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VOLUME I

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

WINTER MEETING

ANCHORAGE, ALASKA

APRIL 11, 2012

Members Present:

- Dan Rosenberg, Alaska Department of Fish and Game
 - Doug Alcorn, U.S. Fish and Wildlife Service
 - Patty Brown-Schwalenberg, Chugach Regional Resource Commission
 - Molly Chythlook, Bristol Bay Native Association
 - Taqulik Hepa, North Slope
 - Joeneal Hicks, Copper River Native Association
 - Randy Mayo, Tanana Chiefs Conference
 - Myron Naneng, Association of Village Presidents
 - Enoch Shiedt, Maniilaq Association
 - Joel Saccheus, Kawerak
 - Rick Rowland, Sun'aq Tribal
 - Executive Director, Crystal Leonetti (Acting)
- Recorded and Transcribed by:
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P R O C E E D I N G S

(Anchorage, Alaska - 4/11/2012)

(On record)

CHAIRMAN ALCORN: Good morning. This is April 11th, 9:30 a.m. We'll call the meeting to order and ask all of the Council members to take their seats. We traditionally begin our meetings with a moment of silence and we'll do that at this point and then we'll go through the agenda.

(Moment of silence)

CHAIRMAN ALCORN: All right. Thank you. Those of you at the Board we have our binders in front of us. You can find the agenda. It's the third page in the binder in front of tab 1. We are down to item 3 on the agenda. We will get to an adoption point of the agenda at point 6, but right now we do need to seat alternates. Are there any alternates that need to be seated? We do have a need to recognize Joel Saccheus from Kawerak from the Bering Strait region. We have a letter on file appointing him. We have Dan Rosenberg sitting in for Dale Rabe for the State of Alaska. I would like to introduce Crystal Leonetti as an interim executive director. She is covering that position in a temporary basis. I see no other alternates at the table.

So it s time for the secretary to do a roll call to establish a quorum. Secretary. Oh, I'm sorry. That is an action item. I'm sorry. Do we have a motion to seat the alternates.

Thank you, Enoch.

MR. SACCHEUS: So moved.

MR. NANENG: Second.

CHAIRMAN ALCORN: We have a motion and second. Is anyone opposed to seating the alternates.

MS. CHYTHLOOK: Question.

CHAIRMAN ALCORN: The question has been called. Anyone opposed.

1 (No comments)
2
3 CHAIRMAN ALCORN: No one opposes.
4 Alternates are seated. Thank you, Enoch, for reminding
5 me of that.
6
7 Crystal, would you do the roll call,
8 please.
9
10 MS. LEONETTI: Sure. Myron Naneng.
11
12 MR. NANENG: Here.
13
14 MS. LEONETTI: Molly Chythlook.
15
16 MS. CHYTHLOOK: Here.
17
18 MS. LEONETTI: Patrick Norman.
19
20 (No response)
21
22 MS. LEONETTI: Patty Schwalenberg.
23
24 MS. BROWN-SCHWALENBERG: Here.
25
26 MS. LEONETTI: Joeneal Hicks.
27
28 MR. HICKS: Here.
29
30 MS. LEONETTI: Joel Saccheus.
31
32 MR. SACCHEUS: Here.
33
34 MS. LEONETTI: Peter Devine.
35
36 (No response)
37
38 MS. LEONETTI: Absent. Rick Rowland.
39
40 MR. ROWLAND: Here.
41
42 MS. LEONETTI: Enoch Shiedt.
43
44 MR. SHIEDT: Attamuk here.
45
46 MS. LEONETTI: Taqulik Hepa.
47
48 MS. HEPA: Here.
49
50 MS. LEONETTI: Randy Mayo.

1 MR. MAYO: Here.
2
3 MS. LEONETTI: Doug Alcorn.
4
5 CHAIRMAN ALCORN: Here.
6
7 MS. LEONETTI: Dan Rosenberg.
8
9 MR. ROSENBERG: Here.
10
11 CHAIRMAN ALCORN: We have a quorum.
12 Thank you. Generally we call out the names of the
13 organizations represented or the regions represented so
14 by the personal names the reader of the minutes can
15 read this roster and find out what organizations were
16 represented. We do have a quorum. We're down to item
17 5. I would like to make an announcement before we go
18 into introductions and that is that we've been advised
19 that we have to vacate this room today by 4:30 p.m.
20 There is a class being taught in this room in the
21 evening and they're going to have to reconfigure and so
22 that means we will have to carry our own binders and
23 our products with us to our cars or to your hotel rooms
24 or wherever and I'm not sure about the sound system.
25 Donna is going to find that out for Nathan.
26
27 So let's do introductions for the
28 record and we'll start on my left with Randy Mayo from
29 Tanana Chiefs, please.
30
31 MR. MAYO: Randy Mayo, Tanana Chiefs
32 representative.
33
34 MS. HEPA: Taqulik Hepa representative
35 of the North Slope Borough, Department of Wildlife
36 Management.
37
38 MS. BROWN-SCHWALENBERG: Patty Brown-
39 Schwalenberg, Chugach Regional Resources Commission,
40 representing Gulf of Alaska and Cook Inlet.
41
42 MS. CHYTHLOOK: Molly Chythlook
43 representing Bristol Bay Native Association.
44
45 MS. LEONETTI: Crystal Leonetti, interim
46 executive director for AMBCC and Alaska Native Affairs
47 specialist for U.S. Fish and Wildlife Service.
48
49 MR. NANENG: Myron Naneng representing
50 the AVCP Waterfowl Conservation Committee.

1 CHAIRMAN ALCORN: Doug Alcorn
2 representing the U.S. Fish and Wildlife Service.
3
4 MR. ROSENBERG: Dan Rosenberg
5 representing the State of Alaska, Alaska Department of
6 Fish and Game.
7
8 MR. HICKS: Joeneal Hicks representing
9 the Copper River Region.
10
11 MR. SACCHEUS: Joel Saccheus
12 representing Kawerak.
13
14 MR. ROWLAND: Rick Rowland, Sun'aq
15 Tribe, representing Kodiak Tribes.
16
17 MR. SHIEDT: Attamuk Enoch Shiedt,
18 Northwest Alaska, with Maniilaq Association.
19
20 CHAIRMAN ALCORN: Thank you. We'll go
21 to the audience and ask you all to just introduce
22 yourselves.
23
24 We'll start with Vince Mathews on the
25 side there.
26
27 MR. MATHEWS: Vince Mathews with
28 Arctic, Kanuti and Yukon Flats Refuges.
29
30 MR. DYASUK: Jon Dyasuk, Togiak Refuge.
31
32 MR. GUINNESS: Steve Guinness, executive
33 director Fairbanks Native Association.
34
35 MS. FOSDICK: Good morning. Rose
36 Fosdick, Kawerak, Inc. in Nome.
37
38 MR. SFORMO: Todd Sformo, biologist,
39 North Slope Borough.
40
41 MS. KUKKONEN: Malla Kukkonen, Alaska
42 Department of Fish and Game, Division of Subsistence.
43
44 MR. TAYLOR: Good morning. I'm Eric
45 Taylor. I'm with U.S. Fish and Wildlife Service with
46 the Division of Migratory Bird Management here in
47 Anchorage.
48
49 MR. TROST: I'm Bob Trost. I'm with
50 the Fish and Wildlife Service. I'm a Pacific Flyway

1 representative.

2

3 MR. PETERSON: Mike Peterson, North
4 Slope Borough, Barrow.

5

6 MS. DANIEL: Carol Daniel, AFN.

7

8 MS. FROTHINGHAM: Alyssa Frothingham,
9 Tanana Chiefs Conference.

10

11 MS. SMITH: LaVerne Smith, Fish and
12 Wildlife Service.

13

14 MS. DEWHURST: Donna Dewhurst, Staff to
15 the Council. We do have a sign-in sheet, especially
16 for the guests, if you could sign it so we could get
17 your name spelled right when we do the transcripts.

18

19 MR. JENNINGS: Tim Jennings with the
20 Fish and Wildlife Service.

21

22 MR. ANGLIN: Ron Anglin with Oregon
23 Department of Fish and Wildlife, Pacific Flyway
24 representative and also the Pacific Flyway
25 representative to the AMBCC as a liaison.

26

27 CHAIRMAN ALCORN: Thank you. And our
28 time-keeper is Nathan, thank you, Nathan. We have an
29 announcement. Crystal wanted to give an update on Fred
30 Armstrong.

31

32 MS. LEONETTI: Thank you, Doug. I had
33 a chance to talk to Fred Armstrong. For those of you
34 who don't know Fred he has been the executive director
35 to AMBCC for the last 10 or 11 years. A long time.
36 Fred recently underwent hip surgery to have a hip
37 replacement and initially it went really well and then
38 he found out he had an infection in the hip replacement
39 and they had to take it back out, so he was in the
40 hospital for a while while they took that back out and
41 they had to put a spacer in. He's going to be at home
42 for a couple more months trying to get rid of that
43 infection and then they're going to put the hip
44 replacement back in. So please keep Fred in your
45 thoughts and prayers. I talked to him on the phone.
46 His spirits are good. He has family around him and
47 helping him out at home. He's not really up and
48 walking, but he has to do physical therapy every day
49 and he has an IV with antibiotics still there. So keep
50 him in your prayers.

1 Donna prepared a card for Fred. It's a
2 very nice photo of an eagle and I'm going to pass that
3 around. If you can sign it for Fred, that would be
4 great. Thank you. Oh, and he said phone calls are
5 welcome. He can't really accept visitors because of
6 the risk of further infection and colds and viruses and
7 things like that, but he did welcome phone calls. If
8 you want his phone number, I have that.

9

10 Thank you.

11

12 CHAIRMAN ALCORN: All right. Thank
13 you, Crystal. It's time to take a look at our agenda
14 for the day and offer any changes or adopt as written.
15 Do we have any recommendations from the Council.
16 Patty.

17

18 MS. BROWN-SCHWALENBERG: I would like
19 to add a report from
20 the executive director after the regional reports. Mr.
21 Chairman.

22

23 CHAIRMAN ALCORN: Okay. So that would
24 be a 9B.

25

26 MS. BROWN-SCHWALENBERG: Yes.

27

28 CHAIRMAN ALCORN: All right. We'll add
29 a 9B. Are there any other suggestions. Randy.

30

31 MR. MAYO: Yeah, Mr. Chair. I would
32 like to put Proposal No. 3 up on top since the maker of
33 the proposal is here to speak to it if there's no
34 objection.

35

36 CHAIRMAN ALCORN: Okay. So we would
37 move Proposal No. 3 to the first position, item B, and
38 move the rest of them down in sequence. Joeneal.

39

40 MR. HICKS: Mr. Chair. I'm not sure if
41 this is an agenda item, but I would like to hear, if
42 possible, from Staff who might be knowledgeable in
43 regards to the Susitna Dam project that is currently in
44 the EI stage. Is anyone familiar with that and could
45 give an update on it

46

47 CHAIRMAN ALCORN: Okay. We have Tim
48 Jennings, our assistant regional director for
49 Ecological Services and Fisheries, who has raised his
50 hand. We can put him in to provide comments. Do you

1 have a place you'd like to see that inserted, Joeneal?

2

3 MR. HICKS: No, I don't. It's just
4 more so of an update for me in other words. I do know
5 that should the project go through it would be enormous
6 and I'd be interested in the impacts or potential
7 impacts that might happen.

8

9 CHAIRMAN ALCORN: Let me suggest in
10 item 7 we'll go into public comments and my deputy
11 regional director, LaVerne Smith, is here. We could
12 invite her to say a few words and then we could also
13 invite Tim to come in during that. Is that okay?

14

15 MR. HICKS: It's fine with me.

16

17 CHAIRMAN ALCORN: So, for item 7, which
18 is the next item, we'll call on you, Tim. Any other
19 suggestions.

20

21 (No comments)

22

23 CHAIRMAN ALCORN: Seeing none. Do I
24 have a motion to adopt the agenda as amended.

25

26 MS. CHYTHLOOK: I'll make a motion to
27 adopt the April 11-12, 2012 agenda with corrections and
28 additions.

29

30 MR. HICKS: I second.

31

32 CHAIRMAN ALCORN: We have a motion and
33 second. Anyone oppose the motion.

34

35 (No opposing votes)

36

37 CHAIRMAN ALCORN: Seeing none, the
38 motion is adopted. That takes us into item 7,
39 invitation for public comments. Before I invite my
40 deputy regional director I'm going to ask for any hands
41 from the audience. Anyone have any statements they'd
42 like to make to the Council before we begin the
43 meeting. Rose Fosdick, would you come to the
44 microphone.

45

46 MS. FOSDICK: Thank you, Mr. Chair and
47 Council members. I'm Rose Fosdick. I'm the vice
48 president for natural resources division at Kawerak,
49 Inc. in Nome. I wanted to bring up items that were
50 discussed at the Bering Strait/Norton Sound Migratory

1 Bird Council that met April 4 and 5 in Nome in which 18
2 of 20 Council members were present from our region.
3 They held elections and elected a new group of people
4 to lead the Council. Joe (indiscernible), Jack
5 Fagerstrom, vice chair, secretary Clyde Ongwastoruk
6 from Wales.

7
8 They acknowledged during the meeting
9 that they are not only migratory bird hunters but
10 marine mammal hunters as well. They invited a
11 scientist to talk about the seal disease. They were
12 very interested in what was happening. They
13 appreciated the comments in the report, a very detailed
14 report on the status of birds from Eric Taylor. They
15 appreciated the information that he provided and I
16 suggest that he be present in person at the next
17 opportunity for presentation.

18
19 They had several motions. The first
20 motion that they passed was to recommend to this group,
21 AMBCC, that you consider revising your bylaws in
22 regards to the purposes paragraph at the beginning of
23 the bylaws to be amended to add fall and winter
24 subsistence hunting. They also passed a motion
25 responding to AMBCC's request in which AMBCC questioned
26 whether reports on harvest should be at the subregional
27 or regional level. Their motion, their preference is
28 to report at the regional level.

29
30 The last action they took was in
31 regards to Bering Strait Norton Sound Migratory Bird
32 Council. Their motion was to submit a proposal to
33 reopen subsistence hunting of Emperor Geese and the
34 reason being that the estimate of population is
35 currently 78,000. It's very close to the 80,000 that
36 was the trigger at which hunting would be considered
37 again.

38
39 That's all I had to say. I wanted to
40 make sure that the Council was aware that the Bering
41 Straits Norton Sound Migratory Bird Council did
42 consider some things and wanted to express them to this
43 group. Joel was present and he may have some
44 additional comments.

45
46 Thank you.

47
48 CHAIRMAN ALCORN: Thank you, Rose.
49 Joel, did you have anything to add.

50

1 MR. SACCHEUS: No.

2

3 CHAIRMAN ALCORN: All right. Thanks.
4 Not seeing any other hands raised in the audience, I'm
5 going to ask LaVerne Smith if she would come to the
6 microphone, introduce herself and her title and offer
7 some comments.

8

9 MS. SMITH: I'm LaVerne Smith and I'm
10 the deputy regional director for the Fish and Wildlife
11 Service stationed here in Anchorage. I wanted to first
12 tell you that Geoff Haskett, our regional director,
13 would have very much liked to have been here today, but
14 he's at a very important meeting in Oregon. One of the
15 things they're discussing in that meeting is funding
16 for science, funding for surveys and things that could
17 be very important to the Council, so hopefully he'll
18 come back with a lot of support for Alaska. Anyway,
19 Geoff sends his regrets and I was happy to come on his
20 behalf as well as the rest of the Fish and Wildlife
21 Service.

22

23 I think at the Fish and Wildlife
24 Service we sort of feel like this is a really exciting
25 time for the AMBCC. I really think that we tried to go
26 back and really do a lot of thinking after the winter
27 summit. I think a lot of the really good ideas came
28 out at the winter summit in terms of ways to redesign
29 and strengthen the AMBCC and I think that since that
30 time we've just been trying to figure out how do we
31 really have a good discussion of those suggestions and
32 have the Council together make decisions about how we
33 move forward. So that's something that we're very
34 excited about.

35

36 I think that one of the things that I
37 know we're also talking a lot about is how do we define
38 what the needs of the AMBCC are both in terms of
39 staffing or in terms of money for surveys or money for
40 grants or money for migratory bird research and I think
41 that if we can have a new focus on that, that would
42 give us a good tool that then the Fish and Wildlife
43 Service can move up our chain. Fish and Game can move
44 up their chain. Probably more importantly members of
45 the Council can have that and take the contacts that
46 they have. I know this is a discussion we've been
47 having with AFN and we really appreciate their support
48 and willingness to try to help us move AMBCC in a
49 positive direction. I think the decisions about where
50 we go and how we redesign AMBCC are going to be made

1 here by the Council and by the people at this table, so
2 you guys are the ones that get to decide.

3
4 I know Doug talked to you yesterday
5 about funding. There's certain things where we have to
6 pay salaries or we have to do the regs. Those are sort
7 of not discretionary. We really view all the other
8 funding as discretionary. I think we laid it out in
9 terms of the kinds of things we funded in the past, but
10 I think you should look at that as those discretionary
11 funds as a blank slate and we should decide together
12 about what are the priorities for those funds and what
13 gets funded. So I think we're really trying to think
14 about how do we reinvigorate or restrengthen, redesign,
15 whatever you want to call it, AMBCC to make it more
16 effective. So we're sort of looking forward to the
17 continued dialogue.

18
19 I know that this week we sent back a
20 request to get David Hayes up to the spring summit. It
21 might be summer summit by the time I think we get a
22 date picked. Anyway, we did put in a request to have
23 him come. That was something that folks had asked us
24 to do. I think he's very supportive of this idea of
25 money for research and really trying to figure out how
26 to help us have the money for the kind of survey or the
27 kind of research that we need for migratory birds.
28 We're trying to help any way we can to make our spring
29 summit effective and to build on the dialogue that
30 happened at the winter summit.

31
32 So, with that, I'd just say I'm happy
33 to be here to listen. I'll try to spend as much time
34 here as I can over the next couple of days and welcome
35 any input. I don't know if you want me to take
36 questions.

37
38 CHAIRMAN ALCORN: It's up to you.

39
40 MS. SMITH: I'll be glad to take a
41 couple. I don't want to use up too much of Doug's
42 time. Does anyone have any questions?

43
44 CHAIRMAN ALCORN: Molly.

45
46 MS. CHYTHLOOK: I don't have a
47 question, but I've got a comment. I really appreciate
48 the move that Geoff and others have taken after our
49 Native summit, was it in January, to where they've put
50 Crystal in place to help organize the AMBCC. It's

1 encouraging. I know we still have a lot to do. I
2 guess the budget has been one of the setbacks. We're
3 given things to do, but the budget that we're given
4 hasn't really been covering our needs. I know that we
5 have a committee system within AMBCC. That would
6 really enhance the membership or the operation of
7 AMBCC, the Native partners. Because of no budget those
8 committees have been in by name and we've only used two
9 or three of the committees to help with - like, for
10 instance, when we assessed the survey project, the
11 Survey Committee was used.

12
13 In short, I'm glad that Geoff is down
14 there hopefully to encourage somebody to increase AMBCC
15 budget because without that it's going to be the same
16 old process. It's encouraging to see that with the
17 help of AFN and Geoff and his staff the progress that
18 we're at right now and having Crystal to help organize.
19 I am happy. I just feel like from where we were and to
20 where we are today it's encouraging and I thank you.

21
22 MS. SMITH: On the budget, I'll just
23 add a couple of thoughts. You know, right now,
24 obviously, the Federal budget, State budgets are pretty
25 tight, you know, but I think it's a good time to really
26 like - when we have the spring summit, I think it
27 would be a really good time to maybe have a day which
28 is just a work session and to talk together developing
29 like a needs assessment. I mean what are the things
30 that we need money for. Do we need to fill the staff
31 person that Doug has not been able to fill for a while?
32 You know, what would that person do. Do we need to
33 have funding for the committees? Do we need to have
34 increased grants to the regions? What do we need in
35 the way of money to really have a good survey.

36
37 Just, you know, lay out what are the
38 needs and what are the total needs that would really
39 make AMBCC everything that we would like to see it be.
40 Then I think that would give you a good foundation to
41 talk about than what are the priorities for where you
42 want to put the small amount of money we have now. I
43 mean \$600,000, that's not that small, but it's nowhere
44 near what we need. It also gives us something that we
45 can then take back to the Fish and Wildlife Service or
46 others can take to Congress or we can look for grants
47 through NSF or other avenues. So I really think if we
48 had a work session and really just all rolled up our
49 sleeves and talked about what are the true budget needs
50 and the most important -- you know, like identify them

1 and then perhaps have the Council prioritize them,
2 what s most important, where's the most important place
3 to put dollars. I think that would be a really good
4 thing to do at the spring summit.

5
6 MR. ROWLAND: Thank you for coming and
7 giving us that explanation and news from Geoff. Rick
8 Rowland from Sun'ag Tribe. I've got a couple questions
9 about that discretionary funding. From what it sounds
10 like, is there any policy limitations on the use of
11 that discretionary funding?

12
13 MS. SMITH: Well, I think in terms of
14 the amount of the budget that we have sort of set is
15 discretionary for this group to decide what the priori-
16 ties are. I think we re pretty open to really having a
17 wide open discussion about where would that - I think
18 the total on this page is 647, but where should we
19 spend that 647. I mean certainly it would have to be
20 within the realm of the kinds of things that the Feder-
21 al government can pay for, you know. I mean there are
22 rules, but big side boards, not narrow sideboard.

23
24 MR. ROWLAND: So you re saying that
25 there are guidelines for that use?

26
27 MS. SMITH: There s rules about what
28 the government can and can t contract for and that sort
29 of thing, but I think we've got lots of room to decide.
30 I mean certainly - you know, I think the discussion
31 could be around are the grants to the regions what they
32 should be, should they be more. Is the high priority
33 the committee work that Molly just talked about? Is
34 the priority the harvest survey? I mean I think we
35 need to have a dialogue with the group to decide where
36 do we spend the money. There aren't any sideboards
37 that we re imposing with that regard. I mean we may
38 occasionally tell you we can t contract for a certain
39 type of thing or we can t send certain types of activi-
40 ties out.

41
42 MR. ROWLAND: So I think what would be
43 helpful is this is leading towards that summit discus-
44 sion quite possibly, right?

45
46 MS. SMITH: Uh-huh. (Affirmative)

47
48 MR. ROWLAND: So it might be helpful
49 for me in thinking about this is that if I knew what
50 the guidelines were that we could use it for and then

1 what were the limitations on it because that way I
2 won't start cooking up some idea in my head that will
3 say get shut down real quick. Plus like generally what
4 the product that we'll derive from that funding use
5 would be really helpful going into something like that.
6 Like what sort of things you guys are interested in
7 doing and does it match the sort of things that can
8 realistically be done.

9

10 MS. SMITH: That would probably be a
11 good idea. Just have everybody bring some ideas to the
12 table, you know, and look at them together. When I
13 said there were sideboards, I really just meant in
14 terms of the overall contracting rules. I didn't mean
15 that there were sideboards that we were going to try to
16 impose in terms of where we go with this funding. I
17 mean I think the biggest sideboard is that it would
18 have to be something that would further the AMBCC
19 because that's what we get the money for. That's a
20 pretty big, broad sideboard. I think one of the
21 sideboards would be that we can't contract out things
22 like preparing the regs because that's sort of an
23 inherently government function, but then the regs are
24 up under the non-discretionary things. So anything
25 that we felt like that we have to do a certain way is
26 under the non-discretionary.

27

28 MR. ROWLAND: Okay.

29

30 MS. SMITH: So I really think it's
31 pretty wide open for the 600,000, so I didn't want to
32 make you think there's a lot of rules, just big rules.

33

34 MR. ROWLAND: Thank you.

35

36 MS. SMITH: When you talk about
37 government and budgeting and rules, it gets deep, so I
38 shouldn't have went there. Sorry. Any other
39 questions?

40

41 CHAIRMAN ALCORN: Thanks, LaVerne. And
42 just for the record we'll note that Myron Naneng, the
43 representative for the Native Caucus had to step out
44 and he's asked Tim Andrew to sit at the table and Patty
45 is taking Myron's place as the vote caster if we come
46 to a vote before he returns.

47

48 I'm going to ask Tim Jennings, our
49 assistant regional director, for Ecological Services
50 and Fisheries to come to the table to address the

1 question that Joeneal asked, which was a status update
2 on the Susitna dam proposal.

3

4 MR. JENNINGS: Good morning, Mr. Chair.
5 Members of the Council and Joeneal. I can give you a
6 brief overview of the Susitna Watana Project and I'd be
7 happy to at a break, Joeneal, have further discussions
8 or with anyone else who would like some additional
9 information.

10

11 The State of Alaska, the Alaska Energy
12 Authority, is the project sponsor or the proponent.
13 The current status is they filed what's known as a
14 preliminary permit application to the Federal Energy
15 Regulatory Commission, the FERC, and the FERC is the
16 lead Federal agency for permitting of a large
17 hydroelectric project like Watana. So what that
18 preliminary permit application process does is it kicks
19 off a dialogue between the State of Alaska and with
20 FERC and with other stakeholders, other agencies, other
21 interested parties, about what kinds of studies, known
22 as baseline studies, that are needed in order for FERC
23 to do their assessment of the project.

24

25 So it's currently in the preliminary
26 process of identifying studies. The Fish and Wildlife
27 Service and other agencies, both Federal and State, are
28 involved in providing our recommendations about what
29 kind of studies would be useful for all of us to assess
30 the impacts.

31

32 In terms of the Fish and Wildlife role
33 specifically, we don't have a permit that we will issue
34 if this project were to go forward. What we do in this
35 instance is we would make recommendations to the FERC
36 in terms of minimum instream flows to provide for fish
37 and any other measures to mitigate, minimize impacts to
38 fish and wildlife resources. So our role is fairly
39 limited in this project from that perspective.

40

41 I think I'll stop there. That's a very
42 broad overview. There's lots of details below that
43 level and see if there's questions.

44

45 CHAIRMAN ALCORN: Thank you, Tim. Any
46 questions. Joeneal.

47

48 MR. HICKS: If I may again. Thank you,
49 Mr. Chair. The reason why it was brought up is that
50 there's a question in our particular region -- I guess

1 most people are pretty concerned about what the impact
2 would be. The first question in my mind was where
3 would the dam be located if it were to happen? What
4 area specifically would be impacted? I mean it s a
5 big, big project. The Susitna River crosses through
6 the Ahtna region, specifically in the Cantwell or
7 Denali area. It would be, like I said, be a major
8 impact of our entire area. It s just I have no idea I
9 guess you could say as to just what it would be and
10 what would happen.

