



***Southeast Alaska
Subsistence Regional
Advisory Council***

**Don Hernandez, Chairman
1011 E. Tudor Road, MS121
Anchorage, Alaska 99503**

In Reply Refer To:
OSM 23148

FEB 02 2024

Sara Boario, Alaska Regional Director
U.S. Fish and Wildlife Service, Alaska Region
1011 East Tudor Road
Anchorage, Alaska 99503

Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Director Boario and Chair Christianson:

I am writing to you on behalf of the Southeast Alaska Subsistence Regional Advisory Council (Council) to encourage the development of a Northern Sea Otter co-management agreement between the U.S. Fish and Wildlife Service (USFWS) and the Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit and Haida).

Section 805(a)(3)(A) grants the Council authority to review and evaluate regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the Southeast Alaska region. Although the management of sea otters and/or the resources they consume in Southeast Alaska is outside the jurisdiction of the Federal Subsistence Board (Board), the Council considers the issue worthy of opinion and backing. Aligned with the Council's Indigenous Management Position Statement (enclosed), the Council supports Tlingit and Haida's proposed solution to the overpopulation of sea otters in Southeast Alaska.

Since 2004, the Council has heard substantial testimony regarding the impact that sea otters have on marine subsistence resources (clams, cockles, crab, abalone, sea urchin and sea cucumbers) throughout Southeast Alaska. Council members themselves have also reported significant decline of shellfish stocks in several local areas. The Council began having discussions with

USFWS staff regarding sea otter issues in 2008. The Council received additional information and testimony which inspired the Council to support numerous efforts associated with sea otter management in the Southeast Alaska region. These included the efforts of the Alaska Native Sea Otter Co-management Committee and the Alaska Sea Grant (University of Fairbanks) study: “Ecological, economic and social changes as a result of sea otter recolonization in southern Southeast Alaska,” (See the enclosed Council’s April 7, 2010, letter outlining their support on this issue).

The Council has also highlighted the issue of the continuing expansion of the sea otter population in at least three Annual Reports (2008, 2009, and 2010), and have provided a comprehensive presentation on this issue to Board members when they attended one of the Council’s meetings¹. There were two sea otter issues that were of particular interest to the Council since 2004²:

- 1) The growing populations of sea otter and their impacts on the resources they consume (ecological)
- 2) The challenges that subsistence users face in harvesting sea otters (regulatory)

Twenty years later, these issues remain a concern. Sea otter population growth and the resulting predation impacts on important shellfish and invertebrate species harvested by subsistence users continue to be significant. A solution to these issues has been proposed by Tlingit and Haida.

The blood quantum requirement in the Marine Mammal Protection Act of 1972 (MMPA) has prevented many Tlingit and Haida tribal members from engaging in subsistence harvest of sea otters, which would help address the overpopulation of Northern Sea Otter population in Southeast Alaska. This Council agrees with Tlingit and Haida in that those citizens would still qualify for subsistence harvesting of the otters under the pertinent part of 50 C.F.R. Section 18.3: “... in the absence of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town.”

This allowance would align with the intent of MMPA Section 119 (Marine Mammal Cooperative Agreements in Alaska) for cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of **subsistence use** by Alaska Natives. “Subsistence” is defined in 50 C.F.R. Section 18.3 as the means used by Alaska Natives of marine mammals “for food, clothing, shelter, heating, transportation, **and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.**”

¹ Board members attended the Council’s meeting, in person, in March, 2012, in Juneau.

² From PowerPoint presentation given to Board members at March, 2012 Council meeting in Juneau.

