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FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME II

EGAN CONVENTION CENTER  
ANCHORAGE, ALASKA

MAY 4, 2005  
8:30 o'clock a.m.

BOARD MEMBERS:

- Mitch Demientieff, Chairman
- Judy Gottlieb, National Park Service
- Paul Roehl, BIA
- George Oviatt, Bureau of Land Management
- Wini Kessler, Forest Service
- Todd Logan, U.S. Fish and Wildlife Service
- Wayne Regelin, Alaska Department of Fish and Game
- Keith Goltz, Solicitor

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Computer Matrix Court Reporters, LLC  
3522 West 27th Avenue  
Anchorage, AK 99517  
907-243-0668  
jpk@gci.net

1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 5/4/2005)

4  
5 (On record)

6  
7 CHAIRMAN DEMIENTIEFF: We'll go ahead and  
8 call the meeting to order. Everybody was up early this  
9 morning. There was conspiracies going on all around  
10 everywhere you looked. No, I think it's just all the  
11 wonderful weather we've been having, everybody has just  
12 been enjoying taking a few minutes to visit with each  
13 other and I think that's probably one of the benefits of  
14 these kind of meetings, that we can take a few minutes  
15 and socialize before we put on the gloves and come out  
16 fighting.

17  
18 We're going to go into Proposal No. 01.  
19 Oh, yeah. Tom was impressed with the way the Southeast  
20 Regional Council dealt with this proposal. I think I  
21 mentioned it. So before we get into the Staff analysis,  
22 he's going to discuss that approach and that's probably  
23 the most efficient approach that we can work with in  
24 dealing with this issue. So, Tom, if you'd go ahead and  
25 open this up.

26  
27 MR. BOYD: Thank you, Mr. Chair. I'll  
28 just say that I wasn't at the Southeast meeting. I was  
29 told this is the way Mr. Littlefield handled it and I'm  
30 always impressed watching Mr. Littlefield run a meeting.  
31 If I get it wrong, I'll ask Mr. Littlefield to help me.

32  
33 As we proceed through this, we have two  
34 proposals that deal with the same issue, Proposal 05-01  
35 and 05-03 and there's some overlap between these two  
36 proposals in that they address aspects of the same issue.  
37 So what I would suggest in terms of the format for  
38 dealing with this is that we deal with both proposals  
39 together, particularly in the presentations and in the  
40 comments from the various folks from Staff and State and  
41 others. Then, as we get to Board deliberations, that we  
42 break it apart again and deal initially with Proposal 01  
43 because that's the more expansive of the two. I think  
44 once we deal with Proposal 01, we may not need to deal  
45 with Proposal 03, but we may. Nevertheless, deal with  
46 Proposal 01 initially.

47  
48 In dealing with Proposal 01, I would  
49 further suggest that you break it out into three  
50 different parts and deal with those separately, Mr.

1 Chair. The first being what would be under the -- in the  
2 regulations, the numeric annotation 25(a), which deals  
3 with the definitions of handicrafts and then the  
4 definition of skin, hide, pelt and fur. And then  
5 annotations 25(j)(6) and (7), which deal generally with  
6 what can be included in handicrafts made from brown bear  
7 and black bears that are sold. And the third items,  
8 which would be annotated 25(j)(8)(A), (B) and (C), which  
9 deals with commercial aspects of sales of handicrafts  
10 made of the claws of black and brown bear. So, if you  
11 separate those out, I think it would help you deal with  
12 it more efficiently, Mr. Chair.

13

14 That's all I have.

15

16 CHAIRMAN DEMIENTIEFF: Thank you very  
17 much. With that we'll go to Staff analysis.

18

19 MS. WHEELER: Mr. Chair, Federal  
20 Subsistence Board members, thank you. For the record, my  
21 name is Polly Wheeler and I'm an anthropologist with the  
22 Office of Subsistence Management. I did the analysis on  
23 the first proposal. Dennis Chester, to my right here,  
24 did the analysis on Proposal 03. That's why we're both  
25 sitting up here together.

26

27 Before I begin I'm going to kind of  
28 reiterate some of what Mr. Boyd just said. I need to  
29 explain that this proposal is a statewide proposal  
30 dealing with several issues surrounding handicrafts that  
31 incorporate brown and black bear claws. Another  
32 proposal, Proposal 03, addresses many of the same issues  
33 covered in Proposal 01; however, as Mr. Boyd said, that  
34 proposal is specific to Southeast.

35

36 The Southeast Regional Advisory Council  
37 recommended incorporating some changes to Proposal 01,  
38 the statewide proposal, based on elements of the proposal  
39 that was specific to Southeast, Proposal 03. Many of  
40 these changes are reflected in the recommendation of the  
41 Interagency Staff Committee. Because of this, I'm going  
42 to present the analysis for Proposal 01, the statewide  
43 proposal, which will be immediately followed by a  
44 presentation on Proposal 03, the Southeast proposal.  
45 Again, Mr. Chester will present that analysis.

46

47 Once he is finished, you can proceed with  
48 the process for making your decision on Proposal 01. As  
49 Mr. Boyd said, for the purposes of clarity, it's probably  
50 best to separate out those three sections that he just

1 mentioned. We think that after you take action on  
2 Proposal 01 there will be no need to have further  
3 discussion on Proposal 03.

4  
5                   Again, we're proceeding this way because  
6 some of the elements of the Southeast proposal have been  
7 incorporated into the Interagency Staff recommendation on  
8 a statewide proposal and it was thought that it would be  
9 more informative and less confusing this way. With that,  
10 Mr. Chair, I hope that you and your fellow Board members  
11 are clear on how we're going to proceed. If so, I will  
12 begin.

13  
14                   The analysis for this proposal can be  
15 found on Pages 212 to 246 in your books. I recognize  
16 that it looks somewhat lengthy. The analysis itself is  
17 actually only about 15 pages, but there are several  
18 appendices to that analysis, which I think adds some  
19 clarity.

20  
21                   This Proposal 01 was submitted by the  
22 Fish and Wildlife Service regional office to address the  
23 need for clearer definitions and regulatory language  
24 regarding the inclusion of claws in handicrafts to be  
25 sold that are made from bear fur. In a sentence, the  
26 proposal is really a housekeeping proposal in that it  
27 changes regulatory language to more clearly describe the  
28 previous decision by the Board to allow the sale of bear  
29 fur handicrafts that include claws. It does not provide  
30 for any additional subsistence harvest opportunity.

31  
32                   Specifically, the proponent requests that  
33 the definitions of handicraft and of skin, hide, pelt or  
34 fur be changed to clarify the Federal Subsistence Board's  
35 stated intent to allow the sale of handicrafts made by  
36 rural Alaskans from bear fur and claws. The proponent  
37 also requests that commercial sales of such handicrafts  
38 be disallowed.

39  
40                   As a reminder, this proposal affects all  
41 regions in the state because it clarifies a definition,  
42 but it does not change the current allowance for the sale  
43 of handicraft articles made from the fur or claws of  
44 black bear statewide and brown bear in Southeast,  
45 Southcentral and Eastern Interior Regions. The existing  
46 regulation can be found on Page 212 in your book and the  
47 proposed regulation can be found right below that on  
48 Pages 212 and 213 in your books.

49  
50                   The regulatory history can also be found

1 on Pages 213 to 215 in your books. I'm not going to go  
2 through the entire regulatory history here as you've  
3 dealt with that in the previous several meetings, but a  
4 few key points are worth mentioning. In 2002, as you  
5 know, the Federal Subsistence Board approved the sale of  
6 handicrafts made from black bear fur. In 2004, the Board  
7 considered a proposal to allow the sale of handicraft  
8 items made from the fur of brown bear. At that time, the  
9 Board approved the sale of handicrafts made from brown  
10 bear fur in Southeast, Bristol Bay and Eastern Interior  
11 Regions. The Board also clarified that the Federal  
12 regulation includes claws; that is, claws can be used in  
13 handicrafts for sale. The Board's decision was  
14 subsequently appealed by the State, which does not allow  
15 the sale of handicrafts made with bear claws, although  
16 the Board did not accept the State's request for  
17 reconsideration. Instead, the Board maintained its  
18 regulation to allow the sale of handicrafts that include  
19 bear claws for black bears statewide and brown bears in  
20 Southeast, Bristol Bay and Eastern Interior Regions.

21  
22 Several discussions were brought up by  
23 law enforcement, the State and others during these  
24 discussions. Questions like what qualifies as a  
25 handicraft, does a single claw qualify as a handicraft,  
26 can the handicraft be sold in urban gift shops or just by  
27 rural residents, can the handicrafts be manufactured  
28 outside of Alaska, can handicrafts be made from the skin  
29 or just the hair and what's the difference between skin,  
30 hide, pelt or fur.

31  
32 Office of Subsistence Management Staff  
33 addressed these questions with a question and answer  
34 sheet, which the Board reviewed last summer, as you might  
35 remember, and that question and answer sheet is on Pages  
36 245 and 246 in your books. It's actually the last part  
37 of the analysis for this proposal just to remind you.

38  
39 The modified proposal intends to address  
40 these questions with regulatory language. It does  
41 several specific things. The modified language provides  
42 a more complete definition of handicrafts and includes  
43 several additional methods. It also includes the phrase  
44 that the design can be traditional or contemporary. It  
45 clarifies that handicrafts must be made by rural  
46 Alaskans. It fixes the definition of skin, hide, pelt  
47 and fur.

48  
49 It states in regulatory language, and  
50 again as Mr. Boyd had mentioned, in 25(j)(6) and

1 25(j)(7), that black bear claws statewide and brown bear  
2 claws in Southeast, Eastern Interior and Bristol Bay, can  
3 be used in handicrafts for sale. It also adds that in  
4 Units 1, 2, 3, 4 and 5 bear bones, teeth, sinew and  
5 skulls can also be used in handicrafts. And it states  
6 clearly that sales of such handicrafts are not intended  
7 to be a significant commercial enterprise. It basically  
8 takes the information that was provided in the question  
9 and answer sheet and adds the extra provisions for  
10 Southeast and puts it into regulatory language.

11  
12 The cultural history section, which can  
13 be found on Pages 215 to 218 in your books, is included  
14 solely as a means of providing additional information on  
15 cultural practices with regard to bear claws and other  
16 parts that has not previously been provided as part of  
17 consideration of this issue. I'm not going to go into  
18 much detail here, but as you can see from reviewing this  
19 section, Alaska Native groups all over the state had a  
20 rich history of using bear claws and teeth and fur in all  
21 kinds of ways, from Tlingit headdresses to fishing lures,  
22 to incorporating them into all kinds of jewelry and  
23 regalia.

24  
25 In summary, Mr. Chair and Board members,  
26 this proposal adds some clarity to the definition of  
27 handicrafts, which is intended to assist rural Alaskan  
28 artists in understanding regulations and providing for  
29 allowable uses. It adds teeth, bones, skulls and sinew  
30 to the list of materials that can be included in  
31 handicrafts for sale for black and brown bears taken in  
32 Southeast and it would disallow sales constituting a  
33 significant commercial enterprise. It's important to  
34 note that adoption of the proposed regulatory language  
35 does not provide any additional opportunity for  
36 subsistence harvest. Rather, it only provides  
37 clarification of previous Board decisions to allow the  
38 use of claws in handicrafts for sale.

39  
40 Mr. Chair, that concludes my  
41 presentation, but I'm available to answer questions.

42  
43 CHAIRMAN DEMIENTIEFF: Okay. Dennis.

44  
45 MR. CHESTER: Thank you, Mr. Chair,  
46 members of the Board. For the record, my name is Dennis  
47 Chester. I'm a wildlife biologist for the U.S. Forest  
48 Service based in Juneau. This proposal would establish a  
49 definition of handicraft that would apply to brown and  
50 black bear fur, claws, bones, teeth and skull for Units 1

1 through 5, and it would also modify existing regulations  
2 to allow the sale of handicrafts made from brown and/or  
3 black bear fur, claws, bones, teeth and skulls in Units 1  
4 through 5. That's the basic proposal that was submitted  
5 by the Southeast Regional Advisory Council.

6  
7 As mentioned, the Council incorporated  
8 most of their issues in Proposal 03 into Proposal 01, so  
9 what I'm doing here is I'm just trying to present some  
10 information from the analysis for that proposal that was  
11 not included in Polly's analysis and that begins on Page  
12 259, but most of the information I'll actually be  
13 discussing is on Pages 285 through 288.

14  
15 The available data pretty much shows that  
16 brown and black bear populations in Southeast Region are  
17 secure. They're generally monitored indirectly by  
18 measuring age, sex and size characteristics of harvested  
19 bears when they're brought in for sealing. The ADF&G  
20 reports that black bear harvests are meeting their  
21 objectives for these measures and that they consider the  
22 populations to be stable. There are, however, a few  
23 local areas of concern, but black bear harvests are  
24 generally thought to be well below the level that would  
25 cause any population level effects. Similarly, region-  
26 wide brown bear populations are considered stable in  
27 Units 1 and 5 and slightly increasing in Unit 4. Brown  
28 bears do not occur in Units 2 and 3. The estimated  
29 population increase in Unit 4 is based on actual research  
30 data as opposed to sealing data.

31  
32 We do not expect any increase in Federal  
33 subsistence harvest. This proposal does not increase  
34 harvest limits or lengthened seasons. It seeks to allow  
35 more complete utilization of bears harvested under the  
36 Federal subsistence regulations. To comply with this  
37 regulation, bear meat must be salvaged for personal  
38 consumption. One concern is that except for Unit 5 we  
39 cannot accurately determine how many bears are taken  
40 under Federal subsistence regulations. The best we can  
41 do is determine how many were taken by hunters with  
42 positive Federal customary and traditional  
43 determinations. In reality, we feel that very few brown  
44 bears are harvested under Federal regulations.

45  
46 Brown and black bears are both listed  
47 under Appendix 2 of the Convention for International  
48 Trade and Endangered Species of wildlife fauna and flora,  
49 commonly known as CITES. For black bears, this listing  
50 came about not because of conservation needs or status of

1 the black bear itself, but because of its similarity in  
2 appearance to endangered bear species. For brown bears,  
3 this listing is designed to protect threatened  
4 populations elsewhere in North America, but the brown  
5 bear population and status in Alaska is secure, as  
6 previously described. Thus, the CITES listing is not an  
7 indication of conservation concern for these species in  
8 the state of Alaska.

9  
10 Due to their low reproductive rate and,  
11 therefore, lower acceptable harvest rate, brown bear  
12 harvests are considered closer to the Alaska Department  
13 of Fish and Game's maximum allowable harvest. However, I  
14 wanted to emphasize that current harvests are considered  
15 to be below the allowable harvest rates. Overall, brown  
16 bear harvest rates are increasing, but harvest by  
17 qualified Federal subsistence users is a small percentage  
18 of the total harvest. The ADF&G monitors harvests  
19 closely and that gives us the opportunity to adjust  
20 harvest levels if necessary.

21  
22 Some concerns have been voiced that this  
23 proposal would lead to increased illegal activity.  
24 However, I think we all know that illegal activity  
25 already exists and will continue to exist. I think it's  
26 speculative to assume that this proposal would increase  
27 illegal activity and I have received no evidence from  
28 Forest Service law enforcement to suggest that this type  
29 of illegal activity has happened so far since the changes  
30 in regulations.

31  
32 That concludes my remarks.

33  
34 CHAIRMAN DEMIENTIEFF: Thank you very  
35 much. Go ahead, Todd.

36  
37 MR. LOGAN: Thank you, Mr. Chairman. I  
38 appreciate the Staff's summary of the proposal and I  
39 guess I would like to just make one important  
40 clarification here. I think it was pretty well  
41 represented by Ms. Wheeler, but some of the wording in  
42 these documents I think does not fully represent our  
43 proposal. If you look on Page 197, the general  
44 description of the proposal, which was submitted by the  
45 Fish and Wildlife Service, it states the general  
46 description is to clarify the definition of handicrafts  
47 and prevent the commercialization of bear handicrafts.  
48 Actually, I think this proposal is to clarify the Board's  
49 intent to prohibit the commercialization, so I think both  
50 aspects are a clarification, not that we're trying to

1 prevent something that is currently allowed. I believe  
2 that's best reflected in the Q's and A's that the Board's  
3 intent in 2002 and 2003 actions was not to allow the  
4 commercialization. So we are just seeking language to  
5 clarify that.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you. Any  
8 further questions. Of course, Staff will be available  
9 for the rest of the deliberations. With that, maybe a  
10 summary of written comments.

11  
12 MR. O'HARA: Mr. Chairman.

13  
14 CHAIRMAN DEMIENTIEFF: Go ahead, Dan.

15  
16 MR. O'HARA: U.S. Fish and Wildlife here,  
17 I want to ask you a question. The gentleman here in the  
18 corner. On Page 197, the second paragraph down, skin,  
19 hide, pelt or fur means any tanned or untanned external  
20 covering of an animal's body; however, for bear, the skin  
21 -- what bear are you talking about, black or brown bear  
22 or bears in general?

23  
24 MR. LOGAN: We mean black and brown bear.

25  
26 MR. O'HARA: Okay. Skin, hide, pelt --  
27 do you see where I'm reading there -- or fur means the  
28 external covering with claws attached. What do you mean  
29 by claws attached?

30  
31 MR. LOGAN: The intent is to clarify that  
32 claws are a part of what's being discussed here in this  
33 paragraph because there's an ongoing issue of whether we  
34 do or don't include claws as part of skin, hide, pelts.

35  
36 MR. O'HARA: That's a big issue. That's  
37 why we made this proposal the way we made it to begin  
38 with until the Staff decided to fiddle with it and  
39 rearrange it. You know, I told Mitch Congress and the  
40 Senate passes a bill, then when the Staff gets done with  
41 it you don't recognize the bill and that's what's  
42 happening here. If we want to disattach the claws, we'll  
43 disattach the claws for subsistence reasons or whatever.  
44 So you're making it say that we can't disengage the  
45 claws, is that right?

46  
47 MR. LOGAN: No, that's not the intent  
48 here.

49  
50 MR. O'HARA: It isn't?

1 MR. LOGAN: No.  
2  
3 MR. O'HARA: Then why does it say claws  
4 are attached to the fur then?  
5  
6 CHAIRMAN DEMIENTIEFF: If I can just ask  
7 people to indulge us and let us go through the reporting  
8 process, we will have, I guarantee you, ample opportunity  
9 to discuss the specific points before we get to a Board  
10 motion. If we would just allow the process to go ahead,  
11 I would appreciate it.  
12  
13 MR. O'HARA: I apologize. You asked for  
14 questions and I jumped in, so we will hold off on that.  
15  
16 Thank you, Mr. Chair.  
17  
18 CHAIRMAN DEMIENTIEFF: Yeah, we will have  
19 ample opportunity. John.  
20  
21 MR. LITTLEFIELD: Thank you, Mr. Chair.  
22 I have a question for both Staff members, Dr. Wheeler and  
23 Mr. Chester. Although I saw it on the screen where it  
24 said one of the key points is no conservation concern, I  
25 believe it's important for the record for both of them to  
26 state whether there are any conservation concerns with  
27 either Proposal 01 or Proposal 03.  
28  
29 Mr. Chair.  
30  
31 CHAIRMAN DEMIENTIEFF: Who would handle  
32 that? Polly.  
33  
34 MS. WHEELER: Thank you, Mr. Chair. The  
35 key of this proposal is that the bears have to be taken  
36 for subsistence purposes, which means for personal or  
37 family consumption, then after that the claws or whatever  
38 else can be made into handicrafts. So, no, there's no  
39 conservation concern because the bears have to be taken  
40 for subsistence purposes.  
41  
42 Mr. Chair.  
43  
44 CHAIRMAN DEMIENTIEFF: Thank you.  
45 Summary of written public comments.  
46  
47 MR. EDENSHAW: Thank you, Mr. Chair and  
48 Board members. My name is Cliff Edenshaw. I'm the  
49 Regional Council coordinator for Bristol Bay. The  
50 written public comments are located on Page 211 of the

1 Board book. We received seven written public comments.

2

3 The first one here is submitted by the  
4 AHTNA Subsistence Committee. We support Proposal WP05-01  
5 to clarify the definition of handicrafts and prevent the  
6 commercialization of bear handicrafts. We support rural  
7 subsistence users being able to make handicrafts out of  
8 the skin, hide, pelt (including claws) for black and  
9 brown bears; we support efforts to prohibit  
10 commercialization of the skin, hide, pelt, or fur of a  
11 black or brown bear (including claws).

12

13 The Wrangell-St. Elias SRC unanimously  
14 supports the proposal as modified in the Staff analysis.  
15 Commission members expressed concern about the potential  
16 commercialization of bear handicrafts and feel that this  
17 proposal addresses those concerns.

18

19 Both the Aniakchak SRC and the Lake Clark  
20 SRC supports clarification of regulations allowing local  
21 subsistence users to make and sell handicrafts made from  
22 bear pelts including claws.

23

24 There was two written comments that  
25 oppose. One also said oppose or modify. The one by Don  
26 Quarberg of Delta Junction opposes or modify to exclude  
27 the claws. Including claws is only encouraging poaching  
28 in which the claws are quickly removed and the carcass  
29 left to rot in the field. The claws are the most  
30 economically desirable part for handicraft.

31

32 And the Alaska State Troopers, Department  
33 of Public Safety, opposes the proposal. We believe that  
34 allowing the sale of bear parts will increase illegal  
35 take and waste of bears, will exasperate the black market  
36 issues, will go against a North American trend that is  
37 more restrictive concerning sale and is not consistent  
38 with customary and traditional practices.

39

40 Lastly, the Denali SRC took no action on  
41 the proposal. The SRC felt that if excessive bears were  
42 harvested in the Denali area in the future, then the  
43 Commission would want to take action to protect the  
44 population.

45

46 That's all the written public comments,  
47 Mr. Chair and Board members.

48

49 CHAIRMAN DEMIENTIEFF: Thank you very  
50 much. We have no additional requests for public

1 testimony at this time. I don't know who put these  
2 together, but there are, of course, multiple Regional  
3 Council recommendations and I'll just call on them as  
4 they're listed in our book. Southeast.

5  
6 MR. LITTLEFIELD: I'd like to first thank  
7 Mr. Boyd for his kind comments on how we were running  
8 things. He's correct in that when we considered this, we  
9 thought it was expansive enough that by paragraph is what  
10 I would recommend that the Federal Board do because each  
11 paragraph is distinct enough on its own that you can  
12 debate it separately.

13  
14 The Southeast Alaska Region  
15 recommendations starts on Page 200. It's about four and  
16 a half pages and I think I need to cover most of it.  
17 However, I refer you to Page 200 for the actual language.  
18 The Regional Advisory Council supported the modifications  
19 after we had debated each paragraph separately and made  
20 changes. We supported the final motion 11 to 1.

21  
22 The language begins on the top and I  
23 don't want to read that because we're going to go over  
24 that several more times again, but the top of 200 is the  
25 language that was approved. You'll note that (j(8) was  
26 completely stricken from our recommendation.

27  
28 The rationale. The Council heard the  
29 Staff presentations on 01 and 03 that were just presented  
30 to you in kind of a condensed form by Dr. Wheeler and Mr.  
31 Chester. We heard the expanded form in Southeast and  
32 they were good presentations and if you've got time to  
33 read through these, there's quite a bit of information,  
34 especially in 03, that we need to make sure is included  
35 in 01.

36  
37 The Council is on record supporting  
38 regulations that allow full utilization of bears taken  
39 for subsistence purposes, use of bear parts in  
40 traditional regalia and craft items, and appropriate  
41 handicraft sale of items made from bear parts. It's  
42 important to note that this use predates contact with  
43 Europeans, it predates America, it predates territory and  
44 it predates the State. We've been doing this since time  
45 immemorial and the sale has taken place that long because  
46 it was traditional in Southeast to purchase these items  
47 of regalia by a member of the opposite clan and that's  
48 discussed somewhat in Proposal 03.

49  
50 There's a statement also in Proposal 03

1 that's printed on the bottom of Page 200 and the top of  
2 201. It listed the concerns that we had with the Q&A and  
3 the request for reconsideration. I'll just touch on the  
4 last paragraph. It says the Council believes that  
5 subsistence bear harvesters should be permitted to make  
6 full use of the bear that they take under Federal  
7 subsistence regulation, including the sale of handicrafts  
8 that incorporate bear parts. Further, the Council  
9 supports the continued use of bear parts in traditional  
10 Tlingit, Haida, Tsimshean regalia that are incorporated  
11 in cultural and religious ceremonies. The repair of old  
12 regalia and the creation and consecration of new regalia  
13 requires the sale and purchase. So these are something  
14 that's a continuing activity and we continue that to this  
15 day.

16  
17 Our recommendation clearly states our  
18 intentions and the Council appreciates the analysis by  
19 the Staff anthropologist and Forest Service biologist.

