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ALASKA MIGRATORY BIRD

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CO-MANAGEMENT COUNCIL

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Department of Interior Conference Room

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Anchorage, Alaska

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May 16, 2003

20

9:00 a.m.

21

22 Members Present:

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24 Doug Alcorn/Bob Leedy, Federal F&W, Chair

25 Matt Robus, State F&G, Secretary

26 Chugach Regional Resources Commission

27 Copper River Native Association

28 Kawerak

29 Aleutian/Pribilof Islands Association

30 Kodiak Area Native Association

31 Manilaaq Association

32 Tanana Chiefs Conference

33 Central Council of Tlinget-Haida Indian Tribes

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35 Executive Director, Fred Armstrong

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P R O C E E D I N G S

(Anchorage, AK - 5/16/03)

(On record)

CHAIRMAN ALCORN: Good morning. We will begin this morning's session with noting that there are a couple absences around the table. Ralph Andersen, the voting representative for the subsistence harvesters is not here and I understand there is going to need to be a Native caucus to elect someone to be the representative of that vote in the event that we have to have a vote today. So I would like to recess for five, ten minutes, however long it takes for you all to decide who will be the person that will actually cast a vote if we have to vote. Austin.

MR. AHMASUK: Have you heard if other members are coming, Gordon or other members?

CHAIRMAN ALCORN: I don't know. Fred, have you heard? We were working on the assumption that we would have an AVCP rep today and someone from Tlingit-Haida, but I don't see them here. Do you want to go ahead and recess for five or ten minutes and elect your voting person? All right.

(Off record)

(On record)

CHAIRMAN ALCORN: We have a recorder here. Do you all have somebody that you've elected to be the voting representative? Austin. You're the voting entity?

MR. AHMASUK: Yeah. They voted me in.

CHAIRMAN ALCORN: Great. Okay. You're going to be the one to cast a vote if we come to that. We are at this point ready to take up business that we left off yesterday. We had tabled a motion. Actually, we didn't even have a motion. We tabled the presentation of the proposal by AVCP for lack of a representative. There's still none. That is because they did not submit a proposal. The presumption is that it would be status quo, but I would leave that to Austin. It's your call whether or not you want to present that to take action on it or to defer action until -- we would have to defer it until the July 15 meeting. Austin.

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1 MR. AHMASUK: I think deferring to July
2 15th would be fine. When it comes to my area, I'll voice
3 some things that will help with that when a region doesn't
4 submit a proposal, my ability to speak on behalf of our
5 regional council and things like that.

6
7 CHAIRMAN ALCORN: Okay. So it will just
8 remain tabled or deferred. Fred, does that cause a
9 logistical problem for the regs process?

10
11 MR. ARMSTRONG: No, Mr. Chairman. We'll
12 contact AVCP and get something in writing today for the
13 July 15th meeting.

14
15 CHAIRMAN ALCORN: Okay. We left off with
16 the Copper River. We went down through Item 5, Chugach
17 Regional Resource Commission. We approved the proposal.
18 We also did number 8. That leaves us at number 6, the
19 Copper River Native Association proposal and I believe
20 that's under Tab 20. Following the protocol, we would
21 allow Joeneal to present the proposal and then we will go
22 through the Agency comments and public comments as well.
23 So, Joeneal.

24
25 MR. HICKS: Thank you, Mr. Chairman. Like
26 he said, the proposal is under Tab 20 and 24. In regards
27 to Tab 24, that is just additional information that was
28 needed on Gakona. So if you would include it all together,
29 this proposal applies to Cheesh-na Tribal Council, Chitina,
30 the Native Village of Tazlina, Gulkana, Gakona, Kluti-Kaah
31 or Copper Center, and Mentasta. Cantwell is also included
32 in this, but it's only in regards to the area and the
33 season dates.

34
35 So, with that, as you know, the area which
36 I'm referring to is the Ahtna Region. That particular area
37 was excluded from the eligibility list back when it was
38 approved or the decision was made. In other words, we are
39 south of the Alaska Range, so, in other words, we're
40 excluded for whatever reasons or individual reasons or
41 group reasons, but we were excluded for -- I don't know
42 what reason there is, you know. So we're applying for
43 eligibility. I can say that we have documented history and
44 I pretty much reported to you our status. We do have
45 knowledge of it. We do utilize the ducks. We do utilize
46 the geese. Again, when we do utilize those ducks or geese
47 or migratory birds, it does not necessarily associate just
48 with that. It associates with other things, such as
49 hunting muskrats, such as going out there looking for
50 sheep, depending on your location.

00118

1 The season dates again are different
2 because of altitude. In other words, if you go north from
3 Gulkana, you're in the mountains. If you go south from
4 Gulkana, then you're in the lower valley, so the season
5 dates are different because of the spring thaw. Well, you
6 know what I mean. Let's see. What else? Well, I know
7 that you've reviewed everything I have here. I know you're
8 pretty much familiar with what I'm proposing. So, unless
9 there are questions for me, I move to approve this
10 petition.

11

12 CHAIRMAN ALCORN: Well, at this point, a
13 motion to approve is out of order because we have this
14 protocol that we'll go through, but you can hold that for a
15 second. Are there any questions of Joeneal? Austin.

16

17 MR. AHMASUK: Thanks, Joe and Mr. Chairman.
18 When you say Cantwell is included but only because of its
19 area?

20

21 MR. HICKS: Yes, it's just the area
22 identified that's down below and their season dates are --
23 well, I don't believe when they were included they had a
24 season date. They did submit a season date. Am I correct
25 on that, Ron? I'm asking Ron only because he knows more
26 about it than I do. I know that they did not have a season
27 date and I believe they submitted one, but I don't see it
28 in this package.

29

30 CHAIRMAN ALCORN: Ron, identify yourself.

31

32 MR. STANEK: Ron Stanek with Division of
33 Subsistence. Mr. Chairman. Yeah, Roy Tanzy had submitted
34 his proposal back in December, however they were included,
35 but he was covering the dates and the area that they use.
36 It was also my understanding that the date for the northern
37 part of your area could cover them as well.

38

39 MR. ARMSTRONG: You think that's for the
40 north?

41

42 MR. STANEK: Yeah. I think that was
43 supposed to do that, too, if I recall. I can check on
44 that.

45

46 CHAIRMAN ALCORN: I'll double check on it.
47 Fred.

48

49 MR. ARMSTRONG: For clarity purposes, we
50 did receive a letter from Cantwell. They were just

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1 inquiring as to whether or not they were included or
2 excluded. Based on some factors, there was a determination
3 made that they were included but they haven't submitted any
4 season or method and means as of yet.

5

6 MR. HICKS: Well, if I may, Cantwell is
7 also in a higher type of elevation. They're situated up in
8 the Denali area and I do know pretty much their status up
9 in there. They also have a late season, so I would suggest
10 that their season be similar to Gulkana North or the same
11 as north of Gakona. The open date being April 15th through
12 May 31st. Closure date June 1 to June 30. Then the open
13 date July 1 to August 31.

14

15 CHAIRMAN ALCORN: All right. Thanks,
16 Joeneal. Fred, is whispering in my ear and suggesting that
17 we need a proposal or a written request from the region.
18 Is that what you're saying, Fred?

19

20 MR. ARMSTRONG: That's correct. From the
21 community. We'll work with them and get that information
22 by the July meeting so it can be part of the package.

23

24 MR. HICKS: I could almost swear that they
25 did send in something, but I haven't seen it.

26

27 CHAIRMAN ALCORN: It's my impression, the
28 way this process works, that the regional representative
29 can speak for that community if he feels inclined to do so
30 and I've heard him say so. So he's suggesting that they be
31 included in the upper elevation season dates so the same
32 dates would apply. I heard you say Cantwell. There was
33 something you referred to about the area not defined?

34

35 MR. HICKS: There is on the agenda,
36 boundaries and stuff like that. I know that will be a big
37 discussion because our petition or our proposal would
38 include a wide swath of an area. In other words, being the
39 entire Ahtna region and possibly other units. A better
40 defined location might be Unit 13, 11 and 12 or even
41 bigger, so I would leave it for discussion later on that.

42

43 CHAIRMAN ALCORN: so your proposal, so I
44 understand and others understand, is all these areas,
45 exclusive of the definition of the area, it's just for the
46 season dates and the.....

47

48 MR. HICKS: The eligibilities.

49

50 CHAIRMAN ALCORN: Well, the eligibility has

00120

1 already been determined. We determined that to be
2 included, these communities, at the last meeting. Fred.

3

4 MR. ARMSTRONG: I guess, for clarity, it
5 was early on in the process that the topic of Cantwell came
6 up, whether or not they were included or excluded. Based
7 on the way the river flowed -- remember, you were part of
8 the discussion -- that we determined that it was included.

9

10 CHAIRMAN ALCORN: So Cantwell was not one
11 of those regions that submitted last month, right?

12

13 MR. ARMSTRONG: That's correct. They were
14 already included.

15

16 CHAIRMAN ALCORN: Okay. I was thinking I
17 didn't recall that one. Mike, go ahead.

18

19 MR. SMITH: I was just curious. What was
20 the issue around Cantwell? Did you guys just look at a map
21 and decided where the included/excluded areas were?

22

23 CHAIRMAN ALCORN: No. It has to do with --
24 the protocol language says that areas that are north and
25 west of the Alaska Range are generally include. And
26 Cantwell, if you drew a line between peaks, Cantwell
27 actually falls south of the peak, but they fall in the
28 watershed that flows north. So, by definition of the
29 watershed, they're north of the Alaska Range. So that was
30 the debate, are they in or are they out. We determined a
31 year ago in discussion that they would be in by virtue of
32 the fact where they sit in the watershed and they're in the
33 river that flows north as opposed to south.

34

35 MR. SMITH: Mr. Chairman, I'm sorry. When
36 you had this discussion about this -- so apparently there
37 is no definable line as to what is included or excluded
38 now? We have not established that yet? There is just kind
39 of this vague notion of kind of south of the range and that
40 kind of stuff? There is no real definitive line or
41 anything?

42

43 CHAIRMAN ALCORN: I don't know. Fred, did
44 we, as a Council, ever decide that it is a watershed
45 boundary as opposed to a peak boundary?

46

47 MR. ARMSTRONG: No. There is a definable
48 boundary. The exception was Cantwell. The discussion
49 centered around whether or not they should be included or
50 excluded. We had to make a determination. We provided a

00121

1 list to the Council of all the excluded communities.
2 Cantwell was an exception. It took a little more time. We
3 worked with higher-level officials from Fish & Wildlife
4 Service and made a determination they would be included.

5

6 MR. SMITH: I'm sorry to belabor the point.
7 My thinking on this though is in regards to the new
8 proposals and the drawing of those boundaries and we need
9 to be able to identify at least somewhere to start. We
10 need to have some definable line somewhere defining the
11 included/excluded areas and then decide from that point on
12 which ones we're going to include or exclude for purposes
13 of these proposals.

14

15 CHAIRMAN ALCORN: Right. And I think, to
16 follow up on that thought, I believe Cantwell was sort of
17 the exception. That it was clearly in an area that was
18 ill-defined, but the rest of the communities, if I'm not
19 mistaken, are clearly inside the included area or outside
20 the included area. All right. Fred, go ahead.

21

22 MR. ARMSTRONG: One issue that came up is
23 the treaty left us with a lot of -- there was no clarity in
24 a lot of language, excluded areas on the roaded system.
25 It's a problem because it's not defined. Prior to you guys
26 being on the Council, we agreed that Copper River and
27 Chugach would go through the petition process because it
28 was a grey area. Last year we made a determination, the
29 Council did, to let them petition, but we'd hear them
30 first, so that's why you guys are where you're at.

31

32 CHAIRMAN ALCORN: Thanks, Fred. Enoch and
33 then Austin.

34

35 MR. ATTAMUK: Yeah. For your information,
36 Cantwell is included about a year ago. Also, that's why we
37 need maps in our meetings. For the new people or
38 alternates, it's really important for us to have maps.
39 They will see what's going on, what we're talking about.
40 They don't have to do nothing. They sit there and they'll
41 see it.

42

43 CHAIRMAN ALCORN: Austin, thank you.
44 Enoch.

45

46 MR. AHMASUK: Yeah, I remember this
47 discussion and perhaps we didn't spend enough time on it.
48 I think we do need to spend a little more time on it now
49 though by virtue of inclusion of one determination north of
50 the watershed. We've got a map on Tab 20 that shows lines

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1 around already included areas or north of included areas
2 and then lines south of areas that are not included. So,
3 is it correct to say, Joe, the area south of what looks
4 like on the map a river is the area we're talking about for
5 inclusion?

6

7 MR. HICKS: Cantwell?

8

9 MR. AHMASUK: Cantwell. I'm sorry, yeah.
10 Is it true that Cantwell is on a river and then south of
11 the river is the area we're talking about for inclusion?

12

13 MR. HICKS: In talking with Roy Tanzy, who
14 is a representative from that area, his primary harvest
15 area is south of the Nenana River. I'm not sure if you're
16 familiar with the Cantwell area, but the Nenana River is
17 like 10 miles north of Cantwell going up the Parks Highway
18 and the river flows south or southerly. So that area south
19 of the Nenana River down toward Broad Pass and even beyond
20 there, in other words into the Chugach or the CIRI region,
21 and then all along the Denali Highway. If you look at that
22 map, it will give you kind of a better explanation of area.
23 I think that's the third to the last page on the left
24 there. That kind of gives you a general idea.

25

26 MR. AHMASUK: I believe you passed a map
27 around yesterday, didn't you, with these boundaries?

28

29 CHAIRMAN ALCORN: Here you go.

30

31 MR. HICKS: I had asked them to draw on a
32 map, in other words, or these maps here for each village
33 what are traditional use areas and their areas so much
34 overlap. So we were going to go for the entire Ahtna
35 region as a whole in our proposal.

36

37 CHAIRMAN ALCORN: Let me ask the Council
38 this. In one proposal yesterday we talked about area
39 boundaries, then Mike voiced concern and suggested that we
40 cover discussion of area boundaries in a separate agenda
41 item, Agenda Item 7, under other business, that we'll get
42 to later today. It's up to you all whether we want to have
43 a discussion of boundaries as we go through these or if we
44 want to hold off and have a general discussion of
45 boundaries. At some point we're going to have to be
46 specific to the proposals.

47

48 MR. HICKS: Mr. Chair, I would ask that it
49 be in a separate agenda item. It's going to be a big
50 discussion, believe me.

00123

1 CHAIRMAN ALCORN: All right. What's the
2 will of the Council? I think we need to settle that now
3 before we proceed with the rest of these proposals and this
4 one particularly. Austin.

5
6 MR. AHMASUK: If the discussion is about
7 inclusion, I think that it's pertinent to the proposal, but
8 if it's pertinent to what was talked about yesterday of
9 moving lines over when we decide on inclusion, that is a
10 separate issue. But if it's inclusion is pertinent to a
11 proposal, I think it's pertinent at the time. A discussion
12 like this could take a lot of time, which we probably need
13 to spend time on. We talked about it a year or so ago. At
14 the time, it was glossed over for keeping things simple,
15 but they're not so simple anymore. Unless we just speak of
16 the area south of the watershed and talk about that.

17
18 CHAIRMAN ALCORN: Okay. Thanks. Any other
19 thoughts on that one? I was sure you would have a thought,
20 Mike.

21
22 MR. SMITH: Doug, I was just curious about
23 what you were thinking about the whole thing. I mean you
24 can understand the complexity of it all and we're kind of
25 scratching here about how to approach this whole thing
26 without maps. You know, we don't have any maps that we can
27 draw. We have nothing that indicates what is an included
28 area or excluded area. Without all that, it just seems --
29 you know, without those basic things for this discussions,
30 it seems -- I'm not so sure where we're at.

31
32 CHAIRMAN ALCORN: Okay. Well, let me tell
33 you -- oh, Donna has a comment. Go ahead, Donna.

34
35 MS. DEWHURST: Bill has just left to go get
36 -- we have a big state map kind of similar to that that's
37 plasticized and when he returns, with that and some
38 markers, we could potentially mark where the lines are now,
39 which would facilitate the discussion, but he has to go
40 back to our office to get it, so it's probably going to be
41 half an hour, 45 minutes to get back with the map.

42
43 CHAIRMAN ALCORN: Let me just respond to
44 your comment and I'll tell you why I kind of want some
45 resolution on this. We are adopting these, approving these
46 on a proposal by proposal basis. Part of the analysis,
47 part of the determination has to do with the areas that are
48 to be hunted because certain populations exist in those
49 areas. So, if an area is not clearly defined, it's more
50 difficult to analyze the potential impacts from a

00124

1 biological perspective. From the regulatory perspective,
2 we need clear definitions so that we can describe them in
3 the regulations. So those are the two reasons why I think
4 we need to have the discussion when we go through and while
5 it's pertinent to the proposal.

6

7 So I guess I fall in Austin's camp, that
8 there are two issues that we're dealing with here. One is
9 the larger issue of description of these areas that were
10 formerly excluded, generally excluded, and now they're
11 going to be incorporated into the hunt, the included hunt,
12 and the discussion of are they the same as the generally
13 included areas. Should they be treated the same? That's a
14 different discussion on how we describe that area boundary.
15 You used the phrase, you know, sort of cutting into what
16 was formerly excluded yesterday. That's the discussion I
17 thought we would have in Item 7, as well as sort of the
18 need for clear descriptions.

19

20 In this case though, when we're going
21 through and talking about a region and the need for hunting
22 and the need for season dates and closure dates, maps are
23 relevant to that kind of discussion and clear descriptions
24 are pretty relevant in my opinion. That's why I think that
25 there's certainly the need for both. So I guess I agree
26 with Austin. If your interpretation of my rambling is kind
27 of what you said, then we agree. Austin, go ahead.

28

29 MR. AHMASUK: Joe, when you mentioned that
30 we should talk about this later, what were some of the
31 issues that you wanted to talk about later?

32

33 MR. HICKS: Well, if I were to move to
34 approve the Copper Basin petition and if I were to put it
35 in a motion, I would move to approve the CRNA petitions
36 that include the season dates that I have suggested and
37 proposed and I would also include the entire Ahtna region,
38 including the entire units of 13, 11 and 12. But then
39 you're trying to define a line here that, again, would kind
40 of make it difficult for enforcement. I guess I would
41 maybe have to amend that because there would be so much
42 discussion on that to just include the season dates and the
43 petition alone rather than the area.

44

45 CHAIRMAN ALCORN: Austin.

46

47 MR. AHMASUK: I see where he's coming from
48 now. Like Joe said, as I look on the map here, I'm not
49 entirely sure where those areas fall. It was mentioned the
50 Nunana River, but does the Nunana River go east/west along

00125

1 this valley we see here or does it turn up? There's a
2 little valley I see in the mountains here. It goes north
3 through the mountains, through Cantwell. Then what about
4 the watershed east of Cantwell?

5

6 MR. HICKS: That's the Upper Nenana.

7

8 MR. AHMASUK: That's the Upper Nenana. So
9 it flows east/west. So I'm wondering -- I'm not clear as
10 to whether or not that would be included as well.

11

12 MR. HICKS: It's possible that it is
13 included, but I don't know.

14

15 CHAIRMAN ALCORN: Okay, Bob, go ahead.

16

17 MR. LEEDY: Bob Leedy, Fish & Wildlife. I
18 think another element that you need to think of broadly
19 that you alluded to, Doug, but to put a little finer point
20 on it, are these areas, when they are reviewed by the
21 group, in an exception allowed, are they kind of broader
22 included areas? Someone brought up the other day, you
23 know, I'm from Barrow, I'm from Bethel, I can now come into
24 this area and hunt, you know, like throughout the rest of
25 the state or are we going to treat these areas as
26 something, you know, special. They were originally
27 excluded. They've now petitioned and succeeded in getting
28 or will get permission to hunt. If you were to identify a
29 broad area, Joeneal, just for use by those villages in this
30 otherwise accepted area and other people couldn't come and
31 hunt there, that seems to me that that would solve a lot of
32 your problems and it would allow the Service to make the
33 argument to anybody who cared that we were doing our best
34 not to expand harvest in these road-accessible areas. It's
35 just something I felt I needed to kick out there because
36 it's not clear to me that we can or should treat these
37 excluded areas the same as everywhere else and allow free
38 crossing both ways.

39

40 CHAIRMAN ALCORN: Thanks, Bob. It's Fred
41 and then Mike.

42

43 MR. ARMSTRONG: Because the language in the
44 treaty says included area, they've defined included areas
45 and they've defined excluded areas, if you allowed people
46 from an included area to go into an excluded area, that's
47 not allowed right now. They petitioned to be included and
48 they've successfully done that. If you still try to have
49 included people come into a now included area within an
50 excluded area, it's creating a new tradition and that's not

00126

1 allowed in the treaty language. That will really clear the
2 way for overlapping areas that Joeneal is talking about.

3

4 CHAIRMAN ALCORN: We're getting off the
5 point here. That's a good issue and I have additional
6 issues here that I've been listing that I wanted to
7 recommend for future discussion potentially at a future
8 meeting and later today if we had time, but that's one
9 issue I do think the Council needs to resolve and I don't
10 think that it has been resolved. Mike.

11

12 MR. SMITH: Mr. Chairman. I was just
13 looking at the protocol language and was curious as to,
14 one, the determination of whether or not communities were
15 in the original determination, as to whether or not
16 communities were in or out of an area, included or
17 excluded, and who made that determination. The language is
18 vague to say the least. The only road system it talks
19 about is the Kenai Peninsula roaded areas. So I'm not sure
20 why they're excluded in the first place. I'm just curious
21 as to how that all originated and why they were excluded in
22 the first place and stuff. How that all started and where
23 we're at with that and who did that.

24

25 CHAIRMAN ALCORN: I don't think that that's
26 on the point of discussion. I think it's slightly out of
27 order to go down that road. I would rather us focus on
28 this agenda item at this point. If you want to write that
29 down as an additional issue that I think we need to have
30 discuss on, I would be glad to have that discussion when
31 we're there, Mike, because we do have a history of that and
32 I think we can clearly describe it. For now, I'd like to
33 focus on Joeneal's proposal. I would like to focus on the
34 issue of the proposal that he stated. I would like to
35 follow the protocol and hear from Tom and Bob. If there
36 are questions that we have for clarification on his
37 proposal, we can certainly entertain those.

38

39 MR. SMITH: Thank you, Mr. Chairman. It
40 just occurred to me that we had already made a decision to
41 take these proposals back to our regional councils, so
42 we're not.....

43

44 CHAIRMAN ALCORN: The only decision that
45 we've made to send back to our regional councils is to
46 discuss the list of species that were remanded to us. It
47 was a three-part motion that we passed yesterday. The list
48 of species to establish a date for the next meeting and
49 also to include additional information that Bob's office is
50 going to provide for us, the data sheets on each of the

00127

1 species. That was the motion that we passed. So, the
2 decision we would be making in July would be not for season
3 dates or inclusion or exclusion, it's only on those species
4 that we will consider at the July 15 meeting, is the way I
5 understand it, and the 13 proposals.

6

7 MR. SMITH: Then that would be just a
8 response to the SRC's concerns on the list itself is the
9 only thing we're taking back to the villages?

10

11 CHAIRMAN ALCORN: That and the first 13
12 proposals under our tabs that came from the agencies and
13 the Kodiak Audubon that hadn't been vetted by the regions
14 so we couldn't take -- it violated our process to take
15 action on those. That was yesterday's motion. But we are
16 still considering the regional proposals and this is one of
17 those. Austin.

18

19 MR. AHMASUK: Before we get into Agency
20 comments, I want to ask Joe, regarding this discussion
21 we've had, do you feel your proposal will be addressed and
22 is there any direction that you feel that we're going with
23 this discussion right now that's going to in any way, shape
24 or form take away from your proposal? I don't want your
25 region to feel that just because we've had this discussion
26 and some issues have been raised that are complicated that
27 the area that you're talking about is going to -- that your
28 proposal isn't going to come to fruition.

29

30 MR. HICKS: Thanks, Austin, but, no, I
31 don't. Just include us. But I do caution you that when
32 you do start talking about areas, and because of my
33 particular proposal includes a wide swath of area, I have
34 to bring to your attention that you need to keep in mind
35 that Eyak has not submitted a proposal and Eyak has close
36 ties to the Copper River. I can pretty much assure you
37 that when they submit their proposal, they will have a big,
38 wide swath area that includes all of the Copper River up to
39 the headwaters.

40

41 CHAIRMAN ALCORN: All right. Matt.

42

43 MR. ROBUS: Thanks, Mr. Chair. This is
44 another one of my self-evident statements, I guess, but
45 another boundary issue that we need to talk about no matter
46 how we go with the other boundary questions is we need to
47 define some sort of divider between the southerly and the
48 northerly season dates it seems to me. So that's another
49 issue to do either now or later.

50

00128

1 CHAIRMAN ALCORN: All right. Fred.

2

3 MR. ARMSTRONG: I guess the real problem
4 that we're having here is the inclusion and exclusion
5 process. Like I said, the areas are clearly defined what
6 areas are excluded and what isn't. The procedure regs and
7 the treaty says that an exception can be made for
8 communities. Communities can petition for inclusion in
9 talking with our solicitors. That does not mean that once
10 a community is included that the entire region is excluded.
11 That's why we had to define traditional hunting areas
12 within the community. I think we're going to get to the
13 same place you wanted.

14

15 CHAIRMAN ALCORN: All right. If there are
16 no other questions of Joeneal, we'll ask Bob Leedy, Fish &
17 Wildlife Service, to provide technical comment.

18

19 MR. LEEDY: The season dates look very well
20 thought out. Show you recognize local differences and took
21 advantage of it. The maps, I think, will probably lead to
22 some consolidated area. We'll see where we go. Thank you.
23 It looks good to me.

24

25 CHAIRMAN ALCORN: Thanks, Bob. Tom for
26 Fish & Game.

27

28 MR. ROTHE: Mr. Chairman. I don't have any
29 resource species concerns. I agree with Bob, the dates
30 look good. The two issues related to the boundaries that
31 we've been talking about, I don't think the department is
32 concerned about harvest levels and all that kind of stuff.
33 It's primarily just the need to define where the lines are.
34 In this map that was circulated, I would suggest it's very
35 handy if we could match up the lines of Game Management
36 Units. I guess one question would be -- we know the
37 proposal includes 11, 12 and 13 and I guess leave it to you
38 to decide about 20(d), 20(a). So that's one issue, just
39 the outer boundaries for this whole thing, just so we're
40 very specific in that. The other thing mentioned is that
41 if we have two sets of season dates, we need to have a zone
42 boundary where there's a northern and a southern line
43 somewhere.

44

45 CHAIRMAN ALCORN: Any questions of Tom or
46 Bob from Council? At this point we would open up the floor
47 for public comment or questions of Joeneal or anyone on
48 this issue. I hear none. Then Council deliberation and
49 action will be in order. Patty.

50

00129

1 MS. BROWN-SCHWALENBERG: In all due respect
2 to Joeneal and the Copper River Region, would it be
3 appropriate to put forth a motion to approve these
4 petitions with the caveats that they work with Fish & Game
5 and Fish & Wildlife Service to further refine the
6 traditional use area boundaries and the northern and
7 southern boundaries? Would that be appropriate?

8
9 CHAIRMAN ALCORN: I don't see why not. I
10 think that we could do that if there's agreement on the
11 proposal.

12
13 MS. BROWN-BROWN-SCHWALENBERG: I so move
14 for further discussion.

15
16 CHAIRMAN ALCORN: We have a motion to
17 approve the proposal with the caveat that they would work
18 with Fish & Game, Fish & Wildlife Service to define areas.

19
20 MR. HICKS: I second.

21
22 CHAIRMAN ALCORN: We have a motion and a
23 second. Is there any Council discussion? Austin.

24
25 MR. AHMASUK: Thank you, Mr. Chairman.
26 What's the red dotted lines on this map here? Is that
27 regional boundaries, regional corporation boundaries?

28
29 CHAIRMAN ALCORN: Is that what you refer to
30 as the Ahtna Region?

31
32 MR. HICKS: Yes, that is the Ahtna Region
33 boundaries.

34
35 CHAIRMAN ALCORN: I would have a question
36 of Tom Rothe. Tom, does that approximate -- I see Game
37 Management Units here and you mentioned a number of them
38 and I was unable to sort of follow that. Do you believe
39 that you could work with Joeneal to define those units or
40 define the hunting area in a way that would be definable
41 from a regulatory sense?

42
43 MR. ROTHE: Mr. Chairman. Ron Stanek has
44 done a lot of work with people in the region and it's clear
45 to us that Units 11, 12 and 13 in their entirety are
46 probably reasonable boundaries for the primary harvest
47 areas. My only question then is on the northern end of it.
48 Should all of 20A and 20B be included or is there some
49 reason to subdivide that to set a northern boundary?

50

00130

1 CHAIRMAN ALCORN: All right. Thanks, Tom.
2 Are there any other questions of Joeneal? We have a motion
3 on the table to approve the proposal with the caveat that
4 they would coordinate with Alaska Department of Fish & Game
5 and U.S. Fish & Wildlife Service to clearly define the
6 areas. Do we have any opposition to the motion stated?

