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VOLUME II

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

SPRING MEETING

ANCHORAGE, ALASKA

APRIL 4, 2013

Members Present:

- Dale Rabe, Alaska Department of Fish and Game
- Pete Probasco, U.S. Fish and Wildlife Service
- Jim Ujioka, Chugach Regional Resources Commission
- Frank Woods, Bristol Bay Native Association
- Mike Pederson, North Slope
- Joeneal Hicks, Copper River Native Association
- Myron Naneng, Association of Village Presidents
- Joel Saccheus, Kawerak
- Rick Rowland, Sun'aq Tribal

Executive Director, Patty Brown-Schwalenberg

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

2  
3 (Anchorage, Alaska - 4/04/2013)

4  
5 (On record)

6  
7 CHAIRMAN NANENG: We'll go ahead and call the  
8 meeting back to order again. Yesterday on the agenda  
9 we left out the Technical Committee reports, Harvest  
10 Survey Committees and the Technical Subcommittee  
11 invitation.

12  
13 I'd like to refer these to Patty.

14  
15 MS. SCHWALENBERG: Thank you, Mr.  
16 Chairman. I'd just like to report that the Technical  
17 Committee and the Harvest Survey Committee met in  
18 January and the minutes to those meetings are in your  
19 binders and also on the back table. If there are any  
20 questions when we're going through the proposals or any  
21 questions on the minutes we can ask the chairman of  
22 those committees to address those questions.

23  
24 The Technical Subcommittee for  
25 invitation met Tuesday and those minutes are also on  
26 the back table and I passed out copies of the minutes  
27 to the Council this morning. We can also address if  
28 there's any issues that the chairman of those  
29 committees want to address when we talk about the  
30 proposals that they discussed, we can do it at the time  
31 when we bring up the proposals in the interest of time.

32  
33 Thank you.

34  
35 CHAIRMAN NANENG: Anybody have any  
36 questions or comments. Frank.

37  
38 MR. WOODS: From the Survey Committee,  
39 in the beginning of the meeting we talked about the  
40 proposal and letter from Molly last year. Are we going  
41 to address it in Item 12 in the budgets update, Pete?

42  
43 MR. PROBASCO: Good morning. I'm going  
44 to speak to that when we get to the budget.

45  
46 MR. WOODS: Awesome.

47  
48 MR. PROBASCO: I've got the yellow  
49 folder, I found it, and we'll discuss both BBNA's  
50 proposal, the letter between the Department, Cora

1 Campbell and Geoff Haskett and where we're going to go  
2 from here.

3

4 MR. WOODS: Thanks.

5

6 CHAIRMAN NANENG: Any other questions  
7 regarding the Technical Harvest Survey or Technical  
8 Subcommittee reports.

9

10 (No comments)

11

12 MR. WOODS: Move to approve the  
13 Technical Committee and the Survey Committee minutes.

14

15 MR. PEDERSON: Second.

16

17 CHAIRMAN NANENG: The motion has been  
18 made and seconded. Any further discussion on the  
19 motion for adopting those committee reports. Rick.

20

21 MR. ROWLAND: Yeah, this one relates to  
22 the Invitation Subcommittee and it relates to members  
23 present and I do believe that Carol was on the phone as  
24 well with Sky.

25

26 MS. SCHWALENBERG: On the Invitation?

27

28 MR. ROWLAND: Yeah.

29

30 MS. SCHWALENBERG: Okay.

31

32 CHAIRMAN NANENG: With that addition,  
33 any more discussion on the minutes.

34

35 (No comments)

36

37 CHAIRMAN NANENG: If there's no more  
38 additional comments, we'll go ahead and vote on  
39 adopting them. All in favor say aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN NANENG: Those opposed say no.

44

45 (No opposing votes)

46

47 CHAIRMAN NANENG: Motion carried.

48 Okay, we'll move on the agenda to the proposals.

49 Proposal No. 1.

50

1 MR. PROBASCO: Mr. Chair, if I may.  
2 We're trying to track down law enforcement, so could we  
3 just move to Proposal No. 2 until we find law  
4 enforcement on Proposal 1 if that's okay with you.

5  
6 CHAIRMAN NANENG: I don't have any  
7 problem waiting for law enforcement if the committee  
8 members don't have any problem.

9  
10 (No comments)

11  
12 CHAIRMAN NANENG: Okay. We'll move on  
13 to Proposal No. 2, the Emperor Goose harvest proposal.  
14 Any discussion on the proposal.

15  
16 MR. ROWLAND: Yes, Mr. Chair. This is  
17 Rick Rowland. I'd like to mention in relation to this  
18 Emperor Goose, like I said yesterday, I went and talked  
19 to the Regional Advisory Council and communicated to  
20 them about how complicated it is about a number of  
21 different things. So, in assistance with getting this  
22 straightened out I requested that they send a letter in  
23 support to clarify some of the things that need to be  
24 accomplished.

25  
26 I think it would be helpful if this  
27 motion -- proposal is put in the form of a motion to be  
28 sent to the subcommittee and it should be tabled to  
29 where the subcommittee can call a meeting to discuss  
30 this letter that was written and the proposal that is  
31 in place. With that, I make a motion to table to be  
32 sent to subcommittee to call for an Emperor Goose  
33 Committee meeting.

34  
35 CHAIRMAN NANENG: There's been a motion  
36 made. Any comments. Motion to table is not really  
37 debatable, I guess, if we want to follow Robert's Rules  
38 of Order.

39  
40 MR. RABE: You need a second though.

41  
42 MR. WOODS: I would second that motion,  
43 Mr. Chair, just to open it for discussion. Bristol Bay  
44 will probably put in a proposal for Emperor Goose of  
45 some sort. We're trying to figure out how to actually  
46 present that proposal.

47  
48 CHAIRMAN NANENG: Rick.

49  
50 MR. ROWLAND: As well, Mr. Chair,

1 Kawerak presented an Emperor Goose proposal yesterday.

2

3 CHAIRMAN NANENG: Thank you. The  
4 introduction of proposals will be done by the AMBCC  
5 Staff, which will be Patty, then analysis or comments  
6 from Alaska Department of Fish and Game and then U.S.  
7 Fish and Wildlife Service Staff analysis, then  
8 Technical Committee analysis and Invitation Committee  
9 analysis, then public comments and Council discussion.  
10 The Native component of Alaska Migratory Bird Co-  
11 Management Council will caucus to determine position  
12 and then AMBCC takes action without discussion on  
13 proposals, petitions in the order presented.

14

15 With the tabling motion, is there any  
16 other comments before we table the proposal. Come up  
17 to the mic.

18

19 MR. TAYLOR: Thank you, Mr. Chair.  
20 Eric Taylor with Fish and Wildlife Service, Division of  
21 Migratory Bird Management. I certainly support the  
22 motion to table this proposal. As I said in my  
23 presentation, clearly there is interest in Emperor  
24 Geese in terms of that species being opened up legally  
25 for subsistence hunting.

26

27 Clearly all of us around this table,  
28 particularly the Fish and Wildlife Service, want to see  
29 this species recovered. Currently it is approximately  
30 68,000 for the three-year average and over the last  
31 seven years it is in approximately 2 percent per year  
32 decline. So the species is below a level from which  
33 any hunt could be considered to be open and it's also  
34 headed in the wrong direction.

35

36 So, as I stated in my presentation I  
37 think it is time that the AMBCC Emperor Goose  
38 Subcommittee, members of the AVCP Waterfowl  
39 Conservation Committee, Department of Fish and Game and  
40 US Fish and Wildlife Service in terms of migratory bird  
41 management, as well as Staff from the Yukon Delta  
42 National Wildlife Refuge convene a committee to better  
43 understand the survey that the Fish and Wildlife  
44 Service conducts, the potential limiting factors of  
45 this population that I went through in my presentation  
46 and then management actions that can be implemented  
47 immediately to try to take some aggressive and  
48 proactive steps toward recovering this population. I  
49 certainly appreciate the opportunity for this committee  
50 to meet.

1 CHAIRMAN NANENG: Before we move on,  
2 before I recognize anybody else, I'd like to ask for  
3 the State position on this proposal if there's going to  
4 be any additional comments we can hear them out first.

5  
6 Go ahead, Dale.

7  
8 MR. RABE: Thank you, Mr. Chairman.  
9 There are no additional State comments relative to  
10 deferring this proposal, though I do have a question.  
11 Is this being deferred to a time certain in the future;  
12 i.e., a fall meeting, which of course we don't  
13 typically deal with regulations, or is this going to be  
14 deferred all the way to next spring's meeting?

15  
16 CHAIRMAN NANENG: Go ahead, Frank.

17  
18 MR. WOODS: The idea is to get  
19 everything to the table. Eric, I agree with your  
20 analysis that this is a declining population. There's  
21 a restriction. We have to understand, like you said,  
22 the full survey process, the three-year average and  
23 then to be engaged in that process. I think AMBCC  
24 should strongly recommend through letter and/or  
25 official action that we outline what it would take for  
26 the U.S. Fish and Wildlife Service, be it predator  
27 management, predator/prey ratios, all the information  
28 that we talked about in our first day of meeting, and  
29 how do we get to that point.

30  
31 Is it official action from this board  
32 recommending to Fish and Wildlife that we pursue those  
33 sort of activities that would require like a whole  
34 different plan? If you're getting into predator  
35 management, you do a whole different plan, a NEPA  
36 process. Maybe outline that process, Eric, if you can  
37 get -- maybe when you get to there.

38  
39 MR. TAYLOR: Eric Taylor with Fish and  
40 Wildlife Service. Frank, you're absolutely correct.  
41 What I would propose to do -- Dan Rosenberg is  
42 currently the chair of the AMBCC Emperor Goose  
43 Subcommittee. What I would propose to Dan is that he  
44 puts together an agenda in collaboration with all the  
45 attendees and actually outline the topics that need to  
46 be discussed. That includes things about how the  
47 spring aerial survey is conducted because there's  
48 concerns that we're missing birds out there. So it  
49 would be appropriate to have Fish and Wildlife Service  
50 migratory bird management there as well as the pilots

1 and observers that are there.

2

3                   Certainly potential limiting factors of  
4 the population, we talked about recruitment and  
5 predation on goslings and eggs. We talked about spring  
6 harvest here in Alaska. We also talked about harvest  
7 in Russia with the commercial guides that are there.  
8 We also have a research scientist, Joel Schmutz, at the  
9 USGS Alaska Science Center, studying disease potential  
10 in Emperor Geese. It would be appropriate with Joel's  
11 several decades of research experience on Emperor Geese  
12 to ask him to attend the meeting as well as all other  
13 representatives from all regions.

14

15                   Clearly travel is probably going to be  
16 potentially restrictive, but I envision this probably  
17 an all day if not two-day meeting. I mean if we're  
18 going to cover these topics in the sort of detail that  
19 I think people expect and to get to the point where I  
20 think you're asking us to get to where specific  
21 management actions are outlined, discussed and then  
22 prioritize to determine what should we do first, how  
23 much is it going to cost, who's going to take the lead  
24 on it and when is it going to start.

25

26                   That's the sort of thing you want out  
27 of a committee and that will take some planning, but I  
28 certainly think it can be done.

29

30                   CHAIRMAN NANENG: Dale.

31

32                   MR. RABE: You can run, but you can't  
33 hide.

34

35                   (Laughter)

36

37                   MR. RABE: Eric, you mentioned in your  
38 presentation that the Emperor Goose is under a  
39 management plan which is reviewed periodically by the  
40 Pacific Flyway. With approval, it provides pretty  
41 strong guidance to the Service in terms of any  
42 regulatory action that the SRC would likely consider.  
43 What is the schedule? Is it likely that that is going  
44 to be coming up in rotation or under any other special  
45 circumstances for review by the Flyway and the  
46 Technical Committee that oversees it?

47

48                   MR. TAYLOR: The way the Pacific Flyway  
49 Council, in this case the Pacific Flyway Study  
50 Committee, reviews and revises management plans, plans

1 are on an approximately five-year rotational basis.  
2 That's the ideal world where a plan is reviewed and  
3 revised every five years. I can tell you that does not  
4 happen. The Brant Plan or the Emperor Goose Plan is  
5 beyond five years.

6  
7                   Currently there are two management  
8 plans under revision, both of which are of interest to  
9 this group. The Pacific Black Brant Management Plan is  
10 under revision at the current time with Dr. Chris  
11 Nikolai from Fish and Wildlife Service having the lead.  
12 I've talked to Myron that that plan will go out to not  
13 only the AMBCC but the AVCP Waterfowl Conservation  
14 Committee. All of you will have an opportunity to  
15 weigh in on that revision. I think it's critical that  
16 this group have the opportunity.

17  
18                   The other plan that's currently under  
19 revision is the Cackling Canada Goose Management Plan.  
20 Both of those species are high priorities for the  
21 Flyway Council. No surprise the Emperor Goose Plan is  
22 a lower priority because it's really an Alaskan issue,  
23 not a complete flyway issue. So it would fall upon Dan  
24 Rosenberg from your staff and myself to take the lead  
25 on that. Right now it's not on the schedule or on the  
26 cue to be revised.

27  
28                   CHAIRMAN NANENG: Any questions. I  
29 know Rick raised his hand before and then I'll  
30 recognize Pete.

31  
32                   MR. ROWLAND: Thank you. I also wanted  
33 to point out that this topic of Emperor Geese was  
34 brought up yesterday by the representative from  
35 Aleutian/Pribilofs Association in the Semidi area, all  
36 the islands around Alaska Peninsula and all the way out  
37 west to the Aleutians, as well as it was brought up  
38 with St. Lawrence Island in their past meetings. So I  
39 wanted to point that out as well as Kodiak.

40  
41                   Then as far as when the committee  
42 should have this back by, I think it makes sense to  
43 have this information back to the AMBCC by the fall  
44 meeting.

45  
46                   MR. PROBASCO: Thanks, Myron. I wanted  
47 to get some clarification from Rick to Eric. Rick is  
48 recommending the fall meeting. You talked about a one  
49 to two-day committee meeting, getting the group  
50 together. Can we meet that schedule?



1 MR. TAYLOR: It will be difficult, but  
2 at the same time this is a priority for the Fish and  
3 Wildlife Service. I say it's difficult because we're  
4 starting our survey season and some of the people that  
5 you will want at this committee meeting will actually  
6 be aircraft assessing bird populations.

7  
8 With that said, I don't want to delay  
9 this any further. I don't want proposals coming in  
10 that we feel like can't be supported because the  
11 population is still below the threshold for which to  
12 legally open up a hunt. I think what my request would  
13 be is for Dan as the subcommittee chair for AMBCC to  
14 send out a poll about when people could meet sooner  
15 than later and find out when we could do it.

16  
17 The fall meeting I think is typically  
18 in the end of September, is that correct?

19  
20 CHAIRMAN NANENG: Uh-huh.

21  
22 MR. TAYLOR: So our survey season ends  
23 in late July, so we certainly either could do it this  
24 spring or in late summer before the fall meeting.

25  
26 CHAIRMAN NANENG: I'd recommend that  
27 you have your Emperor Goose Committee meeting out in  
28 Bethel or some place in western Alaska so you can watch  
29 the birds fly by as you're talking about them and that  
30 will give you the reason of why you're talking about  
31 Emperor Geese and they'll hear you.

32  
33 Thank you.

34  
35 The motion is still on to table this  
36 and refer to the Emperor Goose Committee. Any more  
37 comments, discussion.

38  
39 MR. RABE: Move to call the question.

40  
41 CHAIRMAN NANENG: The question has been  
42 called for. All in favor say aye.

43  
44 IN UNISON: Aye.

45  
46 CHAIRMAN NANENG: Those opposed say no.

47  
48 (No opposing votes)

49  
50 CHAIRMAN NANENG: Motion carried.

1 Okay, we'll go back to Proposal No. 1. I'll follow the  
2 protocol. Proposal introductions.

3

4 Patty.

5

6 MS. SCHWALENBERG: Thank you, Mr.  
7 Chair. Proposal No. 1 is submitted by the Fairbanks  
8 Native Association and it's a request to amend  
9 eligibility standards for invitation harvesting. In  
10 other words, people who live in excluded communities  
11 and the invitation process to be invited back to their  
12 home communities to harvest migratory birds.

13

14 Thank you.

15

16 CHAIRMAN NANENG: Is there comments  
17 from Alaska Department of Fish and Game.

18

19 MR. RABE: I don't, since I'm the only  
20 one. Liliana, do you have anything on that? No.  
21 There are no comments from the State.

22

23 CHAIRMAN NANENG: Comments from Fish  
24 and Wildlife Service Staff. Clarification. Is this  
25 law enforcement or Fish and Wildlife Service Staff's  
26 staff?

27

28 (Laughter)

29

30 CHAIRMAN NANENG: Please clarify that  
31 for the record.

32

33 MR. NOEL: Thank you, sir, and good  
34 morning. My name is Ryan Noel. I'm with Fish and  
35 Wildlife Service, Office of Law Enforcement. I do not  
36 have any comments on this proposal at this time.

37

38 CHAIRMAN NANENG: Thank you. Technical  
39 Committee analysis.

40

41 Patty.

42

43 MS. SCHWALENBERG: I would ask the  
44 chairman of the Technical Committee to come up to the  
45 table, please.

46

47 MS. BROWN: Good morning. Carol Brown,  
48 chair of the Technical Committee. If you want to refer  
49 to more details in the binder, the minutes sort of  
50 outline what we discussed. The issues that were

1 raised, one of the things we talked about is this has  
2 statewide implications, so if we wanted to address it,  
3 we wanted to make sure that it was addressed and not  
4 just specifically to the Fairbanks area.

