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ALASKA MIGRATORY BIRD

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CO-MANAGEMENT COUNCIL

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Department of Interior Conference Room

17

Anchorage, Alaska

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May 15, 2003

20

9:00 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 Chugach Regional Resources Commission

28 Copper River Native Association

29 Kawerak

30 Aleutian/Pribilof Islands Association

31 Kodiak Area Native Association

32 Manilaaq Association

33 Tanana Chiefs Conference

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35 Executive Director, Fred Armstrong

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P R O C E E D I N G S

(Anchorage, Alaska - 5/15/2003)

CHAIRMAN ALCORN: Good morning. This is the convening of the Alaska Migratory Bird Co-Management Council, May 15th. This is a regular meeting of the Council to consider development of subsistence regulations for migratory birds. And this year particularly we would be considering proposals for consideration in the 2004 season. The staff has passed out binders to the Council members with and agenda in it. We'll look at that agenda in a moment. To begin the meeting, we would like to begin with a moment of silence.

(Moment of Silence)

CHAIRMAN ALCORN: Thank you. We have as a first order of business to seat alternates to the Council and to do a roll call. We would like to -- I'll begin with the seating of alternates.

MR. ANDERSEN: Mr. Chairman.

CHAIRMAN ALCORN: Ralph.

MR. ANDERSEN: I move that we seat Tom Rothe as the alternate for Matt Robus for the State.

CHAIRMAN ALCORN: Is there a second?

UNIDENTIFIED SPEAKER: Second.

CHAIRMAN ALCORN: All right. Anyone opposed to seating Tom Rothe as a representative for Alaska Department of Fish and Game?

(No opposing votes)

CHAIRMAN ALCORN: All right, so moved and so passed. We had a call from Matt, he was called into legislative session, an emergency session, apparently today and called me on the cell phone not more than 15 minutes ago. Are there any other alternates that are going to be seated?

MR. SQUARTSOFF: Yeah, Mr. Chair, I'd like to move that we seat Alex Panamarioff tomorrow for myself, I won't be able to be here.

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1 MR. ANDERSEN: I think that motion can be
2 made tomorrow.

3
4 MR. SQUARTSOFF: Well, I won't be here
5 tomorrow.

6
7 MR. ANDERSEN: Oh, you won't be here.

8
9 MR. ARMSTRONG: Mr. Chair, also, we have a
10 letter from APIA designating Jacob Stepetin as the
11 alternate for Stanley Mack.

12
13 CHAIRMAN ALCORN: Okay, I don't know if a
14 motion is in order to seat folks. Is that typical of how
15 we do this or do we just.....

16
17 MR. ARMSTRONG: Yeah.

18
19 CHAIRMAN ALCORN: Okay, a motion is on the
20 table then for Alex to be recognized tomorrow morning in
21 Herman's absence. We'll need a second for that.

22
23 UNIDENTIFIED SPEAKER: Second.

24
25 CHAIRMAN ALCORN: We have a second. Is
26 anyone opposed to seating Alex tomorrow morning?

27
28 (No opposing votes)

29
30 CHAIRMAN ALCORN: All right, no opposition.
31 He would be seated tomorrow. Then Fred, you have a letter
32 appointing Jacob Stepetin.

33
34 MR. ARMSTRONG: That's correct. APIA has
35 designated Jacob Stepetin as an alternate for the meeting
36 today.

37
38 CHAIRMAN ALCORN: All right.

39
40 MR. ARMSTRONG: Today and tomorrow.

41
42 CHAIRMAN ALCORN: All right, we have a
43 motion. Do we have a second?

44
45 UNIDENTIFIED SPEAKER: Second.

46
47 CHAIRMAN ALCORN: We have a motion and
48 second. Does anyone opposed Jacob Stepetin representing
49 APIA?

50

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1 (No opposing votes)

2

3 CHAIRMAN ALCORN: No opposition. Welcome,
4 Jacob. Any other alternates?

5

6 (No audible responses)

7

8 CHAIRMAN ALCORN: Okay, at this point I'd
9 like to do a roll call. The secretary is not here. I
10 would like to defer to his alternate to conduct the roll
11 call.

12

13 MR. ROTHE: Mr. Chairman, thank you. I'll
14 now call the roll. API.

15

16 MR. STEPETIN: Here.

17

18 MR. ROTHE: AVCP.

19

20 MR. ARMSTRONG: Mr. Chair.

21

22 CHAIRMAN ALCORN: Fred.

23

24 MR. ARMSTRONG: Edgar is not going to be
25 able to make it but I understand that the president of AVCP
26 may be here tomorrow, Myron Naneng.

27

28 CHAIRMAN ALCORN: Thank you.

29

30 MR. ROTHE: Chugach Regional Resource

31 Commission.

32

33 MR. KOMPKOFF: Here.

34

35 MR. ROTHE: Bristol Bay Native Association.

36

37 MR. ANDERSEN: Here.

38

39 MR. ROTHE: Copper River Native

40 Association.

41

42 MR. HICKS: Here.

43

44 MR. ROTHE: Kawerak.

45

46 MR. AHMASUK: Here.

47

48 MR. ROTHE: Central Council of Tlingit-

49 Haida Indian Tribes.

50

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1 MR. ARMSTRONG: Mr. Chairman, I haven't
2 heard from Gordon so I assume he may be here. He usually
3 comes in around 10:00 but I haven't heard from him.

4

5 CHAIRMAN ALCORN: Go ahead.

6

7 MR. ROTHE: Kodiak Area Native Association.

8

9 MR. SQUARTSOFF: Here.

10

11 MR. ROTHE: Manilaaq.

12

13 ATTAMUK: Here.

14

15 MR. ROTHE: North Slope Borough.

16

17 MR. ARMSTRONG: Mr. Chairman, Robert Sudam
18 indicated that both him and Charlie will not be here at the
19 meeting. They're right in the middle of whaling season.

20

21 MR. ROTHE: Tanana Chiefs Conference.

22

23 MR. SMITH: Here.

24

25 MR. ROTHE: And the State of Alaska is here
26 and the U.S. Fish and Wildlife Service is here.

27

28 CHAIRMAN ALCORN: Present. By that count,
29 we have a quorum so we are capable of conducting business
30 today as a co-management council.

31

32 Fred, did you have something you needed to
33 say? All right. Let's turn in our binders to the agenda.
34 I trust that the agendas have been passed out to the
35 audience. They're over there on the right hand wall there
36 to be picked up as a handout.

37

38 MR. ANDERSEN: Mr. Chairman, before we get
39 into business, I'd like to be excused today at about 3:30
40 or so. My alternate is not able to attend the meeting but
41 I have other business that I need to take care of at
42 Dillingham tomorrow.

43

44 CHAIRMAN ALCORN: All right. Thanks, Rob.
45 And before we do an introduction here of the Pacific Flyway
46 Council delegate, I would also point out that I'm going to
47 be away from this Council meeting tomorrow beginning at
48 lunchtime. I have a medical procedure I have to go to,
49 attend to, and Ralph you'll be -- oh, you won't be here
50 tomorrow either. Okay, we'll delegate the chair to the

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1 secretary. Tom, you're chairing the latter half of the
2 meeting. Okay, if Matt's back then he'll do that but
3 that's -- and I will appoint a delegate, which will be Bob
4 Leedy, to sit at the table for the tomorrow afternoon --
5 for the Fish and Wildlife Service.

6

7 All right, that takes care of the business
8 of -- oh, Enoch, I'm sorry.

9

10 ATTAMUK: I have an appointment this
11 afternoon at 3:30 to check on my throat.

12

13 CHAIRMAN ALCORN: You're not going to be
14 here either?

15

16 ATTAMUK: 3:30.

17

18 CHAIRMAN ALCORN: Do you have a delegate?

19

20 ATTAMUK: No.

21

22 CHAIRMAN ALCORN: No delegate. Okay, so
23 Ralph and Enoch will not be here. Will that constitute a
24 quorum?

25

26 MR. ANDERSEN: As long as we.....

27

28 UNIDENTIFIED SPEAKER: (Indiscernible)
29 quorum to establish (indiscernible - microphone off).

30

31 REPORTER: Turn your mike on.

32

33 MR. ANDERSEN: As long as you don't
34 adjourn.

35

36 CHAIRMAN ALCORN: Okay.

37

38 MR. SQUARTSOFF: Mr. Chair, I don't want to
39 throw the bad news either, I've got to leave at 3:30 too to
40 catch the plane.

41

42 CHAIRMAN ALCORN: All right, we're going to
43 try to get out of here at 3:30 this afternoon and we might
44 just recess early.

45

46 MR. SQUARTSOFF: But I got an alternate.

47

48 CHAIRMAN ALCORN: Okay, we may need to
49 recess early if we're going to lose most of our members.

50

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1 All right, let's have introductions. We
2 have a fellow here representing the Pacific Flyway Council.
3 I would asked Bob Trost, our Pacific Flyway Council liaison
4 to introduce Ron for us. And I don't see Ron. There he
5 is, there's Ron.

6

7 MR. TROST: Good morning everyone. I'm Bob
8 Trost, as Doug said, I'm a Pacific Flyway representative
9 and I would like to introduce to you Ron Anglin who's a
10 council member on the Pacific Flyway Council. Most of you
11 are well aware that the Pacific Flyway Council has a long
12 history of working in cooperation for migratory bird
13 management with various Native groups here in Alaska and
14 dates and our signatories to the YK Delta goose management
15 plan and a number of other issues that have come up over
16 time that we work cooperatively on with. And Ron is here
17 to fill you in on how they view the formation of the
18 Council and what their role will be.

19

20 CHAIRMAN ALCORN: Thank you, Bob. Ron,
21 welcome.

22

23 MR. ANGLIN: Thank you, Mr. Chair. I'm Ron
24 Anglin with Oregon Department of Fish and Wildlife,
25 Wildlife Division Administrator. And in accepting this,
26 I'm really pleased to be here representing the Council,
27 learning about your specific needs and how that relates to
28 what the states are also dealing with and how we can
29 integrate all that together to deal with conservation
30 measures that are in front of us and be able to satisfy the
31 needs of both subsistence harvest and also the states in
32 dealing with their myriad of recreational opportunities and
33 damage problems that they face. And I appreciate being
34 here.

35

36 Thank you.

37

38 CHAIRMAN ALCORN: Thank you and welcome.
39 And I hope this is a rewarding experience for you and
40 Anchorage is a great place to come and visit. I understand
41 it's your first time in Alaska so.....

42

43 MR. ANGLIN: That's correct.

44

45 CHAIRMAN ALCORN:I hope that you can
46 enjoy it.

47

48 MR. ANGLIN: It's been great so far. Thank
49 you.

50

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1 CHAIRMAN ALCORN: All right. We are down
2 to the agenda item to review and adopt the agenda. A
3 motion would be in order.

4

5 UNIDENTIFIED SPEAKER: So moved.

6

7 CHAIRMAN ALCORN: Are there any, additions,
8 modifications?

9

10 MR. ARMSTRONG: Mr. Chair, Ken has asked to
11 be moved up to the beginning there since he's going to be
12 -- I don't know if that's changed yet but.....

13

14 CHAIRMAN ALCORN: All right, there's one
15 modification. Any other modifications?

16

17 (No audible responses)

18

19 CHAIRMAN ALCORN: I have a couple of just
20 observations in reviewing this. Yesterday, in yesterday's
21 review of the proposals, we have 24 proposals in our tabs
22 in the binders. The agenda lists, under new business
23 addressing the proposals from the 12 regions, which
24 includes the Native Village of Tyonek, there are a number
25 -- 13 proposals that we received from agencies and from
26 conservation constituents groups that are not on the agenda
27 that I suggest they be considered as well when we consider
28 these. We could consider them early or late, depending on
29 what order we go through these. But I believe that we do
30 need to consider them as they were received in the process
31 that was described in the Federal register and we solicited
32 and received these kinds of proposals. We need to address
33 those in this meeting.

34

35 I also have a question. Under other
36 business on day two, the second page. Just so that I
37 understand that what the topic of discussion is, item four,
38 special projects for species of concern. Fred, would you
39 explain to us what that is, what that item is?

40

41 MR. ARMSTRONG: If you recall, there was a
42 list of items that we brought up last month, including the
43 birds to avoid less criteria for adding or deleting special
44 projects really is -- it relates together, you know,
45 harvest data on birds of concern or birds that are listed
46 or threatened. That was going to be a topic of discussion.

47

48 CHAIRMAN ALCORN: Okay, who's going to lead
49 that discussion? Are you going to introduce that then?

50

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1 MR. ARMSTRONG: Yeah, I can start off the
2 discussion in that. I know that item one, two -- two and
3 three were discussed yesterday but I think that we need to
4 at least begin discussion on the issue of possession of
5 birds from included to excluded areas and get prepped up
6 for some action maybe next regulatory cycle.

7
8 CHAIRMAN ALCORN: All right. I had one
9 other suggestion, that we add a seventh item there that was
10 introduced to us yesterday in yesterday's workshop, which
11 was to discuss the issue of the clarification of regional
12 boundaries. We had a concern expressed to us by Stan
13 Pruzinski, the Assistant Regional Director for Law
14 Enforcement for Fish and Wildlife Service. And he pointed
15 that out and was offering to, I think, help us in
16 clarifying what those regional boundaries are for clarity
17 sake in the legal regulation setting process so that we can
18 understand what those boundaries are. So that readers of
19 the regulations can understand and hunters can understand
20 what those boundaries are. So I would suggest that we add
21 that as a seventh item.

22
23 MR. ANDERSEN: Mr. Chairman, I guess my
24 question is, I mean is it -- is regional boundaries really
25 the proper term or is more like districts within the
26 regions? Because if I remember right, there was a concern
27 regarding some districts that were set up on the North
28 Slope for seasons and that sort of thing. So I think it's
29 more like districts within or units within the regions.

30
31 CHAIRMAN ALCORN: Okay, thanks for that
32 correction. Tom.

33
34 MR. ROTHE: Yeah, Mr. Chairman, this is
35 parallel to the fall and winter seasons or states often
36 select various zones that they use to establish different
37 season dates or different limits for reason so I'm not sure
38 what the best term we might want to adopt. But zone is
39 maybe a typical kind of description for that.

40
41 CHAIRMAN ALCORN: Okay, thanks. We can
42 have that discussion if and when we get down to that point
43 on the agenda. We'll just add it as a item seven by my
44 recommendation. Those are the only comments that I had on
45 the agenda. Are there any other proposed changes to the
46 agenda?

47
48 (No audible responses)

49
50 CHAIRMAN ALCORN: All right, a motion would

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1 be in order to adopt.

2

3 MR. ANDERSEN: I have a question. Was a
4 decision made or a motion made regarding the 13 proposals
5 that.....

6

7 CHAIRMAN ALCORN: No, we took no action
8 yesterday. Yesterday was just a discussion.

9

10 MR. ANDERSEN: No, I mean you raised that
11 as a question and I'm wondering if we ever came to a
12 decision on that. You asked if we'd like to consider them
13 early or late and it seems to me that in order for them to
14 be considered we'd need to create an agenda item.

15

16 CHAIRMAN ALCORN: Okay, thanks. I'm sorry
17 if I didn't get to the specificity of that recommendation.
18 I would suggest that we consider them in numerical order
19 that they are presented on this list and just go through
20 them asking the presenters to describe their proposal. The
21 Council can have a discussion and then take action on those
22 as we go through them or defer action until we've continued
23 through the suite of 13 to take action. That would be my
24 suggestion.

25

26 MR. ANDERSEN: Mr. Chairman, I move that
27 the 13 be considered after the regional proposals.

28

29 MR. SQUARTSOFF: Second.

30

31 CHAIRMAN ALCORN: All right. Any
32 opposition to that?

33

34 (No opposing votes)

35

36 CHAIRMAN ALCORN: They would be considered
37 then after. All right, with those modifications a motion
38 would be in order to adopt the agenda.

39

40 MR. ROTHE: So moved.

41

42 CHAIRMAN ALCORN: We have a motion. Do we
43 have a second?

44

45 MR. SQUARTSOFF: Second.

46

47 CHAIRMAN ALCORN: Motion and second to
48 adopt the agenda as modified. Anyone opposed to that
49 motion?

50

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1 (No opposing votes)

2

3 CHAIRMAN ALCORN: No opposition. So moved.
4 We will proceed then.

5

6 At this point we are at the invitation for
7 public comments. I would like to see a show of hands from
8 anyone in the audience that would like to make a statement
9 before we take action. I see one. All right, with that
10 one, we'll invite Jeff Fair to the table. And state your
11 name and who you're representing or if you're just
12 representing yourself, that's fine too, Jeff.

13

14 MR. FAIR: Thank you, Mr. Chairman, Council
15 members and friends here. My name is Jeff Fair, I'm a
16 wildlife biologist. An independent biologist but I am here
17 representing the Alaska Loon Working Group, which is a
18 collection of biologists and managers and people interested
19 in loons who get together at least once a year to identify
20 information gaps and issues regarding loons, collect
21 information, do some of the research and then share that
22 information with other groups in order to facilitate better
23 decision-making in the field.

24

25 The Alaska Loon Working Group has recently
26 focused on yellow-billed loons, one of the five loon
27 species here in Alaska and the one that's confined to the
28 north. The Loon Working Group wishes to provide the Alaska
29 Migratory Bird Co-Management Council with some information
30 relevant to consequences of harvest of yellow-billed loons.
31 I understand that they are not on the harvest list in 2003
32 and because of the small size of the population and a
33 recent decline in numbers and the low recruitment rate of
34 this species, we're afraid that a harvest would provide a
35 potential threat to the conservation of this species at
36 this time. The recent world population estimate of yellow-
37 billed loons is down to 16,000 birds, about 3,200 of which
38 are breeding in Alaska. It's a very low number. The trend
39 over the last 11 years has been identified as moderately on
40 the downward trend and in the last five or six years it's
41 been probably significant -- very much downward. And we're
42 not sure why. We are trying to refine our survey process
43 and everything to have a better look at that.

44

45 The nesting range is limited to the central
46 portion of the Arctic Coastal Plain and parts of the Seward
47 Peninsula and St. Lawrence Island. We know now that --
48 well, five of five birds that were satellite transmitted
49 [sic] last July migrated right past St. Lawrence Island and
50 straight -- pretty much straight to China. So they're an

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1 international species at this point and the birds that
2 winter on the south coast of Alaska and British Columbia
3 probably are Canadian birds, breeding in Canada.

4

5 The yellow-billed loons, like other loon
6 species, only lay two eggs, raise an average of one chick a
7 year, at best. And we don't even know how many pairs breed
8 each year but we do know that in most cases not all pairs
9 attempt to nest every year. So they have a very low
10 recruitment rate and therefore adult survival is critical
11 to this species, especially given the downward trend in the
12 population right now.

13

14 There is some harvest data, we think it's
15 rather inaccurate actually but there are suggestions of
16 several hundred yellow-billed loons being harvested each
17 year in Alaska. And if it is that high or higher, it may
18 be above a sustainable harvest. Until we get the numbers
19 better of the birds breeding and of the number of birds
20 being harvested, we recommend that they aren't hunted here
21 in Alaska.

22

23 I'm going to hand around the letter that
24 has four of our executive committee members listed with
25 their telephone numbers. Anytime that you had any
26 questions about this you could check with them and contact
27 them and ask the questions.

28

29 CHAIRMAN ALCORN: All right, thanks. Any
30 questions of Jeff?

31

32 MR. SQUARTSOFF: Yeah, Mr. Chair.

33

34 CHAIRMAN ALCORN: Herman.

35

36 MR. SQUARTSOFF: Yeah, Jeff, what do you
37 mean by -- you said some of the birds that are here in
38 Alaska are probably Canada? I mean, what do you mean by
39 probably? You're not sure or.....

40

41 MR. FAIR: Oh, very little is known about
42 the yellow-billed loons, which is one of the reasons the
43 focus has come on to them right now. For years we've known
44 that they nest in the very northern parts of the state and
45 we see them over-wintering Prince William Sound, in the
46 Gulf of Alaska, down through British Columbia and further
47 south.

48

49 There was a general assumption in the early
50 days that the Alaskan birds were just migrating down to

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1 southern Alaska to over-winter but no one was seeing them
2 migrate back and forth. Either overland or around the YK
3 Delta where there are a lot of aerial surveys in the
4 springtime. No one is seeing any migration. And now that
5 we've monitor -- or satellite tagged some of the birds up
6 north, and this study will continue, we see that at least
7 the arctic birds -- the coastal plain birds are migrating
8 to China. At least five of five that were tagged did. No
9 one has monitored tagged, banded any of the birds that we
10 see over-wintering in southern Alaska but we know that
11 there is a large population in central northern Canada,
12 west of Hudson Bay.

13

14 And it's only an assumption at this point
15 that they do an overland migration to their area west of
16 Hudson Bay. While our northern birds and probably the
17 Canadian high arctic birds are migrating to Asia.

18

19 MR. SQUARTSOFF: Yeah, because you would
20 seem like you would want to have a little more of the facts
21 instead of just an assumption before you'd want to try to
22 cut anybody off of any harvest or anything like that and
23 you weren't sure on your harvest either so.....

24

25 MR. FAIR: Well.....

26

27 MR. SQUARTSOFF:if you know what I'm
28 getting at here.

29

30 MR. FAIR: Oh, I do see what you're getting
31 at, absolutely. And what I'm saying is that we see the
32 numbers going down and we don't have good harvest numbers
33 at this point. We'd like to refine those and get a handle
34 on it before we all lose the species.

35

36 CHAIRMAN ALCORN: Thank you, Jeff. All
37 right, Mike and then Enoch.

38

39 MR. SMITH: Thank you, Mr. Chairman.
40 Mr. Fair, I appreciate your testimony. Do you have -- what
41 are your feelings or do you have any information you could
42 provide us in regards to the red-throated loon?

43

44 MR. FAIR: I personally don't. I think
45 that there is information on the red-throated loons from
46 the people that are doing that work on the YK Delta
47 especially and some in the Arctic.

48

49 MR. SMITH: But apparently their
50 populations are down as well?

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1 MR. FAIR: As I understand it, they did
2 take a pretty good drop a number of years ago.

3

4 MR. SMITH: Thank you.

5

6 CHAIRMAN ALCORN: Thanks, Mike. Enoch.

7

8 ATTAMUK: Yeah, where did you do all your
9 surveys to check on these yellow-billed loons?

10

11 MR. FAIR: You mean for the population
12 numbers or.....

13

14 ATTAMUK: Yes and where do you take your
15 surveys at?

16

17 MR. FAIR: Most of the population number
18 work has been done by the U.S. Fish and Wildlife Service,
19 June aerial surveys of breeding pairs for waterfowl
20 and.....

21

22 ATTAMUK: Could I interrupt because you
23 must amazing flying the birds because when we try to survey
24 birds from the air, that's impossible. It's really hard
25 where I come from, even for nesting birds because they're
26 hard to spot from the air.

27

28 MR. FAIR: Yeah, I believe they are. I've
29 done a little bit of aerial surveys myself back East but I
30 don't fly these up here. The biologists that do are pilot
31 biologists that are pretty well experienced. I know
32 they're training with videos for identifying species and
33 counting birds. It is not an exact science but it is one
34 that leads to some fairly accurate estimates we hope and
35 they are counting loons along with the waterfowl species at
36 a time, hopefully, that the loons are on their breeding
37 grounds on the territories. And so we're seeing what we
38 can. It is an estimate.

39

40 CHAIRMAN ALCORN: All right, Austin, then
41 Enoch, and then Mike.

42

43 MR. AHMASUK: Thank you, Mr. Chairman.
44 Thanks for your testimony, Mr. Fair. One of your first
45 comments was your understanding that the yellow-billed loon
46 is not eligible for subsistence harvest. It is eligible
47 for subsistence harvest and just a point of clarification,
48 a number of the proposals speak to a closed harvest of a
49 species or a prohibition of take that may not be entirely
50 true, just because they are birds of conservation concern.

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1 And I just wanted to point that out. But Doug, thank you.

2

3 MR. FAIR: Oh, well I stand corrected then.

4 Thank you.

5

6 CHAIRMAN ALCORN: Let me -- hold on. Hold
7 your thought for a second, Mike. I would like to ask staff
8 for some clarification on that. The list that -- or the
9 book that I have for the -- excuse me, the sheet of paper
10 that I have with pictures on it does have the yellow-billed
11 loon on it, Austin, which is one of the nine that was taken
12 off the list that were proposed by Washington. So could
13 you clarify your point?

14

15 MR. AHMASUK: Yeah, Mr. Chairman, just
16 because a bird is on the BCC list doesn't mean that it's
17 been closed to harvest. I see here that these birds here
18 have been removed from the BCC list. Prior to them being
19 removed or put on the BCC list, we asked for those birds to
20 be harvested, the SRC agreed and hasn't prohibited harvest.
21 You recall they prohibited harvest on Steller's eiders,
22 spectacled eider, black brant, Canada geese in certain
23 areas, emperor geese as well.

24

25 CHAIRMAN ALCORN: Okay, so the distinction
26 is is that they've been removed for harvest in one year
27 only, the first -- the 2003 regulation? Because that's my
28 -- my interpretation of what the action that SRC took was
29 to take our proposed list and remove nine species of which
30 the yellow-billed loon is one of those nine from the legal
31 2003 season with the understanding that our list that we
32 adopted early on are the lists -- are the birds that we've
33 identified for subsistence harvest over time but that
34 annual regulations prohibit the harvest of that particular
35 species. That's the way I understand it and that's why I
36 ask staff maybe for clarification. Okay, Austin, go ahead.

37

38 MR. AHMASUK: Yeah, thanks Mr. Chairman.
39 That's not the way I understand it. They have been removed
40 from the BCC list and regarding other consideration for
41 closure of species, I don't recall that they're -- that we
42 were asked or the SRC asked or promulgate a regulation for
43 a closure. That's not what I.....

44

45 CHAIRMAN ALCORN: Okay, let's refer to
46 Fred.

47

48 MR. ARMSTRONG: The nine birds were not
49 removed from the BCC list. We don't have no authority on
50 that. The birds were removed from our annual harvest bird

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1 list so they're closed to harvest, the nine birds.

2

3 MR. AHMASUK: Okay, then I stand corrected.

4

5 CHAIRMAN ALCORN: Austin, okay, thank you.

6 We had Mike and then Enoch. I'm sorry for the delay.

7

8 MR. SMITH: No, it was Enoch first.

9

10 ATTAMUK: It don't really matter.

11

12 MR. SMITH: Thank you, Mr. Chairman. Mr.
13 Fair, I understand a little bit about biology but I'm just
14 trying to get a handle on how these types of surveys, how
15 the biology and the data gathering and assessments work
16 behind stock status and assessments and stuff. And I was
17 just curious as to the certainty or interval or whatever of
18 those type of aerial surveys and stuff like that you have
19 on your populations.

20

21 MR. FAIR: Well.....

22

23 MR. SMITH: And it may be -- I mean, I know
24 that's a kind of complicated question and stuff but I'm
25 just trying to get a feel for how accurate the biology is
26 behind stock assessments of migratory birds and stuff.