11
12 MR. JENNINGS: Mr. Chair, if I may.
13 The Alaska Energy Authority has a website dedicated to
14 Susitna/Watana and I haven t been to that website. I
15 know it exists. There s information that s available
16 in terms of what the proposal currently is. Again, at
17 a break, I can get you in contact -- I'll check with my
18 folks at our Anchorage field office in terms of the
19 website and/or other sources where you can get directly
20 from the project sponsor State of Alaska what their
21 proposal is.

22
23 MR. HICKS: One other follow up. They
24 make mention of another proposal that s out in the air
25 somewhere, JP, JT, something like that or H, something
26 like that. Do you know of another proposal for another
27 particular dam within the state of Alaska?

28
29 MR. JENNINGS: I'm not familiar with
30 the acronym or the letters you used in terms of a
31 project. There are some other hydroelectric projects
32 that are out there under discussion. The one that I m
33 familiar with right now, a large project in front of
34 the FERC, is Watana and it s in the preliminary stages.

35
36 MR. HICKS: Thank you.

37
38 CHAIRMAN ALCORN: Any other questions,
39 Council, for Tim.

40
41 (No comments)

42
43 CHAIRMAN ALCORN: Thanks, Tim.
44 Appreciate that. I m going to offer one more time for
45 anyone from the audience to speak before we close out
46 the public comment session. Crystal, you have your
47 hand raised.

48
49 MS. LEONETTI: Thank you. Crystal
50 Leonetti. I have been in contact with Julie Kitka from

1 AFN and Carol Daniel is also here from AFN. Julie has
2 been in Washington, D.C. for the last couple weeks and
3 has been able to meet with Fish and Wildlife Service
4 Director Dan Ashe and Assistant Secretary Larry Echo
5 Hawk. I believe also Senator Begich and possibly
6 Senator Murkowski on the Duck Stamp bill. We don't
7 have any updates currently unless Carol wants to come
8 up and speak to that. We re going to see if Julie can
9 call in maybe this afternoon and give the Council any
10 updates that she might have on discussions that she had
11 regarding migratory birds or AMBCC. So I just wanted
12 to let everyone know that and invite Carol if she wants
13 to come up and have any comments.

14

15 CHAIRMAN ALCORN: We'll ask Carol
16 Daniel to come to the table from AFN.

17

18 MS. DANIEL: Just briefly I wanted to
19 add that she also met with Brendan Kelly. A lot of you
20 may know Brendan from his work with marine mammals
21 research in Alaska. He s now been -- well, the last
22 couple of years he s been with the National Science
23 Foundation and he s now been detailed over to the White
24 House and the Office of Research and Technology. He s
25 leading the effort to put together a five-year arctic
26 research plan. So he s the go-to guy on research in
27 the arctic and he s very supportive of co-management
28 because he s been involved in it closely. Julie met
29 with him about funding opportunities for the migratory
30 -- for this Council. I haven t talked to her, but I
31 think there s a draft plan out on arctic research, this
32 five-year draft plan that the Council could offer
33 comments on and participate in the planning for the
34 research for migratory birds.

35

36 But I think it would be good to hear
37 from Julie because she also talked with the Assistant
38 Secretary Ashe and Echo Hawk, as well as Kim Elton and
39 the focus of that meeting was co-management and
40 funding.

41

42 CHAIRMAN ALCORN: Thank you, Carol.
43 Anyone else from the audience.

44

45 (No comments)

46

47 CHAIRMAN ALCORN: Seeing no hands
48 raised, we re going to move to the next agenda item 8,
49 adoption of Council action items from October 2011
50 meeting. We have item A, a Staff update on action

1 items. Do we need to have that update before we
2 consider, Donna? Is that something that s written into
3 the -- okay. So take a minute to look at the action
4 items, which is the document behind tab 1 in your
5 binders. I would entertain a motion to amend or
6 approve.

7

8 MR. ANDREW: Motion to approve.

9

10 CHAIRMAN ALCORN: I have a motion to
11 approve. Does anyone wish to second.

12

13 MS. HEPA: Second.

14

15 CHAIRMAN ALCORN: A motion and second.
16 Any discussion.

17

18 (No comments)

19

20 MS. CHYTHLOOK: Question.

21

22 CHAIRMAN ALCORN: Does anyone oppose
23 approving the list of action items from the October
24 2011 meeting.

25

26 (No opposing votes)

27

28 CHAIRMAN ALCORN: Seeing none. Those
29 action items are approved. Moving down to item 9A as
30 amended. Regional reports, regional meeting updates
31 and issues of concern or et cetera. So we will begin
32 by going around the table here. I'll look to Randy
33 Mayo to start regional reports if you would.

34

35 MR. MAYO: Thank you, Mr. Chair. Up in
36 the Tanana Chiefs region we had our regional meeting
37 last January and went over two proposals coming from
38 our region. That was one of the ones that was
39 discussed yesterday, the Delta Junction proposal. Our
40 region opposed that proposal based on some of the
41 things I mentioned yesterday. We took up the other
42 proposal, the FNA proposal and our subregional board
43 members supported that one proposal. In our area I
44 gave our group updates on what I had learned about the
45 process of the AMBCC. Also Fred Armstrong was there to
46 help educate us on how the process works here.

47

48 Some of our concerns are the concerns
49 of the other regions. The minimal funding to undertake
50 this work. It s expensive up in our area. It s a

1 pretty vast region. You know, the untimeliness of
2 receiving our money where TCC, one of the staff is
3 here, Lisa, and this department is covering these
4 expenses with other money while we re waiting for the
5 money to show up here. That s a great concern. You
6 know, a couple of the things that was mentioned was how
7 does this -- how do these things arrive at in the Fish
8 and Wildlife Service budget? Is this a priority over
9 other things or not are some of the things we had
10 discussed there.

11
12 One of the things that we were
13 comparing notes on and some of the stuff that I
14 mentioned in our group was the confines as subsistence
15 tribal members, you know, hunting and fishing rights
16 that we have to work with what s before us, the
17 regulations that it kind of puts us at odds with one
18 another in the Native community until some relief can
19 be had at the higher levels, like the terminology of
20 indigenous people, meaning all residents. You know,
21 also the confusion of not being allowed to do certain
22 things in the spring hunt, but later on in the fall
23 State hunt, being able to do things there that you
24 weren't able to do under the subsistence spring hunt
25 are just some of the things we had talked about in our
26 region.

27
28 We had another meeting right before the
29 Tanana Chiefs annual convention and conference where we
30 got back together and I gave a report on the special
31 meeting in January, the update on that and passed out
32 some materials. Vince Mathews was there to help out.
33 We were planning to inform the general tribal
34 membership at the annual convention as a lot of our
35 areas are waterfowl subsistence use areas, but the
36 information getting out to our people is pretty far and
37 few and in between where the person out in the field --
38 it s pretty confusing and it s a big job again to try
39 to do all this work on such a minimal budget.

40
41 We did do a presentation at the
42 convention. Crystal was there to add to some of the
43 information on the Service side of things to help
44 inform our people of what we re dealing with.

45
46 That s pretty much the report from our
47 area.

48
49 CHAIRMAN ALCORN: Thank you, Randy.
50 Taqulik, want to go to your region.

1 MS. HEPA: Thank you. Our last
2 regional meeting management body meeting was held last
3 September in Anaktuvuk Pass. We haven't held another
4 meeting dealing with migratory birds since then. Our
5 plan is to have our next meeting in Point Lay at the
6 end of the summer. Again, in the same boat as Randy,
7 we're anticipating or hoping that the funds could come
8 sooner than later. I'm just thankful that we're able
9 to be here and participate.

10
11 In regards to the North Slope, we had a
12 very cold winter, basically from December through last
13 week. We averaged about 20 below or colder. Yesterday
14 it was good to see that it actually got up to 5 degrees
15 Fahrenheit. People are starting to notice and see snow
16 birds, so they're finally arriving. We're hoping to
17 have a good spring. Hunters are ready for all of the
18 migratory animals that will be coming to our area.

19
20 We did hold our third annual migratory
21 bird fair and that fair is co-sponsored by Fish and
22 Wildlife Service, the North Slope Borough, Native
23 Village of Barrow, our regional tribal organization
24 ICAS and our village corporate UIC. We had almost 200
25 participants that come through the bird fair. It was
26 held on April 3rd. We had a whole bunch of booths,
27 games. We had duck and goose soup and Eskimo doughnuts
28 and lots of door prizes, so it was a huge success.
29 There is requests coming in from, in particular,
30 Atkasuk to have a similar bird fair in their community.
31 So we'll continue to have an open dialogue with the co-
32 sponsors to see if that could be feasible.

33
34 That's basically our report from the
35 North Slope.

36
37 CHAIRMAN ALCORN: Thank you, Taqulik.
38 Tim, would you like to report for AVCP, Bethel region.

39
40 MR. ANDREW: Yes. Good morning. The
41 Waterfowl Conservation Committee had their meeting
42 yesterday. It was held here in this conference room.
43 We've had a considerable increase in one of the bird
44 populations that we've been watching over the years.
45 It's the Pacific White-Fronted Geese. The population
46 objective is 300,000 and the current population is
47 currently almost double. The Cackling Canada Goose
48 populations are nearing the population objective. The
49 Black Brant is relatively stable. Spectacled Eiders,
50 the breeding pairs are starting to increase.

1 We've been working with the Oregon
2 Department of Fish and Wildlife and also the Oregon
3 Farm Bureau in trying to address the Oregon goose
4 deprivation issue that they have there. The Cackler
5 population, as you all know, moved from California up
6 to the Willamette Valley. Prior to their migration to
7 their breeding grounds in Alaska they have created an
8 issue with the farmers there. Whenever they put
9 something out there that s green they immediately suck
10 it up and fatten up before they come up here to Alaska.
11 A small task force was created to address that issue.

12
13 We talked about the Duck Stamp issue.
14 Apparently -- we wanted the Alaska Native exemption.
15 We've been pushing for Alaska Native exemption from the
16 Duck Stamp, but apparently there s opposition from
17 various parties. Some of them more influential perhaps
18 than others that don't want to see an exemption, but
19 perhaps a Secretarial waiver of the Duck Stamp. AVCP s
20 concern is that if we do advocate for the Secretarial
21 discretion on the waiver of the Duck Stamp issue, that
22 we will never see consistency. Perhaps with this
23 administration we'll see an exemption, but if another
24 administration, perhaps another party comes in and the
25 Duck Stamp requirement is forced upon us. Perhaps the
26 following four years maybe we might see it again.
27 There s just no consistency. But we continue to
28 advocate for Alaska Native exemption.

29
30 Myron did express some disappointments
31 with one of our senators. I m not going to name them
32 at the moment. There s talk about the summary search
33 updates. There was also talk about the law enforcement
34 plans for the spring hunt. Thank you, Stan, for
35 addressing that issue and also Eric Taylor for
36 participating in our meeting. Also Crystal was there
37 as well.

38
39 One of the concerns I d like to express
40 is that this fall it was kind of a do it or don't as
41 far as the fall meeting because of the budget issue and
42 hopefully we have a little more consistency in being
43 able to do our fall meeting year after year.

44
45 Thank you, Mr. Chair.

46
47 CHAIRMAN ALCORN: Thank you, Tim.
48 Molly, would you like to give a report for BBNA region.

49
50 MS. CHYTHLOOK: Thank you, Mr. Chair.

1 Molly Chythlook from Bristol Bay Native Association.
2 We had our spring regional meeting March 27th and we
3 wrote Crystal to come attend our meeting to observe.
4 I d like to get Crystal s perspective before I give my
5 short report.

6
7 CHAIRMAN ALCORN: Crystal, would you
8 like to share your thoughts.

9
10 MS. LEONETTI: Sure. Thank you, Molly.
11 I attended their meeting. It was day-long meeting and
12 I was just thoroughly impressed with how the
13 subregional representatives did their reports.
14 Everybody sort of went through and answered the same
15 kinds of questions about what they re seeing with local
16 climate, locate observations, unusual observations in
17 wildlife and fish. They talked about everything, not
18 just birds, because it s all connected.

19
20 I was really just impressed with the
21 amount of knowledge that was shared from their local
22 perspective, which then built upon the regional
23 understanding of what s going on with the migratory
24 birds and the climate and the wildlife. It was very
25 interesting to hear that body of knowledge and I was
26 just impressed with it. It was a great example of how
27 traditional ecological knowledge can be very helpful
28 and useful. I was impressed with the participation by
29 all the subregional representatives.

30
31 So thank you, Molly, for inviting me.

32
33 I really enjoyed that.

34
35 CHAIRMAN ALCORN: Okay. Thank you,
36 Crystal. We just went through our normal agenda and
37 updating because we didn't have any proposals from our
38 region, so we just went through our normal
39 agenda. In updating, we discussed a budget and I think
40 one of the reasons why the budget was discussed was our
41 concern about having one face to face and one
42 telephonically in 2012 or 2013. The group expressed
43 the importance of having face to face because this is
44 the only one time that the group can be in one room to
45 -- like what we have is one format. It s a
46 questionnaire that answers different resource questions
47 about issues and their observation. Not only for
48 migratory birds but for other resources. When the
49 group meet like this face to face, it s interesting to
50 observe them interacting and their information comes

1 alive. Their concern was that once they lose this
2 face-to-face meeting and replace it with telephonic
3 that s one of the areas that will be missed.

4

5 But as far as our meeting it was just
6 mainly informational and was like Crystal said, our
7 Bristol Bay regional meetings are very informative
8 because of the regional reports our membership are
9 invited to give.

10

11 That s all I have.

12

13 CHAIRMAN ALCORN: Thank you, Molly.
14 Turn to Patty, Chugach Region.

15

16 MS. BROWN-SCHWALENBERG: Thank you, Mr.
17 Chairman. I'm handing out a written report. I m going
18 to kind of skip through it because a lot of this stuff
19 has to deal with the upcoming gathering and we re going
20 to discuss that later on in the agenda, correct.

21

22 So we, of course, participated in the
23 special meeting of the AMBCC in January. It was very
24 positive I felt. Like LaVerne, I was very encouraged
25 and looked forward to moving the AMBCC forward into the
26 next level of its development. We worked on the
27 gathering, like I said, and I'll be discussing that
28 later. We also had our meeting in the spring and we
29 went through the proposals. I was appreciative that
30 Donna Dewhurst and Crystal Leonetti were there to
31 provide technical background information on each of the
32 proposals and share with the board their thoughts and
33 comments on the process and each proposal individually.

34

35 We let the villages know about the
36 personnel changes at AMBCC and I have been making an
37 effort to try and connect with Crystal on a regular
38 basis since I m in Anchorage here to help in any way
39 that I can in directing her and the activities at AFN.

40

41 I went to Washington, D.C. in March and
42 met with Jerome Ford, assistant director, and Brad
43 Bortner, chief Division of Migratory Birds at the Fish
44 and Wildlife Service. I scheduled a meeting in
45 response to the letter that was sent by Mr. Ford to
46 Chugach Regional Resources Commission, which was in
47 response to the original letter from Paul Schmidt. So
48 it was kind of a meeting just to get them familiar with
49 the concerns of the AMBCC.

50

1 We talked about the proposals that
2 don't get funded because of language in the protocol or
3 in the treaty amendment or other Federal regulations
4 and the problems that causes from the Native Caucus
5 perspective. The real issue and the real result we
6 wanted from the letter that we wrote was the commitment
7 by the Fish and Wildlife Service to work with the
8 Native Caucus to address these issues and come to some
9 conclusion about how we can resolve it. If it s going
10 to take some change in the protocol or the procedural
11 regs or whatever, then we know what we have to do. At
12 this point, the Fish and Wildlife Service has not been
13 able to engage because it goes outside the regulations.

14
15

16 So Jerome Ford and Brad Bortner have
17 both expressed an interest in continuing to work with
18 us on those issues. They have also committed to coming
19 to the spring gathering, which is going to be held in
20 early May. I d also like to ask Geoff Haskett for
21 working hard on these issues and taking steps to put
22 the AMBCC process on a more equal footing between the
23 Native Caucus and the Fish and Wildlife Service so that
24 we can move forward on these issues in a cooperative
25 manner.

26
27

28 We re also having an annual subsistence
29 memorial gathering a week from Friday actually and this
30 is an opportunity for our Native people in the Chugach
31 region to come together and share their concerns about
32 the subsistence resources in the Chugach region and for
33 us also to put out a nice meal for them and Native
34 dancing and other activities. So that s going to be
35 happening a week from Friday. The rest of the
36 information I can share later.

36
37

37 Thank you, Mr. Chairman.

38
39

39 CHAIRMAN ALCORN: Thank you, Patty.
40 I m going to turn to Joeneal Hicks from Copper River
41 Native Association.

42
43

43 MR. HICKS: Thank you, Mr. Chair.
44 Members of the public. The Copper River Migratory Bird
45 Regional Committee held their meeting on January 21
46 this year. Eric Taylor and Liliana Naves attended. I
47 believe with their attendance our meeting was very,
48 very productive. One of the reports that was given by
49 Eric indicated that there is a rise in Tundra Swan
50 activity in the Ahtna region. Am I correct with the

1 Tundra Swan?

2

3 MR. TAYLOR: Trumpeter Swan.

4

5 MR. HICKS: Trumpeter Swan. Okay. I
6 know it. Anyhow, the population has dramatically
7 increased over the years or so. It was suggested that
8 we do a proposal to allow the hunting or take harvest
9 of these particular swans, so that may be a proposal
10 coming before you in the near future.

11

12 Again, like I said, the meeting was
13 very productive and could have lasted a lot longer.
14 The committee felt that, yes, we do need to pressure
15 the AMBCC to do harvest surveys in our region because
16 there is a lack of data. Again, like I say, the
17 Trumpeter Swan population has increased. I mean had we
18 known that before, a proposal could have been
19 forthcoming several years ago or so.

20

21 Just to speed up the process here, I
22 believe there is a need to rethink the funding amount
23 for the Copper River region. Again, there is lack of
24 data, there s lack of surveys here and I do suggest
25 that this Council consider requesting the U.S. Fish and
26 Wildlife Service to increase our amount of funding for
27 our region.

28

29 Also in regards to funding I also need
30 to probably speak to Donna Dewhurst in regards to
31 rethinking who the administering agency should be for
32 our area. We are getting a lot of -- well, I am and
33 the committee is getting a lot of flack from the
34 administering agency. When travel funds are requested
35 and stuff like that it s not being processed and not
36 being done right. Again, I'd like to talk with Donna
37 if I can sometime within the next day or so in regards
38 to what we can do about that.

39

40 Thank you and that s my report.

41

42 CHAIRMAN ALCORN: Thank you, Joeneal.
43 Joel, would you like to give a report for the Bering
44 Strait region.

45

46 MR. SACCHEUS: Thank you, Mr. Chair. I
47 have a few things here. One of them is there s lots of
48 swans up in my area. One of the increases in Golovin
49 area. We had a meeting last week and this guy in
50 Golovin was bringing up these swans always go chase

1 their birds away at their nesting area, but there s
2 lots of swans up in Norton Sound every spring and fall.
3 They re concerned about chasing the ducks away. The
4 last couple springs there was lots of white geese
5 increased in Elim area. I haven t seen that much since
6 I was a boy. I don't know what brought that up, but
7 there was lots of white geese in the spring mostly.

8
9 The Cackling Canada Geese in our area
10 is up and down according to the members that gave a
11 report last week. We see Emperor Geese once in a
12 while, mostly in springtime in Elim and Koyuk area.
13 The Koyuk representatives brought that up to me. So we
14 see some once in a while.

15
16 They re concerned about the Duck Stamp
17 in Norton Sound and some of the people are buying some
18 and some aren't for the hunting. At the meeting, we
19 just had one meeting this spring and last spring. Some
20 of the representatives from Elim area and Kawerak would
21 like a fall meeting also, whether it be face to face or
22 person to person like this. From one spring to the
23 next spring it s kind of long to do that. I don't know
24 if that s from the budget, but that s what happened
25 before. I guess last time we didn't have a fall
26 meeting.

27
28 The seals and walrus, they were kind of
29 concerned about it. Rose gave some of the things that I
30 wanted -- that she covered mostly. She covered those.
31 Doing the surveys in the villages, the representatives
32 from all the villages brought that up and they would
33 like -- wondered if they could see like a gas raffle or
34 whatever if they want to do the survey because some of
35 the people in the village always refuse to do the
36 survey. They kind of think it might go against them in
37 the future, the records. They don't want to give out
38 how much ducks they get and stuff like that.

39
40 The Brants are kind of low. That s
41 pretty much it. It s my first AMBCC meeting. I hope
42 to be back next time. Thank you.

43
44 CHAIRMAN ALCORN: Welcome and thanks
45 for participating. Thanks for the report. Rick, would
46 you like to report for Kodiak region.

47
48 MR. ROWLAND: Rick Rowland for Sun'aq
49 Tribe of Kodiak. Thank you. We didn't have a meeting
50 since last spring. We re still waiting on funding to

1 arrive. Many different types of paperwork had to be
2 submitted a few different times. I think we might have
3 it close now. I haven't heard this week whether we got
4 the funding or not. We're intending to have our
5 meeting in May, so it's April now, to explain the last
6 meetings we've gone to, the Invitation Committee and
7 then this meeting.

8
9 At the upcoming meeting, one of the
10 intentions of the members from the last meeting it was
11 decided that during that meeting they'll sit and create
12 hunter values that will be used by the locals in the
13 communities and then those will be posted in the
14 communities to where outside hunters coming in will be
15 able to see them. The intent of that is to work on
16 proactive solutions because it's important everybody
17 realizes the importance of all the migratory birds.
18 Not only now but historically.

19
20 Quite often at home you mostly -- we
21 always refer to in the old days when somebody used to
22 go out, then they'd come home. This old guy, he'd come
23 home and they'd say, so, how many ducks were there and
24 he'd happily say there were thousands, maybe even
25 hundreds. So we still joke around about that now.

26
27 That leads me to the Emperor Geese. I
28 learned about the population amount that would trigger
29 possibly harvest of those Emperor Geese, but at home
30 there's a lot of Emperor Geese and they're holding out
31 the local and the migratory birds coming in off the
32 feeding areas. You can see them rafting up on the
33 outsides. The Emperor Geese aren't letting them into
34 the food.

35
36 We had a tough winter and our eagle
37 populations are down for some reason. I'm not a
38 biologist, but I don't know what's causing it. There's
39 the thought that if the eagles are down and those
40 Emperors are holding the ducks out, are the ducks going
41 to be down. The hope is that we could put a proposal
42 together to find some way to manage those Emperor
43 Geese. Not only in our area, but on their whole
44 flyway.

45
46 That connects to Tom Jennings gave me a
47 call and asked me to make a presentation to the
48 Regional Advisory Council for the Kodiak/Aleutians
49 area. I mentioned to him I didn't think I had the
50 authority to go to the Regional Advisory Council

1 without communicating to the tribal council that I work
2 with or the Alaska Migratory Bird Co-management Council
3 about making a presentation about Emperor Geese without
4 having a proposal or whatnot in place.

5
6 I wanted to let everybody know that
7 they gave me a call and asked me to make a
8 presentation. I'll be talking to my tribal council
9 about it and also be working on creating an Emperor
10 Goose proposal for hunts. The hope is that we could
11 communicate on the whole path of travel migration to
12 where something realistic could be created that would
13 be accepted and allowed. It is apparent to us that the
14 Emperor Geese are on population increase. Hopefully
15 we'll eventually get the finances organized to where we
16 get that funding over to the tribe. It should be
17 close.

18
19 We have the two proposals on the agenda
20 today. One is for the hunt seasons and the other is
21 for the use of feathers for handicrafts and we'll talk
22 about those later.

23
24 Whenever I have to answer to the elders
25 or communicate to them about all the migratory birds
26 they quite often challenge me to fix things and I have
27 to explain to them and educate them about what it takes
28 coming here and communicating what the needs are of the
29 tribes and then having to be told we have to adjust it
30 so that we can follow the regulations that are put in
31 place. Hopefully with the effort to work towards
32 proactive solutions we could change things back to the
33 way that they were. Elders at home say when the birds
34 are in our area it s food for our table. That s the
35 important part of it, is that those birds are food for
36 our table. They've always been food for our table.
37 I m sure I'll have more to report on that after our May
38 meeting.

39
40 Thank you.

41
42 CHAIRMAN ALCORN: I have a question
43 from Tim Andrew.

44
45 MR. ANDREW: Your talk about Emperor
46 Geese kind of caught my interest since it s been a
47 species of concern for quite some time. Are you seeing
48 increased populations around the Kodiak area? Are they
49 staying there throughout the entire year or what s
50 happening with the Emperor Geese population?

1 MR. ROWLAND: Yeah, there's thousands,
2 maybe even hundreds.

3
4 (Laughter)

5
6 MR. ROWLAND: The population of Emperor
7 Geese appear to be increasing and for some reason in my
8 mind -- I'm not tracking them, but it makes me think
9 that they're staying around in the area and it makes me
10 think that maybe they don't know how to migrate. So I
11 don't have a good knowledge on what they're actually
12 doing. I've seen them there quite often and haven't
13 seen their migrations.

14
15 MR. ANDREW: So are they staying around
16 Kodiak year round?

17
18 MR. ROWLAND: From what I can tell from
19 the times that I've seen them, they're there a lot.

20
21 MR. ANDREW: Thank you, Mr. Chair.

22
23 CHAIRMAN ALCORN: Thank you, Rick.
24 Enoch, we'll turn to you for the Northwest.

25
26 MR. SHIEDT: Okay. For your other
27 information, I never did have a meeting due to the way
28 the funding was late last year and I was gone and it
29 was never applied for. I received it late last year
30 and I was docked half a year, so I got only half of
31 what I was supposed to get. I had few teleconferences
32 with the villages because they wanted to talk about the
33 birds. Their main thing is the Duck Stamp issue like
34 everybody else. By the time the birds arrive there's
35 no Duck Stamp. The problem is the guys in camp
36 sometimes they can't go to Kotzebue due to the
37 conditions out there unless they fly.

38
39 On the Duck Stamp issue, the enforcer
40 could land to the campers at the coast, but he can't
41 land the one that camp in the river. I have campers
42 starting in April that will stay till June, so they're
43 living off the country. They thought they were being
44 harassed and yet they never got cited. He never cited
45 them. He was just checking. He was worried about the
46 lead shots and I talked to the campers that the lead
47 shots they got was for the seals, not the birds. When
48 he saw both, he didn't worry about the steel shots, he
49 just worried when he saw the lead shot. He ignored
50 them.

1 What I m leading to now, the enforcer
2 is leaving and we re getting a new enforcer. As of
3 last week, the Borough, IRA, another person from
4 Maniilaq at the Housing and a few other people from
5 Kotzebue said -- and NANA, KIC, the new enforcer we re
6 getting need to be educated because we heard he live by
7 the book. So the enforcer, I m going to invite him to
8 come to Kotzebue to probably talk to him and what he
9 could do and not do. Once you cite a Native and you re
10 in the Federal system, you might not even be able to
11 leave your village to go to the clinic because you re
12 in the Federal system. We don't want to run into that.
13 I m getting calls about this. In fact, even last night
14 at my hotel I got a call about it. They re getting
15 worried because the birds are coming any time.

