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VOLUME II

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

WINTER MEETING

DILLINGHAM, ALASKA

SEPTEMBER 25, 2008

Members Present:

- Ron Clarke, Alaska Department of Fish and Game, Chair
- Herman Squartsoff, Kodiak Area Native Association
- Doug Alcorn, U.S. Fish and Wildlife Service
- Sandy Tahbone, Kawerak, Incorporated
- Mike Pederson, North Slope Borough
- Molly Chythlook, Bristol Bay Native Association
- Peter Devine, Aleutian/Pribilof Islands
- Sky Starkey, Association of Village Council Presidents
- Joeneal Hicks, Copper River Native Association
- Fred Armstrong, Executive Director
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P R O C E E D I N G S

(Dillingham - 9/25/2008)

(On record - 9:00 a.m.)

CHAIRMAN CLARK: Let's call the meeting of the Alaska Migratory Bird Co-Management Council back to order. We do have a quorum, so let's move on with our agenda. Next on the new business schedule is 2009 cooperative grants from Donna Dewhurst. Donna, the floor is yours.

MS. DEWHURST: The first one is actually an excerpt from Kawerak's grant.

MS. TAHBONE: Could we insert between provide and funding apple? That's my morning humor.

MS. DEWHURST: So if you go to the one that says part 3, purposes and objectives, this is actually out of Kawerak's grant. I just picked one for an example. They're all identical, so it doesn't really matter. Then you flip it over. The bright yellow stuff is what we wanted to talk about. These are the requirements from the grantees. The main one is really number one. There's a minimum of two regional meetings sometime during that year.

The other big thing is that, number 4, you let us know in advance when you're having a regional meeting. We need at least a week's notice. Ten days is better, but at least a week. And let us know how you're advertising it and we just basically need a copy of the agenda and the plan for the meeting so we can let other folks know in case anybody else wants to attend. So that's the main reason there, is to get a copy of it.

At the end of the grant year, you're required to do a report. This doesn't have to be long and complicated. This can be a one-pager easily. All we need to know basically is did you have your two meetings, how many people attended, that sort of thing. That's the main thing for the report, is just I had a meeting on this date, I had a meeting on this date, these were the representatives at this one, we discussed this stuff and then you're done. Some people have made these 20, 30 pages that go into elaborate details. If you want to do that, that's great, but I'm

1 just saying the requirement isn't that involved. It
2 can be short and sweet.

3

4 So that's the main thing, is the two
5 meetings, announcement in advance, and when you're done
6 some sort of a brief summary. That's the big thing
7 with the grant. It sounds really simple and most folks
8 are complying with it. We just have three, sometimes
9 four groups that are hit and miss and a couple that
10 aren't doing meetings.

11

12 CHAIRMAN CLARK: Fred.

13

14 MR. ARMSTRONG: Mr. Chair. The process
15 for developing and implementing grants have changed
16 under a more public scrutiny. We're under grants.gov,
17 which everybody has access to. So compliance with the
18 grants has to be really emphasized. We need to at
19 least emphasize the fact that the public can weigh in
20 on this. We're audited every year and when we have
21 partners that don't comply, then it jeopardizes future
22 agreements. I'd like to emphasize real hard to please
23 try to have the meetings and comply with the
24 stipulations and everything will be okay. We try to
25 help as we can. Donna heads up the grant agreements,
26 so she's a contact person.

27

28 MS. DEWHURST: And to answer a question
29 you asked yesterday, Sandy, a little bit different
30 answer. As far as how you break down how you spend
31 your money, you have to outline that in that 424 form
32 at the beginning, but from my understanding there is no
33 requirement on like how much you spend on salary versus
34 how much you spend on travel versus outreach or
35 whatever as long as you can justify it. So if you put
36 30 percent on salaries and you can show that money
37 actually went to working on AMBCC stuff, then you're
38 fine. But there isn't a 5 percent limit.

39

40 MR. ARMSTRONG: At the beginning of the
41 program, that's what we emphasized, was at least 5
42 percent could be used towards administrative salaries
43 simply because the amounts of money are so small and a
44 lot of the regions wanted to have face-to-face
45 meetings. That was sort of an agreement with all the
46 partners up front.

47

48 MS. DEWHURST: But as far as
49 contracting, they don't have a 5 percent limit.

50

1 MR. ARMSTRONG: No. That's what we
2 agreed to.
3
4 MS. DEWHURST: The main thing
5 contracting told me is that as long as you -- if you're
6 audited, which it seems one to two organizations are
7 audited every year from what I heard from contracting,
8 so when the auditor comes to your door, as long as you
9 can justify your breakdown and show you spent it that
10 way, you're fine.
11
12 CHAIRMAN CLARK: Member Tahbone.
13
14 MS. TAHBONE: One thing that's not
15 reflected in here is the report that's required after
16 you do have a meeting.
17
18 MS. DEWHURST: We eliminated that.
19 We're not requiring a report immediately after you do
20 the meeting. You just have to do it at the end of the
21 year and summarize the two.
22
23 MR. ARMSTRONG: Yeah.
24
25 MS. TAHBONE: Well, the contract
26 language was -- so it's not in our.....
27
28 MS. DEWHURST: No. We need it at the
29 end of the year.
30
31 MS. TAHBONE: It was our '08. There's
32 a report that's required 60 to 90 days after you hold a
33 meeting to provide your action items and then there's
34 the report at the end of the year, your final report.
35
36 MS. DEWHURST: Yeah, the only one we're
37 enforcing is the end of the year report.
38
39 MR. ARMSTRONG: I think you should
40 check that language.
41
42 MS. TAHBONE: I mean if you're audited
43 and your contract says you're.....
44
45 MS. DEWHURST: They don't look at that
46 is my understanding. With the audits, they're just
47 looking at money from what contracting has told me.
48 They're just purely looking at money and the breakdown
49 of how you spent it. From what I've been told, the
50 reporting and all that is in Fred and my shop. The

1 contracting just deals with the money purely.

2

3 MS. TAHBONE: Well, if you guys can --
4 I'll check with my contract when I get back.

5

6 MS. DEWHURST: Yeah, well, you have --
7 oh, I think this is the '09 grant that I pulled this
8 out of, but I don't have the reporting requirement,
9 which I think is the next page.

10

11 MS. TAHBONE: Because if that language
12 is in a contract, Kawerak will hold me to complying
13 with it. So if it's not necessary, then I would
14 appreciate it if you guys would amend the contract to
15 take it out.

16

17 MS. DEWHURST: I thought we took that
18 out, but I'll check. So that's the main thing there.
19 As far as how you divvy up your grant, as long as you
20 basically follow your 424. If you decide down the road
21 you need to put more money into something else, what
22 contracting told me was to do a new 424 and send it in.
23 If you suddenly realize you need to divvy it up
24 radically different than what you reported at the
25 beginning, do a new 424, send it in, say we've had to
26 redistribute funds, and then you're covered.

27

28 The other thing I've passed out, we've
29 had a lot of requests, especially from like the folks
30 that don't have their grants yet, I think we have five
31 groups that already were funded with '08 money, so the
32 rest of the grantees don't have their '09 grants yet.
33 There is this pre-award language for the folks that
34 don't have their grants yet. Let's say they wanted to
35 spend money, like pay for this meeting, they could pay
36 for this meeting with '09 money because of this 90-day
37 thing. You know, even if the grant isn't signed until
38 the 1st of November, they can still charge back 90
39 days. With any grant, you have the 90-day charge back.
40 Now that does not work for past because I had a
41 question -- I think Mike Smith asked me about can you
42 charge something 90 days after your grant expires and
43 the answer is no. It's a pre-award. There's no post-
44 award. So it only works in advance.

45

46 That was really all I had to cover
47 unless there's any questions on the grants. The folks
48 that don't have their grants yet, we will be getting
49 them out to you in the next couple weeks.

50

1 CHAIRMAN CLARK: Member Pederson.
2
3 MR. PEDERSON: Thank you, Donna. I
4 guess my question with your pre-award stuff. We did
5 have our two management body meetings, one in March and
6 one in August. After our August meeting, our grant
7 monies were fully expended. So for this meeting me and
8 Josh had to use general funds from our department.
9
10 MS. DEWHURST: You can put in on the
11 '09 grant.
12
13 MR. PEDERSON: I just wanted to
14 clarify.
15
16 MS. DEWHURST: Yeah. And then there
17 was also the \$5,000 modification, which should have
18 added 5,000.
19
20 MR. PEDERSON: But the modification I
21 know was supposed to be spent by August 31, I think,
22 and not September 30.
23
24 MS. DEWHURST: No, it was September.
25 So you could put it against the modification. The
26 modification with North Slope just went through last
27 week because they were waiting on some other form that
28 your admin folks had to do. I heard it was signed and
29 in place last week, so you might check on that. You
30 might have an extra 5,000 floating around you can use
31 without charging against this year's.
32
33 And the reason they got 5,000, usually
34 whoever attends the SRC and the flyway meetings we give
35 them at least 5,000 more in their grant to offset that
36 travel. So that's why like this year North Slope and
37 CRRC, Patty's group, got an extra five grand each to
38 offset going to the meetings, so it doesn't eat out of
39 your base funds for the grants.
40
41 MR. SQUARTSOFF: Yeah, Mr. Chair.
42 Donna. In our caucus yesterday, it was suggested we
43 should ask for a little bit more than that with rising
44 costs and everything else when we travel. Thank you.
45
46 CHAIRMAN CLARK: Any other questions
47 for Donna.
48
49 MS. TAHBONE: Just real quick.
50

1 CHAIRMAN CLARK: Member Tahbone.

2

3 MS. TAHBONE: What's the budget that
4 you're working for for '09?

5

6 MS. DEWHURST: It's flat, so last year
7 we had 227,000 roughly and that's what we have as far
8 as I know this year. So that will be comparable.

9

10 MR. ARMSTRONG: It generally runs
11 222,000 annually, but since we didn't reduce the funds
12 in the regions where there were no longer
13 representatives to the flyway and SRC, we've got to
14 take a look at that and work with our partners and try
15 to have consistency.

16

17 MS. DEWHURST: I guess one other note
18 is to be aware what the new requirements with
19 grants.gov if we change partners from here on out.
20 When we changed with Kodiak and we changed with
21 Southeast a couple years ago, we were still able to
22 squeak in a sole source kind of change where we didn't
23 have to compete with those, but I've been told can't
24 get away with that anymore. So if we did change with,
25 let's say, TCC or Maniilaq or one of those groups
26 completely quit on us and we had to go to another
27 group, we would have to advertise and any new groups
28 would have to compete for that grant. So that is a
29 change in the policy.

30

31 CHAIRMAN CLARK: Fred.

32

33 MR. ARMSTRONG: One more thing that's
34 going to impact everybody is that there may be some
35 discussion about not
36 doing any more forward funding and that's what we rely
37 on to try to offset the cost in the current year. That
38 was just brought to my attention last week and there's
39 been no further discussion. If we hear anything about
40 it, we'll let you guys know right away.

41

42 CHAIRMAN CLARK: Member Squartsoff.

43

44 MR. SQUARTSOFF: Donna, one more thing.
45 In our caucus we discussed between us Native entities
46 if somebody doesn't sign, we're looking at what kind of
47 a time limit? You know, if they don't sign by this
48 certain time, it will free up more money for the rest
49 of us. I guess we're thinking maybe the end of
50 November. That's giving them about two months.

1 MS. DEWHURST: That's up to executive
2 director. He can put it in a letter. Contracting
3 doesn't have a limit, but the executive director does
4 have that authority.
5
6 MR. SQUARTSOFF: But we need something
7 to free it up for us.
8
9 MR. ARMSTRONG: By January contracting
10 just starts letting me know that partners haven't
11 signed yet and we try to push to get them to sign.
12 Both cases we haven't been successful.
13
14 MR. SQUARTSOFF: Yeah, but I mean by
15 January that's four months down the line.
16
17 MR. ARMSTRONG: You've got to look at
18 the big picture, Herman. Even though these grants are
19 not required.....
20
21 MR. SQUARTSOFF: Right.
22
23 MR. ARMSTRONG:we try to give the
24 partner a lot of leeway so that they could be an active
25 partner in this process. If the Council is willing to
26 have deadlines, I'm all for it.
27
28 MR. SQUARTSOFF: Do we need to do it as
29 a Council or with the Native entities because it's us
30 that's dealing with all these contracts?
31
32 MR. ARMSTRONG: Well, what would happen
33 is that we'd have to modify the grants to include that
34 language in the agreements so that everybody would be
35 aware of it. If the Council, by motion, adopts the
36 language like that, we certainly would move forward to
37 amend the grants.
38
39 CHAIRMAN CLARK: Member Squartsoff,
40 Member Tahbone, then Member Alcorn.
41
42 MR. SQUARTSOFF: I don't know if
43 everybody else feels the way I do, but I'm willing to
44 make a motion on that so that we can make sure we have
45 money freed up for the other areas that need it.
46
47 CHAIRMAN CLARK: Member Tahbone.
48
49 MS. TAHBONE: I concur with that.
50

1 CHAIRMAN CLARK: Member Alcorn.

2

3 MR. ALCORN: Thank you, Mr. Chairman.
4 I think we need to keep in mind the comment I made
5 yesterday that I think the other half of this
6 discussion is representation on the Council. To
7 effectively represent your region, it's my opinion you
8 need to have those meetings so you can come and bring a
9 consensus opinion from your region and that's the model
10 that we've worked on. The problem that we have if we
11 don't have a grant agreement in place for that region,
12 then there are no resources to have that meeting, then
13 in the fall and spring meetings when the Council
14 convenes, if the regional representative comes to the
15 table not having those meetings, then it circumvents
16 this entire regional representation concept. Basically
17 you have the representation by one entity, by one
18 organization, so we're sliding down a slippery slope, I
19 think, if we absolutely cut someone off and then they
20 show up at the next meeting and say, well, I'm here to
21 represent but I didn't have any meetings because, guess
22 what, I didn't have any money. So we're going to have
23 to deal with that issue.

24

25 CHAIRMAN CLARK: Member Squartsoff.

26

27 MR. SQUARTSOFF: Yeah, Mr. Chair.
28 Doug. But this will also help us get some of these
29 people that haven't been signing to be here to
30 represent their regions. I mean that hasn't been
31 happening with some of them. We discussed it, talked
32 about it. There has been no effort anymore to really
33 push for these people to do it, to have somebody come
34 represent their area. We're stuck with certain people
35 and they're not doing anything. We've got to do
36 something.

37

38 CHAIRMAN CLARK: Member Tahbone.

39

40 MS. TAHBONE: Mr. Chairman. Yeah, I
41 think each of the partners need to be held accountable.
42 If they're unwilling to accept the grant, then that's
43 their prerogative, with the understanding that those
44 funds are to be used to support their regional
45 meetings, but I don't think the rest of the partners
46 should suffer for their lack of.....

47

48 MR. SQUARTSOFF: Commitment.

49

50 MS. TAHBONE:willingness to sign

1 contracts. So some type of time frame needs to be
2 followed so the other partners can have opportunity to
3 fulfill the objectives that are outlined with each of
4 our contracts because we currently don't have the funds
5 to do it.

6
7 CHAIRMAN CLARK: Looking at it from the
8 perspective of the constituents of the regional
9 representatives that aren't having the meetings, if
10 they're effectively disenfranchised by their regional
11 reps not holding meetings, it would seem to be
12 disenfranchising them further to take that money and
13 put it somewhere else where it couldn't go to that
14 region if somebody else were to pick up that contract.
15 I'm not too sure.

16
17 Member Pederson, Member Chythlook,
18 Member Alcorn.

19
20 MR. PEDERSON: Doug, are you implying
21 that those people that are not here, that's your thing
22 and it has nothing to do with people that are like
23 alternates, like me and Sky?

24
25 CHAIRMAN CLARK: Member Alcorn.

26
27 MR. ALCORN: No, not at all. I'm very
28 supportive of this process that we have where an
29 alternate is seated when we have a letter from the
30 regional representative saying I'm not able to make the
31 meeting but I want an alternate sitting and
32 representing my region. That's the way it should work.
33 I realize that a representative can't always make it.
34 I'm fully supportive of setting a deadline. I'm fully
35 supportive of fully using the money that we have
36 available. So if somebody is not going to use it, I
37 support using that money for this process.

38
39 What I'm afraid of though is having a
40 region elect not to host those meetings and still come
41 to this forum and represent the region as if there was
42 a consensus position developed through the process
43 we're discussing here. Holding the meetings, all the
44 villages represented and having those discussions twice
45 a year and vetting the proposals. That was the whole
46 model we discussed. If that does not occur and, yet,
47 at the Council's fall and spring meetings the region
48 represents itself, then I think that's disingenuous to
49 the public. So that's the issue that I'm trying to
50 address here.

1 CHAIRMAN CLARK: Go ahead.

2

3 MR. SQUARTSOFF: Mr. Chair. Doug.
4 Maybe this way if we do set this, if they do show up at
5 the meeting, then we know next year they'll sign that
6 contract. At least it will let them step up to the
7 plate finally. That's what I'm trying to get at, to
8 get them to finally do this. We'll held off I don't
9 know how many years in some of the areas where they
10 haven't signed or they signed and never used the money
11 or haven't come. We have to do something. There's a
12 lot of things we haven't been doing. We've been
13 getting pretty lax here on the Council and we need to
14 step up and correct it.

15

16 CHAIRMAN CLARK: Member Chythlook.

17

18 MS. CHYTHLOOK: There's been a lack of
19 a communication from either Fred or Doug, from somebody
20 in regards to where everybody's standing. Until we
21 come to this meeting, we find out that certain members
22 have refused to receive their grants and some of the
23 members aren't holding meetings. I think we need
24 better communication from somebody from the
25 headquarters to the Council and vice versa so we'll
26 know when we come to this meeting what to expect
27 instead of coming here in the dark and gradually
28 finding out all this information.

29

30 CHAIRMAN CLARK: Fred and then Member
31 Alcorn.

32

33 MR. ARMSTRONG: We've tried to do that
34 and the Council has given us direction to write letters
35 to these organizations to have them step up to the
36 plate. That's been done on two occasions. The problem
37 with our office is that we don't know when regions are
38 having meetings. That's part of the problem, too. We
39 just have to have better communication between us and
40 our partners because things can slide if we don't know
41 that nobody's doing anything.

42

43 CHAIRMAN CLARK: Member Chythlook.

44

45 MS. CHYTHLOOK: That's part of our
46 responsibility, is to let you know that we're having
47 our regional meetings. If the rest of the membership
48 don't know, then they need to be communicated to.
49 Maybe they forgot, but I think we need to stress
50 communication from you guys a lot more than we have in

1 the past. Thank you.

2

3

CHAIRMAN CLARK: Member Alcorn.

4

5

MR. ALCORN: Thank you, Mr. Chairman.

6 It seems to me that maybe we're sort of talking about
7 two problems that are very closely intertwined. One is
8 the need to have a time when people are going to either
9 accept or decide to reject the grant agreement that we
10 have in order to do the regional work. That's sort of
11 an administrative trigger that we can design and we can
12 do it in a number of ways. We can say you've got 90
13 days from the date you received this grant agreement or
14 you've got until the spring AMBCC meeting or any
15 arbitrary date. We can do that. Then that gives Fred
16 and his office the opportunity to say we're not going
17 to obligate those moneys for that purpose, we're going
18 to obligate for other and we'll send a note out to the
19 other regions. That's an administrative fix and I
20 think we can do that.

21

22

The other issue is a matter that I'm
23 mentioning effectively representing based on the
24 consensus building process. That I believe is
25 something that could be addressed with an amendment to
26 the bylaws. I'm looking at the roster of committees
27 under Tab 9. We don't have a bylaw committee anymore.
28 It was an ad hoc committee that was put together at the
29 very outset of this Council and they developed bylaws
30 and within those bylaws the regions are identified and
31 the process by which we build consensus is described
32 and the role of the Chair, those sorts of things. It
33 seems to me that the issue of representation without
34 the process is a concept that we should probably
35 address in our bylaws at this point. I would recommend
36 that we give that some thought, assigning an ad hoc
37 bylaw committee to look at that to see if we can
38 resolve this particular issue.

39

40

So I think we can separate the two.
41 One is the administrative issue we're talking about,
42 design a trigger, and the other is the whole issue of
43 the concept of consensus building and representation.

44

45

CHAIRMAN CLARK: A point of
46 clarification. Do we not have sort of a standard
47 schedule of a calendar, here's what happens with these
48 grants on such and such a date? I mean I would assume
49 that's in place.

50

1 MS. DEWHURST: Yeah, there is a set
2 schedule for that. But as far as when they turn them
3 back in, no. In the past, we've just kept working with
4 them and trying to -- like, for example, two years ago
5 I think we sent Maniilaq four different grant packages
6 to sign and they never signed any of them.

7

8 CHAIRMAN CLARK: Member Alcorn.

9

10 MR. ALCORN: Mr. Chairman, thank you.
11 A hard date for a trigger is fairly difficult to
12 establish because of the way the Federal budget is
13 developed and allocated. It is more common than not --
14 we operate under a continuing resolution. In a
15 continuing resolution, the legislation is passed
16 usually on a month-by-month basis and you're given the
17 equivalent of 8.5 or 9 percent of your annual budget
18 from the preceding year you're given authority to
19 spend. So this year, being a prime example, when we
20 have a continuing resolution, we're told that we will
21 be flat-funded but we're only authorized to obligate
22 8.5 percent of our budget amount in any given month.
23 So it's difficult for us in this particular year to say
24 there's a hard date of February 28th that we'll have
25 all these grant agreements signed because we don't have
26 the authority to make those grant agreements.

27

28 Further complicating this process is
29 what Fred has referred to as front funding the grants.
30 This is an opportunity for me to thank you all for
31 allowing us to obligate prior years' monies to cover
32 the cost of the coming year because that's allowed us
33 to have some flexibility with our budget, my overall
34 budget. It's really a safety margin that's designed to
35 allow us to do that and I appreciate the fact that you
36 all have been very diligent in getting your grant
37 agreements back when Donna sends them to you and say
38 we've got a week to obligate this money because we're
39 in a deadline phase late in the summer.

40

41 But that's what we have been doing in
42 the history of this organization, but you heard Fred
43 say, which is news to me, that there may be a change in
44 that policy of front-loading or front-funding work.
45 Paying for work in one fiscal year that will occur in
46 the subsequent year. That's something that we will
47 have to talk to our contracting office in more detail
48 to find that out. But that's another complicating
49 factor in this, that we are front-funding with old
50 money basically.

