

1                   SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2                   REGIONAL ADVISORY COUNCIL MEETING

3  
4                   PUBLIC MEETING

5  
6                   VOLUME I

7  
8                   Kake, Alaska  
9                   February 27, 2007  
10                  9:00 o'clock a.m.

11  
12  
13 COUNCIL MEMBERS PRESENT:

- 14  
15 Bertrand Adams, Chairman  
16 Michael Bangs  
17 Nicholas Davis  
18 Michael Douville  
19 Merle Hawkins  
20 Donald Hernandez  
21 Joe Hotch  
22 Harvey Kitka  
23 Patricia Phillips  
24 Richard Stokes  
25 Lee Wallace  
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28  
29 Regional Council Coordinator, Robert Schroeder

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44 Recorded and transcribed by:

45  
46 Computer Matrix Court Reporters, LLC  
47 700 W. Second Avenue  
48 Anchorage, AK 99501  
49 907-243-0668  
50 jpk@gci.net/sahile@gci.net

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P R O C E E D I N G S

(Kake, Alaska - 02/27/2007)

(On record)

CHAIRMAN ADAMS: Good morning everyone. We're going to call this meeting to order now. Before we go on any further with the agenda I'd like to call on Lee Wallace, if he would give us an opening prayer, please, so if everyone would please rise.

MR. WALLACE: (Prayer)

CHAIRMAN ADAMS: At this time I'll call on Harvey Kitka to do the roll call.

MR. KITKA: Thank you, Mr. Chair. Richard Stokes.

MR. STOKES: Here.

MR. KITKA: Frank Wright, Jr.

(No comments)

MR. KITKA: Patricia Phillips.

(No comments)

MR. KITKA: Mike Douville.

MR. DOUVILLE: Here.

MR. KITKA: Bertrand Adams.

CHAIRMAN ADAMS: Here.

MR. KITKA: Floyd Kookesh.

(No comments)

MR. KITKA: Donald Hernandez.

MR. HERNANDEZ: Here.

MR. KITKA: Nick Davis.

MS. DAVIS: Here.

1 MR. KITKA: Merle Hawkins.  
2  
3 MR. KITKA: Joe Hotch.  
4  
5 MR. HOTCH: Here.  
6  
7 MR. KITKA: Michael Bangs.  
8  
9 MR. BANGS: Here.  
10  
11 MR. KITKA: Lee Wallace.  
12  
13 MR. WALLACE: Here.  
14  
15 MR. KITKA: Mr. Chair, we have enough  
16 for a quorum.  
17  
18 CHAIRMAN ADAMS: Thank you, Mr. Kitka.  
19 Dr. Schroeder, do we know what the situation is with  
20 the people that are coming in from Juneau?  
21  
22 DR. SCHROEDER: Mr. Chairman. Merle  
23 and Patty were ready to go yesterday in Juneau and they  
24 couldn't fly out. I believe they'll be attempting to  
25 do so today. This morning we'll be contacting LAB to  
26 see if they're flying and if they'll be coming in.  
27  
28 Floyd Kookesh was unable to fly down  
29 yesterday and he'd like to come in on Wednesday if  
30 that's feasible. He also said he has a meeting with  
31 Douglas Indian Association on Thursday so what he would  
32 like to do is be here only Wednesday.  
33  
34 Frank Wright called in and said he had  
35 a conflict.  
36  
37 We also -- something we haven't had  
38 regularly at meetings is for this meeting we have an  
39 open teleconference line and so Merle, Patty and Floyd  
40 may be on by teleconference if they're able to do so  
41 and I believe that State representatives may be  
42 available on line when we get to parts of the agenda  
43 that include them.  
44  
45 CHAIRMAN ADAMS: Okay, thank you, Dr.  
46 Schroeder. At this time we're going to take a few  
47 minutes and introduce ourselves, members of the Council  
48 and Staff. And then after that I'd like to call on  
49 Henric Kadake to give us a welcome but we'll go ahead  
50 and introduce ourselves.

1 I want to welcome our new Council  
2 members, you know, Joe Hotch and Lee Wallace and then  
3 we have Merle Hawkins we hope will make it in from  
4 Juneau today. But we'll start on this side and work  
5 down this way. So, Mr. Bangs, please.

6  
7 MR. BANGS: Thank you, Mr. Chairman.  
8 My name is Michael Bangs. I live in Petersburg. I  
9 want to thank Kake for inviting us and I hope that we  
10 have a productive meeting.

11  
12 Thank you.

13  
14 MR. DOUVILLE: Thank you, Mr. Chair.  
15 Mike Douville. I live in Craig. I'm a full-time  
16 commercial fisherman, and a pleasure to be here.

17  
18 MR. STOKES: My name is Dick Stokes  
19 from Wrangell. I don't have anything else to say right  
20 now.

21  
22 MR. KITKA: Harvey Kitka and I'm from  
23 Sitka. I'm glad to be back here in Kake, it's always  
24 nice to be here. Thank you.

25  
26 MR. HOTCH: Mr. Chairman, thank you.  
27 My name is Joe Hotch. I'm from the Chilkat/Haines  
28 area. I would like to say something in my own language  
29 to the community itself. There's a representative  
30 here. We would say in our Tlingit language  
31 Gunalcheesh.

32  
33 (In Tlingit)

34  
35 I'm saying thank you to the Kake  
36 community that I am here and my tracks will be on your  
37 community and that we will work together to make sure  
38 that we bond together forever.

39  
40 Thank you.

41  
42 CHAIRMAN ADAMS: Gunalcheesh, Joe.  
43 Gunalcheesh.

44  
45 MR. WALLACE: Lee Wallace from Saxman.  
46 And, again, I'd like to thank our host for providing  
47 this place and meeting for us today.

48  
49 MR. HERNANDEZ: Don Hernandez. I've  
50 lived for the most of the last 25 years in Point Baker,

1 I'm spending the winters in Petersburg these last few  
2 years but I spend a good bit of time in Point Baker. I  
3 consider that my home. It's a pleasure to be here in  
4 Kake. I've enjoyed previous visits to Kake and I'm  
5 looking forward to this one as well.

6

7 MR. DAVIS: Nick Davis, I'm from Kake.  
8 I'm born and raised subsistence user, my whole family  
9 is subsistence users, and it's good to see that they're  
10 able to come and be here today.

11

12 CHAIRMAN ADAMS: Thank you, Council  
13 members. My name is Bert Adams, Sr., and I am from  
14 Yakutat. I would like to have Henric Kadake and, of  
15 course, Gary Williams, please, would you come up to the  
16 table here. I'm going to ask you to make some comments  
17 later on but I'd like to share something with you  
18 before we start, too, so Gary I'm sorry that I'm  
19 putting this on you, I didn't ask you before but I  
20 would like for you also to have some words to say.

21

22 What I'd like to do is I'd like to  
23 share with you all a story from my country. And first  
24 I'd like to say Gunalcheesh for allowing us to come to  
25 your country to conduct these meetings.

26

27 Kadashan (In Tlingit)

28

29 What I said is I told you my Tlingit  
30 name and where I'm from. I come from the Dry Bay area  
31 but my father is a Kaagwaantaan from Sitka as well as  
32 my grandfather.

33

34 I hope that what I share with you all  
35 today will set the stage for what these meetings are  
36 going to be about throughout the next couple days.  
37 I've shared it with this Council before but there's a  
38 little bit more detail that I would like to ingest into  
39 it, and it's the story about the creations of Raven and  
40 (In Tlingit).

41

42 Right after Raven was born his mother  
43 raised him, you know, very carefully and she bathed him  
44 in cool sea water twice a day so that he could grow  
45 fast and become strong. And when he grew into a young  
46 man he began to learn how to hunt and fish and one day  
47 he killed a huge white bird and he skinned it out and  
48 he put it around himself. And from that time on he  
49 desired a develop to fly. And so he began to fly. And  
50 it was a learning experience for him. I've heard



1 you know, so he went down to the beach and he began to  
2 wash himself off and while he was doing that Raven dove  
3 down into that well and he filled himself up with this  
4 fresh sea water, all the way up to his beak and then he  
5 flew out and he flew over to the mainland and he was  
6 flying in between (In Tlingit) and as he was flying  
7 over it little drops of water fell on the mountains and  
8 into those areas where there were to be lakes and  
9 rivers and streams, and that's where Situk and Ahrnklin  
10 and Dry Bay and Italia River and all these little  
11 rivers that we know of in the Yakutat area became  
12 freshwater streams. And so now we had water.

13

14 He knew that, you know, the main  
15 elements for survival on this earth is, of course, air,  
16 water, fire, food.

17

18 His next task was to find some fire.  
19 And, again, he flew way out on the ocean, it was much  
20 further than the first one he encountered and he was  
21 looking for this way to provide fire for his people.  
22 And finally he came to this real big island -- you know  
23 to me personally I think this was Hawaii because that's  
24 where all the volcanos and everything are, you know,  
25 and he was able to pick up a little twig that was still  
26 burning and he flew back to the mainland, you know, and  
27 as he was flying, you know, the twig burned down to his  
28 beak and it turned it black, before his beak used to be  
29 yellow, and then as he was flying between these two  
30 mountains again, you know, little drops of cinders fell  
31 from that twig onto the rocks and into the wood and  
32 that's how come when you strike two rocks together  
33 close to a piece of wood it will burst into a flame.  
34 Okay, so that's where fire came from.

35

36 The next thing that he needed to do is  
37 he needed to provide a place for them and provide the  
38 food. And he was flying, you know, I don't know maybe  
39 27,000, 30,000 feet, you know, into the area between  
40 (In Tlingit) and (In Tlingit) and he's looking around,  
41 you know, and he says way out on the ocean there is  
42 something bobbing up and down on the swells and he  
43 flies out there and as he gets closer he realizes  
44 that's a real large canoe and it had a house on top of  
45 it. And as he got closer and closer to it and was able  
46 to investigate what was inside here he saw this is  
47 where all of the animals and birds and fish were in and  
48 so he flew back to the mainland and he carved himself a  
49 couple long staffs from alder bushes and they were  
50 fashioned after the tentacles of an octopus and it even

1 had those little suckers on it and he flew back out and  
2 he snatched on to that real big canoe and he began to  
3 tow it to shore. And as he got it up onto the beach  
4 right off of the Akewai River, he got up on a hill and  
5 he sunk his feet into the sand and then he pulled that  
6 real big canoe up onto the beach and he was able to let  
7 all of the animals and the birds and the fishes out  
8 into the ocean.

9  
10 And so now (In Tlingit) had all of the  
11 things necessary to put people on it. And he took the  
12 house that was on top of the big canoe and he put it up  
13 about halfway up the Akewai River and this is a place  
14 we know of today as (In Tlingit), (In Tlingit) and he  
15 put the first tribal house there and it was named (In  
16 Tlingit), Far Out House, because he pulled it in from  
17 far out on the ocean. And then he put the people on  
18 there and he instructed them that this area, I have  
19 provided for your well being. You've got the animals,  
20 you've got the fishes, you've got the falls and this  
21 area will provide you with everything that you need to  
22 sustain your lives so long as you take good care of it.

23  
24 And he says, you know, when this house  
25 gets too small for you, you can use the trees and the  
26 timbers and whatever it is that you need around you to  
27 build another one. And when those houses got -- when  
28 Far Out House got too small for them they built another  
29 one and another one came forth and you have the Frog  
30 House and Mountain House, Boulder House, which is the  
31 house that I come from, Sea Lion House, Whale House.  
32 There was eventually seven tribal houses in (In  
33 Tlingit) and everything was there to provide them with  
34 all that they needed.

35  
36 And so his instruction to them was to  
37 use these resources wisely. Don't take more than what  
38 you need. Don't waste. And share.

39  
40 And those are some of the Tlingit  
41 values that have been handed down to us from generation  
42 to generation, and they came from Raven. And he says  
43 that once you start misusing these resources they are  
44 going to start disappearing.

45  
46 And so the big challenge for us, ladies  
47 and gentlemen is to be able to learn as much as we  
48 possibly can how to wisely manage those resources, how  
49 can we be good stewards of this land so that we can  
50 receive the bounties of the resources that are

1 available to us, and that is why we are here today.

2

3                   And it is my hope and prayer that as we  
4 go through these projects that we are going to be  
5 talking about today, that we will use the principals  
6 that are based on real good sound management schemes  
7 and Raven, you know, he told us how we can do that.  
8 There's a lot of other stories I could share with you  
9 and how he instructed the people, you know, how to  
10 better manage our resources but I wanted to share this  
11 with you because TEK, to us, is a very important part  
12 of any management schemes that we will encounter.

13

14                   And hopefully, you know, I will be able  
15 to share something about what happened in Yakutat with  
16 a TEK project. The idea is to be able to record how  
17 our ancestors used to manage those resources because we  
18 did have ways and means of doing it. And if we can get  
19 that documented and recorded and then when it comes  
20 time to do a management scheme for a certain area then  
21 we can bridge that with Western science and where can  
22 we go wrong; where can we go wrong, without the  
23 knowledge of our ancestors and our elders as we look at  
24 ways in how to better take care of, and to be good  
25 stewards of the land.

26

27                   So with that, Mr. Kadake and Mr.  
28 Williams, I want to give you both an opportunity to say  
29 something at this time before we go on with the agenda.

30

31                   Gunalcheesh. Gunalcheesh.

32

33                   MR. WILLIAMS: Good morning, Council  
34 and welcome to Kake. We're pleased to have you here.  
35 I'm the executive director for the Organized Village of  
36 Kake, which is the tribal government and the work of  
37 your board is so in line with what our tribal  
38 government strives for, one of its No. 1 priorities is  
39 protection of subsistence. And we've had the  
40 opportunity to work with many of the agencies here  
41 including Mr. Schroeder and Forest Service and State.

42

43                   Because we try to work together, but  
44 from my humble perspective, I always simplify it to the  
45 point that the Tlingit people were on this land for  
46 thousands of years and they seem to be doing pretty  
47 good so it's wonderful when their wisdom can be an  
48 integral part of the management plan. Myself, coming  
49 from a rural area, I totally appreciate living off the  
50 land and so much appreciate what the tribe stands for

1 and what your goals are.

2

3 So, again, welcome and sometime I'll  
4 tell you about myself as an adopted Raven trying to  
5 learn to fly.

6

7 (Laughter)

8

9 MR. WILLIAMS: Thank you.

10

11 CHAIRMAN ADAMS: Gary, thanks a lot and  
12 we look forward to hearing how you learn how to fly in  
13 Kake.

14

15 MAYOR KADAKE: Good morning. My name  
16 is Henric Kadake, Sr., the Mayor of Kake and also the  
17 IRA President of OVK. We'd like to welcome each and  
18 every one of you to our village. I was really  
19 privileged to hear when the Southeast Regional  
20 Subsistence board was going to meet here in Kake, when  
21 Nick came back to one of our meetings and said that we  
22 would be hosting the Advisory Board meeting, and it was  
23 really good to hear because I am a subsistence user --  
24 well, I guess I used to be, I had a health problem with  
25 my kidney and now I can't even eat any of my  
26 subsistence food but that doesn't mean that I'm going  
27 to give up on the subsistence issues because it is so  
28 vital and so important to our community. I know the  
29 people here, we all use it, and as Bert said we are the  
30 caretakers. And if we abuse our subsistence we abuse  
31 our food and if we abuse our food we have nothing.

32

33 And I appreciate the fact that you're  
34 here to go over some issues and I hope the issues that  
35 come before you, that we will be able to take care of  
36 them in a way that would benefit our people, not only  
37 in Kake but all over Southeastern Alaska. I do  
38 appreciate you guys coming here, I hope you have a  
39 wonderful stay here in Kake. If there's anything we  
40 can do to help make this meeting a success, please let  
41 us know.

42

43 Thank you.

44

45 CHAIRMAN ADAMS: Thank you, Henric and  
46 Gary. We'll certainly look forward to your presence  
47 here throughout the meetings and we'll certainly let  
48 you know if we need anything, you could turn up the  
49 heat a little bit right now, if you could.

50

1                                   But, gunalcheesh, and thank you very  
2 much.  
3  
4                                   MR. HOTCH: Mr. Chairman.  
5  
6                                   CHAIRMAN ADAMS: Go ahead, Joe.  
7  
8                                   MR. HOTCH: Yeah, Mr. Chairman, I heard  
9 the word abuse. You want to listen for a little bit.  
10  
11                                  CHAIRMAN ADAMS: Go ahead.  
12  
13                                  MR. HOTCH: We are always accused of  
14 being abused of our food. I have pictures taken of  
15 salmon abused by Fish and Game themself up there in  
16 Chilkat a little river called the Harmon Creek. I went  
17 up there, there's between 500 and 1,000 salmon, all  
18 they did was take the eggs out and left the salmon  
19 there, isn't that abuse? To me it is. They could have  
20 given it to the elders to use, but they didn't, they  
21 just left it there, a big pile, it's got to be over a  
22 thousand salmon. And they got a dike built there,  
23 Canada and, you might remember, Canada and Alaska came  
24 to an agreement to spend \$2 million and they spent it  
25 there and that little dike is still there, no fish.  
26 That's abuse to me. High abuse. And they're always  
27 looking at us, subsistence fishermen, and abusing our  
28 salmon and wildlife.  
29  
30                                  I don't agree with that. They,  
31 themselves, Fish and Game, are abusing it more than we  
32 are.  
33  
34                                  Thank you, Mr. Chairman.  
35  
36                                  CHAIRMAN ADAMS: Thank you, Joe. And  
37 Henric and Gary, you know, I have some real nice photos  
38 of where Raven sunk his foot into the hill and some  
39 others that I'll share with you about his creations and  
40 I'll make it available to anyone who wants to look at  
41 it.  
42  
43                                  Gunalcheesh.  
44  
45                                  Next thing we need to do is review the  
46 minutes and adopt them.  
47  
48                                  DR. SCHROEDER: Introduce Staff first.  
49  
50                                  CHAIRMAN ADAMS: Oh, thank you. We

1 have some very important people, these people that I  
2 have come to appreciate very much since I became the  
3 Chairman of the RAC. I didn't realize how much work  
4 that this particular position, you know, was going to  
5 entail, and I credit a lot of the successes that I  
6 might have had up until now, you know, to these people  
7 that I'm going to allow them to introduce themselves.  
8 And we'll start with you, Bob, please.

9

10 DR. SCHROEDER: I'm Bob Schroeder. I'm  
11 the regional coordinator for your Council as well as  
12 the anthropologist serving the Council.

13

14 MR. CASIPIT: Good morning. My name is  
15 Cal Casipit, I'm the subsistence Staff fisheries  
16 biologist for the Council and provide fisheries support  
17 for the Council.

18

19 MR. JOHNSON: My name's Dave Johnson  
20 and I want to thank the community of Kake for having us  
21 here for this week long meeting. We were here once  
22 before when Lonnie Anderson was on the Council. I'm  
23 the subsistence coordinator for the Tongass and look  
24 forward to a good week.

25

26 MR. KESSLER: I'm Steve Kessler with  
27 the Forest Service, subsistence program leader for the  
28 Alaska region. I'm on the InterAgency Staff Committee  
29 and I'm stationed up in Anchorage. I've been to Kake  
30 many times and I appreciate coming back here again.

31

32 Thank you.

33

34 CHAIRMAN ADAMS: Thank you, Steve. And  
35 the pretty young lady right beside you, would you like  
36 to please introduce yourself.

37

38 REPORTER: My name is Tina and I'm the  
39 court reporter for the Council.

40

41 CHAIRMAN ADAMS: Thank you. And we'll  
42 start from the top up here and work our way down.

43

44 MR. EASTLAND: I'm Warren Eastland,  
45 wildlife biologist for the Bureau of Indian Affairs,  
46 and InterAgency Staff Committee member to Niles Cesar.  
47 Thank you.

48

49 MR. KRON: My name is Tom Kron. I work  
50 for the U.S. Fish and Wildlife Service, Office of

1 Subsistence Management. I'm happy to be here. I was  
2 able to visit Kake several times during the '80s but  
3 I'd like to thank Nick for welcoming us back.

4  
5 OFFICER WALTHER: I'm Tim Walther, law  
6 enforcement officer with the U.S. Forest Service and  
7 appreciate the opportunity to be here this week.

8  
9 MR. R. LARSON: My name is Robert  
10 Larson, I am a fisheries biologist for the Forest  
11 Service, Petersburg.

12  
13 MR. DICKERSON: Good morning. Thanks  
14 for getting us to dry land, I appreciate it.

15  
16 (Laughter)

17  
18 MR. DICKERSON: My name is Larry  
19 Dickerson. I'm a wildlife biologist for Unit 2 and a  
20 subsistence biologist also. Thank you, Kake, for  
21 welcoming us.

22  
23 CHAIRMAN ADAMS: Thank you, Larry, and  
24 we sympathize with you quite a bit. And, we have  
25 Melinda.

26  
27 MS. HERNANDEZ: Hi, Melinda Hernandez.  
28 Social scientist analyst for the Forest Service. My  
29 first visit to Kake, I've meant to come here many times  
30 but the weather has always gotten in the way so I'm  
31 glad to be here.

32  
33 Thank you.

34  
35 CHAIRMAN ADAMS: Melinda is the one who  
36 arranges for our travel and all that and I just, you  
37 know, compliment for the fine job she has been doing,  
38 so Gunalcheesh, Melinda.

39  
40 We have some members of the public, the  
41 gentleman way up there, would you like to introduce  
42 yourself, please.

43  
44 MR. KADAKE: Yeah, Marvin Kadake.  
45 Being involved in the subsistence issue pretty much all  
46 my life and I was one of the first Board Commissioners  
47 in the Southeast Native Subsistence and I'm sorry that  
48 that program didn't last long enough. And to me it is  
49 a very vitally important issue among our Native people  
50 that the Subsistence Commission didn't last long

1 enough.

2

3                   There was a lot of issues being brought  
4 forward and some of the effects that we saw that were  
5 forthcoming to us is happening today and we really  
6 never discussed full length of how to prevent a lot of  
7 issues that is coming before us. But I was very happy  
8 to sit on that board for as long as it existed.

9

10                   And, again, thank you for being here  
11 and welcome to Kake, and hopefully this meeting here  
12 will be fruitful to everyone.

13

14                   Thank you.

15

16                   MR. SMITH: My name is Henry Smith.

17

18                   (In Tlingit)

19

20                   My Tlingit name is (In Tlingit)

21

22                   Throughout the years the country of  
23 ours, our old people used to say (In Tlingit), and with  
24 them that have passed on, our land has also passed on.

25

26                   Being a subsistence user all my life I  
27 really think that we should not be tolerated in any way  
28 on the things that we eat, we use, and all these  
29 different issues that come up as far as subsistence  
30 goes. I think we, as a Native people, we do not waste,  
31 we do not steal the things that we get, we do not  
32 misuse the lands that we're on. We were taught this by  
33 our elders. And as an elder I pass this on to my  
34 children. I have six kids and 13 or 14 grandchildren  
35 and three great-grandchildren, and they're going to  
36 learn all this from what I have to pass on to them  
37 because it was taught to me in the right way being a  
38 Tlingit.

39

40                   And throughout the years we were always  
41 known as Tlingit and then when the White man came it  
42 was shortened, it was called Tlingit, so in a lot of  
43 different ways I hate to see what's going on in the  
44 great land of Alaska. We, as a Native people are being  
45 pushed into a smaller and smaller area and with  
46 everything that has taken place in the past.

47

48                   The one thing I do not stand to  
49 tolerate as an individual to see all these charter  
50 boats that come in and then I get these different forms

1 from regulations that say I can't use halibut the way I  
2 want to but the charter boats, they do what they want.  
3 I'm not a stupid person, you know, I sit in the  
4 airports, and a lot of times these charter people, they  
5 come in with loads and loads of fish and I can't look  
6 in there because it's private property, boy, I sure  
7 wonder what goes out from our state.

8

9                   So it's all these different issues that  
10 you people have to sort of -- I don't know how you're  
11 going to answer all these questions but as an older  
12 person I just want you people to know that what has  
13 been taught to me I'm passing on to my children, my  
14 grandchildren, and my great-grandchildren.

15

16                   Good to see you, Dick Stokes. I think  
17 we're just in the same boat, we're both hard of  
18 hearing, we're older.

19

20                   (Laughter)

21

22                   MR. SMITH: So I just want to welcome  
23 all of you to Kake. And, you know, it's not -- these  
24 are issues that pertain to me and me only. I'm not  
25 saying what other people want me to say, it's the way I  
26 feel because I know all these different waters around  
27 here on account of people like Marvin. Being an ex-  
28 skipper, I learned from him all the waters from  
29 Admiralty all the way down to Gut Bay. Guys like Nick  
30 Davis. And all the way down to Boulder Point. These  
31 are all our subsistence areas and before we never used  
32 to see any boats down there and now there's charter  
33 boats all the way down to Boulder Point, and there's  
34 even a gas station part of the ways, I ran into it last  
35 -- I think it was last spring.

36

37                   So I just want to -- that's just a  
38 brief history of what, we, as a people, are concerned  
39 with. And I just wish you the best and enjoy a cold  
40 stay in Kake, Alaska.

41

42                   Thank you.

43

44                   (Laughter)

45

46                   CHAIRMAN ADAMS: Thank you, Henry.  
47 Thank you Marvin. We appreciate your words.

48

49                   MR. HOTCH: Mr. Chairman.

50

1 CHAIRMAN ADAMS: Go ahead, Joe.  
2  
3 MR. HOTCH: (In Tlingit)  
4  
5 I'm saying thank you for his thoughts  
6 and it will be encouragement to me and to others  
7 wherever we're at, we heard your concern.  
8  
9 Gunalcheesh.  
10  
11 CHAIRMAN ADAMS: Thank you, Joe. And,  
12 you know, Henry, the things that you have expressed to  
13 us here today, we've heard this, you know, all over the  
14 places that we've been so far and I have a whole bunch  
15 of notes and I was checking them off as you were going  
16 through, oh, yeah, we've gone through that before, you  
17 know, but we do need to do something about those  
18 concerns that you are -- that you've addressed to us,  
19 and I hope that we will be able to do it for the sake  
20 of the subsistence users.  
21  
22 Gunalcheesh. Gunalcheesh.  
23  
24 Is there anyone else in the community.  
25  
26 (No comments)  
27  
28 CHAIRMAN ADAMS: Okay. Let's go over  
29 the minutes. Our last meeting of October 11th through  
30 13th. And if there's any comments, questions,  
31 additions or subtractions we'll take care of that now,  
32 and then after that we've got the teleconference  
33 minutes that took place in November.  
34  
35 MR. KITKA: Mr. Chairman, I'd like to  
36 move to adopt the agenda as a guide.  
37  
38 CHAIRMAN ADAMS: Thank you, Harvey. Is  
39 there a second.  
40  
41 MR. DOUVILLE: Second.  
42  
43 MR. STOKES: Second.  
44  
45 CHAIRMAN ADAMS: Thank you. Comments.  
46  
47 DR. SCHROEDER: Mr. Chairman. I don't  
48 have any additions to the agenda but we should have the  
49 issue of.....  
50

1 MR. KESSLER: Bob, you're not on the  
2 record, could you hold on a minute, please.

3  
4 REPORTER: Thank you.

5  
6 CHAIRMAN ADAMS: We're going to stand  
7 at ease until they get the technical stuff here taken  
8 care of.

9  
10 (Pause)

11  
12 CHAIRMAN ADAMS: Okay, thank you, Tina.  
13 We'll go back into session here. For Patty and Merle's  
14 information, we are on item No. 4, review and adoption  
15 of the agenda. We're glad that Patty and Merle were  
16 able to make it. We went through introductions and  
17 want to give you both an opportunity to do so at this  
18 time, so, Merle, you're new on the Council, so if you'd  
19 just let us know your name and where you're from and  
20 what you think.

21  
22 MS. HAWKINS: All right. Good morning  
23 everybody, glad to make it in. My name is Merle Nancy  
24 Hawkins. I'm from Ketchikan. I'm also on the  
25 Ketchikan Indian Community Tribal Council. I'm a  
26 Tlingit and Haida delegate from Ketchikan and Camp 14  
27 member. This is my first meeting so happy to be  
28 appointed, have a little experience, and thanks to  
29 Dolly Garza's encouragement and faith in me I'm on this  
30 Board, so glad to be here.

31  
32 CHAIRMAN ADAMS: Thank you, Merle.  
33 Patty, you want to introduce yourself once again.

34  
35 MS. PHILLIPS: Thank you, Chairman  
36 Adams. I'm Patty Phillips. I'm from Pelican. I'm  
37 also the Mayor of Pelican. I'm the short-timer on the  
38 Board, actually I'm the long-timer.

39  
40 (Laughter)

41  
42 CHAIRMAN ADAMS: All right, thank you,  
43 Patty. If you look at the background of all of the  
44 people on this Council you'll find that they where many  
45 hats. And one of the things that I found out about  
46 leadership is that if you want to get things done you  
47 always get the people who are doing the most and who  
48 are the busiest, and so I think you can say that for  
49 every member of this Council here. So I just wanted  
50 to, you know, emphasize that.

1                   We are now on the adoption of the  
2 agenda and what I would suggest is that we adopt the  
3 agenda as a guide so that we don't get bogged down to  
4 it, per se, and we can move issues around if we so  
5 wish.

6  
7                   So, Dr. Schroeder, did you have  
8 something that you wanted to add or subtract or  
9 something to say.

10  
11                   DR. SCHROEDER: I always have something  
12 to say, Mr. Chairman.

13  
14                   (Laughter)

15  
16                   DR. SCHROEDER: There are two items on  
17 our agenda, one dealing with Makhnati Island, and a  
18 second dealing with Tongass Land Management Amendment  
19 comments. And we believe that the people that -- that  
20 George Oviatt -- Board Member George Oviatt from Bureau  
21 of Land Management will be attempting to come down here  
22 on Thursday, as well as Tricia O'Connor who's the staff  
23 officer for subsistence for Forest Service to give us  
24 some briefings on those items. I suggest that, if  
25 possible, we hold those items until Thursday morning.

26  
27                   Mr. Chairman.

28  
29                   CHAIRMAN ADAMS: Mike.

30  
31                   REPORTER: Bert.

32  
33                   CHAIRMAN ADAMS: By the time I'm done  
34 with this job I'll have it down pat, Tina, but keep  
35 reminding me.

36  
37                   Is there anything else that anyone  
38 would like to add, Mike, did you have something that  
39 you wanted to put on the agenda.

40  
41                   MR. BANGS: Thank you, Mr. Chairman.  
42 At the Council's pleasure I'd like to bring up the  
43 possibility of discussion about the input that the  
44 Council could have in regards to the replacement of Dr.  
45 Schroeder.

46  
47                   CHAIRMAN ADAMS: Thank you, Mike. I  
48 was looking at the agenda here and I think maybe a good  
49 place for that would be after Item No. 10 on the  
50 agenda, it's Council Composition. And then maybe right

1 after that we can take care of that issue.

2

3 Thank you.

4

5 Anything else.

6

7 (No comments)

8

9 CHAIRMAN ADAMS: I'd like to add  
10 something to it, too. It has to do with the history of  
11 the eagle feather issue. And let me see where can we  
12 put that. Any suggestions, Dr. Schroeder where we  
13 might want to insert this on the agenda. It's just a  
14 matter of information actually.

15

16 DR. SCHROEDER: Mr. Chairman. How  
17 about right after 13 because you may have something you  
18 want to say about that in the annual report.

19

20 CHAIRMAN ADAMS: Okay. We'll put that  
21 after No. 13, thank you. I'd also like to recognize  
22 the lady in the red jacket over there, Daniella, do you  
23 want to introduce yourself and then maybe give us some  
24 idea what you're working on.

25

26 MS. DINOVELLI-LANG: My name is  
27 Danielle DiNovelli-Lang, sometimes Daniella is  
28 perfectly well. Should I start from the beginning?

29

30 REPORTER: No, it's fine.

31

32 MS. DINOVELLI-LANG: Okay. I am a  
33 graduate student in anthropology at Columbia University  
34 and I am writing my dissertation about State and local  
35 values and the environment, natural resources,  
36 subsistence is right at the middle of all that and this  
37 area, and the work the Council does, negotiating  
38 between sort of both Federal desire, State desires and  
39 the desires of local people is very impressive to me  
40 and very interesting to me. I've been coming to these  
41 meetings for a few months now trying to catch them as  
42 much as I can. And thank you for having me here.

43

44 CHAIRMAN ADAMS: Well, thank you.

45

46 MS. DINOVELLI-LANG: Also I should  
47 mention I've been living in Hoonah since May, and in  
48 the absence of Frank I may be sort of the only person  
49 sort of from Hoonah here so I'm going to be reporting  
50 back on how things went to the community there as well.

1 CHAIRMAN ADAMS: Thank you, ma'am. The  
2 gentleman sitting way up there. Sir.

3  
4 MR. JACKSON: I guess. My name is Joel  
5 Jackson. I'm a member of the OVK Council, the  
6 Organized Village of Kake Council.

7  
8 CHAIRMAN ADAMS: Welcome Joel. Okay.  
9 Let's get on, any other things on the agenda that we  
10 need to do, we need to adopt it.

11  
12 What's the wish of the Council, did we  
13 -- oh, we did it but we were off record, so Harvey.

14  
15 MR. KITKA: Mr. Chairman. I'd like to  
16 adopt the agenda as a guide.

17  
18 CHAIRMAN ADAMS: Thank you. Do I hear  
19 a second.

20  
21 MR. STOKES: Second it.

22  
23 MR. DOUVILLE: Second.

24  
25 CHAIRMAN ADAMS: Okay, I'll choose Dick  
26 who seconded it. Okay. It's up for discussion. You  
27 have any issues, concerns, subtractions or additions,  
28 whatever to -- in regards to the agenda.

29  
30 (No comments)

31  
32 MR. HERNANDEZ: Question.

33  
34 CHAIRMAN ADAMS: Thank you, Don.  
35 Question has been called. All in favor please signify  
36 by saying aye.

37  
38 IN UNISON: Aye.

39  
40 CHAIRMAN ADAMS: Opposed.

41  
42 (No opposing votes)

43  
44 CHAIRMAN ADAMS: Motion is carried. So  
45 now we have an agenda and it's to be adopted as a  
46 guide.

47  
48 Now, we need to go through the minutes,  
49 folks. We have the minutes of October 11th through the  
50 13th, 2006, and then there was a teleconference of

1 November 21st.

2

3 (Pause)

4

5 MR. KITKA: Mr. Chairman.

6

7 CHAIRMAN ADAMS: Mr. Kitka.

8

9 MR. KITKA: Thank you. The only thing

10 I can see is on the place of the meeting wasn't Alaska

11 Native Brotherhood Hall, it was the (In Tlingit).

12 Other than that I have no objections with it.

13

14 CHAIRMAN ADAMS: Thank you, Harvey.

15 We'll make that notation.

16

17 MR. HAYNES: This is Terry Haynes,

18 Department of Fish and Game, Fairbanks.

19

20 MR. CASIPIT: Thank you, Right. Right

21 now we're reviewing the minutes and haven't got to

22 proposals yet but when we get there we'll recognize

23 you.

24

25 MR. HAYNES: Thank you.

26

27 CHAIRMAN ADAMS: Okay. Anyone else

28 have anything on the minutes.

29

30 MR. WALLACE: Mr. Chair.

31

32 CHAIRMAN ADAMS: Lee.

33

34 MR. WALLACE: I noticed a couple places

35 where it was mentioned that KIC, you guys mentioned

36 Ketchikan Indian Corporation, that name has changed

37 recently. I know it's been Ketchikan Indian

38 Corporation for many years and we were kind of stuck

39 with that, but it's no longer a corporation, it's

40 Ketchikan Indian Community.

41

42 CHAIRMAN ADAMS: Okay. Please note

43 there's a change in the name of the Ketchikan Community

44 Corporation.

45

46 (Pause)

47

48 CHAIRMAN ADAMS: What's the wish of the

49 Council. Do you have a question, Don, okay.

50

1 MR. HERNANDEZ: Mr. Chairman. In  
2 looking over the minutes from our teleconference  
3 meeting, I was there for the beginning of that meeting  
4 but I had to leave before the meeting adjourned. One  
5 of the last topics there before we adjourned in regard  
6 to discussions on Gustavus' customary and traditional  
7 use determination. It says Council will have further  
8 discussion on this issue at its winter meeting in Kake.  
9 Do we have that on the agenda or has anything been  
10 resolved there or do we need to put that on the agenda.

11  
12 MS. PHILLIPS: Page.

13  
14 MR. HERNANDEZ: Excuse me. That's Page  
15 50 in the briefing book.

16  
17 CHAIRMAN ADAMS: Do you have an answer  
18 for that Dr. Schroeder.

19  
20 DR. SCHROEDER: Mr. Chairman. There is  
21 information in supplemental materials, which is a mail  
22 out that should have gotten to Council members a couple  
23 of days before the meeting. And the State has filed a  
24 request for reconsideration of the Board's decision on  
25 Gustavus, and we should get to that as other business  
26 item when we're working through these things. That's  
27 No. 9 in the supplemental information in this packet,  
28 so we may wish to say something about it at that time.

