

1 ALASKA MIGRATORY BIRD
2
3 CO-MANAGEMENT COUNCIL
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6
7 VOLUME II
8
9 Department of Interior
10 Learning Center
11 Anchorage, Alaska
12
13 April 2, 2004
14 8:30 a.m.
15
16 Members Present:
17
18 Herman Squartsoff, Chairman
19 Matt Robus, Vice Chair
20
21 Attamuk
22 Doug Alcorn
23 Tim Andrew
24 Peter Divine
25 Taqulik Hepa
26 Joeneal Hicks
27 Gordon Jackson
28 Hans Nicholson
29 Patty Brown-Schwalenberg
30 Mike Smith
31
32 Executive Director, Fred Armstrong

1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 4/2/2004)

4
5 CHAIRMAN SQUARTSOFF: I'd like to call this
6 meeting back to order, please, at 9:07. And we're going to
7 start here with Bill Ostrand on his report that we tabled
8 yesterday. So go ahead, Bill.

9
10 MR. OSTRAND: Well, let me pass out my -- a
11 written version of my report.

12
13 CHAIRMAN SQUARTSOFF: Okay. I thought you
14 said you were ready, Bill.

15
16 MR. OSTRAND: Well, that's part of my
17 report.

18
19 CHAIRMAN SQUARTSOFF: Okay. Just messing
20 with you. Thank you, Sue.

21
22 MR. OSTRAND: Okay. What you have here is
23 all of the dialogue that has pertained to the matter of
24 inviting family members back to villages for hunting, and
25 it's gone on for years, and it occupied a great deal of the
26 Council's time up until the time the Council passed an
27 action on it, and generally we consider the Staff -- when
28 we determine what the direction that the Council has given
29 us, we look to the actions, and not the dialogue. So the
30 action on inviting guests to villages is given on the -- in
31 the last few pages. And, let's see, the pages aren't
32 numbered, and I apologize for that, but it's about four
33 pages from the back, and it's a heading From October 16th,
34 2002. Mr. Anderson made this motion: Mr. Chair, I make a
35 motion that we refer the invitation and possession permits
36 document to the Regional Councils for review and comments.

37
38 The motion was seconded and passed.

39
40 So the document that Ralph was referring to
41 is a letter from the Solicitor, and that's in your black
42 book, if you want to take a look, behind Tab Number 14.

43
44 CHAIRMAN SQUARTSOFF: Tab what?

45
46 MR. OSTRAND: Tab Number 14 in the black
47 book. The book of references. And in the letter Laurie
48 Adams lays out that villages cannot waive the requirement
49 for a permit if they wish to invite family members to the
50 village to participate in the hunt. However, there's a

1 great deal of latitude in how a permit system may be
2 structured, and she describes a method wherein a village
3 could simply compile a list. And then she also goes on and
4 says that the village should report whatever it's done back
5 to the AMBCC. And I just wish to point out that we've
6 heard nothing from any villages so far, so I'd assume that
7 no villages have taken action on this. And that is my
8 report.

9
10 CHAIRMAN SQUARTSOFF: Thank you, Bill.
11 Anybody have any.....

12
13 MR. ALCORN: Mr. Chairman.

14
15 CHAIRMAN SQUARTSOFF: Yes, Doug.

16
17 MR. ALCORN: Thank you, Mr. Chairman. The
18 reason that I raised this question last October and asked
19 for discussion -- well, number 1, I was not aware that this
20 discussion had occurred, and over the last six months have
21 read the discussion and find that it was delegated to the
22 regions to develop recommendations for managing how those
23 hunters -- how the information -- how the invitations would
24 be managed, and how that process would be managed.

25
26 And the reason why it's an issue is this.
27 If you'll open your black binders and go to Tab 9, it's the
28 procedural regulations that were published in August of
29 2002. If you'll turn to Page 53-518, and the right-hand
30 column, excuse me, if you'll drop down to item D on the
31 right-hand column of that page, I'll read it:
32 Participation by residents in excluded areas, in cases
33 where it is appropriate to assist indigenous inhabitants in
34 meeting their nutritional and other essential needs, or for
35 the teaching of cultural knowledge to or by their immediate
36 family members, residents of excluded areas may participate
37 in the customary spring and summer subsistence harvest in a
38 village's subsistence harvest area with the permission of
39 the village council. Eligibility for participation will be
40 developed and recommended by the Co-Management Council, and
41 adopted or amended by regulation published in Subpart D of
42 this part, which is the part that I just read.

43
44 So what this is saying to me is that we
45 have a job to do as a Council. We have to identify -- the
46 last sentence says we -- eligibility for participation will
47 be developed. And that's what we elected to allow the reg
48 -- the villages to do. But what we haven't done is
49 recommend it by this Council and adopt it, and then publish
50 it in this part. So we have no process for managing that

1 element of the hunt. And that's the point that I wanted to
2 raise.

3

4 We have -- that question has been raised by
5 our people in law enforcement, because they're the folks
6 that are the ones that are out in the field and have to
7 interpret these regulations. And the regulations are not
8 neces -- not definitive. And because of that, there's no
9 way that a law enforcement agent can determine without some
10 information, who is invited and who is not, and that poses
11 a difficulty for our agency. And that's the reason for me
12 bringing this to the attention of the Council.

13

14 CHAIRMAN SQUARTSOFF: Thank you, Doug.
15 This is all you found out, Bill, then in your research?
16 There was nothing later on that we did any action? You
17 couldn't find nothing like that?

18

19 MR. OSTRAND: No, that was the end of it.
20 After that motion was made, the discussion -- except for
21 Doug's bringing it up at the -- I think at the last
22 meeting, that was it. As you recall, it was brought up,
23 and I volunteered to put together this report at that time,
24 and that was -- that's all that's happened since the
25 Anderson motion.

26

27 CHAIRMAN SQUARTSOFF: All right. Okay,
28 Bill, because I thought, referring back myself to the
29 meetings, that I thought we did something, but evidently
30 you can't find anything. I thought we decided at the
31 Council that's the way it was going to be with the way it's
32 read here in the regulations. But I guess if we didn't do
33 it, we didn't do it, so thank you.

34

35 Yes, Doug.

36

37 MR. ALCORN: Mr. Chairman, I would -- based
38 on that report, and based on the fact that we've not done
39 that, I would move that we form a committee to look into
40 this and report back at the fall meeting, and in the
41 meantime, between now and then, each of the regional
42 council, regional management bodies will take this into
43 consideration in the course of their meetings, and come
44 back with recommendations in the fall for how they propose
45 to manage this process so that we can begin to move forward
46 on this.

47

48 CHAIRMAN SQUARTSOFF: Doug, that sounds
49 like a good idea. Anybody want to get on this committee?
50 All right. We need a second. Sorry.

1 MR. ALCORN: It was a motion. I moved.
2
3 CHAIRMAN SQUARTSOFF: Okay. Sorry. I
4 misunderstood that, that it was a motion.
5
6 MR. NICHOLSON: I'll second it.
7
8 CHAIRMAN SQUARTSOFF: Seconded by Hans.
9 Any more discussion on it. Yes, Enoch.
10
11 ATTAMUK: Right, some of it -- let's just,
12 just as a recommendation, we should ask the people after
13 we're done, ask who all work on this idea already for, you
14 know, inviting hunt -- for different IRAs or corporation
15 lands or regions. Like yesterday we talked about this at
16 the Park Service meeting, and it's -- we already have it in
17 place where they're recommended through the IRA that we --
18 a native residency of 30 days, and outside is one year
19 residency.
20
21 But I'll tell you one thing, most natives
22 when they're new in a region won't go out and hunt until
23 they learn the territory. They learn the territory,
24 because it's in our culture to protect our lives, because
25 we don't know how dangerous it is out there.
26
27 CHAIRMAN SQUARTSOFF: All right. Thank
28 you, Enoch. Anybody else have any more discussion about
29 the.....
30
31 MR. NANENG: Mr. Chairman.
32
33 CHAIRMAN SQUARTSOFF: Sorry. Myron.
34
35 MR. NANENG: I know that there -- this
36 proposed regulation has to be -- really be reviewed by the
37 Co-Management Council before it becomes final as a
38 regulation, and I know that we're trying to look at the
39 eligibility and the process of inviting people to the
40 villages. You know, the -- I've seen over the years that
41 the best way to work through some of these processes is to
42 work directly with the villages. And if we jump the gun
43 right now to say, okay, this is the way it's going to be,
44 you're going to find more resistance out there than you
45 ever think you're ever going to have. You're not going to
46 get cooperation. You're not going to get a list. Nobody's
47 going to inform me of who was invited to hunt at their
48 village.
49
50 And there's other things that I know that

1 have been brought up regarding this regulation, or this
2 proposal. Our people that are being invited, are they only
3 going to be there to assist their families, or are they
4 also going to be out there for nutritional purposes. You
5 start adding so much junk, excuse my terminology, so much
6 junk to place restrictions for a hunt that has been in
7 existence for centuries. You're trying to find rules and
8 regulations at every corner to make it restrictive. And
9 the only reason why we added this is that we knew that
10 there are family members in villages who may not be living
11 in the community that -- back then when the protocol
12 amendment was negotiated. We had to keep them in mind.
13 Why are we trying to find every means and ways to restrict
14 our people from their customary and traditional use of the
15 resource? If they had not been managing the resource, we
16 all wouldn't be sitting here talking about this. It
17 already would have been gone. But because they know that
18 it's for their livelihood from centuries past, we're -- we
19 seem like we're trying to nitpick our way to find ways to
20 make it most miserable for a person that has customary and
21 traditional use of the resource, the migratory bird.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN SQUARTSOFF: Thank you, Myron.
26 You made a very good point there. Doug, one second before.
27 Maybe instead of forming a committee then, maybe we can
28 just try to bring this back to the regions. Kind of -- is
29 that what you're kind of asking, Myron?

30

31 MR. NANENG: Yes.

32

33 CHAIRMAN SQUARTSOFF: All right. And bring
34 it back to the region and then work on it from here. Yes,
35 Doug.

36

37 MR. ALCORN: Thank you, Mr. Chairman, the
38 -- I apologize for the wordy motion, but the motion was to
39 establish a committee to look into this, and to pursue
40 this, because we have been negligent in fulfilling what we
41 said we would fulfill, and doing what we said we would do.
42 But I also said that in the making of that motion, that we
43 would ask the regional representatives to work with their
44 villages and determine what processes would work best for
45 them, and report that back in the fall. I was not
46 suggesting that we dictate to the villages how they do
47 that, but to ask the villages how best -- how they intended
48 to do that. That was part of the motion.

49

50 CHAIRMAN SQUARTSOFF: Thank you, Doug.

1 Does that make more sense to you, Myron?

2

3 MR. NANENG: I think that it would be best
4 for the villages to talk about this and look at the process
5 and let them also make the suggestion of what might work,
6 because if we try and impose it upon them, the way we
7 figure it, it's not going to work.

8

9 CHAIRMAN SQUARTSOFF: All right. Enoch,
10 and then Matt.

11

12 ATTAMUK: Yeah, just for your information,
13 Doug, Alaska here, we're 180 years behind regulations.
14 Give us a chance to get used to what you're trying to
15 impose on us, regulations and permits and stuff like that.
16 We are still behind, because culturally we're so used to
17 doing what I want. We're working that in my region. We're
18 all different. Each region. That's why I said -- that's
19 why I recommended that each region should be asked what is
20 happening so far.

21

22 We are working on this in my region for one
23 thing. I will give you a couple examples. When the
24 caribou crash, we hit limits, how many we could live on,
25 caribou per year. We learned to live with that, because
26 it's our starvation, because we know that the animals have
27 to come back. We did the same thing with the sheep. Now
28 they're coming back. I tell you that. Within seven years
29 we're able to hunt sheep again. But it came in from the
30 villages. They voluntarily say we will not hunt certain
31 animals until they come back, because we've still got ties
32 to starvation.

33

34 But I'll tell you right now, we're 180
35 years behind regulations, since they first started the park
36 lands.

37

38 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
39 Matt.

40

41 MR. ROBUS: Thank you, Mr. Chairman. If I
42 get what's going on here, we've already had one instance
43 where the regions were asked to consider a way to set up
44 the process by which invited hunters could come to the
45 villages. And I think, if I interpret what Doug has
46 proposed correctly, having a committee would -- you know,
47 nothing came back from that first try, which was referenced
48 in what Bill showed us. I think having a committee help
49 make sure everybody is informed, and helps ensure that
50 something is brought back to the Council for action, it's

1 going to help us get to an answer on the procedure to be
2 used here, rather than dictate anything or hold anything
3 up.

4
5 So I see it as a constructive proposal, and
6 I intend to vote for it.

7
8 CHAIRMAN SQUARTSOFF: Thank you, Matt. So
9 the way I understand your motion then, Doug, is you want to
10 form a committee and from there they can refer back to the
11 regions to have them work on this and then bring it back
12 into that committee then, or am I.....

13
14 MR. ALCORN: Mr. Chair.

15
16 CHAIRMAN SQUARTSOFF: Yes, Doug.

17
18 MR. ALCORN: Yeah, the way I envision the
19 committee working is as Matt described it. I believe that
20 there needs to be some responsibility accorded to a group
21 of individuals that will help facilitate the communication
22 and the work that needs to be done. I think that we had
23 good intentions when the discussion was made, and to get
24 that information back, but there's been no follow up. And
25 that's simply what I'm doing is reminding the Council that
26 we have unfinished business, and that a committee is one
27 way to accomplish that, to ensure that that gets done.

28
29 There's another element to that, and that
30 is that the committee then would also work with the Staff,
31 and the Staff could conduct a survey of the representatives
32 to find out what information they've gathered, put that
33 together so that the committee has some information to work
34 from.

35
36 CHAIRMAN SQUARTSOFF: Thank you, Doug.
37 Anyone else have anything on it? Yes, Tom.

38
39 MR. ROTHE: Mr. Chairman, as a -- from a
40 Staff perspective, I think it might be helpful if Council
41 members and maybe the Staff start out with maybe a list of
42 key questions to pose to the regions, I guess the key
43 things we'd like the regions to address. I think that
44 might help kind of focus things to the major points that I
45 guess came out of the Solicitor's advice and Bill's work
46 here.

47
48 CHAIRMAN SQUARTSOFF: Thank you, Tom.

49
50 MR. NANENG: Mr. Chairman.

1 CHAIRMAN SQUARTSOFF: I'd suggest.....
2
3 MR. NANENG: Mr. Chairman, just a quick
4 question.
5
6 CHAIRMAN SQUARTSOFF: Yes, Myron.
7
8 MR. NANENG: Has the Solicitor gone out
9 hunting? The reason why I ask that is, you know, here
10 we're relying on the Solicitor to set rules for us, or put
11 them in written form, when in actuality the people are
12 practicing it down in the villages already, and, you know,
13 life is made a little bit difficult as a result of
14 attorneys, but, you know, they're good for some purposes,
15 but when it directly impacts the life of people that is
16 living off the land, and doing what they've done for
17 centuries, it gets a little frustrating. So I just want to
18 make that joint.
19
20 CHAIRMAN SQUARTSOFF: Thank you, Myron.
21 Anyone else on the Council, how do you all feel?
22
23 (No comments)
24
25 CHAIRMAN SQUARTSOFF: No one else? Hans.
26
27 MR. NICHOLSON: Excuse me. Thank you, Mr.
28 Chairman. I agree with Myron. I think ultimately those
29 recommendations should come from the regional bodies, you
30 know, after they meet with the general population out
31 there. We've been forced to accept regulation, you know,
32 it's unfortunate, but it's a fact. And with the formation
33 of regulation, of course, we want to structure those
34 regulations that would benefit us especially as subsistence
35 user. Also, I think it's real important that this be --
36 those recommendations come from the local bodies that would
37 be effected, so -- you know, the idea of forming a
38 committee from this Council is good, but I think the charge
39 from the committee is to go to each of the regional
40 councils and get those opinions.
41
42 I think it's real important.
43
44 CHAIRMAN SQUARTSOFF: Yes, Mike.
45
46 MR. SMITH: Thank you, Mr. Chairman. I
47 guess I would -- you know, I mean, you know, apparently we
48 are compelled to address this issue, and the one thing that
49 immediately sticks out to me is that, you know, we keep
50 referring to the regional bodies, but I can't rely upon my

1 regional bodies. I have to go to 42 individual tribal
2 councils and talk to them about what their criteria is to
3 allow their individuals to come back to their community.
4 And it's not just a regional body decision. It's -- in my
5 region it's 42 individual tribal councils, because I can't
6 impose anything on them that -- you know, their membership
7 requirements are individual to each individual tribal
8 council, and I can't -- you know, I can't -- so in my
9 situation, I'm going to have to go to 42 individual
10 villages.

11
12 CHAIRMAN SQUARTSOFF: Yeah, thank you,
13 Mike. Well, that's kind of the intent of going down to the
14 regional stuff, you know, getting out to the village and
15 everything. I know it's tough for you, you know, with that
16 many you have, but you know, if you could try what you can
17 -- you know, your best on it, to get the input from the
18 most of them or something would be a big help.

19
20 MR. SMITH: Yeah, Mr. Chairman. No, I
21 agree, and -- but I just don't -- you know, I just don't
22 want us to go off under the assumption that the regional
23 bodies are going to have the say on this, because they're
24 not. And I may end -- you know, I mean, I'm going to end
25 up possibly -- I mean, you know, it's not likely, but I
26 mean certainly I'm going to have different criteria from
27 different village councils as to who their membership is
28 going to be and who is going to be eligible to return to
29 those communities. And that's going to entail quite a bit
30 of work, and, you know -- so, I mean, I guess -- you know,
31 I just throw that out there, because it's not going to be
32 as simple as it seems.

33
34 CHAIRMAN SQUARTSOFF: Right. That's --
35 thank you, Mike. I don't see it coming from the regional
36 bodies itself as the one having the say-so. It's the
37 people in the villages that are incorporated in the
38 regional bodies that will have the -- so I do kind of
39 follow what Myron and them are saying, and Matt and I think
40 maybe we should form this committee to have, you know, them
41 to work off and get the people going on it.

42
43 Yes, Mike.

44
45 MR. SMITH: Yeah, Mr. Chairman, and then
46 I.....

47
48 CHAIRMAN SQUARTSOFF: Then we can move on
49 here.
50

1 MR. SMITH: Yes. And then I would also --
2 if we could get some clarification as to the Senate
3 language versus the regulation language, and, you know, now
4 that works or does not work.

5
6 CHAIRMAN SQUARTSOFF: Yeah. Thank you,
7 Mike. Yes, Doug. Doug, before you start, could we not
8 have any cell phones, please, to -- for interruptions, and,
9 guys, turn your cell phones off.

10
11 Thank you.

12
13 Yes, Doug.

14
15 MR. ALCORN: Thank you, Mr. Chairman. I
16 think that's probably a smart thing, Mike, to ask our
17 Solicitor, but we've been cautioned by other members of the
18 Council to use -- I'll take some liberty with what Myron
19 said, to use our Solicitor sparingly. But the Fish and
20 Wildlife Service depends on our legal counsel when there
21 are matters of legality, and this is a matter of legality
22 for this reason, and I mentioned it earlier, that our
23 season starts today, and under the regulations that we have
24 in place today, our law enforcement officers that work for
25 the Fish and Wildlife Service that are responsible for
26 enforcing these regulations, have to be able to determine
27 who is legal and who is not legally hunting in those areas.
28 And right now I'm understanding from my colleague that
29 manages the Law Enforcement Division of the Fish and
30 Wildlife Service, that that -- there's no way that they can
31 tell at this point. So the Service has asked the Solicitor
32 in the form of a letter about the legality of inviting
33 hunters with or without a management process in place. We
34 have already asked that question, and it came from the
35 Division of -- it was generated from the Division of Law
36 Enforcement, but it is actually a letter that my Regional
37 Director has signed. So my Regional Director is asking our
38 legal counsel what the answer is on that. Depending on the
39 answer, the answer could be it is illegal until there is a
40 management system in place, or it is legal and a management
41 system is needed. But nevertheless, whatever the answer
42 is, our regulations stated that we would publish it, and we
43 haven't, and that's the point that I'm trying to make here.
44 We've left something undone.

45
46 CHAIRMAN SQUARTSOFF: Thank you, Doug.
47 Yes, Myron, and then Mike, and then hopefully we can kind
48 of move on with this and.....

49
50 MR. NANENG: Thank you, Mr. Chairman. I

1 just want to make one comment, you know, with all the years
2 that we've been working with geese on the Y-K Delta, the
3 only thing that really made it happen is the conservation
4 concern. And that's when people start working together for
5 the conservation of the geese. We didn't have any
6 questions of who was eligible or who was not eligible.

7

8 CHAIRMAN SQUARTSOFF: Right.

9

10 MR. NANENG: The conservation concern was
11 the major issue that we dealt with, and we involved all the
12 villages and educated all the hunters as we could in terms
13 of letting them know that we had a conservation concern.
14 So if there's no conservation concern, what problem does
15 Fish and Wildlife Enforcement officers have in saying who
16 is eligible and who is not eligible to hunt. And so I
17 think that question should be asked of the solicitor as
18 well.

19

20 Thank you.

21

22 CHAIRMAN SQUARTSOFF: Thank you, Myron.

23 Mike.

24

25 MR. SMITH: Thank you, Mr. Chairman. Yeah,
26 Doug, I would appreciate copies of that letter and opinion.
27 I mean, I think that should have been presented to us
28 already. A lot of things are pushed by enforcement in this
29 state and that causes subsistence users a lot of concern,
30 and certainly, you know, I mean, I can point to a number of
31 situations, potlatch moose, for example. But -- so I mean,
32 I guess, it would be nice to have those opinions in front
33 of us, and at least be aware that you guys are seeking
34 these things.

35

36 CHAIRMAN SQUARTSOFF: Yes, Mike. One
37 minute, Bill, before I get to Bill. You know, if we do
38 form this committee, all this stuff we're talking about
39 right now can go on with it and the committee can discuss
40 this and kick it out to the regions, save us some time
41 here. So, go ahead, Bill.

42

43 MR. OSTRAND: In lieu of what you just
44 said, Herman, perhaps what I have to say isn't relevant,
45 but some of the questions that just arisen were -- have
46 been addressed by the Solicitor. In her opinion she does
47 say who she thinks is eligible based on the treaty to come
48 back to the villages to hunt.

49

50 MR. SMITH: What does it say?

1 MR. OSTRAND: It's on Page 4. Actually it
2 starts on Page 3.
3
4 MR. SMITH: Where?
5
6 MR. OSTRAND: At the very bottom, the last
7 paragraph.
8
9 CHAIRMAN SQUARTSOFF: What book?
10
11 MR. OSTRAND: Remember, this is in Tab 14
12 of the black book.
13
14 MR. SMITH: Thank you.
15
16 MR. OSTRAND: It says, the only constraint
17 imposed by the protocol in the Senate's ratification
18 document is that the permanent -- the permission and
19 permits may be extended only to immediate family members,
20 i.e., parents, grandparents, children, and/or siblings of
21 permanent residents of the village. As long as that
22 constraint is met, the specifics of how to grant the
23 permission and permits are left to the Co-Management
24 Council and the village councils in the harvest areas to be
25 -- to determine.
26
27 CHAIRMAN SQUARTSOFF: Which one was that
28 now, Bill?
29
30 MR. OSTRAND: It's the.....
31
32 CHAIRMAN SQUARTSOFF: On page what, three?
33
34 MR. OSTRAND: Yes, it starts on Page 3 and
35 runs onto four. It's the last few lines of Page 3.
36
37 CHAIRMAN SQUARTSOFF: Okay.
38
39 MR. NANENG: Mr. Chairman, can I ask a
40 quick question?
41
42 CHAIRMAN SQUARTSOFF: Yes, Myron.
43
44 MR. NANENG: Yeah. We're talking about the
45 invitation of native hunters back to the villages by the
46 traditional councils. And we have a dilemma here. The way
47 that the protocol amendment was written is that it's all
48 inclusive of all rural residents, so is the non-native
49 community going to form a traditional council to invite
50 their membership, too?

1 MR. SMITH: That's going to be my next
2 question.
3
4 MR. NANENG: And, you know, that's -- are
5 we going to have regulations also to restrict them from
6 being able to do some of this, or is this only going to be
7 the native people that are going to be invited by the
8 tribal councils of the villages?
9
10 CHAIRMAN SQUARTSOFF: Thank you, Myron.
11 Matt.
12
13 MR. ROBUS: Thank you, Mr. Chairman. You
14 know, this discussion is beginning to show me why a
15 committee makes a lot of sense. I mean, we're into
16 something that's somewhat complicated. There's been
17 different things at different times, different documents
18 say different things. I think it would be wise, instead of
19 trying to do committee work as a committee of the
20 whole.....
21
22 CHAIRMAN SQUARTSOFF: Right.
23
24 MR. ROBUS:we appoint the committee
25 of people who are interested and can represent the various
26 interests, they come back and make a decent report to this
27 Council, and we -- I mean, the whole point here is to try
28 to agree on a procedure to allow this to go forward without
29 anybody who's invited getting into trouble, and so let's
30 work on defining how that's going to work, so that we can
31 take some sort of definitive action, and I think a
32 committee's a lot more efficient way to do a good job of
33 that than trying to do it here, Mr. Chairman.
34
35 CHAIRMAN SQUARTSOFF: Yeah. Thank you,
36 Matt. I'm glad you said that, so I won't have to repeat
37 myself again. I think we should move on with this, and
38 then make a decision here on this motion and have a
39 question called for and go with the way it is.
40
41 MR. ROBUS: Question.
42
43 CHAIRMAN SQUARTSOFF: The question has been
44 called for. All those in favor of this motion to form a
45 committee to where you can go back to your regions with
46 this type of information with your people and everything,
47 and then come back and -- I think it is to come back with
48 the Council at our next meeting to see what has come about
49 of it, all of those in favor.
50

1 IN UNISON: Aye.
2
3 CHAIRMAN SQUARTSOFF: Those opposed?
4
5 (No opposing votes)
6
7 CHAIRMAN SQUARTSOFF: Good. Motion passed.
8 Thank you. And now we can move on with our business.
9 Pardon? Oh, wait, we need to pick committee members,
10 sorry.
11
12 Yes, Matt.
13
14 MR. ROBUS: Mr. Chair, I was just going to
15 suggest for the State I would like the chance to confer
16 with Staff, and I can recommend membership by the end of
17 this meeting I believe.
18
19 CHAIRMAN SQUARTSOFF: Thank you. So maybe
20 we should just hold off then until towards the end to form
21 this committee, or -- is that you're kind of suggesting,
22 too?
23
24 MR. ROBUS: That would work for me, Mr.
25 Chair.
26
27 CHAIRMAN SQUARTSOFF: Okay. I think that
28 would work for us, too, wouldn't it? Okay. Thanks. We'll
29 do that. Right before we adjourn then let's form this
30 committee. Thank you.
31
32 Thank you for that five-minute report,
33 Bill.
34
35 MR. SMITH: It'll be quick, huh, Bill?
36
37 CHAIRMAN SQUARTSOFF: The next item that's
38 on our agenda, we're going to go ahead and start with I
39 believe if I could flip to it here real quick, will be --
40 we'll be back to continued action on our proposed
41 regulations where we dropped off yesterday, and we're going
42 to start working on them here this morning and Tab 5 would
43 be the first one, is that what you're referring to? Yeah,
44 we thought Fred wanted to take a five-minute break, but he
45 said Tab 5.
46
47 The first proposal, I think I'm going to
48 have the vice chair go ahead and I believe introduce them
49 here, so -- thank you.
50

1 (Whispered conversation)
2
3 CHAIRMAN SQUARTSOFF: Right. We have to
4 move -- yeah, we're going to move -- make a motion to move
5 them, and then I'll do the introduction with the person
6 that's on it. Thank you.
7
8 Matt.
9
10 MR. ROBUS: Thank you, Mr. Chairman. I
11 move that the Council adopt the first proposal in the
12 package which is under Tab 5. It's a proposal by the
13 Association of Village Council Presidents that proposes
14 that the subsistence regulations, it's 50 CFR Section 92.3,
15 be amended to better clarify that State hunting licenses
16 and a potentially indeterminent range of other regulatory
17 requirements do not apply to the customary and traditional
18 spring and summer subsistence harvest of migratory birds.
19
20 CHAIRMAN SQUARTSOFF: Thank you, Matt. Now
21 I'd like to introduce.....
22
23 MR. ROBUS: We need a second.
24
25 CHAIRMAN SQUARTSOFF: Oops, sorry. We need
26 a second. I'm getting ahead of myself.
27
28 MR. SMITH: I'll second, Mr. Chair.
29
30 CHAIRMAN SQUARTSOFF: Thank you, Mike. Now
31 I'd like to introduce Myron, the one that proposed this
32 proposal here.
33
34 Thank you.
35
36 MR. NANENG: Thank you, Mr. Chairman. We
37 were thinking about a lot of people in the villages who may
38 not be -- who may not have enough money to buy any hunting
39 licenses to go hunting during the springtime, and many of
40 our people through the years have never had hunting
41 licenses nor duck stamps in order to hunt migratory birds
42 during springtime. And, you know, it's -- the hunts are
43 very seasonal. They run through maybe half the month of
44 May in some areas, or in some instances they run like 15-
45 day hunts at a maximum. This is going to cause a financial
46 burden on many of our people at the village level. So we
47 are not in support of state or duck stamp licensing
48 requirements, because it's going to impact our people and
49 most of our people in the villages do not have to buy --
50 for that extra money to buy the licenses, otherwise -- that

1 they otherwise would have been able to use for their
2 purchase of whatever they need to go subsistence or
3 customary and traditional migratory bird hunting.

4
5 CHAIRMAN SQUARTSOFF: Is that it, Myron?
6

7 MR. NANENG: Yes.
8

9 CHAIRMAN SQUARTSOFF: Thank you. The next
10 procedure then will be the analysis from the Alaska
11 Department of Fish and Game Staff. And that would be I
12 believe Tom.

13
14 MR. ROTHE: Thank you. Mr. Chairman,
15 there's a couple of proposals here where I want to clarify
16 that my role here is to provide technical advice, but in
17 these cases there are some legal issues involved with
18 these, so I'm not a lawyer, I don't represent the State's
19 Department of Law, but I agree that the less we can involve
20 lawyers, that might be better. Having said that, I'll
21 provide just a couple comments on these based on
22 discussions I did have with Department of Law, and some
23 other discussions we've had.

24
25 Just two -- there's two major parts to
26 this. I think there's a problem with the first part
27 showing the amended language in Section (C). As the
28 description says, this applies to a potentially
29 indeterminate range of other regulatory requirements, and
30 unless I'm wrong, that suggests that any aspects of these
31 regulations that might be questioned as far as whether it's
32 traditional would be kind of thrown open, so it's a wide-
33 open-ended thing that it is very difficult for us to
34 interpret.

35
36 The second part, clearly the intent is to
37 eliminate the requirement for state licenses. I guess
38 there's a couple of issues here. One is, and again I don't
39 want to kind of speak for Matt, because I'm sure he'll have
40 an opinion on this, too, from the State's perspective there
41 is a conservation reason to have State licenses, to
42 identify hunters at least. The State license system is
43 flexible and not onerous as far as economic cost to the
44 individuals, because we have a low income license
45 provision, and those people are exempt from buying a State
46 duck stamp.

47
48 More importantly, this implies a federal
49 preemption of a State licensing requirement that goes way
50 beyond Alaska. It's a precedent where the Federal

1 Government would say to any state, you know, under certain
2 circumstances, we can do away with your requirements. And
3 in that case it's a much more important and weighty issue
4 than just waiving it for this hunt. So.....

5
6 Other than that, I would say that this is
7 an issue more for legal experts to wrestle with in the
8 particulars than I, but at least that's a couple
9 considerations I think you should look at. First of all,
10 the kind of open-ended implication in part one, and second
11 that we haven't seen any real compelling argument why a
12 State license is a serious problem for this hunt.

13
14 CHAIRMAN SQUARTSOFF: Thank you, Tom. I
15 guess then the next one would be the U.S. Fish and Wildlife
16 Service, and I believe that's Bob.

17
18 MR. LEEDY: Bob Leedy, migratory bird
19 management. Generally when we make any presentation to
20 this Council, when I make any presentation to this Council,
21 it is based on biology. And this is a question of legal
22 and policy applications. We all heard the other day our
23 Regional Solicitor present her views on this proposal, and
24 I'll just paraphrase that in a nutshell. She thought it
25 was highly unlikely that the Federal Government would be in
26 a position to favor no State licenses. Put in a more
27 positive fashion, she thought it would be very difficult at
28 best for us to favor a proposal that would not require
29 State licenses.

30
31 The primary purposes for State licenses or
32 any licenses are to identify illegal users, to use as a
33 mechanism to obtain information and data on the hunt, and
34 to provide funds for conservation, and, you know, I believe
35 it was the Solicitor's view that the State licenses
36 achieved some portion of all these things.

37
38 And beyond that, I'll leave any further
39 commentary on legalities and policies up to our
40 representative, Mr. Alcorn.

41
42 CHAIRMAN SQUARTSOFF: Thank you, Bob. the
43 next one would be the Technical Committee, and that's Tom
44 or this? Or Tim? Tim, okay. Sorry. Tim.

45
46 MR. ANDREW: Excuse me, Mr. Chair, you
47 caught me with my mouth full of pastry.

48
49 The Technical Committee did not take up
50 this proposal, because of its technical nature, and

1 deferred to the opinions of the Solicitor, Mr. Chair.

2

3 CHAIRMAN SQUARTSOFF: Thank you. Okay.
4 Mike.

5

6 MR. SMITH: Thank you, Mr. Chairman. You
7 know, there are instances in current law where permits and
8 licenses aren't required.

9

10 CHAIRMAN SQUARTSOFF: Yeah. Mike, sorry,
11 we've got to follow the process here. Sorry. I didn't --
12 the next one will be public comments, and then it will be
13 ours, Mike. Are there any -- yes, Eric.

14

15 MR. JOHNSON: Good afternoon, Mr. Chair,
16 members of the Council. My name is Eric Johnson, tribal
17 rights attorney with AVCP. And AVCP stands by its
18 conclusion that hunting licenses are a needless intrusion
19 upon a customary and traditional hunt.

20

21 And I just want to mention that, you know,
22 under the Migratory Bird Treaty Act, it says that states
23 are free to have additional regulations so long as they're
24 consistent with the treaties and the Migratory Bird Treaty
25 Act and provide further protection for birds. Here we
26 don't believe that this is consistent with the customary
27 and traditional hunt.

28

29 Myron mentioned some of the cost concerns
30 that people have about people in the villages who can't
31 afford all these regulatory permits and licenses and
32 stamps. And I think there's an even more fundamental
33 concern as well, which is that this is a customary and
34 traditional community hunt, and by imposing all of these
35 requirements on individual hunters, on people in the
36 villages who go out to hunt in the spring or the summer,
37 what this does is this takes what's a customary and
38 traditional community hunt, and converts it into a system
39 of individual hunting entitlements. And we believe that's
40 fundamentally at odds with these customs and traditions in
41 the villages, and for that reason that it's preempted by
42 Federal Law.

43

44 I just want to add in conclusion that, you
45 know, I just want to stress that even if this proposal is
46 ultimately voted down, that the current regulations do not
47 make it clear that hunting licenses are required, and
48 certainly from our end at AVCP we would work closely, you
49 know, with anybody who's representing -- anybody who gets
50 charged for not having a hunting license during the spring

1 season. We believe that the way that the regulations are
2 currently structured, that it's a complete mishmash, and
3 that a good argument could be made that under the current
4 regulations that imposing a hunting license requirement
5 would be in excess of legal authority.

6
7 That's all I have to say, unless there's
8 any questions.

9
10 CHAIRMAN SQUARTSOFF: Thank you, Eric.
11 Next step would be the Council discussion. So it's open
12 to the Council to offer discussion on this. Yes, Mike.

13
14 MR. SMITH: Thank you, Mr. Chairman. In
15 the State law hunting licenses aren't required in a number
16 of federally-authorized hunts, and the -- you know,
17 conservation purposes and stuff like that, I mean, I think
18 are -- I don't know, I think they're just catch phrases and
19 not necessarily pertinent to this discussion.

20
21 I would agree with AVCP that this is not
22 part of a customary and traditional process, and certainly
23 I think that we could support this, send it on to the SRC,
24 and if the SRC finds that through their review of it, and
25 through their Solicitor's opinions and so on and so forth
26 that they cannot do this, then they can just simply send it
27 back to us, and we would have a much better understanding
28 of what the Department of Interior is thinking on this
29 issue. So I'm going to vote in favor of this thing, and I
30 think if it's flawed, then it will be kicked back to us by
31 the SRC with all the appropriate reasons for doing so.

32
33 CHAIRMAN SQUARTSOFF: Thank you, Mike.
34 Enoch and then Matt.

35
36 ATTAMUK: Yeah. To hunt birds, we're using
37 biology to prove that we hunt birds. In my region I use
38 biology and I can't find anywhere where we had to hunt bird
39 -- we need permit to hunt birds. We use biology to say,
40 for inclu -- and inclusion or in our region. We never did
41 have permits to hunt birds before.

42
43 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
44 Matt.

45
46 MR. ROBUS: Thank you, Mr. Chairman. As
47 the State's representative here, I need to say what's
48 perhaps obvious, and that is that I will vote against this
49 motion -- or -- yeah, the motion.

50

1 I think that there is a conservation
2 purpose to having a license. The State license system
3 includes all hunters of all types in certainly almost all
4 cases, and that it's important in the State today and in
5 the nation today for hunters to -- for us to be able to
6 document who hunters are, and how many hunters there are.
7 The Agency's ability to do wildlife conservation, of
8 course, is something that's also in my mind, but perhaps
9 more important, I don't want to see the licensing system
10 fragmented and hunters fragmented into different groups. I
11 don't think we can afford that in political ways, hunter
12 advocacy ways, and I believe that the State system is
13 flexible enough and achievable enough with the low income
14 license system that it is not out of reach for people in
15 general.

16
17 And I also think that the explicit
18 reference to requiring a license did not disappear from
19 these regs in a purposeful way. I think it was probably an
20 inadvertent regulatory change, and I believe that we should
21 work towards getting that back to be explicit, to help
22 answer the question that we're dealing with here. So I
23 will definitely vote against this, and the State will
24 repeat that position wherever we need to.

25
26 Thank you.

27
28 CHAIRMAN SQUARTSOFF: Thank you, Matt.
29 Myron.

30
31 MR. NANENG: Yeah, Mr. Chairman, I know
32 that the State of Alaska participated with us in many of
33 the discussions that we had regarding the conservation
34 concern for Arctic nesting geese. But throughout the years
35 that we worked with them, how much money did they really
36 put in towards the effort for the conservation of these
37 four species that we had to deal with in the Y-K Delta?
38 And it affected the rest of the State. More often than
39 not, the agency that we work more directly with to get
40 funding for the conservation purpose was Fish and Wildlife
41 Service.

42
43 And to require a hunting license of the
44 people that will not see a return on the benefit that they
45 pay for to get these hunting license, I will not support.
46 I am in support of this proposal, because our people at the
47 villages who are customary and traditional hunters need to
48 see the benefit of what they're paying for. If they're
49 paying for State hunting license or duck stamps, you know,
50 what benefit are they saying? And, you know, we've worked

1 with other states, like Washington, Oregon and California.
2 They were in full support, but we didn't have to pay
3 license to them. But they were willing to work with us.
4 So if our people are going to be required to pay for
5 licenses when there has not been any monetary support from
6 the State of Alaska, I -- you know, I have heartburn with
7 that. It's very difficult to support a State hunting
8 license when there is no definite benefit that our people
9 will see at the village level.

10

11 CHAIRMAN SQUARTSOFF: Thank you, Myron.

12 Matt.

13

14 MR. ROBUS: Thank you, Mr. Chair. A couple
15 of other additional issues. Myron brought up working with
16 hunters in the Lower 48, and that brings to mind my
17 membership on the Pacific Flyway Council. And I'm not here
18 to represent the Flyway Council, but as a State member of
19 that Council, I can say that I believe that this type of
20 thing would raise strong concerns amongst other states on
21 the Pacific Council, as well as other flyway councils, to
22 have -- as a system of states who joined together to help
23 manage migratory birds across the country, I think those
24 council members would be very, very concerned with seeing
25 the licensing system managed by a state discarded as a way
26 to document hunters involved with the hunting activity on
27 those very same bird populations.

28

29 The other point I'll bring up is -- that I
30 forgot to mention earlier, is that in Federal hunting in
31 the State where licenses are required, which is almost
32 everything that I can think about, it's a State hunting
33 license that's required, not something different. So I
34 believe that there's a good case for consistency in having
35 one whole system of licenses across the State, and that --
36 those facts bolster my opinion on this issue, too.

