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VOLUME I

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

SPRING MEETING

ANCHORAGE, ALASKA

JUNE 2, 2011

Members Present:

- Dale Rabe, Alaska Department of Fish and Game
- Doug Alcorn, U.S. Fish and Wildlife Service
- Myron Naneng, Association of Village Council Presidents
- Taqulik Hepa, North Slope
- Patty Brown-Schwalenberg, Chugach Regional Resource Commission
- Enoch Shiedt, Maniilaq Association
- Rick Rowland, Sun'aq Tribal
- Molly Chythlook, Bristol Bay Native Association
- Roy Ewan, Copper River Native Association
- Peter Devine, Aleutian/Pribilof Islands

- Fred Armstrong, Executive Director

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

2
3 (Anchorage, Alaska - 06/02/2011)

4
5 CHAIRMAN RABE: Call to order. Good
6 morning. Today is Thursday, June 2nd, at 9:15.
7 Calling to order the spring meeting of the Alaska
8 Migratory Bird Co-Management Council. We are short a
9 few members, which we are expecting others to be
10 showing up here shortly, but we do have a quorum, so in
11 the interest of time we're going to go ahead and get
12 started.

13
14 I understand in terms of introductory
15 announcements I understand that we have this room until
16 4:30 today, so we will use our time as efficiently as
17 possible to get through the agenda. We've got a number
18 of things that we need to cover during this meeting.
19 There are other things that we need to get started at
20 this point.

21
22 In terms of the materials, there should
23 be materials on the back counter for all of the things
24 that are on the agenda, including copies of the agenda
25 for the members of the public. If you don't already
26 have it, feel free to get that. There's a sign-up
27 sheet back there for folks. If you haven't signed in,
28 please do so so we know who has attended the meeting.

29
30 I can't think of anything else at this
31 point in time that we need to talk about. So the first
32 and traditional part of the meeting is to take a moment
33 of silence, so I would ask that everybody take a moment
34 and reflect on many things that you may have in terms
35 of joys of your life and reasons for being here and
36 we'll take a moment for that.

37
38 Thank you.

39
40 (Moment of silence)

41
42 CHAIRMAN RABE: Okay. Thank you all.
43 The next order on the agenda -- the next item on the
44 agenda is the seating of alternates. Fred, do you have
45 information on that.

46
47 MR. ARMSTRONG: Thank you, Mr. Chair.
48 We have a letter from CRNA appointing Roy Ewan as a
49 regional representative and we'll receive momentarily a
50 letter being faxed from Kodiak appointing Rick Rowland

1 as the regional rep. for Kodiak.
2
3 CHAIRMAN RABE: Thank you. The next
4 order of business then is roll call and to establish
5 quorum. Myron, would you do that as secretary.
6
7 MR. NANENG: Bristol Bay Native
8 Association.
9
10 MS. CHYTHLOOK: Here.
11
12 MR. NANENG: Chugach Regional Resource
13 Commission.
14
15 (No response)
16
17 MR. NANENG: Copper River Native
18 Association.
19
20 MR. EWAN: Here.
21
22 MR. NANENG: Kawerak, Inc.
23
24 (No response)
25
26 MR. NANENG: Southeast Alaska
27 Inter-tribal Fish and Wildlife Commission.
28
29 (No response)
30
31 MR. NANENG: Aleutian/Pribilof Island
32 Association.
33
34 (No response)
35
36 MR. NANENG: Sun'aq Tribe of Kodiak.
37
38 MR. ROWLAND: Here.
39
40 MR. NANENG: Maniilaq Association.
41
42 MR. SHIEDT: Here.
43
44 MR. NANENG: North Slope Borough.
45
46 MS. HEPA: Here.
47
48 MR. NANENG: Tanana Chiefs Conference.
49
50 (No response)

1 MR. NANENG: U.S. Fish and Wildlife
2 Service.
3
4 MR. OATES: Here.
5
6 MR. NANENG: Alaska Department of Fish
7 and Game.
8
9 MR. ROSENBERG: Here.
10
11 MR. NANENG: Association of Village
12 Council Presidents is here and Chugach and
13 Aleut/Pribilof are here now too as well.
14
15 So we do have a quorum, Mr. Chairman.
16
17 CHAIRMAN RABE: Thank you. With that I
18 think we're ready for introductions of Council members
19 and Staff and then we'll go around and do the public
20 and others. So if we could start with Council members.
21 Why don't we start over here on my right with Taqulik
22 and we'll go around the table.
23
24 MS. HEPA: Good morning. My name is
25 Taqulik Hepa. I work for the North Slope Borough,
26 Department of Wildlife Management.
27
28 MR. EWAN: Roy Ewan from Gulkana. I'm
29 alternate for Copper River Basin.
30
31 MS. CHYTHLOOK: Molly Chythlook. I
32 work for Bristol Bay Native Association at the Natural
33 Resources Program.
34
35 CHAIRMAN RABE: If I could remind the
36 Council members that we are recording everything, so we
37 need to turn on the microphone when you're going to be
38 talking and that should be the silver button. One is
39 to turn it on and one is to turn it off. Thanks.
40 Fred.
41
42 MR. ARMSTRONG: Good morning. I'm Fred
43 Armstrong, the executive director for the Council.
44
45 CHAIRMAN RABE: I'm Dale Rabe with
46 Alaska Fish and Game, Division of Wildlife
47 Conservation.
48
49 MR. NANENG: Myron Naneng with AVCP and
50 with Waterfowl Conservation Committee.

1 MR. ALCORN: Good morning. I'm Doug
2 Alcorn with U.S. Fish and Wildlife Service in
3 Anchorage.
4
5 MS. BROWN-SCHWALENBERG: Patty Brown-
6 Schwalenberg, Chugach Region.
7
8 MR. DEVINE: Peter Devine, Jr.,
9 Aleutian/Pribilof Region.
10
11 MR. SHIEDT: Enoch Shiedt, Maniilaq,
12 Northwest.
13
14 MR. ROWLAND: Rick Rowland, Sun'aq
15 Tribal, Kodiak.
16
17 CHAIRMAN RABE: Okay. Why don't we go
18 around the room then and get the introductions of the
19 rest of the staff that are here and the members of the
20 public. Why don't we start over here with you, Tim.
21
22 MR. ANDREW: Tim Andrew with AVCP,
23 Natural Resources.
24
25 MR. TAYLOR: Good morning. I'm Eric
26 Taylor. I'm with U.S. Fish and Wildlife Service and
27 Migratory Bird Management Division.
28
29 MR. TROST: I'm Bob Trost with the U.S.
30 Fish and Wildlife Service. I'm the Pacific Flyway
31 representative.
32
33 MS. DEWHURST: Donna Dewhurst with U.S.
34 Fish and Wildlife Service, Staff to the Council.
35
36 MR. OATES: Russ Oates, U.S. Fish and
37 Wildlife Service, Division of Migratory Bird
38 Management.
39
40 MS. LARSON-BLAIR: Kay Larson-Blair,
41 U.S. Fish and Wildlife Service and Staff to the
42 Council.
43
44 MS. ZELLER: Tamara Zeller, U.S. Fish
45 and Wildlife Service, Migratory Bird Management.
46
47 MS. NAVES: Liliana Naves, Alaska
48 Department of Fish and Game, Division of Subsistence.
49
50 MS. DENLINGER: Lynn Denlinger, U.S.

1 Fish and Wildlife Service, Migratory Bird Management
2 Division.

3

4 (Indiscernible), wildlife biologist.

5

6 CHAIRMAN RABE: Thank you all and
7 welcome. Okay. The next order on the agenda is to
8 review and adopt the agenda. Do Council members have
9 any changes, additions to the agenda to suggest at this
10 point in time.

11

12 MS. HEPA: Move to adopt the agenda,
13 Mr. Chair.

14

15 CHAIRMAN RABE: Let's hold that for a
16 minute. Molly.

17

18 MS. CHYTHLOOK: Good morning. My name
19 is Molly. I think we discussed going into Native
20 caucus. It would probably be before the new business.
21 I guess as we get near that we can break for a Native
22 caucus at some point.

23

24 CHAIRMAN RABE: Thank you, Molly. We
25 did talk about that this morning and I think felt that
26 it was probably appropriate that right after we adopt
27 the agenda we could go into caucus. Now maybe we want
28 to reconsider that if we have additional members.
29 Sandy is likely to show up. Do you know whether Randy
30 or some representative from Tanana is going to be here?

31

32 MR. NANENG: I haven't heard.

33

34 CHAIRMAN RABE: You haven't heard.
35 Molly.

36

37 MS. CHYTHLOOK: Thank you, Mr. Chair.
38 I would prefer to go to a Native caucus after we get
39 into the meeting so that the ones that weren't here
40 yesterday at the work session would kind of get the
41 gist of what's happening. Thank you.

42

43 CHAIRMAN RABE: Okay. If there's no
44 objection, we'll do that. Back to any modifications to
45 the agenda itself in terms of items to be added. If
46 not, we have a motion to adopt the agenda. Do we have a
47 second.

48

49 MR. SHIEDT: Second.

50

1 CHAIRMAN RABE: Thank you, Enoch. All
2 those in favor of adopting the agenda say aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN RABE: All opposed, nay.

7
8 (No opposing votes)

9
10 CHAIRMAN RABE: The agenda is adopted
11 as drafted then. At this point in the meeting we take
12 comments from the public. There will be another
13 invitation towards the end of the meeting. If there is
14 anybody who wants to provide any comments, information
15 for the Council relative to matters that we'll be
16 deliberating during the meeting please identify
17 yourself and we'll have you come up to the microphone
18 and give you an opportunity to share your thoughts with
19 us at this point in time. Do we have anybody
20 interested?

21
22 (No comments)

23
24 We have a fairly small crowd from the
25 public I would say, so I guess maybe we've satisfied
26 that need. We're moving along. The next item is the
27 adoption of the Council action items from the September
28 2010 meeting and for that, Fred, would you like to
29 cover that.

30
31 MR. ARMSTRONG: We're going to need a
32 motion.

33
34 MR. ALCORN: So moved.

35
36 CHAIRMAN RABE: Do we have a second to
37 adopt the minutes of the last meeting?

38
39 MS. HEPA: Second.

40
41 CHAIRMAN RABE: Okay. Do we have
42 presentation, discussion.

43
44 MR. ARMSTRONG: Mr. Chair. Under Tab 1
45 are the draft action items of the Council and
46 highlighted in blue the Staff provided an update on
47 each of the action items. Yesterday there was a
48 request that we flesh the action items out of the
49 minutes as well as any other issues of discussion and
50 Staff are to include them with the action items, which

1 we will begin doing.

2

3 And on the subsistence harvest
4 reporting we're going to start over and resubmit the
5 letters and provide the regions with adequate
6 explanation of the opposing council reporting at the
7 subregional level.

8

9 In the motion to prohibit the use of
10 harvest data until co-management council approves it,
11 we have begun that process. It will be ongoing. Any
12 requests for data before the Council adopts those
13 survey data will not be released.

14

15 The Harvest Survey Committee is part of
16 a committee that is reviewing the harvest survey
17 methodology and with the instructions to take into
18 consideration the birds that are listed or threatened
19 and also birds of concern and to try to get data with
20 more accuracy. The committee has had three meetings to
21 date. The last being yesterday and I think later on
22 the Council will be provided with an update.

23

24 I believe that's it, Mr. Chairman.

25

26 CHAIRMAN RABE: Doug.

27

28 MR. ALCORN: One additional point under
29 committee appointments. We did have a discussion, I
30 think Sandy brought it up, about asking Staff to mine
31 the old minutes to find the charters for those
32 committees. I believe that should be a Staff direction
33 also.

34

35 CHAIRMAN RABE: Taqulik.

36

37 MS. HEPA: Before I call for the
38 question, I do like this format and process, having the
39 action items before us in this format with the blue and
40 I think we had a good discussion on the actions. If
41 there's no further comment, I'll call for question on
42 the motion.

43

44 CHAIRMAN RABE: Donna, do you have a
45 technical?

46

47 MS. DEWHURST: Yeah.

48

49 CHAIRMAN RABE: Do you want to come to
50 the microphone.

1 MS. DEWHURST: On the point of mining
2 the old minutes, when Austin Ahmasuk was working for
3 us, if you look on the list of committee right now, it
4 has little blurbs on what the purpose was and he had
5 made an attempt to go back through the minutes and do
6 that. So that's where those came from. That was like,
7 I'm trying to think, a year ago or two years ago when
8 Austin worked for us briefly.

9
10 CHAIRMAN RABE: Thank you, Donna. We
11 have a motion to call. Any objection to that. All
12 those in favor of adopting the minutes as described and
13 written say aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN RABE: All opposed say nay.

18
19 (No opposing votes)

20
21 CHAIRMAN RABE: Minutes adopted. Also
22 we have another element, part B, which is the Fish and
23 Wildlife response to the White Paper. I think we have
24 Bob Trost that will come to the microphone and provide
25 a little background on that for Council members. This
26 was discussed in our work session yesterday, but there
27 are a few additional people here today, so we need to
28 get it on the record, so we'll go back over and talk
29 about those elements. Bob.

30
31 MR. TROST: Good morning, everyone.
32 I'm Bob Trost. I'm the Pacific Flyway representative
33 with U.S. Fish and Wildlife Service. The Council had
34 submitted a letter to the Service asking whether or not
35 the AMBCC had the standing to offer regulatory
36 proposals for the period between the 1st of September
37 and the 10th of March under the changes that were made
38 when the treaty was amended in '97.

39
40 I think you've all received a copy of
41 this letter and I imagine that you've all read it and I
42 doubt that the content of the letter comes as a real
43 surprise to anyone, but it is the Service's position
44 that the treaty amendment was specific to the
45 spring/summer period.

46
47 Paul Schmidt, who authored this letter,
48 was a member of the negotiating team that altered the
49 treaty, as was Myron, I believe. He may well be the
50 only one left in this group that was part of that

1 group. In essence, Paul goes through the documentation
2 to the treaty in a number of places, points to wording
3 that he believes illustrates the fact that the treaty
4 amendment was intended specifically to open the
5 opportunity for subsistence harvest during the closed
6 period and that the AMBCC and its background
7 documentation fairly clearly establishes that the AMBCC
8 is intended to make regulatory recommendations for the
9 spring/summer period between March 11th and August
10 31st.

11
12 Your White Paper then went on to
13 request some additional feedback that if indeed it was
14 the Service's position that AMBCC was not in a position
15 to make recommendations between September 1 and March
16 10, that what sort of changes would be needed in order
17 to accommodate that so that this group could deal with
18 those things.

19
20 Of course, the first, probably the most
21 difficult, but simplest way forward would be to
22 renegotiate the treaty again, to alter the treaty such
23 that it was clear that there were some provisions for
24 subsistence harvest regulations to be implemented
25 during the period that currently is governed by sport
26 harvest regulations in essence fall/winter harvest.
27 Whether or not that is a course you would choose in the
28 end is certainly up to you.

29
30 Given that perhaps -- and your White
31 Paper went on to ask if indeed there were other avenues
32 available to you that you might pursue that would also
33 enable you to implement regulatory recommendations for
34 the period September 1 to March 10. The one avenue
35 that is available to you now and that we believe is
36 ready should you choose to pursue that is that you
37 could work through the respective flyway councils,
38 primarily the Pacific Flyway Council probably, to
39 implement regulatory proposals for the period during
40 the fall and winter.

41
42 It seems clear from the documentation
43 of the treaty amendment that there is a strong level of
44 support for coordination between the flyway councils
45 and the Alaska Migratory Bird Co-Management Council
46 that it calls for consultation about regulatory
47 proposals from both groups and that, in fact, the long
48 history is that the flyways were instrumental in
49 getting the treaty amendment and working with this
50 group to do that and, in fact, have worked with them

1 for a long number of years on various conservation
2 issues. So that would be one course of action that you
3 could take that would implement changes under the
4 current structure.

5
6 I would point out, as we discussed
7 briefly yesterday, there is some precedent for that.
8 There are some regulations in place currently specific
9 to subsistence harvest that actually occurred during
10 the fall/winter period and one of them is the harvest
11 opportunity here in Alaska that's offered on Snowy
12 Owls, which I happen to ask questions about from time
13 to time why we have that, but indeed there is some
14 precedent for the group and for regulations specific to
15 the state of Alaska for subsistence, so that is
16 available.

17
18 I would answer any questions you might
19 have.

20
21 CHAIRMAN RABE: Council members.
22 Taqulik.

23
24 MS. HEPA: Thank you for your report.
25 As for the Native caucus, I think that it would be
26 important that we have a discussion about that and the
27 options that we have and maybe come up with the action
28 plan on which option that we want to pursue. I think
29 enough time has gone by where we've heard many concerns
30 about the fall harvest and how our subsistence
31 migratory bird hunting rights don't extend past August
32 31. I really believe that now is the time to move
33 forward, so we should take that as note to have a
34 discussion about that during the Native caucus.

35
36 CHAIRMAN RABE: Any other comments or
37 questions for Bob?

38
39 (No comments)

40
41 CHAIRMAN RABE: Thank you, Bob. Okay.
42 Then we are moving into regional reports from meetings
43 and updates of information relative to Council
44 regulation activities or other newsworthy things to
45 share with the Council. I think probably it's best if
46 we just go around the table and give everybody an
47 opportunity to have an opportunity to weigh in with any
48 news that they have. Why don't we start with the North
49 Slope Borough. We don't have Sandy here, but Taqulik
50 why don't you start it off if you would, if you have

1 anything.

2

3 MS. HEPA: Thank you, Mr. Chair. Just
4 a report from our region that over the Brooks Range
5 there's still lots of snow, so spring has finally
6 arrived and birds have been migrating, our migratory
7 birds. People have been actively harvesting birds
8 since early May. I participate in that subsistence
9 activity with my family and spent some time at the camp
10 for about a week. It's important to note that White-
11 Fronted Goose, Snow Goose, swans, Sandhill Cranes were
12 abundant in numbers. There's just so many. You could
13 see hundreds of geese coming from the south. Before we
14 left camp a couple weeks ago, birds have already paired
15 up.

16

17 The conditions. There's been a lot of
18 snow. It's been warm, but there was so much snow that
19 the snow wasn't melting except for getting really
20 heavy, so it was difficult for traveling. The birds
21 seemed to be very happy. The birds that we harvested
22 were very healthy. I also noticed that there was a lot
23 of Snowy Owls, Short-eared Owls and Jaegers, which
24 indicates to us it might be a good year for Steller's
25 Eiders to nest.

26

27 The community is anticipating that
28 there's a good potential that it will be a good year
29 for Steller's Eiders to be successful in their nesting
30 and the community is aware of that. If that is the
31 case, then at least our department and I'm sure the
32 Fish and Wildlife Service will do intensive outreach
33 efforts and monitoring of the birds to make sure that
34 they have a successful nesting year.

35

36 There was one thing that did happen in
37 early May. We had west winds for a short period of
38 time and in talking with the hunters they did notice
39 that the eiders had started migration early. So we had
40 a number of Common and King Eiders that were acting
41 weird, dying, feeding off a bowhead whale; you know,
42 just very unusual stuff for a short period of time.
43 There was one case where we were driving from my work
44 to town and Robert and I were in the car and one of the
45 eiders just landed right into the road. The bird
46 thought it was water, but obviously it was very
47 exhausted.

48

49 We collected with the Fish and Wildlife
50 Service, I think Service did their own collection, but

1 our department is doing some sampling as well, but the
2 initial reports came back that the birds were very --
3 they were dying of starvation. A lot of whale hunters
4 did notice that there was a lot of dead eiders on the
5 coast.

6
7 After that short period of time the
8 rest of the eiders started migrating and they're
9 continuing to migrate in the hundreds of thousands.
10 The ones they've been harvesting are not showing signs
11 of starvation. So I think it was just this small group
12 of birds that came early got disoriented. When they
13 were coming to town or back to the open, they were
14 coming from the south, which is very unusual, because
15 usually they come from the west or migrating from the
16 west. So that was the only unfortunate thing that
17 happened.

18
19 Lots of different kind of little birds.
20 You know, we usually get snow buntings and Lapland
21 Longspurs, but there's been a number of different birds
22 that we don't see too often that have arrived in
23 Barrow.

24
25 That's it. Thank you.

26
27 CHAIRMAN RABE: Roy, do you have
28 anything for Copper River?

29
30 MR. EWAN: I do. Thank you. Good
31 morning, everyone. This is my first time at this
32 meeting and I don't know what Joeneal Hicks reported to
33 you Council members and Staff in the past. I don't
34 have copies of his reports. I just want you to know
35 that Copper River Basin is very different from any
36 other region, I think, in that we are impacted by
37 Anchorage, Fairbanks, Valdez. You name it, you know.
38 People from Mat-Su area. They're mixing in our hunting
39 effort. There's nothing unique as a village or as a
40 region that you really can pinpoint and say this is how
41 it's done out there. It's really a transient area.
42 People come and go. Go to Anchorage, go to Fairbanks,
43 here and there. Work up and down the highway. So
44 we're not together all the time as some of the other
45 communities, you know. So ours is a unique area.

46
47 Yesterday I stated that because of
48 regulations imposed on us years ago our pattern of
49 hunting, our traditional way of hunting pretty much
50 interrupted for years and it's very difficult to get

1 going again. Along those lines, we're trying to
2 educate our young people to get out and hunt again.

3
4 Joeneal and our Copper River Basin --
5 CRNA, Copper River Native Association, people are
6 trying to get youth groups out there hunting with some
7 of the elders from our area. I think we're, I guess
8 you could say, just beginning and I don't know how
9 successful it will be, but I think there's a lot of
10 interest in this by Federal agencies, like BLM,
11 National Park Service, State of Alaska.

12
13 They all realize that the way the
14 regulations are made here in the State of Alaska, the
15 longer you live here there would be more likely that
16 you'll get a permit and all that stuff to hunt out
17 there for waterfowl. So the older people get out and
18 hunt, but the young people are left out pretty much in
19 our area. We can't teach our young people because,
20 like I say, since our traditional way of life has been
21 interrupted pretty much for a long period of time.

22
23 We need to get young people interested
24 in getting out there again. So we're having a group of
25 people going out in the fall. They had one last year.
26 I heard it was a real good turnout. Young people were
27 taught how to build a fire, gun safety, how to live off
28 the land pretty much and some of them are taught by
29 local elders how our people, Native people, hunted out
30 there and survived off the land.

31
32 So I think it's going to be an ongoing
33 effort. We just need to keep pressure on our local
34 people, I'm talking about the Native people, to
35 participate. I just hope that we get enough people
36 together and continue this effort because we're going
37 to have to get the young people interested if we're
38 going to have hunting success in the future.

39
40 Pretty much our area we're not that
41 much into bird hunting as probably other areas of the
42 state, as you probably know, because of this impact
43 I've talked about. We get out there when we can and if
44 we see birds that we can use, we shoot them in the fall
45 time. I don't know too much about the spring hunt. I
46 haven't done that too much lately.

47
48 I'll just leave it at that. Thank you.

49
50 CHAIRMAN RABE: Thank you, Roy. Does

1 anybody have any questions? I think I moved too
2 quickly. Did anybody have any questions for Taqulik in
3 terms of her report?

4

5 (No comments)

6

7 CHAIRMAN RABE: Okay. Then I guess
8 we'll continue on. Molly, do you have anything to
9 report for Bristol Bay.

10

11 MS. CHYTHLOOK: Good morning. My name
12 is Molly Chythlook. In our region, I guess I'll start
13 off with we had a regional council spring meeting in
14 April. At the time within our agenda we usually have
15 a location where each representative from each of our
16 region gives a report of their observations regarding
17 migratory birds and other resources of interest. So at
18 that meeting, although Bristol Bay is pretty well in a
19 similar location except for the Alaska Peninsula, when
20 the guys report on the migratory birds arriving and
21 their abundance, even though they may be like a bay
22 across from each other, because of the changing of
23 melting ice, availability of open water affecting the
24 migration.

25

26 People are -- one community such as
27 Naknek, King Salmon area, for instance, reported that
28 there were less geese arriving this spring, but just on
29 the other side of that district, Clarks Point, Nushagak
30 area, one of our representatives reported a lot of Snow
31 Geese. Taqulik mentioned there was an increase of Snow
32 Geese in their area.

33

34 I think it's just been the last two
35 years that we've had a larger reporting of Snow Geese,
36 abundance of Snow Geese even in the Alaska Peninsula as
37 well as other geese that seem to be arriving. I guess
38 with the climate change and unpredictability of when
39 we're going to have snowfall or when we're going to
40 have spring break up, the hunters have just been
41 watching and doing their hunting and traveling as they
42 see fit according to what's happening. It's hard for
43 us to schedule a day when we're going to harvest such
44 and such because the abundance and availability of
45 different types of migratory birds are unpredictable
46 due to them migrating. Their routine migration changes
47 from, like I mentioned earlier, regarding the
48 availability of water and other locations that birds
49 are going to instead of the traditional locations.

