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VOLUME II

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

WINTER MEETING

ANCHORAGE, ALASKA

OCTOBER 28, 2011

Members Present:

- Dale Rabe, Alaska Department of Fish and Game
- Doug Alcorn, U.S. Fish and Wildlife Service
- Carol Brown, Association of Village Council Presidents
- Patty Brown-Schwalenberg, Chugach Regional Resource Commission
- Molly Chythlook, Bristol Bay Native Association
- Peter Devine, Aleutian/Pribilof Islands
- Taqulik Hepa, North Slope
- Joeneal Hicks, Copper River Native Association
- Randy Mayo, Tanana Chiefs Conference
- Enoch Shiedt, Maniilaq Association
- Eric Trigg, Kawerak
- Rick Rowland, Sun'aq Tribal
- Fred Armstrong, Executive Director
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1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 10/28/2011)

4  
5 CHAIRMAN RABE: Good morning everybody.  
6 It's about 9:13 on Friday, October 28th. Continuation  
7 of the fall meeting of the AMBCC. Molly had to return  
8 home briefly to get presentation materials. The  
9 electronic version of the presentation that she's  
10 scheduled to give next on the agenda. So we're in a  
11 holding pattern on that. I think we will skip ahead  
12 and do item C.

13  
14 I'd like to announce that Carol Brown  
15 is here for AVCP and sitting in for Myron Naneng. She  
16 will be seated as his alternate for the balance of the  
17 meeting. Do we have to go through a procedure for  
18 that?

19  
20 MR. ALCORN: Not if Fred has a letter  
21 to that effect.

22  
23 MR. ARMSTRONG: I have an email from  
24 Myron. I haven't been able to print it out, but I have  
25 notification from him directing her as the alternate.

26  
27 CHAIRMAN RABE: Good. Then it's all  
28 taken care of. Thank you for joining us, Carol. So,  
29 with that, and from an efficiency standpoint for a time  
30 because I've already been asked by a couple of Council  
31 members that they have other obligations or need to  
32 catch flights here in the mid afternoon, so we don't  
33 want to go late today to get through the balance of the  
34 material.

35  
36 Also, Doug had indicated that he has  
37 another commitment and will not be able to be here this  
38 afternoon. So, with the indulgence of Council my  
39 suggestion would be that as soon as Molly returns we  
40 need to go back and continue with item (b), which is  
41 the harvest survey review update and her presentation  
42 is related to that. Then I'd like to skip, as soon as  
43 we're done with that discussion, down to item F for the  
44 rules, goals and expectations. That's an agenda item  
45 that Doug actually put on the agenda for the meeting  
46 and I think we would be better off if he's here to be  
47 part of that discussion.

48  
49 So that would be my recommendation. If  
50 there are any concerns with that, I'd ask that the

1 Council let me know now. Otherwise we'll work with  
2 that as a modification just in the order that we go  
3 through things.

4  
5 Patty.

6  
7 MS. BROWN-SCHWALENBERG: Thank you, Mr.  
8 Chairman. We have an opportunity to discuss the fall  
9 and winter harvest issue now that Peter is back and  
10 then I did bring this documentation from my office  
11 yesterday. I would like to get some direction from the  
12 Council on our next steps if we can take a few minutes  
13 to do that at some point.

14  
15 CHAIRMAN RABE: Okay. We can probably  
16 take care of that when we get through these next two  
17 topics towards the end of the meeting then. Okay.  
18 We'll handle it that way then. Molly, now that you're  
19 back are you ready to do your presentation?

20  
21 MS. CHYTHLOOK: I've got to catch my  
22 breath.

23  
24 CHAIRMAN RABE: Okay. If you need a  
25 minute and need some technical assistance.....

26  
27 MS. CHYTHLOOK: I will need somebody to  
28 help.

29  
30 CHAIRMAN RABE: We'll let you catch  
31 your breath. While you're doing that and we're getting  
32 ready, I'm going to go ahead and ask Fred if he would  
33 cover the tribal consultation update. He said that was  
34 a quick item.

35  
36 Fred.

37  
38 MR. ARMSTRONG: Thank you, Mr. Chair.  
39 We have to go to new things as we promulgate our  
40 subsistence harvest regulations and one of the  
41 requirements is directed under Executive Order 13175,  
42 which is the Executive Order directing all the Federal  
43 agencies to consult with tribes on issues relative to  
44 their areas of concern. So we've been working on a  
45 process that we've developed that we're going to  
46 implement shortly.

47  
48 By the way, I just heard this morning  
49 that our rule went to the Federal Register, so  
50 publication of the proposed rule is evident probably

1 Tuesday or Wednesday of next week. It stays in the  
2 Federal Register for three days before publication.  
3 There's a requirements it goes to what's called the  
4 Reading Room so the public has access to it before  
5 publication. That will kick in the consultation part  
6 of this process.

7  
8 Under Tab 6 is a draft letter that we  
9 put together that we're going to send out to all 446  
10 tribal entities, including for profit corporations,  
11 ANCSA corporations. This letter just indicates that  
12 we're soliciting your interest whether or not you want  
13 to consult on these regulations and we're asking for a  
14 date and time. We'll publish a week or two that we're  
15 going to hold consultation within those dates and we'd  
16 like the tribes to give us their preference for  
17 consultation. We're going to do this telephonically  
18 and hopefully we can reach a wide range of tribes  
19 throughout the state within the included areas and the  
20 ANCSA corporations. I'm trying to figure out how we're  
21 going to do that as we go along.

22  
23 Yesterday there was introductions.  
24 Crystal Leonetti is the policy person in the regional  
25 office in regards to consultation, so she'll be leading  
26 that particular part of the project and I'll be  
27 providing all the information and back up and things  
28 we'll need to prepare tribes for the consultation part  
29 of it.

30  
31 The policy directs us to be very  
32 simple, be thorough and that's the driving force behind  
33 it. So we have this letter and directly behind it I  
34 put together a draft agenda that will sort of guide us  
35 as we go through the consultation process and it's  
36 going to be very, very simple. We go over the overview  
37 of the consultation process, what we do, the  
38 expectations on the part of the tribes. I'll give an  
39 overview of the AMBCC program and then the regulations  
40 and we'll open the floor for comments from the tribes  
41 relative to those regulations and leave it very simple.

42  
43 Any questions. Enoch.

44  
45 MR. SHIEDT: Yeah. I need the time, please,  
46 because I think I'm committed that day.

47  
48 MR. ARMSTRONG: I indicated at the  
49 beginning we haven't set a week when we're going to  
50 have the consultation, but we're required to give the

1 tribes at least 30 days notice. So these letters are  
2 going to be sent out shortly and we'll take into  
3 consider the 30 days, develop maybe a two-week period  
4 where tribes can request consultation periods and then  
5 we'll set up teleconferences for those to occur. A lot  
6 of this will be a two-way communication where the  
7 tribes will be telling us when they want it, so we'll  
8 try to accommodate them.

9

10 Any more. Molly.

11

12 MS. CHYTHLOOK: So this is going to be  
13 a telephonic consultation?

14

15 MR. ARMSTRONG: That's right.

16

17 MS. CHYTHLOOK: I was present at the  
18 Federal Subsistence Board when they attempted that  
19 first consultation. I think because it wasn't  
20 explained enough or wasn't really understood, that  
21 consultation became a whining session. I eventually  
22 left after about an hour and a half. Is that what it's  
23 going to be? I think before something like this  
24 happens there needs to be education of some sort.  
25 Since it's going to be a faceless meeting through  
26 telephonically, it's probably going to make it a little  
27 more complicated.

28

29 MR. ARMSTRONG: If I had the funds to  
30 bring in every tribe, I would. Unfortunately we have a  
31 bare-bones budget and to do this we have to do it  
32 telephonically. As far as the first consultation that  
33 occurred, I'm not aware of the problems associated with  
34 it. Maybe Crystal can speak to it. That's the reason  
35 I developed this draft agenda so that -- you know,  
36 there's a potential for 400 different interpretations  
37 of the term consultation. Tribes have a different  
38 interpretation of it. Federal agencies have a  
39 different interpretation of it. That's the reason why  
40 I put it first on the discussion so that we can clearly  
41 understand what the goal is here.

42

43 Crystal wanted the floor, so if you  
44 don't mind, Mr. Chair.

45

46 CHAIRMAN RABE: That's fine.

47

48 MS. LEONETTI: I eat breakfast at IHOP.  
49 Just kidding. Crystal Leonetti. Molly, your concern is  
50 valid and I think that what's going on is Federal

1 agencies, Federal Staff are learning how to do  
2 consultation and at that particular one there was  
3 definitely a lack of understanding that it's supposed  
4 to be a dialogue, not a listening session or a  
5 monologue or a bunch of presentations by Federal Staff.

6  
7 Fred and I are going to be working  
8 together to make sure this consultation is very  
9 meaningful and there's a dialogue. Even though it's on  
10 teleconference I think it's been -- there's been  
11 subsequent Federal Subsistence Board consultations that  
12 have been on teleconference and have been meaningful.  
13 So we'll try to make it as meaningful as possible as we  
14 can on teleconference.

15  
16 I'm glad to answer any other questions  
17 if there are any about consultation.

18  
19 CHAIRMAN RABE: Molly.

20  
21 MS. CHYTHLOOK: Thank you. I know it  
22 was on the agenda during AFN for I guess the corporate  
23 consultation. I didn't attend it. I know it was on  
24 the agenda. Then I guess there's supposed to be one  
25 for the tribes during BIA conference. During our RAC  
26 meeting we discussed that and it was a concern that the  
27 people that weren't really vocal aren't going to feel  
28 comfortable in dialoguing in such a huge location. If  
29 this is going to work where people are going to be in  
30 their comfortable environment, maybe it will work.

31  
32 Thank you.

33  
34 MR. ARMSTRONG: Any other comments,  
35 questions. Rick.

36  
37 MR. ROWLAND: Rick from Sun'ag. I  
38 wanted to mention that I appreciate the opportunity for  
39 being able to put in input related to how the AMBCC  
40 will consult with our tribes on Kodiak Island. I'd  
41 also like to say the consultation process in the AMBCC  
42 administration and the Federal agencies is the  
43 consultation that's used by that group. So as long as  
44 it isn't confused to where the tribes are required to  
45 meet the standards that are set up that function on the  
46 agency. So you guys know that your consultation policy  
47 is not the tribe's consultation policy, but we're  
48 allowed to communicate with you how you want to  
49 communicate and keep it open as much as possible.

50

1 MR. ARMSTRONG: Thanks for that.  
2 That's very constructive comments that we'll take into  
3 consideration. Patty.

4  
5 MS. BROWN-SCHWALENBERG: I think this  
6 is going to be a valuable initiative for the Migratory  
7 Bird Council to undertake and it just gives an extra  
8 opportunity for the tribes to air their concerns or  
9 ideas on the regulations, but it's really in my mind  
10 not tribal consultation because tribal consultation  
11 should be taking place before the regulations are even  
12 published in the Federal Register, which is what this  
13 process with the regional management bodies is in my  
14 mind. You know, we represent the tribes, the tribes  
15 come to this body, State and Federal government, and  
16 provide our input. So I don't want to water down the  
17 definition of tribal consultation by using this as an  
18 avenue for that. Does that make sense?

19  
20 MR. ARMSTRONG: I understand what you  
21 mean and I did indicate that in the letter that we do  
22 have a regulatory process that includes a 60-day  
23 comment period. When we created this Council, we did  
24 it with the intent of tribal membership, so we can't  
25 lose that aspect of it. So the tribal role is very  
26 meaningful in this process here.

27  
28 Doug, you wanted to say something?

29  
30 CHAIRMAN RABE: No. I was just going  
31 to invite Crystal to the table.

32  
33 MS. LEONETTI: Yeah, I think I  
34 understand what you're saying, Patty. That's actually  
35 been a concern by the Regional Advisory Councils and by  
36 the Marine Mammal Commissions as well because the  
37 commissions and the councils are the ones that bring  
38 forward recommendations to the Federal government and  
39 those bodies are usually represented by tribal members  
40 or people appointed by their tribes.

41  
42 We're going to have to do consultation  
43 one on one with tribes because they're on the  
44 Federally-recognized tribes list, but that doesn't take  
45 away from the important work and the relationship with  
46 the management bodies. So I think it's just another  
47 tool to use for tribes and for Native people to be  
48 involved in these Federal management for subsistence  
49 resources.

50

1                   As a matter of fact, at the Eskimo  
2 Walrus Commission we had a long conversation about just  
3 that. I think people are feeling more comfortable. If  
4 tribes decide to do government-to-government  
5 consultation, they can invite whoever they want to the  
6 table with them. They can invite their regional Native  
7 associations, they can invite their person who sits on  
8 whatever management body it is and that government-to-  
9 government consultation will be more valuable in the  
10 tribes' minds because they're having those people  
11 involved in the consultation. That's something Fred  
12 and I will work on.

13

14                   As far as consultation before or after  
15 Federal Register notice, that's something the Federal  
16 government is still working out and hopefully it will  
17 be more clear in the DOI consultation policy, which I  
18 think is due out in mid November signed by the  
19 Secretary of Interior and we'll have more guidance on  
20 that. Right now that's just a vague -- we don't have  
21 clear guidance on when to do that, but I agree it  
22 should be done before Federal Register notice.

23

24                   CHAIRMAN RABE: Randy, did you have a  
25 comment or question?

26

27                   MR. MAYO: No.

28

29                   CHAIRMAN RABE: Anything further for  
30 Fred?

31

32                   (No comments)

33

34                   CHAIRMAN RABE: Okay. It looks like  
35 we're done. Thank you for covering that. We're going  
36 to back up now to Item (b), but we had added before we  
37 get into (b), so (b)(i) or whatever. Just before that  
38 Molly had requested a presentation from Bristol Bay, so  
39 let's go to that next, which is electronic and it's up.  
40 Eric, will you advance them for her now.

41

42                   MR. TAYLOR: I can do that.

43

44                   MS. CHYTHLOOK: Thank you. Molly  
45 Chythlook from Bristol Bay. Thank you for allowing me  
46 to make a presentation regarding our BBNA YKC proposal  
47 that was passed and signed at our last September 20  
48 meeting. Well, after our September 20 meeting.

49

50                   The proposal is under Tab 5. I'm not



1 sure if you've had a chance to read it. If not, I can  
2 quickly read it. It's Proposal for the Harvest  
3 Assessment Program of the Alaska Migratory Bird Co-  
4 Management Council. It starts off with in a letter to  
5 members of the Alaska Migratory Bird Co-Management  
6 Council they did 7/15/2011 that we all got. I have a  
7 copy of it right here.

8  
9 The AMBCC Executive Director announced  
10 postponement of subsistence harvest data collections  
11 for migratory birds after completion of the 2011 survey  
12 following directions from the USFWS Regional Director.  
13 Instead, the Regional Director instructed the USFWS to  
14 organize a small working group to redesign the Harvest  
15 Monitoring Program with a new emphasis on harvest  
16 estimates for species of conservation concern.

17  
18 From going through our budget  
19 yesterday, it looks like this process is taking place  
20 with a budget of 125,000 as a start, so it looks like  
21 the budget is already in place for 2012.

22  
23 Bristol Bay Native Association  
24 Yaquallrit Kelutisti Council is concerned that a multi-  
25 year absence of subsistence harvest estimates for the  
26 commonly-taken species, which are shared with other  
27 states of the Pacific Flyway, has strong potential of  
28 constraining the ability to manage and preserve the  
29 subsistence harvest of migratory birds in Alaska. Our  
30 overview is supported by the recommendations number 9  
31 and it's the July meeting from the Pacific Flyway  
32 Council to the Service Regulation Committee on the  
33 importance of harvest monitoring for the commonly taken  
34 species.

35  
36 I have parts of that document from the  
37 Pacific Flyway Council. Where the recommendation is  
38 coded is on Page 6 of 6 of the document. It's  
39 recommendation number 9.

40  
41 The Pacific Flyway Council endorses  
42 retaining the regulations for spring and summer  
43 subsistence harvest of migratory birds and their eggs  
44 in Alaska, 50 CFR 92 for 2012, as recommended by the  
45 Alaska Migratory Bird Co-Management Council. This is  
46 where I highlighted it. In addition, the Council  
47 recommends the Service and cooperators develop a  
48 mutually acceptable statewide subsistence harvest  
49 survey in order to maintain reliable and comparable  
50 annual harvest estimate.

1 I'm going to go down to justification  
2 and where I highlighted it. It says the Council is  
3 concerned about the sustainability of the customary and  
4 traditional harvest of Alaska without the benefit of  
5 reliable harvest surveys. The proposed changes by the  
6 Service to the priorities and objectives of the current  
7 harvest survey may result in a lack of or disruption of  
8 good harvest information. This may lead to more  
9 conservative harvest regulations affecting the long-  
10 term sustainability of the spring and summer  
11 subsistence harvest and unnecessarily deprive customary  
12 and traditional users of that opportunity to obtain  
13 needed food resources.

14  
15 The Council encourages the Service to  
16 work within the structure of the AMBCC in quickly  
17 designing and implementing new survey protocol and at  
18 minimum design and implement surveys that accurately  
19 estimate the harvest of the most commonly harvested  
20 species in each region. Harvest estimate of all  
21 commonly harvested subsistence species will result in  
22 improved confidence among management agencies and the  
23 public in the co-management process.

24  
25 That's the recommendation.

26  
27 The second paragraph of the proposal.  
28 The suspension of the Harvest Monitoring Program will  
29 also strain AMBCC partnerships which are essential for  
30 the effective management of subsistence harvest.  
31 Indeed, maintaining an environment of collaboration  
32 among AMBCC partners is the best approach to develop  
33 and implement strategies for the harvest assessment and  
34 management of both commonly taken species and species  
35 of conservation concern.

36  
37 With this goal, the BBNA YKC proposes  
38 an alternative approach that recognizes, number one,  
39 funding limitations to the AMBCC program, number two,  
40 the need for subsistence harvest information on both  
41 commonly taken species and species of conservation  
42 concern, and number three, the technical and social  
43 challenges we face in acquiring such information.