1 CHAIRMAN CLARK: Member Squartsoff.

2

3 MR. SQUARTSOFF: Yeah, Mr. Chair.
4 Don't get me wrong. It's not that I don't want these
5 regions. I want them badly to come help in our due
6 process of things we do and I want to know what's going
7 on in their regions. When you're hearing from the
8 neighboring region, they're talking to people that are
9 in the other one that don't know what's going on,
10 nobody representing them or anything, they want to be
11 involved and a part of it. We need to get them to step
12 up to the plate somehow. I want them to be here to
13 help us on this.

14

15 MS. DEWHURST: One thing I could do if
16 we start getting
17 better reporting, after I get the end of the year
18 reports from all the groups, I could package them up
19 and send them to all the regions so everybody could see
20 each other's end of the year report if there would be
21 some interest in that.

22

23 MR. SQUARTSOFF: Yeah, that would help,
24 too.

25

26 MS. DEWHURST: We haven't done that in
27 the past, but that would be an easy thing. The other
28 thing I was thinking about, Doug, when you were saying
29 things we might need to do, another mechanism we don't
30 have in place is anything set for a trigger on when we
31 would start talking to a group about maybe we need to
32 get a new partner. There's no set trigger for failure,
33 whatever you want to call it. It might be good to put
34 that in writing to say, okay, if you haven't done this
35 in so many years, now we're going to start talking
36 about a new partner.

37

38 CHAIRMAN CLARK: Fred.

39

40 MR. ARMSTRONG: That would be easy, but
41 it would mean amending our bylaws because our bylaws
42 specifically state which organizations are partners.
43 It makes it more difficult.

44

45 CHAIRMAN CLARK: Member Alcorn.

46

47 MR. ALCORN: Thank you, Mr. Chairman.
48 I think that that's something that a committee that
49 would look at the bylaws to consider that. I want
50 everybody to understand it's not at the decree of the

1 Fish and Wildlife Service who the partner is. That's a
2 decision this Council would make. So the bylaw
3 committee would only recommend maybe a process, an
4 iterative process, I think, of determining how to
5 rectify the kind of issue you're describing where we've
6 not had representation.

7
8 MS. DEWHURST: So the way the new
9 contracting was set up, we were able to get in a
10 Grandfather Clause, but it's over from what I've been
11 told as far as new partners and that new partners would
12 have to actually bid and it would be a competitive
13 process. So this group wouldn't necessarily be able to
14 choose who the new partner is. It's basically a
15 bidding process.

16
17 The one thing I was told though was you
18 can make the stipulations pretty tight where it would
19 be hard for outside groups to bid. That was always the
20 concern, that Defenders of Wildlife would suddenly bid
21 for a partner place. The way I've heard they've gotten
22 away with that with OSM and some of the other groups is
23 you can put a stipulation in that in order to bid you
24 have to show support from at least four villages in
25 your region, a letter of support, and that's going to,
26 right there, eliminate outside groups if they can't get
27 a letter of support from four villages. So
28 stipulations like that can be built into it, but it
29 does have to be a competitive bidded process for a new
30 grantee.

31
32 CHAIRMAN CLARK: Seems like this is a
33 topic worthy of discussion at a committee level. We do
34 have a standard operating procedures committee already
35 in place. I wonder if that might suffice for an
36 ongoing discussion of this. Member Tahbone.

37
38 MS. TAHBONE: Yeah, I agree. I would
39 however support a
40 motion that it would be our policy to have a 90-day
41 after an award letter was sent out window of
42 opportunity for the partner to sign, but also that the
43 Service would retain funds necessary to provide travel
44 for that partner to attend the spring and fall meeting
45 so that money would be there and then so you know at
46 least that money would be obligated to provide them
47 travel if they choose to attend a meeting, but to free
48 up the rest of it for Council use.

49
50 CHAIRMAN CLARK: Member Alcorn.

1 MR. ALCORN: If you're going to make a
2 motion, I'll second it.

3
4 MR. SQUARTSOFF: So moved.

5
6 MR. ALCORN: You said you'd support it.
7 I didn't know if you were going to make the motion.
8

9 CHAIRMAN CLARK: Member Pederson.
10

11 MR. PEDERSON: So your thing is that if
12 the grantee doesn't sign the award you still want them
13 to travel to these meetings?

14
15 MS. TAHBONE: Yeah, even if they don't
16 sign an award, I don't know what's going on, if they're
17 having fiscal problems within their organization,
18 they're unable to receive the award, manage the award.
19 I don't know what's going on out there. But they still
20 can send a representative and then the Service would be
21 obligated to make those travel arrangements, pay it.
22 So at least the money would be budgeted for them to
23 come to the meetings.

24
25 MR. PEDERSON: You know, I think I
26 would respectfully disagree with your point because I
27 think if we make an effort to do all the paperwork and
28 stuff, I don't think it should be different for other
29 regions that are not here at the table. If they don't
30 sign their award, so be it. Based on that, I don't
31 think the Service should be obligated to pay for their
32 travel to come to these meetings if they don't sign
33 their award because that's the basis of the contract,
34 to support our travel to these meetings.

35
36 CHAIRMAN CLARK: Member Starkey, then
37 Member Alcorn, Member Squartsoff.

38
39 MR. STARKEY: Well, as this discussion
40 proceeds, I find myself becoming more and more
41 uncomfortable with the whole situation only out of
42 respect for the people who aren't here whose money
43 would be cut off and them not having notice of what's
44 going on. So I have some concerns about that.

45
46 Assuming that the group wanted to go
47 forward with some kind of a time frame, one thing that
48 might work would be to hold the money until the spring
49 meeting and then if the group hasn't signed and doesn't
50 show up for the spring meeting, it would at least

1 release half the -- I think the root problem here is
2 that there's been a difficulty administratively and
3 the active partners being able to access the money that
4 is not being distributed. There's a full pot of money
5 out there and partners that are active are running out
6 of money, the whole thing is underfunded and they're
7 running out of money, but then there's half the money
8 still sitting there that the partners can't get to
9 because other partners aren't spending it. I think
10 that's the real crux of the issue.

11
12 So if the spring meeting came, I'm
13 thinking that's half the funding level is spring
14 meeting, if the partners who haven't signed it don't
15 show up, it would seem to me the Service could agree
16 that those partners would be forfeiting half their
17 potential money, making half that money available to
18 everybody else. Then maybe some other deadline, not
19 the fall meeting because that's too late, but somewhere
20 to allow the other partners access to the fall
21 meetings.

22
23 It seems there would be a reasonable
24 way to work this out that wouldn't foreclose people
25 having an opportunity to come in. I'm not sure 90 days
26 is really enough.

27
28 CHAIRMAN CLARK: Member Squartsoff,
29 then Member Alcorn.

30
31 MR. SQUARTSOFF: Yeah, Mr. Chair. What
32 Mike was saying there is very agreeable, that we give
33 this 90-day limit. They don't sign the contract, if
34 they want to come to this meeting, they can come on
35 their own. That's what I was mentioning earlier, that
36 they have to step up to the plate. And I disagree with
37 Sky. I mean they've had opportunities for years to
38 come and step up and it hasn't been happening. I mean
39 they're going to know. When they get their contract,
40 it will be there. Waiting till the spring meeting is
41 not going to free up the money for some people that
42 want to do things. That's quite a ways down the line.

43
44 CHAIRMAN CLARK: Member Alcorn.

45
46 MR. ALCORN: Yeah, there's a lot of
47 things being discussed here. I'm kind of referring
48 back to Sandy's original quasi-motion and I said I
49 would second it. I agree with Mike. I didn't quite
50 understand or didn't hear correctly, I guess, when

1 Sandy said if the regional representative -- if a
2 region didn't have a grant agreement, that the Service
3 would pay the travel for representation. I guess I
4 don't support that because it still violates and
5 circumvents this whole model.

6
7 I really believe -- we heard yesterday
8 from John Dyasuk and Pete Abraham how they get this
9 message out to the villages, to every hunter that they
10 come in contact with. Without that, we're wasting our
11 time as far as I'm concerned. Without that hands on
12 work with the actual hunters -- and like I said
13 yesterday, I can't do that. I don't have enough
14 credibility, I don't have enough resource to do that.
15 This is from the ground up kind of process and public
16 policy making and that's where it starts.

17
18 So to have someone come at Council
19 expense, that circumvents that process. I wouldn't
20 support it. So I do agree with what Mike said and
21 respectfully disagree with that notion. I thought we
22 were talking -- that Sandy suggested that we make sure
23 that there's adequate funding for this participatory
24 process and we need to do that.

25
26 CHAIRMAN CLARK: Member Tahbone.

27
28 MS. TAHBONE: The reason why I said I
29 would support a motion like that was what I was hearing
30 from you previously regarding that. We need to ensure
31 that they have the ability to be here, which would
32 require money, so that was the reason why I said that
33 the Service -- but I'm all for Mike's. If they don't
34 do it in 90 days, then -- that's my preferred motion.

35
36 CHAIRMAN CLARK: Well, I think the root
37 of all of this is we need to do everything we can to
38 make sure that individual hunters, individual
39 communities within each region are represented here and
40 if there are certain regions where that's not
41 happening, we need to figure out how to make sure those
42 people have a voice at the table. Member Squartsoff.

43
44 MR. SQUARTSOFF: Yeah, Mr. Chair.
45 Doing this right here will help get them rolling if we
46 give them that timeline.

47
48 CHAIRMAN CLARK: Member Devine.

49
50 MR. DEVINE: Thank you, Mr. Chair.

1 Well, if that don't work, I think we have to go back
2 into Article II in the membership and insert something
3 in there that puts this time period in. I know there
4 are other councils where they have 12 meetings a year.
5 If you have three unexcused absences, you're out. I've
6 tested it. They do do it. Are we going to have to
7 insert that in there so they know this is the way it's
8 going to be? And if they're not going to do what
9 they're supposed to do, we're going to have to solicit
10 for other partners. Some regions have done that, you
11 know, they've given us different partners and they're
12 still active.

13

14 CHAIRMAN CLARK: Well, again, to move
15 this along, rather than trying to wordsmith something
16 out here, would it be acceptable to have say the
17 standard operating procedure committee plus whatever
18 members wanted to join in, draft a potential timetable
19 and maybe even some potential bylaws changes for
20 consideration by the full Council. Member Alcorn.

21

22 MR. ALCORN: Mr. Chair. I move that we
23 ask the Standard Operating Procedures Committee to take
24 up this discussion in more detail and come back to the
25 Council at the next scheduled meeting, which could be
26 the spring meeting, could be an ad hoc meeting called
27 by the Chair to discuss this issue, but the next
28 scheduled meeting with Council report this back with a
29 recommendation on two things. One is the
30 administrative procedure of obligating money in a
31 timely way and ensuring that money is made available
32 for other purposes if it's not going to be used for
33 what it was originally designed for, for Council work,
34 and, two, to look at the bylaws with the idea of
35 representation and a full commitment to the process,
36 coming back with a recommendation.

37

38 CHAIRMAN CLARK: There's a motion. Is
39 there a second.

40

41 MR. ARMSTRONG: When, spring?

42

43 MR. ALCORN: For the next scheduled
44 meeting.

45

46 CHAIRMAN CLARK: Is there a second.

47

48 MR. DEVINE: I'll second, but didn't we
49 have a motion on the floor already?

50

1 MR. ALCORN: No. She never made it.
2
3 MR. SQUARTSOFF: I said so moved on it.
4 I guess it didn't go.
5
6 CHAIRMAN CLARK: Oh, you did. I'm
7 sorry.
8
9 MR. ALCORN: Point of order then. Did
10 you have a second?
11
12 MR. SQUARTSOFF: And I thought somebody
13 said they seconded it, too.
14
15 MR. ARMSTRONG: I didn't hear it.
16
17 MR. ALCORN: Well, I said I would
18 second it, but I didn't say it after you said so moved.
19
20 CHAIRMAN CLARK: We need to back up a
21 little bit. Member Squartsoff, would you restate your
22 motion for clarification, please.
23
24 MR. SQUARTSOFF: What Sandy said, that
25 we set a 90-day time limit after a partner has had the
26 opportunity to get his contract and have it signed
27 within 90 days. Yes, Fred, that's what we discussed
28 earlier. That's basically the motion, giving them a
29 time limit to sign on it.
30
31 CHAIRMAN CLARK: Was there a second.
32
33 MR. SQUARTSOFF: Basically I thought
34 Doug seconded it.
35
36 MS. TAHBONE: I second.
37
38 CHAIRMAN CLARK: Thank you.
39
40 MR. PEDERSON: Under discussion, and
41 getting back to Sandy's point too, making sure that if
42 these people don't sign their grants, I think it's
43 important to add in there or at least for us to know
44 that those of us that are at the table would have the
45 opportunity to request to amend our budgets based on
46 that pot of available money.
47
48 CHAIRMAN CLARK: Fred.
49
50 MR. ARMSTRONG: It seems to me there's

1 too many issues to go on one motion of putting
2 timelines in and you still have a lot of other issues
3 that need to be addressed. I think the idea of
4 creating a committee to look at it and coming back with
5 language is more preferable.

6

7 CHAIRMAN CLARK: Member Tahbone.

8

9 MS. TAHBONE: I disagree. It's
10 apparent this issue has
11 been long standing and maybe this way -- you know, we
12 can still send it to committee with the further
13 recommendation if it needs to be, but for us to wait
14 until the next scheduled meeting, which could be April,
15 when the partners could have an opportunity to do some
16 outreach possibly, I mean to address issues within our
17 region, I think we can go ahead and set it now. It's
18 always open for change. So I would support the motion.

19

20 CHAIRMAN CLARK: It seems the motion on
21 the floor addresses one small aspect of it, but there's
22 still the need for a more detailed examination and
23 maybe proposal of solutions. Member Squartsoff.

24

25 MR. SQUARTSOFF: I also disagree with
26 Fred. Like I mentioned earlier, we discussed it, we
27 hashed it out, we talked about it for a long time. If
28 we wait until April, that's another long time limit.
29 I'm not agreeable to doing a committee thing on it
30 right now.

31

32 CHAIRMAN CLARK: Member Alcorn.

33

34 MR. ALCORN: Could I ask Herman to
35 restate the motion. I think what we've done is we've
36 parsed this out into one issue only and I think we can
37 take the larger concept of what we're talking about in
38 smaller pieces. I think he's done that.

39

40 CHAIRMAN CLARK: It seems like if the
41 Council acts on this motion, we could then take up
42 another motion to do what we had talked about with the
43 committee. Member Squartsoff.

44

45 MR. SQUARTSOFF: I don't see why we
46 need to restate it. I mean it's basically -- because
47 if we do this one to give them their time limit, it's
48 going to free up other issues that we need to take care
49 of anyway. We don't have to have a motion on it.

50

1 CHAIRMAN CLARK: Member Alcorn.
2
3 MR. ALCORN: No, I'm not asking to
4 change your motion. I'm just asking you to restate it
5 so we all understand what exactly it is that you're
6 moving.
7
8 MR. SQUARTSOFF: I said set a time
9 limit of 90 days if they do not -- the partner does not
10 sign their contract.
11
12 CHAIRMAN CLARK: Point of
13 clarification. Based on what Member Alcorn was saying
14 earlier about the budget process and continuing
15 resolutions, would that be 90 days from the time the
16 Service is able to offer the full contract?
17
18 MR. SQUARTSOFF: Yes.
19
20 CHAIRMAN CLARK: Member Chythlook.
21
22 MS. CHYTHLOOK: No, I didn't have
23 anything.
24
25 MS. TAHBONE: The recorder has the
26 motion if he needs clarification on the motion.
27
28 CHAIRMAN CLARK: So we have a motion on
29 the floor. Is there any further discussion.
30
31 (No comments)
32
33 MR. SQUARTSOFF: Question.
34
35 CHAIRMAN CLARK: Ready for the
36 question. Are there any objections.
37
38 (No objections)
39
40 CHAIRMAN CLARK: Seeing none, the
41 motion carries. Member Alcorn, would you like to
42 restate the motion that we sort of jumped ahead to
43 inadvertently.
44
45 MR. ALCORN: I move that we ask the
46 Standard Operating Committee to review the bylaws and
47 recommend to the Council at its next scheduled meeting
48 a strategy to address the issue of representation at
49 Council meetings.
50

1 CHAIRMAN CLARK: Is there a second.
2
3 MR. DEVINE: Second.
4
5 CHAIRMAN CLARK: Member Starkey.
6
7 MR. STARKEY: Sorry, Mr. Chairman. I
8 wasn't quick enough at the last action, in adopting the
9 last motion, but I wanted to seek a point of
10 clarification. It was my understanding when we voted
11 on the motion that after the 90-day time frame had
12 passed, the intent of the 90-day time frame is to then
13 allow those funds to free up so other organizations can
14 come in and ask for supplemental funding.
15
16 MR. SQUARTSOFF: Right.
17
18 MR. STARKEY: That's the clear intent
19 of the time frame. Okay. Can I speak to this motion
20 now?
21
22 CHAIRMAN CLARK: Please do.
23
24 MR. STARKEY: I just ask a friendly
25 amendment that the task be a little broader. Not only
26 to look at -- as I understood your motion, it was to
27 look at the amendment of bylaws to look at regional
28 partners to -- I would just like it to be a little
29 broader to look at the administrative and the funding
30 function for regional partners. I'd like that
31 included.
32
33 CHAIRMAN CLARK: Member Alcorn.
34
35 MR. ALCORN: I consider that a friendly
36 amendment. My motion is not to ask the Standard
37 Operating Committee to look at the members, who is
38 represented, but the process of representation and to
39 recommend a process that is truer to the concept of
40 regional consensus-building processes involved in that.
41
42 CHAIRMAN CLARK: Member Starkey.
43
44 MR. STARKEY: My one concern in side
45 board around this is that I would really not like us to
46 get in a situation where we start to fractionate among
47 regions, so that we expand this body to a place where
48 it has more and more members and funding gets less and
49 less. I think there's some danger in that. When I
50 listen to Donna talk about opening up -- I don't

1 completely understand this. If we go down this road,
2 we're going to be opening it up to competitive bidding?
3 That, to me, is absolutely something to avoid. I can't
4 imagine that. To me, that's fundamentally not
5 consistent with tribal resolutions and the historical
6 context of Alaska Native organizations going back to
7 the Lands Claim Act. I'm willing to support this, but
8 I encourage the Committee to be careful about not
9 upsetting the balance here.

10
11 CHAIRMAN CLARK: Member Starkey, do you
12 want to state that
13 amendment as a motion.

14
15 MR. STARKEY: The friendly amendment
16 would be to review the process for regional
17 representation and the funding mechanisms for
18 administrative process.

19
20 CHAIRMAN CLARK: Is there a second.

21
22 MS. TAHBONE: I'll second it.

23
24 CHAIRMAN CLARK: Any further
25 discussion. Member Tahbone.

26
27 MS. TAHBONE: It's on the main motion,
28 so I'll wait.

29
30 CHAIRMAN CLARK: Okay. Fred.

31
32 MR. ARMSTRONG: You know, I'm afraid
33 what we're doing with the 90-day limit -- I mean I'm
34 all for that, but I think we don't give the partners an
35 opportunity to participate only under a nickel and I
36 thought that by working on this as a committee and
37 letting everybody know throughout the winter that this
38 is occurring that it would be more favorable. But just
39 to deny them I think is not providing enough
40 opportunity.

41
42 MS. TAHBONE: Mr. Chairman.

43
44 CHAIRMAN CLARK: Member Tahbone.

45
46 MS. TAHBONE: Question on the
47 amendment. I mean I'm calling the question.

48
49 CHAIRMAN CLARK: Ready for the question
50 on the amendment to the motion. Any objection.

1 (No objections)
2
3 CHAIRMAN CLARK: Seeing none, the
4 amendment to the motion passes. Is there further
5 discussion on the motion. Member Tahbone.
6
7 MS. TAHBONE: Regarding the -- I can't
8 remember the name of the committee.
9
10 CHAIRMAN CLARK: Standard operating
11 procedures.
12
13 MR. SQUARTSOFF: SOP.
14
15 MS. TAHBONE: I want to say policies
16 and procedures. Standard operating procedures. Is
17 that supposed to be within our reference materials? I
18 don't see.....
19
20 MR. ALCORN: It's under Tab 9 of the
21 binder.
22
23 MS. TAHBONE: I mean where are our
24 standard operating procedures is what I'm asking.
25
26 MR. ALCORN: Well, there's bylaws. I'm
27 not sure if we have SOP's.
28
29 MR. SQUARTSOFF: We don't have SOP's
30 yet. I know we don't because I'm on that committee.
31
32 MS. TAHBONE: We have a Standard
33 Operating Procedures Committee with no standard
34 operating procedures and I think that's why we're in
35 the position that we're in, because we do not have
36 standard operating procedures. The function of the
37 Standard Operating Procedures Committee is to develop
38 those and I'm not sure if we even want to broaden the
39 -- I mean, you know.....
40
41 CHAIRMAN CLARK: Member Tahbone. I
42 think that's expanding beyond the present discussion.
43 My thought was that rather than go through the
44 machinations of creating another committee.....
45
46 MS. TAHBONE: Yeah.
47
48 CHAIRMAN CLARK:we've got one in
49 place that's kind of in line with that. I would think
50 participation should certainly be open to anybody who

1 wants to join in the discussion. I don't think it
2 needs to be the Standard Operating Procedures Committee
3 and launch them off to the task of creating a whole new
4 document. My thought was to get a group together soon
5 and that seemed to be a reasonable way to do it.

6

7 MS. TAHBONE: So they've never met?

8

9 CHAIRMAN CLARK: I don't know. Member
10 Squartsoff.

11

12 MR. SQUARTSOFF: We've met. I did a
13 good process with Bill and my alternate. We did a lot
14 of work on some of it. I have it at home somewhere.
15 We never did get to finish it. It just got dropped
16 like all the other committees. We do have some
17 material, but it hasn't been brought to the Council yet
18 to be adopted.

19

20 MS. TAHBONE: That answers my question.

21

22 CHAIRMAN CLARK: We do have a motion on
23 the floor. Is there any further discussion.

24

25 (No comments)

26

27 CHAIRMAN CLARK: Ready for question.
28 Is there any objection.

29

30 (No objections)

31

32 CHAIRMAN CLARK: Seeing none, the
33 motion carries. Member Starkey.

34

35 MR. STARKEY: On the 90 day notice
36 motion, in terms of implementing that motion, the 2008
37 grants have already gone out.

38

39 MS. DEWHURST: The 2009 grants that
40 were funded with 2008 money have already gone out. So
41 the ones that have not gone out yet are the 2009 grants
42 that will be funded with 2009 money.