16
17 Like I told you, I had no money. I m
18 finally going to get the money, but it s going to be
19 late again. I think what we need to do as a group is
20 visit the funding timing where we could use it
21 adequately because it s so small. Where if I bring
22 people in, before the hotel was \$65, now it s over \$200
23 a night. See what I m saying. It s not going to last
24 long. It s there, but I think it s there just for the
25 thought that they give us money.

26
27 What I m saying the thought come from
28 the few people I had a teleconference with. Out of my
29 seven villages I had a teleconference with nine. With
30 Maniilaq, we have connection with all our clinics so I
31 could see who I m talking to and they could see me.
32 That s the good thing about it. This could happen.
33 The telecon could work, but they want to do house to
34 house. That s what they would like to see. This is
35 just for the telecon. I had no meeting.

36
37 The Emperor Geese, like they mentioned,
38 it s getting to be increasing when they re seeing more
39 and more. On the Eider ducks they would like to see
40 more flyers out because last year when they were sent
41 to me I got a call from the campers and I bring them
42 all to the campers and I was out. They say these are
43 the things because they re seeing more Eider ducks in
44 their region.

45
46 The other one is -- this is the one
47 that have nothing to do with this, yet it ties into it.
48 They re worried about the seals. Our seals will migrate
49 to the river and to the lakes. If they have disease,
50 they could bring the disease to the birds that are

1 there and they say we need to find out and see if
2 they re ever going to connect us. Whatever happens in
3 the ocean could impact our birds that go feed out there
4 and if they re out feeding in the ocean and if they
5 take it back to the lake and the lake drains to the
6 river, there goes the whole drainage. That s their
7 concern about this I m hearing.

8

9 Go ahead. I'm done now.

10

11 CHAIRMAN ALCORN: We have a comment or
12 a question from Tim.

13

14 MR. ANDREW: Thank you. Which Eider
15 species are you seeing an increase in your area?

16

17 MR. SHIEDT: The one about the birds of
18 concern from Taqulik s area. We get all the Eiders.
19 That s in here, but I did not have enough to go all the
20 way around because I had over 60 campers. There s not
21 enough flyers for me to go around. They have concern.
22 Some of them go in and out with a plane and never been
23 there, but yet they want to see it because they want to
24 harvest and they used to harvest the birds, but they re
25 not doing it because our neighbors -- we always call
26 Barrow and Nome our neighbors -- they had a concern and
27 we want to help them preserve them for the future.

28

29 I forgot to mention that we have so
30 many swans now that last summer when I keep getting
31 calls about it, with my GPS, at Kotzebue we've got a
32 sandbar across Kotzebue from the Noatak. Three and a
33 half miles with my GPS, starting from this swan here to
34 the last one, that s how much they were in numbers. I
35 did it with my GPS. When I do get concerns, I have to
36 answer to my people because I work for them.

37

38 CHAIRMAN ALCORN: Thank you, Enoch.
39 Rick, do you have a question.

40

41 MR. ROWLAND: Doug, I have a question.
42 I was looking at the agenda. Is this the regional
43 reports where we re at? If possible, I have an issue
44 of concern that I just recalled if I could mention that
45 before we move on.

46

47 CHAIRMAN ALCORN: Is it related to your
48 report?

49

50 Mr. ROWLAND: Yeah.

1 CHAIRMAN ALCORN: Okay. We'll go back
2 to your report. You can have the floor right now.

3
4 MR. ROWLAND: In looking at this
5 Emperor Geese information and researching the things
6 related to it, something interesting I found was that
7 there are hunts for Russian Emperor Geese. I also
8 found that the person who is selling those Russian
9 hunts has an Illinois LLC. It didn't make sense to me
10 because somebody in the United States where it s
11 illegal to hunt Emperor Geese, is it illegal to sell
12 Emperor Geese hunts in the United States and then take
13 them out? So that s a big issue of concern. It not
14 only talks to legalities of that kind of thing, but
15 whether they bring those birds back or not.

16
17 CHAIRMAN ALCORN: I don't know the
18 answer to that. I think Bob Trost might know the
19 answer to that. Would you be able to answer it in a
20 brief few sentences or do we need to have a side
21 conversation? Come to the mic if you would, Bob. Bob
22 Trost is flyway representative.

23
24 MR. TROST: Bob Trost with the Fish and
25 Wildlife Service, the flyway representative. No, it is
26 not illegal for a Russian firm to advertise hunting
27 opportunities which are legal in Russia in the United
28 States. The same would be true of Mexico or any other
29 country.

30
31 CHAIRMAN ALCORN: Okay. I have a
32 number of questions. I think Rick, I'll defer to him,
33 then to Enoch and then to Tim.

34
35 MR. ROWLAND: From the information that
36 I researched, it s an Illinois state LLC that is
37 selling Emperor Geese hunts. They have a website.
38 It s not a Russian firm. It s an Illinois state LLC.

39
40 MR. TROST: It s undoubtedly a guiding
41 service. I'll look into it a little further, but I m
42 fairly comfortable that this would be a legal activity.
43 They re acting as an agent for Russia. Each country
44 that signs these treaties has the specific right to set
45 its own regulations. Russia has the right to maintain
46 an open season even if we have a closed season. So
47 they don't necessarily have to close because we are
48 closed. If they have an open season, then birds can be
49 legally harvested under their laws and regulations,
50 which would include a foreign national coming there to

1 do that. Then that person could, with the proper
2 permits, bring those birds back into the United States.

3

4 MR. ROWLAND: So then you said that it
5 was -- it may be illegal to have a state LLC marketing
6 Emperor hunts?

7

8 MR. TROST: No, my answer would be I do
9 not believe that to be illegal. I think you can have
10 as a United States firm, just like a travel agency, to
11 sell an opportunity to do something in another country.
12 You can act as an agent of a Russian entity in this
13 country, much like you can go buy a skiing package to
14 go ski in the Alps in Switzerland from a United States
15 company. They have the right to act in that fashion.

16

17 CHAIRMAN ALCORN: Okay. Enoch.

18

19 MR. SHIEDT: Make me understand now.
20 Some areas in Alaska it s illegal to get Emperor Geese,
21 yet the same flyway in another country could harvest
22 under guided or subsistence. Fair should be fair. If
23 we can t harvest them, the ones in Russia shouldn t be
24 harvesting the same birds. I mean that s why we have
25 headaches here. The agency can decide and do what they
26 want, yet we can t? I can t see my people get cited
27 for Emperor Geese and not cited on Russia side.

28

29 MR. TROST: I full well appreciate that
30 perspective; however, it s each country s right to
31 establish independent regulations. In this particular
32 case, the country, Russia, has not recognized the need
33 for a closed season as we have here in the United
34 States. It is their belief that they can maintain a
35 legal hunt and it is their prerogative to do that.

36

37 The same would be true at -- I have
38 much more experience in Canada. For example, in the
39 United States in the sport hunting season you re
40 limited to one or at the most two Canvas-backed ducks.
41 In Canada, you can shoot seven or eight, depending on
42 what the bag limit is. That has always been a
43 difference. Canada is entitled to allow that increased
44 opportunity. We believe that s too liberal if we were
45 to do that throughout the United States.

46

47 Each country acts independently and for
48 the most part we do try to coordinate it. There are
49 times and instances where we are not in agreement on
50 what the best course of action is.

1 CHAIRMAN ALCORN: Thank you, Bob. I m
2 going to turn to Tim.

3
4 MR. ANDREW: Yeah, it s an outrage to
5 me too, as I can see from my counterpart in the
6 Maniilaq area, that our hunters are being cited for the
7 harvest of Emperors to feed their families, but yet an
8 Illinois LLC is able to bring hunters to Russia for
9 sport purposes and be able to bring the birds back to
10 the United States while people in our communities
11 cannot hunt them or get cited for them. That s just
12 totally wrong. I mean it s an outrage for me and for
13 the people that I represent.

14
15 CHAIRMAN ALCORN: Thank you, Bob. I'll
16 admit it does defy logic and perhaps it s something
17 that needs to be discussed when the two countries
18 discuss the treaty, which is periodically discussed, so
19 we can take note of that and raise that as an issue.

20
21 Any other comments? I see some people
22 are getting up. How is everybody on the Board? Would
23 you like a break now or would you like to have -- okay,
24 we'll take a break and then come back to the executive
25 director s comment. Okay, we have a comment from
26 Taqulik.

27
28 MS. HEPA: Yes, just really quickly in
29 the spirit of our break. I just wanted to support Joel
30 and we've heard some other concerns from our region I
31 forgot to mention about hunters participating in
32 surveys and the fear of that information being used
33 against them. We've talked in particular to our Loon
34 survey, you know, encourage them that we agreed to
35 gather this information, but there still is that fear.
36 Then also, because we continuously ask for information
37 from the hunters, I do support the idea of us allowing
38 to give a door prize of some gas certificates. I think
39 we'll have good participation because we re forever
40 taking from them and very little is given back.

41
42 Thank you.

43
44 CHAIRMAN ALCORN: Thank you for that
45 comment. It is now 11:00 by my watch. Let s take a
46 15-minute break and be back at 11:15. Thank you.

47
48 (Off record)

49
50 (On record)

1 CHAIRMAN ALCORN: Reconvene. I'm going to
2 ask the Council to suspend the rule of the day to move
3 an agenda item around in order to accommodate Dr. Eric
4 Taylor s schedule. He s informed me he s not going to
5 be able to make our meeting right after lunch when it
6 would have been his time to provide his report under
7 new business 11(a), the migratory bird population
8 update. So I would like for us to move him up to this
9 period of time, but that will require a suspension of
10 the rule of the day.

11
12 MR. ANDREW: So moved.

13
14 MS. CHYTHLOOK: Second.

15
16 CHAIRMAN ALCORN: Discussion.

17
18 MR. ROWLAND: So we re at the -- what portion
19 of our agenda? We just finished 9?

20
21 CHAIRMAN ALCORN: We have not completed 9(b),
22 the executive director s report. I m proposing that we
23 -- in order to accommodate Eric s schedule, we move
24 11(a) into this time slot and we'll pick up with 9(b)
25 when Eric is completed or after lunch, whichever comes
26 first.

27
28 Do we have anyone opposing that?

29
30 (No opposing votes)

31
32 CHAIRMAN ALCORN: All right, Eric, we'll have
33 your report now then. Thank you.

34
35 MR. TAYLOR: Good morning. I m Eric Taylor.
36 I m with the U.S. Fish and Wildlife Service with the
37 Division of Migratory Bird Management. I m the
38 Waterfowl Management branch chief. Thank you for this
39 opportunity. I apologize for making you switch your
40 agenda this morning. I have a presentation at the
41 Wildlife Society conference on Cackling Canada Geese
42 this afternoon and it s at 1:40, so I need to get over
43 there and load up the presentation. I'll try to do
44 this. If it appears that I m not going to be able to
45 go through the entire talk, I will try to address your
46 questions at the end.

47
48 So I'll talk about abundance and trends of
49 waterfowl in Alaska. I want to encourage everyone that
50 there s -- do not hesitate to ask me questions or

1 provide comments, criticisms or needed improvements. I
2 don't know how many times I've given this presentation
3 and hopefully I m getting a little bit better each
4 time. There s always a balance between how much
5 information to present and what not to present. So if
6 I miss something, please let me know and I'll either
7 provide the information via a phone call or an email or
8 send you a report.

9

10 The objective is to go through distribution,
11 abundance and population trends. I'll talk quickly
12 about the survey area design and the areas that we
13 surveyed to estimate birds. These are the species that
14 I'll talk about. Brant, Greater White-Fronted Geese
15 and Mid-Continent Greater White-Fronted Geese, Emperor
16 Geese, Cacklers, both species of protected Eiders and
17 then Yellow-Billed Loons.

18

19 The data that I'll present today was
20 collected by pilot biologists who work with me, Ed
21 Mallek, Karen Bollinger, Bill Larned and Heather
22 Wilson. We have two quantitative ecologists, Bob Stehn
23 and Bob Platte, that do the analyses for our shop. We
24 have a suite of talented observers with decades worth
25 of experience, Dennis Marks, Debbie Groves, Chris Dau,
26 Lynn Denlinger. The two supervisors in the waterfowl
27 branch are Ed Mallek in Fairbanks and Julian Fischer in
28 the Anchorage shop. So the data that you'll see today
29 are the responsibilities and the product of these
30 folks.

31

32 MR. ROWLAND: Would you like us to ask
33 questions as you go or at the end?

34

35 MR. TAYLOR: If we could hold off until the
36 end, if you could jot down your question at the end,
37 that would be preferable, Rick. We could do it either
38 way. I m scared that I'll get about halfway and then
39 have to dash out of here. If there s time later on
40 either this afternoon or tomorrow, I d be certainly
41 happy to address questions as well.

42

43 For Pacific Black Brant at least, 80 percent
44 of the population nest on the Yukon-Kuskokwim Delta.
45 There s also birds that nest on the Arctic Coastal
46 Plain, as well as the Seward Peninsula. There s a
47 different subspecies of Brant; High Arctic Brant,
48 Western High Arctic Brant, nest in Arctic Canada.
49 There s also Black Brant that nest in Russia.

50

1 All the birds then stage at Izembek Lagoon,
2 Izembek National Wildlife Refuge. The wintering area
3 is located along the Pacific Coast from British
4 Columbia, Washington, Oregon, California. The
5 predominant part of the population winters in Baja in
6 mainland Mexico.

7
8 This is a figure you'll see over and over
9 again. The yellow line that at least to me appears out
10 of focus or you can poorly see it there is the
11 population objective. The population for Brant. The
12 objective is 150,000 as set by the Flyway Management
13 Plan and the Yukon-Kuskokwim Goose Management Plan.
14 The black line indicates the three-year average and
15 then the white bars that go up and down, that s the
16 actual population estimate for that year. So, for this
17 figure, the population has been estimated from 1960
18 through 2011. You can see that the three-year average,
19 the average from 2011, 10 and 09, is about 143,000.
20 So just about at the population objective of 150,000.

21
22 Again, the objective is 150,000. The
23 population is just about there, 143. Overall, for the
24 last 30 years, population growth has been relatively
25 stable. This has got us scratching our heads a little
26 bit because you'll see in the line down we've got a
27 significant decline in five historic nesting colonies.
28 I'll go back. The Yukon-Kuskokwim Goose Management
29 Plan has a clause of no taking of Brant eggs or Brant
30 during the nesting, brood rearing, flightless periods.

31
32
33 As I said, there is a historic decline over
34 the last decade at least that we re seeing in the five
35 colonies in the Y-K Delta, yet the population is
36 relatively stable, so somewhere that additional
37 production is being made up. Possibly on the Arctic
38 Coastal Plain, but possibly elsewhere that we don't
39 know.

40
41 The other phenomena, as I mentioned before,
42 we re still seeing a significant higher numbers of
43 birds overwintering on the Alaska Peninsula at Izembek.
44 Ten or 20 years ago we'd have 5,000 or so birds
45 overwinter. Now we're seeing 20,000-plus.

46
47 Pacific Greater White-Fronted Geese, again 95
48 percent of the population nest on the Yukon-Kuskokwim
49 Delta, so that population is to the west of that white
50 line going through Alaska. Pacific Greater White-

1 Fronted Geese winter primarily in the central Valley of
2 California. We do our survey along the Yukon Delta
3 Coastal Zone using those transects you can see in
4 yellow running from east to west. That survey is
5 conducted in early June.

6
7 The population, as I think Tim mentioned in
8 his report today, is doing very well. The population
9 objective is 300,000. Right now we're just about at
10 600,000 birds. Just about twice of what the population
11 objective is. The population has been on a substantive
12 increase since 1985 at about 6 percent a year. So the
13 three-year average is 596,900 birds. Again, just about
14 twice of what the population objective is.

15
16 So there's your population objective. The
17 current population significant increase, about 6
18 percent per year. Subsistence harvest clearly is not
19 restricted for this species. Indeed, it's the most
20 important species that's harvested on the Yukon-
21 Kuskokwim Delta every year.

22
23 For Mid-Continent Greater White-Fronted
24 Geese, the White-Fronts that Taqulik will see here in
25 the next month or so, that population we measure via
26 the Arctic Coastal Plain survey. There you can see from
27 Point Lay. These are transect lines from Point Lay
28 east to Kaktovik. So we estimate Mid-Continent
29 White-Fronted Geese from this population, again
30 conducted in June every year. This population, as
31 similar to Pacific Greater White-Fronted Geese, is
32 increasing substantially. Our index -- again, this is
33 not a population estimate, but the index is 155,000
34 birds. Again, we're seeing a significant increase
35 here. The majority of this population nest in the high
36 arctic of Canada. The overall population estimate is
37 just about 600,000, so very similar to Pacific Greater
38 White-Fronted Geese.

39
40 So Mid-Continent, the 3-year population
41 index, not the overall population, is 154,500 birds and
42 they're increasing at about 7 percent every year. So
43 it's equivalent to adding about 11,000 birds per year
44 for the Mid-Continent White-Fronts.

45
46 For Emperors, the breeding area is primarily
47 the Yukon-Kuskokwim Delta, but they're small numbers of
48 birds that nest on the Seward Peninsula, St. Lawrence
49 Island and Russia. The wintering area, this is the
50 bird that does not migrate south, is along the Alaska

1 Peninsula, Kodiak Island and the Aleutians. We do our
2 Emperor Goose survey here in the next couple weeks
3 starting the third week in April. We start out at Jack
4 Smith Bay and we measure along the coast and coastal
5 waters, estuaries and lagoons, then on the north side
6 of the Alaska Peninsula out to Wide Bay and then on the
7 southern side of the Alaska Peninsula.

8
9 That survey, as I said, will occur here in
10 the next couple weeks. That s more detail so you can
11 see. It starts out at Jack Smith Bay, goes over to
12 south Naknek and then along the north side of the
13 Alaska Peninsula to Bechevin Bay and then on the south
14 side of the Alaska Peninsula all the way to Wide Bay.
15 So this is the survey that we do to calculate the
16 spring index or the population index.

17
18 The population objective is 150,000 as
19 established by the Pacific Flyway Emperor Goose
20 Management Plan in the Yukon-Kuskokwim Delta. Hunting
21 may be considered when the 3-year population is greater
22 than or equal to 80,000 birds.

23
24 The 2011 spring index right now is 74,000.
25 That was our 2011 estimate. We'll have a 2012 estimate
26 here at the end of this month. The 3-year average is
27 around 77,000, so very close to that 80,000. That s
28 what the population looks like right now, our best
29 estimate of the spring aerial count. You can see the
30 3-year average there in the box, 76,892 birds.

31
32 So, in summary, the population objective is
33 150. We re staying at 77,000. We can reconsider
34 harvest when it s at 80,000. The Emperor Goose
35 population is slowly increasing. As everyone is aware,
36 Emperors have been closed to subsistence harvest since
37 1987 and closed to fall hunting since 1986. The annual
38 subsistence harvest estimate based on Department of
39 Fish and Game reports is around 3,500 birds per year.
40 The primary two regions that are still harvesting
41 Emperors are the Yukon-Kuskokwim Delta and the Bering
42 Strait, Norton Sound region.

43
44 Based on some publication work we think the
45 sole population growth is likely the result of
46 continued subsistence harvest during the spring and
47 then sometimes at least low productivity. So a quote
48 from that publication is that a reduction of
49 subsistence harvest could result in an improved rate of
50 population growth and an increase in population size.

1 This is something the Service has talked
2 about. I know we have talked with Tim and Myron about
3 it in terms of starting an outreach effort. Russ
4 Oates, my supervisor, is very interested in asking
5 Tamara Zeller, who is a migratory bird wildlife
6 biologist and outreach specialist, to work with Tim and
7 others to try to increase the amount of education and
8 outreach relative to Emperors. Clearly there s a lot
9 of interest in opening up the Emperor season and I
10 think we'll get there eventually, but we need to, if
11 possible, curb the subsistence hunt right now.

12
13 Cackling Canada Geese. This is an overall
14 map for all Canada Geese in North America. Cacklers,
15 if you look at that tiny little dot there up in the
16 Yukon-Kuskokwim Delta, 100 percent of Cackling Canada
17 Geese nest on the Yukon-Kuskokwim Delta. They do the
18 trans-oceanic migration south to where they
19 historically wintered in the Central Valley of
20 California up until the late 1980s. Then in the early
21 1990s they shifted -- much to the dismay of Oregon
22 Department of Fish and Wildlife and farmers there, they
23 shifted to rye grass fields and winter wheat and other
24 grain crops to northwest Oregon and southwest
25 Washington in the Willamette Valley. There about 95
26 percent of the population now overwinters.

27
28 Cackling Canada Geese, the population
29 objective is 250,000. The three-year average, the
30 average between 2011, 10 and 09, 227,000 birds. So,
31 if you look at the last three years, we have been over
32 population objective. We had a 35 percent lower count
33 in 2011. So, in 2010 the estimated numbers of birds
34 are right around 275,000. The estimated count in 2011
35 was 188. We looked at that data significantly. I can
36 tell you in terms of observers, aircraft, winter
37 observer conditions, and could not really put a handle
38 on why that population estimate dropped so
39 significantly in 2011. Again, the population objective
40 250. We re very close to that if not over that.

41
42 So Cackling Canada Geese, 250,000. We re
43 sitting at around 227,000. The overall population
44 growth, if you look at that from 1994 to 2011, is
45 stable. The Yukon-Kuskokwim Goose Management Plan, no
46 taking of eggs for Cacklers during nesting, brood
47 rearing or the flightless period. As I said, there s
48 significant concern from the Oregon Farm Bureau and
49 farmers in the Willamette Valley of Oregon because of
50 that shift from the Central Valley up to Oregon.

1 In 2011, the Flyway requested the Fish and
2 Wildlife Service design and implement a banding and
3 marking project to validate the population index. So I
4 mentioned that we designed or using a new method to
5 estimate the population. We still would like to
6 validate that, so we started marking birds in 2011 and
7 then counting them on the wintering grounds in order to
8 validate that population index.

9
10 Spectacled Eiders have been listed as
11 threatened since 1993 and closed to subsistence and
12 sport hunting. The reason it was listed is that
13 population on the Y-K Delta declined 96 percent. An
14 estimated 50,000 pairs in early 1970s down to 1,700
15 pairs about 20 years later. Spectacled Eiders, the two
16 populations primarily in Alaska that breed are the Y-K
17 Delta and along the Arctic Coastal Plain. There s also
18 birds that nest in Russia.

19
20 The primary wintering population is south in
21 St. Lawrence Island there in that kind of oblong comma-
22 looking area. We estimate our Spectacled Eider
23 population via the Yukon Delta Coast Zone breeding
24 waterfowl survey and then for the Coastal Plain for
25 Arctic Alaska again the same survey we estimated
26 Mid-Continent White-Fronted Geese and other birds as
27 Arctic Coastal Plain survey that runs from Wainwright
28 over to Kaktovik.

29
30 Interesting, the two populations, the
31 population of nesting birds in the Y-K Delta versus the
32 population that s nesting on the Arctic Coastal Plain,
33 are behaving very differently. We re seeing a
34 substantive increase for birds in the Y-K Delta and you
35 can see that the s blue or purple-colored histograms
36 there and the three-year average line. So that
37 increase has occurred from 1988 to 2010.

38
39 If you look at the black line, that s the
40 Arctic Coastal Plain and it s relatively stable. Both
41 populations are a bit similar in terms of their overall
42 breeding population, about 6,418 birds is an index for
43 the Arctic Coastal Plain and the Y-K Delta 5,871.
44 Again, this is an index and not the overall population.

45
46
47 So this is the area south of St. Lawrence
48 Island and that s a shot that was taken when we first
49 discovered that those are all Spectacled Eiders south
50 of St. Lawrence Island.

1 For Steller s Eider, species was listed as
2 threatened in 1997 and closed to subsistence and sport
3 harvest. This is the North American breeding
4 population. Sparsely distributed across the Arctic
5 Coastal Plain, but the area around Taqulik s hometown
6 is the highest density near Barrow. It s the most
7 important breeding area. The Alaska breeding
8 population pretty small. We re estimating at 500-600
9 birds overall.

10
11 The population trend is basically unknown.
12 You can take a look at that in the next slide here in a
13 minute. That shows a generous breeding distributing up
14 on the Arctic Coastal Plain over the North Slope there
15 in the greenish area. As I said, the primary
16 population is around the Barrow area. Birds winter
17 overall including the Russian population all along the
18 Alaska Peninsula and the Aleutian Islands, from Kodiak
19 all the way out.

20
21 So we measure Steller s Eider via the Arctic
22 Coastal Plain survey, the same survey that we do for
23 Mid-Continent White-Fronts as well as other species of
24 water birds up there.

25
26 So you can see when you have a very small
27 population and very few birds that you re counting,
28 your variability is very high, so one cannot really get
29 a very good population trend given that low population.

30
31 Yellow-Billed Loons, the distribution is from
32 the Canning River over to Point Lay, St. Lawrence
33 Island and the Seward Peninsula. The population
34 abundance for the Arctic Coastal Plain about 3,000 to
35 4,000 birds and based on our Arctic Coastal Plain
36 survey it is increasing. Yellow-Billed Loons have been
37 closed to subsistence harvest since 2003.

38
39 In 2009, the Fish and Wildlife Service
40 determined that under the Endangered Species Act it was
41 classified as warranted but precluded. This gives you
42 your population estimate and I'll warn you that our
43 figures for Alaska are probably reasonable, somewhere
44 around between 3,000 and 4,000. The information we
45 have for Canada and Russia is very limited. We are
46 estimating that for Canada 12,000 to 20,000 birds and
47 for Russia the information is even more limited.
48 Somewhere around between 5,000 to 8,000. So the
49 worldwide population, again very broad variability, but
50 somewhere between 20 and 32,000.

1 If you look at the trend from our Arctic
2 Coastal Plain survey, we're seeing about a 2 percent
3 increase per year from 1992 through 2011. The index,
4 again, you'll see -- that's an index, not a population
5 estimate. The index is around 1,468. That was our
6 2011 three-year average for that. Again, if you
7 consider that we're probably surveying about 50 percent
8 of the Yellow-Billed Loon area, we're seeing about 80
9 percent of the Yellow-Billed Loons, we figure the 20
10 percent we're not counting, converting that, you go
11 from an index of around 1,500 birds to a population
12 estimate of 3-3,500 birds on the Coastal Plain.

