

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 3, 2018

8:04 a.m.

DRAFT

MEMBERS PRESENT

Representative Justin Parish, Co-Chair
Representative Tiffany Zulkosky, Co-Chair
Representative Harriet Drummond
Representative John Lincoln
Representative George Rauscher
Representative Dan Saddler
Representative David Talerico

MEMBERS ABSENT

Representative DeLena Johnson (alternate)
Representative Jonathan Kreiss-Tomkins (alternate)

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Assessment Review Board

William Westover - Anchorage, Alaska
Brad Pickett - Palmer, Alaska

- CONFIRMATION HEARING(S) ADVANCED

CS FOR SENATE JOINT RESOLUTION NO. 4 (RES)
Urging the United States Congress to pass legislation providing for the exemption of legally acquired walrus, mammoth, and mastodon ivory from laws that ban the sale, use, and possession of ivory.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SJR 4

SHORT TITLE: AK LEGALLY ACQUIRED IVORY USE EXEMPTION

SPONSOR(S): SENATOR(S) OLSON

02/01/17	(S)	READ THE FIRST TIME - REFERRALS
02/01/17	(S)	CRA, RES
03/28/17	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/28/17	(S)	Heard & Held
03/28/17	(S)	MINUTE(CRA)
04/04/17	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/04/17	(S)	Moved SJR 4 Out of Committee
04/04/17	(S)	MINUTE(CRA)
04/05/17	(S)	CRA RPT 4DP
04/05/17	(S)	DP: BISHOP, GARDNER, MACKINNON, STEDMAN
01/29/18	(S)	RES AT 3:30 PM BUTROVICH 205
01/29/18	(S)	Moved CSSJR 4(RES) Out of Committee
01/29/18	(S)	MINUTE(RES)
01/31/18	(S)	RES RPT CS 6DP NEW TITLE
01/31/18	(S)	DP: GIESSEL, WIELECHOWSKI, COGHILL, VON IMHOF, STEDMAN, MEYER
02/16/18	(S)	TRANSMITTED TO (H)
02/16/18	(S)	VERSION: CSSJR 4(RES)
02/19/18	(H)	READ THE FIRST TIME - REFERRALS
02/19/18	(H)	CRA, JUD
04/03/18	(H)	CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

WILLIAM WESTOVER, Appointee
Assessment Review Board
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Assessment Review Board.

BRAD PICKETT, Appointee
Assessment Review Board
Palmer, Alaska

POSITION STATEMENT: Testified as appointee to the Assessment Review Board (ARB).

JIM PUCKETT, Staff
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented CSSJR 4(RES) on behalf of Senator Olson, prime sponsor.

VERA METCALF
Director
Eskimo Walrus Commission at Kawerak
Nome, Alaska

POSITION STATEMENT: Testified in support of CSSJR 4(RES).

BRUCE SCHINDLER
Skagway, Alaska

POSITION STATEMENT: Responded to questions during the hearing on CSSJR 4(RES).

ALICE BIOFF
Business Planning Specialist
Eskimo Walrus Commission at Kawerak
Nome, Alaska

POSITION STATEMENT: Testified in support of CSSJR 4(RES).

ACTION NARRATIVE

[8:04:26 AM](#)

CO-CHAIR TIFFANY ZULKOSKY called the House Community and Regional Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Lincoln, Drummond, Rauscher, Saddler, Parish, and Zulkoski were present at the call to order. Representative Talerico arrived as the meeting was in progress.

CONFIRMATION HEARING(S): ASSESSMENT REVIEW BOARD

[8:05:10 AM](#)

CO-CHAIR ZULKOSKY announced that the first order of business would be the confirmation hearings for the Assessment Review Board (ARB).

[8:05:52 AM](#)

WILLIAM WESTOVER, Appointee, Assessment Review Board, offered his background as a private appraiser for 25 years, specializing in complex properties, including special purpose and regulated utility valuations. He said he has lived in Alaska over 50 years and is at the point in his life where he has more time and experience and specialized knowledge that he thinks would be beneficial to ARB. He said he looks forward to the opportunity to give back to the state.