50

1 Another activity that happened is
2 Bristol Bay is in the rotation of subsistence harvest
3 survey this year, so Liliana came in about April 20th,
4 21, and we brought in about 14 people to train to do
5 the survey training, so our Bristol Bay migratory bird
6 survey is going full force now. We actually have a
7 total of 16 communities, but the two communities
8 further up weren't able to attend, so we've done the
9 training for those two communities separately because
10 they weren't able to attend. I guess with our survey
11 project we keep in contact with our communities on a
12 weekly basis and the majority of the communities that
13 started have gone through the first phase, which is
14 contacting each household within their communities to
15 ask if they would participate. So far the majority of
16 the communities, according to the reports we get every
17 week, are participating with the survey project.

18
19 Another project, I guess the past few
20 years we've been talking about and discussing Duck
21 Stamps and it just seemed like every meeting we
22 attended was Duck Stamps. The frustration that I think
23 in Bristol Bay and probably in the other region has
24 been the availability, but more than that, because of
25 two different Duck Stamp agencies, Federal and the
26 State, with the help of Dan Rosenberg I had him develop
27 a little pamphlet. I don't know if the copy would be
28 in your packet, maybe not. But I had him develop a
29 little pamphlet to indicate and explain the State,
30 Federal Duck Stamp and the State hunting license all in
31 one page. I think there was like 3,000 of these
32 pamphlets sent to Bristol Bay households. It has
33 helped to deter some of the frustrations.

34
35 The availability is still a
36 frustration, but to have them understand the different
37 -- well, the two main different Duck Stamps and have
38 the information all on one page has helped people in
39 our area regarding the frustration of the understanding
40 of the Duck Stamp issue. Although we're not in full
41 agreement with the Duck Stamps, because it's in
42 regulation, we in Bristol Bay have provided information
43 so that those that want to comply and the majority of
44 our communities are complying with this and can have
45 this information readily available.

46
47 That's about it.

48
49 CHAIRMAN RABE: Thank you, Molly. Any
50 questions from Council. Eric.

1 MR. TAYLOR: Is it okay if I ask a
2 question?

3
4 MS. CHYTHLOOK: Yeah.

5
6 MR. TAYLOR: Eric Taylor with U.S. Fish
7 and Wildlife Service. Molly, the availability of Duck
8 Stamps, was it both the Federal and State stamps
9 problems in terms of availability or was it one versus
10 another?

11
12 MS. CHYTHLOOK: Like for instance in
13 Togiak this spring they ran out of Duck Stamps and
14 although people are getting used to using the internet,
15 the village council people are helping with that, and
16 people are in the process of trying to get access to
17 Duck Stamps if the post offices run out. What the
18 problem has been is the availability of when they're
19 available and when they cut off and then they restart
20 again. So somehow or other that needs to be resolved.
21 That's still frustrating to people.

22
23 Togiak National Wildlife office in
24 Dillingham, for instance, if Togiak runs out of Duck
25 Stamps or can't get a hold of any, if people call their
26 office they'll issue them a little note stating that,
27 you know, have this note until you get your stamp.
28 People are trying to work this out through the
29 frustration of availability. With this little pamphlet
30 it's the understanding of where everything is coming
31 from and who's responsible for what has helped. It's
32 just that availability and the overlapping of when
33 those stamps are available and when they're not.

34
35 CHAIRMAN RABE: Eric, while we have you
36 there, I actually have a question for you. I know that
37 Dan took the lead in putting that together. Was that
38 coordinated with the Service?
39 It was not?

40
41 MR. TAYLOR: Well, I didn't get an
42 opportunity to see it, but I'm not for sure if anyone
43 else did.

44
45 CHAIRMAN RABE: All right. Taqulik.

46
47 MS. HEPA: I just wanted to mention too
48 that I know at least one of our smaller communities
49 their post office isn't open and they don't have any
50 place else in town because it's such a small community.

1 It was brought to my attention that they didn't have
2 means or access. Even in Barrow the internet service
3 is not dependable. Even my household and at our work.
4 Believe it or not, it's not dependable. He was a bit
5 scared to go hunting because he didn't have any way to
6 get a Duck Stamp or he wasn't even sure what he needed
7 to have. I said the post office. He goes our post
8 office hasn't been open and running in a long time and
9 they don't have a Native store.

10

11 So it's a big issue in smaller
12 communities.

13

14 CHAIRMAN RABE: Thank you. On that
15 point.....

16

17 MR. NANENG: I'd like to make a report
18 on the Duck Stamp since it's on the table and I'll do
19 it in my report.

20

21 CHAIRMAN RABE: Myron, mic on.

22

23 MR. NANENG: I'll talk about Duck Stamp
24 and the efforts that we're making regarding that and
25 I'll make comments regarding the issues of how we're
26 dealing with it out in the region. If you guys can
27 hold off on your discussion, like I stated yesterday,
28 don't ask for something that will further restrict you
29 on being able to hunt for birds under customary and
30 traditional use. So that will be one, but I'll give an
31 update.

32

33 CHAIRMAN RABE: Okay. Since we're on
34 that, I would just like to ask other Council members if
35 you have seen that flyer, if you know if it's been
36 distributed in your regions. Molly.

37

38 MS. CHYTHLOOK: I worked with -- I met
39 with Dan Rosenberg last year after our AMBCC meeting
40 and requested him to develop something like this for
41 Bristol Bay. It could be used in other areas, but this
42 was mainly developed for Bristol Bay with ADF&G and
43 BBNA. So it's not -- I'm just reporting it for these
44 people's knowledge because it wasn't worked through the
45 Service. It was just between ADF&G and myself, BBNA.

46

47 CHAIRMAN RABE: Okay, thank you. On
48 that note, if any of the other regions -- and I don't
49 know if there's copies. I don't have a copy with me,
50 but if Molly is willing to share it, if it's something

1 that the other regions would like to have available
2 from the State, we can certainly work on that.

3

4 Are there any other questions for Molly
5 then.

6

7 (No comments)

8

9 CHAIRMAN RABE: Myron, would you like
10 to provide a report on AVCP.

11

12 MR. NANENG: Yes. Thank you, Mr.
13 Chair. With the Waterfowl Conservation Committee and
14 with AVCP we've been working on some issues that affect
15 the whole state. We're working with the Oregon Fish
16 and Wildlife, U.S. Fish and Wildlife Service and the
17 Oregon farmers regarding the Cackling Canada Goose
18 population objectives because of the goose depredation
19 of farmlands down in Oregon. I think later on in the
20 report by Fish and Wildlife they will provide an update
21 as to how they're going to be assessing population
22 numbers in the future. So I leave it at that with
23 them.

24

25 The concern that the Oregon Fish and
26 Wildlife or Oregon farmers and Fish and Wildlife have
27 is that the population objectives that we have under
28 the Y-K Delta Goose Management Plan, we have it up to
29 250,000 birds. That agreement was made back in 1984
30 when we had the population crash down to about 24,000.
31 The population numbers that we've been provided so far
32 is pretty close to 300,000. So now they're requesting
33 kill permits for about 500 birds and that's being
34 monitored by the U.S. Fish and Wildlife Service as well
35 as Oregon Fish and Wildlife agency down in the state of
36 Oregon. The farmers can apply for kill permits of up
37 to five per permit according to the report that was
38 given on Monday to the Waterfowl Conservation
39 Committee.

40

41 We've had this discussion for a while
42 now with the Oregon farmers and we still are continuing
43 our discussions with them to see how we will end up
44 coming up with a number that may be agreeable, at the
45 same time being able to get our people to go back to
46 being able to do their customary and traditional
47 harvest of birds like egg gathering drives and other
48 cultural activities that we've had before. So it's
49 going to be a give and take. I hope that in the future
50 that Fish and Wildlife will also support our efforts in

1 moving in that direction.

2

3 The Goose Management Plan has been
4 pretty successful, especially with the White Fronts.
5 We had a population objective of 300,000, but the last
6 report of populations, which you'll see later on in the
7 reports, that there were over 600 White Fronts.
8 Because we have not written any restrictions on the
9 Goose Management Plan for the harvest, egging or any
10 other cultural and traditional harvest of those birds,
11 our people are able to go out and hunt those birds and
12 try to help the rice growers of California, who are now
13 complaining that there are too many birds. You win
14 some and then they lose some. That is one issue that
15 we're dealing with.

16

17 We're still working with the lead shot
18 issues in some of our villages because of the lead shot
19 that has been pretty much outlawed throughout the state
20 of Alaska and for migratory bird hunting. The geese
21 this spring arrived in abundance throughout most of our
22 region. We worked with Fish and Wildlife Service on
23 some fox predation on some of the village corporation
24 lands, specifically in my home village of Hooper Bay.
25 We worked with the Fish and Wildlife Service on
26 migratory bird management on fox eradication to try and
27 see if we can help improve the egg production of Black
28 Brant in their nesting areas.

29

30 There are some other observations that
31 have been made by our people on shorebirds. Some of
32 the birds are not returning like they used to in
33 numbers. Like Red -- how do you say that -- Red
34 Phala.....

35

36 MS. HEPA: Phalaropes.

37

38 MR. NANENG: Yeah, Phalaropes. You
39 know, we haven't seen much out in the region these last
40 few years. They used to be abundant in number, but we
41 haven't seen them at all. Did they move up north?

42

43 MS. HEPA: Yeah.

44

45 MR. NANENG: So we don't know where
46 they're moving to, but they're gone from many of our
47 villages within our coastal areas.

48

49 Regarding the Duck Stamp, we've been
50 working with AFN and also the solicitors on a two-prong

1 approach. One, we've been working with our
2 congressional delegation who have introduced
3 legislation for a Duck Stamp exemption for Native
4 hunters. We're working with the Solicitor's Office to
5 reverse their opinion because I don't think the
6 Migratory Bird Treaty or migratory bird co-management
7 body ever agreed to having that regulation in place,
8 but it was a one-sided deal as far as we're concerned
9 that Duck Stamps were required for a spring and summer
10 hunt when it was never on the table or discussed in any
11 of our negotiations. So right now we're working with
12 the Solicitor's Office to try and reverse that.

13
14 On the issue of legislation, there's
15 been legislation introduced by both Senator Begich and
16 Murkowski and this morning I just got an email from Bob
17 King who works for Senator Begich saying that that
18 legislation has been introduced but they have not moved
19 forward because there's some people in Alaska, sport
20 hunting groups, that are objecting to it. I met with
21 the executive director of Ducks Unlimited in
22 Washington, D.C., who I happened to know when he was a
23 young man before he became of age to work for Ducks
24 Unlimited and he said that they don't have any
25 objections to the Duck Stamp exemption. He lived up
26 here in Alaska before.

27
28 As for the Duck Stamp, we've worked
29 with Fish and Wildlife Service law enforcement in our
30 region and Duck Stamp requirement was not a priority.
31 The priority has been lead shots and restricted birds
32 that we have agreed to under the Goose Management Plan.
33 Those were the law enforcement priorities. We are not
34 -- we don't encourage our people in the villages to buy
35 Duck Stamps because it's not customary and traditional.
36 It may be a regulation, but we never agreed as a co-
37 management body to have that as part of the
38 regulations. As far as we're concerned, it was a
39 unilateral action by the solicitor of the Department of
40 Interior to put that.

41
42 If there's Duck Stamps that are not
43 available, we tell our people don't worry about it.
44 It's not required. It was never part of the
45 negotiations. It may be a regulation and the State of
46 Alaska -- you know, my duck stamp is my skin as far as
47 I'm concerned and that's what many people in our
48 villages have already stated. When asked about Duck
49 Stamp, they'll say, well, if we have it available,
50 we'll show it to you, but we shouldn't have to buy it.

1
2 So, for the Duck Stamp issue, we're
3 still working on it. We're going to continue to work
4 on it until such time that we get either that
5 legislation or the solicitor's opinion reviewed and
6 changed if necessary. I think it might say that the
7 co-management body should not be trying to make
8 regulations or proposed changes to the regulations, but
9 I think as a body we should make a statement saying
10 that we do not support Duck Stamps as a requirement for
11 our subsistence migratory bird hunting during spring
12 and summer because that was never on the table. It
13 seems like they added that as an afterthought after the
14 treaty was put into effect, the amendments.

15
16 So those are the activities that we
17 have at AVCP. If there's any questions, I'll be happy
18 to answer them.

19
20 Tim, any additions?

21
22 MR. ANDREW: Thank you, Mr. Chair.
23 Timothy Andrew with AVCP Natural Resources. Just to
24 add to what Myron was talking about on the Duck Stamp
25 issue. This past spring we fielded a number of calls
26 from people in the villages and also people from the
27 community of Bethel. They were very concerned about
28 the need for Duck Stamps and hunting license, but I
29 told them what I was told, that it wasn't a priority of
30 the Fish and Wildlife Service law enforcement in their
31 field activity this year. The thing that they're going
32 to be primarily focusing on was prohibited species and
33 also the ban on the use of lead shot.

34
35 Further comment more on the Duck Stamp
36 issue. This body was developed after the Migratory
37 Bird Treaty Protocol amendments were adopted and it has
38 never been this body to impose the need for Duck Stamps
39 or hunting licenses upon our hunters in any of the
40 regions. But Fish and Wildlife Service imposed it into
41 the regulation book of AMBCC for our hunters to have
42 Duck Stamps and hunting licenses and that, in my
43 opinion, is very much an intrusion upon the process of
44 developing regulations for our subsistence hunters.
45 It's not in the spirit of co-management. It's you
46 cooperate and we'll manage. People in the villages are
47 very much sick and tired of that.

48
49 The people have been hunting migratory
50 birds even prior to the birth of this nation, birth of

1 the Federal government, birth of this state, state
2 government, even before the Russians came, and they
3 never needed Duck Stamps, they never needed hunting
4 licenses. The more and more we get the imposition of
5 these regulations that apply to sport hunters and onto
6 the subsistence hunters, the more and more I feel that
7 push back. People in the villages starting to push
8 back and eventually it's going to snap.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN RABE: Taqulik.

13

14 MS. HEPA: Yeah. Tim, on the law
15 enforcement priority, is that just for your region or
16 is it a statewide priority on the lead shot and the
17 birds of concern?

18

19 MR. ANDREW: Prior to the season we
20 normally have a meeting with the Refuge manager and
21 Myron would probably be able to answer that better than
22 I can.

23

24 MR. NANENG: Every spring during the
25 Waterfowl Conservation Committee meetings as well
26 within our Goose Management Plan there's an agreement
27 that Fish and Wildlife has to report to us, both law
28 enforcement and on research projects that they're
29 planning on doing within our region. So that's part of
30 the discussions that we've had with them in the past
31 and we still tell both refuge as well as others that
32 come to our region to provide some type of law
33 enforcement activity that Duck Stamp, as far as we're
34 concerned, in our subsistence hunt is not a
35 requirement.

36

37 CHAIRMAN RABE: Just as a point of
38 order, to remind people we need to focus on the report
39 from the region in terms of questions on that. So
40 Taqulik.

41

42 MS. HEPA: Yeah. And then a question
43 for Myron. On your fox program, your fox depletion, I
44 don't know how to say it, but you mentioned that Fish
45 and Wildlife Service is working with your village
46 corporation. Are they contracting you or hiring your
47 only -- we have a similar program and it's been a
48 challenge. I think we're making progress, but I'm just
49 curious how you do it in your region. And then one
50 more question after.

1 MR. NANENG: Within the Goose
2 Management Plan, the Waterfowl Conservation Committee
3 is not involved in any agreements that are made between
4 the village corporation and any other Federal agency
5 that wants to come in to do certain things because we
6 don't feel that it's the Waterfowl Conservation
7 Committee's decision to say yes or no on those, but if
8 the village agrees for them to come in to do research
9 or projects, that's up to them. Under the Goose
10 Management Plan it's required that Fish and Wildlife or
11 any other body that's going to be doing any research
12 projects make a report of what they plan on doing
13 during the summer and give an update later on as to
14 what the results were with the research projects.

15
16 CHAIRMAN RABE: Taqulik.

17
18 MS. HEPA: Thank you, Mr. Chair. Then
19 my last one was just to commend you and the other folks
20 at AFN and the people you've been involved with on
21 working with the Duck Stamp issue. It's very good to
22 hear that. If you would let us know if there's
23 anything that you need from our specific local
24 leadership in your communications and going back,
25 please don't hesitate to call and ask for any type of
26 assistance, even coordinating. At least from the
27 Borough, we spend a lot of time in D.C. and if there's
28 certain times when we may get together I think that
29 would be in the better interest in pushing this
30 forward.

31
32 MR. NANENG: Okay. We'll take that
33 offer.

34
35 CHAIRMAN RABE: Enoch, did you have a
36 question.

37
38 MR. SHIEDT: Yeah. Enoch. I got a
39 quick question. I know it was -- and if you need our
40 support at Maniilaq on this Duck Stamp issue. Back to
41 that question of the Duck Stamp, it was never, as far
42 back as I could remember, at our -- this body's
43 approval to put the Duck Stamp issue on us. I think we
44 need to revisit it and start over and say we don't want
45 it. We've been saying that, but it was never agreed
46 through us.

47
48 CHAIRMAN RABE: Thank you. Molly.

49
50 MS. CHYTHLOOK: I guess we deal with

1 regulations and we abide by the regulations until such
2 time that they're changed and that's an approach that
3 we've been with our region. I guess I've never really
4 understood where -- was this regulation formed after
5 this body, after AMBCC body started or was it put in
6 place before? If it was put in place after this body
7 was formed, where was the body to stop that before it
8 got into regulation?

9

10 Thank you.

11

12 MR. NANENG: Can I quickly respond?

13

14 CHAIRMAN RABE: Quickly.

15

16 MR. NANENG: Just a short one. Mr.
17 Chairman. You know, when we negotiated the Migratory
18 Bird Treaty, it took us quite a number of years to go
19 through that and there was never any discussion of the
20 Duck Stamp issue. It was after the Migratory Bird
21 Treaty Protocol Amendment was in place back in 1997 and
22 after the management body started working on it one day
23 it showed up on the regulations book that Duck Stamps
24 were required. The management body never agreed to it.

25

26

27 The other thing too is that it was the
28 interpretation of the solicitor from Department of
29 Interior that an existing law or regulation requirement
30 for Duck Stamps was attached to the migratory bird
31 regulations by the Solicitor's Office and Fish and
32 Wildlife put it into the regulations book. Ever since
33 that time we've been asked by many of our people in the
34 Y-K Delta, you know, if you're a management body, a co-
35 management body with all these different agencies, why
36 is that Duck Stamp requirement or regulation in the
37 regulation book if you guys have not had an opportunity
38 to vet it and discuss it and see if it was acceptable,
39 but it was -- as you know, it showed up one day in the
40 printing of the regulation book.

41

42 CHAIRMAN RABE: Thank you, Myron. I
43 think in the interest of time we're going to continue
44 on. Patty, do you have a report from the Chugach
45 Region?

46

47 MS. BROWN-SCHWALENBERG: Thank you, Mr.
48 Chairman. I'll be brief. First of all, I would like
49 to thank the AMBCC Staff and Council members and those
50 colleagues that work on migratory birds for their

1 expressions of sympathy in the recent loss of my
2 husband. I appreciated the outpouring of cards and
3 letters and people who came to the service and I just
4 wanted to make that a matter of record.

5
6 As a result of the personal issues in
7 my life, we were unable to have our annual gathering
8 this year in March where we normally discuss migratory
9 bird issues and what people have seen in the past year
10 and what they are hoping to accomplish in the coming
11 year. We're still looking at rescheduling that perhaps
12 in the fall.

13
14 We have, however, been working on a K-
15 12 curriculum through the Department of Education to
16 include traditional knowledge in the science curriculum
17 and we are doing a unit on migratory birds and working
18 with the schools this summer in the Chugach region to
19 pilot a couple of the courses in the fall. We met with
20 the teachers during Tatitlek's annual culture week in
21 the first week in May and they are excited about
22 participating in that, so we're looking forward to
23 getting that accomplished in the coming year. It's
24 initially a three-year project. The way we're moving
25 forward with that is it's going to start in the Chugach
26 region, but we're also piloting some courses up in the
27 Interior as well.

28
29 That's about it for my report. Mr.
30 Chairman, thank you.

31
32 CHAIRMAN RABE: Thank you, Patty. Any
33 questions.

34
35 (No comments)

36
37 CHAIRMAN RABE: None. Peter, do you
38 have a report?

39
40 MR. DEVINE: Yes. Thank you, Mr.
41 Chair. Board members, Staff. We had our regional
42 management body meeting at the end of March. Starting
43 to get a few more partners in our regional management
44 body. Once we mentioned the winter hunt, you know,
45 there was a little more participation. It's kind of
46 upsetting to sit here yesterday and find out there's
47 not going to be a winter hunt, but as we say, it's gone
48 on. It just needs to be recognized.

49
50 We were in support of the Bristol Bay

1 proposal. We'd like to see it a statewide proposal.
2 It doesn't matter who turns it in, it keeps getting
3 shot down.

4

5 As far as the birds, egg gathering,
6 this year they're way the heck behind. I don't know
7 why because, you know, like the other regions we don't
8 have to wait for the ice to move out. We're open year
9 round. We have one colony of herring gulls that didn't
10 even show up. Last year at this time I've had 100 eggs
11 from that colony.

12

13 I was out last weekend for sea gull
14 eggs and even those are not showing up. It's like I
15 found eight eggs and the nests are way behind. They
16 were just barely mud holes. They didn't even have them
17 lined with grass or anything. Last year the birds were
18 there from April all the way up till August. Eggs in
19 the nest in August is the report I got from Fish and
20 Game pilot. He seen it in his plane, so he went down
21 to see what the heck is going on. In August he had sub-
22 adults, eggs in the nests, birds that couldn't fly,
23 three, four different species in one little area. I
24 don't know where they are, but we can't find them this
25 year.

26

27 That's all I have to report.

28

29 CHAIRMAN RABE: Thank you, Peter. Any
30 questions.

31

32 (No comments)

33

34 CHAIRMAN RABE: Enoch, you have
35 something to report.

36

37 MR. SHIEDT: Yeah. For Northwest
38 Alaska we had -- for during the winter we had a lot of
39 high water and the ice came up in our nesting grounds
40 at the mouth of Noatak and also Egg Islands. Our birds
41 were late coming in. Like I stated yesterday, migrated
42 a little bit different this year. They missed a couple
43 villages and they had to go a different place. It's
44 what I'm hearing, but their numbers are high. They're
45 seeing a lot of birds, is what they're telling me.
46 Also I went up the Noatak River last week and where we
47 usually take eggs I couldn't even find one goose eggs
48 due to the high water conditions. Water all over.
49 Where I go in the winter time with snowmachine, let's
50 put it this way, the ground and the tree was about five

1 feet above the ground level on some places. That's how
2 high it was.

3

4 I got two calls. I should say one.
5 The other one is my boy. He went out to go get eggs
6 and they found only one of where they used to get, you
7 know, hundreds of these eggs. Also another kid that
8 lived there, he was ahead of my boy and he got only one
9 too, so that's telling us there's something happening
10 with our birds, our sea gull eggs that are laid.

11

12 Also, for Taqulik, your Eider ducks. I
13 got a call in March saying they were seeing Eider ducks
14 three miles from Kotzebue and they weren't in good
15 condition, even sea gull eggs. Due to the ice
16 conditions and we had a big storm and broke up and open
17 up. So those birds they do winter. I got a call from
18 Point Hope, Kivalina and we saw them at Kotzebue.
19 Eider ducks were wintering due to the conditions.

20

21 I just came back to my job, so I never
22 have a meeting, but I do get calls because last fall
23 when I was at Kiana and Noorvik with a boat, the Duck
24 Stamp issue came up and they still don't like it. Also
25 I get calls that the post office was out of Duck Stamps
26 and the reason why they say they're buying them is they
27 don't want to get a Federal citation where they end up
28 in Fairbanks in the jail and they will be marked.
29 That's why -- they hate it, but they buy it, not to
30 lose their \$12,000 snowmachine. They don't want to buy
31 it and they want to get away from it because it was
32 never in ours. Subsistence is for subsistence and the
33 Duck Stamps don't help us here completely. It goes out
34 to buy wetlands someplace else.

35

36 Otherwise everything is good. Thank
37 you.

38

39 CHAIRMAN RABE: Any questions for
40 Enoch. Molly.

41

42 MS. CHYTHLOOK: Yeah, that's one thing
43 I forgot to mention. It sounded like even from their
44 region they're having their late egging. We are having
45 the same problem along the coast. We had to go up into
46 our lakes, lake islands, to get our sea gull eggs this
47 spring because the coastal areas -- what the hunters
48 were thinking was that because the ice evaporated
49 instead of melted the grounds were still cold. That's
50 why the sea gulls and other birds weren't laying even

1 though the ground was free of ice, the ground itself is
2 still too cold for the birds to lay eggs. But the rock
3 islands in our lake systems were free of ice, so that's
4 where the sea gulls and other birds were eggging. It
5 seemed like even though the regions are a distance away
6 from each other, we have similar issues and problems.

7

8 Thank you.

9

10 CHAIRMAN RABE: Thank you. Taquulik.

11

12 MS. HEPA: I just want to support Enoch
13 in his statement and just remind folks that the reality
14 is if people are not able to pay their citation, they
15 will be brought to the Fairbanks Federal prison because
16 law enforcement did come to town two years ago saying
17 they had a number of individuals who didn't pay their
18 lead shot. Some of these folks don't work. I ended up
19 helping them. If they don't pay their citation before
20 the plane leaves tonight, they're coming with us.
21 That's the reality.