7

8 (No opposing responses)

9

10 CHAIRMAN ALCORN: Hearing none, the motion
11 passes. All right. At this point we are to the Kaweruk
12 Region proposal. Austin, you're up.

13

14 MR. AHMASUK: Thank you, Mr. Chairman.
15 First I want to preface some of our region's proposal with
16 some comments. There's been several points of
17 misinformation regarding the BCC list that were, in fact,
18 my own misinterpretations, but I think throughout this
19 meeting it's been substantiated by other co-management
20 council members regarding the removal of the nine species
21 and the SRC remanded it back to us. The fact of the nine
22 species removed is in draft form and there's been no formal
23 decision. It is a little worrisome that a portion of those
24 nine species were from my area. It's going to mean the
25 abolishment of our cultural traditions.

26

27 I'm no longer the project officer for the
28 migratory bird contract with the Fish & Wildlife Service,
29 but in consultation with the project officer this morning,
30 there was no formal request for proposals other than
31 through e-mail. So, with that understanding, we didn't
32 submit a proposal. Additionally, the project officer told
33 me that there was no need for a submittal of proposal if
34 there's no changes. Those are some of my comments.

35

36 Regarding our proposal, I'm actually in a
37 -- I would be in conflict with our Norton Sound Migratory
38 Bird Council to propose proposals for an area considering
39 that our Regional Council hasn't had a meeting and actually
40 put forward on paper proposals. I'm not the chairman of the
41 Regional Council. The chairman can speak on behalf of the
42 Council, but I can't. I'm just an acting member of the
43 Council. I certainly would be out of order if I put
44 forward recommendations that merely mirrored what I think
45 and what we think are going to be regulations for our area.
46 The only appropriate thing that I think I can do at this
47 point is recommend that our original proposal be put
48 forward at this meeting for consideration, including the
49 species list and the species that we asked for harvest. I
50 can't go outside of our Regional Council's decision for

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1 recommendations for proposal, so that puts me in a
2 difficult situation. At this point, the only thing that I
3 can say is that our region is going to forward its original
4 proposal. In light of the question we had on the species
5 list, I just have to say I can only go with what our
6 Council put forth a year and a half ago.

7

8 CHAIRMAN ALCORN: Just so that we
9 understand, your proposal then is not the regulation as
10 would be published, but your proposal is the proposal that
11 was submitted last year, which includes, I believe, St.
12 Lawrence Island harvest of Emperor Geese.

13

14 MR. AHMASUK: That's correct, Mr. Chairman.
15 There's a couple things that I can certainly say on behalf
16 of our Council is the concerns and the first, number one
17 priority would be the Emperor Goose harvest on St. Lawrence
18 Island. We have traditional knowledge, not on paper, that
19 we feel would substantiate Emperor Goose harvest on St.
20 Lawrence Island. We can't put that forward right now.
21 One, we've been approached by Fish & Wildlife Service
22 regarding TK studies for St. Lawrence Island, which may
23 answer some questions, probably not all of them, but would
24 certainly add to maybe some substantiation of that harvest.

25

26 Another thing that was actually brought out
27 yesterday was the differing egg laying times. One species
28 in particular, Cormorant, that I know lays the eggs quite
29 early in the season, I think would actually fall outside of
30 the egg take part of our proposal. I'm not certain of
31 that. But in consideration of that particular species
32 which lays eggs really early in the season, I think falls
33 outside of the egg gathering time that we had originally
34 submitted. Then the concern brought out by the law
35 enforcement regarding this putting up of our region from
36 Point Romanof to Canal Point, the southern Norton Sound.
37 We can work on clarifying that. But as I mentioned just
38 now regarding those three things, those are things that you
39 can expect from our region. Any proposal outside of our
40 original proposal I can't forward because that would be in
41 conflict with our own Regional Council's bylaws. Just as
42 this Council stipulates that no member other than the chair
43 can speak on its behalf, I can't speak on their -- I can't
44 say that they have a proposal that is in conflict with
45 their original proposals.

46

47 CHAIRMAN ALCORN: I understand. Are you
48 ready then to make that a motion or are you going to defer?
49 I see two options. One is you would make it a motion and
50 we would have a similar discussion as we had last year.

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1 The other option is, if the region does not make a motion
2 or does not offer a proposal, the default, as I understand
3 it, would be the 2003 regulations. That's an option that I
4 see that would materialize in the absence of a motion.

5

6 MR. AHMASUK: Hold on. I just thought of
7 something else as well. Just before I came down here I
8 spoke with several St. Lawrence Island hunters, and I meant
9 to say it in my opening remarks but I forgot, but the use
10 of live birds as decoys on St. Lawrence Island should apply
11 as well. That's another concern or consideration that
12 you'll probably see from our region in the future, live
13 bird decoys on St. Lawrence Island as well. Don't we have
14 to go through 1 through 4 before I make a motion?

15

16 CHAIRMAN ALCORN: We do, yeah, but we don't
17 have a proposal right now. You've not made a proposal, so
18 we don't have one. The bird list is deferred. I'm seeing
19 a note from Fred. So what you would be presenting as a
20 proposal, this is hypothetical at this point, but in the
21 event you did make a proposal we would be discussing the
22 season dates and the course of methods and means and the
23 closures. Go ahead, Austin.

24

25 MR. AHMASUK: I think it's a little unfair
26 to make a motion when the rest of the Council doesn't even
27 have what our original proposal was. I can ramble off
28 major portions of it and probably be pretty close to true,
29 but perhaps deferring it to July 15th would be more in
30 order for due fairness to the other co-management council
31 members unless we can drum up our original proposal in the
32 next hour or so and look at it then. Perhaps deferring it
33 like the AVCP, we tabled that until July 15th. I think
34 that would be more fair. I'd actually prefer that.

35

36 CHAIRMAN ALCORN: All right. We have a
37 recommendation from Austin to defer. I see some concern on
38 Fred's face. Do you want to speak to that, Fred?

39

40 MR. ARMSTRONG: Back in March, the
41 Executive Committee met by teleconference to discuss the
42 dilemma with the regulatory cycle. We came up with the
43 dates for receiving proposals, identified deadlines and
44 directed me to send a letter out to all the regional
45 partners, at which time I did. A couple times after that
46 we sent out reminders of the eminent deadline. As it is
47 right now with the deferral of the bird list and the fact
48 that we're meeting a week before the Flyway Technical
49 Committees meet, you're really asking for something short
50 of a miracle if we continue to defer proposals. My

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1 regulation person is very concerned, too. So keep that in
2 mind.

3

4 CHAIRMAN ALCORN: Right. The action that
5 we took to defer the AVCP proposal until July, I'm making
6 an assumption, and it may be a mistaken assumption, that
7 the proposal would be identical to last year's proposal, so
8 there would not be -- or, excuse me, the proposal would be
9 the same as the imminent regulations lay out, then there
10 would not be the need for technical analysis and going
11 through the process that we've laid out because it would be
12 the same as what we have. It would be easy to make that
13 decision. If there's something that is deferred and comes
14 back and is going to be different than what is in the
15 eventual regulations, then it becomes more difficult in
16 that we have to deliberate, there needs to be time for an
17 analysis, then we have to develop the legal regulation
18 document as well as the environmental assessment. So all
19 of those things complicate matters. By deferring AVCP with
20 the assumption I just explained, we can do much of that
21 work up front.

22

23 If, in your case, Austin, it's going to
24 come back and it's different, that makes -- basically,
25 we're giving Staff three days to put this package together
26 and to get it to the Flyway Council Technical Committees,
27 which is to fit back into the process. It creates an
28 exceptional difficulty, I think, my postponing. I do
29 understand your plight. So I would leave it to this
30 Council to make that decision based on your recommendation.
31 Austin, go ahead.

32

33 MR. AHMASUK: Well, I certainly have no
34 problem putting on the table right now our Council's
35 original recommendation. I can do that no problem. I can
36 put that on the table right now. I was just thinking of
37 the fact that Co-Management Council will only have the
38 regulations before you, but won't have our proposal before
39 you to look at for your consideration. The options are we
40 could move our proposal as I stated as an original
41 recommendation and then take action on the species list,
42 but we could pull out the portion of that. I don't have
43 any control as to what this Council can do on that. It's
44 just the flavor of deliberations. From my perspective,
45 there's no problem with putting forth our original proposal
46 and then just pulling out the portions. It would naturally
47 occur anyway if we had a proposal before you. This is my
48 concern. We still need to go through 1 through 4.

49

50 At this point, I guess I would say the

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1 proposal that I'm going to introduce is our original
2 proposal, which substantially is no different than the
3 regulations other than Emperor Goose harvest on St.
4 Lawrence Island and the other concerns that I mentioned
5 regarding Cormorant and live bird decoys on St. Lawrence
6 Island. That's not part of the original proposal, so
7 that's not being put forth at this time. Those are things
8 that I envisioned would come later. As well as the
9 confusion over the area of enforcement, Point Romanof to
10 Canal Point. So that would be the proposal I would
11 introduce.

12

13 CHAIRMAN ALCORN: All right. I guess I'm
14 at a little bit of a loss here. That proposal two violates
15 the process that we've already envisioned. That's a strong
16 word and I don't mean to be that strong, but it does cause
17 some problem in that we've asked these two gentlemen to sit
18 at this table and to provide technical comments on
19 proposals that they've presumably had an opportunity to
20 review and now they don't have that opportunity and it
21 places them in a very difficult position, just like the
22 position that you find yourself in. I don't know that I'm
23 ready to put them in that position. I think we need to
24 take action on this proposal, but I don't see how we can
25 place them in that position unless they feel like they're
26 comfortable with what you've just laid out.

27

28 I'm thinking a year ago that there was
29 quite a bit of debate about your particular proposal and
30 there were some things in there that caused this Council to
31 actually have a vote as opposed to a consensus on that
32 particular proposal. You've also suggested Cormorants that
33 were not in your original proposal and you've suggested use
34 of live Oclets on St. Lawrence Island. I thought that
35 that's what we -- that was not in your original proposal?

36

37 MR. AHMASUK: Those are concurrent.

38

39 CHAIRMAN ALCORN: Okay. Go ahead.

40

41 MR. AHMASUK: Cormorant is in -- well, was
42 in the proposal. The egg laying time, just based upon my
43 own knowledge, is earlier than what we've identified. We
44 separated waterfowl and non-waterfowl species egg time. So
45 the closure on waterfowl species and non-waterfowl species
46 is different and based upon the closure period that we
47 specified, I believe the prime time for Cormorant egg
48 gathering falls outside of the non-waterfowl -- excuse me,
49 falls outside of the time for which we specified or allowed
50 for seabird takes. I'd actually have to look at it.

00135

1 CHAIRMAN ALCORN: So you'd have to tweak
2 that date a little bit for seabirds as opposed to the
3 waterfowl?

4

5 MR. AHMASUK: Just for Cormorant because it
6 lays eggs at a different time, much earlier than the rest
7 of the seabirds.

8

9 CHAIRMAN ALCORN: Let me ask this question
10 of Bob and Tom. Having had that explanation and the
11 familiarity that I assume you have from last year's
12 proposal, would you be able to confer with your staff and
13 say come back to this before we close or right after lunch
14 if we tabled this discussion until after lunch and allowed
15 you all a chance to talk maybe over lunch with your staff?

16

17 MR. LEEDY: Yeah, we certainly could do
18 that. As you say, this was discussed at length last year
19 and the SRC took actions. I could tell you right now we
20 maintain the stand we did on the closure of Emperors on St.
21 Lawrence Island. The Service Regulations Committee
22 eliminated some birds from the species list and we would
23 stand behind that. The modification of the Cormorant
24 season sounds reasonable to me and I assume you can
25 document the use of nets for generations on St. Lawrence
26 Island, same as on Diomedes, so I don't think there would be
27 a problem with that. That's an initial reaction.

28

29 CHAIRMAN ALCORN: All right. So you tell
30 me, Bob, would you like more time to discuss this with your
31 folks or do you feel comfortable providing your technical
32 input, which you just did? I need a yes or a no.

33

34 MR. LEEDY: Okay. Tom was going to go.
35 Never hurts to talk more.

36

37 CHAIRMAN ALCORN: So you would like some
38 time.

39

40 MR. LEEDY: Yeah.

41

42 CHAIRMAN ALCORN: All right. And Tom, and
43 then I'll get back to you, Austin.

44

45 MR. ROTHE: My only question, I don't think
46 any of these are highly technical topics where we're going
47 to apply lots of data to this, so we should be able to
48 figure this out. My only question is I thought the Council
49 took the species list off the table for now, in which case
50 the only conflicting thing I've heard is the Emperor Goose

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1 issue and if we defer that, like Bob said, the Cormorant
2 season thing and everything else can be worked out pretty
3 quickly.

4

5 CHAIRMAN ALCORN: Right. We can do that.
6 Austin.

7

8 MR. AHMASUK: Thank you, Mr. Chair. The
9 season already specified, it accommodates the Cormorants.
10 I had it reversed in my head regarding the closure period.
11 But my comments regarding having something before the Co-
12 management Council also applies to anybody, the Staff and
13 stuff, who would use this stuff. My comments apply to
14 these gentlemen as well.

15

16 CHAIRMAN ALCORN: Tom, go ahead.

17

18 MR. ROTHE: Just a clarification in a
19 matter. Bob Trost can chime in. Just as a rule of thumb,
20 it's always good to have something on the record because if
21 you put nothing on the table, the SRC has an option to give
22 you no season, make up stuff on their own or take the last
23 known proposal, which is what we're playing with right now.
24 So just be aware it's always a good idea to put something
25 on the table if you can.

26

27 CHAIRMAN ALCORN: All right. Well, I've
28 heard the proposal, I've heard from our technical folks
29 that since we are remanding the list of species, we're
30 deferring action on the list of species, and that was the
31 one principal issue that was debated last year and we voted
32 on and I'm not hearing any concern expressed about the
33 dates and the methods and means that I believe this Council
34 could go ahead and take action on that proposal, as we did
35 with the Aleutian/Privilof proposal, and then consider the
36 list of species which would include the harvest of Emperor
37 Geese, the proposal, on July 15th. Is that acceptable to
38 you, Austin? Okay, that's the proposal. You've heard the
39 technical comment. Would you fellows like to add anything,
40 given that?

41

42 MR. LEEDY: No, thank you. I don't think
43 we'll need to come back.

44

45 CHAIRMAN ALCORN: Okay. I have a comment
46 from Staff. Fred.

47

48 MR. ARMSTRONG: Donna just brought to my
49 attention the use of Oclets is in methods and means.

50

00137

1 MS. DEWHURST: I'm just a little confused
2 in following this. Is he coming forward with his original
3 proposal which only had Diomedes for that Oclet exception or
4 if he wants to add St. Lawrence, that is a new proposal,
5 it's not in his original proposal. I'm a little confused
6 at what he wants.

7

8 CHAIRMAN ALCORN: Austin, go ahead,
9 respond.

10

11 MR. AHMASUK: Let's see, the Oclet live
12 birds on St. Lawrence Island would come in the future. The
13 Bering Strait/Norton Sound Migratory Bird Council needs to
14 put that language in our new proposal and we haven't. Just
15 to give you some background, I guess it was assumed during
16 our Regional Council deliberations that it would apply as
17 well to St. Lawrence Island. They already use live birds,
18 so they use nets very similar to Diomedes and, for whatever
19 reason, it was just assumed it would apply there as well,
20 but we need come back in the future with that one.

21

22 CHAIRMAN ALCORN: All right. Thanks.
23 Following our protocol then, we've heard the technical
24 input. We would open the floor for public comment. Anyone
25 in the audience that wishes to comment regarding this
26 proposal can do so now. I see no hands raised, so then we
27 would go into Council deliberation and an action would be
28 appropriate at this time. Austin.

29

30 MR. AHMASUK: Mr. Chairman. I move on
31 behalf of the Kaweruk Region, on behalf of the Bering
32 Strait/Norton Sound Migratory Bird Council, approval of our
33 original proposal as submitted a year ago.

34

35 CHAIRMAN ALCORN: For clarity, without the
36 list of birds. Those are being sent back by an earlier
37 motion yesterday to the regions for consideration.

38

39 MR. AHMASUK: No. On that point in
40 deliberation, let's pull that out because I can't say that
41 because that's not what our council said.

42

43 CHAIRMAN ALCORN: Okay. So your motion
44 then stands without any exceptions the same proposal as
45 last year.

46

47 MR. AHMASUK: That's right.

48

49 CHAIRMAN ALCORN: All right. We have a
50 motion on the table to have essentially the same proposal

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1 that we received from the Kaweruk Region for the 2003
2 season. Is there a second?

3

4 MR. HICKS: I second.

5

6 CHAIRMAN ALCORN: We have a motion and
7 second. Now we would have discussion of the motion.
8 Austin.

9

10 MR. AHMASUK: Based upon our discussion
11 prior to the proposal -- I guess I don't want to say that
12 we should pull out the species list for deferral. I would
13 prefer that maybe the comments that it was brought forth in
14 earlier action, you know, somebody pulled that out of
15 there, the species list.

16

17 CHAIRMAN ALCORN: You're asking for
18 somebody for the record to do that rather than you. I
19 understand that. Would anybody be willing to ask Council
20 to do that? Patty.

21

22 MS. BROWN-SCHWALENBERG: So moved.

23

24 CHAIRMAN ALCORN: There's a request to
25 remove the list of species from the original proposal as
26 made in the motion. Would the maker of the motion and the
27 second agree to that as a friendly amendment? I see you
28 nodding your heads. Okay. We'll call for the question.
29 Does anyone oppose the motion as stated, to repeat the
30 Kaweruk proposal from 2003, except the list of species
31 would be considered and vetted through the region through
32 July and reported back on July 15th? Does anyone oppose
33 the motion and second?

34

35 (No opposing responses)

36 CHAIRMAN ALCORN: I see none. The motion
37 carries.

38

39 Before we take a break, I would like to
40 make a couple of introductions. We have invited our new
41 regional director. Before I get to him, I would like to
42 have the folks that represent the Service's refuges. We
43 have refuge information technicians in our audience that we
44 have advocated that they attend these meetings regularly.
45 We're very pleased to see them here. Cynthia Wentworth has
46 been a great champion along that line and I would ask for
47 her to stand up and make some introductions if you would,
48 Cynthia. Would you introduce the RITs?

49

50 MS. WENTWORTH: I just have to say how

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1 happy I am to finally see the RITs from Yukon Delta and
2 Togiak Refuse at this meeting. It's been a long-time dream
3 of mine. Louis Andrew here to my right. Do you want to
4 stand up, Louis. Louis is a Native contact representative
5 for the Yukon Delta National Wildlife Refuge where fully
6 half of all these birds are taken during the spring season
7 and he has eight RITs under him. Is that I right?

8

9 MR. ANDREW: Yes.

10

11 MS. WENTWORTH: And one of them just
12 stepped out. Here he comes right now. This is Andrew
13 Kelly from Yukon Delta National Wildlife Refuge. He's from
14 the village of Emmonak and he works with all those villages
15 at the Yukon River, but there's seven others besides him
16 that do similar work. At the Togiak National Wildlife
17 Refuge is Keith Abraham, who I've also worked with for many
18 years. He is from the village of Togiak, but he's
19 originally from Nelson Island, so he has all kinds of
20 connections between the Y-K Delta and Togiak National
21 Wildlife Refuge. There are two other RITs in Togiak right
22 now as well as their boss, John Diasuk (ph), who has an
23 equivalent position as Louis Andrew, for the Togiak Refuge.
24 Ferdinand Sharp is our harvest survey coordinator over
25 there in Togiak. There are some of my other right-hand
26 people that get the data that are the basis of everything
27 we do here, so I'm really happy to see them here. Oh,
28 yeah. Sorry. She and I got a lot of work done yesterday
29 in the process of being here. Tonya Brockman from Kodiak.
30 She's been to meetings before, but I'm really glad she's
31 come back. We were working to try to finalize our Kodiak
32 harvest survey statistics from 2000. We just have the
33 reported data. It hasn't been expanded to the form I can
34 use it on the website, so she and I got a lot of work done
35 on that yesterday.

36

37 MR. ABRAHAM: (Indiscernible - away from
38 microphone)

39

40 CHAIRMAN ALCORN: Thank you, Pete. We
41 certainly appreciate the work you all do. At this time,
42 Rowan Gould is sitting in the back. He snuck in about 20
43 minutes ago. He is our new regional director for the Fish
44 & Wildlife Service. Many of you know him. We've asked him
45 to come and introduce himself and give us a few words of
46 wisdom and get to know us and we can get to know him
47 better.

48

49 MR. GOULD: I'm Rowan Gould. I'm the new
50 regional director for the U.S. Fish & Wildlife Service in

00140

1 Alaska. I can't.....

2

3

4 there.

5

6

MR. GOULD: Actually, I'm very glad that
7 you're going to be recording every word I say because I am
8 so delighted to be here today. It's almost like a dream
9 come true. I was in Alaska from 1988 to 1995 and was, at
10 that time, responsible for a good portion of that time for
11 the refuge system and the migratory bird program in Alaska
12 and those were not times like this. These were the times
13 you were talking about when people were at odds. They
14 weren't talking to each other as well as they could.
15 Everybody's hearts were in the right place, but the
16 mechanisms were not there and people didn't have the right
17 environment for co-management.

18

19

What I saw going on just a few minutes ago
20 was co-management and that's what we all wanted and now
21 you're there. Partnerships are amazing. It really does my
22 heart good to see this kind of relationship. At that time,
23 we were working towards cooperative management and that's
24 where groups sat and represented their interests
25 cooperatively and people talked well, but still there was
26 no we, there was no us. It was our interest and your
27 interest. Now what I see in front of me right now is our
28 interest. We both have the same resources that we're
29 interested in. You seem to be interested in who we
30 represent and who we care about and we represent who you
31 represent and who you care about. It's we, no longer
32 separate, and this is a wonderful thing.

33

34

The whole concept of co-management and this
35 co-management council is a huge step forward from where it
36 used to be. The partnership is wonderful. The fact that
37 we now have a law that recognizes the subsistence needs of
38 you folks. We value that subsistence need, that spring
39 hunt. I mean it was a long time coming, but we're there
40 now and it's great. As part of my job, starting in July,
41 I'm going to be sitting on the Service Regulations
42 Committee and I will carry forward to that Service
43 Regulations Committee an appreciation for what you're doing
44 here today. I value it and I hope to make everyone value
45 what you're doing today.

46

47

Again, it's a pleasure. It's a long time
48 coming. I know that you are all part of making this happen
49 and I congratulate each and every one of you and I
50 congratulate your leaders for making this all happen. How

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1 long has this been in place, for one year, two years, three
2 years? It's just wonderful. Anyway, thank you. It's a
3 pleasure meeting you and I hope to have an opportunity to
4 meet each one of you personally and talk to you and make
5 your acquaintance. Thank you.

6

7 CHAIRMAN ALCORN: Thank you, Rowan. Are
8 there any questions for Rowan? I don't mean to put you in
9 the hot seat.

10

11 MR. ATTAMUK: I'd like to say welcome. And
12 what he just said, please put it in bold writing. That way
13 we can all remind ourselves.

14

15 CHAIRMAN ALCORN: Thanks, Rowan. Let's
16 take about a 10-minute break. Let's get together 35
17 minutes after the hour.

18

19 (Off record)

20

21 (On record)

22

23 CHAIRMAN ALCORN: All right. We're ready
24 to begin again. We're down to Item 9, the Maniilaq
25 Association proposal. Enoch, take it away.

26

27 MR. ATTAMUK: There's no new resolutions.
28 When we had our teleconference, they said there's no change
29 on the date. They were all happen with the closing and
30 open for both the seasons and the egg picking.

31

32 CHAIRMAN ALCORN: Then, for the record,
33 your proposal is the same as would be published in the
34 regulations with the exception of the list of birds?

35

36 MR. ATTAMUK: Yes.

37

38 CHAIRMAN ALCORN: All right. That's the
39 proposal. Tom Rothe I don't see, but I see Bob Leedy.
40 Bob, would you like to provide comment for the U.S. Fish &
41 Wildlife Service.

42

43 MR. LEEDY: With no change, no comments.

44

45 CHAIRMAN ALCORN: All right. Absent Tom,
46 Matt, do you have anything you'd like to say for Alaska
47 Department of Fish & Game?

48

49 MR. ROBUS: No, sir. Thank you, Mr.
50 Chairman.

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1 CHAIRMAN ALCORN: All right. At this
2 point, we would open it up for public comment. Does anyone
3 in the audience have anything to say regarding the Maniilaq
4 Region proposal? I see no hands. Council deliberation and
5 action is in order. Mike.

6

7 MR. SMITH: Mr. Chairman. I'm going to
8 move the Maniilaq proposal. Is that appropriate now?

9

10 CHAIRMAN ALCORN: Yeah, it's in order.

11

12 MR. HICKS: Second.

13

14 CHAIRMAN ALCORN: We have a motion and we
15 have a second to approve the Maniilaq Association proposal.
16 Any opposition?

17

18 (No opposing responses)

19

20 CHAIRMAN ALCORN: I see none. Motion
21 carries.

22

23 We are at Item 10, North Slope Borough.
24 There is no representative here for the North Slope
25 Borough. Anyone have a recommendation on what we should
26 do? Austin.

27

28 MR. AHMASUK: Was the proposal different in
29 the regulations? I seem to recall it wasn't. Is that
30 true?

31

32 CHAIRMAN ALCORN: I don't recall any
33 change. I'd ask Donna and Fred to respond. The North
34 Slope proposal as presented last year, was it changed in
35 what we perceive to be the final regulation?

36

37 MS. DEWHURST: They had submitted a
38 proposal for change right before the SRC meeting last
39 summer. They made it. Then also during the proposed rule
40 comment period they had requested another change. It
41 was.....

42

43 MR. ARMSTRONG: Boundaries.

44

45 MS. DEWHURST: Well, it wasn't boundaries,
46 it was the eider season. They requested a special eider
47 season that got incorporated into the final rule, between
48 the proposed rule and the final rule. So there have been a
49 couple of changes since their original proposal already and
50 the date to try to accommodate them.

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1 CHAIRMAN ALCORN: One was a boundary change
2 and the other was to include eiders?

3

4 MS. DEWHURST: Yeah. There was some other
5 fine tuning there with some language on wording. At one
6 point they had seabirds and waterfowl. We identified to
7 them that it left out shorebirds and other stuff in their
8 seasons, so there was a minor wording change that I think
9 it's seabirds and now all other birds paralleling how
10 Enoch's region did it. So there have been several small
11 tweaks. It's pretty different than their original proposal
12 I guess is the bottom line. I guess the assumption is it
13 would be as written in the draft final rule. If they don't
14 comment, that will be our fallback.

15

16 CHAIRMAN ALCORN: Let me ask you something,
17 Donna, and don't answer this if you feel uncomfortable
18 answering. Is it your assessment that those were changes
19 that they would be in favor of, all the changes that were
20 made?

21

22 MS. DEWHURST: They requested all of them.

23

24 CHAIRMAN ALCORN: So that's the clarity
25 then.

26

27 MS. DEWHURST: The only issue that I know
28 that's still hanging out there is law enforcement's issue
29 that wants geographical boundaries versus -- they didn't
30 want to go with geographical boundaries. They wanted to
31 just go with communities. So that's really the only issue
32 that's still kind of hanging out there with their
33 regulations. It's a dispute between our law enforcement
34 division and what Charlie Brower had originally said they
35 wanted to do. We could try to work on that in the next
36 month. I don't know if we're going to resolve it or not.
37 Otherwise, the regs would stand as written, which all those
38 changes were at their request.

39

40 MR. ARMSTRONG: The North Slope met with
41 their communities and the communities are the ones that
42 wanted these changes. We haven't heard from them other
43 than it's whaling time and we would be unable to get a hold
44 of them.

45

46 CHAIRMAN ALCORN: Fred, then a question.
47 Is it your assumption that they were operating on the
48 assumption that no proposal meant no change?

49

50 MR. ARMSTRONG: I'm not going to second-

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1 guess North Slope.

2

3 CHAIRMAN ALCORN: All right. What shall we
4 do then?

5

6 MR. ARMSTRONG: Our staff can get a hold of
7 the borough and try to have something prepared at the July
8 special meeting. If there are no changes, then it will be
9 relatively simple. As well as AVCP, we'll do the same.

10

11 CHAIRMAN ALCORN: Austin.

12

13 MR. AHMASUK: Perhaps a similar action with
14 North Slope as we did with AVCP will suffice and it's
15 probably our only alternative.

16

17 CHAIRMAN ALCORN: A motion would be in
18 order then to defer.

19

20 MR. ROBUS: Mr. Chair. I don't have a
21 motion right now. I have some concern. We just made
22 Kaweruk do something now or not do anything at all because
23 by July 15th any changes submitted would be really tough
24 for the staff to get through the process and I'm concerned
25 if there are some changes that we don't know about that
26 will show up July 15th by deferring this. We seem to be
27 treating different regions a little bit differently here.
28 If it turns out to be no change, there's no problem,
29 obviously, but we don't know that and that's what concerns
30 me.