37

38 CHAIRMAN SQUARTSOFF: Thank you, Matt.

39 Mike.

40

41 MR. SMITH: Thank you, Mr. Chairman. You
42 know, we need to remember what we've done here with this
43 protocol, and what we were trying to authorize with this,
44 and that is to recognize that this customary and
45 traditional subsistence hunt has occurred for thousands of
46 years, and was made illegal, you know, many years ago, and
47 was ignored -- I mean, the -- you know, it was not applied
48 I guess to rural areas. And in that regard, you know,
49 that's where the -- that's the same thing that we did with
50 the Marine Mammal Protection Act. And the Marine Mammal

1 Protection Act does not require State hunting licenses or
2 anything of that nature. And I think that that -- you
3 know, that those two things are similar in nature, and
4 we're simply authorizing and recognizing the traditional
5 and customary uses of these resources. So I mean, I think
6 there is a precedent for not requiring State licenses, and
7 I think that it falls very much in the same line as what
8 we've done here with the Migratory Bird Treaty.

9

10 CHAIRMAN SQUARTSOFF: Thank you, Mike.
11 Taqulik.

12

13 MS. HEPA: Thank you, Mr. Chairman. I just
14 wanted to extend my support to Myron and to the other folks
15 who are in support of this proposal. And again, just as
16 Mike stated, the ultimate reason for us being a
17 participation -- or participating in this Council is to
18 legalize something that we've been doing for many, many
19 years. And with that, State hunting licenses, duck stamps
20 are not in our custom, you know, for us to do that, so I'm
21 not in support of this proposal.

22

23 Thank you.

24

25 CHAIRMAN SQUARTSOFF: Yeah, you're in
26 support. You're in support of it, yeah. Okay. Yes, Matt.

27

28 MS. HEPA: In support.

29

30 CHAIRMAN SQUARTSOFF: Thank you.

31

32 MR. ROBUS: Mr. Chair, in response to
33 Mike's statement, it's certainly true that marine mammals
34 are handled in a whole different way than most everything
35 else in the State, and while there may be similarities,
36 there are also some differences between the waterfowl
37 situation, or migratory bird situation, and marine mammals,
38 one of which is waterfowl are something that is -- it's a
39 resource that's also hunted by people other than Alaska
40 natives in the State and across the country, and outside
41 the country in other countries. So in the case of marine
42 mammals, you're talking about a very special case where
43 those animals have been removed by Federal law from the
44 reach of anyone except Alaska natives in the state, so.....

45

46 UNIDENTIFIED VOICE: That's what they did
47 here, too.

48

49 MR. ROBUS: Well, what I'm saying is that
50 waterfowl in particular are reachable by all other hunters

1 as well as subsistence hunters.

2

3 CHAIRMAN SQUARTSOFF: Thank you, Matt.
4 Enoch.

5

6 ATTAMUK: I will support this proposal. I
7 will support this proposal. My people, if they want to go
8 hunt birds, they've got to get State license and Federal
9 license. What we need to do is probably work on -- to make
10 these together somehow, because they can't afford \$40 per
11 person just to go get a bird. We know it will be cheaper
12 if we go out and buy a chicken, but it's our -- it's in our
13 system. We are in season people, when the season occurs,
14 whatever coming, we start craving for it. So it's right, I
15 just can't see why we should have, you know, these permits
16 at two different occasions for the State and the Federal
17 side, because I've got both lands in my region. And my
18 people are in food stamp. They can't afford to buy. The
19 average income for the natives, 3500 a year in some
20 villages.

21

22 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
23 Doug.

24

25 MR. ALCORN: Thank you, Mr. Chairman. I've
26 given this proposal a lot of thought and a lot of my
27 attention over the past four months, and counselled with a
28 number of folks within my agency and including my legal
29 counsel. And I guess I've concluded that there are three
30 things that State hunting licenses provide for.

31

32 The first thing that the State hunting
33 license provides for is identifying and enumerating the
34 hunters that participate. And that's valuable information
35 for management agencies and management entities such as
36 this Council.

37

38 They also carry with it an implicit
39 requirement or an implicit obligation to report harvest
40 when surveyed. I understand that that's one of the things
41 that we agree to as licensed hunters, to participate in
42 surveys when surveyed.

43

44 So there's a -- there -- those are two
45 elements that hunting licenses provide for that if we had
46 the -- if this motion were to carry, then we would have to
47 establish some system by this Council by which we could
48 collect that same information. Now, we do have a harvest
49 survey in place. So we do have arrangements for collecting
50 that information in one regard. The information regarding

1 identifying hunters and managing that information is
2 something that we just talked about in one component of
3 that, which was the identifying ways to identify and manage
4 those that are invited. So it's very clear to me that
5 that's information that's needed as managers. And this
6 proposal does not provide for that.

7
8 The third thing that licenses do, it
9 provides conservation dollars, and the conservation dollar
10 element of this proposal is of no particular concern of the
11 Service in that those are State revenue dollars. We
12 understand that those dollars are applied to conservation
13 purposes, but we would remain neutral on that particular
14 element of this proposal.

15
16 But we do feel as though that if this
17 proposal were to carry, that we would have to have some
18 management process in place to collect and use the
19 information on the other two elements that I just
20 described. So we as an Agency would support this proposal
21 in concept, but can't support the proposal as written
22 simply because we have nothing in place to provide the
23 information on the first element, which is to provide
24 information to identify hunters. So we -- I will not vote
25 to support the motion, unless the motion is amended to
26 provide that kind of information.

27
28 I would, however, suggest that this motion
29 be tabled and deferred, defer action until the September
30 meeting -- or the October meeting if the Council so chooses
31 so that we can establish a system whereby we could identify
32 hunters and collect that information. At that point, we
33 would support the motion -- or support the proposal.

34
35 CHAIRMAN SQUARTSOFF: Thank you, Myron --
36 or thank you, Doug. Myron, then Mike.

37
38 MR. NANENG: Yeah. Thank you, Mr.
39 Chairman. If the requirement for State hunting license is
40 passed, are we as customary and traditional migratory bird
41 hunters going to be subject to the Board of Game?

42
43 CHAIRMAN SQUARTSOFF: No.

44
45 MR. ROBUS: I didn't understand the
46 question.

47
48 CHAIRMAN SQUARTSOFF: Again, Myron.

49
50 MR. NANENG: Okay. If we are required as

1 customary and traditional subsistence migratory bird
2 harvesters, and we have to pay the State hunting license,
3 are we going to be subject to the Board of Game? I have --
4 I do not trust the State system on behalf of our people.
5 Look at what happened with the fishery issue. Look at what
6 they're now challenging on other customary and traditional
7 use of other resources. That is my biggest fear. Are we
8 going to allow the requirement for the State hunting
9 license to subject us to the State requirements. Does the
10 State -- have they already adopted and placed the
11 requirements to be participants under the Migratory Bird
12 Treaty Act? Have they on their lands? You know, these are
13 questions that I think will need to be answered before we
14 can support any system that would require our people
15 additional burden, additional financial burden. These are
16 things that we have to keep in mind as we work through
17 these things. Are we at some point in the future going to
18 subject ourselves for having legalized a customary and
19 traditional hunter in the springtime that we've being under
20 the Secretarial discretion, and now that it's legalized
21 they're going to try and find every way and means to
22 require us to be subject to State hunting regulations and
23 requirements. And that's the question that I have. Thank
24 you, Mr. Chairman.

25

26 CHAIRMAN SQUARTSOFF: Thank you, Myron.
27 Mike, I'm going to let Matt respond to that first. Okay.

28

29 MR. SMITH: Okay.

30

31 CHAIRMAN SQUARTSOFF: Thank you.

32

33 MR. ROBUS: Thank you, Mr. Chair. I guess
34 first of all I'll say that the State has been involved with
35 this process all the way through since treaty negotiations
36 and trying to work just as hard as anybody else here in
37 legalizing and legitimizing a hunt that's occurred for
38 many, many years. And I'm sorry to hear that there's a
39 lack of trust in the State system, and I won't comment any
40 further on that.

41

42 The Board of Game has not addressed the
43 spring and summer seasons. This to date is still -- well,
44 it is a Federal process under the treaty. I'm aware of the
45 tangled question of whether this hunt is going to occur on
46 State lands or not, and whether if it did, it would be
47 under State jurisdiction or Federal jurisdiction. Frankly
48 those questions are not all sorted out yet. That's not to
49 say that we don't foresee subsistence hunting occurring on
50 State lands somehow, but it all hasn't been sorted out

1 legally on how it's going to happen. The State regulations
2 cover hunts that begin September 1st, which subsistence
3 hunters can participate in also. But I think in as direct
4 an answer to your question as I can give, Myron, the Board
5 of Game has not taken up the spring/summer subsistence
6 huntings, and has not established any regulations specific
7 to that season. Mr. Chair.

8
9 CHAIRMAN SQUARTSOFF: Thank you, Matt.
10 Mike and then Fred. Or Fred and Mike.

11
12 MR. SMITH: Mr. Chairman, I was wondering
13 if we might just step down for a couple minutes so I might
14 discuss something with the maker of the proposal.

15
16 CHAIRMAN SQUARTSOFF: Are you asking for a
17 native caucus?

18
19 MR. SMITH: No.

20
21 CHAIRMAN SQUARTSOFF: No?

22
23 MR. SMITH: Just a break.

24
25 CHAIRMAN SQUARTSOFF: Just a break. Well,
26 we'll give Fred -- thank you.

27
28 MR. ARMSTRONG: Thank you, Mr. Chair. I
29 guess put myself out on a limb again, but I think, you
30 know, we do have some questions that we posed to our
31 Solicitor in terms of, you know, the Council wanted to know
32 whether or not State laws apply on -- you know, in regards
33 to the hunt here. That hasn't been settled yet. There's
34 some state's rights issues involved. And basically what
35 we're doing, we're submitting a recommendation to the SRC
36 to exempt residents in this hunt here, and we -- you know,
37 I think they would be overstepping their bounds in trying
38 to dictate what a state can do as far as requiring state
39 license. We've got to keep that in mind when we're
40 deliberating in this process here.

41
42 CHAIRMAN SQUARTSOFF: Right. Okay. Thank
43 you, Fred. Tom and then myself here. It's kind of hard as
44 chair to get your opinion in here, I see, so, thank you.

45
46 MR. ROTHE: Mr. Chairman, just to try to
47 clarify things before you consult. I guess the simplest
48 answer is that right now the Federal regulations are the
49 one and only body of rules that really apply here. The
50 reason we're talking about state licenses is because these

1 Federal regulations require them. So that's -- the State
2 has no other ax to grind separately other than that we
3 support the Federal regulation that requires a license.
4

5 Secondly, as far as the State's intentions
6 go, I guess it's our current interpretation that the
7 Federal regulations preempt our State regulations, and so
8 that's the rules that we're going to go by. In other
9 words, if the Federal Government recognizes qualified
10 hunters, they can hunt on Federal lands, State land and
11 private land according to these rules. So there's no other
12 kind of limitation that's anticipated right now where we
13 would put an extra layer of rules on top of that right now.
14

15 CHAIRMAN SQUARTSOFF: Thank you, Tom. I'd
16 like to express my opinion a little on this here, too, and
17 like I said, it's kind of hard to do as being the Chair, so
18 at least you guys got that much towards you to keep me shut
19 for a little while, so.....
20

21 But I support this proposal, you know, you
22 know, pretty strongly. Of all the discussions we've had in
23 the last few days over it and all that and everything on
24 the license issue and everything else, and I know -- I
25 think Matt brought up two different -- instead of trying to
26 separate two different user groups or have two different
27 user groups, we already have that. We have sports hunters
28 out there, and we have subsistence hunters for thousands of
29 years. So we do have two different groups out there
30 already.
31

32 And this here pertains to just subsistence,
33 not both the sport and subsistence. I feel it is only
34 going to be -- I don't know if I could really say a handful
35 out of the thousands of hunters that are now eligible to do
36 the subsistence hunting, that will be out there hunting.
37

38 I think one of the things that we really
39 need to work on, instead of clashing in on this license
40 issue is the thing that the Council needs to really
41 concentrate on is the customary and traditional use and
42 harvest, not the license issue. If we can get that ironed
43 out, we wouldn't have to worry about a bunch of hunters out
44 here, you know, and everything else.
45

46 And then another, documenting, you know,
47 the license for documenting. There's other ways. We
48 discussed registration, tribal registration, all that and
49 everything else. I mean, if we can have registration in
50 there, enforcement will know who's out there. Or permits.

1 I know in some areas nobody wants to see permits or
2 anything. I kind of support a registration in our area,
3 but as Taqulik was saying, nobody carries their license or
4 the wallet out to the field, and I don't either. You know,
5 it would be -- and that's where trust would have to come
6 in. This -- the enforcement guy would have to look and
7 say, hey, yes, you know, you probably are. We'll come into
8 the village at a certain time and check everybody's
9 registration or whatever in the tribal, or whatever they're
10 affiliated with.

11

12 And another thing I'd like to see, if
13 anybody can give me the answer to what was it like before
14 the 1916 treaty was put into effect to where we were
15 officially illegal to hunt and harvest. Was there a
16 license back then? Was it required? I know the people
17 didn't do it, you know, they didn't have the license and
18 everything, but, I mean, was it required back then? I
19 mean, and if not, then why is it now?

20

21 But I do support this proposal, but -- and
22 I also support what Doug mentioned, to defer this until the
23 October one so we can maybe clarify some of this stuff a
24 little bit more, and then -- and not trying to vote on it
25 right now. Yes, Mike.

26

27 MR. SMITH: Mr. Chairman, I appreciate your
28 statements, but I was wondering if I might offer an
29 amendment to the proposal that might alleviate some --
30 certainly maybe some of Doug's fears. And that would be,
31 and I guess I'll go ahead and move, that we add a sentence
32 to the end of (E) that reads, however, a formal list of
33 eligible hunters shall be provided to the State -- to State
34 and Federal agencies.

35

36 CHAIRMAN SQUARTSOFF: We're going to have
37 to have an agreement on that with the one that seconded the
38 motion, right, or the original motion to add an amendment?
39 Not an amendment just requires -- okay. Can I have a
40 second to that then, and -- or can you read it over, too,
41 first, Mike?

42

43 MR. SMITH: Okay. It would be just an
44 additional sentence added to (E).

45

46 CHAIRMAN SQUARTSOFF: Turn your mike back
47 on, please.

48

49 MR. SMITH: I'm sorry. Yes, Mr. Chairman,
50 it would be just an additional sentence added to (E) that

1 would read, however, a formal list of eligible hunters
2 shall be provided to the State -- to State and Federal
3 agencies.

4
5 CHAIRMAN SQUARTSOFF: Do I hear a second on
6 that amendment. Myron, go ahead.

7
8 MR. NANENG: Yeah. Thank you, Mr.
9 Chairman. I have a concern about that. If we started
10 listing eligible hunters today and, you know, my son may be
11 eligible, or my grandson may be eligible about another
12 month from now. Would that exclude him from being able to
13 hunt when his time comes? So that's the only question that
14 I have.

15
16 CHAIRMAN SQUARTSOFF: Well, do you want to
17 try to answer that, Mike, according to your amendment?

18
19 MR. SMITH: Thank you, Mr. Chairman. No,
20 it would certainly be my intent that future hunters would
21 be eligible to hunt. I guess the way we could do that
22 would be to -- man, it starts to get.....

23
24 MR. ALCORN: Mr. Chairman, I'd like to call
25 a point of order. I'm sorry, Mike.

26
27 CHAIRMAN SQUARTSOFF: Go on.

28
29 MR. ALCORN: We don't have a second on the
30 proposed amendment.

31
32 MR. SMITH: He wanted clarification
33 about.....

34
35 CHAIRMAN SQUARTSOFF: But I was trying to
36 let him clarify it with Myron, Doug.

37
38 MR. ALCORN: All right.

39
40 CHAIRMAN SQUARTSOFF: Go ahead, Mike,
41 finish. Yeah, I was trying to let you clarify what --
42 Myron's -- on your amendment. Thank you.

43
44 MR. SMITH: Mr. Chairman, yeah, I mean, I
45 understand your concern, Myron, and I'm not sure how we
46 could address that. It would seem that a possible -- you
47 know, and I hate to do this, now that I start reading it,
48 but a yearly or biyearly list be provided, or something
49 along those lines. I mean, I understand your concern now,
50 and I didn't really think of that in light of the

1 amendment, so I'll go ahead and withdraw my proposal -- my
2 amendment, and I guess support defer -- and I still support
3 the provision.

4
5 CHAIRMAN SQUARTSOFF: Thank you, Mike.
6 Yes, Mike. I see you reaching for your -- oh,
7 anticipating, sorry.

8
9 MR. ROBUS: Mr. Chairman.

10
11 CHAIRMAN SQUARTSOFF: Yes, Matt.

12
13 MR. ROBUS: I know that Doug mentioned
14 deferring this to a future meeting, and I'm willing to do
15 that, if other parties feel that we could make progress
16 offstage rather than on stage. Otherwise I'm ready for the
17 question.

18
19 CHAIRMAN SQUARTSOFF: Myron.

20
21 MR. NANENG: Yes, Mr. Chairman, I think
22 that we need to possibly think of some of the comments that
23 Mike made as a possibility to add to the proposal. So I
24 think even deferring it and working on it to refine the
25 language would be good.

26
27 CHAIRMAN SQUARTSOFF: That sounds good.
28 Yes, Doug.

29
30 MR. ALCORN: Thank you, Mr. Chairman. I
31 move that we table this motion until the fall meeting to
32 allow the proposer to work with the other regional
33 representatives to address the concerns that I've
34 expressed, which is to manage information regarding the
35 hunters.

36
37 CHAIRMAN SQUARTSOFF: It's been moved, can
38 I hear a second.

39
40 MS. HEPA: Second.

41
42 CHAIRMAN SQUARTSOFF: Seconded. Is there
43 any objection to the motion.

44
45 (No objections)

46
47 CHAIRMAN SQUARTSOFF: Seeing no objection
48 or hearing no objection, it's so moved.

49
50 And I would like to ask for a five minute

1 break please.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN SQUARTSOFF: Thank you.

8

9 MR. ROBUS: Are you ready for a motion?

10

11 CHAIRMAN SQUARTSOFF: Right. Yeah, Vice
12 Chair, I would like you to obtain a motion on the second
13 proposal.

14

15 MR. ROBUS: Thank you, Mr. Chair. I would
16 move the second proposal behind Tab 5, which is a proposal
17 made by the Association of Village Council Presidents.

18

19 Paraphrasing the proposal it is proposing
20 that the key provisions of the enforcement protocol that is
21 currently contained in the Yukon/Kuskokwim Delta Goose
22 Management Plan be reworked to it the legalized hunt and
23 then be incorporated into the region specific subsistence
24 migratory bird hunting regulations for the Yukon/Kuskokwim
25 Delta region.

26

27 Mr. Chair.

28

29 CHAIRMAN SQUARTSOFF: Thank you, Vice
30 Chair. I'd like to introduce Myron.

31

32 MR. ROBUS: It needs a second.

33

34 CHAIRMAN SQUARTSOFF: Oh, a second, sorry.
35 I keep forgetting that second.

36

37 MR. SMITH: I'll move, Mr. Chairman, I'll
38 second.

39

40 CHAIRMAN SQUARTSOFF: Thank you, Mike.
41 Seconded by Mike. Now, Myron on your proposal, please.

42

43 MR. NANENG: Thank you, Mr. Chair. The
44 process that we've worked with with the Yukon Delta Goose
45 Management Plan is one that we're incorporating and
46 requesting that the Council consider as a part of a
47 management system. Because what we have found out from
48 years of experience is that in working directly with the
49 villagers and the hunters you get better cooperation. And
50 if you remove the villages from part of the enforcement

1 plan, it takes away any ability of the people in the
2 villages to support any plans for conservation concerns.

3
4 And this system has worked for years and I
5 believe it can still work today even if the amendment has
6 been passed and it's the only way that we know that our
7 people at the village level will support any conservation
8 plans that may be introduced within any of the regions
9 regarding any of the birds that might be considered a
10 conservation concern.

11
12 CHAIRMAN SQUARTSOFF: Thank you, Myron.
13 The next process would be the Alaska Department of Fish and
14 Game Staff, Tom.

15
16 MR. ROTHE: Thank you.

17
18 CHAIRMAN SQUARTSOFF: Tom Rothe.

19
20 MR. ROTHE: Mr. Chairman. Maybe to
21 expedite your process, too, I'll say that the Technical
22 Committee, again, didn't spend much time talking about
23 this. We viewed this sort of as a legal policy issue.

24
25 So from the Fish and Game Staff point of
26 view, we believe that the Yukon Delta Goose Management Plan
27 procedures have a lot of merit and benefit to them. Our
28 only comment is that these procedures and policies are
29 probably best done so they're flexible and so just
30 mechanically we don't think they ought to be codified into
31 Federal regulation. It's very difficult to change them.
32 So in other words we support all the principles that are in
33 the Goose Management Plan, we just don't think it's
34 appropriate to plug these into the formal codified
35 regulations.

36
37 CHAIRMAN SQUARTSOFF: Thank you, Tom. U.S.
38 Fish and Wildlife. Bob, is Bob Leedy here.

39
40 MR. LEEDY: Again, this is a legal and a
41 policy matter, not a technological biological matter, but I
42 will paraphrase very roughly what the solicitor, Laurie
43 Adams, said the other day, which was in large part just not
44 appropriate to put such elaborate policy and procedure into
45 regulations.

46
47 Beyond that, again, I'll leave it to our
48 representative on the Council to characterize legal and
49 policy aspects.

50

1 CHAIRMAN SQUARTSOFF: Thank you, Bob. I
2 guess Tom did you already speak for the Technical
3 Committee, I see Tim's not here.

4
5 MR. ROTHE: Yes, Mr. Chairman. For the
6 record the Technical Committee took a quick look at this
7 and determined because of its legal and policy nature, we
8 have no biological commentary to provide.

9
10 CHAIRMAN SQUARTSOFF: Thank you. Do we
11 have any public comment on this one, yes, Eric, do you want
12 to -- one second, Eric, Doug, yes.

13
14 MR. ALCORN: Thank you, Mr. Chairman. I
15 would like to invite during the public comment period, go
16 ahead, Eric, come to the table since you were the first one
17 up but I would like to invite our acting special agent in
18 charge, Steve Tuttle to address the Council and provide
19 some additional comment from the Fish and Wildlife Service
20 on this particular proposal.

21
22 CHAIRMAN SQUARTSOFF: Okay. Well, I guess
23 we can.....

24
25 MR. ALCORN: That's after Eric.

26
27 CHAIRMAN SQUARTSOFF: Okay, we'll do it
28 after Eric, thank you.

29
30 MR. JOHNSON: Good afternoon, Mr. Chair,
31 members of the Council. I'm Eric Johnson, tribal rights
32 attorney with AVCP and I'll try to be briefer than I
33 usually am.

34
35 I just wanted to sort of briefly respond to
36 this issue of should it be in the regulation, should it not
37 be. We believe it should be in the regulations. We
38 believe that this would be the procedure that would be
39 followed, just like you have codes of criminal procedure,
40 just like you have procedures that are in regulations that
41 guide processes, we believe that this should be the process
42 here if there's going to be true co-management. If there's
43 going to be a system where it's not just a Federal or State
44 violation if somebody violates these regulations but in a
45 sense it's a violation of the tribal understanding as well.

46
47 And I do want to just briefly comment on
48 the fact that I do find it a little bit ironic that on
49 issue after issue the Native participants in this process
50 are asking why do we need a rule, why do we need a

1 regulation, can't we just stick with informal village
2 customs and let that deal with these problems and here it
3 just seems to be reversed where an actual regulation is
4 being put forward that would mandate a procedure that would
5 guarantee village involvement and enforcement, you know,
6 folks are now hearing, well, you don't really need a
7 regulation, an informal policy would do.

8
9

That's all I have to say.

10
11

CHAIRMAN SQUARTSOFF: Thank you, Eric.
12 Could we have Steve up here on behalf of the U.S. Fish and
13 Wildlife Service.

14
15

Thank you.

16
17

MR. TUTTLE: Thank you, Mr. Chairman.
18 Council members. My name is Steven Tuttle. I'm with the
19 U.S. Fish and Wildlife Service, office of Law Enforcement,
20 I'm the acting special agent in charge. I would like to
21 address this proposal.

22
23

The Goose Management Plan, I believe was an
24 interim step between when the Migratory Bird Treaty Act
25 closed the season and the Goose Management Plan
26 accommodated a -- what was termed an illegal hunt into a
27 hunt that allowed harvesters to continue what they've done
28 customarily over the years. That Goose Management Plan was
29 done primarily through outreach, education and voluntary
30 compliance and its purpose was to restore some of the
31 depleted populations of the waterfowl. And I think its
32 results stand on its own merits.

33
34

Now, with the protocol amendment that sort
35 of you've took the -- took things to the next tier, or to
36 the next level, so we're now dealing with regulations and
37 understandably the Goose Management Plan, some of the
38 components were incorporated into the regulations, every
39 aspect of the plan would not be appropriate. Now, that it
40 is a legal hunt, the office of Law Enforcement and law
41 enforcement officers are bound by Federal rules of criminal
42 procedure, which are mandated by the Department of Justice.
43 So we have concerns about due process for the individual
44 who may have been found to be in violation, that person
45 also has privacy rights, so the Goose Management Plan has
46 also been expressed by the regional solicitor may not be
47 accommodating those due process and privacy rights. So it
48 is the position of the office of Law Enforcement that we do
49 not incorporate the Goose Management Plan into regulations,
50 that it not be codified.

1 Most of the outreach and education
2 programs, they will continue. But that doesn't have to be
3 in the regulation. The RIT program is still in place,
4 that's not codified in the code of Federal regulations.
5 The rapport that you've established with the Refuge manager
6 and Refuge Staff on the Delta, that's still in place, it
7 doesn't have to be placed into regulation.

8
9 CHAIRMAN SQUARTSOFF: Thank you, Steve.

10
11 MR. NANENG: Mr. Chairman.

12
13 CHAIRMAN SQUARTSOFF: One second, Myron,
14 we're still in public comments. Is there any other public
15 comments.

16
17 (No comments)

18
19 CHAIRMAN SQUARTSOFF: If none, we'll move
20 into Council discussion.

21
22 MR. SMITH: Mr. Chairman.

23
24 CHAIRMAN SQUARTSOFF: Mike.

25
26 MR. SMITH: Mr. Chairman, I'd like to have
27 the question, please.

28
29 CHAIRMAN SQUARTSOFF: Well, wait, I think
30 Myron had one first, sorry.

31
32 MR. NANENG: Yeah, thank you Steve. I know
33 that U.S. Fish and Wildlife Service, State of Alaska, State
34 of Oregon, State of Washington and State of California
35 signed the Goose Management Plan as a policy that was
36 reviewed by the solicitor and addressed all the concerns
37 that you have received regarding due process.

38
39 You know, one example that I'd like to give
40 that I kind of wonder if there's due process even within
41 the so-called criminal system, is that when a person fails
42 to pay a fine they end up in jail up at Fairbanks, and I've
43 seen that happen last summer, not on the goose issue but on
44 another resource issue. And by the adoption of the
45 policies, the Goose Management Plan, you know, are we
46 always going to be subject to somebody else's outside
47 interpretation of how the natural resources that we live on
48 should be interpreted. Someone from Washington, D.C.,
49 someone from Juneau, someone from Anchorage, someone from
50 elsewhere, when we, the people that live out there have to

1 survive on these sources, where's our contributions to some
2 of the procedures of how to deal with these issues? Is
3 someone that's considered to be in violation, does he have
4 to go before a Federal judge who probably has never been
5 out to rural Alaska or to some magistrate who's never lived
6 out in rural Alaska. You know, is there due process to
7 that?

8

9 You know, we have tribal courts in villages
10 where we deal with many of the issues at the village level.
11 What's different about this? What's different about
12 involving the tribal council at the village to serve as a
13 tribal court to deal with some of these resource issues and
14 what people consider to be a violation?

15

16 You know, this is supposed to be Alaska
17 Migratory Bird Co-Management Council, and right now all the
18 regulations that we're seeing are someone -- are proposed
19 by other people outside of the Council where we have to
20 either say, oh, it might not be workable, but ultimately it
21 seems like that there's an inadequacy because the protocol
22 amendment was adopted that everything that has been worked
23 on before is going to be thrown out the door. Have we
24 learned from history that things that work well should
25 still be in place, while those that may need to be revised
26 can be revised?

27

28 You know, that's the question that I have.
29 And this policy that was reviewed by the solicitor, adopted
30 by the solicitor at the time that the Goose Management Plan
31 was in place, before the protocol amendment has worked.
32 And if it has worked, what's wrong with it? Is it now
33 being considered illegal? And, you know, that's my
34 question.

35

36 CHAIRMAN SQUARTSOFF: Thank you, Myron. Do
37 you want to respond to that Steve before Mike comes up.

38

39 MR. TUTTLE: Thank you, Mr. Chair. Well,
40 there were a number of questions there, Myron, but I'll try
41 to answer the last one. If it were adopted it would be
42 handled statewide by -- and it would be applicable to all
43 users, all eligible participants and I'm not sure there's a
44 mechanism right now to process all eligible participants
45 through the tribal system because the spring harvest is
46 open to both Native and non-Native.

47

48 Thank you.

49

50 CHAIRMAN SQUARTSOFF: Go ahead and respond

1 back, Myron.

2

3

MR. NANENG: Pardon.

4

5

CHAIRMAN SQUARTSOFF: Go ahead.

6

7

MR. NANENG: Yes. The way the proposal is written is that each of the regional management bodies have an opportunity to deal with it. So if something comes up they can deal with it at the regional level. You know, it's unfortunate that the word, indigenous, was further defined than what was originally intended in the language, and that's where the problem lies, and a lot of people hate to admit that -- that created a lot of problem because the negotiations of the Migratory Bird Protocol Amendment was based on percentages of harvest by the Native community during the spring hunt and that was completely thrown out at the time that the protocol amendment was adopted by the Senate.

20

21

Thank you.

22

23

CHAIRMAN SQUARTSOFF: Thank you, Myron.

24

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Mike.

MR. SMITH: Mr. Chairman, it's my understanding that this -- if we were to adopt this that this would only apply to the Yukon/Kuskokwim area; is that correct?

CHAIRMAN SQUARTSOFF: Myron, do you want to respond to that?

MR. NANENG: Yeah, what we've listed on Page 4 are the other regions as well as on Page 2, where we're saying region specific regulations, law enforcement policy monitoring matters like you see on Page 2 is Aleutian/Pribilof region and on Page 4 it would cover all the other regions that have regional management bodies.

But then on that next section it applies -- right now the regulations that we've had under the Goose Management Plan apply to the YK-Delta. So what we'd like to do is make this framework be workable throughout the rest of the state.

CHAIRMAN SQUARTSOFF: Do you want to respond back to him, Mike or.....

MR. SMITH: No, I just had an

1 additional.....
2
3 CHAIRMAN SQUARTSOFF: Because Doug's next
4 if -- okay, thanks. Doug, and then Mike.
5
6 MR. ALCORN: We're not in Council
7 discussion yet. We're still in public discussion.
8
9 CHAIRMAN SQUARTSOFF: No, no, we're in --
10 no we're in.....
11
12 MR. ALCORN: Have we ended.....
13
14 CHAIRMAN SQUARTSOFF: Yeah, we went into
15 Council.....
16
17 MR. ALCORN: We ended public comment?
18
19 CHAIRMAN SQUARTSOFF: Yes, we're in
20 Council.
21
22 MR. ALCORN: All right, well, Steve was
23 still at the table.
24
25 CHAIRMAN SQUARTSOFF: Well, he's still at
26 the table for questions during our discussion.
27
28 MR. ALCORN: Okay. Well, then I think
29 Myron accurately described the complexity of this issue now
30 that may not have been in place at the time when the Goose
31 Management Plan was instituted, and that is that with the
32 protocol amendment and with the language that describes
33 indigenous inhabitant, we have broadened the scope of
34 participants, eligible participants in this traditional
35 hunt. And with that it complicates the approach to
36 enforcing the regulations. And the way that the Fish and
37 Wildlife Service interprets this proposal is that it does
38 institute and codify what was formerly was policy and what
39 formerly was identified as dealing with -- and I'm going to
40 say in most cases traditional Native hunters, and now we've
41 gone beyond that.
42
43 And the way I read the proposal, it would
44 still require, for example, a non-traditional, or a non-
45 Native hunter that is eligible to participate that has been
46 cited or has been brought before a tribal council or
47 village council to defend him or herself, and that's a
48 complication factor that's, I think, at this point
49 insurmountable, but that's more of a legal interpretation
50 and I'm not an attorney and I'm not going to suggest that

1 it can't be resolved.

2

3 But I do have a concern that I wish to
4 express about it. And that is that because these are
5 regulations that are now in place and because we have
6 expanded beyond the traditional Native hunter, this policy
7 -- or this regulation would have implications for law
8 enforcement in the Lower 48 states, and because of that it
9 is very difficult for us to vote in support of this
10 particular proposal without having an opportunity to vet
11 this with the law enforcement and other program managers in
12 the Lower 48, and frankly we have not done that yet. And
13 so that's something that we would prefer to be able to do
14 before we would vote to support this.

15

16 We also, to reiterate what you've heard
17 from two folks that have spoken already and that is with
18 the opportunity to implement some of this in policy, it may
19 be more workable to do some of that but I'm not sure so
20 because of that -- because of the unsureness that I have
21 about this, I would not support the motion.

22

23 CHAIRMAN SQUARTSOFF: Thank you, Doug.

24 Mike.

25

26 MR. SMITH: Thank you, Mr. Chairman. And,
27 Doug, when I'm done maybe you can clarify a little bit for
28 me why law enforcement in other states would be concerned
29 about this.

30

31 But my second question is I need a little
32 clarification because I thought we adopted the Goose
33 Management Plan and voted in favor of keeping it in place.
34 Now, you're suggesting that the Goose Management Plan, it
35 sounds like, should be entirely thrown out because now, you
36 know, it doesn't apply -- I mean the Goose Management Plan
37 -- I mean I guess I don't understand how that Goose
38 Management Plan stays in effect now if you're suggesting
39 that because we've included all these non-Natives, that all
40 that stuff needs to go away. And I thought we had formally
41 adopted the Goose Management Plan at previous meetings.

42

43 CHAIRMAN SQUARTSOFF: Thank you, Mike.

44 Doug, you want to respond to that and then Myron.

45

46 MR. ALCORN: Thank you, Mr. Chairman.
47 Yeah, Mike, the way I understand the Goose Management Plan
48 is it was put in place because of conservation concerns and
49 it was specific to certain birds and it was specific to
50 certain practices.

1 For example, some of the things that were
2 addressed in the Goose Management Plan are adopted in the
3 regulations. Methods and means, the use of lead shot, some
4 of those have been incorporated into the regulation so I
5 guess I don't agree that we are throwing the entire Goose
6 Management Plan out. I think that the specifics of this
7 proposal are dealing with the law enforcement policy that
8 we had in place that engaged the violator with the tribal
9 councils. And to me, we have complicated that element of
10 the Goose Management Plan because of the -- for the reasons
11 I already stated.

12
13 CHAIRMAN SQUARTSOFF: Thank you, Doug. Did
14 you want to respond back to him Mike, or Myron was next.

15
16 MR. SMITH: Mr. Chairman, thank you. No,
17 not at this moment, I'm still thinking about this.

18
19 CHAIRMAN SQUARTSOFF: Thank you. Myron.

20
21 MR. NANENG: Yeah, thank you, Mr. Chairman.
22 We call ourselves Alaska Migratory Bird Co-Management
23 Council and we're talking about the time when the birds are
24 here from maybe starting today, I saw geese the other day
25 heading up, they were in Washington or Oregon or California
26 for the winter, they're on their way up here, we're talking
27 about a management system during the springtime when the
28 geese are here, not when they're wintering down there
29 because we can work with them in trying to deal with
30 habitat or other issues under the same working format that
31 we had under the Goose Management Plan.

32
33 The transmittal letter by Warren
34 Christopher says, these management bodies will include
35 Native, Federal, State of Alaska representatives as equals
36 and will develop recommendations for, among other things,
37 seasons, bag limits, law enforcement policies, population
38 of harvest monitoring, education programs, research and use
39 of traditional knowledge and habitat protection. Village
40 councils shall be involved to the maximum extent possible
41 in all aspects of management. And the regulations
42 established should be enforced to prevent conservation
43 problems. That is the purpose of the Goose Management
44 Plan, was to prevent a conservation problem at the time
45 that we knew that the conservation problem existed. And we
46 listed all these things that are stated in the transmittal
47 letter as part of a proposal to be in the regulations
48 because that's what the letter states, that all village
49 councils will be involved to the maximum extent possible.
50 And without them being involved, you're not going to get

1 participants, you're going to get resistance, it's the same
2 problem and issue that we had back in 1984 when we first
3 raised the issue that there was a problem with some of the
4 migratory bird populations, and how did we turn that
5 around, by involving the people at the villages and the
6 village councils. Just because we adopt the regulations
7 does not mean that we should abandon all of those.

8
9 I know the steal shot is a national concern
10 and it was raised, I think in the early 1990s as a concern
11 regarding some of the impacts of the birds that nest out in
12 the YK-Delta. It was eventually going to be in place up
13 here in the state of Alaska but did they enforce it over
14 night, no, they did not. They had an education process
15 that they followed to inform the people out there in the
16 villages that lead shots were a problem.

17
18 So, you know, these processes are things
19 that we've incorporated in the Goose Management Plan and
20 that's one of the reasons why we ask as part of the
21 regulations to deal with the people that are going to be
22 impacted by this legalized spring migratory bird hunt, to
23 have a process in place that will be supported.

24
25 It's not going to take away from the law
26 enforcement efforts, I think it's going to enhance them.
27 Some of the problems that we had with some of the people
28 that may have violated some of the concerns under the
29 policies that we're proposing, Fish and Wildlife law
30 enforcement people probably wouldn't have heard of them if
31 the people in the villages weren't concerned. So it works
32 both ways, and that's the reason why I would speak strongly
33 in support of the proposal that we have here. It's not to
34 diminish anybody's concern about conservation issues, it's
35 to address and help them because that's the purpose of law
36 enforcement, that's the purpose of why we're all sitting
37 here, is to perpetuate the migratory birds even during a
38 legalized hunt.

39
40 And I think that the proposal speaks for
41 itself. So, you know, we got to really think about the
42 benefits and like we stated, we have another egg to crack,
43 that means the non-Native hunters but there will be a
44 process that will eventually be built in for them. So
45 what's already in existence and already in the works should
46 not be completely disregarded because we have another
47 player in town.

48
49 Thank you, Mr. Chairman.

50

1 CHAIRMAN SQUARTSOFF: Yeah, thank you,
2 Myron. I want to touch and then it will be Doug, Hans and
3 Tom.

4
5 You mentioned, Myron, this working
6 relationship with the, I think you're saying down stateside
7 and that, everything else, how well -- well, that
8 relationship, how well did it work to accomplish what you
9 guys needed to under this plan?

10
11 MR. NANENG: Yeah, thank you, Mr. Chairman.
12 We have and can still continue to-date to have a good
13 working relationship with the states of Washington, Oregon
14 and California. There are proposals that are brought up
15 that will impact hunters down in California, Washington or
16 Oregon. Before they bring them up for consideration, they
17 ask of us, what do we think of them, do we think that it's
18 going to impact the population of the migratory birds to
19 the point where there might be a conservation concern, if
20 we say no then they might add a bag limit -- I mean if we
21 say yes, you know -- if we say, no, it's not going to be a
22 concern, then they'll probably add one more bird to their
23 bag limit but if we say, yes, and if we express a concern,
24 then they'll work with us to address that concern.

25
26 The other issue that has already worked
27 with the other states is like if there's some potential
28 development within the state of Alaska that has an impact
29 on the migratory birds, they will ask us to see what input
30 we can provide to raise that issue or concern and we work
31 cooperatively with them, because they're just as much
32 impacted of what resource development might do to those
33 migratory birds. So we have a good working relationship.

34
35 CHAIRMAN SQUARTSOFF: Thank you, Myron. My
36 comment back on you then, I really feel I should support
37 then that this proposal and this plan be incorporated if
38 there's been a good working relationship and you guys got a
39 good one going now. There would be no sense in changing
40 that. I mean why would we need to change something that
41 you have going good now, incorporate like you're talking,
42 some other stuff that might happen and mess the whole
43 doggone system right up. I mean if we got a good system in
44 place, keep it.

45
46 Thank you.

47
48 Doug.

49
50 MR. ALCORN: Thank you, Mr. Chairman.

1 Myron, I appreciate what this proposal is trying to
2 accomplish and I appreciate your statements about working
3 together and that the Goose Management Plan did some very
4 good things in the last 20 years and that it accomplished
5 conservation where conservation might not have been
6 accomplished otherwise. And certainly, I think that AVCP
7 is to be credited for portions of the success, probably a
8 large part of the success of this entire policy.