29  
30 MR. HERNANDEZ: So we might talk about  
31 that under agenda item 21, you're saying?

32  
33 DR. SCHROEDER: Yes, Don.

34  
35 CHAIRMAN ADAMS: Any other concerns by  
36 the Council. Patty.

37  
38 MS. PHILLIPS: Chairman Adams, thank  
39 you. This is a very minor point but on Page 25 where  
40 it lists the Council and under sportfishing for  
41 Phillips, it should say outfitter guide.

42  
43 CHAIRMAN ADAMS: Okay.

44  
45 MS. PHILLIPS: It should be outfitter  
46 guide business.

47  
48 CHAIRMAN ADAMS: Okay, thank you,  
49 Patty.

50

1 (Pause)  
2  
3 CHAIRMAN ADAMS: How are we doing.  
4  
5 (Pause)  
6  
7 MR. KITKA: Mr. Chairman.  
8  
9 CHAIRMAN ADAMS: Mr. Harvey -- Kitka.  
10  
11 MR. KITKA: I move we adopt the  
12 minutes.  
13  
14 CHAIRMAN ADAMS: Do I hear a second.  
15  
16 MR. HERNANDEZ: Second.  
17  
18 CHAIRMAN ADAMS: Seconded by Don. Any  
19 further discussion.  
20  
21 (No comments)  
22  
23 CHAIRMAN ADAMS: Hearing none, all in  
24 favor please signify by saying aye.  
25  
26 IN UNISON: Aye.  
27  
28 CHAIRMAN ADAMS: Opposed.  
29  
30 (No opposing votes)  
31  
32 CHAIRMAN ADAMS: Motion carried. Okay.  
33 Okay, the next item on the agenda is the Chair's  
34 report.  
35  
36 There's a bunch of letters in your  
37 packet, I'll briefly, you know, go through my report,  
38 but I'll make reference to those letters as well so  
39 that you can update yourself, you know, on those issues  
40 that we have been engaged in in the past few months.  
41  
42 Item No. A there, it's in regards to  
43 the Federal Subsistence Board fishery proposals. I'm  
44 not going to.....  
45  
46 DR. SCHROEDER: Cal's ready, Cal can go  
47 through those.  
48  
49 CHAIRMAN ADAMS: Oh, Cal, Bob says that  
50 you can do that, so you want to take care of that,

1 please. It's in your supplemental material that you  
2 got, you know, before -- when was it, just a few days  
3 ago, so pull that out and Cal please make reference, if  
4 you would, please.

5

6 MR. CASIPIT: Thank you, Mr. Chair.  
7 Like Mr. Adams mentioned the actual .805c letter begins  
8 on Page 1 of your supplemental handout and it goes for  
9 five pages. These are the results of the actions of  
10 the Federal Subsistence Board at its January meeting.  
11 Mr. Adams was there so if, in my summary of this stuff,  
12 if I've misspoken or I didn't explain things very well,  
13 I'm sure Mr. Adams will help me out.

14

15 Proposal FP07-17 was to review and  
16 revise customary and traditional use determinations for  
17 fish used by residents of the Icy Straits and Cross  
18 Sound communities and remote locations within this  
19 area. It was submitted by the Southeast Regional  
20 Advisory Council, this body. Your recommendation was  
21 to support with modification to more precisely specify  
22 the determinations recommended for each fishing  
23 district or section. The Board action was to adopt  
24 this proposal as modified by the Council. And so the  
25 Board basically took the recommendations from the  
26 Council 100 percent on that one.

27

28 Proposal FP07-18 and 19. These were  
29 proposals to close the Federal public waters in the  
30 Makhnati Island area near Sitka to commercial herring  
31 fishing during the months of March and April. Again,  
32 this was -- these proposals were submitted -- one was  
33 submitted by the Southeast Regional Advisory Council,  
34 and the other one was by the Sitka Tribe of Alaska.  
35 The Council recommended to support with modification to  
36 add the correct location citations and provide  
37 authority to the in-season fisheries manager. The  
38 Council felt it was a good step to protecting the  
39 subsistence herring roe fishery and insuring that the  
40 priority use -- insuring this priority use in Federal  
41 waters. The Council recommended the Board take no  
42 action on 19 and use Proposal 18 as the vehicle to do  
43 that. The Board action was to defer action on FP07-18  
44 until a working group of all the particular people that  
45 were interested in this issue could address the issues  
46 raised by the proposal but not to exceed the next Board  
47 meeting fisheries proposals, so they basically deferred  
48 for one year. The Board took no action on Proposal  
49 FP07-19 as recommended by the Council because 18 was  
50 the vehicle to move forward with.

1                   A little on the justification from the  
2 Board. They wanted the working group to examine  
3 criteria for opening and/or closing the Makhnati Island  
4 area and it should include representation from the  
5 Council, Fish and Game, Sitka Tribe of Alaska,  
6 commercial fishers, the Sitka Fish and Game Advisory  
7 Committee and others concerned with herring fishery in  
8 Sitka Sound. The Bureau of Land Management, which is  
9 the land management for the Makhnati Island Reserve  
10 will facilitate formation of this working group with  
11 the assistance of Forest Service Staff. This, again,  
12 will be discussed later on in the agenda in a little  
13 more detail.

14  
15                   Proposal FP07-20 was to change the  
16 fisheries schedule for sockeye salmon fishing in the  
17 Klawock River and it was submitted by the Craig  
18 Community Association. The Council recommendation was  
19 to take no action since the proposal was beyond the  
20 scope of the Federal Subsistence Management Program.  
21 The Board action was to take no action on Proposal  
22 FP07-20 as recommended by the Council.

23  
24                   FP07-21 would remove the daily and  
25 seasonal harvest limits for sockeye salmon from  
26 regulation for all systems in the Southeastern Alaska  
27 area with the exception of the Stikine River. This was  
28 submitted by the Council. The Council recommendation  
29 was to support this proposal. They viewed it as a  
30 housekeeping that would clarify regulations. The Board  
31 action was to adopt with the language clarified to  
32 include references to limits in adjacent State personal  
33 use fisheries. This action was consistent with the  
34 Council's recommendation.

35  
36                   I think I'll handle all the remaining  
37 proposals, that would be FP07-22, FP07-23, FP07-24,  
38 FP07-25 and FP07-26, all these proposals were  
39 requesting the Federal Subsistence Board to basically  
40 increase the restrictions on steelhead permits in the  
41 Sitka Sound area, the District 13 area around Sitka.  
42 Proposal 22 wanted to have 48 hour reporting for  
43 harvest. FP23 was to reduce the amount of steelhead  
44 that a designated fisher could have in his possession.  
45 24 was to establish 36 inch minimum size limit and  
46 restrict to rod and reel without bait for steelhead  
47 systems on the Sitka Road system. 25 would apply that  
48 same 36 inch minimum size rod and reel with no bait to  
49 all steelhead streams within the Sitka area LAMP, and  
50 26 would basically have the same thing, 36 inch minimum

1 size limit and rod and reel without bait on the Salmon  
2 Lake drainage near Sitka. All those proposals were  
3 opposed by the Council and the Federal Subsistence  
4 Board agreed and rejected all those proposals as well  
5 consistent with the recommendations from the Council.  
6

7 Thank you, Mr. Chair. That concludes  
8 my brief summary of the Board actions. I'd be happy to  
9 answer any questions.  
10

11 CHAIRMAN ADAMS: Anybody have any  
12 questions of Cal.  
13

14 (No comments)  
15

16 CHAIRMAN ADAMS: Thank you, Cal. Okay.  
17 As I mentioned earlier, you know, many of the letters  
18 that are in this packet refer to some of the things  
19 that I'll be talking about here on the Chair's report.  
20

21 Let me see, has the Council had an  
22 opportunity to look over all of this information, we  
23 got this out, you know, in the packets early enough,  
24 and if you have, you know, I just want to -- for the  
25 sake of time, if you have any questions, refer to a  
26 letter, you know, or any of the issues, then I'd be  
27 happy to answer them but I think this is the way I'd  
28 like to handle it right now otherwise I'll go, you  
29 know, briefly through the report.  
30

31 What are you nodding about, Patty.  
32

33 MS, PHILLIPS: You can go briefly  
34 through your report.  
35

36 (Laughter)  
37

38 CHAIRMAN ADAMS: And I've got an hour  
39 and a half to do it, okay.  
40

41 (Laughter)  
42

43 CHAIRMAN ADAMS: We know that the  
44 Federal Subsistence Board's position on rural  
45 determination and there's several letters included in  
46 the packet. You know it's gone back and forth, it got  
47 up to, I think, the Secretary's office and came back  
48 and essentially said that this is a Board determination  
49 and they're going to let them -- let me see if I can  
50 find that, I think on Page 51, if you look on Page 51

1 -- nope, that's not it, let's go to Page 33 and see  
2 what that has.  
3  
4 DR. SCHROEDER: Which one are you  
5 looking for?  
6  
7 CHAIRMAN ADAMS: I was looking for the  
8 last letter that came in from.....  
9  
10 DR. SCHROEDER: The Secretaries.  
11  
12 CHAIRMAN ADAMS: .....the Secretary's  
13 office.  
14  
15 DR. SCHROEDER: That's 51, I think.  
16  
17 CHAIRMAN ADAMS: 51, okay.  
18  
19 DR. SCHROEDER: I think it's the last  
20 one in this packet.  
21  
22 CHAIRMAN ADAMS: That's what I thought  
23 but it didn't look like it.  
24  
25 DR. SCHROEDER: You got it.  
26  
27 CHAIRMAN ADAMS: Yes, it is, it is Page  
28 51. And I'll just refer you to the last paragraph, or  
29 the second to the last paragraph. It gives you an idea  
30 where it's at.  
31  
32 The Secretaries are therefore  
33 requesting that the Board determine the  
34 best way to address the issue you have  
35 raised.  
36  
37 And, you know, I have some highlights  
38 here but I think that, to me, is the most important  
39 thing, and if you have any concerns or questions about  
40 any part of that letter I'd be happy to -- what I'll do  
41 is just refer you to the letter part of it.  
42  
43 I thought one of the interesting things  
44 that they made here was, you know, the city of  
45 Ketchikan, you know, at the time of ANILCA -- at the  
46 time that ANILCA was passed was about 7,000 people, but  
47 then you take it as a whole, you know, the Borough, the  
48 whole outlying part of Ketchikan and then that  
49 increased it to another three or 4,000. And what we're  
50 requesting is that we use that 11,000 threshold instead

1 of the seven.

2

3

4 I think many of us believe that there  
5 shouldn't be any population requirements to determine  
6 rural determination, that it should be the  
7 characteristics, you know, of that area, and, you know,  
8 whether they depend largely on subsistence to help them  
9 feed their families and so forth. But, you know,  
10 they've used other agencies, you know, as a criteria  
11 for determining rural determination but it really  
12 doesn't, you know, in my opinion apply to Alaska.

13

14 There's a paragraph, first sentence of  
15 a paragraph here that I thought I was interesting, it  
16 says:

17

18 Existing regulations give -- it's on  
19 Page 52 and it's about halfway down the page and it  
20 says:

21

22 Existing regulations give the Board  
23 sufficient latitude to deviate from the  
24 presumption threshold as warranted.

25

26 Next paragraph it says:

27

28 Whether the regulation should describe  
29 a threshold of 11,000 derived from the  
30 Ketchikan area or 7,000 derived from  
31 the city of Ketchikan has no effect on  
32 the outcome of this decennial review.  
33 For this reason there is no need for a  
34 stay of decisions pending before the  
35 Board in its current review or rural  
36 determinations.

37

38 And so they're taking it back to the  
39 Board for them to throw out this issue again. And, Dr.  
40 Schroeder, I'm assuming that we can, you know, be  
41 completely involved in that process as well.

42

43 DR. SCHROEDER: I think that's the  
44 intention of the Board when it does review its -- takes  
45 another look at how it does rural determinations.

46

47 CHAIRMAN ADAMS: The next issues ladies  
48 and gentlemen is the 70/30 rule, you know, got a lot of  
49 feedback on that as well. Let's see Page 23 and 28,  
50 let's see what that has. It's the one that Patty  
referred to us before, you know, where she corrected

1 her status as a subsistence -- but that's, you know,  
2 Council members, you know, I'm not sure about the new  
3 ones, I'm sure had a chance to read that over, it's  
4 been out on our table for a long time now.

5  
6 And let me see, let's turn over to Page  
7 189, there's a nice letter there that I thought is  
8 worth sharing at this point, 189.

9  
10 MS. PHILLIPS: 189.

11  
12 CHAIRMAN ADAMS: 189, uh-huh. And it  
13 says Council Composition briefing and request for  
14 Council recommendations.

15  
16 Okay, it says here:

17  
18 In the Federal Advisory Committee Act,  
19 Section 5, paragraph B(2) requires that  
20 members of advisory committees be  
21 fairly balanced in terms of the points  
22 of view represented and the functions  
23 to be performed by the Advisory  
24 Committee, therefore, the Regional  
25 Advisory Council members must include  
26 points of view other than subsistence  
27 but in a balance that allows the  
28 Council to perform their function.

29  
30 In short the function of the Council is  
31 to advise the Federal Subsistence Board  
32 on matters relating to subsistence uses  
33 and needs within each of the 10 regions  
34 and to provide a public forum for the  
35 expressions of opinions on any matter  
36 pertaining to subsistence issues of  
37 fish and wildlife.

38  
39 And so forth and so forth. Let me see  
40 was there anything else.

41  
42 DR. SCHROEDER: Mr. Chairman.

43  
44 CHAIRMAN ADAMS: Yes, sir.

45  
46 DR. SCHROEDER: Mr. Chairman. I think  
47 we have this issue that comes up in a few places in our  
48 agenda, because it's both the actions that the Council  
49 took, which are the letters, and then that reaches over  
50 to Item No. 10, which you noted is briefing and the

1 Board has said, please tell us what you think on this  
2 issue.

3

4 CHAIRMAN ADAMS: Yeah.

5

6 DR. SCHROEDER: Then we also have to  
7 jump into this supplemental information because we  
8 reprinted the comments that have been received so far  
9 from other agencies, and that's also in your  
10 supplemental materials under No. 4. So we should be  
11 coming at this full bore when we get to Agenda Item 10.

12

13 CHAIRMAN ADAMS: Okay. On Item.....

14

15 REPORTER: Bert. Bert.

16

17 CHAIRMAN ADAMS: Thank you, Tina. On  
18 Item No. D, the letter to the Federal Subsistence Board  
19 concerning formation of a Kenai Subsistence Regional  
20 Advisory Council, you can find the letter on Page 31,  
21 we opposed this and then there's the other issue on the  
22 determination, the 7,000 threshold on Page 41 and 51, I  
23 think it is.

24

25 Then there's Council comments on rural  
26 determination. You can find that on Page 33.

27

28 And then on Page 40 there's a request  
29 for hearings to be held to make sure that that's  
30 adequately taken to the public.

31

32 Turning over the page, Item No. G,  
33 Council letter to the Board concerning the hunting  
34 license requirement, you'll find a letter on Page 32  
35 about that. We found that other RACs, you know,  
36 weren't supporting this at all so we're not going to  
37 pursue it in this forum at this point.

38

39 When I was at the Wrangell-St. Elias  
40 Subsistence Resource Commission -- well, the  
41 Subsistence Resource Commission's Chair meeting, last  
42 fall, or last spring, I think it was, many people, you  
43 know, many of the Chairs of the various RACs felt that  
44 maybe a permit would be in order, rather than a  
45 license.

46

47 So, Bob, do you have any more  
48 information on this issue?

49

50 DR. SCHROEDER: Well, Mr. Chair, this

1 issue was brought up quite a bit by earlier Councils and  
2 really didn't like the idea that subsistence hunters  
3 were required to get a State hunting license.

4

5                   John Littlefield and earlier Councils  
6 pursued that through the regulatory process and then  
7 were told that to do this, you had to go for a petition  
8 to the Secretaries.

9

10                   Our background on that is that  
11 Southeast prepared a draft petition, circulated it  
12 around, and other Councils didn't support that  
13 petition. So at this moment it's just sitting there,  
14 we've said we're not doing anything right now but we  
15 may take it up at some later date.

16

17                   So that's where that issue stands.

18

19                   CHAIRMAN ADAMS: Thank you, Bob. And  
20 then Item No. H, there's a letter from the Council in  
21 regards to wildlife proposals for this cycle. You can  
22 find that letter on Page 45. And then as referred to  
23 before, Item No. I, the Secretarial response to the  
24 threshold petition is on Page 51.

25

26                   Let's see, are there any questions from  
27 the Council on any of these issues.

28

29                   When I was up at the Federal  
30 Subsistence Board, you know, testifying and it came to  
31 that part where they asked questions I said I'll answer  
32 questions as long as you don't make them hard ones.

33

34                   (Pause)

35

36                   CHAIRMAN ADAMS: Yes.

37

38                   MR. DOUVILLE: Thank you, Mr. Chairman.  
39 I do have some issues with some of these like Board  
40 composition and I think they're going to come up later  
41 and we can get into the meat of them, but some of this  
42 is still, you know, I've read a lot of this stuff and  
43 it's unclear to me yet how the process works as far as  
44 the rulemaking for Council composition.

45

46                   We need to have it explained exactly  
47 how rule changes are made in a legal fashion. I know  
48 as a rulemaking process that generally happens and in  
49 this case it was bypassed in some respects. And then  
50 the judge ordered us to -- the judge had issue with it.

1 And we have other instructions.

2

3 And so in my mind, does that get us by  
4 the process that was left out because the judge ordered  
5 it, or do we still have to go back or should it go back  
6 to the proper rulemaking process or does the judge  
7 order circumvent that; you know what I'm asking?

8

9 CHAIRMAN ADAMS: I don't know, Bob, do  
10 you have an answer for that. I would assume so, you  
11 know, but maybe he can detail it out for us.

12

13 DR. SCHROEDER: Mr. Chair. Mike. I  
14 think we should really get into the details when we get  
15 to that item on the agenda, and we can call on our  
16 Staff Committee folks and OSM people to give us a good  
17 beat on where we're at in this rulemaking process.

18

19 The judge did toss it back to the  
20 program and said the 70/30 rule isn't supported at this  
21 time and you can't go forward with it. Then the  
22 program went back last summer and said, well, wait a  
23 minute, we're right in the middle of making  
24 appointments to the Council, we need to move forward.  
25 We're in really bad shape if we can't make these  
26 appointments. And so the judge allowed the program to  
27 make appointments based on last year's evaluation of  
28 candidates. And so we were able to appoint our new  
29 Council members because the judge agreed that was a  
30 reasonable thing to do. But then the judge said, well,  
31 wait a minute, you do need to do additional work on  
32 this to show that you've considered alternatives and  
33 that you've backed up what the choice is. That would  
34 be the short answer. And we'll probably have some more  
35 conversation on that when we get to it in Item 10 here.

36

37 But it is an action item for the  
38 Council when we get there to see if you stand by what  
39 the Council's already said or -- I think it's the  
40 November letter, or if there's some things you want to  
41 add to it or change from that one.

42

43 CHAIRMAN ADAMS: Does that help you any  
44 Mike.

45

46 MR. DOUVILLE: Not really.

47

48 CHAIRMAN ADAMS: Not really.

49

50 (Laughter)

1 CHAIRMAN ADAMS: When we get into more  
2 detail, I think, later on, it'll probably become a  
3 little bit more clear, like mud anyhow.

4  
5 Anyone else.

6  
7 (No comments)

8  
9 CHAIRMAN ADAMS: That's the extent of  
10 my report, folks, and I just want to, you know,  
11 compliment Staff for being able to put together this  
12 information and making it available for us. I know if  
13 it weren't for the hard work that they put in helping,  
14 you know, the Chairman, not only this Chairman but the  
15 Chairmans of the past, you know, in doing their work,  
16 it'd be very difficult, very, very difficult. And  
17 throughout this meeting I'm going to be patting each  
18 and every one of you on the back as much as I much as I  
19 can because I have realized just how valuable you are,  
20 and I thank you very much.

21  
22 The next thing we'll go into then is  
23 the Council remember reports.

24  
25 For you new members, Merle, Joe and  
26 Lee, what we do is we give everyone an opportunity to  
27 talk about the concerns in your area. And so we'll  
28 give you an opportunity to listen to what other people  
29 have to say and then we'll let you pull up the rear, so  
30 we'll start with Michael Bangs, down in the corner over  
31 here.

32  
33 MR. BANGS: Thank you, Mr. Chairman.  
34 Well, not much has changed since our last meeting,  
35 everyone seemed to have hibernated under a blanket of  
36 snow and not much has come to issue.

37  
38 But one thing that is apparent to most  
39 everyone and the talk right now is the issue of the  
40 charter fleet impacting the halibut stocks. And at  
41 first it seemed mostly to affect the commercial  
42 industry but I'm finding that our subsistence halibut  
43 fishermen are finding that it's hard to find fish close  
44 to town, and I think it's going to continue to get  
45 worse and I'm not sure that the Council can take a  
46 stand or how we should approach this issue but it is a  
47 growing concern and I think that the charter fleet is  
48 growing and it's going to continue to degrade our  
49 chances of finding subsistence halibut close to our  
50 homes.

1                   Most of us that subsistence halibut  
2 fish use small skiffs and it doesn't allow us to travel  
3 very far, you know, with safety. The commercial fleet  
4 generally always fishes a lot further from town where  
5 stocks are less impacted by the charter fleet and the  
6 subsistence users. So I think that it's something that  
7 we should think about and maybe weigh in on if the  
8 Council wishes to do something like that. But I think  
9 it is something that we should be thinking about.

10

11                   Thank you.

12

13                   CHAIRMAN ADAMS: Thank you, Mike. Mr.  
14 Douville.

15

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

17

18                   As Mr. Bangs said we've all been  
19 huddling up because we had an exceptionally tough  
20 winter. There's a couple issues that are coming from  
21 Unit 2, always, one we'll discuss that has to do with  
22 steelhead and bait and the other is a restriction on  
23 doe hunting. But even the trapping was affected this  
24 winter because of nasty weather.

25

26                   I do agree with Mr. Bangs about the  
27 halibut, not only -- it doesn't even only impact the  
28 commercial fishermen, it's impacting the charter  
29 fishermen also, it's impacting us all. So it is an  
30 issue. I don't know if we can give our opinion,  
31 certainly I would like to if we could.

32

33                   But other than that no one's  
34 complaining which means everybody's happy.

35

36                   Thank you.

37

38                   CHAIRMAN ADAMS: Thank you, Mike. Mr.  
39 Stokes.

40

41                   MR. STOKES: Thank you, Mr. Chair. I  
42 agree with the two Mike's here on the halibut. When  
43 the halibut season opens, why, the Wrangell fleet goes  
44 out and they start right in front of town and they  
45 clean it up and they don't go any farther hardly, and  
46 we're not able to -- those of us that subsistence fish  
47 don't get a chance to get any.

48

49                   And the situation on the Stikine, it's  
50 real critical for us. Right now they want to limit the

1 individuals that are on the land to 12. Why when my  
2 family gets together, 25 or 30 when we go up for  
3 eulachon, when we go just for a picnic or get together  
4 up there, we won't be able to do that.

5  
6 And then the eulachon, there are people  
7 coming from the Ketchikan and Metlakatla area every  
8 year and they're not supposed to sell the fish but  
9 they're taking the fish back to Ketchikan and  
10 Metlakatla and they're commercializing on it, and we in  
11 Wrangell, are against this.

12  
13 Also on the king salmon, for every one  
14 king salmon that's caught by those of us in the Stikene  
15 area, why we catch one, the Canadians will get 10 or 15  
16 just across the border. And the same with the sockeye  
17 last year, I was talking with several of the  
18 gillnetters, and they said that the sockeye were deep,  
19 and they would go under their net and then when they  
20 hit the Stikine, why the Canadian commercial  
21 gillnetters were having a banner year. And they get  
22 two shots at them, once across the border and then up  
23 above where Flood Glacier is at, they seem to hit them  
24 there two weeks after they hit at the border. And the  
25 result is that the Tahltan who depend on the sockeye  
26 for their subsistence, they weren't able to get any.  
27 So I wish there was something we could do about that.

28  
29 That's all I've got to say.

30  
31 Thank you.

32  
33 CHAIRMAN ADAMS: Thank you, Richard.

34 Mr. Kitka.

35  
36 MR. KITKA: Thank you, Mr. Chair. In  
37 the Sitka area we have several issues. One of them had  
38 to do with the herring in Makhmati Island. A lot of  
39 people will tell you that the land that we were asking  
40 them to close was a very minute part of Sitka Sound,  
41 but it was a step toward conservation from our point of  
42 view. In the Sitka area the herring and the local  
43 stocks which came from the bays around Sitka have been  
44 fished out. The biologists that have done the study on  
45 the herring now tell us that the herring that spawn in  
46 Sitka Sound are not from Sitka Sound and they don't  
47 know where they're coming from and they ask us why and  
48 we told them that the herring that were there locally,  
49 that mixed with these outer stocks was all fished out.  
50 And this was a great concern because it affected a lot

1 of things, the seals, the halibut, the salmon,  
2 everything that used to come in with these herring now  
3 don't come in. We used to be able to fish almost year-  
4 round to catch whatever we wanted, and now we have to  
5 go a considerable distance just to get it, and this is  
6 just one of the issues we had concerns about.

7  
8 The other was probably a marine mammal  
9 that we have no say over, and that was the sea otter  
10 which is taking a great deal of the food that we also  
11 eat in that area and with no control over these  
12 animals, they eat everything that's out there. And all  
13 of Southeast is going to be affected by them pretty  
14 soon.

15  
16 This was our concerns.

17  
18 Thank you.

19  
20 CHAIRMAN ADAMS: Thank you, Harvey.  
21 Okay, Merle, you're next. We'll work down this way.

22  
23 MS. HAWKINS: I'm not sure if I'm ready  
24 for this, but for Ketchikan, they're not going to have  
25 the eulachon fishery again in Burroughs Bay, that was a  
26 decision by the U.S. Forest Service, and I guess last  
27 year there was only about six eulachon that showed up  
28 which has a huge impact on Ketchikan. I was lucky to  
29 get some eulachon from Anchorage last year from my  
30 cousin who dipnets it up there, but, of course, it's  
31 not as good as our Southeast eulachon, it's not as  
32 oily.

33  
34 The tribe, we also have trouble getting  
35 halibut for our elders. We have a new elder's program  
36 for our tribe and so the tribe's going to pursue a  
37 community halibut permit because you have to go so far  
38 to fish for halibut.

39  
40 Our Deer Mountain Hatchery, it's not a  
41 very productive hatchery but basically it provides  
42 salmon for our community elders and community members  
43 that cannot get out to pursue halibut.

44  
45 And certainly I'll have more to say  
46 when we come up on the agenda about Ketchikan.

47  
48 Thank you.

49  
50 CHAIRMAN ADAMS: Thank you, Merle, you

1 did fine. Good. Patty.

2

3 MS. PHILLIPS: Thank you, Chairman  
4 Adams. For my area in Pelican, Alaska we've had a  
5 heavy snow load this winter and the deer are really  
6 feeling the effects. They browsed down the berry  
7 bushes pretty far down and there's still a lot of snow  
8 and much brows left so I saw one little like a  
9 yearling, maybe a year and a half walking over the snow  
10 and the ravens are following him just waiting for the  
11 time that that deer is going to expire. So it's going  
12 to be a lot of dead deer this spring.

13

14 There is a lot of, there's patches  
15 under the heavy timber where the deer can get around,  
16 but in the open areas where the -- and where the snow  
17 drifts up, which is quite a bit of the area, it's tough  
18 for the deer to get around.

19

20 And let's see much like Michael Bangs  
21 was talking about, it's getting difficult to get  
22 subsistence halibut from our area, especially after the  
23 recreational visitors show up. They hit it pretty hard  
24 around the local area and the local folks -- you just  
25 can't get anything, it's almost like it's dead ground  
26 because you just can't catch anything, catch any  
27 halibut. If you're lucky to get one they're probably  
28 ping-pong paddles. And we've heard this consistently  
29 over the years from other communities. The local area  
30 that's traditionally used by the subsistence users are  
31 getting heavy hit by recreational users, and those of  
32 us who rely on that for a way of life are either going  
33 without or going farther away to get it.

34

35 With all the heavy snow, I  
36 traditionally see ptarmigan down at sea level this time  
37 of year and I haven't seen any ptarmigan at all this  
38 season and I've been watching for them. And, you know,  
39 to me that's evidence at a local level that marten are  
40 preying on the birds and so we're not seeing some of  
41 the species that we would normally see.

42

43 That's all I have, thank you.

44

45 CHAIRMAN ADAMS: Thank you, Patty. Mr.  
46 Joe Hotch, you have the mic.

47

48 MR. HOTCH: Thank you, Mr. Chairman.

49

50 People in the audience thank you for

1 being here. We can see your concern, we can feel it.  
2  
3 Before I start, Mr. Chairman, I'd like  
4 to -- I'm not a joke teller, but I'd like to tell a  
5 little story I heard a couple months ago.  
6  
7 CHAIRMAN ADAMS: As long as it's not  
8 about me.  
9  
10 (Laughter)  
11  
12 MR. HOTCH: There's -- it might have  
13 been you.  
14  
15 (Laughter)  
16  
17 MR. HOTCH: There's a little plane that  
18 had five passengers and they only had four parachutes.  
19 And they knew they were going to wreck so they decided  
20 each is going to see how important they are.  
21  
22 And one said I'm a doctor, the world  
23 needs me, he grabs a parachute and jumps.  
24  
25 And the next one, I'm a scientist, the  
26 world needs me, and I'm the smartest man.  
27  
28 So there was two left. And this  
29 elderly man was sitting next to a young boy about 10  
30 years old, Cub Scout or Boy Scout, and the Boy Scout  
31 boy looks at him and says I'm a Boy Scout and the  
32 smartest man just jumped out of the plane with my  
33 little briefcase.  
34  
35 (Laughter)  
36  
37 MR. HOTCH: So there's still two left  
38 for us, one for you and one for me. So there it was.  
39  
40 (Laughter)  
41  
42 MR. HOTCH: Mr. Chairman. The  
43 community of Chilkat/Klukwan, it's concerned highly  
44 over the use of high powered skiffs in the village area  
45 and there's some allotments nearby that are being  
46 harmed by these high powered vessels.  
47  
48 We had several meetings showing our  
49 concern and to the people that were using these. When  
50 they first started they only had like 10, 12 foot

1 skiffs with the small engines and they could only carry  
2 about six to 10, but now they're into two-200  
3 horsepower engines, and the wake that they make along  
4 the river is destroying and harming the salmon. This  
5 is our concern because in our Tlingit way, when we're  
6 becoming the age that I am now, 76, our elders say, (In  
7 Tlingit), in our culture that's telling the next group  
8 the history for way of living. And I wouldn't tell  
9 this story if I didn't see this happen.

10

11 I was hungry for fish one night so I  
12 took my gaff hook that wasn't -- a few years ago, it's  
13 probably 20, 30 years ago and I saw that coho doing  
14 that, as soon as he chewed three or four times it just  
15 drifted away. This is why our elders used the term,  
16 I'm already chewing on the river bank. And that's what  
17 they're harming, the sockeyes, the cohos, the dogs that  
18 come up and chew on the river banks, is what these high  
19 powered skiffs are destroying. Who knows, within a few  
20 years there won't be no fish coming up the Klukwan  
21 because it's being destroyed.

22

23 I have a packet here, Mr. Chairman,  
24 that I would like to present to everyone at some point  
25 if you could make copies. We had several meetings and  
26 it's not only this community that's going to be harmed,  
27 it's going to be other -- the other concern is the tour  
28 ships, I know, and we know that it's good for our  
29 corporations, but I hear at a meeting one day in Juneau  
30 on tour ships, they say if a tour ship is in port, for  
31 18 hours, it's just like 3,200 cars running their  
32 engine and smoke is destroying it so it's pretty  
33 harmful. I know our corporation wants to make money  
34 but is it worth it to make money and then kill children  
35 and grandchildren off. What is my choice, my choice is  
36 to preserve my children and grandchildren.

37

38 That's the concerns that we have.

39

40 The other one is the road that's  
41 proposed from Juneau to Haines. That's also going to  
42 be harmful to our salmon. I counted like 18 snow  
43 slides a couple weeks ago, I took pictures of it but I  
44 took it through the window so it didn't show too good,  
45 I wanted to bring it here. But it's going to be  
46 harmful to commercial fishermen and subsistence  
47 fishermen. Right where they're going to build the dock  
48 is where the sockeye and cohos go from there to Chilkat  
49 Peninsula and up the Chilkat. So both Haines and  
50 Klukwan will lose all -- I know a lot of people say

1 they want to drive from Juneau to Haines, especially  
2 our lawmakers, I think because they like to drive back  
3 and forth, but that's our concern, two concerns there.

4  
5 One is the high powered skiffs and we  
6 really need to help because this is a Federal issue.  
7 And when I look back at the U.S. State Constitution it  
8 says at the end, when the territory was joined in the  
9 union that they left out disclaimer clause, Article 12,  
10 Section 12 out of the Constitution, they went back to  
11 Washington and Washington -- Congress sent them back to  
12 Fairbanks, they had to include that Article 12 and  
13 Section 12, and also Section 4 into the Constitution  
14 that's telling us we still have our fishing and hunting  
15 rights.

16  
17 And I don't want to give or trade  
18 anything that's already there for us.

19  
20 So that's a big concern and this is why  
21 I, after about 15, 20 years of sitting back, I chose to  
22 come back here and make sure that we don't lose any of  
23 our rights in any way. There might be a proposal to  
24 trade off but I suggest if we're going to start losing  
25 we go into agreements, agreement form, we have that  
26 right also. I understand that when treaties were  
27 ended, an agreement is equivalent to a treaty. So  
28 that's where I stand.

29  
30 Thank you, Mr. Chairman.

31  
32 Now, can I jump off the plane.

33  
34 (Laughter)

35  
36 CHAIRMAN ADAMS: Not yet.

37  
38 MR. HOTCH: Okay.

39  
40 CHAIRMAN ADAMS: Gunalcheesh, Mr.  
41 Hotch. Lee.

42  
43 MR. WALLACE: Thank you, Mr. Chairman.  
44 First of all I'd just like to thank the young  
45 individuals that just recently came into our meeting.  
46 It's for that reason that people around this table are  
47 concerned with the issues that we're facing right now,  
48 we're looking at seven generations down the road for  
49 your children's children, that's why we're here. And I  
50 just want to than you for participating and taking the

1 time to join us and learn the process because you're  
2 going to be the future down the road, and thank you for  
3 coming.

4  
5 CHAIRMAN ADAMS: Lee, before you go any  
6 further, if you don't mind, I'd just like for these  
7 youngsters and the people that have come in, you know,  
8 to take time and introduce themselves. We'll start up  
9 from the top row there and work our way down.

10  
11 So we want to welcome you, you know,  
12 and we thank you for having us in your community.  
13 Please, if you would, start from the top up there and  
14 introduce yourself and then Lee will go ahead and  
15 finish his presentation.

16  
17 INTRODUCTION OF GOVERNMENT STUDENTS AND  
18 TEACHER.

19  
20 MR. MACH: I'm Stew Mach. And these  
21 are government students and we'll be coming in on an  
22 irregular basis if that's all right.

23  
24 CHAIRMAN ADAMS: You bet, we encourage  
25 that. We want our young people to be aware of what's  
26 happening, you know, with these resources and you're  
27 our future and we want you to be well educated and  
28 prepared to take over these seats when we leave them,  
29 so, welcome.

30  
31 Go ahead, Lee.

32  
33 MR. WALLACE: Okay, again, thank you.  
34 And, again, since you are government students, you  
35 know, part of the learning process is actually becoming  
36 part of it and, you know, it's great to get out of the  
37 classroom and actually be part of this so it's a great  
38 exercise for you folks.

39  
40 First of all I'd just like to tell you  
41 just how pleased I am at the recent appointment that I  
42 was appointed to the Southeast RAC. You know, I was  
43 encouraged to submit my name by the IRA Council in  
44 Saxman. I've been involved with the Council for five  
45 years, the past three years as IRA president. You know  
46 it was through their encouragement that I would apply.  
47 You know, recently when I returned from the Federal  
48 Subsistence Board meeting in December, you know, with  
49 the voting that happened there and the outcome of  
50 Saxman's rural status, you know, when I returned home I

1 was met by a large contingent of Saxman's community,  
2 many citizens came to the airport and greeted me and  
3 they wanted to uphold me because like them, the outcome  
4 of that particular meeting wasn't definitely the  
5 outcome that we desired, and it was kind of a shocking  
6 and, you know, upsetting, but they were there to uphold  
7 me and uphold each other and encourage us to move  
8 forward and, again, that's why we're involved in this  
9 whole process is to help our community members from  
10 infants to elders to seven generations beyond.

