

00138

1

SOUTHEAST FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL

2

3

4

PUBLIC MEETING

5

6

VOLUME II

7

8

February 26, 2003

9

Ketchikan Indian Corporation

10

Ketchikan, Alaska

11

12 COUNCIL MEMBERS PRESENT:

13

14 John Littlefield, Chairman

15 Marilyn R. Wilson

16 Bert Adams

17 Floyd Kookesh

18 Donald Hernandez

19 Richard Stokes

20 Michael Douville

21 Harvey Kitka

22 Dolly Garza

23

24 Regional Coordinator, Robert Schroeder

00139

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

P R O C E E D I N G S

(Ketchikan, Alaska - 2/26/2003)

(On record)

CHAIRMAN LITTLEFIELD: The meeting will be called back into order. As a reminder, last night, our last order of business when we went into recess, we were considering Proposal No. 3 on Council deliberations.

The first order of business for the day is a special order to take care of Proposal No. 8. So processwise, we will move into Proposal No. 8, and have those presentations as well as public testimony and deliberations. Subsequent to that, we will come back to Proposal No. 3. Are you ready to make the Proposal 8?

MR. SCHROEDER: Mr. Chairman, Yes, we could call Jill Reeck up to the.....

CHAIRMAN LITTLEFIELD: Okay. Just for the record, the secretary will note that all the Councilmen who were present yesterday are also here.

Jill, could you please refer to pages in the book so that we can all follow you and know what page that you're on?

MS. REECK: Good morning, Mr. Chairman Yes, thank you, I can do that. My name is Jill Reeck. I'm a biologist with the Forest Service in Ketchikan, and the lead author on this proposal.

It begins in your proposal book on Page 171. I would also like to note that each of the Council members should have received a new copy of Table 1 for this proposal. Somehow inadvertently one of the columns was left out of the table in the version in your book, and I failed to catch that during the review.

CHAIRMAN LITTLEFIELD: For clarification, that's on Page 178, is that correct?

MS. REECK: Yes, that's correct. It's Table Number 1 on Page 178.

CHAIRMAN LITTLEFIELD: Excuse me, Jill, were there any of these copies made available for the public so that they could take a look at this revised table?

00140

1 MS. REECK: Yes, I do have some extra
2 copies.

3
4 Okay. I'd like to begin just a brief
5 overview of this proposal. It is Proposal No. 8 on the
6 Unuk River moose submitted by Mrs. Cindy Wagner of
7 Metlakatla, basically requesting an extension of the
8 current moose season, extending it roughly two weeks
9 early in the season. She felt that the rural subsistence
10 users could not compete with the nonrural users up on the
11 Unuk River. And this would give subsistence users a
12 two-week preference.

13
14 The existing season is one antlered moose
15 from September 15th through October 15th. And her
16 proposal request would be for Burroughs Bay and the Unuk
17 River drainage, one antlered bull from September 1st
18 through October 15th. The remainder of Unit 1(A) would
19 remain the same as the current September 15th through
20 October 15th.

21
22 The Unuk River is kind of a unique
23 situation. It's a lot of braided channels, and it's an
24 area where basically moose success, successful hunting is
25 pretty low for all hunters. You can kind of just take a
26 look. This is a kind of a summary chart showing rural
27 versus nonrural hunters. Like I say, pretty low overall
28 success for both groups of hunters. Rural hunters make
29 up less than 20 percent of the actual number of hunters,
30 and this is just number of people actually hunting on the
31 Unuk River. There are a lot of people that actually
32 request permits that never go afield and actually hunt up
33 there. Like I say, partly due to the severe conditions
34 and the type of terrain that you're hunting in on the
35 Unuk. Overall success rate like I say generally less
36 than 15 percent.

37
38 Basically since the 1980s there have been
39 three moose harvested per year as an average. That seems
40 to be pretty consistently. It's ranged anywhere from no
41 moose taken to up to I believe a high point was eight in
42 the late 1980s.

43
44 This just kind of breaks the harvest down
45 a little bit further. Rural residents on your far
46 left-hand side have been averaging about six rural
47 hunters since about 1990. The greatest proportion of
48 hunters have been nonrural hunters, stating on their
49 state harvest records that they've accessed the area by
50 boat.

00141

1 One of the concerns submitted by the
2 proponent was that they cannot compete with nonrural
3 hunters accessing the area by airplane. Those number of
4 hunters is in the far right-hand side, a lot less people.
5 And actually nonrural hunters accessing the area by plane
6 according to the data.....

7
8 CHAIRMAN LITTLEFIELD: Excuse me, Jill, I
9 have an announcement to make. There's a purple Ford
10 Ranger pickup, and we would like to have you move your
11 vehicle so that others can access the facility. I'm
12 sorry. A purple Ford Ranger pickup. Please go ahead,
13 I'm sorry.

14
15 MS. REECK: Yeah, I was just saying
16 according to the data from the State harvest records and
17 all that, the nonrural residents accessing the Unuk River
18 by airplane have not been as successful as those
19 accessing the planes (sic) by boat. They have been
20 slightly more successful than the nonrural hunters.

21
22 For those of you that are not familiar
23 with the Unuk River, this is kind of representative,
24 looking up the channel of it. A lot of braided channels.
25 The river fluctuates greatly. It can be either very,
26 very low or kind of a raging torrent. A lot of dense
27 cottonwoods in the bottom there. We've been flying the
28 Unuk River this winter trying to get a better handle on
29 population, and just from what I've seen from doing that,
30 since I've never hunted it, but it seems like definitely
31 hunting would be difficult, trying to even spot moose
32 through the dense cottonwoods, plus dealing with the
33 river fluctuations.

34
35 I believe that's probably the reason why
36 hunter success is very low over all. It's just the
37 difficult hunting conditions that you're dealing with up
38 there. I believe -- it seems like from what I found,
39 most of the successful nonrural hunters have been to a
40 large part the people that own cabins up there, people
41 spending a lot of time, you know, being very familiar
42 with that river and the topography up there.

43
44 As I said, rural hunters have been less
45 successful than the nonrural hunters. This would give
46 them a two-week basically preference early in the season.
47 There would be no change to the nonrural season. It
48 would stay where it currently is, October 15th through --
49 excuse me, September 15th through October 15th.

50

00142

1 Generally, according to the data,
2 nonrural hunters have spent more time actually hunting on
3 the Unuk, and this may be one of the reasons for their
4 increased success.

5
6 Data on the actual moose population on
7 the Unuk is limited, but from what we can tell, there is
8 not a conservation concern at this time. Population and
9 the number of moose traditionally taken out of that area
10 seem to be fairly well balanced, and from what we can
11 tell right now, seem to be kind of holding steady.

12
13 One of the concerns of the proposal is
14 with a two-week additional -- two additional weeks on the
15 front end of the season for rural residents, that we may
16 be attracting a lot of rural residents from other areas
17 that currently do not hunt the Unuk. Because of the
18 special season, they could kind of hunt here first and
19 then hunt their more traditional areas on the Stikine.
20 This area is open to all rural residents.

21
22 CHAIRMAN LITTLEFIELD: This seems like a
23 good point to welcome Patty Phillips. She's the
24 representative who was weatherbound, one of the two, and
25 we would welcome you. Good to see you.

26
27 MS. REECK: Most of the moose in Unit
28 1(A) do occur within the Burroughs Bay/Unuk River, and
29 so we have suggested a modification just simply for
30 making the regulation consistent, that would change -- if
31 this proposal passes, it would change the season for the
32 entire Unit 1(A) from September 1st to October 15th for
33 subsistence users, instead of having the split season
34 with part of it for Unuk River and part of it for the
35 remainder of 1(A).

36
37 At this point I'll answer any questions
38 the Council may have.

39
40 CHAIRMAN LITTLEFIELD: Are there
41 questions? Mr. Douville.

42
43 MR. DOUVILLE: Thank you, Mr. Chairman.
44 I have a question on do you have any data that would
45 indicate whether the most success happens early, late or
46 in mid season or something to that effect?

47
48 MS. REECK: Actually from looking at the
49 State harvest reporting data, it seems like it's really
50 varied, anywhere from early September, early September

00143

1 being roughly the 15th when the season opens all the way
2 to the end of the season. My personal opinion is it may
3 have more to do with the weather patterns and what the
4 river is doing at the time rather than anything dealing
5 with the rut or anything else.

6

7 CHAIRMAN LITTLEFIELD: Councilmen? Mr.
8 Hernandez.

9

10 MR. HERNANDEZ: Mr. Chairman, Jill, can
11 you give us an idea of the amount of non-Federal or
12 private land in the drainage?

13

14 MS. REECK: Yes, if you look in your
15 proposal book, it's actually on Page 174. There are
16 roughly 270 acres of private land. That is mostly at the
17 head of Burroughs Bay. The Forest Service has actually
18 been in the process of acquiring some of that private
19 land, so that it may be just a little high for the
20 current number right now.

21

22 MR. HERNANDEZ: Okay. So on the Unuk
23 drainage where most of the moose are taken, there's very
24 little private land?

25

26 MS. REECK: That is correct. Most of it
27 is Forest Service at the Misty Fjords.

28

29 MR. HERNANDEZ: Thank you.

30

31 CHAIRMAN LITTLEFIELD: Any other
32 Councilman? I had one question on Table 1, and that was
33 the nonrural hunters. Was there any information on how
34 many of those were residents or nonresidents or were they
35 all just lumped in one group?

36

37 MS. REECK: Yeah, what I did is take the
38 State harvest data which actually shows city of
39 residence. Like you say, this may be slightly off
40 depending if people, you know, could possibly actually be
41 a rural resident from Nokadi (ph), but if they listed
42 their mailing address or whatever as Ketchikan, they
43 might show up in the rural -- I mean, excuse me, the
44 nonrural area.

45

46 Most of the hunters do seem like they're
47 from Ketchikan and surrounding area here in town. There
48 are a few out of State hunters.

49

50 CHAIRMAN LITTLEFIELD: And the last

00144

1 question was the proponent asked for Burroughs Bay and
2 the Unuk River drainages, and the Staff recommendation on
3 Page 180 was all of 1(A). Could you expand upon the
4 reason for that, please?

5

6 MS. REECK: That's mainly for just ease
7 of the regulation. Essentially all the moose occur on
8 the Unuk River and Burroughs Bay within the entire Unit
9 1(A). There is basically no huntable population
10 elsewhere, so this is just basically instead of having a
11 split regulation, just to clean it up and make it more
12 consistent.

13

14 CHAIRMAN LITTLEFIELD: Thank you, Jill.
15 Enforcement, do you have anything to add on that, whether
16 the ease justifies that, or could you comment on that,
17 please?

18

19 MR. PEARSON: Mr. Chair, Ken Pearson with
20 Enforcement. Enforcement has no concerns at this time.
21 It's a pretty straight forward regulation.

22

23 CHAIRMAN LITTLEFIELD: Is there any other
24 questions? Okay. Thank you very much, Jill. Next on
25 the agenda would be the Department of Fish and Game
26 comments.

27

28 UNIDENTIFIED VOICE: Mr. Chairman, Kim
29 Titus of Fish and Game is due here any minute. We just
30 arrived on the plane, and if we could come back to those,
31 that would be much appreciated.

32

33 CHAIRMAN LITTLEFIELD: That's fine.
34 We'll defer that until he arrives.

35

36 Tribal governments? Would any tribal
37 governments testify on this? No tribal governments. Any
38 other agency comments. Fish and game advisory committee
39 comments or testimony. Summary of written public
40 comments.

41

42 MR. SCHROEDER: Mr. Chairman, we've
43 received a number of public comments, written public
44 comments on this proposal.

45

46 Zachary Cost of Ward Cove, Alaska opposes
47 this proposal. He states he's a long-term resident of
48 Alaska who's hunted in this area about 20 years. He's
49 worried about the damage this proposal might do to the
50 moose population in this area, and he refers to harvest

00145

1 data. And he believes that there may be an issue
2 concerning early hunting before bulls have time to breed.

3
4 We have a second comment from, excuse me,
5 Timothy Chiguch, also of Ward Cove. He opposes this
6 proposal. He's been in Alaska for 24 years, and is a
7 property owner in this area. He's hunted moose on the
8 Unuk perhaps for 19 years. He's concerned about damage
9 to the moose population. He notes the population's very
10 small, and that its stability depends on a very small
11 number of bulls available to mate with cows in that area.
12 So he has concerns that the herd could be damaged by an
13 earlier hunt.

14
15 A comment from Laura Huffine. Excuse me
16 if I get names wrong. This person objects to Proposal 8,
17 and discusses harvest that takes place in the Unuk River,
18 and notes that there have been times when people have
19 gone eight or 10 years before having successful hunts in
20 this area, that it is a very difficult area to hunt in.
21 She doesn't use aircraft, and does not believe in the use
22 of aircraft for spotting. And she's concerned with the
23 use of aircraft used for spotting. She believes that
24 this proposal would turn the valley into a private
25 hunting reserve for two weeks, and that that wouldn't
26 solve the problem that the proposal attempts to address.

27
28 A letter from Avery Gast opposes this
29 rule change at this time. Avery believes there's no
30 evidence that a longer rural resident only season should
31 take place. He believes that this change might have
32 other people from other rural areas in Southeast Alaska
33 coming to the Unuk to hunt who otherwise would not be
34 coming to this area.

35
36 We have a comment, Defenders of Wildlife
37 have commented on quite a few of our proposals. They
38 want a uniform season to be maintained for continuity,
39 consistency and enforceability.

40
41 Timothy Jaguch opposes this proposal.
42 He's from Ward Cove, Alaska. And he, similar to the
43 earlier comment, he has property on the Unuk for 19
44 years, and has hunted there almost every year. He's
45 concerned that the moose population might be damaged by
46 this change and points out the small number of bulls
47 available to ensure fecundity of the cow population.

48
49 Chris Moore of Ketchikan has hunted moose
50 on the Unuk for 20 years, and has spent a good deal of

00146

1 time in this area, sometimes a month a year or longer.
2 He's concerned with losing rights to fish hooligan on
3 that river. He believes the moose population is about
4 the same as it was when he started almost 20 years ago to
5 hunt there. He doesn't believe that special interest
6 groups should be allowed to have an advantage over others
7 simply because they live in Saxman or Metlakatla. With
8 respect to aircraft, he states he does not own an
9 aircraft, but he believes that anyone should be able to
10 use an airplane under current State regulations.

11

12 Mr. Chairman, those are the written
13 comments we've received.

14

15 CHAIRMAN LITTLEFIELD: Before we go to
16 the State, back to the Department of Fish and Game, I'd
17 like to ask the Coordinator to recognize the new guests
18 that are here, and also speakers, and we will do
19 introductions. We'll just take a minute to do that. Mr.
20 Schroeder.

21

22 MR. SCHROEDER: Perhaps the best way of
23 doing that would just be to start on this side of the
24 room, and if you haven't introduced yourself to the
25 Council or the group yesterday, if I could get you to do
26 that today. So I don't know if we have any Forest
27 Service Staff in the back who weren't here yesterday.

28

29 MR. SCHMIDT: Yes, I'm Dave Schmidt, I'm
30 the district ranger over in Thorne Bay District, Prince
31 of Wales.

32

33 MR. TESLER: My name is Tod Tesler. I'm
34 fish and wildlife Staff here in Ketchikan for the Forest
35 Service.

36

37 MR. SCHROEDER: And perhaps from in the
38 back there?

39

40 MS. LECORNU: Vicki LeCornu.
41 Hydaburg.....

42

43 MR. SCHROEDER: Hi, Vicki.

44

45 MS. LECORNU:Tribal Government.

46

47 MR. USTASIEWSKI: I'm Jim Ustasiewski
48 with the Office of the General Counsel in Juneau,
49 Department of Agriculture.

50

00147

1 MR. SCHROEDER: Marianne?

2

3 MS. SEE: Marianne See, I'm the assistant
4 director for the Division of Subsistence, Alaska
5 Department of Fish and Game.

6

7 MR. SCHROEDER: And, Kim?

8

9 MR. TITUS: Good morning every one. I'm
10 Kim Titus. I'm the regional supervisor for the Division
11 of Wildlife Conservation here in Southeast Alaska.

12

13 MR. SCHROEDER: Let's see, we may have --
14 oh, go ahead, Boyd.

15

16 MR. PORTER: Boyd Porter, Fish and Game
17 here in Ketchikan, management.

18

19 MR. SCHROEDER: And I think we have some
20 members of the public who may not have been here
21 yesterday. Would you like to introduce yourselves?
22 Please.

23

24 MR. CHRISTIANSON: I'm Anthony
25 Christianson. I'm an employee of the Hydaburg
26 Association.

27

28 MR. SCHROEDER: Anybody on this side? Go
29 ahead.

30

31 MS. HUFFINE: Laura Huffine, resident of
32 Ketchikan.

33

34 MR. SCHROEDER: Thank you.

35

36 MR. SCHROEDER: If that's everyone,
37 welcome to -- oh, excuse me.

38

39 MR. STANLEY: I'm James Stanley, I'm the
40 Alaska Native Brotherhood Camp 14 secretary. We'll be
41 serving lunch for you today.

42

43 MR. SCHROEDER: Oh, thank you very much.

44

45 MR. STANLEY: I also have a letter on a
46 proposal. Do you want that now or shall I sent it over
47 to the table first -- okay, thank you.

48

49 MR. PARSLEY: My name is Chuck Parsley
50 with the Forest Service, fish and wildlife.

00148

1 MS. GARZA: Last name?

2

3 MR. PARSLEY: Parsley.

4

5 MR. SCHROEDER: Well, thank you for your
6 presence and we look forward to hearing from the public
7 testimony a little bit later on in this.

8

9 CHAIRMAN LITTLEFIELD: Okay. Thank you.
10 We'll go now to Alaska Department of Fish and Game
11 comments. Are you ready?

12

13 MR. PORTER: Mr. Chair, members of the
14 Board, my name is Boyd Porter. I'm the State wildlife
15 manager here in Ketchikan for Units 1(A) and 2.

16

17 And our staff comments for Proposal 8 are
18 that we're neutral on the proposal. The current season
19 we feel provides ample opportunity for all hunters to
20 participate in this hunt. Burroughs Bay and Unuk River
21 supports a relatively small population of moose, and it
22 is isolated to the Unuk River drainage, which actually
23 flows out of Canada, so the moose move freely between the
24 U.S. and Canada.

25

26 Our best estimate of the moose population
27 in that area is between 35 and 50 moose during the last
28 couple of years of surveys. And an extension could
29 increase the harvest of that population. We don't really
30 know what effect that extension of that might have for
31 subsistence users.

32

33 And it would also, adopting this
34 proposal, would create an inconsistency between Federal
35 and State regulations.

36

37 Hunting pressure typically is fairly
38 light on this area, and many of those who register, we
39 have around 70 registrations every year, and a small
40 portion of those actually go afield and hunt.

41

42 I'll stop there, and if you have any
43 questions about the management of that herd.....

44

45 CHAIRMAN LITTLEFIELD: Council, questions
46 for ADF&G? Mr. Douville.

47

48 MR. DOUVILLE: Thank you, Mr. Chairman.
49 My question is the same as I asked before. Do you have
50 any indication of when the most success occurs in this

00149

1 hunt? My second question would be what is the upper
2 limit of harvest that you believe that the population
3 would tolerate on a sustained yield basis?

4

5 MR. PORTER: Mr. Douville, members of the
6 Board, the sustainable harvest of that, given our
7 estimate of the population, it is a bull only hunt, and
8 again eight moose, eight bulls were the most that was
9 every taken. I would imagine that's the upper limit of
10 that. But what we don't have is bull/cow ratios which
11 would give us a better handle on how many bulls you could
12 harvest out of that area.

13

14 As to your question about the timing of
15 the harvest, and it does vary depending on river
16 conditions, weather conditions. That river is very prone
17 to high -- intense fluctuations given rainfall and snow
18 melt up in the upper reaches of that area. And so it's
19 probably more driven by that than bulls coming into rut
20 and being more vulnerable to harvest.

21

22 MR. DOUVILLE: Okay. You did say eight
23 was the high number taken, but do you have a number that
24 you're comfortable with that you would find acceptable as
25 a harvest limit?

26

27 MR. PORTER: Mr. Chair, Member Douville,
28 without those bull/cow ratios, it would be very difficult
29 to make that estimate, but I would imagine, given what we
30 know about that herd, that that eight would probably be
31 the upper limit. That was a very unusual year I might
32 add.

33

34 CHAIRMAN LITTLEFIELD: Any other Council
35 questions for ADF&G?

36

37 MR. ADAMS: Mr. Chairman.

38

39 CHAIRMAN LITTLEFIELD: Mr. Adams.

40

41 MR. ADAMS: You made a comment here that
42 the extension would increase the harvest, you know, if
43 this proposal was past. Does this mean then that you
44 might be anticipating a conservation problem somewhere
45 down the line?

46

47 MR. PORTER: Mr. Chair, Member Adams,
48 that's a possibility. And again not knowing what an
49 extension of that sort would do to people's interest in
50 that hunt. I guess one of our questions was how many

00150

1 people would come from other areas because that's a bit
2 of a lag time. The Stikine and other hunts aren't taking
3 place at that time, and other subsistence hunters would
4 qualify for this hunt, so it's unknown at this point
5 whether we would see an influx of people coming --
6 attracted to that earlier season.

7

8 CHAIRMAN LITTLEFIELD: Mr. Douville.

9

10 MR. DOUVILLE: Thank you, Mr. Chairman.
11 Under this proposed regulation, you would also have to
12 have a positive C&T in this area to qualify to even hunt
13 there as a rural hunter, so a regulation change then
14 would not necessarily include more rural hunters I don't
15 believe than -- do you understand what I'm asking?

16

17 CHAIRMAN LITTLEFIELD: Yes. And, Dr.
18 Schroeder, could you respond to that, please, because
19 this is more on the Federal side.

20

21 MR. SCHROEDER: Other staff may wish to
22 correct me if I'm wrong. I believe there has been no C&T
23 finding for this area, so this area would be open to all
24 rural residents.

25

26 MR. PORTER: Mr. Chair, that's my
27 understanding.

28

29 CHAIRMAN LITTLEFIELD: Any other Council
30 questions for ADF&G? Thank you. Are there any other
31 ADF&G that wish to testify. Dr. Titus. Okay. Thank
32 you.

33

34 Next on the agenda would be the public
35 testimony phase, and I would like to ask Dr. Schroeder to
36 explain what happens under public testimony.

37

38 MR. SCHROEDER: During the public
39 testimony period of our meeting, the public's invited to
40 comment on the proposal that is before the Council. We'd
41 like you to fill out a white card so we have your name,
42 and people are called in order of their cards being
43 submitted unless other extenuating circumstances. Please
44 speak to the topic, and generally members of the public
45 have sufficient time to express their concerns.

46

47 CHAIRMAN LITTLEFIELD: Ms. Garza.

48

49 MS. GARZA: Mr. Chairman, thank you.
50 Perhaps the question was asked and answered. I'm kind of

00151

1 running around. But there was a concern about people
2 from other areas, rural people from other areas coming
3 in, and I wanted to get a clarification on who has a
4 positive C&T for the Wrangell area.

5
6 MR. SCHROEDER: Mr. Chairman, Dr. Garza,
7 this hunt would be open to all rural residents, because
8 there hasn't been a specific C&T made for this area.

9
10 CHAIRMAN LITTLEFIELD: If we're ready,
11 I'll proceed with public testimony. Steve Huffine.
12 Please state your name for the record.

13
14 MR. HUFFINE: My name is Steve Huffine,
15 and I'm not sure where I'm a resident of yet.

16
17 I'm a little nervous about this, but
18 yesterday I asked for everybody's time or to set this up.
19 My wife is a little nervous that nobody's manning the dump
20 up there right now. I guess somebody's running scale,
21 but if I could let her take my turn, and then I'll take
22 one later on, I'd appreciate that.

23
24 CHAIRMAN LITTLEFIELD: Please proceed.

25
26 MR. HUFFINE: And watch her sweat. Is
27 that okay?

28
29 CHAIRMAN LITTLEFIELD: Yes. Please come
30 forward.

31
32 MS. L. HUFFINE: Hello. My name's Laura
33 Huffine, and I'm a life-long Ketchikan resident. Thank
34 you for the time to speak, and I apologize for my voice.
35 I don't talk well in front of crowds.

36
37 I am here in opposition to Proposal 8.
38 While being in agreement there's a problem with aerial
39 hunters, I do not feel this proposal solves the dilemma.
40 It will take care of the problem for the few federally
41 classified rural hunters who hunt the Unuk each year, but
42 will leave the situation unresolved for the remainder.

43
44 Since '95 hunter participation has
45 dropped in half, from 46 hunters down to 25 in 2001. We
46 are not dealing with a great number of people.

47
48 Three generations of my family have
49 hunted and fished on the Unuk. While that does not
50 extend back for 1,000 years, it is as far as my memories

00152

1 go Stories and tales across generations are great
2 things, but the ones you participate in burn into your
3 mind. My parents encouraged us to enjoy the outdoors and
4 all it has to offer. We were raised on fish, deer, and
5 when the luck ran good, moose.

6
7 Before my husband and I were married, he
8 was invited on a family outing to the Unuk for hooligan.
9 Thank goodness he loved the place and we got to get
10 married.

11
12 Since our -- the first time our daughter
13 went and participated, she was two. I'm not sure what
14 her contributions to the moose hunt were, or whether she
15 was there for entertainment value. And she wanted to pet
16 a moose. We camped in our 19-foot glass-ply, it's a
17 sedan style, for 10 days. I don't know if any of you are
18 familiar with glass-plies, I'm sure most are. That's the
19 kind with two bunks and no cooking facilities. We had my
20 father with us, so there was four of us in there. It was
21 good memories. It was very close.

22
23 She continues to join us every year. She
24 spots rubs, points out tracks and makes calls until we
25 got tired of fighting with the school district over her
26 absences. It was a highlight for her dad when a trip to
27 the river with a couple friends was her desire for spring
28 break last year.

29
30 Heritage is not just who you are. It's
31 what you do and your lifestyle becomes your children's
32 heritage. The people who hunt the valleys of the Unuk
33 are perhaps some of its greatest guardians, and it is
34 difficult for us to come before a crowd and speak of it,
35 because each of us feels we have a little grasp of
36 paradise.

37
38 One of the best features of the river is
39 it is open to have the desire and the tenacity to try.
40 People have tackled the river in everything from
41 inflatables to sleek new jet boats. And it has humbled
42 quite a few of them. Over the time you observe the ones
43 who fall in love with the place.

44
45 The hunt isn't everything, but we'd all
46 be lying if we told you our necks didn't start to swell a
47 little bit as September 15th draws near.

48
49 I'm not sure what the solution to the
50 problem here may be. It's not my wish to have lines

00153

1 drawn amongst friends and neighbors. If the Unuk could
2 be put back on even ground through the closure of upriver
3 flights during the month-long hunting season, a lot of
4 the tension and turmoil of recent years would dissolve,
5 and it would return to the hunts of old with friendly but
6 earnest competition, and everyone on equal terms.

7

8 Thank you for your time.

9

10 CHAIRMAN LITTLEFIELD: Thank you. Could
11 you please stay there for questions? Any Council
12 questions? Mr. Adams.

13

14 MR. ADAMS: Relax, Laura, you did fine.

15

16 CHAIRMAN LITTLEFIELD: Yeah.

17

18 MS. L. HUFFINE: I always do. Sorry.

19

20 MR. ADAMS: From your comments I'm
21 assuming then that you are indeed a subsistence hunter,
22 you and your family?

23

24 MS. L. HUFFINE: We are. We just.....

25

26 REPORTER: Turn your mike on each time.

27

28 MS. L. HUFFINE: Pardon me?

29

30 CHAIRMAN LITTLEFIELD: Turn your mike on.

31

32 MS. L. HUFFINE: We live the subsistence
33 lifestyle. We do reside in Ketchikan, so we're not
34 considered to be rural though.

35

36 MR. ADAMS: Okay. Thank you. In light
37 of that then, do you think that your subsistence needs
38 are being met as it presently is? You know, the
39 regulations presently are?

40

41 MS. L. HUFFINE: As the regulations
42 presently are, I do feel they are. I think a lot of this
43 has come about from some of the aerial hunting and stuff
44 that has gone on. I won't call it aerial hunting. That
45 implies that they're shooting from the planes. That's
46 not what I mean. I think what a lot of people have
47 problems with are if people flew to the river, stayed,
48 went and hunted in their boats, that would be fine. But
49 it's the upriver flights in the evenings that help them
50 to have a good idea where to go the next morning.

00154

1 MR. ADAMS: Okay. One more question.

2

3 MS. L. HUFFINE: Uh-huh.

4

5 MR. ADAMS: If this hunt was extended, do
6 you think then that it would affect your subsistence way
7 of life?

8

9 MS. L. HUFFINE: If the hunt is extended,
10 I worry about it bringing more people in. By the same
11 token, there are very few people that would qualify for
12 it, and I'm hoping that we could get it all back to just
13 one hunt. I mean, you're only talking 20 some people
14 there, and I think if we can find a way to deal with the
15 planes, I think it can go back to what it was. That has
16 seemed to work. The moose populations have stayed stable
17 as they said. It's been about the average amount of
18 moose coming out of there every year.

19

20 MR. ADAMS: One more question, Mr.
21 Chairman. You keep bringing up, and I've heard this
22 before, you know, aerial problems, airplane problems.
23 And you also clearly indicated that, you know, shooting
24 from an airplane wasn't the problem.

25

26 MS. L. HUFFINE: Right.

27

28 MR. ADAMS: So I'm assume then it's
29 spotting moose and.....

30

31 MS. L. HUFFINE: Correct.

32

33 MR. ADAMS:figuring out where they are so
34 that you can go to that spot?

35

36 MS. L. HUFFINE: Correct, flying in the
37 evenings when the moose are out and stuff, and then going
38 -- having a good idea where to take off early in the
39 morning.

40

41 MR. ADAMS: Thank you.

42

43 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

44

45 MR. KOOKESH: You mentioned that you're a
46 life-long resident. Do you feel there's a conservation
47 concern based on the numbers that are coming out of the
48 Unuk?

49

50 MS. L. HUFFINE: No, not with the numbers

00155

1 that are coming out. It seems like it's remained fairly
2 stable. We did have the one year when -- I'm not sure if
3 there was activity in Canada that drove quite a few moose
4 down or what exactly happened, but we've never seen
5 numbers like that normally.

6

7 MR. KOOKESH: My other question is do you
8 feel that -- from what I'm hearing, you don't believe
9 that extending the season for nonrural would be the
10 answer. Do you feel that the proper solution would be to
11 create some fair ground, and just eliminate the aerial
12 spotting system?

13

14 MS. L. HUFFINE: That's correct.

15

16 CHAIRMAN LITTLEFIELD: Any other Council?
17 Mr. Hernandez.

18

19 MR. HERNANDEZ: Thank you, Mr. Chairman.
20 Yeah, Laura, I guess I'm most interested in this aerial
21 aspect of the hunt. Is it -- are there places that
22 people can land planes up there while they're hunting?
23 Is that typical to be able to fly, spot and land your
24 plane and hunt the next day, or are people having to go
25 back to town with their airplanes and somehow get
26 information to people that are there on the ground?

27

28 MS. L. HUFFINE: I think what the
29 proposal is addressing, there's very few people that
30 actually practice this. I don't think anyone's accusing
31 anyone of landing and -- spotting, landing and shooting a
32 moose type thing right then. No, they don't have to fly
33 back to town. They do have cabins there. I did not
34 state, I should, that now we do have a cabin up there,
35 too. We were able to purchase some property later on.
36 But we've hunted for a lot of years up there like I said,
37 camping out of the boat. Items like that.

38

39 I think as far -- the moose don't move
40 that much in the evenings, so if you get a good handle on
41 them in the evening, you have a very good indication of
42 where to head to.

43

44 One other comment is on some of the
45 graphs and stuff that they were showing us, we have
46 learned that there were some people that have indicated
47 that they go to the -- they ask you on your card you turn
48 in, how you go to where you were hunting, and they put
49 boat, which is basically correct. But to get to the area
50 itself, they used the plane. And then you don't, of

00156

1 course, ever put down that you used the plane to spot or
2 anything like that.

3

4 MR. HERNANDEZ: Okay. One more question.
5 It sounds like you've been hunting up there for a long
6 time, and I see essentially 25 people, 30 at the most.
7 Would you say that you know most of the people that are
8 hunting there when you do? Are you all neighbors, and
9 any attempt to get along during the hunt? It's a pretty
10 small group it sounds like.

11

12 MS. L. HUFFINE: Oh, I think we do. I
13 mean, there's a good rivalry that goes on, but it's --
14 you know, I mean, everybody -- you see somebody else
15 that's got a moose, and it's like, oh, geez, you know,
16 but you still feel good for them, because you know how
17 you feel.

18

19 I should stated I've been hunting for a
20 lot of years. Last year was the first time I've ever had
21 the good luck to actually get one just for myself.

22

23 MR. HERNANDEZ: Yeah. Okay. Thank you.

24

25 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

26

27 MR. KOOKESH: I have one more question
28 for you. One of the comments made earlier by one of the
29 agencies was that the nonrural hunters spend more time,
30 and tend to be more successful. And I agree that if you
31 work hard and are successful, there's nothing wrong with
32 that. Do you believe there's a lot of truth to that?
33 And do you know why nonrural hunters are more successful
34 than rural hunters? Is there a reason?

35

36 MS. L. HUFFINE: I'm not sure as far as
37 the nonrural being more successful than rural. There's
38 been a lot of years when Louie had a moose in the boat
39 and we didn't. I suppose by the figures and stuff, maybe
40 it's just because there are a few -- I mean, there are so
41 few rural hunters up there that it kind or skews it in
42 the one position. But I'm not sure on that. It seems
43 like some people have a run of luck for a while, and it
44 can be one boat bringing in the moose there for a while,
45 and then it can switch and go the other way. Like I
46 said, we've had eight, nine years where we've gone
47 without anything, and that can be a long time.

48

49 CHAIRMAN LITTLEFIELD: Any other Council?
50 I have a question, and it has to do with you'd mentioned

00157

1 the September 15th, that you were getting for this, and
2 given that the same amount of moose may or may not be
3 available on September 15th if this was adopted, and
4 that's the time of year you go there is normally around
5 the 15th I assume, do you think that if you went on the
6 15th like you did every other year, that you would still
7 have a reasonable opportunity to get a moose if we
8 extended the season?

9

10 MS. L. HUFFINE: I think most of the
11 hunters up there have always tried to make it a point to
12 be there for the very beginning of season if possible.
13 That has not worked out for me in recent years since I do
14 have a job where I have to be there, and sometimes can't
15 get the time off. But for the most part, I think a
16 majority of the hunters have tried to be there, because
17 you've always got the dumb one that hasn't figured it out
18 yet. And I think it will make some difference if you've
19 already had hunting going on for two weeks, you know,
20 you've already had the pressure and stuff. Well, I think
21 it can make a difference. But a lot of it does depend on
22 the weather and stuff, and the moose definitely have a
23 good advantage up there because of the terrain.

24

25 CHAIRMAN LITTLEFIELD: And one other
26 question. It would be if Ketchikan was designated rural
27 by the Federal Subsistence Board, would you be inclined
28 to support this proposal or oppose it?

29

30 MS. L. HUFFINE: I think if Ketchikan
31 were designated as rural, I still don't think I would
32 support the proposal. I think a month is a long enough
33 season. You know, I like it the way it's working just
34 simply for the fact that it does seem to prove over time
35 that that population can support a month long hunt with
36 the amount of hunters that are there.

37

38 CHAIRMAN LITTLEFIELD: Okay. Thank you.
39 Are there any other Council? Thank you. You did a very
40 good job. Louie Wagner.

41

42 MR. WAGNER: My name is Louie Wagner.
43 I'm a life-long resident of Metlakatla for 55 years. And
44 if it's all right, my wife will give testimony after me.

45

46

47 I'll start with the graph. On the graph,
48 they've kind of been misreporting. These people, they
49 leave their skiff up at the cabin year round, but they
50 fly in and out. And they put down that, you know, they

00158

1 do hunt by the skiff, but they're accessing the river by
2 plane, and they fly the moose meat back out by plane.
3 And on our reporting cards for the moose, you have to
4 state how you get to and from the river, if it's by boat
5 or by plane. And they should be reporting it by plane.

6
7 And the event -- well, the reason we
8 brought this about on my wife's proposal is since I have
9 -- my son and I, we haven't shot a moose since 1995, and
10 we hunt the river very hard. There's days that we don't
11 hunt because of weather. We'll stay on the boat, or
12 there's days when him and I will have to clear the river.
13 There's log jams in there. We had to take the chainsaw
14 and cut our way out. And so I don't count that day as
15 hunting. I just report the days that I actually hunt,
16 even if we get through, and we'll run up, you know, and
17 we'll come back and rest up for the next day. And then
18 the Fish and Game that is up there all summer, they're
19 very happy we clear the river. For some reason, I don't
20 know if they're allowed to clear the river, but they're
21 pretty happy to get back down river to the cabins there
22 by their gas stash I guess, and -- so the river's opened
23 back up again. But that usually takes a day to clear the
24 river.

25
26 And then we've been competing with the
27 pilots that fly in, because they take their airplanes,
28 and they go out and spot the moose. They usually like
29 about 4:00 p.m., 4:30 every evening, and that's when the
30 moose are usually around in the area, or they're easy to
31 spot. Then the following morning they leave their cabins
32 before daylight, and they're up to where the moose is
33 already at. And then when we leave our boat, we can't
34 leave it until daylight, because you have to navigate the
35 river, and it's usually low tide and you can't do it in
36 the dark. You've got log stumps out there, and so we do
37 our best we can to get up as early as we can right around
38 daylight. By the time we get there, the boats are all
39 along the river already. So that's been a problem for
40 us.

41
42 And since there is subsistence moose
43 hunting in all of the anchorage area up there, this is
44 nothing new. We feel we should have a chance at this.

45
46 And I'm also, or we are, property owners
47 on the Unuk River. We've got our pilings in, and we're
48 starting to -- going to get ready to bring our lumber up
49 to build our cabin, so we'll have our cabin up there,
50 but.....

00160

1 you use the other mike, please? Please state your name
2 for the record.

3

4 MS. WAGNER: My name is Cindy Wagner. I
5 was born and raised in Ketchikan until I married Louie
6 and we moved to Metlakatla, and I've been there for 33
7 years. I'm Alaska native, and I have lived a subsistence
8 lifestyle all my life.

9

10 I would like to thank the Southeast
11 Regional Advisory Council for allowing me to testify on
12 my submitted proposal. My proposal for subsistence moose
13 was not made lightly or without reason. For nearly 26
14 years of my 33-year marriage to Louie I relied on moose
15 he brought home from the Unuk to feed my family, fill my
16 freezer as well as pantry. 1995 was the last time I
17 enjoyed the processing of moose for my family.

18

19 We would benefit with the absence of
20 aerial hunters, be they float planes or helicopters. It
21 should be obvious that the advantage they have in their
22 success rate of moose kills. We would benefit, too, with
23 the lack of several jet outboards running the river.

24

25 And perhaps I should have explained with
26 aerial hunters, they -- while they're using it to get to
27 and from the river, they are spotting.

28

29 And there have been proposals to the Fish
30 and Game which we supported in full with written comment
31 concerning the aerial hunters, from making them wait the
32 full 24 hours after flying in to no airplanes at all.

33

34 And in reading the comments concerning
35 customary and trade use determinations, I was dismayed to
36 find that, quote, no customary and traditional use
37 determination had been made in Unit 1(A), unquote. How
38 can that happen when my husband and my son have hunted
39 moose in Unit 1(A) for more than 33 years? Is it because
40 we never exercised our subsistence rights? This is -- I
41 find this totally wrong, that no customary and
42 traditional use was found.

