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ALASKA MIGRATORY BIRD

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CO-MANAGEMENT COUNCIL

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Dimond Hotel

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Anchorage, Alaska

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July 15, 2003

20

9:00 a.m.

21

22 Members Present:

23

24 Ralph Andersen, Bristol Bay Native Association, Chair

25 Russ Oates, Federal F&W, Acting Vice Chair

26 Matt Robus, State F&G, Secretary

27 Copper River Native Association

28 Kawerak, Inc.

29 North Slope Borough

30 Aleutian/Pribilof Islands Association

31 Kodiak Area Native Association

32 Manilaaq Association

33 Tanana Chiefs Conference

34 Association of Village Council Presidents

35 Central Council of Tlinget and Haida Indian Tribes

36 Executive Director, Fred Armstrong

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P R O C E E D I N G S

CHAIRMAN ANDERSEN: Call the meeting to order. 9:05 a.m. on July 15th. I'd like to take a moment of silence. The next item on the agenda is seating of alternates. Fred, do you have alternates to be seated?

MR. ARMSTRONG: Yes, Mr. Chairman. First we have from Aleutian/Pribilof Islands Association, we have a letter from their president designating Peter Devine, Jr. as the alternate. Do you want to seat them one by one?

CHAIRMAN ANDERSEN: Do I hear a motion to seat Peter Devine, Jr. as the alternate for Aleutian/Pribilofs.

MR. ROBUS: So moved.

UNIDENTIFIED SPEAKER: Second.

CHAIRMAN ANDERSEN: A motion has been made and seconded. Is there any objection to seating Peter Devine, Jr. as the alternate?

(No opposing responses)

CHAIRMAN ANDERSEN: Hearing no objections, welcome aboard, Peter.

MR. ARMSTRONG: Mr. Chair, we have a note from the North Slope Borough designating Taqulik Hepa as the alternate for North Slope Borough.

CHAIRMAN ANDERSEN: Thank you, Fred. Do I hear a motion to seat Taqulik Hepa as the alternate for the North Slope Borough?

MR. SHIEDT: So moved.

CHAIRMAN ANDERSEN: Motion has been made by Enoch. Do I hear a second?

MR. SMITH: Second.

CHAIRMAN ANDERSEN: Second by Mike Smith. Is there any objection to seating Taqulik Hepa as the alternate?

(No opposing responses)

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1 CHAIRMAN ANDERSEN: Hearing no objection,
2 welcome aboard. Next item on the agenda is roll call.

3

4 MR. ARMSTRONG: Mr. Chair, we have a couple
5 more. We have a letter from AVCP designating Myron Naneng
6 as the representative for AVCP Region.

7

8 CHAIRMAN ANDERSEN: Thank you, Fred. Do I
9 hear a motion to seat Myron Naneng as the representative
10 from the AVCP region?

11

12 MR. ROBUS: So moved.

13

14 CHAIRMAN ANDERSEN: The motion has been
15 made. Is there a second?

16

17 MR. SMITH: Second.

18

19 CHAIRMAN ANDERSEN: The second has been
20 made. Is there an objection?

21

22 (No opposing responses)

23

24 CHAIRMAN ANDERSEN: Hearing no objection,
25 welcome aboard Myron. Are there any others?

26

27 MR. ARMSTRONG: Mr. Chair, we have one
28 more. We have a letter from U.S. Fish & Wildlife Service
29 designating Russ Oates as the alternate for the Service.

30

31 CHAIRMAN ANDERSEN: Thank you, Fred. Do I
32 hear a motion to seat Russ Oates as the alternate for the
33 Service?

34

35 MR. AHMASUK: So moved.

36

37 CHAIRMAN ANDERSEN: The motion has been
38 made. Is there a second?

39

40 MR. ROBUS: Second.

41

42 CHAIRMAN ANDERSEN: The motion has been
43 seconded. Is there any objection to seating Russ Oates as
44 the alternate for Fish & Wildlife Service?

45

46 (No opposing responses)

47

48 CHAIRMAN ANDERSEN: Hearing no objection,
49 welcome aboard, Russ. Are there any others, Fred?

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1 MR. ARMSTRONG: No, Mr. Chair.

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3 CHAIRMAN ANDERSEN: Mr. Robus, will you
4 conduct roll call, please.

5

6 MR. ROBUS: Thank you, Mr. Chair.
7 Association of Village Council Presidents.

8

9 MR. NANENG: Here.

10

11 MR. ROBUS: Bristol Bay Native Association.

12

13 CHAIRMAN ANDERSEN: Here.

14

15 MR. ROBUS: Chugach Regional Resources
16 Commission.

17

18 (No response)

19

20 MR. ROBUS: Copper River Native
21 Association.

22

23 MR. HICKS: Here.

24

25 MR. ROBUS: Kawerak, Inc.

26

27 MR. AHMASUK: Here.

28

29 MR. ROBUS: Central Council of Tlingit &
30 Haida Indian Tribes.

31

32 (No response) (Mr. Jackson arrives later)

33

34 MR. ROBUS: Aleutian/Pribilof Islands
35 Association.

36

37 MR. DEVINE: Here.

38

39 MR. ROBUS: Kodiak Area Native Association.

40

41 MR. PANAMAROFF: Here.

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43 MR. ROBUS: Maniilaq Association.

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45 MR. SHIEDT: Here.

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47 MR. ROBUS: North Slope Borough.

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49 MS. HEPA: Here.

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1 MR. ROBUS: Tanana Chiefs Conference.

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3 MR. SMITH: Here.

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5 MR. ROBUS: Alaska Department of Fish &
6 Game is present. U.S. Fish & Wildlife Service.

7

8 MR. OATES: Here.

9

10 MR. ROBUS: Mr. Chair.

11

12 CHAIRMAN ANDERSEN: Yes, sir. Thank you,
13 Matt. There's one item of housekeeping that we need to
14 address and take care of. Mike, in going through and
15 reviewing the memberships -- I guess that's Mr. Smith. In
16 reviewing the letters, one that was missing was one
17 designating you as the representative and I guess it's just
18 a matter of housekeeping on your end. If you can get a
19 letter from the Tanana Chiefs down to Fred, that would help
20 us overcome any difficulties.

21

22 MR. SMITH: Sure.

23

24 CHAIRMAN ANDERSEN: Thank you. Next item
25 on the agenda is introductions. I guess we'll start with
26 me. My name is Ralph Andersen. I'm the natural resources
27 director at the Bristol Bay Native Association in
28 Dillingham. I'm the vice chairman of the AMBCC. With the
29 absence of Mr. Alcorn, who is the chairman, I'm acting as
30 the chair today. We'll move to my left and we'll go all
31 the way around the room. Please speak into the microphone.

32

33 MR. OATES: My name is Russ Oates. I'm
34 chief of Waterfowl Management with the U.S. Fish & Wildlife
35 Service.

36

37 MR. ROBUS: My name is Matt Robus. I'm the
38 director of Wildlife Conservation for the Alaska Department
39 of Fish & Game.

40

41 MR. AHMASUK: My name is Austin Ahmasuk.
42 Bering Sea representative on the council. I work as a
43 subsistence research assistant for Kawerak.

44

45 MR. PANAMAROFF: Alex Panamaroff, Kodiak
46 Area Native Association.

47

48 MR. DEVINE: Peter Devine representing
49 Aleutian/Pribilofs from QT Tribe of Sand Point and
50 representing QT Tribe, Unga Tribe and Pollock Tribes (ph).

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1 MR. NANENG: Myron Naneng, president of
2 Association of Village Council Presidents.

3

4 MR. SHIEDT: Enoch Shiedt with Maniilaq,
5 subsistence coordinator.

6

7 MR. ROTHE: Tom Rothe, Waterfowl
8 Coordinator, Alaska Department of Fish & Game.

9

10 MR. ANDREW: Timothy Andrew, director of
11 Natural Resources.

12

13 MR. FISCHER: Julian Fischer, Waterfowl
14 Management, U.S. Fish and Wildlife Service.

15

16 MR. TROST: Bob Trost, U.S. Fish & Wildlife
17 Service, Pacific Flyway representative.

18

19 MR. MERRITT: I'm Ed Merritt, I'm the
20 manager of Tetlin Wildlife Refuge. We're headquartered out
21 in Tok.

22

23 MS. BALLINGER: Jeannie Ballinger. I'm an
24 intern for Migratory Birds Co-management Council office.

25

26 MS. FREDENBURG: Connie Fredenburg, Natural
27 Resources Coordinator for Aleutian/Pribilof Islands
28 Association.

29

30 MR. OSTRAND: Bill Ostrand, U.S. Fish and
31 Wildlife Service. I work with the Co-management Council.

32

33 MR. LANCTOT: Rick Lanctot. I'm a
34 Shorebird Coordinator, U.S. Fish and Wildlife Service.

35

36 MR. HILE: Nathan Hile, Computer Matrix. I
37 do the recording.

38

39 MR. SMITH: Mike Smith, Tanana Chiefs
40 Conference.

41

42 MS. HEPA: Taqulik Hepa, North Slope
43 Borough, Department of Wildlife Management.

44

45 MR. HICKS: Joe Hicks, Copper River Native
46 Association. I represent the Ahtna Region.

47

48 MR. ARMSTRONG: Good morning. I'm Fred
49 Armstrong with U.S. Fish and Wildlife Service, the
50 executive director for the Council.

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1 CHAIRMAN ANDERSEN: Thank you. I'd like to
2 welcome each of you here. I'd also like the record to show
3 that Gordon Jackson has arrived. Gordon is a
4 representative from the Tlingit-Haida Central Council. So
5 if you can find your way to a seat, Gordon, welcome. The
6 next item on the agenda is invitation for public comments.
7 Mr. Trost, please come up to the table there and take a
8 mike.

9

10 MR. TROST: Hi. My name is Bob Trost. I'm
11 the Pacific Flyway representative as I indicated just a
12 moment ago. These comments probably shouldn't really be
13 considered public, although I've been asked to make a few
14 comments by the chairman of the Service Regulations
15 Committee and he's a fellow, I think, that's known to most
16 of you as well. The first and foremost, Paul wants me to
17 assure you that he's very supportive of this process, he's
18 a strong believer in it and you're very fortunate that the
19 chairman of the Service Regulations Committee was actually
20 a participant in the negotiation team when the treaty
21 amendments were developed. So he is knowledgeable about
22 how this whole process began and a lot of the nuances
23 involved with it. He did serve with the Service here in
24 Alaska at one time, too, and to his credit he treasures
25 those years. They're very important to him.

26

27 So, first and foremost, he doesn't want
28 this to be perceived as any kind of a rigorous or an edict
29 or an ultimatum-type assessment. This is an honest effort
30 on his part to open some sincere communication on some
31 issues that he's been faced with at the Washington, D.C.
32 level that have to do with the subsistence regulation
33 process. The issue that he really wanted me to try to
34 convey to you was a general concern that's being voiced
35 apparently by some folks with regard to the number of
36 species which we have currently on the list open to
37 subsistence harvest. As most of you are well aware, I
38 think the species list totaled 107 species when we've gone
39 through the proposed and my understanding the final
40 regulations actually were to be published Monday. I don't
41 know whether that's true or not. I was on the airplane on
42 the way up here, but I hope that, indeed, was true.

43

44 But of those species anyway, he harkens
45 back to the development of the protocol amendment and there
46 was an initial list prepared of about 40 species, so we
47 have about two and a half times as many species currently
48 on the open list as some of the negotiators were
49 envisioning would be present during the development of the
50 process. His concern I don't believe is really so much on

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1 the biological end, although I'll try to talk a little bit
2 about that too, but the reality of it is that there seems
3 to be far more species on that list than were anticipated
4 by at least some of the participants during the development
5 of that. And many of these species are not like ducks and
6 geese where we have long-term monitoring efforts in place
7 and that we have good population information. Most bird
8 species have various constituency groups and some of these
9 constituency groups have expressed some concern. As you
10 are well aware, there is the birds of management concern
11 list that you've had under consideration for this
12 particular meeting that are sort of on a list of watch-type
13 species that the Service has been concerned about.

14

15 From Paul's perspective, I think this is
16 much more a matter of a commitment to the long-term
17 resource conservation and I think he looks forward very
18 much so to working with this management body to ensure the
19 long-term conservation of all these species where we all
20 have a vested interest. In addition, I think he envisions
21 that potential threats to this process could be generated
22 if it's perceived by some that the conservation concerns
23 are taking a back seat to other concerns in the process.
24 So he does have some concerns about that and about how
25 species got here.

26

27 He and I had an opportunity to talk a
28 little bit the other day. It's clear to me, I've been a
29 participant, at least as an observer, in the development of
30 this body and I think I was at the first meeting where it
31 was formed and I think I've been at almost every other
32 meeting it's had. And I've watched it through time and
33 I've watched its deliberations and I guess I, too, have
34 become a very strong supporter of you guys and your ability
35 to deal with these things. But his issue really was one
36 that there are a number of species involved here that, to
37 be frank with you, I think were put on the list not so much
38 because there's a large traditional harvest, which is how
39 Paul envisions the species open to harvest, but they're put
40 on more as a matter of individual protection because folks
41 are concerned that should they shoot the wrong bird they
42 will be subject to some kind of prosecution.

43

44 I think the problem he wants to pose to the
45 committee for some future consideration is first deal with
46 the reality of how many species we can truly monitor and
47 manage the harvest on. Second, come to grips with the fact
48 that no one, to the best of my knowledge, is out to make
49 criminals out of anyone and that the inadvertent taking or
50 the occasional take of a bird does not necessarily mean

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1 that it has to be on the species open to harvest list. One
2 of the big challenges for this group, he believes in the
3 future, is to try to segregate those two problems a little
4 bit and whittle down the list to something that we can
5 stand up in front of the general public and defend as
6 biologically sound management for harvest management. So
7 that is one of the issues.

8

9 The other that he did bring up was that he
10 has some general concerns about -- for example, I'm going
11 to use a species here, the Bar-tailed Godwit, which is a
12 species that's on our species management concern list. Its
13 population status is somewhat questionable and it is on the
14 open harvest list and it should be because it has been an
15 important component of subsistence harvest over time. The
16 reality of it is, however, under our current regulation
17 there is no way to limit the take of those. So, to an
18 outside entity, say someone in the New York Audubon
19 Society, God forbid, that takes an interest in this says,
20 well, you have an open season of 122, whatever it is, days
21 that's allowed under the treaty and you can take any number
22 of these anywhere you want even though you're on record as
23 having said this is a species which is in somewhat
24 questionable conservation status.

25

26 So he believes another avenue that this
27 group has to work towards down the line is the development
28 of some kind of provisions for species, like a bag limit,
29 restrictive seasons, area restrictions, something that will
30 allow very clear evidence of a conservation effort for
31 those species which warrant that. And he's concerned, and
32 I honestly believe that he must have some reason for this
33 concern, that these two issues anyway are issues that could
34 threaten the process, that this body has to deal with in
35 some fashion in order to protect us all from the potential
36 from some kind of legal challenge to the system that we've
37 put in place here and that's really, I think, what
38 motivates his concern.

39

40 As I indicate, he's a very strong believer
41 in this. He's been a participant in the development of
42 this. He is knowledgeable about it and he wants very much
43 to see this continue into the future. In order to do that,
44 I think it's his opinion that we all need to work together
45 to try to address these two issues sometime in the short
46 term. There are a number of ways that this can be done, I
47 think, and I think he's looking for some portion of this
48 year's proposed regulations, not to fix all this, because,
49 truthfully, it's going to take a long time to fix it, but
50 in reality just some indication of we're developing a plan

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1 and how to do it. He looks forward, I think, to working
2 with all of you in his attempt to do that in a very
3 constructive fashion. With that, I'll conclude my
4 comments.

5

6 CHAIRMAN ANDERSEN: Thank you, Bob. If you
7 don't mind sitting there for a moment. Are there any
8 questions of Mr. Trost? Joeneal.

9

10 MR. HICKS: Could you differentiate between
11 what's cultural and what's subsistence?

12

13 MR. TROST: I guess if I said something
14 along those lines, no, I couldn't, but I think customary
15 and traditional use, a cultural practice that has been in
16 place for some time, in my mind, that should be
17 subsistence. But, presently, I think, in the view of some,
18 there are a number of species which have not been
19 traditionally pursued as a food resource but are currently
20 included on the list of open species more for what I would
21 term incidental take possibilities, to protect the
22 individual in the field from unjust prosecution.

23

24 I think where Paul sees this going in the
25 end is, as you folks have already talked about in meetings
26 I've been at, a development of enforcement policies and
27 information and education programs that lead to a better
28 understanding of a lot of these things that will avoid
29 anyone being persecuted but probably removes the necessity
30 of having all those species on the open to harvest list.

31

32 CHAIRMAN ANDERSEN: Are there any other
33 questions? Mike and then Myron.

34

35 MR. SMITH: I was just curious. We're
36 talking a lot about species and species list and things of
37 this nature here over the course of this meeting and some
38 of the proposals we have here and so on and so forth and I
39 was just wondering if we're not a little bit ahead of the
40 ball here in the sense that we should wait to see what the
41 harvest numbers indicate, see what kind of impact it's
42 going to have on these things, and if it is just an issue
43 of incidental take -- you know, I'm not so sure that that's
44 why those birds are on the list to be quite honest with
45 you. I'm not sure that the people put those birds on the
46 list because they thought that maybe they'd get arrested if
47 they shot one of these other birds. You know, I don't
48 think that was the rationale that the people used when they
49 came up with the list. It may have been and certainly
50 Austin, the godwit is a good example, could tell me if that

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1 was the case in his area because that's certainly where
2 most of the bar-tails are. So, I mean, I guess my question
3 is do you think we're jumping ahead of the gun a little
4 bit? Should we wait to see what the harvest numbers
5 indicate this year?

6

7

MR. TROST: This is a particularly raw
8 question because, as you're all well aware, there was no
9 subsistence harvest survey conducted even in those areas
10 where we have had one in the past this year and I think
11 that's the source of part of his concern is until we have
12 this established, that it's very problematical to have open
13 seasons where we don't have the ability to measure harvest.
14 And the reality is I've not participated in the technical
15 discussions of where your harvest survey is and I know
16 Austin and others are actively involved in trying to
17 develop that, but the reality is, even what I'm aware of on
18 the Y-K Delta, species recognition within those surveys is
19 still a problem and the likelihood is that many of these
20 what I would term more tangential species are not going to
21 be well-monitored for quite some time into the future.
22 That's just going to be a reality.

23

24

That's where I think Paul -- and I should
25 have said Paul Schmidt. I'm assuming everyone here knows
26 who I'm talking about, but I just realized I hadn't done
27 that. But I think where he's coming from is we are in our
28 most defensible in, say, the ugly business of the court of
29 law which I have more experience than I ever would have
30 wanted in this arena in defending hunting in different
31 avenues. On those species where we have good biological
32 information, good harvest information, it is relatively
33 easy for us to stand up in court and defend a season on
34 those groups of birds. Some of these species that will be
35 very hard and I would suggest to you some of the species
36 currently on your list it may never be possible to make a
37 good case for.

38

39

CHAIRMAN ANDERSEN: Myron.

40

41

MR. NANENG: Good morning, Bob, and thanks
42 for the information. I sat with the negotiating team in
43 coming up with some potential list of species that may be
44 hunted. Each group was to at least provide that list, but
45 one of the things that I'm concerned about is putting on a
46 proposed regulation that may be hard to change at some
47 point in the future. You know, just because we think that
48 there is concern about a species, then you close that
49 species to hunting at a time when there's no other possible
50 species to hunt, if that species is good in numbers and

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1 harvestable, what process are we going to take to get that
2 back off the restricted list?

3

4 You know, we've worked with both Fish &
5 Wildlife Service and State of Alaska in many of the
6 villages for arctic nested geese and other species. The
7 biggest thing that has been done is to educate the people
8 of the users. Just because someone from Washington, D.C.
9 who may be in the Audubon Society and may be concerned
10 about the species, I don't think should impose a rule
11 without working with the people that are most directly
12 affected. That was the purpose of the protocol amendment,
13 was to give an avenue, an opportunity for the managers as
14 well as the people that are users to work together to find
15 a way to protect the species that are of concern; not
16 management concern, but of concern, conservation concerns.
17 The best way to manage those is to get, as Mike asked,
18 getting the information first.

19

20 We've seen management systems, even with
21 the state of Alaska. When people in the villages are
22 expressing concerns that there may be a management concern
23 regarding some subsistence resource and then they don't
24 even consider the views, observations by people who are
25 direct users of that resource and then they say, oh, that
26 information is anecdotal. Anecdotal from what purpose?
27 Because they're not -- they were not in school at some
28 university or it's not a graduate student trying to get his
29 degree for biology or natural resource issues and they use
30 some college students that had just been in Alaska one
31 summer as gospel rather than the observation of someone who
32 has been there in the village for years and observing.

33

34 I think that we're jumping the gun if we're
35 going to be saying that we need their regulations before we
36 even go through the process of surveying and educating our
37 people. Otherwise, regardless of what regulation they come
38 up with, without working with the people that are users,
39 you're never really going to get anywhere. You've got to
40 work with the people first and that's the one thing that
41 was shown as a suggestion for the Goose Management Plan and
42 Y-K Delta. I've worked with that since '84 and I think
43 that's the only way that's going to work.

44

45 MR. TROST: Just as a quick response,
46 Myron, I wouldn't disagree, I don't believe, with anything
47 you say. I do think that in Paul's mind one of the central
48 tenets of the treaty amendments was that any regulatory
49 actions that were taken would not, I'll say, materially
50 increase existing harvest of species that were being taken

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1 presently. It is the concern being expressed by some that
2 the current proposed regulations, in fact, do that and he
3 feels, whether that's right or wrong, I don't know at this
4 stage, and I'm sure he would take the same opinion. Like
5 you, I think we need better information and we need
6 information and education. Where his concern stems from is
7 the potential for a legal challenge that would claim that
8 we have ignored that basic tenet of the amendment and
9 that's really what stimulates this is. Given the fact that
10 initially it was not envisioned to be nearly as many
11 species of birds involved, that we be very careful on how
12 we deal with this.

13

14 CHAIRMAN ANDERSEN: We'll go with Russ and
15 then Mike. Oh, you have a follow-up?

16

17 MR. NANENG: Thank you, Mr. Chairman. Just
18 one comment in relation to what everybody has been
19 referring to as not increasing the number of species that
20 are being harvested. When we negotiated the Migratory Bird
21 Treaty Act with the different agencies, as well as the
22 International Fish and Wildlife Association and the
23 Canadians, we talked about not increasing the harvest limit
24 of species. You know, there's always a certain percentage
25 of species that will be harvested by subsistence users.
26 However, that changed when Senator Murkowski changed the
27 intent of the negotiations on the Senate floor when he
28 stated that all indigenous people included those non-
29 Natives that live in rural Alaska. Now that changed the
30 equation and it was never discussed at the table between
31 the negotiating teams. It was only amended on the Senate
32 floor. Whenever we talked about the percentage of harvest,
33 we never added them into the factor. I'm not sure if all
34 the treaties have been changed. I think the Japanese
35 treaty still says Alaska Natives and Indians. If the court
36 of laws still applies, the most restrictive interpretation
37 of any treaty would be followed, so I don't think that the
38 application of indigenous people to those non-Natives that
39 live in rural Alaska should have a factor. That's the
40 concern that I have.

41

42 CHAIRMAN ANDERSEN: Thank you, Myron.

43 Russ.

44

45 MR. OATES: I have a question for Bob
46 Trost. This is also something I would like the Council to
47 consider. Do you think if this Council adopted a statement
48 of intent whereby after examining the results of harvest
49 survey for a given period, one or two or three years, and
50 if we found that there were a number of species, maybe

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1 region by region even, that were not taken or taken in very
2 small numbers, do you feel that if we made a statement of
3 intent and agreed that some of these species that were
4 indicated as not being used in substantial numbers would be
5 removed or considered for removal from the open list, then
6 it would meet the needs that the Service Regulations
7 Committee chair sees to potentially forestall more
8 restrictive action?

9

10 MR. TROST: Certainly my perception is that
11 would meet the intent of what they have in mind. I don't
12 think anyone involved in this, to my knowledge anyway, has
13 a specific action that they're hooked to. What you present
14 to me seems very logical. I can understand how we would go
15 forward with that, how we would work together to develop
16 that and, quite frankly, even though Myron would pose the
17 idea that it would be difficult to add species to the list,
18 I would argue with you should your harvest survey show that
19 some species which we currently do not have an open season
20 actually is taken in some numbers, that it should be just
21 as easy to put one on as take it off. And I don't think,
22 at least from a Service perspective or the hierarchy in
23 D.C. that there would be any problem with that. So, to me,
24 that would be a very positive move. I think that would be
25 well-received.

26

27 CHAIRMAN ANDERSEN: Russ had a follow-up
28 and then we'll go to Mike and Fred.

29

30 MR. OATES: Given that that might provide
31 us a little breathing room as a council for future action,
32 I think that the council, in some form or another, should
33 consider what I just suggested.

34

35 CHAIRMAN ANDERSEN: Thank you. Mike.

36

37 MR. SMITH: Thank you, Mr. Chairman. I
38 guess I wanted to echo a little bit what Myron was saying
39 in regards to -- you know, it's awfully easy to put -- to
40 take birds off a list. It's going to be really hard to put
41 them back on. Especially in light of the fact what you
42 indicated, that there is not a lot of monitoring going to
43 be happening on a lot of these species. I mean I'm not
44 sure how much monitoring and stuff is going on with the
45 bar-tailed godwit up there right now, but I think that
46 Myron's point is well taken, you know, that once those
47 birds are off the list, especially if we're not even
48 monitoring them or anything of that nature, how are we
49 going to get them back on the list.

50

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1 And then I guess I was interested in
2 exploring the idea that with a number of birds on our list
3 isn't there always going to be a non-consumptive user group
4 that is going to be concerned about some bird on our list?
5 I mean I guess where do we draw that line? I'm sure there
6 is Canadian goose groups out there who don't want us taking
7 geese, you know. I mean there are -- we saw what happened
8 with swans. We took 7,500 in this state in the last few
9 years or so, you know, so there's a bunch of people out
10 there not going to be able to hunt swans already. Isn't
11 that going to be the case though all the way down the line,
12 that there's always going to be some bird on our list that
13 some outside group is going to have concerns about?

14
15 MR. TROST: My brief answer to that would
16 probably be yes and my further explanation would be that
17 it's in that regard where information is most important to
18 us. We believe very strongly that we can justify a harvest
19 where there's evidence that it has occurred historically
20 and where we have some population information that would
21 suggest that such harvest was not detrimental to the long-
22 term maintenance of that species. I think you'll find that
23 the Service is a very stalwart supporter of your right to
24 continue to harvest those species. I think what they're
25 asking in return is some consideration for not getting
26 ourselves involved in too many of these kind of arguments
27 because they tend to be very time consuming.

28
29 MR. SMITH: If I could just follow up, Mr.
30 Chairman. I agree. I mean certainly we don't want to get
31 into a situation where we're battling a whole bunch of
32 outside influences on our hunt up here. Certainly, Russ's
33 concept of a letter of intent where we just simply say that
34 we are going to review our list on a regular basis for
35 inclusion or exclusion of birds, you know, might go a long
36 way toward helping that and I think that's what we had
37 intended to do anyway, was to review that list on a
38 continuing basis. Thank you, Mr. Chairman.

39
40 CHAIRMAN ANDERSEN: Fred, do you have.....

41
42 MR. ARMSTRONG: Thank you, Mr. Chair. In
43 your black books, in the little submittal near the end is
44 the list of birds that was provided by Dr. Bob Wolfe. That
45 list of birds is the one in question here. We had a chance
46 to review it. We had a chance to contact Mr. Wolfe because
47 he did this survey at the time, I believe it was back in
48 1984 and 1990. We got a statement from Mr. Wolfe
49 indicating that the harvest data was by no means complete.
50 They tried to do a statewide survey. They were no where

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1 near complete. Some of the villages -- one region, only
2 two villages were surveyed. He did not intend this report
3 to be an all-inclusive report, but to give a snapshot at
4 the time of harvest that they knew was occurring.

5

6 That list is on page 11, XI, of the black
7 book. At the front of the black book, the treaty
8 amendments, the yellow tab. At the back is Mr. Wolfe's
9 list. I had my staff kind of look into statistics, like
10 the American Bird Association Handbook, I think they listed
11 850+ birds nationally. Of those, I think over 400 come to
12 Alaska annually. We survey on an annual basis 49 birds so
13 far. We had some discussion with Mr. Smith about this list
14 and we felt it wasn't a complete list. That's why we
15 contacted Mr. Wolfe. If you look at the seven geese
16 species, they're all listed there. They're fine because we
17 have seven geese listed also. You look at the ducks,
18 there's a lot of the ducks there, but there's also
19 subspecies of ducks that are on our list and then you look
20 at the 11 other. That last list on the right of
21 miscellaneous shorebirds, we have on our list 20 shorebirds
22 and a lot of those are in question right now as either
23 being birds of concern or targeted.

24

25 I think the intent of making a statement
26 that chair will review the bird list on an annual basis is
27 fine and dandy, but I think we need to go one step further
28 and determine at least by the Council what process are we
29 going to follow to ensure that the bird list is reviewed
30 and action is taken if necessary. One can argue that birds
31 can be taken off relatively easy, but I think I would have
32 to argue the other way too, that birds can be put on based
33 on customary and traditional practices. As long as we have
34 a show through concerted effort using our C&T process to
35 try to get the local people to document traditional uses, I
36 think they would be relatively easy to put back on. Those
37 are the extent of my comments. Thank you, Mr. Chair.

38

39 CHAIRMAN ANDERSEN: Thank you, Fred. Matt,
40 did you have -- Russ.

41

42 MR. OATES: Yes. I think Bob Trost comes
43 to us with all the best intention for the success of this
44 process and I think it would be good for us to sometime
45 during the course of the day try to draft a resolution
46 whereby the Council states its intention to review and
47 refine the list in the future based on the results of the
48 harvest survey such that we can make the list more
49 appropriate to the species that are important for customary
50 and traditional use and at least consider the possibility

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1 of having that list vary somewhat region by region.

2

3 CHAIRMAN ANDERSEN: Thank you, Bob. Any
4 other questions? I saved the best for last. Bob, can you
5 tell us your sense of the direction this whole issue is
6 moving? If the Council -- I know it's important for us to
7 weigh in on it, but I'd like to hear from you the direction
8 that you see the chairman of the SRC taking this.

9

10 MR. TROST: My belief is that and, in fact,
11 my presence here today is a direct result of his desire to
12 work directly with you guys and open up, perhaps, another
13 line of communication and to work towards refining that
14 list. He believes in its current form, quite frankly, that
15 it does pose a threat to this process in general and that
16 we can't justify a lot of what's there, but he is willing
17 and, in fact, adamant about not moving without consensus.
18 That his belief is that you, too, will recognize the
19 potential threat and will work with him to make this a
20 better system as we go down the road. I think he has a
21 very strong commitment to make this process work.

22

23 CHAIRMAN ANDERSEN: I have another
24 question. We've been through this listing, been dealing
25 with the bird lists from -- and I've been involved with the
26 Council from probably the Native Migratory Bird Working
27 Group until now and the list of birds has always been a
28 matter that we've debated at just about every meeting. Now
29 we've moved along, we've made a great deal of progress in
30 identifying a list of birds and now we're being asked to
31 reduce it even more. What are your views of the mechanisms
32 and the strategies that we can use to address the concerns
33 that the SRC is expressing?

34

35 MR. TROST: I think that the process that
36 basically has suggested itself during the course of this
37 discussion here is that we do gain a few years of harvest
38 information from throughout the state, whereas right now we
39 have it primarily from the west coast of Alaska and not
40 much else, and a little bit on the North Slope I guess, and
41 based on that information determined which of those species
42 are and are not truly important to the subsistence harvest
43 as it occurs and use that as one of the criterion for
44 either maintenance of a bird on that list or not.

45

46 I think another part is information and
47 education, how we would address those birds which would
48 remain on that list because they are important components,
49 but because of their status we have concerns about their
50 overall population health, I think first and foremost we

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1 need to develop an INE program through this particular body
2 that will help us carry those messages to the communities
3 at large and help in ensuring the long-term conservation of
4 those birds.

5

6 Thirdly, I think one of the things that I
7 believe is on your agenda for your next fall meeting
8 perhaps is opening this kind of ugly door of how we deal
9 with law enforcement and what role this Council will play
10 and what role local communities will play in determining
11 enforcement policies, processes and procedures and this is
12 another one of those issues where I believe we have to be
13 honest and forthright with each other as we work our way
14 through it, but I think the only way we'll come up with a
15 product in the end that will be useful to us is by
16 developing one that we all believe we can live with, so
17 those would be probably my three steps involved here.

18

19 CHAIRMAN ANDERSEN: Thank you, Bob. I have
20 one final question. How receptive do you think the SRC
21 would be to a regionalized approach to a list of birds?
22 For example, puffins and auklets are probably not available
23 in the Interior or up on the North Slope and separate lists
24 were developed on a regional basis. Where puffins and
25 auklets may be customarily and traditionally used in the
26 Bering Straits region and the Yukon Delta area, they
27 continue to be on their list of birds for harvest, but on
28 the North Slope and the Interior and Bristol Bay, some of
29 the birds may or may not be on those lists of harvest.

30

31 MR. TROST: Conceptually, I think that's a
32 good idea, but in a practical sense, I don't think that's
33 the issue really involved here, Ralph, because if puffins
34 are legal in Interior Alaska, none are being shot there
35 anyway. I don't think this is about what I'll say is
36 appearances as much as it is about real biological concern.
37 The fact that the puffin season is open, the fact that you
38 need a monitoring system for puffins and the fact that
39 someone somewhere can document the fact that, yes, indeed,
40 puffins are taken in fairly large numbers and they have
41 been a traditional part of the subsistence harvest and they
42 should remain so and maybe there's a species that's
43 currently on that list that that doesn't qualify for. So
44 although I have no conceptual problems with it, in effect
45 it's more an appearance thing than it is a real issue,
46 where I think Paul's real motivation comes from, is more
47 the real biology of it. And if puffins are statewide or
48 puffins are just where puffins exist, I don't think that's
49 going to matter that much.

50

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1 CHAIRMAN ANDERSEN: Bob, again, my question
2 wasn't regarding appearances. I guess my question was, and
3 I was hoping that you'd take it that way, was a need to
4 work with the regions in developing measures to address
5 conservation concerns. Where your attention probably
6 wouldn't be very big in the Interior to deal with puffins,
7 it would be big elsewhere.

8

9 MR. TROST: I'm sure they would be very
10 strongly supportive of that, Ralph. I'm sorry I missed
11 your point initially.

12

13 CHAIRMAN ANDERSEN: Fred.

14

15 MR. ARMSTRONG: I was just thinking, you
16 know, perhaps one way that we can review the list is -- I
17 know last year we didn't have quite enough time for the
18 regions to go through the list one by one with the
19 exception of one or two regions. Perhaps go through that
20 list and really identify the regional birds that are
21 utilized and maybe we can sort of start over and kind of
22 hold it down that way. I think the fear of adopting this
23 over another region I think would be eliminated by that
24 process and the Council could take a deliberative approach
25 and review the list very closely then. I think we need to
26 start over from square one if we're going to get anywhere
27 is basically what I'm trying to say.

28

29 CHAIRMAN ANDERSEN: Thank you, Fred. And I
30 think as we move along in our agenda here, if you notice
31 under item two under old business is a list of birds,
32 perhaps at that time we can develop some sort of strategy.
33 Tom Rothe, you had your hand up?

34

35 MR. ROTHE: Mr. Chairman, I'd like to make
36 a couple comments and maybe see if Bob wants to discuss an
37 item or two. I guess I'm a little frustrated that as a
38 technician this process was all laid out to make decisions
39 on a deliberative basis based on best available information
40 and it seems like over the years we've been constantly
41 frustrated by not having the information and decisions
42 coming up before we have it. I just want to make one
43 comment as someone who has been involved in kind of moving
44 the protocol for 15 years. There's a tendency right now to
45 do a little revisionist history and people seemed shocked
46 at the number of birds on the list. So just as a general
47 comment, my Service colleagues and I went all over the
48 country, went to the international association, the flyway
49 councils, and it should not be a surprise that there's more
50 than ducks and geese on the subsistence harvest list.

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1 People were told up front that a lot of different birds are
2 used. So that should be on record.

3

4 I just want to emphasis what Fred said.
5 That short list that got appended to the protocol, none of
6 us staffers know how it got attached to Warren
7 Christopher's letter and Bob Wolfe was very clear that that
8 was a partial list he had just pulled together of the
9 principal species. So that's not appropriate as a
10 benchmark to measure against the 107. Anyway, that's just
11 a general comment that I think even though the Service is
12 in an uncomfortable situation, the key is if we're going to
13 follow deliberative process, to document those species that
14 are used, take a careful look at how they're being used and
15 someone said just recognize that there are going to be
16 groups out there that don't like harvested puffins or loons
17 or other things.

18

19 The other comment is, again, we're in a
20 situation where it's being suggested species get taken off
21 the list. We have no harvest survey. There's no harvest
22 survey set up for next year and, to me, it's frustrating to
23 try to make decisions or recommend decisions before we have
24 data to really think about it. A couple species that are on
25 the agenda are things that would be perfect candidates for
26 doing harvest surveys and studying what is the level of
27 impact here. I'll just point out that when species are
28 closed, people don't tell you what they take, so it's going
29 to inhibit what we can learn about harvest on some of
30 these. Anyway, thanks.

31

32 CHAIRMAN ANDERSEN: Thank you, Tom. Are
33 there any other questions of Bob? Go ahead, Mike.

34

35 MR. SMITH: Did you have an opportunity to
36 talk to Paul about our proposed red flag list and what did
37 he have to say about that?