11  
12                   You know if the ruling is held up, you  
13 know, it definitely would have adverse effects on  
14 Saxman's community as far as our rural status to be  
15 able to legally go out there and subsist the way we  
16 have for generations.

17  
18                   When I say legally, now, you know, even  
19 though the ruling if it happens to come into pass five  
20 years down the road, you know, it's in our blood that  
21 we will continue to do customary and traditionally  
22 gathering of our food and resources, and what would  
23 that make us. For some it may make us outlaws because  
24 we're just going to continue doing what we've been  
25 doing.

26  
27                   You know, initially after experienced,  
28 after observing the process of what should be a matter  
29 of following and implementing the law versus politics,  
30 I was so discouraged to accept the appointment  
31 initially, but in recent events and observations of  
32 talking about the removal of Southeast RAC Chairman  
33 Bill Thomas, removal Federal Subsistence Board Chairman  
34 Mitch Demientieff, and the recent FSB vote on Saxman's  
35 rural status, indigenous people of America have and  
36 will be under attack in subtle manner of termination  
37 and that's what it is, it's a termination of a tribe.

38  
39                   What I want to bring to the table is an  
40 open and fair mind for all user groups.

41  
42                   Some concerns that we have in Saxman is  
43 the protection of our customary and traditional foods.  
44 I have a daughter that lives on the east coast in New  
45 Hampshire and recently in some of the markets there,  
46 the commercial markets, she's seeing what they're  
47 advertising as SeaBeans, and what those SeaBeans are is  
48 our sea asparagus that we gather up here in Southeast  
49 Alaska. So it's there on the east coast being  
50 commercially sold. And that's of great concern that

1 all communities should have is the commercialization of  
2 our customary and traditional foods.

3  
4                   You only need to look at history, look  
5 at the history of the salmon industry, the other  
6 fishing industries in Alaska and other resources and  
7 you look at the direction and decline of the resources.  
8 Basically it's all on the commercialization of it. You  
9 know, customary and traditional use, again, of  
10 subsistence use, if you want to use that word, we're a  
11 very small percentage of what we take and that's like  
12 one percent, compared to the other user groups. So  
13 we're a very small group and we do have that great  
14 concern of protecting what we traditionally have been  
15 using for generations.

16  
17                   Another concern that community of  
18 Saxman has, both the Organized Village of Saxman IRA  
19 and the city of Saxman and Central Council had joined  
20 the Organized Village of Saxman, with the new Forest  
21 Plan coming out, we've submitted a resolution for the  
22 designation land use change of Bostwick Inlet. You  
23 know, previously in the Gravina timber sale we objected  
24 strongly to the timber sale in the Gravina Island area,  
25 especially in the Bostwick Inlet. The people in  
26 Saxman, we term it as our pantry because we widely use  
27 that area for C&T use. And with the development that's  
28 proposed for Gravina and the timber sales that are  
29 proposed, we're formally requesting that this  
30 particular Council to join us in a resolution, you  
31 know, where we have a resolution that's wanting to  
32 change the land use area to a remote recreation area.

33  
34                   And of course going back to the FSB  
35 vote back in December about Saxman's rural designation,  
36 we have been working with some of the Staff of the  
37 Southeast RAC and your Chairman Bert and others have  
38 been working with Saxman and currently we have  
39 Professor Dan Monteith that's writing a draft paper  
40 right now, hopefully coming up with some new data that  
41 maybe could be produced and given to the FSB Board in  
42 support of them accepting an RFR. Also we've been  
43 talking with AFN. There's been letters written to  
44 Julie Kitka, you've seen some of the letters in the  
45 packet there and there's been some talk and email  
46 between Carol Daniel and they're expressing some  
47 interest as far as helping us in legal standpoint,  
48 which is greatly needed.

49  
50                   The Organized Village of Saxman is a

1 very small organization, we don't have funds to just go  
2 out and acquire legal counsel, it's just not in our  
3 realm, we're just a very small tribe. And we do thank  
4 the assistance that we've been receiving from the  
5 Chairman here of the Southeast RAC.

6  
7                   Shortly after that vote came out in  
8 December, you know, there was a lot of talk before we  
9 actually left Anchorage and there was talk to Chairman  
10 Bert Adams that Southeast RAC wouldn't be able to do an  
11 RFR, but last night I attended Council training and I  
12 was given this bible, if you want to say it's our  
13 bible, but it's Regional Council Operation Manual, and  
14 clearly here on Page 19, Section 18 of the regulation  
15 review process, it clearly states that the Southeast  
16 RAC has that ability to submit an RFR on behalf of  
17 Saxman. So, again, I would encourage that this  
18 particular Council join with Saxman submitting an RFR  
19 to the Board requesting a reconsideration of the  
20 ruling.

21  
22                   I will concur with others, I've heard  
23 about the sportfisheries and the charter fisheries,  
24 it's a growing concern in all communities that I'm  
25 hearing. They do take, you know, a large portion. For  
26 the past four and a half years I was working at the  
27 Ketchikan airport as a TSA supervisor on a daily basis  
28 in the summertime, I know the volume of fish that goes  
29 out of the Ketchikan International Airport, a large  
30 amount. It's probably a lot larger than what I take  
31 subsistence use for my family by far. You know, I see  
32 tons and tons of fish going out of there on a daily  
33 basis so all of your concerns is justly founded, and I  
34 really support the concerns there.

35  
36                   But those are basically my concerns I  
37 have right now.

38  
39                   CHAIRMAN ADAMS: Thank you, Lee.

40  
41                   MR. WALLACE: I have a written report  
42 and I'll just submit it.

43  
44                   CHAIRMAN ADAMS: Make sure you turn  
45 that over to Melinda and she'll take care of it.

46  
47                   MR. WALLACE: Thank you.

48  
49                   CHAIRMAN ADAMS: Gunalcheesh. Don.

50

1 MR. HERNANDEZ: Thank you, Mr.  
2 Chairman. I'll speak for the residents of Point Baker  
3 and Port Protection on Prince of Wales Island.

4  
5 First of all a big concern to everybody  
6 out there is the Tongass Land Plan Revision that's  
7 coming up, which we'll be reviewing. What happens to  
8 the lands surrounding our communities is of great  
9 importance to the people there and I'm glad that the  
10 Council will be involved in that process to put input  
11 into the subsistence uses for everybody here on the  
12 Council.

13  
14 As far as the deer hunting for the  
15 north end of the island this year, reports, I did all  
16 my hunting on Prince of Wales this year, I was out  
17 there until November, mid-November. What I was hearing  
18 from most of the local people, they all seemed to agree  
19 that the hunting effort seems to be increasing over the  
20 last few years on the north end. Seeing a lot of  
21 effort at the early part of the season, a lot of  
22 traffic on the roads, it seems like a lot of people --  
23 subsistence users are taking advantage of the early  
24 season and that time period as well probably a lot of  
25 off-island hunters, pretty heavy pressure in the  
26 opening of their August season. By the time most of  
27 the locals started hunting after the fishing season is  
28 over, they were pretty much all agreed that they just  
29 weren't seeing as many deer available to them, you  
30 know, come October when they started hunting, and still  
31 a lot of traffic on the road, a lot of effort from  
32 people on the rest of the island coming to the north  
33 end. Although when the snow did come in November it  
34 seemed like everybody was able to get deer, they became  
35 a little more available so the needs were met but they  
36 were a little disappointed what they had seen just, you  
37 know, in the earlier part of the season.

38  
39 Another concern, talking about the  
40 whole halibut issue, subsistence charter. With the  
41 latest ruling, it appears that the Halibut Commission  
42 has requested that the charter fleet be restricted in  
43 their catch of halibut. The biggest impact to the  
44 people in my communities is not so much with charter  
45 fishing as with the -- I don't know what the proper  
46 term for it is, it's probably -- would be referred to  
47 as outfitting of sportsfishermen to go out and catch  
48 fish on their own with a rental skiff. And as far as  
49 any of us are aware it seems like this is a loophole in  
50 the whole sport/commercial fishery for halibut that if

1 you were to limit people on charter boats you could see  
2 a big influx of sportsfishermen coming from the Lower  
3 48 who want to just rent a boat and go out to catch  
4 fish and I don't see that any of the regulations that  
5 are being discussed right now would affect that type of  
6 user. And it seems like there's a loophole there that  
7 could be exploited and the whole situation is just  
8 going to kind of, you know, morph into a new type of  
9 fishery that will have to be dealt with later, at a  
10 later point. You know, I don't know if anybody's  
11 discussing that yet but I think I should make that  
12 aware to the Council, that we see that as a future  
13 problem to be dealt with.

14

15                   So I mention that.

16

17                   And then, finally, Mr. Chairman, you  
18 know, when I heard about the Saxman decision I wrote  
19 down, you know, what some of my reactions to that were.  
20 It just happened back in December, so I kind of wrote  
21 these things down when I heard it as they were fresh in  
22 my mind but I'd like to read that now.

23

24                   When I heard the news that the Board  
25 had voted that our neighbors in Saxman  
26 were no longer considered to be living  
27 in a rural community, I was shocked.  
28 As far as I know this is unprecedented.

29

30                   For a community with a long history of  
31 subsistence activity to lose its  
32 cultural and traditional use tradition  
33 would, in my mind, require substantial  
34 evidence that there had been major  
35 changes in the way of life of that  
36 community.

37

38                   We, the Council, heard no such  
39 evidence. This Council listened to the  
40 people of Saxman last year at our  
41 meeting for five hours. We listened so  
42 that the people of Saxman could speak  
43 through us to the Board. But did the  
44 Board understand what the people were  
45 telling them. We, the Council,  
46 understand because we live that way of  
47 life.

48

49                   Perhaps the Board is better able to  
50 understand what they can see in black

1 and white, statistics and demographics.

2

3 The Council fulfills an important role.

4 Title VIII recognizes that the Board  
5 would need the understanding of the  
6 Councils to bridge that cultural  
7 divide. On such important matters as  
8 these the Board should listen to the  
9 Council.

10

11 And finally I would ask, who has the  
12 right to declare when a tradition ends.

13

14 Thank you, Mr. Chairman.

15

16 CHAIRMAN ADAMS: Thank you, Don. I  
17 appreciate those words and I'm sure that Saxman and  
18 Ketchikan also, you know, as well.

19

20 Nick.

21

22 MR. DAVIS: Thank you, Mr. Chairman.  
23 I, too, would like to thank the young people for coming  
24 and showing an interest. The issues of our customary  
25 and traditional food is becoming more involved and you  
26 are going to be our leaders probably sooner than you  
27 think.

28

29 But one of the issues that I've been  
30 hearing about is the continued logging on Kupreanof and  
31 Kuiu Island, and we are concerned about maybe building  
32 roads across our Dog Salmon Creek and Bay of Pillars,  
33 because that is our late salmon -- late food we get  
34 before the winter sets in. And the logging roads do  
35 create easy access for the wolves to our deer, our  
36 moose and other wild game.

37

38 And so that is one issue there. And  
39 also the logging causes a rapid runoff of water. For  
40 example, down at Portage Bay towards -- what we call  
41 Portage Bay, the Sealaska clear-cut there, and you can  
42 go there now and you can see one row of trees right on  
43 the beach where they probably will not stand for very  
44 long because they don't have any protection and it's  
45 right close to a salmon stream which we use a lot.

46

47 And with the wolves there having easy  
48 access, we've been hearing more and more reports of  
49 wolf sightings from different sources.

50

1                   And then also the hunting pressure on  
2 the black bears from sporthunters, I've heard from one  
3 source that as many as 380 wolves have been taken on  
4 Kupreanof and Kuiu Island, and we don't know if there's  
5 ever been a study of how many bears are actually on  
6 that island and so -- and bears do help to nourish the  
7 land and the sea.

8  
9                   And then another concern is the grey  
10 water from the tour ships that come through Chatham and  
11 Frederick Sound, you know, it's also the ballast water,  
12 like log ships that come in because they seem to be,  
13 you know, discharging -- where like right now we have  
14 what they call a Japanese, not -- is multiplying in our  
15 village and then also it affects, you know, we get a  
16 lot of food like seaweed, gumboots and clams off the  
17 beach and also we would like to be involved in the  
18 Pillar Bay sportfishing monitoring.

19  
20                   That's all I have, thanks, Mr.  
21 Chairman.

22  
23                   CHAIRMAN ADAMS: Thank you, Nick.  
24 Ladies and gentlemen these are people who are  
25 volunteers. They dedicate a lot of their time and  
26 effort in coming to these meetings and, you know, we're  
27 going to be away from our homes for a whole week and --  
28 I am anyhow, I should just share with you what I needed  
29 to do to come down here. Fly from Yakutat, overnight  
30 Juneau, fly to Petersburg, boat over from Petersburg to  
31 here, and then I'm going to go back by ferry to  
32 Ketchikan, overnight and fly to Juneau and overnight  
33 there and then back home to Yakutat on Saturday. So,  
34 you know, and we do this as volunteers. And I hope  
35 that a lot of appreciation will be expressed to this  
36 Council, you know, as you inter-mix with them during  
37 our stay here because they deserve a lot of credit for  
38 the work that they do.

39  
40                   In my area, the Yakutat area, you know,  
41 we've had and, you know, I think this something that is  
42 pretty prevalent all over, no berries. And because the  
43 berries were gone, you know, we didn't have our supply  
44 for the winter and it's a good thing that we had some  
45 left over in our freezers from last winter, but it's  
46 always good to have that fresh supply, and it affected  
47 the bears. When there's no berries, you know, the  
48 bears, they thrive on that, and then the salmon were  
49 late.

50

1                   We had a late run of sockeye salmon as  
2 well as the cohos. We were wondering if they were  
3 going to ever show up. And I was reading -- you know,  
4 Patty's comments and she was wondering the same thing,  
5 too. Everything turned up late and because of that,  
6 you know, the bears didn't get the food that they  
7 needed to survive for the winter. And they went to  
8 sleep late this year. They were still digging in  
9 garbage cans. And it got to a point where some of them  
10 were trying to get into people's homes because they  
11 were starving. And, you know, the enforcement people  
12 in Yakutat had to put about four of them away there in  
13 November because they became real big nuisances.

14  
15                   How do we address these things. You  
16 know, we can't, you know, tell nature to do certain  
17 things for us but I think there are certain things that  
18 we can do to make sure that our resources are there.  
19 And I'm not sure why we had a shortage of berries this  
20 year, it was the weather, I'm sure, but you never know.

21  
22                   I'm not sure why, you know, the salmon  
23 were coming late, maybe it's the global warming that  
24 we're all, you know, becoming aware of because I think  
25 the salmon move during -- you know, the temperature of  
26 the water has a lot to do when they move. And, you  
27 know, I know those are concerns that I think we as --  
28 well, our Staff people, scientist, you really need to  
29 address those things so that we could see if we can  
30 learn how to address them.

31  
32                   Our moose hunting, you know, I used to  
33 go moose hunting with my children years ago and then I  
34 got involved in this Council and low and behold we've  
35 always had the Council meetings during the subsistence  
36 moose hunting, so luckily enough my children learned  
37 how to hunt moose and they have been supplying us with  
38 our -- the family with the moose that we needed during  
39 winter. And we didn't get any last year, and it was  
40 because of the weather. We had a lot of rain there.  
41 And where they traditionally hunted, you know, the  
42 moose just wasn't there. And so, you know, we've got  
43 some serious issues before us and as of yet, you know,  
44 I'm not sure how myself, you know, can address them.

45  
46                   What I'd like to do now is I would like  
47 to go through some of the comments that were made last  
48 year during this particular time from each of you and I  
49 would like Staff to take serious notes on this because  
50 I think there are issues that we are going to have to

1 address here in the near future and see if there are  
2 any ways that we can, you know, work with these  
3 problems so that we can solve them.

4

5                   Here's something Richard Stokes said,  
6 it's in regards to the chum salmon. He said, I believe  
7 the chums are the predators and they are cleaning up on  
8 them. And it's in regards to the hatchery that is  
9 nearby, the hatchery is there for the benefit of the  
10 gillnetters and they're getting the roe and throwing  
11 the rest of the fish away.

12

13                   And so, you know, I think when we have  
14 that kind of a situation where species predate on other  
15 resources, that's -- I don't know how to address that  
16 but I don't know -- and I'm not sure whether we can do  
17 anything about it.

18

19                   You know, Mr. Bangs brought up a couple  
20 of important issues, and one of them is the aerial  
21 spraying, and I think that was also addressed by some  
22 other members of the Council as well. We need to be  
23 careful about how we, you know, use those pesticides  
24 because it could get into our berries, our food chain,  
25 and cause a lot of problems. We wonder why a lot of  
26 people in our communities are dying from cancer. And,  
27 you know, I think this is something that really needs  
28 to be seriously looked at.

29

30                   The rural determination of Sitka, you  
31 know, was taken care of without any problems, but  
32 Ketchikan and Saxman, you know, we're still going to be  
33 dealing with those.

34

35                   Recreational fishing is becoming a real  
36 big issue that we have to contend with and I, you know,  
37 we deal with subsistence issues but the sportfishing  
38 industry, you know, is becoming a real big part of this  
39 country now and we're competing, we're competing with  
40 those resources and putting pressure on those  
41 resources, you know, I don't think is good for their  
42 longevity at all.

43

44                   There's a little note here that I put  
45 here about rockfish. There's no limit, you know, to  
46 how much rockfish that you can catch. But I'm sure  
47 that it's going to become a problem somewhere down the  
48 line if we're not careful.

49

50                   These are comments that Mr. Hernandez

1 made in last year's comments. He thinks that education  
2 is a real important part, you know, of solving a lot of  
3 these problems. Helping your clients, you know, for  
4 instance, what it means to take a 32 inch halibut or  
5 one that's larger.

6  
7                   There's another issue about  
8 interception. In the Yakutat area we believe that --  
9 and Bob Hendrichs from Eyak Corporation -- or Village  
10 Corporation in Cordova, him and I are real good friends  
11 and I get into a lot of conversations with him. I  
12 says, you know, Bill, how many sockeyes did you inter  
13 -- Yakutat sockeyes did you intercept this year, and,  
14 you know, it's just a joke and a matter of conversation  
15 that we start talking about, but I really do believe  
16 that there is some truth to that. He denies it, but,  
17 you know, it's an argument that we'll probably be  
18 bringing forth to each other for years to come.

19  
20                   Somebody said something about pure  
21 foods and that's with the pesticides and keeping the  
22 environment clean and all that. What can we do to do  
23 those things.

24  
25                   The sea otter is a real big issue. I  
26 remember the stories that were told to me when I was a  
27 young boy. After the Russians came and they depleted  
28 all the sea otter in the Yakutat area, they used to  
29 hunt those way out on the Fairweather Bench. They  
30 never allowed them to come into the inland. And there  
31 were stories that were told that when they went out to  
32 hunt the sea otter, the mountains, you could just  
33 barely see the tops of them, that they were so far out.  
34 They knew that if they let them come in to their own  
35 areas where they, you know, hunt and fish that they  
36 were going to cause a problem, so they kept them out  
37 there. And then it was in the 1960s or thereabouts,  
38 the U.S. Fish and Wildlife Service, you know,  
39 transplanted some of those sea otters from the  
40 Aleutians and where did they put them, they put them in  
41 the islands and the mainlands and those animals, you  
42 know, they multiply year-round, just like you and I,  
43 they have babies whenever they want and they multiple  
44 real fast. And they eat 25 percent of their body  
45 weight. Those creatures, you know, can get up to 100  
46 pounds. So when you talk about five, 600 otters in our  
47 area right now, and if they average, you know, 80, 90  
48 pounds, 100 pounds that means that they're eating about  
49 22.5 pounds per animal of clams, and crabs and sea  
50 urchins, our gumboots, they're all disappearing.

1 Multiply that 300 to 500 times and you're talking about  
2 hundreds of thousands of -- or I mean 10, 11,000 pounds  
3 of sea food resources that these animals are taking  
4 away from our own subsistence resources.

5  
6 Bears. I mentioned earlier, you know,  
7 are becoming a real big problem. And people, you know,  
8 in order to chase them away sometimes will shoot at  
9 them and they'll wound them and, you know, it makes  
10 them very mean, dangerous. So the bears went to sleep  
11 late in Yakutat and we had to do away with several of  
12 them in order to take them out of their misery and do  
13 away with the danger. So we need to figure out how to  
14 manage those.

15  
16 Somebody made a comment about the small  
17 halibut and I mentioned that earlier, we need to figure  
18 out how we are going to address those.

19  
20 The Ketchikan rural status along with  
21 Saxman, you know, as Lee has pointed out, we are  
22 working hard to try to assist them with an RFR, which  
23 means a request for reconsideration, from their  
24 decision last fall. And when we started this process,  
25 you know, it started immediately after, as Lee said,  
26 after the Federal Subsistence Board made their  
27 decision. We didn't want any grass to grow under our  
28 feet so, you know, had Dr. Schroeder here start working  
29 on that issue right away and we've been communicating  
30 and talking with Saxman and Ketchikan, you know, to  
31 address this issue and, you know, I think it would be  
32 interesting to hear your reports later on on the  
33 agenda, Lee and Merle.

34  
35 Joe Hotch brought out a real big issue  
36 that we were concerned about in Yakutat many, many  
37 years ago and it's the high powered vessels. You know,  
38 they do have an affect, you know, on the migration of  
39 the salmon. And on the Situk River I'll use as an  
40 example, you know, the fishermen used to, a long time  
41 ago, Stanley, do the old two arm horsepower, you know,  
42 and they would go out and breaker fish and today you  
43 have these.....

44  
45 MR. HOTCH: It's still here.

46  
47 CHAIRMAN ADAMS: Uh.

48  
49 MR. HOTCH: It's still here.

50

1 (Laughter)

2

3 CHAIRMAN ADAMS: And today these  
4 youngsters, you know, they got to have those high  
5 powered outboard motors going up and down the river,  
6 you know, crossing one another and the elders, you  
7 know, they were very much opposed to this kind of  
8 activity on the river and see it, everybody has to have  
9 an outboard now. And I don't think we're going to be  
10 able to solve that but, you know, it's a way that our  
11 people used to respect the resources a long time ago.

12

13 I'm done folks.

14

15 I think we'll go ahead and take a  
16 break, we'll take a lunch break. And I've been talking  
17 with Nick here about changing places, Tina, would it be  
18 very hard for you to collect this material and move it  
19 over to another place?

20

21 REPORTER: (Shakes head negatively)

22

23 CHAIRMAN ADAMS: He says in a half  
24 hour, you know, we should be able to do it.

25

26 REPORTER: Okay, that's fine.

27

28 CHAIRMAN ADAMS: And, you know, it's  
29 kind of cold in here and I think we need to find a  
30 place that would be more accommodating to us. She says  
31 fine. So if it's okay we'll go ahead and take a break  
32 and be back.....

33

34 DR. SCHROEDER: Mr. Chairman. Let's  
35 see what we're doing for lunch here. It sounds like we  
36 have 15 minutes until our lunch is prepared.

37

38 I'll just comment we have people  
39 bringing lunch for us. And also we have community  
40 members providing snacks, we need to make sure we  
41 support them real well with contributions for snacks  
42 and then also we pay for our lunches.

43

44 Thanks.

45

46 CHAIRMAN ADAMS: All right, thank you,  
47 maybe we can just go on for another 10 or 15 minutes  
48 before lunch then and move on with the agenda.

49

50 What's next.

1 MR. JACKSON: Are you up for  
2 suggestions.  
3  
4 CHAIRMAN ADAMS: Sure. Identify  
5 yourself and you have the floor.  
6  
7 MR. JACKSON: My name is Russell  
8 Jackson.  
9  
10 REPORTER: Hold on, wait a second.  
11  
12 MR. JACKSON: And, you know, things are  
13 happening in this world now with global warming like  
14 you said.  
15  
16 CHAIRMAN ADAMS: We need some in here.  
17  
18 (Laughter)  
19  
20 MR. JACKSON: Yes. But you also need  
21 to look at what's happening around the world and you  
22 need to look at what's happening, you know what's  
23 happening with the fish now days, that they're  
24 depleting. You also need to wonder how many fishermen  
25 are in Alaska now fishing out the fish. Take a survey  
26 on that and see how many subsistence users and how many  
27 sportsfishermen and how many commercial fishermen are  
28 in Alaska now compared to a few years ago.  
29  
30 But what you need to know is when the  
31 fish all spawn. When the halibut spawns, what time of  
32 the year the halibut spawns and what time of the year  
33 you send our fishermen out into the ocean to catch  
34 these fish. The time of the year that the fish spawns  
35 is might be when we're all fishing. The time of the  
36 year that the fish spawns should be the time of the  
37 year that fishing should be shut down before -- when  
38 the fish are spawning.  
39  
40 And you need to know where the  
41 pollution is coming from that are polluting our streams  
42 and our waters, where is it coming from, is it all from  
43 the tour ships, is it all from the logging and is it  
44 all from down south or something, where something's  
45 happening in the ocean where the water temperature's  
46 getting lower or something, that our fish aren't coming  
47 back, something's happening.  
48  
49 A lot of global things are happening  
50 around the world now because of the over population,

1 pollution and everything else that's going on.

2

3 I think one thing we should do is look  
4 at when the fish spawn. And maybe shut the fishing  
5 down when they're spawning and let them spawn. And  
6 then just let them spawn and then go fishing  
7 afterwards. Just give them a couple months to spawn  
8 because it's getting so serious now, that over  
9 population and the number of people that are fishing  
10 are fishing out our oceans. There's getting to be more  
11 -- the population is getting to be more, the fishermen  
12 are getting to be more. It might not be -- it might be  
13 something like that that is doing it to the fish.

14

15 But I think in the future if nothing's  
16 going to be done, that we're going to have nothing,  
17 barely left. It's the same way with the herring, it's  
18 the same way with everything else. No time is being  
19 given to them because too many people are coming into  
20 this Alaska to fish it out.

21

22 And another thing, pollution and  
23 everything else, is fishing out.

24

25 And logging might play a role in it.  
26 But Sealaska should have known that a buffer zone  
27 should have been 200 feet from the creek, all the trees  
28 should have been left back at least 200 feet from the  
29 river and all the logging should have been away from  
30 the creek at least 200 feet or so where the runoff  
31 won't go into the waters. So in regards to logging,  
32 there is ways of solving these things. You know  
33 there's a lot of things that could be solved.

34

35 Like the lady said, too, about her  
36 deer, they're being -- where there's lesser numbers of  
37 deer, where there's clear-cut areas, maybe, but I think  
38 now we need to look at planting trees, planted trees  
39 and plant what the deer will eat, you know, just these  
40 things we need to look at is what will a deer eat. We  
41 need to look at them. And maybe we'll be kind enough,  
42 as humans, to go in these starving areas, these  
43 animals, where they're starving, will get -- there's  
44 things like feed, where a deer will feed on -- they  
45 sell feed for deer and everything, we can bring it in  
46 maybe once a week or something and feed these deer, you  
47 know, so they can survive for our own subsistence, you  
48 know.

49

50 And sea otters, for crying out loud, we

1 don't need thousands of them darn things. If we're  
2 going to survive on the foods now we need to limit  
3 these things. We need to maybe -- Indians, we all have  
4 things that can -- we can use the furs for. We can  
5 limit so much sea otters per Native corporation where  
6 they can do some arts and crafts with it. You know, a  
7 sea otter isn't really that necessary to have, you  
8 know, it's part of -- if it's part of what we got to  
9 live on, we got to learn to limit some of these animals  
10 that are upon the earth. Everything has a limit to it.  
11 The cows, and all kinds of stuff -- foods that we eat  
12 have a limit to it.

13

14                   And over population is where we're  
15 going to have to learn to limit a certain amount of  
16 animals upon this earth.

17

18                   What I want to say is we want to do --  
19 I know we want to protect some of these animals, but at  
20 the same time we want to limit it for the people that  
21 are living on this earth are multiplying more and more.  
22 And our Natives depend on all the foods, our dry fish,  
23 our halibut, it's what we depend on, gumboots, clams,  
24 everything, now we need to really look down on this  
25 thing, you know, pollution. Like I say when the fish  
26 spawn, maybe we're catching them too fast. We might be  
27 not giving them a chance, you know.

28

29                   I'm just giving you just simple things  
30 to think about, it might not be simple, but on a world  
31 basis you guys are looking forward to taking care of  
32 this. On a world basis, I know we can do it. It's  
33 necessary. It's necessary that we keep our subsistence  
34 with us.

35

36                   Like I say, look into this spawning  
37 effect, when the halibut spawn, when the fish spawn,  
38 when a deer reproduces and everything like that and  
39 look into how -- like I say how many fishermen are here  
40 today and how many are coming up from the South 48 to  
41 fish and see if there can be a limit on some of this  
42 stuff. And like this lady, she wants deer back, tree  
43 plant, plant forage where the deer, where the animals  
44 can eat, you know. Things that will help these things  
45 survive.

46

47                   The thing is, too, we got to help these  
48 animals survive, you know, we got to help them along.

49

50                   That's all I have to say and hope for

1 the best in the future and I thank your committee for  
2 coming and I thank you for your concerns for the people  
3 of Kake and the people all over Alaska.

4

5 Thank you, very much.

6

7 Gunalcheesh.

8

9 CHAIRMAN ADAMS: Gunalcheesh, Mr.  
10 Jackson. You know long before the Situk River became a  
11 world class fishing river, it was owned by a guy by the  
12 name of Situk Harry, and he had -- they had ways and  
13 means of managing the resources and he did exactly what  
14 the gentleman here was talking, he says, when it came  
15 around mid-July there was a flag that he used to put  
16 up, fishing is shut down for two weeks so that the fish  
17 could go up and do their little business. And down in  
18 the Dry Bay area when the cannery was built down there  
19 in the late 1800s, the only people that knew how to  
20 fish for them at the beginning were the Native people,  
21 and so they hired the Native people to go out and do  
22 their fishing for them, and there they would fish, you  
23 know, the king salmon would come in, they'd come in  
24 stronger and stronger and all of a sudden they would  
25 stop. Same way with the sockeyes and the other species  
26 that came in, they would fish and then they would stop.  
27 And the explanation that the leader of that clan down  
28 there says that we need the fish to go up and do their  
29 business and they knew when it was time to do that.

30

31 And so, you know, I know the Fish and  
32 Game and the State of Alaska and, of course, you know,  
33 the Feds are trying to accomplish that but like Mr.  
34 Jackson said we need to know when they spawn so that  
35 they will have an opportunity go up there.

36

37 I was listening to Harvey's father one  
38 time tell me exactly the same thing. He says they  
39 never went and got their fish until after they spawned.

40

41 And, you know, traditional and  
42 ecological knowledge is really rich yet and we need to  
43 take it seriously.

44

45 Thank you.

46

47 Okay, we've got 15 more minutes for  
48 lunch they said so let's see where are we.

49

50 MR. JACKSON: Mr. Chairman.

1 CHAIRMAN ADAMS: Sure. Please say your  
2 name again, sir.

3  
4 MR. JACKSON: My name is Joel Jackson.  
5 I'm a Councilman for the Organized Village of Kake.  
6 I've been on there for a number of years. And my  
7 concern is what a lot of you brought up and the number  
8 of concern now and I'm sorry I didn't talk with our  
9 representative that sits on your board there, Nick  
10 Davis, is the fact that we're starting to see a lot  
11 more pressure from charter boat operators, not only the  
12 charter boat operators but people that come up from  
13 down south on their own yachts and they're starting to  
14 move into our area to fish.

15  
16 And one of my concerns is that we need  
17 to block off or shut our area, our bay off to  
18 commercial fishing. And I hope to push this through  
19 our Council, our local tribal Council, because if you  
20 look at our little bay it's not that big. We have  
21 commercial fishing, halibut and salmon and we got  
22 dungeness crag fishing, and we got tanner crab fishing,  
23 and rockfish commercial fishing all in this little bay  
24 and there's hundreds of pots, crab pots being put out  
25 and just like anything else our bay is not going to be  
26 able to sustain the fisheries and we're already feeling  
27 the impact in that regards on all the crab and the  
28 fish.

29  
30 It's pretty sad to see the bears and  
31 everything else that are being impacted by the  
32 sportsmen coming in and taking over 300 bears off our  
33 island. Everything has a purpose in life here, whether  
34 it be the bears, the birds, whatever, the fish,  
35 everything's there for a reason. And when we start  
36 allowing too much being taken off our island and I've  
37 mentioned this to the Fish and Game and we've met with  
38 the Forest Service, Fish and Game over the years and  
39 it's always -- well, I should go back to this one  
40 letter that's going to be coming before you, about the  
41 Kutlaku, what we call Bay of Pillars fisheries, it's  
42 going to be presented, what I understand, today. Where  
43 our Organized Village of Kake had done a study with  
44 Fish and Game and the Forest Service on the -- to see  
45 how healthy the run of sockeye salmon is in the Bay of  
46 Pillars. And they come back to us after a certain  
47 amount -- two or three years, saying that it's healthy  
48 enough to open to non-subsistence users, sport  
49 fishermen. And I appreciate what they've done, they've  
50 come in and helped us to try to determine how healthy

1 our sockeye runs are in different streams around us,  
2 that we depend on, but like I told them in the past,  
3 every time that they've come in and told us, you know,  
4 it's healthy, and then down the line we lose track of  
5 how many people are going in there for sportsfishing  
6 and pretty soon we don't have nothing, and we're  
7 impacted. We're the only ones impacted because we rely  
8 on that fisheries.

9  
10 Right now the Bay of Pillars is one of  
11 the furthest sockeye streams from our village. So the  
12 people of Kake have not been using it because it takes  
13 so much gas to get down there which is a major factor  
14 and the gas prices here are a dollar more than any  
15 place else that you'll pay in Alaska probably, in  
16 Southeast. So the fuel prices really impact us on how  
17 far we can go from our village to fish. And we're  
18 making use of the areas that take us probably half the  
19 time to get there. And unfortunately we have to cross  
20 Chatham Straits out there, which could be very  
21 dangerous, you know, at times. But there's still a few  
22 people that use that area. But that's the main reason  
23 why they put in their report that there was very little  
24 use of subsistence in that area, and that's the reason  
25 why, because it takes so much to get there, so much  
26 fuel and time. And when you get there sometimes the  
27 fish ain't there and you can't afford to do that.

28  
29 But reluctantly we agreed -- well, on  
30 my part I was reluctant to agree to it but I'll have to  
31 trust them once again on their -- and hopefully that  
32 they'll monitor these fisheries a lot closer than in  
33 the past where it comes down to -- like if our  
34 fishery's -- in the other two areas that we go to, Gut  
35 Bay and Falls Lake, if those crash all of a sudden then  
36 we'll have to go down there.

37  
38 And one of the problems we had in the  
39 past, too, was we had to interact with the  
40 sportfisheries. People coming in there and  
41 sportfishing while we're doing our subsistence fishing.  
42 And, you know, it's hard for us to do that without  
43 people being there and people getting in the way. Like  
44 a lot of times we only got a certain amount of time to  
45 be there.

46  
47 I'm glad that you people have come to  
48 town and listen to our concerns and hope that in the  
49 near future that we'll work with you guys to get our  
50 bay shut down to commercial fishing.

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you, Joel. I'm  
4 going to turn the time over to Bob to explain the  
5 Council process here. I'm going to excuse myself and  
6 go in the back room for awhile.

7

8 DR. SCHROEDER: Okay. I don't think  
9 we'll get into proposals before lunch, I think our  
10 lunch is pretty close to being ready here. I would  
11 alert -- direct Council members to take a look at Item  
12 9 on the agenda, and that presents for new Council  
13 members, old Council members know how we go through  
14 proposals. This is the procedure for presenting  
15 proposals.

16

17 The way we do it is that Staff present  
18 the proposal and analysis. Questions of Staff at that  
19 time should be more ones of information, trying to  
20 figure out if there's additional information that the  
21 Council would like to hear at that point in the  
22 process. Later on after public comments are in and  
23 other comments are in the Council moves to  
24 deliberation.

25

26 The second part of our process is we  
27 hear from Fish and Game and then from Federal, State  
28 and tribal agencies. We hear from the InterAgency  
29 Staff Comments. If there are any Fish and Game  
30 Advisory Committee comments. Any public comments on a  
31 proposal, and any public testimony by people who are in  
32 the room or on line. And then we move to Council  
33 deliberations.

34

35 I handed out a sheet, and in the past  
36 we've written up the four things that this Council  
37 considers with every proposal and tries to make a good  
38 record about. I did this a little bit better than at  
39 our last meetings, the top of the sheet is listed as  
40 deference to Council recommendations. I repeated the  
41 part of ANILCA which basically says what your  
42 responsibilities and authorities are and that the  
43 Secretaries should follow the recommendations of  
44 Regional Advisory Councils concerning the taking of  
45 fish and wildlife on the public lands -- on Federal  
46 public lands. There are three conditions, under which  
47 the Secretary can decide not to follow Council  
48 recommendations, and those are highlighted in the text  
49 there.