13
14 These are pictures of our new survey
15 aircraft. We started transitioning the aircraft last
16 year. This is the only aircraft that the Migratory
17 Bird Division uses now to estimate populations in
18 Alaska. Those are the four tail numbers. All four
19 aircraft will be identical red over gray. There's only
20 one other Quest Kodiak in the state of Alaska that's
21 used by Brice Construction up in Fairbanks and it's not
22 on amphibians, so this is the only aircraft like this. If
23 you see this aircraft and for some reason you feel like
24 it's not in the right place at the right time or has
25 disturbed either a camp of some sort, please give me a
26 call and write down the tail number and I'll explain
27 what it should be doing there.

28
29 Again, I went through this pretty quickly. I
30 still have time for questions, so if you jot down my
31 contact information and, again, don't hesitate to call
32 me. With that, I'll be glad to try to address
33 questions.

34
35 CHAIRMAN ALCORN: Thank you. I have a
36 question from Tim and then I'll go to Enoch.

37
38 MR. ANDREW: Thank you, Mr. Chairman. On the
39 Emperor Goose populations in your presentation you said
40 that subsistence is probably the population limitation
41 or limiting factor. Just with new information from
42 Rick about the sport hunt that occurs in the Russian
43 Far East I was just wondering how that accounts to the
44 overall population of the Emperor Geese in Alaska
45 versus any other place, I guess, and to include in your
46 presentation that the sport hunt in Russia also has an
47 impact on the population.

48
49 MR. TAYLOR: That's a good point, Tim. You
50 know, we don't really know what the sport hunt is in

1 Russia. We don't know the regulations. My guess -- if
2 I was put into a corner and asked for a firm answer, my
3 guess is that the sport hunt is pretty low. I don't
4 think a lot of people are flying over to Russia to hunt
5 birds. There's also a subsistence hunt for Emperors in
6 Russia and I don't have a good estimate for that
7 either. But your point is well taken in the sense that
8 there could be an impact to the population given what
9 that harvest is, but again I don't really have the
10 information.

11
12 MR. ANDREW: Thank you. Is there a counting
13 of how many birds are harvested in the sport hunt when
14 they re brought into the United States?

15
16 MR. TAYLOR: They've been closed since 1986
17 for the sport hunt, so as far as I m aware and Bob can
18 correct me on this -- Bob, are you aware of any birds
19 that have showed up on the HIP survey?

20
21 MR. TROST: I'm aware of a very limited
22 number. For example, we shot one in Oregon a year or
23 two ago as I recall.

24
25 CHAIRMAN ALCORN: We re going to need you to
26 come to the mic if you re going to.....

27
28 MR. TAYLOR: I can transfer the information.
29 I've spoke with Bob Trost and Bob has indicated, based
30 on the sport harvest survey known as the Harvest, HIP
31 survey, Information Program that very limited numbers,
32 at least one bird was taken in Oregon at one time.

33
34 MR. ANDREW: I'm not really interested in the
35 Oregon take. I m interested in the take in Russia
36 being brought back to the United States.

37
38 MR. TAYLOR: Again, I don't have an estimate
39 in terms of the numbers of birds, the numbers of sport
40 hunters that go to Russia to hunt Emperors or their
41 harvest levels. I can talk to SEA in terms of the
42 permits that are required to get those birds back.
43 There may be a way to get that information.

44
45 MR. ANDREW: Mr. Chairman, if I may ask
46 another question. In some of the population numbers
47 that you had shown, they re pretty close to the
48 objective. What I m really interested in is the ranges
49 and the confidence intervals in those areas to see how
50 much error there is in the population that you portray.

1 MR. TAYLOR: Okay. And we get to that some
2 way by using the three-year average. So if you look at
3 that, you remember the Cackler estimate was -- I think
4 it's 35 percent lower than the 2010 estimate. The 2010
5 estimate was 275,000, so it was above population
6 objective and then a year later we estimated 188,000,
7 so it dropped by 35 percent. But that is exactly why
8 we use that three-year average because any one year you
9 can have a significant drop and it's the hopes that
10 when you manage a population if you use three years and
11 you have that one anomaly or outlier that we call it
12 that it will be buffered by those other two years.
13 Indeed, if you look at the Cackler population, it
14 barely dropped below the population objective. I can't
15 remember what the exact number is, but the reason is
16 that those other two years pulled that number up.

17
18 MR. ANDREW: Thank you, Mr. Chair.

19
20 CHAIRMAN ALCORN: All right. Enoch, you had
21 your hand raised.

22
23 MR. SHIEDT: He answered what I was going to
24 ask. Thanks.

25
26 CHAIRMAN ALCORN: Okay. Any other questions
27 for Eric. Molly.

28
29 MS. CHYTHLOOK: We've probably asked you this
30 before, but because you mentioned that subsistence
31 harvest may be limited, what is the sport harvest and
32 why isn't the sport harvest indicated when you give a
33 report like this? My recommendation would be to
34 include sport harvest and not just limit the
35 subsistence, but make the sport harvest accountable
36 too.

37
38 MR. TAYLOR: Yeah. Molly, the publication I
39 cited did consider sport harvest, as was mentioned by
40 Bob Trost, the Pacific Flyway representative. The
41 sport harvest is very low. Probably single digits I
42 would estimate, but I can go back and look at that.
43 It's our feeling that the sport harvest is not a
44 contributing factor in terms of this population, but
45 I'll be happy to try to get the exact number for you.

46
47 CHAIRMAN ALCORN: Molly, go ahead.

48
49 MS. CHYTHLOOK: So if the sports harvest is
50 limited, there

1 must not be any money in sports permits. It seems like
2 you would be able or somebody would be able to compare
3 the sports permits versus hunts. Maybe we're to the
4 point where because sports harvest of birds is limited
5 the permits to hunt birds has decreased also.

6
7 MR. TAYLOR: I'm not for sure if I follow
8 your question. Again, I'm not sure if Dan Rosenberg
9 has any information that he could provide in terms of
10 harvest estimates for Emperors based on the number of
11 fall hunters, but overall it is our feeling that --
12 and, again, I don't have the data in front of me and I
13 admit that I've not looked at it, but I do not believe
14 that the fall hunt or the sport hunt that starts
15 September 1st is a contributing factor or a significant
16 take.

17
18 Dan, do you have any information at all?
19

20 MR. ROSENBERG: Molly, there is no legal fall
21 sport hunt for Emperor Geese, so it's closed to
22 hunting. If there's any harvest, it's an illegal
23 harvest and people are probably not even reporting that
24 to begin with. Unless people have been cited for it or
25 something like that we wouldn't even know. Because
26 it's been closed, that's why we assume it's a very low
27 harvest. I'm sure there's some accidental and maybe
28 some purposeful take by people that we don't know
29 about, but we don't expect it to be very large.

30
31 MS. CHYTHLOOK: Thank you.

32
33 CHAIRMAN ALCORN: We have a question from
34 Rick. Go ahead, Rick.

35
36 MR. ROWLAND: Thanks for the presentation,
37 Eric. I appreciated it and I was happy to see that you
38 added the Eiders onto the Kodiak area after comment
39 about it. Also I found out that -- can we look at your
40 White-Fronted Geese in California.

41
42 MR. TAYLOR: Uh-huh. Okay. The Mid-
43 Continent White-Fronts, they winter primarily, the Mid-
44 Continent, in Texas and Louisiana. So the Pacific
45 Greater White-Fronted Geese winter in California. So
46 those birds that nest in the Y-K Delta winter almost
47 exclusively in Central Valley, California.

48
49 MR. ROWLAND: You said predominantly. I know
50 there's thousands that go into Bosque, White-Fronted at

1 the Bosque National Wildlife Refuge.

2

3 MR. TAYLOR: Okay.

4

5 MR. ROWLAND: So that should be a predominant
6 amount as well, right, factored into the.....

7

8 MR. TAYLOR: I m sure some birds, either from
9 the Pacific White-Front, I doubt it from the Mid-
10 Continent, but I m sure probably some birds do winter
11 in Bosque del Apache in Arizona, but the predominant
12 population winters in California. So when you have
13 600,000 birds, there s a good chance that some birds
14 winter in other places.

15

16 MR. ROWLAND: From the same group might go to
17 a different spot, right?

18

19 MR. TAYLOR: Yeah.

20

21 MR. ROWLAND: So that might create a variance
22 in the population, right?

23

24 MR. TAYLOR: The population estimate is
25 derived from the Yukon-Kuskokwim Delta. So when we do
26 our population index, it s based on our aerial survey
27 on the Y-K Delta.

28

29 MR. ROWLAND: Okay. Then do you guys attach
30 a percentage variance to the population? You say it s
31 over a three-year average. Would you say that there s
32 a variance that s connected to that population? Like,
33 for example, we've got a jet stream pushing them over
34 into Canada and they send 20,000 over there. Is that
35 considered in the variance of the populations?

36

37 MR. TAYLOR: That s exactly why we do the
38 three-year index. There s any number of reasons why
39 your population may be higher or lower. As I
40 mentioned, maybe the observer didn't have enough coffee
41 and he or she is not awake enough, so they may not
42 count as many birds as they did last year. Maybe the
43 weather conditions are a little bit poor and visibility
44 may be poor. Maybe the birds are arriving a little bit
45 later or a little bit earlier, so they may not be
46 entirely there when you think they should be there.

47

48 So any one of those reasons and probably
49 others can contribute on a population index, so we try
50 to -- for example, we use the same observers every

1 year. When I said those observers have decades worth
2 of experience, we train observers over a period of
3 several years and then we have them usually do the same
4 survey year after year. So, for the Y-K Delta we've
5 had the same crew for the last 10 years. Same pilot
6 and the same observer.

7
8 When we do our survey, we actually look at
9 the weather. This is going to be a late spring is
10 probably what we re predicting. Now it may not be. We
11 may catch up. But we actually look at the national
12 weather data and we look at the amount of snow on the
13 ground and degree thaw days. So we look at temperature
14 and snow cover, then we time our survey every year at
15 the same time period in terms of development of
16 conditions on the breeding grounds.

17
18 So it may be, for example, the 6th of June in
19 2010, it may be the 8th of June in 2011 and maybe it s
20 the 4th of June in 2012. But we look at weather
21 conditions to try to control for that factor. And then
22 in terms of weather conditions, we have pretty strict
23 protocols in terms of visibility when we do a survey.
24 Pilots and observers have to be able to see so far out
25 both wings of the aircraft before they re allowed to do
26 the survey.

27
28 Still, Rick, your point is well taken. There
29 can be other factors where even though we control for
30 all those things birds where may be late someplace else, they
31 may be in more flocks than they are in pairs and that
32 may affect the overall estimate as well. So there are
33 a lot of factors. That is the reason why we use a
34 three-year index to try to buffer that.

35
36 MR. ROWLAND: So that explains why you don't
37 show there s a population of White-Fronted over in
38 Bosque National? Is that the same reason?

39
40 MR. TAYLOR: I m not for sure why that
41 arranged map -- if Pacific White-Fronts are wintering
42 on Bosque, I m not for sure why that map -- that s from
43 the -- the maps that I use are from the Birds of North
44 America counts and so I m not for sure if -- maybe the
45 number is so small that they don't consider it
46 significant. The majority of the population winters in
47 California.

48
49 MR. ROWLAND: Where can we get copies of
50 those highfalutin maps you've got there?

1 MR. TAYLOR: I d be happy to either give you
2 the PowerPoint presentation or bring hard copies
3 tomorrow.
4
5 MR. ROWLAND: Okay.
6
7 MR. TAYLOR: Would everybody like that? I d
8 be happy to do that.
9
10 MR. ROWLAND: Yes. That would be great. And
11 then you mentioned something about your route and
12 survey course that you fly. Can we see that slide
13 again.
14
15 MR. TAYLOR: You bet. So that s the survey
16 on the Y-K Delta and those transect lines vary in terms
17 of their transect with, I think.....
18
19 MR. ROWLAND: Oh, I apologize, Eric. It was
20 of the Emperor Geese on that route that you fly.
21
22 MR. TAYLOR: You bet.
23
24 MR. ROWLAND: Where it said 150 knots.
25
26 MR. TAYLOR: Yeah. We re flying at about 150
27 feet altitude and about 110 knots.
28
29 MR. ROWLAND: A hundred yards offshore. My
30 question was, there at Port Moller, do you guys fly
31 into Port Moller and go up to the head of Port Moller
32 and do you go up into Cold Bay in there, the head of
33 Cold Bay, and then you d fly into the head up by
34 Perryville up in Chignik?
35
36 MR. TAYLOR: Yeah. I can show you the exact
37 survey based on our report from last year. This is a
38 general survey line, so I m not for sure in terms of
39 going down the next scale exactly where the aircraft
40 occurred.
41
42 MR. ROWLAND: Okay. Sometimes it might be
43 socked in and they can t go in there, so that would be
44 great to have an understanding like if you can t go
45 into Port Moller, there s tons of Emperors in there and
46 it s socked in, then we would know, okay, we missed
47 that pocket.
48
49 MR. TAYLOR: That, again, is the reason we
50 try to use a three-year index because any time that may

1 happen. You may have a bay that s soaked in or you may
2 have a bay that s been soaked in for the last two years
3 and then this year you get to go in there and actually
4 survey it. It happens with Brant in Izembek
5 particularly when we do the fall count and the winter
6 count for Brant. That area as well is very -- you
7 know, the Aleutians are pretty variable relative to
8 weather conditions.

9

10 MR. ROWLAND: So is there a chance that we
11 could get a specific -- how do we find a specific
12 course that was flown?

13

14 MR. TAYLOR: You know, I can actually provide
15 you the exact course that was taken because we use
16 what s called automatic flight following in all of our
17 aircraft and I can show you the exact route they take,
18 when they took off and the distance that they flew,
19 when they landed and the next day of the survey.

20

21 MR. ROWLAND: That would be great. That
22 would be really helpful. And then my final one, is
23 there any way that we could do something to have the
24 sodiums on those big fishing vessels out west shut
25 down? I don't know if anyone is aware of this, but
26 that s a big cause of bird mortality out in the Bering.

27

28 MR. TAYLOR: Yeah, I think you mentioned that
29 before. So the concern is these fishing vessels with
30 these large spotlights that they use when they re
31 either seining or trawling are attracting birds. There
32 have been reports if you look at the literature and
33 look at collisions, because we have concerns on a
34 project on the North Slope, an oil development project
35 in terms of how lights may attract them, and indeed we
36 get reports periodically of Long-Tailed Ducks, Common
37 Eiders or King Eiders hitting structures in Prudhoe Bay
38 because of light.

39

40 You know, I m sure that happens. How
41 frequently it happens and the numbers of birds that may
42 be impacted, I don't have that information. I m not
43 for sure how one would get it. But you are correct. I
44 mean there are times particularly for sea birds as
45 well. The reports or the publications I remember
46 reading primarily were sea bird mortality. It was a
47 particularly bad night in terms of fog and these
48 vessels were fishing and birds got confused and crashed
49 into the vessels. To the point where some vessels were
50 nearly capsized by the numbers of carcasses that fell

1 on them.

2

3 MR. ROWLAND: That s it.

4

5 CHAIRMAN ALCORN: All right. Any other
6 questions for Eric.

7

8 (No comments)

9

10 CHAIRMAN ALCORN: Thank you, Eric, for your
11 time and your report. You did say that you would have
12 copies of your -- either the maps or the PowerPoint. I
13 didn't know if you distinguished between the two.

14

15 MR. TAYLOR: I'll just do the entire
16 PowerPoint for
17 everybody.

18

19 CHAIRMAN ALCORN: Everybody would have that.
20 That would be great. We need to go back on the agenda
21 now to hear item 9B, the Executive Director s report.
22 We'll hear that. It s going to be very brief she
23 assures me and then we'll break for lunch. So turn it
24 over to Crystal for agenda 9B.

25

26 MS. LEONETTI: Thank you. Before I start I
27 just want to thank Donna for supplying the refreshments
28 back there on the table, including the cups and the
29 napkins and the water and the coffee and the
30 refreshments. She actually pays for that out of her
31 own pocket and I would encourage everyone to
32 contribute. It s not just a tip. She didn't tell me
33 how much she spends, but I suspect it s anywhere
34 between 50 and 100 dollars. So if we could pay Donna's
35 personal debt back, that would be great. I have my
36 contribution right here.

37

38 So thank you, Donna, for that.

39

40 MR. NANENG: May I make a comment to that?

41

42 MS. LEONETTI: Oh, Myron would like to
43 comment to that. Sure.

44

45 MR. NANENG: When we had the Waterfowl
46 Conservation Committee meeting yesterday, we did not
47 realize that the water was for this meeting. So what
48 we'll do is we'll ask them to deduct it from our
49 regional grant.

50

1 (Laughter)

2
3 MS. LEONETTI: Okay. Also, before I go into
4 this, I just want to thank the Council members that
5 have spoken to and encouraged me to provide this
6 Executive Director's report. It's based on the time
7 since I began in this interim position. It's not based
8 on what Fred Armstrong and Donna has done prior to that
9 since your last Council meeting. It's my short three
10 weeks of being on board. Donna is handing out a
11 printed copy and I'll read it into the record.

12
13 For background, the AMBCC had a Native summit
14 meeting in January 2012 for one full day. The second
15 day three other parties joined the meeting. United
16 States Fish and Wildlife Service Region 7 Regional
17 Director Geoff Haskett and staff, Alaska Federation of
18 Natives President Julie Kitka and staff, and State of
19 Alaska Department of Fish and Game, Division of
20 Wildlife Conservation representative Dan Rosenberg were
21 all in attendance.

22
23 The members of the Native Caucus made
24 numerous constructive recommendations to Regional
25 Director Haskett detailing the Executive Director
26 position outside of U.S. Fish and Wildlife Service for
27 a period of six months to allow more access to the
28 position was one of several that Regional Director
29 Haskett agreed to. You can see the letter to Julie
30 Kitka from the Regional Director from March 8th that s
31 in your notebooks for a response on all those
32 recommendations.

33
34 So I began duty as Executive Director on
35 March 19th reporting directly to Alaska Federation of
36 Natives Office in Anchorage. My first action was to
37 call all members of the Council to brief you on my
38 temporary detail to this position and to hear your
39 recommendations for future AMBCC opportunities. I
40 spoke with most of the Council members and
41 teleconferenced with the executive committee. I look
42 forward to visiting with those of you who I have not
43 yet talked with.

44
45 I was also able to visit with four regions to
46 discuss migratory bird regulations and AMBCC. I
47 visited with the Chugach Regional Resources Commission,
48 Bristol Bay Native Association, North Slope Borough
49 Wildlife Department and Association of Village Council
50 Presidents.

1 The two major themes I have heard so far are
2 loud and clear. First, everybody agreed that the
3 Executive Director should be able to advocate for the
4 migratory birds, specifically their conservation and
5 health and as well as to advocate for subsistence
6 hunters. Secondly, everyone I spoke to encouraged
7 strengthening our efforts on effective communication.
8

9 Several ideas came up during our
10 conversations and meetings and they re listed here.
11 Proposal process needs clarification and perhaps
12 revision, more dialogue is needed by the Council to
13 refine the proposal process. As a result, that s on
14 your agenda. Council member and Staff training should
15 be offered regularly for new members, alternate staff
16 and any other interested participant. That s also on
17 your agenda. The committees need to be energized. A
18 list of priorities and research needs of AMBCC and
19 region should be developed. Executive Director could
20 help colleagues and government to become more active in
21 assisting regions to find solutions or alternatives to
22 proposals, suggestions or ideas. And develop AMBCC
23 guidance for the effective use of traditional
24 ecological knowledge has been another suggestion.
25

26 In addition to information gathering, I've
27 also been assisting Patty Brown-Schwalenberg in
28 planning efforts for a spring AMBCC summit in
29 Anchorage. We re currently planning on May 7th and 8th
30 at a location in Anchorage yet to be determined. I've
31 helped AFN with information gathering related to AMBCC,
32 it s budget, the U.S. Fish and Wildlife Service budget
33 processes, organizational charts and names of
34 connections that they might make in the future.
35

36 I attended the North Slope Migratory Bird
37 Fair where there were over 150 people from the
38 community learning about many things related to
39 migratory birds and I ate duck soup there. It was
40 awesome. The entire event was quite remarkable. I've
41 been getting to know Donna Dewhurst, whose wealth of
42 knowledge about AMBCC, the subsistence way of life and
43 migratory birds in general is quite impressive. I've
44 learned a great deal from Donna and I thank her for
45 that. She, of course, leaves the room, but thanks,
46 Donna.
47

48 It s not on here, but I attended the Kodiak
49 Regional Advisory Committee on their Federal
50 subsistence concerns about Emperor Geese and talked

1 about the AMBCC proposal process.

2

3 So my next steps are -- my plans for the next
4 couple of months are to work on the above list of
5 recommendations with your guidance and your advice. I
6 will help with the planning and organization of the
7 spring AMBCC summit. I'll help with the recruitment of
8 the next AMBCC Executive Director in coordination with
9 the Executive Committee. I will also be looking for
10 somewhere that the Executive Director will be properly
11 positioned for the best helpfulness in the future. So
12 if any of you have ideas about a location here in
13 Anchorage that would be good for you and everybody,
14 please let me know what your thoughts are on that.

15

16 When I m finished with my detail, I'll write
17 a summary letter to you summarizing any future steps
18 that you've recommended to me that I haven t yet
19 accomplished and hopefully that will help the future
20 Executive Director as you go forward.

21

22 I just want to say thank you for welcoming me
23 and for being thoughtful and candid in our discussions
24 and I appreciate all of you for being open to change
25 and I m truly looking forward to working with you over
26 the next few months.

27

28 Thank you.

29

30 CHAIRMAN ALCORN: Thank you, Crystal. Any
31 questions for Crystal. Patty, go ahead.

32

33 MS. BROWN-SCHWALENBERG: Crystal, do you
34 think it would be possible to get some information from
35 the contracting office as to when the funding might be
36 available for the regional management bodies?

37

38 MS. LEONETTI: I think Doug has been working
39 on that. You may have more information. Then, if it s
40 not satisfactory, I can go back during lunch today and
41 see if I can get more information for you.

42

43 CHAIRMAN ALCORN: All I can tell you is that
44 it is a priority in our contracting and general
45 services office. When the system came up, they had
46 more than 70 contracts and grants that they were
47 working on. The specialist that began working on that
48 group last Monday assured me that we were going to be
49 the highest priority that she was going to work on. So
50 we re expecting those to come through any time. We

1 were trying to have them done before this meeting, but
2 it didn't happen. Taqulik.

3

4 MS. HEPA: Keep in mind that there s always
5 the possibility.....(turned microphone off).

6

7 CHAIRMAN ALCORN: The way the grants read is
8 you can bill for expenses incurred back to October 1st
9 because that was the beginning of the contract period.
10 If you re keeping a ledger of your expenses, then you
11 can bill back to that.

12

13 Myron.

14

15 MR. NANENG: Thank you, Mr. Chairman. I
16 think one of the things that should be looked at is
17 compacting the funds with the respective regional
18 management bodies. That way it will allow the funding
19 to be carried over to the next year by the regional
20 management body if it s compacted rather than
21 contracted every year because every year we lose money
22 and have to submit a new funding when we are not able
23 to completely utilize that funding that has been funded
24 for one year.

25

26 CHAIRMAN ALCORN: Thank you for that
27 recommendation. I m not sure I know what compact
28 means, but we can talk about that if you like.

29

30 MR. NANENG: For your information, we compact
31 Department of Interior currently, like the BIA
32 programs. We receive the funding at the beginning of
33 the year and it's our obligation to spend those monies
34 at the beginning of the year so that those certain
35 programs that we provide are funded for those purposes.
36 I think that Fish and Wildlife Service should take a
37 look at that and learn from their sister agency, Bureau
38 of Indian Affairs, of how to pursue contracting of
39 these funds that come out annually for the regional
40 management bodies.

41

42 CHAIRMAN ALCORN: Thank you, Myron. Any
43 other comments on the Executive Director s report.

44

45 (No comments)

46

47 CHAIRMAN ALCORN: Seeing no hands. We re
48 going to dismiss for lunch. I d like to see everyone
49 back at quarter after 1:00. Quarter after 1:00 we'll
50 reconvene.

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(Off record)

(On record)

CHAIRMAN ALCORN: I'd like to call the meeting back to order. We concluded the agenda 9B, Executive Director's report. We are now on agenda 10A, adoption of 2010 harvest survey report. We were given that draft report at the fall meeting and we were also given an oral report yesterday by Jim Fall. We can ask Mala from the Subsistence Division of Alaska Department of Fish and Game to come to the mic. She'll deliver that report for us. Please identify yourself for the record for us, thanks.

MS. KUKKONEN: Thank you, Mr. Chair. Council members. For the record, my name is Malla Kukkonen. I am a subsistence region specialist with the Division of Subsistence with Alaska Department of Fish and Game. I work with and for Liliana Naves, who is the expert on this report, so I m unfortunately not the expert, but I will present you a statement that Liliana prepared before she left. If you have any questions, I am probably going to need to refer them to more knowledgeable individuals who are present here today. I'll just present you what Liliana has prepared.

CHAIRMAN ALCORN: Malla, before you start, let me point in the binder it s the second document behind tab 1 in your binders. It s the document with the yellow band across the top of it.

MS. KUKKONEN: Yes. And for the record Liliana prepared this on March 28th, which is the last date she was in the office, and I have learned that some things have developed further since then, so some things might have changed. Again, if you have specific questions, please contact Liliana after she gets back. She will be back in the office the coming Monday or there might be other people present here today that can answer your questions.

As for the 2010 draft report, in 2010 the survey followed the regular rotation schedule including Gulf of Alaska, Cook Inlet, Kodiak, Y-K Delta, Bering Strait, Norton Sound and Interior Alaska. The draft report was distributed to AMBCC partners for their review at the last fall meeting in October 2011. Adoption of the draft report is a regular item of the

1 spring meeting so that partners have about six months
2 to review the report. Questions and concerns should
3 have been already solved directly with Lili Naves
4 before we come to this meeting.

5
6 Item No. 2. 2011 data collection happened at
7 Bristol Bay, Y-K Delta, St. Lawrence/Diomedes subregion
8 in the Bering Strait/Norton Sound region. At St.
9 Lawrence a census survey was conducted, also including
10 communication and outreach efforts and bird counts to
11 address Yellow-Billed Loon conservation concerns.

12
13 Data entry is underway and a draft report
14 will be available at the fall meeting for review by the
15 AMBCC partners. It states here for St. Lawrence we
16 hope also there will be the opportunity to discuss
17 survey results at village meetings. I believe they
18 have preliminarily scheduled some of these meetings for
19 possibly May, but later in the spring. So that s a
20 development there.

21
22 Item 3, 2012 data collection. Plans for 2012
23 data collection are in development. It may include
24 Northwest Arctic and the St. Lawrence Island subregion.
25 The text under that, there have been some changes.
26 What has been confirmed is that St. Lawrence Island
27 subregion has been confirmed that the survey will take
28 place there. Negotiations are ongoing with Northwest
29 Arctic Borough about doing the survey in that region.