43

44 And in my proposal, question six through
45 nine were to be answered only if a changed customary and
46 traditional use determination was being proposed. I
47 answered these questions without knowing that customary
48 and traditional use didn't apply, but knowing the
49 questions pertained to me and I could answer them.

50

00161

1 Number 9 is, is there any additional
2 information that supports your proposal, such as how the
3 resource is processed, the extent it is shared, other
4 resources harvested by communities, how the knowledge of
5 hunting is passed down, or any other information.

6
7 The resource of moose fed my family for
8 many years. This was a major gathering of friends and
9 family to help put away the meat. Sisters-in-law,
10 parents, cousins, aunts, children and grandchildren and
11 friends all shared in the moose meat. It was a happy job
12 with helpful hands.

13
14 My son now has a family, a wife and two
15 kids. His children have yet to taste moose meat. His
16 wife was pregnant with our seven-year-old granddaughter
17 when she helped with the last moose. Our son has hunted
18 with his dad since he was 10, and now he is 31.

19
20 Other resources harvested from Unit 1(A),
21 Unuk River, by Metlakatla community members are
22 hooligans, traditionally harvested each spring. In the
23 Fish and Game comments, after stating they were neutral,
24 stated the current season provides ample opportunity for
25 all hunters. The current season used to provide ample
26 opportunity when we're all at the same level. River
27 level.

28
29 After stating Fish and Game was neutral,
30 they commented that, quote, if this proposal is adopted,
31 and federally qualified subsistence users take
32 significantly more moose than previously have been taken
33 harvest restrictions may need to be implemented.

34
35 All I need is one moose a year. Thanks.

36
37 CHAIRMAN LITTLEFIELD: Council, questions
38 for either? Mr. Adams.

39
40 MR. ADAMS: That button is really
41 something. Well, thank you, Louie and Cindy, for your
42 testimonies. I'm going to throw out some questions, and
43 either one of you can answer them, because I think they
44 apply to both of you.

45
46 I'm assuming that you are subsistence
47 hunters, because you've indicated that both in your
48 testimonies. And you've also said that since 1995 you
49 have not had a moose, so I'm assuming also that your
50 subsistence needs are not being met. So my question to

00162

1 you, would this extension that you're requesting, you
2 know, increase your chances of getting a moose?

3

4 MR. WAGNER: Yes, I feel it would. Like
5 lots been mentioned on the airplanes. Well, they're
6 usually a day or two before the opening, and they'll have
7 the first moose pretty much every year, other than year
8 before last. I think Tom here, he was one of the first
9 since '95 to get the first moose. And -- but they're so
10 successful at it, and good at it, we can't compete. They
11 have the eyes from the sky, and this would help us
12 greatly. If the moose are moving around, it's before it
13 seems, from Fish and Game's report, it's before the
14 rutting season, but -- and we might have a little better
15 advantage. And it's quite warm sometimes that early in
16 the season.

17

18 MR. ADAMS: Thank you. It seems to me
19 like more -- we have more of a concern with the aerial
20 hunting or sighting. It seems to me like this is popping
21 up a little bit more than any other problems that we
22 might be encountering here. So -- and also you mentioned
23 the jet boats. Maybe you can elaborate a little bit how,
24 you know, that is damaging to the resources. And if we
25 address these two issues, you know, do you think that
26 this would solve your problems?

27

28 MS. WAGNER: Well, the airplane issue,
29 Steve Huffine did make a proposal to Fish and Game, which
30 we supported with written comment. And he asked that
31 they have no planes at all. And we wanted the full 24
32 hours which is legal. From 4:00 o'clock in the evening
33 until 4:00 o'clock in the morning is 12 hours. That's
34 not right.

35

36 And as for the jet boats, you need a jet
37 boat to get around the river, because there are sandbars
38 and all kinds of terrible things that husbands scare you
39 with. But the water in the river sometimes is that deep,
40 and skiff with a hull and a propeller is not going to get
41 you there. So that's standard equipment. You need it.
42 Otherwise you're going to be dragging your skiff up and
43 dragging your skiff down.

44

45 MR. ADAMS: Mr. Chairman. I was under
46 the impression when you made, somebody, one of you made a
47 comment about the jet boats, and I was under the
48 impression that it might be detrimental rather than an
49 advantage. But you mentioned that it would be easier to
50 get around in a jet boat, so am I wrong in assuming that

00163

1 it is a negative in this issue or not?

2

3 MS. WAGNER: The jet boat is a positive.
4 It's a major improvement from when we first started going
5 up the river. But the plane is the big problem. They
6 have been successful every year. Although your form says
7 that they haven't gotten a moose, they have.

8

9 MR. WAGNER: That was your jet boat
10 problem.

11

12 MS. WAGNER: Oh, the jet boat problem was
13 the Fish and Game with their catch and tagging of salmon
14 and their running the river all day. I thought you were
15 talking about our equipment, but they've got about eight
16 river boats.

17

18 MR. WAGNER: Four.

19

20 MS. WAGNER: Or four? Up and down all
21 day, and that's -- they're loud, and the moose hear them,
22 and they're not where we can see them, and a lot of times
23 we have to tie off and walk.

24

25 MR. ADAMS: One more thing, Mr. Chairman.
26 Thanks for that clarification. So I'm assuming then that
27 the jet boats are more a detriment to the habitat rather
28 than, you know, the ability to get around, am I correct
29 in that assumption, that maybe they are damaging, you
30 know, the places where the salmon spawn or habitat
31 or.....

32

33 MR. WAGNER: No, I don't think so,
34 because if we do bump a sandbar, you know, a pile of
35 gravel, that there's nothing spawning on top of that
36 sandbar there. You do hit once in while, but not very
37 often, and there's usually where the salmon are spawning,
38 there's plenty of water, and you're clearing it with no
39 problem. I think if there was a problem, the Fish and
40 game wouldn't be using them on the river either while the
41 fish are spawning in the fall.

42

43 MR. ADAMS: That was going to be my next
44 question. You said that Fish and Game is using these jet
45 boats in order to do fish tagging and so forth, and just
46 that, you know, they're scattering the fish around, is
47 that a problem?

48

49 MR. WAGNER: No, I don't think it's a
50 problem. There's only one place I notice where the fish

00164

1 move a little bit, and it's up near Gene's Lake there
2 where we can go back through the slough and get back to
3 the lake there, and the fish are just kind of laying
4 there. They're not spawning there, but, no, it doesn't
5 seem to bother them. And in the fall we usually get a
6 lot of rain and the river's a little bit higher, and
7 quite a bit higher sometimes, and it's pretty well
8 protected that way.

9

10 MS. WAGNER: I have written a letter to
11 Fish and Game Ketchikan with my concerns over the Fish
12 and Game running the river from February -- is it
13 February?

14

15 MR. WAGNER: The latter part of March.

16

17 MS. WAGNER: From March until November,
18 because our hooligan come in the river to spawn, and I
19 worry about the two weeks to three weeks. I've even
20 asked Fish and Game if they knew how long it took for
21 hooligan egg to hatch, and a fingerling to come out, and
22 if they could stop running river until the fingerlings
23 left. For the damage that they could be doing to our
24 hooligan. And I'm sure that salmon fry are coming out
25 then, and herring, and I'm sure everything uses the river
26 to spawn. And I'd like a little bit more consideration
27 at these times from the fish and Game for the silt and
28 stuff they're bringing up.

29

30 MR. ADAMS: Just a comment, you know,
31 that would be a Fish and Game issue, so I'm sure that
32 you'll need to take that up with them.

33

34 CHAIRMAN LITTLEFIELD: Mr. Stokes and
35 then Mr. Kookesh.

36

37 MR. STOKES: Yes. I'm acquainted with
38 your frustration over the aircraft. If I had my way, I
39 would eliminate it completely, because I'm in the
40 Wrangell area. I've accommodated the Stikine River since
41 I was seven years old, and I'm 78 now. So I have a lot
42 of years on the river. I'm well acquainted with what
43 you're talking about. But the information I have in
44 front of me states in the last 12 years there's only four
45 moose taken. So.....

46

47 MS. WAGNER: By airplane.

48

49 MR. STOKES:you know, from 1990 to
50 2001, they've taken only four moose harvested. And I was

00165

1 a little concerned that if we passed this proposal, we've
2 be setting a precedent for the rest of Southeast and we
3 on the Stikine are on a horn restriction, and they might
4 say, well, they've got an extra two weeks, why can't we
5 in order to harvest more. So I just don't know.

6

7 MS. WAGNER: We're all still limited to
8 one moose, correct?

9

10 UNIDENTIFIED VOICE: I couldn't hear you.

11

12 MS. WAGNER: We're all still limited to
13 one moose a year. We can't take more than that.

14

15 MR. STOKES: Yeah, I realize that. We're
16 allowed just one moose a year each hunter. But according
17 to this chart on Page 178 there -- in the last 12 years,
18 there's only four moose harvested by aircraft. Can you
19 explain that?

20

21 CHAIRMAN LITTLEFIELD: Excuse me. That's
22 probably not a question for them to answer. That's
23 something that we should take up that's not in their
24 testimony. If you would be willing, I think it's time
25 for a break, if you can join us back right after. We'll
26 take a 10-minute recess. Let's come back in at 10:35.
27 And if you would join us back, we'll continue, because
28 it's time for a break.

29

30 (Off record)

31

32 (On record)

33

34 CHAIRMAN LITTLEFIELD: Before we get
35 started, I would like to recognize a gentleman who just
36 walked in, previously our esteemed leader, Mr. Chairman,
37 Bill Thomas, welcome to the meeting.

38

39 We had stopped on public testimony by
40 Louie and Cindy Wagner. I would like to remind the
41 Council that we can only question them on their public
42 testimony, things that are best left to ADF&G and Staff
43 should come up under Council deliberations.

44

45 Next is Mr. Kookesh.

46

47 MR. KOOKESH: One of the things that I've
48 noticed as this meeting is going on during your
49 discussion was that the issue doesn't seem to really be
50 the extension. I think what we're looking for is trying

00166

1 to find some common ground, and a process that allows
2 something fair, something between the urban and the
3 non-urban, where, you know, you're both -- we both know
4 you're working hard at trying to get that resource. And
5 it sounds to me that the issue we're dealing with is the
6 aerial issue. And I was wondering if maybe Fish and Game
7 where we can put something on item 12 where we can
8 address the aerial fly-overs, or the landings, have Fish
9 and Game come up and address that so we can see if we can
10 resolve it that way.

11

12 And the other one that I think that we
13 should talk about is the use of -- the Fish and Game
14 using the river boats for tagging during that time,
15 because I know that for like waterfowl if you have -- if
16 you open the season for duck hunting, and you have Fish
17 and Game running up, you know, you're not going to get
18 your fowl. And I'm wondering this might be more of the
19 issue. And the idea is to compromise, and looking for a
20 compromise that allows both parties to be satisfied. And
21 I'm wondering if we'd like to -- if the Council or
22 somebody would like to.....

23

24 CHAIRMAN LITTLEFIELD: What I think we
25 should do there, Mr. Kookesh, with the Council's
26 approval, we will add that as item G for discussion on
27 Unit 8 with the mark/recapture program, the use of ADF&G
28 as well as the aerial 24-hour limit. WE will talk to
29 them about that.

30

31 MR. THOMAS: I brought you a gavel so you
32 can run the meeting with more authority.

33

34 CHAIRMAN LITTLEFIELD: Thank you, Mr.
35 Chair. Mr. Douville.

36

37 MR. DOUVILLE: Thank you, Mr. Chairman,
38 I'll wait until later to ask my questions. Okay.

39

40 CHAIRMAN LITTLEFIELD: Thank you. Any
41 other Council questions? Mr. Kitka and then Mr. Stokes.

42

43 MR. STOKES: Yeah, I just wanted to
44 apologize to you the way I.....

45

46 CHAIRMAN LITTLEFIELD: Mr. Stokes, then
47 Mr. Kitka.

48

49 MR. STOKES:my question.

50

00167

1 REPORTER: Microphone, please.

2

3 MR. STOKES: My intent was do you think
4 that this chart is correct?

5

6 CHAIRMAN LITTLEFIELD: Microphone.

7

8 MR. STOKES: Do you think this harvest
9 chart is correct? It is my understanding that it really
10 isn't.

11

12 MR. WAGNER: Yes, we -- like Laura
13 Huffine was saying, we kind of -- we know who gets the
14 moose and how many are taken out, and we know when we get
15 a moose, and the numbers are probably correct, but
16 they're not, I don't feel they're in the right order,
17 especially with the nonrural hunters plane access, that
18 they do fly in, and they have their two skiffs at the
19 cabin that they will use to hunt, but I'm certain that on
20 our reporting cards that we turn in for our successful or
21 nonsuccessful hunt you -- there's a place there on how
22 you get to the river, and if it's by boat or by plane and
23 it should -- these numbers, some of these numbers on the
24 nonrural hunters plane access, some of these numbers
25 should be over on the moose harvest here. And since '95
26 I'm certain they've gotten at least one every year, and
27 as many as three in some years. If not three, then two.
28 So I really -- with a plane. I really feel these numbers
29 are out of order on this chart.

30

31 MR. STOKES: Okay. Thank you. That's
32 what I was wondering because in the Wrangell district or
33 Stikine area, the airplanes with their two-way radios
34 keep in contact with each other. And I know they're
35 supposed to wait 24 hours before they harvest a moose,
36 but when they see a moose, they call and a boat's right
37 there.

38

39 Thank you.

40

41 MR. WAGNER: Thank you.

42

43 CHAIRMAN LITTLEFIELD: Excuse me. Mr.
44 Porter, would you be willing to respond to this prior --
45 after the public testimony phase and prior to Council
46 deliberations, will you be able to elaborate on this
47 flying issue?

48

49 MR. PORTER: (Nod affirmative)

50

00168

1 CHAIRMAN LITTLEFIELD: Okay. Mr. Kitka.

2

3 MR. KITKA: Thank you, Mr. Chairman. I
4 have just one question. I just was -- of you two, and I
5 was just wondering if, being as I would do a little
6 follow up on Mr. Kookesh's question or his little talk,
7 and that was if all the user groups that are involved in
8 this, if they would get together and find a mediator so
9 that you guys can come to a common ground and make your
10 decision at that point whether the subsistence would be
11 better for the community or whether just coming to an
12 agreement on how the hunting takes place, whether it
13 would be better in the long run that you guys find a
14 common mediator just to talk and get it squared away.

15

16 MR. WAGNER: Yeah, that's no problem.
17 We're friends with all of them there, and Steve Huffine
18 kind of keeps us all together and talking and so we're
19 communicating all the time. So that wouldn't be no
20 problem. And it's nice to -- one or the other always
21 knows what's going on on the river there, so it's helpful
22 that way, but, yeah, that's no problem.

23

24 MR. KITKA: Would this include the people
25 that have the planes that fly in? Would they communicate
26 -- like, for instance, should they share the sighting of
27 the moose if it was close to you?

28

29 MR. WAGNER: I don't know. We only see
30 them briefly on the river, and the rest of the people
31 that are here, we see each other pretty much year round.

32

33 MR. KITKA: Okay.

34

35 CHAIRMAN LITTLEFIELD: Ms. Garza.

36

37 MS. GARZA: Mr. Chairman, following the
38 correct protocol, I'm not sure if this is a question that
39 should go to you or to ADF&G, but I wanted to get a feel
40 for where the rural residents are coming from since you
41 seem to know each other. Are they primarily from Saxman,
42 Metlakatla, Wrangell, Petersburg?

43

44 MR. WAGNER: The rural residents?
45 Metlakatla. There's my brother and his brother-in-law,
46 and my son and I, and that's about it in the past.
47 There's like Tate Makeann (ph), and he would bring up
48 somebody from Metlakatla. But that's about it. There's
49 pretty much just four of us coming out of there now
50 hunting.

00169

1 CHAIRMAN LITTLEFIELD: I have only one
2 question for you, and that's if the Department of Fish
3 and Game had limited the aerial hunting to 24 hours, do
4 you believe that would have leveled the playing field to
5 give you the same reasonable access as any other hunter?
6

7 MR. WAGNER: Yes, I think it would, other
8 than when you're trying to get up the river in the
9 morning from the boat, you're a good 45 minutes to an
10 hour behind the other hunters, because you cannot
11 navigate until you get enough daylight or you're going to
12 be high and dry on the sandbar and stuck there until the
13 tide comes in.
14

15 CHAIRMAN LITTLEFIELD: Jill, did you have
16 some information to add on that?
17

18 MS. REECK: I was just going to.....
19

20 REPORTER: Jill, up to the microphone.
21

22 MS. REECK: Yes, Jill Reeck. I was just
23 going to add that they are correct. Most of the rural
24 hunters have been from Metlakatla. Very occasionally
25 there have been somebody from Klawock, Wrangell, Craig or
26 Thorne Bay that qualify as rural residents hunting that
27 area.
28

29 CHAIRMAN LITTLEFIELD: Okay. Thank you.
30 And does that agree with your recollection?
31

32 MR. WAGNER: Yes. She mentioned that
33 there was a couple of times when they'd come over in the
34 skiff they had there, and they come once, but they don't
35 come back. It's not a very friendly area.
36

37 CHAIRMAN LITTLEFIELD: Mr. Hernandez.
38

39 MR. HERNANDEZ: One more question.
40 Cindy, I guess for the record, you're the -- you
41 submitted this proposal, correct?
42

43 MS. WAGNER: Correct.
44

45 MR. HERNANDEZ: And you said, I believe
46 you said in your testimony that at the time you submitted
47 it, you were not aware of the customary and traditional
48 use designation for this hunt, was that true?
49

50 MS. WAGNER: That's true. On the

00170

1 submission form, you turn it over and there was more
2 questions to be answered, and I didn't realize that what
3 was on the back side that I filled out wouldn't be used,
4 because there was no customary and traditional use
5 recognized, but I'm -- there has to be. We've been there
6 forever.

7

8 MR. HERNANDEZ: Well, my question is, had
9 you been aware of the lack of the customary and
10 traditional use designation for the area, do you think
11 that would have affected your decision on the proposal,
12 and do you think that the ability of rural hunters to
13 come from other areas would have an adverse affect on the
14 conservation matters for that herd?

15

16 MS. WAGNER: It wouldn't have changed my
17 proposal, and all of us river people worry about extra
18 hunters on the river, extra users, because they don't
19 know the river. We have property and a lot of people
20 leave stuff so they don't have to haul it back and forth.
21 And everyone worries about vandalism and theft and
22 strangers on the river.

23

24 MR. HERNANDEZ: Thank you.

25

26 CHAIRMAN LITTLEFIELD: Any other
27 questions? Thank you very much for your testimony. Is
28 Kendra Huffine present? Please state your name for the
29 record.

30

31 MS. K. HUFFINE: Kendra Huffine.

32

33 REPORTER: Try that again.

34

35 MS. K. HUFFINE: Kendra Huffine. Ever
36 since I was a little kid, I can always remember going up
37 to the Unuk River just to go and have fun and hunt, fish,
38 lots of different things. And I feel that this is a part
39 of my heritage as much as anyone else, because a heritage
40 is something that's passed on through generations, and my
41 grandfather did it, my mom does it, and now I do it.

42

43 Ever since I was little, I can remember
44 just going up there and we wouldn't always get a moose.
45 In fact we've only gotten three I believe, but still it
46 was an experience that was a lot of fun to me. And it's
47 something I wouldn't be able to do if I lived anywhere
48 else, and I don't think I should be excluded from doing
49 it because I don't live in a rural area. That's it.

50

00171

1 CHAIRMAN LITTLEFIELD: Thank you.
2 Questions from the Council? Thank you for your
3 testimony.

4
5 Ron Porter. Willard Jackson. He
6 testified yesterday and -- the esteemed Mr. William
7 Thomas. Is this on Proposal 8, Mr. Thomas?

8
9 MR. THOMAS: Actually it's on the
10 resolution from the ANB.

11
12 CHAIRMAN LITTLEFIELD: Okay. I'll get
13 you later. I thought it was Proposal 8.

14
15 Are there any other members of the public
16 that would like to testify? You were on the original
17 list, Mr. Huffine. Please come forward.

18
19 MR. HUFFINE: I'm still nervous about all
20 of this. My name is Steve Huffine, and I guess I've been
21 up here too many times already.

22
23 I've heard a lot of good stuff that
24 everybody said, and this is awful important. I guess
25 I'll just try to stick with my notes.

26
27 My wife told you when we were there. We
28 were there before we were married. We were married in
29 the 80s, or early '80. We have been able to buy property
30 up there. We live right next door to Louie's. We've
31 gone up -- she had been up with her dad, her brothers. I
32 spend a lot of time up there through the year. I trap up
33 there. Building cabins, I hunt, I do Hooligan. I take
34 my family up there. We snowshoe. We just -- I guess I'm
35 sort of semi-retired or whatnot, and it's my happy place
36 as it is everybody else's. Some of my happiest memories
37 are the first time Walt took me up there, watching Louie
38 and his kid come around the corner there, they hit a
39 stump or something and the little boy fell out, and
40 everybody was running, but we all went up and had a big
41 fire on the beach.

42
43 What makes it important to me is meeting
44 the people there. I have -- everybody in here that's
45 concerned with this is a good friend.

46
47 There's more, and I'm losing it all right
48 now, so I'll move on to number 3.

49
50 I can agree on parts of Proposal 8, and

00172

1 the key is, and you guys have already picked up on that
2 is to make the hunt a fair one. This year was a corker.
3 I sat there and I watched the airplane fly around Lake
4 Creek area. My partner and I got up at 6:00 o'clock in
5 the morning to be the first one up there, because I knew
6 the airplane had maybe spotted a moose. Well, here are
7 these people loading a canoe into their boat, and they're
8 going to take this canoe up there eight miles just on the
9 chance that there's a moose up there, yet they came out
10 with a moose later on.

11

12 Now, that reminds me of the graph. The
13 graph is wrong, because of the way that we report on that
14 graph, that getting to the area, and Louie popped out a
15 good one. They're transporting the meat back in an
16 airplane. If we could stop -- if the airplane goes at
17 4:30 at night, they'll spot the moose, that moose isn't
18 really going to move a bunch between the time it's
19 spotted and early in the morning, and if you're the first
20 one there early in the morning, you're going to get it,
21 and they have proved that time and time again.

22

23 I put a proposal in a couple years ago.
24 I went and asked everybody that hunted that I could get,
25 except for the guys with the airplane, how they felt
26 about it, because I didn't want to step on anybody's
27 toes. I wanted to keep it fair for all of us, because,
28 my God, you feel like shooting the thing out of the sky
29 when up there.

30

31 I will go up a week before the season
32 scouting for tracks. They can do everything that it
33 takes me a week to do in one flight up the river, and
34 we're all fighting that -- the plane part of it.

35

36 Man, I am messing up on my notes right
37 and left. Okay.

38

39 Okay. So I want to say that I agree with
40 -- that we need to do something about the flying. I'd
41 asked Terry Wills, I'd asked Charlie Wills, people that
42 had been there. Earl Mossberg. In the days before, if
43 somebody flew up to the river, the pilot would land them
44 right at the camp or wherever they were going to go, and
45 if he was taking somebody out, he might fly him up river
46 and say, hey, look what you missed. But he wouldn't tell
47 anybody. We all were hunting fairly. We had the same
48 advantage that -- you know, we all used boats or we
49 walked, but the airplane has just become -- it's become
50 an expensive man's tool. I could buy an airplane, but

00173

1 I'm not going to do that to my friends. I'm not going --
2 I don't think it's right. I can't do it.

3

4 All right. What I can't agree on the
5 two-week proposal is I'm afraid of the outside pressure.
6 Look what it did to the hooligan. As soon as they
7 thought that the hooligan permits were going to be worth
8 something, there were three boats that come down from
9 Petersburg, Wrangell, Thorne Bay. Everybody was getting
10 in. It was a greed factor. And as far as I'm concerned,
11 I've seen Louie up there. He's the only one I see
12 consistently. Louie and Beau. I see other people, but
13 these guys are making a living at it, or supplying a
14 demand, so that's my thought on that.

15

16 The other thing that I'm afraid of on the
17 early deal is when I'm up there early, I do see a lot of
18 rut sign. I wouldn't -- I'm hoping that maybe some of
19 these cows are being fertilized before the season starts,
20 because if we have a good hunt, there's not going to be a
21 lot of bulls around to get it. And I understand that
22 there is also a second rut.

23

24 The third thing is that if the season's
25 early, boy, you get a moose, the work starts. It starts
26 big time. And I'm afraid that if we started in
27 September, that we might have a little bit of spoilage
28 and waste of our meat because of the outside temperatures
29 and stuff. You won't be able to let it hang. You've got
30 to get to work on it right now. It's bad enough the 15th
31 of September.

32

33 There is a lot of time spent to get a
34 moose. We went -- we had a very dry spell. We had --
35 for quite a few years we had a dry spell. I was
36 fortunate enough to get one by myself two years ago, and
37 what am I going to do with it? Well, Louie and his son
38 came around the corner. They helped me get it in the
39 boat. Well, I can understand disappointment with that,
40 because it was five years before that Laura and I come
41 around a corner and Louie and his boy had the moose in
42 the boat. I mean, it's just -- I can disagree with
43 different things, we've still got to work it out.

44

45 There is less pressure now than there was
46 in the 90s -- or than in the 80s. There used to be a lot
47 of people there, and as the graph shows, some of the
48 graph shows, that, yes, there is only 23 people hunting
49 there when before there might have been a lot more.

50

00174

1 My solutions to this is, is I did try the
2 proposal. It didn't go anywhere. I'm fighting State
3 and everywhere else when that goes, but most of the
4 people that -- no, everybody that I talked to agreed with
5 me that we need to try to stop the airplanes from doing
6 their spotting flights and stuff, but I didn't talk with
7 the three guys or I didn't talk with the group that was
8 doing it. Since we've done this, these guys -- if it
9 didn't work, then why did it have to fly. And I know
10 we're on a time schedule, so I can discuss that one
11 later.

12
13 But we would like the Board's help or
14 anybody's help in trying to stop that. If that fails, if
15 that fails and it can't work, and I'll get shot for this
16 one, but I would be willing to offer the first week of
17 the season, of the normal season, September 15th to the
18 22nd if they actually need a subsistence hunt, they could
19 take that one from us. I don't want to do that one, but,
20 you know, it's give and take in this world, so you've got
21 to do something.

22
23 That's pretty much my deal, other than if
24 I can bounce back on the moose tags or the permits that
25 we have to fill out, that there is erroneous information,
26 but it's just not clear. They're not really lying, but
27 they're not telling what's going on. Any time I see that
28 airplane take off at night, there's usually a dead moose
29 the next day. And I know Louie's got frustration, Tom's
30 got frustration, Porter's got frustration, my
31 father-in-law's got frustration. It sucks, guys. It's
32 not fair. And I think I'm done, if there's any
33 questions.

34
35 CHAIRMAN LITTLEFIELD: Thank you. I got
36 your message loud and clear. It was very good. Any
37 other Council. Okay. Are there any other -- thank you
38 very much. Are there any other members who would like to
39 testify?

40
41 MR. ADAMS: Mr. Chairman, before he
42 leaves.

43
44 CHAIRMAN LITTLEFIELD: Steve, could you
45 please stay at the table for one second? Mr. Adams.

46
47 MR. ADAMS: Thank you. I heard this from
48 your wife I believe, but it appears to me like this is
49 pretty rough terrain. Does that make it more difficult,
50 too, to get to the moose, and, you know, how is that

00175

1 solved, you know, just by boat and on foot?

2

3 MR. HUFFINE: Well, it's kind of like
4 Louie said, you know where the trails are. You kind of
5 have an idea of where they're at. You're not going to
6 get one if you're not there, and the more time you spend,
7 it increases your chances. You need a chainsaw winch,
8 you need good friends, you need -- you don't shoot one
9 that's a long ways away from where you can do something
10 with it. It's a tough hunt, and you have -- like Louie
11 said, you have a lot of money, you have a lot of time
12 invested in it. I used to tell everybody that was our
13 Hawaii, well, we did a Hawaii time the first time in our
14 life, because I was afraid my daughter's going to be
15 going, and I want her to see all sorts of the world, but
16 I want her to know that she is a lot better than Hawaii
17 right here. And I think Louie, I think Tom, we spend our
18 vacations there. It's our life. I'm spouting like a
19 preacher here. I'm sorry.

20

21 I hate to see a distinction between rural
22 and nonrural. I could probably go buy beef. My wife has
23 been raised on wild meat. That's from her mom and dad.
24 I mean, gee whiz, they didn't have a lot of money
25 starting out. Nobody ever does. We could live
26 otherwise, and I'm pretty sure Cindy and Louie could live
27 otherwise. But that's not the issue. Like my daughter
28 said, it's their heritage. With no disrespect to Mr.
29 Willard Jackson that was here yesterday, because I
30 bristled on that, you know, he was saying, my
31 grandchildren, my grandchildren, Louie is doing that.
32 Louie had his daughter up there this year, and I was so
33 happy. I mean, I think I mentioned something to him at
34 the time. Hey, Louie, you've got Leigh up here. Hey,
35 that's great, because I know how proud I am when my
36 daughter's up there with me. And so Louie's doing his
37 heritage thing. He's got his son there. I mean, I wish
38 my dad was here so I could spend the time that Louie and
39 Louie, Jr. spend together. You know, that's a special
40 thing. But it's no more special than the time that I
41 spend with my daughter or my friends, too. It's what we
42 make it.

43

44 And I went way off the thing, and I'm
45 sorry. I'm sorry, Mr. Adams. Okay. I'm done again.

46

47 CHAIRMAN LITTLEFIELD: Are there any
48 other questions for Mr. Huffine? Thank you.

49

50 Before we have Mr. Thomas, I'm going to

00176

1 ask, before we go into regional deliberations, or the
2 Council deliberations, that we have a presentation from
3 ADF&G on the aerial as well as mark/recapture and other
4 -- just a second, this will be after Mr. Thomas. And
5 we'll also ask Staff to explain the C&T designations and
6 how those are developed for the public as well as the
7 Council. And we're going to get a legal opinion from our
8 counsel on exactly how we can amend this, what are the
9 restrictions, what we can do and what we can't. With
10 that, We'll go to Mr. Thomas on public testimony on 8.

11

12 MR. ERICKSON: I would like to.....

13

14 CHAIRMAN LITTLEFIELD: Just a second.

15 What's your name?

16

17 MR. THOMAS: After Mr. Thomas.

18

19 CHAIRMAN LITTLEFIELD: Yeah, I know. But

20 what's your name?

21

22 MR. ERICKSON: Tom Erickson. I'm sorry I
23 didn't fill a card out earlier.

24

25 CHAIRMAN LITTLEFIELD: The white card,
26 please.

27

28 MR. THOMAS: Thank you, Mr. Chairman. My
29 name is Bill Thomas. I live in Ketchikan, ineligible
30 user according to the Federal guidelines for eligibility.

31

32

33 And the testimony you heard from the two
34 people just before me, or three people, is a very sincere
35 presentation of what the fabric of society is in this
36 community. The rural versus nonrural is threatening in
37 some ways. For the most part it's not, unless there's a
38 priority that's been declared. And if there is an early
39 opening for eligible subsistence hunters, that would fall
40 under a priority. And I don't have a problem with that.
41 I'm not a moose hunter. I wait for them to get back.

42

43 But what I'm trying to say is that when
44 you get up in the wilderness, nobody gives a darn where
45 you live or what you do for a living. And that's just how
46 it is in wild Alaska whether you're on a boat out in the
47 ocean, or in a boat in inside waters. There's a law of
48 the land, there's a law of the sea. And we're all
49 familiar with that. And this is what people exercise
50 when they go out. They don't go out pitted against each

00177

1 other. They go out there, they've got the same concerns.
2 They use responsibility with their hunting. I mean,
3 ANILCA isn't a problem for people in this area. When
4 they go out to an area to harvest, whether it's hooligans
5 or moose or deer or anything else, they do it with a
6 great sense of responsibility, a great sense of pride. I
7 mean, they're good stewards.

8

9 And so I wanted to in your thoughts and
10 in your deliberations, wanted you to remember that fact,
11 that the users that are out there are, they're probably
12 family for the time they are out there.

13

14 The problem they're having with the
15 aircraft is a very valid one. And so that would be worth
16 looking at. I would speak in favor of that particular
17 proposal, Number 8. That concludes my comments, Mr.
18 Chairman.

19

20 CHAIRMAN LITTLEFIELD: Thank you, Mr.
21 Thomas. We appreciate that. For the record I would like
22 to let the people of Ketchikan know that at a previous
23 meeting during rural determination, Mr. Thomas, Ms. Garza
24 and myself all indicated that we would support Ketchikan
25 for rural status under ANILCA. And it was because of
26 comments like Mr. Thomas has talked about, the Huffines,
27 you demonstrate the characteristics of a rural community.
28 And that's why we would support that.

29

30 So, Council, questions for Mr. Thomas?

31

32 MR. THOMAS: Smart Council.

33

34 CHAIRMAN LITTLEFIELD: Thank you very
35 much. Tom Erickson, please.

36

37 MR. ERICKSON: Thank you, Mr. Chairman,
38 panel, for letting me come in here at the last minute and
39 comment.

40

41 Everything that's been said here today I
42 think has probably covered what I have to say, but I
43 would like to get on record opposing Proposal No. 8, just
44 for the fact that I don't believe the season should be
45 extended.

46

47 And I do have a strong feeling about the
48 aircraft. It does not involve what I believe is fair
49 chase as far as an ethical hunt. It's a definite
50 advantage. I believe the statistics are wrong as far as

00179

1 Mr. Erickson. From your comments, I, too, assume that
2 you are a subsistence hunter, and you've indicated that
3 you had a fair amount of success, you know, as a hunter,
4 so I think my question to you would be, in light of all
5 that, do you believe that your subsistence needs are
6 being met through the hunt as it is right now?

7

8 MR. ERICKSON: I don't rely on having a
9 moose to eat through the winter. I certainly do enjoy
10 it. I prefer it to beef. I feel they are. As far as
11 --like I say, I feel I've been as success -- excuse me,
12 as successful as anybody, looking at the numbers. It's
13 luck of the draw. It's how hard you work. Some years
14 I've worked extremely hard, and came up empty. Some
15 years I've walked out on my cabin porch in the morning,
16 and by golly right across the slough there, lo and
17 behold. It happens. Yeah, I feel they are the way it is
18 now.

19

20 I'd hate to see more people come. It was
21 expressed earlier that -- you know, I suppose there's a
22 group of us that consider anybody that comes up there for
23 a year as an outsider, and that's probably true. They
24 don't come year and year again. Very few people come up
25 there and ever come back. You know, they just -- it is,
26 it's a difficult country. It's a tough hunt so.....

27

28 I'm not sure if I've answered your
29 question, but.....

30

31 MR. ADAMS: Thank you, you have. Another
32 thing, too, and I was going to bring this up when some
33 others were testifying, but maybe I can relay this to
34 you. It appears to me like maybe the first day of the
35 hunt or as soon as possible after the hunt is over is
36 when the most successful takes are -- is when it's most
37 successful, is that correct in my assumption? Am I, you
38 know, assuming that right?

39

40 MR. ERICKSON: WE all like to be there
41 the day before opening day, you know, so that we can be
42 on the road first light opening day in the morning,
43 because I think Steve mentioned, there's always the dumb
44 one. If you're there a day or two early, you know, you
45 have the opportunity to get established in your camp,
46 and, you know, get your gear ready to go and maybe get
47 out and look around and see what's been moving around. I
48 don't have the luxury of going up a week early. I wish I
49 did. I wish I had the luxury of staying up there year
50 round. You can do that, go up, find out where you want

00180

1 to be on opening day. I've been successful opening day.
2 I was last year -- or, excuse me, the year before last.
3 I've also been successful on the last day of the season
4 and in mid season. So but I think generally as a core
5 group, I think we all like to be there opening day. I
6 think it's a very successful time of year.

7

8 CHAIRMAN LITTLEFIELD: Next would be Mr.
9 Hernandez, followed by Ms. Phillips.

10

11 MR. HERNANDEZ: Thank you, Mr. Chairman.
12 My question was answered. Thanks.

13

14 CHAIRMAN LITTLEFIELD: Ms. Phillips.

15

16 MR. STOKES: Thank you, Mr. Chairman.
17 All I want -- oh, I'm sorry.

18

19 MS. PHILLIPS: Ms. Phillips first.

20

21 MR. STOKES: I'm sorry.

22

23 MS. PHILLIPS: Chairman Littlefield, Mr.
24 Erickson. I have two questions. You stated that you do
25 not support a personal hunt for a few people, but from
26 the testimony I've heard, that it is a personal hunt for
27 a few people, being that the airborne individuals are
28 successfully getting moose during the moose hunt. So do
29 you -- you said you do not support a personal hunt for a
30 few people. In your opinion, is it already a personal
31 hunt for a few people, being as it's mostly the airborne
32 individuals who are getting a moose?

33

34 MR. ERICKSON: Well, I think putting it
35 in that context, yeah, I guess it could be, you know, if
36 they're the only ones up there with an airplane, and they
37 have a greater success rate than all of us due to their
38 -- what they're doing is okay by law. In my opinion,
39 it's not ethical. I believe in fair chase. You know, I
40 don't believe they would be as successful if they hit the
41 ground running like I did every morning. I don't have
42 the opportunity to go up and actually see an animal and
43 know that, you know, he's going to be within a quarter of
44 a mile or a half mile, 12 hours from the time I see him,
45 and have that opportunity to go up and take him the next
46 day. So, you know, by law they're hunting within the
47 law, but in my feelings, it's not right, and I don't
48 agree with that. So to your question, I would say, yeah,
49 they kind of have their own hunt.

50

00181

1 MS. PHILLIPS: Mr. Chair, Mr. Erickson,
2 thank you. I want to state that I feel similar to the
3 statement earlier that Ketchikan should have C&T
4 designation, rural designation.

5
6 In your opinion -- you stated -- I mean,
7 earlier you stated that the hunters on the Unuk River are
8 a tight group. In your opinion, should this proposal
9 pass, would the persons who submitted this proposal be
10 excluded from that group? Should the proposal pass?

11
12 MR. ERICKSON: Oh, I feel that any -- you
13 know, if the rural subsistence users have a two-week
14 period where they're allowed to hunt and I'm not, I'm
15 certain I'm going to have some animosity towards that.
16 And I think the others that aren't able to do that will
17 also.

18
19 I feel that that's -- since the original
20 proposal a couple years ago that Steve put in about the
21 airplane thing, that failed. I think that Cindy and
22 Louie have put this in just as another means of getting
23 around that, just to give them some extra time. In their
24 eyes it's right. I don't -- the only problem is it
25 excludes me. Now, if Ketchikan was rural, that would be
26 great, you know, that would give us six weeks of hunting
27 instead of four, you know. I don't think that's going to
28 do the -- it's not going to do what needs to be done.
29 It's not helping anything.

30
31 MS. PHILLIPS: Thank you, Mr. Chair, Mr.
32 Erickson.

33
34 CHAIRMAN LITTLEFIELD: Mr. Stokes.

35
36 MR. STOKES: My question was answered.
37 Thank you.

38
39 CHAIRMAN LITTLEFIELD: Any other
40 questions for Mr. Erickson? Thank you.

41
42 Are there any other members of the public
43 who would like to testify? Please come forward and state
44 your name.

45
46 MR. NORTHRUP: Mr. Chairman, Walt
47 Northrup. I live out in the Clover Pass area. My wife
48 and I have been a resident of this area for approximately
49 50 years, and I think I certainly qualify as a
50 subsistence user, and if you doubt it, you should come

00182

1 out and look at my shellfish midden pile behind my house
2 there. I don't think any of the villages around here
3 would equal it.