50

1 If a recommendation you make isn't  
2 supported by substantial evidence;

3  
4 That it violates recognized principles  
5 of fish and wildlife conservation; or

6  
7 That it would be detrimental to the  
8 satisfaction of subsistence needs.

9  
10 So when we get into the deliberations  
11 stage of each proposal, it would be very good if  
12 Council members make sure we have a record saying why  
13 you think that the proposal is supportable or not  
14 supportable, on those grounds.

15  
16 The fourth point on the bottom is  
17 something this Council does, it's not really a  
18 requirements of ANILCA, but this Council generally  
19 comments on the likely effect of its recommendation on  
20 non-subsistence users. And we found that this makes a  
21 pretty good record and it let's the Federal Subsistence  
22 Board know what your thinking is on each proposal.

23  
24 So that's just a little bit of an  
25 overview, and Mr. Casipit did you have something.

26  
27 MR. CASIPIT: No.

28  
29 DR. SCHROEDER: Okay. And I'll check  
30 with Melinda and see how we're doing on lunch here.

31  
32 CHAIRMAN ADAMS: Okay. Yeah, Bob  
33 explained this to you and I just want to add that if  
34 diligently, seriously go through this process and  
35 evaluate each of those proposals, you know, using that  
36 criteria there's a 99.9 percent chance that it will be  
37 accepted as regulation by the Federal Subsistence Board  
38 so we got a lot of real serious homework to do in order  
39 to make that happen. But this is the criteria that we  
40 will use in order to -- when we evaluate or go through  
41 these proposals.

42  
43 Thank you.

44  
45 MR. CASIPIT: Just before we go to  
46 lunch I wanted to -- Melinda to distribute to the  
47 Council, this is the final report from Dr. Steve  
48 Langdon, FIS Project 02-104, it's one of the first TEK  
49 projects to have a final completed report. You have a  
50 choice, you can either have a paper copy or CD copy or

1 maybe she's passing out both, I'm not sure. But  
2 members of the audience, if you're interested, if we  
3 don't have enough reports to go around, give your name  
4 and address to Melinda and we'll make sure you get  
5 mailed a copy of this. But it's pretty impressive  
6 work, it's got lots of diagrams and pictures and it's a  
7 really interesting read. I took a look through it when  
8 I first got it and I was absolutely amazed by the kind  
9 of information that's in here and this is traditional  
10 and ecological knowledge that Bert was talking about  
11 and everybody on this Council talks about, and we're  
12 getting it documented and it's getting into reports.

13

14 So I think it's a huge step forward  
15 from where we were before. But, anyway, you'll have  
16 that for lunch.

17

18 CHAIRMAN ADAMS: All right, thank you,  
19 Cal. We are going to take a break now.

20

21 DR. SCHROEDER: What time should we be  
22 back.

23

24 CHAIRMAN ADAMS: Lunch is right through  
25 the red doors there, let me do some talking here with  
26 some people and we'll find out when we can reconvene.

27

28 (Off record)

29

30 (On record)

31

32 CHAIRMAN ADAMS: Could people get their  
33 chairs and places here and we'll get started here in a  
34 couple more minutes.

35

36 (Pause)

37

38 CHAIRMAN ADAMS: Good afternoon ladies  
39 and gentlemen, we will go back into session. We're  
40 going to start the wildlife proposals, and, Bob,  
41 outlined to you today the process in doing that and the  
42 criteria that we're going to follow to consider these  
43 proposals.

44

45 So, okay, Tom, you're going to do the  
46 presentation for us. You're in the hot seat.

47

48 MR. KRON: Yes, Mr. Chairman. My name  
49 is Tom Kron, I'm the statewide support division chief  
50 for OSM. And the first four proposals are statewide

1 proposals, all four of these are being considered by  
2 all 10 Regional Councils. The first proposal,  
3 Proposal 1, starts on Page 53 in your book, and I'll  
4 provide a brief summary of the Staff analysis of this  
5 proposal.

6  
7 Proposal WP07-01 was submitted by the  
8 Department of Fish and Game and requests that claws be  
9 removed from the Federal definition of fur and that  
10 sale of handicraft articles made from claws, bone,  
11 teeth, sinew or skull or black and brown bear be  
12 allowed for sale, only, between Federally-qualified  
13 subsistence users statewide.

14  
15 The proponent submitted this proposal  
16 because in ADF&G's view, if the definition of fur is  
17 not changed it will allow for unconstrained commercial  
18 sale of handicraft made from bear parts and create  
19 market incentives for poaching.

20  
21 Between 2002 and 2006 the Federal  
22 Subsistence Board considered six proposals regarding  
23 the sale of handicraft made from non-edible parts of  
24 bears. The Board has consistently supported the sale  
25 of handicraft made from skin, hide, pelt or fur of  
26 black bear statewide and brown bear in three region,  
27 including this region by Federally-qualified  
28 subsistence users.

29  
30 The proponents language for the Federal  
31 definition of fur would require the removal of claws  
32 from all hides such as fox and mink, not just bears.

33  
34 Under current Federal regulations brown  
35 bear hides with claws can only be used in handicraft  
36 for sale if the bears were harvested in Eastern  
37 Interior, Bristol Bay and Southeast Alaska. Other  
38 parts, such as bones, teeth, sinew or skull can be used  
39 only from brown and black bear taken in Southeast  
40 Alaska.

41  
42 The effects of the proposal. This  
43 proposal would remove the unit specific restrictions  
44 listed above and would negate the intent of the Federal  
45 Subsistence Board and the Regional Councils in  
46 recognizing the diverse customary and traditional uses  
47 of bears and bear parts throughout the state. The  
48 proponent's description for persons eligible to sell  
49 handicraft from the bear parts mentioned above will  
50 narrow sales only to Federally-qualified rural

1 residents.

2

3 This proposal would unnecessarily  
4 restrict the subsistence uses of Federally-qualified  
5 subsistence users as specified in ANILCA, Section .803.

6

7 The Staff's preliminary conclusion is  
8 to oppose the proposal.

9

10 There has been no evidence provided to  
11 indicate that current Federal regulations adversely  
12 affect bear populations; there have been no evidence  
13 provided to indicate that current Federal regulations  
14 have led to an increased legal or illegal harvest of  
15 bears; current Federal regulations apply only to bears  
16 harvested under Federal subsistence regulations on  
17 Federal public lands; all meat from bears harvested  
18 under Federal subsistence regulations must be salvaged.

19

20 Thank you, Mr. Chairman. I'd be happy  
21 to answer any questions.

22

23 CHAIRMAN ADAMS: Thank you, Tom. Is  
24 there any questions by the Council to Tom. If you have  
25 any questions at all that need to be addressed or  
26 cleared up now's the time to do it, on this proposal.

27

28 MR. DOUVILLE: Mr. Chairman.

29

30 CHAIRMAN ADAMS: Go ahead, Mike.

31

32 MR. DOUVILLE: Thank you, Mr. Chair.  
33 Is there any evidence that a significant enterprise or  
34 enterprises have developed, is there increase in taking  
35 of bears or anything like that is taking place since  
36 the Federal Subsistence Board allowed the present uses?

37

38

39 MR. KRON: Mr. Chairman. Mr. Douville.  
40 No, our understanding is that there hasn't been no  
41 significant increase in harvest.

42

43 CHAIRMAN ADAMS: Go ahead Joe.

44

45 MR. HOTCH: Mr. Chairman. What affects  
46 does this have on allotments, if I shot a bear on my  
47 own allotment, what does that do, private land?

48

49 MR. KRON: Mr. Chairman. Mr. Hotch.  
50 My understanding is that allotments fall under State

1 jurisdiction so on the allotments you'd be operating  
2 under ADF&G regulations.

3

4 Thank you, Mr. Chairman.

5

6 MR. HOTCH: Mr. Chairman.

7

8 CHAIRMAN ADAMS: Go ahead.

9

10 MR. HOTCH: Mr. Chairman. I really  
11 don't agree with that because Indian allotment, Indian  
12 country and another one fall into Indian Country  
13 status, so I'm concerned that if I shot a brown bear on  
14 my own private land am I going to get picked up or  
15 what's going to happen. It's just a question.

16

17 CHAIRMAN ADAMS: Well, yeah, thank you  
18 for that concern, too, Joe. But it is -- Native  
19 allotments do fall under private property which would  
20 then, you know, be under State jurisdiction. And I  
21 think your concern, you know, is a legitimate one. You  
22 can probably go ahead and shoot game, you know, on your  
23 own land as long as you don't break the law and I don't  
24 know what that is.

25

26 Do you have a comment.

27

28 MR. EASTLAND: Thank you, Mr. Chair.  
29 My name's Warren Eastland and I'm the wildlife  
30 biologist for the Bureau of Indian Affairs. And Mr.  
31 Hotch is correct, in that allotments do fall, to a  
32 degree, under Indian law because they are restricted to  
33 Indian ownership, however, you are correct, in that,  
34 that they fall under State regulation, because  
35 currently allotments are not considered Federal public  
36 lands. So State regulations apply rather than Federal  
37 subsistence regulations on Indian allotments.

38

39 Thank you, very much, sir.

40

41 CHAIRMAN ADAMS: Thanks for that  
42 additional comment. Steve go ahead.

43

44 MR. KESSLER: Steve Kessler with the  
45 InterAgency Staff Committee and the Forest Service.

46

47 One additional thing on there, about a  
48 year ago, maybe a little bit more than that, we had  
49 the, sort of the Katie John II, the Katie John case  
50 filed against -- with the U.S. Government. And one of

1 the questions in that and one of the things they had in  
2 that case is whether the Federal subsistence  
3 regulations should apply to Native allotments. So this  
4 is going to work its way through the courts, actually.  
5 I don't know exactly where it is right now but it is  
6 going to be addressed through that case.

7

8 CHAIRMAN ADAMS: So Steve what you're  
9 saying is then that there is an effort to get Native  
10 allotments under Federal jurisdiction or what?

11

12 MR. KESSLER: Well, there is the  
13 question and I believe that it may be specific to  
14 fisheries. And I just haven't read that case recently.  
15 But that's part of the case. First the State sued the  
16 Federal government about the interpretation and the way  
17 the regulations were written associated with the  
18 navigable waters jurisdiction, and it was just a couple  
19 days after that, that, I believe, it was the Native  
20 American Rights Fund that sort of -- it was almost like  
21 a counter-suit, and where -- in that case they said,  
22 not only should Federal jurisdiction apply to those  
23 areas that are specifically associated with Federal  
24 units, like, you know, Park Service and Fish and  
25 Wildlife Refuges and Forest Service lands, et cetera,  
26 but it also should apply to lands up and down stream  
27 from that. And then a part of that was that it should  
28 also apply to those areas of Native allotments.

29

30 So I don't know if it's specific to  
31 fisheries or fish and wildlife, I just don't remember  
32 the case well enough. Both of those cases, they have  
33 been put together, they have been consolidated into one  
34 case and so that's working its way through the legal  
35 system now.

36

37 CHAIRMAN ADAMS: All right, thank you.  
38 Tim, do you have anything to offer in regards to fish  
39 and game on Native allotments. You're with the Forest  
40 Service but -- I understand, you know, but you're also  
41 law enforcement, so I'm wondering if you might have  
42 anything to offer.

43

44 OFFICER WALTHER: No, sir, I don't,  
45 nothing further than what's already been stated.

46

47 Thank you.

48

49 CHAIRMAN ADAMS: Thank you. Any other  
50 questions of Tom.

1 MS. PHILLIPS: Yes.  
2  
3 CHAIRMAN ADAMS: Go ahead, Patty.  
4  
5 MS. PHILLIPS: Thank you, Chairman  
6 Adams. What was his name -- what was your name?  
7  
8 MR. KRON: Mr. Chairman. Ms. Phillips.  
9 Tom Kron.  
10  
11 MS. PHILLIPS: Tom Kron, okay, thank  
12 you, Mr. Kron. On the ADF&G comments on Page 54, is  
13 there a reply or a rebuttal or any sort of comment  
14 addressing their comments?  
15  
16 MR. KRON: Mr. Chairman. Give me a  
17 minute here, I want to look at their comments again  
18 but, yes, we do have some responses if you asked.  
19  
20 (Pause)  
21  
22 MR. KRON: I guess a question, Mr.  
23 Chairman, would it be appropriate to wait on this until  
24 after you've heard from ADF&G. I know they've provided  
25 written comments in the book but sometimes those are  
26 adjusted at the Council meeting.  
27  
28 CHAIRMAN ADAMS: I think..... Haynes.  
29  
30 MR. KRON: Terry Haynes, I believe, was  
31 on the line.  
32  
33 CHAIRMAN ADAMS: I think that would be  
34 appropriate enough, but is there people from ADF&G  
35 here?  
36  
37 MR. CASIPIT: They're on line.  
38  
39 CHAIRMAN ADAMS: They're on line?  
40  
41 MR. CASIPIT: Yes.  
42  
43 CHAIRMAN ADAMS: Okay. Well, let's  
44 turn their microphone on.  
45  
46 DR. SCHROEDER: We should just see if  
47 we're done with Tom.  
48  
49 MR. CASIPIT: Terry, are you there.  
50

1 MR. HAYNES: Yes, I am.  
2  
3 CHAIRMAN ADAMS: Okay, just a minute.  
4 Does anyone have any more questions of Tom.  
5  
6 (No comments)  
7  
8 CHAIRMAN ADAMS: Okay, thank you, Tom.  
9 And we'll take Fish and Game comments now.  
10  
11 MR. CASIPIT: Okay, Terry, I think  
12 they're ready for Fish and Game comments on WP08-01.  
13  
14 CHAIRMAN ADAMS: Did you have a  
15 question of Tom.  
16  
17 MR. HERNANDEZ: I just wanted to ask,  
18 Mr. Chairman, will we be able to.....  
19  
20 MR. HAYNES: Thank you, Mr. Chairman  
21 and Council members.  
22  
23 CHAIRMAN ADAMS: Hold on a second.  
24  
25 MR. CASIPIT: Hold on a minute, we have  
26 one more question, hold on.  
27  
28 MR. HERNANDEZ: Will we be able to ask  
29 Mr. Kron questions again after ADF&G comments?  
30  
31 CHAIRMAN ADAMS: Yeah, we can do that.  
32 We'll go ahead and take the ADF&G comments.....  
33  
34 REPORTER: Bert. Bert.  
35  
36 CHAIRMAN ADAMS: .....at this stage --  
37 we'll take ADF&G now and Tom just stay there if you  
38 will, there is some people who want to ask a few  
39 questions, so, go ahead.  
40  
41 MR. CASIPIT: Okay, Terry, you're on.  
42  
43 MR. HAYNES: Thank you, Mr. Chairman  
44 and Council members. My name's Terry Haynes. I'm the  
45 State Department of Fish and Game, Federal subsistence  
46 wildlife coordinator. I'm based in Fairbanks. I  
47 apologize for the fact that we're not able to be at  
48 your meeting in person today. One of our Staff is  
49 expected to be there later in the week when you're  
50 discussing fisheries issues. But during the wildlife

1 proposal deliberations, either I will be on line or  
2 Doug Larson from Juneau will be on line or both of us  
3 will be on.

4  
5 Our comments are fairly detailed on  
6 most of these proposals, as you may have noticed, if  
7 you've read through them. I'm not going to read them  
8 verbatim. I will point out that to some extent the  
9 comments describe the intent of the proposal raise some  
10 policy level issues that the Department has routinely  
11 had on Federal subsistence wildlife regulations. And  
12 then our specific comments regarding the proposal.s  
13 And what I would like to do is just summarize the  
14 essence of our comments as they apply to the proposal  
15 itself.

16  
17 The summary of our comments is on Page  
18 54, our comments, in more detail, are presented on  
19 Pages 68 and 69 if your Council meeting book.

20  
21 And as all of you know the Department  
22 has had concerned about the potential effects of the  
23 brown bear handicraft regulations since their inception  
24 and that was a reason we put forward this proposal.

25  
26 We believe it's necessary to reduce  
27 incentives for illegal harvest of bears in Alaska and  
28 other states to potential sales of high valued bear  
29 parts taken for subsistence purposes and preventing  
30 those uses from becoming significant commercial  
31 enterprises, and to help improve the enforceability of  
32 Federal regulations, which are -- which is a concern  
33 because of the absence of a harvest tracking mechanism  
34 for bears that are taken for purposes of making and  
35 fashioning handicraft items.

36  
37 I would add that the intent of our  
38 proposal was not to apply to big game animals or  
39 furbearers with the exception of bears so that is an  
40 oversight on our part and we certainly will make that  
41 clear to the Federal Board.

42  
43 With that, Mr. Chairman, I'll stop and  
44 -- since this is a Department proposal, I'll just say  
45 that we think it does have value and I'll try to answer  
46 any questions you might have.

47  
48 Thank you.

49  
50 CHAIRMAN ADAMS: Thank you, Mr. Haynes.

1 Is there any questions of the Council to Mr. Haynes.

2

3 Patty, go ahead.

4

5 MS. PHILLIPS: Thank you, Chairman  
6 Adams. On Page -- can he hear me?

7

8 MR. HAYNES: Yes, I can.

9

10 MS. PHILLIPS: On Page 68 under current  
11 conservation concerns, No. 1, authorize unconstrained  
12 sales as a customary and traditional activity despite a  
13 record demonstrating that only limited non-cash  
14 exchanges for traditional and that cash sales did not  
15 traditionally occur. Where did you get that record  
16 from?

17

18 MR. HAYNES: Through the Chairman. We  
19 have not seen evidence presented to the Federal Board  
20 in deliberation of these proposals that have authorized  
21 the use of bear parts for making and selling handicraft  
22 items. There's not been any evidence put on the record  
23 that these items were sold for cash as a customary and  
24 traditional practice.

25

26 That's what that is intended to say  
27 that there were limited -- we acknowledge that there  
28 are customary and traditional uses of brown bear parts  
29 in your region for making traditional regalia, and that  
30 bear parts were sometimes exchanged for other items but  
31 that we haven't seen evidence of cash sales having been  
32 a customary and traditional practice.

33

34 MS. PHILLIPS: Mr. Chair.

35

36 CHAIRMAN ADAMS: Patty, follow up.

37

38 MS. PHILLIPS: Then you're making the  
39 assumption that cash sales have not occurred, which is  
40 contrary to what has traditionally occurred, which is,  
41 cash or trade and barter for those items which have not  
42 been documented often times, particularly in Native  
43 communities, and so you're making an assumption based  
44 on the lack of a written record when up until the  
45 1970s, 80 percent of Alaska Natives barely had an  
46 eighth grade education and there just wasn't an  
47 importance on doing paperwork to verify that there are  
48 cash sales or barter transactions going on and even to  
49 this day cash sales and trade and barter is not  
50 documented to the satisfaction of State requirements.

1 And so I have a problem with putting such a heavy  
2 emphasis on that.

3

4 Thank you.

5

6 CHAIRMAN ADAMS: Thank you, Patty. Mr.  
7 Haynes do you have a response to Patty's concern there.

8

9 MR. HAYNES: Thank you, Mr. Chairman.  
10 No, other than when proposals are written and analysis  
11 of the proposals are developed, we certainly expect  
12 that the intent of the proposal is going to be  
13 addressed in the analysis, and that if a -- under the  
14 Federal subsistence regulations, Federal regulations  
15 apply to subsistence uses on Federal public lands and  
16 our concern is that we want to see evidence presented  
17 to support the proposal as being a customary and  
18 traditional activity.

19

20 And I certainly do acknowledge that  
21 there is information that sometimes is not documented  
22 but I worked for the Division of Subsistence for many  
23 years and certainly the intent of many of the  
24 Subsistence Division studies were to document these  
25 traditional practices so that that information would be  
26 available to support proposals concerning subsistence  
27 uses. And so the record that has been presented to the  
28 Federal Board is missing certain information, and it  
29 may well be that there were cash transactions that  
30 occurred that have not been documented, but we're just  
31 responding to the kinds of information that were or  
32 were not presented for the record.

33

34 CHAIRMAN ADAMS: Okay, thank you, Mr.  
35 Haynes. So what I'm gathering here is that you're  
36 concerned that this might turn into a commercial  
37 enterprise and not stay within the subsistence  
38 community, am I correct in that assumption, and where  
39 do you assume that; is there some evidence that shows  
40 that this is heading in that direction? I think Patty  
41 asked that same question but I haven't found a good  
42 answer yet.

43

44 MR. HAYNES: Mr. Chairman. No, we  
45 haven't seen evidence yet but this is a fairly new  
46 regulation. Our concern that over time, as people  
47 become more aware of the regulations that there is the  
48 potential for uses to begin developing that result in  
49 the increase harvest of brown bear and the sale of  
50 parts. But at this time I can't point you to any

1 evidence of this having occurred yet but this is fairly  
2 new regulation and sometimes it takes awhile for people  
3 to become aware of what kinds of uses are now allowed  
4 and that, could, over time, result in increased harvest  
5 of brown bear and sale of parts.

6

7 CHAIRMAN ADAMS: Okay, thank you,  
8 Terry. Is there anyone else who would like to ask Mr.  
9 Haynes a question.

10

11 Harvey, go ahead.

12

13 MR. KITKA: Thank you, Mr. Chair. This  
14 is Harvey Kitka. I have real concerns about not having  
15 any documents in what we consider cash. The Native  
16 community in Southeast Alaska traditionally cash to  
17 them was copper and they used copper as the cash and it  
18 was something they used throughout Southeast Alaska for  
19 buying and purchasing things. I realize some people  
20 don't call it cash but this was cash to us so cash  
21 sales could mean many things. So I want to put that on  
22 record.

23

24 Thank you.

25

26 CHAIRMAN ADAMS: Thank you, Harvey.  
27 Any other Council members.

28

29 Joe. Joe Hotch has a comment.

30

31 MR. HOTCH: Thank you. Good afternoon.  
32 My name is Joe Hotch and I'm from Haines/Klukwan area.

33

34 The concern that I have is if I shot a  
35 brown bear or a black bear in self-defense, where would  
36 I be, are you going to charge me for illegally shooting  
37 a bear in self-defense? That's my question.

38

39 Thank you.

40

41 MR. HAYNES: Mr. Chairman. Mr. Hotch.  
42 If you shot a brown bear, for example, on your Native  
43 allotment in defense of life and property, you would be  
44 required to forfeit that bear to the State and, you  
45 know, if it was taken under the defense of life and  
46 property provisions you would not be penalized for that  
47 but you would not be able to use the bear for your own  
48 purposes.

49

50 MR. HOTCH: Gunalcheesh.

1 CHAIRMAN ADAMS: Okay, thank you, Joe,  
2 for that question, and Mr. Haynes for an answer. Is  
3 there any other questions from the Council.

4  
5 MR. STOKES: Mr. Chairman.

6  
7 CHAIRMAN ADAMS: Go ahead, Dick.

8  
9 MR. STOKES: Thank you. Mr. Chair. My  
10 question is where would that bear go, I mean what  
11 happens to it if he can't use it?

12  
13 MR. HAYNES: Mr. Chairman. Doug  
14 Larson, are you on line?

15  
16 MR. D. LARSON: Yes, I am.

17  
18 MR. HAYNES: Could you respond to that,  
19 I'm not familiar with what happens to the bear hides  
20 that are forfeited to the State in Southeast Alaska.

21  
22 MR. D. LARSON: Sure. First of all my  
23 name is Doug Larson, and just for the record I'm the  
24 regional supervisor in Southeast for the Department of  
25 Fish and Game, Division of Wildlife Conservation. And  
26 like, Terry, I apologize for not being there in person,  
27 we had several commitments we were trying to juggle and  
28 the best we could do was tie in by phone and I  
29 appreciate Mr. Schroeder setting this up so that we  
30 could take part in this.

31  
32 To answer the question about what  
33 happens to bears that are taken in defense of life and  
34 property. First of all as Terry indicated, those  
35 bears, in those circumstances, do get retained by the  
36 State of Alaska. And the reason for that, very  
37 quickly, is that in order to discourage people from  
38 killing bears and claiming that they were doing it in  
39 defense of life and property as a way to get a bear,  
40 obviously could be an incentive and so to keep that  
41 from happening, certainly the State is aware that  
42 bears, do, on occasion, pose threats to people on their  
43 property and that there are instances where it's  
44 necessary to defend one's self and one's property and  
45 so the defense of life and property clause is alive and  
46 well. When those occur, the State of Alaska generally  
47 works with the individual or individuals who have  
48 killed a bear to understand what the circumstances were  
49 and then the bear is sealed as with all bears in the  
50 State system, metal locking tag is put on it, a form is

1 filled out and then the hide and the skull are sent,  
2 depending on the condition of the hide and the -- that  
3 will be sent to our Anchorage office, and in Anchorage  
4 then they will put those up for auction, public auction  
5 during the March Fur Rondy. And so if they are bid on  
6 by members of the public, they can be obtained that  
7 way.

8  
9 But in other instances, hides are  
10 sometimes retained within the Department, they're sent  
11 out and tanned and they are used for educational  
12 purposes in the school systems.

13  
14 CHAIRMAN ADAMS: Thank you, Mr. Larson.  
15 I got a question for you. Joe Hotch here has shot a  
16 bear on his allotment, you know, it attacked him and  
17 his family and his life was in jeopardy and so he has  
18 to turn this over to the State, the State then  
19 processes it, seals it, you know, sends it up to Fur  
20 Rondy, if he wants to use that bear for some reason,  
21 you know, for regalia or something then he has to go up  
22 and bid on it, doesn't kind of make sense to me, so  
23 would you like to respond to that please.

24  
25 MR. D. LARSON: Sure, Mr. Chairman.  
26 You know, as I mentioned when I first started on the  
27 issue of defense of life and property, bears, the  
28 clause is set up so that people, you know, can defend  
29 themselves and their property with the understanding  
30 that it wasn't necessarily the person's desire or  
31 intent to kill a bear, it was just that the  
32 circumstances posed require that they do that in order  
33 to save themselves.

34  
35 So in those instances, recognizing that  
36 that is the intent of somebody killing a bear in those  
37 conditions, then that bear does not go to the hunter,  
38 or the person that killed it.

39  
40 Now, on the other hand, if a person is  
41 interested in taking a bear and they want to use it for  
42 whatever legal purposes are allowed, including the sale  
43 of handicraft items, then certainly there are  
44 regulations that allow for that under both State and  
45 Federal hunting seasons and bag limits.

46  
47 CHAIRMAN ADAMS: Okay, thank you, Mr.  
48 Larson. Is there any other questions of the Council.

49  
50 Dick Stokes.

1 MR. STOKES: Yeah, what happens to the  
2 meat?

3  
4 MR. D. LARSON: Mr. Chairman. What  
5 happens to the meat depends on whether -- well, in a  
6 defense of life and property kill the meat generally is  
7 not salvaged and is not used and the only requirement  
8 under State law, at least, is that the hide and skull  
9 be forfeited but there is no ruling on what happens  
10 with the meat.

11  
12 CHAIRMAN ADAMS: Okay, thank you. Don.  
13 Don Hernandez has a question.

14  
15 MR. HERNANDEZ: Thank you, Mr.  
16 Chairman. This proposed regulation seems to be very  
17 concerned with the potential for illegal activity based  
18 on the ability of someone to substantially profit from  
19 illegal activity. I was just wondering if you could  
20 give me some idea of what the incentives are, we're  
21 talking about the difference between the hide and what  
22 you would prefer to become illegal the claws of a bear  
23 attached to a hide, how valuable are the claws of a  
24 bear on a -- what now is kind of a theoretical market,  
25 you know, if people are able to sell the claws. Could  
26 you give us some idea of what we're talking about.

27  
28 MR. D. LARSON: Sure. Mr. Chairman.  
29 Mr. Hernandez. You know I don't know what the open  
30 market or such would get for a set of bear claws. But  
31 I think -- it's my understanding that the information  
32 available to those, perhaps in enforcement would be  
33 able to get into that arena, but I think that the  
34 incentive for things like gall bladders and claws are  
35 substantial in some markets. And I guess in terms of  
36 this particular proposal, you know, it's not that  
37 anybody would be doing anything illegal, my  
38 understanding is that by allowing people to sell the  
39 hides with the claws, they actually would then be doing  
40 what is, in fact, legal, and so then the question  
41 becomes, would that legal activity and the monetary  
42 opportunities that that provided, would that in any way  
43 encourage people, who otherwise wouldn't necessary go  
44 out and harvest bears, take that on as their primary  
45 incentive, which was to use it as an income source.  
46 And I know that as Terry has said there's no evidence  
47 at this point that that's an issue but, again, this is  
48 a fairly new regulation.

49  
50 One thing I would point to as an

1 example of the type of concern is with the sale of  
2 caribou antlers that occurred for a few years up on the  
3 Kobuk River in Unit 23. In that instance what was  
4 typically a byproduct, which was the antlers, became a  
5 fairly substantial incentive for people to harvest  
6 caribou beyond what may have been needed under normal  
7 circumstances. And it was actually the people of that  
8 region who encouraged the State to pass regulations to  
9 disallow the sale of antlers in that circumstance.

10

11 And so I think that that's an example  
12 of where something that is legal can create an  
13 incentive that could have implications from a broader  
14 wildlife conservation standpoint.

15

16 CHAIRMAN ADAMS: Okay, thank you. Any  
17 other questions from the Council to Terry or Mr.  
18 Larson.

19

20 MR. HAYNES: Mr. Chairman.

21

22 CHAIRMAN ADAMS: Is that Terry.

23

24 MR. HAYNES: Yes, it is.

25

26 CHAIRMAN ADAMS: Go ahead and make your  
27 comment and then I'll turn the mic over to Michael  
28 Douville after you're done, and then Tom is going  
29 to.....

30

31 MR. HAYNES: I'm going to try to  
32 respond, in part, to Mr. Hernandez' question regarding  
33 the value of bear claws.

34

35 Your previous Chairman, Mr. Littlefield  
36 pointed out at a Regional Council meeting in 2005 that  
37 there are some individuals that would pay up to \$3,000  
38 for a bear claw. And we do know that there have been  
39 documented transactions of bear claws, brown bear  
40 claws, you know, in the hundreds of dollars so there is  
41 some incentive there and there is a demand on the  
42 market for bear claws.

43

44 Thank you.

45

46 CHAIRMAN ADAMS: Thank you, Terry.

47 Mike Douville.

48

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

50 So you cannot document any new commercial enterprise

1 and/or illegal harvest of bears concerning this  
2 proposal?

3

4 MR. HAYNES: Mr. Chairman. We've not  
5 documented any problems or misuses in Southeast Alaska  
6 at this time, that is correct.

7

8 CHAIRMAN ADAMS: Okay, thank you. Tom,  
9 I'll get to you in a minute. But, go ahead, we'll let  
10 -- I want the Council to address first and then we'll  
11 get to you.

12

13 MS. PHILLIPS: Thank you, Mr. Chair.  
14 Is there a shortage of bears anywhere in Southeast  
15 Alaska.

16

17 MR. D. LARSON: Through the Chair. Ms.  
18 Phillips. Yeah, I guess that kind of depends on one's  
19 perspective. We don't have any conservation concerns  
20 with brown bears anywhere in Southeast although  
21 obviously there are some places where the density of  
22 bears is lower than other places. But at this point we  
23 do not have any concerns with conservation.

24

25 CHAIRMAN ADAMS: Okay, thank you. That  
26 answers one of the criterias that we're going to be  
27 considering here in a little bit.

28

29 Tom, go ahead.

30

31 MR. KRON: Mr. Chairman. Before we  
32 started on the State comments, Ms. Phillips asked if we  
33 had comments on their comments and I guess we've talked  
34 around the concern about possibility of illegal action,  
35 you know, the fact that we have not seen that at this  
36 point, you know, we don't believe there's been an  
37 increase in legal or illegal harvest of bears as a  
38 result of the Federal regulations.

39

40 And I would follow up to say that, you  
41 know, from 2002 through 2006 there six bear related  
42 proposals, a number of those were statewide proposals,  
43 this Council was very engaged in providing information  
44 leading up to those changes that were made and the  
45 Federal Subsistence Board felt that it was well within  
46 its authority to put the regulations in place that it  
47 did make based on input from this Council and other  
48 Councils across the state under ANILCA.

49

50 Thank you, Mr. Chairman.

1 CHAIRMAN ADAMS: Thank you, Tom. Any  
2 other -- go ahead, Mike.

3  
4 MR. DOUVILLE: Thank you, Mr. Chairman.  
5 Under ADF&G comments on the top of Page 68 there's  
6 listed one, two and three. In the past Chairman  
7 Littlefield was quite clear that ADF&G or anybody else  
8 would not be able to add additional information or  
9 change things that were not presented at a RAC meeting  
10 farther down the road at a Federal Subsistence Board  
11 meeting or otherwise which would undermine our process  
12 and unethical.

13  
14 This paragraph up on top sort of  
15 implies that it may be okay. And I want to make it  
16 clear that in the past it was not okay.

17  
18 CHAIRMAN ADAMS: Thank you, Mike. Any  
19 other comments or questions.

20  
21 MR. HAYNES: Mr. Chairman. I can  
22 respond to that to clarify if you would like.

23  
24 CHAIRMAN ADAMS: Go ahead.

25  
26 MR. HAYNES: Thank you. That small  
27 print at the top of the page just indicates that the  
28 Department, as we've routinely done, we revise our  
29 comments on the proposals as the process moves forward.  
30 We initially develop comments, we comment on the  
31 proposal itself. Then after Federal Staff develop an  
32 analysis we often revise our comments if there's  
33 additional information presented in the analysis that  
34 causes us to modify our position. We then reserve the  
35 right to modify our comments and our position based on  
36 discussions at the Regional Council meetings.

37  
38 So I think the -- if there's -- we're  
39 very aware of the point that you made that we should  
40 not be presenting new information into the process  
41 after the Councils meet and don't have an opportunity  
42 to respond. It's always our intent that we respond to  
43 information that wasn't made available during the  
44 process. So if we present -- if our comments change  
45 it's because there's been some new information that's  
46 been brought into the process and it's our hope that we  
47 don't see new information coming forward after the  
48 Council meetings, when you don't have an opportunity to  
49 respond.

50

1 Thank you.

2

3 CHAIRMAN ADAMS: Okay, Mike has a  
4 follow up.

5

6 MR. DOUVILLE: This is precisely what I  
7 am addressing, that you would not be able to introduce  
8 new information that has not been presented to the RAC  
9 farther down the road. And Mr. Littlefield was very  
10 adamant and we've dealt with this many times in the  
11 past. In his words, you would have to present all your  
12 evidence and comments at this point, you would not be  
13 able to do so farther down the road.

14

15 It's very easy to have an oversight and  
16 find new evidence that we will not be able to see and I  
17 think that is a problem that we've had in the past many  
18 times.

19

20 CHAIRMAN ADAMS: Okay, thank you, Mike.  
21 Anyone else. Patty, go ahead, and then Nick.

22

23 MS. PHILLIPS: Thank you. ADF&G Staff.  
24 I don't see where you reference ANILCA specifically in  
25 your comments but we are charged, the Southeast  
26 Regional Advisory Council, are charged to follow Title  
27 VIII, subsistence management and use and the non-  
28 wasteful subsistence uses of fish and wildlife and  
29 other renewable resources shall be the priority  
30 consumptive use. And that means it would be a priority  
31 consumptive use over bear guides, which is a  
32 significant commercial enterprise but it does not fall  
33 under subsistence use but subsistence has priority over  
34 that. So, I mean, if you're concerned about, you know,  
35 the amount of bear that will be taken then more of an  
36 emphasis should be taken on the number of bears they're  
37 taking rather on the preponderance of what subsistence  
38 users may be taking or might take or are taking.

39

40 Thank you.

41

42 CHAIRMAN ADAMS: Terry, Doug, any  
43 response to that.

44

45 MR. HAYNES: Mr. Chairman. Patty's  
46 absolutely right that there is a priority for  
47 subsistence uses as defined in ANILCA on the Federal  
48 public lands. And our concern is the potential for  
49 brown bear harvest taken under the Federal regulations  
50 to significantly increase above and beyond the levels

1 that we've seen over the past year.

2

3                   And it's our understanding that -- and  
4 the evidence shows that over the past few years brown  
5 bear harvests have been relatively low under the  
6 Federal regulations and that those brown bear harvests  
7 have routinely been fairly low so we would be concerned  
8 over the next years if we saw a substantial increase in  
9 the brown bear harvest that somehow was related to the  
10 regulations that allows the sale of bear parts.

11

12                   And so we're not -- we're not  
13 overlooking ANILCA's provisions, we're just pointing  
14 out that the uses is authorized by the ANILCA are  
15 customary and traditional and that they -- based on  
16 what we know, that the harvest of brown bears has been  
17 fairly low and probably fairly consistent over the  
18 years in Southeast Alaska, and so we would just be  
19 looking to see if the harvest dramatically increased if  
20 there was a correlation between that harvest increase  
21 and the sale of bear parts, then there -- that could  
22 create a conservation concern and might be construed as  
23 a use that's not consistent with ANILCA.