44  
45 BBNA YKC would like to request the  
46 inclusion in the agenda, which we did already, to be on  
47 the agenda for the 2011 fall meeting. The highlighted  
48 down here. Continuation of the AMBCC household harvest  
49 survey in a reduced scale. In 2008, ADF&G and the  
50 AMBCC Harvest Survey Committee completed a thorough

1 review and revision of the Harvest Monitoring Program,  
2 which was adopted by the AMBCC in 2009. Among other  
3 things, the revised program focused on survey training  
4 and timely review of collected data. Subsistence  
5 harvesters value well-designed harvest surveys with the  
6 understanding that the data collected -- and I've  
7 highlighted this -- will be used to protect subsistence  
8 harvest and the bird population they rely upon for  
9 their diet, culture, identify and stability of their  
10 way of life.

11  
12                   The purpose of continuing subsistence  
13 surveys in Bristol Bay -- and when I wrote this  
14 proposal, realizing that other regions could probably  
15 use the same format, but because I wanted to pattern it  
16 for Bristol Bay I used Bristol Bay -- will be to ensure  
17 that the bird population remained sustainable. The  
18 commonly taken species make the vast majority of the  
19 harvest and are now the main priority for harvesters.

20  
21                   In contrast, species of conservation  
22 concerns are only occasionally taken and some regions  
23 have not reported harvest of these birds. Besides, the  
24 occasional harvest of species of conservation concern  
25 is a sensitive matter because most such species are  
26 closed to harvest. Collections of harvest data on  
27 species of conservation concern relies on the long-term  
28 development of a true sense of collaboration between  
29 harvesters and the resource management agencies, which  
30 builds trust. Surveys for commonly taken species  
31 provide the background for the development of such a  
32 relationship.

33  
34                   Considering these points on priorities,  
35 sensitivity and spirit of collaboration -- I  
36 highlighted this -- it would be very difficult to  
37 enlist participation of subsistence harvesters in a  
38 survey on species of conservation concern without a  
39 parallel survey for the commonly taken species.

40  
41                   BBNA YKC would like to propose the  
42 continuation of the current AMBCC survey covering the  
43 Bristol Bay region -- and it could also cover other  
44 regions also. The program could focus on one or two  
45 regions with the largest number of birds harvested per  
46 year starting in 2012. The funds saved by this further  
47 reduction in geographic coverage could be applied to  
48 the second revision of the survey and development of  
49 specific surveys for species of conservation concern.

50

1                   This approach would allow obtaining  
2 some data on the commonly taken species as opposed to  
3 no data and to keep building on partnerships for the  
4 co-management process. Recent data collection costs  
5 for Bristol Bay were 62,287 in 2012 and this survey is  
6 ongoing. We're in the last season survey of our fall  
7 season, which will end the end of the month here. The  
8 region or regions or subregions to be surveyed would be  
9 defined on a yearly basis depending on monitoring  
10 priorities and funding available.

11  
12                   Continuation and further development of  
13 ongoing dedicated surveys for species of conservation  
14 concern. Harvest surveys to address species of  
15 conservation concern need to be designed on a case-by-  
16 case basis to reflect the local harvest patterns and  
17 the biology and distribution of the bird. Such  
18 dedicated surveys must focus specifically on management  
19 and conservation priorities identified on a regional  
20 and local scale. Harvest of species of conservation  
21 concern are usually represented by a few data points  
22 requiring an adequate delineation of the sampling  
23 universe and the sampling strategy. Such harvest  
24 surveys must be complemented by ethnographic  
25 information that provides context for interpretation of  
26 the reported and expanded numbers.

27  
28                   And that ethnographic is, I guess, one  
29 of the earlier words that were used to describe now  
30 traditional and ecological knowledge. In order for  
31 this process to happen, it's been known we collect this  
32 information from the people that are experienced  
33 hunters and users of the resources.

34  
35                   BBNA YKC supports the continuation of  
36 ongoing efforts to develop dedicated surveys addressing  
37 local issues related to species of conservation concern  
38 such as a Loon Entanglement Survey in the North Slope  
39 and the ethnographical and biological studies conducted  
40 on the harvest of Loons on the St. Lawrence Island.

41  
42                   BBNA YKC would be willing to provide  
43 support in the context of a harvest monitoring system  
44 that continuously and simultaneously addresses  
45 monitoring priorities on both commonly taken species as  
46 well as species of conservation concern. Such  
47 dedicated surveys have a higher potential to enlist new  
48 funding because they are relatively small projects  
49 limited in time and geographic coverage and addresses  
50 specific monitoring priorities related to species of

1 conservation concern.

2

3                   The third element is activation of work  
4 group to evaluate the AMBCC harvest survey for commonly  
5 taken species and to develop dedicated surveys for  
6 species of conservation concern. BBNA YKC supports the  
7 activation of the work group proposed by USFWS to  
8 conduct technical work related to the second revision  
9 of the AMBCC Survey Program. Although expertise to  
10 perform advanced statistical analyses may be  
11 incorporated to this working group, the members already  
12 identified from agency, staff and Native partner  
13 organizations could formally start working to lay out  
14 processes and identify priorities to be addressed by  
15 the second revision of the survey.

16

17                   This last element was not included in  
18 the first draft proposal and it was placed after our  
19 YKC meeting with -- that came out of the meeting.  
20 Development and implementation of education and  
21 outreach efforts in the villages to address species of  
22 conservation concern. BBNA YKC recommends as a high  
23 priority for this program the development of efforts in  
24 outreach and education to better communicate issues  
25 related to species of conservation concern with the  
26 villages. Such efforts should focus on regional issues  
27 to:

28

29                   1) provide information on biology,  
30 ecology, population and conservation status and  
31 subsistence harvest reports of species of conservation  
32 concern;

33                   2) provide information materials and  
34 other opportunities to help people identifying species  
35 of conservation concern and to minimize potential for  
36 harvest of such species;

37                   3) create opportunities to include  
38 local and traditional knowledge and enhance  
39 understanding of the biology, ecology and distribution  
40 of species of conservation concern, local uses of such  
41 species as subsistence and culture resources and  
42 numbers provided in past and current harvest surveys.

43

44                   This proposal, after September 20  
45 meeting, was signed in October. Well, the chairman  
46 signed it in September.

47

48                   I'll quickly go through the PowerPoint  
49 which further explains the proposal. This is kind of a  
50 history, background history. On October 16, meeting

1 convened by US Fish and Wildlife to propose and discuss  
2 the second revision of the AMBCC harvest survey focus  
3 on data collection of species of conservation concern  
4 and reduction of survey costs.

5  
6 About three months later, January 20th,  
7 the second meeting on the second revision of the survey  
8 was discussed. About five months later in June,  
9 AMBCC's spring meeting further discussed that. As you  
10 all know, I think there was an opposition from this  
11 June meeting. Shortly after that, July 15, we got this  
12 letter from the Regional Director to AMBCC  
13 communicating to us that they're going to forego  
14 harvest data collection starting 2012. Then September  
15 20th is when BBNA YKC regional meeting discussed this  
16 process and supported this proposal that I just got  
17 through reading.

18  
19 There's four elements that are within  
20 this proposal and these elements all coincide together.  
21 We can't pick and choose one or the other. They need  
22 to be in one package. The first element that I read,  
23 continuation of the AMBCC household survey at a reduced  
24 scale, I read that with the explanation earlier.  
25 Continuation further development of ongoing, dedicated  
26 surveys for species of conservation concern. The third  
27 element was activation of work group to evaluate the  
28 AMBCC harvest survey of commonly taken species and to  
29 develop dedicated surveys for species of conservation  
30 concern. The fourth element is development and  
31 implementation of education and outreach efforts in the  
32 villages to address species of conservation concern.

33  
34 The four areas I will explain further.  
35 The first element is continuation of the AMBCC  
36 household harvest survey at a reduced scale covering  
37 one or two regions with the largest number of birds  
38 harvested per year. As I read earlier under this  
39 element, hunters value harvest surveys with the  
40 understanding that the data will be used to protect  
41 subsistence harvest and the bird population they rely  
42 upon for their diet.

43  
44 I think Enoch and others of you that  
45 have lived a subsistence lifestyle will agree with me.  
46 I put the culture identify and the stability of the way  
47 of life here to, I guess, encompass our younger  
48 generation. Those of us that have lived the culture  
49 and are stable in our culture, it's just our way of  
50 life. We don't have to hunt to prove that we're in the

1 culture. We don't have to hunt to prove that we're  
2 going to be stable in our Native way of life. I guess  
3 it's sort of -- I'm going to use Doug as an example.  
4 You know, Doug doesn't have to prove that he's a  
5 Caucasian to go to Carrs to buy whatever to sustain  
6 himself.

7  
8 We've had changes in our culture. In  
9 my culture, when I was growing up, it was not an in  
10 thing to be a Native. If I had a drop of blood of  
11 Caucasian or another race, that's what I wanted to be,  
12 but now it's easier for now generation to be proud of  
13 who they are. There's those of us that are having to  
14 kind of rebuild ourselves to be proud of who we are.  
15 There might be some of us that need to hunt to prove  
16 that we're culturally okay and we're stable in our  
17 culture.

18  
19 The current survey collects data on  
20 harvest of the species most important to the hunters.  
21 When I wrote this, my thinking on this was that the  
22 most important to the hunters are the species harvested  
23 in larger numbers, but with the climate change and with  
24 the environmental changes we can't dictate to and the  
25 price of gas. When my household goes out, we'll  
26 harvest whatever is available.

27  
28 When Joe leaves the house, my husband  
29 leaves the house, he doesn't say I'm going to go hunt  
30 Cackling Geese because there might not be Cackling  
31 Geese. There might be other birds that are available.

32  
33 The last bullet. The current survey  
34 provides background for the development and maintenance  
35 of partnerships, collaboration and trust. It's not  
36 only a collaboration between partners and agencies now,  
37 it builds a trust. We have to build a trust, an  
38 ownership to our surveyors because if our surveyors  
39 don't have ownership, don't have understanding of what  
40 they're doing, they're going to collapse or they're  
41 going to back out if they get challenged.

42  
43 So our surveyors are trained. If  
44 they're well trained, they will have ownership. We all  
45 know this, they're our eyes and ears of this project  
46 which I rely on. They're the ones that give us  
47 information. They're the ones that households invite  
48 into their house. Even me, being a Native, coming down  
49 from Dillingham to Pedro Bay or to Chignik, they're  
50 going to have a resistance with me until they

1 understand exactly what I'm there for. With so many  
2 programs, so many things going on, people in the  
3 communities are always on guard, so surveyors play a  
4 large part in having our survey program succeed because  
5 they're the ones our communities trust.

6  
7           The element number two. Continuation,  
8 further development of ongoing dedicated surveys for  
9 species of conservation concern. Harvest surveys to  
10 address species of conservation concern need to be  
11 designed on a case-by-case basis to reflect local  
12 harvest patterns and the biology and distribution of  
13 the birds. I think we need to avoid red flagging any  
14 resources because I think -- I know. I've been with  
15 the survey -- I've made the survey program or survey  
16 process my career. I've been at this for over 30 years  
17 and I know that we need to not red flag any one  
18 resource because if we red flag any one resource,  
19 people will resist in completing the survey.

20  
21           Such harvest surveys must be  
22 complimented by ethnographic information that provides  
23 context for interpretation of the reported and expanded  
24 surveys and this is so important because if the  
25 households are invited to give their own personal  
26 experience into the survey, they will readily  
27 participate because that's what they know. We can't  
28 have them try to give us information they have no  
29 information about. So they welcome traditional and  
30 ecological knowledge information at certain levels. I  
31 know from working with the communities there's  
32 different stages of traditional and ecological  
33 knowledge. You can't pull up or you can't force people  
34 or they won't give you traditional ecological knowledge  
35 that's in depth. If people sense that you probably  
36 will not use the information they give you, they won't  
37 give it to you. They'll just give you the general  
38 information.

39  
40           The third element. Activation of work  
41 group to elevate the AMBCC Harvest Survey for Commonly  
42 Taken Species and to develop dedicated surveys for  
43 species of conservation concern. BBNA YKC supported  
44 the activation of the working group. It was proposed  
45 by US Fish and Wildlife Service to conduct technical  
46 work related to the second revision of the AMBCC Survey  
47 Program. Although expertise to perform advanced  
48 statistical analysis may yet to be incorporated into  
49 this working group, the members already identified from  
50 agency staff and Native partners organizations could



1 formally start working to lay out processes and  
2 identify priorities to address by the second revision  
3 of the survey.

4  
5                   This area is uncertain. I know we were  
6 given a process yesterday as to how it's going to  
7 happen, but we've heard that the funding is -- the  
8 reason why this other survey is being developed and it  
9 will be interesting to see how much savings that's  
10 going to impose.

11  
12                   The fourth element is development and  
13 implementation of education and outreach efforts in the  
14 villages to species of conservation concern as a high  
15 priority for this program. This section is so  
16 important. The first bullet, provide information on  
17 biology, ecology, population and conservation status on  
18 subsistence harvest reports of species of conservation  
19 concern. Provide information materials and other  
20 opportunities to help people identify species of  
21 conservation concern and to minimize potential for  
22 harvest of such species. Create opportunities to  
23 include local and traditional knowledge to enhance  
24 understanding of the biology, ecology and distribution  
25 of species of conservation concern, local uses of such  
26 species as subsistence and cultural resources and  
27 numbers provided in passing current harvest  
28 information.

29  
30                   The reason why I think that this  
31 element is so important is because if there's no  
32 education, I don't care what survey it is, if there's  
33 no education, no outreach, anything that comes up as  
34 far as collecting resource information especially  
35 traditional ecological knowledge, people are -- unless  
36 they understand exactly what they're giving, it's not  
37 going to fly because people are so cautious now.

38  
39                   It's probably true with your regions,  
40 but it doesn't happen overnight to develop trust for  
41 your villages. It takes years. I worked in my region  
42 for 26 years and there's improvement, the trust was  
43 built, but once that trust is broken it takes just as  
44 long to rebuild that trust. Education again and  
45 outreach to explain exactly what is going to happen is  
46 important.

47  
48                   The last slide here is other initiates  
49 supporting this line of action. This proposal I read  
50 to you earlier above the recommendation of the Flyway

1 Council and I don't know if Dan Rosenberg is here.....

2

3 MR. ROSENBERG: I'm right here, Molly.

4

5 MS. CHYTHLOOK: .....to further explain  
6 the recommendations that came out of this.

7

8 CHAIRMAN RABE: Molly, I mean you read  
9 it verbatim from the document. I don't know that  
10 there's really anything more. In the interest of time,  
11 let's finish the presentation and we'll get the Service  
12 information.

13

14 MS. CHYTHLOOK: Okay. And then all of  
15 you, it's in your packet, have the ADF&G commissioner's  
16 letter of support for this proposal. I guess what I'm  
17 hoping will happen from the AMBCC partners is to take a  
18 position on this and the four elements that I explained  
19 in support of this reduced survey because my fear is  
20 that if what we've been doing -- and it seems like it's  
21 going to, I haven't seen anything that is going to take  
22 place of the ongoing surveys, except that something  
23 might come up after two years of developing something -  
24 - is to keep this survey process, this survey program  
25 on a reduced scale until such time that something else  
26 happens. Once something is dropped such as this, the  
27 important process that we've been doing to collect  
28 information from our communities, once that's thrown  
29 out the door, it's going to take some explaining to try  
30 to bring it back up again.

31

32 I guess at this point I would like to  
33 hear from our partners what do you think of it.

34

35 CHAIRMAN RABE: Thank you for the  
36 presentation, Molly. Actually I think that we have one  
37 conversation here which is related to both your  
38 presentation and what the Fish and Wildlife Service put  
39 on as an update agenda item. So I think it would be  
40 beneficial if we had all the information on the table  
41 and then enter into the discussion of the specifics and  
42 your proposal directly.

43

44 Russ is not here, so Doug Alcorn will  
45 be providing some additional information then for the  
46 Service.

47

48 MR. ALCORN: Thank you, Mr. Chair.  
49 This is a fairly complicated bit of history and chain  
50 of events that Molly did a really good job of laying

1 out what's occurred. I'm going to go back a little  
2 further.

3

4                   Before I start, I want to say, Molly, I  
5 appreciate your presentation and I appreciate this  
6 proposal and I'm going to suggest to you that the Fish  
7 and Wildlife Service wants, in the outcome of all these  
8 discussion, we want exactly what you're proposing with  
9 just one exception and I'll get to that. There perhaps  
10 is a way to work around the one exception to the  
11 proposal.

12

13                   Let me go back and say that for those  
14 of you that have not been involved with this survey or  
15 with this Council for the past 11 or so years since its  
16 inception, the harvest survey has its history for the  
17 Yukon-Kuskokwim Delta. It was designed and implemented  
18 on the Y-K Delta starting back in the '80s to, I think,  
19 compliment conservation measures that were being put in  
20 place through what was then the Hooper Bay Agreement  
21 and the Yukon-Kuskokwim Goose Management Plan. It was  
22 an effort between the Fish and Wildlife Service, the  
23 Refuge Program, the states, the Pacific Flyway Council  
24 and the hunters on the Y-K Delta to focus their hunting  
25 efforts on some species while giving other species a  
26 break for purposes of trying to rebuild those  
27 populations. The survey, as I understand it, was  
28 designed to document use of birds. It was designed  
29 specifically for that region.

30

31                   When the protocol was amended and the  
32 AMBCC was formed and we began to view the state as a  
33 whole in recommending regulations to the Service, we  
34 talked about expanding that survey to a statewide  
35 survey and we did that. At some point in the mid  
36 2000s, probably five or six years ago, we had a  
37 statistician work with us, Joel Reynolds was his name,  
38 to do what I understand to be what I call power  
39 analyses and that tells you whether statistically your  
40 design is delivering statistically significant  
41 information. Information that's precise and accurate  
42 and significant from a statistical perspective.

43

44                   Based on his recommendations and based  
45 on a revision, we began to implement a revised harvest  
46 survey on what is referred to as a rotating panel  
47 approach. Meaning we didn't have enough money to  
48 survey the entire state every year and we had to rotate  
49 by region to implement that. What that didn't address  
50 in that revision was the inherent inaccuracies

1 associated with the model.

2

3                   What I mean by that is when we began to  
4 get results from that revised survey, we began to  
5 realize that there were birds showing up on the survey  
6 by region that didn't even occur as we understand them  
7 to occur in the region. So there were errors in  
8 species identification. Errors that were being  
9 reported for a region that indicated that birds were  
10 being harvested or their eggs were being harvested and  
11 from our years of flying waterfowl surveys in those  
12 regions those birds don't occur there, so that left us  
13 with a conundrum.