5  
6 Also we noted that the protocol  
7 requires that if this invitation is going to be  
8 implemented, a permit is required to be issued by the  
9 AMBCC, so we have to take some kind of action in this  
10 regard. It also raises some other issues of  
11 transportation. What happens to the harvest that's  
12 taken by these invited harvesters, issues of  
13 transporting it back to the excluded areas. Then issues  
14 of law enforcement were raised, how are they going to  
15 identify the harvester, what sort of proof is needed in  
16 order to show proof that they were actually invited  
17 into the area. So that's just a summary of some of the  
18 issues that were raised.

19  
20 CHAIRMAN NANENG: Thank you, Carol.

21  
22 Any questions for Carol.

23  
24 MR. ROWLAND: You said there's more  
25 components than just issuing an invitation letter. The  
26 thing I'd like to address is just the invitation letter  
27 from the tribe.

28  
29 CHAIRMAN NANENG: Is there an  
30 Invitation Committee that's going to be talking about  
31 this? Patty.

32  
33 MS. SCHWALENBERG: They had a meeting.  
34 I'm trying to look and see who the chairperson is of  
35 that committee. Oh, Rick. So he can speak to that  
36 also.

37  
38 MR. ROWLAND: This is Rick Rowland with  
39 the Invitation Committee. We met and discussed this  
40 topic. When discussing this topic it was apparent  
41 there were quite a few different topics that needed to  
42 be discussed. After reviewing this, part of it we  
43 decided on from looking at the regulations it says that  
44 we're supposed to make a recommendation. So in  
45 relation just specifically to this invitation, I've  
46 written this down to hand over to you when I get it  
47 done.

48  
49 The AMBCC recommends that tribes should  
50 develop an invitation policy related to migratory birds

1 in their area that will encourage tribal members to  
2 follow customary and traditional practices. So that  
3 being specifically in the invitation, but there are  
4 other categories that need to be addressed that the  
5 Technical Committee needs to work on so that this could  
6 get to yes.

7  
8 CHAIRMAN NANENG: Thank you, Rick.  
9 Following the process, public comments regarding the  
10 proposal.

11  
12 Steve.

13  
14 MR. GINNIS: Steve Ginnis. I'm the  
15 executive director of Fairbanks Native Association.  
16 Mr. Chairman, I just want to -- I know there's going to  
17 be some action taken here later, but I think one  
18 clarification that needs to be made, this is not a  
19 proposal specific just to Fairbanks Native Association.  
20 It's intended to address it statewide wherever you may  
21 have these types of issues. Certainly Anchorage is one  
22 of the places where you have that issue as well.

23  
24 I also understand full well the legal  
25 ramifications of this proposal. I'm not naive to not  
26 recognize that. Also, as I read those regulations  
27 there, it's clear to me that there is language in there  
28 that talks kind of to the issue I'm talking about here,  
29 that the authorization comes from the tribe. My  
30 proposal was simply to try to eliminate the bureaucracy  
31 on behalf of the tribe whereby as long as you're a  
32 registered tribal member in the particular tribe in the  
33 hunting area that you be allowed to go out there and  
34 hunt.

35  
36 I know the legal issues that it raises.  
37 I also think that issue of how it's written in that  
38 regulation there needs to be implemented. Right now  
39 we're at a total disadvantage for those of us that live  
40 in an urban area that have historically and  
41 traditionally practiced waterfowl hunting in our  
42 respective areas. It's not my fault that a particular  
43 thing is not in place right now. I don't know what is  
44 required to make that happen. Right now I wouldn't be  
45 coming before you if that regulation was actually in  
46 place and being practiced.

47  
48 I guess I could go back to Fairbanks  
49 and call my chief in Fort Yukon and ask her to give me  
50 authorization to go out there, whether it's verbal,

1 written, however. I guess that's kind of the process  
2 that needs to be addressed of how that's to be done.  
3 With that, I appreciate your work on it. I also fully  
4 understand the implications of my proposal, legal  
5 implications.

6  
7 Thank you.

8  
9 CHAIRMAN NANENG: Quyana, Steve. Any  
10 other public comments.

11  
12 Tim.

13  
14 MR. ANDREW: Thank you, Mr. Chairman.  
15 Timothy Andrew with AVCP natural resources. I totally  
16 support this proposal. I have a brother and a sister-  
17 in-law that lives in Kenai along with their children  
18 and I also have a sister that lives in Sterling. I'm  
19 pretty sure everybody around the table is pretty much  
20 similarly situated with family members that do reside  
21 in the excluded areas.

22  
23 When they move into areas that are  
24 excluded, it doesn't make them any less Native, any  
25 less -- they don't lose the desire to eat their Native  
26 foods, whether it be migratory birds or marine mammals  
27 or the resources that they grew up with. It's also  
28 extremely essential to their physical, cultural,  
29 traditional, spiritual well-being to eat this food as  
30 well.

31  
32 I just did a presentation before  
33 Senator Murkowski when she came out to do the  
34 subsistence listening session. Back in 1960, within  
35 the YKHC service area there were only five documented  
36 heart attack issues within a five-year period. That  
37 means one heart attack a year. In more recent years  
38 from 2004 to 2007, there was a total of 123 people that  
39 were hospitalized for cardiac issues. So change of  
40 diet is likely a part of that issue. There might be  
41 some exercise issues that also contribute to it,  
42 smoking, tobacco use and whatnot.

43  
44 But diet is the biggest contributor to  
45 some of the ailments that we get. For the Alaska  
46 Native person our bodies are meant to eat the wild  
47 resources. I'd just like to state that whether by  
48 choice or against your free will many of our people in  
49 the villages are residing in various places that are  
50 excluded.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN NANENG: Quyana, Tim. Any  
4 others that want to speak regarding the proposal.

5

6 (No comments)

7

8 CHAIRMAN NANENG: If not, we'll go to  
9 the Council discussion regarding the proposal. Frank.

10

11 MR. WOODS: Mr. Chair. I'd like to  
12 refer to 50 CFR Part 92 and that's 92.5, who is  
13 eligible to participate. In section (d) of that  
14 regulation or codified -- it says participation by  
15 residents in excluded areas. In cases where it is  
16 appropriate to assist indigenous inhabitants in meeting  
17 their nutritional and other essential needs or for the  
18 teaching of cultural knowledge to or by their immediate  
19 family members, residents of excluded areas may  
20 participate in customary spring and summer subsistence  
21 harvest in a village subsistence harvest area with the  
22 permission of the village council. Eligibility for  
23 participation will be developed and recommended by the  
24 Co-Management Council and adopted or amended by  
25 regulations published in subpart D of this part.

26

27 With that, Mr. Chair, I'd like to make  
28 a motion that we outline that a hunter who is a non-  
29 resident of a designated harvest area, that's the  
30 criteria, who has been issued an invitation by a tribal  
31 council or a village located in a designated  
32 subsistence harvest area in which a hunter's immediate  
33 family has membership or which a hunter has immediate  
34 family who are residents, shall be able to participate  
35 in the subsistence hunt and customary and traditional  
36 use of that area and any other conditions may be  
37 included in the invitation.

38

39 That part I want to keep specific for  
40 this motion and this proposal. All the rest will be  
41 tabled and put in the committee. Because it's just  
42 outlined in our own regulation. That's the motion I'd  
43 like to make to address the specific invitation. It  
44 would be a statewide.

45

46 MR. DEVINE: I'll second that motion,  
47 Mr. Chair.

48

49 CHAIRMAN NANENG: Motion has been made  
50 and been seconded. There's two motions that I heard

1 from the motion maker. One is to put into  
2 consideration the first part of the motion and the  
3 other one is to table the rest of it and refer to the  
4 Harvest Committee for further review.

5  
6 MR. WOODS: Yes, that's the intent. I  
7 move to address the specific language that allows  
8 invitations or villages to -- yeah, basically I'm just  
9 addressing the invitation process for the village. The  
10 other issues that were brought up in that proposal will  
11 be tabled to the Technical Committee.

12  
13 CHAIRMAN NANENG: Okay. Comments.

14  
15 MR. HICKS: Mr. Chair.

16  
17 CHAIRMAN NANENG: Go ahead, Joe.

18  
19 MR. HICKS: Just a point of order.  
20 Isn't there a motion already on the table?

21  
22 CHAIRMAN NANENG: That's the first  
23 motion.

24  
25 MR. WOODS: There's two parts to that  
26 motion. One is to address the specific language and we  
27 outlined the criteria for participating in excluded  
28 area -- residents in excluded areas to hunt in the  
29 village. The second part of that motion is to table it  
30 or refer it to the committee for further analysis and  
31 work.

32  
33 CHAIRMAN NANENG: Do you understand  
34 that?

35  
36 MR. HICKS: (Nods affirmatively)

37  
38 CHAIRMAN NANENG: Okay. We'll go  
39 through Alaska Department of Fish and Game Staff  
40 analysis.

41  
42 MR. RABE: On this motion rather than  
43 the original proposal. I mean to follow up on Joeneal a  
44 little bit just to be clear, I don't recall that  
45 anybody made a motion to accept the proposal as it was  
46 originally written. If I'm wrong, if the record  
47 indicates that that was done, then we would have two  
48 motions under consideration, but I don't think that  
49 happened, so the motion has been made to a modified  
50 version of that original proposal at this point in

1 time.

2

3 With that, the State doesn't have any  
4 technical comments. Mr. Chairman.

5

6 CHAIRMAN NANENG: Thanks, Dale. Fish  
7 and Wildlife Service Staff analysis.

8

9 MR. PROBASCO: Thanks, Myron. The only  
10 question I have on the motion and if you look at the  
11 narrative part that says shall be eligible to  
12 participate, is the part that says and under any  
13 conditions that may be included in the invitation. So,  
14 Frank, what were you encompassing under any conditions?

15

16 MR. WOODS: Well, that and the  
17 conditions that the tribe might set out there, Pete.  
18 They might have conditions that, you know, you can --  
19 and I can't speak specifically for certain areas.  
20 That's why I leave it up -- that's why it's open in  
21 that regard.

22

23 Shall be eligible to participate in a  
24 subsistence hunt and customary and traditional use in  
25 that area and under any conditions that the tribe may  
26 set forward. That's what I'm outlining. Basically we  
27 still would follow the same spring and summer  
28 regulatory -- well, the booklet we're going to pass  
29 here shortly. Yeah, those conditions are village or  
30 tribal specific, village specific.

31

32 I can't -- they might want to not hunt  
33 in this area. You know, you might want to just go  
34 hunting for elders. I can't speak for that regard.

35

36 CHAIRMAN NANENG: Anymore further --  
37 Peter.

38

39 MR. DEVINE: Yes, Mr. Chair. I think  
40 what the intent of that was for, yes, you can hunt on  
41 my lands, but if they have in place a guide or an  
42 observer, you know, the followed rules, that's what  
43 that encompassed.

44

45 CHAIRMAN NANENG: Joeneal.

46

47 MR. HICKS: The purpose of the  
48 conditions for instance, as a matter of fact, in other  
49 words like in Mentasta where I'm from, there's an old  
50 village site that we do not want disturbed in that



1 area. There's muskrat camps in that area that could  
2 also be disturbed. It's factors such as that that  
3 there are conditions that you don't go to this  
4 particular area and start blasting away when someone is  
5 out at muskrat camp. If you can follow what I'm saying  
6 there, Pete, that's the idea behind it.

7

8 CHAIRMAN NANENG: I think I can speak  
9 to some of the conditions that may be coming out from  
10 some of the villages as a possibility. You know, the  
11 village corporations have made land selections out in  
12 their areas for subsistence purposes. You know, the  
13 way the treaty is written or the transmittal letter is  
14 written it's open for anyone that may be living in  
15 rural Alaska, but the village corporation may have  
16 posted signs on their lands that says no trespassing,  
17 meaning that non-shareholders cannot go on those lands  
18 without permission from the landowner. The reason why  
19 they do that is the potential liability that the  
20 landowner has in case somebody gets hurt on those  
21 Native corporation lands. Who ends up being liable?  
22 The village corporation.

23

24 So those are some of the conditions  
25 that may end up being the reasons that the village can  
26 come up with working cooperatively with the tribal  
27 government and say these are the conditions that we are  
28 going to outline in the invitation. If you're a  
29 shareholder or a tribal member, you can go on any of  
30 those lands.

31

32 Right now one of the other things that  
33 exists in some of the villages is that they have posted  
34 no trespass signs on their lands. Some of the villages  
35 have made agreements between themselves, like Hooper,  
36 Chevak, Scammon and Paimiut, that anybody who resides  
37 and lives and is a tribal member or a village  
38 corporation member of those lands can hunt on any of  
39 the lands that belong to any of the four village  
40 corporations in that area. But if it's a non-tribal  
41 member or a non-shareholder, the villages have agreed  
42 that they have to have the permission from the village  
43 corporation before they can allow them on those lands.

44

45

46 So those are some of the conditions  
47 that can be applied here on this criteria of under any  
48 conditions. I hope that clarifies it, Peter.

49

50 MR. PROBASCO: Thanks, Myron. That

1 helps a lot. As you saw, Ken Lord, our solicitor, was  
2 talking to me and he believes we're pretty close. If  
3 you look at the language that you read, Frank, that's  
4 what we have to make this fit into. So, for  
5 clarification, we speak to the regulation. It speaks  
6 related to -- you have tribal council here and the  
7 regulations speak to village council. Are they  
8 different?

9

10 MR. WOODS: The same, but the village  
11 -- yeah, it's the same. It's just the terminology.

12

13 MR. PROBASCO: Okay. I just wanted to  
14 bring that out. The other thing is that included with  
15 this motion is the understanding that the appropriate  
16 permit would be issued through the management body;  
17 i.e., is that U.S. Fish and Wildlife Service, is it the  
18 Forest Service, depending upon where this land occurs.  
19 So we still have that part as well. So you have a  
20 permit requirement in conjunction with this invitation.  
21 That's what you have to make it fit in, is within this  
22 direction.

23

24 MR. WOODS: Is that in section (d)?  
25 No. I'm just reading -- for clarification there maybe,  
26 Pete, I'm just reading out of participation by  
27 residents, section (d), 92.5.

28

29 MR. PROBASCO: I'm going to bring my  
30 legal expert here.

31

32 CHAIRMAN NANENG: Go ahead, Ken.

33

34 MR. LORD: Thank you, Mr. Chair. Ken  
35 Lord, Office of the Solicitor. Frank, you're correct,  
36 92.5 does not speak to management body. It's the  
37 letter of submittal that speaks to that, that has that  
38 language. It says permission of the village council.  
39 I still have some concerns because I think in Barrow  
40 and places like that the village council might be  
41 different than the tribal council. Not everywhere, but  
42 a few places. And an appropriate -- does it say  
43 permit? Refresh my memory.

44

45 MR. PROBASCO: An appropriate permit  
46 issued through the management body implementing this  
47 protocol.

48

49 MR. LORD: Right.

50

1 MR. WOODS: Management body would be  
2 the tribe or the village?

3  
4 MR. LORD: To my way of thinking, the  
5 management body is either the Fish and Wildlife Service  
6 or maybe this Council. We would have to work out a  
7 process for making that happen. Part of the concern  
8 here is that law enforcement needs to know who is out  
9 there with permission. They need to have some way of  
10 asking people or there needs to be some documentation  
11 so the person can show the law enforcement guys that  
12 it's okay for them to be there.

13  
14 MR. WOODS: Can we use a tribal card  
15 and tribal enrolled in that village as a permit to --  
16 it's a crossover. It basically would be the tribe or  
17 the village -- would we have to change the existing  
18 language to include village in my motion. Slash  
19 village. Do you think, Pete?

20  
21 MR. PROBASCO: To make it simple, I  
22 would just say tribal or village council.

23  
24 MR. WOODS: There you go. That's what  
25 I'm saying.

26  
27 MR. LORD: Would that lead to confusion  
28 on the part of a person who wants to be invited about  
29 who it is they should be talking to in some cases?

30  
31 MR. WOODS: No, I don't think so. The  
32 tribe and the village are the same. It's the council  
33 basically. There's three levels of government in the  
34 village; city, tribe and the corporation. So when you  
35 separate them three, when you go to the tribe and the  
36 village, that's who you go to. If you go to the city,  
37 then you're going to the city. If you go to  
38 corporation, then you go to corporation. So instead of  
39 being dually managed we're triply managed. We can just  
40 add or.

41  
42 CHAIRMAN NANENG: More often than not  
43 the cities don't have any jurisdiction on hunting lands  
44 within a community. All they're more concerned about  
45 is what goes on within the community in their city  
46 boundaries. They don't have any jurisdiction on who  
47 comes in to hunt on those lands. It's the village  
48 corporation who owns the lands and working together  
49 with the tribal council they identify who the  
50 shareholders are as well as the tribal members. So the

1 village corporation shareholders is primarily made up  
2 of the tribal members of those communities.

3  
4 I cannot see how it would be the  
5 management -- like I can't see how Fish and Wildlife is  
6 going to go to a village and say, okay, we'll give you  
7 a permit to issue permits. Is that what this -- where  
8 we're moving towards?

9  
10 MR. LORD: That's not how I interpret  
11 this. What I interpret this to mean is that the tribal  
12 or village council will give permission and then would  
13 somehow transmit that information to the Fish and  
14 Wildlife Service or AMBCC, who would then issue a  
15 permit so that the person out in the field would have a  
16 permit they can show to law enforcement and that way  
17 they're protected. They're not going to get a citation  
18 because they have this piece of paper.

19  
20 CHAIRMAN NANENG: I see a hand behind  
21 you who wanted to make a comment. The proposer of the  
22 proposal.