24

25                   Thank you.

26

27                   CHAIRMAN ADAMS: Okay, thank you. I  
28 think Nick and then Don. Nick Davis has something to  
29 say, and then Don Hernandez.

30

31                   MR. DAVIS: Thank you, Mr. Chair. I  
32 was wondering if it would be simpler to, instead of  
33 naming the sale of bear parts in general, to name  
34 specific parts, you know, we've known for years that  
35 the gall bladder's worth a lot of money and if you just  
36 named that part as non-sellable. And, you know, I  
37 don't think -- I think that's actually probably the  
38 biggest market, black market, whatever you want to call  
39 it, and it doesn't seem that we have a problem with  
40 subsistence users abusing this here.

41

42                   But I do like the written comment where  
43 it says that this would be like telling a trapper he  
44 can only sell his pelts to another trapper.

45

46                   (Laughter)

47

48                   MR. DAVIS: Thank you, Mr. Chair.

49

50                   CHAIRMAN ADAMS: Thank you, Nick.

1 Donald.

2

3 MR. HERNANDEZ: Thank you, Mr.  
4 Chairman. A lot of the discussion seems to be centered  
5 around illegal activity and potential illegal  
6 activity. Ms. Phillips brought up a good point, it  
7 made me think we have Federal enforcement people here  
8 who can maybe answer this question or somebody from the  
9 State may be able to answer it, but as far as  
10 enforcement goes and priority of use, right now I know  
11 -- you know, I'm well aware and other Council members  
12 are probably well aware there's been some serious  
13 violations of the bear huntings regulations, under  
14 State regulations that are being prosecuted. I know of  
15 some want and waste citations that were issued in my  
16 area. Maybe you can give us an idea of just how big  
17 the problem is of illegal bear hunting activities  
18 taking place in the already existing State regulated  
19 hunt for sports hunting compared to what we know is  
20 apparently no problem in enforcement of subsistence use  
21 of bear hunters. So maybe just so we have a  
22 perspective here, can somebody kind of give us an idea  
23 of just how big of a problem we have with violations to  
24 bear hunting regulations by hunters who are not  
25 subsistence hunters.

26

27 Thank you.

28

29 CHAIRMAN ADAMS: Tim, could you answer  
30 that.

31

32 OFFICER WALTHER: Mr. Chairman. I  
33 don't have any hard data for you. I'm relatively new  
34 to Southeast, just been here about seven months so I'm  
35 really just going into my first good season.

36

37 MS. PHILLIPS: Name, rank and Serial  
38 number.

39

40 (Laughter)

41

42 OFFICER WALTHER: Tim Walther, law  
43 enforcement officer with the U.S. Forest Service in  
44 Petersburg.

45

46 (Laughter)

47

48 OFFICER WALTHER: Would you like to see  
49 the badge, too.

50

1 (Laughter)  
2  
3 OFFICER WALTHER: Obviously any time  
4 you have regulations of any sort you're going to have  
5 individuals who don't abide by those, so as far as hard  
6 data, no, I don't have anything for you today, I'm  
7 sorry about that.  
8  
9 CHAIRMAN ADAMS: Tim, you just came  
10 from Cordova, moved from Cordova, right?  
11  
12 OFFICER WALTHER: That's correct.  
13  
14 CHAIRMAN ADAMS: Is there any  
15 experiences that you can share with us from that area  
16 that you've had, that you might have had?  
17  
18 OFFICER WALTHER: We had some issues.  
19 The major cases occurred before I got up there. I'm  
20 not sure exactly what information you're asking for,  
21 sir.  
22  
23 CHAIRMAN ADAMS: Realizing that you're  
24 new here we thought maybe you might have had some  
25 experiences, you know, in your previous place that  
26 could possibly relate to here but, you know, we  
27 recognize you're new but -- and I'm sure that next time  
28 you come to the meeting you'll probably have a whole  
29 list of stuff to share with us.  
30  
31 (Laughter)  
32  
33 OFFICER WALTHER: Yes, sir.  
34  
35 CHAIRMAN ADAMS: But thank you, anyhow.  
36  
37 MR. KITKA: Mr. Chairman.  
38  
39 CHAIRMAN ADAMS: Okay, Harvey.  
40  
41 MR. KITKA: Thank you, Mr. Chairman. I  
42 have one question and I don't know who will answer  
43 this. Just as a refresher for me, what is the number  
44 of bear that I can take yearly or how long do I have to  
45 wait if I get one bear?  
46  
47 MR. D. LARSON: Mr. Chairman, this is  
48 Doug Larson.  
49  
50 CHAIRMAN ADAMS: Go ahead, Doug.

1 MR. D. LARSON: Thank you, Mr.  
2 Chairman. Mr. Kitka, the answer to your question for  
3 brown bear depends on the area and the specific  
4 regulations for -- under State regulations there are  
5 instances in some areas of the state where a hunter may  
6 harvest a brown bear -- one brown bear every year.  
7 More typically we have areas where people can harvest a  
8 brown bear every four years. And I believe, if I'm not  
9 mistaken, from some of the Federal regulations that  
10 I've reviewed, that the same holds under Federal  
11 regulations, that there are similarly some areas -- I  
12 know for sure that there are some areas where a bear  
13 may be harvested every year and I believe there are  
14 some where it's one every four years. But that, I'd  
15 have to get some confirmation from somebody else.

16  
17 So it really depends on the part of the  
18 state.

19  
20 CHAIRMAN ADAMS: Dick, and then Don.

21  
22 MR. STOKES: Thank you, Mr. Chair.  
23 This is Dick Stokes. What would happen if an  
24 individual takes a bear legally and he's from the Lower  
25 48 and after he gets there and has it taken care of he  
26 decides to take it apart and sell it piece by piece,  
27 what jurisdiction, if any, do you have?

28  
29 MR. D. LARSON: Mr. Chairman. Mr.  
30 Stokes. The sale of bear parts under State law is  
31 prohibited. Now for somebody to take a bear out of  
32 state into another state, that would be considered, I  
33 believe, Lacey Act details and I would have to defer to  
34 those in law enforcement to help with the answer to  
35 what would happen to an individual, if anything, who  
36 had a bear that they harvested legally in the state of  
37 Alaska, where they cannot sell any of the parts, and  
38 took that outside.

39  
40 CHAIRMAN ADAMS: Okay. Dave, and then  
41 Don has something.

42  
43 MR. JOHNSON: Mr. Chairman. Council.  
44 If I understand the question is, what's the regulation  
45 for the number of brown bears that can be taken on  
46 Baranof Island; is that correct, you're allowed to have  
47 one bear every four regulatory years by State  
48 registration permit only.

49  
50 CHAIRMAN ADAMS: Just one bear, Harvey.

1 (Laughter)

2

3 CHAIRMAN ADAMS: Okay, Don.

4

5 MR. HERNANDEZ: Thank you, Mr.  
6 Chairman. I was just asking that maybe somebody from  
7 the State could respond to my question on the extent of  
8 illegal activity associated with bear hunting.

9

10 MR. D. LARSON: Mr. Chairman. Mr.  
11 Hernandez. This is Doug. You know, activities  
12 associated with hunting of any species really falls  
13 under our Department of Public Safety and so I'm not  
14 the best person to speak to what kind of violations  
15 have occurred or what are being pursued at this point.

16

17 That said, one thing that I have heard  
18 is that there's been issues with guides illegally  
19 hunting for brown bears on State lands -- or actually  
20 Federal lands but saying that they're hunting on State  
21 lands, which is essentially that area below the mean  
22 high tide mark. And it's my understanding further that  
23 State and Federal law enforcement has done some work,  
24 which involves some undercover hunting with these  
25 guides and that some cases have been made in those  
26 arenas. Those issues with law enforcement, obviously,  
27 have implication for bear harvest, and, in fact, in  
28 Unit 4, which I think a lot of this activity has been  
29 concentrated, there's been some element of guide use  
30 that's been found to be illegal. But beyond that in  
31 terms of the amounts and numbers and so forth I'm not  
32 in a good position to be able to share that, I just  
33 don't have that information.

34

35 CHAIRMAN ADAMS: Thank you, Doug. Tom,  
36 go ahead.

37

38 MR. KRON: Mr. Chairman. I just wanted  
39 to point out, you know, one thing that I think is a  
40 significant difference between State and Federal  
41 regulations here, the meat of bears harvested under  
42 Federal subsistence regulations must be salvaged. And  
43 I think, you know, you start looking at these other  
44 byproducts, you know, you've utilized the meat and  
45 there's a limit imposed, you know, in this case, for  
46 Sitka for example, one every four years, you've  
47 harvested the bear for the meat and you're making use  
48 of the byproducts of that bear that you took, you know,  
49 for consumption purposes.

50

1 Thank you, Mr. Chairman.  
2  
3 CHAIRMAN ADAMS: Thank you, Tom. Okay,  
4 Joe.  
5  
6 MR. HOTCH: Thank you, Mr. Chairman. I  
7 have a question for Dave. I heard you say one bear, is  
8 that for one person or for the whole community?  
9  
10 MR. JOHNSON: Mr. Chairman. Council.  
11 The bear would be one bear per person.  
12  
13 MR. HOTCH: Every four years.  
14  
15 MR. JOHNSON: That's correct. However,  
16 there is an additional provision. There are five  
17 Federal registration permits issued annually to the  
18 Sitka and Hoonah Ranger Districts for the taking of  
19 brown bear for education purposes associated with  
20 teaching customary and traditional subsistence harvest  
21 and use practices. Any bear taken under an educational  
22 permit does not count toward the individual's one bear  
23 every four year regulatory limit.  
24  
25 CHAIRMAN ADAMS: Thank you, Dave.  
26 Anyone else.  
27  
28 (No comments)  
29  
30 CHAIRMAN ADAMS: Thank you, Tom. Let's  
31 see what's next, InterAgency Staff people.  
32  
33 (No comments)  
34  
35 CHAIRMAN ADAMS: Other Federal, State  
36 and tribal comments.  
37  
38 (No comments)  
39  
40 CHAIRMAN ADAMS: Steve.  
41  
42 MR. KESSLER: Thank you, Mr. Chairman.  
43 Steve Kessler with the InterAgency Staff Committee. We  
44 don't have any specific comments for you on this  
45 proposal. What I would like to bring you, though, is  
46 the action taken by the two Councils that have met so  
47 far previous to your meeting and that's the Bristol Bay  
48 Regional Advisory Council and the Seward Peninsula  
49 Regional Advisory Councils. And I'll give you updates  
50 as you go through each of these statewide proposals, on

1 the actions that they took.

2

3 And the actions that both of those  
4 Councils took was to oppose. They recommended opposing  
5 this proposal.

6

7 MS. PHILLIPS: Who was it.

8

9 MR. KESSLER: That's Bristol Bay and  
10 the Seward Peninsula.

11

12 CHAIRMAN ADAMS: Thank you. Any Fish  
13 and Game Advisory Committee comments.

14

15 (No comments)

16

17 CHAIRMAN ADAMS: Does Kake have an  
18 Advisory Council here.

19

20 (No comments)

21

22 CHAIRMAN ADAMS: Nope. Any written  
23 comments, Dr. Schroeder.

24

25 DR. SCHROEDER: Mr. Chairman. There  
26 are two written public comments found on Page 67 of  
27 your book. The first is a comment from a David McHoes  
28 from Skwentna. He opposes this proposal for a number  
29 of reasons. He finds that there's no biological reason  
30 for the recommended change. That bear populations are  
31 harvested well below sustainable levels. And he notes  
32 that because any increase in harvest would be closely  
33 regulated by CITES and Federal subsistence regulations,  
34 and that sale of bear parts would most likely not cause  
35 unwanted wildlife management results. He notes that  
36 most states and Canadian provinces allow the sale of  
37 part or all of the parts of legally harvested bears and  
38 also that furbearers are obviously able to be sold. He  
39 doesn't believe that it's appropriate to limit the sale  
40 of handicrafts and parts to only other qualified  
41 subsistence users. As he said that would be like  
42 telling a trapper he can only sell his pelts to other  
43 trappers. Handicrafts are intended for sale to non-  
44 local residents to provide income from outside sources  
45 for the subsistence user and to bring money into rural  
46 areas.

47

48 The second comment is from the AHTNA  
49 Tene Nene' Subsistence Committee. They oppose this  
50 proposal to change the definition of handicrafts and do

1 not support the changes to the cited sections. They  
2 note that the change would require trappers to remove  
3 the claws from coyotes, wolves, lynx et cetera as  
4 written. They also oppose the changes which would  
5 reopen a statewide selling of handicrafts articles made  
6 from black bear to only Federally-qualified subsistence  
7 users. And since they don't support this -- this  
8 particular Council doesn't support -- committee doesn't  
9 support the selling of any bear parts. They also  
10 oppose changes to the other section 25(j)(6)(i) making  
11 it a State proposal, allowing sale of these things  
12 because they don't support selling of brown parts in  
13 their area.

14

15 Mr. Chairman, those are the two public  
16 comments we've received at this time.

17

18 CHAIRMAN ADAMS: Thank you, Dr.  
19 Schroeder. Is there any public testimony, anyone from  
20 the public who would like to testify on this particular  
21 proposal.

22

23 (No comments)

24

25 CHAIRMAN ADAMS: None. Now we go into  
26 Regional Council deliberation, recommendation and  
27 justification. And, again, I want to remind you all  
28 that we use this sheet of paper as a criteria on how we  
29 consider this proposal so we'll bring that before us at  
30 this point and start deliberating.

31

32 What's the wish of the Council.

33

34 MR. HERNANDEZ: Mr. Chairman.

35

36 CHAIRMAN ADAMS: Don, go ahead.

37

38 MR. HERNANDEZ: Mr. Chairman, I move  
39 that we adopt Wildlife Proposal 07-01 as seen on Page  
40 53 of the Council's book.

41

42 CHAIRMAN ADAMS: Thank you, Donald. Is  
43 there a second.

44

45 MR. KITKA: I'll second it, Mr.  
46 Chairman.

47

48 CHAIRMAN ADAMS: Seconded by Harvey.  
49 Thank you. Now, discussion.

50

1 (Pause)

2

3 CHAIRMAN ADAMS: Donald, go ahead.

4

5 MR. HERNANDEZ: Thank you, Mr.

6 Chairman. I'm going to be voting in opposition to this  
7 proposal.

8

9 Let's see let me try and get my reasons  
10 in order here. Well, looking at the list, first of  
11 all, is the proposal supported by substantial evidence.  
12 I would say not at this time. We just don't see any  
13 evidence showing that there -- if the main contention  
14 of this proposal is supposed to deal with illegal --  
15 potential illegal activity, we just don't see any  
16 evidence for subsistence users there's any indication  
17 that there's that much illegal activity going on right  
18 now.

19

20 I think it is important to point out  
21 that, you know, with existing State regulated  
22 sportshunting there are, in my view, some significant  
23 enforcement problems out there that need to be dealt  
24 with. If subsistence is a priority use, I think the  
25 priority should be placed on dealing with what is  
26 already known to be an enforcement problem out there  
27 and that's with non-subsistence sporthunting of bears.  
28 I think that's where -- if we have a concern right now,  
29 I think that's what the concern should be.

30

31 Number 2, we don't have any evidence of  
32 a conservation problem with the bears at this time.

33

34 Number 3, would the proposal be  
35 detrimental to the satisfaction of subsistence needs; I  
36 think it would be. I think the ability of subsistence  
37 users to sell and barter is an important part of  
38 subsistence. I was interested to hear Mr. Kitka's  
39 comment there that there is some known historical use  
40 of what would be considered cash in a subsistence  
41 economy. I hadn't heard that before, I found that very  
42 interesting.

43

44 Would the proposal unnecessarily  
45 restrict non-subsistence users. Barring any  
46 conservation concerns, I don't think -- I don't see  
47 that it would have any restrictions on non-subsistence  
48 users.

49

50 So I would vote against this proposal.

1 CHAIRMAN ADAMS: Thank you, Donald.  
2 And you did a real good job in going through those  
3 points there, so Council members, you know, you can  
4 address it at this point as well.

5  
6 MR. BANGS: Call for the question.

7  
8 CHAIRMAN ADAMS: Thank you. The  
9 question has been called for. All in favor.

10  
11  
12 DR. SCHROEDER: Can I get in there.

13  
14 CHAIRMAN ADAMS: Bob, yeah, go ahead.

15  
16 DR. SCHROEDER: Mr. Chairman. As Tom  
17 Kron pointed out that this issue has been before the  
18 Council a number of times and I think we spent quite a  
19 few hours discussing this. Those discussions led to  
20 pretty complete recommendations from the Council that  
21 went over a lot of these issues. And I'm wondering if  
22 the Council could, based on recollection, say they  
23 support or wish to modify those earlier recommendations  
24 because it might work well in the process to include  
25 those since these are things you dealt with quite a  
26 bit, unless people have changed their mind in the last  
27 couple of years. I think those comments may be  
28 appropriate at this time.

29  
30 CHAIRMAN ADAMS: Okay. Patty.

31  
32 MS. PHILLIPS: Thank you, Mr. Chair.  
33 Thank you, Dr. Schroeder.

34  
35 The Council has had extensive  
36 deliberations concerning the sale of bear parts from  
37 subsistence taken bears and there is quite a record  
38 that can be reviewed that supports our statement and  
39 the statement that Mr. Hernandez made concerning this  
40 proposal and I would recommend that that position that  
41 we've taken as the SERAC be represented to State Fish  
42 and Game -- to Mr. Kron and Mr. Larson as a reminder of  
43 our position and also for the Chair's use in  
44 representing our position.

45  
46 And I'd also like to support Mr.  
47 Hernandez' comments that he made. And if there is  
48 concern about illegal activity and as stated by State  
49 Staff, that it is sort of a loophole that the bear  
50 guides are falling through then their focus should be

1 more on the activity of the bear guide rather than on  
2 the unsubstantiated activities of subsistence bear  
3 hunters.

4

5 Thank you.

6

7 CHAIRMAN ADAMS: Thank you, Patty.  
8 Thanks for that clarification, too. What's the wish of  
9 the Council, you want to.....

10

11 DR. SCHROEDER: The question was called  
12 for so.....

13

14 CHAIRMAN ADAMS: The question was  
15 called for wasn't it?

16

17 REPORTER: (Nods affirmatively)

18

19 CHAIRMAN ADAMS: Okay. All in favor of  
20 this motion, please signify by saying aye.

21

22 (No aye votes)

23

24 CHAIRMAN ADAMS: I need to hear it  
25 louder than that.

26

27 MS. PHILLIPS: What are we voting on?

28

29 CHAIRMAN ADAMS: Okay, any opposed.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN ADAMS: We're voting on -- you  
34 want to do roll call.

35

36 DR. SCHROEDER: Let me clarify.

37

38 CHAIRMAN ADAMS: Pardon. Don's motion  
39 is to accept the proposal, that's right.

40

41 Got it, Patty. The motion was to  
42 accept the proposal, I apologize for not clarifying  
43 that.

44

45 MR. DOUVILLE: Now we're clear.

46

47 CHAIRMAN ADAMS: Now we're clear.  
48 Okay, you want a show of ayes or a show of hands -- Mr.  
49 Kitka, roll call.

50

1 MR. KITKA: Richard Stokes.  
2  
3 MR. STOKES: I oppose.  
4  
5 MR. KITKA: Patricia Phillips.  
6  
7 MS. PHILLIPS: I oppose.  
8  
9 MR. KITKA: Mike Douville.  
10  
11 MR. DOUVILLE: Oppose.  
12  
13 MR. KITKA: Harvey Kitka oppose. Bert  
14 Adams.  
15  
16 CHAIRMAN ADAMS: Nay.  
17  
18 MR. KITKA: Donald Hernandez.  
19  
20 MR. HERNANDEZ: Oppose.  
21  
22 MR. KITKA: Nick Davis.  
23  
24 ME DAVIS: Oppose.  
25  
26 MR. KITKA: Merle Hawkins.  
27  
28 MS. HAWKINS: Nay.  
29  
30 MR. KITKA: Joe Hotch.  
31  
32 MR. HOTCH: Oppose.  
33  
34 MR. KITKA: Michael Bangs.  
35  
36 MR. BANGS: Oppose.  
37  
38 MR. KITKA: Lee Wallace.  
39  
40 MR. WALLACE: Oppose.  
41  
42 MR. KITKA: Mr. Chairman. The vote  
43 failed, everybody opposed.  
44  
45 CHAIRMAN ADAMS: Thank you, Mr.  
46 Secretary. Okay. I want to thank Terry and Doug for  
47 participating in this process, are you going to stay on  
48 line with us for the next ones.  
49  
50 MR. HAYNES: This is Terry Haynes, yes,

1 I'll be here Mr. Chairman.

2

3 CHAIRMAN ADAMS: Okay.

4

5 MR. D. LARSON: This is Doug Larson,  
6 I'll be on line as well.

7

8 CHAIRMAN ADAMS: Thank you, Doug. Tom.

9

10 MR. KRON: Mr. Chairman. Members of  
11 the Council. The analysis for Proposal WP07-02 begins  
12 on Page 70 of your Council book. Proposal 02 was  
13 submitted by the Bureau of Land Management and would  
14 change the regulatory wording of 50 CFR 100.25(h) from  
15 calendar year to regulatory year.

16

17 The proponent believes that this change  
18 would increase compliance with the regulatory  
19 requirement, facilitate improved harvest data  
20 collection and lead to better management that will  
21 result in a positive impact on the resource. This  
22 proposal would affect all Federal lands/waters in  
23 Alaska where Federal permits are used for subsistence  
24 hunts and fisheries. The consequence for failing to  
25 report was originally derived from the State  
26 regulations and has been in Federal regulations since  
27 the inception of the Federal Subsistence Management  
28 Program in 1990. This is the first proposal concerning  
29 this Federal regulatory clause in the history of the  
30 program.

31

32 The current situation allows  
33 individuals that did not comply with the permit  
34 reporting requirements in a regulatory year -- I guess  
35 I'll stop here and say regulatory year for wildlife  
36 runs from July 1st of one year to June 30th of the  
37 subsequent year; for fisheries regulatory year runs  
38 from April 1st of a year to March 31st of the  
39 subsequent year. It would allow those people that --  
40 the current situation allows individuals that did not  
41 comply with the permit reporting requirements in a  
42 regulatory year to legally participate in subsistence  
43 later in the calendar year during the open seasons  
44 through December 31st.

45

46 The State of Alaska has a different  
47 penalty clause situation for hunting and subsistence  
48 fishing permits. Currently the State of Alaska  
49 regulations use regulatory year wording in the parallel  
50 hunting regulatory provision.

1                                 Since the inception of the Federal  
2 Subsistence Program in 1990 there has been very limited  
3 enforcement of this regulation. The BLM Glennallen  
4 Field Office has begun enforcing this regulation for  
5 hunting permits recently. Over the years different  
6 Federal field offices have sent out different numbers  
7 of reminder letters and some have even collected  
8 harvest permit reports by going to permit holders homes  
9 and meeting with them one on one. The Federal  
10 Subsistence Program regulations provide for 77  
11 different hunts and fishery permits across the state of  
12 Alaska in the regulatory year 2005/2006. These hunts  
13 and fisheries involve brown bear, caribou, elk, goat,  
14 moose, sheep, muskox, salmon, trout, char, eulachon and  
15 freshwater fish. That regulatory year a total of 5,117  
16 permits were issued and 92.7 percent of the permit  
17 reports were returned.

18  
19                                 Good harvest data are critical to sound  
20 management of fish and wildlife resources. The Bureau  
21 of Land Management, Fish and Wildlife Service, National  
22 Park Service and Forest Service field staff across the  
23 state are working closely with subsistence users to  
24 facilitate subsistence harvest reports. The proposed  
25 change would have the most affect on situations where  
26 Federal subsistence permits overlap the calendar year.  
27 There are Federal permits for brown bear, caribou,  
28 goat, moose, sheep, muskox, salmon and trout that  
29 overlap the calendar year. If adopted, this proposal  
30 would not change the regulatory consequences for for  
31 failing to comply with permit conditions.

32  
33                                 There's not a clear understanding among  
34 all subsistence users about fish and wildlife  
35 regulations, permit reporting requirements or what the  
36 harvest reports are used for. Rural Alaskans continue  
37 to subsistence hunt and fish to feed their families as  
38 their forefathers did for generations prior to  
39 government regulations. There are concerns about the  
40 effect that strict application of the ineligibility  
41 provision would have on the subsistence way of life.  
42 Application of the penalty clause in some areas of  
43 rural Alaska will defeat the primary objective of this  
44 regulation, it will result in harvests -- loss of  
45 harvest data.

46  
47                                 The ineligibility provision allows  
48 considerable flexibility for Federal field staff and  
49 enforcement staff to consider the importance and time  
50 sensitivity of the harvest information and the wide

1 range of rural Alaska issues, traditions and cultures.  
2 There's some flexibility to adjust wording on the  
3 permits to the situation. The current regulations also  
4 allow field staff and enforcement officers to be  
5 responsive to, quote/unquote, other unavoidable  
6 circumstances. It's important to balance the needs for  
7 harvest information while working with the Regional  
8 Councils and the public to do so in a way that is  
9 sensitive to rural Alaska issues, traditions, values  
10 and cultures.

11  
12 The preliminary Staff conclusion is to  
13 support the proposal.

14  
15 Thank you, Mr. Chairman. I'd be happy  
16 to answer any questions.

17  
18 CHAIRMAN ADAMS: Thank you, Tom. Any  
19 questions of Tom about this proposal.

20  
21 (Pause)

22  
23 MR. HERNANDEZ: Mr. Chairman.

24  
25 CHAIRMAN ADAMS: Don, go ahead.

26  
27 MR. HERNANDEZ: Thank you, Mr.  
28 Chairman. Going back to Page 72 of the book, current  
29 situation, regulatory history. Let's see I'm trying to  
30 make sure I'm clear on this.

31  
32 So if somebody -- if somebody were  
33 fishing in a season that ended -- oh, boy, is there a  
34 situation that exists now where if somebody doesn't get  
35 a permit turned in in time and the fishery is happening  
36 in June and the end of the permit year ends at the end  
37 of that month, they would become eligible to fish again  
38 just like a few weeks later, is that how the situation  
39 works now, and you're trying to change that so they  
40 wouldn't be eligible in such a short time, is that part  
41 of the problem, the situation we're trying to address?

42  
43 MR. KRON: Mr. Chairman. I think this  
44 proposal originally came out of a caribou hunt in Unit  
45 13 with a hunting season that extends from fall through  
46 the winter into early spring, and potentially you could  
47 have a situation where someone did not report on their  
48 harvest, it was known that they didn't report, they  
49 were in violation for doing so but then they could  
50 apply again that next fall, you know, I think in that

1 season, you know, if there's harvest available, they  
2 could harvest through the end of March, for example, so  
3 they're in violation, they didn't report their harvest  
4 for that particular time period but they could apply  
5 again and hunt -- they could get a permit that fall and  
6 hunt through December 31st, and then based on the  
7 regulation, because it was a calendar year basis, they  
8 wouldn't be able to hunt then starting January 1st the  
9 next year. And the feeling was, and, again, consistent  
10 with State regulations, the feeling was that it made  
11 sense if during a hunting season that overlapped the  
12 calendar year, if they didn't report on that they were  
13 in violation, they shouldn't be able to get a permit  
14 the next fall to go caribou hunting. And we have  
15 fisheries that overlap the calendar year as well, so  
16 it's the same sort of thing. But if you've got a hunt  
17 or a fishery that overlaps the calendar year, the  
18 feeling was if they're in violation when that season  
19 starts up again they shouldn't be able to participate  
20 for a year.

21

22 Thank you, Mr. Chairman.

23

24 CHAIRMAN ADAMS: Thank you, Tom. Any  
25 other questions.

26

27 MR. DOUVILLE: Mr. Chairman.

28

29 CHAIRMAN ADAMS: Michael Douville.

30

31 MR. DOUVILLE: Thank you, Mr. Chairman.  
32 I have a question for you. Tom, are these registration  
33 hunts and what are the penalties for not reporting.

34

35 MR. KRON: Mr. Chairman. The -- again,  
36 we're just looking at it on the Federal side, but  
37 basically this focuses in on the statewide harvest  
38 provision and it basically talks about a permit,  
39 Federal permit and we've got permits for both fisheries  
40 and hunts that are issued and the penalty, and, again,  
41 it's back over on Page 71, what it says in the  
42 regulations and I'll just go ahead and read it:

43

44 You are ineligible to receive a  
45 subsistence permit for the activity  
46 during the following calendar year,  
47 that's currently what it says, calendar  
48 year, and the proposal is to change it  
49 to regulatory year, unless you  
50 demonstrate that failure to report was

1 due to loss in the mail, accident,  
2 sickness, or unavoidable circumstances.

3  
4 And, again, in Southeast Alaska you  
5 have a number of different fisheries permits, salmon  
6 permits, steelhead permits, you know, other parts of  
7 the state muskox, brown bear, those kinds of things.

8  
9 Thank you, Mr. Chairman.

10  
11 CHAIRMAN ADAMS: Follow up, Mike.

12  
13 MR. DOUVILLE: Thank you. So the only  
14 thing you're changing is from a calendar to regulatory  
15 year and everything else remains the same.

16  
17 MR. KRON: Mr. Chairman. Mr. Douville.  
18 That is correct. The consequences do not change, all  
19 they're changing is from -- all they're proposing to  
20 change is from calendar to regulatory year.

21  
22 Thank you, Mr. Chairman.

23  
24 CHAIRMAN ADAMS: Go ahead, Donald.

25  
26 MR. HERNANDEZ: So, Tom, would you say  
27 that this proposal could be more restrictive to  
28 subsistence users, or how would you characterize it as  
29 far as it would actually affect subsistence users,  
30 would it be more restrictive in some ways or do you  
31 feel it's not really that much of a change, maybe you  
32 could help me out there?

33  
34 MR. KRON: Mr. Chairman. Mr.  
35 Hernandez. Again, as noted the proposal doesn't seek  
36 to change the consequences, it just seeks to change the  
37 time period from calendar to regulatory. The impact on  
38 subsistence users is a function of enforcement, and as  
39 I noted earlier, you know, in the early years there  
40 wasn't a lot of enforcement on the Federal side. You  
41 know, subsequent to that time, you know, the State has  
42 extended the requirement. The enforcement on the State  
43 side, the State Board of Game has changed the  
44 requirement and added the penalty to registration  
45 permits, that historically was not the case, that  
46 generated some concern. Again, BLM, for conservation  
47 reasons felt they needed to be more active in getting  
48 the permit reports back for that Nelchina Caribou Herd  
49 harvest, so they've started doing that.

50

1                   And, again, as I noted in some parts of  
2 the state, and I'll just be blunt, I said this in the  
3 analysis, in some parts of the state, you know, we  
4 don't have licensed vendors in a lot of the really  
5 remote villages, the Federal Staff out there spend a  
6 lot of time, you know, just encouraging people to get a  
7 hunting license before they go hunting and with the  
8 hunting license, you know, please get a permit also and  
9 then, you know, basically go to their house and have  
10 coffee with them and try to get the permit report back.  
11 And so they're taking the approach, they need to work  
12 with people, the subsistence users who don't have a  
13 good understanding of the regulations to help  
14 facilitate the gathering of harvest information. And  
15 frankly a lot of the Staff in those remote areas are  
16 really concerned about being heavy-handed with the  
17 enforcement because essentially people are going to  
18 hunt anyway and they're not going to get the data. And  
19 so the intent is to try to work with people, you know,  
20 as they have been and continue to work with the users,  
21 to help understand and facilitate and gather  
22 information.

23

24                   Thank you, Mr. Chairman.

25

26                   CHAIRMAN ADAMS: Thank you, Donald.

27

28                   MR. HERNANDEZ: No.

29

30                   CHAIRMAN ADAMS: Mr. Stokes.

31

32                   MR. STOKES: Yeah, Dick Stokes here.  
33 Well, prior to the Land Claims Settlement, we didn't  
34 have to have a license and a lot of them are still  
35 going along the same way. And I was just wondering,  
36 the other two Councils that met already, how did they  
37 vote on this proposal.

38

39                   CHAIRMAN ADAMS: Yeah, Dick, that will  
40 be down the line here, Bob, will give us that  
41 information.

42

43                   Any other questions of Tom.

44

45                   (No comments)

46

47                   CHAIRMAN ADAMS: Gunalcheesh, Tom.  
48 Doug or Larry [sic], would any of you like to address  
49 this issue.

50

1 MR. HAYNES: Thank you, Mr. Chairman.  
2 This is Terry Haynes. Our comments are on Page 82 of  
3 your Council book. The Department supports this  
4 proposal.

5  
6 We believe that successful  
7 implementation of this Federal failure to report  
8 program requires having careful coordination between  
9 Federal agencies and the Office of Subsistence  
10 Management. And it is also important that you have a  
11 regulation -- a provision where the penalties are  
12 applied to the regulatory year so that if there can be  
13 confusion -- because as Mr. Kron pointed out in the  
14 analysis, you can be in violation of the Federal  
15 reporting requirements and you could still obtain a  
16 Federal permit during the same regulatory year.

17  
18 So we believe it's important to have  
19 the regulation that is less confusing to the public and  
20 that allows the agency administering the permits to the  
21 Federally-qualified hunters to have a tool that can be  
22 effective.

23  
24 I might point out that this is a Bureau  
25 of Land Management proposal. And the people in the  
26 Glennallen Office of the Bureau of Land Management are  
27 administering the primary Federal registration permit  
28 hunt, where they issue a lot of permits to local people  
29 for the Nelchina Caribou Hunt. And they're certainly  
30 faced with the challenges of having a fair and  
31 equitable system, and I think their interest is in  
32 having this change made so that there is a regulation  
33 that makes sense to the people administering the  
34 program and that is understandable to the users.

35  
36 And so I think there's also the  
37 safeguards built in so that -- just as there is with  
38 the State's failure to report program, if you are  
39 unable to get your paperwork returned in time because  
40 of illness or family emergency, there are provisions to  
41 take those situations into account and not to penalize  
42 you if you have a legitimate excuse for not returning  
43 your paperwork. And the intent is just to create a  
44 situation where people who just simply refuse to report  
45 and don't have a legitimate excuse aren't going to be  
46 rewarded with an opportunity to obtain a permit during  
47 the next year.

48  
49 So with that, Mr. Chairman, we support  
50 this proposal. We believe it will make a lot of sense

1 to have the change made and it will certainly benefit  
2 the people who are administering Federal permits.

3

4 Thank you.

5

6 CHAIRMAN ADAMS: Thank you, Terry. Any  
7 Council members have a question for Terry.

8

9 Doug, do you want to chime in on this.

10

11 MR. D. LARSON: Thank you, Mr.  
12 Chairman. No, I think Terry's covered it well for us  
13 at this point.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Okay, thank you. Mr.  
18 Kessler. We're on InterAgency Staff comments at this  
19 point.

20

21 MR. KESSLER: Thank you, Mr. Chairman.  
22 Again, the InterAgency Staff does not have any specific  
23 comments on this, but I do want to report on actions  
24 taken by the two previous Councils that met.

25

26 Both the Bristol Bay and the Seward  
27 Peninsula Councils supported this proposal as written.

28

29 I would like to mention that Bristol  
30 Bay was still a little bit concerned about the other  
31 words in here and they particularly looked at the words  
32 about other unavoidable circumstances, and they felt  
33 that maybe that this was potentially too punitive and  
34 they were looking at some way to maybe change that. In  
35 particular, they felt that people who just forget to  
36 turn their permit in should not be penalized, however,  
37 people that are sort of flagrantly abusing the process  
38 should lose that opportunity for a year. So they  
39 considered putting language in here to address that  
40 situation and finally came to the conclusion, that, to  
41 do so, really ought to be a new proposal because it  
42 would have to be considered by all the Regional  
43 Advisory Councils.

44

45 So at least one member of that Council  
46 will likely put in a proposal to modify another piece  
47 of this next year or it may come from the whole  
48 Council.

49

50 CHAIRMAN ADAMS: Thank you, Steve, Any

1 questions of Steve.

2

3 (No comments)

4

5 CHAIRMAN ADAMS: Thank you. Fish and  
6 Game Advisory Committee.

7

8 (NO comments)

9

10 CHAIRMAN ADAMS: Any local Fish and  
11 Game Advisory Committee here, I guess there wasn't  
12 earlier, so I guess I'll move on.

13

14 Any written comments Dr. Schroeder.

15

16 DR. SCHROEDER: Mr. Chairman. AHTNA  
17 Tene Nene' Subsistence Commission supported this  
18 proposal believing that it would clear up confusion of  
19 ineligibility provisions for those failing to turn in a  
20 moose or caribou permit at the end of the hunting  
21 season to BLM. So think they were pretty familiar with  
22 the root cause of this proposal.

