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ALASKA MIGRATORY BIRD
CO-MANAGEMENT COUNCIL

DEPARTMENT OF INTERIOR
CONFERENCE ROOM
ANCHORAGE, ALASKA

SEPTEMBER 28, 2006
9:00 a.m.

Members Present:

- Doug Alcorn, U.S. Fish and Wildlife Service
- Matt Robus, Alaska Department of Fish and Game
- Joeneal Hicks, Copper River Native Association
- Taqulik Hepa, North Slope Borough
- Myron Naneng, AVCP, YK-Delta Region
- Herman Squartsoff, Kodiak Area Native Association
- Patty Brown-Schwalenberg, Chugach Regional Resource Commission
- Austin Ahmasuk, Kawerak, Incorporated
- Mike Smith, Tanana Chiefs Conference
- Caleb Pungowiyi, Maniilaq Association
- Fred Armstrong, Executive Director

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P R O C E E D I N G S

(Anchorage - 9/28/2006)

(On record)

CHAIRMAN ALCORN: I'm going to go ahead and call the meeting to order. It's a little after 9:00 and we do have a quorum it looks like now. We'll allow others to come to the table as they arrive. We have an agenda that I believe is out there on the table and you can pick that up. The first order of business is a moment of silence, so I'll ask for that at this point.

(Moment of silence)

CHAIRMAN ALCORN: Thank you. The next item on the agenda is seating of alternates. Do we have any letters, Fred, that appoint alternates to the Council today?

MR. ARMSTRONG: No, Mr. Chair. We have all the primaries here or designated alternates.

CHAIRMAN ALCORN: Thanks, Fred. Just for your information, all those that are on the Council that have these speakers, the speakers are wired to the recorder, but we don't have an audible speaker system. The microphones are wired so we are still going on the tape. For those of you in the audience, if you can't hear us, just make a noise and we'll know to speak up. Nathan said he's going to have a speaker here in a couple hours at the break probably, but for now we don't have it, so we'll just have to speak up and make ourselves heard.

It's time now to do the roll call. I'll ask the secretary to call the roll.

MR. ROBUS: Mr. Chair. Association of Village Council Presidents.

MR. NANENG: Here.

MR. ROBUS: Bristol Bay Native Association.

(No response)

MR. ROBUS: Chugach Regional Resource Commission.

1 MS. BROWN-SCHWALENBERG: Here.
2
3 MR. ROBUS: Copper River Native
4 Association.
5
6 MR. HICKS: Here.
7
8 MR. ROBUS: Kawerak, Incorporated.
9
10 MR. AHMASUK: Here.
11
12 MR. ROBUS: Southeast Alaska Intertribal
13 Fish and Wildlife Commission.
14
15 (No response)
16
17 MR. ROBUS: Aleutian/Pribilof Islands
18 Association.
19
20 (No response)
21
22 MR. ROBUS: Sun'aq Tribe of Kodiak.
23
24 MR. SQUARTSOFF: Here.
25
26 MR. ROBUS: Maniilaq Association.
27
28 MR. PUNGOWIYI: Here.
29
30 MR. ROBUS: North Slope Borough.
31
32 MS. HEPA: Here.
33
34 MR. ROBUS: Tanana Chiefs Conference.
35
36 MR. SMITH: Here.
37
38 MR. ROBUS: Alaska Department of Fish and
39 Game is here. U.S. Fish and Wildlife Service is here. Mr.
40 Chairman, we have a quorum.
41
42 CHAIRMAN ALCORN: All right. Thank you,
43 Mr. Secretary.
44
45 MR. ARMSTRONG: Mr. Chairman.
46
47 CHAIRMAN ALCORN: Fred, go ahead.
48
49 MR. ARMSTRONG: An oversight on my part.
50 We do have a new member from Maniilaq Association. Caleb