23  
24 MR. GINNIS: Steve Ginnis, FNA  
25 executive director. I think things are just being made  
26 complicated here when it's not really necessary. For  
27 one thing, a village council, tribal council are the  
28 same entity. Some folks call themselves village council,  
29 some call themselves tribal councils, yet it's the same  
30 entity. It's the tribal government out there in our  
31 communities. There shouldn't be any confusion over  
32 that. This whole issue of permitting is another way of  
33 creating bureaucracy that I don't think is necessary.

34  
35 I think the simplest way to solve this  
36 problem is simply by having the tribe village council,  
37 tribal council, whatever you wish to call it, which  
38 means the same, issue a letter of invitation that would  
39 be sent to Patty, who then would send it to the law  
40 enforcement people. It's as simple as that. I mean  
41 it's just that simple. Let's not create a big  
42 bureaucracy over a person to go out waterfowl hunting.

43  
44 Again, Mr. Chairman, we're trying to --  
45 I appreciate your motion trying to assist the U.S. Fish  
46 and Wildlife folks in trying to implement what should  
47 have been implemented long ago. So I just offer those  
48 comments. Let's keep it simple.

49  
50 Thank you.

1 CHAIRMAN NANENG: Thank you, Steve.

2

3 Pete and then Todd.

4

5 MR. PROBASCO: Thank you, Mr. Chair.

6 Steve, I agree with you. Let's keep it simple. I  
7 think your solution is looking down the right path  
8 where I think I would like to go. When you look at the  
9 letter of submittal and you look at the regulations, it  
10 goes from management body and then it talks about the  
11 Co-management body in the regulations, which is this  
12 process.

13

14 Your recommendation as far as having  
15 the village or tribal council issue that letter of  
16 invitation which is shared with this body, i.e. Patty,  
17 I think meets that intent where you have a record of  
18 that invitation taking place and somebody in the field  
19 has a record that it's meeting the intent of the  
20 language.

21

22 CHAIRMAN NANENG: Anybody else  
23 regarding this proposal. Todd.

24

25 MR. SFORMO: Todd Sformo, North Slope  
26 Borough. I mean in this letter of transmittal though  
27 the village council or tribal council and the  
28 management body, there's not necessarily a distinction  
29 between them. One or both of those terms or all three  
30 of them could be the same unit. It could be the same  
31 village council or tribal council. So there doesn't  
32 have to be a distinction between the village council  
33 and the management body.

34

35 Also the other thing to note is that an  
36 appropriate permit is issued. It doesn't mean that the  
37 person has to be in possession of it in the field. It  
38 should be issued, but whether that person has it or not  
39 isn't discussed clearly in this document. Thanks.

40

41 CHAIRMAN NANENG: Pete.

42

43 MR. PROBASCO: Thank you, Mr. Chair.

44 The key is that we've got to take the letter of  
45 submittal that addresses this and then look at the  
46 regulations. The regulations clearly delineate the  
47 management body. So where we get to that is the  
48 management body then comes back to the Co-Management  
49 Council in regulations. So that implies that we have  
50 to have some type of mechanism in issuing that permit.

1 MR. SFORMO: I think the letter of  
2 transmittal would have more precedent over the  
3 regulations of the Fish and Wildlife.

4  
5 MR. PROBASCO: (Indiscernible - away  
6 from microphone).

7  
8 MR. SFORMO: Okay. Thanks.

9  
10 CHAIRMAN NANENG: Thanks, Todd. Dale.

11  
12 MR. RABE: There's a couple questions.  
13 One is through all this conversation and having Frank  
14 read the original or the standing regulations about  
15 opportunities for people not living in rural areas to  
16 participate, I'm struggling just a little bit to see  
17 materially how this is much different. It almost seems  
18 more restrictive than the language that's there.

19  
20 The question that I have is, in a later  
21 part of that regulation it almost seemed that the  
22 regulation allowed the AMBCC to determine procedures  
23 and other things. The question for the Solicitor's  
24 Office basically is, is this in the form of a  
25 regulation that has to go to the SRC before it can be  
26 implemented or is this within the control of AMBCC to  
27 make a change like this and have it become implemented  
28 here?

29  
30 MR. LORD: Through the Chair. Ken Lord  
31 with the Solicitor's Office again. My understanding is  
32 that this is a recommendation from the Council that is  
33 then implemented by the Fish and Wildlife Service as a  
34 change in regulation. I'll be honest with you. I've  
35 not done this process enough to know it very well, so I  
36 could be mistaken about that.

37  
38 MR. RABE: The only reason I ask is --  
39 Frank, what you read before, towards the end, there's a  
40 part of a sentence that refers to who has authority.  
41 Could you re-read that second and that could help all  
42 of us.

43  
44 MR. WOODS: Eligibility for  
45 participation will be developed and recommended by the  
46 Co-Management Council and adopted -- so we're adopting  
47 the language that allows for excluded residents going  
48 back to the village and hunting -- or amended by  
49 regulations published in subpart D of this part. So  
50 it's just adopting.

1 CHAIRMAN NANENG: Okay, Pete.  
2  
3 MR. PROBASCO: Thank you, Mr. Chair.  
4 Let's back up a little bit. We have no regulations  
5 right now that allows for this practice. So if you  
6 look at the regulations, it clearly says eligibility  
7 for participation will be developed and recommended by  
8 the Co-Management Council. So that's what we're trying  
9 to do now is take this language and put it in  
10 regulations.  
11  
12 My understanding, like Ken, this body  
13 makes recommendations. It's the SRC that finalizes the  
14 regulations. So we don't have the authority to make  
15 the regulations until we go through the SRC. That's my  
16 understanding.  
17  
18 MR. WOODS: Since it's in regulation,  
19 Pete, the question is for Steve's proposal it's legal  
20 until.....  
21  
22 CHAIRMAN NANENG: You make regulations.  
23  
24 MR. PROBASCO: It's not legal.  
25  
26 MR. WOODS: It's open until closed is  
27 what the solicitor -- no, I'm just teasing. Don't get  
28 me worked up. I'm thinking of how we can fix this, not  
29 to -- my proposal is to help alleviate the problem that  
30 we have. In the meantime, as a board member, would ask  
31 enforcement to educate. We're working on this process,  
32 it's already in place. If we adopt it today, the  
33 common practice would be -- how long would it take?  
34 I'm just thinking of Federal process. Next year it  
35 will be in the Federal Register?  
36  
37 MR. LORD: The Federal Register process  
38 has gone through a lot of changes over the last couple  
39 years and it's a lot more onerous than it used to be,  
40 but I think a year is reasonable.  
41  
42 MR. PROBASCO: If I may, Mr. Chair. I  
43 think the easy answer is it would not be in place for  
44 this year, this hunting season 2013. We would do the  
45 rule-making process, which hopefully will make it  
46 through and be ready for the 2014 season.  
47  
48 Let me back up, Frank. We have  
49 currently the practice in inviting people from an area  
50 that is not allowed to -- what do we call, restricted

1 and non-restricted area. That is currently not  
2 allowed. It's not legal. That's what we're trying to  
3 do with your motion here is to make that practice  
4 legal.

5  
6 CHAIRMAN NANENG: May I make a comment.  
7 I've been working with this migratory bird issue since  
8 1984. Participated in negotiation of the Migratory  
9 Bird Treaty to be able to recognize our spring and  
10 summer hunt. This is one of the reasons why AVCP  
11 refuses to make any proposals for regulations because  
12 it seems like whenever we come up with a proposal to  
13 submit to this body it ends up going to somewhere else  
14 down in the Lower 48 where people don't know about how  
15 we live and hunt out there in the seasons that we have.  
16 Meaning that we only have limited hunting season  
17 opportunity.

18  
19 Right now under this system we're  
20 talking about the spring and summer hunt, but we also  
21 have tried to work to be inclusive of the fall hunt.  
22 Then we've given up in between for conservation  
23 purposes some of our customary and traditional  
24 activities. Like the drives we used to have for some  
25 of the flightless birds. Egg gathering that we've had  
26 for some of the birds that are now on the conservation  
27 concern list.

28  
29 If we have to come up and go to SRC to  
30 come up with the regulation, it seems like the purpose  
31 of this group and having to go to SRC for regulations  
32 ultimately is defeating the purpose of this group as a  
33 co-management body.

34  
35 It's very frustrating to come here  
36 trying to speak on behalf of our people who live off  
37 these resources and try and find a way for them to be  
38 allowed an opportunity and then be told the regulation  
39 cannot be implemented. You're illegal until such time  
40 that the regulation is in place when you've lived this  
41 year in and year out. Then they say, oh, you have to  
42 go out to the village in order to do what you've  
43 customarily and traditionally have done since time  
44 immemorial.

45  
46 I may be wearing my clothes today, but  
47 it seems like I'm getting more clothed and clothed and  
48 getting maybe warmed up with more regulations that are  
49 coming over me as a First Nations person. If it's  
50 going to get to that point where we have to go to SRC



1 to be able to do what we've traditionally done, at what  
2 point in the future are we going to say that you are a  
3 foreigner in your own country.

4  
5                   You know, it's okay for a person from  
6 the Lower 48 to go sports hunting in Russia for Emperor  
7 Geese that we're trying to talk about putting  
8 conservation measures on. If that's allowed by the  
9 Federal government and there's no consequence to them,  
10 why are we sitting here trying to put restrictions on  
11 our own people. It just gets to the point that under  
12 whose rules and regulations are we going to be able to  
13 continue our own customary and traditional hunting  
14 practices. That was not the purpose of why we  
15 negotiated the Migratory Bird Treaty Protocol  
16 Amendment. We just wanted it to be recognized.

17  
18                   What more are we going to be put  
19 through in order to be able to have our way of life  
20 recognized by the Federal government and all those  
21 other countries that we have to try and work with with  
22 the migratory birds?

23  
24                   I just wanted to express my frustration  
25 and concern because I've dealt with this over the years  
26 and it seems like everybody that does not live this  
27 life wants to put us on further and further  
28 restrictions. Come up with the regulations, come up  
29 with law enforcement. Yet our people are just trying  
30 to survive with whatever they can get during spring and  
31 summer out in the villages. I just wanted to share my  
32 thoughts with everyone because it seems like that's  
33 what we're always constantly going through.

34  
35                   One of the other things that's coming  
36 up is that more of our people are going to have to rely  
37 on migratory birds this coming summer because on the  
38 Lower Yukon the State of Alaska regulation of closures  
39 of chinook salmon that's supported by Fish and Wildlife  
40 Service is that they're going to have to look for  
41 alternative food.

42  
43                   Is that going to make them criminals?  
44 They're going to be criminals because of the fact that  
45 they're not going to be allowed to harvest salmon. Are  
46 we going to try and find ways to make them criminals by  
47 allowing them not to be able to hunt migratory birds,  
48 which might be the only alternative food source for  
49 people that live in the Y-K Delta.

50

1                   So I just wanted to express my concern  
2 on this. It seems like the more we talk about it, the  
3 more effort that I see from the Department, Fish and  
4 Wildlife Service, as well as questions raised by State  
5 of Alaska, is how can we find ways to further restrict  
6 and regulate the livelihood of our people that have to  
7 rely on these resources. I just wanted to share that  
8 with everyone.

9

10                   Thank you.

11

12                   MR. HICKS: Thank you, Mr. Chair. I  
13 would like to make a suggestion here and offer the  
14 person who made the motion, Frank Woods, and the person  
15 who seconded a friendly amendment if I may. I would  
16 like to offer that this amendment would change --  
17 instead of saying tribal council to just say village  
18 council. In addition, I would like the friendly  
19 amendment to say that the letter of intent will be sent  
20 by the village council to the executive director of  
21 AMBCC who will inform enforcement of that invitation.

22

23                   MR. WOODS: That sounds acceptable to  
24 me.

25

26                   MR. DEVINE: And it's acceptable with  
27 the second also.

28

29                   CHAIRMAN NANENG: Anymore discussion on  
30 the friendly amendment. We'll take up the friendly  
31 amendment first.

32

33                   (No comments)

34

35                   CHAIRMAN NANENG: If there's no  
36 discussion, all in favor of the friend amendment say  
37 aye.

38

39                   IN UNISON: Aye.

40

41                   CHAIRMAN NANENG: Those opposed say no.

42

43                   (No opposing votes)

44

45                   CHAIRMAN NANENG: Now back to the main  
46 motion.

47

48                   MR. HICKS: Question.

49

50                   CHAIRMAN NANENG: The question has been

1 called on the main motion. All in favor say aye.  
2  
3 IN UNISON: Aye.  
4  
5 CHAIRMAN NANENG: Those opposed say no.  
6  
7 (No opposing votes)  
8  
9 CHAIRMAN NANENG: Motion carried. Also  
10 the tabling motion for the rest of it has been adopted  
11 too?  
12  
13 MR. RABE: For the record.....  
14  
15 CHAIRMAN NANENG: Okay, go ahead.  
16  
17 MR. RABE: For the record, in terms of  
18 the normal protocol, we typically have a roll call vote  
19 for those items because of the establishment of the  
20 council with the three votes in terms of the final  
21 recommendation. Now I have no concern in this case  
22 because I think everybody is fully supportive, but just  
23 a note for the record.  
24  
25 MR. WOODS: Can you speak up a little  
26 bit? For the record, you're saying that a roll call  
27 vote for a regulatory change would be appropriate?  
28  
29 MR. RABE: I believe we've always done  
30 a roll call vote for that.  
31  
32 MR. ROWLAND: Mr. Chair. I'm sure that  
33 that was the Native caucus vote and then we have to go  
34 to the level three vote.  
35  
36 MR. RABE: I'm good.  
37  
38 MR. PROBASCO: I'm good.  
39  
40 CHAIRMAN NANENG: I've never heard of a  
41 vote that says I'm good.  
42  
43 (Laughter)  
44  
45 CHAIRMAN NANENG: Thank you. We'll go  
46 on to the next proposal, which is Proposal No. 3. The  
47 Native Village of Eyak petition for inclusion.  
48  
49 Patty.  
50

1 MS. SCHWALENBERG: Thank you, Mr.  
2 Chairman. This proposal was submitted by the Native  
3 Village of Eyak to be included as one of the included  
4 areas eligible to harvest migratory birds in the spring  
5 and summer. We worked with the Fish and Wildlife  
6 Service and Eyak to try and amend the proposal to make  
7 it acceptable for a limited hunt and I believe they  
8 came to some revisions that were provided to the  
9 council and I would like to ask Eric to come up and  
10 address the changes and give us a report on whether or  
11 not they're okay to go or they need further revisions.

12  
13 Thank you.

14  
15 MR. TAYLOR: Thank you, Mr. Chair.  
16 Eric Taylor with Fish and Wildlife Service. As Patty  
17 mentioned, this proposal was first brought up at the  
18 January meeting and the proposer, John Whissel, the  
19 Native resources director from the Native Village of  
20 Eyak, has worked with both the Fish and Game and the  
21 Fish and Wildlife Service to address conservation  
22 concerns.

23  
24 I have to commend the proposer. He's  
25 certainly, as well as the Native elders from that  
26 village, has been very professional and accommodating  
27 and considerate relative to the sensitivities  
28 associated with the resources there, particularly for  
29 Dusky Canada Geese, which is a species of conservation  
30 concern and probably one of the most important species  
31 in the Pacific Flyway because of the ramifications it  
32 has for management of other Canada Geese, particular in  
33 the state of Oregon.

34  
35 We did hold a meeting between the  
36 proposer, Mr. Whissel, Dan Rosenberg from the  
37 Department of Fish and Game, Milo Burcham from the U.S.  
38 Forest Service and research scientist from U.S.G.S.  
39 Alaska Science Center, as well as representatives from  
40 my office, the Fish and Wildlife Service, Migratory  
41 Bird Office. The general recommendations were  
42 discussed. Unfortunately we're all very busy and this  
43 proposal was just received -- Patty, correct me if I'm  
44 wrong, but it was received two days ago, is that  
45 correct?

46  
47 MS. SCHWALENBERG: (Nods affirmatively)

48  
49 MR. TAYLOR: As such, I have not had  
50 the opportunity to discuss the final proposal neither

1 with Dan Rosenberg from the Department of Fish and  
2 Game, nor Milo Burcham, nor the Forest Service  
3 management authority, nor with Mr. Whissel. Mr.  
4 Whissel is currently at a funeral for his grandmother  
5 and is out of state. I have contacted him by email as  
6 well as Dan Rosenberg, as well as the Forest Service.  
7 All of us are in agreement that indeed it would be  
8 preferable for the proposer, Fish and Wildlife Service,  
9 Fish and Game and the Forest Service to have one more  
10 chance to look at this proposal relative to the  
11 specifics, particularly the closure dates that are  
12 being recommended.

13

14                   The primary concern is we want to make  
15 sure those closure dates protect Dusky Canada Geese but  
16 then also allow for eggging of gulls that are of primary  
17 interest to the rural residents there. We want to make  
18 sure those dates can balance each other. I've  
19 distributed an email between Mr. Whissel and myself  
20 dated Wednesday, April 3rd, to the three management  
21 authorities from which Mr. Whissel says getting  
22 together at a later date in the next one to three weeks  
23 is a reasonable alternative.

24

25                   What I would like to do is not delay  
26 this proposal in terms of another regulatory season. I  
27 feel like we're close. We just need to get together  
28 one more time, compare dates to make sure they're  
29 right, work out some other details and then make sure  
30 this proposal indeed fits everybody's needs and then  
31 put it forward. I'd like to see it, and I'm sure the  
32 proposer would, to be approved for the 2014 regulatory  
33 season.

34

35                   With that said, it can't be approved at  
36 this time, but I guess my question to the chairman is  
37 would it be possible that when we meet, get concurrence  
38 from all the parties to put this proposal back in front  
39 of the committee to be then voted on in time for it to  
40 go to the SRC in time for the 2014 season.