[8:07:00 AM](#)

CO-CHAIR PARISH remarked that Mr. Westover's resume [included in the committee packet] was impressive, with over a page and a

half listing courses he had taken. He asked Mr. Westover what the average length of each course was.

MR. WESTOVER answered that they vary from a single day to a week. He said he is required to take 28 hours of continuing education biennially in order to maintain his license as an appraiser. He responded to further questions from Co-Chair Parish. He said it is unlikely that an appraisal he has done would come before ARB, but if it did, he would disclose his affiliation, seek out advice from an attorney, and, most likely, recuse himself from hearing any cases for which he was personally involved in an outside appraisal. He offered his understanding that there are no other cases he anticipates would come before ARB from which he would need to recuse himself.

[8:09:36 AM](#)

REPRESENTATIVE DRUMMOND asked if it is likely that a commercial property that Mr. Westover had appraised for the Municipality of Anchorage would be appealed to ARB.

MR. WESTOVER answered no. He explained that the Municipality of Anchorage has its own Board of Equalization for all municipal assessments. In response to follow-up questions, he said the next step for an appeal in Anchorage would be the [Alaska] Superior Court, and he reaffirmed that it would be unlikely a case he had appraised would come up for review by ARB.

[8:11:07 AM](#)

REPRESENTATIVE SADDLER asked about the process of reviews.

MR. WESTOVER answered that in general: notice is sent to the property owner as to how much the appraiser thinks the property is worth; there is an opportunity for review of the assessment; the next step, if necessary, would be either the Board of Equalization or ARB, depending on whether the appraisal was state or local. In response to another question, Mr. Westover described how the appraisal practice has changed over the years. He offered examples, said the fundamental process of appraising has not changed all that much, and named the three approaches: cost approach, sales comparison approach, and income approach. He offered further details.

[8:15:32 AM](#)

REPRESENTATIVE RAUSCHER asked how much of Mr. Westover's time is devoted to independent appraising currently.

MR. WESTOVER answered that it is very little time. He said he maintains a private practice and does one or two private appraisals every couple of years.

[8:16:18 AM](#)

REPRESENTATIVE LINCOLN asked Mr. Westover if he could describe any differences there may be between appraising assets for the oil and gas industry versus assets Mr. Westover has already assessed in his career.

MR. WESTOVER answered, "Not really." He said there is personal property appraising, which includes equipment, such as off-shore oil rigs and pumps; and real property appraising, which includes land, buildings, pipelines, and vehicle appraising. The rules for all are largely the same.

[8:17:37 AM](#)

REPRESENTATIVE SADDLER asked what Mr. Westover's experience is in appraising industrial property.

MR. WESTOVER replied that his experience in heavy industrial equipment is somewhat limited; therefore, he would not have a large bias, which in some ways he said would be helpful, because he would listen to experts that were brought before ARB. Further, his lack of experience would necessitate his studying the subject. He said he has appraised large warehouses and manufacturing plants. He responded to further questions from Representative Saddler. He said he is not certain whether the [oil and gas] industry pays its fair share in taxes to the State of Alaska. He offered his understanding that the industry pays corporate income tax, a tax on the value of oil it extracts, and property taxes on its assets, and the state gets a royalty share. He said any other business operating in Alaska would be assessed either at a local or state level. He said he is not certain whether the corporate tax rate for the oil and gas industry is the same as for any other corporate entity in Alaska. He said he has no information to base an opinion on a question about the assessment of strategic reconfigurations of the TransAlaska Pipeline, but he said he would be reading previous cases over the last few years. He said at this point he has no direct investment in the oil industry. He related

that many years ago he had a landscaping contract with Alyeska Pipeline Service Company in Anchorage.

8:22:39 AM

The committee took an at-ease from 8:22 a.m. to 8:24 a.m.

8:24:00 AM

CO-CHAIR PARISH moved to forward the name of William Westover to a joint session of the House and Senate for confirmation to the Assessment Review Board. He asked members to keep in mind that the forwarding of the confirmation does not reflect intent by any committee member to vote for or against this individual during the confirmation session. There being no objection, the confirmation of William Westover was advanced from the House Community and Regional Affairs Standing Committee.