22

23 CHAIRMAN RABE: Thank you. Rick, do
24 you have a report from Kodiak?

25

26 MR. ROWLAND: Yes, I do. I'm Rick
27 Rowland, originally from Afognak, working for Sun'ag
28 Tribal Kodiak now. Thank you all for having me here
29 today. Appreciate all your comments and concerns,
30 which are similar in Kodiak area, so I jotted some
31 things down. Recently we provided a letter to the U.S.
32 Fish and Wildlife supporting surveys related to
33 migratory birds in Kodiak, but the survey that was
34 developed didn't appear to be something that the tribal
35 members were interested in participating in, although
36 the tribe supported it.

37

38 Probably a number of different reasons
39 why tribal members don't want to fill out a survey and
40 I'll mention a couple. Prior to coming up I had
41 consultations with quite a few village elders who I
42 grew up with and hunted with as I was growing up. Some
43 of the things they talked about were mainly
44 frustrations related to somehow they felt tricked about
45 the Duck Stamps, not having the appropriate knowledge
46 about how the reality is on what's going on with it.
47 So they wanted me to mention that.

48

49 They also wanted me to mention there's
50 a reduction in the bird populations and there's quite a

1 few causes. One could be trophy hunters coming in.
2 Another elder mentioned -- actually a few elders
3 mentioned about sodium lights on commercial vessels.
4 Years ago there weren't sodium lights on the vessels,
5 but now you go out west and in the Bering, in the gulf,
6 you travel out there at night, you prop the pick, you
7 wake up in the morning and there's hundreds of birds on
8 your deck. Most of them are dead from slamming into
9 those sodiums. Nobody's got a regulation on that yet.
10 Most regulations are on squashing the duck hunter
11 trying to get food.

12
13 And that connects to what one elder
14 said, was they keep changing the laws and making us
15 outlaws. Years ago we didn't have to have a stamp.
16 Years ago if we needed to eat or take food home we
17 could go hunt, but now it's at a point to where there's
18 a lack of trust and that lack of trust might be leading
19 to why there might not be desire to participate in the
20 surveys or desire to become forthcoming with
21 information about hunting or egg collecting.

22
23 Currently egg collections are going on
24 in the Sun'aq area. Youths are out with the elders.
25 Swallows are back, terns are back, but again bird
26 populations are down. Could be a number of different
27 reasons. Maybe that flooding that's going on in the
28 rice paddies in northern California that appears to be
29 making the birds hold up quite a bit. Might be a
30 different method for those farmers down there that
31 could allow those birds to fly up this way.

32
33 Another individual mentioned
34 traditionally, customarily, feathers were -- migratory
35 bird feathers were used for traditional crafts and it
36 makes them nervous to use them nowadays because they
37 think they might be arrested for making a mask with
38 feathers on it. So, again, that leads to the no trust.
39 I think that there could be something positive that
40 comes out of it is because if we don't walk down a path
41 of fixing something, like our language, the ability to
42 hunt and harvest ducks traditionally and customarily
43 could be gone, could go extinct, and then we won't have
44 any duck hunters. We need to make sure we make the
45 right decisions so that we could allow our people to
46 hunt without fear and then have trust to communicate
47 with the people that have come up and imposed
48 regulations and laws upon us.

49
50 I have a couple suggestions, but we

1 could probably get into that later down the road. One
2 other thing I'd like to mention is that when asking
3 people if they want to participate in discussions about
4 Alaska migratory birds, most people aren't interested
5 because I think they are nervous about it and I don't
6 like it. I think they should feel comfortable to be
7 able to know it's okay to go duck hunt, it's okay to go
8 collect eggs and it's our responsibility here to make
9 that happen.

10

11 Thanks for having me.

12

13 CHAIRMAN RABE: Thank you, Rick. Any
14 questions. Taqulik.

15

16 MS. HEPA: Again, just following up on
17 that. I think it's important to mention those types of
18 examples. When a young man was cited for lead shot, a
19 17-year-old boy, and his mom asked me to sit through
20 the hearing because she wanted to go and defend her
21 son. Since that day and he was sitting around the
22 table with us, this boy does not want to go hunt no
23 more. He hunted for his grandmother and his aunnas and
24 that was something he did growing up. Since that day
25 he hasn't gone hunting again. It just totally
26 traumatized him, thinking that he did something really
27 really wrong. He's a good boy and it's just so
28 disheartening to see the discouragement he had going
29 through this process of feeling like he was a criminal
30 for having lead shot and he didn't even know. So we
31 need to all be aware of how, if you break a rule, how
32 it impacts our people.

33

34 Thank you.

35

36 CHAIRMAN RABE: Okay. Roy.

37

38 MR. EWAN: Does it have to be a
39 question? Can it be a comment on a report?

40

41 CHAIRMAN RABE: Yes.

42

43 MR. EWAN: I just want to say that we
44 did discuss also the Duck Stamp and that is why I
45 mentioned earlier in my report that I don't know what
46 Joeneal Hicks reported. We have the same concerns that
47 I've heard here in the Copper River Basin about the
48 Duck Stamp. A lot of elders didn't see -- not elders,
49 but young people, didn't like the idea of having to go
50 buy a Duck Stamp and so forth. I think it's not a big

1 deal to change. I think we ought to make an effort to
2 change. Maybe it's not the forum here, but we have
3 other organizations through which we could attempt to
4 do that. I think we have people in Congress right now
5 that would be in favor of helping us. Myron and all
6 the others that want to change that, I'm fully behind
7 trying to change that. It's not a big deal. It should
8 just be out of the way, done by changing the Federal
9 law.

10

11 Could I mention one thing else that I
12 forgot in my report and why we're addressing training?
13 That is the State of Alaska requires training to get a
14 hunting license for young people, so that is why we --
15 a lot of young people can't get a hunting license
16 unless they have hunter training. That is why we're
17 having our camp to train people. I just wanted to
18 mention that.

19

20 Thank you.

21

22 CHAIRMAN RABE: Okay. We're done with
23 regional reports. Molly, if I understood you
24 correctly, you wanted to go into caucus before old
25 business or what's the.....

26

27 MS. CHYTHLOOK: After.

28

29 CHAIRMAN RABE: After old business?
30 Okay. Well, looking at the clock, we started at 9:30,
31 we've been going for an hour. How about if we have a
32 five minute break. Okay, let's do that. Stand down
33 for five minutes.

34

35 (No comments)

36

37 CHAIRMAN RABE: It's five to 11:00.
38 Let's come back on the record. We've got a couple
39 members that are still out. Hopefully they'll come
40 back and join us quickly. There is a request that when
41 we get done with old business that the regions would
42 like to go into a caucus. I think old business is
43 fairly short, so we're going to go ahead and cover that
44 topic next. I think that goes to Fred in terms of --
45 I'm sorry, to Patty. Do you have a report in terms of
46 the 2011 regulations update from the SRC that you
47 wanted to give to the group?

48

49 MS. BROWN-SCHWALENBERG: Yes, I do, Mr.
50 Chairman. The Service Regulations Committee actions

1 for the 2011 spring/summer season were to continue the
2 provision to allow the possession and subsistence use
3 of up to 20 Yellow-Billed Loons inadvertently entangled
4 in subsistence fishing nets on the North Slope with
5 additional monitoring requirements.
6

7 I want to comment about that, that
8 there was some question about that proposal again this
9 past year and they requested that the North Slope
10 collaborate with the Service and the Co-Management
11 Council to design a scientifically defensible survey to
12 estimate entanglement of Yellow-Billed Loons by the
13 fishers starting in 2011. I guess it's a question of
14 extrapolating the information that's existing in making
15 the numbers a lot higher than what we believe they are.
16 So we need to come up with some kind of a system to
17 make sure that the numbers that we present to the
18 Service Regs Committee and the Pacific Flyway Council
19 are accurate and consistent with what people are
20 reporting and what the survey is reporting. There was
21 that issue.
22

23 Then the second action was to continue
24 the provisions originally implemented in 2009 for the
25 communities of Barrow, Wainwright, Point Lay and Point
26 Hope along the North Slope of Alaska for the protection
27 of Steller's Eiders. The one difference in that action
28 was they omitted the one-half hour before sunrise until
29 sunset during the August part of the regulation, so
30 that's no longer part of that.
31

32 That concludes my report, Mr. Chairman.
33

34 CHAIRMAN RABE: Thank you, Patty. Any
35 questions from Council on the report. Enoch.
36

37 MR. SHIEDT: Yeah. Enoch. Patty, the
38 number of 20, I hate to see numbers be put into
39 anything because we don't know how many birds -- even
40 my region, we get Yellow-Billed -- one accidentally
41 caught birds. I hate to see numbers be put in there
42 because once there's a number they think we reach,
43 they're going to start citing us. I hate to see
44 numbers be put into any regulation.
45

46 CHAIRMAN RABE: Thank you. Any other
47 questions for Patty on the report. Taqulik.
48

49 MS. HEPA: Just in regards to that,
50 that number -- I think growing up in the North Slope

1 region that number was a number that we just threw out
2 historically and from my knowledge and experience it is
3 very unlikely that we will use up to 20 Billed Loons
4 for traditional purposes. So I think that it's fine
5 there. The second part of it is monitoring the number
6 of Yellow-Billed Loons that actually get entangled in
7 nets. Many of them are not used. A lot of them are
8 released. If they're found dead, sometimes they're not
9 used. If the dance groups want to use them to make a
10 headdress.

11

12 Thank you.

13

14 CHAIRMAN RABE: Rick.

15

16 MR. ROWLAND: Rick Rowland from Sun'aq.
17 I'd like to mention that I appreciate what you
18 mentioned about an arbitrary number, but in another
19 setting when an arbitrary number was just thrown out
20 there, it removed subsistence ability to the village of
21 Saxman and we are currently close to that arbitrary
22 number that was thrown out there about population in
23 the community of Kodiak. It makes us switch between
24 rural and nonrural. So my opinion is that it's better
25 not to have a number.

26

27 That's it.

28

29 CHAIRMAN RABE: Thank you. I don't
30 think there's any action on the Council that's needed
31 relative to that report, so we'll continue on. Item B
32 under old business is an extension of spring/summer
33 season into fall, which was a table proposal from two
34 years ago if I recall, but we don't have any -- help me
35 with protocol at this point. It's on the agenda. I
36 don't know who wants to speak to it. Doug.

37

38 MR. ALCORN: Just maybe to help
39 understand a part of the process. Typically when we
40 have a proposal the presenter -- the region that has
41 the proposal presents that proposal. Sandy is not here
42 this morning and we did table this. I believe it was
43 two years ago at this meeting. In order to have an ad
44 hoc meeting to discuss the issue. That resulted in the
45 development of a White Paper. Patty was instrumental
46 in that, working with Fred and I and the Council
47 endorsed that and submitted it. Now we have a
48 response.

49

50 What would be in order would be to

1 untable the motion, but since the original proposer is
2 not here, perhaps there's no need to even continue in a
3 discussion.

4

5 CHAIRMAN RABE: Any comments of Council
6 on that recap of this item? Just to note that there
7 has been a fairly similar proposal submitted from
8 Bristol Bay that's in the new business section that
9 significantly overlaps with that other proposal from
10 two years ago.

11

12 So if there is nothing further on that,
13 I think that concludes old business. At this point
14 then the regions have requested an opportunity to go
15 into caucus. Looking at the time and not knowing how
16 long the caucus may take, it's kind of a judgment call
17 whether or not we should break for lunch as part of
18 that. I guess what we can do is wait and see, but if
19 it gets to be say quarter to 12:00 or something, we
20 might just want to continue through a lunch break and
21 come back after that.

22

23 Molly, do you have some thoughts?

24

25 MS. CHYTHLOOK: Yeah, I think the rest
26 of the people can break for lunch, but Native caucus
27 will probably go for like half an hour, 45 minutes,
28 depending on the discussion. So maybe the rest of the
29 people can go ahead and break for lunch. How long is
30 our lunch going to be from, 12:00 to 1:30?

31

32 CHAIRMAN RABE: I think that's up to
33 the group to decide. We're making good progress, but
34 we have a fair amount of material relative to new
35 business I think to get through. So probably we should
36 limit it to one hour if we can fit that in because we
37 do have a constraint of 4:30, so we need to persevere
38 here, I think, in terms of the agenda as much as we
39 possibly can. Our breaks are always a little bit
40 longer than the five minutes we ask for too. Taqulik.

41

42 MS. HEPA: I support that
43 recommendation to break till 1:00 o'clock. We'll have
44 a Native caucus and then come back at 1:00 o'clock to
45 reconvene.

46

47 MR. NANENG: I was hoping that we could
48 probably get our Native caucus sooner than later, but I
49 don't know how long Eric's report is going to be
50 regarding bird populations after that.

1 MS. HEPA: I also will support that.
2 Maybe Native caucus until 11:30 and 11:30 to 12:00 have
3 Eric do his report.

4
5 CHAIRMAN RABE: Does that seem
6 reasonable? Do you want to work with that as a goal
7 then?

8
9 MR. NANENG: Yes.

10
11 CHAIRMAN RABE: Russ, did you have a
12 technical point you wanted to raise?

13
14 MR. OATES: Yeah, Mr. Chairman. Russ
15 Oates, Fish and Wildlife Service. There was some
16 discussion yesterday about the possibility of having me
17 available for the caucus to answer questions with
18 regard to the harvest survey revision process and I
19 just wanted to know if there was a desire for me to be
20 available for that still.

21
22 MR. NANENG: I think that will be the
23 last item, so right before we're done with the caucus
24 we'll invite you in when we get to that topic because I
25 think we have three items on the Native caucus.

26
27 MR. OATES: I'll stand by.

28
29 MR. NANENG: The North Slope proposal,
30 the White Paper response and the last one being the
31 harvest survey.

32
33 CHAIRMAN RABE: Okay. This is the only
34 room that we have, so all those not part of the caucus
35 we need to adjourn and provide the room for the caucus
36 activities. We'll wait to hear from the caucus when
37 they're ready to have us come back, but hopefully by
38 11:30 and then we'll plan to do the report before lunch
39 if we can fit that in.

40
41 (Off record)

42
43 (On record)

44
45 CHAIRMAN RABE: Are we ready to resume.
46 It's 10 after 1:00. We have finished up with old
47 business. Molly, is there anything that you want to
48 report out from the caucus at this point or are they
49 all things that we will be addressing later?

50

1 MS. CHYTHLOOK: I think we'll be
2 addressing as we come to them on the agenda and there
3 will be recommendations and motions for each. We had
4 three main items that we discussed and they're all on
5 the agenda that are coming up.

6
7 Thank you.

8
9 CHAIRMAN RABE: Then let's move into
10 Part A, which is migratory bird population and other
11 updates and Eric Taylor from the Fish and Wildlife
12 Service will be providing that information. Dan
13 Rosenberg isn't here to help him. He was called off on
14 an emergency as I understand.

15
16 MR. TAYLOR: Good afternoon. My name
17 is Eric Taylor. I'm with the U.S. Fish and Wildlife
18 Service with the Division of Migratory Bird Management
19 here in Anchorage. I'm pleased to be invited to
20 present our current knowledge in terms of abundance and
21 trends of waterfowl in Alaska. The result that you're
22 going to hear today are primarily the results of
23 surveys that the waterfowl management branch within the
24 Division of Migratory Bird Management collects every
25 year.

26
27 The objective is pretty simple. I'd
28 like just to go through the abundance and trends
29 currently what we know for the most recent data for the
30 species listed there. Pacific Black Brant, Pacific
31 Greater White-Fronted Geese, Emperor and Cackling
32 Canada Geese, Spectacled Eiders, Steller's Eiders,
33 Tundra Swans and Yellow-Billed Loons.

34
35 Then I'll also provide an update on
36 what the new migratory bird management survey aircraft
37 that we will be starting to fly this year. By 2012
38 they will be the only aircraft that we have. We are
39 replacing our current aircraft with a new model.

40
41 The first species I'd like to talk
42 about are Pacific Black Brant. As I'm sure almost
43 everyone knows, if not everyone, about 80 to 90 percent
44 of Black Brant nest on the Yukon-Kuskokwim Delta.
45 There are additional birds that breed and nest on the
46 Seward Peninsula, Arctic Coastal Plain, parts of
47 Chukotka Peninsula, Russia and Wrangell Island.

48
49 There's a different species called High
50 Arctic Brant that nest in the high arctic of Canada on

1 Melville Island. Both the High Arctic Brant and the
2 Pacific Black Brant then migrate along the arctic coast
3 and the entire population then stage at Izembek Lagoon
4 at Cold Bay. Pacific Black Brant then migrates south
5 during the winter. They leave Izembek in November.
6 The majority of birds winter in California or Baja
7 Mexico. Some birds winter in California and Oregon and
8 Washington, but the majority winter in Baja Mexico.

9
10 These are the graphs that I'll use for
11 most of the species. The population there is listed on
12 the vertical axis. In this case, 20,000 birds to
13 180,000. The dates of our surveys when we have
14 conducted the surveys the years are listed on the
15 horizontal axis, in this case 1960 to 2010.

16
17 The black line indicates the three-year
18 average. That is the way the Pacific Flyway Council
19 manages waterfowl populations using the three-year
20 average because any one particular year -- for example,
21 if you look at 1991 it looks like that very high bar
22 that's almost sure what's considered an outlier. To
23 avoid anomalies like that we use a three-year average.

24
25 The three-year averages you can see by
26 the bar is around 142,000 birds, 141,749, so that's the
27 average for 2007, '08 and '10. We were unable to do
28 the survey in 2009. We count brant, what's called the
29 mid-winter survey, and that survey takes place in
30 Mexico. That's again where the majority of birds have
31 wintered and we did not do that survey in 2009. We
32 also did not do that survey this year because of safety
33 concerns with flying our survey aircraft in Mexico with
34 the unrest there relative to the drug cartel. We were
35 informed that it would probably be better not to
36 survey, so we did not do that survey in 2009 and 2011.

37
38 Again, the population objective is
39 150,000. The current average is around 143,000, the
40 current three-year average. Population growth for
41 about the past 30 years has been relatively stable.
42 The Goose Management Plan states there will be no
43 taking of brant eggs or brant during the nesting, brood
44 rearing or flightless periods in order to try to
45 continue to grow this population.

46
47 One of the things that we've been
48 following pretty closely, in fact we have one of our
49 biologists working on this full time, is that there's
50 an apparent decline in five historic colonies, nesting

1 colonies on the Yukon-Kuskokwim Delta. However, we're
2 seeing increased numbers of birds in dispersed areas,
3 areas that we formerly thought were poor nesting areas,
4 but yet these birds seem to be doing quite well because
5 the population is relatively stable.

6
7 The other trend that we're monitoring
8 pretty closely is that 15 to 20 percent or up to about
9 30,000 birds, 15 to 20 percent of the brant population
10 now winter at Izembek. This is something that has been
11 recently occurring over the past decade or so. There's
12 been a recent publication that came out, but again
13 whether this is related to climate change or changes in
14 habitat we're not for sure, but instead of making that
15 migration to the Baja Mexico birds are staying up on
16 the Alaska Peninsula.

17
18 Yes?

19
20 MS. HEPA: How are they doing spending
21 the winter that far in the arctic?

22
23 MR. TAYLOR: That's a good question,
24 Taqulik. Obviously the conditions out in the Aleutians
25 are very different than the conditions in Baja Mexico.
26 We feel, based on the population, that we have not seen
27 any effect in the population growth of the overall
28 population. We've not done a condition study, for
29 example, to try to look at are those bird less -- have
30 less fat than birds coming back from Mexico, for
31 example, or are they less productive when they return
32 back to the Y-K Delta. At least in terms of population
33 they seem to be doing fine.

34
35 That area does support the entire
36 world's population for about up to almost two months,
37 both during the spring and during the fall, so the area
38 does have very high quality food in terms of eel grass.
39 Then to sustain an overwintering population is
40 perplexing, but relative to a population level effect,
41 we're not seeing it.

42
43 MS. HEPA: Then my last question is,
44 for migratory species is it known for other species to
45 make a significant change in migration? Because that's
46 a pretty big chunk of geography between where they are
47 now and where they used to go. I'm just curious.

48
49 Thank you.
50

1 MR. TAYLOR: No, another good question
2 and I can't give you any good examples of other species
3 of waterfowl. We do have, like Cackling Canada Geese
4 that I'll talk about here in a few minutes, have
5 shifted their wintering grounds north from California
6 now to northwest Oregon and southwest Washington.
7 That's probably related to changes in habitat. It may
8 be related to other factors. Certainly in this case
9 where you see a significant proportion of the
10 population not making a significant migration is
11 something I don't think is very common.

12
13 Pacific Greater White-Fronted Geese.
14 There are two recognized populations in Alaska. The
15 population to the west of that white kind of curvy line
16 there going across Alaska, the population to the left
17 is the Pacific Greater White-Fronted Geese, about 95
18 percent of that population nest on the Yukon-Kuskokwim
19 Delta. They migrate along the coast there in the south
20 and winter primarily in central valley of California.
21 There are additional birds that winter in Washington
22 and Oregon, but primarily California.

23
24 Myron alluded this is clearly the
25 success poster geese for the Yukon-Kuskokwim Goose
26 Management Plan and the Pacific Flyway Council where
27 back in 19 -- if you look around 1980 the population
28 was down to about the 100,000 mark. The population
29 objective was set at 300,000 and right now we're
30 sitting around double of the population objective
31 604,000 birds. The population has been growing at a
32 rate of about 6 percent per year over the past 20 years
33 or so, so it's a significant population growth.

34
35 Again the objective in this case was
36 300,000. We're over twice that with 600,000. The
37 annual growth rate is increasing and, as Myron
38 mentioned this morning, subsistence harvest is not
39 restricted on this species.

40
41 MR. SHIEDT: What is the reason for the
42 growth?

43
44 MR. TAYLOR: It's a combination. One
45 is, I think, good wintering habitat conditions. I also
46 think, as Myron mentioned, in my experience with White-
47 Fronted Geese, they're very tough to hunt. They're
48 very leery birds and they're difficult in my experience
49 in rounding them up to band them on the Arctic Coastal
50 Plain. They will see you a half mile, a mile away and

1 start running. So they're very leery birds and I think
2 they're difficult to hunt.

3

4 In this case, I think there's a case
5 where even though subsistence harvest has tracked the
6 increase, it hasn't tracked it to the point of actually
7 curving the population. I would say favorable habitat
8 conditions, particularly on the wintering grounds.

9

10 MR. DEVINE: Eric, Peter Devine,
11 Aleutian Pribilofs. At what point do these things
12 start eating themselves out of house and home? Is this
13 population of birds forcing the other ones out? Are
14 they more aggressive as far as territory or are they
15 commingling with other species or do we know?

16

17 MR. TAYLOR: At least for White-Fronted
18 Geese they tend to nest in more upland areas, so the
19 species they would potentially push out in terms of the
20 Yukon-Kuskokwim Delta would be Cacklers, Brant and
21 Emperors, but in this case White-Fronted geese tend to
22 use more tussock tundra and more dryer sites compared
23 to those other three species, so there's really not
24 that level of interaction in territoriality.

25

26 The first part of your question, where
27 do they start -- when could habitat start limiting, I
28 might ask Bob in terms of their wintering habitat. I
29 don't think it's limiting in California at this point
30 thanks to the rice farmers primarily, but is that still
31 the case in terms of no indication of limiting habitat?

32

33 MR. TROST: No, although there is some
34 evidence that they are beginning to shift distribution
35 as well and some of them are moving further north,
36 which is a matter of concern. So we are beginning to
37 see some agricultural depredation associated with
38 population growth.

39

40 MR. TAYLOR: But in terms of the Delta
41 in Alaska, I don't think there's any negative
42 interactions at this point. Does that answer your
43 question, Peter?

44

45 MR. DEVINE: Yes.

46

47 MS. HEPA: Eric, are you going to speak
48 to Lesser White-Fronted Goose?

49

50 MR. TAYLOR: No, I didn't put mid

1 continent in there and I was wondering. That's a good
2 point. We've not done that in the past. So the mid
3 continent that Taqulik is referring to, the mid
4 continent population, is that area of the birds that
5 inhabit the area east of that white diagonal line. I
6 can tell you that population is also increasing. They
7 winter in Texas primarily but I know that population is
8 doing very well, but next year I promise to put a slide
9 in there.

10

11 MS. HEPA: Just one comment about that
12 particular population is that the hunters are noticing
13 as well as myself that they're very fat when they come
14 up, extremely fat, very healthy. So I agree that the
15 wintering habitat is very good for them right now.