31

32 MR. ARMSTRONG: That's a good point. Of
33 course, no change would be pretty simple. We have the data
34 on file. If there are any changes, I think they'd have to
35 be vetted by both agencies and the public, so we have to
36 address it right now, I guess.

37

38 CHAIRMAN ALCORN: Matt, go ahead.

39

40 MR. ROBUS: Mr. Chairman. I'm wondering if
41 the Council could basically pass a motion saying that our
42 assumption is that no change regulations is what's intended
43 and then the North Slope Borough could react to that if
44 that's not true. I'm not sure how that makes our July 15th
45 situation any easier, but at least there would be something
46 on the record from the Council at this point and there
47 would be one less thing to do later on.

48

49 CHAIRMAN ALCORN: I guess my impression is
50 it seems to me if this Council takes action, this Council

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1 takes action and makes a recommendation. We either approve
2 what proposal we would understand the proposal to be and
3 then that would place the North Slope Borough folks in the
4 position of having to seek a retraction, I guess, of the
5 action that we would take. But if we take action, we take
6 action. Mike.

7

8 MR. SMITH: Mr. Chairman. If we do not
9 take action, then the existing proposals go into effect as
10 is, right? Otherwise you're suggesting that we act on a
11 proposal for North Slope changes? I'm kind of confused.
12 I'm sorry.

13

14 CHAIRMAN ALCORN: Well, I guess the working
15 assumption that I've had, and I think Jacob did this
16 yesterday, was that in the absence of a proposal before us,
17 the proposal would in effect, for the record, be a
18 continuation of what is published this year in 2003
19 regulations with no modifications. The only exception
20 being the list of birds that would be remanded and
21 discussed on the 15th. That was sort of the working
22 assumption I had that we would go through these in absence
23 of a proposal. Now, in the Kaweruk Region, the exception
24 was Austin felt like he could not submit a proposal and I'm
25 not going to put words in his mouth, but we all heard the
26 discussion, so that was the exception and that was why that
27 was handled differently than the proposal that we heard
28 from Aleutian/Privilofs and now North Slope. Patty.

29

30 MS. BROWN-SCHWALENBERG: You also said
31 earlier that if we don't take action, the previous year's
32 regulations applies. Is that not correct?

33

34 CHAIRMAN ALCORN: Well, that's the
35 assumption that the SRC, absent a proposal from this --
36 absent a recommendation from this body, only has its
37 history to look back on and they would see what they had
38 established as a regulation in the prior year. What we
39 were doing by asking Jacob to concur with this year's
40 regulation was to go on record as a Council as having made
41 a recommendation versus not making a recommendation and
42 possibly having a recommendation made from some other
43 entity for the season for that region.

44

45 MS. BROWN-SCHWALENBERG: Right. So I guess
46 the difference here is we don't have anybody to make a
47 recommendation from that regional council, so we don't have
48 anything to act on.

49

50 CHAIRMAN ALCORN: That's right. We don't

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1 have a proposal and it would take a proposal from this body
2 for consideration.

3

4 MS. BROWN-SCHWALENBERG: I think it's
5 inappropriate for us to assume that they're submitting last
6 year's proposal. Each of the regional councils that have
7 not had a proposal in the book have been here to say we
8 don't have a proposal but we're submitting last year's
9 proposal. In this instance, we don't have that. I don't
10 know what that resolves, but I feel real uncomfortable
11 trying to take action on something that we don't have.

12

13 CHAIRMAN ALCORN: Mike.

14 MR. SMITH: Mr. Chairman. I think we could
15 satisfy part of this problem and concern if we adopted the
16 approach that some of the states and stuff have taken in
17 regards to the Flyway Councils and stuff like that where if
18 we pass a resolution saying without specific -- you know,
19 something along the lines that if there were not any
20 specific proposals to change, then we assume that last
21 year's proposal stays in effect. It's my understanding
22 that some of the states that do that, they do kind of a
23 blanket thing, and without any specific response from us to
24 change proposals, then last year's stay in effect. I think
25 if we do kind of a blanket approach like that, then we can
26 go ahead and start submitting specific proposals that
27 affect certain regions, you know, and I'm wondering if that
28 would help to satisfy the concerns we're having now.

29

30 CHAIRMAN ALCORN: That could certainly
31 work. I know that a year ago in April when we met we
32 agreed, this Council agreed, that in the absence of a
33 proposal the Fish & Wildlife Service staff would work with
34 that region to get that proposal. If they could not get
35 that proposal by this meeting, the spring meeting, then the
36 Fish & Wildlife Service would establish the recommendation
37 for them. That was the agreement that we had. At this
38 point, with that agreement and Charlie was part of that
39 vote, we could say that we could adopt the 2003 season as a
40 recommendation for the 2004 season.

41

42 MR. SMITH: On a general basis? I mean
43 absent any specific proposal to the contrary, then we just
44 say a blanket resolution adopting everything as it was last
45 year absent any specific proposals to the contrary. For
46 those areas that don't have proposals, then it's assumed
47 then, of course, that last year's regs stay in place and
48 then those regions with specific proposals will get
49 submitted along with those and those changes will be made.

50

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1 CHAIRMAN ALCORN: Right. I don't see
2 anything that will prohibit us from taking that action. I
3 have a number of comments. Maybe I'm wrong. Let's start
4 with Tom, then I saw Austin, then I saw Fred.

5

6 MR. ROTHE: Mr. Chairman. I think Mike's
7 suggestion might be good for kind of the last resort. When
8 you have no information, you have a contingency plan. I
9 would say procedurally it would be really good if we
10 revised our proposal process to ask each region to put at
11 least a basic proposal in as no changes is what they want.
12 We have a record of saying, you know, even though they
13 weren't able to show up, they could mail in a thing that
14 says, fine, no changes were made.

15

16 CHAIRMAN ALCORN: Thanks, Tom. Austin.

17

18 MR. AHMASUK: We have a number of options
19 that we can certainly follow. I think a consistent one may
20 be best in order. We deferred action on the AVCP proposals
21 to July 15th. I think we should be consistent in the
22 absence of representative, do the same thing. We may get
23 in trouble if we assume that many of the same things that
24 were there last year they want to propose to be in place
25 again. I say let's just be consistent and treat them the
26 same way we did the AVCP, at least show consistency. If
27 it's wrong, let's consistently be wrong and then we can
28 change it and take into considerations Tom's suggestions.

29

30 CHAIRMAN ALCORN: Thanks, Austin. I see
31 Fred had his hand up and then Joeneal.

32

33 MR. ARMSTRONG: Last year the North Slope
34 was absent during the first cycle and we kind of adlibbed
35 our way through and made some seasons and dates for them
36 and then they went back through the public process and
37 commented and made some changes. That certainly could
38 happen. Given the fact that we'll have three days to put
39 this whole package together, I'm really worried. The fact
40 that if we don't have a recommendation from this Council to
41 the SRC just kind of opens the door for other people to
42 comment and make regulations for that region certainly
43 warrants my concern. Those are a couple things to keep in
44 mind as you deliberate.

45

46 CHAIRMAN ALCORN: Joeneal and then Mike.

47

48 MR. HICKS: Mr. Chairman. I have to agree
49 with Austin here. I hesitate in taking action without
50 anything black and white on this table. There might be a

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1 proposal that -- well, if we take action on something here
2 that might be contrary to their wishes and I have to
3 hesitate in that regard. If it was important enough, they
4 would send someone here, they would have someone here, even
5 if it was an alternate. That's my opinion.

6

7 CHAIRMAN ALCORN: Mike, you had your hand
8 raised?

9

10 MR. SMITH: No.

11

12 CHAIRMAN ALCORN: At the risk of being too
13 bold, and I appreciate the administrative burden that we're
14 placing on staff, this is a tremendous amount of work that
15 they have to do in three days and we do have an agreement
16 on the books that the Fish & Wildlife Service can, in
17 absence of a recommendation, make a recommendation for a
18 region. We voted on that for a purpose and that's for this
19 purpose right here. When people do not show at the table
20 and do not offer a proposal, Service felt it incumbent to
21 make the process move forward and that's the way that we
22 proposed to do so.

23

24 I don't see it as a particularly offensive
25 proposal because the changes that we have presumably
26 instituted are at their request and I'm willing, as a Fish
27 & Wildlife representative or the federal representative on
28 this, to submit the proposal on their behalf and on behalf
29 of the decision we made as a body to recommend that rather
30 than defer, to recommend that the 2004 proposal be
31 considered by this group in lieu of a proposal outright
32 from that group. They can then respond on the 15th if
33 there is a particular concern about that, but I'm willing
34 to make that proposal to move this process on.

35

36 I don't do it lightly. I do it because I
37 believe the proposal is actually in their favor and is
38 actually one that they accept. So I would make that a
39 recommendation and propose that we go through the protocol
40 with that recommendation.

41

42 MR. AHMASUK: Mr. Chairman, what proposal
43 is that?

44

45 CHAIRMAN ALCORN: The proposal is the same
46 proposal that we heard from Jacob, similar to the one that
47 we heard from Jacob. That is in the absence of a written
48 proposal, that we would endorse or recommend that the 2003
49 regulations that are in the draft, under Tab 25, apply to
50 the 2004 recommendation absent the list of birds, which

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1 will be remanded back to the region. Austin.

2

3 MR. AHMASUK: Can we call for an executive
4 session of the entire Council? Five minutes, 10 minutes.

5

6 CHAIRMAN ALCORN: Sure, we can do that. We
7 would recess to executive session -- not recess, but we'd
8 ask the audience to step out into the hall. We would have
9 an executive session discussion for five minutes. Austin,
10 do you need to state the purpose?

11

12 MR. AHMASUK: The purpose of our action
13 right now in lieu of the action we took on AVCP.

14

15 (Off record)

16

17 (On record)

18

19 CHAIRMAN ALCORN: We will come back in to
20 general session at this time. For those of you wondering
21 what it was that we needed to go into executive session, I
22 think that we were, in my opinion, or I was, getting
23 wrapped around an axle kind of and a little bit confused on
24 the actions that we needed to take and I believe we've
25 sorted that out. There are some motions that are being
26 prepared or ready to be stated at this time. Austin.

27

28 MR. AHMASUK: Okay. Thank you, Mr.
29 Chairman. I move to table introduction of the proposal
30 action on North Slope at this time until after we here
31 Tanana Chiefs and the Native Village of Tyonek.

32

33 MR. ROBUS: Second.

34

35 CHAIRMAN ALCORN: All right. I have a
36 motion and second to table discussion and presentation of
37 the North Slope Borough proposal. Do I have any
38 discussion? Anyone oppose the motion?

39

40 (No opposing responses)

41

42 CHAIRMAN ALCORN: Motion carries. Austin.

43

44 MR. AHMASUK: Mr. Chairman. I also move to
45 amend the agenda for today to reconsider the AVCP proposal
46 after the North Slope Borough proposal.

47

48 MR. ROBUS: Second.

49

50 CHAIRMAN ALCORN: All right. We have a

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1 motion and second to -- I'm sorry, would you repeat your
2 motion.

3

4 MR. AHMASUK: Reconsider the AVCP proposal
5 after the North Slope Borough proposal.

6

7 CHAIRMAN ALCORN: Fred, go ahead.

8

9 MR. ARMSTRONG: Mr. Chairman. Since it was
10 tabled, we just need a motion to bring it back on the
11 table.

12

13 CHAIRMAN ALCORN: Actually, the ACVP was
14 deferred, not tabled. We deferred until July 15.

15

16 MR. ARMSTRONG: We could check, but I wrote
17 down tabled when I was kind of writing down the actions.

18

19 CHAIRMAN ALCORN: The action yesterday was
20 to table. When we realized we didn't have a representative
21 today, I thought we moved to defer until the 15th. We're
22 going to get there. The intent here is to reconsider the
23 AVCP proposal which had previously today been deferred
24 until the July 15th meeting. Is there any discussion of
25 the motion and second? All right. Anyone oppose the
26 motion?

27

28 (No opposing responses)

29

30 CHAIRMAN ALCORN: All right. Thank you.
31 The motion is passed. We are down now to the proposal for
32 the Tanana Chiefs, Mike Smith. This is Item 11 on our
33 agenda.

34

35 MR. SMITH: Mr. Chairman. We've considered
36 proposed changes and since we did not have final rules in
37 front of us to work with, we chose not to seek any changes
38 in our existing proposals. Our council did meet and did
39 take some positive actions on the proposals that I'd like
40 to express at this time.

41

42 The council considered proposals that were
43 relevant to their areas and statewide proposals. Primarily
44 those were focused around the removal of birds from the
45 list. Our interior council has taken the position that we
46 do not want to regionalize a list, that we wanted one
47 statewide list, and that for those purposes we took a
48 negative action on those proposals that would regionalize
49 the list. On those we did not, however, consider any
50 proposals that would remove birds from the list.

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1 Also, the council wanted me to express to
2 staff that they were seriously interested in the process
3 and the procedures for the exclusion of communities and
4 that we needed to get some additional information on how
5 that would occur. Once again, that goes back to our
6 discussion we had before about the exclusion and inclusion
7 process that we needed to discuss further. So with that,
8 Mr. Chairman, that's pretty much all we have for Tanana
9 Chiefs.

10

11 CHAIRMAN ALCORN: Let me see if I
12 understand then. Essentially it's the same proposals. The
13 proposal is the same as the imminent regulations for '03
14 with the exception of the list of species. The action that
15 we took yesterday was to remand that list of species back
16 for consideration by the regional representatives and the
17 villages. Then you've also mentioned another item which is
18 not germane to your proposal, but you would like to add an
19 issue for discussion at some point in time. We'll consider
20 the proposal without the additional proposal that you
21 requested. Following the protocol that we have, we would
22 ask the Fish & Wildlife Service, Bob Leedy, to comment on
23 the proposal.

24

25 MR. LEEDY: No comment.

26

27 CHAIRMAN ALCORN: And Tom Rothe for
28 Department of Fish & Game.

29

30 MR. ROTHE: I think our extensive review
31 and consideration last year was adequate.

32

33 CHAIRMAN ALCORN: Thank you. Any questions
34 of the Council or technical folks? Seeing none. At this
35 time we would open the floor for public comment regarding
36 the Tanana Chiefs proposal. Does anyone in the audience
37 wish to speak to this? I see no hands raised. Then we
38 would have Council deliberation and action is in order at
39 this time. Mike.

40

41 MR. SMITH: Mr. Chairman. I move the
42 proposal.

43

44 MR. ROBUS: Second.

45

46 CHAIRMAN ALCORN: All right. We have a
47 motion and second to approve the proposal from the Tanana
48 Chiefs, which would basically be a reinstatement of the '03
49 imminent regulations minus the list of species that will be
50 considered on July 15th. Any discussion by the Council?

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1 Hearing none. Is there anyone that opposes the motion?

2

3 (No opposing responses)

4

5 CHAIRMAN ALCORN: Motion carries. All

6 right. We're down to Item 12, the Native Village of

7 Tyonek. Mike, go ahead.

8

9 MR. SMITH: Mr. Chairman. I'm sorry I

10 didn't catch this before when we were reviewing the agenda,

11 but is this the appropriate place for the Native Village of

12 Tyonek proposal? I was just curious.

13

14 CHAIRMAN ALCORN: Yeah, we have to hear

15 proposals from each of the included communities that we

16 included at last month's meeting. We voted to include them

17 and we are now waiting -- we were waiting for the technical

18 proposal, the actual harvest proposal. Austin.

19

20 MR. AHMASUK: The Tyonek proposal comes

21 from an area that has chosen not to be on the Council, is

22 that correct? The Cook Inlet area.

23

24 CHAIRMAN ALCORN: Fred.

25

26 MR. ARMSTRONG: Let's see. Protocol,

27 amendments, any community in an excluded area can petition

28 the Council for inclusion. It doesn't speak to regions.

29

30 CHAIRMAN ALCORN: Austin.

31

32 MR. AHMASUK: The Cook Inlet representative

33 doesn't sit on the Council. I guess that's what I'm

34 saying. Is that true? Or are they incorporated into

35 another region?

36

37 MR. ARMSTRONG: No. During the public

38 process, Cook and CIRI declined to be an active participant

39 in the Council. However, we have a representative here

40 from Tyonek that will work with Staff to present the

41 proposal.

42

43 CHAIRMAN ALCORN: Austin.

44

45 MR. AHMASUK: Then I guess at this time, if

46 there is a person that can be identified to represent and

47 introduce the proposal, I would invite that person to come

48 to the table.

49

50 CHAIRMAN ALCORN: Is there anyone here that

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1 could speak to this proposal? All right. Bill Ostrand is
2 coming to the table and a gentleman from the audience is
3 coming as well. Bill, are you going to introduce this and
4 then introduce this gentleman. Make sure your mike is on.

5

6 MR. OSTRAND: This is Dan. What is your
7 last name again?

8

9 MR. STANDIFER: Daniel Standifer.

10

11 MR. OSTRAND: Daniel Standifer is from
12 Tyonek. I'm just going to help him a bit here in
13 introducing the proposals. Tab 22 is the proposal;
14 however, there's been changes made to the proposal and I
15 have copies here that contain the changes. I'll pass these
16 out.

17

18 MR. ARMSTRONG: Mr. Chair.

19

20 CHAIRMAN ALCORN: Fred, go ahead.

21

22 MR. ARMSTRONG: While Bill is handing out
23 the proposal changes, this shouldn't come as a surprise to
24 the Council. These changes were identified as concerns at
25 the last meeting.

26

27 MR. OSTRAND: The changes that are in your
28 packet here are quite minor. There's two species added to
29 the list and they are the Mew Gull was added and the
30 Gadwall was added to the list in your packet. Dan, what
31 additional changes were made? There's a different map here
32 now attached. Actually, this last evening there was
33 consultation between Dan, Ron Stanek, Tom and the Fish &
34 Wildlife Service on some concerns about Tule Geese, so
35 there are last minutes changes that were made. Ron, would
36 you like to present them or Tom or Dan? What were the
37 changes that were made last night to accommodate concerns
38 about Tule Geese?

39

40 CHAIRMAN ALCORN: We'll ask Ron Stanek to
41 come to the microphone and talk about -- are you talking
42 about the change in the boundary or the change in the
43 species? I'll let you explain that.

44

45 MR. STANEK: Mr. Chairman. As you all
46 know, there is a concern about Tule White-Fronted Geese in
47 this area and whether or not people who would be hunting in
48 the area might harvest Tule White-Fronted Geese or perhaps
49 not so much concern because there's already a harvest in
50 the sport, but we wanted to try to avoid some harvest if we

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1 could without impacting their hunt area to any large degree
2 or their seasons. We consulted with Daniel and Peter
3 Merriman, who is the president of the village council, and
4 came up with some season dates that are tied to specific
5 geographic areas that are tied to specific geographic areas
6 within Game Management Unit 16.

7

8 As you'll see, the original proposal has in
9 it that the area described was from the Little Susitna
10 River south along the west shore of Cook Inlet to Harriet
11 Point that is included. In talking with Daniel and Peter,
12 they're willing to, for sake of defining the area, go to
13 the east bank of the Susitna River rather than the Little
14 Susitna River. It's a distance of about six to eight miles
15 from the east bank of the Big Su down to the Little Su. So
16 the area now would be Unit 16B and then that is further
17 amended to have a season date tied to -- as you'll see as
18 Bill hands out the paper there that describes the season
19 dates, would be the first part of the season, which goes
20 from April to the end of May, which would be tied to an
21 area that is south and west of the Yentna River and the
22 Skwentna River.

23

24 Then the fall part of their season, which
25 is the month of August, is tied to an area that we already
26 have defined in our state game regulations. Tyonek has a
27 subsistence moose hunt over there and the area is south of
28 the Beluga River, Beluga Lake and the Triumvirate Glacier.
29 Those maps that I'm showing you will give you folks an idea
30 of what we're proposing for this. It seems to work pretty
31 well for them. Like I said, their main area is down where
32 Daniel has camped on Trading Bay area. That's their main
33 hunting area.

34

35 CHAIRMAN ALCORN: What were the dates for
36 that southern late season?

37

38 MR. STANEK: August 1st to August 31st. I
39 think Tom will have comments about how that ties in with
40 the movements of these birds.

41

42 CHAIRMAN ALCORN: Austin.

43

44 MR. AHMASUK: Thank you, Mr. Chairman. The
45 area south is south of the Yentna River, south and west of
46 the Yentna River or Skwentna River?

47

48 MR. STANEK: It's both. The Skwentna
49 actually is a tributary to the Yentna. As you can see, the
50 Skwentna kind of makes a big hook up to the west and then

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1 it comes back to the south. That is all high mountainous
2 area back in there. No one goes hunting waterfowl back in
3 there. This is an easy way to describe the area
4 geographically. There's a little creek called Crystal
5 Creek that goes from the Skwentna over the boundary. Fish
6 & Wildlife wants to have a good definition of the area.
7 But that all is way up to the north and west of the area
8 that people hunt, but it's a convenient way to deal with
9 that.

10

11 So that area is tied to the first part of
12 the season, which is April 1st to May 31st and then there's
13 a two-month closure, June and July. Then there is the
14 second season, which is the month of August. The boundary
15 drops to the south to the mouth of the Beluga River, the
16 Beluga River up to Beluga Lake and then there's a glacier
17 called the Triumvirate Glacier, which goes all the way back
18 to the Unit 16B boundary to the west. There would have to
19 be some description of a line that would run from the mouth
20 of the Beluga River to the mid inlet boundary of Unit 16B,
21 I'm guessing, if they want to do that. There's nothing out
22 in the water there, but people hunt some distance offshore.
23 So that's what we're talking about doing.

24

25 CHAIRMAN ALCORN: All right. Thanks, Ron.
26 Any questions of Ron on this proposal for Tyonek or Daniel?
27 Hearing none -- oh, I'm sorry. Mike Smith.

28

29 MR. SMITH: Yeah, Mr. Chairman, thank you.
30 I'm not so sure that we need to do this, but I was just
31 curious as to clarification of users, at least for the next
32 year or so, until we get the issue straightened out if we
33 should exclude state lands from those boundaries or not
34 because certainly these regulations would not apply.
35 State's position would be that these regulations would not
36 apply on those state lands.

37

38 CHAIRMAN ALCORN: Matt.

39

40 MR. ROBUS: I see state staff running under
41 tables and so forth. My recommendation is that not be done
42 here. If we start doing it here, you need to look at that
43 issue all the way across the state. At the present time,
44 the Department of Law is doing research into exactly what
45 the state might be able to do in order to accommodate this
46 type of hunt. I think all areas in the state that are
47 included or newly included in these hunts should just be
48 identified by the area without regard to land status and
49 we'll do the best job we can in figuring out what the
50 situation is on state and private lands. For this season,

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1 as I said at the last meeting, we've consulted with the
2 State Enforcement Division and they are not looking to be
3 in any sort of high-profile enforcement mode looking at
4 this spring and summer hunting. So I guess that's enough
5 said. I really recommend against doing anything in
6 particular in this area unless we want to start going
7 through the whole state and carving out state and private
8 land. I think that's unwise.

9

10 CHAIRMAN ALCORN: All right. I have Fred
11 and then Austin.

12

13 MR. ARMSTRONG: Thank you, Mr. Chair. The
14 flip side from our regional solicitor's office is that it's
15 going to take some time and effort to clarify the issues
16 here and advise to say nothing at this point. It's going
17 to take much more than the Alaska office to address some of
18 the concerns that we have here.

19

20 CHAIRMAN ALCORN: Austin.

21

22 MR. AHMASUK: Thank you, Mr. Chairman.
23 Where is the boundary of 16B on the Yentna River?

24

25 CHAIRMAN ALCORN: Ron, can you answer that?

26

27 MR. STANEK: Yes, Mr. Chairman. The
28 boundary of 16B runs -- that's why I've got these colored
29 maps. There's a dotted line that runs right up the Yentna
30 River to the confluence with the Kahiltna. What that
31 dotted line does is it separates on the lower part there
32 16A and 16B and then it runs on up the Kahiltna Glacier.

33

34 MR. AHMASUK: Thank you. Now,
35 specifically, is it on the east bank, west bank, is there
36 any kind of buffer?

37

38 MR. STANEK: Mr. Chairman. The boundary
39 runs on the east bank of the river. Beyond that, the
40 boundary of 16B runs between 16B and 14, which is not shown
41 on this map although there's a little 14 up there if you
42 look. The boundary of 16B runs on the east bank of the
43 Susitna River.

44

45 CHAIRMAN ALCORN: Thanks, Ron. Austin.

46

47 MR. AHMASUK: My questions are for Dan. I
48 would imagine folks hunt somewhere or at least portions
49 along the river. Is there a need to hunt both sides of the
50 river? If so, would you say that there's a need to hunt on

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1 both sides of the river?

2

3 CHAIRMAN ALCORN: Dan, if you'd identify
4 yourself and then answer. Identify yourself just for the
5 record so we know who you are.

6

7 MR. STANDIFER: Daniel Standifer. It
8 depends on what time of the year. In the spring time, the
9 rivers are frozen up. In the fall time, you have to use a
10 boat.

11

12 MR. AHMASUK: Thanks, Dan. Then my
13 question would be -- it sounds like people do need to hunt
14 on both sides of the river. Considering that the
15 boundaries are on the east bank, does that give people the
16 adequate opportunity without fear of some very technical
17 violation?

18

19 CHAIRMAN ALCORN: Ron, can you address that
20 question?

21

22 MR. STANEK: Their traditional area does
23 run down along the flats. On this smaller map, Austin,
24 you'll see there's some lakes and the mouth of the Little
25 Susitna River is shown on the far right side of this little
26 TM 569 map. You'll see on the 569 map there's some lakes
27 and ponds right down where the mouth of the Susitna River
28 is and the shoreline of the inlet and their area does go,
29 although it's not shown on the big Unit 16 map, their
30 traditional area does go over that way beyond that. In our
31 discussions with the village council, we learned that
32 people probably won't go over that way very much, so they
33 were willing to defer that area. But if Daniel thinks they
34 might want to include that, we might be able to accommodate
35 it by going to the Little Susitna River. We do have
36 another cow moose hunt area description for that lower
37 corner of Unit 14 that we could refer to, which would be
38 convenient for us.

39

40 CHAIRMAN ALCORN: Austin.

41

42 MR. AHMASUK: I'm just concerned that -- I
43 see that the 16B boundary is the east bank of the river,
44 but if, like we heard yesterday or two days ago from
45 enforcement, there's a question, which there probably is,
46 there's a need identified to hunt on both sides of the
47 river, it depends though on time of year, then I guess I
48 would lean towards the side of having some kind of buffer
49 zone or something on the east bank of the river so that
50 people can hunt both sides of the river. I can't imagine

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1 situations where you'd only hunt on one side of the river
2 or that people should be confined to one side of the river.

3

4 CHAIRMAN ALCORN: Is there any kind of
5 allowance if the zone is split right down the middle of the
6 river that you can hunt either shore?

7

8 MR. STANEK: (Indiscernible).

9

10 CHAIRMAN ALCORN: You can't do that? You
11 can only hunt the shore that is inclusive in the region?

12

13 MR. STANEK: (Indiscernible).

14

15 CHAIRMAN ALCORN: So, in this case, the way
16 I look at this map, the east bank of the river is the
17 actual confluence of water and land. So if you're standing
18 on land, you're actually in 16A.

19

20 MR. STANEK: Correct.

21

22 CHAIRMAN ALCORN: Okay. Tom.

23

24 MR. ROTHE: I appreciate what Austin is
25 trying to do. Just technically it's extremely difficult to
26 draw the line. Banks are discreet visible boundaries and
27 if we have to do a buffer zone, it would have to be some
28 arbitrary distance. I don't personally see an enforcement
29 problem. If somebody wanders off a mile into another unit,
30 then you have a problem, but if it's just retrieving a bird
31 or shooting from the bank, I don't see where that's going
32 to be an issue.

33

34 CHAIRMAN ALCORN: Austin.

35

36 MR. AHMASUK: I just think that it can be
37 an issue. Granted, you know, we don't talk about or
38 suggest that enforcement should be lax. Dan, could you
39 identify a provision that you would like to see if a person
40 was hunting on the east bank of the river? Do people
41 traditionally go far off from the bank and hunt or is there
42 some sort of distance that we can use to accommodate the
43 concerns?

44

45 CHAIRMAN ALCORN: Daniel.

46

47 MR. STANDIFER: I don't think we'll even go
48 up that far. One reason why we wanted that is we've got a
49 bridge across the river just above the village so we're
50 able to go up to Beluga Flats area. Ron.

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1 CHAIRMAN ALCORN: Ron, go ahead.

2

3 MR. STANEK: Mr. Chairman. I've been told
4 the same. Daniel just told me from Peter and other people
5 in the council that they probably won't go up that far.
6 What's happened over in Unit 16B and that area is that once
7 was a heavily used area by Tyonek residents, but there are
8 other competing uses that go on there now and they've used
9 it less in the last 20 years or 30 years or so and their
10 main area is really Trading Bay, although there's some
11 egging areas there on the east bank of the river. I don't
12 know if you're familiar with that down there, but there's
13 the edge of the inlet and then there's some mud and then it
14 drops back and there's this low, shrubby, brushy area with
15 ponds and that and there's gull eggs back in there and
16 that's where people used to go gull egging and we have
17 documented use of that specific area that we're talking
18 about here that's to the east of the river. Like I said,
19 Peter and them thought that they probably wouldn't use that
20 area much or if at all, so they were willing to go with
21 another boundary. We can talk about it more.