41

42                   CHAIRMAN NANENG: So the recommendation  
43 is to bring it back to the committee. In other words,  
44 table it for today's meeting but refer it back to the  
45 committee.

46

47                   MR. WOODS: Make a motion we present  
48 this to the Technical Committee for further review  
49 along with the recommendations that you have, Eric, the  
50 proposer. And you submit it to the Solicitor's Office

1 when?

2

3 MR. TAYLOR: I don't think the proposal  
4 needs to go to the Technical Committee. I certainly  
5 don't think the proposal needs to go to the Solicitor's  
6 Office. I think it can be worked out between the  
7 proposer, Mr. Whissel, Dan Rosenberg from the Fish and  
8 Game, my office with some consultation from other  
9 biologists from the U.S. Geological Survey just to make  
10 (turned microphone off) -- forward committee meeting --  
11 or not committee meeting, but those four bodies that I  
12 mentioned and then just have Mr. Whissel resubmit the  
13 proposal and then have it voted on.

14

15 MR. WOODS: Okay.

16

17 CHAIRMAN NANENG: Go ahead, Dan --  
18 Dale.

19

20 MR. RABE: Thank you, Mr. Chairman. In  
21 a somewhat similar circumstance here a year or two ago  
22 when we were dealing with the issue of Yellow-Billed  
23 Loons on the North Slope and there was need for some  
24 additional technical refinements that weren't done in  
25 time for the Council meeting, but recognizing that we  
26 could get that work done before the SRC meeting, we  
27 voted on basically an intent to support and to move it  
28 forward with the understanding that the SRC is the  
29 final stop on the path and that as long as it could be  
30 technically worked out before it had to be delivered to  
31 that decision-making body that we were good with it. So  
32 I'll at least throw that idea out on the table for  
33 consideration.

34

35 CHAIRMAN NANENG: Comments from Fish  
36 and Wildlife.

37

38 MR. PROBASCO: I think Eric captured  
39 all the comments. I think Dale's recommendation is a  
40 good way to follow unless we would want to try to do a  
41 teleconference prior to the July meeting. That's our  
42 two options. Either do it the way Dale has recommended  
43 or bring it back to the group that Eric is speaking  
44 about and then try to do a teleconference of the group.  
45 Mr. Chair.

46

47 CHAIRMAN NANENG: If there's no  
48 objections, we can bring it back to the group that's  
49 working on it and deal with it then with any  
50 refinements that they may come up with.

1 MR. TAYLOR: I'm sorry, Myron. Could  
2 you repeat your recommendation.

3  
4 CHAIRMAN NANENG: We can bring this  
5 proposal back to the group that's working on it and  
6 then deal with it at that time with any further details  
7 that may need to be done or should we follow Dale's  
8 recommendation to just say we support it and they can  
9 move forward with it.

10  
11 MR. RABE: Let me just state from the  
12 State perspective in terms of one of the votes on this  
13 is that given everything I know about this proposal  
14 there is general support for it and that this is just a  
15 technical issue in terms of working out a few details.  
16 I personally am comfortable with a vote at this point  
17 in support and then let folks work that out and take it  
18 forward. I don't necessarily see a need to have it  
19 come back because, frankly, oftentimes that will lead  
20 to a whole lot of discussion and then there's the  
21 question is it just the executive committee that gets  
22 together to talk about it or do the rest of the Council  
23 have to be on a phone call and it kind of gets to be I  
24 think more cumbersome that way.

25  
26 My thoughts.

27  
28 CHAIRMAN NANENG: Okay. Thank you,  
29 Dale. Technical Committee comments.

30  
31 MS. BROWN: No comments.

32  
33 CHAIRMAN NANENG: No comments from the  
34 Technical Committee. Public comments on the proposal.

35  
36 (No comments)

37  
38 CHAIRMAN NANENG: No public comments.  
39 Council discussion.

40  
41 MR. PEDERSON: I'm just going to say  
42 that I agree with Mr. Rabe.

43  
44 CHAIRMAN NANENG: So you're making a  
45 motion that you're agreeing with the motion that he's  
46 making.

47  
48 MR. RABE: I didn't make a motion.

49  
50 CHAIRMAN NANENG: Okay, Joe.

1 MR. HICKS: I want to go on record that  
2 I also agree that this probably should just go forward  
3 by a vote of this Council. I do have one particular  
4 question though in regards to this proposal and that is  
5 was Eyak not consulted back in 19 -- well, anyway, when  
6 the Copper River village, in other words my village and  
7 the villages in my area were contacted or consulted for  
8 inclusion, was Eyak at that time consulted for? And if  
9 not, why not?

10  
11 CHAIRMAN NANENG: Go ahead, Patty.

12  
13 MS. SCHWALENBERG: Thank you, Mr.  
14 Chairman. Eyak, was consulted through the Chugach  
15 Regional Resources Commission and after lengthy  
16 deliberation due to the location of the village being  
17 in Cordova with a large non-Native population they  
18 elected not to pursue inclusion at that time. However,  
19 there have been some personnel changes in the community  
20 and enforcement and they would rather have their  
21 hunters participate in the spring and summer harvest  
22 legally rather than the way they have been doing in the  
23 past forever.

24  
25 Thank you.

26  
27 CHAIRMAN NANENG: That answers your  
28 question?

29  
30 MR. HICKS: (Nods affirmatively)

31  
32 CHAIRMAN NANENG: Okay, Rick.

33  
34 MR. ROWLAND: I'm wondering if anyone  
35 has communicated with the community members or a  
36 representative from the community about this proposal  
37 and what their comments were and then, if not, is there  
38 a possibility that someone could communicate with  
39 someone from the community to see what they think about  
40 this proposal before we start saying let's go ahead?

41  
42 MS. SCHWALENBERG: The concept for this  
43 proposal actually came from the hunters to the village  
44 council. The council delegated the actual technical  
45 work to John Whissel, the biologist, and there have  
46 been three meetings of the village council discussing  
47 this proposal, so there has been a lot of back and  
48 forth between the community members and the village  
49 council.

50



1 Thank you.

2

3 CHAIRMAN NANENG: It sounds like  
4 there's a recommendation that we support this proposal  
5 and the only way that we can move on this is to make a  
6 motion and vote on it.

7

8 MR. WOODS: I move to adopt Proposal  
9 No. 3, Native Village of Eyak petition for inclusion.  
10 Mr. Chair.

11

12 MR. HICKS: I second, Mr. Chair.

13

14 CHAIRMAN NANENG: Motion made and  
15 seconded. I think we pretty much discussed the  
16 comments and maybe we can ask a roll call vote. I get  
17 reminded of the process as we go along. So we'll go  
18 ahead with the process. Before we go with the three, I  
19 usually go with a request if there's no objections from  
20 the Native caucus first and then we'll ask the other  
21 two. All in favor of that motion say aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN NANENG: Those opposed say no.

26

27 (No opposing votes)

28

29 CHAIRMAN NANENG: Motion carried from  
30 the Native caucus, all votes yes.

31

32 MS. SCHWALENBERG: Okay. On the roll  
33 call vote. U.S. Fish and Wildlife Service.

34

35 MR. PROBASCO: Yes.

36

37 MS. SCHWALENBERG: Alaska Department of  
38 Fish and Game.

39

40 MR. RABE: Yes, in principal,  
41 recognizing that there's still technical details to be  
42 worked out.

43

44 MS. SCHWALENBERG: And the Native  
45 caucus.

46

47 CHAIRMAN NANENG: Yes.

48

49 MS. SCHWALENBERG: You voted yes.

50

1 Thank you.

2

3 CHAIRMAN NANENG: Okay. We'll go on to  
4 the next item, the Kodiak Village Tribe's request to  
5 legalize use of migratory bird parts for use in  
6 handicrafts. I almost said marijuana. Sorry about  
7 that.

8

9 (Laughter)

10

11 CHAIRMAN NANENG: We're close to  
12 Oregon. We're talking about Cacklers with them.  
13 That's why we're -- they're having farm depredation  
14 issues. I'll ask Patty to go ahead and talk about the  
15 proposal.

16

17 MS. SCHWALENBERG: Thank you, Mr.  
18 Chairman. This proposal was put forward by the Kodiak  
19 Island tribes and there have been recent discussions  
20 about the use of migratory bird parts particularly  
21 feathers for use in handicrafts for sale. This  
22 proposal went to the Technical Committee and perhaps  
23 the chair can speak to their decision on this proposal.

24

25 CHAIRMAN NANENG: Thank you.

26

27 Fish and Game comments.

28

29 MR. RABE: Thank you, Mr. Chair. Fish  
30 and Game has no comments.

31

32 CHAIRMAN NANENG: Fish and Wildlife  
33 Service.

34

35 MR. NOEL: Thank you, Mr. Chair. My  
36 name is Ryan Noel, Fish and Wildlife Service, Office of  
37 Law Enforcement. Although I don't feel confident to  
38 discuss marijuana use.....

39

40 (Laughter)

41

42 MR. NOEL: .....I do think I'm probably  
43 okay to discuss migratory birds. The proposal as it  
44 stands creates some concerns for us, both in its  
45 implementation and also its enforceability. The  
46 proposal is grounded, we believe, within the mechanisms  
47 of the protocol and letter of submittal and the CFR.  
48 We would humbly request that if the proposal could be  
49 redrafted with some minor changes that it would be a  
50 more valuable proposal and have a better likelihood of

1 carrying through to regulation. We would recommend if  
2 that be the case, we offer our support, technical  
3 assistance in help with the draft and also to either  
4 serve on or provide service to the committee to help  
5 draft the specific regulations.

6

7 CHAIRMAN NANENG: Thank you. Technical  
8 Committee report. Go ahead, Dale. There's a question  
9 for Ryan.

10

11 MR. RABE: Ryan, the level of concern,  
12 without having gone into any detail, again, is this  
13 something that is feasible to work out between now and  
14 when a package would go forward or is this a much  
15 bigger process? I don't have a good understanding. In  
16 other words, we just took a vote in principal to be  
17 able to move something forward.

18

19 MR. NOEL: Right.

20

21 MR. RABE: We had an understanding that  
22 it was fairly reasonable technical issues, but I don't  
23 have a sense on this one. Can you help me with that.

24

25 MR. NOEL: Well, I hope to. We do  
26 believe that it is technically reasonable. We believe  
27 that there are provisions specific in the treaty with  
28 Canada outlined in the protocol and the letter of  
29 submittal that allow for a version of the take for  
30 migratory birds for subsistence purposes and then be  
31 fashioned into handicraft and then that sale. It  
32 provides for a strictly limited situation, is the exact  
33 terms from the letter of protocol, so we would need to  
34 define what those are. Many of those questions that  
35 come to mind is who could sell, where could they be  
36 sold, what could be sold, what is the definition of  
37 authentic Native handicraft, articles of handicraft.

38

39 We believe that those issues could be  
40 worked out. I'm not sure of the timeline for  
41 implementation, but it certainly is viable, I believe.

42

43 CHAIRMAN NANENG: Pete.

44

45 MR. PROBASCO: Thank you, Mr. Chair.  
46 Follow up on Dale's comment. I agree with Ryan that  
47 it's definitely workable. I think what's before us is  
48 that we'd have to have these issues worked out and  
49 agreed to before July if we're to look at this year.  
50 Some of these are going to take a little time just to

1 get the players together, so we need to consider that.  
2 I don't think it's going to be as simple a solution as  
3 our last proposal.

4  
5 CHAIRMAN NANENG: Technical Committee  
6 report.

7  
8 MS. BROWN: Basically I just want to  
9 reiterate that it was our conclusion as well that these  
10 issues can be worked out. Some of the language in the  
11 proposal, how to define certain terms like authentic  
12 and how do you define handicraft. We thought that  
13 those could be worked out. Basically there's really  
14 nothing new. We also talked about maybe looking at the  
15 Japan Treaty because the proposal is all inclusive and  
16 there are some birds in the Japan Treaty that are not  
17 allowed. So those are some of the issues that were  
18 highlighted, but they weren't cumbersome. So we think  
19 this is good opportunity to take a look at it again and  
20 refine some of those questions.

21  
22 Thank you.

23  
24 CHAIRMAN NANENG: Any questions for  
25 Technical Committee chair regarding the proposal.

26  
27 (No comments)

28  
29 CHAIRMAN NANENG: Okay. The floor is  
30 now open for public comments. Tim and then Todd.

31  
32 MR. ANDREW: Thank you, Mr. Chairman.  
33 Timothy Andrew with AVCP, natural resources. I  
34 wholeheartedly support this proposal. There's been a  
35 lot of press lately about the amount of law enforcement  
36 activity. They've been confiscating Native art that  
37 contains migratory bird feathers and other media as  
38 well.

39  
40 In our area, we utilize quite a bit of  
41 migratory bird feathers in our dance fans. We also  
42 utilize them for other ceremonial purposes as well.  
43 When some of our artists make the dance fans some of  
44 them utilize turkey feathers. We don't have turkey in  
45 our area. I mean we don't have them live and we don't  
46 hunt them either. When a subsistence hunter goes out  
47 and harvests a bird, there's total utilization,  
48 including the migratory bird feathers as well.

49  
50 My wife, she uses the migratory bird

1 wings for a broom and that's -- we do have a broom in  
2 the house, but that's her preferred use. There are a  
3 lot of other people in the villages that use the broom  
4 in the steam houses to clean up afterwards. So there's  
5 multiple uses of these migratory bird feathers.

6  
7 There's also traditional art that  
8 utilizes migratory bird bones that we've used  
9 historically. We've used them in making fish hooks and  
10 other things, perhaps crafts like the one I'm wearing  
11 around my neck. It's not made of migratory bird parts,  
12 but there's multiple uses. Historically, we've  
13 utilized those parts and totally support the proposal.

14  
15 Thank you, Mr. Chair.

16  
17 CHAIRMAN NANENG: Quyana, Tim. Todd.

18  
19 MR. SFORMO: I was just going to ask  
20 for a clarification from Ryan.

21  
22 CHAIRMAN NANENG: Todd, can you  
23 introduce yourself.

24  
25 MR. SFORMO: Oh, sorry. Todd Sformo,  
26 North Slope Borough. It was a clarification for Ryan.  
27 You mentioned the proposal could be redrafted with  
28 minor changes, but I wasn't sure -- you didn't really  
29 list the minor changes unless by that you meant the  
30 who, where, what sold, definition of authentic. Are  
31 those the minor changes you -- or are there others?

32  
33 MR. NOEL: Hi, Ryan Noel. Specifically  
34 with the current proposal there's language in there  
35 which is very close to the language that's in the  
36 Marine Mammal Protection Act. Unfortunately, that  
37 language is not provided for in the Migratory Bird  
38 Treaty Act or the protocol or the letter of submittal.  
39 My analysis is that it could be redrafted to use the  
40 language that would provide for the sale of migratory  
41 bird parts, which there is not currently a provision  
42 for. I don't know if I answered that question or not.

43  
44 MR. SFORMO: Could the AMBCC or the  
45 Native caucus get a list of those points that you want,  
46 something in writing, just so it's clear what the minor  
47 changes are for this proposal and then you had a list  
48 of other larger changes. But if you could have a list  
49 of that, that would be really helpful. Thanks.

50

1 MR. NOEL: I can provide that for the  
2 Council if that's requested.  
3  
4 CHAIRMAN NANENG: Thank you.  
5  
6 MR. WOODS: A question for Ryan. Do  
7 you know how many citations have been issued for  
8 migratory bird feathers under this current regulation?  
9  
10 MR. NOEL: I don't know the exact  
11 number. However citations issued by the U.S. Fish and  
12 Wildlife Service for a subsistence hunt there have been  
13 very, very few. I would say, without checking the  
14 numbers, that it's very few over the last 10 years.  
15  
16 MR. WOODS: For use of migratory bird  
17 feathers in Native craft artwork, you mean, or in  
18 general?  
19  
20 MR. NOEL: Oh, I'm sorry. I  
21 misunderstood your question.  
22  
23 MR. WOODS: Since we're discussing  
24 this.  
25  
26 MR. NOEL: Are you specifically  
27 referring to the sale of migratory bird feathers.....  
28  
29 MR. WOODS: Yeah.  
30  
31 MR. NOEL: .....that have been  
32 fashioned into authentic handicrafts?  
33  
34 MR. WOODS: Yeah.  
35  
36 MR. NOEL: And the question is how  
37 many?  
38  
39 MR. WOODS: Yeah.  
40  
41 MR. NOEL: I don't have a number for  
42 you. I apologize.  
43  
44 MR. WOODS: I just want to point out  
45 education is everything. I think the majority of the  
46 Native people are really accommodating and while they  
47 want to comply as much as possible. I thank you for  
48 your support in trying to get this done because it's a  
49 needed necessity. Thanks.  
50

1 MR. NOEL: You're welcome.  
2  
3 CHAIRMAN NANENG: Thanks, Ryan. Maybe  
4 you can turn that off. Rick, did you have a question,  
5 comment.  
6  
7 MR. ROWLAND: Yes. I was wondering if  
8 it would be possible that I could make a motion in this  
9 regard.  
10  
11 CHAIRMAN NANENG: Well, we're under  
12 Council discussion now, so as Council discussion we can  
13 go ahead and make a motion if you guys want to make a  
14 motion. Rick.  
15  
16 MR. ROWLAND: Okay. I'd like to make a  
17 motion to refer this proposal back to the Technical  
18 Committee to develop and redraft it into a useable  
19 proposal.  
20  
21 CHAIRMAN NANENG: There's a motion  
22 made. Is there a second.  
23  
24 MR. UJIOKA: Second.  
25  
26 CHAIRMAN NANENG: Motion made and  
27 seconded. Any further discussion on the motion. Dale.  
28  
29 MR. RABE: Again, the question is, is  
30 there a timeline associated with the action of the  
31 proposal?  
32  
33 MR. WOODS: I think the law enforcement  
34 said he could get it done by July. We'll be good,  
35 right? I don't like to defer and I don't like to table  
36 and I don't like to -- we've been doing that too long.  
37 How many years have you been on this board, Dale? You  
38 know that. I appreciate that. Good question. I think  
39 July would be a good -- let's put it this way. Let's  
40 get it done.  
41  
42 MR. NOEL: To answer the question as  
43 far as law enforcement support, we can certainly work  
44 within that time table. Whenever the question was  
45 asked earlier of when it could be done by, not being  
46 familiar with the process, I did not realize that July  
47 was the cut off, but I do believe we can work within  
48 that time frame.  
49  
50 MR. RABE: When we speak of July, I

1 believe what we're referring to is the fact that the  
2 SRC meets in June and July and they typically take up  
3 the AMBCC issues at their July meeting. So that would  
4 be the deadline. Am I to conclude from this that the  
5 intent is again to complete the process and actually  
6 take something forward to the SRC for their July  
7 meeting?