43

44 MR. STARKEY: I just have a point of
45 clarification. The 90 days would not begin to run
46 until whoever hadn't signed gets notice that they have
47 90 days to sign. Is that our understanding?

48

49 CHAIRMAN CLARK: I believe so.

50

1 MR. SQUARTSOFF: Mr. Chair. I guess
2 when we go into the committee thing would be a time to
3 ask if anybody else wants to be on that committee.

4
5 CHAIRMAN CLARK: I was just getting
6 around to that. Again, it certainly would be the
7 Chair's intent that anybody with even a remote interest
8 in this issue be welcomed to the discussion. For the
9 record, we would state that participation is open to
10 all members of the Council and alternates. Member
11 Tahbone.

12
13 MS. TAHBONE: Yeah, I would just make a
14 request that I'd like to have a description/definition
15 of front funding. If someone can email me that.

16
17 CHAIRMAN CLARK: Member Starkey.

18
19 MR. STARKEY: Mr. Chairman. Could you
20 please remind us who's on the Standard Operating
21 Committee at this point in time.

22
23 MR. SQUARTSOFF: Mr. Chair. I've got
24 it right here.

25
26 CHAIRMAN CLARK: Okay.

27
28 MR. SQUARTSOFF: You're on there, Sky.
29 We picked you yesterday. Myself, Doug Alcorn and Tom
30 Rothe as of right now. We took Tim Andrew off and put
31 Sky on there in our caucus yesterday.

32
33 CHAIRMAN CLARK: Again, it's certainly
34 the Council's intent to welcome anybody to participate
35 in that process.

36
37 MR. SQUARTSOFF: Right.

38
39 CHAIRMAN CLARK: Anything further on
40 2009 cooperative grants. Member Tahbone.

41
42 MS. TAHBONE: I just want to clarify
43 that if the 60 to 90 day reporting requirement
44 regarding the action items of a regional meeting, if it
45 is within our contract, that we can amend it to remove
46 that requirement.

47
48 MS. DEWHURST: I'll check on it, Sandy,
49 and get back with you.

50

1 MS. TAHBONE: Thank you.

2

3 CHAIRMAN CLARK: Anything further on
4 grants.

5

6 (No comments)

7

8 CHAIRMAN CLARK: All right. Thank you,
9 Ms. Dewhurst. Let's move on to Item D and that's the
10 Eider report from the North Slope. Member Alcorn.
11 Member Devine, guard your eyes.

12

13 MR. ALCORN: Thank you, Mr. Chairman.
14 This is an opportunity to inform the Council of an
15 internal action that is a requirement of the Endangered
16 Species Act. It's a process that the Fish and Wildlife
17 Service is charged with completing. It's in the
18 context of establishing regulations. Endangered
19 Species Act has a section in it, Section 7, that
20 requires the U.S. Fish and Wildlife Service to consult
21 with any Federal agency, any Federal entity that is
22 taking an action that might impact an endangered
23 species and for a threatened species or maybe even a
24 species proposed, but I'm not sure. I do know that
25 when a species is listed as threatened or endangered,
26 the Section 7 of the Endangered Species Act requires
27 that U.S. Fish and Wildlife Service consult and what
28 consultation is, it's an assessment of potential
29 impacts on endangered species or their habitats.

30

31 The complicating and maybe confusing
32 factor here is that the Fish and Wildlife Service is
33 the consulting agency by law and in this case of
34 establishing regulations for our subsistence spring and
35 summer hunt we are also the action agency, so we have
36 two programs within the Fish and Wildlife Service
37 mandated to take action and then to consult. So this
38 is an internal consultation process that I'm going to
39 describe and it's centered around the endangered
40 listing status, actually the threatened status of the
41 Steller's Eider.

42

43 We've had consultation on this species
44 since the outset of the subsistence regulations that
45 began in 2003. Fred's office, Donna and Fred and I
46 think Bill are all involved in writing the biological
47 information associated with the regulations that the
48 Council has recommended. That information they provide
49 is then used by the other program within the Fish and
50 Wildlife Service to develop its biological opinion and

1 render a finding. I'll get into that in a little bit.

2

3 Basically we're talking about the North
4 American population of Steller's Eider. This is a
5 slide I took from Russ's and Tom's discussion
6 yesterday, but the population that's listed that's
7 threatened is this population right here, the North
8 American population. There's another small red spot
9 right here and I presume they're included in that, but
10 I'm not quite sure. Russ?

11

12 MR. OATES: Yeah.

13

14 MR. ALCORN: They are? Okay. From
15 what I understand, there's about 135,000 of these birds
16 worldwide, but this is where the lion's share of them
17 occur, up in the Asian Continent, the northern coastal
18 areas of the Asian Continent, and not in North America.
19 The North American population is what is listed as a
20 threatened species. So the consultation is in the
21 context of the impacts of that North American
22 population, not the impacts of the worldwide
23 population. So it's important that we understand that
24 distinction.

25

26 This is just an outline of the
27 information I'm going to provide you. I might ask Russ
28 to contribute because I'm not fully aware of the status
29 of the Eiders. Talk a little bit about what we
30 experienced this summer in and around the Barrow area.
31 I'll talk in more detail. I have a slide that
32 describes the Section 7 consultation process, some of
33 the conditions that are contained in that process.
34 What those implications of that consultation may be for
35 the 2009 hunt and then some recommendations that at
36 this point are starting points for discussions in the
37 consultation.

38

39 So let's start with a discussion of the
40 status of the North American population of Steller's
41 Eiders. It is technically listed as a threatened
42 species. Threatened on the Endangered Species Act
43 means it is threatened with becoming endangered. It's
44 kind of a bureaucratic phased or tiered distinction.
45 Technically it means that it could become endangered if
46 things don't change, if the population trends continue
47 the way they are.

48

49 What the local biologists are saying
50 that work for the Fish and Wildlife Service that

1 studied this population and looked at population models
2 that have been developed by -- I don't remember the
3 author of the model that's being used, but there's a
4 real concern that that population is critically
5 imperilled as opposed to just threatened with becoming
6 endangered.

7
8 Critically imperilled means that there
9 is a very high probability of that population becoming
10 extinct if the population trend continues. The models
11 that have been described to me suggest that if the
12 trend continues, the downward trend in this population
13 continues, that the local population, the North
14 American population of Steller's Eiders will be extinct
15 in 10 years or less. That's the significance of the
16 status of this species right now.

17
18 It's the opinion of the biologists that
19 have worked on this that it's not just a threatened
20 species, it is critically imperilled. They base that
21 distinction or characterization on the fact that there
22 are only a few hundred known Steller's Eiders that
23 occur in the North American population and the bulk of
24 that population occurs in and around Barrow. It
25 happens to coincide with the population center on the
26 North Slope, but it is in and around that Barrow area
27 where they do occur and there are fewer than 500 as far
28 as I'm aware of. That's total individuals.

29
30 A little bit about the life history of
31 Eiders. They're a long-lived duck. They don't breed
32 successfully every year. They don't breed every year.
33 Apparently it depends on weather, physiological
34 condition of the birds, which could be an effect of the
35 wintering habitat or wintering conditions too. I'm not
36 quite sure. Russ.

37
38 MR. OATES: There's a phenomenon in the
39 north of cycling that relates to things like lemmings
40 and Yeagers and Snowy Owls. It's suspected that
41 populations of lemmings in the presence of Yeagers and
42 possibly Snowy Owls may trigger breeding in Steller's
43 Eiders, but I don't think it's very well understood.
44 It's not a regular thing and it's hard to predict. I
45 think the probability is very high it's going to be a
46 breeding year. Every few years there will be at least
47 some breeding, maybe every other year, but every once
48 in a while there will be a big breeding year and 2008
49 was one of those.

50

1 MR. ALCORN: Thanks.
2
3 CHAIRMAN CLARK: Member Squartsoff.
4
5 MR. SQUARTSOFF: Yeah, Doug and Russ.
6 So they will migrate up there to the breeding area and
7 still may not breed at some times is what you're
8 saying?
9
10 MR. ALCORN: Right.
11
12 MR. OATES: Birds will show up there in
13 varying numbers, but if conditions aren't right,
14 they'll leave in I believe late June. Does that sound
15 right?
16
17 MR. PEDERSON: I'm no biologist.
18
19 MR. OATES: Does that sound right?
20
21 MR. BACON: That sounds right.
22
23 MR. OATES: Yeah. But they'll show up
24 and kind of check things out and then if they're not
25 going to breed, they'll leave. If they're going to
26 breed, they'll go ahead and establish their nests and
27 that sort of thing.
28
29 MR. SQUARTSOFF: It makes me kind of
30 wonder because I thought there's some natural thing in
31 them that just, you know, at a certain point in time
32 they breed like anything else.
33
34 MR. OATES: They're an unusual species.
35
36 MR. ALCORN: The reason I came back to
37 this slide because one of the things that I've become
38 aware of is this population of birds when winter begins
39 to arrive they fly south along the coast and they
40 winter down in this area and they mix with some of
41 these birds, Asian birds, that come across the strait
42 and come down and winter in this area as well.
43
44 So those of you that hunt in this area
45 that see lots of birds, you're seeing on a ratio --
46 about 19 out of 20 birds are Asian birds. One in 25
47 percent of the birds you're seeing are these birds here
48 from what I understand.
49
50 MR. OATES: Probably less at this

1 point. I mean if we believe there's hundreds in that
2 nest in Alaska and over 100,000, so it's probably less
3 than one in a hundred.

4

5 MR. ALCORN: There's one other point I
6 wanted to make here and that is that sometimes when --
7 Russ, correct me, is it a family of birds? The
8 particular kind of duck that these are. Bob Bloom -- I
9 asked this question of him two weeks ago. Bob Bloom is
10 the chief of the Division of Migratory Bird Management
11 in Washington. He has a Ph.D in waterfowl biology. I
12 asked him when those females -- the females have a very
13 strong homing instinct to go back to their natal areas
14 to breed and on occasion they will attract a male from
15 Asia that will follow them up or another North American
16 male as well, but the males will tend to follow females
17 on occasion. That allows for some genetic mixing. So
18 there's no genetic distinction between this population
19 and this population. What it is, is it's behavioral
20 distinction and the females regularly go back to their
21 natal grounds.

22

23 MR. SQUARTSOFF: Mr. Chair. One more.
24 The thing that Vickie Vaneck did in Kodiak must have
25 been these Steller's Eiders a couple years back then
26 because they did find some up there in the Asian area
27 or something. They tracked them up there. She did
28 some at Kodiak a couple years ago.

29

30 CHAIRMAN CLARK: Mr. Rothe and then
31 Member Tahbone.

32

33 MR. ROTHE: Just a quick comment. Dan
34 Rosenberg from my section satellite marked some birds
35 in Kodiak, which we did that because it's the southern
36 and eastern most part of the Stellers range. They went
37 way into the middle of the Siberian Coast, so those
38 Kodiak birds are going halfway to Europe to breed.

39

40 MR. SQUARTSOFF: That's a long way. I
41 wanted to make sure I got the right birds instead of
42 Spectacled.

43

44 CHAIRMAN CLARK: Member Tahbone.

45

46 MS. TAHBONE: If there's no difference
47 between the two, why make a distinction with the ones
48 that are in North America?

49

50 MR. ALCORN: That's a good question and

1 that's the reason I asked the question about genetic
2 mixing. The North American population is what is
3 listed. It recognizes that there is no genetic
4 distinction and it's because of the behavioral traits
5 of the populations. The fact is the females who do
6 home to their natal grounds are the ones that sort of
7 drag the males with them. Even though there is not a
8 genetic distinction between the populations, there is a
9 behavioral distinction between the populations and the
10 North American population is critically imperilled. If
11 you lose that population of breeding females to no
12 longer drag the males with them, you likely will not
13 recolonize with any significant numbers or -- the
14 phrase I'm looking for is within any distinct time
15 period. I mean it may occur over geologic time or
16 evolutionary time, but in our lifetimes they won't
17 recolonize.

18
19 Again, what is listed under the
20 Endangered Species Act is that North American
21 population. So we don't have the liberty to say, well,
22 they're genetically not distinct, so there's no reason
23 to fear for the particular population. We do fear for
24 that population because of the homing characteristics
25 of the females.

26
27 MR. OATES: So the question then is do
28 we want any Steller's Eiders in North American at all.
29 That's kind of what we're doing, is trying to make it
30 possible for Steller's Eiders to continue to exist in
31 North America and breed in North America. What he said
32 about the Steller's Eiders is not true about the
33 Spectacles Eiders. Spectacles Eiders have been found
34 to be genetically distinct in three different areas;
35 North Slope, Yukon Delta, and the Russian breeding
36 birds are three distinct genetic stocks.

37
38 MR. ALCORN: Tom whispered in my ear
39 that one other issue effecting that is that one of the
40 mini criteria in looking whether to list a species as
41 endangered or threatened or to list at all is the scope
42 or the range of the population. If we were in a
43 hypothetical situation, if we lost that component of
44 the population, you constrict the range of the birds
45 worldwide and that's a criteria and it's considered
46 when it's listed. So that's another reason why this
47 particular population is critically important because
48 it continues this eastern expansion of the natural
49 range of the birds.

50

1 The bottom bullet here I think it kind
2 of the crux of this presentation and the crux of
3 consultation and that is to protect that North America
4 population of Eiders, protecting those birds where they
5 breed and rear their young and when they migrate to the
6 wintering grounds is of critical importance to sustain
7 that population and hopefully to reverse the trends
8 that we've experienced in that population to get that
9 species back to historic levels and to hopefully be
10 able to take it off the endangered species list.

11
12 So why are we having this discussion
13 now. What's changed. Well, this summer we experienced
14 significant mortality of young birds as well as adults
15 in and around the Barrow area and we passed out --
16 Fred, did you pass out this table?

17
18 MR. ARMSTRONG: Yes.

19
20 MR. ALCORN: You have a table in front
21 of you with a list of birds by date, location and some
22 presumed or confirmed methods of death. We had 29
23 Stellers that died this spring and summer. One of them
24 we found had died from collision with a wire, eight
25 from unknown causes, but the most significant point is
26 the bottom bullet. Twenty were found shot. In the
27 consultation process, there's a distinction between
28 mortality or take and the other phrase is called
29 incidental take.

30
31 Incidental take is the take that occurs
32 in association with the activity that we permitted
33 through the regulations in this case, that is
34 incidental to that activity, but resulting from an
35 otherwise legal activity. It's kind of bureaucratic
36 mumbo-jumbo and jargon, but it's a real important
37 distinction and we'll talk about that in a moment.

38
39 This is what we experienced up there
40 this year. We found adults that were shot and discarded
41 along the roadside or at water's edge. I think
42 possibly they may have been shot and then whoever shot
43 it realized it was a bird that was closed, not open for
44 harvest, and discarded.

45
46 This is another picture of an adult
47 female that had a brood of six and all were taken by
48 gunshots and then piled up. This piece of plywood here
49 is a blind that's set up and presumably someone was
50 hunting behind that blind. They took the birds and

1 then I guess once they realized what they had they were
2 left. Our law enforcement agents walked up and found
3 them in this condition.

4

5 Let me talk a little bit about the
6 Section 7 consultation process. When Fred's office --
7 my program establishes the recommendations from the
8 Council and we go through the entire process of sending
9 it to the Service Regulation Committee, the Service
10 Regulation Committee modifies, accepts or rejects our
11 recommendations and ultimately the Service Regulation
12 Committee sends an entire suite of migratory bird
13 hunting regulations to the director of the Fish and
14 Wildlife Service and then following that to the
15 Assistant Secretary and ultimately to the Secretary of
16 the Interior for establishing hunting regulations
17 nation wide and that occurs every year. Every year the
18 Section 7 consultation process has to occur. Once the
19 Service Regulation Committee has made its
20 recommendation, the staff in Dr. Bloom's Division of
21 Migratory Bird Management begin to process the
22 biological information and work with the Endangered
23 Species Division within the Fish and Wildlife Service
24 to complete the Section 7 consultation process.

25

26 We, the Fish and Wildlife Service, the
27 Endangered Species Division specifically, have the lead
28 in our region to complete the consultation process for
29 the spring and summer hunt regulations. Fred's office
30 develops the environmental assessment document and the
31 biological opinion document in draft and then submits
32 it to the Endangered Species Program and then the
33 Endangered Species Program then looks at it and
34 considers a number of things when they deliberate to
35 find one of two -- well, there's three findings that
36 they have.

37

38 One is that there will be no jeopardy
39 to the continued recovery and survival of a listed
40 species. The other is that they might conclude that
41 there is likely or may affect, likely to adversely
42 effect or will adversely effect. There's sort of some
43 tiered assessments or tiered findings from the
44 analysis. All of those that would adversely effect
45 would render a jeopardy finding and jeopardy means that
46 by allowing this activity to occur we jeopardize the
47 future survival of the listed species. We have to base
48 that decision on the best available information that we
49 have.

50

1 Up to this year, the best available
2 information that we had was that there were fewer than
3 roughly 500 birds in North America. That establishes a
4 population baseline as well as a baseline of
5 environmental conditions and a baseline understanding
6 of mortality and anticipated mortality. That
7 anticipated mortality was one bird based on the
8 incidental take of the subsistence season up until this
9 summer. Now that we've experienced a marked increase,
10 that shifts the baseline.

11
12 So the analysis that the Service has to
13 go through in looking at the various criteria has to
14 consider now that 20 birds were shot. Whether or not
15 all of those were incidental to the subsistence season,
16 to subsistence hunting, by us legalizing the
17 subsistence hunting activities, that is an otherwise
18 legal activity and then the determination is how many
19 of those 20 birds were killed by subsistence hunters
20 engaged in subsistence hunting versus how many of those
21 birds were just say maliciously shot. I don't know the
22 answer to that. The best available information we have
23 is that 20 birds died and that puts us in a jeopardy
24 position at this moment for that particular hunt.

25
26 The four sub-bullets there, basically
27 in the process of consulting we describe what the
28 proposed action is. In this case, it would be to
29 establish regulations and to go forward with the hunt.
30 The status of the species. Other activities that are
31 occurring that could be causing mortality. In this
32 case, there's oil extraction, oil exploration work that
33 occurs, there are power lines, other things that may be
34 impacting the birds. All those other activities that
35 we know cause mortality have to be considered and
36 weighed in this analysis. Finally there's a cumulative
37 effects analysis that weighs all of those causes of
38 mortalities and is considered.

39
40 Any action that would reduce that
41 population of birds or it's reproductive ability or its
42 distribution and that effects in a negative way the
43 probability of survival has to result in a jeopardy
44 finding. That's the way the process works. So the
45 government cannot permit or conduct an activity that
46 will jeopardize the future survival of a population.

47
48 So what does this mean for our 2009
49 hunt? You all know that we had a discussion in the
50 spring. We made our recommendation to the Service

1 Regulation Committee and they approved our
2 recommendations and that went forward. We are now in
3 the process of informally consulting on the regulations
4 for 2009.

5
6 Knowing that the baseline has shifted,
7 knowing that the estimates of mortality has shifted
8 from one to as many as 20, we find ourselves again in a
9 jeopardy position and we cannot move forward with a
10 regulation that has language in it that would
11 jeopardize. So what does that mean for us? That means
12 we have put on hold the processing of the regulations
13 for the State until we are able to describe
14 conservation strategy, conservation actions that will
15 get us out of this jeopardy position.

16
17 We have to conclude basically that
18 we're going to only minimally adversely affect the
19 Eiders or not at all. That's sort of the threshold
20 that we have to conclude as an agency.

21
22 So we have to go back to the 2009
23 drawing board to have the discussion. I'm giving this
24 presentation to the Council because I want you to all
25 know the process that we're going through, but it is
26 beyond the Council at this point. The Council did its
27 job. The Council made a recommendation to the Fish and
28 Wildlife Service. Fish and Wildlife Service took that
29 recommendation and acted upon it. Now this is an
30 internal process of consulting. We have invited
31 Taqulik, her staff, folks from the North Slope, that
32 have a stake in this, we've invited them in to this
33 internal consultation process so that we can hopefully
34 get some consensus and agreement on the best way to
35 address this issue.

36
37 One other point that I'll make before
38 we get into the strategies is that the activities that
39 we are, in effect, establishing regulations for and
40 legalizing, those activities will also effect other
41 activities that occur up there. All of those other
42 activities that are permitted, oil exploration, any
43 other Federally permitted process or activity, those
44 also have to have Section 7 consultations. Recall the
45 bullet two or three slides earlier that talked about an
46 analysis of cumulative effects. This is where
47 cumulative effects began to impact not only our
48 activities of this Council in our hunt, but it impacts
49 the activities of other Federally permitted, Federally
50 regulated activities; oil primarily and gas production

1 on the North Slope. It could put those activities also
2 in jeopardy.

3
4 Here's how we've addressed this in the
5 past. In the process of going through Section 7
6 consultation since 2003, we've focused on outreach.
7 We've worked with the North Slope, we've focused on
8 these kind of activities shown here under these
9 bullets. Holding meetings with the hunters, making
10 presentations and workshops when we can. Fred's office
11 mails out, and you've all seen them, the regulation
12 handbook that we send out to P.O. box holders and
13 houses in all the regions so that they're aware of what
14 the regulations are. We've put up road signs on the
15 roaded area in the Barrow area. We've put up flyers
16 and posters. These are common methods that we've all
17 used to address certain issues in our own regions.
18 We've had messages go out on radio, TV and newspaper,
19 and one-on-one contacts as were described by Pete and
20 John yesterday. Those are things that we've tried up
21 there, yet we're back to this same picture that I
22 showed earlier.

23
24 I'm going to zoom out so you can see
25 where these birds occurred. This is the blind that you
26 see, the picture of plywood. Those birds are right
27 here. When you go backward, 20 or 30 yards back by the
28 road apparently, there's a sign here that says these
29 are Steller's Eiders, they're closed for hunting, be
30 advised that these are birds we're trying to protect.
31 And there's a sign here that was put up at the start of
32 the fall season. When the fall season began September
33 1st, there were new and different regulations and rules
34 versus the spring hunt. This described the new
35 conditions by which hunters were hunting under and this
36 was simply the outreach material that was put up to
37 help folks identify the birds to understand that they
38 weren't open to hunting.

39
40 The fact is, that outreach was
41 attempted in all the strategies that we put forward to
42 try to dissuade hunters from taking those birds and to
43 minimize that mortality.

44
45 CHAIRMAN CLARK: Member Squartsoff.

46
47 MR. SQUARTSOFF: Yeah, Mr. Chair.
48 Doug, when you saying -- I think you showed 10 years
49 you've been doing all the posters and you came back
50 here and said, well, this is what we're back to where

1 them ducks were killed. Has that happened before?

