 developed by the U.S. Forest Service and ADF&G. It would
35 state that the harvest tags can be used for all Unit 2
36 deer hunts, and that would be subsistence, non-
37 subsistence as well as antlerless on all lands, that
38 would be on State, Federal or private by hunters that
39 qualify for those hunts. It would state that the
40 reporting deer harvest information is mandatory. It
41 would ask for information that is similar to that
42 requested through the present ADF&G mail out survey and
43 what's on the Federal registration permit. This would
44 allow the ADF&G to readily enter the harvest data into
45 its existing data management systems. It would also
46 explain to hunters how reporting accurate harvest
47 information will benefit hunters and conservation of Unit
48 2 deer. And it would include a place to record the
49 harvest ticket numbers on the harvest report form to
50 allow for response tracking.

1 Issuing harvest tickets and harvest
2 report form. The harvest tickets and report forms could
3 be issued to hunters by ADF&G, U.S. Forest Service,
4 tribal organizations and existing vendors. There would
5 be no additional fee to the hunter. The ADF&G Region 1
6 staff would educate the vendors and tribal organizations
7 about the harvest report form and the critical importance
8 of returning harvest ticket overlays to the ADF&G. For
9 submitting the report, hunters could mail the report form
10 to ADF&G Region 1 offices or drop it by the local offices
11 or a tribal office. The report forms would then be
12 forwarded to the ADF&G Region 1.

13
14 For data entry. ADF&G Region 1 Staff
15 would enter the harvest report data and manage the data
16 base. Summary of reports of Unit 2 deer harvest
17 information would be issued jointly by the ADF&G and U.S.
18 Forest Service. And there would be a follow up. ADF&G
19 would track initial responses. The ADF&G and the Forest
20 Service would then follow up with non-responsive hunters
21 to boost the response rates. The agencies would share in
22 follow up efforts and phone calls. The agencies may
23 decide to conduct household visits to encourage hunters
24 to complete the report form, where necessary to boost the
25 response rate. Face to face visits would likely be
26 conducted by tribal representatives or other local
27 entities not connected to enforcement agencies to
28 encourage response and accurate reporting.

29
30 Also designated and proxy hunter permits
31 would not be affected by the joint permit harvest report
32 system. Participants in these hunts would continue to
33 obtain permits and report their harvest through the U.S.
34 Forest Service and ADF&G

35
36 So that's how we're envisioning the new
37 alternative reporting system to work and do you have any
38 questions?

39
40
41 CHAIRMAN LITTLEFIELD: I have one
42 question, was there any discussion on the increase of
43 license fees and perhaps the fall out on that? You know,
44 I'm sure there's going to be some people who are going to
45 be saying that they don't want to have any harvest
46 tickets for subsistence users. What would that do to
47 this program, how would that upset the ball cart if, in
48 fact, bona fide subsistence users didn't have to pay for
49 a license fee or harvest tickets and tags?

50

1 MR. LARSEN: Thank you, Mr. Chairman. If
2 a license fee increase were to go into place, that would
3 have no effect on harvest tickets. Currently harvest
4 tickets can be picked up by any hunter having a hunting
5 license and there's no cost for those.

6
7 CHAIRMAN LITTLEFIELD: Council. Any
8 questions on the alternative approach.

9
10 (No comments)

11
12 CHAIRMAN LITTLEFIELD: Go ahead.

13
14 MR. ADAMS: Mr. Chairman.

15
16 CHAIRMAN LITTLEFIELD: Mr. Adams.

17
18 MR. ADAMS: Thank you, Mr. Chairman. I
19 just feel like something needs to be said here and no one
20 has offered to make any comments on this and I guess I
21 just need to commend the committee for a job well done,
22 they seem like they covered all of the basis here for us
23 and it's going to make it a lot easier for us, you know,
24 to adopt some of this stuff.

25
26 Thank you.

27
28 CHAIRMAN LITTLEFIELD: Yeah, by leaving
29 it right here that doesn't stop it, we're going to be
30 bringing this up when we discuss WP-04, this alternative
31 approach, it will get a full airing but right now we're
32 just getting the information presented to us and we
33 appreciate it, it certainly helps our understanding. And
34 I'll agree with Mr. Adams, we applaud the work that
35 you've done so far.

36
37 Other Council.

38
39 DR. GARZA: Thank you, Mr. Chairman. I
40 think this committee is an important committee. It's
41 surely been an important voice for Ketchikan hunters. At
42 the Ketchikan Subcommittee we had 50-plus people that
43 came to testify. But one of the things that really
44 popped out from that testimony was the absolute lack of
45 knowledge about ANILCA, and that wasn't in this report.
46 But I think that we need to -- that needs to be in the
47 recommendation and I did miss the Wrangell meeting, so
48 it's my fault that I wasn't there to push that.

49
50 But I think that we need to find some

1 time, and at least spend time, if no where else, in
2 Ketchikan, because the misinformation really led to
3 misunderstandings. I mean there was, of course, there
4 was this rumor it sounded like going through that we were
5 basically as a Subcommittee there trying to finish
6 closing down Ketchikan's access. And people just didn't
7 understand the steps that you go through in terms of
8 enacting ANILCA requirement and what it actually meant to
9 Prince of Wales people as well as to Ketchikan people.
10 They were not aware that we, as a Council, had supported
11 Ketchikan as a rural designation and that we weren't
12 actually trying to wipe them out.

13

14 So think that's something that we might
15 want to discuss in terms of perhaps giving direction to
16 the committee even though it's focused on U2 deer, for
17 us, as a Council, part of our problem with U2 deer is
18 that lack of knowledge and education on ANILCA.

19

20 The other point that I wanted to make
21 sure got brought up that wasn't in this report was that
22 there is no mechanism for us to have an understanding of
23 Ketchikan harvester needs. Again, that kind of
24 information is gathered by ADF&G through their
25 Subsistence Division but because Ketchikan is not rural,
26 that kind of data is not collected, and those kind of
27 monies aren't instantly available, you know, through any
28 source that I know of to provide that kind of research
29 and data and I think it would be helpful in the big
30 picture if we had an idea of Ketchikan's use, their
31 needs, whether or not there was established cultural
32 uses, blah, blah, blah.

33

34 Thank you.

35

36 CHAIRMAN LITTLEFIELD: Do you want to
37 response to that? Mr. Johnson.

38

39 MR. JOHNSON: Just a brief response. Mr.
40 Chairman. Dr. Garza. The blue book that's commonly
41 referred to as the deer work that was done by Mike Turek
42 and Bob Schroeder some years ago does have a section on
43 Ketchikan's use of deer but it's somewhat outdated now,
44 but there are some information.

45

46 CHAIRMAN LITTLEFIELD: Other questions
47 from the Council. Perhaps Ms. Caufield could join us and
48 have a seat there and she might have some other comments
49 or additional data that she could give the Council.

50

1 MS. CAUFIELD: I don't know that I
2 actually have anything to add but I'm happy to answer
3 questions. It's been a big privilege to work with the
4 Subcommittee and, you know, I'm really enjoying our
5 meetings and the time we're spending together and
6 appreciate, as you were mentioning, the volunteer effort
7 that everybody's putting in to coming and spending two
8 days in a row and I know you all know what that feels
9 like, and then some, you know, concentrating on these
10 issues. It's been a great effort.

11
12 So I'd be happy to answer questions.

13
14 CHAIRMAN LITTLEFIELD: Okay, are there
15 any questions for Ms. Caufield, process, how this was put
16 together.

17
18 (No comments)

19
20 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

21
22 MR. HERNANDEZ: Thank you, Mr. Chairman.
23 I'd also like to point out, I believe everybody's been
24 supplied with a copy of, I guess they'd call it a sample
25 harvest report that was put together and printed up and
26 you can look at. This would be what the hunters would
27 receive when they went to get their deer tags if they
28 planned on hunting in Unit 2 and you can look that over
29 as well.

30
31 CHAIRMAN LITTLEFIELD: Where did all this
32 weird font come from in this thing, I'm getting cross-
33 eyed reading it.

34
35 (Laughter)

36
37 CHAIRMAN LITTLEFIELD: Mr. Adams.

38
39 MR. ADAMS: Mr. Chairman, all full of
40 compliments, you know, because of this committee but I
41 just wanted to address the fact that I thought that the
42 joint harvest report ticket was pretty good.

43
44 So congratulations again.

45
46 MR. HERNANDEZ: Thank you. And you might
47 take note that on the top of the form it has both ADF&G
48 and Forest Service logos included on the same piece of
49 paper, I think that's a big step in the process.

50

1 (Laughter)
2
3 CHAIRMAN LITTLEFIELD: You're not only
4 consulting you're collaborating.
5
6 (Laughter)
7
8 CHAIRMAN LITTLEFIELD: Other questions on
9 U2 deer.
10
11 MR. BANGS: Mr. Chairman.
12
13 CHAIRMAN LITTLEFIELD: Mr. Bangs.
14
15 MR. BANGS: Thank you, Mr. Chairman. It
16 doesn't necessarily have to do with Unit 2 but it has to
17 do with deer hunting, and I just received this report
18 from Rich Lowell, that includes a deer hunter survey from
19 the 2003 season and I've contended all along that this is
20 a very good way to go but I think in the future we need
21 to consider the whole region. I mean just for instance
22 on this report, the hunting take on Admiralty Island was
23 50 percent higher in 2003 than 2002. 49 percent higher
24 in all of Unit 4 across the board. So this is not just a
25 Unit 2 -- it's not going to end here and I think that in
26 the future this is going to have to go with all harvest
27 tickets, or something similar to this.
28
29 I just wanted to make that comment.
30
31 CHAIRMAN LITTLEFIELD: Okay, thank you.
32 Or the State could adopt .805.
33
34 (Laughter)
35
36 CHAIRMAN LITTLEFIELD: Any other
37 questions.
38
39 (No comments)
40
41 CHAIRMAN LITTLEFIELD: Okay, like I said
42 this is not the end of the issue, we'll be bringing it up
43 again and you will probably be called upon to make a
44 presentation and we'll use your help if we need to at
45 that time. So is that it, Council done.
46
47 (No comments)
48
49 CHAIRMAN LITTLEFIELD: Thank you very
50 much for your presentation. What we're going to do is

1 change gears and go to wolves, so who's presenting the
2 wolf proposal. Mr. Johnson. Please give us the page
3 number so you can bring us up to speed there.

4

5 MR. JOHNSON: Mr. Chairman, the proposal
6 analysis begins on Page 65, actual analysis starts on 66.
7 I will be presenting for Dave Fisher from the Office of
8 Subsistence Management who was the lead author in this
9 analysis and hopefully will to as well as Mr. Fisher
10 since he's not here.

11

12 The proposal was submitted by Karen
13 Deatherage of the Defender's of Wildlife. And it
14 requests a change starting with the starting dates for
15 wolf hunting to September 15th from the current starting
16 date of -- well, it varies across by region but 9/15 is
17 what Defender's of Wildlife is requesting, and with the
18 respective units that are listed there as well in your
19 book. Wolf hunting season would still end on April 30th.

20

21 The proponent claims that the wolf pelts
22 hold no value during August and that the request is to
23 eliminate harvest on Federal public lands during this
24 period of time. Section .802 is referenced that ANILCA
25 mandates that non-wasteful subsistence use of fish and
26 wildlife resources by the priority consumptive use --
27 will be the priority consumptive use on Federal public
28 lands. Any alignment with State regs is not a
29 justification for the liberalized wolf seasons that's
30 currently in existence. And also the August wolf hunting
31 on Federal public lands conflicts with non-consumptive
32 users of Federal public lands during the month of August.

33

34 Almost all Federal seasons start on
35 August 10th as do most all State seasons and most seasons
36 end on April 30th. Defender's of Wildlife would like the
37 Federal seasons and subject units to start on 9/15. This
38 proposal would not affect Units 2, 8, 22 and 23.

39

40 In terms of the regulatory history,
41 Federal seasons adopted from State regs in 1990, and
42 since 1990 the State has made several changes for seasons
43 and harvest limits for wolves. In 1994, the Federal
44 Subsistence Board adopted changes to align Federal
45 seasons and harvest limits with State regulations. Since
46 then the Federal Subsistence Board has made minor season
47 and harvest bag limit changes, and, again, you can see
48 the analysis for comparing the Federal and State regs.

49

50 Wolves range over about 85 percent of the

1 state and densities range as high as one wolf per 25
2 square miles in favorable habitat and as low as one wolf
3 per 150 square miles in marginal habitat. Densities and
4 abundance primarily dependent on prey species
5 availability, disease and impact from harvest and control
6 programs. The current population in the state is
7 considered to be healthy and numbers somewhere between
8 seven and 10,000 animals.

