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ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

APRIL 8, 2009

VOLUME 1 OF 2

 Taken at:
 Kaloa Building
 1689 C Street
 Anchorage, Alaska

Council members present:

- Molly Chythlook Bristol Bay Native Assoc.
- Joeneal Hicks Copper River Native Assoc.
- Sandra Tahbone Kawerak, Inc.
- Peter Devine Aleutian/Pribilof Islands Assoc.
- Herman Squartsoff Sun'aq Tribe of Kodiak
- Mike Pederson North Slope Borough
- Randy Mayo Tanana Chiefs Conference
- Ida Hildebrand
Patty Schwalenberg Chugach Regional Resources Comm.
- Dale Rabe Alaska Department of Fish & Game
- Doug Alcorn U.S. Fish and Wildlife Service

1 PROCEEDINGS

2 DOUG ALCORN: I'd like for everyone
3 to take their seats. We're ready to convene the
4 meeting today on the Alaska Migratory Bird
5 Co-Management Council. And we have a little bit
6 of A different protocol today, simply because we
7 don't have microphones, we don't have a recording
8 of this; we have a court reporter here taking the
9 notes, as opposed to recording this on a tape.
10 So, I don't know what that means, I guess we'll
11 defer to the reporter. If she asks us to slow
12 down or repeat something, we'll defer to her.

13 This is a call to order. We're
14 going to go through our agenda, look it over
15 before we approve it. So, if you will turn to
16 it, it's before you get to tab 1 in your binders.

17 We're going to begin -- as is
18 customary in many of the meetings that I've
19 attended recently on the North Slope, there's an
20 invocation. I realize this is a break from our
21 AMBCC tradition, and I'm going to ask Herman if
22 he would give an invocation.

23 If anybody is offended by that,
24 you're welcome to step out. But in keeping with
25 the traditions of the Native villages, meetings

1 that I've attended, I'm going to ask Herman to do
2 that.

3 Would everybody stand up?

4 HERMAN SQUARTSOFF: I'm going to do
5 one for myself. The next one I'm going to do
6 "Our Father," if anyone wants to join in.

7 (Invocation.)

8 DOUG ALCORN: Thank you. All
9 right. It's item 3 on the agenda, seating of
10 alternates. Fred, would you --

11 FRED ARMSTRONG: Mr. Chair, we have
12 an e-mail from Patty Schwalenberg. She's having
13 Ida Hildebrand here for the meeting today.

14 Taqulik Hepa from North Slope
15 Borough sent a letter requesting that we seat
16 Mike Pederson as the alternate.

17 And Tanana Chiefs sent a letter
18 requesting that we seat Randy Mayo as the
19 alternate at this meeting.

20 DOUG ALCORN: Thank you. Welcome.
21 Please feel free to participate.

22 And I will do the roll call. I'll
23 turn to the secretary and ask for a roll call.

24 DALE RABE: Would the members
25 indicate their presence if they are here? And I

1 apologize if I don't pronounce all of the names
2 correctly.

3 Association of Village Council
4 Presidents?

5 Not here.

6 Bristol Bay Native Association.

7 MOLLY CHYTHLOOK: Here.

8 DALE RABE: Chugach Regional
9 Resources Commission.

10 IDA HILDEBRAND: Here.

11 DALE RABE: Copper River Native
12 Association.

13 FRED ARMSTRONG: Mr. Chair, Joeneal
14 indicated he'll be a little late. He's coming
15 from another meeting.

16 DOUG ALCORN: When he gets here,
17 we'll recognize him.

18 DALE RABE: The Kawerak --

19 SANDRA TAHBONE: Here.

20 DALE RABE: Valdez Intertribal
21 Fish & Wildlife Commission is not here.

22 Aleutian Pribilof Islands
23 Association; not here.

24 Sun'aq Tribe of Kodiak.

25 HERMAN SQUARTSOFF: Sun'aq Tribe

1 here.

2 DALE RABE: Maniilaq Association?

3 Not here.

4 North Slope Borough.

5 MIKE PEDERSON: Here.

6 DALE RABE: Tanana Chiefs

7 Conference.

8 RANDY MAYO: Here.

9 DALE RABE: Alaska Fish & Game is

10 here.

11 U.S. Fish and Wildlife Service.

12 DOUG ALCORN: Here.

13 DALE RABE: We have eight members

14 present.

15 DOUG ALCORN: Okay. Thank you,

16 Mr. Secretary. That's a quorum. Seven is

17 actually a quorum for this body. We have enough

18 representatives to take action today.

19 We're going to move down to item 5,

20 introductions. We'll begin with introductions

21 from the Council. Then we will go into the

22 audience and ask you to introduce yourself.

23 I'm Doug Alcorn. I'm the assistant

24 regional director for migratory birds and state

25 programs here in Anchorage.

1 HERMAN SQUARTSOFF: Herman
2 Squartsoff, Sun'aq Tribe, representing the Kodiak
3 region. I'm also the vice chair this year on the
4 Council. And a spokesperson for the Native
5 groups.

6 MOLLY CHYTHLOOK: Molly Chythlook,
7 with BBNA.

8 MIKE PEDERSON: Mike Pederson,
9 North Slope Borough, Barrow.

10 IDA HILDEBRAND: Ida Hildebrand,
11 Chugach Regional Resources Commission, Prince
12 William Sound area.

13 RANDY MAYO: Randy Mayo, Stevens
14 Village, tribal council member and Tanana Chiefs
15 region representative.

16 SANDRA TAHBONE: Sandy Tahbone,
17 Kawerak.

18 PETER DEVINE: Peter Devine,
19 Aleutian/Pribilof from Sand Point.

20 FRED ARMSTRONG: Fred Armstrong,
21 the executive director for the Council.

22 DALE RABE: Dale Rabe, deputy
23 director for the Division of Wildlife
24 Conservation, Alaska Fish & Game.

25 DOUG ALCORN: Let's start with you

1 on the end.

2 WENNONA BROWN: Wennona Brown,
3 subsistence coordinator arctic national wildlife
4 refuges, Fairbanks.

5 WILLIAM OSTRAND: Fish and Wildlife
6 Service and staff to the Co-Management Council.

7 DAN ROSENBERG: I'm Dan Rosenberg,
8 Alaska Department of Fish & Game.

9 NATALIE DAWSON: Natalie Dawson,
10 staff scientist, Center for Biological Diversity.

11 STAN PRUSZENSKI: Good morning.
12 Stan Pruszenski with Fish and Wildlife Service,
13 Office of Law Enforcement.

14 GEOFF HASKETT: Geoff Haskett,
15 regional director U.S. Fish and Wildlife Service.

16 ERIC TAYLOR: I'm Eric Taylor with
17 the Waterfowl Management Branch with the Division
18 of Migratory Bird Management, Fish and Wildlife
19 Service here in Anchorage.

20 RUSS OATES: Russ Oates with the
21 Division of Migratory Bird Management with the
22 Fish and Wildlife Service in Anchorage.

23 JOSHUA BACON: Joshua Bacon, North
24 Slope Borough, Department of Wildlife Management,
25 Barrow.

1 BOB TROST: Bob Trost, with the
2 U.S. Fish and Wildlife. I'm the Pacific Flyway
3 representative.

4 MATT VARNER: Matt Varner,
5 endangered species program leader for BLM Alaska.

6 BARRETT RISTROPH: Barrett
7 Ristroph, North Slope Borough staff.

8 A SPEAKER: Don, Sun'aq Tribal
9 Council and alternate to Herman.

10 MATT WHISTLER: Matt Whistler, U.S.
11 Fish and Wildlife Office of Law Enforcement.

12 BRUCE PETERSON: Bruce Peterson,
13 Department of Fish & Game, Division of
14 Subsistence.

15 JIM SIMON: Jim Simon, regional
16 supervisor for the Division of Subsistence with
17 Fish & Game for Arctic, Yukon and Kuskokwim
18 regions.

19 FRANK WOODS: Frank Woods
20 subsistence coordinator, Bristol Bay Native
21 Association.

22 LILIANA NAVES: Liliana Naves, I
23 work for the Division of Subsistence for the
24 Alaska Fish & Game.

25 DAVE HOWELL: Dave Howell, Bureau

1 of Land Management.

2 DOUG ALCORN: I think that's
3 everyone. Thank you all.

4 It's also my privilege and honor to
5 introduce our new regional director, who is the
6 next one on the list, and I wanted to give him a
7 moment or two to welcome the group and to just
8 give a little introduction to himself.

9 So, Geoff, I'll ask you to come to
10 the table.

11 GEOFF HASKETT: Good morning.
12 Thank you for having me here.

13 As Doug mentioned, I'm here to
14 welcome you all. I'm glad that everyone is here.

15 I'm actually really impressed with
16 this process. The more I learn about it, the
17 more I'm impressed with it. I think it's very,
18 very complicated in terms of dealing with so many
19 different groups. And the fact -- I know it's a
20 hardship for a lot of you to be able to even make
21 it to all of these different meetings. I very
22 much appreciate that, and I'm glad I have the
23 opportunity to be here and listen in.

24 My intent is this morning to sit in
25 the back and learn as much as I can; listening a

1 lot. I can't be here this afternoon. But at
2 least up to lunch I'll be listening in and just
3 paying attention. That's my plan.

4 I had the opportunity yesterday to
5 meet with the Native Caucus. I thought that was
6 a really good session that we had. Covered a
7 number of different things.

8 I won't spend too much time talking
9 to you. I didn't know, Doug, if we were going to
10 have some ability to have some discussion here or
11 not.

12 DOUG ALCORN: Yeah.

13 GEOFF HASKETT: But one of the
14 things I thought about yesterday after our
15 meeting is that we're never going to get to the
16 point where we have agreement on all things, but
17 I think as long as we're all working towards
18 resolving issues, we have questions and
19 differences, we're going to be okay. My sense is
20 we're together on a lot more things than maybe we
21 have been in the past.

22 Doug has mentioned that I'm the new
23 regional director. I'm not sure I can call
24 myself new too much longer. I hit six months
25 about a week ago. At some point I can't keep

1 using that as an excuse. For a while, I can say
2 "I don't know, I haven't been here long enough.
3 I wasn't a part of that." I try not to do that
4 too much, anyway. The six months I've been here,
5 in some ways it feels much longer. The learning
6 curve for me is very, very steep, but I'm doing
7 the best I can to stay on top of that. Mostly
8 it's just -- I really very much like being here
9 to spend some time with you-all and thought I
10 would just throw it all open for any questions or
11 comments you might want to give me while I'm
12 here.

13 DOUG ALCORN: Questions from the
14 board?

15 HERMAN SQUARTSOFF: Mr. Chair,
16 yeah.

17 Geoff, I appreciate you coming over
18 yesterday and being with us.

19 Like I mentioned to him, he was one
20 of the first -- I've been on the Council here now
21 ten years, and he's the first regional director
22 that was really able to actually sit down with us
23 in a meeting, you know, where we spent about an
24 hour, maybe a little longer, and then also have
25 lunch with us. And all the ones we had before

1 would come in, do a little introduction, "Hi, see
2 you later," and they were gone. But the big --
3 it's a good step for us, because that line of
4 communication is going to help us a whole lot.
5 And that's usually always the big problem with a
6 lot of things, communication. We can have the
7 head man down here to sit with us, listen to us
8 where we talk and sit with the Native group, you
9 know, also by themselves was good. So we'll have
10 that line of communications open. And I felt
11 comfortable with it yesterday. And I assume some
12 of the other ones did, too. So I think that was
13 great. I really appreciate it, Geoff.

14 Thank you.

15 GEOFF HASKETT: Lunch was great,
16 too. Delicious.

17 HERMAN SQUARTSOFF: I told Doug
18 that he didn't get the shrimp.

19 DOUG ALCORN: You ate my shrimp.

20 GEOFF HASKETT: They said, "Save
21 some for Doug."

22 And I said "I don't think so."

23 DOUG ALCORN: Shrimp on a stick.

24 IDA HILDEBRAND: I'd just also like
25 to express my appreciation for your willingness

1 to sit down and discuss, and while we may not
2 agree, that you are open to discussion. And that
3 goes a long way to resolving issues, and I do
4 appreciate that.

5 GEOFF HASKETT: Thank you.

6 I expect to have a lot more
7 agreement than disagreement, too. That's always
8 a good thing.

9 DOUG ALCORN: All right. Seeing
10 nothing else. Geoff's committed to staying here
11 through the morning.

12 I apologize, it's a little bit of
13 the administrative stuff that will occupy some of
14 our time. But we will have a break, a Native
15 Caucus break sometime during the morning, and
16 that will give those of us that are still here
17 remaining maybe an opportunity to introduce
18 ourselves to Geoff.

19 GEOFF HASKETT: I'll leave some
20 cards here on the table, so if anybody doesn't
21 have my card, grab it. It's easy to get ahold of
22 me. Call me or e-mail me.

23 DOUG ALCORN: Service Flyway
24 Representative Bob Trost is another one that we'd
25 like to introduce. And we'll offer him an

1 opportunity to provide some insights, possibly,
2 from the Pacific Flyway Council. Things that are
3 new and novel.

4 BOB TROST: Thank you very much,
5 Doug.

6 As many of you know, I've been
7 coming to these meetings since prior to the time
8 when the AMBCC was formed. And I enjoy the
9 opportunity to do this. And if you're a little
10 bit confused about why it is that I do come, I'll
11 just briefly try to tell you that I try to act as
12 a liaison between the Washington, D.C. part of
13 the migratory bird program and my role as staff
14 person to the Service Regulations Committee in
15 communicating these things both back to all four
16 other flyways in the Lower 48, and also to the
17 national staff so that they're aware of what kind
18 of issues you're discussing, what sort of
19 background material has some relevance. And at
20 the end, when these proposals are presented to
21 the Service Regulations Committee, they at least
22 have some general understanding of the process.
23 And as you are all well aware, part of the
24 requirements of the treaty amendment or the
25 protocol, anyway, were that the Flyway Councils

1 be given an opportunity to review your proposals,
2 and so we try to facilitate that to make sure
3 that they're all in the knowledge. You might
4 imagine the representative from the state of
5 Delaware does not always really make the extra
6 effort to find out what's going on, and we don't
7 like to surprise them with any of these issues.
8 So that's what I try to do.

9 The other thing I've actually been
10 trying to keep you informed of is I have the lead
11 for the Fish and Wildlife Service on revising the
12 Environmental Impact Statement that allows
13 hunting. This time when we're revising that
14 Environmental Impact Statement, we are including
15 subsistence harvest as well as the harvest
16 programs on the national wildlife refuge system.

17 In that regard, obviously, this is
18 the first time we will address these regulations
19 which are permitted by the relatively recent
20 amendment to the treaty in our Environmental
21 Impact Assessment.

22 And I'd like to tell you I'm on
23 schedule with this; I'm not. I'm a couple months
24 behind right now. We're very fortunate in that
25 we have been able to hire a NEPA consultant who

1 is a former solicitor for the Fish and Wildlife
2 Service who handled all of the migratory bird
3 issues. And he is helping us reformat some of
4 this stuff in what he believes will be a more
5 clear and concise manner to communicate some of
6 the issues involved.

7 Since this deals with subsistence
8 harvest, we will be requesting your review and
9 comments on this document. And as I've indicated
10 previously, right now we are hoping to have
11 perhaps a release as early as July. But I would
12 suspect that probably at your next fall meeting
13 we would like to request a block of time on your
14 agenda, perhaps 20 minutes to a half hour, to go
15 through at least in some detail the specifics
16 regarding subsistence harvest and the
17 alternatives that are in the EIS, and to give you
18 a brief overview of the other issues that we're
19 trying to address.

20 With that, I'll conclude my report,
21 but I'll be glad to answer any questions anyone
22 may have.

23 DOUG ALCORN: Thanks, Bob.

24 Anybody have questions for Bob?

25 You need to identify yourself for

1 the record.

2 BARRETT RISTROPH: This is Barrett
3 Ristroph from the North Slope Borough, for the
4 record.

5 I missed the first thing you said
6 about what the Environmental Impact Statement was
7 for. Did you say EIS or EA?

8 BOB TROST: It's an EIS. It's a
9 supplement. We have two previous ones; one in
10 '76, and one in '88. This is a supplement to the
11 '88 one. And it covers all migratory bird
12 hunting.

13 BARRETT RISTROPH: Thanks. That
14 answers it.

15 DOUG ALCORN: Any other questions
16 of Dr. Trost?

17 HERMAN SQUARTSOFF: Bob, I just
18 want to thank Bob for the good job that he has
19 been doing for us. Ever since he's been on the
20 board, he gets the message across real well down
21 there in the Flyway Council meetings and the SRC.
22 I went with him, I don't know four, five years in
23 a row, and Bob was right there with us. And that
24 he really helped us represent the State here, and
25 then the AMBC Council real well. Has a good

1 understanding of what we're doing.

2 And I believe, Mike, you were down
3 last year, you probably feel the same way. Some
4 of the other ones that were down here. But he
5 has been doing a great job for us, and it's been
6 a big help.

7 So thank you, Bob.

8 BOB TROST: Thank you, Herman.

9 DOUG ALCORN: Seeing no other
10 questions or comments, thanks, Bob. Thanks
11 Herman.

12 We're down to item 6 on the agenda,
13 the adoption of the agenda for this meeting. And
14 I'm going to open the floor to the Council
15 members to offer any additional items or make
16 amendments to this draft agenda that we have
17 here. Anything from the body?

18 HERMAN SQUARTSOFF: So move that we
19 adopt.

20 DOUG ALCORN: Okay. I'm going
21 to -- before I call the question, I'm going to
22 ask -- I'm just going to add an item under A,
23 10A, old business. I think that it's important
24 to explain the amended regulations for the North
25 Slope, and that's the agenda item. But also to

1 talk about our expectations for consulting with
2 the AMBCC, and so I'll explain that. I don't
3 know that it actually needs to be written in the
4 agenda, but that's going to be part of the
5 discussion, one change that I wanted to make.

6 I have no other changes. Anyone
7 else have a change?

8 SANDRA TAHBONE: Mr. Chairman, I
9 would like it to be added as a separate. So, B,
10 listed separately.

11 DOUG ALCORN: Okay. B, all right.

12 HERMAN SQUARTSOFF: We didn't have
13 a second to the motion.

14 DOUG ALCORN: Do we have a second?

15 PETER DEVINE: Second.

16 DOUG ALCORN: We have a second.

17 Anyone oppose that motion?

18 It passes. We have an adopted
19 agenda.

20 If there's anything that moves us
21 away from this agenda, we'll have to suspend the
22 rule to be in order at that time.

23 We're down to item 7, invitation
24 for public comments. Let me say that this is the
25 meeting that we take up the proposals, and will

1 ultimately make a recommendation, hopefully, that
2 will be forwarded to the Service Regulation
3 Committee in the late summer meeting. This is
4 probably our most important meeting that we have,
5 and we have a full agenda. And I invite the
6 public to participate.

7 When we have an opportunity for
8 that, and this is that time, we will also close
9 the meeting with opportunity to comment. We also
10 ask for public comment as we consider each
11 proposal. So, we really have three bites at the
12 apple to provide your input to these
13 deliberations. So, this is the first request
14 that I'll open the floor for anyone from the
15 public, from the auditorium to speak.

16 Okay. Seeing no hands, we will
17 come back to that.

18 Item 8, adoption of Council action
19 items from the fall meeting that we had in
20 Dillingham. And I believe that's under tab 1. I
21 would entertain a motion.

22 HERMAN SQUARTSOFF: So moved.

23 DOUG ALCORN: Motion to approve the
24 action items minutes from the fall meeting.

25 Do I have a second?

1 MOLLY CHYTHLOOK: Second.

2 DOUG ALCORN: Do you want to take a
3 minute to look at them? Have you all reviewed
4 them?

5 Let's take two minutes.

6 IDA HILDEBRAND: Mr. Chairman.

7 DOUG ALCORN: Ida.

8 IDA HILDEBRAND: On your numbers,
9 designee, we weren't --

10 DOUG ALCORN: I didn't hear your
11 comment.

12 IDA HILDEBRAND: For the fall
13 meeting we had appointed someone to attend the
14 meeting, and, obviously, that person didn't
15 attend. So I just wanted you to be informed that
16 we weren't just ignoring the fact.

17 DOUG ALCORN: Thank you. Because
18 that was a topic of discussion, regular
19 representation at the meetings. Thank you.

20 I'm going to ask anyone if they
21 oppose the motion to adopt the minutes from the
22 fall meeting.

23 No opposition, the motion carries.

24 We're going to move down to -- I
25 did have a question about that. Let me go back.

1 Under tab 1, and that is that we have an action
2 item at the top of page -- second paragraph in
3 page -- let's see. Oh, no, the first item on the
4 top of page 2, said the motion was made by
5 Mr. Alcorn and seconded by Mr. Squartsoff, but
6 Council agreed that the answers to the questions
7 be delivered to the Council members as soon as
8 they are prepared via e-mail.

9 I remember the discussion, but I
10 don't remember the questions. So I'm wondering
11 if -- I don't want that to fall through the
12 cracks. Does anybody -- without having to go
13 back through the minutes, does anybody remember
14 the questions that we have asked?

15 SANDRA TAHBONE: Mr. Chairman.

16 DOUG ALCORN: Sandy.

17 SANDRA TAHBONE: We have it
18 verbatim, so I believe staff can -- or staff
19 should have reviewed that regarding all the
20 action items and followed up on the action items.
21 So I would ask Fred that question.

22 DOUG ALCORN: I think what we'll do
23 is -- we'll take this as a reminder. Let's go
24 back and look at the minutes from the fall
25 meeting to make sure that we have responded to

1 those questions. Because it's not clear in the
2 action what the questions were, what the action
3 followed back.

4 HERMAN SQUARTSOFF: Mr. Chair,
5 also, I did not receive anything from that
6 meeting, that's why I'm not remembering.

7 DOUG ALCORN: I just didn't want
8 that to fall through. We need to take that up.

9 Okay. We're down to item 9,
10 regional reports. This is an opportunity for
11 each of the regions to share with the group the
12 activities that are occurring, if they so wish.
13 We'll start by going around.

14 Sandy, if you want to explain what
15 activity you have got going. If you want to
16 pass --

17 SANDRA TAHBONE: We just held the
18 meeting last week, and I'll give my report during
19 my comments tomorrow.

20 DOUG ALCORN: Peter.

21 PETER DEVINE: We set our regional
22 management body meeting about ten days ago, and I
23 was supposed to get a report from our staff at
24 APIA, but everybody -- it's been quiet in our
25 region; not much gone on. Not too many concerns.

1 But we did lose one of our original Native
2 leaders who was on this Council, Ed Goladof,
3 passed away in December. We should maybe have
4 the Council, you know, do a poster thing or
5 something and send it to his wife, Suzie. That
6 would be great. She's real active, you know,
7 with the Council. But during our regional
8 meeting, she was busy and couldn't attend.

9 And we're in the process of writing
10 all of our tribes and telling them that we need
11 new representatives, because out of 11 villages
12 only three of them call in regularly. And I
13 don't feel right, you know, with so many
14 subregions in our part to make decisions for, you
15 know, Pribilofs if they're not going to be, you
16 know, putting in their voice, might be out there
17 hunting things they don't see.

18 That's it for us.

19 DOUG ALCORN: You did ask the
20 Council if we would sign a poster or maybe a
21 card. Is that something that you're willing to
22 get for us to pass around?

23 PETER DEVINE: Yeah, I'll see what
24 I can come up with.

25 DOUG ALCORN: Okay. We'll be glad

1 to do that.