38

39 MR. TROST: I discussed with him briefly
40 this and just in a real quick sense we've already got, in
41 effect, three lists. We actually own up to two. We have
42 an open and a closed, but in fact the limbo list includes
43 all those species that aren't on either of those other two
44 lists. The creation of a fourth list is, in his mind, I
45 think, somewhat confusing and has no regulatory function in
46 my current understanding of it and I think he'd be a little
47 hard-pressed to understand exactly where we're going with
48 that unless that's like the expedited review list or
49 whatever, but I look forward to your discussions when that
50 comes up here later today and maybe when I understand it

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1 better I can help explain it to him a little bit better. I
2 don't think he's adverse to any path you choose to go down
3 to try to improve this process over time and if you think
4 this will get you there, I think he'll listen to what it is
5 you're trying to do.

6

7 MR. SMITH: Mr. Chairman. Just a quick
8 follow up. I think we can appreciate what happened in the
9 AVCP area. You know, they undertook -- during their
10 efforts over the last few years they undertook some very
11 good INE efforts out there and had a dramatic impact out
12 there and I think those options are available to us on a
13 statewide basis and might be quite successful. Certainly I
14 would hope so.

15

16 CHAIRMAN ANDERSEN: Thank you, Mike. Thank
17 you, Bob. The next item on the agenda is old business.
18 Before we start reviewing the 13 proposals I'd like to draw
19 everybody's attention to the meeting protocol in your
20 packets. The title is the Alaska Migratory Bird Co-
21 management Council, July 15, 2003, Dimond Hotel Meeting
22 Protocol. I believe it's right before the meeting agenda
23 or a few pages after that. A page after the agenda. This
24 is the protocol that we'll be following as we review the
25 proposals. I'd like to add several items.

26

27 Again, first, I'd like to review what we
28 have there. Item number one is the introduction of
29 proposal, which will be done by Fred Armstrong. The second
30 step in the process is that we'd hear from the Alaska
31 Department of Fish & Game, the stock analysis. I assume
32 that's Tom Rothe. The third item is the U.S. Fish &
33 Wildlife Service staff analysis. Mr. Fischer will be
34 providing the staff analysis.

35

36 MR. FISCHER: For waterfowl. And Rick
37 Lanctot for the agencies.

38

39 CHAIRMAN ANDERSEN: Okay. So I guess it
40 will be two people involved in the Fish & Wildlife Service
41 staff analysis. I'd like to add a fourth item. A
42 Technical Committee analysis of the proposals. While I
43 understand that the committee hasn't prepared any
44 recommendations, they have made some observations of the
45 proposals. The fifth item then would be public comments.
46 The sixth item I'd like to place in there is a Native
47 representative caucus. The seventh item would be the
48 Council discussion and recommendations. So it would be
49 after the Fish & Wildlife Service that we'd hear from the
50 Technical Committee and after the public comments would be

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1 a Native representation caucus and finally would be the
2 Council discussion and recommendations. Before we start
3 hearing the 13 proposals, I'd like to call for a 15-minute
4 break. Be back here at 10:15.

5

6 (Off record)

7

8 (On record)

9

10 CHAIRMAN ANDERSEN: Call the meeting back
11 to order. Fred needs to introduce the proposals. (Pause)
12 Before we get started with the proposals, we have Mr.
13 Oberholster here for another few minutes and if anybody has
14 any questions of him, he's in charge of enforcement and he
15 can only be with us for another few minutes. So, while
16 we're waiting to hear the proposals, if anybody has any
17 questions, please ask them now. Matt.

18

19 MR. ROBUS: Seeing no other hands, I'll
20 start the ball rolling. One of the proposals before us
21 today has to do with take of birds with the use of
22 gillnets. It's more of an incidental take than anything
23 else. Would you mind quickly reviewing what the
24 enforcement posture would be at present on a subsistence
25 net that ends up taking some birds?

26

27 MR. OBERHOLSTER: At present or when the
28 new regulations go into effect?

29

30 MR. ROBUS: Maybe we should talk about
31 both. This is a proposal I've been tangling up in my mind,
32 which is appropriate for a gillnet situation, I guess. So
33 if we could start at present and transition to if it were
34 adopted, that would be helpful for me.

35

36 MR. OBERHOLSTER: Sure. At present, and I
37 guess if we're talking about loons or something, it's my
38 understanding that we, as enforcement officers, haven't
39 worked that type of situation at all, although I would
40 assume it would be unlawful to take migratory birds that
41 way, with gillnets. What we are trying to address here is
42 really some of the commercial gillnetting operations also
43 where, from an enforcement standpoint, if you had a
44 commercial entity out there gillnetting and some qualified
45 subsistence users on board and they were taking significant
46 numbers of migratory birds in their gillnetting operation
47 that they couldn't just claim that those are taken for
48 subsistence purposes and, therefore, not be liable or not
49 allow us to address that situation.

50

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1 Migratory birds has expressed some concern
2 with the taking of some loons, I guess, that are species of
3 concern or they're on the closed list. I'm not sure. But
4 in order for us to address those types of situations too,
5 it would be cleaner if gillnetting is just prohibited if
6 it's not an acceptable practice. I'm not sure if I
7 answered your question clearly.

8

9 CHAIRMAN ANDERSEN: Any other questions
10 before we move on?

11

12 MR. AHMASUK: Mr. Chairman.

13

14 CHAIRMAN ANDERSEN: Austin.

15

16 MR. AHMASUK: Thank you, Mr. Chairman. It
17 seems we have need like for this Council to have some
18 enforcement or legal questions answered. It is unfortunate
19 that Mr. Oberholster can't be here for the rest of the day.
20 In future meetings, can we have someone like that set aside
21 for our meetings, either a lawyer or an enforcement guy
22 like Mr. Oberholster, dedicated at these meetings when
23 questions like this arise? I imagine questions like this
24 are going to continue to arise for the remainder of the
25 day. That's the only question I have, Mr. Chairman.

26

27 CHAIRMAN ANDERSEN: Thank you, Austin. I'm
28 not quite sure how to answer that, but I believe that we
29 tried to have Steve here at every meeting or a
30 representative from his division to answer those kinds of
31 questions.

32

33 MR. OBERHOLSTER: I could make a stab at an
34 answer. I sure would. I'll make every effort to be here.
35 What I would ask of you is if I'm not here and you come up
36 with questions, have someone record them and give me a list
37 and at your next meeting I'll make sure someone addresses
38 them. As far as legal questions, I really wouldn't look to
39 my division to answer some of the treaty amendment
40 questions. That might be better addressed by a solicitor.
41 I bet Fred could take care of that.

42

43 CHAIRMAN ANDERSEN: Fred, do you have
44 anything to add?

45

46 MR. ARMSTRONG: Thank you, Mr. Chair. We
47 do invite law enforcement to every meeting because we know
48 there are enforcement concerns throughout this process. As
49 far as legal questions, we deal a lot with Laurie Adams,
50 who is the head regional solicitor in Alaska. As legal

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1 questions arise, I try to pose them to her. To try to
2 schedule her for every meeting is really difficult. Being
3 head regional solicitor, she oversees many
4 responsibilities.

5

6 CHAIRMAN ANDERSEN: Thank you, Fred. Matt.

7

8 MR. ROBUS: I'm ready to move on unless
9 there are other questions of Steve.

10

11 CHAIRMAN ANDERSEN: Matt, we'll go with
12 your question and follow with one from Peter.

13

14 MR. ROBUS: Thank you, Mr. Chairman.
15 Steve, this is going to be a difficult ball to try to get a
16 grip on here, but let me try to ask the question that's
17 kind of on my mind and we talked at the break a little bit
18 about it. The Council is now presented with this problem
19 about the size of our bird list. I haven't sat on this
20 Council for very long, but I was at a couple of previous
21 meetings and I happened to be present when some of the
22 decisions on how the Council was going to assemble a list
23 were put together and I do remember statements at that
24 meeting about concerns from the regions about enforcement
25 of species that weren't maybe the principal species that
26 were taken for subsistence, but kind of this gray area of
27 some birds are probably taken one way or the other
28 opportunistically and people are worried about liability
29 for being cited and prosecuted for those things.

30

31 Now, I gather that the Service cannot or is
32 not in a position to talk about -- not flexibility, but
33 discretion and so forth in enforcement, but perhaps it
34 would help if you could just review briefly kind of the
35 priorities for your enforcement staff and I think it's
36 important for people to have an understanding of how likely
37 it is that the taking of a bird that's not a primary core
38 taken in large numbers type of species. I mean how does
39 that fit in to the whole enforcement scheme as far as your
40 organization is concerned?

41

42 MR. OBERHOLSTER: I guess I would come
43 right out of the box and say our officers, when they're
44 working in the field, do have a certain amount of
45 discretion to take action on violations they come across or
46 use other means as far as trying to educate and gain
47 compliance. That being said, we would also look to the
48 Council to create regulations that they expect to be
49 enforced. In other words, I wouldn't be going to public
50 meetings like this and say we're going to use enforcement

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1 discretion and not seek any prosecution for any violations
2 that we document. What that would do would be to undermine
3 everything you're doing here.

4

5 The other piece of the equation that's
6 probably just as important to you is the amount of time
7 that we're going to spend investigating violations like
8 Matt described where someone shoots a bird that's off the
9 list. Our special agents are criminal investigators. We
10 concentrate on mainly commercial violations of illegally-
11 taken wildlife. These are usually pretty complex
12 investigations, take many years to complete. In other
13 words, we don't do as much strictly field contacts as you
14 might think. Most of our time is spent doing complex
15 investigations.

16

17 This spring might be a decent example of
18 how much effort we've put into patrolling and enforcing
19 subsistence hunting. We put very little into it mainly
20 because we had all these other complex investigations going
21 on. So the likelihood of having significant numbers of
22 tickets written for birds that are off the list is not real
23 high.

24

25 I would temper that again by saying
26 although whatever you folks come up with for regulation and
27 whatever list and species which are authorized for harvest
28 I would just be aware from an enforcement standpoint that's
29 the list. As far as the likelihood of huge numbers of
30 violations being written for those, it's fairly unlikely by
31 our agents. We will be working, but that's certainly not
32 the highest priority for the work we need to do.

33

34 CHAIRMAN ANDERSEN: Peter, did you have a
35 question?

36

37 MR. DEVINE: Yes. I just had a concern
38 about -- you were talking about the murre. I'm from Area
39 M. We've been under attack by the murre, you know, with
40 gillnets. They tried to shut us down for fishing. Same
41 with the loons. The government relationships are not
42 working. They come in and did a two-year study on the
43 stellar eiders without contacting us. Came in, did their
44 stuff and then asked us to put transmitters up and we said
45 no, but -- I mean there's no government to government
46 contact like there should be.

47

48 CHAIRMAN ANDERSEN: Thank you, Peter. Are
49 there any other questions before we move on? Thank you,
50 Steve. Oh, Myron has a question.

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1 MR. NANENG: Thank you, Mr. Chairman. The
2 incidental catch of birds by nets, I don't think we want
3 our people to become criminals if they incidentally catch a
4 bird because that's not the intent of the nets. When they
5 go for whitefish, you might have to put kind of like a
6 mosquito netting around the net to prevent the bird from
7 coming to the net if you're fishing for whitefish and
8 you'll never really get whatever you're going for, you
9 know, the whitefish or any other small fish that you're
10 trying to catch with a smaller mesh net other than salmon.

11
12

13 We commented on this and said that, well,
14 if we started citing people for incidentally catching
15 migratory birds or birds with nets, then people are going
16 to start throwing them away and then we'll find a lot of
17 birds possibly washed to shore and we may try to look for
18 other reasons why they may have died. So that's the
19 concern that I have. For many people on the Y-K Delta,
20 they don't use nets to hunt for migratory birds, but they
21 do catch them occasionally, once in a while, incidentally,
22 the birds with the nets. If they start being cited, then
23 we're also discouraging them from possibly pursuing other
24 subsistence resource that nets may be out there and offer
25 the purpose of law enforcement, so there's a potential
26 conflict that can be arisen out of a regulation that may be
27 created out of this.

28
29

30 And the other thing too is that if
31 researchers can use nets to capture birds and things like
32 that, what's the difference? I've seen them do it when I
33 was a child. It seemed like it was not illegal for them,
34 but it was illegal for people in the villages to utilize
35 nets to be hunting birds.

36
37

38 CHAIRMAN ANDERSEN: Thank you, Myron. I
39 think a lot of this discussion can be brought up when we
40 consider that proposal. It seems like we're jumping ahead
41 of ourselves here. I appreciate your comments though.

42
43

44 MR. NANENG: I made that comment because he
45 said that he was going to be leaving soon rather than
46 staying for the time when we're going to be discussing the
47 proposal.

48
49

50 MR. OBERHOLSTER: Thank you for your
51 questions. I guess I would just ask one more time, if
52 there are questions that come up when I'm not here, if
53 someone would write them down and get them to me I'll make
54 sure I have them answered before the next meeting.

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1 CHAIRMAN ANDERSEN: I appreciate that.
2 Moving on, I'd like to call on Bill Ostrand to introduce
3 the proposals. Austin.

4
5 MR. AHMASUK: Mr. Chairman, before the
6 break did you suggest some changes in our meeting protocol
7 to address proposals?

8
9 CHAIRMAN ANDERSEN: Yes. The protocol now
10 has seven steps. First is the introduction of proposals.
11 Bill Ostrand will be handling that. The second item is
12 Alaska Department of Fish & Game staff analysis. I believe
13 Tom Rothe will be involved in that. The third item is a
14 U.S. Fish & Wildlife Service staff analysis. There are two
15 people that will be involved in that. The fourth step is
16 the Technical Committee analysis. The fifth step would be
17 public comments. The sixth step would be a Native caucus
18 and the seventh step would be Council
19 discussion/recommendation. I guess I wasn't very clear.
20 What I'd like to do is hold off Council
21 discussion/recommendation until after we've heard all the
22 proposals. So we'll first go through hearing the
23 proposals, hearing the analyses, hearing the public
24 comments and then we'll conduct a caucus and then we'll
25 come back for Council discussion/recommendations on each of
26 them. Austin.

27
28 MR. AHMASUK: Thank you, Mr. Chair. I
29 think we should make a motion to change the protocol
30 because this protocol was adopted by a motion at our last
31 meeting.

32
33 CHAIRMAN ANDERSEN: Okay.

34
35 MR. AHMASUK: With that, Mr. Chairman, I so
36 move with the changes to our meeting protocol to address
37 proposals as you stated.

38
39 CHAIRMAN ANDERSEN: Is there a second?

40
41 MR. SHIEDT: I'll second.

42
43 CHAIRMAN ANDERSEN: A second has been made.
44 Is there any objection to change of the protocol?

45
46 MR. OATES: I'd just like to ask a
47 question. Mr. Chairman, I guess it's not clear to me why
48 we'd want to postpone the discussion and recommendation and
49 do them all at once as opposed to having them while the
50 information is relatively fresh in everybody's mind.

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1 CHAIRMAN ANDERSEN: Russ, the answer to
2 that is because if we're going to vote on each proposal
3 individually, then we'd need a caucus in between on each
4 proposal. So, in order to streamline the process so that
5 we don't caucus after proposal number one for example, to
6 come back and do an individual vote on that, then we hear
7 proposal number two, go through all the analyses, call
8 another caucus and come back and vote on that, what I was
9 suggesting is that we hold off the action until after the
10 caucus and then vote on each of them.

11

12 MR. OATES: So you're saying then that the
13 caucus -- the subsistence hunters' representatives would
14 occur all at once at the end as well.

15

16 CHAIRMAN ANDERSEN: Yes. The caucus would
17 consider all 13 proposals.

18

19 MR. OATES: I misunderstood. I apologize.

20

21 CHAIRMAN ANDERSEN: Fred.

22

23 MR. ARMSTRONG: Just one technical point.
24 After the Native caucus, we still would be required to
25 bring up each proposal and address them individually.

26

27 CHAIRMAN ANDERSEN: And that will occur.
28 Thank you. Mr. Ostrand, are you ready to introduce
29 Proposal No. 1?

30

31 MR. OSTRAND: Thank you, Mr. Chair. Yes, I
32 am. Before I introduce it I should explain a little bit
33 about your packet that's before you. When the Technical
34 Committee met, the Technical Committee recommended
35 reorganizing the proposals for more efficient presentation
36 and discussion by the Council and that was presented to the
37 executive director and then accepted so the proposals are
38 no longer in numerical order in your packet. They are
39 organized by general topics. The first behind tab one that
40 I'll start with are proposals on an avoid list or a red
41 flag list followed by birds to avoid, proposals on that
42 topic. The second grouping is species closed to harvest
43 and the third grouping is methods and means. So I'll start
44 with the species to avoid.

45

46 The first proposal comes from the U.S. Fish
47 & Wildlife Service and it's essentially two parts and I'll
48 read the proposed regulation. Subsistence hunters are
49 encouraged to avoid or limit harvest of the following
50 species due to small or declining population sizes. Mid-

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1 continent white-fronted geese, long-tailed duck, king
2 eider, common eider, black scoter, white-winged scoter and
3 surf scoter. This is to apply to the entire state. Unless
4 the Council wishes, I won't go into the arguments presented
5 in the proposal.

6

7 CHAIRMAN ANDERSEN: Okay. Thank you, Bill.
8 Russ.

9

10 MR. OATES: The U.S. Fish & Wildlife
11 Service would like to withdraw this proposal as a
12 regulation and resubmit it as either a policy or a
13 resolution for the AMBCC to consider. In an effort to try
14 to address the concerns expressed by the regions regarding
15 this being a regulation, the Service has redrafted this
16 proposal and have it available for distribution if the
17 Council would like to see it at this time.

18

19 CHAIRMAN ANDERSEN: In keeping with the
20 order of our business here, this proposal, for our intents
21 right now, is withdrawn. So we'll move on to Proposal No.
22 8.

23

24 MR. OSTRAND: Proposal No. 8 is also from
25 the U.S. Fish and Wildlife Service and the branch of
26 migratory bird management. The proposal reads: Harvest of
27 Black Oystercatcher adults and their eggs should be avoided
28 if at all possible. This proposal pertains to Prince
29 William Sound, Cook Inlet, Alaska Peninsula (including
30 Kodiak) and Aleutian Peninsula.

31

32 CHAIRMAN ANDERSEN: According to the
33 protocol, Mr. Rothe, for Alaska Department of Fish & Game,
34 do you have a staff analysis?

35

36 MR. ROTHE: Mr. Chairman. Don't have much
37 to say other than that avoid harvest I don't think is an
38 actual regulatory action. It's not particularly
39 enforceable and I don't know how the Council would like to
40 deal with that. I'd just point out that staff has received
41 a couple of comments from the regions that the principal
42 interest of subsistence users in Black Oystercatchers is
43 primarily harvest of some eggs. If the Council is going to
44 consider open or closure or that sort of thing, it might be
45 worth looking at patterns of egg harvest versus birds.

46

47 CHAIRMAN ANDERSEN: Matt.

48

49 MR. ROBUS: Thanks, Mr. Chairman. I guess
50 I need to interrupt at this point to ask a procedural

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1 question. This proposal, as well as several others, kind
2 of nest within ex-Proposal No. 1. The Service withdrew No.
3 1 as a regulatory proposal for a variety of reasons that we
4 can discuss in detail later if needed, or now if needed,
5 but it seems to me that the other part of what Mr. Oates
6 just did was to propose that that same group -- it's not a
7 proposal any more, but resolution, if you want to call it
8 that, be considered as a replacement for Proposal No. 1.
9 If we leave that for action under miscellaneous business or
10 whatever, then we still have all these individual avoid
11 harvest proposals we're going to have to go through one by
12 one, where it seems to me it would be more efficient and
13 more logical to have that discussion about the group and
14 decide what we're going to do there and perhaps avoid
15 having to go through these proposal by proposal to come to
16 the same conclusion. So I guess I'm asking the difficult
17 question of how can we grapple with these as a group if
18 that's the sense of the Council.

19

20 MR. SMITH: Mr. Chairman, I think I would
21 agree with Matt on this. I think some of these proposals
22 seek to remove birds from the list and so on and so forth
23 and I think that at least for the time being this Council
24 has taken the position that we're going with the statewide
25 bird list, that we're not going to start to try to
26 regionalize it at this point and that the proposal by Russ
27 there to have a statement or resolution or something of
28 that nature or red flag list or something which would take
29 into account at least the ones where they would seek to
30 avoid harvest. So I guess I would agree there might be a
31 simpler way to take care of all these proposals that either
32 seek to reduce the list or get birds on a red flag list.

33

34 CHAIRMAN ANDERSEN: So, to be considering
35 each suite of proposals, the suites being those that are
36 grouped together that Bill had explained previously. I
37 think there's like No. 1, No. 8, No. 10 and No. 11 and
38 hearing, I guess, the analysis and comments on each of
39 them. Again, what is the desire of the Council? How would
40 you like to proceed? Russ.

41

42 MR. OATES: Mr. Chair. I would ask for
43 reconsideration of Proposal No. 1. I think basically it
44 was a rookie mistake here. I should have used the word
45 amend as opposed to withdraw and I didn't realize that at
46 the time we could not resubmit with a different name. I'd
47 like to change my request to amend Proposal No. 1.

48

49 CHAIRMAN ANDERSEN: Okay. Let's start all
50 over. Bill, we're back to the top of the agenda again and

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1 the request has been made that we consider each of the
2 groupings or suites of proposals that you have identified
3 and are grouped together. I believe there's No. 1, No. 8,
4 No. 10 and No. 11 are among the first group. I guess what
5 I'd like to ask you to do is introduce each of those as a
6 suite and then we'll continue through the protocol.

7

8 MR. OSTRAND: Thank you, Mr. Chair.

9

10 CHAIRMAN ANDERSEN: Excuse me. Austin had
11 his hand up.

12

13 MR. AHMASUK: Thank you, Mr. Chairman. I
14 appreciate the State's comments regarding lumping proposals
15 together, but we don't have a mechanism to lump proposals
16 together. Our protocol looks at proposals on an individual
17 basis. We would need to have some kind of mechanism to
18 lump proposals together. It seems clear that these 13
19 proposals, many of them are similar, but when the time
20 arises that our regional proposals come to this process as
21 well, are we going to look to lumping proposals together in
22 a similar fashion? I don't know. If we make an exception
23 for these proposals, which are similar, when in the future
24 is this kind of action or deliberation going to occur when
25 it's a regional proposal?

26

27 CHAIRMAN ANDERSEN: I appreciate your
28 question, Austin. You raise a good point. It seemed to me
29 the way Bill explained it these proposals were grouped
30 together according to subject or basically subject, but
31 each will be considered individually when it comes time for
32 consideration or deliberation. Each would need to be
33 introduced individually. When it comes time for Council
34 discussion/recommendations, they will be considered
35 individually at that time. For the ease of analysis or
36 explaining Staff analysis, because these proposals are
37 related, they have been grouped together. Am I missing
38 something, Bill?

39

40 MR. OSTRAND: That's exactly it. Just the
41 Council to get into the mode of discussing all of the birds
42 that are suggested to be removed from the list, all of the
43 birds to be avoided at the same time. It seemed it would
44 be more efficient. But I would point out something unique
45 about the first grouping is that the first of the proposals
46 contains the recommendation now for non-regulatory avoid
47 list or red flag list. What action you take on that will
48 affect how you deal with the remainder of the proposals
49 within that group.

50

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1 CHAIRMAN ANDERSEN: Matt, you had your hand
2 up.

3
4 MR. ROBUS: Thanks, Mr. Chair. I think
5 what you just said satisfied my concern. We do need to
6 consider the proposals individually when we come to a vote,
7 but we may be amending and if previous proposals have
8 already taken care of the next issue, we may be taking no
9 action on proposals also. I think as long as we're going
10 to vote on single proposals we're fine.

11
12 CHAIRMAN ANDERSEN: I think for the hearing
13 process, hearing the group or suite of proposals would help
14 expedite the hearing process, but I realize that action
15 needs to be taken on each proposal individually, that each
16 proposal needs to be introduced individually and voted upon
17 individually. Austin.

18
19 MR. AHMASUK: Thank you, Mr. Chairman. I
20 just put that out there for consideration. I wasn't quite
21 sure how we might proceed if we lumped proposals together.
22 Do you understand?

23
24 CHAIRMAN ANDERSEN: I understand what
25 you're saying. Fred raised that issue when I was
26 explaining the protocol. Fred raised the concern that the
27 fact that each proposal would need to be introduced
28 individually and that's the intent. But to streamline the
29 hearing process, having them considered by grouping seems
30 the expedited way to go. So, Bill, are we ready to start
31 over again?

32
33 MR. OSTRAND: Yes. I understand, Russ,
34 your staff has prepared your amendment to Proposal No. 1.
35 If you'd like, I could read that, but I don't have a copy
36 right now and neither does the Council.

37
38 CHAIRMAN ANDERSEN: Can we get not only
39 copies to you, but copies to the Council?

40
41 MR. OSTRAND: Here's the proposal. AMBCC
42 should adopt the policy whereby migratory bird species
43 currently open to subsistence harvest but whose populations
44 are small or are in long-term decline of management concern
45 be included on a species of conservation interest list.
46 Education and outreach materials would be developed and
47 distributed by the AMBCC member organizations to encourage
48 subsistence hunters to reduce and avoid take as a proactive
49 step towards conservation with a goal of avoiding a need
50 for closure through regulations.

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1 How should the new policy read? AMBCC
2 member organizations shall produce education and outreach
3 materials to encourage voluntary avoidance of subsistence
4 harvest of species that are included on a list of as
5 species of conservation interest. The list shall include
6 species with small and restricted populations and those
7 that have demonstrated long-term declines. To what
8 geographic area does this regulation apply? All regions.

9

10 CHAIRMAN ANDERSEN: I guess for procedural
11 purposes we need to hear a motion to amend the original
12 Proposal No. 1 with this language here, Russ.

13

14 MR. OATES: Mr. Chairman, I move that we
15 amend the first proposal with the language that has just
16 been handed out to the Council and the regional
17 representatives.

18

19 MR. AHMASUK: Second.

20

21 CHAIRMAN ANDERSEN: The motion has been
22 made and seconded. Is there any objection?

23

24 (No opposing responses)

25

26 CHAIRMAN ANDERSEN: Hearing no objection,
27 the amendment has been approved. The next step in the
28 process, I guess, is to hear from Mr. Rothe regarding the
29 ADF&G staff analysis. I know you haven't had much time to
30 take a look at this, Tom, but it seems to me that the
31 biggest changes, rather than having it become regulation,
32 having it be a policy adopted by the AMBCC.

33

34 MR. ROTHE: Mr. Chairman. I think I'm a
35 quick enough study to figure out the intent here. I do
36 want to comment that the department, as participants in the
37 Technical Committee meeting the other day. We support the
38 idea of the Council identifying a list of concerns species
39 and I think this kind of demonstrates to the world that we
40 want to keep an eye on some of these birds and help in the
41 conservation effort. My only technical comment on the
42 language here is that my view of the Council's role is
43 perhaps a little broader than avoiding harvest.

44

45 I envision a day when the Council gets
46 engaged in a variety of conservation actions. An example
47 is the Y-K goose plan when we had issues with Central
48 Valley Water Quality. AVCP and the Waterfowl Conservation
49 Committee got active in lobbying for clean water for geese
50 down there. So if species are of concern, maybe the issue

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1 isn't necessarily harvest, maybe it's a pollution or
2 habitat loss, I would envision the Council at some point
3 maybe considering getting involved in those issues.

4

5 CHAIRMAN ANDERSEN: Thank you, Tom. Can we
6 hear from the U.S. Fish and Wildlife Service? Mr. Fischer.

7

8 MR. FISCHER: Thank you, Mr. Chairman. As
9 Russ pointed out and all here agreed, the following
10 proposal is not listed as a regulation but as a policy.
11 Subsistence hunters and wildlife managers share a common
12 goal and that is to conserve populations of migratory
13 birds. One way to conserve those populations is through
14 enforced closures, but we agree that is not the preferred
15 alternative. That's an alternative that we would like to
16 avoid altogether. Therefore, what we propose to the AMBCC
17 in this policy is to adopt a policy whereby member
18 organizations of AMBCC take the proactive step to identify
19 species that are currently open to subsistence hunting but
20 that are vulnerable to closure due to their small or
21 declining populations. This list would be used to produce
22 and distribute education materials, outreach materials, to
23 subsistence hunters that would inform the hunters about the
24 status of these species and encourage avoidance or
25 reductions in harvest. We recommend that this policy be
26 applied to all regions.

27

28 I want to emphasize that the nature of this
29 policy would be to provide subsistence hunters with
30 ownership over the conservation of the resources that they
31 value by taking the proactive step of reducing, when
32 possible, their take of species of concern. I also want to
33 emphasize that the idea is to keep the species open. We
34 don't want to close the species through regulated closures.
35 Rather, we want to concentrate outreach and education
36 efforts by coming up front and saying these are the species
37 that could potentially down the road be closed due to their
38 declining populations and use that as a tool to educate the
39 hunters, educate the biologists about what we need to focus
40 our efforts on in research and management.

41

42 In the original proposal, when it was
43 drafted as a regulation, the waterfowl branch outlined
44 several waterfowl species that could be included on that
45 list. It was not intended to be exclusive to waterfowl
46 species at all. So this policy could include non-game
47 species as well. In that draft, long-tailed duck, king and
48 common eiders were listed, black scoters, white wing
49 scoters and surf scoters were also listed as potentials to
50 be included on that list. That list, I might add, in the

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1 original policy recommendation was called the red flag list
2 that is not necessarily the appropriate name for that list.
3 We can name it whatever we choose. In the current language
4 here, it says the list of species of conservation interest.
5 That's a quick rundown of what this policy says and I'd be
6 happy to answer any questions if there are any.

7

8 CHAIRMAN ANDERSEN: Thank you. Are there
9 any questions of Julian? Austin.

10

11 MR. AHMASUK: Thank you, Mr. Chairman.
12 Within the proposal, how is it expected distribution by the
13 member organizations is going to occur as noted in the
14 proposal?

15

16 MR. FISCHER: As I understand, one of the
17 stated purposes of AMBCC is to produce education and
18 outreach materials. That's one of their responsibilities
19 within Fred's shop, at least. By identifying a list of
20 species that we would like to identify up front, that would
21 guide that outreach effort now so that they could use that
22 information to concentrate their efforts.

23

24 CHAIRMAN ANDERSEN: Austin.

25

26 MR. AHMASUK: Thank you, Mr. Chairman. So
27 it sounds like the member organizations are referring to
28 Fish & Wildlife Service, State of Alaska, the management
29 agencies, not the partner agencies.

30

31 MR. FISCHER: Let me restate. Fish &
32 Wildlife migratory bird management would provide data to
33 Alaska Migratory Bird Co-management Council. They would
34 then produce the outreach materials and distribute it to
35 the member organizations, who would then distribute to the
36 subsistence hunters.

37

38 CHAIRMAN ANDERSEN: Russ, did you have your
39 hand up?

40

41 MR. OATES: Yeah. Just one comment on
42 that, Austin. I think a good example of different partner
43 organizations stepping to the fore as the situation
44 demanded is how on the Yukon-Kuskokwim Delta the refuge
45 information technicians played a pretty central role in
46 distribution of information, but I think you, yourself, in
47 your region, working with the subsistence harvest survey
48 work, your organization went forward into the field and
49 worked with folks in the villages and I think either method
50 works extremely well.

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1 I think what this proposal would envision
2 and it was particularly general in the area of saying
3 member organizations distribute it because no given formula
4 works for every area, so I think we have opportunities to
5 work with the regional organizations in some instances and
6 in other instances it's particularly efficient to use the
7 state or the federal agencies to accomplish the same thing
8 in conjunction with local people as it's done on the Yukon
9 Delta.

10

11 CHAIRMAN ANDERSEN: Thank you, Russ. Fred
12 and then Taqulik.

13

14 MR. ARMSTRONG: Thank you, Mr. Chair.
15 Austin raises a good point because currently we do not
16 require our partner organizations to produce education
17 outreach materials. The Council, as a whole, is charged
18 with education and outreach. Perhaps a little word-
19 smithing would address the concerns. You could either say
20 in conjunction with the Alaska Migratory Bird Co-management
21 Council, member organization shall distribute educational
22 outreach materials. That would probably be more
23 appropriate.

24

25 CHAIRMAN ANDERSEN: Thanks, Fred. I think
26 those amendments can be made in the last section here under
27 Council discussion/recommendation. Taqulik, you had your
28 hand up?

29

30 MS. HEPA: Yeah. I wasn't sure if this is
31 the appropriate time. Thank you, Mr. Chair. I just wanted
32 to thank the Fish & Wildlife Service for putting this
33 amendment in because three of the species that were listed
34 in the original proposal are commonly harvested by people
35 of the North Slope, the residents of the North Slope, and
36 we had a major problem with the original proposal. With
37 the new proposal, I think our people up on the North Slope
38 will feel a lot more comfortable. We are taking a
39 proactive step with the borough in cooperation with Fish
40 and Wildlife Service conducting an eider count this spring
41 and we'll also continue that through the fall. So thank
42 you.

43

44 CHAIRMAN ANDERSEN: Thank you. Any
45 additional questions for Julian? Myron and then Austin.

46

47 MR. NANENG: Just to comment, Mr. Chair, in
48 response to what Fred commented on. We do contribute to
49 the dissemination of information not necessarily for people
50 in the Y-K Delta, but throughout the state with the funds

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1 that we contribute to the calendar, the goose calendar, so
2 I just wanted to make that clear, that AVCP has been
3 contributing money to that education program. At least the
4 partners or the members of the Waterfall Conservation or
5 the AMBCC will at least most likely be expected to make
6 some contributions.

7

8 CHAIRMAN ANDERSEN: Thank you, Myron.
9 Austin.

10

11 MR. AHMASUK: Thank you, Mr. Chairman. I
12 just wanted to ask the question and make clear as to what
13 was being proposed because it's very difficult for our
14 region and others as well, I imagine. AVCP has the goose
15 calendar. Distribution of education and all these
16 materials is very exhaustive in our area. Tremendously
17 exhaustive meetings. Months of preparation to discuss
18 these issues for our villages that we represent. So I
19 wanted to make that point. I have another question. The
20 big question, I guess, is what is meant by populations that
21 are small and what are long-term declines?

22

23 MR. FISCHER: I'd be happy to answer that.
24 There are a number of populations of birds in Alaska that
25 have shown through surveys that they are declining in size.
26 We'd like to look at things in long-term trends rather than
27 in short-term trends. The wording in this is specifically
28 vague because, as a policy, we're interested in having the
29 AMBCC adopt a policy to highlight species that they feel
30 are in danger of becoming proposed for closure. Therefore,
31 as Fish & Wildlife identify species that we feel may be
32 vulnerable to action by the SRC perhaps, we might suggest
33 that those species be included. Additional input could
34 come from the AMBCC Technical Committee to decide when it
35 would be appropriate for a species to be listed of
36 conservation interest. In this proposal, I did not list
37 any specific criteria that would constitute listing in
38 terms of negative trends, high rates of decline or minimum
39 criteria for population size.

40

41 CHAIRMAN ANDERSEN: Thank you. Mike.

42

43 MR. SMITH: Mr. Chairman. Correct me if
44 I'm wrong, but I was operating on the assumption that
45 basically this list would start off with the birds of
46 conservation concern that the SRC has sent to us and that
47 any additions or subtractions from that list would entail a
48 different process at some other point, much like the review
49 list that we would go under for the birds that are allowed.
50 Correct me if I'm wrong, but that was my assumption, is

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1 that this page right here would be the birds that would get
2 on the list right off the bat and that was the species we
3 were talking about. Am I wrong in that assumption?

4

5 CHAIRMAN ANDERSEN: Russ, do you want to
6 answer that?

7

8 MR. OATES: Yeah, I'd like to ask for
9 either Rick or Julian to comment on Mike's specific
10 question about the species of conservation concern.

11

12 MR. FISCHER: I think that that list right
13 there would be a good start for inclusion on this list.
14 Clearly, those species have been identified by the SRC as
15 being species that they would be looking at in the future
16 to potentially close if declines continue or if it is
17 deemed that the subsistence harvest could seriously
18 jeopardize the continued conservation of those species. So
19 part of the work is done for us already. We know that
20 those species are having a lot of scrutiny currently. So,
21 by identifying them now and providing materials to
22 subsistence hunters and allowing them to become part of the
23 conservation and prevention of further declines, that could
24 be successful. So it's not in the policy recommendation
25 for those specifically to be in there, but certainly those
26 species qualify for what I would think would be appropriate
27 for this list that's proposed.

28

29 MR. SMITH: One more, Mr. Chairman, if I
30 might. Have you had an opportunity to look at this list
31 and the birds on this list? Are you kind of familiar with
32 these?

33

34 MR. FISCHER: I'm familiar with it, yes.

35

36 MR. SMITH: Are all these birds then on
37 this list specifically for conservation concerns? Do they
38 all have limited numbers and declining numbers or are there
39 political considerations for some of these birds to be on
40 this list?

41

42 MR. FISCHER: I can't comment on whether
43 there's political concerns about any one of those specific
44 species, but my understanding is, at least for the
45 waterfowl species that are on there -- well, actually,
46 there are no waterfowl species on there specifically.
47 Those are non-game species. So I should defer to our non-
48 game specialist to answer that question.