9
10 In terms of the harvest, most wolves are
11 harvested during the months and on into spring when the
12 pelts are prime and travel conditions are suitable.
13 Wolves, however, are also harvested traditionally during
14 the early fall, more as an opportunistic part of other
15 hunts such as caribou or moose and this is during the
16 time before the pelts are prime. And, although this fur
17 is not used for fur it is still used on a personal basis
18 for hats, gloves, parkas, and other fur handicrafts as
19 this fur is considered less than prime but still
20 functionable. Very little, if any, wolf meat is used for
21 human consumption. And Table 1 shows the statewide
22 hunting harvest records but it does not consider the
23 unreported harvest, and Table 2 shows statewide hunting
24 harvest on a monthly basis. And that's on Pages 70 and
25 71 in your books.

26
27 The effects of this proposal. The
28 proposal would shorten wolf hunting season on Federal
29 public lands by 45 days in four of the units and 36 days
30 in 17 of the units. All seasons in the affected units
31 would start on 9/15. If adopted State and Federal
32 regulations would be out of alignment causing confusion
33 and some additional law enforcement problems. It would
34 also eliminate the opportunity for subsistence users to
35 harvest wolves during the early fall while hunting for
36 moose, deer and caribou. The proposal would also
37 eliminate the opportunity for subsistence users to
38 harvest wolves during early fall when the fur is used
39 primarily for personal use. Most wolves harvested during
40 the winter when pelts are prime and the proposal does not
41 address any specific biological problems regarding wolves
42 in the state as the current population is considered to
43 be healthy.

44
45 Hunters would still be able to hunt
46 wolves on Federal public lands during August and early
47 September under current State regulations unless the
48 Federal Subsistence Board specifically closes Federal
49 public lands to wolf hunting during August and early
50 September to non-Federally-qualified users.

1 The conclusion was to oppose the proposal
2 for the following reasons.

3
4 Current Federal subsistence regs are
5 designed to allow an opportunistic take of wolves while
6 hunting for other ungulates during the early fall season
7 specifically for the personal use before the pelts are
8 prime. Moving the season to September 15th would
9 eliminate this subsistence opportunity. Current Federal
10 seasons provide regulatory consistency between State and
11 Federal seasons. Consistency with State regs is
12 important in areas throughout the state with mixed land
13 ownership patterns. Reducing seasons by 45 days in four
14 of the units and 36 days in 18 units would create some
15 confusion for all the users.

16
17 Hunters could still hunt under State
18 regulations during August and September.

19
20 And last no evidence of a conservation
21 issue is presented in the analysis.

22
23 Thank you, Mr. Chairman.

24
25 CHAIRMAN LITTLEFIELD: Questions from the
26 Council for Federal Staff.

27
28 (No comments)

29
30 CHAIRMAN LITTLEFIELD: ADF&G.

31
32 MS. SEE: Thank you, Mr. Chairman. My
33 name is Marianne See, for the record. And our comments
34 are quite brief on this proposal. We do not support the
35 proposal. Adoption would reduce opportunity for
36 Federally-qualified subsistence users and eliminate their
37 opportunity to harvest wolves opportunistically during
38 moose and caribou seasons that begin before September
39 15th in many areas of the state. And I'm reading largely
40 from the comments on Page 73 that are in your book.

41
42 We also note in addition to what's
43 written there that the Board of Game in November of this
44 past year did move the date back further to August 1,
45 which is consistent with the Federal regs, so that does
46 provide that additional opportunity at the early part of
47 the season.

48
49 Consistency with State regulations also
50 is important in areas with mixed land ownership patterns.

1 Finally, adoption of this proposal would not have the
2 effect sought by the proponent unless Federal public
3 lands were also closed to wolf hunting by non-Federally-
4 qualified subsistence users.

5
6 We consider that no evidence of a
7 conservation issue is indicated that would support
8 implementing such closures.

9
10 Thank you.

11
12 CHAIRMAN LITTLEFIELD: Questions from the
13 Council for ADF&G.

14
15 (No comments)

16
17 CHAIRMAN LITTLEFIELD: Hearing none,
18 thank you very much. We're at any other Federal, State
19 or tribal agencies that wish to comment. Mr. Capra,
20 please come forward.

21
22 MR. CAPRA: Jim Capra with the National
23 Park Service. Mr. Chairman. Members of the Council.
24 This proposal as written would eliminate wolf hunting in
25 Unit 5(B) on National Park Service lands with the
26 exception of the National Preserve. The State hunting
27 regulations don't exempt the National Park and Monument
28 lands so the Federal Subsistence regs are the only way to
29 legally hunt animals on the Park lands in 5(B).

30
31 This reg exempts 5(B) from any inclusion
32 in the Federal Subsistence hunting regulations.

33
34 CHAIRMAN LITTLEFIELD: Thank you for that
35 information. Council, any questions on the Park Service
36 Regs.

37
38 (No comments)

39
40 CHAIRMAN LITTLEFIELD: Interagency Staff
41 Committee.

42
43 MR. KESSLER: Mr. Chairman. Council. I'm
44 Steve Kessler with the Forest Service and the Interagency
45 Staff Committee does not have any special comments for
46 you on this proposal.

47
48 CHAIRMAN LITTLEFIELD: Then we don't have
49 any special questions for you, thank you very much.

50

1 (Laughter)
2
3 CHAIRMAN LITTLEFIELD: I always give you
4 a bad time because I do want you to come forward and say
5 that and I appreciate it so.
6
7 (Laughter)
8
9 CHAIRMAN LITTLEFIELD: Fish and Game
10 Advisory Committee comments.
11
12 (No comments)
13
14 CHAIRMAN LITTLEFIELD: Any Fish and Game
15 present.
16
17 (No comments)
18
19 CHAIRMAN LITTLEFIELD: No. Okay.
20 Summary of written public comments. Dr. Schroeder.
21
22 DR. SCHROEDER: Mr. Chairman, we have
23 three written public comments.
24
25 One comment from a Ward Cove resident
26 opposes this proposal, simply do not pass this proposal.
27
28 A comment from a Delta Junction resident
29 opposing this proposal. There is no biological reason
30 for this proposal. Value is in the eyes of the beholder,
31 which could be the thought for the day.
32
33 And we have a comment from AHTNA
34 Incorporated and AHTNA does not support the reduced wolf
35 hunting opportunity that is called for by this proposal.
36 If anything, AHTNA supports a more liberal hunting season
37 so more wolves can be taken to reduce the wolf population
38 and they state that that would reduce the -- reducing the
39 number of wolves would prevent them from killing calves
40 of caribou and moose in Units of their concern, Units 11
41 through 13.
42
43 Thank you, Mr. Chair.
44
45 CHAIRMAN LITTLEFIELD: Thank you. Any
46 public testimony.
47
48 (No comments)
49
50 CHAIRMAN LITTLEFIELD: Do we have any

1 sign up sheets.
2
3 MR. HERNANDEZ: (Shakes head negatively)
4
5 CHAIRMAN LITTLEFIELD: Okay. Is there
6 any member of the public that would like to testify on
7 this proposal.
8
9 (No comments)
10
11 CHAIRMAN LITTLEFIELD: We're moving right
12 along. Regional Council deliberations, recommendations
13 and justifications. I have the proponent's language on
14 Page 65 and we'll have to be careful here that we address
15 only Units 1, 3 and 5(A) because we should not be taking
16 positions on those other units because they belong to
17 other Regional Councils not ours, so wishes of the
18 Council.
19
20 MR. BANGS: Mr. Chairman.
21
22 CHAIRMAN LITTLEFIELD: Mr. Bangs.
23
24 MR. BANGS: Thank you, Mr. Chairman. I
25 move to adopt the proposed regulations on Page 65 for
26 discussion for Units 1, 3 and 5(A).
27
28 CHAIRMAN LITTLEFIELD: Let's put the
29 whole thing on the table.
30
31 MR. BANGS: Okay, the entire WP05-02 as
32 written on Page 65.
33
34 CHAIRMAN LITTLEFIELD: Right. Is there a
35 second.
36
37 MR. STOKES: I'll second it.
38
39 MR. ADAMS: Second.
40
41 CHAIRMAN LITTLEFIELD: It's been moved
42 and seconded. And now we can do whatever we need to do,
43 it's on the table. So the motion before you is all of
44 the language on WP05-02. Council.
45
46 (No comments)
47
48 CHAIRMAN LITTLEFIELD: What I would
49 suggest here is that we separate these by paragraph and
50 vote separately on Units 1, 3 and 5(A) and then vote

1 separately on the remaining units so that we can express
2 what I think we should do and that's not talk about other
3 units and let them take care of their own. So if there's
4 no objection, we'll consider it by paragraph and the
5 paragraph before you would be the discussion on Units 1,
6 3 and 5(A).

7

8 Council.

9

10 Dr. Garza.

11

12 DR. GARZA: Thank you, Mr. Chairman. I
13 would speak against the first Units 1, 3, 5(A) clause of
14 this proposal WP05-02. I don't believe that there's a
15 conservation concern.

16

17 I don't think it has any problem with
18 principles of fish and wildlife management.

19

20 Is it beneficial to subsistence users,
21 no, it does reduce time available.

22

23 Is the recommendation supported by
24 substantial data, I think that has been provided.

25

26 Is there any effects on non-subsistence
27 uses, I don't think so.

28

29 While it requests a reduction in time and
30 opportunity, there didn't seem to be any reason to
31 warrant it.

32

33 Thank you.

34

35 CHAIRMAN LITTLEFIELD: Other members of
36 the Council.

37

38 MR. JORDAN: Mr. Chair.

39

40 CHAIRMAN LITTLEFIELD: Mr. Jordan.

41

42 MR. JORDAN: Dr. Garza expressed my
43 feelings very, very succinctly and well, thank you.

44

45 CHAIRMAN LITTLEFIELD: Any other Council.

46

47 MR. DOUVILLE: Mr. Chairman.

48

49 CHAIRMAN LITTLEFIELD: Mr. Douville.

50

1 MR. DOUVILLE: Thank you, Mr. Chairman.
2 I just, are we in discussion on all of these or just
3 Units 1, 3 and 5(A), have we modified the proposal to
4 deal with it yet?
5
6 CHAIRMAN LITTLEFIELD: No, we haven't.
7 We're discussing Units 1, 3 and 5(A) right now, and I
8 would confine our comments to that. I think we can take
9 care of this all in one motion. But we just need to --
10 when we get to the next units, just put that in what we
11 intend to do.
12
13 Mr. Kessler, please come forward.
14
15 MR. KESSLER: If you'd just take a look
16 at.....
17
18 CHAIRMAN LITTLEFIELD: Come forward to
19 the microphone.
20
21 MR. KESSLER: I think you want to include
22 4 also, Unit 4, too.
23
24 DR. SCHROEDER: It's one through.....
25
26 CHAIRMAN LITTLEFIELD: Why does my copy
27 say Units 1, 3, 5(A).
28
29 MR. KESSLER: One, two, three through
30 5(A).
31
32 CHAIRMAN LITTLEFIELD: Three through
33 5(A). Okay, for all those wolves who happen to be
34 tribally made in Unit 4, we will include them.
35
36 So the discussion is on that, you know, I
37 haven't heard anybody that's in favor of that. Is there
38 anybody who wants to speak for that?
39
40 (No comments)
41
42 CHAIRMAN LITTLEFIELD: Okay, on the
43 remaining units I would recommend that we make it clear
44 on the record that the Council does not wish to intrude
45 upon how other Regional Advisory Councils handle their
46 units and I think if we make that clear for the record,
47 that should suffice. Would that be okay, Mr. Knauer if
48 we were to just say that we do not want to infringe on
49 those other Councils; is that clear?
50

1 MR. KNAUER: Yes, Mr. Chairman. Councils
2 normally will indicate that they respect the wishes of
3 home regions and not take action on things affecting
4 others.

5
6 CHAIRMAN LITTLEFIELD: So I think that
7 should be clear that we're only taking actions on the
8 proposals that are within the Southeast Regional Advisory
9 Council, and the record is clear enough, the transcript
10 will show that we're not intruding there.

11
12 So any other discussions on WP05-02.

13
14 (No comments)

15
16 CHAIRMAN LITTLEFIELD: Are you ready for
17 the question, I believe Dr. Garza has summarized the
18 three criteria.

19
20 MR. KOOKESH: Question.

21
22 CHAIRMAN LITTLEFIELD: Question's been
23 called. The motion before you is WP05-02 as shown on
24 Page 65 of your book and all those in favor of WP05-02
25 please signify by saying aye.

26
27 (No aye votes)

28
29 CHAIRMAN LITTLEFIELD: Those opposed,
30 same sign.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN LITTLEFIELD: The motion fails.
35 I think we're going to let you start talking about deer
36 but before we do that I'd like to let the Council know
37 that Mr. Probasco is going to be leaving town tomorrow to
38 attend a North Pacific Fisheries Management Council
39 meeting and so what I'd like to do in the morning is have
40 the discussion on marine waters, and so you have a
41 handout that's in your manilla folder. That was of the
42 things that we discussed in Yakutat, and this Council may
43 or may not want to submit those again but we need to be
44 prepared to discuss those in the morning.

45
46 So Mr. Brainard.