27

28 MR. FAIR: Well, I think that's a real good
29 question and it really goes species by species in many
30 cases, even though it's -- their data are collected during
31 the same survey. The letter that I will leave here or hand
32 around will have Susan Earnst's telephone number on it and
33 she would be, I think, the expert on that. She's working
34 right now, attempting to clarify the estimates and make
35 them more accurate, even from data from before as they --
36 because these things have been done annually for I forget
37 how many years now. But we're looking at more than, I
38 think, maybe 11 or 12 years at least for yellow-billed loon
39 data. And Susan is looking at those in a statistical way,
40 determining visibility factors and that sort of thing from
41 the standard over-flights that are made each year to
42 determine a more accurate estimate of the total population
43 from the number of birds seen. The confidence intervals in
44 theory are getting smaller, which means that we're more
45 accurate but I, not being a statistician like Susan is, I
46 think I would defer to her answer on that question. And
47 she could answer that much better than I .

48

49 There's also a status report about to be
50 available and there may be some copies available in which

00017

1 she's explaining this and reviewing the accuracy of these
2 population estimates specifically.

3

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

5

6 CHAIRMAN ALCORN: Thanks, Jeff. Russ has
7 come to the mike. Russ is our chief of the waterfowl
8 monitoring program in Alaska and maybe he can shed some
9 light on that question as well.

10

11 MR. OATES: Thank you, Mr. Chairman. With
12 regard to the surveys that Jeff was referring to, these
13 yellow-billed loons have been counted along with the other
14 bird species that we count in our North Slope surveys that
15 we've been doing with standardized survey methods since
16 1985 on the North Slope. He is correct that visibility of
17 individual species varies a little bit but we do feel that
18 the visibility probably has not changed much over time and
19 our observations are relatively consistent over time. So
20 the trend that he is referring to there probably is a real
21 indication of some change in the population of yellow-
22 billed loons.

23

24 I don't have the data on the tip of my
25 tongue here today but I have no reason to doubt, you know,
26 what he is reporting in terms of the trend. It's a
27 standard survey method that we use all over the state and
28 has been used consistently all over the continent since the
29 1950's and it's pretty well proven out. So I feel like the
30 numbers are pretty good. Just because of the elevated
31 concern for yellow-billed loons and the fact that they are
32 an uncommon species and occur fairly rarely, we have been
33 working, as he indicated, with Dr. Susan Earnst of the BRD,
34 USGS BRD, to try to refine the techniques to get more
35 precise estimates.

36

37 And in fact, we're working cooperatively
38 with her and the Bureau of Land Management and the National
39 Petroleum Reserve this summer to do a special survey that
40 is designed to get better numbers and also get a better
41 description of the kinds of habitats that are important for
42 breeding yellow-billed loons. This in the face of the
43 upcoming development activities for oil development on the
44 North Slope to try to facilitate an improved location of
45 oil development relative to protecting important yellow-
46 billed loon nesting areas. So I think the surveys that
47 he's referred to are pretty solid.

48

49 CHAIRMAN ALCORN: Thanks, Russ. Enoch, did
50 you have a follow-up question? I'd like to try to close

00018

1 out on this discussion so that we can move into old
2 business.

3

4 ATTAMUK: Yeah, he answered my question.

5

6 CHAIRMAN ALCORN: Okay, thank you. Thanks,
7 Jeff.

8

9 MR. FAIR: Well, should I hand these
10 around?

11

12 CHAIRMAN ALCORN: Why don't you -- you can
13 do that. I would prefer that you give it to Fred, he can
14 distribute those. Are there any other folks that wish to
15 provide any comment during the public comment session?

16

17 (No audible responses)

18

19 CHAIRMAN ALCORN: All right, we'll call
20 that session to a close. We are now into the old business.
21 It will take, I think, a motion to take off from the table
22 the petition from Gakona. Austin, you have your hand
23 raised.

24

25 MR. AHMASUK: Yeah, I didn't get my hand up
26 before you closed the public comment period and I had
27 something that I wanted to bring up.

28

29 CHAIRMAN ALCORN: Okay, we'll allow you to.
30 Go ahead.

31

32 MR. AHMASUK: Regarding the birds, the BCC
33 birds, which will be removed from the AMBCC list, which is
34 not what I understood but which directly follows what you
35 just told me, Mr. Chairman. What actual documentation, a
36 federal register or whatever, can we look to that did that,
37 that removed those birds from the AMBCC list? Otherwise we
38 just have the federal register document number.....

39

40 MS. DEWHURST: Tab 25.

41

42 MR. AHMASUK:033235.

43

44 CHAIRMAN ALCORN: Okay, Donna says it's tab
45 23.

46

47 MS. DEWHURST: Twenty-five.

48

49 CHAIRMAN ALCORN: Twenty-five.

50

00019

1 MS. DEWHURST: Has the draft -- that's the
2 regulation portion of the draft final rule.

3

4 CHAIRMAN ALCORN: All right, this is the
5 draft rule under tab 25 that is the regulation if it were
6 to be -- if this draft were to be signed by the secretary,
7 it would establish the regulation. And it does have those
8 species removed from it. And it was -- that was removed by
9 the SRC in deliberation that they had in a meeting, I'm
10 going to say about a month ago.

11

12 MR. AHMASUK: Mr. Chairman.

13

14 CHAIRMAN ALCORN: Austin.

15

16 MR. AHMASUK: Does the draft carry the
17 weight of anything that is set standard for other migratory
18 bird regulations? And if it's just a draft, how is it that
19 we can definitively say the birds have been removed?

20

21 CHAIRMAN ALCORN: Well, that's -- it's a
22 fine point, I guess. At this point the SRC has made the
23 management call to remove those from the list. The SRC
24 then is responsible for taking their recommendation to the
25 director of the Fish and Wildlife Service. The director,
26 after internal legal review, then takes that final version
27 to the assistant secretary for signature. That's the
28 process. And unless there are -- those species are added
29 back in, which at this point is unlikely, then the draft
30 will be published with those -- the same list. Now your
31 question, does a draft regulation have any bearing on
32 what's added -- what's in or out at this point, it does not
33 because it's not been finalized. It's not a published
34 rule. Go ahead, you can have a follow-up.

35

36 MR. AHMASUK: Yeah, just one last thing. I
37 just wanted to, just in these past few minutes is when my
38 thinking got totally rewired. I just wanted to get that on
39 the record for, you know, to establish that, so.....

40

41 CHAIRMAN ALCORN: Thanks. I think Fred had
42 a follow-up.

43

44 MR. ARMSTRONG: The draft represents the
45 actions of the service regulations committees. You know,
46 that should be clarified too.

47

48 CHAIRMAN ALCORN: All right, we are now to
49 old business. The Gakona petition was tabled at the last
50 meeting. A motion is in order to remove it from the table

00020

1 for consideration.

2

3

MR. ANDERSEN: So moved.

4

5

MR. SQUARTSOFF: Second.

6

7

CHAIRMAN ALCORN: We have a motion and
8 second to remove the Gakona petition for inclusion that was
9 tabled at our last meeting for consideration at this
10 meeting. Anyone oppose the motion?

11

12

(No opposing votes)

13

14

CHAIRMAN ALCORN: No opposition. We will
15 go to that business item, which I believe is under tab 24.
16 Is that right? Tab 24 in your binders. Okay. The
17 protocol that we had at the time, at the last meeting, was
18 to allow the presenter of the proposal to introduce it, to
19 speak, just for clarification, to say what it was all
20 about. And we had an anthropologist on contract to give an
21 assessment of that. We don't have that gentleman under
22 contract any longer so the protocol is not identical but we
23 still would like for Joeneal to present this proposal to us
24 and then I see Bill Ostrand has come to the mike and maybe
25 he would be providing some staff input on that proposal.

26

27

MR. OSTRAND: I really don't have all that
28 much to add. We just received this yesterday so we haven't
29 had time to review this in depth and analyze it.

30

31

CHAIRMAN ALCORN: All right, we did get it
32 yesterday and it was my instruction to the Council to do
33 their homework and to go back and look at it and I in fact
34 have done that. And I hoped -- I trusted you all have done
35 that too. But in order to maintain a consistent protocol,
36 I would invite agency input or discussion. I would invite
37 Bob Leedy to the table and I would invite Tom Rothe as our
38 technical representative of the Alaska Department of Fish
39 and Game to also comment on that and then we can take
40 action. At this point I'd like Joeneal to present the
41 proposal.

42

43

MR. HICKS: Thank you, Mr. Chairman. Well,
44 first of all I wanted to say that the petition that you
45 have here is additional information to the original one.
46 You might remember at the last meeting you considered the
47 Gakona proposal but you tabled it because there was lack of
48 information on it. This information was gathered since
49 that last meeting and I apologize for not being here at
50 that last meeting because I was traveling in the Lower 48.

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1 A commitment that I couldn't get out of from, so I'm sorry.
2 Anyhow I'm here and I'm going to present to you the Gakona
3 criteria or the Gakona petition.

4

5 First of all, Gakona is a Native word. It
6 means place of rabbits or place where there's a lot of
7 rabbits. In other words, rabbit river. Gakona. Ga
8 meaning rabbit, na river. Rabbit river. The old Gakona
9 village is situated there at the confluence of the Copper
10 and Gakona River. That village dates back probably about
11 200 and some years or so. A lot of the old village there,
12 the ruins are now misplaced because of the river or the
13 erosion in the area. And you can see some of the old, old
14 relics still in that place but most of it is destroyed.
15 The new village now where they exist is pretty much down
16 to, let's say, three families. But basically it comes from
17 just one family, and that the Gene family. The Gene family
18 is broken up into about 30 different family members. In
19 other words, Buster Gene, I don't know if you know his
20 name. He passed away probably about what, seven years ago,
21 I believe. And he had, from his children, just outgrew
22 like that. So basically I guess you could say Gakona is
23 just like one family type of village. It just grew out
24 from that.

25

26 Anyhow, Gakona at presently is probably
27 about 17 percent population of Natives. Most of it is
28 predominantly non-Natives today. Most of the Native
29 residents that lived there have moved out from the area,
30 back in Anchorage and stuff like that because of jobs, the
31 lack of housing, etcetera. And now they're situated about
32 Mile 4 on the Richardson Highway. Well, did you do your
33 homework, put it that way. You know, so we did some
34 interviews in the last, you know, several weeks or so,
35 trying to gather additional information. And the
36 information that we gathered is basically from the family
37 members and I would like to ask Ron Stanek if he would help
38 me out on this since he was the one that helped me conduct
39 these interviews. So if you could pitch in any time, raise
40 your hand and I'll.....

41

42 CHAIRMAN ALCORN: Well, the Chair would ask
43 Ron Stanek to come to the mike if there are any things to
44 add during the presentation.

45

46 MR. HICKS: But anyhow, Gakona again is
47 situated four miles from the junction. They are nearby
48 Gulkana, in other words, they're about actually really four
49 miles apart if you draw a straight line. They're inter-
50 related. Their dependency on ducks and stuff like that is

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1 pretty much the same particular area. In other words, they
2 harvest the migratory birds in the particular area of Lyle
3 Lake, Crosswind Lake, Ewan Lake -- oh, boy -- well, anyhow,
4 it's upper north of Gakona, Gulkana where they do the
5 majority of their harvest of migratory birds. And when
6 they do the harvest of migratory birds, most of that
7 harvest situates or corresponds with muskrat hunting. In
8 other words, you don't just go out there for ducks, you go
9 out there for other reasons, be it moose, caribou, whatever
10 the case might be. In this case specifically of our Gakona
11 and Gulkana, it's muskrat. So muskrat would be situated
12 with duck hunting also.

13

14 And if you look at the ANCSA selections in
15 that particular area, you could see a lot of those
16 selections are situated or are meant for subsistence
17 purposes. And if you go even further under ANCSA section
18 14(c)(1), your subsistence campsites and stuff like that,
19 they are selected for that particular purpose also. And
20 there are documentation in that regards with AHTNA.

21

22 So let's see, how do I approach this here.
23 You want me to just go down the list here as to how.....

24

25 CHAIRMAN ALCORN: Well, I would ask you to
26 address the five criteria and they're addressed in your
27 proposal. So if you can give a nutshell on how those
28 criteria are met or not met by the proposal.

29

30 MR. HICKS: Okay, well I think I kind of
31 answered then pretty much one, a pattern of use recurring
32 in the spring. In other words, it's something that just
33 happens along and it's situated again, like I said, with
34 muskrats and other kind of animals besides just ducks
35 alone. It could also include the gathering of roots or
36 what they refer to as sauce, Indian candy, Indian and
37 potato.

38

39 In regards to number 2, consistence harvest
40 and use of migratory birds, again, the areas that they use
41 is north of their actual village there and it's like 15 to
42 20 miles and it includes a lot of the waterways up north.
43 I don't have a map here handy that I could actually show
44 you -- wait, maybe I do.

44

45 CHAIRMAN ALCORN: While you're looking for
46 that the Chair would like to recognize Matt Robus, the
47 Alaska Department of Fish and Game representative to the
48 table. Thanks, Tom.

49

50 MR. HICKS: Well, there is some maps here

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1 but it doesn't actually show where the ponds and the lakes
2 and streams are at so I'll just pass it around. But
3 anyhow, Gakona and Gulkana, this is the area north is what
4 I'm referring to where they actually do their harvest of
5 migratory birds. In just, you know, just in the immediate
6 vicinity of Gakona, most of their, you know, most of the
7 harvest of migratory birds is just locally, like in the
8 ponds of the Interior sites and stuff like that.

9

10 Three, use pattern. Includes handing down
11 knowledge and hunting skills. That I have to say is
12 something that's very, very important. And it's not just
13 to them but it's important to all of us. In other words, I
14 remember, for instance, myself when I first got my first
15 moose, I had to give it away. I mean, I couldn't eat
16 nothing. Well, I had to give it away and I wondered why.
17 I went out there and I worked so hard. Worked my butt off
18 just to get this moose for my mom and then she turns around
19 and gives it away. I thought, what the heck is going on
20 here. But, you know, the idea there was, you know, it's
21 the potlatch.

22

23 In other words to, it's something that --
24 it's like a cultural practice. And they did that in a
25 particular setting in a group of people, be it a potlatch
26 meet, a gathering or whatsoever. And they would say in
27 front of you to the others here, Joe got his first moose.
28 And as a result of that, it bestowed prestige to you and it
29 taught the other younger kids who were sitting there, would
30 say, hey, look at Joe, he's getting honored. He's doing
31 this; he's doing that. And it passes down a generation of
32 knowledge, it passes. And that practice still continues
33 today.

34

35 I also remember being taught when I was a
36 young kid also to go out there and how to hunt muskrats.
37 How to hunt ducks. How to actually go out for the big
38 game, the moose, the sheep, be it whatever the case might
39 be. After awhile you learn then pretty much you're the
40 teacher. And it just continues to go on and on like that.
41 And again, I have to say, that practice is still practiced
42 today. In Gakona, a lot of the residents there -- or the
43 Native residents there have really grown. They have
44 offspring there and I can't really let's say vouch for them
45 that that practice is really going on. I do know that it
46 is but I can't say, here's the documentation that says that
47 it is. The older generation of Gakona, like I say, Buster
48 Gene, he is -- he was the -- let's say the chief of Gakona
49 or the eldest member of Gakona. He's the one that had the
50 information in his head. And with his passing, a lot of

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1 move for the inclusion of Gakona into the proposal list.

2

3 CHAIRMAN ALCORN: Mike, that's out of order
4 at this point because we have not gone through the protocol
5 that we use to consider these. We still need to hear from
6 the agencies, technical perspective. Excuse me?

7

8 MR. ARMSTRONG: (Indiscernible - away from
9 microphone).

10

11 CHAIRMAN ALCORN: And the motion, it's on
12 the table to be considered. Is that right, Fred?

13

14 MR. ARMSTRONG: Yes.

15

16 CHAIRMAN ALCORN: So at this point, I would
17 like to hear from Bob Leedy for U.S. Fish and Wildlife
18 Service.

19

20 MR. LEEDY: Thank you, Mr. Chairman. It's
21 -- I have little to offer from a technical point of view, a
22 biological point of view. This is largely a socioeconomic
23 and political decision. I would just point out that the
24 number of birds taken by the '82 and '87 surveys are
25 relatively small numbers. Ducks, which can constitute
26 maybe a third to a fourth of the entire take of birds,
27 which is predominantly grouse and ptarmigan. In 1987,
28 under the category of bird eggs, I'll point out that there
29 were none reported taken. As was described, it's a very
30 small community with few households, other than the '82 and
31 '87 data, there was no reported take from a single
32 household in 2000.

33

34 And then when it refers to subsequent
35 discussions with other community leaders, I assume that
36 means the Gene family members from Gakona listed in the
37 list of citations. And the Charley, Jerry and Lena Charley
38 family from Chistochina, it's not clear to me what the
39 relation of Chistochina was to Gakona because Chistochina
40 was written in otherwise. Like I say, I have no specific
41 recommendations. The data are still sparse, I would say,
42 but they may well meet the test.

43

44 CHAIRMAN ALCORN: Okay, thanks Bob.

45 Any.....

46

47 MR. HICKS: Can I respond?

48

49 CHAIRMAN ALCORN: You may, go ahead,

50 Joeneal.

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1 MR. HICKS: Well, in regards to Jerry and
2 Lena Charley, okay, Jerry Charley is from Gakona. In other
3 words he's married to Lena Charley and he just moved to
4 Chistochina. There is another person there in Chistochina
5 who is actually from Gakona and Bill Jove. We tried to
6 interview him but he was too old and he only speaks his
7 language. I don't necessarily -- I can't, how do you say,
8 jaw with him, in other words, and you have to holler in his
9 ear. What are doing here? In other words, he'll tell
10 you. But anyhow, all of the people that we tried to
11 interview were people who are originally from Gakona. And
12 again, Jerry is from Gakona.

13

14 And from what you say in regards to
15 documentation for Gakona and that would be -- probably
16 applicable to all the AHNTA eight villages within the
17 region because we were excluded because of someone's act
18 fifteen hundred years ago. You know, they took away a
19 particular right from us that we used all our particular
20 lives. It goes back to my generation, my grandma's
21 generation without even consideration given us. And now we
22 have to fight back for this right to get it back. Anyhow,
23 in the meantime, most of these people, like even me and I
24 remember that, having to sneak around with these ducks.
25 And I hear a car, I run and hide behind a tree, hide behind
26 the bushes. And when these surveys were taken, it's my
27 feeling or my opinion, let's say, that many of the people
28 are reluctant to even reveal this kind of information
29 because they were led to believe that this is illegal, you
30 cannot do it. And a lot of them believe that today.

31

32 CHAIRMAN ALCORN: All right, thanks
33 Joeneal. Any other questions of Bob?

34

35 (No audible responses)

36

37 CHAIRMAN ALCORN: All right, thanks Bob.
38 I'd like to invite Tom Rothe to the table if he has any --
39 do you have any comments on this from -- technical
40 comments, Alaska Fish and Game?

41

42 MR. ROTHE: I defer to Ron.

43

44 CHAIRMAN ALCORN: Defer to Ron, okay, and
45 Ron had no other additional comments. All right, we have a
46 motion and a second that tabled to include Gakona in the
47 2004 subsistence regulated season. And I would, Ralph,
48 entertain any discussion.

49

50 MR. ANDERSEN: Mr. Chairman, I would like

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1 to speak for the motion. I believe the petition for
2 inclusion is complete and meets the criteria established by
3 the Council. The information provided clearly indicates a
4 historical and customary and traditional subsistence use
5 and harvest of migratory birds. I encourage favorable
6 consideration. With that, I call for the question on the
7 motion.

8

9 CHAIRMAN ALCORN: Okay, we've had a call
10 for the question. Does anyone oppose the inclusion of
11 Gakona into the 2004 subsistence season regulatory process?

12

13 (No opposing votes)

14

15 CHAIRMAN ALCORN: No opposition is
16 expressed. They are included. Thank you, and that
17 concludes old business unless there's any necessary
18 addition to the agenda. All right, I would like to call
19 for a 10-minute break and be back at 15 after 10:00. But
20 before we go, Matt Robus, who has been in legislative
21 session this morning by telephone call would like to
22 address the group.

23

24 MR. ROBUS: Thanks, Mr. Chair. I just
25 wanted to express my apologies to Council members and the
26 audience for my tardiness this morning. And I don't know
27 what was announced but I wanted to make it clear that it
28 wasn't my choice to testify this morning but it was kind of
29 one of those things that you can't say no thank you to. So
30 it's not that I didn't think that being here was not
31 important, it just wasn't possible. But I'm here now,
32 ready to go. Thanks.

33

34 CHAIRMAN ALCORN: All right, let's
35 reconvene at a quarter after. That gives you about eight
36 minutes.

37

38 (Off record)

39

40 (On record)

41

42 CHAIRMAN ALCORN: All right, we're ready to
43 reconvene and pick up under agenda item new business,
44 regional proposals. We've amended our agenda to include
45 the discussion of the 13 proposals that we've received at
46 the close of discussion of item 12 but we will proceed
47 through items one through 12 in order that they're written.
48 I understand that there are a number of regions that did
49 not submit or resubmit proposals for the 2004 process on
50 the assumption that the 2003 proposals would stand for

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1 2004. So there are many of these that we do not have
2 because they weren't submitted. And I think for the record
3 we need to have the representative make a statement,
4 something to that effect, so that there is a written record
5 of why there is no proposal submitted and what the
6 understanding was at the time.

7

8 So with that, I would like to begin with
9 the Aleutian/Pribilof Islands Association and Jacob, I
10 would open the floor -- before I do, Fred has got his hand
11 raised. Fred.

12

13 MR. ARMSTRONG: Mr. Chair, we amended the
14 agenda to the -- move Kodiak first.

15

16 CHAIRMAN ALCORN: Okay, I'm sorry. We'd
17 done that. We're going to allow Kodiak to make their
18 presentation because their representative is going to
19 leave. I'll turn it over to Herman.

20

21 Fred, did you have one more statement?

22

23 MR. ARMSTRONG: This seems to be the
24 protocol.

25

26 CHAIRMAN ALCORN: Yes, I have the protocol
27 here on how we will proceed in hearing the proposals. What
28 I propose, before we do that, Herman, let me go through
29 this protocol, I apologize. Introduction of the proposal,
30 agency comments, Fish and Wildlife Service, Department of
31 Fish and Game. We would allow public comment and Council
32 deliberation and then action on the proposal. And we would
33 do that in sequence as we go through each of these. And we
34 will begin with -- if I hear no opposition to that process
35 that's been proposed, we'll proceed that way and we'll
36 start with KANA region.

37

38 MR. SQUARTSOFF: Thank you, Mr. Chair.
39 Herman Squartsoff, KANA, Kodiak Area Native Association.
40 Yeah, also I to add, what you were just mentioning earlier,
41 Doug, was I resubmitted to our opening closure and I don't
42 see that here. Where we changed the date from March 11th
43 to April 2nd should have been in here.

44

45 MR. OSTRAND: Herman, it's behind the next
46 tab, behind number 19.

47

48 MR. SQUARTSOFF: Oh, okay, thank you, Bill.
49 I'll go with the first one. I guess I'm stand to be
50 corrected right off the bat on this one here. I guess it

00029

1 is already in the regulations, is what Donna was telling
2 me. So if she can -- she's not here right now but this is
3 something that we were working on proposing to do for 2004
4 but we wanted to have it closed by regulation and all that
5 and everything else. And Donna was just telling me that
6 it's already in there and Mike so.....

7

8 MR. SMITH: Mr. Chairman, if I might.

9

10 CHAIRMAN ALCORN: Mike, go ahead.

11

12 MR. SMITH: Yeah, Herman, you may want to
13 go ahead and look at that language real closely. It's the
14 last page under tab 25 and it talks about the closure of
15 the road system but then it also says off shore islands and
16 waters adjacent to the closed area will remain open for
17 harvest. Is that what you wanted?

18

19 MR. SQUARTSOFF: That's correct.

20

21 MR. SMITH: Okay.

22

23 MR. SQUARTSOFF: Yeah, that's -- so I don't
24 need to look then.

25

26 CHAIRMAN ALCORN: All right, Fred has got
27 his hand up. Let me ask -- Fred has a -- is it a process
28 statement here?

29

30 MR. ARMSTRONG: Yeah, just a point of
31 clarification. The '03 regs, what Herman is proposing is a
32 little bit different from the '03 regulations. He's
33 talking about 500 feet from the water line so we need to
34 hear a proposal.

35

36 MR. SQUARTSOFF: Okay, thank you, Fred.
37 Yeah, I'll go ahead and explain that too. How do you want
38 me to -- Doug, do you want me to go over each section on
39 this or -- I probably should, right?

40

41 CHAIRMAN ALCORN: If you would.

42

43 MR. SQUARTSOFF: Right, okay. Okay, what
44 are we proposing indicated in harvest limit, season
45 closure, methods, means or bird or eggs to be culled
46 opening seasons. The closure of the Kodiak road system and
47 trail system in adjacent areas as defined on the attached
48 map by regulation. We wanted this done by regulation and I
49 guess that happened so far but we have other stuff that I
50 need to add in for 2004. And the map is there, the second

00030

1 page on it, if you all want to look at that map. And it
2 goes from Craig Point, that's in Anton Larsen Bay. And we
3 didn't follow the coastline all the way out there like we
4 did farther in because that's one of the major subsistence
5 hunting and egg gathering areas up on that end out of my
6 village area. And people coming out Port Lions, Kodiak, up
7 on the north end there.

8

9 But then we did follow from Termination
10 Point, which is just down from the city of Kodiak a little
11 bit and go -- and then we followed it all the way from
12 there, along the coast, all the way in to Hugat (ph) Bay
13 and Sultry Cove. And where we ran that line straight back,
14 there is a real old road system, trail system, that comes
15 down into that bay in there were people can get at. And I
16 did leave that out last year on our proposal. That one
17 area or a couple there, Pasatchek (ph) and Sultry Cove.
18 That was pointed out to me by staff that we did leave that
19 area out. But that's the area that we propose to close on
20 it.

21

22 And second question, how should a new
23 regulation read. This is where this new stuff we added in
24 -- the one that you have there is a little different. A
25 couple of words were left out and I'll read it here. It
26 says, closure of the Kodiak road system and trail system in
27 adjacent areas. Then we added, within 500 feet from the
28 mean low water. Not high water, it should be mean low
29 water. We want them as far away as we can from the road on
30 this so it should be mean low water. And the second
31 sentence that we are looking to defer this other sentence
32 out of here for right now, I guess there's a technical
33 thing on it. Require all subsistence migratory bird
34 hunters and egg gatherers to register for spring and summer
35 season. What got left out on your sentence was require all
36 subsistence. You guys just have migratory bird hunters and
37 egg gatherers to register for spring and summer season.

38

39 And another way to do this, what we were
40 thinking too, was through the tribal councils would be a
41 designated place to come in and instead of having a permit
42 system, a registration card. So that way we will know who
43 the hunters are. We'll be able to tell who the hunters are
44 and everything instead of having a permit system. I think
45 that might clarify some of the questions that some of you
46 had on this -- on your discussion yesterday.

47

48 So then to what geographic area does the
49 regulation apply? I kind of explained that already.
50 Kodiak area to the USGS point black -- or Black Point, it

00031

1 should be. Not point black but Black Point and Sultry
2 Cove, north to Craig Point on the outside of Anton Larsen
3 Bay, east to Termination Point. South along the coast of
4 Cheniag (ph) Bay to Narrow Cape and west to Black Point and
5 Sultry Cove. See also attached map.