14

15                   The conundrum is this. When we have to  
16 use that information to assess the potential impacts of  
17 harvest and the action to establish regulations, when  
18 we use that information and apply it to management  
19 decisions that we have to make, we were faced with an  
20 issue of known inaccuracies but not quantifiable, but  
21 we do know that they are not totally accurate and we're  
22 not comfortable with the level of inaccuracy, and then  
23 having to apply those as the best available data to  
24 management decisions that we have to make.

25

26                   Those management decisions that we have  
27 to make are related to our support of the regulations  
28 that go forward through the Flyway Council processes  
29 and that go forward through the SRC processes and also  
30 management decisions that we have to make relative to  
31 the Endangered Species Act, Section 7 consultation.  
32 What that consultation requires in a nutshell is that  
33 any time a Federal action is proposed the Federal  
34 agency that is proposing the action has to do an  
35 analysis on the potential impact on birds that are  
36 either listed under the Endangered Species Act or  
37 candidates to be listed. That Section 7 consultation  
38 requires the application of the best available data.

39

40                   Through the courses of those analyses  
41 over the past say five years what has become very  
42 obvious is the inaccuracy, the unquantifiable  
43 inaccuracies associated with the current survey. So  
44 given those inaccuracies and the problem and the  
45 dilemma that you can all appreciate that my agency now  
46 is experiencing, the managers that have these  
47 responsibilities to do these analyses have instructed  
48 me to look at the way that we conduct the survey, look  
49 at the survey design and to try to design a method of  
50 collecting data and delivering data that is more

1 accurate. So that's the charge.

2

3 Now when we began to discuss that  
4 charge it comes in the context of the management  
5 realities that I am facing right now and we talked  
6 about the budget realities in the June meeting and  
7 those budget realities are in fact becoming more and  
8 more real. In fact, this new fiscal year we're  
9 operating on a 1.5 percent reduction and that reduction  
10 may be increased depending on what the Congress does  
11 with our fiscal 2012 budget. Right now we are  
12 operating on a declining budget and it's quantified  
13 right now at 1.503 percent based on a continuing  
14 resolution that will carry us through the middle of  
15 November.

16

17 The Congress has to enact some  
18 legislation between now and the middle of November in  
19 order to keep the Federal government solvent and  
20 working. So we don't know what that final decision  
21 will be and very likely it will continue on as a  
22 continuing resolution until the super committee that's  
23 been formed between the two houses of Congress have  
24 their deliberations and make a recommendation. That  
25 may take a long time. The bottom line is we're working  
26 under a declining budget.

27

28 We are also working under escalating  
29 costs. Personnel costs are going up in the  
30 neighborhood of 5-8 percent based on the Alaska/Hawaii  
31 Locality Pay Equity Act. We're also operating under a  
32 scenario where my real estate costs are being  
33 negotiated at this moment and we anticipate that those  
34 real estate costs, it's a 20-year lease, is coming due  
35 at the end of this fiscal year. We anticipate that  
36 those real estate costs are going to increase by 91  
37 percent at this point. That means that my rent will go  
38 up from \$360,000 a year to over \$700,000 per year for  
39 my program. I have to take that money from someplace  
40 in order to continue to do business.

41

42 So not just this project but all of my  
43 projects are under scrutiny right now, budget scrutiny.  
44 When I weigh all of those factors and I look at the  
45 data that the current survey is generating, the bang  
46 for the buck frankly is not there. Now I appreciate  
47 what Molly said, that there is also value in engaging  
48 our partners and keeping the hunters engaged and doing  
49 outreach, conducting outreach, and continuing that  
50 collaboration and that relationship. I understand

1 that. That is very critical to the success of this  
2 program and I will commit to you that as you all are in  
3 this business for the long haul to perpetuate your  
4 customs and cultures, we too, as an agency, are in this  
5 for the long haul. This is not a short flash in the  
6 pan endeavor that the Fish and Wildlife Service is  
7 making. We are committed. We are committed to the  
8 AMBCC and we are committed to the harvest survey.

9  
10 Now where I think we need to have  
11 discussion is in the actual survey itself and the  
12 conduct of that survey as currently designed. That  
13 survey, as I mentioned, is delivering information that  
14 is minimally useable. It's being applied because it's  
15 regarded as the best available data. As I've  
16 characterized, it is far from being as good as it needs  
17 to be for making management decisions.

18  
19 We began discussions of this over a  
20 year ago with the AMBCC, with the Harvest Survey  
21 Committee, the AMBCC and with the State. So the  
22 decision to forego the 2012 harvest survey is not  
23 coming without ample discussion and forewarning, so  
24 it's being phased in over time, but it's also essential  
25 that we create enough significant savings in order to  
26 actually fund the revision and the discussions and the  
27 work that's associated with that. That doesn't come  
28 free as you all know. It's something that we have to  
29 commit to and my program has to support and fund.

30  
31 So these are management decisions that  
32 I am compelled to make and I understand the imperative  
33 that was presented in the proposal by Molly. I fully  
34 appreciate that and I would say with the exception of  
35 the very first bullet, that BBNA is proposing the  
36 continuation of the current survey occur through 2012  
37 and beyond, that is something I just, number one,  
38 cannot afford and, number two, the Fish and Wildlife  
39 Service is not prepared to support it when we have a  
40 need to increase and improve the quality of that  
41 information.

42  
43 I think that what's proposed here that  
44 Molly presented and what the Fish and Wildlife Service  
45 is proposing are very similar. I don't see them as  
46 being diabolically or diametrically opposed. I think  
47 they are very consistent in what outcomes that we're  
48 trying to accomplish. What I do see is a shift in  
49 timing and a lag and that lag is to give us time to  
50 work through this process.

1 What was proposed in the June meeting was simply a  
2 process. It was not a predisposition to a particular  
3 survey.

4  
5                   There is a survey that Dan referenced  
6 yesterday, the Harvest Information Program. It's a  
7 national survey for waterfowl management and it is  
8 conducted in a way that tries to minimize the errors  
9 associated with misidentification of species and that  
10 is an approach that we would like to discuss. It  
11 doesn't mean that that particular model would be  
12 applied or developed, but there is a certain need to  
13 begin to minimize the error associated with our current  
14 harvest survey.

15  
16                   We are fully committed to keeping the  
17 harvest survey going when we agree that it's the best  
18 that it can be, but we do not agree that at this point  
19 it is the best that it can be. So that is something I  
20 think we are proposing that we address and we all  
21 engage in the discussions of how to make it the best  
22 that it can be.

23  
24                   The recommendation that Molly read from  
25 the Pacific Flyway Council is that the Service and the  
26 AMBCC needs to develop harvest survey estimates that  
27 are accurate and I'll just say sufficient to help make  
28 management decisions. We are, at this point, finding  
29 that the information is minimally sufficient given the  
30 errors associated with it. When we are asked to defend  
31 the decisions that we have, we are in a tenable  
32 situation trying to defend a situation with known error  
33 but unquantifiable error.

34  
35                   So what we had proposed in June and we  
36 are working now on a scope of work, which you all had  
37 distributed to you two days ago, is the design of a  
38 survey that accomplishes the objectives that are listed  
39 on Pages 1 and 2 of that scope of work. The first  
40 objective is to monitor the harvest of migratory birds  
41 of greatest importance to subsistence users.

42  
43                   I don't think that this is being  
44 characterized as species that hunters go out and say  
45 today I prefer to catch a White-Fronted Goose or today  
46 I prefer to catch a Cackling Canada Goose. I don't  
47 think that's how this is being characterized. What  
48 this means, as I understand it, are the birds that are  
49 harvested in great numbers in this state, so that by  
50 definition they are important to the state, important

1 to subsistence hunters and also those birds that are of  
2 importance to the Flyway Council.

3

4                   For example, Brant and Cackling Canada  
5 Geese are, as you found out yesterday in Eric's  
6 presentation, abundant in portions of the Pacific  
7 Northwest to the point that they're considered nuisance  
8 species. There are management discussions associated  
9 with that issue occurring at the Pacific Flyway Council  
10 and with the Waterfowl Conservation Committee of the  
11 Y-K Delta, the WCC, and with the State of Alaska to try  
12 to deal with that particular issue. Those are species  
13 of greatest importance, I believe, by definition to  
14 subsistence users and species of great importance to  
15 all of the stakeholders that are involved in waterfowl  
16 management, migratory bird management across the  
17 country.

18

19                   The second objective is to monitor the  
20 harvest of species whose populations are suspected or  
21 known to be declining or that are particularly  
22 sensitive to harvest or that are protected under the  
23 Endangered Species Act. This is the objective  
24 associated with those rarely harvested birds and as  
25 characterized in Molly's proposal, those are birds that  
26 are harvested in low numbers and that are more  
27 incidental, not really direct targets to be harvested,  
28 but do show up in the survey.

29

30                   The desire is to improve the accuracy  
31 of that, not to just focus solely on rarely caught  
32 birds. That's not the purpose of this proposal. It's  
33 not to develop a particular stand-alone survey just on  
34 endangered species or just on rare species or just on  
35 closed species. That's definitely not what is  
36 envisioned here.

37

38                   Molly's proposal that traditional  
39 ecological knowledge and ethnographical information,  
40 those are essential. Those are envisioned to be  
41 essential to the quality of the information because it  
42 does provide the context and the way that we then  
43 interpret the information. We realize that with a  
44 survey you will never have 100 percent accuracy because  
45 a survey is a sample of the harvest, it is not a  
46 census.

47

48                   We also realize that by the design of  
49 any type of survey if it's not a survey that occurs  
50 immediate in time and proximity to the harvest, there



1 are errors associated with recollection. Hunters don't  
2 have 100 percent recall of what they harvested, when  
3 they harvested and the species they harvested. There  
4 are errors associated with that and we understand that.  
5 That is the context by which we interpret the  
6 information.

7  
8                   What we are proposing is to have the  
9 dialogue so that we can discuss the quality of the  
10 information that we have, discuss an approach to try  
11 and improve the quality and understand the context of  
12 that information so that it can be then cast and  
13 presented in management decisions to the best way that  
14 we can do that and so that we can quantify and know the  
15 error or at least we can make assumptions about the  
16 error and we can articulate those assumptions. Right  
17 now I'm not sure we can do that with the current  
18 survey.

19  
20                   So to continue the execution of that  
21 survey only, in my opinion, perpetuates the problem.  
22 But I fully appreciate the need to keep the dialogue  
23 active and to keep the hunters engaged and to keep our  
24 surveyors trained and fully involved in that discussion  
25 and I think there are ways that we can continue to work  
26 together in the interim of not actually conducting the  
27 survey but to still engage our hunters, the regional  
28 representatives through training, through outreach,  
29 through work that still will be value added to this  
30 process.

31  
32                   The actual estimate of harvest will be  
33 postponed until we have the model that helps us all  
34 collectively manage this with the best available data.  
35 I think we're all wanting the same thing. It's just  
36 how we get there and how long it's going to take I  
37 think is what's being debated now and I will give you a  
38 personal commitment that as long as I am managing this  
39 program I am committed, Molly, to this survey and not  
40 going to see that it goes away because we can't afford  
41 to let it go away. We can't afford to manage without  
42 information. We can't go to the Pacific Flyway  
43 Council. We can't go to the SRC and we can't propose  
44 regulations with no information and we can't do any of  
45 our annual analyses without information.

46  
47                   Now can we do it without annual  
48 information? Yes, we can do it without annual  
49 information. It does not have to be collected  
50 annually. I don't think that's for this Council to

1 figure out what the most appropriate model is because I  
2 am certainly not a modeling expert. I am not a  
3 statistician. I haven't been a scientist since 1993  
4 when I walked over to the dark side of management and  
5 no longer doing science. All of that expertise though  
6 resides in people that you know and that we know and  
7 that can have those discussions that can then advise us  
8 to make sound decisions as a management body that we  
9 are designed to do.

10

11 I just hope that you will bear with us  
12 and that you will help resolve this issue that we have.  
13 This is a real issue that the Fish and Wildlife Service  
14 has. It's not something that we can just continue to  
15 perpetuate and say the issue doesn't exist. As we  
16 experienced when we did the analysis for Yellow-Billed  
17 Loon and the potential impact of subsistence harvest on  
18 Yellow-Billed Loon, the survey result and the estimate  
19 of the harvest from the Bering Strait Region delivered  
20 an estimate that our professional biologists and  
21 statisticians didn't feel comfortable with, yet it was  
22 the best available information and it was then applied  
23 and that is something we feel we can improve on.

24

25 MS. HEPA: We've worked with that term  
26 as well. When you have best available information, but  
27 when you know that the information is not good, it's  
28 bad data, bad information, we disregard it. You don't  
29 use the best available information if it's bad data and  
30 we knew it was obviously wrong. I think that's  
31 something the Service needs to put into consideration.

32

33 For example, we had reported that 400  
34 Canadian Geese -- this was in the data taken out in  
35 Nuiqsut, but the people knew it was wrong, the managers  
36 knew it was wrong because they were catching White-  
37 Fronted Goose. It's the same thing. It was noted and  
38 the manager said, okay. Well, we understand that the  
39 information is not good. Even though that was the best  
40 available information, it was wrong data. So I think  
41 you need to think about that or Fish and Wildlife needs  
42 to think about that when they're trying to make very  
43 important management decisions that are going to impact  
44 our subsistence way of life.

45

46 Thank you.

47

48 MR. ALCORN: Taqulik, I could not agree  
49 with you more. We agree 100 percent and that's the  
50 whole reason why we need that TEK to provide that

1 context. I will tell you though that the decisions  
2 associated with the Yellow-Billed Loon analysis were  
3 not just associated with the harvest estimate, but it  
4 was a significant point that was considered.

5  
6           There are five or six factors in a  
7 listing proposal that have to be considered and those  
8 are fairly complex analyses and complex discussions and  
9 that is published in the Federal Register if you're  
10 interested. You can find out how the Service then did  
11 that. I'm sure you've read it and I've read it too.  
12 It is a decision that is still pending because that  
13 decision is re-analyzed every year. The Yellow-Billed  
14 Loon is not listed. It is a candidate for listing,  
15 meaning it is warranted but precluded.

16  
17           As information is brought to bear in  
18 the discussion, new information, all of that then is  
19 considered. So my goal is to bring to the table the  
20 best information that we can. That will take some time  
21 and I'm hoping that with this contract put in place,  
22 with the beginning of the dialogue this winter and with  
23 the possibility with your assistance designing  
24 something that is going to be applicable and useable  
25 and actually implementable in the regions, that we can  
26 then come to these management decisions with quality  
27 information.

28  
29           I guess that's where I'll leave the  
30 presentation that we have a scope of work, it's draft  
31 because there are some changes that will necessarily be  
32 made. For example, the timeline is not accurate now  
33 because of our contracting delays associated with some  
34 of our technologies, contracting technologies  
35 associated.

36  
37           We do have this. We're fully intending  
38 to move forward with this and we're hoping that the  
39 AMBCC will continue to support this work and I think  
40 it's consistent with the proposal in that the second,  
41 third and fourth points of the proposal that Molly has  
42 presented are to -- or the third and fourth activation  
43 of the work group to evaluate the AMBCC harvest survey  
44 and then develop and implement education and outreach,  
45 we are committed to continuing those and working on  
46 those.

47  
48           Thank you, Mr. Chair.

49  
50           CHAIRMAN RABE: Thank you, Doug.

1 Before we get into entertaining comments and discussion  
2 on this point because I think I rightfully recognize  
3 that this is a fairly passionate and very important  
4 central issue at this point in time for the Council and  
5 I certainly want us to give it all the consideration  
6 that it deserves, but I want to be sure to ask  
7 everybody that as you prepare and deliver additional  
8 information that we be as efficient as possible in  
9 getting your points across so that we can share as much  
10 detailed information without repeating things  
11 unnecessarily. Because of the passionate level, I know  
12 that this has the potential, I think, of going into a  
13 different arena, which could consume a lot of time and  
14 not necessarily move us to an outcome on this all that  
15 fast. So I just ask that folks keep that in mind as we  
16 start the conversation.

17  
18 At some point, I will talk a little bit  
19 about sort of the State's perspective on some of this  
20 too because there has been correspondence between the  
21 Department of Fish and Game and the Regional Director  
22 on this particular topic, but I won't go into that now.  
23 I'm just going to entertain comments and questions from  
24 Council at this point. Molly, I think you were the  
25 first.

26  
27 MS. CHYTHLOOK: Yeah, I just have a  
28 question on the third element. Estimate total harvest  
29 to meet current MBPA requirement and under sub-task --  
30 it was mentioned on the task too, but under the sub-  
31 task, number two, examine current uses of fall harvest  
32 data for the annual fall harvest regulation process.  
33 Without the Federal not having a fall regulation, how  
34 is this going to work? You know, we've put in  
35 regulations to do fall hunts and I know that the fall  
36 harvests are captured in our survey. That's why the  
37 Bristol Bay region right now is in its last segment of  
38 the survey because we're going to be collecting fall  
39 harvests. It's not through the Federal regulations but  
40 through another State regulation, I guess. Are the  
41 fall harvests going to be captured, collected under  
42 what?

43  
44 MR. ALCORN: The fall and winter  
45 harvest is collected in the State of Alaska as it is  
46 collected all across the country. It's collected  
47 through that Harvest Information Program survey. It's  
48 a survey that is not conducted at the same level  
49 sampling rate as we do our subsistence survey for  
50 spring and summer seasons. It is a much lower level of

1 frequency of number of hunters surveyed, but it is  
2 still conducted and that information then is used and  
3 analyzed and applied to the coming years and I don't  
4 know how current it is. I'm assuming it's probably a  
5 year out, like ours is.

6  
7 So the latest information that we have  
8 adopted from AMBCC was, I believe, our 2009 survey  
9 information. So that's the information that gets used  
10 and analyzed when we propose the regulation for 2012  
11 and we do our environmental assessment, we use that  
12 information, as does the Division of Migratory Bird  
13 Management in Washington, D.C. when they are doing  
14 their environmental assessment and biological opinions.  
15 They use the current -- what is deemed the most current  
16 harvest information program data. I'm thinking that's  
17 probably about a year old or a little older than that.  
18 Not much different than ours.