9
10 We are at a point where the Federal
11 government is, with the advice of this Council,
12 establishing Federal regulations, Federal rules, and those
13 Federal rules have to be legal or they'll never be put in
14 place by the Secretary of the Interior. And without going
15 into a lot of detail about the steps that rulemaking goes
16 through, suffices to say that it goes through a series of
17 legal reviews. And I'm advised that this proposal, if it
18 were passed by this Council and recommended to the Service
19 and if it were supported by the Service Regulation
20 Committee, that the U.S. Attorney's office would not
21 support this proposal for reasons that have already been
22 stated, because of potential violation of the Privacy Act
23 for the complexities that I've already described, and I
24 won't do that again.

25
26 But the point that I'm trying to make is,
27 is that you read from the protocol amendment that said
28 where possible or to the extent possible village councils
29 and the Co-Management would be involved, and what I'm
30 trying to suggest here is that this may not be possible in
31 the regulations setting. It may be possible in a policy
32 setting to some limited degree. And I don't know what the
33 answer is, but I think I know what the answer is if this
34 were recommended as it's written, and the answer would be
35 it would not be supported through my chain of command. And
36 that's the point that I feel that I'm compelled to make at
37 this point.

38
39 CHAIRMAN SQUARTSOFF: Yeah, Hans.

40
41 MR. NICHOLSON: Thank you, Mr. Chairman.
42 Myron, not to take anything from what you said your intent
43 of the proposal was, but when we had our regional meeting
44 we were led to believe that this -- the key provisions of
45 the enforcement protocol that is mentioned here would apply
46 only to the Yukon/Kuskokwim Delta region as mentioned on
47 Page 1 of the proposal and then again to what geographical
48 area does this regulation apply. In the provisions of
49 enforcement protocol that would apply to the Kuskokwim area
50 only. And we felt that the reason why the other regions

1 were blank is that at some later date these regions could
2 incorporate and write in their own enforcement protocols.

3
4 But our council was in unanimous support of
5 your proposal and said that if adopted this would benefit
6 subsistence users because it would ensure that they are
7 aware of the requirements contained in the Part 92
8 regulations and would allow the fullest involvement of
9 AVCP, the WCC, tribal governments and subsistence hunters
10 in resolving problems that may arise where the regulations
11 of this part may have been violated.

12
13 I agree that this should be a Co-Management
14 process. The Native component should be involved in
15 resolving some of the enforcement issues that arise during
16 the course of this subsistence hunt, but I guess if -- I'm
17 somewhat kind of confused if your statement that this would
18 apply statewide, I'm sure, you know, it may work but -- and
19 in some cases it may not -- but we're totally
20 wholeheartedly behind your proposal stating that we want
21 tribal involvement in resolving some of the issues.

22
23 Thank you.

24
25 CHAIRMAN SQUARTSOFF: Thank you, Hans. I
26 think Mike was next. Mike.

27
28 MR. SMITH: Oh.

29
30 CHAIRMAN SQUARTSOFF: Mike, yeah, turn your
31 mike on Mike.

32
33 MR. SMITH: Thank you, Mr. Chairman. I
34 mean I guess I'm confused as to where we're at in this
35 whole process because it was my understanding that we had
36 adopted the Goose Plan much like we adopted the Emperor
37 Goose Plan and those other goose plans, and if that's not
38 the case then the whole Goose Management Plan is not -- you
39 know, is not even in effect, you know. I mean I guess, you
40 know, what you're in fact saying -- I guess I don't
41 understand where we're at then with the Goose Management
42 Plan. If, in fact, we did not adopt it, you know, I guess
43 I just -- you know, what about the other provisions, not
44 just the enforcement provisions, and additionally what
45 about additional management plans that come out of other
46 regions, how are we going to deal with those? I mean so I
47 guess that's -- this has brought up an interesting
48 conundrum we find ourselves in and that is the
49 applicability of goose management plans prior to the
50 establishment of this body, us and the regulations that

1 we're adopting.
2
3 CHAIRMAN SQUARTSOFF: Thank you, Mike.
4 Tom.
5
6 MR. ROTHE: Mr. Chairman.
7
8 CHAIRMAN SQUARTSOFF: Well, before you
9 start, Steve, if you want, I don't think there's going to
10 be any more questions, but one thing if you could do for
11 us, since you're enforcement, if there's anybody that
12 violates their no cell phone policy, please charge them
13 about 150, we can use the money for the meetings.
14
15 (Laughter)
16
17 CHAIRMAN SQUARTSOFF: Thank you.
18
19 MR. ROTHE: Mr. Chairman. Maybe just an
20 attempt to address Mike's -- I think the Council, maybe
21 Fred or Bill can straighten me out, I think the Council
22 passed a resolution of support for the Goose Management
23 Plan but didn't adopt it in total. But I think that's
24 where the Council came down was a support of resolution for
25 the plan.
26
27 And.....
28
29 MR. SMITH: Well, how about.....
30
31 CHAIRMAN SQUARTSOFF: Mike, your mike
32 please.
33
34 MR. SMITH:applicability to what we
35 do.
36
37 CHAIRMAN SQUARTSOFF: Wait a minute, Mike,
38 you -- we have a few other guys first, thanks.
39
40 MR. SMITH: Okay.
41
42 MR. ROTHE: And just if I could make a
43 Staff observation, two points.
44
45 One is the Goose Management Plan -- again,
46 to repeat, I think the State of Alaska firmly supports and
47 defends the Goose Management Plan as a very important
48 document and I think we all do.
49
50 Procedure wise, though, the plan, as a

1 separate document hasn't been reviewed in two years.
2 Everybody's sort of agreed to go along with it but this is
3 an agreement with six parties to it and for various reasons
4 the six parties have not gotten together and gone over this
5 thing in some detail. So there are three signatories who
6 are not at the table or in the state that haven't had a
7 chance to address any concerns that they have.

8
9 This particular proposal has Section I on
10 the bottom of Page 3, which is not part of the Goose
11 Management Plan so it's brand new material. And so I'm
12 just saying that there's a number of subjects and sections
13 that some of the parties to the Goose Plan haven't had a
14 chance to address with AVCP.

15
16 And just as an illustration of the
17 mechanical problems we could get into is that this well-
18 functioning agreement at any point as we annually review
19 this thing, if we want to make changes, it's no longer a
20 matter of coming to agreement and having a sign off. You
21 have to then go through the Federal regulatory process to
22 implement any kind of change to where it gets put in the
23 regulations. So that's an illustration of the difficulty
24 of the mechanics of making this work.

25
26 CHAIRMAN SQUARTSOFF: Thank you, Tom. I
27 think Matt is next, but before Matt starts, I do recall
28 that we did support a resolution supporting this and that
29 we weren't going to adopt the plan but supporting a
30 resolution on it.

31
32 Thank you.

33
34 MR. ROBUS: Thanks, Mr. Chair. Well, what
35 I was going to say springboards right off of what Tom just
36 said and that is it seems to me that we're all in agreement
37 here with the fact that the Goose Plan led to a lot of good
38 results and that the Council has expressed its support for
39 the plan in the past but that it seems to me that the
40 provisions of the plan that still need to be in effect are
41 probably best handled through something that's flexible and
42 repeatable without jumping through a whole lot of hoops
43 like, you know, a cooperative agreement or a policy
44 statement made by the Council or cooperative agreements
45 with the Service as opposed to putting details in Federal
46 regulation that are going to be difficult to get to change
47 and where that process would have to be repeated for every
48 region that wanted something similar.

49
50 So, again, to me, we seem to be talking

1 about how to get the same thing done but we disagree as to
2 what level it should be incorporated into and I believe
3 that it would be more workable at a level lower than
4 incorporating it into regulation.

5

6 Thanks.

7

8 CHAIRMAN SQUARTSOFF: Thank you, Matt. I
9 believe Doug's next, and then Mike and Bill.

10

11 MR. ALCORN: Thank you, Mr. Chairman. I
12 guess in response to Mike's comment or question, I believe
13 that we, last year when we had prepared a recommendation
14 for the 2003, on the spring and summer subsistence harvest
15 season, that the regulation stated that -- or that our
16 recommendation stated something to the effect that the
17 closed season policy of the Goose Management Plan would be
18 in place until the regulations for the 2003 season were
19 published and became effective. And at that time the
20 closed season policy would be supplanted by the
21 regulations. The regulations contained much of the
22 information or much of the policy -- that was in the policy
23 into the regulations. And so the policy then became of no
24 legal effect, the regulations are what is of legal effect
25 now.

26

27 And we never voted -- after the
28 regulations, the season ended, the 2003 season ended August
29 31, we as a Council have never instituted the Goose
30 Management Plan closed season policy or any other policies.
31 So we have now a regulation that manages this hunt as
32 opposed to the closed season policy or the Goose Management
33 Plan. Although we did support the Goose Management Plan in
34 concept, those concepts are to be incorporated, the way I
35 understand it, to be incorporated into the regulations.

36

37 CHAIRMAN SQUARTSOFF: Thank you, Doug.
38 Mike.

39

40 MR. SMITH: Thank you, Mr. Chairman. So
41 the Goose Management Plan is no longer in effect, that's
42 what you're suggesting? Well, that's just a crying shame
43 then.

44

45 CHAIRMAN SQUARTSOFF: Thank you, Mike.
46 Bill, I know you've been patiently waiting.

47

48 MR. OSTRAND: Russ asked me to come forward
49 and explain the resolution by the council. I don't have
50 the transcript from the meeting but I believe this was the

1 meeting when we adopted the first set of regulations and
2 AVCP was proposing codifying the law enforcement portion of
3 the Goose Management Plan into regulation. There was much
4 debate, and the compromise that was reached was the
5 resolution.

6
7 CHAIRMAN SQUARTSOFF: Right.

8
9 MR. OSTRAND: And the resolution, I
10 apologize for not having all the Council resolutions here
11 but as I recall the resolution concisely -- to make a
12 nutshell out of the resolution, it recognized the
13 historical importance of the Goose Management Plan in
14 coming to this statewide co-management process and endorsed
15 the Goose Management Plan.

16
17 So I believe it did two things. It was the
18 recognition of the importance of the Goose Management Plan,
19 historically and then endorsement of the Goose Management
20 Plan as it's now in existence.

21
22 CHAIRMAN SQUARTSOFF: Okay, thank you,
23 Bill. I do recall exactly what you're saying, too, that we
24 did and I think Enoch might even remember that, too.
25 Myron, and then Mike.

26
27 MR. NANENG: Thank you, Mr. Chairman. So I
28 can go back to my villages as Chairman of the waterfowl
29 Conservation Committee, that we don't have a Goose
30 Management Plan that exists anymore, that our people in the
31 villages have not been informed that the regulations are
32 going to be implemented that have not been adopted by the
33 AMBCC?

34
35 That the four Arctic nesting geese that
36 were of conservation concerns are no longer of conservation
37 concerns, that our people in the villages can gather eggs,
38 hunt for emperor geese, hunt for spectacled eiders and the
39 common eider.

40
41 That's my interpretation of what I just
42 heard. That the purpose of our Waterfowl Conservation
43 Committee no longer has a purpose. And here we're saying
44 that an Alaska Migratory Bird Co-Management Council, where
45 we are being told that everybody else is going to come up
46 with the regulations and we are -- and that we are going to
47 have to cooperate only, that we cannot make proposals and
48 recommendations to regulations that we can -- that we see
49 are going to be beneficial to the resource, which, in
50 essence, is against the human nature of a Native person

1 because they've managed these birds even before any manager
2 came around and lived off this resources, otherwise we
3 wouldn't be out hunting today if our people had
4 indiscriminately harvested birds without any regard to
5 conservation purposes or for their perpetuation.

6
7 One of the other things to keep in mind
8 also is that why was the Wildlife Refuge established? The
9 Wildlife Refuge was established to protect subsistence and
10 perpetuity. And, you know, many of the elders still
11 remember that when they were told -- when they were
12 traveling out in the YK-Delta telling the villages so the
13 reason why we're establishing the Wildlife Refuges is to
14 protect subsistence and perpetuity, and also to protect the
15 subsistence resources that are within that Wildlife Refuge.
16 Are we now told that we are no longer going to be
17 cooperatively with this group of people by what I've just
18 heard? That people from law enforcement are going to be
19 the ones that are going to be enforcing all the rules and
20 regulations at the expense of what our people have
21 sacrificed for the last 20 years or so?

22
23 I mean we really have to think seriously
24 about this because the only thing that's really going to
25 suffer is the resource, ultimately. I know our people are
26 going to suffer because they will have a lack of resource
27 to harvest, but ultimately the thing that's going to be a
28 problem is the fact that the resource is gone.

29
30 One of the other things to keep in mind,
31 why did we establish the YK-Delta Goose Management Plan?
32 One purpose of it was because people were blaming the
33 Native people for the reduction of the certain species of
34 migratory birds. We were the people that were pointed at.
35 And over the years by working together we have learned a
36 lot of things, predator impact, habitat impact, both at the
37 nesting grounds and also in the wintering grounds. We've
38 even started establishing a working relationship with
39 farmers down in Oregon and Washington, you know, because
40 they know that they're impact -- their livelihoods are
41 impacted by the fact that the birds are increasing in
42 numbers. We've also learned that some of the birds don't
43 winter in places where they used to winter in the past.
44 You know, these are things that we've learned over the
45 years.

46
47 Fish and Wildlife learned a lot. Tom
48 Rothe, who's participated in many of our meetings has
49 learned lot. I learned a lot and many of our people in the
50 villages learned a lot. And we started working together

1 for the purpose of conserving the resource. But if it gets
2 to the point where co-management is completely abandoned by
3 this process I'm going to have to tell my people out in the
4 villages, hey, we're being asked just to cooperate, we're
5 not being asked to help manage the resources, and I can't
6 see myself sitting here trying to go through the process or
7 supporting a process that takes away the management ability
8 of our people at the village level because they're the main
9 users of the resource.

10

11 So I think that we really have to take a
12 look at what processes that we're going to have to adopt to
13 make this work. We can sit here and say, okay, we adopt
14 this rule, but if our people in the villages say why did
15 you adopt this rule without us informing and educating them
16 why we adopted the rule, then it's not going to work.
17 We're going to find some resistance.

18

19 So I don't want to keep on going but I just
20 had to let out what I'm beginning to feel is that it seems
21 like everybody else is trying to make us cooperate instead
22 of managing the resource with us.

23

24 Thank you, Mr. Chairman.

25

26 CHAIRMAN SQUARTSOFF: Yeah, thank you,
27 Myron. Before you start, Doug, yeah, Myron, this Council
28 right here is supposed to be doing just exactly what you
29 said you think is not happening. It's supposed to be
30 coming actually from the bottom up, from the people at the
31 village level, regional councils, and then to us. So, you
32 know, have a hard time trying to figure out, you know, I
33 feel, you know, it's coming from the people, maybe because
34 of this -- the resolution that we did, you're thinking it's
35 not because of the Management Goose Plan, but it's supposed
36 to be coming from the bottom up, so, thank you.

37

38 Doug.

39

40 MR. ALCORN: Thank you, Mr. Chairman.
41 Myron, I owe you a personal apology. If you feel like I've
42 stated something that has negated all that you've
43 accomplished over the 20 years that you've been involved in
44 this Goose Management Plan. That was not my intent.

45

46 As you all saw, after I made that
47 statement, that seemed to create some concern on your part,
48 Fred got up and corrected me and I will admit that I
49 misspoke in my interpretation of the Goose Management Plan
50 and the regulations in lieu of. And I'm going to ask Fred

1 to give us a two minute description of his understanding of
2 the relationship between the Goose Management Plan, the
3 regulations and the closed season policy, which I was
4 thinking that was a policy instituted as part of the Goose
5 Management Plan and, in fact, it's a policy that is a
6 stand-alone policy with the Fish and Wildlife Service and
7 AVCP.

8

9

Fred, would you clarify.

10

11

CHAIRMAN SQUARTSOFF: Thank you, Doug.

12 Fred.

13

14

MR. ARMSTRONG: Thank you, Mr. Chair. We,
15 early on in this process of developing the AMBCC there was
16 a lot of discussion about the Goose Management Plan and I
17 think when the Council adopted the resolution, adopting the
18 concept of the plan, there was a lot of discussion about
19 whether the plan would go away or not and there was several
20 statements by somebody, participants, indicating that, no,
21 the plan remains in effect as long as the signatories agree
22 to follow the concept of the policy.

23

24

And so by establishing AMBCC we do not
25 override those other policies that are in effect as long as
26 the signatories agree to the concept of that policy.

27

28

And as far as the closed season policy,
29 that was a separate directive by the regional director that
30 imposed a closed season policy and directed law enforcement
31 to focus on certain areas such as lead shot and protected
32 species. And that was back in 1994 that it was first
33 developed, Bob, I can't recall, earlier than that.

34

35

MR. LEEDY: It was done earlier than that,
36 about 10 years -- a different policy.

37

38

MR. ARMSTRONG: And then amended once,
39 yeah, but it's a separate policy issued by the regional
40 director.

41

42

CHAIRMAN SQUARTSOFF: Thank you, Fred. So
43 Myron, are you kind of following what he said that the
44 policy still is in effect, and I think that's why we did,
45 in that resolution, support it.

46

47

Thank you.

48

49

MR. NANENG: Well, I hope it's in effect
50 because our people are going to be going out hunting pretty

1 soon and if we say that the Goose Management Plan is no
2 longer supported by both the State or the Feds, then our
3 people will no longer support it so we have to keep that in
4 mind.

5

6 CHAIRMAN SQUARTSOFF: Yeah, I want to
7 apologize to you also, Myron, if you feel we kind of misled
8 you on that as a Council and everything, too, so thank you.

9

10 Hans, sorry.

11

12 MR. NICHOLSON: Thank you, Mr. Chairman.
13 Doug, you certainly rocked the boat and created waves and
14 made me feel like you pulled my teeth out.

15

16 Certainly, I appreciate the Service's
17 apology, the Yukon Delta Goose Management Plan has been in
18 effect for a considerable amount of time. The WCC has made
19 many recommendations, you know, they've dedicated a lot of
20 time, they've put a lot of effort into the process and
21 certainly have made a lot of progress just, you know, based
22 on some of the reports I've seen, have been very
23 successful. I hold that Goose Management Plan and those
24 organizations in the AYK Delta in very high esteem and I
25 applaud their efforts, especially their conservation
26 efforts towards rebuilding some of those bird stocks.

27

28 I think, you know, opinions that they come
29 forth with, you know, we should take a look at those and
30 respect those opinions because they certainly put a lot of
31 time into it. They have a lot of history behind them.
32 And, of course, those recommendations that they bring
33 forth, you know, in my opinion, you know, I value them, and
34 I just want to put that on the record.

35

36 Okay, thanks.

37

38 CHAIRMAN SQUARTSOFF: Thank you, Hans. I
39 don't have anybody else. I'm running out of paper to write
40 names down anyway.

41

42 Doug.

43

44 MR. ALCORN: Mr. Chairman, we still have a
45 motion and second on the table.

46

47 CHAIRMAN SQUARTSOFF: Right. Right, I
48 understand that. Yes, Ron, do you want to come forward and
49 -- yeah, we can go ahead and allow him back in here.

50

1 MR. ANGLUND: Thank you, Mr. Chair and
2 members of the Council. For the record, Ron Anglund,
3 Wildlife Division Administrator for Oregon Department of
4 Fish and Wildlife. As one of the signors of the document
5 that's being discussed, I thought it was important that
6 Oregon provide a little bit of input to you that we have
7 enjoyed a long working relationship with all the other
8 parties to this plan and do enforce it on a regular basis
9 within our state and are very committed to ensuring that it
10 does move forward.

11
12 And I think that one of the questions that
13 I would ask as you debate whether to include this within
14 Federal rule and it comes from a policy standpoint on my
15 part, being someone that has to deal with the policy
16 perspectives as well as dealing with the legal aspects of
17 rules within our own state government, that if we have to
18 adopt things within our own regulations but they are based
19 on what happens within the Federal system, it creates an
20 extra layer of bureaucracy and rule regulation for us as an
21 agency before we can implement some things that everybody
22 and every party to the plan agrees to that need to occur.

23
24 So just be aware of that from the other
25 state's perspectives that I think that all have to
26 implement the plan similar to us that as we adopt
27 regulations in agreement to the plan's objectives, that we
28 have to go through a formal rulemaking process that now
29 also becomes dependent upon a Federal rulemaking process.

30
31 Thank you.

32
33 MR. ALCORN: Question.

34
35 CHAIRMAN SQUARTSOFF: Thank you, Ron.

36 Yeah, Doug.

37
38 MR. ALCORN: Yeah, I have a question for
39 you, Ron, in the context of this proposal, we have policies
40 that have been recommended that become part of regulation
41 that you've -- you've heard the discussion and you've heard
42 a point that I've made that there's some concern in my
43 agency that there are potential ramifications in how law
44 enforcement policy is implemented and put in place in the
45 Lower 48. Do you have any thoughts along that line
46 regarding the comment that you just made, in that, you have
47 to also promulgate regulations through your state process
48 and through the Federal process?

49
50 MR. ANGLUND: Mr. Chair. Doug, right now

1 it's fairly simple for us. Once we go through the
2 negotiation process, through the technical committees and
3 through the Flyway Council and adopt regulations based on
4 that, based on what the Service does and it goes straight
5 into rule on our end, then our enforcement people are
6 immediately enforcing those rules. And it's not a very
7 long drawn out process. My concern is that if everything
8 becomes part of rule within the plan, then you have to have
9 all parties that are signers of that plan agree to any
10 changes, it then has to go through a Federal rulemaking
11 process and be adopted within the Federal rules, then it
12 goes back out to the states and the states have to go
13 through a separate rulemaking process to implement that, it
14 becomes very cumbersome.

15
16 Right now it's very easy for us to
17 transition under the current process to implement rules
18 that are easily enforceable in a very short period of time.

19
20 CHAIRMAN SQUARTSOFF: Thank you, Ron.

21
22 MR. NANENG: Mr. Chairman, call for the
23 question

24
25 CHAIRMAN SQUARTSOFF: Do we have any
26 more.....

27
28 MR. SMITH: The question has been called
29 for.

30
31 CHAIRMAN SQUARTSOFF: Who called the
32 question?

33
34 MR. SMITH: Myron.

35
36 CHAIRMAN SQUARTSOFF: Yeah, well, before we
37 call the question I would suggest that we go into a Native
38 caucus for about five or 10 minutes, please, thank you.

39
40 (Off record)

41
42 (On record)

43
44 CHAIRMAN SQUARTSOFF: Can we go ahead and
45 call the meeting back to order, please.

46
47 MR. ALCORN: You don't have some of your
48 members.

49
50 CHAIRMAN SQUARTSOFF: Oh, wait, we got to

1 wait a couple minutes, sorry. We'll be right back, so
2 thank you.

3

4 (Pause)

5

6 CHAIRMAN SQUARTSOFF: We'll go ahead and
7 call this back to order, Myron, go ahead.

8

9 MR. NANENG: Mr. Chairman, I'd like to make
10 three friendly amendments to the proposal.

11

12 Item No. 1, on that first paragraph where
13 it says we're proposing the key provisions where we add a
14 sentence YK enforcement policy applies to tribal members
15 only. Just add that language there on the.....

16

17 CHAIRMAN SQUARTSOFF: Go ahead, when you're
18 done reading these maybe you could pass it down here to us
19 so Matt, Doug and myself can see it.

20

21 Thank you.

22

23 MR. NANENG: Okay. And to address the
24 concern of what they consider to be the confidentiality
25 issue. We're proposing that names of accused will not be
26 revealed without consent of accused, otherwise consultation
27 and coordination with AVCP, WCC and villages will be
28 anonymous as to ID of the accused. And so that's the
29 second proposed amendment.

30

31 And the third one is, this policy shall be
32 implemented in a manner in accordance with the due process
33 of the law.

34

35 So those are the three proposals that we
36 are.....

37

38 CHAIRMAN SQUARTSOFF: Or three amendments
39 that you're adding to the proposal?

40

41 MR. NANENG: Yes.

42

43 CHAIRMAN SQUARTSOFF: Thank you. Can you
44 pass that down, please.

45

46 (Pause)

47

48 CHAIRMAN SQUARTSOFF: That would leave the
49 floor open for a little more discussion here with the
50 Council, but we'll allow the other two entities time to

1 look at it.

2

3 Thank you. Yeah, Matt.

4

5 MR. ROBUS: Mr. Chairman, does there need
6 to be a second for the.....

7

8 CHAIRMAN SQUARTSOFF: Oh, yeah, sorry,
9 thank you. We need a second on that amendment.

10

11 MS. HEPA: I second.

12

13 CHAIRMAN SQUARTSOFF: Thank you.

14

15 MR. ROBUS: Mr. Chairman.

16

17 CHAIRMAN SQUARTSOFF: Matt.

18

19 MR. ROBUS: Okay, Mr. Chairman, I
20 appreciate the effort to address some of the concerns that
21 have been expressed during the previous discussion on this
22 proposal. I guess the one thing I see is we're still
23 having some conceptual differences on what's appropriate to
24 put in regulation versus in policy, and I think the State
25 feels that policies such as this is a good thing, but does
26 not belong, in my view, in Federal rule and I would propose
27 that however we get out of this, it sounds like it's time
28 to look at the YK Goose Plan policies amongst all the
29 parties that have been involved before and try to come up
30 with adjustments to the goose plan policies that fit within
31 the Federal rules that are now in effect so that we get the
32 benefits of the goose plan policies in a way that is meshed
33 in with the fact that we now have Federal regulations in
34 effect.

35

36 But, you know, even though I appreciate
37 this effort I guess I'm going to still retain a position
38 against the proposal, as amended, if it's amended. I'm
39 speaking against the amendment and the proposal in general,
40 in that, I just don't think that it's an appropriate way to
41 go. But I would be totally in favor of cooperative working
42 to put together a policy that we can all follow from here
43 on out at a level outside of the Federal regulations.

44

45 Thanks.

46

47 CHAIRMAN SQUARTSOFF: Matt, in other words,
48 too, are you saying then you would support if it was
49 deferred to where you can work on this?

50

1 MR. ROBUS: Mr. Chair, yes, I think that
2 that would be a good way to proceed.

3
4 CHAIRMAN SQUARTSOFF: Thank you. Doug.

5
6 MR. ALCORN: Thank you, Mr. Chairman. I'm
7 not an attorney and because of the legal nature of this
8 particular proposal and the potential legal ramifications
9 that it would have in setting these in regulations that I
10 feel unqualified to support this with the amendments, even
11 though they may be constructive, and like Matt I do
12 appreciate the intent to make these more acceptable and to
13 resolve the issues that have been stated here, but I don't
14 feel as though I personally am qualified to comment on the
15 change and the way those changes would affect the legality
16 of the proposal.

17
18 So I would not support the proposal or the
19 amendment to the proposal, but I certainly would support
20 continued discussion and deferral on the decision on this
21 so that I can take these amendments back and have those
22 folks that are experts in this realm look at this and
23 advise me.

24
25 CHAIRMAN SQUARTSOFF: Thank you, Doug.
26 Myron.

27
28 MR. NANENG: Many of us don't have what you
29 consider to be the initials at the end of our names that
30 show that we are graduates from accredited law school,
31 accredited university or whatever Ph.d, piled higher and
32 deeper, but we do represent the people that we work for
33 despite the lack of the initials at the end of our names.
34 I know my last name -- I have initials at the end of my
35 name and that's Sr., because I have a Jr., and it seems
36 that we were appointed to sit here to discuss some of these
37 proposals that would have some major impact on our people,
38 yet, at many times the only people that we go back to are
39 the ones that are going to be directly impacted by what we
40 come up with, and I think that we have to keep that in mind
41 as we look over these proposals.

42
43 Think of the people that are going to be
44 directly impacted by what is ultimately decided.

45
46 So with that, thank you, Mr. Chairman.

47
48 CHAIRMAN SQUARTSOFF: Yeah, thank you,
49 Myron. And you don't need to have a -- in our area down
50 there people like you have your degrees coming off the land

1 and the ocean down there, so at this time, then, if there's
2 no more discussion I would like to make a motion that we
3 defer this proposal until our October meeting, and that way
4 it will give time for Myron to take it back to his region
5 and also to get a working group together on this to work on
6 it a little more with these amendments.

7
8 MR. NICHOLSON: I'll second that motion,
9 Mr. Chairman.

10
11 CHAIRMAN SQUARTSOFF: Thank you. Is there
12 any objection to the motion as amended.

13
14 MR. ALCORN: Can we have discussion or
15 question.....

16
17 CHAIRMAN SQUARTSOFF: Question's been.....

18
19 MR. SMITH: I'm not calling for the
20 question, I have a question.

21
22 CHAIRMAN SQUARTSOFF: Oh, you have a
23 question, go ahead, sorry, Doug.

24
25 MR. ALCORN: Are you proposing, Mr. Chair,
26 that we form a committee to look at this or are you --
27 because you suggested that.....

28
29 CHAIRMAN SQUARTSOFF: Well, what I
30 basically suggested.....

31
32 MR. ALCORN: I guess I'm unclear.

33
34 CHAIRMAN SQUARTSOFF:is, you know, he
35 could take it back to the region and then what Matt was
36 saying, you know, if they can get people to work on it,
37 basically I would think is already -- that's pretty much in
38 place, people that do work on this management plan is
39 already there, I'm guessing, I could be wrong, I don't
40 know.

41
42 Anybody have an answer to that one, Tom,
43 please.

44
45 MR. ROTHE: Mr. Chairman, with deference to
46 Myron and Matt and Ron and Doug, who represent the
47 signatories, the state of California, state of Washington
48 are also signatories and USGS, so the groups -- if all the
49 signatories are defined as that, that would be the group to
50 get together.

1 CHAIRMAN SQUARTSOFF: Right, that's what I
2 was thinking. So Doug.
3
4 MR. ALCORN: Would you restate the motion?
5
6 CHAIRMAN SQUARTSOFF: Okay, yeah, I'd like
7 to make a motion that we go ahead and defer the proposal as
8 amended and then it goes back to the region and the working
9 group to work on it and bring it back in the next October
10 meeting.
11
12 Myron.
13
14 MR. NANENG: Just a question of
15 clarification. Is Tom proposing that all the other states
16 be involved in review of this and see if it's going to be
17 in regulation or the proposal, to put it in regulation? Is
18 this going to be reviewed by the -- is it your suggestion
19 that it be reviewed by the signatories.
20
21 CHAIRMAN SQUARTSOFF: Go ahead, Tom.
22
23 MR. ROTHE: Mr. Chairman, I wasn't
24 suggesting anything, I was just filling in information for
25 you as to who was involved in the goose planning.
26
27 CHAIRMAN SQUARTSOFF: Right. Yeah, thank
28 you. Myron, that's my understanding, too, that he was just
29 giving me -- to let me know who was involved in the group
30 is all.
31
32 Thank you.
33
34 Matt.
35
36 MR. ROBUS: Mr. Chair, I guess I would
37 suggest that those parties look at options. I mean it's
38 clear to me that we have both the State and the Fish and
39 Wildlife Service at this point reluctant to include
40 policies such as these at the level of regulation. I mean
41 that's much of what this discussion's been all about.
42
43 CHAIRMAN SQUARTSOFF: Right.
44
45 MR. ROBUS: It would be helpful if the
46 parties could agree on how these policies would look with
47 the Federal regulations now in effect, and for the Council
48 to have options to consider in terms of, you know, what
49 other than, including in regulations might get us to the
50 same end on the ground.

1 I would hate to see the work occur and then
2 come back to this body in the fall and have the same
3 objections to putting it in regulation mean that we
4 couldn't go anywhere with it. So that's just a suggestion
5 for what might be considered by the parties.

6
7 CHAIRMAN SQUARTSOFF: All right, thank you,
8 Matt. Myron, you look like you're going to respond -- no?
9

10 MR. NANENG: Yeah, I'm getting concerned
11 again.

12
13 CHAIRMAN SQUARTSOFF: Uh-oh.
14

15 MR. NANENG: You know, what we're proposing
16 have been in place and they've been adopted by the State by
17 the very fact that they signed on to them and also have
18 been adopted by Fish and Wildlife Service by the very fact
19 that it's been signed by the Regional Director as the Fish
20 and Wildlife representative.

21
22 Why is it so hard to have a process in
23 place where they would recognize village councils to deal
24 with their tribal members under an enforcement system that
25 will be beneficial to the resource? And here you're really
26 implementing a co-management plan under the proposals that
27 you could place in the regulation, and especially after
28 having it signed so many years by both State of Alaska and
29 U.S. Fish and Wildlife Service.

30
31 CHAIRMAN SQUARTSOFF: Thank you, Myron.
32 What I believe, I think we should try to at least give this
33 group a chance, you know, they might be able to do a little
34 better than what we're doing right now. It's possible.

35
36 Yes, Mike.
37

38 MR. SMITH: Thank you, Mr. Chairman. I'm
39 going to be in favor of deferring this and I think what I
40 would like to also see is the possibility because we need
41 to the point to where we can adopt management plans, you
42 know, much like we adopt moose management plans, much like
43 we adopt caribou plans and reindeer plans and what have
44 you. And I would like to see the possibility come back to
45 us in the fall time of adopting the goose management plan,
46 not just, you know, supporting it or whatever, but adopting
47 it as a formal plan. Embodying in those plans, the
48 enforcement policy, well, I mean I guess it doesn't become
49 regulations if it's just a plan then, you know, and if we
50 adopt the plan then it's not a regulation and we can go

1 along with that, and I think we need to go there.

2

3 And I guess, Doug, I don't know what, you
4 know, this whole discussion has on the emperor goose plan,
5 you know, because that plan is sitting out there too and it
6 has implications to what we do here. And so I mean I guess
7 I don't know what the status of that plan is now too in
8 relationship to regulations and stuff that we're adopting
9 here. And so I think we need to look at the aspect of
10 adopting these things as formal adopted by the AMC so that
11 we can move on. Because I mean I don't think any of us
12 want to see this 20 years worth of effort that these guys
13 have put in go away. I mean it's just too valuable of a
14 process to just totally disregard and we need to be able to
15 figure out a way upon which we can adopt the whole thing.

16

17 CHAIRMAN SQUARTSOFF: Good point, Mike.

18 Anyone else. Tom.

19

20 MR. ROTHE: Just a question. Mike's
21 producing all these creative ideas here. And I guess is
22 the question of whether the goose management plan was
23 proposed for affect statewide and I just wanted to get
24 clear on whether that idea was to extend the effect of the
25 plan or just simply have this body endorse what that region
26 has done.

27

28 CHAIRMAN SQUARTSOFF: That region.

29

30 MR. SMITH: Mr. Chairman, it's not endorse,
31 but to adopt what that region has come up with for that
32 region.

33

34 MR. ROTHE: Okay.

35

36 CHAIRMAN SQUARTSOFF: Thank you.

37

38 MR. ROBUS: So it's deferred?

39

40 CHAIRMAN SQUARTSOFF: Yes.

41

42 MR. ROBUS: Call the question.

43

44 CHAIRMAN SQUARTSOFF: Can I have a

45 question.

46

47 MS. HEPA: Question.

48

49 CHAIRMAN SQUARTSOFF: Question's been

50 called for. Any objection to the motion as amended.

1 (No comments)
2
3 CHAIRMAN SQUARTSOFF: Hearing no objection,
4 motion passes. I guess at this time shall we take our
5 lunch break -- yes, Mr. Ostrand, can you come up to the
6 mike, please.
7
8 MR. OSTRAND: Since you're about to break
9 for lunch, the final rule just came out. I've got copies
10 for everybody, I thought you might want to take them to
11 lunch.
12
13 CHAIRMAN SQUARTSOFF: All right. Yes,
14 thank you Bill.
15
16 MR. OSTRAND: Yes, the season is opened.
17
18 CHAIRMAN SQUARTSOFF: Open, what are we
19 doing here now. 1:30.
20
21 MR. ROBUS: Well, I why don't we get back
22 sooner than that, 1:15.
23
24 CHAIRMAN SQUARTSOFF: 1:15, okay.
25
26 (Off record)
27
28 (On record)
29
30 CHAIRMAN SQUARTSOFF: I'd like to call this
31 meeting back to order, please. Thank you.
32
33 I guess we're ready for Proposal No. 3
34 under Tab 5, Matt, can you go ahead.
35
36 MR. ROBUS: Thank you, Mr. Chairman. I
37 move the third proposal under Tab 5, which is a proposal
38 from the Association of Village Council Presidents, and
39 proposes that the spring and summer subsistence hunt of
40 migratory birds be limited to Alaska Natives only in
41 accordance with requirements of the Japan Convention.
42
43 Mr. Chair.
44
45 CHAIRMAN SQUARTSOFF: Thank you. Do I hear
46 a second to that motion.
47
48 MR. SMITH: Seconded, Mr. Chair.
49
50 CHAIRMAN SQUARTSOFF: Seconded. You know

1 what, we don't have Myron here or Tim.
2
3 MR. ROBUS: Let's move on.
4
5 CHAIRMAN SQUARTSOFF: I didn't think about
6 them being gone, doggone it.
7
8 MR. SMITH: Mr. Chairman, can we just go
9 ahead and do.....
10
11 CHAIRMAN SQUARTSOFF: Let's do the rest of
12 it, and save it for the last one.
13
14 MR. ROBUS: Mr. Chair.
15
16 CHAIRMAN SQUARTSOFF: Yes.
17
18 MR. ROBUS: Mr. Chair, I move that we table
19 this until the other representatives are at the table and
20 we move to Tab 6.
21
22 MR. SMITH: Second.
23
24 CHAIRMAN SQUARTSOFF: Okay, so moved, I
25 guess, no disagreements.
26
27 Okay, this will be Proposal No. 4 then on
28 Tab 6. Matt, go ahead.
29
30 MR. ROBUS: Mr. Chairman, I have a question
31 for the Council or the Executive Committee before I do that
32 and that is this proposal is somewhat interconnected with
33 the regional bird list proposal and I'm wondering if the
34 Council wants to proceed with this one first or go to the
35 regional bird list and talk about that question -- I mean
36 one way or the other we need to deal with them both, I'm
37 just wondering how you'd like to proceed.
38
39 CHAIRMAN SQUARTSOFF: The regional bird
40 list.
41
42 MR. SMITH: Mr. Chairman.
43
44 CHAIRMAN SQUARTSOFF: Yes, Mike.
45
46 MR. SMITH: The intent of this is to add
47 the wimbrel bristled fide, curlew, bar-tailed godwits, and
48 marbled godwit, is that thrown into our list or are they
49 already on there?
50

1 CHAIRMAN SQUARTSOFF: On what are you
2 talking, Mike, the list or in this proposal?
3
4 MR. SMITH: Are these all additions to our
5 bird list?
6
7 CHAIRMAN SQUARTSOFF: Go ahead, Doug.
8
9 MR. ALCORN: Thank you, Mr. Chairman. I
10 think, Mike, what I understand from the proposal is to add
11 birds that are not on the list with the exception of the
12 bar-tailed godwits, which is on the list.
13
14 CHAIRMAN SQUARTSOFF: Thank you. I don't
15 know what -- well, I guess we can go either way on this,
16 can't we? You're asking on the list?
17
18 MR. ROBUS: Okay, I'll move the proposal,
19 what is contained first under Tab 6.
20
21 CHAIRMAN SQUARTSOFF: That would be
22 Proposal No. 4?
23
24 MR. ROBUS: That would be Proposal No. 4.
25 It is a proposal from the Bering Strait Norton Sound
26 Migratory Bird Council, and it proposes to allow the
27 harvest of wimbrel, bristled fide, curlew, bar-tailed
28 godwits, and marbled godwit, and the hudsonion godwit.
29
30 Mr. Chair.
31
32 CHAIRMAN SQUARTSOFF: Thank you.
33
34 MR. SMITH: I'll second, Mr. Chairman.
35
36 CHAIRMAN SQUARTSOFF: Thank you. Second.
37 Who do we have introducing this one, Kawerak, are they here
38 -- nobody here from Kawerak either, okay. Well, I guess
39 we'll just have to go onto the next step or does somebody
40 want to read it or, no, do you want to read it Matt, or no,
41 is that fine, since they're not here?
42
43 MR. ROBUS: Mr. Chair, I already
44 paraphrased it. I would suggest that we start down the
45 protocol for Staff analysis comments and then get into
46 Council discussion.
47
48 CHAIRMAN SQUARTSOFF: Thank you. Alaska
49 Department of Fish and Game, would be Tom Rothe, I believe.
50

1 MR. ROTHE: Mr. Chairman, I can't honestly
2 recall what the Tech Committee discussed on this one other
3 than that we recognized that the Service had closed all the
4 species on the request except for the bar-tailed godwit,
5 which is the question of a separate proposal in your
6 packet.

7
8 I think we felt it was generally
9 technically proficient. We asked for some harvest data, I
10 think, from that region on large shorebirds and that was
11 the only -- Bill, can clarify.

12
13 CHAIRMAN SQUARTSOFF: Great. Bill, can you
14 please help Tom on this. Thank you.