6

7 What impact will this regulation have on
8 migratory bird populations? It will have the least amount
9 of impact on the migratory bird population due to their own
10 trail system closure.

11

12 How will this regulation affect subsistence
13 users? Subsistence users will have to hunt and egg gather
14 on the surrounding islands and offshore and will be
15 required to register to participate in the spring and
16 summer season. So that's right in there, Mike, where you
17 mentioned the offshore islands and all that will be open
18 there.

19

20 And how will this -- why should this
21 regulation be adopted? It will limit the amount of
22 migratory bird hunters and egg gatherers in the area which
23 in turn will have the least amount of impact on the
24 migratory bird population. And I've mentioned before in
25 our past meetings, I feel that the harvest level might even
26 come down because people will just go out now and gather or
27 get ducks and all that and everything fresh instead of
28 trying to put any in the freezer and all that and
29 everything else. They'll all get a few of what they want
30 to eat and that will basically it. And it won't happen
31 every day. You know, it will be every so often, a week,
32 two weeks, whatever. You know, I can't dictate what
33 everybody will do but I assume that it's going to come down
34 with this regulation into effect that way. That will -- I
35 think that will help a lot. The egg gathering I think will
36 probably stay basically about the same. But I believe the
37 harvest of the birds will come down.

38

39 And is there any additional information
40 that supports your proposal? We held the Koniag Native
41 regional native migratory subsistence meeting November 21st
42 and 22nd. And then it was agreed by the majority of the
43 vote, by the participants from Kodiak and outlying village
44 that we should propose of the above described area to
45 address the conservation concerns. And then we also held a
46 public hearing and there's documentation on that also in
47 the binder right here. That's shows we had a public
48 hearing on that. I think that was in November. And Bill
49 was down there for that one also.

50

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1 MR. OSTRAND: The list of attendees is
2 included within this tab.

3

4 MR. SQUARTSOFF: Yeah and then I think we
5 also did send the list of attendees on the other meeting we
6 had and I don't see that list in here unless it's on the
7 other -- under tab 19 too or something, I don't know.

8

9 MR. OSTRAND: No, it's not included.
10 Herman also held a meeting with the Kodiak Refuge and
11 Kodiak area Audubon Society about his proposal as well.

12

13 MR. SQUARTSOFF: I'm not going to comment
14 on that meeting too much. It was just kind of an off --
15 not a -- but we did iron some things out. We did try to
16 explain to the Audubon Society on a lot of that and
17 everything else and what we are doing. And things were
18 kind of okay on it. And I guess they did submit their own
19 proposal, so -- but that's our proposal on this one. And I
20 need to get back to tab 19. And then the other one.....

21

22 CHAIRMAN ALCORN: Herman.

23

24 MR. SQUARTSOFF: Yes.

25

26 CHAIRMAN ALCORN: Before you move to the
27 next.....

28

29 MR. SQUARTSOFF: Okay.

30

31 CHAIRMAN ALCORN:do we have questions
32 regarding that one. I've seen Ralph and Matt both raise
33 their hands. So I'll let Ralph go first and any other
34 Council questions.

35

36 MR. ANDERSEN: Thank you, Mr. Chairman.
37 Herman, under the question, how do you -- or how should the
38 new regulation read, the statement in there that says that
39 individuals must demonstrate customary and traditional use
40 for spring/summer harvest, can you tell us your ideas of
41 how the standard would be met? What could, you know, how
42 would you -- how do you envision individuals meeting the
43 customary and traditional use test. I mean, how would you
44 go about doing it.

45

46 MR. SQUARTSOFF: Yeah, okay Ralph, we
47 discussed this in our other meetings too in the past, that
48 it would be what we know of the patterns of all our hunters
49 that are down there. We know who the hunters are and
50 everything else. And then the knowledge down from the

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1 elders, the ones that did the hunting and the teaching and
2 all that and everything else. We'd be able to establish
3 that through these people, you know, on knowing who
4 customarily and traditionally did the hunting and
5 everything. That's also in the protocol there on one of
6 the use patterns, I'm finding out this type of information,
7 I believe.

8

9 MR. ANDERSEN: You know, because just he
10 word demonstrate seems to add something that -- you know,
11 something more concrete. The other question that I have
12 is.....

13

14 MR. SQUARTSOFF: Maybe we could change that
15 to individuals -- well, no, I better not elaborate real
16 quick on it. Yeah, go ahead. Sorry, Ralph.

17

18 CHAIRMAN ALCORN: All right, we have --
19 wait, we have additional question. We have a follow-up
20 with Ralph and then Matt and then Mike.

21

22 MR. ANDERSEN: And under the question, what
23 impact will this regulation affect subsistence users, you
24 have in there, you know, the statement or the requirement
25 that subsistence users will be required to register. Can
26 you explain that? I mean, register where? Register with
27 whom and how would that work?

28

29 MR. SQUARTSOFF: I did mention it. I
30 mentioned it when I read it off there, Ralph, that we would
31 try to use the tribal councils as a point of registration,
32 you know, because that's the main majority of places in the
33 village. Same thing in Kodiak. And in going -- in using
34 -- in issuing a registration card instead of a permit so we
35 can establish and know who the hunters are out there and
36 stuff. So enforcement will know that.

37

38 CHAIRMAN ALCORN: Thank you, Herman. Matt.

39

40 MR. ROBUS: Thank you, Mr. Chairman. My
41 question has to do with the exact same place that Ralph
42 honed in on but I need to ask -- I need to explore it
43 further. I'm not sure -- I've got a lot of concern about
44 this issue of determining individual C&T use or history
45 both from the logistical standpoint and how that relates to
46 what the treaty amendment says we're supposed to be doing.
47 But first a practical question, if all you're going to do
48 is require registration for the hunt, which basically is
49 filling out a card to tell the Council through the --
50 whoever is collecting the information who you are as a

00034

1 hunter, you don't have -- you're not saying you can only go
2 hunting if you get a permit from us but you're saying you
3 can only -- you can go hunting as long as you filled out a
4 registration card.

5

6 If that's the control you have then how
7 does expecting somebody to demonstrate a personal C&T
8 history for use come to bear on the situation. It just
9 seems that there's no point at which anybody evaluates
10 whether that person does have a personal history or not.
11 So to me it would say that if there's a registration hunt,
12 you allow anybody from the community to fill out a card and
13 go hunting regardless of their personal history. So I
14 don't see how these two sentences now fit together.

15

16 MR. SQUARTSOFF: Well, you know, I'm seeing
17 it a little different, Matt, on that. The knowledge is
18 there of the people that know, who have been doing the
19 majority of the hunting and everything. And it is allowed
20 in their -- also in protocol to where you can bring in to
21 do the teaching and everything, you know. So if we have
22 younger ones in that want to register to hunt and
23 everything, you know, they'll fit under that criteria.

24

25 MR. ROBUS: But what if somebody without a
26 personal history comes and asks to fill out a registration
27 card?

28

29 MR. SQUARTSOFF: Well, I would assume that
30 they wouldn't get one because they don't have that trail of
31 use there.

32

33 MR. ROBUS: Well, I think then you're
34 talking about a permit rather than the registration because
35 the registration is merely a list like you had at your
36 meeting where you're taking personal information before
37 somebody goes out and hunts. I guess one of the points
38 that concerns me is, I think the Council needs to be very
39 careful about delegating -- you know, if we're going to get
40 into the business of determining whether a person, not a
41 community, has an individual history of this type of use,
42 with all the different constituents across the nation and
43 the world looking at this particular process.....

44

45 MR. SQUARTSOFF: Right.

46

47 MR. ROBUS:I think the Council needs
48 to be very careful about getting into that business in the
49 first place. And second of all, who that's delegated to.
50 I mean, I don't think it's a very simple question to say

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1 yes, you, and then point at an organization, you make the
2 determination for us about a person's personal history and
3 background.

4

5 MR. SQUARTSOFF: Right, Matt, what I'm
6 suggesting here too is, on our proposal, that we defer this
7 one sentence that you're -- right there. If we can defer
8 that, we can go ahead and adopt this and defer that one
9 sentence so it can be checked into a little more with the
10 staff.

11

12 MR. ROBUS: I appreciate that and.....

13

14 MR. SQUARTSOFF: Right.

15

16 MR. ROBUS:I meant to ask that, more
17 clarification, because you did mention earl.....

18

19 MR. SQUARTSOFF: I mentioned that in there
20 too when I read it off that, you know, we'd like to defer
21 this sentence. But I think that will help us a lot in this
22 situation.

23

24 MR. ROBUS: Okay.

25

26 MR. SQUARTSOFF: Thank you.

27

28 MR. ROBUS: Thanks, Herman.

29

30 MR. SQUARTSOFF: You're welcome.

31

32 CHAIRMAN ALCORN: All right, I'll have a
33 question after Mike.

34

35 MR. SMITH: (Indiscernible - away from
36 microphone).

37

38 CHAIRMAN ALCORN: Okay, for clarity then,
39 if you're going to defer a sentence, are you talking about
40 the last -- there's only two sentences here. The last
41 sentence, individuals must demonstrate customary and
42 traditional use for spring/summer.....

43

44 MR. SQUARTSOFF: No, I'm talking -- Mr.
45 Chair, the one that says require all subsistence migratory
46 bird hunters and egg gatherers to register. Do you think
47 both of them should go hand and foot with the first and
48 second -- and the last one also then? Yeah, okay, so we
49 can probably do that too then. The last two sentences on
50 that one.

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1 CHAIRMAN ALCORN: Okay, so.....

2

3 MR. SQUARTSOFF: And just leave in.....

4

5 CHAIRMAN ALCORN:where would the --
6 what is the sentence that you're leaving in?

7

8 MR. SQUARTSOFF: Okay, the sentence that we
9 would agree to be on would be closure to Kodiak road and
10 trail system just in areas 500 feet from mean low water
11 under that one sentence. Just leave that there and then
12 defer the rest of it until we can get.....

13

14 CHAIRMAN ALCORN: Mike.

15

16 MR. SMITH: Mr. Chairman, thank you. If I
17 could offer a suggestion, Herman, it might make things just
18 a little easier here. Under tab 25 is proposed regulations
19 and the -- on the last page of that, which is page 91,
20 section E, it talks about -- it's the existing language for
21 the closure.

22

23 MR. SQUARTSOFF: Under tab 25?

24

25 MR. SMITH: Yeah, under tab 25, the last
26 page.

27

28 MR. SQUARTSOFF: Okay.

29

30 MR. SMITH: On the back side.

31

32 MR. SQUARTSOFF: Okay, which.....

33

34 MR. SMITH: Under section E.....

35

36 MR. SQUARTSOFF: Okay.

37

38 MR. SMITH:is the language that is
39 currently in regulation and being considered by the SRC. I
40 was wondering, just for the sake of clarity, if we could
41 just go ahead and adopt that language but with the addition
42 of your exten -- with some additional language that extends
43 the 500 feet to low water mark. And that could be
44 accomplished by just a sentence at the end of that language
45 that says, however no hunting shall occur within 500 feet
46 of any low water mark.

47

48 MR. SQUARTSOFF: Yeah, that would help
49 probably a lot right now. Yeah and that would do it. I
50 didn't even know this was in here and in the regs until you

00037

1 and Donna mentioned it. And it's kind of tough when things
2 sneak up on you like that. You know, you have time to look
3 at it.

4

5 CHAIRMAN ALCORN: All right, Fred, you have
6 a statement.

7

8 MR. ARMSTRONG: This didn't happen by
9 accident. There were comments from KANA, the refuge, and
10 now Kodiak Audubon and we had to react to and that's the
11 result there. In looking at the language that Herman has
12 proposed, 500 feet from the mean low tide, I think when you
13 look at the, you know, how you go along the coast and some
14 areas the tide will go out for 10 feet, some other areas
15 half a mile or a mile. I was wondering if, you know, if
16 done -- answer this -- maybe 500 feet from the water's edge
17 would have more consistency. I don't know, something I'd
18 throw out for consideration.

19

20 CHAIRMAN ALCORN: Thanks, Fred. Herman.

21

22 MR. SQUARTSOFF: Yeah, Fred. Yeah, no I
23 understand all this stuff went through the process and
24 everything. The reason I'm saying is, I didn't know what
25 was in the packet here. You know, the only thing that --
26 before it came out in the regs and everything right now.
27 But no, I still think our main conservation concern was --
28 and along with the Audubon people was to get it as far away
29 from the road as possible to where it wouldn't be seen.
30 And that was a concern so that -- I understand you're
31 saying 10 feet here, maybe half mile there. You know,
32 that's fine, I believe, to see it that way, just as far as
33 it can be, if it can be left alone that way instead of just
34 from the tide.

35

36 CHAIRMAN ALCORN: Bill Ostrand.

37

38 MR. OSTRAND: I just wanted to make a quick
39 comment. When I was at the meeting I was really impressed
40 at the meetings that Herman held by -- the people who
41 attended were very much concerned about the conservation of
42 their birds and continuing their traditions and
43 establishing -- and that the regulations would allow the
44 establishment of new traditions and new harvesters to come
45 and deplete their resources. And I think that's why they
46 chose to first register hunters and then to go further and
47 to require demonstration of C&T. And would offer that just
48 by going ahead and allowing the language that requires
49 registration to remain in. It would do a lot in helping
50 managers determine who is actually out there hunting and if

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1 there is a problem of new traditions being started, new
2 people in the community. There's a community there of
3 10,000 people that is mostly non-Native. And the real
4 concern was, people that had never hunted before going out
5 in the spring. I don't know, am I interpreting things
6 correctly, Herman?

7

8 MR. SQUARTSOFF: No, you're right, Bill, on
9 that and everything, yeah. And like I said, I'd like to
10 leave this as it is but I guess there's a legal concern or
11 something on it.

12

13 CHAIRMAN ALCORN: All right, I have two
14 hands raised. Ralph and then Matt.

15

16 MR. ANDERSEN: There seems to be problem,
17 Bill, you know, while I agree that it's important that we
18 know who's going out and who's participating in the hunts,
19 there are a couple of things that come to my mind. And one
20 of them is just the difficulty of trying to establish a
21 demonstrated customary and traditional use for individuals.
22 I think that's probably something new. I don't know if
23 that's ever been done in the state. C&T uses have been
24 issued for communities for areas and I don't know if any
25 have been -- that the C&T uses have ever been given to
26 individuals, I mean, for me to go out and hunt personally.
27 Because I don't have a C&T use personally to go and hunt
28 anywhere. And if that's the case then I guess I've got to
29 petition somebody to get a permit to go hunt birds or
30 anything else.

31

32 The other thing that comes to my mind is,
33 you know, in the protocols to the amendment there's a
34 definition of individual or indigenous people which
35 includes Natives or non-Natives. We also came up with
36 definitions of permanent residents or a definition of
37 permanent residents. I don't know, I just think that we
38 might, by requiring registration and by requiring
39 individual C&T determinations, there seems to me there's
40 more involved in the C&T determination, more than say, I
41 know you're going hunting. I mean, that's word of mouth.
42 By the elders telling other people or others, you know, by
43 establishing C&T that way, I don't think is complete.
44 There needs to be a more complete way of establishing
45 personal, individual C&T determinations. So with that,
46 what I'd like to do is ask the staff to look into the
47 legalities of the items that are being deferred and report
48 back to us at the next meeting.

49

50 CHAIRMAN ALCORN: All right, we have Matt

00039

1 with his hand raised and then Bill.

2

3

MR. ROBUS: Thanks, Mr. Chair. As an ex-
4 area management biologist, I got to say I love registration
5 hunts because it lets me find out all sorts of good stuff
6 about who's hunting and in this case that might be very
7 appropriate. So, for the record, you know, I will split my
8 opinion on these two sentences. I'm okay with registering
9 hunters as long as I don't have to enter the data into the
10 computer. I mean, you know, that's a concern somebody has
11 got to worry about. My concern and what I'd like looked
12 into before we take any action on it is the final sentence,
13 which concerns the individual C&T determination, which I
14 think is a whole new world that we want to be very careful
15 about. So that's my opinion, I think, at the moment. You
16 stated or we've stated deferral of both of those. I guess
17 we ought to clarify just what's being held out before we go
18 further.

19

20

CHAIRMAN ALCORN: Right, the suggestion
21 that Mike made was to take the language on page 91, section
22 E, and add one statement -- and I'm not going to quote what
23 Mike said but it was something to the effect of addressing
24 the distance from the road system away from or down to mean
25 low water.

26

27

MR. SQUARTSOFF: Right, that would be the
28 500 feet from the mean low water.

29

30

CHAIRMAN ALCORN: Five hundred feet.....

31

32

MR. SQUARTSOFF: Right.

33

34

CHAIRMAN ALCORN:from the mean low

35

36

37

38

39

40

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42

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44

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46

47

48

49

50

MR. SQUARTSOFF: Correct. Mike, you
mentioned -- yeah.

MR. SMITH: I guess assuming -- I'm not
sure mean is the correct term. I'm not sure you want to
use mean.

MR. SQUARTSOFF: Well, that's -- if you use
mean, that's the lowest you're going to get. That would be
the technical way to go about it.

CHAIRMAN ALCORN: Okay, Austin, you have
your hand raised.

00040

1 MR. AHMASUK: Thank you, Mr. Chairman.
2 Having a civil engineering background and working as a land
3 surveyor for seven years, the mean low tide is generally
4 not a legally defined area. And this is for your benefit,
5 Herman. I'm all for it, for that, but Bureau of Land
6 Management, which is the controlling governing body here,
7 generally issues conveyances to the mean high tide, which
8 is not where the driftwood is washed up, it's where the
9 every day low and high tide, the average of that. So
10 that's the mean high tide. And so land conveyances are
11 issued to that line, whatever it is. I don't know what it
12 is. It's different for each region. The mean low tide is
13 definitely -- someone can point out what it is by just
14 looking at the tide tables and things like that. But
15 there's this fuzzy line between mean high tide and mean low
16 tide. Land ownership is cloudy, having some experience
17 with that. However I'm all for that, I'm just wondering
18 where -- how we can -- whether we can -- we have that --
19 whether the SRC has that power to say that no hunt can
20 occur there on someone else's land. It's probably the
21 property -- some federal property, I don't know what it is.

22
23 CHAIRMAN ALCORN: Thanks, Austin. Fred,
24 you have your hand raised?

25
26 MR. ARMSTRONG: I think that Ellie would
27 have a nightmare with mean high tide or mean low tide
28 because they would have to know the exact area of how far
29 the water goes out and stuff like that. So I don't think
30 they want to go that far and that's why it's suggested
31 maybe 500 feet from the water's edge, would add consistency
32 in the closed area all the way around.

33
34 CHAIRMAN ALCORN: What we're talking about
35 here is not hunting on dry land, we're talking about
36 hunting in the water, is that what we're talking about,
37 Herman?

38
39 MR. SQUARTSOFF: Right. Yeah, this is
40 where all the hunting will take place, in the water. You
41 know, and I really can't see where there would be problem
42 with it if we had mean low water or mean high water. It's
43 whatever the tide goes out. I mean, I don't think
44 anybody's going to get that technical and say, hey, you
45 were two feet or a foot in the way or whatever from the
46 water's edge or -- I don't think it's -- I'm hoping it
47 won't get that technical. But I don't think we need to get
48 that nitty-gritty on it, I don't know.

49
50 CHAIRMAN ALCORN: All right, thanks. Matt.

00041

1 MR. ROBUS: I'm not sure it's wise to add
2 anything to this but, what the hell I'll -- or what the
3 heck, I'll do it. The thing that strikes me is that as
4 fuzzy as mean low water may be, the water's edge is a
5 moving target. And so you've got to choose between
6 something that may be hard to define but at least stays in
7 the same place or something that's moving while you're
8 sitting there, lying out waiting for ducks to come in. So
9 I think personally I'd probably choose whatever we can
10 define as a fixed boundary as opposed to a moving one.

11

12 CHAIRMAN ALCORN: I see a hand raised by
13 Tom Rothe. Would you like to come to the microphone.

14

15 MR. ROTHE: Yeah, I just love these
16 technical things. I guess when I look at regulations, I
17 look at a couple of practical things. One Matt mentioned
18 is that you always have to have a point of reference for
19 the hunter to know where he is in relation to the boundary.
20 In that respect I think the high water line makes more
21 sense because it's always visible. And then if you want a
22 safety zone, just back off from that a certain distance.
23 Now with a shotgun, a safety zone is at least 200 yards.
24 So my recommendation would be using the high water line,
25 which is always visible, and then staying at least 200
26 yards beyond that.

27

28 CHAIRMAN ALCORN: Thanks, Tom. Herman.

29

30 MR. SQUARTSOFF: Yeah, I know Matt
31 mentioned it too. Like I said, what we were -- the basic
32 thing we were trying to do was get the people the farthest
33 away from the road as possible. And what Austin was saying
34 is basically the same thing Tom was saying, you pick in-
35 between the two, you know, between your low and your high.
36 I guess we could leave the mean low out of there. I mean
37 it's, you know, if it seemed to be a problem or something
38 but I can't see it. I don't know where you guys are coming
39 from on it but I can't see that to be a problem.

40

41 CHAIRMAN ALCORN: All right, Austin and
42 then.....

43

44 MR. SQUARTSOFF: But if everybody thinks
45 it's a concern.....

46

47 CHAIRMAN ALCORN: Austin and then Donna and
48 I would like to recommend that we try to conclude the
49 discussion here.

50

00042

1 MR. AHMASUK: Thank you, Mr. Chairman. I
2 think you could pursue the mean low tide, it's just -- like
3 I said, there are some things there that need to be looked
4 at. And like I say, the BLM, they convey to the mean high
5 tide line. When they convey land to the mean high tide
6 line, it's not a fuzzy thing. It is average of the high
7 tide but when a surveyor puts it in, that's what it is. So
8 if they put it in 1997, that's what the mean high tide was.

9

10 CHAIRMAN ALCORN: Thank you, Austin.
11 Donna, did you have a statement.

12

13 MS. DEWHURST: Just that having dealt with
14 our enforcement division and anticipating problems with
15 this, the fact -- what Austin is talking about is a fact in
16 that there are maps that show the mean high tide mark or
17 mean high water mark. There are no maps that show the mean
18 low water mark. So if you were an enforcement officer
19 trying to know where this -- like you say, this magic line
20 is, you can get a map that shows mean high water. You
21 can't get a map that shows mean low. So I would tend to
22 agree with Tom Rothe that it might be better to go with
23 mean high that is definable on a map and set a bigger
24 boundary. If you just want to go further then instead of
25 saying 500 feet, say, like Tom said, say 200 yards or
26 whatever, to go further from it but use a fixed point that
27 we can actually identify on a map.

28

29 CHAIRMAN ALCORN: Herman.

30

31 MR. SQUARTSOFF: Yeah, Donna, you know,
32 that sounds pretty reasonable and logical but this is
33 something that we came up with, all the people down there,
34 and I do not really want to, you know, change the 500.
35 Everybody thought that was a pretty reasonable thing and
36 all that. So if we could just -- if there's such a big
37 concern on the mean low, let's drop that and just from the
38 water's edge or the whatever on it. If you guys would
39 agree on that and call that good.

40

41 CHAIRMAN ALCORN: Well, it's your proposal.

42

43 MR. SQUARTSOFF: Uh-huh. (Affirmative)

44

45 CHAIRMAN ALCORN: And I suggest that we
46 stop the discussion at this point and maybe you and Alex
47 confer and come back to us say after lunch, we can pick --
48 are you going to be here after lunch?

49

50 MR. SQUARTSOFF: Yeah, I'll be here after

00043

1 lunch but I think it's pretty much ironed out if we just
2 drop that mean low.

3

4 CHAIRMAN ALCORN: Okay, so the proposal
5 then reads, a reiteration of page 91, item E, the
6 boundaries that are described there with a sentence that
7 says, closure of the Kodiak road and trail system and
8 adjacent areas, in parenthesis, mean high water mark.

9

10 MR. SQUARTSOFF: No.

11

12 CHAIRMAN ALCORN: No.

13

14 MR. SQUARTSOFF: Just 500 feet from the
15 water's edge or something should adequate.....

16

17 CHAIRMAN ALCORN: Five hundred.....

18

19 MR. SQUARTSOFF:good enough. What do
20 you -- you know, if everybody's going to be agreeable on
21 that.

22

23 CHAIRMAN ALCORN: Five hundred feet from
24 the water's edge. Okay, that's your proposal.

25

26 MR. SQUARTSOFF: So it could be the low or
27 the high, it doesn't really make any difference so.....

28

29 MR. ANDERSEN: As the tide goes out, it's
30 500 feet.....

31

32 MR. SQUARTSOFF: Right, from the map,
33 wherever.....

34

35 CHAIRMAN ALCORN: From wherever it ends.

36

37 MR. SQUARTSOFF: That's your line. There's
38 your boundary right there. The water is always your
39 boundary.

40

41 CHAIRMAN ALCORN: Okay, that's your
42 proposal. Austin.

43

44 MR. AHMASUK: Thank you, Mr. Chairman. You
45 want to make sure, like there are storm surges, washed up
46 driftwood, are you talking about that line or just where
47 the water goes up and on it.

48

49 MR. SQUARTSOFF: Right where the water is
50 exactly. Right smack on that spot on the beach.

00044

1 CHAIRMAN ALCORN: All right, that's the
2 proposal. Mike.

3

4 MR. SMITH: Yes, for clarification, Mr.
5 Chairman. Then the last sentence would read, however no
6 hunting shall occur within 500 feet of the water's edge?

7

8 MR. SQUARTSOFF: Right. And I guess.....

9

10 CHAIRMAN ALCORN: If the maker of the
11 proposal says that's okay, that's fine.

12

13 MR. SQUARTSOFF: Yeah, that's it. And then
14 Matt also came back on -- he wasn't really concerned about
15 requiring all the subsistence hunters to register. But I
16 think.....

17

18 MR. ROBUS: I didn't say all hunters.

19

20 MR. SQUARTSOFF: Yeah, but I think we'll
21 just go ahead and go with that as is and then have the
22 staff to check in on them two there. I think that would
23 pretty much iron it out. Does that sound okay with
24 everybody?

25

26 CHAIRMAN ALCORN: All right, is that your
27 proposal?

28

29 MR. SQUARTSOFF: That's my proposal.

30

31 CHAIRMAN ALCORN: Well, I thank you.

32

33 MR. SQUARTSOFF: I so move that we adopt
34 that.

35

36 CHAIRMAN ALCORN: Well, we're not ready
37 though for that yet.

38

39 MR. SQUARTSOFF: Oh, I'm sorry.

40

41 CHAIRMAN ALCORN: We have protocol that we
42 have agreed to and that is that we invite the U.S. Fish and
43 Wildlife Service and the Alaska Department of Fish and Game
44 to provide any technical comments along that line. And
45 then we allow public comment before we -- a motion is in
46 order. So we would invite Tom Rothe and Bob Leedy to come
47 to the table. We'll begin with Tom since he's sitting
48 there and it looks like he's ready to go.

