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ALASKA MIGRATORY BIRD

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CO-MANAGEMENT COUNCIL

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Aspen Hotel

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Anchorage, Alaska

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April 17, 2003

20

8:30 a.m.

21

22 Members Present:

23

24 Doug Alcorn, Federal F&W, Chair

25 Ralph Andersen, Bristol Bay Native Association, Vice Chair

26 Matt Robus, State F&G, Secretary

27 Association of Village Council Presidents

28 Chugach Regional Resources Commission

29 Copper River Native Association

30 Kawerak

31 Central Council of Tlinget-Haida Indian Tribes

32 Aleutian/Pribilof Islands Association

33 Kodiak Area Native Association

34 Manilaaq Association

35 Tanana Chiefs Conference

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38 Executive Director, Fred Armstrong

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P R O C E E D I N G S

(Anchorage, Alaska - 4/17/2003)

CHAIRMAN ALCORN: I'd like to call the meeting to order of the Alaska Migratory Bird Co-Management Council, April 17th, 2003, for the record.

Thank you all for coming.

We're going to begin with a review of our agenda and I just want to point out that the agenda is different. The one that you have in your binder is not the current agenda. The agenda that's been handed out is the one that we'll be working off of. We'll begin the meeting this morning with a moment of silence.

(Moment of Silence)

CHAIRMAN ALCORN: Thank you very much. At this point we are going to begin with Item 3, the roll call and establishment of the quorum. And is that the secretary, which is Matt Robus -- oh, I'm sorry Matt you weren't prepared for that.

MR. ROBUS: Already a surprise.

(Laughter)

CHAIRMAN ALCORN: Okay, in your binder there's a roster right before Tab 1.

MR. ROBUS: Do you want it called by names or by regions?

CHAIRMAN ALCORN: Just by regions.

MR. ROBUS: Thank you, Mr. Chairman. Good morning. The Association of Village Council Presidents.

MR. HOELSCHER: Here.

MR. ROBUS: Bristol Bay Native Association.

MR. ANDERSEN: Here.

MR. ROBUS: Chugach Regional Resources Commission.

(No response)

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1 MR. ROBUS: Copper River Native  
2 Association.

3

4 MR. PETE: Here.

5

6 MR. ROBUS: Kawerak.

7

8 MR. AHMASUK: Here.

9

10 MR. ROBUS: Central Council of Tlinget-  
11 Haida Indian Tribes. Aleutian/Pribilof Islands  
12 Association.

13

14 MS. FREDENBURG: Here.

15

16 MR. ROBUS: Kodiak Area Native Association.

17

18 MR. SQUARTSOFF: Here.

19

20 MR. ROBUS: Manilaaq Association.

21

22 ATTAMUK: Here.

23

24 MR. ROBUS: North Slope Borough.

25

26 (No response)

27

28 MR. ROBUS: Tanana Chiefs Conference.

29

30 MR. SMITH: Here.

31

32 MR. ROBUS: Alaska Department of Fish and  
33 Game. Present. U.S. Fish and Wildlife Service.

34

35 CHAIRMAN ALCORN: Present.

36

37 MR. ROBUS: Mr. Chair.

38

39 MR. ARMSTRONG: Mr. Chair.

40

41 CHAIRMAN ALCORN: Fred.

42

43 MR. ARMSTRONG: North Slope Borough will  
44 not be represented at this meeting. Charlie's had some  
45 medical things. And I believe that Gordon Jackson with  
46 Central Council will be arriving around 10:00 o'clock.

47

48 CHAIRMAN ALCORN: All right, thanks, Fred.  
49 At this point I would like to pause for a moment and go  
50 around the table and have folks introduce themselves.

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1 There are a few new faces.

2

3 I'll begin. I'm Doug Alcorn, the assistant  
4 regional director for Migratory Birds and State Programs  
5 for the U.S. Fish and Wildlife Service for the Alaska  
6 region, and current Chair of the Co-Management Council.

7

8 MR. ANDERSEN: My name is Ralph Andersen.  
9 I'm the natural resources program manager at the Bristol  
10 Bay Native Association. I'm the vice chairman of the  
11 Council.

12

13 MR. ROBUS: Good morning. My name is Matt  
14 Robus. I'm the acting director of the Wildlife  
15 Conservation Division of the Department of Fish and Game.  
16 And I'm one of the new faces, I'm replacing Wayne Regalin,  
17 who retired at the end of January, so I'm happy to be here.

18

19 MR. SQUARTSOFF: Yeah, Herman Squartsoff,  
20 Kodiak Native Association down in the Kodiak Region. And  
21 then I'm also your representative to the Pacific FlyAway  
22 and the SRC along with Ralph.

23

24 MS. FREDENBURG: Connie Fredenburg. I'm  
25 the natural resources coordinator for the Aleutian/Pribilof  
26 Islands Association. And I am the emergency replacement  
27 for Stanley Mack who couldn't make it.

28

29 MR. HOELSCHER: I'm Edgar Hoelscher. I'm  
30 from the AVCP region, interim Chair of the WCC, Waterfowl  
31 Conservation Committee.

32

33 MR. PETE: Steve Pete representing CRNA.  
34 We're seven compacting villages.

35

36 MR. SMITH: Yeah, good morning. Mike  
37 Smith, Tanana Chiefs Conference, and I'm the representative  
38 to the Central -- me and Charlie Brower are representatives  
39 to the Central FlyAway Council.

40

41 ATTAMUK: Enoch Shiedt representing  
42 Manilaaq service area.

43

44 MR. AHMASUK: Austin Ahmasuk representing  
45 Bering Strait region.

46

47 MR. ARMSTRONG: Good morning. I'm Fred  
48 Armstrong the executive director for the Co-Management  
49 Council.

50

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1 CHAIRMAN ALCORN: All right. Do we need to  
2 take action, Fred, in Item 4 to seat the alternatives or  
3 are they considered seated with these letters that we've  
4 read?

5

6 MR. ARMSTRONG: We need Council action, Mr.  
7 Chairman. I've received three letters for alternates. The  
8 first one is from Copper River Native Association. They've  
9 identified Steve Pete as their alternate for this meeting.  
10 We received a letter from APIA identifying Connie  
11 Fredenburg as their representative. And also Chugach has  
12 identified Nick Tanape from Chugach Regional Resource  
13 Commission. And those are the letters I've received for  
14 alternates, Mr. Chair.

15

16 MR. SMITH: Move we seat.....

17

18 CHAIRMAN ALCORN: Mike.

19

20 MR. SMITH: .....the alternatives.

21

22 CHAIRMAN ALCORN: There's a motion to seat  
23 the alternates. Do I hear a second.

24

25 MR. SQUARTSOFF: Second.

26

27 CHAIRMAN ALCORN: Second from Herman. Any  
28 opposed.

29

30 (No opposing votes)

31

32 CHAIRMAN ALCORN: Motion passes. Next on  
33 the agenda is to look at the agenda and approve it or  
34 modify it.

35

36 MR. ANDERSEN: Mr. Chairman, I move that we  
37 approve the agenda.

38

39 MR. SMITH: Mr. Chairman.

40

41 CHAIRMAN ALCORN: Mike.

42

43 MR. SMITH: I'd like to amend the agenda  
44 please. I see nothing on here.....

45

46 REPORTER: Could you use your mike.

47

48 MR. SMITH: I see nothing on here in  
49 regards to the recent SRC actions and I was wondering if we  
50 might just add that in here somewhere?

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1 MR. ANDERSEN: Mr. Chairman.

2

3 CHAIRMAN ALCORN: Ralph.

4

5 MR. ANDERSEN: Wouldn't that be covered  
6 under Item No. 8(b)?

7

8 CHAIRMAN ALCORN: I believe it is. Fred,  
9 do you have a comment on that?

10

11 MR. ARMSTRONG: That's correct.

12

13 CHAIRMAN ALCORN: Is that satisfactory,  
14 Mike?

15

16 MR. SMITH: Yes, Mr. Chairman, it is.

17

18 CHAIRMAN ALCORN: All right. Any other  
19 suggestions for.....

20

21 MR. ARMSTRONG: Mr. Chairman, we need a  
22 second to that motion.

23

24 MR. SQUARTSOFF: I'll so move, second.

25

26 CHAIRMAN ALCORN: Oh, I thought we had one,  
27 sorry. Any opposed to adopting the agenda as written?

28

29 (No opposing votes)

30

31 CHAIRMAN ALCORN: The agenda has been  
32 adopted. The next thing on the agenda is Item 6,  
33 invitation for public comments. But before we do that I  
34 would like to take just a moment to introduce the purpose  
35 and intent of the meeting.

36

37 We are all here today and tomorrow,  
38 scheduled, to consider petitions from a number of  
39 communities. I believe we have an even dozen petitions this  
40 year to consider for inclusion and/or exclusion, is the way  
41 the process is designed. It just so happens that this year  
42 that we have 12 petitions for inclusion into the  
43 subsistence season for the '04 season and beyond, and  
44 that's the purpose here. We will have a review. As Mike  
45 pointed out, we will have a review of the status of the  
46 regulations for this season, the '03 season. But we will  
47 follow-up this meeting next month with a meeting to  
48 consider regional proposals for the 2004 season.

49

50 So let's not be confused with what we're

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1 here today and tomorrow to discuss. It's solely to discuss  
2 the petitions as we have received them. To hear from the  
3 consult that reviewed these in the context of the five  
4 criteria that are established in the procedural  
5 regulations. We'll have discussions on each of those. We  
6 have a protocol that's been designed by staff, we'll  
7 discuss that that in just a moment. And then we will  
8 conclude the day or tomorrow, at least, by taking action on  
9 each of these petitions individually, by community.

10

11 That's the purpose of the meeting.

12

13 There are two things that I would like for  
14 us to consider when we do consider these as a Council, when  
15 we do discuss these. And that is, the first point that I  
16 want to make here is that the protocol amendments that we  
17 have that are our guidance for the Co-Management Council  
18 and the development of regulations, annual regulations, is  
19 that there is to be, through our management actions no  
20 increase in the level of harvest statewide from current  
21 levels. Those are the actions -- the actions that we take  
22 we have to ensure that by all reason there would be no  
23 increase and we'd have to manage accordingly. So that's  
24 the first thing that I would ask us to consider.

25

26 The second thing is that the protocol  
27 amendment also makes the point that there would be no new  
28 traditions established by this management process and by  
29 the regulation setting process. We're to consider the  
30 traditions that exist at this time but not to create new  
31 ones.

32

33 So those are the things that I think we  
34 need to consider as we consider these petitions and as we  
35 consider regulations in the future.

36

37 Any comments. Questions.

38

39 (No comments)

40

41 CHAIRMAN ALCORN: All right, hearing none.  
42 At this point I want to point out that we have a time set  
43 aside today, now, to hear comment from the public if anyone  
44 is so inclined. We also have an opportunity, Item 9 on the  
45 agenda after we've heard all of the petitions, we've heard  
46 all of the discussion of the petitions and we've heard the  
47 other business, we have another opportunity for the public  
48 to comment. So this is not the one and only chance but if  
49 any audience wishes to speak they just need to make that  
50 known at this time.

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1 (No comments)

2

3

CHAIRMAN ALCORN: All right, I see no  
4 hands. We will move into the new business. Item 7. There  
5 is a protocol that's been developed under Tab 1 of your  
6 white binder. Let me take a moment to explain what you  
7 have, your resource materials here. The black binder  
8 contains much of the historical documents that we are  
9 operating under. It has in it the protocol amendment, the  
10 Migratory Bird Treaty Amendments that we working under. It  
11 has in it the -- I'm not sure if it has the minutes of our  
12 past meetings, I don't think it does. But it does have the  
13 procedural regulations, as published last August in there.  
14 It has a copy of our bylaws in it. So if there's any  
15 question on how we function and the process that we go  
16 through, you'll find that referenced material in the black  
17 binder.

18

19 The white binder, under the various tabs  
20 are the reference materials we'll need to proceed through  
21 this meeting.

22

23 Fred, do you have any comment on the  
24 materials that we have for review?

25

26 MR. ARMSTRONG: No, Mr. Chair.

27

CHAIRMAN ALCORN: All right. At this point  
29 I would like for you to all turn under Tab 1, look at the  
30 protocol that's been established by staff. I'll describe a  
31 little bit of the intent of this and how we intend to go  
32 through the actual petitions.

33

34 Item 1 in the protocol is introduction of  
35 the petition by staff. They will call for the petitioner,  
36 the regional representative to present the suite of  
37 proposals and then we will break that suite of proposals  
38 into individual community proposals. And the presenter  
39 will have an opportunity to describe that proposal in  
40 whatever detail you feel is necessary and relevant. We  
41 will ask, under Item 3, for Dr. Huntington -- Dr. Henry  
42 Huntington, who has been under contract with the Co-  
43 Management Council to review the proposals and study them  
44 in the context of the five criteria that are established in  
45 the procedural regulations. Those procedural regulations  
46 laid out five criteria that would be used to determine  
47 whether or not a community that petitioned for inclusion or  
48 exclusion met those conditions in those criteria. We'll  
49 hear that report. We will also ask the Fish and Wildlife  
50 Service and the Department of Fish and Game to provide

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1 comments, technical comment on those proposals, if there  
2 are any issues that the agencies feel need to be pointed  
3 out, highlighted or discussed. They'll have an opportunity  
4 to do that. And from Item 5, then, before the Council will  
5 take action on a particular proposal, we will loop back to  
6 Item 1 and after -- actually we'll loop back to Item 2, the  
7 petitioner then, after they represent one community's  
8 proposal and we've heard the discussion by the technical  
9 staff and by the consultant, the anthropologist's report,  
10 we will loop back and have another presentation of the next  
11 community proposal for that region. Once we exhaust those  
12 then we will loop, we will continue to repeat Items 2 down  
13 through 5. Once we exhaust those we will go back to Item  
14 1, the Staff will introduce the next suite of proposals,  
15 the next presenter, which will be you all from the regions  
16 that have made presentations, and that will repeat again  
17 down through Step 5 until we've exhausted that suite of  
18 proposals and on down through the set.

19

20                   Once we've completed that we will ask the  
21 public -- we will entertain public comment and then we will  
22 allow under Item 7, the regional representatives any,  
23 basically closing remarks, or summary remarks on the suites  
24 that they have presented and then we will call for Council  
25 action. We'll open the floor for motions for inclusion or  
26 motions for whatever purposes are fitting at the time.

27

28                   Are there any questions or suggestions for  
29 changing that particular scenario?

30

31                   (No comments)

32

33                   CHAIRMAN ALCORN: All right, hearing none.  
34 I would move that we adopt this protocol -- or excuse me, I  
35 would entertain a motion to adopt the protocol.

36

37                   MR. ROBUS: So moved, Mr. Chair.

38

39                   MR. ANDERSEN: Second.

40

41                   CHAIRMAN ALCORN: A motion and second to  
42 adopt the protocol. Are there any discussion, questions.

43

44                   (No comments)

45

46                   CHAIRMAN ALCORN: Hearing no objection,  
47 it's adopted.

48

49                   MR. ANDERSEN: Mr. Chairman, I have a  
50 question on Dr. Huntington's report.

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1 CHAIRMAN ALCORN: Ralph, go ahead.

2

3 MR. ANDERSEN: Where in the meeting packet  
4 can we find it?

5

6 CHAIRMAN ALCORN: It was mailed out in the  
7 packet that I received with the proposals. I haven't  
8 studied this binder yet, I don't know. Is that what you're  
9 asking, is it in this binder?

10

11 MR. ANDERSEN: Yes.

12

13 MR. ARMSTRONG: Mr. Chair.

14

15 CHAIRMAN ALCORN: Fred.

16

17 MR. ARMSTRONG: Yeah, we did send out a  
18 draft report from Dr. Huntington, however, I think since  
19 then it's been revised. So we haven't received a revised  
20 copy in time to make copies.

21

22 CHAIRMAN ALCORN: All right. Bill.

23

24 MR. OSTRAND: It's an oversight on my part.

25

26 CHAIRMAN ALCORN: Do you want to come to  
27 the mike if there's something.....

28

29 MR. OSTRAND: Ralph, thanks for pointing  
30 that out. It's an oversight on my part for not putting the  
31 latest copy into the white binder. I'll distribute them  
32 now.

33

34 CHAIRMAN ALCORN: Okay, we have copies  
35 made. Is there a tab where the draft report is in the  
36 binder?

37

38 MR. OSTRAND: No.

39

40 CHAIRMAN ALCORN: Okay, it doesn't exist in  
41 the binder. Okay, we'll wait until we get that.

42

43 (Pause)

44

45 CHAIRMAN ALCORN: Enoch.

46

47 ATTAMUK: Yeah, next time I need more time  
48 receiving, for like this meeting, I got it Tuesday, late  
49 4:00 o'clock, and I didn't have much time to review it. Is  
50 there a chance next time we could get it at more time, I

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1 mean these things are important, we need more time. I mean  
2 I don't think it will work if we receive it 24 hours before  
3 the meeting. I mean somebody's got to start doing their  
4 work, we need more time. It's really hard for us.

5

6 CHAIRMAN ALCORN: Okay, point taken.

7

8 MR. ARMSTRONG: Mr. Chair.

9

10 CHAIRMAN ALCORN: Fred.

11

12 MR. ARMSTRONG: In the letters that I sent  
13 out to the Council explaining that we're operating under a  
14 really different and tight schedule this year just to meet  
15 the late season regulations, you know, on the national  
16 scene. We had a deadline of March 14 and getting all these  
17 out and everything prepared in a timely manner at this time  
18 is just really impossible. We've got an upcoming meeting  
19 with a deadline of April 30th for regulatory proposals and  
20 a two week turnaround. We try to get things out as much as  
21 we can, but, you know, I apologize. This year it's just a  
22 little bit different.

23

24 CHAIRMAN ALCORN: We expect, I guess, over  
25 time -- just a comment, from the Fish and Wildlife Service  
26 perspective, we expect over time that this process is going  
27 to sort of smooth out. People in Washington, D.C., that we  
28 coordinate with regularly, this is all new to them and  
29 every time we send materials to them things are slow so  
30 bear with us and I think that Fred is making an earnest  
31 attempt to get this material out as quickly as possible.

32

33 Edgar.

34

35 MR. HOELSCHER: Thank you, Mr. Chair. I  
36 agree with Enoch there, and also I think it would be nice  
37 if our staff back in our regions would get a copy of these  
38 proposals, et cetera, for the meeting.

39

40 CHAIRMAN ALCORN: Okay, we can write that  
41 down as a suggestion for Staff to distribute multiple  
42 copies, an extra copy. I guess what that means is, is that  
43 each regional representative would have to identify someone  
44 on their staff that needed to receive a duplicate set of  
45 material.

46

47 Any other comments before we begin to hear  
48 the first petition?

49

50 (No comments)

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1                   CHAIRMAN ALCORN:  What I understand that  
2 the Chugach region and the Hoonah regional representatives  
3 are not here or ready to make the presentation so we would  
4 opt to begin with Item D, the Copper River Native  
5 Association presentation.

6

7                   (Pause)

8

9                   CHAIRMAN ALCORN:  Ralph has made a  
10 suggestion that we ask Dr. Huntington to come to the  
11 microphone and give us a brief overview, summary,  
12 assessment of your report and of the proposals in general,  
13 I presume, Dr. Huntington.

14

15                   DR. HUNTINGTON:  Thanks, I'll be happy to  
16 do that.  I'm sorry that you've just seen this for the  
17 first time.  So if you'll forgive me for going through it,  
18 I know that a few of you are reading it already but at the  
19 risk of repetition.

20

21                   What I've been asked to do was to look at  
22 the petitions and assess the strength of the documentation  
23 that was offered in response to the five criteria.  And  
24 I'd like to be as clear as I can about this.  This is not  
25 assessing whether the petition has merit, whether it's a  
26 good petition, whether you should approve it and so on.  
27 It's simply to look at the documentation that was provided  
28 and to give my perspective, as somebody who's been studying  
29 subsistence and subsistence hunting and regulations for  
30 some time, as to whether that documentation supports the  
31 answers for the five criteria.

32

33                   A crucial part of that is that the  
34 available information is not uniform around the state.  
35 It's through no fault of their own, some communities just,  
36 the studies haven't been done.  There aren't that many  
37 studies that have been done that address the five criteria.  
38 I don't know of any studies that have actually gone out and  
39 tried to address the five criteria, which are relatively  
40 new and were put forward by this Council.

41

42                   Instead, people have been documenting  
43 subsistence hunting for some time, from Fish and Game, from  
44 various academics have been doing this and looking at  
45 various aspects of subsistence hunting which may or may not  
46 bear specifically on the five criteria.

47

48                   So in some communities, Hoonah, for  
49 example, had had a recent big study on traditional use of  
50 birds and eggs, they have a great big report that was done

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1 specifically for their community, looked at all aspects of  
2 the traditional use of birds and so on that provides very  
3 good documentation of all five criteria. By contrast, the  
4 Copper River area, there just haven't been that many  
5 studies done, and this is not a reflection on, as I said,  
6 on the merits of their petition. It's not a reflection on  
7 the effort that they put in, it's just simply if the  
8 studies haven't been done, there isn't the material to  
9 refer to. So what I've done is evaluated the strength of  
10 the documentation, not the merit of the proposal. Now, the  
11 step that you're required to take that I can't take is  
12 whether, from the available documentation recognizing that  
13 it may be good as we have, whether you're comfortable going  
14 ahead and making a decision on those petitions. What I'm  
15 offering is just a review of whether the document -- in my  
16 opinion, whether the documentation -- the extent to which  
17 the documentation addresses the criteria adequately.

18

19                   Having said that, in most cases the  
20 documentation was quite good. For the Chugach region, for  
21 example, the small silver lining to the big black cloud of  
22 the Exxon Valdez Oil Spill was that there was a lot of  
23 research done afterwards documenting lots of different  
24 aspects of the subsistence hunt throughout the region so  
25 there were a whole bunch of studies that they could refer  
26 to looking at the importance of subsistence hunting,  
27 looking at the way it's done. The areas where subsistence  
28 hunting and egg gathering has been done and so on. So  
29 there's a lot of good documentation there.

30

31                   For Hoonah, I mentioned they had a study  
32 that specifically looked at their traditional use of birds  
33 and eggs, and, again, very thoroughly documented their  
34 traditions and patterns.

35

36                   For the Copper River area, the information  
37 simply is not as strong because there weren't that many  
38 studies that have been done. What we have there is rather  
39 than specific information by village, we have some  
40 information that applies to much of the region. We get a  
41 fairly good, I think, general picture of practices in the  
42 region but the individual community responses just aren't  
43 as detailed and aren't as well documented simply because  
44 the work hasn't been done there. And the one community  
45 that, at least, in the information I was provided, was  
46 inadequate, was Gakona, in response to the five criteria,  
47 they simply said that the one household they spoke with did  
48 not hunt -- had not hunted birds. And in the absence of  
49 more information, there's nothing more we can add to that.  
50 For the other communities in the region, if you look at the

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1 region as a whole, you see a fairly clear pattern of a  
2 consistent subsistence lifestyle. If you look at other  
3 examples, such as -- there's been a recent study by Bill  
4 Simeone and Jim Carrey with Fish and Game looking at  
5 traditional knowledge and use of salmon and you see many  
6 aspects of the criteria, such as the passing on of skills  
7 and knowledge, the use of areas near the residents and so  
8 on. All of those are present in the case of salmon, for  
9 which there is good documentation. And it seems, given  
10 what we know about subsistence hunting and Native cultures  
11 in the state, that if people are carrying on those sorts of  
12 things with salmon and with moose hunting and other things  
13 they're likely to do the same things with birds and  
14 people's subsistence patterns don't -- they don't change  
15 completely from one species to the next.

16

17                         So, again, there's a lot of what we might  
18 call circumstantial evidence in that case for the region as  
19 a whole, but there haven't been the studies that document  
20 specific bird use to the detail that we see in other  
21 places.

22

23                         Tyonek, the final community on the list,  
24 again, largely thanks to some very good work done by Fish  
25 and Game in that area over some time there's a lot of  
26 documentation available to describe their patterns of use  
27 and their traditions and a lot of that bears directly on  
28 the criteria. So it's fairly easy to see how the criteria  
29 are addressed in the available documentation there.

30

31                         CHAIRMAN ALCORN: Any questions for Dr.  
32 Huntington?

33

34                         MR. ANDERSEN: I have a couple questions.

35

36                         CHAIRMAN ALCORN: Ralph.

37

38                         MR. ANDERSEN: You know this is our first  
39 time through this process and you had a chance to take a  
40 look at the criteria and the petitions that were submitted,  
41 do you Henry -- or Dr. Huntington, have -- have you noticed  
42 in the criteria any weaknesses or particular strengths?  
43 How can we -- I guess the questioning I'm asking is, how  
44 can we improve the documentation or the material that we're  
45 asking for for the future? I mean in communities, you  
46 know, for communities that may be submitting petitions?

47

48                         DR. HUNTINGTON: I think the criteria  
49 themselves, I think, do a nice job of outlining the sort of  
50 basic characteristics of subsistence as we generally look

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1 at it. It's not an individual activity but it has a  
2 community aspect to it. That it's something that continues  
3 on, that there are inter-generational aspects of passing  
4 information and knowledge and skills on.

5

6 I think in looking at the petitions,  
7 obviously, you know, some of the responses, those that  
8 there was help -- I know that Ron Stanek was helpful in  
9 preparing some of them, that was a big help to have someone  
10 use to the documentation and familiar with the literature  
11 helping the community looking at the records and explaining  
12 things.

13

14 I would think that you might consider for  
15 future use, if you find some of these petitions and their  
16 responses to the criteria particularly useful you might  
17 make those available as examples to communities in the  
18 future to say, here's the type of thing we're looking for.  
19 So I think it's kind of tough to look at it the first time  
20 and say, well, you know, do you say yes, do you provide a  
21 paragraph, do you provide five pages on each one.

22

23 MR. ANDERSEN: And the reason I ask that  
24 question is because, you know, in going through the  
25 petitions, you know, like you say, Gakona answered one  
26 question and I'm wondering why? I mean were the other  
27 questions just inapplicable? Were they -- I mean was there  
28 a problem with answering the other questions because, you  
29 know, they obviously took the time to take a look at -- you  
30 know, to file a petition, and I'm wondering why it's so  
31 incomplete?

32

33 DR. HUNTINGTON: Obviously I can't speak  
34 for Gakona. My understanding of the response was that they  
35 had a chance to interview one household who didn't hunt  
36 birds and then if they hadn't hunted birds there was no way  
37 to answer the rest of the criteria. And then that, I don't  
38 know how -- and realize that they were given some time to  
39 be able to prepare this but perhaps some further assistance  
40 in -- especially in communities like that where they just  
41 haven't had the good fortune to have somebody do a big  
42 study of traditional bird use, some time or assistance to  
43 go around the community and interview people and document  
44 some information would have been helpful. I presume that  
45 if you went to Gakona and spent some time interviewing  
46 more than just that one household, you would find out a lot  
47 more about bird use and find enough to answer all five  
48 criteria, but it appears that they just didn't have either  
49 the time or the ability to do that.

50

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1 CHAIRMAN ALCORN: Herman.

2

3 MR. SQUARTSOFF: Yeah, Mr. Chair. Here's a  
4 situation where I see that co-management with the U.S. Fish  
5 and Wildlife and maybe the tribal council or something  
6 would come in handy to be able to work together on doing  
7 these surveys and studies with the local people.

8

9 CHAIRMAN ALCORN: Bill Ostrand.

10

11 MR. OSTRAND: Mr. Chair, it's getting ahead  
12 of things but since we've already brought up Gakona, I was  
13 looking over the documentation last night and there is some  
14 census information in the overall information presented by  
15 Copper River. And it indicates that the population of  
16 Gakona is one and it's an elderly man in his 70s. So I  
17 don't know if that's accurate but.....

18

19 MR. ANDERSEN: Mr. Chairman.

20

21 CHAIRMAN ALCORN: Ralph.

22

23 MR. ANDERSEN: I think we could hold off  
24 discussing that. I mean my question was on the, you know,  
25 my concern is with the questions, I mean on the form,  
26 rather than their one response or how complete or  
27 incomplete their one response was. I was wondering, you  
28 know, if Dr. Huntington had a recommendation on ways to  
29 either improve the questions or improve the forms or those  
30 kinds of things and not about any specific proposal.

31

32 CHAIRMAN ALCORN: Go ahead, Dr. Huntington,  
33 respond to the question.

34

35 DR. HUNTINGTON: I was just going to say to  
36 summarize my response, I think the criteria themselves are  
37 probably okay, but an example of what you're looking for,  
38 if you find one, you know, that you and the community are  
39 willing to share with others might be helpful and some  
40 assistance in providing that. I know that in the case of  
41 Gakona, I think Bill tried to find some follow-up  
42 information but we weren't able to in time.

43

44 MR. SMITH: Mr. Chairman.

45

46 CHAIRMAN ALCORN: Mike.

47

48 MR. SMITH: Thank you, Mr. Chairman. I  
49 think possibly part of the explanation might be, and you  
50 might be able to help us on this, but I think you guys

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1 probably submitted this as kind of more of a regional  
2 approach to this as opposed to individual communities.

3

4                   And then secondly, I guess I was curious as  
5 to -- and maybe somebody can clarify this for me, either  
6 Bill or Fred or somebody, is how this process is going to  
7 work in the reverse in the event that we seek to exclude  
8 communities, then is the burden of proof upon us to prove  
9 that they do not belong within the regulations or, you  
10 know, in this situation the burden of proof falls upon the  
11 communities to show to us that they should be included. If  
12 we seek to exclude somebody then what is the process going  
13 to be there and whose burden of proof should that fall  
14 upon?

15

16                   MR. ARMSTRONG: Mr. Chair.

17

18                   CHAIRMAN ALCORN: Fred, go ahead.

19

20                   MR. ARMSTRONG: The burden of proof lies  
21 with the petitioner. If they choose to exclude another  
22 community, that person who filed a petition has the  
23 responsibility of indicating and proving to the Council why  
24 they should be excluded.

25

26                   CHAIRMAN ALCORN: Mike, go ahead.

27

28                   MR. SMITH: If that's the situation then,  
29 we're going to end up in much the same situation we find  
30 ourselves in now, specifically with regards to Gakona,  
31 there just is not going to be any information available.  
32 And I'm just curious as to how we're going to end up doing  
33 that because for example, you know, there's some talk about  
34 excluding some areas in my region. If that should come in  
35 from an individual, I mean I guess I'm not sure what form  
36 that type of documentation would take. If -- you know, I  
37 mean where do you find information that says, people of a  
38 community did not duck hunt, you know? I mean I'm not sure  
39 how that's going to work and I'm a little concerned about  
40 that and the precedence that will be establishing with some  
41 of the stuff we're doing now and how that might work in the  
42 reverse.

43

44                   CHAIRMAN ALCORN: Fred, go ahead.

45

46                   MR. ARMSTRONG: If I may, Mr. Chair. In  
47 the procedural guidelines that the Council adopted in  
48 regards to petitions for inclusion or exclusion, there are  
49 steps to follow that ensure a check and balance system.  
50 For instance, there is a requirement to have public

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1 meetings and, you know, adequate notice for public meetings  
2 for people to convey their concerns about any petitions, so  
3 that is one way. And they have to document to our office  
4 that this, in fact, has occurred, so there are a few checks  
5 and balances.

6

7 We've tried to consider as much as we can  
8 understanding that this is kind of a living document that  
9 the Council is still maturing, and as we do that, as we  
10 refine our process things will change over time.

11

12 MR. SQUARTSOFF: Mr. Chair.

13

14 CHAIRMAN ALCORN: Herman, go ahead.

15

16 MR. SQUARTSOFF: I need a -- how many  
17 people hunt in Gakona and all that? I heard Dr. Huntington  
18 talking only one that didn't or something, I mean how many  
19 people are there, that were surveyed there that do hunt or  
20 whatever?

21

22 DR. HUNTINGTON: Sorry, I was just looking  
23 through this.

24

25 MR. SQUARTSOFF: Yeah, in Gakona here, I  
26 only heard you talk about one individual that didn't  
27 hunt.....

28

29 CHAIRMAN ALCORN: Herman. This is a  
30 discussion, I think we ought to have when we discuss the  
31 Gakona proposal itself.

32

33 MR. SQUARTSOFF: Oh, okay.

34

35 CHAIRMAN ALCORN: We're jumping ahead of  
36 the process. At this point, we're only asking Dr.  
37 Huntington to give us an overall idea of the process he  
38 went through and respond to questions regarding process and  
39 criteria, quality of the criteria, the general quality of  
40 the proposals based on those criteria. That's the  
41 question, I think, right now on the floor.

42

43 MR. SQUARTSOFF: Right, okay, Mr. Chair.  
44 Because it sounded like we were just focused on it and  
45 that's why I needed to throw that in there.

46

47 CHAIRMAN ALCORN: All right, well, we'll  
48 get to that when we get to the Gakona proposal. Ralph, did  
49 you have another?

50

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1 MR. ANDERSEN: Yeah, I do. In reviewing  
2 the documentation, you know, I heard you say a minute ago  
3 that in some areas there wasn't any harvest surveys or  
4 things like that to really document the levels of harvest  
5 and the frequency and, you know, the number of hunters and  
6 those sorts of things that are collected through typical  
7 harvest surveys. How then do you recommend that we measure  
8 those things? I mean I know you weren't asked to make any  
9 recommendations but I think in the absence of supportive  
10 documents, what alternatives do you suggest we consider?

