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1 KODIAK/ALEUTIANS FEDERAL SUBSISTENCE
2 REGIONAL COUNCIL MEETING

3

4 Kodiak, Alaska
5 March 19, 2003
6 2:30 o'clock p.m.

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9 COUNCIL MEMBERS PRESENT:

10

11 Della Trumble, Chairwoman

12 Al Cratty

13 Paul Gundersen

14 Patrick Holmes

15 Speridon Simeonoff

16 Pete Squartsoff

17 Richard Zacharof

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19 Regional Council Coordinator, Michelle Chivers

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PROCEEDINGS

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(Kodiak, Alaska - 3/19/2003)

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Roll call.

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MR. SQUARTSOFF: Alfred Cratty.

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MR. CRATTY: Here.

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MR. GUNDERSEN: Here.

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MR. SQUARTSOFF: Speridon Simeonoff.

23

24

MR. SIMEONOFF: Here.

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MR. SQUARTSOFF: Della Trumble.

27

28

CHAIRWOMAN TRUMBLE: Here.

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31 Zacharof.

32

33

MR. ZACHAROF: Here.

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MR. SQUARTSOFF: Patrick Holmes.

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MR. HOLMES: Here.

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The next item on the agenda is review and adoption of the agenda. I have a few items before we start. The first one will be 6D, we can add Doug Bern, marine mammals, Fish and Wildlife. Under Item 9, we will move D from 10, which is Mike Edwards, to D, and Item 9E

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1 will be Liz Williams. Item No. 11, I'd like to A,
2 request from the Kodiak/Aleutians, for two of the Council
3 Chairs from the Interior to visit our region.

4
5 Are there any other items.

6
7 MR. SIMEONOFF: Madame Chair.

8
9 CHAIRWOMAN TRUMBLE: Mitch.

10
11 MR. SIMEONOFF: Madame Chair, Mitch
12 Simeonoff. The agenda you have is different, I don't
13 have those items you spoke of on our agenda here. You
14 said 9D and E, mind only goes up to A, B, C.

15
16 CHAIRWOMAN TRUMBLE: To add. To add, to.

17
18 MR. SIMEONOFF: D and E.

19
20 CHAIRWOMAN TRUMBLE: 9D would be Mike
21 Edwards to add and then 9E, Liz Williams.

22
23 MR. SIMEONOFF: Thank you, Madame Chair.

24
25 CHAIRWOMAN TRUMBLE: Thank you, Mitch. I
26 guess I'm in a little bit of a hurry trying to get
27 through this meeting so I forgot to do our introductions,
28 we might want to go ahead and start over here with Pat.

29
30 MR. HOLMES: Patrick Holmes from Kodiak.

31
32 MR. ZACHAROF: My name is Richard
33 Zacharof from St. Paul Island.

34
35 MR. SQUARTSOFF: Pete Squartsoff, Port
36 Lions.

37
38 CHAIRWOMAN TRUMBLE: Della Trumble, King
39 Cove.

40
41 MR. GUNDERSEN: Paul Gundersen, Nelson
42 Lagoon.

43
44 MR. CRATTY: Al Cratty, Old Harbor.

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46 MR. SIMEONOFF: Speridon Simeonoff from
47 Akhiok.

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49 MS. CHIVERS: Michelle Chivers,
50 Kodiak/Aleutians Council coordinator, Anchorage.

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1 MS. HILDEBRAND: Ida Hildebrand, BIA
2 Staff Committee member.

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4 MR. FISHER: Dave Fisher, Fish and
5 Wildlife Service, Anchorage.

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7 MR. UBERAUGA: Rich Uberauga, Fish and
8 Wildlife Service, Anchorage.

9

10 MR. FRIED: Steve Fried, Fish and
11 Wildlife, Office of Subsistence Management.

12

13 MS. PETRIVELLI: Pat Petrivelli, Office
14 of Subsistence Management.

15

16 MR. BOYD: Tom Boyd, Office of
17 Subsistence Management.

18

19 MS. FISHBACH: Tracy Fishbach,
20 subsistence biologist for Kodiak Refuge.

21

22 DOUGLAS: Douglas, Fish and Wildlife
23 Service, Marine Mammal Management Office.

24

25 MR. CRAMER: I'm Dean Cramer of U.S. Fish
26 and Wildlife Service, Marine Mammal Management Office in
27 Anchorage.

28

29 MS. WILLIAMS: Liz Williams, Division of
30 Subsistence, ADF&G, Anchorage.

31

32 MR. VANDALE: Larry VanDale, Fish and
33 Game, Kodiak.

34

35 MR. EDWARDS: Mike Edwards, Fish and
36 Wildlife Service, King Salmon.

37

38 MARTY: Marty, Fish and Game.

39

40 MR. POETTER: Rick Poetter, Izembek
41 Wildlife Refuge, Cold Bay.

42

43 DWYANE: Dwyane, Kodiak.

44

45 MR. WATSON: Gary Watson.

46

47 MR. EASTLAND: Warren Eastland, BIA,
48 Juneau, Staff Committee member.

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50 MR. LAPLANT: Dan LaPlant, Office of

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1 Subsistence Management, Anchorage.

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3 MR. CAMPBELL: Rod Campbell, Fish and
4 Game, Kodiak.

5

6 DICK: Dick, Master Guide, Kodiak.

7

8 MR. CRYE: John Crye, Fish and Game,
9 Kodiak.

10

11 NICK: Nick, I'm just a civilian.

12

13 JOHN: John, Kodiak Tribal Council.

14

15 CHAIRWOMAN TRUMBLE: Thank you very one
16 and I appreciate you all being here.

17

18 Do we have a motion to accept the agenda
19 as amended or are there any other additions.

20

21 MR. SIMEONOFF: Madame Chair, I'd move we
22 accept the agenda.

23

24 MR. GUNDERSEN: I'll second.

25

26 CHAIRWOMAN TRUMBLE: The motion's made
27 and seconded. All in favor signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRWOMAN TRUMBLE: Opposed, same sign.

32

33 (No opposing votes)

34

35 CHAIRWOMAN TRUMBLE: Motion carried.

36 Item 5, review and adoption of minutes of September 18th

37 and 19th, 2002 - and that's March 18th and 19th, 2002,

38 and that's Tab A in your booklet.

39

40 Are there any corrections.

41

42 MR. HOLMES: Madame Chair.

43

44 CHAIRWOMAN TRUMBLE: Pat.

45

46 MR. HOLMES: In reviewing the minutes, I

47 appreciate the inclusion of the comments because at our

48 prior meeting we had a discussion about including both

49 majority and minority reports. This was in reference to

50 the March 18th and 19th meeting. And the reason I was

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1 late was because I was printing out a letter, rather than
2 talking too much, but I forgot it, so -- but the gist of
3 it was, what I was searching for and I'm glad they put in
4 the discussion about additional permits that was
5 discussed at the meeting Jim Fall had.

6
7 But the comments that I was looking for
8 for the minority, you know, and I'll be as brief as I
9 can, were three points of which several members
10 discussed. One was that the sale -- this was in relation
11 to customary and traditional sale of subsistence caught
12 fish, particularly salmon, and one was the concept that
13 it was too precious to sell and that was something that I
14 quoted Pete, his early comments in the discussions. And
15 also thoughts from Larry Matfe and I believe that Mitch
16 discussed that as well as Al Cratty.

17
18 And then also the second point was the
19 potential for conflicts in creating conservation
20 problems, and that would be particularly in the sense
21 where we had a depressed system like Afognak. In my mind
22 on that discussion, if folks went back and got additional
23 permits and were selling the fish then, you know, we
24 could end up with more harvest, particularly if there
25 wasn't a commercial fishery and all that existed was
26 subsistence.

27
28 My third comment that was discussed by
29 the others and, particularly Al Cratty was the potential
30 conflict with commercial fishing.

31
32 So those three points were reflected by
33 the minority in those discussions. And so I'll bring in
34 my letter that's a little more specific, Madame Chair.

35
36 CHAIRWOMAN TRUMBLE: Thank you, Pat. Is
37 that in regard to the March 18th and 19th?

38
39 MR. HOLMES: Yes, Ma'am, that's correct.

40
41 CHAIRWOMAN TRUMBLE: Michelle, in the
42 prior minutes, I think in September, the minutes were
43 approved and with the exception of that portion that Pat
44 is talking about, to have them redrafted, so if he is
45 giving a written draft of his, what he wants incorporated
46 in those minutes, then I would just recommend that we
47 approve them with what he's going to give you.

48
49 MS. CHIVERS: That would work.

50

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1 CHAIRWOMAN TRUMBLE: The September 18th,
2 19th, 2002, what I noticed in there that there isn't a
3 roll call of the Council itself that shows who was
4 present and the time of the roll call and the time that
5 the meeting was called to order. So you might want to
6 add the roll call to that and the time the meeting was
7 called to order.

8
9 Are there any other corrections or
10 amendments to the minutes?

11
12 (No comments)

13
14 CHAIRWOMAN TRUMBLE: Do I hear a motion
15 to approve as amended?

16
17 MR. GUNDERSEN: I so move.

18
19 CHAIRWOMAN TRUMBLE: Motion has been made
20 by Paul Gundersen.

21
22 MR. SQUARTSOFF: Second.

23
24 CHAIRWOMAN TRUMBLE: Second by Pete
25 Squartsoff. Discussion.

26
27 (No comments)

28
29 CHAIRWOMAN TRUMBLE: Call for question.

30
31 MR. ZACHAROF: Question.

32
33 CHAIRWOMAN TRUMBLE: All in favor signify
34 by saying aye.

35
36 IN UNISON: Aye.

37
38 CHAIRWOMAN TRUMBLE: Opposed, same sign.

39
40 (No opposing votes)

41
42 CHAIRWOMAN TRUMBLE: Motion carried.

43 The next item on the agenda is the Chair's report is
44 that's Tab B, which includes A, the .805 C letter Federal
45 Subsistence Board meeting December 2002. And it just
46 basically opens the meeting and the action that was
47 taken, which is the crab, the annual limit for six crab
48 per household and that did get passed, that was Proposal
49 FP03-07. Also Proposal FP03-27. And the statewide
50 Proposal FP03-28.

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1 Are there any questions or discussion in
2 regard to any of the three items?

3

4 (No comments)

5

6 CHAIRWOMAN TRUMBLE: They're fairly well
7 outlined in the report.

8

9 The next item was the 2003 winter
10 Regional Council meeting customary trade, and that was in
11 January. And on Page 52 shows the adopted language, the
12 regulatory language for customary trade.

13

14 And the last item is notice that the
15 cancellation of the January 15th meeting on rural
16 determinations. And the only question I think I have in
17 regard to that at this time is if there has been a new
18 meeting date set or that's just scheduled for the fall?

19

20 MR. BOYD: Madame Chair, if I may. Tom
21 Boyd, with the Office of Subsistence Management. To
22 answer your question there has been no meeting scheduled
23 to date. In the briefing materials that we're providing
24 it indicates -- well, let me just provide a brief
25 explanation, if I may. In December, and I can't remember
26 the exact date, the Board met in work session to get a
27 briefing from the contractor, the Institute of Social and
28 Economic Research that was preparing -- that has now
29 prepared a report on laying out some optional methods for
30 conducting the rural determinations. And the Board got a
31 briefing from those folks.