49

50 MR. ROTHE: Mr. Chairman, I'll just make a

00045

1 couple of comments in regard to the technical aspects of
2 the proposal. We've obviously been around the horn a
3 couple of technical aspects of water. Just briefly, I
4 don't see any particular resource issue but I just want to
5 point out that from what I see, the purpose of this
6 regulation is primarily to provide for safety and reduce
7 public conflicts, particularly on the road system near the
8 city. So that's the primary benefit as it's written now.
9 It does not close the offshore islands or waters near the
10 beach where harvesting would occur. In the realm of a
11 couple of other things mentioned here, and again, I know it
12 sounds like what the proposal is to defer the individual
13 C&T determinations. If the intent of the Council is to
14 limit the harvest or limit participants, it gets into kind
15 of a messy arrangement. Because I think our protocol
16 guidance suggests that we're establishing harvest areas
17 based on the community level. So this is new ground as far
18 as I can see, although I would have to defer to the
19 solicitors though just to take a look at that.

20

21 From our experience in Fish and Game
22 working with Tier II hunts and other things, these are
23 quite difficult because we have a difficult time verifying
24 individuals' histories. We have a problem, like it or not,
25 with some people not being entirely truthful or not having
26 good memories to document their patterns of use. So it's a
27 very tricky process and it is potentially subject to bias
28 and we want to be very careful about that because our
29 harvest is going to be opened to all residents of this
30 area. So again, I can't raise any particular resource
31 issues, given the dates and species and all that. But I do
32 have some concerns about where the Council would want to go
33 as far as the implementation process.

34

35 CHAIRMAN ALCORN: All right, thanks Tom.
36 Bob -- or any questions of Tom before we move to Bob?

37

38 (No audible responses)

39

40 CHAIRMAN ALCORN: All right, Bob.

41

42 MR. LEEDY: Bob Leedy, Fish and Wildlife.
43 Yeah, without plowing too much ground here again, in regard
44 to registration, I would also have a question of who would
45 be responsible for that registration process, it's not
46 clear in here. And as Matt says, this would be taking on
47 quite an administrative burden even for a registration
48 hunt, much less a permit hunt. And so I think it needs to
49 be clarified, who would do this and that might have some
50 bearing on whether it's appropriate to put this language

00046

1 into federal regulations. Again, this is a question for
2 the solicitor to what degree can we, should we delegate
3 this kind of responsibility in federal regulations to a
4 local entity.

5

6 CHAIRMAN ALCORN: Let me respond to that.
7 It's my understanding that that's not part of the proposal
8 right now.

9

10 MR. SQUARTSOFF: Right, it's not -- yeah,
11 it's not going to be part of it right now.

12

13 CHAIRMAN ALCORN: Right, that issue has
14 been deferred. We're going to ask the staff to find out
15 whether or not that's legal. We would have to craft a
16 legal question I guess of the solicitors.

17

18 MR. LEEDY: Okay, but I mean, that legal
19 question is going to be at least somewhat dependent on who
20 it is we're proposing would be doing the registration, you
21 know. And it's just a point of clarification as we move
22 forward with the solicitor.

23

24 CHAIRMAN ALCORN: Okay, all right.

25

26 MR. LEEDY: Other than that, like Tom says,
27 given that we may not have a mechanism or a basis to pick
28 and choose among community residents, this may not have a
29 tremendous impact on the number of birds taken or
30 limitation on hunt one way or another. I do have some
31 concern actually and perhaps Herman can put my mind at rest
32 on this. I guess I'm a little concerned about when, you
33 know, you've got this large area closed off but you've got,
34 you know, a large population in Kodiak with, you know, a
35 half dozen islands or something out there that would
36 probably be attracting all the people. I guess I have some
37 concern that you're going to focus take and maybe increase
38 take of gull eggs or whatever on some of those islands.

39

40 MR. SQUARTSOFF: Yeah, Bob, I don't think
41 there will be any kind of concern like that at all.
42 There's other people that had this concern too and now that
43 the season has been going on, things are just kind of like
44 they've always been. You know, we're doing what we've
45 always been doing and other people and I don't see a big
46 impact on these islands and all that and everything else.

47

48 MR. LEEDY: Okay. I just -- it was worth
49 raising because you do have a lot of people and you never
50 know how things head like that. And then finally, related

00047

1 to this -- also related to the question of registration.
2 It says, you know, people will be required to register and
3 it raises the question in my mind, you know, under what
4 authority or what if they don't and, you know, other
5 questions to be concerned legally as we move forward on
6 this. Other than that, I have no specific comments or
7 questions.

8

9 CHAIRMAN ALCORN: Thanks, Bob. Herman.

10

11 MR. SQUARTSOFF: I could see with -- well,
12 that's one of the reasons to require them to register. If
13 they don't have this registration on them then if
14 enforcement is out there and they catch them, they don't
15 have it, then they're illegally doing it. They shouldn't
16 be doing it. That's the way I look at it.

17

18 CHAIRMAN ALCORN: Okay again, if that makes
19 it into the regs at some point we'll just need to address
20 that.

21

22 MR. SQUARTSOFF: Right.

23

24 CHAIRMAN ALCORN: Right, this discussion is
25 moot at that -- you know, on that.

26

27 Any questions of Bob?

28

29 (No audible responses)

30

31 CHAIRMAN ALCORN: All right, we would
32 invite the public.....

33

34 MR. SQUARTSOFF: I give up.

35

36 CHAIRMAN ALCORN:to speak to this
37 proposal. Anyone in the audience wish to speak?

38

39 (No audible responses)

40

41 CHAIRMAN ALCORN: All right, we are down to
42 Council deliberation and actions.

43

44 MR. SQUARTSOFF: I so move then that we
45 adopt this proposal.

46

47 MR. ANDERSEN: As amended.

48

49 MR. SQUARTSOFF: As amended, right.

50

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1 CHAIRMAN ALCORN: As amended and stated for
2 the record.

3
4 MR. SQUARTSOFF: Right.

5
6 CHAIRMAN ALCORN: It was read by Mike but
7 would you state it for the record now the way it would
8 read?

9
10 MR. SQUARTSOFF: Okay, I so move we adopt
11 this regulation as amended in the -- where the question has
12 how should the new regulation read. It would go, closure
13 of the Kodiak road and trail system in adjacent areas 500
14 feet from the water's edge. And we would like to defer the
15 last two sentences on this one.

16
17 CHAIRMAN ALCORN: All right, that's
18 different than the discussion.

19
20 MR. SQUARTSOFF: No, I don't think so.

21
22 CHAIRMAN ALCORN: All right, the discussion
23 was this, let me -- okay, Ralph has a -- some help.

24
25 MR. SQUARTSOFF: Oh, I guess Ralph has it
26 written down here no hunting shall occur -- and I don't
27 remember discussing that -- within 500 feet of the water's
28 edge. I thought we just changed it and put 500 feet from
29 the water's edge.

30
31 MR. SMITH: Well that's.....

32
33 CHAIRMAN ALCORN: Mike, go ahead.

34
35 MR. SMITH: No, Mr. Chairman, I mean what I
36 have written down here the language as it currently states
37 in section E, however, we just add an additional sentence
38 at the end of that paragraph that says, however no hunting
39 shall occur within 500 feet of the water's edge. Now do
40 you have problems with hunting will occur? We could say no
41 harvest shall occur or something like that. Or.....

42
43 MR. SQUARTSOFF: No, no, no, no, no.

44
45 UNIDENTIFIED SPEAKER: Don't worry about
46 wordsmithing.....

47
48 CHAIRMAN ALCORN: Well, let's -- one person
49 speaking at a time at the mike. Right now Mike Smith had
50 the mike. Herman.

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1 MR. SQUARTSOFF: I guess that we did -- I
2 don't know if we did decide to go ahead and change it to
3 the one in -- under section E or whatever. I was still
4 going on our -- the one here and deleting or deferring them
5 two sentences. I was just following this one. That's --
6 so I was following just our proposal. I don't know if
7 everybody else was following that or the section E one. We
8 need to get that clarified here real quick.

9

10 CHAIRMAN ALCORN: Okay, Matt first then
11 Mike.

12

13 MR. ROBUS: Thanks, Mr. Chairman. As
14 somebody who spends many hours with the Board of Game doing
15 this kind of thing I suggest that what we do is allow staff
16 to finalize the language, which would be something similar
17 to what I heard Mike say, which I think expresses what
18 you're.....

19

20 MR. SQUARTSOFF: Right.

21

22 MR. ROBUS:trying to say, Herman, if
23 I understand everything correctly. And I suggest that the
24 Council vote based on our understanding of the discussion
25 without worrying about the final dotting of I's and
26 whatever.

27

28 MR. SQUARTSOFF: Right.

29

30 MR. ROBUS: I think that we've hammered it
31 out so we understand what we're talking about.

32

33 MR. SQUARTSOFF: Right.

34

35 CHAIRMAN ALCORN: All right, what's your
36 motion?

37

38 MR. SQUARTSOFF: So I then so move that we
39 do adopt this proposal with the amendments, is that good
40 enough? I would think it should be.

41

42 CHAIRMAN ALCORN: I don't think it's clear
43 for the record. I don't think that we -- when we vote and
44 it's demonstrated in the record what we have voted on and
45 then we lay the burden on staff to say something that could
46 be contested by members of this council. I think we need
47 to have it clear what the motion is.

48

49 MR. SQUARTSOFF: Well, then I so move that
50 we adopt this proposal with the section where it says how

00050

1 should the new regulation read. Closure of the Kodiak and
2 trail system in adjacent area 500 feet from the water's
3 edge.

4

5 CHAIRMAN ALCORN: Now that's the motion, do
6 we have a second?

7

8 MR. ANDERSEN: Second. I second.

9

10 CHAIRMAN ALCORN: We have a second.

11

12 MR. HICKS: Call for the question.

13

14 CHAIRMAN ALCORN: Let me ask for
15 discussion, just for clarity. Does everyone understand how
16 this will read, including the additional languages in the
17 current proposal -- the current regulation?

18

19 (No audible responses)

20

21 CHAIRMAN ALCORN: All right, I see nodding
22 of the heads. It will be incorporated into the existing
23 language that's in there. That's the point that I think we
24 need to have for the record. All right, call for the
25 question. Does anyone oppose adopting this proposal by the
26 KANA representative?

27

28 (No opposing votes)

29

30 CHAIRMAN ALCORN: I see no opposition,
31 motion passed.

32

33 MR. SQUARTSOFF: Mr. Chair, can I go in my
34 -- can we do the second one then now or.....

35

36 CHAIRMAN ALCORN: You may. We're on to tab
37 19 now?

38

39 MR. SQUARTSOFF: Right, thank you. The
40 only -- thank you all on the first one. The only
41 difference on this one here, it's the same one we submitted
42 last year except for the seasons and closures. And the
43 only thing that we changed was the dates from March 11th to
44 April 2nd at the beginning here. The spring migratory bird
45 harvest shall be open April 2nd to June 20th. That's the
46 only thing that was changed on there, that one date.
47 And.....

48

49 UNIDENTIFIED SPEAKER: It used to read
50 what?

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1 MR. SQUARTSOFF: It used to read the spring
2 migratory bird harvest shall be open March 11th. That's
3 the only difference, we changed that date to April 2nd.
4 Comply with the 400 day whatever thing was in there that we
5 was supposed to go by. And I don't think I need to read
6 the whole thing over again.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN ALCORN: All right we have -- to
11 follow our protocol, we have agency comments. U.S. Fish
12 and Wildlife Service and Alaska Department of Fish and
13 Game. Okay, the Fish and Wildlife Service technical
14 comment is waived. Does Fish and Game have anything to
15 say?

16

17 MR. ROTHE: No sir, we're satisfied.

18

19 CHAIRMAN ALCORN: All right, we've talked
20 about these in times past, the same proposal. We have an
21 opportunity now for public to comment on this particular
22 proposal. I see no hands raised, all right. Council
23 deliberation and action.

24

25 MR. ANDERSEN: Mr. Chairman, I move to
26 adopt.

27

28 MR. SQUARTSOFF: Second.

29

30 CHAIRMAN ALCORN: All right, we have a
31 motion and second to adopt the proposal as written, which
32 is basically a reiteration of the proposal from the 2003
33 regulation process. Is there any discussion? Austin.

34

35 MR. AHMASUK: Mr. Chairman, I have an easy
36 one. In regulation Sultry Cove has an E and the map
37 doesn't have an E in it. Just so.....

38

39 CHAIRMAN ALCORN: Thank you, Austin. Thank
40 you.

41

42 MR. ANDERSEN: Call for the question.

43

44 CHAIRMAN ALCORN: Joeneal -- all right,
45 well let me -- before we call for the question, I do have
46 comment that I would like to make and I make this as a U.S.
47 Fish and Wildlife Service representative and not
48 necessarily as the Chair. I have been in telephone contact
49 with folks in my agency, including my regional director and
50 the assistant director in Washington about this particular

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1 meeting and I have -- it's been expressed to me that there
2 is a grave concern over the list of species that we adopted
3 as a council and presented to the SRC for harvesting for
4 the 2003 season. We did get word back from the SRC that
5 they too were concerned. And the action that they took at
6 that time was to remove nine birds from our list that we
7 had originally proposed.

8

9 MR. ANDERSEN: Mr. Chairman, I call a point
10 of order, I don't see how that discussion relates to this
11 proposal.

12

13 CHAIRMAN ALCORN: Well, it does in my
14 opinion. You can call a point of order and the group can
15 override me but it does in the sense that if we adopt this
16 recommendation, we are adopting a recommendation to propose
17 that we harvest the same list of birds and that's what I'm
18 speaking to, the list of birds that are being proposed.

19

20 MR. ANDERSEN: This proposal though is the
21 seasons and closures. All that it does is change the
22 starting date from March 11th to April 2.

23

24 CHAIRMAN ALCORN: Does it not include the
25 birds that we have identified as a Co-Management Council to
26 propose for harvest?

27

28 MR. SQUARTSOFF: Yeah, Mr. Chair, Ralph is
29 correct on that because this -- everything goes along with
30 the thing that was with it last year except for we changed
31 the date. So he does make a -- because that list of birds
32 was with this proposal last year and it should still be --
33 yeah, but we can -- well, let's just take the list of the
34 nine off of there or whatever. Or let's just not have the
35 list right now. Just go with the change of date for this
36 proposal is all.

37

38 CHAIRMAN ALCORN: All right, so you amend
39 your motion.....

40

41 MR. SQUARTSOFF: That's the main concern.

42

43 CHAIRMAN ALCORN:to not address the
44 list of species.....

45

46 MR. SQUARTSOFF: Right.

47

48 CHAIRMAN ALCORN:of birds that are
49 being proposed for harvest.

50

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1 MR. SQUARTSOFF: Correct.

2

3 CHAIRMAN ALCORN: But we're addressing then
4 the harvest of the season.....

5

6 MR. SQUARTSOFF: The season and the date
7 change.

8

9 CHAIRMAN ALCORN:and the dates and
10 the egg gathering closure dates that have been proposed.

11

12 MR. SQUARTSOFF: Right.

13

14 CHAIRMAN ALCORN: All right. Then I will
15 stand down. We have a motion and a second, an amended,
16 does the second agree with the amendment to the motion?

17

18 (No audible response)

19

20 CHAIRMAN ALCORN: All right, we have
21 agreement. Any discussion on the motion as amended?

22

23 (No audible responses)

24

25 CHAIRMAN ALCORN: All right, I'll call for
26 the question. Anyone oppose the proposal from the KANA
27 representative for the 2004 season as stated and amended?

28

29 (No opposing votes)

30

31 CHAIRMAN ALCORN: I see no opposition,
32 motion carried.

33

34 MR. SQUARTSOFF: Thank you, Mr. Chair. Now
35 you see why I wanted to be first.

36

37 CHAIRMAN ALCORN: Thank you, Herman. Mike.

38

39 MR. SMITH: Yeah, thank you, Mr. Chairman.
40 I agree with you though in regards to the list of birds.
41 That that issue is kind of hanging over our heads right now
42 because we have numerous proposals in here that seeks to
43 reduce that list. We, in the past, have taken the position
44 that we want one statewide list, that we did not want to
45 start regionalizing lists. And it might be an appropriate
46 time, and certainly this is up to the chairs to undertake
47 that discussion now so that we can certainly -- if we were
48 to decide that we wanted to stay with one statewide list,
49 then a lot of the proposals in here would be moot at this
50 point. Because we would be rejecting them for the

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1 establishment of regional lists. If we start going down
2 the road of regional lists, which is going to generate a
3 considerable amount of more work and controversy and
4 conflict, then we should probably decide that now.

5

6 MR. ANDERSEN: Motion to suspend rules if
7 you want do that.

8

9 CHAIRMAN ALCORN: Right, we need a motion
10 to suspend the order of the day, which is the agenda that
11 we've adopted to add an item to that.

12

13 MR. SMITH: Mr. Chairman, I just threw that
14 out there and if, you know, the Council thinks that that's
15 an appropriate thing to undertake right now, we can
16 certainly do that. I just offer it as something we need to
17 consider.

18

19 MR. SQUARTSOFF: Mr. Chairman.

20

21 CHAIRMAN ALCORN: Herman.

22

23 MR. SQUARTSOFF: Because one of the
24 proposals from Bristol Bay is a list a birds, maybe we can
25 undertake that discussion at that time rather than creating
26 a separate agenda item.

27

28 MR. SMITH: Mr. Chairman.

29

30 CHAIRMAN ALCORN: Mike.

31

32 MR. SMITH: Yeah, I appreciate the
33 individual BBN list but also there's also other proposals.
34 There's the Tetlin proposals, there's other proposals that
35 seek to limit harvest in certain areas. And, so I mean,
36 I'm thinking, you know, for the sake of expediency, if we
37 could determine whether or not we even want to go down that
38 road or, you know, if that's the case, then we'll go ahead
39 and take those individual proposals up. If it's determined
40 that we do not want to go down that road, then all those
41 proposals would be moot at this point.

42

43 CHAIRMAN ALCORN: All right, Herman.

44

45 MR. SQUARTSOFF: Yeah, Mr. Chair, yeah Mike
46 does make sense because it just knocked it on mine right
47 here and it's probably going to happen on a bunch of other
48 proposals that -- them nine of the conservation concern
49 were taken off.....

50

00055

1 CHAIRMAN ALCORN: Right, the Chair would
2 entertain a motion to amend the order of the day, which is
3 the agenda, to include a discussion of the list of species
4 at this time.

5

6 MR. SQUARTSOFF: I would so move.

7

8 CHAIRMAN ALCORN: We have a motion, do we
9 have second?

10

11 MR. SMITH: I'll second.

12

13 CHAIRMAN ALCORN: We have a motion and
14 second. I understand that under Robert's Rules of Orders
15 it takes a two-thirds majority vote to amend the order of
16 the day. Do we have any discussion on the motion?

17

18 (No audible responses)

19

20 CHAIRMAN ALCORN: All right, does anyone
21 object to entering that discussion at this time?

22

23 (No audible responses)

24

25 CHAIRMAN ALCORN: I see no objection, it
26 passes. We will add as an agenda item a discussion of the
27 list of birds for 2004 and the relevance to the regional
28 proposals that we're about to review, excluding the KANA
29 proposal. Herman.

30

31 MR. SQUARTSOFF: Yeah, Mr. Chair, I would
32 just suggest that we just -- everybody on their proposals
33 right now just take off of them nine that were taken off
34 the list and that would probably make it a lot easier right
35 now. Just them nine birds that were of a conservation
36 concern that were taken off by SRC. Thank you.

37

38 CHAIRMAN ALCORN: Mike.

39

40 MR. SMITH: Yeah, Mr. Chairman, I'm not
41 sure that's necessary, Herman. I mean, those birds have
42 been taken off our list already and what we're talking
43 about is the further removal of other birds from that list.
44 And I think the discussion needs to just focus on whether
45 or not we want to keep our existing list as it is, as
46 amended by the SRC.

47

48 MR. SQUARTSOFF: Okay, sorry, stand to be
49 corrected.

50

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1 CHAIRMAN ALCORN: That's fine. Thank you,
2 Mike and thank you, Herman for your input. Before I go to
3 non-Council members, anyone on the Council have anything to
4 say at this point? Mike.

5

6 MR. SMITH: Yes, Mr. Chairman, we had had
7 this discussion in the past, of course, when we originally
8 came up with those lists and for those people who are
9 interested and will probably speak to the proposal for the
10 exclusion of other birds off of that list, I would just
11 suggest that during the course of their discussion, if they
12 could offer us some simplistic way of accomplishing that
13 goal in Alaska without any undue hardship and burden. And
14 for those purposes is why we originally decided to stay
15 with one statewide list and I feel that that's still the
16 position of this council. And I would like some
17 clarification of other members if that perception is
18 correct.

19

20 CHAIRMAN ALCORN: All right, I don't see
21 anyone raising their hands. I saw a hand from Russ Oates.
22 Russ, do you still want to address the group?

23

24 MR. OATES: Thank you, Mr. Chairman. My
25 question is, are you suggesting that the Council consider a
26 final list for 2004 and in so doing that that would
27 preclude discussion on other proposals that relate to
28 adding or deleting species from the list?

29

30 CHAIRMAN ALCORN: I'm not aware that that
31 discussion -- that that decision has been made. I haven't
32 heard it mentioned. Mike, do you have a comment?

33

34 MR. SMITH: No, Mr. Chairman, no -- Russ,
35 no that's not what I had in mind at all. I just wanted to
36 clarify that we as a council have already taken the
37 position that we're going to stick with one statewide list
38 but that people could certainly address the proposals to
39 remove birds from that list. But what I was suggesting is
40 that during the course of that discussion, that they offer
41 us some practical way upon which to do that. If they
42 cannot, then, you know, I have no reason to change my mind
43 as far as sticking with the statewide list.

44

45 MR. OATES: That clarifies for me, thank
46 you.

47

48 CHAIRMAN ALCORN: All right, thank you.
49 Let me -- I have a statement before I turn the mike over to
50 Fred, and that is that we -- Ralph reminded us yesterday in

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1 our work session that we have a process that we have agreed
2 to and I think it's a good process. And that process is
3 that whenever a proposal comes to this body that would
4 affect a region, that proposal is vetted by that region.
5 Taken by the regional representative, taken to as many
6 villages as possible and opinion is developed by that
7 regional representative and we come back and then we have
8 that discussion. And it became clear to us all yesterday
9 that we have 13 proposals that have not been vetted in the
10 regions.

11

12 We also have recommendation from the
13 Division of Migratory Bird Management in the U.S. Fish and
14 Wildlife Service's Washington office that has remanded the
15 list of species -- list of birds back to the Council for
16 consideration and discussion. And what I was telling you
17 earlier, a few minutes ago, was that in asking for
18 clarification of what that remanding really means for this
19 council, the expectation is for us to look at that list
20 again and, before we resubmit it, to winnow it down to the
21 birds that are essential and identified as subsistence
22 species. And not to have a list of birds that may
23 occasionally exist in a region listed because of that --
24 for that reason but that it needs to be identified as a
25 bird that has been depended on for subsistence and
26 nutritional reasons.

27

28 And that's the justification that we need
29 to use, I think, in submitting a list. And that, the
30 presumption is then, by our Washington office folks, that
31 that list would be smaller. That it would be a list of
32 what I'll call, bear with me for using this word, essential
33 birds as opposed to a list of birds that may just exist.
34 And that's the reason for this discuss -- that's the reason
35 for my concern and the reason why I wanted to introduce the
36 discussion for that reason. So -- Fred.

37

38 MR. ARMSTRONG: Okay, now I'm hearing a
39 different, you know, thing now from you when -- what the
40 SRC has said. The SRC took action and removed nine birds.
41 They remanded the other 15 back to the Council, now you're
42 saying we have to justify every bird on the list? Because
43 you look at the proposals -- of agency proposals and one
44 says to continue the closure of those birds and the SRC had
45 just spoken on and deleted nine birds, so I'm confused now.

46

47 CHAIRMAN ALCORN: Okay, the conversations
48 that I've had with my bosses run along this line. That the
49 SRC, in order to appreciate the anomaly of this year -- the
50 first year coming on board and us having not gone through

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1 an exhaustive process of identifying and winnowing birds.
2 Their concern, that we've identified a large list of birds
3 that puts -- that paints a large target on this counsel for
4 concern by conservation organizations, agencies as well as
5 flyway councils. That's the concern that's been expressed
6 to me. And that the desire is to -- and the assumption --
7 that statement is based on the assumption that there may be
8 some birds on that list that are not critical or not
9 essential for the subsistence uses and necessarily
10 traditional. That it represents a larger group of birds.

11

12 MR. ANDERSEN: Mr. Chairman.

13

14 CHAIRMAN ALCORN: Ralph, go ahead.

15

16 MR. ANDERSEN: Have they identified those
17 birds as being on -- I mean, could they tell us which ones
18 they think are not critical or essential to our cultural
19 needs?

20

21 CHAIRMAN ALCORN: Well, I'm not suggesting
22 they're challenging which ones are or which ones or not. I
23 think what they're asking us to do is identify those ones
24 that are and which ones that are not. And let me finish my
25 thought, and that is the political reality that they're
26 face with in Washington is that when we list a large group
27 of birds, that list is subject to criticism by conservation
28 organizations that challenge our making regulations that
29 open those birds to harvest. That the criticism and the
30 concern. And so that's the reason for me making the
31 statement and the reason for my telephone calls. Ralph.

32

33 MR. ANDERSEN: I was going to say that, you
34 know, for as long as I've been a member of this council,
35 and it's been five years, soon after that we started
36 discussing -- right after we -- I mean, soon after we
37 finalized the organization of the Council, we started
38 discussing lists of birds. A list was finally put together
39 and was sent out to each of the regions with instructions
40 to review the list and to identify those birds that are
41 essential. The thing is that we all came back with the
42 same list that went out, which I think shows that all the
43 birds are essential to our cultural and nutritional needs
44 and customary practices. The thing is though that we're
45 continually being asked to cut down the list of birds. I
46 mean with statements like identifying those that are only
47 essential and critical -- they all are. The danger that --
48 I mean, the Bristol Bay Council started to review the
49 entire list and Pete Abraham was there during the meeting.
50 Pete is with the Togiak National Wildlife Refuge.

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1 One of the things that we want to avoid is
2 taking a bird off the list that somebody might -- that the
3 village or some people might harvest for subsistence use.
4 And we understand that if the bird is not on the list that
5 they will be cited some way. I mean, for a long time we
6 had songbirds on our list. Songbirds was listed as a bird
7 for subsistence harvest. And that's because, you know,
8 there's the danger -- I mean, what I saw is that there's a
9 danger of somebody getting cited by some anxious
10 enforcement official for harvesting a songbird. Now, I
11 mean, even if the songbird is eaten or used for subsistence
12 purposes.

13
14 You know, what I have trouble with is, you
15 know, these continually having the list sent back to us
16 saying, hey, I don't -- like the don't believe what we're
17 telling them. Like there's no trust. They don't believe
18 that we use all these statewide. Whether the people in
19 Bristol Bay use some of the birds is not the issue. The
20 thing is that it's important to people elsewhere in the
21 state. And I agree with Mike and, you know, I mean it was
22 our understanding that we were going to submit one
23 statewide list that would be inclusive, that includes all
24 of us because we're all subsistence users. And by
25 excluding and then by not acknowledging certain species in
26 certain areas, I mean, I -- it doesn't make much sense to
27 me. You know, I find it pretty insulting that somebody in
28 Washington is telling us that we need to identify something
29 that is -- or to remove birds that are not critical or not
30 essential. As if the birds what we submitted -- that means
31 that implies that there some birds that are not. And I
32 take issue with that.