By letter, dated October 3, 2023, Tlingit and Haida expressed their desire to enter into a co-management agreement with the U.S. Fish and Wildlife Service (USFWS) for the management of the Northern Sea Otter population. For the above reasons, the Council supports this request and encourages the USFWS to give timely consideration to this request. A co-management agreement would promote Tlingit and Haida's involvement in resource management decisions and provide opportunities to harvest and use the Northern Sea Otter for tribal citizens whose blood quantum falls under the current threshold. This agreement would provide opportunities for Tlingit and Haida tribal citizens to maintain their subsistence lifestyle to:

1. Create cultural art and handiwork (specifically using sea otter pelts)
2. Pass down traditional skills and knowledge to younger tribal members to ensure cultural practices survive into the next generations
3. Bring balance back into the Southeast Alaska ecosystem: reducing the sea otter population to allow for species traditionally harvested by tribal citizens (and eaten by sea otters) to re-emerge (King and Dungeness crab, abalone, sea urchin, gumboots, octopus, and clam species)

The Council further urges the USFWS to reach out to Tlingit and Haida as soon as possible to begin work on such a co-management plan with specific policies and procedures that are negotiated and agreed upon between the agency and Tlingit and Haida. This is necessary to start immediately addressing the overpopulation of the Northern Sea Otter and its impacts for the recovery of marine subsistence resources used by Tlingit and Haida's tribal citizens.

Additionally, it was conveyed to the Council that Tlingit and Haida would be willing to meet with other Tribes to hear of their specific goals for the management of sea otter populations within their own traditional areas, which may be useful when considering management decisions for this species in Southeast Alaska. The Council would support the inclusion of other tribal governments in Southeast Alaska regarding management of sea otters because there are different concerns in different communities.

The Council appreciates the opportunity to formally show its support for co-management of a subsistence resource with a Federal agency and looks forward to the progress of Tlingit and Haida's request. The Council would like to be advised of the USFWS action on this request so that the Council can continue to support the effort moving forward.

Finally, the Council would like to commend Tlingit and Haida for taking this proactive step in the sustainable management of traditional subsistence resources for its current and future tribal citizens. As stated in its Indigenous Management Position Statement, the Council supports any and all local and regional indigenous/cooperative resource management endeavors in Southeast Alaska.

If you have any questions regarding this letter, please contact me via DeAnna Perry, Subsistence Council Coordinator, USDA – Forest Service, at deanna.perry@usda.gov, or 1-800-478-1456 or 907-209-7817.

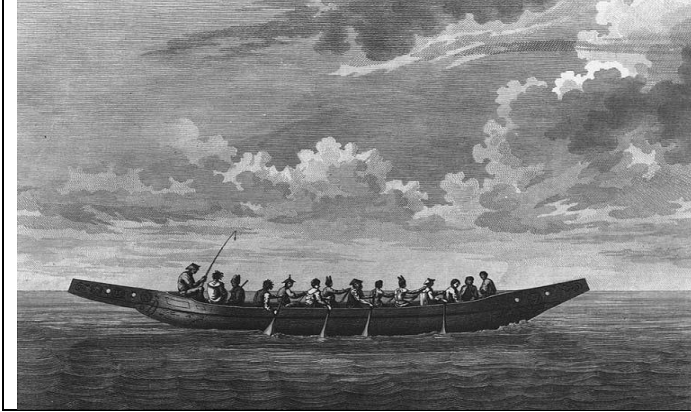
Sincerely,



Don Hernandez
Chair

Enclosure: SE RAC Indigenous Management Position Statement (2022)
Letter to USFWS re: Sea Otter Concerns (April 7, 2010)

cc: Federal Subsistence Board
Southeast Subsistence Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
Richard Peterson, President, and Karli Tyance Haskell, Central Council of Tlingit and Haida
Indian Tribes of Alaska
Administrative Record



***Southeast Alaska
Subsistence Regional
Advisory Council***

**Don Hernandez, Chairman
1011 E. Tudor Road, M/S 121
Anchorage, Alaska 99503**

**IN REPLY REFER TO:
OSM 23138**

FEB 03 2024

Federal Subsistence Board
ATTN: Chair, Anthony Christianson
c/o Office of Subsistence Management
1011 E. Tudor Road, M/S 121
Anchorage, Alaska 99503-6199

Office of Subsistence Management
ATTN: Acting Assistant Regional Director, Ameer Howard
1011 E. Tudor Road, M/S 121
Anchorage, Alaska 99503-6199

USDA – USFS Regional Office
ATTN: Acting Regional Forester Janelle Crocker
P.O. Box 21628
Juneau, Alaska 99801-1807