32

33 And during the briefing, I think the
34 Board indicated, fairly strongly, that they would like a
35 peer review of that report once it had been finalized.
36 The report is now finalized and we have now solicited a
37 number scientists or social scientists in several
38 universities and other organizations to conduct a peer
39 review of this report. I think the Board wants to ensure
40 that what's being proposed has sort of passed the test of
41 have other kind of peers, you know, scientists that have
42 looked at this and ensure that it's suitable before they
43 take the next step.

44

45 We've now identified five professionals
46 to take a look at the document. And they're scheduled to
47 return their comments to us by mid- to late May. When we
48 get the review comments back we'll kind of know where we
49 stand and then at that point we'll be prepared to see,
50 you know, what the next step is going to be and maybe

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1 even lay out the schedule for the rest of the steps. But
2 at this point it's just too premature to tell.

3

4 If we have extensive comments that
5 require some departure from where we might be headed then
6 we would have to evaluate at that time but we just don't
7 know where we stand right now.

8

9 CHAIRWOMAN TRUMBLE: And, maybe, Tom,
10 while you're there, on the customary trade update, after
11 that had all passed at the statewide level I talked to
12 Pete Probasco and they were putting together some
13 material on a Q and A, some information to get out
14 statewide because I know just within the Aleutian region
15 there was a lot of misconception of exactly what that
16 language means.

17

18 MR. BOYD: Yeah, to my knowledge, those Q
19 and A's have been prepared. Do you know, Michelle, do we
20 have copies of that with us?

21

22 MS. CHIVERS: I don't have copies here.
23 I was unaware that they were already prepared.

24

25 MR. BOYD: We need to follow up with
26 that, Madame Chair, and then we'll ensure that you have
27 that.

28

29 CHAIRWOMAN TRUMBLE: Thank you. Is there
30 any other questions for Tom.

31

32 Pat.

33

34 MR. HOLMES: Tom, how does this rural
35 determination, how will that relate to the -- I believe
36 there's a provision in ANILCA that provides for
37 communities that have grown but have a long term and
38 established tradition of subsistence hunting and fishing.
39 Will those end up being excluded in this process or
40 what's the skinny?

41

42 MR. BOYD: I'm going to answer it
43 indirectly. ANILCA, all it says is rural residents are
44 provided the subsistence priority. It doesn't lay out
45 any specifications as to how those determinations will be
46 made, you know, i.e., what communities are rural? Our
47 regulations do that. And we conducted rural
48 determinations in 1990 based on the regulations as they
49 now exist. We decided to conduct a review of those
50 processes, those methods following some concerns

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1 expressed during the late 90s when we were asked to take
2 a look at the Kenai Peninsula communities. So that's
3 what we're about now.

4
5 We asked ISER to take a look at our
6 current methods and offer up some alternative methods
7 that would be a little more rigorous than the approach
8 that we took in 1990.

9
10 I honestly can't answer your question
11 about whether certain communities will change from rural
12 to non-rural or non-rural to rural, I just don't know at
13 this point.

14
15 The first step is to find a methodology
16 that is objective and credible and then we go from there.

17
18 MR. HOLMES: Thank you. I guess my
19 concern is being in the town of Kodiak of 6,330 odd
20 people, depending on how you count it, you know, that's
21 quite a threatening concept. And Kodiak's home to the
22 largest tribal group on the island and there's just a lot
23 of folks that have been doing it, their families ever
24 since the Russians hit the beach here in about 1792 or
25 '86, and so it's quite a concern to the folks that live
26 in Kodiak, how this develops.

27
28 Will this be something that's handed down
29 from the Board or will the RACs have an opportunity to
30 comment on it, sir?

31
32 MR. BOYD: Madame Chair. Mr. Holmes. We
33 anticipate a process that the RACs and the public will be
34 fully involved. If I could just sort of lay out what I
35 think the next steps are when we conduct the peer review,
36 take a look at that, and I'm not going to say what the
37 time line is, but the next step would be for the Board to
38 develop some draft recommendation or proposal that it
39 wants to put forward with regard to how it will conduct
40 rural determinations.

41
42 That proposed method, then would be
43 circulated for public review and comment as well as
44 Council review and comment.

45
46 And then upon receiving that comment,
47 depending on the commenting, again and in view of the
48 comment the Board will make a decision on the method that
49 it will use.

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1 Once that decision is made, then we will
2 apply the method to the various data and other
3 information that's available and that's appropriate for
4 the method. A proposed rule will be developed that will
5 list the communities as to whether they're rural or non-
6 rural. And again, that will be a proposal that will get
7 full airing with the public and the Councils.

8
9 So we're looking at a fairly extensive
10 lengthy process. Madame Chair.

11
12 MR. SQUARTSOFF: Yeah, Mr. Boyd, is there
13 any chance that the military would be included in the
14 count?

15
16 MR. BOYD: Madame Chair. You're asking
17 me specifics that I'm not really prepared to address. I
18 guess -- I'm trying to remember, I guess on Kodiak right
19 now is -- if that's what you're referring to, the Coast
20 Guard base is excluded; is that correct -- I'm trying to
21 recall, yeah, I believe that's correct.

22
23 Again, I'm not -- I don't know the answer
24 to that question right now, Mr. Squartsoff.

25
26 MR. SQUARTSOFF: Yeah, my concern was
27 because of the amount of Coast Guard people that use the
28 resources around the island.

29
30 MR. BOYD: If I may, I'll just say that I
31 don't think -- I think it's premature for us to really
32 even speak to what communities or what groups of people
33 may or may not be considered rural or non-rural. I think
34 we want to come up with an approach that is fair and
35 credible and objective.

36
37 We'll apply the data to those methods.
38 And then even after we do that, you know, I think our
39 initial look at some of the information that we've
40 already received is there's going to be a handful of
41 communities that kind of fall in the middle, and there's
42 going to be a lot of discussion, a lot of other
43 information provided. And there will be a few
44 communities where decisions won't come easy.

45
46 But at this point in time it's going to
47 be very premature for us to make judgments with regard to
48 that. We want to do the best job we can with the
49 information available then allow the public process to
50 work and the Board to hear everything before it makes its

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1 decision.

2

3 CHAIRWOMAN TRUMBLE: Thank you, Tom.

4

5 MR. HOLMES: Madame Chair.

6

7 CHAIRWOMAN TRUMBLE: Patrick.

8

9 MR. HOLMES: If I may, Leslie Kerr,

10 Manager of the Refuge has just arrived and then a

11 gentleman that I hold in high esteem, one of our leading

12 elders from Kodiak, Iver Malutin has just joined us.

13

14 CHAIRWOMAN TRUMBLE: Thank you, Pat.

15 Welcome. The next item on the agenda is Doug Burn,

16 Marine Mammal, Fish and Wildlife.

17

18 He needs electricity, is there

19 electricity or an outlet on the bottom?

20

21 We'll take about a five or 10 minute

22 break while they set this up.

23

24

25 (Off record)

26

27 (On record)

28

29 CHAIRWOMAN TRUMBLE: It was a good thing

30 we had a break, there was a couple of corrections we need

31 to do on the agenda. And the first one will be actually

32 Item No. F, under Proposals for FY'04, we need to keep or

33 add Nick and Rod, you may have to help me with the

34 pronunciation, for on Olga Bay, and then it's Steve. And

35 we also have two public testimonies, one following the

36 presentation by Doug and then another one, we will do

37 after that.

38

39 Thank you.

40

41 MR. BURNS: Madame Chair. Members of the

42 Council. Thank you for the opportunity to come to this

43 meeting and update you on some developments with respect

44 to the sea otter population decline in Southwest Alaska.

45 And I'd also like to thank you for allowing me to move

46 this talk earlier in the meeting. We're actually going

47 to be doing presentations at the CommFish Alaska

48 Exposition over the next three days. So this was our

49 opportunity to come before the Council.

50

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1 As you may recall, I think it was a year
2 ago when we came to the meeting, the March meeting, and
3 gave a presentation about the sea otter population
4 decline so some of this will be a little bit of review.
5 I'll go through that fairly quickly, and then on to some
6 recent developments.

7
8 As you may recall, the first indications
9 that there was a population decline on sea otters in
10 Southwest Alaska, it came out in October of 1988 -- 1998,
11 pardon me, this article published in Science Magazine by
12 Dr. Jim Estes from UC Santa Cruz and his colleagues.
13 They identified declines at about half a dozen islands in
14 the Aleutians and their studies led them to conclude that
15 they believed it was killer whale predation that was
16 causing the population declines.

17
18 In April of 2000, the Marine Mammals
19 Management Office of the US Fish and Wildlife Service
20 conducted an aerial survey of the Aleutian Islands for
21 comparison with some data that we collected in 1992. We
22 surveyed the shorelines of all the islands from Attu to
23 Unimak Pass, counting every sea otter that we could see.
24 In 1992 we had counted 8,044 and in 2000 we counted
25 2,242, which represents an overall 70 percent decline
26 over an eight year period.

27
28 If we look closely at the Rad Islands,
29 for example, in 1992 we counted 1,461 otters, they're
30 represented here, the sightings are represented by the
31 red dots, the larger dots indicate larger sea otter
32 groups and eight years later we counted 192. And that's
33 really a pretty dramatic change over eight years and that
34 was an 87 percent decline in that group.

35
36 As a result of that survey and that
37 decline, in August of 2000 we designated sea otters in
38 the Aleutian Islands as a candidate species under the
39 Endangered Species Act. What candidate species means is
40 it's a species that we think warrants consideration for
41 listing under the ESA. And we published that finding in
42 the Federal Register on November 9th of 2000.

43
44 We hadn't identified the geographic
45 extent of the population decline so we decided to keep
46 working east. We went to this area here in Bristol Bay
47 on the north side of the Alaska Peninsula and we repeated
48 a survey that was last conducted in 1986. We surveyed a
49 series of strip transects within that shaded area and in
50 1986 there were, I think, two replicates of that survey

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1 conducted with population estimates that ranged from
2 about 6,500 to 9,200. When we did our survey in May of
3 2000 we got about 4,700 which represents an overall 27 to
4 49 percent decline.

5
6 In April of 2001 we also surveyed this
7 area on the south side of the Alaska Peninsula. Once
8 again, that was a series of strip transects in the shaded
9 area. They did three replicates of that survey in 1986
10 with estimates that ranged from 13,900 to 17,500. Our
11 survey in 2001, we counted only about 1,000 or estimated
12 only about a thousand animals there. That's a 93 to 94
13 percent decline in the intervening 15 year period.

14
15 We also surveyed the shorelines of those
16 islands indicated in red. And if we look at this graph
17 which shows the counts that were made in 1986, there's
18 also some counts in 1989 after the Exxon Valdez Oil Spill
19 but before oil had moved that far south, and, in fact, it
20 never actually did get all the way to the Shumigans, and
21 then our survey in 2001. So back in 1986 they had
22 counted about 2,100 otters, observers had counted about
23 1,600 in 1989, and then we only counted 405 when we did
24 our survey. So that represents an 81 percent decline
25 over the intervening 15 year period.