20  
21 Each paragraph was deliberated separately  
22 as we said and I'll talk about 25(a)(1) now, which is in  
23 the center of Page 201. We made several changes to that  
24 that are shown on Page 200. First, an amendment was made  
25 to strike the words in Alaska. The language that was  
26 proposed by the Fish and Wildlife Service had in Alaska  
27 in there and we were talking about situations that it's  
28 quite common for people to travel and if they were  
29 sitting in a hospital, like Virginia Mason in Seattle or  
30 something like that with a sick relative, and sewing or  
31 doing whatever, we felt that it was, first off,  
32 unenforceable to try to pick somebody up for that and it  
33 serves no purpose. Now, subsistence is something that is  
34 for the benefit of rural residents and if a rural  
35 resident happens to be somewhere other than Alaska doing  
36 this, we saw no inconsistency there.

37  
38 The second part that we talked about was  
39 the nonedible byproducts of fish and wildlife and we  
40 struck the language that says which is composed wholly or  
41 in some significant respect of natural materials. The  
42 Council believed this wording was awkward and the meaning  
43 was unclear and the language that we are recommending by  
44 striking that is quite close to what's stated in ANILCA.

45  
46 The next section, we added the word  
47 drilling. Carving, drilling, etching -- and the section,  
48 and incorporated into work of art, regalia, jewelry,  
49 clothing or other creative expressions which can be  
50 either traditional or contemporary in design. This was

1 to make sure that the word drilling was in there because  
2 we heard earlier from a member that drilling was not  
3 acceptable, although we know that at many times drilling  
4 is the major portion of work that's done to a piece of  
5 regalia.

6  
7           The Council heard from Staff that there  
8 are markets in the world where the unaltered bear parts  
9 have more value, so what we did is we struck the part  
10 that said a handicraft must have substantially greater  
11 monetary and aesthetic values than the unaltered natural  
12 material. The situation could arise where if I was to  
13 make a piece of regalia, say a bear claw necklace or  
14 something like that, and scrimshawed something onto the  
15 bear claw, for a certain circumstance it may be possible  
16 to get more money for that on the black market if it had  
17 not been scrimshawed. So what you've done is put  
18 enforcement in the position of interpreting what the  
19 maximum value for a bear claw is or any other bear part  
20 and saying, well, we found a claw that went for \$3,000,  
21 that would basically eliminate all the sales of  
22 handicrafts because none of the handicrafts I know go for  
23 anywhere near that. And there are people who are stupid  
24 enough to pay that kind of money for a part.  
25 Unfortunately there's not enough of them.

26  
27           When you look at this, in Southeast in  
28 particular, you can take one bear every four regulatory  
29 years. If you divide that by four years and 20 claws,  
30 most bears have 20 claws, you would have five claws a  
31 year, and even if you were to make \$100 a claw, that in  
32 no way is a significant commercial enterprise by anyone's  
33 imagination that I can think of. This particular  
34 language is not specified in ANILCA I'd like to note. It  
35 doesn't say anything in ANILCA as concerns customary  
36 trade. It just talks about customary trade. The only  
37 thing that's similar to that is under barter where they  
38 say of a limited commercial nature, but ANILCA does not  
39 talk about this at all.

40  
41           On the top of Page 202 we talked about  
42 our description of (j)(6) and (j)(7), which we basically  
43 agreed with. Let me read through this. This would allow  
44 the Federally-qualified subsistence users in Units 1, 2,  
45 3, 4 and 5 to sell the handicraft articles made from the  
46 skin, hide, pelt, fur, claws, bones, teeth, sinew or  
47 skulls of black bears and brown bears. Of course, the  
48 black bears is in (6) and the brown bears are in (7),  
49 taken in those units. So if we were to take a brown bear  
50 in that unit or a black bear, we could sell that. This

1 definition explicitly allows the use of claws, bones,  
2 teeth, sinew or skulls for handicrafts, which is in  
3 addition to the Fish and Wildlife Service one.

4  
5                   The Council reviewed the documentary  
6 evidence presented by Staff and heard Council testimony  
7 showing that the use of claws, bones, teeth, sinew or  
8 skulls for handicrafts, and since these bear parts have  
9 been or are used in handicrafts, including regalia and  
10 cultural items, their use needs to be allowed in Federal  
11 regulations. I would refer you to the cultural aspects  
12 as well as in WP-03 there's pictures of bear claws, teeth  
13 and everything used in those areas. Plus a pretty  
14 lengthy description from Steve Hendrickson of those  
15 items.

16  
17                   Under the next item, (j)(8), we struck  
18 this entirely. If you are a business defined under  
19 Alaska Statute 43.70.110(1), you may not purchase,  
20 receive or sell handicrafts made from the skin, hide,  
21 pelt, fur of a black or brown bear, including claws. The  
22 Council reviewed the provisions of the cited Alaska  
23 statute. Well, the intent of the proposal, 25(j)(8)  
24 language may be to prohibit only certain types of  
25 commercial sale and this is like we're talking about to  
26 Wal-Mart or Costco or some of these big chains. The  
27 effects of adopting this language would be to disallow  
28 many if not most of the sales of handicrafts and regalia.

29  
30  
31                   Native and non-Native craftspeople sell  
32 things that they make at local and regional craft fairs,  
33 at booths at the Alaska Federation of Native conventions,  
34 at the celebrations that are held every two years in  
35 Southeast Alaska, at the Centennial Hall Christmas Fair  
36 in Juneau and many other venues. Artists and craftsmen  
37 that sell things they make in shops they own and run in  
38 Sitka, at artist cooperatives in Hoonah, Juneau and other  
39 locations, the transactions may use credit cards, local  
40 sales tax may apply and the crafts people are required to  
41 report their income to the Internal Revenue Service.  
42 Many or most of these people who are selling handicrafts  
43 in these selling situations may well be businesses as  
44 defined by the Alaska statute. The Council believes that  
45 many craftspeople license their own handicraft  
46 operations.

47  
48                   The unintentional effect in our opinion  
49 of incorporating (j)(8) into the regulation would be to  
50 disallow or severely limit the handicraft provisions

1 provided in other sections of the regulation that we  
2 talked about previously, which were (j)(6),(7) and 25(a).  
3 The Council believes that this language is intended to  
4 greatly restrain if not eliminate the sale of handicrafts  
5 made from nonedible parts of bears that have been taken  
6 for subsistence purposes. As such, this regulation is in  
7 conflict with the spirit and perhaps the language of  
8 ANILCA. Data was not presented showing which sales of  
9 handicrafts would be affected. Reasoning to support such  
10 a restriction was not developed.

11

12 Staff referred to the following ANILCA  
13 provisions and I'd like to read this again because it's  
14 referred to in several places. ANILCA Section 803. As  
15 used in this Act, the term subsistence uses means the  
16 customary and traditional uses by rural Alaska residents  
17 of wild, renewable resources for direct personal or  
18 family consumption as food, shelter, fuel, clothing,  
19 tools, or transportation; for the making of handicraft  
20 articles out of nonedible by-products of fish and  
21 wildlife resources taken for personal or family  
22 consumption; for barter or for sharing, for personal or  
23 family consumption; for customary trade. Each of those  
24 things with a comma or a semicolon stands by themselves.  
25 We're talking about customary trade here and the making  
26 of handicraft articles.

27

28 The Council strongly supports regulations  
29 that conserve species used for subsistence, conservation  
30 of natural resources is not a new concept to the  
31 subsistence community. As the previous chairman of  
32 Southeast used to like to say, there's never been a  
33 documented case of a subsistence depletion of stocks that  
34 we know of. In other words, these are all caused by  
35 concerns that are other than subsistence uses. For  
36 instance, commercial and sport.

37

38 We do not believe that sale of  
39 handicrafts that incorporate bear parts will result in  
40 any adverse effects on the bear populations on which  
41 subsistence hunters depend. This is reinforced by both  
42 Staff that said there are no conservation concerns.  
43 Should a demonstrable problem arise from the sale of  
44 handicrafts incorporating the nonedible parts of bears,  
45 our Council will certainly urge for action to protect the  
46 bear resources. In the Council's reasoning, however, a  
47 putative, possible speculative problem is not a  
48 demonstrated resource problem and does not warrant the  
49 excessive protections of this regulatory provision.

50

1                   In Southeast, we routinely use four  
2 criteria to judge proposals by and I think the record is  
3 fairly clear in previous occasions. If you look at the  
4 bottom of Page 202, the paragraphs that have the bold are  
5 the four criteria that we used to consider a proposal.

6  
7                   In summary, the Southeast Alaska Regional  
8 Advisory Council supports the modified proposal. The  
9 proposed regulation will benefit subsistence users.  
10 That's our number one criteria. Because they will be  
11 allowed to make full use of the bears they may take for  
12 consumptive subsistence use. Of equal importance, the  
13 regulation will allow traditional use of bear parts used  
14 in regalia, ceremonial objects and traditional crafts to  
15 continue unfettered.

16  
17                   The proposal as modified has strong  
18 supporting data. Staff provided excellent summaries of  
19 harvest and use data, regulatory history and management  
20 issues. Very importantly, the Staff analysis provided  
21 documentation of traditional use of bear parts in  
22 handicrafts. Council testimony confirmed much of these  
23 Staff analyses. No data was presented showing that there  
24 were conservation concerns for black or brown bear at  
25 this time. As a matter of fact, it was just mentioned  
26 they're abundant and growing in our region. We're only  
27 talking about our region. Similarly, no data was  
28 presented showing that bear parts were not used for  
29 handicrafts, regalia or cultural items. Data were not  
30 presented that would support limiting handicraft sales to  
31 non-businesses.

32  
33                   The Council does not believe that there's  
34 an existing conservation concern and this is point number  
35 three that we always take. This is one of them that we  
36 consider to be the mandate of all of us, the conservation  
37 concerns. We do not believe there is an existing  
38 conservation concern for bears in our units that are  
39 affected by this regulation. Because the proposed change  
40 is not expected to change harvest patterns in any  
41 significant way, the Council does not believe that it  
42 raises a conservation concern. However, should an actual  
43 demonstrated conservation concern arise through the  
44 implementation of this regulation, the Southeast Council  
45 will support a special action by the Board in  
46 consultation with the Council and regulatory changes in  
47 future cycles that may be needed to address real problems  
48 if they develop, not conjecture.

49  
50                   The recommended modified proposal will

1 have minimal effect on non-Federally-qualified hunters.  
2 This is the fourth point that we always consider because  
3 we're not to have unnecessary effect on non-Federal  
4 users. Black bears are abundant in Southeast Alaska.  
5 Existing and potential subsistence harvests are low  
6 relative to the harvest levels that may be maintained  
7 over time. Brown bear harvests are very closely managed  
8 and the subsistence component of this harvest has been  
9 very low and is expected to remain at current levels.

10  
11 If you take the time to look through the  
12 book on Proposal 03, you'll find that there's  
13 approximately 241 brown bears taken annually in Southeast  
14 Alaska and I would challenge anybody to tell me that more  
15 than five of those were subsistence taken and I  
16 personally don't believe it's that high. The key to  
17 remember, as Dr. Wheeler stated, is that these bears are  
18 eaten. So when you find a bear carcass in the woods, the  
19 chances are 99.99 percent that that was from a sport  
20 hunter who does not have to take and salvage that meat  
21 and these would be taken under State regulations. I know  
22 they don't like the word sport, but I'll let them defend  
23 that themselves. Any time you do not eat an animal, I'd  
24 have to consider that a sport take in my opinion.

25  
26 The Council believes that only a small  
27 subset of Federally-qualified hunters taking bears will  
28 use the nonedible parts for handicrafts and the Council  
29 does not believe that this regulation will affect future  
30 harvest levels significantly. It's important that if an  
31 individual were to take a subsistence bear for any reason  
32 and they were going to eat that, that they be allowed to  
33 practice what is customary and traditional in the  
34 Southeast area, and that is to use every part of an  
35 animal that we take for subsistence. Our history is  
36 clear with examples of that of all the things we use. It  
37 just flies in the face of things to not use the claws and  
38 we would like to make sure that that's allowed.

39  
40 So, I guess with that, Mr. Chair, I'll be  
41 willing to take any questions.

42  
43 Thank you, Mr. Chair.

44  
45 CHAIRMAN DEMIENTIEFF: I think we're just  
46 going to hold off on questions. If people do have them,  
47 just make a note of them and we'll go to those when we  
48 get to Board and Regional Council discussion. With that,  
49 I'm going to move on. I just want to get through the  
50 process. There's so much interest in this issue that we

1 just need to get where we can talk freely with each  
2 other. Southcentral.

3

4 MR. LOHSE: Mr. Chair. Well, there's  
5 nothing like having Southeastern first to take the wind  
6 out of everybody's sails.

7

8 (Laughter)

9

10 MR. LOHSE: Needless to say, we can't  
11 quite give the presentation they did. We have to  
12 remember that different parts of the state do have  
13 different interests and different pressures on them. One  
14 thing at Southcentral we realize that we are on the road  
15 system and I know there's a lot of tourism in  
16 Southeastern. I saw it last summer. I was real shocked  
17 at it. But we're on the road system. We have access to  
18 so much more other economic people and everything that it  
19 does color the way we look at things.

20

21 And we support this with modification.  
22 Our modification would allow Federally-qualified users to  
23 sell handicrafts made from nonedible parts of a black  
24 bear except for the gallbladder. The Council also  
25 modified the section pertaining to businesses to add  
26 language to state that if a person has a business license  
27 as defined in Alaska statute, they may not resell  
28 handicrafts made from black bears. I'll talk on that  
29 issue in just a little while.

30

31 The Council specified that they did not  
32 want to allow commercialization of handicrafts made from  
33 nonedible bear parts. As you saw from the letter by  
34 AHTNA, that is also the attitude of the Native American  
35 people that live in Copper Valley. They do not want to  
36 see the commercialization of handicrafts made from  
37 nonedible bear parts. And we recognize that other parts  
38 of the state have different attitudes towards that.

39

40 We kept made in Alaska by rural Alaskan  
41 residents and one of the things that comes to my mind on  
42 that is I think if you take unaltered bear parts out of  
43 the state to work on them some place else, you may find  
44 yourself running into other State or Federal laws that  
45 prohibit your possession of them. So you might want to  
46 check into that before you drop the made in Alaska by  
47 rural Alaskan residents just to save some people from  
48 getting into trouble.

49

50 We pretty much stuck with everything else

1 on that part of it that the other groups did and we did  
2 make sure and have the understanding that the bear hide  
3 included the claws and it doesn't mean they have to be  
4 attached, but that just meant that the bear hide was the  
5 whole hide, including the claws, and that you could then  
6 make parts out of the claws later.

7  
8 I'll just get to the one crux of the  
9 issue that we had that we worked on a little different.  
10 That was on the idea of commercialization. We kept if  
11 you are businesses defined under AS 43.70.110, but we  
12 struck some words out of it. We felt that a person that  
13 had that license shouldn't be limited from purchasing for  
14 his own use handicrafts. He shouldn't be limited from  
15 receiving them. Many of us who have business licenses  
16 may have a friend that would give us something or sell us  
17 something that we'd like to have for our own, but what we  
18 did say is that he shouldn't be allowed to resell  
19 handicrafts.

20  
21 In other words, if you have a business  
22 license, you can't make a business of reselling somebody  
23 else's handicrafts. You can sell your own because that  
24 would be covered by resell. You can receive them and you  
25 can purchase them, but you can't buy them in bulk and  
26 resell them. You can't buy them from other people and  
27 resell them. We thought that that would be one way to  
28 prevent them ending up in shops all over the place in  
29 bulk in our area because we look at what goes on in our  
30 area and we can see the potential.

31  
32 We may not have the same population that  
33 they have in other places, although we do feel like we  
34 have a good bear population. We don't see any  
35 conservation concern.

36  
37 I have one comment and I'd like  
38 clarification if I may on this because this came up quite  
39 a bit in John's thing. In order to be sold under this  
40 regulation, if my understanding is correct, a bear must  
41 be taken under Federal subsistence regulations. It  
42 cannot be taken under State sport hunting regulations.  
43 So, in order to be sold, somebody has to have a Federal  
44 subsistence -- not just be a Federally-qualified  
45 subsistence user, but has to take it under a Federal  
46 subsistence season and make use of the meat in order to  
47 sell the handicraft. If I'm not correct in that, that  
48 would change my attitude to some of the things in this  
49 proposal and I'd like clarification on that.

50

1 CHAIRMAN DEMIENTIEFF: Polly.

2

3 MS. WHEELER: Thank you, Mr. Chair. Mr.  
4 Lohse, you're correct. Under these regulations the bear  
5 must be harvested for customary and traditional uses,  
6 must be a Federally-qualified user operating under  
7 Federal regulations. Bears cannot be harvested solely  
8 for raw parts to be made into handicrafts. They have to  
9 be harvested for subsistence purposes. The bear has to  
10 be eaten, so we're not expecting that there will be a  
11 drastic increase in the harvest.

12

13 Mr. Chair, thank you.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. I'm  
16 going to go around to everybody. Let's just, again, try  
17 to get through the process and I assure you we will have  
18 ample opportunity to discuss any of the points that you  
19 wish to bring up. I want to get where we can be free to  
20 discuss it. If I could just ask again people's  
21 indulgence with regard to that, I would really appreciate  
22 it. Kodiak/Aleutians.

23

24 MR. TUTIAKOFF: Thank you, Mr. Chair.  
25 Kodiak/Aleutians Regional Advisory Council had a lengthy  
26 discussion regarding this issue. As you know, the  
27 Aleutians, some portions entail the peninsula and some of  
28 our subsistence users did have some concerns regarding  
29 the hunt for bear and use of parts. Dating back many  
30 years, they've used the parts, but over the past 40 to 50  
31 years the encroachment of Western civilization has caused  
32 a lot of problems that economically have driven the use  
33 of the bear parts to no longer being used. They're  
34 trying to bring it back. They're trying to learn this  
35 culture.

36

37 The same issues were brought up in the  
38 Kodiak area. They have the same concerns. We appreciate  
39 the good work that Southeast is doing in regards to use  
40 of the brown bear and the black bear, the trade process  
41 that Kodiak has had for many, many years I'm sure has  
42 been involved with Southeast in travels, bartering,  
43 selling, exchanging.

44

45 After discussion, the Board was kind of  
46 mixed but did go with support with modification. The  
47 Council supported the proposed regulation with  
48 modification to exclude brown bear claws. That was one  
49 of the contentious issues but did pass. The Council felt  
50 that brown bear claws had the greatest potential for

1 abuse if sales were allowed for handicrafts made from  
2 claws. We've heard that discussion from Southeast and  
3 I'm sure we'll hear from other entities.

4  
5 We kept all of the other modified  
6 proposed regulations and (8) we kept as is. That's all I  
7 have.

8  
9 CHAIRMAN DEMIENTIEFF: Thank you very  
10 much. Bristol Bay.

11  
12 MR. O'HARA: Yeah, Dan, chair of Bristol  
13 Bay. We would just like to leave the proposal as it was  
14 brought to us earlier last year. In other words, just  
15 don't fiddle with it. Leave it alone like it is. The  
16 state troopers mentioned that because of the use of  
17 handicrafts for the brown bear mainly -- we don't have  
18 any black bear in Bristol Bay except up in the northeast  
19 part of Lake Clark, in that area, they have an abundance  
20 of black bear up there.

21  
22 The state troopers said that if these  
23 handicrafts were to be used, Mr. Chairman, that there  
24 would be an abuse of the animal and that is so far-  
25 fetched. That is just unrealistic. I'm just impressed  
26 with an income people of \$65-100,000 telling us who have  
27 \$11,000 in the villages that we're going to abuse a brown  
28 bear. They will kill 235 brown bears this October, State  
29 of Alaska, and let the animals lay there and rot. Then  
30 they tell us because we take one brown bear maybe and use  
31 its claws for each other, they don't even put it on the  
32 market, they said we're going to abuse the animal.

33  
34 I guess that's why I have this sign up  
35 here, you know, I love my country but it's the government  
36 I'm worried about. That's exactly what we have here. So  
37 just leave it alone. They've got to take the animal out.  
38 They've got to eat it, they've got to use it, the hide,  
39 everything. The State of Alaska doesn't have to do that.  
40 They just kill the animal and let it rot in the field.  
41 235 bears will die and I fly to all those camps and look  
42 at them. It just galls me that we have this process.

43  
44 Thank you, Mr. Chair.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you.  
47 Yukon/Kuskokwim.

48  
49 MR. WILDE: Mr. Chairman. Our Council  
50 had just about the same support of modification as

1 Bristol Bay. You know back home the subsistence people  
2 in Yukon/Kuskokwim don't kill an animal any time. They  
3 don't. The only time they kill the animal is when  
4 they're going to use it. Some elders really love black  
5 bear. One elder told me that one time I set a whitefish  
6 net, I see a black bear. He had the old ADG gun and he  
7 was aiming at it and even his mouth the water is dripping  
8 down. Elders really love it. The only time we have a  
9 problem is back home in the fish camps. The bears tear  
10 up fish house and smoke house and sometimes bother the  
11 camps. People are told you should try to get a hold of  
12 enforcement or Fish and Wildlife and talk with them.

13

14 So our modification is the same thing  
15 like Bristol Bay. Mr. Chairman, we don't really, even  
16 our young people don't really sell anything that I know.  
17 However, when we catch mostly a black bear, we keep the  
18 skin and all the meat and some of our elders really love  
19 it because they can't go out and hunt. We supply some of  
20 that meat to them.

21

22 Thank you, Mr. Chairman.

23

24 CHAIRMAN DEMIENTIEFF: Thank you.

25 Western.

26

27 MR. REAKOFF: The Western Interior took  
28 no action on this proposal because there's cultural  
29 taboos regarding bears in our region and people feel very  
30 uncomfortable about even talking about this issue in  
31 public meetings. So we do not oppose other regions' use  
32 of bears and using them in customary trade, but in our  
33 region it's felt that we do not want to see that, so we  
34 took no action on this proposal.

35

36 CHAIRMAN DEMIENTIEFF: Knowing the  
37 region, I also understand that and it doesn't surprise me  
38 a bit. Thank you very much. Seward Pen.

39

40 MS. CROSS: Seward Pen deferred the  
41 proposal to the home regions. We felt we were not  
42 affected by this proposal at this time.

43

44 CHAIRMAN DEMIENTIEFF: Northwest.

45

46 MR. STONEY: Thank you, Mr. Chairman. On  
47 this proposal, we all know it's a statewide proposal and  
48 I'm speaking on behalf of Northwest Regional Council.  
49 I'll say this first, that I'm not against the regions  
50 supporting this proposal. However, in our region, I'll

1 give you an example. Eight years ago when the caribou  
2 antler was legalized for sale in entire Game Unit 23, we  
3 saw hundreds of dead caribou everywhere. It went out of  
4 control. That is why the Northwest Arctic opposed this  
5 proposal. The Council feels that if we support this  
6 proposal that it will definitely become the same as it  
7 did to the caribou eight years ago. We'll be seeing  
8 carcasses of black and brown bears everywhere.

9  
10 So, Mr. Chairman, I'd like to say that  
11 there must be some way in Northwest Arctic that we can  
12 separate from other regions only to not support this  
13 proposal. Like I'm only speaking for Unit 23 only, so  
14 it's a benefit to other regions in the state. So there  
15 must be some way to write it to get some clarification  
16 for our region for not legalizing the sale of bear parts.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you very  
19 much. Eastern.

20  
21 MS. ENTSMINGER: Thank you, Mr. Chairman.  
22 Sue Entsminger. I'm representing Eastern Interior. I'd  
23 like to say that Eastern Interior is quite diverse. We  
24 have the road system, people that live on the road  
25 system, and we have people that live on the river system.  
26 When the bear proposal first came to sell handicraft out  
27 of brown bear, there was mixed feeling within the people  
28 on the river system. I think it was more what Western  
29 had experienced. Some of the people had some cultural  
30 problems and they didn't even want to say the word bear.  
31 But out of respect of them there was other people that  
32 felt this is something that should be allowed and they  
33 brought up this proposal. You'll have to forgive me. My  
34 heart is pounding right now. This is kind of tough.

35  
36 I'm just going to read to you that we  
37 supported with modification the proposal because it  
38 provides clarification of what a handicraft is as well as  
39 the use of bear parts and handicrafts that are for sale.  
40 The proposal, as modified by the Council, honors the  
41 Federal Subsistence Board's intent to prevent this  
42 becoming a commercial enterprise. The modification  
43 provides opportunity for handicraft makers with business  
44 licenses who are not a significant business but rural  
45 residents to be allowed to continue the craft allowed in  
46 ANILCA Section 803.

47  
48 If you look at the language here, there  
49 is a sentence there to add and incorporated into a work  
50 of art, regalia, clothing or other creative expression

1 and could be either traditional or contemporary in  
2 design. The handicraft must have -- and then it goes on  
3 the same language.

4  
5                   And we separated out number (8) to (8)(a)  
6 and (8)(b) to try to clarify what everyone else is saying  
7 here today. I'm a skin sewer. I make things out of all  
8 fur and now I can make it out of bear. I have to have a  
9 business license legally in the state of Alaska to go to  
10 the shows and that's how I sell my stuff. Fur Rondy is  
11 where I really got into it and Christmas craft shows.  
12 I've gone to the Juneau show that Southeast has spoken  
13 of. I had to fly to Juneau. I could not drive from Tok  
14 down to Juneau through Canada without an incredible  
15 amount of permits. The amount of stuff I had in my car I  
16 had to have it all documented. If I sold something, I had  
17 to turn around and redo all this permitting process just  
18 for fur, not to mention bear, so there is problems  
19 through Canada that you have to go through.