1 Pungowiyi has been appointed as a Maniilaq rep.
2
3 CHAIRMAN ALCORN: All right. The action is
4 to accept him, I guess.
5
6 MR. ARMSTRONG: To seat him.
7
8 CHAIRMAN ALCORN: To seat him, okay. Do we
9 need a motion? A motion is in order to seat Caleb.
10
11 MR. ARMSTRONG: So moved.
12
13 CHAIRMAN ALCORN: Do we have a second.
14
15 MR. ROBUS: Second.
16
17 CHAIRMAN ALCORN: We have a motion and a
18 second. Anyone opposed to the seating of Mr. Pungowiyi.
19
20 (No opposing votes)
21
22 CHAIRMAN ALCORN: All right. We'll seat
23 Caleb. All right. It's down to Item 5 on the agenda,
24 introductions. I do want to introduce my regional
25 director. I'll do that once we've gone through the room
26 here. Tom Melius is our new regional director. We'll
27 introduce ourselves and then Tom might have a few words of
28 wisdom for us.
29
30 I'm Doug Alcorn. I'm assistant regional
31 director for the Migratory Birds and State program. It's
32 basically the Federal Assistance Program and the Migratory
33 Birds Program in the region. Chairing the Co-management
34 Council. At the end of this meeting I'll be turning the
35 gavel over to the new chair. We'll start with the right
36 this time. Austin.
37
38 MR. AHMASUK: Austin Ahmasuk, Kawerak,
39 Nome.
40
41 MR. PUNGOWIYI: Caleb Pungowiyi, Maniilaq
42 Association, Kotzebue.
43
44 MS. HEPA: Taqulik Hepa. I work for the
45 North Slope Borough, Department of Wildlife Management.
46
47 MR. NANENG: Myron Naneng with the
48 Association of Village Council Presidents.
49
50 MR. HICKS: My name is Joeneal Hicks. I'm

1 from the Copper River region and represent them.
2
3 MR. SMITH: Mike Smith, subsistence
4 resource director, Tanana Chiefs Conference.
5
6 MR. SQUARTSOFF: Herman Squartsoff, Sun'ag
7 Tribal, Ouzinkie.
8
9 MS. BROWN-SCHWALENBERG: Patty Brown-
10 Schwalenberg, Chugach Regional Resources Commission.
11
12 MR. ARMSTRONG: Fred Armstrong, the
13 executive director to the Council.
14
15 MR. ROBUS: Matt Robus, director of
16 Wildlife Conservation for the Alaska Department of Fish and
17 Game.
18
19 CHAIRMAN ALCORN: Wenona, let's start back
20 there with you.
21
22 MS. BROWN: Wenona Brown, Fish and Wildlife
23 Service, Fairbanks Refuges.
24
25 (Introduction away from microphone)
26
27 MR. TROST: Bob Trost, Pacific Flyway
28 representative for Fish and Wildlife Service.
29
30 MS. MORAN: Tina Moran.
31
32 MR. REARDON: Mike Reardon, manager of the
33 Yukon Delta.
34
35 MS. WENTWORTH: Cynthia Wentworth.
36
37 MS. JACOBSEN: My name is Tracy Jacobsen.
38
39 MR. KOSKEY: Mike Koskey.
40
41 MR. SUYDAM: Good morning. Robert Suydam,
42 wildlife biologist for the North Slope Borough.
43
44 MR. MACK: Stanley Mack.
45
46 MR. OATES: Russ Oates, U.S. Fish and
47 Wildlife Service, Migratory Bird Management.
48
49 MR. ROTHE: Tom Rothe, Alaska Department of
50 Fish and Game.

1 MR. HESSION: Jack Hession.
2
3 MS. DEWHURST: Donna Dewhurst, Staff for
4 the Co-management Council.
5
6 MR. OSTRAND: Bill Ostrand, Fish and
7 Wildlife Service and Staff to the Council.
8
9 MR. MELIUS: Tom Melius, Fish and Wildlife
10 Service, regional director.
11
12 CHAIRMAN ALCORN: Oh, we have a microphone.
13 Molly, would you like to introduce yourself.
14
15 MS. CHYTHLOOK: Molly Chythlook from
16 Bristol Bay Association.
17
18 CHAIRMAN ALCORN: Molly is an example of
19 why I need to make this announcement. Nathan was just
20 reminding me that we need to push our buttons so that we
21 make sure we get on the tape when we have something to say.
22
23 I'm going to ask Tom to come up and give us
24 a few moments of his time. He's our new regional director.
25 He's been here since May. He replaced our former regional
26 director Rowen Gould. Tom is very familiar with the Alaska
27 Migratory Bird Co-management Council because Tom has
28 chaired the Service Regulations Committee and we all know
29 how critical our relationship with what we call the SRC is.
30 Tom knows us well. Matter of fact he knows some of the
31 members here because of the representation down there.
32 With that, I'll turn it over to Tom.
33
34 MR. MELIUS: Thank you, Doug. Good morning
35 everyone. I appreciate the opportunity to just take a few
36 minutes on your busy schedule. I know yesterday a number
37 of you participated in a workshop and today you have a
38 series of things that you will be discussing, but I did
39 want to take a few minutes and just come on over and not
40 only welcome but say a thank you.
41
42 As Doug mentioned, I have been associated
43 with this whole concept of co-management on a resource that
44 all of us are very interested in making sure that we are
45 conserving not only for the subsistence lifestyle but for
46 others who also enjoy that resource. I believe what we
47 have right here was something that was envisioned a number
48 of years ago and, as Herman and I were talking earlier, has
49 matured to a stage where there is definitely a respect for
50 the professionalism on this whole issue of making sure