26
27 And then lastly, in June of 2001 we
28 conducted a survey of the Kodiak Archipelago for
29 comparison with some data that we had collected
30 previously in 1994. This survey used the same aircraft,
31 the pilot and observer, which was Robert Stovall, if you
32 remember, and he did a great job for us in 1994. We
33 liked him so much we brought him back for 2001 and he did
34 a really terrific job then as well. This method is a
35 series of strip transects within that shaded area. In
36 1994 we estimated that the population was around 9,800
37 otters and in 2001 the estimate had fallen to about 5,900
38 or less than 6,000 animals and that was a decline of 40
39 percent. And there was also an earlier survey in 1989, a
40 helicopter survey as part of that oil spill study. The
41 estimate from that survey was 13,500, so although those
42 methods were slightly different, a helicopter survey
43 versus a fixed wing survey, if you believe that 1989
44 survey was somewhat accurate then we've got about a 56
45 percent population decline since 1989. And then there's
46 a 40 percent decline between those two time periods.

47
48 And so if we recap the results for those
49 four large survey areas, you can see that the sea otter
50 population has really declined fairly dramatically in the

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1 past 10 to 15 years.

2

3 Previously, sea otters in Alaska were
4 believed to be a single population or stock under the
5 Marine Mammal Protection Act, but genetic analysis that
6 was conducted in the 1990s indicated that there are
7 actually multiple stocks of sea otters in Alaska. This
8 past year the Fish and Wildlife Service revised our stock
9 assessment reports which identify a Southeast stock,
10 which we believe to be increasing in number; a
11 Southcentral stock which appears to be stable or slightly
12 increasing; and a Southwest stock which we've just seen
13 has been overall decreasing in the last 10 to 15 years.

14

15 The population declines have attracted
16 the attention of a number of conservation groups who have
17 petitioned us to act. On January 11th of 2002 we
18 received a petition to emergency list sea otters in
19 Southwest Alaska under the ESA, which is the Endangered
20 Species Act. We responded by saying, that, although
21 there has been a population decline, we didn't believe it
22 was an emergency listing situation. Our best estimates
23 are that there's around 41,000 sea otters still in the
24 Southwest Alaska stock. So it's not the absolute number
25 that has got us as alarmed as just the population trend
26 which is moving downward pretty fast. And we did
27 allocate dollars, the Federal Government did allocate
28 listing dollars for our region to prepare a Proposed Rule
29 to list sea otters in Southwest Alaska under the ESA.

30

31 That Proposed Rule was completed in
32 Region 7 and sent to Arlington, Virginia US Fish and
33 Wildlife Service Headquarters in September of last year.
34 It finally got reviewed around December and we've been in
35 the process of revising that rule based on comments from
36 the Endangered Species Division. We're hoping that it
37 will go over to Main Interior any day now. It will
38 probably take a few weeks for a signature and then it
39 should be published in the Federal Register.

40

41 Typically there's a 60 day public comment
42 period, however, as this has gone on later and later,
43 I've already advised the Washington office to extend that
44 to be a 90 day public comment period because if the rule
45 was published in April, it's starting to overlap more
46 with commercial fishing seasons and we want to make sure
47 that public comment period is long enough so that people
48 have an opportunity to provide their comments. So we're
49 shooting for a 90 day public comment period.

50

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1 And then after we consider all the
2 comments, we'll publish a final rule within one year of
3 the publication date of the Proposed Rule. Also during
4 that public comment period there'll be an opportunity if
5 people want to request a hearing, a public hearing, we
6 can schedule public hearings in various communities to
7 facilitate public comments.

8
9 One thing that we did in the past year
10 since I last addressed the Council was we held a sea
11 otter workshop. It was April 3rd and 4th of last year.
12 We had a diverse group of experts from government, we had
13 academ -- acade -- people from universities, Alaska
14 Native organizations, we had conservation organizations.
15 We all met in Anchorage for two days. We reviewed all
16 the available information about the sea otter decline, we
17 discussed possible causes, future threats to recovery,
18 population monitoring, strategies and critical habitat.
19 And we developed recommendations for future research and
20 population monitoring. And we completed a summary
21 workshop in September of 2002. I have a copy here, which
22 I can leave but if you'd like additional copies you can
23 write and I can send them on.

24
25 And lastly, we wanted to -- one of the
26 reasons why we're doing as much outreach as we are is
27 because we understand that there's a heightened
28 sensitivity to endangered species issues in the
29 commercial fishing community. Recent events in the last
30 few years with stellar sea lions, you know, we understand
31 what's happened in the past and we want to make sure that
32 people understand in advance what does a possible
33 listing, under the ESA, what does that mean.

34
35 Concerns about fisheries and sea otters
36 can be grouped into two basic categories, issues on
37 competition and then also about entanglement.

38
39 With respect to competition Fish and
40 Wildlife Service contracted Alaska Department of Fish and
41 Game to conduct an analysis of their fish ticket data
42 base to look at the level of commercial fishery landings
43 for sea otter prey items. We've reviewed a draft of the
44 report which basically concludes that there's very little
45 overlap between what commercial fisheries are catching
46 and what sea otters are eating.

47
48 As an example, this is a map that depicts
49 the commercial landings of green sea urchins which is one
50 of the primary prey items of sea otters in Southwest

00017

1 Alaska. As you can see there's some sea urchins taken
2 along the eastern edge of Kodiak Island and also at a few
3 locations down in the Aleutians near Dutch Harbor. But
4 it's really clear from this map that there's just no way
5 that this fishery could possibly be responsible for the
6 sea otter decline that's been occurring throughout all of
7 Southwest Alaska and also seems equally unlikely that the
8 fishery in its current state would have any impact on the
9 -- or would have any sort of a major impact on the
10 recovery of sea otters.

11

12 If you'd look at the issue of sea
13 entanglement we can rely on some of the National Marine
14 Fisheries Service observer programs.

15

16 As an example, this is a map of the
17 marine mammal interactions in the Cook Inlet salmon drift
18 and set gillnet fisheries. The program was conducted in
19 the summer of 1999 and 2000. There were no instances of
20 sea otter entanglements recorded. The only sea otter
21 interactions which were defined as an otter swimming
22 within 10 meters of a net were recorded along the
23 southern shore of Kachemak Bay, that's those purple
24 triangles down there. And this past summer, the National
25 Marine Fisheries Service operated a marine mammal
26 observer program for the salmon set net fishery along the
27 western side of Kodiak Island. We've gotten some
28 preliminary results from that and they recorded four
29 incidences of sea otter entanglement with no mortalities.
30 In two of those instances the otter was able to self-
31 release and swim away and the other two required some
32 intervention to roll the otter out of the net but there
33 were no serious injury or mortality.

34

35 And in addition to those observer
36 programs, the Alaska Department of Fish and Game analyzed
37 their fish ticket database to look at the distribution of
38 fishing effort in fisheries that have potential to
39 entangle sea otters. ADF&G concluded that the majority
40 of fishing effort occurs outside the range of sea otter
41 habitat, which it tends to be very close to shore in very
42 shallow water, and the potential for entanglement, they
43 concluded, was therefore minimal.

44

45 That's basically the new information that
46 I would like to present. And my contact information is
47 here. As always, questions, comments, certainly can be
48 sent to me via e-mail, fax, phone, however. And if there
49 are any questions we can be happy to answer them.

50

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1 CHAIRWOMAN TRUMBLE: Thank you, Doug.
2 Maybe at this time, since we do have one public
3 testimony, if you can stay where you're at and then we
4 can do the testimony, and then open it for the Council
5 for questions.

6
7 At this time we do have a member of the
8 audience John Reft, he's a member of Kodiak Tribal and he
9 would like to testify on the sea otters.

10
11 John, if you can go ahead and come up on
12 the left side here.

13
14 MR. REFT: Member of the Tribal Council
15 here in Kodiak, but basically I'm making a statement on
16 my own behalf from experience with the sea otter.

17
18 In 1988 I got into negotiation with the
19 Franklin James, you know, James brothers from the
20 Southeastern and they said they were having trouble down
21 there with the overabundance of sea otter and they were
22 afraid that they were going to be overrun, their
23 subsistence food and everything was disappearing, shell
24 fish. And I said, well, the same thing is happening
25 here. So Franklin and I worked for several years trying
26 to get the Fish and Wildlife to okay a foreign excise
27 permit and we worked for months and months trying to get
28 the market, Korea, Japan for the hides, and we finally
29 established it like 1,500 to 1,700 a hide. Well, we
30 worked out here with the Fish and Wildlife Service,
31 Buskin River, and everything just seems good, you know,
32 they said, great, you know, we need to get the population
33 down so we don't get overrun and we were already overrun.

34
35 And so we finally got it together, we
36 went out on a hunt, but prior to leaving, they had a
37 stipulation in there that the hide had to be
38 significantly altered before we could ship it. Well, we
39 got the agreement about Native blankets and the agreement
40 was four hides would be a blanket. And then just before
41 we left they called me in and said, oh, we got good news
42 for you, we'll just make it two hides, oh, boy, piece of
43 cake. So we took off, headed down the west side, I mean
44 there were sea otter all over the place, but to go out
45 and hunt them wasn't that easy, you had to figure them
46 out and everything in order to get the sea otter, to out
47 fox them, so to speak.

48
49 Well, we did that, and I made up my own
50 rules and regulations between my brother and I on the

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1 hunting process procedure, what to shoot, what not to
2 shoot, no females, no babies, and I had a ledger and I
3 had everything marked. I kept the ledger on wherever we
4 went, whatever we got, and we got 68 sea otter over there
5 and I said, you know, something tells me that we'd better
6 go back in with what we got because I don't trust the
7 Fish and Wildlife, I said, their word could change in a
8 minute. Low and behold, we came in, called them up, they
9 came down to the boat the next morning and they didn't
10 know anything about sea otter. They admitted it. So we
11 helped them measure skulls and teeth, all this stuff, you
12 know, and tagged them, all this stuff, you know, and at
13 the end of it the guy said what's that and I said, oh,
14 that's my rules and regulations for hunting. He says,
15 can I borrow that and I said, yeah, but I want it back,
16 and he said, oh, I'll give it back to you tomorrow. So
17 he took it, brought it back tomorrow, you know, and the
18 bottom line is that we told them in the beginning that
19 there was so much sea otter here that the shellfish beds,
20 you know, clams, king canners, they were really wiping us
21 out and we were losing our subsistence food because of it
22 and if we curtailed the amount of sea otter then we could
23 work with them together to keep population down and we
24 could still probably have our subsistence food and still
25 maintain the sea otter population.

26
27 They were, like what I'd said, was, when
28 we came back in, they said, well, we got bad news for you
29 John, there's too much pressure from the
30 environmentalists, we cannot issue the foreign excise
31 permit. And I said, well, what the heck are we going to
32 do, you know, if we can't get rid of the hide, what's the
33 use of going hunting. If we can't hunt, the population's
34 going to keep exploding and we're going to lose the sea
35 otter. Once they lose their food source, then they start
36 getting sick, they eat different things like starfish,
37 not in their diet, they get sick, they die. Well,
38 Southeastern is an example and we were right behind them.

39
40 And if we could have worked together like
41 they agreed and not had the environmentalists intervene
42 between us and out here, I don't think we'd have that
43 much pressure, detrimental, you know, hit on the sea
44 otter.