23

24 Thank you.

25

26 CHAIRMAN ADAMS: Thank you, Dr.  
27 Schroeder. Public testimony.

28

29 MR. ADAMS: Mr. Chairman.

30

31 CHAIRMAN ADAMS: Mr. Adams, come on  
32 forward.

33

34 MR. ADAMS: On this subsistence deal,  
35 you know, every year we have to go to the -- well, we  
36 go to the Organized Village of Kake to get our  
37 subsistence permits for sockeye and, you know, the Fish  
38 and Game's biggest threat to us every year is that,  
39 well, if you don't turn in your permit when it's  
40 supposed to come, then we're going to penalize you and  
41 tell you next year you can't get a permit to go out for  
42 sockeye, you know, and my comment to the people who  
43 come in here with the Fish and Game and the Forest  
44 Service, you know, is I'd like to take one of them with  
45 me when there's about a three or four foot chop out in  
46 there in Chatham Strait when I'm going across for  
47 sockeye. I only own a 16 foot skiff with a 40 horse  
48 Yamaha on it. And, you know, I'd like to take one of  
49 them, at least just one of them with me when I go  
50 across Chatham to Gut Bay or to Falls Creek for sockeye

1 and, you know, we're paying over \$3 a gallon for gas  
2 here and, you know, if you don't get your fish the  
3 first day that you're out there you better take some  
4 grub because you're going to stay there until you get  
5 the fish that you need before you come home.

6

7                   And, you know, I listened to the bear  
8 regulations too, you know, up until a few years ago I  
9 could go out and harvest from here to Hamilton Bay and  
10 even get to the first -- and I could count 12 black  
11 bear on the beach and I went out the fast year years  
12 and watched these black bear hunters, and in every  
13 cove, on every island all the way from here to Kiki  
14 Point, all the way up to Fort Camden, all the way  
15 through Rocky Pass there's bear hunters. You know, and  
16 they don't just go out on boats, they have tents  
17 pitched all over the place up there.

18

19                   But getting back to our subsistence,  
20 Mr. Chairman, you know, it isn't because we go out to  
21 abuse and not turning in our permits. You know, most  
22 of the time it's just forgotten.

23

24                   And I'll tell you one thing about the  
25 Fish and Game in Petersburg is that they'll call you.  
26 They'll send you a letter or they'll call you and tell  
27 you, you know, we haven't received your permit, they're  
28 really good about sending you out another copy. And  
29 the other good thing about it is if you have some place  
30 to fax it out, you can fax it back to them.

31

32                   And our moose hunting, it's getting  
33 better here, but like everything else we have people  
34 coming in on -- we have people coming in on the ferry  
35 now, we have Petersburg and Wrangell people hunting  
36 moose down in Rocky Pass because, you know, I go all  
37 over on my little skiff and you see the moose all over  
38 the place now.

39

40                   But I just wanted to bring that point  
41 out, Mr. Chairman, and thank the committee for coming  
42 to Kake.

43

44                   CHAIRMAN ADAMS: Thank you, Stanley.  
45 Just stay there for a minute, if you would.

46

47                   We had you set up to come up before --  
48 is this what you wanted to address?

49

50                   MR. ADAMS: Well, the other things I

1 had, Mr. Chairman, is the herring fishing. A while  
2 back they had herring fishing here up in Port Camden,  
3 and a friend of mine used to troll up there in the  
4 falltime. And I think that it was in January they  
5 opened up the herring fishery up there and we watched  
6 them, they had a packer up there with a couple boats  
7 seine fishing the herring up there. And we watched  
8 them, we watched them fish up there, we actually quit  
9 trolling for our sportfishing and watched them fish up  
10 there and with a full seine, Mr. Chairman, and the  
11 Council here, we watched them, with a full seine, they  
12 had the packers right there with the seine boat. And  
13 they deckloaded that tender, they deckloaded that  
14 packer and the whole seine, 80 percent of their seine  
15 was still packed with herring. And by the time they  
16 got through pumping the herring onto the packer, what  
17 was in the herring was already dead. And that, Mr.  
18 Chairman, is one of the things, you know, I'm glad they  
19 finally put a stop to it.

20

21                   But the other thing now is the  
22 dungeness fishing around Kake here is really -- you  
23 know at one time in the last year -- this last year's  
24 fishing I counted 12 or 13 boats from -- in front of  
25 town here just up to Hamilton Bay. And I watched them  
26 up there, sometimes we drive out to Seal Point and you  
27 watched the boats fishing up there, crab fishing.  
28 Sometimes they have maybe a half a dozen crabs in their  
29 pots, they keep pulling their pots, they keep fishing,  
30 you know, whatever they can't keep they dump back in,  
31 sure, but, you know, I wish I had a camera when I was  
32 up there to show you. All the females that are dead on  
33 the beach up there, you know, after they leave. And  
34 you know their season is really long. I think they  
35 open it up May 15th and close it down in August and  
36 then they have a fall opening, they open it back up  
37 again in October. And it's nothing -- if you're  
38 running around on a skiff or a cruiser it's nothing to  
39 run over two or three of them before you get back to  
40 the dock because the channel out here, getting back to  
41 the boat harbor is just -- there is so many crab pots  
42 out there, it's hard to miss them. And now you have  
43 commercial boats fishing right in the bay here where we  
44 usually get our winter kings and, you know, I called up  
45 the Fish and Game just to see if it was legal for them  
46 commercial fishermen with permits for power trolling  
47 and stuff and they said, sure, it's open to them. And  
48 I said, you know, why -- I asked this one lady, why  
49 don't you have regulations to keep these boats -- I  
50 mean I know it cost money to run anywhere with the

1 price of fuel anymore, but, you know, I'd like to see  
2 this area around Kake here kept for our subsistence  
3 use.

4

5                   And, you know, they brought up the sea  
6 otter, and I'd like to go down there myself, you know,  
7 I don't hunt them but I've killed four of them because  
8 they're not only moving in out there around Security  
9 Bay, all the way down to Pillar Bay and that area, all  
10 around to Table Bay on the other side of Rocky Pass and  
11 stuff. There's so many out there, you know, I don't  
12 know, you know, I -- they say that we can go out there  
13 and hunt them but, you know, you're going to have to  
14 take a hundred people out there just to do some damage  
15 to them things out there.

16

17                   That's all I have, Mr. Chairman.

18

19                   CHAIRMAN ADAMS: Thank you, Stanley,  
20 appreciate it.

21

22                   Okay, we are now in Council  
23 deliberation on this proposal.

24

25                   DR. SCHROEDER: Mr. Chairman, I didn't  
26 read this.

27

28                   CHAIRMAN ADAMS: Okay. Dr. Schroeder  
29 has something to say on this.

30

31                   DR. SCHROEDER: I neglected to read in  
32 the Wrangell-St. Elias Resource Commission  
33 recommendation on this proposal.

34

35                   They've written in and they unanimously  
36 support the proposal. They believe it would simplify  
37 regulations associated with harvest reporting and  
38 specifically the penalties for failures to report, and  
39 this would help facilitate collection of harvest data  
40 needed for managing subsistence resources.

41

42                   Thank you, Mr. Chair.

43

44                   CHAIRMAN ADAMS: Thank you, Dr.  
45 Schroeder. Any other comments written.

46

47                   DR. SCHROEDER: No.

48

49                   CHAIRMAN ADAMS: All right. Let's go  
50 into Council deliberation on this proposal.

1                   Again, we want to remind ourselves, you  
2 know, about the criteria that we have to meet in order  
3 to accept it or vote it down. What's the Council's  
4 wish on this proposal.

5  
6                   MR. KITKA: Mr. Chair.

7  
8                   CHAIRMAN ADAMS: Mr. Kitka.

9  
10                  MR. KITKA: I vote that we accept WP07-  
11 02.

12  
13                  MR. BANGS: Second.

14  
15                  CHAIRMAN ADAMS: Thank you, Harvey.  
16 Seconded by Mr. Bangs. We are now open for discussion.

17  
18                  (N comments)

19  
20                  MR. STOKES: Question.

21  
22                  CHAIRMAN ADAMS: Question's been  
23 called. Do you have something to say, Mike.

24  
25                  MR. DOUVILLE: Thank you, Mr. Chairman.  
26 I don't think we did the four criteria yet.

27  
28                  CHAIRMAN ADAMS: Would you like to take  
29 care of that, Mike.

30  
31                  MR. DOUVILLE: I'll make an attempt at  
32 it.

33  
34                  The proposal has good support. The  
35 proposal does not violate any recognized principles and  
36 it doesn't appear -- number 3, it doesn't appear to be  
37 detrimental to any subsistence needs and it doesn't  
38 unnecessarily restrict any users.

39  
40                  I intend to support the proposal.

41  
42                  And as further comment, I can  
43 appreciate the Federal approach to working with those  
44 people in trying to get better reporting, in some cases  
45 they may not even trust you, to learn any of their  
46 secrets, you know, even where people have been exposed  
47 to it in Southeast and are well aware of the rules and  
48 regs, it's very difficult to get reporting. I think  
49 your approach is good and hopefully you can get better  
50 reporting down the road.

1 Thank you.  
2  
3 CHAIRMAN ADAMS: Anyone else like to  
4 comment.  
5  
6 (No comments)  
7  
8 CHAIRMAN ADAMS: As far as I'm  
9 concerned it's a no brainer. I intend to vote on it.  
10  
11 Mr. Bangs.  
12  
13 MR. BANGS: Thank you, Mr. Chairman.  
14 I'd just like to point out looking through the  
15 reporting records here, it looks like Southeast has a  
16 pretty good record of consistently reporting on all the  
17 species.  
18  
19 Thank you.  
20  
21 CHAIRMAN ADAMS: Anyone else.  
22  
23 (No comments)  
24  
25 CHAIRMAN ADAMS: Anyone like to call  
26 for the question.  
27  
28 MR. KITKA: Question.  
29  
30 CHAIRMAN ADAMS: Question's been  
31 called. Roll call, Mr. Kitka, please.  
32  
33 MR. KITKA: Mr. Stokes.  
34  
35 MR. STOKES: Aye.  
36  
37 MR. KITKA: Patty Phillips.  
38  
39 MS. PHILLIPS: Aye.  
40  
41 MR. KITKA: Mike Douville.  
42  
43 MR. DOUVILLE: Aye.  
44  
45 MR. KITKA: Harvey Kitka votes aye.  
46 Bert Adams.  
47  
48 CHAIRMAN ADAMS: Aye.  
49  
50 MR. KITKA: Donald Hernandez.

1 MR. HERNANDEZ: Aye.  
2  
3 MR. KITKA: Nick Davis.  
4  
5 MR DAVIS: Aye.  
6  
7 MR. KITKA: Merle Hawkins.  
8  
9 HAWKINS: Aye.  
10  
11 MR. KITKA: Joe Hotch.  
12  
13 MR. HOTCH: Aye.  
14  
15 MR. KITKA: Michael Bangs.  
16  
17 MR. BANGS: Aye.  
18  
19 MR. KITKA: Lee Wallace.  
20  
21 MR. WALLACE: Aye.  
22  
23 MR. KITKA: Mr. Chair, it passed.  
24  
25 CHAIRMAN ADAMS: Thank you, Mr. Kitka.  
26 Okay, you want to take a little break before we go on  
27 to the next one, let's take a 10 minute break.  
28  
29 (Off record)  
30  
31 (On record)  
32  
33 CHAIRMAN ADAMS: Everyone please take  
34 their places.  
35  
36 (Pause)  
37  
38 CHAIRMAN ADAMS: Okay, we're back in  
39 session. I understand that Patty and Merle are going  
40 to leave here about 3:30 to go check into the hotel.  
41 So if they sneak out it's because they're excused.  
42  
43 So, Tom, go ahead with Proposal No. 3,  
44 please.  
45  
46 MR. KRON: Mr. Chairman. Members of  
47 the Council. Proposal No. 03 is, again, a statewide  
48 proposal. The analysis for this proposal starts on  
49 Page 83 in your Council books.  
50

1                   This proposal is a combination of three  
2 separate proposals that were submitted from the Eastern  
3 Interior Advisory Council, the Upper Tanana Fortymile  
4 Fish and Game Advisory Committee and the Wrangell St-  
5 Elias National Park Subsistence Resource Commission.  
6

7                   The proponents request Federal  
8 regulations that would allow the sale of raw untanned  
9 hides and capes of goat, sheep, caribou or moose that  
10 have been legally harvested on Federal public lands by  
11 Federally-qualified subsistence users. The proponent  
12 states that adoption of this proposal would align  
13 Federal subsistence harvest regulations with State of  
14 Alaska hunting regulations which allow the sale of raw  
15 untanned hides and capes from legally harvested goat,  
16 sheep, caribou and moose.  
17

18                  Current Federal subsistence regulations  
19 do not allow the sale of unmodified, non-edible  
20 byproducts of fish and wildlife. They must have been  
21 made into handicraft. Raw untanned hides and capes do  
22 not meet the Federal definition of handicraft. The  
23 proposed sale of raw untanned hides and capes from  
24 animals harvested under Federal subsistence regulations  
25 may be consistent with the Federal definition of  
26 customary trade.  
27

28                  The Federal definition of customary  
29 trade is the exchange of cash for fish and wildlife  
30 resources regulated in this part not otherwise  
31 prohibited by Federal law or regulation to support  
32 personal and family needs and does not include the  
33 trade which constitutes a significant commercial  
34 enterprise.  
35

36                  There's a long history of trade of  
37 untanned hides and capes that began prior to the  
38 arrival of Europeans in Alaska and continues today.  
39

40                  It is illegal for State of Alaska  
41 residents to harvest ungulates under State of Alaska  
42 hunting regulations on BLM, Fish and Wildlife Service  
43 and National Preserve and Forest Service lands and sell  
44 the raw or untanned hides and capes from these animals.  
45 However, the State of Alaska hunting regulations do  
46 apply on national -- do not apply on National Park or  
47 National Monument lands.  
48

49                  The effects of the proposal. The  
50 proposal states that adoption of this proposal would

1 not increase harvest but allow Federally-qualified  
2 subsistence users to utilize the animals they harvest  
3 for food and to obtain cash needed to access  
4 traditional hunting areas.

5  
6 The adoption of this regulation would  
7 allow Federally-qualified subsistence users to sell raw  
8 untanned hides and capes of goat, sheep, caribou and  
9 moose that have been legally harvested under Federal  
10 subsistence regulations on Federal public lands except  
11 National Park and National Monument lands.

12  
13 Regional variation in the use of raw  
14 untanned hides and capes can be addressed by regional  
15 specific regulations such as those for brown bear  
16 handicrafts and the customary trade of fish. Current  
17 harvest limits are not affected by this proposal and  
18 there do not appear to be conservation concerns  
19 associated with this proposal. This proposal should  
20 not affect other user groups.

21  
22 Our preliminary conclusion is to  
23 support the proposal.

24  
25 Thank you, Mr. Chairman.

26  
27 CHAIRMAN ADAMS: Thank you, Tom. Any  
28 questions of Tom.

29  
30 (No comments)

31  
32 CHAIRMAN ADAMS: We'll give them  
33 awhile, Tom, they need to absorb a little bit, so we'll  
34 give them a while to ask you questions.

35  
36 Yes, go ahead.

37  
38 MR. KRON: I guess, just a question and  
39 maybe this will get people thinking. You know, the  
40 Staff had a question that we were going to ask all the  
41 Councils and that was if members of the Council were  
42 aware of sale of untanned hides or capes in their area  
43 for cash.

44  
45 Thank you, Mr. Chairman.

46  
47 CHAIRMAN ADAMS: Okay, thank you.

48  
49 (Pause)

50

1 CHAIRMAN ADAMS: Go ahead, Don.  
2  
3 MR. HERNANDEZ: Thank you, Mr.  
4 Chairman. I was just wondering if I could, I don't  
5 know, maybe ask Mr. Kron to respond to some comments by  
6 the State, maybe after the State has submitted their  
7 comments. Would that be okay?  
8  
9 CHAIRMAN ADAMS: Sure, that'll be fine.  
10 Any other Council members want to comment, question.  
11  
12 (No comments)  
13  
14 CHAIRMAN ADAMS: Okay, Tom, if you'd  
15 just stay there I guess they're going to question you a  
16 little bit after the State makes their comments.  
17  
18 So Doug or Terry, you're free to chime  
19 in here at this time.  
20  
21 MR. HAYNES: Thank you, Mr. Chairman.  
22 This is Terry Haynes. Our written comments are on  
23 Page 93 of your Council book. The intent of this  
24 proposal is to align the State and Federal regulations  
25 and with the exception of the harvest that occur on  
26 National Park and Park Monument lands, the opportunity  
27 being requested in this proposal is already provided  
28 for under State regulations.  
29  
30 And on National Park and Park Monument  
31 lands, in the 17 years that Federal regulations have  
32 been in existence we haven't been advised of any  
33 situations where Federally-qualified subsistence users  
34 have been presented from selling raw untanned hides  
35 that were harvested on Park or Park Monument lands in  
36 large part because we're not convinced that this is a,  
37 at least on a statewide basis, a customary and  
38 traditional activity.  
39  
40 So even though we don't think this  
41 proposal is necessary if the intent of the Federal  
42 Board is to move forward in adopting this proposal, we  
43 believe the record should demonstrate that the sale of  
44 raw untanned hide is a customary and traditional  
45 activity, so I believe the question Mr. Kron asked you  
46 earlier to think about, is worth some further  
47 discussion by the Council.  
48  
49 Thank you, Mr. Chairman.  
50

1 CHAIRMAN ADAMS: Thank you, Terry.  
2 Doug, as you there, would you like to say something on  
3 this.

4  
5 MR. D. LARSON: I am here, thank you,  
6 Mr. Chairman. I have nothing to add at this point.

7  
8 CHAIRMAN ADAMS: Okay. And Doug and  
9 Terry, I just want to express my appreciation to you  
10 for hanging on there during our break. I forgot to  
11 acknowledge that but we appreciate your participation  
12 here today.

13  
14 Any questions, further questions of the  
15 Council to either Doug or Terry.

16  
17 (No comments)

18  
19 CHAIRMAN ADAMS: Okay, Donald, did you  
20 have something to ask Tom.

21  
22 MR. HERNANDEZ: Thank you, Mr.  
23 Chairman. Yeah, I was wondering if maybe Tom could,  
24 you know, clear up this issue of whether or not  
25 customary and traditional use has already been  
26 authorized and then I also wanted to ask him about  
27 State regulations are already adopted into Federal  
28 regulations by reference, that's in the conclusion  
29 portion of the ADF&G comments.

30  
31 So, Tom, if you could maybe try and  
32 resolve some of those questions.

33  
34 CHAIRMAN ADAMS: Go ahead, Tom.

35  
36 MR. KRON: Mr. Chairman. Mr.  
37 Hernandez. First of all in the customary and  
38 traditional use determination, the Federal Subsistence  
39 Board makes customary and traditional use  
40 determinations only for the subsistence harvest of fish  
41 and wildlife populations by a community or area. The  
42 eight factors used by the Board to make C&T use  
43 determinations do not constitute a checklist but rather  
44 characteristics which taken together exemplify historic  
45 use of the resource. The Board makes customary and  
46 traditional use determinations for the use of fish and  
47 wildlife, not the specifics of each type of use after  
48 the wildlife has been harvested.

49  
50 Section .16(b) does not require an

1 individual and specific use determination for each use.  
2 For example, eating, trading, bartering, sharing,  
3 selling or crafting after the harvest of the resource.

4  
5 Relative to the sale being provided for  
6 under State regulations, this is not true for  
7 subsistence harvest products taken under Federal  
8 regulations. Section .7(b) prohibits the sale of fish  
9 and wildlife or their parts taken under the Federal  
10 subsistence management regulations unless specifically  
11 provided for in the Federal Subsistence Management  
12 Regulations.

13  
14 Thank you, Mr. Chairman.

15  
16 CHAIRMAN ADAMS: Thank you. Okay. Any  
17 other questions. Harvey.

18  
19 MR. KITKA: Mr. Chair. You asked a  
20 question a little bit ago about the hides, I believe it  
21 was the untanned hides and some of the moose hides and  
22 caribou hides and things were traded to the people on  
23 the coast because the hides were more durable and this  
24 was a common practice. And part of the things, I still  
25 have a little problem with customary and trade and  
26 barter because some of the stuff that they used was  
27 cash to them, and some of these things that are  
28 considered barter on your part was actually considered  
29 cash sales between consenting parties on -- because the  
30 Tlingit people had basically businessmen that were the  
31 traders and they were tremendous traders because they  
32 could speak many languages and converse with many  
33 people. They accepted goods from people that had the  
34 extra stuff and they bartered with each other to see  
35 what their payment would be. And as a result, when  
36 they went out and bartered and sold their stuff they  
37 got back the cash that they wanted and then it was  
38 distributed amongst the people that they got the goods  
39 from.

40  
41 So there was considerable amount of  
42 money and things from their time that was considered  
43 cash money.

44  
45 I just wanted to make that comment.

46  
47 CHAIRMAN ADAMS: Thank you, Harvey.  
48 Okay. Let's take InterAgency Staff, Steve.

49  
50 Thank you, Tom.

1 MR. KESSLER: Mr. Chairman. Steve  
2 Kessler with the InterAgency Staff Committee. A couple  
3 of things. First of all I think there was a question  
4 about State regulations and how they apply when there's  
5 not a Federal regulation. I would like to make sure  
6 that you're aware of Part 14(a) of the regulations, if  
7 you happen to have your Council operations book with  
8 you, it's on the top of Page 78. And I know the people  
9 who had some training have a copy of that. But it does  
10 say State fish and game regulations apply to public  
11 lands and such laws are hereby adopted and made a part  
12 of the regulation in this part to the extent they are  
13 not inconsistent with or superseded by the regulations  
14 in this part.

15  
16 So in other words, State regulations  
17 apply unless there's something in here that's  
18 different.

19  
20 Now, in this situation and what Mr.  
21 Kron talked about, we have animals that are harvested  
22 under Federal regulation and so the Federal regulation  
23 has in some way superseded the State regulations and so  
24 that's what we're talking about right here, is so that  
25 those instances where the State regulations don't apply  
26 because the Federal regulation has essentially  
27 superseded and allowed that harvest.

28  
29 Now, as far as the other action of the  
30 other Councils, Seward Peninsula supported this  
31 proposal as written. And Bristol Bay modified the  
32 proposal. And I don't have the specific words but  
33 these are close, so if you look at the proposed  
34 regulations on Page 83, for instance, it says:

35  
36 You may sell the raw/untanned hide or  
37 cape of a legally harvested goat,  
38 sheep, caribou or moose.

39  
40 They were concerned about the ones that  
41 are tanned, so they said, you may sell tanned and  
42 untanned hide or cape from a legally harvested goat,  
43 sheep, caribou and moose.

44  
45 I'm not sure exactly those are the  
46 words, but essentially they wanted to make sure that  
47 there was also the authority to sell something that  
48 actually had had some sort of processing.

49  
50 CHAIRMAN ADAMS: Thank you, Steve.

1 Questions, anyone.

2

3 (No comments)

4

5 CHAIRMAN ADAMS: Gunalcheesh. Dr.

6 Schroeder.

7

8 DR. SCHROEDER: Mr. Chairman. We have

9 a comment from the Wrangell St. -Elias Subsistence

10 Resource Commission. The Commission unanimously

11 supports this proposal with the modification that the

12 provisions also apply to deer and elk in addition to

13 the species listed in the original proposal.

14

15 State regulations already allow the

16 sale of untanned capes and hides. Passage of this

17 proposal will allow Federally-qualified subsistence

18 users the same opportunity to more fully benefit from

19 the animals that they harvest.

20

21 That's all we had, Mr. Chairman.

22

23 CHAIRMAN ADAMS: Thank you, Dr.

24 Schroeder. Let me see any members of the public like

25 to comment on this proposal.

26

27 Larry, come on up.

28

29 He's got his sea legs now.

30

31 (Laughter)

32

33 CHAIRMAN ADAMS: Would you turn on your

34 microphone, please.

35

36 MR. DICKERSON: Yes, Larry Dickerson,

37 Forest Service wildlife biologist from Craig.

38

39 My question, Mr. Chairman, and the

40 Board, is this does not include deer and, though, I

41 just thought the Board might want to think very

42 quickly, if I look at who this proposal came from,

43 three different entities that didn't have deer there,

44 at least down the trail, I thought if this is adopted,

45 it might be considered here that there may be a

46 subsistence user that wants to sell a cape to someone

47 that's a taxidermist or someone that's cut a cape short

48 or whatever.

49

50 To me that was omitted from here but

1 anyway I just thought I would put that to your point  
2 just in case down the trail it came up.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN ADAMS: Thank you, Larry,  
7 appreciate that. Any other members of the public like  
8 to comment.

9

10 (No comments)

11

12 CHAIRMAN ADAMS: Okay. We'll go into  
13 Council deliberations and, I would, you know, remind  
14 the Council that there is a couple other things that we  
15 might want to consider, including in the proposal, you  
16 know, the tanned, the deer and the -- what was the  
17 other thing, elk, -- just elk -- okay, so what's the  
18 wish of the Council.

19

20 (No comments)

21

22 CHAIRMAN ADAMS: I think the way that  
23 we would handle this is that we would accept the  
24 proposal and then if you wanted to add the tanned and  
25 the deer and the elk to it that we'd do it as an  
26 amendment.

27

28 Mr. Bangs.

29

30 MR. BANGS: Thank you, Mr. Chairman. I  
31 move to adopt WP07-03.

32

33 CHAIRMAN ADAMS: Do I hear a second.

34

35 MR. STOKES: I'll second it.

36

37 CHAIRMAN ADAMS: Seconded by Dick  
38 Stokes. We're now in discussion.

39

40 (Pause)

41

42 CHAIRMAN ADAMS: At this point if you  
43 want to add those other items to our proposal, we can  
44 do it by amendment.

45

46 Donald.

47

48 MR. HERNANDEZ: Mr. Chairman. I think  
49 I would move to amend the proposal to show those  
50 changes so that the new proposal would read you may

1 sell the tanned or untanned hide or cape from a legally  
2 harvested goat, sheep, caribou, moose and deer.

3

4 CHAIRMAN ADAMS: Do you want to add elk  
5 to that Donald?

6

7 MR. HERNANDEZ: Mr. Chairman. We did  
8 not find a cultural and traditional use for elk here in  
9 Southeast yet so I don't think we could really add that  
10 to the list, if I'm not mistaken.

11

12 CHAIRMAN ADAMS: That's fine. Good.  
13 Mr. Bangs -- oh, we need a second. We need a second.

14

15 MR. DOUVILLE: Second.

16

17 CHAIRMAN ADAMS: Was that you Michael.

18

19 MR. DOUVILLE: I was going to second  
20 it, yes.

21

22 CHAIRMAN ADAMS: Okay. Okay. Seconded  
23 by Mike. Mr. Bangs.

24

25 MR. BANGS: Yes, I was wondering if  
26 elk was customary and traditional out in, like Afognak  
27 and the herd out there for Kodiak, that might be  
28 something we should consider.

29

30 CHAIRMAN ADAMS: Dave, did you hear the  
31 question.

32

33 MR. JOHNSON: Yes.

34

35 CHAIRMAN ADAMS: They told me you had  
36 an answer.

37

38 MR. JOHNSON: Mr. Chairman. Council.  
39 The answer is yes.

40

41 CHAIRMAN ADAMS: Yes, what.

42

43 MR. JOHNSON: Yes, they do have a  
44 positive C&T for elk in Afognak.

45

46 CHAIRMAN ADAMS: Okay. I thought you  
47 were answering yes to my question, did you hear the  
48 question.

49

50 (Laughter)

1 CHAIRMAN ADAMS: Thank you.  
2  
3 Donald.  
4  
5 MR. HERNANDEZ: Thank you, Mr. Chairman.  
6 Mr. Johnson. Seeing's how -- I believe this is a  
7 statewide proposal, then, yes we should also add elk to  
8 that amendment.  
9  
10 CHAIRMAN ADAMS: And if that's okay  
11 with the second we'll add elk.  
12  
13 MR. DOUVILLE: It's okay with me.  
14  
15 CHAIRMAN ADAMS: Good. All right. So  
16 further discussion on the amendment.  
17  
18 MR. KITKA: Question.  
19  
20 MR. DOUVILLE: On the amendment, no,  
21 excuse me.  
22  
23 CHAIRMAN ADAMS: Okay. On the  
24 amendment the question has been called by Harvey. So  
25 all in favor of the amendment, please, say aye.  
26  
27 IN UNISON: Aye.  
28  
29 CHAIRMAN ADAMS: Opposed.  
30  
31 (No opposing votes)  
32  
33 CHAIRMAN ADAMS: Now, we're on the main  
34 motion. Mike, did you have something.  
35  
36 MR. DOUVILLE: Thank you, Mr. Chairman.  
37 Mr. Kron asked if we had any evidence of trading, I  
38 think he said moose, goats, personally I don't -- where  
39 I live we don't have those species, but we have -- I  
40 personally have traded deer capes, wolf, seal and  
41 otter. So -- but I can't speak for places that have  
42 the other species and we still do trade those, we're  
43 doing it today.  
44  
45 CHAIRMAN ADAMS: Thank you, Mike.  
46 We're on the main motion.  
47  
48 MR. KITKA: Call for the question on  
49 the main motion.  
50

1 CHAIRMAN ADAMS: Were you going to  
2 comment, Patty, go ahead.

3  
4 MS. PHILLIPS: Thank you, Mr. Chair,  
5 I'd like to make a comment. And that comment is that  
6 ANILCA passed in December 2nd, 1980 and the State  
7 Department -- Department of Fish and Game and the Board  
8 of Game, Fish and Game made regulatory rules affecting  
9 subsistence in Alaska. And during that 10 years, 1980  
10 to 1990, a lot of barriers were put in the way of  
11 recognizing subsistence activities in Alaska, and as a  
12 result of that some of those customary and traditional  
13 practices sort of went underground where it really  
14 wasn't brought out in the open because the Department  
15 might come down on you and you might have to suffer  
16 legal consequences and end up in jail as a result of  
17 practicing your customary and traditional practices.

18  
19 In 1990 the Federal government came in  
20 and started to implement management regulations to  
21 recognize subsistence activities consistent with  
22 ANILCA. And in 1993 we had our first SERAC Council  
23 meeting and here we are now in 2007 and we're still  
24 trying to correct some of those State regulations that  
25 were accepted as Federal regulations and now we are  
26 amending them to recognize customary and traditional  
27 practices.

28  
29 So I support the amended proposal  
30 because it does recognize customary and traditional  
31 practices.

32  
33 I appreciate the comment by Federal  
34 Staff verifying that the trade, the sale of raw  
35 untanned hides is a customary and traditional practice  
36 and I appreciate that Bristol Bay considered tanned  
37 hides also as a part of that customary and traditional  
38 practice. So I'll vote in favor of the motion.

39  
40 Thank you.

41  
42 CHAIRMAN ADAMS: Thank you. We still  
43 need to address those four criteria when we comment on  
44 it. So Patty would you like to take that on.

45  
46 MS. PHILLIPS: Thank you, Chairman  
47 Adams.

48  
49 The proposal is supported by  
50 substantial evidence. The proposal was originally

1 submitted by Eastern Interior Alaska Regional Advisory  
2 Council and the analysis provided by Staff documents  
3 the customary and traditional practices of trading or  
4 for sale the untanned raw hides of those species, goat,  
5 sheep, caribou and moose, and because this is a  
6 statewide proposal and deer are the ungulate for our  
7 region it should also be included, which we have in our  
8 amended proposal.

9

10 The sale of raw untanned hides and  
11 capes from animals harvested under  
12 Federal subsistence regulations is  
13 consistent with the Federal definition  
14 of customary and trade.

15

16 The exchange of cash for fish and  
17 wildlife resources regulated herein not  
18 otherwise prohibited by State or  
19 Federal law or regulation to support  
20 personal and family needs and does not  
21 include trade which constitutes a  
22 significant commercial enterprise.

23

24 The adoption of this proposal will  
25 result in the alignment with existing  
26 State regs and is within the intent of  
27 other Federal Subsistence Board  
28 regulations regarding customary trade  
29 of fish and wildlife resources by  
30 Federally-qualified subsistence users.

31

32 It does not violate recognized  
33 principles of fish and wildlife conservation and it is  
34 not detrimental to the satisfaction of subsistence  
35 needs, rather it recognizes customary practices. And  
36 it would not unnecessarily restrict non-subsistence  
37 users.

38

39 Thank you.

40

41 CHAIRMAN ADAMS: Thank you, Patty. I  
42 knew you were going to do a good job, so that's why I  
43 asked you.

44

45 Now, what's the wish of the Council.

46

47 MR. STOKES: Mr. Chairman. I didn't  
48 hear her mention elk.

49

50 CHAIRMAN ADAMS: Patty, would you

1 please mention elk.

2

3 MS. PHILLIPS: Elk.

4

5 CHAIRMAN ADAMS: Thank you.

6

7 (Laughter)

8

9 MR. STOKES: Thank you.

10

11 (Laughter)

12

13 MS. PHILLIPS: I would like to include  
14 that I support the addition of elk to the amended  
15 proposal.

16

17 Thank you.

18

19 (Laughter)

20

21 CHAIRMAN ADAMS: Okay, thank you.

22 Okay, so we're on the main motion now. Any other  
23 comments from Council members.

24

25 MS. PHILLIPS: Question.

26

27 CHAIRMAN ADAMS: Question's been called  
28 for. Harvey, roll call.

29

30 MR. KITKA: Mr. Stokes.

31

32 MR. STOKES: Aye.

33

34 MR. KITKA: Patricia Phillips.

35

36 MS. PHILLIPS: Aye.

37

38 MR. KITKA: Mike Douville.

39

40 MR. DOUVILLE: Aye.

41

42 MR. KITKA: Harvey Kitka votes aye.

43 Bert Adams.

44

45 CHAIRMAN ADAMS: Aye.

46

47 MR. KITKA: Donald Hernandez.

48

49 MR. HERNANDEZ: Aye.

50

1 MR. KITKA: Nick Davis.  
2  
3 MR, DAVIS: Aye.  
4  
5 MR. KITKA: Merle Hawkins.  
6  
7 MS. HAWKINS: Aye.  
8  
9 MR. KITKA: Joe Hotch.  
10  
11 MR. HOTCH: Aye.  
12  
13 MR. KITKA: Michael Bangs.  
14  
15 MR. BANGS: Aye.  
16  
17 MR. KITKA: Lee Wallace.  
18  
19 MR. WALLACE: Aye.  
20  
21 MR. KITKA: Mr. Chair, motion passed.  
22  
23 CHAIRMAN ADAMS: Gunalcheesh, Mr.  
24 Secretary. We are now on Proposal No. 04, Mr. Tom.  
25  
26 MR. KRON: Mr. Chairman. Proposal 4 is  
27 the fourth and final statewide proposal in your book  
28 this year. Mr. Chairman. Members of the Council, it  
29 can be found starting on Page 94 in your books.  
30 Proposal WP07-04 is the combination of two similar  
31 proposals submitted by the Eastern Interior Regional  
32 Council and the Upper Tanana Fortymile Fish and Game  
33 Advisory Committee.  
34  
35 The proposal requests Federal  
36 regulations that allow the sale of antlers or horns of  
37 goat, deer, sheep, elk, caribou, moose or muskox that  
38 have been naturally shed or removed from the skull of  
39 an animal harvested on Federal public lands under  
40 Federal subsistence regulations by Federally-qualified  
41 subsistence users. The proponents state that the  
42 adoption of the proposal would align Federal  
43 subsistence harvest regulations with the State of  
44 Alaska hunting regulations which allow the sale of  
45 antlers or horns that have been naturally shed or if  
46 legally harvested completely removed from any part of  
47 the skull of the animal, except in Unit 23.  
48  
49 State regulations specifically prohibit  
50 the sale of caribou antlers from Unit 23 unless the

1 antler is not naturally shed or made into an article of  
2 handicraft. This prohibition is due to local  
3 conservation concerns about the Western Arctic Caribou  
4 Herd because of the Asian antler market.

5  
6 Federal subsistence regulations do not  
7 include the gathering of natural shed antlers.  
8 Gathering of naturally shed antlers is prohibited on  
9 National Park lands. Current Federal subsistence  
10 regulations do not allow the sale of unmodified, non-  
11 edible byproducts of fish and wildlife. They must  
12 first be made into a handicraft. Unmodified antlers or  
13 horns do not meet the Federal definition of regulation  
14 handicrafts. The proposed sale of antlers or horns  
15 from animals harvested under Federal subsistence  
16 regulations may be consistent with the Federal  
17 definition of customary trade. The Federal definition  
18 of customary trade is the exchange of cash for fish and  
19 wildlife resources regulated herein, but otherwise  
20 prohibited by State or Federal law or regulations to  
21 support personal and family needs and does not include  
22 trade which constitutes a significant commercial  
23 enterprise.

24  
25 There's a long history of trade in  
26 unmodified horn and antlers in Alaska that began prior  
27 to the arrival of Europeans and continues today.

28  
29 The proponent states that adoption of  
30 this proposal would not increase harvest but would  
31 allow Federally-qualified subsistence users to fully  
32 utilize the animals they harvest under Federal  
33 subsistence regulations for food and to obtain cash  
34 needed to get into traditional harvesting areas.