8:24:49 AM

BRAD PICKETT, Appointee, Assessment Review Board, related that he is the Matanuska-Susitna Borough assessor. He has worked for Matanuska-Susitna Borough for 16 years, starting out as an appraiser and working up to his work as a commercial appraiser for 8 years. He said this experience would prove useful serving on ARB. Mr. Pickett said he is on his fourth year as borough assessor, work that he said will also benefit him [while serving on ARB]. Mr. Pickett stated that [confirmation hearings] are an important process of which he is privileged to be a part. He said Alaska has been good to him and his family, and serving on ARB is a chance for him to give something back to the state. He concluded by expressing his appreciation to Mr. Westover for being the first to answer so many questions during his confirmation hearing process.

8:26:37 AM

CO-CHAIR PARISH noted that Mr. Pickett has a diverse resume. He asked him if it is possible that an assessment he has made could come before the review board.

MR. PICKETT answered that that won't happen, because the properties with which he has been involved are in the Matanuska-Susitna Borough, while the properties he would be involved with while serving on ARB are those valued by the state. In response to another question, he answered that he has no personal financial interest in the oil industry.

8:28:21 AM

REPRESENTATIVE RAUSCHER asked Mr. Pickett what kind of legislation he has been involved in drafting.

MR. PICKETT answered that any time a change is desired to borough code, it requires drafting of legislation. He currently has legislation going before the assembly to move money from one fund to another. He mentioned legislation being drafted to clarify rural code, based on questions received from the public.

8:29:34 AM

REPRESENTATIVE SADDLER asked Mr. Pickett what experience he has in assessing or reviewing assessments of the oil industry or other commercial industrial property.

MR. PICKETT said he has no experience with property "of the magnitude that we would be having the hearings on." He said he has experience with utility property in Matanuska-Susitna and was the commercial appraiser for eight years. He said he did an appraisal of the Point Mackenzie Prison, which was a large project. He said the same process is used whether a project is big or small; therefore, although he may not have the experience with the oil and gas industry, his purpose on ARB will be to hear the information brought forward - the facts of the case - and then to make a decision based on those facts. He said he thinks he has the ability to do that based on his past experience.

MR. PICKETT answered a series of questions from Representative Saddler. He echoed Mr. Westover's response that he will look over information he has requested in order to educate and prepare himself. He said he has spent time on the Internet looking up specific terminology. Regarding the assertion that the Municipality of Anchorage has inflated property assessment values as a way to raise additional revenue while remaining below the tax cap, he said he thinks people will always have that perception because they don't want to pay taxes. He informed that there is a good process by which people can make an appeal, which is a way to affirm that those values are not inflated. He offered further details. Mr. Pickett said he has never considered the question of whether the industry has paid its fair share of taxes. He said that fair share is determined by law. He said in his position with ARB, he will be considering what the parameters are under law; his personal

feelings will very seldom come into play. He said he appreciates this aspect of the work on the board, because it makes that work much easier to do.

[8:35:07 AM](#)

REPRESENTATIVE RAUSCHER asked Mr. Pickett if he has a clear picture of what his responsibilities will be on ARB.

MR. PICKETT answered yes, the board will be studying in review evaluations that have been appealed to the state petroleum property assessor and have not been resolved. He said Mr. Westover covered the process during his hearing. The facts of the case will be discussed, and, in most instances, the dispute will be resolved. If it is not resolved, it can be appealed to ARB. He offered further details. In response to a follow-up question, he said until a property is actually involved with the pipeline, it would not come before ARB. The purpose of the board is not so much to assess those values but to sit as a judge to determine if the value is correct or not, based on the information brought forward from the interested parties.

[8:37:47 AM](#)

REPRESENTATIVE LINCOLN asked about Mr. Pickett's experience in assessing properties that have cash flow variations over time. He said he has been struck by the uncertainty surrounding the commodity price and the tax structure under which oil companies must operate.