33
34 I think that all the birds -- that all the
35 work that comes from this council is essential and is
36 critical and is important. Because it reflects, first of
37 all, the work that we've all had to do in each of our
38 regions in order to gain consensus on everything that we've
39 moved forward. And I think everything that comes out of
40 this council is critical and important and essential
41 because it shows that the work and consensus that move
42 beyond the regional level to the statewide level so that
43 there is a consensus among us of the things that we feel
44 are essential and important. And to have someone question,
45 to have that question as being -- that we're proposing
46 things that are non-essential and not important really
47 bothers me.

48
49 CHAIRMAN ALCORN: Fred and then Herman.
50

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1 MR. ARMSTRONG: Yeah I kind of agree in
2 part with what Ralph has said. I think that one, they set
3 out a -- SRC has already set out a process. They've
4 already eliminated some birds, you know. They've sent a
5 list of 14 birds back for consideration. I think we still
6 need to follow that route versus go back and get directions
7 from Fish and Wildlife employees saying we want you to
8 review all the birds. I just -- you know, if we're process
9 oriented then we need to follow it and not change
10 midstream. I think we just confuse the effort and
11 importance of the bird list. And I think we need to focus
12 on birds that have problems first before we delve even
13 further. I mean you look at the sport regs and my God, you
14 got every bird in the world listed in there and they're
15 talking about, you know, the subsistence list as being
16 overwhelming. And I kind of take issue with that but I
17 would try to focus on process and just with the direction
18 that the SRC has provided us.

19

20 When we first set up this process, we
21 agreed that the bird list, you know, would be open every
22 year for at least five, six years until everybody was
23 comfortable with the bird list. And then, you know, even
24 though all of these are subsistence birds, we have to take
25 a look at the ones that are in trouble and I think that's
26 where the focus is but let's try to do this process-wise.

27

28 CHAIRMAN ALCORN: All right, Herman and
29 then Matt.

30

31 MR. SQUARTSOFF: Yeah, Mr. Chair. Yeah,
32 Ralph and Fred summed it up real well, you know, a lot of
33 stuff I was going to elaborate on. But my concern was, on
34 mine, that you know, when I redid my proposal, changed the
35 dates and all and everything else, every would fall along
36 with it, SRC was not done with what they were doing and
37 they eliminated these birds on there. And that was my
38 concern to follow with that, that's why I was suggesting to
39 go with the nine at that time. Otherwise Ralph did real
40 well on summarizing everything. And it's different in all
41 the areas and everything on the birds so you can't, you
42 know, go on one small little list here or there and all
43 that. It's pretty much summed up to have a big one for the
44 whole statewide, for different areas. Thank you.

45

46 CHAIRMAN ALCORN: Matt.

47

48 MR. ROBUS: Thank you, Mr. Chairman. A
49 couple of comments relating to Ralph's comments primarily
50 and then somewhat to Fred's. Having sat here and been a

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1 long time resident of the state and participated in the
2 processes back in Washington DC and at the flyway councils,
3 I guess I want to urge people not to be insulted here but
4 to understand that the people who make decisions about bird
5 management for the whole nation answer to a whole lot of
6 different constituencies. And I think that, you know, this
7 is a specific conversation that Ralph and Herman have to
8 have with members of the SRC this next time back there.
9 Obviously you need to help them understand the importance
10 to subsistence users and they need to make or help you
11 understand all the different factors that bear on their
12 decisions. So, I mean, I understand your point of view,
13 Ralph, but I also urge you to try to communicate this
14 specific issue with SRC members and with the leaders of the
15 migratory bird office back East.

16

17 Just in passing, I tend to support a single
18 bird list rather than multiple bird list just because I
19 hate to think of the time and effort the Council would have
20 to spend over the years to -- adjusting things. We've got
21 better things to do. I think an overall list is okay. I
22 do think we need to be very critical at what we put on the
23 list and at least listen objectively to requests from the
24 upper levels of the service to evaluate critically birds
25 that are included on there.

26

27 And then finally I guess I have one
28 question about Fred's statement about the sport regs. You
29 know, there are a lot of birds that are available to the
30 subsistence practice through the regs that are about to be
31 published and the ones that we're working on for the
32 following year that sport users have no access to at all.
33 So there's a lot of birds that can be hunted under the
34 sport regs but it's a lot fewer birds and different types
35 of birds that can be potentially hunted under subsistence.
36 So I'm not sure I understand that statement. Thank you.

37

38 CHAIRMAN ALCORN: Let me clarify. I don't
39 think I was advocating -- at least I didn't intend to
40 advocate for multiple lists in every region. I still am in
41 favor a single statewide list so if I made that statement,
42 I made it in error. I would like to invite Bob Trost to
43 the microphone for some assistance in or maybe some
44 clarification in the direction that we anticipate when this
45 final -- when this draft rule is published, we are being
46 asked to reconsider or consider the list of birds on the
47 birds of conservation concern list.

48

49 And originally our original list had 23
50 species on it. It now would have, if we were to use the

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1 list that's presumably going to come out in the final rule,
2 it would have 14 species and I believe those species are on
3 the back page on this chart here that are listed. But
4 these are the birds that they have remanded back to the
5 Council for consideration. And these are the birds that
6 I'm particularly wanting to have the concern expressed
7 about. Not necessarily all the species on the entire list.
8 But these are the birds that I think if we go back to the
9 Council or the SRC next year, I don't expect any better
10 success than we had this year.

11

12 So Bob, would you like to clarify maybe
13 your understanding of the remanding back of those birds?

14

15 MR. TROST: Well, I would like to try to
16 address a number of the issues that have been brought up
17 here. Probably to try to put this into perspective. In
18 the public process where we solicited comments on the
19 proposed regulations, we received numerous comments,
20 including from the majority of the member organizations of
21 the AMBCC, that were birds on the list that should be
22 removed. And we didn't get a unanimous agreement on which
23 birds those were but the State of Alaska, for example,
24 wrote in response to the request for comments that they
25 felt there were birds that had been included that should be
26 removed. Internally in the Fish and Wildlife Service there
27 was some comment received that there were birds included
28 that should be removed.

29

30 In part I believe this is also a reflection
31 of the fact that we have an all or nothing current
32 subsistence season at present. And that the perception is
33 there, whether it's true or not, that by opening a season,
34 we open that season to unlimited and perhaps excessive
35 harvest. And even in cases where their birds are -- the
36 status is of some concern. And so what the Service
37 hierarchy I believe went through was this process of, it
38 had conflicting recommendations in front of them. Their
39 perception was that the list that they had been provided,
40 unlike you've portrayed it, was not entirely agreed upon by
41 all the parties involved and that in fact there were birds
42 on that list that probably shouldn't be included. They
43 then tried to go through a process and determine in a very
44 quick fashion which ones are we fairly certain we wouldn't
45 really be comfortable in a conservation sense allowing a
46 harvest of.

47

48 And that was how they got to these nine
49 species that are on the back. It's to the best of their
50 ability to determine these. One, none of these species

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1 constitute any appreciable amount of subsistence harvest
2 anywhere that they were aware of. And two, that the bird's
3 population status was such that they were of enough concern
4 that they believed that in the eyes of most of the outside
5 conservation community, that these should not be open to
6 subsistence hunting. The next 14 they were less clear
7 about. And that's why they've come back to you, I think.
8 Unlike some of what Ralph said -- and I certainly
9 understand his motivation in some of that -- I really think
10 the SRC looks to you folks as being the experts and they're
11 seeking your advice here. And these 14 are ones they're
12 not sure about.

13

14 I'll tell you from my own perspective the
15 bar-tailed godwit and the Red Lake kittiwake are in this
16 group of 14 primarily because we believe there is a
17 substantial history of subsistence use of those two
18 species. Otherwise the bar-tailed godwit probably would
19 have been closed because it's similar to the Hudsonian and
20 marble godwit which were closed. But because there is
21 evidence from the Delta that they do constitute a
22 significant portion of the harvest, the SRC was somewhat
23 cautious in approaching that particular species. And so
24 they've asked you your opinion. And I think partly what
25 they're asking is if it is important to subsistence
26 harvest.

27

28 But the status -- you would agree with the
29 status information that it's not in very good shape as a
30 population. How do you envision handling those kind of
31 situations? Do you think perhaps some kind of a bag limit
32 or a community bag limit or some other approach to having
33 some type of harvest allocation but some limitation to
34 assure that the populations are sustained over time? And
35 at any rate, that's basically what they've done then is
36 they've said these 14, you guys know better than we do,
37 please give this some careful consideration. We believe
38 that the status of these birds is such that maybe we
39 shouldn't be having them, unregulated harvest or maybe a
40 harvest at all. And you tell us what you think would be
41 the most appropriate.

42

43 I think there are probably some other
44 species involved on the bird lists as well that were not
45 considered for the birds of conservation concern and that's
46 one of the Catch 22's in this rather confusing subject.
47 The birds of conservation concern did not consider any of
48 the game birds. So things like scoters and long-tailed
49 ducks, which otherwise likely would have been in this group
50 of birds are not. And they're asking you too to bridge

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1 that gap. I hope that helped a little but I'd be glad to
2 try to answer questions if you have any.

3

4 CHAIRMAN ALCORN: All right, any comments
5 or questions of Bob?

6

7 (No audible responses)

8

9 CHAIRMAN ALCORN: All right, thanks for
10 that clarification. I saw a hand, Mike and then Ralph.

11

12 MR. SMITH: Yeah, Mr. Chairman, I'd just
13 like to point out and according to the comments that were
14 just made, this goes back to our last meeting I think and
15 the concerns I expressed back then about departments and
16 stuff like that going directly to the SRC. And he pointed
17 out that there was conflicts within the participants in
18 this process about the list that we came up with in this
19 process. And those people directly went to the SRC and
20 that was part and parcel of this problem we're having right
21 now, is concerns that were expressed by people
22 participating in the development of that list in the first
23 place. And that goes to my concerns last week -- or at our
24 last meeting about that process and how it's flawed.

25

26 As far as his concerns about birds of
27 concern and stuff like that, I mean while we are
28 subsistence users, subsistence users are also very good
29 stewards of their natural resources. And given the
30 information that birds are -- that populations of birds are
31 dwindling rapidly or that there was some severe
32 environmental catastrophe on a stock of birds or something
33 like that, Native people -- particularly Native people
34 would voluntarily restrict their subsistence activity if
35 that was presented to them and the case was made. I think
36 that we've seen that in regards to fisheries and other
37 things, moose harvest, things of that nature. We are good
38 stewards of our resources and we want to see them
39 perpetuating and if presented with the information that
40 birds or any natural resources is in decline, we would
41 certainly take that into consideration and limit ourselves
42 if we saw it fit. Thank you, Mr. Chairman.

43

44 CHAIRMAN ALCORN: Thank you, Mike. Ralph.

45

46 MR. ANDERSEN: Thank you, Mr. Chairman.
47 There's -- I mean, I want to thank Bob for the information.
48 I know there's -- we have a list of 14 birds plus I was
49 just going through the, you know, some of the 13 proposals.
50 I only leafed through a couple of pages and counted eight

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1 more to either be added on some list or to be taken off
2 another list. But it seems like that in order for us to
3 take any kind of action on this and make an informed
4 decision on any of these birds, there's some information
5 that we need to get. Because I'm just not comfortable
6 saying okay, take this bird; okay, add that bird to, you
7 know, to this list; add that bird to that list.

8

9 I think on all the requests that they're
10 receiving there's some really basic information that we
11 need or that I'd like to see anyway. One of them is
12 population estimates. What are the populations of not only
13 the 14 birds but every other bird that's being requested we
14 put on the list. Where in Alaska do they inhabit? Where
15 do -- I mean, what their migratory routes are. If they go
16 to Asia, I mean we need to know. If they go to Oregon,
17 California, I'd also like to know that. We need to know
18 what the subsistence harvest information is. How many
19 birds of those species are collected or harvested? Where
20 in Alaska are they harvested? And if the birds are -- you
21 know, and the birds are obviously migratory. What measures
22 are being taken in the other areas that they come to Alaska
23 from or what measures -- and I know there's non-subsistence
24 hunting so what measures are being taken to protect them in
25 the areas that they return to when they leave Alaska? How
26 do we fit into the picture? I mean what -- we're being
27 asked to add a bird to a list and, you know, conservation
28 concern and not hunt it but, you know, in order for us to
29 gain a better understanding of just where we fit into the
30 whole conservation picture, there's some really basic
31 information we need.

32

33 And that's sort of -- you know, that would
34 help us to deal with, you know, getting the impression from
35 the SRC that, hey, you guys got to do this. Well, you
36 know, I mean if you give us information and give us, you
37 know, let us know what it is that other people or other
38 agencies, other countries are doing to deal with this
39 conservation concern, that would give us an idea of where
40 we fit. If we have an idea of what the populations are
41 doing, what the population estimates are. Where in Alaska
42 do they go. What other areas do they go. Where other
43 areas -- do they go. What the harvest levels are and that
44 kind of stuff, I think it would make our job a lot easier
45 because right now I'm just uncomfortable, you know, I'm not
46 ready to make any decision on what bird to add on what
47 list, what bird to put where.

48

49 CHAIRMAN ALCORN: Herman.

50

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1 MR. SQUARTSOFF: Yeah, Mr. Chair. Yeah,
2 Ralph makes a whole lot of sense and everything and all
3 that. You know, we need to get a lot more information but
4 like I mentioned earlier though, I think my concern was
5 what I wanted to do was just comply with the SRC right now
6 on the nine that they did take off the list. You know, so
7 everybody can go ahead and fit in with them and be up to
8 snuff with them guys, just to take them nine off your list
9 right now if they're taken off.....

10

11 UNIDENTIFIED SPEAKER: They're already off.

12

13 MR. SQUARTSOFF: They're already off. So,
14 but I mean it was on my list with my proposal. I didn't
15 take it off because I wasn't up, you know, to do it at the
16 time. I don't know if everybody else did it or not
17 that's.....

18

19 CHAIRMAN ALCORN: Okay, thanks, Herman.
20 Austin.

21

22 MR. AHMASUK: Thank you, Mr. Chairman.
23 With these nine birds here, the wimbrel, the bristle-
24 thighed curlew, the Hudsonian godwit, marbled godwit and
25 the concern with the bar-tailed godwit. In my area these
26 birds are generally just called curlews. And the bar-
27 tailed godwit I understand from yesterday's discussions
28 doesn't occur very much in my area. And what's happening
29 there is the entire curlew hunting tradition is being
30 destroyed because someone else wants to take that list off
31 our eligible species. That's the ramification of that.

32

33 And regarding the harvest of a lot of these
34 species here, no single person can tell you what the
35 harvest is because of the collection of the similar species
36 on the forms identified as just godwit, gull, whatever.
37 They're small shorebirds. You can't differentiate the --
38 you can't pull out the harvest of those species.

39

40 We, when our region put forward a list for
41 potentially harvested birds, every single one of them is
42 important for subsistence. I know a lot of people in my
43 area that make \$3000 a year. Okay, so what's important to
44 those people? It's not going to the grocery store.
45 Granted, you know, birds may not be a major part of their
46 diet but it's something. And what's really confusing is
47 some of these birds, we're the only ones who eat them.
48 Commorant, for instance. Puffins. Auklets. Non-Native
49 people, the majority of them that I know, they don't even
50 like these birds to eat for subsistence. They don't taste

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1 right to them but they taste right to us and that's our
2 culture. So we -- I don't know what more we have to say
3 about the importance of these birds, they're just
4 important. The one hundred and whatever birds that we have
5 there, they're important.

6

7 And like has been pointed out, you know,
8 this season has been closed for a long, it's been illegal.
9 You know, the harvest of these birds, it may have gone
10 unreported. But even with the concern that other people
11 have, declines are not just because of subsistence hunters,
12 declines are because of something else. Not to blame it on
13 any other factors but there are a lot of factors that
14 affect the reproduction of these birds here. And so with
15 that, I'll just say that there should be one statewide
16 list, regions can ration it down if they so choose. And
17 that was the process that was begun at the very beginning
18 anyway, potentially listing harvested birds, so thank you.

19

20 CHAIRMAN ALCORN: Thank you, Austin. Did
21 you want to say something? I don't know your name, you'll
22 have to introduce yourself.

23

24 MR. SIMON: Oh, I'm Jim Simon with the
25 subsistence division. And I'm not going to speak to any
26 particular bird species that's on the list or being asked
27 to be reconsidered but I wanted to provide some context as
28 an anthropologist regarding the concept of essential
29 because I think that it's very clear to the group that this
30 has caused some emotional reaction. And I think it's
31 important to address that cultural importance for
32 subsistence purposes does not simply translate to
33 quantities of food harvested. To give you an example, I'll
34 deal with the songbirds, which I don't think anyone would
35 view as a major quantity of subsistence harvest. However,
36 I have seen and documented through my own research in the
37 past in the Bering Strait region the importance of a young
38 boy harvesting a songbird, an ijik (ph), that then is
39 presented to his grandmother who cooks it and eats it as
40 part of the rite of passage of becoming a hunter. And I
41 think that is one example of where that may not be viewed
42 as essential from someone who is looking at quantifying
43 pounds of food consumed but this is still something of
44 cultural importance.

45

46 CHAIRMAN ALCORN: Thanks, Jim. Austin.

47

48 MR. AHMASUK: Yeah, thank you, Mr.
49 Chairman. You know what you mentioned, we're aware of that
50 and our council has taken the position that for things like

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1 that, and there are other things that you're probably not
2 aware of, we don't want other people to know about that.
3 We want to keep that under wraps. We face too much
4 ridicule in our region for doing our traditional things, we
5 feel that we just want to keep it under wraps. We don't
6 want any people to know about that kind of stuff.

7

8 CHAIRMAN ALCORN: All right, we have a hand
9 raised in the audience. Mike, this gentlemen, is it
10 Andrew?

11

12 MR. ANDERSEN: Pete Abraham.

13

14 CHAIRMAN ALCORN: Okay, Pete Abraham, come
15 to the microphone, please.

16

17 MR. ABRAHAM: My name is Pete Abraham, I'm
18 from Bristol Bay. And I wear many hats, one of them is
19 RIT, that's one reason why I'm here. And I cover quite a
20 bit of territory because I was born and raised in Nelson
21 Island and I moved to Bristol Bay, which is similar to
22 where I come from. Hunting is a way of life when I was
23 growing up. So I know quite a bit about these birds over
24 here, what we're talking about. And we discussed in
25 Dillingham what not -- what we hunt and what not we hunt.
26 Like for instance this yellow-billed loon over here, we
27 don't see it here in my area. The only time we see it is
28 in the fall time when they're migrating back. On other
29 side, red-faced commorant, nobody hunts that or even gather
30 eggs.

31

32 In olden days, they used to gather -- they
33 used to hunt commorant for their clothing but not anymore.
34 Down in -- bar-tailed godwit, this is different story. It
35 used to be hunted, only in the fall time when they're --
36 before the -- they're the late migrants. They leave very
37 late. What happened to these birds is when they're very,
38 very fat, when there's a frost on the ground and cold in
39 the night, you just practically run up to them and grab
40 them. So therefore the predators for these birds over here
41 are many. From foxes to ravens. So that's different. The
42 rest of it over here I don't think in my area, even up to
43 Nelson Island, nobody hunts them.

44

45 Today whether there's a list or not, the
46 people that don't harvest, they don't harvest because --
47 just because it's not on a list or it's on a list. They
48 harvest what they use or they don't harvest what they don't
49 use. They don't. Whether you make places like this over
50 here, if it's something that they harvest, the time -- they

00069

1 have, you know, time to harvest these things, they will --
2 do harvest them. Unless you put out a brochure saying
3 these are endangered birds -- endangered species over here.
4 I go -- I have gone in the villages as an RIT explaining
5 what's endangered, what's not. I tried this with elders,
6 it didn't work. When I started using these kids, the
7 children in school, it was more effective than the elders.
8 And the children, school kids got the information faster
9 than the elders. So they tell their uncles, their
10 brothers, hey, don't shoot emperor geese because it's
11 endangered. The numbers are low.

12

13 There's a lot of things that you and I know
14 of there, what the elders know. Because they look at --
15 the elder look at things broad when biologists look at it
16 narrow. I hope I'm help to you people over here when
17 you're discussing all this over here. Like I said, no
18 matter what kind of list you have here, it will go the same
19 direction, the same way as before. A lot of people still
20 respect what to use and what not to use. Still today
21 everything is declining so the gathering is smaller. So a
22 lot of people out there are very careful with what they
23 hunt. So let's work together and make things smoother.
24 Thank you.

25

26 CHAIRMAN ALCORN: Thank you, Pete. Mike,
27 you had your hand raised.

28

29 MR. SMITH: Yeah, Mr. Chairman, I just
30 don't quite remember what it was about at this point.

31

32 CHAIRMAN ALCORN: Well, I'll let you gather
33 your thoughts, I have a statement.

34

35 MR. SMITH: Well, you know.....

36

37 UNIDENTIFIED SPEAKER: He'll say something
38 anyway.

39

40 MR. SMITH: Yeah, I'll say something
41 anyway, yeah. You know me, Mr. Chairman. It's just been
42 fascinating sitting here listening to this and I think part
43 of the problem goes back to the SRC and the people who have
44 been dealing with migratory birds. Perception that this is
45 just an extension of sports hunting in some fashion and
46 it's really not. It's much, much more than that and much
47 more important to the people who are seeking to legalize
48 this hunt. You know, and it -- but it does exemplify the
49 confusion and the importance of conveying our perceptions
50 and thoughts to one another.

00070

1 It's interesting, I had a regional council
2 meeting just the other -- here a couple weeks ago and they
3 were reminiscing about how nice it was when it was illegal
4 because they -- it was -- you didn't have to put up with
5 all this stuff. We didn't have to generate lists, we
6 didn't to generate seasons, any of that stuff. We just
7 kind of did what we have historically done through the
8 generations and nobody bothered us. And more than once
9 that comment came up at my last meeting and I can
10 appreciate that. But with that, Mr. Chairman, thank you.

11

12 CHAIRMAN ALCORN: Let me make a statement
13 or two. First of all, let me apologize if I've implied
14 that these birds are not critical or essential to your
15 traditions and customs. I realized I used that phrase for
16 lack of a better way to describe my understanding of the
17 concerns that have been expressed to me. I think that it's
18 with the utmost respect and appreciation for the harvest
19 that I sit here at this table and represent the Service. I
20 don't represent the SRC necessarily because they're an
21 entity that we deal with separately. But I think that the
22 SRC does appreciate this and beyond a sport harvest. I
23 think the Fish and Wildlife Service's mission is to
24 conserve species. To work with partners to conserve
25 species. In a nutshell, that's the mission that the
26 congress has given my agency. And I think this is one
27 element of conservation, of the process, that we have to go
28 through.

29

30 And it is painful, Mike. It's not nearly
31 as simple as sort of the old days, if you want to describe
32 them that way. But it's certainly for conservation
33 purposes and I think that we all agree that conservation is
34 something that's important. And these birds are on the
35 conservation list. The specific birds that I'm talking
36 about now are these 14 that seem to be in question. These
37 birds are on the list for numbers of reasons. And Austin,
38 I thought, was eloquent in his description of the ways that
39 -- the criteria and the logic that were used to place these
40 birds on the list. I don't claim to understand those. But
41 what I do understand is that there are concerns that have
42 been expressed about the birds. And some of these I'm sure
43 are traditional and are essential and have been harvested
44 since time and memorial. I'm not debating that.

45

46 I think that one of things that you heard
47 Bob Trost suggest was that there are options for continuing
48 and maintaining the ability to harvest these birds but not
49 to flip a switch on or off. And those are the kinds of
50 things that I think are reasonable to consider. That

00071

1 doesn't mean that there's a dictate by the SRC or by the
2 Fish and Wildlife Service to consider any other management
3 option than an off and on switch. But those are options
4 that have been suggested for us to consider. I do know
5 that the chairman of the SRC has just told me this morning
6 that he is willing to delay action by the SRC and hold a
7 special session, convene them in the late summer as opposed
8 to their regularly scheduled late season meeting, which is
9 July 29 to 30 or 30 and 31 this year. He would convene a
10 late season or a special session meeting of the SRC to
11 consider our sole recommendations. And that could be for
12 the entire suite of proposals or it could be for list of
13 species or it would be for whatever it is that we would
14 defer action on. But that's an option that we could
15 exercise a this time to allow our process to work.

16

17 We have -- it's not just a list of species,
18 we have 13 proposals that have been presented that we need
19 to address sometime in our process. And I guess my
20 recommendation at this point would be to consider these 14
21 birds as birds that we've been asked to consider the use of
22 those birds and the recommendation of those birds for the
23 2004 season. To consider them in the light of the ability
24 to go back to the regions and try to get this information
25 that Ralph has suggested so that we are equipped for a
26 discussion of those birds. And allow for that kind of
27 discussion to occur at the regional level and then hold a
28 special session of the Council to consider this issue as
29 well as those other proposals. And at that time then we
30 could make recommendations to the SRC and I have assurances
31 that the SRC would convene especially for our
32 recommendations. That's just an idea at this point, just
33 for you to think about.

34

35 Ralph and then Matt.

36

37 MR. ANDERSEN: Mr. Chairman, I think that's
38 a good idea to consider I'd say not only the 14 birds but
39 also get more information on all the other birds that are
40 proposed amongst the 13 proposals. I mean, so that we have
41 more information than just the picture and the name of the
42 bird.

43

44 CHAIRMAN ALCORN: Okay, Matt and then I see
45 Joeneal and then Mike.

46

47 MR. ROBUS: Thanks, Mr. Chairman. I agree
48 with Ralph. I think this opens the window for a solution
49 to the problem of having 13 proposals that have not had the
50 ability to vetted in the regions that we were discussing in

00072

1 the work session yesterday. Now there will be that
2 opportunity for vetting if we go in this direction and we
3 can still make into the 2004 process. So that's a good
4 remedy for the timing problems we were talking about. I
5 guess a crucial thing that comes to my mind with regard to
6 thinking about these birds is whether the information that
7 Ralph mentioned can be made available within whatever time
8 frame the regions are going to have to review these
9 critters. So that's something that maybe staff wants to
10 think about and chime in on.

11

12 CHAIRMAN ALCORN: All right, thanks Matt.

13 Joeneal.

14

15 MR. HICKS: Just an idea to throw out here,
16 but is it possible to group these birds into probably three
17 categories. In other words, I hear that there's what,
18 there's birds that should be included, birds that should be
19 excluded and there's birds that are questionable here. In
20 other words, like three groups here. Can we do something
21 like that? Can we agree on something like that, that at
22 least it will -- might shorten the list here or help us out
23 along the way. Is that approachable? For instance, the
24 short-eared owl. I don't hear anybody talking about that.
25 Can we say that that will be included in this list?
26 Something like that? Can we agree to something like that?
27 Will it shorten the conversation on this?

28

29 CHAIRMAN ALCORN: Well, okay that's a
30 suggestion. We'll entertain a response in a moment. Mike
31 had his hand and then I think Fred had his hand raised.