49

50 CHAIRMAN ANDERSEN: I'd like to get us a

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1 little bit back on track here. The proposal calls for a
2 policy, establishing the policy. The policy can take any
3 of several forms, one being resolution with a list attached
4 and that sort of thing, but I think the real crux of this
5 proposal is to begin establishing the policy and whatever
6 list that is developed will be developed along with the
7 Technical Committee. But for us to now try to identify the
8 birds that will be on any potential list would be really
9 premature until after we've taken action on the proposal.
10 The way I take it, this proposal is asking for the AMBCC to
11 establish a policy. Is that what it does?

12

13 MR. FISCHER: Yes, Mr. Chairman, it does.
14 We're asking for adoption of the concept.....

15

16 CHAIRMAN ANDERSEN: Do you need to identify
17 the birds at this time?

18

19 MR. FISCHER: No, there's no -- we're not
20 asking that any list of specific species be included on
21 this list. Rather, it's adoption of the concept of
22 creating a list by AMBCC that AMBCC would endorse as those
23 species that are currently open to subsistence hunting
24 you'd like to have continued access to those species and
25 are going to take proactive steps through education.

26

27 CHAIRMAN ANDERSEN: And then the policy
28 would come back to us for final action, including whatever
29 lists may be developed.

30

31 MR. FISCHER: The policy would come back to
32 you.....

33

34 CHAIRMAN ANDERSEN: To the AMBCC for
35 action.

36

37 MR. FISCHER: Yes, yes.

38

39 CHAIRMAN ANDERSEN: Including any list that
40 is developed.

41

42 MR. FISCHER: Yes.

43

44 CHAIRMAN ANDERSEN: Thank you. Mike.

45

46 MR. SMITH: Mr. Chairman. I appreciate
47 what you're saying, but the very second thing on our
48 proposal is the BC list of birds remanded back to us. So,
49 if we're going to develop this list, then I don't see why
50 we should not be able to talk about it at this point. I

00040

1 mean we're just going to bring it up here after we go
2 through -- this whole conversation is going to come up
3 again.

4

5 CHAIRMAN ANDERSEN: Well, I'm trying to
6 keep this focused on the proposal. The proposal is to
7 establish a policy. That's what I'm trying to focus on
8 here. Of course we can always discuss what birds should be
9 on the list and which birds shouldn't, either now or later.
10 But I think for our purposes the consideration is Proposal
11 No. 1 as amended and which asks us to develop a policy.
12 Myron.

13

14 MR. NANENG: I have a question. On each of
15 the species that are proposed to be put on the list, do you
16 have population numbers?

17

18 MR. FISCHER: Yes. Listed on this policy
19 proposal are several species and we do have population
20 estimates and rates of either growth or decline for those
21 species.

22

23 MR. NANENG: Can we have a copy of those
24 too as well?

25

26 MR. FISCHER: Yes. Attached to this there
27 is a list of citations for reports and I have those with
28 me. I have one copy of each and I'd be happy to go over
29 them with you.

30

31 MR. NANENG: I think for discussion
32 purposes we also need to take a look at what the estimated
33 numbers are in consideration of this proposal. If we say
34 that there's a population decline and accept the proposal
35 without any numbers, it's very hard to get the base of the
36 numbers and what goals you're trying to achieve in order to
37 get that species out of the conservation interest or out of
38 the conservation concern.

39

40 CHAIRMAN ANDERSEN: Thank you, Myron. It
41 seems like we first need to decide whether or not we want
42 to establish a policy because if we don't establish a
43 policy, then that procedure just wouldn't be meaningful.

44

45 MR. NANENG: Mr. Chairman. My concern is
46 establishing a policy before we have the information.
47 When you don't have the information, you establish a
48 policy. What prevents you from being able to say, okay, is
49 this really a conservation concern or interest of species?
50 Because when we dealt with the Y-K Delta goose species,

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1 there was a concern and a population estimate that was
2 provided to the people that they understood that there was
3 really a conservation concern. If we don't have that
4 population numbers and what we want to rebuild back up to,
5 that can be possibly considered, but each of the areas that
6 people are hunting these species at or even between regions
7 and stuff like that, it might be a lot more difficult for
8 one region to accept and not a good working relationship
9 between others. That's why I raise the concern about can
10 we also have the population numbers.

11

12 CHAIRMAN ANDERSEN: Matt.

13

14 MR. ROBUS: Thank you, Mr. Chairman. In
15 response to Mike's concerns and some of the concerns raised
16 by Myron, I wanted to speak up in support of kind of a
17 step-wise approach here. I think this is where you may be
18 going to. I think we need to decide whether or not
19 developing this type of avoidance list, whatever we're
20 going to call it, is a question in itself. That's one of
21 the things we could use during the second part of today's
22 agenda to address the birds that were remanded to the
23 AMBCC, plus any other birds that now or over time we decide
24 are birds with a conservation concern where we want to try
25 to work on this outreach effort to avoid harvest.

26

27 Addressing Myron's specific points, I think
28 at the time of deciding whether to put a species on the
29 list or not or anything else that we develop as a way to
30 deal with conservation concerns, yes, then we need
31 technical input; what's known about the species and what's
32 known about take, all different kinds of take and so forth.
33 There's a tendency amongst us all to get right down to the
34 heart of the problems, but I support what I hear you saying
35 in that we need to decide yea or nay, are we going to use
36 this as a tool. Then, when we get to the second part of
37 the day's business, decide whether we're going to put
38 anything on there today or not. Thank you.

39

40 CHAIRMAN ANDERSEN: Thank you, Matt. You
41 explained it much better than I did. That was my intent in
42 the statement of we need to decide whether or not we want
43 to establish policies. Mike and then Myron.

44

45 MR. SMITH: Thank you, Mr. Chairman. My
46 concern about the list goes to this specific proposal
47 because this specific proposal identifies at least four
48 distinct birds that are not on the list that was sent back
49 to us from the SRC. So I wanted to clarify that this list
50 -- if we do accept this proposal, that the list does not

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1 necessarily include the species identified in the proposal.
2 I just wanted to be assured that that is not the intent of
3 this body, is to include those four species that are listed
4 in the proposal into the list by adoption of this proposal.
5 I would be comfortable accepting that the list be sent back
6 to us by the SRC.

7

8 CHAIRMAN ANDERSEN: Myron and then Matt.

9

10 MR. NANENG: Thank you, Mr. Chairman. I'm
11 not objecting to having a proposal, but one of the things
12 that would be helpful is to at least have this other
13 information because at some point in the future other
14 species may come up on the list of possible conservation
15 interest or concerns. There's a process that I think if we
16 adopt a policy without having the information, then at some
17 point, because we've adopted a policy of conservation
18 interest or concerns, there may be some other species that
19 might be added that might not necessarily be of
20 conservation concern. You know, like the populations of
21 some that were stated there's over 100,000, yet they want
22 to put them on the conservation concern because of their
23 identity crisis, because they look the same as other birds
24 that may be of conservation interest. That's the concern
25 that I have.

26

27 CHAIRMAN ANDERSEN: Thank you, Myron.
28 Matt.

29

30 MR. ROBUS: Thank you, Mr. Chairman. First
31 of all, I just wanted to affirm that I see the list of
32 waterfowl species that are attached to the proposal as
33 being examples of what the Council could add, not something
34 that's attached to the concept of whether or not we adopt
35 that type of list approach. So I think, Mike, we're
36 agreeing on that.

37

38 MR. SMITH: Mr. Chairman. I agree. I mean
39 the wording specifically says could be. These are examples
40 of some birds that could be added, and I appreciate that
41 distinction, but I just wanted to make sure that once this
42 list is developed that those species just don't
43 automatically appear on it.

44

45 MR. ROBUS: Secondly, Mr. Chairman, in
46 response to what Myron just said, at the last couple of
47 AMBCC meetings, which you weren't able to be at, have the
48 opportunity to hear what was said, the Council has
49 specifically asked the Technical Committee and Agency Staff
50 start bringing together what information is known about

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1 these species so that when we decide whether a species is
2 going to be on a list or not or be taken off a list or not,
3 that information, anything that's known about the species
4 is available to the Council. This thirst for information
5 has already been stated and I think we're all in agreement
6 that we need to operate based on the best information
7 that's available. Thank you, Mr. Chair.

8

9 CHAIRMAN ANDERSEN: Are there any other
10 questions of Julian?

11 The next item on the protocol is the Technical Committee
12 analysis. Bill, are you ready to address that or your
13 observations?

14

15 MR. OSTRAND: Yes. I should give you a
16 brief synopsis of what's happened at the Technical
17 Committee at the last meeting before I give you the
18 Technical Committee's position. The Technical Committee
19 met on the 8th of July, just a few days ago, and there is a
20 section in your booklet from the Technical Committee if you
21 want to go to that section. It contains notes from the
22 Technical Committee. One of the first things the Technical
23 Committee did was to reaffirm its position on how it would
24 advise the Council. What it reaffirmed is that it would
25 provide the Council with information or point to
26 information either of a technical nature or traditional
27 knowledge nature that it had available to it. It would not
28 be offering advice to the Council on whether they should
29 adopt or reject any proposals.

30

31 The notes here contain many opinions that
32 were expressed by committee members, but these are merely
33 opinions and they're presented here for your review. There
34 might be some really good ideas here, there was quite a few
35 good people at the meeting, but they do not reflect a
36 position taken by the committee. So, having said that, I
37 wanted to say that the committee did make an exception when
38 it came to this resolution. First, it recognized that the
39 proposed regulation should be not a regulation but a policy
40 and that correction has already been made. Second, it
41 endures the concept of an avoid list.

42

43 Then we identified the need for further
44 information on the species that were presented on the
45 original list. I don't know if it would be appropriate to
46 go over the information that the Council dug up on those
47 species or not at this time since the proposal has been
48 changed.

49

50 CHAIRMAN ANDERSEN: What is the wish of the

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1 Council? Would you like to hear the Technical Committee's
2 review of the species on the list? But since the proposal
3 has changed and if we're going to step it out that way, the
4 first decision is whether or not to, first of all,
5 establish a policy and, second, what form that policy would
6 take. Maybe it would be better at that time to hear that
7 information. Are there any public comments? Hearing no
8 public comments. Let's move on to No. 8, the next proposal
9 in the packet. Bill.

10

11 MR. OSTRAND: Proposal No. 8 is from the
12 Fish and Wildlife Service and the Office of Migratory Bird
13 Management. What is being proposed is to avoid the harvest
14 of Black Oystercatchers. How should the new regulation
15 read? Harvest of Black Oystercatcher adults and their eggs
16 should be avoided if at all possible. To what geographic
17 area does this regulation apply? Prince William Sound,
18 Cook Inlet, Alaska Peninsula (including Kodiak) and
19 Aleutian Islands. I will stop the presentation there
20 unless the Council wishes me to go over the further points.

21

22 CHAIRMAN ANDERSEN: Mr. Rothe, do you have
23 an analysis from the Alaska Department of Fish and Game?

24

25 MR. ROTHE: Mr. Chairman. Just a couple
26 quick comments that Proposal No. 8 is probably identical to
27 Proposal No. 11. Again, because it's not a regulatory
28 proposal, I guess the Council can consider that with
29 whatever they do on No. 1.

30

31 CHAIRMAN ANDERSEN: Thank you. Mr.
32 Lanctot.

33

34 MR. LANCTOT: Thank you, Mr. Chairman.
35 Just a few comments. We originally submitted this with an
36 idea that it wouldn't be a regulatory because, obviously,
37 avoid harvest is a difficult thing to enforce. It was to
38 encourage the education of hunters to avoid harvesting
39 Black Oystercatchers if possible with the idea that we
40 would then learn more about how much harvest is actually
41 occurring. We did not want to close it initially because
42 we wanted to find out just how much hunting is occurring
43 and there is a little bit of information on that, but it's
44 pretty sketchy right now and we think that further surveys
45 will help explain just what kind of take is occurring.

46

47 We're also concerned mostly because
48 Oystercatchers are what we call dumb birds and there are a
49 number of other species that are like that as well, but
50 there are only 10,000 Oystercatchers approximately in the

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1 world, many of which occur in Alaska. Our fear is that
2 there could be local extrication or local removal of
3 species if hunting is not managed wisely. So, through an
4 education process, we would encourage hunters to take an
5 active role in that management so local areas aren't
6 completely removed of Oystercatchers.

7

8 CHAIRMAN ANDERSEN: Thank you. Are you
9 done, Mr. Lanctot?

10

11 MR. LANCTOT: Yeah, I think that's it.

12

13 CHAIRMAN ANDERSEN: Bill, would you like to
14 report for the Technical Committee?

15

16 MR. OSTRAND: As I mentioned earlier, the
17 Technical Committee didn't take a stand on this, but the
18 Committee did point out that the reports from the regions
19 that we've heard from and that were represented at the
20 Technical Committee meeting, the harvest is of eggs and not
21 of adults.

22

23 CHAIRMAN ANDERSEN: Thank you. Are there
24 any public comments? Hearing none. Thank you, Mr.
25 Lanctot. Bill, can you take us through Proposal No. 10?

26

27 MR. OSTRAND: Proposal No. 10 comes from
28 the Alaska Shorebird Group, submitted by the chairperson,
29 Brian McCaffery. The proposal is to avoid harvest of Bar-
30 tailed Godwits. How should the new regulation read?
31 Harvest of Bar-tailed Godwits should be avoided if at all
32 possible. To what geographic area does this apply? It's
33 statewide. Unless the Council wishes, I'll end the
34 presentation there.

35

36 CHAIRMAN ANDERSEN: Mr. Rothe, would you
37 like to present the ADF&G staff analysis?

38

39 MR. ROTHE: I'd just make the same comment.
40 This particular proposal is an avoid harvest, sort of a
41 non-regulatory approach and would point out that there's
42 another Proposal No. 7 in the next group that would close
43 Bar-tailed Godwits. The Department has kind of looked at
44 available information on subsistence harvest. I guess we
45 still have a concern about what's the best estimate of
46 harvest on the Y-K Delta. The write-up suggests it's 5,000
47 and subsistence harvest surveys from the region indicated
48 maybe two to three thousand, so it's a fine point. I
49 understand that the primary concern the Fish and Wildlife
50 Service has is one that Bar-tailed Godwits look alike with

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1 other large shorebirds. The Department doesn't have much
2 of a concern about the harvest level per se with 100,000
3 birds and what we know of subsistence harvest, but the
4 Council should consider the look-alike effect of harvesting
5 other species.

6

7 CHAIRMAN ANDERSEN: Thank you, Mr. Rothe.
8 Fish and Wildlife Service staff analysis. Rick.

9

10 MR. LANCTOT: As Tom indicated, this isn't
11 initially set up to be a regulatory thing. It was just an
12 avoid harvest and would probably, like the Black
13 Oystercatcher, fit into that avoid harvest list and be
14 covered under that, although there is debate. The
15 shorebird group proposed just avoiding harvest and the Fish
16 and Wildlife Service wants to close the harvest, so that's
17 an issue that we'll have to discuss. Some of the concerns
18 Fish and Wildlife Service has that Tom mentioned is the
19 look-alike. It looks very much like the Marbled Godwit and
20 the Hudsonian Godwit and it does overlap in range during
21 staging as well as breeding with primarily the Hudsonian
22 Godwit. So, if you're allowing Bar-tailed Godwits to be
23 hunted, then there's a good chance Hudsonian Godwits would
24 also be killed accidentally and we would like to try to avoid
25 that. I don't think that kind of problem is restricted to
26 Alaska. There's been cases in the Lower 48 where hunting
27 seasons have been closed on a particular species because
28 they look like other species even though there's a large
29 number of the one species and you wouldn't normally want to
30 close them. So it is a concern that we'd like to avoid.

31

32 The other concerns that Fish and Wildlife
33 Service has is even though the population is estimated to
34 be 100,000, which seems like a lot of birds, there is an
35 estimate between three and five thousand birds being taken
36 on the Yukon Delta currently. The birds are also being
37 harvested in China to the tune of another 5,000 perhaps, so
38 that ends up being approximately 10,000 birds in a given
39 year that may be taken.

40

41 Also, during the last four years, there's
42 been research being conducted on the Yukon Delta that
43 indicates that the birds are not reproducing very well at
44 all for the last four years. The number of juveniles in
45 the population have been very low, two to three percent,
46 which then indicates that all the harvest that is occurring
47 is on the adult breeding population, the population that
48 would be keeping that population alive. So if you remove
49 10,000 birds a year and there's only 100,000 and they're
50 not reproducing very well, it does raise concern that this

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1 species may be declining.

2

3 Shorebirds, unfortunately, have a problem
4 that there's not very good data available on population
5 size and trends and the Godwit kind of fits in with that as
6 well. We just have some of the information in terms of
7 what's happening as far as take, not just in Alaska, but in
8 other places, but there are no current population surveys
9 for the Godwit either for Service harvest surveys or just
10 regular count surveys. I think that's all I have to say.

11

12 CHAIRMAN ANDERSEN: Thank you. Bill, would
13 you like to present the Technical Committee analysis.

14

15 MR. OSTRAND: The Technical Committee
16 discussed the shorebirds in a general way. There's
17 information provided by the Office of Migratory Bird
18 Management on shorebirds and other birds on the list of
19 birds of conservation concern behind Tab 4. The committee
20 thought that additional maps showing nesting areas of
21 shorebirds may be of some help to the Council in its
22 discussions and they're placed behind Tab 5. That's all
23 the committee has on that. There are some comments that
24 are contained within the notes of the meeting.

25

26 CHAIRMAN ANDERSEN: Thank you, Bill. Are
27 there any public comments? Hearing none. We'll move on to
28 Proposal No. 11. Bill would like to present that.

29

30 MR. OSTRAND: This proposal also comes from
31 the Alaska Shorebird Group and was presented by Brian
32 McCaffery. This is the same as the preceding proposal, to
33 avoid the harvest of Black Oystercatchers. How should this
34 new regulation read? Harvest of Black Oystercatchers
35 adults and their eggs should be avoided if at all possible.
36 To what geographic area does this apply? This differs from
37 the preceding proposal. Kodiak and Unalaska.

38

39 CHAIRMAN ANDERSEN: Thank you, Bill. Mr.
40 Rothe, would you like to present ADF&G's staff analysis.

41

42 MR. ROTHE: Mr. Chairman. Our comments are
43 pretty much the same as in Proposal 8. It's a non-
44 regulatory proposal and I'd just like to reiterate that
45 we've heard from several regions that the primary use of
46 Oystercatchers is collection of eggs in Prince William
47 Sound and Kodiak and Cook Inlet particularly.

48

49 CHAIRMAN ANDERSEN: Mr. Lanctot, would you
50 like to present the Fish and Wildlife Service staff

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1 analysis.

2

3 MR. LANCTOT: I don't have much more to add
4 than I already said for the original one.

5

6 CHAIRMAN ANDERSEN: Thank you. Mr.
7 Ostrand, the Technical Committee analysis.

8

9 MR. OSTRAND: The committee had nothing to
10 add.

11

12 CHAIRMAN ANDERSEN: Thank you, Bill. Are
13 there any public comments? Myron, then Austin and Mike.

14

15 MR. NANENG: Mr. Chairman. I don't want to
16 point out a conflict of interest, but I know that Brian
17 McCaffery works for Fish and Wildlife Service out in Bethel
18 and these proposals are made by the Alaska Shorebirds
19 Group, yet the proposer is a Fish and Wildlife employee. I
20 just wanted to raise that because it's just a question I
21 would think needs to be asked.

22

23 CHAIRMAN ANDERSEN: Thank you, Myron. We
24 noticed that, too. Austin, you had your hand up?

25

26 MR. AHMASUK: I think it was Matt, Mr.
27 Chairman. Well, I do have a question though. Is there a
28 specific circumstance that they have depressed Black
29 Oystercatcher population historically or recently? Has it
30 always remained at a level that is of concern or was it
31 specifically its behavior that is of primary concern?

32

33 MR. LANCTOT: As far as I know, there was a
34 decline during the Exxon Valdez oil spill in the Chugach
35 region and the forest region there, but we don't have
36 historic data on Black Oystercatchers to know if the
37 populations have declined substantially at any point in
38 history. We are mostly concerned, and I think the
39 Shorebird Group people would probably say the same thing,
40 because it is a species that is very up front and flies in
41 your face, it's easily shot, that we might be worried about
42 it. Now, if it's true that it's only eggs being collected,
43 then it's a long-lived species and they can reproduce and
44 they can re-nest within a year, then it may not be a
45 problem. Although, when I looked through Cynthia
46 Wentworth's data, I was certain there was some adults
47 listed on there as well, so that's a point of confusion for
48 me personally. I'd have to talk with Cynthia again to
49 verify that it is only eggs being collected, which changes
50 things a bit, especially if it's an educational kind of a

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1 thing where people know that they can collect the first set
2 of eggs but then don't collect the second clutch that's
3 laid so that the birds have a chance to at least get some
4 young off in a given year.

5

6 CHAIRMAN ANDERSEN: Thank you, Rick. Mike.

7

8 MR. SMITH: Mr. Chairman, thank you. In
9 regards to the proposal, that last sentence kind of caught
10 me and I was just curious if you could elaborate on that at
11 all. It says reports of threats to harvest Black
12 Oystercatchers in Kodiak by non-Native hunters. Do you
13 have any idea what that means? I know Stan is not here,
14 but where is he? Do you have any idea what that means?

15

16 CHAIRMAN ANDERSEN: Can you answer that,
17 Rick, or should that better be directed to the Alaska
18 Shorebird Group?

19

20 MR. SMITH: I realize it was they who put
21 it in there, but I was just wondering if you had any idea
22 about it at all.

23

24 MR. LANCTOT: Abby Paul actually is the one
25 that wrote up this particular one for the Shorebird Group
26 and she had communicated with Stan Senner of the Audubon
27 Society. What he had expressed to her apparently was that
28 there's non-Native hunters in the Kodiak area that may
29 begin harvesting Black Oystercatchers if they were allowed
30 open. So that's the threat, I guess, that people that are
31 there would all of a sudden have access to a species that
32 they didn't before. Whether that would happen or not,
33 nobody knows.

34

35 CHAIRMAN ANDERSEN: Thank you, Rick. Mr.
36 Rothe.

37

38 MR. ROTHE: Mr. Chairman. I had the
39 opportunity to talk Stacy Studebaker of the Kodiak Audubon
40 Society and she has a proposal in here and I asked her
41 specifically about what the basis of that statement was and
42 apparently some non-Native individuals in Kodiak made wise
43 remarks basically that, well, if we're going to open it up,
44 maybe we would go out and shoot Oystercatchers and things
45 like that. Whether it's a real threat or not, I can't
46 assess that. It's a couple of individuals that are
47 troublesome in the community and that's the basis as far as
48 I know.

49

50 CHAIRMAN ANDERSEN: And it's hard to

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1 regulate troublesome individuals. Myron, then Austin.

2

3 MR. NANENG: Just one question on the
4 additional information that supports the proposal. It says
5 observations along the Alaska Peninsula. Observations by
6 whom? It's on the last page of the proposal. It's in the
7 middle of number one there. It's on the Godwit proposal.
8 I may be out of order, but that's a question I have since I
9 don't have No. 8 in between. I may be moving ahead. I was
10 looking for No. 8. I thought you miscounted. Sorry about
11 that.

12

13 MR. LANCTOT: So that question is on the
14 Bar-tailed Godwit under is there any additional
15 information, the first paragraph that says, observations
16 along the Alaska Peninsula, however, suggest that a
17 measurable fraction of birds are injured? Is that what
18 you're referring to?

19

20 MR. NANENG: Yes.

21

22 MR. LANCTOT: And your question is where is
23 that coming from?

24

25 MR. NANENG: Yes.

26

27 MR. LANCTOT: That was information that
28 Brian McCaffery provided along with his field crew where
29 they documented birds in the field that were crippled and
30 they thought that it was likely that those birds had been
31 shot at and not killed.

32

33 MR. NANENG: I think if it was
34 observations, it should have stated by whom it was observed
35 because a lot of people in our villages may provide their
36 traditional knowledge, yet it's considered to be anecdotal.

37

38 MR. LANCTOT: That's a good point and
39 should have had a citation of where that information came
40 from.

41

42 MR. NANENG: Because, you know, if we're
43 going to be considering these as proposals that would
44 affect the livelihood of people, I think we need to be
45 provided good and clear information.

46

47 CHAIRMAN ANDERSEN: I agree, Myron. Bill,
48 would you like to present the Technical Committee analysis?

49

50 MR. OSTRAND: The Technical Committee has

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1 no additional information to offer.

2

3

CHAIRMAN ANDERSEN: Thank you. Austin.

4

5

MR. AHMASUK: Thank you, Mr. Chairman. I don't know if my question is fair considering what Mr. Lanctot had mentioned regarding some unknowns about the Oystercatcher. This bird is not in our area, but just some questions. Based upon your comments, is it the feeling that the Black Oystercatcher population is depressed from a high or was it higher previously or are there specific recovery efforts that are sought that would bring this population back to a certain point or is there anything of that nature that maybe your office is looking at?

15

16

MR. LANCTOT: Well, as I indicated earlier, there is information that suggests the population declined after the oil spill and there has been a number of studies since then that have shown that the population has either recovered or is in the process of recovering and, therefore, the Exxon Valdez Oil Spill Trustee Council has taken that species off as a species that -- they call it a recovered species or recovering species. So that's all I'm really aware of in terms of how that species is doing in the area. That's not necessarily true in British Columbia, some areas there where the species occurs where there's more problems with conflict with people down there.

28

29

In terms of Alaska, I think the species is at or near levels that we are aware of contemporarily. There is no historic data that goes back into the 1800s to indicate what the species was at at that time. None of the shorebird species, for the most part, have very much done in terms of what we expect the populations to be recovered. We are more in kind of the reactive stage where we're trying to identify populations that may be vulnerable or that are declining based on other information. And then also are in the process of trying to come up with methods for surveying shorebirds, but, to be frank, there's very little money available to do that. So we're not at the level where we're actually setting target levels for any of these species.

43

44

CHAIRMAN ANDERSEN: Austin has a follow-up.

45

46

MR. AHMASUK: Thank you, Mr. Chairman. Is the Black Oystercatcher's ability to recover been shown to recover substantially or adequately from things that you mentioned there, the oil spill or hunting or whatever?

50

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1 MR. LANCTOT: Well, there's still concern
2 for some people at least within Prince William Sound the
3 Oystercatchers are still being exposed to oiling that's
4 within the sediments and get into the mussel beds and then
5 the birds are eating the mussels. So the numbers of birds
6 are there in terms of adults. The productivity varies
7 tremendously from area to area and year to year and it's
8 very difficult to assess as well. It's hard to know how
9 well they do because you can't see the chicks very easily,
10 they're hiding. So what we base it on is simply number of
11 territorial pairs that are out there and not how they're
12 doing productivity-wise. They are a long-lived species, up
13 to 15 years or something, so they have that many years to
14 reproduce. If they pull off one clutch during that time,
15 then they replace themselves and supposedly things are
16 okay. We just don't know how well they're doing that. I
17 was just in Prince William Sound this past week doing
18 productivity surveys for Black Oystercatchers and I found
19 four chicks out of a week of surveys. I mean they're
20 difficult to see, so there's probably more out there that I
21 didn't see. It's hard to answer that. It's not a simple
22 question.

23

24 CHAIRMAN ANDERSEN: Thank you. Mike.

25

26 MR. SMITH: Thank you, Mr. Chairman. So at
27 least for the Alaska populations, and correct me if I'm
28 wrong, please, it's my understanding that after the Valdez
29 we saw a steep decline in the population, but over the
30 course of the last 10, 12 years or so, however long it's
31 been, that that population has rebounded significantly
32 enough to be removed from the EVOS list. So I guess where
33 is the population concern expressed in this proposal then?
34 If that's the case, I guess I don't see where the
35 information has been provided at all to indicate that the
36 population of those particular birds are in jeopardy of any
37 fashion.

38

39 MR. LANCTOT: Well, it goes back to the
40 fact that there's only 10,000 birds in the world of this
41 particular species, so it's a small population. If you
42 just look at Alaska, I think there's 6,000 of them in
43 Alaska. Also the fear that if adults are hunted and non-
44 Native people, in Kodiak for example, start hunting them
45 for whatever reason, they could quickly remove birds from a
46 particular area. So we just want people to be educated
47 that that is a concern. If you remove adults, they're not
48 likely to replace very quickly and it should be an
49 educational kind of a species, not a closed harvest
50 species.

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1 MR. SMITH: Mr. Chairman. And you can
2 certainly see why it would be of importance to us to know
3 that there was only 10,000 birds in the whole world.
4 Without that being expressed here, we would definitely have
5 a difference of perceptions.

6

7 CHAIRMAN ANDERSEN: Austin.

8

9 MR. AHMASUK: Thank you, Mr. Chairman. I'm
10 wondering if this hunting concern that's been expressed is
11 related to another subject regarding Oystercatchers. I
12 understand the American Oystercatcher was hunted to a
13 pretty large extent on the East Coast and, for whatever
14 it's worth, there was some sort of hunting tradition that
15 occurred on the East Coast relatively recently, I think,
16 and then the hunting was stopped and they recovered not 100
17 percent, but are recovering well. Is this hunting thing
18 related to any sort of traditions regarding non-Native
19 hunters that maybe have moved to Kodiak or moved to
20 Southeast Alaska or Southcentral Alaska?

21

22 MR. LANCTOT: No, not at all. It's based
23 strictly on this species, the Black Oystercatcher. The
24 American Oystercatcher has problems on the East Coast and
25 there's ongoing survey work there, but as far as I'm aware
26 that species was made illegal to hunt with the passage of
27 the Migratory Bird Treaty Act and shortly thereafter should
28 have been not hunted very heavily.

29

30 CHAIRMAN ANDERSEN: Thank you, Rick. It is
31 now five minutes to 12:00. I'd like to take a one hour
32 lunch break. Before we do that, I'd just like to say that
33 in two hours we covered four proposals. We have nine more
34 to go. Plus we have the birds of concern list to consider.
35 Just keep that in mind as we move along here. We do have
36 the option of going beyond 5:00 o'clock. This room is
37 available this evening. So, I guess as we begin our
38 afternoon session at 1:00 o'clock, those are some of the
39 things that we need to consider. I'll call for a one hour
40 lunch break. Be back here at 1:00 o'clock. Thank you.

41

42 (Off record)

43

44 (On record)

45

46 CHAIRMAN ANDERSEN: Call the meeting back
47 to order. It's now about 11 minutes after 1:00. We've
48 waited a few minutes for the others to arrive. I assume
49 they'll be coming back from lunch fairly quickly. The next
50 suite of proposals are the closed birds list, beginning

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1 with Proposal No. 2. Bill, do you want to take us through
2 that proposal, please?

3

4 MR. OSTRAND: Thank you, Mr. Chair. This
5 proposal is from the U.S. Fish and Wildlife Service,
6 Division of Migratory Bird Management. What is this
7 proposal? 1) Specify subspecies of Canada goose and white-
8 fronted goose in 2004 closed and open lists. 2) Add dusky
9 Canada goose and Tule White-fronted goose to the closed
10 list for 2004. How should the new regulation read? You
11 may not harvest birds or gather eggs from (append the
12 existing closed list to include): Dusky Canada Goose,
13 *Branta canadensis occidentalis*; Tule Greater White-fronted
14 Goose, *Anser albifrons gambelli*. To what geographic area
15 does this regulation apply? It is all regions.

16

17 CHAIRMAN ANDERSEN: Thank you, Bill. Tom,
18 would you provide us, please, with the ADF&G's staff
19 analysis.

20

21 MR. ROTHE: Mr. Chairman, I guess in our
22 considerations we've looked at this as being fairly
23 different from how we usually manage goose harvest in
24 Pacific flyway in that we try to manage by area rather than
25 by specific subspecies. Usually this avoids hunters
26 getting in trouble if they incidently take a bird passing
27 through their area. So, if there's restrictions required,
28 for example, we usually put those restrictions on the major
29 breeding areas or wintering areas or migration stops. So I
30 guess our preference is to manage these populations by area
31 specific regulations. I appreciate the concern because the
32 Tule goose is a really small population, probably around
33 5,000 birds, and we need to be really careful about it.
34 Dusky Canada Goose has been in some trouble for quite a
35 long time because they don't produce well on the Copper
36 River Delta. Our primary interest is in the cleanest way
37 to write a reg. We think it would be on the basis of
38 regulations for an area rather than naming the subspecies
39 like this.

40

41 CHAIRMAN ANDERSEN: Thank you, Tom. Russ,
42 will you provide us with the Fish and Wildlife Service
43 staff analysis, please.

44

45 MR. OATES: Mr. Chairman, I just want to
46 provide a little introductory comment. I'll have Julian
47 Fischer provide the staff analysis. The objective of this
48 proposal is to minimize take of the Dusky Canada Goose and
49 the Tule White-fronted Goose. We feel that the objectives
50 of this proposal can be met with the area closure

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1 procedure, so we would be receptive with an amendment that
2 would deal with that in that manner. So I'll defer to
3 Julian Fischer for the technical.

4

5 CHAIRMAN ANDERSEN: Julian, can you provide
6 us with the technical analysis, please.

7

8 MR. FISCHER: Thank you, Mr. Chairman.
9 Yeah, I'll do that. I just want to say that Canada geese
10 and White-fronted geese are important subsistence resources
11 for many Native Alaskans. Both Canada geese and White-
12 fronted geese have strong and healthy populations in many
13 parts of the state, but not all subspecies within these
14 groups are stable. Distinguishing subspecies in AMBCC
15 regulations prior to 2003 was not necessary because
16 subspecies of concern to Fish and Wildlife Service did not
17 occur north or west of the Alaska Range. But now with the
18 expansion of AMBCC regions southward, we felt it was
19 necessary to address two subspecies within those two
20 broader species.

21

22 Of concern are the Dusky Canada Geese and
23 Tule White-fronted Geese. Dusky Canada Geese are a
24 subspecies of Canada geese that breed in Southcentral
25 Alaska, principally in the Copper River Delta. The
26 waterfowl branch, whom I work for, has been conducting
27 aerial surveys for this subspecies since the mid 1980s.
28 Since that time there's been a steady decline in
29 populations. As Tom just pointed out, they also have poor
30 reproductive success, but we've been tracking the overall
31 population through time and we've detected a four percent
32 annual decline. It's been consistent since the mid '80s.
33 At that current rate, the population is going downhill
34 rapidly and, given that, hunting mortality towards this
35 population will only exacerbate that rate of decline or
36 continue that rate of decline.

37

38 Similarly, Tule White-fronted Geese are a
39 rare subspecies of White-fronted Goose that breeds in
40 Southcentral Alaska, principally in the
41 Kahiltna/Susitna/Yentna River drainages and the Upper Cook
42 Inlet coastal areas of Susitna Flats. Tule White-fronted
43 Geese are likely the rarest goose in North America with
44 just 5,000 individuals, as Tom mentioned earlier, possibly
45 as much as six to eight thousand. Harvest of this small
46 species will also reduce the size of this already small
47 population.

48

49 The Native Village of Tyonek recently, in
50 their proposal for inclusion in AMBCC mentioned that the

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1 white-fronted goose was not a primary subsistence food for
2 them. Because of this, coupled with the small population
3 size, we felt it was necessary to propose this subspecies
4 for closure in the 2004 regulations.

5

6 CHAIRMAN ANDERSEN: Thank you, Mr. Fischer.
7 Are there any questions of Mr. Fischer before we move on to
8 the Technical Committee? I have a question. What are the
9 harvest numbers according to the last survey of these two
10 species?

11

12 MR. FISCHER: The harvest survey of these
13 two species according to Cynthia Wentworth? I don't have
14 those numbers in front of me. I can't comment.

15

16 CHAIRMAN ANDERSEN: Okay. Thank you.
17 Austin.

18

19 MR. AHMASUK: Thank you, Mr. Chairman.
20 What's the harvest of these birds in the Lower 48?

21

22 MR. FISCHER: Excuse me just one second.
23 I'd just like to readdress your question. There are no
24 data for harvest of those species in the areas where they
25 occur. And can you repeat your question? I'm sorry.

26

27 MR. AHMASUK: Yeah. Thank you, Mr.
28 Chairman. What's the harvest of these birds in the Lower
29 48?

30

31 MR. FISCHER: Currently there's very
32 restrictive regulations in the Lower 48. Dusky Canada
33 Geese winter in Oregon and Washington. There's check
34 stations set up in those areas. Hunters are required to
35 take classes to identify Dusky Canada Geese and are
36 encouraged to avoid them. When they do take a goose and
37 are discovered to have taken them at a check station, their
38 permit to continue hunting Canada geese that season is
39 basically revoked and they cannot take any more. As far as
40 Tule's, it's difficult to measure how many are taken
41 because they overlap with other subspecies of white-fronted
42 geese. What the flyway has done is restrict hunting in
43 specific areas at times when the birds are passing through
44 so as to minimize as much as possible take of that small
45 population.

46

CHAIRMAN ANDERSEN: Austin.

47

48 MR. AHMASUK: I've heard those management
49 scenarios before. Is there a figure that someone can
50 recite before the Council as to what the harvest of Dusky

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1 Canada Geese is by non-Alaskans? I'd like to know what
2 that figure is.

3

4 MR. FISCHER: Personally, I cannot give you
5 a specific number.

6

7 MR. ROTHE: Mr. Chairman. I'm not sure I
8 can get real exact figures, but let me give you what I
9 think I know. Dusky Canada Geese are hunted mainly in the
10 Copper River Delta and a few in Southeast, so Alaska sport
11 hunters take a couple hundred of these birds. There's a
12 few taken in British Columbia. When they get to Washington
13 and Oregon, the harvest is very tightly regulated and they
14 have a quota of no more than 165 dusksies, I think it is,
15 185. Oh, there's a maximum of 250 dusksies, where if they
16 count these up at the check station, the Canada goose
17 season comes to a close in those areas where the birds are.
18 In the last few years, they haven't even come close to
19 that, so they've been really small in their harvest.