15
16 MR. OSTRAND: The Technical Committee asked
17 Austin to provide some additional information, harvest
18 data, which is actually referred to at the bottom of the
19 page, the bottom of the proposal. And we just got that day
20 before yesterday. So sorry this is late but I have it here
21 to hand out.

22
23 CHAIRMAN SQUARTSOFF: Thank you, Bill. Do
24 you have anything more Tom?

25
26 MR. SMITH: Mr. Chairman.

27
28 CHAIRMAN SQUARTSOFF: No, you can't
29 question now, Mike.

30
31 MR. ROTHE: I'm sorry, what was your
32 question?

33
34 CHAIRMAN SQUARTSOFF: Tom, do you have any
35 more?

36
37 MR. ROTHE: Mr. Chairman, I think what Matt
38 was referring to is also a thing that we recognize that one
39 of the management approaches to this would be to look at
40 which large shorebirds occur in each regions. And that
41 relates to the regional list proposal under Tab 8
42 somewhere.

43
44 But other than that I don't have any other
45 commentary on biological effects or anything. As long as
46 we have the harvest data it appears to be complete enough
47 for you to make a decision.

48
49 CHAIRMAN SQUARTSOFF: In other words, you
50 guys are saying the proposal looks okay then, right?

1 MR. ROTHE: It looks like you have enough
2 information, probably, to make a good decision.

3
4 CHAIRMAN SQUARTSOFF: Right. Thank you.
5 No, you can't question now, Mike, you got to wait until our
6 -- before you start, Bob, will be the next one. I guess
7 somebody's being really conservative because I can't even
8 read the darn thing it's so small.

9
10 But go ahead, Bob. Bob's next, U.S. Fish
11 and Wildlife.

12
13 MR. LEEDY: Thank you, yeah, Bob Leedy,
14 Migratory Birds. If I understand this correctly, what
15 they're basically saying is of these five birds one is
16 open. I think implied is that these all look so much alike
17 that harvesters are put at risk because if they try to
18 focus only on bar-tailed godwits, there is some possibility
19 that they could take the other birds. And, therefore,
20 they're asking for reconsideration and opening of all these
21 birds, large birds that look very similar.

22
23 I think from a Fish and Wildlife Service
24 standpoint, I think we're all aware that the wimbrel, the
25 bristled-thighed curlew, the marbled godwit and the
26 hudsonion godwit were originally proposed as being opened
27 to subsistence harvest. Through our process over the last
28 several years and interaction with the Service regulations
29 committee, those four have been taken off the list of
30 species potentially opened to harvest leaving only bar-
31 tailed godwit. The Service, currently, has in this package
32 a proposal to close bar-tailed godwit. So we would say
33 that there has been no change in the status of these
34 species, therefore wimbrel, the bristled-thighed curlew,
35 the marbled godwit and the hudsonion godwit should stay
36 closed and the Council will soon be discussing in more
37 detail bar-tailed godwit.

38
39 CHAIRMAN SQUARTSOFF: Thank you, Bob. Tim,
40 Technical Committee, please.

41
42 MR. ANDREW: Mr. Chairman, for the record,
43 Timothy Andrew. I'm the Co-Chair of the Technical
44 Committee.

45
46 Kawerak had submitted two proposals, one to
47 allow harvest of wimbrel, the bristled-thighed curlew, bar-
48 tailed godwit, marbled godwit, hudsonion godwit. There was
49 a harvest table that was missing. I believe that Bob has
50 distributed that table, and the table should be broken down

1 into spring and summer. There was a recommendation from
2 the Technical Committee that the table be broken down into
3 spring and summer for both birds and eggs.

4
5 Mr. Chairman, that's the committee report.

6
7 CHAIRMAN SQUARTSOFF: Thank you. Do we
8 have any public comment out there.

9
10 MS. TIBBITS: Hi, my name is Leigh Tibbits.
11 I'm representing the Alaska Shorebird Group. We're an
12 organization of shorebird researchers and educators and
13 conservationists. We're about 50 members. I don't know if
14 you've heard of us before but, anyway, in my professional
15 life I'm a shorebird researcher for the U.S. Geological
16 Survey.

17
18 I just wanted to say that these species, I
19 think you all know, that a lot of them have very small
20 population sizes and they're facing increasing threats on
21 the wintering grounds. And I'm not sure what people said
22 earlier, I just missed the beginning of this. But if you
23 have any questions about those threats I can talk about
24 them a little bit, if that would help anybody make a
25 decision here.

26
27 CHAIRMAN SQUARTSOFF: Yeah, okay, well, I
28 guess maybe you can go ahead and stay there because it's
29 going to come into Council discussion here next.....

30
31 MS. TIBBITS: Okay.

32
33 CHAIRMAN SQUARTSOFF:if there's no
34 other public comments, and if anybody might have any
35 questions for you.

36
37 MS. TIBBITS: Okay.

38
39 CHAIRMAN SQUARTSOFF: Is there any other
40 public comment on this particular proposal.

41
42 (No comments)

43
44 CHAIRMAN SQUARTSOFF: Seeing none, then
45 we'll go into Council discussion, and then Matt looks like
46 he's ready to go first.

47
48 MR. ROBUS: Thank you, Mr. Chairman. I
49 guess to start out with I'll say that I note that the table
50 that's been handed out, which I can barely read.....

1 CHAIRMAN SQUARTSOFF: I can't even read it.

2

3 MR. ROBUS:shows low harvest for
4 these large shorebirds in the Bering Straits, Norton Sound
5 region. And I recall from several meetings prior, the
6 representative from that region has repeatedly talked about
7 the desire there to be able to continue harvesting large
8 shorebirds for subsistence reasons. And I think my
9 understanding is, is that most of the look alike problem
10 and most of the potential for the large shorebirds to be
11 taken in the amounts that could relate to a conservation
12 problem is outside of this region, to the south, and that I
13 guess we should have some more discussion, but, thinking of
14 the region bird list approach, I'm wondering if this might
15 be an instance where we would allow what's a very small
16 harvest that's been, you know, discussed in the Council
17 here for the last couple of years, while closing it in the
18 area where these birds seem to be at the most risk and
19 where the species seem to be intermixed.

20

21 And so I'm not going to offer an amendment
22 right now, but I may before we're done here. I'd just like
23 to offer that kind of to the thought process for people,
24 that a regional opening might be a surgical way to allow
25 the request for subsistence take but have biological
26 protection elsewhere.

27

28 Mr. Chair.

29

30 CHAIRMAN SQUARTSOFF: Thank you, Matt.
31 Anyone else. Mike.

32

33 MR. SMITH: Mr. Chairman, I certainly
34 appreciate Matt's comments and stuff. But it seems to me
35 that we're getting, you know, that it seems like we're
36 getting real close to regionalized lists that way and have
37 real concerns about us going in that direction. So in
38 regards to this, I was just looking at their harvest list
39 and I actually only see one of these on there and that is
40 the bristled-thighed curlew and they showed no harvest on
41 that at all. So I'm not sure -- let me see, maybe they do
42 show a harvest on it, oh, I guess they do show a harvest on
43 it, I'm sorry -- do they?

44

45 MS. HEPA: No.

46

47 MR. SMITH: Yeah, so they don't show a
48 harvest on that. And in regards to the other birds,
49 they're not even on the list that I can tell and it may be
50 due to the fact that they are confusing. In that regard, I

1 guess, I'm not sure what we'd do in that regard.

2

3 I mean if they are -- if they do look so
4 much -- and I'm not real familiar with these birds, but if
5 they do look so much alike that we have the possibility of
6 people getting cited for the taking of some of these birds,
7 I think that we certainly need to address that issue in
8 some fashion, but I certainly don't want to go to a
9 regionalized list.

10

11 CHAIRMAN SQUARTSOFF: All right, thank you,
12 Mike.

13

14 MR. HICKS: I'm looking over the actual
15 proposal here and I'm kind of curious as to where exactly
16 these that they're talking about harvesting them, it says
17 Bering Strait and Norton Sound region, excluding ANCSA
18 areas, I mean just exactly what are they talking about when
19 they say what region or what -- what area of land, where?

20

21 CHAIRMAN SQUARTSOFF: Yeah, I didn't notice
22 that either. Enoch.

23

24 ATTAMUK: Yeah, let me explain, good for
25 Nome, since they're my neighbors. It's really the basic
26 one area, Nome. It's just the way they call each other.
27 They're really basically the same unit, okay. And I
28 thought in the past that when Austin proposed, this was
29 mainly for taking of the eggs, but I see here different
30 that they do take very few birds. And these birds that
31 they take versus the population, I don't think they even
32 take one percent of the birds out there.

33

34 I know they look alike, I'll tell you that
35 much. I know what kind of bird they are. At some point,
36 at a distance, they all look alike, but when you're close
37 enough you can tell the difference, and they do feed in the
38 same areas.

39

40 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
41 Hans.

42

43 MR. NICHOLSON: Thank you, Mr. Chairman.
44 I'm of the same opinion as Matt. Even if this were
45 allowed, I still believe it would be fairly
46 conservative. During the work session they showed us
47 pictures of the shorebirds and how they were very similar,
48 the documentation that's provided here from the harvest
49 data collection project from Kawerak indicates there is
50 some harvest that occurs. Although, you know, due to the

1 ID, identification problem, I see that they have a very
2 large amount listed the small shorebird, kind of just
3 lumped together.

4
5 You know, we have a total number
6 approaching between 650 and 700 birds. This would give
7 them subsistence opportunity, I believe if this were
8 allowed. The proposal is very specific, specific to the
9 Bering Strait and Norton Sound region, excluding the
10 Unalakleet Native ANCSA land selection areas. So I think
11 this is a relatively small area. And our Council commented
12 on this and basically our comment was that this would
13 continue to allow subsistence hunters to harvest shorebirds
14 for their own human consumption. And for all intents and
15 purposes this would let them continue in their customary
16 and traditional practice.

17
18 Thank you.

19
20 CHAIRMAN SQUARTSOFF: Thank you, Hans.
21 Myron.

22
23 MR. NANENG: If you're referring to some
24 other villages, if you're talking about southern area, is
25 that what you're referring to Matt, that some of these
26 birds might be harvested down in the YK-Delta for these,
27 the bar-tailed godwit.

28
29 CHAIRMAN SQUARTSOFF: Go ahead, Matt, you
30 can respond.

31
32 MR. ROBUS: Through the Chair. Myron, are
33 you talking about the reference to the ANCSA selection?

34
35 MR. NANENG: No, I'm not talking about
36 ANCSA selection. I know that this proposal is asking for a
37 harvest of small amount of birds but I know that in one of
38 the discussions where they considered the impact to be at
39 is near one of the villages on the YK-Delta for one of
40 these godwits I think it's the bar-tailed godwit that the
41 village of Chefnak harvests. And if we're going to say,
42 we'll close it down in the south area but we'll have a
43 limited harvest up in the northern area, it's not -- people
44 are just going to say, what -- why leave it open to them,
45 why don't we close it. But at the same time, if you're
46 going to leave it open for them, for those people in Norton
47 Sound you got to leave it open for those people at
48 Chefnak.

49
50 You can't have it both ways.

1 MR. ROBUS: Through the Chair.
2
3 CHAIRMAN SQUARTSOFF: Matt.
4
5 MR. ROBUS: Now, I know better what you
6 were asking Myron. What I was talking about was based on
7 my understanding that the mixing of different species and
8 the chance for birds that we cannot afford to have taken
9 would be greater on the Delta than it would be in the
10 Bering Straits region. And what I didn't say before is, is
11 that I would only be talking about taking two of the
12 species, not all four that were in the proposal, which
13 would have to be changed if we're going to go in that
14 direction.
15
16 CHAIRMAN SQUARTSOFF: Yeah, Myron, go ahead
17 and respond back to him if you want.
18
19 MR. NANENG: Yeah. The other question that
20 I have is, has there been a survey of harvest of all these
21 species that are listed in the proposal?
22
23 CHAIRMAN SQUARTSOFF: You're talking of the
24 five?
25
26 MR. NANENG: Right. Survey of these five
27 species, no, this is a harvest survey for Bering Straits
28 only.
29
30 CHAIRMAN SQUARTSOFF: Okay.
31
32 MR. NANENG: Do we have harvest survey of
33 other parts of the state or where they go to wintering
34 grounds? In order to make a decision on this, an informed
35 decision I need to take a look at those as well. I can't
36 make a decision based on observations that are not
37 substantiated with numbers. And those are things that we
38 need to see before we can decide on whether to keep one
39 area open while we're talking about keeping another area
40 closed.
41
42 CHAIRMAN SQUARTSOFF: Thank you, Myron. I
43 think the lady here might.....
44
45 MS. TIBBITS: Leigh Tibbits again. Are you
46 asking if there's a harvest survey of the other areas or a
47 bird survey?
48
49 MR. NANENG: This proposal is inclusive of
50 all the five birds.

1 MS. TIBBITS: Yeah.
2
3 MR. NANENG: And not only are they
4 harvested there in the Bering Straits where they're
5 proposing to open it but there's also harvest elsewhere in
6 the state and possibly in the wintering grounds.
7
8 MS. TIBBITS: Right.
9
10 MR. NANENG: And, you know, if I had that
11 information I would be more inclined to make a decision
12 based on that rather than saying, okay, this is just one
13 survey that we're looking at, harvest survey, where are the
14 rest of the harvest surveys so I can put weight and bering
15 on it before I make a decision.
16
17 MS. TIBBITS: And that's kind of the
18 problem, is that there isn't a lot of good information
19 about these species, so that kind of raises cause for
20 concern. But in terms of other places in the state where
21 there's harvest surveys, I don't think I know of any. And
22 the wintering grounds for different species, there are
23 certain -- there are information available. For example
24 the bristle-thighed curlew, the people -- the nations in
25 the South Pacific are trying to keep track of numbers that
26 are harvested but also numbers that are affected by habitat
27 alteration and introduce mammals and things like that. And
28 the bar-tailed godwit, there's people trying to keep track
29 of harvest in China and also down in New Zealand where they
30 winter.
31
32 And as far as marbled godwits, they don't
33 really know where the marbled godwits from Alaska winter,
34 they think they're in San Francisco Bay, but that hasn't
35 been established yet. And the hudsonion, the same
36 situation.
37
38 CHAIRMAN SQUARTSOFF: Yes, thank you. Bob,
39 maybe can you give a little more information for Myron?
40
41 MR. LEEDY: Not a whole lot more
42 information, no. But I can say that from a Service
43 perspective here, that the information currently available
44 on the harvest of these large shorebirds is generally and
45 adequate to separate them out and, you know, specify region
46 by region, you know, what's taken.
47
48 You know they're relatively low numbers of
49 the birds. They haven't been highlighted in past harvest
50 surveys and the information generally available, what

1 information there is, would classify large shorebirds
2 versus small shorebirds rather than down to the specific
3 level that you're asking about.

4

CHAIRMAN SQUARTSOFF: Yes, Myron.

5

6
7 MR. NANENG: And one of the other things,
8 too, is there's the potential that we might penalize one
9 village because we don't have all that harvest information
10 or the population information or misidentification concern.
11 And, you know, if we're going to set up and adopt a
12 proposal that opens it up in one area then we got to take a
13 look at the rest of the areas where the birds migrate
14 through and how they might be harvested. Because adopting
15 it would create a problem in one of our villages within a
16 region while it restricts in another area, which according
17 to this doesn't have a big harvest as compared to what
18 might be at within our region.

19

20 CHAIRMAN SQUARTSOFF: Thank you,
21 Myron. Are you saying, too, though, Myron, that the
22 Unalakleet ANCSA selection area might be in your area or a
23 part of it?

24

25 MR. NANENG: No, I'm not saying that
26 Unalakleet selection area is within our area. But one of
27 the things is, you know, these birds are animals, whatever
28 we call them, that are migratory don't know of any
29 boundaries.

30

CHAIRMAN SQUARTSOFF: Right.

31

MR. NANENG: Any boundaries.

32

33

MR. SMITH: Mr. Chairman.

34

35

36 CHAIRMAN SQUARTSOFF: Okay, wait a minute
37 Mike. Maybe I can ask Tim, does the Tech Committee have
38 any idea why they were signaling out excluding this one
39 area, did they give you that information maybe? And then
40 Mike.

41

42 MR. ANDREW: No, Mr. Chairman, we didn't
43 receive any indication why they excluded the Unalakleet
44 corporation lands.

45

CHAIRMAN SQUARTSOFF: Okay, thanks.

46

47

48

49

50

MR. SMITH: It says so in.....

1 CHAIRMAN SQUARTSOFF:Mike.
2
3 MR. SMITH:the proposal.
4
5 CHAIRMAN SQUARTSOFF: It does, okay.
6
7 MR. SMITH: It says excluding the
8 Unalakleet Native Corporation ANCSA selection area was
9 indicated large shorebirds are making a comeback after
10 being low from mining activity disturbances. So the
11 purpose was to exclude any harvest on those ANCSA lands,
12 because that particular area the birds are making a
13 comeback. So apparently they were depleted at some point.
14
15 Mr. Chairman, I'm going to be opposed to
16 this right now. Because, one, I think it speaks of a
17 regional list and I'm not ready to go there yet. And with
18 that I think I'll call the question.
19
20 CHAIRMAN SQUARTSOFF: Question has been
21 called for.
22
23 ATTAMUK: Before the question.
24
25 CHAIRMAN SQUARTSOFF: Yes.
26
27 ATTAMUK: I'd just like to explain. We
28 don't harvest these in our area but for Nome. You're
29 talking in an island that has no fresh meat, that's why
30 they harvest these birds. You know, and numbers are low
31 harvest because you could see that they mainly try to
32 harvest the birds as the eggs. I can't say anymore except
33 for what I've been hearing when I talk to Austin and them
34 other guys on this one here.
35
36 I'm basically opposed to this because the
37 numbers are low, but, still, you have to understand their
38 culture, their tradition of taking these birds.
39
40 I don't know how else to explain it.
41
42 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
43 Doug, one more before.....
44
45 MR. ALCORN: Thank you, Mr. Chairman. I
46 guess I would like to voice the Service's position on this.
47 We heard from Bob Leedy that from a biological perspective
48 that the status of these birds has not changed from the
49 past year. As a matter-of-fact, this years regulations
50 began today and the only species on this list that occurs

1 on the list of species open for harvest is the bar-tailed
2 godwits, and because of that, I can't voice support for the
3 proposal until there's evidence that the status changes or
4 that those birds that occur on the Service's birds of
5 conservation concern list, the reasons for those birds
6 being on that list are alleviated.

7
8 And it's difficult for me as an Agency
9 representative to change the thinking that we were trying
10 to be consistent with last year, to reverse that thinking
11 and support this proposal. So I'm going to voice
12 opposition to the proposal when the question's called.

13
14 CHAIRMAN SQUARTSOFF: Joeneal.

15
16 MR. HICKS: I, too, am inclined to oppose
17 this proposal until such a time that more data becomes
18 available. And I cite several things in this particular
19 proposal where it mentions that B, not sure what impacts
20 regulation will have on migratory birds. That, alone says
21 quite a bit, in other words, there is no data available to
22 make a good, sound decision.

23
24 And I also say that until such a time that
25 more data is available because the particular proposal says
26 by placing those large species on the BECC list and not
27 allowing for harvest of it may be destroying entire curlew
28 hunting tradition, in other words, giving them the benefit
29 of the doubt that maybe at some future date they might be
30 able to bring this proposal back to the table again for
31 consideration.

32
33 CHAIRMAN SQUARTSOFF: Thank you, Joeneal.
34 Enoch, did you want to.....

35
36 ATTAMUK: Basically is that we should defer
37 this proposal until the makers of this proposal are here to
38 back it up and we could get some questions.

39
40 CHAIRMAN SQUARTSOFF: Yes, Matt.

41
42 MR. ROBUS: I'd just like to call the
43 question.

44
45 CHAIRMAN SQUARTSOFF: The question's been
46 called for. I'm going to go ahead and ask this of the
47 Council, all in favor of recommending the proposal signify
48 by saying aye.

49
50 (No aye votes)

1 CHAIRMAN SQUARTSOFF: All those that are
2 opposed.
3
4 MR. NANENG: Mr. Chairman.
5
6 CHAIRMAN SQUARTSOFF: Oh, no, it's.....
7
8 MR. NANENG: I have a question on
9 procedure.
10
11 CHAIRMAN SQUARTSOFF: Go ahead.
12
13 MR. NANENG: Enoch made.....
14
15 CHAIRMAN SQUARTSOFF: No, he didn't make a
16 motion. That wasn't a motion.
17
18 MR. NANENG: And there was a motion already
19 to adopt this?
20
21 CHAIRMAN SQUARTSOFF: Yes, that's why I was
22 acting on that one.
23
24 MR. NANENG: Yeah.
25
26 CHAIRMAN SQUARTSOFF: Yeah.
27
28 MR. NANENG: Yeah.
29
30 CHAIRMAN SQUARTSOFF: He didn't make a
31 motion do defer, so that's why I went with this one. And
32 since there was no.....
33
34 MR. NANENG: You didn't give us an
35 opportunity to second it.
36
37 CHAIRMAN SQUARTSOFF: Yeah, well, no, the
38 original motion was -- yeah, Nathan, it was -- yeah.
39
40 REPORTER: (Nods affirmatively)
41
42 CHAIRMAN SQUARTSOFF: It was made and
43 seconded at the beginning.
44
45 MR. NANENG: But the deferral.....
46
47 CHAIRMAN SQUARTSOFF: Well, no, he didn't
48 make -- I didn't understand it clear as a motion, it didn't
49 sound like a motion to me. It was he was just in support
50 of.....

1 MR. SMITH: To send it back to Kawerak.....
2
3 CHAIRMAN SQUARTSOFF: Yeah, well, it
4 basically.....
5
6 MR. SMITH:was the deferral.
7
8 CHAIRMAN SQUARTSOFF: Right. Basically if
9 we do what we're doing now and I don't hear any in favor on
10 this then it will go back to.....
11
12 MR. SMITH: It will.
13
14 CHAIRMAN SQUARTSOFF:yes, it will go
15 back. Yes, Enoch.
16
17 ATTAMUK: Okay. Next time give us more
18 chance to talk -- you went a little too fast on your
19 process right here. Okay, the process you have to go
20 through, give us a chance, Mr. Chairman, okay.
21
22 CHAIRMAN SQUARTSOFF: Yes, thank you,
23 Enoch. I'm sorry if I wasn't very clear on that.
24
25 I guess it was so moved on this proposal,
26 then we're on Proposal No. 5.
27
28 MR. ALCORN: Mr. Chairman.
29
30 MR. SMITH: No, we haven't.....
31
32 MR. ALCORN: I believe you asked for anyone
33 in favor say aye and you didn't complete the process to
34 anyone opposed.
35
36 MR. SMITH: Yes, right.
37
38 CHAIRMAN SQUARTSOFF: Oh, okay, I thought I
39 did, sorry, Doug. Well, hearing no objections then it's
40 passed, the motion is passed.....
41
42 MR. SMITH: Failed.
43
44 CHAIRMAN SQUARTSOFF:or failed, I
45 mean, sorry, failed.
46
47 (Laughter)
48
49 CHAIRMAN SQUARTSOFF: I'll get it, don't
50 worry. Is that better Enoch -- no, okay, so we're on No.

1 5. Matt, can you go ahead on that one, please.

2

3 MR. ROBUS: Mr. Chairman, I would move
4 Proposal No.5, which is the second proposal behind Tab 6 by
5 Bering Strait, Norton Sound Migratory Bird Council, and it
6 proposes to add St. Lawrence Island as a location where the
7 use of live decoys for netting seabirds may be used.

8

9 Mr. Chair.

10

11 CHAIRMAN SQUARTSOFF: Thank you. And we
12 don't have nobody on introduction on this proposal.

13

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

15

16 CHAIRMAN SQUARTSOFF: Second. Sorry, I
17 keep forgetting the second. Enoch, maybe can you give a
18 little on this on their behalf or no.

19

20 ATTAMUK: Give me a second, which one --
21 where are we?

22

23 CHAIRMAN SQUARTSOFF: We're on the second
24 one under Tab 6.

25

26 ATTAMUK: I can't. I can't recall what was
27 spoken about this -- by Austin or Frank at the time.

28

29 CHAIRMAN SQUARTSOFF: Okay. Then we'll go
30 into the next procedure, which would be Tom, with the
31 Alaska Department of Fish and Game.

32

33 MR. ROTHE: Right, Mr. Chairman. I think
34 we just had one observation as far as the technical nature
35 of this proposal. And it's the same comment that the
36 Technical Committee made. And that is that the way it's
37 worded right now, it would allow live decoys for taking
38 seabirds. And actually the existing Federal regulation
39 that allows this right now on Diomedes says, specifically it
40 would be for auklets.

41

42 So I guess our advice is that given the
43 wording of the proposal, if there's a desire to keep it
44 consistent with the previous and to make it very specific
45 it should probably be worded, auklets -- for auklets.

46

47 CHAIRMAN SQUARTSOFF: Thank you, Tom. Bob.

48

49 MR. LEEDY: Basically concur with the
50 comments by Tom here. The Service has no biological

1 concern with the continued use of nets for catching
2 auklets, but to broaden this to the much broader, very
3 generalized category of seabirds would likely create some
4 new traditions -- could create some new traditions. So we
5 would support this proposal with the understanding that it
6 would apply to auklets as it currently does in Diomedea
7 Island.

8
9 CHAIRMAN SQUARTSOFF: Okay, thank you, Bob.
10 Do we have any public comments on this.

11
12 MR. NICHOLSON: Mr. Chairman.

13
14 CHAIRMAN SQUARTSOFF: No, not until it
15 comes to our Council discussion time, sorry, Hans.

16
17 Any public comments on this.

18
19 Russ is saying no, so I guess no. So
20 Council discussion, now, Hans, if you want to question one
21 of the Staff on it.

22
23 MR. NICHOLSON: I guess Bob, or Doug could
24 probably answer this. I was led to believe this was an
25 oversight when St. Lawrence was not included in that
26 regulation, so I think this is just a matter of
27 housekeeping. I agree that the seabird language should
28 have been auklet.

29
30 MR. SMITH: We'll glue it.

31
32 MR. NICHOLSON: So I would move to approve
33 the proposal, but.....

34
35 CHAIRMAN SQUARTSOFF: Amend it, you need to
36 amend it.

37
38 MR. NICHOLSON: I thought that's what I just
39 mentioned.

40
41 CHAIRMAN SQUARTSOFF: Okay.

42
43 MR. NICHOLSON: That with the amendment that
44 instead of the word, seabird, we would strike that and
45 insert auklet.

46
47 MR. ROBUS: I second it.

48
49 CHAIRMAN SQUARTSOFF: It's seconded. We
50 got any more discussion on this one.

1 (No comments)
2
3 MR. SMITH: Call the question, Mr.
4 Chairman.
5
6 CHAIRMAN SQUARTSOFF: Question's been
7 called for. Is there any objection to the motion as
8 amended?
9
10 MR. NANENG: Mr. Chairman.
11
12 CHAIRMAN SQUARTSOFF: Yes, Myron.
13
14 MR. NANENG: You know, it would be good to
15 have, at least the maker of this proposal make a comment
16 regarding what they meant by seabirds.
17
18 CHAIRMAN SQUARTSOFF: They're not here.
19
20 MR. NANENG: I understand that. But
21 remember, we're dealing with the lives of people that live
22 out there. You may not live out in that region, but it
23 definitely affects them day in and day out and we have to
24 be conscious of that, the fact that when we're talking
25 about proposed regulations or regulations that we're trying
26 to address that affects the daily lives of our people that
27 we be fair to them. And that's all I'm asking.
28
29 CHAIRMAN SQUARTSOFF: Right. Thank you,
30 Myron. And I know all of us, or the majority of us are
31 taking that into consideration and like Hans just
32 mentioned, it does look like it's just a matter of
33 housekeeping that they did actually put the wrong word in
34 there is all, clearly from what they were discussing before
35 on it.
36
37 Thank you.
38
39 MR. NANENG: Mr. Chairman, I'm not
40 convinced. You know it would be good for them to be the
41 ones that convey to us that they definitely made an error
42 in the way that they put the proposal together. But, you
43 know, since they're not here but I'd still would think that
44 maybe we ought to give them an opportunity to bring this
45 before us to correct or not to correct, because they're the
46 ones that made the proposal.
47
48 CHAIRMAN SQUARTSOFF: Enoch.
49
50 ATTAMUK: Yeah, I agree with Myron because

1 they do take a lot of seabirds. St. Lawrence
2 Island/Diomedede, they take a lot of seabirds there and their
3 intent probably including seabirds, the ones they take, if
4 you look at the survey, if you could read the survey, they
5 got some seabirds in here they take.

6
7 CHAIRMAN SQUARTSOFF: Yeah, but you got
8 understand the way the proposal is, they're just asking
9 through -- with live decoys and when they did that before
10 it was just under -- with the auklets only.

11
12 ATTAMUK: Could you really verify that
13 that's what they're trying to say, because they're not
14 here?

15
16 CHAIRMAN SQUARTSOFF: Yeah, I know they're
17 not here but I don't have it with me. I'm just going on
18 what I remember from the past, Enoch, is all.

19
20 ATTAMUK: Then maybe we should table this
21 or something until they're here to back up -- the maker of
22 this proposal. I understand what you're saying.

23
24 CHAIRMAN SQUARTSOFF: Right.

25
26 ATTAMUK: I understand.

27
28 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
29 Yes, Doug.

30
31 MR. ALCORN: Thank you, Mr. Chairman. I --
32 maybe there's a way to do this in stages. If the amendment
33 that Hans' offered stands and we were to pass this then we
34 would pass this this year for the netting of auklets and
35 that it would allow this process to go forward for a
36 recommendation for the next season. If the Kawerak
37 representative disagrees with the action then we will meet
38 again in the fall and then at that point the Kawerak region
39 could correct their intent and then we postpone -- or we
40 would then consider the proposal as corrected the following
41 year. But at least this year, with the understanding that
42 seems to be acceptable with the revision, as worded, to
43 some of us, we would at least make that provision.

44
45 CHAIRMAN SQUARTSOFF: Yeah, Myron and then
46 Enoch.

47
48 MR. NANENG: Yeah, when we talk about
49 trying to place certain restrictions on certain species of
50 birds, we try and get as much information as we can.

1 Unless I see a document that says specifically for auklets,
2 then I would support this, but since the makers of the
3 proposal are not here to either back up what everybody else
4 is saying here, you know, I would move to defer this so
5 that it will give them time and opportunity to explain to
6 us what they meant by seabirds or by auklets.

7
8 CHAIRMAN SQUARTSOFF: Thank you, Myron.
9 Enoch.

10
11 ATTAMUK: Yeah, one of the agencies is
12 laughing at us here, Matt and Doug are probably laughing at
13 us, we Natives are now fighting over this proposal. Give
14 you an example when they have the Nome area people from St.
15 Lawrence Island, they were in Kotzebue, when they started
16 shooting seabirds and we know they were close in our region
17 we tried to tell them we have logged all the birds that
18 they could harvest that's legal but they wanted to eat a
19 bird they culturally eat all the time. You know they were
20 hunting seabirds.

21
22 CHAIRMAN SQUARTSOFF: Right.

23
24 ATTAMUK: That's why I would.....

25
26 CHAIRMAN SQUARTSOFF: All right, thank you,
27 Enoch.

28
29 ATTAMUK:like to wait.

30
31 CHAIRMAN SQUARTSOFF: Myron, did you say
32 that you made a motion to defer?

33
34 MR. NANENG: Yeah, I move.

35
36 CHAIRMAN SQUARTSOFF: You moved.

37
38 MR. NANENG: Yeah, I moved to defer.

39
40 CHAIRMAN SQUARTSOFF: Yeah, okay, could I
41 have a second to that, please, he moved to defer it,
42 second.

43
44 MS. HEPA: Second.

45
46 CHAIRMAN SQUARTSOFF: Thank you. Any more
47 discussion, now that we're back on track.

48
49 MR. NANENG: Call for question.
50

1 CHAIRMAN SQUARTSOFF: One second, Myron, I
2 got Matt here.
3
4 MR. ROBUS: I agree with Myron that we
5 don't know and can't verify exactly what the proposer
6 meant, but it seems to me that if we're going to lose
7 hunting opportunity for subsistence hunters for this season
8 -- well, no, I'm getting my yearly cycle mixed up, so I
9 withdraw what I just tried to say.
10
11 (Laughter)
12
13 CHAIRMAN SQUARTSOFF: Thank you. Tom, real
14 quickly, please.
15
16 MR. ROTHE: Yeah, I think there's two
17 things here. The intent of Kawerak was to have some
18 opportunity provided to St. Lawrence and there's nothing
19 now. So your choices would be, if you reject this whole
20 thing they have.....
21
22 CHAIRMAN SQUARTSOFF: Right.
23
24 MR. ROTHE:no option.
25
26 CHAIRMAN SQUARTSOFF: We're not really
27 rejecting, you know, we're deferring where it will go back
28 to them. I guess they won't be able to do it for this
29 coming season to '05, but.....
30
31 MR. ROTHE: That's what I was saying.
32
33 CHAIRMAN SQUARTSOFF: That's what will
34 basically happen if we don't try to act on their behalf for
35 something. But one more thing, Mike, before -- it's
36 getting to the point to me now to where I feel we're
37 getting out of hand again. Every one of these, we haven't
38 made headways most of the day on any of these proposals,
39 you know, it's -- to me it looks like, now, Gordon's not
40 going to be here, there's going to be a bunch coming up
41 from the Southeast, he's not going to be here. This is
42 going to be the case in a lot of our meetings where people
43 are not going to be here to represent their proposals,
44 we're going to have to act on them sometimes somewhere down
45 the line. But I got a funny feeling we're going to
46 basically defer just about everyone of these that are here.
47
48 Yes, Matt.
49
50 MR. ROBUS: Thank you, Mr. Chair. I have

1 my yearly cycle back in my mind now. It seems to me to be
2 better to provide some opportunity for St. Lawrence in this
3 regulatory cycle and if we're -- I mean we have something
4 that we can apparently agree on and that is to expand the
5 use of live decoys for auklets onto St. Lawrence, that's
6 something. And that if it needs -- if expansion of that to
7 all seabirds need to be discussed, it can be discussed for
8 the next cycle. But if we defer now, we lose this for the
9 next regulatory cycle and St. Lawrence won't have any of
10 this opportunity.

11

12 So I would recommend against deferral and I
13 would be inclined to pass the proposal as amended.

14

15 CHAIRMAN SQUARTSOFF: Myron and then Enoch.

16

17 MR. NANENG: Mr. Chairman, to give the
18 opportunity -- if you're not in favor of deferral then give
19 them the opportunity to refine it themselves by removing
20 the amendment to state auklets.

21

22 CHAIRMAN SQUARTSOFF: Can you say that
23 again?

24

25 MR. NANENG: If you're not in favor of the
26 deferral remove the amendment of the word auklet and leave
27 it as seabirds. And then if you have a problem or an issue
28 that you have to deal with then you can amend the proposal
29 with them to mean that it meant only auklets. Is it that
30 difficult to do?

31

32 MR. SMITH: I don't understand.

33

34 MR. NANENG: You don't understand?

35

36 CHAIRMAN SQUARTSOFF: Well, I do.

37

38 MR. NANENG: What I meant, Mike, is to
39 leave the proposal as is, without the amendment, and if
40 they're convinced that they need to change it back to the
41 word auklet then give them that opportunity. It seems like
42 they have to fight an uphill battle every time they want to
43 do something.

44

45 You know, give them an opportunity. I
46 don't think we're in a position to amend it if we want to
47 see some progress. I'd be willing to give them that word
48 of seabirds instead of amending it.

49

50 CHAIRMAN SQUARTSOFF: Thank you, Myron.

1 Matt.

2

3 MR. ROBUS: Mr. Chair, I think I heard
4 Staff express some concern about being as expansive as all
5 seabirds and I think we've got agreement that it's
6 basically a housekeeping move to expand the auklet live
7 decoy authority.

8

9 I'm not sure how we deal with the motion to
10 defer and the amendment and whatever, but I would voice
11 support for ending up with expanding the authority to use
12 live decoys to hunt auklets.

13

14 Thank you.

15

16 CHAIRMAN SQUARTSOFF: Thank you, Matt.
17 Myron, before you start I do recall on this one issue here,
18 on the live decoy situation. This is the only time that
19 we, on the Council, have allowed any kind of live decoy was
20 for this situation here only because it was kind of frowned
21 on in all the other places, you know, about having any kind
22 of live decoy. This is one of the ways that they've caught
23 their birds in that area. That's why we respected it and
24 did allow that. Now, just for that one bird only, it was,
25 and I think Enoch might remember because he's shaking his
26 head yes over there.

27

28 This is the only time we ever allowed for
29 any live decoy and respected that region for that.

30

31 Thank you.

32

33 Yes, Hans.

34

35 MR. NICHOLSON: Thank you, Mr. Chairman.
36 This Co-management Council has the authority to amend any
37 proposal. The intent of my amendment was to make
38 consistent with existing regulation to include St. Lawrence
39 Island. This would give them subsistence opportunity in
40 the '05 season. Now, if they wish to pursue adding seabird
41 for the '06 season, they have that opportunity to do so
42 during the regulatory cycle.

43

44 I'm very quite prepared to vote in favor of
45 this proposal, Mr. Chairman, as amended.

46

47 CHAIRMAN SQUARTSOFF: Thank you, Hans. If
48 we can take maybe about a five minute recess here. We have
49 Austin on the phone right now checking on this proposal.