19

20 CHAIRMAN RABE: Enoch.

21

22 MR. SHIEDT: Yeah. Doug, Molly. What  
23 you guys are talking about and the way I understand it  
24 from you guys that the problem of the survey started  
25 all from the misidentifying the certain birds. If I  
26 was you I would recommend -- I'm going to recommend  
27 that whoever using these surveys and misidentifying  
28 these birds need to be educated and maybe that will  
29 solve the problem. I keep hearing from you the cost of  
30 where you keep your employees is really hurting us and  
31 it seems like you're targeting our harvest survey,  
32 which is very important because that will tell you how  
33 to manage the birds. I keep hearing it's going to more  
34 than double up and it's going to do that. I think what  
35 you need to do is find another building, very simple,  
36 or buy a building you could own and instead of renting  
37 it you could -- I hate to get there, but I have to.  
38 It's just the way I hear from you. And they need to be  
39 educated on identifying the birds.

40

41 CHAIRMAN RABE: Rick.

42

43 MR. ROWLAND: Rick from Sun'aq. I  
44 wrote a couple things down while you were speaking,  
45 Doug. Thank you. My thoughts came to this is a co-  
46 management migratory bird council, not co-analysis. I  
47 also heard you say that lack of funding due to the  
48 building. I also heard that there are concerns about  
49 funding availability for finding a survey.

50

1                   So two things came to my mind about a  
2 question. Where are you going to find the money for  
3 the survey and are you aware of online survey sites  
4 that provide free surveys? So two questions. Where are  
5 you going to find the money for the survey and then are  
6 you aware of free surveys online?

7  
8                   MR. ALCORN: Right now, given the  
9 current model of the survey, I'll talk the first  
10 question, where we find the money. The current survey  
11 for last year cost over a half million dollars when all  
12 the costs are rolled up. That's based on the new model  
13 that was approved a couple of years ago and that  
14 approval was anticipating an infusion of some other  
15 additional funding that never materialized. We  
16 realized the money through salary savings in order to  
17 support that for a couple of years, but we don't enjoy  
18 the salary savings. So the goal is to reduce the  
19 actual cost of the survey back to approximately  
20 \$300,000, which is the amount that was budgeted for  
21 this program early on. So that's one way you recoup  
22 some cost, is you just try to reduce costs.

23  
24                   Again, I'm not predisposed to the  
25 particular model that would be applied, but what that  
26 suggests to me is that you do it perhaps less  
27 frequently or the scope of the survey is more  
28 constrained in any given year. It then becomes a very  
29 much slower cycle to rotate through the entire state.  
30 Until the Congress makes us more flush with funding to  
31 support that, we, as managers, have to make those kinds  
32 of management decisions.

33  
34                   Another thing that we are looking at as  
35 a region, not just my program but as a region, we are  
36 managing by attrition. As positions are vacated, as  
37 people retire, as people transfer to other jobs, we are  
38 leaving positions vacant in order to reduce costs.  
39 Those are strategies that are regarded as workforce  
40 management strategies and we have each Assistant  
41 Regional Director in the Fish and Wildlife Service in  
42 this region has to provide to the Regional Director a  
43 workforce management strategy for fiscal 2012 and  
44 beyond and how we're going to deal with these  
45 escalating costs and try to get the work done. I mean  
46 that's really where we are right now on how we're going  
47 to find the money.

48  
49                   Would you repeat the second question?  
50 I'm sorry, I've lost it.

1 CHAIRMAN RABE: Online survey.  
2  
3 MR. ALCORN: Oh, online surveys. Okay.  
4 I am aware that some surveys are conducted online. The  
5 HIP survey I understand is conducted telephonically. I  
6 think that there are methodologies that we perhaps  
7 could explore for the State, for the subsistence survey  
8 and perhaps realize some economies of scale or  
9 efficiencies associated with different methodologies  
10 and I appreciate the recommendation. That's something  
11 that bears discussion, I think, by the people that will  
12 be discussing this.  
13  
14 MR. ROWLAND: One follow up.  
15  
16 CHAIRMAN RABE: Go ahead, Rick.  
17  
18 MR. ROWLAND: So the other thing too  
19 that keeps coming up is we're always talking about a  
20 Duck Stamp. So how about talking to the post office  
21 and ask them to help out with surveys too? I mean  
22 that's a potential for a partnership with the US Fish  
23 and Wildlife. Somebody picks up their stamp, they fill  
24 out a survey and that's at a cost to the post office.  
25  
26 MR. ALCORN: That's another suggestion.  
27 I appreciate that suggestion too.  
28  
29 CHAIRMAN RABE: To the extent that we  
30 can, I know there's going to be a tendency to want to  
31 get down into a lot of details in terms of how we might  
32 go about other approaches, but it seems to me that the  
33 primary discussion is one that focuses on the decisions  
34 that the Service has made at this point in terms of a  
35 process that they are putting forward that they intend  
36 to use, which Doug has made his case to say that it's  
37 driven by economics in a large part as well as issues  
38 of data quality.  
39  
40 Recognizing that if the Service moves  
41 forward with creating this committee, there's plenty of  
42 opportunity to talk about details if we were to do it  
43 differently.  
44  
45 So, with that, Patty, you had.....  
46  
47 MS. BROWN-SCHWALENBERG: Thank you, Mr.  
48 Chairman. The way I see it we redesigned the survey  
49 once before and it wasn't shortly after that redesign  
50 the Fish and Wildlife Service decided that it needed to

1 be revamped once again. This discussion isn't going to  
2 come to any unified decision I don't think and it  
3 really leads right back into the next thing on the  
4 agenda about the co-management process. Because, once  
5 again, the regional management bodies are subject to  
6 whatever the Fish and Wildlife Service decides. We  
7 have no recourse. You've made your decision. The  
8 train has left the station and what I'm feeling like is  
9 that the Fish and Wildlife Service is trying to grab  
10 our coats from the depot while they're going along the  
11 train tracks to make sure we're on board and agreeing.

12

13

14 Bristol Bay and the North Slope have  
15 put forward two, I think, sound proposals to keep the  
16 surveys going and all it takes is the Fish and Wildlife  
17 Service to say no and we don't have any recourse. So I  
18 would respectfully ask that we just kind of move into  
19 the next topic about co-management.

20

21 Thank you.

22

23 CHAIRMAN RABE: Well, I would certainly  
24 entertain that, but don't want to shut off this  
25 conversation specifically if there are any other very  
26 germane questions or comments on that. Taqulik, do you  
27 have one.

28

29 MS. HEPA: It's very similar to what  
30 Patty said. I think it's a good lead in to the next  
31 discussion. I just want to commend both Doug and Molly  
32 for their points of view on the two different  
33 perspectives on a way to move forward.

34

35 What Molly did I thought was exactly  
36 what our duty is as a co-management partner. She came  
37 to the table with a recommendation. But what I'm  
38 pretty disturbed about is that when the Regional  
39 Director decided that the survey was not going to  
40 continue forward and they're going to do something  
41 else, to me that was overstepping what this AMBCC is  
42 supposed to be doing. He should have come to the AMBCC  
43 and said, okay, we have a situation, what is your  
44 recommendation, instead of saying it's going to be cut  
45 off and this is the way we're going to be doing it.

46

47 So I was pretty disturbed and  
48 discouraged that he has the power to do that. It just  
49 goes into what the next discussion is. We need to  
50 remind ourselves what is our role. What is our duties



1 as a co-management partner. Was that the intent of --  
2 like I said the other day, the people that sat at the  
3 table before us. Who helped change the amendment to  
4 make us legal subsistence migratory bird hunters. That  
5 was their intent.

6  
7 The other one that I wanted to bring up  
8 too was, it was in her slide that mentioned we need to  
9 create an opportunity to include TEK and local  
10 observations. It's not create an opportunity, but the  
11 Service -- and I heard you say it and I commend you for  
12 it, but we need to make it happen. Local observations  
13 and what the people know and have observed over the  
14 years and the knowledge that's been passed down from  
15 generation to generation is so important.

16  
17 It's so important for what the outcome  
18 of the research is going to be because the researchers  
19 come and go. They're there seasonally. They don't  
20 have the long-term observations of what people have  
21 seen in regards to Yellow-Billed Loons, Steller's  
22 Eiders. Whatever the bird is. They know and that  
23 needs to be considered and incorporated into these  
24 study designs. So I see a lot of researchers out there  
25 focusing on the study questions but not implementing  
26 what people -- and coming to the people to talk about  
27 it so that we are a true partner.

28  
29 Thank you.

30  
31 CHAIRMAN RABE: Billy.

32  
33 MR. TRIGG: Hello. Doug, since money  
34 is a big issue now, as far as the survey goes, would it  
35 be possible to reduce the pay to surveyors to maybe 30  
36 per household or 25 per household?

37  
38 MR. ALCORN: To reduce the pay?

39  
40 MR. TRIGG: From the \$40 now per  
41 household.

42  
43 MR. ALCORN: I think it's possible, but  
44 I don't know exactly how the survey we're doing right  
45 now actually is conducted. I'm not that familiar with  
46 the actual conduct of the survey. That, again, is an  
47 example, I think, of a way -- one idea to economize to  
48 make this more feasible. I appreciate the  
49 recommendation, but I'm certainly not at a level of  
50 understanding to know whether or not that would be

1 effective.

2

3

MR. TRIGG: Currently I believe it's  
4 \$10 for permissions, \$10 for the spring, summer and  
5 fall for a total of \$40 per household. If those costs  
6 were reduced maybe to 30 or 25, being the form is a  
7 very simple form. Number of birds, number of eggs,  
8 you're done in two minutes. I don't think it would  
9 really hurt the surveyor much to maybe go to 30 or 25  
10 per household.

11

12

CHAIRMAN RABE: Thank you for the  
13 comment on that. I think that is reflective on  
14 something that would be very valuable if the Service at  
15 this point were entertaining ways to achieve cost  
16 efficiency of the design that they currently have to  
17 just live with it. But I think that the proposal in  
18 front of us is for a major redesign or at least a  
19 significant rethink of the design. So I'm not sure  
20 it's going to be useful to focus on just cost saving  
21 kinds of things. So I still want to entertain moving  
22 on to the next issue, which I think, as Pat pointed  
23 out, kind of overscopes this. If there are other points  
24 -- Joeneal, do you have.....

25

26

MR. HICKS: Joeneal Hicks, Copper River  
27 Native Association. I do agree with what you all have  
28 said here and I really appreciate your feedback,  
29 especially Molly from you. You know, this whole  
30 discussion does lead to the next as Taqulik has said or  
31 it pretty much reflects into what we're going to go  
32 into next here.

33

34

It bothers me that budget always seems  
35 to be a factor in our decision-making process. And  
36 we're always reflecting on harvest surveys and all  
37 that, but yet you expect us to make good decisions  
38 without any available good data, good research back-up  
39 material. Without any kind of solution in sight here,  
40 this is just going to continue and continue and  
41 continue. I don't agree with that, you know.

42

43

Harvest surveys, as I have mentioned  
44 again, for the Upper Copper River region is moot. I  
45 mean there ain't nothing to go on. So, in other words,  
46 I have to go by with what I got, which is nothing and  
47 you expect me to make good decisions with that.  
48 There's something wrong with that picture is what I'm  
49 getting at here.

50

1                   You know, we continue to talk about  
2 dollars and dollars, lack of funding, lack of funding,  
3 lack of funding. To me, somebody is not doing their  
4 job right. There is funding out there. They need to  
5 get off their B-U-T-T and work towards that funding,  
6 speak, make a voice, holler, scream. We need this  
7 funding and we need it now and explain why. Do your  
8 job.

9  
10                   The third one that I would like to see  
11 is also get our committees activated. Why was it  
12 crated? What was it put there for? A lot of this  
13 discussion could be put in those committees or those  
14 committees could make recommendations to us that  
15 lessens the time spent here looking at each other and I  
16 guess you could say arguing or whatever, you know.  
17 Those committees are there for a reason where they  
18 could actually work out a lot of these issues and  
19 present recommendations to us that otherwise us  
20 spending two hours here talking about a specific issue.  
21 It kind of concerns me. Here we go again, two hours on  
22 this particular subject when it should be only like 30  
23 minutes or so. Let's do this, make an action, period.  
24 You get my point.

25  
26                   Thank you.

27  
28                   CHAIRMAN RABE: Thank you for the  
29 comment, Joeneal. As I said earlier, I wanted to  
30 provide a couple thoughts from a State perspective  
31 because we have been engaged with the Service on this  
32 topic and I think some of the points and most of the  
33 points, if not all of them, have been made already, but  
34 I think it's important to share the perspective that  
35 the State agency has relative to this information.

36  
37                   Before going into a few of those  
38 comments I want to touch on the funding issue. Joeneal  
39 I completely appreciate the frustration and the  
40 comments that funding is a big stumbling block that  
41 Doug is focused back on out of necessity and he, I  
42 think, has done a good job of explaining the  
43 circumstances, the conundrum that he's in fiscally as a  
44 manager. I can appreciate that because I have similar  
45 responsibilities for large programs, as I think many of  
46 you do around the table, fiscal responsibilities.  
47 Those are very difficult things and I think we all  
48 recognize that fiscal constraints really dictate a lot  
49 of what we do and don't do. I mean more of what we  
50 aren't able to do.

1                   So having said that, I will put a  
2 suggestion on the table that when the State of Alaska  
3 on some specific items in the past has been frustrated  
4 with working relationships with the Federal government  
5 and there was a fiscal issue that was a central  
6 impediment to making progress. The State worked with  
7 the representatives in Congress to request and actually  
8 successful in receiving funds in a dedicated nature to  
9 address the particular problem. They may, in fact, be  
10 funded back through the Fish and Wildlife Service, but  
11 with an earmark. Of course, earmarks are very  
12 difficult discussion in Congress these days.

13  
14                   That is an avenue that could be used  
15 that could take some if  
16 not all of this discussion of financing off the table.  
17 Doug has made it very clear that as a body we cannot do  
18 that kind of lobbying, but as regional council members  
19 and as tribes you certainly are in a position, either  
20 collectively or individually, to make a case to have  
21 funding dedicated and set aside for these things.  
22 Frankly, if it were successful, it probably would open  
23 the door to a lot of other potential design  
24 considerations for issues like surveying and making  
25 sure that we continue to get the best information.

26  
27                   So I just offer that as one thought.  
28 In terms of some of the other State perspective on this  
29 particular topic, the State has expressed concerns to  
30 the Service from a standpoint of risk analysis. We're  
31 very concerned that the programs that have been  
32 developed for spring and summer harvest of migratory  
33 birds not be jeopardized by lack of information that  
34 might in fact be a focal by some group that decides  
35 they don't like the program and wants to shut it down.

36  
37                   Having said that, I'm not aware of any  
38 such group existing out there that's currently  
39 questioning or opposed to this program and the  
40 continuation of that. So, having said that, there is a  
41 risk analysis that we have some concern about, but how  
42 real and how imminent that risk is, we don't, as a  
43 State agency, we don't have a good sense of that. But  
44 we have tried to make that point a thoughtful  
45 reflection of the Service to make sure that they're  
46 giving due consideration for the broad program as well  
47 as the responsibilities for the rare species, including  
48 the threatened and endangered species that is part of  
49 that infrequently harvested group.

50

1                   We are interested in the quality of the  
2 data and making sure that the Service has good  
3 information and the point that was made that the  
4 Service doesn't use information when it's been  
5 collected but it's knowingly grossly flawed and really  
6 shouldn't be used and that was a significant discussion  
7 with regards to the Loon, which I think precipitated  
8 some of this discussion to begin with.

9  
10                   So we have had a number of  
11 conversations and to the extent that we continue to be  
12 fully supportive of the program, the broad harvest  
13 ability to go forward, we will continue to engage in  
14 dialogue with Service leadership, either regionally or  
15 at the national level, to ensure that we have the  
16 minimal risks in terms of this program going forward.

17  
18                   Having said that, given the current  
19 constraints, you know, we certainly want to be part of  
20 any thoughtful redesign of a program to ensure what  
21 comes out the other end, if it's more cost effective or  
22 not, is, in fact, going to be an improvement over what  
23 we have and not just a refocus onto a specific subset.  
24 Doug has repeated many times in his presentation that  
25 it's not intended to do that.

26  
27                   So, at this point, our desire with lack  
28 of any other avenue available would be to move forward  
29 as quickly as possible with the discussions of this  
30 redesign and see what that looks like because I think  
31 there's a lot of fear and a lot of unknown associated  
32 with that process that may be lessened once we get into  
33 the process. I think the delay in getting to that is  
34 creating a lot of anxiety.

35  
36                   So those are my thoughts and if we're  
37 comfortable leaving the subject at that point, then the  
38 next agenda item we're going to jump to is (f) and  
39 there was a request for a Native caucus to precede  
40 that. Given the time, which is now just after 11:00  
41 and the desire to have Doug here for that, I'm going to  
42 ask that we break for the Native caucus and that you  
43 consider that your break time and as soon as you're  
44 done we'll reconvene and go as far as we can with the  
45 balance of the discussion in (f) with some background  
46 material, I think, from Doug that he wanted to present  
47 and up until the point that he has to leave for his  
48 other commitment.

49  
50                   Rick, question on that?

1 MR. ROWLAND: I disagree with  
2 considering the caucus as a break time.

3  
4 CHAIRMAN RABE: We can add a few  
5 minutes to that. I mean the rest of us are going to be  
6 on break. I'm just asking for as efficient use of time  
7 as we can.

8  
9 MR. SHIEDT: This is an important issue  
10 and we need to talk about it. To us it's important for  
11 both sides. We just need to keep going for our time  
12 because I'm leaving whether I'm done today at 3:30. I  
13 told you that earlier. When you give your speeches,  
14 try to keep it and say it over and over not four times.

15  
16 CHAIRMAN RABE: Thank you. Rick, I  
17 stated it poorly, but what I mean to say was that I  
18 won't plan to have a specific break at the end of the  
19 caucus for an additional break if people need to do it.  
20 If you take care of the break and the caucus in one  
21 element, when you're ready to have everybody come back,  
22 we will continue with the meeting. Normally we take a  
23 15-minute break at mid morning and we're at that point.  
24 We'll stand down.

25  
26 (Off record)

27  
28 (On record)

29  
30 CHAIRMAN RABE: The first thing I'd  
31 like to ask of the group because I don't have a good  
32 sense, one, of how much background material Doug  
33 intended to introduce the topic, nor do I have a good  
34 sense of how long the discussion is going to go and we  
35 certainly -- if it looks like we need to, we can break  
36 and come back and continue after lunch, but with the  
37 expectation that we might get through it in an hour, is  
38 everybody comfortable if we go until 12:30 and then  
39 break for lunch.