20

21 Tule White-fronted Geese tend to leave
22 their Cook Inlet summering areas very early, usually by mid
23 August. They're down on the gulf coast from mid to late
24 August. So very few Tule geese are taken in Alaska during
25 fall. When they get to -- the main stop-overs are southern
26 Oregon and into California. Again, check station
27 information, band recovery, suggest there's maybe a couple
28 hundred birds that are taken in all areas down there, but
29 we don't have real good figures on that because it does
30 require some biologist to handle them in hand and identify
31 what this bigger, darker bird looks like.

32

33 CHAIRMAN ANDERSEN: I have a question also.
34 Maybe I'm misunderstanding you, but are these two species
35 closed in the Lower 48?

36

37 MR. ROTHE: Mr. Chairman. No, they aren't.
38 I guess the way the Pacific Flyway has handled harvest
39 management is -- like I said, most of the birds are out of
40 Alaska. As long as the Tule geese population remains
41 stable, there aren't any specific restrictions. They are
42 taken somewhat in certain areas of Oregon, but a lot of
43 times the birds go through there before their season might
44 open up. When they get to the California wintering areas,
45 they tuck into the back of federal refuges and areas where
46 they're not accessible to hunters, so we don't think that
47 they're at risk. So there's not any special restrictions,
48 but then, again, they're not getting harvested like other
49 birds.

50

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1 would probably be the best. Donna, go ahead.

2

3 MS. DEWHURST: I've been drafting the regs
4 for 2004 to go to the SRC and based on the information from
5 what was passed on Tyonek I guess at the April meeting, I
6 can't remember if it was the April or the May meeting, but
7 when the Council put Tyonek in as a proposed community, the
8 information I received from Ron Stanek and on that
9 proposal, that season split, is already in regulation now.
10 It's already in the draft regs. It's already done. They
11 have a northern and a southern district and they're only
12 hunting in one part during one season and the other part
13 during the other season. I just thought I'd mention it
14 because what you're talking about is kind of moot because
15 that closure period is already written into the regulations
16 for 2004. I think that's 6-C or whatever.

17

18 MR. OATES: That 6 is the duskies.

19

20 MS. DEWHURST: Right. That would relate --
21 or I mean the Tules.

22

23 MR. OATES: No. Unit 6 relates to the
24 duskies. Unit 16 relates to the Tules.

25

26 MS. DEWHURST: The Tyonek area was the
27 area.....

28

29 MR. OATES: Okay. That's Unit 16.

30

31 MS. DEWHURST: 16. Excuse me. That has
32 been addressed already in the regulations.

33

34 MR. OATES: So do we still need to deal
35 with the Unit 6?

36

37 MS. DEWHURST: The only thing there that I
38 could offer is in the 2003 regulations Canada geese are
39 listed by subspecies and in the open list for 2003, this is
40 the final rule coming out in a couple days, duskies are not
41 listed on our existing open list. It lists a whole series
42 of subspecies. The dusky subspecies is not currently on
43 the 2003 open list.

44

45 MR. OATES: Okay. Then the way we would
46 deal with actually putting that regulation on the ground
47 would be with an area closure and that's why we want to do
48 the Unit 6-C thing.

49

50 CHAIRMAN ANDERSEN: Thank you. Are there

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1 any public comments? Hearing none. Bill, can you take us
2 through Proposal No. 5?

3

4 MR. OSTRAND: Okay. Proposal No. 5 is from
5 the Tetlin National Wildlife Refuge and it's authored by
6 Bud Johnson. What is being proposed? We propose a closed
7 season for those species that have not been traditionally
8 harvested during spring or summer in the Upper Tanana
9 Valley. How should this new regulation read? The
10 following species will be allowable for harvest in the
11 Upper Tanana Valley. the season will be closed for all
12 others. I'll read that list shortly. To what geographic
13 area does this regulation apply? This regulation would
14 apply to the Upper Tanana Valley, specifically the area
15 north of the Alaska Range and southeast of the Fairbanks
16 North Star Borough (GMUs 12 and 20 D & E).

17

18 The species that are proposed for -- let's
19 see here. In the right-hand column of the table, it's
20 indicated whether the birds are believed to be
21 traditionally harvested or not. So the birds that would be
22 included on the list would be the Greater White-fronted
23 Goose, Lesser Snow Goose, Lesser Canada Goose, Taverner's
24 Canada Goose, Tundra Swan, Eurasian Widgeon, American
25 Widgeon, Mallard, Blue-winged Teal, Northern Shoveler,
26 Northern Pintail, American Green-winged Teal, Ring-necked
27 Duck, Greater Scaup, Lesser Scaup, Surf Scoter, White-
28 winged Scoter, Black Scoter, Long-tailed Duck, Bufflehead,
29 Common Goldeneye, Barrow's Goldeneye, Sandhill Crane and
30 Great Horned Owl and there's a footnote indicating that the
31 owls are rarely taken.

32

33 CHAIRMAN ANDERSEN: Thank you, Bill. Tom,
34 can you provide us with the Department of Fish and Game
35 staff analysis, please.

36

37 MR. ROTHE: I guess primarily the
38 department is really interested in finding out what the
39 Tanana Chiefs' view of this is given that we've kind of
40 relied on the regional partners to recommend species that
41 they believe were used. Our department's subsistence
42 division has some data in their databases on this, but I
43 guess an important thing to point out is the previous
44 harvest surveys that were conducted in the region as part
45 of the basis, I guess, for this proposal were conducted
46 when spring hunting was illegal. That might actually
47 affect the number of species that got documented or levels
48 of use for sure. We know that people are very hesitant or
49 refuse to report things like swans when they've been told
50 for years that that was illegal. So I guess we question, I

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1 guess, the basis for eliminating so many species based on
2 this documentation here, but we'd like to see what the
3 Regional Committee's response is to this. I do note that
4 there's a couple species, such as the gadwall and the
5 redhead which undoubtedly occur in the region, but they're
6 recommending no season on these. In our view, it would be
7 unrealistic not to expect hunters to take these.

8

9 CHAIRMAN ANDERSEN: Thank you, Tom.
10 Julian, will you be providing us with the Fish and Wildlife
11 Service staff analysis?

12

13 MR. FISCHER: Just very briefly. Most of
14 the species listed in the non-traditionally harvested list
15 there are not waterfowl, so I'll let Rick address that.
16 Regarding the waterfowl, Black Brant, Gadwall and Redhead,
17 I don't have any data in front of me to indicate that
18 there's long-term trends of going downward in that region
19 in front of me at the moment.

20

21 CHAIRMAN ANDERSEN: Thank you, Julian.
22 Rick, do you have any information to add?

23

24 MR. LANCTOT: Thank you, Mr. Chairman.
25 Well, as Tom mentioned, there are a number of species of
26 non-traditional non-game species, I guess, that are being
27 proposed to be taken off the hunting list. Some of those
28 undoubtedly could withstand a subsistence harvest because
29 the numbers are high enough and there is no evidence that
30 the populations are declining. I guess I'm just not privy
31 about the stand of the Council in terms of allowing hunts
32 on species that have not been documented to be
33 traditionally hunted, whether they're going to allow those
34 to be put on the list or not. I think that seems to be a
35 question that needs to be answered.

36

37 The other thing that seems apparent from
38 this proposal is that there's concern about non-traditional
39 hunters in the area that would be harvesting large numbers
40 of birds. This is especially important in this part of the
41 region because there's a road system there that allows
42 access to many areas, so it maybe begs for a particular
43 special season or closure in certain areas within the
44 interior of Alaska where this wouldn't be applicable to
45 other parts of the state. So those are just a couple
46 things that we're concerned with that you might want to
47 consider in your discussions.

48

49 CHAIRMAN ANDERSEN: Thank you, Rick.
50 Before we move on to Russ, I believe Mr. Merritt is with

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1 the refuge. Would you like to provide us with additional
2 information?

3

4 MR. MERRITT: Thank you, Mr. Chairman. For
5 the record, I am Ed Merritt. I'm the manager of the Tetlin
6 Refuge. Been out there almost four years now. I
7 appreciate the opportunity to come here and share our
8 concerns. After reviewing the proposed regulations, we
9 believe that increased harvest will pose threats to non-
10 subsistence migratory bird species and resources of the
11 Upper Tanana Valley and on the Tetlin Wildlife Refuge. As
12 we understand it, the intent of the protocol amending the
13 Migratory Bird Treaty Act was that current subsistence
14 harvest of migratory birds would not increase due to the
15 new regulations. While this may be realistic for some
16 communities, perhaps even most Bush communities in Alaska,
17 we believe we're going to see a major increase in harvest
18 throughout the Tanana Valley due to the participation of
19 newly added hunters from the roaded communities in our
20 area.

21

22 There are five Native villages in the Upper
23 Tanana and those are Healy Lake, Dot Lake, Tanacross,
24 Tetlin and Northway. According to the U.S. Census 2000,
25 the total population of these five villages is 606 people.
26 Much larger are the communities of Fort Greely, Delta
27 Junction, Big Delta, Deltana, Dry Creek and Tok, which have
28 a total population of approximately 5,200. So what we have
29 is while 10 percent of the residents of the Upper Tanana
30 Valley live in Native villages, 90 percent of the
31 population of the Upper Tanana reside in communities
32 established along the Alaska and Richardson Highways, which
33 did not exist prior to construction of the Alaska Highway
34 in World War II.

35

36 Based on these facts, we believe that the
37 proposed regulations will allow a new hunting opportunity
38 for residents of Tok and many other communities to harvest
39 a wide array of migratory birds throughout spring and
40 summer and we believe this harvest could be substantial and
41 additive to current levels and, again, including non-
42 subsistence species in our area. In addition to new
43 hunters from Tok, further west in the valley, many new
44 hunters around Delta Junction will also be seeking places
45 to hunt migratory birds. This influx of new hunters will
46 have a major impact on local migratory bird resources,
47 especially in close proximity to roads and navigable
48 rivers. Because this harvest is going to be focused within
49 a major migration route, the impacts may reach far beyond
50 the Tanana Valley and actually impact opportunities for

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1 traditional subsistence hunting in other areas of the
2 state.

3

4 The oral and written history of the
5 indigenous people of the Upper Tanana Valley shows no
6 evidence of harvest of migratory species other than
7 waterfowl except in times of extreme starvation. The
8 proposed list of 107 species includes at least 80 that have
9 essentially no importance to customary and traditional
10 harvest of migratory birds in the region. Because these
11 species haven't been hunted on a regular basis in the past,
12 any harvest of these species will be additive. Given that
13 many of these species have not been customarily used in the
14 past, it would be questionable in our view to subject them
15 to a new hunting pressure and additional mortality,
16 especially during the spring.

17

18 We believe the list of species authorized
19 for harvest is far too inclusive for our region. A more
20 reasonable approach would be to create a species list on a
21 regional vs statewide basis. Given that we do not have the
22 ability to monitor populations of most non-waterfowl
23 species on the list, a conservative approach to listing
24 should be used that ensures adequate protection for bird
25 species, particularly those not associated with subsistence
26 use in the area.

27

28 There's broad support for this in the Upper
29 Tanana Valley among Native and non-Native people. I know
30 of no substantial opposition to it. I realize that what
31 I'm saying here runs counter to the prevailing philosophy,
32 but I humbly and respectfully ask you to consider this
33 request. Consider the logic of a regional species list or
34 at least allow it for the Upper Tanana Region where we're
35 dealing with essentially an eight-fold increase in the
36 potential number of people who will be eligible to hunt in
37 the spring and where we have migratory birds staging and
38 concentrating in areas where they're vulnerable to road
39 access.

40

41 I've got copies of our complete write-up,
42 which I can hand out to all of you if you haven't seen it
43 yet, although I'm sure most of you have. I thank you again
44 for the opportunity to bring these concerns up and get them
45 on the record.

46

47 CHAIRMAN ANDERSEN: Thank you, Mr. Merritt.
48 I have a question and then we'll move around the table
49 here. Has any consultation or coordination been conducted
50 by you or your staff with the interior regional management

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1 body?

2

3

MR. MERRITT: Yes, considerable and recent work has been done. We've worked very closely with the Native leadership in the area with Northway, Tetlin and Tanacross in particular. We've used our own Native employees as a conduit for communications between the refuge and these communities. The list that we provide in the proposal is from the people. It's not from us.

10

11

CHAIRMAN ANDERSEN: Okay. Thank you. Russ, you had your hand up?

13

14

MR. OATES: Actually, I was just going to suggest that we recognize Ed, who did that. I'll have something else later, but I think Matt was next.

17

18

CHAIRMAN ANDERSEN: First Matt and then Fred.

20

21

MR. ROBUS: Thank you, Mr. Chairman. Thanks, Mr. Merritt. Let me ask one question that will help me understand the proposal a little better perhaps. The proposal would take birds not customarily taken in the Upper Tanana Valley off this local list, but it would leave birds that have been traditionally taken on the list. That's correct, right?

28

29

MR. MERRITT: Every species that was identified as a species used for subsistence purposes is on the list in that proposal.

32

33

MR. ROBUS: Right. So my question is, if the population is multiplied times eight times or nine times or whatever, then potentially at least you're still going to have eight or nine times the one time traditional pressure on the species that were customarily taken in the region. So I guess my question gets at how would this protect against the harvest resulting from subsistence regulations increasing beyond what was formerly seen?

41

42

MR. MERRITT: For those species that are available?

44

45

MR. ROBUS: That have been customarily taken in the past.

47

48

MR. MERRITT: Harvest will increase and I believe it will increase rapidly. I believe as the Tanana Valley population of humans grows, with pipeline

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1 construction, with a proposed gold mine out in Northway,
2 with the growth of Fort Greely relative to the new missile
3 command development up there, I believe that there will be
4 more and more harvest. This proposal specifically will
5 only protect those species that have not been traditionally
6 used for subsistence purposes.

7

8 MR. ROBUS: Okay. Thank you. Mr.
9 Chairman, I'll have some discussion on this when we get to
10 deliberations. I think there's other things that need to
11 be considered here in the whole equation. Thank you.

12

13 MR. MERRITT: I might add as a follow-up
14 that we're very concerned about that issue, the growth in
15 harvest and the growth of the human population in the
16 valley and what that means over time.

17

18 CHAIRMAN ANDERSEN: Thank you. Fred.

19

20 MR. ARMSTRONG: Thank you, Mr Chairman.
21 Thanks, Ed, for coming by and providing us additional
22 information. I know that with Fish and Wildlife Service
23 for a while one of the requirements of the National
24 Wildlife Refuge is compatibility uses on a refuge. I don't
25 know which way the Council is going to go on this.
26 Assuming that they didn't take the positive action that you
27 request on this, would that force the refuge to take action
28 as far as conducting a possible compatibility test to see
29 whether or not these other uses or non-traditional use
30 hunters would violate the intent and spirit of the Refuge
31 Act?

32

33 MR. MERRITT: Probably, but not
34 immediately. I'd want to take a look at how it plays out
35 before I did that. The other issue is that if we conduct a
36 compatibility determination for the refuge and determine
37 that some or all of these harvest elements are
38 incompatible, then it would only stop those activities on
39 the refuge and the refuge is just a tiny postage stamp in
40 the giant thousands of square miles of the Upper Tanana
41 Valley and I believe that the mortality would still occur,
42 it would just occur elsewhere.

43

44 CHAIRMAN ANDERSEN: Joeneal, you had a
45 question?

46

47 MR. HICKS: I have both comment and maybe a
48 couple questions to follow that. According to the attorney
49 letter or the opinion, after reading it, this letter seems
50 to suggest a more restrictive approach in the taking of

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1 migratory birds by the indigenous inhabitants of Tok. In
2 other words, if I read this correctly, the Tetlin National
3 Wildlife Refuge has justified its proposal by observing
4 that most indigenous inhabitants, meaning the Tok grid
5 area, is exclusively non-Natives in general.

6

7 MR. MERRITT: So what's your question?

8

9 MR. HICKS: So, anyway, I gather that by
10 taking that approach you are being more restrictive toward
11 who can actually take migratory birds or hunt migratory
12 birds. Am I correct in that?

13

14 MR. MERRITT: We're merely pointing out
15 that if this plays out such that all of the residents of
16 the Upper Tanana Valley are eligible for spring and summer
17 hunting, there will be a large group of new hunters
18 participating that did not participate previously.

19

20 MR. HICKS: But it's my understanding that
21 that particular area is above the Alaska Range, north of
22 the Alaska Range. So already they are included.

23

24 MR. MERRITT: They're included.

25

26 MR. HICKS: So my follow-up question is,
27 and I'd probably defer a lot of this to Mike since he
28 represents the Tanana or the TCC region up in that area,
29 when you interviewed the 15 elders and the park rangers
30 here, did you consider Mentasta and Chistochina as
31 potential users of that area?

32

33 MR. MERRITT: We did not interview people
34 in Mentasta or Chistochina.

35

36 MR. HICKS: Okay. But, anyhow, going
37 through and what we have found here, you have identified 98
38 birds. Of the 98 birds listed in that proposal that you
39 offer here, two are already on the removal list that we
40 have and 14 of those birds are already on the conservation
41 list that we have. The bottom line is, if your proposal
42 would go through, it would allow subsistence users in the
43 Upper Tanana area to a take of 20. Am I correct in that?

44

45 MR. MERRITT: I'd have to refamiliarize
46 myself with the numbers, but that sounds about right.

47

48 MR. HICKS: Thank you.

49

50 CHAIRMAN ANDERSEN: Mike.

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1 MR. SMITH: Thank you, Mr. Chairman. My
2 Regional Advisory Council has already taken a position on
3 this. They voted it down for a number of reasons and the
4 primary reason was we did not want to go down the road of
5 regionalizing lists. Secondly, there was some confusion,
6 and this might be an appropriate time to bring it up, in
7 regards to the minutes of the last meeting where it was
8 indicated that Tanana Chiefs supported the process of
9 removing Tok from the included areas and that's not exactly
10 what we did last time. What we did is we proposed that we
11 undertake the process of developing the process by which we
12 remove communities. It made it sound like in the minutes
13 that we had specifically taken the position that we wanted
14 to remove Tok.

15

16 Irregardless of that, the point is that our
17 Regional Advisory Council has voted on this proposal and
18 has voted it down for primarily the regionalization of list
19 issue, but they also appreciated the impact that the
20 inclusion of these communities will have on the hunt and as
21 part of that we had hoped at the last meeting to institute
22 a process by which we would remove communities, which is a
23 vastly different process, as opposed to including
24 communities. That's been our position and certainly that
25 was what we had conveyed at the last meeting and I just
26 wanted to convey that. Thank you.

27

28 MR. MERRITT: May I make a follow-up
29 comment on Mike? We originally were in favor of and, in
30 fact, proposed the exclusion of Tok, Delta Junction, Fort
31 Greely, some of the other communities. The Regional
32 Advisory Council did vote the other way on that. They were
33 not in agreement with us. We feel that while it's probably
34 a very good thing to try to develop a mechanism for
35 petitioning for exclusion of communities, the reality is,
36 as you all know, that once you open the door it's very hard
37 to shut it. We're not really banking on the exclusion of
38 any of those communities any time in the near future.

39

40 MR. SMITH: Mr. Chairman. I certainly
41 appreciate that and I think there are some things we need
42 to remember, I guess, in regards to this. One, we don't
43 know what the impact is going to be. Until we have some
44 hardcore harvest numbers and we get through a year or two
45 of this, we don't know what the impact is going to be.
46 Secondly, the population figures represent total
47 population. Certainly, all those people are not going to be
48 hunters, you know. A very small portion of that 5,000 that
49 he talked about will be actual hunters.

50

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1 The other issue that is of real concern to
2 the people on the management council and stuff is if we
3 head off down this process, one of the things about the Tok
4 area is that they're very articulate in their Fish and Game
5 rules and regulations and abilities out there. Certainly
6 there are a large portion of people out there associated
7 with the outdoor council and those type of organizations.
8 We were just concerned about taking on a process by which
9 we would start excluding people without having a defensible
10 process to do it with. So that was kind of our concern
11 about this and it's certainly where we still are.

12

13 CHAIRMAN ANDERSEN: Thank you, Mike. Thank
14 you, Mr. Merritt. Oh, Austin, you had a question?

15

16 MR. AHMASUK: Thank you, Mr. Chairman. Mr.
17 Merritt and Council Member Smith, when you speak of the
18 Regional Advisory Council, are you speaking of the ANILCA
19 Regional Advisory Council? No. Okay.

20

21 MR. MERRITT: The Federal Regional Advisory
22 Council as opposed to the State Advisory Board.

23

24 MR. AHMASUK: Okay. When you spoke earlier
25 of community consensus regarding this proposal, I heard two
26 conflicting things. The Migratory Bird Council that
27 Council Member Smith spoke of voting this proposal down and
28 then you made mention of residents in favor of it. There's
29 two views here that I saw. One not in favor of eliminating
30 communities and then yours it sounded like maybe
31 eliminating or excluding communities.

32

33 MR. MERRITT: Amongst the Native villages
34 in the Upper Tanana there's a strong feeling that the list
35 that's in the proposal meets customary and traditional
36 needs. I think there's an emerging feeling that -- it gets
37 complicated because the Native residents of the villages
38 have family in Tok, so certainly the water gets muddied a
39 little bit. I don't think there's generally an
40 appreciation on the fact that those Natives residing in
41 non-Native communities are still eligible to hunt by virtue
42 of their family ties and family connections in the
43 surrounding villages.

44

45 I guess another thing I would say is that
46 in my experience in Tok over almost four years I have found
47 a disconnect between the local elders, the local Native
48 leaders, the local villages and what the Regional Advisory
49 Council and the Game Advisory Board say and I think there
50 may be a bit of a disconnect in this case.

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1 CHAIRMAN ANDERSEN: Thank you, Mr. Merritt.
2 Myron.

3
4 MR. NANENG: Thank you, Mr. Chairman. We
5 know that the discussion regarding the percentage of
6 increased hunt and something like that was on the table
7 when we talked about the protocol amendment with the other
8 people that were there. Like I stated earlier this
9 morning, the numbers changed when Senator Murkowski at that
10 time insisted that all rural residents, including --
11 labeled us indigenous people. The primary focus of the
12 negotiations was the Native subsistence hunts.
13 Legalization of the Native subsistence hunt. With the
14 treaties that are in place, the Japan treaty, which I
15 believe has not been changed.

16
17 MR. MERRITT: Would you say that again,
18 please.

19
20 MR. NANENG: The treaties that are
21 currently in the books, the Japanese treaty states the
22 Alaska Natives and Indians and those indigenous people in
23 the trust territories are the ones that were restricted by
24 those treaties to hunt for migratory birds during
25 springtime and they recognize the right to go subsistence
26 hunting. The language that was added to include
27 non-Natives and rural residents as being indigenous had a
28 major factor on what people considered to be the increased
29 percentage of hunting. It was never discussed at a table
30 of negotiations. Which treaty would the Fish and Wildlife
31 enforce if the courts have already stated that the most
32 restrictive treaty is the one that applies.

33
34 MR. MERRITT: I don't know, but there are
35 perhaps a couple other folks in this room that would be in
36 a better position to answer that question than me. My
37 understanding right now is that everyone who resides in the
38 Upper Tanana Valley, Native or non-Native, is eligible.

39
40 MR. NANENG: That's based on the language
41 that was put at the Senate, approval of the treaty, at the
42 insistence of now Governor Murkowski. We need to
43 understand which one of those under current Federal laws is
44 the rule that applies here, even though the treaty has been
45 amended to include the non-Natives as being indigenous
46 people.

47
48 CHAIRMAN ANDERSEN: Myron, I appreciate
49 your question, but we can probably raise that during
50 deliberations. What I'd like to do is keep the questions

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1 to Mr. Merritt focused on the proposal rather than the
2 enforcement aspect of it.

3

4 MR. NANENG: I raise that question because
5 it's going to start applying to the rest of the state.

6

7 CHAIRMAN ANDERSEN: I understand that.

8

9 MR. NANENG: It's going to apply to Bristol
10 Bay, it's going to apply to Y-K Delta and the rest of the
11 state of Alaska, whoever wants to be included in being able
12 to hunt migratory birds and that's the reason why I raised
13 that question. If it starts here, where does it stop or
14 where does it end?

15

16 CHAIRMAN ANDERSEN: I understand. Again,
17 I'd like to keep focused on the proposal. I think probably
18 your attorney, Eric Johnson, might have some ideas as far
19 as enforcement goes. I also think while Steve was here
20 this morning we could have asked that question. Perhaps we
21 could put it in writing to him after this meeting. Are
22 there any additional questions to Mr. Merritt? Mike.

23

24 MR. SMITH: Thank you, Mr. Chairman. In
25 regards to what Myron was saying, I think it's totally
26 applicable to this particular proposal in the sense that
27 Mr. Merritt's concerns about the additional hunters would
28 be alleviated if that question was answerable. I think
29 that while we don't have the wherewithal right now at this
30 point to discuss that, because we're certainly going to
31 need a solicitor's opinion as to what treaty is applicable,
32 you know, whether or not -- and general treaty laws pretty
33 much stipulates that the most restrictive treaties are the
34 ones that become applicable. If that's the case, then the
35 Japanese treaty would be applicable in this situation and I
36 think it's very important that we get that issue clarified
37 either from a solicitor's opinion or somewhere down the
38 line and I guess that would also lead me into asking
39 whether or not the solicitor has generated an opinion in
40 regards to the applicability of the treaty on state lands
41 and whether or not the state has generated their legal
42 opinion yet in that regard also.

43

44 CHAIRMAN ANDERSEN: Thank you, Mike.

45 Joeneal.

46

47 MR. HICKS: Just a follow-up question to
48 the question I asked the gentleman earlier this morning.
49 In your particular survey or when you did the elder survey
50 and stuff, did you differentiate between cultural and

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1 subsistence use? In other words, when I say cultural, I
2 mean cultural could be deemed as religious take or
3 something like that.

4

5 MR. MERRITT: We talked about both issues.

6

7 CHAIRMAN ANDERSEN: Thank you, Mr. Merritt.
8 Are there any additional questions of Mr. Merritt. If not,
9 Bill, can you take us through the Technical Committee
10 analysis?

11

12 MR. OSTRAND: Yes. It's real easy. The
13 Technical Committee had no information to add to what was
14 presented.

15

16 CHAIRMAN ANDERSEN: Thank you, Bill. Are
17 there any public comments? Mr. Johnson.

18

19 MR. JOHNSON: Good afternoon, everybody.
20 My name is Eric Johnson. I'm the tribal rights attorney
21 with AVCP in Bethel. This proposal is outside of our
22 region, but I do have a few brief comments on it.
23 Obviously, I think that were there to be a five-fold
24 increase in harvest, that would be a major concern. I do
25 believe though that this proposal is trying to fix
26 something that, as a legal matter, needs to be fixed in a
27 different way. The Japan treaty is stricter than the
28 Canada protocol. The Ninth Circuit Court of Appeals in the
29 Dunkel decision back in the late 1980s specifically said
30 that any regulations by the secretary need to conform to
31 the strictest and the most restrictive of the treaties.

32

33 What that means here is I think there
34 really is a problem here with the regulations as they're
35 currently worded. The regulations on their face appear to
36 authorize non-Native village residents to hunt and that is
37 in excess of the authority that the secretary has under
38 this treaty. My concern here is with this proposal what's
39 being discussed are sort of broadening the restrictions and
40 making a more restrictive list for everybody, Native and
41 non-Native, and down the road -- you know, there was some
42 questions asked, well, what about the species that have
43 been hunted and at some point that's going to come up and
44 people are going to be asking if there's going to be a
45 five-fold increase and hunting of those species as well,
46 then maybe there should be restrictions there as well that
47 would apply to Native hunters and non-Native hunters as
48 well.

49

50 As a legal matter, I believe it's clear

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1 that the Japan convention controls on this issue. To the
2 degree that the regulations appear to authorize hunting by
3 non-Natives, those regulations are in excess of authority.
4 My concern here with this proposal and with a couple of the
5 other proposals is I'm seeing the perceived problem of non-
6 Native hunters joining into the hunt driving some of these
7 proposals in a way that's going to lead to greater degrees
8 of restriction of one sort or another on Native hunters
9 when, as a legal matter, right now, because of the Japan
10 treaty, only Alaska Natives can hunt for birds during the
11 spring and the summer. That's all I have to say unless
12 there's some questions.

13

14 CHAIRMAN ANDERSEN: Thank you, Eric. Are
15 there any questions of Eric? The next proposal on the
16 agenda is No. 6. Bill, can you present that, please.

17

18 MR. OSTRAND: Thank you, Mr. Chair. The
19 next proposal is submitted by the Alaska Department of Fish
20 and Game and the author is Tom Rothe. What the proposal
21 is, it prohibits spring and summer subsistence hunting of
22 northern hawk-owls. How should the regulation read:
23 Remove the northern hawk-owl from the list of species open
24 to spring and summer subsistence hunting. To what
25 geographic area does this regulation apply? Statewide.

26

27 CHAIRMAN ANDERSEN: Thank you, Bill. Mr.
28 Rothe, would you please provide us with ADF&G's staff
29 analysis.

30

31 MR. ROTHE: Mr. Chairman, do I have to
32 declare a potential conflict of interest here and select an
33 alternate?

34

35 CHAIRMAN ANDERSEN: Is there a financial or
36 personal gain involved here?

37

38 MR. ROTHE: No, Mr. Chairman, I have no
39 financial or subsistence interest in the northern hawk-owl.
40 I'll just comment as I did before. The Department's
41 position is that we really have no record of use of this
42 little owl in our subsistence database. We're not aware of
43 people that use this bird. We do have concerns that there
44 are no population estimates for this bird at all that we
45 can find. It's a resident owl that spends the whole year
46 in the same area and at low densities. Harvest could
47 remove birds from part of the range very easily because
48 they're not very productive. So, given that we don't
49 believe there's a subsistence use pattern and there's so
50 little known about this bird, we're recommending that it be

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1 a closed season right now.

2

3 CHAIRMAN ANDERSEN: Thank you, Mr. Rothe.
4 U.S. Fish and Wildlife Service. Rick.

5

6 MR. LANCTOT: Thank you, Mr. Chairman. We
7 don't really have anything to add to what Tom says. We
8 support his position.

9

10 CHAIRMAN ANDERSEN: Thank you, Rick. Bill,
11 can you explain to us what the Technical Committee analysis
12 is?

13

14 MR. OSTRAND: The Technical Committee found
15 no additional information to offer the Council.

16

17 CHAIRMAN ANDERSEN: Thank you, Bill. Are
18 there any public comments? Hearing none. We'll move on to
19 Proposal No. 7. Bill, can you present that, please.

20

21 MR. OSTRAND: Thank you, Mr. Chairman.
22 Proposal No. 7 was submitted by the U.S. Fish and Wildlife
23 Service, Office of Migratory Bird Management and it was
24 written by Rick Lanctot. It's a proposal to close the
25 harvest of Bar-tailed Godwits. How should the new
26 regulation read? Close harvest of Bar-tailed Godwits. To
27 what geographic area does this regulation apply?
28 Statewide.

29

30 CHAIRMAN ANDERSEN: Thank you, Bill. Mr.
31 Rothe, can you please provide us with the ADF&G's staff
32 analysis?

33

34 MR. ROTHE: Mr. Chairman. At this point, I
35 guess the Department has supported an open season of Bar-
36 tailed Godwits in its original comments on the proposed
37 regulations. I guess we believe that the harvest on the Y-
38 K Delta is probably in the neighborhood of 3,000 birds or
39 so. We're concerned about the derivation of this estimate
40 of 5,000. Although we really haven't considered the
41 implications of look-alike, we would be cautious about
42 using that. The Bar-tailed Godwit is fairly abundant.
43 Could probably sustain some harvest. We believe the best
44 thing would be at this stage to do a harvest survey and see
45 how many birds are taken. As far as the look-alike
46 question goes, I guess there's a potential for overlap with
47 the Hudsonian Godwit, which -- Hudsonian has been removed
48 from the list, right? So that theoretically will be closed
49 in 2003.

50

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1 CHAIRMAN ANDERSEN: Thank you, Mr. Rothe.
2 The Fish and Wildlife Service staff analysis. Rick.

3

4 MR. LANCTOT: I guess I have a conflict of
5 interest too, but I don't have any personal gain or
6 subsistence gain for harvesting Bar-tailed Godwits. So,
7 with that said, I think I hit most of the points when I
8 talked about whether it should be avoid harvest versus a
9 closed harvest. The Shorebird Group, which I should also
10 mention I'm a staff member of the Alaska Shorebird Group,
11 discussed this issue to try to determine if they should
12 support a closed versus avoid harvest. They ended up
13 saying that they should avoid harvest with the idea that
14 they would gather information on how much harvest was
15 occurring and then, using that information, decide whether
16 further restrictive actions might be proposed in the
17 future.

18

19 The U.S. Fish and Wildlife Service, on the
20 other hand, thought that because our mandate is to conserve
21 wildlife resources, that we should take a more conservative
22 approach given that there are several concerns about the
23 species that would lead us to think that it may be in
24 trouble if the harvest would go ahead, so that's why we put
25 in a separate proposal that was to close harvest as opposed
26 to avoid harvest. To reiterate some of those issues that
27 we are concerned about, one was the look-alike issue. It
28 doesn't affect Bar-tailed Godwits so much. It affects the
29 Hudsonian Godwit primarily. If you open Bar-tailed Godwit
30 hunting, you'd also allow Hudsonian Godwits to be killed
31 accidentally and they are on the closed list right now.

32

33 The other issue is that there is a harvest
34 occurring on the Yukon Delta. The initial harvest survey
35 estimates put that in the range of 1,100 to 2,000 birds in
36 a given year and that varies through time. Fish and
37 Wildlife Service is concerned that those numbers may be
38 conservative, that not all the birds being hunted have
39 actually been reported. Brian McCaffery's analysis that
40 actually extrapolated some of those estimates to villages
41 that had not been surveyed and not included in the harvest
42 survey came up with the 5,000 estimate. We still think
43 that the estimate of 5,000 is maybe more reliable than
44 3,000, but that's open for debate.

45

46 We also know that the birds are being
47 harvested away from Alaska and those two harvests together
48 make up roughly 10 percent of the population of the species
49 in a given year. Put that together with the fact that
50 there's evidence that there's been very low productivity

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1 over the past four years suggest that if this would
2 continue, that this species would be in decline
3 substantially and would be in a lot of trouble. So, with
4 that, I would urge that you consider closing harvest of
5 Bar-tailed Godwits.

6

7 CHAIRMAN ANDERSEN: Thank you, Rick. Russ.

8

9 MR. OATES: Yes. I wanted to ask Rick if
10 he has any more information about the extrapolation process
11 that Brian McCaffery went through to derive that 5,000
12 number. One of the issues here seems to be whether or not
13 a 2,000 to 3,000 number or a 5,000 number is a more
14 reasonable representation of what harvest is actually
15 occurring on the Yukon Delta.

16

17 MR. LANCTOT: I can't add much more than
18 what I just said. I know he based it upon an extrapolation
19 to communities where there was no current harvest survey
20 being conducted. These communities occurred in areas where
21 Bar-tailed Godwits were staging and, thus, the people there
22 had them available to hunt. He didn't extrapolate to
23 communities where Bar-tailed Godwits did not stage and they
24 do stage on the Yukon Delta prior to migration to New
25 Zealand in a very restrictive area, so we have fairly good
26 data available on where that staging area is based on work
27 that was done in the late '70s and through the '80s. So I
28 think his ability to extrapolate to the different
29 communities was fairly accurate. It wasn't like he was
30 expanding to communities where the Godwit doesn't even
31 occur.

32

33 CHAIRMAN ANDERSEN: Thank you, Rick.

34

35 MR. OATES: Follow-up.

36

37 CHAIRMAN ANDERSEN: Russ, you have a
38 follow-up?

39

40 MR. OATES: Yeah, I have a follow-up.
41 Rick, what is the likelihood that this population is going
42 to be able to be monitored over any kind of a time period
43 so that we could determine decline within a reasonable
44 period of time if, say, a harvest is occurring. In other
45 words, to evaluate possibly if a decline is continuing for
46 whatever reason.

47

48 MR. LANCTOT: Quite frankly, we could do
49 some aerial surveys in the area if money was available to
50 do that during the staging period. They've done surveys in

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1 the past for Bristle-thighed Curlews, which look somewhat
2 like these guys if you're flying in an airplane, I guess,
3 but I think that's a feasible option. It's not in the
4 books right now to do that at any moment. I know that
5 Subsistence Harvest Survey Committee has been thinking of
6 targeting Bar-tailed Godwits specifically to do their own
7 harvest survey on the species and that would give us more
8 information about how much is actually being taken. It
9 wouldn't give us any information about how that's affecting
10 the population size though.

11

12 MR. OATES: Is the money actually being
13 requested to do these surveys?

14

15 MR. LANCTOT: No, no money has been
16 requested at this point.

17

18 CHAIRMAN ANDERSEN: Mike, do you have a
19 question?

20

21 MR. SMITH: Thank you, Mr. Chairman. Who
22 is the Alaska Shorebird Group and why are you staff to it?

23

24 MR. LANCTOT: The Alaska Shorebird Group is
25 an organization formed of Federal employees, State
26 employees, university people, just general public people
27 interested in shorebird conservation. As the Alaska
28 shorebird coordinator, my role in there is to basically
29 facilitate the organization. I help arrange the committee
30 meetings that take place, I work with the executive council
31 that's part of that group. If there is any issues that
32 come up, for example I was aware of this subsistence
33 harvest that was going to be implemented on shorebirds and
34 I made the Shorebird Group aware that this was taking place
35 so that the executive committee could make decisions on
36 whether they wanted to submit any proposals. I guess the
37 reason I'm a part of it is because, as the Alaska shorebird
38 coordinator, one of my major roles is to try to make sure
39 everybody that's working on shorebirds is aware of what
40 each other is doing. So I'm a facilitator as much as
41 anything.