1 people are heard, are understood and processes are
2 developed so that we can move forward. I just want to say
3 a thank you for those that have been here since 2001 and
4 even earlier than that because I was around before that
5 when this whole idea was at a point where we were kind of
6 knocking heads and I think this Council has really brought
7 together a process that we are now partners in working to
8 the truest sense towards the conservation of this migratory
9 resource.

10

11 Patty has had some exposure to the process
12 that I just referenced. She was able to be at the SRC
13 meeting this last year down at Washington, D.C. If you
14 want to learn more about her participation and things she
15 was involved with, please visit with Patty. I think she
16 enjoyed the opportunity to see how the Flyway Councils
17 bring issues up, this Council brings issues up, they're
18 discussed and acted upon by the SRC. So pleased that you
19 were able to participate and I hope others have
20 opportunities to also see that process played out.

21

22 As I mentioned the Flyway Councils,
23 specifically the Pacific Flyway Council, Bob and colleagues
24 from that Council have been very supportive of working
25 through the processes that we have here today and I want to
26 just say thank you for helping explain, help understand,
27 because, as you know, this whole process of setting
28 regulations for migratory birds involves a number of
29 people, so we always have to take the time to make sure
30 everybody understands what is being proposed.

31

32 Finally, I just want to say a thank you to
33 our friends from the State. I've always enjoyed working
34 with Matt on a number of issues. One of those issues --
35 really, I want to say also a thank you to you folks because
36 this year we've had an opportunity -- we've been put into a
37 position of implementing an avian influenza monitoring
38 program that, in my opinion, and I think Matt would back me
39 up on this, has been very successful, but the success
40 really has come from people out in the field, people who
41 have accepted that we have to approach folks to collect
42 these samples. I think your understanding of this whole
43 program has helped make it, at least the collection part of
44 it and the monitoring part of it, the success it has been.
45 So I wanted to also recognize the role that you have played
46 in communicating and educating folks out in rural Alaska
47 about avian influenza.

48

49 Then finally just the Staff from the Fish
50 and Wildlife Service. We have some really dedicated Staff,

1 some Staff that I believe go above and beyond to make sure
2 that we are listening, we are working with a variety of
3 diverse interests and trying to find the consensus that
4 moves things forward. Doug and his Staff do a very good
5 job in my opinion for what we are going through right here,
6 so I wanted to say a thank you to Doug for that.

7
8 With that, if there are any questions, I
9 don't want to take up much more of your agenda because I
10 know you have a lot of things, but I would entertain, if
11 there are any questions. If not, wish you the best with
12 the meeting today and I will be able to stay for a while
13 and observe this process. Thank you, Doug.

14
15 CHAIRMAN ALCORN: Thanks, Tom. Any
16 questions of Tom, any comments. Mike is always ready to
17 ask a question or make a comment.

18
19 MR. SMITH: Tom, in the past, and I
20 certainly appreciate you being here and offering us your
21 time, we certainly need your help in a lot of the things we
22 may or may not be doing. One of the things that the SRC --
23 and I was pleased to see that you had chaired that at one
24 point.

25
26 One of the things that we've had debates
27 around this table is in regards to certain proposals being
28 submitted to the SRC that may or may not be appropriate.
29 Oftentimes the decision as to whether or not the
30 appropriateness of that proposal or regulatory change
31 oftentimes falls upon your head, I guess, at some points.
32 I'm speaking about a certain thing that Doug's hands are
33 tied about his ability to support and Matt certainly.
34 Specifically, for example, we had discussions about the
35 Japanese Treaty and it's talking about Native Alaskans only
36 hunting in the treaty. We had at one time sought to submit
37 a regulation back to the SRC for consideration as to a
38 regulation that would affect that. Doug could not do that
39 for various reasons and Matt, of course, was not able to do
40 that in his capacity as a State representative.