2 Joeneal, regional report?

3 JOENEAL HICKS: No. We had our
4 monthly meeting last month. Nothing significant.

5 DOUG ALCORN: Thanks.

6 Anything from the State of Alaska
7 that you'd like to report?

8 DALE RABE: No, nothing at this
9 point. Being new to the process and not having
10 the advantage of continuity with our technical
11 support, I'll have to pass.

12 DOUG ALCORN: I'll defer to the
13 later agenda items for the Fish and Wildlife
14 Service.

15 HERMAN SQUARTSOFF: I have a few
16 things. One right now. Dale is a little newer.
17 Geoff is not new anymore, he's old.

18 DALE RABE: I can use that title
19 for at least six months, then.

20 HERMAN SQUARTSOFF: Yeah. We
21 are -- down there we had our meeting about -- I
22 would say about a month ago, pretty close to a
23 month ago, and we're planning on working on
24 putting legislation in -- with our Legislature on
25 the Federal Duck Stamp, get to work on that to

1 try to hopefully get that, you know, issue
2 settled that we've been fighting for the last ten
3 years. And, also, we want to try to introduce
4 something with the State on the State stamp and
5 the State license. And I'm going to try to work
6 on our proposal again on maybe trying to use
7 something similar to a shark card, like the
8 halibut. I had a proposal in here, two, three
9 years ago, somewhere around there, a couple, and
10 it didn't quite follow through.

11 I think there is a very good
12 possibility we might be able to do that and use
13 that. The way we looked over the protocol and
14 stuff again, and so hopefully that will happen.

15 And then also what I mentioned
16 yesterday for -- a lot of the people have done in
17 the past and still do practice a little bit -- we
18 do a lot of our hunting February, March, and
19 April, and then we do some traditional
20 harvesting, gathering, and then the egg gathering
21 in mid May through mid June, and hopefully I will
22 be able to work that out after we work on the
23 Kawarek proposal here. If we're going to have a
24 committee, whatever, a workshop, it will be
25 great, because we need to look into that

1 definitely.

2 And I think we could fit into a lot
3 of people's traditional harvesting and gathering
4 time that they've done, all the regions are not
5 the same, so maybe we can start working to where
6 we could work into the regions areas where they
7 do their thing, and to come out here will be a
8 great thing before I plan to give up my seat to
9 John or somebody. So these are the things I'd
10 like to work on before I pull out.

11 Ten years is a long time, and it
12 takes up a good bit of my time from different
13 things.

14 But I do appreciate being here with
15 everybody. So, thank you.

16 DOUG ALCORN: Molly, would you like
17 to --

18 MOLLY CHYTHLOOK: Good morning.
19 I've got my alternate. I'll introduce him, Frank
20 Goods. He's a natural resources subsistence
21 coordinator, and he's the one that's responsible
22 for our surveys that are done, migratory bird
23 surveys for our 17 communities, and I really
24 appreciate his help.

25 We had a regional meeting planned

1 for March 26th, and that was canceled due to
2 Redoubt. And so we've rescheduled it now for
3 mid-April at Naknek. And the reason why we
4 picked Naknek instead of Dillingham is because
5 our members are regional reps. We have about
6 seven regional reps. And as far east as
7 Nondalton and down to the Chignik villages. And
8 traveling gets very expensive at that. So we
9 tried to centralize our meeting location so
10 that -- to justify and try to make the travels
11 for the communities that are the furthestest away
12 from Dillingham, because our budget is very tight
13 for this purpose.

14 So -- and when we do have regional
15 meetings, we do -- and that's why I don't have
16 any reports, because we don't have any regional
17 reports. And what we normally do is when we have
18 our meetings, we go around the table and have
19 each one of our reps tell us their concerns about
20 birds, migratory birds. But then because our
21 subsistence resources are so connected, our
22 ecosystem just blends, it's very hard to have our
23 regional reps just focus on migratory birds.
24 They tend to just tell whatever effects that
25 involve around migratory birds, even if -- one

1 interesting comment that one of our reps
2 mentioned was that in one of our communities,
3 Nushagak communities, we have houses, hut houses
4 built in rows -- rows of 15, I think. There's
5 about 15 houses on each side. And one of our
6 reps there a couple of years ago said that the
7 migration of the migratory birds coming up during
8 the spring when the sun is shining and the sun is
9 shining on those roofs, deter the migration of
10 the birds. They -- instead of going to their
11 normal pattern, they tend to fly further east.
12 And so that was -- that was an interesting
13 comment that one of our reps mentioned when he
14 was doing his regional reports. And regional
15 reports for each one of our reps is very
16 important, because it's hard for Frank and I to
17 connect with all these villages that are so far
18 flung out so our regional report -- our regional
19 meetings are very important for us to get the
20 reports from each one of our reps concerning
21 their concerns.

22 And that's all I've got. Thank
23 you.

24 DOUG ALCORN: Thank you, Molly.

25 Mike.

1 MIKE PEDERSON: Our last regional
2 meeting was held in December. Our next meeting
3 will probably be end of May or early June.

4 We've been really busy working with
5 the Feds on the proposed rules for migratory bird
6 hunting on the North Slope. So, since
7 mid-December, we've probably been meeting, if not
8 weekly, at least every two weeks either in person
9 or by teleconference.

10 There were several committees that
11 were made on that, and that's an agenda item that
12 we'll be discussing next. So -- but otherwise,
13 our next meeting is not going to be happening
14 until another couple of weeks.

15 Other than just working with the
16 Feds, we just completed our 2008 bird surveys and
17 got them submitted to Fish & Game. We have seven
18 villages, and we can only -- and we can only do
19 part of -- can't even survey all of our
20 households in the communities. Even the smallest
21 community, I think, was, like, only 15 surveys
22 out of 81 households or something.

23 And then I think that's an issue
24 where some of the estimates in our region, where
25 some of the bird species of concern -- species of

1 concern kind of get the estimate of harvest is
2 real high, when, in fact, it's not. But I think
3 that's just because of the funding for the bird
4 surveys.

5 Other than that, the stuff that
6 we've been dealing with is an agenda item, so --

7 DOUG ALCORN: Thanks, Mike.

8 Ida.

9 IDA HILDEBRAND: I wasn't given a
10 report.

11 DOUG ALCORN: Thank you.

12 Randy.

13 RANDY MAYO: Thank you,
14 Mr. Chairman.

15 Good morning. Up in our region --
16 a little background for those of you that aren't
17 familiar with the Tanana Chiefs region. Tanana
18 Chiefs' region, obviously, encompasses a great
19 deal of the Interior where in the -- there's 43
20 different tribal communities that make up the
21 Tanana Chiefs Conference. And out of that large
22 geographic area, the region is divided into six
23 subregions.

24 So, in our region, we had two
25 meetings so far. One was before Christmas, to

1 bring the subregional council members into
2 Fairbanks, and get up to speed, get some
3 background, and get educated as to the work of
4 the Council here. We did that with Mike Smith
5 and Bill and some other agency folks came up.

6 So, you know, then the second
7 meeting we had was last month where we -- where
8 we kind of started formalizing things. So, at
9 that meeting, I was selected as the chairman for
10 our council and Dale Honea, Jr., from Ruby, was
11 selected as the vice chair. So if I can't make
12 it, then Dale will be sitting here for me.

13 So, at that meeting last month,
14 that we went over the proposals with Mike Smith
15 and the Council, you know, made its position, so,
16 I guess I was directed to follow those decisions
17 per proposal that will come up at our region.

18 And, you know, once we get a little
19 more up to speed in our region and information
20 gets out to the tribal communities through the
21 subregional council we have, that -- you know, we
22 would probably start entertaining proposals
23 coming from our region, too.

24 So, that's about it from our
25 region.

1 DOUG ALCORN: Thanks, Randy, I
2 appreciate that.

3 Thank you all for the reports.

4 I'd like the record to reflect that
5 Peter Devine and Joeneal Hicks are here. Peter,
6 from Aleutian Pribilofs; and Joeneal, from Copper
7 River.

8 Thank you.

9 We're down to the agenda item,
10 additional regulations on the North Slope. I'll
11 take a few minutes to explain a little bit of the
12 background on what this agenda item is about.

13 I'm sure you are all aware that the
14 AMBCC submitted a proposal to the SRC last July,
15 and that was essentially a result of the meeting
16 that we had a year ago in this meeting where we
17 adopted a suite of recommendations that we go to
18 the SRC. The SRC did approve those regulation
19 proposals and submitted that through the director
20 and through the assistant secretary.

21 During the course of that
22 submittal, what's called a surname process where
23 each higher level in the organization has an
24 opportunity to look at it and to review it and
25 then to consent or to ask questions about it,

1 send it back to us, either to resolve issues that
2 they highlight, or to answer questions. And
3 through the course of that process, and in
4 working with a different division within the U.S.
5 Fish and Wildlife Service in this regional
6 office, we had to undergo a section -- what's
7 called a Section 7 consultation process.

8 And Section 7 is a part of -- it's
9 a section of the Endangered Species Act that
10 requires the U.S. Fish and Wildlife Service
11 Endangered Species Division to consult with the
12 agency, the federal agency that is taking an
13 action that could potentially affect an
14 endangered species or a threatened species, a
15 listed species.

16 So, we have two species of eiders
17 that occur on the North Slope: Spectacled eiders
18 and Steller's eiders. So because those species
19 are listed as threatened, we as the action
20 agency, the AMBCC staff program and my program
21 management, has the responsibility of
22 establishing these regulations. That's
23 considered the federal action. We consult with
24 the Endangered Species Division on that federal
25 action.

1 In the course of that consultation,
2 we began to discuss what's known as the
3 environmental baseline of the status of those
4 species. And one of the things that we
5 encountered late last season -- as a matter of
6 fact, it was when Mike and I and Russ and Bob, I
7 think, were all at the SRC meeting in late July,
8 early August. We began to encounter some
9 additional mortality of Steller's eiders in and
10 around the Barrow area. We ultimately found,
11 through the course of the summer, peaking in
12 August, 27 birds that had died; 20 of which died
13 from gunshot wounds. Seven we were unable to
14 determine how those birds died.

15 That suite or that group of birds
16 fundamentally shifted the environmental baseline
17 in the analysis, Section 7 analysis.

18 So what that required, then, was
19 further discussion of the rule or of the proposed
20 regulations that we as a body had adopted and
21 presented to the SRC.

22 So, what that caused Fred and I to
23 have to do was pull back the package that we had
24 submitted -- that the SRC had approved and we had
25 submitted for surname, pull that back, and in the

1 discussions in the Section 7 consultation, we had
2 to address that shifted environmental baseline,
3 the increased mortality.

4 In so doing, in many discussions
5 that we had, it's an internal process that's
6 required for this analysis. There was -- there
7 was a need articulated to enhance protections of
8 the Steller's eiders in and around the Barrow
9 area, and including other villages on the North
10 Slope where they occur in order to address that
11 shifted baseline.

12 So, there were additional
13 provisions necessary in the proposed rule, and we
14 added five additional protective measures that we
15 proposed to the public for comment. And I'll
16 list those very briefly here.

17 One was an adoption of shooting
18 hours in that -- in the area from Point Thompson
19 to the west and south all around to Kake or
20 Point -- is it Cape Aialik, is that right, Mike?
21 Is that the -- Aialik Bay, I think is the other
22 geographic -- eastern border. But I believe it's
23 before you get to the village of Nuiqsut.

24 So there's an area of the post line
25 on the North Slope that includes four villages,

1 includes the Village of Barrow, the community of
2 Barrow, Wainwright, Point Lay and Point Hope.
3 Those villages are included in the area that
4 could potentially be affected by these changed
5 proposed regulations. And one was the
6 establishment of shooting hours. When there is a
7 sunset, when the sun sets and there is twilight
8 hours where it's very difficult to discern what
9 species a hunter would be looking at and very
10 difficult to identify what that species is, the
11 proposal was to prohibit hunting during those
12 twilight hours, during the dark hours.

13 The second proposal was a proposed
14 area closure, a one-mile buffer on either side of
15 surface roads in and around the Barrow area,
16 excluding Barrow, the city portion of Barrow, and
17 excluding the road that goes out on the north end
18 of town on the spit that goes toward duck camp.
19 That was not included.

20 But Cakeater, Gas Well Road, and
21 Freshwater Lake roads were the primary roads that
22 are traveled there that -- that the proposal was
23 to eliminate the shooting from -- of birds from
24 the surfaced road to one mile on either side of
25 that. So it would be a two-mile swath along

1 those roads.

2 The third of five proposed changes
3 were more clarifying existing law. The first of
4 the three was that it made it illegal to possess
5 a bird that is not open for harvest. And that is
6 already a provision in the Migratory Bird Treaty
7 Act, and in a different part of the code of
8 federal regulations, part 21. It's prohibited.
9 And this was a clarification of that requirement.

10 The fourth of the changes and third
11 of sort of the administrative clarity kinds of
12 changes was that it was going to be required of
13 hunters that when they were encountered -- when
14 they were encountered by a law enforcement
15 officer, that they were compelled to show the
16 officer the birds that they had harvested, that
17 they had with them for species identification.
18 And, again, this is to identify Steller's eiders,
19 and with the intent that we would minimize the
20 take of those Steller's eiders.

21 And then the final of the five
22 changes -- and, again, it's a clarification,
23 because the authority already exists -- and that
24 was it restated the authority of the regional
25 director to establish an emergency closure in the

1 event that additional protective measurements
2 would be necessary.

3 Those were the things that were
4 proposed.

5 We began a very intensive schedule
6 of meetings with our North Slope representative
7 and the Native Village of Barrow, with Ukpeagvik
8 Inupiat Corporation, UIC, with ICAS, the Inupiat
9 Community of the Arctic Slope, and with the North
10 Slope Borough, to identify the best way that we
11 could get this proposed rule out so that the
12 public knew what was being proposed and we could
13 receive comments.

14 We attended, at the invite of
15 Taqulik and Mike, we attended their Fish and
16 Wildlife Committee meeting, the regional meeting
17 in December -- on the 15th of December.

18 The proposed rule was published on
19 the 18th. So we explained what those potential
20 changes would be. And at that meeting, we also
21 attended a hunter meeting, a hunter meeting that
22 they hosted that night in Barrow, and we were
23 asked very clearly to do two primary things: One
24 was to extend the comment period, which we did;
25 and the other was to hold public meetings in

1 which we would take oral comments and not require
2 written comments. So we also tried to
3 accommodate that by hosting four meetings, one in
4 each of the villages in a pretty short
5 turnaround. And when we -- just as an aside,
6 when we were in Point Lay, we happened to be
7 there on a Wednesday night, and it was a night
8 that another meeting was occurring in the
9 village, and that was also a church night,
10 Wednesday night. So we were asked to return to
11 that village, to Point Lay, which we did. We
12 scheduled another meeting and flew up there. And
13 we had a court reporter with us; and we heard
14 public comment.

15 And then our job, then, was to go
16 back and listen and respond and address each of
17 the comments that we heard; and we have done
18 that. We are in the process now of finalizing
19 the final rule.

20 Many of you, I'm sure, are asking,
21 you know, what's going on with the rule for this
22 year, and that's the reason for the delay.
23 Typically, we like to have that published on or
24 around April 2nd, and it's now April 8th, and we
25 don't have a rule published. So this is one of

1 the reasons why that was postponed some in order
2 to get this process done.

3 So, we ultimately ended up hearing
4 what the public said, and we believe that we've
5 tried to accommodate that and still get to a
6 point where through this Section 7 consultation
7 that we can reach what's referred to as a
8 no-jeopardy opinion.

9 We have to do a biological analysis
10 of all the factors that could potentially affect
11 the species. We look at the regulations, which
12 is one of the suite of factors. Another is the
13 environmental baseline. Another are additional
14 conservation measures that we can effectively put
15 in place, and reasonably expect results from.

16 So, in order to look at that --
17 sort of that third suite of factors, we developed
18 a conservation strategy for Steller's eiders on
19 the North Slope for that area that we're
20 describing.

21 And in that conservation strategy,
22 it included three fundamental elements: One was
23 an element that would include education and
24 outreach activities in and around the villages
25 with our partners -- with the four partners that

1 I listed UIC, ICAS, Native Village of Barrow, and
2 North Slope Borough. So we invited a number of
3 people to Anchorage. We covered their travel
4 expenses on February 6th to develop tasks that
5 were agreed to by those that were in there that
6 would, basically, allow us to get this
7 outreach -- this message out and in order to try
8 to reduce the potential for taking of birds. So
9 we developed an outreach strategy.

10 We also -- the second element of
11 that conservation strategy was in-season harvest
12 monitoring and in-season biological monitoring --
13 two components of that second element, I guess.
14 So we also invited others to help us identify
15 tasks that we could implement through the course
16 of this season in order to assure -- or ensure,
17 No. 1, that our activities were being effective
18 through this in-season monitoring; and No. 2, to
19 monitor the biology of the birds. To monitor
20 whether or not they were breeding -- whether it
21 is a breeding year. It happens that they breed
22 about every other year. So they're not annual
23 breeders. So we will be monitoring that.

24 So we will be monitoring realtime,
25 daily, the subsistence catch of those birds and

1 we will also be monitoring any other mortality
2 that we're made aware of in the Barrow area near
3 the villages as needed. So that's the second
4 element of that conservation strategy.

5 The third element of that
6 conservation strategy is that law enforcement
7 will be part of the strategy, the regulations
8 that will be replaced will be enforced, and we
9 will be working with hunters to advise them of
10 the change in the regulations and also to advise
11 them that these Steller's eiders are in need of
12 special attention. Making it just very well
13 known that we need to work together to conserve
14 these birds.

15 And that's the approach that we
16 developed, the strategy that we developed with
17 those that came and worked with us during the
18 course of the winter months. And we are now at a
19 point where once we developed that strategy, we
20 felt that it was very important that those that
21 were involved in this management of this -- these
22 activities sign an MOU with the U.S. Fish and
23 Wildlife Service to assure us that there was
24 commitment, and that there was earnest, you
25 know -- there would be earnest attempts to make

1 this happen. And all of that was critical
2 throughout the analysis, the Section 7 analysis,
3 to get us to a point where the agency can say,
4 "We believe all of these conservation measures,
5 the conservation strategy I've just described,
6 and the fact that it's been memorialized in this
7 MOU, and the additional regulations -- we believe
8 that these are going to adequately protect this
9 species and that we can find no jeopardy."

10 That was a very long and laborious
11 process which we only just culminated by signing
12 the biological opinion Monday. It's taken that
13 much work and effort to get concluded.

14 And so that biological opinion must
15 have been completed before we go to a final
16 publication or a publication of the final rule.
17 So those dominoes have to fall in place before we
18 can actually promulgate the regulations.

19 So that's kind of a long-winded
20 explanation of the process.

21 Now, that leads me to item B. If
22 there are any comments or questions on the
23 process, I'll be able to answer those questions.

24 HERMAN SQUARTSOFF: Mr. Chair, I
25 have one. You guys did all this process after

1 the fact that you guys did proposals. You
2 involved people after. My curiosity is why
3 didn't you do it before?

4 DOUG ALCORN: Well, that --

5 HERMAN SQUARTSOFF: Follow the
6 protocol.

7 DOUG ALCORN: That's going to be
8 part of item B that we're going to get to.

9 The fundamental answer -- I guess
10 the basic answer is that the process is that the
11 Council makes recommendations to the SRC. The
12 SRC, basically, runs its recommendations up
13 through the various layers of the Interior
14 bureaucracy, and the Section 7 consultation is an
15 internal vetting process that we have to go
16 through.

17 Now, it's been made abundantly
18 clear to me that that was not very satisfying to
19 you all; and we agree that that's not very
20 satisfying. We are committed -- and that gets me
21 to item B. We're committed to convening in
22 special session the AMBCC if we ever have to do
23 this again. If we ever have to pull back what
24 was approved by the SRC, we -- this was all new
25 to me, and I'll take personal responsibility for

1 not convening the group. I was Chair; I should
2 have convened the group.

3 It was my impression that this was
4 solely an internal process, that Section 7
5 required this to be internal, and that decisions
6 being made were internal. That's my mistake, and
7 I apologize for that. And I will commit -- even
8 though I won't be chair next year, if we are in
9 this situation, I will still contact the chair
10 and suggest that we have a meeting -- an ad hoc
11 meeting of the Council so that we can vet these
12 issues so everybody is adequately informed of the
13 decision-making process.

14 HERMAN SQUARTSOFF: I just wanted,
15 for the record, knowing that it did not go
16 through the process that it should have went
17 through according to the protocol.

18 I've got another one. Now, with
19 the enforcement that's going to be up to you
20 guys, are you going to have more agents than you
21 normally have?

22 DOUG ALCORN: We will have more
23 agents than we normally have. We have not had a
24 strong presence of agents throughout the state
25 statewide, simply because we have few agents and

1 we have a large state. But when we did have
2 agents there last year, we encountered some
3 additional mortality, so this is an essential
4 component of that strategy, so that we can advise
5 hunters of what we can do.

6 HERMAN SQUARTSOFF: You're talking
7 more outreach and stuff like that?

8 DOUG ALCORN: Focus is on outreach.

9 HERMAN SQUARTSOFF: One other one.
10 Upon request of the Service law enforcement
11 officers, hunters must present the migratory
12 birds taken for species.

13 Is that at random or only under
14 suspicion that they might have gotten something
15 they shouldn't have had?

16 DOUG ALCORN: Let me defer to Stan
17 Pruszenski. Stan Pruszenski is our special agent
18 in charge of the region. He's my colleague in
19 the U.S. Fish and Wildlife Service Alaska. I'll
20 ask him to come up to address that question.

21 STAN PRUSZENSKI: Stan Pruszenski,
22 special agent in charge of Fish and Wildlife
23 Service.

24 Thanks, Herman.

25 Mr. Chair, the answer to your first

1 comment or question about our presence on the
2 North Slope. Fish and Wildlife Service, the
3 Office of Law Enforcement, we work hand in hand
4 with other divisions of the Fish and Wildlife
5 Service, other entities around the state, other
6 agencies, be it state, federal, whatnot, to
7 identify priorities for our efforts, be it large
8 game hunting, be it guiding activities, be it
9 sport hunting, be it subsistence hunting, be it
10 marine mammal activities, and this for the Fish
11 and Wildlife Service, and I think for this body
12 here the eider is a high-priority issue. So
13 that's why we as the Fish and Wildlife Service
14 Law Enforcement have identified this as a
15 priority, and we are going to spend quite a
16 significant amount of effort and time on the
17 North Slope to address the eider take issue.

18 As Doug mentioned, this is part of
19 the -- three-legged, three-phase strategy of
20 enforcement, so that's kind of why we're going to
21 be up there, and we'll be doing our activities.

22 The inspection proposal has --
23 had -- as its basis was for monitoring of the
24 harvest. So, we have enforcement officers that
25 are out contacting hunters in the field, and

1 to -- as Doug said, to realtime monitor what is
2 being harvested, what's in the bag. Our
3 inspection authority has been put in Part 92 of
4 these regulations as proposed to ask hunters what
5 they have taken. So, randomly it would, in my
6 view, be all hunters that we contact, if they
7 stated that they've taken birds, then we would
8 ask to look at those birds, identify the birds
9 with the hunter, and ensure that no Steller's
10 eiders were taken.

11 HERMAN SQUARTSOFF: Thank you,
12 Stan.

13 RANDY MAYO: Mr. Chair. I had a
14 question, you know, when you're dealing with --
15 well, I guess in view of -- you know,
16 constitutional rights and law enforcement, do you
17 go on probable cause or is it optional, you know?
18 If you're highly suspect without a search warrant
19 to look into somebody's cooler or their bag or
20 whatnot, or is it just -- is it optional, you
21 know? Or do you suspect everybody -- everybody
22 is suspect, you know? Native or non-Native.