45
46 So in my opinion is the Fish and Wildlife
47 Service, they took the word of the environmentalists and
48 they sacrificed the sea otter by not listening. And it's
49 a shame, you know, because we shouldn't be in this
50 situation.

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1 know, the Fish and Wildlife Service, it's a Federal
2 government organization. It has a National Wildlife
3 Refuge here in Kodiak. It has the regional office in
4 Anchorage. It has the Washington office which is
5 actually in Arlington, Virginia. And I think it sounds
6 like they were all relatively involved in some of these
7 issues.

8

9 For example, if someone from the Refuge
10 were to make a statement about sea otters and what is
11 legal and for what you can legally with the pelts, on the
12 issue of the export permit, that -- sea otters are a
13 CITES, Appendix II species, that's Convention on
14 International Trade of Endangered Species, and basically
15 they need -- export of sea otter items need a CITES
16 export permit, and that's issued out of our branch of
17 permits in the Arlington, Virginia office. And so the
18 information, I don't know who provided the information
19 about, you know, two skins being sewn together would
20 constitute a blanket, but when it was reviewed, you know,
21 by the actual permitting office, they determined that
22 that did not meet the requirements of the law. The
23 Marine Mammal Protection Act states that sea otters can
24 be taken for subsistence and handicraft purposes, they
25 can be sold to non-Natives but they must be significantly
26 altered, and it was determined that simply sewing skins
27 together did not constitute significant alteration.

28

29 So there's a lot of complexity on that
30 issue. I understand the frustration on -- you know, sea
31 otters were pretty much extricated from the Kodiak area,
32 the population, the remanent population, I believe was
33 located in the area of Latex Rocks, around Shuyak Island,
34 and as that population started to grow and work its way
35 south, basically they were competing for a lot of crab
36 and shellfish resources that are used for subsistence
37 purposes.

38

39 The Marine Mammal Protection Act does
40 allow Alaska Natives to take sea otters, they can make
41 them into items of handicraft for their own personal use
42 and also for sale. But the law, as it currently stands
43 does not allow for export of large quantities of raw
44 hides. It's just not considered legal.

45

46 So there is a bit of a conflict there,
47 you know, how much of a market is there for sea otter
48 items.

49

50 One thing I would say is that with

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1 respect to traditional knowledge, since 1977 the Fish and
2 Wildlife Service has signed cooperative agreements with
3 the Alaska Sea Otter and Stellar Sea Lion Commission.
4 It's an Alaska Native organization that represents sea
5 otter hunters. And we have worked with them on this
6 cooperative agreement, we have funded local knowledge
7 studies. A very good local knowledge study was done in
8 Southeast Alaska by the Sitka Marine Mammal Commission.
9 We've been trying to get a similar local knowledge study
10 in the Kodiak area as well. This involves going to the
11 various communities and surveying people in the
12 communities, asking them about sea otter distribution and
13 numbers and population trends. We haven't been able to
14 get a project of that type in the Kodiak area yet, but
15 it's something that we're very interested in doing.

16
17 And the other thing I was going to
18 mention was the Marine Mammal Protection Act was last
19 authorized in 1994. It's up for reauthorization. And
20 one of the things that we're proposing is to amend
21 Section 119 of the Act which is the Marine Mammal
22 Cooperative Agreements in Alaska section. Currently, you
23 cannot -- we cannot impose any restrictions on harvest of
24 marine mammals unless a population is designated as
25 depleted under the Marine Mammal Protection Act.
26 Basically what that says is we can't do anything to
27 manage the harvest until there's already a problem, until
28 the population is already in decline. And that's pretty
29 much recognized as not a very good to manage wildlife.
30 And so we've worked with the Alaska Native organizations
31 on this amendment.

32
33 It would allow for management of the
34 harvest prior to depletion. It would require a
35 management plan prepared in cooperation with Alaska
36 Native communities and organizations. It would allow the
37 setting of quotas and typical sort of harvest management
38 practices. And in that case, the possibility of changes
39 in what happens to the pelts, that might be something
40 that would change the consideration on some of those
41 issues. Because at this point in time, there's concern
42 that if there was a foreign market opened, but no ability
43 to manage the harvest, that that could result in
44 unsustainable levels of harvest. So all these things
45 need to be considered together.

46
47 And I think that addresses most of his
48 concerns.

49

50 CHAIRWOMAN TRUMBLE: Pat.

00023

1 MR. HOLMES: Madame Chair, I have two
2 questions. One that I'll ask Doug, that he answered nice
3 quite nicely at the Kodiak Fish and Game Advisory
4 Committee but there's a lot of folks here that weren't
5 there. And what's your perspective on this threatened or
6 depleted status, how that will affect, because I know
7 several ladies in town that do this as a living and make
8 sea otter items; are they going to be affected?
9

10 MR. BURNS: Both the Marine Mammal
11 Protection Act and the Endangered Species Act, both,
12 include provisions that allow for harvest of, in the case
13 of the Marine Mammal Protection Act a depleted species,
14 in the case of the Endangered Species Act, something
15 that's listed as either threatened or endangered. Under
16 the Endangered Species Act, if a species is listed under
17 the ESA, it's automatically considered depleted under the
18 MMPA, but both Acts allow for subsistence harvest,
19 handicraft and sale of handicraft items.
20

21 The Endangered Species Act says that if
22 it's determined that the harvest is having a -- I can't
23 recall the term, but if it's determined that the harvest
24 is having an impact on the recovery of the population,
25 then there is the possibility of regulating the harvest.
26 But at this point in time, looking at the number of
27 animals in Southwest Alaska, looking at the distribution
28 of the harvest, at this point it doesn't appear that the
29 subsistence harvest is having a major impact on the
30 population and we have no plans for any harvest
31 regulation.
32

33 With that being said, if it were
34 determined in the future that the population continues to
35 decline and the harvest might be in a position where it
36 was impacting the population, any sorts of plans for
37 harvest regulation would be done in full cooperation with
38 the Alaska Sea Otter, Stellar Sea Lion Commission, the
39 communities would be involved in that. So we don't
40 foresee it at this point in time but I certainly can't
41 say that, you know, it would never happen. It's just
42 something that might happen -- if it happens it would be
43 well in the future.
44

45 CHAIRWOMAN TRUMBLE: Pat, before we
46 continue, to Council questions or discussions, we do have
47 one more person that would like to testify, if we may go
48 ahead with that. And that's Iver Malutin.
49

50 MR. MALUTIN: Good afternoon. And I

00024

1 thank you for giving me the opportunity to speak. And
2 what I'm going to have to say at the very beginning is
3 going to really open your eyes and ears because you're
4 looking at a descendant of the manager of Bindnoi Island
5 of Kamchatka during the Russian/American company days of
6 the sea otters

7

8 My great-grandpa was in charge of Bindnoi
9 which means copper in Russian. And he was in charge of
10 the sea otter hunters and this is documented by Dr. Linda
11 Black in the Russian/American Dictionary No. 33. And
12 also by Kathy Yont at the University of Alaska. And he
13 later went to Atka and he was in charge of the sea otter
14 hunters in Atka. And I'm trying to tell you, I guess,
15 who I am, he was my great-grandpa.

16

17 Anyway, talking about sea otter. That's
18 what they were talking about then.

19

20 In 1965, this is quite a bit of later ,
21 the sea otter were moving and they were migrating east
22 big time. Because the sea otter were on the north end of
23 Shuyak Island and Afognak Island, they were not very far
24 south yet. But they were moving, and why were they
25 moving. For only one reason, they had no food. And by
26 then these guys, like Johnny Reft says, with the college
27 degrees and all the education should have looked at
28 common sense, looked at the sea otter, why are they
29 moving, they're moving to get food.

30

31 Okay.

32

33 I went to Chignik and I was amazed at the
34 number of sea otters we saw all the way from across on
35 Shelikof Strait, Alpegina, Port Wrangell, all the way to
36 Chignik and even down eastward, I was amazed at the sea
37 otters because I've never seen them things like that
38 before.

39

40 Okay.

41

42 As time went on they moved east. And I'm
43 going to go back quite a few years now, because what the
44 sea otter did to us is they ruined a lot of the Native
45 traditional foods and they're still doing it today. At
46 Raspberry Straits in the '70s, Mike Mullen was living
47 there and I used to go visit him all the time, we would
48 take a bucket, we'd go down to the beach and we could
49 get clams, all we wanted in just a short little period of
50 time.

00025

1 Okay.

2

3 A few years later, the sea otter was
4 disappearing and one time I went out there and what did I
5 see -- Mike said, let's go clam digging, so I went and
6 got a bucket and I said, hey, Mike you better get a
7 bucket, he said, what for, I said, clams, we went down
8 there and all there was was holes in all the clams and we
9 couldn't even get any clams. So by then they're still
10 moving.

11

12 Okay.

13

14 And that's what they're doing now. I
15 don't totally agree with all the surveys that they're
16 taking from the air, because I don't think it's a good
17 survey. I think the otters are moving where the food is.
18 And if they go look for the abundance of food, that's
19 where they're going to find the otter in the biggest
20 numbers. And as soon as the food is depleted, they're
21 gone and it makes sense.

22

23 So that's just a little bit that I wanted
24 to tell on the sea otter because I'm not really familiar
25 with sea otter but they are taking away the food. I
26 don't know how many times I've seen them eating octopus,
27 I see them eating king crab, and I see them eating all
28 kinds of our traditional food and yet we have to take the
29 back seat to them because they got to protect them. And
30 what does that mean, they got to have their food. And if
31 they got to have their food, hey, I don't get any and
32 that's bad.

33

34 (Laughter)

35

36 MR. MALUTIN: And the sea otter was only
37 used for clothing and, I don't know about food, I
38 remember they did a study on sea otter but I don't think
39 they were used for food. Now, they're used for more
40 decoration and ways to make money and ornaments and
41 whatever, but, yet, they really got to be protected
42 because Johnny Reft said the environmentalists say so and
43 they're instructing these guys because basically the
44 environmentalists are ruling Alaska. And they're telling
45 us, give it to the sea otters, hey, you guys can't have
46 them clams, the sea otters got to have them. That's
47 really, in effect, what's happening, not directly but
48 indirectly.

49

50 So I guess that's the end of my

00026

1 testimony.

2

3 Okay.

4

5 CHAIRWOMAN TRUMBLE: Thank you, Iver.

6 Pat.

7

8 MR. HOLMES: Brief question. Being's
9 you're going into management, what do you think of
10 predator control and perhaps a Native orca management
11 association?

12

13 MR. BURNS: I don't think I want to touch
14 that with a 10-foot pole.

15

16 (Laughter)

17

18 MR. BURNS: As you probably know, killer
19 whales are also covered by the Marine Mammal Protection
20 Act. And this is one of the biggest questions we get is
21 that, well, if it is, you know, killer whales that are
22 eating sea otters, what are you going to do about it, you
23 know, are you going to go round up and shoot some killer
24 whales or ship them off to Sea World or something like
25 that?

26

27 I don't believe that the Marine Mammal
28 Protection Act really allows for those sorts of actions.
29 So it's really not clear what we would be able to do
30 about that directly. I really don't know.