41
42 I think the Native groups around this
43 firmly believe that Japanese Treaty needs to be considered
44 in this process because it does talk to Native only
45 subsistence hunting and fishing rights. Had we had that
46 clarity in the original treaty and protocol, it would have
47 made our job a lot easier around here.

48
49 I guess my question -- well, it's probably
50 more of a statement, I'd like to understand how you see

1 that all happening and whether or not we should be
2 submitting those type of proposals and whether or not we
3 should be talking with you about them or just deal with
4 Doug. Apparently you have a lot to say on whether or not
5 those proposals go to the SRC and whether or not they're
6 appropriate for the SRC. So I was just curious about that
7 a little bit.

8
9 MR. MELIUS: I'll respond more in a general
10 way. I mean if you feel there are appropriate proposals
11 that are necessary to be discussed by the SRC, by all
12 means, work those through the normal process. There are
13 some that will require us to stay a little bit back from
14 just because of our positions. Though I do know having
15 both chaired and then served on the SRC that when proposals
16 do come up that affect a particular area or particular
17 topic that the regional director is there representing, my
18 colleagues on the SRC will look towards me for support or
19 whatever direction. It's a group of individuals that
20 respect that the regional director is, at that level, the
21 spokesperson for the resources in that region, so I would
22 hope with working with Doug and Matt that we'd be able to
23 carry the appropriate message to the SRC.

24
25 MR. SMITH: Thank you, Mr. Chairman.
26 Through the Chair. Thank you, Tom, on that. Just a quick
27 question. I guess I should know the answer to this. Can
28 we, as individual organizations, submit regulations to the
29 SRC?

30
31 MR. MELIUS: The SRC basically receives
32 proposals that come up through the flyways, that is both
33 good and bad. I mean it is good in keeping somewhat the
34 proper organization, the proper review before they come up
35 so that we have the biological understanding and it does
36 eliminate thousands of individuals submitting things. So
37 we do have a system where the Flyway Council is working
38 through states, working through this Council, would work up
39 a proposal based upon the consensus of the group and based
40 upon a good biological justification and it comes through
41 that way.

42
43 MR. SMITH: Through the Chair. Thank you.
44 I guess that just goes back to my point then, that we have
45 no recourse then to address what we perceive to be possibly
46 misinterpretations of the treaties. Certainly the Flyway
47 Councils aren't going to accept a proposal that is not
48 backed by this organization coming out of Alaska. Because
49 of Doug and Matt's restrictions we'll never be able to get
50 that proposal in front of the SRC for clarification by the

1 Department of Interior whether or not we're right or wrong
2 in our interpretation of those treaties.

3

4 MR. MELIUS: But there may be other avenues
5 that could be pursued to bring to the light of your
6 consideration.

7

8 MR. SMITH: I appreciate the other avenues,
9 but we just didn't want to go down those roads if we didn't
10 have to. We thought that in the process we should be able
11 to express our concerns as to the interpretation of those
12 treaties and then consequently seek actions to respond to
13 those and we just currently don't have that ability.

14

15 CHAIRMAN ALCORN: Thanks, Mike. Any other
16 questions for Tom. Myron.

17

18 MR. NANENG: Thank you, Mr. Chair. Good
19 morning, Tom. A couple of questions. Would US Fish and
20 Wildlife Service be agreeable to stick with the non-
21 enforcement policy of a duck stamp?

22

23 MR. MELIUS: Whew! Welcome to the Council.

24

25 (Laughter)

26

27 MR. MELIUS: I'm a strong believer of the
28 value of the duck stamp and also know that our law
29 enforcement has a number of issues that they are confronted
30 with. We also have the responsibility for enforcing that
31 folks have the duck stamp. There are degrees though of
32 effort and I believe that we are working in a fashion or
33 way that is trying to find the way to work cooperatively up
34 here.

35

36 MR. NANENG: Welcome to Alaska. I think
37 there's a lot to learn about the way that our people live
38 in rural Alaska. Duck stamp is one issue that many of our
39 people in the villages do not support because of the
40 customary and traditional use of the migratory birds.