23 STAN PRUSZENSKI: We don't suspect
24 anybody of illegal activity, unless we have, as
25 you said, probable cause or reasonable suspicion.

1 I mean, I don't contact anybody with the idea
2 that they're guilty of something. That goes
3 through for the contact with the hunter, the
4 fisherman, or the individual in the field.

5 RANDY MAYO: So it's optional.
6 Like I say, I'm out in the field and I'm
7 approached by law enforcement, and, you know, if
8 you ask me, "Can I take a look at your harvest?"
9 and I decline, you know, again, because of --

10 STAN PRUSZENSKI: If I had
11 reasonable suspicion --

12 RANDY MAYO: Or probable cause.

13 STAN PRUSZENSKI: I would detain
14 you and your cooler.

15 RANDY MAYO: I would come back in
16 court and say what differentiates me besides my
17 race from another setting where something else is
18 going on? You know, these are -- you know, we
19 had these experiences out in our area, so, you
20 know, I'm just going on -- you know, different
21 constitutional rights of people, whoever they
22 are, and so that, you know, that's all I'm
23 asking, because in our community that -- you
24 know, we do things a little different. And I
25 know that in other regions, there's a lot of

1 entities representing one and the same people,
2 but in our area, that -- at one time we had our
3 tribal police, not VPSO, but tribal police, you
4 know, that -- so, when any law enforcement came
5 into the village, they'll be directed to go over
6 to our tribal chief of police and interact with
7 them as law enforcement.

8 So, you know, in some of our --
9 this dealt with fish where we entered into
10 cost-share agreements with the State Fish & Game
11 and Fish and Wildlife Service where we had a
12 large influx of nonlocal people tapping out one
13 of our fishing streams, and these were just
14 citizens of the state, they weren't tribal
15 members. And, you know, through one of the
16 efforts that we wanted to see what they were
17 taking, you know, but because of constitutional
18 rights, you couldn't go -- everybody wasn't
19 suspect; if a fisherman declined to have you look
20 into the cooler, you couldn't do nothing about
21 it. That's where I'm coming from.

22 So, you know, we had a long
23 experience with working cooperatively with
24 different agencies. So, I know in our region,
25 we'll be taking it up, so that's why I'm raising

1 the issue.

2 Thank you.

3 DOUG ALCORN: Any other question --
4 okay. We have a number of questions. I'm going
5 to ask Stan to stay at the table. If there are
6 any other questions of Stan while he's at the
7 table from the Council.

8 Michael.

9 MIKE PEDERSON: When you guys
10 approach hunters to do your in-season monitoring,
11 I understand that if a hunter does not allow your
12 agents to see his bags that you guys can or will
13 cite them, issue a citation.

14 STAN PRUSZENSKI: That is a
15 proposal that the inspection requirement is one
16 of the five proposed conservation measures. We
17 contact the hunter, we say, "We need to see
18 your" -- if you say you've been hunting and you
19 have birds, "I need to see what they are for
20 identification purposes." That would be a
21 regulation, that's a requirement. And if you
22 don't comply with that, then you're subject to
23 citation.

24 RANDY MAYO: Mr. Chair.

25 Well, I mean, I guess where I'm

1 coming from is so the person gets cited and said,
2 "See you in court." My lawyer will talk to your
3 solicitor, and go outside the scope of protecting
4 an endangered species, but, you know, fall in the
5 realm of your constitutional rights as a citizen.
6 So, I -- I guess I'm asking that -- in any other
7 instance where you have an endangered species --
8 I'll just say it. It seems to me like -- like
9 this is like a racial-type targeted thing, or are
10 other races subject to such a thing? That if you
11 decline because the officer is going on a
12 probable cause or suspicion, that, okay, so you
13 get a ticket for not opening your bag, you know.
14 So, I think that would need technical legal
15 review, you know.

16 DOUG ALCORN: Maybe one thing that
17 would clarify for you, Randy, is the fact that
18 the treaty protocol doesn't distinguish for those
19 that are -- that are permanent residents of the
20 generally included areas. It defines those
21 residents as indigenous inhabitants. It's not
22 racial; it's not Alaska Native, exclusive right,
23 nor is it a non-Native exclusive right. Anyone
24 that is considered a permanent resident of the
25 generally included areas is considered an

1 indigenous inhabitant by definition of the
2 protocol amendment. So it's not a racial -- this
3 is not an allowance or -- a provision to address
4 Alaska Native subsistence hunters.

5 STAN PRUSZENSKI: And one other
6 point of clarification, too, Mr. Chair, is that
7 these regulations are proposed for a very small
8 portion of the North Slope region as well. So
9 that would not affect your area.

10 DOUG ALCORN: I have a hand back
11 here from the regional director.

12 GEOFF HASKETT: It's not really a
13 question.

14 DOUG ALCORN: Come and identify
15 yourself.

16 GEOFF HASKETT: I'm Geoff Haskett,
17 regional director of the Fish and Wildlife
18 Service.

19 I think Doug did a really good job
20 of laying out the history over the last four or
21 five months. It's very complicated. Lots of
22 things have happened, and lots of attempts to do
23 lots of things in terms of communication. A
24 couple of things, respectfully, that I think we
25 missed in this discussion, on this agreement that

1 the five parties, including ourselves, signed.
2 We actually identified two major parts to that,
3 one of them being Steller's eider, making sure
4 that we can protect the species. The other one
5 that was equally important was that we wanted to
6 identify that in no way do we want to affect the
7 traditional subsistence harvest of the people in
8 the area. We wanted to make it really, really
9 clear that all the parties working together were
10 in agreement that it was important to go ahead
11 and protect the eider, but it was equally
12 important to go ahead and protect that
13 subsistence harvest. I think it's very important
14 for that to be part of this record.

15 There were -- a number of different
16 things were identified in the agreements that we
17 came to that were intended to allow us to pull
18 back on some of the regulations proposed. I
19 can't really speak to that too much, because
20 they're not signed off on yet, they're not
21 published. They are not the same as what we
22 proposed originally. I think there will still be
23 concerns people have, but they're not going to be
24 the same level of -- people will be, I think,
25 happy with some things that are not going to be

1 in there.

2 There are things we identified very
3 specific to law enforcement, because one of the
4 concerns I think I heard very, very strongly,
5 there was a huge concern about law enforcement,
6 and one of the terms that I kept hearing was the
7 heavy-handed law enforcement, and I will tell
8 you, I believe our people are very professional.
9 I can tell you, there is -- there is no -- let me
10 put it a different way.

11 They will do their job and they've
12 made it very clear as being part of this
13 agreement they will do things they don't normally
14 do. Special agents normally don't identify
15 themselves, any part of the country. So, one of
16 the things we agreed to in this agreement was
17 they're going to wear special emblems showing
18 they're Fish and Wildlife Service law enforcement
19 people. So there will not be that kind of
20 question. That was a big concern here.

21 The vehicles that the agents are
22 going to drive, they're all identified now.
23 There's a whole series of examples I can give
24 you. I mostly just wanted to point out, there's
25 a lot of things we're doing here. There may be

1 more that we're doing next year as we go through
2 the process that we don't do in any other part of
3 the country with regard to law enforcement.

4 I also want to point out, too, that
5 the number of tickets we gave last year were only
6 8 for the entire area. I know there is a
7 concern, it's not like there was this big blitz
8 of tickets given by the Fish and Wildlife
9 Service. I don't expect that to be this time.

10 I want to add additional context to
11 it. I recognize there will be a fair amount of
12 concern, anxiety about this. The intent that we
13 have, and we'll work with our partners, that we
14 get to the point where we successfully protect
15 those two areas, not just the eider, but the
16 subsistence harvest will go forward.

17 I will tell you, the regional
18 director, the last thing I want to do is close
19 down any of the season at all. One of the
20 concerns I heard from people, people thought we
21 were going to close the entire season. That was
22 never the intent either. I have that authority.
23 If we're going to do anything, it would be a very
24 specific, surgical, you know, we have a problem
25 in this area, let's do something. I don't know

1 what that would be.

2 Talking to Doug, he also made it
3 very clear that we're going to figure out how to
4 better work with people in the consultation
5 process, and we're not going to do that in a
6 vacuum.

7 So, I guess there's not a lot more
8 for me to add other than the fact that we're
9 going to continue to have anxiety about this.
10 I'm feeling better and a lot more optimistic than
11 I was a few months ago. I think as we work
12 through this process, we will be able to address
13 it and people will feel much better about them
14 later.

15 So no questions? I just figured
16 I'd throw that in for the record.

17 DOUG ALCORN: I have a question
18 from the table. I'll ask Sandy, do you have a
19 question of the regional director or comment?

20 SANDRA TAHBONE: On item B. Who is
21 developing the process that the Council will use?
22 And when can we expect to review it? Is it
23 something that this Council will adopt?

24 DOUG ALCORN: It can be. It's --
25 right now the procedural regulations allow for

1 the chair to call ad hoc meetings of the Council
2 with adequate notice. I think it's seven-day
3 notice or 14-day notice.

4 SANDRA TAHBONE: What would you
5 call it? I'm assuming we're developing
6 regulations outside of our normal process,
7 correct?

8 DOUG ALCORN: Right. Well, Geoff,
9 looks like he has an answer.

10 GEOFF HASKETT: Doug is never going
11 to invite me back to these ever again.

12 After our meeting where this
13 question came up, Doug and I visited briefly. We
14 don't have all the answers. We need to address
15 this. The big problem -- Doug covered it really
16 well in his presentation -- it was a timing
17 issue. The regulations had been presented, gone
18 through the process, and then information became
19 available later on in the process when it was
20 difficult to go ahead and follow the established
21 process. So what we talked about was coming up
22 with something next year that would allow it. We
23 can work with this Council to figure out what
24 that would be. That would be something that I
25 think works fairly quickly. If information comes

1 up way late in the process, we have to go through
2 the regulation process and the different legal
3 requirements. That's what makes it difficult.
4 I'm more than willing to work with this group to
5 figure out how we can do that in the future.

6 SANDRA TAHBONE: I think in
7 addition we really need -- I made this request
8 before, but in regards to the Endangered Species
9 Act, that whole process, that whole road map,
10 there needs to be some really good educational
11 materials developed where the communities can
12 understand it, hunters can understand it. I
13 mean, you know, the definitions are
14 mind-boggling. You talk about one process and
15 then you switch to another process, and then you
16 talk about a candidate, and then you talk about,
17 you know, species of concern. I mean, there
18 needs to be a road map developed by the Service
19 that outlines it in the simplest terms where I
20 could hand it to any high school student, they'd
21 be able to understand it, like that.

22 DOUG ALCORN: Why don't you keep
23 that thought? When we conclude the discussion,
24 maybe I'll entertain a motion -- if there's a
25 necessary action, and you can recommend that as

1 an action.

2 SANDRA TAHBONE: I think I did that
3 at our September meeting; but I'll certainly make
4 it again.

5 DOUG ALCORN: Okay. All right.
6 Thank you.

7 Any other questions of the regional
8 director or myself?

9 Barrett -- if the Council's
10 exhausted -- okay. I'll go to the audience.

11 BARRETT RISTROPH: Barrett
12 Ristroph. I wanted to go back to the citation
13 issue and get some clarification, and if this is
14 not something that you could answer, because it
15 would take a Solicitor's opinion, I understand
16 that.

17 When you get a citation, it would
18 be like writing you a ticket for speeding or
19 something like that, it would simply be a
20 citation and nothing more unless the officer had
21 probable cause to believe that you really did
22 have something illegal in your bag. Normally, I
23 know Section 5 of the Migratory Bird Treaty Act
24 requires the officer to have a warrant to conduct
25 a search. There are a number of exceptions to

1 that that federal case law sets out, so I imagine
2 they would use one of those exceptions to go
3 ahead and look in the bag. But my point here is
4 that you would never go to that level, you would
5 never escalate the citation up to prosecuting
6 someone for having -- possessing a threatened
7 eider unless that officer had probable cause in
8 the first place to believe that someone was
9 hiding something, otherwise, it would just be a
10 normal citation much in the same way as a
11 speeding ticket. Is that the way it is?

12 DOUG ALCORN: Stan, do you want to
13 address that question?

14 STAN PRUSZENSKI: Stan Pruszenski,
15 office of law enforcement.

16 You characterize the violations as
17 a ticket, as similar to a speeding ticket, and
18 all of the violations that we're talking about
19 here are misdemeanors and would be characterized
20 in that fashion. So, even taking a closed
21 species would be handled with a citation, so with
22 a later date of -- if the individual wanted to
23 contest the charge, then they would set that up
24 through the court and they would have a court
25 hearing. What we're trying to do here is -- is

1 gain voluntary compliance with the closed species
2 requirement for Steller's. So, Steller's eiders
3 are closed to harvest. So what we're trying to
4 do is minimize, eliminate, reduce the harvest of
5 those birds. Enforcement is a very small portion
6 of gaining compliance. You've talked about
7 outreach and fliers and everything else. I mean,
8 that's been going on for decades up there. So
9 what we're doing now is just increasing our
10 presence up there to verify, you know, the level
11 of harvest. As Doug said, Office of Law
12 Enforcement was up there summer and -- during the
13 summer and early fall, found a few birds that
14 were harvested, created this instance where we
15 need to increase the conservation measures. Law
16 enforcement is a very small part of that. So
17 we're expecting people to comply voluntarily
18 because it's the right thing to do.

19 If we come across someone who takes
20 an eider, depending on the circumstances, that
21 individual will be cited. Again, if we have
22 reason to believe -- if we ask you to show us
23 your bag, the birds you've taken and you have an
24 eider, and you don't show it to us, you'll be
25 cited.

1 BARRETT RISTROPH: But just for
2 clarification, you wouldn't even get to the point
3 where you could look in their bag unless you had
4 probable cause, then, to believe -- if the person
5 just says, "No, I'm not going to let you look in
6 my bag," then you would go ahead and write a
7 citation for not showing the catch. But if the
8 officer -- the officer could go ahead to look in
9 the bag anyway, force the issue unless that
10 officer had probable cause to believe that
11 someone was possessing a threatened eider and
12 would get away with it? Are you saying the
13 office could go ahead and force the issue and
14 make someone open their bag?

15 STAN PRUSZENSKI: If we've
16 identified the person as participating in this
17 activity, if they're hunting -- the requirement,
18 if you've taken anything, you need to show it to
19 a law enforcement officer.

20 BARRETT RISTROPH: With or without
21 probable cause?

22 STAN PRUSZENSKI: That is a
23 requirement that you would have to show your bag.

24 DOUG ALCORN: I'm going to try to
25 move us along here. We had a couple of other

1 hands.

2 Jim, would you come -- come to the
3 table.

4 JIM SIMON: Jim Simon, Division of
5 Subsistence for the northern two thirds of the
6 state. I have a couple of questions in the hopes
7 of clarifying the record. And I'll -- my first
8 one will start with the discussion of the
9 additional mortality. And I'm just wondering
10 whether or not there are any numbers associated
11 with that, the 27 birds -- what proportion of
12 overall mortality does that represent as an
13 additional amount? I haven't been involved in
14 any of this process to date. So that number may
15 be available, and I'm just not -- I'm ignorant.

16 DOUG ALCORN: I'll be glad to
17 answer that. Right now the best estimate that we
18 have for breeding -- North American population of
19 Steller's eiders is 576 birds. So, a mortality
20 of 27 is viewed as a significant level of
21 mortality when you have that many breeding birds.
22 That's not the entire estimate of the entire
23 population, because there are juvenile birds, as
24 well, I believe. But it still represents a
25 significant proportion.

1 JIM SIMON: Thank you. I thought
2 that was good to have that on the record.

3 My second question comes with the
4 conversation that was just occurring, as it -- it
5 sounds like the in-season harvest monitoring that
6 is proposed is actually the enforcement, or is
7 the co-management -- the regional co-management
8 body going to be on the ground involved with
9 in-season harvest monitoring which is sort of the
10 typical thing that Division of Subsistence and
11 nongovernment organizations like ICAS, North
12 Slope Borough, et cetera, have done, where we're
13 actually trying to assemble harvest data that
14 might contribute to this other problem that the
15 AMBCC has had in adequately funding the actual
16 in-season harvest surveys. So it sounds like the
17 in-season harvest monitoring is really
18 enforcement versus the harvest monitoring that
19 I'm more accustomed to.

20 DOUG ALCORN: There are two types
21 of monitoring that are going to be in place. One
22 is realtime monitoring of take. We're not trying
23 to develop an estimate of harvest take of
24 additional species. We're not trying to develop
25 an estimate of mortality associated with the

1 subsistence hunt other than for Steller's, that's
2 the focus. So it's a much more narrow scope than
3 the annual harvest survey that we conduct through
4 contact with you all in the Department of
5 Fish & Game. So it's basically realtime
6 monitoring to determine the effectiveness of the
7 conservation strategy, and we have -- Mike has an
8 eider task force formed. It's identified in the
9 MOU. And if we encounter an eider, a protected
10 eider -- through the course of this monitoring,
11 we encounter an eider, we're going to convene
12 with them and we're going to say, "Here -- here's
13 an eider that -- you know, a dead eider that
14 we've got to address the cause of that." If it
15 was a natural mortality, it ran into a power line
16 or if, in fact, it was shot, where did it occur,
17 what's the -- when did it occur? What's the
18 potential impact that -- we'll have those
19 discussions. Because that then is the way that
20 we will then manage to address very surgically
21 what the issue is and how to try to ensure that
22 that won't be repeated. That's the intent of
23 that in-season, realtime monitoring. That's the
24 harvest monitoring. Then there's the biological
25 monitoring, the productivity and activity of the

1 birds. We'll be in the field monitoring that
2 very closely as well. Realtime.

3 And the distinction is the harvest
4 survey that you conduct is recall survey; it's
5 after the fact. So it wouldn't provide us the
6 information that we need in making management
7 decisions during the course of the season with
8 our -- the eider task force.

9 JIM SIMON: Right. My question was
10 stemming, in part, because that interface of
11 in-season monitoring, harvest monitoring is a
12 great place to have the education and outreach
13 about these conservation concerns --

14 DOUG ALCORN: Absolutely.

15 JIM SIMON: -- concerns, et cetera.
16 I know Mike had raised his hand.

17 MIKE PEDERSON: We did submit our
18 own harvest season monitoring proposal to the
19 Feds. I'm not sure what happened with that,
20 because this Steller's eiders issue had come up
21 after we had submitted our own proposal. And
22 getting back to your comment about working with
23 the Feds, especially with law enforcement, we
24 talked about that internally, and I was unwilling
25 to have my staff be viewed by our own people as

1 working with law enforcement. I mean, we've
2 worked with them on things that are not
3 controversial, but what you said earlier, that
4 was a little bit too controversial to have my
5 staff to be viewed by our own people as -- as an
6 agency who doesn't get along or who -- you know,
7 we just had -- we've worked with the Feds for
8 over 20 years on the North Slope. And within the
9 past few years things have gotten very stressful.
10 And so I wasn't going to allow my staff to be put
11 in those types of situations.

12 JIM SIMON: Thank you.

13 HERMAN SQUARTSOFF: Sandy, did you
14 have something?

15 SANDRA TAHBONE: I don't think you
16 answered my original question. You changed it to
17 another question.

18 When can we expect to review the
19 process that you're proposing that the Council be
20 involved in to deal with regulations outside of
21 the normal process?

22 DOUG ALCORN: I thought I did
23 explain that. Right now under our procedural
24 regulations, the Council chair has the
25 prerogative to call a special meeting of the

1 Council when something like this comes up.

2 SANDRA TAHBONE: So you'll call a
3 meeting. Then what's the process that we're
4 going to --

5 DOUG ALCORN: There would be an
6 explanation of the proposed changes to the
7 regulation. The opportunity for the Council to
8 offer comments would occur at that meeting.
9 There is no service regulation committee process
10 that incorporates this section 7 internal vetting
11 process. That's possibly what you're sort of
12 getting at. Is there a next step which this
13 Council would then presumably reach consensus on
14 and then expect --

15 SANDRA TAHBONE: I would hope that
16 our regional council would be aware of the
17 process that will be available to them. If
18 regulations are going to be developed out of the
19 normal process, and how we can utilize -- or use
20 that process for --

21 DOUG ALCORN: I guess what I would
22 say is we could describe the process the way it
23 is, and if there are ways to improve that
24 process, we would entertain those discussions.

25 SANDRA TAHBONE: It would seem that

1 this Council would be involved in developing that
2 process as well. I mean, how we're going to
3 ensure that the regional -- where the regulations
4 will have an impact, how they're going to be
5 involved and how we're going to involve them in
6 the process. So I think a written process is
7 what we -- what I would like to see.

8 DOUG ALCORN: Okay. We can do
9 that. We can explain the process the way it
10 occurs, the timelines that are associated with
11 it, and the potential involvement of the Council
12 and the consensus-building process if consensus
13 can be reached. That is the charge of the Chair,
14 to try to build consensus.

15 Michael.

16 MIKE PEDERSON: Since we're on this
17 topic, and maybe to close it out, I'm going to
18 pass out our comments on the proposed regs that
19 the Borough did. Quite lengthy. I did send this
20 out by e-mail to those in the Native Caucus who I
21 had e-mail addresses for.

22 Another thing I wanted to mention,
23 too, about the MOU was that it was a very
24 stressful and emotional thing for us to bring to
25 our hunters. Not only in Barrow, but in the

1 other villages, as well.

2 We have other things on the table.
3 We do a census once every few years, but this MOU
4 thing was -- and it's under tab -- under tab 2 in
5 the books -- and there's copies back there, too,
6 as well -- but for us to deal with this issue, it
7 could put a lot of stress on our staff. It was
8 something that we took to our hunters, and we did
9 not know what the reaction would be. So, it was
10 real difficult for us to explain what -- why we
11 were working with the Feds. It was real
12 difficult for us to figure out how we're going to
13 have a subsistence season this year for migratory
14 birds, and one of the ways was to do the MOU. A
15 few groups did not want to sign it. They signed
16 it under protest. But one of their things was
17 that they wanted to allow our people to have a
18 harvest. So that's why it was signed. But we
19 know that some of the groups had a real hard time
20 coming to terms with what our MOU entails. I
21 just wanted to bring it out that it was something
22 real difficult for us in the wildlife department
23 to do and to -- you know, to find common ground
24 with the Feds is a good thing.

25 The day before this thing was

1 signed, we had another hunter-to-hunter meeting
2 in Barrow. One hunter kind of walked out; didn't
3 want to understand the process, I guess. But
4 there were a lot of other hunters there in the
5 room, too, who had stated that this is a good
6 thing. The MOU is a good thing for our people,
7 mostly because it's going to allow the hunt to
8 continue. It's an agreement that will end at the
9 end of the subsistence season. So, it was
10 gratifying for us to see some of our people agree
11 with us, what we were trying to do to ensure a
12 hunt happens.

13 But we -- in the end, we wouldn't
14 want to see this process the way it was done to
15 us -- to our hunters happen to any other group
16 within the state. It -- it just tore some of us
17 apart. And I wouldn't want to see this happen to
18 any other group.

19 So, thank you, Mr. Chair.

20 DOUG ALCORN: Herman.

21 Before I go to the audience, we'll
22 take comments from the board here.

23 HERMAN SQUARTSOFF: Mr. Chair.

24 Yeah, I was basically going to say
25 pretty much what Mike was saying here. What I

1 can see coming out of all of this, it's putting a
2 lot of unease on the hunters. It's going to help
3 make them feel very uneasy this year. Plus a lot
4 of pressure on them. And probably someone will
5 have a point of guilt that they shouldn't have.
6 Someone will feel guilty out there hunting. You
7 know, thinking that they're going to end up
8 getting a species that they shouldn't have,
9 incidentally, or whatever. You know, that's the
10 feeling that I'm getting really strongly from
11 this. It's putting a lot of pressure on them.