35  
36 Effects of the proposal. If adopted,  
37 this proposed regulation would allow hunters to sell  
38 horns and antlers from animals harvested under Federal  
39 subsistence regulations. However, shed antlers are not  
40 regulated by the Federal Subsistence Board's  
41 jurisdiction. The gathering of naturally shed antlers  
42 is specifically prohibited on National Park Service  
43 lands and U.S. Fish and Wildlife Service lands without  
44 a special use permit from the Refuge manager.  
45 Authorization to collect animal parts from animals not  
46 harvested within the approved Federal subsistence  
47 harvest limits would not be consistent with Federal  
48 subsistence harvest regulations.

49  
50 So the proposed regulation should be

1 modified to exclude reference to shed antlers or  
2 collection from animals obtained outside of Federal  
3 subsistence harvest regulations.

4

5                   Regional variation on use of horns and  
6 antlers can be addressed by regional specific  
7 regulation such as those used for bear handicraft and  
8 customary trade of fish. Current harvest limits are  
9 not affected by this proposal. This proposal should  
10 not affect other user groups. The adoption of this  
11 proposal would not lead to an increase in subsistence  
12 harvest, but would allow Federally-qualified  
13 subsistence users to fully utilize the animals they  
14 harvest for food and also for cash needed to get into  
15 traditional harvesting areas.

16

17                   The preliminary Staff conclusion is to  
18 support with modification to address only horns and  
19 antlers from animals harvested under Federal  
20 subsistence regulations.

21

22                   And, again, similar to the last  
23 proposal, we wanted to ask if Council members were  
24 aware of the sale of horns or antlers from your region  
25 for cash.

26

27                   Thank you, Mr. Chairman.

28

29                   CHAIRMAN ADAMS: Thank you, Tom. Any  
30 questions from the Council to Tom, and maybe you can  
31 respond to his last question about awareness of any  
32 sales of those products, you know, from in our regions.

33

34                   MR. KITKA: Mr. Chairman.

35

36                   CHAIRMAN ADAMS: Harvey, go ahead.

37

38                   MR. KITKA: Mr. Chair. In reading one  
39 of my books the other day, part of the trading and  
40 barter of the hides, one of the big trading items out  
41 at the Chilkat area was the Chilkat blanket which was  
42 traded for those items here and there throughout  
43 Southeast.

44

45                   Thank you.

46

47                   CHAIRMAN ADAMS: Thank you, Harvey.  
48 Any other comments, questions for Tom.

49

50                   (No comments)

1 CHAIRMAN ADAMS: Hearing none, we'll go  
2 into State comments. Okay, hold off, Mike.

3

4 MR. DOUVILLE: You asked about trade  
5 with horns, and there was trade. I have a couple of  
6 spoons that are made from sheep horn. They didn't come  
7 from --we don't have them here, you know, and they're  
8 old antiques but they were bartered for because we've  
9 never had them but we do have them in our possession.

10

11 CHAIRMAN ADAMS: Okay. Thank you, Tom.  
12 Do you think that you'll have questions for Tom after  
13 we get through some other stuff here or are we done  
14 with him.

15

16 (Laughter)

17

18 CHAIRMAN ADAMS: We'll call you back up  
19 if we need you, Tom, thank you. Okay, State.

20

21 MR. HAYNES: Thank you, Mr. Chairman.  
22 Terry Haynes, again. Our written comments are on Page  
23 106 of your Council books. And, again, this is a  
24 proposal that we believe largely would replicate the  
25 existing State regulations, so we don't think it's  
26 necessary. And despite the fact that there are some  
27 instances in which the Federal regulations may not  
28 apply, during the many years of the Federal Subsistence  
29 Management Program and the many years that the Federal  
30 subsistence regulations have been in place, we've not  
31 seen any evidence that this -- the absence of a Federal  
32 regulation covering these sales has been a problem or  
33 has impacted Federally-qualified subsistence users.

34

35 If the Federal Board does move forward  
36 with this proposal, we do believe it is important, as  
37 has been done in the preliminary conclusion on Page  
38 101, to not have the regulation apply to caribou  
39 harvested in Unit 23. Residents in that area, a number  
40 of years ago, came to the Board of Game and were  
41 concerned about the sale of caribou antlers in that  
42 area and the fact that there was potential for caribou  
43 to be taken strictly for their horns, and so the Board  
44 of Game did provide an exemption and did not include  
45 the sale of antlers from caribou taken in Unit 23  
46 within the coverage of the State regulation. And so if  
47 the Federal Board does move ahead with this proposal,  
48 we do believe it is important to not allow the sale of  
49 caribou antlers in Unit 23.

50

1 Thank you.  
2  
3 CHAIRMAN ADAMS: Thank you, Terry.  
4 Doug, you want to chime in.  
5  
6 (No comments)  
7  
8 CHAIRMAN ADAMS: Doug Larson, are you  
9 there.  
10  
11 MR. D. LARSON: Mr. Chairman, I have  
12 nothing to add at this point.  
13  
14 CHAIRMAN ADAMS: Okay, thank you.  
15 Thank you. InterAgency Staff. Steve Kessler.  
16  
17 MR. KESSLER: Thank you, Mr. Chairman.  
18 The only thing I have to report is on the two Councils,  
19 Bristol Bay and Seward Peninsula, and they both  
20 supported the proposal as modified in the Staff  
21 Committee recommendation as shown on Page 95.  
22  
23 CHAIRMAN ADAMS: Anyone have questions  
24 for Steve.  
25  
26 (No comments)  
27  
28 CHAIRMAN ADAMS: Thank you, sir.  
29 Advisory Committees.  
30  
31 (No comments)  
32  
33 CHAIRMAN ADAMS: Probably not. Written  
34 comments, Dr. Schroeder.  
35  
36 DR. SCHROEDER: Mr. Chairman, we had  
37 two written public comments. One is from the AHTNA  
38 Tene Nene' Subsistence Committee and they support this  
39 proposal, both the shed horns, antlers and antlers and  
40 horns that are removed from the skull of a legally  
41 harvested animal.  
42  
43 And, likewise, the Wrangell-St. Elias  
44 Resource Commission supports the proposal unanimously  
45 as written. It would allow Federally-qualified  
46 subsistence users to more fully make use of the animals  
47 they harvest. The allowance to sell antlers and horns  
48 should apply to shed antlers and horns as well as to  
49 those taken from legally harvested animals.  
50

1                               Those are two written public comments,  
2 Mr. Chairman.  
3  
4                               CHAIRMAN ADAMS: Thank you. Any public  
5 comments.  
6  
7                               (No comments)  
8  
9                               CHAIRMAN ADAMS: Okay, we're going to  
10 go into Council deliberation -- I'm sorry, Don, go  
11 ahead.  
12  
13                              MR. HERNANDEZ: Thank you. Mr.  
14 Chairman. I was wondering if I could ask Mr. Kron  
15 another question before we get to deliberations.  
16  
17                              CHAIRMAN ADAMS: Well, if Mr. Kron has  
18 a policy like mine, don't ask any hard ones, that's  
19 fine.  
20  
21                              MR. HERNANDEZ: It shouldn't be too  
22 difficult. Mr. Kron when the State recommends against  
23 the adoption of this proposal, one of the reasons is  
24 because this opportunity is already provided for under  
25 State regulations. I was just wondering if you would  
26 agree with that, their assessment there, if that's  
27 really necessary.  
28  
29                              CHAIRMAN ADAMS: Tom.  
30  
31                              MR. KRON: Mr. Chairman. Mr.  
32 Hernandez. Similar to the last proposal where we were  
33 talking about hides, you know, the same situation here,  
34 you know, this is not true for subsistence harvested  
35 products taken under Federal regulations. And, again,  
36 Steve Kessler provided some similar back up last time.  
37  
38                              So basically to bring things in line on  
39 the Federal side we need to do that if that's your  
40 wish.  
41  
42                              Thank you, Mr. Chairman.  
43  
44                              CHAIRMAN ADAMS: Thank you, Tom.  
45 Follow up, Don.  
46  
47                              MR. HERNANDEZ: (Shakes head no)  
48  
49                              CHAIRMAN ADAMS: Anyone else.  
50

1 (No comments)  
2  
3 CHAIRMAN ADAMS: Okay, let's go into  
4 Council deliberation and take a few minutes to  
5 deliberate.  
6  
7 (Pause)  
8  
9 CHAIRMAN ADAMS: Don, go ahead.  
10  
11 MR. HERNANDEZ: Mr. Chairman. I would  
12 move to adopt Wildlife Proposal 07-04.  
13  
14 I do believe that it will need some  
15 amendments, though, to make it work. So maybe we  
16 should just move to adopt the regulation and then make  
17 amendments later.  
18  
19 CHAIRMAN ADAMS: We can do that. Do I  
20 hear a second.  
21  
22 MR. BANGS: Second.  
23  
24 MR. STOKES: I'll second it.  
25  
26 CHAIRMAN ADAMS: Okay. I think Mr.  
27 Bangs beat you this time, Mr. Stokes. Moved and  
28 seconded. Did you say you wanted to add an amendment  
29 to it, Don, go ahead.  
30  
31 MR. HERNANDEZ: Yes, Mr. Chairman, I  
32 think this proposal does need to be amended to read  
33 what the Staff recommendation is on Page 95. And that  
34 amendment would be elimination of the shed horns  
35 provision. I think Mr. Kron has shown that that really  
36 isn't consistent with subsistence use. And I think I  
37 would agree with the need to make the exception for  
38 Unit 23 caribou.  
39  
40 So I would move to adopt the Proposal  
41 as written on Page 95.  
42  
43 CHAIRMAN ADAMS: Okay.  
44  
45 DR. SCHROEDER: Somebody needs to  
46 second it.  
47  
48 CHAIRMAN ADAMS: Somebody needs to  
49 second it.  
50

1 MR. DOUVILLE: Second.  
2  
3 CHAIRMAN ADAMS: Okay. Let's talk  
4 about it. Tom, go ahead.  
5  
6 MR. KRON: Mr. Chairman. Just for  
7 clarification on the shed horns issue, the reason that  
8 the Staff had recommended not to include shed horns is  
9 because shed horns are not within the jurisdiction of  
10 our Federal Subsistence Program.  
11  
12 Thank you.  
13  
14 CHAIRMAN ADAMS: Mr. Bangs.  
15  
16 MR. BANGS: Thank you, Mr. Chairman. I  
17 have a question that I'm not real clear on. I'm  
18 wondering about say if you come across a wolf kill of a  
19 large buck or elk, or whatever, would it be illegal to  
20 utilize the antlers or horns?  
21  
22 CHAIRMAN ADAMS: Tom, you got an answer  
23 for that or someone.  
24  
25 MR. KRON: Mr. Chairman. That depends  
26 on where you were. If you were on a National Park the  
27 answer would be yes. And, Steve, do you know Forest  
28 Service.  
29  
30 MR. KESSLER: I think on the Forest  
31 Service, it's okay.  
32  
33 MR. KRON: It's okay. And on a  
34 wildlife refuge you'd need to have a permit from the  
35 Refuge manager. So it would depend on where you were.  
36 It could be a yes or no depending on where you found  
37 your large wolf kill buck.  
38  
39 Thank you, Mr. Chairman.  
40  
41 CHAIRMAN ADAMS: So you would kind  
42 of.....  
43  
44 MR. KRON: Mr. Kessler just made the  
45 point it'd be good, since we have the State on line, to  
46 ask them what their perspective is on that question.  
47  
48 Thank you.  
49  
50 CHAIRMAN ADAMS: Okay, Terry or Doug,

1 what's your perspective on this issue.

2

3 MR. HAYNES: Mr. Chairman. Could you  
4 repeat the question and then I'll have Doug take a stab  
5 at it.

6

7 (Laughter)

8

9 CHAIRMAN ADAMS: I forgot the question,  
10 it's getting late.

11

12 (Laughter)

13

14 MR. CASIPIT: Terry, this is Cal  
15 Casipit. The question from Mr. Bangs, was that if he  
16 found a big buck that was wolf killed in the woods,  
17 would it be legal for him to take the antlers from it.

18

19 CHAIRMAN ADAMS: Okay.

20

21 MR. D. LARSON: Mr. Chairman. Cal.  
22 This is Doug. The answer to that question is yes, if  
23 you find antlers in the woods either naturally shed or  
24 from a carcass that's found you can take those and keep  
25 those.

26

27 MR. CASIPIT: Thank you.

28

29 CHAIRMAN ADAMS: Thank you. Any other  
30 concerns.

31

32 (No comments)

33

34 CHAIRMAN ADAMS: Okay. We are working  
35 on an amendment here so what's the wish of the Council.

36

37 MR. HERNANDEZ: Question.

38

39 CHAIRMAN ADAMS: Did you call for the  
40 question, Don.

41

42 MR. HERNANDEZ: (Nods affirmatively)

43

44 CHAIRMAN ADAMS: Okay. Question's been  
45 called. All in favor of this amendment, please say  
46 aye.

47

48 IN UNISON: Aye.

49

50 CHAIRMAN ADAMS: Opposed.

1 (No opposing votes)  
2  
3 CHAIRMAN ADAMS: Okay. Now we're on  
4 the main motion.  
5  
6 (Pause)  
7  
8 CHAIRMAN ADAMS: Again, I want to  
9 remind you that when you address it let's work on those  
10 four criteria, we need to address that when you go  
11 through that process.  
12  
13 MR. DOUVILLE: Where's Patty.  
14  
15 (Laughter)  
16  
17 CHAIRMAN ADAMS: She went to check in,  
18 I guess, I don't know. Anyone like to take a stab at  
19 that.  
20  
21 (Pause)  
22  
23 CHAIRMAN ADAMS: Okay, Michael, go  
24 ahead.  
25  
26 MR. DOUVILLE: I will take a stab at  
27 it.  
28  
29 CHAIRMAN ADAMS: Take a stab at it, I  
30 was going to, but go ahead.  
31  
32 MR. DOUVILLE: I support the proposal.  
33 I believe it's supported by substantial evidence. And  
34 I don't believe that it violates recognized principles  
35 of fish and wildlife conservation. And it is not  
36 detrimental to the satisfaction of subsistence needs.  
37 And it doesn't unnecessarily restrict non-subsistence  
38 users.  
39  
40 CHAIRMAN ADAMS: Thank you, Mr.  
41 Douville. Any further discussion.  
42  
43 (No comments)  
44  
45 CHAIRMAN ADAMS: Anyone like to make a  
46 comment.  
47  
48 (No comments)  
49  
50 MR. DOUVILLE: Question.

1 CHAIRMAN ADAMS: Question's been  
2 called. Mr. Kitka, roll call, please.  
3  
4 MR. KITKA: Mr. Stokes.  
5  
6 MR. STOKES: Aye.  
7  
8 MR. KITKA: Patricia Phillips - no,  
9 she's gone. Mike Douville.  
10  
11 MR. DOUVILLE: Aye.  
12  
13 MR. KITKA: Harvey Kitka votes aye.  
14 Bert Adams.  
15  
16 CHAIRMAN ADAMS: Aye.  
17  
18 MR. KITKA: Don Hernandez.  
19  
20 MR. HERNANDEZ: Aye.  
21  
22 MR. KITKA: Nick Davis.  
23  
24 MR. DAVIS: Aye.  
25  
26 MR. KITKA: Joe Hotch.  
27  
28 MR. HOTCH: Aye.  
29  
30 MR. KITKA: Michael Bangs.  
31  
32 MR. BANGS: Aye.  
33  
34 MR. KITKA: Lee Wallace.  
35  
36 MR. WALLACE: Aye.  
37  
38 MR. KITKA: Mr. Chair, it passes.  
39  
40 CHAIRMAN ADAMS: Thank you, Harvey.  
41 Okay, the next proposal is No. 5.  
42  
43 Mr. Johnson.  
44  
45 MR. JOHNSON: Thank you, Mr. Chairman.  
46 My name's Dave Johnson, I'm the subsistence coordinator  
47 for the Tongass. And I'll be presenting WP07-05,  
48 Dennis Chester is the lead author for this proposal but  
49 was unable to be here. The proposal analysis begins on  
50 Page 107.

1                   This proposal was submitted this cycle  
2 by the SERAC and would eliminate the Unit 5 requirement  
3 that a representative of the Department of Fish and  
4 Game, ADF&G remove and retain the skin of the skull and  
5 front claws of brown bear hides at the time of sealing.

6  
7                   Federal and State regulations differ  
8 with respect to harvest of brown bear and the use of  
9 non-edible parts. Federal regulations allow for the  
10 harvest of one brown bear per year by Federal  
11 registration permit. The meat must be salvaged, the  
12 skin is not required to be salvaged, the skin and skull  
13 are not be required to be sealed unless they are taken  
14 from the Yakutat area. The skin and skull must be  
15 sealed before they are removed from the Yakutat area  
16 and at that time the skin of the head and the front  
17 claws must be removed. Federal regulations allow the  
18 skin, including claws and other non-edible body parts  
19 to be used in the making of regalia and handcrafts may  
20 be sold.

21  
22                   State regulations allow the harvest of  
23 one brown bear every four regulatory years. The meat  
24 is not required to be salvaged, the skin and skull must  
25 be salvaged. They must be sealed within 30 days after  
26 taking. Under State regulations all body parts may be  
27 used to create regalia and handicrafts for personal use  
28 and may be bartered but not sold. Handcrafts for sale  
29 under State regulations may only be made from the bear  
30 fur, not including the claws.

31  
32                   Under the customary and traditional  
33 use, rural residents of Yakutat have a positive C&T use  
34 for brown bear in Unit 5 except for Glacier Bay  
35 National Park.

36  
37                   Current events. The Federal  
38 Subsistence Board passed regulations allowing the sale  
39 of handcrafts made from brown bear fur including claws  
40 in 2004. In 2005 further modifications to the  
41 regulations were made, including special provisions for  
42 Southeast Alaska allowing the use of bones, teeth,  
43 sinew, or skulls of both black and brown bears taken in  
44 the region.

45  
46                   Biological background. Based on ADF&G  
47 harvest data bear populations appear capable of  
48 supporting current harvest levels and there is no  
49 conservation concern.

50

1 Harvest history. The annual known  
2 mortality including harvest from 1970 through 2005 is  
3 shown in Figure 1 on Page 112. All data shown in  
4 Figure 1 refers to bears harvested under State general  
5 harvest regulations. Table 2 on the following page  
6 shows the -- Page 115, shows the number of permits  
7 issued and bears harvested for the Federal registration  
8 hunt. Most Yakutat residents choose to harvest under  
9 State regulations. The Federal subsistence harvest of  
10 brown bears in Unit 5 is a very low percentage of the  
11 total known mortality.

12  
13 The effects of the proposal. Adopting  
14 this proposal would eliminate the requirement to remove  
15 the front claws and skin of the skull when a brown bear  
16 is sealed before taking it out of the Yakutat area.  
17 This would allow Federally-qualified subsistence users  
18 to maintain possession of these items for use in making  
19 handcrafts consistent with current Federal handcraft  
20 regulations.

21  
22 Adopting this proposal would allow the  
23 hides of bears harvested under Federal subsistence  
24 regulations to retain their value as trophies. No  
25 substantial increase in Federal subsistence harvest  
26 rates is expected. If harvest increases occur they  
27 should be easily monitored by the current Federal  
28 registration permit and State sealing systems.

29  
30 The preliminary conclusion is to  
31 support the proposal.

32  
33 And the justification. The removal of  
34 the front claws and skin of the skull is not consistent  
35 with current regulations permitting the use of these  
36 body parts in handcraft items. Existing permit and  
37 sealing requirements would be retained to facilitate  
38 the identification of legally harvested bears. This  
39 proposal should not increase harvest levels, affect  
40 brown bear populations or result in a conservation  
41 concern.

42  
43 Thank you, Mr. Chairman. That  
44 concludes my presentation.

45  
46 CHAIRMAN ADAMS: Thank you, Dave. Any  
47 questions of Dave. Go ahead.

48  
49 MR. DOUVILLE: Thanks, Mr. Chairman.  
50 So at current harvest levels the population is stable,

1 healthy and so on?

2

3 MR. JOHNSON: That's my understanding,  
4 yes, Mike.

5

6 CHAIRMAN ADAMS: Harvey.

7

8 MR. KITKA: Thank you, Mr. Chair. Dave  
9 on Table 5, I believe it is, on your graph, is that  
10 little slanted part, what percentage of the bear taken  
11 is subsistence?

12

13 MR. JOHNSON: The actual number taken  
14 by Federally-qualified users is actually the hatchmark.  
15 If you'll see kind of a slash, third item down there on  
16 the legend on the right-side of the table, or the  
17 figure I should say.

18

19 CHAIRMAN ADAMS: Harvey, you got a  
20 follow up.

21

22 MR. KITKA: Yeah, Dave, I asked you  
23 what percentage basically -- maybe I should ask how  
24 many bears were taken?

25

26 MR. JOHNSON: I'd have to add them up  
27 for each year but it appears that the total number of  
28 bears taken in any given year is less than five per  
29 year.

30

31 CHAIRMAN ADAMS: Any other questions.  
32 Dave.

33

34 MR. JOHNSON: Mr. Chairman. If you'll  
35 look on over on Page 115 as well, Table 2 also shows  
36 the actual number of bears harvested for any given  
37 year. This Figure 1 shows the number of people that  
38 are qualified to take those bears.

39

40 CHAIRMAN ADAMS: Go ahead, Dave.

41

42 MR. JOHNSON: Based on the information  
43 in Table 2, Harvey, it would appear that since 1994  
44 there have been only two bears harvested under Federal  
45 permits.

46

47 CHAIRMAN ADAMS: So it's a very low  
48 amount there, Harvey.

49

50 MR. KITKA: Yes.

1 CHAIRMAN ADAMS: Merle and Patty, we're  
2 on Proposal No. 5. Dave Johnson just got through  
3 introducing it to us and he's open for questions now if  
4 you have any.

5  
6 Michael Bangs.

7  
8 MR. BANGS: Thank you, Mr. Chairman.  
9 I'm a little confused here by this table over here that  
10 says harvested by Federally-qualified users, it looks  
11 like there's several every year and then this table  
12 says there's only been two in the last 10 years, I  
13 don't know, if I'm not reading it correctly or.....

14  
15 CHAIRMAN ADAMS: Explain yourself,  
16 Dave.

17  
18 DR. SCHROEDER: I can do that.

19  
20 CHAIRMAN ADAMS: Okay, Bob.

21  
22 DR. SCHROEDER: Mr. Chairman. I  
23 believe that the table on Page 114 looks at the  
24 residents of hunters, but not what regulations they  
25 were hunting under. So if someone was in Yakutat and  
26 they hunted under State regulations they would show up  
27 as the hatch mark there. In Table 2 that's tracking  
28 our Federal permits, so that's someone who went in  
29 specifically for a Federal permit.

30  
31 The main difference between the Federal  
32 and State hunting regs are that under the Federal  
33 permit someone can take a bear every year and then at  
34 the present time that bear has to be sealed and the  
35 trophy value destroyed. So my read of this is that  
36 there were two bears in that category, there were  
37 something like a maximum of five permits per year and a  
38 minimum of zero permits per year, Federal permits  
39 issued in Table 2, the actual number of bears taken by  
40 Federally-qualified users would include those taken  
41 under State regulations plus those other two bears, the  
42 one bear that was taken in 2001/2002, 2004/05  
43 regulatory year.

44  
45 CHAIRMAN ADAMS: All right. Anyone  
46 else. Are you catching up Patty and Merle.

47  
48 MS. PHILLIPS: (Nods affirmatively)

49  
50 MS. HAWKINS: (Nods affirmatively)

1 CHAIRMAN ADAMS: Okay. Okay, thank  
2 you, Dave. We'll go into State comments at this time.

3  
4 MR. HAYNES: Thank you, Mr. Chairman.  
5 This is Terry Haynes. Are comments, our extensive  
6 comments are on Pages 117 and 118 of your Council book.  
7 And consistent with our comments on brown bear  
8 proposals generally, we have concerns about this  
9 proposal because it further liberalize the Federal  
10 regulations and has the potential to make it easier to  
11 transport bear claws and other bear parts outside of  
12 the unit for potential sale. And this in turn would  
13 increase incentives to harvest bears so that  
14 handicrafts made from bear parts can be easily sold  
15 outside the unit.

16  
17 If the intent is to allow retention of  
18 all the bear parts for regalia and traditional uses,  
19 these uses are currently authorized under Federal  
20 regulation so long as the bear is not removed from Unit  
21 5.

22  
23 Such uses are also provided for under  
24 current State regulations as long as the regalia or  
25 handicrafts are not purchased, sold or bartered.

26  
27 So we do have some concerns. Again, we  
28 don't have evidence that this is an issue at this time.  
29 But as we move forward we see that there are continuing  
30 proposals to the Federal Board to further liberalize  
31 the Federal regulations and to authorize other uses.  
32 So, you know, we'll need to watch the situation in this  
33 area if this proposal is adopted, and to see if bear  
34 harvests do increase and if there would be evidence of  
35 these bear hides with -- being transported outside the  
36 unit for uses that are not customary and traditional  
37 uses.

38  
39 And I'll stop there, Mr. Chairman,  
40 thank you.

41  
42 CHAIRMAN ADAMS: Well, thank you,  
43 Terry. I think the reason why this proposal came forth  
44 is because when you take it to, you know, the station  
45 over there to be sealed, you have to remove the claws  
46 and you have to take the skull off. And for use for  
47 regalia purposes, for instance, it would be valueless  
48 with just the skin itself and I think this is one of  
49 the reasons why this proposal is being addressed at  
50 this point.

1                   So are there any other questions, you  
2 know, of Terry or Doug in regards to this proposal by  
3 the Council.

4  
5                   (No comments)

6  
7                   CHAIRMAN ADAMS: Hearing none. We'll  
8 move on to InterAgency Staff, Mr. Kessler.

9  
10                  MR. KESSLER: Thank you, Mr. Chairman.  
11 Steve Kessler with the InterAgency Staff Committee and  
12 we don't have any comments on this proposal.

13  
14                  CHAIRMAN ADAMS: Thank you, Steve.  
15 Advisory.

16  
17                  (No comments)

18  
19                  CHAIRMAN ADAMS: Dr. Schroeder, written  
20 comments.

21  
22                  DR. SCHROEDER: Mr. Chairman. We've  
23 got one written comment from the Wrangell-St. Elias  
24 Subsistence Resource Commission. And the Wrangell-St.  
25 Elias National Park Resource Commission unanimously  
26 supports the proposal for the reasons stated in the  
27 justification for the Staff recommendation.

28  
29                  CHAIRMAN ADAMS: Thank you, Bob. Any  
30 public comments.

31  
32                  (No comments)

33  
34                  CHAIRMAN ADAMS: Okay. We're going to  
35 go into Council deliberation now so it's on the table  
36 for your consideration.

37  
38                  (Pause)

39  
40                  CHAIRMAN ADAMS: Again, we're going to  
41 have someone, you know, address those four criteria  
42 that we so devotedly cling to.

43  
44                  So, Mr. Bangs, you going to take a stab  
45 at it.

46  
47                  MR. BANGS: Thank you, Mr. Chairman.  
48 Is it on the table?

49  
50                  CHAIRMAN ADAMS: It's on the table

1 right now. We need to get a motion, move to adopt and  
2 second and then we go into, you know, this part.

3

4 MR. BANGS: Right. I move to adopt  
5 WP07-05 as written.

6

7 MR. STOKES: I'll second the motion.

8

9 CHAIRMAN ADAMS: Okay, we'll take  
10 Dick's second. Okay. It's up for discussion.

11

12 Mr. Bangs.

13

14 MR. BANGS: Thank you, Mr. Chairman.  
15 Well, again, I see the State has problems with it and  
16 they seem to be pointing a potential finger at a  
17 potential problem and when I look at the information  
18 before me, I see that non-resident or non-Federally-  
19 qualified harvest is at least 10 time what the  
20 subsistence use is and I just don't understand what the  
21 problem is there.

22

23 So I'm going to support the proposal.

24

25 CHAIRMAN ADAMS: Thank you. Michael,  
26 you want to address the four criteria and we'll go from  
27 there.

28

29 MR. BANGS: Thank you, Mr. Chairman.  
30 The proposal is supported by substantial evidence with  
31 the literature that we have and the research that's  
32 gone into it. And it doesn't violate any principles of  
33 fish and wildlife conservation. We see that there is  
34 no problem, we've heard from the biologists that  
35 there's a stable population of bear. And it would not  
36 be detrimental to the satisfaction of subsistence  
37 needs. And I would say that the proposal wouldn't  
38 unnecessarily restrict non-subsistence users either.

39

40 CHAIRMAN ADAMS: Thank you, Mike. Any  
41 other comments by the Council. Patty, go ahead.

42

43 MS. PHILLIPS: Thank you, Chairman  
44 Adams. Was there a response from Federal Staff to  
45 ADF&G comments.

46

47 CHAIRMAN ADAMS: (Shakes head  
48 negatively)

49

50 MS. PHILLIPS: No? Okay.

1 CHAIRMAN ADAMS: Go ahead, Mike.  
2  
3 MR. DOUVILLE: I would request a  
4 response from the Federal Staff to the ADF&G comments.  
5  
6 CHAIRMAN ADAMS: Who wants to tackle  
7 that.  
8  
9 MR. KESSLER: Mr. Chairman. I think  
10 you need to ask a specific question and then we can  
11 give you, hopefully, a specific answer because there's  
12 a whole bunch of things that are covered in here. So I  
13 don't think you would want us to go into sort of a -- I  
14 don't know how long we would spend going over  
15 responding to it all, so ask specific questions and  
16 we'll see if we can give you specific answers.  
17  
18 CHAIRMAN ADAMS: Mike or Patty, do you  
19 have a specific question that you would like them to  
20 address?  
21  
22 Go ahead, Patty.  
23  
24 MS. PHILLIPS: Thank you, Chairman  
25 Adams. Under the conservation issues. The State filed  
26 request for reconsideration contending that the Federal  
27 subsistence regulations for brown bear created numerous  
28 problems for the State sustained yield management of  
29 brown bears. In addition to authorizing a  
30 significantly higher harvest, one bear every year, the  
31 Federal regulation eliminating a means of obtaining  
32 timely information on sex, age, size, location of  
33 harvested bears and deprived the State of the tag fees  
34 needed to fund bear management tasks. In response to  
35 the RFR the Federal Board modified its regulation to  
36 require brown bears that are transported out of Unit 5  
37 to be sealed by ADF&G. So the State regulations  
38 provide a similar exception to the mandatory sealing  
39 requirements killed but not removed from several units,  
40 but the State does not provide that exception for Unit  
41 5. In the last four regulatory years only nine Federal  
42 subsistence registration permits were issued and of  
43 those only one harvested a brown bear.  
44  
45 So I mean what about it.  
46  
47 MR. KESSLER: What's the question?  
48  
49 MS. PHILLIPS: What's the conservation  
50 issue? They have it under conservation, I don't know

1 -- what's the conservation issue, there is no  
2 conservation issue so why bring it up as a conservation  
3 issue.

4

5 MR. KESSLER: I suggest that you might  
6 ask the State the question, I think that they could  
7 probably answer it better than we can. I think that as  
8 you look at the harvest numbers on Page 115, that were  
9 taken under Federal registration permit you'll see two.  
10 Now, I'm not exactly sure what those two or what all  
11 these permits were about but I suspect that these  
12 permits were issued perhaps to people who wanted to  
13 harvest more than one bear every four years so they  
14 harvested one bear using the State regulations and then  
15 they decide, well, I'm going to get a Federal permit  
16 just in case I'm going to get another bear or just in  
17 case I've got to shoot a bear that otherwise might be  
18 defense of life and property or something, and they  
19 would be legal.

20

21 So I don't really know the origin of  
22 all of these permit requests but we can see that there  
23 were just two bears harvested. So but I think your  
24 conservation concern and question needs to be addressed  
25 to the State.

26

27 MS. PHILLIPS: Okay. Can the State  
28 reply. I'm sorry am just coming on line.

29

30 MR. CASIPIT: Terry, did you hear the  
31 question.

32

33 MR. HAYNES: Yes. Again, I think the  
34 issue here is kind of looking forward into the future  
35 and the potential for an increasing harvest of bears if  
36 these regulation proposals are adopted, that would  
37 promote more harvest. And as more people become aware  
38 of the Federal regulations and the uses authorized  
39 under those regulations we believe there is a potential  
40 for a conservation issue to arise.

41

42 So I think that's the point trying to  
43 be made there.

44

45 CHAIRMAN ADAMS: Okay, Patty, you got a  
46 follow up.

47

48 MS. PHILLIPS: I do, thank you. And  
49 I'm sure the Department will bring it to our attention  
50 if there is overharvest of bears occurring and then the

1 Council can react accordingly by exercising it's  
2 priority consumptive use and requesting a cut back of  
3 commercial harvest of bears before any of the cut back  
4 of the subsistence harvest of bears. Thank you. But I  
5 do support the proposal.

6  
7 CHAIRMAN ADAMS: Thank you, Patty.  
8 Comment back from, was it, Terry.

9  
10 (No comments)

11  
12 CHAIRMAN ADAMS: Okay. So where are we,  
13 we're in Council deliberation now aren't we.

14  
15 MS. PHILLIPS: Question.

16  
17 CHAIRMAN ADAMS: I'm trying to figure  
18 out where I'm at here, yet, Patty.

19  
20 (Laughter)

21  
22 CHAIRMAN ADAMS: Okay. We did move and  
23 second so we're in deliberation and discussion and a  
24 question has been called, Harvey, do the roll call  
25 please.

26  
27 MR. KITKA: Richard Stokes.

28  
29 MR. STOKES: Aye.

30  
31 MR. KITKA: Patricia Phillips.

32  
33 MS. PHILLIPS: Aye.

34  
35 MR. KITKA: Mike Douville.

36  
37 MR. DOUVILLE: Aye.

38  
39 MR. KITKA: Harvey Kitka votes aye.  
40 Bertrand Adams.

41  
42 CHAIRMAN ADAMS: Yea.

43  
44 MR. KITKA: Donald Hernandez.

45  
46 MR. HERNANDEZ: Aye.

47  
48 MR. KITKA: Nick Davis.

49  
50 MR. DAVIS: Aye.

1 MR. KITKA: Merle Hawkins.  
2  
3 MS. HAWKINS: Aye.  
4  
5 MR. KITKA: Joe Hotch.  
6  
7 MR. HOTCH: Aye.  
8  
9 MR. KITKA: Michael Bangs.  
10  
11 MR. BANGS: Aye.  
12  
13 MR. KITKA: Lee Wallace.  
14  
15 MR. WALLACE: Aye.  
16  
17 MR. KITKA: Mr. Chair, the ayes have  
18 it.  
19  
20 CHAIRMAN ADAMS: Thank you, Secretary  
21 Kitka, the motion passes. Just a matter of information  
22 here, we do have dinner that's going to be served at  
23 the Salvation Army at 6:00 o'clock, so we'll move on  
24 here until 5:00 and then we'll take some time to go to  
25 the room and freshen up and then go have food.  
26  
27 Is that okay with you, Joe?  
28  
29 MR. HOTCH: (Shakes head negatively)  
30  
31 CHAIRMAN ADAMS: No.  
32  
33 (Laughter)  
34  
35 DR. SCHROEDER: He wants to just keep  
36 working.  
37  
38 (Laughter)  
39  
40 CHAIRMAN ADAMS: Let's keep on working  
41 he says. Okay, the next proposal there, Bob, it looks  
42 that's you.  
43  
44 MR. R. LARSON: Good afternoon, Mr.  
45 Chairman. My name is Robert Larson, I work for the  
46 Forest Service. I currently reside in Petersburg,  
47 Alaska. Regulatory Proposal WP07-06 would increase the  
48 harvest limit of deer in Unit 1B and most of Unit 3 and  
49 increase the length of the harvest season in most of  
50 Unit 3. The intent of this proposal as stated by the

1 proponents was to align the subsistence harvest limits  
2 and seasons for Unit 1B and 3 with Unit 2. Subsequent  
3 to the submission of this proposal Unit 2 deer limits  
4 were extended to five deer.

5  
6           Conversations with the proponents, it  
7 was clear that the proposal was not intended to apply  
8 to the current regulations for deer on Mitkof,  
9 Woewodski and Butterworth Islands. For your  
10 information those islands have a very restrictive deer  
11 season.

12  
13           If I could ask you to look at the  
14 regulations, the current regulations on the bottom of  
15 Page 120 in your Council book, you can see that  
16 currently in Unit 1B there are two antlered deer per  
17 harvest limit and a season that extends from August 1st  
18 to December 31st. Unit 3 that portion that includes  
19 Mitkof, Woewodski and Butterworth Islands, there's one  
20 antlered deer with a season October 15th to October  
21 31st. And in Unit 3 the remainder, which is a fairly  
22 large area extending south from Etlund Island north to  
23 Kupreanof and west of Kuiu, there is two antlered deer  
24 with an August 1st to November 30th harvest season.