20  
21                   But we, as a group, wanted to protect the  
22 skin sewer, both Native and non-Native, that would be  
23 making things out of bear and bear parts and we had no  
24 problem dealing with the claws. We felt the claws should  
25 be allowed to be sold but not to be a commercial  
26 enterprise. And allow the skin sewer to make some  
27 things, a necklace or whatever, to add to what they're  
28 doing. Not just skin sewers but people who are making  
29 handicrafts. I hope I've covered it all.

30  
31                   Thank you.

32  
33                   CHAIRMAN DEMIENTIEFF: Thank you. Our  
34 representative from North Slope is not here, but I  
35 understand Barbara is ready to give their report.

36  
37                   MS. B. ARMSTRONG: Thank you, Mr. Chair.  
38 North Slope Regional Council deferred the proposal to the  
39 home regions, the regions that would be affected by this  
40 regulation change.

41  
42                   Thank you, sir.

43  
44                   CHAIRMAN DEMIENTIEFF: Thank you. I  
45 think with that, since basically every region was  
46 involved in that, we're going to take a short break and  
47 we'll come back with Staff Committee and then the State  
48 and we'll continue our deliberations.

49  
50                   (Off record)

1  
2  
3  
4  
5  
6  
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(On record)

CHAIRMAN DEMIENTIEFF: I'll call the meeting back to order. Staff Committee.

MR. PROBASCO: Thank you, Mr. Chair. The Interagency Staff Committee recommendations can be found on Page 208, 209 and 210. I will note right off the start that the Staff Committee did not reach a consensus on this but they were close. If you carefully review both the majority and the minority of recommendations, they're pretty close with the exception as we move into specifics dealing with commercialization.

The majority opinion recommends support with modification. The Staff Committee considered the comments and incorporated many of the recommended modifications provided by all 10 of the Regional Advisory Councils. The majority of the Interagency Staff Committee recommends the following modifications: They concur with removing the phrase made in Alaska from the definition of handicrafts consistent with recommendations of the Southeast Regional Advisory Council.

They also add the language that allows the sale of handicrafts made from bones, teeth, sinew or skulls of black or brown bear taken in Southeast Alaska only. Again, consistent with the Southeast Regional Advisory Council.

Changes in the language of paragraph (8) to limit the restrictions on the sale and purchase of handicrafts by businesses to just claws, excluding the Southeast area. In other words, this commercialization topic will be much more narrowly focused to claws only. As we discuss this regulation with the State, you will find out that the State has recently taken actions regarding fur.

Then add a restriction in paragraph (8)(c) to prohibit such sales that constitute a significant commercial enterprise. That term significant commercial enterprise coming back to us again if you recall what we did with fisheries.

The one thing I want to note, Mr. Chair, as Mr. Littlefield pointed out, that the Staff Committee's recommendation, when we developed it, we omitted the term drilling and our intent was to include

1 that, so I just wanted to clarify that on the record. So  
2 we are consistent with the Council in adding the term  
3 drilling to paragraph 25(a).

4  
5                   The justification for these  
6 recommendations is the modified proposal provides a  
7 clarification of definition of handicraft and these claws  
8 and handicrafts for sale. The proposed definition of  
9 handicraft includes components offered by the proponent  
10 of Proposal 03 and provides additional clarification.  
11 The Interagency Staff Committee majority recommends  
12 retaining language referring to greater monetary and  
13 aesthetic value as this has been part of the existing  
14 State and Federal definition. Given the controversial  
15 history of regulation and litigation over handicrafts,  
16 the majority believes the continuity in the language  
17 helps to build familiarity and reduces confusion about  
18 the regulations.

19  
20                   New language in 25(j)(8) prevents large-  
21 scale commercialization of handicrafts made with bear  
22 claws by prohibiting sales to and purchases by  
23 businesses. Small sales from craft producers, some of  
24 whom have business licenses, to consumers are authorized  
25 while sales to businesses are not.

26  
27                   In sum, the proposal provides clarity and  
28 definition to implement the Board's previous action  
29 authorizing sale of handicraft made with bear fur  
30 including claws. The proposal does not provide for  
31 additional harvest opportunity for subsistence users that  
32 could potentially impact bear populations. The proposal  
33 assists law enforcement efforts by clarifying in  
34 regulation the Board's intent to restrict the commercial  
35 sale or purchase by business and require the products  
36 made by rural Alaskan residents.

37  
38                   The minority opinion was to support with  
39 modification and they did follow in line with much of the  
40 majority opinion with the additional modification to  
41 remove the last sentence as the Southeast RAC recommends.  
42 That sentence reads the handicraft must have substantial  
43 greater monetary and aesthetic value than the unaltered  
44 natural material alone. They are pretty much in line  
45 with the justification that Mr. Littlefield shared with  
46 you earlier.

47  
48                   The reasons for deleting the last  
49 sentence are as follows. There was agreement with  
50 Southeast RAC where the Council noted that selling

1 unaltered bear parts in Alaska is illegal, therefore the  
2 last sentence in the definition is unclear, unenforceable  
3 and arbitrary and, for those reasons, unnecessary. In  
4 addition to the obvious redundancy of requiring that a  
5 handicraft is not an item in an unaltered state, this  
6 provision calls for subjective considerations on the part  
7 of law enforcement officials relating to the monetary and  
8 aesthetic value of the handicraft.

9  
10 In light of these concerns, it was felt  
11 that keeping the sentence in the definition of handicraft  
12 does not contribute to clarity but, in fact, creates  
13 subjectivity. So the minority and majority opinions only  
14 differ in that one sentence.

15  
16 Mr. Chair.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you very  
19 much. Department comments.

20  
21 MR. HAYNES: Thank you, Mr. Chairman.  
22 I'll read our comments on Proposal 01 and Proposal 03 and  
23 then the Department of Law will have some additional  
24 comments.

25  
26 On Proposal WP05-01 the Department does  
27 not support the proposal. Our primary concerns are that  
28 any regulations  
29 authorizing the sale of handicrafts made from claws of  
30 brown and black bears must reflect well-documented  
31 subsistence practices, include enforceable provisions to  
32 protect any such practice,  
33 and minimize the potential for exploitation and adverse  
34 conservation impacts to bear populations.

35  
36 Extending well beyond Alaska to national  
37 and international contexts, the sale of bear claws and  
38 other parts has generated a market enticing those who are  
39 far removed from subsistence traditions. Because brown  
40 bear populations reproduce at notably low rates, the  
41 Department must carefully evaluate any potential  
42 regulatory changes that could lead to adverse effects and  
43 conservation concerns.

44  
45 This current proposal provides neither  
46 the evidence nor  
47 regulatory provisions to address the department s  
48 concerns, which were previously raised in a Request for  
49 Reconsideration submitted to the Federal Board last year  
50 concerning the new Federal regulation authorizing the

1 sale of handicraft items made from the fur and claws of  
2 brown and black bears. In the current proposal, the  
3 regulatory language has been modified but still would not  
4 address potential conservation concerns associated with  
5 the sale of handicrafts made from bear fur and claws.  
6 And I might add other bear parts as proposed in this  
7 proposal now.

8  
9 For example, the proposal lacks a  
10 tracking system that documents number and locations of  
11 bears harvested for the purpose of making handicraft  
12 items for sale. For similar reasons, the Department also  
13 does not support the substantive additional  
14 modifications proposed by the Southeast and Southcentral  
15 regional councils, and supported by a majority of the  
16 Interagency Staff Committee members, that would expand  
17 the scope of this regulation by authorizing the use of  
18 other body parts of black and brown bears in making  
19 handicrafts for sale.

20  
21 The Department also does not support  
22 Proposal WP05-03. As noted in our comments on proposal  
23 WP05-01, this proposal does not address concerns raised  
24 by the Department in our Request for Reconsideration last  
25 year. It is unclear how the proposed changes in this  
26 proposal would address conservation concerns associated  
27 with the sale of handicrafts made from bear fur, claws,  
28 and other body parts, in the absence of a  
29 tracking system that documents how many bears are being  
30 harvested for the purpose of making handicraft items for  
31 sale.

32  
33 As is noted on Page 288 of the Staff  
34 analysis, It is not known whether these regulations have  
35 resulted in the selling of handicrafts to date. The  
36 Department also does not support modifications proposed  
37 by the Southeast Regional Advisory Council that would  
38 expand the scope of this regulation by authorizing the  
39 use of other body parts of black and brown bears in  
40 making handicrafts for sale.

41  
42 I'll pass the mike to Lance Nelson, Mr.  
43 Chair.

44  
45 CHAIRMAN DEMIENTIEFF: Thank you.

46  
47 MR. NELSON: Thank you, Mr. Chairman. If  
48 we had some enforceable way to limit the sale of bear  
49 claws to handicraft items made by rural Alaska  
50 subsistence users, we'd have no major enforcement

1 concerns. The existing regulations and the proposed ones  
2 contain no mechanism to effectively limit sales to those  
3 users. There's no tracking system with any kind of  
4 reporting or recording requirements. When we find  
5 someone with claws that we think might have been  
6 illegally purchased and sold, they don't have any burden  
7 to show the source as a qualified Federal subsistence  
8 user. The burden is on us as the government to prove  
9 that their source and sale was illegal. Without a  
10 tracking system in place, that's literally going to be  
11 impossible in most cases for us to do that.

12  
13 We also have conservation concerns  
14 because it's logical to expect an increase in Federal  
15 subsistence harvest when you create a new motivation for  
16 harvest. An opportunity for sale of claws could make  
17 bear harvest more viable and attractive to subsistence  
18 users who otherwise had decided not to harvest bears in  
19 the past. The establishment of a Federal subsistence  
20 system without a tracking requirement more importantly  
21 creates an opportunity and motivation for non-Federal  
22 hunters and poachers to take additional bears because it  
23 can't be tracked, resulting in a very likely increase in  
24 harvest over time because of the legal market and its  
25 masking of illegal activities.

26  
27 Our conclusion is that we recommend the  
28 Federal Subsistence Board create some kind of tracking  
29 system that will allow us to prevent abuses and/or limit  
30 the sale to other Federally-qualified subsistence users.  
31 That would meet the customary and traditional nature of  
32 the activities proposed and allowed and would give us a  
33 chance at preventing the abuses that I've described.

34  
35 Thank you.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. As we  
38 begin discussion, I just want to open up the discussion  
39 with I'm pretty disappointed. You people are not used to  
40 me sounding negative. I always try to be real happy, but  
41 I'm a little disappointed in our approach with regard to  
42 this issue. Even though there's not a motion on the  
43 table, I don't intend to support either 01 or 03.

44  
45 As we look through management styles,  
46 neither the State or Federal system, wherever you're from  
47 in other parts of the state, your hunting regulations  
48 don't look nothing like mine that I live with. Your  
49 fishing regulations are tailored to your area and it  
50 works. For anybody to say that that is unenforceable or

1 unworkable, it's just nonsense.

2

3

4 Last year when we adopted this  
5 regulation, if we go back through the records, I said  
6 that I wanted to have these regulations tailored to the  
7 region. We have effective Regional Councils that can  
8 create regulations for their area consistent with the  
9 practices in that area. Why are bears any different? I  
10 challenge you to say that they are not any different.

11

12

13 How I expected to deal with this issue  
14 this year was to let our Regional Councils do the work  
15 and come up with regulations for their region. It works  
16 in all other areas of fish and game management and it can  
17 work in the management of bears consistent with the  
18 practices and the desires of the local people.

19

20

21 I also said that we would be willing to  
22 take the time to look at that. I don't really mean to be  
23 heavy-handed, but every now and then I get frustrated and  
24 I have to vent, I guess. I trust our councils to build  
25 regulation for their area and I trust our ability to  
26 manage that, just like we manage every other resource  
27 consistent with the practices in that area.

28

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1 decided just to defer the issue. At the rate this is  
2 going, I don't think we're going to do that next time. I  
3 think that we'll have to end up having to have a stand in  
4 this and stating our reasons why.

5  
6 I think if statewide proposals are going  
7 to come up, especially if they do not come from the  
8 regions, that people should really think about the impact  
9 it's going to have on Alaska. In particular, our various  
10 cultures.

11  
12 Thank you.

13  
14 CHAIRMAN DEMIENTIEFF: One thing I forgot  
15 to mention is that we have heard testimony that there are  
16 no conservation issues out there. In the year that the  
17 regulation has been on the books, I believe it can stand  
18 for another year while people do their work. I don't  
19 think we're going to create any conservation concerns at  
20 all. I just forgot to mention that in my opening  
21 remarks. Other remarks, please.

22  
23 John.

24  
25 MR. LITTLEFIELD: Thank you, Mr. Chair.  
26 I'd like to echo the comments of the previous speaker.  
27 We were concerned and have been on record in the  
28 Southeast Region of having things coming from the top  
29 down. We clearly have stated that ANILCA was meant to  
30 enable a process where rural residents had a meaningful  
31 part of it and these proposals are supposed to come from  
32 the rural residents who are out there and in their own  
33 specific regions bringing these forward.

34  
35 I'd also like to note, Mr. Chair, that  
36 you said you wouldn't support 03 either. What we did, 03  
37 was submitted by the RAC, but it incorporated many of the  
38 things that 01 did with the exception of the  
39 commercialization, which we never talked about at all on  
40 03. So we felt it was appropriate just to address the  
41 statewide one, but our comments are specific. We  
42 recognize the taboos in the other areas. The  
43 recommendations we made were for Units 1 through 5. We  
44 did not include the others, the 9-C, the 20, we didn't  
45 even talk about them. It's not our place to decide what  
46 is correct for others. We believe that 01 as modified by  
47 the Southeast Region affects the Southeast Region only.

48  
49 I guess I could go either way. The  
50 position of the Council is to support 01 as modified. We

1 were adamantly opposed to the (j)(8) inclusion.

2

3 I'm going to have other things to say,  
4 but I thought we were going to talk about the State first  
5 and I had a couple comments about some of the things they  
6 said. There was no tracking system. Well, in Southeast  
7 Alaska in particular, under the Federal regs in Sitka  
8 we're allowed one bear every four regulatory years. Now,  
9 to take that bear under the Federal system, we're  
10 required to have a State registration permit. That's  
11 tracking. In other words, you can look on a permit and  
12 see that I've taken one bear every four years and if I've  
13 got 120 claws, I'm a bad boy, shouldn't have done that.  
14 It's trackable. There are five permits per year that are  
15 allowed for educational permits and that's under a  
16 Federal permit, also a tracking mechanism. These bear  
17 are trackable.

18

19 I guess that's all I have for now, Mr.  
20 Chair. I did want to respond to some of what the State  
21 said and I'm going to have a lot more to say about this  
22 before we're done. And 03 was actually a proposal from  
23 the bottom up. It came from us. We thought these were  
24 appropriate.

25

26 So we are opposed to Proposal 01 concept,  
27 how it came downhill, and we're opposed to sending it out  
28 to all the other regions who the year before told us that  
29 they didn't want these things to apply to them. These  
30 regulations on brown bear do not apply to them because of  
31 cultural taboos and to send it to them, as Ms. Cross  
32 said, is kind of an affront on a statewide motion, but we  
33 tried to make the best out of it as we could and they  
34 certainly have the right to comment. We respect all of  
35 that. It is a statewide proposal because it deals with  
36 handicrafts, but we need to respect the cultural taboos  
37 in those regions where they said they don't want to  
38 participate in this. I think we should honor that.

39

40 Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Tom  
43 has a comment quickly.

44

45 MR. BOYD: Mr. Chair. And I make this  
46 with all due respect to the comments that have preceded  
47 me. In terms of the concerns about whether this proposal  
48 is top down or bottom up, I think it's important to keep  
49 in mind that the proposal was intended to clarify what  
50 the Board accomplished at the last meeting when this was

1 done. There wasn't an intent to try to recreate the  
2 wheel here, but to provide clearer language in the  
3 regulations about what the Board's intent was. As the  
4 administrating agency, I think it's very important as we  
5 run into problems in administering the Board's  
6 regulations that have come about through very intensive  
7 deliberation with the Councils that we bring our concerns  
8 to the table as well. And that's what I think we've done  
9 here.

10

11 The intent of the Board, in terms of  
12 clarifying the definition of what's meant by a  
13 handicraft, in terms of clarifying the definition about  
14 what is meant by skin, hide, pelt, in terms of clarifying  
15 the intent to prevent commercialization of something that  
16 is customary and traditional, so that is why we brought  
17 it back to the table and I think it's very important that  
18 we do that. If we wait for this to come from the bottom  
19 up, we may not have clarity. We're the ones that have to  
20 explain this to the public and we need clear definition  
21 in our regulation in order to be able to do that.

22

23 Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Thank you.

26 Anybody else. Keith.

27

28 MR. GOLTZ: There is some tension between  
29 bureaucratic requirements and the major themes of ANILCA  
30 and we're probably in one of those melancholy situations  
31 now. I think it's clear that the statements by the  
32 Chairman and by Grace and by John are constant with the  
33 major theme of ANILCA. It's meant to start from the  
34 bottom up. Sometimes we stumble, but that is clearly the  
35 engine that drives what we're doing here.

36

37 Before we get too far away and I don't  
38 know where this is going, but there are some record gaps  
39 I think and I'd like to ask the State for a couple  
40 clarifications. One I think is central and that is the  
41 recent changes in the State regulations. I don't see  
42 them in my handy dandy and I think if we're going to  
43 cooperate in this area we have to know what those changes  
44 are. Could you tell us, if anything, what the State  
45 Board of Game did  
46 and if they didn't, tell us what the requirements are  
47 under State law for sale and use of handicrafts.

48

49 MR. HAYNES: Mr. Chairman, I'm going to  
50 defer to Department of Law to respond to that.

1 MR. DOUGHERTY: Thank you, Mr. Chairman.  
2 This is Steve Dougherty from the Department of Law. The  
3 State regulations regarding sale of game meat, furs and  
4 hides are found at 5AAC92.220. Those regulations do  
5 allow the sale of fur in handicrafts of bear, but they do  
6 not allow the sale of the claws or other nonedible parts  
7 of the bear.

8  
9 MR. GOLTZ: Is there a salvage  
10 requirement and, if so, what is it?

11  
12 MR. DOUGHERTY: Yes, I believe that there  
13 is a salvage requirement. It's kind of convoluted here,  
14 so I'll have to track it out. I think it's under Section  
15 D.

16  
17 MR. HAYNES: Mr. Chairman, there is a  
18 salvage requirement of bear meat in some instances. It's  
19 not a statewide requirement for all bears that are  
20 harvested. Mr. Regelin may want to add something.

21  
22 MR. REGELIN: Mr. Chairman. For brown  
23 bear and grizzly bear, under general hunting rules for  
24 residents or non-residents, to salvage the hide and the  
25 skull, which includes the claws, you're not required to  
26 salvage the meat, but we have several areas throughout  
27 Alaska, mostly in Western and Interior Alaska where we  
28 have subsistence bear hunting areas and in those areas  
29 it's a requirement to salvage the meat and it's up to the  
30 person if they want to salvage the hide then.

31  
32 CHAIRMAN DEMIENTIEFF: So I guess the  
33 bottom line is that the State regulations are also  
34 tailored to specific areas, if I'm understanding the both  
35 of you gentlemen. I guess that's the point I opened up  
36 with. It works. Do you have enforcement problems that  
37 you're aware of?

38  
39 MR. REGELIN: I'd like to make a general  
40 comment and then talk about your specific question. I  
41 agree with Dr. Wheeler that passing these proposals is  
42 not going to increase legitimate subsistence harvest.  
43 It's small and it's not going to change the people that  
44 take a brown bear for the meat or other purposes,  
45 subsistence purposes. However, we all know that when  
46 people have the opportunity to make significant amounts  
47 of money through illegal activity and there's very little  
48 chance of them getting caught or punished, there's going  
49 to be a small number of people that are going to take  
50 advantage of that system. That's what we're worried

1 about. We know that claws from brown bears can be sold  
2 for significant money, up to about \$1,500 per brown bear  
3 for just the claws from the front and rear paws.

4  
5                   So we see a need to minimize the  
6 commercial sale of bear claws for brown bears at least  
7 while allowing the use and trade of claws for cultural  
8 purposes and regalia. We've never objected to that. I  
9 have a high degree of concern with the wide-open sales  
10 and, to me, that's a major leap when you move from sale  
11 among rural Alaskans for cultural purposes and move it  
12 into tourist shops across Alaska and I think that's a big  
13 thing. I don't mind the idea that someone has a small  
14 business and handles a few claws a year that he or she  
15 has taken themselves, but having it wide open in tourist  
16 shops that really bothers me.

17  
18                   When a person out there in the woods has  
19 a bear, has the claws, you're right, we can track that  
20 through our registration system, but once those claws  
21 enter into commerce, we don't have a way to track where  
22 they came from, whether they were from Kodiak or  
23 Southeast Alaska unless we put in some kind of  
24 requirement that the people who buy these claws have to  
25 keep records of where they purchased them and there's no  
26 regulation on that right now.

27  
28                   We know there is a market out there and  
29 people can make significant amounts of money. So I guess  
30 what we were trying to do is make sure that we meet the  
31 subsistence needs and the cultural needs for using bear  
32 claws and regalia and the trade and everybody can use  
33 them and have them, but to keep it out of the full-blown  
34 sale of these claws to anybody that wants to buy them. I  
35 guess that's what we've been trying to tell people and  
36 what we're trying to do here. So that is all I had to  
37 say.

38  
39                   CHAIRMAN DEMIENTIEFF: I have one more  
40 comment. Dan, if you can indulge me for a moment.  
41 There's really good money in the sale of moose and  
42 caribou horns right now. Doggone good money, but I  
43 simply do not see people going out purposely to shoot  
44 more moose or caribou just to get those horns to sell.  
45 That's not what really goes on with those. But I think  
46 everybody here knows that there's good money in the sale  
47 and utilization of those antlers for all kinds of things.  
48 You see them everywhere. Dan.

49  
50                   MR. O'HARA: Mr. Chairman. One of the

1 things that we did in the Bristol Bay region when it came  
2 to the sale of subsistence food among each other was to  
3 have a paper trail to follow it up. When this Board met,  
4 the law enforcement department, hands in the air, saying  
5 we can't follow that thing. That's too bad, you know.  
6 Bristol Bay says there will be a paper trail on  
7 subsistence food sold to one another and the same should  
8 be on the brown bear, black bear, anything. There needs  
9 to be a paper trail on that. We're not asking just an  
10 open sale on these items. There needs to be a permit.

11  
12 Every fish is named and numbered, all the  
13 animals are accounted for. You're going to have five  
14 cops in those tents and lodges and bear camps on the  
15 Alaska Peninsula, you'll have five law enforcement  
16 officers every day looking for phone number, Social  
17 Security number, address, where you're from and write  
18 down your permit number. They're everywhere. It's an  
19 enforceable thing that can be done.

20  
21 However, I think that the only salvation  
22 we have here today is to table this thing. I believe the  
23 State of Alaska has an excellent point. If we are going  
24 to do this for sale, then there needs to be a paper trail  
25 to follow it up. If it's illegal, go to jail like the  
26 next guy. Some of us need time off anyway.

27  
28 Thank you, Mr. Chair.

29  
30 CHAIRMAN DEMIENTIEFF: John.

31  
32 MR. LITTLEFIELD: Thank you, Mr. Chair.  
33 I also have a question for Mr. Dougherty, department of  
34 law. I refer you to Page 197 in the proposed regulation  
35 that the Fish and Wildlife submitted and it has to do  
36 with 25 (j)(8) in bold. You just read the regulations  
37 that you referred to under the state sale of handicraft  
38 articles and what I'd like you to do is just look at this  
39 and strike including claws. Just strike that out and  
40 tell me whether that's allowable under State law or not.  
41 In other words, it's my interpretation that if we were to  
42 enact (j)(8), we would be more restrictive than what you  
43 just read out of the book. If you could comment on that,  
44 please.

45  
46 CHAIRMAN DEMIENTIEFF: Judy.

47  
48 MS. GOTTLIEB: Thank you, Mr. Chair. I  
49 guess, as we predicted, this is going to be complicated  
50 and a lot of things to go through. I wanted to go back.

1 Polly, if you can remind us, how many years the black  
2 bear allowance for making and selling handicrafts has  
3 been on our Board books. I know we did brown bear most  
4 recently, but that's been a statewide allowance.

5  
6 Thank you.

7  
8 MS. WHEELER: Mr. Chair, Ms. Gottlieb.  
9 The Federal Board passed the black bear regulations in  
10 2002.

11  
12 MS. GOTTLIEB: If I could just ask a  
13 follow-up. So have we found difficulties from that as a  
14 result of that?

15  
16 MS. WHEELER: Mr. Chair, Ms. Gottlieb.  
17 Not to my knowledge, no.