47
48 MR. BRAINARD: Thank you. My name is
49 Jim Brainard. I work for the U.S. Forest Service,
50 wildlife biologist here in Petersburg. I appreciate the

1 Council listening to me. I would like to point out that
2 this analysis was mostly done by Matt Moran who has been
3 transferred and I'm just filling in for him.

4
5 You will find the proposal in Pages 111
6 through 134 of your book.

7
8 This proposal was submitted by the
9 Southeast Regional Advisory Council. It would require
10 all deer hunters in Unit 2, both Federally-qualified
11 subsistence hunters and other hunters to obtain a Federal
12 registration permit to hunt on any lands within this
13 unit. The Council submitted a related proposal to the
14 Board of Game, which is in Appendix 1 on Page 132 of your
15 book. The Council encouraged coordination between the
16 Federal and State registration permit process which would
17 require only one permit for all hunters in Unit 2. The
18 Board of Game deferred this action on the Council's
19 proposal and has said it will act on it in its March
20 meeting in Anchorage.

21
22 Adoption of this proposal would require
23 all deer hunters in Unit 2 to obtain a Federal
24 registration permit and require harvest reporting from
25 all deer hunters in Unit 2. The Federal Subsistence
26 Board, its jurisdiction does not extend to non-Federal
27 lands, the Secretaries reserve this authority. And
28 action taken only where the situation resulted in a
29 failure of a subsistence opportunity on Federal lands.

30
31 The Council needs more accurate and
32 complete harvest data for Unit 2 hunts and make
33 recommendations on management proposals concerning Unit 2
34 deer. They also believe a registration permit hunt is
35 the most effective way to manage deer in Unit 2.

36
37 Of the 2.3 million acres in Unit 2, 1.9
38 million is Federally managed by the U.S. Forest Service
39 and Tongass National Forest. State, municipal and
40 private lands are scattered throughout the unit and
41 comprise approximately 398,999 acres which is 17
42 percent of all of Unit 2. Native corporations own about
43 280,000 acres which is about 12 percent. Most of the
44 Native corporation lands have been harvested. All
45 residents in Units 1(A), 2 and 3 have a positive
46 customary and traditional use determination for Unit 2.
47 Since 1997, antlerless deer subsistence hunting has
48 required a Federal registration permit in this unit. In
49 2003, the Federal regulations opened the Federal lands to
50 subsistence deer hunting on July 24th and closed the

1 Federal lands on Prince of Wales to non-Federally-
2 qualified hunters from August 1st to August 21st. And
3 then in 2004 the closure period was shortened to August
4 1st to August 15th.

5
6 Thirteen regulatory proposals concerning
7 Unit 2 deer were submitted in the 2004 Federal regulatory
8 cycle. The Council believes that some of these had merit
9 and recommended maintaining the current regulations until
10 the Unit 2 Subcommittee could address these issues and
11 return a recommendation to the Council, sometime in 2005.
12 The Subcommittee was formed following the recommendations
13 of the Board. It is outlining long-term data and
14 information needs, but these will not be available for
15 this planning cycle. You've already heard a report from
16 the Subcommittee.

17
18 Mailout surveys data to date does not
19 indicate that there's a conservation concern for deer on
20 Prince of Wales. Habitat quality and predation by wolves
21 and bears are much more important to deer population than
22 hunter success is. Deer pellet counts have not varied
23 significantly over the last 14 years. The pellet group
24 densities were reduced in 2001 but that may reflect more
25 a mild winter than actually a reduction in the deer
26 population. Regardless of the differences, a short-term
27 interpretation of deer data, there's an argument that in
28 the long-term, deer populations will decline as old
29 growth habitat is lost to second growth forests that are
30 not provided as suitable habitat. The Forest plan
31 predicts that deer habitat will be reduced by 50 to 60
32 percent by the end of the logging rotation 2054.

33
34 Since 1996, the Council and the Board
35 have received 31 proposals requesting changes to deer
36 hunting regulations in Unit 2. As with most, almost all
37 regulatory issues available data concerning deer and deer
38 hunting on Unit 2 has its limitations.

39
40 The habitat of Unit 2 does not allow much
41 direct assessment of the deer herd and the biological
42 productivity of the Unit 2 habitat is difficult to
43 assess. Based on ethnographic studies and public studies
44 the deer herd has been in decline, subsistence users have
45 not had to spend -- or excuse me, have had to spend more
46 time hunting and some portions of the subsistence hunters
47 have had difficulty meeting their needs.

48
49 Results of the Department's voluntary
50 mailout survey for the past 20 years have provided a good

1 order magnitude estimate of the regions deer harvest and
2 may be useful in identifying large scale trends --
3 harvest trends over time. These data are inadequate to
4 accurately measure harvest trends at the community or
5 wildlife analysis level.

6
7 The Council's proposals maintains that
8 existing ADF&G qualitative estimates of Unit 2 deer
9 harvest do not provide the data needs to support sound
10 wildlife management decisions and a registration permit
11 is required to gather the needed data. State mailout
12 data gives a strong indication that subsistence deer
13 harvest in Unit 2 is on the decline, supporting the
14 qualitative data showing the decline in harvest and
15 growing inability to meet subsistence needs. However,
16 this data source may not give a valid or reliable
17 estimate of deer harvest by communities or at unit level.
18 Data from the mailout survey do not provide a conclusive
19 factual basis for Council recommendations or Board
20 decisions concerning management of deer hunting in Unit
21 2.

22
23 We had several alternatives that were
24 considered. There was maintain the existing regulations.
25 Have a joint Federal/State registration permit. And this
26 would eliminate the current conflicts between the State
27 and Federal permits that allow managers to better analyze
28 important resource issues. It would aid in the
29 administration of registration permits by allowing
30 hunters to use multiple offices for reporting and
31 obtaining permits. There's deer check stations. This
32 would all for collection of not only the hunt information
33 but age, structure, antler growth, genetics, reproductive
34 status, health estimations and examinations for disease.
35 Check stations do allow consideration of other regulatory
36 proposals such as antler restriction and survival and
37 recruitment of deer for the long-term management.

38
39 With a joint Federal/State survey. A
40 joint Federal/State survey could incorporate both Federal
41 and State deer reporting in Unit 2 to meet statistically
42 valid -- the statistic validity and address all of the
43 issues and concerns identified by the Council. The
44 Department and Forest Service will follow up with
45 individuals who did not report with additional letters,
46 phone calls or hire local individuals to conduct face to
47 face interviews.

48
49 The effects of the proposal. Adoption of
50 WP05-04 would require all deer hunters in Unit 2 to

1 obtain a Federal registration permit and require the
2 harvest reporting for all deer hunters in Unit 2. The
3 Board's jurisdiction does not extend to non-Federal
4 lands. The proponent prefers action by the Board of Game
5 requiring a registration permit for all deer on Unit 2.
6 From the Council's perspective, accurate data showing the
7 magnitude, timing and location of deer harvest in Unit 2
8 are essentially for responsible management. More
9 specifically the Federal program needs quantitative data
10 to meet its and the Board's responsibility to evaluate
11 subsistence needs in Unit 2. If the proposed action
12 should be -- if this proposed action should be considered
13 -- only this -- excuse me.
14

15 This action should be considered only if
16 the Board of Game chooses not to adopt the regulatory
17 changes required by implementation of the Joint
18 Federal/State system.
19

20 The preliminary conclusion was to support
21 the proposal with modification. The Department and
22 Forest Service have been cooperatively working at the
23 request of the Council and Subcommittee on details of a
24 joint Federal/State permit. The Interagency group agreed
25 to develop a joint system for harvest reporting and would
26 meet the Subcommittee's and the Council's goals using
27 existing agency permitting system and minimizing impacts
28 on hunters, Staff and the budget. This would require a
29 minor change by the Board of Game and would require Board
30 approval. In addition the Federal Subsistence Board
31 needs to modify the evidence of sex requirement to match
32 State regulations. This modification would benefit all
33 users by creating one reporting system for Unit 2 and
34 minimize existing reporting conflicts by the State and
35 Federal permits. It would allow biologists to better
36 manage this important subsistence resource.
37 Additionally, we estimate there will be an overall
38 increase of reporting to at least the 80 percent level of
39 hunters in Unit 2.
40

41 The improvement in the harvest data will
42 assist in the analysis of proposals and help the Council,
43 Subcommittee, Board of Game and the Federal Subsistence
44 Board to make decisions.
45

46 We expect more timber harvest in Unit 2
47 and when all harvest reaches the extent of exclusion
48 stage of stand development, this data will help us better
49 manage the deer resource.
50

1 We anticipate that the ADF&G will incur
2 much of the work load resulting from this reporting
3 requirement. The Forest Service has agreed to help fund
4 and support the Department in reporting system
5 implementation. Discussions are ongoing at this stage.
6 However, as you have already heard, there has been a
7 change since the publication of this analysis.

8
9 I'd like to have Doug Larsen come up and
10 help me discuss this change. We've already discussed it
11 but I'd like him to come up in case there's any
12 questions.

13
14 CHAIRMAN LITTLEFIELD: Okay. Just for
15 clarification, at 4:30 we've set a special order, at
16 which time we're going to take testimony from Petersburg
17 residents on this. We're not done with this, nor will we
18 finish it. I would like to bring both of you back up
19 after we've had some testimony because we're going to
20 stay here until 6:00 o'clock tonight because we've
21 advertised this until 6:00 o'clock and if you could come
22 back after that time, I'd like to give the Council a
23 short break so that they can be prepared to take
24 testimony from the Petersburg residents at 4:30, so we'll
25 take a short break.

26
27 (Off record)

28
29 (On record)

30
31 CHAIRMAN LITTLEFIELD: I'd like to call
32 the meeting back to order. We've adopted the agenda
33 guide and a special order for the Petersburg residents to
34 testify from 4:30 to 6:00 so we will stay here until 6:00
35 o'clock. If a Petersburg resident comes in and wants to
36 claim the floor, they can do so. Is there anybody here
37 who would like to testify at this time.

38
39 (No comments)

40
41 CHAIRMAN LITTLEFIELD: Any residents.

42
43 (No comments)

44
45 CHAIRMAN LITTLEFIELD: My understanding
46 is no one has signed up yet at this time.

47
48 Mr. Bangs, Petersburg resident.

49
50 MR. BANGS: Thank you. Mr. Chairman. I'd

1 like to apologize for my hesitance to address the
2 community. We had a Fish and Game Advisory Committee
3 last week and I'm the vice chair on there. On the agenda
4 I was going to give a presentation on the update on what
5 we're doing in Unit 2. And the District 8 gillnet
6 fishery proposed for king salmon on the Stikine. We were
7 close to midnight, and we didn't get to it. We're going
8 to meet tomorrow night and that's still on the agenda.
9 So a lot of the people in Petersburg aren't really up to
10 speed on what's happened with Unit 2 deer and I apologize
11 for that.

12

13 Thank you.

14

15 CHAIRMAN LITTLEFIELD: Thank you. Of
16 course bring those comments to us Friday morning, but if
17 you'll look at the agenda it's going to be really
18 crowded. We're going to be hard pressed to get out of
19 here and catch that plane at noon. So anybody else want
20 to claim some time now.

21

22 (No comments)

23

24 CHAIRMAN LITTLEFIELD: Okay. Mr.
25 Brainard and Mr. Larsen, if you'll come back we'll -- and
26 we'll, of course, if anybody comes we'll make sure that
27 we take an at ease for them.

28

29 (Pause)

30

31 CHAIRMAN LITTLEFIELD: I take it you're
32 going to do the ADF&G part right now and then you'll both
33 stay there, is that the process, what you wanted to do?

34

35 MR. LARSEN: Mr. Chairman. I think this
36 is more of a joint ADF&G Forest Service approach. And
37 I'll take the lead but Mr. Brainard and I will both be
38 available to answer specific questions about what's being
39 proposed.

40

41 I guess I'd like to start, though, by
42 asking do all the Council members have a copy of the Unit
43 2 deer report form?

44

45 (Council nods affirmatively)

46

47 MR. LARSEN: Okay. Because there was a
48 revised copy that I believe should have gotten handed out
49 today. So as long as you have that most current one in
50 front of you.

1 CHAIRMAN LITTLEFIELD: What's the revised
2 copy you have that's different so we -- I have two
3 copies.

4
5 MR. LARSEN: Okay, I understand that Ms.
6 Hernandez said that that is the newest version so that's
7 what we'll be working from. And also you should have,
8 hopefully, a one page paper that's called Unit 2 deer
9 harvest reporting procedures, a pilot effort with 24
10 lines of information on it; is that correct, do you have
11 that?

12
13 CHAIRMAN LITTLEFIELD: I have that but
14 does all the Council have a copy of this, a little
15 handout, this is the correct one here, right, it says
16 there's 24 items shown on that page?

17
18 (Council nods affirmatively)

19
20 CHAIRMAN LITTLEFIELD: Okay. It seems
21 like we do, go ahead.