22

23 CHAIRMAN ALCORN: Austin.

24

25 MR. AHMASUK: It sounds like some use maybe
26 occurs there. I don't know this area at all, but I'm just
27 concerned that other people define management units and it
28 works well for moose and bear, I suppose. If it's true
29 that the east bank of the Yentna River is probably not an
30 area that's used much and you're happy with the definition
31 as it is, I have no problem with that. I just wanted to
32 put that concern out there for you and wanted to
33 accommodate you.

34

35 CHAIRMAN ALCORN: Thanks, Austin. We've
36 heard the presentation of the proposal and we would invite
37 Bob Leedy and Tom Rothe to the microphone to follow up
38 protocol. We would hear agency comments. U.S. Fish &
39 Wildlife Service, Bob Leedy, first.

40

41 MR. LEEDY: Thank you, sir. Bob Leedy,
42 Fish & Wildlife Service. As Ron and Bill mentioned
43 earlier, there were several of us that got our heads
44 together last night and looked at this. I'm very
45 supportive and feel it's a well thought out, solid proposal
46 and directed toward conservation of a species of management
47 concern. I'm very supportive of it. I would like, just
48 for clarification, to ask Tom when he gets on here, because
49 he's more familiar with the movements of the birds in this
50 area, Tom and others, to reassure me that this area down

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1 around Drift River, Redoubt Bay, Kustatan River, which used
2 to be a major nesting area, is in fact not used or
3 extremely lightly used these days. I'd just like to know a
4 little bit more about that area former high use that would
5 allow hunting and any concerns that the state might have
6 for that. Other than that, I think this is a real well
7 thought out, well directed proposal.

8

9 CHAIRMAN ALCORN: Thanks, Bob. Tom, do you
10 have any response to Bob's question and then your comments?

11

12 MR. ROTHE: Yeah. If I can maybe paint a
13 quick picture for the Council on the Tule Geese and how
14 this is really a good example, I think, of all of us
15 working on a solution that fits. First of all, I mentioned
16 earlier that the Tule Goose population is maybe 5,000
17 birds, one of the smallest goose populations in North
18 America, and we're extremely concerned. We don't want
19 anything to happen to these birds because it's at a level,
20 at 5,000, where normally you'd start thinking about an
21 endangered species petition or something. I think we're
22 fortunate if we can manage these birds carefully and make
23 sure they're not challenged by whatever habitat loss or
24 hunting, that we can stay in a position to accommodate some
25 hunting.

26

27 Having said that, we have the benefit of
28 some radio tracking studies that have taught us an awful
29 lot about how Tule Geese move around, which is extremely
30 valuable for this kind of situation. As Bob mentioned, in
31 the 1970s to early '80s, most of the Tule Geese nested at
32 Redoubt Bay, then Mt. Redoubt blew up and some things
33 changed that we don't fully understand, but the birds moved
34 out of there. For the most part, we couldn't find them for
35 years. So, in 1994, folks in California put radios on that
36 allowed us to find them when they arrived here in the
37 Anchorage area and then tracked them for a couple summers,
38 so we got some pretty good information.

39

40 To kind of look at what's on the table for
41 Tyonek, the reason this fits really nicely is that in
42 spring, when the season would open April 1st and in May,
43 the Tule Geese arrive in Palmer hay flats, which is north
44 and east of the hunt area, so they're out of the picture.
45 Then they move up into the Kahiltna Valley and lower
46 Susitna River, parts of 16A and that northern portion. So,
47 what we've asked Tyonek to consider is during that spring
48 period there wouldn't be any hunting in the primary
49 breeding and molting area of the Tule Geese. So the
50 boundary that they've gone with, the Yentna River and

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1 Skwentna River, means that those breeders and molters are
2 out of the picture. So that works out pretty well.

3

4 Most of the birds are in that set of river
5 valleys. In fall, these birds want to leave the country
6 pretty early, so in August they start to trickle back down
7 into the lower Susitna and some of them will end up on the
8 coastal areas of Susitna flats. So what you have in the
9 second part of the season, the August portion, with this
10 boundary that restricts hunting to the southern end of it,
11 that keeps those birds that are staging for the fall
12 migration out of the hunting picture. So I think this is a
13 really great solution and hope it works out for us. It
14 should keep most of the Tule Geese not subject to hunting.

15

16 To address Bob's question specifically, in
17 all these radio tracking efforts, we've still found the odd
18 bird down in Trading Bay and Redoubt Bay, but it's just a
19 matter of a dozen birds here and there in some very large
20 country and I doubt if they're subject to hunting pressure
21 from folks from Tyonek. If there were some birds taken, I
22 don't think it would be a big deal.

23

24 I think this is a really good example of
25 looking at the data we have, kind of working out boundaries
26 that make sense and trying to avoid harvests. I really
27 appreciate Daniel and Peter Merriman's willingness to work
28 with us on that.

29

30 CHAIRMAN ALCORN: Thanks, Tom, and thank
31 you, Daniel. Appreciate that. Any questions of Bob or Tom
32 before -- okay, here's Bob Trost. He would like to come to
33 the microphone.

34

35 MR. TROST: I apologize, but I do know that
36 this is a question -- people do kind of keep track of the
37 Tule thing because it is somewhat of a precarious
38 population. I would like to ask Tom what provisions are in
39 place if distributions change again that you would detect
40 it because I know someone will ask us that.

41

42 MR. ROTHE: We look to the Fish & Wildlife
43 Service to provide us a large amount of money to put radios
44 on. Seriously, Bob raises a good question. The Flyway
45 Technical Committee that I serve on with Oregon, Washington
46 and California, we're wrestling with the difficulty of not
47 having a good way to enumerate these birds because they're
48 off in these forested regions, you can't just fly over and
49 count them up and do a good job of it. There's a way we
50 have been able to get counts in September because they do

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1 migrate out of Alaska early. They show up in places like
2 Oregon and we can get some guesstimated counts. The only
3 way we could detect distribution changes is if we either
4 put plastic neck collars on or we could visually spot them
5 or to do a radio marking program. I think a few radios got
6 put on this year. So I don't know. We would also be
7 interested in local knowledge, too. We get a lot of
8 fishing guides along the rivers. If people in the village
9 detect these birds showing up in larger numbers, we would
10 have to look at the situation again.

11

12 CHAIRMAN ALCORN: All right. Thanks.

13 Daniel.

14

15 MR. STANDIFER: I would like to thank you
16 all for your consideration. Except for the birds he's
17 talking about, the rest of the birds just come through this
18 area in a hurry. Again, too, we all know that being in a
19 populated area, we've got so many restrictions and
20 regulations on the hunt, plus you've got the weather and
21 everything to think about. Again, I'd like to thank you
22 all.

23

24 CHAIRMAN ALCORN: Thank you. Thanks, Tom.
25 We're ready to open up the floor for public questions or
26 comments on this proposal. Does anyone in the audience
27 have anything they would like to address or raise? I see
28 no hands. It's time now for Council deliberation and
29 action. Austin.

30

31 MR. AHMASUK: Thank you, Mr. Chairman. My
32 question goes to the state. What are the special
33 restrictions, state regulations for those pink areas?

34

35 CHAIRMAN ALCORN: Matt.

36

37 MR. ROBUS: Mr. Chair. Austin, I don't
38 know the area real well myself, but if you look at those
39 little bullets, the black bullets, they're related more to
40 big game hunting than anything else in this particular
41 publication.

42

43 CHAIRMAN ALCORN: Tom.

44

45 MR. ROTHE: Specifically, Austin, number
46 one is Susitna Flats State Game Refuge, number two is
47 Trading Bay State Game Refuge and number four is the
48 Redoubt Bay Critical Habitat Area. Most of those
49 regulations are related to aircraft and vehicle access,
50 that sort of thing, that we have on all of our refuges, so

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1 it's not tied to seasons and bag limits. It's mostly
2 trying to control land vehicles and aircraft activity
3 during breeding season.

4

5 CHAIRMAN ALCORN: Mike.

6

7 MR. SMITH: Could these regulations apply
8 in those areas?

9

10 UNIDENTIFIED SPEAKER: (Indiscernible).

11

12 MR. SMITH: Would the restrictions then
13 that have been imposed on those areas be applicable then
14 for purposes of this Migratory Bird Treaty regulation?

15

16 CHAIRMAN ALCORN: Matt.

17

18 MR. ROBUS: This is when an assistant
19 attorney general would really be handy to have around. The
20 first problem in answering your question is that this is
21 state land and at the moment our position is that we cannot
22 adopt regulations that differentiate between residents
23 based on where they live. If you ignore that and these
24 regulations are someday to be in effect here, I think the
25 state's position would be that, yes, there is an over-
26 arching migratory bird season there, but restrictions that
27 are put in place as part of a state refuge planning process
28 and put in state regulations would still be something the
29 state would want to enforce to preserve habitat quality.
30 The purpose for all three of these pink spots on this map
31 is to put state lands into a multiple use designation for
32 the purpose of promoting wildlife populations and wildlife
33 habitat. The restrictions are put on to prevent
34 conflicting uses that conflict with the purpose for which
35 the refuge was established. I see Tom would like to add
36 something.

37

38 CHAIRMAN ALCORN: Tom.

39

40 MR. ROTHE: Mr. Chairman. I think if
41 you're asking about the kinds of refuge regulations we
42 have, specifically, we're not aware that folks in Tyonek
43 land aircraft in the refuges. That's not traditionally how
44 they hunt. One of our regs says you can't operate a four-
45 wheeler outside of a one-eighth mile from the coast, which
46 is to accommodate setnetters. As I understand it, folks
47 from Tyonek, hunters aren't using four-wheelers to just zip
48 off across the refuge. Mostly boat access, which we don't
49 regulate. None of these public access regulations, as far
50 as I know, would restrict how subsistence hunting would be

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1 done normally.

2

3

CHAIRMAN ALCORN: Thanks, Tom. Any other
4 questions? Fred handed me a piece of paper that points out
5 that the dates that have been proposed, April 1st to May
6 31st, which would be that early season, and then there
7 being August 1st to August 31st, April 1st would be a day
8 earlier than the general opening season. I guess I would
9 question right now those dates. The April 2nd date was
10 derived from total days of hunting, adding in a 30-day
11 nesting season closure to comply with the Japan treaty.
12 The 124 days was to comply with the Mexico treaty. We
13 counted backwards from August 31st. However, this proposal
14 would have roughly a 60-day closure, so it would still
15 comply with not to exceed 124 days hunting time.

16

17

MR. ARMSTRONG: That's correct, Mr.
18 Chairman. We just wanted to see if we could have
19 consistency in the regulations. We understand there's a
20 60-day closure. A couple of the regions have done that
21 also, but they've stuck with the April 2 opening. It's
22 kind of minor.

23

24

CHAIRMAN ALCORN: So the purpose is not
25 necessarily to comply with the Mexico treaty, the purpose
26 is for administrative consistency and the ease of
27 developing regulations so you don't have a special line on
28 there. That's a concern that's been expressed. Mike.

29

30

MR. SMITH: Mr. Chairman, thank you. I was
31 just wondering if I might be able to get a clarification
32 then just for my own benefit, I guess. The list of birds
33 that is attached with this proposal is just a list of birds
34 that has been determined to be taken by the Tyonek hunters
35 and is not intended to be adopted into regulations harvest
36 in that area, is that correct?

37

38

CHAIRMAN ALCORN: We made a motion
39 yesterday to send the list of birds for consideration back
40 to the regions. I assume that this would also be
41 considered by Tyonek as well over the same period of time
42 and we would consider their proposed list of species in the
43 July 15 meeting.

44

45

MR. SMITH: Mr. Chairman. As a list of
46 species eligible for harvest or just as a list that is
47 identified for what they take?

48

49

CHAIRMAN ALCORN: Fred.

50

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1 MR. ARMSTRONG: Just for clarity purposes.
2 Mike, these communities that were in an excluded area, just
3 like we did last year, starting from square one, we had to
4 identify the season, season closure, list of birds and
5 method and means. We've got to go through the same
6 procedures to legalize their season. That's why we, you
7 know, had every included coming into that -- or
8 successfully petitioned to be included go through this
9 exercise.

10
11 CHAIRMAN ALCORN: So this is for the
12 administration record. This is a list of birds that they
13 have traditionally harvested. We will hear back. Fred.

14
15 MR. ARMSTRONG: Mr. Chair. It's not
16 administrative. It's part of the regulatory process.

17
18 CHAIRMAN ALCORN: Part of the regulatory
19 process. Excuse me. But we will make a decision on the
20 species to be harvested at the July 15 meeting. Tom.

21
22 MR. ROTHE: Just so I can clarify, our
23 consultation with Council president and staff, we asked
24 that specific question, is this just an informational list
25 or is this what you want in your regulations and the
26 village said that this was supposed to be used as a
27 regulatory list. You are going to reconsider that, I
28 guess, on July 15th, huh?

29
30 CHAIRMAN ALCORN: Mike.

31
32 MR. SMITH: Mr. Chairman. And the only
33 reason I bring that up is because I don't think Tyonek
34 probably had the benefit of our discussions on having one
35 statewide list and then trying to regionalize those lists.
36 I think if they were aware of our concerns and stuff, they
37 probably would have adopted a different approach to it.

38
39 CHAIRMAN ALCORN: All right. We've heard
40 the proposal, we've heard the technical input. We are open
41 for Council deliberation and then action. Austin.

42
43 MR. AHMASUK: Mr. Chairman. I move for
44 adoption of the Native Village of Tyonek's proposal as
45 presented with amendments to the geographic area
46 description, the season dates and consideration of the
47 species deliberation consideration we had remanding those
48 back to the regions, removing that portion for later
49 discussion on July 15th.

50

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1 CHAIRMAN ALCORN: We have a motion. I'm
2 not going to repeat it. You heard it. Do we have a
3 second?

4

5 MR. SMITH: I'll second, Mr. Chairman.

6

7 CHAIRMAN ALCORN: We have a motion and
8 second. Any discussion? Hearing no discussion. Is there
9 any opposition to passing the motion as stated?

10

11 (No opposing responses)

12

13 CHAIRMAN ALCORN: I see none. The motion
14 carries. All right. We are through with the regularly
15 scheduled list of regional proposals. I believe we have an
16 action pending our executive session. At this time I would
17 entertain a motion.

18

19 MR. SMITH: I'm going to try to state a
20 motion, but I'm certainly open for suggestions on changing
21 it if I don't get the wording quite right. Matt, you can
22 certainly help on this as well. Mr. Chairman, I would move
23 that we adopt all the regional proposals as presented to us
24 today. That in the absence of information to the contrary,
25 it would be assumed for those regions that did not submit
26 proposals that the 2003 regulations would stay in place.
27 That's awkward, Mr. Chairman. We can probably come up with
28 better wording than that because we want to try to use this
29 on a yearly basis.

30

31 CHAIRMAN ALCORN: Matt, do you want to
32 restate that?

33

34 MR. ROBUS: Mr. Chairman. Just a little
35 bit of a modification at the end of that I'd suggest and
36 that is we would use the prior year regulations as the
37 recommendation to the SRC in the absence of any new
38 proposals from the region.

39

40 CHAIRMAN ALCORN: All right. Let me see if
41 I can state the motion. The motion is to -- before I
42 restate the motion, you observe that we took off -- we put
43 back on -- we took off the table, we had deferred the AVCP
44 regional proposal because, for lack of a proposal and for
45 lack of a representative here, we had deferred that to the
46 July 15th meeting for action. When I said wrapped around
47 the axle, I was getting wrapped around the axle of the
48 North Slope Borough proposal. We tabled that one in an
49 earlier action that we took about an hour ago. Those two
50 now have not been decided on at this meeting by this

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1 Council. The motion now that I understand is that, in lieu
2 of a proposal from each of those two regions, to consider
3 the 2003 regulations which are imminent to be the proposals
4 for the 2004 regulations. Mike.

5

6 MR. SMITH: Mr. Chairman. I think that's
7 correct, but I think it would be also for all regions. Not
8 specifically those two that were deferred, but for all
9 regions that did not submit proposals.

10

11 CHAIRMAN ALCORN: I don't think that's
12 quite right because we've already taken actions on the
13 other regions. We're on the record now as having taken
14 actions on all but these two regions. I think the motion
15 you're talking about is later. If we pass this motion,
16 then I would entertain another motion to the effect of what
17 you're talking about, which would be in the future, in the
18 absence of a proposal, we would refer to the preceding
19 year's regulation.

20

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

22

23 CHAIRMAN ALCORN: So the motion then is to
24 accept as proposals from the AVCP Region and the North
25 Slope Borough Region the existent 2003 regulations as we
26 know them to be in our Tab 25. Do I have a second for that
27 motion?

28

29 MR. AHMASUK: Second.

30

31 CHAIRMAN ALCORN: Motion and second. Is
32 there any discussion? Austin.

33

34 MR. AHMASUK: Thank you, Mr. Chairman.
35 During the executive session we did talk about a general
36 type of process that we might want to think of and maybe
37 adopt. I think that's what Mike was trying to say. Maybe
38 we could incorporate after this motion a general process of
39 when regions don't submit proposals.

40

41 CHAIRMAN ALCORN: Any other discussion?
42 Anyone oppose the motion as stated?

43

44 (No opposing responses)

45

46 CHAIRMAN ALCORN: Motion carries. All
47 right. We finished the 12, including the two that had been
48 tabled. That takes us through -- Austin. I'm sorry.

49

50 MR. AHMASUK: Thank you, Mr. Chairman. At

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1 this time I'd like to make a motion to adopt in our meeting
2 protocol for the introduction of proposals the actions that
3 we adopted at our last meeting to include a provision for
4 adopting previous year's regulations when a region doesn't
5 submit proposals for this year.

6

7 CHAIRMAN ALCORN: I would ask you to hold
8 that motion because we need a motion to amend the order of
9 the day before we can consider that, otherwise it's out of
10 order. So I would entertain a motion to amend the order of
11 the day to consider a new agenda item.

12

13 MR. AHMASUK: So moved.

14

15 MR. ROBUS: Second.

16

17 CHAIRMAN ALCORN: Moved and seconded. Any
18 opposition?

19

20 (No opposing responses)

21

22 CHAIRMAN ALCORN: Motion carried. Now I'll
23 entertain your motion, Austin.

24

25 MR. AHMASUK: Thank you, Mr. Chairman.
26 I'll move that we adopt an addition to our meeting protocol
27 in the introduction of proposals and actions to include a
28 provision whereby when a region doesn't submit a proposal
29 for the current year, that the previous year's adopted
30 regulations become their proposal at the time of their
31 introduction.

32

33 MR. ROBUS: Second.

34

35 CHAIRMAN ALCORN: We have a motion and
36 second. I'll restate it in a nutshell. We would adopt the
37 preceding year's regulation for a region that fails to
38 present a proposal for the coming year and that's typically
39 in the spring meeting that we have every year. Any
40 discussion of the motion? Mike.

41

42 MR. SMITH: It just seems kind of
43 convoluted and stuff. I'm not real sure if the wording is
44 correct. I kind of thought it would take the form of
45 something much more generic and that and it would be simply
46 a resolution that says absent information to the contract,
47 all previous years' regulations remain in effect, something
48 along those lines, and then that gives us the opportunity
49 to present proposals to the SRC for changes in those
50 things, but it's general enough to encompass everything we

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1 need to take care of. That's kind of where I was heading
2 with that thing. I guess both things are accomplishing the
3 same thing.

4

5 CHAIRMAN ALCORN: Austin and then Matt.

6

7 MR. AHMASUK: Yeah, I see what Council
8 member Smith is saying. It seems as though those
9 resolutions need to take place before the meeting and then
10 while we're in a meeting there's not a provision for that
11 in our adopted protocol for proposals. But I certainly
12 agree with that. It seems as though that kind of activity
13 needs to take place before the meeting though and then we
14 don't have that provision in our meeting protocol.

15

16 CHAIRMAN ALCORN: All right. Well, the
17 motion, the way I understand it, would establish that as a
18 protocol process that in the absence of a proposal at the
19 spring meeting that we would adopt the prior year
20 regulations, accomplishing the same thing. Let me let Matt
21 make his comment and then, Mike, you can speak.

22

23 MR. ROBUS: Mr. Chairman. I was just going
24 to say that I thought that Austin's motion did what we said
25 we were going to do during the previous discussion and that
26 is generalize what we did for AVCP and North Slope Borough
27 in this case and have it become a standard procedure that
28 we, in the absence of a proposal at the spring meeting go
29 take the prior year regulation as the default proposal or
30 default recommendation that we would make to the SRC. The
31 only exception I have with what Mike said, which is a
32 different way of stating it, I think, is that the
33 regulations don't stand, as I understand it, just because
34 this Council says so. The SRC still has to take some
35 action. So it's necessary for us to pick something to
36 forward as our recommendation to the SRC.

37

38 MR. SMITH: Mr. Chairman. That's what I
39 thought we were getting at, that we would simply adopt that
40 resolution every year, a simple resolution that says absent
41 information that's contrary, all previous year's
42 regulations are assumed to remain in effect. That gives us
43 the opportunity to send along with that resolution on a
44 yearly basis any proposed changes.

45

46 CHAIRMAN ALCORN: All right. Well, that's
47 not in the motion. The motion is as stands. Fred.

48

49 MR. ARMSTRONG: You're getting to the end
50 the same way. Austin's motion is distinct in that it

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1 recommends to the SRC, which is kind of absent in your
2 process, and that's the important thing, is that this body
3 recommends to the SRC the prior year's regulations absent a
4 current regulation for the upcoming year. That's the
5 distinct difference I heard.

6

7 CHAIRMAN ALCORN: Either way, this Council
8 is going to have to take action in the spring meeting, but
9 what we're doing is we are putting everyone on notice that
10 if there's no proposal submitted, then we would take last
11 year's regulation as the standing proposal and we would
12 take action, positive action, on that prior year's
13 regulation to make it our recommendation for the coming
14 year. That's the way I understand the motion. Patty.

15

16 MS. BROWN-SCHWALENBERG: Call for the
17 question.

18

19 CHAIRMAN ALCORN: All right. I'm going to
20 call for the question. Is there any opposition to the
21 motion?

22

23 (No opposing responses)

24

25 CHAIRMAN ALCORN: I see no opposition. The
26 motion carries. It's lunch time. There's one quick
27 comment from Donna Dewhurst.

28

29 MS. DEWHURST: This is just a quick
30 clarification. In the regulations, they're divided between
31 just the standing regulations and the annual regulations,
32 which is the stuff that goes every year and is subject to
33 change. The one break, just for an awareness thing, if you
34 look in the regs in the final rule, the methods and means
35 are in the standing regulations, so those we don't even
36 have to necessarily take up every year. The only thing
37 that's in the annual regulations is the bird list and the
38 season dates. So just to make that clear. We don't
39 necessarily even have to have proposals from the regions on
40 methods and means every year because those are in the
41 standing regs.

42

43 CHAIRMAN ALCORN: I assume that if the
44 letter that goes out to the regions every year is going to
45 explain what is needed every year. All right. Let's
46 recess until 1:30. At that time, I'm going to ask Bob
47 Leedy to sit in for the service representative.

48

49 (Off record)

50

00171

1 (On record)

2

3

CHAIRMAN LEEDY: Doug, I think, told you
4 all he'd be out this afternoon and I'll take over the chair
5 responsibilities. For the record, I am Robert Raymond
6 Leedy. I work for the U.S. Fish & Wildlife Service in
7 Anchorage and I am replacing for the afternoon Doug Alcorn.

8

9

We're picking up business here. Unless
10 someone corrects me here, we're on other business. Are we
11 finished with the proposals? As my memory serves me, we've
12 gone through the proposals and we're up to other business.
13 First agenda item is regulation on possession and
14 transportation of birds outside included areas. I don't
15 know who was supposed to be here, who is supposed to be
16 here to discuss this issue. The Chair, Doug Alcorn, had a
17 note that this might be Stan from our law enforcement group
18 and I don't see anybody from our law enforcement group
19 here, so I'd like to ask Fred or Bill or other staff to
20 address how they think we should continue with this item.

21

22

MR. ARMSTRONG: Thank you, Mr. Chair.
23 Absent the people who brought this issue up, I think that --
24 first of all, an issue was raised to us early on in the
25 process about people bringing birds from an included area
26 to an excluded area, which is not currently allowed under
27 the potential spring and summer season, and that we needed
28 a mechanism to allow that activity to occur. We're
29 supposed to have brought a proposal forward to the Council,
30 but nothing surfaced. So what I would just do is do a
31 heads up to the Council members that a proposal probably is
32 forthcoming and it would be a positive proposal to allow
33 this activity to occur. That's about the extent of it.

34

35

CHAIRMAN LEEDY: Austin, please.

36

37

MR. AHMASUK: Thank you, Mr. Chair. A
38 proposal or proposed rule?

39

40

MR. ARMSTRONG: A proposal. Which will be
41 a part of a proposal. We won't be able to address this
42 until the '05 cycle.

43

44

CHAIRMAN LEEDY: I believe the kinds of
45 questions involved here, Austin, are -- like in sports regs
46 you have to show at least a piece of paper that says I took
47 this bird legally and I have transferred it to thus and
48 such person. I think the question is how far down that
49 line do we want to go, do we need to go to allow residents
50 in excluded areas to possess birds that were taken in

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1 included areas and to transport them to those areas. This
2 could be the kind of thing where you have somebody bringing
3 in a box of birds, you know, from Nome to Anchorage to give
4 to relatives or other friends and how do we address that
5 and how can law enforcement of any kind address that issue?
6 Mr. Rothe, please.

7

8 MR. ROTHE: Maybe Fred can help clarify
9 this. The proposed rule 50 CFR 92.6, use and possession of
10 birds, says right now the only people that can have birds
11 or eggs or parts taken under this hunt are eligible users.
12 So somebody from Nome could ship a bird to an eligible user
13 in Anchorage, but not to an ineligible user. So that's how
14 we're interpreting it for this year?

15

16 CHAIRMAN LEEDY: Absent law enforcement, I
17 can't give an answer for that that any of us should trust.
18 I think it's fair to say that we should take -- I believe
19 the Service, in absence of regulation, should take a
20 liberal view on that kind of thing. This is no small
21 matter for the future. Who is an eligible user in
22 Anchorage? We really aren't talking about card-carrying
23 folks at this point. So there really are a lot of angles
24 here that we need to consider. This is probably neither
25 the time or the place, especially with no one here
26 specifically to address it, unless some of you guys want to
27 get some ideas out on the table. Austin.

28

29 MR. AHMASUK: Regardless of what the
30 proposed rule might say and since we don't have a proposal
31 before us and probably not for a while, could someone
32 obtain some kind of permit right now for possession in an
33 excluded area?

34

35 CHAIRMAN LEEDY: I'm sorry. I couldn't
36 just off the top of my head do that. Unless there are Fish
37 & Wildlife staff in the audience who can address that
38 directly, I'd say that's something we would have to take
39 back to the office under consideration to try to respond to
40 that question. And hopefully, Fred or staff can make note
41 of that and we can try to get some answer. Tom.

42

43 MR. ROTHE: Austin, I guess if you just
44 take the plain reading of the regs that will probably be
45 implemented shortly, people can exchange these birds but
46 only among eligible users. I don't think there's a permit
47 required at this point. But the question becomes, for
48 example, if an immediate family member of yours lived in
49 Anchorage, would they be an eligible user until they got
50 village permission to hunt.

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1 CHAIRMAN LEEDY: Austin.

2

3 MR. AHMASUK: I see that and recognize
4 that. Some sort of proof, I guess. When a person flies
5 from Nome, let's say, and then flies over the Alaska Range
6 there, at that point they've brought a bird into an
7 excluded area. No one is going to know until you get to
8 the airport, I suppose. It's that part that's -- I mean I
9 can say I'm going to bring it to my sister. I guess who is
10 to believe that I'm going to bring it to my sister?
11 Clearly, that type of activity would be allowed, but just
12 the very action of bringing it to an excluded area.

13

14 CHAIRMAN LEEDY: I think you've identified
15 the problem very well. How do you document you're bringing
16 that to somebody who is eligible and is that person
17 eligible. Since we have no specific proposal at the moment
18 and unless you guys want to try to develop a proposal like
19 that, we can talk about the various aspects of it we need
20 to consider for the future, but may not want to consummate
21 it with a proposal today. Tom

22

23 MR. ROTHE: Austin, this might help you.
24 For better or for worse, the way the system is set up, the
25 onus is on the government to prove that you were illegal.
26 So, if I stopped you on International Airport Road and
27 said, okay, you're from Nome, but how do I know where this
28 bird was taken. I'd have to prove you took it in an
29 excluded area somewhere. I don't think we're talking about
30 roadblocks and searches and stuff.