31

32 CHAIRWOMAN TRUMBLE: Paul.

33

34 MR. GUNDERSEN: Madame Chair. Burns, a
35 couple of years ago our CDQ group APIDKA (ph), had done a
36 sea urchin study in the north peninsula and south
37 peninsula, you've been aware of that? They were looking
38 for what the potential was for a commercial harvest, and
39 they went through the areas, the Shumagin Islands, all
40 the bays along the peninsula and then on to the north
41 side. And they said the only thing they could find were
42 just the juvenile sea urchins. Basically some of the
43 areas were completely cleaned out.

44

45 MR. BURNS: Uh-huh.

46

47 MR. GUNDERSEN: And we noticed that.
48 There's two bays up on that north side of the peninsula,
49 Herendeen Bay and Moeller Bay, and the bottom there's
50 more compatible to the Pacific side, it's all rocky, deep

00027

1 water, and they did support a good number of crab at one
2 time, but everything's all -- they cleaned them all out.
3 So the same thing with the clam beds that he had
4 mentioned. But there is a real shortage of food supply
5 in that whole area.

6

7 MR. BURNS: I wasn't aware of the sea
8 urchin study. I would like to know more about that. I
9 think what you described is fairly typical of areas where
10 there are sea otters. There are urchin populations but
11 they're typically very small urchins and it's basically
12 because they don't live long enough to get very large.

13

14 One of the things that Jim Estes found
15 out in the Aleutians was, that, as the sea otter
16 population has declined, the number of sea urchins has
17 gone up and also the average size has gone up.

18

19 MR. GUNDERSEN: Uh-huh.

20

21 MR. BURNS: As a result of that, though,
22 in some places, because sea urchins are plant eaters,
23 they eat the attachments of the kelp plants, that the
24 kelp forests have decreased dramatically out in the
25 Aleutians. And so I think that's something they've seen
26 there.

27

28 One of the things about these studies is
29 the other sorts of things, like the sea otter prey items,
30 those have been studied primarily in the Aleutians. Now,
31 that we've documented the decline, we're looking at
32 expanding research on things like the sea otter prey
33 items. We're looking at expanding that into other areas.
34 There was a study done in the 1980s here in the Kodiak
35 area of sea otter prey items. And that individual, that
36 person who did that study has a proposal in to basically
37 repeat and go back to the same site and look at sea otter
38 prey items. So we're going to be looking at some of
39 those issues in other areas of Southwest Alaska. It's
40 definitely something that we want to look at.

41

42 MR. GUNDERSEN: I would say you probably
43 could get that report from APIDKA. It's got an office in
44 Juneau. And what they were doing, it was a survey for
45 any commercial potential of, may it be clams, sea urchins
46 or whatever, so, and it was done by an independent party.
47 So you may be able to get the information from them and
48 it might be helpful, especially for it to set a baseline
49 or something to -- because this happened about two or
50 three years ago.

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1 MR. BURNS: One other thing I'd like to
2 add, I guess it occurred to me is the comments about the
3 sea otters, when they move into an area. I think
4 historically it's a pretty interesting story that, you
5 know, prior to the discovery voyages of Vitas Bering in
6 1742, I mean sea otters were distributed throughout
7 coastal Alaska at a certain level and their prey
8 populations, you know, they were in some sort of
9 equilibrium with their prey populations, when the sea
10 otters were wiped out, the prey populations then took off
11 and now that sea otters have come into the areas, the
12 prey populations are declining. I think the question is
13 is what sort of a balance are we finally going to have
14 between sea otters and the things they eat and the
15 subsistence users in the area.

16
17 Like I say, it's a difficult question.

18
19 CHAIRWOMAN TRUMBLE: Pete.

20
21 MR. SQUARTSOFF: Yeah, I just wanted to
22 make a comment, I feel the habitat is a critical thing on
23 the sea otter because they just got to be too big of
24 numbers in the '80s and '90s and they just ate themselves
25 out of home. I mean I seen them starving on the rocks.
26 You can go on -- and you can see their ribs sticking out.
27 And they're going to just have to keep declining until
28 the habitat comes back.

29
30 We used to go, Iver knows and John, Port
31 Bailey was one of the best places for clam digging, and
32 in the early '90s it turned out to be all just rock, you
33 know, not a clam left. I mean there was pods of 200 or
34 so sea otters. It's just common sense.

35
36 So I don't know where that number is
37 going to have to be for the habitat to come back. I
38 don't think by stopping people from harvesting them is
39 going to make a difference, I really don't.

40
41 MR. BURNS: Well, that's sort of a
42 typical -- a pattern that's been typically observed, when
43 sea otters move into an area because there is abundant
44 prey their populations do tend to overshoot what the
45 habitat can support. And then what will happen is
46 through a combination of either starvation or migration,
47 some animals, you know, may just say, hey, I can't make a
48 living here and so they'll move on to the next bay or the
49 next island. But, they'll all -- you know, some sea
50 otters will remain and typically it drops -- you know,

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1 population will drop back down until where it's in
2 equilibrium with the habitat.

3

4 But we're not limiting or restricting
5 harvest of sea otters at this point in time, and we don't
6 have any.....

7

8 MR. SQUARTSOFF: Yet.

9

10 MR. BURNS:and we don't have any
11 plans to.

12

13 MR. SQUARTSOFF: Right. But I think what
14 you need to show the environmental people is what happens
15 when they get to be that many numbers in one area. I
16 think it needs to be kept at a pretty low level, so that
17 doesn't keep happening.

18

19 CHAIRWOMAN TRUMBLE: Are there any other
20 questions. John, in the back.

21

22 MR. REFT: Yeah, Madame Chair, I'd just
23 like to say that the comparison he made for the aerial
24 survey that they do.....

25

26 CHAIRWOMAN TRUMBLE: Do you want to come
27 up to the mic, John.

28

29 MR. REFT: Not loud enough?

30

31 MR. SQUARTSOFF: It needs to get on the
32 record.

33

34 MR. REFT: John Reft, Kodiak Tribal
35 Council again. The comparison he made earlier about the
36 aerial survey with the plane and then compare that to the
37 helicopter survey. The helicopter survey is way up
38 because they get slower, more accurate counts.

39

40 Okay, now, you take a skiff and do a
41 survey with a skiff zipping around, is the same thing.
42 But you take a boat in comparison to that skiff, it's
43 like the airplane in comparison to helicopter. You can
44 go right up to them on the boat, you can find them, you
45 can see 50 percent more than you can any other way.
46 Those two comparisons will tell you that in order to do a
47 good, accurate, safe survey on sea mammals, your boat is
48 the best most accurate way to do it.

49

50 And bottom line is like Iver said, you

00030

1 know, a lot of our subsistence food is gone because
2 people wouldn't listen, and it's a shame. You know, I
3 mean it's like any of you, wherever you live, you
4 maintain stocks and you depend on them for survival.
5 Well, it's our way of life. I mean if environmentalists
6 are going to sacrifice the Natives for the sea otter and
7 then there's something wrong with everything, and the
8 Board. I'm sorry, but thank you.

9

10 CHAIRWOMAN TRUMBLE: Thank you, John.
11 And I believe, Iver, do you have another comment.

12

13 MR. MALUTIN: Thank you, Madame Chair.
14 Just for the information of the record, my name is Iver
15 Malutin and I'm representing KANA, Kodiak Area Native
16 Association.

17

18 And I didn't come prepared to testify
19 that's why I'm up here a second time. I don't have a
20 very good memory anymore.

21

22 (Laughter)

23

24 But anyway, my great-grandpa's name was
25 Jacob Plaktonen, and there's a biography about him in
26 that Russian/American dictionary. And in his work, he
27 had moved, and when I talk about east and west, I talk
28 about Unalaska out there being west and coming this way,
29 east, and he was in charge of the different places that
30 were the headquarters for the sea otter hunters. And
31 what had happened at that time, they were moving east.
32 He moved east. And why did he move east, because the sea
33 otter was being depleted.

34

35 They moved all the way down to the coast
36 of California where the Native hunters were taken down to
37 California and they were hunting sea otter down there.
38 So this is nothing new. And I just hope and pray that
39 there's some way that we could come to an agreement with
40 these people that they could help us protect our
41 resources also and not only the sea otter, let's put
42 some, chicken wire, or anything to keep them out of our
43 area. If there's something that we could preserve, what
44 few little clam beaches we got left because I hear
45 nothing about you or anybody else trying to restore our
46 beaches. And I think that has to be something that
47 should be looked into in the future because, you know,
48 there's clams on the beaches and we're still eating them
49 today.

50

00031

1 Everybody said, don't eat the clams,
2 don't eat the clams. You're not going to stop us from
3 eating the clams. We've been eating them all our lives
4 and one of these days they're going to come up with a
5 good easy simple method to check for poison and then
6 everybody will start eating them, but we're still eating
7 them. There's good clams out on the back of the island
8 that we're not supposed to eat, there's good clams at
9 Port Lions that they're eating all the time, we're eating
10 them. And we need those clams back and we need your help
11 to get them back, to help us protect them from your sea
12 otter that they're going to make in more abundance,
13 that's going to be in competition with us again.

14
15 I like the numbers going down. I love
16 it.

17
18 (Laughter)

19
20 But there's nothing I could do about it,
21 thank you.

22
23 CHAIRWOMAN TRUMBLE: Thank you, Iver.
24 Okay. Are there any questions from the Council. Any
25 other comments.

26
27 Pat.

28
29 MR. HOLMES: Well, Madame Chair, I'd just
30 like to state for the record that my friends out at Atka
31 share the feelings of Iver. It's just like a discussion
32 I had with Pat's mom and several of the folks from Atka,
33 they feel the same way, that they've lost their ability
34 to clam and get near shore crab because of the otter.

35
36 CHAIRWOMAN TRUMBLE: Thank you, Pat. And
37 Doug, I guess, given that the Cook Inlet and Southeast
38 populations appear to be on the increase, are there any
39 thoughts, I guess, given all this discussion today about
40 maintaining certain populations of the sea otter?

41
42 MR. BURNS: I'm not sure what you mean by
43 that?

44
45 CHAIRWOMAN TRUMBLE: I guess looking at
46 your, the statewide survey that -- and I did read another
47 one that was, I'm not sure who put it out, but that the
48 Cook Inlet, I think, area, is on the increase as far as
49 sea otters, and then Southwest -- or Southeast Alaska
50 apparently was on the increase as far as populations.

00032

1 MR. BURNS: Yeah. We think that
2 Southeast may be increasing. The Southeast population
3 was actually completely wiped out by the commercial fur
4 harvest and in the late 1960s, the Alaska Department of
5 Fish and Game translocated animals from Amchitka Island
6 and Prince William Sound to half a dozen different sites
7 down there -- I think it was about 400 otters were
8 translocated down there and, again, that was really, you
9 know, throwing the kid in the candy store sort of a
10 situation, those populations grew very rapidly and
11 started to expand, both in numbers and in their range.
12 There's still unoccupied habitat in Southeast Alaska,
13 which is why we expect that that population is increasing
14 and will continue to do so.

15
16 With respect to the Southcentral
17 population, Prince William Sound has been surveyed since
18 the Exxon Valdez Oil Spill, that population initially
19 increased up to about the mid-1990s, and then has leveled
20 off in the last year.