22
23 MR. LARSEN: Thank you, Mr. Chair. I
24 guess my suggestion at this point would be so that
25 everybody is entirely clear on what it is that's being
26 proposed and if there are specific questions, I think the
27 best way to tease those out would be to work through the
28 page that has Unit 2 deer with both the Alaska Department
29 of Fish and Game and the Forest Service logo at the top.
30 This copy that you have in front of you is slightly
31 revised and let me just say that this page, or these two
32 pages that constitute this report form have come about as
33 a result of several teleconferences and meetings,
34 together with some of the RAC members Mr. Hernandez, for
35 example, and Mr. Douville at one point, and then Forest
36 Service Staff and Fish and Game Staff have worked to
37 address the various issues that are associated with each
38 of our respective interests and, this, we believe, is
39 pretty close to being what we think is the report form to
40 use. There may be a slight modification that I'll leave
41 off the table at this point and allow that to come up at
42 a later time as it may. But for now I'd suggest that we
43 walk through these points.

44
45 First of all, as you heard in the report
46 from Mr. Hernandez and Mr. Brainard, this harvest
47 reporting system would be similar and yet different to
48 the State's system now for getting deer harvest
49 information in Southeast Alaska. And the difference is
50 that unlike the surveys that the State uses, these would

1 not be mailed to individuals but rather they would be
2 picked up by hunters who plan to hunt in Game Management
3 Unit 2. So it would be part and parcel with their
4 harvest tickets.

5
6 The other thing that's different from the
7 existing State process, is that, in the State process we
8 send out a mailout survey, we follow up with one reminder
9 letter and then whatever we get is what we get. That's
10 the end of our pursuit for information. What this
11 process would involve would be to not only have hunters
12 pick these up, which is what happens with other hunt
13 reports that we have in the state, but then people could
14 mail in the card that you see in the center part of this
15 page. We would also be mailing letters, two reminder
16 letters to the hunters asking for the information, and
17 then as if that wasn't enough in an effort to get that
18 high return rate, we would actually take up phone calling
19 to individuals who might be in a better position to
20 respond through that medium. And then ultimately if the
21 return rates were still not sufficient in our estimation
22 then we would go to the follow up in person discussions
23 with individuals to get that information.

24
25 So we're really talking about a fairly
26 extensive effort to get this harvest information in a way
27 that hopefully is not offensive and yet allows us to get
28 the information, I think, we all at this point agree
29 would be useful in helping to manage deer.

30
31 At the top part, and you'll see that this
32 Unit 2 deer report form is divided into three parts. And
33 actually the way that it would come out and I don't have
34 it in that format right now, is these would be printed on
35 card stock that had perforated places in between each of
36 these three sections so that they can be torn apart and
37 part of it kept by a vendor, part of it issued to the
38 hunter who would take that away with them. And that,
39 again, is not at all unlike what we do with several other
40 species in reporting around the state.

41
42 The top part of the three part form gives
43 the conditions of the permit or the conditions of the
44 reporting. And I think it might be useful, just for me
45 to read through these, and then if you have specific
46 questions about them, we can take time to address those.

47
48 So the first thing is that the permit is
49 valid for taking of up to four deer in Unit 2 in
50 accordance with the current State of Alaska and Federal

1 Subsistence hunting regulations and conditions described
2 below. And that includes the season dates and the
3 harvest limits. And we've broken the next part into
4 three sections to address State, Federal regulations
5 specifically and then also to address how reporting is
6 expected to occur.

7
8 So under State regulations and these are
9 simply taken right out of State codified regulations, we
10 have residents and non-residents are allowed to take four
11 bucks. They are required to have harvest tickets, State
12 harvest tickets, the evidence of sex must remain
13 naturally attached to the meat or antlers must remain
14 naturally attached to the entire carcass with or without
15 viscera. The season dates are August 1st through
16 December 31st, the Federal public lands on Prince of
17 Wales Island are closed to hunting of deer from August 1
18 to August 15, except by Federally-qualified subsistence
19 users. That's the existing regulation for State
20 qualified hunters in Unit 2.

21
22 On the Federal side, rural residents of
23 Units 1(A), 2 and 3, the allowance is four deer by
24 Federal registration permit, however, no more than one
25 may be an antlerless deer. Antlerless deer may be taken
26 only during the period October 15 through December 31.
27 State harvest tickets are again required. You may not
28 possess or transport the carcass unless sufficient
29 portions of the external sex organs remain attached to
30 show conclusively the sex of the animal. Season dates
31 are July 24 through December 31 and from July 24th
32 through July 31st, you may only hunt on Federal public
33 lands. Again, those are the Federal regulations.

34
35 There has been a question, which I, as a
36 Fish and Game Staff member can't address, but we may look
37 at -- I've heard discussion about whether the definition
38 under Federal law for proof of sex is okay as it is and,
39 if not, that might require some action, but I'll leave
40 that in my compadre's hands to address specifically.

41
42 In terms of reporting, successful and
43 unsuccessful hunters, and you'll notice the bolded word,
44 must, complete and return the hunt report by January 15,
45 2006, obviously this is for the coming deer season if
46 this were implemented in compliance with, and then
47 there's Alaska Administrative Code as well as the Code of
48 Federal Regulations that dictate that these must be
49 returned.

50

1 If you harvest in other game management
2 units in Southeast Alaska in addition to Unit 2, which
3 includes Units 1, 3 through 5, we ask that they please
4 report those on this form also. And the reason for that
5 is so that rather than duplicating effort if somebody
6 gets one of these, they don't need necessarily to get a
7 mailout survey as well, so we don't want to duplicate the
8 effort that we have put into getting information from
9 hunters. So we're trying here to make it as easy as
10 possible for hunters to report back, and hopefully this
11 one form fits most will be good in that regard. And then
12 if you plan to report hunting in GMU 4, after December
13 31, you have until February 15th to report. The reason
14 for that is that Unit 4, as Mr. Jordan knows well, and
15 Mr. Littlefield and perhaps others, the deer season is
16 longer it goes into January. And so rather than have
17 somebody report by December 15, when, in fact, the season
18 goes longer -- or excuse me January 15, we give them
19 through February 15 to report that harvest, so that gives
20 them that little extra allowance. But, again, the same
21 form for reporting can be used.

22

23 So that's the conditions of the hunt, the
24 seasons, the bag limits, the reporting process. I guess
25 at this point, Mr. Chairman, I would pause and if there
26 are questions about that specific area, I'd be happy to
27 entertain questions before moving on to the other two-
28 thirds.

29

30 CHAIRMAN LITTLEFIELD: Okay, thank you.
31 I believe it would be helpful for the Council to have a
32 copy of the two referenced items 5 AAC 92.01.0 as well as
33 for Federal Staff, 36 CFR 2.42.6(d) [sic], I believe we
34 have that in the book now but we don't have where it
35 references the part (d), just so that they can take a
36 quick look and see whether you're banned for life or
37 whatever because our Council has come out against that in
38 the past.

39

40 Council questions on the form.

41

42 MR. DOUVILLE: Mr. Chairman.

43

44 CHAIRMAN LITTLEFIELD: Mr. Douville.

45

46 MR. DOUVILLE: Thank you, Mr. Chairman.
47 I see you have a line there that -- how many deer did you
48 see when you were hunting in Southeast, how important is
49 that to you, as biologists, would there be any interest
50 to put it like in your daily harvest report, like you

1 hunt for a day but you might see 15 or 16 does and maybe
2 one or two bucks, so you may get a buck, but by the end
3 of the year you've forgotten how many you've seen for the
4 year, you know, what I mean, so would there be any
5 interest in adding a line at the end there of your --
6 like your daily harvest hunt.

7
8 MR. LARSEN: Thank you, Mr. Chairman. Mr.
9 Douville. I guess I'm going to assume at this point
10 we're moving on to the middle portion and I'll address
11 that as part of that, Mr. Douville. At the Subcommittee
12 meeting we discussed the value of putting something like
13 this in there and there were two trains of thoughts that
14 were offered up. One was to ask people in a general
15 sense, did you consider this last season, did you see or
16 experience more deer or deer sign, less or about the same
17 as past seasons. And the other option was to actually
18 try and get an actual count, or at least an estimate that
19 people could give. After that discussion we had, I
20 followed up with some of our Staff who have some
21 expertise in this arena and they informed me, basically
22 educated me that you can't do a whole lot when you ask
23 for sort of a general trend, even though I thought that
24 was perhaps a better option initially. So instead, even
25 though, you're right, it's not always easy to remember
26 whether you see 200 deer or 500 deer or 10 deer, that in
27 general, where this has been applied, in other states
28 where they've asked for this kind of information, it
29 actually tends to be pretty useful in terms of it being
30 one more piece of information in conjunction with the
31 harvest information and weather conditions and all the
32 other things that essentially sit in the tool box that
33 can be looked at and so the conclusion we came to as a
34 Subcommittee is that having that in there could be useful
35 and, again, it's not something we would put all our eggs
36 in a basket, but it would be one more piece of
37 information that could, at least, help us in getting some
38 sense for what's happening with populations.

39
40 CHAIRMAN LITTLEFIELD: Follow up, Mr.
41 Douville, then Mr. Jordan.

42
43 MR. DOUVILLE: Thank you, Mr. Chairman.
44 My reason for asking that is the sooner you write
45 information down or address it the more accurate it is
46 and so I see it there on the bottom and the chances of it
47 being real accurate, the longer you wait are less,
48 they're diminished in other words.

49
50 MR. JORDAN: Well, Mr. Douville, I'm sure

1 that Mr. Adams would record the information for you and
2 tell you at the end of the season how many you saw.
3
4 CHAIRMAN LITTLEFIELD: Let's confine this
5 to the.....
6
7 (Laughter)
8
9 CHAIRMAN LITTLEFIELD:to the
10 information we're talking about here, no personal
11 attacks. Okay, go ahead.
12
13 MR. LARSEN: Thank you. Mr. Chairman.
14 One other follow up on that, I think it was Mr.
15 Hernandez, he can correct me if I've got this wrong ,but
16 one of the suggestions that he had put on the table was
17 the idea of having a log where hunters would actually be
18 able to fill in information on a more timely basis that
19 would then be submitted, and obviously this would have to
20 be done, I would think on a voluntary basis but, again,
21 it would be one more piece of information in regard to
22 your concern, Mr. Douville, that would, I think, at least
23 help in that regard. I think, certainly I can speak for
24 myself and say that it's difficult to remember what
25 happened yesterday let alone at the end of the season, so
26 something like that could be a useful, I think, part of
27 what we might develop as part of this whole picture.
28
29 CHAIRMAN LITTLEFIELD: Okay. I think our
30 Federal fishing permits are laid out that way at this
31 time. Where you go out and fish and you're supposed to
32 log what you do that day, and I think that becomes much
33 more of an indicator of how many deer you saw that day
34 would be a little bit more useful information, I think.
35
36 Other Council. Dr. Garza.
37
38 DR. GARZA: Thank you, Mr. Chair.
39 Perhaps we could get something from Mike Turek on it
40 because I know that they have set up survey forms for
41 seals and sea lions where there's a matter of recall
42 involved, and a lot of discussion on whether or not that
43 kind of end of the season information is valuable. And
44 maybe that can go to the committee, I'm not sure.
45
46 CHAIRMAN LITTLEFIELD: These guys didn't
47 want to be considered together, so we'll let him come up
48 next under ADF&G.
49
50 Mr. Kookesh.

1 MR. KOOKESH: Mr. Larsen, I have a
2 question., My question is on the second paragraph under
3 State, it says evidence of sex must remain naturally
4 attached to the meat. Is that a statement by itself or
5 does it go on to say or antlers must remain naturally
6 attached to the entire carcass with or without viscera;
7 is that properly written?

8
9 MR. LARSEN: Mr. Chairman. Mr. Kookesh.
10 Actually it is although there may be a way to better word
11 that so it isn't as clumsy. But the intent there is that
12 under State regulation, if you have a deer that has the
13 antlers on the whole carcass, then whether or not you
14 have the penis still attached to the deer or not is not
15 important, in fact, it's not a violation if you do not.
16 However, if you have just, let's say a hindquarter or
17 part of a deer that has no antlers associated with it,
18 then you would be required to have that proof of sex on
19 the animal. That's the intent, so we might want to
20 wordsmith that so that it's clear if that appears awkward
21 to you and I can see why it is, then we can certainly
22 look at rewording that to be more clear.

23
24 CHAIRMAN LITTLEFIELD: Mr. Johnson may be
25 able to help you with the wording there.

26
27 Any other Council.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Go ahead.

32
33 MR. LARSEN: Thank you, Mr. Chair.
34 Moving on to the second part, we've already addressed a
35 little bit about the how many deer did you see. Let's
36 start at the top of that part, there will be a Federal
37 registration permit or some type of Federal number, hunt
38 number that will be associated with this hunt and that's
39 what you see in that upper right-hand corner below the
40 bar code. Now, the bar code is not at all unlike what
41 you see in grocery stores where people scan groceries,
42 it's a way to more quickly enter information because each
43 bar code would be associated with a specific overlay.
44 And so since there's two parts to this, there's the
45 harvest ticket that some hunters will pick up and then
46 when they come to get their harvest, this reporting form
47 for Unit 2, if we get a harvest overlay which is
48 associated with the harvest ticket and I can see already
49 that this is going to be a confusing thing to try to
50 describe but I'll do the best I can and certainly you can

1 ask me questions.