12 The second point I forgot to
13 mention awhile ago of you guys not following the
14 process of the protocol. You also didn't follow
15 the action of the Council -- the AMBCC Council.
16 A proposal does not go through immediately right
17 away, one year. The one we're accepting now will
18 not take effect until next year. You guys did
19 not also follow the action of the Council.
20 That's another thing I wanted to have stated.

21 Thank you.

22 DOUG ALCORN: Sandy.

23 SANDRA TAHBONE: I would just like
24 to say, fortunately, the North Slope Borough had
25 the resources to deal with this, and it would be

1 real unfortunate if it happened to -- I know
2 within our region, we wouldn't have had the
3 resources to deal with it. And it would really
4 be -- I hope we can develop a process that will
5 work so we won't have to go through what the
6 North Slope Borough did.

7 DOUG ALCORN: Thank you.

8 Molly.

9 MOLLY CHYTHLOOK: Thank you,
10 Mr. Chair.

11 The effects of this incident is
12 probably going to affect the -- the subsistence
13 migratory bird survey process, because anytime
14 anything like this happens that's negative in
15 nature, even though -- even though it might seem
16 positive to the agency, there's a lot more people
17 out there that harvest and a lot of them are not
18 in tune to any new regulations or even new
19 regulations because a lot of our people aren't
20 into reading what is within the regulations.

21 If I was just coming in and reading
22 the regulations for up there, I don't see any
23 spectacled eider information in here.

24 I'd have to be -- I guess I'd have
25 to go in knowing that spectacled eider was in

1 danger. But, if I was just to look in the
2 regulations, all it -- all it has here is for all
3 other birds. And I guess whatever is within that
4 MOU that's being developed, I think we need -- I
5 think there needs to be -- that information
6 written into the regulation. I don't see any
7 regulation here indicating, you know, what time
8 of day there needs to be -- or what time of
9 day -- maybe it's in here. I guess it's in here.

10 But it's still not -- it's really
11 still not specific to what species is in there.
12 But my No. 1 concern, because I work with the
13 migratory bird survey process, and I know
14 after -- after working with survey processes in
15 different communities for 26 years when I was
16 working with the subsistence division, any time
17 there's any misunderstanding, any negative impact
18 to the community, it doesn't -- it takes years to
19 rebuild that trust, and it doesn't happen
20 overnight. And when something like this happens,
21 it affects our survey projects that we are trying
22 to gather to enhance the regulations and enhance
23 any information to any of our agencies so that I
24 think when something like this is going to occur,
25 and normally we know ahead of time, as agencies

1 and local people, we need to take into
2 consideration the impact that's going to happen.
3 Not only -- this impact here is not only going to
4 affect that area, it's going to ripple down to
5 other regions.

6 Thank you.

7 DOUG ALCORN: Thank you, Molly.

8 Peter.

9 PETER DEVINE: Thank you,
10 Mr. Chair.

11 Actually, looking through this, you
12 know, and seeing that timetable where, you know,
13 you said it's for identification, you know, for
14 daylight. I mean, we don't identify them just by
15 sight. We also know how they talk -- each duck
16 quacks different. You have your mallards and
17 then you have your geese. So we're able to
18 identify them like that.

19 So, are we going to see timetables
20 for all the regions showing up or --

21 DOUG ALCORN: These timetables that
22 are going to be published in the rule when the
23 rule is finally published will be for the North
24 Slope, for those four villages only.

25 PETER DEVINE: But it's starting to

1 look more and more like the fall sporthunt, our
2 subsistence regulations.

3 I have one other thing, but I lost
4 it, so I'll come back to it.

5 DOUG ALCORN: We'll come back to
6 you. Raise your hand.

7 Frank, I think, had his hand
8 raised.

9 FRANK WOODS: Frank Woods.

10 I have to agree with Molly. Thank
11 you for your efforts in trying to resolve this
12 issue. At some point in time it should have been
13 brought before -- since this is a Co-management
14 Council, that all the management and players
15 should have been involved in the process. I know
16 your heartburn. I found out about it by reading
17 it in the paper, that we're going to have a
18 subsistence closure in the North Slope Borough.
19 That is not a way to understand, sitting as an
20 alternate and a member of this Council, how to
21 find out about potential limits on subsistence.
22 And welcome to our meeting.

23 GEOFF HASKETT: Thank you.

24 FRANK WOODS: As subsistence
25 coordinator, you know, like Molly said, at least

1 I'm putting it into my perspective. As a Native
2 person, I'm a traditionalist in the sense that my
3 grandmother raised me and I focus on harvesting
4 and harvesting responsibly. And that mentality,
5 if you have an oversight group or enforcement, be
6 it a state or the Feds, Fish and Wildlife, you
7 know, it's like a -- it's like a dark cloud
8 hanging over in the back of your head trying to
9 figure out if you're right or wrong, if the guilt
10 that you carry, if you're going to be harvesting
11 illegal or legal. In our report, our list -- is
12 this proposed or is this passed?

13 DOUG ALCORN: That's not been
14 signed off yet by the assistant secretary's
15 office. So it is still in draft.

16 FRANK WOODS: And I'd like to
17 caution the Council, if it hasn't gone through
18 the process, then it should have -- first of all,
19 before the Federal Subsistence Board, as an
20 enforcement issue, as a concern for that group to
21 address in how to deal with this, and then it
22 should have been internally brought -- remember
23 last year we talked about -- in Dillingham, we
24 talked about education. And we had a
25 presentation. Johnny and Peter came up and

1 presented to you how they have an outreach
2 program, and it's really successful in Bristol
3 Bay. I sympathize with the North Slope. I
4 couldn't imagine having that on our shoulders,
5 having, basically, the Feds come in, start
6 conducting a whole list of -- barrage of meetings
7 concerning an endangered species, which would be
8 a nightmare. I sympathize with you, because you
9 have to bring it to a head. But, also, the
10 residents that have to deal with it are put on
11 the hot spot in having to -- and having the
12 burden to carrying that responsibility. When it
13 probably isn't there -- it's in their front door
14 or back door, whatever you want to call it, but
15 it's not their burden or responsibility to --
16 it's our responsibility to manage. Co-management
17 Council, I believe. You're talking about a
18 process, and you're talking about it needed to
19 get through the door to protect the endangered
20 species list. I don't know what that process is.
21 Maybe you -- there's a listing for the endangered
22 species, and I don't know what the protocol --
23 and the EIS is getting revised -- on what this
24 whole process is on this.

25 BOB TROST: The one I was

1 specifically referring to is hunting of migratory
2 birds.

3 FRANK WOODS: An average person
4 sitting here reading this table is going to say,
5 "Oh, my God." Reading the newspaper, for that
6 matter, subsistence is limited. My reality as a
7 traditionalist is subsistence shouldn't be
8 limited. We have rules to follow, and them rules
9 are pretty well outlined with the listings here,
10 but, you know, like -- my fear is we're going to
11 go underground. Basically, there's going to be a
12 subsistence harvested and users aren't going to
13 be reporting and aren't going to be wanting to
14 list themselves or expose themselves to
15 additional scrutiny and/or enforcement. I
16 wouldn't want to fill out a report after seeing
17 all this in the newspapers. That's my fear is
18 that we're going to lose continuity. As the
19 coordinator for that survey process, it's going
20 to lose continuity, and it's going to lose trust,
21 basically. And I wish it was outlined in the
22 newspaper a little bit better, because it wasn't
23 too friendly for the subsistence user.

24 DOUG ALCORN: There's been a number
25 of articles. I think -- it was the Associated

1 Press article.

2 FRANK WOODS: It wasn't too
3 friendly. I'll back up and leave the rest up to
4 you guys. But, as a user, it's really -- you
5 know, it doesn't really encompass what I think --
6 this group has accomplished a great number of
7 things, they've gotten over, you know -- let's
8 put it this way -- it's a Co-Management Council
9 that has gone over the rural, urban, Native,
10 non-Native, gotten over the State versus the
11 Feds. You're sitting at the same table. Native,
12 State and Feds are all sitting at the table
13 hashing out things, and this should have been
14 brought -- you're right, I understand the need
15 for this, but it should have been brought before
16 this Council even before it got to this point, I
17 think. You're right, you should have called a
18 meeting under the direction of whatever you want
19 to call it just to clear the air. Right now, in
20 the survey process is going to be jeopardized
21 because of this, and I can't stress more -- I'm
22 in favor of less enforcement, because people are
23 really leery of having -- you know, all it takes
24 is one officer that wants a strong hand, sets
25 precedents for the rest -- communities are --

1 news travels fast in rural Alaska. If you have
2 one strong-handed -- well, it -- it builds upon a
3 nonworking relationship, let's put it that way.

4 So, with that, I'll shut up and let
5 you guys get down to business. But I think -- I
6 agree with, Molly, our survey process could be
7 jeopardized, and also our trust factor.

8 DOUG ALCORN: Thank you, Frank. I
9 appreciate your comments.

10 Take comments from the board first,
11 and then I'll defer to my regional director.

12 Randy.

13 RANDY MAYO: Thank you, Mr. Chair.

14 I just wanted to follow up on the
15 gentleman here, on some of the comments he made,
16 and some of my earlier comments in other areas of
17 dealing with others, whether it's fish, big game,
18 you know, my community is surrounded by the Yukon
19 Flats Fish and Wildlife Refuge, so, you know,
20 we've had many years in this realm in dealing
21 with the agencies and rules and regulations, and
22 so I guess what I'm picking up on here is that
23 our community has had many years in dealing with
24 this type of setting, you know. Maybe not birds,
25 but other things, but what I'm gathering here is

1 that -- I guess in our region, you -- I guess in
2 our region, we're going to -- what I would put on
3 our agenda is to start looking at the protocol
4 and where we stand within that protocol. But I
5 guess what I'm saying is that -- I guess what I'm
6 hearing around the table here is that, you know,
7 locally, that things -- I mean, it seems like
8 what I'm hearing is things are coming from
9 outside of the community into the community. So,
10 how is the community, through whatever structure
11 the community abides by doesn't seem like there's
12 much interaction. But I just wanted to put it in
13 there that one thing we would be working on, you
14 know, like my community, you know, we have tribal
15 government, and, you know, we have tribal
16 divisions and whatnot that can interface with
17 agencies like this if that protocol is developed
18 locally, you know.

19 And I know locally that we do work
20 with different enforcement or, you know, local
21 refuge manager. But, you know, I just wanted to
22 point that out, because what the gentleman
23 referred to that -- what -- the process does is
24 exactly what he said. It drives the subsistence
25 user underground, and agencies never get the real

1 numbers because, you know, in my -- in my area --
2 you know, that you become suspect and you feel
3 like you have to become an outlaw just to eat,
4 you know.

5 So, without that local
6 participation and protocol and recognition that
7 you're not going to get the true subsistence
8 harvest data that you need to make -- base your
9 regs on.

10 So, I know in my particular
11 community, that that's how we operate. And then
12 we want to further that scenario in meetings with
13 the director and his different divisions. So, I
14 just wanted to point that out, you know.

15 DOUG ALCORN: Thank you, Randy.

16 Another comment from the board?

17 Peter.

18 PETER DEVINE: Okay. Thank you,
19 Mr. Chair.

20 At our fall meeting in Dillingham,
21 when this issue, you know, came before us, it was
22 unfortunate that it had to go to an MOU, but at
23 that time I asked what is the mortality for
24 scientific purposes on the Steller's eider, you
25 know, for the surveys that they're conducting,

1 and I believe Russ Oates told me that he had some
2 numbers for us.

3 DOUG ALCORN: This was at the fall
4 meeting?

5 PETER DEVINE: Yeah.

6 DOUG ALCORN: Okay. Are you asking
7 for those numbers now?

8 PETER DEVINE: Yes. Because the
9 numbers that I was told yesterday, I was kind of
10 flabbergasted.

11 DOUG ALCORN: Russ, would you like
12 to come -- before you do, I'd like to call on
13 Geoff, because I think we are sort of beginning
14 to get away from some of the comments that Geoff
15 wanted to respond to.

16 So I'll invite Geoff to the table.
17 And then we'll ask Russ to come and address
18 Peter's question.

19 GEOFF HASKETT: Geoff Haskett,
20 regional director for the Fish and Wildlife
21 Service.

22 As I look at this, I guess what I'm
23 struck by is I recognize a lot of concern over
24 the MOU. I guess what I wanted to point out is
25 that the intent of the MOU -- the intent was to

1 bring the people to the party and not just have
2 the Fish and Wildlife Service alone saying,
3 "Here's how we're going to do law enforcement.
4 Here's" -- the intent was to bring as many people
5 on the North Slope together, to make this
6 something we can work together on. There were
7 two major parts on that: One was the Steller's
8 eider; one was to ensure that the traditional
9 harvest would go forward. I still think the
10 MOU -- recognizing there is a lot of anxiety -- I
11 still think it's a good thing. Next year I'd
12 like to start earlier in those discussions and,
13 hopefully, come up with something that people can
14 come to and sign and maybe feel more positively
15 about it than I'm hearing some of the folks did.

16 We don't have to do an MOU. The
17 intent was to alleviate some of the regulations
18 to be proposed. Again, it was meant to be a
19 positive thing. I think, overall, it's still
20 going to be, when people look back at this at the
21 end of the year; if not, we'll relook at it.

22 The newspaper article that came up,
23 I also was surprised by that. It came back where
24 we were four or five months ago. I wrote a
25 letter that I'm not sure got published, some

1 people point out we were in a very different
2 place today than what that newspaper article
3 seemed to be saying. I, very specifically,
4 talked about the cooperation we had with all the
5 Native groups, and where we were in the process.
6 I guess we could make a copy of that letter
7 available here. I know some people have seen
8 that. I was equally -- I can't control the
9 press. Sometimes these things come out, timing's
10 bad and you hope to get something better.

11 I heard the questions about -- you
12 know, that Sandra was asking about. We need to
13 have some kind of process. I agree with that
14 completely. Again, I just heard that question
15 yesterday. And only talked to Doug very briefly
16 about it. But my intent would be that we do come
17 up with something working with the group that
18 identifies what we do when things come outside of
19 the time frame that the process has previously
20 contemplated. Some of these things are just
21 going to be like that. I guess my assurance is
22 that we will work that out.

23 The only thing I would close with,
24 we have a lot of different laws we were dealing
25 with here. It gets very complicated when you're

1 dealing with ANILCA provisions, endangered
2 species provisions, Migratory Bird Act
3 provisions, and I totally understand the concerns
4 we have in this room. It gets so complicated. I
5 don't know in the last hour if we can do justice
6 with all of that. My intent, working with all of
7 you, that next year we're not in this position.
8 We have time to work through these things so we
9 don't get to this point where people are still
10 feeling very unresolved on where we are.

11 So, just -- I guess I just wanted
12 to close with the intent of the Fish and Wildlife
13 Service is to continue to work very closely with
14 the group. I'm hearing lots of concerns. We'll
15 continue talking. I feel like we're in as good a
16 place as we can be right now, and I believe we'll
17 work through the season successfully. Again,
18 we'll know better the next time we gather as a
19 group.

20 So, thank you.

21 DOUG ALCORN: I have -- before you
22 go, you might have either a comment or question.

23 Ida.

24 IDA HILDEBRAND: A suggestion was
25 from listening to everyone's comments that it

1 started out rough and improved and continues to
2 improve. I agree with the comments that the
3 press is very negative on Native subsistence
4 issues. They put it out in a very negative light
5 that incites Natives, and perhaps a press release
6 from the Service directed to the Native groups
7 that are involved in the Council and to regional
8 newsletters from the various corporations that
9 would explain, as we talk, to alleviate those
10 processes are certainly more amenable to Native
11 interests.

12 DOUG ALCORN: Any other comments or
13 questions for Geoff?

14 Thank you.

15 Russ, would you come up and address
16 Peter's questions? The numbers.

17 RUSS OATES: My name is Russ. I'm
18 with the Fish and Wildlife Service here in
19 Anchorage, Alaska.

20 At the meeting last fall in
21 Dillingham, Peter asked a specific question with
22 regard to some information that he had obtained
23 that suggested there was some high mortality of
24 Steller's eiders that were captured within the
25 context of a study that was being done by our

1 endangered species folks out of the Anchorage
2 Wildlife field office in conjunction with USGS
3 Alaska Science Center, and I have since gotten a
4 written report from the folks involved with that,
5 and I brought copies of this document. And I
6 want to report out to the entire group about
7 this.

8 And I'm going to describe a study,
9 briefly. And then I wanted to provide some
10 context for these numbers, because you can't just
11 view these numbers and directly compare what
12 happened on the Alaska Peninsula with what
13 happened in Barrow, and I'll tell you why.

14 First of all, there's been a lot of
15 interest in the Alaska Peninsula for both
16 near-shore and offshore petroleum development.
17 And given the concern that exists for the
18 Steller's eider, our endangered species office,
19 working in conjunction with USGS, has designed
20 some studies to better understand the use of the
21 lagoons and near-shore waters of the Alaska
22 Peninsula by Steller's eiders. And I'm going to
23 give a briefing later that points out on a map
24 where Steller's eiders spend time along the
25 Alaska Peninsula, and what -- where these eiders

1 come from that do spend time there.

2 I'll just briefly say that as we
3 all know in this room, the population of
4 Steller's eiders that is listed is the Alaska
5 breeding population which breeds on the North
6 Slope of Alaska, principally, and our best
7 estimate of the numbers of those that exist is
8 somewhere in the neighborhood of 600 birds. I
9 can't remember the exact number, 576 or something
10 like that. But that's our best estimate.

11 The birds that spend the winter
12 along the Alaska Peninsula include those birds,
13 plus the birds that breed in Eastern Arctic
14 Coastal Russia. And the numbers of birds in that
15 area -- that breed in that area are somewhere in
16 the 80 to 100,000 range. All of those birds that
17 breed up there come through the Bering Strait,
18 and maybe cut across some places in the fall
19 migration and spend the winter on -- most of them
20 spent the winter along the Alaska Peninsula, in
21 the Aleutians. A few of them in the Commander
22 Islands, and some around Kamchatka. But the
23 majority of them spend the winter, we believe,
24 along the Alaska Peninsula; some along the south
25 side, a few in Kodiak, and even in Cobb Inlet a

1 little bit.

2 But, at any rate, the Alaska
3 Peninsula is a crucially important wintering
4 area, molting area and spring migration area for
5 specific wintering Steller's eiders, which is
6 anywhere from 80 to 100,000 birds.

7 So, given the interest in petroleum
8 development, the endangered species folks felt
9 like it was important to understand how the
10 Steller's eiders moved around in these near
11 coastal waters, whether they stayed in one lagoon
12 all the time or switched lagoons, when the ice
13 came down and closed off the water, how they went
14 over to the south side or things like that.

15 So they captured -- this wasn't the
16 first study of this type, but they captured, for
17 the study in question here, in 2007, they
18 captured 46 birds, and they put radio
19 transmitters on their backs, which is an unusual
20 procedure for sea ducks. We typically don't
21 like -- researchers typically don't like to hang
22 things on the outside of birds that spend a
23 winter in the cold waters because of concern
24 about them icing up.

25 But, anyway, 46 of these birds were

1 marked with radios so they could be followed to
2 learn how they move back and forth through the
3 lagoons and near-shore waters. And of those, 26
4 birds either died or disappeared. 20 of those
5 were confirmed as dying, and that's a large
6 percentage.

7 Now, earlier -- an earlier study in
8 which 20 birds had been marked, three died as a
9 result of transmitter attachment. And the
10 conditions in winter of 2007, 2008 when this
11 study that we're talking about was done, there
12 were severe ice conditions, and these birds
13 typically spend as much time as they can in the
14 open waters in the Izembek Lagoon area and the
15 other lagoons, and they can spread out and
16 they're not crowded. But during the time when
17 the ice came down and the birds flew over to the
18 south side to Kinzarof Lagoon, which typically
19 stays ice free, the birds were crowded in that
20 area and it provided an opportunity for eagles to
21 harass them. And eagles were observed harassing
22 them constantly during this time period.

23 And this is just from the report
24 which I will provide copies here. But the
25 biologists felt that -- that the -- for whatever

1 reason, and it's described a little bit here, the
2 transmittered birds were more susceptible to
3 eagle predation. Whether they were spending more
4 time trying to preen this transmitter and they
5 were distracted and they were more susceptible,
6 we don't know. But they -- the researchers
7 certainly acknowledged that it was an unusually
8 high mortality rate for a group of study birds.
9 And the rate was high enough that the study,
10 which was scheduled for multiple years, was
11 discontinued.

12 So, this is -- this was considered
13 an unacceptably high rate of mortality for a
14 study species, and although the observer -- the
15 researchers felt that the transmitters were not
16 solely responsible for the high mortality levels
17 observed, they still felt that having this
18 situation occur was unacceptable given the
19 concern that there is about Steller's eiders.

20 Now, I want to provide a little bit
21 of context for these numbers. As I mentioned to
22 you, this wintering population is a mixture of
23 birds from two breeding areas, and I kind of ran
24 the numbers on this, because we have not been
25 able to segregate the birds -- the wintering

1 areas of the birds that breed in Alaska from the
2 birds that breed in Arctic Russia.

3 So, if you make some assumptions --
4 well, we know that the birds from the two
5 breeding areas intermingle in the two breeding
6 areas, whether they are clumped and the Alaska
7 birds all stick together or not. We think that's
8 not the case. We think they spread out and spent
9 the winter mixed with the other birds.

10 So there were 46 total birds
11 captured. And if you assume that the Alaska
12 birds were mixed in with the other birds, this
13 80,000 -- we'll use a minimal estimate -- the
14 probability of capturing 46 birds out of 80,000
15 for purposes of this discussion, the probability
16 of one of those birds -- one of those birds being
17 an Alaska breeding bird -- because there's only
18 500-and-some Alaska breeding birds -- is less
19 than 50 percent that even one of those birds was
20 one of the Alaska breeding birds because of the
21 dilution effect of having those 80,000 from
22 Russia. So, the net impact, just based on simple
23 probabilities of this mortality, on an Alaska
24 breeding population is less than 50 percent that
25 even one Alaska bird was involved in this

1 mortality event.

2 And this whole study was intended
3 to help the Fish and Wildlife Service protect the
4 birds from development, understand how the birds
5 use these wintering areas and, therefore,
6 minimize the effects of development activities'
7 negative effects on Steller's eiders, whether
8 they be the listed population or the larger
9 Russian breeding population.

10 So that was the purpose of this
11 study.

12 And so I just want to caution you
13 that to compare these 20 -- potentially 26 birds
14 dying as a result of the study with 20 birds
15 being shot on the breeding grounds, there's 100
16 percent chance that every one of those birds that
17 was shot on the North Slope was an Alaska bird.
18 So, 100 percent of those birds were from the
19 listed population. So, I mean, there's -- you
20 can't really compare the mortality here. But, I
21 mean, as I said, we felt that the mortality rate,
22 even in the study with that dilution effect, was
23 unacceptably high, and the study was
24 discontinued.

25 But I also would like to point out

1 that the 26 or 27 birds that were found dead on
2 the North Slope were the result of just birds
3 that we either were told about or found or were
4 found by somebody and reported to us. We have no
5 idea, really, how many birds died on the North
6 Slope. We have no idea what proportion of the
7 birds that died were detected. It could have
8 been 50 percent. It could have been less than 50
9 percent. So, you know, I agree that this was an
10 unfortunate mortality event that occurred during
11 that study, but I think the Service did the
12 responsible thing in this case and discontinued
13 that study.