8

9 CHAIRMAN NANENG: Pete.

10

11 MR. PROBASCO: Dale, would you repeat  
12 your question and I have a comment to your earlier  
13 question.

14

15 MR. RABE: Again, I too am a person  
16 that doesn't like to just leave things sitting on the  
17 table with no sense of when we're going to get back and  
18 address them, conclude them. Depending on how long  
19 this is going to take as a process, I might, in fact,  
20 recommend that we just vote it down and it has to come  
21 back in a year if it really is going to take that long.  
22 That's not what I'm looking for in the way of answer.  
23 What I'm looking for is reasonable expectations of  
24 whether or not this is something that can again be  
25 completed to everybody's satisfaction and still be  
26 moved forward within this annual process.

27

28 CHAIRMAN NANENG: Go ahead, Pete.

29

30 MR. PROBASCO: And I too would like to  
31 see this completed. I would like, if it's okay with  
32 you, Mr. Chair, take a little break and I can talk with  
33 my Staff. I'm not real comfortable yet if we can meet  
34 the July with the hoops we've got to jump through, but  
35 I need to verify that and come back and report to you  
36 if we can meet that date.

37

38 MR. WOODS: That's a good suggestion.  
39 I think we could go through the -- yeah, get some  
40 clarification and also some timeframes. I just lost my  
41 train of thought. I was thinking of how to clarify and  
42 simplify the whole process. I'll bring that thought  
43 back after we convene.

44

45 CHAIRMAN NANENG: There's been a  
46 request for a break, but before we do, Pete, you had a  
47 comment.

48

49 Peter.

50



1 MR. DEVINE: Yes. Thank you, Mr.  
2 Chair. Peter Devine, Aleutian/Pribilof Islands. I am  
3 fully in support of this proposal, but, you know, we're  
4 asking it to go back to the proposer, but this is a  
5 statewide issue. I mean, you know, it shouldn't be set  
6 to one region or another. Would it look better if the  
7 proposal came from AMBCC and covered the whole state  
8 since it's a statewide issue?

9  
10 Yes, that's another question.

11  
12 CHAIRMAN NANENG: Okay. Go ahead,  
13 Peter or Pete.

14  
15 MR. PROBASCO: Thank you, Mr. Chair.  
16 Peter, Pete, same name. My understanding, even though  
17 this was submitted by Kodiak, this proposal would  
18 address statewide.

19  
20 Mr. Chair.

21  
22 CHAIRMAN NANENG: Rick, did you have a  
23 comment.

24  
25 MR. ROWLAND: (Shakes head negatively)

26  
27 CHAIRMAN NANENG: Okay. There's been a  
28 request for a break for Fish and Wildlife Service to  
29 talk about this. Patty.

30  
31 MS. SCHWALENBERG: Thank you, Mr.  
32 Chairman. Just a little housekeeping as long as we're  
33 going on break. The Chugach Region and program village  
34 councils brought more smoked fish like we did at the  
35 January meeting, which is in the cardboard box on the  
36 counter back there. So, please, everyone, feel free to  
37 help yourselves.

38  
39 Thank you.

40  
41 CHAIRMAN NANENG: We'll take a 10-  
42 minute break and get back to the proposal.

43  
44 (Off record)

45  
46 (On record)

47  
48 CHAIRMAN NANENG: We'll go ahead and  
49 call the meeting back to order again. Further  
50 discussion on the legal use of migratory birds

1 handicraft. Pete.

2

3 MR. PROBASCO: Mr. Chair. Thank you  
4 for taking that break. We had a very good discussion  
5 with the Staff. There's a lot of moving parts as we  
6 work through this proposal. I think the key message  
7 for the group is that we're in support of developing a  
8 proposal that will allow this practice of sale of  
9 handicrafts from migratory bird parts. The difficulty  
10 is drafting language that will meet legal scrutiny and  
11 get through the process; i.e., eventually the SRC  
12 process.

13

14 So, with that said and working with the  
15 Technical Committee and AMBCC as a whole, there's a lot  
16 of processes that we have to go through, which is going  
17 to make it very difficult for us to meet that July date  
18 for the SRC. This is not an easy issue. There are  
19 some significant issues here, one being how do we  
20 develop legal language that would prevent these  
21 products getting into the Black Market. That's a key  
22 issue and a key concern.

23

24 Mr. Chair, we're on board. We want to  
25 draft this language, we want to make it happen, but I  
26 don't think we can meet the July deadline.

27

28 CHAIRMAN NANENG: Any more comments.  
29 Peter.

30

31 MR. DEVINE: Yes. Just to tough on  
32 Pete's concern. You know, he goes how do you stop it  
33 from entering the Black Market. I think there's  
34 already processes in place to protect us on that. You  
35 know, the artist silver hand seal shows authentic  
36 Native artwork. I think that base is already covered.

37

38 MR. PROBASCO: Mr. Chair, thank you.  
39 Pete, the issue is now we've got to take whatever  
40 concept, whatever we utilized to identify that, we have  
41 to put that in regulation. We don't have that in  
42 regulation right now.

43

44 CHAIRMAN NANENG: Was there a motion in  
45 place before at the beginning, so can you restate your  
46 motion for everybody, reminding everyone.

47

48 MR. ROWLAND: Yes. Thank you, Mr.  
49 Chair. I was just going to comment to that fact. I  
50 made a motion to refer this proposal back to the

1 Technical Committee for redrafting to develop a useable  
2 proposal. Period. I didn't put July in there.

3

4 MR. RABE: I asked a question that  
5 started us down this road because I don't like to see  
6 things just left uncertain and then it just sort of  
7 falls off the table and nobody does anything.  
8 Recognizing and accepting what the Service has said  
9 some of the issues are, I'm comfortable with the motion  
10 in terms of the expectation is that the Council would  
11 likely see this a year from now with hopefully  
12 significant progress and actually language that we  
13 might be able to get through the process.

14

15 CHAIRMAN NANENG: Frank.

16

17 MR. WOODS: I just put in July because  
18 that's when the Solicitor's Office -- and I think  
19 Pete's right. Thanks for your research on this, being  
20 able to get it in a timely manner, but I think to  
21 complete the whole proposal before we get to --  
22 probably it would take, what, by next fall?

23

24 CHAIRMAN NANENG: Pete.

25

26 MR. PROBASCO: Thank you, Mr. Chair.  
27 Frank, you know, Carol Brown is the chair for the  
28 Technical Committee and I think working with her and  
29 ADF&G and law enforcement I think we could have a draft  
30 by the fall meeting to look at.

31

32 CHAIRMAN NANENG: Anymore discussion on  
33 the motion to refer this proposal back to the Technical  
34 Committee.

35

36 (No comments)

37

38 CHAIRMAN NANENG: It's been moved and  
39 seconded.

40

41 MR. RABE: Call for the question.

42

43 CHAIRMAN NANENG: The question has been  
44 called for for the Native caucus. All in favor of that  
45 motion say aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN NANENG: Those opposed say no.

50

1 (No opposing votes)  
2  
3 CHAIRMAN NANENG: Okay. Let's do a  
4 roll call, the standard operating procedure, I guess.  
5  
6 MS. SCHWALENBERG: U.S. Fish and  
7 Wildlife Service.  
8  
9 MR. PROBASCO: Yes.  
10  
11 MS. SCHWALENBERG: State of Alaska.  
12  
13 MR. RABE: Yes.  
14  
15 MS. SCHWALENBERG: Native caucus.  
16  
17 CHAIRMAN NANENG: Yes.  
18  
19 MS. SCHWALENBERG: Motion passes.  
20  
21 CHAIRMAN NANENG: We'll go on to the  
22 next Proposal No. 5, the Kodiak Island Village Tribes  
23 request to change harvest area seasons and eligibility  
24 and I'd like to ask Patty to start the discussion.  
25  
26 MS. SCHWALENBERG: Thank you, Mr.  
27 Chair. This proposal addresses a previous proposal  
28 that was approved by the Council in 2004 to close part  
29 of the road system in Kodiak where the Coast Guard base  
30 is located, I believe. So now the Kodiak Island Tribes  
31 would like to open that road system. It also addresses  
32 the number of days for harvest, which exceeds the  
33 number of days allowed in the spring and summer hunt.  
34 This is one of the proposals that we have been talking  
35 about that fall into the fall and winter harvest  
36 season.  
37  
38 Thank you.  
39  
40 CHAIRMAN NANENG: Quyana, Patty. Fish  
41 and Game Staff analysis.  
42  
43 MR. RABE: No comments at this time,  
44 Mr. Chairman.  
45  
46 CHAIRMAN NANENG: Thank you, Dale.  
47  
48 Fish and Wildlife.  
49  
50 MR. TAYLOR: Thank you, Mr. Chair.

1 Eric Taylor with Fish and Wildlife Service, migratory  
2 bird management. It's my understand this is the same  
3 proposal that was submitted last year for the proposed  
4 2013 season. The concerns the Fish and Wildlife  
5 Service has with this proposal, as Patty mentioned, it  
6 would extend the open season, which it has allowable  
7 days of 122 to 211 days of hunting. It would also  
8 overlap with the fall hunt. Finally, the third concern  
9 is that it applies to Federally recognized tribal  
10 members who reside in Alaska in Kodiak Archipelago.

11

12 CHAIRMAN NANENG: Thank you.

13

14 Technical Committee comments.

15

16 MS. BROWN: Yes, this is the same  
17 proposal that was presented last year. There were no  
18 changes and no new biological data was presented, so  
19 it's the exact same proposal. We did talk about maybe  
20 suggesting to the board that you come up with some kind  
21 of proposal guidelines for proposers, guidelines for  
22 submission, so that we can make sure and clarify what  
23 the needs are in terms of each proposal and make sure  
24 they're not duplicated when they've already been acted  
25 on.

26

27 Thank you.

28

29 CHAIRMAN NANENG: I forgot to ask, were  
30 there any questions for Fish and Wildlife or for the  
31 Technical Committee reports.

32

33 (No comments)

34

35 CHAIRMAN NANENG: If not, public  
36 comments. Anyone want to make public comments  
37 regarding this proposal. Are you a public?

38

39 MR. RABE: He's changing his hat.

40

41 MR. TAYLOR: Thank you, Mr. Chair. I  
42 just want to add to something that Carol said from the  
43 Technical Committee, which I also sat on. I think this  
44 is a good example where there is confusion even within  
45 the Fish and Wildlife Service sometimes to make sure we  
46 understand the regulations, the policies, letters of  
47 transmittal, amendments to the Migratory Bird Treaty  
48 Act and if it's complex to me and complex to others  
49 that deal with this every day, it's certainly complex  
50 to rural residents.

1                   Indeed, as Carol mentioned, I think we  
2 had discussed in the Technical Committee a better  
3 process for when proposals are first developed, that  
4 the proposer has the opportunity to talk to the Fish  
5 and Wildlife Service, talk to the Department of Fish  
6 and Game, to try to make sure there's a common  
7 understanding of the regulations, what was the  
8 Migratory Bird Treaty Amendment, the guidelines and the  
9 limits associated with that.

10

11                   So, indeed, when a proposal comes  
12 forward, it falls within the guidelines from which we  
13 can act. If it does not, then the proposer should  
14 understand the clear avenues that he or she has  
15 relative to taking other actions in terms of what needs  
16 to happen next. So I just wanted to second what Carol  
17 said. Our office is willing to work with any proposer  
18 to try to make sure there's a good understanding of  
19 anything associated with the proposal.

20

21                   CHAIRMAN NANENG: Quyana, Eric.  
22 Council discussion. Frank.

23

24                   MR. WOODS: This is a long stretch.  
25 Since it's an excluded area that residents in the  
26 excluded area are asking for inclusion, right. Now,  
27 State of Alaska owns and manages -- not owns and  
28 manages. The Native corporation lands chosen for  
29 subsistence use have charter under State of Alaska's  
30 articles of incorporation and they're managed through  
31 State of Alaska. As a co-manager, how would you feel  
32 about pursuing the village corporation asking for State  
33 land to be -- those corporations ought to be included  
34 in that area for subsistence use. That's a long  
35 stretch.

36

37                   If you look in Section 92.5(d),  
38 eligibility and participation will be developed and  
39 recommended by the Co-Management Council, that's you  
40 three, including the Feds, and adopted -- if we adopt  
41 it, it doesn't make it legal until it gets written in  
42 my understanding. If we adopt it, that empowers us to  
43 pursue a different charge. In that regard, it raises a  
44 bar for this Council to actually start managing in  
45 different arenas since it is State, Fed and those  
46 corporation tribal entities.

47

48                   It would be a full long stretch for you  
49 to ask for those corporation lands be included in a  
50 subsistence hunt. Under State of Alaska constitution

1 understand it says all Alaskans, but access is limited  
2 to those corporation of Kodiak, so they would limit  
3 permitting system. If we adopt those protocols, this  
4 is maybe -- maybe you understand where I'm going with  
5 this, Carol.

6  
7                   It may be a long stretch. There might  
8 be a simpler solution, but I mean until we start -- it  
9 says we can adopt regulation. It doesn't mean it's  
10 legal until it gets passed to the Solicitor's Office  
11 and all the Federal bureaucracy levels, but on a State  
12 level it would be pretty straightforward. That we be  
13 included and Native corporation lands be included in a  
14 -- my understanding is that would be a start. So  
15 that's a long stretch, but I think that not just this  
16 proposal but statewide the State and the Feds have to  
17 recognize Native corporation lands and subsistence use  
18 areas that really doesn't fit in both arenas.

19  
20                   CHAIRMAN NANENG: Dale.

21  
22                   MR. RABE: Thank you, Mr. Chairman.  
23 Frank, I'm not sure that I understand what it is you're  
24 asking for. There's a couple of elements as I  
25 understand the proposal -- and, again, maybe I don't  
26 have all of the details fully at my fingertips here,  
27 but one of the elements has to do with the timing of  
28 the seasons and the request is outside of the period  
29 that's allowed under the treaty for this to occur and  
30 thereby extends into a period of time when there is a  
31 recreational hunting season, correct?

32  
33                   But I thought what you were suggesting  
34 had to do with land area and not timing of seasons. So  
35 I may ask you to go back and clarify if I understood  
36 that correctly. But let me finish on the other.

37  
38                   With regards to the seasons, it's  
39 feasible for the State, as has been defined by the  
40 structure of AMBCC, to sit here and provide input and  
41 support the hunting seasons that fall outside of our  
42 other hunting seasons. But when we get into the time  
43 of year when there are other established hunting  
44 seasons for all Alaskans to participate, then the State  
45 has to put on a different hat and then there's a  
46 constitutional issue that we run headlong into about  
47 equal access for everybody into a season that is now  
48 being proposed for a specific subset of Alaskans, so we  
49 have to be very careful in that.

50

1                   With that having been said, go back and  
2 help me understand what it was you were trying to ask  
3 the State whether or not we could reach into this area.  
4 Go ahead.

5  
6                   MR. WOODS: One, the request should be  
7 put in by the State to open up the seasons. That would  
8 be within a timeframe of the treaty, of course. The  
9 second is it's open to everyone, but access is limited  
10 by the village corporation that owns the land. We have  
11 -- in our village corporation we have a land use  
12 permit, an access permit, so that would limit to the  
13 Native shareholders of that region or village  
14 corporation, whatever each area has. Like our region  
15 invited all BBNC Native descendants. That would be  
16 everyone in the Bristol Bay region to harvest and hunt  
17 on our land. Those permits are free. We charge the  
18 non-shareholder a higher fee, just like the State  
19 charges non-residents a higher fee to access our  
20 property. That's in-house stuff. But the State itself  
21 would open the door and allow hunting. Do you see how  
22 that kind of works? It would be open to everyone, but  
23 on State lands it looks like Kodiak surrounding -- it's  
24 an in-holder. Maybe correct me if I'm wrong, Rick.  
25 Kodiak Native is limited or Kodiak Village Corporation  
26 is an in-holder in Federal lands, right?

27  
28                   MR. ROWLAND: Koniag is. Koniag owns  
29 the land. Koniag is the owner of the property at the  
30 head of the bay in this area and it's surrounded by  
31 Federal lands, Federal Alaska Maritime Refuge, Federal  
32 submerged waters and also complicating it in there is  
33 that there are 1,600 members in the Sun'aq Tribe who  
34 have traditionally used that area as well as there's  
35 archeological data that shows this area was used well  
36 before European contact and the other thing that's an  
37 issue related to this that should be looked at is the  
38 hunting of migratory birds time period conflicts with  
39 the egg collecting time period, so those are two  
40 different things that are being considered under that  
41 time allotted period as well.