42

43 MR. SMITH: Are there any Native
44 organizations in there?

45

46 MR. LANCTOT: It's open to whoever wants to
47 be a part of it. We have not solicited from anybody.
48 There's consultants, anybody who shows an interest in
49 shorebirds can be a part of it and we encourage them to be
50 a part of it. It's not restrictive in any sense

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1 whatsoever.

2

3

CHAIRMAN ANDERSEN: Thank you, Rick.
4 Before we move on to Austin's question -- I guess we can
5 move on to Austin's question first.

6

7

MR. AHMASUK: Thank you, Mr. Chairman. A
8 number of these large shorebird species winter in the
9 Pacific Islands. I see New Zealand, Australia. Is there
10 information that may cite some problems with their
11 wintering habitat in the Pacific Islands? These are
12 largely Asiatic flyway birds and many of them don't occur
13 in the Pacific flyway portion. Is that true and should
14 there be more coordination, I imagine there is some, but
15 coordination between those Pacific Rim countries.

16

17

MR. LANCTOT: That's correct. Most of the
18 species, if not all the species, wimbralls are an
19 exception, but the majority either go along the East Asian
20 flyway or to the South Pacific over the ocean and that's
21 where they're either staging or wintering. Not so much in
22 the Americas and very little at all in the Pacific flyway
23 of North America. There is some coordination going on with
24 those countries, especially Australia and New Zealand,
25 because that's where Bar-tailed Godwits end up after their
26 migration. We're also working with people in the South
27 Pacific, French Polynesia, and particularly for the
28 Bristle-thighed Curlew and we've done wintering work down
29 there. There is concerns, especially in the South Pacific,
30 of problems there. The Native people there hunting
31 Bristle-thighed Curlews as well as problems with
32 introduction of rats on some of the islands. Bar-tailed
33 Godwits have a little less of a problem in the sense that
34 once they get to their wintering areas, it's in New Zealand
35 and Australia and it's more regulated there and there's no
36 winter hunt that we're aware of in that area. The only
37 problem there occurs in migration as they're going along
38 the East Asian flyway.

39

40

CHAIRMAN ANDERSEN: Thank you, Rick.
41 Cynthia Wentworth, do you have any information regarding
42 this or to add to this or to provide to us?

43

44

MS. WENTWORTH: I don't have any official
45 information yet. One of the reasons I don't is that we
46 have had a policy for many years of not releasing data on
47 the Y-K Delta by village. But if you look at the reported
48 data -- and I should say first that I really respect Brian
49 McCaffery a lot. I think he's one of the best employees in
50 the Fish and Wildlife Service and he's very thorough in

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1 everything, but in this issue, after looking at the data, I
2 really disagree with him.

3

4 If you look at the data closely, the
5 reported data by village, and you look at it up to 2001 by
6 large shorebirds and small shorebirds, which is the way we
7 always did it, and then in 2002 you look at it by the
8 individual species, what he is hypothesizing just doesn't
9 bear out because the place where the harvest is really big
10 for Bar-tailed Godwits is Chefornak, the village of
11 Chefornak. Large shorebirds up to 2001 are real, real high
12 in Chefornak and lower in the other villages that were
13 surveyed. In 2002, you look at it for the different
14 shorebird species, Bar-tailed Godwits and the others, again
15 it's Chefornak with a report of harvest of 100 and some and
16 the other villages of maybe 10, maybe 20, something like
17 that. It's true that not every village is surveyed every
18 year and there are certain villages that usually won't
19 participate, but there's only about maybe one other village
20 where we really have no data at all.

21

22 This whole thing with the Bar-tailed
23 Godwits is a perfect example of why it's so important --
24 I'm talking now to the people from AVCP -- why it's so
25 important that we get the participation of Kwigillingok,
26 Kongiganak and Kipnuk, who have always resisted this survey
27 in one form or another, but we have gotten participation of
28 a couple of those villages in different years over the last
29 few years and that's what allows me to say as much as I'm
30 saying. In other words, it's to people's favor to
31 participate in this survey because when they don't, this is
32 when these kind of things happen where people like Brian
33 can make these great big estimates and get people all
34 worried when maybe there's no reason to worry.

35

36 In this case, just based on what we do know
37 because our RITs have gotten people to participate finally
38 in Kipnuk and one of those other villages has participated
39 once and those show that they're not taking anywhere near
40 the Bar-tailed Godwits that they're taking in Chefornak.
41 So I just don't agree, even though I don't have the data
42 that I can hand out to you right now for two different
43 reasons, partly because it hasn't been tabulated yet for
44 2002 and partly because we don't release stuff by village,
45 but it just doesn't bear out. Whenever I hear this whole
46 thing about Brian's estimation, even though I really
47 respect Brian professionally, I just totally disagree with
48 what he's doing. It's just not correct based on my
49 experience and so forth. So that's just what I have to
50 say.

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1 CHAIRMAN ANDERSEN: Thank you, Cynthia.
2 Don't leave yet. Myron has a question.

3
4 MR. NANENG: In looking at the proposal
5 where it says how will this regulation affect subsistence
6 users, it seems like people are saying two things at the
7 same time. The impact will be minimal. And then the last
8 sentence, recent subsistence harvest survey data suggest
9 that a few thousand godwits are harvested annually in that
10 region.

11
12 MS. WENTWORTH: Are you talking to me?

13
14 MR. NANENG: To both of you. It seems like
15 somebody is making the assumption that when you have one
16 village saying that -- providing this survey information
17 that they gather less than 200.

18
19 MS. WENTWORTH: That's just the reported
20 harvest from people who participated.

21
22 MR. NANENG: I understand that as being a
23 reported harvest. But somebody that might be sitting in
24 Bethel who does not live there and tried to extrapolate
25 based on -- it seems like he's multiplying by at least 50
26 villages or something to that effect where they're saying
27 that they're harvesting 5,000 annually. Is that within
28 AVCP region or throughout the migratory route?

29
30 MR. LANCTOT: Well, I'm a bit uncomfortable
31 trying to defend what Brian did because I didn't do it
32 myself and I don't know how he did it exactly. From what I
33 understand, however, he wasn't multiplying by -- starting
34 with 100 birds, but starting with a figure between 1,100
35 and 1,800, which was large shorebirds. In his estimation,
36 the majority of those were probably Bar-tailed Godwits.
37 That's why he came up with a bigger number to begin with,
38 that he then extrapolated to the villages where Bar-tailed
39 Godwits occur.

40
41 I also would caution that surveys, in my
42 opinion, might be an underestimate of the number of birds
43 actually harvested simply because at the time the surveys
44 were being conducted it was illegal to harvest Bar-tailed
45 Godwits and, thus, people might have been inclined not to
46 mention how many birds they were taking. So, with that in
47 mind, I would still suggest that although he was
48 extrapolating, he was extrapolating from numbers that were
49 collected at a time when the harvest was illegal and, thus,
50 those numbers probably were conservative to begin with.

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1 In terms of what impact this will have,
2 again, I didn't write this particular one. He started out
3 by saying in general that the impact would be minimal
4 because, in most parts of Alaska, there are no harvest of
5 Bar-tailed Godwits, but he did recognize that on the Yukon-
6 Kuskokwim Delta there would be an impact if you closed the
7 season on this particular bird.

8

9 CHAIRMAN ANDERSEN: Thank you, Rick. Mike,
10 you had a question.

11

12 MR. SMITH: Yeah, Mr. Chairman. I mean
13 this is really rather perplexing, you know, in the sense
14 that we have poor numbers on both sides of this thing. You
15 know, we have poor numbers on the harvest side because it
16 was an illegal hunt at that time and then we have
17 extrapolated numbers that are just as poor as those harvest
18 numbers.

19

20 Additionally, I think this again
21 exemplifies the concern that I had expressed here over the
22 last couple of meetings of conflicting messages being --
23 well, I don't know if conflicting, but I don't know where
24 U.S. Fish and Wildlife speaks and where the Alaska
25 Shorebird Council speaks. It seems to me that the Alaska
26 Shorebird Council, to a large extent, is comprised of State
27 and Federal people that their opinions -- I'm not sure how
28 the Department fits in to the Alaska Shorebird Group. You
29 know, is the Department the Alaska Shorebird Group and is
30 that an alternative way of getting Departmental staff
31 opinions through this process? I'm just concerned about
32 that whole issue of the departments going through
33 alternative methods and alternative means to influence
34 what's happening in regards to this panel. We've seen it
35 happen at the Service Regulatory Committee. We've seen it
36 happen now and it just continues and I have extreme
37 concerns about that.

38

39 CHAIRMAN ANDERSEN: Rick, would you like to
40 respond?

41

42 MR. LANCTOT: Yes. The Alaska Shorebird
43 Group does have Federal and State employees on it and
44 they're on it on their own volition because they have an
45 interest in shorebird conservation. There are roughly 150
46 people that are on the Alaska Shorebird Group. Roughly 40
47 of those are active participants and the rest are people
48 interested in shorebirds that are on our list server that
49 get messages from the Alaska Shorebird Group. In that
50 sense, it does differ dramatically from the Federal or

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1 State employees. There is some overlap, but it's by the
2 nature of our interest in what we do. We're Federal
3 employees, but we're also interested in shorebird
4 conservation in my case.

5

6 MR. SMITH: So you're not staff to the
7 Shorebird Council. Are you being paid by the Federal
8 government to staff the Alaska Shorebird Council?

9

10 MR. LANCTOT: No, I'm not.

11

12 MR. SMITH: Okay. That's what I wanted to
13 clarify.

14

15 CHAIRMAN ANDERSEN: Thank you, Rick,
16 Cynthia. Before we move on to Proposal No. 9, I'm calling
17 for a 15 minute break.

18

19 (Off record)

20

21 (On record)

22

23 CHAIRMAN ANDERSEN: Call the meeting back
24 to order. It's 2:49. The next proposal on the agenda is
25 No. 9. Bill, do you want to walk us through that, please.

26

27 MR. NANENG: Mr. Chairman. Can I ask one
28 question on the last proposal, No. 7? Mr. Lanctot, I have
29 a question for you. Since the Bar-tailed Godwits are
30 considered to be harvested down in Y-K Delta, is the Alaska
31 Shorebird Group, Brian McCaffery and you, are you
32 communicating with any of the RITs that travel out to the
33 villages regarding these species?

34

35 MR. LANCTOT: I assume Brian McCaffery is.
36 I am not personally. But Brian is based out of Bethel and
37 knows the RITs there. That's what I can answer for him.

38

39 MR. NANENG: I think you ought to pose that
40 question to Brian, too, because what is proposed and the
41 extrapolations and the high numbers that are being
42 mentioned here and what Cynthia has reported, it seems like
43 it is five times to 100 times more than what they're
44 saying. It seems like there's no communication between the
45 people that work. One of the reasons why I stated there's
46 a conflict of interest is that we're not sure if he's
47 wearing the Fish and Wildlife sign or the Alaska Shorebird
48 sign when he makes this proposal. If it's a proposal that
49 comes before this, I think there has to be communication
50 between the agency and their staff to gather the right

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1 information rather than trying to get extrapolations.

2

3 MR. LANCTOT: As I tried to explain at the
4 beginning, Brian McCaffery's name is on there because he is
5 the president of the Alaska Shorebird Group. That may have
6 been a mistake to put his name on there, but he, in writing
7 the proposal to avoid harvest of Bar-tailed Godwits, was
8 representing the Alaska Shorebird Group and he did the
9 analysis that came up with that 5,000 number as a
10 representative of the Shorebird Group. After we did that,
11 I had discussions with my supervisor and a decision was
12 made that the Fish and Wildlife Service should take a more
13 conservative approach and that was to close harvest on Bar-
14 tailed Godwits. Using the same amount of information that
15 was available for the Shorebird Group, but because our
16 mandate in the U.S. Fish and Wildlife Service is to
17 conserve the species, we thought it would be more prudent
18 to close harvest.

19

20 CHAIRMAN ANDERSEN: Thank you, Rick.
21 Again, back to Proposal No. 9. Bill, do you want to
22 introduce that, please.

23

24 MR. OSTRAND: Mr. Chair. I didn't have a
25 chance to report for the Technical Committee on this.

26

27 CHAIRMAN ANDERSEN: Oh, I'm sorry. On
28 Proposal No. 7. Proceed please.

29

30 MR. OSTRAND: The Technical Committee has
31 nothing. No, I'm just kidding. The Technical Committee
32 discussed this and, as with the other proposals, we don't
33 have a position, but we did briefly look at this. We
34 looked at all the regulations either that were passed last
35 year, the eliminating of some of the species from the list
36 and the proposals for this year collectively. We looked at
37 the maps of their nesting ranges to see if area closures
38 would work. We don't have a suggestion on area closures as
39 a management tool here, but we did provide you with the
40 maps in the event that discussion would come up. They're
41 behind Tab 5 and you can see where the principal nesting
42 areas are and how they do and do not overlap and what kind
43 of problems there would be in trying to protect some
44 species with area closures. So that's the report from the
45 Technical Committee.

46

47 CHAIRMAN ANDERSEN: Thank you, Bill. Are
48 there any public comments? Hearing none. Now we can
49 proceed with Proposal No. 9.

50

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1 MR. OSTRAND: Proposal No. 9 also comes
2 from the U.S. Fish and Wildlife Service. Dr. Rick Lanctot
3 is the author. We suggest retaining the 2003 shorebird
4 closed harvest species restrictions for 2004. This
5 includes closed harvest of American Golden-plover, Pacific
6 Golden-plover, Whimbrel, Bristle-thighed Curlew, Buff-
7 breasted Sandpiper, Marbled Godwit and Hudsonian Godwit.
8 How should the regulation read? Continue the 2003
9 prohibition on subsistence harvest of the same species I
10 just read. And to what geographic area does this apply?
11 It is statewide in its application.

12

13 CHAIRMAN ANDERSEN: Thank you, Bill. Tom
14 Rothe, please provide us with the ADF&G staff analysis.

15

16 MR. ROTHE: Mr. Chairman. The Department
17 notes that Nos. 9 and 12 are essentially the same proposal.
18 We assume that given the direction the Council has taken,
19 which reflects typical procedure, say at the Pacific Flyway
20 Council, if we don't want changes, you wouldn't normally
21 have to adopt something that maintains the status quo. I
22 guess our view is that action isn't required unless the
23 Council feels it needs to make an emphasis or statement to
24 the Service about this. I think the regulations that we'll
25 see any day now have these species removed, the Department
26 would support that action by the Service. There are
27 probably no biological reasons why you couldn't have a
28 harvest on American Golden-plover, for example, or perhaps
29 Whimbrels, but it's not a biological issue as far as we're
30 concerned, more than just a process issue with the Service.

31

32

33 CHAIRMAN ANDERSEN: I have a question, Tom.
34 Maybe I misunderstood you, but did you say that action on
35 this proposal is not really needed unless we're going to be
36 changing something from 2003?

37

38 MR. ROTHE: Mr. Chairman. As I understood,
39 I think from some discussion at the last Council meeting,
40 the assumption was that regulations would continue on
41 unless proposals for change were submitted. I guess, just
42 to be safe, the Council might consider sending its
43 recommended changes to the Service and then with a
44 statement that says and nothing else shall be changed. As
45 I understand it, maybe Bob could clarify. I don't think
46 you'd have to take action on these two if you agree with
47 what the Service did in 2003.

48

49 CHAIRMAN ANDERSEN: Thank you. Mr. Robus.

50

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1 MR. ROBUS: Thank you, Mr. Chairman.
2 Perhaps you need to ask a couple questions first, but I'm
3 wondering if this is an appropriate time rather than
4 waiting for deliberations to move for no action on the
5 proposals that would just be no change from the current
6 year regulations that are about to be published.

7
8 CHAIRMAN ANDERSEN: Can you repeat that
9 again? Are you making a motion?

10
11 MR. ROBUS: Mr. Chair. I'm asking if this
12 is an appropriate time to make that motion or if I should
13 hold off until deliberations and just do it then. These
14 seemed like quick kills to me since there are no change.

15
16 CHAIRMAN ANDERSEN: What's the wish of the
17 Council?

18
19 MR. AHMASUK: Wait for deliberations.

20
21 CHAIRMAN ANDERSEN: Austin. Mike.

22
23 MR. SMITH: Mr. Chairman. I think I would
24 agree with Matt on this. This is kind of a no-brainer
25 situation. We're not changing the list at all and it's
26 kind of a moot point unless we do so and I would agree with
27 Matt that this might be a good time to go ahead and get rid
28 of some of these that we already know we're going to get
29 rid of anyway.

30
31 CHAIRMAN ANDERSEN: Fred.

32
33 MR. ARMSTRONG: Thank you, Mr. Chair. I
34 think it would be appropriate that we hear both sides
35 before the Council acts and we have protocol to follow.

36
37 CHAIRMAN ANDERSEN: That's what I was going
38 to do next is call on the Fish and Wildlife Service for the
39 staff analysis.

40
41 MR. LANCTOT: Thank you, Mr. Chairman. We
42 were unclear at the time that proposals were required
43 whether we would need to submit a proposal like this or
44 not. To be safe, we did, and it was mostly to retain what
45 had been determined about a month prior to this point for
46 the 2003 regulations. The seven species that are listed
47 all have small populations or they're look-alike species or
48 they have restricted breeding ranges or declining
49 populations and that's why those seven were initially taken
50 off. There's more detail about each of those species in

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1 the following pages.

2

3 CHAIRMAN ANDERSEN: Thank you, Rick. Bill,
4 do you have information from the Technical Committee?

5

6 MR. OSTRAND: No. The Technical Committee
7 had no further information.

8

9 CHAIRMAN ANDERSEN: Are there any public
10 comments? Hearing no public comments. Austin.

11

12 MR. AHMASUK: Thank you, Mr. Chairman. The
13 retention of the 2003 shorebird closed harvest species
14 restrictions, isn't it true that the 2003 prohibition is
15 expected to be the birds listed in Proposal No. 9, not a
16 prohibition that this body was handed down to? It's
17 expected that these are going to be the birds for
18 prohibition, isn't that true? There's no actual regulation
19 that has actually prohibited these birds from being
20 harvested.

21

22 MR. LANCTOT: It was in the process of
23 being written and it supposedly included those species.

24

25 CHAIRMAN ANDERSEN: Austin.

26

27 MR. AHMASUK: That is why I wish that we
28 wait for deliberation to take action on this because there
29 is, in fact, no 2003 prohibition as of this moment. It's
30 expected that we're going to receive it shortly. We would
31 be taking action on a prohibition that we're not even sure
32 exists yet.

33

34 CHAIRMAN ANDERSEN: Matt.

35

36 MR. ROBUS: That's fine, Mr. Chairman. I
37 guess we're probably arguing about when to do it longer
38 than it's going to take to do it, so I'll wait for
39 deliberations. Thanks.

40

41 CHAIRMAN ANDERSEN: Thank you. I guess
42 we're on to the next Proposal No. 12. Bill, do you want to
43 present that, please?

44

45 MR. OSTRAND: No. 12 is basically the same
46 proposal, however this comes from the Alaska Shorebird
47 Group and it is authored by Brian McCaffery. What's being
48 proposed is we suggest retaining the 2003 shorebird closed
49 harvest species restrictions for 2004. this includes
50 closed harvest of American Golden-plover, Pacific Golden-

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1 plover, Whimbrel, Bristle-thighed Curlew, Buff-breasted
2 Sandpiper, Marbled Godwit and Hudsonian Godwit. How should
3 this regulation read? Continue the 2003 prohibition on
4 subsistence harvest for American Golden-plover and the rest
5 of the species I just named.

6

7 CHAIRMAN ANDERSEN: Isn't the language the
8 exact same as the previous proposal? Mr. Rothe, do you
9 have ADF&G's staff analysis?

10

11 MR. ROTHE: Mr. Chairman. It would be the
12 same as the previous proposal.

13

14 CHAIRMAN ANDERSEN: Thank you. Rick.

15

16 MR. LANCTOT: Same as before.

17

18 CHAIRMAN ANDERSEN: Thank you. The
19 Technical Committee. Bill, do you have any information
20 from the analysis?

21

22 MR. OSTRAND: No, I have no information to
23 offer.

24

25 CHAIRMAN ANDERSEN: Thank you. Are there
26 any public comments? Hearing none. We're on to Proposal
27 No. 13 by the Kodiak Audubon Society. Bill, can you
28 present that, please.

29

30 MR. OSTRAND: Yes. Before I do, I just
31 want to give a little background on the history of this
32 proposal. It came to me and I reviewed it. It was sent to
33 me by Alisa Abookire and I called her up and I pointed out
34 that actually several items are being proposed here and it
35 wasn't in the Council's format. She withdrew the proposal,
36 said she'd work on it and then I got a call later
37 resubmitting the proposal, so I've left it as originally
38 submitted. It is proposing a number of things and I hope I
39 can do justice to it because there are so many items in
40 here and they're woven in with a lengthy narrative, but
41 I'll give it my best.

42

43 Several species are recommended for
44 deletion from the list for the Kodiak area. They include
45 the Red-throated Loon, Yellow-billed Loon, Red-face
46 Cormorant, Greater White-fronted Goose, Canada Goose,
47 Common Eider, King Eider, Long-tailed Duck, Black Scoter,
48 Pacific Golden-Plover, Black Oystercatcher, Wandering
49 Tattler, Bristle-thighed Curlew, Hudsonian Godwit, Marbled
50 Godwit, Black Turnstone, Dunlin, Buff-breasted Sandpiper,

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1 Red-legged Kittiwake, Aleutian Tern, Whiskered Auklet.
2 Those are birds that are also on the Audubon Watchlist.

3

4 These following birds are also requested --
5 actually, these are Alaska-wide proposals, not just Kodiak.
6 Arctic Loon, Pacific Loon, Common Loon, Horned Grebe, Red-
7 necked Grebe, Northern Fulmar, Double-crested Cormorant,
8 Pelagic Cormorant, Cackling Canada Goose, Black Brant,
9 Taverner's Canada Goose, Trumpeter Swan, Tundra Swan,
10 Eurasian Widgeon, Harlequin Duck, Ring-necked Duck, Surf
11 Scoter, White-winged Scoter, Bufflehead, Hooded Merganser,
12 Black-bellied Plover, American Golden Plover, Common Ringed
13 Plover, Greater Yellowlegs, Lesser Yellowlegs, Solitary
14 Sandpiper, Spotted Sandpiper, Upland Sandpiper, Whimbrel,
15 Bar-tailed Godwit, Ruddy Turnstone, Red Knot, Semipalmated
16 Sandpiper, Western Sandpiper, Least Sandpiper, Baird's
17 Sandpiper, Sharp-tailed Sandpiper, Long-billed Dowitcher,
18 Common Snipe, Red-necked Phalarope, Red Phalarope, Pomarine
19 Jaeger, Parasitic Jaeger, Long-tailed Jaeger, Bonaparte's
20 Gull, Ivory Gull, Sabine's Gull, Black Guillemot, Pigeon
21 Guillemot, Cassin's Auklet, Parakeet Auklet, Least Auklet,
22 Crested Auklet, Rhinoceros Auklet, Thick-billed Murre,
23 Common Murre, Horned Puffins limited to egg taking and
24 hunting in specific areas only, Tufted Puffins limited egg
25 taking and hunting in specific areas only, Snowy Owl
26 limited egg take and hunting in specific areas only where
27 populations can be sustained, Great Horned Owl, Northern
28 Hawk Owl and Short-eared Owl.

29

30 In addition to the species close, there's
31 provisions for limiting subsistence hunting to areas
32 surrounding the major villages in the Kodiak Archipelago.
33 I hope I've covered it sufficiently.

34

35 CHAIRMAN ANDERSEN: You did a fine job.
36 Mr. Rothe, please provide us with ADF&G's staff analysis.

37

38 MR. ROTHE: Mr. Chairman. I, too, went
39 through and took out what I think are the key intents in
40 the proposal. First of all, seven of the species they
41 recommend closure have been removed by the Fish and
42 Wildlife Service from the list. There are a number of
43 others that are addressed in the proposal before you today,
44 so presumably the Council will decide on those species. A
45 lot of species are on the Audubon Watchlist. The Watchlist
46 itself isn't just species that are in such trouble that
47 there's no harvest sustainable. A lot of game birds,
48 ducks, are on those lists simply to express some concern,
49 so the Department doesn't think that it's appropriate to
50 remove anything on the Audubon Watchlist from subsistence

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1 hunting.

2

3

4 Another thing about the list is there are
5 currently fall and winter seasons on many of these game
6 birds. Some have moderate restrictions in place because of
7 concerns, but we don't believe it's warranted to close
8 subsistence hunting if we have a fall and winter season on
9 some of these. There is a number of other issues, but are
10 bottom line on the species list because we don't think it's
11 near warranted to remove 80 species from the list.

12

13 They brought up the point of safety
14 considerations. The Council dealt with that in
15 recommending road system regulations last time, so we think
16 that's probably adequately addressed. There is the issue
17 of potential conflict between wildlife viewers and
18 subsistence users, either eggs or hunting. I guess at this
19 point we would hope that regionally the Kodiak Co-
20 management Committee can work with everybody down there and
21 resolve any issues that do come up. I think Audubon has a
22 concern if egg collectors and hunters are going to the most
23 popular tour ship destinations and I think they should
24 figure a way to work that out among themselves. At this
25 point, we're not aware of any existing conflicts given the
26 road system closure is going to be in effect.

27

28 I think our assumption is that most of the
29 key concerns that they raised have been addressed by the
30 Council and then species issues I guess you'll resolve
31 those later today.

32

33 CHAIRMAN ANDERSEN: Thank you, Tom. Rick,
34 do you have the Fish and Wildlife Service's staff analysis?

35

36 MR. LANCTOT: Thank you, Mr. Chairman. I
37 think Tom did a pretty good job summarizing some of the
38 same concerns that we have. There are species on there
39 that we know are already being hunted and, therefore, do
40 not feel that they should be removed from the subsistence
41 harvest list. There are other species that are on there
42 that already have been removed as well, so it's kind of
43 redundant. Some of those difficulties makes it difficult
44 to support the proposal overall given that there's some
45 inconsistencies in there and things that we can't support.
46 We do recognize, however, that there are a few concerns,
47 especially some of the species that are on the Audubon
48 Watchlist are species that are also on the BCC list and,
49 therefore, we're concerned about them. Like Tom said,
50 we're trying to address that in other ways. So, for those
51 reasons, we think while the proposal is well-intentioned,

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1 it covers too many things and makes it difficult to support
2 overall.

3

4 CHAIRMAN ANDERSEN: Thank you, Rick. Bill,
5 do you have the Technical Committee analysis?

6

7 MR. OSTRAND: The Technical Committee does
8 not have any further information to offer.

9

10 CHAIRMAN ANDERSEN: Julian, do you have
11 information or analysis of the waterfowl aspects of this
12 proposal?

13

14 MR. FISCHER: Thank you, Mr. Chairman.
15 Just from the waterfowl perspective I think that Tom's
16 comments and Rick's comments both satisfy our concerns.
17 While we respect the interest in conservation that this
18 group has expressed, we feel that their proposal is
19 somewhat overzealous in their list of species. In the
20 proposal, they mention they feel that the list of species
21 to be taken should be restricted to those that are
22 traditionally taken, however they don't support
23 documentation of what those species are.

24

25 The Audubon Watchlist, we agree with Fish
26 and Game, is a list of species that we should keep a watch
27 on but not necessarily restrict particularly in this arena
28 here. So, for a number of these species, including the
29 eiders and the scoters, we would encourage the Council to
30 consider perhaps including those on a species to avoid list
31 if that policy is adopted, but not necessarily eliminate
32 through regulations as permitted take. They're concerned
33 that depletion of certain charismatic bird populations
34 could be objectionable. We don't feel it has a biological
35 basis. That's about it. Thank you.

36

37 CHAIRMAN ANDERSEN: Thank you, Julian. Are
38 there any public comments? Eric.

39

40 MR. JOHNSON: Eric Johnson. Association of
41 Village Council Presidents. I just want to briefly
42 reference my comments earlier on the Tetlin Wildlife Refuge
43 proposal. One of the justifications that's provided for
44 this proposal is the fact that the Audubon Society is
45 concerned about the increase in hunting, they're concerned
46 about non-Native hunters. Because of the Japan convention,
47 any authorization of non-Native hunters during the spring
48 or summer hunt is illegal, so I don't believe that's a
49 legitimate concern here in light of the Japan convention.
50 That's all I have to say.

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1 CHAIRMAN ANDERSEN: Thank you, Eric. Which
2 moves us on to our last two proposals which deal with
3 methods and means. The first proposal is No. 3. Bill, can
4 you present that, please.

5

6 MR. OSTRAND: Yes. This proposal comes
7 from U.S. Fish and Wildlife Service, Migratory Bird
8 Management and the Nongame Migratory Bird branch. It's
9 written by Kent Wohl. He's proposing banning the use of
10 gillnets as a method for harvesting birds for subsistence
11 use. How should the new regulation read? The use of
12 gillnets to take migratory birds for subsistence purposes
13 is not an approved method. This would apply statewide.

14

15 CHAIRMAN ANDERSEN: Thank you, Bill. Mr.
16 Rothe, can you please give us the ADF&G staff analysis.

17

18 MR. ROTHE: Yes, Mr. Chairman. The
19 Department is not aware of any major use of gillnets as a
20 direct method of catching birds. So, as such, we don't
21 think the gillnet is an inappropriate or harmful way of
22 harvesting birds. The key issue here is what happens to
23 the incidental take of birds in the thousands of gillnets
24 that are used every year across the state. In effect, I
25 think this proposal would make those incidentally caught
26 birds illegal, which puts a lot of fishermen in jeopardy.
27 More importantly, I guess we're really concerned that
28 whereas subsistence users could legally consume those birds
29 efficiently, in this case they could likely be concerned
30 about being caught and discard them or keep them illegally
31 and bear the consequences. I guess I don't see where
32 banning the use of gillnets is going to solve the problem
33 of incidental take.

34

35 The Technical Committee earlier talked
36 about an outreach and conservation kind of initiative to
37 see if there were ways to work with fishermen so that the
38 birds avoid their nets and they tend their nets more
39 regularly. I think our department would support an
40 outreach and research effort prior to taking a step like
41 this to make it illegal to have one of these birds.

42

43 CHAIRMAN ANDERSEN: Thank you, Mr. Rothe.
44 Rick, will you be presenting the Fish and Wildlife Service
45 staff analysis?

46

47 MR. LANCTOT: Yes, I am. I think what
48 Kent had in mind when he put this together was that there
49 has been a problem with incidental take of Yellow-billed
50 Loons and Kittlitz's Murrelets during fishing with gillnets

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1 and some of that take is a direct result of not attending
2 nets as often as you might want to. So this was one way of
3 trying to get people to actually tend their nets more
4 frequently than what they would otherwise. Not leave them
5 for a day or two days and come back and find out that
6 there's birds in the net.

7

8 He was also concerned that incidental take
9 is illegal for commercial fishing operations, so you could
10 have a subsistence harvester fisherman right next to a
11 commercial fisherman using the same type of nets and under
12 the new regulations the commercial fisherman would be cited
13 for taking birds illegally and the subsistence harvester
14 would not and that duplicity or difficulty there was
15 something he was concerned about. Whether actually banning
16 the use of gillnets for harvesting birds is the way to go,
17 I'm not so sure.

18

19 I think you should also read carefully that
20 he is banning the use of gillnets as a method for
21 harvesting birds. So if you're using gillnets to fish,
22 that's very different than using nets to harvest birds. If
23 people are not currently using gillnets to harvest birds,
24 then it shouldn't be a problem to ban it. The difficulty,
25 of course, would then be are you using your gillnets to
26 fish or are you using them to harvest birds and most people
27 would say I'm using them to fish. I don't know what more I
28 can say. Kent would probably be a better person to address
29 this one than me.

30

31 CHAIRMAN ANDERSEN: Thank you, Rick. The
32 flip side to no use, no problem, would be if they're not
33 used, why restrict it. I mean what's the use of a
34 regulation if they're not used anyway. Technical Committee.
35 Bill, can you provide us with the analysis?

36

37 MR. OSTRAND: Yes. The regional
38 representatives to the Technical Committee wanted to point
39 out that if someone fishing with a net inadvertently takes
40 a bird, they can salvage it. If this were passed, they
41 would likely throw it away and it would result in waste.

42

43 CHAIRMAN ANDERSEN: Thank you. Are there
44 any public comments? Hearing none. Which brings us to No.
45 4. Bill, can you present Proposal No. 4, please.

46

47 MR. OSTRAND: Proposal No. 4 is from the
48 U.S. Fish and Wildlife Service, Division of Migratory Bird
49 Management. It is written by Kent Wohl. It's proposed to
50 add a prohibition against hunting with dogs. How should

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1 the regulation read? Use of dogs for hunting, except for
2 retrieving wounded or dead birds. That would be aligned
3 within the prohibitions. Out of context here it doesn't
4 seem to make sense, but, as you recall from our methods and
5 means, there's a list of prohibited methods of harvest and
6 this would be then added to that. To what geographic
7 region does this apply? All areas of the state.

8

9 CHAIRMAN ANDERSEN: Thank you, Bill. Mr.
10 Rothe.

11

12 MR. ROTHE: The Department looked at
13 several aspects of this. One was generally the effects of
14 using dogs on harvest comparison with the existing fall and
15 winter regulations and then third is the prospect of the
16 introduction of puffin dogs or new technology.

17

18 First of all, I'd just mention that in
19 general terms methods and means are all acceptable except
20 specific ones, which are prohibited. In this case, the use
21 of dogs isn't widely known to our department as a method of
22 catching birds right now. In comparison with other
23 regulations for fall and winter, it would not be illegal
24 for a sport hunter to have his dog catch a bird and use it.
25 It would be legally taken game. In fact, one could argue
26 that we have promoted the use of dogs because they are
27 efficient in retrieving everything that we render to our
28 bags. We don't see any general problem with the use of
29 dogs.

30

31 As I said, I think there's a potential here
32 for a double standard if it's legal during fall and winter
33 to use a dog and it's not legal during spring and summer,
34 that's a problem. As I understand it, the impetus behind
35 this really came from the prospect of using these European
36 puffin dogs and potential impacts on seabird colonies. I
37 guess, from what I've seen, the Department doesn't believe
38 there's a realistic expectation that people will buy and
39 utilize these fairly rare dogs and it's a thing that I
40 guess we would wait and see if a problem develops before we
41 would want to prohibit something like this.

42

43 CHAIRMAN ANDERSEN: Thank you, Tom.

44

45 MR. OATES: I have a question for Tom.

46

47 CHAIRMAN ANDERSEN: Okay.

48

49 MR. OATES: Tom, you're characterizing the
50 regulation of saying you can't use dogs at all for

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1 subsistence hunting and the language there states except
2 for retrieving wounded or dead birds. Is that any
3 different than the sport regulation?

4

5 MR. ROTHE: Unless I've been wrong for a
6 long time, Bob can verify, I don't think there's anything
7 illegal with me taking a labrador and having it retrieve a
8 perfectly live, perky duck that I didn't shoot.

9

10 MR. OATES: My point is, he was
11 characterizing it as restricting the use of dogs for
12 subsistence hunting in a way that was not for sport hunting
13 and I guess I don't see it that way. I think the one point
14 here that could be brought up, and I thought that
15 correction was made via some conversation with law
16 enforcement, that the exception also would be allowed for
17 flushing birds as is frequently done with sport hunting.

18

19 CHAIRMAN ANDERSEN: Donna, do you have
20 something to add?

21

22 MS. DEWHURST: I think I can offer some
23 clarification. This proposal did start out with the
24 impetus being the Lundehund or the puffin dogs and concern
25 with -- they were broadly, historically abused in
26 Scandinavia and I'm not sure what country, but I know
27 there's a long history of it where they were made illegal.
28 There was some interest expressed into starting that up
29 here. Whether or not that would happen, I don't know, but
30 the interest did occur and they did contact us about it.
31 That started the whole ball rolling. In the past two to
32 three weeks there'd been a lot of discussion about the
33 wording of this draft regulation, from the law enforcement
34 division, from biologist. I've had a lot of people coming
35 up to me and everybody trying to word-smith it and saying,
36 well, what about flushing, what about this.

37

38 In the discussions, another aspect came up
39 that the question was raised, do we want to potentially
40 start a new tradition of using dogs to flush or catch birds
41 on the breeding grounds. When we're talking about the fall
42 sport regs, we're talking about birds that are in migration
43 or wintering grounds. We're talking about nesting birds
44 now. We're talking about spring and summer hunt. That was
45 an issue that I hadn't really thought about, but it was
46 brought up that maybe this new language would also serve
47 the purpose to prevent our non-traditional hunters from
48 starting a new tradition of using dogs to go out in nesting
49 areas and either catch birds on the nest and/or flush birds
50 off the nest and shoot them. I hadn't thought about that

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1 aspect in all honesty. It was another angle to this that
2 came up just recently and the thinking of the folks who
3 were discussing it was, well, gee, this regulation might
4 serve two purposes. It would prevent ever the Lundehund
5 thing ever going any place and then it would also prevent
6 non-traditional hunters from using dogs to flush nesting
7 waterfowl and nesting shorebirds off the nest or off
8 breeding grounds. So I just bring that up and that was
9 another whole angle to it I hadn't even thought of.