30
31 If you turn the page, the text continues on
32 page 2 there. In the St. Lawrence Islands the plan is
33 to follow the model used in 2011 for a dedicated survey
34 in direct collaboration with the villagers of Gambell
35 and Savoonga. The villages already integrated an
36 informal consent for the survey. The next steps will
37 be to obtain the formal consent and set a contract with
38 the villages to pay local surveyors and other support.
39 The review of the Yellow-Billed listing will likely
40 happen in 2013 and we hope to have two years of good
41 data at that point.

42
43 So that s all that Lili prepared for this
44 meeting. Do you have any questions at this moment?

45
46 CHAIRMAN ALCORN: Thank you. Go ahead,
47 Myron.

48
49 MR. NANENG: Yeah, in the 2010 and 2011
50 collection of data, how many villages were contacted

1 regarding the harvest surveys?

2

3 MS. KUKKONEN: May I refer to Donna Dewhurst
4 for assistance.

5

6 CHAIRMAN ALCORN: Donna, we'll ask you to
7 come to the mic.

8

9 MS. DEWHURST: It should be in the report. I
10 don't know off the top of my head, but I know it s in
11 here. At the beginning of each section she has how
12 many villages were contacted and what percentage
13 actually participated.

14

15 MR. NANENG: And how is the survey conducted?
16 Is there a person in the village that collects the data
17 or is there someone like in the hub in Bethel that
18 makes the calls or are they people provided with a
19 calendar of the species of migratory birds that they
20 may have harvested?

21

22 MS. DEWHURST: We haven't changed the survey
23 methodology at this time. It's the standard
24 methodology that's been used for 20-some years. Money
25 is given to the Yukon Delta Refuge. The Refuge then
26 subcontracts. I'm not sure who all they subcontract
27 to, but I believe a lot of it's to villages. Some of
28 the surveys are done by RITs, some of the surveys are
29 done by the subcontractors. If a village is slated to
30 be surveyed, there will be a local person in that
31 village that is the surveyor. They generally don't
32 bring outside people in.

33

34 MR. NANENG: So the surveys in some villages
35 are done by bringing outside people in?

36

37 MS. DEWHURST: No, they are never done that
38 way.

39

40 MR. NANENG: Okay. I just wanted that
41 clarification. Thank you.

42

43 MS. DEWHURST: Here, we found it. The Y-K
44 Delta is on Page 29 of the report. It looks like she
45 has 47 villages in the region, 24 villages they
46 attempted to contact to do the surveys, 22
47 participated. So it s a 92 percent participation rate
48 by village.

49

50 CHAIRMAN ALCORN: Do you have a follow up,

1 Myron?

2

3 MR. NANENG: Yes. We have 48 villages that
4 have people year round. It seems like one village is
5 missing and I d like to know which village.

6

7 MS. DEWHURST: I d have to look at the
8 village list. There s some discrepancy in where the
9 line is drawn down in the Southwest. I think one of
10 those villages got thrown into Molly's region, either
11 Platinum or Quin. One of those villages I think is
12 considered actually Bristol Bay. It was done by the
13 Refuge folks there, but I can't remember which one, but
14 I remember the line has always been fuzzy down in the
15 Southwest. That s been a big debate for years whether
16 that village should be in Y-K or Bristol Bay.

17

18 CHAIRMAN ALCORN: You have another follow up?
19 Let me defer to Myron.

20

21 MR. NANENG: Yeah. Just to make a comment.
22 I think the fuzzy line is because of the boundaries of
23 the Y-K Delta Refuge rather than any confusion within
24 our region. So it s the confusion within the
25 Department, not between our villages.

26

27 MS. DEWHURST: Well, and the standardization
28 because these surveys have been done 25 years, 29
29 years. I m not sure when Cynthia started the surveys,
30 but the line was drawn back then by Cynthia. To
31 maintain consistency so the results can be compared
32 over a number of years we've used whatever line and I
33 don't know the history to know how the line was
34 developed.

35

36 CHAIRMAN ALCORN: Molly, you had a question.

37

38 MS. CHYTHLOOK: It s not a question. After
39 the survey was assessed and Bristol Bay did our
40 surveys, before Togiak Refuge did the surveys for
41 Quinhagak, Platinum, Goodnews, and when the survey
42 process was assessed Bristol Bay started surveying from
43 Togiak south and leaving out Platinum, Goodnews, on up.

44

45 MS. DEWHURST: That would obviously be a
46 question for Lili when she gets back. I don't know all
47 the fine details.

48

49 CHAIRMAN ALCORN: Any other questions. I
50 have a question. I m going to keep questions to the

1 Board. Rick, do you have a question?

2

3 MR. ROWLAND: Yes. I'm looking at this Page
4 29 and it's saying in the results there's 12 villages
5 in the region and I don't know where those other four
6 are at.

7

8 MS. DEWHURST: It should be listed in that
9 section. You'd have to look in the Kodiak section
10 because she lists the villages that were surveyed and
11 which ones are total. It should be in the section on
12 Kodiak. There's a map on Page 10, Rick. It looks like
13 part of the discrepancy is it looks like she has Kodiak
14 city, Kodiak at large. There might be some division of
15 the city there. There again, I'm not familiar with all
16 the super fine-toothed details on it. I'm guessing
17 that might be the discrepancy as how the town of Kodiak
18 is divided.

19

20 MR. ROWLAND: So that is a discrepancy.

21 Okay.

22

23 MS. DEWHURST: Yeah, because it looks like
24 eight, nine villages and then the rest is Kodiak city.

25

26 CHAIRMAN ALCORN: I have a question then for
27 Rick. So that discrepancy is not noted then in the
28 notes, the footnotes on that page?

29

30 MR. ROWLAND: Well, I'm just looking at this
31 results and seeing over here the explanation is Kodiak
32 station. That's not a village. I mean it's -- that
33 doesn't make sense. There's eight villages on Kodiak
34 Island counting Kodiak, but then we see 12 and then say
35 that Kodiak station is not a village. Whatever that
36 is. It could be a radio station, could be a Loran
37 station, could be Coast Guard station, could be a
38 number of different things. That's not -- in my mind,
39 it's not a village.

40

41 CHAIRMAN ALCORN: Do you want to note any
42 type of correction? I mean do you have anything
43 specific you want to note for that?

44

45 MR. ROWLAND: I'm going to present this to
46 the regional body when I go back and I'll bring that
47 info back.

48

49 MS. DEWHURST: I would talk to Lili before
50 you do that and just make sure that I'm not

1 misinterpreting this. So I would check with her and
2 see how the survey is actually done and where the
3 number 12 comes from because I might be misinterpreting
4 the map. So that s what I would recommend.

5
6 CHAIRMAN ALCORN: Let me suggest that Jim
7 Fall did tell me that he is not here today, but he is
8 available to be called, I presume.

9
10 MS. DEWHURST: He might not know this fine
11 tooth of a detail.

12
13 CHAIRMAN ALCORN: All right. My only
14 suggestion would be to try to contact him if having
15 that information is going to prevent you from making a
16 decision on this report today.

17
18 MR. ROWLAND: We haven t discussed this
19 report, so I m not going to be able to make a vote on
20 it.

21
22 MS. DEWHURST: This report was passed out at
23 the fall meeting just to remind everybody. The idea is
24 you have a year to look it over and get with Lili if
25 there s any discrepancies so that we can pass the data
26 at the spring meeting.

27
28 CHAIRMAN ALCORN: That's always the intent,
29 but we've had a number of comments today already
30 indicating that some of the fall meetings were
31 difficult to have and perhaps hadn't occurred, so we re
32 going to have to deal with that as a Council and we'll
33 have that discussion when it comes time to take up an
34 action for this particular report.

35
36 So thanks, Donna. Thanks, Malla. Any other
37 questions.

38
39 (No comments)

40
41 CHAIRMAN ALCORN: Hearing none. What is in
42 order would be to consider -- the agenda is for
43 adoption of the 2010 harvest survey report. So a
44 motion to that effect would be in order.

45
46 (No comments)

47
48 CHAIRMAN ALCORN: Hearing none, then we
49 cannot have a discussion of a motion. We can discuss
50 the report. We've already been told by one

1 representative that he s not going to be able to
2 support it. Taqulik and then Dan.

3
4 MS. HEPA: Would there be a problem to defer
5 this until the fall meeting so we could have a chance
6 to go back and share this with our respective regional
7 bodies? Because of the funding issues, some regions
8 weren't able to have a meeting.

9
10 MR. ROSENBERG: I don't have a comment, but I
11 willing to certainly make a motion in order to have a
12 discussion because we can t have a discussion
13 theoretically without the motion and a second.

14
15 CHAIRMAN ALCORN: We have had the report. We
16 can discuss the report. Now the action item is to
17 adopt. It will die without a motion, so we do need a
18 motion to have that discussion.

19
20 MS. HEPA: So moved, Mr. Chair.

21
22 MR. SHIEDT: I'll second it.

23
24 CHAIRMAN ALCORN: I have a motion and a
25 second to adopt the report as written. Discussion.
26 Patty.

27
28 MS. BROWN-SCHWALENBERG: If at all possible,
29 if the funding comes in like we re hoping, I would
30 rather have the report adopted via teleconference as
31 soon as we can because the credibility at the Pacific
32 Flyway Council and the Service Regulations Committee.
33 I think it s critical that we maintain the
34 professionalism that we have and not adopting the 2010
35 survey report is not -- I don't think it s going to
36 look good. So if it s at all possible for those
37 regional management bodies who haven t been able to
38 discuss the survey report with their villages if they
39 could possibly do that before the July meetings.

40
41 Thank you.

42
43 CHAIRMAN ALCORN: Molly, you have the floor.

44
45 MS. CHYTHLOOK: According to the reasons why
46 the other regions haven t been able to deal with this
47 draft report is because there hasn't been any funding
48 for the meeting. So I think that needs to be noted so
49 that the credibility doesn't fall on AMBCC partners
50 alone for this failure.

1 CHAIRMAN ALCORN: Joeneal.

2

3 MR. HICKS: Yes. We, the Copper River
4 Migratory Bird Committee, has had a chance to review
5 this particular document and absent the regions that
6 haven't had a chance that's the reason why I did not
7 make a motion to say yea to it. Anyhow, my region has
8 had a chance to review it and they have accepted it.

9

10 CHAIRMAN ALCORN: Myron, go ahead.

11

12 MR. NANENG: We had a Waterfowl Conservation
13 Committee meeting yesterday. However, this report was
14 not available to us to present to the Waterfowl
15 Conservation, but we are considering having another
16 meeting maybe in about a month and this will be one of
17 the agenda items because we have other agenda items
18 that needs to be addressed right away.

19

20 CHAIRMAN ALCORN: Randy, you have the floor.

21

22 MR. MAYO: Yes, Mr. Chair. Up in our region
23 we haven't reviewed this document either. When I saw
24 this on the agenda item, I didn't want to be in a
25 position to feel like I have to be a part of approving
26 this without really going over it with our group for
27 some of the reasons stated by other members, you know,
28 the lack of funding to get together to go over the
29 documentation. I'll get together with my technical
30 staff here and get it on an agenda if we can get our
31 funding to do so.

32

33 CHAIRMAN ALCORN: So what I'm hearing is a
34 mix. Some of the regions that have had the opportunity
35 to meet and have the discussion have looked at it.
36 Some it sounds like probably more than half have not
37 had meetings to discuss this. We do have a motion to
38 adopt based on the comment. I'm ready to call the
39 question unless anyone has a compelling statement.

40

41 MR. SHIEDT: Yeah. Just like me, I had my
42 small teleconference with some of my villages and when
43 I mentioned this they said they'd rather not talk about
44 it over the phone, but if we had a meeting. Hopefully
45 if we get money this fall by whenever, early as
46 possible, this will be on the agenda.

47

48 CHAIRMAN ALCORN: Myron.

49

50 MR. NANENG: We had our Waterfowl

1 Conservation Committee meeting and we paid it out of
2 AVCP and are looking forward to getting our grant
3 funded ASAP so we could reimburse AVCP general fund for
4 the meeting we had yesterday.

5
6 CHAIRMAN ALCORN: All right. I m ready to
7 call the question. Anyone opposed to the motion say
8 nay.

9
10 IN UNISON: Nay.

11
12 CHAIRMAN ALCORN: All right. It fails. We
13 don't have consent to pass it, so it fails. The
14 commitment that I heard expressed is that the
15 committees will meet as soon as funding is available or
16 they have meetings scheduled to take up action and I m
17 just handed a note. Ask Donna to address timing
18 issues. Donna, would you come to the microphone and we
19 can have you address timing issues.

20
21 MS. DEWHURST: The schedule was set up and as
22 was pointed out is the State has provided to the Flyway
23 and then subsequently to the SRC, which we need to give
24 to the Flyway, I believe, in late June. First week of
25 July and then in August I have to start work on the
26 environmental assessment and the agreement we have is
27 we do not use any data from this unless it s approved.
28 So that means I also cannot use this information
29 writing the environmental assessment, which is critical
30 to start the process to get next year s regulations
31 approved. So it does have ramifications to delay
32 approval, especially if it would end up being in the
33 fall meeting.

34
35 This keeps coming up. Maybe it would be good
36 for me to address the grant money issue because this
37 keeps coming up again and again and again.

38
39 CHAIRMAN ALCORN: I agree. Please do.

40
41 MS. DEWHURST: The woman that s working -- we
42 started a new financial system, FBMS. You re all
43 familiar with it. It had a bunch of new requirements.
44 You all had to actually apply for the grant for the
45 first time. There are a bunch of new forms and new
46 things that we just all have to live with. The plus
47 side of the new system is this ASAP system. It s an
48 automatic payment system. So once we get the grant in
49 place within 24 hours your group will be able to call
50 in and draw that money for what you already spent.

1 We've never had a system like that before. Before you
2 had to invoice and it would take a couple weeks to get
3 paid. This is a new system that once it s in place
4 will be slick. Unfortunately it s not completely in
5 place yet. They are working really hard. They re very
6 short staffed.

7
8 The woman who is working on your grants is
9 Millie, a real young lady. She s working hard. I
10 talked to her on Friday. She had most of them in the
11 system, but there was a problem in the software and she
12 couldn't finalize them. As of yesterday, Monday and
13 Tuesday, she was very sick, so she couldn't work on
14 them. So that s where we re at. She said otherwise
15 she was planning on trying to have them in place by
16 Monday so that we could say that in this meeting that
17 they were in place.

18
19 CHAIRMAN ALCORN: So by being in place does
20 that mean.....

21
22 MS. DEWHURST: They could draw down money.

23
24 CHAIRMAN ALCORN: They can start drawing down
25 money. Okay.

26
27 MS. DEWHURST: So as soon as Millie gets back
28 from being ill and hopefully they fixed their software
29 problem with FBMS, as soon as that happened she was
30 going to let me know, I was going to email everybody
31 else and within 24 hours you can draw down your money.
32 So it will be fast.

33
34 CHAIRMAN ALCORN: And they will be able to
35 draw down expenses that date back to October 1st.

36
37 MS. DEWHURST: Correct. They can draw all
38 the way back to October 1st, which is unprecedented.
39 Usually we can only draw back 90 days, but they changed
40 -- they kind of bent the rules because of all these
41 delays.

42
43 CHAIRMAN ALCORN: Okay. Thanks, Donna. We
44 will apologize for the inconveniences that that's posed
45 and we recognize that these kinds of issues where
46 Councils can t meet, regional Councils can t meet,
47 can t take up the actions that are necessary, as is
48 this one that we just discussed. So we do have a need
49 and that need is to have data as current as possible to
50 do the environmental assessment process and that s an

1 evaluation that Donna has to do. When we have a
2 proposed regulation, a proposed rule, we re developing
3 that, it gets submitted with an environmental
4 assessment and it s a requirement under the National
5 Environmental Policy Act, NEPA is what it s referred to
6 as. So more current data is better than old data and
7 that s the value of having this approved as soon as we
8 can get it approved.

9

10 Myron, you look like you want to say
11 something.

12

13 MR. NANENG: I think to address this system
14 of getting grants out to the respective management
15 bodies my suggestion this morning of compacting the
16 funds at the beginning of the fiscal year would be
17 better than trying to wait for the whole system to be
18 fixed or whatnot and we know for certain how much money
19 we re going to be getting and don't have to on an
20 annual basis submit a grant application, which takes
21 more time and effort to get some of these things. If
22 you re required by these other Federal regulations and
23 requirements to do certain things, I think compacting
24 would help address that and speed things up so you
25 wouldn't have to complain about we re waiting for a
26 Staff person to do this because we have to meet certain
27 Federal requirements. The only fault of not addressing
28 the information that s provided to us would fall on the
29 regional management bodies for not having that
30 information provided to them by people who are putting
31 that information together.

32

33 CHAIRMAN ALCORN: Thank you. I'll defer to
34 Crystal.

35

36 MS. LEONETTI: I have written that down as an
37 action item to investigate and research and find out
38 what our ability is to do compacting, so I'll put that
39 in my summary report when I m finished with my detail.

40

41 CHAIRMAN ALCORN: Rick, go ahead. You have
42 the floor.

43

44 MR. ROWLAND: Since we re on that subject, I
45 think it would be sensible to have somebody alternate
46 available to fill that slot if somebody is out sick or
47 somebody is on leave or somebody is not there. That
48 way it won t get into a situation where we've got to
49 wait for somebody to come back to work. So I make that
50 recommendation too.

1 CHAIRMAN ALCORN: Thank you. Just so you all
2 know, the financial assistant s function of our
3 contracting and general services office is going to be
4 discussed in less than a month for a nationwide
5 restructuring and reorganization of that function and
6 it would actually then go -- if the decision is as I
7 think it s going to go, it would probably move that
8 function into a division that I manage, the Division of
9 Wildlife and Sport Fish Restoration, which makes
10 grants. It s a grant-writing and grant-administrated
11 function and we would then have more control over that.
12 It is a management issue that you describe and it s
13 something that we do need to have addressed, whether
14 it s in my chain of command or a different assistant
15 regional director.

16
17 All right. So the motion to adopt failed,
18 but we do have an action item. We do have verbal
19 commitments from a number of you around the table to
20 have those regional meetings when resources are
21 available to have those discussions. Is there any
22 further discussion on that particular agenda item.

23
24 (No comments)

25
26 CHAIRMAN ALCORN: All right. Let's move to
27 10B. Update on the 2011 and '12 harvest surveys. That
28 was part of the report. All right. So 10C, summary of
29 2011 tribal consultations. Donna is handing out a very
30 brief write-up of the consultations that occurred in
31 last year s process.

32
33 MS. DEWHURST: I apologize we didn't get them
34 around sooner. So we submitted over 411 letters to the
35 tribes, tribal entities and Native corporations
36 soliciting input as to whether or not they wanted to
37 consult on the 2012 regulations. Of those over 400
38 solicitations we received five responses, of which
39 three requested consultation. The three were Huslia
40 village, Native Village of Point Lay and the village of
41 Atmautluak. Those were the three villages that wished
42 to consult of the contacts.

43
44 On December 4th we did consult with those
45 three and basically all three seemed happy, content
46 with the information provided, did not have any
47 comments on the regulations as far as wanting any
48 change. So that was the process we went through this
49 past year.

50

1 CHAIRMAN ALCORN: Thank you, Donna. It looks
2 like there are a couple questions. Enoch, you have the
3 floor.

4
5 MR. SHIEDT: Yeah. Donna, for your
6 information, maybe it was sent to the wrong person, but
7 I never did see this one here in my office. Is there a
8 way you can extend it or, you know, comment on it
9 later?

10
11 MS. DEWHURST: We have a database that we
12 used and it was sent -- they were not individuals
13 listed, but basically it s sent to the head of -- I
14 can t remember the exact way it was phrased, but it s
15 to the head of each tribe.

16
17 MS. LEONETTI: The letters were sent to each
18 Federally recognized tribe and each village and
19 regional ANCSA corporation. I don't remember if we cc d
20 the regional Native non-profits or not, but usually
21 that s the protocol, is to cc the regional Native non-
22 profits.

23
24 MS. DEWHURST: From what I remember it was.

25
26 CHAIRMAN ALCORN: We'll have a follow-up by
27 Enoch and then Patty has her hand raised.

28
29 MR. SHIEDT: So you sent it to IRA. That s
30 why I never get it, I guess. IRA and Maniilaq are two
31 completely different. For your information I m with
32 Maniilaq, a non-profit.

33
34 CHAIRMAN ALCORN: Patty, you had a comment.

35
36 MS. BROWN-SCHWALENBERG: Thank you, Mr.
37 Chairman. Chugach Regional Resources Commission is not
38 an ANCSA corporation although we are tasked with
39 addressing all subsistence, natural resource,
40 environmental and economic development issues within
41 the Chugach region, so I would respectfully request to
42 be added to your database because we did not receive
43 this letter either.

44
45 Thank you.

46
47 MS. DEWHURST: It was our first time, so
48 you'll have to forgive us any mistakes or attempts.
49 It s our first attempt at this and the whole process is
50 being refined over time.

1 CHAIRMAN ALCORN: Myron, you have the floor.

2

3 MR. NANENG: Thank you, Mr. Chair. Donna, is
4 this only in regards to the subsistence regulations,
5 harvest regulations?

6

7 MS. DEWHURST: That is correct. That is what
8 we re required to consult over. Because we have to do
9 the regulations annually we have to consult with the
10 tribes over them annually.

11

12 MR. NANENG: Then if that's the case, what's
13 the purpose of regional management bodies that present
14 the information to the -- like, for instance, in the Y-
15 K Delta Goose Management Plan, which, in essence, is
16 part of what we've been working on for the last 20, 30
17 years almost. Once that Y-K Delta Goose Management
18 Plan is adopted and we have limitations on certain
19 species or when the seasons are going to be opened and
20 closed, you know, a village does not have to support
21 the Y-K Delta Goose Management Plan, so when they go
22 directly to a tribal consultation it sounds like there
23 may be different harvest regulations that may be
24 presented based on their comments.

25

26 The other thing too is that within our
27 village corporation of Hooper Bay, which is located
28 just slightly south of one of the highest nesting areas
29 within state of Alaska of migratory birds we re
30 constantly working with the refuge there and other
31 Federal agencies on research projects that we directly
32 work with with the Federal agencies.

33

34 Under the Y-K Delta Goose Management Plan
35 it s stated in there that the Y-K Delta Goose
36 Management Plan will not affect any agreement that a
37 village corporation can make with any Federal or State
38 agency on research projects or other things. However,
39 we re stuck with that 22(g) language under Alaska
40 Native Claims Settlement Act that says that whatever we
41 do on our village corporation lands has to be
42 compatible with fish and wildlife purposes. It creates
43 a lot of clout over a lot of things that we try to do
44 within our community.

45

46 For instance if you re a village stuck right
47 in the middle of a wildlife refuge, if you want to have
48 a community project that you want to do, like a
49 landfill or even relocating an airport, you have to
50 jump through hoops and loops just to be able to get

1 there. If you want to address what's currently going
2 on in terms of the energy in villages with the fuel
3 price being like as much as \$8 per gallon and you put a
4 windmill up that will help reduce the use of diesel
5 fuel to energize a community, you have to get permits
6 from Fish and Wildlife Service. I know this is related
7 to harvest regulations, but you get regulated to the
8 point where it seems like it's suffocating.

9
10 You know, though we're willing to work with
11 the Federal agencies and we've gotten funds from other
12 sources outside of the Federal agencies to do certain
13 things like research within our own lands and stuff
14 like that, it always seems like one agency wants to be
15 over the other one. We've gotten funds from the USDA
16 to do some fox eradication for the purpose of
17 protecting some of the migratory birds during their
18 nesting season. Fish and Wildlife Service will say,
19 okay, you'll only cover a certain area or you only
20 cover a certain species of fox because we've got arctic
21 fox and red fox and both of those creatures haul a lot
22 of eggs and they hoard a lot of eggs for winter use.
23 They bury them underground.

24
25 It just seems like all these are not
26 interrelated when you say that, okay, we're only going
27 to be talking about subsistence harvest, yet not going
28 back to the reason why the Y-K Delta Goose Management
29 Plan was established, to prove to the rest of the world
30 that the Native people were not the only ones that
31 caused the decline of migratory birds. That was the
32 purpose of it. I know we have to do this by NEPA
33 purposes, but what if NEPA doesn't accept it, then
34 where do we go.

35
36 So that's just a question that I have. I'm
37 just laying out all these issues that we have to work
38 with in Y-K Delta because we're right smack in the
39 middle of a wildlife refuge.

40
41 CHAIRMAN ALCORN: Thank you, Myron. I have
42 Molly's hand and then Joel's hand.

43
44 MS. CHYTHLOOK: Yeah, I just have a question.
45 I know attending Federal Subsistence Board and also
46 being on RAC we're also requested to do comments on
47 tribal consultation. So the 413 letters that were
48 sent, were those all sent by Federal? Is that -- so if
49 you sent 413 under the AMBCC, Federal Subsistence Board
50 sent letters and then -- I think it's Federal

1 Subsistence Board for the RAC. This is a really poor
2 return of people, so people must be confused with who
3 to answer to.

4
5 If all the agencies, all the entities,
6 committees are sending all these tribal consultation
7 letters and all of them are requesting different --
8 like, for instance, the AMBCC or you would be
9 requesting just for Migratory Birds Subsistence Harvest
10 regulations and then the others would be requesting
11 something else. So maybe by the time you sent yours
12 the other -- the letters that were received by the
13 tribes thought, well, you know, we've already sent our
14 comment to whoever was first to send their tribal
15 consultation letter. I know the Federal Subsistence
16 Board also sent out letters, so there s probably
17 confusion.

18
19 CHAIRMAN ALCORN: I'll let Crystal speak and
20 then I had a hand up. Was that Enoch? It was Joel.
21 I m sorry, Joel. Let s let Crystal respond to that one
22 comment about the consultation and the executive order
23 and the policy that is handed down by the President for
24 all Executive Branch agencies and bureaus.

25
26 MS. LEONETTI: Right. So both Myron and Molly
27 bring up very valid and current concerns across the
28 state that are occurring now because of the emphasis on
29 government-to-government consultation with sovereign
30 tribes. This is across the nation and we re seeing --
31 tribes are telling us that they re experiencing
32 consultation fatigue with the number of requests coming
33 from Federal agencies, not only Department of Interior
34 but all the other departments and all the Federal
35 agencies that are now required by policy, executive
36 order, et cetera, to do government-to-government
37 consultation.

38
39 In addition, in Alaska there s a law that was
40 passed in the 2004 and 2005 Appropriations Act that now
41 requires all Federal agencies to consult with Alaska
42 Native corporations. On top of all that, the Federal
43 Subsistence Board, which is what Molly was talking
44 about, had a Secretarial Review a couple years ago and
45 one of the items that they had to comply with was to do
46 tribal consultation.