14 Anyway, a little bit of commentary
15 on the facts that we have available. And I've
16 got a copy of this report, which was prepared by
17 the researchers, available for everybody on the
18 Council. I'll pass it around.

19 Any questions?

20 DOUG ALCORN: Any questions of
21 Russ?

22 DALE RABE: Russ, can you provide
23 me a little historical context? Is there any
24 information about what the size of the Steller
25 eider population in Alaska might have been at

1 some previous point in time to characterize, you
2 know, the current status? In other words, what
3 I'm looking for is information about its rarity
4 relative to a longer time frame.

5 FRANK WOODS: I'm going to have a
6 little bit of trouble recollecting information
7 with regard to the North Slope, because I haven't
8 looked at that in years and years and years and
9 years. But I will tell you that there is some
10 historic records from the Yukon Kuskokwim Delta
11 which is the other principal breeding area that
12 we know about in Alaska that there may have been
13 tens of thousands of the birds breeding there
14 within the last 100 years, and now it's extremely
15 rare to find a single nest out there. I mean,
16 there's a lot of field activity going on out
17 there where the Fish and Wildlife Service, USGS,
18 University of Nevada-Reno are actively involved
19 in field research projects, Yukon Delta Refuge
20 Migratory Bird Management. And every two or
21 three years a single Steller's eider nest will be
22 found. But, historically, we believe, based on
23 early expeditions in which people enumerated
24 birds, that there were tens of thousands in the
25 outer coastal area. And I'm not familiar with

1 what kind of traditional ecological knowledge
2 might be available with regard to that area. I
3 don't know. Maybe some of my associates here
4 could help me as to whether or not -- I think my
5 recollection is that as recently as ten years ago
6 when we did an analysis of the North Slope data
7 that we have, that there might have been believed
8 to have been estimates with wide confidence
9 intervals in the low thousands. But now that
10 estimate has been reduced to that 500 plus or
11 minus number.

12 DALE RABE: That's very helpful.
13 I'm guessing on --

14 FRANK WOODS: I'm sorry, I'm not
15 more familiar with the specifics on those
16 numbers.

17 DALE RABE: That's all right. I
18 mean, I understand oftentimes any estimates --
19 just having any information is a great advantage.
20 We often don't have that. I'm going to guess,
21 but if I'm wrong, is there much information about
22 history of populations in Russia to add a little
23 more context, still? You talked about 80,000 or
24 so still wintering in the Coastal regions.

25 FRANK WOODS: There's two what are

1 described loosely as populations in Russia, and
2 about 1800 miles along the coast there's kind of
3 a breaking point where the birds -- the Steller's
4 eiders that breed beyond that spend the winter in
5 the Bering Sea. And that's, I believe, a smaller
6 population than the ones that breed from -- I
7 believe it's the Lena River Delta eastward. And
8 I'm not that familiar with the numbers.

9 We actually have been doing surveys
10 along the Alaska Peninsula during the spring
11 staging for migration since 19-- I believe it's
12 '92. And I have a graph that I'll show you
13 tomorrow. When we started doing the survey, we
14 counted somewhere in the vicinity of 100 to
15 120,000, and those were principally Russian
16 breeding birds; and that number has kind of
17 dwindled down over the course, and it's in the
18 vicinity of 80,000 now. So we think there's
19 probably some historical decline even within the
20 last two decades or so. But the number has -- it
21 has jumped around a little bit, and you can look
22 at the graph when that -- my time comes to show
23 that. But there is some belief that there has
24 been some decline in the Russian breeding
25 population. The Russians haven't historically

1 aerial surveys such as we do. My Division did an
2 aerial survey in Russia over a three-year period,
3 and there was some of Steller's eider, but there
4 was a spectacled eider survey.

5 DOUG ALCORN: I'm going to call an
6 end for the break, and since we're close to
7 lunch, and there is a need for a Native Caucus,
8 and I think I have written down four potential
9 action items, because of significance of this
10 issue that we're discussing, I'm going to call
11 for a recess until 1:00 o'clock, that will allow
12 time for a break and allow time for a Native
13 Caucus. Reconvene at 1:00. Take up continued
14 discussion of this issue potentially with those 4
15 action items.

16 HERMAN SQUARTSOFF: I would like
17 to, for the record, call a Native Caucus.

18 FRED ARMSTRONG: I received an
19 e-mail from Myron. Someone will attend a
20 meeting --

21 DOUG ALCORN: After lunch?
22 We'll take up the continuation of
23 this discussion, and we'll be on to the
24 proposals.

25 MIKE PEDERSON: What are the four

1 action items?

2 DOUG ALCORN: These are potential
3 action items. Not necessarily. One is Sandy
4 asked for a kind of a description --

5 MIKE PEDERSON: Okay. I thought
6 you were getting into something else.

7 DOUG ALCORN: Oh, no. This is just
8 from this discussion.

9 I'll repeat those when we come
10 back. 1:00 o'clock, we'll reconvene.

11 (Native Caucus and lunch break.)

12 DOUG ALCORN: I'm going to call the
13 meeting back to order here at 1:25. And we left
14 before lunch on our break with -- we were
15 continuing the discussion of old business item
16 10A, and we sort of blended that with 10B, which
17 is the discussion of consultation with AMBCC in
18 the event this occurs again that we have section
19 7 consultation issues that we have to deal with
20 or any other issue that might come outside of the
21 sequence of events that we have sort of mapped
22 out already.

23 And I wrote down four potential
24 action items that were recommended: Two were
25 recommended by Sandy, who is not here, but I'll

1 see if I can help repeat those; and then I would
2 entertain motions, and then discussions of those
3 items if you feel it's necessary.

4 The first idea that Sandy came up
5 with was to develop some descriptive materials
6 for the Endangered Species Act, Section 7
7 consultation process and the law and how that
8 applies to what we do and how we incorporate our
9 work into and through ESA and comply with that.
10 So that was one suggested action.

11 The second was to develop a written
12 process about how this Council would then go
13 about -- how the Service would go about engaging
14 the Council in the event that we have an
15 addition -- to go about the current process of
16 recommended regulations to the SRC.

17 The third item was one that Geoff
18 mentioned -- more of an instruction to Geoff --
19 to get a copy of the letter that he wrote in
20 response to the Associated Press article on
21 Steller's eiders conservation and the whole issue
22 that occurred, and he responded to that article,
23 and that's gone through -- I think it was -- was
24 presented to the "Arctic Sounder," but I'm not
25 sure if it was published yet. We have that in

1 hard copy and we can make that available. We
2 don't need a motion to that effect. We can ask
3 the staff to see to it that we get that done and
4 distribute that to the Council.

5 The third item that potentially
6 could be an action item was Ida's recommendation
7 for a press release on the Service's attempt
8 to -- I have here, foster and support the
9 subsistence hunting activities sort of as a
10 counter to what Ida described as potentially a
11 negative article on the subsistence culture and
12 harvest.

13 Those are three potential action
14 items and the one staff assignment. So I would
15 entertain a motion to second and discuss what
16 needs to be heard.

17 HERMAN SQUARTSOFF: So moved.

18 DOUG ALCORN: On all three?

19 HERMAN SQUARTSOFF: You can do all
20 three at once.

21 IDA HILDEBRAND: Second.

22 DOUG ALCORN: We have a motion and
23 second on those three items that I mentioned.
24 Any questions?

25 SANDRA TAHBONE: Discussion.

1 DOUG ALCORN: Discussion.

2 SANDRA TAHBONE: The one you
3 mentioned the ESA, and you mentioned 7 -- what is
4 it --

5 IDA HILDEBRAND: Section 7 --

6 DOUG ALCORN: Section 7
7 consultation.

8 SANDRA TAHBONE: What I was wanting
9 was something that starts off right at the
10 beginning of the process before it gets to that
11 point. So right where there is a bird petition
12 to list. That's where it starts off, and then as
13 we go down you end up taking different paths and
14 then where we are at, like, right now with the
15 yellow-billed loon, just that whole -- when it's
16 either resolved, it doesn't make the findings no
17 longer, and just the whole process. When -- how
18 plans are developed for conservation and how we
19 bring partners into that, the whole process.

20 DOUG ALCORN: We can do that. A
21 lot of that material already exists. Integrate
22 it into the AMBCC process, I think, was what you
23 were suggesting as well.

24 SANDRA TAHBONE: Just something I
25 can even give to my -- give to my people.

1 DOUG ALCORN: Okay. That's one of
2 the three.

3 Any other discussion or questions
4 for clarity?

5 Ida.

6 IDA HILDEBRAND: On the press
7 release I was discussing, when it's in the
8 regular Anchorage Daily News or large presses
9 that are predominantly to the western minds,
10 oftentimes it is released in a way that incites
11 Native subsistence users or puts a negative
12 light -- the press release that I was
13 recommending -- first of all, the one that the
14 director drafted and to show that with all
15 members of Council so they can share it with
16 whoever they're representing. But to suggest
17 that they also release it to Native regional
18 nonprofit corporations who all have newsletters.
19 And once that gets in that newsletter, it's in a
20 more positive light that is more palatable to
21 subsistence users.

22 DOUG ALCORN: So you're not asking
23 for a separate press release, just a broadening?

24 IDA HILDEBRAND: Give the press
25 release for the Anchorage Daily News. I don't

1 take that paper. I find it extremely biased
2 against Natives. But I will read other regional
3 papers that discuss issues that are important to
4 Natives.

5 DOUG ALCORN: We have, then, two
6 tasks, and one kind of modification of
7 distributing the press release, possibly taking
8 the reins for a press release.

9 PETER DEVINE: I don't get Arctic
10 Sounder. So, Anchorage Daily News would be a
11 source where I would get it.

12 DOUG ALCORN: All right. Any other
13 questions or -- okay.

14 I'll call the question.

15 Anybody opposed to the motion to
16 have those three action items as explained here?

17 Seeing no opposition, they pass.

18 That concludes our discussion under
19 10(a) and (b) old business.

20 We now move to new business, which
21 is the opportunity for us to take up the annual
22 proposals that are submitted that would represent
23 a change to the regulations or -- in one case,
24 one instance a continuation of the items.

25 Items 11(a) and (b) are items for

1 the Yukon -- at least presented and offered by
2 the YK Delta representative who is not here. We
3 expect that Sky Starkey will be here later, so
4 I'm going to suggest we postpone taking those
5 items up and we move right to 11(c), which is
6 proposal No. 3, use and possession of
7 yellow-billed loons on the North Slope.

8 I understand that Mike has a
9 PowerPoint presentation that he gave to the SRC,
10 the Service Regulations Committee, last summer
11 for this particular activity, and so I would
12 entertain a motion to consider that; and then
13 we'll turn the mic over to Mike.

14 HERMAN SQUARTSOFF: Mr. Chair, back
15 up one more. The letter that the regional
16 director wrote, I'm assuming we're going to get
17 it all sent to all of us representatives?

18 DOUG ALCORN: Oh, yes, sure. That
19 was the action item -- wasn't necessarily an
20 action item; it was a request to staff to send
21 them to staff members.

22 JOENEAL HICKS: So moved.

23 DOUG ALCORN: Move item C.

24 HERMAN SQUARTSOFF: Second.

25 DOUG ALCORN: We have a motion and

1 second to consider that proposal.

2 Mike, I present the floor to you to
3 present the proposal.

4 MIKE PEDERSON: What you see passed
5 out here is our new report, as required by last
6 year's regulation. If you have any questions on
7 that, Josh Bacon is here, one of our biologists,
8 and we put copies on the table in the back, too.
9 I'll go ahead and do my PowerPoint, and we'll
10 probably answer some of your questions.

11 MIKE PEDERSON: The cultural and
12 traditional use of yellow-billed loons on the
13 Arctic North Slope by Inupiaq Eskimos.

14 During the messenger feast, one of
15 our cultural celebrations, we do a lot of
16 feasting, storytelling, trading, bartering,
17 dancing. The dancing part is an important part
18 of our culture. And then at the messenger feast,
19 which we just held in mid-February, there is
20 several kinds of dances, invitational,
21 gift-giving, the Kalukaq, which you'll see
22 pictures of, and motion dances which are story
23 dances.

24 The yellow-billed loon headdresses,
25 the ones here, are more than 60 years old. As

1 you can see there -- you can't really see it
2 there, but they're -- they're old. North Alaskan
3 Eskimos held a social festival known as a
4 messenger feast. A wealthy Umialik hosted this
5 ceremony and invited people from distant villages
6 to partake of food and enjoy dancing.

7 Traditionally, headdresses made
8 from the beak and the skin of the yellow-billed
9 loon were worn at the messenger feast. This
10 photograph does not have a date on it, but it's
11 one of the older photographs that I found that
12 shows them wearing the headdress.

13 Kunuyuq, a Native of Wainwright, is
14 pictured here wearing a yellow-billed loon
15 headdress at the messenger feast. This was taken
16 in 1921.

17 This was in 1949. The guy on the
18 right is my niece and nephew's great grandfather;
19 and the headdress he is wearing was passed down
20 to my nephew, who is in one of the dance groups.
21 They were the ones that performed at Obama's
22 Inauguration.

23 Kakinya from Anaktuvuk Pass, this
24 photo was taken in 1985, and this was his 90th
25 summer. He has since passed on, but that's --

1 Anaktuvuk Pass there, they're one of our inland
2 villages.

3 This is a North Slope Elders'
4 Conference held in the mid-1970s, and here you
5 can see the guy doing one of the special dances
6 wearing the yellow-billed loon headdress.

7 This is from an anthropologist,
8 Edith Turner. I have, myself, attended the
9 Kuvuaq and the highly important Kulakaq, a ritual
10 central to Native American religion with its
11 insights into the unity and reincarnation of
12 living things. The loon itself is a central
13 symbol. From its beak is suspended a small
14 sphere representing the sun brought back to
15 humankind. Its spots are symbolic of its nature
16 of diving under the water where humans cannot
17 see.

18 Here we have two people from
19 Wainwright doing the Kulukaq there with the boxed
20 drum. What happens is the guy in the back will
21 replace the guy sitting down, and then they'll
22 switch the headdress from one person to the next.
23 Here, the Suluktaq is just the headdress. It was
24 been used during Kalukaq from generation to
25 generation. It signifies that the Inupiaq have

1 dominion over the animals of air, land and sea.
2 That quote is from Herman Ahsoak, who is on the
3 right. Frederick Brower says it is a great honor
4 to wear the headdress. It is a great honor to
5 bring in the new year and to pass it on to the
6 next person. Wear it with pride.

7 Barrow dancers perform the box drum
8 dance at Kivgiq. This is in the late '90s. In
9 the bottom picture, you can see several different
10 styles of headdresses, but the guy wearing the
11 yellow-billed loon is in the top picture by the
12 box drum. The Wainwright dancers enter and leave
13 the dance floor during the Kalukaq at Kivgiq, and
14 the leaders here would be wearing the headdress,
15 and so would the last person.

16 In our outreach efforts for
17 yellow-billed loons on the North Slope, we've put
18 up posters and do outreach for the fishermen to
19 have them call us to report yellow-billed loons
20 that are caught in fishnets. So they'll contact
21 our department when they need help in releasing a
22 loon from a net.

23 We have -- oops, we had -- anyway,
24 there's a picture of Josh up there releasing a
25 yellow-billed loon from a net.

1 I don't know what happened to this.
2 I lost my picture.

3 DOUG ALCORN: Was that the last
4 photo, Mike?

5 MIKE PEDERSON: There was one more.
6 It was just -- there was a picture of Josh
7 releasing a loon from the net just to show that
8 we're doing that part of it up there, and then
9 just -- just -- and then a little -- just showing
10 the guy leaving the dancing with the headdress
11 on.

12 HERMAN SQUARTSOFF: Mike, very
13 important picture, in releasing a loon out of the
14 net. I consider it to be a very important
15 picture.

16 MIKE PEDERSON: In the handout that
17 I passed out at the table, you can see it on that
18 one. But that's -- that's based on last summer's
19 AMBCC meeting when we had the special meeting to
20 go over the proposed regs. I didn't come up with
21 this presentation until after that meeting when
22 the chair back then asked that we go to the
23 Pacific Flyway and the SRC meetings.

24 DOUG ALCORN: Great. Thanks, Mike.

25 We have a process by which we

1 consider the proposals, and that process is a
2 six-step process. It's listed behind the agenda
3 prior to tab 1 in your binders. That's the
4 process we'll use now to consider this.

5 And Mike has given us a taste of
6 kind of what the use of the bird is.

7 And, Mike, did you have anything to
8 add regarding the proposal itself?

9 MIKE PEDERSON: No.

10 JOENEAL HICKS: Mr. Chair, I know
11 we've had discussion on the particular subject
12 for several years now, and this is pretty much a
13 renewal of the same proposal. Therefore, I move
14 to adopt.

15 PETER DEVINE: Second.

16 DOUG ALCORN: We need to go through
17 this process, and we have the technical analysis,
18 and we also take public comments on each one of
19 those before we take action.

20 JOENEAL HICKS: I'll hold it, then.

21 DOUG ALCORN: We had discussion.

22 Okay. Thanks. So, if there are
23 any questions of Mike, we can ask him for
24 clarification. At this point, in just a very
25 brief summary, you're right, Joeneal, it's a

1 continuation of a practice or of a proposal that
2 was submitted probably about five years ago and
3 considered by this Council. It's the same
4 activity, the same request to do that. And the
5 reason that that is submitted annually was
6 because when this was first approved by the
7 Service Regulation Committee, there was a
8 discussion about this and how was the best way to
9 go about this, because it's somewhat anomalous in
10 that it's -- it's an inadvertent harvest; it's
11 not a targeted harvest of these birds. These
12 birds are inadvertently tangled in fishing nets,
13 so it's not a direct attempt to harvest the
14 birds. And the Service Regulation Committee
15 considered this, and we are in the process as an
16 agency of developing regulations for permitting
17 American Native use of noneagle migratory birds,
18 and this would fall into that category in the
19 event that we ever do finalize those regulations
20 which have not been finalized yet.

21 So, this may be just indefinite. I
22 don't know how long it will go. But this is at
23 the request of the chair of the Service
24 Regulation Committee to bring this back to the
25 Service Regulation Committee annually. So that's

1 why it's sort of anomalous compared to the other
2 regulations that we have.

3 So, at this time, we will entertain
4 the agency technical evaluation and normally we
5 have the State and the U.S. Fish and Wildlife
6 Service biologist sit together at the table, and
7 they sort of tag-team the analysis. I don't want
8 to put any pressure on Dan Rosenberg, the new
9 technical expert, and I will ask Russ and Eric,
10 whoever is going to be representing the Service.
11 Is that Eric? Is that you?

12 I'll invite you -- Russ, I'll
13 invite Russ and Eric to the table.

14 DAN ROSENBERG: I'll be glad.

15 FRANK WOODS: I just wanted to take
16 a minute. As you indicated yesterday, this is a
17 transition period for the state of Alaska, and
18 then, in a similar fashion it's a transition
19 period for the Fish and Wildlife Service. And
20 I've told this group before that I've assumed a
21 different job with the Division of Migratory Bird
22 Management, still working for Doug as the
23 assistant regional director. But for years I've
24 sat before this group and provided technical
25 review of the waterfowl-related proposals as a

1 waterfowl group leader, and I have since hired
2 someone in that position. And so you're going to
3 see a face that's new to you all here; not my old
4 face, but another old -- well, new face. And --
5 but I just wanted to say because you're seeing a
6 new face doesn't mean that you're getting
7 somebody that just kind of fell off the turnip
8 truck.

9 Eric Taylor has been -- he first
10 moved to Alaska in the late '70s, and he did his
11 graduate work, both his master's and his Ph.D.,
12 on Alaska waterfowl species, long-tailed duck and
13 the black brant. So he's no stranger to
14 waterfowl issues in Alaska. And he -- in the
15 mid-'90s, he returned to assume his permanent
16 residency here, and he was at the University of
17 Alaska-Fairbanks for a while. And then Fish and
18 Wildlife Service acquired his services. And I
19 worked for Eric for many years in his role with
20 the Ecological Services Office where his job
21 there was to ensure that oil development --
22 primarily, oil development projects on the North
23 Slope were done in such a way as to minimize
24 impacts to the waterfowl resources, so he's been
25 a champion for good conservation and waterfowl

1 resources for many years. Since that time, he's
2 also worked for the Division of Refuges. He's
3 seen quite a bit of the state now. He's only
4 been with the Division of Migratory Bird
5 Management for less than a year. I want you to
6 know that he's a very experienced and talented
7 waterfowl biologist. Just because you're getting
8 a new face doesn't mean that he doesn't know what
9 he's up to. He's going to provide a technical
10 analysis for the Division on the waterfowl
11 issues.

12 So, with that, I'll just turn it
13 over to Eric for a comment.

14 DOUG ALCORN: We'll invite Eric and
15 Dan.

16 ERIC TAYLOR: I'm Eric Taylor with
17 the U.S. Fish and Wildlife Service, Division of
18 Migratory Bird Management.

19 DAN ROSENBERG: I'm Dan Rosenberg
20 with the Alaska Department of Fish & Game
21 Statewide Waterfowl Program.

22 DOUG ALCORN: Before you start,
23 just show the Council that this is under -- this
24 proposal is under tab 6. You can find it in the
25 binder.

1 ERIC TAYLOR: Thank you,
2 Mr. Chairman.

3 Greetings to the Council. I
4 understand that this is a continuation of a
5 revision that I believe was first approved in
6 2005. And this is essentially the same proposal
7 that was approved in 2008, and that is to allow
8 possession and subsistence use of up to 20
9 yellow-billed loons tangled inadvertently in
10 subsistence gill nets on the North Slope.

11 As the group is aware, there was a
12 presentation by Karen Hank with the Endangered
13 Species Office yesterday. That raised concerns
14 relative to yellow-billed loons on the North
15 Slope in terms of their population status, in
16 terms of harvest, in terms of their low
17 productivity. And this proposal -- while the
18 Fish and Wildlife Service does not believe it
19 poses any population risk to the species based on
20 this low number, in 2008 there were nine
21 yellow-billed loons that were reported to be
22 captured in gill nets. We do recommend that the
23 North Slope Borough examine methods or means
24 possibly to try to determine if there's a way or
25 an opportunity to decrease the inadvertent

1 capture of yellow-billed loons. At this point,
2 we don't have any specific recommendations of
3 possible materials that could be attached to a
4 net or other types of methods or techniques that
5 may decrease the chances of loons being entangled
6 in nets. While not affecting the efficiency of
7 gill nets that are used on the North Slope,
8 nonetheless, we do encourage before this proposal
9 comes forward next year in 2011, that the North
10 Slope Borough work with others and certainly the
11 Fish and Wildlife Service offers our assistance
12 from the Migratory Bird Management Division, as
13 well as other biologists, to try to determine if
14 there are ways to decrease inadvertent take of
15 yellow-billed loons. This may include, actually,
16 other types of opportunities to check the nets
17 more often, for example, and thereby decrease the
18 chance of a yellow-billed loon getting entangled.

19 That sums up my comments.

20 I'll be glad to answer any
21 questions.

22 DOUG ALCORN: We have questions for
23 Dan or for Eric? All right.

24 I don't see any. Thanks.

25 We have an opportunity for the

1 technical committee analysis. Is that Dan?

2 DAN ROSENBERG: I hadn't said
3 anything.

4 DOUG ALCORN: I didn't know that
5 you were going to.

6 DAN ROSENBERG: First of all,
7 Mr. Chair, and members of the Council, thank you
8 for having me here. I am new to the process.
9 Please bear with me; have some patience. I know
10 there's history to this, and you know much more
11 about the history than I do. A lot of it will be
12 repeating what I've heard; not what I know.