MR. PICKETT said his experience with properties has been consistent, although there is some inconsistency "when looking forward with income property." He said ARB will be considering information provided by both the property owner and the state rather than arriving at an assessment on its own. He explained, "So, I think that will take out some of the uncertainty or the pressure that would be on us to actually set the valuation based on an unknown number."

[8:40:14 AM](#)

REPRESENTATIVE SADDLER recollected that a judge had opined that TAPS would be profitable for decades, even if building it anew, regardless of tax rates. He asked if Mr. Pickett had an opinion in that regard.

MR. PICKETT responded that he did not have enough information on the subject to enable comment. Mr. Pickett continued to answer questions from Representative Saddler. He stated that the greatest challenge as an appraiser is assessing property for which there is little information regarding the value of the property. The value, once set, must be defensible, which can be difficult without sufficient information. Next, he stated that the appraisal and review process is not balanced at the local level but is at the state level. He explained that a property owner appealing [locally] is at a disadvantage, because he/she does not have the resources to find the necessary information. However, property owners coming before ARB are well represented and familiar with the process. Finally, he relayed that he does not have any experience or investments in oil property.

[8:43:49 AM](#)

REPRESENTATIVE TALERICO asked Mr. Pickett how many Board of Equalization appeal hearings he had attended.

MR. PICKETT answered several hundred. As borough assessor, he attends every hearing.

[8:45:03 AM](#)

CO-CHAIR PARISH moved to forward the name of Brad Pickett to a joint session of the House and Senate for confirmation to the Assessment Review Board. He asked members to keep in mind that the forwarding of the confirmation does not reflect intent by any committee member to vote for or against this individual during the confirmation session. There being no objection, the confirmation of Brad Pickett was advanced from the House Community and Regional Affairs Standing Committee.

[8:45:27 AM](#)

The committee took an at-ease from 8:45 a.m. to 8:48 a.m.

^#sjr4

SJR 4-AK LEGALLY ACQUIRED IVORY USE EXEMPTION

[8:48:10 AM](#)

CO-CHAIR ZULKOSKY announced that the final order of business would be CS FOR SENATE JOINT RESOLUTION NO. 4 (RES), Urging the United States Congress to pass legislation providing for the

exemption of legally acquired walrus, mammoth, and mastodon ivory from laws that ban the sale, use, and possession of ivory.

[8:48:34 AM](#)

JIM PUCKETT, Staff, Senator Donny Olson, Alaska State Legislature, presented CSSJR 4 (RES) on behalf of Senator Olson, prime sponsor. He said the need for the proposed legislation came to light after Senator Olson received much feedback in the form of letters, e-mails, petitions, and personal conversations. He continued as follows:

For Western Alaska, a region that has an unemployment rate that ranges from 10 to 21 percent, subsistence provides food security, while the byproducts help provide income. Anything that diminishes their ability to ... make ends meet can potentially be disastrous for those folks. This resolution demonstrates support for our local artists, who are using byproducts of subsistence, creating beautiful art and selling their handiwork for much needed income.

The resolution also strongly urges our federal delegation to introduce legislation exempting legally acquired Alaska walrus, mammoth, and mastodon ivory from Lower 48 states' ivory bans. The Senator certainly understands the desire of other states to stop the illegal poaching of endangered African species by enacting legislation banning ... ivory from a state's commerce; however, doing so has created significant, unintended negative impacts on Alaskan artists across our state. In recent years, some states introduced legislation banning the purchase or the distribution of ivory, and it appeared that additional states are considering and may soon introduce legislation which will further erode the market available to our Alaskan artists to sell their products.

While it is true most states allow for possession of non-African ivory, many of them prohibit the purchase or the distribution of ivory without making the distinction clear between Alaskan ivory and African ivory. This lack of distinction and restriction creates issues regarding the possession of the ivory

and the proof of purchasing the ivory outside of that state.