32

33 MR. SMITH: Thank you, Mr. Chairman. A
34 couple of things, one is the analogy of an on/off switch.
35 I think that's kind of a misnomer in a sense -- kind of a
36 wrong analogy in the sense that it won't necessarily be a
37 on/off switch. That should information be presented to us
38 that a specific species is in decline that we would
39 effectuate restrictions, whether it be harvest
40 restrictions, season restrictions, things of that nature
41 first and before we end up throwing a switch. So I mean I
42 think that that process is well established in other arenas
43 for species or stocks of concern. Additionally I guess --
44 and correct me if I'm wrong -- did you just indicate that
45 -- now the SRC will be meeting this fall on these proposals
46 and it will have these proposals in front of them as we
47 currently see them and that -- or did you suggest that the
48 SRC would postpone and hold an additional meeting later on
49 so that we can directly address all of the Alaska proposals
50 or.....

00073

1 CHAIRMAN ALCORN: Right, that's what was
2 offered today by the chairman of the SRC. They're
3 scheduled to meet the last two or three days of July. I'd
4 have to look on my calendar to know exactly what days they
5 are but they meet for two days. And that's what they
6 consider their late season meeting. This late season
7 regulation meeting, 30th and 31st, the last two days of
8 July. And that's when they would normally consider our
9 proposals. And we would have to have developed our
10 proposal as a body, we would have to have gone through the
11 legal process called an environmental assessment, which
12 staff does. And that's a process that's done, I guess,
13 before we submit to the SRC. Isn't that right, Fred?

14

15 MS. DEWHURST: Yes.

16

17 CHAIRMAN ALCORN: Okay, I see nodding by
18 Donna. So there's a little time lag that, you know, staff
19 have to put our decisions that we make as a council
20 together and then, yes, they did -- the chairman did say
21 that he would consider our suite of proposals separate in a
22 special session from the ones that they normally take up on
23 the 30th and 31st. So we could postpone that by, you know,
24 a matter of weeks or month -- a month, maybe.

25

26 MR. SMITH: Okay, thank you Mr. Chairman.
27 Just another follow-up on that. If we head down that path,
28 I guess, Fred, do we have the resources upon which to
29 garner the type of information that they are thinking of
30 right now? And then just one other thought to kind of
31 throw out there. Now I know we had discussed the issue of
32 the red flag list yesterday and when I had asked Fred
33 whether or not this -- the red flag list would satisfy the
34 SRC in some regard, I believe he kind of indicated he
35 didn't really know for sure. But it seems to me that the
36 adoption of a red flag list with these 14 birds on it,
37 while not having any significant regulatory impact, that
38 is, these birds would not -- would still be legal to hunt
39 but we would have officially put them on a list that may or
40 may not satisfy what the SRC was seeking in regards to our
41 reconsideration or our looking at these birds again.

42

43 So I mean there's a whole bunch of stuff
44 there, I guess, Fred, and I guess the biggest question is
45 one, whether or not you have the resources to put together
46 the historical and TEK knowledge. I mean, I'm not even
47 sure what kind of information you going to be find on these
48 particular types of birds. Or two, absent that, if we just
49 adopted this list as a red flag list, if you think that
50 would be sufficient to satisfy the SRC's concerns.

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1 CHAIRMAN ALCORN: All right, Fred had his
2 hand up and then Bob has come up to the table, I will call
3 on him afterwards. Okay, Bob is our chief of the Division
4 of Migratory Birds in the Alaska region and he's the one
5 that would probably be asked to supply much of this
6 information. So he can respond to that particular
7 question. Go ahead, Mike.

8
9 MR. SMITH: If I might, I just didn't want
10 to get the questions confused here, Fred. One was -- there
11 was two -- what it was addressing was two approaches to
12 this issue. One is whether or not we need to one, generate
13 the information to justify the birds on this list or two,
14 whether or not we should just adopt this list as a red flag
15 and if that in and of itself would satisfy the SRC's
16 concerns.

17
18 CHAIRMAN ALCORN: Fred.

19
20 MR. ARMSTRONG: I'll defer to Bob, he's the
21 one who's got to gather the information.

22
23 MR. LEEDY: Bob Leedy, Fish and Wildlife.
24 I can't tell you whether it would satisfy the service's --
25 or the service regulatory committee's needs. It would
26 certainly be a step in the right direction. The point I
27 came up here for was regarding Ralph's request for
28 background information, range, migration, population status
29 and so on. This is something that I think was on the
30 agenda for tomorrow. Or when I talk about AMBCC data book,
31 I may have misread that. But our intent is to try to
32 develop over the summer and into the fall a book that is
33 reasonably comprehensive addressing all the birds
34 ultimately that are open to subsistence harvest that would
35 include the kind of data you're talking about.

36
37 We certainly could begin the development of
38 that kind of a loose leaf binder you might think of by
39 addressing, you know, the 14 species on here. And we could
40 certainly get that done sooner rather than later. I need
41 to talk to Fred a little bit about a seasonal hire here
42 that we might be able to share to help spur that along. So
43 we can certainly get you the kind of information that you
44 were asking about, these 14 species, and then just build on
45 that as time goes.

46
47 CHAIRMAN ALCORN: Mike, follow-up.

48
49 MR. SMITH: Thank you, Mr. Chairman. That
50 helps a lot, Bob, because what that offers us then is the

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1 ability to tell the SRC that we are putting together a data
2 book on all of our species. That the data book will
3 include the 14 birds that they have.....

4

5 MR. ANDERSEN: Start with the 14 birds.

6

7 MR. SMITH: That will start with the 14
8 birds possibly, whatever the case may be. And that we just
9 need time to put that together and that if they were able
10 to postpone a hearing on the Alaska packet till later in
11 the year that we should be able to supply them with at
12 least the beginnings of a data book and where we're headed
13 with this and how we're going -- how we hope to track all
14 this in the future through the use of this data book. And
15 that -- and maybe that may satisfy them there in that
16 regards.

17

18 CHAIRMAN ALCORN: All right. Bob.

19

20 MR. LEEDY: Yeah, just a quick follow-up.
21 Mike, I do want to make it clear that what I had in mind
22 probably isn't going to include the degree of traditional
23 ecological things you're talking about. We would put what
24 we could find readily available but the process I'm
25 thinking about would not include actually that field,
26 exchange of information at this point. Okay, that's
27 something that we would have to build to, I think, over
28 time.

29

30 MR. SMITH: What -- then just harvest
31 information?

32

33 MR. LEEDY: Well, like population status
34 and trends. You might think of it just in terms of your,
35 you know, your nerdy biologist information here. Status
36 and trends, ranges, timing, management plans, activities
37 and things like that.

38

39 MR. SMITH: Well, then never mind,
40 Mr. Chairman.

41

42 MR. LEEDY: Yeah, getting the TEK stuff is
43 an additional step I think beyond what's already available.

44

45 CHAIRMAN ALCORN: Thanks, Bob. Fred.

46

47 MR. ARMSTRONG: I couple of things, I know
48 we're eating into our lunch hour here but you know, I would
49 caution the Council against proposing a delay. I mean,
50 we're going to end up in the same dilemma we are this year

00076

1 where we have a -- we don't even have regs that we can
2 publish yet and, you know, I'm kind of worried from the
3 administrative point of view. Trying to meet a calendar
4 that the Council has adopted and yet still address some of
5 their concerns. I like the idea of the Council adopting
6 this list but, you know, with a couple of things. One, to
7 adopt a list to get the current harvest data or scientific
8 data that Ralph has suggested. And perhaps, you know, the
9 Council could focus on outreach on these -- the 14 birds.
10 Because we -- they haven't -- they are on the birds of
11 conservation concern and aren't listed or threatened yet.
12 So if we just start, you know, doing outreach, that may go
13 a long way too. I don't know if that would satisfy some of
14 the people involved in this issue here but there's
15 something to consider.

16

17 CHAIRMAN ALCORN: All right, Enoch and then
18 Tom.

19

20 ATTAMUK: Yeah, Fred. All these years we
21 lived without the regulations and we need to work on this
22 plan correctly. We need to see all phases. We don't have
23 to rush into regulations. We lived without the regulations
24 all these years, we were doing okay.

25

26 CHAIRMAN ALCORN: Thank you, Enoch. Bob,
27 did you have your hand raised. Or Tom I mean, I'm sorry.
28 You guys look so much alike.

29

30 MR. ROTHE: I'm much younger than Bob is.
31 Just a quick comment. Yesterday we talked a little bit
32 about criteria for evaluating these species and I guess
33 it's real important for us technicians to know what the SRC
34 wants as far as a degree of evaluation. Bob's right that
35 we've got some numbers on population status, range maps,
36 some harvest data. To me the two difficult categories to
37 document and especially in a hurry is knowing what the SRC
38 wants as far as level of documentation of customary and
39 traditional use. Can we get away with existing harvest
40 surveys? Do you have to look into ethnographic studies or
41 do you have to start from the ground up and do TEK
42 interviews?

43

44 So I guess it would help to find out what
45 the SRC is looking for on that one. The other one is
46 threats. The species conservation concern look at threats
47 on a global basis. So we'd need to figure out what do we
48 think of, you know, Asian habitats and pollution potentials
49 and other kinds of things. That's another kind of fuzzy
50 area where we'd have to wrestle with it a bit to get a grip

00077

1 on what other threats are out there.

2

3

CHAIRMAN ALCORN: All right, thanks. It is
4 getting late. We'll ask Russ to sort of end the discussion
5 for us and I'm going to propose that we recess for lunch
6 after this comment and think about this and then we'll pick
7 up the discussion. Maybe we'll have some ideas for
8 resolution by the end of the lunch period at 1:30. Russ.

9

10

MR. OATES: Just a quick comment,
11 Mr. Chairman. The discussion seems to have become focused
12 about increasing outreach efforts to some of these 14
13 species of conservation concern. And I don't want to lose
14 the fact that there were some waterfowl species also that
15 we were proposing to increase our outreach efforts on. I'd
16 like for them to be rolled into the package as well as we
17 are going to propose to you focus on outreach on species
18 that we're concerned about.

19

CHAIRMAN ALCORN: Okay, thanks Russ. Let's
21 recess until 1:30. Be back at 1:30 promptly. Thank you.

22

23

(Off record)

24

25

(On record)

26

27

CHAIRMAN ALCORN: I'd like to reconvene
28 after our recess. We're five minutes after I said we'd get
29 back together, waiting on one or two fellows to come to the
30 table. Oh, there's Herman. I thought you were leaving
31 right after lunch. We have with us, standing over here to
32 my right, is Cam Toohey, he's a special assistant to the
33 secretary for Alaska. A special assistant to the Secretary
34 of the Interior. He is the Alaska representative or the
35 Alaska.....

36

37

MR. TOOHEY: It's a special position.

38

39

CHAIRMAN ALCORN: A special position.

40

41

MR. TOOHEY: We represent the Secretary and
42 the State.

43

44

CHAIRMAN ALCORN: Okay, he has personal
45 knowledge of the status of our propos -- our regulations
46 that have come out of the Service. So with that, I'll turn
47 it over to him and ask him to give us an update.

48

49

MR. TOOHEY: The reg package that you guys
50 worked on is put in the place of spring hunt goes through a

00078

1 very extensive process through DC called surnaming -- do
2 you want me to get up here?

3

4 CHAIRMAN ALCORN: If you would.

5

6 MR. TOOHEY: The surnaming process is a
7 very long bureaucratic kind of process where everybody gets
8 to have review and look at the regs. And that process is
9 going on right now. And we, this office, has an
10 opportunity to review and sign off on them and that was --
11 occurred yesterday. And we will find out probably by
12 Monday where they're at but they should be really close to
13 the top, which means they'll be headed to the registry
14 pretty soon. But it doesn't look like they'll be any
15 problems at this point.

16

17 CHAIRMAN ALCORN: All right, have there
18 been any amendments or any changes that you saw?

19

20 MR. TOOHEY: Not that I'm aware of, no.

21

22 CHAIRMAN ALCORN: Okay.

23

24 MR. TOOHEY: And normally, you know, issues
25 like this that are really unique to Alaska, most other
26 folks that are in the surnaming process don't usually have
27 an idea of what changes they might need. They usually
28 defer to the Alaska folks to decide how these regs will
29 look. And so I don't expect to have any at this point. I
30 mean it's obvious that Fred has done a really good job
31 working with us and keeping us posted and I just don't
32 expect any surprises.

33

34 CHAIRMAN ALCORN: Great, thanks. Any
35 questions of Cam before we.....

36

37 MR. ARMSTRONG: Mr. Chair.

38

39 CHAIRMAN ALCORN: Fred.

40

41 MR. ARMSTRONG: I'd just like to
42 acknowledge Cam for the work he's done in moving the rule
43 forward. He's been a real help in getting people's
44 attention to work on the document moving forward and I
45 really appreciate it. Thanks a lot.

46

47 MR. TOOHEY: Good, well it's been a good
48 team effort.

49

50 CHAIRMAN ALCORN: Thanks, Cam, appreciate

00079

1 it.

2

3 MR. TOOHEY: Great. Well, good luck, you
4 guys. Too bad your meeting is not outside.

5

6 CHAIRMAN ALCORN: It's going to be in about
7 three hours -- or two hours.

8

9 MR. TOOHEY: Good, good.

10

11 MR. ARMSTRONG: There's a duck flying
12 somewhere.

13

14 MR. TOOHEY: Well, hey I was just thinking,
15 I've got my -- I got a new about three month old puppy that
16 we're -- black lab that's getting in full training so.....

17

18 CHAIRMAN ALCORN: All right.

19

20 MR. TOOHEY:maybe not this fall but
21 next fall she'll be ready to go. So enjoy your next couple
22 of days.

23

24 CHAIRMAN ALCORN: Great, thanks. Thanks a
25 lot. All right, we had a special -- an amended item that
26 we had placed on the agenda for discussion, which was the
27 discussion of the bird list and we recessed prior to taking
28 any action to allow all of us to have a chance to think
29 about it while we had our lunch. And at this point we
30 would open the floor for any discussion or any action that
31 the Council might wish to.....

32

33 MR. ANDERSEN: Mr. Chairman.

34

35 CHAIRMAN ALCORN: Ralph.

36

37 MR. ANDERSEN: I have a motion. It's a
38 three-part motion. I move that we direct staff to provide
39 us with information and clarification from the SRC on their
40 request regarding the 14 birds of concern, the list that
41 they sent us. We'd like that information -- or I'd like
42 that information no later than May 30th. The information I
43 think was -- I described earlier during my discussion of
44 it. The second item in the motion is that we request
45 responses from the regional councils regarding that
46 information as well as the 13 proposals. That they be sent
47 out to the regions as well. That the request from --
48 responses requested from the regions by July 7th. That the
49 -- the third item is that the AMBCC meeting be scheduled --
50 or an AMBCC meeting be scheduled on July 15th to finalize

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1 or to take final action on the responses from the regions
2 on the 13 proposals, plus the 14 birds.

3

4 CHAIRMAN ALCORN: Bear with me, I'm writing
5 this down so we get it.

6

7 MR. SQUARTSOFF: I'll second that.

8

9 CHAIRMAN ALCORN: Okay, we have a motion
10 and second to do three things, three parts. Let me repeat
11 the motion for the record and if there's agreement then
12 Matt, you can speak to the motion. The first condition of
13 the motion is to ask for information from the SRC to
14 clarify what it is that they're asking us to do. To
15 address the 14 birds that they have specific concern about.
16 The second portion of the motion is to request responses
17 from the regions.

18

19 MR. ANDERSEN: Just.....

20

21 CHAIRMAN ALCORN: Okay, I'm sorry.

22

23 MR. ANDERSEN: In addition to the
24 clarification, the clarification plus the additional
25 information that we requested be sent out to the regions as
26 well.

27

28 CHAIRMAN ALCORN: Thank you for that
29 correction. The second element is to request responses
30 review by the regions represented on the Council, review of
31 the 13 proposals that you have in your binder, the first 13
32 under the first 13 tabs. Which are the proposals by the US
33 Fish and Wildlife Service, the Alaska Department of Fish
34 and Game and I believe there's one from a constituent
35 group, the Kodiak Audubon Society. And also to review the
36 information that's provided on the 14 birds and review that
37 list of birds, correct? That's the second element. And
38 the third element is to schedule a meeting of the Co-
39 Management Council on the 15th of July to consider those
40 elements only. Is that right? Okay, that's the motion,
41 it's been seconded and we'll entertain comments. Matt.

42

43 MR. ROBUS: Mr. Chairman, regarding the
44 motion, right before lunchtime Mr. Oates mentioned some
45 waterfowl species other than the 14 that are on the page
46 we've been looking at. And I'm wondering whether Ralph
47 would consider including those in the same procedure that
48 we're talking about for this 14?

49

50 MR. ANDERSEN: Are those -- the waterfowl

00081

1 species, are they addressed in the 13 proposals? Yeah, and
2 -- because the motion is to refer the list -- the 14 birds
3 plus the 13 proposals to the regions.

4

5 MR. ROBUS: Okay, I guess my point is that
6 information of the same nature might be helpful in the
7 regions addressing those.

8

9 MR. ARMSTRONG: Yes, yes.

10

11 CHAIRMAN ALCORN: Okay, so the request
12 would ask for that similar information for the waterfowl
13 species?

14

15 MR. ARMSTRONG: Yes.

16

17 CHAIRMAN ALCORN: That are mentioned in the
18 proposals? Much of that is provided in the proposals, I
19 think, but a lot more detail would be needed. Okay.
20 Consider that a friendly amendment to the motion. All
21 right, is there any other discussion? Fred -- okay,
22 Joeneal and then Fred and then Mike.

23

24 MR. HICKS: Well, like you said, I went to
25 lunch and I thought about it. And, you know, I have no
26 problem with this particular list of 14 birds here. In
27 other words adding to the removal list back here. You
28 know, I believe that we or my region has pretty much gone
29 through this here. I don't really see any I'd say negative
30 thing by doing it. I mean, if these birds are of
31 environmental concern due to whatever means, be it habitat
32 degradation or whatever or something like that, then I
33 think that they should be protected in that regards.

34

35 And I speak for my region alone, I don't
36 speak for you. I know that you might have your own
37 concerns in that regards, you know. And I mean I might be
38 a bird advocate in a way but, I mean, sure, I protect my
39 birds there too. And I feel that hey, if they need
40 protection then let's do it. And that's how I pretty much
41 feel and well, anyhow, from my perspective, I will take
42 this back to the region and I will forward you a letter in
43 that regards from their standpoint, of my region, and tell
44 you pretty much yes or no to that. But I could pretty much
45 already tell you that that's what it will be. Thank you.

46

47 CHAIRMAN ALCORN: Thank you, Joeneal. Fred
48 and then Mike.

49

50 MR. ARMSTRONG: I guess in regards to the

00082

1 July 15 meeting, are we going to have a face-to-face or
2 teleconference? Any ideas on that? And it was just -- the
3 other thing is, it was just brought to my attention there
4 will be nine additional birds -- waterfowl birds that will
5 submitted along for consideration. From waterfowl now
6 not.....

7

8 CHAIRMAN ALCORN: The ones that are that
9 are mentioned in the proposals?

10

11 MR. ARMSTRONG: No, there's 14 then you
12 have to reconsider -- Russ just brought it to my attention,
13 there will be nine additional waterfowl birds that the
14 Council will need to take a second look at.

15

16 MR. OATES: And just for clarification, Mr.
17 Chairman.....

18

19 CHAIRMAN ALCORN: Russ.

20

21 MR. OATES:that includes the ones
22 that we were talking about, the red flag or avoid waterfowl
23 species. That's not just closure, it also includes the
24 duskies and the tuillies.

25

26 CHAIRMAN ALCORN: All right, but those are
27 addressed in the 13 proposals, are they not?

28

29 MR. OATES: Right, and I thought that
30 was.....

31

32 CHAIRMAN ALCORN: Okay. And those are part
33 of the motion?

34

35 MR. OATES: Yes.

36

37 CHAIRMAN ALCORN: Those would be considered
38 by the regions in this process that we've identified, which
39 is to vet them in their regions.

40

41 MR. ARMSTRONG: And before I shut up here,
42 Ralph's proposing some pretty tight deadlines and it's
43 going to be really important that each of the regions
44 respond accordingly. I mean, this is an opportunity to
45 voice your concerns yeah or nay so please make a concerted
46 effort to try to address these.

47

48 CHAIRMAN ALCORN: All right, any other --
49 we have another comment with Joeneal but Mike had his hand
50 raised. Mike, do you have a comment first and then

00083

1 Joeneal.

2

3

MR. SMITH: Thank you, Mr. Chairman. I mean I guess we're getting kind of way ahead of ourselves here and I'd like to read just what the SRC said to us in response to this. However they, speaking of the species of conservation concern, will be given additional consideration by co-management council over the coming year. We intend, the Co-Management Council, to focus this attention on determining the importance of the harvest of these species for subsistence purposes as well as any other information on status that would be useful in future deliberation. I read that to say, you know, we made the statement that these birds are important to us for subsistence purposes by keeping the on the list. That we're not going to regionalize lists, not of that stuff. I think we've made that pretty clear. A response back to them would simply be a statement in a letter saying, you know, we have considered it and we feel that all the birds on the list are vitally important to subsistence needs of the people in rural Alaska.

22

23

And then it goes on to say, as well as any information on status that would be useful in future deliberation. That is more of a biological term that includes harvest information, the things that -- you know, more of the biological information that would be -- that we have that we could provide them on the status of these particular species. In the case of -- and then it goes on to say specifically in the case of the bar-tailed godwit, which we understand is an important species in the subsistence harvest, we are concerned about incidental take of two similar species, the Hudsonian and the marbled godwits for which no harvest will be authorized. The Co-Management Council should address actions that have or can be taken to minimize incidental take of the Hudsonian and marbled godwits in the event that the bar-tailed godwit remains on the list submitted to the service for consideration of subsistence harvest in future years.

40

41

That's all they've asked of us, you know. And I think, you know, we've determined that we made the statement that, you know, certainly the determination that all these birds on the list are important to us for subsistence activities. And then we simply provide them with whatever relevant harvest information and biological science information we have. And then we come up with a plan to identify and do a public outreach or campaign to distinguish between the Hudsonian, marbled and bar-tailed godwit. And that's all we need to do and I'm -- you know,

00084

1 I'm just not sure where we're going with this. You know,
2 with that clarification, I just wanted to read that and
3 just for your information, that's what the SRC is
4 requesting of us.

5

6 CHAIRMAN ALCORN: All right, thanks, Mike.
7 Any other comments on the motion? I have a comment from
8 Russ and a comment from Bob.

9

10 MR. OATES: Yes, Mr. Chairman, I apologize.
11 The additional nine species that I mentioned were the ones
12 only from the agency proposals. If you add in the Kodiak
13 Audubon Society proposal, there's an additional seven
14 species of waterfowl plus many additional non-game birds
15 which I haven't done the cross-check between the lists yet
16 to determine how many additional species that would
17 represent. But at any rate, if you're talking about
18 covering all the 13 additional -- the non-regional
19 proposals, the list is quite a bit longer than what I
20 anticipated.

21

22 CHAIRMAN ALCORN: Let me respond to that.
23 I don't interpret the motion to address every species in
24 the same way that we have -- that Ralph has identified the
25 14 that are on the BCC list. What I understand the motion
26 to be is that the regions would vet those proposals as
27 stand-alone proposals in the regions -- or amongst their
28 folks and they would come back with a recommendation or a
29 response to that proposal as a stand-alone, not necessarily
30 a compilation of every species that's identified in the
31 proposal. That's the way I understand the motion. Now
32 Ralph, you can correct that.....

33

34 MR. ANDERSEN: (Inaudible - microphone off)

35

36 CHAIRMAN ALCORN: Okay, so I guess what I'm
37 getting at is, the first request, information,
38 clarification on the 14 birds is specific to those 14
39 birds. There are additional concerns raised in the
40 proposals. They will be considered stand-alone. That's
41 the way I see the motion.

42

43 MR. OATES: Okay, so what you're saying is
44 the Fish and Wildlife Service will not be asked to provide
45 additional information on the additional species of
46 waterfowl that the Service was proposing for an avoid, take
47 less or the species that the Kodiak Audubon Society was
48 proposing for closure?

49

50 CHAIRMAN ALCORN: That's the way I

00085

1 understand the motion. Bob, did you have a statement?

2

3 MR. LEEDY: If I understand correctly, you
4 are looking for a final product on these, shall we call
5 them status reviews or whatever, by the end of May? I can
6 just -- it will be pressed for the 14 species. We'll do
7 our best and I think we can do it. If we go beyond that,
8 it could be a little tighter but we will provide as much
9 additional information for other species of concern we can.
10 I mean, and the focus would be on these 14. It's a very
11 tight time frame. What I had anticipated, a use of a well-
12 experienced seasonal temporary to come the 1st of June,
13 obviously won't address this need. But if that's the
14 desire of the Council, do the best we can to get the -- at
15 least the 14 covered by the end of the month.

16

17 CHAIRMAN ALCORN: All right, thanks Bob.
18 Any other comments regarding the motion? Tom Rothe.

19

20 MR. ROTHE: One schedule consideration,
21 that if we want to provide this information to the Flyway
22 Council process, the Flyway Technical Committee start
23 meeting July 21st and hopefully something would be packaged
24 to get those to the four Flyway meetings.

25

26 CHAIRMAN ALCORN: That's why the meeting
27 was suggested for the 15th, to give staff a whole three
28 working days to put all that together. We don't expect the
29 impossible, do we Fred?

30

31 MR. SMITH: Mr. Chairman.

32

33 CHAIRMAN ALCORN: Mike.

34

35 MR. SMITH: I'd like to call a caucus of
36 the Native members, please.

37

38 CHAIRMAN ALCORN: I would allow that if
39 that's what Ralph wants.

40

41 MR. ANDERSEN: Sure.

42

43 CHAIRMAN ALCORN: Okay, let's call a 10
44 minute recess for caucus. Is that enough?

45

46 MR. ANDERSEN: That's fine.

47

48 CHAIRMAN ALCORN: Okay, 10 minutes. We'll
49 reconvene at 20 after. Let's reconvene at five after 2:00.

50

00086

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN ALCORN: Thank you all. We'll
6 reconvene and we have on the table -- excuse me, we have on
7 the -- yeah, on the table for consideration the motion that
8 we've stated and reiterated but I'll let Ralph speak to the
9 motion.

10

11 MR. ANDERSEN: Mr. Chairman, I'd like to
12 amend my motion to delete the request to the SRC so that we
13 will not request clarification from the SRC on their
14 request. Because based on the information that Mike Smith
15 provided, what he read during the discussion, I think
16 that's clear enough. Otherwise the motion stays the same.

17

18 CHAIRMAN ALCORN: All right, let me ask a
19 question before you speak, Herman. I also had written in
20 there, you were asking me for local migratory bird
21 management staff to provide information on those 14 birds.