2

3 If we get that information, we type it
4 in, somebody's going to key punch this in once, if we get
5 another report form that has a bar code we can scan it,
6 if that information has already been entered it will pop
7 up on the screen and save somebody having to duplicate
8 that effort. So really that's all that is.

9

10 And I guess for the sake of this
11 discussion that's probably all I need to say. It's
12 really a device that's used to try to be more efficient
13 in capturing the information.

14

15 Below that you'll see a line that says
16 deer -- State deer harvest ticket number, and that's
17 where a vendor would fill in the harvest ticket number on
18 this report form so that when it gets mailed in, we know
19 whether individual X, Y, and Z has reported or not and
20 that's obviously important because if they haven't, if
21 one of those people haven't reported we want to be able
22 to follow up with them to get the information. So that's
23 what that would be used for. And also at the same time,
24 that number would, as it's supposed to be currently,
25 recorded on the back of a hunter's license.

26

27 Now, the two exceptions to that are
28 somebody's who's under 16 years of age and doesn't
29 require a license in which case you don't write that on
30 anything, or somebody who's over 60 and gets the
31 permanent ID card, you don't write that on the back of
32 theirs. But everybody in that other majority gets that
33 harvest ticket number written on the back of their
34 license. And that's obviously important for people like
35 Mr. Pearson or other enforcement officers, when they
36 check somebody in the field they can confirm that this
37 license and tag go together and certainly in terms of
38 making sure somebody is qualified to hunt under either
39 State or Federal regulation, the hunting license is
40 important for that aspect.

41

42 Very simply this is a report form that
43 we've used pretty successfully within the State system up
44 to this point and as you can see there's two initial
45 questions that really dictate whether a person goes on
46 that is, did you hunt or didn't you hunt; if you did then
47 you would report the information on these lines, the
48 number of trips that you took, whether you were
49 successful, what you used for your transportation and how
50 many days you hunted and during what month you hunted.

1 One thing you'll notice is that the first
2 column has GMU of hunt, and the reason we had that and
3 that is actually new to this particular form because we
4 wanted to make it real clear that somebody could report
5 whether they were in Unit 2 or Unit 4 or in Unit 1 with
6 this harvest ticket so, again, we don't have to duplicate
7 efforts with hunters, it gives everybody the opportunity
8 with the obvious emphasis for getting information for
9 Unit 2 hunters.

10
11 We also have questions which currently
12 occur or exist on our reporting forms that have to do
13 with State proxy hunting and also the Federal designated
14 hunter allowance and those are captured underneath there
15 just as they have been with our other reporting
16 requirements that are in place. And then again, as Mr.
17 Douville pointed out we have the question of how many
18 deer did you see while hunting in Southeast Alaska, and
19 we recognize that this is not going to be an exact
20 science by any means but at least it gives us some sense
21 for whether people are seeing many or few and if nothing
22 else it gives us one more piece of information that we
23 can use in conjunction with the harvest information to
24 see if there's any obvious trends that are showing up.

25
26 And then we have a place there for people
27 to offer comments if they want to and actually in our
28 experience with these harvest reports, it's kind of
29 interesting, some of the comments that we get on just
30 that one line. And I won't go into what those are but
31 sometimes they can be very colorful and for those Staff
32 that enter this information can be somewhat entertaining
33 and also somewhat useful. I mean there we get
34 information there, for example, that says no snow, deer
35 was scattered, I mean that was pretty good information,
36 to gosh I'm getting too old to climb, I mean any number
37 of comments that come in on those and some are more
38 helpful than others. But I think it's a good opportunity
39 to leave that there for hunters to report something if
40 they so wish.

41
42 So that's the middle part of the report,
43 that would go with the hunter, with them home, and they
44 would -- typically the hunter will put that someplace,
45 hopefully someplace where it's easily accessible so that
46 at the end of the season they can mail it in, whether
47 that's on a refrigerator or in a shoe box or in a desk
48 drawer, but that remains with the hunter. And so the top
49 two parts would remain with the hunter, the part with the
50 conditions so they know what those are, and then this

1 middle part that they would later fill out and send in as
2 a report.

3

4 So, again, I'll pause having looked at
5 those, keep going?

6

7 CHAIRMAN LITTLEFIELD: (Nods
8 affirmatively)

9

10 MR. LARSEN: Keep going, okay. Thank
11 you, Mr. Chairman. So moving on to the final part, and
12 this is the part where the vendor is going to capture the
13 information from the hunter. And this is critical
14 because this is going to give us the information that's
15 necessary to follow up with hunters eventually.
16 So as you can see there's a place for the Federal number,
17 the State number, the person's name, their mailing
18 address, their city, state, zip code, and quite important
19 is the community of residence since that will have some
20 application in terms of who's qualified and who's not as
21 a subsistence hunter for this specific area. Have a
22 place for their phone number, and the reason for that, as
23 I mentioned is we may be doing follow up phone calls with
24 hunters and that would give us that information that we
25 could use. Their date of birth and then their hunting
26 license number would all be recorded. Then you'll see at
27 the bottom there's a set of four instructions that
28 vendors would be asked to make sure that they adhere to
29 in issuing these report forms, so that's their for their
30 use.

31

32 And then the part that's on the left, the
33 Federal Subsistence permit, that actually would have a
34 perforation that would tear off. Now, I'm not going to
35 go into that at this point because in talking with my
36 Forest Service colleagues there's been some discussion
37 that that may or may not be necessary. If it is
38 necessary to have that permit, what would happen is the
39 hunter would sign that line, it says hunter signature,
40 and they would carry that little tear out in their wallet
41 with them in the field along with their harvest tickets
42 and their hunting license so if they were stopped they
43 would be able to show that they had a Federal
44 registration permit.

45

46 That's as it is currently and rather than
47 complicate things by trying to change things out right
48 now I'll leave it at that. And again if you have
49 questions, I'll be happy to answer those. Maybe before I
50 stop, though, I'll just mention one last thing and that

1 is that part of the success of this effort will be in
2 getting information to the vendors. And we have a person
3 currently in our office who interacts on a personal basis
4 with the vendors across the region, all of Southeast, so
5 that as these go out there will be telephone verbal
6 instructions to the vendors as well as written
7 instructions so that everybody's on the same page in
8 terms of how these would be implemented.

9
10 We also intend, as the Subcommittee has
11 recommended, but these would go to Forest Service
12 offices, certainly to Fish and Game offices as they have
13 already and then also to other organizations such as
14 tribal organizations and that would just require that we
15 get information on who it is that we need to get these to
16 and then we would make sure that they had them, again,
17 with the associated information and instructions to
18 implement them.

19
20 Mr. Chairman, that's all I have on the
21 report form, and I'll be happy to answer any follow up
22 questions.

23
24 CHAIRMAN LITTLEFIELD: Council questions.
25 I have one. Let's say we have Dr. Garza and Mr. Douville
26 enter a vendor's simultaneously, what would they have to
27 do different on this form? The way I read it, Mr.
28 Douville would have to carry the bottom part in the
29 field.....

30
31 MR. BANGS: Excuse me, I don't mean to
32 interrupt but I wanted to show you dinner before I put it
33 in the pot.

34
35 (Applause)

36
37 MR. BANGS: Icicle graciously donated a
38 few of these and so they're soon to be cooked.

39
40 CHAIRMAN LITTLEFIELD: Gunalcheesh.

41
42 MR. KOOKESH: Just watch, he brought us
43 one of the crabby ones.

44
45 (Laughter)

46
47 CHAIRMAN LITTLEFIELD: Thank you. Stand
48 by for pictures.

49
50 (Pictures taken)

1 Anyway, while Dr. Garza's taking
2 pictures, what would she have to do to that's different
3 from Mr. Douville, what would Mr. Douville have to do
4 that's different?
5

6 MR. LARSEN: Thank you, Mr. Chairman.
7 First of all, both Mr. Douville and Dr. Garza would have
8 to, if they were going to hunt Unit 2 would have to get
9 this report form. The only thing which may or may not be
10 significant but it does speak to this issue that I just
11 brought up about whether this is a requirement or not and
12 I'm going to leave it as I said, before, to my Federal
13 colleagues to address that, but as it currently exists,
14 on the page that you have in front of you, a Federally-
15 qualified hunter, Mr. Douville, would have to sign his
16 name to that line and then would need to tear off that
17 little card, put it in his wallet and have that in the
18 field when he was hunting.
19

20 Dr. Garza, being a non-Federally-
21 qualified hunter would not need to sign nor carry that
22 card in the field because there's nothing under State law
23 at this point that would require that to be the case.
24 And so that's how it currently would exist if it was
25 adopted as it currently exists in front of you.
26

27 CHAIRMAN LITTLEFIELD: I just wanted to
28 make sure that we knew that the rural residents are going
29 to be doing a little bit more than the non-rural
30 residents that are hunting in Unit 2.
31

32 MR. DOUVILLE: Mr. Chairman.
33

34 CHAIRMAN LITTLEFIELD: Mr. Douville.
35

36 MR. DOUVILLE: Thank you, Mr. Chairman.
37 I just have a suggestion that when you print these, you
38 print them on something other than white paper, like
39 fluorescent something so they're easy to find and you
40 know what they are.
41

42 MR. LARSEN: Mr. Chairman. Mr. Douville.
43 Actually, the only thing that I can think of and somebody
44 that's familiar with all of the different numerous
45 reporting things that are out there, can maybe correct me
46 on this, but the harvest tickets, I believe, deer harvest
47 tickets are the only thing that we have are on white
48 paper and everything else we use some kind of colored
49 paper, and just for that reason, like you said, Mr.
50 Douville, it's to make them a little more colorful. And

1 we typically actually have a different color for
2 different specific hunts so that not only are they easier
3 to pull out and issue at a front counter, but also like
4 you said Mr. Douville they're a little more easily
5 accessible or at least detectible by hunters in the
6 field. So we would intend to do that with some color and
7 certainly if you have a suggestion on the color we'll
8 take that into consideration.

9

10 CHAIRMAN LITTLEFIELD: Puce.

11

12 (Laughter)

13

14 CHAIRMAN LITTLEFIELD: Other Council.

15

16 (No comments)

17

18 CHAIRMAN LITTLEFIELD: Okay, this was the
19 Federal portion. So we're going to let you go down and
20 we'll go ADF&G for further comments. But before we go
21 there, are there any members of Petersburg who would like
22 to testify.

23

24 (No comments)

25

26 CHAIRMAN LITTLEFIELD: Okay, then we'll
27 go to the ADF&G portion of the comments. And Mr. Turek
28 can come forward because I believe there was a question
29 for him so if he could join us, too.

30

31 MS. SEE: Mr. Chair and members of the
32 Council. I, and my colleagues up here will be happy to
33 answer any questions about our comments or about the
34 proposal before you.

35

36 We did prepare comments that were noted
37 about the Federal analysis themselves. They're somewhat
38 subject to Draft Status and revision over time, and
39 these, actually to get into this booklet were prepared
40 several weeks ago so they don't reflect some of the
41 progress you heard about this afternoon. They're on Page
42 135, and I'll just make a few references to some of the
43 points in there. But what I'd like to do in there is
44 really emphasize the fact that the progress made by the
45 Subcommittee supersedes some of the emphasis of some of
46 the comments we made so far here because we really are
47 very enthusiastic about the approach that has developed
48 collaboratively through the work of the Subcommittee and
49 we think it's really on the right track.

50

1 We have noted as sort of a smaller point,
2 but it's very much the larger point in these comments
3 that the sort of tool of the registration permit is, in
4 fact, probably not the better way to go here because
5 there are very specific conditions in which that kind of
6 permit is used typically. And it's not an especially
7 good fit with the circumstances that we find ourselves
8 looking at here for the deer circumstances.

9
10 Typically, for example, the Department
11 implements registration permit hunts as a management tool
12 in specific instances where reasonably good population
13 data are already available. We know that limited numbers
14 of animals are there and harvest must be closely
15 monitored and adjusted. Because of the high cost of this
16 particular approach, and the various logistically
17 difficulties associated with administering registration
18 permits, they're really only used when absolutely
19 necessary and necessary specifically to ensure long-term
20 conservation of very specific populations. They also
21 require follow-up contacts. Now, we've talked about that
22 here, about the follow-up contacts that are needed, but
23 the very distinct difference here is that the follow-up
24 contacts for registration permits do result in
25 enforcement actions and issuance of citations and it's
26 required by the way the registration permit is, in fact,
27 defined. So you can't sort of opt out of that
28 consequence. So it can actually have a pretty harsh
29 negative side to it. That's intentional. But, again,
30 only for a very specific kind of management situation and
31 we think that that's not a particularly good fit here.
32 And the Subcommittee also looked at that pretty closely
33 and made that same conclusion. So we really think that
34 that's not the best fit here.