[8:52:07 AM](#)

MR. PUCKETT stated that the actions of the Lower 48 states economically hurt the disadvantaged regions of Alaska that subsist and use ivory products for income. He advised that the federal Marine Mammal Protection Act specifically recognizes the rights of Alaska Natives to subsist on marine mammals. He said the bans on ivory by Lower 48 states deter people from buying Alaska ivory. He stated, "We need our federal delegation to provide for the exemption of legally acquired ivories from current and future legislation by other states." Mr. Puckett addressed what this issue could mean for individual Alaska artists and other Alaska residents. He said Alaska ivory artists and craftspeople have already lost some of their customer base and will continue to lose more customer base in the Lower 48. He said Alaskans traveling through Lower 48 states with their legally acquired ivory could face harsh penalties for possession. He said he would hate to think he could be arrested for wearing his Alaska ivory tie tack while traveling through one of those states. He concluded that the statutes of some Lower 48 states could hinder the ability of those who legally obtained their ivory to possess, trade, or sell the ivory.

[8:54:03 AM](#)

MR. PUCKETT, in response to a question from Representative Rauscher, said he is not aware of Alaska having any ban on its ivory; however, six states so far have banned some categories of ivory.

MR. PUCKETT proceeded to offer examples of statutes in various states. For example, in the definition section of New York statute, ivory is "raw or worked ivory from any species of elephant or mammoth." The next section says, "No person shall sell, offer for sale, purchase, trade, barter, or distribute an ivory article." He noted the statute also includes horn of rhinoceros. The penalties range from \$250 to \$25,000, depending on the value of the ivory and whether it is a first or second conviction. He related that the State of California defines ivory as "the tooth or tusk of an elephant, hippopotamus, mammoth, mastodon, walrus, warthog, whale, or narwhal." He indicated that California also addresses intent to sell. He mentioned an article about California authorities searching for

and seizing articles of ivory in retail stores. He said the penalties established by the State of California in relation to ivory range from \$1,000 to \$50,000. He said California Assembly Bill 96 closed a loophole in state law that [had] allowed elephant ivory to be brought in to the country and sold in California, as long as it was originally obtained before 1977. Mr. Puckett stated that the State of Hawai'i identified animals listed in appendix i or ii of the Convention on International Trade and Endangered Species or those labeled as endangered or threatened under the Endangered Species Act. Mr. Puckett noted that the Alaska walrus is not endangered, according to the Department of the Interior and a study by U.S. Fish & Wildlife. He further noted that the State of Hawai'i prohibits the sale, offer of sale, purchase, trade, possession with intent to sell, or barter of any product from a list of animals, including elephant, rhinoceros, and tiger.

REPRESENTATIVE RAUSCHER asked how one identifies types of ivory and whether a piece of ivory is somehow traceable.

MR. PUCKETT responded that an examination could be done to determine whether the ivory is walrus or elephant. He added that depending what has been made with the ivory, it could be possible to tell just by the shape. For example, he said he has seen cribbage boards made from walrus tusks that followed the general shape of the tusk. He indicated that a small piece of white ivory may not be as clear in terms of whether it is walrus or elephant. Likewise, the brown ivory that is fossilized may not be clearly identified as mammoth or mastodon, but it is clearly ivory. He added that he is certain there must be some method by which an expert can determine the species or origin of ivory.

[9:01:15 AM](#)

REPRESENTATIVE SADDLER observed that the problem CSSJR 4(RES) establishes is that certain states have blanket bans of ivory that inappropriately ban the use of legally acquired Alaska ivory, and the proposed joint resolution asks the federal government to do something. He suggested perhaps the better approach would be to contact the states directly to ask them to change [their laws], because he said he does not think the federal government can influence the states or pass a law nationally that will require states to adjust their laws to focus solely on illegally obtained ivory.

MR. PUCKETT explained that CSSJR 4(RES) would ask the federal government to amend the Marine Mammal Protection Act to override state legislation that bans ivory. He said the legislation is F.1965, and it has been read twice and referred to the Senate Commerce, Science and Transportation Committee. He noted that Senator Lisa Murkowski has signed on as a co-sponsor.

REPRESENTATIVE SADDLER indicated that he would investigate whether the federal government has the jurisdiction necessary to override "that kind of law."

[9:04:07 AM](#)

CO-CHAIR ZULKOSKY announced she would begin invited testimony.