22

23 MR. ANDERSEN: Yes.

24

25 CHAIRMAN ALCORN: Is that deleted?

26

27 MR. ANDERSEN: No.

28

29 CHAIRMAN ALCORN: You still want that
30 information?

31

32 MR. ANDERSEN: Yes. Just the part of my
33 motion requesting clarification from the SRC.

34

35 CHAIRMAN ALCORN: Okay, got you.

36

37 MR. SQUARTSOFF: Yeah, Mr. Chair.

38

39 CHAIRMAN ALCORN: Fred -- I mean, excuse
40 me, Herman.

41

42 MR. SQUARTSOFF: Yeah, Mr. Chair. I second
43 that motion. I go along with his change.

44

45 CHAIRMAN ALCORN: All right, we have an
46 amendment offered by the maker of the motion and the second
47 is agreed. And that is to not request information from the
48 SRC but to still request information from the Migratory
49 Bird Management staff on those 14 birds. All right, is
50 there any other comment on the motion?

00087

1 (No audible responses)

2

3

CHAIRMAN ALCORN: Call for the question.
4 Does anybody oppose the motion as stated and amended. Let
5 me see if I can reiterate. To ask the Division of
6 Migratory Bird Management in the Alaska regional office to
7 provide additional information on the 14 species that are
8 listed on this handout that we have. I'm not going to name
9 them but it's basically biological information that exists
10 now. The second request would be to ask the regional
11 representatives to take out to their regional folks the 13
12 proposals that we have, the first 13 that are in the tabs
13 that are made by the Fish and Wildlife Service, the Alaska
14 Department of Fish and Game and the one from the Kodiak
15 Audubon Society. To consider those as well as the list of
16 14 birds and report back to the Council with
17 recommendations or with their recommendations/response by
18 the 7th of July. The third element of the motion is to
19 schedule a Co-Management Council meeting for the 15th of
20 July, which is to discuss those items that we've just
21 listed, with the additional information.

22

23 That's the motion, does anyone oppose that
24 motion?

25

26 (No opposing votes)

27

CHAIRMAN ALCORN: Seeing no opposition, it
29 passes. Oh, I am sorry, I should have made this point
30 clear, that Patty Brown-Schwalenberg is sitting on the
31 Council for Gary Kompkoff. He wrote a note prior to lunch
32 and she was a party to the vote that we just had. He wrote
33 a note to the Chair basically appointing her as a delegate
34 or an alternate for the lunch -- or this period that he's
35 gone. I assume he's going to be back tomorrow?

36

37 MS. BROWN-SCHWALENBERG: Yes.

38

CHAIRMAN ALCORN: Okay. All right, the
40 next order of business is to consider the proposals in
41 order that they're listed on the agenda. We would begin
42 with the -- is there a proposal from the Aleutian/Pribilof
43 Islands Association?

44

45 MR. STEPETIN: No, no.

46

CHAIRMAN ALCORN: Okay. There's no
48 proposal, for the record though, we wanted a statement from
49 each of the regions that, based on the assumption, that
50 there was no change from last year's proposal, excluding

00088

1 the list of species based on the prior action the Council
2 just took. The understanding would be that the season
3 dates, the season closure dates, the closures, the species
4 closures that were listed last year -- those would all
5 remain the same. That's the assumption that was made going
6 into this process for lack of a proposal from your region,
7 that's the assumption that we would go with. And we need I
8 guess your statement for the record that that's what you
9 would propose for the 2004 season.

10

11 MR. STEPETIN: Yes, Mr. Chairman, I was
12 told that we didn't bring a proposal in for this year
13 because there was no changes. And according to the new --
14 where there was nine birds on the list, that were going to
15 be removed, they will come off our list and whatever
16 changes else -- whatever other changes there are.

17

18 CHAIRMAN ALCORN: Thank you. Thank you,
19 Jacob. All right, following the protocol for -- consider
20 these, we have the US Fish and Wildlife Service and the
21 Alaska Department of Fish and Game providing technical
22 comments. We'll start with Bob, US Fish and Wildlife
23 Service.

24

25 MR. LEEDY: Bob Leedy, Fish and Wildlife.
26 No comments, support the proposal, thank you.

27

28 CHAIRMAN ALCORN: Thanks, Bob. Tom Rothe.

29

30 MR. ROTHE: I don't have anything to add.

31

32 CHAIRMAN ALCORN: All right, that's the
33 comment from the agencies. We would open the floor to the
34 public to comment on the proposal.

35

36 (No audible responses)

37

38 CHAIRMAN ALCORN: Seeing no hands, we will
39 close the public comment portion of this and the counsel
40 deliberation and action is in order at this point.

41

42 Do you want to move to adopt?

43

44 MR. STEPETIN: Yes, I make a motion to
45 adopt.

46

47 CHAIRMAN ALCORN: All right, there's a
48 motion to adopt.....

49

50 MR. SQUARTSOFF: Second.

00089

1 CHAIRMAN ALCORN: the proposal.
2 Motion and second to adopt the proposal. Is there any
3 council discussion?

4
5 (No audible responses)

6
7 CHAIRMAN ALCORN: Hearing none, seeing no
8 hands raised. Call for the question. All in favor of --
9 or is there any opposition to the proposal as stated?

10
11 (No audible responses)

12
13 CHAIRMAN ALCORN: Seeing none, the motion
14 passes. Moving on down to the next proposal, we have the
15 association of village council presidents. The
16 representative, Edgar, is not here. Is there anyone here
17 to speak to that proposal.

18
19 MR. ARMSTRONG: No, there isn't. Nobody
20 contacted our office other than I think Eric Johnson
21 indicated that Myron Naneng may be here tomorrow.

22
23 CHAIRMAN ALCORN: All right.

24
25 MR. ARMSTRONG: He's the president of AVCP.

26
27 CHAIRMAN ALCORN: Okay, should we table any
28 action on that proposal and we'll move forward to the next
29 one, we'll table?

30
31 MR. ARMSTRONG: That would be appropriate.

32
33 MR. ROTHE: Mr. Chairman, clarification.
34 Did you act on the Kodiak season dates?

35
36 UNIDENTIFIED SPEAKER: Yes.

37
38 CHAIRMAN ALCORN: We did.

39
40 MR. ROTHE: Good, okay.

41
42 CHAIRMAN ALCORN: We approved it. All
43 right, tabled the AVCP proposal. All right, we're to the
44 Bristol Bay Native Association. Ralph.

45
46 MR. ANDERSEN: Thank you, Mr. Chairman. We
47 have -- I'd like to -- the first proposal is under tab 14.
48 I have the five numbered items there, I have amendments to
49 each of them. And I'll read the five items slowly. One,
50 the spring season for the subsistence harvest of migratory

00090

1 birds shall be April 2 to June 14th. Item number two, the
2 spring season for the subsistence harvest of migratory
3 birds shall be closed from June 15th to July 15th. Number
4 three, the spring season for the subsistence harvest of
5 seabird families, laraday and alceday (ph) eggs shall be
6 April 2 to July 15th. Number four, subsistence harvest of
7 seabird family laraday and alceday (ph) eggs shall be
8 closed from July 16th to August 31st. Number five, the
9 summer season for migratory bird subsistence harvest shall
10 be July 16th to August 31st.

11

12 CHAIRMAN ALCORN: Thank you, Ralph. Agency
13 comments. We'll begin with Bob Leedy, US Fish and Wildlife
14 Service.

15

16 MR. LEEDY: Okay, I appreciate, Ralph, your
17 catching the double opener so to speak and fixing that.
18 I'm a -- I may have taken my notes wrong. Do you have, by
19 these one, two, three, four, five -- an open season for
20 eggng of waterfowl and non-seabirds?

21

22 MR. ANDERSEN: No.

23

24 MR. LEEDY: No. Okay, then I have no
25 questions and would concur.

26

27 CHAIRMAN ALCORN: All right, thank you.
28 Alaska Department of Fish and Game. Tom.

29

30 MR. ROTHE: Looks fine.

31

32 CHAIRMAN ALCORN: All right, we have our
33 comments from the agencies. Open the floor to public
34 comment. Does anyone want to comment? Russ, would you
35 come to the microphone please?

36

37 MR. OATES: I just had a question. Is
38 there a -- has there been copies made of the revised
39 proposal because I'd kind of like to look at it. But.....

40

41 MR. ANDERSEN: I just wrote it out by
42 pencil.

43

44 MR. OATES: Oh, okay. Can I look over your
45 shoulder for a second then?

46

47 MR. ANDERSEN: You can take the whole
48 thing.....

49

50 MR. OATES: Thank you.

00091

1 MR. ANDERSEN: As long as I get it back.

2

3 CHAIRMAN ALCORN: The significant
4 difference from the one that was printed versus the one
5 that Ralph has just read off is that the April 2 to July 15
6 eggging season is for laraday and alceday (ph) species.
7 Seabird species, right. That's a significant change from
8 what was presented and distributed. All right, any other
9 comments from the public?

10

11 (No audible responses)

12

13 CHAIRMAN ALCORN: I see none. We are now
14 open for Council deliberation and action.

15

16 MR. ANDERSEN: Mr. Chairman, I move to
17 approve.

18

19 MR. SQUARTSOFF: Second.

20

21 CHAIRMAN ALCORN: We have a motion and
22 second to approve the proposal as stated, not necessarily
23 as distributed but as stated. Any discussion?

24

25 (No audible responses)

26

27 CHAIRMAN ALCORN: Hearing none, I'll call
28 the question. All those that -- if there is -- is there
29 any opposition to the motion that's been stated and
30 seconded?

31

32 (No opposing votes)

33

34 CHAIRMAN ALCORN: Seeing none, the motion
35 passes as stated.

36

37 MR. ANDERSEN: Mr. Chairman, I have another
38 recommendation under tab 15 that I'd like deferred.

39

40 CHAIRMAN ALCORN: Go ahead, Ralph.

41

42 MR. ANDERSEN: The title is migratory birds
43 for potential annual harvests. That's recommendation 2004-
44 02, I'd like to defer that.

45

46 CHAIRMAN ALCORN: All right, you can defer
47 that since you're the presenter. I don't think that there
48 is a motion in order for that.

49

50 MR. ANDERSEN: If you'd turn to tab 16,

00092

1 recommendation number 2004-03. It's hunting devices and
2 methods that are prohibited during the spring and summer
3 migratory bird subsistence hunting season in the Bristol
4 Bay region. Basically it's the same as last year except
5 the last bullet, the use of air boats for any purpose is a
6 new addition.

7

8 CHAIRMAN ALCORN: All right, we're ready
9 for agency comments. Bob Leedy, Fish and Wildlife Service.

10

11 MR. LEEDY: No comment, thank you.

12

13 CHAIRMAN ALCORN: All right, the Alaska
14 Department of Fish and Game, Tom Rothe.

15

16 MR. ROTHE: I guess there is a subject that
17 I guess you can decide if you want to talk to it or not.
18 With this air boat concern that came up regarding the
19 interior region, a specific set of circumstances here --
20 and now we have Bristol Bay. So I don't know if the
21 Council is interested in considering a broader
22 recommendation on this one but it seems to me if we get the
23 methods and means by region it could get a little
24 inconsistent.

25

26 CHAIRMAN ALCORN: All right, thanks Tom.
27 We are ready to open this proposal up for public comment.
28 Does anyone from the public have anything to add to this?

29

30 (No audible responses)

31

32 CHAIRMAN ALCORN: Seeing none, it's open
33 for Council action and deliberation.

34

35 MR. ANDERSEN: Mr. Chairman, I move to
36 approve.

37

38 MR. SQUARTSOFF: Second.

39

40 CHAIRMAN ALCORN: I have a motion and
41 second to approve the proposal number 2004-03 for hunting
42 devices and methods and means with the change from last
43 year noted as the use of air boats for any purpose would
44 now be prohibited. Is there any opposition to the motion
45 stated and seconded?

46

47 (No opposing votes)

48

49 CHAIRMAN ALCORN: Seeing none, motion

50 passes.

00093

1 MR. ANDERSEN: Mr. Chairman, the final
2 recommendation from Bristol Bay is under tab number 17.
3 That's no change from last year or from the last cycle.

4
5 CHAIRMAN ALCORN: All right, thanks.
6 Agency comments. Bob Leedy, US Fish and Wildlife Service.

7
8 MR. LEEDY: No comments. We've discussed
9 this one plenty today.

10
11 CHAIRMAN ALCORN: Tom Rothe.

12
13 MR. ROTHE: No, that's fine.

14
15 CHAIRMAN ALCORN: All right, thank you. We
16 will open it up for public input. Seeing no hands raised,
17 we would entertain deliberation and action by the Council.

18
19 MR. ANDERSEN: Mr. Chairman, I move to
20 approve.

21
22 MR. SQUARTSOFF: Second.

23
24 CHAIRMAN ALCORN: A motion and second to
25 approve the proposal under tab 17, recommendation number
26 2004-04 which has the species closed to harvest. No change
27 from last year. Anyone opposed -- or anyone want to
28 discuss the motion?

29
30 (No audible responses)

31
32 CHAIRMAN ALCORN: Seeing no hands, anyone
33 oppose the adoption of his motion?

34
35 (No opposing votes)

36
37 CHAIRMAN ALCORN: Motion carries. We are
38 now down to item four in the agenda, central council of
39 Tlingit and Haida Indian tribes. Gordon Jackson who is not
40 here. I propose that we table the action on that one
41 unless there is not representation expected.

42
43 MR. ARMSTRONG: Mr. Chair, we haven't heard
44 from Mr. Jackson however in reviewing, I think it would
45 warrant some discussion, at least to make the Council aware
46 of some concerns that are -- some road blocks that we see
47 in deliberation of this proposal. We have Bob Gerhart with
48 the Park Service here because he'll be involved in it, I
49 think. And we had some discussion about that yesterday and
50 asked him to be here. So it might be appropriate to

00094

1 discuss it at least without any action.

2

3

CHAIRMAN ALCORN: Okay, thanks Fred. For
4 -- without having Gordon here to present the proposal, we
5 go outside of the protocol. If you were to -- if the
6 Council would allow, I would ask Fred to speak -- to
7 introduce the proposal so that the audience and those that
8 are here would understand what it is that we're discussing
9 and why the gentleman from the Park Service is here to
10 speak to this proposal. Is Bill -- Bill are you going to
11 do that? Okay, we'll ask Bill Ostrand to come to the mike.

12

13

14

MR. OSTRAND: The proposal from southeast
15 Alaska or from Hoonah is behind tab 23. And I see that the
16 request is just for the harvest of glaucous-winged gull
17 eggs. I confirmed this with Mr. Pelton (ph) from Hoonah
18 that this is all he wishes to request, is the harvest of
19 gull eggs. The overall area, on the propo -- you'll notice
20 there's a difference between the map and what's requested
21 here. He -- the letter states, Icy Straits and Cross
22 Sound, which does not include Glacier Bay. But he wishes
23 to include -- to use the map rather than this entry here.
24 So he would like to see his allowable harvest area to
25 include Glacier Bay.

26

27

And this 30 day closure period, he wishes
28 to close the season after June 30th. And they accept the
29 list of closed species. And they requested that there be
30 no bag limits placed upon the harvested gull eggs.
31 Although I might add that they carefully monitor and have
32 pretty strict rules about how they harvest gull eggs that
33 are self-imposed. So that's the gist of his proposal.

34

35

CHAIRMAN ALCORN: All right, thanks Bill.
36 We would ask now Bob and Tom to -- oh, before you come to
37 the table, is there any question of Bill from the Council
38 on the proposal. We discussed this at length. Matt.

39

40

MR. ROBUS: Thank you Mr. Chair. Bill, you
41 touched on something that we talked about yesterday, which
42 is -- although we were looking at Glacier Bay park because
43 of the map, we later noticed that the request that we've
44 got in front of us is only for Icy Bay and Cross Sound.
45 I'm interested, you know, what form did this expansion of
46 the proposal come to you in and is there any documentation
47 or is this just kind of a verbal last minute change or
48 what?

49

50

MR. OSTRAND: Yeah, it was just a verbal

00095

1 change. I called Mr. Pelton (ph) because I was unclear as
2 to what the area was that he was requesting. So I called
3 him for clarification and he referred me to the map. I
4 then noted that the map and the indicated area were
5 somewhat different and I asked him for clarification on
6 that. He had indicated that had they have been pursuing
7 primarily Icy Strait and Cross Sound because of the
8 difficulty they're having with the Park Service in getting
9 entrance into the park to harvest eggs. But that -- it is
10 within their traditional harvest area and he would like the
11 Council to consider Icy Strait, Cross Sound and the
12 interior of the Glacier Bay National Park.

13

14 CHAIRMAN ALCORN: All right, thanks Bill.
15 No other questions of Bill on the proposal? All right, Bob
16 and Tom, we'd ask you both to be at the mike and we would
17 ask for -- since Tom, you're there, you want to go ahead
18 and start Alaska Department of Fish and Game's comments.

19

20 MR. ROTHE: I just got a couple of quick
21 clarifications. I think at the last meeting I recommended
22 the proposals carefully, consider incidental harvest of
23 other gull species that might be mixed in what glaucous-
24 winged. Since there's no one really to speak to this, we
25 should just be aware that if, for example, they collected
26 herring gulls or mew gulls or anything else, that's outside
27 of the regulation. I had the same question about the
28 boundaries including the park or not. Bill, maybe -- on
29 the map is -- there's a line. Is that the offshore park
30 boundary? I presume.

31

32 CHAIRMAN ALCORN: All right, we have Bob
33 Gerhart, maybe he can come to a mike. Bob, if you could
34 just sit here at this mike, that way we can have an
35 interchange. Would you introduce yourself for the record
36 so that we know who's speaking.

37

38 MR. GERHART: Yes, Mr. Chairman, my name is
39 Bob Gerhart, I'm a subsistence manager with the National
40 Park Service. I work in the regional office here in
41 Anchorage. In answer to that question, as I think a lot of
42 people are aware, the Glacier Bay National Park was
43 established prior to statehood and that line is a three
44 mile line that indicates that's within Park Service
45 jurisdiction. To be honest, there's a dispute between the
46 state and the National Park Service on that but that's
47 where we assert jurisdiction within the park boundaries.

48

49 CHAIRMAN ALCORN: All right, Tom, you can
50 continue.

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1 MR. ROTHE: All right, I think it's -- we
2 had to make sure we were real clear on what this legal
3 description of the open area that the Council would
4 endorse. The last thing I just had a question about, the
5 very last paragraph under number four, that Hoonah is
6 requesting that there no be exact harvesting regulations.
7 I was wondering if anyone knew what that meant because
8 regulations by nature should be exact.

9

10 CHAIRMAN ALCORN: Does anyone have any idea
11 what they mean by that? I certainly don't. All right, is
12 that the last of your comments? Okay, Bob Leedy for Fish
13 and Wildlife Service.

14

15 MR. LEEDY: Yeah, the Service has supported
16 this for several years now. A Very limited, highly
17 restricted harvest under an educational migratory bird
18 permit. And I would like to say that the Hoonah Indian
19 Association has been, you know, they've been extremely good
20 partners in this. That said, I'd just like to point out
21 that given the map here of something like 42 boxes or
22 circles, most of which fly within the park. There are only
23 six seagull colonies identified outside the park that, in
24 accordance with the Park Service regulations, would be
25 potentially open. And in just pointing out the obvious, it
26 would be difficult for the Service to legalize a hunt in
27 areas where a sister agency has prohibited hunting, causing
28 a conflict in federal laws open for debate. Biologically,
29 assuming some continued controls that we truly do need to
30 discuss rather than as strictly a matter of faith, have no
31 problems and I'm sure we can work something out.

32

33 CHAIRMAN ALCORN: All right, thank you.
34 Bob Gerhart, would you like to comment on the statement
35 regarding the jurisdiction for setting -- allowing harvest
36 regulations to be in place and what the policies of the
37 National Park Service is?

38

39 MR. GERHART: Yes, thank you. I think Mr.
40 Leedy, is that correct, had that correct. When ANILCA was
41 passed, there was very specific language in the act that
42 prohibited any harvest of fish and wildlife within national
43 parks and monuments unless specifically permitted in
44 ANILCA. And for Glacier Bay, there was no authorization
45 for harvest. So subsistence harvest is not permitted
46 within Glacier Bay and that's part of ANILCA. It's not
47 something that we can change as an agency. But the park
48 staff at Glacier Bay has worked with the Hoonah people and
49 are trying to find a way to resolve some of these issues.
50 They have done an ethnographic study of the gull egg

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1 harvest. They're doing a biological assessment and then
2 they intend to do a environmental assessment to analyze all
3 that information.

4

5 And I just talked to some of the staff
6 there yesterday and they hope to find a way to find either
7 a legislative or a regulatory fix to provide for some
8 harvest by the people of Hoonah. But I will be honest with
9 you, this is not going to be something that's going to
10 happen quickly. But until that happens, there would be a
11 conflict in regulations. If this body authorized that, we
12 would still say that it's not permitted within the park
13 boundaries. We certainly, of course, have no objections or
14 no comment on any of the activities outside of the park
15 boundaries. As a matter of fact, I think the park staff
16 down there has assisted in the issuing of permits and has
17 been trying to find ways to accommodate those needs. But
18 we have a hurdle that is going to be difficult to get over.

19

20 CHAIRMAN ALCORN: All right, thanks. We
21 have -- Bill Ostrand has his hand raised. Bill, go ahead
22 and come to the microphone. Thanks, Bob.

23

24 MR. OSTRAND: Well, I feel a bit awkward
25 defending the Hoonah tribe but since no one else is here, I
26 thought I'd embrace an issue that -- on their behalf. It's
27 true that the Park Service has regulatory language that
28 prohibits -- or there's actually law that prohibits them
29 from opening a hunt. But this is not all that different
30 from other situations that exist elsewhere in the country.
31 For instance, the treaty amendment opens the subsistence
32 hunt in spring and summer north and west of the Alaska
33 Range. And that area includes Denali National Park, one of
34 the old parks. So if we're -- that area is open the
35 migratory bird treaty act for harvest however it's closed
36 by law of governing the National Park Service system.

37

38 And I don't see that as being terribly
39 different from this. If we allow that area to be included
40 in their harvest area through regulation here, it can then
41 be closed by the Park Service. However, if things change
42 and the Park Service does find a way to open up a hunt,
43 perhaps just a limited hunt, an educational hunt or
44 whatever they're able to do and we've closed a tier with
45 regulation, then they would not be able to take advantage
46 of whatever kind of loophole they're able to find.

47

48 CHAIRMAN ALCORN: All right, thanks Bill.
49 All right, that's the agency comment. Are there any
50 questions by the Council members of the agencies before we

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1 move to public comment?

2

3 (No audible responses)

4

5 CHAIRMAN ALCORN: Seeing none, anyone in
6 the audience wish to speak to this proposal?

7

8 (No audible responses)

9

10 CHAIRMAN ALCORN: I see none. It's
11 appropriate now for Council deliberation and action.
12 Austin.

13

14 MR. AHMASUK: Mr. Chairman, the area around
15 Gustavus, I see some lines there. I that an excluded -- is
16 that not part of the park and just what is it? There's
17 some lines there that.....

18

19 CHAIRMAN ALCORN: Okay, I -- to get an
20 answer -- oh, Matt can answer that, okay.

21

22 MR. ROBUS: Thanks, Mr. Chairman. Gustavus
23 is a small island of state and private land. And the
24 boundaries you're seeing are the interface between that
25 pocket of private land or state land and the park, which
26 surrounds it on the northeast and west. And then Icy
27 Strait is to the south. So most of the lines you're seeing
28 there are boundaries around the non-park lands at Gustavus,
29 which is one small piece.

30

31 CHAIRMAN ALCORN: All right, Ralph.

32

33 MR. ANDERSEN: Yeah, I have a question. So
34 we won't -- we are not allowed to open up an egg season
35 in the park? I mean, is that the way it works?

36

37 CHAIRMAN ALCORN: Mike and then Matt.

38

39 MR. SMITH: Mr. Chairman, thank you. I'm
40 not sure that's the way it works. I think there's some
41 confusion as to whether or not that regulation would be
42 applicable in the park. Now the Park Service has taken the
43 position that it would not be, I'm sure that other -- but
44 it's an open question, I think. And, you know, this is not
45 ANILCA, this is a federal treaty which is vastly different
46 than ANILCA is and I'm not so sure it would not be
47 applicable. I mean, if it applies to Denali, why shouldn't
48 it apply to Glacier Bay, I guess.

49

50 CHAIRMAN ALCORN: All right, we're -- Bob

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1 Gerhart is coming back to the mike. Matt did have his hand
2 raised. Matt, you can follow Bob if you'll allow.

3

4 MR. ROBUS: Sure.

5

6 CHAIRMAN ALCORN: Okay.

7

8 MR. GERHART: The harvest of migratory
9 birds is not permitted within Denali National Park. There
10 is essentially a conflict in the regulations but our
11 interpretation and our legal advice has been that the
12 prohibition on harvest within parks does stand. That the
13 two laws have to be balanced and in that case, that it
14 would be the same if this body opened all of this area to
15 harvest, we would still take the position that harvest
16 within the park is not allowed. But I agree the previously
17 person who said, you can pass a regulation authorizing it
18 within the entire area. We will just say that it does not
19 apply within the park boundaries based on our need to --
20 our interpretation of ANILCA and our direction to not
21 permit that harvest.

22

23 CHAIRMAN ALCORN: Okay, thanks Bob. Matt,
24 you had your hand up and then Joeneal.

25

26 MR. HICKS: Thank you, Mr. Chairman. As my
27 previous question indicated, I was or am a bit
28 uncomfortable in having something fairly radically
29 different than the printed proposal become something
30 larger. But if we determine that that's valid, I guess on
31 general principle, you know, I can think of lots of places
32 where, in the state system, we've got open hunts within
33 which there are closed areas for one reason or another.
34 And I would agree with Bob that if we adopt this proposal
35 in this larger form that the Park Service's closure would
36 still be the preeminent management. And philosophically,
37 that kind of fits closer into what I'm used to. So I'd
38 tend to support the proposal in its present form.

39

40 CHAIRMAN ALCORN: Let me clarify, the
41 present form that's been articulated by Bill, which
42 includes the national park lands.

43

44 MR. ANDERSEN: Mr. Chairman.

45

46 CHAIRMAN ALCORN: Ralph. Well, we had a
47 hand raised by Joeneal. I recognized him then I'll
48 recognize you.

49

50 MR. HICKS: Just one, Bob. Thank you, Mr.

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1 Chairman. You said that duck hunting is closed within
2 parks? Are you specifically referring to just Glacier Bay
3 and Denali or are you referring to all parks in general,
4 such as Wrangell/St. Elias?

5

6 MR. GERHART: No, I was speaking
7 specifically to Glacier Bay National Park. In ANILCA,
8 Glacier Bay National Park, the old Denali National Park and
9 Katmai National Park, there was no subsistence provided
10 for. In all the other parks, subsistence uses are
11 permitted and provided for in the law so they are covered.

12

13 MR. HICKS: Yes, that's what I understood
14 too. I just want to -- thank you.

15

16 CHAIRMAN ALCORN: All right, we have Ralph
17 and then Mike.

18

19 MR. ANDERSEN: I just -- I make a motion to
20 approve this. To bring it on the table.

21

22 MR. AHMASUK: Second.

23

24 CHAIRMAN ALCORN: All right, we have a
25 motion and second. A point of order, we can -- if you'll
26 hold that motion we'll allow Mike to speak since I had
27 already recognized him and then we'll allow you make your
28 motion and then it will stand.