USDA – USFS Tongass National Forest
ATTN: Forest Supervisor Frank Sherman
648 Mission Street, Suite #110
Ketchikan, Alaska 99901

National Park Service – Alaska Region
ATTN: Regional Director Sarah Creachbaum
240 W. 5th Avenue
Anchorage, Alaska 99501

National Park Service – Glacier Bay
ATTN: Superintendent Philip Hooge
Glacier Bay National Park and Preserve
P.O. Box 140
Gustavus, Alaska 99826

Dear Chair Christianson, Ms. Howard, Ms. Crocker, Mr. Sherman, Ms. Creachbaum and Mr. Hooge:

The Southeast Alaska Subsistence Regional Advisory Council (Council) developed a position statement on its interpretation of ‘meaningful priority’ and the ‘continuation of subsistence uses,’ and how these are considered in decisions for regulations, policies, and procedures relating to subsistence use matters.

The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters in the Southeast Alaska Region. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council’s charter established the Council’s authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside its region that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to subsistence uses of fish and wildlife within the region.

This position statement is born from Southeast Alaska rural residents’ testimony to the Council about the difficulty meeting their subsistence needs. In recent years, comments from subsistence users and their representatives have highlighted difficulties meeting subsistence needs because their uses are often severely impacted by sport, commercial, or other non-subsistence uses. The Council also received proposals from subsistence users and their communities calling for regulatory changes that would limit the impact of these non-subsistence uses and provide for a meaningful preference for subsistence uses.

This position statement is also the result of the Council’s observations of the Federal Subsistence Management Program’s (FSMP), including the Federal Subsistence Board’s (Board), understanding and interpretation of Title VIII of ANILCA over the years, specifically Sections 801, 802, 804, 805, and 815(3) and Title I of ANILCA, specifically Section 101(c). Bill Thomas, this Council’s first chairman, emphasized that the Council should closely follow ANILCA’s intent in making recommendations and developing policy and this was kept in mind during the Council’s work on this matter. The Council, at its Winter 2023 meeting in Juneau, reflected on the history and testimony regarding meaningful priority and the importance of rural residents’ ability to continue subsistence uses. The following is an expanded version of this discussion.

COUNCIL’S REVIEW OF PERTINENT REGULATORY HISTORY

1. Since the passage of ANILCA on December 6, 1980, there have been progressive changes in the approach taken to implement the subsistence provisions of the law.
2. The Congressional Record of deliberations leading up to ANILCA conclusively showed that the subsistence provisions were intended to augment the passage of the Alaska Native Claims Settlement Act (ANCSA) passed December 18, 1971. ANCSA did not address the hunting and fishing rights of the indigenous peoples of Alaska, however. The Marine Mammal Protection Act passed a year later (December 21, 1972) provided for continued take of most marine mammals by coastal Alaska Natives. The International Whaling Commission, established soon after World War II on December 2, 1946, provided for traditional bowhead whale hunting by aboriginal subsistence whalers until 1977. After some problematic years and the work of the Alaska Eskimo Whaling Commission, a quota for traditional bowhead whale hunting was established in 1981.

The North Pacific Fishery Management Council adopted a program recognizing Alaska subsistence halibut fishing in October 2000. Management regulations for this program have been in effect since May 15, 2003.

Because Title VIII of ANILCA was passed by Congress to address Native hunting, fishing, and gathering rights that were not covered by ANCSA¹, the Council considers Title VIII of ANILCA to be “Native” legislation as such interpretation of these ANILCA provisions are due deference.

3. The Federal Government began managing subsistence hunting, and trapping in 1990 and then subsistence fishing on Alaska’s Federal public lands and non-navigable waters in 2000.

Federal Subsistence Regional Advisory Councils were established in 1993. State of Alaska Advisory Committees were in existence before that date.