50

1 Yes, Myron.
2
3 MR. NANENG: If they want further
4 opportunity in the future to add additional seabirds, it's
5 already here and what we're doing right now is trying to
6 limit it to auklets.
7
8 I note that the Staff has made comments
9 expressing their concerns. But, you know, we are an
10 independent management -- you know, we can consider the
11 Staff recommendation or we can ask questions of them, which
12 we've done and then make our decisions independently. And,
13 you know, I understand the concerns by Bob and Tom saying
14 that it may have been limited to only auklets, but, you
15 know, we may be taking some opportunity away from them, to
16 expand it in the future to other seabirds.
17
18 So I just want to make that comment. I see
19 the irony of it all where we're saying, okay, we're
20 limiting them here but here they have an opportunity -- or
21 they're doing what they do right now is asking for
22 seabirds.
23
24 CHAIRMAN SQUARTSOFF: Yeah, thank you,
25 Myron. I think Mike might have something here for Austin
26 from that Kawerak region.
27
28 Thank you.
29
30 MR. SMITH: Mr. Chairman, Austin pointed
31 out something that I'm embarrassed to say we did not catch.
32 And he says that the purpose is for the use of auklets as
33 live decoys in netting, and that is the netting of
34 seabirds.
35
36 Now, whatever gets caught in the nets gets
37 caught in the nets, so that's what he's asking for, is just
38 the use of auklets for the netting, not the netting of all
39 seabirds or anything.
40
41 CHAIRMAN SQUARTSOFF: Thank you, that
42 clarifies it a heck of a lot more, don't it.
43
44 (Laughter)
45
46 CHAIRMAN SQUARTSOFF: Yes, Tom.
47
48 MR. ROTHE: So in the clear meaning then,
49 the auklet has a string tied to it and it's the decoy?
50

1 MR. SMITH: Yes.
2
3 CHAIRMAN SQUARTSOFF: Right.
4
5 MR. ROTHE: And that's the part of the
6 regulation that we need to go through.
7
8 CHAIRMAN SQUARTSOFF: All right.
9
10 MR. SMITH: So, Mr. Chairman.
11
12 CHAIRMAN SQUARTSOFF: Mike.
13
14 MR. SMITH: Where we're at right now, it
15 seems to me, is that, we have a motion for deferral which
16 is not needed now so if Myron could.....
17
18 MR. NANENG: I withdraw my deferral motion.
19
20 CHAIRMAN SQUARTSOFF: Thank you.
21
22 MS. HEPA: And I take back my second.
23
24 CHAIRMAN SQUARTSOFF: Thank you.
25
26 MR. SMITH: And we're back to the original
27 motion.
28
29 CHAIRMAN SQUARTSOFF: As amended. Though
30 if he wants to take the amendment back.....
31
32 MR. SMITH: Yes, it has to go away.
33
34 CHAIRMAN SQUARTSOFF: Yep, we need to take
35 the amendment back.
36
37 MR. NANENG: Thank you, Mr. Chairman for
38 giving me that opportunity. With receiving the new
39 information, I would like to take back my amended language.
40
41 CHAIRMAN SQUARTSOFF: And whoever seconded
42 that one.
43
44 MR. SMITH: Who seconded it?
45
46 MR. ROBUS: I believe I seconded it, and
47 I'm okay with that, although I'll point out that we're now
48 back to a motion that does not specify only auklets. So we
49 ought to think about only auklets as the live decoys.
50

1 CHAIRMAN SQUARTSOFF: Live decoys, right.
2
3 MR. ROBUS: So we need to.....
4
5 MR. SMITH: Amend it to.....
6
7 MR. ROBUS:start that now.
8
9 MR. SMITH: Mr. Chairman.
10
11 CHAIRMAN SQUARTSOFF: Yes, Mike.
12
13 MR. SMITH: I would like to propose an
14 amendment where it would be for the use of live auklets for
15 decoys for the netting of seabirds.
16
17 MR. ROBUS: Second.
18
19 CHAIRMAN SQUARTSOFF: Motion's been made
20 and seconded. We have.....
21
22 MR. LEEDY: Excuse me.
23
24 CHAIRMAN SQUARTSOFF: Yes, Fred.
25
26 MR. ARMSTRONG: No, no.
27
28 CHAIRMAN SQUARTSOFF: Tom, you were
29 pointing at Bob, did he have something to say real quick
30 before we.....
31
32 MR. LEEDY: Yeah, this is Bob Leedy. I
33 just wanted to read the current regulation that constrains
34 the harvest on Diomedes, Lordy, okay, this says you may not
35 use the following devices, blah, blah, blah, taking
36 waterfowl and other species using live birds, that is, you
37 cannot take other -- take waterfowl or other species using
38 live birds as decoys except for auklets on Diomedes Island,
39 parenthesis, use of live birds as decoys is a customary and
40 traditional means of harvesting auklets on Diomedes Island.
41
42 Now, this is a little confusing because it
43 really talks about using auklets as live decoys for
44 catching auklets but it doesn't say you can't keep whatever
45 flies into the net.
46
47 CHAIRMAN SQUARTSOFF: Right. Well, I would
48 assume that you can't -- I mean that was the same thing I
49 brought up before, I mean, to the enforcement guys, you
50 know, incidental, I mean what can you do. I mean

1 there's.....
2
3 MR. ALCORN: So we have an amendment made
4 and seconded.
5
6 CHAIRMAN SQUARTSOFF: Okay, there's an
7 amendment that has been made and seconded. Any more
8 discussion.
9
10 (No comments)
11
12 MR. SMITH: Call for the question.
13
14 CHAIRMAN SQUARTSOFF: Can we call for a
15 question?
16
17 MR. ALCORN: Mr. Chairman.
18
19 CHAIRMAN SQUARTSOFF: Yes, wait, sorry, we
20 got one more here. Doug.
21
22 MR. ALCORN: Thank you. The way I
23 understand the proposal then is that it expands the
24 targeted species from auklets which is what the regulations
25 state in this years regulations and last years regulations
26 to the taking of seabirds in general using auklets as
27 decoys, and that's an expansion of the existing regulation
28 and I don't think I can speak in favor of it because of the
29 expansion.
30
31 When we were first considering this, we
32 were considering this as applying the same approach to St.
33 Lawrence Island that is being practiced on Diomedes Island
34 right now. And so I was in favor of the amendment -- the
35 earlier amendment which limited the netting of seabirds to
36 auklets, because that's the way we interpreted it
37 originally.
38
39 CHAIRMAN SQUARTSOFF: Thank you, Doug. But
40 the way that it was stated, here, again, and now with the
41 amendment, the use of live auklets as decoys for the
42 netting of seabirds, you know, may be used. It sounded
43 like pretty much everybody was in favor of that just a few
44 seconds ago.
45
46 MR. ALCORN: Until we heard what.....
47
48 CHAIRMAN SQUARTSOFF: Until we heard what
49 Bob come up with.
50

1 (Laughter)
2
3 MR. SMITH: Thanks, Bob.
4
5 (Laughter)
6
7 CHAIRMAN SQUARTSOFF: Bob, don't shrug your
8 shoulders.
9
10 (Laughter)
11
12 CHAIRMAN SQUARTSOFF: Yes, Mike.
13
14 MR. SMITH: Mr. Chairman, I'd like to
15 withdraw my amendment then and propose another amendment to
16 this proposal.
17
18 MR. ROBUS: Second concurs.
19
20 CHAIRMAN SQUARTSOFF: Thank you, so moved.
21
22 MR. SMITH: Mr. Chairman, I would like to
23 amend this proposal to simply add St. Lawrence Island to
24 the existing regulations.....
25
26 MR. ROBUS: I cautiously second.
27
28 MR. SMITH:concerning this issue.
29
30 MR. ROBUS: I second it.
31
32 CHAIRMAN SQUARTSOFF: Thank you for the
33 motion and the second.
34
35 Calling for a question, is there any
36 objection to this proposal with the new amendment.
37
38 (No objections)
39
40 CHAIRMAN SQUARTSOFF: If none, so moved.
41 Thank you guys. That passes the proposal as amended.
42
43 Bob, next time you find these things, come
44 up on them a little quicker, please.
45
46 Thank you.
47
48 Let's take about a two and a half minute
49 break this time. Thank you.
50

1 (Off record)
2
3 (On record)
4
5 CHAIRMAN SQUARTSOFF: We'll be on Proposal
6 No. 6 on the first one in Tab 7.
7
8 MS. HEPA: Mr. Chairman.
9
10 CHAIRMAN SQUARTSOFF: Yes, Taqulik.
11
12 MS. HEPA: Yeah, the people from the North
13 Slope are asking to withdraw Proposal No. 6.
14
15 CHAIRMAN SQUARTSOFF: They are?
16
17 MS. HEPA: Yes.
18
19 CHAIRMAN SQUARTSOFF: Thank you. Good job,
20 young lady.
21
22 (Laughter)
23
24 CHAIRMAN SQUARTSOFF: Is there any
25 objection to this withdraw, No. 6.
26
27 MS. HEPA: Mr. Chairman, if I may give a
28 little clarification. We originally turned this in in mid-
29 December last year and after Fred's Staff reviewed the
30 proposal they called back with some questions so what we
31 did is we rewrote the proposal, which is you can see is
32 Proposal No. 7 and that's the one I would like to speak on
33 next.
34
35 Thank you.
36
37 CHAIRMAN SQUARTSOFF: Thank you. Is there
38 any objection to the withdrawal of Proposal No. 6.
39
40 (No objections)
41
42 CHAIRMAN SQUARTSOFF: Seeing none, thank
43 you. Matt, can you go ahead and introduce Proposal No. 7.
44
45 MR. ROBUS: Mr. Chairman, I move Proposal
46 7, which is a proposal from the North Slope Borough of Fish
47 and Game Management Committee and would allow for the
48 possession and use of yellow-billed loons that are caught
49 incidentally in subsistence gillnets on the North Slope.
50

1 Thank you, Mr. Chair.
2
3 CHAIRMAN SQUARTSOFF: Thank you. Could we
4 have a second, I remembered.
5
6 MR. HICKS: Second.
7
8 CHAIRMAN SQUARTSOFF: Thank you. Can we
9 have Taqulik go ahead and introduce this proposal, please,
10 for her region.
11
12 MS. HEPA: Okay. And then just for your
13 information, I'm going to pass out a resolution that was
14 passed at our last Fish and Game Management Committee.
15
16 CHAIRMAN SQUARTSOFF: Thank you. It's got
17 to be a good one, we're on Proposal No. 7 under Tab 7.
18
19 MS. HEPA: Okay, thank you, Mr. Chairman.
20 Basically this proposal is legalizing the use and position
21 of yellow billed loons that are incidentally taken in
22 subsistence gillnets.
23
24 The yellow billed loons are culturally
25 important to the Inupiat people of the North Slope. We use
26 the feathers and beaks as part of our head dresses that are
27 used in a special ceremonial dance that is conducted once a
28 year on the North Slope in various communities.
29
30 In addition to that the Department of
31 Wildlife Management in submitting this proposal has agreed
32 to encourage hunters if they do harvest or accidentally get
33 a yellow billed loon in their net that they need to report
34 it to our department so we could keep track of how many are
35 caught annually on the North Slope.
36
37 I also want to stress that we aren't asking
38 to harvest the yellow billed loons, we are only asking to
39 make it legal for us to take them and use them for our
40 culture and also we don't use these -- any part of the
41 yellow billed loon for commercial purposes, such as Native
42 handicrafts and stuff, it's a special ceremonial thing that
43 we're asking.
44
45 Thank you.
46
47 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
48 Next procedure will be Alaska Department of Fish and Game,
49 Tom.
50

1 MR. ROTHE: Mr. Chairman, the Department's
2 technical considerations include a note that the yellow
3 billed loon population is quite small in Alaska, probably
4 numbering -- well, defiantly less than 5,000 birds, perhaps
5 considerably lower, and that's the reason for our
6 biological concern about the bird. And the only
7 information that, I guess, we would like to get some input
8 on is any recent estimates of take of yellow billed loons
9 on the North Slope.

10
11 And we're concerned that there isn't any
12 kind of mitigating action proposed if we were to find out
13 that a lot of yellow billed loons were caught in fishing
14 nets.

15
16 So I'm not sure what -- you can decide what
17 you'd like to do about that.

18
19 CHAIRMAN SQUARTSOFF: Thank you, Tom. Bob,
20 are you ready next, Fish and Wildlife Service.

21
22 MR. LEEDY: Yes. We initially were
23 concerned about this because it seemed like it could be a
24 difficulty from an enforcement point of view, you know, a
25 dead bird in the hand is a dead bird in the hand and it's
26 difficult to sort out the reasons and intent for why it was
27 taken.

28
29 On the other hand, I think we all agree
30 that any bird taken, you know, by accident, dead in a net
31 should not go to waste if there are good uses for this
32 bird. So we have -- when the time comes right for
33 discussion, Russ Oates, of my shop, has consulted with some
34 other folks and has some kind of variations on the proposal
35 as written that we would like to present in terms of
36 permitting rather than an explicit subsistence regulation.
37 In other words, if these birds are going to be incidental
38 take anyhow, we think they should put to the appropriate
39 use, we appreciate the North Slope Borough coming and
40 looking at -- you know, what appears to be a pretty
41 reasonable request.

42
43 We would like to be able to offer later an
44 alternative to a change in reg that would allow the salvage
45 of birds incidentally taken for other purposes.

46
47 CHAIRMAN SQUARTSOFF: Okay, thank you, Bob.
48 In other words, it looks okay to you right now then is what
49 you're saying.

50

1 MR. LEEDY: If the birds are going to be
2 taken anyhow.....
3
4 CHAIRMAN SQUARTSOFF: Right.
5
6 MR. LEEDY: Yes.
7
8 CHAIRMAN SQUARTSOFF: Yeah, that's what I
9 wanted to hear. Thank you.
10
11 Tech committee, Tim, are you still back
12 there, thank you.
13
14 MR. ANDREW: Thank you, Mr. Chairman.
15 Timothy Andrew with the Technical Committee.
16
17 The North Slope Borough proposal to allow
18 for the incidental harvest of the yellow billed loon.
19 There were a couple of needs that were fulfilled with the
20 new proposal, one, being to outline what -- how the harvest
21 or how the incidental harvest would be monitored. The
22 other would be to include estimated take data numbers.
23
24 The proposal was resubmitted with requested
25 information and the geographic area was changed to the
26 entire North Slope, and the estimated take was less than 10
27 yellow billed loons per year. And it is our understanding
28 that the harvest would be monitored by hunters reporting to
29 the North Slope Borough as Taqulik has said whenever a loon
30 was incidentally taken while fishing with gillnets.
31
32 There were some on the committee that
33 expressed that the Council should be aware that this
34 species may be petitioned for listing in the future and the
35 Council could perhaps write a regulation to be the same as
36 a community permit.
37
38 Thank you, Mr. Chair.
39
40 CHAIRMAN SQUARTSOFF: Thank you, Tim. Do
41 we have any public comments on this.
42
43 (No comments)
44
45 CHAIRMAN SQUARTSOFF: Bob, you want to come
46 back up again?
47
48 MR. LEEDY: Yeah, I was just.....
49
50 CHAIRMAN SQUARTSOFF: Public side or Fish

1 and Wildlife side?

2

3 MR. LEEDY: I'm going to have to keep the
4 private stuff until I retire.

5

6 No, this is a clarification of my previous
7 statement here. Herman, just in case I confused things
8 inadvertently, I think from a technical standpoint, we do
9 not favor passage of this proposal as written. We have an
10 alternative that we would like to offer and at least have
11 discussed by the Council before this is written into an
12 AMBCC proposed regulation.

13

14 Okay, so I just -- I may have misspoken
15 earlier and I just want to make it clear, we would favor an
16 alternative to this proposal over the proposal.

17

18 CHAIRMAN SQUARTSOFF: Okay, you're changing
19 your mind on what you told us earlier?

20

21 MR. LEEDY: No, I think I misunderstood
22 your question.

23

24 CHAIRMAN SQUARTSOFF: Okay. Okay. Yes,
25 wait, Mike, are we done with public comments -- do we have
26 any public comments? I got a lot of show of hands here for
27 Council comments.

28

29 That's where we're at now and I think Mike
30 and then Matt, and Taqulik. You got a comment Mike.

31

32 MR. SMITH: Mr. Chairman, I think we need
33 to see whatever the Department's come up with before we
34 even get into discussion on this right now.

35

36 CHAIRMAN SQUARTSOFF: Matt.

37

38 MR. ROBUS: That's basically the same line
39 of reasoning -- or I'm at least looking for a map of how
40 we're going to step through this, because I don't think we
41 can ask the proponent to just let go of their proposal
42 without knowing what the alternative is and we need to
43 discuss it. So I mean if there's something that we can
44 look at or at least a description of what the permitting
45 process might be, then I think the Council could try to
46 make some sense of what the best thing to do is.

47

48 So, Mr. Chair, I'd like to go in that
49 direction as soon as we can.

50

1 CHAIRMAN SQUARTSOFF: Yes, Taqulik.

2

3 MS. HEPA: Thank you, Matt and Mike. Just
4 before we move forward, I just want to remind you that it's
5 not to harvest yellow billed loons, it's to use it for
6 traditional purposes and, you know, we don't want to be
7 illegal. I know someone walked by my office and I had a
8 piece of a yellow billed loon in my office and I had been
9 questioned -- so anyways, yeah, it would be nice to hear
10 what the alternative is.

11

12 CHAIRMAN SQUARTSOFF: Yes, Taqulik, before
13 Doug gets going. I really understand it clearly the way
14 this thing reads, too, and it says here incidental catch,
15 you guys aren't targeting them. You know, that's why I
16 can't understand why the Wildlife Service has a difference
17 with that. So go ahead, Doug.

18

19 MR. ALCORN: Thank you, Mr. Chairman. I
20 was told today by my colleague in our external affairs
21 program within Fish and Wildlife Service, that we have been
22 petitioned to list this species. That was made apparently
23 public today.

24

25 And what we are offering as an alternative
26 to this is to establish a permit with the North Slope
27 Borough and it would identify the North Slope Borough, I'm
28 assuming as the permittee for incidentally using these
29 birds -- or excuse me, for salvaging these birds that are
30 incidentally caught in the gillnet operations in the North
31 Slope area, and that we would prefer to approach this issue
32 and to make legal what Taqulik is suggesting through the
33 permitting process as opposed to the regulation process in
34 light of the listing proposal that we have.

35

36 CHAIRMAN SQUARTSOFF: Thank you, Doug.
37 Mike.

38

39 MR. SMITH: Mr. Chairman, first of all, I
40 guess I would be reluctant to base our decisions upon
41 something that might happen in the future. Now, I
42 understand it's been requested that this bird be listed,
43 but that hasn't happened yet and so until such time that it
44 does I'm reluctant to give that consideration.

45

46 Secondly, we've heard a lot of discussion
47 here over the course of this meeting about undue
48 regulations and burdensome regulations and now we're going
49 to -- I mean I'm really interested to see what this
50 permitting requirement for accidental catch is going to

1 look like.

2

3 But, Mr. Chairman, I -- without -- I mean I
4 think I can safely say without even seeing it that I'm
5 going to be opposed to it and I'd be real interested to
6 look at it though.

7

8 CHAIRMAN SQUARTSOFF: Thank you, Mike. And
9 also me, too, I'm really -- to me it's getting -- my
10 personal opinion, it's getting frustrating on this, you
11 know, all of this. We were supposed to be working co-
12 management here. I mean when we come from our regions with
13 something there should be good consideration taken into
14 this is how we do it, we are trying to help here. This
15 proposal right here is one really good one showing how they
16 are trying to help and be legal with it, especially with
17 the incidental catch thing. It's not they're going to go
18 out and target and harvest these loons. They want to show
19 you that they are doggone legal with this thing, you know,
20 or trying to make it legal. And I can't see where the Fish
21 and Wildlife Service or whoever has a problem with that.

22

23 MS. HEPA: Whether it's listed or not, you
24 know -- so I won't go there.

25

26 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
27 I guess at this point, if it's okay with the Council we'll
28 go ahead and see what Fish and Wildlife has to offer. Is
29 that okay with you Taqulik?

30

31 MS. HEPA: (Nods affirmatively)

32

33 CHAIRMAN SQUARTSOFF: Okay, thank you.

34

35 MR. LEEDY: Okay, thank you. I hope -- I
36 hope you'll shortly see that we're really not that far off
37 base. We're following 99 percent of what you're talking
38 about doing here, the main.....

39

40 CHAIRMAN SQUARTSOFF: Well, then why don't
41 we just do it. Let us do it.

42

43 MR. LEEDY: Just -- just -- I'd like to
44 have -- Russ Oates has spoken to several other folks on our
45 Staff and has another method that would achieve the same
46 ends but not require a specific subsistence regulation to
47 achieve that end and in that regard might continue into the
48 future regardless of whether the bird is listed or not.

49

50 CHAIRMAN SQUARTSOFF: Wait a minute, Bob, I

1 want to apologize for being out of order with you on that,
2 sorry.

3

4 MR. LEEDY: No problem, it's getting late
5 in the day, a tough couple of days.

6

7 MR. SMITH: The skin gets thicker as the
8 week goes on.

9

10 MR. LEEDY: Yep.

11

12 (Laughter)

13

14 CHAIRMAN SQUARTSOFF: We had Enoch and then
15 Joeneal and Myron.

16

17 ATTAMUK: Yeah, I just want to support this
18 proposal but you're going to get two things really out of
19 this proposal. If they get the bird accidentally, they're
20 going to report how many birds is being taken. That way
21 you could find out if, by accident, if they're actually
22 taking too many birds. And you could allow to make a
23 change to this because I thought we were allowed to make
24 changes in the regulations that's already in place.

25

26 Besides 10 birds, they told us maybe
27 they're listing 5,000 birds for the whole population of
28 yellow billed loons, like I always state, maybe that's what
29 the stable level for loons is because we know loons are
30 mainly just pair of loons per lake, some lakes don't have
31 loons. But loons are a beautiful bird, they sing in the
32 evening, they put you to sleep. But I could understand it
33 if they get the birds accidently, don't waste the birds,
34 it's a culture they use for their dancing.

35

36 I don't see the problem. We got to work
37 together as co-management, and this is going to benefit
38 everybody in the agencies to see how much actually loons
39 are being taken.

40

41 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
42 Joeneal.

43

44 MR. HICKS: I see no reason why this
45 proposal should not be adopted as is and therefore give my
46 support.

47

48 CHAIRMAN SQUARTSOFF: Thank you, Joeneal.
49 Myron.

50

1 MR. NANENG: How much is the permit going
2 to cost?
3
4 (Laughter)
5
6 CHAIRMAN SQUARTSOFF: I mean.....
7
8 MR. NANENG: I mean I really need an honest
9 answer, how much is the permit really going to cost if
10 you're going to be proposing a permit. Here the
11 proposal.....
12
13 MR. SMITH: Well, let's listen to it, I
14 don't even know what it is. They.....
15
16 CHAIRMAN SQUARTSOFF: Mike.
17
18 MR. NANENG: Really, how much is the permit
19 going to cost?
20
21 CHAIRMAN SQUARTSOFF: Bob.
22
23 MR. LEEDY: This is Bob Leedy. Myron, I
24 suspect the maximum that would normally be charged would be
25 in the neighborhood of \$25 but I'm sure the Service could
26 find a way to waive the fee in this case.
27
28 MR. NANENG: And here the proposal comes
29 from the North Slope who recognizes on their own that they
30 need to monitor the harvest incidental take of it and are
31 willing to work through their own agency to address the
32 incidental take and to require a permit system that takes
33 away their co-management proposal. I consider this to be a
34 co-management proposal.
35
36 MR. LEEDY: Okay. I think I understand the
37 concerns and the sensitivities that a lot of people have
38 been talking about but on the other hand I feel that we're
39 being beaten about the head and shoulders a little bit
40 without actually having the proposal on the table, which
41 frankly is so similar to the proposal that's come in, you
42 know, most people would hardly recognize the difference.
43
44 The major step would be beyond what's
45 stated in the proposal is that you would have the take
46 reported to you and then you would report the take to us.
47 That's really about all we're talking about and having an
48 existing permit process used instead of regulation in the
49 subsistence arena to achieve the same end. I think that's
50 where we're headed here, trying to, at least get on the

1 table for discussion.

2

3 MR. NANENG: Well, one of the things I see
4 by putting it in regulation is at least you're really
5 recognizing the fact that these people are aware of the
6 incidental take and it's their subsistence use and culture
7 that they're trying to build up and it seems like every
8 time there's a proposal that's brought up to that effect
9 there's a way to destroy it or to put it back to such a way
10 where it's meaningless.

11

12 MR. LEEDY: Okay. First.....

13

14 MR. NANENG: It's just getting frustrating.

15

16 MR. LEEDY: Obviously that's occurring.
17 That's not our intent.

18

19 MR. NANENG: And if that's not your intent
20 let's not continue it anymore then. How many proposals
21 have we gone through today that are being stated, hey, why
22 put it in regulations, why not recognize the fact that we,
23 as people, are living off these lands and have customarily
24 and traditional use of it also have our own regulations
25 that we are bringing up and trying to share with the people
26 that have to work with us.

27

28 CHAIRMAN SQUARTSOFF: Thank you, Myron.
29 Matt was next and then Taqulik -- or do you.....

30

31 MR. ROBUS: I want to talk, I'm trying to
32 think of what.....

33

34 CHAIRMAN SQUARTSOFF: Okay, sorry, Matt, I
35 thought you were pointing at Russ, you wanted him to go.
36 Sorry.

37

38 MR. ROBUS: Well, I won't mention my
39 frustrations except that I have some, too. I run a
40 permitting shop for the State and it's equivalent in some
41 ways to what the Service does and we work together and so
42 without any authority, let me talk a little bit about
43 permits, because I think the word permit is giving some
44 people the wrong impression possibly.

45

46 This would not be a permit that individuals
47 have to get in order to take a bird or in order to possess
48 a bird, it's an authority given to the North Slope, in this
49 case the North Slope Borough, that would allow people to
50 salvage these animals that are incidentally taken for the

1 ceremonial purposes that Taqulik has talked about.

2

3 We talk about how we're supposed to be a
4 co-management Council, in my way of thinking that means
5 we're supposed to cooperate to get the good things done and
6 that doesn't necessarily mean that we have to pass a
7 Federal regulation every time if there seems to be a better
8 way to do it in cooperation with each other and I hear -- I
9 think what we're hearing is an attempt to do that. And I
10 want to make the Council aware of the fact that a species
11 that occurs in such low numbers and has been right on the
12 verge of being sent into a listing process and now
13 apparently is starting down that chute, if we pass this
14 proposal, and I appreciate the fact that this proposal from
15 the North Slope has been rewritten to focus only on these
16 incidentally caught birds, but if we pass this proposal
17 it's going to go through the Flyway -- or past the Flyway
18 Councils for their review, it's going to end up in the SRC
19 and I can tell you that yellow billed loons at the national
20 level, both inside the Service and with other bird
21 population advocates, it's going to raise some serious
22 flags and could get it shot down at that point.

23

24 Now, the option to that is if we can
25 discuss the permit proposal and get a better idea for it
26 and become comfortable with it we could do something that's
27 non-regulatory based on the cooperation and the trust
28 between the three corners of this Council that would allow
29 Taqulik's organization to document and manage the use of
30 those incidentally caught birds and report it to the
31 Service, we would stay out of the whole SRC realm and it
32 just seems to me that that would be a wise thing to look
33 seriously at because I think otherwise we could wind up
34 with some very onerous restrictions on whether people could
35 use those birds at all.

36

37 So I think let's not -- well, let's try to
38 look at this and see if it's as good a deal as I think it
39 might be and stay out of that SRC process with this if we
40 can.

41

42 Thank you, Mr. Chairman.

43

44 CHAIRMAN SQUARTSOFF: Thank you, Matt. We
45 had Taqulik next and then Joeneal.

46

47 Thank you.

48

49 MS. HEPA: I'm trying to look at this at a
50 -- thank you, Mr. Chairman, at the bigger picture and the

1 whole process of co-management. It seems as if, you know,
2 the traditional practices that we talk about, you know,
3 whether we're trying to put them into regulation or just to
4 explain to you, it doesn't seem as if they are justifiable
5 enough or that the State or Federal government aren't
6 paying enough respect to what we do traditionally.

7
8 And whether -- you know, at this point and
9 stage, from just the small discussions, not listening to
10 it, I would even want to take this up to the SRC to see how
11 they are going to react because this system, the co-
12 management Council, as I see it, is everyone has that equal
13 opportunity. You need to learn to respect -- the State or
14 the Federal government need to learn to respect our Native
15 customs, the way that we do things. And just from
16 listening the last three days, I don't see that respect.
17 You guys have your own rules, your own regulations, your
18 own mandates that you have to follow and it doesn't seem as
19 if we're getting anywhere, and if we are at all, I haven't
20 seen it.

21
22 Thank you.

23
24 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
25 Joeneal.

26
27 MR. HICKS: Would you be favorable to a
28 permit system?

29
30 CHAIRMAN SQUARTSOFF: You could go ahead
31 and respond if you want, Taqulik, to that one.

32
33 MS. HEPA: Let's hear the proposal. But in
34 reality I don't see the State or the Federal government
35 seeing anything wrong with the way the proposal is written,
36 the intent, whether it's on the list or not. There's
37 nothing wrong with it, so why it can't it be that way?

38
39 I know we're going to have challenges in
40 the future but let's test out those challenges.

41
42 MR. HICKS: And just to follow up, Mr.
43 Chairman.

44
45 CHAIRMAN SQUARTSOFF: Yes.

46
47 MR. HICKS: I was going to say that if a
48 permit was acceptable to you then I would ask that Fish and
49 Wildlife Service issue the permit in perpetuity; is that
50 possible?

1 CHAIRMAN SQUARTSOFF: Thank you, Joeneal.
2 Mike, is that okay if -- it sounded like Bob might want to
3 respond to that, is that okay with you before you come on,
4 can you come up Bob?
5
6 MR. SMITH: No.
7
8 CHAIRMAN SQUARTSOFF: No. Do you want to
9 go ahead and speak, first?
10
11 MR. SMITH: Yes.
12
13 CHAIRMAN SQUARTSOFF: Okay, sorry, Bob. Go
14 ahead Mike.
15
16 MR. SMITH: Thank you, Mr. Chairman. You
17 know, we've been going around here for the last 15 minutes
18 or something on this thing and I don't even know what the
19 hell this permit requirement looks like, you know, or what
20 it envisions. But, you know, my concern is, one, you know,
21 we generally don't want permits and I don't care what they
22 look like, you know, it envisions a lot of regulations and
23 stuff, you know, that I'm not sure we need.
24
25 In addition, I'd like to support what
26 Taqulik said in regards to why are we scared of the SRC?
27 Numerous proposals come through here that we, you know, the
28 SRC won't do this, our regional solicitor here in Fairbanks
29 said, you know, we got problems with this, you know, we can
30 send this stuff to the SRC and if they don't like it they
31 can kick it back to us, you know. I'm really getting
32 concerned about that concept.
33
34 Additionally, right now, what are we
35 supposed to do with these incidental catches? You know,
36 would the Department, the State or the Feds, what do they
37 want us to do with these incidental catches, pitch them,
38 not use them, hide them, bury them, apparently they don't
39 want us to use them. You know, so I guess that's where I'm
40 coming down on this, but I'd like to hear what this permit
41 thing is all about, I mean I'm not even sure what it means,
42 what it entails, so on and so forth, I might even support
43 it if I knew exactly what it did.
44
45 CHAIRMAN SQUARTSOFF: Right, Mike, that's
46 what I was going to try to get, that's why I think why Russ
47 is sitting there, I'm assuming, patiently, to let us know,
48 but, they're not saying no you can't use them, all that and
49 everything else, I think you're getting the wrong
50 impression there.

1 MR. SMITH: Well, no, except we have -- we
2 can't use them now -- Mr. Chairman, if we possess this bird
3 and an enforcement officer sees us we're cited.

4
5 CHAIRMAN SQUARTSOFF: Oh, okay, I'm wrong
6 then, sorry, I stand corrected. Russ, are you ready --
7 probably not, uh.

8
9 Thank you.

10
11 MR. OATES: I'm Russ Oates with Migratory
12 Bird Management, Fish and Wildlife Service. And I see the
13 expectations are very great here. But I had a conversation
14 with our permit office and I talked to Karen Lang about
15 this and she said there's a system in place whereby a
16 permit could be issued. We didn't talk details about
17 whether it cost anything, I think basically it's a salvage
18 permit, I don't think there's any cost associated with it.

19
20 It's been used with the power companies
21 with regard to electrocutions of eagles and raptors and
22 other birds like ravens and such. And this allows them to
23 possess the birds and typically if they're eagles they're
24 sent to the repository or whatever.

25
26 But we discussed this with Doug and I
27 believe Rowan was in that discussion but I don't think
28 there's any concern about salvage of the birds, it was just
29 to find a mechanism that would make it work reasonably
30 well.

31
32 So the concept would be that a permit would
33 be issued to the Borough, and then the Borough would hold
34 the permit and basically administer the permit and what
35 that would involve would be when a yellow billed loon is
36 caught in a gillnet, the person would notify the Borough
37 and indicate where and when it was taken, and as far as I
38 know an annual report to the Fish and Wildlife Service with
39 a point of contact and location and time the bird was taken
40 is all that's required.

41
42 It's possible at some point in time if we
43 knew of specific management concerns that some money might
44 want to -- if the carcass wasn't needed, just the bill or
45 the feathers or whatever, that we could get some biological
46 samples if they would contribute to the conservation of the
47 species in some way. But at this point in time the concept
48 is just as I've stated it, a very simple concept.

49
50 I don't think anybody has any concern about

1 the take of this number of birds incidentally at this
2 point.
3
4 CHAIRMAN SQUARTSOFF: Thank you, Russ.
5
6 MR. SMITH: Mr. Chairman.
7
8 CHAIRMAN SQUARTSOFF: Who was first here
9 though?
10
11 MR. SMITH: I have follow up.
12
13 ATTAMUK: Myron was.
14
15 MR. SMITH: It was my question.
16
17 CHAIRMAN SQUARTSOFF: Okay, that was your
18 question, okay, go ahead and follow up then Mike.
19
20 MR. SMITH: So let me see if I got this
21 understanding correctly. The Department would issue a
22 blanket permit to the Borough and simply all that that
23 permit would require is that any incidental take would be
24 reported to the Borough or are you saying that the Borough
25 would then issue a permit to that person.....
26
27 MR. OATES: No.
28
29 MR. SMITH: Okay. Okay, so I had it
30 correct in that it's a blanket permit for the Borough?
31
32 MR. OATES: That's correct.
33
34 MR. SMITH: And, I guess I mean.....
35
36 MR. OATES: That's my understanding. And I
37 don't -- you know, I don't know if it needs to be vetted
38 with the regional director or not but that's my
39 understanding and we don't see at this point a problem with
40 that system working.
41
42 MR. SMITH: Do you have problems with that?
43
44 MS. HEPA: Uh.
45
46 MR. SMITH: I have no problems with that, I
47 guess.
48
49 MS. HEPA: The permit?
50

1 CHAIRMAN SQUARTSOFF: Are you done, Mike?
2
3 MR. SMITH: Yes.
4
5 CHAIRMAN SQUARTSOFF: Thank you.
6
7 MR. OATES: Mr. Chair.
8
9 CHAIRMAN SQUARTSOFF: Yes, Russ.
10
11 MR. OATES: Just to clarify, the
12 information would be the individual that took the bird, the
13 location and the date and then that information would be --
14 the Borough compiles that and then submits an annual report
15 to the Fish and Wildlife Service.
16
17 CHAIRMAN SQUARTSOFF: Yes, Russ, before
18 anybody else, the way I'm reading their proposal it states
19 the same thing, you know, they want to do the same thing
20 exactly. Did you guys go over their proposal? I mean to me
21 it's stating the same thing that you guys are trying to ask
22 too but in a permitting process. I mean they want to do it
23 and go ahead and report it to you guys.
24
25 MR. OATES: This would just eliminate -- we
26 just say there's an existing structure in place to handle
27 this issue and it would preclude the need to go through the
28 whole regulations process.
29
30 CHAIRMAN SQUARTSOFF: Thank you. Tom, and
31 then Myron.
32
33 MR. ROTHE: Herman, I can see where
34 essentially it's the same thing except that the proposal
35 doesn't say whether they want it allowed in regulation or
36 allowed by permit. And if the Borough were to agree to
37 allow this by permit we'd be there.
38
39 CHAIRMAN SQUARTSOFF: Can you respond to
40 that Taqulik, if you don't mind Myron -- if you could
41 respond to that first, thank you.
42
43 MS. HEPA: We would rather see it as a
44 regulation because I know that with our experience applying
45 for permits for different things, whether it's dealing with
46 the raven issue or seagull issue, that's an annual thing.
47 We have one person who's assigned to apply for these
48 different permits. It adds up. On a number of years we've
49 forgotten to put in the application to get the permit and
50 it's caused some problems. I mean this is added work to us

1 and probably added work to you and when it becomes a
2 regulation it's in the book until someone changes it.

3

4 So I would lean toward a regulation.

5

6 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
7 Myron, and then Enoch.

8

9 MR. NANENG: Yes, thank you, Mr. Chairman.
10 It seems like every time that we ask for some type of
11 regulation that recognizes incidental take of birds for
12 subsistence purposes or for other cultural and customary
13 and traditional purposes there's other laws and rules that
14 are being cited outside of the co-management Council
15 process that we're supposed to be talking about. And I
16 think that we ought to keep that strictly in mind as we're
17 working with the Alaska Migratory Bird Co-Management
18 Council and the birds that we deal with. Each region makes
19 a proposal for regulation to try and improve or fix things
20 that need to be fixed. And it seems like every time one
21 region comes up with a proposal that would do that people
22 that have access to citations of other laws or other rules
23 and regulations pull that up first and say, oh, you don't
24 have to do that.

25

26 But in a way it gives up the recognition of
27 the cultural customarily and traditional use of the
28 resource. And what we are trying to bring here and put
29 down in regulations for recognition of customary and
30 traditional subsistence use of migratory birds during
31 springtime -- or during the season that they're opened.
32 Which, for years, since 1916 we've been outlawed to do.

33

34 We're outlaws in our own country, in our
35 own backyard because somebody else thinks that's there's a
36 better system to do it. And I think that we really need to
37 keep that in mind and every time there's a suggestion or
38 proposal that's brought up, somebody else has a better
39 system or a proposal that takes away the recognition of our
40 customary and traditional use of our resource.

41

42 CHAIRMAN SQUARTSOFF: Thank you, Myron,
43 very clearly understood. Enoch.

44

45 ATTAMUK: I just got to come clear with
46 Myron, all they're trying to do is accidentally, purpose to
47 use the feathers legally. My people under accidental
48 purposes get loons, they're pretty, I've seen them in
49 parkas in elders, I don't see them anymore because they're
50 scared to get cited. And I'm hearing say co-management,

1 it's stopping right at the management level, there's no
2 co-management here. Like Myron said, when we try to put
3 something together it gets knocked down because it don't
4 comply with theirs. Like I stated you guys can't
5 understand our culture and the way we've been living our
6 lives and still you always try to say you understand us.
7 You can't understand. You don't even feel what we're
8 feeling here.

9

10 We do these things because that's how we've
11 been doing it. I've seen people when they dance the
12 feathers, you know, I've seen the feathers, but they had to
13 be taken away because it wasn't legal but it's our culture.

14

15 I think what we need to do here maybe put
16 it in our by-laws, saying, accidental purposes, that birds
17 in question, if they're caught under accident, we could use
18 them for our culture.

19

20 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
21 You know, I know everybody's getting frustrated and all
22 that, but what I'd love to do right now and I know we
23 can't, is table every one of these proposals and invite
24 everyone of you sitting in the audience and around the
25 table come spend a couple weeks with us out in the villages
26 then you'd probably be able to understand a little more.

27

28 Thank you.

29

30 Joeneal.

31

32 MR. HICKS: Again, I see no reason why it
33 should not be adopted as is and therefore move for its
34 adoption.

35

36 MR. SMITH: It's already been.....

37

38 CHAIRMAN SQUARTSOFF: Yeah, it's been
39 moved.

40

41 MR. ALCORN: Call the question.

42

43 CHAIRMAN SQUARTSOFF: You calling or -- you
44 can call the question if you want -- well, Enoch, first,
45 though.

46

47 ATTAMUK: Yeah, let's.....

48

49 CHAIRMAN SQUARTSOFF: Oh, sorry, Mike.

50

1 ATTAMUK: Like Taqulik said, let's send
2 this out to the SRC and see how they come back with it. I
3 mean these two might be saying it won't get there but the
4 SRC might surprise us and adopt it because it's a bird
5 caught accidentally. Let's send it to SRC and see what
6 they'll come back with and saying no it's not or they might
7 say tune it up a little bit and we'll take it. So take it
8 from there, at least it's a step forward.

9
10 CHAIRMAN SQUARTSOFF: Mike and then
11 Taqulik.

12
13 MR. SMITH: Mr. Chairman, I also feel
14 everybody's frustration on these issues and certainly I
15 appreciate everything that Enoch and Myron has had to say.
16 I think, you know, this issue of incidental take and the
17 use of those birds is a much broader issue than just yellow
18 billed loons in subsistence gillnets on the North Slope.
19 And if we are to, I believe, if we are going to adequately
20 address the incidental take of these birds we need to do so
21 in a comprehensive manner and send it off.

22
23 Having said that, this whole issue can be
24 resolved and we could go with the permits if the Department
25 could figure out a way that we would not have to apply for
26 that every year. And the intent of that application is
27 simply to -- my understanding is simply to collect the
28 data, the incidental harvest data. The Borough has taken
29 it on their own to collect that incidental data and to
30 report it. So I mean I think, you know, we can satisfy
31 both people here if we could just change the permitting
32 process or get an agreement somehow from the Department
33 that this does not have to be applied for on a yearly
34 basis. And I would like to have the Department address
35 that.

36
37 CHAIRMAN SQUARTSOFF: Thank you, Mike.
38 Taqulik was next and then Enoch.

39
40 MS. HEPA: Okay, I think this is going to
41 be my last statement. I would rather take it to the SRC
42 than go through because it seems like I'm backing myself
43 back again and that's how people feel on the North Slope,
44 the same thing about that 60 day thing. They're like we
45 just did -- it seems like we're always being shoved against
46 the wall. And whether the SRC asks questions or votes it
47 down at least they're going to learn a little bit more
48 about who we are, about our cultures, it will open their
49 eyes to see where we're coming from because you can't
50 always run and hide under the rock.

1 Thank you.

2

3 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
4 And before you start, Enoch, what she just stated there,
5 too, and then what Matt stated earlier, if there's going to
6 be any doubts anymore from stuff coming from here down to
7 the SRC, I feel our representation going down there, to me,
8 will be kind of a waste of time, waste of time and money
9 for me to go, Joeneal, whatever, but I do believe when we
10 do go down there we do fill them in with a lot of knowledge
11 on these proposals and stuff, the questions they ask, and
12 they do react to that real well. So I think we got a good
13 chance with this. You know, I can't see why we won't --
14 okay, Enoch.

15

16 ATTAMUK: Yeah, I feel like I'm ready to
17 call the newspapers and make a phone call and invite them
18 to this meeting here, that way they could spread that out
19 to the rest of Alaska, our frustration, right here. We're
20 trying to make things legal but maybe that's the step we
21 got to see because we got to shake the boat here to let
22 them hear what we want to get done legally of our culture.
23 I hate to do that, but I might have to do that now and
24 continue until midnight tonight after I invite them and we
25 start over with all our proposals. Because I feel like
26 we're getting nowhere and we're being outnumbered by these
27 people and from the audience.

28

29 CHAIRMAN SQUARTSOFF: Thank you, Enoch.
30 Hans.

31

32 MR. NICHOLSON: Thank you, Mr. Chairman.
33 Admittedly a certain amount of yellow billed loons die, you
34 know, that are caught in the gillnets that are deployed in
35 the water. All they're asking is that these birds be
36 retained for ceremonial or other purposes. I don't think
37 it's in bad form for us to ask the SRC to take this into
38 consideration.