13 First of all, within the Department
14 of Fish & Game, we recognize the culture and
15 importance of yellow-billed loons to the North
16 Slope. We also appreciate and recognize the
17 outreach that the North Slope Borough is
18 conducting to try to minimize the take of
19 yellow-billed loons.

20 And I do, you know -- birds caught
21 in fishing nets is a worldwide problem. It's not
22 restricted to Barrow, by any means. It's just
23 the fact that Barrow is doing their best in
24 trying right now to minimize this problem is
25 greatly appreciated. And we do, of course,

1 encourage you to continue that, and try to, of
2 course, minimize the take as best we can, as Eric
3 said. And we'll be happy to help if we can in
4 any way.

5 There does seem to be some
6 discrepancy as to how many birds are taken. I
7 think I've heard several figures over the course
8 of the last day or so. I think the report that
9 Josh just put out had one bird or something?

10 JOSHUA BACON: One, and the
11 severely injured.

12 DAN ROSENBERG: Eric mentioned
13 nine; and Karen mentioned another number.

14 JOSHUA BACON: Nine was the year
15 before.

16 DAN ROSENBERG: I wanted to make
17 sure that we clarified what that take is.

18 Anyway, again, we support the
19 efforts to reduce the take, but as we had done in
20 the past, we support the proposal. We don't see
21 any population level effects that we're overly
22 concerned about.

23 DOUG ALCORN: All right. Technical
24 committee analysis. I presume that's one and the
25 same.

1 Okay. Bill.

2 A SPEAKER: Tim Andrew is the
3 technical committee today, and he was also at the
4 tech committee meeting, and I chaired the meeting
5 with the approval of the tech committee members.
6 I'll present their findings.

7 Let me just explain the technical
8 committee for anyone who is new. Tech committee
9 is composed, like the Council, of Federal, State,
10 and Native representatives. The tech committee's
11 role is to provide information to the
12 Co-management Council and to the regional
13 councils to assist them in making decisions.

14 In general, the technical committee
15 does not like to make recommendations, but, at
16 times, the Co-Management Council has asked for
17 those and given those. And we don't have any
18 specific recommendations here. We only have
19 comments today.

20 The tech committee discussed the
21 proposal on the yellow-billed loon, and the tech
22 committee has no new information that you haven't
23 already seen in the last couple days to offer.

24 During the discussion, Robert
25 Stanhope raised the issue of the annual renewal

1 of the proposal, and the regulation. We
2 discussed how that process came about, how it's
3 the edict of the Service Regulations Committee to
4 do that. And Robert stated that he would like to
5 see this become a permanent reg, and that we not
6 have to go through this annual process.

7 And then Robert also indicated
8 that -- as you have also seen the report -- would
9 be available today on the take from this past
10 year. And that was about it for discussion on
11 this particular proposal.

12 DOUG ALCORN: Thank you. Any
13 questions from the Council?

14 Sandy.

15 SANDRA TAHBONE: So, is there --
16 what Robert brought up, is that an option to make
17 it as part of our regulations so it's not an
18 annual proposal?

19 DOUG ALCORN: I guess I can address
20 that. I think we can make that request of the
21 Service Regulation Committee, because it -- like
22 Will said, it was an edict of the SRC chairman
23 back five years ago, four years ago that they
24 wanted to see this annually. And we can convey
25 that message to them.

1 But we have -- we have, you know,
2 all of this new listing information, and the
3 decision that the Service made which will
4 complicate rather than simplify this issue.

5 SANDRA TAHBONE: I would imagine
6 the reporting requirements would still be there,
7 but then to have you just submit -- I mean, is it
8 an issue, Mike, to have to --

9 MIKE PEDERSON: We made that
10 request, I think, before, and we got the same
11 answer that Doug just said.

12 SANDRA TAHBONE: So, has it ever
13 been before the Service Regulation Committee?

14 DOUG ALCORN: To request that we
15 annualize, it was originally requested that way.

16 FRED ARMSTRONG: It was presented
17 as a permanent reg, but this activity could
18 potentially fall under permitting process, and
19 the SRC didn't want to go down that road, because
20 they were going to organize this permitting
21 program. And that was part of the reason why
22 they wanted to have it introduced annually.

23 DOUG ALCORN: Just to elaborate on
24 that point, the Service right now has regulations
25 that allow for the customary and traditional use

1 of eagles for Native American use. And we have a
2 national eagle feather and carcass repository,
3 and there's a whole process by which American
4 Natives can get those for religious and
5 traditional uses. And the Service, for five
6 years now, has been considering and working on a
7 regulation that would expand that to noneagle
8 birds, noneagle parts. So that's the reason why
9 they said -- well, you know, this may be
10 something, as Fred said, that we would address
11 through the permitting process as opposed to a
12 regulating process because of the anomaly being
13 that this is not a targeted hunt. It's not like
14 they're targeting birds through the -- through
15 the subsistence hunting.

16 So, they wanted us to bring this
17 back to them every year. So we can make that
18 question of the SRC.

19 With the complication of the
20 warranted but precluded finding, 12-month finding
21 on yellow-billed loons, I'm thinking that it's
22 going to be more complicated now than less.

23 Any others?

24 HERMAN SQUARTSOFF: Mr. Chair, I
25 think I recall, too, aren't they working on a

1 process right now? If I remember, they were
2 talking about it, talking about something -- the
3 permitting thing, the North Slope Borough, with
4 somebody.

5 DOUG ALCORN: I'm not sure if the
6 Borough is working with the Service on the
7 regulation.

8 Frankly, the way we get to these
9 things, it's a long, drawn-out process to develop
10 these regulations. It's not been a high priority
11 in the Migratory Management Division in
12 Washington. They have more work and less money
13 and less staff, and so this has not been one of
14 the high-priority initiatives of the Service's
15 Division. I don't know if any activity has
16 occurred.

17 HERMAN SQUARTSOFF: I don't think
18 it's what the Service -- Fred, I don't know, you
19 might recall maybe what I'm talking about. They
20 were supposed to be working on some kind of
21 process to come up with a permitting thing or
22 something on this.

23 FRED ARMSTRONG: I'm not sure, but
24 I do know we spent some time in developing
25 protocol for yellow-billed loons that would be

1 reported to the Borough. That was pretty much
2 it.

3 DOUG ALCORN: Mike, do you have an
4 answer to that question?

5 MIKE PEDERSON: I heard about the
6 discussions, but maybe Josh -- maybe it was
7 something that was -- I know it was discussed
8 last year, the permitting thing. But, as far as
9 moving any further, I don't think that's happened
10 based on what you said last year that it was
11 going to be an annual thing.

12 HERMAN SQUARTSOFF: Thank you.

13 DOUG ALCORN: Any other discussion
14 and questions?

15 We'll move to --

16 SANDRA TAHBONE: Just for the
17 record, the Bering Strait Migratory Bird Council
18 supports the North Slope Borough proposal.

19 DOUG ALCORN: Okay. We'll take
20 that part of the discussion up as soon as we have
21 public comment.

22 I'm going to open the floor up to
23 the audience for public comment at this point.

24 The process, again, is that as we
25 go through these one proposal at a time, you've

1 heard the benefit of the discussion, and then we
2 take action. So I'm willing to entertain any
3 comments that -- from the floor.

4 Seeing none. Okay, I'll call the
5 question.

6 I guess we can ask if there are
7 comments from the floor before I call the
8 question. I'll do that.

9 Any statements of support or
10 objection any of the regions want to offer?

11 Peter.

12 PETER DEVINE: Thank you,
13 Mr. Chair. At our regional management body
14 meeting, Aleutian/Pribilof Islands Association
15 agreed to support this proposal, as we have in
16 the past.

17 DOUG ALCORN: Okay. Joeneal, you
18 voiced your support in the past.

19 JOENEAL HICKS: I voiced my support
20 by making a motion.

21 HERMAN SQUARTSOFF: Our regional
22 body, too, we also support North Slope Borough in
23 their proposal.

24 DOUG ALCORN: Okay. Unless you
25 feel compelled to put that on the record, we can

1 call the question and -- the supports infer.

2 I'll call the question.

3 Anybody oppose the motion to
4 approve the North Slope proposal for annual
5 harvest of -- inadvertent harvest of
6 yellow-billed loons?

7 Seeing none, the motion carries and
8 we move forward this recommendation to the SRC.

9 MIKE PEDERSON: Thank you.

10 DOUG ALCORN: Okay. Let's move to
11 the next proposal, which is proposal No. 4 under
12 item 11, new business. And, again, this is --
13 we're going to go through this process again.

14 Introduction of the proposal. I
15 would entertain a motion to consider the
16 proposal.

17 SANDRA TAHBONE: Mr. Chairman, I
18 want to request a Native Caucus. Do I do that --

19 DOUG ALCORN: Let's put the motion
20 on the table, and then we can caucus for the
21 discussion.

22 MOLLY CHYTHLOOK: So move.

23 MIKE PEDERSON: Second.

24 DOUG ALCORN: We have a motion and
25 second to consider the proposal.

1 SANDRA TAHBONE: I contact you for
2 a caucus.

3 DOUG ALCORN: Should we set a
4 motion or come back?

5 We'll stand down and we'll be in
6 recess until the Native Caucus.

7 (Native Caucus.)

8 DOUG ALCORN: We're going to break
9 until a quarter to 3:00. The caucus just
10 concluded.

11 (Break.)

12 DOUG ALCORN: I'd like to call the
13 Council to reconvene, and we have on the table
14 for consideration right now, let's see where I
15 am.

16 We're at tab 7, the proposal from
17 the Kawarek region.

18 Sandy, I'll turn it over to you.

19 SANDRA TAHBONE: Thank you,
20 Mr. Chair.

21 At the November 2008 meeting, the
22 Bering Sea Migratory Bird course you directed me
23 to develop a special action request to this
24 Council requesting that the -- our fall
25 subsistence hunt be recognized. So that's the

1 proposal before you.

2 It would provide for an extended
3 period, September 1 through October 31st. It
4 would provide our hunters to hunt during their
5 traditional times, subsistence hunt, and it would
6 allow them to hunt under the same methods and
7 means as the spring/summer framework. And that's
8 pretty much it.

9 DOUG ALCORN: Okay. Okay, we have
10 technical review and comment by Alaska Department
11 of Fish & Game and U.S. Fish and Wildlife
12 Service.

13 I'll ask Dan and Eric to come to
14 the table.

15 DAN ROSENBERG: Chair and members
16 of the Council, thank you, again.

17 My original inclination was to
18 defer to Eric first, but I'll go through with
19 this.

20 I don't have a lot of technical to
21 review. This does seem to be of interest to --
22 this proposal, but this type of proposal
23 extending the subsistence season seems to be of
24 interest to a lot more regions right now than
25 just Kawarek, is just my understanding of this.

1 So, I'm not -- I'm not sure that
2 I'm really addressing just the Kawarek proposal
3 or just the concept in general right now as to
4 where this is going.

5 You know, we certainly recognize
6 and acknowledge that there's year-around
7 subsistence hunting and the importance of
8 year-around subsistence hunting in the different
9 cycles, both natural history and harvest, that
10 occurs in different regions and why, of course,
11 there would be interest in pursuing this. Our
12 concerns are that the current regulations, as
13 they stand now, are really the exceptions to the
14 closed season from March 10th to September 1.
15 And I think this -- it's my understanding that
16 this was discussed at length during the
17 negotiations with Canada during the Treaty
18 renewal process. And it was that understanding
19 that that's how the system was to be set up. So,
20 I'm not sure exactly what all the legal
21 considerations might be in this, but my guess is
22 there are a lot -- that there are a lot of
23 potential legal hurdles to making this change
24 right now. And there are social issues between
25 the sort of subsistence hunt that this is, of

1 course, going to create controversy with, I'm
2 sure, and, of course, there's bigger issues and
3 law enforcement issues that are all going to come
4 out of this.

5 The federal regs that were adopted
6 in 2002 provided for this separate process, and
7 the separate process for the sport and
8 subsistence hunting regulations and separate the
9 closure from March 10th to the 31st. So, at this
10 time, given all that, we're not prepared to
11 support this, really, without a broader
12 understanding of how the legal implications, the
13 social implications, and all the regulatory
14 implications could come about. So we certainly
15 support, though, convening a separate session, if
16 possible, to discuss this and try to see where
17 this may -- whether this individual proposal may
18 lead to a broader schedule, because there,
19 obviously, is other interest. And so, with that,
20 that's pretty much my take on the whole thing.
21 And at this time, we're not prepared to support
22 it, but we would certainly recognize the need to
23 pursue it under -- at a different time.

24 DOUG ALCORN: All right. Thanks,
25 Dan, Eric.

1 ERIC TAYLOR: Eric Taylor with the
2 U.S. Fish and Wildlife Service. Thank you,
3 Mr. Chairman.

4 As Dan mentioned, this is a
5 complicated proposal, and if regulations were
6 adopted, they would probably be under part 20 of
7 the sport season regulations. But, as Dan
8 mentioned, it is a complicated proposal, and I am
9 not for sure at this point what the regulations
10 may look like. I've just -- have drawn up two
11 potential alternatives that are among probably a
12 suite of alternatives that this regulation could
13 come forward.

14 One alternative might be hunters
15 residing within an included subsistence area, and
16 those who do not reside but then visit the
17 included subsistence area could follow continued
18 subsistence regulations.

19 If that was the case, that
20 alternative more than likely would result in
21 unsustainable harvest of migratory birds
22 depending on the geographic area or species.

23 Another alternative is that hunters
24 residing within an included subsistence area
25 would be allowed to continue hunting past August

1 31st using subsistence methods, versus other
2 hunters that are not residing but are, again,
3 visiting the subsistence area who would follow,
4 again, fall hunting regulations. So, as
5 previously mentioned, this alternative would
6 result in hunters in the same area following two
7 different regulations which potentially
8 complicates law enforcement policy, as well as
9 social issues.

10 So, in summary -- and my comments
11 are brief, I understand, because I'm not for sure
12 what these regulations would look like. The
13 potential effects of extending the subsistence
14 season beyond the 31st of August would depend on,
15 one, the geographic area, as well as the
16 population of subsistence hunters living in that
17 area; two, the species that are harvested, the
18 intensity and the distribution of the harvest.

19 One might conclude that right now
20 the fall hunting regulations may deter harvesting
21 birds. So, extending the subsistence season
22 regulations could result in an increase in
23 harvest.

24 So, the effects of that potential
25 increase in harvest on different species in

1 different areas at this point, I'm not at liberty
2 and don't have the ability to assess that
3 potential effect. I'll be happy to --

4 DOUG ALCORN: Thanks. Any
5 questions of our two technical evaluators?

6 HERMAN SQUARTSOFF: Yeah,
7 Mr. Chair. I got for both of them I have -- I
8 got quite a few here, and I'd like to discuss.

9 DOUG ALCORN: Okay.

10 HERMAN SQUARTSOFF: Dan, yeah, you
11 mentioned something about the closed season March
12 1 to September 1. Are you talking sports or
13 what?

14 DAN ROSENBERG: It's my
15 understanding that the season, the summer and
16 fall or spring and summer subsistence season is
17 closed until it's opened through this process.

18 HERMAN SQUARTSOFF: It's pretty
19 much open. In this time that was mentioned, it
20 was kind of closed.

21 DAN ROSENBERG: No, I thought this
22 was going to October --

23 HERMAN SQUARTSOFF: Hers, the
24 proposal.

25 DAN ROSENBERG: The proposal.

1 HERMAN SQUARTSOFF: I didn't
2 understand. I wanted a clarification. You're
3 saying closed season March 1 through September
4 1 --

5 DAN ROSENBERG: March 11th.

6 HERMAN SQUARTSOFF: Her proposal
7 goes from September 1 to October 31st.

8 The legal issue -- you're talking
9 legal issue. What kind of legal issues?

10 DAN ROSENBERG: I probably should
11 have shut up and not mentioned legal issues. I
12 don't know what kind of legal issues, but it's
13 been pointed out for me, because of the way the
14 treaty was renegotiated with Canada and some of
15 the decisions that were made at that time,
16 that -- again, this is a semantics thing that I'm
17 not prepared to go into, and others, I'm sure,
18 can address it much more clearly and eloquently
19 than I could. There just may be legal issues
20 that -- let's just put it this way: There may be
21 legal issues that I'm not aware of. There very
22 likely could be legal issues that need to be
23 discussed before we can approve something like
24 this.

25 HERMAN SQUARTSOFF: Personally, I

1 can't, myself -- the way I looked at the protocol
2 myself, too, it doesn't clearly state when the
3 hunt should be, you know, in there. You know.
4 It does call for a spring and summer hunt. I'm
5 trying to recall -- at the beginning of our
6 Council when we first started, I can't remember
7 who the head guy was for -- in your position.

8 DOUG ALCORN: Lynn Alison.

9 HERMAN SQUARTSOFF: Not Lynn --

10 DOUG ALCORN: Regional director?

11 HERMAN SQUARTSOFF: No, no. There
12 was Mimi Hogan.

13 DOUG ALCORN: Rob Stevenson.

14 HERMAN SQUARTSOFF: I think it was
15 more or less under their understanding that it
16 should be a spring hunt. You know, these dates
17 should be a spring hunt. That's where that kind
18 of came up. I'm trying to remember. I'm not
19 sure of it, but that's how the spring thing came
20 about. So I can't really, you know -- and then
21 also the regulatory issues, I don't see where --
22 because when we do our traditional harvesting and
23 gathering -- I don't like the word "subsistence,"
24 sorry. But when we do that, we all have -- have
25 our state license, got to have our state stamp,

1 got to have our federal stamp. I can't really
2 see a conflict in there. We already have this in
3 place. The sports are going to go on whatever.
4 There shouldn't really be a conflict there. And
5 then the seasons out there hunting or whatever,
6 they do that in the spring. There's no reason
7 they can't carry it on in the fall. Carry it on
8 to see who is subsistence or whatever. I can't
9 see the conflict there on that, and then the
10 increase in harvest. I don't think there's an
11 increase in harvest. It's been ongoing, and a
12 lot of guys, like I see myself when I'm out there
13 hunting on the supposed sports hunt time, I'm
14 considering myself to be a subsistence hunter or
15 traditional harvester and gatherer. I'm taking
16 ducks the same way I take them in the earlier
17 times. What we're saying, the spring. It's no
18 different. I can't really see an increase.

19 You know, I just can't see an
20 increase, because it's an ongoing thing all
21 right, and it's not something new that we're
22 going to start that they are not already doing.
23 It's ongoing right now.

24 DAN ROSENBERG: You might be
25 absolutely right about that.

1 I can't see, you know, why you guys
2 would not support something like this when -- it
3 does not -- and it fits in their customary and
4 traditional needs. That's what it says in the
5 protocol. It says in there for the conservation
6 of birds -- of the birds, and to fit the needs of
7 your customary and traditional uses and things.
8 That's what it says in that protocol. That's
9 what it was redone from.

10 DOUG ALCORN: Herman, let me call a
11 little bit of a point of order. I think the
12 discussion that you're having would be after
13 we've heard the technical presentations. This is
14 for clarification on the technical positions of
15 it.

16 HERMAN SQUARTSOFF: Right, I'm
17 trying to go back on the issues, whether he's
18 legal or --

19 DOUG ALCORN: The debate will occur
20 when we have the discussion, okay? It's not
21 their responsibility to debate the pros and cons.
22 They're just giving the technical analysis.

23 HERMAN SQUARTSOFF: I don't want to
24 debate. I'm trying to let him know that this is
25 my point of view on why I see the stuff of what

1 he's saying --

2 DOUG ALCORN: We'll get to that.
3 We'll have that opportunity.

4 Any questions for clarity?

5 SKY STARKEY: I've got some
6 questions.

7 DOUG ALCORN: Sky.

8 SKY STARKEY: First of all, excuse
9 me, I don't -- are you a biologist? You are --

10 DAN ROSENBERG: Yes, I am.

11 SKY STARKEY: Are you a state
12 biologist? You're a federal biologist?

13 DAN ROSENBERG: I'm a state
14 biologist in Anchorage.

15 SKY STARKEY: Your technical
16 expertise is biology. We should probably stay
17 away from law.

18 DAN ROSENBERG: I said that.

19 SKY STARKEY: On the technical
20 stuff, then, the biological stuff, I didn't hear
21 an opinion that it was one way or the other on
22 this. Is that -- am I hearing things correctly?
23 You don't have the information or you don't know
24 what the effect would be, essentially?

25 ERIC TAYLOR: For the Fish and

1 Wildlife Service, it's not my position to give
2 what our formal recommendation is on this
3 proposal. My task is to provide some sort of
4 technical review on this. You are correct, and
5 that's in my testimony, I stated that unless I
6 had better information, understanding
7 distribution of the harvest, the species
8 involved, the numbers of individuals, it's very
9 difficult to say what the level of impact might
10 be.

11 SKY STARKEY: What's the margin --
12 what's the margin here in terms of -- what
13 quantity of harvest would raise to a level of
14 concern to you on any given species?

15 ERIC TAYLOR: It would depend on
16 the species and population, and what the
17 population is currently doing.

18 SKY STARKEY: What populations are
19 of concern to you out there?

20 ERIC TAYLOR: Populations that are
21 currently declining would be species like
22 scoters, species that are closed, spectacled and
23 Steller's eiders, species that don't have
24 populations met, goose, emperor goose. Things
25 like that are showing a decline. So those

1 species would be of particular concern.

2 SKY STARKEY: That's helpful.

3 DOUG ALCORN: I'm not taking
4 comments yet from the floor. We're still asking
5 these fellows to help clarify their positions.
6 We'll take your comments in just a moment, Jim.

7 SKY STARKEY: Just a follow-up
8 question.

9 In your process of evaluating
10 things from a biological point of view -- I don't
11 understand the process probably as well as I
12 should, probably -- but do you communicate
13 whatever concerns or questions or lack of
14 information to make a proposal to try to
15 determine with them what the gaps in information
16 are and their estimate of take and species and
17 et cetera so you'd be able to fill this in, or is
18 it done in a way that doesn't involve much
19 interaction between you and the makers of the
20 proposal?

21 ERIC TAYLOR: It's an excellent
22 question, and, indeed, if the process were ideal,
23 there would be more going back and forth in terms
24 of the proposal where the proposal could be
25 geared to be more specific to address up-front

1 issues or questions or potential concerns that a
2 resource agency might have. But right now, at
3 least, I'm new to this process, and certainly
4 there could be proven in the future that would be
5 a better process.

6 DOUG ALCORN: Are you going to
7 address the question directly, Russ?

8 RUSS OATES: Yes. Russ Oates, Fish
9 and Wildlife Service.

10 I just wanted to mention, Sky, that
11 there is a technical committee. It's a
12 subcommittee of AMBCC impaneled by the AMBCC, and
13 that committee does meet after the proposals are
14 submitted in December, and Bill has been -- Bill
15 Ostrand has been acting chair of that committee,
16 and the proposals were discussed and some of the
17 issues were brought out. And the agencies are
18 represented on the -- on that committee, and
19 notes are derived as a result of that meeting.
20 And I'm not exactly sure of the distribution, but
21 I think they're available --

22 WILLIAM OSTRAND: They're in the
23 binders.

24 RUSS OATES: They're in the
25 binders. But I can't remember exactly what the

1 time frame is with regard to those notes being
2 made available. But, I mean, at least
3 theoretically, there's potential for the issues
4 that are raised by discussion or in the
5 discussion by the technical committee to be
6 brought back to the Council prior to this
7 meeting.