10

11 CHAIRMAN ANDERSEN: Thank you, Donna. I
12 guess we're at the Technical Committee analysis. Oh, okay.
13 Rick.

14

15 MR. LANCTOT: I think Donna did a pretty
16 good job of spelling most of that out. Kent originally
17 wrote it because of the Lundehund idea and he did hear of
18 an occurrence of a woman calling in and finding out if that
19 was an illegal thing to do because she wanted to start the
20 practice, so there was some evidence that it could occur in
21 the near future and this was an effort to keep that from
22 happening. That was the main reason he put it forward.

23

24 CHAIRMAN ANDERSEN: Thank you, Rick. Mike.

25

26 MR. SMITH: Mr. Chairman. I'm having a
27 hard time distinguishing between a prohibition against
28 using dogs to hunt and say, for example, the use of falcons
29 to go waterfowl hunting. I'm having a hard time
30 distinguishing the two. I'm not sure about that. I'm not
31 sure where we're headed. I really see no distinction
32 between using a dog or using a bird to hunt. I'm just not
33 sure how we can make that distinction from a practical
34 sense.

35

36 CHAIRMAN ANDERSEN: If it doesn't exist in
37 the fall, the regular hunt, then I'd be curious to know
38 whether or not a similar discussion has taken place
39 previously on the fall hunt. But, in any case, Tom, did
40 you have your hand up?

41

42 MR. ROTHE: Just a question, I guess. I'm
43 wondering if this is the right tool to fix the problem.
44 Typically, we regulate harvest by seasons and bag limits
45 and that sort of thing. In some respects, you could just
46 say, well, who cares how you get them if we can regulate
47 harvest with the primary tools. The methods and means
48 regulations typically were developed to prevent public
49 safety problems, wasteful harvest and, in some cases, to
50 make it easier for law enforcement to find us. In this

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1 case, you could almost argue that dogs would make your hunt
2 more efficient. If there was a quantity problem, then we
3 should address it through maybe a different mechanism.
4 Anybody from the Service, was the quantity of the harvest
5 that was a concern or just the method as traditional or
6 not?

7

8 CHAIRMAN ANDERSEN: Thank you, Tom. Bill,
9 do you have a Technical Committee analysis?

10

11 MR. OSTRAND: The Technical Committee has
12 nothing to add.

13

14 CHAIRMAN ANDERSEN: Are there any public
15 comments? Rick.

16

17 MR. LANCTOT: I think a Lundehund problem
18 is that you can go to a puffin colony and have a very
19 devastating effect on a colony in a local area if you were
20 to go there. Given that there isn't very good mechanisms
21 in place to regulate many of the non-game species,
22 especially some of these seabirds, that we wanted to try to
23 keep that from happening. Even though you can -- if you
24 had the mechanism to really regulate numbers of birds, then
25 we could argue, well, then it doesn't matter how you take
26 them, but we're not going to be in a position to do that in
27 the near future and this can have a real strong local
28 problem if a particular group of people start focusing on a
29 particular island and a particular species.

30

31 CHAIRMAN ANDERSEN: Which also raises some
32 questions with me. How many subsistence hunters would be
33 interested in buying a dog and, second, how many birds can
34 a dog harvest. Third, traditionally, around my area
35 anyway, if a dog touched one of our birds or any of our
36 subsistence foods, we never ate it. I mean if a dog
37 nibbled on a piece of meat, we threw that meat away. If a
38 dog touched a bird, bit on a bird, we'd throw that bird
39 away. So, I mean, I'm wondering about the practical
40 applications of something that doesn't exist first of all,
41 a method that nobody practices yet. While it's good to be
42 proactive, we may be taking this a step further than we
43 actually need to. Traditional practices in other areas are
44 the same as anywhere. If a dog puts its mouth over
45 something, you just don't eat it. It's as simple as that.
46 We throw it away. So, the use of a dog for hunting isn't
47 traditional. Anyway, I don't mean to continue the
48 discussion on this.

49

50 We're now at the end of our proposals.

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1 What I'd like to do is call a 20-minute break. During the
2 break I'd like to have the Native representatives remain in
3 the room and others are excused. Thank you.

4

5 (Off record)

6

7 (On record)

8

9 CHAIRMAN ANDERSEN: Call the meeting back
10 to order. It's 4:19. The next step in the protocol is
11 deliberations. The way I'll go about this is I will read
12 the proposal, the short title of it, then we'd need a
13 motion to consider it, followed by a second, then we'd take
14 a vote on it after discussions. During the discussion
15 phase, amendments and other changes will be considered.
16 We'll go through the proposals as they're presented in the
17 tabs and by groups.

18

19 The first four proposals that we'll be
20 considering are Proposals No. 1, 8, 10 and 11. Proposal
21 No. 1 is by the U.S. Fish and Wildlife Service, to develop
22 a red flag list and include seven species of waterfowl. Do
23 I hear a motion to consider that proposal?

24

25 MR. ROBUS: So moved Mr. Chairman.

26

27 CHAIRMAN ANDERSEN: A motion has been made.
28 Do I hear a second?

29

30 MR. OATES: Second.

31

32 CHAIRMAN ANDERSEN: Second by Russ Oates.
33 Any discussion?

34

35 MR. OATES: Mr. Chairman. I propose to
36 amend the proposal to read as indicated on the handout that
37 was just provided such that this is no longer a regulations
38 proposal, it is a proposal that AMBCC should adopt a policy
39 whereby migratory bird species that are currently open to
40 subsistence harvest but whose populations are smaller and
41 long-term decline be included on a species of conservation
42 interest list. At this point in time, we would like to
43 remove the example species list and just have the policy
44 considered as a concept and voted on as a concept.

45

46 CHAIRMAN ANDERSEN: Thank you, Russ. Any
47 further discussion? Do I hear a second for the amendment?

48

49 MR. ROBUS: Second.

50

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1 CHAIRMAN ANDERSEN: Any discussion on the
2 amendment? Matt.

3

4 MR. ROBUS: Thank you, Mr. Chairman.
5 Having heard all that we've heard from the beginning of
6 this morning through the whole day it seems, I think it's
7 clear that the Council really has to take seriously the
8 notion of indicating to the SRC and others who have
9 interest in the populations of birds that we are managing
10 here the fact that we do, as a group, pay attention to the
11 conservation situation for each of these bird species. And
12 I personally, and I guess representing the State, see a
13 list of conservation interest or whatever we end up calling
14 it being perhaps not the only thing we do, but an important
15 part of creating a list of species where we say yes, you
16 know, whether or not these birds are going to be taken
17 during any kind of season. We recognize that there's a
18 conservation issue or more than one conservation issue and
19 the Council commits to pay attention to that and perhaps
20 take action in the future. So I think this is one
21 component of a system that would show that the Council is
22 being responsible and taking up that interest, so I intend
23 to support this amendment. Thank you, Mr. Chair.

24

25 CHAIRMAN ANDERSEN: Thank you, Matt. And
26 I'd also like to report from the caucus that the caucus
27 supports the amended proposal. We believe, also as Matt
28 explained, that rather than developing a red flag list of
29 birds to avoid through regulation that it would be more
30 appropriate to develop a policy, that we support the
31 development of a policy and support this proposal. Any
32 further discussion? Austin.

33

34 MR. AHMASUK: Thank you, Mr. Chairman. I
35 like the amendment. I'm wondering if this proposal, as we
36 amended it, and this policy that we're adopting
37 necessitates a new section in our co-management
38 responsibility. Is this policy going to be separate from
39 BCC? Is it going to be separate from how flyway councils
40 identify waterfowl species? Is it going to coordinate with
41 those agencies and those contribution concerns or is it
42 going to be a vastly different combination of waterfowl
43 species and non-game species, non-waterfowl species? At
44 the last meeting I made note of this that such an area of
45 concern is going to require a lot of deliberative effort,
46 maybe more than just making up a list. I don't know if the
47 rest of the Council feels that way. This is a very good
48 amendment and a good proposal and something we need to
49 address in light of SRC action on stuff. That's my
50 question and I guess kind of clarification for that and

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1 where is the money going to come from for something like
2 that and how are we going to tackle this policy?

3

4 CHAIRMAN ANDERSEN: Who are you directing
5 the question to, Austin?

6

7 MR. AHMASUK: I guess it's a question for
8 Fish and Wildlife Service. They are our contracting
9 partners. They provide the meeting locations and provide
10 for our meeting materials and so forth as well as staff to
11 this Council. A bird policy, whatever you want to call it,
12 conservation interest policy, seems that we're going to
13 have to enact some deliberative process to look at these
14 birds.

15

16 CHAIRMAN ANDERSEN: Thank you, Austin.
17 Before we go on to Myron, then Mike, I'd like to ask Fred
18 to respond to that question.

19

20 MR. ARMSTRONG: Thank you, Mr. Chairman.
21 The treaty does mandate that the Council address education
22 and outreach. I think this is one tool that can be
23 developed. I think if the policy is adopted by the
24 Council, our next step is to, as a group, and perhaps
25 invite other interest to develop criteria that everybody
26 can agree upon whereby to elevate birds to this list here.
27 I think there has to be a unanimous decision and approach
28 to this process. I imagine we could start with the
29 Technical Committee to start coming up with criteria.

30

31 CHAIRMAN ANDERSEN: Thank you, Fred.
32 Myron.

33

34 MR. NANENG: I'd just like to thank Russ
35 for making the amendment because we've had a policy in the
36 Y-K Delta that has been in existence since 1984 that
37 addresses the concerns about the conservation of four goose
38 species at that time and now it may add additional birds of
39 conservation interest. If there is such agreement, if we
40 are partners with the State of Alaska, I'm sure that the
41 funding will not only come from the Federal end, but will
42 be expected to also come from the State of Alaska because
43 they're a party to this. That's part of the language that
44 we've had since 1984.

45

46 I do believe we have other partners,
47 including the Y-K Delta Goose Management Plan, which
48 includes California, Washington and Oregon. In some
49 instances, I felt that the cooperation from the other
50 states has been more up above the level that we've had from

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1 the State of Alaska in terms of being able to provide space
2 and time for meetings that we've had down there to talk
3 about the four geese species that we've had a concern
4 about, especially those that winter down there. So I just
5 wanted to raise that concern and comment that I think that
6 if we're expecting the Feds to do something about funding,
7 we also should expect our other partners to also add some
8 monetary value to this policy that we're agreeing to.

9

10 CHAIRMAN ANDERSEN: Thank you, Myron.

11 Mike.

12

13 MR. SMITH: Mr. Chairman. I'd like to
14 thank Russ for his amendment as well. I think that we
15 should also -- in the adoption of this type of policy, I
16 think we should also make it clear to the SRC that this
17 will be an ongoing thing, that we hope to review this list
18 on a yearly basis or bi-yearly basis or something along
19 those lines, that it's not just going to be a stagnant
20 thing, that we will actively take a look at these and
21 review them on a regular basis.

22

23 CHAIRMAN ANDERSEN: Thank you, Mike. Any
24 other discussion?

25

26 MR. ROBUS: Mr. Chairman. One last thing
27 here that was suggested to me by my staff, Mr. Rothe, and
28 that is that we should not consider such a list just to be
29 involved with harvest issues, but should use it as a way to
30 have the Council chime in on conservation issues of any
31 kind for these species even if it's not on this continent
32 if the populations that we have on this list because
33 they're in Alaska, we should take a broader look based on
34 this list than just worrying about the harvest issues.
35 Thank you.

36

37 CHAIRMAN ANDERSEN: Thank you, Matt. Mike.
38 You snooze, you lose. Are there any objections to adopting
39 Proposal No. 1?

40

41 (No opposing responses)

42

43 CHAIRMAN ANDERSEN: Hearing no objections,
44 the AMBCC.....

45

46 MR. SMITH: Oh, I know what it was.

47

48 CHAIRMAN ANDERSEN: Did you object?

49

50 MR. SMITH: Mr. Chairman, just one more

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1 statement, please, for purposes of clarification. Please
2 correct me if I'm wrong, but the initial list is going to
3 be comprised of the birds on the AMBCC list and sent back
4 to us, is that correct, or are we going to go through a
5 process of building a list? The assumptions I was
6 operating under was that AMBCC list of conservation concern
7 would be on that list. Is that correct?

8

9 CHAIRMAN ANDERSEN: Fred.

10

11 MR. ARMSTRONG: The maker of the proposal
12 indicated that this was just to develop a policy and not,
13 at this point, include any birds on the list. It may come
14 further down on other proposals, but this is just to
15 develop a policy.

16

17 CHAIRMAN ANDERSEN: Russ.

18

19 MR. OATES: I just wanted to respond to
20 that a little bit. The way I see this thing working is I
21 think the avenue for deliberation on this is going to be
22 that parties that are interested in having birds considered
23 for this list will submit them to -- I think the Technical
24 Committee is probably going to be charged with reviewing
25 species for this list. The species that were on the
26 original list that we prepared, I would consider them to be
27 a list that we would submit to the Technical Committee for
28 their consideration.

29

30 The birds of conservation concern, the BCC
31 list -- which I'll make one statement about that list.
32 That list does not include any waterfowl outside of a small
33 group of Caribbean type ducks, I guess. Correct me if I'm
34 wrong. So waterfowl for which there are conservation
35 concerns are not included on the list. That's why, when
36 the Fish and Wildlife Service developed this list, it was
37 just waterfowl, assuming that the birds of conservation
38 concern would be considered for that list.

39

40 So, the way I see this thing working is
41 agencies or any interested parties will bring a list of
42 birds or whatever they think should be considered for
43 consideration by the Technical Committee with whatever
44 criteria the Technical Committee develops and the birds of
45 conservation concern would probably be submitted as a
46 whole, that list, and then the Technical.....

47

48 MR. SMITH: By the SRC?

49

50 MR. OATES: Well, I think probably the

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1 staff of the Fish and Wildlife Service would probably just
2 submit it to the Technical Committee for consideration and
3 then the Technical Committee would weigh the merits of the
4 individual species being considered. But I think it's not
5 a given that the birds of conservation concern list would
6 be accepted in its entirety onto the list.

7

8 CHAIRMAN ANDERSEN: Is there any further
9 discussion? Are there any objections to Proposal No. 1 as
10 amended?

11

12 (No opposing responses)

13

14 CHAIRMAN ANDERSEN: Hearing no objections,
15 the AMBCC is adopting Proposal No. 1 as amended. The next
16 proposal on the agenda is No. 8, submitted by the U.S. Fish
17 and Wildlife Service as to avoid harvest of Black
18 Oystercatchers. Do I hear a motion to consider Proposal
19 No. 8?

20

21 MR. ROBUS: So moved.

22

23 CHAIRMAN ANDERSEN: Moved by Matt Robus.
24 Is there a second?

25

26 MR. DEVINE: Second.

27

28 CHAIRMAN ANDERSEN: Seconded by Peter
29 Devine. Any discussion? Matt.

30

31 MR. ROBUS: I guess this is more a question
32 than a statement at this point. It seems to me that if we
33 were -- first of all, I move this for the purpose of this
34 discussion, which I don't know where I'm going with. If we
35 adopt this, it seems to me to be the Council taking action
36 to add this species to the list that we just created a
37 process for and I'm seeing a few head nods around the
38 table. So that's my question.

39

40 CHAIRMAN ANDERSEN: Before I go to Mike,
41 I'd like to say too just based on the previous discussion,
42 the discussion on the previous proposal, it sounds to me
43 like the process that is envisioned is to have species
44 submitted by staff or by whomever and reviewed by the
45 Technical Committee on their merits of whether to be
46 included on the list. It seems that we'd be circumventing
47 that procedure if we approve not only No. 8, but 10 and 11,
48 all three of the avoid harvest proposals. We'd be avoiding
49 the procedure or process that we're establishing or we
50 envision to establish by adopting Proposal No. 1. That's

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1 all I have to say. First we'll go to Mike and then to
2 Fred.

3

4 MR. SMITH: Mr. Chairman and Matt. We had
5 discussions on this and we pretty much came to the
6 conclusion that if we did a positive determination on the
7 birds list at the beginning, there were some proposals that
8 become moot after that point and that was our basic
9 thinking on the next three proposals, is that to a certain
10 extent the proposals that would seek to put birds on the
11 concern list are kind of moot now that we're undertaking
12 the process of developing that list.

13

14 CHAIRMAN ANDERSEN: Fred and then Matt.

15

16 MR. ARMSTRONG: Thank you, Mr. Chair. Even
17 though the Council has determined that we'd come up with
18 criteria, it doesn't preclude the Council action from
19 putting birds on this list if there's unanimous decision.
20 We'd just work up to the fact and work on the criteria.

21

22 CHAIRMAN ANDERSEN: Thank you, Fred. Matt.

23

24 MR. ROBUS: Continuing the conversation
25 from Mike's point. If the proposal we just passed to
26 create the list in concept contained birds and if these
27 latter proposals were just duplicating the content of that
28 list, I'd agree that these were moot, but I think the
29 difference is that we have an empty list now. This would
30 be a bird species that's proposed to be put on the list
31 even though the eventual method may be to have the
32 Technical Committee review according to criteria. We've
33 heard agency testimony, we've heard, at some points at
34 least, the report from the Technical Committee on some of
35 these. This is a population where we heard it's an
36 extremely small world-wide population susceptible to local
37 depletions and I would tend to not necessarily take it off
38 the list of species that can be harvested but to express
39 the Council's understanding that there's a conservation
40 concern associated with this species and for that reason
41 I'm leaning towards supporting this proposal as being the
42 first species to be put on the conservation interest list
43 unless I'm totally disoriented here.

44

45 CHAIRMAN ANDERSEN: Russ and then Mike.

46

47 MR. OATES: Thank you, Mr. Chair. I just
48 wanted to say that I agree with what Fred and Matt have
49 said. This proposal, as written, is silent on the process
50 for birds going onto the list. I think what we have agreed

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1 on is the concept of the list and the process that I
2 outlined as how I envisioned it working is not something
3 that we've voted on yet. Either way, I don't think it's
4 inappropriate for the Council to take action on these
5 proposals here for avoiding harvest.

6

7

CHAIRMAN ANDERSEN: Mike.

8

9

MR. SMITH: Absent any criteria for making
10 that determination? I think we should be aware that part
11 of the reason for the development of those criteria is so
12 that we do not end up with conflicting information. I mean
13 we've seen that happen today where we have extremely
14 conflicting information on numbers and things of that
15 nature in regards to harvest limits and things like that.
16 So, to put birds on this list absent any kind of criteria
17 would seem a little premature.

18

19

CHAIRMAN ANDERSEN: Bill and then Russ.

20

21

MR. OSTRAND: The subject of the Technical
22 Committee has come up and charging them with some
23 responsibilities. I just thought I'd tell the Council what
24 the Technical Committee did discuss at the last meeting
25 because some of these subjects that you have brought up
26 were discussed by the Technical Committee.

27

28

The Technical Committee, as I said earlier,
29 has chosen not to offer opinions on whether any of these
30 birds that were proposed be avoided, whether that should be
31 the case or not, whether they should in fact go on this
32 list or not. That doesn't mean that the Council couldn't
33 direct the Technical Committee to make an opinion. But as
34 things stand right now, the Tech Committee was unwilling to
35 make an opinion yes or not, but the Tech Committee did
36 review the information that was available, so basically you
37 do have the information from the Tech Committee either
38 through the committee itself or from the Fish and Wildlife
39 Service in the presentations that were given here.

40

41

The Tech Committee also discussed the
42 subject of offering to the Co-management Council a criteria
43 and decided to defer that. The Committee felt it would be a
44 difficult task and chose not to do it at the time. If the
45 Council wishes to direct the Technical Committee again to
46 do that, then I believe the Technical Committee would
47 respond and attempt to come up with a criteria for you. We
48 did have a straw-man criteria that I had drawn up prior to
49 the meeting and shared it with the Technical Committee and
50 a review of that criteria just reinforced how difficult it

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1 will be to come up with a criteria that meets every special
2 case for every bird that's of concern or proposed to go on
3 the list.

4

5 CHAIRMAN ANDERSEN: Before we move on to
6 Russ I just want to remind all of us that the result of
7 being placed on this list is that education outreach
8 materials would be developed on those birds. The sum total
9 of all that is that we'll be gaining and producing
10 information on the birds that are placed on this list. I
11 really don't see any immediate harm other than providing --
12 I don't think it's harmful to provide subsistence hunters
13 with information about birds whose population may be small
14 or may be in long-term decline. That's my take of the
15 result of being placed on this bird list. Russ and then
16 Mike.

17

18 MR. OATES: That's basically what I was
19 going to say, but I was going to preface that with saying
20 that I don't think it's necessary to have a set of criteria
21 in place at this moment for us to consider the information
22 that's been provided and make a decision on whether or not
23 we think the species ought to be put on the list. The
24 consequences of putting Black Oystercatchers on this list
25 maybe inappropriately or prematurely seem minimal. There's
26 no regulatory consequence. As Ralph said, the only
27 consequence is that people will provide information about
28 the populations to the hunters, so they'll have a better
29 understanding of what management concerns exist regarding
30 the species, so I think there's very little at risk here.

31

32 CHAIRMAN ANDERSEN: Mike.

33

34 MR. SMITH: Mr. Chairman. The primary
35 purpose from what I understand of this list is to satiate
36 the desires of the SRC, that the SRC wanted to know what we
37 were going to do about these birds. They sent them back to
38 us as a list of birds of conservation concern and the whole
39 discussion was how are we going to satiate the SRC in this
40 regard. Now, if that's not the case, then I've been
41 operating under the wrong assumption. If it is the case,
42 then all we need to do to start the process and start the
43 list is to put the birds that they sent back to us on that
44 list to show them that we have expressed the same concerns
45 that they have on those birds and that we had tried to do
46 something about it.

47

48 CHAIRMAN ANDERSEN: Thanks, Mike. If
49 that's the case, then the next item on the agenda would be
50 consideration of those 13 birds and perhaps at that time a

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1 worthy motion would be to place those birds on the list.
2 Russ, did you have something else?

3

4 MR. OATES: Yeah. I just wanted to say I
5 don't think the purpose of this list was in any way
6 responsive to the concerns of the SRC. We were talking
7 about the concept of this list in the Fish and Wildlife
8 Service close to a year ago before we had any notion that
9 the SRC was going to suggest to us that we take additional
10 steps. I think the purpose of this list is to
11 identify.....

12

13 CHAIRMAN ANDERSEN: Excuse me. We're back
14 to discussing Proposal No. 1 again, when actually we're
15 considering Proposal No. 8, which is to avoid harvest of
16 Black Oystercatchers.

17

18 MR. OATES: I was going to clarify for Mike
19 what I thought the purpose of the list was. If this isn't
20 an appropriate time, I'll stop.

21

22 CHAIRMAN ANDERSEN: I think we've moved
23 past that. We're now considering the addition of Black
24 Oystercatchers to the list. I think the time has past to
25 raise questions for the uses and reasons for the list. I
26 mean we're now at the point of considering birds to put on
27 the list or at least one of them. Any further discussion
28 on Proposal No. 8? Austin.

29

30 MR. AHMASUK: Thank you, Mr. Chair. I
31 think that's a good idea to begin that process and suggest
32 that the Black Oystercatcher fit to the policy that we
33 adopted previously. The proposal, as it is on the table,
34 would probably need to be amended, otherwise we'd be again
35 suggesting an avoid regulation to the powers that be that
36 previously was suggested as a difficult area of enforcement
37 with a lot of questions. So perhaps an amendment to the
38 avoid regulation that we're suggesting be made.

39

40 CHAIRMAN ANDERSEN: Austin, do you have a
41 suggested amendment?

42

43 MR. AHMASUK: I'll give it a whirl here. I
44 move the Proposal No. 8 be amended. Strike all the
45 references to avoid and move the Black Oystercatcher into
46 the policy that we adopted in Proposal No. 1.

47

48 CHAIRMAN ANDERSEN: A motion to amend has
49 been made. Do I hear a second?

50

00106

1 MR. ROBUS: Second.

2

3 CHAIRMAN ANDERSEN: A motion has been made
4 and seconded. Is there any discussion? Russ.

5

6 MR. OATES: Yeah, I just have a question
7 there to references to the new regulation throughout this.
8 Do we need to amend that wording so it doesn't refer to
9 regulation?

10

11 CHAIRMAN ANDERSEN: I also have a question
12 as well. Regarding all of these avoid proposals, wouldn't
13 it be more appropriate to amend all of them to read that
14 they be considered to be covered under the policy rather
15 than regulation language be inserted? Austin.

16

17 MR. AHMASUK: Yeah, Mr. Chairman, I think
18 that's the correct way that we should go. We're discussing
19 two things. One, a bird conservation policy and then that
20 policy doing something and creating a list. Maybe my
21 motion didn't quite specifically literally say have the
22 Black Oystercatcher on the list. I think it said move it
23 to our policy. Maybe that's not the correct way to deal
24 with this proposal in light of our new policy that we have.
25 We adopted a policy, but we didn't necessarily adopt the
26 list yet, nor did the Technical Committee who is going to
27 look at the policy develop a list yet.

28

29 CHAIRMAN ANDERSEN: So it seems like the
30 correct amendment or the appropriate amendment would be to
31 have Black Oystercatchers be considered for inclusion under
32 the policy. Myron.

33

34 MR. NANENG: Mr. Chairman. Since we're
35 already past the policy question and we already have added
36 a list or we had a list of birds that were already included
37 in that policy -- based on the first proposal there was a
38 list of birds. Now you want to change to.....

39

40 CHAIRMAN ANDERSEN: No.....

41

42 MR. NANENG: Let me finish. Let me finish,
43 Mr. Chair. I got it. But the original No. 1 that was
44 amended had the list of birds now that you want to include
45 in that policy. The original proposal that you made, Russ,
46 had the list of birds. There's at least four that totaled
47 probably about seven. Are we going to be adding those
48 birds to that policy list and then including the Black
49 Oystercatcher? That's the question that I have and that's
50 one thing that I wanted to clarify because we amended the

00107

1 proposal to make it a policy and now we're talking about
2 making a list of birds and there was already a list of
3 birds to the proposal that was amended.

4

5 CHAIRMAN ANDERSEN: Taqulik.

6

7 MS. HEPA: Thank you, Mr. Chairman. It was
8 my understanding when we passed the amended proposal for
9 No. 1 that that list -- it says examples of species that
10 could be included on the list could be these, but we didn't
11 pass a proposal that listed these yet. I think what Austin
12 was trying to get at is that for the Black Oystercatcher
13 should be included on the list. That's the only one that
14 we're talking about now. We haven't spoke on the other
15 seven that you mentioned.

16

17 MR. SMITH: I don't think he meant
18 included. I think he meant considered for the list, which
19 is vastly different, which basically starts the process for
20 the Technical Committee to review those birds and put them
21 on the list or recommend to us that we put them on the
22 list.

23

24 CHAIRMAN ANDERSEN: Austin.

25

26 MR. AHMASUK: Thank you, Mr. Chair. That's
27 what I meant. I think at this time I should withdraw my
28 motion and attack it that way. Bring it forth as a bird
29 for consideration under our new policy.

30

31 CHAIRMAN ANDERSEN: With the concurrence of
32 the second you can withdraw it.

33

34 MR. ROBUS: Mr. Chairman. I think I know
35 where we're at. Despite my great respect for my colleague,
36 I believe that the Council needs to consider putting the
37 Black Oystercatcher on the newly created empty list as a
38 bird that we have conservation concerns for based on the
39 technical information that I heard this morning. So I
40 believe that means I don't agree to move the amendment.

41

42 CHAIRMAN ANDERSEN: Let me see if I
43 understand this right. Austin's amendment to No. 8 was to
44 remove the word avoid and keep it in regulation language,
45 which isn't consistent with Proposal No. 1, which we
46 adopted. In order for it to be consistent with Proposal
47 No. 1, we need to amend it to be removed from regulation
48 language and be placed in policy or consideration be placed
49 in policy. Do you see what I mean? I mean if you take a
50 look at Proposal No. 8 now, it says how should the new

00108

1 regulation read. It says harvest of Black Oystercatcher
2 adults and their eggs should be avoided if at all possible.

3

4 MR. ROBUS: So if I remove my
5 objection.....

6

7 CHAIRMAN ANDERSEN: So if you remove your
8 objection and agree to withdraw it, then we can amend it so
9 that we can have it consistent with Proposal No. 1.
10 Austin.

11

12 MR. AHMASUK: Thank you, Mr. Chair. Before
13 you concur with removing it -- I know that's what I said,
14 but I wasn't sure if it literally meant just what you said,
15 but if the entire Council believes that's what it said and
16 that's what I was trying to convey, there's no need to
17 withdraw my motion to amend the original motion.

18

19 CHAIRMAN ANDERSEN: The intent is clear,
20 but it's still under regulation language. That's the
21 problem.

22

23 MR. ROBUS: I'll concur with removing the
24 motion as long as I can state my intent again that I think
25 we ought to consider this for inclusion on this
26 conservation interest list.

27

28 CHAIRMAN ANDERSEN: And that's the intent,
29 but in order for us to do that we need to move it out of
30 the status as regulatory proposal.

31

32 MR. ROBUS: I would hate to hold up the
33 process. I remove my second.

34

35 CHAIRMAN ANDERSEN: Fred.

36

37 MR. ARMSTRONG: Thank you, Mr. Chair. Just
38 to try to move things along, I think we could look at the
39 language like what are you proposing. We're proposing to
40 place the Black Oystercatchers in a new policy developed
41 and then delete anything after how should the new
42 regulation read. Just leave it blank.

43

44 CHAIRMAN ANDERSEN: Thank you, Fred.
45 Austin, do you have an amendment to offer?

46

47 MR. AHMASUK: Thank you, Mr. Chairman. I
48 move to amend Proposal No. 8 to suggest that Black
49 Oystercatchers be placed on a list of conservation concern
50 in our newly adopted policy.

00109

1 CHAIRMAN ANDERSEN: To be placed or to be
2 considered?

3

4 MR. AHMASUK: To be considered. Excuse me,
5 Mr. Chairman. Under our new policy. Further deleting the
6 remainder of the proposal.

7

8 CHAIRMAN ANDERSEN: Do I hear a second?

9

10 MR. SMITH: Clarification. I think we're
11 really getting caught up in semantics and I think we all
12 pretty much -- I mean at least the Native caucus pretty
13 much knows what we want to do with this thing and that is
14 to have Staff develop some sort of criteria that we could
15 move all these proposals for consideration to be included
16 in that list. I think Russ would probably rather have us
17 put it on the list, have the list generated without
18 criteria and based upon a page of stuff here that I got,
19 you know. I'm not sure that's what we wanted to do as a
20 Native caucus. So I think we're playing around with
21 semantics and the real issue is this point of whether or
22 not we're going to have a list or we're going to develop a
23 list. Russ and Matt would seem to think we need to develop
24 a list and we're under the impression that we would
25 consider these birds for inclusion into the list once some
26 sort of criteria was established for that process.

27

28 CHAIRMAN ANDERSEN: Thank you, Mike.

29

30 MR. SMITH: So this discussion applies to
31 all the proposals that would have birds on the list and I
32 think we need to address it that way because we're going to
33 have the same discussion for the next proposal.

34

35 CHAIRMAN ANDERSEN: That's what I suggested
36 when I said what I did about 8 and 11, that the appropriate
37 amendment should be to either withdraw them or to amend
38 them and recommend that they be considered for inclusion
39 under the policy established by Proposal No. 1. Myron.

40

41 MR. NANENG: Thank you, Mr. Chairman. The
42 proposal we adopted reads the population on the list of
43 species of conservation interest will benefit by this
44 policy resulting from voluntary reduction or avoidance of
45 harvest. Am I reading that wrong? We adopted that as a
46 policy. There's already a list of birds that has been
47 listed by the Technical Committee as being the birds of
48 conservation concern and that includes the Black
49 Oystercatcher.

50

00110

1 CHAIRMAN ANDERSEN: Can you tell us where
2 you are?

3

4 MR. NANENG: I'm reading it from the policy
5 that we adopted.

6

7 CHAIRMAN ANDERSEN: You need to tell us
8 exactly where.

9

10 MR. NANENG: It's on the first page, unless
11 there was an amendment that was provided right after lunch.
12 Or was there another amendment?

13

14 UNIDENTIFIED SPEAKER: No, that's correct.

15

16 MR. NANENG: That's correct. So we already
17 have a list of birds that already have been identified
18 based on the list of conservation interest. Then why
19 aren't they listed as AMBCC's list? Who made that list?
20 It may be SRC, but where's SRC's name on this? It looks
21 like a document that was made by the AMBCC.

22

23 CHAIRMAN ANDERSEN: Go ahead, Russ.

24

25 MR. OATES: Birds on that list are the ones
26 on the Fish and Wildlife Services birds of conservation
27 concern list that are also on the AMBCC open to hunt list.
28 That's the connection there. With regard to the list, what
29 I was suggesting was that list, those species there be
30 considered for this avoid list, not automatically put on
31 it. The waterfowl species that were on the original
32 proposal that Fish and Wildlife Service put forward was
33 removed and no action has been taken on that list and my
34 thoughts were that the Fish and Wildlife Service would
35 submit that list of seven waterfowl species that you
36 counted over there a minute ago to the Technical Committee
37 for consideration for adding to this avoid list that we've
38 come up with here, whose concept we've agreed on.

39

40 MR. NANENG: Excuse me, Mr. Chairman. This
41 list was brought to the Technical Committee as that we need
42 to do something about it and respond to the SRC.

43

44 MR. ROBUS: We haven't gotten to that part
45 of the meeting yet, I guess.

46

47 CHAIRMAN ANDERSEN: The next item on the
48 agenda is after -- if you take a look at the agenda, which
49 we began at 9:30 this morning, is Proposals 1 through 13.
50 Item No. 2 is the BCC list of birds remanded back to the

00111

1 Council, so we haven't yet considered that list.

2

3 MR. SMITH: If I might just clarify to
4 Myron, that list was what the SRC sent back to us saying we
5 have concerns about this, can you reconsider these,
6 basically is what they did. I appreciate your guys'
7 concern in this regard, but wouldn't it make it a lot
8 simpler if we were to put those birds on the list to
9 satisfy whatever concerns the SRC may or may not have and
10 then have you guys go ahead and submit to the Technical
11 Committee? Why do we need to have that list with
12 Oystercatcher on it today? I mean we're going to go
13 through this process, it will be submitted, it will be
14 considered in the appropriate manner. I guess I don't
15 understand the concern about having Black Oystercatcher on
16 the list developed today. If anything, we need to adopt
17 those birds on the list so that we can show the SRC that
18 we've taken their concerns into consideration, that we too
19 have concerns on the conservation of these particular
20 species and then, if we want to add other birds to that
21 list, let's do it. But to hold up this whole process over
22 this just seems.....

23

24 CHAIRMAN ANDERSEN: I don't think we're
25 avoiding that. I think where we are is we're trying to
26 deal with Proposals No. 8, 10 and 11, which are all
27 regulatory proposals that we need to change to a policy
28 proposal. So what we need to do is amend the regulatory
29 proposal to have it become a policy proposal. The birds
30 that we were referring to are the next item on the agenda
31 and after we conclude these 13 proposals, when we get to
32 the list of birds agenda item, then we can make a motion to
33 add them to the list for consideration. It seems to me
34 what we need to do is move these three proposals from
35 regulatory proposals to policy proposals.

36

37 MR. ROBUS: What's the status of the
38 amendment at the moment?

39

40 CHAIRMAN ANDERSEN: It's been withdrawn as
41 far as I know and it almost died for a lack of a second.
42 So I guess we're back to considering regulatory Proposal
43 No. 8. If we adopt 8, it will become a regulation as it's
44 written unless we amend it. What I'm encouraging you guys
45 to do is please amend it.

46

47 MR. NANENG: Mr. Chairman. If you take a
48 look at the technical report, it says on the word avoid,
49 you can't make a regulation to avoid a bird.

50

00112

1 CHAIRMAN ANDERSEN: That's exactly the
2 reason I'm asking it to become amended to be a policy
3 proposal.

4
5 MR. NANENG: So, you can't -- to avoid it,
6 it's not a regulation.

7
8 CHAIRMAN ANDERSEN: Exactly.

9
10 MS. HEPA: I think that Austin's second
11 proposal or amendment covers it because he said to change
12 it from a regulation or to put Black Oystercatchers to be
13 considered on the conservation list under the new policy
14 and deleting the remainder of the answers to the questions.
15 That should do it, I think.

16
17 MR. ROBUS: If that's a new amendment, I'll
18 second it.

19
20 CHAIRMAN ANDERSEN: That was an amendment
21 because Austin's died for lack of a second. Is that a
22 motion?

23
24 MS. HEPA: Yes.

25
26 CHAIRMAN ANDERSEN: It's been seconded by
27 Matt. Any discussion on Amended Proposal No. 8? Is there
28 any objection to adopting Amended Proposal No. 8?

29
30 (No opposing responses)

31
32 CHAIRMAN ANDERSEN: Hearing no objection,
33 that's the action of the Council. The next proposal on the
34 agenda is No. 10 by the Alaska Shorebird Group, which is
35 the avoid harvest of Bar-tailed Godwits. Do I hear a
36 motion to consider that proposal?

37
38 MR. HICKS: So moved.

39
40 MR. OATES: Second.

41
42 CHAIRMAN ANDERSEN: Motion has been made by
43 Joeneal Hicks and seconded by Russ Oates to consider
44 Proposal No. 10. Are there any amendments to this
45 proposal?

46
47 MR. ROBUS: I move that we amend it in the
48 same manner that we amended No. 8.

49
50 MR. AHMASUK: Second.

00113

1 CHAIRMAN ANDERSEN: Motion has been made
2 and seconded to amend it as we did No. 8. Any discussion?
3 Myron.

4
5 MR. NANENG: I know that this may be
6 related to another proposal that we had talked about, which
7 I believe is No. 9, to put it on the list of conservation
8 concern because of a look-alike to another bird. To put it
9 on the policy of conservation interest when there really is
10 no full information, that I cannot support.