41

42 The other question that I have, we heard it
43 yesterday during the report on the avian flu issue, fall
44 hunting is considered to be a sports hunt when our people
45 are traditionally getting ready for the next season and
46 fall hunt is no different than the spring migratory bird
47 hunt. You prepare for the winter by going fall hunting and
48 putting some food in the freezer for the winter. I would
49 request that the word of fall sports hunt towards any
50 Native in the state of Alaska be deleted. Both the State

1 of Alaska and Federal government knows that or should be
2 educated by now because they've lived up here for quite
3 some time now and should really understand that our people
4 are always getting ready for the next season.

5
6 If we need to provide you a book that has
7 been written about 20 years ago, the situation has not
8 changed, we can provide you a copy. Like I stated
9 yesterday during the workshop, I don't want to be
10 considered a fall sports hunter. I am not. Never will be.
11 My kids never will be. Unless I pay a guide maybe \$1,000
12 to \$1,500 to take me out hunting, then I become a sports
13 hunter. If I take an animal for a trophy, that's the only
14 time I become a sports hunter. Other than that our people
15 in the villages use the whole bird, migratory bird or
16 whatever they catch, other than the wing tips and eat all
17 of it. They just don't take the breasts, the meaty breasts
18 that we've seen being taken by sports hunters.

19
20 I think there's a lot of education and a
21 lot of things you can learn and we invite you to come out
22 to the region at some point in the future to meet with the
23 very people that we're representing here at the table.

24
25 MR. MELIUS: Myron, I appreciate that. If
26 any of our Staff gave you the impression that we don't
27 recognize the take in the fall is for subsistence purposes,
28 I will apologize for that. We all can learn. All of us in
29 this room. I don't debate that one bit because I'm new to
30 the state and I am making an effort to get out and visit,
31 to get out to the various villages to talk with people, to
32 make myself immersed into what is going on our in rural
33 Alaska and I think you will see over the next six months or
34 so more of that. But I appreciate that and I hope that in
35 any way statements or comments or writings did in any way
36 offend or characterize that we don't understand that there
37 is definitely a subsistence use and getting ready for the
38 winter by the take of birds, it's not a sport.

39
40 MR. NANENG: Thank you.

41
42 CHAIRMAN ALCORN: Thanks, Myron. Any other
43 questions or comments. Herman.

44
45 MR. SQUARTSOFF: Yeah, Mr. Chair. Tom,
46 when you mentioned what Mike was asking you about, some of
47 the stuff that goes through with the proposals and all that
48 and you guys represent us, but then we're down there also
49 as representatives, which through the process Patty
50 probably seen this year and I've seen in the past, you

1 know, really worked real well for us, coming from the
2 Council. Especially the one with the Yellow-billed Loon.
3 That was a pretty good issue. Coming from the Council here
4 it was a big issue. A lot of people thought it wasn't
5 going to fly through and all that, but it turned out great
6 for us. We'd worked great and you guys gave us more even.
7 Just by representation coming from the Council itself
8 explaining also, you know, how it was taken and stuff like
9 that. It helped them make their decision on it and I
10 thought it was very good. We really appreciated that.

11
12 I'm planning on putting in a proposal this
13 year from our region to hopefully tweak out some of the
14 non-hunters and hunters in there, show some C&T -- where
15 it's saying in the protocol that it's a C&T thing and we're
16 planning on putting this in. I did it about three or four
17 years back and it wasn't fine-tuned enough I don't think
18 and it didn't go through the Council here. It came to a
19 screeching halt kind of. So we're going to try it again
20 this coming year and then hopefully something like that
21 will work this time. Thank you. Thank you, Tom and Doug.

22
23 CHAIRMAN ALCORN: Thanks, Herman. Anyone
24 else.

25
26 (No comments)

27
28 CHAIRMAN ALCORN: Well, thanks, Tom, for
29 coming down. Tom didn't mention it, but I'm going to
30 suggest, and I'm sure he will agree, that his door is
31 always open. It's been open to me and I'm sure it's open
32 to any of you that have concerns to come in and visit with
33 him. Like he has demonstrated to us, he's learning this
34 region, he's learning it quickly, and the best way for him
35 to learn is to hear from our partners on issues, so I'm
36 going to invite you to his office.

37
38 MR. MELIUS: Please.

39
40 CHAIRMAN ALCORN: All right. We're at Item
41 6 in the agenda, which is the approval of the agenda. We
42 discussed some things yesterday.

43
44 MR. SMITH: Could I just interrupt.

45
46 CHAIRMAN ALCORN: Sure, go ahead, Mike.