11  
12 DR. HUNTINGTON: I may have misspoke if I  
13 said there was no documentation of harvest levels, there  
14 certainly -- there is some. But if you look at, say, the  
15 figures presented for the Copper River area, I believe that  
16 those are annual figures.

17  
18 In some cases, I think, the documentation  
19 of say the overall bird harvest have been careful not to  
20 try to break it out by season just because people may not  
21 want to publicize it or didn't want to in the 10 or 20  
22 years ago what they were taking in the spring when that was  
23 illegal. And so that becomes a bit difficult.

24  
25 The harvest levels in those cases appeared  
26 not to be particularly high, but I'm not exactly sure how  
27 you meet the criteria that Doug explained at the beginning,  
28 which was that the statewide harvest does not increase. It  
29 is hard to make that -- to fill in that gap there.

30  
31 MR. ANDERSEN: And that's the reason, Mr.  
32 Chairman, that I asked the question. Is because if in the  
33 absence of regular harvest surveys or annual harvest  
34 surveys, if our charge -- the charge that we're supposed to  
35 be meeting in the Treaty Amendment and protocols, is that  
36 harvest levels will not increase, but if we do begin  
37 harvest surveys, annual harvest surveys in areas where  
38 annual harvest surveys have not ben done before, the number  
39 of birds harvested are going to go up. The number of  
40 hunters are going to go up. So I mean, and that's the  
41 reason I asked you that question is because I mean it seems  
42 to me that in reviewing these, you know, the petitions, but  
43 you've identified areas, I mean I see them here, they're  
44 listed on the final sheet, where the documentation is --  
45 where you've rated them from excellent to poor or non-  
46 existent.

47  
48 I mean the reason I ask that question is  
49 because these are some of the things we're going to have to  
50 consider in the future, that if we do harvest surveys that

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1 have poor or none at all, then I think that harvest levels  
2 are going to increase, the number of participants are going  
3 to increase and here we are charged with not increasing  
4 harvest. I mean that was my point, I guess.

5

6 DR. HUNTINGTON: Well, you might  
7 distinguish between the harvest increasing and the known  
8 harvest increasing. If people have been reluctant to admit  
9 that they're hunting birds in the spring, it doesn't mean  
10 that they weren't hunting them so that the level that you  
11 documented in 1990 might be exactly -- might be a lot lower  
12 than you document, say in 2005, but it doesn't mean that  
13 the actual harvest has changed because people are.....

14

15 MR. ANDERSEN: Or the population levels  
16 have changed.

17

18 DR. HUNTINGTON: Or population levels have  
19 changed. On the other hand, you know, for those who, for  
20 whatever reason, abided by the previous laws, you know,  
21 they may say well, gee, now that we can actually hunt in  
22 the spring let's go ahead and do it. So you take the  
23 regulation away and the harvest level may increase, but  
24 those are two separate things. But that is something  
25 that.....

26

27 CHAIRMAN ALCORN: All right, Mike Smith,  
28 you had your hand raised.

29

30 MR. SMITH: Thank you, Mr. Chairman. I  
31 think one of the things that we need to take into account  
32 when we consider these things that is not specifically  
33 mentioned, I think, and one of the things that I'm going to  
34 consider in my deliberations on this is whether or not the  
35 community is predominately Native. And if it's  
36 predominately Native I think we can safely assume that  
37 there was spring harvest.

38

39 Additionally, I agree with Ralph in that  
40 the harvest numbers are, just by the sheer fact that it's  
41 now a legalized hunt are going to go up. And I was curious  
42 as to the baseline that we're using for those harvest  
43 figures and how that was developed and whether or not we  
44 need to abide by those. Because certainly the harvest is  
45 going to go up. Certainly what Dr. Huntington said in  
46 regards to the truthful reporting of harvest and stuff has  
47 been drastically underestimated and I'm just curious as to  
48 what figures we're going to go on when we make a -- and I'm  
49 not sure if -- does the Treaty say substantial increase or  
50 any increase?

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1 DR. HUNTINGTON: I'm not sure. Fred, do  
2 you know? We've got a copy of it right here.

3

4 MR. SMITH: Yeah, significant increase is  
5 the determining factor.

6

7 DR. HUNTINGTON: Significance increase.

8

9 MR. SMITH: And I think that, you know,  
10 that's going to determine upon what our baseline harvest  
11 numbers are and we don't have that established very well.  
12 It's sporadic to say the least. And I think it just  
13 requires a concerted effort to try to establish that and I  
14 just don't want to see areas of the state that do have a  
15 cultural reliance on this spring hunt just because of lack  
16 of documentations be excluded from the hunt.

17

18 CHAIRMAN ALCORN: Austin, you were next.

19

20 MR. AHMASUK: Thank you, Mr. Chairman. The  
21 criteria for inclusion/exclusion, I don't think we can base  
22 upon whether or not the harvest levels increase. The  
23 Migratory Bird Treaty Act speaks to whether or not and  
24 when, if harvest levels increase significantly then another  
25 set of factors will take place, perhaps bag limits or  
26 seasons or further restrictions.

27

28 The process of including a community isn't  
29 based upon whether or not or excluded isn't based upon  
30 whether or not their harvest level significantly increased,  
31 not a single criteria addresses that issue.

32

33 I just wanted to point that out.

34

35 MR. ANDERSEN: Mr. Chairman.

36

37 CHAIRMAN ALCORN: Ralph, go ahead.

38

39 MR. ANDERSEN: Mr. Chairman, I just wanted  
40 to clarify that I don't think it's right to -- I agree with  
41 you, that increasing or decreasing harvest levels shouldn't  
42 be a consider and that wasn't the reason that I was asking  
43 the question.

44

45 The reason that I'd asked the question is  
46 because, you know, Dr. Huntington pointed out that there's  
47 some areas, I mean according to his rating, where there's  
48 good information -- I mean excellent information, moderate  
49 information, poor information and N/A. And if these  
50 communities or when these communities become -- or are

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1 included, I'm thinking that if we do harvest surveys or  
2 begin documentation that we're going to, you know, show  
3 increase, and it's because nothing has been done before or  
4 very little has been done before. Very little  
5 documentation has been done before and I guess Mike was  
6 making my point, in that, you know, the fact that little or  
7 no information is available doesn't mean that subsistence  
8 harvest have not taken place.

9

10 CHAIRMAN ALCORN: Fred, go ahead.

11

12 MR. ARMSTRONG: Yeah, I'm glad we're having  
13 this discussion prior to taking action on any of the  
14 petitions. I think, you know, from my point of view we're  
15 looking at the petitions from purely a social aspect,  
16 cultural and traditional activity that occurs and trying to  
17 legalize that that activity does occur. I mean excluded  
18 areas weren't just arbitrarily selected when they were  
19 negotiating the Treaty. It's because either they had  
20 little or no activity in that, as far as harvesting of  
21 birds and eggs are concerned.

22

23 Either way we look at the population  
24 figures and the restrictions we have to stand by, it's  
25 purely speculation until we get to some baseline data for  
26 some of these regions.

27

28 If you look at the Southcentral and the  
29 Copper River harvest levels there, they're very, very small  
30 in relation to the other areas. And the important factor,  
31 I guess I'd like to emphasize again, what Doug said at the  
32 onset is that one, we're not to create new traditions and  
33 we're not to look at Native only, we're too look -- because  
34 of the definition of indigenous inhabitants, we're to look  
35 at everybody. And we have to keep in mind again the  
36 mandate that we're not to increase harvest levels in  
37 relation to the national population, not only at the state  
38 level.

39

40 So those are the two things we need to keep  
41 in mind.

42

43 CHAIRMAN ALCORN: Matt, go ahead.

44

45 MR. ROBUS: Thank you, Mr. Chairman. This  
46 may kind of reflect back on remarks made by Ralph and Mike  
47 and Fred, and, that is, attending the Service regs  
48 committee meeting back east, it seems to me that this  
49 Council was paid a fair amount of deference by those  
50 decision-makers there who make the regulations for the

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1 Federal government. And I think it's critical, this not  
2 creating a new tradition is critical, because if we have an  
3 apparent increase in harvest based on what's already going  
4 on but will now be better documented in the future, I think  
5 that can be explained rather well and i don't think that  
6 there's going to be much alarm about that. But if we  
7 accept communities into the practice that, in a way, that  
8 does create new traditions, new harvest that stemmed from  
9 that will be looked at very critically and will lead to  
10 problems.

11

12 So I think it's incumbent on us to be very  
13 careful when we look at these to try to evaluate whether  
14 we're looking at existing traditions or the possibility of  
15 a new practice which will lead us to problems at the  
16 national level.

17

18 CHAIRMAN ALCORN: Thank you, Matt. Dr.  
19 Huntington.

20

21 DR. HUNTINGTON: Thank you, Mr. Chairman.  
22 In listening to the discussion and the talk about the -- as  
23 Ralph had mentioned, say documenting, making annual surveys  
24 of harvests from here on out, one thing that might be done  
25 and I think this goes with what Matt just said, would be to  
26 put some effort into talking to people about their  
27 responses to interviews in the past and trying to assess  
28 the degree to which the harvest may have been  
29 underestimated or the degree to which people may have not  
30 participated in the spring harvest just because it was  
31 illegal. Not that they didn't want to but just for  
32 whatever reason they didn't feel comfortable doing it;  
33 maybe the State Trooper lived next door or something. How  
34 that might be done and how feasible it is I think I would  
35 refer to Ron who's done a lot of the surveys in this and I  
36 think would be in a much better position to assess whether  
37 that's feasible.

38

39 But I think it's something that might be  
40 considered, which would then give you the documentation to  
41 answer that rather than just to speculate, gee, we think  
42 this happened, you could actually put some research into  
43 it. I don't think it would be that hard to add to a survey  
44 that you're already doing.

45

46 CHAIRMAN ALCORN: Thank you. Enoch.

47

48 ATTAMUK: Yeah, you mentioned your harvest  
49 survey that was -- your enforcers. Yes, I'll give you an  
50 example, in 1987 when they did migratory bird survey in my

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1 area, enforcers went to an area where they say they get  
2 birds and that hurt is still there. I always mention that  
3 and it's going to be there forever. And the surveys, now,  
4 that has been taken is in the low numbers.

5

6 But here you mention elderly that did not  
7 harvest, he probably told you he didn't harvest at that  
8 time because he's an elder, but if you asked him earlier,  
9 you know, in your younger years did you ever harvest, you  
10 might have had a different answer. Like me, I'm getting  
11 close to an elder, I like to hunt but my boys need a chance  
12 so I don't hardly ever harvest anymore. See, you got to  
13 ask both ways.

14

15 CHAIRMAN ALCORN: Mike, go ahead.

16

17 MR. SMITH: Yeah, Mr. Chairman. I agree  
18 with Enoch on this. I mean I think we need to be real  
19 careful and real inclusive when we start to establish our  
20 baseline for these harvest numbers. We've seen it happen  
21 in numerous situations in regards to fish and moose and  
22 things like that -- that nature, where subsistence needs  
23 are established and harvest allocations are then  
24 promulgated upon those -- the establishment of those needs.

25

26 I think Herman pointed out earlier about  
27 the co-management opportunities and stuff. I think this is  
28 a crucial one where the Native organizations and the rural  
29 organizations involved in this need to be involved in the  
30 gathering of this information for the establishment of our  
31 harvest baseline.

32

33 You know, I mean I think we will see an  
34 increase in harvest. I think I have no problem in  
35 supporting that increase simply because for all the various  
36 reasons that have already been expressed. But I think we  
37 need to be real careful on establishing those limits and we  
38 need to participate as a Native community in the  
39 establishment of those limits or else we will not acquire  
40 information that adequately reflects our subsistence needs  
41 of these resources.

42

43 CHAIRMAN ALCORN: Thank you. Fred.

44

45 MR. ARMSTRONG: One more point, Mr.  
46 Chairman. I think we also need to keep in mind that the  
47 petitions are from particularly communities to become  
48 included, it's not a regional -- it's not a petition from a  
49 community to open -- exclude a region, it's just for that  
50 particular community. We need to keep that in mind.

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1                   CHAIRMAN ALCORN: All right, thank you, Dr.  
2 Huntington. At this point I'd like to recognize Gordon  
3 Jackson from the Central Council Tlinget/Haida Indian  
4 Tribes has arrived. He's seated here at the table.

5  
6                   And I apologize, but I didn't get the  
7 gentleman's name from Chugach, is it Nick?

8  
9                   MR. TANAPE: Nick Tanape.

10  
11                   CHAIRMAN ALCORN: Nick Tanape for the  
12 record. All right, if there's no other discussion or no  
13 other questions for Dr. -- Herman, go ahead.

14  
15                   MR. SQUARTSOFF: Mr. Chair, I got one more.  
16 You know, I agree with Dr. Huntington a lot. You know, the  
17 surveys may reflect down the line here shortly that it will  
18 show an increase in harvest but the practice has always  
19 still been going on there. I mean the same population  
20 level should probably be pretty close to remaining the  
21 same. So I wouldn't think there'd be a whole lot of an  
22 increase. And then the protocol does say not to cause a  
23 significant increase in the take of species, you know, and  
24 that's the way it's stated in the protocol.

25  
26                   So thank you.

27  
28                   CHAIRMAN ALCORN: Thank you. Go ahead  
29 Edgar.

30  
31                   MR. HOELSCHER: Thank you, Mr. Chair. I  
32 would like to remind the Council that in a situation where,  
33 you know, emperor geese is prohibited in my area and then  
34 allowance of a few up in St. Lawrence Island. So that  
35 would be just something to ponder on, like this case here.

36  
37                   CHAIRMAN ALCORN: All right. I would opt to  
38 defer that discussion until next month's meeting when we're  
39 actually talking about regulations for each region.

40  
41                   Thank you for the point.

42  
43                   Any other comments or questions of Dr.  
44 Huntington before we move into the presentation of the  
45 first suite of proposals?

46  
47                   MR. SMITH: Just one.

48  
49                   CHAIRMAN ALCORN: All right, Mike, go  
50 ahead.

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1 MR. SMITH: Thank you, Mr. Chairman. Dr.  
2 Huntington, you know, in those situations, you know, we had  
3 Doug address it earlier, about areas where we may be  
4 excluding communities, where there may be an effort to  
5 exclude communities; do you have any thoughts on that and  
6 what type of -- how would you approach an issue where  
7 somebody was thinking of seeking to exclude areas?

8  
9 DR. HUNTINGTON: My first thought is I'm  
10 glad I didn't have to deal with that. As you pointed out  
11 earlier, it's tough to prove a negative, and how do you  
12 establish that nobody took a duck. I think that's a very  
13 tough one.

14  
15 But there are five criteria and hunting is  
16 only one or two have to do with the actual harvest. The  
17 patterns of sharing and other things that if a community --  
18 I would think if a community just fails to meet those, if  
19 there's no evidence to support that they do any of that, I  
20 mean that might be fairly convincing. Again, it's a  
21 negative, but in every subsistence community that's been  
22 studied, patterns like sharing are immediately obvious and  
23 are highly valued by everybody in the community and there's  
24 no question that that takes place. There's no question  
25 it's very important. And I would think if you went to a  
26 place and found absolutely no evidence of sharing, that  
27 would be fairly significant.

28  
29 CHAIRMAN ALCORN: Mike, go ahead.

30  
31 MR. SMITH: Yeah, Thank you, Mr. Chairman.  
32 I know this is a loaded question but I'm just curious as to  
33 your perspective from your professional point of view on  
34 this, and it's not an established principle anywhere but  
35 I'd just like your input. What establishes -- how long of  
36 a period of time are we looking at in your mind, in your  
37 professional opinion, you know, to establish a customary  
38 and traditional usage?

39  
40 DR. HUNTINGTON: That is a tough one. I  
41 think it depends on circumstances in some case. An example  
42 is the use of indigenous people. I know it has a special  
43 meaning in the Treaty. We often say Alaska Natives and  
44 people who have come later aren't. On the other hand in  
45 the Aleut region we have people who come from Europe  
46 originally but they've been there for several generations,  
47 where do they fit on that. The Icelanders always raise  
48 this. They've been there for over a thousand years,  
49 they're not considered Native, on the other hand there was  
50 nobody else there and, boy, they sure do a lot of things

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1 that you see in Greenland and other places, too.

2

3 I guess it's hard to say. The one thing  
4 that comes to mind is that that sense of the inter-  
5 generational transfer of knowledge and skills. And so I  
6 would think that, to me, on the surface of it, one  
7 generation is probably not adequate but if it's something  
8 that comes self-perpetuating that would be a criteria I  
9 would look for.

10

11 MR. SMITH: Thank you, Mr. Chairman.

12

13 CHAIRMAN ALCORN: Herman.

14

15 MR. SQUARTSOFF: Doug, I'd like to thank  
16 Dr. Huntington and I believe you said Ron and them were  
17 helping you and all that, for the effort you put into this  
18 and for coming here to explain it to us.

19

20 Thank you.

21

22 CHAIRMAN ALCORN: Well, we're not through  
23 with him yet.

24

25 MR. SQUARTSOFF: Okay.

26

27 (Laughter)

28

29 CHAIRMAN ALCORN: Hold your thanks until we  
30 get through. All right, I would like to call for a very  
31 short break. Let's reconvene, and by my watch it's about  
32 eight minutes to a quarter of -- or a quarter after, and  
33 then we will reconvene and begin discussion of the  
34 proposals.

35

36 (Off record)

37

38 (On record)

39

40 CHAIRMAN ALCORN: Let's call this meeting  
41 to order again. I would ask the representatives to take  
42 their seats.

43

44 (Pause)

45

46 CHAIRMAN ALCORN: Thank you. At this time  
47 we're going to begin the process of the protocol that we  
48 adopted earlier this morning beginning with an introduction  
49 by Staff of the petition. We're going to begin with the  
50 Hoonah petition and I'll let Staff introduce that and we

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1 will then call on Mr. Jackson to present that.

2

3

MR. OSTRAND: Before I go over the Hoonah documentation, I thought I'd point out that behind Tab 1 there's some literature here for your use. There's a checklist of the five criteria, it's the second page in. And then beyond that is the document we provided to the community, the guidelines on how to petition the Council. And those are available behind the first tab.

10

11

The Hoonah petition is located behind Tab 2 and it's quite extensive. It begins with a letter of interest and intent. It's followed by another letter and materials provided to apply for a special use permit and for the past several years, I'm not sure how many, Hoonah's been collecting eggs in the spring through special use permits and it obtains permits from the Fish and Wildlife Service and other agencies to do that. And then following that is another letter from Hoonah, a follow up letter in their petition process, the response and included in that are the responses to the ranking factors and then a regional proposal. This is a proposal just like all the regions will be submitting or have submitted in the past for regulations and regulation language and justification for those regulations. And then lastly is an extensive list of harvest sites.

27

28

Also in conjunction with this petition but not included is the advanced copy of this report titled, A Study of Traditional Use of Birds, Eggs by the Hoonah/Tlinget. And this one was mailed to all of the Council members. I have a few more copies if you need to refer to it during your discussions here.

34

35

And with that, I'll turn it over to Gordon.

36

37

MR. JACKSON: Thank you.

38

39

MR. ANDERSEN: Mr. Chairman, I have a question for Bill.

41

42

CHAIRMAN ALCORN: Go ahead, Ralph.

43

44

MR. ANDERSEN: Bill, according to the checklist that you have here of what you just explained, which numbers on the checklist have been complied with as far as your assessment goes?

48

49

DR. HUNTINGTON: Okay. Well, the community has responded to all of the requests providing all the

50

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1 information. They've responded to all five criteria.  
2 They've also provided their proposal for regulations as  
3 requested here. So the community's response is fairly  
4 complete.

5

6 CHAIRMAN ALCORN: Let me make a point that  
7 the purpose of the discussion today is to only hear the  
8 portion of the petition to be included even though there  
9 were additional materials supplied, that being the species  
10 proposed for harvest, the seasons, season dates, closure  
11 dates. Those are going to be held in abeyance for  
12 consideration until the next meeting if they are deemed  
13 included by action by this Council later today or tomorrow.  
14

15 All right. Hearing no other questions or  
16 comments we'll ask Gordon to introduce the proposal and  
17 then we will follow the protocol thereafter.  
18

19 MR. JACKSON: Thank you, Mr. Chairman.  
20 About two years ago we started working with the community  
21 of Hoonah to make sure that the criteria that we  
22 established would be met. And I think that in looking at  
23 and reading the information that they provided, I think  
24 that the information that we requested is excellent.  
25

26 The community of Hoonah is located right at  
27 the base of Icy Straits in Southeast Alaska. It's the  
28 northern portion. Right across from there is Glacier Bay  
29 where the community has used and occupied for birds and  
30 subsistence-type use since time immemorial as we always  
31 say. And part of their subsistence was the traditional use  
32 of bird eggs, namely seagull eggs. And the community today  
33 is largely a Native community. There's about 900 people  
34 located in that community and call it home. But the  
35 traditional use and occupancy, traditional use of  
36 subsistence is still a way of life in that community.  
37

38 And if you look at that material, a lot of  
39 it is all  
40 documented and was carried out under the special permits  
41 from the United States Fish and Wildlife Service and  
42 there's a real long history of harvest that has been  
43 attached and the transmission of relevant knowledge and  
44 skills and the cultural significance of the harvest of the  
45 community if you read into it is well documented. And I'm  
46 extremely proud to present it to the Commission. I think  
47 it's one of those things that I tried to present a couple  
48 of years ago but it was premature but I think we should  
49 move forward on it.  
50

00030

1 I strongly recommend that you take this and  
2 read it like I have. There's a lot of historical  
3 information.

4

5 As I told this Commission before, when I  
6 was a younger person, early in the spring, early in April,  
7 boats used to go out to Hazy Island which was about almost  
8 100 miles away from Kake and used to harvest seagull eggs  
9 and bring them back to the community. That's Lower Kiui  
10 Island and when we had the availability of chicken eggs,  
11 you know, a lot of that kind of activity ended but the use  
12 of seagull eggs for baking and just boiling and part of the  
13 staples of our life was pretty well documented, and we used  
14 it but like I said, when certain portions of our diet  
15 changed so did this. But this is a real good indication  
16 that this is still being done today. The information is  
17 probably about two inches thick, but I would call it  
18 excellent.

19

20 There is another one that is going to be  
21 before you and I'm just bringing it to your attention, is  
22 the community of Yakutat has a small beginning petition  
23 basically it's the same -- utilizing the same eggs and I  
24 know it's a little bit too late to get Yakutat included in  
25 this but I will present -- provide you with information and  
26 that will begin the process for Yakutat.

27

28 Thank you, Mr. Chairman.

29

30 CHAIRMAN ALCORN: Any questions of Gordon  
31 before we turn the mike over to Dr. Huntington.

32

33 (No comments)

34

35 CHAIRMAN ALCORN: All right, Dr.  
36 Huntington, would you like to provide comment on this  
37 particular proposal?

38

39 DR. HUNTINGTON: Sure. I'd just echo what  
40 Gordon said, which it is an excellent petition and the  
41 study that Bill mentioned thoroughly documents and  
42 addresses the five criteria. When the petition originally  
43 came in -- the first version I had didn't have the March  
44 27th letter that addressed the five criteria specifically  
45 but had reports from the egg gathering that was done under  
46 a special permit in 2001 and 2002, I believe.

47

48 And in both of those cases it was  
49 interesting looking at that partial information, the strong  
50 evidence that this was something that was a tradition being

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1 carried on. There was knowledge about how many eggs you  
2 took from nests of different sizes, the list of places  
3 where you would go, the fact that when those eggs were  
4 gathered in those years they were shared among the  
5 community and this was obviously not something that had  
6 been invented on the spot but was carrying on a long-  
7 standing tradition that was a very important social and  
8 cultural factor in the community. And so even prior to  
9 getting the five criteria it was apparent that this was an  
10 important thing, that having the five criteria also spelled  
11 out in detail the criteria one and two about the existence  
12 of the hunt over time and the fact that it was done in or  
13 near the residents of the petitioner.

14

15 And I'd hate to put this forward as an  
16 example only because it would set such a high standard for  
17 everybody else to try to meet. The fact that they had a  
18 big study looking specifically at bird traditions makes an  
19 excellent proposal and obviously provides ample  
20 documentation of their responses to all five criteria  
21 supporting their claim.

22

23 Thank you.

24

25 CHAIRMAN ALCORN: Any questions of the  
26 Council for Dr. Huntington?

27

28 (No comments)

29

30 CHAIRMAN ALCORN: All right, hearing none,  
31 we will move down to Item 4, which is to hear comment --  
32 technical comments from the U.S. Fish and Wildlife Service  
33 and we've asked Bob Leedy, the Division Chief for the  
34 Division of Migratory Bird Management to provide technical  
35 comments on this proposal.

36

37 MR. LEEDY: My name's Bob Leedy. And as  
38 Doug said, he asked me to speak today in more or less  
39 general terms so people have any early warning that they  
40 might need for the next meeting about concerns the Service  
41 may have for any species of birds. So I'll be making a few  
42 very focused comments today primarily on other petitions  
43 that, you know, raise a flag a little bit that say we need  
44 to look at something as we move forward on this.

45

46 In the case of this petition, extremely  
47 well documented, very discreet, focuses on populations of  
48 gulls that have no population problems overall. There's  
49 always the potential when going into small colonies to  
50 overharvest but this has been a very well managed and very

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1 controlled hunt and we see no problems at all from a  
2 biological point of view.

3

4 CHAIRMAN ALCORN: Thanks, Bob. Any  
5 questions of Bob.

6

7 (No comments)

8

9 CHAIRMAN ALCORN: All right, hearing none  
10 we'll turn the mike over to the Department of Fish and  
11 Game, Tom Rothe -- oh, I'm sorry, Matt, you want to  
12 introduce.

13

14 MR. ROBUS: Thank you, Mr. Chairman. I'd  
15 ask Ron Stanek if he wanted to say anything and he does not  
16 have anything for this particular proposal and I don't know  
17 if Tom does or not. But I wanted to Point out as an ADF&G  
18 Staff that back in May of 2000, the Board of Game heard a  
19 proposal from Hoonah and the evidence presented was enough  
20 for the Board of Game to change -- pass an emergency  
21 regulation to change the State regulations to allow the  
22 State to issue special permits to Hoonah for this  
23 particular activity. And later the Board made those  
24 emergency regulations permanent.

25

26 So I guess I say that to indicate that the  
27 Board of Game for the State has been convinced that this is  
28 a legitimate activity and they worked to find a way to  
29 legally allow it through a permit process. And, you know,  
30 it's just an indication of the State accepting the  
31 presentation that this activity was part of a longstanding  
32 tradition. And I'd invite Tom to say anything if he feels  
33 he wants to from the biological side.

34

35 CHAIRMAN ALCORN: Thank you. But before  
36 you speak, Tom, I have a question Matt. And that is, you  
37 mentioned that the Board of Game passed regulations to  
38 allow this activity to occur, do you have a date just for  
39 the.....

40

41 MR. ROBUS: The emergency regulation was  
42 passed at that special May 2000 meeting. I believe -0- I  
43 just was going back through my memory, I believe they were  
44 made permanent that following November in Juneau, but it  
45 may have waited until the next statewide meeting which  
46 would have been a year later. But once the emergency  
47 regulations were passed it enabled us to follow the Federal  
48 permits that were being issued with a State permit for the  
49 first time. Before that, this was not an activity that we  
50 could allow on the State side under our regulations.

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1 CHAIRMAN ALCORN: Okay, thanks, Matt. Tom.

2

3 MR. ROTHE: Mr. Chairman, Ron and I just  
4 want to convey appreciation to the Hoonah Association for  
5 putting together a really good packet and, you know, we  
6 really appreciate having all that information.

7

8 Just one biological comment that occurred  
9 to me was, I think, as Bob mentioned, our direction is to  
10 -- for the May Council meeting to develop the specific  
11 regulations package for 2004, as far as very specific  
12 information on species and dates and that sort of thing.  
13 So just as a bit of commentary, if this egg harvest  
14 involves other species, right now the proposal says  
15 specifically only glaucous-wing gull, but I know that it's  
16 very probable there may be mew gulls, herring gulls or  
17 other things and you might want to look at other species  
18 that people might take some eggs from. And we'll work with  
19 you on that for a May proposal.

20

21 CHAIRMAN ALCORN: Thanks, Tom. Any  
22 questions of the Council of the Department of Fish and  
23 Game?

24

25 (No comments)

26

27 CHAIRMAN ALCORN: I have a couple of  
28 questions, Gordon, and this is not to put you on the spot  
29 but as I was reviewing the report and the proposal, I was  
30 keeping notes and I noted on Page 55 of the report, I  
31 realize this is not part of -- this is not the proposal  
32 itself, but on Page 55 of the report the second to the last  
33 line, it says birds were also hunted, example, ducks and  
34 geese at Mud Bay. Is Mud Bay part of the area that you're  
35 proposing this harvest to occur and also, the proposal is  
36 for gull eggs and there's evidence that there were birds  
37 harvested as well, is that the intent of the Hoonah  
38 community in the future or can you speak to that?

39

40 MR. JACKSON: The area that they hunt is in  
41 Glacier Bay, and Glacier Bay boundaries goes pretty far on  
42 the outside. And as it relates to the other species, I'm  
43 going to have to get clarification on that from them and  
44 bring you an answer at the next meeting.

45

46 CHAIRMAN ALCORN: Mike, go ahead.

47

48 MR. SMITH: Thank you, Mr. Chairman. And  
49 that, you know, while I support this petition it does bring  
50 up a question in my mind and I just would like some

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1 clarification from somebody if they might. For the  
2 purposes of what we're dealing with right here, right now,  
3 we're determining whether or not to include Hoonah into the  
4 areas that are included for harvest, which would entail all  
5 the things available to those people, that is harvest of  
6 birds, so on and so forth. And I was just curious, you  
7 know, I mean -- well, I guess technically then speaking all  
8 of the harvest ability is okay but that what we'll end up  
9 having to do next go around will be to adopt specific  
10 regulations just applicable to the gathering of eggs. And  
11 then would we then have to adopt specific regulations  
12 excluding the harvest of birds in those areas?

13

14 CHAIRMAN ALCORN: Well, I'll respond to  
15 that. The regulations under the Migratory Bird Treat Act  
16 are designed to open species for harvest and that's why we  
17 have a list of species. For a particular community that's  
18 petitioning, the petition is specific to species as is  
19 every region that presents a list of species. And they --  
20 under the Migratory Bird Treaty Act all species are closed  
21 until open. So when we take action, if this petition is  
22 included, if this community's included and we take action  
23 in May to establish regulations for the 2004 season it  
24 would be to open specific species, the way I understand it.

25

26 Herman.

27

28 MR. SQUARTSOFF: Yeah, Mr. Chair. When Tom  
29 there mentioned about Gordon here and them to look into it  
30 a little more and maybe being a little more specific on  
31 other eggs and all that, we looked at each other, we do the  
32 same thing down there at home. When we say to go out and  
33 get seagull eggs, we're going out and getting all the eggs,  
34 you know, all the different species, it's just not one, so  
35 you know that's the way he kind of looked at it there, too,  
36 that's probably why they overlooked it.

37

38 Thank you.

39

40 CHAIRMAN ALCORN: Are there any other  
41 questions of Gordon or Dr. Huntington or the Fish and  
42 Wildlife Service or the Department of Fish and Game before  
43 we move on?

44

45 (No comments)

46

47 CHAIRMAN ALCORN: Hearing none.....

48

49 MR. ARMSTRONG: Mr. Chair.

50

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1 CHAIRMAN ALCORN: Fred, go ahead.

2

3 MR. ARMSTRONG: I'm not sure if this is a  
4 process question, but Hoonah submitted a petition  
5 specifically for the harvest of gull eggs and then Tom  
6 brought up another issue, then perhaps we need to take a  
7 look at the big picture. And if that's the case then I  
8 think that -- and I would suggest that the Council consider  
9 that they look at this proposal positively, that just be  
10 specific to the inclusion part and then we can work on the  
11 -- to the extent of the management regulations that will  
12 occur next month. That way we won't tie Hoonah down to one  
13 specific activity as outlined in their petition.

14

15 MR. ANDERSEN: Mr. Chairman.

16

17 CHAIRMAN ALCORN: Ralph.

18

19 MR. ANDERSEN: I have a question. I guess  
20 it parallel's Mike's.

21

22 CHAIRMAN ALCORN: Go ahead.

23

24 MR. ANDERSEN: And again, it's to process.  
25 And I'm not sure if I understood you right. But by  
26 adopting this proposal we'll be including Hoonah in -- as a  
27 subsistence harvest area. So that means that -- I mean, I  
28 guess, does that mean that in the future we can hear  
29 proposals from them or recommendations from them to open  
30 goose hunting seasons and, you know, seasons for other eggs  
31 or, you know seasons for subsistence -- you know, harvest  
32 of birds? I mean by inclusion that gives them all the  
33 rights and privileges of every other included area, the way  
34 I see it. I mean am I wrong?

35

36 CHAIRMAN ALCORN: Any comments from  
37 the.....

38

39 MR. ARMSTRONG: Mr. Chair.

40

41 CHAIRMAN ALCORN: Fred, go ahead.

42

43 MR. ARMSTRONG: The Treaty speaks to -- you  
44 know, it uses Hoonah as an example in the Treaty saying  
45 that an excluded community may petition for inclusion for  
46 -- I need to get the wording right, Bill, it's not specific  
47 activity but.....