11
12 CHAIRMAN ANDERSEN: Austin.

13
14 MR. AHMASUK: Thank you, Mr. Chairman. I
15 would go along with a lot of what Myron said. I guess I
16 would submit this to the record as well. As the proposal
17 indicated, there's approximately 100,000 Bar-tailed Godwits
18 in the harvest information we were provided with and seems
19 rather sketchy. I can say from my area the Bar-tailed
20 Godwit is just generally the type of large shorebird that's
21 called curlew and of all the bird species in our area, the
22 harvest of these birds fluctuates dramatically from season
23 to season and it's generally quite small. This past year,
24 the harvest was around 300 birds. I don't imagine that it
25 fluctuates so much that it increases 1000 percent the next
26 year, but I would bet that typically over a 10-year period
27 less than 1,000 of these types of large shorebirds, small
28 shorebirds are taken annually. So, with that information
29 that the Technical Committee can chew on in their
30 deliberations regarding this bird. Thank you.

31
32 CHAIRMAN ANDERSEN: Before calling on Fred,
33 I'd again like to remind us that the sum total of being on
34 this list is to develop education outreach materials and
35 then developing those education outreach materials would
36 also help us get past the look-alike problems that other
37 educational information can be gathered and provided as
38 well. We wouldn't be ending up with a regulation or a
39 limitation. That will be providing, I think, subsistence
40 users with a valuable education and outreach material to
41 help them identify these species. It would not only help
42 us, but would also help the Service in their collection of
43 harvest information by being able to identify the birds a
44 little better. Fred.

45
46 MR. ARMSTRONG: Thank you, Mr. Chair. I
47 was just going to echo the same thing about education
48 outreach. I think we're reacting like we're taking the
49 birds off the list when, in fact, we're not. They still
50 remain on the birds eligible for harvest list. It just

00114

1 kicks in to the staff that we need to start developing
2 education and outreach and that's the extent of it.

3

4 CHAIRMAN ANDERSEN: Any further discussion?
5 Is there any objection to the adoption of Proposal No. 10
6 as amended?

7

8 (No opposing responses)

9

10 CHAIRMAN ANDERSEN: Hearing none, so is the
11 action of the Council. The next item on the agenda is
12 Proposal No. 11, but it seems like that would be repetitive
13 of Proposal No. 8. Matt.

14

15 MR. ROBUS: Mr. Chairman, I move we take no
16 action on No. 11 based on the action taken on No. 8.

17

18 MR. HICKS: Second.

19

20 CHAIRMAN ANDERSEN: It's been moved and
21 seconded. Any discussion? Is there any objection to
22 taking no action on Proposal No. 11?

23

24 (No opposing responses)

25

26 CHAIRMAN ANDERSEN: Hearing none, so is the
27 action of the Council. The next item on the agenda is
28 Proposal No. 2. This proposal was submitted by the U.S.
29 Fish and Wildlife Service to close Dusky Canada Geese and
30 Tule White-fronted Geese. Do I hear a motion to consider
31 that proposal?

32

33 MR. NANENG: So moved.

34

35 MR. ROBUS: Second.

36

37 CHAIRMAN ANDERSEN: It's been moved and
38 seconded. Is there any discussion or amendments on this
39 proposal?

40

41 MR. OATES: Mr. Chair, I propose to amend
42 the proposal such that it results in an area closure as
43 opposed to subspecies closure and, as such, the regulation
44 would read you may not harvest Canada geese or gather eggs
45 from Game Management Unit 6-C and you may not harvest
46 White-fronted Geese or gather eggs from GMU 16-A and 16-B
47 as follows and I will use the wording here that was agreed
48 to, the wording from the Native Village of Tyonek, from
49 April 1st through May 31st, that portion of GMU 16-B south
50 of the Skwentna River and west of the Yentna River will be

00115

1 open, and from August 1st through August 31st that portion
2 of GMU 16-B south of Beluga River, Beluga Lake and the
3 Triumvirate Glacier will be open.

4

5 CHAIRMAN ANDERSEN: Is there a second to
6 the amendment?

7

8 MR. ROBUS: Second.

9

10 CHAIRMAN ANDERSEN: It's been seconded.
11 Any discussion? Mr. Rothe.

12

13 MR. ROTHE: Mr. Chairman. I'm a little
14 confused by this because last time, by definition, the
15 regulations that were established for Tatitlek, including
16 their harvest area, would not have any of that other stuff
17 for duskies included anyway. And the same thing for the
18 Tyonek proposal would circumscribe where they could hunt.
19 It sounds like you're proposing a mirror proposal of where
20 you cannot hunt. Maybe I'm losing it.

21

22 CHAIRMAN ANDERSEN: Mike.

23

24 MR. SMITH: A clarification on the
25 proposal, too. You indicated that this came from the
26 village of Tyonek. Did it come from the village of Tyonek
27 with any help from Department Staff or anything?

28

29 MR. OATES: The Tule Goose information I
30 would have to defer to Mr. Rothe as to the origin of that,
31 but this was the handout that was provided by the Native
32 Village of Tyonek at the last meeting which I think
33 resulted from a discussion between the State of Alaska and
34 the representative of the people of Tyonek with regard to
35 areas that were important for them for hunting.

36

37 CHAIRMAN ANDERSEN: I have a question as
38 well. Since this proposal is no longer a statewide
39 proposal and then affects primarily the subsistence hunters
40 in 6-C, 16-A and B, I would feel uncomfortable taking a
41 vote on that, much like in Bristol Bay we deferred out
42 action on the Tetlin proposal to the Interior management
43 body's vote. It seems to me that this proposal affects
44 those specific areas and I'd prefer to get some feedback
45 from the villages or the subsistence users or management
46 body that are affected before taking any action, but that's
47 just my thought. Is there any discussion?

48

49 MR. OATES: Mr. Chair. My intent was to
50 capture the language that was agreed to by the folks of the

00116

1 region at the last meeting.

2

3

CHAIRMAN ANDERSEN: Austin.

4

5

MR. AHMASUK: Thank you, Mr. Chair. Mr. Rothe, could you again go over your confusion with the amendment to the motion? It sounds like you had said that the Native Village of Tyonek wants a closed season during the period specified, whereas the amendment wants to have an open season during the period specified. Is that correct?

12

13

MR. ROTHE: Mr. Chairman. I may have misunderstood what Russ was proposing there. We had a teleconference and then a personal meeting with the folks from Tyonek and worked out the boundaries that they were willing to go with and that's where those maps came from.

18

19

MR. SMITH: Mr. Rothe, was it conveyed to the people of Tyonek that we were trying to stay away from regionalized lists and regionalized areas? What we're in fact doing is heading down that path now. That's what we did not want to do.

24

25

CHAIRMAN ANDERSEN: If the Village of Tyonek was involved in developing the regulation, I'm comfortable that they've provided us with their input. Any further discussion on the amendment? Myron.

29

30

MR. NANENG: I think that the Village of Tyonek is working with both the State and Fish and Wildlife Service in terms of coming up with a management plan and that we support whatever they agreed to instead of the AMBCC trying to impose upon them whatever agreement they come up with.

36

37

CHAIRMAN ANDERSEN: Any further discussion on the amendment?

39

40

MR. ROBUS: Mr. Chairman, could I have the amendment read back so I understand exactly what we're talking about at this point?

43

44

CHAIRMAN ANDERSEN: Russ, can you read the amendment back, please.

46

47

MR. OATES: Yes. There's one bug I want to make sure we've got out of here and I'd like to ask Mr. Rothe, given his direct involvement on both these issues, to pay very close attention to what I'm about to convey.

00117

1 Okay. Let's take these one at a time, Tom, because I want
2 to get these right because I don't want this to be
3 inconsistent with what was worked out.

4

5 The first part would read you may not
6 harvest Canada geese or gather eggs from GMU 6-C. Is that
7 something that is a no-change?

8

9 MR. ROTHE: My understanding is no one is
10 qualified to hunt in Unit 6-C right now.

11

12 CHAIRMAN ANDERSEN: Let me step in here for
13 a minute. What we have here listed as one and two, would
14 they both be scratched?

15

16 MR. OATES: Mr. Chair, what I did with it,
17 I scratched out.....

18

19 CHAIRMAN ANDERSEN: Okay. What you need to
20 do, Russ, is explain to us how this proposal is going to
21 appear.

22

23 MR. OATES: Okay.

24

25 CHAIRMAN ANDERSEN: Let's go through like
26 one section at a time. What are you proposing?

27

28 MR. OATES: I scratched out one and day and
29 then I just changed it to preclude harvest of Dusky Canada
30 Geese and Tule White-fronted Geese.

31

32 CHAIRMAN ANDERSEN: Okay. The next item is
33 how should the new regulation read.

34

35 MR. OATES: You may not harvest Canada
36 geese or gather eggs from GMU 6-C. If that's already
37 closed, then we can scratch that. That was not clear to
38 me. That first part is gone, so we can say go back to the
39 first one, what are you proposing, preclude harvest of
40 Dusky Canada and Tule White-fronted Geese, you can just say
41 preclude harvest of Tule White-fronted Geese because it's
42 done for duskies already.

43

44 The other part then says you may not
45 harvest white-fronted geese or gather eggs from GMU 16-A or
46 16-B as follows and then it specifies that 16-A is closed
47 and it's the area from April 1st through May 31st.....

48

49 MS. HEPA: It's already a regulation.

50

00118

1 MR. OATES: It's already in regulation?

2

3 MS. HEPA: Yes.

4

5 MR. OATES: So is this entire thing moot?

6

7 MS. HEPA: Yes.

8

9 MR. OATES: I withdraw it.

10

11 CHAIRMAN ANDERSEN: Thank you, Russ. But
12 we still need a motion to take no action on the proposal
13 because the proposal has been presented.

14

15 MR. SMITH: Mr. Chairman. You said it was
16 already in regulation. How did that happen?

17

18 CHAIRMAN ANDERSEN: At our April meeting,
19 Mike, when we considered them for inclusion.

20

21 MR. SMITH: It's my understanding that we
22 did not vote on that. Joeneal is not under the impression
23 that his boundaries have been established.

24

25 CHAIRMAN ANDERSEN: Please ask to be
26 recognized. Where are we? I need a motion to take no
27 action on Proposal No. 2.

28

29 MR. OATES: I'll move that.

30

31 MR. ROBUS: Second.

32

33 CHAIRMAN ANDERSEN: Moved and seconded. Is
34 there any discussion? Is there any objection to taking no
35 action on Proposal No. 2? Are you objecting?

36

37 MR. OATES: I just want to make one quick
38 statement and then I'm done. All I wanted to say was it
39 wasn't clear to me until just now that when we went from
40 specifying subspecies to be closed to area closures that
41 this proposal then fell within existing area closure
42 regulations, so that wasn't clear to me until just now.

43

44 CHAIRMAN ANDERSEN: The next item on the
45 agenda is Proposal No. 5. Proposal No. 5 is to close
46 several species on the Tetlin Wildlife Refuge. I need a
47 motion to consider Proposal No. 5.

48

49 MR. OATES: I move to consider Proposal No.

50 5.

00119

1 CHAIRMAN ANDERSEN: A motion has been made.
2 Is there a second?

3

4 MR. AHMASUK: Second.

5

6 CHAIRMAN ANDERSEN: It's been seconded.
7 Any discussion? Matt.

8

9 MR. ROBUS: Mr. Chairman. I appreciate
10 what the proposers are trying to do here, but I retain my
11 concern that by merely concentrating on excluding birds
12 that have not been traditionally harvested in the area, if
13 the problem is that there are more potential users under
14 the way the treaty and law is being interpreted now than
15 there used to be, we may be dealing with a little bit of a
16 problem, but the focus of potentially increased harvest
17 effort on species that have been taken traditionally seems
18 to me to be the root of the issue and I don't see how this
19 really addresses that, so as difficult as the whole
20 exclusion process may prove to be, it seems to me that
21 sorting out who is appropriate to hunt under these
22 regulations in that region is the crux of the problem and
23 this doesn't get to that unless somebody can show me that
24 I'm wrong.

25

26 CHAIRMAN ANDERSEN: Thank you, Matt. I'd
27 like to also report that we voted to not support this
28 proposal and I think this is also consistent with a number
29 of the regional councils that took action. Several
30 councils either did not support the proposal and others
31 deferred any action to the Interior Council. It turns out
32 that the Interior Council does not support this as well, so
33 the Native representative caucus decided not to support
34 this proposal. Any further discussion? Myron.

35

36 MR. NANENG: Mr. Chairman. As stated
37 previously when we were going over the proposals, one
38 comment was the question regarding the most restrictive
39 provision of any of the treaties that controlled the
40 harvest that may be allowed, so the Japan treaty being the
41 most restrictive on who was to hunt versus the Canada,
42 Mexico and Russian treaty. I would ask that there be some
43 legal opinion requested to answer that.

44

45 CHAIRMAN ANDERSEN: And we have a
46 memorandum of December 23, 2003 from Laurie J. Adams,
47 Regional Solicitor, to David B. Allen, Regional Director.
48 I don't know if you've received it. I can read what I
49 believe is a pertinent section of this. The memo was
50 written in response to a request for an opinion explaining

00120

1 the limitations on the length of the open season for the
2 spring/summer subsistence harvest of migratory birds in
3 Alaska. There is one sentence in here that says that four
4 different international treaties contain requirements for
5 the protection of migratory birds that frequent Alaska and
6 seasons for their harvest. The most restrictive provision
7 in any of these treaties controls what harvest may be
8 allowed. Having reviewed the four applicable treaties, we
9 have determined that the four-month limitation on the
10 length of open season, which is contained in the convention
11 between the United States and Mexico, determines the
12 maximum subsistence season length.

13

14 Again, this doesn't address or deal with
15 the issue of eligible hunters. I believe it does state
16 that the most restrictive provision in any of these
17 treaties controls what harvests may be allowed. So I don't
18 know where this is taking us.

19

20 MR. NANENG: Mr. Chairman, one comment. As
21 I stated earlier before during the negotiations of the
22 Migratory Bird Treaty, one of the issues that we discussed
23 was the increase of percentage of migratory bird harvest
24 and the amendment that was put into the senate language
25 that changed the meaning of indigenous people was never
26 considered as part of the percentage increase, so that is
27 one of the reasons why I'm concerned about what Tetlin is
28 proposing for their hunts. It's going to affect statewide.
29 Not just in Tetlin, but other parts of the state. That's
30 the reason why I think that we need to get a clearer
31 definition and make it specific because some people will
32 raise issues and concerns that may not even be applicable
33 to subsistence, but maybe to the bird watchers.

34

35 CHAIRMAN ANDERSEN: Mr. Rothe.

36

37 MR. ROTHE: I wondered if you'd entertain a
38 comment on Myron's remarks or do you want to go back to
39 Proposal No. 5?

40

41 CHAIRMAN ANDERSEN: I'm more interested in
42 going back to Proposal No. 5. Is there any further
43 discussion on Proposal No. 5? Is there any objection to
44 approving Proposal No. 5? An objection has been raised?

45

46 MR. ROBUS: Yes, Mr. Chairman, I object.

47

48 CHAIRMAN ANDERSEN: I object as well. So
49 based on the objection, approval of Proposal No. 5, the
50 Tetlin proposal fails. The next item on the agenda is

00121

1 Proposal No. 6, submitted by ADF&G, which is to close
2 Northern Hawk Owl.

3

4 MR. ARMSTRONG: Mr. Chair. If there's
5 objections raised, then I think you need to call for a roll
6 call vote.

7

8 CHAIRMAN ANDERSEN: I don't think we need
9 to call for a roll call vote.

10

11 MR. ARMSTRONG: That's the proper procedure
12 the Council has gone by. Either go by consensus or if
13 there's an objection, then a roll call vote is in order.

14

15 CHAIRMAN ANDERSEN: Okay. I guess we're
16 back to No. 5. We didn't follow procedure. Objection has
17 been raised. Mr. Secretary, can you please conduct a roll
18 call vote.

19

20 MR. ROBUS: On the issue of Proposal No. 5,
21 Mr. Andersen.

22

23 CHAIRMAN ANDERSEN: No.

24

25 MR. ROBUS: Mr. Oates.

26

27 MR. OATES: I think you made the point
28 pretty well about this not addressing the problem. It
29 would address a small part of the problem, but I guess I
30 choose to abstain.

31

32 MR. ROBUS: And speaking as the State
33 representative, I will vote no on this proposal. So
34 proposal fails 0/2 with one abstention. Mr. Chairman.

35

36 CHAIRMAN ANDERSEN: Thank you, Mr. Robus.
37 Which brings us to Proposal No. 6, which was submitted by
38 ADF&G to close the Northern Hawk Owl. Can I hear a motion
39 to consider Proposal No. 6?

40

41 MR. ROBUS: So moved.

42

43 MS. HEPA: Second.

44

45 CHAIRMAN ANDERSEN: A motion has been made
46 by Matt Robus. Second by Taqulik Hepa. Any discussion on
47 Proposal No. 6? I'd like to report from our caucus that
48 our caucus has decided to support this proposal, which is
49 consistent with a number of the actions recommended by the
50 Regional Councils. What probably weighed the heaviest in

00122

1 our decision was the fact that there is no recorded
2 subsistence harvest of Northern Hawk Owl. Any other
3 discussion? Is there an objection to approving -- oh,
4 Myron.

5

6 MR. NANENG: If there's no known
7 subsistence harvest of the Northern Hawk Owl, then why
8 remove it?

9

10 CHAIRMAN ANDERSEN: It's a good question.
11 Russ.

12

13 MR. OATES: Mr. Chairman. I'd just like to
14 bring up the point that this is an example of one of the
15 species that could be closed with essentially no effect on
16 subsistence harvesters and it could be viewed by the SRC as
17 at least the beginnings of a gesture in the direction that
18 they're wanting us to go to try to forestall any further
19 action down the line.

20

21 CHAIRMAN ANDERSEN: I could probably tell
22 you how it got on the list. Back when we were first
23 forming our regional councils, the Y-K Delta was probably
24 the most fortunate. You didn't have much organizing to do
25 because you had one already, but the rest of us kind of
26 struggled for a year or so organizing ours. At the same
27 time we were being urged to develop a list of birds that
28 are eligible for subsistence harvest. We didn't have
29 enough time to review each bird individually, nor with our
30 villages, nor did we have time to closely scrutinize the
31 levels of harvest of each of the species that were listed,
32 the 108 birds that were presented to us. So what a lot of
33 the regions did, including Bristol Bay, was approve the
34 list that was submitted to us, which originally included
35 songbirds, and we were afraid to take any birds off because
36 we didn't know if any were harvested within the region
37 because of the lack of information we were provided. So at
38 the time we thought the safest and best thing to do was to
39 approve the list as it was presented to us.

40

41 We're now in the process of refining the
42 birds that appear. During one of our earlier meetings we
43 removed songbirds from the list. There is now another bird
44 which will be removed if this is approved, which is the
45 Northern Hawk Owl. Are there any objections to approving
46 Proposal No. 6?

47

48 MR. NANENG: Just one comment that I think
49 we need to keep in mind. It states there is no reliable
50 population estimates or trend data for hawk owls. It's the

00123

1 same as saying with the other birds that we may consider.
2 They really don't know exactly what the population is yet.
3 They're requesting us to remove them from the list if
4 they're subsistence resources and I don't think that's an
5 acceptable criteria. If they don't know the population
6 estimates and the trends, they shouldn't ask us to remove
7 them from the list.

8

9 CHAIRMAN ANDERSEN: Along those same lines,
10 Myron, that was the same kind of consideration that we were
11 asked -- nobody knows the exact population number for
12 chickadees, nor do we know of any subsistence harvest. So
13 do we keep chickadees on the list to determine their
14 population numbers and to see if any were harvested or do
15 we remove them? It's kind of which do we want to do. My
16 understanding, Tom, tell me if I'm wrong, there is no
17 recorded record of harvest of Northern Hawk Owl. If there
18 is an objection to approving this, perhaps what we need to
19 do is go back to look at the songbirds to see whether or
20 not we need to add them to the list.

21

22 MR. NANENG: Mr. Chair. One other comment.
23 If there were no known harvest of hawk owls, then why does
24 it state that harvest of hawk owls that occur in low
25 densities? Is there a harvest? It's in the last paragraph
26 why the regulation should be adopted.

27

28 CHAIRMAN ANDERSEN: Matt.

29

30 MR. ROBUS: Just jumping in here. That's a
31 hypothetical statement just saying if the hawk oil remains
32 on the list and if harvest were to occur, because of it's
33 low density and non-migratory habits it could be extricated
34 locally by some sort of harvest pressure. It's not saying
35 that harvest occurs. It's just saying if it did, it's a
36 species that's very vulnerable to harvest.

37

38 CHAIRMAN ANDERSEN: Any further discussion?
39 Is there an objection to approving Proposal No. 6?

40

41 (No opposing responses)

42

43 CHAIRMAN ANDERSEN: Hearing no objections,
44 so is the action of the Council.

45

46 MR. SMITH: Mr. Chairman. If I might just
47 interrupt. I'm going to have to leave here in a little bit
48 to catch my airplane, but I just wanted to thank everybody
49 for being here today and certainly I appreciate the give
50 and take today. I also need to tell Fred that I guess I'll

00124

1 contact you on going to the Central Flyway Council and the
2 SRC. I need to talk to you about plane tickets and per
3 diem and that kind of stuff. Then the SRC, I'm checking
4 into my schedule right now to see about going to the SRC in
5 place of Ralph. So I'll talk to you sometime here tomorrow
6 or the next day.

7

8 MR. ARMSTRONG: Mr. Chair. At the same
9 time, we need a letter from TCC because we need to formally
10 have you as a member representing TCC region prior to
11 sending you on any of these trips. Right now you're
12 technically not a member until we get word from your
13 council and that's the bylaws.

14

15 MR. SMITH: Then, Mr. Chairman, apparently
16 there will be nobody going to the Central Flyway Council or
17 the SRC this year.

18

19 MR. ARMSTRONG: Can you get it out in a few
20 days?

21

22 MR. SMITH: Mr. Chairman. Most of my
23 council members are probably out at fish camp right now.
24 It's a possibility I could get it from my council members,
25 but I'm going to have to track them down and I'm not sure
26 I'm going to have the ability to do that by next week. I
27 don't think I'm going to be able to get it.

28

29 MR. ARMSTRONG: Mr. Chair. I think we can
30 try to work with him, but I think there are some legal
31 issues that arise out of this. This Council is susceptible
32 to court proceedings or some people objecting go to court
33 for us and we need to ensure that everybody that sits on
34 the Council is a legal representative of their region and
35 that's why we require these letters from their region
36 designating them as alternates or appointees in case
37 somebody questions what this person said or that person
38 said, that they are a formal member of the Council. I'm
39 trying to look after the best interest of the Council here
40 and not be the bad guy, but those are the facts.

41

42 MR. SMITH: Mr. Chairman. That would have
43 been nice if that was conveyed at the last meeting. But as
44 it is I'm not going to be able to meet with my council
45 members to do that, not by this time next week, so
46 apparently you're going to have to appoint somebody else to
47 go to the Central Flyway Council and the SRC.

48

49 MR. NANENG: Mr. Chairman, can I ask a
50 question for clarification?

00125

1 CHAIRMAN ANDERSEN: Sure.

2

3 MR. NANENG: Can Buddy Brown, as president
4 of Tanana Chiefs write a letter to you designating Mike as
5 representative of TCC or do they have to have their co-
6 management body from within the region do that?

7

8 CHAIRMAN ANDERSEN: Normally it would be
9 from the council, but Buddy Brown can write a letter saying
10 he's appointed until such time as confirmed by their
11 regional management body. That will work too.

12

13 MR. SMITH: Mr. Chairman, I can have that
14 for you by the end of the week.

15

16 CHAIRMAN ANDERSEN: So I guess that's
17 settled. Thanks, Mike. The next proposal on the agenda is
18 No. 7, which is by the Fish and Wildlife Service to close
19 Bar-tailed Godwits. Do I hear a motion to consider that
20 proposal?

21

22 MR. OATES: I move to consider the
23 proposal.

24

25 CHAIRMAN ANDERSEN: A motion has been made.
26 Is there a second?

27

28 MR. SHIEDT: Second.

29

30 CHAIRMAN ANDERSEN: Enoch seconded it. Any
31 discussion? Austin.

32

33 MR. AHMASUK: Thank you, Mr. Chairman. Our
34 regional council opposes this proposal. With the action of
35 the SRC removing almost all the large and small shorebirds
36 that we harvest in our area with the exception of this one,
37 which is under consideration now, this proposal, along with
38 the SRC action, eliminates in our area the entire curlew
39 hunting tradition that we enjoy, which several of our
40 communities actively pursue. As I mentioned before, the
41 harvest of these birds fluctuates by season and is
42 generally quite small, as I made mention to you before.
43 With that, Mr. Chairman, our regional council doesn't
44 support this proposal.

45

46 CHAIRMAN ANDERSEN: Thank you, Austin.
47 Myron.

48

49 MR. NANENG: Mr. Chairman. As stated
50 earlier, we too object to this proposal for the reasons

00126

1 that I've stated before.

2

3

CHAIRMAN ANDERSEN: Thank you, Myron.

4 Matt.

5

6

MR. ROBUS: Thank you, Mr. Chairman.

7 Consistent with our position when we were talking about a
8 season for the species working up to the '03 regulations
9 package, the State still feels that a subsistence harvest
10 of Bar-tailed Godwits should be allowed. However, I want
11 to make really clear in saying that that we think it is a
12 species that needs to be considered for the conservation
13 interest list and this is also the type of species that in
14 the future -- well, perhaps not in the future. I think it
15 would be wise for the Council to express an intent to look
16 at other mechanisms for controlling the amount of harvest
17 to allay some of the conservation concerns held by others
18 in the nation that are looking at these populations.

19

20

21 What I'm talking about there is we can't
22 and shouldn't try to go all the way to some sort of a bag
23 limit proposal at this meeting certainly, but I would
24 propose that we signal our interest in doing that type of
25 thing in the future, perhaps this next regulatory cycle, in
26 order to demonstrate that, yes, we want these birds to be
27 allowed to be harvested, but at the same time we recognize
28 that we need to control how many birds could possibly be
29 taken in order, frankly, to not only protect the
30 populations but to protect the Council's ability to manage
31 those birds as an open species rather than have that power
32 taken away from us higher up the chain. Thank you.

32

33

CHAIRMAN ANDERSEN: Thank you, Matt. I
34 have an observation as well as far as consistency. We've
35 approved Proposal No. 10, which would allow for harvest of
36 Black-tailed Godwits, but putting them on a list for
37 education and outreach materials. On one hand we'd be
38 approving a harvest, but if we approve this, we'd also be
39 having our cake and eating it too. We would not only allow
40 harvest, but we would close it to harvest. So, just as a
41 matter of consistency, there is a pretty obvious conflict
42 there.

43

44

I'd also like to report in the Native
45 caucus we do not support Proposal No. 7. Is there any
46 further discussion on Proposal No. 7? Are there any
47 objections to approving Proposal No. 7?

48

49

MR. ROBUS: I object, Mr. Chairman.

50

00127

1 CHAIRMAN ANDERSEN: Thank you, Matt. I
2 object as well. I believe, Mr. Robus, can you conduct a
3 roll call vote.

4

5 MR. ROBUS: Mr. Oates.

6

7 MR. OATES: I'm going to abstain on this
8 one, too.

9

10 MR. ROBUS: Mr. Andersen.

11

12 CHAIRMAN ANDERSEN: No.

13

14 MR. ROBUS: And the State of Alaska also
15 opposes. No. So the motion fails 0/2 with one abstention.

16

17 CHAIRMAN ANDERSEN: Thank you, Matt. The
18 next proposal on the agenda is No. 9, which is by the U.S.
19 Fish and Wildlife Service, to continue the closure of seven
20 shorebirds. Can I hear a motion to consider this proposal?

21

22 MR. ROBUS: Mr. Chairman. I propose that
23 the Council take no action on Proposal No. 9 as it is a no-
24 change proposal from the existing regulations package and,
25 therefore, doesn't require action in order for this to stay
26 in effect as it presently is.

27

28 CHAIRMAN ANDERSEN: Is that a motion?

29

30 MR. ROBUS: Yes, sir.

31

32 CHAIRMAN ANDERSEN: Can I hear a second?

33

34 MR. AHMASUK: Second.

35

36 CHAIRMAN ANDERSEN: The motion has been
37 made and seconded. Is there any discussion? Austin.

38

39 MR. AHMASUK: Thank you, Mr. Chairman. I
40 understand that these species of birds were identified by
41 the Fish and Wildlife Service, the agency responsible for
42 these birds, and recognize that they have concerns for
43 these birds. However, I just wanted to get on the record
44 that our council doesn't support this proposal. I
45 understand we're not taking action on it. I also just
46 wanted to get on the record from our council's perspective,
47 which you have before you in the packet, that we believe
48 our curlew hunting tradition is impacted from the action
49 the SRC is taking to remove these birds from eligible for
50 harvest list.

00128

1 CHAIRMAN ANDERSEN: Thank you, Austin. Any
2 further discussion? Are there any objections to approving
3 the motion?

4

5 (No opposing responses)

6

7 CHAIRMAN ANDERSEN: Hearing no objections,
8 the motion passes. The next item on the agenda is Proposal
9 No. 12, which I believe is by the Alaska Shorebird Group.
10 Matt.

11

12 MR. ROBUS: Thank you, Mr. Chairman. I
13 propose that we take no action on Proposal No. 12 for the
14 same reason given for not taking action on the previous
15 proposal. The regs package for '03 will remain the regs
16 package for the coming cycle unless we take specific action
17 to change it; therefore, this proposal is not needed.
18 Thank you.

19

20 CHAIRMAN ANDERSEN: Is there a second to
21 the motion?

22

23 MR. AHMASUK: Second.

24

25 CHAIRMAN ANDERSEN: Seconded by Austin.
26 Any discussion? Is there any objection to approving the
27 motion?

28

29 (No opposing responses)

30

31 CHAIRMAN ANDERSEN: Hearing no objections,
32 so is the action of the Council. The next proposal on the
33 agenda is No. 13 by the Kodiak Audubon Society to close
34 several species and other changes. Do I hear a motion to
35 consider Proposal No. 13?

36

37 MR. ROBUS: So moved.

38

39 CHAIRMAN ANDERSEN: The motion has been
40 made. Is there a second.

41

42 MR. OATES: Second.

43

44 CHAIRMAN ANDERSEN: Motion has been made
45 and seconded. Any discussion? Matt.

46

47 MR. ROBUS: Mr. Chairman. The State of
48 Alaska feels that this is going too far too quickly and not
49 a well-justified proposal and, therefore, I'm going to
50 oppose it. I think there was some discussion during the

00129

1 presentations earlier and I'd just refer to that record and
2 state that I'm going to oppose passage at this time.

3

4 CHAIRMAN ANDERSEN: Thank you, Matt. I'd
5 also like to report from the Native caucus that the Native
6 representatives are not supporting this proposal, which is
7 consistent with the Kodiak Native Association's position as
8 well. We are not supporting this. Any further discussion?

9

10 MR. OATES: The Fish and Wildlife Service
11 feels that there are a number of waterfowl species on this
12 list whose populations certainly are capable of
13 withstanding harvest and it would be inappropriate to close
14 the season on them.

15

16 CHAIRMAN ANDERSEN: Any further discussion?
17 Joeneal.

18

19 MR. HICKS: I just wanted to reiterate that
20 our regional body opposed it also.

21

22 CHAIRMAN ANDERSEN: Thank you. Taqulik.

23

24 MS. HEPA: Thank you, Mr. Chairman. I just
25 wanted to add to the format that they submitted the
26 proposal in. I didn't think that was acceptable in a
27 letter. I use the example of the Alaska Board of Game. If
28 you submitted a proposal in a letter format, they would
29 reject it because it needs to be in the appropriate format,
30 so I just wanted to state that.

31

32 CHAIRMAN ANDERSEN: Thank you. Any further
33 discussion? Are there any objections to approving Proposal
34 No. 13 submitted by the Kodiak Audubon Society?

35

36 MR. ROBUS: I object.

37

38 CHAIRMAN ANDERSEN: Thank you, Matt.

39

40 MR. OATES: I object.

41

42 CHAIRMAN ANDERSEN: And I object as well.
43 So the objection is unanimous. Proposal No. 13 fails. The
44 next item on the agenda is for Proposal No. 3 submitted by
45 the U.S. Fish and Wildlife Service to ban the use of
46 gillnets. Do I hear a motion to consider Proposal No. 3?

47

48 MR. ROBUS: So moved.

49 CHAIRMAN ANDERSEN: The motion has been
50 made. Do I hear a second?

00130

1 MR. AHMASUK: Second.

2

3 CHAIRMAN ANDERSEN: The motion has been
4 made and seconded. Any discussion? Austin.

5

6 MR. AHMASUK: Thank you, Mr. Chairman. I
7 believe that the use of gillnets has not been identified as
8 a methods and means within procedural regs, nor has it been
9 suggested. I'm wondering if the use of gillnets could be
10 classified as one of those stupefying devices or the kind
11 of devices that may already be not allowed or do we have to
12 actually ban the use of a non-specified method?

13

14 CHAIRMAN ANDERSEN: I don't know if we can
15 classify gillnets as a stupefying device. I'd also like to
16 report that the Native caucus decided not to support this
17 proposal for a number of reasons, among them being that
18 several of the regions' regional councils had voted against
19 it and others had taken no action. For example, at Bristol
20 Bay, the discussion was that while the use of gillnets is
21 not traditional and customary practice, that in other areas
22 of the state it may be and in that way we're deferring to
23 the other regions. As it turns out, it's not a customary
24 and traditional practice anywhere. So, by not using
25 gillnets, nobody does that anyway, so the caucus decided
26 not to support this proposal. Is there any further
27 discussion? Matt.

28

29 MR. ROBUS: This is the proposal that is
30 giving me the most trouble and I freely admit to being
31 stupefied at the moment. In the final analysis, I guess,
32 the use of gillnets for the purpose of fishing is going to
33 continue around the state for subsistence as well as
34 commercial uses, of course. I don't see how this proposal
35 fixes the problem of incidental catch of migratory birds in
36 gillnets. What it does is makes the users of gillnets
37 liable for an activity that we believe they're not really
38 out there doing as a directed activity, the catching of
39 birds that is.

40

41 It seems to me that if we do, and I believe
42 we do, have a problem with some of these species being
43 caught in gillnets, that we're more likely to see
44 beneficial results from an educational extension effort
45 than we are in making those birds that are taken
46 contraband. The potential for waste resulting from that
47 instead of utilization and especially if the species being
48 caught remain on the open list. I just find it hard to
49 justify passing the proposal, although I do fully believe
50 that there's a problem with birds getting caught in

00131

1 gillnets. So it's a struggle, but I'm leaning against this
2 one. At the same time, I think this is the type of use
3 activity that really needs some attention and that the
4 Council should get behind. Thank you.

5

6 CHAIRMAN ANDERSEN: Thank you, Matt. Any
7 further discussion? Peter.

8

9 MR. DEVINE: Yes, Mr. Chair. I just wanted
10 to comment that in our region we tend our nets pretty
11 regularly. The only time incidental take of migratory
12 birds is like at nighttime when we're not there. The AMBCC
13 deals with subsistence issues and I don't see how they
14 could bring a commercial regulation into a subsistence
15 arena.

16

17 CHAIRMAN ANDERSEN: Thank you, Peter.
18 Russ.

19

20 MR. OATES: Yes, I've been grappling with
21 this one as well even though it originated in my agency. I
22 think there is a problem with incidental take of migratory
23 birds. Actually, ironically, one of the species that we've
24 heard more about is not even listed on here and that's the
25 Red-throated Loon that is apparently particularly
26 susceptible to this. So I don't know exactly how to deal
27 with it. It's clear this is not going to pass at this
28 point, but just as a statement that something needs to be
29 done to increase awareness of the problem and increase the
30 need for having people do as Peter was saying and that's
31 monitor nets closely to try to minimize that problem. I'm
32 thinking I'm going to support this one.

33

34 CHAIRMAN ANDERSEN: Thank you, Russ. I
35 have an observation as well. The catch of migratory birds
36 in gillnets seems to be more accidental take than it is
37 incidental take. I mean how do you remedy accidents? If
38 you come up with a solution to that, then you'd make a lot
39 of money in the insurance business or putting the insurance
40 companies out of business. One of the statements I heard
41 this morning was the intent was to get people to check
42 their subsistence fishing gear more frequently. So that
43 seems to be more of a subsistence fishing problem than it
44 is a migratory bird problem. Trying to get people to check
45 their fishing gear using a migratory bird issue just
46 doesn't seem to be the right thing to do. It seems like
47 there is enough subsistence fishing regulations in place to
48 address that.

49

50 I do understand the concern to reduce the

00132

1 number of birds that are accidentally taken. I don't know if
2 this is a proper remedy. I could understand if the
3 proposal was to prohibit nets from being hung in trees to
4 stop birds as they were flying by, I could understand that,
5 but to prohibit birds being caught in a net that's in the
6 water to catch fish, how do you stop that? I don't
7 understand how this would be a remedy for that. Anyway,
8 those are my observations. Is there an objection to
9 approving Proposal No. 13?

10

11 MR. ROBUS: Mr. Chairman, I object.

12

13 CHAIRMAN ANDERSEN: Thank you, Matt. I
14 object as well. Matt, can you please conduct a roll call
15 vote.

16

17 MR. ROBUS: Mr. Andersen.

18

19 CHAIRMAN ANDERSEN: No.

20

21 MR. ROBUS: Mr. Oates.

22

23 MR. OATES: There is a precedent with the
24 fishing in which long-line fisheries have been required to
25 modify their gear to minimize the take of seabirds. I'm
26 not sure there's anywhere near that simple a remedy, but
27 I'm going to vote yes.