16

17 MR. TAYLOR: It's good to know.
18 Relative to Emperor Geese, another species that's very
19 dependant upon the Yukon-Kuskokwim Delta. Probably 90
20 percent of Emperors nest and are dependant upon the
21 Yukon-Kuskokwim Delta. There are additional birds that
22 breed and nest on the Seward Peninsula and also on the
23 Chukotka Peninsula, Russia. Again, the primary
24 breeding area is the Y-K Delta, molting and staging
25 areas there are depicted on the north part of the
26 Alaska Peninsula near the Cinder River and Nelson
27 Lagoon area. The wintering grounds, you can see -- I'm
28 a bit color blind, so I'm going to take a guess that
29 that's brownish. The wintering areas there are
30 depicted along the Alaska Peninsula to the south and
31 then out to the Aleutian Islands.

32

33 Emperors. Our best guess from the mid
34 1960s you'll see that one bar. We feel it was a pretty
35 reasonable population survey that was conducted by
36 biologist and the Refuge manager, the Yukon Delta
37 National Wildlife Refuge in 1962 was around 140,000.
38 The population, like other species on the Y-K Delta
39 declined significantly to the mid 1980s, at which time
40 the Goose Management Plan was signed in cooperation
41 between subsistence hunters and sport hunters. It has
42 allowed this population to come back to some degree.
43 We're still well below the population objective, about
44 half below the population objective.

45

46 The 80,000 population mark that's
47 depicted by the blue line is the line that hunting
48 could be considered if that three-year average reached
49 80,000 right now. We're sitting around 77,000. The
50 population showed an increase in 2010, so we're

1 optimistic. The population is slowly growing. Not at
2 a significant rate, but again slowly creeping up.

3

4 MS. CHYTHLOOK: What's the current
5 population, 60?

6

7 MR. TAYLOR: 76,892 is the current
8 three-year average, Molly. Again, that's well below
9 the population objective. The current regulations are
10 closed to hunting. We're seeing an annual population
11 growth rate that we term as a slight increase. As I
12 said, the harvest can be reconsidered to be opened when
13 the three-year average is above 80,000.

14

15 Based on what has been done with
16 studies, both with radio collars and looking at
17 mortality as well as our production estimates, we feel
18 that population growth is limited by a combination of
19 two primary factors. One is that despite the species
20 being closed since 1987 to subsistence hunting we're
21 still seeing continued subsistence harvest,
22 particularly in the Yukon-Kuskokwim Delta, but also in
23 the Bristol Bay area and Nome region. Also low
24 productivity is another factor that we feel is
25 inhibiting population of fox predation in this case on
26 Goslings based on our estimates of the numbers of birds
27 that are nesting and then later we do production counts
28 where we can estimate the number of young that are
29 staging on the Alaska Peninsula, so we do know that
30 there is lower productivity too.

31

32 CHAIRMAN RABE: Tim.

33

34 MR. ANDREW: Thank you, Mr. Chair.
35 Eric, what are the contributing factors of low
36 productivity?

37

38 MR. TAYLOR: Primarily predation.
39 Predation by foxes would be the primary factor. There
40 could be some gull predation as well, also some
41 jaegers, but my estimate, my guess would be foxes.

42

43 MR. ANDREW: If I may, Mr. Chair,
44 follow up. Is that predation on the adult population
45 or nesting clutches or goslings?

46

47 MR. TAYLOR: It's goslings, goslings
48 and eggs. I would venture to say goslings
49 particularly. What we're doing, we've had the Yukon-
50 Kuskokwim nest plot survey that's being conducted and

1 has been conducted for the past over a decade by Julian
2 Fisher in our shop. Gets an estimate of the numbers of
3 nests and the numbers of eggs that are produced every
4 year. Then we know what hatching success, nesting
5 success is, so we know how many goslings should be
6 occurring on the Delta.

7
8 Then we do what's called a production
9 count on the Alaska Peninsula where we'll send a pilot
10 and observer out and you can tell young of the year
11 versus adult Emperors, so we know how many were
12 produced and then we can figure out how many actually
13 made it out to the Alaska Peninsula and that number is
14 significantly less, so we know they're not making it
15 off the Delta.

16
17 Again, it's a combination of two
18 factors. We're still seeing, I think, a high level of
19 subsistence hunt, subsistence take, and that's
20 particularly damaging because it's occurring breeding
21 adults during May and June primarily based on one
22 publication in the Journal of Wildlife Management.

23
24 In that publication the authors from
25 USGS went through a pretty, I think, transparent
26 analysis where they have estimated that if we could
27 curb subsistence harvest by a certain percentage we
28 would see the population grow by a certain percentage
29 and they've gone through based on the amount of
30 subsistence take that's been reported over the past --
31 I think they looked at 2001 to 2004 and then estimated
32 if we get half that subsistence, if we could go and do
33 enough outreach and education to try to get people not
34 to take Emperors, we would see a more steep population
35 growth.

36
37 MR. ANDREW: Yeah, maybe one more final
38 comment. If we can possibly assist in any way in the
39 public outreach and if there's monies available for us
40 to assist, I think Myron would probably be agreeable
41 for us doing that and helping rather than taking the
42 law enforcement approach.

43
44 MR. TAYLOR: I completely agree. I
45 certainly think outreach and education are the way to
46 go despite the species being closed since 1986. I
47 think if we could send the message out that if we could
48 curb subsistence hunting now, we'll get to that 80,000
49 mark where we'd consider opening up that population.
50 Clearly, I think the most effective communication is by

1 residents in a local community. I think even more so
2 than by Refuge personnel or certainly by me being with
3 the Migratory Bird Division. If residents in a local
4 community can say, listen, if we can take Brant or
5 White-Front or Cacklers as opposed to Emperors, we'll
6 be able to hunt Emperors again legally. So I think
7 that's the way to go.

8

9 I certainly would entertain working
10 with AVCP in terms of trying to put together an
11 outreach package. I know you heard Doug's comment
12 relative to our budget. We're certainly not going to
13 be flush, but I think in this case it would not take a
14 significant amount of funding and I think it could be
15 pretty effective. I agree with you that outreach is
16 far more effective than law enforcement.

17

18 MR. SHIEDT: Yeah, Enoch. The way you
19 mentioned that predators take so many percent of the
20 birds, us Natives and you're trying to say the Natives
21 need to take a reduction. It's very possible where you
22 could go after the predators too to increase the
23 population. Percentage-wise, the predators might be
24 taking more and hurting in the long run than we are. I
25 feel like you're targeting me again as a Native, a
26 subsistence harvester.

27

28 MR. TAYLOR: Good point, Enoch. In
29 terms of what -- and you'll see the word combination up
30 there and that's a key word of that phrase. We believe
31 it is a combination of both lower productivity but also
32 subsistence hunting. In terms of which one has the
33 most effect in keeping the population growth lower,
34 it's difficult for me and we probably do not have
35 enough data to really provide a definitive answer.

36

37 However, subsistence hunting is
38 particularly onerous in the sense that it takes adult
39 birds that are coming back to breed versus a fox taking
40 a gosling and a gosling -- their first year survival is
41 very low to begin with because they have to go out to
42 the Aleutians and overwinter. As you know, that's a
43 harsh environment. But here you have an adult bird
44 that is a known breeder coming back to nest and you
45 remove that from the population, that has a more
46 dramatic effect on population growth than taking a
47 gosling.

48

49 But your point is well taken. It's a
50 combination. I will tell you fox control on the

1 National Wildlife Refuge is controversial. Predator
2 control on a Refuge is looked at very carefully. The
3 predator control that we are doing on a couple colonies
4 for Brant took a significant amount of effort both from
5 the Refuge and the Migratory Bird Division to get it
6 approved by Fish and Wildlife Service. It won't be an
7 easy task if we determine that fox control would
8 benefit in a burst to get that approved.

9

10 But I do think, you know, as Tim
11 mentioned, if we could do some outreach and curb
12 subsistence hunting, I think we'll see a positive
13 growth. Again, though, it's a good point.

14

15 MS. CHYTHLOOK: Molly. So do you do
16 surveys on a yearly basis or how often do you survey?
17 There's not a whole lot of numbers between 76 and 80,
18 so what -- have you seen a fluctuation of that number?
19 Has it been lower than 76? Your target is 80,000
20 before you allow hunting. The same way with the White
21 Front. There's not a whole lot of large amount of
22 numbers missing between the targeted and the harvest
23 right now, so is the fluctuation that drastic?

24

25 MR. TAYLOR: We survey Emperors three
26 times a year. We survey them during the breeding
27 season, so right now we have a pilot biologist and an
28 observer going to the Yukon-Kuskokwim Delta. Karen
29 Bollinger, out of our Fairbanks office, and Bob Platte
30 out of the Anchorage office, are in a Cessna 206 right
31 now heading to Bethel to start the survey of Emperors
32 during the breeding season.

33

34 We do two surveys during other times of
35 the year. One during the spring of Emperors on the --
36 let's see, along the southern part of the Alaska
37 Peninsula out to the Aleutians and then also during the
38 fall we do the fall survey along the Alaska Peninsula
39 to get a production estimate so we can determine the
40 numbers of adults and the proportion that are young and
41 then we also do a spring survey and the spring survey
42 is mandated by the Pacific Flyway Council because that
43 is the survey that we use to monitor the population.
44 That is a survey that we use to estimate the population
45 relative to harvest regulations.

46

47 The reason you see a gap between 1963
48 and around 1980 is that was a transitioning period
49 between when the Refuge did their survey in the 1960s
50 and the initiation of the Migratory Bird program, the

1 division that I work for. So the surveys from the
2 1980s through the present time have been conducted by
3 the Migratory Bird Division.

4
5 Relative to your question on the
6 fluctuation, Molly, if you look at those white bars
7 there, you can see from any particular year that
8 estimate of the population may go up or down. If you
9 can look at 1995, and I forgot my laser pointer, but
10 you can see that population is right about 80,000. The
11 next year, 1996, it dropped down to about 58,000 and
12 then in 1997 it dropped down to around 50,000.

13
14 The population does fluctuate and that
15 is due to any number of factors. You've heard several
16 times today that birds are late in migrating. While we
17 do our best to do the surveys every -- at the same time
18 when birds are there, there's certainly occasions where
19 we miss it. Where we're doing a survey perhaps and the
20 birds aren't there as much as they should be. We also
21 sometimes have a change in personnel. We might have a
22 poor conditions where visibility is not as good.

23
24 So any particular year is not
25 necessarily a true estimate or an accurate estimate of
26 that population and that's why in this case the Pacific
27 Flyway uses and most other flyways uses what's termed
28 the three-year average and that's why that black line
29 is up there. We try to take the average or we do take
30 the average of the three years. If you look at 2010,
31 2009 and 2008, that's a good example where those three
32 estimates varied a bit, so it does fluctuate due to
33 survey conditions, timings of birds and different
34 personnel.

35
36 Cackling Canada Geese nest.....

37
38 MR. EWAN: I have a question back on
39 the other. The migratory pattern and breeding area,
40 did you show that? I missed it.

41
42 MR. TAYLOR: For Emperors?

43
44 MR. EWAN: Yeah. That's way down
45 there.

46
47 MR. TAYLOR: Pardon me?

48
49 MR. EWAN: That's it way down the chain
50 there.

1 MR. TAYLOR: Yeah. Emperors will
2 winter along Kodiak Island and then all along the
3 Alaska Peninsula and out to the Aleutians.
4
5 MR. EWAN: And the breeding is just a
6 few places there?
7
8 MR. TAYLOR: Yeah, the breeding is
9 primarily on the Yukon-Kuskokwim Delta, probably 90
10 percent of the population nest on the Y-K Delta.
11
12 MR. EWAN: Thank you.
13
14 MR. TAYLOR: You bet. There's
15 additional -- some birds nest on the Seward Peninsula
16 and some birds on Chukotka Peninsula. Primarily again
17 the Yukon Delta is the key area.
18
19 MR. ROWLAND: I have a question related
20 to that as well.
21
22 MR. TAYLOR: You bet.
23
24 MR. ROWLAND: Rick Rowland from Sun'aq.
25 So my question is you're saying that the breeding is
26 the summer habitat?
27
28 MR. TAYLOR: Right. The breeding
29 habitat is typically the summer habitat.
30
31 MR. ROWLAND: Okay. You don't show any
32 summer habitat over in northern Canada?
33
34 MR. TAYLOR: Emperors don't nest in
35 Canada.
36
37 MR. ROWLAND: Okay. But they travel
38 there in the winter time?
39
40 MR. TAYLOR: No, they travel along the
41 Alaska coast there and then they winter all along that
42 brownish area along Kodiak and then along the Alaska
43 Peninsula and out in the Aleutians.
44
45 MR. ROWLAND: Okay.
46
47 MR. TAYLOR: Okay. Cackling Canada
48 Geese in this map is a little bit deceiving because I
49 have shown all of the subspecies of Canada geese, but
50 the Cackling Canada Geese, the smallest race of Canada

1 geese, one can say the entire population nest on the
2 Yukon-Kuskokwim Delta. As you've heard several times
3 today they used to winter in California. They have
4 shifted their wintering grounds to northwest Oregon and
5 southwest Washington. Therein has caused some problems
6 relative to shifting from what was a rice habitat in
7 California, now to more of a turf grass winter wheat
8 type of habitat in Oregon.

9
10 This is a new population assessment
11 method that we were requested to look at for a number
12 of reasons. One is the process we have been using to
13 estimate Cacklers since 1998 that was adopted by the
14 Pacific Flyway Council, has always been a bit of a
15 question. Now with the increasing population in Oregon
16 and some pressures that the state of Oregon and the
17 farming community felt they were fairly high numbers of
18 Cacklers, and then also when we looked at our nest data
19 on the Yukon-Kuskokwim Delta, and then when we looked
20 at the management plan that said this index should be
21 looked at to the population, those three were kind of
22 contributing factors and for why our shop, the
23 Waterfowl Management branch, took six months to re-
24 analyze the Cackling Canada Goose datasets.

25
26 This is a new method to estimate
27 Cackling Canada Geese that the Pacific Flyway Council
28 has adopted for the next several years. So you can see
29 the estimate is above the population objective of
30 250,000. The current three-year estimate of Cackling
31 Canada Geese is around 273,000. If you look at the
32 past 15 years or so you can see it's been above the
33 population objective about maybe four years of the last
34 since 1995 it's been above that yellow line.

35
36 That said, despite this being adopted
37 as the interim method, we are going to -- the Pacific
38 Flyway Council recommended and the Fish and Wildlife
39 Service agreed that we adopt an independent assessment
40 to estimate Cackling Canada Geese because, again, we're
41 not completely confident that the new method that we
42 have adopted here is, indeed, the best method. So this
43 year and in 2012 we're going to band and collar 2,000
44 Cackling Canada Geese on the Yukon-Kuskokwim Delta and
45 then use a mark resight method when the birds travel
46 south to Oregon and then we will resight them and then
47 using that dataset come up with an independent
48 assessment again to see if this 273 is the right
49 number.

50

1 So again the population objective is
2 250,000. We feel the current population is likely
3 above that. Again I caution you in the sense that the
4 273 is an estimate and an index to the population. The
5 true population could be somewhere between say 250 and
6 possibly even 290 or 300,000. Again, this is a new
7 index and as a result we're going to implement a two-
8 year independent study. The population has shown a
9 slight increase over the past 20 years. Right now the
10 Yukon Delta Goose Management Plan says there's no
11 taking of eggs of Cacklers or Cacklers during the
12 nesting, brood rearing and flightless period.

13

14 As I mentioned, there has been a change
15 in the wintering area from the central valley of
16 California to the Willamette Valley of Oregon and
17 therein there has been some concerns expressed by the
18 Oregon farming community and the Oregon Farm Borough
19 that birds are causing depredation, economic loss to
20 farmers in Oregon.

21

22 Any questions relative to Cacklers?

23

24 MS. HEPA: (Indiscernible) as the
25 Lesser Canada Goose?

26

27 MR. TAYLOR: No, Lessers nest more in
28 the Interior. The Canada Goose taxonomy, even among
29 experts, Taqulik, is debated, but Lessers nest more in
30 the Interior.

31

32 MS. HEPA: Because we're starting to
33 see a bit more of that kind. I don't know what kind we
34 see on the North Slope, but I noticed an increase. Not
35 a huge increase, but we're starting to see them more
36 frequently. So would it be a Cackler or a Lesser?

37

38 MR. TAYLOR: It would be Taverner's
39 Canada Geese.

40

41 MS. HEPA: Okay.

42

43 MR. TAYLOR: Spectacled Eiders are one
44 of two threatened sea ducks in Alaska. They were
45 listed as threatened in 1993 and closed to all hunting
46 in 1993. The reason they were listed is that the
47 population declined by 96 percent from an estimated
48 50,000 pairs on the Yukon-Kuskokwim Delta to less than
49 2,000 pairs by 1992.

50

1 Spectacled Eiders nest. There are two
2 populations primarily, one on the Yukon-Kuskokwim Delta
3 and then another population on the Arctic Coastal Plain
4 in Alaska. They winter -- and this is one of the most
5 recent discoveries in the waterfowl world. This
6 occurred in the mid 1990s where we actually discovered
7 where the world's population of Spectacled Eiders
8 overwinter. They pick the rough habitat there south of
9 St. Lawrence Island.

10
11 So Spectacled Eiders, the world's
12 population -- I failed to mention there's a significant
13 population that also nests in Russia, so there's three
14 primary populations, breeding populations of Spectacled
15 Eiders, the Arctic Coastal Plain, the Yukon-Kuskokwim
16 Delta and Russia. All three populations congregate
17 south of St. Lawrence Island in these open water areas
18 of broken ice looking like that and like that. That's
19 part of the world's population, an open pocket there
20 south of St. Lawrence.....

21
22 MS. HEPA: How many sea birds in that
23 picture?

24
25 MR. TAYLOR: I don't know. We need
26 someone like you to sit down and guess that for us. We
27 could start that like marbles in a jar. I think we do
28 have an estimate, to be serious with you, Taqulik.
29 That figure was the one that was published in the
30 Journal of Auk and I think we actually did take a stab
31 at that population, so I can -- at the picture, how
32 many are there.

33
34 We do the survey every three years to
35 try to get an estimate on the world's population of
36 Spectacled Eiders to kind of assess the overall group.

37
38 Some interesting things in term of
39 Alaska, the two populations in Alaska. The blue line
40 and the blue bars that you see, the blue bars are the
41 Yukon-Kuskokwim Delta, the breeding population aerial
42 index for the Yukon-Kuskokwim Delta. The white bars
43 overall and that black line is the estimate for the
44 North Slope population.

45
46 You can see for the blue line, which is
47 the three-year average, has shown an increase from 1990
48 to 2010. The birds in the Arctic Coastal Plain are
49 relatively stable to perhaps a slight decline over that
50 three-year average. The populations there, the

1 breeding aerial index, and this is not a total
2 population, about 5,600 birds on the Arctic Coastal
3 Plain, about 5,900 birds on the Y-K Delta.

4
5 The reasons why those two populations
6 are showing somewhat different trends, it's a tough
7 call. The population is likely recovered on the Y-K
8 Delta from both, I think the decreased use of lead
9 shot. I also think that with the increased numbers of
10 Cacklers and healthy populations of White Fronts that
11 perhaps we're seeing less predation pressure on
12 Spectacled Eiders and, therefore, affording them --
13 kind of the Cacklers and the White Fronts provide this
14 predation buffer and in this case Spectacled Eiders,
15 which don't defend their nest, are showing an increase.

16
17 Tim.

18
19 MR. ANDREW: Tim Andrew with AVCP.
20 Perhaps before we move from this subject the North
21 Pacific Fishery Management Council is going to be
22 reviewing the Northern Bering Sea research area this
23 coming June 8th through the 14th. I'm not sure where
24 they have it on the agenda, but they are going to be
25 reviewing it and the area that they have identified as
26 St. Lawrence Island habitat conservation area does not
27 even encompass the area that is identified for the
28 Spectacled Eider. It would be nice -- in fact, it
29 would be advisable for this group to send some kind of
30 message to the Council indicating that that area is
31 essentially important for Spectacled Eiders.

32
33 Thank you, Mr. Chair.

34
35 MR. TAYLOR: That's an excellent point,
36 Tim. That area has been identified as critical habitat
37 for Spectacled Eiders. I think it's always important
38 for both my agency as well as for Native
39 representatives to voice concern relative to
40 conservation of an area. In this case, basically the
41 world's population of Spectacled Eiders overwinter
42 there every year.

43
44 For Steller's Eiders, the North
45 American breeding population was listed as threatened
46 in 1997 and closed to all hunting. They're sparsely
47 distributed across the Arctic Coastal Plain, but
48 clearly Barrow is the hot spot. The highest density of
49 nesting Steller's Eiders that nest in North America
50 occur near Barrow. The Alaska breeding population is

1 estimated around 5-600 birds, so a very small breeding
2 population. As Taqulik mentioned in her report, the
3 indication that Snowy Owls, Short-Eared Owls and
4 Jaegers appear to be plentiful this year. There is
5 indication that those birds do provide a buffer to
6 provide some protection to Steller's Eiders. So I
7 agree with Taqulik, we've got to keep our fingers
8 crossed that it's a productive year.

9

10 The population trend based on --
11 because it's such a low population is a pretty
12 difficult one for me to describe. You can see the
13 population data based on our Arctic Coastal Plain data
14 on the lower right and you can see that there is quite
15 a bit of variability, the variability that Molly
16 mentioned, in our surveys and, therefore, it's pretty
17 difficult to say what the population trend is currently
18 at the present time. We certainly are concerned the
19 population is in a fairly restricted area and a very
20 small population.

21

22 Steller's Eiders, as this figure
23 depicts, they do historically have occurred across the
24 Arctic Coastal Plain of Alaska. There's also a very
25 significant population that occur on the Chukotka
26 Peninsula in Russia there on the northern coast, but
27 the population that is listed are those birds that nest
28 in Alaska. The wintering areas there shown in the
29 brownish color there so they both winter along the
30 coast in Russia and then along Kodiak Island and along
31 the Alaska Peninsula and the Aleutians.

32

33 MS. HEPA: I have a question. I was
34 just thinking about the bowhead whale and the
35 management question that came up at the IWC was if it
36 was one or two stocks of bowhead whales because some
37 winter along the Beaufort Sea coast and then Canada and
38 some winter near -- or summer along the Chukchi Sea
39 coast. So that was a big question. Through collecting
40 samples both in the Alaskan side and Chukotka side that
41 it turned out that genetically they're the same stock
42 of bowhead whales. Have you done any studies to see if
43 it was genetically the same birds that nest on the
44 Chukotka coast versus the North Slope?

45

46 MR. TAYLOR: To my knowledge, Taqulik,
47 we have not. There is, I think, agreement and I'm not
48 on the Steller's Eider recovery team, so I'm not the
49 best expert in terms of what studies have been done.
50 If my memory serves me correctly, there is an

1 indication that the birds have exchanged between
2 breeding areas. They certainly all intermingle during
3 the wintertime period, so the Alaska population doesn't
4 winter in one part of Alaska or one part of Russia and
5 the Russian population, rest assured, comes to Alaska,
6 so there is intermingling.

7
8 MS. HEPA: What that did when we --
9 when the scientific question was answered, it put the
10 pressure back off on the management implications that
11 could have taken place if it was two stocks of bowhead
12 whales. So it may be something that we could think
13 about and work toward to help address the Steller's
14 Eider issue. I stated in years past that the numbers
15 of Steller's Eiders that have been on the North Slope
16 have never been abundant. It's always been a small
17 population of birds that come when they want to and go
18 when they -- you know, nest when they want to and other
19 years not.

20
21 Thank you.

22
23 MR. TAYLOR: That's correct. It also
24 holds for the birds on the Yukon-Kuskokwim Delta. They
25 have never been an abundant bird on the Yukon-Kuskokwim
26 Delta, so we are dealing with small populations in both
27 areas.

28
29 MS. HEPA: Thank you.

30
31 MR. TAYLOR: Tundra Swans. I put this
32 in primarily because Sandy has been interested in
33 Tundra Swans in her area, so I want to just talk
34 briefly about both populations. Tundra Swans in Alaska
35 you could see in the greenish area they nest all the
36 way from the Aleutian Islands all along the coast of
37 Alaska and then into Arctic Canada.

38
39 Based on their wintering grounds, we
40 recognize two populations. The western population nest
41 from Point Hope south all the way out to the Aleutians
42 and they winter primarily in California. There are a
43 few birds that also winter in Nevada and Washington as
44 well as Utah. The eastern population nest along what's
45 considered the Arctic Coast Plain and then Arctic
46 Canada. That eastern population migrates to the east
47 and winters from New Jersey south to South Carolina.

48
49 Both populations are very healthy.
50 This depicts all four kind of primary components of the

1 western population. The blue being Bristol Bay, the
2 white being the Yukon Delta, the kind of greenish color
3 being Seward Peninsula and then the darkish color being
4 Selawik. You can see based on the amount of white area
5 there, again the Yukon Delta has the majority of birds
6 in the western population of Tundra Swans. If you want
7 to imagine a line going across that, you can -- I did
8 not draw a trend line or a three-year average, but that
9 population has experienced growth over the past 40
10 years.

11
12 MR. SHIEDT: When you mentioned
13 Selawik, is that the one that they counted at the mouth
14 of Noatak and up the Noatak on those swans there and
15 now it's just in Selawik and toward Deering?

16
17 MR. TAYLOR: Yes, the whole Selawik
18 wetlands area, yeah.