2

3 MR. ALCORN: Well, that's what we don't
4 know. That's a very good question, Herman.

5

6 MR. SQUARTSOFF: Because you're saying
7 we're back to this. I mean you can't really say
8 that.....

9

10 MR. ALCORN: No, I said I'm back to
11 this picture just to show you.

12

13 MR. SQUARTSOFF: Oh, well, I kind of
14 took it wrong because it sounded like you were saying
15 you were back to the ducks getting killed again.

16

17 MR. ALCORN: I'm sorry for misstating
18 that. No, we didn't know what the mortality was. We
19 were thinking that mortality was minimal and the
20 biological opinion that was developed in the prior five
21 years through this process. We basically said we think
22 take is minimal. If we have one bird taken, we will
23 re-initiate discussions and re-initiate the Section 7
24 consultation process. It's a trigger that's put in
25 there so that if anybody wants to contest the Fish and
26 Wildlife Service from establishing the hunt, legalizing
27 the hunt, someone that might be detracting from that
28 and disagreeing with that policy, we say, okay, if one
29 bird is taken, we will re-initiate the consultation
30 process. Now I will take blame for not having re-
31 initiated that when we found out that a bird was taken
32 as early as June.

33

34 MR. SQUARTSOFF: June, right.

35

36 MR. ALCORN: This goes back to not
37 being 100 percent sure whether that bird was taken
38 incidental to the subsistence hunt or maliciously.
39 Anybody can go out and shoot a bird.

40

41 MR. SQUARTSOFF: Right, but say shot by
42 a hunter surrendered to law enforcement. Another
43 question. These hunters, what's their age? Are these
44 young hunters, older hunters? Is there any idea what
45 the age of the hunters are?

46

47 MR. ALCORN: The ones that we encounter
48 with an actual bird, we do know the age of the hunter.
49 This particular bird, I believe, was taken by a fellow
50 that was hunting for a neighbor. He shot a couple

1 birds that he was giving to his neighbor to eat. It
2 turns out he didn't know it was a closed species.

3

4

MR. SQUARTSOFF: So incidental.

5

6

MR. ALCORN: So it was incidental to
7 the hunt, right. So it's my shortfall that we didn't
8 initiate the reconsultation. If you look at the timing
9 of this mortality, it was fairly minimal all the way
10 through July 21st and then on the 2nd of August you'll
11 see the numbers much more frequently in larger numbers
12 and this is the first year that we were aware that this
13 mortality occurred like this.

14

15

MR. SQUARTSOFF: One more question. So
16 after that first one, then law enforcement are up there
17 a lot more is what it looks like. So they were kind of
18 looking for this or what?

19

20

MR. ALCORN: Well, we heard that this
21 mortality occurred and I think we had a report on July
22 21st of a hen and eggs taken. This was another
23 incident of maliciousness. The hen was apparently shot
24 on her nest with eggs and the eggs were destroyed as
25 well. So our law enforcement agents said, well, let's
26 go up there and ride around and see what's happening
27 and then they began to witness other occasions of
28 mortality.

29

30

MR. SQUARTSOFF: I see another one here
31 where it's reported by hunters to law enforcement but
32 not confirmed. Why wasn't it confirmed? They don't
33 even know what date, sometime in August.

34

35

MR. OATES: One of the kind of
36 disturbing things about this is the 20 shot birds were
37 just the ones that were found. We have no idea whether
38 that was 100 percent of the birds that were shot or 5
39 percent or somewhere in between.

40

41

MR. SQUARTSOFF: Yeah, but I think some
42 of these were done by hunters and were turned in, so it
43 sounds like a lot of these were incidental. So did
44 that trigger them to look more or what?

45

46

MR. ALCORN: Yes.

47

48

MR. SQUARTSOFF: To me, it kind of
49 looks like they're encroaching on the hunter's thing.
50 I mean if he was making a mistake, that, to me, is a

1 mistake. He wasn't sure. By that happening, it looked
2 like it triggered them to be up there a lot more, to be
3 more enforcement. To me, that would be getting on my
4 side of, well, hey, I did this incidentally, I didn't
5 target the species. I mean they're coming in here more
6 to be like more bothering me and irritating me, that
7 they're going to be hanging around because something
8 like this happens. And it could have resulted in
9 something like the other one by someone. It's a
10 possibility.

11

12 MR. ALCORN: Go ahead.

13

14 MR. OATES: The thing is, these birds,
15 based on the best information we have, are critically
16 imperilled and one of the findings of that modeling was
17 if something significant wasn't done to improve
18 production and survival, that they were going to be
19 gone in 10 years. The price of admission to continue
20 an activity that results in more of these birds dying
21 is the hunters responsibility to be able to identify
22 correctly and avoid shooting these birds. Making a
23 mistake is still -- I mean the hunter has a
24 responsibility now. For us to continue to have an open
25 season, the hunter must be responsible for identifying
26 correctly and avoiding shooting.

27

28 MR. SQUARTSOFF: I understand that, but
29 like I said, to me, it's a little offensive. Me, as a
30 hunter, when you're shooting them at a distance, to me,
31 a male Steller looks similar to an old squaw. An old
32 squaw in the summertime will get darker and it looks
33 similar to that. That's a possibility there too. I
34 don't know.

35

36 MR. ALCORN: Herman, that's the whole
37 point. What you just described is the point.

38

39 MR. SQUARTSOFF: Right.

40

41 MR. ALCORN: When it's incidental to
42 the activity, it has to be minimized. We can't just
43 say it's a mistaken identity, so it shouldn't impact
44 the issuance of the regulation. Because it's a Federal
45 action, under the law, we can't ignore the fact that it
46 is incidental to that activity that has been.....

47

48 MR. SQUARTSOFF: Right. So, in other
49 words, then these hunters, these are different hunters,
50 same hunters that keep doing it or what?

1 MR. ALCORN: No, I don't think that
2 there's any repeat. I think once the people understand
3 that, you know.....

4
5 MR. SQUARTSOFF: Right.

6
7 MR. ALCORN:that they've got to
8 lay off these birds. I guess Mike and Josh probably
9 know the hunters better than I do. I don't think
10 anybody has taken a bird and then on another occasion
11 taken a bird.

12
13 MR. SQUARTSOFF: But you know where I
14 was getting at. If it was offensive to the hunter or
15 something, maybe somebody with their talk, well, if
16 they're picking on us, we're going to go do this. The
17 hell with it.

18
19 MR. ALCORN: That's a good point and
20 that's exactly why I'm so adamant that we sit down with
21 Mike and Josh and Taqulik and Robert and the staff up
22 there and work on a strategy that's going to be
23 acceptable that we can move forward. We, as an agency,
24 are between a rock and a hard place legally and this is
25 no different than the thorny issue of the Duck Stamps
26 and other issues that we just don't have options. We,
27 the Fish and Wildlife Service. I'm not talking about
28 me and Fred and Russ and the programs that we operate.
29 I'm talking about the Fish and Wildlife Service as a
30 whole. It has a charge by the United States Congress
31 to uphold this particular law. You all know the
32 Endangered Species Act is a big law. It affects huge
33 sectors of our nation's economy and this is not an
34 exception.

35
36 CHAIRMAN CLARK: Mr. Bacon, you have
37 something to add? Come on up and state your name for
38 the record.

39
40 MR. BACON: For the record, my name is
41 Joshua Bacon, biologist to North Slope Borough. I just
42 wanted to clarify a question that Herman had. I wanted
43 to ask Russ first of all if the Steller's Eider had
44 formally been designated as critically imperilled.

45
46 MR. OATES: No, this is not an official
47 designation. This is the opinion. To get a status
48 change is a cumbersome process. I'm saying in the
49 opinion of the recovery team and the -- well, I
50 probably shouldn't say recovery team because I don't

1 know for a fact, but the biologist that have been
2 tasked with analyzing the status of the population,
3 it's their opinion that the species is currently
4 critically imperilled. It's not an official
5 designation at this point in time.

6

7 MR. BACON: That modeling that you were
8 referring to I think Barry Grant did at the
9 university.....

10

11 MR. OATES: I believe it was Barry.

12

13 MR. BACON:did that take into
14 consideration the mortality that we saw this summer
15 along with the very large recruitment we saw this
16 summer?

17

18 MR. OATES: That was done before this
19 summer is my understanding.

20

21 MR. BACON: So these mortalities aren't
22 included in that.

23

24 MR. OATES: I believe that's correct.

25

26 MR. BACON: Herman, I think you had a
27 question about the hunter that was identified and we
28 were able to talk to. It was a non-Native hunter that
29 had not grown up in the community and was out hunting
30 for his neighbor, I think you had a specific question
31 on.

32

33 MR. SQUARTSOFF: Right. That kind of
34 tells me what I wanted to know right there.

35

36 CHAIRMAN CLARK: Member Devine.

37

38 MR. DIVINE: I have a couple questions.
39 Well, I guess one is a statement. I see them when they
40 come into their wintering grounds. There's more than a
41 couple hundred. It has been growing and growing.
42 Before we used to have one main group that came in.
43 Now it's like two main groups that come in. They stay
44 all winter. You guys are showing us this, but how many
45 were killed by the Fish and Wildlife Service when they
46 did their research putting transmitters in? How come
47 we don't see a mortality rate on that? When they did
48 them in the Shemigans, the boat operator who took them
49 out told me that over 50 percent of them didn't make
50 it, with the capturing and the operation and all that.

1 The success rate was not very good.

2

3 MR. ALCORN: That's news to me, Pete.

4

5 MR. OATES: I find that hard to
6 believe. The birds that you're talking about, over 90
7 percent of those are birds from Russia. The birds from
8 Russia, as we showed you on the map, come and spend the
9 winter down along the Alaska Peninsula and in the
10 Aleutians. The work that's done down there, the
11 capture and banding and some of the transmitter work,
12 I'm not familiar with what's going on right now with
13 transmitters on those birds, if anything currently.
14 But there's continued banding and the banding is done
15 -- there's several thousand typically banded every year
16 down in Cold Bay and Port Moller area. Those birds
17 typically, there's maybe two or three that die. I
18 don't know. But, again, over 90 percent of those are
19 Russian birds that are down there. So the probability
20 of death on a North Slope bird is probably less than 1
21 in 100 probability. I don't know if that answers your
22 question or not.

23

24 MR. DEVINE: Not really.

25

26 MR. OATES: We've been doing spring
27 surveys down there on the Alaska Peninsula off and on
28 for 15 years. Over the long term, it appears those
29 birds have declined, although in the last few surveys
30 they've been up a little bit. It's believed worldwide
31 -- there's Steller's Eiders, a smaller population, that
32 spends the winter on the Atlantic side and breeds
33 further to the west in Russia. The majority of them
34 that breed in Russia winter on the Pacific side. It's
35 believed worldwide that there have been fairly
36 substantial declines in Steller's Eiders based on the
37 information from the breeding grounds, what we have in
38 other areas as well. We believe there's probably
39 100,000 or more still in the Pacific breeding
40 population, over 90 percent of which breed in Russia.
41 That's the best I can do. I'm unaware of 50 percent
42 mortality on transmitter birds. That doesn't sound
43 correct.

44

45 MR. DEVINE: Well, how are birds in
46 Russia doing so good? I had a guy come in this summer
47 that did the HAZWOPER class and he had pictures of
48 rivers of oil. Is that happening along the coast?

49

50 MR. OATES: I'm not sure what.....

1 MR. DEVINE: I mean these were rivers.
2 They were using bulldozers and just bulldozing this
3 oil. It seems like if that was happening over there
4 with oil, it seems like their population would be
5 declining instead of increasing.

6
7 MR. OATES: We think it has in the last
8 two decades.

9
10 CHAIRMAN CLARK: Member Tahbone.

11
12 MS. TAHBONE: Your best information
13 available, does that include -- does it differ from the
14 North Slope information or do you include the work that
15 they've done? What information are you using?

16
17 MR. ALCORN: I guess I would ask Mike
18 or Josh to respond to that, whether or not you have
19 information and whether or not that's incorporated or
20 sought after by the Fairbanks Fish and Wildlife Service
21 office. The office that has the lead to do the Section
22 7 consultation is the Fairbanks office and it's outside
23 of my program. Mike, do you work with them?

24
25 MR. PEDERSON: What's your question?

26
27 MS. TAHBONE: Oh, you know how they
28 always have that best information available and I was
29 just wondering if that included the work that you folks
30 do up there.

31
32 MR. PEDERSON: I think it does because
33 we've been working with the Fairbanks office on
34 Steller's Eiders for a long time, but what information
35 they use to determine their opinion, I don't know.

36
37 MR. OATES: I can address that. I've
38 sat on the recovery team for 14 years. The information
39 that's used is a combination of the survival
40 information that comes from the banding data that I was
41 talking about as well as the work that has been done as
42 Mike said for many years up in the vicinity of Barrow
43 where they're able to observe the birds, look at the
44 nesting rates, nest success rates. Some of the birds
45 up there have been marked and monitored as well. So we
46 have survival data and production information. Also
47 some of the production information came from some work
48 that's been done in Russia by Russian colleagues. The
49 recovery team has maintained close contact with them.
50 When you've got a lot more Steller's Eiders nesting in

1 Russia and there's Russian people studying them, we're
2 able to use some of that information. Basically, if
3 you know survival rates and you know production rates
4 and you've got population graphs showing trends and
5 population, you can kind of put that all into equations
6 and what pops out the other end is where the population
7 is headed if current rates of survival and production
8 continue. That's why they say it's critically
9 imperilled.

10

11 The other information, and I don't know
12 if the Borough has been involved in this, but I would
13 guess you folks were at least considered cooperators,
14 and that was the Barrow triangle aerial surveys that
15 were done by ABR where they fly intensive aerial
16 surveys in the Barrow area at a much higher sampling
17 rate than the Fish and Wildlife Service typically
18 flies. They've got a much better estimate of the
19 numbers of breeding Steller's Eiders in what's
20 considered the primary nesting area and in what they
21 call that Barrow triangle. I think it's given a
22 refined estimate. Ten years ago we thought there were
23 maybe a few thousand Steller's Eiders on the North
24 Slope. Now the estimate is in the hundreds instead of
25 the low thousands.

26

27 There's been a lot of effort to
28 increase our understanding of the biology and the
29 survival rates and productivity of the species and
30 that's kind of led us to believe that the birds are
31 really in bad shape right now in Alaska.

32

33 CHAIRMAN CLARK: Member Chythlook, you
34 had a question.

35

36 MS. CHYTHLOOK: Russ answered the
37 question I had in mind. I guess it sounds like these
38 birds only are in the Russian and Alaska locations and
39 they don't go anywhere else.

40

41 MR. OATES: The western Russian birds
42 though do spend the winter in the north Atlantic as
43 opposed to the Pacific. So there's sort of two main
44 groups, the Pacific wintering birds and the more
45 Atlantic type wintering birds. The Alaska group is
46 part of the bigger Pacific group at least in terms of
47 wintering area.

48

49 MS. CHYTHLOOK: Is that true with the
50 other Eider species?

1 MR. OATES: No, it varies. Common
2 Eiders are pretty much circumpolar in the Arctic and
3 they have actually separated themselves and they're not
4 taxonomically listed as four different subspecies of
5 Common Eiders. The King Eiders, I think they're
6 circumpolar as well. There's some that winter on the
7 Atlantic side and then the rest on the Pacific side.
8 The Spectacled Eiders all winter in the Pacific and
9 they breed from Alaska over to about the Lena River in
10 Russia and they all winter south of St. Lawrence Island
11 in kind of a fairly small area.

12
13 CHAIRMAN CLARK: Member Squartsoff.

14
15 MR. SQUARTSOFF: Yeah, Mr. Chair. The
16 information that Peter gave, you guys might want to put
17 maybe a little more thought into checking on the
18 accuracy of the mortality when they do the.....

19
20 MR. OATES: And I would like just for
21 clarification -- excuse me -- the specific incident
22 that you're referring to. When was this discussion so
23 I can try to get a feel for what birds we're talking
24 about.

25
26 MR. DEVINE: They come in to capture
27 Steller's Eiders. They used the fishing vessel Rita B
28 and this was probably in '05. They came in, they
29 started the project and then came to the corporation to
30 ask if they could put a transmitter. They didn't do a
31 government to government consultation, so we told them
32 no. Then they went to Dutch Harbor.

33
34 MR. OATES: And they put in satellite
35 transmitters.

36
37 MR. DEVINE: Yes.

38
39 CHAIRMAN CLARK: Mr. Woods, state your
40 name for the record.

41
42 MR. WOODS: For the record, Frank
43 Woods, Bristol Bay Native Association. A comment from
44 a regional perspective. I appreciate U.S. Fish and
45 Wildlife Service for bringing this information forward,
46 but I caution that we're looking at one
47 segment of the population in discussion right now. We
48 ran into this in our regional meeting, is that we're
49 looking at a short time frame. It looks like one and a
50 half months from 6/16 to 8/30, if I'm correct. The

1 statistics that come out are in a really short time
2 frame. What about the other seven and a half months?
3 The big picture is, as a regional, we wanted U.S. Fish
4 and Wildlife Service or Alaska Department of Fish and
5 Game to come up with a broad spectrum of the year cycle
6 and what impacts it has. If it's the oil industry in
7 the springtime doing whatever activities that may
8 inhibit it, is there any statistics for that? If it is
9 listed as a threatened species, then it has a direct
10 impact on their activities too, so that might be
11 another avenue.

12
13 So when you're presenting this
14 information, I'd caution the Council that it's just one
15 snapshot. On a regional and a subsistence level, it's
16 almost detrimental to our causes. We want to be a part
17 of the conservation efforts and if you look at our
18 past, the subsistence user and the Native people
19 involved in this, they are actively involved in
20 conservation efforts to help bring it back up. That's
21 our next year's food supply we're talking about. Our
22 next generation's we could say.

23
24 So when we start talking statistics and
25 start talking -- I'll tell you one thing, at least in
26 our department, we don't have the research dollars that
27 you have access to, especially in a regional level, to
28 match what you've got presented every time we come to
29 the table. Maybe it's time we start asking for those.
30 As a subsistence user and a regional member, I guess,
31 pass it on to the North Slope Borough and they address
32 that in the regional meetings, but also include the big
33 picture.

34
35 I know for a fact that in the lower
36 peninsula down here it is the biggest concentration of
37 migratory birds the world has ever seen along the
38 Alaska Peninsula, right where the Steller's winter. I
39 didn't know that until I was up in a meeting in
40 Nondalton last spring. There was this couple walking
41 from Seattle -- they walked from Seattle to the
42 Aleutian Chain to meet that migration. It is the
43 world's biggest concentration of migratory birds to
44 date.

45
46 So, from the wintering areas to the
47 nesting areas and other times between, if you draw us a
48 big picture -- and we're just a snapshot. Subsistence
49 activities are timing and if you're looking at a
50 snapshot for this, you're looking at 50 birds or 58

1 birds total here in this report, what about the
2 other.....

3

4 MR. OATES: It's 30 actually. They
5 don't add up totally.

6

7 MR. WOODS: Okay. So there's 30 birds
8 total and I appreciate the reports. It a little bit
9 offends me as a subsistence user to have it always
10 focused on us. I'll tell you what, John Dyasuk and
11 Peter Abraham yesterday, they work hard on educating
12 the public on how to adequately harvest without any
13 impact. So that's my speel on it. Just bring us a
14 bigger snapshot next time maybe and we can focus on our
15 part as a subsistence user and regional council and
16 give us a better idea how we can make a difference.
17 Thanks.

18

19 CHAIRMAN CLARK: Thank you.

20

21 MR. ALCORN: Thank you. I would like
22 to respond to that comment. I appreciate that, that
23 there are other causes of mortality of these birds. I
24 think what's really important for all of us to
25 understand is that each activity that is regulated,
26 permitted, otherwise engaged in by the Federal
27 government is required to have its own Section 7
28 consultation. This is the Section 7 consultation
29 process for the subsistence hunt, the subsistence
30 regulations. It's not the consultation process for,
31 say, oil or gas exploration activities that would be
32 permitted through some other Federal agency. They
33 still have to consult with the Fish and Wildlife
34 Service on their activities.

35

36 If you recall back on one of these
37 slides there was a sub-bullet that said cumulative
38 effects must be considered. So all of the mortality
39 that Frank talked about, all of those causes of
40 mortality have to be considered. While I appreciate
41 the notion that this may be a small percentage of the
42 overall mortality, it is still 27 birds that we have
43 documented, 20 of which were shot, which could be
44 construed as being incidental to the hunting activity,
45 which is what we were talking about. They weren't
46 killed by some other cause. They were killed by guns.
47 So this is the activity that is establishing the
48 regulations for legally using guns to take other birds.

49

50 It is a complicated process and that's

1 why I'm wanting to spend the time that we are. I hate
2 to spend too much of your time, but I think it's very
3 important that we understand this process occurs for
4 every Federal activity. It's not just the subsistence
5 hunt. This is just our piece of the pie.

6
7 One last comment before I turn the mike
8 over to Russ is that these are not statistical
9 estimates. This is actually a documented one bird at a
10 time count. So it is a census of the mortality that we
11 are aware of. If anything, it is a smaller fraction of
12 the overall mortality because it's only the birds that
13 we found.

14
15 CHAIRMAN CLARK: Member Chythlook.

16
17 MS. CHYTHLOOK: I think we need a
18 break.

19
20 CHAIRMAN CLARK: We're getting close.
21 How much more time do you guys.....

22
23 MR. ALCORN: This is the last slide.

24
25 CHAIRMAN CLARK: Let's wrap it up
26 quick.

27
28 MS. TAHBONE: I've got more questions
29 too and I think Molly has been waiting a while for a
30 break.

31
32 MR. ALCORN: I'm willing to take a
33 break.

34
35 CHAIRMAN CLARK: Let's take a break.
36 Let's take 10 minutes.

37
38 (Off record - 11:10 a.m.)

39
40 (On record - 11:20 a.m.)

41
42 CHAIRMAN CLARK: Twenty minutes past
43 11:00. Let's reconvene the Alaska Migratory Bird Co-
44 Management Council. Mr. Oates, you have the floor.

45
46 MR. OATES: Yes, I wanted to say that I
47 do appreciate Frank Woods' comments. I had just a
48 couple of points to make with regard to that. I did
49 have a conversation with the endangered species folks
50 that are responsible for the Section 7 work, about the

1 numbers of birds reported shot this year compared to
2 birds taken in oil-type activities, et cetera, and he
3 indicated that the oil industry practices are not
4 killing anywhere near these kinds of numbers of birds
5 and he said they definitely would have gotten a lot
6 more attention from endangered species folks if that
7 were occurring.