42  
43                   MR. RABE: Mr. Chairman.

44  
45                   CHAIRMAN NANENG: Go ahead.

46  
47                   MR. RABE: So with regards to the  
48 structure of State seasons and how we normally do that,  
49 whether it's for any of the resident birds or for the  
50 big game species, regulations are adopted or passed,



1 created, really without regard to land ownership and  
2 they're based on our game management area boundaries,  
3 which oftentimes include both Federal, State,  
4 corporation, private land. They may have all of those.

5

6

7

8 Clearly our regulations allow for  
9 everybody to use those lands whenever there's an  
10 established season and with whatever the method and  
11 means and bag limit is, but it doesn't give people  
12 permission to access lands that they wouldn't normally  
13 have access to; i.e., either tribal lands, corporation  
14 lands, if they're closed or, in some cases, Federal  
15 lands where the Federal government has, in fact, closed  
16 and said they're not available for hunting.

16

17

18 So there may be a season and a bag and  
19 opportunity, but it doesn't mean that anybody can  
20 actually go there. It's up to the landowner then.

20

21

22 MR. WOODS: I agree. That's what I'm  
23 saying. Raise the bar. I guess at some point this has  
24 to be addressed on a higher level, maybe a land summit  
25 meeting because there's in-holders in different areas.  
26 Probably YKC has probably got the biggest stake in this  
27 as in-holders in each village just about with the Yukon  
28 Delta Refuge. Each village corporation chose their  
29 land for prime subsistence use, and Myron articulates  
30 this very well, that them lands aren't fully utilized  
31 because of the conflict between the State and the Feds  
32 on opposite ends of -- one for all Alaskans and one for  
33 rural preference subsistence priority.

33

34

35 So, in that arena, I'm thinking in this  
36 proposal is a far stretch -- and I'll shut up for now.  
37 We need to move on. But I think it -- it's just food  
38 for thought for future reference. At some point in  
39 time the State's got to step up and say, okay, we're  
40 going to allow certain -- we're going to open the  
41 season but then allow the village corporation for  
42 access, permitting in a system that's in place that  
43 regulates that use.

43

44

45 I'm intimately involved in the Board of  
46 Game process in our region at least. The first time a  
47 land status map gets put up in ADF&G office and it  
48 outlines access issues, we have permits to be issued  
49 from each land holder and landowner, that has to be  
50 defined in all this because to put the burden of proof  
51 on the user, I think that's the difference of

1 governments. I'll shut up for there, but that's a far  
2 stretch if you understand where I'm going.

3

4 CHAIRMAN NANENG: I'll just make a  
5 comment right now. There's already in existence in  
6 some of the village corporation lands that you cannot  
7 go on their lands to go hunting unless you pay a  
8 permit. It's within the Wildlife -- some of the lands  
9 are within the Wildlife Refuges that have been selected  
10 by the village corporation and some of those are  
11 already within State land areas that were selected by  
12 the village corporations. If you go up the Kuskokwim  
13 River, you have to go over almost 300 miles to get out  
14 of private in-holdings to avoid having to pay a permit  
15 of pretty close to \$500 to be able to hunt for a moose.  
16 So it's already in place.

17

18 Pete, you had a comment regarding that.

19

20 MR. PROBASCO: Well, thank you, Myron.  
21 I'm not going to go down the path Frank went down. I  
22 just want to comment on the proposal and focusing on  
23 that. Based on the fact that we've already acted on  
24 it, I think what we're up against is the same issue as  
25 before, is that we're looking at a proposal that we  
26 can't legally go outside of because of the season  
27 dates. It addresses a harvest area that's been  
28 excluded and it also discusses eligibility.

29

30 So, Mr. Chair, reflecting on the  
31 proposal, I don't see any changes that are different  
32 from the last time that this group acted on it.

33

34 CHAIRMAN NANENG: Dale.

35

36 MR. RABE: Thank you, Mr. Chair. I  
37 have to agree. Patty sent around a note to the  
38 executive committee about whether or not this should be  
39 included in the agenda and my comment back was without  
40 knowing whether or not it had been changed, any content  
41 of the proposal, or whether or not the circumstances --  
42 and there was additional information that was lacking  
43 the last time it was considered. Not having that kind  
44 of information, I suggested that it should by all  
45 rights be included so that we can at least get that  
46 level of knowledge back. But if nothing has changed  
47 from the last time a vote occurred, which would have  
48 been a year ago, I didn't happen to be sitting here at  
49 the meeting at that time, then it seems to me we should  
50 move through this based on that and dispose of the

1 proposal at this point in time. That would be my  
2 suggestion.

3

4 CHAIRMAN NANENG: Rick, speak to the  
5 proposal. Let's not go off to our hunting lands, but  
6 let's speak to the proposal. Go ahead, Rick.

7

8 MR. ROWLAND: Right. Thanks, Myron. I  
9 resubmitted the proposal because of what Geoff said  
10 last year, let's get to yes. Although it's legal -- I  
11 mean although it's illegal, at one time we were allowed  
12 to do these things, to utilize that area. So you're  
13 saying nothing has changed, but nothing has changed  
14 since you changed the regulations to make it to where  
15 we couldn't hunt there, but we should be able to hunt  
16 there and it's just part of a process that we're  
17 following through.

18

19 Of course, yeah, it was voted down last  
20 time and then now, if it's voted down again, that's  
21 fine. Then that will give us justification in our  
22 movement forward to write to the Secretary of Interior  
23 to request that a different approach be taken because  
24 we cannot get any action from the Alaska Migratory Bird  
25 Co-Management Council group in relation to 1,600 tribal  
26 members in this area in relation to Native corporation  
27 lands in Federal waters and Federal submerged waters  
28 and migratory birds, so on, et cetera.

29

30 So however you choose to move forward  
31 is fine with us, but we're working towards fixing it to  
32 where it used to be okay for us to hunt there. Simple  
33 as that.

34

35 CHAIRMAN NANENG: Frank.

36

37 MR. WOODS: Speaking to the proposal,  
38 Mr. Chair. I'd like to reiterate what Eric said, that  
39 we have a list of guidelines, a list of impacts or a  
40 list of regulations that it has. The Technical  
41 Committee -- hey, Carol, did you come up with that list  
42 for the proposer to review the timeframes within the  
43 treaty protocol, the exclusion area that's listed under  
44 Federal regulation and then -- you know, just an  
45 outline, alternatives to this proposal so that it gets  
46 to what our goal is.

47

48 MS. BROWN: So you're wondering if we  
49 had come up with any recommendations to modify the  
50 proposal so that it would be approved, is that what

1 your question is?

2

3 MR. WOODS: Yeah. Like Eric said,  
4 there's a whole list. When we put in a proposal for  
5 migratory birds, there's all the different time and  
6 season treaty protocol and the Federal Register and  
7 then the letter of submittal and then you go through  
8 the process. As someone that's put in a proposal  
9 before to change the seasons, there was no response  
10 back to how to adjust those seasons. The alternatives  
11 for the proposal would be, I guess, your recommendation  
12 on the Technical Committee.

13

14 MS. BROWN: What we concluded was that  
15 there does need to be that process. There needs to be  
16 some kind of guidelines and some information and  
17 perhaps more user-friendly submission form on the  
18 website so that these proposals can -- so the proposals  
19 aren't duplicated and we have to go into lengthy  
20 discussions over the same proposal. So we did not try  
21 to look at it to see how it could change. I think our  
22 recommendation is that some kind of guideline or  
23 checklist for proposers to follow would be in order  
24 right now.

25

26 CHAIRMAN NANENG: There's a  
27 recommendation that there be a checklist to be brought  
28 to the proposer. Do you have any comments or do you  
29 have objections to that because I think we discussed a  
30 little bit about this and I think that we voted on it  
31 the last time. You know, the objective after that vote  
32 was we had a meeting to try and find ways to get to yes  
33 and I think if there's going to be any changes on the  
34 proposal I think that it will be up to the proposers to  
35 do that.

36

37 So we need to take action on this  
38 proposal. Dale.

39

40 MR. RABE: Thank you, Mr. Chair.  
41 Unless Rick wants to take a motion, I would put a  
42 motion to accept the proposal so that we can move this  
43 forward.

44

45 CHAIRMAN NANENG: A motion has been  
46 made. Is there a second.

47

48 MR. ROWLAND: I second.

49

50 CHAIRMAN NANENG: A motion has been

1 made and seconded. Any further discussion on the  
2 motion. Peter.

3

4 MR. DEVINE: Yes, thank you, Mr. Chair.  
5 Okay. The Aleutian/Pribilof region will be submitting  
6 a proposal along the same lines as this. We have 122  
7 days to hunt, but in our area we do not hunt during  
8 this time, the spring and summer. We gather eggs. I  
9 could take 45 of my 122 days and still have 77 days to  
10 hunt in the timeframe where we traditionally used to  
11 hunt, you know, for 10,000 years before the sport  
12 hunter came along and the State is failing to recognize  
13 that. I mean I'll be submitting a proposal also, but I  
14 do support this proposal.

15

16 CHAIRMAN NANENG: Any further  
17 discussion on the motion. Pete.

18

19 MR. PROBASCO: Mr. Chair. Dale, your  
20 motion is to adopt, is that correct?

21

22 MR. RABE: That's correct, Pete, my  
23 motion is to adopt, but I do not intend to vote for it.  
24 My reason I cannot vote for it, at least initially, is  
25 that the season request falls into a period of time  
26 when the State has recognized waterfowl hunting. Even  
27 if the treaty were to be amended to allow for two types  
28 of hunting, I would have to confer with our legal  
29 department, but I suspect that there would be no choice  
30 but for the State to continue to object because of the  
31 equal access elements of the constitution in a time of  
32 year when there are State allowed seasons. So that's a  
33 huge issue from the State's perspective relative to  
34 requesting seasons that are outside of what has  
35 currently been approved by the treaty. I had no choice  
36 in that. I mean I'm here as a State representative and  
37 I have to uphold the State constitution in terms of the  
38 interpretation of that.

39

40 MR. PROBASCO: No, I appreciate Dale's  
41 comments. I also agree with him. I also would like to  
42 add to the record the conservation concerns with the  
43 season dates being proposed. Mr. Chair.

44

45 CHAIRMAN NANENG: Okay. Peter.

46

47 MR. DEVINE: Thank you, Mr. Chair.  
48 With that being said, you know, I have room to tweak my  
49 winter hunt. I mean I could start January 1st,  
50 whatever, after the sport hunters are done.

1                   CHAIRMAN NANENG:  Anymore discussion on  
2 the motion.

3  
4                   MR. WOODS:  Yeah, the alternative --  
5 we're to adopt proposals and then offer alternatives.  
6 Like Pete just mentioned, there's alternatives to this  
7 whole thing there, Dale.  I know that your charge isn't  
8 to be constitutionally correct for all Alaska when you  
9 do make that decision and it's nothing against your  
10 department or the State of Alaska.  They have a  
11 constitution to abide by and that's fine, but I think  
12 that where my long stretch was is that at some point  
13 we've got to address this because it's not just -- it's  
14 going to be an ongoing issue and somebody's got to take  
15 charge and I think if that's you, that might be you or  
16 leave it up to the State.

17  
18                   CHAIRMAN NANENG:  Okay, Eric.

19  
20                   MR. TAYLOR:  Thank you, Mr. Chair.  
21 Eric Taylor with Fish and Wildlife Service.  I have a  
22 couple recommendations relative to this proposal as  
23 well as previous proposals where regional  
24 representatives have expressed an interest in a fall or  
25 winter subsistence hunt and this topic has been  
26 addressed previously by this Council.  I don't know if  
27 a satisfactory solution has been developed.

28  
29                   My concern is that proposals that come  
30 forward that don't fall within the legal framework  
31 currently that's been adopted by the Fish and Wildlife  
32 Service relative to the amendments of the Migratory  
33 Bird Treaty Act, in particular the season time period,  
34 2nd of April to 31 August as well as the maximum number  
35 of days, which is 122.  Those sorts of discussions I  
36 think should -- if there's interest in expanding or  
37 having a hunt beyond those time periods or beyond those  
38 limits, that sort of discussion needs to I think occur  
39 or should occur at the Technical Committee level  
40 because it's pretty clear those proposals are not going  
41 to move forward from this body.

42  
43                   I think it's frustrating for everyone.  
44 It's frustrating for the Fish and Wildlife Service, for  
45 Native caucus, as well as the State of Alaska.  I don't  
46 think we're going to move the needle forward to find a  
47 solution.  I mean I understand Peter's concern that,  
48 indeed, in his region the subsistence hunt has occurred  
49 outside of the 31st of August deadline and I think in  
50 order for us to try to find if there's a solution to

1 that -- and, indeed, there may be some alternatives  
2 where -- although this may not be found as reasonable  
3 or acceptable, one solution is to consider changing the  
4 bag limits in those regions during that time period to  
5 allow a more liberal harvest. That's one  
6 consideration.

7  
8                   Clearly, if there's interest in  
9 changing the subsistence hunt outside the current  
10 guidelines, I think the best place for that discussion  
11 is to go to a Technical Committee and say, okay, what  
12 needs to happen, does a letter need to be written to  
13 the Fish and Wildlife Service headquarters or to the  
14 Solicitor's Office, the Congressional Delegation or  
15 whatever so that discussion moves away from here but  
16 moves to the appropriate place so that indeed some  
17 answers can be found.

18  
19                   MR. ROWLAND: Yeah, it again came back  
20 on because we were under the impression that we were  
21 going to find a way to get to yes, but it's apparent  
22 that -- depending on how this goes, the tribe does have  
23 the authority to consult with the Department of  
24 Interior on this relation and it's also apparent that  
25 from certain comments that have just been made it  
26 doesn't seem like this works in the benefit of the  
27 tribe, the Alaska Migratory Bird Co-Management group to  
28 work towards customary and traditional practices that  
29 have occurred in our area. Depending on what happens  
30 will determine where we have to go because this is a  
31 basic human right for these 1,600 Native people to be  
32 able to do these things that they have customarily and  
33 traditionally done.

34  
35                   Thank you.

36  
37                   CHAIRMAN NANENG: Dale.

38  
39                   MR. RABE: Thank you, Mr. Chairman.  
40 Let me add just a little bit of qualification, Rick,  
41 for your benefit. Because Eric brought up a point of  
42 discussion that we've had with the Council in the past  
43 and that was the thought of whether or not we could  
44 work through the Flyway and other regulatory processes  
45 but specifically the Flyway, which sets the seasons for  
46 the sport hunting season in the fall and into the  
47 winter.

48  
49                   The parameters that would constrain the  
50 State to be compliant with its constitution here would

1 be limited to those species where there are existing  
2 hunting seasons for those species. So, for the species  
3 that are not allowed under recreational hunting that  
4 would be a different discussion regardless of the time  
5 of year. That I don't see necessarily as a conflict  
6 with the constitution. It's the same issue that we  
7 have -- our ability to support these programs during  
8 the summer because the Federal government allows it and  
9 there's nothing that conflicts with it from a State  
10 perspective.

11  
12 So as long as we stay away from those  
13 other State authorized opportunities either in terms of  
14 species or time or completely restricting to a certain  
15 subset which denies other Alaskans an opportunity, you  
16 know, those are discussions that we can -- and I think  
17 the State can help support to make those things happen  
18 to get back as close as possible to the traditions that  
19 you're referring to.

20  
21 CHAIRMAN NANENG: I'll recognize one  
22 more and then we'll vote on the motion. I think we've  
23 had a lot of discussions about this in the past and  
24 we'll go ahead and vote on it after Frank's comment.

25  
26 MR. WOODS: You know, I'm going back to  
27 Dale. I sit and attend and a beneficiary of a co-  
28 management body that the State of Alaska issues permits  
29 for and that's on the Round Island Sanctuary, Round  
30 Island walrus hunt, and it's exclusive for the Qayassiq  
31 Walrus Commission issues their own permits and the  
32 State of Alaska issues an access permit for that  
33 purpose. And there's  
34 ways we can -- just thinking outside the box. I  
35 mentioned -- you know, I was really harping on you  
36 specifically, not to be mean or nothing, but I think  
37 there's avenues that we can pursue to allow certain  
38 subsistence activities under Federal and State  
39 jurisdiction. Thanks.

40  
41 CHAIRMAN NANENG: I made the  
42 determination that -- we can go on this discussion for  
43 the rest of the day, but there's got to be a time and  
44 place to cut it off. I hope I'm not like the local  
45 Anchorage Assembly where they cut off discussion on a  
46 vote on labor laws.

47  
48 (Laughter)

49  
50 CHAIRMAN NANENG: With that, is there



1 anyone that's going to be calling question on the  
2 motion.

3

4 MR. HICKS: I call the question.

5

6 CHAIRMAN NANENG: Okay. Joe has called  
7 the question. I'll ask the Native caucus first. All  
8 in favor of the motion say aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN NANENG: Those opposed say no.

13

14 MR. WOODS: No.

15

16 CHAIRMAN NANENG: Motion carried with  
17 one objection, I guess. Go ahead with the roll call.

18

19 MS. SCHWALENBERG: U.S. Fish and  
20 Wildlife Service.

21

22 MR. PROBASCO: No.

23

24 MS. SCHWALENBERG: Alaska Department of  
25 Fish and Game.

26

27 MR. RABE: No.

28

29 MS. SCHWALENBERG: Native caucus.

30

31 CHAIRMAN NANENG: Yes.

32

33 MS. SCHWALENBERG: The motion is not  
34 approved.

35

36 CHAIRMAN NANENG: Okay. Thank you. I  
37 know that everybody is hungry, but I think we can  
38 continue on with our discussion by holding on to  
39 everybody here. If we showed up on time with all, we'd  
40 have been done by now.