47
48 So the Federal Subsistence Board is currently
49 in the process of developing a policy for Federal
50 subsistence management on government-to-government

1 consultation and government-to-ANCSA corporation
2 consultation. So those letters came from the Federal
3 Subsistence Board Chair. I'm on that workgroup. I'm a
4 co-chair, so those comments are coming to me and we,
5 frankly, have not received any comments from tribes on
6 that although we had numerous consultations across the
7 state and by teleconference on that. We received a lot
8 of comments from ANCSA corporations on it.

9
10 In addition, AMBCC, the regulations that
11 Donna has to prepare for annually for the Federal
12 Register, the requirement is to do consultation prior
13 to those regulations being published or during those
14 regulations being in notice stage. So that's why the
15 letter. I think it would be a good idea for AMBCC to
16 determine if the timing is correct on doing those
17 consultations, if the process is correct or are there
18 other methods you would recommend to help the tribes in
19 your regions accomplish government-to-government
20 consultation in an effective way that also still keeps
21 -- this body and this process is still strong and still
22 in place that works alongside of that and helps AMBCC
23 rather than works against it. So that would be my
24 suggestion.

25
26 Myron, if you're interested in exploring that
27 further, I'd be glad to talk to you about it.

28
29 CHAIRMAN ALCORN: Joel, you had your hand
30 raised and then we can respond to your generous offer
31 if we want to.

32
33 MR. SACCHEUS: Thank you, Mr. Chair. This is
34 just a quick thing here on this letter that was handed
35 out. Towards the bottom it says we had a consultation
36 with the tribes on December 4, 2012 and it's not even
37 December yet.

38
39 MS. DEWHURST: It's a typo. It should have
40 been 11.

41
42 CHAIRMAN ALCORN: Rich, you had your hand up.

43
44 MR. ROWLAND: Yes. I have a question of
45 Crystal. I'm wondering about -- you're talking about
46 these regulations passed that Federal agencies are
47 now required to consult with Native corporations. What
48 regulation is that and then what are the specifics on
49 that if you've got those on your mind.

50

1 MS. LEONETTI: The requirement to consult
2 with ANCSA corporations is actually a law. The
3 requirement to consult with tribes is a policy and it s
4 also common law. The law that requires us to consult
5 with ANCSA corporations was passed. The first in 2004
6 in the Appropriations Act. I don't know the legal
7 citation. It at that time said Office of Management
8 and Budget shall consult with ANCSA corporations on the
9 same basis as Indian tribes. Just a one-liner in the
10 Appropriations Bill.

11
12 Then in 2005 that sentence in the
13 Appropriations Bill from 2004 was revised to say OMB
14 and all Federal agencies are required to consult with
15 ANCSA. It actually says Alaskan Native corporations on
16 the same basis as Indian tribes. So that s a law and
17 that s where that came from.

18
19 MR. ROWLAND: Mr. Chair. I think there s a
20 little bit more to it and I think it was initially
21 related to the 8(a) government service contracting.
22 I d like to get a closer look at what it is that s --
23 because a corporation is a corporation. A Coca-Cola is
24 a corporation. That s the reality of it. I want to
25 make sure that the tribes have a right to consult and
26 it s not being taken away from somebody that s a
27 corporation. So I want to check that to make sure I
28 know what I m understanding or talking about.

29
30 CHAIRMAN ALCORN: So do you have a specific
31 request? I m not quite sure. Is it to look at, of
32 these 413, what they represent and who they represent?
33 Like, for example, there are Federally recognized
34 tribes, tribal entities, Native corporations in Alaska
35 and there may be others by definition who are on that
36 list of 413. Is that what you re asking, what is the
37 definition of those lists and who gets notified and who
38 does not?

39
40 MR. ROWLAND: Well, what makes sense is that
41 we have this co-management body that communicates these
42 kind of things to our regional representatives and then
43 somebody that s on a corporation isn't even
44 participating in the co-management process could make a
45 comment or be surveyed or consulted about something and
46 it could completely go against everything that the
47 representatives are talking about. Somebody that s on
48 the Native corporation, the CEOs from Pittsburgh,
49 Pennsylvania, who has never been to the Bush is making
50 a decision on what the subsistence issue is in the

1 village, it doesn't make sense. So it would be helpful
2 to see who is part on this list and then who is it that
3 made the responses. That way we would know that it's
4 either they're participating in this or they're not.

5
6 Then also connected to that consultation
7 requirement is what it is exactly that Native
8 corporations are consulted on. Because I went to a
9 consultation with the military general here in Alascom
10 and we sat down and he said please realize that there
11 are no Native corporations here because we re required
12 to consult with the tribes and they laid it out. So I
13 guess clearly defined topics that can be consulted
14 with.

15
16 CHAIRMAN ALCORN: Myron, you have a
17 statement?

18
19 MR. NANENG: Yes. Rick, I m stuck between a
20 rock and a hard place. I m the chairman of the village
21 corporation of Hooper Bay. I m the chairman of the
22 Waterfowl Conservation Committee. However, our main
23 objective is to deal with our conservation concerns of
24 the migratory birds. Our village corporation at
25 Kokechik Bay, the lands that are owned by the village
26 corporation are one of the biggest nesting areas of
27 migratory birds that come here to Alaska, especially
28 the Pacific Flyway. Everything from Spectacled Eiders
29 to Cackling Canada Geese, Emperors, White-Fronts and
30 all kinds of ducks and all kinds of sea birds. If Fish
31 and Wildlife had their way, they'd really love to take
32 ownership of our lands and hold it in perpetuity for
33 the birds. However, that land, as one of our elders
34 said in the villages, that's where we get our food.
35 That s our plate that we have. We're not going to give
36 it up and they don't expect the village corporation to
37 give up that land because it's ours at the present time
38 because the land was designated to the village
39 corporation.

40
41 We've had community meetings regarding that
42 land. We currently have some projects that we have
43 working with Fish and Wildlife Service, USDA, to try
44 and monitor some impacts that are going on on the land,
45 like all-terrain vehicles, four-wheelers, that were
46 never there before. Snowmachines that some people use
47 during the summertime. In one of the areas that
48 produces the largest number of Black Brants, they may
49 be moving because of some of those impacts. We have to
50 control those lands as a village. The village

1 corporation and the tribe works together.

2

3 The board of directors of Sealaska, which is
4 a Native village corporation, made a commitment to the
5 community we are going to protect those lands. We re
6 not going to allow Fish and Wildlife Service to go and
7 research unless we agree to it as a village. That s
8 where the strength is.

9

10 That s why we stated in the Y-K Delta Goose
11 Management Plan will not have any effects on any
12 agreement that a village corporation may have with the
13 Federal or State agency that will protect the resource
14 or the people within those areas and that s the purpose
15 of it. We consult with the tribe at every meeting that
16 we have. No decision is made solely by the village
17 corporation. It s made by the community.

18

19 So I just wanted to share that experience
20 we've had in our village since 1980. We've been
21 offered money for that land to put it into
22 conservation, easement, in perpetuity and the amount of
23 money that they offered was very minuscule compared to
24 what they offer for lands down in the Lower 48 for the
25 same amount of acreage and they'll give them big
26 amounts of money for 20 years, yet they want our lands
27 in perpetuity and that s what we had to deal with and
28 we said no. We feel that we re better stewards of
29 those lands than anyone else coming from elsewhere in
30 the world because we've lived off those lands for
31 centuries. So I just wanted to share that with you.

32

33 CHAIRMAN ALCORN: Rick, you have the floor.

34

35 MR. ROWLAND: Thank you, Myron. I appreciate
36 your explanation of that. I was happy to hear that you
37 guys consult with your tribe as well. Sun'aq Tribe
38 doesn't have any land and the truth of the matter is
39 that no tribe in Alaska has jurisdiction over any lands
40 other than Metlakatla. So, of course, the Native
41 corporations have the land and there are a lot of
42 Native corporations in the state of Alaska that do not
43 work with the tribes. So Sun'aq has a difficult time
44 communicating with the tribes or with the corporations
45 in our area, as well as a number of other village
46 tribes in the area.

47

48 A clearly defined order that the Fish and
49 Wildlife Service should consult with in the area should
50 be explained. That way we, as a tribe, could say,

1 okay, we have to consult the tribe, not consult the
2 corporation so we wouldn't have an argument down in our
3 region or here where it's confusing about who has the
4 authority and what their authority is over, so a more
5 clearly defined consultation.

6
7 CHAIRMAN ALCORN: We do have a departmental
8 policy that was just recently approved, as recently as
9 a couple months ago, was it not?

10
11 MS. LEONETTI: Yeah, December 1st, although
12 the ANCSA part of that consultation policy is out for
13 review right now and, in fact, Department of Interior
14 is in town doing a consultation -- I think it was this
15 morning at the CIRI building on that ANCSA consultation
16 policy, consultation on consultation.

17
18 In a nutshell, what it says, in order to
19 consult with ANCSA corporations, Federal agencies and
20 Department of Interior will consult with ANCSA
21 corporations under the same policy as the tribal
22 consultation policy, but as appropriate or allowable.
23 So that gives a little bit more -- it gives more
24 strength in the government-to-government relationship
25 between the Federal government and Federally-recognized
26 tribes while still allowing the consultation to occur
27 with ANCSA corporations, but as appropriate or
28 allowable.

29
30 I think the Federal Register notice for that
31 closes at the end of this month, I think. There s
32 still time to comment on that policy. It s not
33 finished yet.

34
35 CHAIRMAN ALCORN: Thank you, Crystal. So
36 responding to your request, Rick, we do have that
37 policy and the consultations that we conducted in the
38 decision to send 413 letters was based on the criteria
39 in that policy on who is offered consultation, so we
40 can supply that policy to you. If you have further
41 questions, we can supply an interpretation of that
42 policy if there are questions on why this organization
43 and why not that one. I can t answer that right now.
44 All I can do is refer you to the guiding documents that
45 we have, which is that policy. It s going to be
46 amended to include the ANCSA corporations whenever that
47 happens, so we can provide that to you. Is there
48 anything else that you re wanting?

49
50 MR. ROWLAND: No, that would be good. Who is

1 on that 413 (indiscernible - turned mic off).

2

3 CHAIRMAN ALCORN: We have that list and we
4 can provide that to you as well. Any other questions
5 of Donna or myself or Crystal about tribal
6 consultation. Molly.

7

8 MS. CHYTHLOOK: Yes. So the consultation
9 process that Crystal just explained is going to be an
10 overall document for any consultation use so that we
11 won't be expecting any pockets of consultation here and
12 there and everywhere?

13

14 CHAIRMAN ALCORN: No. That problem, I think,
15 is going to persist and that problem that you're
16 describing is that every Federal bureau, every Federal
17 agency, the agencies of the departments, so the
18 Department of Interior, the bureaus within that
19 department, Park Service, Bureau of Land Management,
20 BOEM, Bureau of Oceans and Energy Management, and U.S.
21 Geological Survey, U.S. Fish and Wildlife Service, all
22 those bureaus are under the same Executive Order.

23

24 So when we have an action that is defined in
25 that departmental policy document that rises to that
26 level that consultation is needed, each of the bureaus
27 and those programs responsible for those actions will
28 be sending these kinds of requests, an offering of
29 consultation, if the entity, one of these 413, wishes
30 to be involved.

31

32 So there is no clearinghouse in the Federal
33 government to manage how many of these requests go to
34 Federally recognized tribes or tribal corporations or
35 other entities. There is no clearinghouse to fix that
36 problem and we recognize that it is a serious problem.

37

38

39 Randy.

40

41 MR. MAYO: Yeah. You know, up in our area I,
42 too, am the first chief of our tribal government and
43 I'm the chairman of 10 member intertribal consortium
44 and I'm also the president of our village corporation
45 with its joint ventures and subsidiaries. We have a
46 real problem with corporations being afforded
47 consultative status.

48

49 If you go back and look at the inherent
50 Federal obligation to the Federally-recognized tribes

1 and traditional councils that we have to cognizant that
2 as a result of that, you know, going back years ago,
3 that s where all these entities came from if you study
4 Federal Indian law. We didn't agree with Native Lands
5 Claims, but that was better than just termination of
6 the tribes.

7
8 So up in our area we fully look at that as a
9 reserved right to the Federal tribal government. In
10 our particular community, our 2 million acres of
11 traditional land was whittled down to a little over
12 almost 200,000 acres as a result of legislation we
13 didn't agree with. Yet we defer all tribal
14 government s matters over to the tribal government as a
15 governance obligation and the corporation is just
16 merely a tribal business development arm of the tribe.

17
18
19 That s the perspective that we operate
20 within. We re surrounded by the Yukon Flats Fish and
21 Wildlife Service Refuge and BLM administered utility
22 pipeline corridor lands and the tool we use is our
23 traditional land use plan over the 2 million acres as a
24 consultative tool with these DOI agencies in and around
25 us.

26
27 So recently up in our area the regional
28 corporation and the regional non-profit recognized this
29 problem of corporations being afforded these rights and
30 we have to look towards working out or developing a
31 protocol in that area between the tribes and the
32 regional corporation until ultimately there could be a
33 retribalization of the ANCSA law itself.

34
35 As a matter of fact, in our area, not only
36 our tribe and corporations, some of the corporations
37 have turned land back over to the tribal governments
38 for tribal protection even though they fall short of
39 Indian country. You know, this is a Federal
40 obligation, consultation, and we welcome consultation
41 being afforded to every Federally-recognized tribe.
42 That is a right that has to be maintained.

43
44 CHAIRMAN ALCORN: Thank you. Any further
45 comments.

46
47 (No comments)

48
49 CHAIRMAN ALCORN: All right. I have an
50 action item that I've written down that we will provide

1 a copy of the Department's tribal consultation policy
2 and a list of the 413 entities that these letters were
3 sent to to the Council members when we get back to our
4 offices.

5
6 I m going to call for a very quick break.
7 I m going to say five minutes and you re probably going
8 to end up taking 10, but a five-minute break before we
9 start into the next agenda item, which will be to
10 consider Item 11B. Proposal No. 3 will be the first
11 one.

12
13 (Off record)

14
15 (On record)

16
17 CHAIRMAN ALCORN: I've had a request from the
18 Executive Director and from Myron to have a more clear
19 and concise answer to the question that he posed
20 regarding tribal consultation and the potential impacts
21 of conflicting comments, I guess, from what s been
22 proposed through the AMBCC process.

23
24 MS. LEONETTI: Thank you, Mr. Chair. That s
25 fun. I should do that in the office, call you Mr.
26 Chair.

27
28 (Laughter)

29
30 MS. LEONETTI: So in answer to Myron s
31 question about how does consultation with tribes and
32 corporations work with the AMBCC body and the AMBCC
33 regulations process, there is no clear answer and we
34 wouldn't want consultation to take away from the
35 important work that AMBCC does and the recommendations
36 that you make to SRC.

37
38 So my recommendation would be to have a
39 smaller workgroup convene and write down some clear
40 guidelines about how consultation would work within the
41 timeline of AMBCC and how we give tribes the due
42 opportunity for consultation prior to AMBCC making
43 their votes and their recommendations going forward to
44 SRC. That way all the information would be together.
45 But that would be my recommendation, would be to have a
46 smaller group formed to specifically write that
47 guidance for AMBCC into the future.

48
49 CHAIRMAN ALCORN: Molly, you have your hand
50 raised.

1 MS. CHYTHLOOK: Yeah, I think when we
2 concluded with the tribal consultation I didn't know
3 exactly where we were still. As a co-management body,
4 I think it would have been clearer if we could have
5 started with a workgroup to discuss this even before
6 the letters were even sent out because I think with a
7 smaller workgroup and giving a direction as to how the
8 tribes would receive this letter, more explicit, with
9 more explanation, with more information to our body
10 here so that if this letter was received within our
11 region, I would have been able to explain from AMBCC's
12 point of view why this letter was sent. So we might
13 have had better reception and returns. The way it was,
14 I think the majority of us had no clue. We might have
15 known where it was coming from and it was very vague
16 and no direction. So I think if we backtracked and did
17 a regrouping with a smaller group to refocus, I think
18 that will work.

19
20 Thank you.

21
22 CHAIRMAN ALCORN: Would you like to make a
23 motion to that effect, Molly.

24
25 MS. CHYTHLOOK: I so move.

26
27 CHAIRMAN ALCORN: We have a motion to form a
28 committee to discuss tribal consultation and the role
29 of the AMBCC and the Service in that consultation. Do
30 we have a second.

31
32 MR. ROWLAND: I second.

33
34 CHAIRMAN ALCORN: We have a motion and a
35 second. Discussion.

36
37 MS. HEPA: Question.

38
39 CHAIRMAN ALCORN: Call for the question.
40 Does anyone oppose the motion as stated.

41
42 (No opposing votes)

43
44 CHAIRMAN ALCORN: Hearing no opposition,
45 motion carries by consent. That carries us into agenda
46 Item 11, now B, which was formerly D, Proposal No. 3,
47 the request to amend eligibility standards for inviting
48 hunting and that is under Tab 3, I believe. No, it's
49 not Tab 3. It's under Tab 4. We'll be taking up
50 Proposal No. 3.

1 We have a process that is laid out and it s
2 behind the table of contents in front of Tab 1 and that
3 process is to begin with an introduction of the
4 proposal and petition by the AMBCC Staff. Typically we
5 have it introduced by the regional representative
6 that s considering that proposal, so I'll ask Randy to
7 present that proposal for us, please.
8

9 MR. MAYO: Thank you, Mr. Chair. We have the
10 maker of the proposal here, Mr. Steve Guinness. This
11 came up in our region and we had discussion on it. Our
12 region supported this without being fully up on the
13 regulations governing this, tribal members living in
14 excluded areas from going back to their home area to
15 hunt. That comes from our region. I don't know what
16 other information you wanted from me.
17

18 CHAIRMAN ALCORN: Thank you. It s a
19 presentation of the proposal and what the proposal
20 would do, what the provisions of proposal are. Since
21 we have the maker of the proposal here, if there s no
22 opposition by the board, I'll invite the proposer to
23 the microphone and he can explain the proposal. Is
24 that all right with you?
25

26 (Council nods affirmatively)
27

28 CHAIRMAN ALCORN: Steve, if you d identify
29 yourself for the record.
30

31 MR. GUINNESS: Thank you, Mr. Chairman. My
32 name is Steve Guinness. I'm from Fort Yukon. I'm a
33 tribal member. I'm a Gwich'in Athabaskan. First of
34 all, I wanted to thank all of you for your service to
35 this Council. You have an awesome responsibility here
36 to not only be held responsibility for the health of
37 migratory birds, but harvest levels as well as
38 determining who could harvest these birds and that s a
39 very important role in my view.
40

41 The second thing I wanted to say is that I
42 wanted to wish Fred Armstrong a speedy recovery. I
43 don't know the man that well, but I did meet him in
44 January in Fairbanks and I thought he was pretty good
45 at his job.
46

47 Mr. Chairman, this proposal is pretty
48 straightforward. As Randy indicated, currently the
49 regulation as it s written excludes tribal members.
50 This thing should really say tribal members. It says

1 residents. When you say residents, it implies that
2 we re talking about everybody and their brothers that
3 live in the urban setting.

4
5 My intent here is I m trying to address
6 tribal members that live in an excluded area that
7 currently are not allowed to hunt birds. Like I said,
8 I was born and raised in Fort Yukon. Since I was a
9 child I've been harvesting these birds. Today, because
10 I live in Fairbanks, it's illegal for me to go out
11 there and harvest those birds. In my view, that's, you
12 know, a hard pill for me to swallow.

13
14 Currently I m raising my grandchild, my wife
15 and I, since he was six months old. He s 10 years old
16 now. I can t pass on our tradition to him and I think
17 that s very unfortunate. I m getting up in my age
18 myself right now. I m 62 years of age and I d like to
19 give an opportunity to my grandchild to learn hunting,
20 not only waterfowl, fishing and hunting, so that he can
21 provide for us when I m unable to do so.

22
23 I think it s something that you all need to
24 take a look at and determine for yourselves whether or
25 not this is really justifiable. Fairbanks Native
26 Association represents people from throughout the state
27 of Alaska, whether they re from the Interior,
28 Southeast, Bethel, Copper Center, wherever they come
29 from, those Native peoples that reside in Fairbanks
30 because they are considered urban, can t exercise some
31 of their own traditional rights to going out and
32 practice what they've been doing for moons. To me
33 that s a total injustice and, therefore, this proposal
34 comes before me.

35
36 I know that there's probably some questions
37 as to the impact that this might have on the harvest
38 level. I maintain that it won't. The reason why I
39 maintain that is mainly because way before this treaty
40 was even enacted we were out there harvesting those
41 birds even though it was illegal. Some of these folks
42 that live in these urban areas don't have the means to
43 actually go out there and know of some family members
44 that want to go hunting, moose hunting, but they don't
45 have the means to do it, so I would take them with me
46 and share whatever we get. That s basically in a
47 nutshell what this proposal is all about and I ask for
48 your serious consideration of it.

49
50 The other part of this is a regulation change

1 I m suggesting in this. Right now, as I understand it,
2 as long as I get approval from my tribal council I can
3 go out there and harvest these birds. What I m saying
4 in this is that as long as I can document that I m a
5 tribal member I should be able to go out there and hunt
6 these birds.

7
8 For your information, I have an ID card for
9 my tribe in the event that some Fish and Wildlife
10 person decides to stop me I have a card that clearly
11 indicates that I m a tribal member of the Native
12 village of Fort Yukon and this is what it looks like.
13 This picture was taken in, I don't know, 1984, whenever
14 it was. But this is what it looks like. It says
15 Gwich'in Zhee tribal membership card signed by the
16 governance director and the first chief of the tribe
17 and it shows my current address, which is in Fairbanks,
18 when I was born or my date of birth rather and that s
19 what it looks like. Along with that I carry around
20 just to let people know I m Indian. I got this BIA
21 thing too that I carry around.

22
23 At any rate, it doesn't take away any
24 authority in my view from the tribe. What it does, in
25 my view, is it just lessens the bureaucracy that this
26 could create. Right now, by getting authorization
27 through my council, I just think that s another layer
28 of bureaucracy and enforcement that s not really
29 necessary. I know that many of the tribes in the state
30 have their enrollment. I don't know if they issue
31 tribal enrollment cards, but I assume they do. At
32 least in our region, in the Yukon Flats where I come
33 from, I know those tribes have an enrollment in place
34 and that s the area I m speaking to here. I don't know
35 how it affects the other parts of the state.

36
37 The other thing is like Randy indicated. We
38 live on Yukon Flats Refuge. We re surrounded by
39 Federal land out there and we re considered in-holders.
40 As I understand it, under Federal management, in that
41 Refuge subsistence is supposed to be a priority. As I
42 go through my life here, it seems to me that more and
43 more we re getting regulated out of existence and I say
44 that sincerely. That s really concerning to me.
45 Regulations, yes, they serve a purpose, but when it
46 gets to the point where it s practically regulating
47 your traditional way of life out of existence, then
48 it s time to revisit some of these laws that folks put
49 in place.

50

1 With that, I thank you very much and I wish
2 you well as you go through this process. I m not sure
3 where it goes from here. I guess somebody can explain
4 to me where this proposal will go from this point on.
5 If you have any questions of me, I'll be happy to
6 answer them.

7

8 Thank you, Mr. Chairman.

9

10 CHAIRMAN ALCORN: Thank you, Steve. We do
11 have a process and we re going to go through this
12 process today and you can observe how we go through
13 that process. There may be additional questions for
14 you. You can turn your mic off. We will have the
15 discussion and the process is laid out. I don't know
16 if there s a handout back there with the process in it,
17 but it includes a technical or biological analysis, an
18 assessment by the agency staff, which would include the
19 State of Alaska Department of Fish and Game and the
20 U.S. Fish and Wildlife Service, an analysis by our
21 technical working group of this Council. Then we will
22 hear any comment from the public on this particular
23 proposal and then the Council will have discussion and
24 then what s in order then is a motion to adopt the
25 proposal and have that discussion and then we basically
26 try to make decisions by consensus. If consensus is
27 not made, if we do not have a consensus, then we will
28 do a roll call vote. There are three voting entities.
29 There is a consolidated vote from the regional
30 representatives, there is a vote cast by the state and
31 a vote cast by the U.S. Fish and Wildlife Service. So
32 that s how we'll go through that.

33

34 The next step is to ask the State of Alaska
35 if there is any biological assessment or report to be
36 made.

37

38

39 MR. ROSENBERG: Thank you very much. We do
40 not have any biological assessment of this to make at
41 this time, so I'll defer it until later on when we talk
42 about the other issues.

43

44 CHAIRMAN ALCORN: And we do not have a
45 biological assessment of this proposal either. So that
46 takes us to looking at the comments that are written up
47 by the technical working committee. That would be Item
48 2, excluded harvest areas. Does anyone that
49 participated in that committee discussion wish to speak
50 to this particular report.

1 (No comments)

2

3 CHAIRMAN ALCORN: Just for the record I m
4 going to read this so that it s in the record if you'll
5 bear with me. Excluded harvest areas, this is number
6 2, submitted by Fairbanks Native Association. This
7 proposal addressed allowing people who live in excluded
8 areas to harvest in their home villages.

9

10 The proposal asked to better define this
11 regulation which currently allows this practice on a
12 limited basis and that a person living in an excluded
13 area must be an immediate family member of someone
14 living in that village and must have the permission of
15 the community s village council prior to being able to
16 participate in the spring/summer subsistence harvest of
17 migratory birds.

18

19 This proposal requests that this definition
20 restrict the harvest eligibility to tribal members
21 broadens the definition of immediate family to related
22 to a family member and expands the requirement of
23 historical use to showing proof of prior waterfowl
24 harvest prior to the Migratory Bird Treaty Act
25 amendments in any season.

26

27 Technical comments provided by the committee
28 include, number one, the broadening of the current
29 language could potentially include a greater number of
30 harvesters, number two, removes the authority of the
31 village council to grant permission to harvest in their
32 traditional use area and, three, lacks language that
33 defines prior harvest.

34

35 It was recommended that this issue be
36 included as one of the agenda items at the spring
37 gathering in May and to provide a copy of the
38 procedural regulations to the proposer for their
39 information. It was noted that the regulations allow
40 for people to be invited back to their home village,
41 but the specifics of that intention were never fleshed
42 out. A better process is needed.

43

44 It was also noted that a tribal member tried
45 to go through the individual tribal process, but had
46 problems. It was finally noted that the proposal is
47 based on an erroneous interpretation of the regulations
48 which expands the definition of family member and takes
49 away the authority of the village council to permit
50 such an activity.

1 So that is the technical analysis by the
2 Technical Committee. Do we have any thoughts or
3 comments on that analysis.

4
5 (No comments)

6
7 CHAIRMAN ALCORN: All right. We have an
8 opportunity for the public to provide any comments,
9 insights, before the Council discusses. Tim Andrew,
10 would you like to come to the microphone.