47
48 MR. SMITH: Tom, I'd also like to invite
49 you on the Wednesday of the AFN they're having a
50 subsistence summit, basically the Native subsistence summit

1 at AFN where we'll be talking about subsistence issues in
2 the state. A lot of them will affect your department and
3 stuff like that, so we'd certainly invite you to come
4 listen to our concerns there as well.

5
6 CHAIRMAN ALCORN: Thanks, Mike. Approval
7 of the agenda. We talked about the agenda yesterday. I
8 asked all of you to go back to your hotel rooms or homes
9 and take a look at the agenda. Are there any additions you
10 would recommend. Joeneal.

11
12 MR. HICKS: Yes, I do. I would ask, Mr.
13 Chairman, that you add the Law Enforcement Committee
14 report.

15
16 CHAIRMAN ALCORN: All right. We should put
17 that in Committee Reports, Item 11. We'll make an Item C,
18 Law Enforcement Committee. Thanks, Joeneal. Are there any
19 other suggested additions or revisions. Myron.

20
21 MR. NANENG: Mr. Chair. I think there's
22 some issues that do come up with the use of terminology in
23 the interpretation of words that are being used by the
24 agency as well as people that are sitting around this table
25 and the people that are living out in the villages. I
26 would request that at some point we discuss on the agenda
27 use of terminologies, such as what we heard -- like the one
28 that I just expressed to the regional director. You know,
29 subsistence surveys are done within the Y-K Delta and
30 they're done during the spring, summer and fall. In those
31 subsistence surveys there's no terminology of fall sports
32 hunt and I think they really need to be clear as to who we
33 really recognize to be a subsistence hunter and not put
34 everybody in that category of being a fall sports hunter.
35 So I'd like at some point to have some discussion on
36 terminologies and use of words and terms that can be
37 understood by everyone. So I'd request it at some point to
38 be discussed.

39
40 CHAIRMAN ALCORN: Okay, Myron. Would you
41 suggest that it go under Item 10, maybe item B, new
42 business? Fred, would that be a place to stick it?

43
44 MR. ARMSTRONG: Under 12, other.

45
46 CHAIRMAN ALCORN: Okay. Is that all right,
47 Myron, put it as Item 12(b)?

48
49 MR. NANENG: Yes.
50

1 CHAIRMAN ALCORN: We'll just say
2 terminology and we'll let you introduce it again. All
3 right. Are there any other additions or revisions. Mike.

4
5 MR. SMITH: Thank you, Mr. Chairman. I
6 actually had a couple questions of Bob with the Flyway
7 Council and I notice that we didn't have a Flyway Council
8 report on here anywhere and I was just wondering if we
9 might be able to bring Bob up just for a few questions or
10 something.

11
12 CHAIRMAN ALCORN: Yeah, that's a good
13 suggestion. Are you going to be around all day, Bob?

14
15 MR. TROST: No. Actually you have to catch
16 me before noon.

17
18 CHAIRMAN ALCORN: Before noon. Let's make
19 a point of having Bob come to the table just before noon.
20 Fifteen minutes, would that be enough? We'll postpone
21 whatever discussion we have at that point. Is that all
22 right?

23
24 MR. SMITH: Thank you, Mr. Chair.

25
26 CHAIRMAN ALCORN: So I'm just going to put
27 an asterisk out here, floater, Flyway Council report. All
28 right. Any other observations, suggestions.

29
30 (No comments)

31
32 CHAIRMAN ALCORN: Joeneal.

33
34 MR. HICKS: Mr. Chair. I move to adopt the
35 agenda.

36
37 CHAIRMAN ALCORN: We have a motion. Do we
38 have a second.

39
40 MS. HEPA: Second.

41
42 CHAIRMAN ALCORN: We have a motion and a
43 second. Anyone object to adopting the agenda as suggested
44 to be revised.

45
46 (No comments)

47
48 CHAIRMAN ALCORN: All right. Motion is
49 approved -- or the agenda is approved. The next item on
50 the agenda is approval of the April 2006 meeting action

1 items. I'll remind the Council that we don't have a long
2 list of the minutes now. We've asked the Staff in order to
3 save our reading time to go to the action items the Council
4 took, so it's a synopsisized version of the meeting and
5 that's what we're being asked to approve. Have you all had
6 a chance to look at it. I'd entertain a motion to approve.
7 Herman.