21
22 We had the Cook Inlet and Kenai Fjords
23 area was surveyed and those numbers were comparable to
24 what we had in 1989. So that population, the
25 Southcentral population, we believe, is either stable or
26 maybe increasing very slightly.

27
28 With respect to the Endangered Species
29 Act listing, that is for the Southwest Alaska population
30 only. Both the Southcentral and the Southeast
31 populations would not be listed under that action.

32
33 MR. MALUTIN: Della, may I ask Doug a
34 question?

35
36 CHAIRWOMAN TRUMBLE: Go ahead.

37
38 MR. MALUTIN: Okay, my question is, when
39 they had the Amchitka blast, remember when they -- is
40 that where they had the big atomic blast, Amchitka?

41
42 MR. BURNS: Uh-huh.

43
44 MR. MALUTIN: Okay. They did a study on
45 the sea otter. And I went to a meeting with the person
46 that was in charge of aviation for the State of Alaska,
47 and he was supposed to go out and count the sea otter
48 before they had the blast, and he told us they got out
49 there and it took them a week to get back to town because
50 the weather was so bad. They didn't count one sea otter.

00033

1 And when they went there and returned, after the blast,
2 the same thing had happened, they couldn't count one sea
3 otter because the weather was so bad.

4
5 So my question is to you, is in your
6 study, do you have any relation to the Amchitka blast to
7 your sea otter decline?

8
9 MR. BURNS: No, not really. I think the
10 blast occurred in the late 1960s, around '69.

11
12 MR. MALUTIN: Okay, but anyway, it should
13 be looked at and it should be brought into your records
14 and put into the history of the sea otter anyway.

15
16 MR. BURNS: Right.

17
18 MR. MALUTIN: Because the State of Alaska
19 must have it documented in their aviation department
20 because they're the ones that presented it.

21
22 Okay, thank you.

23
24 MR. BURNS: Okay, we'll consider that.

25
26 CHAIRWOMAN TRUMBLE: Thank you, Iver. I
27 think at this time we probably need to move on, on our
28 agenda. And Doug, we appreciate your report and
29 discussion.

30
31 MR. BURNS: Thank you. And as new things
32 develop, we'll pass that information to the Council.

33
34 CHAIRWOMAN TRUMBLE: And, Michelle, maybe
35 we can get a copy mailed to us of his report.

36
37 MS. CHIVERS: (Nods affirmatively)

38
39 CHAIRWOMAN TRUMBLE: What I'd like to do
40 at this time is Iver did have -- wanted to testify more,
41 I believe, on another issue. And if we can go ahead and
42 have him do that before we move on on our agenda. If we
43 can have Iver do his testimony, we'll go ahead and take a
44 few minutes break after that so we can get set up for
45 moving on on the proposals.

46
47 MR. MALUTIN: These new-fangled rigs are
48 kind of complicated for me.

49
50 (Laughter)

00034

1 Anyway, I have to apologize again because
2 I might be a little out of turn here, but what I have to
3 say, I think is pretty important. And we're talking
4 about the rural and urban divide.

5
6 I went to the North Pacific Fisheries
7 Management Council meeting on halibut subsistence, and it
8 was very interesting to hear what the North Pacific
9 Fisheries Management Council knew about our traditional
10 ways and our traditional lifestyle, and the way things
11 were happening. They had just about zero information.

12
13 And so based on that, my mother told me
14 when she was very young, if you weren't there you didn't
15 see, you can't say. So none of those people were there
16 and none of those people could see and none of those
17 people could say. So based on that, what do they do?
18 They have to take the information from whoever gives it
19 to them, and at that time it was our advisory board from
20 Kodiak, which had no Natives or no traditional users on
21 the board. So what kind of information does the North
22 Pacific Fisheries Management Council going to get from
23 people like that?

24
25 It's something to really think about.

26
27 Okay.

28
29 I went to Anchorage and I was really
30 amazed at what little they knew, and I told them when I
31 get done you'll know more than the advisory board in
32 Kodiak, and they did.

33
34 Anyway, based on the economics of Kodiak
35 Island, the villages are shrinking, there is no economic
36 base on the island, the villages because of the price of
37 salmon, the way the fishing industry is going. So what
38 does that mean? That means the people are moving to
39 Kodiak, they're moving to Anchorage, they're moving any
40 place that they could move to get a job and to work.

41
42 So what does that do? That puts more
43 people in Kodiak, it makes it worse by the Feds and the
44 State officials to look at us because they're going to --
45 this is a bigger, bigger town, there's so many people
46 there, we can't give you your traditional foods.

47
48 Okay.

49
50 By moving to the urban areas, they're

00035

1 penalizing themselves whether they know it or not because
2 they're not going to be able to get their traditional
3 foods that they get in the villages. And that's some of
4 the big problems. And my only concern is that I wish
5 that there would be some kind of a set of criteria made
6 where we can somehow give the traditional people the food
7 that they need regardless of where they live.

8

9 Just to give you an example, what
10 happened at the North Pacific Fisheries Management
11 Council. They were talking about halibut subsistence,
12 this came from the program in Sitka. They were talking
13 about giving 20 halibut a day, 20 hooks a day from
14 Dangerous Cape all the way around the island to
15 Termination Point, and that included all six villages.
16 Twenty hooks a person, 20 halibut a day. From Kodiak to
17 Termination Point to Dangerous Cape they're giving us --
18 the first proposal of five halibut a day -- no, excuse
19 me, 10 halibut and five hooks a day because of the
20 numbers in Kodiak. So I finally got to them -- you could
21 get a copy of the proposal because I think it's still in
22 Washington, the draft might be finalized now, but it will
23 be there -- and now we get 10 halibut -- we get 20
24 halibut a year and 10 hooks a day, in Termination Point
25 to Dangerous Cape. And on the villages, they get 20
26 halibut a day, no limit and 20 hooks a day per person.

27

28 All I'm trying to do is show you a
29 picture that is happening where they're separating the
30 Native and they're dividing us regardless if they come
31 from the villages or they live in Kodiak or wherever they
32 go, they're killing us. I'm still going to get my
33 halibut. I testified on every single board that they
34 have to arrest me wherever I fish because I'm still going
35 to get what I need and I get enough in my freezer so I
36 could give Al and Speridon and Peter his fish if he needs
37 it and he don't have any. I still have fish in the
38 freezer that I could give people if they need it and I
39 will. I've been doing it all my life and they're going
40 to have to put me in jail to stop me.

41

42 That's all I got to say.

43

44 CHAIRWOMAN TRUMBLE: Thank you, Iver. We
45 appreciate your public testimony today. And I guess
46 being involved at the State level at various times, those
47 concerns I heard by a lot of different regions.

48

49 Thank you.

50

00036

1 If we can, go ahead and take a break so
2 we can get set up for Proposal WP03-01, about a 10 minute
3 break.

4
5 (Off record)

6
7 (On record)

8
9 CHAIRWOMAN TRUMBLE: Okay, if we can call
10 the meeting back to order. The next item on our agenda
11 is Proposal WP03-01 to provide for harvest for religious
12 ceremonies. Pat.

13
14 MS. PETRIVELLI: Thank you, Madame Chair.
15 My name is Pat Petrivelli. And I'm an anthropologist in
16 the Office of Subsistence Management.

17
18 Proposal WP03-01 was submitted by the
19 Office of Subsistence Management and it requests that the
20 Board establish a statewide regulation allowing the
21 taking of wildlife for religious and ceremonial
22 potlatches purchases -- purposes for -- for funerary and
23 mortuary ceremonies.

24
25 Adoption of this proposal would
26 standardize and simplify Federal subsistence wildlife
27 regulation and extend an opportunity to all Federally-
28 qualified subsistence users to harvest wildlife for use
29 in traditional religious ceremonial potlatches. Proposed
30 regulations requires that the harvesting does not violate
31 recognized principles of fish and wildlife conservation
32 and prior notice must be given to the delegated local
33 manager -- oh, and I forgot to mention that the analysis
34 begins on Page 62 under Tab C of the meeting book.

35
36 In the existing regulations, there's
37 existing provisions for ceremonial uses in a number --
38 specifically mentioned -- that has specific provisions in
39 various units around the state, and those are all listed
40 in Appendix A and it starts on Page 69. The ones in the
41 Kodiak/Aleutians region are in Unit 9 and 10 with the
42 brown bear for ceremonial purposes and that wouldn't be
43 affected by this proposed language. But some would and
44 that will be at the end.

45
46 The main points of the proposed
47 regulation, you may take wildlife outside of the season
48 or harvest limits for traditional religious ceremonies
49 for funerals or mortuary ceremonies. The person
50 organizing the ceremony must contact the Federal land

00037

1 management agency with information about the species and
2 location where it will be taken. There cannot be any
3 violations of principles of fish and wildlife
4 conservation, and then a report must be filed about the
5 harvest within 15 days after the harvest.

6

7 No permit or harvest ticket is required
8 but the harvester must be an Alaskan resident with C&T
9 for the resource in that area.

10

11 The proposed regulation is on Page 63 of
12 the book -- or actually on -- it's -- it's at the end of
13 the -- it's on Page 66. But the relevant State
14 regulation is on Page 63. And if you remember, we did
15 this for fish in the last go around with fish for
16 ceremonial purposes. And since then the way the
17 regulation's been -- the wording in the regulation has
18 been modified just to accommodate some of the provisions
19 we put for the taking of fish for wildlife for ceremonial
20 regulations and then to accommodate some changes made by
21 the State Board of Game this fall. And so the wording
22 that was originally proposed has been modified and those
23 modifications are on Page 66.

24

25

26 Let's see, and then in looking at this
27 proposed regulation, because this has been recognized at
28 various places and even when we were doing this last fall
29 -- let's see, it did become evident that not all Alaska
30 indigenous peoples whole funerary, mortuary or memorial
31 potlatches, but this regulation allows a standardization
32 of -- in the provisions just to accommodate that
33 recognition.

34

35 What this proposal would -- what this
36 proposal -- if this proposal is adopted to have the
37 statewide provisions, it would have minimal impacts on
38 wildlife populations, it would standardize and simplify
39 the Federal Subsistence regulations pertaining to the
40 taking of wildlife for use in traditional, religious
41 ceremonies. It would shorten, by five days, the post
42 harvest reporting period. It would -- because in the
43 provisions that we've had before Unit 21 and 24, it was
44 20 days and now we're saying 15, it would require
45 individuals or tribal representatives in Units 21 and 24
46 to notify land managers prior to attempting harvest
47 resources, and I'm talking about the language on Page 66.
48 And it would afford all Federally-qualified subsistence
49 users an opportunity to take wildlife for use as food in
50 traditional and religious ceremonies which are part of a

00038

1 funeral or mortuary cycle including memorial potlatches
2 and we realize it may not be applicable to local customs
3 in some areas of the state.

4
5 But the preliminary conclusion is to
6 adopt the proposal with modifications as outlined on Page
7 66. These modifications incorporates some of the
8 concerns that were raised during the discussion of using
9 fish for ceremonial purposes in some -- in some of the
10 Board of Game provisions.