¹ *The Senate amendment to the House bill provided for the protection of the Native peoples’ interest in and use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that Native interests in subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The conference committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Native. 12-13-1971 Congressional Record - House H12353 (ANCSA)*

Following legal challenges, the 9th Circuit Court of Appeals ruled that Federal authority to manage subsistence should expand to include fisheries on all public lands and waters, including all navigable waters in which the U.S. holds reserved water rights, such as waters on or next to wildlife refuges, national parks, and national forests. Congressional moratoriums prevented this ruling from taking effect until October 1, 1999.

4. Since 1993, this Council worked assiduously within the FSMP to implement subsistence protections in Southeast Alaska. The Council's consistent objective has been to recommend subsistence regulations and policies that provide for the continuation of subsistence uses in rural Southeast Alaska within the authority of ANILCA. Over the decades that it has been in existence, the Council has supported:
 - a. A designated hunter program that recognizes rural hunting patterns,
 - b. Recognition of ceremonial and cultural uses of fish and wildlife,
 - c. An approach to customary and traditional use findings that we believe conforms to subsistence practices in Southeast Alaska and follows the letter and intent of ANILCA,
 - d. Maintaining the original rural designations for Southeast communities, which we believe reflect the rural character of our region and,
 - e. Consistently providing comments to Federal land management agencies under ANILCA Sec. 810 concerning the effects of Federal land use actions on subsistence uses.

The above recognizes the community characteristics of subsistence uses. The Council has recommended specific regulatory actions to provide a subsistence priority for subsistence uses that had relatively limited effect on the ability of urban or non-local hunters, fishers, and trappers to use the fish and wildlife resources of our region. Overall, it has been fortunate that the fish and wildlife populations used for subsistence on Federal lands and waters in Southeast Alaska have generally been sufficient to support federally qualified subsistence users, as well as provide hunting and fishing opportunities for urban/nonrural residents.

5. ANILCA primarily talks about 'uses.' Sec. 801 of ANILCA presents Congressional Findings:
 - a. Finds that subsistence uses are "essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence."
 - b. Refers to subsistence uses in light of food dependency.

- c. Notes that the increasing human population of Alaska threatens subsistence uses².
- d. States that providing the opportunity for continued subsistence uses is a matter of equity.
- e. Requires that rural residents have “a meaningful role in the management of fish and wildlife and of subsistence uses on public lands in Alaska.”

Most critically, when speaking to uses, ANILCA Title VIII provisions do not refer, even once, to individual hunting and fishing harvest limits or to the right of individuals to hunt and fish under subsistence provisions.

6. In Sec. 802, Congress declares that:

- (1) Use “of the public lands in Alaska is to cause the least adverse impact on rural residents who depend on subsistence uses of the resources of such lands..... the purpose of this title is to provide the opportunity of rural residents engaged in a subsistence way of life to do so...”
- (2) Subsistence shall be the priority consumptive use of fish and wildlife resources on public lands in Alaska.

7. Sec. 804 includes provisions to prioritize among subsistence users based on dependence on a particular resource, local residency, and availability of alternative resources.
8. Sec. 815 (3) authorizes restrictions on the taking of fish and wildlife for nonsubsistence uses on public lands if necessary for the conservation of healthy populations of fish and wildlife; or the continuation of subsistence uses; or for reasons of public safety or administration.
9. Congress was remarkably prescient concerning the likelihood that increasing pressure on Alaska’s fish, wildlife, and plant resources over time would threaten subsistence uses. As was expected in 1980, Alaska had an oil boom that led to major increases in the Alaskan urban and non-Native population.

While Congress anticipated that Alaska’s population would increase, it did not foretell some of the other social and technological changes that would occur in the subsequent 43 years that would have significant impacts on subsistence uses:

² Alaska’s population has increased from 401,851 in 1980 to an estimated 737,000 in 2023 (<https://usa.ipums.org>). In Southeast Alaska, the total population has increased significantly. As an example, the non-rural population (Juneau and Ketchikan) has increased from 26,726 (Juneau = 19,528; Ketchikan = 7,198) in 1980 to 39,404 (Juneau = 31,534; Ketchikan = 7,870) in 2023.