41

42 We'll go ahead with the agenda item of  
43 consent agendas.

44

45 Patty.

46

47 MS. SCHWALENBERG: Okay. The consent  
48 agenda items are for the 2014 regulations and these are  
49 the regional proposals that have been in place for many  
50 years and have not changed. These get either approved

1 or not approved with one motion.

2

3 Thank you.

4

5 CHAIRMAN NANENG: Is there a motion on  
6 the floor to adopt the consent agenda.

7

8 MR. DEVINE: I'll make a motion.

9

10 CHAIRMAN NANENG: Okay, Peter moved.  
11 Is there a second. Or, Jim, you moved and then Peter  
12 second.

13

14 MR. UJIOKA: No, I was going to ask a  
15 question.

16

17 CHAIRMAN NANENG: Okay. Peter has  
18 moved. Is there a second.

19

20 MR. RABE: Second.

21

22 CHAIRMAN NANENG: Dale has seconded.  
23 Any discussion on the motion. Go ahead, Jim.

24

25 MR. UJIOKA: Is this motion for all 11  
26 or are we doing individual?

27

28 CHAIRMAN NANENG: It's a motion for all  
29 11, but if you want to vote, you can vote however you  
30 want to vote. We can do a roll call of each.

31

32 MR. UJIOKA: It was just a  
33 clarification for myself.

34

35 CHAIRMAN NANENG: Okay. Any more  
36 discussion on the motion. Rick.

37

38 MR. ROWLAND: Yeah, last year we did  
39 not consent to this regulation, so we do not consent as  
40 well this year.

41

42 CHAIRMAN NANENG: Okay. There's  
43 already one that's objecting to the consent and these  
44 are regulations that are already in place within the  
45 books. For the record, AVCP has not consented to the  
46 duck stamp requirement. That's our only objection to  
47 the regulations that we have within this book, but  
48 we're working to try and resolve that with our  
49 congressional delegation.

50

1 Anymore discussion on the motion.  
2  
3 (No comments)  
4  
5 CHAIRMAN NANENG: Let's go ahead and do  
6 the roll call, Patty.  
7  
8 MS. SCHWALENBERG: U.S. Fish and  
9 Wildlife Service.  
10  
11 MR. PROBASCO: Yes.  
12  
13 MS. SCHWALENBERG: Alaska Department of  
14 Fish and Game.  
15  
16 MR. RABE: I need to request that we  
17 have some clarification. It's my understanding that if  
18 a region objects, that we would go through a process  
19 and withdraw that region from the consent agenda and  
20 then vote on it. Now we have not yet done that. My  
21 understanding is the vote that's in front of us ignores  
22 the request from Rick to have the Kodiak region  
23 withdrawn from the consent agenda, which will put us  
24 back into a situation we were in two years ago, I  
25 think, as I recall where it's going to leave the Fish  
26 and Wildlife Service in a very difficult situation as  
27 to whether or not to approve any subsistence  
28 regulations for Kodiak based on the recommendations  
29 that go forward.  
30  
31 I happen to be serving as a consultant  
32 to the SRC and by the time the meeting came around  
33 there had been enough additional discussion that the  
34 Service, in fact, approved those regulations even  
35 though the region had asked not to be included. So I  
36 think we need some clarification from Rick in terms of  
37 how we should proceed with this.  
38  
39 MR. PROBASCO: Mr. Chair, I'll withdraw  
40 my vote at this time.  
41  
42 CHAIRMAN NANENG: Okay. So, in  
43 essence, we don't have regulations for this coming  
44 spring, is that what I'm understanding, because one  
45 region is objecting?  
46  
47 MS. SCHWALENBERG: No.  
48  
49 CHAIRMAN NANENG: Okay. Just get  
50 clarification for this.

1 MR. RABE: Procedurally, what we ended  
2 up doing the last time this occurred -- because the  
3 regulations that are contained under item (h) for all  
4 11 regions are based on the assumption that it's a  
5 continuation of the current regulations that were in  
6 place for this past year with no changes being made.  
7 So that much of the regulation, which has to be  
8 approved annually by the Service, goes forward and will  
9 just be dealt with as sort of a procedural thing. But  
10 any region has the opportunity to object and be  
11 withdrawn from that consideration, but it seems to me  
12 that if there is an objection and Rick -- and I should  
13 be quiet because this is really a Service issue, but  
14 having been there when we went through this what  
15 happened was is that the Service is then conflicted  
16 with whether or not to even allow for season, the  
17 spring/summer season in Kodiak, if it's withdrawn and  
18 is not passed forward as a recommendation for  
19 continuation of season and the Service then has to make  
20 a call on that. So I defer to the Service at this  
21 point in terms of what they want to do with it.

22

23 MR. PROBASCO: Mr. Chair. Dale, you're  
24 correct in your summation there. The reason I withdrew  
25 my vote was in courtesy to Rick so that he could  
26 clarify his intent and then assuming that the Chair  
27 would go back to the original motion. The Service's  
28 intent is to do just like we did the past when this  
29 came before us, that we would go forward with  
30 regulations, understanding that a particular region  
31 objected to that. Mr. Chair.

32

33 CHAIRMAN NANENG: Go ahead, Patty.

34

35 MS. SCHWALENBERG: Yeah. A couple  
36 years ago when this happened AVCP and Kodiak withdrew  
37 their consent agenda items, but it sounds like to me  
38 that Kodiak is objecting to or not voting for the  
39 consent agenda, but the Native caucus still -- the  
40 majority still rules and the vote would be yes. If I'm  
41 incorrect, Rick, maybe you can clarify.

42

43 MR. ROWLAND: So the consent to the  
44 2014 regulations is not agreed upon by this group  
45 because we have issues with the regulations that are  
46 holding us out in regard to this regulation that we  
47 voted on related to the proposal. So the same  
48 explanation was made last time. You guys made the  
49 regulations to close it. We still want the area to be  
50 allowed as it was and how you decide to make your rules

1 is your decision. That's what we said last time.

2

3 CHAIRMAN NANENG: Any other comments  
4 regarding the consent agenda. It looks like we've  
5 already voted on it. Frank, one comment before we vote  
6 on it.

7

8 MR. WOODS: Point of clarification, I  
9 guess. If -- I better not go there. (Laughs)

10

11 CHAIRMAN NANENG: Okay, thank you. I  
12 want to go bird hunting. We'll go ahead and vote on  
13 the motion. We've already heard that Kodiak is not  
14 consenting to the consent agenda. For the Native  
15 caucus, all in favor of the consent agenda of the items  
16 for 2014 say aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN NANENG: Those opposed say no.

21

22 MR. ROWLAND: No.

23

24 CHAIRMAN NANENG: There's one no. Go  
25 ahead with the roll call, Patty.

26

27 MS. SCHWALENBERG: U.S. Fish and  
28 Wildlife Service.

29

30 MR. PROBASCO: Yes.

31

32 MS. SCHWALENBERG: Alaska Department of  
33 Fish and Game.

34

35 MR. RABE: Yes.

36

37 MS. SCHWALENBERG: Native caucus.

38

39 CHAIRMAN NANENG: Yes.

40

41 MS. SCHWALENBERG: The motion carries,  
42 Mr. Chairman.

43

44 CHAIRMAN NANENG: With that, thank you.  
45 Now we're down to item 12, budgets. Go ahead, Jim, you  
46 had a question.

47

48 MR. UJIOKA: I'm sorry. Thank you, Mr.  
49 Chair. I'm a little confused on procedure here because  
50 it says any item can be removed under consent agenda --

1 any Council member can have an item removed from the  
2 consent agenda for separate consideration. So that's  
3 not being considered here? I'm just going by what was  
4 provided in the book.

5  
6 CHAIRMAN NANENG: Patty.

7  
8 MS. SCHWALENBERG: Kodiak did not  
9 request to remove their item from the consent agenda.  
10 They're simply not voting for the entire consent  
11 agenda.

12  
13 CHAIRMAN NANENG: Did that clarify your  
14 question?

15  
16 MR. UJIOKA: It did. Thank you.

17  
18 CHAIRMAN NANENG: Thank you. We'll go  
19 on to the next agenda items. We'll see if we have any  
20 money. We'll get a report from Fish and Wildlife  
21 Service as well as from Donna.

22  
23 Okay, Pete.

24  
25 MR. PROBASCO: Thank you, Mr. Chair.  
26 If I need help, Donna and Terry and Eric will help me  
27 out. I do want to report that we do have money. There  
28 is a handout that Donna had that we shared at the work  
29 session and it is at the back there. However, we don't  
30 have a final budget at this time. What I presented at  
31 the work session is money that at this point in time  
32 I'm confident that we will have. Recognizing that in  
33 fiscal year 2013 we're looking at a 7.2 percent budget  
34 reduction from what we were given in FY 2012. On top  
35 of that we've been instructed by Washington to plan for  
36 an additional 5 percent for FY 2014 from what was  
37 allocated in FY 2012.

38  
39 So, in a quick summary, in two years  
40 we're looking at a budget reduction of a little over 12  
41 percent for the entire Department of Interior, U.S.  
42 Fish and Wildlife Service budget. However, we  
43 recognize the importance of AMBCC and the process that  
44 it plays in developing subsistence regulations. What  
45 I've held -- there will be no cost of living increase,  
46 but I've held the FY 2013 allocation numbers equal to  
47 what was given in FY 2012. I've elected not to reduce  
48 those by the 7.2 percent.

49  
50 However, I do recognize, particular as

1 Rick pointed out and a couple others during the work  
2 session is that the grants to the regions still are not  
3 meeting the needs for all as far as being able to  
4 travel, et cetera. However, we did keep that funding  
5 level for FY 2013 equal to what was in '12. We'll see  
6 where we're at once we get the final allocation. We  
7 hope to have that by the end of April. If there are  
8 additional dollars, we will look working with -- as  
9 Geoff Haskett called it, the discretionary costs to run  
10 this program and see if we can bolster some of these  
11 funding areas.

12  
13 To specifically speak to Frank's  
14 question on what do we do with interim harvest surveys,  
15 Frank caught me flat-footed, so I went back with my  
16 Staff and we sat down and reviewed the history and if  
17 you look particularly in the year 2011, there was  
18 commitments made by my supervisor, Regional Director  
19 Geoff Haskett, that during the interim we would provide  
20 funding. There was no specific amount applied, but we  
21 would provide funding based on the BBNA proposal to  
22 provide interim harvest surveys through the fiscal year  
23 until we finally get through the process of developing  
24 this final harvest survey strategy.

25  
26 So, with that said, my Staff have not  
27 sat down with the State and looked at the options that  
28 may be before us for FY 2013 as far as doing harvest  
29 surveys. My commitment to the group is that we will  
30 work with the State, work with whoever, Mr. Chair,  
31 you'd like us as far as AMBCC and look at what can be  
32 accomplished with the limited dollars that we have for  
33 FY 2013 for the interim harvest surveys.

34  
35 Mr. Chair.

36  
37 CHAIRMAN NANENG: Thank you, Pete. Any  
38 questions for Pete on the budgets and the report that  
39 he just made.

40  
41 (No comments)

42  
43 CHAIRMAN NANENG: It seems like we're  
44 running low on money. We need to ask the State to  
45 divvy up some money. I know that Dale is not the  
46 appropriator, but looking at him we wish that he was.

47  
48 MR. RABE: Thank you, Mr. Chair. The  
49 State has no comment on that. (Laughs)

50

1 CHAIRMAN NANENG: Any questions.

2

3 MR. WOODS: Maybe Pete and Terry. In  
4 development of the -- the \$100,000 appropriated for  
5 2013, could any of that money -- so RFPs are going to  
6 be put out. Are those 300-some eligible entities  
7 Alaska-based and Alaska Native oriented and/or State  
8 oriented projects that can include some of the  
9 subsistence survey activity that Pete was talking about  
10 addressed in our letter that in the interim you would  
11 utilize not only combining both the development of a  
12 new survey but also the implementation of a -- see,  
13 like in Dillingham we did a -- in 2008, we did the  
14 model survey that we're operating off of now.

15

16 Right, Liliana?

17

18 MS. NAVES: (Indiscernible - away from  
19 microphone).

20

21 MR. WOODS: Oh. I remember Dillingham  
22 specific working on the prototype for the existing  
23 survey we're operating under right now. So, with that,  
24 is that possible that we include some of those research  
25 dollars or the implementation of a survey dollar to  
26 actually include some of the -- maybe the test projects  
27 that we're talking about so like we're killing two  
28 birds with one stone.

29

30 CHAIRMAN NANENG: Go ahead.

31

32 MR. PROBASCO: Mr. Chair, thanks.  
33 Frank, the \$100,000 that you specifically reference is  
34 dedicated to reevaluating and determining the next  
35 steps in developing this overall harvest survey  
36 strategy.

37

38 As far as specifically speaking to what  
39 BBNA proposed and the State endorsed as well as Mr.  
40 Haskett, I think I can find some money, depending upon  
41 how much, to do that. So no to killing two birds with  
42 one stone, but yes to trying to find a means to do an  
43 interim harvest survey.

44

45 CHAIRMAN NANENG: Do we need an action  
46 on the budgets or are we just going to say he's going  
47 to hand it out to us at some point in the future?

48

49 MR. PROBASCO: Mr. Chair. I'll make  
50 the commitment that I will keep you informed as soon as



1 I get the information and working with Terry and Donna  
2 we'll make sure that everybody here gets a briefing in  
3 where we're at with the final budget. Mr. Chair.

4

5 CHAIRMAN NANENG: Okay. Thank you,  
6 Pete. If there's no more discussion on the budget,  
7 I'll open it for public comments. Any public comments  
8 on all the items that we've discussed above.

9

10 Go ahead, Steve.

11

12 MR. GINNIS: Thank you, Mr. Chairman.  
13 I'll start from yesterday and try to end with today.  
14 No, just kidding. I just wanted to thank you all for  
15 your action on the FNA proposal and I think I got  
16 something positive to take back to my board as well as  
17 those tribal members that live in Fairbanks.

18

19 I guess the only thing that I'm not  
20 very clear on is the timeline of when actually this  
21 could happen. Now my view is very simple. The fact  
22 that it passed here and going to the next process, as I  
23 understand it, whoever that next group is normally  
24 doesn't reject these type of proposals. So I guess in  
25 my world view, I would think that I'm authorized to do  
26 that now. Thank you.

27

28 CHAIRMAN NANENG: Pete.

29

30 MR. PROBASCO: Thank you, Mr. Chair.  
31 Steve, don't get too excited.

32

33 (Laughter)

34

35 MR. PROBASCO: What the AMBCC did this  
36 meeting, and if it goes through the whole process and  
37 they agree with the recommendations from the AMBCC, you  
38 would be looking at being able to do this in 2014. So  
39 don't go to Cramer's field or wherever as soon as you  
40 get home.

41

42 MR. GINNIS: Thank you for your kind  
43 advice, but I think a little different than that.  
44 Anyway, I hope that, Pete, when it gets to that level  
45 that you continue to support that commitment that you  
46 have made here and not throw in all this legality stuff  
47 into it and derail it into another direction. That's  
48 all I ask. Because, as I go home and go back and report  
49 to my board and the constituents in Fairbanks, I'm  
50 going home feeling good despite what you're saying,

1 that there is a commitment that has been made here. I  
2 hope you don't break that -- your division doesn't  
3 break that commitment that has been made here today.

4

5 Over my many, many years of dealing  
6 with governments, that's why I made a statement early  
7 on we're always suspect and I think rightfully so  
8 because so many commitments that have been made to  
9 Alaska Native people have been broken over time. If  
10 you were in my world, I think you'd have the same kind  
11 of feelings. Yes, I do feel good, but I'm also  
12 suspect. I'll just leave it there. Thank you.

13

14 MR. PROBASCO: Thank you, Mr. Chair.  
15 Steve, I respect and totally understand your comments  
16 and I believe that what was passed today that my boss,  
17 Mr. Geoff Haskett, we gave him the vehicle where he can  
18 say yes on this proposal. Mr. Chair.

19

20 CHAIRMAN NANENG: Tim.

21

22 MR. ANDREW: Thank you, Mr. Chairman.  
23 Timothy Andrew with AVCP natural resources. This past  
24 fall there was an extremely disturbing revelation that  
25 had occurred with the fall migratory bird hunt in  
26 respect to swans out in Bethel. One of the local  
27 people took a picture of several swans that were thrown  
28 into the dumpster and it created a pretty good sized  
29 community outrage. Upon further investigation, it  
30 turns out that only the breast meat was salvaged out of  
31 the swans that were thrown into the dumpster. The  
32 head, the neck, the legs, the backbone all still pretty  
33 much intact.

34

35 It's not customary and traditional for  
36 the Native people, the Yup'ik people out in our region  
37 to throw that much meat away, that much edible parts.  
38 I would not like to see that happen with the spring and  
39 summer subsistence harvest because that goes so much  
40 against the grain of all the Alaska Native people all  
41 across the state of Alaska. So we intend to submit a  
42 proposal to prohibit such action and that there must be  
43 a full utilization of all parts of migratory bird.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN NANENG: Quyana, Tim. Anymore  
48 public comments.

49

50 MR. GINNIS: Pete, I forgot to ask you

1 about cultural permit hunts for waterfowl. It was kind  
2 of talked about, but it's not in the form of a proposal  
3 or anything in that nature, but I'd like to ask your  
4 feedback on what you think about a cultural permit for  
5 waterfowl hunting for the purpose of traditional  
6 potlatches and things of that nature. Not just to go  
7 out and harvest them, but for these traditional  
8 practices that we all engage ourselves in.