4

5 But I do have a problem with subsistence
6 being designated to rural people, because like I said, I
7 raised four children, we raised four children, and never
8 bought a side of beef or nothing. We lived off of the
9 land.

10

11 And I'll give you just a minute of
12 history. We've beat this around quite a bit, but I'll
13 just give you a minute of history of where I'm coming
14 from. I spent part of 1946 in Georgia in the Army and I
15 was incensed. It's a wonder I didn't get my head beat in
16 for some of the things I did down there when I seen how
17 the Negroes was treated there, because I -- I'm not a
18 church-goer, but I went to Negro churches just in
19 rebellion. I used to go sit in the back of the busses
20 with them.

21

22 I first come to Ketchikan in '48. The
23 Indians were discriminated against here. I'm sure some
24 of you can remember it. And that upset me. I had
25 friends that was in the Redman's Lodge, but an Indian
26 wasn't allowed to belong to the Redman's Lodge, you know,
27 and I used to raise heck with them about that.

28

29 But now I feel that I'm a second-class
30 citizen, so I haven't picked up my rifle and shot
31 anything with it for a number of years. I resent being
32 told that I'm a second-class citizen, and I haven't got
33 equal access to the game. And I would hate to see the
34 subsistence things expanded is what I'm saying.

35

36 Thank you.

37

38 CHAIRMAN LITTLEFIELD: Please stay with
39 us. Ms. Garza.

40

41 MS. GARZA: Thank you, Mr. Chairman. I
42 didn't get your name?

43

44 MR. NORTHRUP: Walt Northrup.

45

46 MS. GARZA: Thank you, Mr. Northrup. I
47 appreciate what you're saying, and what Mr. Littlefield
48 had alluded to was, it was called a focus group research
49 where there were about a dozen Ketchikan residents that
50 were pulled together, all non-native except for the

00183

1 Council members present, who discussed is Ketchikan
2 rural, is Ketchikan urban, you know, because every 10
3 years the Federal Subsistence Board has to address this,
4 who's urban and who's rural. The concern from the
5 Council at the time was that the number rural communities
6 may decrease, but the question that was brought to this
7 focus group in Ketchikan was is Ketchikan rural or urban,
8 and what are the characteristics that make it either
9 rural or urban. It was a good surprise to me that of
10 the, I think there were 12 non-natives there, all but one
11 supported rural.

12

13 And that report was compiled with
14 everything else. They had focus groups around the State.
15 The information will go in summary form to the Federal
16 Subsistence Board who will then have the obligation of
17 using whatever criteria to determine rural and urban.

18

19 And I agree with that, you know, we've
20 both been Ketchikan. I was born and raised here. That
21 Ketchikan is a rural community. In my opinion and in my
22 heart, that's what it is. And I would hope that
23 Ketchikan residents would either through writing or
24 testifying to us or through fish and game advisory
25 councils, through Chamber meetings, through any kind of
26 sports group, get the message to the Federal Subsistence
27 Board that Ketchikan has the characteristics of a rural
28 community, that we are culturally either as native or
29 it's part of our heritage, because that's what we do as a
30 family, that we are in fact dependent upon these
31 resources either because we have low incomes or because
32 it is our lifestyle and this is what we do and this is
33 what we have to do to keep our hearts in good stead.

34

35 And so although this is getting off
36 Proposal 9, Mr. Chairman, I would hope that Ketchikan
37 residents who have this feeling would let the Federal
38 Subsistence Board know either through us or directly to
39 them when they meet -- I don't know when they meet. Do
40 you know when they're meeting, Bob?

41

42 MR. SCHROEDER: We're not sure when the
43 urban/rural issue will be brought up.

44

45 MS. GARZA: But if there were an effort
46 to get that message across, I think that we have a fair
47 chance if anything of getting Ketchikan changed. We
48 longer have a pulp mill, we no longer have fishermen who
49 are making a lot of money. We have a lot of people who
50 are dependent upon these resources, both because they

00184

1 need it spiritually, or because they need it physically.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN LITTLEFIELD: Mr. Adams.

6

7 MR. ADAMS: Thank you, Mr. Chairman. I'd
8 just like to make a point here that ANILCA provides for
9 access for both native and non-native people in regards
10 to subsistence. It's not a native or a non-native issue.
11 The issue that we are talking about here is what, you
12 know, Dr. Garza has just alluded to. It's rural and
13 nonrural. And I think that we need to keep that in focus
14 as we, you know, discuss these issues, because again it's
15 not native against non-native. It's rural versus
16 nonrural.

17

18 MR. NORTHRUP: Can I respond to that?

19

20 CHAIRMAN LITTLEFIELD: Yes.

21

22 MR. NORTHRUP: And I agree with Mr. Adams
23 to a certain agree.

24

25 CHAIRMAN LITTLEFIELD: Turn your mike on,
26 please.

27

28 MR. NORTHRUP: I agree to a certain
29 degree with what you're saying, but rural versus urban
30 around here is so screwed up it's unbelievable. Where
31 you drive out the highway and you come to -- parts of
32 Saxman is rural, and parts of it isn't. You go on to
33 Mountain Point, that's urban, and they can drive to the
34 Wal-Mart quicker than I can from there from where I live
35 and stuff, you know, so partly what you're saying is true
36 and part of it isn't in my estimation. Okay?

37

38 MR. ADAMS: Thank you. And then again I think,
39 you know, this issue with Ketchikan, you know, situation
40 needs to be addressed. And I agree with Dr. Garza fully.

41

42

43 CHAIRMAN LITTLEFIELD: Dr. Garza as well
44 as Mr. Adams comments are right on the mark. So
45 Ketchikan, we will take a minute or two on this,
46 Ketchikan could help themselves by having the community,
47 the City, Borough, whatever go on record as considering
48 themselves rural for the purposes of the Federal
49 Subsistence Program. This is what Sitka did, even though
50 they're a larger community, too. In Sitka the local fish

00185

1 and game advisory committee said they believed they were
2 rural for the purposes of subsistence. That was what Dr.
3 Garza was alluding to. Ketchikan could help themselves
4 in this. And we encourage that, and I believe you have
5 the support of this Council, that Ketchikan has clearly
6 demonstrated characteristics that are required to
7 determine rural communities, and we do support that, sir.

8

9 MR. NORTHRUP: I invite you all out to
10 see my midden pile, too.

11

12 CHAIRMAN LITTLEFIELD: Are there any
13 other questions from the Council? Could you please fill
14 that white card out and bring it forward for the record?

15

16 Thank you very much.

17

18 Mr. Huffine, do you have any new
19 information?

20

21 MR. HUFFINE: Yes, I do.

22

23 CHAIRMAN LITTLEFIELD: Okay. Come
24 forward.

25

26 MR. HUFFINE: I'm sorry. It's short.
27 But if we do this rural subsistence thing, that's still
28 not going to help the Wagners with their deal. We need
29 the airplane deal taken care of.

30

31 But a key thing on the airplane is I want
32 my cake and I want to eat it, too. When you're up the
33 river and you're up further than anybody else, your best
34 friend in the world is that airplane flying over is
35 you're broke down, because he might see what's going on.
36 So it's a fine line as to how to handle that. Just not
37 stopping all airplanes, just stopping airplanes that
38 hunt.

39

40 CHAIRMAN LITTLEFIELD: Okay. And we.....

41

42 MR. HUFFINE: And I'm done. I'll leave.

43

44 CHAIRMAN LITTLEFIELD: Okay. We intend
45 to address that right now by the Staff and to legal
46 analysis.

47

48 MR. HUFFINE: Thank you. I've go run my
49 daughter back to school, so you're rid of me. Thank you.

50

00186

1 CHAIRMAN LITTLEFIELD: Are there any
2 other members of the public that would like to testify?

3

4

5 Okay. What we're going to do now, I have
6 three items on my list. First, I would like to call on
7 Staff to respond to the C&T designations, how those come
8 about, how the community, why on this particular system,
9 the Unuk, that everyone that's a rural resident is
10 qualified.

11

12 MR. SCHROEDER: Mr. Chairman, when you
13 look through your regulation books, you see that a number
14 of positive C&T determinations have been made in
15 Southeast Alaska. There are a few negative C&T
16 determinations. And then there are quite a few areas
17 where really no C&T determination has been made. This is
18 a little bit of a peculiar situation.

19

20 What occurred when the federal program
21 assumed management of fish and wildlife on Federal lands
22 in Alaska was that the Federal program generally accepted
23 the existing C&T determinations which were on the books
24 with the State of Alaska. For certain species in areas
25 in Alaska, and particularly in Southeast, there hadn't
26 been a very defined C&T determination made, defined
27 meaning it would say that the Metlakatla has customary
28 and traditional use of moose in the Unuk River. So for a
29 variety of basically historic reasons, no one had done
30 that work. There was no administrative record that
31 showed that the State or Federal Government had made such
32 a determination.

33

34 Under the Federal Subsistence Program,
35 the assumption is, if there's not a positive C&T
36 determination, or a negative C&T determination, that all
37 rural residents are eligible for subsistence use in the
38 species in a particular area.

39

40 Just since I probably confused everyone,
41 maybe even myself, a negative C&T determination applies
42 where someone has -- where a government agency through
43 the process that we go through has found that there is no
44 customary and traditional use of the species in a
45 particular area. One that comes to mind is there's a
46 negative customary and traditional use determination for
47 moose in Berner's Bay near Juneau where various data were
48 looked at, and it was found that there was no known
49 subsistence use of moose right there.

50

00187

1 I hope that clarifies the C&T issue.

2

3 Oh, one other thing is that at the
4 present time C&T's operate through the proposal process.
5 If a community wishes to have their customary and
6 traditional use recognized, they would submit a proposal
7 with background information to this effect, and that
8 would fit in in the proposal cycle for wildlife or for
9 fisheries, just like any other proposal in the Federal
10 system.

11

12 Thank you.

13

14 CHAIRMAN LITTLEFIELD: Thank you, Dr.
15 Schroeder. Next I'm going to -- we'll go to the
16 department, Alaska Department of Fish and Game to address
17 the aerial issues as well as the jet boat traffic.

18

19 MS. GARZA: Mr. Chairman, while he's
20 coming up, if I could just announce we will have lunch
21 here today. It's sponsored by the Ketchikan ANS and ANB.
22 The lunch is \$7.00. There are pickled salmon heads,
23 salmon, beach asparagus salad, salmon caviar. There's
24 lots. I forget everything. But it's a pretty big lunch.
25 So we hope that you will stay and support ANS and ANB.
26 They're raising money for Grand Camp, which will be held
27 here this fall. And they will be ready at noon when
28 you're ready, Mr. Chair.

29

30 CHAIRMAN LITTLEFIELD: Thank you, very
31 much. Go ahead.

32

33 MR. PORTER: Mr. Chair, members of the
34 Board, I was going to clarify the.....

35

36 CHAIRMAN LITTLEFIELD: Name, please, for
37 the record.

38

39 REPORTER: And then turn it on again.
40 Whenever the Chair uses his mike, it turns off all the
41 microphones.

42

43 MR. PORTER: Mr. Chair, members of the
44 Board, my name is Boyd Porter with Alaska Department of
45 Fish and Game.

46

47 And I'd like to clarify the data
48 collection, the graphs that you saw on the transport to
49 the field. And how we get that is we ask hunters how
50 they go to where they began walking. So in other words,

00188

1 if someone flies into the river and they get in their
2 river boat, it goes down as access by boat, because
3 they've been in the boat before they got on the ground
4 and began actually hunting. So it does miss some of that
5 aerial access.

6

7 CHAIRMAN LITTLEFIELD: Dr. Titus.

8

9 MR. TITUS: Good morning. My name is Kim
10 Titus. I'm with the Department of Fish and Game.

11

12 I guess I'd just like to provide a little
13 bit of clarification about what is commonly known across
14 the State of Alaska as same-day-airborne. And I guess I
15 will read, and it's come to my attention that this is --
16 in fact, this regulation probably not in effect in the
17 Federal system, but it's been in effect statewide across
18 the State of Alaska for many, many years. And I guess I
19 just for the record should read in what it says and what
20 it -- for your information.

21

22 Same-day-airborne, in our State
23 regulation book. You may not hunt or help someone else
24 hunt, take big game until 3:00 a.m. the day following the
25 day you have flown. And you commonly hear this referred
26 to as 24-hour airborne. In fact, strictly speaking, it's
27 not 24 hours. Generally it means the same day, and it
28 doesn't have that sort of application down here, but the
29 3:00 a.m. is in place largely because up in northern
30 Alaska in September it can still be quite light as we all
31 know.

32

33 And this section in terms of
34 same-day-airborne does not apply if you've flown that day
35 on a regularly scheduled commercial or commuter airplane.

36

37 And one of the exceptions with regard to
38 same-day-airborne in Southeast Alaska is that you may in
39 fact hunt deer same-day-airborne. And in some places in
40 the State you may hunt caribou now same-day-airborne.
41 And the Board did this a few years ago in State
42 regulations, same-day-airborne, in fact, for many of the
43 rural residents up there that wanted to hunt some of
44 those large caribou herds same-day-airborne.

45

46 So that's the issue with regard to that.
47 There have been many proposals over the years across the
48 State of Alaska with regard to other ways to restrict or
49 liberalize the same-day-airborne rule under state
50 regulations. There's also the Federal Airborne Hunting

00189

1 Act, which I'm not well appraised of. But anyway there
2 may be some Federal Staff here that are appraised of that
3 regulation.

4

5 And in many cases there are some
6 exceptions to this as I've said for caribou.

7

8 With regard to this methods and means
9 questions in terms of restricting certain types of
10 activities, I will point out that if you look in the
11 State book, you can notice across the State of Alaska
12 that there are a number of controlled use areas or
13 special use areas with regard to the use of airplanes in
14 some places in the State. There are horsepower
15 restrictions on boats. There are any number of
16 restrictions in the State regs that I think in many cases
17 have been picked up through the Federal systems, in many
18 case to work through local rural areas, especially with
19 regard to moose hunting across Interior Alaska. In many
20 cases these are -- have been worked through some sort of
21 planning process, and in other cases they're highly
22 controversial, particularly as they return to both
23 aircraft and with regard to ATVs across many parts of the
24 State. So they do in one sense pit one type of user
25 group against another. And in virtually all of the cases
26 when they've been instituted around the State, and I know
27 our State Board of Game wrestles quite a bit with these,
28 because they're very controversial, that the ultimate
29 litmus test there is when they invoke those, they tend to
30 invoke those when there's a conservation issue about
31 over-harvest, and in particular in many cases it is
32 focused on moose.

33

34 There are some methods and means
35 restrictions around the State that are all the way to the
36 extreme that you can't use any type of motorized vehicle.
37 You have to walk in from when you leave the road along
38 road systems. You can't use an ATV, you can't use a
39 boat, you can't use anything. So there's those kind of
40 things that do exist across the State, and in many cases
41 they've been put into place for conservation reasons.

42

43 Thank you.

44

45 CHAIRMAN LITTLEFIELD: Questions from the
46 Council? Ms. Phillips.

47

48 MS. PHILLIPS: Chairman Littlefield. Mr.
49 Titus, were you at the Board of Game meeting where the
50 proposal came before them to eliminate airborne hunt for

00190

1 the Unuk river?

2

3

MR. TITUS: Yes, I was, and I believe in fact the Board voted that down probably, I'm speculating now, but I suspect they probably did it unanimously in that case. It wasn't viewed as a conservation issue, and I think the Board dismissed that proposal, as I might add they've done in various forms around the State of Alaska, because this has come up many, many times, and when they have taken these up through controlled use areas and whatnot, they've wrestled quite a bit with those issues across the State.

13

14

MS. PHILLIPS: Mr. Chair, Mr. Titus, was there any other reasoning besides conservation reasonings that that proposal didn't past that you're aware of?

17

18

MR. TITUS: I think it's a bit safe to say that in some circumstances relative to the State Board of Game, they insomuch as possible try to avoid getting in the methods and means restrictions where they pit one user group against another.

23

24

CHAIRMAN LITTLEFIELD: Mr. Porter, did you want to comment on that?

26

27

MR. PORTER: Yes, Mr. Chair, members of the Board, I was just going to add a point that it's very difficult to separate people that are involved with aircraft, and who's successful in getting a moose, because you may have on airplane in a camp, for example, that airplane is spotting in that evening, and so the whole camp gets that information, and so someone could kill a moose the next day, and they were never in the airplane at all.

36

37

CHAIRMAN LITTLEFIELD: Any other Council? Ms. Wilson.

39

40

MS. WILSON: I don't know which question, which one to ask this question, but on Page 178, the graph, table 2, I think one of you mentioned that you cannot tell -- in other words, these figures are not correct, because some of these planes come to the river site and then get on a boat, so they're not listed as plane access or, you know, hunters, plane access. So why is that that it's not underneath the airplane access?

48

49

MR. PORTER: Mr. Chair, Member Wilson, that is in our reporting we ask how they go to where they

50

00191

1 started walking, and so in other words, if they flew into
2 the river, to their cabin or a camp and got in their
3 river boat and went upstream, they would report that they
4 accessed the hunting area by boat. So it misses the
5 component of secondary access if they had used two means
6 of transportation to get to that location.

7

8 MS. WILSON: Does that mean that they
9 didn't use the plane to look for moose at all?

10

11 MR. PORTER: Mr. Chair, Member Wilson, it
12 does not. And that's what I say. It would be difficult
13 to tease apart some of these successful and unsuccessful
14 hunts if you looked at whether they had access to that
15 information or not. Is that clear?

16

17 MS. WILSON: Yes. Yeah, I have another
18 question. On these figures, on the nonrural hunter boat
19 access, altogether in the 12 years, I counted the
20 hunters, there were 115 hunters and 12 moose were
21 harvested in those 12 years. And the rural hunters, in
22 the 12 years, the total number of hunters was 34, and
23 there was only two in those 12 years, and the two were
24 hunted and harvested between 1990 and 1995. And the
25 airplane access, there was altogether 25 hunters in the
26 12 years from 1990 to 2001, and there was only three
27 moose harvested. And I think when they -- I heard that
28 there is more moose harvested by airplane, and this
29 number 3 shouldn't be number 3. It should be a true
30 figure, so why is it not?

31

32 MR. PORTER: Again, Member Wilson, it --
33 the way that we collect that data, it actually misses
34 whether or not they have that aerial information or not.
35 If someone in that camp uses an aircraft to search the
36 river and then the entire camp hunts the next day, the
37 successful hunter may have never gotten in that airplane,
38 so that he wouldn't report that he'd hunted with an
39 aircraft, and so he's reporting that he had used a boat
40 to access the river the next day. With information in
41 his back pocket, but it wouldn't be captured in this
42 data.

43

44 MS. WILSON: Okay. I have to answer you
45 with what you're telling me is nothing but hearsay, isn't
46 it? You're saying they might have used information from
47 the airplane. To me, that's hearsay.

48

49 MR. PORTER: Member Wilson, in all
50 respect, that's how I see it, because we know that there

00192

1 are airplanes that -- or people that are flying, pilots
2 that are flying that do report back to camps.

3

4 MS. WILSON: Thank you.

5

6 MR. PORTER: Uh-huh.

7

8 CHAIRMAN LITTLEFIELD: Mr. Kookesh, then
9 Mr. Stokes.

10

11 MR. KOOKESH: I believe your comment was
12 that the advisory fish and game board wrestled with this
13 issue, and that there was a conservation concern. When I
14 was looking at your ADF&G comments on being neutral, you
15 mention that little is known about the moose population.
16 I was wondering how they could wrestle with the
17 conservation concern when they don't -- when ADF&G hardly
18 knows anything about the Unuk River moose population to
19 begin with.

20

21 But before you answer that, one of the
22 things that we always struggle with as a body is dealing
23 with rural versus urban. And the idea, a lot of it tends
24 to be -- a lot of blame gets being pushed on the
25 organization that I sit on. and I believe that a lot of
26 people that are sitting here would like to see a
27 resolution to this issue, instead of a whole lot of words
28 that -- just like -- I don't know, they just don't want
29 to come here and just get some lip service. I think what
30 a lot of people would like to see is a resolution, and I
31 also would like to see a resolution. I don't believe --
32 I think that the avenue they've taken says that they're
33 looking to extend it just so that the rural areas can
34 have an opportunity, and what it's doing is it's -- and
35 that being their only avenue, it's pitting them against
36 another user group, which is their friends. And it's sad
37 that when you do that and your friends aren't really your
38 friends in a sense when it's going to pit you against
39 each other.

40

41 I'm sure we all have differences, but I'd
42 like to see us resolve this in the sense that I believe
43 that we can only do so much as a body, but I don't
44 believe that the proper solution is before us right now,
45 and with respect to all of the people sitting here. And
46 I'd like to see them get just cause if they're going to
47 the Board of Fish and Game -- or Board of Game, excuse
48 me, and all they're getting is conservation concerns of
49 which it says you have very little data. Something's
50 wrong with that, and I'd like to see a solution here

00193

1 instead of just having you up here giving us the
2 regulation that says that when you leave here, tomorrow
3 we'll wake up and it will still be the same as yesterday.

4

5 MR. PORTER: Mr. Chair, Member Kookesh,
6 the lack of survey information is not because we haven't
7 made efforts to gather that information. It's a very
8 difficult area to survey. Only under ideal snow
9 conditions could you get -- or could you even see moose.
10 And in most parts of the State, moose are counted on a
11 regular, on an annual basis and they can get sex and age
12 composition fairly confidently. The nature and the
13 habitat of this area does not lend itself to accurate
14 aerial surveys, so what we've done is we've gotten the
15 best counts that we could. We've looked at track
16 concentrations in other places where we didn't see moose
17 from the air in the thick timber and vegetation, and
18 extrapolated an estimate, and again that 35 to 50 is a
19 rough estimate of how many moose are there, but it's the
20 best data that we have.

21

22 CHAIRMAN LITTLEFIELD: Mr. Stokes.

23

24 MR. STOKES: Are there any parts of the
25 State that ban aircraft altogether?

26

27 MR. TITUS: Yes, there are. there are
28 parts of the State that ban the use of aircraft I believe
29 for moose hunting during fall of the year. I could find
30 some of those quickly for you in our State reg books,
31 but, yes, they do exist. And in many places, and I
32 believe there may be some of those in northwest Alaska,
33 and they are under State regulation. In those cases I
34 believe they were put forward in deference to the local
35 communities, particularly on areas, perhaps, I could be
36 wrong, but I believe along the Kobuk River and places
37 like that. And.....

38

39 MR. PORTER: Noatak River.

40

41 MR. TITUS: Oh, excuse me, the Noatak
42 river.

43

44 MR. STOKES: Thank you.

45

46 MR. TITUS: Yes, they do exist, and, yes,
47 they were put in place after a lot of sort of pain and
48 agony and give and take. But the State Board did do
49 that.

50

00194

1 MR. STOKES: Thank you. And I was just
2 thinking that perhaps a proposal should come from this
3 group that proposed this to ban aircraft altogether
4 except for transportation to and from camp.

5
6 CHAIRMAN LITTLEFIELD: Mr. Porter.

7
8 MR. PORTER: Mr. Chair, and members of
9 the Board, in all trying to resolve this situation, the
10 common theme that comes out of this is that it's the
11 people in airplanes that are affecting the majority of
12 people's ability to get their moose. And when we went
13 before the State Board, this really didn't even get up
14 onto the main radar screen because of the many issues
15 across the State. However, the Unuk River is very unique
16 in how -- as dense as it is, how difficult it is to hunt.
17 I've hunted -- in the 25 years I've been in Alaska, I've
18 hunted all over the State, and being on the Unuk River,
19 it's probably one of the most difficult areas to hunt
20 that I've ever seen. Lack of access points, lack of
21 cleared areas where you can see moose. You can't get up
22 on a high point and observe moose down in the valley. So
23 I guess not knowing what this Board's ability is to reach
24 some sort of a controlled use regulation, I guess one
25 recommendation would be that this board make a strong
26 recommendation to the State Board to change that. That
27 seems to be the core of this issue.

28
29 CHAIRMAN LITTLEFIELD: That's the next
30 item on the agenda. We will find out exactly what our
31 authority is here next.

32
33 Any others? Ms. Phillips.

34
35 MS. PHILLIPS: Mr. Chair, Mr. Porter, the
36 Wagners stated that they have gotten a moose every year
37 up until -- for eight years they haven't gotten a moose.
38 They've been married for 30 years. They had a moose
39 every year up until eight years ago. And if I look at
40 the.....

41
42 MS. WAGNER: (Indiscernible - away from
43 microphone)

44
45 MS. PHILLIPS: Not every year? Oh,
46 that's what I was. Okay. Well, I was mistaken. I'm
47 sorry. I was just wondering why the tables didn't show
48 their one moose.

49
50 CHAIRMAN LITTLEFIELD: Okay. Any other

00195

1 questions? Mr. Adams.

2

3

MR. ADAMS: Thank you, Mr. Chair. Mr. Titus, when you were giving your presentation here earlier, you mentioned something about a 24-hour or what is it, 3:00 a.m.? Could you elaborate on that a little bit? And is it my understanding that there are, you know, units in the State that has that reg in place, or is it across the board?

10

MR. TITUS: That's across the state, except for those areas where same-day-airborne is allowed, such as deer in Southeast, and for some caribou hunts in the Mulchatna herd, so that is everywhere.

15

CHAIRMAN LITTLEFIELD: Are there any other questions? Mr. Kookesh.

18

19

MR. KOOKESH: You mentioned when you first started discussing this issue with us that the airplane cannot assist. Can you elaborate a little bit more on that? I believe assist meant -- is that like spotting? I didn't catch the whole thing because it was moving.....

25

MR. TITUS: Yes. The way this reads is in terms of -- let's say you sent somebody in an airplane at 6:00 o'clock the same morning you wish to hunt, and the hunter is not in the airplane, and you then radio down the information, hey, there's a moose a quarter mile in front of your boat, blah-blah-blah. That's clearly in violation of both the same day airborne regulation, and in that case it would also be in violation of the use of electronic devices in the aid of a hunt. I'm not a law enforcement official, but it would basically violate both of those types of legal standards. And so it's not as someone -- I've never participated in one of those hunts up north, using airplanes to go spot moose the night before is actually a fairly common hunting strategy by any number of different parties, rural, nonrural, et cetera, et cetera. And that's the strategy used. People hunt for a day, then somebody else in camp gets up in the airplane. They go spot moose, they come back to the camp, and around the camp at night they discuss where they are and so on and so forth, and that's how it takes place.

47

48

CHAIRMAN LITTLEFIELD: Mr. Porter.

49

50

MR. PORTER: That's I guess how I see it,

00196

1 that this -- the contentiousness of this issue is
2 centered around the fact that the river valley is so
3 narrow and it's a few users that are trying to access
4 these same moose. so when Kim mentioned that these
5 issues go on around the State, it's probably -- we hear
6 complaints, but probably not as many per capita as we
7 hear over this one, because it's only two or three moose
8 a year that people are trying to reach. I realized,
9 Member Kookesh, your question about whether or not we had
10 a conservation concern lacking very accurate data about
11 this population, and I wanted to mention that the few
12 things that we do look at, the things that we do have are
13 that the harvest is remaining stable, one to five on
14 average. Around three is an annual harvest, and that we
15 know that the effort has actually gone down, numbers of
16 days spent on the river hunting, so that I guess gives us
17 some comfort zone, some comfort level with numbers of
18 moose being taken off the river.

19

20 CHAIRMAN LITTLEFIELD: Any other
21 questions? Dr. Titus.

22

23 MR. TITUS: Thank you again, Mr. Chair.
24 Let me clarify here that on the Noatak River where this
25 was put in place, this was a very big issue among many
26 user groups in many of the villages along that river and
27 down into Kotzebue. So it involved many, many hunters
28 and stakeholders.

29

30 And the other thing is when that special
31 Noatak Controlled Use Area was put into place, it says
32 here, the area is closed for the period of August 25 to
33 September 15th to the use of aircraft in any manner for
34 big game hunting, including transportation of big game
35 hunters, their hunting gear and any parts of big game.
36 So when in fact you get into this methods and means
37 question about things like airplanes, when you prohibit
38 airplanes, the clean way to do it is you prohibit them in
39 any aspects of the hunt, so you -- it's not -- in general
40 law enforcement officials don't like to be in the
41 business of saying, well, you can't use them for
42 spotting, but you can use it for this, or use it for
43 that. When they say you can't use it, you can't use it
44 at all. And law enforcement officials generally do not
45 like having certain aspects of it being legal and other
46 aspects being not legal.

47

48 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

49

50 MR. HERNANDEZ: I just want to address a

00197

1 conservation concern I have here. It seems to me one of
2 the solutions to this problem could be creating a
3 controlled use area for the Unuk River which would
4 require a conservation issue. From what I hear of your
5 data, your methods of accumulating data, your census
6 methods for the Unuk River, I do have one doubt
7 concerning using hunter-reporting information to assess
8 the strength of a herd, and that's if there's a change in
9 the means of hunting over a time period that makes the
10 hunting more efficient, such as airplane use, it could
11 skew the data to show that the herd is actually doing
12 fine when possibly that's not so.

13

14 Another concern I had is that in a
15 private conversation with Mr. Ron Porter, he mentioned,
16 long-time hunter up there, he's noted an increase in the
17 brown bear population. And I think we realize that brown
18 bear predation on moose calves can be a factor in the
19 herd, and also -- yeah, I guess that was all the
20 information I had. So could you maybe comment on those
21 factors in your opinion?

22

23 MR. PORTER: Mr. Chair, Member Hernandez,
24 that's absolutely true that there are -- I wouldn't call
25 it a high density of brown bears, but a fair and stable
26 population of brown bears. There are also wolves in that
27 drainage. The -- in all of Misty Fjords we don't have
28 actual counts of brown bears, but the Chickaman (ph) and
29 Unuk drainages have some of the highest concentrations in
30 all of Misty Fjords. So in other words, with those
31 salmon runs, they sustain a pretty healthy population.
32 And they do prey on moose calves. We don't know how much
33 predation. We don't have those sorts of calf numbers.
34 We don't -- we can't count calves like they can in the
35 Interior in open habitat.

36

37 But in respect to your other question
38 about the change in the access, I guess it doesn't seem
39 that -- or appear that that has changed dramatically in
40 the past 15 or so years.

41

42 MR. HERNANDEZ: One more question I had I
43 forgot. Do you keep track of the age class of the bulls
44 being taken in your surveys to get an idea of the
45 strength of the heard from.....

46

47 MR. PORTER: Yes, we do.

48

49 MR. HERNANDEZ:age classes? Do you
50 have any information that.....

00198

1 MR. PORTER: Yes, we do. We ask hunters
2 to turn a tooth in from every moose that's harvested. I
3 don't have that information with me. I could provide
4 that to you at a later time.

5
6 MR. HERNANDEZ: Thank you.

7
8 MR. PORTER: I had one other comment, Mr.
9 Chair. I guess just to clarify that it wouldn't take a
10 radio communication to the ground to provide that
11 information to hunters. That airplane could be airborne
12 the same day that there are hunters in the field, and
13 that would be a difficult situation to try to enforce,
14 too, because it's sort of on the honor system, that if
15 the plane leaves from your camp, flies around and spots a
16 couple of moose, if that pilot -- or you walk over and
17 talk to that pilot and he gives you that information, and
18 you respond to it that same day, that would be a
19 violation of State law, but it's not to say that it
20 couldn't happen.

21
22 CHAIRMAN LITTLEFIELD: Any other
23 questions for the ADF&G staff? Thank you. That's
24 clarified some things for us. Excuse me. Mr. Adams.

25
26 MR. ADAMS: Mr. Boyd, I guess this would
27 be for you. Could you comment on the use of the jet
28 boats, you know, during the moose hunting season, and
29 when they're doing the tagging for the salmon, if there's
30 any, you know, interference or damages?

31
32 MR. PORTER: Member Kookesh -- or Adams,
33 I'm sorry, the commercial fisheries and sport fisheries
34 have biologists on the ground up there. They have a camp
35 on the Unuk River, and they spend part of five months up
36 there tagging coho, chinook, and so they're on the ground
37 quite a bit. They are both on the river and walking up
38 some of the channels. So was your question in regard to
39 how much I feel that they might be influencing or
40 disturbing the moose? Boy, I couldn't tell you that. I
41 could imagine that it might work both ways. I would
42 imagine that initially those moose probably move back off
43 the river, but in being around those jet boats, I would
44 imagine that that would work for the hunters in some
45 respect, that it would actually habituate them to those
46 boats, because they wouldn't see that as some sort of a
47 threat, but I'd imagine that noise probably has some
48 effect on their behavior. I couldn't tell you how much.

49
50 MR. ADAMS: I think the concern here was,

00199

1 you know, the -- maybe Mr. Kookesh can ask that question
2 better than me. Would you?

3

4 MR. KOOKESH: Uh-huh. (Affirmative)

5

6 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

7

8 MR. KOOKESH: Well, my question is in the
9 sense that during the season, how important is it to have
10 your vessels up and down that stream for tagging
11 information purposes. Would it be possible -- it doesn't
12 call for regulation change to modify your activities
13 during that active period?

14

15 MR. PORTER: Member Kookesh, it's my
16 understanding that they're not very active during the
17 hunting season. I assume that the comment about the
18 disturbance was prior to the moose hunting season. I
19 actually don't know how much time they spend during the
20 month long moose season.

21

22 CHAIRMAN LITTLEFIELD: In any case, if
23 there were no airplanes, the jet boats would affect all
24 users equally. So are there any other questions?

25

26 Okay, thank you very much.

27

28 Ms. Garza, did you have something?

29

30 MS. GARZA: Mr. Chairman.....

31

32 CHAIRMAN LITTLEFIELD: Hold on a minute.
33 What I would like to do is ask the Council's indulgence
34 to suspend the rules, and right now we were going to
35 consider counsel, legal counsel, that's next on the
36 agenda. What I would like to ask is that you suspend the
37 rules and allow for a special presentation. Is there any
38 objection? Dr. Schroeder.

39

40 MR. SCHROEDER: Mr. Chairman, I would
41 like Dave Johnson to come up to the speaker's table and
42 to introduce this presentation on behalf of U.S. Forest
43 Service Staff.

44

45 MR. JOHNSON: Mr. Chairman, Council, Dave
46 Johnson with the Forest Service, Tongass National Forest.
47 I'd like to introduce to you today Tom Puchler, the
48 Forest Supervisor for the Tongass National Forest. Tom,
49 if you'd come forward. Tom has a presentation to make,
50 and also some comments that he may wish to make.

00200

1 MR. PUCHLER: I'm going to try to do this
2 standing here without a mike.

3
4 REPORTER: No, you have to be by the
5 microphone.

6
7 MS. GARZA: Meredith rules.

8
9 MR. PUCHLER: I can see that right away.
10 As Dave said, I'm Tom Puchler, I'm the Forest Supervisor
11 here on the Tongass, and I've been here about four years.
12 And I just want to welcome you all to Ketchikan.

13
14 But I'd like to take a moment today to
15 provide some recognition for an individual. And one of my
16 favorite sayings that -- or quote that I -- from the
17 first chief of the Forest Service, Gifford Pencheau is
18 that there's two really important things in this material
19 world, and that's people and natural resources. And
20 we're doing a lot of work here with natural resources,
21 but often we forget to recognize those people that really
22 contribute to the management of those resources.

23
24 And four years ago when I first came to
25 Ketchikan, one of the first people I met was this really
26 large man. And it was like, wow, I'm going to learn
27 something here today about subsistence. And I'd like to
28 call Bill Thomas up here.

29 I met Bill for lunch one day, but there were
30 several meetings afterwards. Bill has helped our
31 organization immensely. I know that he was at my home
32 briefing the Director of Wildlife and Fisheries from the
33 national office. He's been to my home briefing regional
34 foresters. I know he's spoken with every regional
35 forester that's been on duty since he's been on duty.
36 And, you know, he's just been a tremendous inspiration
37 for us and a lot of help, and if you'd indulge me a
38 minute, I want to read what we have on this plaque.

39
40 This is to William Thomas, Sr. In
41 recognition for your many years of service to the Federal
42 Subsistence Program and the Tongass National Forest as
43 Chairman of the Southeast Alaska Regional Advisory
44 Council. You have provided leadership, insight, humor,
45 and a cultural understanding of subsistence at a critical
46 time. The fish, wildlife and other natural resources of
47 Southeast Alaska and the native and non-native rural
48 Alaskans who use these resources have benefitted from
49 your efforts. You have helped U.S. Forest Service build
50 strong relationships with native and rural peoples that

00201

1 are needed to maintain our region's special resources and
2 the lifeways that depend upon them.

3

4 MR. THOMAS: Thank you. This is very
5 nice. I think it's an overkill, but thank you very much.
6 I appreciate it.

7

8 CHAIRMAN LITTLEFIELD: At this time we
9 will take a lunch break. Ms. Garza, would you please
10 make the announcement?

11

12 MS. GARZA: Mr. Chairman, lunch is being
13 sponsored by the Ketchikan ANS and ANB Camp 14. It's a
14 fund raiser for the Grand Camp that will be held here in
15 September. There's a variety of native foods from fish
16 heads to seal meat to beach asparagus. Since we're
17 nonrural, most of this food was brought in. Lunch is \$7
18 and there is soda pop for a buck, because we know the
19 machine's broke down.

20

21 Thank you.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN LITTLEFIELD: We presented the
28 rules for presentation. That's still in effect. Mr.
29 Jack Lorrigan, could you please come forward?

30

31 MR. LORRIGAN: Thank you, Mr. Chairman.
32 I'd like Mr. Thomas to come up.

33

34 Mr. Chairman and Council members, it
35 gives me great pleasure to present this plaque on behalf
36 of the Sitka Tribe. I'll give a quick read. The Sitka
37 Tribe of Alaska is responsible for the health, safety,
38 welfare and cultural preservation of over 3100 enrolled
39 tribal citizens. It is in this capacity as steward for
40 the land, sea and resources of the Shitkakwan that the
41 Sitka Tribe of Alaska recognize a very significant tribal
42 leader on this day of February, 2003. The Sitka Tribe of
43 Alaska formally thanks Mr. Bill Thomas for his many years
44 of dedicated work to protect our traditional resources
45 and opportunity to access these resources.

46

47 Mr. Thomas, your participation on the
48 Southeast Regional Advisory Council and the manner in
49 which you share your wisdom are gifts to all our
50 grandchildren, that all our grandchildren will cherish,

00202

1 and thank you very much. On behalf of Sitka Tribe, Lisa
2 Gasman, General Manager, Lawrence Widmark, Woody,
3 Chairman, Sitka Tribe of Alaska.

4

5 Thank you.

6

7 Mr. Thomas has been a long-time family
8 friend of my family for many years, and it was a real
9 pleasure to see him in Sitka that first day. I didn't
10 know he was a part of this. And there's something that
11 goes along with this. It's in the freezer, I've got a
12 great big box of herring eggs for you.

13

14 MR. THOMAS: Well, my thanks to the
15 representative from Sitka and the Sitka Tribes. It's a
16 pleasure to be acknowledge in this fashion, but I'm
17 following in a long line of good people that have done
18 this before me, in which case I've had the opportunity to
19 learn from. And so it's just kind of my debt to the
20 people before me, and hopefully of some inspiration to
21 those that come up after me. And for this I thank you
22 very much.

23

24 MR. LORRIGAN: Thank you.

25

26 CHAIRMAN LITTLEFIELD: Bill? Mr. Thomas,
27 would you please stay there? Mr. Mike Douville is going
28 to make a presentation.

29

30 MR. DOUVILLE: Just one minute there.

31

32 CHAIRMAN LITTLEFIELD: Please turn the
33 mike on. Please turn the mike on so it's on the record.

34

35 MR. DOUVILLE: The card is from everyone
36 here, Bill. And this a nak-ha I made for you on behalf
37 of the RAC Council here. We'd like to give it to you.
38 You've been a good friend, a good leader, and hopefully
39 that avenue is still open for advice. It's been a
40 pleasure being with you.