48

49 MR. OSTRAND: I think it's for a special  
50 purpose.

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1 CHAIRMAN ALCORN: Would you identify  
2 yourself, Bill, for the record.

3

4 MR. OSTRAND: This is Bill Ostrand. We  
5 should look it up in the Treaty, everybody has a copy.

6

7 MR. ARMSTRONG: It doesn't define whether  
8 or not it would be included for everything. In talking  
9 with our solicitor about this specific issue, she indicated  
10 that, you know, because they're already excluded, you know,  
11 they could be held to a stricter standard just to -- based  
12 on, you know, some criteria such as creating a new  
13 tradition or restricting based on the criteria that they  
14 submitted.

15

16 MR. ANDERSEN: Mr. Chairman.

17

18 CHAIRMAN ALCORN: Go ahead, Ralph.

19

20 MR. ANDERSEN: I guess my follow up to that  
21 is so that Hoonah or any other community that's included  
22 for any other specific reason, for the harvest of birds or  
23 for the harvest of glaucous-wing gull eggs, does that mean  
24 that they need to come back to us for a petition for  
25 inclusion to harvest birds even if, for example, what you  
26 pointed out, on Page 55, there is an indication of birds  
27 are also hunted, and that -- so that wouldn't -- you know,  
28 that document said traditional hunt. But if they wanted to  
29 be included to take advantage of that traditional hunt,  
30 does that mean that they need to submit another proposal  
31 for -- or another petition to be included for the hunting  
32 of birds?

33

34 It seems to me that it to be -- much to an  
35 area or a village's advantage that if there is an  
36 established tradition, you know, these are in excluded  
37 areas. If there are established traditions for the harvest  
38 of eggs or for the harvest of birds, it seems it would be  
39 much easier to submit a proposal -- or a petition to cover  
40 both, to be included altogether.

41

42 CHAIRMAN ALCORN: Mike, go ahead.

43

44 MR. SMITH: Yeah, thank you, Mr. Chairman.  
45 I think I agree with Ralph, it would be -- you know, just  
46 to be included period and that's it. And, you know, with  
47 -- I mean certainly Hoonah has put together an impressive  
48 justification just to be included into the areas and then  
49 not necessarily have to limit themselves just to egg  
50 gathering. You know, I agree with Ralph, I think that once

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1 they get included, you know, then they are all open to all  
2 the privileges and we have a list of harvestable birds and  
3 so technically I -- you know, they're able to take all  
4 those birds.

5

6 And, while, you know, I have no problems  
7 with Hoonah doing that, I'm just trying to figure out the  
8 process as well.

9

10 CHAIRMAN ALCORN: Bill Ostrand, go ahead.

11

12 MR. OSTRAND: Mr. Chair, I found the  
13 passage in the Treaty. It's in the letter of transmittal.  
14 It says, areas that would generally not be included for  
15 spring or summer harvest include the Anchorage, Mat-Su,  
16 Susitna, and Fairbanks North Star Boroughs, the Kenai  
17 Peninsula roaded area, the Gulf of Alaska roaded area and  
18 Southeast Alaska. This list of exceptions does not mean  
19 that individual communities within areas that are generally  
20 excluded cannot meet the test for designation as  
21 subsistence harvest areas. For example, data indicate that  
22 there is a customary and traditional use of gull eggs by  
23 indigenous inhabitants in some villages in Southeast  
24 Alaska. These villages could be included for this limited  
25 purpose even though indigenous inhabitants in Southeast  
26 Alaska generally would be excluded from the spring/summer  
27 harvest.

28

29 CHAIRMAN ALCORN: Thank you.

30

31 MR. ARMSTRONG: Mr. Chair.

32

33 CHAIRMAN ALCORN: Fred, go ahead.

34

35 MR. ARMSTRONG: You know, that's why I  
36 recommended to the Council awhile ago that perhaps just to  
37 act on the inclusion part for Hoonah would be appropriate  
38 at this time. We can look at the other activity, work with  
39 the region and work with Gordon's office as well as Hoonah  
40 and identify the activity that we can present at the May  
41 meeting.

42

43 And I also need to stress that any  
44 activities, it has to be only within the spring and summer  
45 season that the Council as recommended to the SRC.

46

47 CHAIRMAN ALCORN: Thank you, Fred. Any  
48 other comments. Questions. Mike, go ahead.

49

50 MR. SMITH: Well, Mr. Chairman, I think,

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1 you know, we kind of beat this horse. So I would move that  
2 we include Hoonah into the list of included communities and  
3 to leave the development of specific regulations to our  
4 next meeting.

5

6 CHAIRMAN ALCORN: Mike, I would ask you to  
7 hold that motion, it's out of order by the way the protocol  
8 has been adopted. We'll wait and take action when we've  
9 heard all the recommendations, all the discussion of the  
10 proposals.

11

12 MR. SMITH: On all the proposals?

13

14 CHAIRMAN ALCORN: Yes.

15

16 MR. SMITH: Mr. Chairman, then that would  
17 require a motion to adopt some and to exclude some, if  
18 that's what we so desire?

19

20 CHAIRMAN ALCORN: The motion -- the Council  
21 action under Item 8 will be taken once we've heard the  
22 discussion of all the proposals. The motion will be  
23 independent or specific to a proposal, it won't be to adopt  
24 a suite of proposals, the way I understand it -- the way I  
25 thought I explained it earlier today.

26

27 We will hear public comments on this  
28 particular proposal before we move to the next suite of  
29 proposals. Is there anyone in the audience that would like  
30 to comment regarding the proposal by the Hoonah community?

31

32 (No comments)

33

34 CHAIRMAN ALCORN: Hearing none, we will go  
35 back to the agenda. The order -- we took the proposals out  
36 of order because some of the representatives that are  
37 prepared to make presentations were not here at the time so  
38 we started at Item C with the Hoonah Indian Association and  
39 we will move now to the -- is the Copper River  
40 Representative, Steve, are you prepared to discuss these,  
41 present these?

42

43 MR. PETE: Yes.

44

45 CHAIRMAN ALCORN: All right. We'll have an  
46 introduction by Staff then.

47

48 MR. OSTRAND: The Copper River region  
49 petitions are located behind Tab 3. And they begin with  
50 general information that applies to all region. There's a

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1 letter of interest and intent. A second letter which gives  
2 regional seasonal dates. The spring migratory bird  
3 customary and traditional use criteria worksheet which  
4 applies to the region but also speaks to individual  
5 communities and gives some harvest data information as  
6 well. That's followed by a list of species which applies  
7 to the entire region. Then Joeneal Hicks provides some  
8 supplemental information on the submittal of information  
9 from elders to young members of the community and that's a  
10 special write up. And then this general information is  
11 followed by community specific petitions.

12

13 Do you want to discuss the general region  
14 before we go into the specific communities?

15

16 CHAIRMAN ALCORN: That would be great.  
17 That's what I envisioned. We would have a discussion of  
18 the suite of proposals and then we would go into individual  
19 community presentations.

20

21 So we would ask Steve to introduce the  
22 suite of proposals.

23

24 MR. PETE: I am Steve Pete. I am from  
25 Copper River region, Copper Center is located 100 miles  
26 north of Valdez about 200 miles east of here. We're along  
27 the road system as much as the villages are up there. And  
28 we -- I do believe there are duck hunters in Gakona and  
29 other villages. We do gather eggs along the river, that's  
30 where most of the ducks land in the spring right around  
31 now. Hunting is getting harder and harder up there because  
32 the population explosion is getting more and more people  
33 moving in. Where we used to hunt, they're building houses  
34 around all these lakes now. So we have to go out and we're  
35 moving farther and farther away from our hunting grounds  
36 going into other villages and hunting their -- but with  
37 their permission. So a lot of people don't report their  
38 kills because we've had trouble with Fish and Game in the  
39 past.

40

41 I think that's about all I've got to say.

42

43 CHAIRMAN ALCORN: Thank you, Steve. Any  
44 questions of Steve before we turn the mike over to Dr.  
45 Huntington?

46

47 Cynthia, we're not taking questions at this  
48 point from the audience, from the Council. Herman.

49

50 MR. SQUARTSOFF: Yeah, Steve, I got one.

00040

1 Most of the hunting that, I guess, is just done -- and the  
2 egg gathering, it's all along the river?

3

4 MR. PETE: No. Like I said, we got lakes  
5 all the way around -- around but there's Klutina Lake,  
6 Paxson Lake and all these, but there's development going on  
7 in these areas now and it's -- so we don't hunt there no  
8 more.

9

10 MR. SQUARTSOFF: All right, thank you.

11

12 CHAIRMAN ALCORN: All right, any other  
13 questions.

14

15 (No comments)

16

17 CHAIRMAN ALCORN: Dr. Huntington.

18

19 DR. HUNTINGTON: Thank you, Mr. Chairman.  
20 As I mentioned at the beginning, this is the region for  
21 which the depth of documentation is the shallowest among  
22 the four regions that were petitioned and that's, I'll  
23 reiterate, not their fault and not a reflection of the  
24 strength of their petition or the strength of their case,  
25 it's just what happened to be available to draw on. I'm  
26 sure that Ron Stanek will talk a bit more about some of the  
27 information and, in particular the situation with Gakona,  
28 which I gather works together with Gulkana a lot so that  
29 may help answer what was going on there.

30

31 The general information that's provided for  
32 the region does a nice job of explaining the importance of  
33 subsistence in general and also birds in particular. The  
34 customary and traditional use and the fact that there is  
35 quite a depth of traditional knowledge about birds, both of  
36 which speak a long history of people hunting birds and  
37 interacting with birds and paying attention to them.

38

39 For each of the communities provided a  
40 separate response to the criteria and Ralph, I was thinking  
41 of your earlier question about ways that we might help  
42 people respond better to the criteria. Criteria C about  
43 passing on the skills and knowledge. In the responses for  
44 these communities it emphasized pretty much how today's  
45 elders learned from their ancestors which is important but  
46 they didn't say anything about how the skills are passed on  
47 to the younger generations of today. And that was  
48 something that we sought supplemental information on. Bill  
49 had mentioned that Joeneal Hicks had written us another  
50 letter explaining what happens today. And Bill Simeone,

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1 anthropologist with Fish and Game, I'd written to him to  
2 ask him. Both of them provided exactly the information we  
3 were looking for which is that kids continue to go out  
4 hunting with their parents and grandparents. There are the  
5 more modern developments that we see in many regions of  
6 culture camps and spirit camps and things like that. So  
7 there are a number of ways that those traditions are passed  
8 on.

9

10                   And I thought that was a bit of information  
11 that was very helpful and very relevant that might be that  
12 -- in instructions in the future it might explain, it's not  
13 just how today's elders learned, which is certainly of  
14 interest but how that's continuing today, which I thought  
15 certainly addresses the question of keeping that tradition.  
16 And also I think explaining that even if it's a culture  
17 camp today that may sound like a new tradition but it's  
18 really just a new way of doing the thing that's always gone  
19 on so it's not the creation of the new tradition that we're  
20 not supposed to be doing but just a recognition of a modern  
21 way of carrying on the same process of having elders and  
22 youth interact and learning by doing.

23

24                   Again, with the exception of the Gakona  
25 petition, which I think Ron will address in his comments,  
26 the response is in each of the -- from each of the  
27 communities to the five criteria were good. They didn't  
28 have the depth to draw on to say, well, we can cite this  
29 source and explain that this happened. What they had were  
30 a series of interviews with people in the communities, but  
31 that's one of the ways of doing research. And if this was  
32 the first attempt to do that rather than being able to cite  
33 somebody who'd done it the years before, there's no  
34 weakness in that.

35

36                   And so, again, I think taken as a package  
37 and again, with the exception of Gakona, that will Ron will  
38 talk to, you know, they presented a well documented case.  
39 The reason that I listed them in my table as the overall  
40 assessment of being good rather than excellent was just  
41 simply that depth of documentation isn't there. But,  
42 again, it's not a reflection on the strength of their case.

43

44                   MR. ANDERSEN: I have a question.

45

46                   CHAIRMAN ALCORN: Go ahead, Ralph.

47

48                   MR. ANDERSEN: And this question is to  
49 either Steve or Bill or all three or Dr. Huntington. You  
50 know it's pretty clear from your analysis that on a village

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1 by village assessment there are strengths and weaknesses.  
2 But taken as a regional proposal -- looking at a regional  
3 petition, it seems generally strong. What approach did  
4 Staff or did Staff take in getting this information  
5 together? Was it the regional approach or the village  
6 approach? And I guess my question to Steve is, is it the  
7 intent of the Copper River Native Association to submit a  
8 regional proposal or individual village petitions?

9

10 Because, you know, Dr. Huntington looked at  
11 both aspects, and one is pretty weak. I mean according to  
12 his assessment, you know, the village by village approach  
13 is a little bit weaker than looking at it as a regional  
14 petition. So I guess that's my question. I mean which is  
15 it? Is it a village by village petition or is it a  
16 regional petition by Copper River.

17

18 CHAIRMAN ALCORN: Bill Ostrand.

19

20 MR. OSTRAND: Actually we did both. We  
21 contracted with Ron Stanek to work with the region, but we  
22 emphasized that the communities would be brought in  
23 separately and individually as -- and they would be  
24 admitted on the merits of their petitions.

25

26 CHAIRMAN ALCORN: Any other questions of  
27 Steve or Staff or Dr. Huntington?

28

29 MR. ANDERSEN: Well, I don't think we gave  
30 Steve a chance to explain what CRNA's intention was. Steve  
31 my question was, was it Copper River's intention to submit  
32 a regional proposal or village proposals?

33

34 MR. PETE: I believe it's village by  
35 village proposals. I'm not too sure, we'd have to ask Jo  
36 Hicks. I'm just his representative right now. He's out in  
37 the states right now. I got a phone number to get a hold  
38 of him, I could.

39

40 CHAIRMAN ALCORN: Bill, go ahead.

41

42 MR. OSTRAND: Donna just pointed out  
43 something to me. It perhaps would be wrong to look at this  
44 as a regional proposal because it doesn't include all the  
45 communities within the region. There are communities  
46 within this region that don't have a tradition of taking  
47 birds in the spring, for instance, Glennallen did not  
48 petition to become included.

49

50 CHAIRMAN ALCORN: Fred Armstrong, go ahead.

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1 MR. ARMSTRONG: Mr. Chair. The Treaty  
2 outlined excluded areas as well as included areas, however,  
3 the process for inclusion is on a community by community  
4 basis.

5

6 CHAIRMAN ALCORN: Thank you, Fred. Any  
7 other questions. Any other comments. Dr. Huntington, go  
8 ahead. Herman.

9

10 MR. SQUARTSOFF: Yeah, the one I had  
11 earlier I was told to hold off until now. The one on  
12 Gakona. I was really curious on that one and Dr.  
13 Huntington kept saying, well, there was the only -- well,  
14 the one individual that didn't gather, or whatever, or  
15 hunt. I mean how many people in that community were  
16 surveyed as hunters or gathers or whatever? I'm curious on  
17 that one, why that one was so weak?

18

19 DR. HUNTINGTON: As Bill pointed out to me,  
20 the census data shows that there's only one person living  
21 there so they surveyed everybody in the community. But I  
22 would defer to Ron, who was filling me in on some of the  
23 details during the break and I think he can answer that  
24 much better than I can of the particular circumstances with  
25 Gakona.

26

27 CHAIRMAN ALCORN: All right. Just as a  
28 point of order, we still are talking about the suite of  
29 proposals, not individual proposals. We're going to get  
30 there. And unless this gets why out of hand that's the way  
31 we're going to continue to go.

32

33 Mike, go ahead.

34

35 MR. SMITH: Yeah, Mr. Chairman, there is  
36 some confusion, maybe Ron could speak to this. Because in  
37 one of the documentations it says during the 2000 U.S.  
38 Survey there were nine households there and only six of  
39 them were vacant and two of these vacant houses were used  
40 seasonally. And then you talk about the residents, their  
41 employment rate and things of that nature and then they  
42 talk about the harvest survey and they indicate that one  
43 elderly household was interviewed and he said he did not  
44 currently harvest birds but that he did do it in earlier  
45 years and that was not adequately reflected.

46

47 And so I think the concept that there's --  
48 I mean I'm not so sure which one it is right now.

49

50 CHAIRMAN ALCORN: All right. Well, let's

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1 get to Gakona in order. Right now, unless there are other  
2 questions, I think that Dr. Huntington had one more  
3 question and then we will go by order through these  
4 beginning with the Chisna proposal. Dr. Huntington.

5

6 DR. HUNTINGTON: The only thing was that  
7 Ralph had mentioned treating this as a region, at least, in  
8 looking at the general pattern. If you look at a survey  
9 like the one done in Hoonah or like some of the ones done  
10 in the Chugach region where the researcher comes in, you  
11 don't just interview one or two households, you interview a  
12 whole bunch and get the collective picture. If you just  
13 interview one you're only going to get part of the story.

14

15 With the Copper River area, one way to look  
16 at it is that instead of interviewing lots of households in  
17 each community, interviewed lots of households but spread  
18 among the different communities, now a question for the  
19 Council to consider is whether you think that general  
20 picture that emerges is one you're comfortable applying to  
21 the whole region so that if you treat those together and  
22 come up with a picture of how bird hunting is done, is that  
23 something that seems generally applicable to the  
24 communities that have applied? If that's the case, you  
25 know, then that regional picture is something you can draw  
26 on to consider each individual petition. If you consider  
27 them individually then you only have that one or two  
28 responses to -- if you consider them in isolation they're  
29 going to be weaker than if you consider them as a  
30 representative region that has some consistency in terms of  
31 practices and culture and so on.

32

33 CHAIRMAN ALCORN: Thank you. Ralph, go  
34 ahead.

35

36 MR. ANDERSEN: And I have a comment. I  
37 think as we approach these things we got to be really  
38 creative -- or we have an opportunity to be creative in how  
39 we define regions. The regions aren't necessarily those  
40 regions that are drawn on any maps right now. For example,  
41 the Copper River Native Association boundaries may include  
42 communities, that other communities would be generally  
43 excluded, but for the purposes of the ANBCC that region  
44 could be those five communities or whatever number of  
45 communities that were, you know, where traditional hunts  
46 exist and egg gathering exists. For our purposes, that  
47 could be the Copper River region.

48

49 I mean I think we have an opportunity here  
50 to be a little creative as we look at these things rather

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1 than going by, you know, age old boundaries, that for our  
2 purposes we can identify, you know migratory bird use  
3 areas, traditional use areas.

4

5 CHAIRMAN ALCORN: Herman, go ahead.

6

7 MR. SQUARTSOFF: Yeah, Ralph's got a good  
8 point there. Because the one person out of that one  
9 village may not do it now but somebody might move in from  
10 another village that's done it into that area, you know,  
11 and here we're going to say, no, it's not -- this village  
12 is not included right now. You know what I'm saying there?

13

14 MR. ARMSTRONG: Mr. Chair.

15

16 CHAIRMAN ALCORN: Fred, go ahead.

17

18 MR. ARMSTRONG: Again, I need to caution  
19 the Council that we're not to create new traditions.

20

21 MR. ANDERSEN: We're not creating new.....

22

23 MR. SQUARTSOFF: We're not.

24

25 MR. ARMSTRONG: This is, you know, included  
26 petition is an exception to what we have now. In talking  
27 with our solicitor, she said we had to be very careful in  
28 that respect and, you know, discuss each petition on its  
29 merit and not to try to increase much more than is already  
30 out there.

31

32 MR. SQUARTSOFF: Mr. Chair. Fred, I'm not  
33 really trying to create a new tradition, it's just that if  
34 somebody moved into an area that's always traditionally  
35 done it, you know, it's really not creating a new  
36 tradition, is what I was getting at.

37

38 Thank you.

39

40 CHAIRMAN ALCORN: Ralph, go ahead.

41

42 MR. ANDERSEN: And, you know, while I think  
43 we need to go through each of these suite of petitions,  
44 village by village, which is a good process, I think, for  
45 all of us. I guess, you know, I think that when we look at  
46 the whole suite, that -- I mean I guess we could look, you  
47 know, take it either two ways.

48

49 One is -- and that's the way the Staff has  
50 done it as well, Dr. Huntington. I mean they looked at

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1 each village, village as a petitioner. They also looked at  
2 the villages in that region as a regional petitioner. And  
3 the real strength is that you look at the villages in that  
4 region as a whole, I mean if you consider a regional  
5 petition that way it's much stronger than each of the  
6 villages on their own. I mean it just makes sense that  
7 there are more strength in numbers.

8

9                   You know, if you look at things -- you  
10 know, if you look at the suite of petitions, I mean they're  
11 generally strong. They generally support existing  
12 traditions. But if you look at the documentation for some  
13 of them, they're pretty weak, but overall they're okay. I  
14 mean am I wrong?

15

16                   CHAIRMAN ALCORN: Dr. Huntington.

17

18                   DR. HUNTINGTON: Perhaps the best way to  
19 describe the way I looked at it was that they're individual  
20 petitions that draw on regional information.

21

22                   MR. ANDERSEN: Okay.

23

24                   DR. HUNTINGTON: So it's not that the whole  
25 area is applying as a unit and it's thumb's up or thumb's  
26 down to the whole unit, but each community is applying, and  
27 that was the way I understood the process to work, was  
28 that, you decide on a community by community basis, not the  
29 -- all of Southeast is included or excluded. But because  
30 there isn't the depth of information -- Hoonah is the  
31 exception that there was so much information from one  
32 community. We don't have that in this case. What we have  
33 is a little bit of information from several communities and  
34 a regional picture. And because this is an area with a lot  
35 of common custom and culture and tradition and activity, it  
36 seems reasonable to consider that regional consideration  
37 applying to when we look at each individual petition.

38

39                   It would not be appropriate to consider,  
40 you know, the Copper River regional information in the  
41 Chugach petitions. I mean that's apples and oranges. But  
42 here, to look at, say the Tazlina proposal in light of the  
43 regional information seems like to me a reasonable step.

44

45                   CHAIRMAN ALCORN: Bill Ostrand.

46

47                   MR. OSTRAND: What we have here is exactly  
48 what we requested the region to do based on the  
49 instructions to the region. We requested the communities  
50 to submit petitions but we also instructed the region to

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1 work with the communities, and I think that's reflected in  
2 the petition. There are petitions that came from the  
3 individual communities and then there is documentation for  
4 the entire region which adds more information and strength  
5 than the individual petitions. And that's located in the  
6 front of the overall petition.

7

8 For instance, there is a report, I imagine  
9 that Ron Stanek wrote that provides quite a bit more  
10 information in support of the individual community  
11 petitions.

12

13 CHAIRMAN ALCORN: All right. I'd like to  
14 move into the discussion and presentation of the Chisna --  
15 am I pronouncing that right, Steve, Chisna?

16

17 MR. PETE: Yes.

18

19 CHAIRMAN ALCORN: All right. The Chisna  
20 proposal. We'll let Steve introduce it, provide any detail  
21 that he chooses to and we'll go through the process again.

22

23 Actually, I'm sorry, I think I violated our  
24 protocol. I think now that we've had the discussion of the  
25 suite we would ask the U.S. Fish and Wildlife Service and  
26 the Department of Fish and Game to provide comment on the  
27 suite of proposals before we go into the individual  
28 proposals. I'd ask Bob Leedy to come forward.

29

30 MR. LEEDY: Thank you. Bob Leedy, Fish and  
31 Wildlife Service. And in looking at the species list, the  
32 list of species taken for subsistence in the Cooper River  
33 Basin, the only thing that came out of immediate concern  
34 were the listing of trumpeter swans and I'll just remind  
35 the members that trumpeter swans were one of the species  
36 that were taken off the statewide list just recently by the  
37 SRC and it wouldn't be appropriate to consider them here if  
38 they're prohibited elsewhere in the state. Also I'll add  
39 that this area is one of the primary trumpeter swan nesting  
40 areas in the entire state, this Lake Louise, Gulkana basin.  
41 So there are quite a few out there.

42

43 Tundra swan is also listed and you'll hear  
44 me say this again, that this is going to take some  
45 particular consideration by the Council because of a local  
46 problem. I mean even biologists often have a very severe  
47 problem being able to tell the difference between a  
48 trumpeter and a tundra swan, on the wing if they're not  
49 vocalizing or something like that. So tundra swan is  
50 currently not allowed for harvest elsewhere and -- I mean

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1 trumpeter swan is not allowed and tundra swan look-alike  
2 problems is something we'll have to review later.

3

4                                 And those are really the only concerns that  
5 I can see that might cause us some thought.

6

7                                 CHAIRMAN ALCORN: Thank you. Any questions  
8 for Bob.

9

10                                (No comments)

11

12                                CHAIRMAN ALCORN: Thanks, Bob. Next we'll  
13 have the Department of Fish and Game. Matt, do you want to  
14 call one of your Staff?

15

16                                MR. ROBUS: Thanks, Mr. Chair. Ron Stanek  
17 will make the presentation.

18

19                                MR. STANEK: Thank you, Mr. Chairman.  
20 Members of the Council. I've bene sitting back there  
21 pulling what little hair I have left.

22

23                                MR. SMITH: Chomping at the bit.

24

25                                (Laughter)

26

27                                MR. STANEK: Well, I need to give you some  
28 background on the Copper Basin since we're dealing with the  
29 suite of proposals at this point because I was intimately  
30 involved with this whole process.

31

32                                So I guess it was in 1999 we -- our  
33 Division got a contract to do a study of subsistence bird  
34 hunting and use activities in Southcentral Alaska. So the  
35 way we did that and this plays a lot into the kind of  
36 results that you get, is that some communities were  
37 contracted with -- in all cases we tried to hire people  
38 locally to help us with the surveys. And in some cases we  
39 contracted with the regional non-profits, in other cases we  
40 contracted with the local communities.

41

42                                In the case of the Copper Basin and Cynthia  
43 and I worked together on this to get the contract set up.  
44 The Federal government could not contract with individual  
45 communities but I could, so in the Copper Basin we  
46 contracted with CRNA, the Fish and Wildlife Service did and  
47 I had to contract with Chitina and Chisna. So in the case  
48 of Mentasta, they chose not to participate in the survey  
49 and I can tell you some of the reasons why I understand  
50 that they did not and Steve can help maybe if he knows

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1 people up that way can help out with comment on that later  
2 on. But the way the survey went, we had a workshop to  
3 train people to go out and do the surveys and we have -- I  
4 have a document here that's a draft document of the results  
5 of the surveys that we did. And we had a workshop, we had  
6 about a dozen people that came in, we had a two day  
7 training workshop. Everybody was really excited to do this  
8 work. So a couple of weeks later, after they struck out to  
9 do it they found that a lot of households were reluctant to  
10 answer questions about their spring bird harvest. They  
11 were very reluctant. And I'll tell you what, of all the  
12 places I've bene, I think the Copper Basin is one of the  
13 places where people are the most apprehensive to respond to  
14 these questions.

15

16                   And it's interesting in the Copper Basin in  
17 that communities around Glennallen and Gulkana and Copper  
18 Center have the least amount of harvest. And as you get  
19 farther away you get more harvest, Mentasta, Chisna,  
20 Gulkana have harvest and the highest harvest is up that way  
21 and as -- and it's all related to the pressure from  
22 enforcement in that area. And this is a fact and Steve  
23 can, I think, tell you it's the same way. They're just --  
24 and in order to get the oral histories, we did -- I think  
25 we did 11 or seven oral histories in the area and that is  
26 where we identified elders and knowledgeable hunters and  
27 people who have lived in the area a long time and could  
28 basically describe the pattern as bird use as they  
29 experienced it when they -- as they've been growing up and  
30 as they currently practice it. And I had to give  
31 assurances that they would not be prosecuted for whatever  
32 information they told me. And they would not talk unless  
33 that happened.

34

35                   And a number of cases also, to add to that,  
36 people were only able to speak about this in their Ahtna  
37 language. Because some of the elders only know the birds  
38 in Ahtna, they don't know the bird names in English. So we  
39 hired people to do some of the interviews. We had CRNA  
40 transcribe a number of the interviews for me and the  
41 information from those is in here. And that's what -- that  
42 information went together to form the regional description  
43 of the pattern of use. And there is a regional pattern,  
44 based on the Ahtna region, and the people who live in that  
45 region.

46

47                   Within the region, and you'll know that  
48 Cantwell also is included in this, although Cantwell has  
49 already been included -- but they are a member of the Ahtna  
50 region but their bird use has already been included as

00050

1 included or excluding community and they will be  
2 submitting, you know, requests for seasons and so on which  
3 they already have done together. So it extends all the way  
4 up to Cantwell.

5

6 But I did try to describe it for you on a  
7 regional basis. But the process is kind of confounded by  
8 the fact that when you look at the way it occurs, the way  
9 bird use occurs over there, it does occur on a more or less  
10 regional basis but yet communities and clans of people  
11 there have their own kind of areas that they have gone to  
12 traditionally and that they go to today. And in some cases  
13 they don't do it very much because they are paranoid, in  
14 other cases they just continue to do what they've done.  
15 The pattern has changed quite a bit over time. And I can  
16 answer more specifics about that if you want.

17

18 But to answer your question about whether  
19 this was a regional proposal or a community proposal, the  
20 use is probably best understood on a regional basis, but,  
21 yet, it does occur community or clan by clan by community.  
22 So that's why the proposals had to be submitted by your  
23 criteria and the way you have that set up.

24

25 The other thing that I might add and I  
26 conferred with Steve on this, was that, in Gulkana and  
27 Gakona, the Gulkana/Gakona clan is considered a clan among  
28 the Native people who live there. There's a population of  
29 non-Native people who live around Gakona, there's only a  
30 couple of people, Native people who move in and out of  
31 there. Now, when we did this study what we were trying to  
32 understand was how does the traditional use and harvest of  
33 birds occur. So the way we set it up was we were going to  
34 focus on the Native households in the area and the Native  
35 places where people, you know, people live today. So we  
36 focused on the Native community and we sampled or did  
37 census, we tried to do the whole community in most cases,  
38 and that -- because we felt that that would best give us  
39 the way the traditional -- the long-term traditional use  
40 occurred. Because there is a -- there's certainly non-  
41 Native people who live there now who hunt birds in the fall  
42 and they go on and they do their hunting also. So that's  
43 why you see that in Gakona, at the time we did the survey  
44 there was only one Native household there, but they do move  
45 back and forth and there are Native people who own property  
46 there. We have other studies from in the '80s that Lee  
47 Stratton and Susan Georgette did that will show you that  
48 there was a hundred and some birds harvested there in one  
49 year and 60 some birds harvested in another year, but that  
50 was a census or at least the larger percentage of the

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1 commun -- all the households in that community, Native and  
2 non-Native.

3

4                   So I think you could consider strongly  
5 melding the two Gakona/Gulkana together. They're so close  
6 together, I mean it's just -- they're just up the road from  
7 each other and the way they function, at least, among the  
8 Native households, is that they move back and forth between  
9 the two places.

10

11                   Okay.

12

13                   So I told you about the intent of the  
14 survey to determine the traditional use. And the other  
15 thing was that we did not do the survey knowing what the  
16 criteria were. We did the survey to try to give a full  
17 description of past use and current -- and contemporary use  
18 of birds. And so, you know, we didn't go out with the  
19 intent to fill the criteria in, but we tried to fit the  
20 information that's available to what the criteria are that  
21 have been set up. So it's -- I think that's a more  
22 unbiased way of going about it than saying I'm going in to  
23 fill out this criteria and we got to, you know, get you  
24 qualified, so it's not -- we're doing it the other way.

25

26                   And I talked about traditional use areas.  
27 I think that's important to know that before the road  
28 systems were really well established, and this is the turn  
29 of the Century and up into the 30s and 40s, well, the road  
30 systems there followed trails. And just to give you some  
31 background so you kind of get an idea about this, the road  
32 systems followed the trails that were there previously and  
33 there's an elaborate system of trails through the Copper  
34 Basin. But people used to move from -- seasonally from  
35 Copper Center, Tazlina, from Gulkana and Gakona up to the  
36 area around Crosswind Lake, Ewan Lake or Charlie Lake, up  
37 in that area, and they had rat camps up there, they  
38 trapped. And they also moved up there in the fall and in  
39 the higher territory, the higher ground to hunt moose and  
40 caribou in the fall. There was very little or almost no  
41 hunting in the fall of waterfowl and the other thing about  
42 the Copper River Basin is there isn't a lot of migration  
43 through the Copper Basin in the fall, especially of geese.  
44 But traditionally people hunted big game in the fall and in  
45 the spring when they were in their rat camps, they were  
46 right there already, right in the midst of where all these  
47 birds were coming to in the marsh, in the marshy areas and  
48 in the areas around the lakes and ponds. So their bird  
49 harvest activities took place in conjunction with that and  
50 it was primarily in the spring. And then as break up

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1 occurred, they stayed around their camps and egg laying  
2 started and then they started -- and then they got eggs as  
3 they were out doing their rat harvest and other trapping  
4 activities and just living in the area.

5

6 So it's very oriented to spring there, more  
7 so than fall.

8

9 What else can I say about that? That kind  
10 of gives you the regional picture. I'm not going to talk  
11 about each community individually right now.