[9:04:19 AM](#)

VERA METCALF, Director, Eskimo Walrus Commission at Kawerak, stated that the commission represents approximately 19 coastal communities in the North Slope, Northwest Arctic, Bering Strait, Bethel, and Dillingham areas. She echoed Mr. Puckett's statement that the Marine Mammal Protection Act allows harvest of the Pacific walrus by Alaska Natives, which she said is important because it is a fundamental and culturally important activity for the community. She said climate change continues to threaten [the ability to] "safely and properly harvest walrus and other marine mammal resources." Ms. Metcalf said the commission has worked closely with the U.S. Fish and Wildlife Service to develop harvest guidelines that have been distributed to hunters and carvers in the communities. She said Section 109 of the Act provides that "accept as otherwise provided in this section, no state may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any state law or regulation to such taking." Further in Section 109, she relayed, Congress defines subsistence uses as "the customary and traditional uses by rural Alaskan residents of marine mammals for direct, personal, or family consumption of food, shelter, fuel, clothing, tools, or transportation and for the making and selling of handicraft articles out of nonedible byproducts of marine mammals taken for personal family consumption."

MS. METCALF, referring again to the guidelines, said the commission encourages communities "to harvest these animals in a non-wasteful manner." She said Pacific walrus are not listed on the endangered species list and are healthy and adapting to

environmental changes. She reported that the community of Savoonga harvested walrus yesterday.

MS. METCALF mentioned the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), which further emphasizes the need to consult with tribes on challenging and critical issues. She spoke of respect for [Native Alaskans], who have a right to subsistence and engaging in traditional activities, which are a mode of income to support rural communities' livelihoods. She emphasized that ivory is an important cultural and traditional object to Alaska Natives. Ms. Metcalf stated that the Eskimo Walrus Commission at Kawerak strongly supports SJR 4, and she encouraged the committee to support it, as well, because "ivory carving has been a very important cultural practice for many of us for many, many centuries." She said some carved objects carry spiritual significance while others serve as decoration. She thanked Senator Olson for "representing our concerns."

[9:09:49 AM](#)

REPRESENTATIVE SADDLER surmised that most people do not travel to where the ivory carvers live, thus, are not buying directly from the carvers; therefore, he asked if the purchase of ivory carving from agents or by mail order makes it difficult for those buyers to be educated as to why Alaska ivory products are different from ivory sourced from endangered species.

MS. METCALF answered in the affirmative. She said that is why the commission created a brochure about Alaska ivory, which shows the difference between walrus ivory and elephant ivory. She mentioned poaching of elephants for ivory. She said the Convention for International Trade in Endangered Species of Wild Fauna and Flora (CITES) "emphasized the implication of elephant ivory, but the side effect of this is that it banned all ivory, including walrus." She said the aforementioned brochure is for educational outreach to the Lower 48 and any shop [that sells ivory]. In response to a question from Representative Saddler, she said the St. Lawrence Island Yupik word for tusk is "tugun," and for walrus is "ayveq."

[9:13:31 AM](#)

BRUCE SCHINDLER said that he would respond to previous questions. He said he has worked in the ivory industry for 25 years, working mostly with woolly mammoth ivory sourced from gold mines in the Klondike, which he said is different from fresh

walrus ivory used by Native Alaskans. He explained that he is allowed to carve fossil ivory, which has been preserved in the frozen ground beneath the tundra for between 2,000 to 35,000 years. Mr. Schindler described the difference between illegal and legal ivory: the former is that which has been poached from animals most likely on the endangered species list, and the sale of that ivory he said is illegal unless done through a museum or "fish and wildlife" with a permit; the latter are ivories dug up out of the ground. Fresh walrus ivory use is permitted only for those indigenous people who use it as a subsistence product.

MR. SCHINDLER indicated that about 90 percent of ivory can be identified clearly. He listed walrus, fossilized walrus ivory, mammoth ivory, and elephant ivory. Mammoth ivory that has been buried for so many years takes on the characteristics of the ground, with stains and some decay.