28

29 MR. ROBUS: And the State will oppose this
30 motion, so I vote no. The motion fails 1 to 2. Mr. Chair.

31

32 CHAIRMAN ANDERSEN: Thank you, Matt. The
33 next proposal on the agenda is Proposal No. 4, submitted by
34 the U.S. Fish and Wildlife Service to ban the use of puffin
35 dogs. Do I hear a motion to consider Proposal No. 4?

36

37 MR. AHMASUK: So moved.

38

39 CHAIRMAN ANDERSEN: The motion has been
40 made. Do I hear a second?

41

42 MS. HEPA: Second.

43

44 CHAIRMAN ANDERSEN: Thank you, Taqulik. Is
45 there any discussion? Austin.

46

47 MR. AHMASUK: Our regional council looked
48 at this proposal and we did not support it from the
49 perspective of the puffin dog, the Lundehund, usage
50 exclusively.

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1 CHAIRMAN ANDERSEN: Matt.

2

3 MR. ROBUS: Mr. Chairman. I guess before I
4 start I'll point out that the proposal does not focus only
5 on puffin dogs but to the use of dogs more generally for
6 subsistence hunting. But speaking to the Lundehund issue,
7 after years of dealing with the State regulatory process,
8 I'm really wary of trying to deal with problems that have
9 not yet occurred but are only a potential. I would save my
10 regulating of that critter until and unless we see it
11 develop into some sort of a problem. I just don't see that
12 as a credible problem at this point. Furthermore, without
13 any bag limits, somebody can go out to a bird colony for a
14 species that's open and take as many birds as they want
15 whether or not they've got a Lundehund. I mean that's an
16 oversimplification. I've never hunted puffins, but it
17 doesn't seem to me the dog is the crux of the problem in
18 that case.

19

20 With regard to dogs more generally, and not
21 being an expert on what the waterfowl regs for sport
22 hunting say, but after hearing talk about it today, take
23 with the use of dogs is allowed for sport harvest and even
24 recognizing that there may be additional issues on the
25 breeding grounds. Again, I would hesitate to take broad
26 action against the use of dogs for take of migratory birds
27 as part of the subsistence regulations without a
28 demonstration of a specific problem. I think we have to be
29 very careful in making these regulations more restrictive
30 than what's available to other hunters. With that, I'll
31 say I'm opposing this motion.

32

33 CHAIRMAN ANDERSEN: Thank you, Matt. Any
34 further discussion? Russ.

35

36 MR. OATES: I understand your thoughts with
37 regard to solving a problem that isn't there, but the
38 Service is aware that there is an interest on the part of
39 some individuals to begin this method of hunting burrowing
40 seabirds and it seems like to send a message to these
41 people it's okay for them to do that and begin investing in
42 these animals and sinking a fair amount of money into it
43 and then once they establish a little mini industry, then
44 kind of yanking the rug out from under them seems unfair.
45 We feel that if these animals are used, that small colonies
46 might be particularly vulnerable, so I'm going to support
47 the proposal.

48

49 CHAIRMAN ANDERSEN: Thank you, Russ. I
50 also have to report from the Native representative caucus

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1 up, but we talked earlier about the possibility of making a
2 statement of intent for the co-management council in the
3 future to review and revise a list of species to be taken
4 based on documentation of take of species with the harvest
5 survey. Basically, the intent was that species that were
6 not taken would be considered for removal from the list and
7 possibly consideration given to developing regional list.
8 The intent of that was to address the concerns that were
9 brought to us today by Dr. Trost.

10

11 CHAIRMAN ANDERSEN: I'm sorry to interrupt
12 you, Russ, but my question was to the Council whether or
13 not we wanted to take a break or if we wanted to keep on
14 plowing through the agenda here.

15

16 MR. OATES: Okay. I just wanted to make
17 sure we didn't forget about that little item.

18

19 CHAIRMAN ANDERSEN: No. Matt.

20

21 MR. ROBUS: Mr. Chairman, I'm willing to do
22 what the body decides to do either way, but I wouldn't mind
23 pushing on. I've got an airplane later this evening to
24 Fairbanks, so if we can finish up in an hour, hour and a
25 half, I can stay.

26

27 CHAIRMAN ANDERSEN: How about if we took a
28 10 minute break and come back and pick up with Russ and his
29 concern.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN ANDERSEN: Call the meeting back
36 to order. It's 6:44. We need to get back to Russ.

37

38 MR. OATES: Thank you, Mr. Chair. I would
39 recommend that we draft a letter to be signed by the Chair
40 for the Co-management Council stating the Council's intent
41 to review and revise the list of species open to be taken
42 based upon documentation of take of the various species
43 with the harvest survey and in that letter I think we
44 should state that species that are not taken or which are
45 taken in small numbers that are currently on the list would
46 be considered for removal from the list. I think the group
47 might want to allude to consideration being given to
48 developing a regional list based on regional take from
49 harvest information.

50

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1 CHAIRMAN ANDERSEN: Is that a motion?

2

3 MR. OATES: That's a motion.

4

5 CHAIRMAN ANDERSEN: Is there a second to
6 the motion?

7

8 MR. AHMASUK: Second.

9

10 CHAIRMAN ANDERSEN: A motion has been made
11 and seconded. Is there any discussion? Austin.

12

13 MR. AHMASUK: Thank you, Mr. Chairman. I
14 think the Fish and Wildlife Service is doing good on that
15 part. Maybe we could add in that we adopted a policy that
16 addresses the birds of conservation concern and it's going
17 to be housed within the responsibility of our Technical
18 Committee.

19

20 CHAIRMAN ANDERSEN: Thank you, Austin. Any
21 further discussion? I'd like to direct staff to circulate
22 a draft letter to everybody through e-mail before it is
23 signed to ensure that it addresses the types of things that
24 the members would like it to address while it's still in
25 draft form. Peter.

26

27 MR. DEVINE: Yes, Mr. Chair. I have a
28 concern. If we're going to use survey results, we have not
29 started our survey program yet. We're still waiting on
30 cards. If you go by survey results, that will exclude us
31 from harvesting.

32

33 CHAIRMAN ANDERSEN: I guess one of the
34 points that needs to be made too is the fact that harvest
35 surveys have not been conducted this year or are planned
36 next year. I believe it to be also appropriate to include
37 the fact that if they're based on harvest surveys that
38 harvest surveys that are anticipated should be mentioned as
39 well for consideration. Any other discussion? Fred.

40

41 MR. ARMSTRONG: From the Staff's point of
42 view, we've got three days and then I leave this weekend
43 for the flyway council. I'll try to get something drafted
44 within a day or two. I'd just request a quick turnaround.

45

46

47 CHAIRMAN ANDERSEN: When you circulate the
48 draft letter, please indicate a drop dead time or date for
49 a response and if you don't hear a response that the letter
50 that's sent out will be based upon the responses that you

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1 do receive. Are there any objections to approving the
2 motion? Do you object, Bill?

3

4 MR. OSTRAND: No. I just had a comment.
5 Having sat on the ad hoc committee, I'm not sure that the
6 subsistence harvest survey is going to do what you want.
7 The direction that the ad hoc committee has been taking is
8 to continue to use a survey form method and on the form are
9 about 40 birds that are taken in the greatest number.
10 Further, the committee has discussed doing special studies
11 for those birds that are of conservation concern that are
12 taken in very small numbers which are hard to get a handle
13 on. What the committee hasn't tackled is trying to get an
14 inventory of all 108 birds that are on the list. I'm not
15 sure that those data will be able to answer whether or not
16 all 108 birds are harvested or how many of them are
17 harvested in the end. Austin and Cynthia would be able to
18 elaborate on that and say if I'm speaking correctly here or
19 not.

20

21 CHAIRMAN ANDERSEN: Austin or Cynthia, do
22 you have any information for us?

23

24 MR. AHMASUK: Yeah, Mr. Chairman. I guess
25 I would agree with what Mr. Ostrand said. His points are
26 duly noted. We should be able to in the letter at least be
27 able to pull some information from harvest. It was
28 indicated that the current state of the harvest survey is
29 such that it's not being implemented this year. It's going
30 to be in a continual state of revision. Harvest studies in
31 general, not specifically the one that is contracted
32 through Fish and Wildlife Service, should be able to help
33 with other questions that may fall outside of just the
34 numbers that were collected in 2002.

35

36 CHAIRMAN ANDERSEN: Thank you, Austin.
37 Cynthia, do you have anything to add?

38

39 MS. WENTWORTH: Starting in 2002, we became
40 more specific in what we had on the survey form. It always
41 contained 40 species and depended on the area, but it
42 wasn't until 2002 that we really started surveying for 49
43 species and those additional nine species were mostly
44 breaking the shorebird category down to put in individual
45 shorebirds and a lot of these are the ones that are on the
46 birds of conservation concern list. We didn't and are not
47 going to, for instance, divide the godwit down by Marbled
48 Godwit, Hudsonian Godwit and Bar-tailed Godwit, because
49 people don't have those kind of skills to identify that
50 precisely. We'll end up with poor data and fooling

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1 ourselves. We have already started doing stuff in more
2 detail to meet the needs of this list and that information
3 is going to be ready here in a few months. It's going to
4 be ready before we start a new survey because we already
5 gathered that in 2002. The stuff for 2004, you're not
6 going to have that information until probably the end of
7 2004 at the earliest.

8

9 CHAIRMAN ANDERSEN: Thank you, Cynthia. I
10 have an observation and a request. The observation is that
11 if birds are not reflected on a harvest survey, then they
12 may be mistakenly removed from the birds for potential
13 harvest. Is that correct? I mean according to what Russ
14 just read is that if birds don't appear on a harvest
15 survey, then it would be removed from the list. If that's
16 the case, then I guess my request to you, Cynthia, is to
17 help us craft language in the letter to the SRC to make
18 clear that while we do a survey that includes some birds
19 but not all species are included and that we need to be
20 careful in determining which birds are removed. If we
21 don't have a survey that identifies them, then according to
22 what Russ just read, they will be removed when, in fact,
23 there may be a harvest.

24

25 MS. WENTWORTH: Yes, that's all correct. I
26 think you have to make clear that people may still take
27 those but they're not a real important part of the harvest,
28 but they still shouldn't be removed. If you try to do a
29 survey with all 107 species, it would be unwieldy and it
30 would convey a wrong message too.

31

32 CHAIRMAN ANDERSEN: That's the reason for
33 my request, to help craft the language to convey the
34 strengths or weaknesses of the survey and the reasons a
35 certain species may not appear on the survey.

36

37 MS. WENTWORTH: I hope you don't want that
38 in the next couple days because I'm trying to get this
39 harvest stuff done for the SRC.

40

41 CHAIRMAN ANDERSEN: That's the thing. Fred
42 just mentioned that we have just a few days to put this
43 together. That's why I'm requesting it. Myron, then
44 Austin, then Taqulik.

45

46 MR. NANENG: Thank you, Mr. Chairman. I
47 just want a clarification. On one side of the page it
48 shows birds of conservation concern on the AMBCC list,
49 which are these, and then on the other side it says birds
50 of conservation concerns which have been removed from the

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1 AMBCC list. If they've been removed, then we're no longer
2 concerned about them?

3

4 CHAIRMAN ANDERSEN: My understanding,
5 Myron, is that the birds on the second page have been
6 removed from the list of birds for potential harvest.

7

8 MR. NANENG: Then I think it should be
9 stated so it's either closed or -- you know, just term it
10 the way that you termed it so that someone who may not be
11 sitting here with us who looks at it might interpret it as
12 being birds that they can hunt.

13

14 CHAIRMAN ANDERSEN: Fred, can you make
15 clear that the title of this be birds of conservation
16 concern which have been removed from the AMBCC list of
17 birds for potential harvest or Bill.

18

19 MR. OSTRAND: Yes, I can change the title
20 of that.

21

22 CHAIRMAN ANDERSEN: Thank you. Again,
23 getting back to my request, would you be able to help us
24 craft some language to ensure there's a clear understanding
25 of the strengths and weaknesses of harvest surveys so that
26 we're not unintentionally removing birds from the list of
27 potential harvest simply because they don't appear on a
28 harvest survey form?

29

30 MS. WENTWORTH: Yeah, okay, I think I could
31 try to write something. Again, expressing the concern that
32 Michael Jimmy has always had and that's just say that we
33 don't want to put all these BCC birds individually on the
34 harvest survey form because it encouraged take that is
35 already pretty insignificant, but we don't want to take
36 them off either. We just want to include them in the list
37 and keep on surveying what we are surveying to get a handle
38 on the birds that are really important for the diet of
39 people.

40

41 CHAIRMAN ANDERSEN: Thank you, Cynthia. Is
42 there any other discussion? Well, first, we had Austin and
43 then Taqulik and then Russ.

44

45 MR. AHMASUK: Mr. Chairman. I was just
46 going to assist with the letter.

47

48 MS. WENTWORTH: Is this a full-fledged
49 letter or is this part of a whole statement? I might have
50 missed something.

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1 CHAIRMAN ANDERSEN: There's a motion on the
2 floor and it hasn't yet been approved. That's what we're
3 discussing now. The motion is to draft a letter from the
4 Chairman of the AMBCC stating that the AMBCC intends to
5 review and revise the list of species for potential
6 subsistence harvest based upon documentation of take of
7 species with the harvest survey. So it would be comparing
8 the harvest surveys with the list of birds for potential
9 harvest. The species not taken or taken in small numbers
10 would be considered for removal from the list of birds for
11 potential subsistence harvest and that consideration will
12 be given to developing regional lists. Our discussion at
13 this point or the concern that has been raised is that
14 birds may be inadvertently removed from the list of birds
15 for potential subsistence harvest simply because they don't
16 appear on our harvest survey form.

17

18 MS. WENTWORTH: Right. And that would be a
19 mistake.

20

21 CHAIRMAN ANDERSEN: And my request to you
22 was to work with AMBCC staff in crafting language to convey
23 the fact that not all birds that are on the list of
24 potential harvest are also on the list for survey. Do you
25 see what I mean?

26

27 MS. WENTWORTH: Yeah, I see where you're
28 going. This letter is already partially written. I
29 thought you wanted me to write the whole letter.

30

31 CHAIRMAN ANDERSEN: No. We'd like your
32 input in crafting language and have you help us or work
33 with Fred and Staff to draft a letter to convey just
34 exactly.....

35

36 MS. WENTWORTH: This point. Yeah.

37

38 CHAIRMAN ANDERSEN: First we have Taqulik,
39 Russ and then Bill.

40

41 MS. HEPA: Thank you, Mr. Chairman. While
42 you're thinking about that, you may want to consider
43 multiple years as survey data. I know that one thing that
44 has impacted the North Slope over the last couple years is
45 environmental change and our access to resources that we
46 would normally harvest. The numbers have decreased in our
47 harvest because we can't get to the resources because the
48 rivers are flowing faster and snow is melting, so you may
49 want to consider multiple years of survey data to remove
50 species from the list.

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1 MS. WENTWORTH: Right. Well, I always
2 consider multiple years if we have that data available.
3 Most places we only have one year, so we can't consider
4 multiple years. I, personally, and I hope I'm not speaking
5 too out of turn here, it doesn't make sense to me to remove
6 species unless there's really a big conservation concern
7 just based on the idea that people don't take them. See
8 what I mean? We're talking about insignificant take. It
9 makes me nervous to remove species unless we're really
10 concerned about them.

11

12 CHAIRMAN ANDERSEN: Cynthia, thank you.

13 Russ.

14

15 MR. OATES: Apparently, Cynthia, you
16 weren't here this morning when Bob Trost.....

17

18 MS. WENTWORTH: I wasn't here. Sorry.

19

20 MR. OATES: You might want to talk to Bob
21 about that a little bit. I think what this points out is
22 that I agree it would be inappropriate to remove species if
23 the question hasn't been asked. I think what this suggests
24 is it's going to be incumbent upon AMBCC to ask the
25 question about these other species in some form or special
26 study or whatever. I think the Harvest Survey Committee is
27 going to have to tackle this question of trying to in some
28 way get more information on some of these lists of commonly
29 taken species.

30

31 MS. WENTWORTH: I have a comment about
32 that, too. Our hands are already tied as far as the survey
33 form goes and any requests of information from the public.
34 We're in the approval process now, but we can only ask
35 about the birds that are on the forms now. We have more
36 than 49 species if you count our other two survey forms.

37

38 CHAIRMAN ANDERSEN: The reason that I've
39 asked you to provide input into this letter is just to
40 point out those things. Bill.

41

42 MR. OSTRAND: For the purposes of the
43 letter, I think we should be a little more inclusive on the
44 sources of information that are available to the Council to
45 determine which birds are taken. There is other
46 information out there on the take of birds besides the
47 harvest survey. There are reports by anthropologists that
48 won't give you the numbers of birds taken, but it will
49 document whether they are or whether they are not.

50

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1 CHAIRMAN ANDERSEN: I'm anxious to see what
2 form this letter is going to take. Is there any more
3 discussion of the motion? Joeneal.

4

5 MR. HICKS: I'm sorry, but this is not
6 discussion on the motion. I've got to go. I've got a long
7 drive ahead of me. I'm sure that you can handle it and
8 make a good decision.

9

10 CHAIRMAN ANDERSEN: Thanks, Joeneal, for
11 coming to participate. Matt, did you have a comment?

12

13 MR. ROBUS: Mr. Chairman. It's very
14 difficult to write a letter by committee and it's even more
15 difficult after 7:00 in the evening. I delegate the
16 responsibility for writing said draft to Russ and his
17 draft, do a quick review by e-mail and call for the
18 question if we're at that point.

19

20 CHAIRMAN ANDERSEN: I'll take your
21 suggestion as a friendly amendment to the motion, including
22 Russ and his staff in the drafting of the letter. Is there
23 any objection to approving the motion?

24

25 (No opposing responses)

26

27 CHAIRMAN ANDERSEN: Hearing no objection,
28 so is the action of the Council. The next item on the
29 agenda is the BCC list of birds remanded back to the
30 Council. Do I hear a motion to bring that to the table for
31 consideration?

32

33 MR. OATES: I'll make the motion.

34

35 CHAIRMAN ANDERSEN: It's moved by Russ to
36 bring that item up for consideration. Is there a second?

37

38 MR. ROBUS: Second.

39

40 CHAIRMAN ANDERSEN: Seconded by Matt. Is
41 there any discussion or amendments or any motions regarding
42 this list of birds? Austin.

43

44 MR. AHMASUK: Thank you, Mr. Chairman.
45 Regarding item number two, we adopted a policy that will be
46 housed in our Technical Committee to look at the list of
47 birds. In that regards, I move that the 14 bird species
48 remanded back to us on the birds of conservation concern be
49 placed in the responsibility of the Technical Committee to
50 develop a list of these 14 birds.

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1 CHAIRMAN ANDERSEN: The motion has been
2 made to forward these birds to the Technical Committee
3 under the policy that we approved earlier today or for
4 consideration under the policy. Is there a second?

5

6 MR. ROBUS: Second.

7

8 CHAIRMAN ANDERSEN: Seconded by Matt. Any
9 discussion? Bill.

10

11 MR. OSTRAND: Knowing the Technical
12 Committee's hesitancy to make recommendation, I would like
13 to ask for clarification on what you're asking of the
14 Technical Committee. Earlier you discussed having them
15 develop a criteria. Would you like them to make
16 recommendations also on which birds are to be placed on the
17 list and which ones are not?

18

19 CHAIRMAN ANDERSEN: Unless I misunderstand
20 this whole thing here today, that's the intent. The list
21 of birds is referred to the Technical Committee for
22 consideration under the policy that was approved earlier
23 today. Is there further discussion?

24

25 MR. ROBUS: Just to state my understanding
26 of the question that Bill brought up, I would see the
27 Technical Committee trying to put together some criteria
28 coming back to the Co-management Council with this list of
29 birds with perhaps an analysis of how each of the birds
30 stacks up against those criteria so that the Council can
31 decide whether to include those on the list. It's my
32 belief that the Council should still be the body that
33 decides what goes on the list, but I think we're asking the
34 Technical Committee to produce a list of criteria and then
35 list as best as possible how each of these birds stacks up
36 against those criteria for the Council's consideration.

37

38 CHAIRMAN ANDERSEN: Thank you, Matt.

39 Myron.

40

41 MR. NANENG: Correct me if I'm right or
42 wrong. Is the SRC going to go ahead and deal with these at
43 their next meeting or what or are they just asking for the
44 AMBCC to go ahead and get the list because I heard some
45 comments during the Technical Committee meeting that
46 regardless of what we might say or what we might not say
47 that they are going to recommend some type of action.

48

49 CHAIRMAN ANDERSEN: Bob, do you have a

50 response?

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1 MR. TROST: Very briefly. All I'll say is
2 I can't answer for the SRC. They've asked for your
3 opinion. You're going to forward that opinion back to
4 them. They'll take that under consideration and it's
5 within their prerogative to either endorse what you're
6 doing, make some modifications or change it as they feel is
7 warranted based on your input and the input they receive
8 from others. I imagine they will deal with it at the July
9 meeting.

10
11 CHAIRMAN ANDERSEN: Thank you. Any further
12 discussion? Fred.

13 MR. ARMSTRONG: If this list has drawn the
14 attention of the assistant secretary as well as the
15 director, I'm pretty sure that these 14 birds will be
16 brought back to their attention.

17
18 CHAIRMAN ANDERSEN: Any further discussion?
19

20 MR. ROBUS: Question.
21

22 CHAIRMAN ANDERSEN: The question has been
23 called. Is there any objection to forwarding this list to
24 the -- let me see if I've got the motion right. For
25 consideration by the Technical Committee to be included in
26 the list of birds under the policy which was established
27 under policy number one.

28
29 (No opposing responses)
30

31 CHAIRMAN ANDERSEN: Hearing no objection,
32 such is the action of the Council. I guess the next item
33 on the agenda is the invitation for public comments. Are
34 there any public comments?

35
36 MR. ROBUS: I have one further item of
37 action that I'd suggest if that's appropriate.

38
39 CHAIRMAN ANDERSEN: Mr. Robus.
40

41 MR. ROBUS: Mr. Chairman. I move that the
42 Co-management Council author a letter to be signed by the
43 chairman to the chairman of the SRC committing to
44 considering quantity-related regulations in time for the
45 '05 regulatory cycle and those regulations would include
46 things like bag limits. What I'm thinking is based on the
47 discussion we had here today -- well, I'll wait for a
48 second and if I get it, I'll explain what I'm thinking.
49 Thank you.
50

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1 CHAIRMAN ANDERSEN: Thank you, Matt. Is
2 there a second to the motion?

3

4 MR. AHMASUK: Second.

5

6 CHAIRMAN ANDERSEN: The motion has been
7 made and seconded. Any discussion? Matt.

8

9 MR. ROBUS: Mr. Chairman. Today and in
10 previous discussions I get the feeling that a lot of the
11 difficulty that we're experiencing between the view of the
12 subsistence users and the people that are representing them
13 on this body and the view of the regulators at the SRC
14 level and those of us kind of in between those levels is
15 the fact that right now, once the subsistence regulations
16 go into effect, we have an all or nothing type of season
17 where there are no bag limits. There are some liberal,
18 fairly extended seasons. And that, especially in the case
19 of some of these bird populations where there is some
20 conservation concern and yet I think we all feel or most of
21 us feel that there should still be some subsistence harvest
22 allowed, we could probably solve some of those different
23 ways of looking at things and come up with a consensus if
24 we had a way of assuring people that the amount of take
25 would be limited in some fashion.

26

27 So, now that we've created Federal
28 regulations for subsistence bird take that allow the take
29 of birds during the spring and summer and now that we've
30 got lists that we're going to be adjusting up and down over
31 the years about which bird is going to be taken, I would
32 like to suggest it's time for the Council to at least
33 consider regulations that would affect the number of birds
34 that can be taken. And I'm not stating a position on how
35 big or small those things should be, how restrictive or how
36 liberal, but just something other than either infinite bag
37 limit or closed is kind of a tool set that we haven't
38 touched yet that might solve some of the problems that the
39 Council has been facing. So that's the rationale behind my
40 motion and I guess I'd take the responsibility for trying
41 to draft a letter in the next day or so to circulate or to
42 get to Fred to circulate. Thank you, Mr. Chairman.

43

44 CHAIRMAN ANDERSEN: Before I call on Myron.
45 I think, Matt, in preparing the letter, it would be also
46 useful that it contains an explanation of the process that
47 the AMBCC follows in developing recommendations and the
48 process being starting with the development of a guideline
49 that the AMBCC develops guidelines and submits them to the
50 regional councils and have the regional councils prepare

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1 proposals based upon those guidelines. It should also be
2 clarified that at this point we haven't yet developed a
3 guideline for bag limits and that sort of thing, but the
4 intent is to move along in that direction. Myron.

5

6 MR. NANENG: Yeah, I do have a concern
7 about that because of the added language on that indigenous
8 hunter. The interpretation of indigenous has been added to
9 include non-Native people and that's going to have an
10 impact. Right now the Native hunters in the Y-K Delta have
11 a limited hunting season that they abide by. So to step
12 ahead and start proposing bag limits before we have a good
13 clarification on that language that was added by then
14 Senator Murkowski raised some concern for me.

15

16 CHAIRMAN ANDERSEN: Before going to Matt
17 and to Austin, I'd like to ask, Myron, if you could be
18 involved in drafting that letter to ensure that it
19 addresses the concerns you've just raised.

20

21 MR. NANENG: I'd be happy to do that. The
22 other reason why I raise that is percentages were discussed
23 during the negotiation of the Migratory Bird Treaty and the
24 factor of adding the indigenous non-Native people to the
25 list has really made -- will have a big impact like the
26 issues raised by those in Tetlin.

27

28 CHAIRMAN ANDERSEN: Thank you, Myron. Matt
29 and then Austin.

30

31 MR. ROBUS: Myron, in partial response to
32 what you're saying, we haven't really heard much about this
33 subject that you've mentioned several times today in the
34 previous several meetings that I've been at, but it seems
35 like it's a legal interpretation issue that does need to be
36 clarified. One of the reasons I mention the '05 cycle is
37 to give us some time for things like that to be resolved.
38 I also hasten to add that I'm not proposing at this point
39 that bag limits of any particular sort be adopted. I would
40 say the Council commits to considering bag limits and other
41 similar quantity-related regulations to see whether they're
42 appropriate for the situation we find ourselves in. So I'm
43 looking at it in a very general way. I don't mean to hem
44 anybody in at this point, but I think it's the next step to
45 start looking at it now that we've got the seasons
46 established.

47

48 CHAIRMAN ANDERSEN: Austin.

49

50 MR. AHMASUK: Thank you, Mr. Chairman. I

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1 like the substance of the letter that's going to be
2 drafted. I wish we could have drafted something along
3 those lines several years ago or maybe a couple years ago.
4 Case in point, the whimbrel, all of a sudden it's closed
5 now. I don't know if any of you folks eat whimbrel much,
6 but in fall time whimbrel is an excellent bird for eating
7 purposes. They're nice and fat in the fall as well as the
8 spring when they arrive, but now they're closed before even
9 mediocre changes were discussed. With that, thank you.

10

11 CHAIRMAN ANDERSEN: Thank you, Austin. Any
12 further discussion? Myron.

13

14 MR. NANENG: Yes, Mr. Chairman. One of the
15 things that I'd request people to do once this letter is
16 drafted is they take a very close look at it. If we start
17 imposing bag limits and stuff like that, even by
18 regulations, people are not going to stop hunting, they're
19 going to be out hunting. There's already a limit in the
20 seasons of birds that are hunted by subsistence hunters out
21 in the Y-K Delta.

22

23 CHAIRMAN ANDERSEN: Thank you, Myron.
24 Similar to the request that I made of Fred on the other
25 letter, I'd like to ask you and Matt to make clear that
26 when you circulate this letter for review that you
27 encourage the regional members to review it and make sure
28 you establish some sort of deadline so that we don't leave
29 it hanging out there for a long period of time. I also
30 think that you need to point out the items that you think
31 are important. Matt.

32

33 MR. ROBUS: Mr. Chairman. Just a
34 clarification on the logistics and timing of this. My
35 intent was to try to get this done in time so that the SRC
36 coming up on the 30th and 31st of the month could see that
37 the Council was moving in this direction. This is if my
38 proposal passes. So, it's not that this is going to be
39 left around for a long time for review. This is going to
40 have to be fast on everybody's part unless the sense of the
41 Council is you don't want to try to push that hard and that
42 this will be taken care of sometime in the next few weeks
43 or months. Under those circumstances, the best we could
44 report to the SRC is that instructions to draft that letter
45 are in effect and we're trying, but we wouldn't be able to
46 actually show them the letter. So is it your intent that
47 we try to get this done and shown to the SRC as a finished
48 letter?

49

50 CHAIRMAN ANDERSEN: I think it's a matter

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1 of logistics. If we're able to do it within that period of
2 time, then let's go for it. If it turns out that it's
3 going to be delayed for a little while past the SRC
4 meeting, then there's probably a way to get the letter to
5 the SRC members after the meeting. If it gets to the point
6 where there's going to be a delay, then perhaps the best
7 thing to do is let them know we're planning a communication
8 with them. Is there any further discussion? Fred.

9

10 MR. ARMSTRONG: I don't know what kind of
11 turnaround you're looking at, Matt. As far as the letter
12 Russ is supposed to write, I would think Thursday is going
13 to probably be the latest we can deal with anything. We
14 have to put the packets together within three days and out
15 of here. The Flyways meet beginning next Monday and we're
16 going to the Flyways and then onto the SRC. If there's any
17 activity that's going to take place, it has to take place
18 this week.

19

20 CHAIRMAN ANDERSEN: Any further discussion?
21 Tom.

22

23 MR. ROTHE: Just a comment. I think the
24 intent of both of these letters is directly the SRC. I'm
25 not sure the flyways would need to have it in hand. We can
26 certainly relate verbally what's going on.

27

28 CHAIRMAN ANDERSEN: I guess Fred's reason
29 for bringing the flyways into it is that's where he will
30 be. He will not be here to put packets together. So we
31 either get a letter or inform them that communication is en
32 route. Any further discussion? Myron.

33

34 MR. NANENG: I think that one of the things
35 that should be done as a courtesy to our waterfowl
36 management bodies is to let them also take a look at it and
37 review it with their comments before we send a letter out.

38

39 CHAIRMAN ANDERSEN: Thank you, Myron. I'm
40 tending to agree with you. Since we'll be referencing FY05
41 that it might be worthwhile to craft this carefully and
42 have it go through reviews. One of the things that popped
43 to my mind about bag limits was the fact for 80 years we
44 didn't have any and we still don't have any today for
45 subsistence hunting. It's a whole new area that we'll be
46 beginning to explore and I think we need to be fairly
47 careful about what our commitments are or what we do in
48 making commitments and contacting the regional councils and
49 in preparing for establishment of a guideline for bag
50 limits. Is there any further discussion?

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1 MR. NANENG: Just one more comment, Mr.
2 Chairman. There's got to be an opportunity for education
3 and information on this, too, like we've stated with all
4 the other issues that we've been talking about. An
5 imposition without education and information is not going
6 to work, so I just want to raise that as an issue for
7 consideration.

8
9 CHAIRMAN ANDERSEN: Is there any further
10 discussion on the motion?

11
12 MR. ROBUS: Question.

13
14 CHAIRMAN ANDERSEN: The question has been
15 called. Are there any objections to the motion?

16
17 MR. NANENG: Mr. Chairman, until such time
18 that I've had an opportunity to discuss this with our
19 Waterfowl Conservation Committee, I object.

20
21 CHAIRMAN ANDERSEN: An objection has been
22 raised. Matt, can you conduct a roll call vote, please.

23
24 MR. ROBUS: Certainly, Mr. Chairman. The
25 question of writing a letter to the SRC stating the intent
26 to deal with quantity-related regulations for the '05
27 cycle. Mr. Oates.

28
29 MR. OATES: I think with the stipulation
30 for the '05 cycle I don't see a problem with a letter of
31 intent to consider bag limits, so I vote yes.

32
33 MR. ROBUS: And Mr. Andersen.

34
35 CHAIRMAN ANDERSEN: I'll support the
36 objection raised by Myron and vote no.

37
38 MR. ROBUS: And as the representative of
39 the State, I'm going to vote yes on this one, so the motion
40 carries 2 to 1.

41
42 CHAIRMAN ANDERSEN: Thank you, Matt. Are
43 there any public comments? Hearing none. I guess I'd like
44 to do Council comments first before we identify date and
45 place for next meeting. Are there any Council comments?
46 Myron.

47
48 MR. NANENG: Mr. Chairman, thank you. One
49 of the issues I think that's being discussed right now is
50 the duck stamp issue and we at AVCP are going to be

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1 opposing that. We don't think it should be part of
2 subsistence. Traditionally, as Alaska Natives, we've never
3 had the use of duck stamps to hunt during spring and
4 summertime, so putting that as a need I don't think will be
5 supported by any of our people in the Y-K Delta.

6

7 CHAIRMAN ANDERSEN: Thank you, Myron. I'd
8 also like to report that the BBNA board of directors
9 adopted a resolution that was similar to the one that the
10 AVCP board adopted regarding duck stamps and permits and
11 licenses and I'm not sure how many others have done that.
12 Are there any further Council comments? Russ.

13

14 MR. OATES: I just wanted to thank Fred for
15 his coaching and I want to thank Matt and you, Ralph, for
16 indulging me in my ignorance of this process, so it was
17 very interesting.

18

19 CHAIRMAN ANDERSEN: Matt.

20

21 MR. ROBUS: Thank you, Mr. Chairman. I'd
22 like to express my thanks for the contributions of
23 everybody who has been in the room all day long and who
24 stuck through the whole thing. I admire your endurance. I
25 think that we're pushing through the difficult early stages
26 of a process and I think we really need to not only work to
27 make sure that we're providing for the subsistence uses,
28 but maintain our antenna up for the way the process is
29 viewed amidst the entire Federal regulatory machinery. To
30 the extent there's disagreement about how to address some
31 of those issues, I just think that's natural and we need to
32 continue to keep working together. Finally, it wasn't
33 obvious to me that you were ignorant at all there, Mr.
34 Oates. I appreciate your contributions. Thank you, Mr.
35 Chair.

36

37 CHAIRMAN ANDERSEN: I'd like to echo the
38 thanks to everybody for being here and for coming in the
39 middle of the summer to a meeting. I just want to let the
40 members and others here know that this is probably going to
41 be my last meeting here at the AMBCC. I have to say that
42 I've enjoyed the experience the past three or four years.
43 It's not that I'm moving on to anything bigger or better, I
44 just decided that I need to spend some time on my regular
45 duties back at Bristol Bay Native Association. It's likely
46 that Hans Nicholson or someone else on my staff will be
47 attending the meetings here in my place. Are there any
48 staff comments?

49

50 MR. ARMSTRONG: Just a couple, Mr. Chair.

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1 Just a forewarning in your October meeting that we're going
2 to probably spend a little bit of time on the harvest
3 survey report. I'm pretty sure it will be done by then and
4 we're going to require Council action on that, so be
5 prepared for that. I just want to thank my staff for the
6 hard work they've done. They do a lot of work trying to
7 put all this stuff together. I'm sorry about the
8 accommodations. I thought the room was nice, but the
9 temperature didn't satisfy a lot of us. It's summer and
10 it's very difficult to get any meeting place. I just
11 wanted to thank my staff publicly for the work they've done
12 and to you guys for coming in. It's been a pleasure.
13 Thanks for coming, Taq.

14

15 MS. HEPA: Thank you. I was glad to be
16 here. I'll report back to Robert and Shirley of what
17 happened here and hopefully in the future I can attend more
18 of these meetings. Thank you.

19

20 CHAIRMAN ANDERSEN: Date and place of the
21 next meeting. Tab 8.

22

23 MR. ROBUS: I gather that I've been handed
24 the chair for a while here. I believe the fall meeting is
25 usually a two-day meeting. Is that what traditionally has
26 been done?

27

28 MR. ARMSTRONG: That's correct, Mr. Chair.

29

30 MR. ROBUS: Is there generally a work
31 session before those two days?

32

33 MR. ARMSTRONG: That's correct.

34

35 MR. ROBUS: So we're talking about a three-
36 day window? What's the pleasure of the Council? The only
37 thing I have on my October calendar is that the 17th is a
38 State holiday. Is sometime the week of the 14th workable
39 for people, recognizing that there's quite a few Council
40 members not present?

41

42 (Off record discussion)

43

44 MR. ROBUS: So we're talking about the week
45 of September 29th, which goes through Friday the 3rd of
46 October. Are people okay with that? In terms of travel or
47 whatever, I assume that these things have usually allowed
48 people to travel on a weekday. Mr. Chairman, welcome back.
49 We're looking at the week that begins September 29th
50 through Friday, October 3rd.

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1 MR. NANENG: Isn't that the best time of
2 the year to go goose hunting?

3

4 CHAIRMAN ANDERSEN: So it would be Tuesday,
5 Wednesday and Thursday?

6

7 MR. ROBUS: Right, 30th, 1st and 2nd.

8

9 CHAIRMAN ANDERSEN: Okay. So the dates are
10 in place. It will be Tuesday, September 30th, Wednesday,
11 October 1st and Thursday, October 2nd. How are those
12 dates? Everybody agree to those? I guess the next item on
13 the agenda is adjournment. Do I hear a motion to adjourn?

14

15 MR. AHMASUK: So moved.

16

17 MR. ROBUS: Second.

18

19 CHAIRMAN ANDERSEN: Thanks.

20

21

(END OF PROCEEDINGS)

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C E R T I F I C A T E

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STATE OF ALASKA)

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