31

32 CHAIRMAN LEEDY: Mike.

33

34 MR. SMITH: Thank you, Mr. Chairman. Since
35 we're just throwing things out there for purposes of
36 discussion, we're really talking about a couple of
37 different aspects. One is the ability of somebody, say in
38 Anchorage, to go out and hunt in an area which is
39 authorized pursuant to a tribal authorized permit and the
40 possession of a game by somebody in the urban area, no
41 matter how they got it. If I sent a goose to somebody in
42 Anchorage. And those are kind of two different things and
43 the transportation issue. So, yeah, it's a very convoluted
44 question. Some of the issues have been hashed out in
45 various state regulations and stuff. I know this
46 transportation thing and moving, you know, game from one
47 area to another has been hashed out in some regard, but it
48 certainly is something we can't take up here.

49

50 CHAIRMAN LEEDY: Fred.

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1 MR. ARMSTRONG: Just a final note here. We
2 had a discussion about using tribal as one category, but
3 it's so self-limiting that we broadened the definition of
4 permanent resident. All of this is tied into the
5 invitation process. How that's going to come about is
6 really up to the people at the local level. I think what
7 we need to do is show some system is going to be in place
8 and this kind of activity can occur. It's not that we're
9 trying to shut it down, we're trying to make it allowable.

10

11 CHAIRMAN LEEDY: Are there any other
12 comments from the AMBCC members and, for that matter, the
13 audience as well? Just thoughts for regulations. Yes,
14 sir. Please introduce yourself for the record.

15

16 MR. ABRAHAM: Pete Abraham from Togiak.
17 I'm going to speak as advisory council from Bristol Bay.
18 There's no known regulation on possession and
19 transportation of birds at this time. On the two seasons,
20 on the eyes of the state, that's illegal to transport a
21 bird from one place to another. U.S. Fish & Wildlife has
22 no known regulation on this particular item here for
23 transporting.

24

25 Now is the best time to talk about this
26 regulation on possession and transportation of birds. If
27 it's introduced to us at a regular advisory council
28 meeting, that can go from there because we have a long way
29 to go on this migratory bird hunting season here. There
30 are some things we have to work with, especially with the
31 state, especially when we get into the regulations, how
32 this is supposed to be regulated.

33

34 Although if I'm going to bring a bird to a
35 relative in Anchorage, it's a good idea to process it first
36 before you leave. When you come over here, you don't pluck
37 the bird in the front yard. The guy comes around and, hey,
38 this is an Emperor Geese over here you're plucking here and
39 it's a closed season. Maybe sometime along the line that
40 can be put into regulation. Dress the bird before you
41 bring it into rural areas or to your relatives. Thank you.

42

43 CHAIRMAN LEEDY: Thank you very much for
44 some well thought out advice. Again, we'll accept any
45 other comments, suggestions for thought on regulation on
46 possession and transportation of birds outside the included
47 areas. Otherwise, assume that that may be an agenda item
48 for the next formal meeting, not this July meeting, but the
49 meeting next fall, as we address the continuing evolution
50 of regulations. Seeing no one else wishing to speak on

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1 that issue.

2

3

4 The second item under other business here
5 is Item No. 2, criteria for adding/deleting from the list
6 of birds open to harvest. I think this is tied to the
7 discussion we had earlier on the birds to avoid list and
8 the main topic of discussion for the July meeting. But,
9 again, this is a real good opportunity, I think, this
10 afternoon to get ideas out on the table, to spur some
11 critical thinking for what criteria might look like for
12 adding or deleting birds to the list open to harvest and,
13 if the Council is so inclined, to actually develop and
14 recommend criteria for adding and deleting. With that,
15 I'll leave it open to other people for commenting. Matt.

15

16

17 MR. ROBUS: Part of this, I think, is the
18 issue of the bird list being remanded to the regions for
19 bringing back to the July 15th meeting and I believe Tom
20 put together a tentative list of the types of things that
21 we might want to agree to that would be considered in that
22 process between now and July, so I'd invite Tom to kind of
23 run through those and see what the Council collectively
24 thinks about that.

24

25

26 CHAIRMAN LEEDY: Tom, please go ahead.

26

27

28 MR. ROTHE: I didn't put a lot of work into
29 this, but I looked at the criteria the Fish & Wildlife
30 Service used for species conservation concern and several
31 other systems are out there that look at the same kinds of
32 information that are used to make decisions. I just came
33 up with a short list of five subject areas that the staff
34 might want to focus on for briefings on these species in
35 July.

35

36

37 I think the first question we have to ask
38 and the Service asks is there documentation of customary
39 and traditional use of the birds in spring and summer
40 hunting, which I think we can do in a variety of ways.
41 Either look at harvest survey data or ask the graphic
42 studies or, if we need to, I guess ask residents to provide
43 a record of uses on these things.

43

44

45 The second question I think that comes to
46 my mind is to what extent is there a subsistence harvest,
47 how big is that harvest and we'll have some data and it
48 will be spotty, but we'll have to take a look at whatever
49 numbers we have.

49

50

51 The third one might be then the size of the

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1 population and its trend so that we can compare if there's
2 a subsistence harvest of experts and we think there's a
3 total of Y birds in the world and we can kind of evaluate
4 whether that harvest is an important factor in the
5 population. Taking into consideration that species are
6 declining or starting out at small levels are more
7 sensitive to harvest. I think Bob mentioned this
8 yesterday. We have a fair amount of data on population
9 size at least of most game birds and some of the others.

10

11 The fourth thing that probably is of
12 utility here would be some idea of the species range and
13 it's seasonal movement patterns. For example, if there are
14 only a couple of regions where that bird occurs, then you
15 don't have to worry about the other regions so much, so
16 it's important to find out where does that bird occur.
17 Then seasonally, too. If the birds are subject to harvest
18 in spring and summer, then you look at where they are in
19 spring and summer. If that gives you a tool to better
20 manage your hunting, then that's useful, too.

21

22 I guess regardless of all the things we
23 learn about subsistence harvest and population size, we do
24 have to keep in mind that these birds go elsewhere and
25 there's an array of what's typically called threats. Kinds
26 of things like habitat loss of the wintering grounds, maybe
27 South America or California. There may be specific
28 instances of situations where other things are causing
29 mortality of birds. People like to throw out oil spills or
30 chronic pollution as one of those things. So that we keep
31 in the context of our discussions about subsistence
32 hunting, these other threats might play a role somehow and
33 that we have to have a grip on everything that might affect
34 this population when we decide whether we're going to hunt
35 or not.

36

37 So those are just five general categories.
38 I think they're fairly typical in species, but I'm not
39 proposing the Council adopt any real specific criteria at
40 this point. I think the staff can work away on that and
41 maybe refine this and get a good format for the reports in
42 July.

43

44 CHAIRMAN LEEDY: Thank you, Tom. We'll
45 also be aware of the discussion that occurred during
46 earlier Council deliberations. Ralph, among others,
47 mentioned some specific topics he would like to have
48 involved in those things and we'll try to work with you and
49 other staff to provide as much as we can on 14 species and
50 others that may be of interest in July. Any other comments

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1 from Council members or anybody in the audience on criteria
2 for adding and/or deleting species. Please.

3

4 MR. HUNTINGTON: Orville Huntington from
5 Huslia. I'm here on Alaska Native Science Commission's
6 behalf. Actually, I work for U.S. Fish & Wildlife Service,
7 Koyukuk National Wildlife Refuge. I guess any time you
8 want to look at reducing harvest you have to have due
9 diligence. You have to be fair because these people are
10 out there having a hard time as it is. My job is Native
11 liaison between Fish & Wildlife Service and a Native person
12 out there trying to get something to eat for his family.
13 You have to be -- you better make sure you went through a
14 due process that was fair before you went out there. I
15 work real close with the Huslia Tribal Court. In fact,
16 when I'm not working for Fish & Wildlife Service, I'm
17 usually the presiding judge. We want Fish & Wildlife
18 Service to realize we're a credible court system and we
19 look at our Native people and we want them treated fair,
20 too, and Fish & Wildlife Service sees that.

21

22 All I'm asking is if you're going to reduce
23 somebody's harvest, you have to be fair. It has to be a
24 fair process and it has to be open. I think it will go a
25 long ways if we do it that way. You know, if we just all
26 are honest with each other on the table. Don't come up the
27 last minute and say, oh, no, this bird is on the deleted
28 list, you can't hunt it, and this hunter is out there and
29 didn't know anything about it and there was no fair
30 process. That wouldn't be right.

31

32 CHAIRMAN LEEDY: Thank you very much, Mr.
33 Huntington. Are there any questions of Orville before he
34 leaves? No. Austin.

35

36 MR. AHMASUK: Thank you, Mr. Chair. I
37 guess I'd have to say the criteria for this last action,
38 which is not final but it's draft, by the SRC regarding the
39 nine birds, something to say about that birds of
40 conservation concern list that I said at our work session.
41 In reviewing the birds of conservation concern, it's
42 evident that other U.S. Fish & Wildlife Service regions can
43 list a bird for whatever reason and usually those reasons
44 are not documented very well in the birds of conservation
45 concern list. But what's less clear is the process by
46 which it gets elevated to the national list, which is a
47 little confusing to me. Region 5 can list a particular
48 bird species and then, at least in reviewing the BCC list,
49 very little documentation as to why it might have gotten on
50 a national list. I'm not sure if that has occurred with

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1 any of these 23 birds, but that's something that seems a
2 little odd, I suppose.

3

4 And then another thing regarding
5 subsistence harvest of the birds. As I said in the work
6 session, but I'm going to say it here on the record, our
7 harvest, subsistence harvest, is not equal to the Lower 48
8 harvest. It goes both ways. As I made mention in this
9 meeting numerous times, for some species we're the only
10 people that harvest these birds, so equity of harvest
11 reduction, you know, is something that we would bear
12 entirely. For species that have large national harvest and
13 go well beyond or far exceed the subsistence harvest, I
14 would strongly encourage that the burden be beared where
15 the burden is on or where the harvest is clearly far more
16 burdensome on the population than a subsistence harvest.

17

18 In many cases, subsistence harvest on some
19 of these bird species is so low that it's hard to explain
20 to people in areas who perceive these birds as plentiful to
21 reduce their harvest. Many people in the outlying areas,
22 they're not privy to a lot of this information. However,
23 they are intunely aware of what's going on in their
24 regions. In a few cases anyway, we believe that we have
25 some traditional knowledge that justifies harvesting
26 certain bird species that science hasn't grasped yet, which
27 we want to bring to the table in the future. Thank you.

28

29 CHAIRMAN LEEDY: Thank you. I'm sure we'll
30 all continue to consider that. Sir.

31

32 MR. ABRAHAM: Pete Abraham from Bristol Bay
33 area. Just for criteria for adding and deleting birds from
34 the list to harvest, I think Cynthia has a bird survey we
35 have in Bristol Bay and Y-K. I think the people in my area
36 and the Y-K would be comfortable with what Cynthia
37 Wentworth has on the list. And what she has on the list is
38 some birds we have, besides what we've got, are not being
39 harvested anyway. What you've got there is what the people
40 harvest in both areas there. Thank you.

41

42 CHAIRMAN LEEDY: Thank you very much. I'd
43 just like to make a comment from the Service, primarily to
44 Orville's plea for more forewarning, more information to
45 rural resident, village residents, before species are
46 especially taken off the list here. I think we've become
47 acutely aware of that over the last year's time. We're
48 trying to improve communications both with our Washington
49 office and vice versa. They're trying to let us know more
50 ahead of time. You missed a little bit of the earlier

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1 discussion in today's meeting where there is a special
2 session that has been established for middle of July. I
3 can't remember the exact day. July 15th, pretty close to
4 the middle. At which the Council at large will discuss
5 this issue in much more detail. Are there any more
6 thoughts that people would like to provide on criteria for
7 adding/deleting birds from the open list? Going. Gone.

8

9 We're onto the next item on the agenda.
10 This is the birds to avoid list and I guess I'm going to
11 ask for affirmation from the other Council members. It was
12 my understanding that this was going to be addressed in
13 some detail at this July 15th meeting, but if we have some
14 thoughts we'd like to throw out on the table for
15 consideration at this time, both Council members and
16 members of the audience, we're open for discussion on the
17 birds to avoid list. I'll also ask specifically if staff
18 has any suggestions or input into that. Mr. Oates.

19

20 MR. OATES: Thank you, Mr. Chairman. Russ
21 Oates, Fish & Wildlife Service. First of all, I'd just
22 like to get clarification. We had a proposal specific to
23 the avoid bird list or the red flag list, whatever you want
24 to call it. Am I correct then that the action on that is
25 going to be deferred until July?

26

27 CHAIRMAN LEEDY: Yes. That was among the
28 proposals, Tab 1 through 13, I believe, that were deferred
29 until July until there was an opportunity to discuss these
30 on the local level so the Council members could come back
31 with a better feeling for how the subsistence users in the
32 various regions felt about these, so that has been deferred
33 as an action item at least.

34

35 MR. OATES: Okay. I have modified the
36 proposal that I submitted and just add a little bit of
37 language, which may help clarify the purpose of the
38 proposal. If it's going to be carried back to the regions,
39 I guess I think it would be better to provide the amended
40 proposal to take back. I don't want to get into a
41 protracted discussion or I won't make a protracted
42 presentation I should say on this, but I just want to
43 repeat that the purpose for developing this list, from my
44 perspective, is to increase the awareness of the status and
45 trends of certain species and to encourage voluntary
46 conservation measures throughout region education. The
47 purpose is, through these voluntary conservation measures,
48 to be able to avoid putting any additional birds on any
49 kind of a closed list. So this is not viewed as an early
50 warning that things are going to be closed, but we're going

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1 to view it as an opportunity to all be at the same level of
2 understanding of the status of the populations. If we do
3 pull together for conservation, maybe we can avoid closure.
4 That's what our purpose is as far as I can see. I'll
5 provide these copies.

6

7 CHAIRMAN LEEDY: Thank you very much. I
8 think that's useful. I'd like to ask Fred what he believes
9 to be the proper procedure for entering this as a motion
10 and an amendment to a proposal.

11

12 MR. ARMSTRONG: I guess I'd defer to the
13 Council because this is after the fact, after the proposal
14 date has closed. I see this as more of a positive language
15 than the initial one, but leave it up to the Council
16 whether or not they want to take this version back for
17 consideration versus the one that specifically spoke to
18 birds to avoid. I think the focus is more on education
19 outreach and a cautious approach, which I think is much
20 better. I'll just leave it at that.

21

22 CHAIRMAN LEEDY: Okay. We can have a
23 little discussion beforehand if you'd like, but the Chair
24 would also be willing to take a motion to accept this
25 amended proposal if that was viewed by the Council members
26 as appropriate. Austin.

27

28 MR. AHMASUK: Mr. Chair. I think that
29 making a special provision for this one proposal isn't
30 consistent with how we've acted in the past when proposals
31 come to us. I think at the July meeting the amendments to
32 the proposals probably can be worked out. I'd prefer
33 consistency and we be made aware of the proposal as it was
34 submitted. I don't see any problem with the staff on their
35 own getting out information to the regions on the proposal.
36 At this time, I wouldn't agree with a motion to amend the
37 proposal at this time. Any amendments can be discussed
38 when it's taken up again. We deferred action on them, so I
39 think that's how we should go with that.

40

41 CHAIRMAN LEEDY: Fred, did you have a
42 comment.

43

44 MR. ARMSTRONG: There's a couple ways we
45 could approach this. I know where Austin is coming from.
46 On the other hand, we've been anything but consistent in
47 the last couple years. We can approach the technical
48 committee. One of the reasons that committee was formed
49 was to put together information and send it out to the
50 regions. That's one way we could do that and still meet

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1 the criteria we've set up and avoid your concern.

2

3

CHAIRMAN LEEDY: Mike.

4

5

MR. SMITH: Mr. Chairman. I see no problem in a letter being generated clarifying the intent and purpose of the proposal that could be given to us as quickly as possible so that we could take that out and provide it to our people as well. I mean as opposed to a formal proposal change.

11

12

CHAIRMAN LEEDY: Austin.

13

14

MR. AHMASUK: If he has an amended version now, we can take that back at the end of the day to our regions. It will just be added to the correspondence about the proposal prior to the proposal being taken up. I'm perfectly fine with that. But we did take action on the 13.

20

21

CHAIRMAN LEEDY: Right. It appears Russ may have copies which you will be free to distribute now and we will try to make sure that all members have a copy of this. We won't be looking at any formal amendment now. I think you're right. With the basic concept being a major topic for discussion in July we'll be free to modify it as appropriate. Other than that, I hope that everyone understands our intent here is to try to avoid the kind of surprise that Orville and others have referred to. Mike.

30

31

MR. SMITH: Mr. Chairman, thank you. I also want to clarify what my perception of reviewing this list and stuff is. The SRC did not do anything. I mean these birds of conservation concern are on our list. They remain on our list. They have not indicated that they are going to take them off our list, but they are still on that list. All they asked us to do was to reconsider whether or not what importance they had to subsistence.

39

40

In regards to the birds to avoid list, I am right now kind of leaning toward the idea that I don't see anything really wrong with that. It actually satisfies -- currently, my way of thinking, it satisfies the SRC's concerns on this list they provided us. If we were to take these birds and put them on a red flag list and it's a precursor to shutting down the hunt altogether, I don't really see any problems with that at this point. There is just a list that we generate that would basically indicate that biologists have a concern about these particular species and that we should avoid them if possible and then,

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1 of course, we would have to look at this list on a yearly
2 basis, I assume.

3

4 One more question, Fred. I was just
5 curious in regards to development of regulatory regs and
6 stuff of that nature in regards to the possession and
7 transportation of birds, specific criteria or whatever on
8 the addition of birds to and from our list, which is
9 different, I think, than what the SRC is requesting of us
10 at this point. But in regards to those regulations, do we
11 anticipate staff just coming up with suggested language for
12 us or something like that so that at least we can start the
13 process on how to go about developing those regs? Are we
14 doing requests of language from people or something or
15 what?

16

17 MR. ARMSTRONG: Could you be more specific?
18 First of all, could I address your first part about the
19 birds concerned? The Council has already acted on that and
20 remanded it to the regions for reconsideration. I just
21 need more clarity on your second part about regulation
22 language.

23

24 MR. SMITH: Mr. Chairman. I was just
25 trying to figure out how we go about starting the process
26 of developing this language. Requesting draft language from
27 staff or what? Or are we anticipated to come up with that
28 wording ourselves here at this table on those regulations?

29

30 MR. ARMSTRONG: You mean language for the
31 proposed rule for '04? We'll deal with that as a result of
32 the Council recommendations. We'll put that into
33 regulatory language.

34

35 MR. SMITH: Mr. Chairman. I meant new
36 regulations on like possession and transportation of birds
37 and things like that.

38

39 MR. ARMSTRONG: We'll work on that and
40 provide the region with -- we don't see anything happening
41 in July on this, but '05 cycle, we'll provide guidance for
42 that.

43

44 CHAIRMAN LEEDY: And in relation to that,
45 before the end of this meeting we probably ought to have a
46 brief discussion on at least a preliminary list of agenda
47 items we want to consider for the next regular meeting in
48 October so we can start sorting through issues ahead of
49 time. Mr. Oates.

50

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1 MR. OATES: Mr. Chairman, thank you. One
2 last comment about the information I just passed out, the
3 actual proposal. Just so the Council and regional
4 representatives could know what was changed and the parts
5 that I changed were in bold and italics, parts that I
6 added. Also, I'll mention too that although I was trying
7 to put forward a concept of an avoid list or species to
8 avoid list, I was also putting down my suggestions from a
9 waterfowl perspective, but this does not address any of the
10 non-waterfowl species as far as ones that might be added to
11 the list. That's all I had. Thank you.

12

13 CHAIRMAN LEEDY: Thank you, Russ. That is
14 an important clarification. So understand that's just half
15 a list. Tom, then Orville, then Austin.

16

17 MR. ROTHE: Mr. Chairman. Speaking for the
18 quick, temporary alternate for the State of Alaska, I just
19 wanted to share a couple things on this list. One is I
20 guess we prefer not to use the term red flag list. Red
21 meaning desperate, emergency stuff. It may be a little
22 overpowered for this kind of a thing. The other thing is
23 Matt and I kind of talked briefly and kind of liked the
24 idea of something like the Audubon watch list rather than
25 the term avoid. Avoid harvest, I think, requires you to
26 conclude that harvest is having some effect or it's a
27 problem. So, it's a fine point, but that's kind of where
28 we're coming from. We like watch list rather than red flag
29 or whatever.

30

31 CHAIRMAN LEEDY: As long as we have a
32 common understanding of what we mean and the name doesn't
33 cause ire immediately, I think we're open to anything that
34 we want to call it. Orville.

35

36 MR. HUNTINGTON: Thanks, Bob. Orville
37 Huntington. Most of the stuff I want to say on the record
38 because these meetings are hard to get to, especially for
39 us out in the Bush. What we do with like another
40 organization is we have teleconferences where all the users
41 get on line and we do this every week. With your board as
42 big as it is and so diverse around the state, you're going
43 to have to look at doing some teleconferences because some
44 of us can't afford to leave our hunting areas and fishing
45 areas right at the most important time of the year.

46

47 This birds to stop hunting or whatever you
48 want to call it, I don't want to put a red flag out there,
49 but I think Austin brought up a good point. There's
50 traditional knowledge and wisdom out there. Huslia is

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1 going to start setting up our own tribal archives of
2 traditional knowledge and wisdom that belongs to Huslia.
3 If there are parts in there that will help management,
4 we'll be more than glad to share that, but we just want to
5 protect intellectual property rights of those oral
6 traditional stories that people are sharing about their
7 ancestors. That's how come we don't always share it.
8 Western science, that's what we rely on to back up a lot of
9 our oral traditional knowledge. Look at this science paper
10 right here. It actually supports what we're saying.

11

12 This reduction, it probably has to be site
13 specific because a couple of years ago Huslia put in a 25
14 percent voluntary reduction of harvest of White-fronted
15 Geese. For us, it's worked pretty well. That's just a
16 kind of common sense local initiative we took on our own.
17 The past couple years now our White-front population is
18 stabilizing. It's not the greatest in the world, but it's
19 better than where we were going.

20

21 The state has a lot of good examples, too.
22 Like the Moose Hunter Working Group I sat on where we put
23 in a registration permit hunt and were able to manage that
24 herd really well. Longer impacts, larger impacts, like
25 Russ looks at, I think that's probably your job, the
26 federal. You're looking at the whole international thing.
27 Those are just comments I wanted to make. Again,
28 teleconferences are a pretty good way to do business.

29

30 CHAIRMAN LEEDY: Thank you, Orville.
31 Austin.

32

33 MR. AHMASUK: Thank you, Mr. Chair. In our
34 roles and responsibility, the AMBCC has 10 roles and
35 responsibilities. A couple of them deal with our
36 recommendation regarding the spring and summer harvest, law
37 enforcement policies, population, harvest monitoring,
38 research and education programs, use of traditional
39 knowledge and habitat protections. It appears that one of
40 our responsibilities is to look at things that are being
41 proposed to us, but it strikes me that Fish & Wildlife
42 Service has clearly delineated responsibilities, such as
43 developing a bird conservation concern. It expressly
44 though excludes waterfowl from being on that list. So I'm
45 not entirely clear as to how waterfowl species that may be
46 of concern how its regulations are generated to have
47 protection, whether it gets on some kind of list or whether
48 it's species by species specific. So there's three ways
49 which things go here. Fish & Wildlife has BCC list and
50 waterfowl concerns, then we've got our -- AMBCC is going to

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1 develop its recommendations for concern. I'm just
2 wondering how and where those responsibilities come
3 together or are they mutually exclusive. In some cases, I
4 think they are exclusive of one another.

5

6 CHAIRMAN LEEDY: Thank you. Mike, I'll
7 take your comment first, but then to give him about a
8 minute's warning I'm going to let Dr. Trost know that we
9 would like to have him address from the Division of
10 Migratory Bird perspective nationally how he sees at least
11 the concerns for waterfowl, how they relate to the birds of
12 conservation concern list, whether they should be melded,
13 how they are dealt with independently and so forth, but
14 before then, Mike.

15

16 MR. SMITH: You made me lose my train of
17 thought there, Mr. Chairman. When Austin was talking,
18 something occurred to me that we do have different lists
19 here. We have our harvest list. The Department has their
20 list of conservation concern. Why do we need to adopt a
21 list of conservation concern? The Department generates
22 that list every year anyway and they can give out the
23 information and we can provide that information to our
24 regional councils and so on and so forth. If they choose
25 to restrict or remove birds from that list, then so be it.
26 I guess I agree with Austin. I'm not sure where we're at
27 on this and why we're even doing it now that I think about
28 it because we have just our harvest list. There happens to
29 be some birds on that of conservation concern. Those birds
30 are identified by the Department. They come up with their
31 list anyway. I guess I don't know what we're doing either.

32

33 CHAIRMAN LEEDY: I am going to ask Bob to
34 try to address the differences and the relationships
35 between game and non-game lists. I would like to clarify
36 that the birds of conservation concern list developed by
37 the Service is something that's required for review and
38 renewal every five years. This is under statutory
39 requirements for non-game bird acts of several years ago.
40 When it is developed, it is developed through a federal
41 register public review process that a lot of people
42 probably don't pay enough attention to. The next time this
43 comes around, I think I feel very safe in saying for the
44 Service that you'll know when the notice first comes out
45 and you'll have an opportunity for input throughout the
46 process. Beyond that, I guess, Bob, if you can somehow
47 talk about the differences between the game and the non-
48 game species of concern and how we try to meld them
49 together, we'd all appreciate that.

50

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1 MR. TROST: All right. Just briefly I'll
2 try to talk a little bit about this again. First and
3 foremost, I think the important thing to think about here
4 is not how things are categorized or what list they're on.
5 There are certain species of birds for which the Service
6 has conservation concerns for their long-term perpetuation.
7 The real goal involved here is to identify those species
8 which are in that category that would require some
9 consideration, maybe even protection from harvest, in order
10 to ensure that they continue to exist. So that's the point
11 that I believe the Service starts with, is that it's
12 clearly a conservation issue. Are there birds that are in
13 such dire straits that we really should think about not
14 shooting them.

15
16 Now, the government is big on lists. At
17 the very beginning, back in 1918, when they drummed up the
18 Migratory Bird Treaty, they had a couple lists too. They
19 had game birds and non-game birds and there's an official
20 list that goes back 75 years now. Those lists segregated
21 out those individual species for which we would permit a
22 sport harvest under the Migratory Bird Treaty. So, from
23 the very outset there were two lists of birds created, so
24 to speak, of all the birds.

25
26 With the advent of subsistence harvest, you
27 melded those two lists together. You have never made that
28 distinction. A great many of the birds that you have
29 historically taken for subsistence are not considered game
30 birds. Only non-game birds were supposed to be considered
31 on the birds of conservation concern list.

32
33 This is probably a little more information
34 than I should relate to you, but I will tell you the truth.
35 Game birds designated in the 1918 treaty as game birds, but
36 species for which we never had a season were rolled into
37 the non-game bird list and that was a decision someone
38 made. In other words, a group of species that were looked
39 at for the birds of conservation concern were species that
40 were either designated as non-game birds or species for
41 which we have never had a legal hunting season, so they
42 were ranked as part of that group. Waterfowl and the
43 traditionally-hunted birds were not ranked in the same
44 process. So Bob's question is should they be brought
45 together for your consideration. My answer would be yes.

46
47 Going back to how I started this
48 discussion, the real question I think in the mind of the
49 Service Regulations Committee is not which list some bird
50 has been categorized on, but whether or not any species has

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1 a legitimate conservation concern that warrants some
2 consideration of whether or not we should be either
3 shooting it or should be, as I indicated the other day,
4 allowing an unlimited harvest, of which is what our current
5 regulation does.

6

7 So, with that in mind, I would suggest that
8 you take a look at the bird list that you have identified
9 as the species which you would care to harvest or would
10 open to harvest and of that total list of birds you would
11 see if you could determine if there were either birds there
12 that you did not really harvest, which I think was the case
13 in some instances anyway, or that there was species there
14 where there was a legitimate conservation concern in your
15 opinion that might warrant some type of protection and I
16 think that's what the SRC asked. I think the reason they
17 removed the nine species they did is they looked at those
18 pretty hard and they said at first blush these are species
19 where we do have a very serious conservation concern and
20 they're also species where we find only very limited
21 evidence of any kind of substantial subsistence take.
22 Consequently, we don't think taking them off the list would
23 be detrimental to traditional subsistence harvest
24 practices.

25

26 Now, there may be an area that we're not
27 aware of or a practice that we weren't aware of when that
28 cut was made, but they said in a lot of cases we're not all
29 that sure ourselves and that really the group that should
30 sit in judgment on this is the AMBCC itself. And I guess
31 that's, to reiterate my beginning statement, I think this
32 Service's position is its first cut at this is a
33 conservation one. Is it something that we really should be
34 concerned about? Is there a conservation question here.