- a. Global Positioning Systems, 450 horsepower outboard engines on \$250,000 recreational boats, 4 wheelers that fit on drop bow boats, digital charts, and other advanced electronics that greatly improve hunting and fishing success, particularly for urban residents who can afford such items.
 - b. The unchecked growth of the guided and unguided sport fishing industry. In many communities, a single sport fishing lodge may take as much fish as the rest of the community. By way of regulation, in much of Southeast Alaska, sport fishers can out-fish subsistence users. Sport fish take of King and Coho salmon and of Halibut and rockfish appears to be greater than the take of these species by rural residents.
 - c. Tourism now brings over 1.5 million tourists to Southeast Alaska. In addition, the tourism season coincides with the main subsistence fishing season and with some of the subsistence hunting seasons.
 - d. Increased technology and other gear efficiencies have made it possible for commercial fisheries to literally catch ALL the fish in targeted fisheries.
 - e. Rapid climate change affects all subsistence resources and threatens many fishery and intertidal subsistence resources.
10. Congress also showed an awareness of how subsistence actually took place in rural Alaska. Pre ANILCA examination of subsistence uses focused on community use (Alaska Natives and the Land, Federal Field Committee for Development Planning in Alaska, 1968). Post 1980 studies have consistently shown that subsistence use is community based, meaning that a small number of subsistence harvesters who have the expertise, resources, equipment, and time may harvest the majority of subsistence foods used by a community. Alaska Department of Fish and Game subsistence studies allowed formulation of the 30/70 rule, consistently finding that 30% of subsistence households harvested 70% of the subsistence resources overall. For herring eggs and seals, the harvest by a few individuals is even greater. These ‘high harvesters’ are the mainstay for maintaining traditional practices, uses, and the subsistence way of life. Subsistence foods are distributed within communities and between communities through customary trade and exchange.

This fundamental characteristic of subsistence was recognized by Congress. Interestingly, similar patterns of distribution and exchange of wild foods has been found to be characteristic of hunting, fishing, and gathering societies globally (CF Man the Hunter, Lee and Devore, 1968).

The distinction between subsistence use and harvest and the relationship between use and harvest was central to ANILCA’s approach to safeguarding subsistence. In its wisdom, Congress focused on “**use**” rather than “**harvest**.”

This is in stark contrast to State of Alaska management of fish and wildlife or, for that matter, fish and wildlife management in other states. This colonial orientation is focused

on the individual hunter or fisher, not on the community. The Council notes that hunting provisions of the Marine Mammal Protection Act, (such as the bowhead whale quota), and National Marine Fisheries Service regulations assume that harvesting is done for community subsistence uses, not to satisfy individual hunters and fishers. Understandably, it would be absurd to have an individual bag limit for bowhead whales.

11. ANILCA very clearly is aimed at protecting subsistence uses and ensuring the continuation of the rural subsistence way of life. In real-world situations, this Council has found that many things can effectively limit or constrain subsistence uses. These, of course, include resource scarcity when there simply is not a sufficient harvestable surplus to meet subsistence (and sport or commercial) needs. However,
 - a. Competition from non-subsistence sport and commercial harvesters;
 - b. Displacement from traditional subsistence use areas;
 - c. Habitat degradation;
 - d. Limitations on access to traditional subsistence use areas;
 - e. Climate change affecting availability of subsistence resources;
 - f. Adverse weather conditions;
 - g. Lack of financial resources for the equipment and supplies needed to undertake subsistence;
 - h. Lack of financial resources to address information needs (monitoring, surveys, etc.);
 - i. Localized depletion in high subsistence use areas;

And other factors can interfere with meeting community subsistence uses and needs even when there is no overall conservation concern with a particular subsistence resource.

The Council has supported Federal management actions to address problems on the ‘supply side’ of fish and wildlife management when there have been concerns about the health of fish and wildlife populations. These would include supporting restrictive bag limits in subsistence fisheries and close management and reporting for subsistence harvest of moose, elk, and goats.

The Council has increasingly noted; however, that subsistence uses in our region may be threatened even when there is no general resource scarcity. Rural residents’ ability to meet their community subsistence needs may be threatened by competition and reduced access to subsistence resources.