12

13 CHAIRMAN ALCORN: Thanks, Ron. Any  
14 questions of Ron before we move into the Chisna proposal?

15

16 (No comments)

17

18 CHAIRMAN ALCORN: All right, there's no  
19 questions. We'll.....

20

21 MR. ANDERSEN: I had.....

22

23 CHAIRMAN ALCORN: I'm sorry, Ralph.

24

25 MR. ANDERSEN: I had one. Ron, you  
26 mentioned, I think a way of looking at things that I think  
27 is pretty -- pretty innovative way. Rather than looking --  
28 you said clan by -- rather than clan -- you know, on a clan  
29 by clan basis, which I think is a -- it's innovative. I  
30 mean it's a different way of looking at villages or  
31 populations in areas.

32

33 MR. STANEK: Uh-huh.

34

35 MR. ANDERSEN: Would you say that in, you  
36 know, what we think of as villages now, do clans overlap in  
37 that area? I mean do they use, you know, what I mean, do  
38 they use the same hunting areas? I mean you mentioned that  
39 there are separate hunting areas for the separate clans.

40

41 MR. STANEK: Uh-huh.

42

43 MR. ANDERSEN: But are the clans separated  
44 by village, I guess is my one question? Are there cert --  
45 you know, the same clans in two villages? And do they rely  
46 on similar or the same -- or they obviously do rely on the  
47 same subsistence species?

48

49 MR. STANEK: Well, if you look at the  
50 communities that have submitted petitions, those are the

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1 longest existing communities in the Basin. They purposely  
2 did not submit proposals for Glennallen, Kenny Lake, Slana,  
3 those places are more recent. They don't -- up front, the  
4 group, the Copper Basin Migratory Bird Advisory Group, I  
5 guess they're called, knew that those communities did not  
6 have this longstanding traditional use, so they did not  
7 submit proposals for all those places. However, where  
8 those communities exist, where Glennallen exists and Slana  
9 and Kenny Lake, the traditional use did occur there. And  
10 today there are people from the longstanding communities  
11 living in those communities and they go out also and do  
12 this kind of stuff. But I guess they just felt that it  
13 wasn't really appropriate to submit for the community since  
14 they didn't -- that community didn't have this longstanding  
15 use overall, you know, like the other places did.

16

17 But traditionally they -- the communities  
18 or the clans did have their own use areas and there was  
19 some overlap, but there was a general recognition of each  
20 others use areas. And I understand that from time to time  
21 when there was a shortage of resources in one area or  
22 another, they would share and they would, you know, help  
23 each other out. Also people from the Copper River Basin,  
24 there's a strong connection to people up in Tetlin and Tok  
25 and that area. They move back and forth and they did  
26 historically and at the time of contact. Also they moved  
27 back and forth and they hunt together. People from the  
28 Copper River Basin go up there and hunt, and maybe Steve  
29 can add to that later. But, you know, also -- so yeah,  
30 they did have these areas that each recognized. Today it's  
31 a little different because transportation is such that it's  
32 so much easier and quicker to move around and, you know,  
33 the competition for the resource probably isn't as high as  
34 it used to be. And so I can't say that today that these  
35 clans, these group areas or these clan areas exist as  
36 strong as they did in the past, I know they don't.

37

38 But, yeah, there has been and that's the  
39 way it was certainly.

40

41 MR. ANDERSEN: I have one more question.

42

43 CHAIRMAN ALCORN: Ralph, go ahead.

44

45 MR. ANDERSEN: In the survey that you're  
46 talking about in your presentation, was that the survey  
47 that was cited in the Gakona petition?

48

49 MR. STANEK: That's right.

50

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1 MR. ANDERSEN: Where only one elderly  
2 gentleman said that he didn't hunt.

3

4 MR. STANEK: Right.

5

6 MR. ANDERSEN: Now, do you have any  
7 documentation to support that hunting does take place  
8 there?

9

10 MR. STANEK: Oh, yeah, I do. In fact  
11 there's a table, like I told you there were surveys that  
12 were done and I have a.....

13

14 CHAIRMAN ALCORN: Ron, can I ask you to  
15 identify the document with the table in it so we can all  
16 read it.

17

18 MR. STANEK: I'm taking it out of the  
19 petition that was presented to you and I'm not sure which  
20 page it is actually. But it says, historic bird harvest  
21 numbers for Copper Basin communities, it's a Table 2.

22

23 And the surveys that we did, the Department  
24 of Fish and Game, Division of Subsistence did, 1982, you  
25 see that it gives, you know, Cantwell, Chitina, Copper  
26 Center, Gakona, 1982 they had 77 ducks, no geese, grouse  
27 and ptarmigan and then in 1987 they had 140 ducks, no  
28 geese, grouse, 359 and ptarmigan and no eggs.

29

30 So we do have, you know, bird harvest  
31 information for that community. But it's the same with,  
32 you know, we've got Kenny Lake, McCarthy Road, Glennallen's  
33 in there also.

34

35 CHAIRMAN ALCORN: Thanks, Ron. Any other  
36 questions for Ron.

37

38 MR. ANDERSEN: One more.

39

40 CHAIRMAN ALCORN: Go ahead, Ralph.

41

42 MR. ANDERSEN: Why was only one person  
43 surveyed in that community?

44

45 MR. STANEK: Because that was the only  
46 Native household that we could find in that community at  
47 the time. We did not survey all the households, including  
48 all the non-Native households in the community.

49

50 CHAIRMAN ALCORN: Herman.

00055

1 MR. SQUARTSOFF: Mr. Chair. What Ron  
2 pointed out, of how they move back and forth, that was the  
3 point that I was trying to get across awhile ago, you know,  
4 for that reason so the Council will understand when we make  
5 our decision on it, you know, for that area.

6  
7 And then also Ron pointed out another thing  
8 about the people just happen to be in their camps at the  
9 lakes at the time the ducks come in, I don't think they  
10 just happen to be there, they were there for that purpose.

11  
12 MR. STANEK: No, I don't mean that it was a  
13 coincidence.

14  
15 MR. SQUARTSOFF: Right.

16  
17 MR. STANEK: Where they were trapping, you  
18 know, is in this wet areas, you know, in the marshes and  
19 around the lakes and they not only trap there they catch  
20 fish, there's a lot of fishing that goes on up there for  
21 whitefish and lake trout and that and so they're -- but  
22 they were there at the same time they were trapping the  
23 birds were coming in so it was -- it's not coincidence, but  
24 it's that they were there -- the two happen to happen at  
25 the same time.

26  
27 MR. SQUARTSOFF: Right. I believe they  
28 pretty much, most of the Native people understand that, you  
29 know, they do a lot of activities at once, not just one  
30 thing and that's one of the reasons that they were --  
31 that's a good area for everything.

32  
33 MR. STANEK: That's right, they could fish,  
34 they could trap, get birds and caribou go there, too.  
35 Steve can talk about that maybe.

36  
37 CHAIRMAN ALCORN: Thank you, Ron. Any  
38 other questions for Ron Stanek.

39  
40 (No comments)

41  
42 CHAIRMAN ALCORN: Ron, I have a question,  
43 and I guess it's in regard to the suite of proposals here  
44 for the Copper River. There are a lot of references to we  
45 hunted around a particular lake. And I guess in contrast  
46 to some of the proposals that we'll read later today from  
47 the Chugach region and then in contrast to the Hoonah  
48 proposal, it was my impression that -- I'll use Hoonah as  
49 an example that it was fairly specific in the areas that it  
50 was proposing to be included, and I didn't get that same

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1 sense when I read these proposals. It was just we hunt  
2 around a few lakes. And is it your impression that that's  
3 a definitive area?

4

5 MR. STANEK: Well, I know that some people  
6 just use certain areas. I mean it may be just because  
7 that's where the eggs are and that's where the birds are,  
8 they just use those areas. But when you look at the use  
9 areas for birds of all these communities, there is a lot of  
10 overlap. And I think that if you want to try to dray, you  
11 know, circumscribe, the area you could certainly do that.  
12 But then you'd see these overlapping areas and there'd be  
13 very small areas in between where there may not be any bird  
14 habitat or, you know, it's just not appropriate there for  
15 birds. And then there are high mountain areas where people  
16 may not hunt birds. Birds may go there to feed on berries  
17 or whatever, but you see from Mentasta where they go up  
18 along the Nabesna Road, there are lakes and ponds and wet  
19 areas along there where they hunt from Mentasta.

20

21 So it would be pretty difficult to just --  
22 you'd have to draw -- you'd have all these little circles  
23 or squares or whatever and some would be overlapping and  
24 some would be just opposing each other. It would be pretty  
25 difficult.

26

27 Another interesting fact is that people  
28 from Glennallen used to live around Ewan Lake and they  
29 moved over that way during -- you know, when there was  
30 goldmining and that going on so they moved out of -- but  
31 they still go back -- some of them still go back to that  
32 area to hunt and fish and trap, that's their traditional  
33 use area, way over that way also. So you know, there's --  
34 some people travel distances to go to the places where they  
35 harvest these things.

36

37 CHAIRMAN ALCORN: Okay. So what you're  
38 saying then is you feel like there's enough information in  
39 the proposal to draw -- or to describe an area, a distinct  
40 area collectively?

41

42 MR. STANEK: I think you could, yes,  
43 certainly.

44

45 CHAIRMAN ALCORN: Mike.

46

47 MR. SMITH: Mr. Chairman, I appreciate your  
48 question in the sense of how do we determine the area.  
49 We've had discussions and Ralph brought up about clan  
50 areas. We've had discussion about regional boundaries

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1 versus smaller boundaries within a specific area. And for  
2 purposes of our determinations here today, how are we going  
3 to address the specific area question and how do you  
4 anticipate us achieving those boundaries?

5

6 CHAIRMAN ALCORN: Thanks. That's a good  
7 question. Let me -- before -- just to remind the Council  
8 what we're discussing here today is just inclusion and  
9 exclusion, you've made that point and I think that's a good  
10 point. That we're talking about a community or in  
11 potentially the Gulkana/Gakona communities together,  
12 whether to include them or exclude them.

13

14 The description of the area that they would  
15 demonstrate that they traditionally hunted, and I think  
16 would be more relevant for when we actually begin to set  
17 regulations. And so if they come in and say these are the  
18 traditional areas, they'd have to describe those enough so  
19 that regulations can reflect accurately what areas are  
20 going to be hunted. It's a technical issue that's required  
21 when you're setting these Federal hunting regulations. So  
22 that's why I'm asking the question. Not necessarily to  
23 determine whether I would cast a vote to include or exclude  
24 but just to point out that if these are included, at some  
25 point we're going to have to have an accurate description  
26 of an area.

27

28 MR. SMITH: Thank you, Mr. Chairman. And I  
29 think we should make that perfectly clear to all the  
30 petitioners that that type of information will be needed  
31 prior to our next meeting and just, Bill, if you can make  
32 sure that when we respond to the petitioners that they're  
33 fully aware of that requirement. And then I think that  
34 just for general purposes, it'd be nice to have a map on  
35 the wall or something to see the areas that we're looking  
36 at and talking about in the future.

37

38 MR. STANEK: Could I clarify something?

39

40 CHAIRMAN ALCORN: Go ahead, Ron.

41

42 MR. STANEK: In Table 2, these surveys from  
43 '82, '85, '87, these surveys did not collect the harvest  
44 information by season. In 2000 we did collect it by  
45 season. I don't see the table in here but I do have a  
46 table that shows community harvest by season, whether it's  
47 spring or fall. So we can get you that information also.  
48 But these -- we were -- we were not even permitted in a lot  
49 of places to ask this information by season because it  
50 would divulge what people were doing in the springtime so

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1 we just collected it for a total for the season.

2

3

CHAIRMAN ALCORN: Thank you. Mike.

4

5

MR. SMITH: Mr. Chairman, I think that goes to exemplify the need for the establishment of very careful baseline numbers for harvest. That we're going to run across those same type of problems across the state and that when we discuss with the SRC or those type of people, the establishment of harvest limits that we be fully aware of that.

12

13

CHAIRMAN ALCORN: Thank you. And we do have a harvest survey committee, Austin chairs that committee and I'm sure he's taking notes, at least mentally.

17

18

Any other questions of Ron.

19

20

(No comments)

21

22

CHAIRMAN ALCORN: All right, thank you. We are at 11:35. If we want to beat the lunch crowd, I suggest that maybe we take a break now for lunch and come back at 1:00 o'clock and we pick up immediately with the Chisna petition. Hearing no other comments we'll break until that time.

28

29

(Off record)

30

31

(On record)

32

33

CHAIRMAN ALCORN: I'll call the Co-Management Council back to order. And we are at the point now where we're ready to pick up the presentation by each community, the specific petition and we're going to begin with Chisna petition, we'll follow that one with Chitina, Copper Center, Gakona, Gulkana, Mentasta and Tazlina.

39

40

Steve, would you like to begin with Chisna.

41

42

MR. PETE: Chisna is located about 42 miles north of Glennallen. There's about 72 residents there and their lifestyle is mostly subsistence up there and they don't got no income.

46

47

Is that all you wanted?

48

49

CHAIRMAN ALCORN: Whatever you feel comfortable describing the area, the region, whatever.

50

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1 Okay. I'm sorry, I didn't allow Patty to introduce  
2 herself, I told her I would and then I forgot. So at this  
3 time Patty introduce yourself and who you represent.

4

5 MS. BROWN-SCHWALENBERG: My name is Patty  
6 Brown-Schwalenberg. I'm the alternate to the regional  
7 management body for the Chugach region. Nick Tanape is  
8 here actually as the official alternate for today so I will  
9 be sitting here until he gets here. I guess he's on his way  
10 in.

11

12 Thank you.

13

14 CHAIRMAN ALCORN: Okay. He was already  
15 here this morning but we knew that he wasn't ready to  
16 introduce the petition so that's what you'll do, correct?

17

18 MS. BROWN-SCHWALENBERG: So I will be.

19

20 CHAIRMAN ALCORN: Okay. All right, I'm  
21 sorry for that interruption. We are now ready to hear from  
22 Dr. Huntington on the Chisna petition.

23

24 DR. HUNTINGTON: Mr. Chairman, I think in  
25 the discussion before lunch about the regional and the  
26 community information for the Copper River communities we  
27 covered that fairly thoroughly. The only thing I would add  
28 and I think it applies to this as well as to all the other  
29 ones is that the information provided in here, I would  
30 regard this as an example rather than as a summation of  
31 what's available in the community. In other words, in this  
32 one, for example, the interview with Jerry Charlie in 2001  
33 features as a source of much of the Chisna specific  
34 information in this petition, I would regard that as being  
35 an example of what someone, an active hunter in that -- or  
36 elder in that area does rather than a comprehensive survey  
37 of everything that's done in the community.

38

39 So, you know, if we assume that there are  
40 other people who did similar things, I think this becomes  
41 an indicator of a pattern that we established fairly well  
42 at the regional level with the prefatory material that we  
43 discussed before lunch.

44

45 CHAIRMAN ALCORN: And the reason you're  
46 making that statement is because it's a sample size of one,  
47 it doesn't necessarily represent the community?

48

49 DR. HUNTINGTON: Exactly. If you look at,  
50 say, the comparison with Hoonah, where they did a thorough

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1 community survey, this is not comparable to that. I don't  
2 -- I didn't regard these as a comparison, you know, that  
3 one is better than another. I tried to look at each region  
4 and each packet of information and judge it on its own  
5 merits. But again, we discussed, just because they haven't  
6 had the luxury of doing a thorough community survey I don't  
7 think that should be held against them. What we do see in  
8 the individual responses that are cited in the individual  
9 community petitions, each of those is fairly clear in  
10 addressing the criteria. If you take them as a unit  
11 recognizing that there's a lot in common between these  
12 communities, I think a fairly clear pattern emerges, and  
13 the fact that we only have Jerry Charlie responding for  
14 Chisna and similarly one or two other respondents for other  
15 communities is not an indication that there's a lack of  
16 depth of information or involvement, it just reflects the  
17 -- what was available to the people writing this up.

18

19 But having said that, the responses  
20 indicated, I think are fairly clear, that this is a -- you  
21 know, that the activities described for this area do meet  
22 the criteria.

23

24 The one thing that I mentioned again in my  
25 introductory comments was that for many of the responses to  
26 criteria three about handing down skills and hunting  
27 skills, this one's a bit more general. Some of the other  
28 communities, they address how today's elders learned the  
29 information that Joeneal Hicks provided later in a memo,  
30 addresses how that was done -- how that's done today, and  
31 it also had some information from Bill Simeone of Fish and  
32 Game explaining some of the activities that go on. And so  
33 it's fairly clear that for the communities in the region,  
34 that custom of passing on skills and knowledge is alive and  
35 well.

36

37 Thank you.

38

39 CHAIRMAN ALCORN: Thank you. Any questions  
40 of Dr. Huntington.

41

42 (No comments)

43

44 CHAIRMAN ALCORN: All right, hearing no  
45 questions. It's an opportunity for the technical comments  
46 from the Fish and Wildlife Service or Fish and Game. I  
47 will just take anybody that wants to, come to the table, if  
48 not we'll move forward.

49

50 Ron.

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1                   MR. STANEK:  When we did the household  
2 surveys in Chisna, we hired -- actually Joeneal did some of  
3 the surveys and other person on the Council did some of the  
4 surveys.  We interviewed 23 out of 25 households there, and  
5 we do have harvest information on that as far as that's  
6 where we got the numbers from, that sample size.  Jerry  
7 Charlie, Larry Simeone, Laura Hancock, and a number of  
8 others gave us oral histories and their account of their  
9 personal traditional uses of birds dating from in the 30s  
10 up until the current time.  So that's where you'll see  
11 where I cited Jerry Charlie talking about the patterns of  
12 use here in order to describe the traditional pattern of  
13 bird harvest and use.  That's how I used those interviews.  
14

15                   Like I said, there's several other people  
16 who we interviewed in the community and got oral histories  
17 from and we have the tables of information.  And sometimes  
18 I see the tables here and sometimes they're not attached.  
19 But if you look at Table 3 it has Copper Basin harvest for  
20 the -- and there's actually another two tables and I'm not  
21 sure I sent them all -- I sent them all -- the way this  
22 worked is I helped them by providing them the background  
23 information and they had to compile it into the proposal  
24 themselves.  So it wasn't like I was doing that for them.  
25

26                   But there's two tables, there's a regional  
27 table, there's a community table and there's a community --  
28 there's two types of community tables, one that gives a  
29 total bird harvest and total along with giving and  
30 receiving and harvesting percentage of households.  And  
31 then there is a season table also that gives you the  
32 harvest by season.  And for example I can tell you that in  
33 Chisna in the month of May we recorded 66 ducks harvested  
34 in May, 3.3 ducks harvested in June, and then we've got it  
35 broken out by species, mallards, we got some scaub, we got  
36 a couple geese harvested and I didn't see any eggs  
37 harvested there this time.  
38

39                   MR. SMITH:  I don't think we have that.

40  
41                   MR. STANEK:  No, you don't.  I'm telling  
42 you you do -- I don't see those in this but I have it and  
43 it should have been in here because I gave them all that  
44 stuff but it's just not in here.  Maybe they didn't send it  
45 in.  
46

47                   CHAIRMAN ALCORN:  The point that you're  
48 making is is there's documented evidence.....  
49

50                   MR. STANEK:  There is.

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1                   CHAIRMAN ALCORN:   .....of multiple species  
2 that were harvested?

3

4                   MR. STANEK:   Yep.  And there's a small  
5 amount of harvest in the spring and then it starts again in  
6 September and September, October, November and -- well,  
7 September and October for waterfowl and then it jumps into  
8 the game birds in November and December.

9

10                   So we can give it to you by season if you  
11 want in that case.

12

13                   CHAIRMAN ALCORN:  Thanks, Ron.  Any  
14 questions -- oh, I'm sorry.

15

16                   MR. STANEK:  One more thing is that for  
17 literature sources that we used for these, there's each set  
18 of -- like the Copper Basin has a page here that I'm going  
19 to give to you that will just list the references for the  
20 literature and does not have any of the oral history  
21 interviews, but we do have those, too.

22

23                   CHAIRMAN ALCORN:  Okay, thanks.  Any  
24 questions of Ron before he sits back down?

25

26                   (No comments)

27

28                   CHAIRMAN ALCORN:  All right.  Seeing no  
29 other hand from the two other agency technical folks, I'm  
30 going to assume there's no more to be added.  We'll  
31 entertain any comment from the public on the Chisna  
32 proposal.

33

34                   (No comments)

35

36                   CHAIRMAN ALCORN:  Hearing none.  If I see  
37 no more questions we'll move to the next proposal.

38

39                   (No comments)

40

41                   CHAIRMAN ALCORN:  We'll move now to the  
42 Chitina proposal.  Steve.

43

44                   MR. PETE:  Chitina is located about 65  
45 miles south of Glennallen.  It's down in the mountains.  
46 Their lifestyle is mainly subsistence.  They have no --  
47 very little job opportunities down there.  Most of them  
48 move to Anchorage in the winter and move back in the  
49 spring.

50

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1                   CHAIRMAN ALCORN: Thank you, Steve. Any  
2 questions of Steve.

3

4                   (No comments)

5

6                   CHAIRMAN ALCORN: All right. Bill, I'm  
7 sorry I overlooked you on the other one. Is there anything  
8 to add from Staff?

9

10                  MR. OSTRAND: No.

11

12                  CHAIRMAN ALCORN: Okay. All right, Dr.

13 Huntington.

14

15                  DR. HUNTINGTON: I'd only say my previous  
16 comments apply to this as well. If we draw on the regional  
17 information and look at the quotes. This one is a bit  
18 better documented with a couple other publications and  
19 previous studies. Nonetheless, I think the pattern is  
20 quite clear.

21

22                  CHAIRMAN ALCORN: Any questions of Dr.

23 Huntington.

24

25                  (No comments)

26

27                  CHAIRMAN ALCORN: All right, hearing none.  
28 We're down to technical comments by the agencies. We'll  
29 start with Bob Leedy, is there anything from the Fish and  
30 Wildlife Service you'd like to add for this Chitina.

31

32                  MR. LEEDY: Excuse me, I just wanted to  
33 reaffirm for the rest of the discussion the Copper River  
34 Basin, my earlier comments apply to the entire region and  
35 all villages therein.

36

37                  CHAIRMAN ALCORN: Okay, thanks, Bob.

38 Department of Fish and Game. Ron.

39

40                  MR. STANEK: Well, again we have seasonal  
41 harvest information for Chitina. I can at least for the  
42 record tell you they got a total of 46 ducks and they were  
43 all taken -- most were taken -- well, they were all taken  
44 in April and May, there were none taken in the fall.

45

46                  And I don't see any eggs there. But their  
47 use is pretty -- it's small but it's, again, pretty  
48 restricted. They used to go out to the east, I've  
49 forgotten the name of the drainage to the east of the  
50 village, but maybe Steve could help me with that, but,

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1 anyway, that used to be their traditional area. A lot of  
2 people here go up toward Kenny Lake and harvest birds up  
3 that way now as I understand it.

4

5 MR. PETE: And towards Silver Lake.

6

7 MR. STANEK: Silver Lake and a couple other  
8 places that they have where they go and harvest birds in  
9 the spring.

10

11 CHAIRMAN ALCORN: Any questions.

12

13 (No comments)

14

15 CHAIRMAN ALCORN: All right, any comments  
16 from the public.

17

18 (No comments)

19

20 CHAIRMAN ALCORN: All right. So that  
21 covers the Chitina proposal, now to Copper Center.

22

23 MR. PETE: Copper Center has about 496  
24 people enrolled in it. There's about 200 there in the  
25 winter. Everybody comes back mostly in the spring. They  
26 make their living mostly by pipeline and construction, road  
27 construction and stuff like that. Most of the hunting  
28 areas around there have development in there now so it's  
29 getting harder and harder to do hunting around there. It's  
30 one of the fastest growing communities in Alaska.

31

32 CHAIRMAN ALCORN: Questions.

33

34 (No comments)

35

36 CHAIRMAN ALCORN: All right. Dr.

37 Huntington.

38

39 DR. HUNTINGTON: Again, just the same  
40 comments apply here as well.

41

42 CHAIRMAN ALCORN: Okay. Any comments from  
43 the agencies. We've already heard from Bob Leedy that his  
44 earlier comments on the suite apply. Ron.

45

46 MR. STANEK: Copper Center does have -- we  
47 documented bird harvest in 1982 and 1987 there and just  
48 gross numbers, ducks they had.....

49

50 CHAIRMAN ALCORN: I'm sorry, Ron, would you

00065

1 turn your mike on for the record.

2

3 MR. STANEK: Sorry. We've documented bird  
4 harvest in Copper Center back in the early '80s and 1982  
5 and '87. They harvested 48 ducks in '82 and 184 ducks in  
6 '87 and 45 geese. And then in 2000, I'll get to that,  
7 let's see here, in 2000 they harvested -- well, where did  
8 it go here -- let me get the seasonal harvest and I'll tell  
9 you that and I'll sum it up in both ways then.

10

11 CHAIRMAN ALCORN: Is that reflected in a  
12 table that we do have?

13

14 MR. STANEK: No, it's not.

15

16 CHAIRMAN ALCORN: Okay.

17

18 MR. STANEK: That seasonal table is not in  
19 there.

20

21 CHAIRMAN ALCORN: Okay.

22

23 MR. STANEK: Copper Center had -- they got  
24 in ducks in August they got 23 ducks, that's all they show.  
25 They got a couple of -- they got three geese in May and  
26 that was it, ducks and geese, just small numbers in May and  
27 August. And it's upland game mostly in the fall.

28

29 Again, with Copper Center, it's one of  
30 those places that is pretty -- it fell under the influence  
31 of a lot of law enforcement and they were very reluctant to  
32 go out and harvest they said, although I know people there  
33 do do some harvest, so I know they're kind of under the  
34 scope of law enforcement activities there. It's all  
35 focused around Glennallen and that area. So very  
36 reluctant.

37

38 CHAIRMAN ALCORN: Thank you. Any questions  
39 of Ron.

40

41 (No comments)

42

43 CHAIRMAN ALCORN: All right. Any comment  
44 from the public on the Copper Center proposal petition.  
45 Cynthia, do you want to consider yourself public? Please  
46 come to the mike.

47

48 CYNTHIA: Yeah, I just wanted to ask Joel a  
49 question when he was talking about the development earlier  
50 and then just now about Copper Center, who those people

00066

1 are. When he says it's growing real fast, is it more  
2 Natives from that area or people coming in from outside or  
3 would they consider themselves traditional users is what I  
4 was wondering?

5

6 CHAIRMAN ALCORN: It's Steve.

7

8 CYNTHIA: Steve, I'm sorry, I apologize.

9

10 MR. PETE: It's people moving from --  
11 probably from here, from Anchorage. They're from all over  
12 really but they're non-Natives.

13

14 CYNTHIA: They're non-Natives?

15

16 MR. PETE: Right.

17

18 CHAIRMAN ALCORN: Any questions.

19

20 MR. SQUARTSOFF: I got one for off the  
21 record there.

22

23 CHAIRMAN ALCORN: Herman use your mike  
24 please.

25

26 MR. SQUARTSOFF: I think Ron needs to talk  
27 to his enforcement guys to kind of back off a little bit  
28 and maybe they'll get better information.

29

30 (Laughter)

31

32 MR. STANEK: If only it were so easy.

33

34 CHAIRMAN ALCORN: All right. Hearing no  
35 more questions we will move to the next proposal. Gakona.  
36 We'll turn the mike over to Steve.

37

38 MR. PETE: Gakona has a population of about  
39 20 to 30 people. Their lifestyle is mainly subsistence.  
40 They do their trapping up by Chistochina area, Paxson,  
41 around there, Ewan Lake and that's where they do most of  
42 their hunting.

43

44 CHAIRMAN ALCORN: Seeing no hands raised,  
45 we'll move to -- I'm sorry, Austin.

46

47 MR. AHMASUK: Steve, are these communities  
48 that we've talked about so far, are they all connected to  
49 the road?

50

00067

1 MR. PETE: Yes, they are. Around in the  
2 1940s, 1950s, all the villages were located across the  
3 river to the road system.

4

5 CHAIRMAN ALCORN: Austin.

6

7 MR. AHMASUK: And are these roads closed in  
8 the wintertime or do they remain open in the winter?

9

10 MR. PETE: They're open year-round.

11

12 CHAIRMAN ALCORN: All right, Dr.

13 Huntington.

14

15 DR. HUNTINGTON: We had discussed the  
16 Gakona situation before lunch as well and as it says in the  
17 answer to number 1, an oral history interview was not done  
18 and no information is available. Perhaps we need to  
19 develop some background information, and certainly from  
20 what we have here there's just not enough information to  
21 address things. There's information that Ron will talk  
22 about in a moment that harvest surveys have been done and  
23 so on but the responses to the five criteria are simply  
24 missing.

25

26 CHAIRMAN ALCORN: All right, thank you very  
27 much. Any questions of Dr. Huntington.

28

29 (No comments)

30

31 CHAIRMAN ALCORN: All right, agency  
32 comments. Ron, do you have something you want to offer?

33

34 MR. STANEK: Sure. As I mentioned earlier,  
35 too, Gakona, in 1982 reported harvesting 77 ducks and then  
36 in '87 we had 140 ducks reported there. And again, the  
37 people from Gakona move back and forth between there and  
38 Gulkana. And we did not -- so we did not have, because of  
39 that one sample, one household sample we did not have any  
40 harvest reported for 2000.

41

42 CHAIRMAN ALCORN: Any questions from the  
43 Council to Ron? Mike.

44

45 MR. SMITH: Ron, we can assume then though  
46 that there is a consistent harvest there on a yearly basis?

47

48 MR. STANEK: Yeah, we can assume that.

49 Maybe Steve could -- do you know if people from Gakona?

50

00068

1 MR. PETE: They do hunt year-round, in the  
2 spring and fall.

3

4 CHAIRMAN ALCORN: All right, hearing no  
5 more questions for Ron, I would entertain comments from the  
6 public.

7

8 (No comments)

9

10 CHAIRMAN ALCORN: Seeing no hands raised, I  
11 would suggest we move on to Gulkana. Steve.

12

13 MR. PETE: Gulkana is located about 25  
14 miles north of Glennallen. It's about 20 to 40 people.  
15 They're about five or six miles from Gakona and they  
16 basically do about the same subsistence as Gakona.

17

18 CHAIRMAN ALCORN: Any questions for Steve.

19

20 (No comments)

21

22 CHAIRMAN ALCORN: All right. Dr.

23 Huntington .

24

25 DR. HUNTINGTON: Same comments as the  
26 communities prior to Gakona.

27

28 CHAIRMAN ALCORN: All right, thank you.  
29 Comments from the agencies. Ron, do you have anything that  
30 you want to add?

31

32 MR. STANEK: For Gulkana?

33

34 CHAIRMAN ALCORN: For Gulkana.

35

36 MR. STANEK: In 2000 we did not report any  
37 harvest but they did use birds, about 10 percent of the  
38 household said they used, not just birds, migratory birds.  
39 Some used mallards and I just see mallards listed there and  
40 some pintails. So there was use. Now, they must have  
41 received it from someplace.

42

43 And then in prior years for Gulkana we have  
44 small harvest of 1982 there were 44 ducks, in '87 there  
45 were 36 ducks and 22 geese, ptarmigan -- ptarmigan and  
46 grouse also.

47

48 CHAIRMAN ALCORN: Thank you. Any questions  
49 for Ron.

50

00069

1 (No comments)

2

3 CHAIRMAN ALCORN: All right, seeing no  
4 hands raised -- oh, Herman, I'm sorry, go ahead.

5

6 MR. SQUARTSOFF: Yeah, I got one. Ron, how  
7 far away is Gulkana and the other place, are they pretty  
8 close together, the communities?

9

10 MR. STANEK: Just a few miles up the road  
11 from each other.

12

13 MR. SQUARTSOFF: Yeah, because.....

14

15 MR. STANEK: I don't know exactly how many  
16 miles. Steve, do you know how many miles they're apart?

17

18 MR. PETE: Five or six miles.

19

20 MR. STANEK: About five or six miles.

21

22 MR. SQUARTSOFF: Yeah, because it's saying  
23 they didn't harvest but they did use some, kind of figure  
24 out the sharing pattern there between the two.

25

26 MR. STANEK: It could easily be that the  
27 people, you know, got -- from Gulkana gave birds to people  
28 in Gakona.

29

30 MR. SQUARTSOFF: Right.

31

32 MR. STANEK: It could easily be the  
33 families are related. They move back and forth all the  
34 time so it could easily be. I don't know that but maybe  
35 Steve knows whether people there have a pattern of sharing.

36

37 MR. SQUARTSOFF: Right. That's what I'm  
38 trying to picture in my mind, since they're close, the two  
39 places.

40

41 Thank you.

42

43 CHAIRMAN ALCORN: Steve.

44

45 MR. PETE: Pretty much Copper River region,  
46 pretty much everybody's related to everybody up there, all  
47 the way from Mentasta to Cantwell, Copper, Chitina. I'm  
48 pretty well related to everyone up there.

49

50 CHAIRMAN ALCORN: All right. Any questions

00070

1 from the public regarding the Gulkana village proposal.

2

3 (No comments)

4

5 CHAIRMAN ALCORN: All right, hearing none,  
6 seeing no hands raised, we will move now to Mentasta. Is  
7 Mentasta -- oh, here it is here. Steve.

8

9 MR. PETE: Mentasta is located about 90  
10 miles north of Glennallen, about 50 miles south of Tok.  
11 They're mainly subsistence users. They got a lake right  
12 behind the village where they do their duck hunting and  
13 stuff. And they go into the mountains for -- they got a  
14 lot of wet lands up there, they go to Twin Lakes and stuff  
15 like that to do their hunting.