8

9 I think we didn't talk about all the
10 different aspects of Section 7 and all the different
11 industries and activities that were involved just out
12 of respect for the time of this group and not going
13 through all that.

14

15 With regard to other hunting during the
16 fall season some three or four years ago there were
17 small numbers of Steller's Eiders that were shot during
18 the fall season and when this came to our attention we
19 worked with the endangered species program to develop
20 an outreach effort principally for Kodiak, which is
21 where this was primarily occurring and produced some
22 outreach materials and got some cooperation from the
23 local folks down there, including the State folks and
24 the Kodiak Refuge to distribute this information to all
25 the hunting guides, et cetera, and the hunters. I
26 think posters were put up and information pamphlets
27 passed out and everything. Actually, the outreach
28 effort down there was pretty effective and we haven't
29 had a problem with the take of Steller's down in
30 western Alaska during the fall time to our knowledge
31 since that effort was undertaken. I think it was
32 principally Coast Guard folks that were hunting during
33 off-duty hours and not subsistence hunters.

34

35 So it's not that this effort is focused
36 on subsistence hunters. It's just that we were
37 focusing on the subsistence role at this meeting
38 because it's a subsistence hunting meeting. The
39 efforts to minimize mortality as a result of human
40 activities extends to all activities with a Federal
41 connection and we're not focusing on just subsistence
42 activities. I just wanted to help Mr. Woods understand
43 that this is not picking on subsistence hunters.

44

45 MR. WOODS: I got that. Thank you.

46

47 MR. ALCORN: On to the last slide, Mr.
48 Chair.

49

50 CHAIRMAN CLARK: Please.

1 MR. ALCORN: This is sort of a five-
2 point strategy that my boss has come up with in his
3 discussions internally. I haven't seen my boss in a
4 couple of weeks. He called me this weekend and said
5 this is where the rubber meets the road. This is what
6 he is going to support. He has said that in order for
7 him as -- he's the overseer of my program, which is the
8 program taking the Federal action and the other program
9 that has the responsibility for the Section 7
10 consultation, as the overseer of both those programs,
11 he's saying this is what I want to have in a strategy
12 so that my one program can feel as though there is no
13 jeopardy.

14
15 We are in jeopardy right now. If we
16 don't change something, we are in jeopardy. If we just
17 pursue the outreach strategy that we put in place to
18 satisfy the past Section 7 consultation, we will not
19 have a hunt. That is as severe as this is. That's as
20 important as this is. So I'm pleading with our North
21 Slope partners to sit down with us, and they've agreed,
22 and we're going to talk about having in place a written
23 agreement that has our respective commitments to
24 resolving this. And a willingness to continue to
25 discuss this and communicate. That is what is critical
26 in this process.

27
28 We do this with other permitted
29 activities. We need to do this with this one, which is
30 let's continually be talking about what the known
31 impacts are as they occur, what activities we've
32 consented to collectively and making sure that we, as
33 public policy-makers and manager, are doing our public
34 the right service. That's really what our job is.

35
36 So we need that in writing. We need as
37 a component of that agreement to have in-season
38 monitoring. We all have after-season harvest survey
39 reporting, but this is an in-season monitoring
40 requirement in order to satisfy that we won't take
41 additional birds incidentally and if a bird is taken
42 incidentally, we come right back to the table and we
43 say what can we do to keep this hunt going. That's
44 going to be a commitment that we'll have to make. I
45 mean it comes at an expense and I understand that, but
46 we're willing to make it and the North Slope needs to
47 be willing to make that too so we can get beyond this
48 impasse.

49
50 A new approach to outreach. As shown

1 in a couple slides, the posters are good but they're
2 not satisfying the need. We need to think of new ways.
3 I understand that a new task force has been formed and
4 discussions have already occurred, so to their credit,
5 they're aware of this and they're doing the right thing
6 by saying we're ready to take this on. We're ready to
7 sit down and work on this. So my hat is off to Mike
8 and his program and the willingness to get us past this
9 particular position we're in right now. Whatever we
10 come up with, we're going to write those into the
11 regulations so that we can move forward with the whole
12 subsistence regulatory package.

13
14 Finally, there has to be a commitment
15 to enforce. I want to stress the goal in enforcement
16 is not to write tickets. That is not a goal. The goal
17 is to minimize take of these birds and to continue on
18 with the subsistence hunt. That's my goal. My goal is
19 to inform hunters and let them know that if they're
20 going to be hunting, they have responsibilities and the
21 primary responsibility is to lay off those birds.
22 However we can get that message out, I'm willing to
23 listen and I'm willing to hear all good
24 recommendations.

25
26 But those regulations will be enforced
27 and that's what's going to be required as a recipe to
28 get us into the no-jeopardy situation so that we can
29 actually go forward with the hunt, from a legal,
30 permitted hunt.

31
32 That's the presentation and I just
33 implore the Council to be advised of where we are and
34 implore particularly our North Slope partner and to say
35 on the record I appreciate their willingness and their
36 recognition of the severity of this and their
37 willingness to sit down with us and work on this.
38 That's it, Mr. Chairman.

39
40 CHAIRMAN CLARK: Thank you, Mr. Alcorn.
41 I don't think you can overstate the gravity of this
42 situation, so I appreciate your presentation. Are
43 there any further questions for either Mr. Alcorn or
44 Mr. Oates. Member Tahbone.

45
46 MS. TAHBONE: Yeah, I just wanted to
47 clarify that it was on
48 record that -- I'm not sure how many of the birds that
49 were shot were taken by a hunter who qualifies as an
50 indigenous person as defined by our regulations, was a

1 non-Native. I just wanted that clarified because our
2 Regional Council is still pursuing changing that
3 definition. Thank you.

4

5 CHAIRMAN CLARK: Thank you. Member
6 Pederson.

7

8 MR. PEDERSON: In response to Doug's
9 presentation, just to let you know, we did agree to sit
10 down with them and we will do that on Monday, October
11 6th. For the in-season monitoring, we did earlier this
12 week submit a proposal to Doug and Fred's office to
13 work on the in-season monitoring. So we're just going
14 to wait to hear back from what they think of that. We
15 had an opportunity to sit down with Doug and Fred in
16 mid August to talk about other issues.

17

18 Our new approach to outreach. We did
19 try and have an outreach meeting in March. I was on
20 annual leave when the meeting did occur, but prior to
21 that I did state to our group and to the Fish and
22 Wildlife Service that I just thought their outreach
23 wasn't working because it was the same outreach that
24 was being done for the three years I've been with the
25 Borough. So I did mention at one point that I think we
26 need to do some new stuff and that was before all this
27 stuff happened.

28

29 I'm going to pass out a statement that
30 we did meet on September 8th just to specifically talk
31 about Steller's Eiders. There were about 70 hunters,
32 70 community members, elders that showed up. We did
33 talk about this specific issue. Our hunters are very
34 concerned about Steller's Eiders. It's been put in
35 their minds not to shoot them.

36

37 One of the things that we have a
38 problem with is it's kind of hard to identify Eiders
39 when they're coming at you and you're getting ready to
40 shoot them. I know Tex Swemm and Mr. Shipley came up
41 to Barrow last fall to try to work on helping us
42 identify certain species of Eiders that are species of
43 concern when they're flying towards us. We're just
44 waiting to hear back from Mr. Swemm's group on how that
45 is processing.

46

47 But we do acknowledge the problems of
48 the Steller's Eiders. A task force with all the
49 players in the community was formed. Me and Taqulik
50 are on that task force representing the Borough and

1 some of our staff as well, but we have the regional
2 organization sitting at the table.

3
4 One of the things we did discuss about
5 protecting Eiders is that our village corporation is a
6 major landholder where these Steller's Eiders do nest,
7 so they've offered to work on their permitting stuff so
8 that people who are hunting on their lands will be
9 required to have a permit.

10
11 We did talk on the radio about this
12 specific event. In our North Slope Borough newsletter,
13 we had a whole page dedicated to the conservation of
14 Eiders. So I think some of the issues that Doug
15 brought up we've already begun working on them. The
16 hunter-to-hunter meeting that we had the other week,
17 Fish and Wildlife Service was in town.

18
19 So there's just a lot of things that
20 are happening. I'm not going to read this whole thing.
21 You guys have a copy of it. We're working on trying to
22 deal with this unfortunate incident.

23
24 And then the other thing, and I would
25 like Josh to address this, is just to talk about some
26 of the law enforcement stuff regarding Steller's and
27 Spectacles. I believe the Wildlife Department does
28 have a long-term relationship with the Fish and
29 Wildlife Service as a whole, but I think for the last
30 year or two things have started to go a little crazy.
31 Sometimes when we sit down and meet with them, we don't
32 get anything done. We just argue back and forth, so
33 things have gotten a little crazy.

34
35 As part of my regional report
36 yesterday, I wanted to wait and discuss some of these
37 issues until after Doug's stuff, but we do have another
38 concern regarding law enforcement and I'd like Josh to
39 address that if he could, please.

40
41 CHAIRMAN CLARK: Mr. Bacon.

42
43 MR. BACON: For the record, my name is
44 Joshua Bacon, North Slope Borough biologist. Taqulik
45 Hepa asked me to say a few things about law enforcement
46 relations along with Robert Suydam wanted me to say a
47 few things as well.

48
49 In response to the shootings of the
50 Steller's Eiders, U.S. Fish and Wildlife Service law

1 enforcement had a response and sent agents up
2 immediately to protect the Stellers at all cost. What
3 they did was they checked people for stamps and
4 licenses. By doing this, the hunt after September 1st,
5 the fall hunt, was essentially stopped. Law
6 enforcement agents told hunters that they could not
7 hunt without a State hunting license and there's only
8 one vendor in town that had the licenses and he was
9 unavailable for most of the end of August and early
10 September. So we had a lot of very angry hunters
11 calling us and a few confrontations at duck camp
12 involving law enforcement agents and subsistence
13 hunters.

14
15 I think the big reason we had a problem
16 out there at duck camp is because this hunting
17 population of subsistence hunters had no prior exposure
18 to sports hunting regulations, including having a
19 license, have a State stamp and having a Federal Duck
20 Stamp. That was a very foreign concept to them along
21 with shooting regulations. They were told they
22 couldn't hunt ducks after sunset, which is part of the
23 State regulations, and they needed to have a duck plug
24 in their gun. The people out there had never been
25 exposed to this and they had a real problem with it and
26 were confused and didn't understand. As a result,
27 there was confrontation and we received many phone
28 calls.

29
30 A couple of positive things that came
31 out of having law enforcement up there that I think I
32 should include is that some of the agents, as was
33 included in Doug's presentations, found some shot
34 Eiders and posted flyers in the community and this
35 brought a lot of awareness of the shootings and the
36 take of Steller's to the community, which I thought was
37 beneficial.

38
39 Law enforcement agents also helped us
40 on a couple of occasions with polar bears, so that was
41 something that was positive that came out of that.
42 That's all I had as far as relations with law
43 enforcement this fall, but I had a couple of other
44 things I wanted to bring up.

45
46 Doug mentioned outreach and may have
47 not intentionally implied that outreach may not be
48 working, but in my opinion it has been working. I
49 think a big reason why we saw a lot of Eiders shot this
50 fall is because there were a lot more Eiders around.

1 We had, compared to past years, a very high
2 recruitment. There was 25 nests that were found. I
3 don't know how many of those were successful. So
4 there's a lot more Eiders around this year. People
5 were exposed to Eiders that hadn't been in the past. I
6 think that may have resulted in interactions between
7 people and Eiders, not necessarily hunters. From my
8 understanding, most of the Eiders were shot along
9 Gaswell Road, which is not an area where people go out
10 Eider hunting. You get a lot of kids and evening
11 drivers going out for joy rides and things like that.

12
13 That's all I had. I also wanted to say
14 if you had any questions about the situation up there
15 this fall and late summer, I could probably answer
16 them. I was present the whole year.

17
18 CHAIRMAN CLARK: Thank you, Mr. Bacon.

19
20 MR. PEDERSON: In response to outreach,
21 one of the things that we did talk about is somehow to
22 work with the Service but have outreach efforts
23 conducted by local people. It may begin to work a
24 little better. That was one thing that I wanted to
25 point out. Maybe instead of the Service coming up
26 there and doing stuff, maybe those of us at the local
27 level, including the organizations that formed this
28 newly created migratory bird task force, they're
29 willing to assist in outreach efforts, that will both
30 be conducive to the Service's needs and our needs.

31
32 CHAIRMAN CLARK: Member Squartsoff.

33
34 MR. SQUARTSOFF: Yeah, Mr. Chair. For
35 clarification, I'd like to know -- I'm a little
36 confused now on some of this where it's saying here --
37 it sounds like the Eiders that were killed or shot were
38 by hunters, but it sounded like maybe not. Maybe Josh
39 or somebody could clarify that for me.

40
41 MR. PEDERSON: Well, where some of the
42 Eiders were found, some of them were found at duck
43 camp, like the picture he showed with a big pile of
44 birds. The Gaswell Road is a 13-mile road out of
45 Barrow and it's one of two roads out of town. A lot of
46 people take drives out there or whatnot and we usually
47 don't hunt out there. So what we were thinking is that
48 there were some very pissed off people in town, whether
49 they're old, young, Native or not Native.

50

1 At our meeting we talked about, you
2 know, who would want to do this, just killing Steller's
3 Eiders. What was especially disgusting for us because
4 it happened in our region was the hen on the nest and
5 the eggs that were destroyed. My nephew is 13 years
6 old and this summer he was fortunate enough to work
7 with Neesha Wendling from the Fairbanks office in doing
8 surveys for Steller's Eiders nests and they walked away
9 from the road system in hip boots going out in the
10 tundra and looking at these nests.

11
12 I think one of the issues too that may
13 have contributed to some of the people shooting the
14 Eiders is that they put little flags to locate the
15 nests so they could go and check on them, so that might
16 have been an issue, people driving along the road may
17 have seen the little flags sticking up and may have
18 gone over there. Some of the Eiders that were found
19 were at the camp, but a lot of them were along the
20 Gaswell Road and we don't hunt out there.

21
22 MR. SQUARTSOFF: Then not very many of
23 them were done by hunters then.

24
25 MR. PEDERSON: Yeah, when we had the
26 meeting with the community it was brought out that
27 somebody was just being malicious and the surprising
28 thing too was that they put that pile of Steller's
29 Eiders right near a sign -- we have several of those
30 signs up in Barrow. The Service provided us the stuff
31 to do that, so we helped put up some of those signs.

32
33 CHAIRMAN CLARK: Member Squartsoff.

34
35 MR. SQUARTSOFF: Yeah, Mr. Chair.
36 Basically what I'm getting at, too, to me, if it's not
37 the hunters basically that did the majority of this, it
38 could be somebody else making it look like it, but the
39 hunters are getting targeted. When you guys have your
40 talk, really take that into consideration that things
41 like this might be happening too. I'd hate to see a
42 subsistence hunt get shut down because somebody else
43 was trying to mess it up. Thank you.

44
45 CHAIRMAN CLARK: Member Devine.

46
47 MR. DEVINE: Thank you, Mr. Chair. I
48 remember Taqulik having a conversation with us before
49 where them placing flags by the nests was a concern of
50 hers, causing them not to come back to the nest after

1 they already established their spot. I mean with all
2 the GPS systems and stuff out, why are they still
3 putting the flags? It's a distraction to the birds and
4 it should be stopped.

5
6 CHAIRMAN CLARK: Mr. Bacon, do you have
7 something to add?

8
9 MR. BACON: I just wanted to address
10 what Herman said and bring it to the attention of the
11 Council. Looking at the table that was handed out by
12 Doug, the birds at the top of the list, excluding the
13 first bird, were killed during the closed season, in
14 the summer part of the season. To address Herman's
15 question, in my opinion, most of the Eiders that were
16 shot this summer and spring were by people not hunting,
17 with the exception of the hen and the six juveniles at
18 duck camp. I believe that person was there to harvest
19 Eiders.

20
21 MR. SQUARTSOFF: But you guys aren't
22 sure, right?

23
24 MR. BACON: No, we're not sure.

25
26 CHAIRMAN CLARK: Any other comments,
27 questions, on this item. Member Alcorn.

28
29 MR. ALCORN: Just one final comment. I
30 do appreciate the work that North Slope has done and
31 their willingness to sit at the table with us and to
32 work on this. Just to note that when we did become
33 aware that the mortality was kind of ramping up and our
34 folks showed up there and we began working with North
35 Slope and with the hunters, we don't have anymore
36 mortality. From that point on, people started
37 listening and paying attention to what the requirements
38 were and were more cautious, presumably. I think it
39 can work if we work together and do it. I think it is
40 achievable. It's just something that we have to do and
41 I appreciate the opportunity to do it with the North
42 Slope.

43
44 CHAIRMAN CLARK: Mr. Oates.

45
46 MR. OATES: Pardon me. I guess at
47 somewhat of a risk of ending on a sour note, I do want
48 to mention that I was told of another incident in which
49 two or three juvenile birds were in the back of a pick-
50 up truck on the spit and I think that first bird was

1 shot by a hunter.

2

3

4 Just to provide some perspective on
5 this, the limits of incidental take for the fall hunt
6 for Steller's Eiders, that's one bird, and that whole
7 thing was based on the idea that those birds were
8 likely to be shot in Southwestern Alaska, Kodiak or
9 somewhere down there, when the odds of a shot Steller's
10 Eider being a North Slope bird were probably 1 in 100.

11

12 So we've just got to be careful not to
13 disillusion ourselves that this is going to be -- well,
14 there were only six or seven birds, that's probably not
15 going to be considered acceptable. I apologize for
16 maybe ending on a sour note, but it's sort of a little
17 bit of a reality check here, I think.

18

19 CHAIRMAN CLARK: Member Squartsoff.

20

21 MR. SQUARTSOFF: Yeah, Mr. Chair.
22 That's not what I was really getting at either, Russ.
23 The hunters is what my question was clarifying.

24

25 CHAIRMAN CLARK: Thanks. Well, let's
26 move on. It's 10 minutes till noon. Given that Member
27 Chythlook has kept us well provisioned, anybody whose
28 blood sugar is dropping, there's plenty of remedies in
29 the back. I guess my inclination would be to charge
30 through until we're done unless Council members have a
31 different feeling. Do you have a preference? Some
32 people have airplane reservations this afternoon. Like
33 I say, my inclination would be to just keep going until
34 we're finished. Is that acceptable?

35

36 MR. ALCORN: It is to me.

37

38 CHAIRMAN CLARK: Let's charge ahead
39 then. Next, the national EIS report. Mr. Ostrand.

40

41 MR. OSTRAND: Council. This is Bill
42 Ostrand with the Fish and Wildlife Service. You may
43 recall, this was well over a year ago, that Fish and
44 Wildlife Service announced it was going to amend or
45 rewrite its Environmental Impact Statement that covered
46 the harvest of birds. The Council was asked whether it
47 wanted to participate in that process or do their own
48 EIS and the Council decided to participate. So I
49 wanted to give you an update and some things I've
50 recently learned.

51

1 To tell you a little bit about our
2 involvement in NEPA, NEPA is a law, the National
3 Environmental Policy Act, that was passed in the '70s.
4 It's the law that requires us to do an EIS. I also
5 want to let you know that every year we do, as Doug
6 mentioned in his presentation, an environmental
7 assessment. Because of this involvement in NEPA, I
8 went to training on NEPA this year to learn more about
9 it and I've learned some things that are quite
10 interesting. I informed our instructors of our NEPA
11 process and they were kind of aghast that we do an EA
12 every year and they said to me you probably don't have
13 to if you write a programmatic EIS. They said if you
14 write the EIS in broad enough term, you probably don't
15 have to do your annual EA. Your annual EA really isn't
16 meeting the intent of NEPA. So this would be a way to
17 become in greater compliance with NEPA and do less work
18 if we write this broader, more conceptual EIS.

19
20 I called up Bob Trost, who is heading
21 the program to write the nationwide EIS and he said he
22 was aware of this and on the national level that's
23 where they want to go, is to get to the point where
24 they are not writing annual EA's on the sport hunt.
25 So, what we have here is now an opportunity to do the
26 same and eliminate doing an annual EA, which it takes
27 Donna and I quite a bit of time each year and then, in
28 turn, triggers the Section 7 consultation.

29
30 So, in order to do that, what we would
31 have to do is when we get back the draft is revise our
32 portion to state broadly what our management options
33 are. So what I'd like to do if it's agreeable with the
34 Council is to convene the Harvest Limitation Committee
35 to discuss what our management options are and then
36 incorporate those management options into the EIS so
37 that we could eventually not be writing EA's every
38 year.

39
40 CHAIRMAN CLARK: It seems like a
41 laudable goal, Mr. Ostrand. Member Alcorn.

42
43 MR. ALCORN: Bill, isn't the SEIS --
44 you wrote the portion for the Council if I'm not
45 mistaken.

46
47 MR. OSTRAND: Yes.

48
49 MR. ALCORN: Is what you're
50 recommending in addition to that or will that suffice

1 then or you would have to kind of make it more general
2 and pursue a programmatic EIS from that?

3

4 MR. OSTRAND: Yes, what I wrote would
5 not suffice to do what I'm proposing to do. What I
6 wrote was very narrow. What we need to have written is
7 something very broad. In our preferred alternative, we
8 would say what our management options are that we might
9 apply in every given year. That way we would not have
10 to address them annually. Hopefully we'd eventually
11 develop a categorical exclusion and then once that is
12 done, which I'm sure not everyone knows what that is --
13 let me back up and explain.

14

15 There are three levels of NEPA
16 documents. There's the Environmental Impact Statement,
17 which you're probably all familiar with. The
18 government is required to do an EIS when they are
19 planning an action that will impact significantly the
20 environment. Then there's an EA, which is a less
21 intensive document. Usually only 10 to 15 pages long.
22 Those are written when the proposed action will not
23 have a significant impact on the environment. Then the
24 categorical exclusion is a document that has been
25 approved by the president's office which covers rather
26 routine activities that the government does.

27

28 For instance, and this is a hint, if my
29 employers were to decide to give me a pay raise, that's
30 a government action, but it doesn't require an
31 Environmental Impact Statement because there is a
32 categorical exclusion in place to cover that activity.
33 So what we need is a categorical exclusion that covers
34 the implementation of migratory bird hunting. So that,
35 in combination with a broad EIS we would be able to do
36 away with the annual EA's.

37

38 CHAIRMAN CLARK: Member Chythlook.

39

40 MS. CHYTHLOOK: So, Bill, your
41 suggestion to the Council is to have the Harvest
42 Limitation Committee to work with you on that to
43 complete it?