[9:16:17 AM](#)

MR. SCHINDLER expressed his hope that an exemption resulting from the proposed joint resolution would override the bans of Lower 48 states. Even if not, he proffered that Alaska's precedent in saying that there are ivories that are important to the culture of Alaska and to the rest of the U.S. He noted that the State of Washington adopted the ivory ban but exempted Alaska from the ban.

MR. SCHINDLER noted that about 10 percent of Skagway residents depend on Alaska's history of ivory use [for their livelihoods]. He said the ivory bans aim to protect African and other elephants. He opined that the ban has its merits, but is much too broad, and Alaska ivory must be exempted from the ban. He stated, "The Western use of fossil ivory and the Native use of walrus ivory play no role in the decline of the animals on CITES Act, but the ban, as you can see, has a crushing effect on myself, my community, and especially the Native communities up north."

MR. SCHINDLER related that he preserves full, fossilized tusks, and carves what he cannot preserve. He also supplies artists with up to 3,000 pounds of mammoth ivory each year. He goes to the Klondike gold fields to buy the tusks. He explained that miners uncover mammoth tusks as a byproducts of gold mining, and Mr. Schindler said he is often there to advise those miners and physically unearth the tusks from the ground. He works directly with paleontologists and geneticists, who have a mutual interest in what is being unearthed. Further, he said he has a good

relationship with both Canada and U.S. Customs to import mammoth ivory into the U.S. from Canada, as well as having a direct relationship with the end user - the artists. He related that he has a web site, preservationmammoth.com, which is educational. He said once a tusk is unearthed, it must be preserved, or it will disintegrate from exposure within a couple years. He said, "If commercial use of mammoth ivory is deemed illegal, miners will not preserve it, because they can only pile up so much of the stuff. It would be shameful to see the mammoth remains that have survived 35,000 years frozen in the ground to just be left exposed and rot because of a misunderstanding or of ignorance."

[9:20:09 AM](#)

MR. SCHINDLER said he has studied about and spent time with the elephants in Asia. He said poaching is a big issue, but the long-term plight is diminishing habitat, which he said does not play much of a role in Alaska. He stated that Alaska has a long and proud history of ethical ivory use, and he opined that it is time for the state to "stand proud behind its heritage and support it into the future." He asked the committee to "celebrate the Native harvest of marine mammals that they've done in harmony with nature for thousands of years" and to celebrate "the preservation of fossil remains that have survived tens of thousands of years in the ice." Mr. Schindler stated his hope that the exemption would override a ban, but there are other states that are considering doing a total ban. He said the State of Washington enacted a ban but exempted Alaska ivory, which is important.

[9:21:01 AM](#)

REPRESENTATIVE RAUSCHER asked Mr. Schindler why other states have not exempted Alaska from their bans.

MR. SCHINDLER responded that five states had enacted a total ban: California, Hawai'i, New York, New Jersey, and a fifth state he could not recall. He said the bans do not distinguish between types of ivory, and he indicated that Alaska was not involved when these bans were instated. If it had been, he speculated, Governor Jerry Brown [of California] would not have any problem in distinguishing between the types of ivory. He concluded, "That's where you guys are really important to us right now." In response to a follow-up question, he confirmed that the total ban "promotes ignorance over education." He

opined that there would be more justice for elephants if people understood all the issues.

[9:23:26 AM](#)

CO-CHAIR PARISH offered his understanding that Alaskan ivory and walrus ivory were specifically named in California's ivory ban.