16

17 CHAIRMAN ALCORN: Thank you, Steve. Any  
18 questions for Steve.

19

20 (No comments)

21

22 CHAIRMAN ALCORN: Hearing none, we'll turn  
23 it over to Dr. Huntington.

24

25 DR. HUNTINGTON: Once again, the same  
26 comments as before.

27

28 CHAIRMAN ALCORN: All right, thanks. I  
29 apologize for the deliberate methods we're using here but I  
30 feel like it's necessary at this point. Ron, do you have  
31 any comments?

32

33 MR. STANEK: I do. In 2000 Mentasta  
34 community did not want to have us interview their members  
35 for the bird survey. I know they were reluctant to do that  
36 and I know there was some rift there between, I think, CRNA  
37 and them. But nevertheless we did get good cooperation  
38 from people telling about oral histories and we do have  
39 some harvest information from '87 and '88 from other work  
40 that we've done over there.

41

42 In '87 and '88, you'll see under the  
43 criteria five there, 70 percent of Mentasta households used  
44 birds, 50 percent harvested birds. Of course a lot of that  
45 has to do with ptarmigan and grouse but there were 52  
46 ducks, including mallards and other unknown species.  
47 White-fronted geese are harvested by Mentasta households.  
48 And speaking to Laura Hancock and Steve John, Steve John's  
49 from there previously, they have a very in-depth and rich  
50 heritage and description of the things that they used to do

00071

1 right around Mentasta Lake and also people from Mentasta  
2 moved up to the Nabesna Road area and they had camps up  
3 there, and they have bird hunting areas up that way, too,  
4 so that's like across the river and up toward the side of  
5 the mountain there.

6

7 So they -- and I know from talking to Steve  
8 and Laura that people in Mentasta, and Joe Hicks also,  
9 knows people there very well, that they still harvest birds  
10 pretty extensively there. They're a little bit removed and  
11 remote.

12

13 CHAIRMAN ALCORN: Thanks, Ron. Any  
14 questions of Ron.

15

16 (No comments)

17

18 CHAIRMAN ALCORN: All right. Any comment  
19 from the public regarding the Mentasta petition.

20

21 (No comments)

22

23 CHAIRMAN ALCORN: Hearing none, we will  
24 move to the last petition from the Copper River region and  
25 that is the Tazlina proposal. I'll turn it over to Steve.

26

27 MR. PETE: Tazlina is located about eight  
28 miles south of Glennallen, they have a population of about  
29 60 residents and their subsistence is mainly based around  
30 Chitina, Paxson. They have to go travel because they got  
31 too much development around there, there's no places to  
32 hunt there and so they -- pretty much everybody up there  
33 goes travel to do their hunting.

34

35 CHAIRMAN ALCORN: Questions of Steve.

36

37 (No comments)

38

39 CHAIRMAN ALCORN: Steve, I do have a  
40 question and this is the one that I did mark up in  
41 reviewing these. And that was, based on the comment you  
42 just made and that is, that on the back -- well, I guess  
43 it's the first page of the actual proposal, it's Page 6 of  
44 the fax, the comment under criteria one, the very last  
45 sentence says much of the traditional resource use area has  
46 become privately owned and access restricted and then to  
47 sort of compliment that point, down in the next paragraph  
48 under criteria two, it says that Stickwan pointed out that  
49 you can't hunt down that way anymore due to there being too  
50 many people moved into the area.

00072

1 I guess my question is, this is forcing  
2 folks into areas that they don't regularly hunt. The  
3 question is, is this still -- do they still hunt in what  
4 they would consider their traditional area?

5

6 MR. PETE: Yes. We pretty much do hunt in --  
7 we pretty much use the honor system, we don't hunt in  
8 other people's area unless we get permission.

9

10 CHAIRMAN ALCORN: All right, thanks. Any  
11 other questions for Steve.

12

13 (No comments)

14

15 CHAIRMAN ALCORN: All right. Dr.  
16 Huntington.

17

18 DR. HUNTINGTON: In addition to just saying  
19 it's the same comments as the previous ones, I do note also  
20 in the response to criteria one, the emphasis on the effect  
21 that the large enforcement presence in the area has had on  
22 them in either keeping people reluctant to talk about this  
23 or actually restricting their harvest. And when it comes  
24 to the discussion we had this morning about the harvest  
25 levels and what constitutes a significant increase, this  
26 might be an interesting area to follow up some of that and  
27 find out exactly how much it -- it has restricted them or  
28 in what way.

29

30 That's the only additional comment on this  
31 one.

32

33 CHAIRMAN ALCORN: Thank you. Any questions  
34 for Dr. Huntington.

35

36 (No comments)

37

38 CHAIRMAN ALCORN: All right, agency  
39 comments. Ron, did you have anything you wanted to add.

40

41 MR. STANEK: Yeah. In 2000 when we did  
42 interviews there there was no bird harvest, however, in  
43 1987 we did have waterfowl harvest, they harvested 96 ducks  
44 and geese, 66 ducks, they had a couple buckle head mallards  
45 and 14 geese. So there is some past -- I mean there's a  
46 pattern there just nothing in 2000 that we picked up.

47

48 So, again, Frank Stickwan is Gloria's  
49 father, I listened to part of that interview. A lot of it  
50 was in Ahtna and I didn't understand it, but he's the one

00073

1 they talked about how he used to go down to the Kenny Lake  
2 area which is now sort of agricultural, sort of, farms and  
3 that down there, and that they can't go there anymore.  
4 That people from his area didn't use it much and there was  
5 this competition for the area there because a lot of the  
6 land's been privatized. So I'm not sure exactly, like  
7 Steve was saying, there still are some areas there that  
8 they may go to.

9

10 CHAIRMAN ALCORN: Thank you. Any questions  
11 for Ron.

12

13 (No comments)

14

15 CHAIRMAN ALCORN: Hearing none. Questions  
16 from the public or comments from the public regarding the  
17 Tazlina proposal.

18

19 (No comments)

20

21 CHAIRMAN ALCORN: Seeing none. That  
22 completes the suite of proposals for the Copper River area.  
23 I would like to -- oh, I'm sorry, Austin, I didn't see your  
24 hand.

25

26 MR. AHMASUK: Mr. Chairman, what about  
27 Kluticaa?

28

29 MR. PETE: That's Copper Center.

30

31 MR. AHMASUK: That's Copper Center, oh,  
32 okay. All right. My mistake.

33

34 CHAIRMAN ALCORN: All right. If there are  
35 no other comments regarding the Copper Center proposals,  
36 it's time to move into the next suite of proposals. And  
37 since Patty is here and is ready to discuss the Chugach  
38 region proposals I would suggest we go back to Item B on  
39 the agenda which would allow her to present the suite of  
40 proposals she has prepared.

41

42 MS. BROWN-SCHWALENBERG: The Chugach  
43 Regional Resources Commission worked with four of the  
44 Native villages in Prince William Sound and Lower Cook  
45 Inlet to present their individual petitions and that would  
46 be for Nanwalek, Port Grahame, Tatitlek and Chenega.

47

48 The communities, as you know, that we've  
49 discussed at previous meetings, these communities are not  
50 on a roaded area although they are in the Gulf of Alaska.

00074

1 And due to the ambiguity of the language in the regulations  
2 there's a question whether these communities should be  
3 included or excluded, so to avoid any confusion we went  
4 ahead and submitted petitions for these communities anyway.

5

6 I'd like to note that Eyak purposely did  
7 not submit a petition. They're located within the  
8 community of Cordova, which is a large community and they  
9 didn't want to risk that petition being approved and then  
10 opening up harvest to a larger non-Native community than  
11 the Eyak tribal members. So I still am interested in  
12 working with the Fish and Wildlife Service and the  
13 Migratory Bird office on seeing how we can resolve that  
14 issue for the tribal member -- or the Native harvesters in  
15 that area.

16

17 And I don't know how the process was before  
18 I got here, but do you want me to go through each one  
19 individually or how are people doing it?

20

21 CHAIRMAN ALCORN: No, not at this time.  
22 The kind of comment that you just provided is sufficient  
23 unless there's other things you want to add for the suite  
24 of proposals. We're going to, after any questions that  
25 might come up we'll ask Dr. Huntington to give us his  
26 assessment of the suite, and then we'll have comment from  
27 the agencies, technical comments regarding the general  
28 area, specific points that they would like to make and then  
29 we'll loop back and address each individual one like we  
30 just did for the Copper River.

31

32 So any questions of Patty.

33

34 (No comments)

35

36 CHAIRMAN ALCORN: All right. Dr.

37 Huntington.

38

39 DR. HUNTINGTON: The petitions in here I  
40 think are all very well done with ample supporting  
41 documentation. There's been some ethnographic work, Tye  
42 Berkett-Smith from the 30s and on to more recent work by  
43 Fish and Game in addition to a number of subsistence  
44 harvest surveys and subsistence use pattern studies that  
45 have been done, some of them in the wake of the Exxon  
46 Valdez Oil Spill, looking at a number of things that turned  
47 out by happenstance to be quite relevant to the five  
48 criteria that were developed for this. As Ron said  
49 earlier, it's not like somebody set out to do research to  
50 address the criteria, which in the case of most of the

00075

1 research the criteria came after the research was done.

2

3                   Nonetheless the documentation in this area  
4 is all very good about the contemporary and historical  
5 patterns of subsistence sharing, the significance in the  
6 communities as well as harvest levels which have been  
7 documented quite thorough to try to make some comparisons  
8 with before and after the oil spill, and, again, also  
9 looking at things like any changes in subsistence  
10 practices, in the sharing and the cultural significance.  
11 So here, too, we have a wealth of documented information to  
12 draw on and the petitions do precisely that and answer the  
13 criteria in a very thorough way.

14

15                   CHAIRMAN ALCORN: Thank you. Any questions  
16 of Dr. Huntington.

17

18                   (No comments)

19

20                   CHAIRMAN ALCORN: All right. Sorry, go  
21 ahead.

22

23                   DR. HUNTINGTON: I forgot to mention that  
24 it's in my report. But just for the record I have what  
25 might be a conflict of interest or an apparent conflict of  
26 interest that since 1997 I've worked for Chugach Regional  
27 Resources Commission on contract to do with -- mainly to do  
28 with the aftermath of the Exxon Valdez Oil Spill and the  
29 Gulf Ecosystem Monitoring Program. I've had nothing to do  
30 with their work on migratory birds. And in fact, until  
31 Bill handed me this packet, I didn't even know they were  
32 submitting, so I don't think I had any influence one way or  
33 the other on that but I just wanted to make that clear for  
34 the record.

35

36                   Thank you.

37

38                   CHAIRMAN ALCORN: Thank you for doing that.  
39 I'm sorry, I missed Bill Ostrand in presenting the suite of  
40 proposals and the package, is there anything that you  
41 needed to point out?

42

43                   MR. OSTRAND: Yeah. I thought there might  
44 be a couple of things. It's organized in your books the  
45 same as the others in that the general information is given  
46 towards the front. It starts off with a letter of intent  
47 but one thing that is different is there is a lot of  
48 information in the Port Grahame portion that applies to the  
49 rest of the region as well. In fact, it contains  
50 subsistence harvest information for the remainder of the

00076

1 region. In fact it even provides some harvest information  
2 for Tyonek.

3

4 So I just thought I'd point that out.

5

6 CHAIRMAN ALCORN: All right, thanks, Bill.  
7 Any questions from the Council to Dr. Huntington or Bill  
8 before we go to agency comments.

9

10 (No comments)

11

12 CHAIRMAN ALCORN: Okay. Hearing none, Bob,  
13 would you like to come to the mike and give the perspective  
14 of the Division of Migratory Bird Management, Fish and  
15 Wildlife Service.

16

17 MR. LEEDY: Thank you, Doug. Yes, I will.  
18 Again, Bob Leedy, Fish and Wildlife Service, Migratory  
19 Birds. And again, the comments I'd make right now are  
20 really -- they cover the suite of Chugach Regional  
21 proposals here.

22

23 Again, probably the primary concern is that  
24 the trumpeter swan is on the list and in keeping with  
25 previous actions we would suggest that be taken off and the  
26 Council as a whole will have to give some very serious  
27 consideration to the listing of tundra swans as open as  
28 well because of a very distinct look alike problem in an  
29 area where both are found.

30

31 Beyond that, I'd like to introduce the  
32 question of tooley white-fronted geese as opposed to  
33 Pacific greater white-fronted geese. This proposal has  
34 listed toolies and Pacific white-fronted geese separately.  
35 For those of you who may not be aware, the tooley goose,  
36 it's basically also a greater white-fronted goose, looks  
37 very, very similar, but is recognized as a separate and  
38 distinct population with severe sporthunting restrictions  
39 and it's at very low levels, and of concern up and down the  
40 Pacific Flyaway. Certainly, like I say, this area is  
41 largely on the edge of the range and there may not be a  
42 direct conflict but we'll certainly want to discuss that as  
43 we move on.

44

45 Moving beyond waterfowl, which is what a  
46 lot of our discussion is about and I'd also like to point  
47 out that Arctic terns and Arctic tern eggs, I believe, are  
48 listed in the proposal. Arctic terns have declined up to  
49 90 percent in Prince William Sound and Kodiak areas in the  
50 last 25 years. We have a conservation concern about any

00077

1 kind of additional take or even perhaps existing take of  
2 Arctic tern and eggs. Again, a point of discussion when we  
3 get to the regulatory stage.

4

5                   Perhaps not as quite as big of concern,  
6 based on the status of the species, I'd also like to point  
7 out that black oyster-catchers and yellow-legs. These are  
8 birds of the Rocky coastal shores and/or some of the marsh  
9 ponds and lakes. These birds are exceptionally vulnerable  
10 to hunting. Unlike most birds that fly away when you come  
11 up on them, those of you that are familiar with them  
12 understand that they'll often fly right at you, fly around  
13 you and offer a very attempting target and if they were  
14 actually targeted heavily for subsistence hunting or if any  
15 increase occurred, we would potentially have a problem with  
16 oyster-catchers and yellow-legs.

17

18                   And one other thing I would just like to  
19 point out for consideration by the Council is that in  
20 looking at the extensive data that are provided for  
21 Nanwalek and Port Grahame, in particular, if you were to  
22 look in your package you'd see Table 1, which includes data  
23 for '87, '89, '90, '91 and beyond on total birds taken,  
24 they're pretty goodly numbers taken. But as you look on to  
25 Table 2 and Table 3, for Port Grahame and Nanwalek  
26 specifically, you'll note that these tables deal primarily  
27 with late winter, fall, early winter, and then for  
28 Nanwalek, late winter, spring, summer, fall, early winter,  
29 but the data are fuzzed a little bit. And if you flip over  
30 a page yet to Table 4, you'll note that for the most  
31 part.....

32

33                   CHAIRMAN ALCORN: Bob, can I interrupt?

34

35                   MR. LEEDY: Yeah.

36

37                   CHAIRMAN ALCORN: We need to find out where  
38 that table is at. I'm not -- I don't know where it is.

39

40                   MR. LEEDY: Oh, it's in the package for the  
41 Chugach.....

42

43                   DR. HUNTINGTON: It's in the Port Grahame.

44

45                   CHAIRMAN ALCORN: Port Grahame, okay.

46

47                   MR. LEEDY: I'm sorry.

48

49                   DR. HUNTINGTON: Page 13 of the fax.

50

00078

1 MR. LEEDY: Yes, that's where we're up to  
2 now, right, thank you. Okay, I'm sorry. It would be on  
3 Page 13 of the fax.

4  
5 And again, this is for your consideration,  
6 not mine at the moment, but I just wanted to point out that  
7 if you look at the April, May, June, July, August columns  
8 there with the exception of a handful of common mergansers  
9 and green-winged teal, for both Nanwalek and Port Grahame,  
10 the heaviest take by far and away is gull eggs and tern  
11 eggs rather than a wide variety of birds. And that may --  
12 I just wanted to point that out for your consideration of  
13 overall patterns and at some point, perhaps at the next  
14 meeting specifically what take is allowed or not.

15  
16 CHAIRMAN ALCORN: All right, thanks, Bob.  
17 Any comment -- Enoch, you have a question.

18  
19 ATTAMUK: I got a couple of questions for  
20 you. You mentioned that the birds that are in question  
21 that they're harvesting, on your surveys did they -- were  
22 the surveys taken before those birds were in question? The  
23 birds that are in question that's on this list here.....

24  
25 MR. LEEDY: Is this on the harvest survey?

26  
27 ATTAMUK: Yes. You mentioned two of them,  
28 like Arctic tern and the trumpeter swans, and the surveys  
29 that you did, were the surveys done before the birds were  
30 in question?

31  
32 MR. LEEDY: We didn't do those surveys.....

33  
34 MS. BROWN-SCHWALENBERG: No, the latest  
35 survey we did was in 2000 and so that was before those  
36 species were listed a conservation concern as far as I  
37 know.

38  
39 ATTAMUK: And the other one, sorry, the  
40 other one is these birds you mentioned, where do they  
41 migrate or do they just stay in the area you're talking  
42 about? Because I got Arctic terns in my area and they're  
43 in plentiful and trumpeter swans, what I hear in my area.

44  
45 MR. LEEDY: They what?

46  
47 ATTAMUK: The Arctic terns, are (In Native)  
48 what we call them, Arctic terns, they're large in numbers,  
49 and still they're immersed in the list here as of concern.  
50 Are we talking about the same birds in her area or are we

00079

1 talking two different birds, the area that migrates?  
2 Because if they do, you know, my birds here, like an Arctic  
3 tern, that's our list -- not the -- the list here,  
4 shouldn't be on my list.

5

6 MR. LEEDY: Right. Well, it isn't on your  
7 list at this moment. All I have done today is identify a  
8 documented decline in Arctic terns in the Prince William  
9 Sound and Kodiak areas. I'm not prepared today to talk  
10 about the population more broadly than that.

11

12 CHAIRMAN ALCORN: All right. Herman.

13

14 MR. SQUARTSOFF: Bob, you're saying in the  
15 Kodiak area, my area where we gather eggs and all that from  
16 Arctic tern and everything, and the black oyster-catcher, I  
17 have not seen a decline at all there, at all.

18

19 MR. LEEDY: Well, again, if it comes to a  
20 question on that we -- I -- we do have data to offer on  
21 Arctic tern over there. I doubt we have any kind of  
22 broadbase data to offer on oyster-catchers in the Kodiak  
23 area.

24

25 MR. ARMSTRONG: Mr. Chair.

26

27 CHAIRMAN ALCORN: Fred.

28

29 MR. ARMSTRONG: I hate to disappoint the  
30 Council but I really prefer we stay on track and try to  
31 focus on the petitions for inclusion. I think if we get  
32 sidetracked we're going to lose our concentration.

33

34 MR. LEEDY: Again, my only intent is to  
35 give everybody kind of a head's up on concerns we might  
36 have, you know, over the next month during the development  
37 of specific proposals and discussions related to that.

38

39 CHAIRMAN ALCORN: Thank you, Bob. Mike  
40 Smith.

41

42 MR. SMITH: Yeah, I'm sorry, Fred, but do  
43 you have an idea as to the mortality and why the decline  
44 has occurred and to what percent of that can you attribute  
45 to harvest?

46

47 MR. LEEDY: On terns in particular, no.  
48 No. Not at all.

49

50 CHAIRMAN ALCORN: Any other questions of

00080

1 Bob.

2

3

(No comments)

4

5

CHAIRMAN ALCORN: Thanks, Bob. All right,  
6 we will ask the Department of Fish and Game to address the  
7 suite of proposals from the Chugach region. Ron or Tom.  
8 Tom Rothe.

9

10

MR. ROTHE: Mr. Chairman, just two quick  
11 comments. Ron's probably got more relevant information. I  
12 just wanted to kind of comment on Bob Leedy's remark that  
13 tooley geese are listed in the Chugach birds requested for  
14 open season.

15

16

I think we need to be careful that at least  
17 the four villages that are petitioning would not normally  
18 see tooley geese except on migration. So the main concern  
19 would be breeding grounds in upper Cook Inlet. So just to  
20 clarify for the Council that if tooley geese are on the  
21 list for Prince William Sound and Lower Cook Inlet, that  
22 those would just be migrants.

23

24

A secondary comment that relates to your  
25 evaluation of data to come, I guess one of the things  
26 that's been a little frustrating and confusing to me is the  
27 idea of trying to evaluate for the purposes of this action,  
28 what is a spring and summer harvest tradition and maybe the  
29 data aren't available, but in many cases it's not broken  
30 down by season. So one of the presumptions way back when  
31 the Treaty amendments were drafted and all the discussions  
32 went on was that during fall and winter we have regulations  
33 and there is harvest opportunity and for this process we  
34 need to document somewhere what the spring and summer  
35 harvest patterns are like, too.

36

37

CHAIRMAN ALCORN: Thank you, Tom. Any  
38 questions of Tom.

39

40

(No comments)

41

42

CHAIRMAN ALCORN: Ron, did you have  
43 anything to add.

44

45

MR. STANEK: Yes, Mr. Chairman, I have  
46 quite a bit to add. I'm going to cover Chenega and  
47 Tatitlek together because it's the same comments for both.

48

49

The people are questioning why the  
50 petitions look different between -- there's the same format

00081

1 for Tatitlek, Chenega, Port Grahame and Nanwalek, but  
2 there's two formats for Nanwalek and Port Grahame.

3

4                   And what I'd like to say on Tatitlek and  
5 Chenega is that in addition to what's there under each of  
6 the criteria there is additional information that did not  
7 get included because I didn't get it done and get it to  
8 them. So, okay, what I can tell you is that I have a list  
9 of reports that pertain to Tatitlek and Chenega and there  
10 is quite extensive information on waterfowl use in Tatitlek  
11 and Chenega since in the '80s Lee Stratton was working in  
12 those communities and she documented the harvest areas for  
13 both communities, where people went for birds. These maps  
14 are available. And then under each of the criteria, for  
15 Tatitlek, not only do we have information from Berkett-  
16 Smith, who was an anthropologist, ethnographer back in the  
17 50s who did this work that you see cited here, but we have  
18 information that brings it right up to this and the last  
19 couple years, okay, in 2000, talking about their use of  
20 birds in the springtime.

21

22                   So we have -- and although the information  
23 in these tables that you see as was pointed out is not --  
24 like the first time I was able to go there and talk about  
25 seasons was in 1987 and we had a number of contracts that  
26 year working in the Aleutian Islands and we were starting  
27 to break away and to getting seasonal harvest information  
28 but the closets they would let us come was to break it into  
29 late winter spring and summer. I mean so it doesn't say  
30 how many ducks, exactly, were taken in the spring there.  
31 But I can tell you that in all this -- throughout this  
32 region which is Alutiq cultural region, the pattern is  
33 quite similar, in that, birds don't -- the waterfowl  
34 especially don't really start showing up in like Port  
35 Grahame and Nanwalek until in October and November and you  
36 can ask Nick Tanape about this, he's a duck hunter down  
37 there. And then there is quite an overwintering population  
38 that hangs along in the open waters along the coast and, of  
39 course, as you know in Kachemak Bay there's a large scoater  
40 population that's out in the bay and people do hunt those  
41 in the wintertime and then on into the spring and then --  
42 and what is the spring season, according to your rules,  
43 according to the new spring rules and starting in March,  
44 April and May, it -- it mainly goes to gulls, puffins and  
45 eggng. So that there is actually a whole 'nother  
46 component of the harvest that we're not even talking about  
47 here, and that is even outside of the sport or fall or, you  
48 know, early winter harvest.

49

50                   So anyway, we do have more extensive

00082

1 information on all the criteria. There is extensive  
2 information on the sharing, hunting patterns and areas that  
3 people go. There's a map, as you see in here, there's a  
4 detailed waterfowl use area map that I did in the early 80s  
5 for Port Grahame and Nanwalek and we do have comparable  
6 maps on bird harvest for Chenega and Tatitlek. I'd just  
7 like you to know that we do have information supporting.

8

9 If there are any specific questions later  
10 on, not only do I have the documents with me, there's more  
11 information in this report here.

12

13 And similarly, for the Prince William Sound  
14 area I can provide you with sort of a subregional summary,  
15 ethnographic summary like there is for the Cook Inlet one.

16

17 CHAIRMAN ALCORN: All right, thanks, Ron.  
18 Any questions for Ron regarding the suite.

19

20 MR. ANDERSEN: Mr. Chairman.

21

22 CHAIRMAN ALCORN: Ralph.

23

24 MR. ANDERSEN: Thank you, Mr. Chairman.  
25 Ron, I'd like to ask either you or Dr. Huntington, you  
26 know, while I understand the issue of areas that will be  
27 open in these -- according to these petitions, first of  
28 all, have you -- what is your assessment of the areas that  
29 are identified in the petitions? That's the first  
30 question.

31

32 The second question is how would -- what's  
33 your opinion, I guess, of the areas that are identified,  
34 because it seems to me that, you know, you mentioned just a  
35 few moments ago that, you know, there are areas where  
36 scoaters and areas for, you know, different times of the  
37 year. How are -- I guess my question is, I guess, how  
38 manageable -- I guess a manageability issue question comes  
39 up for me because it seems to me that, you know, it would  
40 be hard or pretty difficult to try to enforce regulations  
41 in areas that are really specific. I mean you could only  
42 hunt this kind of ducks in this area and harvest those eggs  
43 over in this area and -- and I'm wondering what your  
44 opinion is on that.

45

46 MR. STANEK: Well, if you look at the Port  
47 Grahame map, for example, they have an area that extends  
48 from out and by the Windy, Rocky Bay area comes around the  
49 coast and all the way up to the head of Kachemak Bay. They  
50 hunt throughout that area at different times of the year.

00083

1 In the wintertime and I think Nick -- you should probably  
2 ask Nick Tanape about where they go, but I can tell you  
3 that, you know, there's egging that goes on up around  
4 Mcewen Flats and the Gull Island area and then they go up  
5 to this Fox River Flats in the fall and they may hunt geese  
6 up there. In the wintertime they stay more closer to their  
7 village. And around Port Grahame and Nanwalek, there are  
8 nice bays there where they can go hunting in the wintertime  
9 and they do.

10

11 But I mean this entire area -- and also  
12 this area from around Yukon Island to the south and west is  
13 where the State subsistence zone is and beyond that it's  
14 the non-subsistence zone. And then when you get up into  
15 Kachemak Bay there's a lot of conflict with other users  
16 that people in Nanwalek and Port Grahame have encountered,  
17 being harassed when they're picking gull eggs or seal  
18 hunting, sea otter hunting they've been harassed by people  
19 in that area. And so I know that a lot of their use has  
20 been curtailed. They've done it just because of the  
21 pressure that they sometimes encounter there. But they've  
22 also developed ways of going at different times of the day  
23 or, you know, the week, so they miss the encounters that  
24 they've had.

25

26 But as far as how manageable the  
27 enforcement and all this, I think Tom should probably talk  
28 about that -- Tom and Matt because they've -- I think  
29 they've addressed some of these or talked about some of  
30 these kinds of things. And for me it's -- you'd have to  
31 have the whole area open, you know, to take into account  
32 all the different types of harvesting and times of  
33 harvesting that they're doing it.

34

35 CHAIRMAN ALCORN: Any other questions for  
36 Ron.

37

38 (No comments)

39

40 CHAIRMAN ALCORN: Ron, I guess I have a  
41 general question and that is that Tom Rothe, who preceded  
42 you in his comments suggested that we take a look at the  
43 season of harvest and the species that are harvested in  
44 those seasons, and it seemed to me that you made a point of  
45 saying that the predominate species that were harvested  
46 during the spring months for the suite of proposals, for  
47 this general area were puffins, gull eggs and one other,  
48 tern, which is fairly specific. I mean we're talking three  
49 species, I guess, if you count gull eggs, without  
50 distinguishing the gull.

00084

1                   And the question I suppose is similar to my  
2 -- the point that I raised about the Hoonah petition and  
3 that is, there are -- the -- is the proposal for a multiple  
4 list of species or is the proposal -- Patty, I guess, will  
5 talk about that when we get to specific proposals, but the  
6 proposal for those birds in general that are documented?  
7 That, to me is a fundamental question.

8

9                   And I don't know that I'm asking you for a  
10 response, it's just kind of a mental observation at this  
11 point because we're going to go through individual  
12 proposals.

13

14                   MR. STANEK: Well, I can tell you that  
15 throughout the region if you look at what I wrote on the  
16 information that Berkett-Smith documented, for example,  
17 there's a much broader range of species harvested, you  
18 know, after contact up into the 50s and 60s than there is  
19 today. And that -- it may be that people today still  
20 harvest sometimes some of those species but they don't  
21 harvest them nearly in the quantities that they used to.  
22 For example, cormorants, and Nick can talk about this,  
23 cormorants and gulls and puffins, I know that even the  
24 times -- since the time I've been going to Port Grahame and  
25 Nanwalek those number have decreased. I'm not sure exactly  
26 why they've decreased, but I do know people, you know,  
27 taking oyster-catchers and other shorebirds and you know, a  
28 number of different marine birds, including gulls. And  
29 then the eggs of these different species. And they even  
30 have specific places to go for merganser eggs or common  
31 eider eggs. You know, they have these islands that they go  
32 to out on the outer coast that are very specific. So they  
33 do -- I assume that it was for all these different species  
34 of birds that they have taken and not, even necessarily  
35 what's shown just in this list. I wouldn't say that the  
36 list at -- well, the list is what's known today and I think  
37 it was put together, but certainly documented in the  
38 ethnographic literature the list is bigger than this.

39

40                   So whether you're going to restrict them, I  
41 guess, the idea was to restrict them just to this list.

42

43                   CHAIRMAN ALCORN: All right. Okay, thanks.  
44 Any other questions of Ron.

45

46                   (No comments)

47

48                   CHAIRMAN ALCORN: Okay. At this point we  
49 would entertain public comment or questions regarding the  
50 suite of proposals. We have a hand raised in the audience,

00085

1 Nick Tanape, would you like to come to the microphone and  
2 make a comment.

3

4 MR. TANAPE: I'd like to support these  
5 proposals by my knowledge of doing what I've been doing for  
6 years. I've been working with the Migratory Birds, Ron  
7 Stanek, and other agencies collecting calendars, data. And  
8 we have a natural resource, we have in the village and we  
9 have some information about this that goes on there, too.

10

11 We have a wide variety of areas that we do  
12 gather all this all the way out to Prince William Sound  
13 from the head of Kachemak Bay, sometimes across Cook Inlet,  
14 it's been tradition for thousands of years and it's still  
15 going on.

16

17 By working with older American workers I  
18 work with elders interacting with younger groups now we're  
19 trying to bring back our traditional knowledge to them  
20 that's been forgotten for a long time, too. Because of our  
21 health and diet we have to go back, we have so much  
22 problems with diabetic now in the villages, so somebody has  
23 to go out and teach all this stuff to go back.

24

25 CHAIRMAN ALCORN: Thank you. Are there any  
26 questions for the commenter?

27

28 (No comments)

29

30 CHAIRMAN ALCORN: All right. I would like  
31 to propose a 10 minute break before we go into the actual  
32 petitions by community, and let's get back together say 20  
33 minutes after the hour.

34

35 (Off record)

36

37 (On record)

38

39 CHAIRMAN ALCORN: I'd like to bring us back  
40 to order. I see everyone but Enoch, I think, in the room  
41 and I suspect he'll be back soon. At this point we are  
42 ready to begin discussion of the individual proposals. We  
43 will begin with a discussion presentation by Patty  
44 Schwalenberg on the Port Grahame petition.

45

46 MS. BROWN-SCHWALENBERG: Okay, Port Grahame  
47 is located in Lower Cook Inlet. They have a population of  
48 about 200 people. 88 percent of the population are Native  
49 and they have an extensive use of migratory birds in their  
50 area.

00086

1                   CHAIRMAN ALCORN: Thank you. I'd like to  
2 have one conversation in the room for concentration sake if  
3 nothing else. Any questions by the Council to Patty on the  
4 Port Grahame proposal.

5  
6                   (No comments)

7  
8                   CHAIRMAN ALCORN: All right, hearing none.  
9 Bill Ostrand, did you have anything to add, Staff comments?

10  
11                   (No comments)

12  
13                   CHAIRMAN ALCORN: Okay. We'll move to the  
14 comment from Dr. Huntington on the Port Grahame proposal.

15  
16                   DR. HUNTINGTON: As was the case with the  
17 Copper River ones, I think we covered a lot of this during  
18 the general discussion and so I won't go into any specific  
19 detail other than to say, again, this is a well documented  
20 one.

21  
22                   One thing I do note, on the four proposals  
23 for this region, thinking of Ralph's comments at the  
24 beginning about, you know, improvements to the way the  
25 criteria are addressed and so on, you know, here -- not in  
26 the Port Grahame one but in Tatitlek, they took it back to  
27 1860. In other ones, like this one, it's a fairly general  
28 response. What we do have is other information from the  
29 harvest surveys and so on to show the specific years in  
30 which harvest were documented.

31  
32                   It might be helpful for the future to  
33 specify what's being sought here, I doubt any community can  
34 document 1998, 1997 and 1996 and every single year going  
35 back. Just some guidance on exactly what you're seeking.  
36 Is it a general statement saying, yeah, we always hunt  
37 ducks and gather eggs or is it, yes, we do that and you'll  
38 see from certain harvest surveys, where available, that in  
39 1982 we took some, in 1987 we took some and so on.