39

40 Those birds that are retained, like I said,
41 you know, a certain number die every year. I am of the same
42 opinion as Enoch and Taqulik I'd rather see it in
43 regulation and I'm, you know, prepared to call for the
44 motion, I think we've discussed it enough. We should take
45 action at this time so I'll call for the question.

46

47 CHAIRMAN SQUARTSOFF: Question's been
48 called for. I don't think there's been any amendments to
49 this, so is there any objection to the motion.

50

1 MR. ALCORN: Yes, I object.
2
3 CHAIRMAN SQUARTSOFF: Okay, we have one
4 objection.
5
6 MR. SMITH: What was that?
7
8 CHAIRMAN SQUARTSOFF: I asked if there was
9 any objection to the motion.
10
11 MR. SMITH: To?
12
13 CHAIRMAN SQUARTSOFF: To the main motion,
14 to pass it, yeah.
15
16 MR. SMITH: And Doug objected?
17
18 CHAIRMAN SQUARTSOFF: Right.
19
20 MR. ARMSTRONG: You've got to go to a vote.
21
22 CHAIRMAN SQUARTSOFF: So we will go into a
23 vote on this. Yes, I think I'll call a Native caucus here,
24 thank you.
25
26 (Off record)
27
28 (On record)
29
30 CHAIRMAN SQUARTSOFF: Come to order please.
31 Thank you. I think the situation we're in right now is
32 we're at a voice vote with the three entities Fish and
33 Wildlife, the State and the Native.
34
35 MR. ARMSTRONG: Do you want me to call it?
36
37 CHAIRMAN SQUARTSOFF: Comments?
38
39 MR. ARMSTRONG: Do you want me to call it?
40
41 CHAIRMAN SQUARTSOFF: Thank you, Fred,
42 could Fred call it because I was looking at Doug to see
43 what I was going to do next.
44
45 MR. ARMSTRONG: Okay, in reference to No. 7
46 which is the harvest of yellow billed loons by North Slope.
47 Fish and Wildlife.
48
49 MR. ALCORN: Fish and Wildlife would
50 support the proposal as written.

1 MR. ARMSTRONG: ADF&G.
2
3 MR. ROBUS: ADF&G is in favor of the
4 proposal.
5
6 MR. ARMSTRONG: Native community.
7
8 CHAIRMAN SQUARTSOFF: We're in favor of the
9 proposal as written.
10
11 MR. ARMSTRONG: Three yea's, no nay's.
12
13 CHAIRMAN SQUARTSOFF: Thank you. So moved.
14 Thank you guys. Matt, can you bring us up on the next
15 proposal, and that will be Proposal 8 under Tab 8.
16
17 MR. ROBUS: Mr. Chair, I move Proposal 8
18 behind Tab 8, it's a proposal by the U.S. Fish and Wildlife
19 Service Region 7 and would prohibit the taking of tundra
20 swans in Unit 9(D) and 10, I believe.
21
22 MR. NICHOLSON: I'll second that.
23
24 CHAIRMAN SQUARTSOFF: The motion's been
25 made and seconded. Let me see who is the spokesperson here
26 from Fish and Wildlife, would it be Doug to introduce.
27
28 Thank you.
29
30 MR. ALCORN: Thank you, Mr. Chairman. This
31 is a proposal that comes from the Fish and Wildlife Service
32 with the intent to eliminate the potential for harvest in
33 the units that are described in the map that accompanies
34 the proposal 9(D) and 10. And the reason for the
35 introduction of the proposal is essentially because of the
36 long-term status and trends information that we have dating
37 back to 1980 on Figure 1 of the proposal which shows a
38 significant decline in the population of those birds, that
39 particular group of birds.
40
41 CHAIRMAN SQUARTSOFF: Is that it, Doug,
42 or.....
43
44 MR. ALCORN: That's it and then we'll allow
45 the Fish and Wildlife Service technical experts to talk
46 about it when we.....
47
48 CHAIRMAN SQUARTSOFF: When their turn
49 comes?
50

1 MR. ALCORN: Yeah, when their turn comes.
2
3 CHAIRMAN SQUARTSOFF: Okay, you bet. And I
4 think Alaska Department of Fish and Game is next, Tom.
5
6 MR. ROTHE: Mr. Chairman, we looked at this
7 proposal and we've been aware of this small resident
8 population for a long time. We recognize it as a special
9 resource in the state process. The Department of Fish and
10 Game and Board of Game have not entertained tundra swan
11 season proposals here because of these resident birds, and
12 the only clarification we asked for which was provided in
13 the amended proposal was just do the specific boundaries
14 which is Unit 9(D) and 10.
15
16 So we're comfortable that the proposal's
17 good to go now.
18
19 CHAIRMAN SQUARTSOFF: Thank you, Tom. U.S.
20 Fish and Wildlife Service, I believe Bob is going to start
21 off first and I think there might be more -- no?
22
23 MR. LEEDY: Well, if there are questions
24 there will be more but other than that Doug laid it out
25 pretty well to start with. This is a small resident
26 population, been out of bounds for hunting for quite some
27 time under sport regs and hopefully the table tells it all.
28 It's a small population that's at less than half the
29 density it was 20, 25 years ago and we would like to see
30 those swans protected.
31
32 Thank you.
33
34 CHAIRMAN SQUARTSOFF: Thank you. Is there
35 anybody else from Fish and Wildlife, just you?
36
37 MR. LEEDY: (Nods affirmatively)
38
39 CHAIRMAN SQUARTSOFF: Okay. Tim, Tech
40 Committee.
41
42 MR. ANDREW: Mr. Chairman, for the record
43 Timothy Andrew with the Technical Committee.
44
45 When the Technical Committee originally
46 took this proposal, the proposer, we asked the proposer to
47 clarify the geographic area and the proposer resubmitted
48 the proposal and included a picture which Bob Leedy had
49 just showed and that encompasses the units of GMU 9(D) and
50 10, of which Tom also pointed out as well. And there was a

1 comment within the Technical Committee that currently all
2 take is by permit and is easy to enforce in that area.

3

4 Mr. Chair.

5

6 CHAIRMAN SQUARTSOFF: Thank you, Tim. Do
7 we have any public comments on this.

8

9 (No comments)

10

11 CHAIRMAN SQUARTSOFF: No public comments.
12 We are now then into Council discussion. I think since it
13 does affect your area, Peter, do you have any comment on
14 this to start us off.

15

16 MR. DIVINE: Yes, Mr. Chair. We have no
17 reason to stop this proposal. We are not currently taking
18 tundra swans in our region so we have no problem with
19 passing this.

20

21 CHAIRMAN SQUARTSOFF: Thank you. Any other
22 Council discussions. Myron.

23

24 MR. NANENG: Just a question. Is there
25 incidental take of the swan by any chance?

26

27 MR. DIVINE: Not that I'm aware of.

28

29 CHAIRMAN SQUARTSOFF: Thank you guys. Can
30 I hear a question called for then?

31

32 MR. HICKS: Call for the question.

33

34 CHAIRMAN SQUARTSOFF: Question's been
35 called for. Is there any objection to the motion -- or the
36 proposal.

37

38 (No objections)

39

40 CHAIRMAN SQUARTSOFF: No objection, so
41 moved. Thank you. Outstanding. We should have started
42 with that one.

43

44 (Laughter)

45

46 CHAIRMAN SQUARTSOFF: Vice Chair, could I
47 ask you.....

48

49 MR. SMITH: We now have regionalized lists
50 so.....

1 CHAIRMAN SQUARTSOFF: Thank you. Could I
2 get you to get us going with Proposal No. 9, I think is
3 still under Tab 8.
4
5 MR. ALCORN: Is this the bar-tailed godwit
6 proposal?
7
8 CHAIRMAN SQUARTSOFF: Right.
9
10 MR. ALCORN: I'm reading from the yellow
11 book.
12
13 CHAIRMAN SQUARTSOFF: But I want him
14 to.....
15
16 MR. ROBUS: Let me bring it on the floor
17 first and then I'll move it.
18
19 CHAIRMAN SQUARTSOFF: Right.
20
21 MR. ROBUS: Mr. Chairman, I move Proposal
22 No. 9, a proposal by the Fish and Wildlife Service to close
23 the harvest of bar-tailed godwits.
24
25 CHAIRMAN SQUARTSOFF: Thank you. Doug.
26
27 MR. ALCORN: I'll second.
28
29 CHAIRMAN SQUARTSOFF: Seconded. And I
30 guess Doug's going to be the one to introduce this one.
31
32 MR. ALCORN: Thank you, Mr. Chairman. I
33 would like to introduce it and then also offer an amendment
34 to what I think is a friendly amendment to the motion.
35
36 The proposal is to close harvest of bar-
37 tailed godwits in Alaska because of the -- a number of
38 reasons that are specified and I will allow Bob Leedy to go
39 into the biology of the species and the conservation
40 concerns that we have. But I would like to offer that we
41 amend the proposal -- or excuse me, that we amend the
42 motion -- actually amend the proposal to not require
43 closure of the species, but that we would engage in an
44 outreach effort in those areas where the bar-tailed godwit
45 is currently harvested, that we conduct those outreach
46 efforts in the near future, and that we also consider, as a
47 Council, that we consider the impacts of the species on a
48 Flyway basis as opposed to those impacts that are occurring
49 just in Alaska. Those birds are long migrating species
50 that migrate as far south as New Zealand in the winter and

1 that we, to the extent possible, engage the other
2 management authorities and get information on the impacts
3 of those species as they fly south and then as they fly
4 back north in the springtime. And then the third point
5 that would amend the proposal would be that we would focus
6 our harvest survey or ask the Harvest Survey Committee to
7 consider how they might focus on obtaining specific
8 information on the bar-tailed godwit throughout the Alaska
9 Range, and specifically in those regions where harvest does
10 occur so that we get accurate data. And this is not to
11 question the accuracy of the current approach by the
12 Harvest Survey Committee, but the Harvest Survey Committee
13 consider this amendment to the proposal in general and that
14 they ensure and assure the Co-Management Council that the
15 information that we're going to get is going to be specific
16 enough to make management decisions regarding a species.

17
18 CHAIRMAN SQUARTSOFF: Thank you, Doug. And
19 I think we all kind of follow your amendment, I believe.
20 Do we need a second on that?

21
22 MR. ROBUS: Second.

23
24 CHAIRMAN SQUARTSOFF: Okay. Seconded.
25 Next procedure then will be Alaska Department of Fish and
26 Game Staff. I guess, I hope, Tom, and everybody we all
27 followed his amendment.

28
29 MR. ROTHE: Mr. Chairman.

30
31 CHAIRMAN SQUARTSOFF: Yes.

32
33 MR. ROTHE: It's a moving target but I'll
34 try. Just to clarify, I perceive my job here as commenting
35 on the technical sufficiency of the proposal and not
36 necessarily articulate the Department's position.

37
38 CHAIRMAN SQUARTSOFF: Okay.

39
40 MR. ROTHE: So that's kind of what I've
41 been restraining myself to.

42
43 And in this case, the Department has no
44 concern about the biological impacts of the level of
45 harvest that we're aware of, there's 100,000 birds. There
46 are two issues. One is we concur, we need better harvest
47 information to assess whether subsistence take is something
48 to be concerned about or not, so we would support the need
49 for more harvest information, specifically, I think, in the
50 YK-Delta region

1 The other issue that's been brought up in
2 regard to this is, I think a Service concern about a
3 harvest of look-a-likes, large shorebirds in the Bristol
4 Bay area. I don't know what to suggest on that.
5

6 But just straight on the question of bar-
7 tailed godwits, the Department thinks you've got everything
8 you need right here to act.
9

10 CHAIRMAN SQUARTSOFF: Thank you, Tom. U.S.
11 Fish and Wildlife, Bob.
12

13 MR. LEEDY: Thank you, Mr. Chairman. Most
14 of you were here the other day when Rick Langton of our
15 office, shorebird biologist gave a presentation on status
16 of birds, non-game birds throughout Alaska and he
17 emphasized because he wasn't going to be here today, the
18 situation with bar-tailed godwits, but just for the few
19 people that weren't here I'll hit a few highlights.
20

21 One is that as Doug said, bar-tailed
22 godwits, along with other godwits and large shorebirds are
23 extremely widely dispersed, they unlike waterfowl have a
24 tendency to just go over to nearby neighboring Russia and
25 down to southern parts of North America where most northern
26 and south America, the godwits go into the South Pacific
27 and circle back up through China and they are harvested in
28 both of those areas, so there are other harvest concerns to
29 deal with as well.
30

31 Although the number is 100,000, which is a
32 reasonably healthy number, there are indications of
33 potential problems, not so much from population surveys but
34 from surveys of percentage of young in the population. And
35 recent years have demonstrated that there have only been
36 maybe one to three percent of young in the population, that
37 is probably below replacement recruitment levels necessary
38 to maintain the population.
39

40 Clutch size in some areas seems to be
41 declining and as Doug indicated the harvest survey at this
42 point does not adequately document the take of bar-tailed
43 godwits or other large shorebirds, and our hopes of getting
44 better harvest data in the future is going to be dependent
45 on probably very intensified surveys in areas in which we
46 have the godwits.
47

48 The one other thing I'd like to mention in
49 terms of look-a-like is that as I think Rick demonstrated
50 to all of our satisfaction the other day, if we were

1 hunters in the fields and were putting a lot of money on
2 which godwit we shot we'd probably all be taking a
3 tremendous risk. They all look probably enough alike that
4 almost no one could tell them apart on the wing.
5

6 The one other point of information, the
7 last point of information I'm going to make at the moment
8 is that from a look-a-like standpoint, the area in which we
9 have the greatest concern is sort of the upper Bristol Bay
10 area and this is an area where we have overlap of all three
11 godwit species, the bar-tailed godwit is currently open and
12 the hudsonion and marbled godwits which are at much lower
13 levels of population and are currently closed, the area in
14 which they tend to overlap looking at this map, to me,
15 looks like in the Dillingham area and then down in maybe
16 the Naknek, Egegik area where they aggregate for staging.
17 And at some point we might want to address the potential
18 for area closures if this -- you know, if we take Doug's
19 amendment and want to get into further discussion there may
20 be some opportunities for area closures in addition to
21 further consideration of limitation on harvest.
22

23 And, I guess I'll leave it at that.
24

25 CHAIRMAN SQUARTSOFF: All right, thank you,
26 Bob. Do we have any public comments on this proposal.
27

28 MS. TIBBITS: He said most of it.
29

30 CHAIRMAN SQUARTSOFF: Okay.
31

32 MS. TIBBITS: I would just say one.....
33

34 MR. LEEDY: Again, this is Leigh Tibbits
35 from the Alaska Shorebird Working Group and she may be able
36 to provide you with a few more details.
37

38 CHAIRMAN SQUARTSOFF: Thank you.
39

40 MS. TIBBITS: Hi. Just in terms of
41 monitoring. I think maybe more important than monitoring
42 the harvest is actually monitoring the population size
43 because like for most shorebird species, we really don't
44 know the status of this population, it could be going up or
45 down or stable, so it's hard to -- even though there are
46 100,000 birds, for long-lived large body shorebirds,
47 there's several examples of populations at that level
48 crashing dramatically and some even going extinct, so it's
49 one of those things that we're kind of worried about, is
50 that there are indications that this population might be

1 having some trouble and we don't really know, we don't have
2 that information.

3

4 CHAIRMAN SQUARTSOFF: Thank you. Any more
5 public comments.

6

7 (No comments)

8

9 CHAIRMAN SQUARTSOFF: Okay, we're into
10 Council discussion. Yes, Matt, and then Hans.

11

12 MR. ROBUS: Thank you, Mr. Chairman. I
13 speak in favor of the amendment in that it addresses
14 several of the concerns that we had with the original
15 proposal and I think chief amongst those was the difficulty
16 of assessing what's really being harvested if it's not
17 being -- if it's not open to subsistence hunting under our
18 regulation.

19

20 So I guess at this point we'd rather see it
21 open so that the harvest can be measured as accurately as
22 we can through the survey process. This seems to be a
23 measured approach to dealing with the trouble this
24 population is having at a time when there's still quite a
25 few birds around and where harvest is probably pretty low.
26 I would see this as the first step and then if necessary we
27 could look at area closures or other management tweaks in
28 the future. But I prefer this to the closure that was
29 originally proposed.

30

31 Thank you.

32

33 CHAIRMAN SQUARTSOFF: Thank you, Matt.
34 Hans.

35

36 MR. NICHOLSON: Thank you, Mr. Chairman.
37 Number 1, I appreciate Doug's amendment. I was afraid that
38 the proposal would close subsistence opportunity where it
39 has occurred in the past customarily and traditionally. I
40 also appreciate Matt's comments. And I'll be speaking in
41 favor of the proposed amendments.

42

43 CHAIRMAN SQUARTSOFF: Thank you, Hans. And
44 it does affect your area so that's good to hear.

45

46 Do we have any other Council comments.

47

48 MR. NICHOLSON: Oh, Mr. Chair, just a
49 clarification on the second part of that amendment.

50

1 CHAIRMAN SQUARTSOFF: Yes, thank you, Hans.
2 Doug.
3
4 MR. ALCORN: Thank you. I made three
5 specific points.
6
7 One, was the need for outreach in those
8 areas where harvest occurs.
9
10 The second was the issue of managing on a
11 Flyway basis, which means obtaining as much information as
12 we can about the impacts, the range of the birds, and the
13 impacts of the birds and the management authorities of
14 those birds throughout its range. And looking at
15 opportunities to engage with those other management
16 authorities for the purposes of conservation.
17
18 And then the third was improving our
19 harvest survey so that we can get data that is appropriate
20 so that we can make management decisions.
21
22 CHAIRMAN SQUARTSOFF: Thank you, Doug. Is
23 there any other discussion.
24
25 (No comments)
26
27 MR. HICKS: Call for question.
28
29 CHAIRMAN SQUARTSOFF: Question's been
30 called for.
31
32 MR. ROBUS: Is this on the amended proposal
33 or just the amendment?
34
35 CHAIRMAN SQUARTSOFF: Well, the amended
36 proposal it would be -- it would have to be as amended.
37
38 MR. ROBUS: Okay.
39
40 CHAIRMAN SQUARTSOFF: Okay, question's been
41 called for. Is there any objection to the motion as
42 amended, the proposal as amended.
43
44 (No objections)
45
46 CHAIRMAN SQUARTSOFF: Hearing none, so
47 moved. Thank you guys, outstanding.
48
49 UNIDENTIFIED VOICE: Silence is golden.
50

1 CHAIRMAN SQUARTSOFF: That's right. We are
2 now on No. 10 still under Tab 9, No. 10. Matt, can you go
3 ahead and introduce that one.

4
5 MR. ROBUS: Mr. Chairman, I move Proposal
6 No. 10, it's by the U.S. Fish and Wildlife Service and it
7 proposes that the 30 day closed season restriction be
8 expanded to a minimum of 60 days.

9
10 CHAIRMAN SQUARTSOFF: Thank you. And who
11 are we going to have to introduce this one, I see Richard's
12 not here?

13
14 MR. ROBUS: You need a second first.

15
16 CHAIRMAN SQUARTSOFF: Oh, sorry, I forgot
17 about the second, man, I thought I was on track.

18
19 MR. ALCORN: I second the motion.

20
21 CHAIRMAN SQUARTSOFF: The motion is
22 seconded. Richard, I believe is not here, who is going to
23 introduce this, Doug, thank you.

24
25 MR. ALCORN: I'll do it, thank you, Mr.
26 Chairman.

27
28 CHAIRMAN SQUARTSOFF: Thank you.

29
30 MR. ALCORN: This is a proposal that is
31 brought to the attention of the Council for consideration
32 and some resolution of the issue and the issue is this.
33 When we negotiated two years ago at this time, I believe it
34 was in a May meeting, to establish those season closures,
35 it was with the intent of complying with the Japan Treaty
36 which has in it language somewhat to the extent that the
37 birds would be protected during the principal nesting
38 season. And at that time we identified a period of 30 days
39 for closure and, in fact, that period of 30 days doesn't
40 adequately protect birds during that principal nesting
41 season. And in some cases -- in some examples that were
42 shown earlier this week of some species that are harvested
43 for subsistence that 60 days is more in tune with those
44 needs, which would protect, statistically, roughly 80
45 percent of those nesting birds for that 60 day period
46 versus 30 day period.

47
48 The proposal has been offered to extend
49 directly to 60 days, but I would also offer an amendment,
50 and I'd like to read that amendment for the record.

1 CHAIRMAN SQUARTSOFF: Yes, Doug.
2
3 MR. ALCORN: If I may, I move that we amend
4 the proposal to read that the Fish and Wildlife Service
5 will work with regions to identify and recommend adequate
6 protections for nesting birds, focusing on birds with
7 conservation concern, and allowing for harvest of failed
8 nesting birds and/or molting birds where appropriate.
9
10 CHAIRMAN SQUARTSOFF: Thank you, Doug.
11 Tom. Uh-oh, Tom is frowning Doug.
12
13 MR. ROTHE: Clarification first on this
14 amendment, Doug, are you proposing to move forward with the
15 60 day period but under certain conditions that you just --
16 or what?
17
18 MR. ALCORN: The proposal as I've stated is
19 that the Fish and Wildlife Service would work with the
20 regions to identify and recommend adequate protections,
21 which basically adequate means we would be able to comply
22 with the Japan Treaty more accurately for the needs of the
23 birds.
24
25 CHAIRMAN SQUARTSOFF: And that's 30 days.
26
27 MR. ROTHE: Moving down a little further
28 down the clarification road here, does that mean then that
29 this changes from a regulatory proposal to just a proposal
30 which, if passed, would state the intent of the Council for
31 what would happen and that would result in individual
32 proposals coming back in the future? I mean I'm kind of
33 trying to figure out what we would be passing here if we
34 adopted this amendment.
35
36 MR. ALCORN: Okay, well, let me specify,
37 I'm sorry I didn't specify when that report would come
38 back. The report would need to come back within a year from
39 those regions and from work with the Service with those
40 periods of time recommended for those regions that would
41 adequately protect the birds during the principal nesting
42 period.
43
44 CHAIRMAN SQUARTSOFF: Did that clarify it?
45 Matt. The reason I'm letting Matt comment is on the State,
46 too, through his.....
47
48 MR. ROBUS: Thank you, Mr. Chairman, I
49 appreciate the opportunity. So then Doug, it seems, again,
50 like if we were to incorporate this amendment and pass

1 this, we basically would just be tasking the Service to
2 work with regional organizations to come back with more
3 specific proposals at some future date? Is that a good
4 summation?

5

6 MR. ALCORN: Yes.

7

8 CHAIRMAN SQUARTSOFF: Doug, thank you. Is
9 that okay, Tom? There you go, comment now.

10

11 MR. ROTHE: All right. Mr. Chairman, if I
12 understand what's before you, I think I have a technical
13 comment or two.

14

15 As it stands, I think if the Department
16 does not believe that you have sufficient information to
17 adopt specific regulations on certain dates for any
18 regions, which I think is where Doug was going, we need
19 time to discuss that to determine which dates might work
20 and what might not. So if I understand it, the proposal is
21 an advisory or in a resolution sort of capacity to charge
22 some future work, that's -- that's fine.

23

24 As a regulatory proposal, though, as I
25 understand it, is nothing would go in 50 C.F.R. based on
26 this. Because I think that there are two complications.
27 One is that each region has different kinds of species
28 mixes and breeding and that needs to be accounted for which
29 would require quite a bit of homework.

30

31 The second issue is there certain kinds of
32 traditional hunts that we would probably consider
33 acceptable that occur during that period? This would be
34 like aggregations of molting ducks and geese as one
35 example. The other one, most important, is there's a June
36 migration hunt of eiders on the North Slope that's the bulk
37 of their duck harvest and so that -- accommodating those
38 kinds of hunts would require a fair amount of thought, too.

39

40 CHAIRMAN SQUARTSOFF: Thank you, Tom. U.S.
41 Fish and Wildlife, Bob.

42

43 MR. LEEDY: Thank you, Mr. Chairman. I
44 think picking up from Doug's amendment there. I think what
45 we're proposing is the opportunity to go out and talk to
46 the regional councils and discuss whether we can agree
47 there is or is not sufficient protection for birds during a
48 closure period. This goes back to the Japan Treaty that
49 says, you know, there will be closure during the primary
50 nesting period. The primary nesting period is not clearly

1 defined. And from a biological standpoint in terms of
2 recruitment of birds each year, some of the most critical
3 parts of the cycle are in the rearing of broods, small
4 birds and things like this, and this was, for instance,
5 recognized in the Goose Management Plan when the species
6 for which we had greatest concern had total closure from
7 initiating of nesting until fledgling. And we would like
8 to discuss this concept with the various region councils
9 and get their input as to whether or not these birds are
10 protected adequately, provide them information and
11 examples, region specific that would help convey the
12 concept and spur discussion and then see where the regions
13 did or did not care to go at that time.

14
15 Again, what we're looking forward to is an
16 opportunity at this point to discuss the adequacy of the
17 closed period and any suggestions the regional councils
18 might have in addressing that.

19
20 CHAIRMAN SQUARTSOFF: Thank you, Bob.
21 We're not there yet, Mike, sorry, close though. Any public
22 comment.

23
24 (No comments)

25
26 CHAIRMAN SQUARTSOFF: No public comment,
27 Mike, you got it.

28
29 MR. SMITH: Mr. Chairman, why do we need a
30 proposal to do that?

31
32 CHAIRMAN SQUARTSOFF: Go ahead, Bob.

33
34 MR. LEEDY: It started out as a specific
35 proposal for closure, I suspect to get the item on the
36 table. This may not have been the best way to do it but
37 it's the way we did it. You know, just to indicate that
38 the 30 days is really probably not adequate for many
39 species. To some degree as you guys I'm sure would point
40 out to us there isn't a problem, from your point of view
41 because harvest goes down dramatically then and people
42 generally don't hunt brooding birds and so forth, but it's
43 an issue we'd like to discuss more.

44
45 CHAIRMAN SQUARTSOFF: Thank you.

46
47 MR. SMITH: Mr. Chairman, I'd like to just
48 follow up.

49
50 CHAIRMAN SQUARTSOFF: Mike.

1 MR. SMITH: I mean I appreciate that and I
2 appreciate what you indicated as far as sending it to us as
3 a proposal, and, you know, it just causes us a lot of
4 concern in that we end up having to vote yes or no on this
5 thing and we get these proposals and we end up having to
6 discuss them and to go over them and to come up with
7 positions on them and stuff, and maybe in the future there
8 might be a better way to bring issues of concern to us
9 instead of through a proposal process.

10
11 Having said that, Doug, do you think we
12 need this as an official proposal or can it be pulled and
13 just allow the Department to go ahead and undertake this
14 endeavor.

15
16 CHAIRMAN SQUARTSOFF: We have Fred and then
17 Doug.

18
19 MR. ARMSTRONG: Thank you, Mr. Chair. This
20 was one of the proposals that were pulled at the work
21 session. There was a lot of discussion on it and the
22 consensus of the group, Mr. Chairman, that we would just
23 work with the regions and in lieu of a proposal, this is
24 what the guidance is Mike.

25
26 CHAIRMAN SQUARTSOFF: Go ahead, Doug.

27
28 MR. ALCORN: Thank you, Mr. Chairman.

29
30 CHAIRMAN SQUARTSOFF: Thank you, Fred.

31
32 MR. ALCORN: I think you, Mike,
33 characterized the issue real well, that we have a process
34 that we've designed early on that is -- it's probably
35 insufficient to really deal with these kinds of issues and
36 the fact that we meet so infrequently also sort of
37 magnifies the complexity and sometimes the consternation
38 that we create with these proposals.

39
40 When this proposal was submitted and we
41 carried this up to our regional director and we sort of
42 laid out the biological concerns. His response was this is
43 an issue that the Council needs to discuss. It's something
44 that the Council needs to address and this is a way to get
45 it on the table for being addressed. I don't think that we
46 actually have to pass the motion to get us to discuss it
47 but that is the way our process is designed now.

48
49 Early on when we set this process up, I
50 made the point, I think a couple of years ago, that my

1 agency will also use the open period of time for proposals
2 to submit proposals that we feel need to be discussed and
3 this is one way to do it and I'm not sure it's a
4 constructive way to do it but it's the only way we have at
5 this point. So I think that there needs to be an
6 opportunity and discussion by this group about this
7 concept. And if the group wants to agree that this concept
8 does warrant further discussion and agrees -- or if the
9 regions then agree that they'll engage with the Service and
10 the State on the technical and biological issues that we're
11 raising here, then I think that would suffice.

12

13 CHAIRMAN SQUARTSOFF: Thank you, Doug.
14 Myron and then Mike.

15

16 MR. NANENG: Thank you, Mr. Chairman. It
17 seems like one of the explanations of why you want to bring
18 this up is because it's in the Japan Treaty and it seems
19 like it's a selective thing to pick from one treaty while
20 some issues that we bring up that need to be addressed by
21 this Co-Management Council are completely ignored.

22

23 But I would think that if you're talking
24 about this as being brought before the regional management
25 bodies that it would be a policy rather than regulation.

26

27 CHAIRMAN SQUARTSOFF: Thank you, Myron --
28 are you done?

29

30 MR. NANENG: Yes.

31

32 CHAIRMAN SQUARTSOFF: Thank you, Myron.
33 Yes, Mike.

34

35 MR. SMITH: Mr. Chairman, I think we can
36 simply -- we can take care of this issue by simply adding a
37 Department report in our agenda, and that if the Department
38 has these type of concerns then they can bring them up
39 during their Department report and not have to submit this
40 as a proposal, that I have to, you know, calm down all the
41 people I deal with on this about what they're trying to do.
42 And I think that, you know, that might be a better way to
43 approach these type of issues, is to just have on our
44 agenda Departmental Report, and those things like that can
45 be brought up to us without having to become a formal
46 proposal.

47

48 CHAIRMAN SQUARTSOFF: Thank you, Mike.
49 Doug.

50

1 MR. ALCORN: Thank you, Mr. Chairman. We
2 spoke yesterday about this concept of the proposers needing
3 to have the opportunity to go to regional council meetings
4 and present information and present the logic behind the
5 proposals that have been submitted, and I think there's a
6 lot of value in that.

7
8 This was one attempt, this proposal is one
9 attempt to engage in that kind of dialogue between our
10 agency and the regional management bodies and it's one way
11 to get the Council to concur that discussion needs to
12 occur. And I don't know how we would engage otherwise if
13 we wanted to raise the issue with a regional management
14 body that maybe 30 days is not adequate to protect the
15 birds during the principal nesting season based on the
16 biology of the birds that occur in that region.

17
18 So I believe, again, that this Council, if
19 we commit to having these discussions and the Service
20 commits to going to those regions where concerns exist and
21 we have a date certain that we would report back to you,
22 say a year from now, then I believe that would suffice.

23
24 CHAIRMAN SQUARTSOFF: Thank you, Doug, it
25 sounds reasonable. Hans.

26
27 MR. NICHOLSON: Thank you, Mr. Chairman. I
28 guess the way I read into that is that we vote the proposal
29 down in preference for this, am I correct?

30
31 CHAIRMAN SQUARTSOFF: Doug.

32
33 MR. ALCORN: Thank you, Mr. Chairman.
34 Yeah, the amendment -- I'll read the amendment and see if
35 that answers your question.

36
37 The Fish and Wildlife Service will work
38 with regions to identify and recommend adequate protections
39 for nesting birds, focusing on birds with conservation
40 concern, and allowing for harvest of failed nesting birds
41 and/or molting birds where appropriate.

42
43 That's different than the proposal, which
44 says, we would extend the nesting season closure to 60
45 days.

46
47 CHAIRMAN SQUARTSOFF: All right, is that
48 okay there with you Hans?

49
50 MR. NICHOLSON: No, I guess I'm still not

1 comfortable with the language or the intent. I would
2 rather see this Council give charge to delegates, whether
3 it be by committee to, you know, explore those avenues.

4
5 CHAIRMAN SQUARTSOFF: Thank you. Enoch.

6
7 ATTAMUK: Yeah, this is more a question
8 that.....

9
10 CHAIRMAN SQUARTSOFF: Attamuk, sorry. I'm
11 just correcting your name.

12
13 ATTAMUK: Oh, okay, he knows it. This is
14 more -- if we extend this on what data are you going to say
15 some birds might be longer for rearing their young, some
16 birds might take less, where's your data saying these birds
17 are for 45 days, these birds are 60, these birds for 80?
18 We don't hunt birds anyhow from June until August, you
19 know, that's when over, I understand that, but my question
20 is this, on what purpose are you going to put this on -- on
21 what part of data saying this is how long it takes to rear
22 their young?

23
24 CHAIRMAN SQUARTSOFF: Thank you, Enoch, do
25 you want to respond to that Doug?

26
27 MR. ALCORN: Thank you, Mr. Chairman. I
28 think that's a fair question Enoch and I would suggest that
29 that's the reason for the amendment which would say we
30 would work with the regions to identify and recommend
31 adequate protections. So that means that all the data that
32 we have, including TEK, would come to the table and be
33 considered, I think, in those discussions.

34
35 CHAIRMAN SQUARTSOFF: Thank you, Doug.
36 Myron.

37
38 MR. NANENG: Yeah, I would like to remove
39 the word minimum of 60 days if you're going to be going to
40 the regional councils to address the certain length of time
41 that you need to deal with the birds.

42
43 CHAIRMAN SQUARTSOFF: Okay, Myron. Doug,
44 you want to respond to that?

45
46 MR. ALCORN: Thank you, Mr. Chairman. The
47 amendment that I've offered doesn't even have 60 days in
48 it. I know the original proposal does, but I'm suggesting
49 that we just use the phrase identify and recommend adequate
50 protections for nesting birds.

1 CHAIRMAN SQUARTSOFF: Do you want to
2 respond to that Myron, does that satisfy what.....
3
4 MR. NANENG: Yeah. There's still some
5 concerns that I have then and I think going to the regional
6 management bodies would also help address the concern that
7 I have.
8
9 For some villages the only opportunity that
10 they have at times is to dry (ph) birds, you know, for
11 their subsistence purposes. We know there are certain
12 species that may be identified to be restricted from being
13 hunted while they're flightless, but, you know, some
14 villages still practice a traditional harvest of some birds
15 when they're flightless. And, you know, we still have to
16 respect those and, you know, I think that a complete
17 closure of all of these birds, especially those that are
18 not in any conservation -- that are not of conservation
19 concern should also be continued and recognized as being a
20 means of the people to harvest the birds as they do, you
21 know, so if there's no conservation concerns they
22 shouldn't, you know, make them outlaws for things that
23 they've culturally and traditionally harvest these birds
24 for.
25
26 CHAIRMAN SQUARTSOFF: All right, thank you,
27 Myron. Correct me, Doug, if I'm wrong, I think that's what
28 you're stating in there, where you could work with the
29 regions on that to when the closure would be or if to
30 extend it?
31
32 MR. ALCORN: That's right, Mr. Chair.
33
34 CHAIRMAN SQUARTSOFF: Thank you. Any more
35 discussion from the Council.
36
37 ATTAMUK: No one's hand is up, don't ask.
38
39 (Laughter)
40
41 MR. ROBUS: Question.
42
43 CHAIRMAN SQUARTSOFF: Question's been
44 called for. Is there any objection to the motion as
45 amended.
46
47 (No objections)
48
49 CHAIRMAN SQUARTSOFF: Hearing no
50 objections, so moved.

1 I am sorry but we're going to -- what do
2 you call it, Myron's going to have to leave, I guess his
3 flight is scheduled, so I appreciate you being here with
4 us, Myron, today, and working on all this.

5

6 MR. NANENG: Thank you.

7

8 CHAIRMAN SQUARTSOFF: Thank you.

9

10 MR. NANENG: Before I leave I just wanted
11 to let people know that I've been getting calls from a
12 radio station out in Bristol Bay area wanting to know about
13 hunting regulations for this summer and our perspective,
14 the Native perspective of what the people should be
15 expecting when the birds arrive. And I know a couple of
16 days ago I seen some birds heading north, so before too
17 long there are going to be many people out in the villages
18 probably that -- they're probably oiling their guns right
19 now, but they're going to be out there hunting birds as
20 they traditionally have done.

21

22 So I hope that -- as one comment was made
23 at their last Waterfowl Conservation Committee meeting,
24 that nobody gets hurt during this spring hunt because of
25 different interpretations and understandings of the way
26 that the harvest should be conducted. So that's all I'm
27 hoping for is that everybody survives through the hunting
28 season.

29

30 So with that, thank you, very much.

31

32 CHAIRMAN SQUARTSOFF: Thank you, Myron.
33 Okay, we are now on -- if I can ask the Vice Chair to go
34 ahead and introduce No. 11, I believe, still under Tab 8 --
35 that would be the last one on Tab 8, I think.

36

37 MR. ROBUS: Mr. Chairman, I move Proposal
38 11, which is the last piece of paper under Tab 8. This is
39 a proposal by the U.S. Fish and Wildlife Service and
40 proposes that appropriate lists primarily traditionally
41 used species should be prepared and presented for each
42 region.

43

44 CHAIRMAN SQUARTSOFF: Thank you, Matt.

45 Doug.

46

47 MR. ALCORN: I second the motion.

48

49 CHAIRMAN SQUARTSOFF: Oh, sorry, second the
50 motion, thank you. And now, I believe you're going to

1 introduce it.

2

3 MR. ALCORN: Thank you, Mr. Chairman. I'll
4 explain this very briefly and then I'm going to offer an
5 additional motion.

6

7 This is a proposal to identify region
8 specific lists of birds that are more customized, I guess,
9 to the traditional harvests in those regions, and I'm going
10 to offer an amendment to the motion which would be to defer
11 action on the motion pending a report -- two reports,
12 actually. One report from the Kodiak region which I
13 understand is in the process of developing a region list
14 and the report would be how you went about doing that and
15 what you see is the utility of that list and a report from
16 the U.S. Fish and Wildlife Service Tetlin National Wildlife
17 Refuge Staff, and that is a process that the Staff of that
18 Wildlife Refuge went through in the Interior region to
19 collect information about the birds that were traditionally
20 used and I would suggest that we hear those two reports
21 before this Council take action on this proposal in the
22 fall.

23

24 CHAIRMAN SQUARTSOFF: Thank you, Doug.

25

26 MR. ROBUS: Clarification.

27

28 CHAIRMAN SQUARTSOFF: Clarification, okay,
29 Matt.

30

31 MR. ROBUS: Doug, would that be to a
32 meeting at a time certain or just contingent or just
33 contingent on when those reports come before the Council?

34

35 MR. ALCORN: I'm proposing that we defer
36 action on this proposal until the fall meeting, and that
37 would be.....

38

39 MR. ROBUS: Intending to have those
40 reports.

41

42 MR. ALCORN:intending to have those
43 reports at that meeting for consideration or potentially at
44 a work shop preceding the meeting.

45

46 CHAIRMAN SQUARTSOFF: All right, thank you
47 guys.

48

49 MR. SMITH: We don't need to hear from the
50 Department now, though, right?

1 MR. ROBUS: If you have concerns.
2
3 CHAIRMAN SQUARTSOFF: Right. Right.
4
5 MR. ROBUS: But you do need to have public
6 comment.
7
8 CHAIRMAN SQUARTSOFF: Right. Okay, is
9 there any public comment on this. Yes, we have a brief
10 public comment from Eric Johnson.
11
12 You know what they give me in Canada for my
13 report Eric, two minutes, thank you.
14
15 MR. JOHNSON: They must have some pretty
16 efficient people.....
17
18 CHAIRMAN SQUARTSOFF: Pretty efficient.
19 The mike, please, introduce yourself again Eric.
20
21 MR. JOHNSON: My name is Eric Johnson,
22 tribal rights attorney with AVCP. And I just wanted to
23 briefly mention just a few concerns that we discussed in
24 the work session the other day.
25
26 I have some real concerns about the notion
27 of limiting the hunt to primarily primary traditionally
28 used species. I think that subsistence use, by its nature,
29 involves a great deal of opportunistic harvest. So
30 realizing this has been put off until October I'm not going
31 to go on any more about this, but I do hope as the Refuge's
32 talk with people in their regions, that they'll give a
33 serious look to opportunistic harvest and the role that
34 places in subsistence customs and traditions.
35
36 CHAIRMAN SQUARTSOFF: Thank you, Eric. Do
37 we have any other public comments.
38
39 (No comments)
40
41 CHAIRMAN SQUARTSOFF: You did better than I
42 usually do, so thank you. If none we are with -- oh, yes,
43 Tom.
44
45 MR. ROTHE: Just a question, was your
46 action to defer the proposal?
47
48 MR. ALCORN: Yes.
49
50 MR. ROTHE: Okay.