41

42 MR. THOMAS: Thank you. You know, I
43 don't feel worthy of all these acknowledgements. This is
44 very nice. I have to tell you, this is my first one. On
45 a picnic, they won't even let me sharpen a picnic
46 marshmallow stick. So I can appreciate anybody's
47 artistic abilities and understanding of how these things
48 work. And I'm really humbled by all of this. And thank
49 you again. Appreciate it.

50

00203

1 CHAIRMAN LITTLEFIELD: Bill, it's been a
2 great pleasure. We look to your past example of
3 leadership as a guide for what we're doing. Everything
4 that we've learned over the years we're putting to use.
5 You were a good teacher, a good leader, and we will miss
6 you. And I thank you very much. It's been a pleasure to
7 know you.

8
9 MR. THOMAS: Thank you. ANS?

10
11 MS. HAWKINS: Yeah, thank you everybody
12 for buying lunch today. I'm Merle Hawkins and.....

13
14 REPORTER: Would you turn that microphone
15 on?

16
17 MS. HAWKINS: I'd like to thank everybody
18 for buying lunch today.

19
20 UNIDENTIFIED VOICE: This one.

21
22 MS. HAWKINS: I'm getting good at it now.
23 Thank you, everybody, for buying lunch today. I'm the
24 president for ANS Camp 14, and all the money will go
25 toward Grand Camp which will be here in Ketchikan
26 September 28th through October 4th. And so for the
27 raffle drawing, we made \$62 for the food basket, and then
28 for the food sales, we made \$288. And I'd like to thank
29 the people that donated. John Littlefield from Sitka,
30 and what was the other name?

31
32 MS. GARZA: Richard Stokes.

33
34 MS. HAWKINS: Richard Stokes, and I'd
35 like to thank them for donating, and if I could have
36 somebody draw one of these tickets, somebody will win the
37 food basket.

38
39 UNIDENTIFIED VOICE: Oh, my goodness.
40 Bob Larson.

41
42 MS. HAWKINS: Thank you again.

43
44 CHAIRMAN LITTLEFIELD: Thank you very
45 much, the food was great. Turn the mike back on, please.

46
47 MS. HAWKINS: How was I to know? I've
48 never been to one. Bill Thomas has asked me to explain
49 what Grand Camp is, and it's the annual convention for
50 the Grand Camp officers and all the camps from Southeast

00204

1 Alaska have two delegates and other members that come and
2 we do resolutions. And it will be my first one as an
3 officer, so I'm learning as we go. We have a lot of
4 money to raise, and it's challenging, but I'm enjoying
5 it. My grandmother, Seldie Morrison, was a lifetime
6 member of ANS, and my aunt Vesta Johnson and Wally
7 Johnson, so hope to see you again then.

8

9 Thank you.

10

11 CHAIRMAN LITTLEFIELD: Okay. We're done
12 with the presentations, and we're back to normal
13 business. At this time we're going to have legal
14 analysis of the options that are available when
15 considering this proposal and other proposals.

16

17 MR. SCHROEDER: Mr. Chairman, just a note
18 for the record that we have teleconferencing -- excuse
19 me. A note for the record, Mr. Chairman, that we have
20 teleconferencing capability at this moment, and a number
21 of people have phoned in and are prepared to testify on
22 the deer proposals concerning Unit 2. That public
23 testimony is scheduled for 2:00.

24

25 MR. USTASIEWSKI: Mr. Chair, I'm Jim
26 Ustasiewski. I'm with the Office of the General Council,
27 U.S. Department of Agriculture in Juneau.

28

29 And I received a question from you about
30 whether the Federal Subsistence Program could include
31 aerial restrictions in connection with the proposal that
32 they're considering -- you're considering under I believe
33 it's Proposal 8, moose hunting on the Unuk River. In
34 general the answer is yes. The Federal Subsistence Board
35 has in fact promulgated regulations that include aerial
36 restrictions for hunting in various parts of the State.
37 They've done that in situations to mirror the State
38 system. Earlier before lunch the representatives from
39 the Alaska Department of Fish and Game talked about the
40 aerial restrictions under State law, and there's a
41 similar set of restrictions in the Federal Program as
42 well.

43

44 I say in general that's the case. The
45 Federal Subsistence Program, of course, is base on Title
46 VIII of ANILCA, and Title VIII of ANILCA provides for a
47 subsistence priority, subsistence being defined as an
48 activity by rural -- people that live in rural areas,
49 rural residents. The priority is to allow for the
50 subsistence way of life and provide for subsistence needs

00205

1 in times of shortage in order to meet subsistence needs.
2 So that's what the Federal Subsistence Program is about,
3 and where aerial restrictions are designed to provide
4 that priority, where they're necessary to provide that
5 priority, the Federal Subsistence Board can enact those
6 restrictions.

7

8 And so I think that's the real question
9 that will be before the Board and is before the Regional
10 Advisory Council is are restrictions necessary to provide
11 for subsistence needs in this situation for moose on the
12 Unuk River.

13

14 As I understand the proposal, the
15 proposal would be to give subsistence hunters a two-week
16 head start on moose hunting in that area, and in fact I'm
17 not sure if the proposal had anything to do with aerial
18 restrictions or not. It seems like that's an idea that's
19 sort of come up in the discussion of the proposal.

20

21 The question would be is that a
22 sufficient means to provide for subsistence, to give a
23 two-week head start to all subsistence users whether they
24 use boats to access the Unuk River or airplanes or other
25 means. Is that sufficient to provide for subsistence
26 needs. And that's what the RAC should make a
27 determination about and a proposal or -- the proposal
28 exists. A recommendation about the proposal.

29

30 In terms of legal analysis, the question
31 is are aerial restrictions necessary for providing that
32 subsistence priority, and that's really sort of a factual
33 question from there for the Council to take up, to decide
34 whether subsistence users need to have a non-aerial -- I
35 mean, I suppose actually if this is a two-week head
36 start, there won't be subsistence -- excuse me, there
37 won't be nonsubsistence hunters in this area then, and so
38 you won't have the competition from nonsubsistence users
39 using airplanes or aircraft to access this area.

40

41 The Federal Subsistence Program is not
42 about regulating between nonsubsistence users, and so it
43 wouldn't be something that the Board would look at as to
44 decide whether nonsubsistence users should be in general
45 allowed to use aircraft versus other nonsubsistence.
46 It's simply a question of what's necessary to give that
47 priority to subsistence.

48

49 I hope that's helped at least to sort of
50 frame the issues as they exist on this proposal.

00206

1 CHAIRMAN LITTLEFIELD: It answers some of
2 my questions, and I believe if we can paraphrase this
3 correctly, that we can provide the meaningful preference
4 that we're required to do under ANILCA by opening the
5 season earlier. Providing only the aerial restrictions
6 which you've told us we have the ability to do, for all
7 of the users as they exist now without an early opening
8 would not provide that meaningful priority.

9
10 MR. USTASIEWSKI: Well, I think that's
11 the question that you all have to answer. We're getting
12 sort of into the facts now that really are your area to
13 decide what are the facts there, what is necessary in
14 order to give that priority. It seems to me that you can
15 give a two-week head start to subsistence hunters,
16 whether they use aircraft or not. If that -- if you
17 determine that there's a factual record supporting that
18 two-week head start, that that will give subsistence
19 users their moose that they need, then that would be
20 permissible under Title VIII and it might be all that you
21 could do under Title VIII if it in fact satisfies the
22 subsistence needs for moose.

23
24 If you're asking me if there were no
25 two-week head start, could the Federal Subsistence
26 Program restrict the use of aircraft, I mean, I guess
27 we'd have to see what the proposal was for that. How
28 else would subsistence users have a priority? As I say,
29 in other parts of the State there have been aerial
30 restrictions, so it's possible that the facts might
31 support that. But I think the proposal here is to give a
32 two-week head start, and it seems like that's sufficient
33 to provide for the subsistence needs.

34
35 CHAIRMAN LITTLEFIELD: Thank you. Any
36 other Council questions? Ms. Garza.

37
38 MS. GARZA: Thank you, Mr. Chairman. I
39 don't think I'm going to try your last name. Uta.....

40
41 MR. USTASIEWSKI: Ustasiewski.

42
43 MS. GARZA: What type of name is that?

44
45 MR. USTASIEWSKI: It's Polish. It's not
46 Tlingit.

47
48 MS. GARZA: I don't think it's Haida
49 either. When you have talked initially about the
50 restrictions on airplanes and that it has been done in

00207

1 the Federal system, the concern I had was from the
2 discussion I had with -- the discussion I heard this
3 morning, and I might be incorrect, but it sounded like
4 the far majority, and we're still talking small numbers
5 of people who were using planes were in fact Ketchikan
6 residents and therefore nonrural. So we could
7 technically have no impact on them in terms of
8 restrictions.

9

10 MR. USTASIEWSKI: Right. There would be
11 -- this proposal would involve no specific aerial
12 restrictions as it was written, and all nonsubsistence
13 users or people who are not rural, and right now
14 Ketchikan is defined as an urban area, those folks would
15 have no restrictions under this proposal as it was
16 written to use aircrafts or other means of access.

17

18 MS. GARZA: But following up on that, we
19 could also not restrict them because they follow under
20 State regulations, so there's nothing that we could do to
21 address this issue, assuming that the majority of those
22 are in fact urban residents?

23

24 MR. USTASIEWSKI: Mr. Chair, I guess in a
25 technical way, if you allow subsistence users to hunt two
26 weeks earlier, you're in effect restricting
27 nonsubsistence users for those two weeks. Nonsubsistence
28 users would not be allowed to hunt under the Federal
29 program during those two weeks, and not under the State
30 program as I understand it. So there would be a
31 restriction in that sense.....

32

33 MS. GARZA: Right.

34

35 MR. USTASIEWSKI:but otherwise
36 right.

37

38 MS. GARZA: Okay. But otherwise, so
39 different options were brought forward to us by different
40 people who testified, and there is -- other than
41 providing the opportunity at the beginning for rural
42 residents, we cannot in any way say, okay, you nonrural,
43 urban guys, you can't do this any more. That has to go
44 through the Board of Game process.

45

46 MR. USTASIEWSKI: Right. If the question
47 is between nonsubsistence users, Ketchikan residents
48 let's say, how they access that river, that's really a
49 question for the Board of Game.

50

00208

1 CHAIRMAN LITTLEFIELD: Any other
2 questions? I have one final question, and that would be
3 if maybe you could touch on substantial evidence. We're
4 just getting ready to go into deliberations and they
5 require us to provide that. Could you touch on that,
6 please?

7
8 MR. USTASIEWSKI: Sure. Substantial
9 evidence is a term I think lawyers are probably more
10 familiar with, more comfortable with than the average
11 person. It's probably not a term that gets used very
12 often outside of administrative law. What you all are
13 doing, by the way, is in effect administrative law, or
14 it's part of an administrative law process. And that's
15 where the subsistence, Title VIII, the provisions of
16 ANILCA, involve making regulations, effectively law, for
17 subsistence. And there's a provision in Title VIII, it's
18 Section 805(c) of Title VIII that uses the term
19 substantial evidence. It uses the term in connection
20 with the Board, the Federal Subsistence Board's review of
21 the Regional Advisory Council's recommendations.
22 Whenever the Regional Advisory Council makes a
23 recommendation on a proposal, the Federal Subsistence
24 Board reviews those recommendations and determines under
25 Section 805(c) whether -- I shouldn't say whenever this
26 happens, but the way it's written is the Secretary of the
27 Interior may reject a recommendation if the proposal, the
28 recommendation is not supported by substantial evidence.

29
30 It might help me to just read you that
31 section, if you haven't read it already. This is buried
32 in the middle of 805(c). It says the Secretary may
33 choose not to follow any recommendation with he, it
34 should say or she, which he or she determines is not
35 supported by substantial evidence, violates recognized
36 principles of fish and wildlife conservation, or would be
37 detrimental to the satisfaction of subsistence needs.

38
39 There's actually three things in there,
40 substantial evidence being one of them. So if the
41 Secretary, acting through the Federal Subsistence Board
42 determines that the Regional Advisory Council made a
43 recommendation that was not supported by substantial
44 evidence, then the Federal Subsistence Board can reject
45 that recommendation.

46
47 So what is substantial evidence?
48 Substantial evidence in administrative law is -- like I
49 say, it's fairly used -- often fairly used in
50 administrative law settings. I should say that to my

00209

1 knowledge there have been no court cases that have looked
2 at this particular provision in Title VIII, but because
3 it uses that term, substantial evidence, we can look at
4 what other courts have said about substantial evidence in
5 other settings, non-Title VIII situations. And in those
6 other settings the courts have said that substantial
7 evidence means considering all the circumstances, all the
8 facts, enough evidence to support a reasonable person in
9 making a conclusion. So substantial evidence then is
10 tied to this idea of reasonableness. What's reasonable
11 considering all of the applicable, all of the available
12 facts in a situation. Would a reasonable person find
13 that a subsistence priority should be given in a certain
14 situation.

15

16 CHAIRMAN LITTLEFIELD: Thank you very
17 much. Okay. That will be enough I guess.

18

19 We're into Regional Council
20 deliberations. What is the Council's wish. Proposal 8.
21 Dr. Garza.

22

23 MS. GARZA: Mr. Chairman, to put this on
24 the table, I move to accept the recommendation of staff
25 as defined on Page 180.

26

27 MR. DOUVILLE: Second.

28

29 CHAIRMAN LITTLEFIELD: Is there a second?
30 It's been moved and seconded to adopt the language on
31 Page 180 which is one antlered bull September 1st to
32 October 15. Maker of the motion, would you like to go
33 first?

34

35 MS. GARZA: Mr. Chairman, in looking at
36 the rationale for my recommendation, and I will either
37 make an amendment or consider one, but looking at the
38 rationale for recommendation on our sheet, the issues to
39 look at are conservation, subsistence opportunity, kinds
40 and quality of information, and any restrictions of
41 nonsubsistence users. To me, this clearly falls in under
42 (b) subsistence opportunity. If you look at the
43 substantial evidence, what I'm looking at, Mr. Chairman,
44 is the figure 1 on Page 179 that was provided to us where
45 it is clear that the large number of moose are taken by
46 nonrural residents, and that this two-week early opening
47 would give an opportunity for rural residents, who I
48 understand are not the aircraft people, and so that's my
49 rationale.

50

00210

1 I think we should consider an amendment
2 that would include that that would be nonaircraft for
3 rural residents, and I'm not sure that we can do that
4 And secondly sine this is something of considerable
5 discussion, there has been some discussions around the
6 tables that perhaps we should modify it to a one-week or
7 a 10-day early opening as opposed to two weeks.

8
9 Thank you, Mr. Chair.

10
11 CHAIRMAN LITTLEFIELD: Are you making an
12 amendment on that? Do you have that time that you would
13 like to make an amendment on?

14
15 MS. GARZA: I'd like to take each of them
16 separately, so it would be one antlered bull provided no
17 aircraft is used in the taking of the bull.

18
19 CHAIRMAN LITTLEFIELD: There's an
20 amendment.....

21
22 MR. DOUVILLE: Second.

23
24 CHAIRMAN LITTLEFIELD:to add the
25 language provided no aircraft is used. Is that correct?
26 No aircraft is used? And it was seconded. Discussion.

27
28 MS. GARZA: Mr. Chairman, that was off
29 the top of my head, and someone from the State of Fed may
30 want to make sure I'm using the language that more
31 closely reflects what Board of Fish or Board of Game or
32 what other language looks like.

33
34 CHAIRMAN LITTLEFIELD: Legal staff, would
35 you comment on this, please.

36
37 MR. USTASIEWSKI: Mr. Chair, I'll try.
38 Jim Ustasiewski again.

39
40 If the regulation were that subsistence
41 hunters could hunt during this two-week period, but they
42 could not use aircraft, then, of course you would be
43 restricting some subsistence hunters over others. And
44 that can be done in certain situations, too. Section
45 804.....

46
47 CHAIRMAN LITTLEFIELD: That's 804?

48
49 MR. USTASIEWSKI:provides for --
50 pardon me?

00211

1 CHAIRMAN LITTLEFIELD: Is the amendment
2 tied more to 804, is that what you're trying to tell us?
3

4 MR. USTASIEWSKI: That's the way --
5 normally when we choose -- when the Federal Subsistence
6 Board chooses between subsistence users, they go through
7 a series of determinations as to customary and
8 traditional dependence, local residency, those kind of
9 factors in Section 804 to make those kinds of
10 restrictions.

11
12 CHAIRMAN LITTLEFIELD: Okay. Thank you.
13 Discussion on the amendment. The amendment was to
14 provide no use of aircraft, which we've been advised is
15 more tied to 804 restrictions among subsistence users.
16 Ms. Phillips.

17
18 MS. PHILLIPS: Chairman Littlefield, was
19 the no aircraft is not to be used for the entire
20 subsistence season? That's what I was understanding it
21 to mean.

22
23 CHAIRMAN LITTLEFIELD: Dr. Garza, would
24 you please clarify that?

25
26 MS. GARZA: Mr. Chairman, the maker of
27 the amendment and the seconder wish to withdraw the
28 amendment.

29
30 CHAIRMAN LITTLEFIELD: Is there any
31 objection from the Council? The amendment is withdrawn.
32 Further discussion on the main motion or any other
33 amendments. Dr. Garza.

34
35 MS. GARZA: Mr. Chairman, I move to amend
36 the motion, that it would be -- that motion that it would
37 be one antlered bull September 5th. So it would be a
38 10-day opening.

39
40 CHAIRMAN LITTLEFIELD: Is there a second?

41
42 MR. DOUVILLE: Second.

43
44 CHAIRMAN LITTLEFIELD: The motion has
45 been -- or the amendment has been seconded, and the
46 language would read September 5th to October 15th.
47 Discussion. Dr. Garza.

48
49 MS. GARZA: Mr. Chairman, the intent of
50 this amendment is to provide this opportunity, but try

00212

1 and close that window of opportunity so that we're trying
2 to address the issue where other nonrural residents may
3 come in. So by making it a shorter window of
4 opportunity, there will be hopefully less of an incentive
5 for a mad rush to the Unuk to try and get a moose under
6 rural regulation.

7

8 CHAIRMAN LITTLEFIELD: Any other
9 Councilman on the amendment. Are you ready for the
10 amendment? The question before you is on the amendment
11 to substitute September 5th for September 1st. All those
12 in favor of the amendment, please signify by saying aye.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN LITTLEFIELD: Those opposed,
17 same sign.

18

19 (No opposing votes.)

20

21 CHAIRMAN LITTLEFIELD: The amendment is
22 carried. Discussion on the main motion as amended. Are
23 you ready for the question. Ms. Phillips.

24

25 MS. PHILLIPS: I'm going to be voting in
26 favor of the proposal. There's been no customary and
27 traditional determinations so that means all rural
28 evidence may hunt Unit 1(A). While I do recognize that
29 Ketchikan has a long-term consistent pattern of use and
30 testimony has supported that the community possesses
31 significant characteristics of a rural area to use fish
32 and wildlife, it is unfortunate that the Federal
33 regulations are that Ketchikan is nonrural.

34

35 CHAIRMAN LITTLEFIELD: Thank you. For
36 the record, we need to establish those four points.
37 Several of them have been hit on. Are there any other
38 comments on the rationale for recommendation. Dr. Garza.

39

40 MS. GARZA: Mr. Chairman, thank you.
41 From the information that has been provided to us, it
42 appears that there are no conservation concerns. While
43 this is a small stock, it's also a small harvest, and so
44 I feel comfortable with that.

45

46 In terms of the second point, subsistence
47 opportunity, it clearly provides an opportunity for rural
48 residents.

49

50 In terms of the kinds and quality of

00213

1 information, I feel comfortable with the information that
2 has been provided to us.

3

4 And it does not further restrict
5 nonsubsistence uses. It simply gives the rural residents
6 an added edge.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN LITTLEFIELD: Thank you. Any
11 other Council comments.

12

13 MS. PHILLIPS: Mr. Chairman.

14

15 CHAIRMAN LITTLEFIELD: Ms. Garza. Excuse
16 me, Ms. Phillips.

17

18 MS. PHILLIPS: Ms. Wagner's family is a
19 qualified rural.....

20

21 CHAIRMAN LITTLEFIELD: Microphone.

22

23 MS. PHILLIPS: Mrs. Wagner's family is a
24 qualified rural family resident whose needs are not being
25 met. For eight years they have not had a moose from the
26 Unuk River area. And there asking us to provide them
27 with that opportunity, and that's what this amended
28 proposal does.

29

30 CHAIRMAN LITTLEFIELD: Thank you. Any
31 other Council comments. Ms. Wilson.

32

33 MS. WILSON: Yeah. I feel the same way
34 as Patricia does. We're here to provide the opportunity
35 for subsistence, and the record that I see on the -- the
36 records on the numbers of moose taken is very low. And I
37 don't see the chance of a lot of hunters going to this
38 area. And the way that we've amended this motion, I
39 think will help alleviate that. And I'm for this motion.
40 I'm for the adoption.

41

42 CHAIRMAN LITTLEFIELD: Thank you. Any
43 other Council. Are you ready for the question?

44

45 UNIDENTIFIED VOICE: Question.

46

47 CHAIRMAN LITTLEFIELD: The question's
48 been called. You'll be voting on the motion language on
49 Page 180 as amended. One antlered bull, and the season
50 will be open from September 5th to October 15th. All

00214

1 those in favor say aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN LITTLEFIELD: Those opposed same

6 sign.

7

8 (No opposing votes.)

9

10 CHAIRMAN LITTLEFIELD: The motion is

11 carried.

12

13 MS. GARZA: Mr. Chair.

14

15 CHAIRMAN LITTLEFIELD: Yes, go ahead.

16

17 MS. GARZA: Mr. Chairman, I also think

18 that we need to follow up with a letter to -- I'm not

19 sure if it's the Board of Game or to ADF&G game staff

20 that can share it with the Board of Game, that we have

21 heard significant testimony in regard to the airplane

22 issue in the area, and that we would hope the Board of

23 Game can address this issue to the satisfaction of

24 primarily Ketchikan residents.

25

26 CHAIRMAN LITTLEFIELD: Okay. We added

27 that at 12(G) under new business. We will take that

28 discussion up at that time on our recommendations to the

29 Board of Game.

30

31 Any other recommendations? Ms. Wilson.

32

33 MS. WILSON: Will this Council be -- are

34 we allowed to make recommendations to the Board, the

35 Federal Board of Subsistence to have Ketchikan be

36 designated as rural? Is that possible with our Council?

37

38 CHAIRMAN LITTLEFIELD: Thank you, Ms.

39 Wilson. I refer you to 805 that the legal council had

40 talked about before, but in 805(a), several people have

41 asked me this, and I'm just going to go ahead and read

42 this in the duties that the Regional Council has, and

43 abilities.

44

45 805(a)(3). The Regional Advisory Council

46 in each subsistence resource region shall be composed of

47 residents of the region and shall have the following

48 authority. (A) The review and evaluation of proposals

49 for regulation policies, management plans and other

50 matters relating to subsistence uses of fish and wildlife

00215

1 within the region. (B) The provision of a forum for the
2 expression of opinions and recommendations by persons
3 interested in any matter related to subsistence uses of
4 fish and wildlife within the region. (C) The
5 encouragement of local and regional participation
6 pursuant to the provisions of this title and the
7 decision-making processes affecting the taking of fish
8 and wildlife on the public lands within the region for
9 subsistence uses. And (D) the preparation of an annual
10 report to the Secretary which shall contain a bunch of
11 things, which include recommendations concerning
12 policies, standards, guidelines and regulations.

13

14 The answer to that in my opinion is
15 clearly, yes, that we can make that recommendation.
16 Would OSM -- go ahead.

17

18 MR. BOYD: Mr. Chair, if I may. In
19 response to Ms. Wilson's question regarding whether or
20 not the Council can make a recommendation concerning
21 making Ketchikan rural, I would remind the Council that
22 we will begin a process at a date yet to be determined,
23 but within the next year to evaluate existing rural
24 determinations. In that process the Board will develop a
25 proposed rule. The proposed rule will contain a list of
26 proposed rural and nonrural communities, and then that
27 list will go out for public and Regional Advisory Council
28 review and comment. At that time the Council will be
29 able to provide its recommendation concerning Ketchikan
30 and many other communities as far as that goes. So that
31 process is going to occur. I just don't have the timing
32 of that to share with you yet, because we don't know.

33

34 As I shared with the Council earlier
35 yesterday, we are currently reviewing, or having a review
36 conducted on the document prepared by the Institute of
37 Social and Economic Resource. That will lead to
38 eventually the Board adoption of a method whereby they
39 will conduct their review of rural communities.

40

41 So that's that process in a nutshell.
42 And so we will be -- there will be an opportunity in the
43 future for the Council to comment and to make a
44 recommendation.

45

46 CHAIRMAN LITTLEFIELD: Thank you. If you
47 will look -- I call your attention to the language that's
48 on the board. and there was something added at the
49 bottom that we probably did not look at, and I think we
50 might reconsider this.

00216

1 MS. GARZA: Mr. Chairman, I would move
2 that we reconsider our previous action on Proposal 8 to
3 make an administrative amendment.

4
5 CHAIRMAN LITTLEFIELD: Is there a second?

6
7 MR. DOUVILLE: Second

8
9 CHAIRMAN LITTLEFIELD: Is there any
10 objection? The amended motion is before you.

11
12 MS. GARZA: Mr. Chairman, I would move
13 that we amend Proposal 8 to add the line a federal permit
14 for the subsistence hunt will be required.

15
16 CHAIRMAN LITTLEFIELD: Is there a second?

17
18 MR. ADAMS: Second.

19
20 CHAIRMAN LITTLEFIELD: Under discussion,
21 I would like to ask Dr. Schroeder to comment on this.

22
23 MR. SCHROEDER: I believe this hunt has
24 been administered under a State registration permit.
25 Because the State registration permit would apply only
26 for the September 15th to October 15th time period, we'll
27 need a Federal permit to cover the subsistence hunt.

28
29 CHAIRMAN LITTLEFIELD: Thank you.
30 Discussion. Council Discussion. Are you ready for the
31 question on the amendment to add the language?

32
33 MS. WILSON: Mr. Chairman.

34
35 CHAIRMAN LITTLEFIELD: Ms. Wilson.

36
37 MS. WILSON: Is this just housekeeping,
38 and is this Federal permit.....

39
40 REPORTER: Your microphone again.

41
42 CHAIRMAN LITTLEFIELD: Turn your mike.

43
44 MS. WILSON: Is this housekeeping and is
45 it a Federal permit?

46
47 MR. SCHROEDER: Mr. Chair, Ms. Wilson, it
48 needs to be in the regulation, but it's basically the way
49 that the Council action would take place and be
50 implemented.

00217

1 CHAIRMAN LITTLEFIELD: Any other
2 discussion on the amendment.

3
4 (No discussion)

5
6 CHAIRMAN LITTLEFIELD: Ready for the
7 question on the amendment?

8
9 MS. WILSON: Question.

10
11 CHAIRMAN LITTLEFIELD: The question's
12 been called for. It's to add the language shown, a
13 Federal permit for this subsistence hunt will be
14 required. All those in favor say aye.

15
16 IN UNISON: Aye.

17
18 CHAIRMAN LITTLEFIELD: All those opposed,
19 same sign.

20
21 (No opposing votes.)

22
23 CHAIRMAN LITTLEFIELD: The amendment is
24 carried. We need to revote on the main motion. Are you
25 ready for the question? The question will be the
26 language on Page 180 as adopted twice, which was to
27 change the date to September 5th, and add the requirement
28 for a Federal permit. All those in favor say aye.

29
30 IN UNISON: Aye.

31
32 CHAIRMAN LITTLEFIELD: All those opposed,
33 same sign.

34
35 (No opposing votes.)

36
37 CHAIRMAN LITTLEFIELD: Motion carried.

38 We are 2:00 o'clock for the Proposals 4 and 5. Dr.
39 Garza.

40
41 MS. GARZA: I forgot my -- I remembered
42 my other follow up in regard to Proposal 8. I'd like to
43 if we can as a Council instruct Federal subsistence staff
44 to look at helping to draft a C&T for moose for the
45 Metlakatla and whatever other rural residents use this
46 resource so that we can eliminate this anybody rural can
47 use it.

48
49 CHAIRMAN LITTLEFIELD: Without objection,
50 we'll order staff to look into that and come back with a

00218

1 C&T designation. Is that sufficient? Any other
2 discussion points under new business for this proposal?
3 Next on the agenda, we had recessed on Proposal 3 prior
4 to this special discussion. And I think we have about 15
5 minutes before our Proposals 4 and 5 teleconference,
6 which is also a special order. The question before the
7 Council right now is Proposal 3, and I believe we were at
8 ADF&G comments, is that correct? Could you tell me
9 whether that's correct?

10

11 REPORTER: I think we were at Council
12 discussion.

13

14 CHAIRMAN LITTLEFIELD: Okay. Council
15 discussion on Proposal No. 3. Dr. Garza.

16

17 MS. GARZA: Mr. Chairman, I may also need
18 help from Meredith. But I think we had the proposal on
19 the table and I had asked that we defer it until we have
20 Council Member Phillips who is now here, since this is
21 primarily her region. So if you are prepared to let us
22 know what you think Patty?

23

24 CHAIRMAN LITTLEFIELD: What I would like
25 to do with the Council's indulgence, everyone else talked
26 about their local concerns. We'll give Ms. Phillips a
27 little extra time to talk about what she thinks is
28 important as well as addressing this issue from her
29 perspective.

30

31 MS. PHILLIPS: Chairman Littlefield, I
32 thank you for your indulgence. However, I have a hard
33 time shifting from proposals to village concerns.

34

35 CHAIRMAN LITTLEFIELD: You can take time
36 later. We'll go ahead and speak to this proposal.

37

38 MS. PHILLIPS: I support this proposal.
39 The staff analysis shows that there's 1.7 bear per acre.
40 The reason this proposal was put into place was because
41 there was concern about the number of bear in the NCCUA.
42 And we have a lot of bear on Chichagof Island, and in
43 1992 there was .8 bears per square mile, and in a study
44 in 2002, it shows there's 1.7 bears per square mile.
45 There's not a conservation concern. And if we -- this
46 would be creating an opportunity for subsistence hunters.

47

48 CHAIRMAN LITTLEFIELD: I do not believe
49 we have a motion to adopt on this. Would you be prepared
50 to make a motion to adopt some language and specify the

00219

1 page? Is that -- we did not have a motion, is that
2 correct? We recessed prior to that motion to wait for
3 Ms. Phillips' participation. So therefore a motion to
4 adopt some language on one of the pages, and I believe
5 it's on Page 90, but.....

6

MS. PHILLIPS: Chairman Littlefield.

7

8

CHAIRMAN LITTLEFIELD: Ms. Phillips.

9

10

MS. PHILLIPS: Move to adopt Proposal 3,
11 residents of Unit 4 and residents of Kake in that portion
12 in the Northeast Chichagof Controlled Use Area, one bear
13 every four regulatory years by State registration permit
14 only. September 15th through December 31st.

15

16

CHAIRMAN LITTLEFIELD: Is there a second?

17

18

19

MR. DOUVILLE: Second.

20

21

CHAIRMAN LITTLEFIELD: We have a second.

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

MR. ADAMS: Question

00220

1 CHAIRMAN LITTLEFIELD: The question's
2 before you. All those in favor of the motion and the
3 language included on Page 90, Unit 4, Proposal No. 3,
4 please signify by saying aye.

5
6 IN UNISON: Aye.

7
8 CHAIRMAN LITTLEFIELD: All those opposed,
9 same sign.

10
11 (No opposing votes.)

12
13 CHAIRMAN LITTLEFIELD: Proposal 3 is
14 adopted. We will take nine minutes. We have a 2:00
15 o'clock special order, and we need to be back in order to
16 take Proposals 4 and 5. Dr. Garza.

17
18 MS. GARZA: Did we meet the criteria for
19 the rationale?

20
21 CHAIRMAN LITTLEFIELD: Not to my
22 recollection, we did not, so.....

23
24 MS. GARZA: Mr. Chairman, I would like to
25 say that I supported the motion because there are no
26 conservation concerns. It provides subsistence
27 opportunity. There was quality information.

28
29 Thank you.

30
31 CHAIRMAN LITTLEFIELD: Thank you. And
32 also the language of the proposal clearly stated those
33 four things were met. So that's why we supported it.
34 Let's take a quick break.

35
36 (Off record)

37
38 (On record)

39
40 CHAIRMAN LITTLEFIELD: The Council is
41 back in session. The next item of business before the
42 Council is Proposals 4 and 5. Introduction of the
43 proposal will be Federal Staff. Mr. Brainard, please go
44 ahead.

45
46 MR. BRAINARD: Yes. Good afternoon. My
47 name is Jim Brainard. I'm a wildlife biologist with the
48 Forest Service stationed in Petersburg. I've been tasked
49 with the assignment of doing Proposal 4 and Proposal 5.
50 We'll cover both of them simultaneously, because the data

00221

1 is the same for both proposals.

2

3 Proposal 4 was to extend the deer season
4 in Prince of Wales by eight days for subsistence use
5 only. Proposal 5 would reduce the harvest by two deer
6 for non-federally qualified users, and also close the
7 season for the month of August.

8

9 This is a satellite picture of Prince of
10 Wales Island. The red -- or the roads in the yellow is
11 all the harvest that's occurred. And there is a.....

12

13 MS. LANG: Ms. Lang.

14

15 MR. RIVARD: Okay. Ms Lang, we have
16 started the Proposals 4 and 5. The analysis are going on
17 right now. Can you hear okay?

18

19 MS. LANG: I can hear you fine.

20

21 MR. RIVARD: Okay. Let us know if you
22 can't hear.

23

24 MR. BRAINARD: There are also some copies
25 of this map on the wall for you to look at at your
26 leisure.

27

28 Pellet group data has showed a slight
29 downward trend over the last 10 years. It's not real
30 significant. Pellet groups don't necessarily relate --
31 the counts don't necessarily relate to the population of
32 the deer. There's some compounding factors. Weather,
33 snow levels during the different parts of the year,
34 predation by animals and people. All these will affect
35 where the deer are, and the way we count pellets is we
36 start at sea level normally and work up to 12, 1500 feet
37 and stop at that level. This winter is a perfect
38 example. The deer may never come down to the lower
39 levels, and we will miss counting some of the pellet
40 groups this spring.

41

42 Harvest data, it's kind of ambiguous.
43 The number of deer taken don't really show any trend over
44 time. They're staying fairly stable. The average hunter
45 is averaging somewhere in the vicinity of 1.4 deer per
46 person, you know, so that's -- and that's stayed
47 relatively stable over the last 10 years or so. The
48 number of hunters have decreased over time, but not
49 significantly. There's no clear trend. And there's no
50 striking change in the number of nonsubsistence users.

00222

1 The household surveys paint a different
2 picture. Most of the people surveyed believe that it's
3 taking them longer to get their deer. Ketchikan and
4 off-island residents, the people that they're causing
5 some problems with this, and are hurting their success
6 rates. Especially the communities of Craig, Hydaburg and
7 Klawock are very concerned about that they're not getting
8 their animals or that it's taking a lot longer for them
9 to get them.

10

11 There's increased competition over
12 several of the months. Some of the groups harvest at
13 different parts, but there is more competition. And the
14 subsistence users feel that they -- that their numbers
15 are reducing, the deer numbers are being reduced.

16

17 Next, Proposal 4. Proposal 4 will
18 provide a harvest opportunity for subsistence users, that
19 by opening the season eight days early, this will allow
20 the subsistence users more opportunity earlier in the
21 season for deer. It should not reduce the harvest
22 opportunity for nonsubsistence users. They'll still have
23 the same amount of time that they have now. It will
24 increase the harvest earlier in the season along the road
25 of the animals. As has been alluded to earlier today,
26 they kill the dumb ones first, and most of those will be
27 the young ones. And it's not likely to effect the deer
28 population.

29

30 Early in the season, there is a
31 possibility of some waste, because of the weather, but
32 the way most of the people hunt on the road system of
33 Prince of Wales, they will probably have those deer back
34 home fairly shortly, so that may not be a problem.

35

36 Proposal 5 would provide the current
37 level of harvest opportunity for the subsistence users.
38 It would reduce competition from nonsubsistence users
39 during the month of August, and it would not likely
40 adversely affect the deer population.

41

42 Now, that has changed some since we've
43 had a change in the proposal, and we'll talk about that
44 in a minute.

45

46 I have proposed to the Forest Supervisor
47 a change in the proposal that just might help, and this
48 is essentially the same proposal that Craig brought back
49 to us on the 20th. And that would be to subdivide the
50 unit. The only real difference between what they said

00223

1 and what is here is that we would use the roads a little
2 differently in addressing this change. And that would be
3 instead of going straight across on the road from Hollis
4 to Klawock and then across from Coffman Cove. We would
5 also use the road that goes up to Coffman Cove, actually
6 cutting the island in half, so it's a little easier to
7 determine where you are. If you're on the right side of
8 the road, you're in the area, if you're on the left side
9 of the road, you're not.

10

11 The remainder of Unit 2 would be open to
12 all users for four deer. We would also reduce the area
13 inside the Unit 2(B) as they talked about, between 2(A)
14 and 2(B), the unit within would be reduced to two deer.

15

16 The Forest Service does not support
17 closing the hunt for the month of August.

18

19 Are there any questions.

20

21 CHAIRMAN LITTLEFIELD: Mr. Douville.

22

23 MR. DOUVILLE: Thank you, Mr. Chairman.
24 The Forest Service does not -- would you put that back
25 up, if you could? Could you explain the last sentence,
26 Forest Service does not support the August closure?

27

28 MR. BRAINARD: Yes. The Forest
29 Supervisor has stated he would not support closing the
30 season during the month of August to nonsubsistence
31 users.

32

33 CHAIRMAN LITTLEFIELD: Please continue.
34 Please continue. Were there any other questions. Oh,
35 excuse me.

36

37 MS. LANG: I can't hear you guys that are
38 speaking now. I can't hear the people that are asking
39 questions.

40

41 CHAIRMAN LITTLEFIELD: At this time we
42 are doing the Staff analysis and presentation. And I
43 would suggest that we hold the questions from the Council
44 as well as the teleconference until you are done with
45 your presentation, and then we'll open it up to questions
46 for you.

47

48 MR. RIVARD: She couldn't hear the
49 questions that were being asked.

50

00224

1 CHAIRMAN LITTLEFIELD: Okay. We'll try
2 to make sure that you do. Ms. Garza, please.

3
4 MS. GARZA: Mr. Chairman, thank you. And
5 I know this won't do well for the audioconference people,
6 but I'd actually like to take an ease and walk over to
7 this map and say, okay, this is what the alternative is
8 referring to. Because I still don't have in my head the
9 Coffman Cove and what's being cut out.

10
11 CHAIRMAN LITTLEFIELD: Actually, Mr.
12 Brainard, there is a map that's in the book. Can we
13 refer to that map and have that marked up so that each
14 Council member has that in front of them, and I believe
15 there are other books available so that we're all on the
16 same page.

17
18 MR. BRAINARD: Yes, sir. That map does
19 not have the roads on it. The map in the book does not
20 have the roads on it. These maps over here do have the
21 roads on, and I.....

22
23 CHAIRMAN LITTLEFIELD: Okay. The map on
24 Page 95 could not be marked up enough to show what's
25 going on there? Okay. Let's take a short at ease, and
26 please mark that map up on the wall. We'll take just a
27 couple minutes to do that.