35
36 And for that reason with regard to the
37 specifics of the proposal for a registration permit, we
38 obviously would not be supportive of it. But what's
39 really the larger and much more important point here is
40 that we're fully engaged in the Subcommittee work and
41 fully supportive of the solution that's emerging from
42 that group's effort, and we'd be happy to answer any
43 questions you may have.

44
45
46 CHAIRMAN LITTLEFIELD: Questions from the
47 Council for ADF&G. I believe Dr. Garza had a question
48 for Mr. Turek.

49
50 MR. TUREK: Good afternoon, I'm Mike

1 Turek of the Alaska Department of Fish and Game, Division
2 of Subsistence. And this is an opportunity I can talk
3 about both our harbor seal survey we've done for 11 years
4 now working with the Alaska Native Harbor Seal
5 Commission, and also the subsistence halibut survey which
6 we did last year and will be doing again this year.
7 Because these are both seasonal surveys with a yearly
8 recall so people are recalling the amount of the halibut,
9 lingcod and rock fish for the shark survey and harbor
10 seal and sea lions for the harbor seal survey. And so
11 there are two surveys where people have to recall their
12 harvest for over the year, the past year.

13
14 The harbor seal survey we've been doing
15 for 11 years and we've been very successful with that.
16 Shark surveys would be the second year and I've got some
17 handouts I can give to you on both of these projects and
18 also a couple of -- three reports, complete reports on
19 the halibut survey and I only have one of the harbor seal
20 survey for 2003, and we can get you more reports if you
21 can just let me know.

22
23 What I can do is, if you're interested is
24 I can make copies of the survey forms used for both of
25 these projects tomorrow morning and then give them out to
26 you tomorrow if you'd like to see that. I'll talk about
27 them a little bit today, but you might want to have a
28 copy of that to look at closer and I can do that in the
29 morning. So I think this is pertinent to what we're
30 planning on doing with the deer survey because both of
31 these surveys are proven surveys. The State mailout
32 survey that's been used for years and modifying a bit
33 with the follow up. You know, the harvest seal survey
34 are all face-to-face surveys, we've been doing surveys --
35 we do 15 communities in Southeast Alaska right now for
36 harbor seals and sea lions, 62 communities statewide,
37 it's a statewide survey. Only Coastal Alaska Natives can
38 hunt marine mammals so that's who the people we are
39 surveying are. We hired work at the local communities,
40 tribal organizations, and we hired local people to do the
41 surveys.

42
43 We have several people in Southeast on
44 the harbor seal survey who have done it for just about
45 all 11 years, so they're known in their communities as
46 the harbor seal people and they're the ones who -- many
47 of them are also hunters and they're known by the hunting
48 community and they conduct the surveys.

49
50 The harbor seal survey is a one page

1 survey, but it asks more questions than our deer survey,
2 and those questions include number of animals harvested
3 and struck and lost, seasons, month by month harvest,
4 geographic distribution, but that's a very broad
5 geographic distribution we ask for, and age and sex of
6 harvested animals. And we've had pretty success with
7 these surveys. So this is similar to what we will be
8 doing with the deer survey.

9
10 But the halibut survey is, I think, even
11 more pertinent because the halibut survey is the first
12 survey that the Subsistence Division has conducted that's
13 been a mailout survey and last year was the first year,
14 and it was quite successful.

15
16 Everybody that has a shark gets a survey,
17 and we sent out two reminder letters to people. After
18 the second reminder letter if we didn't get one back, we
19 called them and if we still didn't get one back then we
20 would have someone go out and administer the survey or
21 get the survey form from them. Here in Southeast Alaska
22 we had two communities that we planned on doing the
23 follow up, the face-to-face follow up, Sitka and
24 Hydaburg. Sitka, because of the lamp and the concern
25 about the subsistence halibut harvest in Sitka, and
26 Hydaburg, because Hydaburg has a tendency not to return
27 any, any permits so we were very successful in both
28 communities. In particular, in Hydaburg we got 85
29 percent of the shark holders information and we did that
30 by working with Tony Christianson and the Hydaburg
31 Community Association and hiring local people to go out
32 and get these surveys, and so that was very successful,
33 Hydaburg. We plan on doing Hydaburg again this year.
34 We'll be doing Sitka again. Sitka, also we got a high
35 percentage, we got 67 percent of all of the sharks in
36 Sitka returned, and we'll be doing Sitka again this year.
37 And we may be doing Ketchikan also because Ketchikan, we
38 want to get it -- on the shark survey we want to get over
39 50 percent return on these surveys and we got just under
40 50 percent in Ketchikan last year and they do harvest a
41 lot of halibut and rock fish so we want to make sure we
42 get more in both Ketchikan and Saxman. So we're going to
43 be working with KIC probably this year to do the follow
44 up survey in Ketchikan and Saxman.

45
46 So this would be the second year of the
47 halibut survey. And another thing with the halibut
48 survey is that we're contracting with the tribal
49 organizations to do these face-to-face surveys and that's
50 part of the plan with the deer project also, would be to

1 contract with the Native organizations, tribes on Prince
2 of Wales Island to do the follow up surveys.

3
4 So we've got some experience with this
5 and like I say we've been very successful with sharks and
6 the harbor seal survey a little different because there's
7 no follow up because all of them are face-to-face
8 surveys. But I think they're both pertinent to what we
9 want to do with the deer survey. We have a track record
10 with this kind of work so I think it will really improve
11 the deer data that we have.

12
13 So what I'll do is I'll distribute these
14 handouts, and then I'll make copies of the two different
15 survey forms, enough for everybody and I'll distribute
16 those tomorrow morning so you'll have those to look at
17 and compare with the deer survey.

18
19 So that's about all I have and this way
20 I've been able to, you know, kill two birds with one
21 stone, talking about the deer and also talking about
22 these two surveys, halibut, seal and sea lion so at the
23 end of the meeting I won't have to bore you again by
24 talking more about this. And like I said if you want
25 more copies of these reports, we can get them for you,
26 just contact me and we'll just send them to you.

27
28 CHAIRMAN LITTLEFIELD: Dr. Garza.

29
30 DR. GARZA: Thank you, Mr. Chair. And
31 thank you Mike. So I guess one general question is, in
32 this U2 deer process when we talk about follow up, will
33 it be Division of Subsistence that does that follow up
34 for the guys that don't turn in since they're obviously
35 the division that's known to be kind and gentle and get
36 information.

37
38 CHAIRMAN LITTLEFIELD: Dr. Schroeder.

39
40 DR. SCHROEDER: Mr. Chairman. Dr. Garza.
41 We've got quite a few discussions between Fish and Game
42 and Forest Service about how we proceed with doing this
43 follow up and so I think we have a plan -- a place to do
44 that, the intention would be to work closely with the
45 Division of Subsistence and Mike Turek on some of these
46 follow up activities. We may also have Forest Service
47 Staff do some phoning if that's what the methodology
48 calls for.

49
50 Because it's really important to get very

1 accurate data, particularly in the first couple of years
2 as we come to understand Unit 2 deer harvest much better
3 than we understand right now, we'll be working -- we'll
4 work out a real careful methodology that we'll get there.

5
6 To the answer is, yes, I guess.

7
8 DR. GARZA: One follow up question, Mr.
9 Chair.

10
11 CHAIRMAN LITTLEFIELD: Go ahead.

12
13 DR. GARZA: So Mike, in looking at the
14 draft form that we have here, the questions that I had
15 were specific to under the specific location of trip
16 there's, you know, that table there, how many deer did
17 you see while hunting in Southeast Alaska, Mike brought
18 that up in terms of the harbor seal, I mean that kind of
19 information is asked generally at sort of the end of the
20 season for hunting, and so the question was, how good do
21 you think that kind of data is in terms of recollecting
22 what you saw because I know that also on that survey,
23 I've been surveyed before, they also ask about struck and
24 loss and other information, and there is the feel that
25 sometimes you don't remember all of it?

26
27 MR. TUREK: Dr. Garza, through the Chair.
28 I think it's pretty good information, especially now
29 after we've been doing this for 11 years. We have
30 thought and discussed with some hunters of doing
31 calendars, harvest calendars, but we haven't tried that
32 yet. But the Harbor Seal Commission is seriously
33 thinking of doing that and what they're thinking of doing
34 is what they've done in Canada in some of the First
35 Nations with their harvest calendars. They're a real
36 nice glossy photo calendar with room on each date for
37 your harvest of a particular species, and something that
38 somebody's going to want to hang on to. So the Harbor
39 Seal Commission is looking closely at doing calendars to
40 see if they can get better data. I think in particular
41 with harbor seals, outside of a handful of people that
42 shoot a lot of seals, most people remember real close,
43 real accurately how many they shot. But we're thinking
44 about trying to go with calendars.

45
46 CHAIRMAN LITTLEFIELD: Follow up.

47
48 DR. GARZA: One more follow up. So in
49 looking at that question, for trying to look for
50 additional information that might be valuable, I mean

1 would you reword that question, would you change it,
2 would you think of something else that you might ask
3 instead that might be helpful to this whole process? I
4 mean should that whole thing be a little bit bigger or is
5 one question enough?

6
7 MR. TUREK: Dr. Garza, through the Chair.
8 Part of the issue is that on these kind of surveys you
9 don't want to ask too many questions that are too long,
10 or any question that require too long of an answer. Now,
11 the harbor seal survey you can get away with that a
12 little bit more because we're doing face to face surveys.
13 But you'll see when I distribute the survey form for
14 halibut, or you may have seen it when you got it last
15 year or this year, it's very brief and doesn't ask for
16 any kind of long answer. So when you're dealing with
17 just a mail out survey, and you're not going to be doing
18 face to face except for perhaps follow up, you really
19 have to keep it brief and simple.

20
21 CHAIRMAN LITTLEFIELD: Other Council.

22
23 (No comments)

24
25 CHAIRMAN LITTLEFIELD: Ms. See.

26
27 MS. SEE: Thank you, Mr. Chair. One
28 thing I wanted to note that was in the State's original
29 comments on Page 135 was that in order to implement this
30 deer harvest reporting system there is no action that the
31 Board of Game would have to do because the Department has
32 full authority to participate collaboratively with the
33 Forest Service to do this. So I wanted to make sure that
34 point was clear.

35
36 Thank you.

37
38 CHAIRMAN LITTLEFIELD: If the Board told
39 you to do it, it would be even clearer, probably, right?

40
41
42 MR. LARSEN: Mr. Chair. Typically, what
43 the Board will do is if they want the Department to do
44 something they'll recommend it, but when it comes to
45 budgetary, you know, cost kind of things for
46 implementation then really it comes down to what the
47 Department's able to do. In this case as I think Mr.
48 Brainard said in his report, in order for the Department
49 to implement the Unit 2 deer reporting system that we've
50 described, it would require some financial assistance

1 from the Forest Service to make that happen. And one of
2 the things that you may have gotten in that packet is a
3 cost estimate of what that would entail to make that
4 happen, but certainly the Board, you know, I can't speak
5 for the Board, but I'd be very surprised if we came to
6 the Board with a cooperative concept for how we would
7 improve harvest reporting, that they wouldn't embrace it.

8
9 CHAIRMAN LITTLEFIELD: Okay, the reason I
10 mentioned that is, of course, you know, we have Proposal
11 47, which we've talked a little bit, so the Board, I
12 think, should take some, you know, should dispense of
13 this in some method and one way could be to say,
14 cooperate, and let's do it, but I think that's what I'm
15 looking for anyways, for the Board to, at least, weigh in
16 whether they think it's a good idea or bad idea.

17
18 Other Council.

19
20 (No comments)

21
22 CHAIRMAN LITTLEFIELD: I have another
23 question, if I get this permit, where are the deer tags,
24 are they attached physically to this?

25
26 MR. LARSEN: Mr. Chairman. There's
27 actually two parts in that. The harvest tags that are
28 used across all over the state, from Southcentral out of
29 Anchorage for Cook Inlet, Prince William Sound, all the
30 way down to Ketchikan, and Portland Canal, all of those
31 are the same. And part of the intent here was to try to
32 keep things as simple and cost efficient as possible. So
33 having those in place, what a hunter would do, is they
34 would get their harvest tags that have the information
35 similar to this supplemental overlay that you see on the
36 bottom of this page, that would all get filled out, the
37 hunter would take those deer tags and then if they were
38 planning to hunt in Unit 2, then they would also receive
39 this report form that would be handed to them by the
40 vendor and again this goes back to why it's so important
41 to get these instructions to the vendors in terms of what
42 goes out to the hunters. They would take those two
43 pieces of -- actually they would end up taking only their
44 harvest tickets because the overlay portion would be
45 retained by the vendor and then they would take the
46 portions, the top two-thirds of this page to report back
47 with.