8 SKY STARKEY: I appreciate that,
9 Mike. It's just my concern is that when we have
10 an issue or proposal that's up and there's a
11 technical report by the biologists which I do
12 appreciate, but it would seem like you would want
13 very close communication between them and the
14 makers of the proposal on issues like anticipated
15 species and anticipate the numbers so that you
16 would get a better feel for where we're at and
17 the information could be better. So, that's at
18 the technical committee level fine. It's just my
19 concern, because, frankly, one of the major
20 concerns I've had with the process for a long
21 time is that I believe that when there's a
22 technical report, there should actually be three
23 chairs up there. And that the funding structure
24 of this whole organization should be the Alaska
25 Native representatives also have a member, a

1 biologist that's up there that can provide the
2 information from the perspectives from their
3 point of view on all these proposals, and I think
4 we'd improve the system a lot if that were the
5 case so that there were better -- there were --
6 all points of view were represented on the
7 technical committee, and better communication --
8 not the technical committee, but in terms of the
9 recommendations that are coming to the Council
10 today. So that's why I ask the question. That's
11 my agenda.

12 DOUG ALCORN: We do have a report
13 from the Standard Operating Committee, Procedures
14 Committee that you might want to take up that
15 recommendation.

16 We did have a hand raised. Come up
17 to the table, Jim.

18 But before you introduce your
19 comments and yourself, are there any other
20 comments of the two agency biologists? Any other
21 questions?

22 Jim. Go ahead.

23 JIM SIMON: Jim Simon, Division of
24 Subsistence. I'd just like to point out that the
25 Division of Subsistence is a member of the

1 technical committee. To my knowledge, we were
2 not -- did not participate in the development of
3 these technical review comments on these
4 particular proposals, but had we been involved,
5 we would point out that the Migratory Bird
6 Co-Management Council's harvest monitoring
7 program has been extended to document harvest
8 during the fall season, et cetera, such that the
9 Council should have available to them the
10 information pertaining to what levels of harvest
11 are likely to occur during the time period that's
12 referenced in Kawarek's proposal. This is -- I
13 just would follow -- end my comments with this is
14 why the technical committee is structured the way
15 it is and why it is important for the Division of
16 Subsistence to be involved in your process.

17 Thank you.

18 DOUG ALCORN: Thank you. We do
19 have -- as a matter of process here that we're
20 going through, we're down to item 4 on the
21 process to consider the proposal, and that's
22 technical committee comments. So, this is the
23 opportunity that we hear from the technical
24 committee.

25 WILLIAM OSTRAND: Bill Ostrand with

1 the Fish and Wildlife Service representing the
2 technical committee.

3 This has been somewhat -- so much
4 discussion about the technical committee, I
5 thought I'd tell you a little bit more on how we
6 work. Notes are taken at the meeting by someone
7 who is appointed to do so, and then following the
8 meeting, those notes are circulated among the
9 committee members, and then those comments from
10 the committee members are incorporated into a
11 brief report, and then distributed to the
12 Co-Management Council members so that you'll have
13 them available for your discussion. There is a
14 copy of our rather brief report from the
15 technical committee in the binders. I can't
16 remember what tab it's behind. This meeting was
17 not well attended, but there was a representative
18 from the State, from the Feds, and from the
19 Native component of the Council.

20 DOUG ALCORN: Tab 3.

21 WILLIAM OSTRAND: On legal issues,
22 the technical committee has a precedent of
23 refraining from commenting, and technical
24 committee felt that this was -- there was a legal
25 issue to address here. So, although we had a lot

1 of opportunity discussing debating the various
2 points of view, we are not lawyers we recognize,
3 as Sky was saying earlier, and we reported no
4 particular comment.

5 We did recognize that we needed a
6 legal interpretation of the treaties, and Fred
7 was in attendance and agreed to approach the
8 Solicitor. And that's, basically, all we have.
9 We don't have -- we didn't go into any
10 speculation on what the effects might be if this
11 were to happen.

12 DOUG ALCORN: Questions of Bill?
13 Joeneal.

14 JOENEAL HICKS: The last comment.
15 Was the Solicitor approached?

16 FRED ARMSTRONG: I could address
17 that.

18 DOUG ALCORN: Fred, go ahead.

19 FRED ARMSTRONG: Thank you,
20 Mr. Chair.

21 I don't recall making that
22 statement, but the protocol for requesting a
23 Solicitor's opinion comes from the regional
24 director. So they would have to formulate a
25 letter and move it up the chain to get the

1 regional director's signature. At the time I got
2 that, I had to focus on a different issue that
3 was another important matter that called my
4 attention away from most other matters. I didn't
5 follow through with it, getting the letter
6 formulated.

7 DOUG ALCORN: So we haven't heard
8 from our Solicitor on this particular proposal.
9 That's the question. Okay.

10 All right. We are at a point where
11 we are hearing public comments. Are there any --
12 is there anyone in the audience that would like
13 to comment on this proposal? Come to the table
14 and identify yourself.

15 FRANK WOODS: Frank Woods. Just
16 for clarification, BBNA. I know you guys all
17 know the reason the board was created was to --
18 and just like their proposal before you, is to
19 actually meet the needs of the people for an
20 existing hunt and the existing practice for
21 subsistence, to make it legal for them to provide
22 for their families. What's what -- how was I
23 going to put this here? That if we're going to
24 create, I guess, a whole new form of regulations,
25 how to come up with proposals for meeting needs.

1 I don't know if we even have that process yet.

2 Do we?

3 DOUG ALCORN: That's what this
4 process is.

5 FRANK WOODS: I know. To outline
6 it, it's kind of hard to sit back and to observe
7 just as a newcomer, I guess, and I'm probably not
8 the only one that gets kind of lost and the
9 process. It looks like we're having a stumbling
10 block. But we, as a subsistence user, and
11 someone that actually participates and initiates
12 the surveys, like the guy before me, is it Jim --
13 yeah, he stated that we collect surveys for the
14 fall hunt, and that process we already know what
15 the harvests are. We're not changing the way the
16 hunt is actually going. We're just changing the
17 wording and our regulatory process. And making
18 it legal -- because the process is going to
19 happen. Just like the way this board was formed,
20 the spring hunts that were going on were to
21 meet -- basically, this board is trying to meet
22 the needs of the people.

23 And that process, you know, we've
24 kind of went to a point where now I see statewide
25 locals and Native people are requesting they be

1 more engaged and that process, and as they
2 understand more language and the process for this
3 meeting the needs of the people, there's always
4 that -- you know, the roadblock and the timing or
5 the learning curve is huge. I mean, we had the
6 director state here this morning that his
7 learning curve is a pretty big hill. Well, it's
8 like that for everybody, I think. And this is a
9 growing organization. These -- it's going to
10 come from region to region. They're going to
11 start asking for more needs. Not only as climate
12 change changes the needs. It might be something
13 else, it might be the yellow-billed loon here
14 this year, it might be some other species next
15 year. It's going to continue to grow. So I'd
16 like -- you know, I'd like to address that, that
17 we should streamline this process and how to meet
18 the needs of the people, I mean. And the process
19 is already there, like you said. How do we meet
20 that need?

21 That's all I've got to say.

22 Thanks.

23 DOUG ALCORN: Thank you. Anyone
24 else from the audience that would like to provide
25 comment?

1 All right. I'll close the public
2 comment period, and we will allow Council
3 discussion.

4 Anyone from the Council wish to
5 comment on the proposal?

6 This is your chance, Herman.

7 HERMAN SQUARTSOFF: I'll try again,
8 Doug. I'll try again on it.

9 But the point that I want to argue
10 on this and why I support this proposal is
11 because of the customary traditional use, the
12 time they've been doing it up until this period
13 of time, I'm assuming, so. And there was a bunch
14 of us and the other areas that want to do the
15 same thing at different points and time
16 throughout the year.

17 You know, when this came about, you
18 know, when they were remanding the treaty and
19 everything else, everybody and the regions did
20 not have a chance to be and there and represent
21 their area. They didn't have a say-so on there.
22 There were only a few people that were there.
23 That was another stumbling block for some of us.
24 I assume that, like I'm saying, I believe when we
25 first started this Council, you know, they made

1 that decision back then that this will be a
2 spring and summer hunt. And which is not fair to
3 all the regions, because we're all different.

4 And I can't -- I can't really
5 see -- you know, Eric mentioned it would be a
6 complicated proposal. I can't really see how or
7 why when we have and place already our license
8 and stamps and everything, the same thing as a
9 sport person has out there. There really could
10 not be a whole lot of difference. The thing has
11 been ongoing.

12 And like, I guess, Jim said there,
13 that -- and I should have mentioned it, too, I
14 knew that our surveys are being done also and the
15 fall. So there should be evidence of what's
16 going on there. I don't know if it's especially
17 increased or not. And I don't really think it
18 has. They just want to be considered traditional
19 harvester/gatherers and not sports hunters,
20 basically, on this also.

21 So, but I -- you know, and our
22 region, we support this proposal, you know. The
23 points that I mentioned and everything. And
24 things are ongoing and they're out there and the
25 field already checking. Like, and the springtime

1 they can carry on a little farther. I don't know
2 when fall is supposed to start. Fall starts
3 when -- middle, end of September.

4 DOUG ALCORN: Technically, the fall
5 regulations under CFR part 50 -- CFR 50 part
6 21 -- part 20 open, start -- are applicable to
7 September 1st.

8 HERMAN SQUARTSOFF: I'm talking the
9 season itself fall. It don't start until later.
10 We can technically still be and the spring -- the
11 summer season up to that point, sometime and
12 September. I don't know when fall originally
13 starts. I don't know if anybody really knows
14 exactly.

15 Technically, they could still be
16 perfected on their hunt, you know, and it's not
17 really considered fall up to a certain point,
18 unless you're going to go by your technical one
19 on your sports hunt. Sport starts September 1.
20 It does not happen and all the areas. Down and
21 our area and Kodiak, it doesn't open until
22 October 8th. I don't know what it is and all the
23 other regions. There are different sports hunts
24 there, too, at different times. That's another
25 point that we can argue why can't we have our

1 subsistence hunter, traditional hunting and
2 gathering at different points and time with the
3 sports thing. You're going to do one thing, try
4 to keep it all instead of having half of this,
5 half of that, whatever.

6 So, that's pretty much -- what I'm
7 basically trying to do is convince you guys that
8 there is a good reason why we're trying to do
9 this. There's a few of us that want to do the
10 same thing, and I can't see anything wrong where
11 there's going to be a conflict or anything.

12 Thank you, Mr. Chair.

13 DOUG ALCORN: Thank you, Herman.

14 Any other comments?

15 Peter.

16 PETER DEVINE: Yeah, at our
17 regional management body meeting, we agreed to
18 support this proposal because, like other
19 regions, we also want to have a winter hunt. Our
20 season, you know, comes later, like, from October
21 to -- and November, you know, during the holiday
22 seasons, so we traditionally hunt. So we agreed
23 to support this, and we will be coming back next
24 year with our own proposal.

25 DOUG ALCORN: Thank you. Any other

1 comments?

2 Joeneal.

3 JOENEAL HICKS: I would support
4 this proposal, also. Given the fact that climate
5 changes, we already know it, we don't know,
6 within the next five years or so, fall might end
7 September 21st. And if that should happen, the
8 birds can stay a lot longer.

9 Given the fact that there are -- I
10 know region by region, Southeast, up towards
11 Barrow. They have different types -- October
12 31st -- closing date's October 31st. I would say
13 that might be good for one area, and wouldn't be
14 applicable to others. I'd like to put that out.
15 There's one particular area that I kind of feel
16 that needs to be pointed out during that. It
17 seems to me that the State regulations, then you
18 have -- let's put it this way: There seems to be
19 three facets of subsistence migratory bird
20 harvest groups that we're talking about when it
21 comes down to the September 1 through September
22 31 period. One, you're looking at the Native
23 Alaskan, saying who is -- a true subsistence
24 user. Then you're looking at the Alaskan
25 subsistence user. In other words, they'll be

1 here for one year. Then you're eligible for
2 subsistence of that year's class. Then you're
3 also looking at the sport class. There's three
4 subsistence user groups here that I -- and all,
5 let's say regulations are different. It seems to
6 be like a pot of spaghetti here that we're
7 looking at. That needs to be -- take a real
8 close look at that there, you know. Make it more
9 to resemble something that's more continuity, you
10 know, works all the way through instead of
11 having, like I said, all different regulations
12 applicable to all these groups here.

13 The other part I wanted to also
14 mention is that I think this Council also needs
15 to take a close look at whether or not
16 subsistence use or subsistence needs are being
17 met during this particular period. I mean, it's
18 very possible. Like I said, climate change,
19 state of the economy, and all that sometimes
20 spring subsistence hunt, summer subsistence hunts
21 don't get it, and there needs to be a
22 follow-through during the fall.

23 Again, I say I support the
24 proposal.

25 DOUG ALCORN: Thank you.

1 Any other comments?

2 RANDY MAYO: Mr. Chair.

3 At our meeting and our region last
4 month up and the Interior, we, too, support this
5 proposal, you know, because of what's being said
6 around the table here as part of it. And the
7 other part we discussed and our region was that,
8 you know, contemporary traditional management
9 regimes and whatnot, there's never -- has never
10 taken into consideration the traditional times
11 that were taken and methods. There's always been
12 that difference there, you know, based on the
13 traditional and -- versus based on the western
14 scientific biological aspect.

15 So, and, you know, the other part
16 is that, you know, what happens is it creates a
17 shortfall and times where we might come up short
18 to meet our subsistence needs and the traditional
19 hunt. So these are some of the reasons our
20 region supports this proposal.

21 Thank you.

22 DOUG ALCORN: Thank you.

23 Any other comments?

24 SANDRA TAHBONE: I'll have final
25 comments.

1 HERMAN SQUARTSOFF: I have one
2 more, and then Sandy.

3 DOUG ALCORN: You have a comment?

4 HERMAN SQUARTSOFF: Joe hit on a
5 good one. This is pitting our traditional
6 needs -- I know you and me had this discussion
7 awhile back. If, you know, the protocol -- the
8 way the protocol goes, support traditional
9 harvest and needs, subsistence users and stuff,
10 but, you know, I mentioned before to Doug, and
11 I'll mention it now, it's not fitting our needs,
12 especially when we run into snags like this to
13 try to carry on our traditional times for
14 harvesting and gathering and don't have the
15 support to do it. That's one of the reasons why
16 it's not fitting our needs. And like Randy
17 mentioned, too, the climate change, and Joe, we
18 just don't know what it's going to be like a few
19 years down the line. I believe strongly that
20 it's not fitting our needs anymore, especially
21 when we run into snags where we don't get the
22 support on it.

23 Thank you.

24 DOUG ALCORN: Thank you, Herman.

25 Do you have closing comments? Do

1 we have any comments?

2 Dale.

3 DALE RABE: Yeah. This is an
4 interesting proposal for part of my first
5 meeting, and I have -- I'm trying to sort through
6 a number of things as I listen to the discussion
7 that has occurred thus far, and the proposal that
8 the Fish and Wildlife Service, Doug mentioned
9 yesterday, the technical meeting about a
10 different way to approach this. Or using a
11 different group at a different point and time.

12 And, you know, I'm struck by
13 several things. One, you know, my understanding
14 of the -- of all why do we gather here is -- is
15 because of the -- finally, a recognition of the
16 subsistence or was it -- Herman, you said
17 hunting/gathering, if that's the preferred
18 language.

19 HERMAN SQUARTSOFF: And
20 traditional.

21 DALE RABE: Traditional hunting and
22 gathering. And to try and find the solutions
23 that are going to work for all of that,
24 particularly when it's made more complex because,
25 just like this group has a formal structure,

1 there are certainly a lot of other people outside
2 of this group that have created and imposed
3 certain structures we have to live within those
4 kinds of things. And that makes, I think, some
5 of the potential means of getting to the end that
6 I -- that I share and terms of the goal, which is
7 to meet the subsistence needs within the context
8 that it can be met, and it doesn't cause
9 biological harm to these species.

10 But, as I've listened to this
11 discussion, it seems like the intent is not an
12 issue for me to be able to try and get to that
13 point. But it's working our way through the
14 technical, more at ease of all these other
15 regulations and interpretation so that we do it
16 correctly.

17 And at the same time, Herman, what
18 I think I heard you say was that, well, in spite
19 of what the regulations are starting September
20 1st, that there are still traditional activities
21 going on which seem to me that it's the same
22 problem that existed prior to the establishment
23 of this as an exception to the normal kinds of
24 hunting activities that are permitted and more
25 traditional harvest and the Lower 48 and that

1 kind of thing.

2 So, even and my own mind at this
3 point, I'm, frankly, a little bit perplexed to
4 see a clear path, but I appreciate the needs that
5 have been identified. And I also appreciate the
6 fact that there are differences, geographically
7 within the state that as winter progresses and
8 where birds reside at different times of the year
9 make this more complicated, and also reading
10 through the material, it's not even clear to me
11 because the list of species that are included and
12 the spring and summer activities is very
13 extensive, and I don't know if that's what we're
14 talking about and the fall, if it's that same
15 full group of species that are not traditionally
16 harvested, or if it's now back something closer
17 to what the normal type of waterfowl, the ducks
18 and geese were. And without having a little bit
19 more information, at least from -- for me,
20 individually, but I think to inform this entire
21 discussion, I find it very difficult to know what
22 to do as the next step, except to gather more
23 information. That would be my normal approach as
24 a manager would be to gather the information from
25 all of the necessary corners, which includes the

1 legal corners of this to be able to identify what
2 is the ground that we have to be able to work.

3 What I'm not inclined to do is
4 to -- is to charge forward with something that
5 would be not supported at another step,
6 recognizing this is only one step and many to
7 make this thing really happen.

8 And though the concept is good, my
9 discussion and my knowledge of what the rest of
10 the process is is that, well, it's got to go and
11 be evaluated and reviewed by other people, and
12 this group sort of loses some of the control at
13 that point and time. So, it seems to me it would
14 be more prudent to dig and do the work here and
15 now while it's within this group's domain so that
16 we know going forward that there's going to be a
17 proposal that has clear light ahead and can make
18 it through the rest of that process.

19 And so, I mean, I'm just sharing
20 sort of randomly a whole set of thoughts that I
21 have at this point in terms of concerns
22 recognizing what the intent is that I hear very
23 clearly and I can support very clearly, as long
24 as it doesn't have biological impacts and maybe a
25 whole set of questions about whether or not that

1 is or isn't the case. But that's more
2 information.

3 So, as a newbie, and I won't, you
4 know, maintain that title for very long here, but
5 at least this one because I didn't have much time
6 to really dig into the regs and be prepared to
7 hear all the nuances and certainly not the laws,
8 the federal laws regarding this. You know, I'm
9 going to leave it at that point, and I would
10 recommend to proceed cautiously at this point to
11 be able to make this thing happen rather than hit
12 a brick wall and then have a lot of frustration.

13 I'm done.

14 DOUG ALCORN: All right. Thank
15 you.

16 Molly, did you have a comment?

17 MOLLY CHYTHLOOK: Yeah, I just have
18 a short comment. You know, we cry out, too, I
19 guess people and try to tell you that these
20 subsistence resources are important. And the
21 communities, we don't have cars and we don't have
22 Safeway to where we can go into a store and just
23 pick out whatever we need.

24 Our -- our store, I guess, our
25 Safeways and our Carr's are and our backyard, and

1 we harvest these resources and season, and it's
2 just -- I don't know how to -- how to put it and
3 more -- I guess, expressive way to let -- and
4 you -- every one of you, including the State and
5 Federal, probably have heard the cries of people
6 stating that, you know, these resources are --
7 are -- you know, that's why we exist. Because we
8 don't have stores and our -- and a lot of our
9 villages, and if we do -- if we do, the items and
10 the stores are too expensive for us.

11 So, the one question that I wanted
12 to ask that Jim Simon. You work and that region?
13 And that -- you know what region -- the reason
14 why I'm wanting to -- is wondering where you work
15 is because the majority of the communities
16 throughout Alaska under ADF&G Subsistence
17 Division have made it a point to do baseline
18 surveys and each one of the communities
19 identifying what resources people use, and when
20 we do those surveys, we don't -- we try not to
21 incorporate or let people know that, well, you
22 can't harvest this and you can harvest that
23 within the regulations.

24 We go out there and -- and have
25 people tell us what resources are important to

1 them and what resources they have used within a
2 12-month period, and now we're just wondering if
3 you worked and that region and what you found out
4 about the use of migratory birds and what months.

5 JIM SIMON: We --

6 DOUG ALCORN: Jim, would you come
7 to the table and --

8 JIM SIMON: Jim Simon. I am the
9 regional supervisor for the Division of
10 Subsistence for the Yukon Kuskokwim Delta, as
11 well as the Kawerak region, the Maniilaq region
12 and the North Slope Borough and the Tanana Chiefs
13 Conference region. And we do not have nearly as
14 much baseline subsistence -- customary and
15 traditional use documentation that you do have
16 for the Bristol Bay region, for example. Some of
17 the largest information gaps that we have and the
18 State are and the northern two thirds of the
19 state, but we, and general, I can't speak
20 specifically off the top of my head to the
21 Kawerak region, but given that Kawerak has
22 recently conducted baseline comprehensive surveys
23 and 2006?

24 WILLIAM OSTRAND: (Nods head.)

25 JIM SIMON: Utilizing virtually

1 identical methods that the Division of
2 Subsistence uses -- Sandy can also probably
3 contribute to -- and responding to your question.

4 But from a
5 northern-two-thirds-of-Alaska perspective,
6 migratory bird harvests represents approximately
7 1 to 2 percent of the overall wild resource uses.
8 There is some diversity. Depending upon where
9 you are, of course, the Yukon Kuskokwim Delta
10 birds are very significant.

11 I do not have a good handle, again,
12 off the top of my head, as to the seasons of use,
13 and -- but, again, we would be able to -- and I
14 also don't have control over the AMBCC harvest
15 data off the top of my head as to when harvests
16 had been documented, for example, from the
17 Kawerak region, but I do know that the fall
18 surveys would provide some of that information.

19 MOLLY CHYTHLOOK: Thank you.

20 DOUG ALCORN: Mike.

21 MIKE PEDERSON: Based on the
22 customary and traditional need of the migratory
23 birds, we support Kawerak's proposal, because we
24 have the same issues and our region as well.

25 DOUG ALCORN: Thank you.

1 Any other comments?

2 I've stated the position of the
3 Fish and Wildlife Service. It's my opportunity,
4 and I personally held off.

5 There's a few issues that have been
6 raised here. I'll cut to the chase here and say
7 the Fish and Wildlife Service is not ready to
8 support this proposal yet. But we do have an
9 alternative that we would like to offer, that we
10 would be willing to host a meeting and have
11 discussion with much more detail, with more
12 knowledgeable people at the table than myself.

13 There are a few issues that have
14 been raised here. One that I hear loud and
15 clear, that subsistence needs certainly extend
16 into the September 1 and beyond time frame. I
17 hear that loud and clear.

18 I also heard from our technical
19 advisers that there are potential concerns.
20 There are concerns about or the potential impact
21 that a presumably liberalization of the fall
22 regulations right now to be modeled more after
23 the spring and summer subsistence regulations
24 could potentially have a detrimental impact on
25 birds that either are not at current objective

1 levels, population objective levels, or those
2 birds that are and population decline, and the
3 third group are those birds that are listed as
4 threatened, endangered, or even candidate species
5 on the endangered species list. So there are
6 sort of three categories of birds that we do have
7 concerns about on the potential. And the
8 assumption is that by liberalizing the
9 regulations, that there could be a detrimental
10 effect. But we don't know. And that's a point
11 that Sky made. We don't know some of the
12 impacts, but that is a concern that we have.

13 The other is we don't know
14 specifically whether or not this is within the
15 purview of the AMBCC to have recommendations that
16 go outside the March 11 through August 31 time
17 frame. Now, there are some folks here that have
18 expressed concern that we don't have that
19 purview, and some that we do.