40  
41 MS. CHYTHLOOK: Yeah, I think we can  
42 get through it. Our Native caucus decided that we're  
43 just going to have one spokesperson anyway, so I think  
44 it will go pretty fast.

45  
46 CHAIRMAN RABE: Okay. I'm going to  
47 turn the mic over to Doug Alcorn to provide background  
48 material to develop why he had asked that this be  
49 included in the agenda.

50

1 MR. ALCORN: Thank you, Mr. Chair.  
2 Thank you all for being willing to participate in the  
3 discussion. This kind of comes from my observation at  
4 the last AMBCC meeting and discussions that I'm aware  
5 of that are occurring at AFN and elsewhere across the  
6 state. Before I go too far I'd like to ask Crystal  
7 Leonetti to maybe come to the table and explain what  
8 she's observed and perhaps what some options are for  
9 continuing the dialogue.

10  
11 What I observed in June -- I hadn't  
12 been to an AMBCC meeting in over a year. I had missed  
13 the prior two because of scheduling conflicts and I was  
14 impressed that there were a number of statements made  
15 at that meeting and perhaps even this meeting where it  
16 seems to me that there are some comparisons being drawn  
17 between other co-management bodies within the state and  
18 expectations associated with knowledge about those  
19 other bodies that may or may not be applicable to our  
20 co-management structure and process.

21  
22 Given that, I thought it would be  
23 constructive to have this on the agenda so that we  
24 could begin to discuss this and see if we can reach a  
25 common understanding of the structure of the AMBCC, the  
26 roles and goals of the AMBCC, and I think I can learn  
27 from hearing from you all too what your expectations  
28 are. It would help me in managing.

29  
30 Before I go any further I'd like for  
31 Crystal perhaps to share what she's observing as eyes  
32 and ears for the State.

33  
34 MS. LEONETTI: Thanks, Doug. As he  
35 alluded to, as I've gone around to the different co-  
36 management groups in the state, this discussion is very  
37 lively right now. I was just a couple weeks ago at an  
38 AFN Indian policy committee meeting. I was invited  
39 there to talk about the Federal subsistence  
40 consultation protocol development. In the room was  
41 Myron Naneng and Ralph Anderson and several other  
42 people who may have a role in AMBCC also. But they  
43 were talking about things like the Duck Stamp and  
44 significantly altered and the quarter-blood quantum  
45 issue for marine mammals.

46  
47 The bottom line came down to for them  
48 the issue of co-management. They wanted me to do a  
49 little bit more research into what co-management is,  
50 what the agency is legally even able to do and I had a

1 very short conversation with the lead Solicitor Joe  
2 Darnell about it. He said it's a little bit more  
3 complex for migratory birds because of the treaties  
4 between Canada and Mexico, and that we can't obviously  
5 hand over jurisdiction for something that we're  
6 mandated to do. I think the discussion is open for  
7 what we can and can't do in the realm of co-management  
8 and what's do-able.

9

10 I guess I just wanted to open with that  
11 and let you all know that it's definitely something  
12 that other groups are talking about and want to do to  
13 have more conversations about and hopefully come to  
14 some agreement down the road what co-management is or  
15 isn't because I know that a lot of different people  
16 have different perceptions of what it is or isn't.

17

18 I think tribes are also interested in  
19 having that discussion based on some consultations  
20 we've been doing specifically about sea otter co-  
21 management. That's just my synopsis. I would  
22 recommend a conversation directly with Regional  
23 Director and solicitors in the room as well. I think  
24 it would be more productive.

25

26 CHAIRMAN RABE: Well, with that as  
27 background information, there were several questions  
28 that are listed underneath that topic in terms of what  
29 do members believe the role of AMBCC is in a regulatory  
30 process, what role should AMBCC play, what do members  
31 believe are the goals of AMBCC. Some of these are  
32 probably overlapping. What do members expect in order  
33 to feel their contributions are valued.

34

35 So, with those as sort of provocative  
36 questions along with the background information, we're  
37 going to open it up for comments and questions. Molly.

38

39 MS. CHYTHLOOK: The Native caucus  
40 appointed Sandy to be our spokesperson. Patty, sorry.

41

42 CHAIRMAN RABE: Patty, we'll turn it  
43 over to you at this point.

44

45 MS. BROWN-SCHWALENBERG: Thank you, Mr.  
46 Chairman. We looked at the questions and one of the  
47 concerns raised by the group was that there was a  
48 desire to speak with the originating members of the  
49 AMBCC. I being one of them. I think Enoch was one as  
50 well. So we went back to the bylaws. The bylaws, in



1 our mind at least, clearly state what the answers to  
2 these questions are.

3  
4 I mean if you look at why the AMBCC was  
5 created was to develop, implement and promote a co-  
6 management program between Natives, Federal and State  
7 governments. The role is to coordinate the effective  
8 and meaningful involvement of Alaska Natives, Federal  
9 and State governments in the conservation and  
10 subsistence use of migratory birds and to participate  
11 fully in the formulation of migratory bird conservation  
12 program, like the Harvest Survey Program.

13  
14 If you look at the purposes, it's to  
15 ensure recognition of subsistence hunting and the  
16 practices and promote co-management of migratory birds  
17 and develop cooperative programs to look at migratory  
18 bird populations and habitat.

19  
20 I think when we were together down in  
21 Girdwood, we put those words in there because that was  
22 our intent, was to work together and come to decisions  
23 cooperatively. I think maybe the definition of co-  
24 management from the view of the Fish and Wildlife  
25 Service maybe is changing. It's really a matter of  
26 semantics. If you put a bunch of attorneys in a room  
27 and say, okay, we're looking at this and we're going to  
28 end up with a solicitor's opinion that says, well, co-  
29 management really is between two governments and you  
30 guys aren't tribes, so there really is no co-  
31 management. But there can be a recognition that the  
32 three entities that are members of the co-management  
33 council should be able to come together and make  
34 decisions equally.

35  
36 That being said, the Bristol Bay Native  
37 Association is in the process of organizing a Native  
38 summit of the original organizers of the AMBCC,  
39 including the, I believe, State and Federal  
40 representatives that were there at the time and revisit  
41 the original intent of why we were created and what is  
42 our purpose and what do we want out of it. In a  
43 nutshell, that's kind of our position.

44  
45 Thank you.

46  
47 CHAIRMAN RABE: Doug.

48  
49 MR. ALCORN: Thank you, Patty. I  
50 appreciate that. I think there's a lot of value in

1 going back to the bylaws and looking at what the  
2 original framers, you and Enoch and others that helped  
3 work on this. I know Ralph Anderson was a principal  
4 author if I recall in developing the bylaws.

5  
6 I do agree with you that our roles are  
7 stated here with the intent that decisions will be made  
8 based on mutual respect, meaningful involvement and  
9 dialogue. I think it's valuable that we all understand  
10 and have a common base from which to understand what  
11 our roles as an advisory body are and I think you're  
12 right on.

13  
14 The reason why I wanted a discussion of  
15 this was because I began to sense -- now I can be  
16 wrong. I'm often wrong. But I began to sense that  
17 there was an expectation that if the AMBCC made a  
18 recommendation to the Service that the Service was  
19 compelled to implement that in the form of an action or  
20 recommendation.

21  
22 What I was hoping to share with you all  
23 was that we make management decisions in the context of  
24 advice that we receive from this body as well as  
25 management or mandates that we get from our senior  
26 managers in Washington and other stakeholders as well.  
27 We make management decisions in a broad context. This  
28 is one of the context in which we try to make those  
29 decisions.

30  
31 It was my impression from statements  
32 made at the last meeting that this body was not  
33 functioning as was other co-management bodies in the  
34 state and I didn't know if it was because of a desire  
35 to have this body function like other bodies, other  
36 co-management bodies, or if it was because there was  
37 not a familiarity with the bylaws or with some of the  
38 historic decisions and negotiations that were made over  
39 a decade ago now. I think that was a valuable comment  
40 and statement that you made.

41  
42 It sounds like we still have a common  
43 understanding of our history and the purposes for which  
44 the AMBCC was constructed. I think that there are some  
45 decisions that are made that are not as satisfying as  
46 they could be and they're certainly made when -- when  
47 we have a decision that must be made relatively  
48 quickly, the decisions that we've made recently, that  
49 didn't have the support of the Council in the June --  
50 when we proposed this approach for the harvest survey

1 revision seemed to perpetuate the sense and the  
2 sentiment that the Service was acting without  
3 appreciating the need for co-management.

4  
5                   What I hope I've done this meeting and  
6 even last meeting is impress upon you that the  
7 requirement we have for making management decisions  
8 sometimes with co-management decisions and co-  
9 management advice, there are times when we make  
10 decisions that we may not reach consensus on. The Fish  
11 and Wildlife Service still has a responsibility for  
12 making those decisions. That was sort of my purpose.

13  
14                   I was thinking that this discussion  
15 would be longer and that there would be a sharing of  
16 experiences and perspectives from around the table, but  
17 if this is as far as the discussion will go -- I do  
18 think that there could be a discussion that comes out  
19 of this in a broader context of the discussions that  
20 are occurring on all the other co-management processes  
21 and processes that are occurring around the state.

22  
23                   CHAIRMAN RABE: Patty.

24  
25                   MS. BROWN-SCHWALENBERG: Thank you, Mr.  
26 Chairman. Like I said, the BBNA is in the process of  
27 putting together this Native summit and so I think that  
28 the discussion that you're hoping to have today would  
29 have more value after the summit. So if we could -- I  
30 don't know if there has to be a motion to put this on  
31 the agenda at the next meet or would it just go under  
32 old business. I'm not sure of the process for that,  
33 but I would like to put this issue back on the agenda  
34 at the spring meeting.

35  
36                   Thank you.

37  
38                   CHAIRMAN RABE: Okay. I was going to  
39 ask the question if there were, in fact, any action  
40 items, but you just answered that question, Patty. I  
41 think we have what we need. If everybody is satisfied  
42 at this point in time, then we'll direct Fred to be  
43 sure that the agenda item is carried forward to the  
44 next meeting.

45  
46                   Patty, just a question out of  
47 curiosity. The summit that you are talking about would  
48 that involve all of the members of the original forming  
49 group?

50

1 MS. BROWN-SCHWALENBERG: That was the  
2 discussion, yes. To the extent that we can get a hold  
3 of -- I understand some of the Fish and Wildlife  
4 Service people are retired now. To the extent that we  
5 can.

6  
7 CHAIRMAN RABE: Along with current  
8 members then?

9  
10 MS. BROWN-SCHWALENBERG: Yes.

11  
12 CHAIRMAN RABE: Very good. Great idea.  
13 Okay. Obviously my expectations in terms of time are  
14 so off base that I won't attempt to state my  
15 expectations every again. How's that?

16  
17 (Laughter)

18  
19 CHAIRMAN RABE: Actually, given that,  
20 we do have even 10 minutes until 12:00 noon. We  
21 certainly can break then, but let's see how far we can  
22 get in terms of the remaining items, which I think are  
23 more procedural and may or may not take time.

24  
25 We do have a request from Patty to talk  
26 about some materials that she handed out and that  
27 relates back to Peter and the item that we had about  
28 the Duck Stamp from earlier and Peter wasn't here, so  
29 those are related. So we'll go backwards towards the  
30 end of the meeting and make sure that we cover that.

31  
32 MS. CHYTHLOOK: Since we've been  
33 snacking, could we just go until we finish our agenda?

34  
35 CHAIRMAN RABE: Thank you for offering  
36 that. I was noticing, but I didn't want to be  
37 presumptuous on that.

38  
39 MR. SHIEDT: You could eat the  
40 blackberries and that way we could say we talked until  
41 we were blue.

42  
43 (Laughter)

44  
45 CHAIRMAN RABE: You're really on --  
46 we're going to have you retained for entertainment for  
47 future meetings with lines like that. So we're going  
48 to go back to item D, which is the overview of the  
49 rulemaking process. I think that's either you or your  
50 Staff, Fred, right?

1 MR. ARMSTRONG: My Staff. I was  
2 looking for them.  
3  
4 CHAIRMAN RABE: Enoch, since we have a  
5 moment of downtime here, if you have any more good one-  
6 liners you'd like to share with us, you certainly have  
7 an opportunity.  
8  
9 MS. CHYTHLOOK: Mr. Chair.  
10  
11 CHAIRMAN RABE: Yes, Molly.  
12  
13 MS. CHYTHLOOK: We could quickly go  
14 around -- I can quickly go around through the committee  
15 appointments.  
16  
17 MR. ALCORN: We could do that.  
18  
19 CHAIRMAN RABE: Okay.  
20  
21 MS. CHYTHLOOK: Go to Tab 7, committee  
22 appointments. I'll just go down and just mention where  
23 we've deleted and where we've added. Go to Tab 7.  
24 Technical Committee, we scratched off Sandy and added  
25 Enoch. Emperor Goose Management, scratched off Sandy  
26 and added Rick Rowland. Exclusion, we added Randy  
27 Mayo. Subcommittee Invitation, we scratched off Olga  
28 Rowland and Frank Goods and added Rick Rowland. I put  
29 a star on the Subcommittee Invitation because there was  
30 a discussion that -- there was wishes from the Native  
31 caucus that this subcommittee, if possible, needs to  
32 meet.  
33  
34 The Harvest Limitation Committee, we  
35 scratched off Sandra and added Enoch. Scratched off  
36 Josh Bacon and added Mike Pederson. The Standard  
37 Operation Procedures, we scratched off Olga and Sandy  
38 and we didn't add anything to the names here. Long  
39 Term Goals and Objectives, we scratched off Sandy and  
40 we didn't add anybody else. Flyway Council/Service  
41 Regulation Committee Representative, we scratched off  
42 Sandy Tahbone and primary is Molly Chythlook and  
43 Taqulik Hepa as an alternate. No, no. Primaries are  
44 Molly Chythlook and Taqulik Hepa and the alternates are  
45 Patty and Myron Naneng.  
46  
47 The comments from the Native caucus was  
48 to request that if there's any issues from any other  
49 regions, that it be open for those regions to be  
50 invited to attend the Flyway Council and Service

1 Regulation Committee. If the budgets can afford it.  
2 Then the Law Enforcement we scratched off Olga and  
3 Sandy and we didn't add any other names. The Budget Ad  
4 Hoc Committee we left it as is. That's it for the  
5 committee lists.

6

7 Thank you.

8

9 CHAIRMAN RABE: Thank you.

10

11 MR. HICKS: Molly, wasn't Randy  
12 included on the Invitation Committee?

13

14 MS. CHYTHLOOK: Didn't I include Rick  
15 Rowland. Randy Mayo, it was suggested that since Randy  
16 Mayo was in the Exclusion that we just add Rick Rowland  
17 to Invitation. That was a discussion.

18

19 MS. HEPA: Randy, do you want to be on  
20 the Invitation too?

21

22 MR. MAYO: Yeah, I see our TCC  
23 technical person is on the Invitation Committee too,  
24 Lisa Kangas.

25

26 MS. CHYTHLOOK: Randy, if your wish is  
27 to be on the Invitation, we could surely add you.  
28 Okay. We'll put Randy Mayo back on under invitation.

29

30 Thank you, Joe.

31

32 CHAIRMAN RABE: Thank you, Molly.  
33 Since we're on it, are there any changes for the  
34 Federal representations to the committees?

35

36 MR. ALCORN: Not at this time.

37

38 CHAIRMAN RABE: I didn't confer with  
39 any of my State colleagues. I'm going to say that  
40 there aren't any changes for the State representatives  
41 at this point. I guess we're done with that agenda  
42 item them.

43

44 MR. HICKS: Mr. Chairman. I so move to  
45 adopt the changes.

46

47 MR. SHIEDT: I'll second it.

48

49 CHAIRMAN RABE: Any discussion or call  
50 for the question.

1 MS. HEPA: Question.  
2  
3 CHAIRMAN RABE: All those in favor say  
4 aye.  
5  
6 IN UNISON: Aye.  
7  
8 CHAIRMAN RABE: Any opposed nay.  
9  
10 (No opposing votes)  
11  
12 CHAIRMAN RABE: It passes. We're done  
13 with 13. Do you have Staff now available?  
14  
15 MR. ARMSTRONG: I'll do it.  
16  
17 CHAIRMAN RABE: So we are now back on  
18 Item (d) under New Business, overview of the rulemaking  
19 process.  
20  
21 MR. ARMSTRONG: I had Staff put  
22 together a sort of briefing on the Federal rulemaking  
23 process because we always have a new member or so and  
24 alternates and it's a good thing to at least give a  
25 short overview of this process we go through every year  
26 to make our regulations for harvesting subsistence  
27 season.  
28  
29 Here's the regulatory cycle where it  
30 begins on the left side or at 9:00 o'clock we have --  
31 in April, when we generally meet, and we act on  
32 proposals statewide on our regulations that we  
33 currently have. These proposals are a reaction to the  
34 current regulations and our proposing changes for the  
35 upcoming year.  
36  
37 When the Council act on those, me and  
38 my Staff put together a package of these  
39 recommendations and sent them out to the Pacific Flyway  
40 Council. Actually all the Flyway Councils; Pacific,  
41 Central, Mississippi, and the Atlantic. They all get a  
42 copy of our proposals.  
43  
44 Once they get them, generally the  
45 Flyway representatives from the Council and I go to the  
46 Pacific Flyway Council because we're closely inline  
47 with them. Most of our birds go up and down the coast,  
48 so we work in tandem with them. When we're there, we  
49 present the recommendations to the working group there  
50 and we ask -- if there's any questions, we respond to

1 them and any traditional knowledge questions, the  
2 consultants refer to them, or any of the mechanics of  
3 the proposals we respond to them and we try to secure  
4 support to the Flyways before we go on to the SRC.  
5 That occurs generally the latter part of July.  
6

7                   The Service Regulation Committee is  
8 made up of four regional directors from throughout the  
9 state and the sitting chair is generally the Assistant  
10 Director for Migratory Birds and he chairs that  
11 committee. We present these regulations. My  
12 supervisor, Doug Alcorn, generally is present at the  
13 meeting and kind of wears two hats. One, in his role  
14 as the Assistant Regional Director for Migratory Birds  
15 State program as well as supporting the Council in that  
16 role too.  
17

18                   We also have a representative for  
19 Migratory Birds there to present any biological data  
20 needs or questions that are asked. I'm there as well  
21 as the consultants. The Service Regulations Committee  
22 really takes our recommendations seriously and they're  
23 always pleased that we take time to fly all the way  
24 down there to respond to questions that they may have  
25 relative to regional regulations. It's been a good  
26 work in progress and we've been pretty pleased with  
27 their commitment to make our recommendations  
28 regulations.  
29

30                   Once that's done we return to the  
31 office and we start on this proposed rule and that is  
32 generally all the changes that are made that are  
33 adopted by the SRC. At the same time we have to write  
34 the environmental assessment or the EA and generally  
35 what that does is review the regulation to ensure that  
36 whatever we do and have recommended will not impact  
37 listed or threatened species negatively. So we have to  
38 assure that will not occur.  
39

40                   We submit that document to our  
41 Endangered Species Program, who in turn will have to  
42 conduct Section 7 consultation with us. They generally  
43 have a 145-day period in which they have to respond  
44 with a biological opinion. That could either be a  
45 jeopardy or a non-jeopardy status. Jeopardy meaning  
46 that our regulations may jeopardize the ongoing  
47 existence of listed species. We try to tailor our  
48 assessment to ensure that this will not happen and that  
49 they could publish a non-jeopardy decision.  
50



1                   It's a kind of a two-pronged process.  
2 In November we have the open season for our proposals  
3 process. November 1st to December 15. That's when we  
4 start working on the 2013 cycle. So we're doing 2012,  
5 but then we have to start for the next year for your  
6 April meeting. That's going on at the same time. We  
7 sent out public notices and published notices to let  
8 people know that our proposal process is open.