11
12 And what this flexibility would remove --
13 or let's see, oh, the regulatory language provides for
14 conservation of wildlife populations. Little additional
15 harvested is anticipated as the practice as the practice
16 has been ongoing under the State of Alaska regulations
17 and in the provisions that we've accommodated that are
18 listed in the appendix in -- and where there are unit-
19 specific regulations that aren't covered by this, such as
20 the brown bear ceremonial purposes, those special
21 provisions would not be changed.

22
23 So -- and that's -- that's the end of my
24 presentation.

25
26 Thank you.

27
28 CHAIRWOMAN TRUMBLE: Thank you, Pat.
29 Alaska Department of Fish and Game comments.

30
31 MR. VANDALE: Thank you, Madame Chair.
32 Larry VanDale, Alaska Department of Fish and Game. The
33 Fish and Game comments are articulated on Page 61 of your
34 booklet there. Basically the Department supports this
35 proposal, however, we would recommend that it be modified
36 to adopt the Boar of Game language which was codified in
37 November of 2002.

38
39 We feel that by having a statewide
40 recommendation that is mirrored in the State laws then it
41 would be a lot easier for folks, they don't have to
42 figure out what area they're in and what permits they
43 have to go to and who they have to get one and so forth.

44
45 And so as we state in Page 61, we'd like
46 to see this passed however we'd like it to be modified.
47 And if I may, Madame Chair, I'll present a copy of the
48 current codified to your secretary over here.

49
50 CHAIRWOMAN TRUMBLE: Thank you.

00039

1 Michelle, when we would we be able to get copies of that?

2

3 MS. CHIVERS: You want them?

4

5 CHAIRWOMAN TRUMBLE: Yeah. What we can
6 do at this time is continue on with other agency comments
7 if there are any.

8

9 Ida.

10

11 MS. HILDEBRAND: Thank you, Madame
12 Chairman. Ida Hildebrand BIA Staff Committee member.
13 Perhaps, Michelle will cover this under other comments
14 but many of the councils have already voted on this and
15 the majority of them asked to strike the language in
16 section three that makes reference to the name of the
17 decedent.

18

19 And that's all I have to offer, thank
20 you.

21

22 CHAIRWOMAN TRUMBLE: Thank you, Ida.
23 Fish and Game Advisory Committee comments. Pat.

24

25 MR. HOLMES: Madame Chair. The Advisory
26 Committee did approve the State ones so I would assume
27 that they would have a similar philosophy towards this
28 concept would be pretty keen on it. Our Chairman isn't
29 here, he had a heart attack and stepped out so I have to
30 apologize for our committee, that we didn't have someone
31 to come and comment. But if I might enter that, at least
32 my conjecture would be is that they would be supportive
33 of this type of a measure.

34

35 CHAIRWOMAN TRUMBLE: Thank you, Pat. I
36 do not have any public testimony at this time in regard
37 to this issue. And given that Michelle is making copies,
38 we can go ahead and move on to the Regional Council
39 deliberation, recommendation and justification.

40

41 I guess we'd probably want to concur with
42 other Councils and remove the requirement for listing
43 decedent's name.

44

45 MR. SQUARTSOFF: I so move.

46

47 MR. ZACHAROF: Second.

48

49 CHAIRWOMAN TRUMBLE: There's been a
50 motion made and seconded. Discussion.

00040

1 (No comments)

2

3 CHAIRWOMAN TRUMBLE: Question.

4

5 MR. GUNDERSEN: Question.

6

7 CHAIRWOMAN TRUMBLE: Question's been

8 called, all in favor signify by saying aye.

9

10 IN UNISON: Aye.

11

12 CHAIRWOMAN TRUMBLE: Opposed, same sign.

13

14 (No opposing votes)

15

16 CHAIRWOMAN TRUMBLE: Motion carried. I

17 think if we can take a couple of minutes to go through

18 what Larry has given us before we take action on the

19 proposal.

20

21 (Pause)

22

23 CHAIRWOMAN TRUMBLE: Larry, maybe for

24 clarification what was past and then what is being

25 recommended by Staff besides the name taken out? Are

26 there any other points that are different?

27

28 MR. VANDALE: Madame Chair, in glancing

29 at that, the Staff this afternoon, it seemed like the

30 biggest difference was big game versus wildlife. And

31 other than that, it seems pretty straightforward, it's

32 basically tell where you want to get it and once you kill

33 it, what you killed.

34

35 CHAIRWOMAN TRUMBLE: Thank you. Pat.

36

37 MR. HOLMES: Madame Chair. It would be

38 good if the -- it seems philosophically they're both

39 saying the same thing so if it would be good if they both

40 did the same so the person would only have to contact one

41 agency. And I don't see a real striking difference

42 between the State one and the Federal one. Do you have

43 any problems, Pat, with the adoption of the State one?

44

45 CHAIRWOMAN TRUMBLE: Well, let's back

46 just a second Pat.

47

48 I think what Larry has given us is what

49 the State has passed. What we are proposing and we need

50 to take action on is on Page 66, which has the Staff

00041

1 recommended modifications. And I believe that's where
2 we're at at this point. What Larry has given us almost
3 mirrors, the wording is just different, except leaving
4 out the name of the person.

5

6 And I -- is there any other discussion in
7 regard to our questions, in regard to this for Pat or
8 Larry.

9

10 (No comments)

11

12 MR. SQUARTSOFF: Madame Chair, I'd like
13 to make a motion to adopt WP03-01, State recommendation.

14

15 CHAIRWOMAN TRUMBLE: Staff modification.

16

17 MR. SQUARTSOFF: Staff modification.

18

19 MR. GUNDERSEN: I'll second it.

20

21 CHAIRWOMAN TRUMBLE: We have a motion
22 made and second. Discussion.

23

24 (No comments)

25

26 MR. HOLMES: Question.

27

28 CHAIRWOMAN TRUMBLE: Question's been
29 called. All in favor signify by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRWOMAN TRUMBLE: Opposed, same sign.

34

35 (No opposing votes)

36

37 CHAIRWOMAN TRUMBLE: Motion carried.

38 Thank you, Pat and Larry.

39

40 With that I guess we can move on to WP03-

41 02.

42

43 MS. PETRIVELLI: Madame Chair, 02 starts
44 on page 82, the analysis starts on that page.

45

46 And this proposal was also submitted by
47 the Office of Subsistence Management. And it's a
48 proposed change to the general provisions for all units
49 to standardize the designated hunter regulations.

50

00042

1 Currently, designated hunter provisions
2 are allowed on a unit-specific basis and this would
3 provide -- this would standardize so we have designated
4 hunter hunter provisions but then we say designated
5 hunter is allowed in -- and whenever there's unit-
6 specific regulations such as for 9(D) and 10, then those
7 are in effect. And then so in -- there's currently 21
8 designated hunts throughout the state in -- in 17
9 different units of the possible 26.

10

11 What this would do would say designated
12 hunting is allowed in all those units unless specifically
13 prohibited. And so -- or unless there's provisions that
14 aren't listed in this standardization.

15

16 The existing designated hunting
17 regulations are also included in an appendix that's on
18 Page 92. And -- oh, and then there are designated
19 hunting provisions for deer in Unit 8, which was one of
20 the first ones that were adopted in 1995. But under the
21 proposed regulations -- and then this would apply only
22 for ungulates and ungulates means any species of hoofed
23 animals including deer, elk, caribou, moose, mountain
24 goat, dall sheep and muskoxen.

25

26 So -- and the designated hunter program
27 has the following provisions, any Federally-qualified
28 user may designate another Federally-qualified
29 subsistence user to take wildlife on his or her behalf.
30 And the designated hunter must obtain the designated
31 hunting permit, the designated hunter may hunt for any
32 number of recipients and they may not have more than two
33 harvest limits in his or her possession at one time. And
34 that's just for the general standardized provisions for
35 the 9(B) and 10 caribou hunt, that limit is four. But
36 we'll discuss that later. And then the designated hunter
37 may not charge the recipient for his or her services in
38 taking the wildlife or the meat for any part of the
39 harvested wildlife.

40

41 The Federal provisions differ from the
42 State provisions. The State proxy hunts. Well, the
43 State proxy hunts are statewide applications and then
44 they apply only to caribou, deer and moose and they're
45 available only to residents that are blind, 70 percent
46 disabled or 65 years or older. And either the recipient
47 or the hunter may apply for the authorization and no
48 person can be a proxy hunter for more than one recipient
49 at a time.

50

00043

1 With the history of the designated hunter
2 provisions, the first actual designated hunting proposals
3 were made in 1994 for Units 1 through 5, the Southeast
4 units and then Unit 8. And there were some proposals
5 submitted and then a task force was formed, and I'm not
6 sure how many people here were on that task force, but
7 much like the customary trade task force. And then in
8 1995, the Federal Subsistence Board submitted -- or
9 adopted the provisions of the designated hunter program
10 that's currently in place with allowing any user. And
11 then just in those certain units, 1 through 5 for deer,
12 Unit 5 for moose and Unit 8 for deer, and saying that
13 they'd try it on a trial basis and eventually adopt it in
14 other units.

15
16 The proposal history is on Page 85 and it
17 just shows how, throughout the state more units have been
18 added and more species. And then this summer we added a
19 moose hunt in Unit 6(C) and it was a drawing hunt and
20 some people were picked and they had received permits
21 through the State proxy hunt before and thought that they
22 were eligible because we didn't have unit-specific
23 provisions and we -- they requested a special action and
24 then we realized that maybe the time had come to make the
25 statewide provisions for designated hunter.

26
27 So that's how this proposal came about.

28
29 In looking at just the history of the
30 designated hunter program, on Page 86 and 87 shows how
31 many permits have been issued. Table 2 has all the
32 permits issued throughout from '95 to 2001. 2,06 permits
33 have been issued and they harvested 190 -- or 1,902
34 animals. Just for looking at a comparison for one year,
35 for the year 2000 to 2001, in the units where designated
36 hunting occurred, there were 408 animals harvested which
37 represented 2.6 percent of the total harvest and then
38 just the harvest by species, 87 just is a graphic
39 representation. Of course the bulk of the harvest is in
40 the deer -- deer species and there's not that many
41 harvest. I apologize there's those numbers for those
42 hunts but -- but the D hunts are the deer, that -- that
43 -- where any harvest above 50 animals per year has
44 occurred, but it's all in deer and not in the caribou or
45 moose.