40  
41                   I think we see a bit of variation in the  
42 answer to this particular question and that might be an  
43 area where a little more specific guidance to the  
44 petitioners would be helpful.

45  
46                   Thank you.

47  
48                   CHAIRMAN ALCORN: Thank you. Any questions  
49 of Dr. Huntington.

50

00087

1 (No comments)

2

3 CHAIRMAN ALCORN: All right, we'll move to  
4 agency comments. Bob, you've made comment on the suite, do  
5 you want to embellish your comments?

6

7 (No comments)

8

9 CHAIRMAN ALCORN: Okay, nothing for this  
10 particular region. Department of Fish and Game, Ron or  
11 Tom. Ron, come to the microphone, please.

12

13 MR. STANEK: Mr. Chairman, as Henry pointed  
14 out, there is -- the surveys are not annual and over the  
15 20-odd years I've been working in Port Grahame and Nanwalek  
16 and I know about Tatitlek and Chenega as well, you know, we  
17 had -- we usually are issue specific when we go to work on  
18 many of these projects. But our policy in our division has  
19 been to do these comprehensive surveys so we look at -- we  
20 try to look at everything that people do and put it in  
21 context with the economy of the communities.

22

23 And so in the early years it was fish  
24 issues that we were dealing with because there were all  
25 these new subsistence laws and we were responding to the  
26 need for information for fish. And so we -- you'll see  
27 bird harvest information that maybe we, at the time, could  
28 not collect that as real specific information because  
29 people didn't want us to or we didn't have that issue. And  
30 during the oil spill years we documented everything in the  
31 Gulf of Alaska from 1989 right up through '96 because we  
32 were dealing with the impacts of the oil spill. So you  
33 know, we have pretty detailed information on harvest for  
34 there, but certainly it is really -- and these numbers  
35 shouldn't be looked at as, I guess, the baseline, if you  
36 will, of harvest. And that's where these annual surveys  
37 are really needed to better get at that information.

38

39 So if people have any questions about the  
40 numbers in the table for Port Grahame and Nanwalek, it's  
41 all there, and I think that's pretty well done, those two,  
42 Nanwalek and Port Grahame.

43

44 CHAIRMAN ALCORN: Thank you, Ron. Any  
45 questions of Ron.

46

47 (No comments)

48

49 CHAIRMAN ALCORN: I have a question and I  
50 guess it's just confusion on my part. In looking at this

00088

1 map in the Port Grahame proposal, it's clear to me that the  
2 traditional areas that have been identified in the shaded  
3 area extend outside of the Chugach region and into the Cook  
4 Inlet region. And I guess the question I have is is there  
5 coordination with the Cook Inlet region to discuss that if  
6 we're talking, you know, north of Seldovia and up into  
7 Kachemak Bay, has that been discussed? Has it been  
8 contested? Has it been -- is there any issue there that we  
9 ought to be aware of as a Council?

10

11 MS. BROWN-SCHWALENBERG: Not that I am  
12 aware of. The Cook Inlet region doesn't really have like a  
13 natural resource program or a contact person but we have  
14 been in contact with Seldovia and although they didn't  
15 submit a proposal they are, you know, they don't have the  
16 capacity, I guess, to submit and so they're aware of our  
17 proposals and I guess that's all I can say.

18

19 CHAIRMAN ALCORN: Okay, thanks. I guess  
20 it's unfortunate that they're not represented here. I  
21 guess I'm not going to -- I don't want to create an issue  
22 where there is none, but I would certainly want to avoid,  
23 if this Council adopted this petition and it became  
24 included, avoid a crossing over of areas that have been  
25 identified that might be contested by another  
26 representative. But absent of any input -- Ron, I guess  
27 you have some input.

28

29 MR. STANEK: Yeah, I know about Lillian  
30 Elsvaas and her husband has been really ill recently and I  
31 know she wasn't able to work on getting this kind of stuff  
32 together to put a petition -- she's the resource person for  
33 Seldovia, by the way, and many of you know Lillian. But I  
34 do know that she expressed an interest on behalf of the  
35 tribe to submit a proposal in the future. And I don't see  
36 a conflict, you know, between the use areas of Port Grahame  
37 people and Seldovia people. There's some relationship  
38 between -- kinship relationships between the two, the three  
39 communities, actually, among the three communities.

40

41 So I don't know that there's any conflict  
42 of use. I don't know about it, there might be, but I don't  
43 think -- I don't think there is. I mean people sort  
44 themselves out. They hunt seals. They hunt seals and sea  
45 lions also in much of the same areas and they pretty well  
46 sort themselves out.

47

48 CHAIRMAN ALCORN: Thanks, Ron. Any other  
49 questions for Ron.

50

00089

1 (No comments)

2

3 CHAIRMAN ALCORN: Okay. We are at a point  
4 now where we would entertain comments from the public  
5 regarding the Port Grahame proposal. Does anyone have  
6 anything that they would like to add.

7

8 (No comments)

9

10 CHAIRMAN ALCORN: Hearing none, we'll move  
11 to the next petition, which is the Nanwalek, petition and  
12 Patty, we'd like for you to introduce that.

13

14 MS. BROWN-SCHWALENBERG: Nanwalek is also  
15 located in Lower Cook Inlet. They're very close to Port  
16 Grahame. They're a community of about 177 people, and 93  
17 percent of the population there are Native and they're also  
18 very heavy subsistence users and have a long history of  
19 migratory bird use.

20

21 CHAIRMAN ALCORN: Thank you. Any questions  
22 for Patty.

23

24 (No comments)

25

26 CHAIRMAN ALCORN: All right. I would like  
27 to open the floor for Dr. Huntington. Do you have any  
28 comments that you'd like to add?

29

30 DR. HUNTINGTON: Again, just reiterating  
31 that they have a well documented case. Their response to  
32 criteria one by itself does not provide the available  
33 information but the other information in the petition and  
34 in the suite of petitions like that material appended to  
35 Port Grahame, you know, clearly fills in any gap that's  
36 there.

37

38 CHAIRMAN ALCORN: Thank you. Any questions  
39 of Dr. Huntington.

40

41 (No comments)

42

43 CHAIRMAN ALCORN: Any comments from the  
44 Fish and Wildlife Service.

45

46 (No comments)

47

48 CHAIRMAN ALCORN: Nothing to add. Any  
49 comments from the Department of Fish and Game.

50

00090

1 MR. STANEK: Mr. Chairman, the same applies  
2 as what I told you about Port Grahame and Nanwalek  
3 together. There's quite a bit of information available.  
4 If there are any questions about any of the background  
5 information, we have the documents available.

6

7 And I know Nick Tanape is here and I don't  
8 know if he wants to add anything.

9

10 CHAIRMAN ALCORN: Any questions or  
11 comments. Mike.

12

13 MR. SMITH: Yeah, Dr. Huntington, I know  
14 you haven't seen it yet, but I was just curious, could we  
15 safely assume then that Seldovia would closely follow the  
16 same patterns associated with Port Grahame and Nanwalek? I  
17 know you don't have the information in front of you  
18 but.....

19

20 DR. HUNTINGTON: Well, I think there is  
21 some differences, in that, Seldovia, I think has a much  
22 larger non-Native population if I understand correctly. So  
23 I think that one, I wouldn't necessarily expect it to be  
24 the same. I wouldn't be surprised if it was very similar.  
25 But I would defer to Ron and the similarity of  
26 characteristics at the community level. Certainly as Ron  
27 said, the Native community in Seldovia is related to and  
28 often cooperates with and uses the same resources as those  
29 in Port Grahame and Nanwalek, but Seldovia itself has a, I  
30 think, a little bit character as a community.

31

32 MR. SMITH: Thank you, Mr. Chairman.

33

34 CHAIRMAN ALCORN: Any other questions. We  
35 have a comment from Ron.

36

37 MR. STANEK: I can add to that. I know in  
38 our survey, we did survey Seldovia, they had very low bird  
39 use in 2000. We have background information from the oil  
40 spill years that shows harvest and use there. And as Henry  
41 said, there's a much higher percentage of non-Native people  
42 living there, and they also have a law enforcement officer  
43 that lives in the community. I know that people who live  
44 there who eat gull eggs and share with Nanwalek and Port  
45 Grahame people on these things, so they do do it. But  
46 again, they weren't in a position to submit a petition for  
47 that.

48

49 CHAIRMAN ALCORN: Any other questions for  
50 the Department of Fish and Game, Dr. Huntington.

00091

1 (No comments)

2

3 CHAIRMAN ALCORN: All right. At this time  
4 I would entertain any comments from the public regarding  
5 the Nanwalek proposal.

6

7 (No comments)

8

9 CHAIRMAN ALCORN: Seeing no hands raised in  
10 the audience, we will move now to Tatitlek. Patty, would  
11 you like to introduce that one.

12

13 MS. BROWN-SCHWALENBERG: Tatitlek is  
14 located in Prince William Sound, eastern Prince William  
15 Sound actually between Valdez and Cordova. They have a  
16 population of a little over a hundred people, 96 percent of  
17 which are Natives. And they also have a documented history  
18 of migratory bird use.

19

20 CHAIRMAN ALCORN: Any questions of Patty.

21

22 (No comments)

23

24 CHAIRMAN ALCORN: Anything to add, Bill,  
25 from the Staff?

26

27 MR. OSTRAND: No.

28

29 CHAIRMAN ALCORN: Nothing, okay. Dr.  
30 Huntington.

31

32 DR. HUNTINGTON: Similar comments as to the  
33 other ones in this region. I would just note for Tatitlek,  
34 one experience I had there relevant to the question of in  
35 talking to the -- discomfort of talking about spring bird  
36 hunts and so on with unknown quantities. We had a workshop  
37 there on harlequin ducks and it was more to talk about  
38 research and ecology, not harvest, but just given that it  
39 was a duck and people do harvest it we probably spent, oh,  
40 maybe an hour of the first morning with some gentle sort of  
41 feeling out of how people in the village felt about the  
42 Migratory Bird Treaty and how the researcher in question  
43 who worked for Fish and Game felt about it and just a sort  
44 of general discussion of a sensitive issue until everybody  
45 felt comfortable, you know, that this guy wasn't going to  
46 go back and turn them in or anything but they could  
47 actually talk a little bit about hunting in front of them  
48 and so on.

49

50 And it's just, again, an example of how

00092

1 delicate this can be. We weren't there to talk about  
2 harvest and yet the shadow of enforcement over a spring  
3 hunt, you know, lay over the whole meeting until after  
4 about an hour of indirect discussion we managed to dispel  
5 that.

6

7 CHAIRMAN ALCORN: Thank you. Any questions  
8 of Dr. Huntington.

9

10 (No comments)

11

12 CHAIRMAN ALCORN: All right, seeing none.  
13 We will move to the agency comments. Fish and Wildlife  
14 Service, nothing to add other than general comments. Fish  
15 and Game. You're up Ron.

16

17 MR. STANEK: Okay, Mr. Chairman, there were  
18 no tables of harvest included for Tatitlek, however, we do  
19 have the information and I'll just tell you that we have  
20 pretty extensive background information dating from 1987  
21 for Tatitlek for migratory bird harvest. For example, and  
22 I can just give you sort of a range of the harvest here.  
23 In 1987 they had 348 ducks and 21 geese and they only had  
24 50 bird eggs documented for that year. In the following  
25 year, in '88 they had 187 bird eggs and 895 ducks. And in  
26 '89 they had 130 ducks and 92 bird eggs. And then the  
27 harvest varies between 300 and 500 through 1997. And then  
28 in 2000 the harvest was really low. And even though that  
29 we had some problem with people getting the hunters at that  
30 time of the year that we went there and getting to talk to  
31 everybody.

32

33 So I know that we got a pretty good set of  
34 information there on past bird harvest, and we know that  
35 they take pretty good quantities of eggs over there, gull  
36 eggs. I think there's some tern eggs that they take, too.

37

38 And that's it on the harvest.

39

40 CHAIRMAN ALCORN: Thank you. Questions.  
41 We have Ralph first and then Matt.

42

43 MR. ANDERSEN: Ron, for these peaks and  
44 valleys in these harvest numbers, besides scheduling, were  
45 you able to identify what types of problems that it might  
46 be attributed to?

47

48 MR. STANEK: I have never looked at the  
49 reasons for the low numbers in one year compared to another  
50 year, I just haven't done that. But I know that weather

00093

1 can be a big factor. Who's hunting. Whether the person  
2 who really gets a lot is hunting that year. And in  
3 Tatitlek, they've had a number of arrests over there. I  
4 know the agent there and I can't remember what year it was,  
5 the scoater hunters got pretty well hammered there so it  
6 does -- there are a lot of things contributing to the  
7 variable harvest. But in any one year in Tatitlek I  
8 couldn't tell you, I don't know it that well.

9

10 I can, you know, for example in Nanwalek,  
11 sometimes the weather is just so bad in the spring and I  
12 know Nick can tell you about this, that they just can't get  
13 out, timing is just bad for them to do it and other times a  
14 group of people get over there and they may -- to the  
15 egging area and they may do really well and hit it just  
16 right and get a bunch of eggs. So it could all come down  
17 to one trip to the egging area, because it's some distance,  
18 for example, for eggs. So sometimes it's as simple as just  
19 not having the right weather at the right time to do it.

20

21 CHAIRMAN ALCORN: Thank you, Ron. Matt.

22

23 MR. ROBUS: Thank you, Mr. Chair. Ron, I'm  
24 guessing or thinking I heard you say those are annual  
25 figures for harvest for birds and eggs.

26

27 MR. STANEK: Yeah. The ones that I'm  
28 talking to you about.

29

30 MR. ROBUS: Okay. And I don't find any  
31 data in the package. So I'm wondering, can you make any  
32 estimates of the seasonality of the bird harvest and are we  
33 talking about the same type of species that you were  
34 talking about in your earlier statement?

35

36 MR. STANEK: All the eggs are taken, you  
37 know, in the spring. And any gulls or puffins that are  
38 taken in the spring -- let me get to Tatitlek, I have a  
39 seasonal table for Tatitlek. I know there's -- although  
40 there's no scoater harvest listed in 2000 I know there's  
41 scoater harvest, a large amount of it is in the late winter  
42 and spring. And they do have a fall harvest of scoaters,  
43 too. There's some goose eggs listed here in the spring.  
44 And then -- well, they don't have a mallard harvest, it's  
45 in a -- it was listed but it's at an unknown date.

46

47 So I'm not absolutely sure about Tatitlek,  
48 what you could -- how you could break it out like you could  
49 -- like I did Nanwalek and Port Grahame, we don't know that  
50 much about it because I don't have enough right here for

00094

1 2000 to say which was the only seasonal sample year that we  
2 have.

3

4 MR. ROBUS: Thanks.

5

6 CHAIRMAN ALCORN: Thank you. Any more  
7 questions. Austin.

8

9 MR. AHMASUK: Thank you, Mr. Chairman. Is  
10 the secondary traditional use area also to be included with  
11 the Tatitlek proposal, along with the primary traditional  
12 use area or what?

13

14 MS. BROWN-SCHWALENBERG: Yes.

15

16 MR. AHMASUK: Do the other Chugach regions  
17 or villages have primary and secondary use area, too, or  
18 just.....

19

20 MS. BROWN-SCHWALENBERG: Yes. We're  
21 working with all the villages to do natural resource plans  
22 and they're all identifying secondary and primary  
23 traditional use areas. And then those areas -- those areas  
24 that are used in common with another community, then we're  
25 working on developing cooperative methods of harvest and if  
26 there's any -- a year where species are low, populations  
27 are low then we'll work together to try to figure out how  
28 the harvest is going to take place.

29

30 CHAIRMAN ALCORN: Herman.

31

32 MR. SQUARTSOFF: Yeah, Ron, I heard you  
33 mention something about those guys getting hammered for the  
34 scoaters, what year was that? Would you have any idea, do  
35 you remember?

36

37 MR. STANEK: I believe it was the early  
38 '90s. Tom, do you know the year that Tatitlek -- the  
39 arrests in Tatitlek -- the scoater -- the scoater thing?

40

41 MR. ROTHE: That was early to mid-90s and  
42 it actually kind of stemmed off of an investigation about  
43 deer and halibut.

44

45 MR. SQUARTSOFF: Well, why weren't they  
46 able to hunt under the closed season policy?

47

48 MR. ROTHE: I think the best answer I could  
49 give you, Herman, is that this was a state trooper who was  
50 investigating a halibut and deer case and encountered some

00095

1 ducks and called Subsistence Division, and myself weighed  
2 in and suggested that this would not be a wise case to  
3 pursue because if nothing else, the 1916 Treaty said that  
4 scooters were one of the species that Indians may take, you  
5 know, that sort of thing.

6

7 So in principle, we said that that wasn't a  
8 really good deal. But because a state trooper was  
9 involved, rather than a Federal agent, the state troopers  
10 weren't bound by the Service's closed season policy.

11

12 MR. SQUARTSOFF: Okay. Because I think  
13 that was in effect in '88, right, the closed season policy?

14

15 CHAIRMAN ALCORN: I'm not sure. But does  
16 that have bearing on the way we would consider the  
17 proposal?

18

19 MR. SQUARTSOFF: Well, it kind of bothers  
20 me a little bit that they got nailed that way, you know, on  
21 it and everything else. You know so that's my concern on  
22 it.

23

24 CHAIRMAN ALCORN: Your point is well taken.  
25 We are in the process of establishing regs to make things  
26 legal so we're out of the closed season policy. Tom.

27

28 MR. ROTHE: Mr. Chairman, I'd like to make  
29 a comment since, I guess, Austin asked about the scope --  
30 geographic scope of this petition or intent. Again, kind  
31 of just as a head's up for developing whatever specific  
32 regulations we'd want to look at, I think there's a big  
33 difference between looking at Chenega and Tatitlek as far  
34 as harvesting in Prince William. Sound. The secondary area  
35 includes the Copper River Delta and that raises lots of  
36 issues -- concerns about trumpeter swans and dusky Canada  
37 geese, at least, as species that are being -- have small  
38 populations and are potentially sensitive to harvest.

39

40 CHAIRMAN ALCORN: Thank you, Tom. Any  
41 other questions of the Council.

42

43 (No comments)

44

45 CHAIRMAN ALCORN: All right. At this point  
46 we will entertain any public input on the proposal from  
47 Tatitlek.

48

49 (No comments)

50

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1                   CHAIRMAN ALCORN:  Seeing none we will move  
2 on to Chenega Bay.  I'll turn it over to Patty.

3

4                   MS. BROWN-SCHWALENBERG:  Thank you, Mr.  
5 Chairman.  Our final community submitting a petition is  
6 Chenega Bay.  They're located in western Prince William  
7 Sound.  They have a population of 86 people, 77 percent of  
8 which are Native and as Ron pointed out, they also have a  
9 documented history of migratory bird use and although we do  
10 only have one survey that's season specific, that survey  
11 does show a spring and summer harvest as do the other  
12 communities.

13

14                   CHAIRMAN ALCORN:  Thank you.  Any questions  
15 for Patty.

16

17                   (No comments)

18

19                   CHAIRMAN ALCORN:  All right, at this point  
20 I'd like to turn it over to Dr. Huntington.

21

22                   DR. HUNTINGTON:  We got a similar pattern  
23 as the other ones.  I'd just note that with Chenega, I was  
24 thinking of Mike's comments earlier about establishing  
25 tradition and so on.  Chenega's had a rocky history in the  
26 20th Century.  First they got destroyed by the earthquake,  
27 the village ceased to exist for close to 20 years and then  
28 it was reestablished.  A few years after they were  
29 reestablished they got hammered by the oil spill.

30

31                   Nonetheless, the people carrying on the  
32 subsistence activities in that area have kept doing so and  
33 the geographic focus may have shifted slightly because of  
34 the change in village location.  But certainly the general  
35 area has remained the same.

36

37                   And I would say that one of the reasons  
38 that that village probably survived the oil spill was the  
39 fact that they had subsistence to keep them together as a  
40 community.  I think there was a period where the population  
41 went way, way down, people came back for subsistence  
42 activities seasonally and I think gradually started staying  
43 there permanently and the population's been going up a bit.  
44 But just as an aside to everything, interesting example of  
45 how subsistence activities play out in the face of some  
46 tremendous community stresses, and how important those  
47 subsistence practices and traditions are for maintaining  
48 the sense of community which has survived those two huge  
49 blows in the past 50 years.

50

00097

1 Thank you.

2

3 CHAIRMAN ALCORN: Thank you. Any questions  
4 of Dr. Huntington regarding the Chenega Bay proposal.

5

6 (No comments)

7

8 CHAIRMAN ALCORN: Hearing none, we will  
9 move down to agency comments. Bob, do you have anything to  
10 add.

11

12 (No comments)

13

14 CHAIRMAN ALCORN: Okay, nothing.  
15 Department of Fish and Game, Ron or Tom. Ron Stanek.

16

17 MR. STANEK: And the same applies to  
18 Chenega as Tatitlek as far as additional information on  
19 each of the criteria. We do have a pretty good report from  
20 Lee Stratton that was done in '88, I believe it was, where,  
21 in fact, she investigated the use by Chenega residents,  
22 survivors of the tsunami in their 1960 -- what they could  
23 recall from 1960 and that's in a report, it actually shows  
24 estimates of harvest and all the different species that  
25 people used. And then after they relocated, just the more  
26 recent study was done when they were in Chenega Bay, the  
27 new location. So we have harvest figures from there, too,  
28 from 19 -- late 1980s.

29

30 And Chenega Bay, from 1984 right on up  
31 through '93 to '97 we have bird harvest and for ducks and  
32 geese it was never over a hundred ducks and in the teens  
33 for geese every year. And they did also get quantities of --  
34 small quantities of bird eggs in Chenega for those years.  
35 And in 2000 there -- we do have the seasonal information, I  
36 can tell you about that. Primarily their duck harvest  
37 started in the fall -- primarily in the fall, September  
38 through -- right through the December. And then in the  
39 spring there is gull eggs and there are tern eggs also  
40 listed there and even black oyster-catchers were harvested,  
41 and that's what I have. There's a relatively small amount  
42 of harvest occurring in the spring in the 2000 survey.

43

44 And that's it.

45

46 CHAIRMAN ALCORN: Thanks, Ron. Any  
47 comments or questions for Ron.

48

49 (No comments)

50

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1                   CHAIRMAN ALCORN: All right. We will  
2 entertain any public comment or questions on the Chenega  
3 proposal from the public.

4  
5                   (No comments)

6  
7                   CHAIRMAN ALCORN: Hearing none, that  
8 concludes the petitions for the Chugach region. I'm going  
9 to have to turn the Chair over to the assistant, I've got  
10 to make a phone call back to my office. The only thing  
11 that we have to do now is hear the proposal from Tyonek.

12  
13                   MR. ANDERSEN: Okay. And who is here to  
14 present the petition from Tyonek?

15  
16                   MR. ARMSTRONG: Mr. Chair.

17  
18                   MR. ANDERSEN: Fred.

19  
20                   MR. ARMSTRONG: Bill Ostrand will do that.

21  
22                   MR. ANDERSEN: Okay. Go ahead, Bill.

23  
24                   MR. OSTRAND: Thank you, Mr. Chair. The  
25 Tyonek petition is located behind Tab 5 and it includes two  
26 letters of interest and intent, a regulation proposal, a  
27 response to the ranking criteria. It also includes a  
28 pretty well defined map and a list of species to be  
29 harvested.

30  
31                   I think I should point out that there is no  
32 information from the region. The Cook Inlet chose not to  
33 participate on the Alaska Co-Management Migratory Bird Co-  
34 Management Council.

35  
36                   MR. ANDERSEN: Well, since we don't have a  
37 regional representative, I guess we can ask Dr. Huntington  
38 to give his analysis.

39  
40                   DR. HUNTINGTON: Yeah, before I say that  
41 this is yet another very strong proposal, I'd like to say  
42 that I've been rating them all as -- or many of them as  
43 very strong. I'm not trying to do this as a rubber-stamp,  
44 but I think that it's a reflection that there is a high  
45 degree of self selection going on and who actually submits  
46 a petition. I'm not sure how many villages exactly are  
47 eligible or were excluded, and, therefore, could submit a  
48 petition but there are an awful lot that didn't. Some of  
49 them are intending to like Eyak is considering how to do  
50 it. I think a lot of them probably looked at the criteria

00099

1 and realized that they really didn't have much of a case.  
2 And so what we get are the villages that actually had a  
3 decent case to present. So I certainly didn't approach  
4 this with the idea that we had to get a certain percentage  
5 that had good cases and certain percentage that didn't.  
6 But again, just to look at each one individually.

7

8 Tyonek. again, has very strong  
9 documentation, Ron did a lot of the research that is cited  
10 here. It's very clear that subsistence is important to the  
11 community and that the spring hunt of ducks and geese and  
12 gathering of eggs is an important activity. I would note  
13 that another example of the significance of this to Tyonek  
14 and their interests in perpetuating their traditions and so  
15 on is the hunt for beluga whales in Cook Inlet. As I'm  
16 sure you all know, there was the steep population decline  
17 in the 1990s. Towards the end of the '90s an effort to  
18 stop the hunt entirely to help the belugas recover  
19 recognizing Tyonek's strong traditions of the hunt and the  
20 cultural significance for them they were given a special  
21 quota to hunt one beluga a year. I mention that just to  
22 emphasize the role of subsistence in that community and the  
23 importance to them and the fact that that's been recognized  
24 in other situations, too.

25

26 But for the ducks, the spring and summer  
27 use of birds and eggs, again, they have very thorough  
28 documentation that I'm sure Ron could provide some more  
29 information on.

30

31 Thank you.

32

33 CHAIRMAN ALCORN: Bob, do you have  
34 comments?

35

36 MR. LEEDY: I do. Bob Leedy, Fish and  
37 Wildlife Service, Migratory Birds.

38

39 Once again, swans are of concern. Tyonek  
40 did not request trumpeter swans, but as I have suggested in  
41 the past there is the potential for a significant look  
42 alike problem with tundra swans that we'll have to address  
43 at a future date.

44

45 Also to pick up and emphasize a theme from  
46 earlier, the species listed in the request is just the  
47 greater white-fronted goose and I want to point out again  
48 that there are two distinct sub-species of white-fronted  
49 geese the move through this area. One is the Pacific  
50 greater white-fronted goose, which is a healthy population

00100

1 and of little concern from a conservation standpoint right  
2 now. But the other is the tooley white-fronted goose, and  
3 unlike the Chugach area's that were mentioning toolies and  
4 as Tom pointed out, clearly, toolies are on the margins  
5 there, the Tyonek area actually includes nesting toolies,  
6 so this is potentially a much more significant problem for  
7 Tyonek. I'll let Tom address that. Tom is truly an expert  
8 on toolies and can provide you some more information on  
9 that.

10

11 And then finally I'll just mention again  
12 that of the species I mentioned previously, the yellow  
13 legs, both lesser and greater yellow legs, not a real  
14 population problem right now but their behavior alone makes  
15 them exceptionally vulnerable to harvest and it's something  
16 we're going to have to watch carefully in the future.

17

18 Those are all the comments I had to make,  
19 thank you.

20

21 MR. ANDERSEN: Any questions of Mr. Leedy.

22

23 (No comments)

24

25 MR. ANDERSEN: Thank you, Bob. ADF&G  
26 comments.

27

28 MR. ROTHE: Mr. Chairman, I would echo Bob's  
29 remarks. That trumpeter swans certainly are a concern in  
30 this region. Cook Inlet has only a few hundred of  
31 trumpeters, it looks like they've been declining kind of  
32 along the long-term, but most of them are on the Kenai  
33 Peninsula. The one area where there's lots of trumpeter  
34 swans is particularly the Kustatan River, so the Redoubt  
35 Bay area. There's a few other swans scattered throughout,  
36 but I don't see that as a major issue if people aren't  
37 intending to hunt them.

38

39 Tooley white-fronted geese are a problem,  
40 as Bob said. This is a very small population, perhaps five  
41 to 7,000 birds. They're a unique kind of white-front that  
42 nests in the shrubby areas and forest rather than out on  
43 the tundra. We're real concerned because their  
44 productivity is low. We have a very difficult time of  
45 keeping track of how many there are. But we do know that a  
46 couple hundred of them breed or raise their broods, at  
47 least, in the northern third or quarter of this area on the  
48 map. So north of Beluga River would be the primary tooley  
49 use area.

50

00101

1                   So I think that if the Council approves  
2 Tyonek's entry into the spring hunt we would really be  
3 interested in sitting down with them before the May meeting  
4 and talking about some conservation provisions for the  
5 tooley white-fronted goose.

6

7                   MR. ANDERSEN: Any questions for Mr. Rothe.

8

9                   MS. BROWN-SCHWALENBERG: Tom, the tooley  
10 white-fronted goose, that is not on the list of birds of  
11 conservation concern or it is? Or is that something  
12 different than what you're talking about?

13

14                   MR. ROTHE: I don't know if the Fish and  
15 Wildlife Service list but I don't know if the tooley's  
16 enumerated on there.

17

18                   MR. ANDERSEN: Go ahead, Bob.

19

20                   MR. LEEDY: This is Bob Leedy just to  
21 answer that one brief question. The list of birds of  
22 conservation concern published by the Fish and Wildlife  
23 Service nationally and regionally addresses only non-game  
24 birds. Waterfowl and other game birds are addressed  
25 through management concerns identified through the flyaways  
26 and other management plans so they're in addition to that  
27 BCC list.

28

29                   MS. BROWN-SCHWALENBERG: Is the tooley on  
30 that list?

31

32                   MR. ROTHE: On which?

33

34                   MR. SMITH: On any list.

35

36                   MS. BROWN-SCHWALENBERG: The tooley.....

37

38                   MR. ROTHE: Well, I think Bob's right on  
39 the Fish and Wildlife Service species of concern doesn't  
40 have any game birds on it. I think in Fish and Game, we're  
41 going to look at whether to put the tooley on our list of  
42 concern just because it's such a small population.

43

44                   We've been really concerned, DNR wants to  
45 do oil and gas leases in the Kahiltney Valley where there's  
46 way more toolies than on the coast. And just so everybody  
47 is aware, the tooley is hunted, I mean the regulations open  
48 tooley goose hunting for everybody else, too. The only  
49 problem is that they usually leave Alaska in August before  
50 our season opens so our fall hunters don't get a crack at

00102

1 them. And then there's some special protection measures in  
2 California that control hunting down there, too.

3

4 So there is a high level of concern about  
5 that summery period when they sort out and it's only the  
6 toolies right there in the northern part of, like Susitna  
7 Flats.

8

9 CHAIRMAN ALCORN: Thank you, Tom. Any  
10 other comments or questions for the Department of Fish and  
11 Game.

12

13 MR. HOELSCHER: Thank you, Mr. Chair. Can  
14 you define which eider eggs they're talking about on number  
15 5. Down here on Item -- pattern use number 5 there's a  
16 little sentence on eider duck eggs, can you define which  
17 eider they're talking about?

18

19 MR. STANEK: Sorry, Mr. Chairman. I don't  
20 know of them harvesting eiders today, but I believe this  
21 was written in this ethnographic piece by Osgood referring  
22 to Dena'ina people throughout the Cook Inlet area and  
23 that's what that's about in the Lower Cook Inlet area where  
24 people, like around -- it's there generally to describe  
25 this pattern in the ethnographic record and people around  
26 Seldovia and that and the Lower Cook Inlet area even on the  
27 west side of the Inlet -- apparently Osgood documented them  
28 harvesting eider eggs. But to my knowledge, people in  
29 Tyonek do not harvest eider eggs or eiders today.

30

31 CHAIRMAN ALCORN: Thank you, Ron. Any  
32 other questions for Ron.

33

34 MR. SMITH: Mr. Chairman.

35

36 CHAIRMAN ALCORN: Mike.

37

38 MR. SMITH: What is this list Appendix B  
39 then on this? That's not a harvest list then?

40

41 MR. STANEK: Mr. Chairman, what this list  
42 is is a list that Jim Carrey who is a linguist at the  
43 language center in Fairbanks, he's worked extensively in  
44 Dena'ina language and he's a speaker himself, non-Native  
45 gentleman but he's well known for his work in documenting  
46 the Dena'ina language. He's worked with the Tyonek people.  
47 And what they did was they put together this list of birds  
48 that -- of species that they have used and that they are  
49 familiar with and they put -- and he's listed their  
50 Dena'ina names and they think it was -- it's an indication

00103

1 of the, you know, traditional knowledge and the -- that  
2 their language does very much in great detail describe all  
3 these different species.

4

5 And although you don't see it on here,  
6 there are even -- I know there are words describing  
7 migrating birds and molting birds and all these different  
8 conditions that birds occur in throughout the year.

9

10 So that's why this list is like that and  
11 I'm not sure -- actually I didn't analyze this list against  
12 the harvest list, you know, I didn't do a comparison but  
13 usually these lists are larger in the list, it's the  
14 harvest or proposed harvest list because a lot of these  
15 birds were harvested in the past and aren't today.

16

17 MR. SMITH: Okay, thank you, Mr. Chairman.  
18 I just wanted to be sure that this was not construed as a  
19 harvest list.