9  
10                   At the same time that's happening, the  
11 proposed rule is out for comment for 60 days. Once  
12 that process ends, then we have to take a look at every  
13 comment that's made and respond to those comments and  
14 publish them in a final rule. Generally that is  
15 between January and February period.

16  
17                   I mentioned the 145-day period which  
18 began back in -- usually September. This year it's  
19 relatively late, October 20, maybe 30, maybe November  
20 1st when it's going to be published, which is kind of  
21 late for us. We'll submit -- I mean that's when  
22 Endangered Species, the clock starts ticking for them  
23 to work on their biological opinion. They have to  
24 publish a biological opinion before our final rule is  
25 published. If they came up with a jeopardy decision,  
26 then we couldn't publish any regulations. So we're  
27 working very close with our Endangered Species folks to  
28 ensure that they have all the information they need to  
29 come up with a positive opinion.

30  
31                   So that cycle is ongoing every year.  
32 We generally have a current year and a year-ahead cycle  
33 that is happening at the same time. Any questions so  
34 far?

35  
36                   Rick.

37  
38                   MR. ROWLAND: Thank you, Fred. Quickly,  
39 so I have an understanding, when you're submitting  
40 these recommended proposals in the spring for -- those  
41 are for regulation development, so who is it that makes  
42 the decision on the regulation? Is it the Federal  
43 Subsistence Board or who makes that regulation?

44  
45                   MR. ARMSTRONG: Those proposals are  
46 sent to every region in the state and they get on the  
47 agenda for the spring meeting of this Council here.  
48 We're the ones who act on those proposals, not OSM.  
49 OSM deals with ANILCA. We deal with MBTA, so those two  
50 would have a conflict if they tried to act on any kind

1 of proposal. MBTA is separate from ANILCA.

2

3 MR. ROWLAND: I guess my question is it  
4 says Flyway recommendation 2012 proposals. I'm  
5 wondering if we make two different times of proposals?  
6 Who makes the regulation?

7

8 MR. ARMSTRONG: The Service Regulations  
9 Committee is the final recommending authority to the  
10 Secretary of Interior. The Flyway recommendations  
11 technically don't have to occur, but it's good business  
12 to keep the Flyways up to speed and to garner their  
13 support.

14

15 MR. ROWLAND: Okay.

16

17 MR. ARMSTRONG: Any more questions?

18

19 (No comments)

20

21 MR. ARMSTRONG: Okay, moving on. The  
22 proposed rule. Donna Dewhurst is my regulatory expert  
23 in the rulemaking. She's the one who develops the  
24 proposed rule and does a very good job of doing this.  
25 Generally in the proposed rule you have a summary of  
26 what the rule is all about. We have a 60-day public  
27 comment period, why the rulemaking is necessary. These  
28 are questions we have to have answered in the proposed  
29 rule. We give a short history of the regulations and  
30 describe the process, which I just went through here.

31

32 We also have to talk about who is  
33 eligible to hunt under these regulations. The proposed  
34 rules are published nationwide, so even though it's  
35 specific to Alaska people in the Lower 48 generally  
36 review and comment on these. We don't get very many  
37 comments, but it's open to the American public. So to  
38 ensure they don't ask questions that are way out of  
39 whack we try to include as much information as  
40 possible. We include a summary of the proposed  
41 changes. We answered a question how will the Service  
42 ensure that subsistence harvest will not raise the  
43 overall migratory bird harvest or threaten the  
44 conservation of endangered or threatened species. That  
45 is the biological opinion. We ensure it's not going to  
46 occur.

47

48 We have to have a section on Endangered  
49 Species Act to ensure that the general public knows  
50 that we take that into consideration when making our

1 regulations. Again, this is for the general public  
2 knowledge to ensure that they're aware of all this  
3 stuff.

4  
5 We also have to talk about regulatory  
6 planning and review. These are executive orders.  
7 These are all topics that are required in the Federal  
8 rulemaking process. We don't have the option of  
9 skipping or changing these titles. They're there and  
10 we have to respond to them. A lot of these don't make  
11 sense, like the Regulatory Flexibility Act. Well, it  
12 does, this one does because we've got to ensure that  
13 we're flexible with our regulations to accommodate the  
14 simple rules that American public wants.

15  
16 We've got to make sure that our rule is  
17 very clear and concise and that we don't ramble on. We  
18 just state what we're going to do very clearly and move  
19 on. We have to ensure that we don't impact small  
20 business unfairly. We have to have some statements in  
21 there saying that whatever we do is not going to have  
22 an unfair burden on small businesses.

23  
24 The Unfunded Mandates Reform Act is  
25 another topic that we have to respond to. Generally we  
26 have paragraphs to each of these that indicate we're in  
27 compliance. We have to ensure that we're compliant  
28 with all these topics here in order for our proposed  
29 rule to be published.

30  
31 CHAIRMAN RABE: Fred, are you willing  
32 to entertain questions as you go through it?

33  
34 MR. ARMSTRONG: Sure.

35  
36 CHAIRMAN RABE: I think Patty has one.

37  
38 MS. BROWN-SCHWALENBERG: I just have a  
39 quick question, Fred, on that Unfunded Mandates Reform  
40 Act. At what point does it get to with our shrinking  
41 budget that we end up not actually meeting that  
42 requirement?

43  
44 Thank you.

45  
46 MR. ARMSTRONG: We haven't reached that  
47 stage yet, but I'm sure that when we get to it we will  
48 have to formulate a response to that.

49  
50 MS. BROWN-SCHWALENBERG: But at what

1 point does it get to that? Like when we're zero or 50  
2 percent of our budget or is there a magic number or a  
3 formula?

4

5 MR. ARMSTRONG: I haven't heard of a  
6 formula or to what extent we would have to meet that  
7 unfunded mandate. There is no clear guidance on that.  
8 Have you heard of any? I haven't heard of any guidance  
9 on that. Other than that, we just ensure we're not at  
10 that stage yet. Doug.

11

12 MR. ALCORN: You know, I don't know  
13 what the requirement is for compliance with this  
14 particular act. If Donna's not in the room, she  
15 might.....

16

17 MR. ARMSTRONG: Donna has a personal  
18 issue.

19

20 MR. ALCORN: She's just not here. So  
21 neither Fred nor I are experts in that particular act.  
22 That's a good question we ought to ask ourselves. I  
23 don't know if it has to do with complying with the work  
24 that we're trying to do with the money that's been  
25 appropriated. Fact is, money has never been  
26 appropriated for the AMBCC. The money that's  
27 appropriated is appropriated to the Service in what's  
28 referred to as a Resource Management Account and it  
29 comes to us for purposes of migratory bird management  
30 in general. This money was carved out of our base  
31 budget originally a dozen years ago. So it's the  
32 carving out that is becoming more and more difficult.

33

34 CHAIRMAN RABE: Patty, I'm sort of  
35 guessing in terms of why you focused on that, but I  
36 also took note of that. In the current condition of  
37 declining Federal budgets, with this being truly having  
38 not been funded as a line item or in a specific manner  
39 previously that it may or may not provide some  
40 additional compelling evidence to take back to make an  
41 argument that going down the road in the future under  
42 that, whatever that act intended to do, might be a way  
43 of getting the funding that this program needs.

44

45 MR. ARMSTRONG: I found a section on  
46 that. Their clarification is under the Unfunded  
47 Mandates Reform Act, we have determined that this cost  
48 of \$100 million or more in any given year on local,  
49 state or tribal governments or private entities. A  
50 statement containing this information required by this

1 Act is therefore not necessary. So it's a totally  
2 different view of the unfunded mandates thing. It's a  
3 checklist that we have to -- basically a certification  
4 thing.

5  
6 Government-to-government relations with  
7 Native American tribal governments. I think that's of  
8 importance to us. Basically this requirement, like I  
9 indicated earlier in my topic, is that we are going to  
10 have consultation and meet the Executive Order 13175.  
11 I guess some of the concerns that went on with ANCSA, I  
12 think it's a work in progress. I really don't foresee  
13 too many hurdles or problems that we'll encounter. I  
14 want to try to make it as simple as possible and try to  
15 tailor it to basically a Q&A, a two-way conversation  
16 with the tribes and tribal entities about our  
17 regulations. I'm going to give an overview of this  
18 process here that we go through to ensure that the  
19 Alaskan public know that the work you guys do is very  
20 important and that we try to do it with tribes in mind,  
21 but also their input from a different standpoint is  
22 also critical. Any questions on that?

23  
24 Paperwork Reduction Act basically is  
25 pretty self-explanatory.

26  
27 NEPA. NEPA is basically that which  
28 guides the Federal rulemaking process. It's basically  
29 ensuring that we have the public involved in this  
30 process and we do through this regulatory process.

31  
32 Region-specific regulations. That's  
33 when we go to Part 92. Part 92 is the section that  
34 deals with subsistence harvest in Alaska. Part 20  
35 deals with the fall regulations. I want to make those  
36 really clear. The subpart D is what we deal with the  
37 changes in our regional regulations every year.

38  
39 Every rule is signed by the Assistant  
40 Secretary for Fish, Wildlife and Parks. Once he gives  
41 his signature, the rule goes to the Federal Register.  
42 No, actually there's one more step. It goes to the  
43 Executive Secretary's Office for clearance. They  
44 review the rule for all compliance documents or titles  
45 that I spoke to that takes in all this stuff here.  
46 They review that so whatever we do is within the  
47 President's mandates. There's a lot of things that  
48 they have to ensure are happening before they sign off  
49 on the rule.

50

1                   That's pretty much the rulemaking  
2 process. Any more questions?

3  
4                   (No comments)

5  
6                   MR. ARMSTRONG: Thanks.

7  
8                   CHAIRMAN RABE: We're good with that.  
9 Okay. The next one then is proposal schedule for 2013.  
10 Is that something you're going to do from that location  
11 as well?

12  
13                   MR. ARMSTRONG: I can do that. We'll  
14 start with proposal period process that begins on  
15 November 1st to December 1 and that's when we start  
16 soliciting proposals. We actually have received a  
17 couple proposals out of cycle, but we're going to hold  
18 onto them until November 1st. I've sent clarifying  
19 notes to those organizations. I didn't know that the  
20 real period is November 1 to December 15.

21  
22                   On December 15 we'll wait a few days to  
23 see if there's anything we receive by the mail and once  
24 we're sure we've got everything we'll make copies and  
25 send to every one of your groups here. Generally in  
26 April is when this body will get together and convene  
27 and act on those proposals. So we'll start this whole  
28 cycle all over again. It's a continuous cycle that  
29 goes on and on.

30  
31                   I know there was a question about when  
32 we postpone September's meeting to try to accommodate  
33 another meeting I had to make a decision of how long  
34 are we going to postpone it knowing that we have a  
35 cycle to follow. I contacted the Executive Committee  
36 and we should try to meet right now when we're meeting  
37 so that this cycle doesn't break, we keep it going.  
38 It's very important and people are looking to the  
39 regulation to ensure that they're legal. We've got a  
40 strong commitment to do that. Any questions on that?

41  
42                   CHAIRMAN RABE: Rick.

43  
44                   MR. ROWLAND: I don't have a question,  
45 but I have comment. Keeping in tradition with Enoch's  
46 humor, I figured I better mention this. Maybe you'll  
47 want to change that word cycle to migration.

48  
49                   (Laughter)

50

1 MR. ARMSTRONG: Good one there, Rick.

2

3 CHAIRMAN RABE: Anything else on that.

4

5 (No comments)

6

7 CHAIRMAN RABE: All right. Thank you,  
8 Fred, for that. I think that concludes Item (e). The  
9 balance of the agenda items are really closing out the  
10 meeting. Before we get there Patty had requested an  
11 opportunity to revisit and share some information with  
12 regards to the Duck Stamp issue. I also want to be  
13 sure if there was anything Peter didn't have an  
14 opportunity, because he wasn't here when we covered it  
15 yesterday, that we make that available before we close  
16 out.

17

18 I'll turn it over to Patty next.

19

20 MS. BROWN-SCHWALENBERG: Thank you. I  
21 did hand out two documents earlier. One is just a  
22 report from the AFN executive director Julie Kitka and  
23 on the back is a highlighted section about the Duck  
24 Stamp Act and the conversation with the Secretary of  
25 Interior and his commitment to seek another solicitor's  
26 opinion on the Duck Stamp. So that looks like it's  
27 close to being resolved. That was just for  
28 information.

29

30 The other document was the packet that  
31 we were talking about yesterday about the fall and  
32 winter subsistence harvest request. It's got the  
33 initial letter from the AMBCC to Paul Schmidt asking  
34 for assistance with that issue, his response and then  
35 that white paper. The top document is a letter from  
36 Chugach Regional Resources Commission to Jerome Ford,  
37 who was then in June the Acting Assistant Director,  
38 asking for assistance.

39

40 Basically what it is is the fall and  
41 winter harvest is still continuing. It's an issue  
42 that's right there and that's part of our job is to  
43 legitimize what's currently going on there as far as  
44 subsistence is concerned. This is a very complicated  
45 issue. What I was asking of Mr. Ford in the letter was  
46 his commitment to work with us on trying to resolve it.  
47 If it is going through the Pacific Flyway Council, then  
48 we need assistance in developing a proposal that's  
49 going to be technically sound and something we're going  
50 to be able to get some valuable feedback so we know

1 where to proceed.

2

3                   So what I was hoping I could get from  
4 the Co-Management Council is some direction. Maybe Dan  
5 Rosenberg can help in this discussion, but we talked  
6 about this. He's the chairman of the Technical Study  
7 Committee for the Pacific Flyway Council. And I also  
8 spoke with Dale and maybe Dale can chime in too as the  
9 representative to the Flyway Council. About maybe  
10 putting in a proposal for one species for fall and  
11 winter harvest. I don't know if it would be just for  
12 one region or however we can put it together and see  
13 what we get back. It may not even get farther than the  
14 Technical Study Committee, but at least we'll know what  
15 we're dealing with as far as the data that they're  
16 looking for and whether or not they're even interested  
17 in looking at this issue because of the enforcement and  
18 the different types of regulations that would be  
19 occurring during that time.

20

21                   So, Dan, could maybe you just give your  
22 thoughts and then Dale.

23

24                   Thank you.

25

26                   CHAIRMAN RABE: Dan, would you turn on  
27 a mic. Thank you.

28

29                   MR. ROSENBERG: Dan Rosenberg, Alaska  
30 Department of Fish and Game and, as Patty said, chair  
31 of the Technical Committee of the Pacific Flyway  
32 Council. This originally came up back at the September  
33 2009 meeting, I believe, that we had at the Dimond  
34 Center as one possible approach to working on this  
35 dilemma, was to submit a proposal either species by  
36 species or a few species.

37

38                   Through the Department of Fish and Game  
39 as your entree into the Pacific Flyway Council,  
40 essentially the State of Alaska would be the  
41 representative and we would forward the proposal  
42 through the Pacific Flyway Council, through the normal  
43 council process, which means it would have to be a  
44 proposal submitted in March and we'd have to identify  
45 the intent of the proposal this winter, submit it in  
46 March to have some sort of either change in the season  
47 or additional season -- well, not additional season,  
48 but a change in the season in the regulatory framework  
49 for the following fall.

50



1                   The example that was brought up was on  
2 a species like Pacific White-Fronted Geese that are  
3 very abundant right now and could probably sustain an  
4 increased harvest, so the idea would be to submit a  
5 proposal that would allow that -- you know, it's wide  
6 open, I guess. It could be an unlimited harvest with  
7 no bag limits, no possession limits to limits in there  
8 somewhere. So that was one suggestion that came up as  
9 a possibility.

10  
11                   Of course, being a fall harvest during  
12 the sport season it would not exclude -- anybody in the  
13 state would be eligible to participate and could fly  
14 out to whatever region this harvest was in. For  
15 example, if it was in western Alaska I guess anybody  
16 could come out from the state and participate.

17  
18                   The other caveat to it was that it  
19 would be very difficult to have it follow the  
20 guidelines of what would be a customary and traditional  
21 hunt, that is you wouldn't have restrictions to --  
22 you'd have to have theoretically plug shotguns and  
23 various other sport harvest restrictions as opposed to  
24 having two separate sets of restrictions, one for  
25 subsistence harvest and one for sport harvest. So  
26 these are all the details that have to be worked out, I  
27 believe.

28  
29                   CHAIRMAN RABE: I think Dan has done a  
30 great job of explaining both the process and some of  
31 the pitfalls. I never enjoy having to sort of be the  
32 bearer of the bad news of that, but I think this is  
33 obvious to everybody. As a State representative to  
34 this Council, I have to be cognizant of the State  
35 constitution and State laws and relative to the issues  
36 of hunting in the fall seasons that we're talking about  
37 as part of that is I, as a representative, have to be  
38 responsive to the fact that the State constitution does  
39 not allow for preferencing in any way.

40  
41                   So as long as we avoid any of the  
42 issues that would put us in violation of the State  
43 constitution then the State agency can serve and is  
44 happy to serve as a venue, a mechanism, to be able to  
45 carry that forward. There may be elements that are  
46 outside of the current hunting structures that don't  
47 put us into a conflict at this point in time. So  
48 that's the only cautionary note I have, which I think  
49 is obvious to all of you.