28
29 (Off record)

30
31 (On record)

32
33 MR. BRAINARD: The road system which
34 start at Hollis, which is right in here, would follow the
35 Hollis/Klawock Road to the Klawock junction, which is
36 right about here, would go to the Control Lake junction.
37 It would take the North Road to the Coffman Cove
38 junction, and then over to Coffman Cove and then down
39 around the coast and back to the starting point. It's a
40 little easier when you have an easily defined areas. The
41 wildlife analysis areas are defined well on the map, but
42 it's hard to find exactly where you are on the ground,
43 and that would ideally be the best way to do it. But
44 it's very difficult when it comes to the enforcement of
45 these rules to do that. And an enforcement officer can
46 talk about that. The Forest Supervisor also wants you to
47 know that he really needs something that is easier to
48 enforce. This will not be easy to enforce, but it is
49 easier to enforce, because we have an easily defined
50 area. Any other questions?

00225

1 MS. GARZA: Mr. Brainard, I'm still
2 confused. So between the Coffman Cove Road, which it
3 looks like it goes east/west, and the Craig -- or
4 Klawock/Hollis Road, which goes east/west, is there land
5 in between that that would be different? So I'm trying
6 to figure out if it goes straight up, or if it's
7 following the road.

8
9 MR. BRAINARD: Yes, the area I just
10 showed you that was inside that area would be the two
11 deer for the nonrural residents, and four deer for rural
12 residents. The rest of the island would remain as four
13 deer for rural residents. This is very close to what the
14 Community of Craig changed their proposal to. They went
15 straight -- from what I understand by reading that, is
16 they went straight across that road, from here all the
17 way over to here, and then from here over to here, and I
18 still don't know at what point you would break that off
19 coming off the end of those roads to make it easily
20 definable.

21
22 MS. GARZA: Mr. Chairman, if you could
23 indulge me, maybe we could have Mr. Morris go up there
24 and show me -- I mean, if you guys are not in concurrence
25 as to what the area is, then I need to have a better idea
26 of it.

27
28 MR. MORRIS: So you're saying, Dolly, that
29 -- the Craig Community Association would basically -- the
30 Hollis -- this is where the ferry terminal is, in Hollis.
31 We just kind of went straight across that way and then
32 went up to the Coffman Cove turn-off. I believe it's
33 somewhere up in this road system here, and came across
34 this way and then down. That wouldn't include the Stoney
35 Creek though. So it would be -- this is what Craig
36 proposed from here straight across. It wasn't a road
37 system boundary.

38
39 MR. DOUVILLE: It was or was not?

40
41 MR. MORRIS: It was not, that's what we
42 amended on our proposal.

43
44 CHAIRMAN LITTLEFIELD: One thing is very
45 unclear to me, and that is the Council is going to
46 require prior to their deliberations a map that clearly
47 defines these areas so that we're not trying to look on a
48 map such as this and determine what we're talking about.
49 So I think both of those -- I would like to see both of
50 those presented to us, the one you're defining right now,

00226

1 as well as that described by Craig Community Association,
2 so that we can compare them. And I really think that
3 needs to be clear to us, because I'm not -- I can't make
4 sense out of this at this time.

5

6 MR. BRAINARD: I could probably do that.

7

8 REPORTER: Turn the mike on.

9

10 MR. BRAINARD: I could probably do that
11 in a short amount of time on these maps we have up here,
12 if that would be sufficient.

13

14 CHAIRMAN LITTLEFIELD: Yes. We do need
15 to have that map marked up that clearly shows this. We
16 will also allow the Craig Community Association to mark
17 their map, the same map in a different color. And we'll
18 take a couple minutes to do that. But we need to know
19 what we're talking about here.

20

21 (Off record)

22

23 (On record)

24

25 CHAIRMAN LITTLEFIELD: What we want to do
26 is we want to try to get through your proposal and
27 presentation from Forest Service at this time. We do not
28 want to have the Craig Community Association amendment
29 tied into this. They will be given time to make their
30 own presentation. So I'd like to proceed through your
31 presentation, and hopefully we can hold the questions
32 until after you're done. Please proceed.

33

34 MR. BRAINARD: After looking at what they
35 have -- what Craig has put up, it is still easily
36 definable by the road system, and talking with my
37 compatriots, I don't think we would have a problem with
38 where they have drawn their lines.

39

40 There's really three things here. One is
41 the reduction from the month of August, and the other the
42 reduction of two deer within that area. And the third is
43 dividing the interior area up. I think we can probably
44 go along with the way they've divided it up. The way I
45 divided it up was just my first stab at trying to figure
46 out a good way to do that. What theirs does that the one
47 first proposed doesn't do is theirs takes Stanley Creek
48 out, which is alright, too, I think.

49

50 CHAIRMAN LITTLEFIELD: Are you done?

00227

1 MR. BRAINARD: Yes.

2

3 CHAIRMAN LITTLEFIELD: Could you please
4 put that Forest Service recommendations back up there?
5 Questions from the Council for Staff. Dr. Garza.

6

7 MS. GARZA: I'm so confused. So in terms
8 of the support for reducing the bag limit from four to
9 two in this area, is that because there are fewer deer in
10 that area, and if so, is that because that is a logged
11 area, or it's mountain tops, or it's muskeg, or why?

12

13 MR. BRAINARD: Most of this area has been
14 fairly heavily harvested. It's where the road system is.
15 It's where most of the people prefer to hunt. And it's
16 kind of -- both user groups really like this core area.
17 They all use it heavily. And they do use different
18 wildlife analysis areas, but they do all kind of use
19 these core wildlife analysis areas. If you look on the
20 map on Page 95, the areas I'm talking about are number
21 1421, 1422, 1318, 1319, 1315. Those central core areas
22 are the ones that are pretty much used the most. And
23 this is where the people are telling us that they're
24 having a hard time getting their subsistence from. Did I
25 answer your question?

26

27 MS. GARZA: Yes.

28

29 CHAIRMAN LITTLEFIELD: Any other
30 questions from the Council? Ms. Phillips.

31

32 MS. PHILLIPS: Is this appropriate time
33 to ask questions about the published staff analysis?

34

35 CHAIRMAN LITTLEFIELD: No, this is just
36 on the Forest Service presentation. Any other questions
37 from the Council? Ms. Wilson.

38

39 MS. WILSON: Could you name this map on
40 Page 95, the numbers that -- the areas, numbers of the
41 areas?

42

43 MR. BRAINARD: Yes, ma'am. 1422 and
44 1421, 1319, 1315, and 1318. I think I got them all.

45

46 MS. WILSON: Thank you.

47

48 CHAIRMAN LITTLEFIELD: Dr. Garza.

49

50 MS. GARZA: Just a point of

00228

1 clarification. Within those units, is there private
2 land?

3

4 MR. BRAINARD: I believe there's private
5 land in 1318 and 1421 and 1422. The communities of
6 Klawock and Coffman Cove and Nokadee are all in those --
7 and Thorne Bay's in 1315.

8

9 MS. GARZA: Mr. Chairman, thank you. I
10 guess I was thinking more specifically of native
11 corporation land.

12

13 MR. BRAINARD: It would be better to have
14 somebody that's from the Island tell us that. I haven't
15 been there in a long time.

16

17 CHAIRMAN LITTLEFIELD: Mr. Johnson,
18 please join us.

19

20 MR. JOHNSON: Dave Johnson, Forest
21 Service. Yes, the area that was identified by Mr.
22 Brainard has a considerable amount of native corporation
23 lands.

24

25 CHAIRMAN LITTLEFIELD: And for the
26 record, those are subject to which regulations?

27

28 MR. JOHNSON: It's my understanding those
29 lands would still be subject to State regulation.

30

31 CHAIRMAN LITTLEFIELD: Dr. Garza, were
32 you following up on that?

33

34 MS. GARZA: No.

35

36 CHAIRMAN LITTLEFIELD: Okay. Please stay
37 there, Dave. Mr. Hernandez.

38

39 MR. HERNANDEZ: Mr. Chairman, for Dr.
40 Garza's information, I happen to have a map here with me
41 that shows where the corporation lands are, if you care
42 to look at it.

43

44 CHAIRMAN LITTLEFIELD: What I'd like to
45 see still is I want to see -- before Council
46 deliberations, I want to see a map for each one of us the
47 same size as that shown on Page 95 that clearly shows
48 what the Forest Service recommends, that also identifies
49 the native land, and I don't want to be running up there
50 to look at it. We should be able to look at those right

00229

1 in front of us.

2

3 In addition to that, I would like to have
4 this alternatives to Proposal 3 made available for us so
5 that we don't have to refer to that -- or excuse me, 4,
6 5. We're talking about 4 and 5 together, but I'd like to
7 have these before deliberations.

8

9 Any other questions for Forest Service
10 Staff? Mr. Adams.

11

12 MR. ADAMS: Yeah, I was reading through
13 the material, you know, of this proposal here, and I note
14 -- I took down some notes here. And there was reference
15 made that there's a population increase, you know, in
16 these areas, a population increase of people, which means
17 that more pressure on the resources may be done by
18 non-Federal users, and I wonder if there is any, you
19 know, comment you can make about that.

20

21 Also non-Federal users are under State
22 regs, and I don't believe, you know, that we have the
23 authority to override any State regulations.

24

25 MR. BRAINARD: Well, I'm not sure I
26 understand the first part of your question. Could you
27 say that again?

28

29 MR. ADAMS: It's my understanding that
30 there's a population increase in the islands. A
31 population of people. And that because of this there are
32 more non-Federal users, you know, going out hunting, and
33 so in my opinion this might, you know, cause a
34 conservation problem. And I just wanted to know if this
35 was, you know, well documented and if it's true.

36

37 MR. BRAINARD: Well, all of the people
38 living on the island are subsistence users. Any increase
39 in population of humans on the island are still
40 subsistence users. The only place they would not be
41 would be here in Ketchikan when the population -- if
42 Ketchikan were to go up. And I don't know if that has
43 happened.

44

45 I know that Prince of Wales in the early
46 90s was growing very rapidly, but I understand that it
47 has already started to turn around and go back down a
48 little bit, and I would imagine most of the Southeast
49 communities are having that problem right now. And it's
50 real difficult to try and quantify what kind of an impact

00230

1 those people have. They will have an impact, and they
2 could at some point in time cause a restriction, but I
3 don't that at this point in time.

4

5 MR. ADAMS: Thank you, sir.

6

7 CHAIRMAN LITTLEFIELD: Any other Council
8 questions. Ms. Phillips.

9

10 MS. PHILLIPS: Chairman Littlefield. The
11 Staff analysis shows that there's likely to be a decline
12 over time due to changes in habitat capability. Is there
13 going to be -- will the Forest Service be addressing that
14 statement in further plans?

15

16 MR. BRAINARD: That's come from most of
17 the plans that done on the island. We've said that for
18 the last, you know, 10 years or so that there's probably
19 going to be a reduction at some point in time because of
20 the change in the forest composition after it's
21 harvested. There are some things that will ameliorate
22 that. If the stands are thinned, if they're pruned, what
23 kind of cultural treatments are done to the stands will
24 help reduce some of that impact. But we do expect that
25 to occur at some point in time. And it occurs about 25
26 years after the timber is harvested on average. And so,
27 yes, that will occur, and we have predicted that into the
28 future.

29

30 And in the book, on Page 100 is a
31 depiction of the habitat value for each of the wildlife
32 analysis areas from the 1954, 1997, and 2002. And that
33 shows you how the habitat has changed over time due
34 primarily to harvest within the area. And you can look
35 at each one of those analysis areas and they show you.

36

37 MS. PHILLIPS: What page?

38

39 MR. BRAINARD: That's Page 100. There's
40 another graph that shows essentially the same thing on
41 Page 99, if that's an easier graph for you to understand.
42 I put both graphs in 'cause it's -- it can get kind of
43 cluttered.

44

45 CHAIRMAN LITTLEFIELD: Any other Council.
46 I have a question for you. We're talking about 4 and 5
47 together, and 4 and 5 as printed in the book,
48 particularly 4, had an early opening. And we just
49 discussed in a previous proposal that that provided a
50 meaningful subsistence opportunity for the rural

00231

1 residents. That seems to have disappeared in what you've
2 presented here. I don't see any comment on that, other
3 than that you are opposed to the August closure. But
4 would the Forest Service also be opposed to an early
5 open.

6

7 MR. BRAINARD: I'm sorry if I gave you
8 that impression. That was not my intent. We do support
9 the early opening, and we think that that will give the
10 subsistence users an advantage to get their -- harvest
11 their animals earlier without competition. But we do
12 support that, yes, sir.

13

14 CHAIRMAN LITTLEFIELD: Any other
15 questions. Ms. Phillips.

16

17 MS. PHILLIPS: Chairman Littlefield, Mr.
18 Brainard, on Page 101 it states that there was a
19 conducted hunter check station on Unit 2, and it was
20 found that a majority of the deer were over one-year old.
21 And then in 2002, 75 percent were one to two-year old.
22 Does that indicate a population in declining numbers? It
23 seems to me that if you're only getting one and two-year
24 deers, you're getting a lot of -- there's a lot of
25 hunting going on.

26

27 MR. BRAINARD: Yes, ma'am. I'm not sure
28 that it indicates that, but it does indicate that a lot
29 of people are taking young deer, and most of the young
30 deer that are being taken are within 200 yards of the
31 road, and they're not quite as wise as the older deer.
32 There were older deer taken and brought through those
33 check stations also, but those were usually -- the
34 hunters had been a lot higher up the hill, up in the
35 alpine to get those. I think the State can talk better
36 about that. The State biologist is the one that ran
37 that.

38

39 CHAIRMAN LITTLEFIELD: I want to follow
40 up on that a little bit. We seem to be struggling with
41 the numbers. If we had a complete count coupled with the
42 reports that you had mentioned earlier where you had the
43 100 percent returns, 98 percent returns, if those were
44 done, wouldn't we be able to have complete numbers that
45 reflect the actual harvest that's taking place on the
46 island?

47

48 MR. BRAINARD: Yes, sir, I think we
49 could. It would involve a lot more work, but I think if
50 we had a mandatory reporting of all deer harvested and --

00232

1 but the only way I can think of doing that would be that
2 the Federal Government would have to issue its own
3 hunting license and hunting tags to Federal subsistence
4 users, and I guess that could be done. But that's
5 probably the only way I could think of doing that. We
6 would still miss the ones that are harvested illegally
7 and that would not give us what's happening with the
8 State harvest eight.

9

10 CHAIRMAN LITTLEFIELD: Okay. My concern
11 is we've been counting pellets for a long time, and like
12 you mentioned, that data is subject to a lot of different
13 interpretation by people, and I'd like to get some good
14 information. I believe this Council recommended
15 previously that we wanted that information.

16

17 Other Council comments. Dr. Garza.

18

19 MS. GARZA: Mr. Chairman, thank you. I
20 guess my only comment is I'm glad to see you here. In
21 the past when we've discussed it, it seems like we have
22 been missing Forest Service deer or wildlife people, so I
23 much appreciate that you're here with the information you
24 have.

25

26 Thank you.

27

28 CHAIRMAN LITTLEFIELD: Any other
29 questions? I have one last question. It has to do with
30 if you were in your best professional judgment, a term
31 that's been used somewhat to the dismay of some
32 Councilmen, would you consider, and I'll ask both of you
33 the same question, the deer on Unit 2 to be in decline,
34 to be rising or to be stable?

35

36 MR. BRAINARD: Well, I don't know the
37 answer to that, but I would assume that it's fairly
38 stable now. It probably is declining a little bit, but I
39 really can't tell you for sure one way or the other. The
40 only way we could do that is have everybody on the island
41 hold hands and walk across the island and count deer, and
42 we'd still miss half the deer. So I really couldn't tell
43 you that, sir.

44

45 CHAIRMAN LITTLEFIELD: Okay. I asked you
46 to just use your best professional judgment and make a
47 stab at it, because you are more able to do that than we
48 are.

49

50 MR. BRAINARD: I would say that it's

00233

1 relatively stable at this point in time. That's just my
2 pure bald faced guess.

3

4 MR. JOHNSON: Mr. Chairman, I would take
5 you back to the data that you had before you in the
6 analysis that indicated that hunters that were surveyed
7 in all the communities that are in that analysis across
8 the island, including Ketchikan hunters, believed that
9 the population of deer was declining.

10

11 Secondly, all of the indications from the
12 habitat models that have been used in the environmental
13 impact statements that have been provided over the last
14 several years again all point to the fact that the
15 analyses done by those biologist indicate there will be
16 fewer deer.

17

18 Thirdly, the deer pellet survey data that
19 you do have also indicates a, I want to get this correct,
20 a slight decline in the trend. But again it's a decline.

21

22 Lastly, deer populations across Unit 2
23 are not uniform in terms of where they've occurred, nor
24 where they are now. So I think you have to be more
25 specific in terms of the locations across this 2 million
26 acre landscape. And I would agree with Mr. Brainard in
27 certain places that it's stable where there's less
28 hunting pressure, let wolves and less habitat changes.
29 In those other areas where there's more predators, more
30 hunting pressure, more roads, and more habitat changes,
31 my opinion would be that it's declining.

32

33 CHAIRMAN LITTLEFIELD: Thank you. Any
34 other Council comments? We'll go with Mr. Adams first,
35 and then Dr. Garza.

36

37 MR. ADAMS: I guess in my earlier
38 question to you gentlemen, you know, I asked if there was
39 -- well, I made a comment that there was a population
40 increase of people. But if I coupled that, you know,
41 with the statement that Dave made in regards to the
42 declining of the deer population, you know, is pretty
43 evident. So -- or, you know, on a decline. So, you
44 know, I think my comments then would have probably made
45 better sense.

46

47 And so according to this proposal, if we
48 adopted this in Unit 2, for the first month of August,
49 we'll recover the deer population slowly. Is that a good
50 assumption to take at this point?

00234

1 MR. BRAINARD: What that would do, it
2 would reduce the number of Ketchikan hunters over there.
3 I don't think that would necessarily cause the population
4 of deer to go up. There will still be people out there
5 hunting. In the long run it may, but I really don't -- I
6 cant give you any correlation with that.

7
8 CHAIRMAN LITTLEFIELD: Dr. Garza.

9
10 MS. GARZA: Mr. Chairman, I guess I still
11 have concerns about the proposed amendment to Proposal 5
12 and the support for that. If that's where the majority
13 of the hunting is occurring, I'm trying to figure out if
14 that is because there's lots more deer in that area, or
15 if that's because the road is there, and so there's
16 better access. If we were to support that amendment and
17 say, okay, we want only two deer per person taken in that
18 stretch, well, the ADF&G subsistence survey data says
19 that you're taking 1.4 deer per person anyway. And so
20 I'm not sure that that will necessarily decrease the take
21 in that area.a

22
23 Secondly, I'm also concerned about the
24 northern and southern part that are left out where you
25 still have four deer per person. Will that in fact just
26 cause the guess with trucks to drive to the end of the
27 island, the northern end of the southern tip of the
28 Island and increase the harvest there? And then are
29 those deer populations stable enough that they can take
30 an increased harvest in those area?

31
32 Thank you.

33
34 MR. BRAINARD: There are no roads on the
35 south end of the island. It's only accessible by boat
36 and not a lot of people utilize that part of the island.
37 The northern end is used, and it's used fairly heavily
38 also. Most of this area is where the road system does
39 occur and where harvest has occurred.

40
41 And that's -- and a lot of the areas that
42 people have hunted for the last 10, 15 years have grown
43 up. The harvest areas have grown up, and the deer may
44 still be in that area, but they're very difficult to see
45 because of the closing up of the canopy.

46
47 CHAIRMAN LITTLEFIELD: Any other
48 questions from Council. Thank you very just. The next
49 on agenda is ADF&G, but I with the Councils indulgence
50 would like to defer that so that we can take care of the

00235

1 people who are available to testify by teleconference.
2 We told them we would do this at 2:00 o'clock. They've
3 been hanging with us. Is there any objection to that?
4 Okay. We will be taking public testimony via
5 teleconference from Prince of Wales on Proposals 4 and 5.
6 Mr. Rivard.

7

8 MR. RIVARD: Mr. Littlefield, there's one
9 person on line, and it's Ms. Lisa Lang. And we'll put
10 her on now. Go ahead, Ms. Lang.

11

12 MS. LANG: First of all, I would like to
13 just thank you for taking testimony. And I have to
14 apologize because I'm very much in a rush. I've been
15 standing around and I'm very busy, and I just have to
16 apologize. I wish I was there.

17

18 And I have testimony today in regard to
19 Proposal 05. You discussed 04, and there was no
20 discussion whatsoever that I heard on 05. That's coming
21 up after. I speak to this proposal, but I apologize
22 again, because I'm very, very busy, and the process seems
23 to be very un-user friendly to people living in the rural
24 areas. And I just have to say that.

25

26 Anyway, I would ask that Proposal 05,
27 specifically the meat section be addressed as inadequate
28 for the users on the island. The village of Hydaburg,
29 I'm speaking strictly as a tribal person, as a villager
30 of Hydaburg, and the following reasons are some of the
31 reasons that I'm stating that our meat is in decline.

32

33 There have been a sufficient number of
34 meetings on the island. There's mutual agreement between
35 Craig, Klawock and Hydaburg. The subsistence users on
36 the island have documented, worked with the Subsistence
37 Division of Fish and Game. That is one study where I
38 feel the communities actually felt comfortable and safe
39 giving information, and it was well-documented. And now
40 I hear a reluctance to accept that information, and I
41 think that giving mutual respect to our testimony, I
42 would like that to be taken into consideration. When we
43 give testimony, we are giving our, what I would term the
44 gentleman, and he didn't state his name, but I would call
45 it our best professional judgment, and I think that
46 should be given adequate consideration. I think that
47 certain divisions of Fish and Game have been very, very
48 considerate of our needs, and now we bring this data
49 forward, and it has -- it seems to lack that same
50 consideration.

00236

1 Based on information gathered here in the
2 community, we've had individuals come down and speak to
3 the heavy subsistence hunters. We're all subsistence
4 users, but the hunters themselves here locally have
5 spoken to the decline, and I would just -- I apologize
6 again for the rushing of this testimony. I'd like it to
7 be a lot more eloquent. I'd like it to be more on point.
8 But there is a need. It's not being met in the village
9 of Hydaburg, and I don't know what type of testimony we
10 need to give, or what type of evidentiary evidence is
11 sufficient. I know that it's very difficult, and I have
12 to reemphasize this, because I'm at work right now, and
13 I've been standing by, and I would like to have future
14 hearings here in the village. That would be, I think
15 that would be kind of fair.

16

17 Again, I just have to apologize for not
18 being able to spend more time on planning this out.

19

20 This morning there was a gentleman that
21 spoke to the -- how a legal analysis is done of this work
22 that's presented to us, and is there a sufficient means
23 to satisfy Title VIII of ANILCA? I would say, no, not as
24 a subsistence user based on my own personal usage and
25 I've lived here for 44 years, been gone, came back, and
26 the decline in the deer population is evident.

27

28 Is it necessary? Yes, I think Proposal
29 05 is necessary and I think the people in Hydaburg, 85
30 percent native village, can attest to that. 100 percent
31 of us are subsistence users.

32

33 I want to thank you today for taking my
34 testimony, and I would like support for 05.

35

36 Thank you.

37

38 CHAIRMAN LITTLEFIELD: Thank you, Ms.
39 Lang. What I would like to do is ask you to stay on line
40 with us, please, for Council questions. Are there any
41 Council questions for Ms. Lang. Dr. Garza.

42

43 MS. GARZA: Thank you, Mr. Chairman. Ms.
44 Lang, when you were speaking to your support for Proposal
45 5, is that Proposal 5 as has been amended through Craig
46 Community Association or the original proposal?

47

48 MS. LANG: To the one through the Craig
49 Association. Thank you for clarifying that.

50

00237

1 CHAIRMAN LITTLEFIELD: Other Council, or
2 do you want to follow up, Dr. Garza? Go ahead.

3
4 MS. GARZA: So, Mr. Chairman, Ms. Lang,
5 are you concerned that if Proposal 5 is amended, is
6 passed as amended, that there would be an increased
7 harvest for deer south of the Klawock/Hollis Highway,
8 which would actually get into the Hydaburg territory,
9 where you would still be able to take four deer per
10 season?

11
12 MS. LANG: Yes. Good point, and that's
13 exactly true. And I would like to thank you for bringing
14 up the issue of corporation lands, because those are
15 private land holdings, and those decisions really haven't
16 been made on regulating them. You know, some of the
17 corporations have done absolutely nothing, which is, you
18 know -- that has -- there's a whole separate issue, but
19 thank you for bringing that forward, because that was not
20 mentioned anywhere.

21
22 CHAIRMAN LITTLEFIELD: Other Counsel?
23 Thank you very much, Ms. Lang. Are there any others,
24 Don?

25
26 MR. RIVARD: There's no others.

27
28 CHAIRMAN LITTLEFIELD: Okay. At this
29 time we are going to go back to the normal business which
30 would be ADF&G reports. Is ADF&G ready?

31
32 MR. TITUS: Good afternoon, Mr.
33 Littlefield. The State of Alaska comments on this
34 proposal are essentially the same as they were written in
35 the board book that you have. With regard to Proposal 4,
36 we support that proposal with the amendment of opening
37 the season a week early for federally qualified users.
38 And one of the ideas that we put out there was at the
39 same time maybe the Regional Council would consider the
40 elimination of the doe, antlerless season that occurs in
41 October.

42
43 And with regard to Proposal No. 5, we
44 don't support that proposal. And according to our
45 analysis, we're not sure that the Federal Board is
46 authorized to regulate non-federally qualified users in
47 the manner requested in that proposal.

48
49 And that basically summarizes our
50 comments. I guess we'll be glad to answer questions for

00238

1 you. As you know, we have Dave Person here and Boyd
2 Porter here as well.

3

4 Thank you.

5

6 CHAIRMAN LITTLEFIELD: Mr. Porter, go
7 ahead.

8

9 MR. PORTER: Yeah, my name's Boyd Porter.
10 I'll be here to answer any questions you have about
11 harvest or hunting on Prince of Wales Island as the State
12 manager.

13

14 CHAIRMAN LITTLEFIELD: Questions from the
15 Council. Dr. Garza.

16

17 MS. GARZA: Chairman Littlefield. Mr.
18 Porter, thank you, I guess I wanted to ask you the same
19 questions. In terms of the amendment for Proposal 5,
20 looking at the island from north to south, are there
21 areas where deer are healthier than others? Are we more
22 concerned for deer in some parts of the island? It's an
23 awfully big island and we often talk about them as one
24 population, but indeed there must be some variation.

25

26 MR. PORTER: Yeah, Mr. Chair, Member
27 Garza, I'd defer to Dave Persons who's done a lot of
28 research on Prince of Wales, and maybe he could talk
29 about habitat differences in those two areas, and the
30 trends that we've detected over time.

31

32 MR. PERSON: Hi. My name is Dave Person.
33 I'm an Alaska Fish and Game research biologist.

34

35 Just to give you a little background,
36 Dolly, I've been working on Prince of Wales Island since
37 1992, and, for example, last year I spent six months on
38 the Island in pretty much the area that's being
39 designated by amendment to Proposal 5. I know that area
40 from top to bottom, east to west. And my whole purpose
41 for being there was to study interactions between wolves
42 and deer and black bears, and to look at habitat
43 relationships.

44

45 The answer to your question about are
46 there areas that are more productive than others, and the
47 answer is absolutely yes. Prince of Wales is essentially
48 two islands. One is an island that was a limestone
49 substrate, basically what you call karst, that crashed
50 into the west side, and you have a granitic substructure

00239

1 on the east side, and so you essentially have a very
2 different set of circumstances, as well as the island
3 nature on the westside, the small archipelagoes of
4 islands.

5
6 That karst structure was probably the
7 most productive habitat for deer in Alaska, period.
8 There's probably nothing in Alaska that approached it
9 historically and even today, even though large portions
10 have been logged, they're still very productive for deer.

11
12 The area that's being considered for the
13 amendment in Proposal 5 is probably the most productive
14 area on Prince of Wales Island proper at least in terms
15 of deer population.

16
17 Populations in the south end of the
18 island tend to be lower. There's reasons for that.
19 There's certainly predation is a factor, but also the
20 habitat is of lower quality. There's more scrubland,
21 more muskeg, and there's also the areas in which there
22 are adequate areas of deer habitat, they tend to be in
23 sharp narrow steep valley bottoms with a great deal more
24 alpine habitat available, so the winter habitat is more
25 restricted in the southern part of the island.

26
27 In the north part of the island, it's
28 going to be very much like the area that's proposed under
29 the amendment. So the north end would be very much,
30 because it is karst, like that productive area in the
31 center of the island.

32
33 So, yes, there are areas in which the
34 deer population densities vary tremendously. And our
35 population transects, our pellet group transects do show
36 that.

37
38 If there's more detail, I'll get into it,
39 if you like.

40
41 MS. GARZA: Mr. Chairman, Mr. Person, so
42 in this amended portion we had heard some testimony
43 yesterday that that's where there was a second growth,
44 and where there had been thinning, that the thinning
45 perhaps was not properly done, and the number of deer in
46 those areas has declined at least in this hunter's eyes
47 in the Staney Creek area. Do you know how much of the
48 land in that area has been logged and has reached this
49 magic 25 years, second-growth state?

50

00240

1 MR. PERSON: Thank you, Ms. Garza. I do.
2 This is Dave Person again. The area is the most heavily
3 harvested on the island. Approximately between 25 and 35
4 percent has been logged, clear-cut logged since the
5 1950s. That's not just Federal land, however. That's
6 also native corporation lands to be included. And about
7 15 to 20 percent of that area is native corporation land
8 or private land around the different towns like Coffman
9 Cove and Thorne Bay.

10

11 The portion that is in what we call stem
12 exclusion, which is that stage in which the canopy, the
13 even age canopy shades out the under story biomass and
14 basically produces a situation where the carrying
15 capacity for deer may go from 70 deer per square mile to
16 as little as two or three. That proportion is at about
17 15 percent right now within that study area. But that's
18 changing dramatically, and the area that is between
19 Staney Creek, for example, those of you who are familiar,
20 who know of Knokety, down to the area called Winter
21 Harbor, so there's an area we call the mile-wide
22 clear-cut. It was all cut basically in a very few number
23 of years in the 1970s. That's in the process within I
24 would say at maximum 10 years, and a minimum of five
25 years of going from production of old gro -- of biomass
26 for deer to producing very little. It's going to go into
27 that stem exclusion stage as one big block very rapidly.

28

29 With respect to thinning, there's been a
30 tremendous amount of thinning, and I do not know the
31 percent of clear-cut habitat that has second-growth
32 habitat that has been thinned within that area. But
33 there's a couple things we need to know, I think about
34 thinning. The testimony by Merle Schultz yesterday was
35 very appropriate and Mr. Schultz is quite correct.
36 Thinning is done as what's called pre-commercial
37 thinning, which is usually done when the stand age is
38 about 10 to 25 years as a silver culture technique.
39 Essentially it's to create faster growing trees
40 basically. And it does do that. It does that actually
41 quite well. Those trees grow very fast, and it does
42 speed up the actual growth rate of those trees to a
43 merchantable size.

44

45 But there's a tremendous amount of slash
46 that's left. After the first year of thinning, there's a
47 tremendous amount. It's almost like a wall of slash.
48 And in some areas that slash may be beaten down in five
49 years, and therefore the area may become accessible. In
50 other areas that we've measured, it's been as much as 15

00241

1 years, that you still could not get in there because of
2 the amount of slash that's left. You also find in those
3 areas that deer, if they're using the area at all,
4 they're using little corridors so they can get past those
5 slash piles. And you don't get a flush of vegetation, of
6 vaxinium (ph) or forbes coming back for about five of six
7 years. And it does accomplish that. It opens up the
8 canopy. You do get a flush of vegetation that occurs.
9 But in the first 15 or so years, or at least five to 15
10 years, it may not be that available to deer.

11

12 And secondly all it really does is retard
13 that stem exclusion stage by maybe 15 years. A 30-year
14 old thinned stand will have about the biomass as a
15 20-year old unthinned stand. So in other words, it
16 retards that time period. It still goes into the stem
17 exclusion stage. So it does ameliorate somewhat, not
18 entirely. It just basically slows down the process
19 somewhat.

20

21 There's one other kind of thinning, and
22 that's called commercial thinning, and that's where you
23 go into a much older stand and you open up gaps in the
24 canopy. But commercial thinning really only works where
25 you have a commercial market for the logs. You're not
26 leaving that slash on the ground. We're talking trees
27 now upwards of perhaps as big as 15 to 18-inches in
28 diameter. They're not going to be left. They need to be
29 removed and commercially sold. Whether or not that is
30 going to be a viable strategy, because it does open the
31 canopy, it could create and ameliorate some of the
32 effects of that stem exclusion stage. But whether or not
33 it is going to be a commercially valuable process, nobody
34 knows at this point. It's all I think -- and folks from
35 the Forest Service could correct me on this, but I
36 believe there's no real data to suggest it's going to be
37 commercially viable at this point.

38

39 CHAIRMAN LITTLEFIELD: Follow up, go
40 ahead.

41

42 MS. GARZA: Thank you, Mr. Chairman. One
43 final question for me. So the recommendation from ADF&G
44 is to support Proposal 4 with the modification that we
45 eliminate the October doe season. Was there a
46 justification for eliminating that doe season?

47

48 MR. PORTER: Mr. Chair, Member Garza, the
49 justification in that suggestion was just that the number
50 of does that they were taking, we felt that they would be

00242

1 able to take those same deer and instead take bucks
2 during that earlier season, so they wouldn't be in any
3 way affecting the reproductive potentials of those
4 important areas, especially around the communities where
5 a lot of these does are being taken. Those seem to be
6 the same areas that are important to people to hunt, and
7 so reducing the potential of those deer to come back with
8 fawns was I guess our justification.

9

10 CHAIRMAN LITTLEFIELD: Other Counsel.
11 Ms. Phillips.

12

13 MS. PHILLIPS: Chairman Littlefield,
14 ADF&G Staff. I'm going to ask what I asked Forest
15 Service biologists, which is the number of one-year old,
16 one to two-year old deer that are going through the
17 checkpoints, does that -- are you concerned about the
18 population of deer based on the number of one to two-year
19 old deer?

20

21 MR. PERSON: Ms. Phillips, this is Dave
22 Person. No, not particularly with those data. First
23 off, check station data, you need several years, you
24 can't just have one year. Age structures are something,
25 they're not an absolute series of numbers that you can
26 make management decisions on. What you look for is
27 change over time.

28

29 The other problem is that we don't really
30 have enough of a sample from those data. I don't recall.
31 Was it 130 deer or so this last year? It's too small a
32 sample to make just of an effort. It would really be
33 nice to have as Mr. Littlefield suggested, have some sort
34 of mandatory compliance in which we have a check station
35 system, something I'm very familiar with working with in
36 fact for over 25 years.

37

38 But, no, that is not an abnormal number
39 of year -- when we say year hold, they're your yearling
40 animals with antlers, and so they're not really fawns.
41 Don't think of them as fawns. They are in their second
42 year.

43

44 CHAIRMAN LITTLEFIELD: Go ahead.

45

46 MS. PHILLIPS: Are there other methods or
47 tools to measure deer populations besides deer pellet
48 counts that will be used to measure deer populations on
49 POW?

50

00243

1 MR. PERSON: Ms. Phillips, those are two
2 very good questions. The second one is actually a strong
3 modifier of the first one. There are other methods.
4 Deer pellet group densities have been useful for looking
5 at gross trends or crude trends over time for a large
6 geographic area, and that's essentially why we've had
7 that program for I guess almost 20 years now.

8
9 For looking at specific areas like, for
10 example, the area in question on this amendment, the
11 resolution isn't there from the pellet group data. We
12 can't really define population densities as finely as
13 what we're trying to discuss here in terms of modifying
14 these proposals.

15
16 There are some other ways. A deer
17 checking station system is one way to get some of the
18 data necessary to provide for at least the impact of
19 hunting on the population by looking at most deer
20 management strategies throughout the United States in
21 states like New York state or Pennsylvania or California,
22 they'll have checking station systems and they don't
23 estimate actual populations. They can't. They're just
24 too big an area to do that. But what they do is they
25 have a hunting season and they have the hunting season
26 regulated and they know how many deer were taken of
27 different ages in that hunting season and then they look
28 for changes in that age structure coming from the deer
29 checking stations over time.

30
31 It's what's called, sort of, in a sense, adaptive
32 management. When they see a change that would be
33 something that would be a red flag, then they could
34 change the hunting season and see what it does to that
35 age structure or the numbers that are hunted the next
36 year, that are reported at the checking stations next
37 year, without ever knowing a full population density.
38 You're actually testing the waters, trying something to
39 see what the results are and then changing that, using
40 the results that you achieved the previous year to make
41 the change.

42
43 There are some other ways that you could
44 do it. You could do DNA testing from fecal pellets or
45 hair. We could actually DNA fingerprint, but that's very
46 expensive and it's not something that would likely work
47 on a regional basis. It's something that you could
48 certainly do in local watersheds. You might select four
49 or five watersheds and do an intensive project like that.
50 You also may do four or five watersheds and do intensive

00244

1 pellet group surveys, which would be another way of
2 coming up with probably a fairly reasonable estimator of
3 deer. But to do it on an island-wide basis is beyond our
4 means. We simply can't.

5

6 CHAIRMAN LITTLEFIELD: Any other council?
7 Mr. Hernandez.

8

9 MR. HERNANDEZ: Dave, does anybody still
10 do aerial surveys in the alpine in the summer? It seems
11 like I've heard that being done in the past to try and
12 assess the populations.

13

14 MR. PERSON: Sure. We've tried that
15 periodically, but it doesn't seem to work very well.
16 It's so weather-dependant in terms of our visibility and
17 detectability of deer. Also, depending on the timing of
18 it, you may be getting a preponderance of males and not
19 the female segment in the population right off the bat,
20 so it's got a lot of confounding factors. The biggest,
21 though, being weather. Parts though, like last summer,
22 we would have had a hard time doing adequate surveys.

23

24 CHAIRMAN LITTLEFIELD: Ms. Phillips and
25 then Ms. Wilson.

26

27 MS. PHILLIPS: Chairman Littlefield,
28 Staff members. You talked about pre-commercial thinning
29 and commercial thinning, but what kind of thinning will
30 increase the carrying capacity of deer winter range?

31

32 MR. PERSON: Yeah, that's a good
33 question. At this point in time, I don't know.
34 Commercial thinning could. I don't believe they would
35 ever achieve the result that was, you know, to completely
36 ameliorate the change that's occurred. I think it may
37 have some promise for opening up the canopy and creating
38 at least food patches for deer. What we don't know is
39 when you open up that canopy in a commercially-thinned
40 stand, you know, how available is that food in winter
41 time if there's snow on the ground. Because when you
42 open up the canopy, you also increase the potential for
43 snow to get through that canopy. So we really don't
44 know.

45

46 There are some other options that the
47 Forest Service, to their credit, are trying and I think
48 some hold some promise. One is that in some clear-cuts
49 now they're going to be planting red alder and red alder
50 will keep the canopy open for about 40 years perhaps and

00245

1 allow the understory biomass to be maintained. But,
2 again, it's a method that would likely retard that stem
3 exclusion stage, delay it, but not necessarily eliminate
4 it and it would depend on when you go in and cut again
5 into that second growth.

6

7 So there are some methods that are being
8 applied, that are being tried, but, again, these are all
9 experimental and there's no data from those at this
10 point.

11

12 CHAIRMAN LITTLEFIELD: Ms. Wilson.

13

14 MS. WILSON: Yes. I need to ask about
15 the deer. I have several questions. When do the deer
16 mate? And the early harvest of deer, is it a fact that
17 the deer are usually at a higher elevation during like in
18 August? And, also, is the mild winters a factor in the
19 deer population?