9

10 MR. PROBASCO: Thank you, Mr. Chair and  
11 Steve. Right now there are no provisions that allow  
12 for a cultural, educational, ceremonial permits under  
13 migratory birds. As you know and as Dale referenced  
14 and Myron, it's under both State and Federal  
15 regulations for other species, wildlife and fisheries.  
16 That provision is provided for. So the vehicle for  
17 migratory birds would be the proposal process and  
18 recognizing that for other species within Alaska that's  
19 already provided for.

20

21 MR. GINNIS: Thank you.

22

23 CHAIRMAN NANENG: Quyana. If there's  
24 no other public comments, we'll go onto the next item,  
25 committee appointments and assignments.

26

27 Patty.

28

29 MS. SCHWALENBERG: Thank you, Mr.  
30 Chairman. At this point in the meeting, the Native  
31 caucus generally caucuses to identify any changes in  
32 the committees' members list. However, this was  
33 completed in January, so the list that is in the binder  
34 has the most up-to-date information as far as the  
35 Native caucus is concerned, so we would just need to  
36 know if there are any changes in the committee members  
37 for the U.S. Fish and Wildlife Service and/or the  
38 Alaska Department of Fish and Game.

39

40 Thank you.

41

42 CHAIRMAN NANENG: Quyana, Patty. Dale.

43

44 MR. RABE: Thank you, Mr. Chairman.

45 There are no changes requested for the State  
46 representation on any of these committees.

47

48 CHAIRMAN NANENG: Pete.

49

50 MR. PROBASCO: Mr. Chair. At this

1 time, there are no changes. If there will be, we will  
2 present them at the fall meeting.

3

4 CHAIRMAN NANENG: Okay. Quyana. Okay,  
5 we go onto the next item, Council and Staff comments.  
6 We'll go with Council first. Frank, you got any  
7 comments after all the talk you've given.

8

9 (Laughter)

10

11 UNIDENTIFIED VOICE: He's hoarse.

12

13 MR. WOODS: I'd like to say thanks for  
14 the board and the Feds and the State for showing up.

15

16 (Laughter)

17

18 MR. WOODS: It really was a productive  
19 meeting and I'm really excited that Patty is working  
20 really hard at getting all the business that we're  
21 doing -- you know, we're actually making history, I  
22 think. The history that was made that we allowed the  
23 subsistence hunt. The history we're making now is out  
24 in -- the fine details that we have to go through, I  
25 think, is just the growing pains of actually providing  
26 what's always been done, so I'm satisfied. We had a  
27 really productive meeting and we're still charging  
28 forward.

29

30 Thanks.

31

32 CHAIRMAN NANENG: Quyana. Rick, you  
33 got any comments.

34

35 MR. ROWLAND: (Shakes head negatively)

36

37 CHAIRMAN NANENG: No. Pete -- Peter, I  
38 mean.

39

40 MR. DEVINE: Oh, where to start. I'd  
41 like to thank the regional reps for showing up,  
42 Council, Staff and all the support that we have.

43

44 This last winter there was a rally  
45 downtown and I would like to thank Joeneal with Ahtna  
46 Corporation for making that happen. I was really  
47 impressed with -- you know, it wasn't Joeneal and a  
48 bunch of old-timers up there. It was actually a young  
49 group of kids pushing this to recognize and get some  
50 publicity for things that we've traditionally done for

1 10,000 years. I think more of them are needed. I'd  
2 like to see more participation from the rest of the  
3 Council. I know Randy Mayo was there, I was there and  
4 a few others. Maybe if they're going to have a rally  
5 like that, maybe a memo out to the people to let them  
6 know that this is going to happen. I mean they made  
7 this happen and it was like two-days notice and I was  
8 surprised with the amount of people that showed up.

9  
10 I guess another concern I have is with  
11 this new group that's going to be coming in and redoing  
12 the harvest survey assessment to see if it's where we  
13 want it, will they be discussing migratory birds only?  
14 Is there going to be a new list developed? You know,  
15 we have issues where there's birds on the list already  
16 that are not migratory and we touched on ptarmigan last  
17 time, but also the sea ducks that we have in our area  
18 are not migratory, so if those could be excluded from  
19 the list maybe with a little bullet at the bottom or  
20 whatever that would be helpful also.

21  
22 With that I'll say thank you and see  
23 you this fall.

24  
25 CHAIRMAN NANENG: Quyana, Peter.

26  
27 Jim.

28  
29 MR. UJIOKA: Thank you, Mr. Chair.  
30 Basically it was a learning experience for me just  
31 seeing how everything fits together and I look forward  
32 to learning more. Thank you.

33  
34 CHAIRMAN NANENG: Quyana.

35  
36 Joel.

37  
38 MR. SACCHEUS: Thank you, Mr. Chair.  
39 On this data release proposal, lots of the people in  
40 our region were against it when we had our meetings in  
41 Nome a couple weeks ago or so because they thought it  
42 would open up the thing to like ask how much moose you  
43 get, how much walrus you get. That was brought up at  
44 our meeting from the village reps.

45  
46 I would like to thank the AMBCC and  
47 Patty for letting us have our meeting in Nome a couple  
48 weeks ago and that was pretty good and there was new  
49 members there. There was lots of subs or alternates at  
50 our meeting and some of them were new. Some were

1 pretty inform -- sure speak lots and there was lots of  
2 meetings going on at the same time in Nome. Some of  
3 the villages, same old villages never showed up just  
4 because they had no representatives or their person  
5 never showed up. That's how the three villages are in  
6 my area.

7

8 I'd like to thank Patty or whoever gave  
9 out this fish here, it was good, and the last time, the  
10 smoked fish.

11

12 It's pretty interesting what Frank  
13 Woods said about having those permits for shareholders  
14 and non-shareholders. I thought that was something and  
15 Myron talking about having no trespassing signs. Never  
16 happened yet up in Elim, but the Elim Corporation would  
17 like teachers and whoever go there to have permits to  
18 go on our land and hunt. We let them do that. Not all  
19 the teachers, but certain teachers like to go out and  
20 hunt.

21

22 The same thing on this subsistence hunt  
23 too. Like he was doing a sport hunt, not with the  
24 bird, it's like caribou. They went out and left -- he  
25 left lots of meat on the caribou there and the Natives  
26 didn't -- like what he was saying about they find those  
27 swans with the breast meat missing. I think that guy  
28 got fined and after that he started taking almost all  
29 the meat back to the villages.

30

31 Too bad Savoonga wasn't at our meeting  
32 this last couple weeks ago to speak about the Emperor  
33 Geese, but the Gambell representatives want to have  
34 this proposal for hunting Emperor Geese where they  
35 could do it legally so they don't get fined or get  
36 their guns taken away.

37

38 That's all. Thank you, Mr. Chair.

39

40 CHAIRMAN NANENG: Quyana, Joel.

41

42 Joeneal.

43

44 MR. HICKS: I want to say thanks for  
45 everybody here who attended. I think this was a very  
46 productive meeting also. I believe that we are headed  
47 in the right direction that we had talked about last  
48 January through our Native caucus, through our summit,  
49 et cetera. In other words, I think we are headed  
50 towards the right direction where this is a co-

1 management council where we can all work together  
2 towards the betterment of what we're charged to do.

3  
4 I wish you all safe travels back to  
5 where your destination is. I know it's summertime,  
6 fishing season is coming up. Be safe. You know, just  
7 take care of yourself out there.

8  
9 There is several things that I'd just  
10 like to point out and I know that all of you know about  
11 it and that is what they call global warming. I've  
12 actually seen snowbirds in the first week of February  
13 that is very, very unusual. I mean usually snowbirds  
14 don't show up until about the last week or middle part  
15 of March, but they have showed up very, very early and  
16 that kind of like puzzles me. You can see where there  
17 is a lot of overflow along the highways. The water has  
18 nowhere to go because there's not enough snow cover on  
19 it. Our seasons are changing is what I'm saying.

20  
21 I think we need to really reflect on it  
22 as a group somehow, someday, to see how we can -- I  
23 mean it changes everything. It changes the seasons for  
24 us, changes the way we live, et cetera, et cetera. In  
25 my view, global warming, I mean thank you because I  
26 don't have to spend so much on fuel, but it's there and  
27 we need to recognize it.

28  
29 The other concern that I had and I know  
30 I voiced it earlier and that is we need to get these  
31 grants in place. I mean we are all hurting for it and  
32 I know funding is limited, but we need to get this  
33 grant in place and signed and done. Put it that way.

34  
35 With that, I'll say it was a good  
36 meeting.

37  
38 Thank you all and I'll see you this  
39 fall.

40  
41 CHAIRMAN NANENG: Quyana, Joeneal.  
42 Patty.

43  
44 MS. SCHWALENBERG: Thank you, Mr.  
45 Chair. Just briefly, I want to recognize Donna  
46 Dewhurst and Terry for the work they've been doing in  
47 helping me move the agenda of the Council forward and  
48 the Council members for their direction, their guidance  
49 and their support in my position. We're entering new  
50 territory and I think the positive direction that I've

1 been getting from all the members of the Council has  
2 really helped a lot.

3  
4 I also appreciate the invitations to  
5 the regional meetings and I've been attending as many  
6 as I can. It's really been a good learning experience  
7 for me, so I appreciate that too.

8  
9 Also the State help, especially with  
10 Dan Rosenberg and guidance from Dale have helped me  
11 answer questions that I don't necessarily know in the  
12 State's management process, so I think that working  
13 together we've really been making some positive changes  
14 and I appreciate everyone's support in that.

15  
16 Thank you.

17  
18 CHAIRMAN NANENG: Quyana, Patty. Dale.

19  
20 MR. RABE: Thank you, Mr. Chairman.  
21 I'd like to echo that I think it was a very good  
22 meeting. I think we've made some headway towards  
23 getting back to the traditional activities and uses of  
24 these bird resources during this meeting and that's  
25 encouraging. I tend to be positive and I understand  
26 that we haven't made it all the way back and that  
27 there's some very big hurdles ahead and we'll continue  
28 to work on all of that to the extent that we can move  
29 that bar forward.

30  
31 I'd like to thank Patty for all of her  
32 coordination in bringing the information forward and  
33 getting the Council organized and the committees work  
34 that's been done. The greater amount of work that's  
35 being done outside of our actual meetings.

36  
37 And to both Patty and Donna I  
38 understand were responsible for bringing some of the  
39 treats that everybody, I think, has enjoyed. I hope  
40 that we have in large part compensated them for their  
41 contributions if that was out of pocket.

42  
43 I'd also like to thank the Service,  
44 Pete and his staff, for all their hard work that they  
45 do and for providing the conference facility so that  
46 the meeting could be held here.

47  
48 I also want to thank Dan Rosenberg, who  
49 is our lead waterfowl specialist, for all of his work.  
50 He does the yeoman's work for all the technical



1 analysis that goes into these meetings. He wasn't able  
2 to be here. It was kind of tough approving his travel,  
3 but he does enjoy being out in the field and so he's  
4 down on the Kachemak Bay doing some field work right  
5 now.

6  
7 Finally, I'd like to thank everybody  
8 for an opportunity to participate as part of this  
9 Council. I say that from the standpoint that my wife  
10 and I are beginning to ponder the thought of retirement  
11 at this point. And though it's not clear whether we  
12 will be successful in making such a transition or when  
13 that may occur, in the event that I'm not here for the  
14 fall meeting, again I want to thank everybody. In the  
15 event that I am here, I look forward to the next  
16 meeting in the fall.

17  
18 Thanks.

19  
20 CHAIRMAN NANENG: Thanks, Dale. Before  
21 I recognize Pete, I'll ask Terry so that Pete will have  
22 to justify whatever Terry says. Terry.

23  
24 (Laughter)

25  
26 MR. DOYLE: I don't have anything to  
27 add, Myron.

28  
29 Thanks.

30  
31 CHAIRMAN NANENG: Okay.

32  
33 Pete.

34  
35 MR. PROBASCO: Thank you, Mr. Chair.  
36 Myron, it's good to be back on your team again. 1975,  
37 back in UAF. But in all seriousness, I'm very  
38 impressed with this process and very impressed with  
39 what -- each one of you brings your knowledge of your  
40 area and knowledge of your traditions and your values.  
41 I really respect them.

42  
43 Patty, I look forward to working with  
44 you. You've done a great job almost a year now and  
45 with you help along with Donna and Terry, Eric, Tamara,  
46 that got me out of trouble. Even though Frank caught  
47 me flat-footed, you saved me and I appreciate that.

48  
49 I look forward to the fall meeting and  
50 I would Echo Joe's comments. Be safe.

1                   CHAIRMAN NANENG: Quyana, Pete. Anyone  
2 from the Staff out there that want to make a comment  
3 before I make the closing comments.

4  
5                   (No comments)

6  
7                   CHAIRMAN NANENG: No takers. With  
8 that, I'd like to thank everyone for being here. I've  
9 lived, breathed and eaten a lot of birds over the years  
10 while I'm talking about trying to find ways to work  
11 with our people on conservation measures. And I'd like  
12 to thank everyone here from your respective regions for  
13 being here today and for the last few years and trying  
14 to get the implementation of the Migratory Bird Treaty  
15 Protocol Amendment, which finally recognized our  
16 subsistence hunting of migratory birds.

17  
18                   There's still some issues that we need  
19 to work on, like the point that Tim raised in public  
20 comments regarding breasts only of migratory birds.  
21 And for people to find that swans having been found in  
22 the dumpster with only the breasts removed is very  
23 disturbing because once upon a time out in the Y-K  
24 Delta we used to call the swans \$500 birds, meaning  
25 that they were such in low numbers at that time that  
26 Fish and Wildlife Service would come around and fine  
27 anyone that was harvesting swans back then.

28  
29                   I think we'd request the State of  
30 Alaska and the Board of Game to consider that breast  
31 only requirement when they harvest migratory birds  
32 because when we harvest migratory birds we teach our  
33 children that the whole bird is useful to you either  
34 for nutrition or other things.

35  
36                   There's some other things that we grew  
37 up with. When I was a child, I had a King Eider parka.  
38 Nowadays we don't have that because we go to Eddie  
39 Bauer and get an Eddie Bauer coat and they have down  
40 inside of them. One of the elders from the village  
41 asked if they're concerned about waterfowl, how come  
42 they have down in these coats. So we've had to try and  
43 explain to them that those were farm-raised birds that  
44 they were using to try and get the down from to make  
45 those coats that keep us warm today.

46  
47                   You see a lot of evolution of bird  
48 management. Once upon a time, like I stated before in  
49 one of my previous comments, is that the only people  
50 that seem to have been blamed for the cause of the

1 decline of Cacklers back in 1984 were our own Native  
2 people. Over the years what we have learned is that  
3 there's predators. We're all predators of these birds,  
4 but there are other predators like foxes, seagulls and  
5 even ravens. Ravens are becoming more scavengers out  
6 in our region that they're also affecting the migratory  
7 birds and their nesting. You can see at this time of  
8 the year that they're impacting the flight of  
9 ptarmigans during the springtime because they're going  
10 after them for food.

11  
12                   If there's too many regulations or  
13 rules and regulations, one of the elders said, well,  
14 you know, we're told in our Native culture don't ever  
15 bother a raven, but if you're a law enforcement person,  
16 go ahead and hunt the raven so that -- or if you're  
17 coming up with regulations that restrict our people  
18 from being able to hunt migratory birds, go hunt the  
19 raven because, as I say, if you kill a raven, bad luck  
20 will happen to you. So those are comments that I've  
21 heard from our elders, but they say it respectfully,  
22 trying to convey to them -- convey to the people that  
23 we sit with at meetings as part of a way to try and  
24 teach them that we have a different lifestyle in our  
25 respective areas and our villages that kind of brought  
26 this Migratory Bird Treaty Protocol Amendment forward  
27 and it took a long time to get there.

28  
29                   But I really appreciate the fact that  
30 we're trying to work through this process and sometimes  
31 I'm not happy with the process because sometimes it  
32 seems like our people are, like I stated before, being  
33 coated with regulations or clothed in regulations. I  
34 think that eventually we'll get there to the point  
35 where our people and even our young people will start  
36 respecting the resources that we live off of and be the  
37 guardians of these resources at some point in the  
38 future.

39  
40                   With that, I'd like to thank everyone  
41 for being here today. I know that we've had a busy two  
42 days and we seem to have gotten a lot of things done  
43 and a lot of discussion on these matters. I'd like to  
44 thank everyone for their contribution and comments to  
45 this.

46  
47                   I know that this guy sitting on my  
48 right side was my teammate. Nowadays I'm going to have  
49 to give him a body check.....  
50

1 (Laughter)  
2  
3 CHAIRMAN NANENG: .....over some of the  
4 disagreements that we may have in working with the  
5 migratory bird issues.  
6  
7 MR. PROBASCO: I'll never drop my  
8 gloves.  
9  
10 (Laughter)  
11  
12 CHAIRMAN NANENG: So, with that, thank  
13 you very much everyone. The date and time of the next  
14 meeting, it will be sometime this fall and we'll leave  
15 it to Patty to get that date as well as the place of  
16 the meeting.  
17  
18 With that, thank you everyone.  
19  
20 MR. PROBASCO: Thank you, Myron.  
21  
22 CHAIRMAN NANENG: We'll entertain a  
23 motion to adjourn.  
24  
25 MR. WOODS: So moved.  
26  
27 MR. HICKS: Second.  
28  
29 CHAIRMAN NANENG: Motion made and  
30 seconded. All in favor say aye.  
31  
32 IN UNISON: Aye.  
33  
34 CHAIRMAN NANENG: Those opposed say no.  
35  
36 (No opposing votes)  
37  
38 CHAIRMAN NANENG: Thank you very much.  
39  
40 (Off record)  
41  
42 (END OF PROCEEDINGS)