Testimony received at recent Council meetings and proposals submitted by rural residents and their communities in recent years have focused on competition from non-federally qualified users. Simply put, rural residents have found that their ability to meet community subsistence needs for deer and Sockeye Salmon may be adversely affected by other users even when, overall, there are healthy populations of these species. Subsistence users may be displaced from traditional harvest locations or otherwise overrun by non-federally qualified users.

Competition from non-federally qualified users may be limiting rural residents of Prince of Wales Island, Angoon, Hoonah, and Pelican to meet their community subsistence needs for deer. Competition with guided and non-guided sport fishers and with commercial fisheries may be limiting the ability for rural residents to meet their needs for subsistence fish in the region.

This Council believes that it, and the Federal Subsistence Board, need to be guided by the clear provisions found in ANILCA, specifically recognizing that:

- a. Subsistence is the priority use of fish and wildlife;
- b. Subsistence uses (and harvests) require regulations to provide a meaningful preference; and
- c. Competition, as envisioned in ANILCA findings, is now acting as a strong constraint on rural subsistence users' ability to continue their subsistence way of life and meet their subsistence needs.

Considering Congress's intent to provide rural Alaskan residents with an opportunity to maintain a subsistence way of life and the Board's obligation to provide a meaningful use preference³, the Council believes this could support, although not require, further restrictions on non-federally qualified hunters and fishers using Federal public lands and waters in the future. This is a certainty based on the demographic changes taking place within our region and across the state and that increasingly threatens subsistence uses. The Council supports the letter and intent of ANILCA in this regard.

Therefore, this Council believes that ANILCA requires the FSMP to address and ameliorate all conditions that limit or eliminate the ability of subsistence users to meet community subsistence uses and needs.

Not surprisingly, since the FSMP regulatory actions set **harvest** regulations for subsistence harvests and establishes meaningful priorities for subsistence **harvests**, regulatory actions tend to **focus on harvests rather than uses**. The Council believes that this understandable focus on subsistence harvests, rather than on subsistence uses, has deviated from Congressional intent and is in error. Operationally, harvest regulations are clearly necessary. However, the objective of harvest regulations under ANILCA directions must be to ensure that community subsistence uses and community needs are met. The objective should not be a matter of satisfying individual harvesting opportunities.

Protecting community subsistence uses and providing a meaningful priority for subsistence uses may require restrictions on non-subsistence uses even when there may not be a serious conservation concern, a low harvestable surplus, or a population decline in a fish and wildlife population.

In light of this examination of ANILCA, the Council will entertain regulatory proposals that provide for community subsistence uses and needs.

³ Ninilchik Traditional Council v. United States, 227 F.3d 1186, 1192-93 (9th Cir. 2000)

Lastly, we would like to thank the Federal Subsistence Board for its time to consider our interpretation of the intent of ANILCA Title VIII, specifically as it relates to providing meaningful priority and providing for the continuation of subsistence uses of fish and wildlife resources.

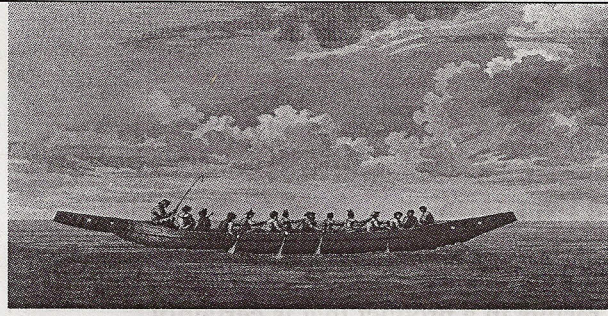
If you have any questions regarding this letter, they can be addressed to me through our Council Coordinator DeAnna Perry at 907-209-7817 or deanna.perry@usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Hernandez", with a stylized flourish at the end.