18  
19 CHAIRMAN DEMIENTIEFF: John did ask a  
20 question of the State. Are we prepared to answer that?

21  
22 MR. DARBEY: Through the Chair. Where  
23 the sale is legal, there is no restriction under State  
24 law as to whether it can be sold by a business.

25  
26 Thank you, Mr. Chair.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you. Other  
29 discussion.

30  
31 MR. WILDE: Mr. Chairman. A lot of our  
32 people back home they don't believe in selling a part of  
33 subsistence what they catch. We can't even make our own  
34 regulation that we want to because we have too many  
35 regulation already. We have to carry two regulations to  
36 go out hunting. People scared all the time seems to me  
37 try to go subsistence. Like what you guys say and  
38 understand that we try to make a regulation for  
39 ourselves, like a no fly zone area. They say well you  
40 have to go to some other organization, like State or  
41 Federal. That's the problem we have out there.

42  
43 You ask what did you do with the claws of  
44 the bear. I'll tell you what they do with them. Usually  
45 the people, elders and some young people, dancing out  
46 their Eskimo dance, they've got some in their belt. They  
47 don't sell them. I never hear anybody that sells them.  
48 They don't like to sell a part of the subsistence, but  
49 you can see them. They use them for traditional. The  
50 elders are teaching the young people not to forget their

1 traditional way of life.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Anybody else.

5

6 MR. BSCHOR: Mr. Chair. A clarifying  
7 question for Mr. Littlefield. Is it the intent of the  
8 Southeast Council to allow handicrafts of bears to be  
9 taken in those units to be sold just in those units or is  
10 it your intent they be sold statewide?

11

12 MR. LITTLEFIELD: Thank you, Mr. Bschor,  
13 through the Chair. Our intent is to sell them wherever  
14 you feel like it. The criteria was taken in Southeast.  
15 That's what we talked about. If you took the bear in  
16 Southeast, it was to be legal to sell those claws.

17

18 CHAIRMAN DEMIENTIEFF: And you have  
19 tribal members all over the state. As I understand, the  
20 opposite clan that the Tlingits operate under -- I mean  
21 your people are not all just living in those units.  
22 They're everywhere, is that correct? I just want to get  
23 that on the record.

24

25 MR. LITTLEFIELD: Yes, Mr. Chair, we're  
26 everywhere. The SEAlaska Corporation holds meetings  
27 routinely. I think they had three meetings this year in  
28 the Lower 48. In recognition of that, Tlingit and Haida  
29 held a convention in San Francisco. The Tlingit, Haida  
30 and Tsimshian are well distributed up and down the coast.

31

32

33 If I can talk a little bit about our  
34 culture, which comes back to your point, Mr. Chair,  
35 region specific. In our culture, what happens in a  
36 potlatch, a (in Tlingit), if a big man was giving a  
37 party, he would ask for something that he wanted to be  
38 made to be made by the opposite clan. In other words,  
39 you don't have your own clansman make this. You  
40 commission someone, your brother-in-law, they call them  
41 (in Tlingit), you commission them to make something for  
42 you. When the party occurs, you bring this out and it  
43 becomes at the party what's called (in Tlingit), a  
44 masterless thing, something that's owned by the clan. It  
45 no longer becomes yours. It's brought out. At that  
46 point it's not sold anymore. When that happens, it's  
47 taboo to sell that after its been made into a piece of  
48 (in Tlingit). But before you do that you have to buy it  
49 because at the same (in Tlingit) potlatch, the big man  
50 that asked for that piece to be made will pay out of the

1 money that's collected at the party, in public will pay  
2 that person for the duties that they did. If they were  
3 to take a claw and make a claw headdress and it was to  
4 become part of the bear clan (in Tlingit), they would  
5 then pay that person in public and it could be what you  
6 may call significant. We usually try to pay our debts  
7 and make sure people are well-compensated for things that  
8 we ask them to do. This has happened forever, since time  
9 immemorial.

10

11 Like I said, I agree that the sale of (in  
12 Tlingit) is not allowed. That's something that's against  
13 tradition. But to make the (in Tlingit) in the first  
14 place commonly required you to use money. In the old  
15 days, it could have been blankets or pelts or bear hides  
16 or something. That was the money at that time, but now  
17 we use cash. So we've been doing this forever.

18

19 Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Thank you.  
22 Further discussion. Todd.

23

24 MR. LOGAN: Thank you, Mr. Chairman.  
25 I've enjoyed and found this conversation very helpful.  
26 However, I feel a little stymied only in that there are  
27 so many issues involved here and we've heard a lot of  
28 good comments on all of them. I think Tom Boyd this  
29 morning talked about the possibility of us working  
30 sequentially through this issue, the three main elements,  
31 and I guess it would be helpful to me at some point to  
32 get there and, therefore, I would have some thoughts and  
33 some things I would be willing and able to propose but  
34 only if we can focus along those lines.

35

36 Thank you.

37

38 CHAIRMAN DEMIENTIEFF: Yes.

39

40 MR. ROEHL: Thank you, Mr. Chairman.  
41 I've been struck by the testimony I've heard yesterday  
42 and today and during some of the testimony I can't help  
43 but be reminded of the Chicken Little story. I'd like to  
44 remind you that the sky is not falling. It seems like  
45 we're trying to take these cookie cutter approaches and  
46 apply them to all areas of the state. We've got cultural  
47 taboos against any kind of bear utilization in some  
48 areas, but in other areas, like Bristol Bay, it's kill  
49 whatever is there. These animals are taken for  
50 subsistence purposes. They're not taken for just the

1 claws only or the hide or the skulls. Every part of the  
2 animal is typically used. I would wager that most of the  
3 animal use in the state, whether it be fish or wildlife,  
4 is taken by game hunters and sports fishermen and not  
5 subsistence users. We need to look at how much of the  
6 pie is used by what.

7  
8 But I agree with you, Mr. Chairman, there  
9 should be a regional approach to bear use. You can't  
10 have a statewide policy. I don't think it will work.

11  
12 CHAIRMAN DEMIENTIEFF: Thank you. Todd,  
13 I should have pointed out, depending on what the motion  
14 is, we do the three-part approach to it at that time.  
15 This is just general discussion. People have things they  
16 want to say and that's what we're looking for right now.  
17 Anybody else. Sue.

18  
19 MS. ENTSMINGER: If it's okay, I'd like  
20 to ask a few questions of the State to bring out some  
21 things that I think maybe they're not thinking about. We  
22 got into this questioning at our Regional Council  
23 meeting. Right now, currently, both black and brown  
24 bears can be sold as a handicraft without claws in the  
25 state of Alaska. What tracking system do you have or do  
26 you have any concerns on brown bears in Southeast Alaska?

27  
28 MR. HAYNES: Through the Chair, Sue. The  
29 issue in this case, the selling of fur, is the issue of  
30 claws. State regulations do not define claws as being  
31 part of the fur. Federal regulations do. Claws are the  
32 items that have, in some cases, substantial economic  
33 value. Because State law and State regulations do not  
34 allow the sale of bear claws, we don't have that same  
35 concern.

36  
37 MS. ENTSMINGER: Yes, thank you. I'd  
38 like to continue. Wayne, you might want to get into  
39 this. What I'm trying to say is like we look at the  
40 Federal law, I understand you're looking at claws being  
41 the problem, but you're bringing out points of concern  
42 about the resource and I could bring out points of  
43 concern about the resource where you're not -- in a  
44 subsistence situation, you have to bring out the meat and  
45 you have to eat it, but in the State, most of it you do  
46 not. So I can see that if you guys are bringing out  
47 these points that there's this huge concern. Why aren't  
48 we looking at the same concern, particularly in brown  
49 bears, as Southeast?

50

1 I had brown bear guides contact me and  
2 big concerns. Sue, what did you do? This is terrible.  
3 They're concerned that there's going to be -- even with  
4 the State law they were upset about it and they're  
5 concerned that it might have an impact in the future of  
6 the brown bear in Southeast. I guess I just want to  
7 bring it up because I believe that you're bringing up  
8 concerns that are legitimate, but I believe that you need  
9 to think about it on the State side too.

10

11 CHAIRMAN DEMIENTIEFF: Pete.

12

13 MR. PROBASCO: Yes, Mr. Chair. I've been  
14 sitting here listening to the discussion of how bears are  
15 utilized under the Federal subsistence program and I  
16 think there may be some misunderstanding, but I just want  
17 to make it very clear that under the Federal system the  
18 bear cannot be harvested only for handicrafts. It has to  
19 be harvested for consumption. You have to eat the bear.  
20 It can't be targeted for just handicrafts. I think  
21 that's important to understand under the Federal  
22 subsistence program.

23

24 Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Raymond.

27

28 MR. STONEY: Thank you, Mr. Chairman.  
29 I've got a question to the State about the proposal on  
30 this booklet Federal regulations. It's on Page 15. It  
31 says you may sell bear parts in Game Units 1, 2, 3, 4, 5,  
32 9-A, B, C and E, 12, 17, 20 and 25. I'm speaking on  
33 behalf of Northwest Arctic Regional Council and our area  
34 because I represent 11 villages. Game Unit 23 is not  
35 listed in this booklet, so is it listed in the State  
36 regulations for selling bear parts?

37

38 MR. HAYNES: Mr. Chairman. The State  
39 regulations allow the sale of bear hides statewide in all  
40 units. The Federal regulation that was adopted last year  
41 I'll let one of the Federal Staff clarify to you the  
42 Federal regulation, but basically last year the Federal  
43 Board adopted a regulation that allows the sale of bear  
44 hides with claws attached to be used in the making of  
45 handicrafts for sale in three parts of the state, not  
46 including Unit 23. Brown bears specifically. Federal  
47 Staff may want to provide additional information about  
48 the Federal provisions, but that's my understanding of  
49 how this works.

50

1 MR. STONEY: The reason why I ask this  
2 question is because it's very confusing for our area up  
3 there. You know, they've got eight different land  
4 managers, so depending on where you get the bears,  
5 sometimes you're just within 10, 15 feet away.  
6 Evidently, if somebody did harvest a brown bear in State  
7 land or Federal land, what's the difference. That's what  
8 people are very concerned about in our area. I have to  
9 explain to our people when I get home about the State  
10 regulation of selling bear parts.

11  
12 Thank you, sir.

13  
14 CHAIRMAN DEMIENTIEFF: Paul.

15  
16 MR. ROEHL: Thank you, Mitch. I was just  
17 thinking, some people may have taken my last comments a  
18 little bit too literally. For the record, I'm from Dan  
19 O'Hara's region, too. Being Alaska Native, we don't  
20 waste our resources, so my characterizing Dan as being a  
21 shoot anything that moves kind of person really doesn't  
22 apply.

23  
24 Secondly, in regards to which regulation  
25 you pass, you'll have scofflaws no matter where you go.  
26 I mean just think of all the poor moose in Kincaid Park  
27 that are running around with arrows sticking out of their  
28 behinds. You've got bad eggs no matter what you do.

29  
30 Thank you.

31  
32 CHAIRMAN DEMIENTIEFF: Thank you. Go  
33 ahead.

34  
35 MR. BSCHOR: Mr. Chairman. Just a couple  
36 thoughts and comments first. We do have a regulation  
37 that currently exists, so what we're talking about here  
38 is trying to make an attempt at clarifying that reg. I  
39 think it's important to look at those sorts of things if  
40 we can make them better. I also think that hearing the  
41 conversation this morning about the restrictions that the  
42 State has on selling materials being more restrictive  
43 than what we have -- or we're more restrictive than --  
44 that takes care of the problem basically is what I'm  
45 trying to say. I'm not too sure I'm real clear on that,  
46 but would be interesting hearing more, but that's new to  
47 me.

48  
49 I think there should be language that we  
50 come up with as a Board demonstrating our support or

1 rejection of the proposals made by the Regional Advisory  
2 Councils. I think the intent of the Board, if I'm not  
3 mistaken, is to disallow significant commercial  
4 enterprises associated with the sale handicrafts. If I'm  
5 wrong, please correct me.

6  
7 I also understand and have heard that the  
8 conservation problem -- we've only had one year of  
9 implementing our current regulation. Apparently, at this  
10 point in time, it doesn't appear to be a problem. I'm  
11 not sure that I hear that there's a conservation problem.  
12 I hear a lot of speculation about a law enforcement  
13 problem as far as chain of custody of materials and we  
14 have that no matter whether it's subsistence or regular  
15 taking of bears. In fact, subsistence is much tighter, I  
16 think, as far as that chain of custody even at current  
17 levels.

18  
19 The only difference we're talking about  
20 between the regulations at this point is the use of bear  
21 claws and I do have a question of the State. Does your  
22 regulations specifically say that bear claws from black  
23 bears or brown bears can't be sold or is it just  
24 inferred?

25  
26 CHAIRMAN DEMIENTIEFF: Wayne.

27  
28 MR. REGELIN: Mr. Chair. While they're  
29 looking that up and then I can read you the law, but I  
30 wanted to clarify something. State law doesn't allow the  
31 sale of black or brown bear hides in the raw. What it  
32 does allow is a person that's harvested a brown bear to  
33 make that into a handicraft or for someone who has a bear  
34 hide to give it to someone to make it into a handicraft  
35 and then they can sell that handicraft. We, since  
36 Statehood, have not allowed the sale of raw bear hides  
37 like we do fur and it is specific, it prohibits the sale  
38 of claws.

39  
40 CHAIRMAN DEMIENTIEFF: If we're done with  
41 general discussion, we can move on to the format that  
42 we've laid out. We're ready to proceed.

43  
44 MR. LOHSE: Mr. Chair.

45  
46 CHAIRMAN DEMIENTIEFF: Ralph.

47  
48 MR. LOHSE: We've had a lot of discussion  
49 on what the State actually allows and doesn't allow.  
50 It's kind of interesting because it is in the handy dandy

1 in case a person wants to look on Page 22 and Page 27.  
2 It specifically uses a lot of the same words that we use.  
3 Handicraft, a finished product in which the shape or  
4 appearance of the natural material has been substantially  
5 changed with skillful use of hands such as sewing,  
6 carving, etching, scrimshawing, painting or other means  
7 and they added and which has substantially greater  
8 monetary and aesthetic value than the unaltered natural  
9 material alone.

10

11 As to whether it can be sold any place,  
12 it says you cannot sell any part of any bear except an  
13 article of handicraft made from the fur of bear. There  
14 are no restrictions on where you can sell it, who you can  
15 sell it to, what kind of business you can sell it with.  
16 And skin, hide and pelt are all the same and mean any  
17 untanned external covering of any game animal's body but  
18 do not include a handicraft or other finished product.  
19 Skin, hide or pelt of a bear means the entire external  
20 covering with claws attached and they don't have the  
21 definition for fur in here, but fur did not include  
22 claws.

23

24 So, basically, the State allows any sale  
25 of the fur made into any handicraft any place. The only  
26 thing different is the claws. So, technically speaking,  
27 your question, Denny, the regulation that we have in  
28 front of us is more restrictive on everything except  
29 claws.

30

31 CHAIRMAN DEMIENTIEFF: Thank you. Pete.

32

33 MR. PROBASCO: Mr. Chairman. In response  
34 to Mr. Bschor's questions, the Staff Committee also  
35 wrestled with the issue of State regulations and Federal  
36 regulations. If you look at the Staff Committee's  
37 recommendation as a whole, taking away that one sentence  
38 on 25(a), you'll see under 25(j)(8)(A) and (B), the  
39 regulations specifically addresses claws only. So all  
40 other legal parts, fur, would fall under the same  
41 umbrella and be utilized in the same manner as State  
42 regulations.

43

44 Then to address the Board's concern of  
45 commercialization, they inserted 25(j)(8)(C) as far as a  
46 significant commercial enterprise. So, to keep our  
47 regulations so they weren't more restrictive, the Staff  
48 Committee went into 25 and addressed it to only claws and  
49 then the Staff Committee also agreed with the Southeast  
50 Regional Advisory Council's recommendations in their

1 sale.

2

3

Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: John.

6

7

MR. LITTLEFIELD: Thank you, Mr. Chair.

8

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CHAIRMAN DEMIENTIEFF: Dan.

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MR. O'HARA: I think in lieu of that, since we have not as a Council had the opportunity to look at what Staff has done, we probably should table this.

Thank you.

CHAIRMAN DEMIENTIEFF: I think we probably shared the general information. We do have a conflict. We are going to take a pretty long lunch break today and come back and do the procedure that was laid out after lunch. As I pointed out at the beginning of the meeting, we have a couple of employees that are up for some pretty prestigious Federal employee honors and there's a big luncheon that we have over at the Hilton. So I think we're just going to take a break now and we'll come back about 1:30. Does anybody have any real serious conflicts with that time frame.

1 MR. O'HARA: Do you think we'll be nicer  
2 after lunch?

3  
4 CHAIRMAN DEMIENTIEFF: It worked  
5 yesterday. No, we just want to give it the time it  
6 needs, but also some of us feel the need to get over to  
7 that luncheon. Ralph.

8  
9 MR. LOHSE: Mr. Chair, I just have one  
10 comment and one question that my neighbor brought up.  
11 One comment in response to Dan. I feel like I have to  
12 kind of stick up for the Staff and that shows one of the  
13 problems we have when we try one of these one shoe fits  
14 all type things. All of our different Councils gave the  
15 Staff different ideas and I think what the Staff tried to  
16 do is synthesize those ideas into something that tried to  
17 fit this one size fits all, which we can't do, and I  
18 think that's what's come out of this meeting, one size  
19 doesn't fit all. So I can't be too down on the Staff for  
20 coming up with wording that tries to take all of our  
21 ideas together and I'll stick up for them there -- this  
22 time.

23  
24 The other question my neighbor asked, are  
25 we invited to the luncheon?

26  
27 CHAIRMAN DEMIENTIEFF: I'll let the  
28 Federal employee honoree answer that. I don't know what  
29 the arrangements are.

30  
31 MR. BOYD: Thank you very much. I'm not  
32 sure, frankly. I know you had to make arrangements in  
33 advance. Oh, there will be tickets at the door at the  
34 Hilton Hotel is what I'm being told.

35  
36 MR. PROBASCO: Yes, there are tickets at  
37 the door, but, as you know, they go first come, first  
38 serve, so you do run that risk, but the intent was to  
39 have some tickets at the door.

40  
41 Mr. Chair.

42  
43 CHAIRMAN DEMIENTIEFF: Thank you. We  
44 will recess until 1:30. Please, everybody, enjoy your  
45 lunch and we're all going to be touchy-feeling when we  
46 get back.

47  
48 (Off record)

49  
50 (On record)

1                   CHAIRMAN DEMIENTIEFF: We'll call the  
2 meeting back to order. One of the things I need to note  
3 is that we did not have any requests for public comments  
4 on non-agenda items. So, having said that, we're done  
5 with that since we didn't get any requests. I hope  
6 everybody had a great lunch. I had a great time. I'm  
7 usually a recluse when I get to these regulatory  
8 meetings, but I enjoyed today, Tom's nomination for his  
9 award. Tom didn't, of course, win the big award, but he  
10 did win an award over there in addition to the  
11 certificate he got for being nominated. This is a  
12 personal note from a friend of his. We do get a little  
13 personal once in a while. The note reads, Tom, Vic said  
14 when we described the award, Tom doesn't need that fancy  
15 award, he has his wife, Sheila. We don't all get here  
16 alone. We all have somebody backing us up. We're most  
17 proud that -- I didn't realize it, but we all do a lot of  
18 tremendous volunteer work in different areas, but Helen  
19 Armstrong won her category in recognition of her 35 years  
20 of volunteer work. Community service award is what it  
21 was. So we just appreciate the fact that people who do  
22 volunteer sometimes actually get appreciated. So  
23 congratulations, Helen, for winning the award.

24

(Applause)

25

26

27

CHAIRMAN DEMIENTIEFF: With that, we're  
28 going to go back to discussion with regard to Proposal  
29 No. 01 and we'll just open it up at this time for further  
30 discussion. We haven't advanced to a Board vote and I  
31 think we have three different levels that we're going to  
32 take up and I'll let Tom introduce the first level and  
33 we'll discuss that and go to the second. We are not  
34 preparing for a Board vote at this time. We're just  
35 going to discuss the three different categories that were  
36 so successful in working out a solution in Southeast. Go  
37 ahead, Tom.

38

39

MR. BOYD: Mr. Chair. The first item, as  
40 I had outlined it, would have been under Section 25(a),  
41 which are the definitions of handicraft and the  
42 definition of skin, hide, pelt and fur. Do you want me  
43 to read those, Mr. Chair?

44

45

CHAIRMAN DEMIENTIEFF: Go ahead.

46

47

MR. BOYD: Under the proposed regulation,  
48 that would be 25(a), handicraft means a finished product  
49 made in Alaska by a rural Alaskan from nonedible  
50 byproducts of fish or wildlife which is composed wholly

1 or in some significant respect of natural materials in  
2 which the shape and appearance of the natural material  
3 has been substantially changed by the skillful use of  
4 hands by sewing, weaving, lacing, beading, carving,  
5 etching, scrimshawing, painting or other means and which  
6 has substantially greater monetary and aesthetic value  
7 than the unaltered natural material alone.

8

9 The second definition would be skin,  
10 hide, pelt or fur means any tanned or untanned external  
11 covering of an animal's body; however, for bear, the  
12 skin, hide, pelt or fur means the external covering with  
13 claws attached.

14

15 Now, there are variations on those as  
16 provided by some of the Councils as well as by the Staff  
17 Committee.

18

19 Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. I'm  
22 just going to have him introduce all three of the areas  
23 and as you're preparing your remarks, if you could let us  
24 know which area you're going to address. Judy.

25

26 MS. GOTTLIEB: Mr. Chair, thanks. One  
27 clarification from my notes. I believe only Southeast  
28 RAC made any wording changes in that section.

29

30 MR. BOYD: That's correct, Ms. Gottlieb.

31

32 CHAIRMAN DEMIENTIEFF: Let's just get  
33 them all out, Tom.

34

35 MR. BOYD: The second category would deal  
36 with the selling and purchasing by businesses and that's  
37 found under 25(j)(6) and (7). 25(j)(6) in the proposal  
38 reads if you are a Federally-qualified subsistence user  
39 you may sell handicraft articles made from the skin,  
40 hide, pelt or fur of a black bear, including claws. And  
41 under 25(j)(7) it says if you are a Federally-qualified  
42 subsistence user, you may sell handicraft articles made  
43 from the skin, hide, pelt or fur of a brown bear,  
44 including claws, taken from Units 1 through 5, which is  
45 in Southeast, 9-A through C, 9-E, which are in the  
46 Bristol Bay Region and 12, 17, 20 and 25, which are in  
47 the Eastern Interior Region.

48

49 And then item number three is the portion  
50 of the regulations dealing with selling and purchasing

1 from businesses. I may have turned those around. Item  
2 number two dealt with selling of handicrafts made from  
3 bears. The third category is selling and purchasing from  
4 businesses. That's found in 25(j)(8). If you are a  
5 business, as defined under AS 43.70.110(1), you may not  
6 purchase, receive or sell handicrafts made from the skin,  
7 hide, pelt or fur of a black bear or brown bear,  
8 including claws.

9

10 Again, there have been modifications  
11 supported by some of the Councils and the Staff  
12 Committee.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Having  
15 discussed, if there's a motion, I'd like to entertain  
16 that at this time unless there's somebody who feels the  
17 need for additional discussion. Yes.

18

19 MR. LOGAN: Mr. Chair. This is strictly  
20 speaking to Section 25(a). We're breaking these into  
21 three pieces. I'd like to move to adopt the  
22 recommendation of the Eastern Interior Regional Advisory  
23 Council with some modifications that were recommended by  
24 other Councils and the Interagency Staff Committee.  
25 Specifically what I'm moving to do, if you'll turn to  
26 Page 208, this is the wording as laid out by the Staff  
27 Committee, but it's an adoption of a number of elements  
28 from the different Advisory Councils. So what I'm moving  
29 to do is accepting the wording as laid out on Page 208,  
30 the two sections labeled 25(a) with the addition of the  
31 word drilling after the word painting. That's the only  
32 omission.

33

34 So that is what I move, Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Is  
37 there a second to that motion.

38

39 MR. OVIATT: I'll second.

40

41 CHAIRMAN DEMIENTIEFF: It's been moved  
42 and seconded. Discussion on the motion. Yes.

43

44 MR. ROEHL: It's a pretty good motion.  
45 The only thing that bothers me about it is the inclusion  
46 of the references to value, both monetary and aesthetic.  
47 Value, in anybody's frame of mind, is highly subjective.  
48 One man's trash is another man's treasure. We've all  
49 heard that phrase. You can buy Elvis's half-eaten  
50 sandwich for \$25,000. I wouldn't pay a dime for it. So

1 any reference to value I don't like.

