

Warren Brown
PO Box 77
Seldovia AK. 99663
(907) 234-7498

April 14, 2009

Cliff Judkins, Chair
Alaska Board of Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Re: Petition for Emergency Rule-Making
Repeal of Proposal #117 (5AAC 85.065)

Dear Chairman Judkins and Board Members:

Under 5 AAC 96.625(f), I would like to formally petition the Board of Game for an emergency repeal of your recent adoption of proposal #117, which amended 5 AAC 85.065 and drastically reduced the limit on the harvest of sea ducks in Kachemak Bay, in Unit 15. I believe that the Board adopted this proposal based on mistaken information, and if allowed to stand, will result in an unforeseen and unexpected situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and this delay would have significant adverse financial consequences for me.

I have guided hunters for sea ducks for 17 years. My clients are about the only tourists who visit Seldovia in November and December. They would have no interest in hiring my services if the reduced bag limits are allowed to stand. I am certain that my clients would disappear, and that local hotel, airlines, restaurants and bars would all lose their business.

There is no biological justification for a reduction in the bag limit of sea ducks, beyond the limits that the Board has imposed previously. ADF&G waterfowl biologist Tom Rothe said in his analysis: "The department has concluded that sea duck harvest in Kachemak Bay and Cook Inlet is not excessive." Further, that the Department "does not have concerns that sea ducks are being over harvested and concludes that further restrictions to hunting will not provide conservation benefits to regional winter aggregations or populations of sea ducks." In particular relation to guided hunting, Rothe wrote that "guided hunting is not creating undue harvest, guiding is providing better quality public access to this specialized hunting." The Department's ultimate recommendation for proposal 117 was: "do not adopt." This information is in the Draft Recommendations, Board of Game proposals, Feb/March, page 45 proposal 117.

Likewise, all advisory committees that voted on this proposal opposed it, without a single vote of support. The Homer AC did not feel that the initial proposal would affect them and did not take action. They have since felt blindsided by the outcome. The Seldovia AC did not meet because most members were commercial fishing, but has recently sent the Board a letter urging repeal. The mayor of Seldovia has also urged repeal. Copies of letters from the Seldovia AC and the mayor are attached.

As originally put forth, proposal 117 only sought to "modify the sea duck hunting season for unit 15." There was no mention of a reduction in bag limits. The sponsor of proposal 117 said that her

intent was only to have the Board “begin the process of allowing the State of Alaska the opportunity to create a Seaduck Management Plan Framework to augment Federal Management.” See Public Comment # 98. No one who supports the current limits understood that a reduction of the bag limit was a likely outcome of this proposal. If I had understood this possibility, I certainly would have attended the meeting, but I was down south caring for my mother.

I believe that the Board was misled about certain facts. The proposal book states, “Most of these ducks are not eaten or utilized.” That is not true – all birds taken are utilized. Mature birds are taken by collectors and all meat is salvaged and eaten; there is no waste as reported. The proponent also states that “depleted areas cannot recover.” Again, this is not true. I hunt the same places every year. Birds have wings, they move around a lot, migrate and come back to the places that have food and shelter. Surveys from 1999 to 2003 show that there are around 15-30,000 ducks annually that winter in Kachemak Bay. I also understand that some board members were led to believe that there are no guides operating in Kachemak Bay for sea ducks. My business, which has been around for 17 years, is proof to the contrary.

In short, the harvest of sea ducks in Kachemak Bay under the current bag limits is clearly biologically allowable and sustainable. That harvest would be precluded next season if the Board does not act quickly to repeal its severe reduction of the bag limits. I will be put out of business if the reduced bag limits stand. For this reason, I strongly encourage the Board of Game to take emergency action to repeal its adoption of proposal 117. Thank you.

Sincerely,

Warren Brown

A handwritten signature in black ink that reads "Warren Brown". The signature is written in a cursive, flowing style.