20

21 MR. PERSON: Those are good questions,
22 Ms. Wilson. Again, this is Dave Person. Okay. The
23 first question, in terms of when do deer mate. The
24 rutting season can begin as early as September, end of
25 September, and it runs through December. The peak of the
26 rut, when the males are really most active at pursuing
27 females, is occurring in the end of October, beginning of
28 November, and it does vary from year to year, but that's
29 the general pattern. Some of the late season fawns, you
30 might see little fawns in the middle of the summertime,
31 are probably from late breeding that occurred maybe as
32 late as end of December.

33

34 As far as the winters, mild winters, mild
35 winters certainly are beneficial for deer. They're
36 beneficial in several ways. One, they don't rely on that
37 winter habitat as much, meaning they don't need to be in
38 the higher volume timber, which provides them both with
39 food and escape from snow. They can stay in the
40 clear-cuts. They can stay in the pole stage timber of
41 the open areas and still feed during the wintertime.

42

43 For example, this year was very mild.
44 This was the first year since I worked on Prince of Wales
45 starting in '92 in which I measured no snow accumulation
46 at any of my snow stakes except maybe for this last
47 couple days. But it's been a very mild winter and the
48 deer that I've observed within my study area are in very,
49 very good shape coming out of the winter this year.
50 They're looking in very, very good shape.

00246

1 As far as the migratory or mountaintop
2 habitat, deer herds are composed of two basic groups,
3 different groups. There are migratory deer and there are
4 resident deer. Some deer never go to the alpine. Now, a
5 large portion of Prince of Wales, particularly in the
6 area that's being discussed for Proposal 5 as an
7 amendment, does not have alpine. The alpine is actually
8 quite a small proportion of that area. Most of that area
9 to the north of the Klawock Mountains and the Control
10 Lake area is pretty flat, pretty low elevation. Those
11 deer never migrate. They may go down to the beach fringe
12 occasionally, but they certainly don't go up into the
13 alpine zones. The areas where the deer are up against
14 those mountain peaks, yeah, they will -- a portion of
15 that population will migrate.

16
17 What happens is that deer that do migrate
18 have a very high nutritional plain during the summer.
19 It's a tremendous advantage to go into the alpine because
20 the alpine habitat provides a tremendous food source for
21 them. However, they have one disadvantage and that is
22 that they tend not to come down as far in the wintertime
23 as the deer that are the resident deer that stay in the
24 valley bottoms all year long. As a result, bad winters,
25 hard winters, hit them worse than those resident deer.
26 So, in mild winters, the migratory deer have an
27 advantage. In bad winters, the resident deer have an
28 advantage in terms of their survivalship, their survival
29 and their condition during those years.

30
31 In terms of hunting, most deer are
32 probably most vulnerable -- the most vulnerable segment
33 are those resident deer. It is possible to deplete that
34 population because they're also the most vulnerable to
35 predators because wolves tend to be valley animals as
36 well. So that population may be hit harder by predation
37 and hunting than, let's say, migratory deer. The
38 migratory may still have a very vibrant, very abundant
39 migratory population, but a partially depleted resident
40 population of deer. Does that answer your question?

41
42 MS. WILSON: Thank you very much. You're
43 just like going to school.

44
45 CHAIRMAN LITTLEFIELD: Speaking of going
46 to school, Dr. Garza.

47
48 MS. GARZA: Thank you, Mr. Chairman. I
49 guess I want to get back to the ADF&G comment on Page 93
50 in regard to Proposal 4 where they support that except

00247

1 recommending amending the proposal to eliminate the
2 taking of antlerless deer from October to December. Your
3 response to me didn't relay to me that there is a
4 conservation concern and, in fact, we heard from -- I
5 think from you as well as from Forest Service that the
6 population of deer in that area is stable, so I'm not
7 sure that there's a conservation concern as opposed to an
8 ethical concern to eliminating the doe season.

9

10 Thank you.

11

12 MR. PORTER: Through the Chair, Member
13 Garza. I didn't want to insinuate that we had a
14 population concern and that's why we didn't want people
15 to take does. It was just a suggestion on our part that
16 we felt like it was going to replace that opportunity and
17 those deer that they're taking during the doe season.
18 So, in other words, they'd be taking bucks instead of
19 does. We felt like that was better given that in all
20 estimation we feel like the habitat on Prince of Wales
21 isn't the limiting factor. So any break that we can give
22 the deer, and not shooting does would be one, would
23 improve the population of deer.

24

25 MS. GARZA: Okay. And considering that
26 this is a Regional Advisory Council and we are obligated
27 to ANILCA where we provide first benefits to subsistence,
28 following that same logic, the logic would be to reduce
29 the urban take, not reduce the doe take. I understand
30 the thought of your logic, but that thought of logic does
31 not fit into ANILCA.

32

33 CHAIRMAN LITTLEFIELD: The response? Any
34 other questions? Dr. Pearson.

35

36 MR. PEARSON: Dolly, I guess our concerns
37 with the doe season are not so much from, let's say, a
38 total population. In terms of the level of that harvest
39 that has been over the last few years, it's not been a
40 very high harvest as far as I know looking at the
41 permits. Where it would possibly cause a problem is in
42 areas where you've got real accessibility and where a lot
43 of those folks are going. If you had a concentration of
44 doe hunting activity in some of those watersheds, it
45 would be potentially possible to deplete, particularly in
46 the presence of predation. In other words, wolves and
47 bears do a lot of our doe hunting for us. It would be
48 possible that you would have over-exploitation of deer in
49 local watersheds. At this point in time, to be honest
50 with you, we have not done any kind of an analysis to

00248

1 pinpoint areas that might likely be a problem like that
2 from the doe harvest and I'm not sure we even know the
3 locations at this point of where many of those deer are
4 coming from. Does that get to your question?

5

6 CHAIRMAN LITTLEFIELD: Any other
7 questions from Council? Go ahead.

8

9 MS. GARZA: Okay. So, switching gears.
10 In the area of the proposed amendment, this 2(A) core, we
11 figured out that 14, 15 percent of that is either Native
12 corporation or community, which would be city property.
13 So, does ADF&G regulate the harvest of deer in that area
14 and how does that mesh with the corporation's role or
15 right of providing trespass or no trespass?

16

17 MR. PERSON: Perhaps either Kim or Boyd
18 can correct me if I'm wrong in this. I believe private
19 lands would fall under State jurisdiction, so they would
20 be under the State regulations. However, private owners
21 have every right to post their lands. I mean that's
22 their absolute right. So, in terms of access, they can
23 control access in any shape or form that they would like
24 to, but, as I understand it, it would still be under
25 State jurisdiction. And there is a sizeable chunk on
26 Prince of Wales Island, in terms of the entire area, I
27 think about 15, 20 percent of the total area is under
28 Native corporation lands and other private lands.

29

30 CHAIRMAN LITTLEFIELD: Any other Council?
31 I'm going to ask you the question I asked earlier of
32 Federal Staff. We've had lots of information but not
33 enough. I mean I think we can get to this if we had the
34 good information, but we have household survey data which
35 clearly indicates both Ketchikan and POW residents
36 consider the herd to be in decline, it's harder to get a
37 deer. I'd like to ask you guys to respond to that as
38 well, all three of you, whether you think the herd is in
39 decline, whether it's rising or whether it's stable and
40 this is in your best professional judgment, taking in all
41 that you've heard in public testimony, the household
42 data. Just make a call on it if you would, please.

43

44 Thank you.

45

46 MR. PORTER: Mr. Chair, I'll start. I
47 guess in all of those surveys the question is asked are
48 you seeing less, the same or more deer than you've seen
49 in the past few years, so there's a perception and so
50 it's hunters in the field seeing less deer. I guess it's

00249

1 our feeling, our professional feeling, that the deer herd
2 isn't in decline as much as people are seeing less of
3 those deer because of the habitat changes.

4

5 We've talked a lot about the amount of
6 Prince of Wales that is going into stem exclusion, but
7 before it goes into stem exclusion it goes into a stage
8 that you can't see as many deer from the roads where
9 people are used to seeing deer. So I guess those
10 perceptions are well-grounded, they are seeing less deer,
11 but it's difficult to tease apart the degree of decline
12 or change in the deer population just based on those
13 observations. I know you're looking for an absolute
14 answer to that question.

15

16 CHAIRMAN LITTLEFIELD: If you could
17 address like the deer pellet data and other data which
18 was presented last year as well as this time that
19 indicated there was some slight declines or ambiguous or
20 whatever. I'm asking you to tie all of that together and
21 give me your professional judgment of whether you think
22 it's stable or not or whatever. Any of the things that
23 you want to use that have been presented over the years
24 as well as in the new data that's presented is what I'd
25 like you to use.

26

27 MR. PERSON: In my professional opinion,
28 the deer population is in slight decline and has been
29 throughout the entire decade and that's based on the
30 pellet group data, it's also based on changes in the
31 habitat that have occurred. I would just add that, as
32 Dave Johnson had suggested to you, is that, of course,
33 that may be the gross or over-arching trend in the
34 population. There are areas in which deer are very
35 abundant and there are areas where deer are not so
36 abundant, so it isn't by any means an even distribution.
37 Deer, I believe, are in slight decline; however, I don't
38 believe that they're at a point at this point in time
39 that requires drastic alteration of the regulations.

40

41 MR. TITUS: Hi, this is Kim Titus. You
42 know, I'm not a deer expert. I work on bears and
43 goshawks, but I've had a couple -- I am an active deer
44 hunter and, in my professional judgment, having worked
45 with Dave and with all the data that's been presented,
46 both our data, subsistence data, and looked at it for the
47 past few years before you and other bodies, my
48 professional judgment is the deer herd is in slight
49 decline.

50

00250

1 CHAIRMAN LITTLEFIELD: Thank you. We
2 have Mr. Hernandez and then Ms. Wilson, followed by Mr.
3 Kookesh.

4
5 MR. HERNANDEZ: Thank you, Mr. Chairman.
6 Dave, you said in your opinion deer are in slight
7 decline. I was wondering if maybe I could ask you to
8 what you might attribute that decline. Do you think
9 maybe you could give some kind of percentage of value to,
10 say, habitat declines, hunter pressure and predation.

11
12 MR. PERSON: Certainly, Mr. Hernandez.
13 If you could bear with me a moment, let me just get a bit
14 of information that I have and I'll be with you in just a
15 second.

16
17 CHAIRMAN LITTLEFIELD: If the ADF&G staff
18 will agree to come back, I think it's time for a 10-
19 minute break. Could you please rejoin us? Okay. Let's
20 take 10 minutes, then we'll come back to your question,
21 Mr. Hernandez.

22
23 (Off record)

24
25 (On record)

26
27 CHAIRMAN LITTLEFIELD: The meeting will
28 please come back to order. ADF&G presentation. We were
29 on a response to Mr. Hernandez's question.

30
31 MR. PERSON: Thank you, Chairman
32 Littlefield. Don, I have some data here I can share with
33 you that was from three radio telemetry studies of deer
34 in three different places, three independent studies.
35 One is my own work on Prince of Wales Island, mostly in
36 the Staney Creek, Honker Divide and I guess Thorne River
37 area. That's been the area I focused on. Another study
38 from Mitkof Island that was conducted by the Forest
39 Service, a study that concluded a few years ago. And
40 then another study that concluded a few years ago that
41 took place on Heceta Island on the west side of Prince of
42 Wales Island. In total, of all these studies, these are
43 results from about 200 radio-collared deer.

44 Each study had roughly in the neighborhood of 50
45 to 70 deer in their sample sizes. For Prince of Wales
46 Island, the percent of mortality from different causes,
47 for my work, it's been about eight percent caused by
48 humans, which is all hunting, wolf predation is accounted
49 for about five percent, bear predation, black bear
50 predation, has accounted for the most predation; however,

00251

1 let me just qualify that, that it's predation on neonate
2 fawns. In other words, it's fawns within the first two
3 weeks of life. After that, bears are relatively
4 insignificant as a predator on deer, but they're a highly
5 significant predator in those first two weeks of life.
6 In fact, of 20 radio-collared fawns -- I'm sorry, 28
7 radio-collared fawns, neonates, collared within two days
8 of birth, we had 15 killed by black bears within two
9 weeks, so you're looking at about 50 percent mortality.

10

11 Now, let me just qualify that a little
12 bit further. Don't assume that that predation mortality
13 is additive. A portion of those fawns would have died in
14 their first year anyway. They might not have survived
15 the winter. There's some really good evidence that comes
16 from captive deer in other areas of the United States in
17 which it's shown very clearly that in a case of twins,
18 when one of the twins dies within a few days of birth,
19 the other twin has a higher probability of survivorship
20 because she ends up or he ends up getting more milk from
21 mother and gets more attention. So that animal actually
22 has a higher probability of surviving into its first
23 year. So that predation that I mentioned from black
24 bears is not necessarily all additive. Some of it may be
25 what we call compensatory mortality. But, anyway, it is
26 significant.

27

28 And then the other sources of mortality
29 have been either accidental death or starvation or death
30 related to starvation and that's only accounted for four
31 percent. So the highest single cause has been human,
32 both legal and illegal hunting. Of illegal take of these
33 radio-collared deer, the illegal take was about
34 40 percent of the numbers killed. So, in other words,
35 out of eight percent, it would be roughly about three or
36 four percent of that. Three percent or so is illegal.

37

38 The thing I want to just clarify with
39 those data is, remember, these are mostly females radio
40 collared, so the percentages that were taken by people
41 would probably be higher if we had more adult males in
42 that sample, which is a caveat that needs to be
43 expressed.

44

45 Now to expand just a little further, let
46 me go to Heceta Island in which we did collar a lot of
47 adult males as well as adult females. When we look at
48 the percentages there, we have 13 percent human-caused
49 mortality, of which about, again, a third was illegal, 12
50 percent of mortality from wolves and that 12 percent

00252

1 occurred mostly in one year, which was the winter of
2 1998-1999, which was a heavy snow year. It was that year
3 just a few years ago that had heavy snow. Prior to that,
4 the overwhelming source of mortality was human hunting,
5 not wolves. As many of you know, there's been a pack of
6 at least eight wolves on Heceta Island. During this
7 time, we were collaring those wolves as well. We knew
8 that that population size was about eight for that time
9 period. So that's actually a fairly high density of
10 wolves given the size of Heceta Island.

11

12 And then we have 13 percent from other
13 causes of death. Those causes related to things like,
14 for example, a doe that died during childbirth or during
15 parturition. We had a male that we think may have died
16 from a heart attack during the rut. Its heart was just
17 about 50 percent bigger than it should have been. So
18 there are other sources that deal with either accidental
19 or starvation. In this case, we did have nine or ten
20 juveniles that died in that bad winter of malnutrition
21 and that was the other major source of mortality in that
22 population.

23

24 So those data kind of give you an idea of
25 how the mortality and deer are partitioned and I think
26 they give you a pretty good representative sample for
27 most of the area that we're dealing with on Prince of
28 Wales Island, maybe with the exclusion of maybe the very
29 south end because that habitat is quite different because
30 it hasn't been nearly logged as heavily or eroded as
31 heavily.

32

33 CHAIRMAN LITTLEFIELD: Did that answer
34 your question?

35

36 MR. HERNANDEZ: Yeah, that answers a lot
37 of questions I've had over the years, actually. Would
38 you say that, in general, the south end of the island,
39 you think the weather is significantly warmer than the
40 north end to make a difference in deer mortality in the
41 winter on the south end compared to the north end as far
42 as habitat considerations?

43

44 MR. PERSON: It may. I actually don't, I
45 guess, really know the answer to that, Don. The only
46 other thing I should maybe emphasize though, I think the
47 winter habitat for deer is poor down there. For example,
48 the south Prince of Wales wilderness area is basically
49 just a big muskeg scrub, so it might not have to be too
50 severe a winter before it might have an impact on deer.

00253

1 CHAIRMAN LITTLEFIELD: Ms. Wilson is
2 next, followed by Mr. Kookesh.

3

4 MS. WILSON: Thank you, Mr. Chairman.
5 Dave, I think you've already answered my question on the
6 wolf predation, but the other question on wolves, were
7 they introduced to Prince of Wales Island some years back
8 or are they native to this POW? And I think I wanted to
9 also reiterate that I've been on this Council quite a
10 while and ever since I can remember we've always wanted
11 to know how large the deer population is on Prince of
12 Wales Island. Every year we work on it. So I wanted to
13 know about the wolves, are they native to this POW
14 Island?

15

16 MR. PERSON: Thank you, Ms. Wilson.
17 Yeah, they are native as far as we know. In fact, we
18 have some genetic evidence right now that suggests
19 there's one maternal lineage that is common to all the
20 wolves on Prince of Wales Island, so there might have
21 been a founder's effect. In other words, a single, small
22 group of animals that got established there many, many
23 centuries ago and has basically supplied the seed for the
24 rest of the population from then on. But, no, as far as
25 I know, that population has been there for centuries and
26 perhaps thousands of years.

27

28 CHAIRMAN LITTLEFIELD: The term is time
29 immemorial they've been there. Mr. Kookesh, followed by
30 Mr. Adams.

31

32 MR. KOOKESH: You were talking a little
33 while ago about the deer that had the heart attack and
34 Bert and I are of the opinion that it went out on top
35 anyway. I've sat on this Council for three years and
36 it's not uncommon for me to sit here and watch ADF&G be
37 opposed to possibly everything that's come before us and
38 I don't have any problem with that because in a forum
39 like this everybody has an opinion and we respect that.

40

41 One of the things I've noticed in looking
42 at these proposals is that there's a request to make
43 adjustments in terms of opening dates and closing dates
44 and deer take. Instead of five, there's a request to
45 change -- you know, they're changing the numbers down to
46 two and there's also a request to change the dates and to
47 eliminate dates. This is an adjustment made by people
48 that have a local knowledge of this. These aren't
49 biologists, these are the people who are trying to make
50 this thing work for themselves. I'm sure they all want

00254

1 that lifestyle back where the deer standing on the side
2 of the road instead of all the spike bucks they're
3 getting. I think they'd like to see the population come
4 back and I believe habitat has a lot to do with that
5 also.

6
7 My question was I'd like to know what the
8 population of Alaska was at the time we implemented the
9 August 1st to December 31st. And why is it so hard that
10 we can't make an adjustment on that basis, you know, the
11 declining population based on your professional opinions?
12 And also the limits, when did those things all come into
13 effect and what is so hard -- you know, I believe our
14 population has increased from the time these August 1st
15 to December 31st dates were first implemented and the
16 limits that were placed on the deer population. I
17 believe because of our increased populations it's
18 probably fair to say there's been more pressure put on
19 because of the increases and I was kind of curious if you
20 have any kind of data to back it up. And last, but not
21 least, I'm really glad to see this new governor of ours
22 kind of taking a little different look at the wolf
23 population because I believe predator control has a lot
24 to do with, besides habitat, with what we're dealing with
25 here.

26
27 MR. PORTER: Through the Chair, this is
28 Boyd. Member Kookesh, on Page 97 there's a historical
29 tally of how the regulations have changed over time and I
30 guess in answer to your question why has it not changed
31 with the human population, you know, both the human
32 populations have changed, fluctuated both in Unit 2 and
33 users of Unit 2 and so has the deer population over time,
34 ups and downs with severe winters. I guess we look at
35 that across the board at a four deer bag limit or four
36 buck bag limit and feel that -- you know, looking at
37 longer-term trends, at several-year trends rather than
38 changing these regulations every year or every few years
39 in response to some weather or other factors that might
40 affect the deer herd, looking at managing it for that
41 long-term trend similar to the way that we've looked at
42 our deer pellet program and tried to detect changes in
43 the long term that we could make changes. We knew at
44 some point here in the next few years we're going to be
45 there where we're going to have to re-evaluate these bag
46 limits and look at the number of deer being harvested and
47 try to figure out what to do. We knew we were going to
48 be there. I guess in support of this proposal, we didn't
49 feel like we were at that point yet. We may be getting
50 close. Again, we didn't oppose this proposal as it was

00255

1 written originally. We supported it with the
2 modification.

3

4 CHAIRMAN LITTLEFIELD: Mr. Adams is next.

5

6 UNIDENTIFIED SPEAKER: Kim wanted to say
7 something.

8

9 CHAIRMAN LITTLEFIELD: Okay. Well, go
10 ahead.

11

12 MR. TITUS: Thank you very much. Mr.
13 Kookesh, part of what I heard, too, you refer to, I
14 think, has to do with also regulatory philosophy.
15 Certainly within the department and through the Board of
16 Game and now through the Federal system, I think one of
17 the things we try to do in the department is to, in so
18 much as possible and whenever possible and it's not
19 necessary for conservation reasons, is, number one, defer
20 to local communities and the user groups out there and,
21 number two, in so much as possible, not try to change
22 regulations for the sake of change because one of the
23 things we try to be responsive to in terms of the public
24 we serve is to have some consistency over time, so we're
25 not changing regulations to sort of tweak them from time
26 to time.

27

28 I think the situation here with regard to
29 this proposal is probably different than that, but we try
30 to not be in the business of making the regulatory books
31 thicker and thicker and thicker all the time and doing
32 different things in different areas. At least for deer,
33 that's a philosophy we've especially had up north and in
34 Unit 4 and around Sitka where, basically, you know, we've
35 tried not to change those regulations for many years
36 because, in fact, at least through significant parts of
37 the deer range in southeast Alaska, hunting probably has
38 minimal impact on it. So, basically, as a deference to
39 the users out there about what do they consider as a
40 reasonable bag limit and reasonable seasons. So, you
41 know, we've tried to maintain some regulatory consistency
42 and not tinker with the regulations when we don't think
43 it's necessary. And when we do, we try to give people
44 added opportunity.

45

46 CHAIRMAN LITTLEFIELD: Mr. Adams is next,
47 but before I go to Mr. Adams, I'd like to let the public
48 know, as well as the Council, that we intend to try to go
49 till 6:00 o'clock tonight. We're running behind. And
50 we'll also provide an opportunity after ADF&G and before

00256

1 the tribes for those people who want to testify who
2 cannot attend -- we hope we'll go through this fairly
3 quickly, but if you have to go pick up the kids or
4 something, we'll try to get you in there. Mr. Adams and
5 then Ms. Garza.

6

7 MR. ADAMS: Thank you, Mr. Chairman. A
8 buck having a heart attack during the rutting season.
9 Man, what a way to go, huh?

10

11 MR. PERSON: It's kind of like dying in
12 bed.

13

14 MR. ADAMS: Okay. Everyone that has
15 testified at that table so far, including yourself and
16 the Forest Service people, have indicated that there is a
17 decline, a slight decline. Then one of you gentlemen
18 made a comment that maybe the habitat makes it more
19 difficult to see the deer because, I guess, of the growth
20 and stuff. That's one question I'd like to see if we can
21 find -- if you can show us if there's any data to prove
22 that or how you would monitor that in the future.

23

24 The other one goes back to a question I
25 asked earlier as well and that's in regards to the
26 population of the people increasing. With the population
27 of people increasing, you're going to have more stress on
28 the resource. Again, you know, I think that would bring
29 up, in my opinion, a conservation issue. So either one
30 of you gentlemen can answer those questions for me.

31

32 MR. PERSON: Mr. Adams, I think I can
33 answer a few of them if I can remember them all, but
34 bring me up short if I don't remember them all. The
35 first is, in terms of the changes in habitat and what it
36 might do to observability of deer and detectability of
37 deer, we don't have -- we haven't gone out of our way to
38 actually measure that. We could. I mean there are -- I
39 could design a study that would measure that. It's
40 pretty clear to me -- and, again, I've worked now for 10
41 years in this particular area. For example, as I
42 mentioned, I spent almost six months there last year in
43 those habitats working on deer and it's very clear that
44 in some of those habitats right now, as the clear-cuts
45 got beyond about 10 years old, they're still producing
46 forage for deer. The deer are still in there, but you'll
47 never see them from the road.

48

49 And those deer are also pretty
50 invulnerable to wolf predation because the wolves don't

00257

1 go into that habitat, what we call shrub/sapling habitat
2 very often. So there are deer in there and there's just
3 no way in heck you're ever going to see them from the
4 road. I thoroughly believe that there aren't many
5 hunters who walk into that habitat because that habitat
6 is no fun to get through. In fact, I have the privilege
7 of, I know, walking in places that somebody hasn't been
8 for 40 years because that was when it was logged last.

9

10 So I believe that it's a reasonable
11 assumption to say that deer are more difficult to see and
12 what I think could perhaps be the disparity between what
13 we perceive as the decline in population based on the
14 pellet group density and what you're picking up as
15 household surveys has, to a large extent, to do with not
16 only perhaps a slight decline in deer but that
17 observability. In other words, that makes it worse. Do
18 you see what I'm saying? It just makes it that much
19 worse because it's not only is there maybe a slight
20 decline, but it's just bloody much harder to see those
21 that are there, so that makes that perception even worse.

22

23

24 I think we could easily design a study,
25 but I suspect that from a reasonable basis, having spent
26 a lot of time there working in that environment, that it
27 would be pretty clear to me it would be very hard for
28 people to hunt that habitat even though it's containing a
29 lot of deer.

30

31 CHAIRMAN LITTLEFIELD: Dr. Titus.

32

33 MR. TITUS: With a deference to the
34 Chair, I believe it might be useful to have Mike Turek
35 from our subsistence staff that has come over from the
36 Fish Board meetings to make a few comments that I think
37 relate to this question relative to harvest information.

38

39 CHAIRMAN LITTLEFIELD: Please join us,
40 Mr. Turek.

41

42 MR. ADAMS: Mr. Chairman. Before these
43 guys leave, they did not answer the final question I
44 made. Did you hear my question? My mike was turned off.
45 Did you hear it?

46

47 REPORTER: No.

48

49 MR. ADAMS: My question was you did not
50 respond to the final question I asked in regards to the

00258

1 increase of the people and the pressure that they are
2 going to put on the resources by increase of hunting.

3

4 MR. TUREK: Mr. Chair, Mr. Adams. I'm
5 Mike Turek with the Fish & Game, Division of Subsistence.
6 I can attempt to answer that for you, maybe. Human
7 population on Prince of Wales Island and in Ketchikan,
8 too, I believe, was the greatest in the 1980s and early
9 '90s and then since the downturn of logging, it pretty
10 much leveled out and it's probably declining in both
11 places now, human population. But there was a
12 significant increase in human population on Prince of
13 Wales Island during the '80s and '90s, so that is a
14 factor. Places like Thorne Bay, there was no community
15 there in the 1970s or '60s and now it's a community. It
16 went from a logging camp to a community, so that is a
17 part of the story of Prince of Wales Island.

18

19 CHAIRMAN LITTLEFIELD: I'd like to add
20 that you're referring to the information that's available
21 in the blue book that was presented to us earlier and
22 that information is what we're talking about in household
23 survey data that many of us mention.

24

25 MR. TUREK: Mr. Chair. Yes, that and
26 then some more recent survey work that's been done on
27 Prince of Wales Island. In our face-to-face surveys, we
28 haven't -- in the numbers from the harvest that we got in
29 our face-to-face surveys and also the numbers from the
30 deer ticket data, we haven't seen a decline in harvest on
31 Prince of Wales communities yet, nor in Ketchikan, but
32 people do say they're having to spend more time and work
33 harder to get their deer, so it appears that they're
34 still getting their deer but they're having to work
35 harder for them. That's what the data is telling us, I
36 think.

37

38 CHAIRMAN LITTLEFIELD: My understanding
39 is the .5 deer are hiding in the thick brush, so we'll go
40 to Ms. Garza.

41

42 MS. GARZA: Mr. Chairman, thank you.
43 Yeah, I guess I want to follow along those lines. In
44 looking at the harvest survey data and the responses from
45 Prince of Wales as well as from Ketchikan people, they
46 see a decline in deer. At least the Ketchikan hunters
47 that I have talked to, who, of course, have issues with
48 Proposal 5, do not all hunt in this core area, 2(A) core,
49 do not hunt along this road line. In fact, many of them
50 like to come over there so that they can go up into the

00259

1 alpine and it's actually in this alpine area that they
2 are seeing fewer deer, so I don't -- so I have concern to
3 say, well, you know, they think they're seeing less deer
4 because it's in old growth or in logged areas that's now
5 growing up. I'm getting the feeling from hunters that
6 there are less deer in areas where the habitat has not
7 changed. So, while I understand your point of view
8 there, I think that there is also, from what I heard,
9 declines in other areas.

10

11 Thank you.

12

13 MR. PERSON: Ms. Garza, that may very
14 well be. I have also spoken with a lot of folks on
15 Prince of Wales Island that are hunting and I've heard in
16 some areas where they've said they're seeing plenty of
17 deer in the alpine and other areas in which they're
18 saying they're seeing fewer. So you may be correct. I
19 can't really dispute what you just said.

20

21 CHAIRMAN LITTLEFIELD: Mr. Stokes.

22

23 MR. STOKES: Yes. I have a question.
24 I'm quite surprised that the Department of Fish & Game
25 supported this proposal on the doe season because right
26 during October, at least in the Stikine area, the rut
27 peaks out about the 10th of the month and I would like to
28 see the doe season open when the season opens and cut it
29 off at the end of September because during that time the
30 does are already impregnated. Why kill them? You're
31 losing two deer then. So I would just as soon -- I would
32 support that if it would be changed a little bit.

33

34 MR. PORTER: Through the Chair, Member
35 Stokes. I'm not sure what you're talking about. Are you
36 talking about Proposal 4?

37

38 MR. STOKES: Yes. Which one are you on?

39

40 CHAIRMAN LITTLEFIELD: For clarification,
41 4 and 5 are both being discussed at the same time and I
42 believe the State opposed the doe hunt. They wanted it
43 eliminated with their -- they would support it if we
44 eliminated the doe hunt, but I'll let you respond to
45 that, Mr. Porter.

46

47 MR. PORTER: I think Mr. Stokes is
48 getting some clarification.

49

50 MS. GARZA: What page?

00260

1 MR. PORTER: 93.

2

3 MR. STOKES: I stand corrected.

4

5 CHAIRMAN LITTLEFIELD: Are there any new
6 questions? Ms. Phillips.

7

8 MS. PHILLIPS: Chairman Littlefield,
9 Staff. I got out my deer hunting patterns, resource,
10 populations and management issues on Prince of Wales
11 Island book. If you look on Page 127 of the proposal
12 book, table 4, I'm going to go with Hydaburg because the
13 gal from Hydaburg testified, but it shows that deer and
14 total per capita subsistence harvest Prince of Wales
15 Island communities available data, deer in 1987 it's 42.8
16 per person and in 1997 it's 34.6. Then, if you look in
17 this book, it has data for Hydaburg that goes from 1987,
18 which was the high of 112 deer, to 1996 with 47 deer. It
19 sounded like that gal said, her needs weren't being met.
20 Do you have more current data of how much deer is coming
21 out of Hydaburg?

22

23 CHAIRMAN LITTLEFIELD: Would you like to
24 respond to that?

25

26 MR. TUREK: Chair, Patty Phillips.

27

28 CHAIRMAN LITTLEFIELD: Please come to
29 order. Please come to order. Go ahead, Mr. Turek.

30

31 MR. TUREK: The only face-to-face surveys
32 we've done in Hydaburg were in '87 and then also in '97,
33 I believe it was. And, you're right, there was a bit of
34 a decline in Hydaburg. And then the deer ticket data
35 that we have for Hydaburg is quite low. There's very
36 little return of deer ticket data, so we don't have as
37 good a deer ticket harvest data from Hydaburg as the
38 other communities, so the only comparison we have is that
39 '87, '97. There was one community where there was fewer
40 deer harvested in '97.

41

42 CHAIRMAN LITTLEFIELD: Any other
43 questions from Council for ADF&G? Thank you very much,
44 gentlemen. Very informative. I would like to call the
45 legal counsel forward to respond to one of the statements
46 that was made that was somewhat limiting and maybe just
47 clarify for the Council what we can do on Proposals 4 and
48 5. I guess specifically, as well as in testimony, on Page
49 112 is where we're talking about.

50

00261

1 MR. USTASIEWSKI: Well, I can tell you,
2 in my opinion, Mr. Chair, Jim Ustasiewski with the Office
3 of the General Council, that the Federal Subsistence
4 Board does have the authority to, in addition to
5 eliminating all harvest, to restrict the amount of
6 harvest. In other words, if the Board can say you can't
7 take any deer in a particular area, you can take zero
8 deer, the Board can also say you can take one deer. It's
9 a lesser included power within the overall power of the
10 Board to provide a subsistence priority. However, having
11 said that, the question is what's the foundation for --
12 what's the basis for saying you can take zero deer versus
13 one deer. You have to have some basis for doing that.
14 You have to show that what you're doing is necessary in
15 order to provide for the subsistence priority in either
16 case. In effect, the Federal program can only restrict
17 non-subsistence users to the degree necessary for the
18 subsistence users to meet their subsistence needs. If
19 the degree necessary is total elimination, the Board can
20 do that. If the degree necessary is less than total
21 elimination, allowing just one or two animals to be
22 taken, the Board can do that as well.

23
24 Having said all of that, as a legal
25 matter, the Board can do that. It's at least clear to me
26 that there are some implications for the Board in
27 allowing a certain number of deer, restricting a certain
28 number of deer from being harvested. There may be other
29 considerations that impact the way you go about providing
30 that priority for subsistence. In other words, the Board
31 could disrupt a sort of well-functioning system by
32 addressing bag limits in a way that was not intended by
33 the Board, so the Board could choose to avoid doing that
34 and provide for some other priority, some other means for
35 the priority, and we've talked about giving a head start
36 to subsistence users. I think in the past the Federal
37 Subsistence Board has leaned towards giving a head start,
38 for example, over reducing the bag limit. But in terms
39 of the legal matter, the Board can eliminate, the Board
40 can restrict. It can totally eliminate, it can do
41 something less than totally eliminating and restricting
42 the amount of deer or other animals that are being taken.
43 I hope that's helpful.

44
45 CHAIRMAN LITTLEFIELD: Yes, it does,
46 because I do not know how the Council is going to proceed
47 on this. We have Proposal 4, as well as 5, as well as a
48 suggested amendment. And if the Council wished to use 5
49 as a mark-up vehicle, I wanted them to know it was okay
50 to do so. Ms. Garza.

00262

1 MS. GARZA: Mr. Chairman, thank you. So,
2 when you were saying that the Federal Subsistence Board
3 has the authority, is that the authority over rural
4 residents and the land that is held through the Federal
5 government and does that include or exclude urban
6 residents, such as Ketchikan residents?

7
8 MR. USTASIEWSKI: Yes, the Federal
9 Subsistence Board would be giving a priority to rural
10 subsistence hunting over urban or non-subsistence
11 hunting. The way it can give that preference -- it can
12 give that preference in a lot of different ways and I
13 think the effort is to do that, give that preference in
14 the way that satisfies the subsistence needs but does not
15 have unintended bad consequences for non-subsistence
16 users too. It's really a question of necessity. What's
17 necessary in order for subsistence users to get their
18 deer. If what's necessary is total elimination, that
19 would be one thing. If what's necessary is a head start
20 for a week or I guess eight days is being considered in
21 the case of Proposal 4, if that satisfies the subsistence
22 needs, then presumably that would be enough and you would
23 stop there.

24
25 CHAIRMAN LITTLEFIELD: Follow up.

26
27 MS. GARZA: Thank you, Mr. Chair. I
28 guess I'm still confused then on Page 112 in ADF&G's
29 comments that the Federal Board is not authorized to
30 regulate non-Federally-qualified subsistence users in the
31 manner requested in this proposal. So that you're
32 telling me that is not a correct statement?

33
34 MR. USTASIEWSKI: In my opinion, that is
35 not correct. The Board does have the authority to
36 restrict non-subsistence users.

37
38 MS. GARZA: Mr. Chairman, thank you. So
39 I'm assuming that you've attended Federal Subsistence
40 Board meetings. Has that action been taken many times by
41 the Federal Subsistence Board and, if so, did it require
42 substantial evidence in terms of conservation, concerns
43 and/or the ability to take the resource by rural
44 residents?

45
46 Thank you.

47
48 MR. USTASIEWSKI: Mr. Chair. My
49 understanding is that has not happened. That the Federal
50 Subsistence Board has shied away from bag limits.

00263

1 Whether it can or can't is one thing, but it has chosen
2 not to do that because of the, I guess, implications of
3 doing that, unintended consequences of doing that. So
4 the Board has, perhaps, looked for other ways to provide
5 a meaningful subsistence priority that satisfies the
6 subsistence needs without having these unintended
7 consequences.

8

9 MS. GARZA: Mr. Chairman, if I can follow
10 up. So, in terms of the Board not taking that type of
11 action, there have been proposals other than from
12 Southeast along these lines from other regions that the
13 Board chose not to take this action on.

14

15 MR. USTASIEWSKI: Mr. Chair. I believe
16 that's right. I'm not an expert on all of the history
17 and the ways that the Board has affected the subsistence
18 priority. I can tell you, just having looked through the
19 regulations, I don't see -- I haven't found any actual
20 situations where they've restricted non-subsistence users
21 bag limits, so I presume that's on the basis that they've
22 found better ways to do that that provide for the
23 subsistence priority in those situations. Whether it's
24 better in this situation or not, I'm not sure. I
25 wouldn't be in a position to say the better way to do it
26 is through a bag limit. I think that's up to this
27 Council to make a recommendation about. Whether you can
28 legally or not, I can speak to that and say I think you
29 can make those sorts of bag limits. Maybe Mr. Boyd will
30 correct me if I'm wrong.

31

32 CHAIRMAN LITTLEFIELD: Ms. Garza is next
33 and thank you, Mr. Boyd, for sitting in with us. I guess
34 what I want to make clear is that I think we need to have
35 the right information here. We've been misinformed in
36 the past at previous meetings and got the wrong
37 impression that we shouldn't do this because we couldn't
38 go there and we need to be clear where we can go. That's
39 why I wanted this cleared up. Mr. Boyd.

40

41 MR. BOYD: Mr. Chair. First, let me say
42 that I concur with Mr. Ustasiewski's legal analysis of
43 the point that's being made, but to amplify or maybe just
44 try to be more precise in responding to Ms. Garza's
45 question regarding the frequency with which the Federal
46 Subsistence Board has addressed these kinds of issues.
47 I've been involved since the beginning of the Federal
48 Subsistence Board and obviously hundreds of proposals
49 have come through. Without going through and looking at
50 all of those, it's hard to say how many of these have

00264

1 come up, but I would say it's very rare that the Board
2 would be asked to look at adjusting a bag limit or a
3 harvest limit for non-subsistence uses. Only in a few
4 cases have they eliminated non-subsistence uses in a
5 given area for a given species. We have run those
6 numbers, I don't have them in front of me, but it's on
7 the order of, say, 20 times out of 230 different hunts or
8 something like that, so it's not something that occurs
9 often where they actually eliminate non-subsistence uses,
10 but they do do that. In only one instance in my memory
11 have they even addressed the case of adjusting a
12 non-subsistence harvest limit. When they did that,
13 within a year they reversed it. So that's the best of my
14 recollection. I guess the best I could say it's very
15 rare.

16

17 CHAIRMAN LITTLEFIELD: Thank you. Would
18 you like to follow up on that?

19

20 MS. GARZA: Mr. Chairman, thank you. So,
21 looking at Proposal 5, in your experience or in either of
22 your experiences with approaching the Federal Subsistence
23 Board or sitting on the Federal Subsistence Board and
24 hearing the information that has been provided from
25 Federal as well as State Staff and looking at the
26 rationale for recommendations that we have to use, is
27 there substantial evidence in your opinion that either
28 there's a conservation concern or a missing subsistence
29 opportunity that would knock this proposal over to one
30 that Federal Subsistence Board on Proposal 5 might
31 seriously consider?

32

33 Thank you.

34

35 MR. BOYD: Mr. Chair. I'm not going to
36 venture there. I think that's a question that should go
37 under some analytical scrutiny and I'm just not prepared
38 to respond.