2

3 CHAIRMAN DEMIENTIEFF: I have a slight  
4 problem with moving ahead with that. To tell you the  
5 truth, I've been all over the place on this all day  
6 because there's been so much information gathered. But I  
7 guess the thing that I'm struck with is that of all the  
8 RAC representatives, we hear of sales only in Southeast  
9 and that's a one-time sale from one clan to another clan  
10 for ceremonial purposes and they're not resold. Chairman  
11 Littlefield was real eloquent in explaining that to us  
12 and I appreciate it. I still have a problem going  
13 forward. From the other RACs we heard of no sales by  
14 subsistence users. We've heard of utilization, but we  
15 haven't heard of sales. That's kind of where I have the  
16 problem. I still think it needs more work whether or not  
17 we adopt regulations today. We are going to have to  
18 still tailor regulations to the each region on how they  
19 want these things to be done and dealt with. So  
20 regardless, in our process we have very many issues that  
21 we've had to work on for several years before we got it  
22 right. This may be one of those instances. Go ahead.  
23 Other Board members. Todd.

24

25 MR. LOGAN: Thank you. Obviously, since I  
26 made the motion, it's obvious we support the language.  
27 We do think it's a significant improvement over where we  
28 are today. While it might not be perfect, I think it  
29 helps quite a bit. Specifically, Paul asked a question  
30 about the last sentence of the first paragraph, the  
31 statement the handicraft must have substantially greater  
32 monetary and aesthetic value than the unaltered natural  
33 material alone. I agree. I think it sets the right tone  
34 and the intent. I don't know if it's problematic or not,  
35 but it is an interesting issue. I do believe I heard  
36 correctly this morning, and maybe this is a question for  
37 our State colleagues, that this is identical wording, at  
38 least in part, to the State definition of handicraft.  
39 If, for no other reason, unless it's truly problematic, I  
40 think whenever possible we try to mirror the State  
41 language as well, but please correct me if I'm mistaken  
42 on that.

43

44 CHAIRMAN DEMIENTIEFF: Judy.

45

46 MS. GOTTLIEB: Two comments. First, I  
47 did think I heard from some of the RAC members that they  
48 are, in fact, making and selling handicrafts. Secondly,  
49 the current regulation does have that last part of the  
50 sentence in there. It's on Page 212, is that right,

1 Polly? So this is not actually a change. This is  
2 identical to what we have right now. If there's a  
3 sentence that needs to be changed, then, yes, I would  
4 agree that needs to go back to the RACs for those who  
5 haven't addressed that part. Everybody, except  
6 Southeast, had no comment on that part.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you.  
9 Further discussion. Yes.

10  
11 MR. LOGAN: If I may. I think there's  
12 many good reasons to have as clear definitions as  
13 possible with the permission of the Chair, Special Agent  
14 Stan Pruzenski with the U.S. Fish and Wildlife Service is  
15 here today and I think he could spend just a moment  
16 talking about why this definition largely will help in  
17 the enforcement angle, which I know is just one element  
18 of the reason to have clear regulations.

19  
20 CHAIRMAN DEMIENTIEFF: Yes. Go ahead.  
21 It is a privilege of Board members, as I said yesterday,  
22 that they can call on anybody even though we have a  
23 motion on the table.

24  
25 MR. LOGAN: Thank you, Mr. Chair.

26  
27 MR. PRUZENSKI: Thank you, Mr. Chair.  
28 Again, my name is Stan Pruzenski. I'm the special agent  
29 in charge for the U.S. Fish and Wildlife Services Office  
30 of Law Enforcement here in Alaska. As Mr. Logan  
31 mentioned, I do agree that this, taken as a whole,  
32 significantly increases the enforceability of the  
33 definition of handicraft. There has been some discussion  
34 by folks today that there are still problems with it. It  
35 still gives enforcement officers some discretion to make  
36 the calls in the field and I think that's probably almost  
37 always going to be the case when we deal with something  
38 like this. I think it's incumbent upon everybody to be  
39 able to realize or to narrow it down as best we can.

40  
41 I just have a couple comments here that  
42 I'd like to read if I may. Customary trade regulations  
43 are intended to allow qualified subsistence users to sell  
44 handicrafts fashioned from bear fur, hides, claws. If  
45 the definition of handicraft does not accurately reflect  
46 the Board's intent to allow the making and selling of  
47 bona fide handicrafts, then potentially every hunter  
48 becomes an artist or craftsman and can sell the nonedible  
49 byproducts of the bears.

50

1                   We all recognize that there truly is a  
2 market for handicraft wildlife items, but we have also  
3 witnessed an ever-increasing market for raw parts. Many  
4 people will buy necklaces, key chains, clothing and  
5 general artwork fashioned from wildlife parts, but many  
6 are in the market for raw parts, be it the skull, teeth,  
7 claws or hide made into a rug.

8  
9                   One of the most frequently asked  
10 questions of our enforcement officers regarding the sale  
11 of handicrafts centers around the extent of alteration.  
12 One of the questions is what is the least amount of work  
13 that I have to do to make a wildlife item into a  
14 handicraft. Or the other is, if I do this such and such,  
15 will that make this into a handicraft.

16  
17                   As you all can imagine, the questions do  
18 not generally come from artisans or craftsmen, but from  
19 harvesters who are attempting to profit from their  
20 harvest. The incorporation of drilling as a method of  
21 alteration would lead to the conclusion that one would  
22 simply have to drill a hole in a tooth, a claw or other  
23 part to make it a handicraft.

24  
25                   This would clearly not be the case with  
26 the provision -- and I think that this is very important.  
27 It's not a change, but we need to all understand that  
28 this is a very important part of this definition. This  
29 clearly would not be the case with the provision that the  
30 item must be substantially changed. Some of us had  
31 talked about substantially greater monetary and aesthetic  
32 value that unaltered natural materials alone have. As  
33 Mr. Logan said, this kind of sets the tone. Clearly, our  
34 officers are not art critics or handicraft appraisers,  
35 but this language gives both users and regulators a sense  
36 of what is intended to be done to wildlife parts to  
37 convert them to handicrafts.

38  
39                   CHAIRMAN DEMIENTIEFF: Thank you. Paul.

40  
41                   MR. ROEHL: Thank you, Mr. Chairman. I  
42 guess it's the use of the terms substantially and  
43 aesthetic because those are two highly subjective terms.  
44 Who's to decide what a substantial increase in value is  
45 and whether or not something looks better natural or  
46 fixed somehow. It all depends on the user. Beauty is in  
47 the eye of the beholder. Todd also mentioned that this  
48 language pretty much mirrors the State's language, but we  
49 shouldn't be trying to fit our square pegs into the round  
50 holes. This is a Federal program. On the same token,

1 their definition of bear pelt is different than the  
2 Federal definition. So it should be a two-way street if  
3 we're going to try to make regulations match each other.

4  
5

6 Mr. Chairman, I was wondering if I could  
7 get a second on a motion to amend Todd's motion by  
8 striking the last sentence relating to monetary and  
9 aesthetic value of animal products.

10  
11

12 CHAIRMAN DEMIENTIEFF: There is a motion.  
13 Is there a second.

14

15 MR. BSCHOR: I'm going to second that  
16 motion just to get the discussion on the table a little  
17 bit more.

18

19 CHAIRMAN DEMIENTIEFF: Judy.

20

21 MS. GOTTLIEB: Mr. Chair. I think I  
22 didn't give Polly enough of a chance to answer my  
23 question, so if I could ask her to speak now, please.

24

25 MS. WHEELER: Thank you, Mr. Chair,  
26 Member Gottlieb. I think I wasn't clear earlier when I  
27 spoke. The current definition of handicraft, which is  
28 not the definition in front of you, the existing  
29 definition in regulatory language mirrors State  
30 regulation regulatory language and that was adopted by  
31 the Federal program in 2002. So the existing regulation  
32 is actually what's up there, but in the italics, not in  
33 the bolded language, if that makes any sense.

34

35 So the modified language, which is on  
36 Page 208, includes language to add additional  
37 clarification, but that sentence Member Roehl had just  
38 suggested be removed, that actually is in current  
39 regulation, which was adopted by the Federal program in  
40 2002 from the State language. And I would also add that  
41 that language was taken from the Marine Mammal Protection  
42 Act language of handicraft. So it actually, indirectly,  
43 was a Federal thing.

44

45 The other thing is is that the definition  
46 of handicraft applies to all handicrafts statewide.  
47 Those that include bear claws, those that include muskrat  
48 fur, so it's all handicrafts, not just bear claw  
49 handicrafts. So hopefully that clarified some things  
50 that weren't clear earlier.

51

1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.  
4 Further discussion.

5

6 MR. ROEHL: Yes. I'm not sure which way  
7 I'm going to vote on the second to be honest because of  
8 the fact it was in there before. I just am still  
9 concerned that it may look like it's clearer and more  
10 specific for law enforcement officers, but, to me, I have  
11 a feeling that the judge is going to tell us whether  
12 we're right or wrong on whatever we come up with if we  
13 follow through with that because of the ambiguity of the  
14 wording. I'm prepared to hear other arguments, I guess.

15

16 CHAIRMAN DEMIENTIEFF: Anybody else.  
17 Discussion.

18

19 MS. GOTTLIEB: Mr. Chair. Well, I guess  
20 our dilemma, as we were discussion before, is this is a  
21 statewide proposal, however we have comments carefully  
22 etched by the Southeast RAC that want this portion out  
23 and the other RACs did not make that comment. So I'm not  
24 sure if we want to start fine-tuning as we did previously  
25 with respect to brown bears and just say which region  
26 this would apply to or regions it wouldn't apply to.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.  
29 Further discussion on the amending motion.

30

31 (No comments)

32

33 CHAIRMAN DEMIENTIEFF: Hearing none. All  
34 those in favor of the amendment, which is to strike the  
35 last sentence, please signify by saying aye.

36

37 IN UNISON: (Two votes)

38

39 CHAIRMAN DEMIENTIEFF: Those opposed same  
40 sign.

41

42 IN UNISON: (Three opposing votes)

43

44 CHAIRMAN DEMIENTIEFF: The amendment  
45 fails. We now have the main motion before us.

46

47 MS. GOTTLIEB: Mr. Chair. I would like  
48 to discuss whether we could look at striking that  
49 language for only Southeast Alaska. I would like to make  
50 a motion that that last sentence be struck or that we

1 have some language in there that that last sentence would  
2 not apply to Units 1 through 5.

3

4 CHAIRMAN DEMIENTIEFF: We have a motion  
5 to amend. Is there a second.

6

7 MR. ROEHL: Second.

8

9 MS. GOTTLIEB: Mr. Chair. I guess for  
10 those who were also at the RAC meeting, my understanding  
11 was this was carefully discussed at all the Regional  
12 Advisory Council meetings and it was only the Southeast  
13 RAC that specifically asked for this last sentence to be  
14 struck.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Is  
17 there any further discussion on that amendment. Todd.

18

19 MR. LOGAN: I certainly appreciate the  
20 thought behind what appears to be going on here, which is  
21 to try to accommodate individual councils wherever  
22 possible, but I am concerned about the idea of a  
23 definition, a statewide definition to start modifying  
24 that region by region. I think there's a lot of logic to  
25 talk about customized regional regulations associated  
26 with take and things like that, but a definition of what  
27 is or isn't a handicraft, to start slicing, dicing that  
28 across the regions, I think is rather problematic, so I  
29 guess I'd have a hard time supporting the motion for that  
30 reason, even though I do greatly respect the need to pay  
31 attention to what the regional advisory councils  
32 individually bring in and what their individual needs  
33 are.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Is  
36 there any further discussion. I intend to support the  
37 amendment because I think even though there's not much  
38 snow left we'd have our head in the snow to not realize  
39 that we are going to have to tailor these regulations to  
40 the regions. There's just so many different diverse  
41 utilization of this particular resource. Actually, I  
42 like the amendment as far as that's a start in the  
43 progress. I think it also sends a strong message to the  
44 other Regional Councils that if there are specific things  
45 to tailor, regulations to a specific region, to be able  
46 to bring them forward. I, quite frankly, can't see that  
47 problem as far as what I spoke about earlier this morning  
48 in terms of tailoring to a specific area. Go ahead.

49

50 MR. OVIATT: Mr. Chair. I'd like to ask

1 Keith a question. Does the Southeast RAC's  
2 recommendation regarding this definition have deference  
3 under Section 805?

4  
5 MR. GOLTZ: If it's construed as a taking  
6 regulation, I think the answer is yes, it does. I'm  
7 concerned about putting different definitions into  
8 different regions. I'm very much an advocate of each  
9 individual region being able to craft regulations that  
10 make sense to them, but what we're talking about here is  
11 crafting difference language that applies to different  
12 regions and I think instead of adding clarity we're  
13 adding anything but. I think we're making it very  
14 difficult for people to understand the regulations and  
15 even more difficult for enforcement to apply them. So  
16 although I can't say it's absolutely illegal to have  
17 different regulations, I'd certainly strongly advise  
18 against it.

19  
20 To achieve the end of having tailored  
21 regulations, I would recommend that we look for other  
22 avenues rather than the definition. If you want to do  
23 that now, I can huddle with Bill and maybe we can craft a  
24 practical solution. If you want to do it later, defer  
25 this and give it back to the Councils, that's another  
26 option, too. But this particular method of achieving  
27 diversity I think is very problematic.

28  
29 CHAIRMAN DEMIENTIEFF: Any further  
30 discussion on the amendment.

31  
32 MR. BSCHOR: Yeah, I just want to say,  
33 Mr. Chair, that while I have concerns about the  
34 enforceability of the language, I have to agree on  
35 definitions we ought to be as close as possible so  
36 there's not a lot of confusion on the definition no  
37 matter where you are.

38  
39 CHAIRMAN DEMIENTIEFF: Further discussion  
40 on the amendment. The motion to amend is to take out the  
41 last sentence with regard to Units 1 through 5, I  
42 believe. So that is the motion to amend at this time.  
43 All those in favor of that motion please signify by  
44 saying aye.

45  
46 IN UNISON: (Three votes)

47  
48 CHAIRMAN DEMIENTIEFF: Those opposed same  
49 sign.

50

1 IN UNISON: (Three opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion fails three  
4 to three. We now have the main motion in front of us as  
5 presented. Is there any further discussion on the main  
6 motion.

7

8 MR. BOYD: Mr. Chair. The main motion is  
9 as recorded on Page 208. What's shown on the screen is  
10 not complete. It also includes the definition of skin,  
11 hide, pelt and fur, which also appears under the  
12 annotation 25(a) on Page 208. I'll just read it.

13

14 Handicraft means a finished product made  
15 by a rural Alaska resident from nonedible byproducts of  
16 fish or wildlife which is composed wholly or in some  
17 significant respect of natural materials. The shape and  
18 appearance of the natural material must be substantially  
19 changed by the skillful use of hands by sewing, weaving,  
20 lacing, beading, carving, etching, scrimshawing,  
21 painting, drilling or other means and incorporated into a  
22 work of art, regalia, clothing or other creative  
23 expression and can be either traditional or contemporary  
24 in design. The handicraft must have substantially  
25 greater monetary and aesthetic value than the unaltered  
26 natural material alone.

27

28 And then skin, hide, pelt or fur means  
29 any tanned or untanned external covering of an animal's  
30 body; however, for bear, the skin, hide, pelt or fur  
31 means the external covering with claws attached.

32

33 Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. That  
36 is the main motion before us. Is there any further  
37 discussion.

38

39 (No comments)

40

41 CHAIRMAN DEMIENTIEFF: I think we're  
42 going to go ahead and just do a roll call vote.

43

44 MR. BOYD: Mr. Chair. I'll start with  
45 roll call. Mr. Bschor.

46

47 MR. BSCHOR: Aye.

48

49 MR. BOYD: Mr. Oviatt.

50

1 MR. OVIATT: Aye.  
2  
3 MR. BOYD: Mr. Roehl.  
4  
5 MR. ROEHL: Aye.  
6  
7 MR. BOYD: Ms. Gottlieb.  
8  
9 MS. GOTTLIEB: Aye.  
10  
11 MR. BOYD: Mr. Logan.  
12  
13 MR. LOGAN: Aye.  
14  
15 MR. BOYD: Mr. Chair.  
16  
17 CHAIRMAN DEMIENTIEFF: Nay. Motion  
18 carries. Second issue. I would just remind people I  
19 think these need more work and that's the only reason. I  
20 think it needs to go back to the RACs one more time and I  
21 really stand by that. That's why I voted contrary. Tom,  
22 go ahead.  
23  
24 MR. BOYD: Mr. Chair. Just briefly, item  
25 two included Sections 25(j)(6) and (7), which deal  
26 generally with the selling of handicrafts from bears.  
27  
28 Mr. Chair.  
29  
30 CHAIRMAN DEMIENTIEFF: Thank you. Is  
31 there somebody prepared to make a motion.  
32  
33 MR. BSCHOR: Mr. Chair, I'm prepared to  
34 make a motion. I move to adopt the language proposed by  
35 Southeast Alaska Regional Advisory Council on Page 200 in  
36 Proposal WP05-03. This is one of these areas where I  
37 think if we want to regionalize the regs, we should do  
38 it. The language provides a special exception for Units  
39 1 through 5 as recommended by Southeast Advisory Council  
40 and does not affect the other areas where Councils did  
41 not request a change. I do not believe that any  
42 conservation concern will result from this modified  
43 regulation since I don't expect any additional bears will  
44 be harvested.  
45  
46 The Southcentral Regional Advisory  
47 Council recommended modifying 25(j)(6) to allow  
48 handicrafts to be made of all nonedible parts of the  
49 black bear, excluding the gall bladder. The way this  
50 recommendation is presented it would apply statewide. In

1 order to apply statewide, I believe that this proposal  
2 would need to be proposed in a future regulatory cycle.

3  
4 The Kodiak/Aleutians Regional Advisory  
5 Council proposed no longer allowing the use of claws to  
6 be used in handicraft articles made from the fur of a  
7 brown bear in Units 1 through 5, 9-A through C, 9-E, 12,  
8 17, 20 and 25. The Kodiak/Aleutians area does not  
9 include any of these units and no proposal was made by  
10 the Regional Advisory Councils associated with these  
11 units to eliminate the use of brown bear claws in their  
12 handicrafts. Therefore, I believe that their  
13 recommendation is outside the scope of this regulatory  
14 proposal and if they want to make this change outside of  
15 their own area, this should be proposed in a future  
16 regulatory cycle.

17  
18 CHAIRMAN DEMIENTIEFF: So we do have a  
19 motion. Is there a second.

20  
21 MR. ROEHL: I'll second that, Mr.  
22 Chairman.

23  
24 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

25  
26 MS. GOTTLIEB: Mr. Chair. Could I please  
27 ask Keith if he finds this to be more clear than the last  
28 suggested amendments.

29  
30 MR. GOLTZ: I'm having a lot of trouble  
31 understanding our clarity on this and the others. I'm  
32 not sure I followed the motion, frankly.

33  
34 MR. BSCHOR: The motion is to adopt the  
35 language proposed by the Southeast Alaska Regional  
36 Advisory Council on Page 200. It's also in WP05-03.  
37 That's for Sections 25(j)(6) and 25(j)(7).

38  
39 MR. GOLTZ: It seems clear to me now that  
40 I see the text.

41  
42 CHAIRMAN DEMIENTIEFF: Further  
43 discussion. Yes, Todd.

44  
45 MR. LOGAN: Mr. Chairman. I have  
46 struggled and I've looked at these and given this a lot  
47 of thought and I feel, if nothing else, in an effort of  
48 full information or disclosure, I would, if it suits you,  
49 Mr. Chairman, to have Stan Pruzenski once again talk just  
50 a little bit about some of the possible law enforcement

1 issues with this approach.

2

3 CHAIRMAN DEMIENTIEFF: Sure. That's  
4 fine.

5

6 MR. PRUZENSKI: Thank you, Mr. Chair.  
7 Stan Pruzenski again, special agent in charge of Fish and  
8 Wildlife Service. I understand the Board's intent to  
9 make Region or Game Management Unit-specific regulations,  
10 but for enforceability I think that may raise some  
11 concerns. Regional or Game Management Unit-specific  
12 regulations are very effective when they are incorporated  
13 to meet a specific conservation goal and deal with  
14 limits, methods and means and other harvest restrictions.  
15 They generally concern take of the animal and not with  
16 its utilization. Take regulations are enforced in the  
17 field when and where the fish or wildlife is taken.

18

19 Regulations dealing with wildlife  
20 utilization on the other hand usually have no connection  
21 to the field either in time, place or harvester. An  
22 officer contacting a successful subsistence user in the  
23 field generally knows or can easily determine, one, who  
24 the hunter is; that is, he or she is a Federally-  
25 qualified subsistence user. Two, when the animal was  
26 taken; that is, during the open season. Where it was  
27 taken; that is, in an area opened to hunting. And if the  
28 harvest was legal.

29

30 The trend toward creating region-specific  
31 regulations concerning wildlife utilization on the other  
32 hand makes enforcement nearly impossible. The current  
33 proposals dealing with sales of handicraft fashioned from  
34 parts taken from bears harvested in a specific Game  
35 Management Unit is an example. An enforcement officer  
36 encountering bear parts out of the field, for example at  
37 a residence or handicraft items for sale at a business,  
38 a crafts fair or on display for sale over the internet  
39 has no way of knowing when, where or by whom the original  
40 animal was taken.

41

42 Black or brown bear parts taken from  
43 Southeast have the same characteristics as those taken in  
44 Southcentral or the Interior of Alaska. To be  
45 enforceable, regulations concerning utilization in our  
46 view must cover species statewide.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Further discussion.

2

3 MR. ROEHL: I have a friendly amendment  
4 to the motion on the table. It seems that you can't hunt  
5 both black bear and brown bear in Units 1, 2, 3, 4 and 5.  
6 It appears that some may be harvested in some units and  
7 the other species may be harvested in the other. So I'd  
8 like to make a friendly amendment whereby the bears may  
9 be harvested in the units where allowed or where  
10 permitted or appropriate or something to that nature. I  
11 haven't had a chance to wordsmith it yet. It appears  
12 that black bear may be taken in Units 1, 2, 3 and 5, but  
13 not 4. And brown bear and parts from brown bear may be  
14 taken in Units 1, 4 and 5. So they don't have the same  
15 universal coverage in all five units.

16

17 CHAIRMAN DEMIENTIEFF: Is there a second  
18 to that motion to amend.

19

20 MS. GOTTLIEB: I'll second. Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MS. GOTTLIEB: Can I ask a question of  
25 Pete or Polly. Not to derail that we're talking about  
26 handicrafts, but we went through a pretty long process on  
27 customary trade where we also talked about some exchange,  
28 trade, sales and did we not come up with some regional  
29 specific regulations?

30

31 MR. PROBASCO: Yes, we did. Mr. Chair,  
32 Ms. Gottlieb. I'm just trying to remember which specific  
33 areas. I wish I had the regulation in front of me, but  
34 we did have some specific. Bristol Bay comes to mind,  
35 but I know that's not all inclusive there.

36

37 CHAIRMAN DEMIENTIEFF: I think you  
38 basically answered the question as far as I can see, so  
39 that's on the record. Go ahead, Pete.

40

41 MR. PROBASCO: Mr. Chair. Just to talk  
42 to Mr. Roehl's motion there, Mr. Bschor's motion came  
43 from Page 200, not the Staff Committee proposal and it  
44 does include Units 1, 2, 3, 4 and 5 for black bear.

45

46 MR. ROEHL: I'm sorry. I was given bad  
47 advice.

48

49 CHAIRMAN DEMIENTIEFF: Go ahead.

50

1 MR. ROEHL: So, Mr. Chair, I'll withdraw  
2 my motion to amend. It was a friendly amendment.  
3  
4 CHAIRMAN DEMIENTIEFF: With consent of  
5 the second?  
6  
7 MS. GOTTLIEB: Yes.  
8  
9 CHAIRMAN DEMIENTIEFF: Okay. The motion  
10 to amend is withdrawn. Terry.  
11  
12 MR. HAYNES: Just a point of  
13 clarification. I was following Mr. Roehl's amendment.  
14 If I'm not mistaken, there is no Federal season for black  
15 bear in Unit 4 and I think the same holds true for brown  
16 bear seasons in Units 2 and 3, so I was thinking he was  
17 addressing that aspect.  
18  
19 CHAIRMAN DEMIENTIEFF: Pete.  
20  
21 MR. PROBASCO: Mr. Chair. I think it's  
22 just an attempt, if I may, for Mr. Bschor to define the  
23 Southeast area. That's not to say in the future you may  
24 not have seasons in 4 or those other areas, but it just  
25 encompasses Units 1 through 5.  
26  
27 Mr. Chair, Mr. Knauer is just clarifying  
28 that the number of black bears or brown bears in those  
29 respected units are very few if any. There's differences  
30 of opinion if there's bears in those units or not.  
31 However, either including it or omitting it does not  
32 change the intent of the definition as far as it applies  
33 to the handicraft articles for the Southeast area.  
34  
35 Mr. Chair.  
36  
37 CHAIRMAN DEMIENTIEFF: Thank you.  
38 Further discussion.  
39  
40 (No comments)  
41  
42 CHAIRMAN DEMIENTIEFF: If there's no  
43 further discussion, all those in favor of the motion  
44 please signify by saying aye.  
45  
46 IN UNISON: (Two votes)  
47  
48 CHAIRMAN DEMIENTIEFF: Those opposed same  
49 sign.  
50

1 IN UNISON: (Three votes)  
2  
3 CHAIRMAN DEMIENTIEFF: Roll call vote.  
4  
5 MR. BOYD: Mr. Chair. A roll call vote  
6 on the main motion. Mr. Bschor.  
7  
8 MR. BSCHOR: Oh, this is the main motion.  
9 I thought we were dealing with the amendment.  
10  
11 CHAIRMAN DEMIENTIEFF: No. The amendment  
12 was withdrawn.  
13  
14 MR. BSCHOR: Oh, I'm sorry.  
15  
16 CHAIRMAN DEMIENTIEFF: It's the main  
17 motion. Everybody clear now where we are? This is the  
18 main motion.  
19  
20 MR. BSCHOR: Aye.  
21  
22 MR. BOYD: Mr. Oviatt.  
23  
24 MR. OVIATT: Aye.  
25  
26 MR. BOYD: Mr. Roehl.  
27  
28 MR. ROEHL: Aye, aye, aye.  
29  
30 MR. BOYD: Ms. Gottlieb.  
31  
32 MS. GOTTLIEB: Aye.  
33  
34 MR. BOYD: Mr. Logan.  
35  
36 MR. LOGAN: Nay.  
37  
38 MR. BOYD: Mr. Chair.  
39  
40 CHAIRMAN DEMIENTIEFF: Nay. Motion  
41 carries. Third issue. Just a brief summary again so  
42 everybody knows where we're at.  
43  
44 MR. BOYD: Mr. Chair. The third item  
45 deals with the commercial aspects of the sales of  
46 handicrafts made from the claws of black and brown bear  
47 and it can be found under 25(j)(8).  
48  
49 Mr. Chair.  
50

1 CHAIRMAN DEMIENTIEFF: We'll have the  
2 material on the screen here shortly. Is somebody  
3 prepared to offer a motion. Yes.