29

30 MR. SMITH: Mr. Chairman, I appreciate that
31 and it's just for my own edification I guess. I mean, I
32 guess I don't understand how ANILCA applies. ANILCA is a
33 completely different federal legislation and I'm not real
34 sure, you know, this is federal treaty stuff and I'm not --
35 you know, it's completely different than ANILCA. The
36 applicability would be -- I mean, I guess is in question
37 here now. But I would take this opportunity I guess to go
38 ahead and second Ralph's motion to approve.

39

40 CHAIRMAN ALCORN: All right, the motion has
41 been made and seconded. I think Austin or Herman had
42 seconded it. All right, Austin seconded it. The motion
43 has been made and second to approve the proposal as amended
44 by Bill Ostrand's information which includes the lands
45 inside the Glacier Bay National Park. Is there any Council
46 discussion?

47

48 (No audible responses)

49

50 CHAIRMAN ALCORN: All right, I'll call for

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1 the question. I'm sorry, Fred, go ahead.

2

3 MR. ARMSTRONG: I'd like to speak to Mike's
4 comment about the treaty language and stuff like that. We
5 crossed this bridge awhile back when we discussed the duck
6 stamp act. That it was a -- oh, geez, I don't know, three
7 or four meeting discussion and we did ask for a solicitor's
8 opinion about whether or not the duck stamp act was
9 applicable to the spring and summer harvest of birds. And
10 the solicitor came back saying that all other laws apply
11 unless they are indicated that they don't in the treaty.
12 So I was silent on the issue and so the solicitor made the
13 decision that -- or her opinion stated that all other laws
14 apply. So we can't supersede any laws. If there's Park
15 Service regulations that say it -- are closed and we have
16 to abide by that.

17

18 CHAIRMAN ALCORN: All right, thank you
19 Fred. The question now is for anyone to express opposition
20 for the motion and second that's been made to the improve
21 the Hoonah Indian Association proposal.

22

23 (No opposing votes)

24

25 CHAIRMAN ALCORN: Seeing no opposition, the
26 motion passes. Thanks, Bob. We now move down to item,
27 Chugach Regional Resource Commission proposal and that
28 would be under tab 21, if I'm not mistaken. Patty, do you
29 want to present the proposal?

30

31 MS. BROWN-SCHWALENBERG: Yes, thank you,
32 Mr. Chairman. Well, the Chugach region submitted regional
33 proposals last year and, as you all know, we were approved
34 as part of the included communities at the last meeting.
35 As a result, we've met with representatives of the Fish and
36 Wildlife Service and Fish and Game to discuss modifications
37 for a proposal, which we have all agreed upon. We removed
38 from the annual list of migratory birds potentially
39 harvested by subsistence hunters in the Chugach region the
40 black oyster catcher and dunlin. And we also agreed to
41 remove the trumpeter swan and the tuillie goose. That was
42 in response to concerns of the Fish and Wildlife Service
43 and Fish and Game.

44

45 But we also had a little side note that
46 should information on harvest practices or population
47 numbers change, we may be back to the Co-Management Council
48 to petition to add those birds back in in a future time.
49 We also would like to continue including the harvest of
50 arctic tern eggs, that is an important species in the

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1 Chugach region. We went on in our letter of April 30th to
2 explain the traditional and cultural background, I guess,
3 on the particular species and our justification for
4 including -- continuing to include on the list. Also
5 looked over the geographic areas for the regulation. We
6 modified the maps in cooperation with the Fish and Game and
7 the Fish and Wildlife Service representatives to -- so that
8 they were consistent with what the people wanted and what
9 we had said in the original proposal.

10

11 And then just a short comment on the
12 concern at the last meeting about overlapping territories.
13 There was discussion about the harvest area going into
14 upper Cook Inlet and over by Seldovia and some of the other
15 areas. And so we did include a paragraph in our letter
16 that explains the shared hunting area that has been that
17 way for hundreds of years. And that the people in this
18 communities have already established a cooperative
19 arrangement. We have a farm in the region for communities
20 to work out any differences. And so we don't really feel
21 that there is a problem with identifying a harvest area
22 that encompasses another community. And in speaking with
23 Seldovia, I do believe they are going to be coming in at a
24 future date to be requested to be included in this process.
25 Thank you.

26

27 CHAIRMAN ALCORN: All right, thanks Patty.
28 Are there any questions of Patty before we move to agency
29 comments?

30

31 (No audible responses)

32

33 CHAIRMAN ALCORN: Seeing none, Bob would
34 you like to start?

35

36 MR. LEEDY: Yes, thank you. Particularly
37 appreciative of your cooperation in recognizing black
38 oyster catcher and dunlin and taking them off the list.
39 Trumpeter swan and tuillie. Trumpeter swan being off the
40 list should be adequate to protect those birds. The
41 tuillie goose closure could be a little problematic in that
42 there are a lot of other white-fronted geese in the area
43 that are not in such dire straights in terms of, you know,
44 diminished population and probably people will be able to
45 hunt. There's basically a look-alike problem for the
46 tuillies and the other white-fronted geese. And I think
47 from a serious point of view, biologically at least, we
48 would like to suggest the possibility of an area closure in
49 part of the northern range. But Mr. Rothe will have more
50 specific knowledge than I would on whether that would but

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1 efficient or not.

2

3 Then finally, I'd like to make two
4 comments, one on the arctic terns. The cooperative studies
5 you've proposed would be a good idea. We will see what we
6 can do to develop such but we continue to have concern for
7 Arctic terns. Their colonies seem to move around a fair
8 amount and it's not clear that what happens in a local area
9 is in fact isolated and with a 90-95 percent decline, we
10 have continuing concern for those birds.

11

12 Finally, I'd like to point out that western
13 6-D runs right up the east shore of Orca Inlet up to the
14 Rude River, eastern Prince William Sound, in an area that
15 does have documented use of dusky Canada geese. You know,
16 spring through fall. Not a concentration area but
17 certainly dusky geese in there. It might be worth
18 considering an area closure in -- to Canada geese generally
19 and at least some of these portions of 6-D. Whether that
20 be limited to Orca Inlet or go to the other side of Hawkins
21 and Hinchinbrook Island. That's all I have, thank you.

22

23 CHAIRMAN ALCORN: All right, thanks Bob.
24 Tom.

25

26 MR. ROTHE: I'd really like to, you know,
27 express appreciation to your commission and everybody who
28 worked on this as far as taking a look at species and
29 taking the ones Bob mentioned off the list so people don't
30 use them. I think in this case, well let's see, tuillie
31 geese. This is an instance where I think as I mentioned in
32 the workshop yesterday, I prefer an area management
33 approach rather than a named sub-species approach. If
34 someone in the Chugach region took a tuillie it would be
35 totally incidental in the middle of a bunch of other
36 Pacific white-fronts. And so it's good that it's not on
37 the list, I think. Because the greater white-front is on
38 the list but I just wanted to point out I don't think
39 tuillies are at risk here in the Chugach region. There --
40 but there might be some incidental take.

41

42 Dusky Canada geese is one that we only
43 talked about just briefly in the last day or two. I guess
44 it's my assessment that there are duskies and dusky-like
45 birds in Prince William Sound. As you know, in the Pacific
46 Flyway, we've managed dusky Canada geese as an aggregate
47 population of nominate duskies from the Copper River,
48 Prince William Sound and Middleton Island all together as a
49 wintering flock. I guess when I looked at previous harvest
50 data from Tatitlek and Prince William Sound, it didn't

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1 appear as if there were -- there was a notable harvest of
2 geese there. And given that the idea here is to, I guess,
3 legalize and manage traditional levels of harvest, I don't
4 see a problem.

5

6 But this is one of these borderline ones
7 where if there is a major increase in harvest in eastern
8 Prince William Sound and it starts to have an effect, it
9 will really create a need for everybody to get together and
10 start talking about restrictions. That's a fairly fine
11 line. Dusky Canada geese have been kind of holding their
12 own in recent years, somewhere between 16 and 18,000 birds.
13 But we know their productivity is very low and it doesn't
14 take much to kind of put them on the downturn. So I guess
15 speaking for the Department, I don't see a risk at this
16 stage but be aware that if harvest increases, we could have
17 some real concerns here shortly.

18

19 So as far as I can see, duskies or dusky-
20 like birds that would be involved would be the local
21 breeders that are dispersed through Prince William Sound
22 and occasionally some post-breeding duskies that come from
23 Copper River into the eastern sound. But that's, I guess,
24 an assessment I have.

25

26 CHAIRMAN ALCORN: Thanks, Tom. Bob.

27

28 MR. LEEDY: Doug, I'd actually like to
29 correct an earlier comment I made. I erroneously included
30 Tyonek in this proposal. I wasn't thinking. And it was
31 based on Tyonek that I made my comments about the tuillie
32 geese. So I would concur with Tom a hundred percent that
33 this Chugach region is so much on periphery it's not likely
34 to be a problem.

35

36 CHAIRMAN ALCORN: So let me see if I
37 understand. And the concern is over the dusky Canada
38 geese. And the concern is that if harvest levels increase
39 over current levels, that's when there might be some
40 biological concern over that sub-species.

41

42 MR. ROTHE: Yeah, Mr. Chairman, the Pacific
43 Flyway Council and the Service have not closed hunting of
44 dusky Canada geese. We allow harvest in the eastern parts
45 of unit six and, you know, everywhere else down in the
46 southeast coast. It's under a delayed opening and that
47 theoretically benefitting duskies. In Washington and
48 Oregon, they're severely wrapped around the axle because of
49 the high potential of harvest there and difficulties with
50 other sub-species. And Ron could address that if you

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1 really want to look at their situation. So I guess what
2 I'm saying is, at this point, I think the Flyway Council
3 has taken the position we want to minimize harvest or at
4 least manage it so it doesn't become excessive. And in
5 that respect, whatever the traditional harvest seems to be
6 in Prince William Sound has always been part of that
7 equation, so -- but if it increases, just as if it
8 increased in Oregon or increased in Cordova, we'd all be in
9 some hot water.

10

11 CHAIRMAN ALCORN: All right, Bob.

12

13 MR. LEEDY: A point of supplemental
14 information here brought to me by Mr. Oates, indicating
15 that our breeding pair index for duskies on the breeding
16 ground, the Copper River Delta, has showed roughly a one
17 percent per annum decrease in the time period from 1986 to
18 2003. So there, at least in that immediate area, in the
19 breeding grounds, does appear to be a long-term continuous
20 moderate decline.

21

22 CHAIRMAN ALCORN: All right, thanks. Is
23 your hand raised, Mike?

24

25 MR. SMITH: Yes, Mr. Chairman. And I would
26 just like to comment on the proposal, please. Is that
27 appropriate at this time?

28

29 CHAIRMAN ALCORN: Well, we have one more --
30 following the protocol, we have -- if it's not a question
31 for clarification, we have public comment and then you'd be
32 all right for discussion. All right, at this time we would
33 open the proposal for discussion or comment by the public.
34 Anyone have anything to add to this proposal?

35

36 Not to put Ron on the spot as a
37 representative of the Pacific Flyway Council, but you --
38 the Pacific Flyway Council has been mentioned in the
39 discussion here. Is there anything that you wanted to add
40 to this discussion, Ron?

41

42 MR. ANGLIN: I think Tom covered
43 adequately.

44

45 CHAIRMAN ALCORN: Okay, any public comment?

46

47 (No audible responses)

48

49 CHAIRMAN ALCORN: Seeing none, okay Mike,
50 you can ask a question now or make a comment.

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1 MR. SMITH: Mr. Chairman, it just seems
2 like with this proposal we're heading down that road of
3 regional bird lists and boundaries and I would have to
4 speak out against the proposal in that regard. I think the
5 proposal is good, I believe, for the inclusion of the
6 communities but that we need to stick to our guns to the
7 one master list for the state and not start using these
8 proposals to start carving out niches of territory.

9
10 CHAIRMAN ALCORN: Is there any other
11 comment? Patty.

12
13 MS. BROWN-SCHWALENBERG: Well, it would be
14 good to get some clarification on that because when we
15 first started this process a couple of years ago, you know,
16 we had the annual list by each region plus the master list
17 of the whole state. So are we going with those regional
18 lists or not? I don't have any problem pulling the lists
19 out if that's not the process. So I think we could get
20 some clarification on that.

21
22 CHAIRMAN ALCORN: Thanks for that. Fred,
23 would you like to respond to that?

24
25 MR. ARMSTRONG: I don't think we're
26 regionalizing by keeping some birds out. That the region
27 is just identifying birds that are not going on the list.
28 And that in no way selectively selecting birds for their
29 region, they're just identifying birds that will not go on
30 the list. That's all they're suggesting because of
31 conservation concerns.

32
33 UNIDENTIFIED SPEAKER: Who?

34
35 MS. BROWN-SCHWALENBERG: No.

36
37 MR. ARMSTRONG: They're saying that those
38 birds will not be on the list. We're still going with the
39 master list. I don't know where you're getting the idea
40 that we're not. They've agreed to leave these birds out of
41 the birds open to harvest list because of conservation
42 concerns.

43
44 MS. BROWN-SCHWALENBERG: There's two lists.

45
46 CHAIRMAN ALCORN: Patty, go ahead.

47
48 MS. BROWN-SCHWALENBERG: The list Fred is
49 referring to is the list of birds that we voluntarily took
50 off of our harvest that we would say we would not harvest.

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1 But we did do this -- the annual list of birds to be
2 harvested in the Chugach region and -- if you guys remember
3 that, somebody nod your head and tell me if I'm saying this
4 right. That this list was taken from the annual list,
5 right, okay. So this just identifies what's going to be
6 harvested in the Chugach region. So I can pull this list
7 from the proposal if that's not the process we're going
8 through anymore. If that's changed. I'm a little confused
9 now.

10

11 CHAIRMAN ALCORN: Ralph, would you like to
12 speak to that and then Fred.

13

14 MR. ANDERSEN: I just want to let Patty
15 know, I mean, I did the same thing. The list of birds in
16 one of my proposals was for annual harvest in Bristol Bay
17 only. But I'm pulling that list until after we go through
18 the process that we just talked about previously.

19

20 CHAIRMAN ALCORN: Patty.

21

22 MS. BROWN-SCHWALENBERG: Thank you. With
23 that being said then, we'll also defer our annual list for
24 the Chugach region from this proposal. But I also did want
25 to make comment. We met with Fish and Wildlife Service and
26 Fish and Game specifically to go over our proposal and
27 identify any concerns and try to cooperatively work out the
28 differences. And so I guess I'm a little disconcerted that
29 we're hearing new concerns today at the table that I hadn't
30 heard before. And so I would encourage anyone who has
31 concerns about these proposals prior to our meeting that
32 they get them to us. That's, you know, kind of difficult
33 to be blind-sided like that, so.....

34

35 CHAIRMAN ALCORN: Thank you, I appreciate
36 that statement and I think that, you know, we're committed
37 to working with you and avoid anything that, you know,
38 would appear to be a train wreck at this stage in the
39 regulation setting process. So would you be willing to
40 have that discussion with Bob and Tom, talk about what
41 their concerns are and you've already mentioned that you
42 would defer recommending a list of species until the July
43 7th that we've rescheduled for.

44

45 MS. BROWN-SCHWALENBERG: Certainly.

46

47 CHAIRMAN ALCORN: Fred.

48

49 MR. ARMSTRONG: Mr. Chair. We have to
50 remember that the Chugach region as well as the Copper

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1 River region are starting from scratch. And so we have to
2 know, at least have some baseline and, you know, as a
3 starting point. And that's why we're requiring them to
4 address in the -- the four issues that the Council did last
5 year. Putting a list together to include, you know,
6 seasons, stuff like that. And I sympathize with you,
7 Patty, because the monkey wrench was thrown when we
8 discussed a bird list this morning and how now it's been
9 deferred. And until then, till we address the 14 birds
10 that SRC has told us to take a second look at so everything
11 is kind of thrown out of whack now.

12

13 CHAIRMAN ALCORN: All right, Patty would
14 you like to make a motion for action?

15

16 MS. BROWN-SCHWALENBERG: Yes, I'd like to
17 move to approve the Chugach region proposals.

18

19 MR. SQUARTSOFF: Second.

20

21 MS. BROWN-SCHWALENBERG: As amended.

22

23 CHAIRMAN ALCORN: I have a motion and
24 second. Is that with the amended.....

25

26 MR. SQUARTSOFF: As amended.

27

28 MS. BROWN-SCHWALENBERG: Yeah.

29

30 CHAIRMAN ALCORN: As amended, all right,
31 thank you. We have a second. We have -- hold on a second.
32 Is there any discussions or questions by the Council?
33 Austin.

34

35 MR. AHMASUK: Thank you, Mr. Chairman.
36 Okay, prior to Copper River removing the bird list I had
37 some questions regarding the information that Tom and Bob
38 had and noted that the concern switched from tuillies to
39 duskies and had some questions regarding that. Is that
40 appropriate at this time?

41

42 CHAIRMAN ALCORN: Actually, it's -- I think
43 for edification, I think for the group, yes, I would
44 entertain the question at this point, as long as it's --
45 you don't suspect it's going to go for 30 minutes. Go
46 ahead, Austin.

47

48 MR. AHMASUK: Thank you, Mr. Chairman.
49 Distribution of dusky Canada geese through this area and
50 other areas, what importance does this area have on

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1 distribution of duskies?

2

3 MR. LEEDY: The traditional known breeding
4 grounds of dusky Canada geese is primarily on the Copper
5 River Delta, which is immediately adjacent to and east of
6 unit 16-D. They do not, as far as we know, nest in great
7 numbers in the Sound but some non-breeding birds and birds
8 on the front and hind end of migration wander into the
9 Sound. You know, so there is significant potential for
10 harvest in some areas. As Tom said, this harvest has been
11 ongoing and sort of factored in to, indirectly to the
12 harvest equation, so to speak. So it may not be a problem
13 until the future but on the other hand, like I say, we have
14 a pretty good string of information on the breeding grounds
15 on the Copper River Delta that do indicate a long term
16 decline.

17

18 As far as tuillies were concerned, I will
19 apologize again for making an error. I was, for the wrong
20 reasons, thinking of the village of Tyonek as part of the
21 Chugach area rather than separate and CIRI. It's
22 geographically removed in the middle of Cook Inlet and near
23 a tuillie breeding area. And I really do apologize for
24 confusing the issues. It wasn't shifting from one to
25 another, it was bringing up two points, one of which was in
26 error because I was thinking wrong geographically.

27

28 MR. AHMASUK: One more question, Mr.
29 Chairman.

30

31 CHAIRMAN ALCORN: Sure, go ahead.

32

33 MR. AHMASUK: And then I understand that
34 down south they have what's called dark geese regulations
35 and they specify various bag limits for various dates and
36 such. And regarding -- and I guess this just goes for any,
37 you know, waterfowl species that's shared by our Alaska and
38 other states. But I may have a specific question regarding
39 duskies is separate -- the sub-species classification of
40 the duskies, they inter-breed with other species of Canada
41 geese or are they so separate and absolutely
42 distinguishable on all levels?

43

44 MR. LEEDY: Well, they are identified by
45 the AOU, the American Ornithological Union, as a separate
46 and distinct sub-species. Identifying them on the wing, in
47 the field would be very difficult. Their primary
48 characteristic is they are a moderately large goose that's
49 very, very dark. And, you know, they may be
50 distinguishable by a kind of wing flight patterns and size

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1 and behavior and sound from some other birds but there's
2 another sub-species, the Vancouver's Canada goose, that
3 lives in a good part of the -- you might say the forested
4 area of southcentral and southeast Alaska, that is a
5 virtual look-alike to most people. In the Lower 48 there
6 are highly restricted seasons, it's really more of an
7 accident bird in the bag. In Washington and Oregon,
8 hunters who hunt any geese in those areas are required to
9 go under fairly rigorous training and testing for
10 identification of duskies as opposed to other birds. And
11 as far as I know, if one -- if a hunter is identified as
12 having taken a dusky during the season, they basically lose
13 the rest of their hunting privileges for that season.

14

15 CHAIRMAN ALCORN: Mike, go ahead.

16

17 MR. SMITH: Yeah, Austin, I think -- yeah,
18 it's my understanding that that's how they regulate it down
19 south. They say dark-fronted and white-fronted geese
20 pretty much and then they go on to try to clarify that by
21 saying, you know, but no more than one of the dark-fronted
22 geese can be a dusky or no more than one of the white-
23 fronted geese can be a, you know, a white Canadian or
24 whatever, you know. That's how they -- that's my -- that's
25 how I think they do it down South.

26

27 CHAIRMAN ALCORN: All right, thank you for
28 your question and your input. We have a motion and second
29 on the table right now to consider for the proposal from
30 the Chugach Regional Resource Commission, as amended, which
31 would defer action on the species to be harvested until we
32 have deliberation on the 7th of July.

33

34 MR. ARMSTRONG: On the 15th.

35

36 CHAIRMAN ALCORN: Excuse me, on the 15th.
37 Thank you for that correction. Does anyone oppose the
38 motion that's been stated and seconded?

39

40 (No opposing votes)

41

42 CHAIRMAN ALCORN: Okay, seeing none, the
43 motion carries. I'm going to -- with no opposition from
44 the Board, I would like to propose a recess at 3:30 until
45 tomorrow morning at 9:00. We are pretty much on schedule
46 to resume discussion of the regional proposals in the
47 morning. And we are about to lose I think three or four
48 Council members to other commitments. But let me point out
49 that when we come to these meetings, this is the purpose of
50 us coming to town and I would like for you to try to avoid

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1 as many interruptions to our agenda as possible or to your
2 participation.

3

4 MS. DEWHURST: Is Patty going to be here
5 tomorrow because I had a question on what you just passed.
6 I need a clarification.

7

8 CHAIRMAN ALCORN: Okay, well all right.
9 Before we adjourn for the day -- before we recess for the
10 day, can we have some clarification? We did pass it, I
11 thought I understand it. If staff doesn't understand it, I
12 think it's incumbent that we let them understand.

13

14 MS. DEWHURST: Yeah, sorry. That's why I
15 was holding off until they voted. No, just the question is
16 on the maps. When we state your regions and you had the
17 maps. The problem that was -- came up, these are the area
18 of maps, you know, for each village. The question came up
19 would be -- in the discussion yesterday, possibility of
20 using GMU's instead of actual maps because of the problems
21 in like, for example, your -- which one is this one. It
22 might be the Port Graham map. It would be hard to give a
23 good description because we have to give legal descriptions
24 when we -- either that or publish maps in the federal
25 register. So there was a point brought up yesterday that
26 in some cases, if they nicely correspond to GMU's, we could
27 just state the GMU. And it looked like, for example,
28 Tatitlek, it's 6-D. So we could just say Tatitlek --
29 instead of trying to put this Tatitlek map in the register.
30 And wanted your opinion or if that was discussed at all or
31 I can get with you later and we can look at this But that
32 was -- has anybody mentioned this to you yet or.....

33

34 CHAIRMAN ALCORN: Patty, go ahead.

35

36 MS. BROWN-SCHWALENBERG: Yeah, matter of
37 fact, in our proposal we did identify unit 6-D as an area
38 for Chenega and Tatitlek. And we also discussed in our
39 meeting with Tom and Fred and the other people from Fish
40 and Wildlife Service and Fish and Game using units in the
41 Cook Inlet area and it just wasn't possible the way -- it
42 would -- used to be a couple different units and it just
43 seemed it was -- like it was more trouble than it was worth
44 to try to identify where in each unit it would -- we would
45 be identifying. Tom, maybe you can speak to that a little
46 bit better.

47

48 CHAIRMAN ALCORN: Tom, go ahead.

49

50 MR. ROTHE: Okay, I think Ron might have

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1 clarified too but I think what seemed workable in our
2 meeting was if we used, you know, that portion of unit 15-
3 C, which is the southern Kenai peninsula. The only thing
4 you'd have to make up would be a midline down Kachemak Bay.
5 15-C wraps around the Peninsula to include the traditional
6 use area.

7

8 CHAIRMAN ALCORN: All right, I think
9 there's understanding. Mike and then -- oh, I'm sorry, I
10 already recognized Herman. Herman will defer to Mike and
11 then I'll recognize Herman.

12

13 MR. SMITH: Yeah, Mr. Chairman, we have --
14 we've added a number seven to tomorrow's agenda and that's
15 the development of regional boundaries. And I think that
16 this discussion should probably be deferred to that time at
17 that time.

18

19 CHAIRMAN ALCORN: All right, thanks for
20 that input but this is specific to this regional proposal
21 and my reason for introducing that was just for a general
22 discussion of regional boundaries. But I think we've
23 already resolved it though, Mike.

24

25 MR. SMITH: Mr. Chairman, I don't believe
26 we have. I think we had a discussion in our caucus about
27 the approach we were going to take in establishing the
28 boundaries and I think it's different from what is being
29 envisioned here and possibly by what you folks are thinking
30 about. And that's why we thought that the discussion on
31 regional boundaries tomorrow would include how we go about
32 establishing boundaries for these new included areas.

33

34 CHAIRMAN ALCORN: So are you suggesting
35 then that the motion that we just passed includes the maps
36 as stated?

37

38 MR. SMITH: No, Mr. Chairman, I'm
39 suggesting that the proposal either be postponed or at
40 least the discussion on the boundaries of the proposal be
41 undertaken tomorrow.

42

43 CHAIRMAN ALCORN: All right, we've already
44 taken action but I understand that we're now trying to
45 refine the description of the boundary. I think we can
46 have the discussion tomorrow as well for clarification.
47 Right now, I heard agreement from the maker of the motion.
48 I haven't heard the seconder of the motion agree but the
49 motion has already passed and she's already agreed to work
50 with staff to identify the boundaries based on the

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1 discussion you just heard, which was using the game
2 management unit and this central line down Kachemak Bay.

3

4 MR. SMITH: Mr. Chairman.

5

6 CHAIRMAN ALCORN: Mike, go ahead.

7

8 MR. SMITH: I just think that would be
9 inappropriate at this time considering we're having a
10 discussion. There's some confusion as to what the number
11 seven was -- regional boundary discussion tomorrow is. And
12 it was my intention to discuss the formation of these
13 boundaries around all the included areas at that time. And
14 that should a proposal come up now and that was my
15 intention, Mr. Chairman, in agreeing to the establishment
16 in number seven under regional boundaries yesterday.

17

18 CHAIRMAN ALCORN: All right, what's the
19 will of the Council?

20

21 UNIDENTIFIED SPEAKER: (Indiscernible -
22 away from microphone) tomorrow.

23

24 CHAIRMAN ALCORN: All right, we'll take it
25 up tomorrow. Is that fair, take it up tomorrow, Mike?

26

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

28

29 CHAIRMAN ALCORN: All right, Herman.

30

31 MR. SQUARTSOFF: Yeah, Mr. Chair, I got one
32 quick comment on the one that you made about the reason
33 being that we're supposed to be up here for the meetings
34 and all that. I do not recall of having any discussion on
35 when this meeting was supposed to take place and time being
36 involved in it. If I was, then I would have worked around
37 it. Thank you.

38

39 CHAIRMAN ALCORN: All right, thank you.
40 Any other comments before we recess until tomorrow at 9:00
41 a.m.?

42

43 (No audible responses)

44

45 CHAIRMAN ALCORN: Thanks very much for your
46 patience and participation.

47

48 (Off record)

49

50 (TO BE CONTINUED)