50

1 Any more comments on this topic.  
2 Patty. Oh, Doug, sorry.

3  
4 MR. ALCORN: So what I'm hearing is we  
5 don't know what the answer is until we have the  
6 discussions. For the opportunity for a region, as  
7 Patty suggested, to suggest for a region a particular  
8 set of regulations that would be applicable in the fall  
9 and winter season and to engage those discussion --  
10 what I think I heard Patty suggesting was engaging  
11 those discussions with the Flyway Council through the  
12 regular process. Just to run it through as a trial  
13 just to see how it plays through there, what the issues  
14 are that are identified.

15  
16 Again, I would suggest that this board  
17 is probably not set up to have those detailed  
18 discussions, but if that were to go through, then most  
19 of us that are in this business are in this business at  
20 the Flyway level as well as the AMBCC level and many of  
21 us at the Federal level, State level, we all work  
22 together in different arenas with different  
23 authorities. I think what I hear Patty suggesting is  
24 let's try it under that existing structure to see if  
25 there is even some common ground.

26  
27 CHAIRMAN RABE: Patty.

28  
29 MS. BROWN-SCHWALENBERG: Yeah, that was  
30 an idea that I wanted to get feedback on. I'm willing  
31 to work on this and bring it back to the members and  
32 then identify one of the management bodies that might  
33 want to put a proposal such as this together and  
34 shepherd it through the process and see what comes out  
35 at the end, I guess. So I'd be looking for some input  
36 from the Native caucus.

37  
38 Thank you.

39  
40 CHAIRMAN RABE: Dan, do you have  
41 something more.

42  
43 MR. ROSENBERG: No, I just wanted to  
44 add that I'd be happy to work with anybody on trying to  
45 work through that process. Again, it's plowing new  
46 ground and I really don't know -- I can't predict what  
47 outcome it will have, but I'm more than willing to try  
48 it.

49  
50 CHAIRMAN RABE: I'll make the same

1 commitment on behalf of the State. All of the ideas  
2 should be brought forward, but just the reality check  
3 is that if we run into one of those constitutional  
4 walls, I'll just have to be very upfront about when I  
5 think we've done that, but I'm happy to seek even legal  
6 advice if there's any way around any of those things.

7  
8 But preferancing has clearly been and  
9 it's the basis for why we have dual management and  
10 Federal and State regulations. So it's not an easy one  
11 and there's certainly a lot of sensitivity in the State  
12 to it. That's not a surprise to anybody. But we're  
13 happy to take any of the ideas and try and put them in  
14 a format that they are acceptable and then be able to  
15 sponsor them into the flyway process and shepherd them  
16 through to the extent that we can do that.

17  
18 Peter, do you have something.

19  
20 MR. DEVINE: Yes. Thank you, Mr.  
21 Chair. Peter Devine with Aleutian/Pribilof. So I have  
22 until December 15 to get in a proposal for the winter  
23 hunt for the 2013 season?

24  
25 MR. ROSENBERG: Generally we submit our  
26 proposals in March, so nothing would happen for this  
27 winter. This would be for the winter of 2012-2013. So  
28 generally those proposals are discussed in March, but  
29 under I think sort of the informal rules of the flyway  
30 process we give everybody, I believe -- we like to give  
31 at least a few months notice. Preferably we would  
32 submit the intent to submit the proposal, it wouldn't  
33 have to be the full, completely worked out, but we'd at  
34 least submit the intent at the December meeting. So  
35 December 5th, week of December 5th, we have a flyway  
36 meeting and that would be the ideal time to submit a  
37 proposal or at least the intent. But if it doesn't  
38 happen then, there's still opportunity between December  
39 and March. Then in March we would vet that proposal.

40  
41 CHAIRMAN RABE: Thank you. We're good?

42  
43 I'm sorry, Rick, you did have your hand  
44 up.

45  
46 MR. ROWLAND: Rick from Sun'aq. I'm  
47 sure I'll get a chance to go down and take a look at  
48 the Pacific Flyway Council, get a clearer understanding  
49 of it, but it seems like it's come up a number of  
50 different times during this last couple days about

1 referring to them about questions. So my question is,  
2 I understand the State of Alaska's position and your  
3 responsibility to your position with the State of  
4 Alaska regarding subsistence, but how does your hat  
5 that you wear in this meeting with the AMBCC and the  
6 Pacific Flyway Council position that you deal with --  
7 it sounds to me like I need some more information on  
8 that Pacific Flyway and how you fit into that, how the  
9 State of Alaska fits into that and how come when we  
10 have concerns we're always referred to -- well, we've  
11 got to check that out at the flyway system?

12  
13 CHAIRMAN RABE: Let me try and answer  
14 that as concisely as I can. Doug referred back to a  
15 letter that was returned to the Council with regards to  
16 suggestions for other alternatives. This was from Paul  
17 Schmidt and he suggested working through the flyway  
18 system for regulations during the fall and the winter,  
19 so that's why we're having this discussion.

20  
21 In terms of my role with that, I have  
22 been appointed, designated as the State's  
23 representative to the Flyway Council, which is made up  
24 of -- the Council members are one from each of the --  
25 what is it, Dan, 13 states, 14 states in western U.S.  
26 including Alaska and Hawaii. That is a process that I  
27 won't go into in detail, but it follows pretty much  
28 what Fred described earlier in terms of AMBCC and  
29 moving recommendations forward and eventually hopefully  
30 having regulations passed by the Secretary of the Fish  
31 and Wildlife Service.

32  
33 So, yes, in that sense I do wear two  
34 hats. I mean I am representing all of the hunters, all  
35 of the waterfowl hunters and waterfowl management for  
36 the State of Alaska in that body. I'm also  
37 representative and advocate of these programs. To the  
38 extent I'll describe these programs today are  
39 spring/summer programs. And the fact that the  
40 authority for the programs as yet relative to AMBCC  
41 does not extend beyond September 1st. It ends August  
42 31st.

43  
44 At that point, because we shift between  
45 two different systems, I have an opportunity to  
46 represent in both arenas while I'm representing in this  
47 arena. Because there are no State recognized hunting  
48 seasons that conflict with any of the regulations for  
49 spring and summer harvest there's no conflict with the  
50 State. The State has taken a position that it does not

1 see that opportunity as a preferancing. It's only been  
2 created and allowed by the Federal government. So  
3 we're not in a conflict situation.

4

5                   When it moves into the fall period,  
6 then there are seasons that are available for all  
7 waterfowl hunters and at that point the State  
8 constitution kicks in and very clearly says the State  
9 does not recognize preferancing of one group over  
10 another for those hunting opportunities. That's where,  
11 as we make the transition and my responsibilities, the  
12 issues related to the constitution either apply or do  
13 not apply. Does that help?

14

15                   MR. ROWLAND: A little bit. So my  
16 question, to follow up, is that I'm looking at the  
17 Pacific Flyway Council website and it shows Dan is the  
18 subcommittee chair on that -- is that.....

19

20                   MR. ROSENBERG: Technical Committee, I  
21 believe.

22

23                   MR. ROWLAND: Technical Committee. And  
24 then Mary Rabe is.....

25

26                   CHAIRMAN RABE: Rabe.

27

28                   MR. ROWLAND: Rabe. Oh, okay. So  
29 those are the representatives from Alaska that are on  
30 the flyway committee?

31

32                   CHAIRMAN RABE: Mary Rabe and Dan  
33 Rosenberg, for a one-year period on a rotating basis,  
34 they chair the proceedings for the flyway. Those two  
35 individuals are chairing the Technical Committees that  
36 make recommendations to the decision-making body, which  
37 is the Council. I am the Council representative.

38

39                   MR. ROWLAND: Okay. Then one last  
40 thing. The State of Alaska doesn't recognize  
41 subsistence yet.

42

43                   CHAIRMAN RABE: Yes. There's always  
44 yet. So Doug has to leave at this point and we're  
45 going to recognize Eric to come forward and sit in in  
46 his place. That was already established at the  
47 beginning of the meeting. Additional questions.  
48 Taquulik.

49

50                   MS. HEPA: If I hear Patty right, that

1 she is looking for a region to help submit a proposal  
2 to the Flyway Council for a fall and winter hunt, I  
3 would volunteer, but our season ends because most of  
4 the birds have already migrated, so I would recommend a  
5 region that has full on fall and winter migratory bird  
6 hunting. I think at this time it would be good to  
7 identify a region that could submit a proposal.

8

9 CHAIRMAN RABE: Peter and then Molly.

10

11 MR. DEVINE: I would be willing to do a  
12 proposal. Mine would be geared more towards the winter  
13 hunt. I'm looking at from January to March, so mine  
14 wouldn't fall into that fall category because that  
15 would be a conflict with the sport hunters and I want  
16 to stay away from that and hunt when we normally hunt  
17 when the birds are nice and fat and plump and full and  
18 way better. I don't know if we would fit into that,  
19 but we could try.

20

21 One more. The primary bird that we  
22 would be targeting would be mallards.

23

24 CHAIRMAN RABE: Okay. Rick.

25

26 MR. ROWLAND: Yeah, Patty. I submitted  
27 a proposal yesterday showing that the hunters want a  
28 hunt down on Kodiak Island to run from October to  
29 April, so it would not be two seasons, it would just be  
30 one running season, but that might fit into your spring  
31 or fall. We were thinking about our concerns rather  
32 than connecting it to outside other hunts.

32

33 CHAIRMAN RABE: Molly.

34

35 MS. CHYTHLOOK: BBNA submitted a fall  
36 proposal to open up a hunt because our south Aleutian  
37 area does hunt the fall and winter. So we'd be willing  
38 to help. I don't know if several proposals -- are we  
39 thinking about different proposals or are we going to  
40 combine one? Are there several for each region?

41

42 CHAIRMAN RABE: Patty.

43

44 MS. BROWN-SCHWALENBERG: If I can just  
45 get the regions that are interested, we could start the  
46 discussion and between Dale and Dan and whoever wants  
47 to submit a proposal, then we can figure out the most  
48 effective strategy. I don't know right now what that  
49 would be. At least have someone to work with and give  
50 me direction.

1 I also wanted to mention that Carol  
2 passed out a letter that AVCP had sent to Jerome Ford  
3 as well in response to Paul Schmidt's letter, so I  
4 don't know what AVCP's position is on submitting a  
5 proposal or not.

6  
7 CHAIRMAN RABE: Carol, did you want to  
8 speak to that.

9  
10 MS. BROWN: Thank you. Yes, we did  
11 submit a letter to Mr. Ford in this regard and we have  
12 the same concerns that were expressed by Chugach  
13 Regional Resources Commission. In terms of submitting  
14 a separate proposal or what areas were really  
15 interested, I'm not really authorized to state, but I  
16 can offer the assistance of AVCP in this effort.

17  
18 Thank you.

19  
20 CHAIRMAN RABE: Very good. Has  
21 everybody had a chance to provide Patty with what she  
22 requested. Molly.

23  
24 MS. CHYTHLOOK: This is Molly from  
25 BBNA. I just need a clarification, I guess. If we  
26 use, like for instance Patty as the main person to  
27 develop something like this with the help of other  
28 regions, would that work?

29  
30 MS. BROWN-SCHWALENBERG: Yes, that  
31 would be fine. It would be more of a collaborative  
32 effort, but usually there would need to be someone to  
33 keep the ball rolling and I guess I'm just volunteering  
34 to do that.

35  
36 CHAIRMAN RABE: Okay. Are we done with  
37 that topic?

38  
39 (No comments)

40  
41 CHAIRMAN RABE: It appears so. Thank  
42 you, everybody. So we're back then onto the agenda on  
43 Item number 12, which is an invitation for public  
44 comment. Molly.

45  
46 MS. CHYTHLOOK: Yeah, when I got  
47 through with my proposal, when I requested some sort of  
48 an action for my presentation, you mentioned that we'd  
49 wait until after Doug's presentation, so is that still  
50 standing?

1                   CHAIRMAN RABE: Yes. If we didn't  
2 complete it -- I guess the fact that you didn't ask at  
3 that point in time for anything further, I  
4 inappropriately made the assumption that the  
5 explanations and the discussion had met the immediate  
6 needs for that issue as we drew it to a close. But if  
7 you are looking for some sort of an action at this  
8 point on that proposal, then by all means we need to go  
9 back.

10  
11                   MS. CHYTHLOOK: Yeah, I think I'm  
12 expected from my regional members to have an action on  
13 this proposal.

14  
15                   CHAIRMAN RABE: So in the form of a  
16 motion?

17  
18                   MS. CHYTHLOOK: Yes. I would like to  
19 make a motion to -- I'm not sure when we did the Native  
20 caucus the Native members supported the proposal, so  
21 this is how I've written this motion. I could probably  
22 add BBNA YKC as well as AMBCC recommends that the  
23 Regional Director continues a harvest survey program  
24 according to the four elements that the proposal  
25 proposed of the BBNA YKC proposal in order to implement  
26 the first element be implemented. AMBCC needs to hear  
27 from Fish and Wildlife by probably December 1, 2011.  
28 That's my motion.

29  
30                   CHAIRMAN RABE: Molly, what form of  
31 transmittal were you looking for to take that, if it  
32 passes, to take that to the Regional Director? In the  
33 form of a letter?

34  
35                   MS. CHYTHLOOK: I would request a form  
36 of a letter. I don't know if -- if it would be coming  
37 from the AMBCC body, that our Executive Director writes  
38 the letter to the Regional Director.

39  
40                   CHAIRMAN RABE: Okay. That's clear to  
41 me then what the motion is and what the action would be  
42 to accomplish the motion if it passes.

43  
44                   MS. HEPA: I'll second the motion.

45  
46                   CHAIRMAN RABE: We have a second, so we  
47 have it on the floor. Is there discussion on the  
48 motion. Eric.

49  
50                   MR. TAYLOR: Yes, thanks, Mr. Chairman.



1 Again, I'm sorry, I'm a bit unclear on what the actual  
2 proposal is. Can someone repeat that for me.

3

4 CHAIRMAN RABE: We can have Fred try  
5 and do it. He was taking notes to try and capture it.  
6 It, in essence, is to request that the Regional  
7 Director continue the survey, the current format, in a  
8 reduced form in terms of selective regions through in  
9 contrast to the current proposal from the Service,  
10 which is to discontinue it.

11

12 MR. TAYLOR: Thank you.

13

14 MR. ARMSTRONG: And a response by  
15 December 1st.

16

17 CHAIRMAN RABE: And requesting a  
18 response back by December 1st to the entire Council.  
19 Any further discussion on the motion. Taqulik.

20

21 MS. HEPA: I was just going to say from  
22 the North Slope Region that we support the proposal  
23 from her region. I thought they have thought it out  
24 and did a real good job in presenting their point of  
25 view. It does address the concerns from the Fish and  
26 Wildlife Service and it also addresses their concern  
27 about the need to continue to collect information from  
28 their specific area and maybe another region as well.

29

30 With that being said, we will support  
31 her proposal. For Eric's information, it's  
32 highlighted, the core elements, on what her proposal  
33 contains in her PowerPoint.

34

35 CHAIRMAN RABE: Are we ready for the  
36 question or is there additional discussion. Rick.

37

38 MR. ROWLAND: I would like to say thank  
39 you, Molly, for bringing this forward for discussion  
40 today. I appreciate all the information from your area  
41 and from the State of Alaska and the Fish and Wildlife  
42 Service. I'd also like to say that I think it's very  
43 important to point out that management of wildlife  
44 biology it's important to focus on proactive management  
45 rather than reactive management. One way to do  
46 proactive management is to have enough information  
47 available not only from just one source but from a  
48 variety of different sources and a variety of different  
49 opinions. So I think it's important to impress that  
50 the more information we have, the better. So I'm in

1 favor of this type of information being brought forward  
2 as well as other avenues of information being brought  
3 forward.

4

5 Thank you.

6

7 CHAIRMAN RABE: Okay. Are we ready for  
8 the vote. This is going to be a roll call vote then  
9 because I know from a State perspective I want to add  
10 more to an explanation to my vote. Fred, I'd ask that  
11 you do a roll call.

12

13 MR. ARMSTRONG: On the motion to accept  
14 the proposal from BBNA and a written response be  
15 written by the Executive Director requesting an answer  
16 by December 1st. AVCP.

17

18 CHAIRMAN RABE: No, this is just the  
19 three.

20

21 MR. ARMSTRONG: Oh, the three votes.  
22 Okay. U.S. Fish and Wildlife Service.

23

24 MR. TAYLOR: Oppose.

25

26 MR. ARMSTRONG: State of Alaska.

27

28 CHAIRMAN RABE: I'm going to support  
29 this, but I want to explain the nature of the support.  
30 I do feel very strongly that this, in its current form,  
31 is driven as an economic issue and I do believe in my  
32 heart that although we want to solve it and send the  
33 message of the importance of this that as an agency  
34 responsible for that budget I think this type of  
35 request specifically is basically prioritizing their  
36 money. To the extent that we're asking them to change  
37 their priorities, I think it's completely appropriate  
38 in that format, but to expend the money, which is  
39 within their prerogative in terms of how they do that,  
40 I fully acknowledge that this is sort of on the edge of  
41 exceeding our authority to the Service in that regard.

42

43

44 But I am going to support it in the  
45 sense that it sends a message to the Service that this  
46 is a very important issue. Even if it's not accepted  
47 by the Service in its current format, they would look  
48 at it seriously in terms of potentially modifying their  
49 current position on some of this.