39

40 MR. USTASIEWSKI: For my part, Mr. Chair,
41 I would say I just don't know. I have heard -- just
42 sitting and listening to the testimony today, I've heard
43 people say that there's been a slight decline in the deer
44 population. I've also heard people say -- I think the
45 woman who testified from Hydaburg that subsistence needs
46 were not being met. That's sort of a conclusion which is
47 troubling, but I'm not sure what the facts are that
48 support that. We had some discussion a moment ago about
49 Hydaburg getting less pounds of deer per capita, you
50 know, comparing 1987 to 1997, but I don't know myself

00265

1 what is necessary for subsistence users in Hydaburg or
2 elsewhere. So what would be a useful -- at least in my
3 mind, what would be useful information would be to know
4 how many deer, how many pounds of deer the subsistence
5 users need and whether they're getting that.

6
7 The questions that have been asked about
8 deer population I think are relevant information.
9 Remember before when I was talking about substantial
10 evidence, you look at all the available relevant
11 information to decide what a reasonable person would
12 conclude on that evidence. I don't know that you need to
13 know the number of the deer on Prince of Wales Island in
14 order to make this decision or to make a recommendation
15 on the proposal. I don't think you need to know exactly
16 how many deer are out there, but I think you do need to
17 know what the subsistence needs are and whether those
18 needs are being met and you have some evidence about
19 that, but I'm not sure -- I would say I know based on all
20 the evidence it cuts one way or the other.

21
22 CHAIRMAN LITTLEFIELD: Thank you. Any
23 other questions for the Staff? Thank you very much.
24 Does anyone need to testify early? Chairman Thomas.

25
26 MR. THOMAS: Thank you, Mr. Chairman. My
27 name is Bill Thomas. This is an interesting proposal and
28 discussion. It's not a new one. We've gone full circle.
29 With the way the proposal is presented to you, I'm not
30 sure how compromising the harvesting of does found its
31 way into the discussion. I was on the Council when the
32 consideration for hunting does was brought up. Shooting
33 does is not a new experience and it's not going to
34 change. You can regulate it in or regulate it out. Does
35 are still going to get shot before they have a heart
36 attack.

37
38 There's a couple things that I think you
39 need to know, with all respect to my good friend Mr.
40 Ustasiewski, coming up with how much meat do you need to
41 meet your needs. It's interesting. You know, that
42 question seems to lie in the back of people's minds.
43 When my late oldest brother was testifying for the ANB
44 one time, the department says, Mr. Thomas, this is
45 talking about fish, can you tell us exactly how many
46 pounds of fish you consume in a year. He said I'll be
47 happy to do that as soon as you tell me how many pounds
48 of spuds you consume in the same period. Where's the
49 logic of that? I wouldn't buy into that at all. That's
50 not a fair request.

00266

1 When it comes to biology and science, the
2 reason the Council is here is because when the people
3 wrote Title VIII, they figured that the best way to
4 represent the issue of subsistence, the subsistence
5 priority and protection, is a Federal government measure
6 and the State doesn't like any part of it. So the reason
7 the Council is made up the way it is now is because you
8 represent the region, you live in the region, you use the
9 resource, you know the habits of the resource, you know
10 everything about the resource you need to, much more than
11 anybody that sat at this table told you that they do, so
12 don't forget that. Your science is much improved over
13 western science. Just because you didn't come out a
14 Rhode's scholar, that doesn't mean that you're dumb as a
15 chunk of kelp. So use your instincts and be confident
16 and courageous in how you represent this.

17
18 Proposal 4 is a good one. They're both
19 good. They've been here before. But you have to
20 remember one thing. During this meeting, this is going
21 to be the end of your opportunity for input to the Board.
22 That only applies here. Depending on what your decision
23 is here, if you deny 4 or 5, you're home free. If you
24 pass it, the State will have direct access to the Office
25 of Subsistence Management and you'll notice if you go
26 back into the transcripts that the Board will yield to
27 the recommendations of the Staff Committee. You'll find
28 that the Staff Committee and the State agree with no
29 exception. No exception. That isn't how Title VIII was
30 intended to be. You are here by statute. You're the
31 only people here that are here by statute. That should
32 give you the authority to use that provision of
33 appointment to make a difference of how subsistence is
34 managed in this region or any region.

35
36 So I offer this to you because I know
37 from past experience, and I have nothing to be hostage
38 to, and just remember what I am saying. This is your
39 last opportunity to provide input because it's going to
40 go right to another analysis process, but you won't have
41 an opportunity to see it to the Board until you get to
42 the Board and then you're up against new information that
43 was brought and opposition is going to be pretty tough.
44 But I wouldn't compromise the doe season. Oh, you did
45 compromise it. It's something that goes on.

46
47 We talk about customary and traditions.
48 Just because we don't have it in the Federal register
49 doesn't mean that we don't have C&T. Where did they come
50 up with that expression C&T? That's part of time

00267

1 immemorial, you know, and that's as obsolete as could be
2 also. The way C&T has been put together in this program
3 was recognized early on that it would pit user groups and
4 even eligible subsistence groups against one another
5 because of the separation by regions. That removes that
6 historical, that real customary trade when people from
7 different regions say -- say Point Barrow wasn't able to
8 get enough meat for one reason or another and we had an
9 abundance of meat that they could use down here. We
10 wouldn't hesitate getting the meat they wanted up there.
11 And it would be in reverse if we had the same problem
12 here. But that isn't how it's written up.

13

14 So, with regard to Proposal 4 and 5,
15 they're good ones. Just remember, if you use this, you
16 know when to expect it in, you know what's more or less.
17 I mean how smart do you have to be when you realize that
18 you're not getting what you need, you know. I'm afraid
19 that if we yield -- see, this is a political conflict
20 here and had it not been for that political conflict,
21 this would run a lot better, but a political conflict is
22 in place. And you have to consider how long are you
23 going to wait to recognize that the decline is more than
24 slight. What's slight? What's approximate? You know,
25 speculation is not management. Hypothesis is not
26 management. Keep that in mind. The only thing that you
27 use in management is facts. You can either get it or you
28 can't. If it's not there, it's not there. That's all
29 you need to know. Thank you, Mr. Chairman.

30

31 CHAIRMAN LITTLEFIELD: Thank you, Mr.
32 Thomas. Are there any questions for Mr. Thomas? We
33 appreciate your guidance. Thank you very much. Are
34 there any others that need to testify today because we're
35 going to continue on till 6:00 o'clock at least. In the
36 back. Pam McCamy. Please go ahead.

37

38 MS. McCAMY: Yes, thank you. I'm Pam
39 McCamy. Born here in Ketchikan. I reside on Prince of
40 Wales Island. I would like to thank the Southeast Alaska
41 Subsistence Regional Council for the opportunity to
42 speak, to be a voice for the people of my village of
43 Kasaan. I'm in favor, personally, of Proposal 4 and 5,
44 even if they have to be re-amended. I like the way that
45 John redid it. To be very short, I would like to just
46 read from a letter that was submitted to the Federal
47 Subsistence Board in December. It is a form letter, but
48 this one is very, very short.

49

50 It says I am a resident of Prince of

00268

1 Wales Island and I am in favor of Proposal 5.
2 Subsistence is a big part of my family's diet. I feel
3 our customary and traditional use of deer will be lost
4 for future generations if we do not take a stand now to
5 protect our resource from the non-rural people who come
6 to the island to, number one, trophy hunting, taking only
7 the antlers; number two, taking just the back straps and
8 hindquarters, leaving the remainder of the deer rotting
9 on the side of the road; three, taking more than the
10 legal bag limit. We are taught to take just what we need
11 so as not to deplete our resource.

12

13 I have seen -- I used to work at Alaska
14 Marine Highway System. I used to see the trucks come on
15 board. There are hunters from out of state. They come
16 and they have ice chests. They do have the deer in the
17 back of their truck, but what is in the chest. Those
18 don't get checked.

19

20 Also, I did borrow a survey from the
21 Craig Community Association. I went door to door here
22 just Sunday morning and I just took a quick -- these are
23 some of the questions. What is your name, where is your
24 place of residence, how long have you lived there, do you
25 hunt for deer, is deer a primary substance in your diet,
26 are you finding it harder to get deer today than in the
27 past and, if so, what is the effects, and if you were
28 able to make changes to the deer hunting regulations,
29 what would they be.

30

31 Just a quick summary. They've lived
32 there from at least 10 months to practically all their
33 lives of 79 years. They hunt or the elders depend on the
34 young subsistence hunters to provide the deer. Yes, the
35 deer is a big part of their diet. They say places
36 historically hunted are running low of deer population.
37 We have to travel further and it costs more and we're
38 coming back with less than our bag limits. Therefore,
39 we're not fulfilling our subsistence dietary needs or the
40 needs of our elders. Some of the recommendations they
41 said, well, if it's Federal, some people say two bucks
42 and a doe. For the State, some say two bucks. Some say
43 harvest just the mature bucks and no spikes. That's all
44 I have to say. Thanks.

45

46 CHAIRMAN LITTLEFIELD: Please stay with
47 us. Are there any questions for Pam? Mr. Hernandez.

48

49 MR. HERNANDEZ: Thank you, Mr. Chairman.
50 Pam, is Kasaan connected to the Prince of Wales Island

00269

1 road system?

2

3 MS. McCAMY: Yes, it is. It has been
4 connected to the road system for the last almost seven
5 years. A population of 54.

6

7 MR. HERNANDEZ: That was going to be my
8 next question, how long had it been connected. Have the
9 people in your community changed their traditional
10 hunting grounds in that time, would you say? Do people
11 still hunt where they have traditionally hunted in Kasaan
12 village?

13

14 MS. McCAMY: They've had to go to other
15 areas. We have seen seine boats and other -- like trucks
16 bring four-wheelers in the back of their trucks, bring
17 four-wheelers on their seine boats, so the areas they
18 have historically hunted are now -- they have to go
19 further away. Their historical areas are being
20 depleted. I don't really like the word slight. I
21 mean I know myself, my freezer had no deer in it until
22 somebody took a piece of deer meat out of their freezer
23 and gave it to me for my birthday last month.

24

25 MR. HERNANDEZ: Thank you. That's all I
26 have.

27

28 CHAIRMAN LITTLEFIELD: Any other
29 questions? Mr. Adams.

30

31 MR. ADAMS: Thank you, Mr. Chairman. I
32 assume that from your comments that you have just made,
33 but I'd just like to confirm that you are a subsistence
34 user.

35

36 MS. McCAMY: Yes, I am. My late father
37 was Tommy Christovich. My family has always depended on
38 subsistence, always. That's not just the deer, it's the
39 abalone, it's the halibut, it's the sockeye, it's the
40 whole ball of wax.

41

42 MR. ADAMS: And to follow up here, I
43 think you also kind of alluded to the fact that your
44 subsistence needs aren't being met presently and, if so,
45 how do you think this proposal is going to help improve
46 it for you?

47

48 MS. McCAMY: It's going to give our
49 subsistence people a little bit of a head start. If we
50 get to go, you know -- we're asking for a month, but I'm

00270

1 sure we could be flexible with it. We don't want to be
2 discriminatory, but we would like to have our subsistence
3 needs met first. We realize that we live on Prince of
4 Wales Island because we choose to and the price of
5 getting groceries on Prince of Wales is very, very high.
6 We don't have the luxury of being able to go to all these
7 other stores.

8

9 CHAIRMAN LITTLEFIELD: One of the
10 questions he asked you without relating it to pounds was
11 whether your subsistence needs were being met and I think
12 we need that answered.

13

14 MS. McCAMY: No, they are not.

15

16 CHAIRMAN LITTLEFIELD: Any other
17 questions? Ms. Phillips.

18

19 MS. PHILLIPS: Chairman Littlefield. Can
20 you tell me -- can you give me an estimate of the number
21 of deer harvested by your community members for this
22 season?

23

24 MS. McCAMY: That's one question I didn't
25 ask them. I know that out of the majority of the
26 subsistence hunters not everybody got a deer. Actually,
27 one of our subsistence hunters gave to the elders his
28 whole thing this year and I think he only got three.

29

30 CHAIRMAN LITTLEFIELD: Any other
31 questions? Thank you for your testimony. We'll still
32 allow a little time for any others that need to testify
33 in the back. Please come forward.

34

35 MS. HOLTER: My name is Cherilyn Holter.
36 I live in Hydaburg. I grew up in Hydaburg. I was raised
37 by my grandparents, Willis and Hazel Bell. My
38 grandmother's family is from Kake. My grandfather's
39 family is from Hydaguay (ph) and I grew up in Hydaburg.
40 Even with my Tlingit lineage, I grew up in Hydaburg and I
41 was very fortunate to be raised by a group of Haida
42 matriarchs, the Nonnies there. They were very powerful
43 women. These women went out and hunted. Sometimes they
44 couldn't afford -- I remember these stories clearly
45 because I grew up -- the choice was you either had skoosy
46 potatoes and anything -- you know, depending on what was
47 in season, you went out and you gathered clams, fish. It
48 was fish and rise, fish and potatoes, deer and fish, deer
49 and potatoes. And all the things that were instilled in
50 me and taught to me, I can't bring my children out to do

00271

1 those same things in the same places.

2

3 And, no, my needs are not being met. No,
4 the Nonnies, all of their grandchildren in Hydaburg,
5 their needs are not being met. I'm 37 years old and in
6 my lifetime, every time I went back home -- it may be
7 seven, 10-year intervals, and I live there now, but I
8 always go back and I always live for a period of time and
9 every occasion I saw the decline.

10

11 The book that you have shows that we had
12 super abundance. We didn't have to go to the store for
13 anything. We weren't connected to the road system. My
14 grandparents taught there is nothing that is wasted.
15 Nothing. When we're done with the deer, there is
16 absolutely nothing left. There is no carcass, there's no
17 skin, there's no bones. I remember even the heads, they
18 ate the heads. They'd singe the fur off, eat the brains,
19 the tongue and the nose was a delicacy. The doe, the
20 teeth were cut away and fried and they were rich with
21 milk and they ate that, too.

22

23 The comparison I'm trying to make here, since
24 that road system with the sport hunters that come in and
25 I know that every one of you in this room your mother
26 told you you don't waste food. I don't care what culture
27 you're from. Your mothers and your grandmothers told you
28 you don't waste food. My little children -- I work with
29 kids all the time with culture and culture camp, that's
30 one of the things we still instill in them, you don't
31 waste food. Why take my children out or these kids from
32 camp and you're driving that road or you're trying to go
33 hunting or you're on a boat and some sport hunter has
34 only taken the head and the hams, how do you tell your
35 children you don't waste food, but these people who come
36 in and do it for a sport -- what do you tell a child?
37 What do you tell yourself? That's what I'd like to know.
38 What do you tell yourself when you were raised that way?
39 You don't waste food.

40

41 I've seen probably in the last -- I'm the
42 environmental planner for the tribe, but I'm not here
43 right this minute representing the tribe. I'm
44 representing my community and my people and I have a very
45 hard time seeing the wanton waste. You see entire
46 carcasses and I've suggested it many times to Forest
47 Service and Fish & Game, if these hunters would like to
48 come to our island and hunt, I don't have a problem with
49 that. I have a problem with the waste. Why can't they
50 make a trip and bring it to the elders or bring it to the

00273

1 it's far more than a slight decline. Far more. And it's
2 not due to the clear-cuts. There are places -- there are
3 people that hunt on that island who go up high, they use
4 their boats, they hike in. There are very few deer
5 hiding in the clear-cuts. The places that we
6 traditionally and customarily went to get what we needed,
7 the deer are no longer there, but there is wanton waste
8 going on. And I don't mind sharing the resource, I don't
9 mind at all, but don't waste it when our elders are
10 hungry for it.

11

12 In our community, we have super-
13 subsisters. They're young men who go out there and their
14 first catch, first everything they bring it to the elders
15 and people who can't hunt for themselves. It's so
16 distressing to me, especially with deer, they can't do
17 that because they've got families to feed. There are
18 elders in our community who are hungry for deer and
19 they're not getting it. So I really want to be strong
20 and tell you our needs are not being met and they haven't
21 been met for a long time when it comes to deer.

22

23 CHAIRMAN LITTLEFIELD: Thank you.
24 Please stay with us. I want to clarify, you are from
25 Hydaburg?

26

27 MS. HOLTER: Yes, I am.

28

29 CHAIRMAN LITTLEFIELD: I'm looking at the
30 data here and you mentioned there was around 50 people.
31 It showed last year there was 63 people that responded
32 that hunted and they only took 14 deer. I know that
33 hardly seems to meet anybody's needs. Any other Council
34 comments? Ms. Phillips.

35

36 MS. PHILLIPS: Chairman Littlefield. I
37 want to thank you for that very powerful public
38 testimony.

39

40 CHAIRMAN LITTLEFIELD: Any others? Mr.
41 Stokes.

42

43 MR. STOKES: I would just like to thank
44 you also because I was raised in the same traditional
45 manner and I was raised right during the Great
46 Depression, so we didn't have anything at all. So I
47 appreciate and I know what you're going through.

48

49 Thank you.

50

00274

1 CHAIRMAN LITTLEFIELD: Ms. Garza.

2

3 MS. GARZA: Thank you, Chairman. Thank
4 you, Cherilyn. Prince of Wales deer is something that
5 this Council has addressed since I've been on it and
6 since Vicki was on it and there was quite an effort to
7 get the doe season in. Speaking personally, I have no
8 interest in getting rid of the doe season. Separate from
9 that, the Council has made very little headway and you're
10 quite aware of that in terms of the proposal submitted by
11 Prince of Wales to somehow or another provide extra
12 benefit to Prince of Wales residents over non-Prince of
13 Wales residents. It looks like Proposal 5 was an attempt
14 to take a step in the right direction from Prince of
15 Wales Island's perspective by limiting the harvest in
16 this corridor, this 2(A) corridor.

17

18 But I had two questions on that. One, if
19 the average take in that area is two deer or 1.4 deer,
20 then I'm not sure that limiting it to two deer is going
21 to meet that. Separately, I am concerned that if there's
22 an area where the majority of the harvest occurs is
23 reduced to two deer whether or not both residents and
24 non-residents of the island will either go north of the
25 island or south of the island, which would be down in the
26 Hydaburg area to harvest four deer. So, in looking at
27 that type of solution, do you have concern that there
28 would be an increased number of harvesters south of the
29 Hollis Highway so that people could get four deer.

30

31 MS. HOLTER: That is a concern of mine.
32 When that first proposal was very first submitted, I
33 worked very hard with that core group of tribal
34 environment employees trying to figure out how do we stop
35 this. We were all distressed. All of these things
36 laying around when our elders are hungry for deer meat
37 and they've got to eat other things and they're truly
38 hungry for deer meat. That's a sad thing to see. So,
39 yes, that bothers me. Forgive me if I offend anyone.
40 That's not my intent. One of the things that you have to
41 look at when you're looking at that date in July, we're
42 all busy scrambling for fish then. So something, some
43 thought process has to be brought about and that is your
44 job and I'm asking you for your help. Somehow our needs
45 need to be met because, as far as I'm concerned, we are
46 not the priority. People who have money who can fly in
47 or drive in or want big antlers for their wall, they're
48 the priority. We are the least impact on the resource
49 and we're the most heavily regulated. It's sad. And I'm
50 asking you for your help.

00275

1 CHAIRMAN LITTLEFIELD: Any other Council?
2 Mr. Stokes.

3
4 MR. STOKES: Then were you in favor of
5 having a July opening?

6
7 MS. HOLTER: Because it's come this far,
8 yes, I am, but I don't know what else to ask for so our
9 needs will be met. I am not about causing problems. I
10 am always for seeking solutions to make things better.
11 And I just have a really hard time when -- I guess at
12 this point I would have to be in favor for it, but one of
13 the things that keeps coming back to me is a deer for
14 every man, woman and child in Hydaburg. It's just that
15 whatever is happening now is not working and that's my
16 point and I am asking you for your help.

17
18 MR. STOKES: I was just wondering about
19 the July opening. You'd be after your sockeye at that
20 time. Another concern I've had, I tried to make it a
21 point earlier, is that when they have a doe season right
22 during the peak of their rut, they're eliminating two
23 deer at a time and if they're going to have a doe season,
24 I would prefer that they would do it at the opening and
25 cut it off at the end of September.

26
27 CHAIRMAN LITTLEFIELD: I think this is an
28 important question. I hope it is. You heard earlier, I
29 hope, legal staff talking about how far we could go. At
30 least what I'm hearing you say, if we have just the early
31 opening, that, in itself, is not enough for you to meet
32 your needs because of other things. So you also want
33 Proposal 4 and 5 at the same time, is that correct?

34
35 MS. HOLTER: That is correct.

36
37 CHAIRMAN LITTLEFIELD: So just one of
38 them will not meet your needs by itself. Other Council?
39 Thank you very much. Your testimony was well-taken and I
40 can assure you that this Council understands its duty and
41 we've taken those opportunities when presented in the
42 past. Unfortunately, others have thought different, but
43 we do support you. I believe this Council does support
44 you. Thank you very much. Vicki, did you need to go?

45
46 MS. LECORNU: My name is Vicki LeCornu.
47 I'm from Hydaburg. I serve on the Hydaburg IRA council.
48 I have two topics. One of them is on customary trade and
49 I can save that for later if you like.

50

00276

1 CHAIRMAN LITTLEFIELD: Are you going to
2 be here later?

3

4 MS. LECORNU: Yeah, but I wanted to also
5 make my responses to this deer proposal. You may not
6 know that we did have a proposal a few years ago for 500
7 deer from Hydaburg and we feel that we haven't been
8 responded to by the Federal Council or by the Fish &
9 Wildlife Service or the Forest Service. We didn't get
10 any response by anybody. We just heard it in an aside
11 that our request was too much.

12

13 To me, the more I see it happening and
14 drawing out into the problems today that our solution
15 would have given us the amount of deer we need and I
16 think it would have triggered those conservation issues
17 that are being ignored right now. But we did make that
18 request and I'm real sorry to say that the Forest Service
19 did not include a Hydaburg person in their committee
20 because we have a higher request that our needs are not
21 being met. Four deer do not meet the needs.

22

23 The reason I'm saying that is because no
24 one has ever done a needs assessment that is required of
25 you as a Board to put in your annual report every year,
26 how many deer, how many fish, do you use the area for
27 devil club. It's not one use, it's a myriad of uses of
28 the area. And it would also eliminate the problem of the
29 competition from non-subsistence hunters or non-rural
30 hunters that we would have our requests and our needs met
31 and everybody else could have theirs met also. We don't
32 want to eliminate anybody either.

33

34 But what I'm saying is that we had a
35 community request, I believe it was an honest attempt and
36 it was different in the approach that we see these four
37 deer goes like to individual. Well, our community needs
38 are not being met. They're meeting a few people's
39 individual needs. But we're being largely ignored as far
40 as amount of deer and my point is that with the
41 population ever increasing our percentage of the take
42 will go down every year. So I think there's a lot of
43 things that could have been done and I still think you
44 should consider our request rather than closing areas,
45 give people what they need.

46

47 What I'm protesting is this substantial
48 evidence that has been used by the Federal Subsistence
49 Board to turn us down on our proposals that there was not
50 substantial evidence, but yet the same effect it was

00277

1 detrimental to subsistence. So, to me, they've turned
2 that substantial evidence on the head and substantial
3 evidence should be showing the need, not why you don't
4 need it, that you haven't shown it. Where is that
5 evidence? So I think we could have gotten a lot more
6 respect for our request and that it should have been
7 honored.

8

9 The assumptions that the needs are being
10 filled is incorrect and the assumption that the household
11 survey asks those questions is also incorrect. So you're
12 dealing with a lot of misinformation. Throw the
13 household survey out and ask the right questions. Inform
14 as to what you need in your annual report. To me, our
15 request was that knowledge that you needed. There was a
16 valid and honest request from us and I feel that the
17 Forest Service is not helpful in contacting the Hydaburg
18 IRA to see that their needs were met and I'm real sorry
19 that we weren't part of it because I believe we have
20 bigger needs than other people and we're being left out
21 into the four deer, which is not suitable for us. But I
22 will accept any improvement that you can make.

23

24 So this proposal will not protect those
25 traditional users who are being penalized for meeting
26 their needs and it will not give them the additional deer
27 they need. We are, in effect, bearing the brunt of
28 conservation. When you say four deer, well, why is that?
29 You're the one that's bearing the brunt of conservation.
30 Everybody else gets the same amount.

31

32 Also, I wanted to make a point on Native
33 and non-Native. There was the gentleman earlier that was
34 deferential to the racial issue, but I don't believe he
35 understands that we are not just a minority, we're a
36 minority that happens to be mentioned in the Constitution
37 of the United States as having commerce and property
38 rights. These property and commerce rights were a basis
39 for ANILCA. So, I'm saying that any restrictions are
40 unnecessary unless you've shown that those needs are
41 being met. So we have restrictions on methods and means
42 and that does not comport with my freedom as a
43 traditional and customary user.

44

45 Thank you.

46

47 CHAIRMAN LITTLEFIELD: Thank you.
48 Questions from the Council? I have a question. I
49 believe I'm correct in you stating that your needs would
50 not be met with either of the proposals. That the .22

00278

1 deer that you took last year was not enough and we know
2 you asked for 500. I don't think either of these
3 proposals would give you anywhere near that. I don't
4 know if 500 is the correct number, but is it correct to
5 say that both of these don't go quite far enough to meet
6 your needs?

7

8 MS. LECORNU: That is correct. The
9 reason I'm saying that is a community has a different
10 culture than an individual hunter. When I say a
11 community hunt of 500, I don't hunt, but I could let
12 somebody hunt for me and that way I would get my deer.
13 All I'm saying is meet the needs of all the people.
14 Don't treat them like individual hunters, treat them like
15 the community they are. You know how they are in Angoon
16 or Yakutat. Give us that consideration and don't treat
17 us like individuals. We are a Haida community.

18

19 CHAIRMAN LITTLEFIELD: Other Council.
20 I've also asked Dr. Schroeder to note that we will work
21 on this needs assessment in our annual report. Thank you
22 very much for your testimony. Mr. Adams.

23

24 MR. ADAMS: I just wanted to thank you,
25 Vicki, for your testimony. That's all. Thank you.

26

27 CHAIRMAN LITTLEFIELD: Are there any
28 others? There's only four who need to testify before we
29 continue on. Tribal governments. John.

30

31 MR. MORRIS: I guess this is my time to
32 testify. I'd like to testify -- oh, my name is John
33 Morris. I represent the Craig Community Association.
34 It's a tribal association from Craig, Alaska. I also was
35 born and raised in Hydaburg and I currently live in Craig
36 now. I've been there for the past eight years, eight to
37 ten years. This proposal, I mean I've been listening to
38 the slight declines, the proximity, like Mr. Thomas
39 suggested. It's like saying you're almost pregnant, I
40 believe. You either are or you're not. I mean there's a
41 decline or there's not a decline. In that decline,
42 there's needs not being met by the subsistence users in
43 that area and it is a rural area, that whole game
44 management unit. Every village, every community on there
45 is rural and the needs are not being met. So Title VIII
46 gives us that point where we could raise our hands in
47 this process. Title VIII gives us that right to do that.
48 So we take that route and meet in front of the Regional
49 Advisory Council so our voices could be heard in these
50 times of concern, I guess. So we have to take this

00279

1 route.

2

3

 The first proposal that was proposed
4 before we amended it, it mirrored the one that we
5 proposed last year, you know. If we could take it that
6 route, we'd love to, but we've got to break it down into
7 these little subsections and subunits to get leverage
8 inside the door, so we have to take that route. This
9 proposal that we amended, we did consult with the other
10 tribes, including Hydaburg, and I just want to make a
11 point that we do call Hydaburg tribal association,
12 cooperative association and ask them if they want to have
13 any input on it or whatnot and we do have documentation
14 of that communication between the tribes. We don't want
15 to take upon any of these kind of issues that concern the
16 whole island into our own hands, it's unfair, but we do
17 consult with the other communities.

18

19

 I'm in favor of this proposal, but it
20 could be modified into -- I mean I see some things we
21 probably could have added to or even left out, but all in
22 all it's a way to get our concerns being met in a
23 conservation effort. We don't want to step on anybody's
24 toes. We don't want to be inconsiderate towards the non-
25 rural residents. Obviously, they're taking the deer home
26 and eating it as well. There's a lot of times where
27 Prince of Wales is exploited and there's a lot of deer
28 waste out there, you know. We do know that they are
29 taking their deer home and eating them as well. You
30 know, we don't want to take that away either.

31

32

 It's getting harder and harder for us to
33 go out and hunt. I mean for us to go out and hunt, it's
34 easy, but for us to get our deer, you know -- I consider
35 myself a pretty good hunter, you know, and it takes me --
36 you know, like last year, I got one deer. Years before
37 I've limited out. It was harder to hunt, but -- I mean
38 it was harder for me to meet those needs.

39

40

 It just seems to be now -- I go up to
41 Rat's Harbor last year. I'm doing a DOD study through
42 the EPA Division, Department of Defense study on some
43 lead cable that was buried there through the Alaska
44 Communication Systems in the '50s. It's during prime
45 hunting season, so I take my rifle along. You know,
46 that's a good area, that's part of the core area that
47 we're proposing. I traditionally hunt there. I've been
48 hunting there for the last eight years probably. I've
49 counted nine campfires in that little area. I wish I had
50 a video camera with me or just even a photo camera just

00280

1 to do that, just to take the picture. And I know none of
2 them people were the residents of that island.

3

4 No, our needs are not being met. I
5 believe it's not being met in all the communities and I
6 think with this Proposal 5 that it's a way of you guys
7 recognizing that conservative need that's out there.
8 Like I said when I first presented the proposal, you
9 know, this here is a process we have to take and I will
10 keep coming back until at least we can compromise and get
11 to a place where we all agree upon this issue. That's
12 it.

13

14 Thank you.

15

16 CHAIRMAN LITTLEFIELD: Please stay with
17 us. Council comments. Mr. Adams.

18

19 MR. ADAMS: Thank you, Mr. Chairman.
20 John, your statements have indicated to me that you are a
21 subsistence hunter, so I'm assuming that is correct. You
22 notice I'm always the one that asks that question, so we
23 need to make sure of that. And you've also indicated
24 that your subsistence needs aren't being met. You've
25 also said you have documentation about consulting other
26 communities. My question to you is, since you have gone
27 through that process, is the views that you have
28 expressed with us today their views as well?

29

30 MR. MORRIS: I could say yes, but there's
31 compromises that we do agree upon, you know. When we do
32 consult these other tribes and whatnot, there's also
33 times we don't get a response back. Once we do get it
34 figured out, they do have a chance to look at it and
35 respond back before anything is being sent in by anybody.

36

37 MR. ADAMS: I guess I'll follow up, Mr.
38 Chairman. Just a comment, John. You've indicated this
39 before when you made your testimony yesterday that I'm
40 really pleased with your involvement in this issue. As a
41 young person, you know I'm really impressed with your
42 knowledge and understanding of the subsistence issues in
43 your area. I have a son probably about your age and he,
44 too, is stepping up to the plate and I just really feel
45 proud that young people are coming forth and standing up
46 for the things that are important to you. So
47 congratulations and keep up the good work.

48

49 MR. MORRIS: Thank you, Bert.

50

00281

1 CHAIRMAN LITTLEFIELD: Next we have Dr.
2 Garza and then Mr. Kookesh.

3
4 MS. GARZA: Mr. Chairman, thank you. I
5 just want to follow up on the question that you asked,
6 Bert. I do understand and I don't think it's changed
7 that the four tribes do meet. They do try to meet at
8 least once a month and they do work very well together.
9 I've gone to a few of their meetings, so that's very good
10 for Prince of Wales. I think it's helped quite a bit.
11 You are relatively new to this process, John, and unlike
12 Vicki and myself and a couple other guys, we have seen
13 Prince of Wales deer on this wildlife agenda ever since I
14 have been on this Council and we have not taken the steps
15 that Prince of Wales residents believe are necessary.

16
17 Under the current administration,
18 regardless of the outcome of what we send forward, I'm
19 not sure that you'll be happy with the decisions made by
20 the Federal Subsistence Board, so I'd like to look at
21 both of the proposals separately. If Proposal 4 is
22 supported by this Regional Advisory Council and is then
23 supported by Federal Subsistence Board, will that help in
24 terms of meeting Prince of Wales' needs?

25
26 MR. MORRIS: I don't believe it will help
27 in meeting our needs, but it will help in addressing the
28 issue of our needs not being met.

29
30 MS. GARZA: Okay. So it will help, but
31 it will not resolve the issue.

32
33 MR. MORRIS: Yeah. I believe that first
34 week will help out in the way of them recognizing that
35 our deer issue is an issue, but I believe one week in
36 July is not sufficient enough time for us to meet the
37 needs. I probably can do it. I know I can. I could go
38 out and hunt one week in July before everybody else does
39 and get my needs met, but representing the whole Game
40 Unit 2 as a majority, I don't believe that will.

41
42 MS. GARZA: Following on that, in terms
43 of Proposal 5, just from my experience, I wish I could
44 tell you it has great potential, but I can't tell you
45 that. There are several obstacles that I think can
46 easily be brought up that would cause the Federal
47 Subsistence Board to take the opportunity to not make a
48 decision. One is the issue of enforcement because it's
49 dividing the island. That maybe we can discuss later
50 with enforcement.

00282

1 Secondly, because part of those lands in
2 between this corridor area is, in fact, Native
3 corporation land and it's my understanding that we do not
4 have a response from Kavilco and possibly not from
5 Sealaska whether or not they have any problems with that.
6 And then the concern I have asked several times is just
7 whether or not it will increase pressure by moving people
8 on trucks either further north or further south and
9 further south would be into the Hydaburg area and, in
10 fact, put pressure on populations that may not be
11 harvested intensively now but could be harvested
12 intensively immediately following the passage of this
13 proposal if it were to go forward.

14
15 So I'm not sure that that's a good
16 outcome from it, so I've been trying to get a better idea
17 of what goes on in this corridor and the concern of well,
18 if they're only taking 1.4 deer, then what does reducing
19 it from four deer to two deer mean and I have come to
20 understand that, of course, that's an average and there
21 are some people who take only one deer and some people
22 who take four deer, so there would be a decline in total
23 take if the deer limit were moved down from four to two.
24 I guess I want to get your response on that. On the
25 average, is this 1.4 reflective of -- I'm sorry, I am
26 going on too long -- of the actual harvest or is there a
27 real range in the number of deer taken in this corridor
28 area? Thank you, Mr. Chairman.

29
30 MR. MORRIS: I'll answer your last
31 question first while it's fresh in my mind. I'd like to
32 say that the lands south of that Hydaburg Hollis turnoff
33 is -- the majority of its private, Sealaska Haida
34 Corporation, and over on the eastern side is Kootznahoo.
35 I believe that the only area the qualified hunters can
36 hunt in that area would be the Trocadero/West Fork area,
37 which is right now getting hit pretty hard, and Polk
38 Inlet area. That's the only portion we'll open up for
39 the people who are not qualified subsistence hunters in
40 that area. I believe that area has sufficient enough
41 deer to handle that because I don't think they would go
42 any further than that knowing it's private land beyond
43 that.

44
45 Back to the average of 1.4 deer, from
46 four to two, I'd rather see it go from four to one
47 myself, seeing their average is only 1.4. They could
48 harvest that .6 deer, you know. We left that leeway in
49 there from 1.4 to two deer. I think that would help that
50 conservative effort from four deer to two deer in that

00283

1 core area.

2

3

4 And the enforcement side on this area,
5 there's no loop around to the ferry. You've got
6 crossroads that run right through Klawock to get to
7 Hollis if you're traveling by ferry. If you're traveling
8 by plane, there's only one road into Craig, there's only
9 one road into Hollis. So I think enforcement in check
10 stations should be at some strategic areas and I believe
11 that check stations are not in strategic areas. I
12 believe there should be a check station at the Hollis
13 ferry terminal if we want to get an adequate count. I
14 believe enforcement should set up enforcement check
15 stations at the Control Lake cutoff. There's only one
16 road that goes down and that's it. So I think
17 enforcement should look at it in that sense as well.

17

18

19 Take them back to the kill. If you kill
20 a deer, 100 percent chance is that you can take them back
21 to that kill. If it's 20 miles, 30 miles away, if an
22 enforcement officer stops me at Control Lake and checks
23 my deer and checks my tags and says, okay, we don't think
24 that this is sufficient enough evidence, you take me back
25 to where you shot that deer, I could take them back there
26 and show them where I shot that. So I think enforcement
27 is an issue, but it also could be a non-issue as well in
28 that sense.

28

29

30 MS. GARZA: Thank you, Mr. Chair. You've
31 been here all day, so I know that you've listened to Tom
32 Boyd and legal counsel, Mr. Ustasiewski, so the fact is
33 that the Federal Subsistence Board has not taken it upon
34 themselves to reduce non-rural take. Considering that
35 the evidence given to us says that the decline is not
36 substantial, whether or not we agree with that is a
37 separate issue, but that is what the Federal Subsistence
38 Board will hear. It's unlikely that, in my opinion, they
39 would support this proposal because it's asking them to
40 do something that they have not done before and on a
41 resource where there's still lots of deer, it's not
42 threatened as in some instances where we have small
43 populations of moose or small populations of goat and you
44 can actually wipe a stock out. So, in my opinion, it's
45 highly unlikely that will happen.

45

46

47 So I'm trying to think of, okay, what are
48 the solutions and it's something that Vicki LeCornu has
49 hammered on this Council when she was on it over and over
50 and over again, is not necessarily hitting on non-rural
51 people but doing whatever you have to to make sure that

00284

1 the rural people have the deer that they need. So,
2 perhaps what we need in this next cycle, because you said
3 you're going to keep coming back and you probably will be
4 until you are gray and I'm retired, is can we take action
5 positively in that opposite direction.

6
7 Should we be increasing the deer harvest
8 for Prince of Wales from four to five if we believe Fish
9 & Game and say, hey, the deer population is stable. If
10 there's a decline, it's only minimal, then can we go in
11 the opposite direction and say, okay, let's have five
12 deer for Craig and let's have six deer for Hydaburg
13 because it's clear that the biological data would allow
14 for it. Perhaps, just because I've listened to this so
15 many times and we haven't gotten the response that we
16 want, then it's time we have to look at something
17 different.

18
19 Thank you.

20
21 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

22
23 MR. KOOKESH: I'd like to make a comment
24 and thank you very much for your time and effort that
25 you've put into this. The one thing that I seem to be
26 coming away from this Council with is I've sat here for
27 three years and just from listening to what the Council
28 has been saying today and every comment that I've heard,
29 it sounds like it's hopeless. It doesn't sound like
30 we're going to get anywhere and I don't like to believe
31 them. It sounds like there's a lot of speculating going
32 on about what the Federal Subsistence Board hasn't done.
33 Maybe it's about time they did something. I think
34 there's a valid concern here and I'm hoping that this
35 Council will address it and try to seek some resolution
36 instead of telling you that we'll see you next year
37 again. I don't think you need to sit here and let us
38 talk to you like that. I think that there's something
39 wrong with this picture. It sounds like, from what I've
40 heard, we've already given up and I don't want to sit
41 here and listen to that. I'm not going to tell you to
42 come back next year. I think something needs to be done
43 and maybe at a different level. Maybe somebody needs to
44 sue us or fix this thing.

45
46 I really want to thank you for coming
47 here and I want you to know that I really support what
48 you're doing and I hear very clearly. It's not Native
49 either. I'm hearing what the rural areas are saying and
50 I really hope that we would do something about it instead

00285

1 of telling you we'll see you next year.