35

36 CHAIRMAN LEEDY: Thank you very much, Bob.
37 Questions. Austin.

38

39 MR. AHMASUK: No question, Mr. Chairman.
40 Thanks, Bob. It's pretty obvious to me that our next
41 meeting, which is going to talk about these bird lists,
42 granted it's going to be a harvest list, but the fact that
43 we have some proposals regarding an avoid list, it appears
44 that those proposals are asking the AMBCC to consider one
45 of its responsibilities in protecting species, which, in my
46 mind, should be a very exhaustive type of deliberation
47 process.

48

49 For instance, criteria for some of the
50 proposals that we're going to take up next time, we have

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1 yet to even talk about criteria. Here's an example of a
2 study that I got a hold of, effects of gull predation and
3 weather on survival of Emperor Goose goslings. There's a
4 lot of information here that makes it pretty clear, at
5 least from a number of perspectives, regarding what happens
6 in certain situation. This is fairly involved, which
7 involved a lot of science. To add to that, the criteria
8 that we're going to use for this in the future should
9 involve a well thought out process involving traditional
10 knowledge, scientific knowledge. I don't think that can be
11 accomplished in a day. I think it's going to take a lot
12 more. I don't know how long it took the Service to come up
13 with the criteria for BCC, but just to identify them I'm
14 sure takes more than a day.

15

16 CHAIRMAN LEEDY: It took considerably
17 longer than a day. One might say years actually. Point
18 well taken. We might need to consider further whether this
19 July 15th meeting should, in fact, be limited to a day or
20 whether we should allow for two days for adequate
21 discussion. We'll get back to you on that.

22

23 We've discussed the need for criteria and
24 the difficulty in defining mutually accepted criteria for
25 adding and deleting. We've talked a little bit about birds
26 to avoid lists that will maybe be called a watch list or
27 something else list in the future. Are there any more
28 comments about those two general topics before we move on
29 to the fourth agenda item here, special projects for
30 species of concern? Okay. Lacking hands or involuntary
31 twitches, we'll move on to number four.

32

33 Special projects for species of concern. I
34 will have to defer to AMBCC Staff to understand more
35 specifically what this was meant to include.

36

37 MR. ARMSTRONG: Thank you, Mr. Chair.
38 Items 1 through 6 were actually identified at the last
39 meeting, but there were issues that needed to be brought up
40 at this meeting. I think the special projects refers to
41 the overall harvest survey plan that the ad hoc committee
42 is working on, special projects meeting, gathering harvest
43 data on birds of concern or threatened or listed birds, the
44 Eiders, Emperors and other birds. Other than the overall
45 harvest survey that we're going to develop, we have to take
46 into consideration is this aspect of it. I don't know if
47 Austin will cover that in his report or not.

48

49 CHAIRMAN LEEDY: Fred, what I think I heard
50 you say is that overlaps considerably with the committee

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1 reports, at least the Harvest Survey Committee report, that
2 we can cover later. Is that correct? Everybody
3 comfortable with that? Okay. Let's just jump on ahead
4 then.

5

6 AMBCC data book. Again, a little
7 clarification would be useful for me. The way I would
8 interpret this initially is that this relates a lot to the
9 species data book we have been talking about developing and
10 had discussed previously where we said ultimately our goal
11 would be to effectively put together something like a
12 loose-leaf binder with a page or two that gave specie
13 specific accounts for all the birds that are on the open
14 harvest list, waterfowl and non-game birds, talk about
15 population status and trends, range, migration, the various
16 significant biological factors. If we're talking about an
17 AMBCC data book beyond that, we need to have someone else
18 elaborate upon that.

19

20 Other than that, the Service will do its
21 best to maintain its pledge to try to get at least their
22 first cut together before the July meeting for distribution
23 on the 14 species of concern and any other waterfowl that
24 we would like to highlight at that time and then hopefully
25 this is a project that we can continue to work on over the
26 summer and perhaps have a solid product or at least an
27 advance draft available to people by October. Any other
28 input from Staff or someone else that might have insight
29 into this agenda item? Mr. Oates, then Mike.

30

31 MR. OATES: Mr. Chairman. I would just
32 like to suggest that based on my conversations the last few
33 weeks with regard to this data book, it sounds like there
34 might be two or three different ideas of what this thing
35 might be in the end floating around out there and I would
36 suggest that before any of us embarks upon putting this
37 thing together that we try to get the partners and the
38 cooperators together in one room for a brain-storming
39 session or whatever to decide exactly what this thing is
40 going to look like when it's done so we don't have
41 different folks working in different directions on it. I
42 don't know if we're looking at something that's going to be
43 annually updated with population information and harvest
44 information similar to the Pacific Flyway data book or
45 something entirely different. My only point being it seems
46 like a fair number of people are thinking about this and
47 what it should look like and they need to be talking to
48 each other a little bit more.

49

50 CHAIRMAN LEEDY: Just a thought, one thing

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1 we might consider for that is distribution of a draft
2 outline sooner rather than later so the various
3 representatives can come close to having a common
4 understanding of what it is we're developing. I'll just
5 say that what I heard earlier is that it was desired that
6 we get a compilation of known information out and into the
7 hands of people as close to the end of May, beginning of
8 June as we can. So, on this first go around we may not be
9 able to meet all needs, but if we can send an outline out
10 those dates, maybe we could get a little closer. Fred.

11

12 MR. ARMSTRONG: Russ has a good point. We
13 probably could do both at the same time. At one point we
14 had agreed on our website we were going to try to list all
15 the birds open to harvest and be able to click on a bird
16 and show a picture and a brief description and the status
17 of those birds. I think we better talk.

18

19 CHAIRMAN LEEDY: We will talk internally
20 and Fred will likely count on you and Staff to get back out
21 to the members so we do have a common understanding, common
22 expectations. Any other comments or suggestions along
23 those lines? Mr. Smith.

24

25 MR. SMITH: Thank you, Mr. Chairman. To
26 the extent possible, we'll have all that information
27 generated prior to our regional meetings. I guess that's
28 what's starting to concern me now, is depending upon when
29 we establish our regional meetings, we'll have to call our
30 regional council back together again to discuss the
31 proposals and the list. So we have to give them time to
32 get the information together prior to our meetings and then
33 we're going to have to crunch all our meetings right before
34 the July 15th meeting sometime about that constraint.

35

36 CHAIRMAN LEEDY: Go ahead, Fred.

37

38 MR. ARMSTRONG: Ralph's motion yesterday
39 kind of outlined some dates, May 30th being a day that the
40 data will be gathered together and sent out to the regional
41 councils. Regional councils will then have until July 7th
42 to respond to the bird list as well as the 13 proposals and
43 we'll have another Council meeting July 15. That was the
44 extent of the motion.

45

46 CHAIRMAN LEEDY: Your point is well taken.
47 That's why I was trying to make a distinction a minute ago,
48 Mike, between having the whole book for the 100-whatever
49 birds versus as much information as we can put together
50 succinctly as possible for the consideration of these 14

00191

1 birds on the list. Sir.

2

3

MR. SMITH: Mr. Chairman. I appreciate that. It's going to be extremely hard now. Now I can see where we've gotten ourselves. That's 4th of July weekend, too. So we have 4th of July weekend between the time Staff is supposed to have the information to us to hold our meeting.

9

10 MR. ARMSTRONG: Mike, May 30th is the
11 deadline for us to submit the information to you.

12

13 MR. SMITH: Yeah, that's what I said.

14

15 MR. ARMSTRONG: From May 30th to July 7 is
16 that window when.....

17

18 MR. SMITH: I missed a month there, Mr.
19 Chairman.

20

21 CHAIRMAN LEEDY: You must have been fishing
22 during June. Okay. One more time here. Further
23 discussion on the data book? Seeing none, we'll pass on to
24 an update on West Nile Virus. I understand Mr. Rothe is
25 going to make a presentation here.

26

27 MR. ROTHE: Thank you, Mr. Chairman. At
28 the last meeting Enoch asked for some information on West
29 Nile Virus and we've had inquiries about it. I think it's
30 probably important that we at least take a quick look at
31 West Nile Virus and whether we should be worried about it
32 and what's going on to keep an eye out for it in Alaska.

33

34 I'll pass around two things. One is a
35 bulletin that's put out periodically by the state
36 epidemiology section and the public health department.
37 This is a bulletin that's developed by a working group that
38 got pulled together a year ago. Public health people, U.S.
39 Fish & Wildlife Service, Fish & Game, the U.S.G.S. research
40 folks and a variety of other military, Park Service, Forest
41 Service folks are connected in this network. This bulletin
42 is kind of like the newsletter for what's going on in
43 Alaska.

44

45 It's important that we not get people too
46 worried about West Nile right now, but we know that people
47 everywhere are seeing it on the news, the birds are here,
48 the mosquitos are out and people kind of start wondering do
49 we have a problem.

50

00192

1 Real quickly, the way West Nile has worked
2 is that it's a disease primarily transmitted between
3 mosquitos and birds. It's a virus, so the mosquito would
4 acquire the virus someplace. The virus has to incubate in
5 the mosquito for a certain amount of time to develop lots
6 of virus and during that period if it bites a bird, it will
7 transmit a dose of virus to the bird. Then there's usually
8 another incubation period, usually two to four days, and
9 during that period if another mosquito comes along and tags
10 that bird, it keeps the chain going. So, typically, most
11 of the reservoir of the virus is between mosquitos and
12 birds. Where the hitch comes in is that occasionally
13 certain kinds of mosquitos feed both on birds and mammals
14 and when they get a virus load from an infected bird and it
15 incubates in their body and they go and bite a person or a
16 horse or anything else, there's that possibility of
17 transmission.

18

19 What we've seen since West Nile has reached
20 North America is a very rapid spread in birds because
21 that's their normal active cycle, but we've also started to
22 see human cases in the East Coast and Midwest now. Over
23 the last three years, the virus has pretty well spread
24 completely. In the first two years, it jumped over the
25 Mississippi River from the East Coast. Last year it hit
26 for the first time west of the Rocky's and it just seems to
27 keep going west.

28

29 So I think the first thing to put this in
30 perspective if people ask you about it is that the disease
31 doesn't seem to be a serious threat to human health. There
32 have been 4,000 cases of people being exposed to this, but
33 most of the time it's minor symptoms. Over this four-year
34 period, 200 deaths have been attributed to West Nile Virus
35 and this is mostly old people and infants. But in terms of
36 disease, it's not a high number of people that die from
37 something like this. Although we know what people can die
38 if they're susceptible, I don't think we want to go around
39 telling people that this is a huge problem, we're highly at
40 risk and it's a deadly disease that we have to guard
41 against extremely.

42

43 The second thing you can tell people right
44 away is that there is not a single recorded case in Alaska
45 of anyone having acquired West Nile here. One guy got it
46 somewhere down in the Midwest and flew up from Chicago and
47 ended up in the hospital, but we're not aware of any cases.
48 We haven't found a positive tested bird in Alaska yet.
49 There's no known human cases where people have acquired it
50 here, so it's kind of wait and see if it shows up here. So

00193

1 I think the main message is we really don't know all the
2 answers of how it might develop and maybe it won't and
3 maybe it will, but people shouldn't go to extreme measures
4 or get too worried about it right now.

5

6 The current thinking of the experts on our
7 group and they're connected with the Center for Disease
8 Control, the National Wildlife Health Lab in Wisconsin and
9 there's a big national network trading notes, so we think
10 that if infected birds arrive in Alaska, there's a low
11 probability that it will get established in the wild here,
12 but we're not quite sure.

13

14 Here's what has to happen. Some bird has
15 to take off from the Lower 48 and that stage when it's
16 loaded up with virus, which is typically a two to four day
17 period, and we know some birds that can cover that kind of
18 ground. Some of the waterfowl get up and make quick
19 migrations. So it's possible that an infected bird will
20 get here. Once it gets here, it has to be bitten by the
21 right kind of mosquito, then the temperatures have to be
22 warm enough for that mosquito to have the virus incubate in
23 it and it has to be the kind of mosquito that will go bite
24 a mammal. We do have a couple of those, but not the same
25 species as the Lower 48. Then, if that mosquito incubates a
26 big load of this and happens to bite a person or another
27 animal, then it's conceivable that we could have a
28 transmission of the disease.

29

30 So, right now no promises or commitments at
31 all. We think the probability of the West Nile getting
32 established is fairly low right now. Just simply because
33 it doesn't seem to spread rapidly north because of the
34 colder temperatures. Then we don't know if our mosquitos
35 are going to be the right kind of mosquitos that will be
36 able to pass this around a lot.

37

38 So, as you'll see in this bulletin here and
39 Fish & Game surveillance bulletin here, we're telling
40 people use common sense precautions if you're going to
41 handle dead birds. We all know about mosquitos. Sure, if
42 you can, wear long sleeves, stay indoors, put Deet all over
43 your body, but we've got to live, too, so we're going to be
44 out there with the mosquitos. I don't think people have to
45 be worried that some big disease is going to get them.

46

47 The network feels it's very important to
48 start looking at birds because some birds are very likely
49 to be the sentinels that will tell us if West Nile gets
50 here. It looks like crows, ravens, jays, magpies, hawks

00194

1 and owls are particularly susceptible to this virus. So we
2 think if we see it, it's very likely to show up in one of
3 those birds. So we've set up a system between the Fish &
4 Game offices, Fish & Wildlife Service, public health
5 offices, if we're on the lookout for these ravens, crows
6 and jays and everything and we get an opportunity to get
7 first specimens, then we can test. When it shows up in
8 birds, it's highly predictable that we're likely to see
9 some human cases after that. Human cases being anything
10 from no symptoms to minor cold type symptoms to maybe some
11 more serious stuff.

12

13 So we're asking people, please, do not run
14 around and package up all the dead birds you find and mail
15 them to Fish & Game. We've got to have fresh birds and
16 we're only looking for these kinds of birds that carry this
17 virus or are susceptible to it. What we're saying in our
18 bulletin is that if you find a dead raven or magpies or
19 something like that, call the local office and ask whether
20 we want the bird. They'll ask is it fresh or is it one of
21 those smelly oozy things. If it's fresh and it's one of
22 these species, we'll make every effort to get it and have
23 it tested. There's a virology lab in Fairbanks set up and
24 ready to go, so the system is already in place.

25

26 I guess right now the bottom line message
27 is there's no reason for alarm. If you use normal
28 precautions around any kind of dead animals, it won't be a
29 problem. Usually we ask people to wear gloves, use a
30 baggie, you know, use a tool or something, don't just grab
31 fresh birds and don't put them in your refrigerator with
32 food and stuff like that.

33

34 There's very little chance that West Nile
35 can get spread other than by mosquitos. So if it comes
36 here and we're exposed, we're likely to get it from a
37 mosquito bite, not from bird blood or not from another
38 animal. There's been very rare cases of blood to blood
39 transmission. That's only because of clumsy government lab
40 workers working with infected animals and then cutting
41 themselves with something. There's two cases of that in
42 the United States. So right now it looks like it doesn't
43 really spread from animal to animal or mammal to mammal.

44

45 I'm putting out a bulletin a little later
46 on what hunters should know about West Nile Virus. The
47 main thing is we're asking people any time you clean an
48 animal you should really wear gloves. There's all sorts of
49 parasites and other diseases that it's smart to protect
50 yourself from. And just be clean with your stuff. So

00195

1 there's no more risk of West Nile from cleaning a duck than
2 there is for some of these other diseases. West Nile is
3 killed very easily by cooking meat. It's susceptible to
4 heat. If it dries out, it can't survive. For tools and
5 such, normal disinfectants kill it off just fine.

6

7 So we want to get the word out there,
8 again, if people find these target species that we're
9 interested in, we'd definitely like to get a hold of fresh
10 ones. Other than that, it's pretty much of a wait and see.
11 If we find it in a bird, it will put the public health
12 system on alert and that will be it. We don't have any
13 specific research projects on birds or other animals. The
14 main idea for monitoring birds is to give the human health
15 people a heads up that it either got here or it didn't.

16

17 One other question I got particular from
18 Greg, I think. He was concerned about reindeer. Right now
19 it doesn't look like West Nile spreads among mammals very
20 readily. In New York, where the disease was all over the
21 place, they tested dogs, cats and other critters and found
22 a very low rate of infection. You might read that species
23 that they've tested positive included reindeer, but in this
24 case it was reindeer at a captive farm in Iowa. It wasn't
25 wild reindeer, it wasn't caribou.

26

27 CHAIRMAN LEEDY: Tom, you've had a couple
28 hands popping up here. Are you ready to take a few
29 questions?

30

31 MR. ROTHE: You're the chairman.

32

33 CHAIRMAN LEEDY: I believe Mr. Smith was
34 first and then Mr. Schiedt.

35

36 MR. SMITH: Thank you, Mr. Chairman.
37 Please excuse me here, just for my own curiosity, I think.
38 It mentions in the article that there are some birds and
39 some species of birds that are severely impacted by it and
40 has a fatal mortality on them. I guess I was curious as to
41 what migratory birds are affected by it and has there been
42 impacts on populations, severe impacts on migratory
43 populations on ducks and geese and stuff like that?

44

45 MR. ROTHE: Mr. Chairman. On these
46 handouts, there's websites, so if you're a surfer you can
47 get tons of information. Recently, about 138 species of
48 birds have been found positive from various specimens that
49 have been reported or turned in or tested. So it includes
50 Canada Geese, Mallards, Grouse. This all started in 1999

00196

1 with a big outbreak in the East Coast. Almost all the
2 emphasis was scrambling to figure out what the human
3 situation was, but also collecting lots of -- as soon as
4 they figured out crows were the likeliest to be infected,
5 lots of crows came in to the labs but not much other stuff
6 got turned in, so it wasn't a good representative sampling
7 of all these bird species. For most species, we don't know
8 how vulnerable they are. We know lots of birds get it and
9 nothing happens. So all we can say at this point is that
10 most of the game birds probably could get this, but we
11 don't know how deadly it is to them. We do know on the
12 East Coast that crow populations have been affected and
13 they're just now starting that second generation of studies
14 to look at bird pops.

15

16 CHAIRMAN LEEDY: Enoch.

17

18 MR. ATTAMUK: I'd like to say thanks. I'm
19 the one that requested this information because we had a
20 meeting here in Anchorage on the EPA and there was over 300
21 people when this came up, about 80 from my area. That's
22 why they had a lot of interest in this. Now I could ease
23 their minds because they told me to go after it. On the
24 reindeer, they told us it was from Canada. See, that's
25 misinformation for us. Canada is just next door. That's
26 why they got pretty worried about it in my region. That's
27 why they asked me to request this and get more background
28 on it. I say thank you and I've been surfing, but I don't
29 have enough time to go through it. There's a lot of good
30 information out there and I thank you so much. I'll take
31 this back.

32

33 CHAIRMAN LEEDY: Joeneal.

34

35 MR. HICKS: Just a short comment. So, in
36 other words, we have to get rid of mosquitos to avoid it,
37 right? If that's the case, then I would suggest that Fish
38 & Game manage mosquitos.

39

40 MR. ROTHE: Mr. Chairman. That might be
41 one of the few things we could claim that we manage. I
42 don't know. There is an issue I'll just mention. Our
43 working group hasn't talked about it. We've gotten advice
44 from states in the Lower 48 where as soon as they get human
45 cases, the public gets scared and they demand that you
46 spray.

47

48 CHAIRMAN LEEDY: A 10-minute break sounds
49 good. As you're breaking, let me just say I'll add another
50 bird to the list here. If you find eagles in good shape

00197

1 and dead, please send them in, too, because that's another
2 possibility of a bird that would share this.

3

4 MR. ROTHE: Bob, one more note. I'm glad
5 you mentioned eagles because eagles are especially
6 protected, they're federally controlled. As you know,
7 there's a Native repository for eagle feathers. All eagles
8 have to go to the U.S. Fish & Wildlife Service and go into
9 that system. The other thing is people are going to find
10 birds. If they're shot, poisoned, electrocuted or
11 otherwise molested, you want to report those to law
12 enforcement and get the bad guys that way too.

13

14 CHAIRMAN LEEDY: Good advice. Ten-minute
15 break. 3:20 reconvene.

16

17 (Off record)

18

19 (On record)

20 CHAIRMAN LEEDY: Well, I can see already
21 everybody looks more bright and alert. We're ready to
22 reconvene here at 3:25. We're chipping away pretty well at
23 the agenda here. Charging right along under new business
24 there was a new agenda item, number seven, identified to
25 clarify regional boundaries and sub-regional boundaries, I
26 believe, was included in that as well. If I remember
27 correctly, Mike, that was your suggested addition to the
28 agenda, so do you want to introduce this or someone else?

29

30 MR. SMITH: Thank you, Mr. Chairman. I
31 guess I'll take credit for that since I did do it. The
32 issue was how to draw and establish boundaries for those
33 communities that have requested inclusion into the process
34 and the purpose of those boundaries and so on and so forth.
35 That goes back to, just some edification on my part, about
36 how the original boundaries were established and drawn the
37 way they were considering the points made in the protocol
38 that talked about the Mat-Su Borough and the Anchorage
39 Borough and things like that and why that boundary wasn't
40 drawn around those boroughs and things of that nature, Mr.
41 Chairman. That was kind of what I was getting at. And
42 then how to undertake the process of establishing
43 boundaries for those communities that seek inclusion.

44

45 CHAIRMAN LEEDY: Thank you. I'll ask Fred
46 and Staff if they've got any comments on that before I
47 stumble on ahead.

48

49 MR. ARMSTRONG: I know it's been an ongoing
50 issue with some of the petitioners because the communities

00198

1 that were excluded petitioned to be included. They were in
2 excluded areas, so we needed to have a definition of what
3 area they proposed for their activity, so we left it up to
4 the regions to define the traditional hunting areas, which
5 they've done very well. We understand there's overlap
6 that's surfaced in a couple of the proposals. Other than
7 outside the Ahtna Region, I think that's going to warrant
8 further discussion with other regions that are affected by
9 that and get some coordinated effort and agreement to how
10 those areas will be utilized by both sides.

11

12 CHAIRMAN LEEDY: Thank you. Let me take a
13 shot at a few things more of a historical perspective that
14 I hope we can jump over quickly and get to further
15 business. I'll get with you just a moment. Have a seat.

16

17 MR. SMITH: Mr. Chairman, I appreciate that
18 because I'm real concerned -- interested in how this orange
19 line up here was originally drawn and why it was drawn that
20 way.

21

22 CHAIRMAN LEEDY: I'll tell you right up
23 front I cannot give you every element of history and I
24 certainly can't defend exactly the way the line went, but I
25 know that actually the development of the protocol
26 amendment to the Canadian Treaty and then with the Mexican
27 Treaty, you know, this is sort of properly characterized in
28 recent times as an effort that originated in the late '80s,
29 early '90s. It actually was an ongoing process that,
30 believe it or not, began as early as the mid 1950s and then
31 grew within the service and was included in the Soviet
32 Treaty, now the Russian Treaty, in 1976. That basically
33 laid out the framework for the amendments that were made to
34 the Canadian Treaty. The concept I'm trying to get across
35 is this long evolutionary process.

36

37 As you're aware, when the negotiations were
38 concluded with Canada and the various American parties that
39 were involved in the late 1980s, early 1990s, there were a
40 lot of people in a room probably with not all the
41 information that they would have benefitted from that had
42 to make some rough cuts, you know, and they were faced with
43 some very tough choices as to what's in, what's out, how do
44 we balance this in a way that the rest of the country, the
45 rest of the continent viewed as fair, so they just in very
46 rough terms excluded areas that were major, more recent
47 population centers, that were on the roadway system, that
48 were perceived as having ready access to grocery stores and
49 other elements of economics system. With that, I'll just
50 say they came up with what they did as rough cut and they

00199

1 tried to make it clear that not everything in the included
2 areas probably belongs there certainly over time and not
3 everywhere within the excluded area belong there, so they
4 had to have a specific petition.

5

6 I say, frankly, at this point, how we got
7 here is largely irrelevant from our day-to-day work
8 standpoint. We have what we have in the protocol and the
9 associated papers and I guess I would just suggest I hope
10 we can all just sit down and deal with what we've been
11 dealt and then try to sort it out as best we can.

12

13 MR. SMITH: Mr. Chairman. I appreciate it
14 and that's kind of a little further back than what I was
15 anticipating as far as history goes, but I appreciate that
16 and I appreciate what you say about what we're dealt with.
17 I guess that's what concerns me because certainly in
18 regards to -- and that's why I kind of brought this all up
19 is because I think it goes directly toward establishing
20 boundaries for these areas. The way I read protocol, and
21 correct me if I'm wrong, I mean somebody can certainly
22 correct me if I'm wrong, but it's pretty clear what it says
23 about excluded areas, you know, and it talks about the
24 borough boundaries, the Mat-Su Borough and the Anchorage
25 Borough. The only thing about the Alaska Range it talks
26 about is generally that those areas north of it are
27 included. It doesn't speak to those areas south of it at
28 all. I guess that was my concern.

29

30 If that line, that orange line that is up
31 there now were drawn according to the domestic
32 implementation, what was envisioned by that, we would not
33 have this problem. We'd not be dealing with this issue of
34 Gakona and those people being in. They'd be in already.
35 Tyonek would be in already. And that's, I guess, where I
36 was coming from in that regard. Whether or not it would
37 not, and why not, it would not be prudent for us to
38 possibly redraw that orange line to include -- I mean to
39 follow the guidelines as expressed by the protocol and its
40 domestic implementation provisions to draw that line around
41 the boroughs and would eliminate this problem of having to
42 identify specific areas for certainly Tyonek and the Copper
43 River areas and places like that.

44

45 CHAIRMAN LEEDY: Fred.

46

47 MR. ARMSTRONG: The borough boundaries are
48 clearly defined. It's the other aspects of the treaty
49 language. The Gulf of Alaska roaded system, the Kenai
50 roaded system, those we couldn't define properly. In our

00200

1 discussions last year, prior to you getting on, Mike, the
2 Council agreed that they would be excluded for now with the
3 caveat that they would be the first to petition for
4 inclusion and the Council act on those. That's the reason
5 why we're here today with that. Because a community
6 successfully petitions for inclusion doesn't automatically
7 mean that the entire region is included. It's a community
8 by community basis. We're really stuck with vague treaty
9 language that we're having to work through right now. This
10 is not only one area. There's other areas that we have to
11 address in the treaty.

12

13 CHAIRMAN LEEDY: Austin.

14

15 MR. AHMASUK: Thanks, Mr. Chairman. Fred,
16 you mentioned that the Co-management Council agreed to
17 exclude them. I don't think that's correct. I thought I
18 heard you say the Co-management Council at some point
19 agreed to exclude the community south of the Alaska Range.
20 I don't think that's correct unless I misunderstood you.

21

22 MR. ARMSTRONG: It is correct. The Council
23 did act and agreed that Copper River and Chugach would be
24 the first to be considered. They would agree to be
25 excluded for the first regulatory year and then petition.
26 That was agreed upon. We can get the transcript if
27 necessary to show that. They produced letters of intent to
28 petition for inclusion.

29

30 MR. AHMASUK: You may very well be correct
31 if they petitioned us for inclusion, but I find it pretty
32 hard to believe that we agreed to exclude them from the
33 very beginning. How could we agree to exclude them when
34 the protocol language says or indicated that they're
35 excluded. We would be saying that we agree that the
36 federal government should exclude them. We don't have to
37 agree that the government can exclude them. We have to
38 follow what the federal government has told us.

39

40 MR. ARMSTRONG: If I may, Mr. Chair. The
41 absence of a definition of the Gulf of Alaska roaded system
42 and the absence of a definition for a Kenai roaded system,
43 and it was agreed upon that they would be excluded for the
44 first year. That's the problem we face. It's not the
45 borough boundaries. They were clearly defined. It's the
46 lack of definition for Gulf of Alaska roaded system and
47 Kenai roaded system that the Council agreed.

48

49 CHAIRMAN LEEDY: I know there are a couple
50 other people that want to speak, but I think relevant to

00201

1 this, by way of history again, I know at one point it
2 wasn't just the Gulf of Alaska roaded system, it was
3 basically the contiguous roaded system within Alaska. For
4 instance, it would have extended not just south of the
5 Alaska Range, but up to Nenana, over to Tok and Delta, like
6 that. I know these were variations that were discussed
7 early on and proposed as possibilities. I won't say
8 anything more about that other than what wound up as a
9 result of the negotiations as effectively a compromise.
10 Mike.

11

12 MR. SMITH: Thank you, Mr. Chairman. You
13 know, the protocol language talks about the Kenai Peninsula
14 roaded area and the Gulf of Alaska roaded area. I don't
15 see the problem with identifying them. We could sit here
16 on the map real easily and cut out those areas and then
17 follow the boundaries of the boroughs. I think that that
18 would satisfy our issue concerning the establishment of
19 boundaries for the inclusion of these communities. It's
20 pretty simple. What we're talking about is the boundary
21 line for the borough, the Anchorage borough right here, or
22 that's Mat-Su, then here down in Anchorage, so that area
23 definitely excluded. Fairbanks area is excluded. As far
24 as the road system down here, all that would entail is
25 moving a little area like this and then down here on the
26 Kenai we could just take in this portion of the Kenai along
27 this line and there we would have it taken care of.