48
49 CHAIRMAN LITTLEFIELD: And following up
50 on that, earlier we talked about the Federal fishing

1 permits. And the Federal fishing permits actually
2 require you to fill them out so if there was a
3 requirement, like, say on number 1, and you killed a deer
4 or hunted that day, if you just put down, I hunted, I
5 took one deer at Thorne Bay or at X Mile or 108 Mile or
6 whatever it is, what would be the need for a tag? In
7 other words, it's just one more piece of -- the data --
8 it's not going to give you anything in my estimation, it
9 would all be on here. So I don't know what the tag, the
10 purpose it would be serving.

11

12 MR. LARSEN: Mr. Chairman. The tag would
13 be the little portion, the little ticket that gets
14 punched out that indicates that you've harvested a deer,
15 and that's what, if Mr. Pearson, or others contacted you
16 in the field and you had a deer, then they would ask to
17 see your harvest ticket to show that you had validated
18 that ticket, and if you had then you're good to go, and
19 if you had not then you would be in violation for not
20 reporting that -- for not notching the ticket. And the
21 whole intent there is so that hunters stay within the bag
22 limits that are in place, and in the case of Unit 2 that
23 would be four deer.

24

25 CHAIRMAN LITTLEFIELD: Right. I'm saying
26 if I carry this in the field, and I -- which you have to
27 do with a Federal fishing permit, and I wrote down on
28 there that I took two deer on this day, the law
29 enforcement should be able to say where's your permit and
30 here it is and I wrote down I took two deer today. So
31 I'm just -- it's one extra piece of paper and I wanted
32 your thoughts on whether they're required or not.

33

34 MR. LARSEN: Mr. Chairman. Just so I'm
35 clear, I mean this middle portion would not get carried
36 by the hunter in the field.

37

38 CHAIRMAN LITTLEFIELD: It could be.

39

40 MR. LARSEN: Yeah, it could be, you're
41 right, it could be. The down side is that this would be
42 used throughout the whole season so say in the case of a
43 subsistence hunter, July 24th through December 31, and,
44 you know, I don't know about most hunters but this could
45 turn out to be torn up and so forth and so that what we
46 get in the end may not be legible and maybe gets lost in
47 the field, so the reason for the tickets is that that
48 then validates them from a legal standpoint. So I mean
49 perhaps there's, perhaps, trade offs in either approach,
50 but typically hunters don't carry this in the field. If

1 that was a requirement, that would be something that
2 would be unique to the State system because right now
3 under State regulations, at least, the only thing that a
4 hunter is required to have with him is the harvest
5 ticket.

6
7 CHAIRMAN LITTLEFIELD: And a plastic
8 baggie.

9
10 (Laughter)

11
12 CHAIRMAN LITTLEFIELD: Mr. Adams.

13
14 MR. ADAMS: Thank you, Mr. Chairman. Mr.
15 Larsen, you need to clarify something with me, the
16 statement you just made says that they don't need to
17 carry that, this in the field, but down here under the
18 Federal Subsistence permit, it says Federal subsistence
19 hunters, this is your Federal Unit 2 deer harvest
20 registration permit, this must be carried with you in the
21 field along with your State harvest tickets.

22
23 Please clarify for me, please.

24
25 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
26 would you take care of that please.

27
28 DR. SCHROEDER: Through the Chair. Bert.
29 As you may have gathered, that Staff have been working
30 real closely with the Deer Planning Subcommittee on the
31 details of how this would work, and one of the options
32 that Jim Brainard mentioned was that the Council would
33 review the need for a Federal registration permit at this
34 time. The Federal registration permit came into
35 existence for Unit 2 as mainly as a means of tracking
36 harvest closely so that Federal managers could know very
37 clearly initially how many does were harvested, and then
38 when we went to a system where we had a July opening for
39 Federal subsistence hunters, and a closure in August, so
40 that we could track those harvest levels very closely.
41 So that was the objective of establishing a Federal
42 registration permit.

43
44 One option would be for the Council to
45 consider eliminating the requirement that Federal
46 subsistence hunters in Unit 2 need a Federal registration
47 permit, in which case the requirement to carry the
48 Federal registration permit in the field would go away.

49
50 We've had initial discussions with both

1 Fish and Game on that point, with Ken Pearson of Law
2 Enforcement and with Bill Knauer, our regulation
3 specialist, and we haven't come up with any hard reasons
4 why that option wouldn't be something that the Council
5 could entertain.

6
7 So I think when you get into
8 deliberations on this proposal that might be something
9 you consider.

10
11 CHAIRMAN LITTLEFIELD: Other questions.

12
13 (No comments)

14
15 CHAIRMAN LITTLEFIELD: And, again, we
16 probably will be calling you back up when there's -- I'm
17 sure there's some things that need to be clarified for
18 the Council.

19
20 Mr. Adams

21
22 MR. ADAMS: My question was, you know, it
23 says on here that it must be carried with you in the
24 field along with your State harvest tickets and I don't
25 think that was answered to my satisfaction.

26
27 DR. SCHROEDER: Perhaps I'll try not to
28 be so wordy this time. If there is a requirement for a
29 Federal registration permit, we believe that you will
30 need to carry the permit with you in the field, that
31 that's the cleanest way of doing things for enforcement
32 purposes. However, the Council could recommend doing
33 away with that Federal registration permit requirement so
34 then we need to change this form to reflect that.

35
36 MR. ADAMS: I really don't have any
37 problem with it, it's just that Mr. Larsen stated that
38 did not have to be carried with you in the field and,
39 yet, it specifically says that in that little portion
40 down there. So I just wanted to bring it out as a matter
41 of conversation. I realize we can deal with it later but
42 it kind of bothered me at that point.

43
44 Thanks.

45
46 CHAIRMAN LITTLEFIELD: Mr. Larsen.

47
48 MR. LARSEN: Thank you, Mr. Chair. Mr.
49 Adams. I apologize for not being clear about what I was
50 referring to. The part that does not have to be carried

1 in the field is this central portion which is the
2 reporting card. And, again, these would perforated cards
3 so this middle part would be the part that the hunter
4 would keep at their house or someplace safe and then they
5 would report on later. They don't have that in the
6 field. Nor, currently would a person hunting under State
7 regulations have to carry this little ticket in the field
8 either, and that's where Dr. Schroeder was talking about,
9 this would only be a requirement perhaps for Federally-
10 qualified hunters and it may or may not be necessary and
11 that's, I think, what's going to be discussed when you
12 get to that point. But under State law, you would not
13 have to carry that as a State qualified hunter, you
14 wouldn't have to carry that little ticket in the field
15 with you, only the State harvest tickets.

16
17 CHAIRMAN LITTLEFIELD: That's why I'd
18 asked him earlier about Dr. Garza and Mr. Douville
19 signing up for tickets simultaneously, they wouldn't be
20 the same.

21
22 Any other questions.

23
24 Mr. Johnson.

25
26 MR. JOHNSON: Mr. Adams, through the
27 Chair. The reason why there is a Federal registration
28 permit listed on the piece of paper that Mr. Larsen has
29 is because that recognizes the proposal that was
30 submitted by the Council. The Council requested a
31 Federal registration permit be required from all hunters.
32 So until you get to something where you want to have a
33 discussion about that, that's why it still needed to be
34 in this particular piece that came to the Council.

35
36 CHAIRMAN LITTLEFIELD: Thank you. Okay?

37
38 MR. ADAMS: (Nods affirmatively)

39
40 CHAIRMAN LITTLEFIELD: Any other
41 questions.

42
43 (No comments)

44
45 CHAIRMAN LITTLEFIELD: Mr. Turek.

46
47 MR. TUREK: Chair. Just to clarify
48 something, when I distribute this information for the
49 harbor seal and the halibut, you'll see included that
50 there are pages for Ketchikan and Saxman, their harvest

1 data and I included because I had prepared these
2 materials for Monday night when I met with the tribal
3 members in Ketchikan and I had some left over. But you
4 may find that interesting because at least with
5 Ketchikan, with the halibut, which is just the Ketchikan
6 Tribe, Natives in Ketchikan, and also the harbor seals,
7 just the Natives, those are two data sets that we have
8 for Ketchikan that shows subsistence harvest, and in
9 particular the halibut -- or excuse me, the harbor seals
10 that we have 11 years of that.

11
12 So as Dolly was saying earlier, we don't
13 have any kind of quote/unquote, subsistence data, for
14 Ketchikan, we are limited. But we do have harbor seal
15 and now we're collecting the halibut and rock fish data.
16 So that's something we've got for Ketchikan. Again, it's
17 just for Ketchikan Natives -- Native Alaskans in
18 Ketchikan, but it is some data that we're collecting for
19 subsistence resources in Ketchikan.

20
21 CHAIRMAN LITTLEFIELD: Thank you. And we
22 appreciate that offer and we would certainly like to have
23 any handouts that you would be willing to share with the
24 Council.

25
26 Any other comments.

27
28 (No comments)

29
30 CHAIRMAN LITTLEFIELD: Questions.

31
32 (No comments)

33
34 MR. HERNANDEZ: I think we have somebody
35 from the community.

36
37 CHAIRMAN LITTLEFIELD: Okay, thank you
38 ladies and gentlemen. Any Petersburg residents that
39 would like to testify at this time.

40
41 (No comments)

42
43 CHAIRMAN LITTLEFIELD: Ms. Hernandez, do
44 you have anyone signed up?

45
46 MS. HERNANDEZ: (Shakes head negatively)

47
48 CHAIRMAN LITTLEFIELD: Is there any
49 member present who would like to testify from Petersburg.
50

1 MR. SEBASTIAN: I will.

2

3 CHAIRMAN LITTLEFIELD: Please come
4 forward and state your name for the record. You don't
5 need to fill out a form, sir, if you'll just state your
6 name for the record that will be adequate for Tina.

7

8 MR. SEBASTIAN: My name is Joe Sebastian.
9 I currently live in the city of Kupreanof, a commercial
10 fisherman. I've been a resident of Southeast Alaska for
11 25-odd years, give or take a few. I've perused kind of
12 the issue action thing of Prince of Wales, I've done
13 quite a bit of hunting on Prince of Wales. Some pretty
14 tough questions there and I'm not sure what the answers
15 to those questions are. But for years and years I lived
16 in the community of Point Baker. Point Baker on the TRUC
17 survey had one of the highest subsistence use and sharing
18 use of practically anywhere in Southeast Alaska, and food
19 was freely shared in a way that kind of made you
20 appreciate the way things were done in the old days. Old
21 timers got deer meat, crab, salmon, and other people who
22 had none also received fruits of other people's good luck
23 or labors.

24

25 The crunch always seem to come down to
26 issues of habitat. And, of course the Federal
27 government, the U.S. Forest Service controls all the
28 habitat and it became a real battle to try to find some
29 flexibility in a system that was designed to be
30 inflexible. We had a little bit of success on the north
31 end of the island after we took the Forest Service to
32 court and sued them, they wouldn't even talk to us
33 before, it was kind of the iron fist and the velvet glove
34 scenario. I think the guy's name at that time,
35 supervisor's name was Brad Powell, wouldn't even talk to
36 us. We sued them over a Lab Bay EIS (ph), when we kind
37 of had them up against the wall, the lawyer wanted to say
38 let's take these guys all the way, we said, well, we're
39 not interested in taking them all the way, we just want
40 to find a solution to our problem, we don't need to take
41 these guys to the mats, we just need to find the
42 flexibility that we were looking for.

43

44 We worked out a temporary deal that
45 expires in 2007 on the north end of the island from
46 Salmon Bay Lakes to Labashire Bay, it's about a 15 mile
47 stretch where the 20 Road kind of intersects between the
48 mountains on one hand and the low land muskegs and the
49 beach on the other, and much of that beach is second
50 growth, but much of the beach is muskegs and I don't know

1 if there's a technical name for it but in these muskegs
2 there's a bunch of little humps and as you might guess
3 the deer live on those little humps and go up and down
4 and sleep at night up there and then they go down into
5 the low lands and muskegs and run around and browse and
6 feed and so on. Well, as bad luck would have it there
7 was some fairly decent timber on those little humps of
8 timber islands, I call them, in the muskeg, and the
9 Forest Service wanted that timber, one of the last places
10 I got a deer on Prince of Wales, well, there were old
11 unit markers around that timber hump and of course I went
12 to that timber hump, I blew the call, the deer came down
13 and so on.

14
15 But the battle seems to be over habitat.
16 And we've lost quite a few battles there trying to
17 protect our habitat in the middle of the habitat battles,
18 to try to secure the habitat, not for any individual's
19 personal enrichment or gain, not for anybody's bottom
20 line, but simply that this kind of way of life be allowed
21 to continue despite the impacts of the road. I feel
22 we've lost more than we've gained.

23
24 Just last night the city of Petersburg
25 passed a resolution asking the Forest Service to increase
26 the amount of timber that's currently available, the
27 figure I heard is last year 90 million feet was taken on
28 the Tongass, the upper end management level, something
29 like 260 million feet -- 267 I believe, who's going to
30 buy all that timber and what, I don't know, it seemed
31 like a fairly foolish resolution but it went through
32 anyway to support the industry. Whenever there's a big
33 call in town for additional timber for development and
34 for industry -- for many years I lived on the end of the
35 place where the timber was expected to come from and it's
36 expected to come from little humps in muskeg low lands
37 that the deer just happen to live on, and so this
38 continual see-saw, back and forth, if you will, over
39 habitat has been a problem.