20

21 CHAIRMAN ALCORN: Any other questions for  
22 Ron.

23

24 (No comments)

25

26 CHAIRMAN ALCORN: Ron, I have a question.  
27 And the question is I guess I'm struck when I look at the  
28 area that's identified from the north from Susitna River  
29 down to Harriett Point. It encompasses a number of  
30 communities. And I don't know if that's an issue and it's  
31 the same comment that I had on the opposite side of the  
32 Cook Inlet and that is absent a representative here, absent  
33 a representative of Tyonek, unless I -- I think I heard  
34 Bill is the one that presented the Tyonek proposal, I'm  
35 concerned that we're -- that the area being described here  
36 is so large and there's so much overlap that we might be  
37 creating some competition. And I just don't know enough  
38 about the culture. And anyone here that's familiar with  
39 the culture, you know, can, I guess, alleviate my concern if  
40 that's a normal practice and those -- that issue is dealt  
41 with community to community so that this Council doesn't  
42 have to worry about creating, you know, a stress factor by  
43 approving something that's beyond someone else -- or  
44 overlapping someone else's range.

45

46 MR. STANEK: Mr. Chairman, I know quite a  
47 bit about the area and Tyonek, and this map, I noticed  
48 that, you know, Peter Meriman worked on this and I helped  
49 him work on this map. This map is a result of some  
50 information we gathered in 1983 and was updated more

00104

1 recently. It's one of several maps where we documented  
2 Tyonek's harvest area.

3

4                   The one thing I can tell you that's left  
5 out of this is that their harvest go out into the Inlet  
6 somewhat off shore. People do hunt from skiffs. So it  
7 does go out in the Inlet, it's not -- I know that it is not  
8 as -- it's not just the shoreline that's the boundary.

9

10                   Now, as far as the communities go, Tyonek  
11 is predominately a Native community, they're the ones  
12 submitting the proposal. Shirleyville, to the south is  
13 just made up of a couple households, people living there.  
14 It used to be the Extrems who lived there, they've --  
15 they're gone now. There are several Tyonek people living  
16 there and there are several other people, non-Native people  
17 living there who work dealing with the oil -- there's some  
18 oil tanks and oil -- there's oil pipelines that come in  
19 from the rigs out in the Inlet in Trading Bay. And they  
20 pipe oil into that, there's a small kind of terminal there.  
21 There's no conflict with people between Tyonek and  
22 Shirleyville.

23

24                   Now, Beluga is a little different story.  
25 It's primarily a non-Native community. There are a few  
26 Native people living there. It's mostly people who work at  
27 the Chugach gas plant. And then there's an extensive  
28 system of roads that goes up over the Beluga River. There  
29 are gas well -- roads that are service roads to the gas  
30 wells that exist up on this area to the north, up to not  
31 quite as far as the mouth of the Susitna River, almost that  
32 far. And there's a road that goes -- a seasonal road,  
33 although there's a bridge over the little river, just to  
34 the north of Tyonek right now. I'm not sure if it's a  
35 permanent bridge or not. Do you know that, Tom, the bridge  
36 over -- I know it's seasonal and there's some transit of  
37 traffic beyond that.

38

39                   But Tyonek people access the area to the  
40 north primarily by skiff and they go to the shoreline and  
41 then they walk back in. And actually their longer term  
42 traditional area from the past used to go beyond the mouth  
43 of the Susitna River and on down.

44

45                   Now, what's happened since about in the 50s  
46 and 60s, there's been a lot of duck cabins of people from  
47 outside of the area established on the Flats to the north  
48 of the Beluga River, and it has curtailed the Tyonek  
49 people's use quite a bit. This pattern is also reflected  
50 in their moose hunting, where, people at Beluga have become

00105

1 competitive with Tyonek people and it's pretty much  
2 precluded Tyonek people from hunting on the land around  
3 Beluga and to the north. So definitely there has been  
4 competition there in the past as far as birds and moose, I  
5 know that. But there's no competition to the south, other  
6 than when you get down to beyond Shirleyville and on the  
7 Flats, there are cabins on the Trading Bay Flats where you  
8 see McArthur River and there is several others, there's the  
9 Chakachatna that comes down there also. There's -- and  
10 Nikoli Creek is right in the corner, just to the south of  
11 Shirleyville. There's a lot of competition that can go on  
12 there between Tyonek people and the duck hunters that have  
13 cabins down there and bring skiffs or fly into those areas.  
14

15 Further on down the south toward Redoubt  
16 Bay there's a few cabins down there. I'm not too familiar  
17 with Tyonek hunter's activity down there. I know they go  
18 down there but I'm not real familiar with how much. Their  
19 main area is right around McArthur River, that's where  
20 their main duck hunting area is right now. But they egg  
21 and hunt birds and waterfowl all throughout this area  
22 that's described on the map here.

23  
24 CHAIRMAN ALCORN: All right, thanks, Ron.  
25 I guess the follow up question and that is, that you  
26 mentioned that there is some competition with other duck  
27 hunters, some of the hunting cabins that are down there. I  
28 presume that those are sport hunters, is that right, that  
29 hunt in the fall and winter?

30  
31 MR. STANEK: Well, I know a couple who are  
32 subsistence hunters, if you want to call it that. But  
33 mostly sport hunt -- mostly fall hunters, yes.

34  
35 CHAIRMAN ALCORN: All right, thanks. Mike,  
36 did you have a question?

37  
38 MR. SMITH: How far is it between Beluga  
39 and.....

40  
41 CHAIRMAN ALCORN: Would you use your  
42 microphone, please?

43  
44 MR. STANEK: It's about -- between Beluga  
45 and Tyonek?

46  
47 MR. SMITH: Yes.

48  
49 MR. STANEK: It's about five or six miles,  
50 I mean as far as the crow flies.

00106

1 CHAIRMAN ALCORN: Any other questions.

2

3 (No comments)

4

5 CHAIRMAN ALCORN: Just so that I understand  
6 this, Beluga is primarily a community of Alaska Natives?

7

8 MR. STANEK: No, it's non-Natives.

9

10 CHAIRMAN ALCORN: Non-Natives.

11

12 MR. STANEK: There are a few Native people --  
13 actually people from Tyonek who work at the gas plant  
14 also.

15

16 CHAIRMAN ALCORN: Okay.

17

18 MR. STANEK: And there are a number of  
19 people there who are -- non-Native people who have retired  
20 there and have homes and cabins.

21

22 CHAIRMAN ALCORN: I guess the question for  
23 you and for Dr. Huntington is, is there a potential for a  
24 petition from Beluga based on a tradition of spring and  
25 summer harvest so that we would anticipate say next year or  
26 year's out, another petition that would create an area  
27 within an area?

28

29 MR. STANEK: Mr. Chairman, I would not  
30 anticipate a petition from Beluga.

31

32 CHAIRMAN ALCORN: Thank you. Any other  
33 questions.

34

35 (No comments)

36

37 CHAIRMAN ALCORN: All right, hearing none.  
38 We would entertain comments from the public about the  
39 Tyonek proposal.

40

41 (No comments)

42

43 CHAIRMAN ALCORN: Ron, go ahead.

44

45 MR. STANEK: I'm sorry, Mr. Chairman, I  
46 neglected to add one thing. I notice that their petition  
47 did not have the harvest tables that we have for them. And  
48 just to read that into the record, we have from 1983 a  
49 study that only documented ducks and geese that was 241  
50 ducks and 10 geese. And I have not worked on birds and

00107

1 done a bird harvest study in Tyonek since then other than  
2 until 2000. And in 2000, in that survey we did, it had 539  
3 -- or I'm sorry, 539 birds, 234 ducks were harvested there  
4 and of various species, a few geese, 80 geese and a small  
5 amount of gull eggs. The majority of the harvest was from  
6 September on but the rest of the harvest, as far as ducks  
7 go began in March with some snow geese and they have Canada  
8 geese in April and May and then their eggging started in  
9 May. They got most of their eggs in -- actually most of  
10 their eggs in June. A few, just a few ducks, eight, 10 or  
11 so ducks in the springtime here, according to the 2000  
12 harvest.

13

14 I know people in Tyonek do hunt in the  
15 spring and they've done it for years.

16

17 CHAIRMAN ALCORN: Thanks, Ron. Any  
18 questions of Ron on the Tyonek proposal.

19

20 (No comments)

21

22 CHAIRMAN ALCORN: I didn't see any -- oh,  
23 Mike, go ahead.

24

25 MR. SMITH: Do they hunt in the fall time,  
26 too, do you see a history of the fall hunt, too?

27

28 MR. STANEK: There's very definitely a fall  
29 hunt that goes on. I know the gentleman that was supposed  
30 to come here, he had two sons die last fall going down duck  
31 hunting, they drown in a -- their vehicle that overturned  
32 going down over the Nikoli River, but, yeah, they  
33 definitely hunt in the fall. Primarily, to the south of  
34 the village.

35

36 CHAIRMAN ALCORN: Thank you. Any questions  
37 of the Council to Ron regarding the Tyonek proposal.

38

39 (No comments)

40

41 CHAIRMAN ALCORN: I didn't see any hands  
42 raise when I asked for public comment on the Tyonek  
43 proposal. We're at a point now where we have finished the  
44 individual discussion proposals, we've finished the  
45 discussion of the suites. We've heard public comment on  
46 only one of the proposals. But I would like to open the  
47 floor for any question regarding the suite of proposals  
48 we've heard, all 12 before the Council goes into the  
49 session where we will begin to take action by individual  
50 proposal.

00108

1 Any questions. Comments.

2

3 (No comments)

4

5 CHAIRMAN ALCORN: All right, seeing none, I  
6 would also like to ask that I be given about a five minute  
7 time to talk with my Staff before we go into this next  
8 phase.

9

10 MR. ANDERSEN: Mr. Chairman.

11

12 CHAIRMAN ALCORN: I'm sorry, Ralph, go  
13 ahead.

14

15 MR. ANDERSEN: I'm also requesting a caucus  
16 of the regional representatives.

17

18 CHAIRMAN ALCORN: Okay. I hear two  
19 requests. There's one other voting entity, if you want to  
20 consult with your Staff I would say that this is an  
21 opportunity to do so, Matt.

22

23 MR. ROBUS: Mr. Chair, I will avail myself  
24 of that opportunity.

25

26 (Laughter)

27

28 MR. ROBUS: I think it's a good idea. I  
29 think it's going to take more than five minutes, too.

30

31 CHAIRMAN ALCORN: All right. Why don't we  
32 take.....

33

34 MR. ANDERSEN: Mr. Chairman.

35

36 CHAIRMAN ALCORN: Ralph.

37

38 MR. ANDERSEN: I suggest that we spend --  
39 that we recess for the day and we reconvene tomorrow  
40 morning to take action on this. Because I think the  
41 discussions between the -- with you and your Staff and  
42 between the representatives and ADF&G might take much more  
43 time than we need.

44

45 CHAIRMAN ALCORN: Thank you, for that  
46 recommendation. Enoch.

47

48 ATTAMUK: I just got a question. If we  
49 recess tomorrow, about what time are we going to finish  
50 tomorrow. Because some of our lives are our own, we want

00109

1 to be home, tomorrow's Friday.

2

3

CHAIRMAN ALCORN: We are going to convene at 9:00, I believe, isn't that when the agenda is set to convene. We're definitely through the bulk of the agenda. We have other business A, B and C items which are some status reports, report by Staff.

8

9

MR. ARMSTRONG: Mr. Chairman.

10

11

CHAIRMAN ALCORN: Fred.

12

13

MR. ARMSTRONG: I don't know if it would be wise to adjourn at this point and then having to refresh our memories for tomorrow morning as to each petition. I think that it would be appropriate just to take a half hour recess and reconvene and take action on these. Because there is some tight travel schedules that some people are following and we'd like to accommodate them if we can.

20

21

MR. ANDERSEN: Mr. Chairman, I suggest that we break for 45 minutes.

23

24

CHAIRMAN ALCORN: All right, thank you. We will reconvene -- oh, I'm sorry, Mike, you had one more comment.

26

27

28

MR. SMITH: Yeah, Mr. Chairman, I would also caution people, I guess, during their discussions that this is, you know, we're simply taking action on whether or not to include these communities, and issues surrounding species and time frames and stuff like that will come up at our next meeting.

34

35

CHAIRMAN ALCORN: Thank you, that's a good point. We've made that point earlier today and we tend to get lost sometimes on that one.

38

39

All right, we will readjourn at 4:00 o'clock for Council action. We'll use the next 45 minutes to talk with our Staff.

42

43

(Off record)

44

45

(On record)

46

47

CHAIRMAN ALCORN: I would like to reconvene the Alaska Migratory Bird Co-Management Council for action regarding the 12 proposals to be included by 12 communities that are at this point in excluded areas.

50

00110

1 I would like to, before we entertain  
2 motions, I would like to just make one point and this point  
3 was make earlier.

4

5 This is an exceptional action that we're  
6 taking here as a Council in the consideration of these  
7 things. And it's an exception that was designed by the  
8 Congress, by the letter of transmittal from Secretary of  
9 State Warren Christopher to the Senate in transferring this  
10 Treaty Amendment Protocol, and I would like to just read,  
11 once again, Bill Ostrand read it earlier this morning.

12

13 If you want to follow along it's in your  
14 black binder, it's under the yellow -- big yellow divider,  
15 Page 9 and it is the second to the last paragraph about the  
16 middle of the paragraph there's a sentence that starts with  
17 this list of exceptions and when you find that I will read  
18 that in making this point that this is an exceptional  
19 situation that we're entering into at this point.

20

21 And the way it reads is this list of  
22 exceptions does not mean that individual communities within  
23 areas that are generally excluded cannot meet the test for  
24 designation as subsistence harvest areas. For example,  
25 data indicate that there is a customary and traditional use  
26 of gull eggs by indigenous inhabitants in some villages in  
27 Southeast Alaska. These villages could be included for  
28 this limited purpose only though indigenous inhabitants in  
29 Southeast Alaska generally would be excluded from the  
30 spring/summer harvest.

31

32 It is an exception that we are making by  
33 taking action here today to include them into the  
34 subsistence harvest which they would otherwise have been  
35 excluded from.

36

37 I think that's an important point.

38

39 Mike, you'd like to make a point.

40

41 MR. SMITH: Yeah, Mr. Chairman, I would  
42 point out that it does not say for this limited purpose  
43 only, it says for limited purpose even though indigenous  
44 habitants.

45

46 CHAIRMAN ALCORN: I stand corrected.

47

48 MR. SQUARTSOFF: Mr. Chair.

49

50 CHAIRMAN ALCORN: Herman.

00111

1 MR. SQUARTSOFF: Yeah, I feel, you know,  
2 we're doing this here, Mr. Chair, I feel they shouldn't  
3 have been excluded in the first place.

4

5 Thank you.

6

7 CHAIRMAN ALCORN: Are there any other  
8 questions or comments.

9

10 Patty.

11

12 MS. BROWN-SCHWALENBERG: Just a question on  
13 the logistics, what time are we adjourning today because  
14 being that it's holy week I have other obligations, I need  
15 to leave at 4:30.

16

17 CHAIRMAN ALCORN: Okay, I appreciate that.  
18 I think the agenda is typically runs through 5:00, that's  
19 the time I had intended to adjourn. Unless there is a  
20 consensus by the Council outside of my intent, I intend to  
21 go to 5:00.

22

23 MS. BROWN-SCHWALENBERG: In that case, can  
24 we take up the Chugach region proposals before 4:30?

25

26 CHAIRMAN ALCORN: I would entertain a  
27 motion by the Council to take up -- to begin action by  
28 taking action on the Chugach region proposals. We will  
29 begin in order if I have a motion.

30

31 MR. SQUARTSOFF: I'll so move.

32

33 CHAIRMAN ALCORN: Do we have a second.

34

35 ATTAMUK: Second.

36

37 CHAIRMAN ALCORN: We have a second by  
38 Enoch. Fred.

39

40 MR. ARMSTRONG: Could you clarify what the  
41 motion is?

42

43 CHAIRMAN ALCORN: The motion is to take --  
44 to begin to take action on the proposals presented for the  
45 Chugach region.

46

47 MR. ARMSTRONG: Okay.

48

49 CHAIRMAN ALCORN: And we are going to  
50 address them proposal by proposal, community by community.

00112

1 We have a motion and second.

2

3 MR. ANDERSEN: Second.

4

5 CHAIRMAN ALCORN: We do have a second  
6 already by Enoch. Hearing no opposition, we're ready to  
7 consider the proposals by Chugach region. A motion is in  
8 order.

9

10 MR. ANDERSEN: Mr. Chairman, which petition  
11 are we starting with Tatitlek?

12

13 CHAIRMAN ALCORN: I believe we're going in  
14 the same order that we considered them this morning and I'm  
15 just, Ralph, going in the order that they were presented,  
16 and it starts with Port Grahame, Nanwalek, Tatitlek and  
17 Chenega Bay.

18

19 MR. ANDERSEN: Mr. Chairman, I move that we  
20 accept the petition by the Native Village of Port Grahame.

21

22 CHAIRMAN ALCORN: Do I have a second.

23

24 MR. SQUARTSOFF: I'll second.

25

26 CHAIRMAN ALCORN: Do we have any  
27 discussion.

28

29 MR. ANDERSEN: Mr. Chairman, I'd like to  
30 speak to my motion. I believe the Native Village of Port  
31 Grahame has met the petition criteria established for  
32 inclusion. We've heard sufficient documentation of  
33 traditional activities. That any biological concerns that  
34 were raised during the hearing session will be addressed in  
35 the proposed regulation phase which is scheduled for next  
36 month.

37

38 That's all I have.

39

40 CHAIRMAN ALCORN: Thank you. Any other  
41 comments. Matt Robus.

42

43 MR. ROBUS: Thank you, Mr. Chair. I guess  
44 I would like to note that although the spring season  
45 doesn't seem to be a real primary time for bird harvest,  
46 one interesting fact that I'll note is that one of the  
47 heavy times of bird harvest occurs after the fall, early  
48 winter season and that's an issue that we might want to  
49 take up at the Flyaway level in the future. Even though  
50 things are a little bit fuzzy in my mind here, I guess I

00113

1 agree that the criteria are met for both bird harvest and  
2 eggging during the season.

3

4                   So I just wanted to note that despite the  
5 fact that we're coming up with a new whole season, we're  
6 still missing an important time of bird harvest for these  
7 people.

8

9                   CHAIRMAN ALCORN: All right. I guess I  
10 have two points that I would like to make regarding this  
11 particular motion. And that is, number 1, it's -- I think  
12 my comment is consistent with the State of Alaska, and that  
13 is that the Port Grahame petition described in good detail,  
14 good documentation the use of birds in fall and winter,  
15 and, less so for bird -- use of birds outside of eggging for  
16 gull eggs, tern eggs and puffin eggs in the spring and  
17 summer. And I would suggest that further documentation of  
18 the use of those birds would be needed if the region wants  
19 to harvest birds outside of what's been articulated in the  
20 proposal in greater detail.

21

22                   That's one comment that I have. And I  
23 think that's consistent with what I heard from the State.

24

25                   The other comment that I have is in regard  
26 to the narrative description of the area versus the map. I  
27 asked Ron Stanek this question earlier today and the point  
28 that concerned me was that if you look at the map that's in  
29 the Port Grahame proposal, you see this black line that  
30 describes, it's sort of an end point and it's prior -- or  
31 it's -- I guess that would be south and west of Seldovia,  
32 when you read the narrative description it describes the  
33 traditional use of extending -- hunting extending up into  
34 Kachemak Bay or the head of Kachemak Bay, which goes beyond  
35 what's been described in the area map.

36

37                   So I would recommend that in the spring  
38 when harvest regulations are refined, that they specify and  
39 be more accurate in that description.

40

41                   I see a hand raised by Ron, and I would  
42 entertain a comment.

43

44                   MR. STANEK: I'm sorry, Mr. Chairman,  
45 there's a second map in your packet -- there's a second map  
46 on Port Grahame and Nanwalek harvest areas that deals  
47 specifically with waterfowl.

48

49                   CHAIRMAN ALCORN: All right.

50

00114

1 MR. STANEK: Go further, I think it -- no,  
2 that's not my map, it's further into the document. It's on  
3 the back of what you've got right now in your hand, just  
4 flip right to the back of all of what you got, keep going.

5

6 CHAIRMAN ALCORN: Okay. So that I  
7 understand the proposal, this is what's being proposed as  
8 the area for subsistence harvest?

9

10 MR. ANDERSEN: Well, the proposal, Mr.  
11 Chairman, is to include the community to submit proposals.  
12 And I believe the specific areas of harvest will be taken  
13 up, as well as biological concerns will be taken up in the  
14 proposed regulation phase. I mean right now we're  
15 considering whether or not to allow them to submit  
16 proposals.

17

18 MR. ARMSTRONG: Just a point of  
19 clarification.

20

21 CHAIRMAN ALCORN: Go ahead, Fred.

22

23 MR. ARMSTRONG: The meeting is only for the  
24 purpose of determining inclusion, it's not to determine any  
25 regulatory proposals or concerns at this time. If the  
26 petitioner has met the criteria by a preponderance of  
27 evidence suggested then the Council needs to act on that.

28

29 If there's any further concerns, it should  
30 be directed towards the Staff to work with the appropriate  
31 community.

32

33 MR. ANDERSEN: I call for the question.

34

35 CHAIRMAN ALCORN: All right, anyone that  
36 opposes the inclusion of the Port Grahame community in the  
37 subsistence harvest for 2004 and beyond oppose now.

38

39 (No opposing votes)

40

41 CHAIRMAN ALCORN: Hearing no opposition  
42 they are included.

43

44 MR. ANDERSEN: Mr. Chairman.

45

46 CHAIRMAN ALCORN: Ralph.

47

48 MR. ANDERSEN: I move that we accept that  
49 the Nanwalek IRA Council petition.

50

00115

1 MR. AHMASUK: Second.

2

3 CHAIRMAN ALCORN: I have a motion and a  
4 second to include the Nanwalek community. Discussion.

5

6 MR. ANDERSEN: Mr. Chairman, I'd like to  
7 speak to my motion.

8

9 CHAIRMAN ALCORN: Ralph.

10

11 MR. ANDERSEN: I believe the Nanwalek IRA  
12 Council has met the petition criteria established for  
13 inclusion. That sufficient documentation we heard during  
14 the hearing process supports a traditional harvest and use  
15 patterns. That any biological or other concerns that were  
16 raised will be addressed in the proposed regulation phase.

17

18 CHAIRMAN ALCORN: Any other comment.

19

20 (No comments)

21

22 CHAIRMAN ALCORN: Call for the question.  
23 Anyone opposed the inclusion of Nanwalek into the  
24 subsistence season for 2004 and beyond.

25

26 (No opposing votes)

27

28 CHAIRMAN ALCORN: Hearing no opposition,  
29 they are included for 2004. I would entertain a motion for  
30 Tatitlek or Chenega Bay.

31

32 MR. ANDERSEN: Mr. Chairman, I move that we  
33 accept the petition by Tatitlek and Chenega Bay.

34

35 CHAIRMAN ALCORN: I think they have to be  
36 done one at a time now.

37

38 MR. ANDERSEN: Tatitlek.

39

40 CHAIRMAN ALCORN: Do I have a second.

41

42 MR. AHMASUK: Second.

43

44 CHAIRMAN ALCORN: Second by Austin. Any  
45 discussion.

46

47 MR. ANDERSEN: I'd like to speak to my  
48 motion, Mr. Chairman. I believe that the petition that the  
49 Tatitlek Council has met the petition established for  
50 inclusion. And based on the information we heard this

00116

1 morning from ADF&G and the Fish and Wildlife Service,  
2 sufficient documentation exists supporting their  
3 traditional use patterns and activities. That any  
4 biological or other concerns raised will be addressed in  
5 the proposed regulation phase.

6

7 CHAIRMAN ALCORN: Do I hear any other  
8 comment. Questions.

9

10 (No comments)

11

12 CHAIRMAN ALCORN: I'll call for the  
13 question. Does anyone oppose including Tatitlek community  
14 in the 2004 subsistence regulations for a subsistence  
15 season.

16

17 (No opposing votes)

18

19 CHAIRMAN ALCORN: I hear no opposition.  
20 They are included for regulation setting in 2004 season. I  
21 would entertain a motion for Chenega Bay.

22

23 MR. ANDERSEN: Mr. Chairman, I move that we  
24 accept the petition by Chenega Bay.

25

26 MR. SQUARTSOFF: Second.

27

28 CHAIRMAN ALCORN: A motion and second to  
29 include Chenega Bay in the 2004 subsistence regulations  
30 process. Discussion.

31

32 MR. ANDERSEN: Mr. Chairman, I'd like to  
33 speak in support of my motion. I believe that the petition  
34 by Chenega Bay meets

35

36

37

38 season.

39

40 (No opposing votes)

41

42 CHAIRMAN ALCORN: I hear no opposition.  
43 They are included for regulation setting in 2004 season. I  
44 would entertain a motion for Chenega Bay.

45

46 MR. ANDERSEN: Mr. Chairman, I move that we  
47 accept the petition by Chenega Bay.

48

49 MR. SQUARTSOFF: Second.

50

00117

1                   CHAIRMAN ALCORN: A motion and second to  
2 include Chenega Bay in the criteria established for  
3 inclusion. That sufficient documentation exists that we've  
4 heard supports a traditional use and traditional activities  
5 patterns -- or activities. That any biological or other  
6 concerns that were raised will be addressed in the proposed  
7 regulation phase.

8

9                   CHAIRMAN ALCORN: Do I hear any other  
10 comments. Other questions.

11

12                   (No comments)

13

14                   CHAIRMAN ALCORN: I'll call for the  
15 question. Is there anyone opposed to including Chenega Bay  
16 in the 2004 subsistence regulations process.

17

18                   (No opposing votes)

19

20                   CHAIRMAN ALCORN: Hearing no opposition  
21 they will be included in the process for 2004.

22

23                   That includes the suite of proposals by  
24 proposal for the Chugach region. Are there any other  
25 comments or questions. Mike.

26

27                   MR. SMITH: Yeah, Thank you, Mr. Chairman.  
28 I'm a little concerned about the second phase of this  
29 process. In the sense that there has been expressed some  
30 concern over species and areas and things of that nature by  
31 Staff and State and Federal employees.

32

33                   My concern lies in giving these communities  
34 enough help and direction to address those concerns and how  
35 we might go about doing that.

36

37                   CHAIRMAN ALCORN: Okay. Are you suggesting  
38 a process or are you suggesting some particular assistance,  
39 Mike?

40

41                   MR. SMITH: Well, Mr. Chairman, I'm just  
42 wondering how we're going to do this. Because I mean we're  
43 going to send this back and then we're going to go into the  
44 regulatory phase where we're going to talk about specific  
45 species and areas and things of that nature and I think it  
46 would behoove us to advise the communities of any specific  
47 concerns that have been raised in regards to any of those  
48 issues prior to the regulatory phase so that they have an  
49 opportunity to prepare a defense or support -- or prepare  
50 information to support their positions. And I'm not sure

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1 how we need to do that, but we need to be able to convey to  
2 them so that when the regulatory phase comes through they  
3 don't get bombarded with concerns expressed by Staff or  
4 anybody like that, that they're unaware of.

5

6 CHAIRMAN ALCORN: Okay, thanks, Mike. Go  
7 ahead, Ralph.

8

9 MR. ANDERSEN: Mr. Chairman, I have a  
10 motion. I move that Staff is directed to work with all the  
11 communities that we include after this session to refine  
12 and -- or make any corrections or amendments to the areas  
13 or other proposals, you know, that are covered under the  
14 proposed regulation phase. so that what we get in front of  
15 us are complete as possible, proposals that involve  
16 consultation between Staff and the communities that are  
17 submitting the proposals. Because while the regional  
18 representatives are here and I'm sure that they will also  
19 help develop the proposals, I believe that there also needs  
20 to be some additional assistance.

21

22 But my motion is to direct Staff to consult  
23 with all the communities that have been included to refine  
24 their proposals.

25

26 CHAIRMAN ALCORN: Do we have a second.

27

28 MR. SQUARTSOFF: Second.

29

30 CHAIRMAN ALCORN: A second -- a motion and  
31 a second to direct Staff to work with the communities that  
32 will be included through this process today to refine their  
33 seasonal proposal for 2004 and beyond.

34

35 Discussion.

36

37 MR. ARMSTRONG: Mr. Chair.

38

39 CHAIRMAN ALCORN: Fred.

40

41 MR. ARMSTRONG: I would just ask that the  
42 regional partners in their communities make themselves  
43 available to us. It's very difficult at times and we don't  
44 have a long period of time, we've only got a couple of  
45 weeks so I just ask your cooperation in trying to get this  
46 done.

47

48 We want to see complete packages without  
49 any trips or bumps and in order to do that we need close  
50 coordination, so I would appreciate that.

00119

1 CHAIRMAN ALCORN: All right. Any more  
2 discussion.

3

4 (No comments)

5

6 CHAIRMAN ALCORN: Hearing no opposition,  
7 we'll go ahead and direct Staff to do that. The onus is on  
8 the regional representatives to work with Staff to make  
9 sure that the communication goes both ways.

10

11 All right. Let's go back to look at the  
12 order. We've addressed the Chugach region. I would  
13 entertain a motion to consider the Hoonah proposal.

14

15 MR. JACKSON: Mr. Chairman, I move we  
16 include Hoonah.

17

18 CHAIRMAN ALCORN: All right.

19

20 MR. SQUARTSOFF: Second.

21

22 CHAIRMAN ALCORN: We have a motion and a  
23 second to include the Hoonah community in the regulation  
24 setting process for 2004 regulations.

25

26 Discussion.

27

28 MR. JACKSON: Mr. Chairman, the petition  
29 from Hoonah addresses each of the five criteria citing oral  
30 history as well as thorough study of the traditional use of  
31 bird eggs, in addition the reports of gull egg harvest in  
32 spring 2001 and 2002 were provided. These harvests were  
33 carried out under a special permit from the U.S. Fish and  
34 Wildlife Service. The history of egg harvest in the area,  
35 the transmission of relevant knowledge and skills and the  
36 cultural significance of the harvest to the community are  
37 clearly indicated and well documented.

38

39 I think it should go on for approval.

40

41 CHAIRMAN ALCORN: Any other comments.

42

43 (No comments)

44

45 CHAIRMAN ALCORN: Questions. Matt.

46

47 MR. ROBUS: Thank you, Mr. Chair. I fully  
48 agree that this application fulfills the criteria that need  
49 to be met. However, in recognition of the -- and I intend  
50 to support the proposal, I should say, however, in

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1 recognition of the letter that transmitted the Treaty  
2 protocol and in view of the fact that the proposal is  
3 strictly for gull egg take or egg take, I guess I would  
4 suggest that this is an instance where we would be  
5 including a community for a limited purpose or however it's  
6 worded, and would at least ask the Council to consider  
7 including that as a condition or a quality of the inclusion  
8 just for the record so that it's clear that we're trying to  
9 follow the letter of transmittal, the guidance in that  
10 letter.

11

12 Thank you.

13

14 CHAIRMAN ALCORN: Any other comments. Mike  
15 Smith.

16

17 MR. SMITH: Yeah, thank you, Mr. Chairman.  
18 I'm a little concerned about the proposal. I mean I  
19 appreciate the need for that type of clarification and  
20 certainly that is what the proposal speaks to. But I think  
21 it goes kind of outside of what we've already kind of  
22 established here in the sense that we're not going to talk  
23 about specific regulations and specific restrictions in  
24 this process here, that that should come up at the  
25 appropriate time which would be at the next regulatory  
26 phase.

27

28 And I'm just a little concerned about  
29 putting restrictions on these general proposals.

30

31 CHAIRMAN ALCORN: Is there any other  
32 comment.

33

34 MR. ARMSTRONG: Mr. Chair.

35

36 CHAIRMAN ALCORN: Fred.

37

38 MR. ARMSTRONG: Matt's right, this is an  
39 exception. I think the submitter took a lot of time to  
40 prepare this petition for the purpose of collecting gull  
41 eggs and I think without any, you know, consultation with  
42 Hoonah, you know, I don't know how else we can react to it  
43 other than, you know, look at the wording and address that.  
44 I think this was a different issues. The others were for  
45 specifically for inclusion, this one was for inclusion for  
46 the purpose of collecting eggs.

47

48 I'd just ask the regional, Gordon Jackson,  
49 about, you know, how he feels?

50

00121

1 MR. JACKSON: Well, the whole Treaty  
2 excludes us and we understand that. But there are  
3 situations where we can petition this body for inclusion  
4 into various areas and we spent a lot of time looking at  
5 seagull eggs in this situation and you're going to get  
6 another petition from community. I understand the people  
7 in the Prince of Wales Island are going to be petitioning  
8 to be included in some species of migratory birds the next  
9 go around. But the inclusion, as we understand it, we have  
10 to go through a process of petitioning that basically  
11 saying, hey, we've got evidence that we take certain  
12 amounts of eggs or birds and we would like to have a  
13 management system and to all the rest of the criteria, five  
14 of them, and we would show cause as to why and the  
15 management system. So we understand how to get involved in  
16 this whole thing and I don't think we're bashful about  
17 telling you.

18

19 CHAIRMAN ALCORN: Matt.

20

21 MR. ROBUS: Mr. Chair ,as I said, I intend  
22 to vote for this and I've already stated for the record  
23 that I feel my vote is for the limited purpose following  
24 the guidance of the transmittal letter. If it's the  
25 Council's desire to deal with those limitations at the  
26 regulatory meeting, that's fine. I think I've accomplished  
27 what I was trying and that is just to put on the record  
28 that I think that we are talking about a limited confined  
29 request and I fully support it. But that I think that we  
30 need to recognize that we're supposed to be looking at  
31 making the exceptional call to include a community that's  
32 generally excluded for a specific limited purpose.