4  
5 MR. LOGAN: Thank you, Mr. Chairman. I  
6 move to adopt the recommendation of the Eastern Interior  
7 Regional Advisory Council with modifications, including  
8 some of the wording recommended by Southeast Regional  
9 Advisory Council and other Councils as well as the  
10 Interagency Staff Committee. Specifically, I move to  
11 adopt the language as identified on Page 209, Sections  
12 25(j)(8)(A), (8)(B) and (8)(C), as shown on the top of  
13 Page 209.

14  
15 CHAIRMAN DEMIENTIEFF: Thank you. We  
16 have a motion. Is there a second.

17  
18 MR. OVIATT: I'll second.

19  
20 CHAIRMAN DEMIENTIEFF: Discussion. Judy.

21  
22 MS. GOTTLIEB: Yes. I was going to ask  
23 about the last part, significant commercial enterprise.  
24 Again, this is something we really struggled with when we  
25 were doing the customary trade regulations and my  
26 understanding of ANILCA is this aspect doesn't come into  
27 it, doesn't play into it and it applies more towards  
28 customary trade. If we could get some comments or  
29 clarification on that.

30  
31 CHAIRMAN DEMIENTIEFF: Pete.

32  
33 MR. PROBASCO: Ms. Gottlieb, I believe  
34 you're focusing strictly on (8)(C) and the intent of that  
35 language was to get at trying to find a significant  
36 commercial enterprise which is larger than small  
37 businesses, allowing that to occur. Granted, there are  
38 problems with that language, but that's where the Staff  
39 Committee landed with that language.

40  
41 Mr. Chair.

42  
43 CHAIRMAN DEMIENTIEFF: Thank you.  
44 Further discussion.

45  
46 MS. GOTTLIEB: Mr. Chair. I guess I'm  
47 reflecting on some of the comments we heard before. The  
48 Regional Advisory Councils had not seen this language, so  
49 this portion might be one that might be good to have  
50 either more discussion on here or at the next round of

1 meetings.

2

3 CHAIRMAN DEMIENTIEFF: We have heard  
4 testimony that people into crafts have to have a business  
5 license. We may need a tabling action just to get it  
6 back for a little bit more work. We've heard lots of  
7 testimony that they have to have a business license. I  
8 think your point is well taken, Judy.

9

10 MR. LOGAN: Mr. Chairman, I apologize. I  
11 think I've helped kind of muck this up just a little bit.  
12 There are obviously multiple copies with multiple  
13 wordings of these different things in here and I'd like  
14 to either retract or modify the original motion I made  
15 because the wording I pointed to was not my intent. So I  
16 guess with permission if I can either start over or  
17 retract or correct or whatever, but I did make a mistake  
18 in that I referenced some wording, which was not my  
19 intent.

20

21 CHAIRMAN DEMIENTIEFF: So you're  
22 withdrawing your motion, is that what I'm hearing?

23

24 MR. LOGAN: Yes. If I can do that, that  
25 would be the cleanest way to restart this if I can  
26 withdraw my motion.

27

28 CHAIRMAN DEMIENTIEFF: Consent of the  
29 second.

30

31 MR. OVIATT: Yes.

32

33 CHAIRMAN DEMIENTIEFF: It is withdrawn,  
34 so if you want to rephrase it.

35

36 MR. LOGAN: Thank you. Like I said, I do  
37 apologize but there is a lot of material here and  
38 multiple versions within the book. What I'd like to do  
39 instead, if I may then, is to send around the language  
40 that I would like to move and this is language  
41 specifically with reference to the Sections 25(j)(8)(A),  
42 (8)(B) and (8)(C) and specifically the language deals  
43 with excluding the business transactions and includes an  
44 addition of the language associated with significant  
45 commercial enterprise. So please ignore the page except  
46 for the last three paragraphs as what we're specifically  
47 addressing at this time.

48

49 CHAIRMAN DEMIENTIEFF: We're going to  
50 take a short break to review this. Let's not go

1 anywhere.  
2  
3 (Off record)  
4  
5 (On record)  
6  
7 CHAIRMAN DEMIENTIEFF: Okay. Judy.  
8  
9 MS. GOTTLIEB: Thank you, Mr. Chair  
10 and.....  
11  
12 MR. BOYD: We have a motion on the table.  
13  
14 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry.  
15 Yeah, we do have a motion on the table.  
16  
17 MR. BOYD: I don't think it's been  
18 seconded.  
19  
20 CHAIRMAN DEMIENTIEFF: No, we didn't. I  
21 don't think we got a second, so we'll just rule that  
22 motion as failed for lack of a second. Go ahead, Judy.  
23  
24 MS. GOTTLIEB: Thanks, Mr. Chair, and  
25 thank you, Todd, for handing out this language. However,  
26 I think we probably all need a lot more time to look it  
27 over and evaluate what the impacts or effects could be or  
28 maybe how to make some improvements. I think it would  
29 benefit from a greater range of discussion. So I would  
30 move that this Board postpone discussion on Section  
31 (j)(8) until next year's wildlife regulatory meeting.  
32  
33 MR. OVIATT: Mr. Chair.  
34  
35 CHAIRMAN DEMIENTIEFF: There's a motion  
36 on the floor.  
37  
38 MR. OVIATT: Point of order. I don't  
39 believe we ever called for a second on the earlier  
40 motion.  
41  
42 CHAIRMAN DEMIENTIEFF: I did right before  
43 I ruled it. I looked around. We noted we didn't have a  
44 second.  
45  
46 MR. OVIATT: I would have seconded it.  
47  
48 CHAIRMAN DEMIENTIEFF: Yeah, I  
49 understand, but I did notify that we don't have a second  
50 for it and that would have been your opportunity to do

1 it. You don't actually call for a second like that. I  
2 mean you have the opportunity to do it though. I'm  
3 sorry. I don't mean to make you feel disenfranchised.

4  
5 MR. OVIATT: My mistake then. I missed  
6 the opportunity.

7  
8 CHAIRMAN DEMIENTIEFF: Okay. Is there a  
9 second on Judy's motion.

10  
11 MR. ROEHL: Mr. Chair, I'll second.

12  
13 CHAIRMAN DEMIENTIEFF: Discussion on the  
14 motion to postpone.

15  
16 MR. BSCHOR: What specifically does that  
17 mean?

18  
19 CHAIRMAN DEMIENTIEFF: That means it  
20 comes back next May.

21  
22 MR. BSCHOR: It's whatever language and  
23 discussion that's been held so far would be considered in  
24 further deliberation of this until next May?

25  
26 CHAIRMAN DEMIENTIEFF: Right. All the  
27 substitute language, the original proposal, all that  
28 stuff will go back out for review on that section. Go  
29 ahead.

30  
31 MR. BOYD: Mr. Chair, excuse me. I have  
32 a point of order. I think to postpone to a time certain  
33 you need a motion on the table. The motion to postpone  
34 is a subsidiary motion to a main motion. When you  
35 consider a motion to postpone, you're basically putting  
36 off or delaying action on a decision. At that point, all  
37 you're discussing is the time of the postponement and  
38 that discussion and a majority vote is required to adopt  
39 a motion to postpone, but you need a main motion to  
40 postpone.

41  
42 Mr. Chair.

43  
44 CHAIRMAN DEMIENTIEFF: Who bought you  
45 that book anyway? Okay. If we're going to get  
46 technical, I know that the other part of the situation is  
47 that people want to go forward with the bulk of it except  
48 for the one clause. Given that, I don't know with the  
49 maker or the second, otherwise we're discussing a motion  
50 to postpone (j)(8).

1 MR. OVIATT: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes.  
4  
5 MR. OVIATT: I would propose a motion  
6 that we adopt Staff Committee's recommendations for  
7 25(j)(8)(A), (B) and (C).  
8  
9 CHAIRMAN DEMIENTIEFF: We do have a  
10 motion on the table.  
11  
12 MS. GOTTLIEB: Mr. Chair. It sounds like  
13 I jumped ahead on wanting to postpone something we didn't  
14 quite have here, so I'll withdraw my motion to postpone.  
15  
16 CHAIRMAN DEMIENTIEFF: Consent of the  
17 second.  
18  
19 MR. ROEHL: I'll consent to her speedy  
20 motion.  
21  
22 MR. OVIATT: Mr. Chair. I'll propose a  
23 motion that we adopt the Staff Committee's  
24 recommendations for 25(j)(8)(A), (B) and (C) as outlined  
25 on Page 209 of our book.  
26  
27 CHAIRMAN DEMIENTIEFF: Okay. We have a  
28 motion. Is there a second.  
29  
30 MR. BSCHOR: I'll second.  
31  
32 CHAIRMAN DEMIENTIEFF: Discussion on the  
33 motion.  
34  
35 MS. GOTTLIEB: Mr. Chair.  
36  
37 CHAIRMAN DEMIENTIEFF: Yes.  
38  
39 MS. GOTTLIEB: I still believe that the  
40 discussions we've had all day today have shown that  
41 there's probably many more discussions that can and  
42 should take place amongst the RACs and I would like to  
43 postpone this discussion, this motion on (j)(8) until we  
44 meet again next year on the regulatory wildlife cycle.  
45  
46 CHAIRMAN DEMIENTIEFF: There is a motion.  
47 Is there a second.  
48  
49 MR. BSCHOR: Second.  
50

1 CHAIRMAN DEMIENTIEFF: Discussion on the  
2 motion to postpone this until next year.

3  
4 MR. BSCHOR: Mr. Chair. I would like to  
5 reiterate that I think there is much concern about the  
6 future in the process of not only vetting this language  
7 and having an opportunity to do that, but also I think  
8 there's a lot of, in my opinion, that there's common  
9 ground in the intent to not commercialize the sale of  
10 handicrafts. I think some work on this particular  
11 section (j)(8) is needed. I just want to be sure that  
12 we've all got an opportunity to participate in that. So  
13 that's why I gave the second.

14  
15 CHAIRMAN DEMIENTIEFF: Keith, do you have  
16 something.

17  
18 MR. GOLTZ: If the Board acts on this,  
19 they should do it with the awareness that failure to  
20 enact this or something similar will leave the area  
21 unregulated for the next year.

22  
23 CHAIRMAN DEMIENTIEFF: But basically it  
24 has been unregulated, is that correct?

25  
26 MR. GOLTZ: That's correct.

27  
28 CHAIRMAN DEMIENTIEFF: So the bottom line  
29 being, as I pointed out, there is not a conservation  
30 issue. There are serious concerns that have been raised  
31 with regard to working on this and a serious commitment.  
32 Given the fact that there's not a conservation issue but  
33 there could be other severe implications and what I'm  
34 hearing from Board members and others is that people are  
35 willing to continue to work on (j)(8) without trying to  
36 disenfranchise people. So it's basically a work in  
37 progress as far as I can see. As long as there's not a  
38 conservation problem that anybody is aware of, we can  
39 work on it. Pete.

40  
41 MR. PROBASCO: Mr. Chair. I'm not sure  
42 how this vote will come out, but if it does come out  
43 where a postponement does occur, then my understanding  
44 administratively that this would be a Board-generated  
45 proposal to appear in the booklet for 25(j)(8)(A), (8)(B)  
46 and (8)(C) for the next wildlife cycle.

47  
48 Mr. Chair.

49  
50 MR. BOYD: Mr. Chair. I believe where

1 Mr. Probasco is going is that we needed a vehicle for  
2 ensuring that this language that the Board has put on the  
3 table is in front of the Councils for discussion and the  
4 public for discussion. So that vehicle that we normally  
5 use is the proposal booklet, so he was suggesting that  
6 that be a Board-generated proposal if you will. We would  
7 just list it as a Federal Subsistence Board proposal in  
8 the proposal booklet so it's out there for discussion.  
9 We could do it otherwise, but that's normally the  
10 mechanism that we choose.

11

12 CHAIRMAN DEMIENTIEFF: Ralph.

13

14 MR. LOHSE: Mr. Chair. I'm going to say  
15 something right now. Maybe I'm out of line, but we heard  
16 from a lot of RACs that they didn't even want to look at  
17 this again, that this has been before them, this wasn't  
18 part of anything that they wanted to discuss. We've gone  
19 over it, we've presented our things, we gave it to you to  
20 make a decision on. The fact that you're going to  
21 basically put it back in our laps again so we have to  
22 discuss something that's repugnant to part of the RACs  
23 and controversial to some of the others, I am going to  
24 say as a RAC chair that I don't feel like you're doing  
25 your job and I'm just going to leave it at that.

26

27 CHAIRMAN DEMIENTIEFF: The one thing I  
28 will note is that I do know that Southeast has some real  
29 concerns about this proposal. Basically we have to go  
30 through the notification process that we put it as a  
31 Board proposal and Regional Councils have the option  
32 themselves whether or not they want to revisit this. But  
33 I do know that Southeast has very serious concerns about  
34 the language and there may be others. I don't know. The  
35 proposal books that go out, we don't all have to look at  
36 them. If Southcentral is done with it, so be it. There  
37 is a very valid argument that there are some very serious  
38 concerns out there and I think the Board is trying to  
39 accommodate that. I do know that Southeast will look at  
40 this very closely and will work on it with due diligence.  
41 Again, there's not a conservation problem. A year is not  
42 going to -- but then if people do want to look at it and  
43 comment, then that option will be open. If you don't,  
44 fine. We're not damaging any resource or anything at  
45 this point in time by postponing. Further discussion.  
46 Todd.

47

48 MR. LOGAN: Thank you, Mr. Chairman. I  
49 guess my only concern about deferring or tailing this, I  
50 certainly agree that I'm not sure we've spent any time at

1 this meeting having -- or I think there's certainly  
2 opportunity for more debate and see whether or not we can  
3 get a resolution. But I think it isn't just a Southeast  
4 issue. You know, whether we do or don't approve a  
5 commercial exemption for the Southeast, that has impacts  
6 across the entire state. So, for us to say, well, let's  
7 just talk to Southeast some more and see if we can work  
8 something out, I'm not convinced that is the right  
9 approach because I think it's a much bigger issue than  
10 that. Certainly I'm willing to spend another couple  
11 hours to try to work through it if that's the pleasure of  
12 the rest of the Board and the Chairman.

13

14 MR. OVIATT: Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MR. OVIATT: I too am concerned. This is  
19 a Staff Committee recommendation based upon the  
20 recommendations of all of our Councils and I too am  
21 concerned that we're going to table this. I'd be willing  
22 to sit and work if we need to try to come to some  
23 conclusion.

24

25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Fine. Further  
28 discussion.

29

30 MS. GOTTLIEB: Mr. Chair. I guess if we  
31 could have the information one more time about how many  
32 years our regulations have been on the books and how many  
33 years the State regs have been on the books. Again, I  
34 know we're all worried about potential consequences, but  
35 I don't think we've heard a lot of examples of real  
36 consequences.

37

38 CHAIRMAN DEMIENTIEFF: We'll go with  
39 Polly first, then the State after.

40

41 MS. WHEELER: Thank you, Mr. Chair. In  
42 your books, on the last page of the analysis for WP05-01,  
43 the last paragraph before the preliminary conclusion, and  
44 I'll just read this. It should be noted.....

45

46 UNIDENTIFIED SPEAKER: What page is it  
47 on?

48

49 CHAIRMAN DEMIENTIEFF: Page 220.

50

1 MS. WHEELER: Thank you. Page 220. I'll  
2 just read it. It should be noted that the use of black  
3 bear fur for handicrafts has been legal under State  
4 regulations for six years. While the Alaska Department  
5 of Fish and Game has not collected data to assess the  
6 effects of this regulation, no problems have been  
7 reported. Similarly, little to no information exists  
8 regarding the legal sale of handicrafts made from  
9 byproducts of fish and wildlife harvested on lands and  
10 waters under National Park Service jurisdiction. Again,  
11 no issues have been reported.

12  
13 In the paragraph prior to that we talk  
14 about the recent commercialization of handicrafts made  
15 from bear fur and claws could lead to an increase in  
16 demand in harvest of some bear populations. Managers  
17 should be aware of this and carefully monitor harvests.  
18 Many portions of Interior Alaska have naturally low but  
19 stable brown bear populations. Brown bear population  
20 numbers are much smaller than black bear and are  
21 carefully managed with low harvest rates and strict  
22 reporting requirements. The sustainable yield of brown  
23 bear is low except under special circumstances in limited  
24 areas. Regulations should continue to be conservative to  
25 avoid overexploitation.

26  
27 Mr. Chair, thank you.

28  
29 CHAIRMAN DEMIENTIEFF: Thank you.  
30 Further discussion on the postponement of the motion.

31  
32 (No comments)

33  
34 CHAIRMAN DEMIENTIEFF: We'd better do a  
35 roll call, I believe.

36  
37 MR. BOYD: Mr. Chair. Roll call vote on  
38 the motion to postpone to a certain time. Mr. Bschor.

39  
40 MR. BSCHOR: Aye.

41  
42 MR. BOYD: Mr. Oviatt.

43  
44 MR. OVIATT: No.

45  
46 MR. BOYD: Mr. Roehl.

47  
48 MR. ROEHL: Aye.

49  
50 MR. BOYD: Ms. Gottlieb.

1 MS. GOTTLIEB: Aye.  
2  
3 MR. BOYD: Mr. Logan.  
4  
5 MR. LOGAN: No.  
6  
7 MR. BOYD: Mr. Chair.  
8  
9 CHAIRMAN DEMIENTIEFF: Aye. Motion  
10 carries. We do have Proposal No. 03 before us. We've  
11 already had the discussion with regard to that. At this  
12 time the Chair would entertain a motion.  
13  
14 MS GOTTLIEB: Mr. Chair. I believe  
15 Proposal No. 03 was covered in our discussions on No. 01,  
16 so at this point I would move to reject Proposal No. 03.  
17  
18 CHAIRMAN DEMIENTIEFF: Is there a second.  
19  
20 MR. ROEHL: I'll second it, Mr. Chair.  
21  
22 CHAIRMAN DEMIENTIEFF: I've had a private  
23 discussion with Chairman Littlefield, but if I could just  
24 call upon him to see if there's a level of comfort with  
25 the motion to reject.  
26  
27 MR. LITTLEFIELD: Thank you, Mr. Chair.  
28 I'm not comfortable with it. What we've asked you to do  
29 at the Southeast Alaska Regional Advisory Council is to  
30 take no action because of the action on Proposal No. 01.  
31 We did not ask you to reject or even discuss Proposal 01.  
32 We were the originators of Proposal 03 and, therefore, we  
33 are asking your permission to pull it from the table, so  
34 to speak, pull it from discussion. By that, we're  
35 looking for a motion to take no action on it. It was not  
36 an outright rejection of those things because many of  
37 those things are covered in Proposal 01.  
38  
39 Mr. Chair.  
40  
41 CHAIRMAN DEMIENTIEFF: Judy.  
42  
43 MS. GOTTLIEB: Mr. Chair. If I can  
44 either withdraw my motion or amend it to say consistent  
45 with -- okay, I'll withdraw my motion and start again.  
46  
47 CHAIRMAN DEMIENTIEFF: Consent of the  
48 second.  
49  
50 MR. ROEHL: I'll consent. Thank you.

1 MS. GOTTLIEB: If I can make a motion  
2 consistent with the Regional Advisory Council's  
3 recommendation from Southeast Alaska to take no action on  
4 Proposal 03.  
5  
6 CHAIRMAN DEMIENTIEFF: Is there a second.  
7  
8 MR. LOGAN: I'll second.  
9  
10 CHAIRMAN DEMIENTIEFF: Discussion on the  
11 motion.  
12  
13 (No comments)  
14  
15 CHAIRMAN DEMIENTIEFF: Hearing none. All  
16 those in favor signify by saying aye.  
17  
18 IN UNISON: Aye.  
19  
20 CHAIRMAN DEMIENTIEFF: Those opposed same  
21 sign.  
22  
23 (No opposing votes)  
24  
25 CHAIRMAN DEMIENTIEFF: Motion carries.  
26 Again, I want to thank everybody for all their hard work.  
27 It's a very complicated issue. Everybody has obviously  
28 put a lot of time and thought into the issue. So, at  
29 this time the Chair would entertain a motion to adopt the  
30 consent agenda. John.  
31  
32 MR. LITTLEFIELD: With your indulgence,  
33 Mr. Chair, before we get off the bear issue, I did break  
34 down and buy some presents and I'd like to distribute  
35 those. We never say pass out in Southeast. We get  
36 fined. So I would like to distribute those with your  
37 indulgence. They're grizzly bear claws made of  
38 chocolate.  
39  
40 (Laughter)  
41  
42 (Applause)  
43  
44 CHAIRMAN DEMIENTIEFF: Well, I'm going to  
45 enjoy one right now. We'll get to them after we're done  
46 with our business here. Again, the Chair would entertain  
47 a motion to adopt the consent agenda items as originally  
48 presented and also with the addition of Proposal 20. Is  
49 there such a motion.  
50

1 MR. ROEHL: Mr. Chair. I so move.  
2  
3 CHAIRMAN DEMIENTIEFF: Is there a second.  
4  
5 MR. LOGAN: I'll second.  
6  
7 CHAIRMAN DEMIENTIEFF: Discussion.  
8  
9 (No comments)  
10  
11 CHAIRMAN DEMIENTIEFF: Hearing none. All  
12 those in favor signify by saying aye.  
13  
14 IN UNISON: Aye.  
15  
16 CHAIRMAN DEMIENTIEFF: Those opposed same  
17 sign.  
18  
19 (No opposing votes)  
20  
21 CHAIRMAN DEMIENTIEFF: Motion carries.  
22  
23 MS. GOTTLIEB: Mr. Chair.  
24  
25 CHAIRMAN DEMIENTIEFF: Yes.  
26  
27 MS. GOTTLIEB: If I might. I know a lot  
28 of work always goes into getting these proposals on the  
29 consent agenda and, as always, we appreciate everyone's  
30 effort. As you mentioned earlier, Unit 2 deer was not up  
31 for deliberations for us and we know that took a lot of  
32 work and cooperation to get there.  
33  
34 I just wanted to say a few words about  
35 Jack Reakoff. Unfortunately he had to leave early today  
36 for another teleconference. It should be obvious that  
37 Jack cares very deeply about subsistence and you've had  
38 the opportunity to see him explain and defend positions  
39 from his council. He's also equally active and effective  
40 member of the National Park Service Subsistence Resource  
41 Commission and the Koyukuk Advisory Committee. It's  
42 largely because of committed volunteers like Jack that  
43 our system is able to function effectively.  
44  
45 Being that I'm with National Park Service  
46 and have long been able to see Jack through the  
47 Subsistence Resource Commission in that arena I wanted to  
48 say a special thanks for him, particularly relating to  
49 Proposal 12. Jack had felt pressure and strain from that  
50 effort and I suspect he's probably been tired and

1 frustrated at times as we've heard from others on a  
2 variety of other things, but he has steadfastly kept his  
3 hand on the wheel of the proposal and associated issues  
4 and kept them moving through the SRC to the Western  
5 Interior RAC and then to this Board.

6  
7 So I really want to thank him for his  
8 efforts and grateful that he is a member not only of our  
9 SRC but of our Regional Advisory Council and we'll get  
10 him a copy of this note as well. But I did want to give  
11 special mention.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you. Who  
14 was going to do the Unit 2 deer update? Is that Bob?