2

3 Thank you.

4

5 CHAIRMAN LITTLEFIELD: Mr. Stokes and
6 then Mr. Hernandez.

7

8 MR. STOKES: I want to thank you for your
9 ideas on enforcement. We have the same problem in
10 Wrangell. And I want to thank our enforcement officer
11 for last year there was a great decline in the poaching
12 when word got out that they were out there looking. I
13 agree, they should have an enforcement officer at Hollis
14 and checking every vehicle that goes in and comes out,
15 especially those that have -- the wolves are our greatest
16 predators and they all drive four-wheelers or
17 snowmachines, so I'm totally in agreement and I want to
18 thank you once again for being visible last year and
19 hopefully they'll be there again this year.

20

21 CHAIRMAN LITTLEFIELD: Don, you didn't
22 want to testify?

23

24 MR. HERNANDEZ: No.

25

26 CHAIRMAN LITTLEFIELD: Ms. Wilson,
27 followed by Mr. Adams.

28

29 MS. WILSON: I would like to thank you
30 for being up there and testifying. I've been sitting
31 here a long time. I started when my hair was dark. I
32 see in you maybe that you, the way you speak and your
33 actions and your activities and your activism, that you
34 could be sitting up here yourself someday, maybe next
35 year, maybe the year after. I would like to encourage
36 you to think about being on this Council and I thank you
37 again.

38

39 CHAIRMAN LITTLEFIELD: Mr. Adams.

40

41 MR. ADAMS: Thank you, Mr. Chairman. I
42 just have a short question for you, John. In the ADF&G
43 comments, it indicates that they are not in favor of the
44 earlier opening and one of the statements says here it
45 would require hunters to use special care to prevent meat
46 spoilage. I just wonder if you have a feeling about that
47 or a comment that you could address to us.

48

49 MR. MORRIS: Mr. Chairman.

50

00286

1 MR. ADAMS: Would that be a concern to
2 you, John?

3
4 MR. MORRIS: Yeah, meat spoilage is
5 always a concern to me, but I believe that with the guys
6 who are hunting in that time are probably the guys who
7 will take care of their meat. I think it would be
8 minimal if there is any spoilage because, just on my
9 belief, it would be the better hunters who are hunting at
10 that time, knowing that it's warm out and knowing that
11 it's in July rather than the younger guys are people who
12 really don't take care of that meat. I don't think it
13 will be a big concern.

14
15 CHAIRMAN LITTLEFIELD: Any other Council?
16 I have a couple questions. Number one is I think it's
17 highly likely that we may consider Proposal 4 on its own
18 merits and then 5, which addresses your amendment. In
19 Proposal 4, clearly you stated that it wouldn't meet your
20 needs, the one week ahead of time. I think that was made
21 clear. Is there some time, in other words, the other
22 proposal asks for August 1st to -- the month of August to
23 be closed in your amended proposal. If Proposal 4 was to
24 expand that date to a different date, say the closure was
25 to give you a month or two weeks or some other time, is
26 there something that would fit in Proposal 4 that you've
27 thought about that would help you out?

28
29 MR. MORRIS: Yes. I believe that keeping
30 the hunt August 1 and maybe that two-week period from
31 August 1 to August 15, that would be something to
32 consider, I believe. I've thought about that. Or even
33 the whole month. I believe we're going to need more than
34 a week to be able to get a head start on meeting the
35 needs of the people out there. So I've considered that
36 Proposal 4, rather than start in July, to start August 1
37 and be open for the qualified rural resident hunters to
38 start August 1 to August 15 and the non-qualified urban
39 hunters to start after that.

40
41 CHAIRMAN LITTLEFIELD: Thank you. Then
42 the other question would be -- I realize you submitted
43 the amendment, but if you had your druthers, would you
44 first prefer Proposal 5 because that was your original
45 one and then you tried to compromise with your amendment?
46 Even if we were to pass this amendment, I guess you're
47 telling me we're not going to meet your needs. So you
48 would prefer 5, is that correct, as it's written?

49
50 MR. MORRIS: Yes. This is the same

00287

1 proposal that was submitted the year before. I think
2 this one here would meet it, but we can't eat an apple in
3 one bite and I think this here is the apple.

4

5 CHAIRMAN LITTLEFIELD: Okay. Thank you.
6 And I don't want you to feel that you should give up
7 hope. I certainly haven't and I don't believe this
8 Council has either. Are there any other comments or
9 questions? Thank you very much for your testimony.
10 Anthony Christianson. Before we get started here, we're
11 running a little late. I do not believe we're going to
12 be able to finish this, certainly not deliberations, by
13 6:00 p.m. I'm wondering if we should -- we have a couple
14 options. We could order some pizzas and take a stand
15 down for a half hour and continue on to a later time.
16 Does the Council have any thoughts? We're not going to
17 get this done unless we give some time. Any preference?
18 No comment. I guess it's 6:00 o'clock, huh. I just have
19 to remind you, yesterday I was all enthused and let you
20 come in at 9:00 o'clock this morning. I'm not going to
21 let you do that tomorrow. We'll continue on. Go ahead.

22

23 MR. CHRISTIANSON: Hello. My name is
24 Anthony Christianson and I work with the HCA, Hydaburg
25 Cooperative Association. I'm just here to testify on
26 Proposal 4 and 5. I think both of the proposals have
27 good and bad qualities. Proposal 4, opening it up a week
28 ahead of time for the subsistence user doesn't address
29 the issue of the decline in population or the issue that
30 it's going to meet the needs of the subsistence users
31 with customary and traditional status. Customary and
32 traditional users are fishing in July, so hunting deer
33 and the spoil issue -- I mean, myself, I'd rather shoot a
34 deer in October and hang it for three days than chop it
35 up and eat it right away. But if we're going to get
36 anything, I'd like to support anything that's going to
37 create opportunities for local rural users to have
38 increased opportunity to meet their needs, so, yeah, I
39 would support Proposal 5 in that respect.

40

41 Proposal 5 I support minus the changing
42 it into 2(A) and 2(B). I think the entire island needs
43 to be cut back to two users -- I mean for non-rural
44 residents to two. The facts should be that subsistence
45 users in the community are saying their needs are not
46 being met. That is the priority. Rural users are the
47 priority by Federal law and I think that our small voice
48 from the village should be magnified to state that
49 through this Regional Council. I think that is what will
50 be happening. I'm glad to hear you guys say that you are

00288

1 not trying to hamper or make us feel like we're going to
2 fall on deaf ear with our testimony, that you guys are
3 going to take it to the next level and hopefully we will
4 be heard as a community with a concern and a need not
5 being met, which is the deer population.

6

7 Another thing that is a consideration,
8 when they listen to the data and they state there's a
9 decline over the past decade and then they stated
10 Hydaburg at 100-something deer back in '87 down to 41
11 deer in '97, I think the problem there is the lack of the
12 Hydaburg residents believing in the state system and not
13 applying and returning their permits and stating how much
14 deer they're actually getting. Personally, I know
15 Hydaburg gets more than 41 deer. Personally, I know
16 there's community members in Hydaburg that shoot 40 deer.
17 So that doesn't state the actual data that should be
18 coming out of Hydaburg. I think that we should be doing
19 our own tribal survey that states what our community need
20 is. Like Vicki said we need 500 deer. Maybe we need to
21 do a community survey that reflects that amount so that
22 we can show how much our community needs and how much
23 isn't being met as far as the buck hunt goes.

24

25 I know that the residents of Hydaburg
26 shoot to eat and when they blow the deer call and the
27 deer comes up, 80 percent or maybe 70 percent of the guys
28 are going to shoot what comes running to the call.
29 They're not going to wait to see if it's got horns or
30 what. That's just speaking from -- that's the truth.
31 That's not trying to hide behind any law or anything or
32 not incriminate ourselves. The truth is, customarily and
33 traditionally, Native people shot anything and ate
34 everything. You know, they didn't have the conservation
35 issue because of the over-abundance. There was periods
36 throughout the year that they did not shoot does and that
37 was during the baby and the fawning time and all of this.

38

39

40 I would support both proposals on the
41 grounds that it's a step in the right direction as far as
42 trying to make some type of action to combat the decline
43 and meet the needs of the people who are saying we are
44 not getting what we need and that is the rural residents
45 of Prince of Wales. Thanks.

46

47 CHAIRMAN LITTLEFIELD: Questions from the
48 Council? Mr. Hernandez.

49

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

00289

1 Anthony, I really appreciated your candid testimony. I
2 think that's something that we really need to hear. I
3 was glad to hear you kind of shed some light on the
4 survey numbers for Hydaburg. That really helps us out a
5 lot. I also wanted to just say that I also come from a
6 community where people are heavily involved in fishing
7 during the summer and I think my community members would
8 agree that we just wouldn't really take advantage of an
9 early opportunity. We're too busy in the fishing
10 business during that time of year, so I was glad to hear
11 you say that.

12

13 I guess I have a question on -- you
14 mentioned you know of some people who can take as many as
15 40 deer. I'm just wondering, they're obviously pretty
16 serious hunters, are they utilizing the road system or
17 are they traveling a lot farther than most people would
18 have to go to be able to be that successful? Maybe you
19 can shed some light on how hard it is for a person to be
20 a successful hunter in your area. What it takes, I
21 guess, to be able to do that.

22

23 MR. CHRISTIANSON: What it takes to be a
24 successful hunter on Prince of Wales is a lot of time and
25 a lot of resource. When I state somebody takes 40 deer,
26 that person is probably the person that's feeding the
27 elders and the majority of the community. How hard it is
28 for the average, I would think, yeah, they are driving
29 further and they are going further and it is costing
30 more. Gas prices go up and it isn't free to subsist like
31 a lot of people think you subsist, but it's not a free
32 lifestyle. It costs a lot of money and a lot of time to
33 do it. For a person like myself who is employed five
34 days a week, you either have to take time off or
35 hopefully you get pretty dang lucky on the weekends. As
36 far as the guys that are shooting all of the deer, they
37 go far and wide. They encompass the entire island. So,
38 yeah, they do go to some length to get what they get and
39 they do spend a lot of time and a lot of resource to do
40 it.

41

42 MR. HERNANDEZ: Yeah, I agree that kind
43 of the economy of scale is to -- you know, what it's
44 required to get your subsistence needs. That's another
45 concern of my community. We're very low income up there
46 for a lot of people and, you're right, the amount of
47 effort and expense it takes to be a successful hunter is
48 a big factor. Some people just really don't have the
49 means to be able to accomplish that regardless of what
50 the bag limits are.

00290

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: Mr. Adams.

4

5 MR. ADAMS: Thank you, Mr. Chairman. Mr.
6 Christianson, again, I would like to compliment you for
7 your willingness to step forward and share your testimony
8 with us. It's always good to see young people get
9 involved and I want to encourage as many people as I can
10 to do that, so I really appreciate your testimony.

11

12 I mentioned earlier about the State's
13 concern about the meat spoilage. When I asked that
14 question previously to John, I kind of worded it wrong.
15 Is the State's concern, do you think, is that a
16 legitimate concern to you people?

17

18 MR. CHRISTIANSON: I would think, yeah,
19 it is a concern. I mean in July there's probably an
20 average of about 65 degree weather. A deer can probably
21 spoil in an afternoon if it's put in the right
22 circumstances, left in the sun or whatnot. So I would
23 think, yeah, there is a concern with spoilage. With
24 that, that's why I would be more apt to support
25 restricting them in the month of August a couple of
26 weeks, give us a shot, and let them back in rather than
27 opening it earlier, a week earlier. I mean I'll take
28 whatever -- you know, support whatever is going to be
29 handed, but if I was going to support something or come
30 out of me, I would support just restricting it further
31 into the season and not opening it up earlier. I mean I
32 don't see where that's going to increase the opportunity
33 too much for people who are already busy doing something
34 else. Or the meat spoilage, you know. I mean some
35 people might not go get it in August because of that, or
36 July for that matter.

37

38 CHAIRMAN LITTLEFIELD: Dr. Garza.

39

40 MS. GARZA: Thank you, Mr. Chairman, Mr.
41 Christianson. So, in terms of looking at potential
42 amendments or changes to 5 and trying to think of other
43 things other than what has been proposed as an amendment,
44 one of the greatest concerns from Ketchikan with the last
45 proposal one year ago was the concern over losing all of
46 August. There are surely a variety of hunters, but one
47 portion of these hunters from Ketchikan are good people
48 who want to go over there in good weather and hunt up and
49 take their kids and it's an important family activity for
50 them. The ones that I had spoke to, they would fight

00291

1 probably tooth and nail not to lose all of August, but
2 they may be willing to give up part of August. They
3 certainly don't have the political clout here, but we
4 have to recognize that there is that interest and they
5 may have influence outside of the circle that we have no
6 impact on. I heard you say that and I just wanted to
7 follow up on that. So something that said, okay, the
8 first two weeks of August would be closed but the
9 remainder of August would be open, that would also be
10 going in the right direction?

11

12 MR. CHRISTIANSON: Yeah, I believe, like
13 John stated, it's going to take a lot of steps to get
14 something accomplished in the end. I mean if it's one
15 week or two weeks and it's a step in the right direction,
16 yeah, I think it's something to support if that's what we
17 can get out of it. I think it's best to ask for the
18 whole pie and then it will get chipped away from there.
19 I mean at some point you're going to come to a compromise
20 and both user groups should walk away satisfied with the
21 outcome. So I'll give and take a little to come to at
22 least an agreement.

23

24 CHAIRMAN LITTLEFIELD: Mr. Stokes.

25

26 MR. STOKES: Do you think by eliminating
27 the doe season that in a couple three years you'd have
28 more deer to harvest?

29

30 MR. CHRISTIANSON: No, I don't. I don't
31 think the doe season has significant impacts. I think I
32 looked at the numbers in the book and it says 100 deer or
33 less recorded on the annual take for the does. I think
34 there's a large enough doe population to handle 100 deer.
35 If the bucks can sustain a 3,000 a year hit, I'm pretty
36 sure the does can handle 100.

37

38 MR. STOKES: Every time you kill a doe
39 they normally have twins.

40

41 MR. CHRISTIANSON: Well, you kill all the
42 bucks, they're the ones who makes the does. If you're
43 killing off the older, mature bucks and what's running
44 around is one and two-year-olds, then they are not -- the
45 does are getting seeded by immature bucks. Is that good
46 for them, too? We don't know that. I know they would
47 prefer a big buck.

48

49 MR. STOKES: Thank you. It's supposed to
50 be young bucks are the best.

00292

1 CHAIRMAN LITTLEFIELD: Any other
2 questions for John? Ms. Wilson.

3
4 MS. WILSON: Mr. Christianson. How would
5 a hunting season after December be like, two weeks after
6 December? Is that a possibility? I don't know if it's a
7 possibility legally.

8
9 MR. CHRISTIANSON: From my experience,
10 after about December the deer seem to just disappear. I
11 don't know what it is, if they go back into elevation or
12 hide away or whatnot. Then after December 31st you also
13 have all the antlers have fallen off by that point, so
14 you can't really distinguish the sex between them unless
15 you really take a good glass at them. Then they're all
16 antlerless deer, so it would have to be an antlerless
17 deer hunt after the 31st because they're all antlerless.

18
19 CHAIRMAN LITTLEFIELD: Any other
20 questions? Thank you very much for your testimony. Any
21 other tribal governments? Please come forward.

22
23 MS. HOLTER: I'm Cherilyn Holter again.
24 I'm the environmental planner for the Hydaburg
25 Cooperative Association, the Haida Nation. And I have a
26 letter from the president and I have also a resolution,
27 which I'll leave with you after I read them.

28
29 The Southeast Regional Advisory Council.
30 The Hydaburg Cooperative Association is a Federally-
31 recognized tribe located in Hydaburg, Alaska. The HCA
32 Council is here to protect the Haida Nation membership.
33 The HCA Council knows that the decline of all natural
34 resources in the HCA service area is due to negative
35 impacts of mismanagement. The Haida people of Hydaburg,
36 as subsistence users, are the least impact on all of the
37 natural resources. Those subsistence users are the most
38 diligently regulated and adversely affected. The
39 Hydaburg Cooperative Association Council requests that
40 the Regional Advisory Council recognize the meaningful
41 consultation on 804 and 805 of ANILCA government-to-
42 government relationship with the Hydaburg Cooperative
43 Association Tribal Council.

44
45 The Hydaburg Cooperative Association
46 Council also requests the Regional Advisory Council
47 utilize Title VIII of ANILCA and set the sustainable
48 priority use conducive to the livelihood of the Haida
49 Tribe in future generations. The Hydaburg Cooperative
50 Association Council knows that our tribal elders recall a

00293

1 time when fish and wildlife were much more abundant than
2 that of the Regional Advisory Council's recent memory.
3 The historical data of Fish & Game and the Forest Service
4 reflect the elders' claim of super-abundance.

5
6 Recognizing our tribe's future interest,
7 the president of the Haida Nation respectfully seeks
8 solutions for our future generation's livelihood of
9 sustainable priority use within the traditional and
10 customary use areas of the jurisdiction of the Haida
11 Nation. Sincerely, Becky Frank, HCA president. That
12 comes from our president of the council.

13
14 I'll go on. Resolution 03-02. A
15 resolution to protect the traditional and customary uses
16 and livelihood of the Haida people. Whereas the Hydaburg
17 Cooperative Association, Haida Nation, IRA is a
18 Federally-recognized Indian tribe organized pursuant to
19 the authority of section 16 of the Act of Congress June
20 18, 1934, 48 Statute 984, as amended by Congress June 15,
21 1935, 49 Stat.

22
23 And whereas the Hydaburg Cooperative
24 Association Tribal Council is the governing body of the
25 Hydaburg Tribe in accordance with its constitution and
26 bylaws and it includes the protection of the Haida Nation
27 membership.

28
29 And whereas the Hydaburg Cooperative
30 Association Tribal Council has the authority to establish
31 relationships and enter into contracts for the well-being
32 of the tribe.

33
34 And whereas the Hydaburg Cooperative
35 Association in Southeast Alaska holds the following
36 truths to be self-evident since time immemorial. The
37 commonality of the customary and traditional use of each
38 (indiscernible) Haida clan is what binds the Haida Nation
39 together. The customary and traditional use of each
40 village is inseparable from the language, tradition,
41 ceremony of the Haida people.

42
43 And whereas the Southeast Regional
44 Advisory Board and policy and regulation fails to
45 adequately recognize the value of providing lasting
46 protection to important customary and traditional uses,
47 history and livelihood of the Haida people.

48
49 And whereas our tribal elders recall a
50 time when fish and wildlife were much more abundant than

00294

1 anybody's recent memory. Whereas historical data of Fish
2 & Game and the Forest Service reflect the elders' claim
3 of super-abundance of local wild natural resources and
4 whereas the priority system of Title VIII of ANILCA is
5 not recognized by the Regional Council, therefore no
6 subsistence priority has been established to protect the
7 Hydaburg Cooperative Association tribal member needs.

8

9 And whereas the Southeast Regional
10 Council's advice and support of regulations that do not
11 support subsistence priority with no knowledge of the
12 implications and without regard to consequences of the
13 customary and traditional uses of natural resources of
14 the Haida people.

15

16 And whereas the Hydaburg Cooperative
17 Association request that the Southeast Regional Council
18 develop an alternative that is more prudent with regard
19 to management with the Hydaburg Cooperative Association
20 IRA for the continued viability of the natural resources
21 ensuring it as a sound and solid base conducive to the
22 traditional and customary needs of the Haida people.

23

24 Now, therefore, it be resolved that the
25 Hydaburg Cooperative Association Tribal Council requests
26 that the Southeast Regional Advisory Council to establish
27 a meaningful relationship with the tribe to ensure the
28 integrity of the traditional and customary uses and of
29 the natural resources within Haida country for future
30 generations.

31

32 This resolution was duly considered and
33 adopted at a meeting of the HCA Tribal Council in
34 Hydaburg, Alaska on this 24th day of February, 2003, by a
35 vote of five in favor and none opposed and none not
36 voting. It's signed by our council member Vicki LeCornu
37 and Becky Frank, our tribal president.

38

39 CHAIRMAN LITTLEFIELD: Thank you. Some
40 comments. Our name is the Southeast Alaska Regional
41 Advisory Council. We are a regional advisory council, we
42 are not a government. So, as Chairman Thomas alluded to
43 earlier, we do our best to take your recommendations and
44 recognize the priority. We submit that up the line to
45 the government. We can't enter into any relationship
46 with anyone. Just for clarification. But we do support
47 you and we will do the best we can to put that forward.
48 As you said, once it leaves here, it is out of our hands.
49 We cannot do anything there. Council. Ms. Wilson.

50

00295

1 MS. WILSON: I wanted to ask a question
2 about keeping your letter within the Council so we could
3 give it to the Federal Board. I'm going to ask our
4 chairman if that's possible.

5
6 CHAIRMAN LITTLEFIELD: Certainly. This
7 probably should have been addressed. We will submit it
8 forward to the government, but, actually, I think the
9 government-to-government relationship is between like the
10 Forest Service and Hydaburg. It would be between
11 agencies. We're not a government agency. We're an
12 advisory council. We just don't have that authority. So
13 maybe if I could defer to legal advice here to where that
14 should be properly addressed.

15
16 MR. USTASIEWSKI: Jim Ustasiewski, U.S.
17 Department of Agriculture. I think it should be
18 addressed to the Federal Subsistence Board.

19
20 CHAIRMAN LITTLEFIELD: Yeah, that's a
21 little bit above us. We can't take care of that problem.

22
23 MS. HOLTER: What I will do is I will
24 leave this copy with you because I think the intent was
25 so it can be and what I will do is I will re-write it,
26 get the appropriate name in there and get it to them.
27 Not to kill the messenger, but I'd really like -- because
28 it was heartfelt because there are things that are
29 completely depleted in our area and deer is not the only
30 thing that our elders are hungry for. You should see
31 them light up when somebody brings abalone. It's
32 amazing. These things are all gone from our area and
33 we're going -- and it's not just the deer. So I'd very
34 much like to leave this copy with you, make the
35 adjustments and get it to where it belongs. I just
36 thought it was heartfelt and it should be left with you.

37
38 CHAIRMAN LITTLEFIELD: It is in our
39 records and in the transcript, it's been read into. We
40 will accept it, certainly, but also submit it to the
41 Federal Subsistence Board. Any other tribal governments?
42 On tribal governments? Please come forward.

43
44 MS. LECORNU: My name is Vicki LeCornu.
45 I wanted to bring up one more issue that I realized I
46 left out and that is the concern on the conservation
47 issue. I really don't know enough about it, but I hope
48 you, as a council, would ask the right people. I don't
49 know how they can sustain this deer hunt. Is it open to
50 everybody? Can we expect a hoard at some time? Is

00296

1 everybody in the world invited? Is there an end to it?
2 Is there a set amount? Is there a quantity or does it
3 just go on until you harvest every deer that's
4 harvestable? What I'm saying is that we, as a community,
5 can see that we would like to see a quantity, but, on the
6 other hand, we're letting the whole world in. So I hope
7 you could ask the question as to who is allowed in this
8 hunt, when do you stop allowing them to come in and so on
9 and so forth.

10

11 Thank you.

12

13 CHAIRMAN LITTLEFIELD: Any questions?
14 Thank you. We want that question answered, too. Any
15 other tribal governments? Any other agency comments?
16 Other agencies? Fish & Game Advisory Committee. Any
17 Fish & Game Advisory Committee representatives? Summary
18 of written public comments.

19

20 MR. SCHROEDER: Mr. Chairman, we received
21 a number of public comments on Proposals 4 and 5. The
22 Alaska Native Brotherhood Sitka Camp signed by Herman
23 Kitka, Sr., who's a SERAC member emeritus, supports
24 Proposal 4. He believes that this would provide needed
25 deer hunting opportunities for rural hunters.

26

27 We have a letter from John Morris. John
28 has testified before us. He's supporting Proposal 5
29 submitted by the Craig Community Association and the
30 Klawock Cooperative Association. I believe John's
31 testimony given earlier is substantially the same as what
32 he has in his letter of December 27th.

33

34 We have a letter from Lisa Trimmer
35 representing Craig Community Association writing on
36 behalf of Proposal 5 stating that the deer population has
37 been declining over the last several years for many
38 reasons. She believes and the Craig Community
39 Association believes that deer have been over-harvested
40 by off-island hunters, that logging has had an impact on
41 deer populations and the increased human population has
42 caused pressure on subsistence resources. She also notes
43 improved road access and daily ferry schedules to and
44 from the island have increased hunting pressure and had
45 an adverse effect on subsistence users. She states that
46 Craig Community Association members are not having their
47 needs met.

48

49 We have a letter from Arlene Buoy of
50 Klawock representing herself as a Klawock Cooperative

00297

1 Association tribal member. She's strongly supporting
2 Proposal 5 for the reasons as stated in Lisa Trimmer's
3 letter.

4
5 A letter from Casia Weatherfax, also of
6 Klawock, a member of the Klawock Cooperative Association,
7 supporting Proposal 5 for the same reasons as the
8 previous two proponents.

9
10 We have a letter from Millie Stevens, who is the
11 president of the Craig Community Association, strongly
12 supporting Proposal 5 for the reasons we've been
13 discussing, primarily that the needs of tribal members
14 are not being met at the present time.

15
16 We have a letter from the Klawock
17 Cooperative Association president Webster Demmert
18 supporting Proposal 5, stating that the needs of tribal
19 members are not being met for the reasons that we've been
20 discussing.

21
22 A letter from Bert Colgrove of Craig,
23 Alaska supporting Proposal 5. This is a person who was
24 born and raised on Prince of Wales, a permanent full-time
25 resident, who lives off subsistence foods. He talks
26 about his family traditions, his daughter's family and
27 how he also supports his elders. He says his needs are
28 not being met and he is not able to meet his obligations
29 to elders.

30
31 A letter from Jeffery Trimmer of Craig,
32 Alaska. Jeffery states that he's been a designated
33 subsistence hunter on Prince of Wales for many years and
34 he's never seen the deer population so low. He states
35 that he used to see quite a few more deer when he was out
36 hunting. At the present time, it takes him a significant
37 amount of time, sometimes all season, just to get one
38 buck. He supports the doe season. He believes that
39 closure the first month, as requested in Proposal 5,
40 would help him meet the needs of his family and his
41 elders to gather the food that he needs and provide
42 supplies for the winter.

43
44 I have duplicate copies of a couple
45 things here. Mr. Chairman, that concludes the written
46 public comments for Proposals 4 and 5.

47
48 CHAIRMAN LITTLEFIELD: I'm going to
49 continue with public testimony. I have two names and I
50 don't know who is here, but we'll go through. Johnnie

00298

1 Laird. Council, I think we're probably about 6:30. I'd
2 like to get the public testimony taken care of tonight.
3 These people have stayed with us and I'd like to make
4 sure they get the chance.

5

6 MR. LAIRD: Mr. Chairman and Council
7 Members. I'm speaking here on behalf of myself. I
8 consider myself a subsistence hunter. A little bit of my
9 personal history. I came to Alaska back in the early
10 '70s to the mid '70s, mainly here in Ketchikan during
11 that time. 1979 to '80 I moved out to Prince of Wales
12 Island. Lived several years in Klawock and moved over to
13 Hollis. Got land in Hollis, moved over there, lived in
14 Hollis until about 1995. Moved over to Wrangell for four
15 years and then back to Ketchikan here for the last three
16 years.

17

18 So, by my zip code, by my address, no
19 longer am I considered a subsistence hunter. My habits
20 haven't changed. I buy very little beef. We eat a lot
21 of deer meat, we eat a lot of fish. I started hunting
22 above my place in Hollis in 1980, in the mountains
23 surrounding Hollis. I'm basically a mountain-type
24 hunter. I don't do any road hunting. I've hunted the
25 same deer trails. It's been quite a few years now, since
26 1980. Some years I've seen lots of bucks, some years
27 I've seen few bucks, but I've never had a problem filling
28 my legal limit of three, used to be three, then they
29 moved it to four.

30

31 This year I saw on a hunt on September
32 1st, on a camp-out hunt -- I'm not as young as I used to
33 be. I used to be able to march right up on a mountain on
34 a day hunt and bring deer back. Nowadays I go up with --
35 I camp and I spend several days up on top. This year I
36 saw on a September 1st hunt -- in four days I saw 15
37 bucks. I could have taken many of them, any of them,
38 most of them. Some years I've seen as many as 25 bucks,
39 maybe 30 bucks, you know, but a lot of that is depending
40 on the weather, what the weather is doing at the time.
41 If it's hot, the deer leave the top, this and that, fog.
42 But in the area that I hunt around in Hollis, I really
43 can't say that I've seen a decline. I'd say the
44 population or the area that I hunt is stable. I haven't
45 seen a noticeable decline in the numbers there.

46

47 Basically speaking, in reference to the
48 proposals, Proposal #4, I don't see any problem with
49 that. I'm basically neutral on that issue. I'm really
50 not for it, I'm really not against it. On Proposal 5

00299

1 though, I'm not in favor of Proposal 5. I'm just not in
2 favor of the closure. To me, that's a closure, that's a
3 restriction. You know, you're restricting -- well, for
4 me, now I'm on this side of the fence because I do have a
5 Ketchikan address. No longer -- I would be excluded by
6 the closure. That's one of the reasons I'm not for
7 Proposal 5.

8

9 The other reason, the amended Proposal 5,
10 I see drawn circles around an area in the big heart of
11 Prince of Wales there. Within those boundaries I see
12 Native lands and I see State lands, I see private lands
13 where the two-deer limit is not going to apply. People
14 are going to be within that boundary and they're going to
15 be able to take four deer. To me, that's going to be an
16 enforcement problem. I just don't think it's -- from my
17 personal experience, from the places that I hunt -- now,
18 I can't say that a lot of these people coming forth
19 saying that they're having a hard time finding deer.
20 But, like I say, I hunt hard and I haven't had a problem
21 finding deer. I have friends in Hollis that I know well
22 that don't have a problem finding deer.

23

24 Another thing that's been brought up is
25 the human population. To me, it's well-documented in the
26 last couple of years now that the human population on
27 Prince of Wales has taken a dive. There's empty houses
28 on Thorne Bay right now, there's empty houses in Craig,
29 where a few years back at the height of the logging in
30 the mid '80s into the late '80s and the '90s you couldn't
31 even find a place to live. Places were at a premium.
32 People were standing in line to rent anything they could
33 live in. Now it's the opposite with the downturn in the
34 logging. To me, that means less humans are going to
35 kill. Less humans means less deer deaths by more humans.
36 That means that less humans are going to be able to kill
37 more deer. What I'm saying is I think it's going to be a
38 little bit self-regulating in that respect as far as
39 population goes, human population.

40

41 The other thing that's bothered me and I
42 put it -- you know, I'm well aware of the proposals
43 that's been before this Board for several years now.
44 Last year, two years ago, these proposals of deer
45 closures on Prince of Wales and from day one this Board
46 was asking for hard data, was asking for information on
47 who is killing the deer or how many deer are being
48 killed. I do see some graphs in this book here, but
49 still I don't see any -- and they do the pellet counts,
50 which is pretty soft science. I'm just surprised by this

00300

1 time, years later, you know, where is the hard data. It
2 just seems to me that there's more data that could be
3 provided to the Board by the agencies.

4

5 The other thing is these closures.
6 Whenever you -- if you pass Proposal 5 the way it is or
7 Proposal 5 as amended, what message is that saying to our
8 children, our children on Prince of Wales. Prince of
9 Wales is lacking many jobs right now. Are you going to
10 tell our children, well, you can move to Ketchikan where
11 there are lots of jobs, you can move to Ketchikan and go
12 to work, but we're going to punish you by restricting
13 your deer hunting on Prince of Wales. Oh, but if you
14 move into Saxman, then you can come back and hunt on
15 Prince of Wales. But don't move on the other side of
16 Saxman because then, once again, even though it's more
17 rural than Saxman, you're back on a Ketchikan address.
18 You will not be able to hunt. So what message does that
19 really send to these kids. You can stay on Prince of
20 Wales where there are no jobs and we won't punish you by
21 restricting your deer season.

22

23 When I first moved to Hollis, the clear-
24 cut was such -- and Hollis was the first clear-cut on
25 Prince of Wales Island. The first modern day clear-cut.
26 They started that back in 1954 when LP moved in or when
27 Ketchikan Pulp moved in. In the early '80s, when I
28 started climbing the mountain above the house -- and
29 realize when I say I don't road hunt, meaning that I hike
30 from my house to get deer, to get deer meat. When I used
31 to hike from my house, the clear-cut was so thick that
32 rarely would there ever be deer in the clear-cut that I
33 could even see or see a sign of, see tracks of. Now that
34 the overstory is getting up, you know, it's been many
35 years, the trees are getting up there, the regrowth is
36 getting up to a canopy size and we're starting to see
37 deer back in our -- and the properties where we never saw
38 that, deer tracks on our property, now there's deer
39 hanging on our property. A lot of the properties in
40 Hollis are in the old clear-cut, you know, a lot of the
41 State lands that were selected and the lots that became
42 available in the lottery were in the clear-cut. I just
43 wanted to bring that point up. Basically, that's all I
44 wanted to say.

45

46 CHAIRMAN LITTLEFIELD: Thank you, Mr.
47 Laird. Just for a point of clarification, our purpose is
48 to provide -- and I'll read it to you right out of the
49 regulations. The purpose of this title in ANILCA VIII
50 governs what we do. We can't go astray from that and

00301

1 this is what our charge is. The purpose of this title is
2 to provide the opportunity for rural residents engaged in
3 a subsistence way of life to do so, it's not to provide
4 for the people of Seattle or any place else. It's for
5 the rural residents. So that's why there's that
6 difference. Like we said earlier, we would support
7 Ketchikan, but that's our charge. Others? Mr. Adams.

8

9 MR. ADAMS: Thank you, Mr. Chairman. You
10 indicated, Mr. Laird, in your statement that by virtue of
11 your zip code you are no longer a subsistence user but
12 you have previously by having various addresses on Prince
13 of Wales Island. I'm assuming then that because you are
14 no longer a subsistence user that your subsistence needs
15 are not being met. That brings us back to the point that
16 Mr. Littlefield just made in regards to working real hard
17 to try to get Ketchikan recognized as a rural area and I
18 would encourage that. I think this Council is in support
19 of that.

20

21 You also mentioned something that is
22 contrary to a statement that was made and the reasons for
23 changing the regulation. It says here the population of
24 Unit 2 has grown in the last several years. I mean
25 population of people. And there has been an increase in
26 the pressure on subsistence resources. The things that
27 you have addressed to us during your statements here is
28 contrary to that and maybe you can kind of elaborate on
29 the reasons why you feel that way at this point.

30

31 Thank you.

32

33 MR. LAIRD: Mr. Chairman and Mr. Adams.
34 The population of humans on Prince of Wales. Like I say,
35 in the last couple of years, it's well documented. I
36 think the information in this booklet is a little
37 outdated. I don't know. The people who compile this
38 information might be able to add a little bit to that.

39

40 CHAIRMAN LITTLEFIELD: We're not going to
41 debate that with you at all. Any others? I had a
42 question about the 15th. You mentioned that was when you
43 liked to go hunting. Was that September 15th that you
44 went hunting?

45

46 MR. LAIRD: No. I was just referring to
47 a hunt that I hunted this year and that camp-over hunt
48 was September 1st through the 5th.

49

50 CHAIRMAN LITTLEFIELD: Okay. Thank you.

00302

1 So if perhaps somehow the season was closed August 1st to
2 August 31st and the State regulations talk about
3 reasonable opportunity, do you believe that the remaining
4 part of the season from September 1st on would provide
5 you with a reasonable opportunity to still go out and get
6 the deer that you've been accustomed to?

7

8 MR. LAIRD: Yes. I consider myself a
9 good hunter, whether the season is one month or five
10 months. I'm going to get the deer that I need. I've
11 taken deer in all of the seasons. I've taken deer in
12 August, September, October, November. I've never taken a
13 December deer. I've taken them right up to Thanksgiving.
14 Like I say, I just don't agree with the closure. I don't
15 agree with the restriction. I don't agree with
16 restricting a user group at this point. I just don't
17 believe that we are in a time of shortage. I can only
18 speak from my personal experience of the deer that I see
19 in the area that I've hunted since 1980.

20

21 CHAIRMAN LITTLEFIELD: The reason I
22 mentioned that is because as a State hunter in Ketchikan
23 with a Ketchikan zip code, and I realize the fallacy of
24 that, many of us do, we don't support that, but under
25 State regulations they have what's called reasonable
26 opportunity. So if you have other places or those other
27 months will allow you still to take the deer that you're
28 used to, well, that's a reasonable opportunity under
29 State. There's an alternate area you can go to. We're
30 not closing the whole island or that's not been proposed.
31 The difference that this Council has to do is what I just
32 talked about to maintain that way of life. We have to
33 continue that opportunity and provide a meaningful
34 preference and priority to them. So the State and
35 Federal differ quite a bit. So I just want to make that
36 clear

37

38 MR. LAIRD: Mr. Chairman. I'd like to
39 remark a little bit about that. This was brought up a
40 little bit by the -- oh, I think both the young men
41 speakers from Hydaburg and Craig, and it was just that
42 they want to adjust this proposal so it will get through
43 to open the door. What I see, I'm concerned about the
44 future, just like we're all concerned about the future.
45 If we make a closure now, what's next? Last year the
46 closures were going to be during the rut. The closures
47 were -- you know, the proposals that were put forth we
48 all know was different dates, so what's going to stop
49 people coming forth next year with more of a closure once
50 a closure is started? That's just a concern of mine.

00303

1 CHAIRMAN LITTLEFIELD: A big question. I
2 agree with you. Any other Council have any questions?
3 Thank you very much for your testimony. I have Bob
4 Reeser. Are there any other members of the public who
5 would like to testify? Please come forward. We need to
6 get you to fill out a white card so we have your name for
7 the record.

8
9 MR. SCHULTZ: Merle Schultz. As I stated
10 the other day, I've been hunting the same area for going
11 on 25 years and we have eaten venison ever since I came
12 to Alaska in '77. I've hunted ever year that I was
13 eligible. The first year you can't. But after that I've
14 hunted every year and so have my sons and my wife. We
15 have been hunting that same area for longer than a lot of
16 people have been alive on Prince of Wales or have been
17 living there. To tell me that I am not going to be able
18 to hunt by people who are a quarter my age after I've
19 been hunting there for that many years doesn't just seem
20 to be right. I wrote something down here. I'll just
21 read.

22
23 As I've been sitting here listening to
24 the comments of both individuals and user groups, it is
25 plain to see the American way is alive and well. Forget
26 how it affects others as long as I get what I want and
27 what benefits me. America is, at present, possibly the
28 most powerful nation on earth, but the me-me attitude and
29 the division between people, it will cause decay of our
30 nation from the inside. This attitude of how can I keep
31 my neighbor from using my property but still have access
32 to his seems very selfish and childish to me. We're all
33 paying taxes for the support, protection and management
34 of our national forest. I certainly believe prohibiting
35 certain tax payers from making use of their national
36 forest land while others have free access to all
37 resources of it could easily come under the heading of
38 gross discrimination. I recommend fair treatment for
39 all. That pretty much sums up mine.

40
41 CHAIRMAN LITTLEFIELD: Thank you, Mr.
42 Schultz. I apologize for not recognizing you. You do
43 not have to fill out a card. Are there any Council
44 comments? Thank you very much. Excuse me, would you
45 please stay there. Mr. Adams.

46
47 MR. ADAMS: Thank you, Mr. Chairman. I
48 just wanted to let you know I appreciated your comments,
49 Mr. Schultz. I appreciate it very much.
50

00304

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: Any other members
4 of the public who would like to testify? Hooray. We are
5 going to recess until 8:00 o'clock tomorrow morning, at
6 which time we will start Council deliberations on
7 Proposal 4.

8

9 (PROCEEDINGS TO BE CONTINUED)

00305

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

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 Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 139 through 304 contain a full, true and correct Transcript of the VOLUME II, SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically by Meredith Downing on the 26th day of February 2003, beginning at the hour of 9:00 o'clock a.m. at Ketchikan Indian Corporation, Ketchikan, 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 13th day of March, 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04