19
20 MR. ROWLAND: So in your picture about
21 ranges right there, the gray is depicted as where
22 they're at for the breeding?

23
24 MR. TAYLOR: That's correct.

25
26 MR. ROWLAND: Okay. Did you not put
27 Cook Inlet and Kodiak Island breeding pairs?

28
29 MR. TAYLOR: No, because those would be
30 probably Trumpeter Swans as opposed to Tundra Swans, so
31 that's a different species of swan. Very similar.
32 Tundras are a bit smaller and then they have -- Tundras
33 will have kind of a yellowish area on their yellow
34 lore, so you're probably thinking about Trumpeter
35 Swans.

36
37 MR. ROWLAND: It says Tundra on the
38 (indiscernible).

39
40 MR. TAYLOR: Okay. Again, what area
41 are you talking about?

42
43 MR. ROWLAND: Karluk on Kodiak.

44
45 MR. TAYLOR: Russ, are you familiar
46 with that?

47
48 MR. OATES: It could be. I've never
49 seen them, but I'm not surprised. It's tundra-type
50 area.

1 MR. TAYLOR: Go ahead, Molly.

2

3 MS. CHYTHLOOK: Do the swans come in --
4 when they migrate, do they migrate in together?
5 Because we have five chains of lakes and the first lake
6 usually early spring we get 275 to 300 swans all
7 together and then they disperse to -- they must
8 disperse because they dispersed to different lakes,
9 smaller lakes. So when they first come in, they all
10 flock in in that large number and then they'll sit
11 there for like a day or two, usually two days, and then
12 they're gone. They disperse in pairs into different
13 lakes. When they come in, when they migrate, they must
14 come in in a bunch like that and then disperse.

15

16 MR. TAYLOR: Yeah. They follow a
17 similar behavior of geese where they will come in, a
18 flock will come in comprised of many different family
19 groups. There will be pairs and then there will be
20 birds with young of the year that are returning. Swans
21 take several years to reach maturity to breed. Like
22 geese usually do not breed their first year, so those
23 flocks that you see are comprised of both breeding
24 adults and then young of the year. Once habitat starts
25 to open up, then breeding pairs will disperse and move
26 out to territories.

27

28 MS. CHYTHLOOK: It seemed like we're
29 seeing more. Usually you see one young with the
30 parents in a pond, but flying around we're seeing more
31 of pairs instead of just one baby. There's more and
32 more of the pairs in the lakes.

33

34 MR. TAYLOR: Okay. The eastern
35 population, I have depicted three segments of that
36 population, the northwest territories, kind of the
37 greenish-yellowish color, Old Crow Flats in Canada and
38 then the Arctic Coastal Plain, the bottom row there for
39 the Arctic Coastal Plain. The estimates from 1972
40 through 1985 are just simply a mean that we put in as a
41 placeholder because we do not have information for that
42 time period. The dark brown are the indication for the
43 Arctic Coastal Plain for Tundra Swans and you can see
44 that they have also increased similar to the western
45 population, but in this case for the eastern population
46 the most important area is the Northwest Territories.

47

48 Taqulik.

49

50 MS. HEPA: You do annual surveys and

1 the Arctic Coastal Plain would be the North Slope?

2

3 MR. TAYLOR: That's correct.

4

5 MS. HEPA: They're doing very well just
6 from observations from local people.

7

8 MR. TAYLOR: Are you seeing more Tundra
9 Swans near Barrow?

10

11 MS. HEPA: Yeah, especially when we fly
12 in the summer between -- when we go out to our field
13 camps. There's pairs of swans all over the tundra.
14 It's pretty impressive.

15

16 MR. TAYLOR: Yeah, they're neat birds.
17 Finally I want to talk about Yellow-Billed Loons a bit.
18 The distribution of Yellow-Billed Loons from the east,
19 from the Canning River to Point Lay. They also occur
20 on St. Lawrence Island and Seward Peninsula. The
21 population abundance and trend in Alaska, we estimate
22 the population somewhere between 3-4,000 and feel like
23 the population is increasing. Yellow-Billed Loons have
24 been closed to subsistence harvest since I believe the
25 beginning of subsistence harvest when it was legalized.

26

27 March 2009 the Fish and Wildlife
28 Service determined that Yellow-Billed Loons were
29 warranted but precluded under the Endangered Species
30 Act. Our best estimates of population, and this is one
31 of the species that I think we have fairly rough
32 estimates for, particularly for Canada and Russia. In
33 Alaska we believe the population on the Arctic Coastal
34 Plain is somewhere between 3 and 4,000. Canada, due to
35 the lack of surveys, again a pretty wide spread of
36 estimates, 12,000 to 20,000. Russia is even worse in
37 the sense that again there's no formal surveys, but
38 based on what anecdotal information we have, 5 to
39 8,000. So the worldwide population is still quite
40 small, 20 to 32,000.

41

42 If you look at our information for the
43 Arctic Coastal Plain, we get this information from the
44 Arctic Coastal Plain survey that we conduct every year
45 in June the three-year averages there indicate on the
46 line and the estimates again run from about 1992
47 through 2010. We're seeing a slight increase of about
48 2 percent a year. The population index, the aerial
49 index here is around 1,450 birds. Assuming that we
50 survey about 50 percent of the area and assuming that

1 we see about 80 percent of the birds, that's a rough
2 population estimate of around 3,400. Again, it falls
3 within that 3,000 to 4,000 population estimate for the
4 Coast Plain.

5
6 MS. HEPA: When they did the evaluation
7 to see if they should be listed or not, it was listed
8 precluded. I forget the right term. But I think it's
9 so important to talk with the local hunters about their
10 observations because we see Yellow-Billed Loons quite
11 often. They've never been -- again, you know they're
12 very -- well, we think that they're territorial birds,
13 so they have certain areas that they use. They're very
14 aggressive birds. We haven't noticed a decline or
15 notice us observing fewer birds. I think that it's
16 been pretty stable. Again, we see them often flying
17 back and forth between feeding their birds and going to
18 either the ocean or the big lakes.

19
20 I think it's important to include a
21 portion with talking with elders and knowledgeable
22 hunters about their observations. I don't know if
23 you've done that kind of study to see how much of the
24 North Slope area can sustain that many birds. You
25 know, maybe it's just normal. I can't think of the
26 right words, but you know what I mean.

27
28 MR. TAYLOR: No, I think you raised a
29 couple of good points. One, traditional and ecological
30 knowledge is recognized as very important. In fact, I
31 found your regional reports very interesting when I
32 listen to them. Certainly it does provide support. I
33 mean by seeing what you consider either stable numbers
34 or increased numbers of support with the data that I'm
35 presenting up there in the sense that the population
36 appears based on our survey healthy and possibly
37 increasing.

38
39 The second part of your question raised
40 about available habitat and that is something that the
41 U.S. Geological Survey is looking at. They have
42 several graduate students looking at the types of lakes
43 that are on the Arctic Coastal Plain, the depth of the
44 lakes, whether they can support wintering fish or not
45 because fish are the primary prey for Yellow-Billed
46 Loons like other loons. The depth of the lake is very
47 important for overwintering fish and size of the lake.
48 So they're looking at that relative to the
49 distribution, so that study is ongoing.

50

1 MS. HEPA: Thank you. I think I was
2 trying to say carrying capacity. I was a bit concerned
3 because I attended a Park Service Resource Commission
4 meeting recently and one of their staff was giving a
5 presentation by someone who's been studying Yellow-
6 Billed Loons and I listened and he was very concerned
7 about what they were presenting, saying that there's an
8 issue with Yellow-Billed Loons and that we should be
9 concerned. It just threw me back. I didn't say
10 anything, but when you hear that at a different meeting
11 of what's being presented around the state, it raises a
12 red flag. What it does is again it's going to put the
13 pressure on the hunters and we need to make sure that
14 we have all of our facts together when we start to go
15 out.

16
17 I know that the conservation groups are
18 continuously petitioning to put these birds or
19 different types of species on the list to be threatened
20 and it does have an impact on our people.

21
22 MR. TAYLOR: It is a unique species.
23 It's a long-lived species. It takes a long period of
24 time for these birds to become breeding adults that are
25 in relatively unique habitat in the sense of large
26 lakes and deep lakes. It's a relatively small
27 population. They're also a very majestic bird, being
28 the largest of the loon species. So there is reason
29 why the Service looked at it fairly closely once it was
30 petitioned by the Center for Biological Diversity to
31 look at it closely. There is continuing concern how
32 one phrases that when you do a public presentation.
33 You're always somewhat on the fence. In this case, you
34 know, I think our data are optimistic in the sense that
35 you're not seeing a steep decline there and that we're
36 seeing a trend that's at least stable but possibly
37 increasing as well, so we're optimistic.

38
39 MS. HEPA: Thank you.

40
41 MR. SHIEDT: If you go back to that,
42 that's telling me average for the last five years might
43 be the average that Alaska could have population of --
44 what I'm trying to say is that five-year average is all
45 that could be handled by the land. We can't increase
46 any more. If it increased, it would lead to another
47 crash. That's just the way I see it so far in
48 five-year average.

49
50 MR. TAYLOR: I certainly don't think

1 habitat is limiting, but I do think there's a point
2 where other factors may be limiting in terms of the
3 population. Your point is spot on, Enoch. I think
4 that population of 3-4,000 might very well be the
5 population that we expect to occur on the Coastal
6 Plain.

7
8 The final thing I want to mention
9 because there's sometimes sensitivity about agency
10 aircraft flying over, subsistence hunters or fishers
11 and so these are the aircraft that we have used in the
12 past. I also think it's important if you see our
13 aircraft and you see something that is disturbing to
14 you, that you know what aircraft belongs to what
15 agency. In this case, these are the four aircraft that
16 I supervise and the pilot biologist that fly them.

17
18 We have three Cessna 206's and there
19 are their tail numbers there and they're different
20 color patterns, as well as one turbine Beaver. The
21 Cessna that's on the Yukon-Kuskokwim Delta right now is
22 -- let's see, the one in the lower left, the white tan,
23 1234JB, that's being piloted by biologist Karen
24 Bollinger and Bob Platte is her observer. The turbine
25 Beaver has been used for the North American waterfowl
26 breeding population and habitat survey and then the
27 other aircraft are used in other parts of the state.

28
29 However, 2011 will be the last year you
30 will see any of these aircraft. The Fish and Wildlife
31 Service is transitioning this year to this aircraft and
32 this will be the only aircraft like it right now in the
33 state of Alaska. There's only one other. This is made
34 by Quest Air out of Sand Point, Idaho. It's a turbine-
35 powered larger aircraft and it's the only one -- all
36 four aircraft that we will have will be colored this
37 red over a grey pattern. The tail numbers there I've
38 listed in the bottom right, so I'll be happy to provide
39 hard copies of the presentation.

40
41 We've moved to this aircraft because of
42 safety concerns. One turbine-powered aircraft are
43 inherently safer than piston-powered aircraft. Also
44 the Cessnas that we have flown in the past have had to
45 be flown over weight and we've gotten waivers for that.
46 In this case, this aircraft will not have to be. All
47 of the aircraft will be colored this red over grey
48 pattern and those are the four that we'll have.

49
50 We'll be using this aircraft starting

1 in 2012. We're transitioning into it in some surveys
2 this year. It's a long training period to take our
3 pilot biologists that are used to flying Cessna 206's
4 primarily and then flying a larger aircraft that's
5 turbine powered. It's a slow process to make sure
6 everybody is safe, particularly flying at low
7 altitudes. We fly at 150 to 200 feet off the water at
8 relatively slow speeds around 105 to 120 miles per hour
9 knots. So we're moving into this aircraft very slowly
10 and carefully to make sure it's done safely.

11
12 MS. CHYTHLOOK: Are you all through
13 with your birds?

14
15 MR. TAYLOR: Yes, I am.

16
17 MS. CHYTHLOOK: Do you have any
18 information on King Eiders because that's the main
19 eider that used to harvest in Bristol Bay and we no
20 longer see them anymore. Do you know what the
21 population of those are? Have they moved somewhere?

22
23 MR. TAYLOR: No, they have not. From
24 what I know and I apologize for not including that
25 information, I will do so in the next meeting. I'll
26 make sure I include King and Common Eiders in the
27 presentation. I'm always trying to balance with how
28 much information before everybody falls asleep with not
29 providing enough information, but I can clearly throw
30 in King and Common Eiders.

31
32 I'm not aware of any changes in
33 migration patterns for King and Common Eiders, either
34 for their breeding grounds or for their wintering
35 areas, so I'm not for sure why they are not migrating
36 near your area anymore.

37
38 MS. CHYTHLOOK: Yeah, for some reason
39 or other, especially the last 10 years they haven't
40 been in the Cape Constantine along the coast where we
41 normally go and harvest them.

42
43 MR. TAYLOR: There's actually been some
44 really excellent studies on King Eiders in terms of
45 radioing birds and monitoring their movements. I think
46 what I'd like to do, Molly, is look at a map with you
47 and tell me where you have seen them in the past and
48 then I'll look up this information and try to find out
49 if there has been a change or not. To my knowledge
50 there isn't, but I might be mistaken.

1 MS. CHYTHLOOK: I'm just glad they're
2 not birds of concern because those are our favorite.

3
4 MR. TAYLOR: No, they're doing fine.
5 Yes.

6
7 UNIDENTIFIED VOICE: Can our regionals
8 get copies of the estimates like for their next
9 meeting?

10
11 MR. TAYLOR: You bet.

12
13 UNIDENTIFIED VOICE: And include --
14 like in Bristol Bay, the migratory patterns of -- I
15 mean there's a huge migratory pattern. I think the
16 Board and the Regional would appreciate that
17 information.

18
19 MR. TAYLOR: What I'll be happy to do
20 is I've provided Tim a hard copy of the presentation, I
21 mean an electronic copy, and I can make electronic
22 copies available to all the representatives as well as
23 hard copies. I'll give you my contact information. If
24 there's something that's not on there and you still
25 want information, please let me know.

26
27 MR. ROWLAND: Rick Rowland from Sun'aq.
28 I have a couple questions. On your survey information,
29 if we could see that Yellow-Billed Loon slide. It says
30 it started probably in '94 on those surveys and
31 increased 2 percent on average for the last 15 years,
32 10, 20, 15 years or so. So during that 15 years what
33 has happened differently? Are you flying different
34 patterns? Are you just sticking strictly to surveys?
35 Are there more people participating in the surveys?
36 What other kind of information connects to population
37 increase?

38
39 MR. TAYLOR: I'm grinning because you
40 raise a really good question and you raise a question
41 that is spot on relative to Yellow-Billed Loons. I
42 spent about an hour and a half with my statistician
43 last night who has been primarily responsible for the
44 data.

45
46 You know an increase can occur when all
47 of a sudden a species is listed or a candidate species
48 and then all of a sudden the agency that's monitoring
49 it will spend more time because the information is
50 warranted. The information all of a sudden has become

1 a greater interest and of greater value.

2

3 It also can change if you change
4 platform, if you change an aircraft, if you have an
5 aircraft with greater visibility, more window areas.
6 It can change with observer experience. If you have
7 someone that is very good at eyesight and can see the
8 large yellow bill of the Yellow-Billed Loon versus the
9 smaller Pacific Loon and then pick it out very quickly.
10 It can change obviously by geographic area, if you're
11 expanding your area or if you're doing a higher density
12 of transects. There are any numbers of reasons why
13 your population estimate may go up or down and you have
14 to be cognizant of all those things. When you look at
15 a trend line to make sure there isn't some artificial
16 factor that's affecting that and that is a true
17 representative of a population increase.

18

19 In this case, we were very careful to
20 try to eliminate all those possibly artificial factors
21 that could be making that not really a population
22 increase. So we feel that the population has increased
23 on its own. It's not a remnant, a factor of any of
24 those other things. The reasons for that are pretty
25 difficult for me to say in terms of has habitat changed
26 in the sense of more prey, more available habitat,
27 better climatic conditions for higher production. I
28 don't really know, but I'm fairly confident that that's
29 a true line.

30

31 MR. ROWLAND: So that leads to this
32 other question, is related to the various methods of
33 the survey and you fly your single line transect or you
34 fly different transects and is it possible in future --
35 and the reason why I'm asking this is so I can get a
36 picture in my mind what the population is looking like
37 in an area.

38

39 Fish and Game, State of Alaska has a
40 great example and a graph to where they show population
41 of, say, for example, crab in an area in mass, in 3D
42 form. Then as the migration of the crab move, that 3D
43 form on the chart moves as well. Is it possible to get
44 the same kind of deal with the birds that we're looking
45 at? Like you fly your transect and we get 20 birds
46 here and 30 birds here and 2 birds here or something
47 like that?

48

49 MR. TAYLOR: I'll send you the report
50 because it's exactly that sort of information is

1 depicted. We call it density polygons and so we have
2 different shades of color. The darker the color that
3 is in this polygon, the higher the density of birds.
4 So we have what's called a density polygon figure for
5 the Arctic Coastal Plain that depicts where areas of
6 breeding density are the highest for Yellow-Billed
7 Loons. We don't change that over the time period in
8 terms of a summer, for example, but we do have it for
9 that period that we do the survey.

10

11 That same report will show the Arctic
12 Coastal Plain survey. The way we do it, it's called a
13 moving platform survey where we do certain numbers of
14 segments and we keep moving it up every year. Over a
15 period of time, every three years, you might do that
16 same transect again. That area that we survey as well
17 as what that particular -- the transects that we do are
18 in that report. I'll send that to you.

19

20 MR. ROWLAND: Appreciate it.

21

22 MR. TAYLOR: Anything else? Thank you.

23

24 MR. DEVINE: I have one. This is Peter
25 Devine, Aleutian-Pribilofs. It's just back onto
26 Emperors. It's kind of upsetting, you know, how we
27 could go from being 6,000 above the threshold that you
28 wanted, you know, the 80,000. In our last meeting they
29 said that the survey results were like 86,000. So it's
30 just upsetting to come in and see that it's not 86,000,
31 that you guys put it down to 76 now. An objective we
32 want, we want to start hunting. We are hunting. Every
33 time we get close to this number, the numbers go down.
34 Last year you said we couldn't because of the three-
35 year average. Well, why is that 86,000 not on the 2010
36 graph?

37

38 MR. TAYLOR: I'm not sure what 86,000
39 you're referring to. That could very well be the
40 spring survey. I think, Peter, you might have
41 mentioned this to me before where you maybe had talked
42 to a Refuge biologist at Izembek and they reported the
43 population at being 86,000. If that was the spring --
44 or the fall survey that survey typically is higher than
45 the spring survey. The reason the fall survey is
46 higher is because it includes the young of the year.
47 So the young that just came off the Y-K Delta will be
48 included in that fall population.

49

50 What happens is that a significant

1 proportion of those birds do not overwinter. The
2 mortality rate of those first year birds is pretty
3 substantive and that's why the Pacific Flyway Council
4 has recommended using the spring survey as the
5 monitoring index to monitor this population. For one
6 reason it's a more truer estimate of the population and
7 also the area that we survey the birds are more
8 concentrated.

9

10 I don't agree with you that -- you seem
11 to imply that the Fish and Wildlife Service is somehow
12 changing the number so that we never get to this 80,000
13 and I'd have to say that's a question of ethics and
14 obviously I'm not going to address that because that's
15 not true. This is done by the same biologist and
16 observer year after year.

17

18 We are very interested in this
19 population recovery and the population objective is
20 150,000. We believe that's a reasonable population
21 objective. Certainly we're very close to the 80,000.
22 I identify two factors. As you mentioned, hunting is
23 ongoing and as a result of that hunting that population
24 is not recovering as fast as it could. If we could
25 curb subsistence hunting and increase production on the
26 Y-K Delta, I think we would obtain that 80,000.

27

28 MR. DEVINE: As far as my information,
29 I got that information here, so it did not come from a
30 Refuge.

31

32 MR. TAYLOR: Okay. The 86,000, there
33 is one bar there that's certainly above 80,000 if you
34 look at -- looks like 2008. I don't have a number
35 there, but it looks like it's over 90,000 actually.
36 Again, that's why we use a three-year average. Because
37 perhaps there were more birds concentrated, perhaps
38 visibility was great, perhaps we had a person that
39 estimated a little bit, one of the observers, more than
40 what he or she has done in the past, but that's why we
41 use the three-year average.

42

43 Rick.

44

45 MR. ROWLAND: Yeah, Rick from Sun'ag.
46 I am interested to know as well how often your sampling
47 methods are changed and what the difference is between
48 in Refuge sample survey and out of Refuge sample
49 survey, in flyway, out of flyway and then what's the
50 possibility getting consistent survey data that isn't

1 going to change in three years. What's the possibility
2 of that?

3

4 MR. TAYLOR: In terms of the factors
5 that we can control, the type of aircraft, the pilot
6 biologist and observer, in this case it's been the same
7 for the past decade. So the last 10 years at least
8 that I'm very comfortable with saying it may be longer
9 than that, it's been the same pilot, Ed Mallek, and the
10 same observer, Chris Dau. They both work in the
11 Waterfowl Management branch. Both are veteran with
12 several decades worth of experience in counting
13 waterfowl. In fact, they're probably some of the tops
14 in North America.

15

16 So in terms of any variability due to
17 observer, I'm going to venture to say this is probably
18 one of the best surveys that we have. In terms of its
19 habitat, I'm sure Peter can vouch for this, the
20 Aleutian Islands and the Alaska Peninsula is a rough
21 place to survey birds just due to weather conditions
22 and due to habitat. As opposed to perhaps, you know,
23 like a rice field in California or even the Dusky
24 Canada Geese on the Copper River Delta. We have to
25 wait a lot of times for the right weather conditions in
26 terms of visibility and wind conditions to survey
27 these.

28

29 Again, those are factors that we try to
30 control. Certainly in this case of the observer and
31 pilot we're very confident in their abilities.

32

33 MR. ROWLAND: So what is the
34 possibility of not changing the information source?
35 Like, for example, in the flyway, out of the flyway, in
36 the Refuge, out of the Refuge? Like, for example, you
37 just changed it three years ago, the data input.

38

39 MR. TAYLOR: Cackling Canada Geese?

40

41 MR. ROWLAND: Yeah. So how is it
42 possible to get it consistent to where we're staying on
43 the same transect, I guess, and data?

44

45 MR. TAYLOR: Cacklers are probably the
46 only example in the past -- Bob, you may correct me on
47 this -- at least for Alaska, that we have changed an
48 index in the last 10 years, a method.

49

50 MR. TROST: Yeah, I think that's fair

1 to say.

2

3 MR. TAYLOR: Yeah. And so Emperors we
4 use the same method. The reason I bring up Refuge
5 personnel, it's like any situation, we do three surveys
6 and sometimes a person will have a report and go well
7 look here, Emperors are 86,000 or 92,000 and someone
8 might say why isn't Fish and Wildlife Service
9 considering opening up for hunting. Then you realize
10 that the report you're reading is from the fall report,
11 which is not used in this case as the flyway index. So
12 it's an example of where there may be miscommunication.
13

14 We survey -- in terms of the area, it
15 makes no difference if we're flying over a refuge lands
16 or whether borough lands or someone else's lands, so we
17 do the same sort of survey. My only example is
18 sometimes we'll send a report out and even our own
19 agency personnel may accidently consider this by going
20 I don't know why they're not considering opening up
21 hunting. It looks like to me it's above 80,000. What
22 they're doing is they're looking at the wrong report.
23

24

25 MR. DEVINE: Eric, if I may, I just
26 want to stress that doing surveys for marine mammals, I
27 mean 150 feet to identify a bird, I mean that's not
28 giving a guy much room. You know, it's like you're
29 coming over the hill, there's something, but you don't
30 know what. Couldn't we get the elevation raised a
31 little more, you know, like 3 to 500 feet, since we are
32 using aerial photographs also?
33

34

35 MR. TAYLOR: No, I certainly can see
36 your point. The methods that we use have been reviewed
37 extensively and have been adopted across North America
38 and Canada in terms of the altitude that typically
39 waterfowl surveys are done. They're typically done at
40 100 to 150 feet off the water and it's a protocol we
41 have followed, as have Canadian biologists and other
42 biologists.
43

44

45 The training program for our biologists
46 is very extensive. We don't just bring someone new in
47 and say start counting birds. You're absolutely right.
48 You're flying at around 100 miles an hour and you've
49 got to be able to recognize that species and that bird.
50 Not only that, depict young from adults fairly quickly.
51 It takes in this case the two people that are doing the
52 survey very confident.
53

54

1 Did you have a comment?

2

3 MR. OATES: Yeah. Eric, we need to
4 double check that, but I believe this survey is
5 typically flown at 300 feet. I think this particular
6 one is. We have several different altitudes depending
7 upon what species we're working with and the ducks are
8 usually done at 125 feet and the geese on the Yukon
9 Delta. I think this survey is typically done about 300
10 feet. We'll double check that for you. The swan
11 surveys are typically done at about 500 feet. Sorry
12 about that.

13

14 MR. TAYLOR: No, that's fine. Does
15 that answer your question, Peter?

16

17 MR. DEVINE: Yes, that's good. Thank
18 you.

19

20 MR. TAYLOR: Anyone else. All right,
21 thanks.

22

23 MS. HEPA: Oh, is it possible to get a
24 copy of your slide of your aircraft so we can be able
25 to identify when people call?