40
41 The road hunters themselves, and their
42 attitudes has always been a problem.

43
44 One year we hiked up to about, oh, I
45 don't know, 1,200 feet or so on the road and we were
46 dressed in our rain gear and our rags and a fellow pulls
47 up in a big pickup truck, probably \$24,000 rig and he's
48 got the biggest hi-tech binoculars you ever seen and all
49 the latest outdoor clothes and one of the biggest
50 shiniest rifles you ever seen and we were just all

1 standing there in the rain in our rags and other times
2 there'll be four or five guys in some kind of rig,
3 Suburban or something, SUV and guns bristling and, you
4 know, beer cans and evidence, and it's almost a conflict
5 between two different philosophical attitudes. I
6 appreciate the fellows wanting to have a good time, we
7 always stopped if they stopped, we're always happy to
8 talk to whoever's going by and come to find out, some of
9 these guys have been driving maybe up from Craig that day
10 and have, you know, maybe covered 150 miles of road going
11 up and down and hadn't seen anything and wondered why.
12 So there's some serious philosophical differences that --
13 whether it's from Ketchikan or well outfitted hunters
14 from other parts of the island, I always felt like we
15 were after two different things.

16
17 I'm not sure what else that I could offer
18 that would be of interest to the committee here. I
19 appreciate all the hard work everybody's trying to do to
20 try to iron out these impossible wrinkles.

21
22 I'd be happy to entertain any questions
23 if they could be of anybody's help.

24
25 I'm grateful that somebody's at least
26 trying to effect a positive change in this rather
27 impossible situation.

28
29 CHAIRMAN LITTLEFIELD: Thank you, Mr.
30 Sebastian. If you'll please stay with us, any comments
31 or questions for Mr. Sebastian.

32
33 Mr. Hernandez.

34
35 MR. HERNANDEZ: Yeah, thanks for coming
36 in Joe. Yeah, I don't know, you know, in our deer
37 subcommittee we've been well aware of the habitat
38 impacts, you know, associated with the logging clear-
39 cutting, and we've tried to address that, you know, in
40 some measure and what we have is a recommendation before
41 this Council is two recommendations that would go to the
42 Forest Service. One of which is to initiate some more
43 restoration and rehabilitation efforts on the old second
44 growth units, and then the other recommendation is for
45 them to explore more of these alternatives to clear-
46 cutting in their future timber operations. And I don't
47 know if you, you know, are aware that we're requesting
48 that and I don't know if you think that would be of any
49 benefit.

50

1 MR. SEBASTIAN: I think it would. But it
2 boils down to how much volume you expect to take out of
3 which area during any particular time period. And north
4 Prince of Wales just happened to have the bad luck to be
5 hit especially hard. You know, things keep ping-ponging
6 back and forth, when the roadless was in effect it seemed
7 like, well, and then the unroaded areas were going to be
8 safe, and the roaded areas were going to be more heavily
9 logged. Now that that's all gone and in fact the
10 management scenario, it keeps changing so radically every
11 other year so that it almost takes another year and a
12 half or two to get up to speed with what's finally
13 supposed to happen in the field and it seems like it all
14 changes again.

15
16 I know the Forest Service recently just
17 changed all the rules again so that it sounds like a lot
18 of these harvest decisions, the public is not only not
19 going to be involved, but that their opportunities to
20 offer input and participate and be part of the process
21 are even more greatly restricted than before.

22
23 So to me it's a question of how much
24 volume out of a particular area. And one of the things
25 we've asked the Ranger for for years is to say, why can't
26 we go slow on the volume, you know, if you guys need to
27 get five or six million, you know, well, you can get five
28 or six million for 55 or 75 years if you go slow on it,
29 but they have three year plans where they want 35 million
30 or five year plans for 42 million and we never felt that
31 the area could sustain on a long-term basis, that
32 continual type of hammering over and over and over again,
33 and I never have seen the figure of what they hightailed
34 out of north Prince of Wales, but it's got to be in the
35 neighborhood and you probably have to add 35 percent for
36 all the timber that was stolen off of there and never
37 reported. It's probably hundreds of millions of board
38 feet already.

39
40 And the land that is -- it'd be a full-
41 time job to begin recovery efforts just on what's been
42 left over from the pulp mill, never mind smaller
43 operators or actually all of us are kind of -- even what
44 this is -- is being addressed here and trying to anguish
45 out some kind of solution, this is all in the shadow and
46 the wake of what was left behind by the pulp mills.
47 Because in my mind they took about 150 years worth of
48 timber in about 45 years, and that compounded our problem
49 because we stole from the future to have a fat present.
50 And that type of attitude is still going on today,

1 despite all the roads and clear-cuts, I don't know what
2 we can do or what can be done to kind of ease up on the
3 timber supply and make it last and keep our deer and our
4 habitat and our subsistence hunters and our sport hunters
5 and everybody else happy.

6

7

CHAIRMAN LITTLEFIELD: Mr. Jordan.

8

9

MR. JORDAN: So I take it you wouldn't
10 agree with former head of the Forest Service, Max
11 Peterson, who sat at a Congressional Hearing in
12 Washington, D.C., that I happened to be in attendance at
13 that the best place in Southeast Alaska to hunt deer were
14 in the clear-cuts?

15

16

MR. SEBASTIAN: At one time that may have
17 been possible, you know, especially if you were a logger
18 on opening day, you know, a lot of deer came out of
19 Labashire Bay, and that may have been true at one time.
20 Those clear-cuts, though, just in the short time I've
21 been there it seems like the longer you live in Southeast
22 Alaska, the smaller the place gets. It looks really big
23 when you get here but the longer you're here it's pretty
24 small by the time you finally take it all in and explore
25 all the little nooks and crannies.

26

27

We've been at the mercy or attitudes and
28 misinformation, like Mr. Peterson. How much time Mr.
29 Peterson actually spent on the ground in this country is
30 a debatable fact.

31

32

CHAIRMAN LITTLEFIELD: Follow up, Mr.

33

34

35

MR. JORDAN: Mr. Chair. Council members.
36 Joe Sebastian is one of the heros in Southeast Alaska to
37 me. He's worked tirelessly for many, many years to
38 protect the habitat and the subsistence values associated
39 with that. And, I, for one appreciate it a great deal,
40 thank you, Joe.

41

42

MR. SEBASTIAN: I'm afraid I'm
43 embarrassed to think that way let alone listen to such,
44 but, you know, I think everybody sitting on this panel,
45 whichever community they represent all these people that
46 are all involved and try to make positive contributions
47 love Southeast Alaska and you're not sitting there for
48 your bottom line either, I know that as well.

49

50

The challenges to make this place the

1 best place we can make it and without harming it or
2 killing the golden goose. And I think all of us, both on
3 the committee and in the audience are interested in
4 protecting and enhancing the wildlife that is our great
5 bounty to enjoy.

6
7 So thank you.

8
9 CHAIRMAN LITTLEFIELD: Other Council
10 comments.

11
12 (No comments)

13
14 CHAIRMAN LITTLEFIELD: I'd like to echo
15 those comments. I appreciate your thoughts and we most
16 likely, most of us, agree with everything you've said,
17 the majority of it, anyway. Thank you very much for your
18 testimony.

19
20 MR. SEBASTIAN: Thank you very much.

21
22 CHAIRMAN LITTLEFIELD: Are there any
23 other Petersburg residents that would like to testify.

24
25 (No comments)

26
27 CHAIRMAN LITTLEFIELD: Ms. Hernandez,
28 anyone signed up.

29
30 MS. HERNANDEZ: (Shakes head negatively)

31
32 CHAIRMAN LITTLEFIELD: Okay, let's go
33 back to 2, we've got a few more minutes to stay here. So
34 any other Federal, State or tribal agency comments --
35 we're actually on Proposal 4.

36
37 (No comments)

38
39 CHAIRMAN LITTLEFIELD: Any other
40 governments, tribes.

41
42 (No comments)

43
44 CHAIRMAN LITTLEFIELD: Interagency Staff
45 Committee, Mr. Kessler.

46
47 DR. GARZA: (Yawns)

48
49 (Laughter)

50

1 CHAIRMAN LITTLEFIELD: That was no
2 reflection on you, Mr. Kessler.

3
4 (Laughter)

5
6 MR. KESSLER: Thank you, Mr. Chair. And
7 I'll just be as brief as I can -- well, I won't be super
8 brief, but Mr. Chair and members of the Council, I'm
9 Steve Kessler with the Forest Service.

10
11 Just a couple things on this proposal.
12 The original proposal brought up a number of
13 jurisdictional issues for which the Interagency Staff
14 Committee had concerns. However, this cooperative
15 reporting process now proposed jointly by the State and
16 the Forest Service should alleviate all of those
17 jurisdictional issues.

18
19 And that's all I have.

20
21 CHAIRMAN LITTLEFIELD: Any questions for
22 Interagency Staff Committee.

23
24 (No comments)

25
26 CHAIRMAN LITTLEFIELD: Thank you, Mr.
27 Kessler. Fish and Game Advisory Committee comments. Mr.
28 Bangs is gone, so.....

29
30 (No comments)

31
32 CHAIRMAN LITTLEFIELD: Summary of written
33 public comments.

34
35 DR. SCHROEDER: Mr. Chairman, we haven't
36 received written public comments for this proposal.

37
38 CHAIRMAN LITTLEFIELD: I'm amazed. How
39 about any public testimony.

40
41 (No comments)

42
43 CHAIRMAN LITTLEFIELD: Any member of the
44 public like to testify on Proposal 4.

45
46 (No comments)

47
48 CHAIRMAN LITTLEFIELD: We're at Regional
49 Council deliberations and that will take place tomorrow
50 sometime. Tomorrow morning we're going to go to Mr.

1 Probasco first and put him on the agenda and, again, I'd
2 urge you to review the data that was submitted by the
3 Sitka Tribe of Alaska to make sure you either concur with
4 submitting those or have some other ideas.

5
6 Any other housekeeping that we can take
7 care of.

8
9 (No comments)

10
11 CHAIRMAN LITTLEFIELD: Ms. Hernandez, do
12 you have any update on the meals tomorrow, I heard there
13 was a fundraiser maybe tomorrow evening.

14
15 MS. HERNANDEZ: The only update I got
16 from Will is it's going to be by donation and they'll be
17 here around noon.

18
19 CHAIRMAN LITTLEFIELD: For the good of
20 the order does anybody have any -- I'd like to note for
21 the record that Mr. Turek, pretty good ANB member, he
22 distributed everything and did not once pass out.

23
24 (Laughter)

25
26 CHAIRMAN LITTLEFIELD: Mr. Kessler.

27
28 MR. KESSLER: Mr. Chair. I don't think
29 it was noted that earlier, just after lunch I gave
30 everybody a handout that has to do with the law
31 enforcement item for tomorrow.

32
33 CHAIRMAN LITTLEFIELD: Go ahead and
34 discuss it.

35
36 MR. KESSLER: What's that?

37
38 CHAIRMAN LITTLEFIELD: Go ahead and
39 discuss it then.

40
41 MR. KESSLER: Well, we'll discuss it
42 tomorrow, I just wanted to point out that everybody
43 received that and hopefully will have a chance to read it
44 before that discussion.

45
46 CHAIRMAN LITTLEFIELD: Okay. I believe
47 that was in response to the previous meeting where it was
48 brought up what actions were taken, special actions,
49 enforcement actions, so this is just information; is that
50 correct?

1 MR. KESSLER: No, that's not entirely
2 true. We actually plan on having a discussion hopefully
3 with the Council so that the Council can provide some
4 input to Forest Service and the Forest Service Law
5 Enforcement about what they consider to be important for
6 subsistence users as far as priorities for law
7 enforcement officers.

8
9 CHAIRMAN LITTLEFIELD: Okay. I don't
10 think you could take care of this in 10 minutes so.....

11
12 MR. KESSLER: No. No, that wasn't the
13 intention, I just wanted to make sure everybody realized
14 what they had and that they could take a look at it
15 before that action item.

16
17 CHAIRMAN LITTLEFIELD: Okay, well, we
18 need to stay here just a few more minutes. We're going
19 to go at 8:30 tomorrow unless anybody has any objection
20 and wants to go at 8:00.

21
22 (Laughter)

23
24 CHAIRMAN LITTLEFIELD: Hearing none, we
25 will start at 8:30 tomorrow morning.

26
27 (Pause)

28
29 CHAIRMAN LITTLEFIELD: We're going to
30 stand in recess until 8:30 tomorrow morning.

31
32 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 88 through 272 contain a full, true and correct Transcript of the VOLUME II, SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically by Salena Hile on the 23rd day of February 2005, beginning at the hour of 8:39 o'clock a.m. at Petersburg, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 9th day of March 2005.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08