Donald Hernandez, Chair

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council Members
Office of Subsistence Management
Interagency Staff Committee
Southcentral Alaska Subsistence Regional Advisory Council
Kodiak/Aleutians Subsistence Regional Advisory Council
Bristol Bay Subsistence Regional Advisory Council
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council
Seward Peninsula Subsistence Regional Advisory Council
Northwest Arctic Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
North Slope Subsistence Regional Advisory Council
Deputy Commissioner, Alaska Department of Fish and Game
Assistant Director, Division of Wildlife Conservation
Administrative Record



***Southeast Alaska Subsistence
Regional Advisory Council***

Bertrand Adams Sr., Chair

kaadashan@alaska.net

April 7, 2010

Mr. Geoffrey L. Haskett
Alaska Regional Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Mr. Haskett:

The Council appreciates the effort you and Mr. Burns made to attend the Council meeting in Saxman on March 16, 2010. We are encouraged by your commitment to form a new partnership with the Central Council of Tlingit and Haida Indian Tribes and the Sitka Tribe of Alaska for addressing sea otter concerns. The Alaska Native Sea Otter Co-management Committee (ANSOCC) appears to be well suited to address issues associated with sea otter management in the Southeast Alaska Region. The Council also welcomes the commitment by the U. S. Fish and Wildlife Service (USFWS) to engage in an outreach program to educate users of sea otters, as mentioned in your letter to the Council on January 19, 2010.

In a March 24, 2009 letter, the Council expressed its unanimous support for a proposed study, "Ecological, economic and social changes as a result of sea otter recolonization in southern Southeast Alaska." The Council was pleased to hear the USFWS was supportive and instrumental in obtaining this funding. Thank you; completion of this study will be necessary to determine the true impact of sea otters to the communities and subsistence users we represent.

The Council continues to receive testimony on reasons for the underutilization of sea otters and the devastating affects the expanding sea otter population is having on shellfish stocks important to subsistence users and the economies of local communities. In previous correspondence, we recommended joint management plus an education program to familiarize users with current rules and are encouraged that progress is being made along those lines. The Council has several additional recommendations for consideration by the ANSOCC and the USFWS to further facilitate the subsistence use of sea otters.

Council Recommendations:

1. The Council recommends a thorough review of current regulations. Regulations appropriate to protect a small fragile population are likely too restrictive to encourage harvest of a robust and rapidly increasing population.

Geoffrey L. Haskett

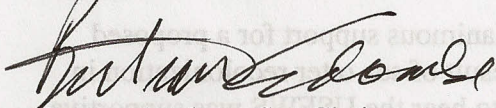
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April 7, 2010

2. Regulations need to be amended to encourage harvest when and where there is a significant level of harvest opportunity commonly referred to as potential biological removal. The use of Alaska Department of Fish and Game fishing Districts may be well suited to define area boundaries.
3. The process of tanning sea otter pelts results in a product that is certainly "significantly altered." That concept should be clearly described in regulation by amending Section 18.3 "Definitions" in the code of Federal regulations to include tanned hides as significantly altered.
4. Requiring the use of registered agents inhibits the potential utilization of sea otters. Section 18.23 (b) 1 (i) (ii) and 2 (i) (ii) "Native exemptions" should be amended to remove the requirement to utilize registered agents and allow the direct sale and transportation of sea otters by qualified users. Current language in these paragraphs is exceedingly confusing and unnecessarily restrictive.
5. There is no need for tags to remain affixed to the skin through the tanning process. Section 18.23 (f) 9 (iii) (E) should be deleted in its entirety.

Please address any questions regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, AK 99833, 1-907-772-5930, robertlarson@fs.fed.us.

Sincerely,



Bertrand Adams Sr., Chair

cc: Peter J. Probasco, Office of Subsistence Management
Beth Pendleton, Forest Service Regional Forester
Ralph E. Lohse, Chair Southcentral Subsistence Regional Advisory Council
Speridon M. Simeonoff Sr., Chair Kodiak/Aleutians Subsistence Regional Advisory Council
Molly Chythlook, Chair, Bristol Bay Subsistence Regional Advisory Council
Lawrence Widmark, Chairman Sitka Tribe of Alaska
William E. Martin, President Central Council of Tlingit and Haida Indian Tribes