1 MR. ALCORN: I'm sorry, point of order, we
2 haven't voted on that.
3
4 CHAIRMAN SQUARTSOFF: No we haven't, but
5 you said we have to have public comment first so that's why
6 we went into public comment before we take action, that's
7 all we did. Thank you, Doug.
8
9 No other public comment.
10
11 (No comments)
12
13 CHAIRMAN SQUARTSOFF: Then we need to take
14 action on this deferred, there was a motion made and
15 seconded.
16
17 MS. HEPA: I call for question.
18
19 CHAIRMAN SQUARTSOFF: Question called for.
20 Is there any objection to this motion as amende to defer.
21
22 (No objections)
23
24 CHAIRMAN SQUARTSOFF: Hearing none, so
25 moved.
26
27 Thank you.
28
29 I think we are over to -- oh, it says,
30 draft, under nine, I'm showing just a draft not a proposal.
31
32 MR. ROBUS: Mr. Chair.
33
34 CHAIRMAN SQUARTSOFF: Yes.
35
36 MR. ROBUS: On our agenda, I believe that
37 there was a section this afternoon about 1:30 or so, to
38 discuss.....
39
40 (Laughter)
41
42 MR. ROBUS:the procedures for
43 inclusion and that's what I think we see under the next
44 tab, and then individual proposals for inclusion follow
45 after that. So I guess it's a question of are we going to
46 deal with what we originally had on the agenda.
47
48 CHAIRMAN SQUARTSOFF: Yes Hans.
49
50 MR. NICHOLSON: Mr. Chairman, we still have

1 the Native only proposal to deal with also, it's
2 unfortunate that Myron left.
3
4 MR. ROBUS: That's right, we tabled that,
5 AVCP's third proposal we tabled because Myron wasn't here
6 after lunch.
7
8 MR. SMITH: Yes, Mr. Chairman, I.....
9
10 CHAIRMAN SQUARTSOFF: Oh, man, he left.
11
12 MR. SMITH:remember when you brang
13 [sic] it up, regarding AVCP.
14
15 CHAIRMAN SQUARTSOFF: Tim's gone, too?
16
17 MR. SMITH: Yeah.
18
19 CHAIRMAN SQUARTSOFF: Or Tim had to leave,
20 yeah.
21
22 MR. SMITH: They would just like to have
23 that proposal tabled until the next meeting.
24
25 CHAIRMAN SQUARTSOFF: Good. Well, it's
26 already tabled.
27
28 Thank you.
29
30 MR. ROBUS: Well, we need to take action.
31
32 CHAIRMAN SQUARTSOFF: Right, I know we do,
33 right, do you want to do that now or -- well, let's keep
34 going and remember to do that at the end, right, at the
35 end. Okay, are we going to go ahead and work on this draft
36 of inclusion first. Doug, or -- well, you know more about
37 this inclusion stuff than I do, or Matt, than I do.
38
39 MR. ALCORN: Mr. Chair.
40
41 CHAIRMAN SQUARTSOFF: Yes.
42
43 MR. ALCORN: Thank you. I see Bill Ostrand
44 coming to the table. This is an item that I was wanting to
45 discuss but maybe I'll hold off and let Bill make a
46 presentation.
47
48 CHAIRMAN SQUARTSOFF: Okay, Bill, please.
49
50 MR. OSTRAND: I put it on the agenda just

1 because this is at the point at which the Council will be
2 considering petitions for inclusion and it seems
3 appropriate just to review the process for the Council.

4
5 CHAIRMAN SQUARTSOFF: Okay. Do you want to
6 brief the Council a little on it then?

7
8 MR. OSTRAND: Sure, I'd be glad to.

9
10 CHAIRMAN SQUARTSOFF: All right, thank you.
11 Well, we do have this in place, we have the inclusion in
12 place already.

13
14 MR. OSTRAND: Okay, let me go get my
15 glasses.

16
17 CHAIRMAN SQUARTSOFF: Okay, Bill -- Bill
18 and me go way back, so.....

19
20 MR. OSTRAND: Okay. The process is located
21 behind Tab 4. This is similar to the process that we've
22 already discussed for exclusion, in fact, the exclusion --
23 proposed process for exclusion was based upon this and,
24 however, this one has already been approved by the Council,
25 so the process requires a letter from the community that
26 wishes to be included followed up by a second letter to be
27 sent in, and the first letter is to be sent in within the
28 allotted time period, the same time period we accept
29 proposals. The second letter is to address the five
30 criteria listed here and I think you're familiar enough
31 with them that I won't go through them.

32
33 Let's see, following that the petition is
34 reviewed by the Technical Committee and in this case the
35 proposals have been reviewed by Henry Huntington and that
36 was the document that you had come across that was
37 confusing, the draft, that's Henry Huntington's report.

38
39 The responsibilities for the region, the
40 region is to hold a public hearing or a public meeting at
41 which time the petition is to be reviewed and the regional
42 management body is to provide comment on those proposals,
43 or those petitions.

44
45 CHAIRMAN SQUARTSOFF: Thank you, Bill --
46 oh, you've got more, sorry.

47
48 MR. OSTRAND: Yeah, I was going to point
49 out without Gordon here, he won't be able to find out what
50 the regional management body had to say.

1 CHAIRMAN SQUARTSOFF: Right. But I think
2 he had a good talk with Mike, didn't you say that.....

3
4 MR. SMITH: Turn on my mike?

5
6 CHAIRMAN SQUARTSOFF: Yes.

7
8 MR. SMITH: Mr. Chairman, in talking with
9 Gordon, there was concern expressed about the harvest of
10 birds that was embodied in some of the proposals. His
11 perception and his perception of his people, I guess, is
12 that proposals to harvest birds should be separate and
13 their own and his intent was to remove any reference to the
14 taking of birds in any of these proposals and to limit it
15 only to the harvest of eggs. And I believe, and I'm not
16 sure and there might be some clarification in this, I
17 believe it was just the three communities or was it all
18 four -- is it four proposals or three proposals?

19
20 MR. OSTRAND: There's.....

21
22 MR. SMITH: Well, yeah, there's four but
23 Klawock, there's no documentation and an incomplete
24 petition. So, you know, I think we could go ahead and move
25 on Craig, Hydaburg and Yakutat and go ahead and require
26 Klawock provide us the documentation that is required.

27
28 CHAIRMAN SQUARTSOFF: Thank you, Mike.
29 Okay, Bill, are you done or you've got more?

30
31 MR. OSTRAND: Yeah, that's basically the
32 process. So like I said the final step in the process is
33 reporting to the Co-management body by the regional
34 representative or the regional management body on their
35 findings.

36
37 CHAIRMAN SQUARTSOFF: And we know Gordon's
38 not here. Yes, Doug.

39
40 MR. ALCORN: Thank you, Mr. Chairman. I
41 hate to bring this up at 20 minutes to 5:00 on a Friday
42 afternoon, but I feel compelled to raise this as an issue.
43 When the committee that was assigned to address or identify
44 criteria for exclusion began to look at these criteria that
45 we have for inclusion and the process that we have for
46 inclusion, it generated a discussion of the issue of the
47 number of participants in a community that would qualify a
48 community for inclusion or disqualify a community, in the
49 case of exclusion. And the question is how many users of
50 the resource in the -- traditional users of the resource in

1 the community would warrant action, whether it be a
2 percentage of the community or -- or an absolute number or
3 whatever.

4
5 And that -- that is an issue that's
6 unresolved for inclusion or exclusion and as a matter of
7 fact, we included 13 communities, as a Council, 13
8 communities last year without considering that element,
9 that aspect and it's not in our process so we were within
10 rights, I guess, of our approved process to consider them
11 for inclusion. But subsequent to that action last year
12 I've looked at this and I've been questioned regarding
13 consistency of approaches for exclusion and inclusion and
14 how we would determine, for example, if a petition for a
15 community such as Anchorage were to be petitioned and it --
16 there were individuals within that community that met those
17 criteria, would we be compelled to include, and frankly I
18 don't have an answer, and I don't know how we could address
19 that without having the discussion by the Council of this
20 very issue of what level of community, what degree or what
21 percent or whatever we want to describe it as, needs to
22 satisfy the criteria one way or the other.

23
24 And that's something that I'm struggling
25 with and don't feel that we have an answer to.

26
27 CHAIRMAN SQUARTSOFF: Thank you, Doug.
28 Didn't we have a committee to work on this stuff, what
29 you're just discussing right now?

30
31 MR. ALCORN: Thank you, Mr. Chairman, we
32 do.

33
34 CHAIRMAN SQUARTSOFF: Yes.

35
36 MR. ALCORN: We have an exclusion committee
37 that talked about that in the presentation yesterday of the
38 report. Item 3 on Page 2 of that report was referring to
39 the AMBCC process and for discussion sake only we inserted
40 in there a percent of the community which was a majority or
41 50 percent plus one, I think, or more than 50 percent. And
42 we were not settled as a committee and we agreed to put
43 that in there for discussion sake only, not recommend it as
44 an absolute number because we frankly don't know what that
45 number would be.

46
47 CHAIRMAN SQUARTSOFF: Thank you, Doug.
48 Fred.

49
50 MR. ARMSTRONG: As far as the 13 newly

1 included communities, the discussion early on about those
2 13 communities was whether or not they were included or
3 excluded. There was some feeling that they were included
4 because tradition but geographically there was a grey area
5 so we made an agreement with these communities that we
6 would consider them excluded until the next cycle where
7 they could petition for inclusion. And I think that's a
8 separate thing that needs to be identified and brought out,
9 that they had considered that they were in, some people
10 felt they were and we just didn't want to be on a shady
11 area so we decided that we would take them up first and
12 that's what we did. That was sort of the history behind
13 that.

14
15 CHAIRMAN SQUARTSOFF: Thank you, Fred. You
16 know somewhere's in this -- like I mentioned earlier at
17 point in time we got to get past this, nobody not being
18 here to support their proposals. I mean there's no sense
19 in having them here if they're not going to be here to
20 support them or for them to be here for us to make our
21 decisions.

22
23 Yes, Fred.

24
25 MR. ARMSTRONG: I did have a chance, as
26 well as Mike to talk to Gordon, we do have an independent
27 researcher who's reviewed the situation in each of these
28 communities and is prepared to provide his input. But, you
29 know, it's the Council's decision as to which way to go.

30
31 CHAIRMAN SQUARTSOFF: Yeah, I feel we
32 should go ahead and move on and go ahead and go ahead and
33 work on these proposals right now. I don't know what
34 Gordon's reason was for not being here today but, you know,
35 the process is just dragging and dragging and we need to
36 get moving, not to push things, but -- and if Bill is going
37 to be able to provide some -- I guess you're assuming that
38 Bill, he'll provide some input.

39
40 MR. OSTRAND: Mr. Chairman, I sat in on
41 their, via teleconference, of their regional management
42 body's public meeting for two of the communities so I could
43 offer that they were approved by the regional management
44 body.

45
46 CHAIRMAN SQUARTSOFF: Yeah, thank you,
47 Bill. What's the Council's -- what do you think, do you
48 think that will work for us right now, should we go ahead
49 and move on with this and do these proposals, the inclusion
50 ones?

1 MR. NICHOLSON: Mr. Chairman, if I may.
2
3 CHAIRMAN SQUARTSOFF: Yeah, go ahead, Hans.
4
5 MR. ARMSTRONG: Is there a motion?
6
7 CHAIRMAN SQUARTSOFF: No, no motion made.
8 Yes, Hans.
9
10 MR. NICHOLSON: Looking in the meeting
11 packet, it's apparent that the communities that have
12 applied for inclusion have substantiated documentation for
13 consideration to be included into the spring and summer
14 migratory bird hunt, and so I think it would be appropriate
15 for us to take action at this time.
16
17 CHAIRMAN SQUARTSOFF: Thank you, Hans.
18 Anybody else -- yes, Fred.
19
20 MR. ARMSTRONG: I guess we need to get
21 beyond Doug's concern that he raised and see what kind of
22 resolution we can come to with that.
23
24 CHAIRMAN SQUARTSOFF: Right. Everybody
25 thumb's up to go?
26
27 MR. SMITH: For what?
28
29 CHAIRMAN SQUARTSOFF: To go ahead -- oh,
30 sorry, Doug.
31
32 MR. ALCORN: Mr. Chairman, if we elect to
33 proceed with these I would ask for a 10 minute recess.
34
35 CHAIRMAN SQUARTSOFF: Yes. I think
36 everybody's electing to go ahead and do this, so we'll go
37 into a 10 minute recess.
38
39 Thank you.
40
41 (Off record)
42
43 (On record)
44
45 CHAIRMAN SQUARTSOFF: Can we go ahead and
46 call this meeting back to order, thank you. And I got to
47 remember where we were at here.
48
49 I think we were coming up on the process of
50 Tab 10 of the inclusion proposals from the Southeast area.

1 And I guess, if I can, and if I'll be in order I would like
2 to make a motion to defer these proposals because of Gordon
3 not being here and to support these inclusions -- if I'm in
4 order I would like to do that, make a motion to defer.

5

6 MR. ALCORN: Mr. Chairman.

7

8 CHAIRMAN SQUARTSOFF: Yes.

9

10 MR. ALCORN: If we defer then that's not
11 support, that's taking no action.

12

13 CHAIRMAN SQUARTSOFF: Well, no, I'm not
14 saying I'm supporting them, I want to defer them until we
15 can have Gordon here, somebody to be here to represent
16 those proposals, which would be at the next meeting.

17

18 MR. SMITH: Mr. Chairman.

19

20 CHAIRMAN SQUARTSOFF: Yes, Mike, there's a
21 motion on the floor, is there a second.

22

23 MR. DIVINE: I'll second.

24

25 CHAIRMAN SQUARTSOFF: Thank you, Peter.

26 Mike.

27

28 MR. SMITH: Mr. Chairman, I was going to
29 offer another tact that might do the same thing. I mean I
30 think we have enough discussion with Gordon as to what the
31 intent of these proposals were and I would just -- I mean I
32 guess I would like to entertain a motion to go ahead and
33 approve them, all of them as a block with the provision
34 that, of course, it does not apply to the taking of birds
35 and only is applicable to the harvest.

36

37 So I mean I guess -- I don't know, I
38 guess.....

39

40 CHAIRMAN SQUARTSOFF: You guess what?

41

42 MR. SMITH: I guess I'll just shut up for a
43 minute.

44

45 CHAIRMAN SQUARTSOFF: Thank you, Mike.

46

47 MR. ALCORN: Mr. Chairman.

48

49 CHAIRMAN SQUARTSOFF: Yes, Doug.

50

1 MR. ALCORN: Mr. Chairman, I apologize for
2 creating the difficulty that I've created. But the Fish
3 and Wildlife Service is tremendously concerned about the
4 proposal process to include communities which we went
5 through last year, which we were party to the process, I'll
6 admit.

7
8 CHAIRMAN SQUARTSOFF: Right.

9
10 MR. ALCORN: But that process, after
11 further review creates the concern that we have and I've
12 already articulated that concern, I think you all
13 understand that.

14
15 I would support the motion to defer action
16 and I would like to see that this Council engage in a
17 thorough discussion of that issue that I've raised.

18
19 CHAIRMAN SQUARTSOFF: Thank you, Doug.
20 That was another reason that I wanted to make this deferred
21 also. Matt.

22
23 MR. ROBUS: Mr. Chair, I can go along with
24 deferral although for this activity, i.e., egging only, in
25 Southeast communities for the ones that had done a good job
26 of documentation I could go along with inclusion at this
27 point, recognizing that there are concerns, especially once
28 we talk about the bird part of the subsistence regulations.
29 I'll certainly go along with deferral if there is two
30 parties here that want to go there, but I just wanted to
31 point out our position.

32
33 Thank you.

34
35 CHAIRMAN SQUARTSOFF: Thank you, Matt.
36 Anyone else.

37
38 (No comments)

39
40 MR. ROBUS: Call for the question.

41
42 CHAIRMAN SQUARTSOFF: Oh, wait, Hans.

43
44 MR. NICHOLSON: I was just going to ask,
45 how come you're looking at me?

46
47 CHAIRMAN SQUARTSOFF: I was just looking
48 that way.

49
50 MR. NICHOLSON: Actually, Mr. Chairman, I

1 would have liked to have taken care of these petitions for
2 inclusion but based on comments from the Service and
3 Department Staff, I'm willing to go along with those and I
4 would respectfully call for the question.

5

6 CHAIRMAN SQUARTSOFF: So you're willing to
7 go along with the deferral -- excuse me, yes.....

8

9 MR. SMITH: I have a comment, Mr. Chair.

10

11 CHAIRMAN SQUARTSOFF:Mike.

12

13 MR. SMITH: Mr. Chairman, thank you. I
14 just have a comment. I think -- I mean I appreciate Doug's
15 concern as to what population level we need to have.
16 Personally, I guess I'll just give him fair warning that I
17 am going to be opposed to any percentage requirement for
18 inclusion into these things for future discussion.

19

20 In regards to these three specific
21 proposals we have here, I think we can safely assume that
22 Craig, Hydaburg and Yakutat are predominately Native
23 communities and that whatever criteria we come up with they
24 would be met in that regard. I think these proposals were
25 discussed last year when we included the other communities
26 down there in the egg harvest. Gordon indicated that there
27 were a couple other communities that were going to follow
28 suit but did not have, at that time, did not have their
29 information together. So in that regard I think I would
30 agree with Matt that I think we can go ahead and act on
31 these ones now, and that it is similar to simply the ones
32 we acted on last year, that the percentage requirements,
33 whatever they ultimately be or not be, would be met by
34 Craig, Hydaburg and Yakutat, and that I think we should go
35 ahead and allow them to harvest their eggs.

36

37 CHAIRMAN SQUARTSOFF: Thank you, Mike. I'm
38 going to ask the Council one more time on what their wishes
39 are and I can and will withdraw my motion if need be, if
40 the rest of you guys do want to go ahead and take action on
41 these.

42

43 Joeneal.

44

45 MR. HICKS: I believe we have sufficient
46 information to take action on them.

47

48 CHAIRMAN SQUARTSOFF: Thank you. Attamuk.

49

50 ATTAMUK: Yeah, I think on some of these

1 proposals, it's simple and a lot of good information is
2 here, I think we could make motions to accept that way they
3 could be legal and be able to harvest their eggs or birds,
4 they won't be criminals.

5
6 CHAIRMAN SQUARTSOFF: Thank you. I believe
7 I have Mike and Hans' decision, Attamuk, yes. Peter.

8
9 MR. DIVINE: Yes, I'll take back my second.

10
11 CHAIRMAN SQUARTSOFF: Yeah, okay, well,
12 I'll take back my motion to defer and he's taking the
13 second back, so I guess we'll go ahead and proceed then
14 with -- yes, Mike.

15
16 MR. SMITH: Mr. Chairman, I appreciate your
17 removal of your amendment and I'd like to discuss the
18 possibility of going ahead and passing these as a block to
19 expedite the process.

20
21 CHAIRMAN SQUARTSOFF: But I believe,
22 though, what you mentioned earlier, we're going to have to
23 do an amendment in there, too, I don't know if it's one or
24 two or all three of them about the harvesting of birds.

25
26 MR. SMITH: Yes, Mr. Chairman.

27
28 CHAIRMAN SQUARTSOFF: Is that all three of
29 them?

30
31 MR. SMITH: Yes, Mr. Chairman. If you
32 would like I could offer up a motion.

33
34 CHAIRMAN SQUARTSOFF: If it pertains to all
35 three, if it doesn't then we can't.

36
37 MR. SMITH: Yes.

38
39 CHAIRMAN SQUARTSOFF: Okay, thank you.

40
41 MR. ARMSTRONG: Mr. Chair.

42
43 CHAIRMAN SQUARTSOFF: Yes, wait, hold it.
44 Fred.

45
46 MR. ARMSTRONG: I think before you take
47 action it'd be appropriate to listen to Mr. Huntington's
48 report to see whether or not there's any concerns raised.

49
50 CHAIRMAN SQUARTSOFF: Okay, yeah, thank

1 you, Fred. I'm sorry I didn't even pay attention to Dr.
2 Huntington, if he had a report there. Thank you.

3

4 State your name for the record, please.

5

6 MR. HUNTINGTON: Henry Huntington of Eagle
7 River. And I've been contracted to do a review of the
8 petitions to look at the adequacy of the documentation and
9 in view of the time I'll be as brief as I can. If I'm too
10 brief you can ask questions.

11

12 CHAIRMAN SQUARTSOFF: Take your time.

13

14 MR. HUNTINGTON: Well, if I took my time I
15 know where I'd be going, but that's another story.

16

17 My job has been to look at the
18 documentation, in other words, the information that they've
19 provided, is it -- how good is it, does it come from good
20 sources, does it seem to be a fair summary of the available
21 information. This is not the same as evaluating whether
22 the proposal has merit. And I think you could have a very
23 well documented proposal that completely lacked merit and
24 you could probably have a proposal that had a great deal of
25 merit but just didn't have documentation. So I just wanted
26 to make that clear, the decision of whether it has merit is
27 entirely in your hands.

28

29 What I've looked at is the documentation
30 and for all three communities, Klawock, excepted, because
31 the proposal was incomplete, for the other three, the
32 documentation -- the level of documentation is pretty good.
33 The amount of available information and that's not a
34 reflection of anything in the community, it's just what
35 kinds of studies happen to have been done in their area.

36

37 In all three cases I think the strength of
38 the documentation is good, the sources they cite are very
39 good ones, Fish and Game subsistence records, noted
40 anthropologists, some other studies that have been
41 conducted in those areas. So, again, in terms of the
42 documentation, all three present very good information.

43

44 In my report I did note a couple comments,
45 for example, with both Craig and Hydaburg and to some
46 extent Yakutat, there's not much information on the
47 seasonal breakdown of the bird harvest, and that concern
48 may be irrelevant if you're not considering the bird
49 harvest, if you're just considering eggs, obviously we know
50 what season that takes place in.

1 Craig had mentioned in their petition that
2 no eggs were taken in 1987, and I don't know if there's
3 been any explanation of that. There's the criteria about
4 continuity of use. Some explanation would have been nice
5 and it's a shame that Gordon isn't here or someone who can
6 -- and perhaps there is someone who can address that, you
7 know, was there bad weather, was something else going on,
8 is there some reason that this is an anomalous year or do
9 they, in fact, only take them sporadically.

10
11 And the only other comment I would make is
12 in reference to the population figures, I think it is fair
13 to say that -- point out that in Craig's petition, it
14 states that Craig is 29 percent Native, Hydaburg is 82
15 percent Native and Yakutat did not give a figure and I'm
16 not sure what the breakdown is in Yakutat and I won't
17 hazard a guess. So those are the figures that are
18 available.

19
20 On the other hand if you look at the
21 surveys and the number of people engaged in subsistence
22 generally, Mike's comment that these are all very active
23 subsistence hunting and fishing and gathering communities
24 is entirely accurate.

25
26 Thank you.

27
28 CHAIRMAN SQUARTSOFF: Thank you, Mr.
29 Huntington. Anybody have any questions for him while he's
30 here?

31
32 MR. ALCORN: Mr. Chairman.

33
34 CHAIRMAN SQUARTSOFF: Yes, Doug.

35
36 MR. ALCORN: I'm sorry, Dr. Huntington, you
37 said that it was not highly accurate, is that what you just
38 said?

39
40 CHAIRMAN SQUARTSOFF: No, he said they were
41 highly accurate.

42
43 MR. ALCORN: They were highly accurate.

44
45 MR. HUNTINGTON: The studies that have been
46 -- yes, the.....

47
48 CHAIRMAN SQUARTSOFF: No, the communities
49 you said they were highly active in gathering, harvesting
50 and.....

1 MR. HUNTINGTON: They are highly active,
2 yes.
3
4 MR. ALCORN: Okay. I thought you said
5 inaccurate.
6
7 MR. HUNTINGTON: I'm sorry. There was a
8 discussion earlier about whether they were predominately
9 Native and at least in the case of Craig the figure that
10 they provided was 29 percent, with that said, the other
11 figures show a very high engagement with subsistence
12 through the entire population.
13
14 The other comment is that since they
15 pointed out that population is declining in most cases in
16 these communities, the Native population is likely to stay
17 and so if that population trend continues, the percent of
18 Native will presumably increase.
19
20 CHAIRMAN SQUARTSOFF: Thank you. Any other
21 questions for Mr. Huntington.
22
23 (No comments)
24
25 CHAIRMAN SQUARTSOFF: No. Thank you. Are
26 you ready to entertain your motion there, Mike?
27
28 MR. SMITH: Yes, if you are, Mr. Chairman.
29
30 CHAIRMAN SQUARTSOFF: Yes.
31
32 MR. SMITH: Mr. Chairman, I'd like to move
33 that we approve the petitions from the communities of
34 Craig, Hydaburg and Yakutat for inclusion and that we limit
35 that inclusion to the harvest of eggs only and that any
36 reference to the taking of birds be removed.
37
38 MR. HICKS: Second.
39
40 CHAIRMAN SQUARTSOFF: Motion's been made
41 and seconded. We're back open for discussion if we need
42 any. That would be under.....
43
44 MR. SMITH: Mr. Chairman, could I address
45 my motion please?
46
47 CHAIRMAN SQUARTSOFF: Yes, okay.
48
49 MR. SMITH: Mr. Chairman, I need to
50 mention, too, that that would also exclude Klawock from

1 this consideration because their documentation was
2 incomplete.
3
4 CHAIRMAN SQUARTSOFF: Yes. And that would
5 be under Tab 10 through 13, I believe, what we're talking
6 about, that's the one excluding Klawock?
7
8 MR. SMITH: Yes, sir.
9
10 CHAIRMAN SQUARTSOFF: Do we have any
11 further discussion.
12
13 MR. ARMSTRONG: Mr. Chairman.
14
15 MR. ROBUS: Mr. Chairman.
16
17 CHAIRMAN SQUARTSOFF: Fred, Matt and then
18 Doug.
19
20 MR. ARMSTRONG: Mike, maybe it'd be more
21 appropriate if we remand the petition back to the community
22 to have them work on it to complete it.
23
24 MR. SMITH: The Klawock petition?
25
26 MR. ARMSTRONG: Yeah.
27
28 MR. SMITH: Mr. Chairman, I would accept
29 that.
30
31 CHAIRMAN SQUARTSOFF: Thank you. Matt.
32
33 MR. ROBUS: Thank you, Mr. Chairman. It
34 was pointed out to me that when you write regulations, bird
35 regulations, we probably need to specify the species that
36 we're talking about. Tom might have something to add to
37 that.
38
39 CHAIRMAN SQUARTSOFF: Yes. Tom, if you
40 don't mind, before -- Doug -- Doug. Okay, Tom.
41
42 MR. ROTHE: Mr. Chairman, yeah, I was going
43 to talk about that at the Staff comment period.
44
45 CHAIRMAN SQUARTSOFF: Okay.
46
47 MR. ROTHE: But we figured out a way to
48 handle that kind of after the fact.
49
50 CHAIRMAN SQUARTSOFF: Thank you. Doug.

1 MR. ALCORN: Thank you, Mr. Chairman. I'm
2 not going to support the motion in the context of the
3 statement that I made earlier. And I would just like to
4 point out a number to use as an example and the reason for
5 my objection.

6
7 In the proposal to include Craig, specific
8 to using gull eggs, it says in 1997 3.5 percent reported
9 using gull eggs, 2.3 percent reported harvesting, 1.2
10 percent reported receiving and 1.7 percent reported giving.
11 3.5 percent of the community of Craig has a documented use
12 according to the survey of gull eggs and we are being asked
13 to include an entire community of -- I don't know how many
14 people live there, so 96.5 percent of the community don't
15 have a reported use. And by this action we are including
16 the entire community. So we are opening up a traditional
17 practice to 97 percent of that community, that's the first
18 point.

19
20 And the second point is that I would remind
21 the Council that a year ago when we were considering the
22 proposals to include, I cautioned the group that we were
23 including and that we had a mandate in the protocol
24 amendment to avoid establishing new traditions and to not
25 increase the harvest over traditional levels based on --
26 relative to the population abundance of the species being
27 harvested.

28
29 For those reasons I can't support the
30 proposal.

31
32 CHAIRMAN SQUARTSOFF: Thank you, Doug.
33 Matt.

34
35 MR. ROBUS: I think the reasons that Doug
36 lists are things to seriously think about and it's
37 unfortunate we're doing it at this time of the day, on the
38 fifth day of meetings for some of you. However, I see a
39 difference in a couple of ways between these proposals and
40 others that we've dealt with and will deal with.

41
42 First of all, this is in Southeast Alaska
43 where I believe the protocol said something in effect that
44 it would be generally excluded for birds and generally
45 eggging would be allowed or allowable.

46
47 Secondly, we may be making eggs available
48 to 97 percent of Craig but I see eggs as something that is,
49 you know, much, much less likely to attract use from non-
50 subsistence users whereas birds, obviously that are taken

1 for other uses, there I could see the concern about
2 starting a new tradition amongst people who have not been
3 subsistence users heretofore.

4
5 So clinging to those shades of difference,
6 I speak in favor of the package that Mike has put on the
7 table here.

8
9 CHAIRMAN SQUARTSOFF: Thank you, Matt.
10 Hans.

11
12 MR. NICHOLSON: Thank you, Mr. Chairman. I
13 guess the statement I would like to make is, you know, that
14 resource has been there for a long, long time and people
15 have utilized that resource since time began and, you know,
16 present community enrollment has been there. I'm not sure
17 how big the community of Craig is but I don't see that
18 opportunity as increasing participation even if it were
19 legalized. I just don't see much, if any, increase in
20 harvest or a creation of any new traditions in my opinion.

21
22 CHAIRMAN SQUARTSOFF: Thank you, Hans.
23 Yeah, I feel kind of the same way you do. I can't see any
24 increase on any of the egg harvest down there, you know,
25 they've been doing it. They're going to be doing it here
26 shortly in another few months and they'll keep doing it so
27 I can't really see the increase in anything that we've been
28 approaching and doing -- any of the resources, because
29 we've been doing it, practicing it and it shows in the
30 surveys and everything else.

31
32 So do we have any other discussions.
33 Anybody else.

34
35 Sorry, public comment.

36
37 MR. ROBUS: Did we do Staff comment -- oh,
38 I'm sorry, we haven't done that.

39
40 CHAIRMAN SQUARTSOFF: No, we haven't went
41 through the process, sorry, guys. Tom, Alaska Department
42 of Fish and Game.

43
44 MR. ROTHE: Thank you, Mr. Chairman. Well,
45 I think you've heard some of the concerns that we have.
46 And then Tim left but asked me to at least forward whatever
47 the Technical Committee's findings were as well, so let me
48 just quickly review that.

49
50 For Craig, the Technical Committee asked

1 for more seasonal break out of harvest data, particularly
2 for birds because it was annual data were provided.

3
4 We recognize that there were different
5 views of how important eggs were versus birds and we
6 suggested they might make two proposals, one for eggs, one
7 for birds, and we wanted to get more information on the
8 seasonal use of mallards and Canada geese, because our
9 available data was pretty skimpy.

10
11 Apparently Craig did not resubmit new
12 information and so what you have in the book is the
13 original proposal.

14
15 Hydaburg was pretty much similar.
16 Shortcomings we found were failure to break out seasonal
17 harvest so that we could look at spring and summer versus
18 fall and winter. Hydaburg did not submit a new revised
19 proposal.

20
21 Klawock, as we know as an incomplete
22 proposal, did not address the criteria and didn't provide
23 tabular data on previous harvest.

24
25 Yakutat had similar tables for annual
26 harvest but not seasonal and in addition didn't do a very
27 good job on two of the criteria. But generally there was a
28 fair amount of information there to work with.

29
30 So that was the Technical Committee's
31 assessment.

32
33 So the bottom line was Yakutat did submit
34 some revised material, some additional information for us
35 to look at, the rest of them didn't address our questions.

36
37 From the Department of Fish and Game's
38 view, I think Craig's documentation of their use of eggs is
39 pretty thorough. We don't think there's enough information
40 on bird use to make a good decision on that one.

41
42 The same with Hydaburg and with Yakutat.
43 One of the confusing things was the proposers were not
44 crystal clear on whether they wanted just eggs or birds, so
45 this behooves the Staff maybe next time around to be very
46 proactive and work directly with them to pin them down on
47 the details that you need to make your decisions.

48
49 The other technical concern that I have as
50 Matt brought up is the species question. As we dealt with

1 with Hoonah, it's real important to make sure that people
2 don't inadvertently get into trouble by taking an egg of a
3 bird that didn't happen to be on the list, if there's no
4 conservation concern, so -- but I think last time, Fred, we
5 dealt with this by going back for clarification on which
6 gulls were in the area they would be egging in and get
7 those into the regs after the fact. So if you choose to go
8 forward on these, we, as Staff, would go back and say do
9 you want mewgulls, glacose-winged gulls, kittiwakes,
10 whatever, we need to get that list in regulation.

11
12 In regard to species, one particular issue
13 that's not addressed in the Yakutat proposal is their
14 letter says they want to collect gull eggs, but there's a
15 pretty substantial harvest of tern eggs in their
16 documentation and that might be a significant issue that
17 can't be handled simply by housekeeping and further
18 contact.

19
20 CHAIRMAN SQUARTSOFF: Thank you, Tom. Bob,
21 U.S. Fish and Wildlife next.

22
23 MR. LEEDY: Bob Leedy, Fish and Wildlife.
24 I'd like to pick up a little bit where Doug was and
25 ultimately ask sort of a rhetorical question.

26
27 Well, first of all I have a concern about
28 taking these as a block because I think when you're
29 developing regulations there is benefit to being able to
30 demonstrate deliberative discussions, you know, point by
31 point, a community at a time rather than lumping everything
32 together. One good example of that was the assumption I
33 heard earlier that we assume that most of these are
34 primarily Native communities and then data that comes out
35 suggests that Craig, for instance, is only 29 percent
36 Native community. That would look pretty weak in
37 documentation on the record in the future.

38
39 Birds aside, you know, I'm concerned that
40 in terms of precedent setting here, we're talking about --
41 first of all, to me -- eggs or birds, you know, I'm not
42 sure how we make a distinction between these things,
43 frankly. But when you've got three and a half percent of a
44 community, 29 percent of which is Native, what would we
45 think about looking at Sitka or Ketchikan, a proposal from
46 there, for instance, that was, you know, maybe a third
47 Native and showed three and a half percent, would we be
48 viewing it the same? I think we need to be consistent.

49
50 And then as far as eggs to be taken, I want

1 to point out here that they are also, I thought asking for
2 murre eggs in Craig and this indicates that they're, you
3 know, .6 percent of the community reported using murre
4 eggs, and so are we really -- is that the standard we want
5 to have for the future for both inclusion and exclusion,
6 you know, half a percent of a community taking eggs, I -- I
7 think we're asking for trouble and I would hope we not leap
8 ahead too fast trying to do the right thing but getting
9 ourselves a hole in the future.

10

11 That's going a little bit beyond the
12 technical but I had to spit that out.

13

14 CHAIRMAN SQUARTSOFF: Thank you, Bob. Do
15 we have any public comment.

16

17 (No comments)

18

19 CHAIRMAN SQUARTSOFF: No public comment.

20 Then we are down to Council discussion.

21

22 I want to make a comment on Bob here, on
23 his saying the distinction between the duck or the bird
24 and/or the egg. My distinction is, and then the way these
25 guys are asking when they say seagull eggs or whatever, we
26 -- a lot of us Natives in general use that term for
27 basically all the eggs, the herring gull, the tern, the
28 murre or whatever, the duck eggs, we say we're going out
29 seagull egg hunting, gathering, whatever. And the
30 distinction between the two is by the way we harvest them,
31 Bob, is we don't keep taking them until that seagull or
32 whatever quits laying, we will only take so many.

33

34 So there will always be some there, they'll
35 always reproduce, you know, the population -- we're not
36 going to wipe out the population by taking the eggs, we've
37 proved that over thousands of years that that hasn't
38 happened.

39

40 You know, I don't see really any problem
41 between the distinction of the two there, it's just the way
42 we gather, we leave, we know when to stop taking, we only
43 take so many, so the reproduction will always be there.
44 And I have pictures to prove this in my area, you know,
45 where I can show where we gathered eggs and afterwards I
46 took pictures of how many young kittiwakes were there, I
47 mean the whole place was full.

48

49 So thank you.

50

1 Mike.

2

3 MR. SMITH: Mr. Chairman, I'd just like to
4 add that, you know, I mean I agree with Matt, in that, you
5 know, this is not going to increase the harvest. And in
6 regards -- I mean we're talking about a very short period
7 of time in which they go harvest eggs anyway, that the
8 people who are intending to do that, you know, even if it
9 is Craig, is very minimal. I mean, you know, I guess the
10 protocol talks about -- specifically talks about the
11 harvest of eggs in Southeast Alaska, and I guess, you know,
12 in regards to the comments made earlier about where we want
13 to go with this, I mean I guess I don't want to totally
14 disenfranchise people simply because they happen to be
15 overrun by a bunch of loggers at some point in history and
16 that's what we would, in fact, be doing at this point, and
17 I think the Craig population is going down drastically,
18 there's no logging down there, all the non-Natives are
19 moving out.

20

21 Additionally, we can't make the distinction
22 between Natives and non-Natives anymore because, you know,
23 the term indigenous people includes non-Natives so I mean I
24 appreciate the concerns but I'm in favor of these and I
25 think it's not going to be that much of an impact and
26 certainly some of the concerns expressed need to be ironed
27 out during a deliberative process on the
28 inclusion/exclusion process and we're not done with that,
29 but I don't think we should postpone the adoption of this
30 simply because of that.

31

32 CHAIRMAN SQUARTSOFF: Thank you, Mike.

33

34 MR. DIVINE: Question.

35

36 CHAIRMAN SQUARTSOFF: Do you want to step
37 up to the mike.

38

39 MR. DIVINE: Question.

40

41 CHAIRMAN SQUARTSOFF: Question's been
42 called for. Where am I at here, is there any objection to
43 the motion that's been made on this block of proposals.

44

45 Yes, Doug.

46

47 MR. ALCORN: Mr. Chairman, the U.S. Fish
48 and Wildlife Service would object to the motion as stated.

49

50 CHAIRMAN SQUARTSOFF: Thank you, Doug. So

1 we will go into our voting process.
2
3 Yes, Matt.
4
5 MR. ROBUS: Clarification. Are we talking
6 about gull eggs or more than gull eggs?
7
8 CHAIRMAN SQUARTSOFF: Mike, you want to
9 answer him on that?
10
11 MR. SMITH: Mr. Chairman, I would just
12 defer to what is specified in the proposals. I mean I
13 think.....
14
15 MR. ARMSTRONG: Be specific in the motion.
16
17 MR. SMITH: Why?
18
19 MR. ARMSTRONG: There's no clarity.
20
21 MR. ALCORN: Mr. Chairman.
22
23 CHAIRMAN SQUARTSOFF: Yes, Doug.
24
25 MR. ALCORN: Point of clarification. I
26 thought, Mike, what I heard you say in your talk with
27 Gordon that it was they were eliminating the birds and that
28 they were focusing on gull egg harvest; is that right?
29
30 CHAIRMAN SQUARTSOFF: Right.
31
32 MR. SMITH: Yes, Mr. Chairman, that's
33 correct.
34
35 CHAIRMAN SQUARTSOFF: Okay, Matt.
36
37 MR. ROBUS: Okay.
38
39 CHAIRMAN SQUARTSOFF: Fred, will you go
40 ahead and call the vote, please.
41
42 MR. ARMSTRONG: Okay. The vote for the
43 purpose of including Yakutat, Hydaburg, and Craig, Fish and
44 Wildlife Service.
45
46 MR. ALCORN: Fish and Wildlife Service
47 objects to the motion.
48
49 MR. ARMSTRONG: ADF&G.
50

1 MR. ROBUS: Yes.
2
3 MR. ARMSTRONG: Native contingent.
4
5 CHAIRMAN SQUARTSOFF: Yes.
6
7 MR. ARMSTRONG: Two yes's and one nay.
8
9 CHAIRMAN SQUARTSOFF: Thank you, motion
10 carries. If we can go on now to the next one, it would be
11 under, I believe Tab 14, and Matt, can you go ahead and
12 introduce it.
13
14 MR. ROBUS: Mr. Chairman, this is the first
15 of a block of proposals submitted by the U.S. Fish and
16 Wildlife Service to exclude communities from participation
17 in the migratory birds subsistence harvest system.
18
19 MR. SMITH: Mr. Chairman, I'll second.
20
21 CHAIRMAN SQUARTSOFF: Thank you. Thank you
22 for the second. Thank you for catching me, Mike. Doug.
23
24 MR. ALCORN: Thank you, Mr. Chairman. I'm
25 going to introduce the proposals and then suggest an
26 alternate approach.
27
28 CHAIRMAN SQUARTSOFF: Thank you.
29
30 MR. ALCORN: I guess I'll say that there
31 are six communities that occur on the roaded system in the
32 Interior region that have been proposed for exclusion based
33 on two principal reasons.
34
35 The one principal reason is that there is a
36 substantial population of non-traditional users in the
37 communities and that by adopting -- by allowing those
38 communities to remain in the included hunt, that we are by
39 default creating a new tradition and also by default
40 increasing the harvest of birds by including significant
41 numbers of non-traditional hunters.
42
43 Having said that, I would also refer to my
44 comments in the earlier discussion of including, those same
45 comments apply that, number 1 we have no process in place
46 for excluding and I believe that the Council needs to have
47 a thorough discussion of the percentage of community issue
48 or the degree by which a community meets or fails to meet
49 those criteria that occur.
50

1 With that said, I'm going to move that we
2 defer action on these until the fall meeting allowing for
3 the Fish and Wildlife Service to attend meetings in that
4 area that would be convened by the regional management body
5 for the purposes of presenting these proposals in or around
6 the areas of those communities so that the regional
7 management council may consider the proposal and hear
8 public comment and bring back a recommendation to this
9 Council in the fall.