28

29 MR. ARMSTRONG: You've got other
30 communities, such as Tyonek, that is not on a roaded
31 system. Those are areas that are within this area here.

32

33 MR. SMITH: Tyonek is outside the Mat-Su
34 Borough.

35

36 MR. ARMSTRONG: And west of the Alaska
37 Range is really the preceding language. They're in this
38 sort of gray area. They're not on a roaded system, they're
39 south of the Alaska Range, but they have a history of use
40 of migratory birds. That's what we had to consider.

41

42 MR. SMITH: But Tyonek isn't in the Mat-Su
43 Borough.

44

45 MR. ARMSTRONG: They're off the roaded
46 system.

47

48 MR. SMITH: It seems like we just went down
49 a road that was unduly complicated for some reason that I
50 don't understand.

00202

1 MR. ARMSTRONG: We're headed well down that
2 road. I'll also point out that this didn't say just
3 exclusively these boroughs. It talks about the Kenai
4 roaded area, Gulf of Alaska roaded and southeast Alaska.
5 It's not just the boroughs, it's the boroughs and these
6 other less well defined areas.

7

8 MR. SMITH: And we can take care of that,
9 those areas. The Kenai roaded system is this portion right
10 here what they're concerned about. The road system over
11 here is primarily the Valdez, Glennallen area and then
12 southeast, of course, is southeast.

13

14 MR. ARMSTRONG: What constitutes a roaded
15 area -- even Nome came into discussion about this because
16 they have a large roaded system.

17

18 MR. SMITH: But they don't talk about that,
19 they talk about these two road systems.

20

21 MR. ARMSTRONG: We don't have a definition
22 for what a roaded system is.

23

24 MR. SMITH: But we do know that they're
25 talking about the Kenai and this. Nome has nothing to do
26 with this.

27

28 MR. ARMSTRONG: Yes, it does.

29

30 MR. AHMASUK: Point of order, Mr. Chairman.

31

32 CHAIRMAN LEEDY: Mike, we appreciate the
33 comments, but we have other people that wish to speak.
34 Tom, before we get to you, Pete.

35

36 MR. ABRAHAM: Both of you answered the
37 question I was going to bring up. Thank you.

38

39 CHAIRMAN LEEDY: Thank you. Tom.

40

41 MR. ROTHE: Just to comment on some of the
42 background. I guess I would concur with Bob that when we
43 started looking at the treaty amendment stuff, the
44 negotiators that worked with the Fish & Wildlife Service to
45 create the positions just made a first rough cut to serve
46 as a starting point. The two things they really looked at
47 is, first of all, let's cut out the urban areas that don't
48 have a strong dependence on subsistence. Second of all,
49 let's look at areas where people hunt most of their birds
50 in fall and winter. That was just the roughest kind of cut

00203

1 and that's where that line came from. I think other than
2 telling us where to start from, the line really doesn't
3 make any difference. They've set up a process where they
4 said for anything generally inside that line it warrants a
5 case by case look and as long as we're fair, we'll make
6 sure everybody that needs to be in there will be in there.
7 I don't see where it's useful to revisit the magic line
8 because it just served as a starting point a couple years
9 ago.

10

11

MR. SMITH: Mr. Chairman, the purpose of
12 revisiting the magic line is to help in the determination
13 of boundaries for these proposals that are currently before
14 us. In numerous of those proposals, if we changed those
15 boundaries, it would take care of that issue and we would
16 not have to go down that road of trying to identify
17 individual areas for those communities.

18

19

CHAIRMAN LEEDY: Joeneal.

20

21

MR. HICKS: While we were on break, I had a
22 conversation with Austin. Let's say that we are included.
23 For all intents and purposes, let's say the Ahtna Region is
24 the area we agreed to as being available for the eight
25 communities. My question to him was what lands are we
26 actually able to legally harvest migratory birds and the
27 answer I got pretty much was on federal lands. Is that
28 correct?

29

30

CHAIRMAN LEEDY: Federal lands certainly
31 would be included, but I think Matt would be in the best
32 position to address state and private lands.

33

34

MR. ROBUS: Through the Chairman. Joeneal,
35 the situation -- I guess you weren't at the last meeting
36 where we talked about this a little bit. The situation is
37 that even though the state has been an active partner in
38 this whole process and an active participant on the Co-
39 management Council in coming up with a legalized
40 spring/summer hunt, at the same time state court decisions
41 prevent us from adopting regulations that distinguish
42 between people based on where they live. I mean that's why
43 we're in Tier II and all the other things that go on with
44 subsistence in the state side.

45

46

So the current situation is that for the
47 2003 season for which the federal regs are about to be
48 published, the state cannot adopt those same regulations on
49 state lands. The Department of Law is looking at ways to
50 possibly allow something to happen. I don't think we're

00204

1 going to get there for the 2003 season, but possibly for
2 the following season the state law department will resolve
3 a way to allow this type of hunting because it's allowed
4 under federal law. That's about all I can say at the
5 moment. We're looking to get there, but right now the
6 state legal requirements prevent us from doing so.

7

8 So, technically, yes, it's going to be
9 legal on federal lands. On state and private lands that
10 are managed by the state, the state enforcement personnel
11 have basically committed to not going into a high profile
12 enforcement mode for the spring hunt. They are going to
13 basically allow the hunt to happen and I realize that's
14 going to be an uncomfortable situation because they're
15 supposed to be enforcing the state law and here's something
16 that doesn't comply with state law, but they are not
17 interested in getting into an enforcement situation on the
18 spring/summer subsistence hunt because it would not be a
19 real wise thing to do under the circumstances with this
20 process going on in federal lands.

21

22 MR. HICKS: What I'm getting at is, if we
23 say the Ahtna Region as being the area again and if you
24 were to bring up a map that shows the land status in that
25 area, you see that there's, what, 10 percent outfitter
26 lands available for us to hunt, so it's like a lost cause
27 here. Sure, we're included, but where are we going to
28 hunt? That's the thing. It's all private or all state.

29

30 CHAIRMAN LEEDY: Matt.

31

32 MR. ROBUS: Through the Chair. I think
33 that the important thing is for the federal hunt to be
34 established in the area, wherever that area turns out to
35 be. That at least allows the negotiations to go forward to
36 try to get it allowed on other lands. Obviously, if the
37 federal hunt is not put in place, then whatever the state
38 does doesn't really matter. You're not allowed to go
39 hunting there. It's a first step.

40

41 MR. HICKS: So basically I go back to doing
42 what I was doing yesterday, sneaking around, right?

43

44 CHAIRMAN LEEDY: I'm sure Matt will have an
45 opportunity to come back again, but, Mike, what's up?

46

47 MR. SMITH: Mr. Chairman, thank you. Joe,
48 in response to your question and then in response to Matt's
49 statement, I take the stance and certainly TCC has taken
50 the position that the Migratory Bird Treaty does apply to

00205

1 state lands and private lands in Alaska, that the state is
2 totally wrong in not accepting the federal supremacy of the
3 Migratory Bird Treaty and that ultimately that will have to
4 go to a court case somewhere, but we feel that the federal
5 law will prevail on that issue. So it would be TCC's
6 position to go ahead and hunt wherever you want to and what
7 I think is kind of going to end up happening and I've
8 thought about this a lot and I'm kind of sad that it has to
9 get to that point, but it probably is going to end up
10 having to take some sort of enforcement case somewhere to
11 bring a lawsuit that will determine the applicability of
12 the Migratory Bird Treaty Act in Alaska. Unfortunately,
13 that's probably where it's going to go.

14

15 CHAIRMAN LEEDY: Well, let's try to work
16 together as much as we can. Matt, before you do come back,
17 Fred had his hand up.

18

19 MR. ARMSTRONG: I discussed this issue with
20 the regional solicitor and they have to review the issues
21 at hand here before reaching impact to federal law. Does
22 it apply to state lands? I think that is going to be one
23 that's going to take some concerted time and effort. We're
24 just not prepared to make a statement either way. I had to
25 put that on the record.

26

27 CHAIRMAN LEEDY: We're partners until
28 someone tells us otherwise. Matt.

29

30 MR. ROBUS: This isn't really a comeback,
31 but just a finish to my statement. As wildlife managers on
32 the state side and having had some of our wildlife
33 management laws preempted by federal law before, I can tell
34 you that it's our preference to try to have state laws that
35 allow us to manage migratory birds during the spring/summer
36 hunts. We're prevented from doing that at this point. We
37 hope that this doesn't come to another federal preemption
38 with all the problems that that brings, but it could. I
39 guess that's getting to where Mike is going, but we'd much
40 prefer to be one of the managers rather than the bystander.

41

42 CHAIRMAN LEEDY: We've obviously wandered
43 off the narrow topic a little bit at least to clarifying
44 regional boundaries. This is something clearly that needs
45 to be done. Joeneal, on the subregional basis, remember
46 when you had your north and your south areas, we do need to
47 work with you, Staff needs to work with you to define that.
48 I'm not aware of any other real area-specific issues that
49 address that yet. Fred, I will ask you at what point do
50 you anticipate addressing the question of whether Ahtna's

00206

1 Copper River Native Association's hunt boundaries are
2 confined to the Ahtna Region or could extend beyond them?
3 Is that something that would come up next fall?

4

5 MR. ARMSTRONG: I'm not sure. I think we'd
6 try to get a quick resolution as possible. I think we've
7 pretty much taken care of the Ahtna Region. Beyond that
8 we'll have to work on it.

9

10 CHAIRMAN LEEDY: So we may consider that.
11 Before we break, I would like to at least go through a list
12 of potential agenda items for next time. That might be one
13 of them. Sir.

14

15 MR. ARMSTRONG: I think we can work on that
16 unless we fall into some legal hurdles here, but they've
17 already been included. We're just trying to identify their
18 hunting area.

19

20 CHAIRMAN LEEDY: Understood. Austin.

21

22 MR. AHMASUK: Thank you, Mr. Chair. It
23 appears that the protocol allows for refinement of included
24 areas. The procedural regs also allow for refinement of
25 included areas. I'm wondering how, when we include an
26 area, what process is going to allow for the protocol
27 language to be refined?

28

29 CHAIRMAN LEEDY: It's not clear to me that
30 the protocol language itself needs to be refined. I think
31 that's covered when the protocol language suggests that
32 most areas or areas within the included areas generally
33 will be able to hunt. Most communities in the excluded
34 areas generally won't, but it clearly leaves some
35 flexibility I think up to this Council, this management
36 body, to define within those general boundaries. My
37 personal thought is that it wouldn't require a modification
38 of the protocol language because it suggests that further
39 refinement is necessary. Mike.

40

41 MR. SMITH: Austin, were you referring to
42 excluded areas, too?

43

44 MR. AHMASUK: Mr. Chair. Yeah. Page nine,
45 domestic implementation. The list of exceptions doesn't
46 mean that individual communities within areas that are
47 excluded cannot meet the designation for subsistence
48 harvest areas. So, yeah. The letter of submittal doesn't
49 necessarily say AMBCC go out and do this and draw some
50 lines because we weren't formed at that time yet. The

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1 procedural regulations on page 535.12 suggest that
2 refinement of these areas falls upon our responsibility.
3 And I guess when it was said the lines can't be redrawn
4 again, I guess I'd have to disagree with that based upon
5 their procedural regulations and how the protocol suggests
6 refinement in the first place.

7

8 CHAIRMAN LEEDY: Okay. I guess the way I
9 have looked at that and would suggest this as a starting
10 point is that those lines on the map are no more than
11 general guidance and a starting point. The way the
12 protocol reads, I think it expects this group to exclude
13 some communities in included areas and to include some
14 communities in excluded areas. I don't think it's a matter
15 of redrawing the line so much as it is identifying those
16 individual communities as in or out in the future. Does
17 that make sense?

18

19 MR. AHMASUK: Yeah, it certainly does, but
20 I'm just wondering how the protocol language, how the
21 procedural regulations, how they suggest to me anyway that
22 areas are to be refined. When we included the Copper River
23 area, we don't ever have to take that up again as part of
24 the protocol language? What happens after that? When we
25 turn the switch on at the AMBCC level, the protocol
26 language hasn't turned the switch on, but the protocol
27 language does say you guys down here turn the switch on and
28 then what?

29

30 CHAIRMAN LEEDY: Well, when we have regs
31 that would do it. Staff, please.

32

33 MS. DEWHURST: So the next step, as I see
34 it, my job is going to be over the next month to write in
35 these new areas into a proposed rule. It will be the
36 proposed rule for next year. So we will have to do
37 whatever -- you know, the seasons, any aspects of these new
38 areas are going to have to actually be published in the
39 federal register and I'm going to have to have the document
40 ready to go to the SRC because they have to see that
41 proposed rule actually. Basically, since the SRC meeting
42 is right after our July 15th, I'm going to have that
43 language done by the July 15th meeting and you guys can
44 probably be able to see what is going to be the proposed
45 language. It still would be available for some tweaking,
46 but that's the next step. It has to be in the proposed
47 rule, which will go out for a 60-day comment period
48 probably. We prepare it for recommendation to the SRC. If
49 the SRC approves it, then it would go out as a proposed
50 rule. Then 60-day comment period by the public and

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1 everybody else, then of course the final rule. The same
2 thing we're dealing with right now, so that would be the
3 step. Anywhere in that process things could be changed.
4 Certainly, even once it's a final rule, that's not to say
5 we can't revisit it in the future and tweak it some more.

6

7 CHAIRMAN LEEDY: Thank you, Donna. I'll
8 also remind everybody we essentially have two sets of rules
9 we're working with. One we've referred to as the
10 procedural rules and they don't necessarily change every
11 year. Then there are also the annual regulations that deal
12 more with seasons, bag limits and so forth. I think we
13 should envision over time that these procedural regulations
14 are beyond procedural. They're just sort of your base
15 foundation of regulations that say who can hunt under what
16 circumstances and methods and means and that kind of thing.
17 After several years of refinement, I would hope personally
18 that we would be able to establish a set of base
19 regulations that include those that are in, those that are
20 out and procedures for the future that are just sort of set
21 aside in federal regulations that are ongoing and then
22 we're able to focus more just on the annual regulations.
23 Mike.

24

25 MR. SMITH: Thank you, Mr. Chairman. I
26 hate to belabor the point, but I think Austin kind of
27 touched on something. It brought up thoughts to mind. We
28 are charged with re-evaluating the excluded areas as well.
29 I see no problem with approaching it from that perspective
30 of taking and redrawing that orange line and sending that
31 to the SRC and saying after looking at this and after
32 reconsidering this we think that these areas need to be in
33 the included area and not in the excluded areas. Having
34 done that, it would take care of Tyonek, it would take care
35 of these guys. I think we can approach it from that
36 perspective as well instead of trying to identify specific
37 areas. I think that that's an approach that is a valid
38 approach.

39

40 CHAIRMAN LEEDY: Austin.

41

42 MR. AHMASUK: Mr. Chair. As was noted, the
43 process here, what happens is, when a community is in, it's
44 in forever and would it be in the procedural regs?

45

46 CHAIRMAN LEEDY: We're not saying forever.
47 I mean always open to continued refinement by this body,
48 but not for annual review or something like that. I'll
49 just also, in reaction to Mike's comment, say that the
50 protocol tells us in the excluded areas to go through a

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1 deliberative process community at a time and unless I'm
2 surprised by recommendations from Staff or our solicitor's
3 office, I think our hands are pretty much tied and we take
4 communities one at a time in those excluded areas. Enoch.

5

6 MR. ATTAMUK: This is just a thought. The
7 boundaries that we're talking about is for units for
8 hunting. The caribou have their own boundaries. Why can't
9 we start with a new slate and just start our own map just
10 for migratory birds? I know it's going to be extra work,
11 you know. We start with a completely new map so we don't
12 have to say this is North, this is Anchorage Borough, the
13 Mat-Su, or we won't say Unit B, Unit C or Unit A. It
14 wouldn't be too hard for us to come up with our own map for
15 our own area.

16

17 MR. SMITH: Mr. Chairman. I agree with you
18 and I think that's what I was talking to you about,
19 redrawing the lines concerning excluded areas. Instead of
20 trying to redefine the lines that have included areas, our
21 problem stems from the fact that we are extremely generous
22 in giving excluded areas a line here. I think that that's
23 where the problem started and, to a large extent, that's
24 where the problem currently lies, is some line that was
25 drawn by somebody around the peaks of the Alaska Range that
26 encompass all those areas that should have been included
27 because they have customary and traditional uses.

28

29 CHAIRMAN LEEDY: We're going downhill here
30 on a debate that we can't totally solve here. I would
31 suggest that what we have is the wherewithal through the
32 protocol and the acceptance of that that lays out the game
33 rules for us and we need to work within the bounds of that.
34 I think we're going to come up to the same point. I
35 certainly am sympathetic to your frustration about process,
36 procedure and time involved, but I don't think us just
37 telling the framers of the protocol that we disagree with
38 them is going to work. We need to go through this
39 deliberative process a community at a time in the excluded
40 areas. If we have advice to the contrary, we'll certainly
41 heed it.

42

43 MR. SMITH: Mr. Chairman. Are you then
44 saying that there is no room for us to review or modify the
45 excluded areas other than through this individual village
46 process?

47

48 CHAIRMAN LEEDY: That's certainly my
49 understanding, yes.

50

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1 MR. SMITH: I don't think that's the way it
2 should be interpreted, Mr. Chairman.

3

4 CHAIRMAN LEEDY: Tom.

5

6 MR. ROTHE: I guess I'm trying to figure
7 out. Obviously, the framers of the protocol weren't
8 comfortable with opening everything and they just took a
9 first cut line and said, well, we pretty much know that
10 everything in the north and west has a pattern, so we won't
11 worry about that, so that's presumably in. We're not sure
12 about these southeast, southcentral groups and that's why I
13 think they set up this process, to make us go through case
14 by case and document better where exactly the subsistence
15 is used. So I'm not sure what you're proposing, Mike. To
16 me, I'm trying to figure out are you saying open
17 everything? Because that was pretty much ruled out by the
18 people who put the protocol together.

19

20 MR. SMITH: That's what I'm getting so
21 frustrated about right now. That's not what I'm saying at
22 all. What I'm saying is that if we change the boundaries
23 of the excluded area, which is in our authority -- I think
24 everybody thinks we can do that, right?

25

26 UNIDENTIFIED SPEAKER: (Indiscernible).

27

28 MR. SMITH: We can't define the excluded
29 areas?

30

31 UNIDENTIFIED SPEAKER: They're already
32 defined.

33

34 MR. SMITH: What do you mean they're
35 defined?

36

37 UNIDENTIFIED SPEAKER: The treaty already
38 identifies the excluded areas.

39

40 MR. SMITH: Yes. And I'm saying that that
41 line that you've drawn excluding areas is wrong and that's
42 what I think we need to get back to because it doesn't say
43 everything south of the Alaska Range is excluded. It says
44 everything north and west of it is generally included. So
45 your interpretation in assuming that everything south of
46 that is excluded I think is wrong and erroneous. It then
47 goes on to qualify those areas south of the Alaska Range by
48 saying the boroughs and we can draw lines around the
49 boroughs very easily. The road area in the Kenai we can
50 draw a line around very easily. The road area around

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1 Cordova up to Glennallen we can draw a line around very
2 easily. And southeast we can draw a line around very
3 easily. That would take care of this problem of these
4 communities.

5

6 CHAIRMAN LEEDY: Austin, please.

7

8 MR. AHMASUK: Mr. Chair, thank you. Well,
9 I guess I'd have to agree that we can't define the excluded
10 area because it's already been defined for us. I think I'm
11 still going to disagree unless I see a piece of paper
12 before me that says this Council agreed with some sort of
13 action to exclude the Ahtna Region, that we actually did
14 that. However, having said that I agree with the way in
15 which an excluded area is mapped out, what we can do is
16 refine it. The protocol says that they'll look down to us
17 for refinement. That's something that no one here can
18 deny. You can't deny that.

19

20 CHAIRMAN LEEDY: Joeneal.

21

22 MR. HICKS: Given lack of time here, is it
23 possible -- I know that the Fish & Wildlife Service is
24 rich. Can you get a legal opinion from the.....

25

26 CHAIRMAN LEEDY: I think we have it.

27

28 MR. HICKS: We do? On this particular
29 subject? Can I get a copy of that? Do you have a copy of
30 that somewhere?

31

32 MR. ARMSTRONG: Mr. Chair. I wish Patty
33 was here because she was part of this discussion as well as
34 Gloria Stickwan and they agreed in their council meeting
35 that we'll go along as long as we're first on the agenda
36 for next year.

37

38 MR. ROTHE: Mr. Chairman.

39

40 CHAIRMAN LEEDY: Excuse me, Tom. Go ahead.

41

42 MR. ROTHE: I'm not sure if this is the
43 same thing, you can help me out, Fred, but I think we were
44 in a dilemma because of defining what exactly is in and
45 out. Last year we were in this position where the Ahtna
46 Region in particular was like are they on the road system
47 or are they south of the range, north of the range or
48 whatever. The regional director actually made a decision
49 on the list of communities that he wanted us to take a
50 special look at. So, as far as I understood it, just for

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1 the 2003 start up, we're going to assume that they're
2 excluded and then we'll look at them case by case, so I
3 don't think it was intended to be a permanent decision. At
4 this point, there's a category of communities that are kind
5 of unknown and the Council should take a look and deal with
6 them case by case and that's exactly what we did.

7

8 CHAIRMAN LEEDY: I was just reading a bit
9 of the transmittal memo that basically interprets the bird
10 call here. Under domestic implementation, third paragraph
11 in the middle, it says that subsistence harvest areas
12 encompass the customary and traditional areas of villages
13 with a customary and traditional pattern of migratory bird
14 harvest. These areas are to be designated through a
15 deliberative process which would include the management
16 bodies discussed below and employ the best available
17 information, et cetera and so forth. So I think if we were
18 to, in your words, Mike, redraw the lines, we would still
19 have to do that in a deliberative village by village
20 process.

21

22 MR. SMITH: Mr. Chairman. I would suggest
23 that the drawing of the exclusion line should have fallen
24 under that process as well and not done by -- I don't
25 remember this body doing anything saying that we're going
26 to go peak by peak through the Alaska Range and then extend
27 it down here and extend it over here. That was done by
28 somebody I don't know.

29

30 CHAIRMAN LEEDY: I'll tell you what, guys.
31 It's almost 4:15. We've inherited what we've got to work
32 with. A lot of us are probably happy with every little bit
33 and piece of it. We will, as Fred promised, try to get
34 further clarification or affirmation by the solicitor's
35 office on the interpretation we've variously provided for
36 you today. Let me ask an open question. Are there other
37 issues regarding this clarification of regional and
38 subregional boundaries that we would benefit from
39 discussing in the little bit of time we have left today?
40 Thank you.

41

42 It says here we're on lunch break. Let's
43 jump in then, following the agenda, to committee reports.
44 Austin, are you ready to speak for the Harvest Survey
45 Committee? Please do that.

46

47 MR. AHMASUK: Thank you, Mr. Chairman.
48 I'll try and be as brief as I can. We've had numerous
49 meetings since the beginning of the establishment of the
50 Harvest Survey Committee in mid 2001 when the committee

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1 first met shortly after its creation. Most recently the
2 Harvest Survey Committee met and decided on a few last
3 steps in order to implement a statewide harvest survey. On
4 Tab 26 are the Harvest Survey Committee members. Two
5 Co-management Council members are not on there. Edgar
6 Houser and Hans Nicholson were appointed from the Co-
7 management Council body to also serve on the committee. I
8 believe the rest of the committee members are correct with
9 the exception of Gwen Stickwan.

10

11 At our last meeting April 28 and 29 we met
12 and we looked with great detail at a statistical report
13 prepared by an independent contractor who looked at the Y-K
14 Delta and the Bristol Bay harvest survey data and came up
15 with some perimeters we could look at for statement harvest
16 survey design. About the beginning of May this month, a
17 couple weeks ago, a memo was generated on behalf of the
18 Harvest Survey Committee to all regions to identify some
19 community clusters. The community clusters would help the
20 Harvest Survey Committee in their design of a statewide
21 harvest survey.

22

23 It should be noted that the federal
24 government has a limited and dwindling budget to implement
25 a statewide harvest survey, so cost factors were looked
26 into regarding a statewide harvest survey implementation.
27 Many areas in the past, with the exception of the past two
28 years, have been harvest surveys that are essentially
29 complete censuses of villages. Virtually every household
30 is surveyed on the migratory bird harvest.

31

32 The past couple of years a stratified
33 survey has been implemented and tested out meaning that
34 there's not enough money to go around, so not all
35 households and village can be surveyed. So based upon an
36 exhaustive study of the Y-K Delta Region and the Bristol
37 Bay Region, some of these harvest survey sampling routines
38 were tested. They've been in place on the Delta for a
39 couple years and other areas for a year, the results of
40 which are not available or shortly will be available.

41

42 But basically the approach that we have
43 taken over the years in our Harvest Survey Committee
44 meetings is that we have a limited budget to implement a
45 statewide harvest survey, so a survey has been done in the
46 past cannot be implemented at the funding level that has
47 been allotted. This request for assistance to the regions
48 from the Harvest Survey Committee was generated to help
49 identify some sampling routines that can be implemented by
50 Fish & Wildlife Service. To implement a survey with this

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1 idea, that effort in communities and efforts in regions,
2 has to be reduced in order to meet costs.

3

4 Some regions, including my region, I've
5 made it known that a complete census is the preferred
6 method of harvest survey. It's likely that if our region
7 is going to deal with the Fish & wildlife Service on these
8 harvest surveys, that they too will have similar cost
9 constraints. So these community clusters that the Harvest
10 Survey Committee asked the regions to identify by the end
11 of this month will assist in a stratified sampling routine.
12 Basically, regions are asked to identify clusters within
13 their own regions who have similar harvest patterns,
14 cultural ties with one another that can be grouped
15 similarly. Community hubs in regions, which are usually
16 large communities, are to be included as a separate cluster
17 and then perhaps, if they know of a particular bird
18 populations that fit well with the criteria I mentioned
19 regarding harvest pattern similarity, cultural and so forth
20 and those regions can identify those clusters based on that
21 as well.

22

23 The next meeting of our committee is going
24 to be in July, I believe shortly after or immediately after
25 July 15th, the Co-management Council meeting that we
26 identified. We adopted the minutes of the November 3 and 4
27 and 5, 2002 Harvest Survey Committee meeting as well as the
28 February 3 and 4, 2003 committee meeting. I'd like to
29 submit those for the record. I have those here, so I guess
30 I give those to you or Fred.

31

32 The Harvest Survey Committee meeting we
33 generally have always met on a two-day schedule of
34 intensive meetings, quite exhausting. The members have
35 contributed greatly to knowledge of how harvest surveys
36 have been implemented in the past and how we can implement
37 them in the future. There's this cost limiting factor that
38 has to be dealt with. The formation of this committee was
39 primarily to address this issue of increased harvest that
40 the protocol stipulates concern or further or restricted
41 regulation will be enacted should significant harvest
42 increases take place relative to the continental population
43 sizes. So the committee has been looking into ways
44 sampling methods in which significant increases can be
45 detected and can they be detected reliably. We've had a
46 great amount of statistical consulting with outside
47 contractors in dealing with this.

48

49 Cynthia Wentworth, U.S. Fish & Wildlife
50 Service, a subsistence specialist, has been primarily

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1 responsible for one particular aspect that kind of caught
2 us by surprise and which means that a harvest survey won't
3 be able to be implemented this year. The Office of
4 Management and Budget has required full compliance with the
5 Paperwork Reduction Act regulations. So, as a result of
6 that, the survey form that we use has to be submitted and
7 the process for that Cynthia has gone through that and
8 gotten a form almost approved. It's quite an intensive
9 process. When the federal government asks questions of the
10 general public, these forms need to go through that
11 process. It was something that maybe Fish & Wildlife Staff
12 was aware of, but, at this point, for whatever reason, full
13 compliance is now required and so that process is still
14 occurring and the final form won't be approved until
15 sometime in August.

16

17 With that, that's my report, Mr. Chairman,
18 and I'd invite Cynthia to add any comments that she might
19 have.

20

21 CHAIRMAN LEEDY: Cynthia, we'd appreciate
22 any comment you have and while you're coming up, I'll ask a
23 question of perhaps both of you. Given constraints in
24 available funding, have you been looking at options for
25 different funding levels of surveys? I think we all would
26 agree it would be ideal if we could do a broad statewide
27 survey. On the other hand, to get that kind of intensive
28 survey some people want and perhaps need might, with
29 restricted dollars, require kind of a continuation of
30 rotational surveys where you just do some regions a year,
31 not the whole state.

32

33 MR. AHMASUK: Mr. Chairman, I would say
34 that we're still looking into that. Certainly, regions
35 that want a complete census, the Survey Committee has, for
36 a long time, taken those comments into consideration.