44

45 MR. OSTRAND: Yes. What I need them to
46 do is identify the breadth of management activities
47 that we might take. It doesn't commit us to take them.
48 For instance, some of the things we've done in the past
49 is we've closed Brant colonies on the Y-K Delta, we've
50 shortened the season in the Aleutians to protect

1 Brants, we've extended the 30-day closure -- or the
2 entire nesting period for geese on the Y-K Delta.
3 Those are the kinds of things that we would need to
4 include and anything else that we might consider doing
5 in the future.

6

7 If we decide to go outside of things
8 covered in the EIS, then we would have to provide an
9 environmental assessment in the future. So this would
10 be basically a brain-storming session on the part of
11 the committee.

12

13 CHAIRMAN CLARK: Fred.

14

15 MR. ARMSTRONG: When you brought this
16 to my attention, that was a great idea. It would
17 involve a lot of work up front. Have you thought what
18 we're going to have to do annually for the Section 7
19 consultation? How would we go about addressing that?

20

21 MR. OSTRAND: You mean if we're not
22 doing EA's, how would we be doing Section 7
23 consultations?

24

25 MR. ARMSTRONG: Because we've got to
26 submit an EA to initiate the consultation.

27

28 MR. OSTRAND: Well, according to my
29 instructors, they were surprised that we're doing
30 Section 7 consultation every year.

31

32 CHAIRMAN CLARK: Member Chythlook.

33

34 MS. CHYTHLOOK: If Bill is wanting to
35 reconvene, Sandy and I were just looking at your
36 Harvest Limitation Committee and there's just a couple
37 of you here, so it doesn't look like you have a quorum.

38

39 MR. OSTRAND: Oh, I'd call the
40 committee like in November.

41

42 MS. CHYTHLOOK: Oh, so it's not to
43 reconvene now to work on.

44

45 MR. OSTRAND: Right. But I'd ask the
46 Council to consider who's in the committee. I think
47 there are some people listed who are no longer on the
48 Council or associated with the Council.

49

50 CHAIRMAN CLARK: Does this require a

1 motion on our part?

2

3 MR. SQUARTSOFF: For what?

4

5 CHAIRMAN CLARK: Member Alcorn.

6

7 MR. ALCORN: The Staff is asking us to
8 say, yeah, go forward and do that, so I'll move that we
9 allow Bill to explore this with whatever means
10 necessary to get this done with the goal of reducing
11 paperwork.

12

13 MS. CHYTHLOOK: I'll second the motion.

14

15 CHAIRMAN CLARK: We have a motion and a
16 second. Discussion. Member Starkey.

17

18 MR. STARKEY: What's the time frame for
19 submitting the language that you're proposing?

20

21 MR. OSTRAND: Well, when I talked to
22 Bob Trost, who's managing the EIS program, he thought
23 within the next few months he would have a draft done
24 and then we would have an opportunity at that point to
25 revise our portion of the EIS and then we could
26 probably expect this to take years to reach a final
27 stage. Once that's done, then we'd have to pursue a
28 categorical exclusion that's specific to bird hunting.
29 So this isn't going to happen overnight. We're going
30 to continue to be writing EA's for a while, but
31 hopefully by 2010 we could have this done.

32

33 CHAIRMAN CLARK: Member Starkey.

34

35 MR. STARKEY: I would like an
36 opportunity to review any language that's proposed in
37 supporting this motion. I think it's good to bring the
38 language back. I don't know if the timing will permit
39 for it to be brought back for review by the whole
40 Council before the spring meeting, but if possible that
41 would be a good idea. If not, I think it would be good
42 for any member that wants to be able to review the
43 proposed language before it's submitted officially.

44

45 CHAIRMAN CLARK: It seems like it's
46 just a matter of course that that language could be
47 shared with the entire Council in writing by email or
48 by hard mail. Mr. Ostrand.

49

50 MR. OSTRAND: There will be -- once the

1 draft EIS is completed, it will be distributed and
2 there will be an opportunity not just for the Council
3 but for everyone in the public to comment, then a final
4 will be developed. Hopefully I'll have the opportunity
5 to share the language for our final contribution with
6 the Council.

7
8 CHAIRMAN CLARK: I would assume that
9 you will avail yourself of the expertise and the
10 guidance of the Council in preparing the draft, so I
11 would assume the Council members will have an
12 opportunity to weigh in all along the process, correct?

13
14 MR. OSTRAND: Well, what I can do is I
15 can -- even if the Council is not going to meet at a
16 convenient time, I can distribute the language that
17 we're going to submit to the Council for review.

18
19 MR. SQUARTSOFF: Call for the question.

20
21 CHAIRMAN CLARK: Ready for the
22 question. Are there any objections.

23
24 (No objections)

25
26 CHAIRMAN CLARK: Seeing none, the
27 motion carries. Go ye forth, Mr. Ostrand.

28
29 MR. OSTRAND: Thank you.

30
31 CHAIRMAN CLARK: The next item, stamps
32 and licenses. Member Starkey.

33
34 MR. STARKEY: Thank you, Mr. Chairman.
35 As we moved through
36 this meeting, there has been much discussion about the
37 issue of stamps and licenses. I know that Josh in the
38 North Slope characterized the tension around
39 enforcement of Duck Stamps and licenses for the people
40 he was in contact with as being one of education or not
41 understanding such was needed.

42
43 In the Y-K Delta though it's not that.
44 It's much more deeply rooted than that. It's a feeling
45 that this is their customary and traditional
46 subsistence activity. It's a right for which they
47 should not have to purchase a State hunting license or
48 Duck Stamp or a Federal Duck Stamp. It's not a matter
49 of people being uncomfortable or not understanding the
50 need or not being accustomed to it. It's a matter of

1 feeling that it should not be a requirement for their
2 subsistence way of life that they purchase these
3 licenses.

4
5 In fact, the Federal subsistence
6 program does not require any State license or Federal
7 license for people to go subsistence fishing, which is
8 a Federally protected hunting and fishing right. So
9 I'm not sure how the other regions feel about it, but
10 for that region of the state that's the approach that
11 they take.

12
13 Now I will say that my history in this
14 issue goes back to the beginning when the workgroup was
15 first formed to begin discussions about amending this
16 treaty and continued through the negotiations for the
17 treaty and up through the creation of this body. Very
18 purposely the language of the treaty calls for two
19 things; that we're to guard against this sort of thing
20 happening. Included in what I'm going to talk about is
21 two other central issues that keep coming up and that
22 is the issue of the fall hunt and the enforcement,
23 which are not new issues. These were issues which were
24 very much on people's minds when this treaty was
25 negotiated.

26
27 Tom is here, who is I think the only
28 other person that may have the same history, but Tom
29 will certainly hopefully agree with me that enforcement
30 has been an issue for many years preceding the treaty
31 amendment.

32
33 The Duck Stamps, the licenses and all
34 those issues, it's my recollection were never
35 specifically addressed because they were not being
36 enforced, they were not an issue at that point in time.
37 But the treaty says customary and traditional uses by
38 Alaska Natives, indigenous inhabitants, so that phrase
39 wraps up all customary and traditional uses of
40 migratory birds. It does not stop at September 1st.
41 It is beyond me as to why the regulations are narrowed
42 to the spring and summer harvest.

43
44 The enforcement issue is directly dealt
45 with in the presidential language that accompanied the
46 treaty, which, by the way, was very carefully
47 negotiated. That was not a letter that was written by
48 the president himself and just put out. It was a
49 carefully negotiated document. In that document this
50 body was supposed to deal with enforcement policies.

1 So when I see an enforcement policy being told to the
2 Council, this is going to be an enforcement policy, the
3 hope and intent was enforcement policies would be a
4 function of this body as well, which has not really
5 come to a full development.

6
7 So the Duck Stamp issue and the
8 licensing issue is, of course, an enforcement policy.
9 The Federal Duck Stamp issue I guess has to be
10 separated. You have a solicitor's opinion, which I
11 would not hesitate to litigate in any way. I think
12 it's subject to interpretation. In any event, there's
13 one in the books that says by using a statutory
14 instruction, legalese, which, by the way, courts go
15 both ways on, says that the Duck Stamp should apply to
16 the subsistence hunt. So that one seems to me would be
17 one that would most easily be fixed with Federal
18 legislation.

19
20 I think that every Native partner, if
21 not the vast majority, have submitted resolutions
22 asking for an amendment to the Federal Duck Stamp Act
23 to exempt subsistence hunting. AFN has done so. Our
24 delegation has heard this over and over again. My
25 sense as to the political movement on this issue has to
26 do with the Federal and State partners and particularly
27 the Federal partners not taking a position that is more
28 than neutral on it.

29
30 So I would ask that that be reassessed
31 or that there be a process for reassessment of how to
32 move some legislation forward. It may be possible at
33 some point for Alaska Natives to move that forward on
34 their own, but it would certainly through the
35 legislative process opinions are going to be asked of
36 the partners in government as to what their position is
37 and the State.

38
39 I think the State, to my understanding,
40 has been a little more honest about an impasse as
41 administrations fluctuate, positions fluctuate, but
42 seemed to be either for or against, but the Federal
43 position has been neutral. And that seems to me to be
44 something that needs to be reassessed because this
45 issue is going to continue to come up and it is going
46 to be one that will eventually result in a citation
47 upon which people will not back off.

48
49 It will be litigated and I don't know
50 what that means for how this body intends to operate in

1 the future, but it can create a friction and it can
2 create a real hesitation or pause in how people
3 function together in a cooperative manner. So it would
4 be better in my experience to have this resolved before
5 somebody is taken to having to really protect their
6 interest legally through litigation on the issue.
7

8 So that's the Federal Duck Stamp. The
9 State Duck Stamp and the State licensing requirements
10 are not Federally mandated. In other words, there is
11 discretion in the Federal partners and not the State
12 partners perhaps because they have their own set of
13 laws to deal with, but the Federal partners certainly
14 do not have to incorporate the requirement for State
15 licensing and Duck Stamps into these regulations, so I
16 don't know exactly why the policy call has been made to
17 do so.
18

19 Again, the Federal Subsistence Board
20 functions under the same sort of a mandate, even less
21 of a mandate, than this body does and does not require
22 that to prosecute subsistence fisheries. As my memory
23 was refreshed, the previous discussions around this
24 issue have been that the Federal partners may be open
25 to not requiring that if there was a substitute sort of
26 process, meaning a SHARC card or some other kind of
27 permitting process that showed that people were
28 hunting. I'm not exactly sure what the practical or
29 policy reason would be for requiring a SHARC card in
30 order to get rid of the State licensing and Duck Stamp
31 requirements. I'm not sure about that at all.
32

33 I would like to see the Federal
34 partners and the State partners consider these issues
35 and come out with clear positions on them because I
36 don't believe that -- I don't understand what the clear
37 position is and how the Federal and State partners see
38 how these issues, which have been here from the
39 beginning, are going to be resolved. I don't see it.
40 If I'm wrong, this is the time to talk about it. But I
41 do not see the Federal and State partners clearly
42 addressing this and proposing how they believe these
43 issues should be resolved or whether their position is
44 the Native partners need to just swallow it and get
45 used to it and become educated about it and give up
46 what their objections are or at least what the
47 objections of the Y-K Delta people are. Maybe the
48 other partners don't feel the same. Maybe they feel
49 like this is also something people need just to get
50 used to.

1 I think it's time to have a clear
2 discussion about it and it's time to figure out whether
3 it's going to be resolved or not, and if it's going to
4 be resolved, how. One entity pushing it is probably
5 not going to be nearly as effective as others. When I
6 hear that people are going to be up on the North Slope
7 enforcing issues related to critically endangered
8 species, enforcement is going to be Duck Stamps and
9 State licenses and State Duck Stamps and enforcement
10 will be stopping -- you know, respecting the closed
11 season after September 1st. People in Barrow are no
12 longer subsistence hunting, they're sport hunting.

13
14 It looks to me like those are exactly
15 the kind of circumstances where someone is going to get
16 cited unless there's clear instructions otherwise and
17 things may come to a head. Our time frame for
18 resolving this in this body may be foreclosed because
19 that person gets a lawyer and that lawyer is competent,
20 that lawyer is going to raise a defense against these
21 things.

22
23 So that's basically what I wanted to
24 say and what I wanted to ask for was a clear position,
25 a clear process and, if not, at least we know where we
26 stand.

27
28 The other thing about -- well, I'll
29 leave it there. I would like to say something else.
30 If anybody has anything to say about that or it just
31 needs to be scheduled on the agenda for the next
32 meeting or whatever, I don't know. I'll stop there for
33 now.

34
35 CHAIRMAN CLARK: Member Pederson.

36
37 MR. PEDERSON: Thank you, Sky, for that
38 brief report. Our region, as you are probably aware,
39 Tom Newman has been working with you to develop
40 language and all that. We agree with you guys and your
41 region on the issue of Duck Stamps and hunting licenses
42 not being a customary and traditional use for our
43 people as well. In March, our regional management body
44 passed a resolution opposing that and that resolution
45 was distributed at the April meeting of this group.

46
47 Also, I want to add at our August
48 meeting in Nuiqsut that we had last month, our group
49 wanted to know where our resolution was going and I did
50 mention that we did have staff and that you guys were

1 taking the lead on working on behalf of the Native
2 organizations to develop some kind of thing relating to
3 the Duck Stamp, so I appreciate that.

4

5 On another note, with the Duck Stamp
6 issue is also the law enforcement issue. When those
7 law enforcements come up to the North Slope, they're
8 very heavy-handed. They seem to make things worse on
9 their tactics of how they approach hunters, how they
10 ask for Duck Stamps, and even sometimes they just go
11 and grab rifles or shotguns from the people without
12 even waiting for somebody to actually hand them the
13 weapon. I think that's not right.

14

15 I think law enforcement people need to
16 be not trained but they need to be a little more aware
17 of the subsistence hunters, especially the migratory
18 bird hunters, because they just approach people and
19 say, hi, my name is Dave, I'm with Fish and Wildlife
20 Service, they flash their little badge and then they
21 want to go directly to the back of the vehicle or
22 whatever to see if they got lead shots. I think just
23 some of their actions are really heavy-handed. If they
24 do have good intentions, it seems to me that they make
25 -- their work is -- you know, they make it worse. They
26 don't try to work with us. Maybe they do, but I don't
27 see it.

28

29 A lot of times when law enforcement
30 comes to the North Slope and we see them in our
31 offices, you know, we'll recognize some of them and
32 we'll say law enforcement is here. They want to come
33 in and sit down with us to discuss a few issues, but a
34 lot of time they don't even bother scheduling meetings.
35 They just show up and expect us, as busy as we are, to
36 drop things.

37

38 I wanted to bring up that because a lot
39 of their activities have to do with Duck Stamps and
40 stuff. And then there's a lot of people that are
41 starting to get Duck Stamps, but I think sometimes
42 their attitude is just, you know, heavy-handed and it
43 just makes things worse. I get phone calls at midnight
44 from duck hunters saying who's this guy that works for
45 wildlife and we have to explain to them that they work
46 for the U.S. Fish and Wildlife Service, not the
47 Wildlife Department.

48

49 Secondly, I'm wondering too and maybe
50 Doug knows, I don't know, but is the North Slope Region

1 the only place where -- I mean we have two law
2 enforcement agents that have been up there for a while
3 and they're rotating, so when one group leaves on the
4 jet, another group is stepping off. Is the North
5 Slope, I guess, targeted on September 1 or are there
6 other law enforcement agents around the state going out
7 checking on hunters? It just seems that in our region
8 beginning on September 1 we've had a lot of issues with
9 our subsistence hunters and law enforcement. I wanted
10 to bring that up just because it relates to some of the
11 discussions with the Duck Stamp. I mean it feels like
12 our region is targeted.

13

14 CHAIRMAN CLARK: Member Alcorn.

15

16 MR. ALCORN: Thank you, Mr. Chairman.
17 The issue with the Eider mortality that came to our
18 attention and we began to be very concerned about that.
19 Mike, was the reason that additional agents were
20 dispatched to that area to provide some additional
21 support and focus on that area? I know the perception
22 is they're there to write tickets. They're there to
23 prevent more mortality of Eiders. That was why they
24 were dispatched, because of the very tenuous situation
25 that we were involved in and that was mortality that we
26 had no idea was occurring in that magnitude. So the
27 intent was to have a presence so mortality could be
28 avoided. That was the goal. The goal was not to write
29 tickets, as I mentioned earlier.

30

31 As with any enforcement activity, there
32 has to be the ability by an enforcement agent to
33 enforce the law with more than just a warning.
34 Otherwise it's easily dismissed. So tickets are a
35 symptom of the process of enforcing the law. I would
36 assure you, and I'm positive that there were more
37 interactions made than were tickets written. I think
38 that's evidence of the goal of my regional director to
39 say let's minimize this take of these birds. So your
40 region was not picked out for any other reason than
41 mortality of Eiders was happening. Now that things
42 have frozen and the birds have moved out, I don't know
43 what kind of presence is up there now, but I suspect
44 it's not nearly what it was when the birds were there
45 and there was a lot more activity.

46

47 MR. PEDERSON: Regarding after August
48 31, all the subsistence hunters become sport hunters
49 basically. I guess my point is it seemed to me that
50 after September 1 when the sport hunting regs came into

1 effect, I mean our people are just not familiar with
2 the regs. I mean were enforcement agents in other
3 regions of the state doing the same thing? It's just
4 the approach that law enforcement uses. It's just very
5 heavy-handed and I think that needs to change. I think
6 our people are willing to cooperate and have them come
7 out and check for Duck Stamps and lead shot. It's just
8 the way they approach people and whatnot. It seems to
9 make things worse.

10

11 CHAIRMAN CLARK: Member Squartsoff.

12

13 MR. SQUARTSOFF: Yeah, Mr. Chair. Mr.
14 Starkey, thanks for that presentation. I want to touch
15 on a few things you mentioned. A couple key words you
16 hit were traditional use, traditional harvest gathering
17 of the Native people and the indigenous of Alaska. It
18 was opened up to anybody that lived in a subsistence
19 harvest area. A lot of these people don't and haven't
20 ever had a traditional use, but I know it still falls
21 back on the community thing. But those were key words,
22 traditional use.

23

24 One key thing that would probably
25 eliminate half of this stuff that we're troubled with
26 is getting rid of that word subsistence and going to
27 traditional harvesting and gathering and the use of it
28 would be one part of it. I know I mentioned this over
29 the past eight years I've been on this Council.

30

31 Another thing too, Sky, we did develop
32 and adopt, you know, methods and means for the
33 traditional harvesting and gathering. You'd have to
34 research back on it. I can't remember exactly when,
35 but we did do some of that. We are still working on a
36 method of something similar to the SHARC card. Again,
37 we're waiting on a solicitor's opinion on it or
38 something of what we could do. I think one of the
39 Staff might have found something even better than that.
40 We're still waiting on an opinion. Somebody needs to
41 tweak that solicitor because it's been a while. I
42 don't know who needs to put the fire under there, but
43 it would help us.

44

45 CHAIRMAN CLARK: Mr. Rothe.

46

47 MR. ROTHE: Yeah, I wanted to respond,
48 comment, maybe put a point on a couple things. As Sky
49 mentioned, when the treaty negotiations were developed,
50 we had the U.S. Delegation, ran into lots and lots of

1 issues that obviously were difficult to deal with.
2 Licensing and stamps was discussed. I think since
3 those early days the agencies have always found
4 themselves in a dilemma being up against State and
5 Federal law that we couldn't change. So it wasn't as
6 if we could negotiate that outside of Congress and the
7 Legislature, so that was our dilemma. I think there
8 was some understanding and some sort of sympathetic
9 thought to how difficult this might be for subsistence
10 users, but we felt like we had to stick with the
11 licensing requirements.

12
13 In fact, the Federal subsistence
14 regulations say anybody that hunts and traps needs a
15 State license. The State system is a little more
16 merciful in that we have no licenses required for
17 juniors under 16, those of us that are 60 and older get
18 a free plastic card and you're home free there,
19 disabled vets, low income folks that have a \$5 license,
20 none of those folks have to have a Duck Stamp. So,
21 economically, we try to at least cut people a break. I
22 think the only break you get with the Federal stamp is
23 if you're under 16 you're off the hook. After that,
24 you got to pay.

25
26 So the fundamental position in the
27 Department is we are required by legislation to have a
28 hunting license for anybody that hunts. Our approach
29 over the last few years was to encourage the Co-
30 Management Council partners to pursue legislative
31 discussions to see if there was interest in that and I
32 don't know how that all washed out. So, anyway, I
33 think that's the fundamental dilemma we have is that we
34 have Federal and State law on our hands and the Council
35 doesn't have an ability to change it.

36
37 I do want to mention, Doug, for your
38 benefit, we need to have some discussions with law
39 enforcement. Not only with subsistence situations, but
40 with sport situations as well. We've encountered
41 agents that didn't know what the regs were, especially
42 on licensing, and I would ask you maybe to take this
43 back to Stan that maybe we have an in-service training
44 session so that when these guys are cruising around and
45 citing State regs that they get them right. The North
46 Slope shooting hours issue came up. They either didn't
47 know what the shooting hours were or the agents made
48 them up on the spot. So we sent them a shooting hours
49 table. Not that people on the North Slope are used to
50 stopping at sunset precisely.

1 Anyway, it behooves us to get it right
2 when we're talking to the public with licensing and
3 make sure there's no screw-ups. Whenever there are
4 mistakes, incidents, we hear about those for years and
5 it hurts our other efforts. Anyway, I just wanted to
6 clarify what our Fish and Game position is on licenses
7 and stamps. I would encourage us to talk further and
8 see what we could do.

9
10 One more thing. The Department and the
11 Service had meetings a while back to at least do more
12 outreach and intensify information that's out there for
13 the public. Our department is going to try to have
14 online stamp purchases, we can do online hunting
15 license right now. I know like in Barrow in particular
16 Geoff's the only vendor. It's tough and a constant
17 problem. At least to do our part, we're going to make
18 it as easy as possible for people who want to comply.

19
20 The intent of those discussions, I
21 think, was in 2009 to ratch up the enforcement by
22 Federal agents and troopers to check people. It's
23 following through on what we feel is a legal
24 obligation.

25
26 CHAIRMAN CLARK: Member Tahbone.

27
28 MS. TAHBONE: What I'd like to see is
29 like with the direction that the State has when they
30 work with OSM office, how they try to align their
31 regulations so there's less confusion. I would like to
32 see a movement towards having a subsistence hunt in the
33 fall time. Even just trying to educate my daughter,
34 spring time we have to do this, fall time we have to do
35 this. I would like to see that same type of
36 cooperation that the Feds have with the State regarding
37 a subsistence hunt in the fall time and try to align
38 regulations so there's less confusion.