26

27 MR. TAYLOR: You bet. I think what
28 I'll do is just make a copy of the whole presentation.
29 There's been a request. I think what I'll do is also
30 make hard copies of that aircraft so then everyone's
31 got them and both slides, both the current aircraft
32 that we're doing and then the transitioning aircraft.

33

34 MS. HEPA: I just know that we get
35 calls about Duck Stamps and hunting licenses and
36 aircraft and our ladies that answer the phone are
37 always getting yelled at, so I want to give them a
38 piece of paper that they can easily reference and maybe
39 what she had in regards to hunting licenses and Federal
40 Duck Stamps would help too.

41

42 CHAIRMAN RABE: Thank you, Eric. We
43 appreciate it. A lot of good information and a lot of
44 good questions. Molly.

45

46 MS. CHYTHLOOK: I think before we get
47 out of session here I'd like to make a motion in
48 reference to Tim's suggestion earlier.

49

50 CHAIRMAN RABE: Molly, if I may, for

1 just a second. We're an hour and a half since the
2 lunch break and I was wondering if people didn't need a
3 five-minute break at this point and then we need to
4 probably push to the end of the day, which is only
5 4:30, to go through all of the motions and proposals.
6 Would that work for everybody? Is there any need or is
7 everybody comfortable that they can go another couple
8 hours?

9

10 Let's keep it short and limit it to
11 five minutes and get back if we can. We only have
12 until 4:30.

13

14 (Off record)

15

16 (On record)

17

18 CHAIRMAN RABE: We're still missing a
19 couple of people, but I think we'll go ahead and get
20 started again. Molly, before we took that break you
21 had a request for a motion, which I understand is a
22 follow up to Eric's report that you wanted to bring to
23 the attention of the group. You have the floor.

24

25 MS. CHYTHLOOK: Thank you, Mr. Chair.
26 Molly. What I'd like to do is make a motion from the
27 AMBCC members to have Fred send a letter to the North
28 Pacific Fisheries Management Council, either a letter
29 or a resolution, stating the importance of the habitat
30 area that Eric just indicated for the Eider in the St.
31 Lawrence Island area location. The North Pacific
32 Management Council is going to be meeting starting June
33 8th. That's my motion.

34

35 CHAIRMAN RABE: Do we have.....

36

37 MR. ALCORN: I'll second for
38 discussion.

39

40 CHAIRMAN RABE: Okay. We have a motion
41 and a second. Discussion on the motion. Doug.

42

43 MR. ALCORN: Thank you, Mr. Chairman.
44 Doug Alcorn. Question, Molly. The Eider, are you
45 talking about the Spectacled Eider and the wintering
46 habitat used south of St. Lawrence Island? Is that
47 what you were referring to or could you be more
48 specific in the Eider you're talking about?

49

50 MS. CHYTHLOOK: Yeah, this is Molly.

1 It's the habitat area. I guess it's wintering area.
2 We'd have to get a little bit more detail probably from
3 Eric. The important habitat area in that St. Lawrence
4 Island location.

5
6 CHAIRMAN RABE: You're talking about
7 the slide that Eric showed with the concentration of
8 birds, the high concentration?

9
10 MS. CHYTHLOOK: Yes. Because that's
11 the area that North Pacific Fisheries Management
12 Council is going to be discussing for their whatever,
13 whatever they're wanting to start up there.

14
15 Thank you.

16
17 CHAIRMAN RABE: Doug.

18
19 MR. ALCORN: Thank you, Mr. Chairman.
20 For the record, I understand then this is Spectacled
21 Eider wintering habitat that we're referring to. The
22 reason I'm asking is because if Fred has to write a
23 letter, he's going to have to be fairly specific about
24 what habitat he's talking about, what species and what
25 times of year that we're referring to that area.

26
27 Thank you.

28
29 MS. CHYTHLOOK: Yeah, that's it. If
30 need be, he can work with Eric.

31
32 CHAIRMAN RABE: Tim.

33
34 MR. ANDREW: Yeah. Thank you, Mr.
35 Chairman. It is contained in the Northern Bering Sea
36 research area, issue where the North Pacific Fishery
37 Management Council is going to be reviewing the
38 research plan in the month of June or this month. It's
39 going to be a few days up in Nome. If you would get a
40 letter out as soon as possible, it would really help
41 put it into their binder. It could also be used as a
42 future reference on the final research plan.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN RABE: Thank you, Tim. What
47 is the nature of the question or concern that we would
48 be focusing on in such a communication to that council.
49 Are we asking for a specific action to be taken? Tim.
50

1 MR. ANDREW: Thank you, Mr. Chair. My
2 primary area of concern is whenever a trawl occurs,
3 especially in areas as this in here, they tend to wipe
4 out everything that's on the bottom. If it's a shallow
5 area for the Spectacled Eiders, it would severely
6 disable their feeding abilities throughout the winter,
7 especially if this is the only place that they feed for
8 the winter. Whether it's a research trawl or whether
9 it's a full scale commercial fishery.

10
11 CHAIRMAN RABE: Again, another follow-
12 up question on that. What specific thing would we --
13 is this just a letter of support that they set aside an
14 area to not be included in fishing activity or
15 limiting?

16
17 MR. ANDREW: The area that they
18 identified is fairly small. It's called the St.
19 Lawrence habitat conservation area. It does include a
20 portion of the Spectacled Eider winter habitat area,
21 but if you can probably have language in the letter to
22 expand that to include a buffer zone so that whatever
23 the Spectacled Eiders are feeding on throughout the
24 winter can be protected.

25
26 MR. OATES: Yeah, Mr. Chairman. Russ
27 Oates, Fish and Wildlife Service. I was involved in
28 the Eider Recovery Team for a number of years and the
29 area that Tim is referring to, the principal wintering
30 area of the Spectacled Eiders, on the bottom there, are
31 a couple of species of small clams that exist in very
32 high density and the birds are entirely dependant upon
33 those. They have to dive and swim all the way down to
34 the bottom to feed on them and they overwinter in that
35 area. I think Mr. Andrew is very correct in his
36 concerns about -- I can't speak to what damage the
37 trawls might do, but if they do, I think Mr. Andrew's
38 concerns are well founded. It is a very important area
39 for these birds.

40
41 CHAIRMAN RABE: Thank you, Russ.

42
43 MR. ANDREW: Additionally, Mr.
44 Chairman, I do believe that the Spectacled Eider
45 wintering area is not very consistent as far as one
46 location every year. It's probably moving around that
47 general area, so you probably need a pretty good size
48 buffer zone.

49
50 CHAIRMAN RABE: Other comments. Peter.

1 MR. DEVINE: Yes. Peter Devine here.
2 If you're going to open that fishing area -- I think
3 Rick touched on a pretty important component about this
4 earlier. If you're going to open that, they should
5 have hours on when they can have their sodiums on
6 because as a fisherman myself I know the effect them
7 lights have on the birds. You guys couldn't imagine
8 how many are getting killed by hitting them things.
9 Like you said, you know, you go to bed, wake up in the
10 morning, a couple hundred birds on deck. If they're
11 going to be out there working all night, how many birds
12 are going to be going over the side while they're
13 harvesting the fish? If we could put restrictions on
14 hunting and shooting hours, I think there should be
15 some kind of restriction on lights they could use.

16
17 CHAIRMAN RABE: Other comments. Doug,
18 did you have your hand up earlier?

19
20 MR. ALCORN: Thank you, Mr. Chair.
21 This is Doug Alcorn. The only reason -- or I guess the
22 way I understand the motion was to have the Council
23 write a letter expressing the value of that area for
24 Spectacled Eiders. I'm not sure -- at least I can't
25 comment on whether or not we can specify the boundaries
26 associated or buffer zones associated with that or even
27 talk about the use of sodium lights. I don't know that
28 the agency, number one, has a position on it or, two,
29 has any specific knowledge other than what I've just
30 learned here today. I'm supportive of the original
31 motion to write a letter in general supporting the
32 value of that, expressing the value of that area, but
33 when we talk about specifics I'm not sure I can do that
34 right know or that I have the knowledge to do that.

35
36 CHAIRMAN RABE: Eric, you need to come
37 up to the microphone.

38
39 MR. TAYLOR: Eric Taylor, U.S. Fish and
40 Wildlife Service. The concern that Peter has raised
41 was recognized by Fish and Wildlife Service in the
42 Spectacled Eider five-year summary and evaluation.
43 I'll provide a copy of this to the Council. I'm not
44 going to read it, but it goes on from page 22 to page
45 23. It talks about certain types of lights, exactly
46 the lights that Peter has referred to on fishing
47 vessels.

48
49 The Service does have a position it
50 turns out. This is a fairly recent document that was

1 published late this past year, but relative to
2 permitting vessels, the Bureau of Ocean Energy
3 Management Regulation Enforcement, formerly Minerals
4 Management Service, will require vessels in the Chukchi
5 and Beaufort Sea minimize the use of high-intensity
6 work lights, especially within the 20 meter bathometric
7 contour. Exterior lights will be used as necessary to
8 illuminate active on-deck work areas during periods of
9 darkness or inclement weather, otherwise they will be
10 turned off.

11
12 So that's something that the Council
13 could cite in their letter as well as -- there's
14 nothing I think more valuable than personal
15 observations of a commercial fisherman. If the Council
16 is willing to cite personal experience, I think that
17 would strengthen the letter certainly.

18
19 Thank you.

20
21 CHAIRMAN RABE: Doug.

22
23 MR. ALCORN: Thank you, Mr. Chairman.
24 I stand corrected. The Service does have a position on
25 that and so we would be willing to cite that and even
26 quote that statement in the letter.

27
28 CHAIRMAN RABE: Any other comments.
29 Rick.

30
31 MR. ROWLAND: Rick Rowland from Sun'aq.
32 I appreciate that, Peter, for mentioning that about the
33 sodiums as well as mentioning about the critical
34 habitat for what the possibility of trawlers. It all
35 comes down to the proactive motion of ensuring that the
36 North Pacific Fishery Management Council understands
37 that this is a critical area and that the Spectacled
38 Eiders are in need of being cared for. So it's not
39 only the responsibility of the Alaska Migratory Bird
40 Co-Management, it's the responsibility of the North
41 Pacific Fishery Management Council as well. I
42 appreciate the opportunity to extend to them a letter
43 stating that fact in relation to the trawling and the
44 sodiums and quite possibly other things that might be
45 affecting that population regeneration.

46
47 CHAIRMAN RABE: Okay.

48
49 MR. ANDREW: Call for the question.

50

1 CHAIRMAN RABE: The question has been
2 called. All those in favor say aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN RABE: All opposed nay.

7
8 (No opposing votes)

9
10 CHAIRMAN RABE: Motion carries. Fred
11 will draft a letter and we'll send it to the Council.
12 Taqulik.

13
14 MS. HEPA: Just quickly. I forgot to
15 mention, and I think this might be the appropriate
16 place, talking about bird population and other updates,
17 but this is related to research. I don't know if the
18 Service or Migratory Bird Management has plans to test
19 for radiation exposure. I know that there's minimal
20 concern, but I think over the next couple years as of
21 to date that we'll be hearing more concern from local
22 people. I don't know if Fish and Wildlife Service has
23 discussed any type of surveys of radiation. I do hear
24 those concerns at home and it would be nice to say that
25 we have a plan or we don't have a plan.

26
27 Thank you.

28
29 CHAIRMAN RABE: Doug.

30
31 MR. ALCORN: Thank you, Mr. Chair. I
32 can respond. In the back of your binder, the back
33 pocket, you'll find some information that U.S. Fish and
34 Wildlife Service worked with the State of Alaska, DEC
35 and Health and Social Services. We did two things.
36 One of the products is a table and this was our
37 involvement. Russ worked pretty extensively on this.
38 Identifying the birds that we know that do not occur in
39 Japan in proximity to the tsunami area and the three
40 nuclear sites, and then the birds that we share species
41 in common, but perhaps don't typically occur there. So
42 we have this information. It's actually a link on the
43 AMBCC website. So if anyone asks, you can say Google
44 the AMBCC and then they'll find it.

45
46 We also have this. The other document
47 we were instrumental in helping develop was to try to
48 answer the question what's the potential for harm for
49 somebody that does take these birds for subsistence use
50 this season. From all that we were able to determine

1 in talking with the experts in the field of consuming
2 wild-caught birds and the potential for radioactive
3 isotope contamination, in a nutshell the odds are very,
4 very low given the types of radiation, the radio
5 isotopes that are associated with those nuclear sites.
6 Iodine has a very short half life, it's a matter of
7 days. Cesium has longer and then plutonium has
8 hundreds of thousands of years as a half life.

9
10 As we understand it, this is the
11 information as best we could develop about a month ago.
12 We talked about developing some monitoring strategy,
13 monitoring sites for habitat and for birds. We were
14 advised that the odds of actually finding contamination
15 or finding a bird with contamination were
16 astronomically low. So we decided that it probably was
17 not going to be beneficial to establish a monitoring
18 strategy because, number one, we didn't know where to
19 go. As we all know, Alaska is a big place.

20
21 As I understand it, now I'm thinking
22 from recollection here, but as I understand it there
23 were only two effective counters, radiation Geiger
24 counters if you will, available in the state at the
25 time and we didn't have access to those at this time.
26 We probably could have ordered something, deploying
27 them and then using that information, we didn't have a
28 strategy for that, so we were advised by Health and
29 Social Services that it probably was not a very
30 practical thing to consider at this time, so we opted
31 not to.

32
33 CHAIRMAN RABE: Okay. All right.
34 We're ready to move on to the first of our proposals.
35 Item B under new business is a proposal from the North
36 Slope related to the use and possession of Yellow-
37 Billed Loons. For these proposals to review, there are
38 steps that have been agreed to by the Council. We
39 first would start with an introduction of the proposal
40 from the North Slope Borough in terms of the issue for
41 that and then we'll go through several steps of
42 analysis if they are relevant, public comments and then
43 Council deliberation. Taqulik.

44
45 MS. HEPA: So this is an annual
46 proposal that the North Slope Fish and Game Management
47 Committee submits to the AMBCC as the regional advisory
48 body for the AMBCC. What we're asking for is a
49 regulation to be put in place for our people to be able
50 to use and have possession of Yellow-Billed Loons that

1 are inadvertently entangled in fishing nets. Most of
2 you are aware of the history, but we do use Yellow-
3 Billed Loons on occasion for a ceremonial dance that's
4 conducted at least twice a year on the North Slope.
5 It's for bringing in the new year and the messenger
6 feast. We use the Yellow-Billed Loons as a headdress
7 in a special dance.

8

9 For us to legally utilize the Loon to
10 make the headdresses we've been submitting this
11 proposal on an annual basis. Historically included in
12 the regulation was a reporting mechanism where each of
13 the people who utilize the Yellow-Billed Loons would
14 make a report to our department and we would report
15 back to the AMBCC of how many were inadvertently
16 caught.

17

18 So just a little bit of history. In
19 late December we did submit the proposal after being
20 reminded by Donna that we missed the deadline again,
21 but eventually it was submitted in December. We were
22 informed that we needed to revise our proposal to
23 address the concerns of the SRC. With that we worked,
24 Michael Peterson and Lil had worked together on an
25 improved method on reporting the take of Yellow-Billed
26 Loon or Yellow-Billed Loons that were utilized.

27

28 So we've revised the proposal and
29 resubmitted it in early February, which included a copy
30 of the survey. In addition to that, from late April
31 through May, our department did work together on
32 developing a proposed study design to make it more
33 scientifically defensible utilizing the same form. So
34 we worked on that through May and I have to admit we
35 did submit it to Fred in late May right before the
36 meeting, the final draft version.

37

38 At this time, I don't know if you would
39 like me to make a motion or would you like to hear from
40 the Service?

41

42 CHAIRMAN RABE: No, if we're going to
43 be able to have a discussion, we need to have a motion,
44 I think.

45

46 MS. HEPA: So at this time I'd like to
47 make a motion to adopt Proposal 1 for the use and
48 possession of Yellow-Billed Loons on the North Slope of
49 Alaska as presented under Table 4, which includes the
50 survey and the back-up documentation presentation.

1 MR. ANDREW: Second.
2
3 CHAIRMAN RABE: Were you finished?
4
5 MS. HEPA: I'm done.
6
7 CHAIRMAN RABE: Tim, you seconded.
8 Council discussion on the proposal. The next step
9 would be any analysis from State of Alaska and the
10 State of Alaska doesn't have any additional analysis to
11 present at this point in time, so we can step beyond
12 that. I'll look to Doug whether or not the Fish and
13 Wildlife Service has any Staff analysis to present.
14
15 MR. ALCORN: We don't have any analysis
16 to present at this time. As Taqulik mentioned, we got
17 it late Friday and there was no time to have an
18 analysis and have any type of dialogue. The Fish and
19 Wildlife Service, based on the charge given by the
20 chair of the SRC at the late summer meeting from last
21 year with instructions that we have that opportunity to
22 have the dialogue and to revise the methodology.
23 Without having that, we're unable to support the
24 proposal at this time.
25
26 CHAIRMAN RABE: Okay. Do we entertain
27 discussion at this point from Council members or do we
28 need to continue to get through the reports? Doug,
29 what's the normal protocol?
30
31 MR. ALCORN: You have discussion and
32 public comment and then you call for the question.
33
34 CHAIRMAN RABE: Well, in the protocol
35 there's another one. The fourth one is technical
36 committee analysis and I'm not sure what that group
37 would be in this case. Doug.
38
39 MR. ALCORN: Well, there is none.
40
41 CHAIRMAN RABE: Okay. Thank you. Then
42 I guess we are down to the point of any public comment
43 that we can take that and then we'll go into Council
44 deliberation. Are there any comments from any of the
45 members of the public that care to speak to the
46 proposal?
47
48 (No comments)
49
50 CHAIRMAN RABE: Okay. Hearing none.

1 Then we will continue with Council deliberation. Rick,
2 did you have a comment?

3

4 MR. ROWLAND: Yeah, Rick Rowland from
5 Sun'aq Tribe. Just a point on site is that if there's
6 discussion on the motion, then it's discussion. I
7 haven't seen your protocol.

8

9 CHAIRMAN RABE: It's in the book.

10

11 MR. ROWLAND: Okay. I'm not sure, do
12 we have a discussion or deliberation about the motion.
13 I think we should have discussion about it before
14 deliberation, right?

15

16 CHAIRMAN RABE: Forgive me for being, I
17 guess, ignorant in terms of parliamentary procedure.
18 What's the difference between those two terms?

19

20 MR. ROWLAND: Well, if we're just
21 discussing it, then we're just talking about it. If
22 we're deliberating it, then we're deciding whether or
23 not it's the correct wording for the motion. That's
24 what I'm wondering. Are we just talking about it or
25 are we getting the correct wording?

26

27 CHAIRMAN RABE: Any help with that.

28

29 MR. NANENG: Mr. Chairman. Sorry, I
30 had to run out for a little bit, but I want to hear the
31 motion. Is the motion to accept the proposal?

32

33 CHAIRMAN RABE: Yes.

34

35 MR. NANENG: Thank you.

36

37 CHAIRMAN RABE: Doug, do you have
38 anything?

39

40 MR. ALCORN: So we're talking, we're
41 discussing. The motion is pretty clear.

42

43 MR. ROWLAND: Okay. Then for
44 discussion purposes I appreciate the North Slope
45 Borough bringing this forward related to customary and
46 traditional uses and I fully support anything that
47 would create continuous ongoing customary and
48 traditional practices.

49

50 So appreciate it. Thank you.

1 CHAIRMAN RABE: Peter.
2
3 MR. DEVINE: Thank you, Mr. Chair.
4 Aleutian-Pribilof Region also supports this proposal.
5
6 CHAIRMAN RABE: Myron.
7
8 MR. NANENG: Yeah, Mr. Chairman. AVCP
9 supports the proposal and I think that in the future if
10 there's going to be any more further discussion after
11 Fish and Wildlife and North Slope Borough and the
12 endangered species people or the endangered people get
13 together to discuss this to move it forward for the SRC
14 meetings since SRC was the one that requested that they
15 have accurate information and some issues by Fish and
16 Wildlife regarding the survey. So that would be my
17 recommendation.
18
19 CHAIRMAN RABE: Okay. Doug.
20
21 MR. ALCORN: Doug Alcorn, Fish and
22 Wildlife Service. Yeah, we are supportive of that
23 continued discussion.
24
25 CHAIRMAN RABE: At that time. At the
26 July SRC meeting, is that what.....
27
28 MR. ALCORN: Discussion with the North
29 Slope Borough in compliance with the directive given by
30 the chair of the SRC and then we would be prepared then
31 to go -- if we can reach agreement, then we would be
32 prepared to go to the SRC meeting and voice support at
33 that meeting.
34
35 CHAIRMAN RABE: Okay. Taqulik.
36
37 MS. HEPA: Just one last comment. I
38 know Migratory Bird Management is here. Do we have a
39 representative from Endangered Species in the meeting
40 here?
41
42 MR. ALCORN: We do. Mr. Chair. Steve
43 Kozlowski is the acting assistant regional director for
44 the Endangered Species Program and he does have a
45 vested interest in this discussion because his staff --
46 he supervises the Fairbanks office and they're going to
47 be an integral part of those discussions. So if he has
48 anything to say, he might come to the mic.
49
50 CHAIRMAN RABE: Steve, do you want to

1 come to the mic if you have anything to say.

2

3 MS. HEPA: Can I have a follow up.

4

5 CHAIRMAN RABE: Okay, Taqulik.

6

7 MS. HEPA: Yeah, I just want to --
8 thank you, Doug, and welcome, Steve. I just wanted to
9 make a recommendation. It's only a recommendation. I
10 know that in dealing with the Service with migratory
11 birds and other species, when we talk about issues in
12 some cases the Service tries to come up with one
13 opinion. I was just going to make a recommendation.
14 It would be nice to move forward in reviewing the draft
15 proposal that we have. I would like to hear what does
16 Migratory Bird Management think and what does the
17 Endangered Species people think because you guys
18 usually come together and try to come up with one
19 position, but you guys both represent two different
20 divisions within the Service and I would totally
21 understand and respect your different positions. If we
22 could move that way in reviewing the proposal, I think
23 it would be a much better discussion.

24

25 CHAIRMAN RABE: Doug.

26

27 MR. ALCORN: I think that's a fair
28 request, but I don't know that I can grant a positive
29 answer to it simply because we work, Steve and I, as
30 equals, having management responsibility for those
31 separate programs. We do represent one regional
32 director, so that regional director is the voice that
33 we represent. While we have discussions internally,
34 they are internal, so we will probably present a united
35 face when we meet with you all.

36

37 MS. HEPA: I just thought I'd ask. If
38 you want, I could try to talk to your regional director
39 to see if that might be a possibility. I just think it
40 would be a much healthier discussion. Everyone has a
41 different role, including the three of us that would be
42 having this discussion.

43

44 Thank you.

45

46 CHAIRMAN RABE: Rick.

47

48 MR. ROWLAND: Rick from Sun'aq. Also
49 when you get to the point of creating the regulation,
50 if and when you do, is that -- in the suggestion here

1 it connects to an amount of Yellow-Billed birds and I
2 don't think that amount should be in there. It also
3 connects to entangled in subsistence fishing gillnets
4 and I think it should be broader than that to where --
5 I mean if a Yellow-Billed Loon flies into a sodium
6 light, you could still use that as well. So quite
7 possibly to readjust that in a way to where it's not
8 limiting but broader.

9

10 CHAIRMAN RABE: Is that an amendment or
11 just.....

12

13 MR. ROWLAND: No, no. It's a proposal
14 right here and I'm not sure if we're going to craft the
15 regulation, but when that regulation is crafted, then
16 possibly we'll need those.

17

18 CHAIRMAN RABE: Just for my
19 clarification, the proposal that you have put on the
20 floor for discussion is the exact same regulation that
21 you have had in the past with no changes to that. That
22 is the motion that you have, right?

23

24 MS. HEPA: Yes. The only additional
25 thing is the survey that we have attached to the
26 revised proposal that was sent in February.

27

28 CHAIRMAN RABE: Okay. Any other
29 discussion.

30

31 (No comments)

32

33 CHAIRMAN RABE: Okay. I guess before
34 we vote I'm going to weigh in on this one because the
35 Service has already indicated that they're not in a
36 position to be able to support it. In thinking about
37 the procedures and the timing of getting information
38 shared with the Service and working through this, which
39 is clearly something of a new element.

40

41 Although we may all have been
42 struggling to figure out what all of the steps are and
43 who needed to be contacted in that, there seems to be
44 willingness on the part of all parties here to continue
45 to work in good faith to try and resolve and meet the
46 standards that were set forward by the SRC. That's
47 really the point in time when a final decision about
48 whether or not that has been achieved will be met. We
49 have to be able to take something forward for them to
50 actually have that discussion.

1 Procedurally I see we have two options.
2 One, we could defer this until the bar has been met
3 here at the AMBCC level and then reconvene the group to
4 consider the proposal as a special event and then
5 presumably take it forward if that criteria has been
6 met and the Service could support it. We would then
7 have unanimous support.