50

1 MR. ARMSTRONG: Alaska Native caucus.  
2  
3 MS. CHYTHLOOK: I think I'm going to,  
4 because this is a BBNA proposal and I think I'd feel  
5 more comfortable to have the alternate vote on this,  
6 which is Taqulik.  
7  
8 MS. HEPA: If there's no objection from  
9 the Native caucus, we are in favor of this motion.  
10  
11 CHAIRMAN RABE: Thank you.  
12  
13 MR. ARMSTRONG: Two yeas and one nay.  
14 The motion is adopted.  
15  
16 CHAIRMAN RABE: Okay. So based on the  
17 request in terms of the form of transmission of that  
18 motion and the adoption of it, Fred would prepare a  
19 letter on behalf of AMBCC and I would ask that he, in  
20 transmitting it to the Regional Director, that he copy  
21 all of the members of the Council.  
22  
23 Are we done now with that, Molly?  
24  
25 MS. CHYTHLOOK: Yes.  
26  
27 CHAIRMAN RABE: All right. Now  
28 continuing back on the agenda. We're on Number 12,  
29 invitation for any comments from the public as we bring  
30 the meeting to a close. If so, please stand up, waive  
31 your hand, we'll identify you and have you come up to a  
32 microphone. Do we have anybody from the public that  
33 wishes to speak now. Cynthia, would you come up.  
34 Please identify yourself.  
35  
36 MS. WENTWORTH: My name is Cynthia  
37 Wentworth. I was subsistence harvest survey  
38 coordinator for the U.S. Fish and Wildlife Service for  
39 18 years, retired in 2007. I'm really happy about the  
40 excellent work that Liliana Naves is doing now in my  
41 place. I just need to say as a private citizen how  
42 strongly I support the Native caucus on this issue.  
43 The resolution, I feel like it was very well written  
44 and it's extremely important that the survey for the  
45 main species be maintained. I won't repeat all the  
46 points, but I just need to express my strong support  
47 and also my feeling.  
48  
49 As the person who ran the survey for so  
50 many years, if we only survey for the species that are

1 taken -- the species that people are so concerned about  
2 that aren't taken in very big numbers, we're not going  
3 to get good information. I don't care how much you say  
4 that you want to improve the quality. The quality is  
5 not going to improve unless you survey for all the  
6 species.

7  
8 Then there's also the issue of the jobs  
9 in the villages, which is so crucial. I mean so many  
10 times when I was running the survey, and I know this is  
11 not the main reason, but I'd have people where this was  
12 their only income other than welfare, this job. So I  
13 feel that with some 27 years with the Fish and Wildlife  
14 Service I just think that there's ways that they can  
15 move the money around within the agency to make this  
16 survey happen.

17  
18 Thanks.

19  
20 CHAIRMAN RABE: Thank you. Is there  
21 anybody else in the public that wishes to make a  
22 statement?

23  
24 (No comments)

25  
26 CHAIRMAN RABE: Seeing none. I want to  
27 thank you and we'll close that item. We're going to  
28 continue on with Item Number 14. Are there any Council  
29 members that wish to make any closing remarks at this  
30 point in time as we get ready to gavel out the meeting.  
31 Peter, would you like to start.

32  
33 MR. DEVINE: Yes, thank you, Mr. Chair,  
34 fellow board members, Staff. Thank you for coming and  
35 seeing our beautiful building. I understand there was  
36 a proposal turned in yesterday for the use of bird  
37 feathers. I would like to say that I'm in support of  
38 that if it's a statewide deal because, as you can see,  
39 I use bird feathers on my artwork. It's not just  
40 masks. In the past, the Aleut women in our region used  
41 Cormorant feathers for dolls. I have one back here.  
42 It don't have the feathers, but this is what we're  
43 reduced to now is just making the regalia that the  
44 dancers are using.

45  
46 Two years ago I got a ride with Senator  
47 Kookesh and he took me to the Sports Authority and he  
48 was going to buy shells. Me, I had to go buy feathers  
49 because, as a Council member here, I voted no, that we  
50 could not use feathers, and now I'm asking myself why,

1 being a Native artist, why would I do that. So I would  
2 be in support of the feather proposal.

3

4 Thank you.

5

6 CHAIRMAN RABE: Other Council. Molly,  
7 you had your hand up, right.

8

9 MS. CHYTHLOOK: I guess a new plan, a  
10 Native summit coming on, it will probably move forward  
11 now after this meeting. I've got a request that either  
12 Eric or Fred could pass on to Doug. The reason why I'm  
13 requesting this information is so we'll have the Fish  
14 and Wildlife side or their explanation of their roles  
15 and goals regarding co-management process. I'd like to  
16 have this in writing. He could follow the questions  
17 that were posed to us under New Business (f). Instead  
18 of AMBCC questions I'd like to turn the table and ask  
19 Doug to answer these questions in writing and I guess  
20 give them to me, email them to me. Fred has my email.  
21 So that we can have this information during our Native  
22 summit.

23

24 Thank you.

25

26 CHAIRMAN RABE: That's just in the form  
27 of a friendly request then, right? Did you get that in  
28 terms of passing it on?

29 MR. ARMSTRONG: Yes.

30

31 CHAIRMAN RABE: Are there other Council  
32 members with parting comments. Randy.

33

34 MR. MAYO: Thank you, Mr. Chair. I'd  
35 like to thank the host tribal organization for being in  
36 their building here. Coming from the Interior Region,  
37 we've got a lot of catch-up work to do in our region  
38 with this body here. Inform our people as to how we  
39 can participate in this process, though it's very  
40 confusing. As an elected tribal leader from my tribal  
41 government, I might be sitting at the wrong table, but  
42 I just wanted to mention that I had participated in  
43 other advisory councils before and the bottom line is  
44 how these laws are written and how these legislators  
45 allow us -- you know, how we're accommodated.

46

47 I think the whole Native community in  
48 Alaska had better get on the same page, corporate or  
49 tribal, and become a force to be reckoned with so we  
50 don't get things in legislation when this treaty was

1 amended to make everybody irregardless of race in  
2 Alaska indigenous. Traditionally or tribal council-  
3 wise, you know, we haven't adopted other people. The  
4 bottom line is that he who controls the money controls  
5 the destiny and the world and how we are allowed or not  
6 allowed to practice our cultural, spiritual inherent  
7 right to live off of our God-given resources. So I  
8 just wanted to put that down for the record.

9

10 These are the things I need to report  
11 back to my area and hopefully our area will start  
12 taking these things seriously and start getting on the  
13 same page. And when these people want to be re-elected  
14 at the congressional and senate level, that we need to  
15 send a strong message. We may not have all the money  
16 in the world to have them do our bidding, but that's  
17 how this game is played.

18

19 Thank you.

20

21 CHAIRMAN RABE: Thank you, Randy.

22 Rick.

23

24 MR. ROWLAND: Thank you, Dale. Rick  
25 from Sun'ag Tribal Kodiak. I would like to say first,  
26 thank you to Aleutian/Pribilof people for allowing us  
27 here to meet today. The hospitality was excellent and  
28 the food was wonderful. Thank you all those that  
29 brought food in for us to share. I really appreciate  
30 that. Also I'd like to say thank you to Alaska  
31 Migratory Bird Co-Management Council Staff for  
32 coordinating this and getting the information to us and  
33 catering us around during the meeting and giving us the  
34 information we needed.

35

36 I'd like to congratulate all of you  
37 individual representatives from your area for coming  
38 here to represent your people. You're doing a great  
39 deed for not only your people but your people to come.  
40 And not only for your people to come, but I know that  
41 some of the information out there states that the  
42 population of the U.S. is going to go from 300 million  
43 to 400 million in the next 20 to 30 years. Our  
44 population is going to increase.

45

46 In order to take care of that  
47 population we, as people who are partaking in the co-  
48 management of our natural resources, we have to  
49 proactively manage these species so that in those 20 or  
50 so years when that people population get here we'll

1 have this all figured out and we'll be experts at  
2 managing this stuff so that we will have discussions  
3 rather than arguments, to where we're communicating and  
4 collaborating. Although at points we won't necessarily  
5 agree on all things, we'll work for the betterment of  
6 human beings to utilize the natural resources.

7  
8 So I wanted to say thank you to all of  
9 you members representing, members representing the  
10 State and the Fish and Wildlife.

11  
12 Thank you for allowing me to come here.

13  
14 CHAIRMAN RABE: Other closing comments.  
15 Enoch.

16  
17 MR. SHIEDT: I'd like to thank for the  
18 use of this building here and the rest of the Co-  
19 Management Council that we are here so hopefully our  
20 people could keep harvesting birds legally. Fred,  
21 Dale, Doug, for listening to us and hearing our  
22 concerns. I greatly appreciate this. I say this  
23 because, for your information, I'm trying to retire  
24 next summer. I'm trying to get talked out of it, but I  
25 think I'm due to retire. You know, I'm going to hit 67  
26 pretty quick. I might be on the last trip, but let me  
27 tell you one thing. If I commit myself to surveys, I  
28 will complete them before I retire, so you don't have  
29 to worry about it. I'm going to do a migratory bird  
30 survey because none was done since I left. This is for  
31 your information.

32  
33 CHAIRMAN RABE: Thank you, Enoch.

34  
35 Anybody else.

36  
37 Taqulik.

38  
39 MS. HEPA: I just want to thank our  
40 host, Peter, for allowing us to come and have our  
41 meeting here. I'm real fascinated by Aleut culture, so  
42 it was good to see all your artwork out here and the  
43 people, they're so beautiful. And thank our Chairman  
44 for a good job in running our meeting. I thought you  
45 did a real professional job in keeping us on task.

46  
47 Thank you.

48  
49 I too am a migratory bird hunter. I  
50 teach my children and the work that we do is so

1 important to our people as others have stated. It's a  
2 passion of mine to be at the table and I've enjoyed it  
3 since 2006 sitting at the table. It's an honor to meet  
4 with each and every one of you and to get to work with  
5 you. I hope to see you guys in the future.

6

7 Thank you.

8

9 CHAIRMAN RABE: Thank you, Taqulik.

10

11 Eric.

12

13 MR. TAYLOR: Thank you, Mr. Chairman.  
14 I'd like to go back to Molly's request because I've re-  
15 read the discussion point in Item (f) there under New  
16 Business. Not to criticize the person who drew this  
17 up, but I'm looking at 1 and 2, for example, and  
18 they're pretty similar. The first one was what do  
19 members believe the role of the AMBCC is in the  
20 regulatory process. The second one is what role should  
21 the AMBCC play. Those are pretty similar. The point  
22 is, I think Doug perhaps put this on the agenda kind of  
23 for just a discussion among the representatives.

24

25 I think Molly raises an excellent point  
26 in the sense that a lot has transpired since the first  
27 originators and the development of the AMBCC and the  
28 current representatives. I'm not familiar with what  
29 the objectives or the goals are for your summit, but I  
30 would propose, I think, instead of just asking Doug to  
31 answer these questions, first off, I think the  
32 questions could be refined and perhaps revised to make  
33 them a bit more specific, but I think in terms of your  
34 summit what might be helpful is that all three entities  
35 answered these questions; the State of Alaska, the  
36 Federal government and the Native representatives.  
37 Someone be assigned or ask for a volunteer to summarize  
38 those comments and then bring those to the summit and  
39 have them presented.

40

41 One would hope that all three entities  
42 are very similar in the expectations of the goals and  
43 the roles that the AMBCC should play in the  
44 conservation and management of the migratory bird  
45 resource, but there may be some subtle differences.  
46 I'm not for sure who's planning the summit, but I would  
47 propose that these questions be refined, they be  
48 revised to make sure that everyone feels like they're  
49 the best and clearest and most appropriate questions to  
50 be addressed and that all three management bodies



1 address them and that that summary be brought at the  
2 summit.

3

4 CHAIRMAN RABE: Okay. Not exactly  
5 closing comments, but that's fine.

6

7 MR. TAYLOR: I'm sorry. The brain is  
8 working a little bit slow and I thought about Molly's  
9 request and I thought about going back to Doug and say,  
10 Doug, here's a new assignment and I knew what Doug  
11 might say to me. Actually, I looked at the questions  
12 again and I thought, boy, I don't know what the  
13 difference is between 1 and 2.

14

15 CHAIRMAN RABE: That's fine. I'm going  
16 to allow for Molly to reply or ask a question and then  
17 I've got a suggestion.

18

19 MS. CHYTHLOOK: Thank you, Mr. Chair.  
20 I think, like Patty mentioned, the Native role is  
21 already in our bylaws. I don't know how we could  
22 change that.

23

24 MR. ARMSTRONG: (Indiscernible - away  
25 from microphone).

26

27 MS. CHYTHLOOK: In the bylaws.

28

29 CHAIRMAN RABE: I think Fred's point is  
30 that the bylaws are a reflection of a collective sense  
31 for all three groups that make up the body at this  
32 point. To distinguish any subtle differences that Eric  
33 is referring to would really require sort of an  
34 introspective from an agency or organizational and may  
35 be useful for that standpoint.

36

37 My suggestion would be you did make a  
38 request and I could suggest an interpretation of that  
39 that if Eric were to request that Doug give you a call  
40 and talk, the two of you have a conversation about  
41 those three questions, the two of you can work out  
42 whatever seems to be appropriate and then if he does,  
43 in fact, provide something, it can either be for later  
44 use at the summit or he could share it with you  
45 personally or you could share it with the whole group  
46 based on whatever you guys feel is most appropriate at  
47 that time.

48

49 Molly.

50

1 MS. CHYTHLOOK: I think it seemed like  
2 there's a feeling that Fish and Wildlife thinks that  
3 the Native group has a different definition for co-  
4 management. I don't know what difference that would  
5 be. I think the confusion here is that Fish and  
6 Wildlife seems to be having a different explanation of  
7 the co-management system. So that's the reason why I'd  
8 like to have Fish and Wildlife's stand on the co-  
9 management in writing so that it will be standing. It  
10 will be writing. It wouldn't change from one meeting  
11 to another. And I think it would be clearer for the  
12 Native members to read that through and understand it  
13 in writing.

14  
15 Thanks.

16  
17 CHAIRMAN RABE: Thank you for the  
18 additional comments. I'll go back. I think we're at a  
19 point in the meeting that if we're going back and  
20 actually dealing with it as a resolution or anything in  
21 a formal sense, I prefer not to do it at this point,  
22 but as a friendly request for information-sharing and  
23 thought and process, I would request that either,  
24 Molly, you call Doug directly and have additional  
25 discussions or that Eric pass the request to Doug and  
26 that he could call you and that would continue to  
27 develop the information either for the short term or  
28 the long term. I know that Doug has gone through it  
29 laboriously at several meetings to try and describe  
30 what he sees in that, but put it in writing is a  
31 different kind of request.

32  
33 Do we have any other Council final  
34 closing comments.

35  
36 (No comments)

37  
38 CHAIRMAN RABE: Being the Chairman, I  
39 have the unique -- I have the last word, right, so I'm  
40 going to hold that. I'm going to ask are there any  
41 Staff closing comments.

42  
43 MR. ARMSTRONG: Thank you, Mr. Chair.  
44 I want to thank APIA for allowing us the use of this  
45 building. They've been very gracious and  
46 accommodating. And to my Staff for putting together --  
47 setting up the meeting, the preparations and the good  
48 food is very exceptional. And the people who brought  
49 food, thank you for that.

50

1                   On the radar screen, I want to mention  
2 that the proposed rule publication is eminent and  
3 tribal consultation is going to occur within the next  
4 couple months, so please make your folks aware of that  
5 and the need to be involved is greater now than ever.  
6

7                   I want to thank Crystal for attending  
8 our meeting and I'm sure it will help as we go through  
9 the consultation process. I'd also like to thank Dale  
10 for chairing this year. You've done a very great job  
11 and keep the meetings moving. It's been a real good  
12 experience. And thank you, members, for attending.  
13 It's been very worthwhile and productive. Thanks.  
14

15                   CHAIRMAN RABE: So I get the final  
16 word. I too want to thank APIA for hosting and all  
17 that brought food. It's been a wonderful meeting. I  
18 appreciate everybody's patience with me in terms of  
19 chairing the meeting and any faux pas in terms of  
20 parliamentary procedure or other things, but it feels  
21 like we got through this in pretty good shape.  
22

23                   I also want to express the fact how  
24 sincerely privileged I feel to be able to participate  
25 in this group. I full am invested in what the program  
26 is doing and I absolutely want to see it continue to be  
27 successful, so that's my commitment. Anybody coming  
28 after me I hope would share that as a State perspective  
29 on this. I think this is extremely valuable to  
30 everybody, including the State agency, even though as a  
31 State we don't technically represent -- or we don't  
32 technically acknowledge the spring/summer season. If  
33 we did, frankly, then we'd have other conflicts with  
34 having a preference, so better that we don't.  
35

36                   With that, I have one final  
37 responsibility and that is I have to turn over the  
38 gavel to the Fish and Wildlife Service to Chair the  
39 next meeting. The one final thing before calling an  
40 adjournment is that we have a date and place for the  
41 next meeting. Fred, how do you want to cover that? Do  
42 you want to do it now or by email?  
43

44                   MR. ARMSTRONG: Thank you, Mr. Chair.  
45 We generally have it the first week in April. If  
46 there's a window of opportunity, then I can just work  
47 with the committee and I'll query all the members to  
48 see if that week is acceptable and try to move from  
49 there.  
50

1 MS. HEPA: Tuesday, Wednesday, Thursday  
2 so that we can go home Friday.  
3  
4 CHAIRMAN RABE: Okay. Eric.  
5  
6 MR. TAYLOR: Are we going to put down  
7 on the calendar then for April 3rd, 4th and 5th?  
8  
9 CHAIRMAN RABE: I have a scheduling  
10 conflict for that week for those days.  
11  
12 MR. ARMSTRONG: Second week?  
13  
14 CHAIRMAN RABE: The second week is  
15 fine.  
16  
17 MS. HEPA: The second week is good.  
18  
19 MR. ARMSTRONG: April 10, 11, 12.  
20  
21 CHAIRMAN RABE: April 10, 11 and 12.  
22 That works fine.  
23  
24 MR. TAYLOR: Does anyone else have a  
25 conflict on the 10th, 11th and 12th of April? That's  
26 Tuesday the 10th, Wednesday the 11th, and Thursday the  
27 12th.  
28  
29 (No comments)  
30  
31 MR. TAYLOR: No conflicts at this  
32 point?  
33  
34 MR. SHIEDT: What's the date?  
35  
36 MR. TAYLOR: April 10th, April 11th and  
37 April 12th, Tuesday, Wednesday and Thursday.  
38  
39 MS. HEPA: Good. Move to adjourn.  
40  
41 MR. TAYLOR: Set in stone.  
42  
43 MS. CHYTHLOOK: Second.  
44  
45 MR. TAYLOR: Motion to adjourn and  
46 second.  
47  
48 MS. HEPA: Question.  
49  
50 MR. TAYLOR: Call for question. All in

1 favor.

2

3

IN UNISON: Aye.

4

5

6

MR. TAYLOR: All right. The meeting is  
adjourned. Safe travels.

7

8

(Off record)

9

10

(END OF PROCEEDINGS)

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C E R T I F I C A T E

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 )ss.  
STATE OF ALASKA )

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