15  
16 DR. SCHROEDER: Mr. Chair, are we ready  
17 to go?

18  
19 CHAIRMAN DEMIENTIEFF: Yes.

20  
21 DR. SCHROEDER: Mr. Chairman. For the  
22 record, I'm Bob Schroeder, the Coordinator for the  
23 Southeast Regional Advisory Council and anthropologist  
24 for the Regional Office in Forest Service in Juneau.  
25 With me is Dave Johnson, the Tongass Subsistence  
26 Coordinator and he'll be providing some discussion of  
27 Unit 2 deer issues. We are distributing copies of a few  
28 slides that we have to move us through this discussion  
29 fairly quickly. You'll also find in your Board materials  
30 a copy of a progress report to the Federal Subsistence  
31 Board and that looks like this. That was developed after  
32 the last deer subcommittee meeting, which was held April  
33 19th and 20th in Ketchikan.

34  
35 On the screen you can see a map of Unit  
36 2. I'll attempt to be fairly brief with this. I realize  
37 that the Board has been doing quite a bit of work today  
38 and I want to make sure that there's sufficient time for  
39 the Council Chairs to speak with the Board, so we'll try  
40 to be as efficient as possible here.

41  
42 Just by way of review, the reason why we  
43 began a planning effort, a cooperative planning effort  
44 with respect to deer in Prince of Wales obviously had to  
45 do with management responsibilities of the Board and the  
46 program, the Federal Subsistence Program and Forest  
47 Service for managing subsistence hunting on Federal  
48 public land in this area.

49  
50 For quite a number of years the Board had

1 been receiving proposals, mainly from subsistence users,  
2 who maintain that their subsistence needs were not being  
3 met. In the 1996 to 2003 time period, the Board received  
4 something like 30 proposals on suggesting various changes  
5 to deer management in this unit. As those of you who  
6 were on the Board during those years recall these were  
7 highly contentious, very adversarial, intended to pit  
8 Alaska hunters against each other as they wished to  
9 maintain their own hunting patterns.

10

11 There also was controversy over the  
12 closure, over any closure of Federal public lands to non-  
13 Federally-qualified subsistence hunters to the non-rural  
14 hunters.

15

16 But we also noted in the analysis of  
17 these proposals that probably the controversy was not  
18 likely to go away on its own because habitat changes on  
19 Prince of Wales really look like we'll be facing a  
20 decrease in the deer abundance in the future.

21

22 The structure of the subcommittee, the  
23 subcommittee was formed as a subcommittee of the Regional  
24 Advisory Council. The Council requested formation of the  
25 subcommittee and this was approved by the Board. The  
26 subcommittee under FACA reports to the Council and  
27 through the Council to the Board itself. The structure  
28 of the subcommittee included 12 members. These were  
29 Council members from Craig, Ketchikan, Petersburg and  
30 Point Baker. The Petersburg member was an alternate  
31 member in case other Council members couldn't make it.  
32 There were three public members from Ketchikan. One from  
33 Wrangell. Tribal representatives from Craig and Hydaburg  
34 and agency members from USDA Forest Service and the  
35 Alaska Department of Fish and Game. The slide on your  
36 screen shows the people who did participate and volunteer  
37 their time for this process.

38

39 As you see we had a real diversity of  
40 Southeast stakeholders who were concerned with deer on  
41 Prince of Wales including registered guides, people who  
42 are active in the State Fish and Game Advisory Committee  
43 system, people who had close relationships with tribal  
44 interests on Prince of Wales.

45

46 The subcommittee had six meetings,  
47 including a formation meeting, which took place in May of  
48 2004, and then subsequently set itself the task of having  
49 five meetings, almost one meeting a month from November  
50 through April of this year. The subcommittee had a work

1 plan that the Board reviewed, approved and provided  
2 advice on and basically it was marching through this work  
3 plan.

4  
5           The subcommittee report will be completed  
6 this next month or so and circulated back to subcommittee  
7 members for a review and then it will be presented to the  
8 Council at its fall meeting in Wrangell at the end of  
9 September. So it would be after that Council meeting  
10 that recommendations or that report would be forwarded to  
11 the Board, subject Council action.

12  
13           And finally, in terms of meetings the  
14 subcommittee will have at least one more meeting and then  
15 possibly continue its existence over time if needed. But  
16 it will have a meeting in February 2006, a little bit  
17 before the scheduled Southeast Regional Advisory Council  
18 meeting, which, I believe at the end of February.

19  
20           The Board has been closely involved in  
21 this planning effort. In fact, it was during one of the  
22 more contentious sessions on Unit 2 deer that State of  
23 Alaska representatives and our Board Chairman recommended  
24 that citizens get together and try to come to the Board  
25 with solutions to problems rather than come to the Board  
26 simply with problems for the Board to resolve.

27  
28           The Office of Subsistence Management has  
29 been a player in this action, providing logistics for  
30 Council member participation, it helped in developing a  
31 charge to the subcommittee and also it is presently  
32 engaged in working with other Staff on issues concerning  
33 the Unit 2 deer harvest report.

34  
35           Forest Service, the Southeast Subsistence  
36 Team has provided main Staff leadership. Earlier on in  
37 the 2003 year, Forest Service provided funding and  
38 direction for a feasibility study, which was, I think all  
39 of us were a little gun shy this issue had been so heated  
40 we basically had questions on whether or not it was safe  
41 to get the stakeholders in the same room at the same  
42 time. Later on in this last year, Forest Service has  
43 provided funding for meeting facilitation, most of the  
44 meeting expenses, as well as manage the logistics. And  
45 that's been a heavy load on some of our Staff.

46  
47           Forest Service has also provided Staff  
48 technical presentation and support on such things as  
49 timber history, timber alternatives to present timber  
50 management, deer habitat ecology, roads and access, et

1 cetera, et cetera.

2

3 The Craig Ranger served as a subcommittee  
4 member. And most recently Forest Service has committed  
5 to providing funding to implement the harvest report  
6 system.

7

8 Fish and Game has been a main player in  
9 the subcommittee work. And we really want to thank Fish  
10 and Game for its general Staff participation in  
11 subcommittee work. This was a major time demand on  
12 people. Fish and Game also provided Staff technical  
13 presentations and support, particularly presentations on  
14 reviewing what we know about the deer population on  
15 Prince of Wales and their ongoing research, primarily  
16 with deer, but also referred to the ongoing research  
17 program concerning predators on Prince of Wales. So that  
18 was really instrumental in attempting to give the  
19 subcommittee the full story of what we knew about deer  
20 and hunters and habitat in this ecozone.

21

22 The Department worked with Forest Service  
23 Staff and with subcommittee members in developing a  
24 harvest report form. The Division of Wildlife  
25 Conservation Southeast Regional Supervisor was a  
26 subcommittee member throughout this. And also it was  
27 extremely important that the Department facilitated  
28 communication with the Board of Game.

29

30 Well, what did we get out of this, what  
31 happens the most immediate return, I suppose, is that  
32 instead of spending a half a day on discussing Unit 2  
33 deer issues, we, instead, have a consent agenda item, and  
34 I think this was exactly what Chairman Demientieff was  
35 hoping would happen when he asked us to do this somewhat  
36 risky planning endeavor three years ago, or perhaps it  
37 was four years ago.

38

39 I'd like to just have Dave Johnson  
40 explain a little bit about this harvest report. The  
41 harvest report serves as an alternative to two proposals  
42 that the Council had presented, one proposal, Proposal  
43 WP05-04, which is on the consent agenda. It requested  
44 that the Federal program would require a Federal  
45 registration permit for all hunters who took a deer in  
46 Prince of Wales on either Federal public land or other  
47 land on Prince of Wales Island. The Council had a  
48 companion proposal that it submitted to the Alaska Board  
49 of Game, which would have required all hunters to have a  
50 State registration permit if they wished to hunt deer on

1 Prince of Wales Island.

2

3

4 The harvest report turned out to be a  
5 more feasible and better solution that put less demands  
6 on hunters and was a much more workable system than the  
7 registration permit proposals that were before the Board  
8 of Game and before the Federal Subsistence Board.

8

9

10 The highlights of this harvest report  
11 idea is that it will produce uniform harvest reporting  
12 and that was the main Council concern, was that the  
13 Council, in future years, would get good data on what  
14 deer harvest, in fact, take place in Unit 2, and it also,  
15 with Board's action on the consent agenda items just  
16 passed, makes the Federal registration permit  
17 requirements that had been in force on Prince of Wales no  
18 longer necessary. In previous years anyone who wished to  
19 hunt in the subsistence only season, July 24th through  
20 April 15th on Federal public land had to have a separate  
21 permit, a Federal registration permit and there were  
22 complications with confusion with the public, a major  
23 demand on hunters to have both State permits and Federal  
24 permits, et cetera. Federally-qualified subsistence  
25 hunters also were required to have a permit if they  
26 wished to take a doe on Prince of Wales Island, and by  
27 your action on the consent agenda item, Proposal WP05-04  
28 that requirement's no longer there.

28

29

30 I'd like to turn it over briefly to Dave  
31 Johnson to describe the process that got us from two very  
32 contentious proposals to consent agenda items.

32

33

Dave.

34

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Go  
37 ahead.

37

38

39 MR. JOHNSON: Thank you, Bob. Mr.  
40 Chairman. For the record, Dave Johnson for the Tongass  
41 Subsistence Coordinator.

41

42

43 The report you see on the screen  
44 represents 21 formal reviews of that document by Staff  
45 from both OSM, ADF&G, Forest Service and perhaps others,  
46 including the RAC members also that participated and the  
47 subcommittee as well, and there's two additional reviews  
48 that have occurred since that. And so we believe we have  
49 a very good first cut for this first year for  
50 implementing this joint system.

50

1                   The plan is, and by the way on Pages 298  
2 to 300 in your booklet provides some excellent background  
3 on how we got from a Federal registration permit proposal  
4 to a joint harvest reporting system between the two  
5 agencies.  
6

7                   I would just say one of the unspoken or  
8 unknown partners as we started into this that turned out  
9 to be an important partner is the U.S. Postal Service.  
10 We found a number of nuances in terms of how this  
11 information is sent back to both the State and Federal  
12 that became very critical in how this thing is formatted  
13 and returned.  
14

15                   I would just like to say a personal  
16 thanks to the Department, particularly for Doug Larson's  
17 role in facilitating on the State side many, many  
18 informal conversations that, without Doug's involvement,  
19 I don't believe we would be here today making this  
20 happen. And I personally want to express my  
21 appreciation.  
22

23                   Greg Killinger on the Forest Service side  
24 also was a key person that helped provide a lot of  
25 important information to the subcommittee's work.  
26

27                   The plan is that the contract will be in  
28 effect for three years, it's a \$15,000 contract for this  
29 first year, there'll be a joint review by both the Forest  
30 Service and the Department, Wildlife Conservation  
31 Division, and with the plan of implementing it again in  
32 the second and third years. And at that time we will  
33 present a report to the Council to update them on with  
34 what the information provides with and what other  
35 proposals may come out of the planning process that may  
36 warrant additional considerations.  
37

38                   That concludes my remarks.  
39

40                   Thank you, Mr. Chairman.  
41

42                   CHAIRMAN DEMIENTIEFF: Thank you.  
43

44                   DR. SCHROEDER: I'm not done, Mr. Chair.  
45

46                   CHAIRMAN DEMIENTIEFF: Okay.  
47

48                   DR. SCHROEDER: We've proceeded through  
49 what's happened for this regulatory cycle, part of the  
50 other charge to the subcommittee was to look forward to

1 the future and to try to structure things so that we'd  
2 have good management of deer on Prince of Wales Island  
3 without unduly contentious proposals coming our way.

4  
5           The main recommendations that the  
6 subcommittee is forwarding to the -- will be forwarding  
7 to the Council in September are to keep the current  
8 hunting regulations in effect for about the next three to  
9 five years in the next part. And the idea of three to  
10 five years is that the current system appears to be  
11 working well and three to five years will allow the  
12 various agencies and the Council to have better  
13 information for looking at deer on Prince of Wales.

14  
15           The subcommittee is recommending a  
16 Council generated proposal to pare back the area that's  
17 closed to non-subsistence hunting on Prince of Wales  
18 during the beginning part of the season August 1 through  
19 August 15th. The subcommittee looked at the data closely  
20 and believes that that closure may not be necessary.  
21 We'll need a full Staff analysis to make sure whether  
22 that's the case.

23  
24           A couple of other recommendations. The  
25 subcommittee really wanted to improve data and  
26 information. The three areas that they were concerned  
27 with was harvest data and they believe that that will be  
28 addressed through the harvest report system. They  
29 suggested work needs to be done on subsistence uses and  
30 needs. And that subsistence users were maintaining that  
31 needs were not being met. The subcommittee would like to  
32 look a little more closely at what uses and needs might  
33 be for deer and, in general, for subsistence in Southeast  
34 Alaska. And thirdly to examine deer population trends  
35 and the subcommittee spent a fair amount of time talking  
36 with scientists about different ways -- scientists and  
37 management Staff on different ways that that might be  
38 achieved.

39  
40           The subcommittee had additional  
41 recommendations, mainly to land managers, those are shown  
42 on the screen. They had to do with basically doing  
43 things that increased the deer supply and manage habitat  
44 for wildlife values and to rehabilitate and restore areas  
45 that had been subject to commercial harvest.

46  
47           I'd like to spend just a few minutes  
48 looking at what worked in this whole process and also  
49 what didn't work, and we'll be doing a little bit more of  
50 a review of this whole subcommittee approach over the

1 summer.

2

3                   Some things that worked, one thing was  
4 that we broke through the -- well, we didn't break  
5 through but we were able to comply fully with the Federal  
6 Advisory Committee Act and have good stakeholder  
7 participation. And that was a little bit problematic  
8 when we were trying to figure out how we would do this.

9

10                   Subcommittee members participated very  
11 actively and were extremely generous with their time. I  
12 figure that people spent maybe perhaps 15 or 20 days in  
13 meetings or travel, which is a really substantial  
14 contribution of people who have other lives as well.

15

16                   Very importantly people started out as  
17 adversaries learned to listen to each other and basically  
18 respected each other. And that gave me some faith that  
19 if you do put people together on contentious issues that  
20 they can work on them.

21

22                   And, finally, the subcommittee was able  
23 to operate on a consensus basis even though it did have  
24 provisions for voting, but people reached agreement.

25

26                   Some other things worked very well.  
27 There was excellent technical reports by Fish and Game  
28 and Forest Service management and scientists. We used  
29 professional facilitation and we'd recommend that that be  
30 used in future actions of this sort.

31

32                   And a couple of other things I'll  
33 highlight in the part that worked that the subcommittee  
34 supported study directions concerning subsistence uses  
35 and needs and deer population trends. This format,  
36 having meetings in six meetings in four or five different  
37 places provided really good public access and the  
38 subcommittee had evening sessions where it could hear  
39 from the public and these were basically pretty well  
40 attended.

41

42                   We also received accurate and extensive  
43 press and media coverage and, again, thanks to OSM media  
44 specialist for helping making that happen.

45

46                   Now, we did have a few things that were  
47 difficult.

48

49                   This sort of thing in Alaska where people  
50 have to fly to meetings puts really large demands on

1 people, and we have commercial fishermen who missed very  
2 lucrative commercial fishing openings so that they could  
3 come and talk about how we should manage deer on Prince  
4 of Wales Island. And also connected with that, all  
5 members were not able to attend all meetings. So I think  
6 we were pushing the envelope of how much we could have of  
7 -- how much we could expect of volunteers.

8  
9 This approach was pretty logistically  
10 complex as I mentioned and we did spend a fair amount of  
11 money at it.

12  
13 And I do have conclusions and then I'll  
14 be done, Mr. Chairman.

15  
16 I believe that the subcommittee made --  
17 had really substantial accomplishments and was overall  
18 really successful. And let's say that at the onset its  
19 success was not a sure thing but I think it worked out  
20 quite well and I think we're way further along on coming  
21 up with effective management of deer in Unit 2 than we  
22 were before. And that includes the suggestions for non-  
23 regulatory things that had to do with management aspects,  
24 and land management aspects and dealing with access and  
25 other issues.

26  
27 We're way further along on improved  
28 public education and public participation. And I see  
29 that as an outgrowth of the good work that was done here.  
30 And I do believe that the Board might consider using this  
31 effort as something of a model for working toward  
32 resolution of difficult management issues. And when I  
33 refer to this as a model, the model would be constituting  
34 subcommittees of Councils to address things that we can't  
35 do quite as well through the regulatory process.

36  
37 And finally, just as I mentioned, the  
38 subcommittee wanted to continue its existence and will be  
39 helping us out after this coming deer hunting season and  
40 we'll meet in February 2006.

41  
42 Mr. Chair, that concludes my report.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you very  
45 much. Magic works.

46  
47 (Laughter)

48  
49 CHAIRMAN DEMIENTIEFF: And I just offer  
50 my congratulations to everybody who participated in the

1 process. Just by bringing people together, I agree that  
2 you can sometimes work out -- I don't know how many times  
3 we went round and round on Unit 2 deer and you can work  
4 things out, people find out that they're really not that  
5 different. They're concerned about the issue at hand.  
6 And I just congratulate everybody, and Tom and I are  
7 going to be working together to author a personal letter  
8 from me thanking the people who participated, so we'll  
9 make sure that we're working with everybody to get all  
10 the players that were involved in it.

11

12 I also want to thank the Board, we had at  
13 every work session, you know, we did track the work of  
14 the team so they actually have -- the Board members  
15 actually have a lot of time that was spent and devoted to  
16 the work and the progress of the team. So anyway we'll  
17 follow up on our end.

18

19 I think John may have a closing comment  
20 on that, do you?

21

22 MR. LITTLEFIELD: Yes, thank you, Mr.  
23 Chair. Mine were similar. That was actually one of the  
24 things I was going to ask you to do is to recognize this  
25 deer subcommittee and all of the players as well as the  
26 State and the Federal participants. Because one of the  
27 things that some people don't recognize is that we are  
28 serving for free but those subcommittee members spent 15  
29 to 20 days serving for free, members of the public as  
30 well as subcommittee members, and I think that's really  
31 important. And if you can recognize them, Mr. Chair, I  
32 think that would be a very good thing to do.

33

34 Thank you's go a long way, they're not  
35 getting paid but it was a good process.

36

37 And in that point I want to thank OSM as  
38 well as the Federal Board for making this process work.  
39 Because when we brought it up earlier, as you said, we  
40 didn't know if it was going to work and with your  
41 encouragement it has done so and I do appreciate it and  
42 thank you to the Board.

43

44 And a special thank you to Mr. Bschor.  
45 As the land manager in Southeast Alaska, the Forest  
46 Service has really stood behind us. And the Council, I  
47 can speak for them and say they all appreciate the work  
48 that the Forest Staff has been doing for us, support  
49 Staff, as well as taking the lead on these issues and  
50 putting their money up basically because it's -- you

1 know, the Federal Board made this direction but the land  
2 manager has to make this work. And I really appreciated  
3 how your Staff as well as yourself have acted.

4  
5 So thanks to all of you. I guess we'll  
6 pat each other all on the back.

7  
8 So thank you very much, Mr. Chair.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you. If  
11 there's no other business, we're going to move on to  
12 Board discussion of Council topics with Chairs.

13  
14 MR. REGELIN: Mr. Chair.

15  
16 CHAIRMAN DEMIENTIEFF: Pardon, oh, I'm  
17 sorry.

18  
19 MR. REGELIN: Under other business I  
20 wanted to just say one thing about what happened at our  
21 November Board of Game meeting, just to inform everybody.

22  
23 At that meeting the Board passed a  
24 regulation related to hunts that are conducted by  
25 registration permit. You know, we use registration  
26 permit hunts when we're concerned about overharvest, and  
27 so we keep real close track of that. In some cases we  
28 have in-season management and in other cases, in most of  
29 them, we just adjust at the end of the season. And for a  
30 long time our Board has been very concerned about the  
31 failure of some people, a small segment of the people to  
32 report that get these registration permits. And it's  
33 very important we have complete and accurate reporting  
34 while the people that do get a registration permit.

35  
36 So they passed a regulation that requires  
37 it to be mandatory to turn in your permit report.

38  
39 Now, it's always been mandatory. But  
40 what they've done now is -- until November, the  
41 Department had a lot of discretion in how we could  
42 enforce that and steps we took to collect data. But  
43 beginning next year, well, this fall, this season, if a  
44 person fails to report and after they've been repeatedly  
45 contacted and they continue to fail to report they will  
46 not get a permit next year and the Department won't have  
47 any discretion on that.

48  
49 Now, the reason I'm bringing it up here  
50 is that it affects Federal subsistence users in several

1 places. There's 27 hunts where the Federal and State  
2 seasons are the same and the Federal permit -- Federal  
3 subsistence hunters are required to have a State permit,  
4 registration permit, in order to hunt. And what we'll do  
5 is try to make sure that everybody realizes that the  
6 consequences of not reporting are severe and we send  
7 letters out, I think, three times, but once that is  
8 exhausted then they will not get a permit next year, or  
9 the following year. And there are -- and as I said,  
10 there are 27 hunts where the Federal and State -- the  
11 Federal system uses a State registration permit.

12

13                   These are 10 brown bear hunts, 11 moose  
14 hunts, four caribou hunts and three goat hunts.

15

16                   And I guess that, I think what we all  
17 need to do is work together to get the word out and make  
18 sure that everyone knows that they have to -- why it's  
19 important to report and it's to everybody's benefit to  
20 have this data and we're developing an appeal process for  
21 people that for good reasons couldn't, you know, failed  
22 to report, where they can appeal and we can make an  
23 adjustment. But we are -- we're very limited on what  
24 we'll be able to do there.

25

26                   And, thank you, Mr. Chairman. I thought  
27 I just should take this opportunity to let everybody know  
28 and that we'll be working with the Office of Subsistence  
29 Management to make sure we get the word out.

30

31                   CHAIRMAN DEMIENTIEFF: Okay, thank you.  
32 We'll be calling on the Regional Council reps that are  
33 here for discussion, general discussion with the Board.  
34 John made us switch the field around so he can talk last,  
35 but he was right, so we're going to start with amongst  
36 the ones I know that are here.

37

38                   Eastern Interior, actually, Sue, if you  
39 have any issues you want to bring up with the Board at  
40 this time.

41

42                   MS. ENTSMINGER: So I get to go first and  
43 don't learn what's going on.

44

45                   (Laughter)

46

47                   MS. ENTSMINGER: I was warned about this,  
48 so, thank you.

49

50                   One of the things that I wanted to bring

1 up was at our Council meetings there's training of new  
2 Council members and it took place at the last meeting and  
3 it had before in the past during the two day period of  
4 the meetings and it took away from our ability to meet as  
5 a Council and all the stuff that meant a lot more to the  
6 rest of us. And I feel that it's important, maybe that  
7 doesn't need to be brought up here, but it was kind of  
8 frustrating to deal with that.

9  
10 One of the other Council members actually  
11 said in his Council remarks at that meeting that he felt  
12 like he had no way to let the public know what happens at  
13 the meetings. And I feel that that's something that I,  
14 too, you know, you live in these remote areas and even  
15 though we're on the road system I can't go to Eagle to go  
16 to an Advisory Committee meeting or I couldn't go to  
17 Delta every time everybody's meeting but I get these  
18 notices of all these different meetings and it's just  
19 hard to stay informed and keep all these different State  
20 Advisory who actually bring stuff to the Council, and  
21 even the SRC meetings, and your region is so vast and big  
22 you don't get a chance to really disseminate the  
23 information like you think you should or you can  
24 participate like you think you should be able to. We do  
25 it as much as we can. But I felt for him when he had  
26 mentioned that that was a problem there.

27  
28 Also I wanted to thank you for the  
29 opportunity to come here. This is the first one I've  
30 been to since -- I was here one time when Mitch was brand  
31 new at this and it's a lot different all those years ago.  
32 I appreciate learning and seeing how it's changed over  
33 the years.

34  
35 Thank you. I was asked to come by our  
36 Chair. I'm just the lonely secretary on the Council. So  
37 he thought since it was more in our region that I guess  
38 -- and he's in the National Guard and couldn't attend so  
39 thank you guys.

40  
41 CHAIRMAN DEMIENTIEFF: Thank you.  
42 Raymond, Northwest.

43  
44 MR. STONEY: Thank you, Mr. Chairman. I  
45 know it's been a long day for all of you, but, you know,  
46 like for yourself and the Board members, I surely want to  
47 thank all of you, you know, for looking at us as the  
48 Chairs from the RACs.

49  
50 I see it this way, that all the Chairmans

1 of the RACs, it's your backbone, we give you  
2 recommendations like these proposals, and I sure want to  
3 thank, you know, recognize us as the backbone to our  
4 regions throughout Alaska.

5  
6 Again, thank you very much for you Board  
7 members for listening to us and taking a lot of comments  
8 from us and you guys are doing a good job.

9  
10 Thank you, very much, Mr. Chairman.

11  
12 CHAIRMAN DEMIENTIEFF: Thank you. I see  
13 Grace had to leave it looks like. So the next one up  
14 would be Jack.