39
40 CHAIRMAN CLARK: Member Chythlook.

41
42 MS. CHYTHLOOK: Normally we have law
43 enforcement personnel attend. I don't know what
44 happened this time. With all this confrontation I
45 guess with the North Slope -- it's probably not just
46 with the North Slope. Law enforcement it seems like
47 comes to action when something negative happens in the
48 villages. Even though they're in their offices doing
49 whatever, doing surveys, when there's a law enforcement
50 issue, it seems like they all -- just like the police.

1 You know, one car incident and they all come out of the
2 woodwork.

3

4 I think with the education -- maybe a
5 cultural education on the part of the law enforcement
6 people. They wouldn't be so intimidating to the
7 communities. When they come marching in with badges
8 and showing their badges, it turns people off because
9 they know they're there for something negative other
10 than positive. That's how they're perceived. But if
11 they approach people person to person, not I'm here and
12 you're there, I think it would make a better
13 understanding between people in the villages that are
14 trying to do what is right, but when there's a mistake,
15 to be jumped on like this, sometimes triggers a
16 negative approach and that just spreads like wildfire
17 throughout the community and other villages.

18

19 I know that we've had incidents in
20 Togiak when the law enforcement would approach people
21 and then the information would get out of hand. Again,
22 I want to thank Kodiak Refuge. They've been working
23 very well with our communities. When something like
24 this, a misunderstanding comes about, especially with
25 migratory birds, they've got their RIT's placed in the
26 villages to cushion the misunderstandings and negative
27 messages that people get and then it usually simmers
28 down.

29

30 So I guess my request would be to see
31 how law enforcement could be worked so they will be
32 compatible in the communities, in the villages.

33

34 CHAIRMAN CLARK: Member Starkey.

35

36 MR. STARKEY: Just a couple things.
37 I'd like to respond. There are methods and means
38 developed through this body, but they're only
39 applicable through September 1st.

40

41 MR. SQUARTSOFF: No, no, no, no, not
42 September 1st. September 1st is the sport season. No,
43 we've got our own for traditional harvest and gathering
44 methods and means. We have our own adopted by this
45 body here.

46

47 MR. STARKEY: Are they effective past
48 September 1st?

49

50 MR. SQUARTSOFF: For the traditional

1 harvesting and gathering season.

2

3 MR. STARKEY: I think we need to be
4 really clear about that. My understanding is no.

5

6 MR. SQUARTSOFF: Not for the sport
7 season. I'm talking the -- you want to call it
8 subsistence, whatever you want to call it.

9

10 MR. STARKEY: The regulations in this
11 place -- what regulations govern the harvest of
12 migratory birds after September 1st?

13

14 MR. SQUARTSOFF: That's the sport
15 season.

16

17 MR. STARKEY: That's what I'm saying
18 though. Is your customary and traditional use end
19 September 1st, because it doesn't in the Delta?

20

21 MR. SQUARTSOFF: Ours ends August 31st.

22

23 MR. STARKEY: The people on the Delta
24 do not stop hunting migratory birds on September 1st
25 for customary and traditional use. Never have. They
26 continue to hunt the birds until they're gone in the
27 fall. That's what I'm saying. Customary and
28 traditional use does not end September 1st and that's
29 been a very puzzling thing as to why the regulations
30 that were adopted for this body end its jurisdiction on
31 September 1st when the customary and traditional season
32 goes beyond September 1st.

33

34 MR. SQUARTSOFF: Mr. Chair. Could I
35 respond to that?

36

37 CHAIRMAN CLARK: Member Squartsoff,
38 please.

39

40 MR. SQUARTSOFF: Yeah, down there we do
41 the same thing. We still practice it as traditional
42 harvest and gathering, not sport, but we do follow the
43 regulations under that because we don't have another
44 choice. I mean we have to. Our subsistence,
45 traditional harvesting and gathering, ends August 31st.
46 That's the way it's written. That's the end of it
47 until the following year April 2nd or whatever we open
48 back up. I mean there's two different seasons in there
49 basically.

50

1 MR. STARKEY: So, in the bylaws, the
2 way Council is set up, by the way, which is not without
3 some serious reservations, because the Native partners
4 understood when this was put in that they might get
5 out-voted two to one on important issue, which, in
6 fact, has actually happened on some of the most central
7 issues. So voting is supposed to be by consensus.

8
9 In the event of a conflict, the Chair
10 may appoint a committee to craft an agreement, bring in
11 an objective mediator or, in the event of a deadlock,
12 initiate reasonable measures for resolving a
13 disagreement on any issue which cannot otherwise be
14 resolved. So there's that way of resolving when you
15 don't come to consensus.

16
17 One thing I would like from Staff and I
18 would like it soon is I would like to understand how
19 the regulations were passed and adopted for licenses,
20 Duck Stamps and that the season would close on
21 September 1st. Were those proposals ever at the
22 beginning of the regulations ever voted on by this
23 Council? Was there a two to one vote, were they voted
24 on, how did that happen. My recollection is that they
25 were adopted with a sweep of regulations. If not, I
26 would like to know whether those regulations were ever
27 brought in front of this Council for a vote.

28
29 CHAIRMAN CLARK: Member Squartsoff.

30
31 MR. SQUARTSOFF: Sky, I thought you
32 helped negotiate on the protocol to amend the treaty
33 and everything. It's all in the treaty where the
34 seasons are pretty much set.

35
36 MR. STARKEY: No, it's not. That's
37 what I'm saying. It's not. In the treaty it says
38 customary and traditional uses.

39
40 MR. SQUARTSOFF: Right, but it has
41 certain times that are set.

42
43 MR. STARKEY: It doesn't. You can read
44 the solicitor's opinion and you can go by what the
45 solicitor's opinion says and they lay out all the
46 arguments as to why they think that the season ends on
47 September 1st. If you read that opinion, it's based on
48 their interpretation of language that draws from other
49 sections. Sections that are explicit do not say
50 September 1st.

1 So we can go on and on about this, but
2 in any event it may not be the position of your
3 organization but it's the position of the Y-K Delta
4 that this treaty does not call for the season to be
5 closed September 1st. There may be a solicitor's
6 opinion which does. By the way, the last time the
7 solicitors weighed in on this issue they got soundly
8 shut down, so they're not always right.

9
10 I just would like to know how those
11 regulations came to be. Were they ever brought before
12 this Council for a vote; the closed seasons, the stamps
13 issue and the license issue. I'd like to know the
14 history of that. Were they brought before this Council
15 for a vote so that we had an opportunity to either
16 reach consensus or not on these issues or were they
17 just put into place.

18
19 The other thing I'd like to request is
20 that -- we have a law enforcement committee on the
21 books. We do not have as far as I know a law
22 enforcement policy. I would like consideration for
23 that committee to get active with the purpose of
24 drawing up a law enforcement policy for this body.

25
26 CHAIRMAN CLARK: Member Starkey.
27 Taking your first point first, it seems like Staff
28 could review the.....

29
30 MR. ARMSTRONG: I'll do that.

31
32 CHAIRMAN CLARK:history and come
33 up with exactly when and how those issues were
34 presented to the Council, I think. Mr. Ostrand, you
35 had something to add.

36
37 MR. OSTRAND: I just wanted to add on
38 the status of the law enforcement committee. The law
39 enforcement committee met two times and their task was
40 to look into proposed regulations from AVCP that would
41 implement policy on law enforcement from the Goose
42 Management Plan into regulation. What the committee
43 found out was that law enforcement on the Y-K Delta,
44 although it generally had followed, the Goose
45 Management Plan had evolved into kind of an informal
46 agreement between Mike Reardon and Myron that really
47 wasn't reflected by the language of the Goose
48 Management Plan anymore. The way the committee left
49 things was Myron and Mike Reardon were to get together
50 and draft new language that was more reflective of what

1 actually happened on the ground and what they were
2 actually agreeing to. We were waiting for them to get
3 back with us and that never happened.

4

5 MR. STARKEY: There's no criticism
6 intended about that. That, to me, is a separate issue.
7 What happens with the Goose Management Plan is only the
8 Y-K Delta, but I sense the North Slope and Dillingham,
9 Kawerak and others may very well want to be involved in
10 what law enforcement policy should be and it's explicit
11 in the language of the letter that came from the
12 president that accompanied this treaty, that this body
13 would be involved in law enforcement policy.

14

15 I'm just suggesting and I can make it
16 in the form of a motion if it need be, but it seems to
17 me the chairman could take this suggestion. The law
18 enforcement committee get active and start to work on
19 an enforcement policy that would be approved by this
20 body if it was acceptable.

21

22 CHAIRMAN CLARK: Member Tahbone.

23

24 MS. TAHBONE: I agree. If we can
25 improve, like Mike was saying, the heavy-handedness,
26 and I think they're perceived like that within our
27 region as well. Like courtesy call. When they just
28 pop right in -- you know, if we could develop some kind
29 of a policy on what our relationship -- how law
30 enforcement -- what their protocols are when they are
31 going to be going into a region, just all those issues.
32 It would be nice if we could get a policy written up.

33

34 CHAIRMAN CLARK: Member Pederson.

35

36 MR. PEDERSON: Just briefly, I just
37 want to support what Sky said too about -- after he got
38 done talking about the Duck Stamp stuff. So support
39 him in that.

40

41 CHAIRMAN CLARK: Thank you. Just
42 looking at the current membership of the law
43 enforcement committee, it's got pretty broad
44 representation from the Council, including law
45 enforcement personnel from the State and from the
46 Federal government. I have no problem at all
47 requesting or directing the law enforcement committee
48 to meet. If you wanted to put it in the form of a
49 motion and give it the weight of the full Council, I
50 think that would be appropriate. It seems like those

1 discussions need to happen.
2
3 MR. STARKEY: So moved.
4
5 MR. SQUARTSOFF: Second.
6
7 CHAIRMAN CLARK: Is there any
8 discussion on the motion.
9
10 (No comments)
11
12 MS. TAHBONE: Question.
13
14 CHAIRMAN CLARK: Ready for the
15 question. Mr. Ostrand.
16
17 MR. OSTRAND: Could I ask for
18 clarification on what the motion is. Committee do take
19 their charges from the Council, but it's not really
20 quite clear to me what Sky wants to charge the law
21 enforcement committee to do, so could I ask him to
22 restate it.
23
24 CHAIRMAN CLARK: I can paraphrase, but
25 go ahead.
26
27 MR. STARKEY: Go ahead, Mr. Chair.
28
29 CHAIRMAN CLARK: My understanding was
30 that the law enforcement committee would meet and begin
31 to discuss formation of law enforcement policy that the
32 Council would put forth as policy of the Council in
33 conjunction with State and Federal law enforcement
34 personnel. Did that capture it?
35
36 MR. STARKEY: (Nods affirmatively)
37
38 CHAIRMAN CLARK: Any further
39 discussion.
40
41 (No comments)
42
43 CHAIRMAN CLARK: Ready for the
44 question. Is there any objection.
45
46 (No objections)
47
48 CHAIRMAN CLARK: Seeing none, the
49 motion carries.
50

1 MR. STARKEY: Thank you, Mr. Chair.
2
3 CHAIRMAN CLARK: Thank you, Mr.
4 Starkey. Is there anything further on that?
5
6 MR. STARKEY: No.
7
8 MS. TAHBONE: Mr. Chairman. I would
9 like to request another break.
10
11 CHAIRMAN CLARK: Let's take a 10 minute
12 break and be back at 1:00 o'clock.
13
14 (Off record 12:50 p.m.)
15
16 (On record 1:00 p.m.)
17
18 CHAIRMAN CLARK: Call the session of
19 the Alaska Migratory Bird Co-Management Council back to
20 order, please. Our next item under new business was to
21 have been the evaluation of the executive director.
22 Since we have to go into executive session to do that,
23 it would be the Chair's intent, and I don't believe any
24 specific actions will come from that. It's a process
25 of making recommendations or comments to the executive
26 director's supervisor. Since I believe there aren't
27 going to be any solid actions forthcoming from that
28 session, it would be my intent to move that down the
29 agenda until after adjournment and that way Joe can get
30 this whole room cleaned up. We can excuse ourselves to
31 the adjacent room and take that up in an executive
32 session. If that's acceptable to the Council, we can
33 do it that way. Does that sound reasonable?
34
35 MR. SQUARTSOFF: Yes, Mr. Chair.
36 Whatever due process we have to do because we already
37 amended the minutes and if we need to do something
38 again to do it, we can do that, but I don't remember
39 what it is.
40
41 MR. DEVINE: Suspend the rule of the
42 day.
43
44 CHAIRMAN CLARK: He's got it.
45
46 MR. SQUARTSOFF: Mr. Chair. So moved.
47
48 MS. TAHBONE: Second.
49
50 CHAIRMAN CLARK: Moved and seconded to

1 suspend the rule and amend the agenda in that manner.
2 Is there any further discussion.

3

4 (No comments)

5

6 MR. SQUARTSOFF: Question.

7

8 CHAIRMAN CLARK: Is there any
9 objection.

10

11 (No objections)

12

13 CHAIRMAN CLARK: Seeing none, so ruled.

14 We'll move on then to item 13, invitation for public
15 comments. Again, another opportunity for any members
16 of the public with us today to address the Council on
17 matters of importance. Any member of the public. Mr.
18 Bales. Please state your name for the record.

19

20 MR. BALES: Brad Bales, Oregon
21 Department of Fish and Wildlife. I'd just like to
22 express my appreciation for participation with this
23 group. Again, in less than a week I'll become the
24 Chair of the Pacific Flyway Study Committee and I'd
25 just like to reiterate that we are very interested in
26 some of the Brant, Cackler and White-front harvest
27 issues and we want to work closely and set some
28 direction with AVCP and North Slope folks as soon as
29 possible so we can kind of get along in progress, but
30 that is a very high priority and it will be something
31 I'll want to keep following up with the various groups.

32

33 CHAIRMAN CLARK: Excellent. Thank you
34 very much. Any questions for Mr. Bales.

35

36 (No comments)

37

38 CHAIRMAN CLARK: Good. Thank you for
39 reiterating that. Any other comments from the public.

40

41 (No comments)

42

43 CHAIRMAN CLARK: Seeing none. We'll
44 move down to the committee appointments and
45 assignments. Is there any action we need to take on
46 that front. Member Squartsoff.

47

48 MR. SQUARTSOFF: Yeah, Mr. Chair. Fred
49 usually reads them off. We made changes on ours, the
50 Native side, in our caucus. Do we need to read them

1 down?

2

3 MR. ARMSTRONG: Yes. Each committee,
4 yes. By motion.

5

6 MR. SQUARTSOFF: By motion. Each one
7 by motion?

8

9 CHAIRMAN CLARK: I think we can do them
10 collectively.

11

12 MR. SQUARTSOFF: Collectively, yeah.
13 So moved that we do it collectively.

14

15 MR. DEVINE: Second.

16

17 CHAIRMAN CLARK: Member Squartsoff, do
18 you want to read those changes into the record, please.

19

20 MR. SQUARTSOFF: Yeah, I can read our
21 changes for the record.

22

23 CHAIRMAN CLARK: Please do.

24

25 MR. SQUARTSOFF: Tech Committee, we're
26 leaving it the same as it is with Robert Suydam and Tim
27 Andrew on there. Harvest Survey Committee, Sandra
28 Tahbone still on there. We took Robert Suydam off and
29 put Joshua Bacon on there. I'll just read the changes.
30 Standing Operating Procedures Committee we put Sky in
31 there. I want to ask if anybody else wants to be on
32 there since we're going to be doing some other things
33 here that was charged to do.

34

35 CHAIRMAN CLARK: Member Alcorn.

36

37 MR. ALCORN: I would like to see Fred,
38 Donna or Bill, AMBCC Staff participate, which they
39 always do. They don't necessarily need to be named,
40 but they're going to carry the water a lot on the
41 administrative process.

42

43 MR. SQUARTSOFF: Sandra also wants to
44 be on there. Molly, Mike, Pete, anybody else? No.
45 Okay. We're good there. Long Term Goals and
46 Objections. We took Matt Kookesh off and got Sandy on
47 there. Flyway Council Meeting, we got Sandy and
48 Taqulik as the primary to go down and the alternates
49 are Molly and Myron. The Emperor Goose Management Plan
50 kept it as is. The Exclusion Committee, we took off

1 Mike Smith and put in Josh Bacon. Harvest Limitations
2 we're keeping as is. Invitation Committee is the same.
3 Outreach Committee we added Sandy on there. Law
4 Enforcement, we're keeping it as the same. Budget Ad
5 Hoc Committee we added Sandy on there and Joeneal Hicks
6 on there. Thank you, Mr. Chair.

7

8 CHAIRMAN CLARK: Thank you, Member
9 Squartsoff. Any questions. Mr. Oates.

10

11 MR. OATES: Yes, Mr. Chairman. As some
12 of you may be aware, I changed jobs about a year and a
13 half ago and I replaced myself in my old job and that
14 person is reporting for duty Monday morning. I'd like
15 to substitute that person for two of the three
16 committees that I'm involved with if I could. The
17 Harvest Survey Committee change me to Eric Taylor and
18 the Emperor Goose Management Plan Committee change me
19 to Eric Taylor. At this point, I'd like to retain my
20 role in the Technical Committee and possibly consider
21 transitioning at a later time.

22

23 CHAIRMAN CLARK: So, Mr. Oates, you'd
24 be replaced by Eric Taylor on the Harvest Survey
25 Committee and the Emperor Goose Management Committee.

26

27 MR. OATES: Thank you.

28

29 CHAIRMAN CLARK: Thank you. Member
30 Alcorn.

31

32 MR. ALCORN: Mr. Chair. We would also
33 strike Robert Leedy's name from the Emperor Goose
34 Management Plan Committee. Russ is his replacement,
35 but Russ has stricken his name for Eric. I'm willing
36 to have Russ not be on that committee period.

37

38 MR. OATES: I think the work of that
39 committee is largely done (indiscernible - away from
40 microphone).

41

42 CHAIRMAN CLARK: Are there any other
43 additions or amendments to -- Member Alcorn.

44

45 MR. ALCORN: The Harvest Limitations
46 Committee, Mike Reardon is named. He's no longer the
47 refuge manager at Y-K Delta. I won't go so far as to
48 recommend another name, but would like to leave that
49 position open. The new refuge manager, Gene Peltola, I
50 have not spoken with him but he may be willing to

1 participate in that. I would like to get him involved
2 in this Council if possible.

3

4 CHAIRMAN CLARK: Very well. Any other
5 additions, amendments, substitutions for the committee
6 list. Mr. Ostrand.

7

8 MR. OSTRAND: Just a couple of
9 suggestions. Lilly has become a major player in the
10 Subsistence Harvest Committee, but she is not
11 officially a member and I've been elected chair and I'm
12 not officially a member, so I just wanted to point out
13 those things.

14

15 CHAIRMAN CLARK: With your concurrence,
16 we would name Dr. Lilliana Naves and Bill Ostrand to
17 the Harvest Survey Committee. Member Tahbone.

18

19 MS. TAHBONE: I would think Jim Fall is
20 -- I mean she's like Staff support is the way I'm --
21 even though she's.....

22

23 MR. ALCORN: Who, Lilliana?

24

25 MS. TAHBONE: The committee, they're
26 like voting members, right? So that's the reason why
27 you were -- I don't know. I'm all confused. I guess
28 I'm not understanding the function of our committees.

29

30 CHAIRMAN CLARK: Do we need to
31 officially designate Dr. Naves to a seat or as an
32 alternate to Jim Fall?

33

34 MS. TAHBONE: I mean she provides us,
35 like I'm a Staff person in the committees that Kawerak
36 has, I do work for them and I provide them reports, but
37 I don't vote on or make recommendations.

38

39 CHAIRMAN CLARK: Mr. Armstrong.

40

41 MR. ARMSTRONG: There's a little
42 history behind these committees. Because the treaty
43 speaks about three groups being equal, we try to have
44 equal representation on each of them.

45

46 MS. TAHBONE: And Jim Fall is State,
47 right?

48

49 CHAIRMAN CLARK: Member Alcorn.

50

1 MR. ALCORN: Yeah, just a comment to --
2 I think these are more working groups than they are
3 actual committees of the Council. I hear what you're
4 saying, Sandy. A committee of the Council would be
5 those that are actually representing the regions on the
6 Council, the way I would interpret that. Maybe what we
7 want to do is call these working groups and not
8 necessarily committees because they're a combination of
9 Staff and Council members. They're in fact working
10 groups.

11
12 CHAIRMAN CLARK: So what's your
13 pleasure? Should we leave the list on the Harvest
14 Survey Committee, just acknowledging the contributions
15 of Mr. Ostrand and Dr. Naves. Member Alcorn.

16
17 MR. ALCORN: Well, for consistency I
18 would be willing to name them both, understanding
19 they're not voting members of the Council but they
20 still have a role to play and one is in fact the chair
21 and willing to do that.

22
23 MS. TAHBONE: My understanding was Tim
24 Andrews was the chair, but he wasn't there, so that's
25 why you chaired the meeting.

26
27 MS. CHYTHLOOK: He was elected.

28
29 MR. OSTRAND: Tim was appointed to be
30 the chair for the next meeting after Austin resigned,
31 but Tim didn't show up and the committee elected me as
32 chair.

33
34 MS. TAHBONE: What I recall is that Tim
35 was chair. He didn't show up at the meeting. We
36 needed somebody to chair, so we asked you to chair the
37 meeting. I was just assuming it was just for that
38 meeting.

39
40 CHAIRMAN CLARK: Just that one time.

41
42 MR. OSTRAND: We could take this up in
43 the committee.

44
45 CHAIRMAN CLARK: I was just going to
46 suggest that. If you can come to an agreement within
47 the committee and then report back, that would be good.

48
49 MS. TAHBONE: Sounds good.

50

1 CHAIRMAN CLARK: Member Chythlook.

2

3 MS. CHYTHLOOK: So the working group
4 versus the committee wouldn't be as formal or are they
5 the same?

6

7 CHAIRMAN CLARK: Member Alcorn.

8

9 MR. ALCORN: I think the bylaws names
10 specific committees. There are some of these groups
11 that are not named in the bylaws, so they would have to
12 be ad hoc committees. My understanding of what a
13 committee is, it's a subgroup of this appointed board,
14 AMBCC. When other participants are involved, Staff or
15 Agency Staff or Regional Representative Staff, you're
16 no longer a group of representatives, you're a working
17 group, people working together to resolve a particular
18 issue.