8
9 In the absence of that, I am willing to
10 support the proposal to keep the discussion alive with
11 the assumption and the expectation that the North Slope
12 Borough and the Service will continue to work on it and
13 that before it gets to the SRC in their July meeting
14 that we will have been able to complete those steps
15 that I referred to and then the Service could support
16 it at that point and we won't have to go through any
17 additional procedural steps here to be able to make
18 that happen.

19
20 So, with that, are we ready to call the
21 question. Taqulik.

22
23 MS. HEPA: Mr. Chair. I'd like to
24 call for a roll call vote, including the regional
25 bodies. I think we've done that before.

26
27 Thank you.

28
29 I call for question.

30
31 CHAIRMAN RABE: Including the regional.
32 There's only one vote.

33
34 MR. NANENG: There's only one vote.

35
36 MS. HEPA: I think in the past haven't
37 we like did -- I remember voting aye one time when we
38 were at the Department of Interior building. If that's
39 not the case, I think Myron knows what our vote is
40 going to be.

41
42 CHAIRMAN RABE: Well, I'll defer to
43 longer standing members. Doug.

44
45 MR. ALCORN: Thank you, Mr. Chair. As
46 I recall, during discussion, as Peter did and as Rick
47 did, the expressions of support are made during the
48 discussion. It would be a point of order if we did a
49 roll call vote and there were 11 regions voting and two
50 agencies voting.

1 CHAIRMAN RABE: Molly.
2
3 MS. CHYTHLOOK: This is Molly. In that
4 case, I'm going to, from BBNA's stance, support this
5 proposal for North Slope Borough.
6
7 CHAIRMAN RABE: Thank you, Molly. If
8 we're ready, Fred, would you call the roll.
9
10 MR. ARMSTRONG: Thank you, Mr. Chair.
11 Alaskan Native Caucus.
12
13 MR. NANENG: Yes.
14
15 MR. ARMSTRONG: U.S. Fish and Wildlife
16 Service.
17
18 MR. ALCORN: Nay.
19
20 MR. ARMSTRONG: State of Alaska.
21
22 CHAIRMAN RABE: Yes.
23
24 MR. ARMSTRONG: Two yes's, one no.
25 Motion is adopted.
26
27 CHAIRMAN RABE: Thank you. Okay. With
28 that one taken care of, the next proposal that we have,
29 Proposal 2, is an extension of the spring/summer season
30 into the fall. Liliana, I'm sorry. Is there some
31 reason that I should recognize you?
32
33 MS. NAVES: Just for clarification, how
34 is the time frame? Just that's clear for everyone on
35 the -- so we need a final (indiscernible) before the
36 SRC meeting?
37
38 CHAIRMAN RABE: If you're talking about
39 what we need to do in terms of steps, I think we can do
40 that without having to do it in front of the Council
41 here. Myron.
42
43 MR. NANENG: Just to respond to your
44 question, I think it's understood here today with that
45 motion that we expect Fish and Wildlife Service, North
46 Slope Borough, the Endangered Species people to work
47 together to try and come up with some type of an
48 agreement. I think the question was regarding the
49 survey. Put that forward based on the request from SRC
50 and we expect that to be done sometime prior to July

1 before their meeting.

2

3 CHAIRMAN RABE: Rick.

4

5 MR. ROWLAND: I'm grasping for
6 understanding here and I appreciate some tolerance
7 since I'm new. I'm wondering there was just a vote
8 that happened, so is it just the three individuals that
9 vote or what? And we had a discussion about whether it
10 was discussion or deliberation and there was a
11 misunderstanding about parliamentary procedures. So my
12 question is what is the procedures that govern this
13 Council.

14

15 CHAIRMAN RABE: Doug, you're the
16 historian here.

17

18 MR. ALCORN: Well, as I understand it,
19 we can get the bylaws out, but the bylaws recognize
20 three voting entities. One collective vote by the
21 regional representatives and that voting entity is
22 embodied by Myron right now by vote of the regional
23 representatives in a caucus. So there's collectively
24 one vote. The Fish and Wildlife Service gets one vote
25 and the State of Alaska gets one vote. The role of the
26 chair is to attempt to pass motions by consensus.
27 Typically the question, when the question is asked, the
28 question is does anyone not support the motion as
29 stated. If there is a nay, then a roll call vote is
30 called for. Then there are three votes cast then. A
31 two to one majority will carry it.

32

33 MR. ROWLAND: Okay. So do I have a
34 copy of those bylaws or can I get one of those?

35

36 MR. ALCORN: It should be in your black
37 binder there.

38

39 MR. ROWLAND: Okay. I haven't seen
40 this one yet. I haven't had a chance to read it.
41 Thank you for that explanation. Does this Council also
42 fall under I believe it's the Federal standards for
43 councils and committees or is this different?

44

45 CHAIRMAN RABE: Doug.

46

47 MR. ALCORN: This Council is not
48 chartered under the Federal Advisory Committee Act.
49 It's not a FACA advisory council.

50

1 MR. ROWLAND: Okay. Is there a reason
2 why it's not that?

3
4 MR. ALCORN: There is and I would
5 suggest that we go into executive session to answer
6 that question, Mr. Chair.

7
8 MR. ROWLAND: I'd appreciate just an
9 on-the-side answer to that question in the future.

10
11 CHAIRMAN RABE: You're making a request
12 that we go into executive session?

13
14 MR. ALCORN: No. Rick has said that he
15 would be satisfied with a sidebar conversation and I'm
16 willing to answer that question off the record.

17
18 MR. ARMSTRONG: Mr. Chair.

19
20 CHAIRMAN RABE: Yes.

21
22 MR. ARMSTRONG: We'd be willing to work
23 with you, Rick, to kind of bring you up to speed.

24
25 MR. ROWLAND: I just wanted an answer
26 to that question. I understand parliamentary
27 procedures, but I'd like to know that answer. Okay.
28 That's good.

29
30 CHAIRMAN RABE: I'm sure I would like
31 to get a little more education on the difference
32 between a discussion and a deliberation too while we're
33 doing it.

34
35 Okay. Are we ready to move into the
36 next proposal then. Okay. This is a proposal from
37 Bristol Bay Native Association. Molly, do you want to
38 give background on it and then a motion or whatever
39 action you've decided.

40
41 MS. CHYTHLOOK: Molly from Bristol Bay.
42 At our April regional meeting, this proposal came out
43 and the background information for this proposal is
44 historically in Bristol Bay our first birds, they're
45 not migratory, they're local birds, are harvested in
46 February, March and then come May through July, end of
47 July is our salmon season, but early on we have eggling.
48 Not too much migratory bird harvesting. There's some
49 migratory bird harvesting between May and about now and
50 then eggling starts and then our subsistence salmon

1 season starts June through usually end of August into
2 September and then historically people harvested
3 migratory birds in the fall, September through -- now,
4 because of the climate change, people I think are
5 harvesting into probably the latter part of October,
6 early November.

7
8 So this is the purpose of this
9 resolution so that people in our region will be
10 harvesting traditionally. Well, the traditional
11 harvest seasons indicated in the resolution or the
12 proposal. There's no increase of subsistence use or
13 harvests. Just because this proposal would come into
14 place, nothing is going to change from what has
15 happened in the past. This is, I guess, why this
16 proposal was drafted.

17
18 I guess I could make a motion now to --
19 how do I do it, make a motion to accept? Motion to
20 adopt the resolution 2 -- Proposal 2.

21
22 MR. NANENG: Second.

23
24 CHAIRMAN RABE: Stepping through the
25 process, Fish and Game does not have any Staff analysis
26 associated with this proposal, so a question to Doug.
27 Does the Fish and Wildlife Service have any Staff
28 analysis to present?

29
30 MR. ALCORN: Thank you, Mr. Chair.
31 There has been no technical analysis of this. This is
32 a policy level question, proposal. We do have an
33 answer from our headquarters office and I will speak to
34 that when we have discussion.

35
36 CHAIRMAN RABE: Okay. The next step in
37 the process, do we have any comments from the public
38 with regards to the proposal on the floor.

39
40 (No comments)

41
42 CHAIRMAN RABE: Seeing none. Let's
43 continue with Council discussion on the proposal.
44 Doug, did you want to continue?

45
46 MR. ALCORN: Thank you, Mr. Chairman.
47 If you recall the presentation that Dr. Trost made
48 earlier today, he read from the letter that was
49 addressed to us and signed by Paul Schmidt in response
50 to our question and White Paper that we submitted over

1 a year ago to the Service. I would draw your attention
2 to the third from last chapter on the third page. It
3 says that, in essence, the Service is confident that
4 there are two management systems that are in place that
5 will allow for this discussion to occur.

6
7 The one management system that's in
8 place is the Flyway Council process and the times that
9 the Flyway Council advises the Service on for seasons
10 is the fall and winter seasons. As the Service
11 interprets the historic documentation, is that the
12 Council, AMBCC, advises on spring and summer. This
13 paragraph states that the Service believes that that
14 need can be addressed in both of those processes. If
15 the AMBCC were to begin advising the Service on fall
16 and winter seasons, it would create a potentially
17 competitive process between recommendations that they
18 get, the Service gets, from the Flyway Councils and
19 then a recommendation that the Service would receive
20 from the AMBCC.

21
22 So the last statement is that the
23 Service would not support a management system that
24 could potentially introduce additional competition and
25 conflict. That's what the headquarters office, the way
26 they interpret the proposal, that it would potentially
27 create that conflict and competition between the
28 seasons. So based on that advice the Service is unable
29 to support the proposal.

30
31 CHAIRMAN RABE: Myron.

32
33 MR. NANENG: Thank you, Mr. Chairman.
34 The second paragraph of the last page where Paul
35 Schmidt signed this, put his signatory to this letter,
36 it says that AMBCC had further entry with the Pacific
37 Flyway Council through the State of Alaska as a voting
38 member of both bodies. Any recommendation by Alaska
39 Migratory Bird Co-Management Council could be
40 represented to the Pacific Flyway Council through this
41 representative via existing process.

42
43 That puts into question as a Native
44 representative on the Alaska Migratory Bird Co-
45 Management Council. The State of Alaska has a vote on
46 it, Fish and Wildlife has a vote on it. That puts into
47 question the Alaska Native members who are seated on
48 the Alaska Migratory Bird Co-Management Council have
49 any voting rights within both bodies. As far as I'm
50 concerned, no. We only have voting rights under AMBCC,

1 but we don't have voting rights in both bodies. I
2 think that's a question that needs to be resolved
3 before we readily accept this letter signed by Paul as
4 a statement from Fish and Wildlife Service saying that
5 this should go through that process.

6
7 I would feel more comfortable if I had
8 at least a voting power as AMBCC. Native
9 representative on Alaska Migratory Bird Co-Management
10 Council and being able to vote at SRC as well because
11 we're dealing with proposals that affect the daily
12 lives of our people at the village level. We should
13 have that voting right. If they're coming up with
14 rules and regulations, who are we making rules and
15 regulations for. People at the village level.

16
17 It seems like the terminology that I
18 used for the Federal Subsistence Board to all our
19 grocery shoppers. The grocery shoppers are once again
20 trying to make rules and regulations on behalf of
21 people that have to use these resources for subsistence
22 purposes. That's my comment to this letter. Thank
23 you, Mr. Chairman. We're going to get this letter
24 reviewed by our attorney because I think it's a one-
25 sided response and it needs further analysis before we
26 can accept it.

27
28 Thank you.

29
30 CHAIRMAN RABE: Other comments from
31 Council. Peter.

32
33 MR. DEVINE: Yes. Thank you, Mr.
34 Chair. Aleutian-Pribilof regional management body is
35 in support of this proposal because, as I've stated, we
36 are also going to put forward a proposal next year on
37 the same issue and it will probably be shot down, but I
38 thank Bob for giving us an avenue on where to take this
39 because apparently we can't get it done here. I think
40 we need to take it to the next step, next level, and
41 get it done because activities are happening and we
42 just want to be recognized.

43
44 CHAIRMAN RABE: Any other comments from
45 Council members. Taqulik.

46
47 MS. HEPA: From the North Slope Region
48 I'd just like to support both Molly in her proposal as
49 well as the strong statement that Myron just presented.
50 This is a co-management body and in my experience it's

1 unusual to have a top layer that has the ultimate
2 authority. That would be the SRC has the final say.
3 In the spirit of true co-management I do support, but
4 the way that it's structured here brings questions to
5 my mind, so I support Myron's statements.

6
7 CHAIRMAN RABE: Rick.

8
9 MR. ROWLAND: Rick from Sun'aq Tribe,
10 Kodiak. I'd like to say that I support Molly and
11 Myron. I'd also like to say that this is a proactive
12 discussion for better services to be provided to the
13 users of the migratory birds and as well as caring for
14 the birds as a species because that's what's important
15 here is that it's longevity of long-term sustained
16 yield. So I appreciate everybody's positive, proactive
17 thoughts and comments. I appreciate it.

18
19 CHAIRMAN RABE: Any other comments.
20 Again, we've heard from the Service that they're not
21 able to support the proposal for the reasons stated.
22 From the perspective of the State of Alaska, I'm not
23 going to be able to support the proposal at this point
24 either. Part of the reasons are that as my
25 responsibility to this group is to certainly look for
26 the interest of the users during the period that has
27 been defined within the current regulation in terms of
28 when it applies for AMBCC to have that primary
29 responsibility.

30
31 At a very high policy level, as Doug
32 mentioned in introducing his comments, this really is.
33 For the State to extend the support, the extension of
34 these hunting activities into a period of time when it
35 would compete with other hunting activities within the
36 state where other users also have a vested interest in
37 this, I feel that this has to come through a different
38 policy level procedure to be able to work out those
39 kinds of issues and there could very easily be some
40 perceived constitutional issues associated with having
41 dual systems in operation during that period of the
42 year.

43
44 So until those things can get resolved
45 and I don't think this is the level that that kind of a
46 resolution can occur, we need to have that occur
47 through other legislative steps, but I think it's been
48 recognized that the focus on this is to be able to look
49 at it from Federal regulation standpoint and solve that
50 issue first.

1 So given that background, I'm not going
2 to be able to support it. I mean I support in
3 principal everything that the group is doing to provide
4 for subsistence users throughout the year. I'm fully
5 supportive of that. This is more of a procedural issue
6 that I think raises this to a much higher level. Until
7 we can find and use I think a different process to
8 address it, the State isn't going to be able to address
9 it through this Council in that manner. Rick.

10

11 MR. ROWLAND: Thank you, Dale. I
12 appreciate your comments. One thing I'm wondering, so
13 you're saying that you can't support it because there
14 would not be a subsistence season during the regular
15 season. Is that what you're saying?

16

17 CHAIRMAN RABE: No. Rick, for
18 clarification, what I'm saying is that if subsistence
19 hunting under the current regulations extended past
20 September 1st, we have other hunting seasons that the
21 State recognizes through the flyway regulations that
22 apply to all hunters, all users of the resource
23 starting on September 1st. Subsistence users, those
24 people who are active as subsistence hunters prior to
25 September 1st are also eligible to use that, but to
26 have two different systems for utilization after that
27 creates some potential problems in terms of selectivity
28 and showing preference for one group over another and
29 the State constitution has been very clear. In fact,
30 we have dual management in this state in large part
31 because the State doesn't recognize that difference in
32 its constitution.

33

34 MR. ROWLAND: Okay. Thank you. I
35 understand that. So I guess just to clarify it in my
36 own mind, it sounds like the subsistence can't be
37 extended because there's another season coming up. I
38 know that those other seasons come up there are
39 registered duck guides who are commercial operations.
40 I'm wondering if this is causing a conflict between
41 which is the priority. Is there a priority that the
42 commercial duck hunting guides have a priority over
43 subsistence users? Is that some sort of question that
44 might come up? Or is it really holding subsistence as
45 a priority?

46

47 CHAIRMAN RABE: From a policy
48 standpoint, you know, we have a public process through
49 the legislature to be able to address allocation of
50 resources in the state and we've set basic principals

1 out in the constitution that drive all of the actions
2 of the Department of Fish and Game with regards to
3 providing those resources, hunting and fishing
4 opportunities, to all residents and in some cases non-
5 residents of the state of Alaska.

6
7 All I'm saying is that within that
8 context there is the clause that the State does not
9 recognize one group over another in terms of having
10 exclusive use to certain resources. Now there are
11 certainly circumstances when priorities are given. I'm
12 just saying that I believe that there is a lot of
13 complex issues that go beyond this Council to be able
14 to resolve that and this question from a State
15 perspective I think needs to be addressed at a
16 different level, a different venue to try and resolve
17 what those priorities are.

18
19 I think that likely as changes to the
20 treaty were made to recognize these seasons at the
21 Federal level, there would have to be something fairly
22 similar happen at the State level to be able to give
23 clear direction. That's not the kind of thing that
24 happens at my level to modify the direction,
25 particularly as it would relate to potentially
26 constitutional issues here.

27
28 Patty.

29
30 MS. BROWN-SCHWALENBERG: Thank you, Mr.
31 Chair. Patty Schwalenberg, Chugach region. I've said
32 this before and I guess I just feel compelled to say it
33 again. One of the reasons the Co-Management Council
34 was put into place was to legalize current subsistence
35 activities. That's what Bristol Bay and Kawerak last
36 year or the year before was trying to do, is legalize
37 or ask to make legal something that's already happened.
38 You've heard people say today that the migration
39 patterns or the timing is changing and the hunters are
40 opportunistic. They are hunting out of season if you
41 will.

42
43 By the Federal -- head of Fish and
44 Wildlife Service and whoever the powers that be in the
45 state making this a policy issue is not going to make
46 it go away. This is happening now. I think that it's
47 irresponsible of us to not even look at the technical
48 aspects of this, to explore the complex issues that we
49 all know exist with taking a subsistence season and
50 pushing it into a sport season.

1 There's a lot of issues and I
2 understand that, but I think that we should at least be
3 willing to work together to try to come up with some
4 initial research or some kind of working together to
5 see how this can be accomplished if it can't be
6 accomplished through the AMBCC process.

7
8 Thank you.

9
10 CHAIRMAN RABE: Roy.

11
12 MR. EWAN: I'd like to comment on the
13 proposal. I do not really understand the Bristol Bay
14 region, the hunting and the harvest and all the things
15 that go into regulations over in that area. I'm sure
16 that they thought out this proposal and want this to
17 happen.

18
19 My comment has to do with my
20 observation here that the State and the Federal
21 government. When they vote on this proposal, even if
22 I'm in favor of it, it just seems like it's
23 meaningless, all this long discussion, if we don't get
24 a vote or anything.

25
26 It just seems to me like, from my
27 observation, that there is no effort to compromise or
28 to make an effort to say, well, maybe we look at it
29 again and maybe we'll try to help you get this or
30 something like that. There's nothing encouraging here.
31 It just seems like, boom, it's done, not done. I don't
32 like that kind of process here. That's my comment.

33
34 CHAIRMAN RABE: Myron.

35
36 MR. NANENG: Yeah. Thank you, Mr.
37 Chairman. AVCP speaks in favor of this proposal.
38 Every year in the past when we've worked with the Goose
39 Management Plan out in Y-K Delta they tried to say,
40 well, you start hunting from this certain time period
41 and close at a certain time. It doesn't happen that
42 way. All of us in this room probably know that the
43 birds are flying with the snow conditions during
44 springtime. Their reproduction successes are dependant
45 on snow condition or the environment that they return
46 to nest in. It's never the same year after year.

47
48 This year in Bethel, and this is only
49 June 1st, last week we started getting green in Bethel
50 and it's usually green by the middle of June. Another

1 two weeks it should be green in Bethel instead of being
2 green right now. Those are the type of things that are
3 happening.

4
5 The other thing that happens is that
6 the birds migrate with the environmental conditions
7 that they have, so we cannot say that we're going to
8 open them in such a certain date and close it at a
9 certain date. No, we can't do that. If we say that
10 subsistence hunting is closed for migratory birds, most
11 people hunt their birds during the fall time. They
12 prepare for the next season, which is winter time. I
13 don't think that people who live in Washington, D.C.
14 will ever understand that or people who may have worked
15 here for a while, when they go back somewhere else,
16 they never fully understand that because by the time
17 they learn something they leave.

18
19 Over the years I've worked with State
20 of Alaska on many subsistence resources. As Dale has
21 stated a few minutes ago, the State cannot recognize
22 subsistence hunts because under the constitution, you
23 know, they can't. We've been trying to work with them
24 since 1980 just to have them recognize that. We've
25 been sued to hunting migratory birds during springtime
26 by State of Alaska representatives. Ron Somerville,
27 for one, was a former Fish and Game commissioner. If
28 he happens to go back, forget about ever recognizing
29 subsistence hunting and fishing. Not just subsistence
30 hunting of migratory birds, but everything within the
31 state of Alaska at any time of the year.

32
33 The only reason why we were able to
34 hunt birds during the springtime prior to the Migratory
35 Bird Treaty was because of secretarial discretion that
36 was put in place back in -- after 1984, after the
37 Hooper Bay Agreement was put in place back in 1984, and
38 that agreement recognized the spring hunt and harvest
39 of migratory birds.

40
41 State of Alaska did not want to
42 recognize that. That's the reason why I'm
43 uncomfortable with having State of Alaska represent me
44 as a member of the Alaska Migratory Bird Co-Management
45 Council on the SRC. It's not going to happen. They're
46 not going to represent us. They never will because
47 they're not mandated currently to ever recognize us at
48 this time.

49
50 We've worked in partnership with them

1 over the years on the Goose Management Plan, but that
2 must have been under the table, but we appreciate all
3 the effort and work that they've done with us over the
4 years. That's the reason why it's uncomfortable for me
5 to say that I will allow State of Alaska to represent
6 me at SRC in the future. I appreciate the position
7 that Dale has because he's supportive of it, but if Ron
8 Somerville is every appointed to sit in his place,
9 we'll never get anywhere.

10

11 Those are the type of issues that we've
12 had to deal with in the past and that's one of the
13 reasons why we pursued the Migratory Bird Treaty
14 Amendment, because of the attitude and atmosphere that
15 we've had to deal with from the State of Alaska in
16 trying to get our spring hunt recognized, spring and
17 summer hunt recognized of migratory birds because they
18 said in the past that we shouldn't be doing it.

19

20 If you want to hear more horror stories
21 about Fish and Wildlife Service law enforcement being
22 shot at, that happened. Even up in Barrow. It can
23 happen again and I hope that it never happens again.
24 That's the last thing I want to see. Since 1984 we've
25 been working together to try and get these things
26 recognized so that our people can hunt without having
27 to look over their shoulder of a law enforcement person
28 either from the State or the Feds coming in and
29 harassing them while they're hunting. We don't harass
30 grocery shoppers.

31

32 You know, it just gets so uncomfortable
33 at times. I've been working with this since 1980s and
34 what has changed today. We're still at it.

35

36 Thank you, Mr. Chairman.

37

38 We support the proposal.

39

40 CHAIRMAN RABE: Peter.

41

42 MR. DEVINE: Mr. Chair. Peter Devine.
43 I just want to state again that I'm in support of this
44 proposal, but it sounds to me like subsistence users
45 have no right to interfere with the sport hunters. So
46 since we're protecting the sport hunters, in my
47 proposal can I put in to have the hunt after the sport
48 hunters are done for my winter hunt?

49

50 CHAIRMAN RABE: I'm sorry, Peter. Was

1 that a question to me?

2

3 MR. DEVINE: I don't know who the
4 question was to, but it sounds like, you know, we don't
5 have the right to interfere with sport hunters, so if
6 it's going to fall under that timeline, can I have my
7 winter hunt later than the sport hunters is what I'm
8 asking.

9

10 CHAIRMAN RABE: Well, you certainly
11 have the right to develop a proposal and bring it
12 forward and have that discussed. In terms of the
13 issues that I raised in terms of the two competing
14 managements and that would put hunters in a potential
15 position to be showing a level of discrimination or
16 favoritism to one group over another, which would
17 happen in that September time period, if you're
18 suggesting that in the time period after the fall hunt
19 is closed, which is the end of January, I think,
20 roughly, that wouldn't be -- the State wouldn't have
21 the same concern during that period of time. I can say
22 that much. Now that's as much as I'm willing to say at
23 this point in time. There certainly are a whole lot of
24 other issues, but in terms of competition for other
25 hunting activities, that wouldn't be occurring at that
26 point as an observation.

27

28 Rick.

29

30 MR. ROWLAND: Rick Rowland from Sun'aq.
31 I clearly understand everyone's support or non-support.
32 My question is that if all the Alaska Migratory Bird
33 Co-Management Council reps from the regions support a
34 proposal and then it goes to the three member vote and
35 2 to 1 says no, I've got two things I'm wondering here.
36 What's the use of us sitting here or having discussions
37 with our members in the communities. Two, what is the
38 appeal process to do in the event of the whole Council
39 regional reps supporting it and then the three member
40 votes voting against it?