15  
16 MR. REAKOFF: Thank you, Mr. Chair. I  
17 apologize for missing part of this afternoon. I was  
18 attending a teleconference for a formation of a Friend's  
19 Group for the Wildlife Refuges and I was at the Refuge  
20 Office.

21  
22 I feel privileged to appear before the  
23 Board and that my Council has confidence in me to appear  
24 here. And I feel that the Board is very diligent in  
25 working through proposals and looking at all aspects and  
26 I very much appreciate that. As a Council member, we  
27 have to have the same tearing and deliberation ourselves  
28 and so I can very much appreciate that.

29  
30 Our annual report will highlight many  
31 issues that we have in our region. And we have some very  
32 concerning issues that are coming forward with the Senate  
33 Bill 85 and the Legislature moving all-terrain vehicles  
34 off the Dalton Highway. This will have a huge impact to  
35 Northern Alaska. And so I just wanted to bring that to  
36 the Board's attention. And that Bill has not gone away  
37 yet, that Bill is on hold, on pause. And so there's  
38 going to be huge funding concerns for that, for the  
39 planning and so forth.

40  
41 But I do want to thank the other Council  
42 members that came to this meeting and I very much enjoy  
43 hearing their aspects of how they deal with their region  
44 and so that's a learning process for me at every meeting.

45  
46 So thank you.

47  
48 MS. GOTTLIEB: Chair.

49  
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MS. GOTTLIEB: If I might, I just wanted  
2 to tell Jack, maybe two things that you did miss. One is  
3 that Proposal 12 passed on the consent agenda.

4  
5 And secondly we did want to express our  
6 gratitude to you for all the hard work you put in on that  
7 proposal and really for all your many years of service,  
8 not only at the Gates of the Arctic Subsistence Resource  
9 Commission, but also on your Regional Advisory Council.

10  
11 So thank you, particularly, this year.

12  
13 MR. REAKOFF: Thank you.

14  
15 CHAIRMAN DEMIENTIEFF: Harry.

16  
17 MR. WILDE: Yeah, Mr. Chairman. For the  
18 record my name is Harry Wilde, Chairman of the Yukon-  
19 Kuskokwim Regional Advisory Council.

20  
21 The Yukon-Kuskokwim Delta Advisory  
22 Council appreciates the continued opportunity to  
23 participate on the Federal subsistence meeting.

24  
25 Yukon-Kuskokwim Council also appreciate  
26 the continued support from the Federal Subsistence Board  
27 along with the support from the -- also the continued  
28 support from the Federal Subsistence Board Chair, Mr.  
29 Mitch Demientieff.

30  
31 In its winter meeting in February 2005,  
32 February 24 and 25 in Toksook Bay, Yukon-Kuskokwim Delta  
33 Subsistence Regional Advisory Council considered topics  
34 to be presented to the Federal Subsistence Board in its  
35 regular meeting on May 3 and 4, 2005.

36  
37 Topics were suggested that based on the  
38 past Yukon-Kuskokwim Delta Council concerns expressed by  
39 the Council in the present meeting and the topics that  
40 follow.

41  
42 Proposed coal fired plant in the Yukon-  
43 Kuskokwim Delta, when the Council realized that proposed  
44 coal fire power plant within the Yukon-Kuskokwim Delta,  
45 it's still preliminary and planning stage. The Council  
46 opposes to the coal fire power plant in the Yukon-  
47 Kuskokwim Delta. Since the coal fire power plant is  
48 proposed as potential power supply within the Yukon-  
49 Kuskokwim Delta, it brought up a concern to the residents  
50 of the Yukon-Kuskokwim Delta.

1                   Concern about the coal fire power plant  
2 is expressed because it brings with adverse affect in the  
3 fish and wildlife resource and the migratory birds  
4 including the elements of fish and wildlife habitat. For  
5 the above reasons and other unforeseen reasons the  
6 Council opposes coal fire power, opposes for it.

7  
8                   Senate Bill 40, this State Legislature  
9 which would be create Kuskokwim Port Authority in Bethel  
10 area and it's raised concern because it is also -- would  
11 have been proposed coal fire power plant in Donely Creek  
12 Mine near the village of Crooked Creek -- and the  
13 proposed Kuskokwim Authority present -- created by the  
14 Governor of Alaska, it's creates additional facility and  
15 add an increase in river traffic and it would have  
16 adverse impact on the fish and wildlife -- fish and game,  
17 migratory birds and environment which is fish and the  
18 wildlife habitat and the reason Council is opposing the  
19 Port Authority in Bethel area.

20  
21                   Council business on January 2005 through  
22 April 2005 since the Federal Subsistence Board meeting  
23 held in January 2005 at which Mary Gregory is the  
24 Secretary attend that representing the Yukon-Kuskokwim  
25 Delta Council Chair and the Council members participate  
26 in other fish and wildlife or related meeting. Bob  
27 Aloysius participate in that big ADF&G Interagency  
28 Kuskokwim River Fishery meeting on March 30/31, 2005 in  
29 Anchorage. Harry Wilde, me, that's me, participate in  
30 the Interagency Staff Committee meeting on April 12 and  
31 14, 2005. James Charles participate in GMU 29 moose  
32 planning meeting in Shageluk in April 18, 20. Lester  
33 Wilde make village trips in the Yukon Delta RIT and he's  
34 traveled to Scammon Bay, Chevak and continue information  
35 and education for the subsistence program in the school  
36 and communities. He also conducted subsistence program  
37 in Hooper Bay. Joe Mike attending the Lower Yukon River  
38 Intertribal Council Watershed meeting in Kuskokwim in  
39 Kotlik.

40  
41                   And on behalf of the subsistence users  
42 and other groups in the Yukon-Kuskokwim Delta region, the  
43 Regional Council appreciates continued Federal  
44 Subsistence Board supporting -- Council also appreciates  
45 continued to support from the OSM Staff.

46  
47                   Thank you, Mr. Chairman, and the Federal  
48 Subsistence Board members for this opportunity to report  
49 Council concerns.

50

1                   And, Mr. Chairman, I thank you, you let  
2 me speak English right now.

3  
4                   (Laughter)

5  
6                   CHAIRMAN DEMIENTIEFF: Thank you, Harry.  
7 It's obvious you spent a lot of time preparing for this  
8 and I appreciate you.

9  
10                  Vince.

11  
12                  MR. TUTIAKOFF: Thank you, Mr. Chair.  
13 Board members.

14  
15                  As many of you know Della Trumble was the  
16 past Chair of Kodiak/Aleutians moved into Anchorage and  
17 removed herself from the Council. She did a lot of work  
18 in working with other regions, primarily on fish issues.  
19 I'm hoping that this next year we'll continue to see  
20 those different RACs work together so that we don't get  
21 into controversial proposals that we have gone through in  
22 the past.

23  
24                  The Kodiak/Aleutians RAC had their  
25 meeting in Kodiak and Tom Boyd came down and we ran him  
26 through the coals but I think he got out of there pretty  
27 good.

28  
29                  (Laughter)

30  
31                  MR. TUTIAKOFF: We appreciate that he  
32 came down there and took the heat for some of the issues  
33 that were confusing for new members. We've got a road  
34 system and commercial and hunters and commercial  
35 fishermen now represented on our Board.

36  
37                  We hope that we'll be able to go to  
38 smaller communities. As you know the Aleutian Islands  
39 runs 2,400 miles west and there's very few sites that we  
40 can visit because of transportation costs, primarily.  
41 We'd like and we've proposed many times to go to the  
42 Pribilofs, to Unalaska, to Adak to other communities in  
43 Kodiak and we've kind of spent a lot of time in Cold Bay,  
44 King Cove and Sand Point, and the Kodiak community  
45 itself.

46  
47                  We appreciate the opportunity to do that  
48 but I think the concern from the Council members  
49 themselves is that we'd like to be able to sit and face  
50 the people that we represent in our communities. And I

1 know that the travel costs, especially to the Aleutians  
2 is very high. Just one way round-trip to Adak is close to  
3 \$1,100 and that's where I live right now and commute back  
4 and forth to meet the meetings of the RAC.  
5

6                   But I'd like to thank the Council for the  
7 opportunity to again work with you. I have been past  
8 Chair of Kodiak/Aleutians for several years and took on  
9 another job which I could not do but appreciate the hard  
10 work the Council has done in the last two days. Today's  
11 been pretty interesting in regards to the bear claw issue  
12 and I'm going to take back these issues to my Council so  
13 that they can get more -- maybe more detailed and a  
14 response on this next go around because I think that  
15 becoming aware of the other Regional Councils having  
16 concerns about the bear, you know, as a scared item and a  
17 bear as a food and a bear as a clan, you know, we're  
18 starting to understand these issues and I know that this  
19 Council is trying to make it across the board, a state  
20 issue, but I'm hoping that we can come up with a proposal  
21 that the regions, if affected by this particular issue,  
22 will bring up a good proposal that all of us can agree  
23 to.  
24

25                   Appreciate the time and I know it's  
26 getting late and you guys are falling asleep up there so  
27 thanks a lot.  
28

29                   CHAIRMAN DEMIENTIEFF: Thank you.  
30 Ralph.  
31

32                   MR. LOHSE: Thank you, Mr. Chair. I was  
33 just looking at something on the ANILCA charter for the  
34 Councils. And it says that it recognizes the Council's  
35 authority to initiate, review and evaluate proposals for  
36 regulations, policies, management plans and other matters  
37 related to subsistence uses of fish and wildlife on  
38 public lands within the region, and to provide a forum  
39 for the expression of opinions and recommendations on any  
40 matter related to the subsistence uses of fish and  
41 wildlife on public lands within the region.  
42

43                   And as I brought up before, and  
44 especially this is aimed at the guy from the BLM and you  
45 all know that, we have a land management plan before us  
46 that affects subsistence users -- that has the potential  
47 to affect subsistence users very drastically in our area.  
48 And I just ask and reiterate that on the seven different  
49 options and recommendations and that they have that they  
50 seriously consider the impact on subsistence on every one

1 of them. And I'm asking all of the rest of you as land  
2 managers to remind them that subsistence is a high  
3 priority and the decisions that they make on those  
4 recommendations can have a drastic affect on the  
5 subsistence users in our area. And I think they  
6 recognize that but I just wanted to put that on record.

7  
8                   And then on the record, Mr. Chair, I  
9 would like to apologize to you for my little bit  
10 outspoken comments before. I recognize that you're  
11 dealing with complex and controversial issues and I know  
12 that they come before you and I'm afraid that what I've  
13 caught is a little hesitancy on the parts of members of  
14 the Board to make a decision. And I know that part of  
15 the reason is the decisions are hard to make. But  
16 sometimes you have to make a decision whether it's right  
17 or whether it's wrong, and then you can go back, and if  
18 it turns out that it's wrong you can correct it. But the  
19 decisions need to be made. Like my objection before was  
20 not an objection to the motion that was on the table or  
21 whether it passed or whether it failed and I had no  
22 opinion one way or the other, but it was the fact that  
23 the RACs had done a lot of work on that, the RACs had  
24 presented you with the information. More than likely the  
25 RACs would not change their information. And it just  
26 felt kind of bad to see it being -- because of the issue  
27 it is, being sent back to the RACs when most of them  
28 probably aren't going to change their mind. And to me if  
29 you want to give one RAC deference because it's very  
30 important to one RAC then you need to honor the  
31 preferences of all the RACs and take their  
32 recommendations and make specific regional proposals for  
33 it. If we're going to try to fit it into meet on RACs  
34 thing, otherwise do like Mitch said, this is a complex  
35 issue, aim it at regional proposals, take what all the  
36 RACs have given you and give them a regional proposal for  
37 that. But if you want to get a consensus on one of these  
38 issues that you've got before you, while you're dealing  
39 with those consensus, you've got the Chairmans of the  
40 RACs sitting out here, we can work together with you  
41 while you're doing that discussion trying to come up with  
42 a consensus. You're dealing with one RAC member instead  
43 of all of the RAC members.

44  
45                   When it's a controversial issue and  
46 you're trying to make one shoe fit all, give everybody a  
47 chance at that time to get right in the discussion and  
48 come up with a consensus.

49  
50                   I think that the RAC Chair are mature

1 enough and have enough information at their hands that  
2 they can help you come up with that consensus, otherwise  
3 -- let me see what I put down here -- otherwise take what  
4 we've said and make your decision on what we've said to  
5 the best of your ability and if it turns out wrong, it  
6 can always be changed. But rather than send the problem  
7 back to us, take action on it. And take action one way  
8 or the other.

9

10 I know for a fact I know what my  
11 recommendation's going to be to my RAC when this comes  
12 back to us again. We've worked on it. Has anybody  
13 changed their mind on it, send you the same information  
14 we gave you before. And I think that's going to be the  
15 results of most of the RACs that are out there.

16

17 So with that, again, I apologize for  
18 getting so strong on it before but it really -- I felt  
19 this time -- this is the first -- this is the most --  
20 I'll say this is the most, I'll use the word,  
21 frustrating, it's not really the right word, meeting that  
22 I've attended because I've seen so much unwillingness to  
23 make hard decisions. And maybe that's just my own, you  
24 know, my own seeing it and maybe that's not really what  
25 happened but I would have liked to have seen, you know,  
26 less deference and more action, but that's personal.

27

28 And I thank you guys for the work that  
29 you do and I'm glad I'm not sitting up there and I'm glad  
30 I don't have to make the decisions and face the same  
31 constituents that you have to make and the same bosses  
32 that you have to make, but in the meantime that's where I  
33 was at.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. Ralph,  
38 I always appreciate your comments. You don't have to  
39 worry about insulting me, I got a one-inch callus all  
40 over my body.

41

42 (Laughter)

43

44 CHAIRMAN DEMIENTIEFF: But, you know, you  
45 always work hard and we just appreciate it. Everybody's  
46 work.

47

48 John.

49

50 MR. LITTLEFIELD: Thank you, Mr.

1 Chairman, for letting me be last. I think that was a  
2 good idea that we rotate this and I hope you continue  
3 that, that you rotate, make number 2 or number 3 first at  
4 the next meeting and then number 4 and then just go ahead  
5 and rotate them through so there's no reason for  
6 Southeast to be one because they're Region 1. And I  
7 think it was a good idea and I do appreciate that.

8

9 I'd like to touch on -- actually, Mr.  
10 Chair, I have 11 pages here, single pages, I have nine  
11 double pages here and I don't even know but I got a lot  
12 and I'm not going to do that, we don't have time to do  
13 that and you'd rule me out of order anyway, so I'll try  
14 to cover a couple of these things.

15

16 And one is the marine jurisdiction issue  
17 that I brought up at the last meeting. That was my  
18 number 1 issue on here is that we did not have any  
19 response. But, however, at this meeting I was given  
20 three draft letters and I don't believe you've signed  
21 them yet and I think they're coming, they're forthcoming  
22 and I want to acknowledge that I appreciate the OSM  
23 working on these. Mr. Probasco gave me a couple as well  
24 as Mr. Knauer who both attended our meeting in Petersburg  
25 and we appreciate the briefings that they gave us and  
26 they brought this back and we are seeing positive results  
27 there on what was an oversight before and it's being  
28 taken care of as soon as we made it noticed, and I'd like  
29 to thank you for that.

30

31 We did write several letters at our  
32 meeting, one of them was on the hunting licenses and  
33 fishing license and that will be coming your way if you  
34 do not have it now, Mr. Chair. We sent that to you as  
35 well as the Chairman of the Board of Game and the Board  
36 of Fish. And when you look at what happened here  
37 recently some of our fears have been allayed because I  
38 think the hunting issue has gone away, as far as I know  
39 maybe I could be corrected on that. I think the hunting  
40 increase went away. But there was an increase on  
41 sportfish and if you look at the stated reason for it is  
42 for building hatcheries which we don't participate in as  
43 subsistence users, but it's only problematic there on the  
44 sportfishing because we do not have to have a  
45 sportfishing license to subsistence fish and I like that.  
46 I think that's really great.

47

48 What is lacking in our system is a  
49 similar requirement for deer, moose hunting licenses or  
50 meat. And we haven't had a frank discussion on that and

1 I really think that the Board, the Councils need to  
2 discuss this issue with the Board. I know we keep saying  
3 it's out of our purview but we need to have a frank  
4 discussion on that because if we don't need a sportfish  
5 license to take subsistence fish and I agree with that  
6 100 percent, why do we need a hunting license, a State  
7 hunting license and deer tags and be tied to all these  
8 permits. Just like Mr. Regelin just brought up, now,  
9 it's possible that if one of our elders forgets, or even  
10 a youngster forgets to turn in their permit then they're  
11 going to be denied a permit the next year and I really  
12 have -- I take issue with tying our system so closely to  
13 them that we become slaves to what they pass.

14  
15 In other words, they passed a proposal  
16 that you had to be 10 years old to get a hunting license.  
17 We have people who, you know, young widows and women who  
18 are unmarried who have children that can easily eat a  
19 dozen deer in a year and those kids are below 10 years  
20 old. And so when that regulation went into effect it had  
21 the unintended consequence of allowing us only to get six  
22 deer under the designated hunter permit for that woman  
23 and so everybody contributes, and there are other cases  
24 like that, where actions that are tied so closely to the  
25 State have consequences that I think we should debate.  
26 We should debate whether hunting license and tags are  
27 required and I hope that we can do that in the future.

28  
29 To Ralph's comment on the BLM, the  
30 Southeast Alaska Regional Advisory Council did take a  
31 position on that, a letter was sent to the BLM as well as  
32 the OSM for review and we supported, I believe it was  
33 Alternative C and D on the BLM land issue.

34  
35 So we've also sent a letter to the Chair,  
36 Mr. Demientieff, requesting that we consider the  
37 formation of a subcommittee for the subsistence use  
38 amounts. We were originally -- originally I was going to  
39 be Bill Thomas' replacement, Chairman Bill Thomas'  
40 replacement on the subsistence use amount committee and  
41 then the FACA concerns raised their head and I think  
42 we're being held hostage to FACA concerns because as we  
43 discussed earlier these Regional Councils are the  
44 backbone as one of the other members mentioned and  
45 they're where the proposals need to come from. The  
46 agencies need to quit sending proposals to us, to put it  
47 frankly, that's what needs to be done.

48  
49 But we also need to be involved on these  
50 subsistence use amounts. What you have is a few people

1 in the back room, State and Federal, deciding what we  
2 need for subsistence use amounts and you're missing out  
3 on the people who can -- who are most informed and have  
4 their hands on what's happening and what's actually  
5 needed to determine the Federal agencies need the  
6 subsistence use needs, to be translated to need, we know  
7 what is needed to meet your subsistence use amounts. So  
8 if you could consider that as you did the deer  
9 subcommittee, we would like to see the formation of a  
10 subcommittee formed of several members of the Southeast  
11 Regional Advisory Council as well as members of the  
12 public and Southeast and we will come to you with  
13 subsistence use amounts. So that's a request that's  
14 coming forward to you in the form of a letter.

15  
16 Some success stories that I'd like to  
17 thank the State of Alaska, especially Mr. Bedford and the  
18 Federal Subsistence Board for the actions on the Stikine  
19 River. We had really good results for subsistence  
20 fishing on the Stikine. We always took the position they  
21 were never new fisheries. The State has been very  
22 proactive in helping us and the Board and I'd like to  
23 express our appreciation for that. And I think we're  
24 going to go expand it, it looks like there might be some  
25 proposals to the State, under the State system to allow  
26 some other subsistence fishing in there and I think those  
27 are great.

28  
29 The steelhead regulations. That was part  
30 of these numbers of nine double pages I have on steelhead  
31 regulations. We spent quite a bit of time and I  
32 appreciate the Forest Service asking me to participate in  
33 those meetings as well as Mr. Douville who is the  
34 representative that lives on Prince of Wales Island and  
35 we came up with some pretty good ideas, I think, for  
36 Southeast, and I don't think the sky is going to fall and  
37 I certainly hope it doesn't. I don't think there's been  
38 a -- there's only about 10 permits that have been issued  
39 in Sitka so far and I think it's going to be a non-issue  
40 and that's my hope, Mr. Chair.

41  
42 Again, one final thing was to thank you  
43 all for your difficult decisions that you make. I have  
44 to disagree a little bit with my cohort and colleague  
45 over there, I think you guys have gone quite a ways from  
46 where you were when I first came here, my first meeting.  
47 I remember someone saying one time, why don't you guys  
48 grow a backbone, I remember that in a meeting here. And  
49 it is, the six of you are the Secretary and you do have  
50 to make hard decisions. Some of them you've made are

1 controversial, the State has been opposed to them and  
2 you've made them nevertheless and I appreciate your  
3 backing the Federal language of ANILCA that was promised  
4 to us in ANILCA and also promised to us in the Statehood  
5 Act under Article 12, Section 12.

6  
7                   So for those reasons I say I don't agree  
8 with everything you do, that's for sure, but I do  
9 appreciate what you're doing, and I'll leave it at that  
10 and say thank you very much and I didn't see those bear  
11 claws going around.

12  
13                   CHAIRMAN DEMIENTIEFF: They'll be going  
14 around. Thank you, John. I share your concern about  
15 permits. I actually got denied a permit one year because  
16 I didn't do my paperwork, and it wasn't too long ago, but  
17 I have a wife, so she applied and got the permit that  
18 particular year.

19  
20                   Go ahead, Tom.

21  
22                   MR. BOYD: Mr. Chair. If I might just  
23 speak to a couple of things that came out during this  
24 discussion, just as briefly as I can and I don't want to  
25 prolong this.

26  
27                   But I know that Sue brought up a couple  
28 of things about the meetings, and certainly I'm going to  
29 be looking into that. These are administrative items  
30 that fall within my area and I do appreciate you bringing  
31 those to our attention.

32  
33                   With regards to getting out to local  
34 Advisory Committee meetings, we do that on a case by case  
35 basis. I do provide support when there are issues  
36 pending that we want to facilitate the cross  
37 communication on. It's somewhat limited because my  
38 budget's aren't what I'd like them to be but I think when  
39 we have a big issue and it's elevated to us we try to get  
40 the right people to the right meetings to make sure that  
41 those things, that kind of communication occurs. And so  
42 if you have those kind of issues, please, let us know or  
43 work with your coordinator to let us know.

44  
45                   And we'll also work on the meeting format  
46 in terms of the training to make sure that it doesn't  
47 interfere with other work.

48  
49                   For Mr. Littlefield, I hope we're working  
50 better together in terms of moving things along that the

1 Council wants. I'm certainly going to be more in tune to  
2 some of those needs and try to make sure that we don't  
3 allow some of those things to fall through the cracks  
4 that have in the past.

5  
6 With regard to SUAs, subsistence use  
7 amounts. Based on what you said, I'm wondering if  
8 there's not a misunderstanding about what the  
9 State/Federal committee is doing, we're certainly not  
10 making determinations of subsistence use amounts in that  
11 committee. We're coming up with a protocol on how the  
12 State and Federal programs can work together and it's not  
13 going to -- that committee's not making determinations.  
14 When that protocol is developed or drafted, a draft will  
15 go out to the Councils to review before our Board ever  
16 acts on it. So you will -- I mean I understand it's not  
17 the same as being in the room but you will get a shot at  
18 it and I know this Board will listen to what you have to  
19 say. And so I just wanted to clarify, and it's probably  
20 not satisfactory, totally satisfactory but I wanted to  
21 make that point.

22  
23 Mr. Chair.

24  
25 CHAIRMAN DEMIENTIEFF: John.

26  
27 MR. LITTLEFIELD: I wanted to get my bear  
28 claw down there. Thank you for that Tom. We're not in  
29 there, we don't know what's going on. But nevertheless,  
30 it is our charge to do the subsistence use amounts.  
31 That's our charge as a Regional Advisory Council, and  
32 we'd like to do that in this method and that's another  
33 reason why we're submitting it. And we'd also like to be  
34 involved with you, we think that's doable.

35  
36 Thank you.

37  
38 CHAIRMAN DEMIENTIEFF: Okay, we are  
39 winding down here. I know I'm exhausted, I imagine  
40 everybody else is too. We still got a beautiful  
41 afternoon going on out there and I think we all better  
42 get out in that weather, it will probably give us some  
43 energy.

44  
45 I want to thank everybody for all of  
46 their hard work. And this meeting -- well, it goes for  
47 any meeting that you might be involved in no matter what,  
48 but these meetings that we have, we don't always agree  
49 and that's okay. But we're brothers and sisters in a  
50 sense that we have concerns about the issue. We are

1 concerned about the issue that we're meeting on and that  
2 brings us together. And so when you leave the meeting,  
3 we're all friends, leave the issues at the table, leave  
4 the issues at the meeting, it's over. Whatever decision  
5 is made, that's the way it is. So leave it there. Let's  
6 just go out and have fun and be friends.

7

8                                   And with that little message I just want  
9 to say, I'm to the favorite part of the meeting when the  
10 old gavel drops. We are adjourned.

11

12

(END OF PROCEEDINGS)

C E R T I F I C A T E

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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, do hereby certify:

THAT the foregoing pages numbered 145 through 244 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Nathan Hile on the 4th day of May 2005, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 11th day of May 2005.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08