10

11 And we have an individual who is
12 volunteering to be the U.S. Fish and Wildlife Service
13 liaison, his name is Jerry Strobel and he is willing to
14 attend those meetings and make those presentations.

15

16 CHAIRMAN SQUARTSOFF: Thank you, Doug.
17 Yes, Peter, and then Mike.

18

19 MR. DIVINE: I'll second that motion.

20

21 CHAIRMAN SQUARTSOFF: The motion is
22 seconded, thank you. Mike.

23

24 MR. SMITH: Mr. Chairman, I'm opposed to
25 the motion and the reason I'm opposed to the motion is that
26 -- I mean I think this issue is such a controversial issue
27 and will become such a controversial issue that I don't
28 particularly want to put that on the heads of regional
29 councils, because what it's going to end up being is Tanana
30 Chiefs Conference is seeking to exclude Tok, Delta, so on
31 and so forth. Because -- I mean and that's what -- and I
32 mean I really appreciate the fact that they're departmental
33 proposals and, you know, I mean I just can't imagine -- and
34 then I'd have to bring all my council members down to those
35 meetings, that's six meetings in six communities and I
36 would opposed to that.

37

38 If the Department wants to find out the
39 perception of the individual communities, I think that they
40 should go ahead and do it on their own and go in there and
41 say, hey, look, we want to exclude you guys from this hunt
42 and not put it on the onerous of the regional advisory
43 councils, because I mean I don't care how it comes off it's
44 going to end up being a Native/non-Native split issue. And
45 that's just the perception that's going to be out there in
46 regards to these things and I'm not ready to go on and
47 start taking -- having meetings. We don't have the
48 criteria established, we don't have anything to base, you
49 know, the meetings on, you know, so I would be opposed to
50 that.

1 CHAIRMAN SQUARTSOFF: Thank you, Mike.
2 Doug.
3
4 MR. ALCORN: Thank you, Mr. Chairman. The
5 process by which we agreed a couple years ago, which was to
6 have proposals considered and vetted in the regions and
7 that's why I'm suggesting that the regional management body
8 have those meetings in order to facilitate the discussion
9 and that's exactly why Mike's concern -- and I think you're
10 right, Mike, I think it's going to be a very difficult
11 situation for the Tanana Chief's Conference to be in and
12 not be viewed as an advocate for the proposal, but, in
13 fact, that's why we're asking for the Fish and Wildlife
14 Service to attend that and only asking the regional
15 management body to facilitate the discussion and have the
16 proposer actually give the presentation as the proposer and
17 that's sort of in the context of what our committee
18 discussed as well, putting the burden of proof and the onus
19 of conducting these presentations on the presenter and the
20 proposer as opposed to the regional management body.
21
22 CHAIRMAN SQUARTSOFF: Thank you, Doug.
23 Anyone else. If not.....
24
25 MR. SMITH: Mr. Chairman.
26
27 CHAIRMAN SQUARTSOFF: Yes, Mike.
28
29 MR. SMITH: Mr. Chairman, I think that this
30 issue has the potential to become extremely controversial
31 and I would much rather appreciate it if we went in there
32 as a statewide body and said, hey, look, we have these
33 petitions, you know, we have to consider them and what are
34 your feelings on them. Now, we can facilitate that as a
35 meeting of this Council, we could hold a meeting out there
36 with a limited number of Board members or what have you,
37 but I think that that's a better approach to it is to have
38 the AMBCC undertake the efforts for the inclusion and
39 exclusion, especially the excluding of who are enfranchised
40 people right now.
41
42 CHAIRMAN SQUARTSOFF: Thank you, Mike.
43 Fred.
44
45 MR. ARMSTRONG: I think there's several ways
46 to address that and it could be included in part of the
47 exclusion process that hasn't been developed or adopted or
48 completed, but there are hearings which you can set aside
49 -- conduct a hearing that's just information gathering.
50 That's one approach to this, but it needs to be included in

1 the exclusion process.

2

3 The AMBCC Staff will, to the extent
4 possible, try to help out as much as possible too the
5 coordination of these meetings.

6

7 As Doug indicated, the petitioners need to
8 travel to these meetings and present their case and I think
9 that's one of the more viable situations and conducting a
10 hearing might probably be the best way to approach this,
11 but I don't think we can duck these issues anymore.
12 They've been on and we discussed these at length at the
13 work session and I think deferral was agreed upon.

14

15 CHAIRMAN SQUARTSOFF: Yes, thank you, Fred.
16 Tom.

17

18 MR. ROTHE: Mr. Chairman, I was just going
19 to ask for an opportunity to give you the benefit of some
20 Staff comment.

21

22 The Technical Committee did take a look at
23 these. There's not extensive notes in any of the records,
24 but in general the committee felt like the five criteria
25 were really not addressed explicitly with data and other
26 things and so we had a very time evaluating the proposals,
27 and because of the hotness of this issue we would be happy
28 to punt to you.

29

30 From the Department of Fish and Game's
31 standpoint I just wanted to add a couple of things, we
32 second the motion to gather more data and take a
33 quantitative look at what's happening in these communities
34 and the proposals that were submitted really didn't have
35 anything. Our Division of Subsistence did put together
36 some data that suggests there is some spring and summer use
37 of birds in those communities, and it wasn't included in
38 the material before you but there is some there, I wanted
39 to let you know.

40

41 The other thing is I think the Technical
42 Committee talked briefly about this, too, is that in our
43 view, the public involvement has been really inadequate.
44 As far as I know I don't know if there were any meetings in
45 any of the affected communities. I'm hearing by telephone
46 from individual residents of some of those communities pro
47 and con and it just seems to me that one straightforward
48 way to deal with it is to engage those communities and see
49 if they want to be in, want to be out, and as Mike said
50 it's kind of unfair to put it on TCC to carry all the

1 weight on this. So the Department would encourage a much
2 more detailed look at any technical data that bears on
3 establishing whether these communities have a tradition or
4 not or to what degree.

5

6 And secondly, immediately, we need to do
7 some public involvement before the rumor mill gets way out
8 in front of us.

9

10 CHAIRMAN SQUARTSOFF: Thank you, Tom. Yes,
11 Mike.

12

13 MR. SMITH: Thank you, Mr. Chairman. You
14 know I appreciate Doug's efforts here, but I think I would
15 be much more comfortable just rejecting these proposals as
16 being incomplete and that if the Department wants to
17 resubmit them next year, the next cycle that that would be
18 fine. But I mean just from purely a technical point of
19 view, purely, you know, without even the contents and
20 taking into account the intent of these proposals, they're
21 incomplete. And I think we, as the AMBCC can reject them
22 outright as being incomplete and to -- and, you know, if
23 the Department is interested in submitting them again next
24 year with additional data and possibly have some meetings
25 in the communities at that time and so on and so forth,
26 that would be fine. But I think from a practical point of
27 view they're technically incomplete, there are numerous
28 technical problems with them if you look at them, and I
29 think just for that reason alone they should be rejected.

30

31 MR. ALCORN: Mr. Chairman.

32

33 CHAIRMAN SQUARTSOFF: Yes, Doug.

34

35 MR. ALCORN: Thank you, Mr. Chairman. I
36 guess I'd like to respond to the comment. The fact that
37 they're being viewed as technically incomplete, I guess,
38 troubles me because we have no process to exclude, I don't
39 know how we can expect a proposer to address criteria that
40 don't exist.

41

42 The only criteria that exists to exclude
43 are the two criteria that I described, and those are not
44 criteria, they're principles. They're principles that are
45 mandated to us through the protocol and those are the
46 principles that were identified in the proposals.

47

48 CHAIRMAN SQUARTSOFF: Yes, thank you, Doug.
49 Mike.

50

1 MR. SMITH: Yeah, Mr. Chairman, thank you.
2 I mean I agree some of those policies may be incomplete,
3 but the number 1 issue with these does not -- they do not
4 even address those, Doug. What area are we talking about,
5 you know, just a simple boundary description of what's
6 going to be excluded is needed for these type of proposals
7 and that hasn't anything to do with the criteria
8 whatsoever. And from that simple point of view we have no
9 idea what the boundaries of this exclusion will be. So for
10 that purpose alone, I think we can exclude them.

11
12 CHAIRMAN SQUARTSOFF: Yes, Doug.

13
14 MR. ALCORN: Thank you, Mr. Chairman. If
15 the will of the Council is to actually take action on these
16 proposals, I would suggest that the information that's been
17 identified as missing or the assessment by the Technical
18 Working Group or Dr. Huntington, in his review, if these
19 are found to be insufficient, that this be an iterative
20 process, that the proposer be allowed to provide that
21 information for consideration at a future meeting and in
22 effect we postpone action and not just deny or reject them
23 at this point.

24
25 CHAIRMAN SQUARTSOFF: Thank you, Doug.
26 Yeah, my opinion on this and what I feel, I kind of feel on
27 the line of Mike about rejecting these because we actually
28 really don't have no procedural guidelines in here for
29 exclusion yet. We don't have it established here with the
30 Council, so I can't see how we can start excluding
31 communities. It's not there.

32
33 Yes, Peter.

34
35 MR. DIVINE: I believe the original motion
36 was to defer, not to reject.

37
38 CHAIRMAN SQUARTSOFF: You're right. You're
39 right, but we haven't had a question called for yet to vote
40 on it, so.....

41
42 MR. ALCORN: Mr. Chair.

43
44 CHAIRMAN SQUARTSOFF: Yes, Doug.

45
46 MR. ALCORN: Mr. Chair, I suggest we call
47 the question on the motion as amended.

48
49 MR. ROBUS: When was the deferral to, Mr.
50 Chair, fall?

1 MR. ALCORN: Mr. Chair.
2
3 CHAIRMAN SQUARTSOFF: Yes.
4
5 MR. ALCORN: Yeah, that was when I had
6 suggested that it be deferred to.
7
8 MR. ROBUS: Mr. Chairman.
9
10 CHAIRMAN SQUARTSOFF: Yes, Matt.
11
12 MR. ROBUS: I guess my assessment is with
13 everything else that's been deferred to the fall and the
14 fact that we've got other stuff to do in the fall, too, I
15 wonder if we amended this to defer them until the next
16 spring meeting, that might give us time to develop the
17 criteria. It would, you know, it would kind of tip-toe
18 between the rejection versus the deferral arguments and
19 might get us to a workable place.
20
21 And I can't even tell if I'm talking sense
22 anymore, but I would float that amendment and see if
23 anybody likes it.
24
25 CHAIRMAN SQUARTSOFF: Thank you, Matt,
26 sounds good. Hans. You're making sense.
27
28 MR. NICHOLSON: I tend to agree with Matt.
29 I think given additional time especially after exclusion
30 criteria are developed and approved. My concern is based
31 on conservation, I believe in that area there will be
32 creation of new traditions, in the more heavily populated
33 areas. So based on that reasoning, I don't think it would
34 be appropriate to drop the issue.
35
36 But, my recommendation would be to defer as
37 such until the next spring meeting.
38
39 CHAIRMAN SQUARTSOFF: Thank you, Hans.
40 Doug.
41
42 MR. ALCORN: Thank you, Mr. Chairman. I
43 think that we need to be clear on the first amendment that
44 I proposed so that we all understand what that was. That
45 was to defer until the fall, allow the Fish and Wildlife
46 Service to attend meetings that would be convened by the
47 Regional Management body, for the purposes of making those
48 presentations. Which the Regional Management bodies do
49 have funds provided for that purpose. But I would also
50 consider the amendment to the amendment, a friendly

1 amendment and I would support it.

2

3 CHAIRMAN SQUARTSOFF: Thank you, Doug.

4

5 MR. DIVINE: Are you waiting on me. I have
6 no problem.

7

8 CHAIRMAN SQUARTSOFF: No, I'm trying to
9 looking around you there, he keeps leaning back. Did you
10 get to hear what Doug mentioned on the last one Mike.

11

12 MR. SMITH: Mr. Chairman. I'm still
13 opposed to this thing. I think we, you know, why we have a
14 little bit of money, I mean I don't have money to bring all
15 my members into six communities, and have meetings. I
16 don't think it's necessarily something that we should be
17 doing. I am convinced that this was just going to blow up
18 if we do it this way, Doug. You know, I'm not willing to
19 take us there, you know, I mean we have enough controversy
20 going on in this State right now, with out generating a new
21 one that is going to boil down to the exclusion of non-
22 native communities from who are now eligible for that hunt.
23 Disenfranchising non-native communities that are currently
24 aloud to hunt, you know, I don't know if you appreciate the
25 impact of that Doug. I'm not going to be in that position
26 and I'll refuse to hold those meetings, and then we'll be
27 in a row.

28

29 CHAIRMAN SQUARTSOFF: Thank you, Mike.
30 Before you go Doug, Mike were you able to listen to what
31 Matt had referred and then Hans after.

32

33 MR. SMITH: Mr. Chairman. Yes, I did. You
34 know, I could certainly go along with that but the
35 practical implication is that these proposals if we just
36 defer them until the spring meeting will have to go through
37 a massive amendment process. To make sure cover all the
38 bases, and so we might as well just let the Depar -- what
39 is wrong with the Department developing new proposals and
40 submitting them to us.

41

42 CHAIRMAN SQUARTSOFF: But we still need to
43 get procedural guidelines into place, in order to do this.
44 Yes, Doug.

45

46 MR. ALCORN: Thank you, Mr. Chairman.
47 Mike, I hear what you're saying and you and I've talked
48 about this on the phone. This is not new, your concerns
49 are not new to me. But what I'm trying to do is adhere to
50 the bottom up process that we've envisioned for the reg --

1 in the role that the regional management bodies play. The
2 same sensitivities that you're describing would be viewed
3 probably more negatively if the Fish and Wildlife Service
4 is going in there for the purposes of trying to build
5 consent for exclusion. Rather than going in to a neutrally
6 facility meeting by the regional management body and make
7 the presentation, that's one point.

8
9 The next point is, Whether or not you
10 choose to have six meetings or three meetings or two
11 meetings the way I understand those communities, they are
12 with in driving distance of one another and it might be
13 that you could have a couple of meetings. I'm not sure,
14 you're much more familiar with that.....

15
16 MR. SMITH: Tok is a hundred miles from
17 Delta.

18
19 MR. ALCORN: Well, okay, then maybe three.
20 But the point is maybe that you could have meetings in
21 other areas. And I do understand the sensitivities that
22 you're describing, probably don't relate to them like you
23 do, because I don't live there, and I've not engaged in
24 those kinds of discussions as you've had. But I'm trying
25 to -- I'm just trying to let the process that we've
26 envision for the Council to function that way.

27
28 CHAIRMAN SQUARTSOFF: Thank you, Doug.
29 Yeah, Mike coming from me as a representative of my area.
30 It's my obligation as the representative to hold or try to
31 hold these kind of meetings and stuff, in my area. Thank
32 you.

33
34 MR. SMITH: Mr. Chairman. I'm required to
35 hold two meetings in my area. Not three, not four, not
36 five, not six, I'm not required to hold them in specific
37 communities and I -- you know, I mean Matt, I don't know
38 Matt I know you appreciate the sensitivity that's generated
39 out of the Tok area. There are people in Tok who are on
40 top of this stuff like you wouldn't believe, you know, Doug
41 I just don't think we want to go there. I don't see the
42 problem with the Department coming up with new proposals
43 that would, you know. One address some of the concerns
44 expressed by the Technical Committee, two address some of
45 the practical natures of their proposals, that is boundary
46 lines. Three the adopt -- after we adopt some exclusion
47 criteria and stuff to include that type of information. I
48 don't understand you know, why not reject these, I mean I
49 guess I don't understand reluctance to reject these.

50

1 CHAIRMAN SQUARTSOFF: Thank you, Mike.

2 Yes, Doug.

3

4 MR. ALCORN: Well, thanks, Mike. I hear
5 what you're saying and if we vote and I vote to support and
6 the other two votes are to reject then they're rejected.
7 And I can live with that, and the Service can live with
8 that. But, because they're before us and I'm not sure that
9 by resubmitting the proposals is going to avoid the issue
10 that you're describing. Which is the real issue of who
11 presents these in the regions and how do facilitate the
12 public discussion of it. I think that's probably the
13 fundamental issue that I hear that you're particular
14 disturbed by and if the Service resubmits even a perfect
15 proposal I'm still thinking that we're going to have to
16 deal with that issue.

17

18 CHAIRMAN SQUARTSOFF: Taqulik first and
19 then Mike.

20

21 MS. HEPA: Thank you, Mr. Chair. I was
22 just thinking if I was in Mikes position, but it was on
23 the North Slope. And the Service put in a proposal to
24 exclude the community of Deadhorse, because they have a
25 City Council in Deadhorse, believe it or not, and a Mayor,
26 and you name it. I wouldn't want our regional body to go
27 there and deal with them, because just like Tok they have
28 attorneys, they have really smart people that know all the
29 laws and this and that. I just don't think it would be the
30 best for us to do that, but it should be a more formal
31 group appointed by the Council. Thank you.

32

33 CHAIRMAN SQUARTSOFF: Thank you, Taqulik.
34 Mike.

35

36 MR. SMITH: You know, something just
37 occurred to me too, you know. As a result of these
38 proposals, you know, Department Staff has put us into a
39 situation that we're not ready for, you know, it's just
40 amazing to me that we are being forced into this position,
41 because of some perceived concern by the Staff the these
42 things are going to occur. You know, that is also another
43 issue is that we have no idea if they are going to increase
44 in harvest out there. We have no idea how many of these
45 people are going to participate in this harvest, we have no
46 information what so ever other then some little bit of
47 information provided by the Department on Delta. You know,
48 and so what we're in fact doing is trying to exclude
49 communities that hasn't been proven one way or the other at
50 all, and I'm just kind of upset with the Department to put

1 us into this position that is going to generate a massive
2 amount of controversy out of a perceived problem.

3

4 CHAIRMAN SQUARTSOFF: Thank you, Mike.
5 Doug is going to respond back to you on that.

6

7 MR. ALCORN: Thank you, Mr. Chairman. I
8 guess I'm a little bit at a lose here. Seems like we are
9 getting no where but we do -- this is a real issue Mike, in
10 that we have had our law enforcement agents in Fairbanks,
11 contacted by members of the public regarding the hunt in
12 Delta Junction, last August. More then one I believe, on
13 one occasion, where we as an agency representing the law
14 enforcement entity one of the law enforcement entities.
15 Are being asked some questions that are begging to create
16 conflicts, and these proposals are offered to have this
17 discussion and if these proposals do nothing else then to
18 move this Council forward in the discussion of the process
19 which ironically is the process that you a year ago
20 suggested that this Council move forward on. Yes, you did
21 I do distinctly remember making that statement.

22

23 MR. SMITH: Don't put words in my mouth.

24

25 CHAIRMAN SQUARTSOFF: Mike.

26

27 MR. ALCORN: Well, okay, then I will take
28 that back and we can look at the minutes. This was an
29 issue that was raised, I'll say that and it's an issue that
30 I believe our Council needs to address. At this point if
31 this Council goes no where with these proposals, I'm
32 willing to retract the proposals, or let them fail, let me
33 put it that way. I will allow them to fail and this issue
34 is not going away though, that's where we are in this
35 Council.

36

37 CHAIRMAN SQUARTSOFF: Right, Hans and then
38 Mike.

39

40 MR. NICHOLSON: I guess my opinion has
41 changed somewhat, listening to the conversation. I
42 sympathize with Mike and the frustration that he's feeling
43 right now. Especially after the amendment to the motion,
44 to not only defer to the fall but carry it on to the next
45 spring. I don't see why or any reason why we couldn't just
46 vote them down for now and the Service can turn them again
47 at the next cycle during which of course we'll be the
48 committee will be meeting to refine the exclusion criteria.
49 I'm assuming next fall that we will act on the exclusion
50 criteria and of course have it in policy. So I think we

1 will be prepared to during -- after the Service has held
2 their round of meetings in those effect communities, to
3 come back and take action at the appropriate time. So I
4 think that could be appropriate action.

5
6 CHAIRMAN SQUARTSOFF: I think I have Mike
7 and then Matt.

8
9 MR. SMITH: Mr. Chairman. I'd just like to
10 point out that, you know, I don't see the need for a double
11 standard. And that double standard is we just kicked out a
12 Kawerak proposal for egg gathering that was incomplete.
13 And if, you know, I don't see no distinction between these
14 proposals that are vastly incomplete, even more so then the
15 Kawerak proposals.

16
17 CHAIRMAN SQUARTSOFF: Thank you, Mike.
18 Matt.

19
20 MR. ROBUS: Mr. Chair. Well, these
21 proposals all lie with in one of our regions and the
22 regional body is obviously uncomfortable with the
23 situation. I agree with Doug that this issue whether we
24 pass or amend or fail these, is going to continue to be a
25 big issue we're going to have to struggle with. I'm
26 getting calls, my departments getting calls, those calls
27 get to legislators and pretty soon those become pretty
28 serious questions.

29
30 I don't think we can afford to stop working
31 on the exclusion issue but on the other hand I certainly
32 don't feel like we can proceed very successfully if the
33 regional body involved is in such an obvious bad situation,
34 and isn't in a position to go right now. So, perhaps the
35 best track to follow is to keep on working on the exclusion
36 criteria, keep on working on trying to figure out a process
37 and hope that it all holds together long enough that we
38 have a chance at taking a crack at this type of thing next
39 spring. In saying that I just want to make sure that
40 everybody understands that the State feels that this is an
41 important problem.

42
43 CHAIRMAN SQUARTSOFF: Wait a minute Mike.
44 Thank you, Matt. We have Joeneal next, but before Joeneal
45 starts or Mike does again, I do believe that Doug might be
46 with drawing his motion to defer, so. Joeneal.

47
48 MR. HICKS: Well, I'm for making Mike the
49 bad guy. So if everybody is in agreement just say so right
50 now and get it over with. Yeah, I do think we need to put

1 this off, there's too much controversy involved in it. We
2 need some policy to set in place here, so I'm for deferment
3 for the time being. And on another matter I've got a four
4 hour drive ahead of me so I'm going to cut out. Say good
5 bye, have a good day everyone.

6
7 CHAIRMAN SQUARTSOFF: Thank you, Joeneal.
8 I'm sorry our process has been to slow in this meeting, but
9 I think it's been like six days for some of us and we had
10 committee meetings before the workshops. Mike I think was
11 next.

12
13 MR. SMITH: Mr. Chairman, thank you. I
14 mean I totally agree. This issue is of extreme importance
15 to us and I have no, you know, I am not suggesting in
16 anyway or fashion that we not address this issue. I just
17 don't think we are ready to deal with it at this point and
18 certainly I don't think these proposals are adequate enough
19 to deal with them. I mean I'm in thoro agreement that this
20 is going to be an issue that we have deal with and not
21 ready to go to Tok and tell them they can't participate no
22 more.

23
24 CHAIRMAN SQUARTSOFF: Thank you. Yes,
25 Doug.

26
27 MR. ALCORN: Thank you, Mr. Chairman. We
28 have a motion on the table, which is to defer action until
29 next year at this time, I believe that's the amendment to
30 the amendment. I would call the question on that amendment
31 to the amendment.

32
33 CHAIRMAN SQUARTSOFF: Question's been
34 called for. Is there any objection to the motion as
35 amended. Which is to defer until next year.....

36
37 MR. ALCORN: The motion was to defer action
38 on these until next year, with the assumption that we would
39 have a process adopted in the fall.

40
41 MR. NICHOLSON: Mr. Chairman. I object.

42
43 CHAIRMAN SQUARTSOFF: Pardon, you object.

44
45 MR. NICHOLSON: Yes.

46
47 CHAIRMAN SQUARTSOFF: Okay, so then Doug.

48
49 MR. ALCORN: So what that means is that the
50 amendment to my proposed defer to the fall fails. Now I

1 would call the question on the proposal to defer until the
2 fall. I would call the question.

3
4 MR. SMITH: We had regional meetings and
5 all that.

6
7 MR. ALCORN: Right. That was part of the
8 amendment.

9
10 CHAIRMAN SQUARTSOFF: Is there any
11 objections to the one that was just mentioned.

12
13 MR. SMITH: I object.

14
15 CHAIRMAN SQUARTSOFF: So now we are back to
16 the main motion. Is there any objection to the main
17 motion.

18
19 MR. SMITH: The main motion is to defer
20 until fall.

21
22 CHAIRMAN SQUARTSOFF: No, the main motion
23 is as it -- the way they are right here.

24
25 MR. ROBUS: It's to adopt the proposals, to
26 exclude.

27
28 CHAIRMAN SQUARTSOFF: I should be asking
29 all in favor of recommended proposals, right. Well, wait a
30 minute Mike, Doug.

31
32 MR. ALCORN: Thank you. I guess for
33 clarity I think that the Vice-Chair made a motion, to
34 consider the proposals I don't recall Matt if it was all
35 six proposals in block or one proposal. But that's the
36 question on the table now, it's do we pass the proposal or
37 proposals and if those are passed then we have excluded
38 those communities.

39
40 MR. ROBUS: Mr. Chairman. I'm a pragmatist
41 I suggest that we consider all of them at once.

42
43 CHAIRMAN SQUARTSOFF: Right, and I believe
44 that's the way you brought them up Matt. All those in
45 favor of the proposals that are now on the floor signify by
46 saying aye.

47
48 (No aye votes)

49
50 CHAIRMAN SQUARTSOFF: Those that reject

1 them signify by same sign.
2
3 IN UNISON: Aye.
4
5 CHAIRMAN SQUARTSOFF: Motion carries, I
6 think being.....
7
8 MR. ROBUS: Motion fails.
9
10 CHAIRMAN SQUARTSOFF: Motion fails I mean,
11 sorry. Thank you. Alright here's what I suggest that we
12 do, now that we got through the proposals, I'm suggesting
13 that we carry over the rest of the agenda into our next
14 meeting in the fall. I think that's pretty reasonable for
15 what we've been through and the things we've been doing.
16
17 MR. SMITH: Mr. Chairman. I would agree
18 with that, the only thing is the date and place of our next
19 meeting.
20
21 CHAIRMAN SQUARTSOFF: Right if we could go
22 ahead and establish that. Yes, Hans.
23
24 MR. NICHOLSON: Mr. Chairman. I think you
25 should reconsider, I think it's important that we form the
26 committee on invitation and possession limits. And I would
27 also like to go on record thanking.....
28
29 CHAIRMAN SQUARTSOFF: What committee are
30 you talking about.
31
32 MR. SMITH: Yes, the committee for the
33 village permits, we have to appoint members.
34
35 CHAIRMAN SQUARTSOFF: Oh, right shoot
36 sorry.
37
38 MR. NICHOLSON: Also I would like to go on
39 record thanking Austin Ahmasuk. For his dedication, his
40 hard work, a lot of sacrifice and doing a good job. I
41 would delegate the Chairman Herman, to write him a letter
42 of thanks from this Council.
43
44 CHAIRMAN SQUARTSOFF: Yeah, thank you Hans.
45 I'd like to echo you on that, he's done well and great job,
46 all the years he's been on here. And he's been right
47 through from the begging too. Thank you. Yes, Fred.
48
49 MR. ARMSTRONG: I'd just like an
50 opportunity for Staff to comment on a few things too before

1 we adjourn.

2

3 MR. SMITH: Mr. Chairman. We have one more
4 issue too, we need to take up. Mr. Chairman. We need to
5 take a formal action to defer the third AVCP proposal to
6 the next meeting. And I would so move.

7

8 CHAIRMAN SQUARTSOFF: Right, can I hear a
9 second on it real quick.

10

11 MR. ROBUS: Second.

12

13 CHAIRMAN SQUARTSOFF: Thank you.

14

15 MR. ALCORN: Call the question.

16

17 CHAIRMAN SQUARTSOFF: Question's called
18 for. All those I guess in favor.

19

20 IN UNISON: Aye.

21

22 (No opposing votes)

23

24 CHAIRMAN SQUARTSOFF: Motion carried.

25 Well, I guess lets see, let me get back on a point of order
26 here, what we were going to do real quick. We need to form
27 the committee, date and place of next meeting and Fred also
28 wants to have Staff comments. Is that okay, and then we
29 can go ahead and adjourn and carry the rest over till the
30 next meeting. Thank you. Okay, we'll take I think Staff
31 comments first.

32

33 MR. ARMSTRONG: Thank you, Mr. Chair.

34

35 CHAIRMAN SQUARTSOFF: Thank you, Fred.

36

37 MR. ARMSTRONG: It's been a long and
38 cumbersome couple years, at first I think there was a lot
39 of effort to try cooperate and work together. But I see
40 that this process is really falling apart. Our last two
41 meetings have been very combative there's been comments
42 about this is not Co-management. There's been comments
43 about one side being heavy handed and one side being not.
44 I think we need to really sit back and find out where the
45 heck we are, where we're going, what do we want to achieve.
46 I think the Council needs to consider a special meeting or
47 a retreat, to try and get back on track to iron out some of
48 the concerns. Not only with the factions, but also there's
49 been some indication that Staff maybe involved, I'd like to
50 have a opportunity to air those out with the Council. So I

1 think you guys seriously need to consider a non-regulatory
2 meeting where we can just discuss where we're at, where we're
3 going to go and how we can better achieve and fix this
4 process.

5
6 I was deeply disturbed yesterday when there
7 was some things said about some of my Staff that shouldn't
8 have occurred in a public process. I think that if there's
9 any concerns about my Staff, please direct them toward me,
10 I mean that's what I'm there for.

11
12 Lastly it's been one heck of a ride for me
13 and it's difficult to continue. I'm thinking about taking
14 time off. That's about it.

15
16 CHAIRMAN SQUARTSOFF: Thank you, Fred. For
17 the well appreciated comments, by reiterating what you said
18 here it's defiantly true the way we've carried on the last
19 couple days. I know it's been really tough, I don't know
20 why it was happening, I haven't really seen it happen that
21 much in the past in the five years we've had this Council
22 going. I do apologize for, you know, from the Council here
23 for some of the stuff that was said towards the Staff, and
24 everything from the Council. Thank you. Yes, Doug.

25
26 MR. ALCORN: Thank you, Mr. Chairman. I
27 guess this is our 4:50 p.m. agenda item, we're the Council
28 gets to make comments. I echo what Fred said, I have been
29 extremely frustrated too by this four days of meetings.
30 I'm not satisfied, I don't think anybody in this room is
31 satisfied with the way things have gone. I think that
32 there are some very fundamental and philosophical
33 differences in the way we view what our charge is and what
34 our mission is, what the outcome ought to be, what our
35 priorities are. I support fully, what Fred said about
36 having a non-regulatory meeting where we can get together
37 and talk about these issues that continually surface. And
38 hopefully we can move to some common ground so that we can
39 get on with the business that's at hand.

40
41 I too am very frustrated with this, I
42 concur with everything Fred said, with one exception, and
43 that is that he is think about taking some time off. Fred
44 I would suggest that you are the glue that's kept us
45 together for my tenure on this Council. When you and I
46 first began discussion your role in this Council as
47 executive director to the Co-management Council's Staff. I
48 still will stand behind my discussion early on to ask you
49 to do this. I remember that when you and I talked about
50 this you were hesitant to begin with. But I still feel

1 that you're the right person to do this, and it would be
2 very upsetting for me to lose you as a member of this
3 Council, Staff and if that's your choice then I would take
4 this opportunity to because we may not ever have another
5 chance to do it. To offer you my thanks and appreciation.

6
7 CHAIRMAN SQUARTSOFF: Thank you, Doug.
8 Before you get going Mike, give me. Yeah Fred has done us
9 one heck of a job since he's been on board here with us,
10 carried us through a lot of things and a lot of good points
11 and everything. I mean he's kind of really kept us in
12 tacked, real well on the things that we've been doing here
13 so. Fred if you feel you need a little bit of time off,
14 take a little bit of time, but get back here and don't
15 leave us.

16
17 Thank you. Mike.

18
19 MR. SMITH: Thank you, Mr. Chairman. I too
20 am concerned that Fred will be leaving us. Certainly I can
21 appreciate the frustration he feel and I think you're right
22 Doug, nobody's happy with the way this has come off. I
23 think I would appreciate being able to meet informally and
24 hash this stuff out. I think it would be who of us to
25 bring in some of the original negotiators of this thing,
26 and have them explain to use what they thought this things
27 was going to look like, what they thought this was supposed
28 to do and be, and so on and so forth. And maybe we can get
29 back on track that way, but I too would like to extend my
30 appreciation to Fred and certainly his help and what we've
31 done so far. But I can also appreciate his frustration and
32 the burden that has been put on him.

33
34 CHAIRMAN SQUARTSOFF: Thank you. Do we
35 have any more other Staff comments and Council comments.
36 Thank you and we really appreciate the work that Bill and
37 Donna and them have been doing for us too. So they've been
38 -- she's probably busy doing stuff for us, I know Donna's
39 busy. Okay can we go ahead and go on to the next item
40 then, lets go ahead and try to select a committee. Hans.

41
42 MR. NICHOLSON: Mr. Chairman, thank you. I
43 think it would be who of this Council to give you that
44 authority to give you that authority on the make up of that
45 committee on your discretion.

46
47 CHAIRMAN SQUARTSOFF: You know what I'm
48 going to ask for volunteers right now, if you guys don't
49 mind. I know I'm committed out, You know, just too many.
50 I got a daughter that's going to kill me here, if I can

1 find here tonight and then my boys are ready to shoot me
2 too when I get home.

3

4 MR. SMITH: Mr. Chairman. While I am
5 extremely reluctant to participate in another series of
6 meetings and stuff. I think that this one is important
7 enough that I'll go ahead and volunteer to it. Village
8 permits and village invite, so yeah I'll go ahead and
9 volunteer for this committee.

10

11 CHAIRMAN SQUARTSOFF: Thank you.

12

13 MR. NICHOLSON: Mr. Chairman. I'll
14 volunteer myself or Ralph.

15

16 CHAIRMAN SQUARTSOFF: Okay, thank you,
17 Hans. Tom.

18

19 MR. ROTHE: I'll serve with the proviso
20 that I'd really like to get some conciliation from
21 subsistence division which does has some experience with
22 other permits and processes.

23

24 CHAIRMAN SQUARTSOFF: Ron Stanik. Hey we
25 got four that's pretty good I think, that will establish a
26 quam anyway. Doug you want to be on that one.

27

28 MR. ALCORN: Well, I, as Mike, am cautious
29 to volunteer for another committee, I think it's an
30 important committee. But I would like to talk about the
31 appropriate person on that committee for the Service, and
32 it may not be me, and that's what I'm thinking that there
33 may be some Staff that might be better fitted for the
34 discussions.

35

36 CHAIRMAN SQUARTSOFF: So we'll just but a
37 Staff, a Fish and Wildlife Staff member.

38

39 MR. ALCORN: Someone from the Fish and
40 Wildlife.

41

42 CHAIRMAN SQUARTSOFF: I think that's pretty
43 good, now that's given five. Okay I think we've
44 established a committee there. We have, Mike, we have
45 Hans, we have Tom, and we have Ron Stanik he doesn't know
46 yet and then a Fish and Wildlife member will be designated,
47 Fish and Wildlife Service member will be designated. I
48 don't see too many show of hands out there in the audience
49 on any of them but that's fine.

50

1 Okay, I think the next thing is the date
2 and place of next meeting. I have a calendar here for
3 October, anybody want to sign up for our business, no just
4 kidding. I'm looking myself personally for October again,
5 and my calendar right now is open for the first week of
6 October.

7
8 MR. SMITH: The begging of October would be
9 better.

10
11 MR. ARMSTRONG: The last one we had last
12 fall was September 30, October, 1,2,3. It seemed to work
13 out good for everybody.

14
15 CHAIRMAN SQUARTSOFF: Oh that's right okay.
16 Yes, Doug.

17
18 MR. ALCORN: Could I recommend the week of
19 October 4th which is a monday thou friday 8th. I recommend
20 that we have no less then a two day meeting a proposed
21 Wednesday, October 6th and Thursday October 7th.

22
23 CHAIRMAN SQUARTSOFF: That sounds good to
24 me and I would defer that we have a two day workshop again.
25 Lets make sure we get all this proposal stuff and
26 everything and all that in the workshop, hash it out and
27 then our meeting should go smoothly. That is the intention
28 of a workshop. Thank you. So four to the six, workshop
29 4th and 5th, sound good.

30
31 MR. ALCORN: Well, this workshop that we
32 had, a two day workshop we had this week was attended by
33 probably eight, seven Council members. I think four days
34 is asking a lot of some folks to come in for that meeting
35 even though I see a lot of value in the concept. If we
36 don't make it more workable I don't see a lot of value in
37 it, I think one day, the day before would be more valuable
38 if we had many more members then a two day with fewer
39 members. So I would opt for a one day work session,

40
41 CHAIRMAN SQUARTSOFF: Thank you Doug. I'd
42 still prefer two if possible if we can get everybody to
43 attend this time. I mean if we had everybody in our last
44 workshop, these last two days we would never have the
45 trouble we had in here.

46
47 MR. SMITH: Mr. Chairman. I appreciate
48 that sentiment, and I apologize for not being here.
49 Because certainly some of the concerns that I expressed
50 could have been brought up there and possible facilitate

1 this meeting happening at a quicker pace. I think though,
2 there's a couple things we can do in that regard. One is
3 Mr. Chairman, I think since you have the chair, that you
4 can pressure all of us to attend, make sure we attend. And
5 to remind us that this is coming up and, you know, to
6 remind us that we really blew it last year because we
7 didn't attend and that might facilitate more people
8 participating in those meetings and one of the reasons I
9 was gone was because of the amount of meetings I had this
10 year. We had three Board of Fish meetings, I was in 24
11 straight days of meetings and I just got burnt out. But
12 that was unique to this year. In future years -- that
13 won't happen again for three more years, so I think that
14 two days would be fine. I would help you to encourage all
15 of us to attend.

16
17 CHAIRMAN SQUARTSOFF: Right, we have Fred
18 before you get going. Mike, you know, you're saying that
19 you want me to encourage, I would also encourage that if
20 you do not attend this workshop, to keep your mouth shut in
21 the meetings when you shouldn't have to be saying anything.
22 That goes for every body, I mean zip, if you don't want to
23 attend the workshop, pull back on the discussion, so you
24 won't slow us down. Thank you. Fred.

25
26 MR. ARMSTRONG: You know I had mentioned
27 that I think you guys really need to have a session
28 together to try and discuss some strategy as to where you
29 want to go with this program. I think maybe your idea of a
30 two day, one day just associate it with this non-regulator
31 meeting and then the next day would be work session. The
32 third day could be dedicated toward the regulatory meeting.

33
34
35 CHAIRMAN SQUARTSOFF: Fred that's a very
36 good idea. First day informal meeting, second day work
37 shop and then the meeting dates. That sound fine. I think
38 we could accomplish a lot that way.

39
40 MR. SMITH: Mr. Chairman. I'd like to just
41 make sure that Fred, if you decide to take some time off I
42 would certainly value your insight at that first day
43 meeting, you know, if we could get you back at least for
44 that one day. To offer your insight into where we failed.

45
46
47 MR. ARMSTRONG: On parting notes I think
48 that as far as conducting meetings in regions, where you
49 have exclusions petitions, the Staff certainly could be one
50 to facilitate those meetings and cause the petitioner to be

1 there. I know that but since I'm thinking about moving on,
2 I think you should keep that in mind that we don't have to
3 -- you don't have to shoulder the burden there's other
4 avenues.

5

6 MR. SMITH: Mr. Chairman. I would like if
7 you do move on could we possibly invite you to our meeting.

8

9

10 CHAIRMAN SQUARTSOFF: Attamuk, go ahead.

11

12 ATTAMUK: I got no real problem with these
13 dates, but there goes my hunting caribou again like last
14 year and the other year.

15

16 CHAIRMAN SQUARTSOFF: Could we go up there
17 and join you. Yeah I'm going to be missing out on deer
18 hunting and a little bit of fishing too.

19

20 ATTAMUK: I'll be here.

21

22 CHAIRMAN SQUARTSOFF: Okay, well, we're
23 looking 4th, 5th, 6th, and 7th, then. Can I have a motion
24 to adjourn.

25

26 MS. BROWN-SCHWALENBERG: I so move.

27

28 CHAIRMAN SQUARTSOFF: Alright, thank you so
29 moved.

30

31 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

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

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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08 _