20 Frankly, I don't know, because I'm
21 not an attorney. But I do have our Solicitor's
22 opinions here, and there are twice references and
23 the Solicitor's opinions to the time period March
24 11 through September 31. So, my presumption --
25 my unlearned presumption is that the context of

1 the regulatory or the regulations that we make
2 recommendations for are within that window of
3 time. But that, again, doesn't necessarily mean
4 I'm right, but it's my presumption. And I'm
5 willing to ask --

6 DALE RABE: Excuse me, just on a
7 technical. Did you misspeak, you said through
8 September 31 --

9 DOUG ALCORN: August 31. For the
10 record, it's the time period that the solicitor
11 references, March 11 through August 31st.

12 Thank you for the correction.

13 So that's my presumption. But,
14 frankly, we have not asked the very specific
15 question of our Solicitor for a couple of
16 reasons. One is the question was just raised and
17 it does take a letter from our regional director
18 to ask the question of our Solicitor's office.
19 And, two, we have asked the question before,
20 taken the liberty to do that, and the Council
21 hadn't encouraged us to do so. And we, as an
22 agency, were criticized for doing that. So we
23 said, okay, when we ask a legal opinion of the
24 Solicitor, we'll vet it. We'll have the question
25 vetted by this body before we go to the Solicitor

1 for that question.

2 I'm willing to entertain that
3 question and take it to our Solicitor and ask for
4 an opinion. It does take about six months to get
5 a written response on whether it's within our
6 purview. Those are the unknowns.

7 I'm not through. I've got one more
8 point to make, but I'll let you comment.

9 What is known is this: The Service
10 Regulation Committee hears recommendations for
11 the subsistence spring and summer season from the
12 AMBCC and, likewise, they hear specific
13 recommendations from the specific Flyway Council
14 on regulations for the fall hunt, fall/winter
15 hunt, which is the September 1 through March 10
16 dates, and that is the standard protocol that the
17 Service Regulation Committee operates under.
18 They hear our comments. They hear the Pacific
19 Flyway comments and recommendations, and then
20 they recommend regulations to the assistant
21 secretary through the chain that we've already
22 described today, the process.

23 I do know that it will complicate
24 that, and the Service Regulation Committee will
25 refer back to the Fish and Wildlife Service and

1 the region and say, "You've got to help us here.
2 You've got to help clarify, because we
3 potentially -- No. 1, we have potentially
4 competing recommendations and, two, we need to
5 know where the region is on this. Because when I
6 go to the Service Regulation Committee meeting
7 every summer, I have to wear two hats: One is
8 the AMBCC hat, and one is a Fish and Wildlife
9 Service Migratory Bird Regional hat, and I give
10 them, basically, two perspectives. So I do know
11 that this will complicate that process, and it
12 will -- and it will run and direct competition
13 with the recommendation that they will receive at
14 the very same meeting from the Pacific Flyway
15 Committee.

16 So, knowing what complications that
17 passing this would create, and not knowing the
18 potential impact, and further, not knowing
19 specifically whether or not this is within our
20 purview, we're not ready to support it.

21 But the alternative that we're
22 willing to offer is that we would convene a
23 special meeting of the Council, invite regional
24 representatives and others to a workshop that
25 would have this issue discussed, and it would

1 include the request from the North Slope, which
2 is essentially the same kind of proposal to have
3 this kind of a discussion. There's a request
4 that is appended or amended to the memorandum of
5 understanding that we signed just two weeks ago
6 that asks the Service to have this discussion and
7 to vet it with the Pacific Flyway Council. And
8 we're willing to have that discussion. But we
9 think we can accommodate this request and that
10 same discussion and have a more comprehensive and
11 fuller discussion on the issue and maybe give us
12 time, then, to ask our Solicitor what the opinion
13 is. And then we can take that issue up at that
14 time.

15 That's the alternate recommendation
16 that I have.

17 But this is -- this is my sort of
18 explanation of why we're not prepared to support
19 the motion proposal at this time.

20 HERMAN SQUARTSOFF: Before he gets
21 back -- you might want to take back your comment
22 when you said on -- you would like to be sitting
23 down with a more knowledgeable group on this
24 issue. You can't get any better knowledgeable
25 group on this issue than you have sitting here

1 and this room. But I think you pertained to the
2 legal side.

3 DOUG ALCORN: I'm talking about the
4 legal issues and the -- the conflict and the
5 issues that we would be creating at the Flyway
6 Council. I think if we had this discussion, the
7 Pacific Flyway Council ought to be invited to
8 participate and that discussion as well.

9 HERMAN SQUARTSOFF: Just the way it
10 was.

11 DOUG ALCORN: I didn't mean to
12 infer that you didn't know --

13 HERMAN SQUARTSOFF: Pretty well
14 informed group here.

15 DOUG ALCORN: Sky.

16 SKY STARKEY: What is the time of
17 this proposed meeting, the Pacific Flyway
18 Council?

19 DOUG ALCORN: We haven't gone that
20 far to propose a date.

21 SKY STARKEY: I guess that's it. I
22 was just curious.

23 DOUG ALCORN: I'll call the
24 question. I do hear competing or disparate
25 opinions, so I'm going to ask the Secretary to do

1 a roll-call vote.

2 Mr. Secretary. Basically, just --
3 do you want a Native Caucus first before we call
4 the question?

5 HERMAN SQUARTSOFF: No. But you do
6 need to ask if there's any objection to the
7 proposal first. If there is, we need to hear --

8 DOUG ALCORN: It is the role of the
9 chair to try to reach consensus. I ask if
10 there's any opposition that's been made and
11 seconded. I'll put that out to the body. Any
12 opposition?

13 DALE RABE: So, procedurally -- I
14 want to make sure I understand the step we're at
15 is the deciding factor. If nobody objects, then
16 it's consented.

17 DOUG ALCORN: To pass, that's
18 correct.

19 DALE RABE: Well, I will speak on
20 behalf of the State to say that I'm inclined to
21 object at this point. But with the clear
22 understanding that immediately following would be
23 a proposal to commit the Service to those
24 actions, because I think that Doug has suggested,
25 so that we do move this process forward, and it

1 doesn't just repeat itself and cycle after cycle.

2 And that's my primary reason for
3 not supporting the proposal at this point and
4 time. Because I fear that it wouldn't be
5 successful all the way through. And I don't want
6 to put a proposal and that would just get blocked
7 at a future step.

8 HERMAN SQUARTSOFF: I do
9 something --

10 DOUG ALCORN: I called the
11 question.

12 Procedure question?

13 HERMAN SQUARTSOFF: Or that if she
14 has the chance to withdraw it if she wants, the
15 proposal?

16 DOUG ALCORN: Under Robert's Rules,
17 it belongs to the body now. It no longer belongs
18 to the maker of the motion unless there's a
19 friendly amendment. Under the Robert's Rules,
20 it's the property of the body --

21 SKY STARKEY: It's a point of
22 order. Robert's Rules. Isn't it up to the
23 question for the Chair to say are you ready for
24 the question? At which point we can all say
25 "yes" or "no."

1 DOUG ALCORN: You might have me
2 there. I don't know.

3 SKY STARKEY: Isn't there a point
4 where the Chair says, "Are you ready for the
5 question?" which gives everybody one more chance
6 to speak to the issue? That's my experience --

7 DOUG ALCORN: I don't know the
8 answer to that.

9 SKY STARKEY: I don't think the
10 Chair gets to call the question. I think the
11 Chair gets to ask if the question is called.

12 DOUG ALCORN: Who calls?

13 SKY STARKEY: After you hear no
14 objection to calling the question, you can speak
15 to that.

16 DOUG ALCORN: Are we ready to call
17 the question?

18 I don't know the answer.

19 HERMAN SQUARTSOFF: She doesn't
20 want to do any withdrawal, anyway.

21 DOUG ALCORN: We're ready to call
22 the question, without asking the State of Alaska
23 to repeat their explanation, but I hear an
24 objection and with an objection it cannot pass.
25 So I will call the roll call vote, and I'll ask

1 Fred to call the roll.

2 FRED ARMSTRONG: Okay. Alaska
3 Native Caucus, yes or no.

4 HERMAN SQUARTSOFF: Asking me. I
5 vote yes for this proposal.

6 FRED ARMSTRONG: State of Alaska.

7 DALE RABE: I vote not.

8 FRED ARMSTRONG: U.S. Fish and
9 Wildlife Service.

10 DOUG ALCORN: I vote no.

11 FRED ARMSTRONG: Two nos; one yes.
12 Motion fails.

13 DOUG ALCORN: Motion fails.

14 I would like to make an alternate
15 recommendation, and that would be to move to have
16 the U.S. Fish and Wildlife Service and the AMBCC
17 host a workshop and the succeeding year to vet
18 this question and ask or invite participants that
19 have a stake and this -- the outcome of this,
20 that have a role and the process.

21 DALE RABE: Is that a motion?

22 DOUG ALCORN: It's a motion.

23 DALE RABE: Second.

24 DOUG ALCORN: We have a motion and
25 second.

1 Do we hear any discussion?

2 Herman.

3 HERMAN SQUARTSOFF: I would like to
4 see that and the little kind of near future
5 instead of down the line so we'll have plenty of
6 time to work on it. So when it comes up for
7 proposal time again, the deadline is December, I
8 believe it is, we'll be able to put our proposals
9 and.

10 DOUG ALCORN: Sandy, and then
11 Patty.

12 SANDRA TAHBONE: Regarding the
13 question with the legal opinion, I think it's
14 very important that the question that's framed,
15 how it's framed seems to be -- comes to be at
16 issue when the question is sent to the Solicitor.
17 So at what point do you see that question being
18 drafted?

19 DOUG ALCORN: Well, we normally ask
20 staff to draft the question. We can certainly
21 vet that amongst the Council members to get
22 agreement on the way the question is framed. If
23 that's what you're asking. I think that's what
24 you're getting at, right?

25 SANDRA TAHBONE: Yeah. As far as

1 the agenda for this, when do you expect to start
2 drafting the agenda as to how -- I'm trying to
3 think of the right word. The -- the agenda, how
4 the framework, how the workshop will work and
5 who -- who will be invited? How the process will
6 work for that? And as far as -- you know,
7 because I was very -- not very pleased with the
8 comments that were made both from the Fed -- U.S.
9 Fish and Wildlife Service and from Alaska. They
10 were not prepared to provide, and my opinion,
11 adequate information. You know, there was time
12 for -- they could have -- you know, and other
13 management arenas, they seek their legal counsel.
14 So, I was just really surprised at the quality of
15 information that was provided to this Council,
16 you know, for us to be able to make a decision.

17 And I think if they would have
18 taken the time to do their research, what
19 information was available, I think it would also
20 have helped and formulating more what we expect
21 to be hashed out at this workshop.

22 I'll quit with that.

23 DOUG ALCORN: I had Patty.

24 PATTY SCHWALENBERG: I just wanted
25 to, if I could, add an addition to the motion to

1 include representatives from the -- whichever
2 Native -- regional management bodies want to
3 bring their biological, their technical people,
4 and their legal technical people to this meeting
5 as well.

6 DOUG ALCORN: It would not -- I
7 guess it would not be a closed invitation kind of
8 a meeting, the workshop that -- those that can
9 contribute to the discussion certainly are
10 welcome. Those that are interested and the
11 outcome -- Mike, I'm sorry. Dale and then Mike.

12 DALE RABE: Well, I had a question
13 whether or not and your proposal, the
14 inclusiveness, whether you were considering
15 having a Solicitor participate and the meeting in
16 addition to asking for an opinion beforehand. So
17 that there could be realtime evaluation if
18 they're able to advise relative to some of the
19 aspects of this, and explain to the entire group.

20 DOUG ALCORN: That would be my
21 intention. We could certainly make the
22 invitation. I can't dictate that they attend,
23 but we could certainly invite them.

24 And I'll get to Fred. Mike, you
25 had your hand raised.

1 MIKE PEDERSON: I'd like to amend
2 the motion to make the workshop happen, but to
3 include right after the workshop an AMBCC special
4 meeting so that the results of the workshop can
5 be on the record. Because workshops -- work
6 sessions tend not to be written -- I mean --

7 DOUG ALCORN: I consider that a
8 friendly amendment. I'll take that. I agree
9 with it. I don't remember who seconded the
10 motion.

11 DALE RABE: I'll second.

12 DOUG ALCORN: Okay. I did have --
13 I think Fred had his hand, and then Sky.

14 FRED ARMSTRONG: I wanted to
15 respond to Sandy's concern about having our
16 Solicitor's opinion.

17 Early on and this process, the
18 Service had went to the Solicitor on a couple of
19 questions, and when the Council met and there was
20 some people actually upset that the Service had
21 gone to their legal people for review. And so
22 that's why the process was developed, or if there
23 are any requests for Solicitor opinion, that it
24 would go through this body before going over
25 there. That's why we don't do that. It has to

1 be a consensus of the Council, and the question
2 has to be phrased and a way that everybody agrees
3 to it.

4 That's why they didn't do that,
5 Sandy.

6 DOUG ALCORN: Sky, you had a
7 comment.

8 SKY STARKEY: I'm going to speak
9 against the motion. No. 1, there's no reason to
10 have a workshop to invite interested bodies.
11 It's this body that could make the decision. I
12 do not see any advantage to having the Pacific
13 Flyway Council weigh and on an issue that I
14 believe is a policy issue more than anything
15 else. I mean, if it's the policy of the Fish and
16 Wildlife Service and the state of Alaska to
17 approve that subsistence uses should be extended
18 to the fall season, then that's a decision that
19 we've made and then that's a decision that we
20 pursue. And rather than whether we ask for our
21 Solicitors for help and the question what the
22 Treaty says, I think the general format for an
23 administrative body is to set a policy and ask
24 the Solicitor whether or not the policy conforms
25 or can conform with the law. It's a different

1 question, likely to come out with more
2 significant answers. Most boards ask: Can you
3 defend this action? Is it defensible? Which is
4 a much different question than an open-ended
5 question, which actually has been a problem, and
6 my opinion, with any Council and the Solicitor's
7 opinions, they are completely open-ended.

8 So I'm going to speak against the
9 motion. I don't believe that it is appropriate
10 to have a workshop, nor do I believe that it is
11 necessarily time sensitive since the season that
12 I believe Kawerak is asking for is a fall season.
13 Isn't that right, Sandy?

14 SANDRA TAHBONE: Uh-huh.

15 SKY STARKEY: The next meeting of
16 this body is and December, and the next meeting
17 of this body is not until April. If we met a
18 year from now, it would be time to implement and
19 the fall season. Is that right? Am I wrong
20 about that? How many months does it take to get
21 a regulation published?

22 DOUG ALCORN: The process -- the
23 decisions that we make now, the recommendations
24 we make to SRC would potentially take effect a
25 year from now and April. April 2nd, 2010. So

1 we're a year out.

2 SKY STARKEY: Maybe. I still speak
3 against the motion maybe not for the time factor,
4 but I speak against the motion because I don't
5 believe it's appropriate to send out to workshop.
6 I don't see an advantage to that. I have no
7 problem with having the -- specifically, the
8 Flyway Council be involved as advisers and
9 looking at things and providing their best
10 thoughts. I appreciate them. I think they're
11 allies. But -- maybe having a workshop with the
12 Flyway Council is a very good idea. It should
13 have to be very specific for me to be comfortable
14 with it. I would have to know exactly what the
15 agenda was and exactly what we're going to talk
16 about and what the expected outcome is to be.
17 Because, to me, the policy and the legal mandates
18 have been set. I read it as a very broad
19 delegation of authority for this Council to set
20 seasons, completely with the Alaska subsistence
21 for traditional uses for migratory birds. This
22 is part of the treaty itself. When it comes to
23 conservation and seasons and bag limits and all
24 the practical aspects and what -- you know, what
25 species there's concerns about, I'm completely

1 very comfortable with the Flyway Council writing
2 all the ex- -- providing all the expertise they
3 can. It becomes a matter of policy whether
4 they're going to have a spring or fall season. I
5 think that's a matter for us to talk about.
6 That's my opinion.

7 DOUG ALCORN: All right. Thank
8 you.

9 Any other comments on the motion?

10 HERMAN SQUARTSOFF: I'm still
11 concerned about time limit. If we want to
12 resubmit proposals, they've got to be submitted
13 for December.

14 SANDRA TAHBONE: Mr. Chairman.

15 DOUG ALCORN: Sandy.

16 SANDRA TAHBONE: Seems like
17 regulations are just developed out of that cycle.
18 So it seems like we're going to be coming up with
19 a process to develop programs or proposals out of
20 cycle, so maybe -- maybe that's not an issue.
21 I'm not sure about that. We've just seen
22 regulations proposed. They started and -- what
23 was it? December? And here it is March.

24 DOUG ALCORN: Started and the fall,
25 yeah. It's March. As we discussed earlier, that

1 is a different internal process the Service is
2 mandated to go through. So it's a little
3 different process that we're talking about.

4 SANDRA TAHBONE: Well, I don't see
5 why we, because -- we work to develop proposals.
6 I don't see why we at AMBCC can't develop that
7 process to develop proposals out of season.
8 Maybe this one wouldn't fit into that, but --
9 anyway, it's getting off the --

10 DOUG ALCORN: We're getting and the
11 weeds. I'll be glad to explain to you the
12 process that we're involved with with the SRC.

13 SANDRA TAHBONE: No need.

14 DOUG ALCORN: A very fixed process.

15 HERMAN SQUARTSOFF: Mr. Chair, I'd
16 like to call another Native Caucus, please.

17 DOUG ALCORN: We'll recess for
18 about 15 minutes. Do you think -- I don't know.
19 If it goes until after 5:00, we may just adjourn.

20 (Native Caucus at 4:03 p.m.)

21 DOUG ALCORN: I'd like to reconvene
22 the group.

23 We have a motion and second before
24 the Council right now. That motion is to post
25 jointly between the U.S. Fish and Wildlife

1 Service, and the AMBCC a workshop. That's been
2 posted and seconded. And there was a second to
3 have an AMBCC meeting -- to have a meeting
4 immediately after.

5 Sky, would you like to have a
6 comment?

7 SKY STARKEY: I'd like to move to
8 amend. It could be a friendly amendment. I'd
9 like to amend the motion to specify that the
10 workshop that would be held by Fish and Wildlife
11 Service would be to focus on the coordinating of
12 the process between the AMBCC, the Flyway
13 Councils, the Service Regulatory Committee, and
14 the State of Alaska's process to -- to provide
15 for an effective means to implement a fall
16 subsistence season.

17 DOUG ALCORN: Okay. I consider
18 that a friendly amendment.

19 JOENEAL HICKS: I second it.

20 SKY STARKEY: That's the amendment.

21 DOUG ALCORN: I consider that a
22 friendly amendment.

23 DALE RABE: Second agrees it's
24 friendly.

25 DOUG ALCORN: So the motion, then,

1 is as amended.

2 Herman.

3 HERMAN SQUARTSOFF: It was not only
4 just the fall, but consider the other ones that
5 we had in mind for our seasons. It wasn't just
6 the fall one.

7 SKY STARKEY: Customary and
8 traditional subsistence season.

9 DOUG ALCORN: Have the discussion
10 for a fall and winter subsistence season.

11 SKY STARKEY: To make the process
12 to allow that. So that's been accepted. I want
13 to speak to the motion.

14 DOUG ALCORN: Okay. I will
15 entertain comments. You're open.

16 SKY STARKEY: Just, noticeably
17 absent from that motion is any reliance on a
18 Solicitor's opinion to go into that, thinking
19 that we need to understand the process and we
20 need to work through these issues and come
21 together on what things would look like before we
22 throw our hat and that direction. That's --

23 HERMAN SQUARTSOFF: Same thing. If
24 we can get this figured out before we have to go
25 that route, I'd feel a lot better.

1 DOUG ALCORN: Thank you.

2 Okay. The motion, let me see if I
3 can restate it and capture what I think I heard,
4 and agreed to and the two amendments. The motion
5 was to have the AMBCC and the U.S. Fish and
6 Wildlife Service jointly host a workshop for the
7 purposes of inviting representatives from the
8 Flyway Council as well as AMBCC, obviously, and
9 other interested parties -- SRC, that would be
10 within the -- and the short term, within the
11 cycle that would allow another proposal by
12 December, presumably. So it would be sometime
13 between now and the fall, I'm guessing. Target
14 would be summer, I hope, and that would be for
15 the purposes of developing a recommendation or
16 for the purposes of exploring the opportunities
17 for coordinating on a fall -- recognition of the
18 fall and winter subsistence season. Is that
19 right?

20 SKY STARKEY: (Nods head.)

21 DOUG ALCORN: All right. Any
22 further comment on the motion as amended?

23 Are we ready for the question?

24 Hearing no opposition, then I'll
25 call the question.

1 All and favor of the motion as
2 stated and amended twice, say "aye."

3 COUNCILMEMBERS: Aye.

4 DOUG ALCORN: I did that backwards.
5 Any opposed, say "no."

6 COUNCILMEMBERS: No.

7 DOUG ALCORN: Motion passes, and I
8 appreciate your -- may I borrow that for a
9 second?

10 I'm going to take this opportunity
11 to thank you all for persevering, thank the
12 audience for persevering. We have two more
13 proposals to take up. We're going to recess.
14 We'll take them up at 9:00 a.m., sharply tomorrow
15 morning.

16 With that, if there's no
17 opposition, I will recess the meeting for today.

18 HERMAN SQUARTSOFF: Since we don't
19 have it on the agenda, while we've got part of
20 the discussion on this workshop, some of the
21 regions might not have enough funding to bring
22 their people, the representatives. Is there any
23 chance you guys can look into that and see if you
24 can help us out on this? Since this is -- I know
25 we have grants. We have another fall meeting and

1 all that.

2 PETER DEVINE: I don't know that
3 the Chair recognizes Sky and Patty Schwalenberg.

4 DOUG ALCORN: I'm sorry. For the
5 record Patty Schwalenberg came and for Chugach
6 Regional Council, and Sky Starkey came and to
7 represent AVCP. They were here --

8 MOLLY CHYTHLOOK: This workshop,
9 that will be held using our co-management funds
10 to come and?

11 DOUG ALCORN: To participate and
12 that.

13 MOLLY CHYTHLOOK: To participate.
14 And then who pays for the major part of the -- I
15 guess.

16 SANDRA TAHBONE: Who's going to
17 coordinate? Who is going to facilitate? Where
18 are we going to have it?

19 DOUG ALCORN: We're going to host
20 it. We will offer to coordinate it, vet an
21 agenda with the body, and try to set a
22 mutually --

23 SANDRA TAHBONE: By when? You mean
24 U.S. Fish and Wildlife Service?

25 DOUG ALCORN: Yes, and the AMBCC

1 staff. We'll have to coordinate that request
2 with Pacific Flyway Council.

3 SANDRA TAHBONE: State of Alaska
4 has a little -- I'm just teasing.

5 DOUG ALCORN: Any other comments
6 before we recess for the day?

7 Thank you for your attention.

8 We're hereby recessed.

9 (Meeting adjourned at 4:35 p.m.)

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CERTIFICATE

I, SANDRA M. MIEROP, Notary Public
for the State of Alaska, and Certified Shorthand
Reporter, do hereby certify that the foregoing
proceedings were taken before me at the time and
place herein set forth; that the proceedings were
reported stenographically by me and later
transcribed by computer transcription; that the
foregoing is a true record of the proceedings taken
at that time; and that I am not a party to, nor do I
have any interest in, the outcome of the action
herein contained.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal this 29th day of April,
2009.

SANDRA M. MIEROP
Notary Public, State of Alaska
My commission expires: 9/11/12