11
12 MR. ANDREW: Thank you, Mr. Chairman. I m
13 going to be speaking on my own behalf and not on behalf
14 of my official capacity as director of natural
15 resources for AVCP. My name is Timothy Andrew. I m
16 originally from the community of Marshall. I live in
17 Bethel. I have an older brother that s a parish priest
18 in Kenai. He s a Russian Orthodox priest there. He
19 also has children that live in the community of Kenai
20 and I have a sister that lives in Kenai as well. Like
21 many of you, we probably have a lot of relatives that
22 moved into Anchorage and Fairbanks, Juneau, Ketchikan,
23 some of those excluded areas.

24
25 I know it presents a pretty challenging
26 situation, but I would just like to make you all aware
27 of what happened as areas get urbanized, like the
28 community of Kenai. The community, like any other
29 village in Alaska, was likely very small. You know,
30 consisting of primarily the Kenaitze that lived there.
31 The area attracted the attention of a lot of people
32 that wanted to move to Alaska, become Alaskans and
33 enjoy the great Alaskan experience. Eventually it led
34 to restrictions for both hunting and fishing for people
35 that live in Kenai.

36
37 I believe the Kenaitze tribe, I don't know
38 what their tribal base is like, but they do have a
39 number of people that live in the community of Kenai.
40 They also have tribal members from other areas. That
41 tribe can only set one net for the entire tribe. Only
42 one net. That one net is supposed to provide for
43 whatever, maybe 2,000, 3,000 tribal members that may
44 live there.

45
46 It s a scary situation for us to get in there
47 and Steve really puts it out very well. He needs to
48 carry on the traditions, the hunting traditions. In
49 this case, the migratory birds. Eventually, as we
50 start excluding many, many areas, like, for example,

1 the community of Bethel is getting pretty close to the
2 benchmark, to be considered excluded if we have more
3 and more people moving into some of those areas.
4 Kotzebue is another. Nome comes to mind, Barrow. Our
5 villages too eventually will grow. Some of them do
6 disappear, but eventually our populations will grow.

7
8 The direction I see in the adoption of
9 excluded areas, we'll all get excluded at some point or
10 another. This customary and traditional harvest of
11 migratory birds is important to me. It s important to
12 my family. It s important to my grandchildren and
13 future generations. I just encourage the Council to
14 carefully consider the consequences of your decision on
15 this matter. Keeping in mind that we have relatives in
16 the urban areas and also the potential of regulating
17 ourselves out of existence or dependance on the
18 migratory birds.

19
20 Thank you, Mr. Chair.

21
22 CHAIRMAN ALCORN: Thank you, Tim. Any
23 questions of Tim.

24
25 (No comments)

26
27 CHAIRMAN ALCORN: Seeing none. You had a
28 question, Myron?

29
30 MR. NANENG: Not a question. A question to
31 Steve. Who signed your tribal ID since you say it was
32 back in 1984?

33
34 MR. GUINNESS: It was signed by Wally Flitt.

35
36 MR. NANENG: Okay, thanks. The reason I
37 asked this question is at the time that the Migratory
38 Bird Treaty was negotiated and this issue came up,
39 we re trying to find ways to include our Native people
40 in the hunting -- to be able to continue to hunt in
41 areas that they hunted before. The road systems were
42 excluded because there s a lot of people that are
43 moving and are beginning to use the resource.
44 Eventually, if we open the whole road systems, all the
45 road systems, even urban Anchorage, what is going to be
46 left for the people out in rural Alaska.

47
48 We had a lot of discussions of how to
49 formally be able to get our Native people to continue
50 to participate in their hunts. So the thing that came

1 up was a suggestion, God bless his soul and may he rest
2 in peace, Jonathan Solomon, came up with the idea of
3 let s get the tribal councils to have their tribal
4 members be invited to come out to the village so the
5 ability of their children, our children who may end up
6 moving into urban centers will be able to come back and
7 hunt. That was the purpose of it.

8
9 The base of negotiating the Migratory Bird
10 Treaty at that time, International Fish and Wildlife
11 Association, Fish and Wildlife Service, State of
12 Alaska, they stated that the subsistence harvest is 3
13 percent of the total harvest by Alaskan Natives and
14 that s what we re basing our negotiations with at that
15 time of the Migratory Bird Treaty Protocol Amendment.

16
17 Senator Murkowski at the time ratified the
18 protocol amendment included indigenous inhabitants.
19 Everyone who lives out in rural Alaska. A teacher may
20 have moved there last year to Fort Yukon or even to
21 Hooper Bay this last fall. According to the definition
22 that was put in by the Senate at the time of the
23 ratification is eligible to hunt under the 1997
24 amendment.

25
26 Tim knows very well that we re also dealing
27 with a lot of issues related to salmon. Right now we
28 have a concern about salmon and eventually we may have
29 a concern about population numbers of the migratory
30 birds. Today, a person who lives in Florida has as
31 much right to come to the Yukon River, to the Kuskokwim
32 River to harvest king salmon. During the meantime what
33 are they doing? They re keeping it closed for the
34 local people.

35
36 When we discuss this, we re going to have to
37 weight the issue, are we going to allow everyone based
38 on the Senate ratification to be able to hunt. We know
39 that there was an issue related to the tribal members
40 and that s what we were trying to include as being able
41 to hunt in their home village.

42
43 You know, I think if we re going to be
44 working on this, we need to look at what the language
45 was. We don't want the solicitor to make any opinions
46 regarding this proposal because every time the
47 solicitor comes up with any proposal that is related to
48 migratory birds what have they done. They've made it
49 further harder for our people in villages, our Native
50 people from being able to hunt.

1 So my recommendation is that we put this back
2 to the committee to review and get a better
3 understanding that we, the committee or the AMBCC put
4 the proposal together and we asked the solicitor to see
5 if whatever proposal that we put together is
6 defensible, not what they proposed and put together as
7 saying this is how we interpret it and we have a tough
8 time in overturning that interpretation. I think
9 that s what we need to do.

10
11 I appreciate the heavy weight that we have in
12 dealing with this, but I think that the committee
13 should put together or find a way to put a proposal
14 together in response to this and not have the solicitor
15 try to interpret it because once you get the
16 solicitor's interpretation, if you don't agree with it,
17 they'll never change it. Like we've been trying to do
18 with the Duck Stamp exemption.

19
20 So that s what I would share with the rest of
21 the committee. That s my position on this proposal.

22
23 CHAIRMAN ALCORN: Thank you, Myron. I think
24 we've moved into Council discussion, but I will hold it
25 open for a few more seconds if anybody has a statement
26 to make. Steve, do you have a statement to make in
27 regard to the proposal. Again, introduce yourself for
28 the record.

29
30 MR. GUINNESS: Steve Guinness. Myron, I want
31 to thank you for your statement there and I fully
32 understand the potential implication of this. Also
33 flip the coin over and look at the point of view I m
34 trying to express here. As I understand the Migratory
35 Bird Treaty Act, the whole purpose behind that was to
36 enable Alaska Native peoples to continue to harvest
37 waterfowl. So, with that intent, there should never be
38 any kind of, like Murkowski had done, inserting
39 language, the term indigenous, because indigenous means
40 different things to different people. That language
41 should have never been allowed to be included in any
42 kind of legislation because in my view it s not
43 consistent with the purpose of the Act.

44
45 I think maybe that s an area that you all
46 might want to take a look at, putting language in
47 there. What we're talking about here are Alaska Native
48 people, period, and take that indigenous language out
49 of there. Like I say, there's so much interpretation
50 of that word. It's like subsistence. The terminology

1 doesn't fit. That word subsistence doesn't fit our way
2 of life and that's what we're talking about, is our way
3 of life and how to preserve that.

4
5 So these folks have effectively put words in
6 that don't really describe our way of life. That's
7 part of the confusion that we're all faced with today,
8 is that people have used words that don't really
9 describe us, period. That indigenous and the word
10 subsistence are just part of the problem we're faced
11 with here.

12
13 Thank you, Mr. Chairman.

14
15 CHAIRMAN ALCORN: Thank you, Steve. Joeneal.

16
17 MR. HICKS: Thank you, Steve. I agree with
18 you. I do know how important that is to you. I have
19 families that live both here, in Anchorage, and
20 Fairbanks and elsewhere, who also desire to do the same
21 thing. I might overstep my bounds here, but I do --
22 you know, I do, again, wholeheartedly agree with you
23 that the term indigenous should have not included the
24 red, the white, the blue, everybody in other words is
25 what I m saying. To change that would probably require
26 congressional action is what I m thinking here and,
27 yes, I think that s something that maybe us, as a
28 group, could probably encourage our representatives to
29 Congress, Lisa Begich, to see if that term can be
30 deleted or fixed or amended to reflect what you re
31 saying, Alaska Native people.

32
33 Tim Andrew, also I was in Kenai last summer
34 anyone on some other business down there and I did meet
35 with the Kenaitze tribe there. Yes, I do know what
36 you re talking about, the fishing, as to what they re
37 regulated. I mean, sure, they re allowed fishing nets,
38 but that s only like you said, just that. They re also
39 allowed use of a fishwheel, but the fishwheel has to be
40 only six feet long and about three feet wide, something
41 like that, and it could only be situated in the middle
42 of the river. It s there for everybody within that
43 tribe, whatever it is, 2,000 people or whatever. I do
44 know what you re saying.

45
46 I do support your intent, Steve, and I do
47 back you as much as I can, but again I have to refer
48 again to what Myron has said. This is a touchy subject
49 and we need to really take a look at that and again
50 maybe refer it back to another committee here so that

1 we can try to work it for you.

2

3 Thank you.

4

5 CHAIRMAN ALCORN: Randy, you have the floor.

6

7 MR. MAYO: Yeah, Randy Mayo, Stevens Village,
8 Tanana Chiefs region. As one of the supporters of this
9 proposal, I mean it's obvious that this is the heart
10 and soul of the tribal culture. It should be a
11 culturally, spiritual, inherent right. It is, you
12 know. The constraints as Native people that we're put
13 in here to be put between a rock and a hard place, I'm
14 in the same situation as Steve, as Joeneal, everybody
15 sitting at the table here, where I have family and
16 elders that out of not of a choice of their own have to
17 live in Fairbanks.

18

19 One of the related issues is, yeah, I can go
20 home and hunt, but to bring the harvest back to elders
21 that not only feeds them physically but spiritually and
22 emotionally too. These are all rights deprived of us
23 and it really puts us in a box as Native people to
24 where we have to walk that fine line and be walking on
25 eggshells of supporting our fellow tribal members.
26 We're all tribal members here at the table. We all
27 belongs to tribes. Tribes came first, but we're denied
28 the tribal rights because of the system we're placed
29 in.

30

31 So we're in a position to -- we're walking on
32 eggshells here. We don't want to, you know, help our
33 fellow tribal member and in turn help ourselves for
34 fear of regulating agencies, solicitors, taking this
35 interpretation and further diminishing what little
36 right we have. I support the intent of the proposal,
37 but the harsh reality again is the constraint we're in
38 right now.

39

40 Congress gave the regulating authority over
41 to the Service. I just have a hard time sitting here
42 representing my region knowing full well the box we're
43 put in as tribal people and myself as a tribal elected
44 official. So I just wanted to make that statement for
45 the record.

46

47 Hopefully, as time goes on, like what Mr.
48 Andrews explained, that's been in the back of my mind
49 also. As things changed, demographics changed and
50 someday we might find ourselves all in an excluded

1 area. Hopefully before that happens the younger
2 generation will get a hold of and understand the
3 Federal government s obligation through the Federal
4 Indian law to get congressional action to change that
5 terminology and restore tribal hunting and fishing
6 rights out in the ancestral homelands.

7

8 Thank you.

9

10 CHAIRMAN ALCORN: Thank you, Randy. Did I
11 have any other comments. Taqulik.

12

13 MS. HEPA: Thank you, Mr. Chair. For the
14 record, Taqulik. I want to thank Mr. Guinness for your
15 comments and I concur and agree with where you re
16 coming from, as did Myron, Joeneal and Randy. In
17 addition to Myron s recommendation, I would also extend
18 a recommendation to address the issue of transporting
19 migratory birds to urban areas. We did have a
20 discussion about that yesterday and it s something I
21 think that this management body needs to address. So
22 that would be the second part to Myron s
23 recommendation.

24

25 Going back to my discussion yesterday, I
26 think -- and we re going to keep coming across these
27 roadblocks. It s because of the definition of who s
28 eligible to participate in the subsistence harvest of
29 migratory birds. So we should also put that in front
30 of us as we move forward as the co-management body.

31

32 Thank you.

33

34 CHAIRMAN ALCORN: Thank you, Taqulik. Do I
35 have any other comments. We have yet to hear from the
36 State and then the U.S. Fish and Wildlife Service
37 comments on this proposal. Would the State like to
38 offer your comments.

39

40 MR. ROSENBERG: Sure. Yeah, I'd like to
41 thank Mr. Guinness for bringing this proposal forward
42 because I think you've really touched upon a lot of
43 issues that need to be addressed. I think everybody
44 here throughout the discussion has brought up some of
45 the complicating factors that need to be more fully
46 vetted in order -- if we're to have any chance of
47 making this work. I do think that we need to work
48 around or try to work around some roadblocks, but I
49 think your intent is well received by all of us.

50

1 I do believe that by having to go back to an
2 Invitation Committee or wherever it goes we can clarify
3 some of the eligibility criteria and address some of
4 the other issues like Taqulik just brought up about
5 taking birds back to excluded areas.

6
7 My other concern is that I believe this
8 should be done for all regions at once. We should try
9 to work through this so that we can satisfy the needs
10 statewide if that's possible rather than address it
11 region by region.

12
13 So, again, I guess I'm in the camp that sort
14 of supports bringing it back to a committee and further
15 trying to work through this issue, which I think is
16 probably long overdue.

17
18 CHAIRMAN ALCORN: Thank you, Dan. I'll take
19 the floor for a moment and offer the comments from the
20 Fish and Wildlife Service. I do appreciate the proposal
21 and I appreciate your sincerity and the heartfelt
22 comments that you've made and the heartfelt comments
23 from Tim and the heartfelt comments from those of you
24 that are tribal members and have a culture of this.

25
26 It might be surprising to you all that the
27 U.S. Fish and Wildlife Service and the Department of
28 the Interior have an initiative. It's called American
29 Outdoors. It is an initiative to get more Americans
30 outdoors doing the very things that we're talking about
31 right here. Granted, in the Lower 48 it is not a
32 subsistence culture. It's very much associated with
33 sport hunting. It's still a valuable cultural activity
34 and our agency supports the public involved in both
35 activities. It supports those hunters involved in
36 subsistence activities in Alaska and sport hunting
37 activities in the Lower 48, to the point we actually
38 have a funding initiative for that purpose and it's to
39 introduce young people to the outdoors, which includes
40 hunting. So it's an activity that we as an agency do
41 support.

42
43 I think this proposal's time has come. I
44 think it's a proposal that brings to this table the
45 need to discuss this particular suite of issues and
46 your proposal touched on a number of those issues. At
47 the risk of being redundant, for the record, I'll list
48 them very briefly.

49
50 In a nutshell, the Fish and Wildlife Service

1 would not be able to support this proposal as written
2 and it s for the reasons that have been stated here.
3 One is that it s exclusive for tribal members or family
4 members, redefining what family members are, and that
5 permission of the village council would not be
6 required. Those are actually provisions or definitions
7 that are in the treaty protocol language, the law that
8 was ratified by the Senate. The Senate s ratification
9 did define indigenous inhabitant to a group larger than
10 tribal members. It did define family members in the
11 letter of transmittal. It lists who those immediate
12 family members are. It also does specify that hunters
13 can be invited back to villages to help those residents
14 meet their needs with permission of the tribal or
15 village council. So it does provide a specific role.

16
17 Because this proposal is different than those
18 specific provisions, we would not be able to support
19 it. We would also agree that in principal and in
20 concept that this is something that needs to be taken
21 up by this body and a referral to a committee for that
22 purpose of discussing this and trying to reconcile each
23 of these issues I think would help move us along and
24 make progress where we have been stymied for about 10
25 years talking about this issue. We've never brought it
26 formally and taken formal action that I recall to take
27 a comprehensive look at this particular issue. So, in
28 a nutshell, the Fish and Wildlife Service would not be
29 able to support this proposal as it s written.

30
31 So does that conclude the Council discussion
32 on this proposal.

33
34 (No comments)

35
36 CHAIRMAN ALCORN: All right. So a motion is
37 in order to take action on this proposal. I would
38 entertain a motion based on the discussions that we've
39 had.

40
41 MR. ROWLAND: Mr. Chair. I make a motion to
42 refer this proposal to a committee to clearly define
43 the proposal to be presented back to the Co-Management
44 Council.

45
46 CHAIRMAN ALCORN: Thank you, Rick. Do I have
47 a second.

48
49 MR. ROSENBERG: Sure, I'll second.

50

1 CHAIRMAN ALCORN: Okay, I have a motion and
2 second. Discussion.

3

4 MR. ROWLAND: Call for question.

5

6 CHAIRMAN ALCORN: The question has been
7 called for. Does anyone oppose the motion that s been
8 made and seconded.

9

10 (No opposing votes)

11

12 CHAIRMAN ALCORN: Hearing no opposition, the
13 motion carries. It will be referred to a committee. We
14 do have a standing Invitation Committee. Is that the
15 appropriate committee that we would want to refer this
16 to. I m looking at the maker of the motion to see if
17 you have a comment on that.

18

19 MR. ROWLAND: Where's that list of
20 committees?

21

22 CHAIRMAN ALCORN: It s under A, first page,
23 subcommittee for invitation. The members are Randy
24 Mayo, Sky Starky representing AVCP, I presume, Peter
25 Devine, Aleutian/Pribilofs region, Joeneal Hicks,
26 Copper River Native Association, Dan Rosenberg from the
27 State of Alaska and yourself from your area.

28

29 MR. ROWLAND: So I believe this proposal is
30 addressing a number of different issues. One of them
31 being the invitation and the other one being the
32 exclusion. In addition to that, it also represents
33 transporting of that game animal and I don't believe
34 that committee is in existence. I m sure that of the
35 two exclusion and invitation quite possibly both of
36 those committees were to each meet about that proposal
37 and then have discussion connected to it about their
38 opinion about what would be a sensible solution to
39 addressing the transport topic.

40

41 CHAIRMAN ALCORN: So your proposal is to
42 combine the two and I m looking and the only name that
43 -- everybody else is on both committees with the
44 exception of my name. I think it would be appropriate
45 that the Fish and Wildlife Service have somebody in
46 those discussions. I m willing to participate in those
47 discussions.

48

49 What I think I heard you say, Rick, is you re
50 suggesting that the subcommittee on exclusion and the

1 subcommittee on invitation?

2

3 MR. ROWLAND: That's correct. And then in
4 those two committees also with the discussion of
5 transporting the edible portion.

6

7 CHAIRMAN ALCORN: Okay. So we did have a
8 motion that carried and you made that clear, I believe,
9 so that issue will be taken up. We have a
10 recommendation to an ad hoc committee, I'll call it,
11 for this purpose. We've named those individuals. I
12 think it's also anyone that has a particular burning
13 interest to participate in that discussion will not be
14 excluded from the discussions. So you're welcome to
15 attend. This is a very important issue.

16

17 Thank you, Mr. Guinness, for bringing this to
18 our attention and being the catalyst for this
19 discussion. Myron.

20

21 MR. NANENG: I also want to (in Yup'ik) Steve
22 for bringing that issue forward. Quyana.

23

24 CHAIRMAN ALCORN: All right. We're going
25 back to the agenda as was originally adopted. Proposal
26 No. 1, use and possession of Yellow-Billed Loon on the
27 North Slope. That is under Tab 2 in your binder and
28 I m going to ask Taqulik Hepa from the North Slope to
29 present the proposal for us.

30

31 MS. HEPA: Thank you, Mr. Chair. Basically
32 this is an annual proposal that we've been submitting
33 for a number of years and it's to allow the use and
34 possession of Yellow-Billed Loons that are
35 inadvertently entangled in subsistence fishing nets on
36 the North Slope.

37

38 Just a bit of background. We use Yellow-
39 Billed Loons for customary and traditional practices we
40 do for certain ceremonies that happen. In addition, at
41 the request of the Service Regulations Committee we
42 were asked to come back with a more scientifically
43 defensible report on the number of loons that were
44 entangled. We did highlight that report yesterday.

45

46 I'll just give you brief numbers summarizing.
47 We conducted the survey in Barrow, Atqasuk and Nuiqsut.
48 We identified 125 fishermen and cabin owners from those
49 three communities involved. Of the 125, only 3 refused
50 to participate in the survey, so we had 97 percent

1 participation. There was an estimated 25 Yellow-Billed
2 Loons that were entangled. Seven of those were
3 released and four were used for ceremonial purposes to
4 make headdresses for the special dances that we do.

5

6 With that, that s our proposal.

7

8 CHAIRMAN ALCORN: Thank you, Taqulik. Are
9 there any questions of Taqulik on the proposal before
10 we go into the technical analyses.

11

12 (No comments)

13

14 CHAIRMAN ALCORN: Okay. We all understand
15 the proposal. We do have this process that we will go
16 through and I will ask the Department of Fish and Game,
17 the State, for any technical analysis or biological
18 analysis.

19

20 MR. ROSENBERG: I think that the proposal --
21 for the issues that the proposal addresses, we do not
22 have any reason to have a technical analysis on a
23 population basis. As far as the technical analysis of
24 the survey, I think the North Slope Borough has done a
25 very good job of putting together a survey and they've
26 done it in those areas where Yellow-Billed Loons occur
27 and where fishing occurs, so I think they've done a
28 good job of covering all the areas that need to be
29 covered essentially and the idea here is, of course, to
30 document the current harvest levels. That s the basis
31 for this project so that in the future if we need that
32 information we can refer back to it and we'll have it
33 if we want to be able to use it and any other type of
34 analysis.

35

36 Again, I commend the North Slope Borough on
37 their efforts. I think they've met the terms of the
38 SRC in terms of designing a very scientifically
39 defensible study, so I don't think there's a need to go
40 into further analysis of Yellow-Billed Loon populations
41 at this time.

42

43 CHAIRMAN ALCORN: Thank you, Dan. I'm going
44 to call Eric to the table for any comments from the
45 U.S. Fish and Wildlife Service's technical perspective.

46

47 MS. HEPA: While he's coming up I just wanted
48 to make note for the record that we don't harvest the
49 birds. We use them for customary and traditional
50 practices.

1 Thank you.

2

3 MR. ROSENBERG: I apologize for that slip.
4 I m actually very well aware and I should have been
5 more aware obviously that this is just keeping birds
6 that are inadvertently caught in fishing nets on the
7 North Slope and they are not being harvested in any
8 way, shape or form. These are birds that in the
9 process of fishing happen to get caught in fishing nets
10 and the people are making efforts to release those
11 birds unharmed if possible, but in other situations
12 unfortunately they perish and in that case we support
13 the highest and best use of those, which, of course, is
14 for traditional ceremonial purposes.

15

16 Thank you for correcting me on that.

17

18 CHAIRMAN ALCORN: Thank you, Dan. Eric.

19

20 MR. TAYLOR: Thank you, Mr. Chairman. Eric
21 Taylor with U.S. Fish and Wildlife Service. We have
22 not had an opportunity to conduct a rigorous analysis
23 of the proposal, but given the numbers that Taqulik has
24 provided in our initial review of the proposal we do
25 not have any biological concerns relative to the take
26 of Yellow-Billed Loons from entanglement. We have
27 talked to the primary author of the proposal, Mr.
28 Sformo, and I've indicated our interest in providing
29 the North Slope Borough some review comments that I
30 think will help make the proposal or the report a bit
31 stronger. We should be able to do that next week.

32

33 CHAIRMAN ALCORN: Thank you. Are there any
34 questions of the Council for Eric.

35

36 (No comments)

37

38 CHAIRMAN ALCORN: Thanks, Eric. We do have a
39 report by the Technical Committee. I m going to read
40 it into the record. It s Item No. 1 in the report.
41 The report is dated, for the record, February 23, 2012,
42 when the meeting occurred. Yellow-Billed Loon
43 submitted by the North Slope Borough. This proposal is
44 submitted on an annual basis at the request of the
45 Service Regulations Committee, the SRC.

46

47 In 2010, the SRC requested that the North
48 Slope Borough collaborate with the State of Alaska,
49 Department of Fish and Game and the U.S. Fish and
50 Wildlife Service to develop and implement an improved

1 survey to assess the number of Yellow-Billed Loons
2 entangled in subsistence gillnets.

3
4 The 2010 survey data were provided at the
5 June 2011 meeting of the AMBCC; however, these data
6 were not included in the 2013 North Slope Borough
7 proposal. 2011 data are currently being compiled. A
8 report on the 2011 data will be presented at the spring
9 AMBCC meeting. It was recommended that the North Slope
10 Borough include the most recent data as a supplemental
11 addition to the current proposal. It was noted that
12 the SRC will not adopt this proposal unless more
13 accurate data are presented and, in fact, that data and
14 that report were just made by Taqulik. We heard that
15 report also made in more detail yesterday at our work
16 session.

17
18 So we've had our technical comment. I m
19 going to invite the public to comment on this
20 particular proposal if anyone feels compelled to do so.

21
22
23 Tim Andrew, you can come to the table.

24
25 MR. ANDREW: Yes, Mr. Chairman. Thank you.
26 Once again, I'm speaking on my own behalf and not in my
27 official capacity as an employee of AVCP. In my
28 observation of the process regarding our migratory
29 birds, our precious migratory birds, and our cultural
30 and traditional ties to them, it s really sad and
31 unfortunate that we have to adopt regulations to
32 utilize parts or utilize animals for our subsistence
33 way of life or perhaps for the continuation of our
34 cultures and traditions. I really feel for the people
35 of North Slope Borough that have to come year after
36 year after year and presenting this proposal just so
37 that they can utilize an extremely infinite small
38 amount of Yellow-Billed Loons to keep their cultural
39 traditions.

40
41 In the Yup'ik traditions, we utilize a lot of
42 wild animal parts. Some of them might be considered
43 illegal, but they are part of our life, just as much as
44 the Yellow-Billed Loon is very much a part of the
45 people of the North Slope's life. I wish there was an
46 easier process for them to go through rather than
47 having to submit this proposal time after time after
48 time. It s a pain-staking process. People travel here
49 and it costs money. A lot of their time as well. So
50 their annual requirement is very cumbersome. If I were

1 in their shoes, I d tell my people just go out and do
2 it anyway if it s part of your culture, part of your
3 tradition.

4

5 I would encourage this body to adopt this
6 regulation, but I wish there was a way to make it a
7 little bit more permanent and less cumbersome for the
8 people there.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN ALCORN: Thank you, Tim. Any
13 questions of Tim.