33

34 CHAIRMAN ALCORN: Ralph, do you have a  
35 comment.

36

37 MR. ANDERSEN: I call for the question.

38

39 MR. ARMSTRONG: Could I just say one more  
40 thing, Mr. Chair.

41

42 CHAIRMAN ALCORN: Go ahead, Fred.

43

44 MR. ARMSTRONG: You know, I'm not a voting  
45 member, I just want to be able to -- I'm going to be the  
46 one who's getting the phone calls and have to answer so I  
47 just wanted clarity. If there's an action that includes  
48 Hoonah and, you know, of course these are public documents  
49 and they say well they just wanted inclusion for a specific  
50 purpose of collecting eggs and I have to explain and so I

00122

1 just wanted to get everything clear. Get the regional reps  
2 comments so that I can refer to those.

3

4

Thanks.

5

6

CHAIRMAN ALCORN: All right, thank you.  
7 The motion is to include the Hoonah community in the 2004  
8 regulatory process. The point is well taken that the  
9 proposal stands on its own merits and the proposal is very  
10 explicit in specifying what the uses are. That issue will  
11 be taken up at the next meeting. And I believe that the  
12 representative from Alaska has said that that's  
13 satisfactory, the point is made, we all understand that and  
14 that we are voting at this point to include the community  
15 of Hoonah in the process, and that process will continue  
16 next month.

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I'll call for the question. Is there  
anyone opposed inclusion of Hoonah in the 2004 subsistence  
regulations process.

(No opposing votes)

CHAIRMAN ALCORN: Hearing no opposition,  
they are included for the 2004 regulatory process.

The Chair would entertain a motion to  
consider the proposals by the Copper River Native  
Association.

MR. ANDERSEN: Are you looking.....

CHAIRMAN ALCORN: Not as a suite,  
individual proposals.

MR. ANDERSEN: Okay. So you're asking for  
motions to accept each individual?

CHAIRMAN ALCORN: Yes.

MR. ANDERSEN: Okay. Which are we starting  
with?

CHAIRMAN ALCORN: Well, we'll begin in the  
order that they were presented. Let me get to the list.  
The way that the cover letter reads, it's Chisna would be  
the first community.

MR. PETE: I would like to make a motion to  
accept the petition by Chisna Tribal Council.

00123

1 CHAIRMAN ALCORN: All right, we have a  
2 motion.

3  
4 MR. SMITH: I'll second, Mr. Chairman.

5  
6 CHAIRMAN ALCORN: We have a second by Mike  
7 Smith to include the Chisna community in the 2004  
8 regulatory process. Do we have any discussion.

9  
10 MR. ANDERSEN: Mr. Chairman.

11  
12 CHAIRMAN ALCORN: Ralph.

13  
14 MR. ANDERSEN: I believe the Chisna Tribal  
15 Council has submitted their petition and it has met the  
16 criteria established for inclusion. That there's  
17 sufficient documentation we heard this morning of  
18 traditional activities supporting their petition. I  
19 believe the biological and other concerns that are raised  
20 will be addressed in the proposed regulation phase.

21  
22 CHAIRMAN ALCORN: Any other comments  
23 regarding this proposal.

24  
25 (No comments)

26  
27 CHAIRMAN ALCORN: I'll call for the  
28 question. Is there anyone opposed including the community  
29 of Chisna in the Copper River region in the 2004 regulatory  
30 process.

31  
32 (No opposing votes)

33  
34 CHAIRMAN ALCORN: I see no opposition,  
35 therefore they are included. The next community to be  
36 considered, the petition would be the Chitina community.

37  
38 MR. PETE: I would like to make a motion to  
39 accept the Chitina Traditional Council's petition.

40  
41 CHAIRMAN ALCORN: Do I have a second.

42  
43 ATTAMUK: I'll second it.

44  
45 CHAIRMAN ALCORN: A motion's been made and  
46 seconded to include the Chitina community in the 2004  
47 regulatory process. Do we have any comments or questions.

48  
49 (No comments)

50

00124

1                   CHAIRMAN ALCORN: Hearing none, I would  
2 call for the question. Does anyone oppose the motion to  
3 include the Chitina community in the 2004 regulatory  
4 process.

5                   (No opposing votes)

6

7                   CHAIRMAN ALCORN: I see none, they are  
8 included. The Chair would entertain a motion to consider  
9 the Copper Center petition.

10

11                   MR. PETE: I would like to make a motion to  
12 accept the proposal by Copper Center.

13

14                   MR. AHMASUK: Second.

15

16                   CHAIRMAN ALCORN: We have a motion and a  
17 second by Austin to include the Copper Center community in  
18 the 2004 regulatory process. Is there any discussion.

19

20                   (No comments)

21

22                   CHAIRMAN ALCORN: Hearing none, I'll call  
23 for the question. Does anyone oppose including Copper  
24 Center community in the 2004 regulatory process.

25

26                   (No opposing votes)

27

28                   CHAIRMAN ALCORN: Hearing no opposition,  
29 they are to be included.

30

31                   I would entertain a motion to consider the  
32 Gakona proposal.

33

34                   MR. PETE: Gakona hasn't submitted their  
35 proposal yet, but it probably would be pretty much the same  
36 as all the rest of the villages, so I would like to include  
37 them.

38

39                   CHAIRMAN ALCORN: All right, I have a  
40 motion.....

41

42                   MR. SMITH: I'll second, Mr. Chair.

43

44                   CHAIRMAN ALCORN: .....and second to  
45 include the Gakona community in the 2004 regulatory  
46 process; is there any discussion?

47

48                   Mike Smith.

49

50                   MR. SMITH: Mr. Chairman, I appreciate the

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1 fact that the Gakona proposal is somewhat deficient in it's  
2 specificness, but I think that the testimony that we heard  
3 from both the State and Federal staff indicates that the  
4 area is inclusive and that the recommendations would apply  
5 to Gakona. Additionally, with the removal of Gakona, I  
6 believe it would put us in an untenable situation of having  
7 to carve out a small niche of an area that is going to be  
8 included.

9

10 And with that, that's all I have to say,  
11 Mr. Chairman.

12

13 CHAIRMAN ALCORN: All right. Matt and then  
14 Ralph.

15

16 MR. ROBUS: Mr. Chairman, I believe the  
17 duty of the Council at this meeting is to compare  
18 individual petitions from communities with the criteria  
19 that we put out asking for petitions to be measured  
20 against. And I believe that even though it's fairly clear  
21 that there's a general regional pattern of use here that,  
22 unfortunately, this petition does not meet those standards  
23 and I can't vote to allow the community in, based on this  
24 petition and I don't see any reason why the community  
25 couldn't come back at a later cycle with a petition that  
26 addresses all five of the criteria and at that time I would  
27 be prepared to treat that petition like any of the other  
28 petitions here that we found to be sufficient.

29

30 Thank you.

31

32 CHAIRMAN ALCORN: All right, Ralph first  
33 and then Mike.

34

35 MR. ANDERSON: Mr. Chairman, I want to  
36 speak in support of the motion. Again, it's based on  
37 information that we received from Dr. Huntington and from  
38 Ron Stanek. One of the questions that I asked this morning  
39 was really -- was there strength and evidence for  
40 supporting the proposal on a regional basis and that seems  
41 to be pattern in that whole region, is that regionally that  
42 there seems to be a lot of evidence supporting traditional  
43 subsistence use and harvest of migratory birds. But  
44 individually -- if you look at the villages individually  
45 that in some areas the information is weak and in some  
46 areas the information is excellent so it run the whole  
47 gamut from excellent to poor. But considered on a regional  
48 basis seems to be a good indication, to me anyway, that  
49 traditional does exist and traditional use does exist.  
50 That there are patterns. And what we discussed in our

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1 caucus was just that, is if a community -- and we  
2 understand that there might have been some internal  
3 staffing problems or management problems in putting this  
4 together, in putting together the petition, but there are  
5 other communities as well that may be have been excluded if  
6 they didn't follow the correct bureaucratic system that was  
7 established. You know, for whatever reason, Gakona didn't  
8 complete the packet that we asked for, you know, which was,  
9 I think, a great bureaucratic tool for us to use to measure  
10 or try to gauge their traditional harvest. But I think  
11 based on the information that Dr. Huntington presented and  
12 the information we got from Ron Stanek that there is a  
13 traditional subsistence use of migratory birds there.

14

15                   And, you know, one of the things that our  
16 Executive Director continually reminded us of this morning,  
17 at least twice anyway, once I was reminded of not creating  
18 new traditional uses, and in this case we're not. We  
19 heard, like I say, from our experts, from our scientists  
20 that they do exist. And if our vote here is based totally  
21 on form rather actual content of what's really going on  
22 then I think we're, you know, we might be defeating the  
23 purpose.

24

25                   Now, I'm going to vote in favor of this  
26 because I mean it took me a while to reach the conclusion  
27 that, you know, in some villages the capacity simply does  
28 not exist to complete bureaucratic forms and that's the way  
29 of life for us in the Bush. While it's easy, you know, for  
30 people living in other areas to those kinds of things, in  
31 some area it just doesn't exist. And if we're going to be  
32 excluding them or voting against their proposal or petition  
33 for the fact that they didn't answer a few questions, while  
34 there is a history of traditional use and there's a pattern  
35 there, then maybe we're looking -- we're placing the value  
36 of things in the wrong place.

37

38                   CHAIRMAN ALCORN: All right. Thank you,  
39 Ralph. Mike.

40

41                   MR. SMITH: Mr. Chairman, I'd like to echo  
42 what Ralph had said as well, but I also would like to point  
43 out the fact that, you know, what we're going to end up  
44 when we should we exclude Gakona from this process, from  
45 inclusion, is what we're going to end up is we're going to  
46 have communities with overlapping areas, so what, in fact,  
47 is going to happen is that a community half a mile up river  
48 from Gakona is going to be able to float down the river and  
49 hunt geese in front Gakona, hunt ducks and wild fowl in  
50 front of Gakona, but the people from Gakona aren't going to

00127

1 be able do that same thing. And, you know, I have real  
2 concerns about that and to start carving out niches of  
3 areas, and I'm not sure how that's going to be accomplished  
4 from just a practical point of view, because, like I said,  
5 you know, those two communities are a half a mile apart on  
6 the river. So we're going to go, what, a quarter of a mile  
7 and say you can hunt up to here and then from here past the  
8 village you can't hunt. Well, we're not going to do that  
9 because those people up river half a mile are going to have  
10 that as part of their area anyway. So, I mean, I'm not  
11 sure, you know, we're just creating a burdensome regulatory  
12 process and probably an unattainable regulatory scheme for  
13 this area if we do exclude Gulkan -- Gakona.

14

15 CHAIRMAN ALCORN: Thanks, Mike. For  
16 clarity, this is Gakona, not Gulkana.....

17

18 MR. SMITH: Yeah.

19

20 CHAIRMAN ALCORN: .....that we're  
21 considering right now. Are there any other comments?

22

23 (No audible responses)

24

25 CHAIRMAN ALCORN: I would like to make  
26 comments for the Fish and Wildlife Service and I have been  
27 taking notes from the commentors and there are four  
28 particular phrases that I have heard used. And one is form  
29 and substance, the other is the quality of the  
30 justification for the community, the other is the  
31 bureaucracy and bureaucratic process and Mike mentioned one  
32 that was, I think, pretty germane, which is community  
33 overlap.

34

35 I'll start with bureaucratic process, or  
36 bureaucracy. I guess it's an unfortunate circumstance that  
37 I work for a bureaucracy and we put a lot of emphasis in  
38 that and it's by design. And it's not only to establish  
39 defensible regulations, it's to establish and proceed in a  
40 defensible process. And I believe that bureaucracy has its  
41 disadvantages, but in this case if we were to approve  
42 Gakona we would violate that bureaucratic process to the  
43 point where we could not withstand a challenge, maybe no so  
44 for Gakona, for the reasons that Ralph and Mike have both  
45 pointed out, that there is good documentation that they do  
46 have a history. But because we don't have a sufficient  
47 stand-alone proposal, we violate our own process and I  
48 think that that makes it particularly burdensome for us or  
49 troublesome for us in the future if, for example, we get a  
50 proposal from an area that may not have sufficient

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1 documentation and yet still submits an insufficient  
2 proposal and we deny it based on the insufficiency thereof.  
3 I believe we could be accused of inconsistent.

4

5                   Regarding the poor quality of data or  
6 information in the proposal, I think that's self-  
7 explanatory. The fact is Dr. Huntington said that it was  
8 insufficient to document, although in a comprehensive  
9 analysis, using the other regional proposals, that there  
10 was some assurances that it had occurred. But the fact is,  
11 is it's not documented in the individual proposal.

12

13                   Form and substance. I think form is  
14 important for the same reason I think that the bureaucratic  
15 is important. And that the community overlap issues is one  
16 that is a real concern of mine and I believe that we are  
17 going to address that in the future, but I'm not -- I guess  
18 I'm not swayed to the point where I believe that that  
19 creates an insurmountable or creates enough persuasion for  
20 me to vote in support of it over the reasons why I wouldn't  
21 support. So as the representative of the Fish and Wildlife  
22 Service and a bureaucracy I would oppose the motion for  
23 that reason.

24

25                   Ralph.

26

27                   MR. ANDERSON: I have a question. It looks  
28 to me it's two against and -- I mean, I'll be outvoted. If  
29 this proposal was remanded -- I mean the form is not  
30 complete for whatever reason. One question was answered  
31 and the others weren't. If this proposal were remanded  
32 back to the community, would we be able to get it back in  
33 time to take action on it before the next meeting?

34

35                   CHAIRMAN ALCORN: Well, I guess I'll speak  
36 for the agency. I think that we could have, for lack of  
37 another idea, a teleconference to consider one proposal.

38

39                   MR. ANDERSON: And the reason I ask that,  
40 Mr. Chairman, is because they've met the deadline by  
41 submitting what they did submit the deadline was met for  
42 consideration this time around. And if it's remanded back  
43 then we don't need to have them wait until the next cycle  
44 in order to refine it. They've met the initial application  
45 deadline or petition deadline the way I see it. And I  
46 think if we remand it back to them, to the community, with  
47 direction to staff to work with them to get the petition  
48 complete and have it submitted back to us for consideration  
49 within whatever period of time we're able to agree upon  
50 before the next meeting, I think that would be really

00129

1 helpful.

2

3

CHAIRMAN ALCORN: Any other comment?

4 Herman.

5

6

MR. SQUARTSOFF: Yeah, Mr. Chairman, if that's possible we could do that, I would agree to go that route, too. And I suggest Ralph withdraws his motion on that to include them right now until we do get more information and find out where the lack of communication was on this one to not get all that stuff filled out.

12

13

MR. ANDERSON: Well, it was Steve who made the motion.

15

16

MR. SQUARTSOFF: So Steve to withdraw it then, I thought it was Ralph.

18

19

CHAIRMAN ALCORN: All right, I have Mike and then Austin.

21

22

MR. SMITH: Thank you, Mr. Chairman, while I agree that we need to establish processes and stuff like that that are adhered to and so and so forth, I think to a large extent while those five criteria are just criteria, also the preponderance of the evidence dictates that Gakona is going to meet these qualifications. I think another charge that we do have, though, is to come up with defensible regs and I just don't know how you're going to come up with a regulation affecting that area and trying to carve out a little niche called Gakona and, you know, how is that a defensible regulation, you know, simply because they didn't fill out the form properly on something that we know that they're going to be able to do in the future. You know.

36

37

And, additionally, in regard to Ralph's suggestion that we postpone this, that we remand this back, I'm not real sure of the process. We have an SRC deadline somewhere in the process here that this stuff is going to go to, right? Or, I mean, can we just elaborate a little bit on that regulatory process of where we're at in the timeliness of all this?

44

45

CHAIRMAN ALCORN: Fred, would you like to address that, regarding the process for the SRC process timing.

48

49

MR. ARMSTRONG: Okay, sure. Our regulatory meeting is May 15 and 16, from then we have until July 1st

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1 to put a packet together to send out, you know, based on  
2 the Council's action, to the SRC and the Flyway Councils to  
3 comment on. The SRC meets the last week of July, July 30  
4 and 31, and will take action on all the Council  
5 recommendations.

6

7                   Having experienced the bureaucratic review  
8 process and understanding that there's going to be some  
9 legal challenges, I think technicality is going to play a  
10 huge part in whether a proposal can go forward or not and  
11 you have to take that into consideration. I think your  
12 idea of remanding back to Gakona, but I'm not sure for what  
13 period of time and when the Council can act on -- you know,  
14 we certainly can try to work with whatever the Council  
15 comes up with.

16

17                   CHAIRMAN ALCORN: All right. Mike first  
18 and then Ralph.

19

20                   MR. SMITH: Mr. Chairman, I still have a  
21 concern of what we're going to do then. I mean, I guess,  
22 if we do remand this back to Gakona then any future work,  
23 that is any work on the rest of these communities as far as  
24 the establishment of boundaries and things like that, kind  
25 of gets put on hold, does it not, until we get a response  
26 from Gakona. If we're not to get a response from Gakona,  
27 then we could not effectively consider all the other  
28 proposals, and I don't think that's what we want to do.

29

30                   CHAIRMAN ALCORN: I guess I'm not sure --  
31 are you saying we couldn't consider the proposals, the  
32 other Copper River Region proposals; is that what you're  
33 saying?

34

35                   MR. SMITH: Yes, Mr. Chairman, I'm don't  
36 understand how we're going to establish areas without  
37 Gakona being included into those areas.

38

39                   CHAIRMAN ALCORN: I don't have an answer  
40 for that.

41

42                   MR. SMITH: If somebody has an answer for  
43 that, by this time next month, how we're going to segregate  
44 out Gakona from this process, if we don't include them.

45

46                   CHAIRMAN ALCORN: All right, Ralph and then  
47 Matt.

48

49                   MR. ANDERSON: No, go ahead.

50

00131

1 CHAIRMAN ALCORN: Okay. I yield the floor  
2 to Matt.

3  
4 MR. ROBUS: Mr. Chairman, I recognize the  
5 problem that Mike is tussling with here, but I don't think  
6 that that's -- I mean, I can imagine other situations where  
7 we haven't had villages even apply this time or their use  
8 area and other included villages' areas may have some  
9 overlap or interaction. I don't know that I have a great  
10 answer to Mike's questions, but I don't think that Gakona  
11 is going to be the only place where we face it, I think we  
12 need to remember that the areas that we identify, however  
13 big or small, are tied to the communities that have been  
14 included. And it will be difficult if Gakona people cannot  
15 hunt in the mist of the areas where other nearby  
16 communities can hunt, but I think it's going to happen  
17 elsewhere, too. And I won't go into guesses as to which  
18 ones we worked today where it'll happen, but since we're  
19 not dealing with applications, petitions from every  
20 community in these generally excluded areas I think we will  
21 have communities that are not included in these regs, cheek  
22 by jowl, with communities that are and personally I don't  
23 think that I could go ahead and approve a petition for a  
24 community that doesn't meet the criteria merely to try to  
25 get solving that problem. It is a problem, but I don't  
26 think it means that we can ignore the rules that we've set  
27 up for getting into the process.

28  
29 CHAIRMAN ALCORN: All right. Thank you,  
30 Matt. Ralph.

31  
32 MR. ANDERSON: And I think we could avoid  
33 that whole situation if we set the deadline in such a way  
34 that the petition is sent back to us in time to meet the  
35 deadline for next month. That means that direction needs --  
36 or communication needs to be made very clear in sending  
37 back to them and also directing Council [sic] to work in  
38 consultation with them in making sure that the petition  
39 that they send back here is completed. We would be  
40 avoiding the whole scenario that Mike is concerned about.

41  
42 CHAIRMAN ALCORN: Mike.

43  
44 MR. ANDERSON: Yeah, I'm sorry, Mr.  
45 Chairman, but if I might just ask Ron and Dr. Harrington  
46 [sic], if this thing comes back to you guys, and Bill to a  
47 certain extent, are we basically just going to see the same  
48 information that you provided us already here next month at  
49 this time? I mean, I don't know, maybe one of the other  
50 people can.....

00132

1 CHAIRMAN ALCORN: I'd invite Ron to the  
2 mike.

3  
4 MR. STANEK: What I would suggest is that  
5 you -- if you send it back the we go back to the Copper  
6 Basin Migratory Bird Working Group and, you know, ask them  
7 to help put together whatever information they have and put  
8 what's available there and then bring it back. I was  
9 telling Fred, I think there is a resource person, maybe --  
10 Steve, isn't there a resource person who works for Gakona?  
11 I know there's someone in Gulkana, but I wasn't sure about  
12 Gakona.

13 MR. PETE: Could be Birdie, Birdie Ewan.  
14

15 MR. STANEK: Birdie, yeah. There is  
16 someone there who now we can work with, they weren't there  
17 two years ago when we were doing the survey studies and  
18 that and so they have a person who we can actually get  
19 ahold of there.

20  
21 MR. SMITH: But will a large portion of the  
22 same information be provided to us?

23  
24 MR. STANEK: Well, I'm not -- same as  
25 what's in the other proposal?

26  
27 MR. SMITH: A lot of the same stuff that  
28 the regional stuff.....

29  
30 MR. STANEK: The regional stuff is going to  
31 be the same, specific for that place, it's going to be -- I  
32 can't tell you what it's going to be until we can ask  
33 people.

34  
35 MR. ANDERSON: I have a question.

36  
37 CHAIRMAN ALCORN: Ralph.

38  
39 MR. ANDERSON: Ron, I have a question.  
40 What sort of timeline do you suggest if we do decide to  
41 send it back to Gakona, how much time do you suggest we  
42 allow to have them send something back to us?

43  
44 MR. STANEK: Probably three weeks. Three  
45 weeks would probably be enough that we could work with them  
46 and get something together. When Joeneal comes -- hold on  
47 a second.

48  
49 Do you know when Joeneal is coming back,  
50 Steve?

00133

1 MR. PETE: Should be early next week.

2

3 MR. STANEK: Yeah, if he comes back and we  
4 get with him and Gloria and Corina at CRNA and get them  
5 working on it then it shouldn't take longer than three  
6 weeks to put something together.

7

8 MR. ARMSTRONG: Mr. Chair.

9

10 CHAIRMAN ALCORN: Fred.

11

12 MR. ARMSTRONG: Could I suggest that tying  
13 it into the -- if the Council wants to go that route,  
14 remand, that they tie it into the April 30th deadline we  
15 have for the other regulatory proposals? Today's the 17th  
16 and that's two weeks. We need to have time to get all the  
17 information, send it back out to the region, get our  
18 technical committee together to meet and having two  
19 processes going at the same time is going to be pretty  
20 difficult to meet, so I would suggest tying it to a  
21 deadline like that. And even though we may be given the  
22 same information it has to be documented because these  
23 documents here if they go on to the SRC this is how they're  
24 going and they're process oriented, if there's no  
25 documentation, let me tell you, it's going to be remanded  
26 back. So I think if we try to do it now.....

27

28 MR. ANDERSON: I have a question for Ron.

29

30 CHAIRMAN ALCORN: All right. I would like  
31 to entertain one more question and then I would like to  
32 readdress the motion because I think we are going in  
33 circles now, all right?

34

35 MR. ANDERSON: Ron, would two weeks be --  
36 can it be done in two weeks? I mean, I'm just trying to  
37 find a reasonable time. I mean if we need to, you know, if  
38 additional time is needed, then I think the village  
39 deserves that time. But if can be done within, you know,  
40 the two week period then that's what we need to know.

41

42 MR. STANEK: And remind me what was the two  
43 week period, is that what you have to have before you can  
44 get it circulated around?

45

46 CHAIRMAN ALCORN: Fred, would you speak to  
47 that question?

48

49 MR. ARMSTRONG: We have another deadline at  
50 the end of the month for regulatory proposals for the '04

00134

1 season. I was trying to tie it into something concrete  
2 that we can, you know, at least have one more deadline  
3 before the May 15, 16 meeting because two weeks that we're  
4 allowing after that really isn't sufficient enough time,  
5 we're having to reduce the timeframe just to meet the '04  
6 cycle that we're trying to stay on track with, so that was  
7 the real reason why.

8

9 MR. ANDERSON: So as I understand it  
10 they'll be submitting their inclusion petition and proposal  
11 simultaneously.

12

13 MR. STANEK: Well, the Copper Basin group  
14 has already formulated their seasons and their lists, all  
15 that is already put together for the whole region, so it's  
16 just a matter of -- I can't tell you whether or not people  
17 out there are going to have the time to do this. I know I  
18 could push it -- I have the time myself to go there within  
19 three weeks and push it and work with them, but I don't  
20 know if Joeneal and Gloria and Corina and Birdie Ewan would  
21 have the time to do that.

22

23 MR. ANDERSON: Okay. So proposals are put  
24 together already, they can be submitted by the deadline,  
25 but if additional time is needed for the inclusion  
26 question, we can do another week.

27

28 CHAIRMAN ALCORN: All right. I have a  
29 motion and second to include the Gakona community in the  
30 2004 regulation process and a recommendation. Would you  
31 like the voice your recommendation, Herman?

32

33 MR. SQUARTSOFF: Yes, Mr. Chair. If  
34 everybody is in agreement, what we're talking about right  
35 here, and I'd like to suggest again, like I did a while  
36 back here, that Steve withdraw that motion so we won't be  
37 voting on it right now.

38

39 MR. ARMSTRONG: Mr. Chair, I think if you  
40 withdraw that motion it is off the table. I would suggest  
41 that the motion stands and you just remand it back to the  
42 region without any action. When, in fact, you withdraw the  
43 motion, you're taking off the table.

44

45 CHAIRMAN ALCORN: But either the motion  
46 passes or fails and the motion is to include them in the  
47 process.

48

49 MR. ARMSTRONG: Right. But if you withdraw  
50 the motion you're taking the table.

00135

1 CHAIRMAN ALCORN: That's right, it could be  
2 off.....

3  
4 MR. ANDERSON: Mr. Chairman, I.....

5  
6 MR. PETE: I could also make a new motion.

7  
8 CHAIRMAN ALCORN: One at a time here.  
9 Let's -- okay, Mike and then Ralph and then Gordon, your  
10 mic is on.

11  
12 MR. JACKSON: Why don't you give me a try.

13  
14 CHAIRMAN ALCORN: Okay. I'll give Gordon a  
15 try. Let me give Gordon a try first, he's been very quiet.  
16 All right. Gordon, do you got any good ideas?

17  
18 MR. JACKSON: Well, the motion is on the  
19 floor to advance it and your report in here says the  
20 documentation is sparse but consistent. The Gakona  
21 petition is the only one that does not adequately address  
22 the criteria. All we should say is that we amend the  
23 motion by saying the documentation is sparse, but  
24 consistent, Gakona needs two weeks to present us with the  
25 adequate information that would pass the criteria, advance  
26 the few weeks ago or something like that.

27  
28 CHAIRMAN ALCORN: Are you offering that as  
29 a friendly amendment?

30  
31 MR. JACKSON: Yeah, I would.

32  
33 CHAIRMAN ALCORN: We need a second.

34  
35 MR. ANDERSON: Second.

36  
37 CHAIRMAN ALCORN: Does the maker of the  
38 motion consider that a friendly amendment and accept the  
39 motion to amend?

40  
41 MR. PETE: I accept it.

42  
43 CHAIRMAN ALCORN: All right. I will call  
44 the question on the motion to amend the motion. Is there  
45 any opposition to amend the original motion to include the  
46 Gakona region in the 2004 subsistence regulatory process  
47 with the contingency that they provide sufficient  
48 information to meet the criteria that are established in  
49 the procedural regulations within two weeks or the April 30  
50 deadline.

00136

1 MR. ANDERSON: Is it two weeks or three?

2

3 MULTIPLE VOICES: April 30th.

4

5 CHAIRMAN ALCORN: I heard two weeks, it's  
6 to be consistent with the same deadline that they would  
7 have to submit their regulation package. All right, do I  
8 hear any opposition?

9

10 (No audible responses)

11

12 CHAIRMAN ALCORN: Hearing none, the motion  
13 is amended as I stated, I'm not going to say it again.  
14 I'll call for the question now on the motion as amended to  
15 accept the Gakona community in the 2004 regulatory process  
16 with the amendment. Does anyone oppose the motion?

17

18 (No audible responses)

19

20 CHAIRMAN ALCORN: Hearing none, the motion  
21 passes.

22

23 All right. It's 5:00 o'clock, I'm inclined  
24 to -- we have two more proposals, I'm inclined to consider  
25 those today before we go home, before we adjourn. Is there  
26 a motion from the Council to consider the Mentasta  
27 proposal?

28

29 MR. PETE: I would like to make a motion to  
30 pass the proposal by Mentasta.

31

32 MR. SMITH: Second.

33

34 CHAIRMAN ALCORN: All right. I'm sorry, I  
35 got us out of order, but Mentasta is on the floor right  
36 now, we'll go back to Gulkana later. We have a motion and  
37 second to include Mentasta in the 2004 regulatory process;  
38 do we have any discussion?

39

40 (No audible responses)

41

42 CHAIRMAN ALCORN: Hearing none, I'll call  
43 the question. Is anyone oppose including Mentasta  
44 community in the 2004 regulatory process?

45

46 (No audible responses)

47

48 CHAIRMAN ALCORN: Hearing none, Mentasta is  
49 included. I would entertain a motion to consider the  
50 Gulkana community.

00137

1 MR. PETE: I would like to make a motion to  
2 accept the Gulkana proposal.

3

4 ATTAMUK: Second.

5

6 CHAIRMAN ALCORN: Have a motion and second  
7 to include the Gulkana community's proposal or petition to  
8 be included in the 2004 regulatory process; any discussion?

9

10 UNIDENTIFIED VOICE: Question.

11

12 CHAIRMAN ALCORN: Call for the question;  
13 does anybody oppose the motion?

14

15 (No audible responses)

16

17 CHAIRMAN ALCORN: Seeing no opposition, the  
18 community of Gulkana is included in the 2004 regulatory  
19 process. This leaves Tazlina community. I would entertain  
20 a motion to consider that petition.

21

22 MR. ANDERSON: So moved.

23

24 CHAIRMAN ALCORN: We have a motion; do we  
25 have a second?

26

27 MR. SMITH: Second.

28

29 CHAIRMAN ALCORN: We have a motion and  
30 second to include the community of Tazlina in the 2004  
31 regulatory process; do we have any discussion?

32

33 MR. ANDERSON: Question.

34

35 CHAIRMAN ALCORN: Call for the question has  
36 been asked; does anyone oppose including the community of  
37 Tazlina in the 2004 regulatory process?

38

39 (No audible responses)

40

41 CHAIRMAN ALCORN: I see none. They will be  
42 included in the process. That concludes the suite of  
43 proposals for the Copper River Region and it is time to  
44 adjourn.

45

46 Excuse me, recess, I'm sorry, recess.

47 Mike.

48

49 MR. SMITH: Mr. Chairman, I mean, if we  
50 might, I'd go ahead and move we include the Tyonek petition

00138

1 at this point.

2

3 CHAIRMAN ALCORN: All right. Is that the  
4 only one that's left?

5

6 UNIDENTIFIED VOICE: Yeah.

7

8 CHAIRMAN ALCORN: Okay. I'm sorry, I  
9 thought we had another suite other than the Tyonek. Okay,  
10 let's consider.....

11

12 MR. ANDERSON: I second.

13

14 CHAIRMAN ALCORN: I would enter -- was that  
15 a motion? All right, we have a motion and second to  
16 include the Tyonek Region in the 2004 regulatory process.

17

18 MR. ANDERSON: I'll second.

19

20 CHAIRMAN ALCORN: Let me get my notes  
21 first. Is there any discussion?

22

23 MR. ANDERSON: Mr. Chairman.

24

25 CHAIRMAN ALCORN: Ralph.

26

27 MR. ANDERSON: I'd like to speak to the  
28 motion. I believe the Native Village of Tyonek meets the  
29 criteria that was established for inclusion, that  
30 sufficient documentation was present to us this morning  
31 indicating a traditional use pattern and activities, that  
32 any biological or other concerns raised will be addressed  
33 in the proposed regulation phase.

34

35 CHAIRMAN ALCORN: Are there any other  
36 comments regarding the motion?

37

38 (No audible responses)

39

40 CHAIRMAN ALCORN: I'll call for the  
41 question; does anyone oppose including the Native Village  
42 of Tyonek in the 2004 regulatory process?

43

44 (No audible responses)

45

46 CHAIRMAN ALCORN: Hearing no opposition  
47 they are also included. And I believe that that concludes --  
48 we're not recessed yet. That concludes the action item  
49 for the Council. I would entertain public comment  
50 regarding our actions today before we recess. Is anyone

00139

1 from the public wish to comment?

2

3

(No audible responses)

4

5

6

CHAIRMAN ALCORN: Hearing none, we are  
recessed until tomorrow at 9:00 a.m..

7

8

(Off record)

9

10

(TO BE CONTINUED)

00140

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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 )ss.  
STATE OF ALASKA )

I, Joseph P. Kolasinski, Notary Public in  
and for the  
state of Alaska and reporter for Computer Matrix Court  
Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02  
through 140 contain a full, true and correct Transcript of  
the ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL, VOLUME I  
taken electronically by Nathaniel Hile on the 17th day of  
April 2003, at the Aspen Hotel 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 8th day of  
May 2003.

---

Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 04/17/04