37

38 CHAIRMAN LEEDY: Cynthia, you wanted to add
39 something here?

40

41 MS. WENTWORTH: Yes. One thing I'd add is
42 just in the high hunting areas, which is mostly western
43 coastal Alaska, our statistician has shown us again that we
44 don't need a census in order to be statistically reliable.
45 We've never had a census on the Y-K Delta, which is where
46 half the hunting and the subsistence eligible areas of the
47 state occurs. It was very interesting because the survey
48 that was designed by Dr. John Copp(ph) back in the mid
49 '80s, he designed it to where once you went beyond a
50 certain point of surveying villages and households, you

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1 didn't improve your results any in terms of the accuracy
2 and precision, and what he designed back then was about
3 two-thirds of the villages and about 25 percent of the
4 households and, interestingly enough, it comes out just
5 about exactly the same with our statistician reviewing all
6 of our data.

7

8 I was pleased to be able to tell Dr. Copp
9 that the other day who I hadn't talked to in several years
10 that his design back then -- and we're actually including
11 his name when we submit this whole report to the OMB as one
12 of the people who has helped us design this survey because
13 we're incorporating that same design and we're going to
14 apply that to the other areas of western Alaska where you
15 have real high hunting, but in areas of interior and south
16 coast where you don't take as many birds, it's more
17 important statistically to survey everybody if you can, but
18 it's easier to do where you have smaller populations. We
19 hope we're going to be able to stretch our money but that
20 remains to be seen right now.

21

22 Something else I was going to say. I may
23 have gotten these dates wrong, Austin, but I had that our
24 next meeting was June 23rd to 24th. The one thing right
25 now that's kind of holding up our OMB process, although
26 it's going to pay off in the long run, is that we're having
27 to design two other survey forms that are very similar to
28 the main survey form that you all have copies of, but there
29 are some slight differences. Like our interior survey form
30 just has about three species of birds that are different
31 than our main form -- excuse me, our coastal form just has
32 about -- no, four species that are different. Our interior
33 form doesn't have as many species. It only has 30-some
34 species compared to 50 to 51 images, 49 species and two
35 more just other bird images that are on our survey form.
36 We did that on purpose because we didn't want to confuse
37 people in the interior by putting all these shore birds and
38 everything on the form for the interior that didn't go
39 there. We found out from the OMB representative that we
40 better get that straightened out because whatever form we
41 give out to the villages has to be approved by OMB. So
42 we're taking a little more time now to do that right.
43 That's all I had to add.

44

45 CHAIRMAN LEEDY: Mike, I'll get to you in
46 just a second. What that does mean though is that if, in
47 the future, we modify the form or the survey methodology,
48 then we would have to go back for approval again, correct?

49

50 MS. WENTWORTH: Yes, it does. One thing

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1 though, we can do that through OMB as long as we use our
2 same survey form. We can survey a lot more households. We
3 can survey every household in the village as long as we
4 don't change the form or the methodology. If we want to
5 have interviews, for instance, that's the tricky thing.
6 Then we get into some shady areas again with OMB.

7

8 CHAIRMAN LEEDY: Okay. Thank you. Mike.

9

10 MR. SMITH: Thank you, Mr. Chairman. A
11 couple things. One, I'm concerned about the baseline being
12 used to determine the harvest and whether or not an
13 increase has occurred and I'm a little concerned about that
14 baseline being generated during a time of illegal harvest
15 basically and I was wondering how you're addressing that
16 issue when you go to make a comparison as to whether or not
17 the now legal hunt has had a significant increase upon that
18 baseline. Secondly, in regards to the OMB, is that process
19 unique to us or is that throughout the department?

20

21 MS. WENTWORTH: No, it's not at all. I'll
22 tell you how I found that out.

23

24 MR. SMITH: Before you answer, secondly,
25 could that responsibility then be turned over to a regional
26 NGO who would not then have to go through that process?

27

28 MS. WENTWORTH: I'll answer your second
29 question first. We can't turn it over to the NGO if we
30 give them federal money because anyone we give federal
31 money to also has to go through this process. Any kind of
32 an information collection from the public, whether we do it
33 ourselves and the Fish & Wildlife Service or whether we
34 contract it out, as we will be doing with a lot of these
35 surveys, it has to go through the OMB process. I'll tell
36 you how I found out the answer. We did this for 14 years
37 without going through the process and I was told when I was
38 first hired here don't call it -- call it a survey. My
39 first boss, when I first was hired in '89, said don't call
40 it a questionnaire, call it a survey form and then you
41 won't have to go through it. Last week I went to pick up
42 some passport forms and I started filling it out. They
43 have a whole page of OMB approval stuff right on the
44 passport form, so this isn't just Fish & Wildlife or
45 departmental, this is everywhere in the U.S. government.

46

47 CHAIRMAN LEEDY: What was the first
48 question again?

49

50 MR. SMITH: The first question was the

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1 establishment of the baseline for the determination of
2 whether or not a significant increase has occurred. Then,
3 in regards to the survey form, you mentioned that the big
4 one had 50-some birds on it and the smaller one had
5 something smaller than that. How do we account for the
6 birds that aren't on the survey form but on our harvest
7 list then?

8

9 MS. WENTWORTH: There's a space on the form
10 where it says unidentified ducks and another space that
11 says other birds and you can write them in there. It's
12 much more efficient to do it that way. I've gotten that
13 advice from several different Native co-workers that have
14 helped us.

15

16 MR. SMITH: Is your survey kind of focusing
17 on all these birds then and then the other ones are kind of
18 just put off on the side, write in if you see them. I
19 guess that's what I'm getting at. If we have these birds
20 that are on the birds of concern, at some point we're going
21 to have to monitor them and make a determination as to
22 whether or not we need to take them off our list somewhere.
23 How are we going to track that?

24

25 MS. WENTWORTH: I feel real strongly about
26 this. The whole reason I got in this job 15 years ago is
27 because subsistence birds were important for food. We
28 focused on the birds that are important for people to eat.
29 We're not doing this survey to find out how many Godwits
30 people are taking. We've always done this survey to find
31 out what people need for food. Swans, ducks, geese, that's
32 the emphasis in the survey. The emphasis is not in the
33 survey to get the birds of conservation concern. I'm not
34 saying that that isn't important to identify what those
35 are, but that's not the purpose of our survey to go out and
36 survey the birds of conservation concern because that's not
37 the big reason people are subsistence hunting.

38

39 CHAIRMAN LEEDY: To get these lightly-
40 harvested birds would take very special focus studies. I
41 hate to cut this short, but.....

42

43 MR. SMITH: If she could just talk about
44 the baseline.

45

46 MS. WENTWORTH: Okay. You can refer to the
47 minutes of the meeting in April where I talked a lot about
48 the baseline. One thing to remember about the baseline is
49 that we can't use just one year's data. In general, all
50 our old data, except for the Y-K Delta where we have about

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1 an 18-year database and the Bristol Bay area where we have
2 about an 8-year database, other areas of Alaska we only
3 have one year's data and bird harvests fluctuate a lot over
4 time. So you've got to look at a wide margin there. You
5 can't just take one year's data and say this is it. You
6 have to look at that very broadly. We have to do it for
7 several years before we really see whether there's an
8 increase. And I share your concern that now it's legal
9 more people may report, but we have to take that into
10 consideration, just like we've always taken that into
11 consideration. You see a change from year to year, but you
12 don't see any great big -- I mean, in general, the harvest
13 isn't any bigger really even though there's more reporting
14 and there's a lot more people, but there's probably less
15 harvest per person over time.

16

17 CHAIRMAN LEEDY: I'd like to call a stop to
18 this as soon as possible. This is going to be a topic of
19 ongoing interest and we obviously need to spend a little
20 more focused time on it sometime in the future, but because
21 you did have your hand up, Austin, and you're the chair,
22 you get the closing words.

23

24 MR. AHMASUK: Thank you, Mr. Chairman. I
25 just want to thank Cynthia for her time and thank Mike for
26 his comments. I've looked at the survey as certainly not a
27 baseline survey. Throughout our committee meetings we have
28 sufficient record that I believe indicates that none of the
29 survey done in 2004 is going to be any kind of baseline.
30 It incorporates statistical analysis of surveys in years
31 past. Areas where there may not be surveys some sort of
32 record can probably be looked at, an old BLM record or
33 something. But I enjoy serving on the Harvest Survey
34 Committee and thanks.

35

36 CHAIRMAN LEEDY: Thank you very much. We
37 do need to move on. I see Mr. Oates has awakened. It's a
38 lie. He's been awake all the time. Please come up, Russ.
39 Enoch, we'll get you in a second. Go ahead, Fred.

40

41 MR. ARMSTRONG: The Emperor Goose
42 Management Plan Working Group unanimously selected Russell
43 as our person to report on our progress.

44

45 CHAIRMAN LEEDY: Russ, please come up and,
46 while you do, Enoch, ask your question or make your
47 comment, please.

48

49 MR. ATTAMUK: For our next meeting, we need
50 more time on this because these surveys or we'll call them

00220

1 questionnaires is very important for our information. So
2 we need more time on this.

3

4 CHAIRMAN LEEDY: I agree. You just
5 reinforced a note I wrote to my boss here for the next
6 agenda, so hopefully we'll be able to do that. Russ,
7 please give us at least a quickie update on the Emperor
8 plan. I'm sure you'll be reporting back later as well.

9

10 MR. OATES: Thank you, Mr. Chair. My
11 special thanks, of course, to Fred Armstrong, the chair of
12 the committee. Since I know we're short on time, I just
13 want to read this 17 page progress report to the group.
14 I'm just kidding. This committee, I call it the ad hoc
15 committee for revision of a management plan, we met several
16 times, at least twice, most recently 22nd and 23rd of
17 April, and we spent a fair amount of time discussing,
18 basically trying to bring everybody in the group up to a
19 common level of understanding about what's going on with
20 Emperor Geese.

21 Most of the emphasis has been on -- well,
22 I'll preface this and say we have been revising the text of
23 the management plan, most of the emphasis has been on
24 discussing what information there is, the studies that have
25 been done, the surveys that have been done that relates to
26 the status and trends of the Emperor Goose population and
27 also the various hypotheses as to why the Emperor Geese
28 have not recovered in a manner similar to what the Cackling
29 Canada Geese and Pacific White-fronted Geese have
30 recovered. I think we've got a fair amount of agreement as
31 to the status and trends at this point.

32

33 One of the things that we wanted to do was
34 identify some of the current management efforts that could
35 be done or should be done to try to improve conditions for
36 Emperor Geese and we came up with a list of four major
37 areas of activity that we wanted to recommend to the
38 Council and request the Council's support and endorsement.
39 In every case we've got a really clear identification of
40 the responsible parties in terms of who's going to be doing
41 what in these various activities. I'll go ahead and just
42 tell you what those four main areas are. At some point in
43 time, we'd like to hear the Council's opinion on these and
44 we'd like to solicit the Council's endorsement for further
45 pursuit of these things on the part of the committee or
46 identified responsible parties.

47

48 So the first area, and this relates
49 specifically to one of a possible obstacles to recovery of
50 Emperor Goose population, is the committee is recommending

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1 that the U.S. Fish & Wildlife Service conduct the proposed
2 Yukon-Delta gull control study. This is a study that is
3 designed to evaluate the effects of reducing predator gull
4 populations that have been demonstrated to eat large
5 numbers of goslings. The current status of this report,
6 given that it involves controlling a natively occurring
7 species, the Glaucous-winged gull, on National Wildlife
8 Refuge, we're going to need to get the regional director's
9 approval for us to pursue this. We're going to need a
10 permit from the state of Alaska, as well as a U.S. Fish &
11 Wildlife Service permitting office. We're going to need to
12 complete some sort of a NEPA process. We're going to need
13 to conduct sufficient public outreach such that hopefully
14 Fish & Wildlife won't get sued over this. We also are
15 going to need to find out a source of funding for this.
16 There's a lot of obstacles, as you can see, to pursuing
17 this. Before the involved parties put a lot of effort into
18 it, I guess the ad hoc committee would like to get the
19 endorsement of the Council.

20

21 The second management activity that we've
22 identified, and this relates to one of the hypothesized
23 limiting factors on this population, is to get endorsement
24 for the continuation of ongoing USGS, BRD and University of
25 Nevada Reno habitat studies that are going on in the
26 breeding areas of Emperor Goose on the Yukon Delta. The
27 competing hypotheses in regard to what's going on with
28 Emperor Geese is that the grazing lawns that are right
29 along the edges of the mud flats and the primary breeding
30 areas have shrunk in size over time. They're not
31 sufficient there at this point in time to support good
32 gosling survival, so we're having low gosling survival,
33 which is contributing to the lack of ability of this
34 population to increase.

35

36 The committee has agreed to view the
37 current work. If the Council endorses this effort, the
38 committee has agreed to review the current work and any
39 proposed additional work to ensure that the work in the
40 future is very directed towards management concerns. We're
41 going to try to work with the researchers and see if there
42 are truly practical management applications that are
43 related to this work that could potentially go on the
44 ground out there and do some actual good for gosling
45 survival. Then the other aspect of this would be
46 supporting efforts to acquire current and historic remote
47 sensing maps or materials that are relevant to assessing
48 Emperor habitat changes over time so we can better evaluate
49 if this important brooding habitat truly has changed over
50 time.

00222

1 The third major area and it's another one
2 of the hypotheses with regard to the lack of recovery of
3 the species and I indicated the second one was competing,
4 but in fact they could all be additive, and this third one
5 is also potentially additive as well. That third one is to
6 initiate broader scale efforts to reduce the harvest of
7 Emperor Geese. This is a multi-step thing and the primary
8 emphasis here would be to establish better outreach
9 products that include information on trends, numbers,
10 harvests and other sources of mortality as well. One thing
11 that was suggested by the committee would be to establish
12 local outreach positions in the areas that are basically
13 unserved by agency personnel. We've got pretty good
14 coverage in terms of providing information to subsistence
15 hunters in areas where we have RITs, but there are a lot of
16 areas where there is virtually no information or outreach
17 program to help everybody understand what the concerns are.
18 So it basically is to improve communication with the
19 hunters and convey the message of the conservation issue.
20 We feel that there's not complete recognition that there is
21 a conservation problem.

22

23 The fourth area of emphasis was very simply
24 to conduct a survey of traditional knowledge of Emperor
25 Geese. What we'd like to do is contact elders and others
26 with knowledge of historical information about Emperor
27 Goose distribution and numbers and try to compile that
28 information. Case in point, I was talking to Mike Reardon
29 the other day and he was conveying to me a conversation he
30 had with an elder from one of the south coast villages on
31 the Yukon Delta and the elder was telling him that when he
32 was a boy the Emperor Geese would be migrating through in
33 the spring and there would be so many geese and they were
34 making so much noise the people couldn't sleep at night.
35 So this kind of information I think is pretty relevant to
36 some of the basic questions we're asking during the course
37 of the revision of this management plan. I think we've
38 made a lot of progress, but we don't have a real
39 substantive product for you at this point in time.

40

41 We would like the Council to give us
42 whatever support they can with regard to these four
43 initiatives that we would like to see go forward and, in
44 some cases, responsible parties would need to be identified
45 but in others it's pretty obvious who those people would
46 be.

47

48 CHAIRMAN LEEDY: Enoch, go ahead.

49

50 MR. ATTAMUK: This is for your information.

00223

1 In my region, when I was young, there were so many geese
2 that we couldn't sleep. We had to relocate from our camps
3 until the yeagers (ph) moved in and all birds started
4 declining. For years we had hardly anything. We voluntary
5 take a reduction in take for years. Now that the yeagers
6 are down, the majority of our birds, not only Emperor
7 Geese, all birds, increased, but now the yeagers are back.
8 The ocean yeager that live in the ice, they do take a lot
9 of nesting birds, eggs and young ones. Even in the Noatak
10 Flats and Upper Kivalina. I personally the other summer
11 saw where bears just completely cropple the nest. When
12 bears are not there, it's the foxes. I think you have to
13 look at all phases. My people are getting worried. I'm
14 going to be in the same boat in a short time where we're
15 going to have a big reduction in not only the geese, in all
16 phases of the birds. That's why how many times during the
17 meeting I brought this up. We, as a group, need to start
18 planning ahead, not when it's too late. I would gladly
19 support you any way I could because we're going to see it.
20 The
21 yeagers are all over and they are real sharks in the sky.

22

23 CHAIRMAN LEEDY: Thank you. Thank you,
24 Russ, for a good presentation there. Before we seek
25 Council endorsement here, it's going to be incumbent upon
26 the committee and the Service to put together a succinct
27 paper that we send out well enough in advance so people can
28 look at this. It looks like we're going to have a crowded
29 agenda in July, so that might have to wait for something
30 like October, but we'll see what we can do. Austin had his
31 hand up first.

32

33 MR. AHMASUK: Thank you, Mr. Chairman. I
34 was wondering on the four initiatives would they all be
35 primarily Fish & Wildlife Service initiatives or what? If
36 we were to request or fully endorse your plan as presented,
37 we'd need to have a motion that would speak to some agency.

38

39 MR. OATES: Mr. Chairman. I'll quickly run
40 down this list. Conducting the proposed Yukon Delta gull
41 control study, that would principally be an initiative
42 spearheaded by the Fish & Wildlife Service. It would
43 probably be local hire folks involved in that, but it would
44 be led by Fish & Wildlife Service and/or BRD. The second
45 one, University of Nevada Reno studies are funded
46 independent of the Fish & Wildlife Service and I frankly
47 don't know who's funding Dr. Sedinger's (ph) work at this
48 point.

49

50 UNIDENTIFIED SPEAKER: National Science

00224

1 Foundation.

2

3

MR. OATES: National Science Foundation.
4 The BRD work is funded principally through BRD funds. I
5 don't know if Fish & Wildlife Service is supplementing
6 that. The broader scale efforts to reduce harvest of
7 Emperor Geese, that is going to be a combination of Fish &
8 Wildlife Service personnel and we wanted to have local
9 folks in the regions that were not services by Fish &
10 Wildlife Service offices involved in that. I'm assuming
11 that there would be some funding involved and I guess we'd
12 solicit funding from the Fish & Wildlife Service for that
13 purpose.

14

15 My understanding, and Bill Ostrand isn't
16 here, but Fred probably knows and Donna might know, that
17 the survey of traditional knowledge I think has already
18 been proposed and that was going to be contracted out, I
19 believe.

20

21

MR. ARMSTRONG: We're working with Austin
22 to do up a contract for his region. There is a gal that
23 just came in today, she's been sitting over there by Bill
24 Ostrand. She's a summer college student that we'll be
25 utilizing to try to gather all the existing data and create
26 a library of information on the Emperors and perhaps travel
27 out to select communities to gather traditional knowledge
28 from local elders in the Bristol Bay region.

29

30

CHAIRMAN LEEDY: Mr. Rothe.

31

32

MR. ROTHE: I wanted to make a comment.
33 The committee basically just touched on the need to gather
34 traditional knowledge, but the Emperor Goose Plan Committee
35 really hasn't spent a lot of time looking at that. Some of
36 us are concerned that because traditional knowledge is
37 really important and it's not always easy to collect, I
38 guess we'd like to see a study design or have everybody be
39 able to take a look at what's proposed and how it's going
40 to be gathered and what we're going to get in the end of it
41 because, to be real honest, I've seen a number of efforts
42 that didn't produce anything useful. I'd like to see Bill
43 write up a study design and have that run by everybody. I
44 know you're already committed if you've hired someone, but
45 I'm kind of wondering what we're going to get out in the
46 end from a student.

47

48

CHAIRMAN LEEDY: Fred.

49

50

MR. ARMSTRONG: I know that Bill had talked

00225

1 about getting together with Ron Stanek and I'm not sure if
2 that meeting ever happened, but he had intentions of
3 meeting with Ron to get an idea of how this data could be
4 gathered, but I'm certainly open to having a meeting about
5 the principals to perhaps focus on how the project should
6 be implemented.

7

8 CHAIRMAN LEEDY: Along that line, I might
9 suggest it would be worth considering if there are
10 efficiencies that could be realized by looking in TEK for
11 more than one species. It might be beneficial to think of
12 broader migratory bird activities as well.

13

14 MR. ARMSTRONG: That's correct. But this
15 is a start. We hope to increase and expand out to other
16 areas.

17

18 CHAIRMAN LEEDY: Austin.

19

20 MR. AHMASUK: Mr. Chair. Russ, was the
21 gull predation study envisioned to take place this summer?

22

23 MR. OATES: Mr. Chairman. There's no
24 funding for it this summer. I think the earliest this
25 thing could possibly go on the ground would be 2004.
26 That's assuming we were able to get funding and we have to
27 go through the NEPA process and what documents appropriate
28 to prepare, but I talked to the refuse manager of Yukon
29 Delta Refuge and he is supportive of the effort. If he is
30 successful at getting some money -- that's one of the
31 reasons I want an endorsement from this Council, because I
32 felt like that would potentially provide some leverage to
33 getting funding.

34

35 CHAIRMAN LEEDY: Austin.

36

37 MR. AHMASUK: It could be underway if work
38 was started on these initiatives now, is that correct?
39 Starting work on these initiatives now is required and
40 getting an endorsement from our Council here would assist
41 in that greatly if it was endorsed now?

42

43 MR. OATES: Mr. Chairman. That's what I
44 was hoping for, but I realized.....

45

46 CHAIRMAN LEEDY: If the Council feels
47 comfortable with that, I sure as heck wouldn't suggest
48 otherwise. Austin.

49

50 MR. AHMASUK: Mr. Chair. I think a

00226

1 resolution of support would be very good, but we don't have
2 the time to whip that up right now. I guess maybe a motion
3 to endorse the report of the Emperor Goose Subcommittee
4 would be in order then. Mr. Chairman, I move to accept the
5 report given by Mr. Oates regarding the Emperor Goose
6 Subcommittee and the four initiatives so described.

7

8 CHAIRMAN LEEDY: Is there a second?

9

10 MR. ROBUS: Second.

11

12 CHAIRMAN LEEDY: Thank you. Discussion.

13 Mike.

14

15 MR. SMITH: I just had some other questions
16 on the biology, except I don't know if this -- we're kind
17 of at this thing on this resolution here, but if I could
18 just ask a question.....

19

20 CHAIRMAN LEEDY: If it makes you feel more
21 comfortable, please do.

22

23 MR. SMITH: No, no. I'm totally supportive
24 of the resolution, I'm just curious as to the Emperor Goose
25 plan when we might be able to -- I mean it's my
26 understanding that they're at a relatively stable
27 population or slightly increasing. When would we possibly
28 might be able to see a legalization of a hunt on them and
29 what level of sustainability are you dealing with and how
30 are you dealing with those issues?

31

32 CHAIRMAN LEEDY: Mr. Rothe.

33

34 MR. ROTHE: That was a topic that I wanted
35 to bring up. So far, as Russ said, the committee has kind
36 of looked at all the data that are available, got a common
37 understanding of what factors are affecting the population
38 and are coming up with some generalized initiatives where
39 we think we could do some good.

40

41 One thing we did want to ask the Council to
42 think about at this stage is at some point when our
43 committee thinks we've got a grip on this, we've got to
44 move into the stage of writing critical elements to plan,
45 which means we need to look at the population objective, we
46 need to establish some hunting guidelines, do we want to
47 hunt, not hunt. If we do, how many birds can we afford.
48 That's a little difficult for our committee to wrestle with
49 because we're technical level people and sometimes all the
50 regions aren't there.

00227

1 Again, I don't want you to try to wrestle
2 this to the ground necessarily today, but think about how
3 at some point when we've got our act together do we want to
4 sit down and thrash out the basic issues on the plan. I'm
5 assuming our committee could develop some sort of draft
6 recommendations, but the expectation is that this Council
7 is going to endorse the guts of it, the real bottom lines.

8

9 CHAIRMAN LEEDY: Thank you. What I think I
10 heard today was simply approve an endorsement of the
11 report. Stopped just a little bit short of endorsement of
12 the planners specific actions, is that correct?

13

14 MR. AHMASUK: Yes. Endorsement of the
15 support and seeking the initiatives, taking those first
16 steps. That was my motion, Mr. Chairman, to take the first
17 steps of the four initiatives that were described in the
18 report.

19

20 CHAIRMAN LEEDY: Which, among other things,
21 would include provision of more specifics to the Council as
22 a whole. So you were comfortable with how we were heading
23 here and maybe could take action on specific proposals? Is
24 that where you were headed? I'm just trying to understand
25 what you're endorsing and what you're not.

26

27 MR. AHMASUK: Okay. The motion was to
28 accept the report with the fact that there are four
29 initiatives described in the report that Mr. Oates
30 described he's working on now. If there was shown support
31 from the Council of his report and those four initiatives,
32 then.....

33

34 CHAIRMAN LEEDY: To proceed.

35

36 MR. AHMASUK: To proceed, yeah. And for
37 whatever funding he gets for these various four things,
38 that with the Co-management Council's support is before the
39 positive.

40

41 CHAIRMAN LEEDY: That helps. Thank you.
42 Is there any more discussion? Are there any objections to
43 the motion as made and seconded?

44

45 (No opposing responses)

46

47 CHAIRMAN LEEDY: Motion passes. Resolution
48 in support of the activities of the Emperor Goose
49 Management Plan to date. Russ.

50

00228

1 MR. OATES: Thank you, Mr. Chairman. The
2 committee appreciates that support. I just wanted to
3 mention too that the committee understands there's a lot
4 more work to be done and we're eager to do that and I guess
5 I would ask the committee chair if there's been any more
6 thought to when our next meeting is going to be. Since I
7 was only unanimously elected to give this report about 20
8 minutes ago, I would invite other members of the committee
9 to please fill in the blanks on anything that I left out of
10 relevance to present to the Council today.

11

12 CHAIRMAN LEEDY: Mr. Chair of the
13 committee.

14

15 MR. ARMSTRONG: I think Russ has done an
16 impeccable job of conveying the issues that we wanted to
17 discuss. I think as far as the next meeting, it was all
18 contingent on how the Council would react to
19 recommendations that Russ had put forward and we'll take a
20 second look at when we can meet now and try to move
21 forward.

22

23 CHAIRMAN LEEDY: Okay. Let's close that
24 agenda item if we can and I will just say from a personal
25 perspective that I truly look forward to the day where we
26 can discuss biology and conservation concerns more in depth
27 than politics and legal aspects. Please come up and speak,
28 the gentleman from Togiak.

29

30 MR. ABRAHAM: Pete Abraham from Bristol
31 Bay. The Emperor Goose. I talk about Emperor Goose every
32 spring. I hop on stools, twice in fact, in winter time and
33 spring time. So it's ongoing support, it's an ongoing
34 thing. We watch the graph all the time and I presented
35 this to the schools. This is your Alaskan bird, be proud
36 of your Alaskan bird, tell your uncles and grandpas don't
37 hunt, don't shoot the Emperor Geese. It's an ongoing
38 thing, so it's working.

39

40 CHAIRMAN LEEDY: Thank you for those words
41 and your continuing efforts. Appreciate it very much.
42 We're down here to the closing. Opportunities for
43 comments. Are there any concluding comments for today from
44 Council members? Joeneal.

45

46 MR. HICKS: This is my first meeting that
47 I've been to. I've learned quite a bit today, the last two
48 days, three days. I would request that the Fish & Wildlife
49 Service office mail all material directly to me because I'm
50 not getting it. I believe it's going to CRNA. There's a

00229

1 big lack of communication there, so please mail it directly
2 to me, Post Office Box 241, Gakona 99586 or you can also do
3 that to my e-mail. It's jhicks@tribalnet.org. With that,
4 I'm going to take off. Have fun.

5

6 CHAIRMAN LEEDY: Any other Council member
7 comments here? Mike.

8

9 MR. SMITH: Thank you, Mr. Chairman. I
10 appreciate everybody's hard work here the last couple of
11 days and you'll have to excuse me if I offended anybody. I
12 certainly didn't mean to. In regards to the next meeting
13 and stuff, we have a Central Flyway Council meeting coming
14 up at the end of July, I believe, and I was just curious as
15 to just what the general process is for sending members
16 down to those things and whether or not we do a sense of
17 this committee report to them or things of that nature.
18 I'm just curious what that entails, the representation of
19 this panel to the Central Flyway Council.

20

21 CHAIRMAN LEEDY: Mike, Tom may have some
22 specific advice to offer, but from the Service we really
23 would like to talk with you, work with you before you go
24 down. I think it could help us all quite a bit.

25

26 MR. SMITH: I'm sure you want to talk to
27 me.

28

29 CHAIRMAN LEEDY: Any other final Staff
30 comments? Are there any public left? Date and place of
31 next meeting. The date will be July 15th. We'll see
32 whether it's one or two days and where it is later. Right,
33 Fred?

34

35 MR. ARMSTRONG: We're working on a location
36 now, but we'll get the word out as soon as possible. I
37 guess be prepared for at least two days.

38

39 CHAIRMAN LEEDY: A two-day meeting starting
40 July 15th. Once again, thanks to all of you for having the
41 perseverance and caring and being here. We'll do it again.

42

43 MR. ARMSTRONG: Move to adjourn.

44

45 CHAIRMAN LEEDY: Thank you.

46

47 (Off record)

48

49 (MEETING ADJOURNED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 115 through 229 contain a full, true and correct Transcript of the ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL, VOLUME II taken electronically by Nathaniel Hile on the 16th day of May 2002, at the Department of Interior Conference Room in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 13th day of May 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04