19

20 Maybe a motion would be in order to
21 rename any of these groups that are not specified in
22 the bylaws as working groups as opposed to committees.
23 Those that are committees that are identified in the
24 working group retain the name and then we could
25 reassess who's actually appointed to those committees.

26

27 CHAIRMAN CLARK: We do have a motion on
28 the floor that we need to wrap up before we take that
29 up. Just so I'm clear, the recommendation is to name
30 Dr. Lilliana Naves and Bill Ostrand to the Harvest
31 Survey Committee as non-voting members?

32

33 MR. ARMSTRONG: Mr. Chair.

34

35 CHAIRMAN CLARK: Mr. Armstrong.

36

37 MR. ARMSTRONG: The bylaws specifically
38 state committees and identify Technical Committee and
39 Flyway Representatives, so I think we better be
40 consistent, otherwise we're going to be looking at
41 another amendment to change all that.

42

43 MR. ALCORN: So it does specify that
44 Staff are members of that committee as well. That's
45 what this bylaw says. So I stand corrected. There are
46 Staff on the committees by name. But is this the only
47 committee that's named?

48

49 MR. ARMSTRONG: No, there's the Flyway
50 Representatives are identified and just the Technical

1 Committee is identified as a committee. But the Chair
2 can create standing committees and appoint members to
3 that with the consent of the Council.

4

5 MR. ALCORN: So I stand corrected.
6 It's not members of this Board, it's anyone the Council
7 wishes to be on that committee.

8

9 MR. SQUARTSOFF: Call for the question
10 then.

11

12 CHAIRMAN CLARK: Are there any more
13 names to be brought forth here.

14

15 (No comments)

16

17 CHAIRMAN CLARK: Are you ready for the
18 question. Is there any objection.

19

20 (No objections)

21

22 CHAIRMAN CLARK: Seeing none, the
23 motion carries. Our next item, the 2008 schedule for
24 regional meetings. Do we want to go through that
25 region by region.

26

27 MR. PEDERSON: 2008-2009.

28

29 MR. SQUARTSOFF: Mr. Chair. Can I ask
30 whoever put this on here what it's supposed to be
31 about. Are you telling us when we have to have our
32 meetings?

33

34 CHAIRMAN CLARK: Mr. Armstrong.

35

36 MR. ARMSTRONG: I'm not sure who
37 brought this to my attention, but basically to give us
38 an idea when Regional Council meetings will be held so
39 that we can plan accordingly Staff to attend.

40

41 CHAIRMAN CLARK: Member Chythlook and
42 Member Squartsoff.

43

44 MS. CHYTHLOOK: I guess as soon as we
45 agree that's what we're going to do, I've got my
46 regional meetings calendar. Is that what we're going
47 to be doing?

48

49 MR. ARMSTRONG: Yeah, the dates, so we
50 can plan attendance at those meetings.

1 CHAIRMAN CLARK: Member Squartsoff.
2
3 MR. SQUARTSOFF: Yeah, Mr. Chair.
4 Fred. My region, we can kind of give you a rough one,
5 but we're not positive it will be that time.
6
7 MR. ARMSTRONG: That's fine.
8
9 MR. SQUARTSOFF: With everything going
10 on, spring and fall both, it's kind of tough to squeeze
11 a meeting in there. We'll try to do that, Fred. I'm
12 sorry I just let you know yesterday on the one coming
13 up on Tuesday, so that's not quite a week.
14
15 CHAIRMAN CLARK: Close.
16
17 MR. SQUARTSOFF: Close.
18
19 CHAIRMAN CLARK: Any other comments
20 from regions. Member Tahbone.
21
22 MS. TAHBONE: Are we going around or
23 how are we doing it? Am I next?
24
25 CHAIRMAN CLARK: Go right ahead.
26
27 MS. TAHBONE: The Bering Strait/Norton
28 Sound Migratory Bird Council will be meeting November
29 18th and 19th and our spring meeting will be determined
30 -- it will be prior to this Council's spring meeting.
31 We'll identify the date at the November meeting.
32
33 CHAIRMAN CLARK: Member Chythlook.
34
35 MS. CHYTHLOOK: Our Yakolic Council
36 meeting has scheduled a meeting in November, middle of
37 November, but as soon as we get the dates down pat
38 we'll send an email to Fred. This is for '08. We
39 usually have our spring meetings in March. We'll send
40 you a date for that.
41
42 MR. ARMSTRONG: Okay.
43
44 MR. PEDERSON: December '08, March '09,
45 August '09
46
47 MR. DEVINE: The Aleutian/Pribilof
48 Region, we have our spring meeting before we come up
49 here and will probably be in April, but then our fall
50 meeting we usually have after I meet up here to bring

1 back any concerns to let the people know what happened
2 at the meeting. That will probably be about the middle
3 of October.

4

5 MR. STARKEY: I'll let Fred know when I
6 know.

7

8 MR. ARMSTRONG: And we'll work on WCC.

9

10 CHAIRMAN CLARK: Thank you. Next item,
11 Council Comments. Member Pederson.

12

13 MR. PEDERSON: I think for us to do a
14 better job I'd like to request the following, that the
15 Staff provide us with a detailed budget a little bit
16 better than what was provided the other day just so we
17 can see basically what's going on. Another thing is
18 that all these committees I think we should have a line
19 or two about what the intent of those committees are
20 and at the next meeting agenda that all those
21 committees or the committees that have met since now
22 and our next meeting be listed on the agenda just so
23 that at the Council level we can be aware. Like the
24 Harvest Committee met several times. It was on the
25 agenda, but I think the other committees need to be put
26 on the agenda.

27

28 Another thing too is that I think that
29 Staff should somehow come up with like a five-year plan
30 or something, you know, kind of -- I mean I think we,
31 as a Council, should consider something like that and I
32 think the Staff should try and prepare something that
33 even the Standard Operating Procedures Committee could
34 look at, but I think those things will help us do a
35 better job at this level.

36

37 CHAIRMAN CLARK: Thank you. Member
38 Squartsoff.

39

40 MR. SQUARTSOFF: Yeah, Mr. Chair. I'd
41 like to echo Mike on that. We discussed a lot of that
42 yesterday and a lot of good ideas. Also, I want to
43 commend everybody that did show their presence here.
44 I'm sorry that Joe had to leave us for another meeting
45 and he did a good presentation the other day. Staff, of
46 course, always doing a good job. The audience. And
47 Lilliana working with the Harvest Committee to come up
48 with new stuff for the surveys. I commend you for the
49 great job you did also. And great to have Brad up
50 here. Even though he had somebody else, Brad is still

1 more than welcome to come to fill in.

2

3 I think we did make a lot of headway on
4 this meeting this time. I can't recall when we
5 actually did go into two full days. We usually charge
6 ahead. I brought it to the attention in the caucus and
7 they kind of slowed me down a little bit for once, so I
8 think it worked out a lot better. We were able to
9 discuss things and hash it out a lot better than we
10 normally do instead of just rushing right through it.
11 I think overall everybody did a good job. I'm sorry
12 we're going to be losing Ron here after this meeting
13 and I commend you for doing a good job in chairing
14 these last two meetings. Looking forward to still
15 working with you guys.

16

17 Once I get a few more things I'm
18 planning on trying to accomplish for our region, you
19 might see me kind of fade out. After eight years, it's
20 kind of hard to remember everything we did in the past
21 eight years. You might just see me leave. I don't
22 know when. I thank you all. You all did a great job.

23

24 CHAIRMAN CLARK: Other comments.
25 Member Starkey.

26

27 MR. STARKEY: I just wanted to thank
28 the Chair and wish you good luck as you move into
29 whatever.

30

31 CHAIRMAN CLARK: Member Tahbone.

32

33 MS. TAHBONE: A couple things. They've
34 been covered but I'd like to just echo them. I would
35 like to see a more detailed budget as well from the
36 Staff. There was several funds that were listed. I'd
37 like to see all those and exactly -- it looks like one
38 of them might be carryover, so on and so forth. Carry
39 over actual expenditures per the line items. Again,
40 regarding the long term, I think it's really important
41 that we do have our long-range goals. There are issues
42 that have been outstanding and I think we need to have
43 a procedure so we have some goals and how to have them
44 addressed.

45

46 I look forward to the reports that will
47 be provided at our November meeting. I would request
48 if we could get the history that was requested
49 regarding the issues that Sky raised. If that could
50 possibly be done before our November meeting, that

1 would really be great because it also addresses our
2 long-standing issues from the Council.

3

4 Good luck to the Chair and it was a
5 great meeting. When I look at the agenda when it comes
6 to me, I plan on being here for the full time that it
7 says. The several meetings I've been to there's been a
8 push to get the meeting done early and I think it
9 really takes away from what we can actually get done.
10 So I appreciate the Chair indulging us with our full
11 days. Thank you.

12

13 CHAIRMAN CLARK: Any other comments
14 from Council members. Member Chythlook.

15

16 MS. CHYTHLOOK: Yeah, I just want to
17 thank the Council members and the Staff, the Agencies,
18 for coming to Dillingham. Now that we're approaching
19 our last day the sun has come out. I really
20 appreciated you folks coming in.

21

22 I'll tell you why Herman has kind of
23 mellowed out. Some of his brain cells have gotten
24 fried.

25

26 CHAIRMAN CLARK: Member Squartsoff.

27

28 MR. SQUARTSOFF: Let me respond to that
29 one. I've been trying to get a bachelors from her
30 husband, Joe, and I haven't been able to succeed yet.
31 But sorry I forgot that I wanted to thank Molly and
32 Ralph and BBNA for hosting us.

33

34 (Applause)

35

36 CHAIRMAN CLARK: Comments from Council
37 members. Member Devine.

38

39 MR. DEVINE: Thank you, Mr. Chair. I
40 feel this was a pretty good meeting. I've been here
41 for five years now. The tension is gone and we can
42 look each other in the eyes and settle things. Are we
43 being too hard on the Alaska Department of Fish and
44 Game? Why is there such a high turnover rate?

45

46 (Laughter)

47

48 MR. ALCORN: I'll respond. It's not
49 because you're being too hard. They're just getting
50 old.

1 CHAIRMAN CLARK: Any other comments. I
2 just wanted to echo the thanks to Molly for hosting us
3 at this meeting. It's been a real pleasure. I'd like
4 to point out at some point, maybe before the executive
5 session when we adjourn we need to get a group
6 photograph of those of us that are still here, so maybe
7 we can dash outside while the sun is still out and get
8 a group photo.

9
10 Moving on, any comments from Staff.
11 Mr. Ostrand.

12
13 MR. OSTRAND: First off, I found this
14 pair of reading glasses just outside the door, so if
15 anyone uses reading glasses you might want to check.
16 Second, I wanted to thank Molly. This is an awesome
17 job you did in hosting us. The dinner last night and
18 the night before was just incredible and far beyond the
19 call of duty.

20
21 I wanted to comment on Joeneal's
22 presentation and what Joeneal is doing. When I went to
23 the Copper River Basin and attended the meeting that he
24 spoke about, I was incredibly impressed in what he's
25 doing and what he's accomplished. My opinion of
26 Joeneal went from here to here as a result of that
27 meeting. I consider him one of our Alaska conservation
28 heroes and really admire what he's doing. I think he's
29 deserving of further recognition for what he's done.
30 He's a modest and quiet man and certainly wasn't
31 boasting when he gave his presentation, but what he's
32 done is quite impressive. That's all I have.

33
34 CHAIRMAN CLARK: Thank you. Any other
35 comments from Staff.
36 Fred.

37
38 MR. ARMSTRONG: I'd just like to thank
39 Molly for putting up this meeting. I see you learn how
40 much work goes into putting up a meeting. Bill does a
41 lot to try to get things off smoothly. I thank both of
42 you for that. Staff has done a real good job putting
43 things together.

44
45 We've been really busy this summer and,
46 quite frankly, I tried to get a more actual budget
47 expenditure, but I just couldn't get our finance people
48 there at the right time to get all of that together.
49 There's been some personal things happening with some
50 of our Staff people that required them being out of the

1 office. I'll try to provide a more itemized report at
2 the next meeting.

3

4 I do like the idea of perhaps getting
5 together for two or three days to map out where we'd
6 like to go in the future. That would give us
7 direction, identify some of the issues and perhaps put
8 dates where they could be achieved by. Sky has brought
9 up some good issues that we should look at.

10

11 Certainly the issue of items on the
12 North Slope is really going to test this co-management
13 system. We have to understand we're working together
14 and not against each other. I really appreciate the
15 response from the North Slope community. I know you
16 guys pull through. Things like this do get the
17 attention of local people. Local Natives for the most
18 part like to comply. It takes just a little better
19 understanding. We have to understand that hunting
20 geese, ducks and others have been illegal for so many
21 years we kind of take it for granted now. They're
22 trying to impose restrictions on us and that's kind of
23 hard to take. Those will take time.

24

25 I really thank the Council for moving
26 forward at this meeting. The survey is an important
27 part of our program. I appreciate the support and the
28 guidance that you guys have given us. Thanks to my co-
29 workers at the State and Federal level for making this
30 a lot easier too by providing all that information.
31 Thanks.

32

33 CHAIRMAN CLARK: Thanks, Mr. Armstrong.
34 Mr. Oates.

35

36 MR. OATES: I especially wanted to
37 thank Molly for the
38 wonderful job she did hosting us here. It was a
39 delight to meet Joe. What a fun guy. We had a
40 terrific time at your place last night. Thank you so
41 much.

42

43 MS. CHYTHLOOK: Thanks for doing the
44 dishes.

45

46 MR. OATES: Something I can do
47 reasonably well. Lilliana and Mike did most of them,
48 but I put stuff away a little bit. I also wanted to
49 thank the Chair. It's been a real pleasure working
50 with you and other venues. We don't want to see the

1 Chair turn into a Lazyboy, so I know you'll stay busy.
2 I also want to thank the members representing the
3 regions. These evening social events gave me the
4 opportunity to know some of you better. I knew some of
5 you reasonably well before. I appreciate the
6 cooperative and open spirit that you bring to this
7 meeting and I enjoy working with you.

8
9 I think it may be safe to say that this
10 may be Mr. Rothe's last co-management meeting. He's
11 been a valued colleague of mine for many years and in
12 many ways a mentor to me in the flyway process. Even
13 though I was a nasty old Fed he took under his wing
14 down in the flyway and tried to show me the right way,
15 I think. Thank you for all you've done in this
16 process, Tom.

17
18 I also want to thank Brad Bales for
19 making the trip. It was kind of tough. I know he
20 probably passed up some valuable hunting days, but
21 thanks to Brad. As always, I appreciate the good work
22 of the Co-Management Council Staff.

23
24 CHAIRMAN CLARK: Thanks, Russ.

25
26 MS. CHYTHLOOK: One last comment. If
27 we ever need a musician, Doug is a guitarist. I just
28 found out last night. So having these little socials
29 and getting everybody together really opens us to know
30 each other better than just faces. It knits us closer
31 together to know not only our concerns here that we
32 deal with, but the interests of other people. It just
33 makes the Council better acquainted with each other and
34 able to work positively. Even though we may clash with
35 some issues, we're still able to come back to each
36 other in friendship other than separation because we
37 really don't know who Fred is or who Mike is. It's
38 been a pleasure to have gotten better acquainted with
39 even our Agency people here. So thanks again.

40
41 CHAIRMAN CLARK: Thank you. Mr.
42 Armstrong.

43
44 MR. ARMSTRONG: I just wanted to
45 publicly thank the refuge manager Paul Liedberg for
46 helping us with transportation. I didn't realize we
47 had three of your vehicles. Thanks a lot for that.
48 And, Brad, thanks for coming up.

49
50 MR. BALES: No problem.

1 CHAIRMAN CLARK: Any other comments
2 from Staff.

3
4 (No comments)

5
6 CHAIRMAN CLARK: We'll move down to the
7 next item, which is the passing of the gavel to the
8 incoming Chair, that being our Federal representative
9 Member Alcorn. As I do so, I just want to thank
10 everybody -- Member Tahbone mentioned indulgence. I
11 want to thank everybody for your indulging me for being
12 the newcomer, the new kid on the block. I learned a
13 lot and it has been a genuine pleasure. This is a
14 terrific team. When you look at what has been
15 accomplished since the AMBCC came into being, it's an
16 impressive record. I have no doubt at all that that
17 record will continue and the work that we've done here
18 in a couple of days just gives me that much more hope
19 for the future of waterfowl in this part of the world.
20 I compliment you all and I thank you all and I'll miss
21 it. Mr. Chairman, the gavel is yours.

22
23 MR. ALCORN: Thank you very much
24 outgoing Chair. I have one item on the agenda
25 officially to do before we adjourn, but I would like to
26 express thanks to everybody that participated in this,
27 but particularly to Ron and to Tom for distinguished
28 careers in this business. It's a remarkable choice
29 that you've made to get into this business and we do
30 appreciate your work and your dedication. Particularly
31 Ron for coming into this new and being asked to chair
32 right away. I think that was a pretty monumental task
33 to come into this group. So I appreciate that.

34
35 (Applause)

36
37 MR. ALCORN: The only item of business
38 other than adjournment is to select a location and date
39 for the next meeting. I'm going to assume the spring
40 meeting will be hosted in Anchorage. That's
41 traditionally where we've had our spring meetings.
42 With that assumption, unless there's anyone opposing
43 that, it's a hub and easy for people to get to. I'm
44 going to recommend that. Herman, do you have a date?

45
46 MR. SQUARTSOFF: If we shoot into May,
47 red salmon are coming into Kodiak.

48
49 MR. ALCORN: We do need to meet earlier
50 than that because we have preparations for the late

1 season Service Regulation Committee meeting, which
2 occurs the last week of July.

3

4 MR. SQUARTSOFF: I don't really have a
5 date. Sometime in March would be great or early April.

6

7 MR. ALCORN: Okay. Fred.

8

9 MR. ARMSTRONG: I think in the past the
10 first week in April has generally been the week there
11 hasn't been much opposition to.

12

13 MR. ALCORN: Does anyone else have a
14 preference.

15

16 MS. CHYTHLOOK: The latter part of the
17 week would probably be better than the first part of
18 the week.

19

20 MR. PEDERSON: April 1 is a Wednesday.

21

22 MR. ALCORN: Can we propose a workshop
23 on the 31st of March, that's a Tuesday, meeting on the
24 1st and 2nd of April. Sandy.

25

26 MS. TAHBONE: March is Iditarod month
27 for Nome. If we're going to meet there, our Council
28 will have to meet before that. I don't know if you
29 know Nome in March. I don't think you can get any
30 business done, especially if you're bringing in 20
31 representatives.

32

33 MR. ALCORN: What are you proposing?

34

35 MS. TAHBONE: It would be nice if it
36 was in April.

37

38 MR. ALCORN: We could postpone it into
39 the week of April 6th. Would that be better for you,
40 Sandy?

41

42 MS. TAHBONE: Yes.

43

44 MR. ALCORN: The week of April 6th. Is
45 that agreeable?

46

47 MS. CHYTHLOOK: Monday?

48

49 MR. ALCORN: That's the week. That
50 would be a travel day. Workshop, typically we begin at

1 1:00 on Tuesday, so the 7th. We would schedule
2 Wednesday and Thursday and please don't schedule your
3 flights out early on Thursday because the spring
4 meeting typically goes longer than the fall meeting.
5 But please respect the need for two full days. Molly.

6
7 MS. CHYTHLOOK: We had a discussion. I
8 don't know if it was just between Herman and I or it
9 was discussed in the Native caucus that we wanted to
10 spend like a morning before the work session to get the
11 Native caucus together to go over the agenda.

12
13 MS. TAHBONE: The morning of the 7th.

14
15 MR. ALCORN: That schedule will allow
16 you to do that.

17
18 MR. SQUARTSOFF: We did that in the
19 past and it helped us a lot and save some time.

20
21 MR. ALCORN: Does anybody disagree with
22 that schedule, with that date?

23
24 MS. TAHBONE: No.

25
26 MR. SQUARTSOFF: Mr. Chair. I'm going
27 to agree with you now until I find out what my church
28 schedule is. I remember last year I ended up being up
29 here right at the tail end of the holy week and our
30 other reader in our village ended up having a stroke,
31 so it was really a tight bind. If it happens to be
32 during that holy week, then I'll have my alternate come
33 up. I will not do that again to our community.

34
35 MR. ALCORN: That's fair.

36
37 MR. SQUARTSOFF: I prefer actually the
38 1st because if you recall one of our April 1st meetings
39 we had, one of the first times I chaired the meeting,
40 we did a good one on Doug.

41
42 MR. ALCORN: Yeah, you did. I remember
43 that. They adjourned the meeting. April fools.

44
45 (LAUGHTER)

46
47 MR. SQUARTSOFF: You should have seen
48 Doug. Oh, I slammed the gavel down and said meeting
49 adjourned and Doug's eyes got like saucers. He says
50 you can't do that. I said the hell we can't and we all

1 got up and started walking out. I didn't even have my
2 shoes on.

3

4 MR. ALCORN: So what we're going to
5 settle on is the week of the April 6th and that will be
6 in Anchorage. Any other business.

7

8 MR. SQUARTSOFF: We can't fully adjourn
9 until we do that thing with Fred.

10

11 MR. ALCORN: We will actually adjourn.
12 That's going to be in executive session. If there's an
13 action needed, we'll have to do it by executive
14 committee. We have one request from Tom. A
15 distinguished colleague recently passed away. Tom,
16 would you like to come to the table and explain that.

17

18 MR. ROTHE: I can do it from here. I
19 guess we started our meeting with a moment of silence
20 to remember all those that went before us. I got the
21 email today that probably, I think, warrants our
22 recognition of the passing of Keith Shriner on Friday.
23 Keith was the regional director of the Fish and
24 Wildlife Service in Anchorage from 1981 to '83. I
25 think most importantly he and my director at the time
26 were the two leaders that had the foresight to try this
27 co-management experience called the Y-K Delta Goose
28 Plan. I think Keith was kind of rough and tumble at
29 times and definitely an assertive leader, but I
30 appreciate the foresight he had and his willingness to
31 try this whole new approach to solving the Goose
32 Management Plan issues. Anyway, I'd ask for a moment
33 of silence for Keith.

34

35 (Moment of silence)

36

37 MR. ALCORN: Thank you. Hearing no
38 other business, I'm going to call this meeting
39 adjourned and we will convene immediately in the room
40 next door for executive session.

41

42 MR. SQUARTSOFF: So moved.

43

44 (Off record - 1:46 p.m.)

45

46 (END OF PROCEEDINGS)