MR. SCHINDLER offered his understanding that California's ban is 300 pages in length, and [Alaska's ivory] is mentioned in one paragraph. He noted one concern is that elephant poachers will claim that elephant ivory is woolly mammoth ivory. He said people can stain ivory to make it look older, but "you can't fake it when it comes down to it." He re-emphasized that mammoth ivory is worn on the outside, as shown on his web site. When cut into, the mammoth ivory stain will continue to the inside. He talked about "Schreger lines" that are crosshatch lines in ivory. Elephant ivory crosshatch lines are obtuse - almost flat; [mammoth] ivory, on the other hand, has a sharp, 90-degree angle crosshatch line, and those angles cannot be faked. He said, "We depend heavily on the retailer to understand what distinguishes our ivory from ... elephant ivory." He said in his 25 years, he has never seen elephant ivory in the Alaska market. In response to a follow-up question, he confirmed that distinctions are easy to make, except in about 5 percent of cases, and that is usually when the piece is carved very small. He said these differences are readily known by paleontologists but not laymen. He added, "The problem is that everybody knows about the plight of elephants, but almost nobody out there knows what mammoth ivory is. And then, once you introduce it to them, it becomes fascinating to them." He indicated the need to educate people about fossil walrus and mammoth ivories, as well as about the use of extant walrus ivory used by Alaska Natives.

[9:28:44 AM](#)

REPRESENTATIVE SADDLER suggested a special name for Alaska ivory may help, and he asked if that has been considered. For example, he said Alaska's musk ox wool is called qiviut, and the name Copper River Salmon differentiates that salmon from others.

MR. SCHINDLER said that is brilliant, but he does not believe such distinction exists. He said he could market his ivory as Klondike or Yukon ivory. He said he thinks now is the time to begin marketing Alaska ivory as "ethical ivory."

REPRESENTATIVE SADDLER explained that is why he had asked Ms. Metcalf if there was an Alaska Native word for ivory.

MR. SCHINDLER said he was excited about that idea. He said there are two distinct ivories in use: Northern Alaska Native ivory and "the Western [Alaska] use of fossil ivories." He said unfortunately, the Native people using ivory are "in more dire straits" than he is, because "it's so much more their heritage than ours down south."

[9:30:39 AM](#)

REPRESENTATIVE RAUSCHER posed a hypothetical situation in which someone buys ivory while on vacation in Alaska and then sells it at garage sale in the Lower 48. He asked if that would be illegal.

MR. SCHINDLER answered that anyone can purchase ivory in Alaska and bring it home, but in the states with bans, that ivory cannot be commercially traded. He speculated that selling to a friend via a garage sale in a state with an ivory ban would probably be illegal. He surmised that a trade name for Alaska's ivory coupled with better documentation of the ivory may eliminate "that confusion, and such."

[9:32:01 AM](#)

ALICE BIOFF, Business Planning Specialist, Eskimo Walrus Commission at Kawerak, said she is a tribal member of the Native village of Koyuk, and her family has lived in Nome for the past 17 years. She said through her work at the commission she is honored and privileged to work with community artists and entrepreneurs. The commission provides direct technical assistance offering tools and resources to assist artists in continuing their work, so that they can sustain themselves, their families, and their communities. Ms. Bioff stated that walrus ivory harvested during subsistence hunting is one of the key materials artists in the area use to carve into unique traditional artwork that "has been recognized for its amazing craftsmanship throughout the world." She said artist entrepreneurs drive the economy in their communities, and she has witnessed the impact on the economy that selling ivory has had on the community. She said most importantly, arts and crafts keep traditional practices alive and strong, with "beautiful work being passed down from one generation to the next." She said, "Our art is weaved into who we are as indigenous people, and having access to the materials to

continue that art is vital." Ms. Bioff stated support of CSSJR 4(RES). She concluded as follows:

It would be a shame to see our ability to sell ivory collapse because of a lack of understanding of a culture that is unique and special, with a history of customary traditions, an ability to live with nature, and an ability to successfully self-manage a resource such as walrus. Please educate those who do not understand. This resolution is an important step in advocating and protecting the inherent rights of each and every one of our tribal members. Our ability to harvest and use the byproducts of the animals we hunt and sustain our families is crucial.

She thanked the legislators responsible for supporting CSSJR 4(RES). In response to a past question, she imparted that the Inupiaq word for ivory is "puugaaq."

[9:35:36 AM](#)

CO-CHAIR ZULKOSKY opened public testimony on CSSJR 4(RES). After ascertaining that there was no one who wished to testify, she closed public testimony.

[9:35:59 AM](#)

CO-CHAIR ZULKOSKY announced that CSSJR 4(RES) was held over.
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[9:36:26 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:36 a.m.