14

15 (No comments)

16

17 CHAIRMAN ALCORN: Thank you. Any other
18 member of the audience wish to speak to this proposal.

19

20 (No comments)

21

22 CHAIRMAN ALCORN: It s time now for agency
23 comments. I m going to refer to the State s
24 perspective.

25

26 MR. ROSENBERG: We support the proposal as
27 written and I do agree with Mr. Andrew that it would be
28 nice to make this a more permanent process if the North
29 Slope Borough did not have to come back and revisit
30 this every year on an annual basis. Again, I thank the
31 North Slope Borough for taking the time and the effort
32 to develop and implement the survey and present it to
33 us. The State supports the proposal as written and
34 believes the North Slope Borough has satisfied the
35 needs of the SRC.

36

37 CHAIRMAN ALCORN: Thank you, Dan. Any
38 questions of Dan.

39

40 (No comments)

41

42 CHAIRMAN ALCORN: Seeing none. I'm going to
43 speak for the
44 U.S. Fish and Wildlife Service. The U.S. Fish and
45 Wildlife Service also supports the proposal. We will
46 carry that support based on the request of the SRC to
47 provide more definitive information. We will look at
48 that information and we will be prepared to support the
49 proposal when the time comes. I guess there s nothing
50 more to be added.

1 Unless anyone else has any more comments,
2 what s appropriate now is to have a motion on the
3 proposal. Rick, is this a motion or is this a comment?

4
5 MR. ROWLAND: Comment.

6
7 CHAIRMAN ALCORN: Okay. You have the floor.

8
9 MR. ROWLAND: My question is what would it
10 take to create this as not reoccurring annually but
11 something that s just allowed?

12
13 CHAIRMAN ALCORN: I think the maker of the
14 motion is going to fix that. I'll call for a motion.
15 I think you re going to hear the answer to the
16 question.

17
18 MS. HEPA: Thank you, Mr. Chair. I'd like to
19 make a motion to approve Proposal No. 1 with the
20 recommendation to add it permanently to the consent
21 agenda item from 2013 regulations forward.

22
23 MR. HICKS: I second.

24
25 CHAIRMAN ALCORN: I have a motion and second.
26 Any questions. I do have a question. Based on the
27 discussion that we had in the workshop there was a
28 commitment by the North Slope Borough for the next
29 couple years to continue collecting this information to
30 provide additional harvest information to the SRC. Is
31 that still the intent of the North Slope Borough?

32
33 MS. HEPA: Yes, sir.

34
35 CHAIRMAN ALCORN: Do we have any other
36 questions.

37
38 (No comments)

39
40 CHAIRMAN ALCORN: Call for the question then.
41 I m going to ask is anyone opposed to the motion as
42 made to adopt the proposal for this year and to
43 recommend to the Board that it become a consent agenda
44 item.

45
46 (No opposing votes)

47
48 CHAIRMAN ALCORN: Hearing no opposition,
49 motion carries. We are down to Proposal No. 2 and that
50 will be behind Tab No. 3. This is also coming from the

1 Interior Region. I'll ask Randy Mayo to describe the
2 proposal for us.

3

4 MR. MAYO: Thank you, Mr. Chair. This
5 proposal comes from an individual out of the Delta
6 Junction area that wanted to have the area put back
7 into the included area. Some of his reasoning was that
8 him and his family and others in the area traditionally
9 hunted in the springtime to fill their freezers and
10 meet their nutritional needs and whatnot even prior to
11 the treaty protocol amendment. I talked with him on
12 the phone a couple years ago. That s his reason to
13 have it put back in the included area.

14

15 We took this proposal up last January in our
16 Interior Region Bird Council and we discussed it at
17 length and the TCC region opposed this proposal based
18 on it being on the road system. You know, you've got
19 the military base nearby. The Delta Junction area has
20 grown over the years. They have an established economy
21 over there with the oil pipeline running through it,
22 the military bases and the large agricultural projects
23 going on in the area. There s more economic
24 opportunity in that area than in other included areas
25 of the state.

26

27 One of the things that I made note of is that
28 in the springtime and fall time that s one of the
29 routes where a lot of the migratory birds come into the
30 state and go out. With the large agricultural projects
31 that really attracts a lot of the waterfowl and
32 perceived violations and abuses and overharvest by
33 people that had no history of using the resource prior
34 to these protocol amendments. Like I said, there's a
35 large military transient population and a lot of new
36 people that moved in there from out of state that don't
37 have a historical use of the resource.

38

39 CHAIRMAN ALCORN: Thank you. Any questions
40 of Randy on the proposal.

41

42 (No comments)

43

44 CHAIRMAN ALCORN: Thank you, Randy.
45 Technical analysis. Was there any technical report of
46 the proposal from the State.

47

48 MR. ROSENBERG: We don't have any biological
49 analysis because we are standing by our analysis that
50 we conducted back in 2006 when we proposed this as an

1 excluded area and I'll touch upon that later.

2

3 CHAIRMAN ALCORN: Thank you. I m going to
4 speak for the U.S. Fish and Wildlife Service. I m not
5 going to call Eric up. We have no technical analysis
6 of the proposal. We will speak to this when it comes
7 time for our policy question of support. We do have a
8 report from the Technical Committee. It s Item 3.
9 It s on the back page of the handout.

10

11 Consideration of Delta Junction as an
12 included area. I'll read it into the record.
13 Submitted by Thomas VanEyck. This proposal was
14 considered in 2005 and 2006 by the AMBCC and tabled. It
15 was related to closure in the Fairbanks area expansion
16 and extensive report was written by the Alaska
17 Department of Fish and Game and the proposal was
18 ultimately denied due to lack of sufficient evidence to
19 prove a customary and traditional tie to a
20 spring/summer subsistence harvest of migratory birds.

21

22 New information is being provided in this new
23 proposal. However, the Committee felt that the
24 information was insufficient to reconsider changing
25 their 2007 decision. The recommendation is to send a
26 letter and describe the five criteria needed in order
27 for it to warrant consideration.

28

29 So that s the Technical Committee s report on
30 this proposal. I m going to open it up to public
31 comment. Is there anyone in the audience that would
32 like to speak to this proposal.

33

34 (No comments)

35

36 CHAIRMAN ALCORN: Seeing none, we'll move
37 into Council discussion. Anyone have any comment on
38 the proposal.

39

40 MR. HICKS: Mr. Chair.

41

42 CHAIRMAN ALCORN: Joeneal.

43

44 MR. HICKS: I make reference to the
45 particular letter or the letter from the local
46 historian. At the bottom paragraph there is mention
47 that Healy Lake and Tanacross are within the excluded
48 area. That is not correct. Also, the letter fails to
49 mention Fort Greeley as being part of the excluded
50 area. I do not support this proposal.

1 CHAIRMAN ALCORN: Thank you, Joeneal. Any
2 other comments.

3
4 (No comments)

5
6 CHAIRMAN ALCORN: Seeing none. I m going to
7 ask the State for their comment.

8
9 MR. ROSENBERG: Thank you, Mr. Chair. The
10 proposal to exclude this area actually was submitted by
11 the State back in 2006 and it was based on several
12 things. One was in 1992 joint Boards of Fisheries and
13 Game ruling that this area did not qualify as a
14 subsistence use area based on 12 social, economic and
15 cultural criteria that were weighed to make that
16 determination that it did not have that historical use.

17
18 Secondly, it added a new user group without
19 historical precedent or it does add a new user group
20 without historical precedent, which at the time it was
21 felt that the potential to greatly increase harvest,
22 especially given the fact that there was so much easy
23 access to agricultural fields in the Delta area.

24
25 We also felt that this proposal does not meet
26 the standards of providing sufficient new information
27 to change what we supported back then. Given all that,
28 we cannot support the proposal.

29
30 CHAIRMAN ALCORN: Thank you. Any questions
31 of Dan.

32
33 (No comments)

34
35 CHAIRMAN ALCORN: Thank you, Dan. The U.S.
36 Fish and Wildlife Service is not at this point ready to
37 support the proposal. As stated earlier by other
38 commenters, it does establish some unprecedented
39 regulations that, if enacted or put into the form of
40 regulations, would be precedent setting and that is
41 that it would establish limits for ducks, geese and
42 cranes, 10 per day. It does establish that and that is
43 unprecedented in the subsistence hunt.

44
45 At this point we have a Limitation Committee,
46 but that committee has never made a recommendation to
47 this body on how we would go about setting those limits
48 or considering limits. In our deference to the
49 Technical Committee, we didn't feel as though the
50 letter was sufficiently addressing the five criteria

1 that are adopted and considered by the Council for
2 inclusion of communities.

3

4 So we feel like this could be taken up at a
5 later date if those criteria were addressed adequately,
6 but at this point we don't feel like the proposal
7 adequately addresses them. So that s the position of
8 the U.S. Fish and Wildlife Service.

9

10 Any questions from the Council.

11

12 (No comments)

13

14 CHAIRMAN ALCORN: Hearing none. A motion is
15 in order to consider this. Randy, do you.....

16

17 MR. MAYO: Not really a question. It's just
18 a statement on
19 this historian s letter here that I just noted. The
20 historical account is I think what led to the creation
21 of the bird treaties in the first place commercial
22 market hunting and registered guide hunting. I just
23 wanted to make note of that, you know.

24

25 CHAIRMAN ALCORN: We do have a recommendation
26 from the Technical Committee to actually send a letter
27 to the proposer describing those five criteria that are
28 in place. I believe they re in our procedural
29 regulations. That is a recommendation. But I will
30 consider any motion from the Council at this point. We
31 do need to take an action.

32

33 MS. HEPA: Mr. Chair. I'd like to make a
34 motion to not support the proposal and follow the
35 recommendation of the Technical Committee.

36

37 MR. HICKS: I second the motion, Mr. Chair.
38 That s kind of the wording I was looking for.

39

40 CHAIRMAN ALCORN: All right. We have a motion
41 to not support or to reject the proposal as written and
42 to send a response back to the maker of the motion
43 listing the criteria that has been asked for by the
44 Technical Committee.

45

46 Discussion.

47

48 MR. NANENG: Question.

49

50 CHAIRMAN ALCORN: Call for the question.

1 Anyone opposed to the motion as stated.

2

3 (No opposing votes)

4

5 CHAIRMAN ALCORN: Seeing none, the motion
6 carries. We are to Item 11E, Proposal No. 4, adjust
7 Kodiak s harvest area seasons and eligibility. I m
8 going to guess that s behind Tab No. 5 and it is. I m
9 going to defer to Rick to present the proposal.

10

11 MR. ROWLAND: Thank you, Mr. Chair. I'd like
12 to present this proposal on behalf of the Kodiak Island
13 village tribes migratory bird representatives. We
14 submitted this proposal after the spring meeting last
15 year and one of the reasons that we submitted this was
16 because of the communication within the group about
17 what is determined as a road system. One of our elders
18 spoke and said the word road system should not be used
19 and it should be put in this proposal as well as a
20 group discussion about what would be the optimal times
21 for migratory bird hunts and local saltwater birds as
22 well as the egg collection times. Currently
23 individuals that collect eggs are now illegal.

24

25 This proposal from a group effort defines a
26 season that s close to what the tradition of the
27 hunting was before it got regulated, whittled down to
28 minimum. The one thing that we did not put in here is
29 hunting at night. We used to hunt at night too. So
30 maybe that will come in a later proposal.

31

32 So this deals with the hunt times of bird
33 hunting season and the map is shown in here and the egg
34 collecting times. One other thing that is connected to
35 this is quite possibly the closure, is a reduction of
36 collection of subsistence use items.

37

38 With that I present the proposal.

39

40 CHAIRMAN ALCORN: Thank you. Any questions
41 of Rick, Kodiak region.

42

43 MR. ROSENBERG: Excuse me, Mr. Chair. What
44 was the last thing you said, collection of subsistence
45 use items?

46

47 MR. ROWLAND: Yeah. So I'm referring to the
48 Alaska Native Claims Settlement Act and ANILCA in
49 relation to closures related to subsistence items.

50

1 MR. ROSENBERG: Oh, okay.

2

3 MR. ROWLAND: So the migratory birds don't
4 fit into that bucket, so it's kind of -- I don't know,
5 it s kind of bizarre if you actually look at it. The
6 gentleman from up north was saying subsistence is a
7 used term for all that stuff. Something really needs
8 to be cleared up about that.

9

10 MR. ROSENBERG: Sorry. I just thought there
11 was another section here I was missing.

12

13 CHAIRMAN ALCORN: All right. Going through
14 the process, we will ask the Alaska Department of Fish
15 and Game if there is any technical analysis of this
16 proposal.

17

18 MR. ROSENBERG: We don't have any biological
19 analysis of this proposal, but we're just going to fall
20 back to -- and I'll get to this later when we get into
21 more policy things of what was discussed back in 2004
22 when this was first presented.

23

24 CHAIRMAN ALCORN: All right. We'll do the
25 same for the U.S. Fish and Wildlife Service. I'll
26 discuss some of the issues that we've noted with the
27 proposal.

28

29 The Technical Committee analysis I'm going to
30 read from Myron's document because I tend to keep
31 misplacing mine. This is Item No. 4, expansion of
32 season dates. It's Kodiak expansion of season dates
33 submitted by Sun'aq Tribe of Kodiak. This proposal
34 goes outside Federal regulations that set forth
35 procedures for establishing spring and summer subsist
36 harvest regulations for migratory birds in Alaska
37 including harvest dates between 10 March and 1
38 September. A total of 124 days is available for
39 subsistence hunting of birds per the Mexico Treaty
40 language. Recommendation was to address with the
41 proposer that resolution needs to be handled outside
42 the AMBCC.

43

44 It was noted that the Native Caucus has been
45 working on addressing this and will report to the full
46 Council at the next meeting. It was also noted that
47 the State and Federal agencies cannot support this
48 proposal because it is not consistent with current
49 Federal regulations. On a side note, it was discussed
50 that proposers should talk with Fred or Donna before

1 submitting or developing a proposal to avoid
2 unnecessary and time-consuming activities.

3

4 So that is the report from the Technical
5 Committee. Are there any questions of the Technical
6 Committee. I understand that Patty was a member or a
7 part of that discussion. Do you have anything to add,
8 Patty?

9

10 MS. BROWN-SCHWALENBERG: Thank you, Mr.
11 Chairman. Just a comment, I guess. This is the type
12 of proposals that we have gotten in the past couple
13 years about seasons going beyond the spring and summer
14 harvest season. Once again, this is put in front of
15 the Council to try and address something that goes
16 outside of the Federal regulations and is one of the
17 reasons why we are putting together the spring
18 gathering.

19

20 So while we support the continuing occurrence
21 of legitimate harvest practices by the Native people,
22 we also recognize the parameters the State and Federal
23 partners have to operate within. Once again we are
24 asking if we can all work together to try and resolve
25 these types of issues.

26

27 Thank you.

28

29 CHAIRMAN ALCORN: Thank you. Any questions
30 of Patty. Myron.

31

32 MR. NANENG: Thank you, Mr. Chair. Like I
33 commented yesterday, if there's no conservation
34 concerns regarding some of these birds, I don't see why
35 we should limit the hunts. I know I put Eric on the
36 spot yesterday. So that would be my position. I think
37 we were stuck by the fact that the 1960 Migratory Bird
38 Treaty limited -- or the closure was from March 10th
39 through September 1st. We know that people do go
40 hunting for migratory birds even after September 1st.
41 I think we should have made a concerted effort to have
42 that recognized as well, but we needed to try and get
43 that changed in order to legalize the hunt during
44 springtime. As far as I m concerned, I think if
45 there s no conservation concerns of birds, why limit
46 it.

47

48 CHAIRMAN ALCORN: All right. Thank you,
49 Myron. We are now on Roman numeral 5, public comments.
50 Does anyone in the audience have a statement they d

1 like to make regarding this proposal.

2

3 (No comments)

4

5 CHAIRMAN ALCORN: Seeing none. Council
6 discussion. We had a comment. Are there any other
7 comments.

8

9 MR. ROSENBERG: Sure.

10

11 CHAIRMAN ALCORN: I'll ask the State to
12 comment.

13

14 MR. ROSENBERG: Thank you, Mr. Chair. Again,
15 I just want to reiterate some of the things that were
16 discussed yesterday. This was a proposal -- the
17 proposal to close the road was first presented in 2003
18 and supported by the Council from a proposal submitted
19 by the Kodiak Area Native Association. That proposal,
20 as it stated, was done to address conservation concerns
21 due to the potential for large numbers of bird hunters
22 in spring along the Kodiak road system. The most
23 common concern was the likelihood of overharvesting
24 through participation by user groups that did not
25 demonstrate customary and traditional use of migratory
26 birds in that area.

27

28 So the road system was closed to try to
29 ensure that there would be no local increase in the
30 harvest. In that regard, the proposal, as submitted,
31 really does not provide any new or compelling
32 information to change that 2003 decision. I mean I
33 recognize the concern, I recognize what you went
34 through, Rick, but I don't think the proposal itself
35 presents that information that would give me reason to
36 overturn what was presented in 2003 on the road
37 closure.

38

39 Again, of course, it s not consistent with
40 current regulations in terms of the outside season
41 dates and that makes it difficult for us or impossible
42 really for us to support it based on that, the lack of
43 consistency with current regulations. But I do fully
44 support -- I am fully sympathetic to the concept of
45 trying to have customary and traditional seasons during
46 the time when customary and traditional hunting should
47 be conducted and so I do support trying to work
48 cooperatively at the spring gathering to try to move
49 that issue forward.

50

1 So those are my comments. Thank you.

2
3 CHAIRMAN ALCORN: Thanks, Dan. Any questions
4 of Dan. Rick, you have a question.

5
6 MR. ROWLAND: Yeah. Where would I get a copy
7 of that 2003 proposal?

8
9 CHAIRMAN ALCORN: We have that in the record.
10 I actually have binders. I'm sure Donna can pull that
11 proposal and get you a copy if you d like one.

12
13 MR. ROWLAND: And then I have two more
14 questions here. You stated the likelihood of a
15 potential of overhunting. That is something I'd like
16 to see in that proposal about how it's read. The other
17 thing is that whether or not in that proposal the word
18 roaded is used. I looked for the word roaded in the
19 dictionary and there's no such word, so I'm having a
20 hard time out there explaining this to my elders let
21 alone wondering if the ducks know what it is.

22
23 So I d really appreciate seeing that.

24
25 MR. ROSENBERG: Yeah, there's language both
26 in the 2003 proposal, but there s also language in the
27 codified Federal regulations when they enacted this in
28 2003 that we should try and get you a copy of it.

29
30 MR. ROWLAND: I saw that.

31
32 CHAIRMAN ALCORN: Any other questions of Dan?

33
34 (No comments)

35
36 CHAIRMAN ALCORN: All right. U.S. Fish and
37 Wildlife Service has also reviewed this from a legal
38 perspective and a policy perspective. We are not going
39 to be able to support this proposal as written. I'll
40 put these reasons in the record.

41
42 First of all, the proposal would extend the
43 hunt into what s regarded now as the fall/winter open
44 season and that season was addressed based on a request
45 that the Council sent to the U.S. Fish and Wildlife
46 Service a couple years ago and we received a letter
47 from the Assistant Director Paul Schmidt last April
48 regarding that particular request.

49
50 I believe there s been a couple of letters

1 sent subsequent to that letter by the new Assistant
2 Director regarding the same issue and the response has
3 been similar in that while we understand that there is
4 a tradition of harvest in those areas that are outside
5 the dates for spring and summer, there is a venue that
6 we recommend that the Council work with and the
7 proposer work with and that is the Pacific Flyway
8 Council.

9
10 The Flyway Council is the entity through
11 which the U.S. Fish and Wildlife Service and the
12 Service Regulation Committee receives proposals for
13 regulations for the fall and winter seasons. So it
14 falls outside of the purview by our definition of the
15 law and the seasons that the law allows us to effect
16 regulations for. So that s one reason that we would
17 not be able to support this proposal as written.

18
19 It also extends the hunt to a total of 242
20 days and I believe that includes an eggging period, but
21 I m not sure. I d have to go back and read it, but 242
22 days by our analysis. We are constrained by the most
23 limiting of the international treaties that govern the
24 way we effect regulations for the management and
25 harvest of migratory birds.

26
27 The international treaty that we had with
28 Mexico is the treaty that is the most restrictive in
29 that particular context of how long can a season extend
30 for. Through accounting of months and days the maximum
31 amount by our interpretation is 124 days to be
32 consistent and in compliance with that treaty. That
33 happens to be the amount of days that we have applied
34 in the April 2 through August 31st spring/summer season
35 with the inclusion of a 30-day limitation of harvest to
36 protect eggs during the principal nesting season.
37 That s the next limiting factor in the way we establish
38 regulations.

39
40 In the international treaty with Japan that
41 requires a protection of birds during their principal
42 nesting seasons and we have conservatively set that at
43 30 days, which may or may not reflect the best
44 biological assessment of any individual bird or species
45 of bird when it needs to be protected and how long it
46 needs to be protected for, but that is where we ended
47 up was with a 30-day closure for protecting those
48 nesting birds. This proposal sets an egg collecting
49 date from May 15th through July 15th, which is during
50 principal nesting seasons during some portions or for

1 some species of birds. So we find that it does
2 conflict with the international treaty with Japan, so
3 we re not able to support this proposal as written.

4
5 One other thing that it does is it does
6 provide an exclusive right to harvest to Federally
7 recognized tribes as we spoke about in the first
8 proposal that we heard today, that exclusive right to a
9 Federally-recognized tribal member is not consistent
10 with the way the treaty protocol and ratification
11 language reads at this date.

12
13 So those are the reasons that the U.S. Fish
14 and Wildlife Service will not be able to support this
15 proposal. Any questions.

16
17 (No comments)

18
19 CHAIRMAN ALCORN: Hearing none. Any further
20 discussion of the proposal before I call for a motion.

21
22 (No comments)

23
24 CHAIRMAN ALCORN: A motion is in order to
25 take action on this proposal by the Council.

26
27 MR. ROWLAND: Mr. Chair. I make a motion to
28 adopt the proposed Kodiak Island Tribes migratory bird
29 hunt seasons proposal.

30
31 CHAIRMAN ALCORN: Do I have a second.

32
33 MS. BROWN-SCHWALENBERG: I'll second.

34
35 CHAIRMAN ALCORN: I have a motion and second
36 to adopt the proposal as written. Do we have any
37 discussion. Myron.

38
39 MR. NANENG: Yeah, thank you. That issue
40 about roaded areas, is it limited to Kodiak or is it
41 going to open the question to the rest of the state of
42 Alaska and call it the roaded area exclusions and stuff
43 like that? That s the question I have.

44
45 MR. ROSENBERG: Is it currently limited to
46 Kodiak or are there other examples in the state where
47 there are roaded areas that are open? Is that the
48 question?

49
50 MR. NANENG: Yes.

1 MR. ROSENBERG: I'd have to think about that.
2 I don't know specifically. Obviously there's small
3 road systems in a lot of places where it's open. I
4 think at that time back in 2004 when that discussion
5 was going on I think there were questions and I want to
6 say it was Nome maybe that came up as to how it would
7 apply in Nome. I can't give you anything useful as to
8 how that conversation proceeded.

9
10 CHAIRMAN ALCORN: A question from Molly.

11
12 MS. CHYTHLOOK: Yeah, within that roaded
13 system is that area within the city limits because city
14 limits also have regulations as to using firearms.

15
16 MR. ROWLAND: I'm not an expert on it, but
17 there's the city and the borough and then there's
18 Native corporation lands, but the city's parcel is
19 quite small compared to the area of where the
20 boundaries are. There's a considerable amount of
21 Kodiak Island Borough property that runs -- if you look
22 just beyond the ferry dock is where the city property
23 stops and then it heads out all the borough. So this
24 is not about the city's area. This is about the -- the
25 road system runs all the way out to the Chiniak and
26 there's barely anybody there.

27
28 MS. CHYTHLOOK: Yeah, I guess I wasn't sure
29 exactly what roaded areas you were talking about.
30 There's got to be a road that leaves from A to B. My
31 question was how much of that is -- I guess if you have
32 a map, I looked at your map here, but it's just in
33 circles and there was no -- I guess I could understand
34 that portion of the proposal. Knowing some of the
35 places, even the borough, has gun regulations within
36 their limits. I guess that's the question I had.
37 Thanks.

38
39 CHAIRMAN ALCORN: I'm going to ask if -- we
40 have to be out of here in five minutes. So I'm ready
41 to call the question. Actually, it's going to be a
42 roll call vote. Rick, I'm going to give you the last
43 word if you want to make one last statement.

44
45 MR. ROWLAND: Yeah, there's a portion of the
46 city limits that doesn't extend down to a portion in
47 Mission Bay. The city limits is a rectangle and then
48 those road systems run all over. You could shoot the
49 birds in the city, but just over the bounds and be
50 legal if that word wasn't there. So it's kind of

1 confusing.

2

3 CHAIRMAN ALCORN: Does anyone oppose me
4 calling for a roll call vote on this proposal given all
5 the dialogue we've had.

6

7 (No comments)

8

9 CHAIRMAN ALCORN: I m going to ask the
10 Executive Director to do a roll call vote.

11

12 MS. LEONETTI: Native Caucus.

13

14 MR. NANENG: Mr. Chairman. I'd have to vote
15 no because of the fact that currently we're dealing
16 with -- even though I support the concept, the issue
17 being that tribes -- you know, if we can find a way to
18 limit it to the tribal members, I'd be in full support
19 of it under the current rules and regulations. If we
20 could change the current rules and regulations, I'd be
21 in full support. We need to find a way to get that
22 done. Do you understand what I'm saying?

23

24 Right now there's no tribal -- under the
25 Migratory Bird Treaty it's inclusive of everyone. If
26 we can find a way to get that tribal, like we do with
27 the Duck Stamp issue, we're trying to get tribal
28 exemption -- or Native exemption. If we can find a way
29 to get it to a Native only hunt I think that might be a
30 better way to do it at some point in the future once we
31 find a way. I support being able to hunt as long as
32 there s no conservation concerns.

33

34 MS. LEONETTI: State of Alaska.

35

36 MR. ROSENBERG: State of Alaska would vote
37 no. We oppose the proposal.

38

39 MS. LEONETTI: U.S. Fish and Wildlife
40 Service.

41

42 CHAIRMAN ALCORN: U.S. Fish and Wildlife
43 Service also votes no.

44

45 MS. LEONETTI: The motion fails.

46

47 CHAIRMAN ALCORN: Thank you for your
48 discussion and thank you for your patience for today.
49 We are going to recess until tomorrow at 9:00 a.m. and
50 we'll pick up on the last proposal that we have on our

1 docket.

2

3 MS. LEONETTI: Please take your materials
4 with you.

5

6 (Off record)

7

8 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/2014