25  
26           The proponents would like to increase  
27 the harvest limit from two to four antlered deer in  
28 Unit 1B, the season would remain the same and increase  
29 the harvest limit in Unit 3, the remainder from two to  
30 four antlered deer and extend the season from November  
31 30th to December 31st.

32  
33           On Page 121 of the analysis there's a  
34 record of discussion of the regulatory history and some  
35 current events regarding this species. The take home  
36 message here is that the Unit 3 deer population was  
37 very, very low, it went from fairly high levels to very  
38 low levels in the early '70s result of fairly high  
39 predation and extreme weather conditions. Unit 3 is  
40 blessed both wolves and with high snow loads, much  
41 different than the northern southeast that has the snow  
42 and not the wolves or southern southeast that has the  
43 wolves and not the snow. What we saw in 1973 was  
44 essentially the closure of the central third of  
45 Southeast Alaska to deer harvest. In 1979 those  
46 closures were opened in bits and pieces. Currently --  
47 we have the current regulations in front of you and  
48 that is a result of a number of years of deer hunting  
49 regulations that have been expanded from that closure.  
50

1                   We believe that the Unit 3 deer are in  
2 a rebuilding mode. We would like to see those  
3 populations continue to increase with more hunting  
4 opportunities.

5  
6                   Unit 1B is the extreme conditions of  
7 Unit 3 where there is a considerable amount of snow and  
8 cold weather, even more than what we experienced in  
9 Unit 3.

10  
11                   Harvest history. You can look at  
12 Figure 1, that mainland section between Wrangell and  
13 Petersburg and what you see are deer harvest limits  
14 that are very modest compared to harvest limits in  
15 other units. A low of 34 deer in 2002 and a high of  
16 133 deer in 1992. For your information subsequent to  
17 the publishing of the Staff analysis we have estimates  
18 of deer harvest from 2004 from the State and there were  
19 39 deer in 2004, the most recent year where they have  
20 published estimates of harvest.

21  
22                   In Unit 3, much larger area, a little  
23 milder climate but still a moderate harvest. What we  
24 see in Unit 3 is not only a rebuilding of the deer  
25 population but continued opportunities for deer harvest  
26 by having more area and larger harvest in this unit.  
27 Again, 1991 399 deer is the low, 1998 a thousand -- the  
28 2004 estimate which you don't see on here is  
29 essentially the same as 2003 at 930 animals.

30  
31                   In contrast we've included a graph of  
32 Prince of Wales Island of deer harvest of 2,186. We  
33 believe that overall the deer harvest in Unit 2 reflect  
34 a couple of things. First of all there's more deer  
35 hunters, they have more deer hunter days and most of  
36 the area down there contains more deer.

37  
38                   Adopting this proposal under 125 of the  
39 Staff analysis, if you look at effects of the proposal,  
40 adopting this proposal may cause an increase in harvest  
41 throughout these two units. 1B will probably get more  
42 use but because of the inaccessibility of the area, low  
43 deer densities and high snow load a significant  
44 increase in animals harvested is not anticipated. We  
45 see more deer harvested near communities, especially if  
46 we increase the season length because of the conditions  
47 at that time of the year, the ability of people to  
48 travel any distance, especially in something other than  
49 a very large vessel is much less likely.

50

1                   The preliminary conclusion is to  
2 support with a modification. The Staff does not  
3 believe that the current deer densities, total deer  
4 population in Unit 3 or in Unit 1B is sufficient to  
5 increase the harvest levels from two to four animals.  
6 That, we believe, would not be sustainable and may be  
7 detrimental to the health of those resources. However,  
8 in Unit 3 there may be an opportunity to provide  
9 opportunity for subsistence use by increasing the  
10 season from November 30th until December 31st. There's  
11 evidence to support that is -- it's not iron-clad, it  
12 is our best considered opinion.

13

14                   The justifications for that conclusion  
15 are included at the bottom of Page 125 that the fact  
16 that we are in a rebuilding mode, the fact that the  
17 conditions for deer in these areas at times is very  
18 difficult because of snow conditions. We have  
19 predation, large both wolves and bears, that have a  
20 tendency to reduce the ability of those populations to  
21 rebound. And that supports our conclusion that an  
22 increase in harvest limit is not appropriate, however,  
23 there may be an opportunity for more -- continued of  
24 subsistence uses and, in fact, providing more  
25 subsistence uses if the season was changed.

26

27                   Thank you, Mr. Chairman.

28

29                   CHAIRMAN ADAMS: Thank you, Bob. Are  
30 there any questions of the Council. Go ahead, Mike.

31

32                   MR. DOUVILLE: Thank you, Mr. Chairman.  
33 Mr. Larson, do we have any maps of the units for this  
34 area so we can look at 1B and 3 to get a better idea of  
35 what we're talking about.

36

37                   MR. LARSON: Yeah, Mr. Chairman, the  
38 maps that we have are included in the regulatory guide  
39 and if you were to look at the -- well, starting on --  
40 1B would be the very first of the sections and you  
41 could see -- and I'll just hold this up in case you  
42 don't have this in front of you, that 1A would be the  
43 southern part of the mainland, and 1B the middle and  
44 further up to 1D at the very northern end. And 3, of  
45 course, is just the central third of Southeast,  
46 including those islands that I mentioned.

47

48                   And if we were to look -- let me just  
49 check to see if these maps, in fact, are included.

50

1 CHAIRMAN ADAMS: It's the map on Page  
2 202.

3  
4 MR. LARSON: That's correct. The Unit  
5 1 map is on Page 202 of your Council Book and the map  
6 of Unit 3 would be on Page 204.

7  
8 CHAIRMAN ADAMS: Mr. Stokes.

9  
10 MR. STOKES: Thank you, Mr. Chair. One  
11 of the reasons why my name is on this proposal is that  
12 Mark Armstrong has seven youngsters and with his wife  
13 that's nine, and he works five days a week and his job  
14 requires him to be on call 24 hours a day on weekends.  
15 And two of his youngsters are boys and their ages are 6  
16 and 9, so they're not any help in hunting. And the  
17 rest are girls. So he hasn't been able to get out and  
18 do much hunting. And the reason why I believe that the  
19 harvest is low here is that the cost of fuel now is --  
20 it cost \$3.50 a gallon just for the gas, not counting  
21 the oil, so it's about \$4 a gallon or better just to  
22 run across to Zarembo, this is why they've been  
23 concentrating on that area. But Etlund and Brushy and  
24 Shrubby Islands and Bushy, if they had a little more  
25 time they would go there, the same with, Mike, he works  
26 six days a week so he's very limited in trying to get  
27 himself a deer.

28  
29 I do believe that if we increase it  
30 just to three would be acceptable, and it wouldn't hurt  
31 the population at all. And increasing the time limit  
32 to December 31st puts us right in line with Prince of  
33 Wales, which is right from Bushy Island, you can almost  
34 throw a rock across and hit it, so I speak in favor of  
35 this motion.

36  
37 Thank you, Mr. Chair.

38  
39 CHAIRMAN ADAMS: Thank you, Bill [sic].  
40 Any other questions by the Council. Mike. Mike Bangs.

41  
42 MR. BANGS: Thank you, Mr. Chairman. I  
43 just want a point of clarification. My name is on this  
44 proposal, but the name isn't mine.

45  
46 (Laughter)

47  
48 CHAIRMAN ADAMS: How'd it get on there.

49  
50 (Laughter)

1 MR. BANGS: Mr. Stokes' son-in-law has  
2 the same name.  
3  
4 (Laughter)  
5  
6 CHAIRMAN ADAMS: Okay.  
7  
8 (Laughter)  
9  
10 CHAIRMAN ADAMS: Okay. Patty. Ladies  
11 first, Joe, okay, then you're next.  
12  
13 MS. PHILLIPS: Thank you. I'd also  
14 like clarification, Robert. Given the scenario Mr.  
15 Stokes gave concerning the man's family, big family,  
16 could he take more than two deer if he went out hunting  
17 if he had the, you know, what is that a proxy or what  
18 is that called, you know, like a proxy hunt.  
19  
20 DR. SCHROEDER: It'd be designated  
21 hunter, I think, you're thinking.  
22  
23 MS. PHILLIPS: Thank you. Could he get  
24 more deer under the designated hunter in a hunt.  
25  
26 Thanks.  
27  
28 MR. LARSON: Yes, Patty, that's true.  
29 There is a designated hunter program for deer the same  
30 as there is for a lot of other species in other places.  
31 And he could, in fact, participate in that program. I  
32 would -- there's also the fact that Prince of Wales  
33 Island is, of course, very near, and if you'd look on  
34 your map you could see that it, in fact, joins Unit 3  
35 for much of that area near Wrangell.  
36  
37 But the conclusions from our analysis  
38 was that the deer populations themselves sort of speak  
39 to the issue, in that, it would be premature in the  
40 rebuilding process to increase the harvest limit.  
41  
42 MS. PHILLIPS: Thank you.  
43  
44 CHAIRMAN ADAMS: Okay. Follow up.  
45  
46 MS. PHILLIPS: Is the designated hunter  
47 program taken advantage of in Wrangell, do you know, or  
48 in Petersburg?  
49  
50 MR. LARSON: Mr. Chairman. Yes, it is.

1 It's very popular. And I don't know the numbers  
2 exactly but in some places it's in the hundreds, it's  
3 very popular and there is, I would guess and  
4 characterize it, as a large percentage of the hunters  
5 that participate in one form or the other.

6  
7 CHAIRMAN ADAMS: Dave, did you have  
8 something to add there.

9  
10 MS. PHILLIPS: Thank you.

11  
12 MR. JOHNSON: Mr. Chairman. Just as a  
13 follow up. Designated hunters under the Federal  
14 program can hunt for any number of recipients, they  
15 just may not have more than two harvest limits in  
16 possession. So if someone was hunting, say, from  
17 Wrangell, in Unit 2, where they are qualified as a  
18 rural resident for Unit 2, they could take up to 10  
19 deer to take back home. So just for clarification.

20  
21 MR. STOKES: Mr. Chair.

22  
23 CHAIRMAN ADAMS: Yes, go ahead.

24  
25 MR. STOKES: But you have to be at  
26 least 10 years of age to get a permit or have a license  
27 and so in Mark's case they're all under 10 except one.

28  
29 CHAIRMAN ADAMS: Joe, thank you for  
30 your patience.

31  
32 MR. HOTCH: It's just the age.

33  
34 (Laughter)

35  
36 MR. HOTCH: I think I have a simple  
37 question for you. I spend about two, three years  
38 arguing with Klukwan Incorporate because they're  
39 proposing to spray Long Island with herbicide and  
40 pesticide, do you think any of that harms the deer  
41 population because I've heard a lot of people and I  
42 fought against the spraying, and even today I still  
43 disagree with my corporation. It's going to hurt all  
44 the deer around the area. What is your feeling on  
45 herbicide and pesticide spraying?

46  
47 MR. JOHNSON: Mr. Chairman. Council.  
48 Without knowing the exact pesticide being sprayed and  
49 without looking at the label and without understanding  
50 the studies that have been done to clear those

1 particular pesticides for spraying, I really wouldn't  
2 know.

3

4 I know that down south many of the  
5 pesticides have restrictions depending on where they're  
6 being sprayed but when you look at what's being sprayed  
7 agriculturally on most of the stuff that we eat -- I  
8 don't know.

9

10 MR. HOTCH: Yes, thank you. I read as  
11 much as I can and from what I read, that herbicide and  
12 pesticide, when they're spraying it, it could go 25, 30  
13 miles, it's not just going to go in one place where the  
14 corporation wants it to -- get rid of one form of  
15 trees. So I think it's going to hurt our living --  
16 subsistence living, especially the deer. If they spray  
17 it and it goes on the beach where the deer comes down  
18 to eat some of the seaweed sometimes, you never know,  
19 it's going to hurt your deer population. I hope you  
20 will look at that because Klukwan already agreed that  
21 they will not do it but we need to keep hearing it's  
22 going to hurt our resources.

23

24 Thank you.

25

26 CHAIRMAN ADAMS: Thank you, Joe. You  
27 know, we've been talking quite a bit about this here  
28 and we have letters to that effect, so, you know, we'll  
29 be dealing with it, but thank you. I just wanted you  
30 to know that.

31

32 Any other questions for Bob.

33

34 (No comments)

35

36 CHAIRMAN ADAMS: I got one Bob. I was  
37 looking at, you know, , you know, in the '60s and '70s,  
38 you've had some pretty severe winters attributed to the  
39 decline of the deer and then you're saying it's still  
40 on the recovery, is there something that happened in  
41 between that and now that's causing the recovery  
42 because -- I'm just kind of curious, you know, do you  
43 have an answer for that.

44

45 MR. LARSON: I do actually. One of the  
46 documents that I looked at in preparation for this  
47 meeting were some precipitation and snowfall records.  
48 And what we see is that in the last decade or so, we  
49 have significantly less snow than what we have had in  
50 previous decades and what we have are a fairly

1 restrictive hunting seasons and we have less snowfall.

2

3                   We've started from very low levels,  
4 depending on who you talk to, I believe that the  
5 numbers of deer on Kuiu Island, especially, were driven  
6 to extremely low levels and it takes a long time to go  
7 from near zero. The Department of Fish and Game is  
8 actually into transplanting deer to have some head  
9 start and they have a term for low prey and high  
10 predators, it's called a predator pit. And it's very  
11 difficult to crawl out of that kind of a situation.

12

13                   So we have a couple three things  
14 working to prolong this rebuilding.

15

16                   1.           We do have predators and in  
17                                   fairly high numbers.

18

19                   2.           We do have snow and luckily in  
20                                   the last decade or so we've had  
21                                   less snow. We've responded by  
22                                   having some hunting seasons,  
23                                   that have been fairly  
24                                   restricted hunting seasons.

25

26                   3.           And the deer have responded  
27                                   appropriately.

28

29                   So there seems to be more deer, at  
30 least, you know, in the recent years.

31

32                   CHAIRMAN ADAMS: Okay, thank you. I  
33 was just curious because of the situation in Yakutat,  
34 you know, we've had deer transplanted there too and I  
35 can see them increasing now. It's because of the  
36 snowfall we have had over the past five years, it's  
37 been less and less.

38

39                   Mr. Stokes.

40

41                   MR. STOKES: Thank you, Mr. Chair.  
42 Most of our hunters in Wrangell, I don't know about  
43 Petersburg, but they're weekend warriors. They go out  
44 Saturday and Sunday and have to go right back, and this  
45 is one reason why they don't go over to Prince of  
46 Wales. And if they had more time they probably would.  
47 But I speak in favor of this because the fact that my  
48 name is on it.

49

50                   CHAIRMAN ADAMS: We're going to be

1 getting to that in a little bit. Is there any other  
2 questions for Bob.

3

4 (No comments)

5

6 CHAIRMAN ADAMS: Okay, let's go into --  
7 Patty, go ahead.

8

9 MS. PHILLIPS: Thank you, Chairman  
10 Adams. This report talks about the biological  
11 background and that the area is in second growth and  
12 has gone from stage initiation to stemmed exclusion but  
13 there's been thinning, is there any timber harvest  
14 expected in either of these areas in the near future or  
15 currently?

16

17 MR. LARSON: Mr. Chairman. The answer  
18 to both the timber harvest that's in the planning stage  
19 and the timber harvest that's ongoing and I'd include  
20 recent timber harvest, the answer is yes. The area,  
21 both Petersburg and Wrangell management areas have an  
22 active timber harvest program, and there's continued  
23 sale preparation and logging that's gone on primarily  
24 in both Zarembo Island and the mainland behind  
25 Wrangell, the Etlund Island area, the Lindenberg  
26 Peninsula near Petersburg. Right now there's a  
27 central Kupreanof planning effort under way as well as  
28 a northern Kuiu planning effort to identify future  
29 timber sales.

30

31 So the answer is yes.

32

33 CHAIRMAN ADAMS: Okay, thank you.  
34 Follow up, Patty.

35

36 MS. PHILLIPS: Thank you, Chairman  
37 Adams. Bob, so does that indicate there will be  
38 increased food for the deer that would likely increase  
39 deer populations, possibly, if you kept the harvest at  
40 the level suggested by Staff?

41

42 MR. LARSON: We're quickly running out  
43 of my area of expertise.

44

45 (Laughter)

46

47 CHAIRMAN ADAMS: Now I know why you  
48 hesitated.

49

50 MR. LARSON: I can tell you that one of

1 the requirements of the timber sale program and one of  
2 the goals of the Forest Service, the wildlife program,  
3 and I'm going to predicate what I'm about to say, that  
4 there are people in this room that know a lot more  
5 about this whole topic than I do. But just quickly as  
6 an overview statement, that the timber sale program is  
7 designed not to have a significant detrimental affect  
8 on the deer population. So there are thinning  
9 contracts that are specific to deer, there are some  
10 advantages in having successional stages, there are  
11 some disadvantages in having a maturing second growth  
12 that excludes under-stories, so all of those things are  
13 at some stage in the life, true, where you either have  
14 some positive or some negative effects.

15

16 CHAIRMAN ADAMS: Harvey. Mr. Kitka.

17

18 MR. KITKA: Thank you, Mr. Chair. Bob,  
19 this past winter we had significant more snow than  
20 we've had in a long time and if this global warming had  
21 an affect on it and it might continue to be this way  
22 through the winters, what affect will this have on the  
23 deer population?

24

25 MR. LARSON: It's my understanding that  
26 the success of a deer population, and that maintaining  
27 it's population and it's ability to expand is directly  
28 related to the amount of snow that's on the ground in  
29 the wintertime. If we have significant snow falls that  
30 is more in line with that that caused these population  
31 declines, then I would expect that the same situation  
32 occurred there, the same response and I would expect  
33 the same thing to happen, you know, today, that makes  
34 sense and that's fairly clear that that's the natural  
35 consequence of having high snow levels.

36

37 So I think that you've got a clear  
38 understanding of that.

39

40 CHAIRMAN ADAMS: Okay, unless there is  
41 no more questions for Bob, we'll excuse him and go to  
42 the State comments.

43

44 MR. D. LARSON: Thank you, Mr. Chair.  
45 I would first of all say that I concur entirely with  
46 what Bob Larson has shared in an overview of deer in 1B  
47 and 3. The regulations that are in place, both on the  
48 State and Federal sides, I think really do, in fact, go  
49 hand in hand with the population status in that area,  
50 and sort of the futures that are associated with that

1 area. And Bob has spoken, I think, very well to those  
2 in terms of predators and winter conditions.

3

4                   If you look at other parts of the  
5 regions, Subunit 1A to the south, does have a longer  
6 season, has a higher harvest limit. As you go north  
7 into 1B it's reduced. And then as you get into the  
8 main land of 1C it remains reduced at two bucks as  
9 well. By the time you get up into 1D you're into an  
10 area that has very few deer and there's no season that  
11 exists up there. So really, I think, this area is a  
12 reflection of those concepts and they've shown out over  
13 time, in terms of the numbers of deer, the densities  
14 that we see in 1B and in Unit 3.

15

16                   And so, consequently, our feeling at  
17 Fish and Game, is that it would be most appropriate to  
18 leave those bag limits as they are with two antlered  
19 deer or two bucks.

20

21                   In terms of the idea of expanding the  
22 season into December in Unit 3, from our perspective, I  
23 think, that's much less of a concern than would be to  
24 increase the bag limit, but at the same time a little  
25 bit of uncharted waters, and, that, again, with all  
26 those variables that are relevant to that area there's  
27 some uncertainty about what that might mean. And for  
28 example with this most recent where we had a  
29 substantial snowfall late in November and into December  
30 with an extended season, that could very well translate  
31 into more harvest of deer in those places where that  
32 might not be in the best long-term interest of a  
33 rebounding population as Bob referred to.

34

35                   So, you know, I guess I would say that  
36 there are some risks associated with extending that  
37 season but in terms of the overall picture we would  
38 have less concern with that than we would with  
39 increasing the bag limit in 1B and Unit 3.

40

41                   And I think that's all I need to say at  
42 this point. We do have more extensive comments that  
43 you can find on Page 126 of your Council book.

44

45                   Thank you, Mr. Chairman.

46

47                   CHAIRMAN ADAMS: And thank you Doug.  
48 Any questions of Doug from the Council.

49

50                   Mr. Bangs.

1 MR. BANGS: Thank you, Mr. Chairman.  
2 Yeah, I have a question for Mr. Larson in regards to if  
3 there was substantial snow, say, in November, the  
4 Department has emergency authority to close the season  
5 or would they have the ability to reduce the bag limit  
6 for that particular year?

7  
8 MR. D. LARSON: Through the Chair. Mr.  
9 Bangs. Yes, has the Department does have the emergency  
10 order authority and that authority can be brought into  
11 play if there are deemed to be conservation concerns.  
12 And so we typically have not weighed in in those  
13 circumstances to curtail deer seasons, we've done it  
14 for species across the state but generally with deer we  
15 have not.

16  
17 This year, as in case in point, when  
18 the snow came, we actually did have internal  
19 discussions about whether it would be appropriate to  
20 lessen the harvest of deer in some places, and what we  
21 decided was that -- given the conditions we were  
22 seeing, we felt to the extent that people harvested  
23 male deer and fawns and gave the females some reprieve,  
24 we might actually, in places where densities are  
25 relatively high, we would actually probably be  
26 benefitting deer because some of those deer were likely  
27 to succumb to weather conditions anyway.

28  
29 Bob referred earlier to the snow  
30 conditions as being a pretty significant driver for  
31 deer populations in the region and that certainly is  
32 our feeling and, again, I think he summed it up well  
33 when he referred to the combination of predators and  
34 winter conditions that seemed to team up especially  
35 hard in Unit 3, which is why that area seems to be --  
36 much of the region seems to be among the most  
37 vulnerable in terms of fluctuations of deer.

38  
39 CHAIRMAN ADAMS: All right, thank you,  
40 Doug. Any other questions of the Council.

41  
42 (No comments)

43  
44 CHAIRMAN ADAMS: Hearing none,  
45 InterAgency Staff, Mr. Kessler.

46  
47 MR. KESSLER: Thank you, Mr. Chairman.  
48 Steve Kessler. But I'm going to talk for the Forest  
49 Service right now. And that is to just response to the  
50 habitat questions from Ms. Phillips.

1                   With the Forest Service implementing  
2 the Tongass Land Management Plan revision from 1997 has  
3 a fairly in-depth conservation plan in it. And one of  
4 the key items is a thousand foot beach fringe in it, so  
5 that in that area there's no scheduled timber harvest  
6 of any sort. There is some restoration type work that  
7 could be done in it which might involve thinning or in  
8 some few cases maybe a little bit of timber harvest,  
9 but the conservation strategy is for a whole different  
10 -- a lot of different species, of which deer is one of  
11 them. And so since that area low in elevation with the  
12 big trees that stops the heavy snowfalls from hitting  
13 the ground and blocking the foods that deer eat, that's  
14 part of the reason that that thousand foot beach fringe  
15 was put into place.

16  
17                   So when we take a look at sort of the  
18 overall habitat effects of timber management,  
19 everything that's going on in the forest, part of that  
20 is to try to maintain this long-term higher levels of  
21 deer because that's what's important to people.

22  
23                   So that's sort of a little Forest  
24 Service comment.

25  
26                   Now, for my InterAgency Staff Committee  
27 comments, I don't have any comments on this proposal.

28  
29                   CHAIRMAN ADAMS: Thank you, Steve.  
30 Questions from anyone.

31  
32                   (No comments)

33  
34                   CHAIRMAN ADAMS: Steve, go ahead.

35  
36                   MR. KESSLER: And I might mention, also  
37 that on Thursday we expect to have a discussion about  
38 this amendment that's in play right now to the 1997  
39 plan. And Tricia O'Connor is going to be here to talk  
40 about that and I think that it'd be very appropriate if  
41 there's some questions about any changes in the  
42 conservation strategy and what might happen in those  
43 different areas, that might be a really appropriate  
44 time to talk about those things.

45  
46                   CHAIRMAN ADAMS: Sure. Thank you,  
47 Steve. It'll be good to see Tricia again, she worked  
48 in Yakutat before she came here.

49  
50                   Do we have any written comments Dr.

1 Schroeder.  
2  
3 DR. SCHROEDER: Mr. Chairman. No  
4 written comments on this proposal.  
5  
6 CHAIRMAN ADAMS: Public.  
7  
8 (No comments)  
9  
10 CHAIRMAN ADAMS: Let's go into Council  
11 deliberation.  
12  
13 (Pause)  
14  
15 CHAIRMAN ADAMS: Mr. Bangs.  
16  
17 MR. BANGS: Thank you, Mr. Chairman. I  
18 move to adopt WP07-06.  
19  
20 MR. STOKES: I'll second.  
21  
22 CHAIRMAN ADAMS: Okay, thank you.  
23 Discussion.  
24  
25 Don, go ahead.  
26  
27 MR. HERNANDEZ: Mr. Chairman. I guess,  
28 I recognize, you know, the need of the people that Mr.  
29 Stokes was speaking of there for their subsistence,  
30 however, I consider myself very familiar with this  
31 area, I've lived in this area in the past, I've hunted  
32 it every year it's been open now, from my home in Point  
33 Baker, I hunt Unit 3 as well as Unit 2, now, I'm back  
34 in Petersburg for the winter and I feel I know what's  
35 going on in that region and at this time from what I  
36 know and I agree with what a lot of what the Staff said  
37 about the area I don't think I could support the  
38 proposal as written. I would, however, consider  
39 supporting an amended proposal that was suggested, so I  
40 would ask if the maker of the motion would prefer to  
41 deliberate on the proposal as written or maybe discuss  
42 an amendment.  
43  
44 I'll leave it up to them. I won't  
45 propose that we make an amendment yet, maybe I'll ask  
46 what their preference would be on that.  
47  
48 CHAIRMAN ADAMS: Yes, Mr. Bangs and Mr.  
49 Stokes, you know, we could either accept it as written  
50 or accept it modified so, you know, I think what Don is

1 asking, you know, which one do you want to address  
2 here.

3

4 MR. BANGS: Thank you, Mr. Chairman.  
5 From my experience, I live in that area, and I hunt  
6 that area every year. With all due respect to Mr.  
7 Stokes and his family, I'd have to agree with Mr.  
8 Hernandez and I would -- if it's the Council's wishes  
9 address the amended proposal.

10

11 CHAIRMAN ADAMS: This would then mean,  
12 Mr. Bangs, that you would have to withdraw your first  
13 motion or we can amend it, yeah, we can amend it.

14

15 MR. BANGS: Okay.

16

17 CHAIRMAN ADAMS: All right.

18

19 MR. BANGS: Yeah, I'd like to amend it  
20 as the Staff recommendation.

21

22 CHAIRMAN ADAMS: Okay. Dick, you want  
23 to comment.

24

25 MR. STOKES: Yeah, thank you, Mr.  
26 Chair. Well, after being a hunter for 60 plus years I  
27 agree with the snow situation and as one of the makers  
28 of this proposal I would strike the four deer and  
29 substitute it for two but I would leave the remainder  
30 of the proposal to December 31st.

31

32 CHAIRMAN ADAMS: So we need to do that  
33 as an amendment then, Mr. Stokes. You want to -- let's  
34 see, pardon?

35

36 MR. BANGS: I think that is the  
37 amendment.

38

39 CHAIRMAN ADAMS: That is the amendment,  
40 that's right.

41

42 MS. PHILLIPS: Second.

43

44 CHAIRMAN ADAMS: Yeah, it does say  
45 December 31, Dick, so I think that's covered -- oh,  
46 second, okay.

47

48 (Laughter)

49

50 CHAIRMAN ADAMS: We're on the

1 amendment now, so do we want to discuss it.

2

3 Don.

4

5 MR. HERNANDEZ: Thank you, Mr.  
6 Chairman. So for clarification, I guess, we would be  
7 considering the adoption of a proposal that would  
8 appear on Page 119 in the column that's labeled Staff  
9 recommendation and that would be that the modified  
10 proposal should read:

11

12 In Unit 1B there'd be two antlered deer  
13 from August 1st to December 31st.

14

15 For Unit 3, on Mitkof, Woewodski, and  
16 Butterworth Islands, it would remain as  
17 one antlered deer from October 15th to  
18 October 31st, that's as it presently  
19 exists.

20

21 And for the remainder of Unit 3, it  
22 would be two antlered deer from August  
23 1st to December 31st, which would  
24 lengthen that season by one month.

25

26 CHAIRMAN ADAMS: That is correct.  
27 Right. We are working on the amendment and then we get  
28 to the main motion, Patty, then we can do that sheet,  
29 okay.

30

31 (Laughter)

32

33 CHAIRMAN ADAMS: So we're on the  
34 amendment, do you want to discuss it some more or do  
35 you want to take a vote.

36

37 MR. STOKES: Call for the question.

38

39 CHAIRMAN ADAMS: Question's been  
40 called. All in favor please say aye.

41

42 IN UNISON: aye

43

44 CHAIRMAN ADAMS: Opposed.

45

46 (No opposing votes)

47

48 CHAIRMAN ADAMS: Motion is carried. We  
49 are now on the main motion. Do you wish to discuss it  
50 any more.

1 Done with your caucus.

2

3 (Laughter)

4

5 CHAIRMAN ADAMS: Mr. Douville.

6

7 MR. DOUVILLE: So then just to clarify  
8 things a little bit farther, the notion or the proposal  
9 we have now as modified reads the same as it does on  
10 Page 119 in the middle, opposite of Staff  
11 recommendation; is that correct?

12

13 CHAIRMAN ADAMS: That is correct, Mr.  
14 Douville.

15

16 Mr. Hernandez.

17

18 MR. HERNANDEZ: Thank you, Mr.  
19 Chairman. I think I'm prepared to speak in favor of  
20 the amended proposal.

21

22 I think I would have to agree with the  
23 Staff that Unit 3, it's a big unit, there's a lot of  
24 different things that happen in that unit, you know,  
25 you go from Kuiu Island all the way to, you know,  
26 Wrangell Island, there's quite a varied conditions  
27 there; you know there's a lot of heavy hunting pressure  
28 on Zarembo Island, Mitkof Island is heavily hunted, you  
29 know, there's a lot of road systems and a lot of  
30 logging. I mean there's Kuiu Island, I think it was  
31 represented it's in Unit 3 but I go to Kuiu every year  
32 hoping to be able to hunt deer there because people in  
33 my community used to hunt there a lot and there was  
34 extremely high deer populations there and when it  
35 crashed, boy, it just really crashed and it is not  
36 coming back. I found a few places where maybe it looks  
37 like there might be a few deer but I see a lot of other  
38 places where there's just hardly any sign at all so I  
39 think it really is a lot of recovery needed on Kuiu  
40 Island yet. I think it's premature to start raising  
41 the bag limits for there.

42

43 So I just think it's premature to raise  
44 bag limits.

45

46 Lengthening the season could help  
47 subsistence users. There's a lot of situations I can  
48 think of there where being able to hunt into December,  
49 like I think Bob Larson mentioned, deer might be more  
50 readily available later in the season due to the snow

1 conditions, so that could benefit the subsistence  
2 users.

3

4 I think this is pretty well written  
5 comments on substantial evidence. I think we've heard  
6 a lot of good evidence on what's happening in Unit 3.

7

8 Does the proposal violate any  
9 recognized principles of fish and wildlife  
10 conservation, I don't think this amended proposal does.  
11 I think I had a few concerns about raising the bag  
12 limit, I felt that that could be to the detriment of  
13 the overall deer population, but as long as the bag  
14 limit remains the same I don't think there'd be enough  
15 increase in the harvest there to do any harm,  
16 conservation harms.

17

18 But yet it could help a little bit to  
19 be -- helps subsistence needs.

20

21 It certainly wouldn't be detrimental to  
22 the satisfaction of the subsistence needs.

23

24 And it wouldn't have any affect on non-  
25 subsistence users.

26

27 So I would be voting for this proposal.

28

29 CHAIRMAN ADAMS: Thank you, Don, you've  
30 gone through those four criteria. Is there any other  
31 comments by the Council.

32

33 Mr. Douville.

34

35 MR. DOUVILLE: I agree with Mr.  
36 Hernandez, but adding a month on, particularly in  
37 December, it's not like you're giving a whole lot of  
38 advantage. You have weather factors, you have other  
39 things that at that time of the year does not give you  
40 of an advantage even though you have a little more  
41 time, so it does help a little bit but I wouldn't want  
42 anybody to get the impression that it's helping a whole  
43 lot because it doesn't and it will not, particularly  
44 just because of the weather itself.

45

46 The other thing is before you used to  
47 be able to get tags for even your little baby, you  
48 know, and this was changed a few years ago to, I'm not  
49 sure what age, I can't remember what it was, is it age  
50 10 now, age 10 before you can get.....

1 MR. STOKES: Eight or nine years ago.  
2  
3 MR. DOUVILLE: And I disagreed with  
4 going clear to that age as my boys started hunting at  
5 age seven with me, so I can sympathize with families  
6 that are rural users that have kids that are -- that  
7 have a half dozen kids and they're all less than nine  
8 years old, they eat a lot of meat, too, and sometime I  
9 would like to see that addressed and changed somewhat  
10 for rural users.  
11  
12 That's just some of my comments.  
13  
14 CHAIRMAN ADAMS: Thank you, Mike. any  
15 other comments. Nick, go ahead.  
16  
17 MR. DAVIS: Yeah, thank you, Mr.  
18 Chairman. I speak in favor of the amended proposal.  
19  
20 I feel very strongly that logging roads  
21 create an easy access for the wolves so increasing the  
22 bag limit is not going to work at this time.  
23  
24 Thank you.  
25  
26 CHAIRMAN ADAMS: Thank you. Anyone  
27 else. Donald.  
28  
29 MR. HERNANDEZ: Thank you, Mr.  
30 Chairman. I just wanted to agree with Mr. Douville. I  
31 think this is a very small help to the subsistence  
32 users. And I think there is a need that's not being  
33 met for the people in Wrangell and Petersburg and I  
34 don't know the best way to address it because it is --  
35 I think we do have -- I think a sensitive population  
36 there that's subject to a lot of strains on the deer  
37 population. Yeah, this would be a small effort towards  
38 meeting those needs, but at least it would be  
39 something, so I would agree with him.  
40  
41 CHAIRMAN ADAMS: Okay, thank you. I'd  
42 like to take us into a vote now. So, Mr. Kitka, roll  
43 call.  
44  
45 MR. KITKA: Mr. Stokes.  
46  
47 MR. STOKES: Aye.  
48  
49 MR. KITKA: Patricia Phillips.  
50

1 MS. PHILLIPS: Aye.  
2  
3 MR. KITKA: Michael Douville.  
4  
5 MR. DOUVILLE: Aye.  
6  
7 MR. KITKA: Harvey Kitka votes aye.  
8 Bert Adams.  
9  
10 CHAIRMAN ADAMS: Aye.  
11  
12 MR. KITKA: Donald Hernandez.  
13  
14 MR. HERNANDEZ: Aye.  
15  
16 MR. KITKA: Nick Davis  
17  
18 MR. DAVIS: Aye.  
19  
20 MR. KITKA: Merle Hawkins.  
21  
22 MS. HAWKINS: Aye.  
23  
24 MR. KITKA: Joe Hotch.  
25  
26 MR. HOTCH: Aye.  
27  
28 MR. KITKA: Michael Bangs.  
29  
30 MR. BANGS: Aye.  
31  
32 MR. KITKA: Lee Wallace.  
33  
34 MR. WALLACE: Aye.  
35  
36 MR. KITKA: Mr. Chair, the ayes have  
37 it.  
38  
39 CHAIRMAN ADAMS: Ah, see.  
40  
41 (Laughter)  
42  
43 CHAIRMAN ADAMS: We're going to adjourn  
44 now and we'll reconvene here at 8:30 tomorrow, and  
45 there's going to be a dinner, is it going to be here or  
46 at the Salvation Army.  
47  
48 DR. SCHROEDER: Melinda, could you give  
49 us an announcement.  
50

1 CHAIRMAN ADAMS: Please Melinda.  
2  
3 DR. SCHROEDER: We have to have you  
4 talk into the mic.  
5  
6 CHAIRMAN ADAMS: Yeah, uh-huh.  
7  
8 DR. SCHROEDER: And would you identify  
9 yourself please.  
10  
11 CHAIRMAN ADAMS: Yes.  
12  
13 (Laughter)  
14  
15 MS. HERNANDEZ: I think we did  
16 introductions already.  
17  
18 Salvation Army, 6:00 o'clock, dinner  
19 will begin. And they'll be helping us out with rides,  
20 if necessary, also.  
21  
22 CHAIRMAN ADAMS: By the way, Steve, I  
23 mentioned, you know, that we needed to have this  
24 meeting, you know, with a special name that you  
25 suggested the other day and Melinda says Splash.  
26  
27 (Laughter)  
28  
29 CHAIRMAN ADAMS: We are adjourned until  
30 tomorrow morning.  
31  
32 (Off record)  
33  
34 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska this 10th day of March 2007.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08