46
47 Currently there are 66 Federally-
48 regulated ungulate hunts throughout the state.
49 Designated hunter provisions are available in 21 of these
50 hunts and that's shown in Table 4 on Page 88. And if

00044

1 this proposal passed, it would allow designated hunts for
2 the remaining of those hunts. The exceptions to the two
3 harvest possession limit are the 9(D) and 10 caribou hunt
4 where there's a limit of four and then 9(E) and 9(E)
5 where there are no limits on the harvest and possession.
6

7 And so -- and I guess we're looking for
8 input from you, as to whether -- because -- from the
9 designated permit history, no one 's reporting harvesting
10 four limits in the 9(D) or the 10 caribou, so -- but --
11 so you could give input about whether the two harvest
12 limit would be okay. The other issue that would be dealt
13 with is that -- and in 1998 there was a Unit 11, special
14 elder sheep hunt, and that prohibited designated hunting
15 because the whole purpose of that hunt was to have the
16 elder hunt the sheep and teach young people how to do it.
17 So the Board when they adopted this proposal would put
18 that on the books and specifically say that -- and if
19 there's any species that you feel that should -- where
20 there is designated hunting that should be prohibited, we
21 would -- you could say so now if you -- there are some
22 species that you're concerned about.
23

24 The designated hunter -- the statewide
25 provision isn't expected to cause any significant
26 increase in the participation or delay in reporting of
27 harvest. But it -- it should be noted that there's been
28 a lot of concern raised about small populations and how
29 that -- that this proposal could significantly impact
30 goat, muskox and sheep some -- in certain units. And
31 that a number of people have recommended modifying it to
32 apply only to moose deer and caribou.
33

34 And so if -- if you -- and you could just
35 give feedback on that, too. Whether -- but -- and I
36 think that's -- that's the end of the -- the language is
37 on -- let's see on Page 90 and it's just the original
38 language that was in the proposal. And if it's -- if
39 it's adopted it would provide a uniform opportunity to
40 subsistence users to harvest or benefit from the harvest
41 of ungulates in all areas of the state. Permit data from
42 past designated hunts show that these harvest have
43 occurred within the proposed standard to harvest limit
44 and it should have minimal impact on most populations.
45

46 Thank you.

47
48 CHAIRWOMAN TRUMBLE: Thank you, Pat.
49 Alaska Department of Fish and Game, Larry.
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1 MR. VANDALE: Madame Chair. Larry
2 VanDale again. Page 80 of your book articulates the Fish
3 and Game comments on this proposal. The State of Alaska
4 -- 80 -- State of Alaska supports this concept of a
5 designated hunter, we think it has a lot of merit. And
6 it provides some things that we cannot provide under our
7 State proxy system.

8
9 We do, however, suggest deferral of this
10 particular proposal for several reasons.

11
12 On the biological side, the reason why
13 the State only has proxy permits for moose, caribou and
14 deer is because those species are usually in fairly high
15 numbers and they're fairly well dispersed, so that one
16 hunter cannot overharvest a certain population to the
17 detriment of that population.

18
19 If you look at species such as muskoxen
20 or especially goats in Southeast Alaska when they're down
21 in the winter ranges, those are usually in small numbers,
22 but they're small concentrated numbers, and a single
23 hunter could take more than would be biologically
24 defensible if he had a whole pocket full of proxy
25 permits. So we need to look at what is appropriate as
26 Pat mentioned, you know, what are the specific areas that
27 we may not want to have real liberal proxy seasons.

28
29 The other side of the coin is the data
30 management side of the coin. It's efficient to have a
31 statewide program, but we need to have a system that
32 these data can be supplied, not only to the Federal
33 biologists but also to the State biologists so that we
34 can look at both of our systems.

35
36 As a local example, to be honest with
37 you, this document is the first time I've ever seen
38 harvest data for Kodiak deer, and it's been going on
39 since 1997. I've never gotten a report except for this.
40 So we need to get that worked out before we go on a
41 statewide basis.

42
43 Consequently, I feel it appropriate that
44 we do pass something like this, however, not at this
45 time, until we get those ironed out.

46
47 And although I wasn't in on this, looking
48 at the State's comments about half way down in the first
49 paragraph, it speaks to a committee that recommended a
50 work session be scheduled in the next couple months to

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1 explore these kinds of problems. I don't know if that
2 ever came to be, perhaps someone here could articulate on
3 that but those are the State comments.

4

5 Thank you.

6

7 CHAIRWOMAN TRUMBLE: Thank you, Larry.

8

9 MS. PETRIVELLI: That work committee is
10 really dealing with the administration of the designated
11 hunting permits and it came about because organizations
12 in Southeast wanted to have the program administered by
13 the tribes and so the Forest Service was going to do a
14 trial thing where the tribes would hand out designated
15 hunter permits and it just happened this fall or this
16 season for the deer and moose in Units 1 through 5. So
17 when this season is over but it's mainly to do with the
18 administration of the permit and data managing. And then
19 the one thing about that is -- administering the
20 designated hunter, the other reporting requirements about
21 any requiring -- or any reported harvest reporting is
22 still done to the appropriate agencies so that when a
23 person receives -- if they had to report the harvest a
24 deer, the recipient of that deer must do any reporting
25 that is required. So I mean so the normal harvest
26 reporting, whatever reporting requirements -- or are
27 required are done by the recipient regardless of how the
28 designated hunting permit is administered.

29

30 But we are working on improving that
31 administration.

32

33 CHAIRWOMAN TRUMBLE: Thank you. Other
34 agency comments.

35

36 (No comments)

37

38 CHAIRWOMAN TRUMBLE: Fish and Game
39 Advisory Committee comments.

40

41 MR. HOLMES: Madame Chair, if I may speak
42 for the committee and Al can chime in, too, because he's
43 a member of our committee as well.

44

45 CHAIRWOMAN TRUMBLE: Patrick.

46

47 MR. HOLMES: I would guess that the
48 committee would probably support a deferral. The whole
49 concept to me sounds pretty good. But I think if you
50 have the potential, let's say on goats, where the harvest

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1 limit for a specific management unit was small, I think
2 you'd want to sit down and define how it would be
3 approached. And I think the questions of how to handle
4 the data collection and things like that, are probably
5 good. I would suspect they would probably endorse it in
6 the long run but would probably want to see some more
7 interaction of discussion between the two agencies
8 develop first.

9

10 Would that seem reasonable to you, Al?

11

12 MR. CRATTY: Yeah, I'd like to say, you
13 know, this designated hunter thing is -- in the village
14 it's a big concern to us because there are elders and
15 people that are unable to get out and go hunting. It's
16 for the people that are able to do to it for them.
17 That's what I'd like to say. And that was one of the
18 reasons it was put in.

19

20 CHAIRWOMAN TRUMBLE: Okay. Technically
21 we're on advisory committee comments, Fish and Game
22 advisory committee.

23

24 MR. CRATTY: Well, I'm just making a
25 statement what the State's saying about, you know, what
26 the Feds are doing here.

27

28 CHAIRWOMAN TRUMBLE: Yeah. Okay, summary
29 of written comments.

30

31 MS. CHIVERS: Thank you, Madame Chair.
32 There were no written comments at this time.

33

34 CHAIRWOMAN TRUMBLE: Public testimony.

35

36 (No comments)

37

38 CHAIRWOMAN TRUMBLE: Okay. Now, we can
39 do Regional Council deliberation, recommendation and
40 justification.

41

42 I'm going to start, maybe, on this one.
43 I've read through this and I have some pretty big
44 concerns. Number 1, looking at the caribou where we do
45 have four in our region, in 9(D) and 10. If you look at
46 King Cove and they do the -- they pick up the application
47 for our -- my office to hunt for -- on the Federal one
48 and they also pick up the designated hunter one. Now,
49 for the most part, when someone comes into my office and
50 picks up the designated hunter, like Al said, a lot of

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1 it's for elderly people or people that their husband's
2 have passed on and can no longer provide for -- I mean in
3 this case mostly it's caribou. And that limit is for --
4 if you look at guides taking these boats going from King
5 Cove to the Pavlof area to hunt, that's a five hour run
6 and if you're going to go to the Majobe area, that's
7 about a two, two and a half hour run by boat. The cost
8 of fuel and a lot of time you'll have three or four
9 guides, you know, maybe even as much as five going on one
10 of these fishing boats to hunt, and they will all work
11 together to harvest this caribou and bring it back to
12 King Cove.

13
14 I disagree with the two, not because I
15 thin it's -- it's not going to work for our area.

16
17 And basically in looking at this, I think
18 depending on what the species is and what the regions and
19 practices are, I think a statewide proposal is not going
20 to apply. And I agree with Larry also, I think we need
21 more time to look at this and I'd be curious to see what
22 comes out of all the various regions at the statewide
23 meeting in the spring.

24
25 Anybody else.

26
27 MR. GUNDERSEN: Madame Chair.

28
29 CHAIRWOMAN TRUMBLE: Paul.

30
31 MR. GUNDERSEN: I agree with Della on
32 that point there. There's a lot of time and effort that
33 goes into going to -- in some of these community hunts, I
34 guess, to have designated people go out. They're usually
35 out for two or three days. But how are you going to put
36 the controls on it to -- there's got to be some limit to
37 it. So I think it's going to take a little more time to
38 consider some of these issues.

39
40 CHAIRWOMAN TRUMBLE: It's almost region-
41 specific.

42
43 MR. GUNDERSEN: Yeah. I think it would
44 almost be region specific for each one of the areas.

45
46 CHAIRWOMAN TRUMBLE: Pat.

47
48 MR. HOLMES: Madame Chairman. I quite
49 often will give away part of my bag limit to the widow
50 next door and a lot of the elders in my neighborhood. A

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1 nd beings both of my sons are gone most of the time my
2 bag limit covers it.

3

4 But I do concur with your wisdom on this
5 and I think that I would like to see deferral just to get
6 a little more definition because some areas out west, you
7 know, moose populations are up or down and so in some
8 respects, you know, there might be need for area specific
9 discussions like your colleague was just mentioning. So
10 I think I'd kind of be inclined for deferral at this
11 point.

12

13 CHAIRWOMAN TRUMBLE: Do I hear a motion
14 to defer at this time.

15

16 MR. GUNDERSEN: I'll so move.

17

18 MR. HOLMES: Second.

19

20 CHAIRWOMAN TRUMBLE: There's a motion
21 made and seconded to defer Proposal WP03-02. Discussion.

22

23 (No comments)

24

25 MR. SQUARTSOFF: Question.

26

27 CHAIRWOMAN TRUMBLE: Question's been
28 called. All in favor signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRWOMAN TRUMBLE: Opposed, same sign.

33

34 (No opposing votes)

35

36 CHAIRWOMAN TRUMBLE: Motion carried.

37 Thank you, Pat and Larry, everyone.

38

39 The next item is Proposal WP03-21(a) and
40 (b). And what I'd like to do at this time is to put this
41 first on the agenda for the morning. I am waiting for a
42 letter from Ivan that I need to get from him this
43 evening.

44

45 And if we can start with that in the
46 morning -- what time do we start in the morning -- 9:00
47 o'clock, and also if -- I'd like to work on a couple
48 proposals immediately following this in regard to the
49 caribou so I do -- I will need some Staff report.

50

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1 Dave.

2

3 (Laughter)

4

5 CHAIRWOMAN TRUMBLE: Given that, I guess
6 we can adjourn for the evening.

7

8 MR. HOLMES: Madame Chair. When was the
9 migratory subsistence bird, I think KANA was putting
10 something together for that, that's this evening.

11

12 CHAIRWOMAN TRUMBLE: Do you have
13 information on it?

14

15 MR. HOLMES: I've got this but it doesn't
16 have a time on it. I think it's supposed to be here but
17 I don't know what the time is.

18

19 MR. OSTRAND: This is Bill Ostrand with
20 the Fish and Wildlife Service. We're meeting tonight
21 here at 6:00 o'clock.

22

23 CHAIRWOMAN TRUMBLE: Okay, thank you.

24

25 (PROCEEDINGS TO BE CONTINUED)

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CERTIFICATE

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

I, Joseph P. Kolasinski, Notary Public in and for
the state of Alaska and reporter of Computer Matrix Court
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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04