41

42 Now what's the use of us being here,
43 one. Two, what's the appeal if we're not being
44 recognized.

45

46 CHAIRMAN RABE: Doug, can I impose upon
47 you for a history lesson.

48

49 MR. ALCORN: Thank you, Mr. Chair.
50 I'll take the first question first, Rick. What's the

1 use. I think we just demonstrated what's the use in
2 the prior proposal where the Service is unable to
3 support the proposal, but the State in that particular
4 case was in support of the proposal from the North
5 Slope, so there was a 2 to 1 vote to move that proposal
6 forward even though the Fish and Wildlife Service was
7 opposed. There are times when with three votes those
8 votes swing to either side of a discussion item. There
9 are times when the State and the Fish and Wildlife
10 Service do not vote consistent. There are times when
11 the regional vote is not consistent with either the
12 Service or the State. So that's sort of by design
13 three votes so that there can be these kinds of
14 discussions and the majority does carry the
15 recommendation.

16
17 I think it's important to recognize
18 that this is an advisory committee. We don't have the
19 authority to actually promulgate or establish
20 regulations. Our recommendation is sent to the Flyway
21 Councils for a discussion and then they bring their
22 consent or their objection to our positions to the SRC
23 as well as we then attend the SRC.

24
25 The Service Regulation Committee is the
26 SRC. The SRC is a committee of U.S. Fish and Wildlife
27 Service regional directors. There are four regional
28 directors of eight geographic regions and then the
29 fifth member of the SRC is the assistant director for
30 the migratory bird program of the U.S. Fish and
31 Wildlife Service. So there are five executive director
32 or executive level representatives on that body.

33
34 That body takes advice from the Flyway
35 Councils, the four Flyway Councils, and takes advice
36 from the AMBCC for Alaska subsistence regulations.
37 We're providing recommendations. They discuss those
38 recommendations in consultation with their migratory
39 bird staff. They have flyway consultants and flyway
40 representatives. Representatives from the states.
41 Each flyway has a representative that attends that
42 meeting.

43
44 So that's the process by which
45 regulations are then -- they come out of that body,
46 that SRC body, and it goes to the director of the Fish
47 and Wildlife Service, which has the authority delegated
48 to him or her by the Secretary then to establish those
49 recommendations, those regulations for the subsequent
50 year. The Secretary actually has the authority under

1 the Migratory Bird Treaty Act to actually promulgate
2 those regulations if I'm -- I think I'm citing this
3 correctly. Bob can correct me if I'm wrong on the
4 technical aspects of it.

5
6 But the Secretary has the authority to
7 promulgate, so we are all working in an advisory
8 capacity to the Secretary. We are staff to the
9 Secretary. We present the proposed regulations and
10 it's vetted, surnamed through multiple levels
11 throughout the Department of the Interior and the U.S.
12 Fish and Wildlife Service. Ultimately ends up being
13 put out in the Federal Register as a proposed rule. We
14 solicit public comments. We integrate those public
15 comments, respond to those public comments and the
16 Secretary then promulgates or the director promulgates
17 the final regulation and a final rule. Those establish
18 what are called frameworks that the states then have to
19 establish their state regulations within those
20 frameworks.

21
22 So that's the what's the use. That
23 answers the what's the use. It's kind of a long-winded
24 answer. Sorry about that. Hopefully that helps you
25 understand the AMBCC's role in that. So the U.S. Fish
26 and Wildlife Service considers this a very important
27 part of the process. We have standing much like the
28 Flyway Councils have standing with the Fish and
29 Wildlife Services, SRC. So there's value in these
30 discussions and there's value in taking our
31 recommendations to the SRC hopefully with consensus.

32
33 The second question, is there an appeal
34 process. As far as I know, there is no appeal. Bob,
35 you might know of an appeal process. You might be able
36 to answer that question. I'll invite Bob Trost to the
37 microphone.

38
39 MR. TROST: Bob Trost, Fish and
40 Wildlife Service. Very briefly. There is one avenue
41 that is used oftentimes by the states as well. When
42 the proposed rule is published in the Federal Register
43 which outlines the outcome of the Service deliberations
44 -- actually it's the Assistant Secretary of Interior
45 that makes the final decision, that's published as a
46 proposed rule, it's open for public comment.

47
48 At that time, should you disagree with
49 that proposed rule or have some additional suggestions,
50 you can submit those comments in writing to that

1 proposed rule and that those comments will be taken
2 into consideration and there will be a response to
3 those comments published and in some cases they may
4 change the final rule from the proposed. So there is
5 yet another avenue for you to comment directly on
6 these.

7
8 MR. ROWLAND: Okay. Then who is it
9 that changes the rules? Is it the director head
10 creating regulations?

11
12 MR. TROST: In the end, the person that
13 signs the final rule is the Assistant Secretary of
14 Interior.

15
16 MR. ROWLAND: Okay.

17
18 CHAIRMAN RABE: Doug, as a
19 continuation, I may have misunderstood part of Rick's
20 question, but I thought he also had another element
21 about how this body was formed with three votes in
22 contrast to more votes as part of it. Was that part of
23 your question also?

24
25 MR. ROWLAND: Yes.

26
27 MR. ALCORN: Thanks, Mr. Chair. The
28 letter of submittal -- when the treaty was negotiated,
29 it was negotiated by the Secretary of State and the
30 government of Canada. The Secretary of State, after
31 the treaty was negotiated, submitted that revised
32 treaty to the U.S. Senate for ratification.
33 Essentially it enacts the treaty as law. When the
34 Secretary submits the revised treaty to the Senate, he
35 sent it -- Warren Christopher was the Secretary at the
36 time, Secretary of State. He sent it with what was
37 referred to as a letter of submittal.

38
39 It said it's our understanding -- the
40 negotiators, the parties understanding, that his co-
41 management entity will be established in Alaska and it
42 will have Alaska Natives with a meaningful role in the
43 management, in the say of the regulations. It will
44 have the State of Alaska and it will have the U.S. Fish
45 and Wildlife Service or the Department or the U.S.
46 government representative. So there were three -- it's
47 a triumvirate. There were three entities named in that
48 letter of submittal as I recall.

49
50 So through multiple public meetings and

1 discussions about the actual body and how that body
2 would work, there were a number of proposals described
3 and ultimately, based on those proposals and
4 alternatives, there was a blend of alternatives that
5 resulted in the formulation of this body. Originally
6 there were I think six geographic regions and perhaps
7 give or take one or two. Then through additional
8 discussions it was determined that there were 12, I
9 think, geographic regions, 11 of which are represented.
10 I think there was one geographic region that opted out
11 of representation and that might have just been
12 Anchorage or something. I'm not quite sure how those
13 discussions occurred.

14
15 Ultimately we ended up with this body
16 and it was named the Alaska Migratory Bird Co-
17 Management Council in response to the language that's
18 in that letter of submittal and that letter of
19 submittal is contained in that black binder that you
20 have as a reference document.

21
22 CHAIRMAN RABE: Roy.

23
24 MR. EWAN: I have one more comment.
25 That is I'm probably the oldest guy here. I've been in
26 Congress lobbying for the Native Land Claim Settlement
27 1969, 1970, that time. I think the issue that we're
28 talking about today is a very troubling issue. We talk
29 about subsistence for our Native people. Supposedly
30 we're trying to fix our problems. We're trying to feed
31 our families and so forth, but there's obstacles as
32 we're all hearing today. I'm not blaming any of these
33 guys. They have to live under the law.

34
35 Speaking of lobbying in Congress,
36 subsistence issue came up during that time, that
37 process. I was in meetings like this. AFN board with
38 a congressional delegation, with some State of Alaska
39 representative. We were told don't worry about the
40 subsistence. We don't want to put that in that bill.
41 The State of Alaska will take care of that, so that's
42 where we left it. I wish we had everything on paper
43 and everybody signed it and everything, made it more
44 legal during that time, but that is not what happened.
45 We just trusted one another. We had the governor's
46 representative, we had our congressional delegation,
47 everybody agreeing that the State of Alaska would take
48 care of our Native subsistence problem.

49
50 They tried. They had rural preference

1 as you know, which was shot down by the McDowell case,
2 and here we are, the middle of nowhere it seems like.
3 We're still fighting for our subsistence rights. It's
4 at a different level. You know, it's not only here.
5 It's on fish. It's on big game. I attend a lot of
6 meetings and a lot of people don't understand that
7 Natives were promised back then that their subsistence
8 issue would be taken care of. That's why I get so
9 riled up when in a meeting like this where we're told
10 that -- when Natives are told, no, can't do that.
11 That's really troubling.

12
13 I think what we ought to do as Native
14 groups throughout the state is to try to fix that
15 problem. Try to get rural preference either in a
16 constitutional amendment or something. We came very
17 close in the state of Alaska to do that and I was
18 involved in that effort as well when Governor Cooper
19 was the governor. He called me down and I was a
20 regional corporation president at the time and he
21 wanted my help because I knew a lot of legislators
22 here, Anchorage and statewide. We almost got that
23 passed, but we didn't.

24
25 I think we have to look at it
26 different. It just seems like we're up against a wall
27 when we start talking about what do we want and can't
28 get it. That's just for your information. I probably
29 won't be at this meeting again. Somebody else probably
30 will be here next time from our area, so I don't know.
31 I just wanted to say that.

32
33 Thank you, Mr. Chairman.

34
35 CHAIRMAN RABE: Thank you, Roy, for
36 that historical perspective. I'm not sure if we're
37 ready to call the question if anybody wants to do that,
38 but I want to do a time check and look at the logistics
39 of where we are in the meeting. I'm concerned. I want
40 to do as much as we can to provide useful advice
41 through the system, which others have been describing
42 as an important step so that the regulations can be
43 promulgated for next year without any undue problems.
44 To do that I believe we need to get through at least
45 the rest of the new business here to do that. I think
46 I heard from some folks that individuals weren't
47 planning on being here. So my concern is if we have a
48 quorum to be able to continue the meeting tomorrow or
49 if we are down to 20 minutes now to try and wrap things
50 up for today.

1 Can people who aren't planning to be
2 here tomorrow identify themselves. Molly.

3
4 MS. CHYTHLOOK: I think we established
5 a quorum when we started this morning and we're just
6 going to break and come back. So the quorum has been
7 established when we started this morning, so we can
8 start with whomever is here tomorrow.

9
10 CHAIRMAN RABE: Myron.

11
12 MR. NANENG: Mr. Chair. Parliamentary
13 procedure says that if you're going to take any action,
14 you still have to have that quorum present in order to
15 take action. So if there's no quorum tomorrow any
16 proposed actions will be put aside to the next meeting.

17
18 CHAIRMAN RABE: Taqulik.

19
20 MS. HEPA: Thank you, Mr. Chair. I am
21 leaving tomorrow, as I stated, but I don't know if I
22 can appoint Michael as my alternate because he his
23 listed as my alternate in my place. Is that a
24 possibility?

25
26 MR. ARMSTRONG: He's already in.

27
28 MS. HEPA: Okay. Thank you.

29
30 CHAIRMAN RABE: Is anybody else not
31 available to continue the meeting tomorrow? It sounds
32 to me like then we have a quorum to be able to continue
33 the meeting tomorrow in terms of the pressure about
34 4:30 because we've been told we have to end the meeting
35 today at 4:30 logistically because there's an evening
36 activity here.

37
38 MR. NANENG: Mr. Chairman. Point of
39 order. We still have that motion on the floor we need
40 to deal with.

41
42 CHAIRMAN RABE: Yes. Sorry.

43
44 MS. CHYTHLOOK: I guess I'll call for
45 question.

46
47 CHAIRMAN RABE: We have a call for the
48 question. All those in favor -- no, we have to do roll
49 call. Excuse me. I'm getting confused too. Fred,
50 would you do a roll call for that.

1 MR. ARMSTRONG: Vote on Proposal No. 2.
2 U.S. Fish and Wildlife Service.

3
4 MR. ALCORN: Nay.

5
6 MR. ARMSTRONG: State of Alaska.

7
8 CHAIRMAN RABE: Nay.

9
10 MR. ARMSTRONG: Alaska Native Caucus.

11
12 MR. NANENG: Yes.

13
14 MR. ARMSTRONG: The motion is not
15 adopted, 2 nos, 1 yes.

16
17 CHAIRMAN RABE: Okay. Item D is the
18 consent agenda. I may need a little bit of help from
19 the parliamentarians again in terms of all the steps we
20 need to go through with this. Listed under part D we
21 have all 12 of the regional council representatives or
22 all 12 of the regions, put it that way, listed in terms
23 of being proposed to be part of the consent agenda to
24 carry the regulations that are currently in place for
25 the 2011 season, which we are currently in, to be the
26 same regulations in 2012.

27
28 Now we have the opportunity for anyone
29 who doesn't feel that they want to be part of the
30 consent agenda to withdraw from it. Is that correct?

31
32 MR. ARMSTRONG: Yes.

33
34 CHAIRMAN RABE: Taqulik.

35
36 MS. HEPA: I have a question for Fred
37 or Doug. With the consent agenda for the North Slope
38 Region, does that include the no-shooting hours?

39
40 CHAIRMAN RABE: Doug.

41
42 MR. ALCORN: Yes. The reason it does
43 is because the way the Council decided to carry forward
44 consent agenda items dates back to about 2001. We said
45 that those regulations that are in place in the current
46 year, if there is no proposal to change those
47 regulations through the consent agenda process, we will
48 vote to carry those as a recommendation to the SRC for
49 the subsequent year. Since shooting hours are not in
50 place this year, that's the recommendation that we'll

1 carry forward to the SRC this summer.

2

3 CHAIRMAN RABE: Do we have any groups
4 wanting to withdraw from the consent agenda?

5

6 MR. NANENG: Mr. Chairman. AVCP will
7 withdraw from the regulation that requires Duck Stamps
8 because we're working on trying to get that Duck Stamp
9 exemption and we will not abide by that requirement.

10

11 As I stated before, Alaska Migratory
12 Bird Co-Management Council was not given any
13 opportunity to comment regarding the Duck Stamp
14 requirement. Just like the proposal before that we
15 just got done with, you know, it's okay for the Federal
16 government to add onto regulations of other legislation
17 that are in place, but it's not okay for any proposals
18 that come from the Native community that may be
19 recognized in other legislation. So that's my comment
20 regarding the 2011 regulations.

21

22 Thank you.

23

24 CHAIRMAN RABE: So if I understand the
25 procedure correctly now, AVCP has withdrawn and we
26 don't need to have any action on that. That's an
27 individual. Fred.

28

29 MR. ARMSTRONG: Just a point of
30 clarification. The Duck Stamp requirement is a
31 separate law that is not part of our regional
32 regulations.

33

34 MR. NANENG: State that again.

35

36 MR. ARMSTRONG: The Duck Stamp
37 requirement is a requirement under the Duck Stamp Act,
38 not under our regulations.

39

40 MR. NANENG: That's why I made that
41 comment regarding the fact that we are not adopting the
42 2011 regulations at AVCP because the Federal government
43 takes actions to include regulations from other
44 legislation to require us to do it when we have not had
45 any opportunity to vet them and express our concerns
46 regarding them.

47

48 CHAIRMAN RABE: Doug.

49

50 MR. ALCORN: I have a question for you

1 then, Myron. How then would we forward the
2 recommendation for regulations for the AVCP or the Y-K
3 Delta region?

4
5 MR. NANENG: From my perspective, I
6 think that you can come out and meet with the Waterfowl
7 Conservation Committee to work with us to find ways of
8 what would be acceptable to the Conservation Committee,
9 the regional management body.

10
11 CHAIRMAN RABE: Doug.

12
13 MR. ALCORN: If no recommendation goes
14 forward to the SRC for the Y-K Delta, then there would
15 be no recommendation for a regulation at all for the Y-
16 K Delta.

17
18 MR. NANENG: That would be my
19 understanding, but we have a working document that has
20 been in place since 1984 for conservation efforts
21 within our region and I think that has been the model
22 that has been successful. We're working with our people
23 to abide by what has been agreed to between our
24 regional management body and the agencies and the
25 parties involved with the Y-K Delta Goose Management
26 Plan.

27
28 One last final comment. I think that
29 the Pacific Flyway Council has been supportive of that
30 effort and I don't see any reason why they would change
31 their position of supporting that.

32
33 CHAIRMAN RABE: Doug.

34
35 MR. ALCORN: The Goose Management Plan
36 was managed by policy. There were policies for
37 enforcement that were in place under the Goose
38 Management Plan and there was an agreement between the
39 signatories on what would be enforced and what would
40 not be enforced and that prosecutorial discretion would
41 be exercised. While the Goose Management Plan is still
42 in effect when the signatories have signed it, it does
43 have a two-year sunset date or something to that
44 effect. It's effective for two years and it's expected
45 that it would be signed and renegotiated every two
46 years.

47
48 I don't know that we have a signed
49 extant Goose Management Plan in place at this moment,
50 so that would put the U.S. Fish and Wildlife Service in

1 a very difficult position in not having a regulation
2 that was promulgated that opens the Y-K Delta to
3 subsistence harvest for 2012. By law, under the
4 Migratory Bird Treaty Act, the harvest of migratory
5 birds that are named, and there are over 1,000 of them
6 that are named in that Act, are closed to harvest
7 unless opened. So the Fish and Wildlife Service,
8 absent a regulation that opens those, is between a rock
9 and a hard place, to be frank.

10

11 MR. NANENG: I would think that Fish
12 and Wildlife Service would come up with a way to get
13 itself out of the rock and the hard place. We're
14 willing to work with Fish and Wildlife Service.
15 However, I'll also make this statement, AVCP has not
16 tried to come up with any proposed regulations through
17 the AMBCC process because as far as I know many of the
18 proposals that have come from our people to the
19 management body has not been accepted. We've discussed
20 this at our regional management body meetings and one
21 of the recommendations that has come from our members
22 is why come up with proposals for regulation changes
23 when they're not going to be accepted by the agencies
24 that we're supposedly working with.

25

26 CHAIRMAN RABE: Fred.

27

28 MR. ARMSTRONG: Thank you, Mr.
29 Chairman. The only regulation that we have are the
30 regional regulations which opens the season and AVCP
31 has a 30-day closure that's announced and a Black Brant
32 and a special closure for the egg laying and stuff.
33 Those are the only regulations for the region.

34

35 CHAIRMAN RABE: Thank you, Fred. But
36 if I'm understanding the comments from the Service that
37 without having a recommendation going forward that
38 there would not be any -- there's a risk that there may
39 not be any regulations to allow any spring and summer
40 hunting in 2012 in that region of the state of Alaska.
41 Doug.

42

43 MR. ALCORN: I guess there is that
44 risk, but if my memory serves, at the meeting that we
45 discussed the consent agenda process, I believe it's on
46 the record that if a region does not submit a proposal,
47 then the Fish and Wildlife Service has the prerogative
48 to promulgate a regulation for that region in absence
49 of a recommendation. I'm not hearing what Myron is
50 saying to be absent of a recommendation. What I'm

1 hearing Myron say, and you can correct me if I'm wrong,
2 Myron, but what I'm hearing you say is that this is in
3 effect a boycott of the AMBCC process.

4
5 MR. NANENG: In essence, that's part of
6 it because one of the things that we have not been
7 allowed to do, like Fred stated earlier, other laws and
8 enactments are included in the AMBCC process that did
9 not give the Native community an opportunity to talk
10 about them.

11
12 You know, one of the things that we
13 brought up before as part of our proposal is to have
14 some of our subsistence hunting recognized like during
15 the fall time because, you know, the limitations that
16 were stated in the Migratory Bird Treaty was that --
17 and the Japan treaty as well as the Mexico treaty, that
18 there were exceptions for bird hunting. Those were for
19 the Eskimo, Aleuts and American Indians that were not
20 included in the new treaty.

21
22 What we understand from all the
23 discussions that we've had is some of these treaties
24 and languages that have had previous mention of those
25 should also be in place. The reason why we're stating
26 that we're not supporting what has been going on in
27 terms of the regulations that have come forward is the
28 fact that the Duck Stamp requirement was done without
29 giving us an opportunity to vet it at all and it was
30 done with a solicitor's opinion. A solicitor made that
31 opinion saying that it's required. That's the problem
32 we have because we weren't given an opportunity as a
33 Native community to talk about that and I think that
34 needs to be corrected.

35
36 That's our concern about the
37 regulations, is that it shows on the first few pages
38 that Duck Stamps are required, but for Native
39 subsistence hunt it never was, never will be as far as
40 I'm concerned. If people want to come and join me out
41 hunting without a Duck Stamp, you're more than welcome
42 to come and join me.

43
44 CHAIRMAN RABE: Doug.

45
46 MR. ALCORN: I'm assuming that you're
47 talking about on Page 4 of our publication, required
48 licenses and stamps, that section.

49
50 MR. NANENG: Yes.

1 MR. ALCORN: And perhaps others, but
2 this is the comment that I've heard you refer to
3 before, that this was inserted over your objection and
4 over the objection of the Native representatives on the
5 Council.

6
7 The reason that this was inserted, this
8 goes back to the very first AMBCC meeting that I
9 attended and it was back in 2001. It actually precedes
10 my involvement with AMBCC. The issue of whether or not
11 Duck Stamps were required came up in discussion. Based
12 on the Service's interpretation of two separate laws,
13 we felt like we didn't have the authority to not say in
14 regulations that a law did apply.

15
16 The law that we're referring to is the
17 Federal Duck Stamp Act and I believe it was enacted in
18 1934. That law has been on the Federal books since
19 that time. What it basically says is any person that
20 harvests or hunts waterfowl 16 years of age or older
21 must obtain and have on his or her person a Federal
22 Duck Stamp. That's complimented by every state
23 requiring a State hunting license as well.

24
25 So the Fish and Wildlife Service,
26 working for the Assistant Secretary and promulgating
27 regulations, asked the solicitor after discussions at
28 the council, the council said, well, what's the
29 position of the Service and why. So we asked our
30 regional solicitor to review the question whether or
31 not the amended treaty act superseded the requirement
32 that was in place from the Duck Stamp Act and the
33 answer that we received was that the negotiators of the
34 treaty and the Senate, when it ratified the amended
35 treaty, did not expressly supersede the requirement or
36 nullify the requirement of the other act. They are
37 separate Federal laws. So the U.S. Fish and Wildlife
38 Service, as an agency and an agent of the
39 Administration, does not have the authority to abdicate
40 its responsibilities. We can't arbitrarily say we
41 won't comply with that particular law.

42
43 So we had two laws. We had the
44 Migratory Bird Treaty Act and we had the Duck Stamp
45 Act. When we established the regulations in the final
46 rule, the final rule says that the Duck Stamp Act
47 applies. When we published this document, this
48 document is not the official legal regulation. It's a
49 guide. It's for public use. It's advisory. It
50 provides information to hunters.

1 In trying to be as forthright and good
2 stewards as possible of the laws, we felt as a
3 management agency that it would be disingenuous not to
4 inform hunters what the laws state and to exclude that
5 portion potentially leads to confusion. This is not
6 necessarily an AMBCC sanctioned document. This is a
7 document that the Fish and Wildlife Service has worked
8 to help produce and to assist the AMBCC in getting the
9 word out on what those regulations are.

10
11 Frankly, people don't read the Federal
12 Register, which is where the Federal regulation is
13 published. That's the actual legal document that we
14 publish. So we produce this and we say that these are
15 the regulations that apply to the Alaska region, to the
16 state of Alaska, and there are additional laws even
17 though they don't have the consent of the AMBCC. That
18 law is the Federal Duck Stamp Act and we cannot
19 abdicate that responsibility or abrogate the effect of
20 that law.

21
22 CHAIRMAN RABE: In the interest of time
23 and knowing that we're going to have to continue the
24 meeting tomorrow and we have been asked to break at
25 4:30, we're already three minutes past that, I'm going
26 to adjourn the meeting.

27
28 MR. NANENG: Can I make one comment
29 since we're talking about Duck Stamps?

30
31 CHAIRMAN RABE: Go ahead.

32
33 MR. NANENG: Duck Stamps, we've had
34 recent notifications that Duck Stamps are also required
35 for egg hunters, so that's the reason why we're stating
36 that we are not supporting the regulation book because
37 of the fact that our people had been notified that you
38 are required to have a Duck Stamp to go egg hunting.

39
40 One of the other things too is that
41 requirements for State stamps too. Whenever law
42 enforcement people go out to our hunters they ask do
43 you have a Duck Stamp, do you have a State stamp
44 hunting license. Many of our people can't even afford
45 it. If they start issuing citations with the price of
46 fuel and all the additional costs to support -- at
47 least 46 to 50 percent of people's wages in villages go
48 to energy, electricity, heating fuel and also to
49 support their subsistence activities maybe at least
50 another 15 to 20 percent of it goes to that because of

1 the high fuel price.

2

3 If they're required to buy Duck Stamps
4 as well as State hunting license on top of it for
5 subsistence and State of Alaska does not recognize
6 subsistence hunting, you know, that really puts us
7 people in the villages between a rock and a hard place
8 more so than the Federal government or Fish and
9 Wildlife Service in a rock and a hard place. That's
10 where we're coming from. So I just want to add that to
11 the record.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN RABE: Thank you, Myron.
16 Given the time, I'm going to adjourn the meeting for
17 tonight and we will reconvene at 8:30 tomorrow morning.

18

19 (Off record)

20

21 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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Salena A. Hile
Notary Public, State of Alaska
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