8
9 MR. SQUARTSOFF: I also move, but back in
10 the introduction I didn't catch Jack's last name and who he
11 was with.

12
13 MR. HESSION: My name is Jack Hession. I'm
14 a citizen. I'm also on the executive committee in Alaska
15 Chapter of the Sierra Club, but I'm not here representing
16 the Alaska Chapter. I'm here as an observer.

17
18 CHAIRMAN ALCORN: Thanks, Jack, and
19 welcome. Thanks, Herman. We have a motion. Herman, you
20 made a motion to approve the meeting action items from the
21 April 2006 meeting. Do I have a second.

22
23 MS. HEPA: Second.

24
25 CHAIRMAN ALCORN: I have a motion and a
26 second. Does anyone oppose adoption or approval of those
27 action items.

28
29 (No comments)

30
31 CHAIRMAN ALCORN: Seeing none, those action
32 items are approved. Minutes are approved in essence. We
33 always try to begin our meetings after we get through some
34 of the introductions and whatnot to allow the public to
35 speak to the Council before we begin deliberating on
36 business items and some of the conservation decisions that
37 we make, so I'm going to invite the public, anyone in the
38 audience that might want to come speak on the record. If
39 you do come, I'd ask you to introduce yourself, what
40 organization you're with and speak into the microphone.
41 Does anyone have anything they would like to share with the
42 Council.

43
44 (No comments)

45
46 CHAIRMAN ALCORN: All right. Seeing none.
47 Austin and I have two different agendas. The Austin agenda
48 shows that under Item 7 we would have been approving the
49 January action items as well. That was an ad hoc call of
50 the chair meeting to discuss avian influenza. I believe

1 there was one action item on that. My agenda doesn't even
2 have it as something we need to take a look at and approve.
3 If your agenda say we'll approve that action item, we can
4 go ahead and do that as a matter of business. Fred, would
5 you like to recap what that action item was just so we're
6 all familiar with it.

7

8 MR. ARMSTRONG: Mr. Chair, located in Tab 1
9 there was one action item and that was -- there were some
10 standing committees, a sampling committee that was already
11 created and the Council appointed Peter and Tim to that
12 committee. There was also a communications committee with
13 Taqulik and Patty to represent the Council on those. These
14 aren't Council committees but other migratory bird
15 management committees.

16

17 CHAIRMAN ALCORN: Thanks, Fred. I would
18 entertain a motion to adopt the minutes of that meeting.

19

20 MR. ROBUS: So moved.

21

22 CHAIRMAN ALCORN: I have a motion. Do we
23 have a second.

24

25 MR. SQUARTSOFF: Second.

26

27 CHAIRMAN ALCORN: We have a motion and a
28 second to approve the action items from the January ad hoc
29 meeting. Anyone oppose the motion.

30

31 (No comments)

32

33 CHAIRMAN ALCORN: Seeing no opposition,
34 that motion also carries. Thanks, Austin, for reminding me
35 to take a look at that. We're down to public comments. I
36 don't believe I saw any hands when I invited anyone to
37 speak. All right. We're going to move down to Item 9, old
38 business.

39

40 We have a report from Patty. Patty was one
41 of our Council elected representatives to attend the
42 Service Regulation Committee meeting that occurred earlier
43 in the summer. She was there and she has a report that she
44 would like to give to the Council. Patty.

45

46 MS. BROWN-SCHWALENBERG: Thank you, Mr.
47 Chair. July 19th I attended the Pacific Flyway Council
48 meeting in Spokane at the request of the executive
49 director. The primary reps and the first alternate weren't
50 able to make it, so I agreed to attend as the second

1 alternate. Some of this information you may know, but for
2 the benefit of those that don't, like me before I attended
3 these meetings, I'm going to kind of recap some basic
4 information.

5
6 The Pacific Flyway Council is comprised of
7 commissioners or deputy commissioners from the various Fish
8 and Game departments in each of the flyway states and for
9 the Pacific Flyway Council it's Washington, Oregon,
10 California, Idaho, Montana, Nevada, Arizona, Colorado and
11 New Mexico. These commissioners and deputy commissioners
12 rely heavily on their technical staff and the technical
13 committees is the way I viewed it. It was interesting to
14 me that there's so much that goes into these decisions that
15 are made and the deliberation that goes on in these
16 proposals. There were four full days of meetings prior to
17 the actual flyway meeting of technical committees and other
18 working groups looking at the various proposals and going
19 through them, so by the time the Flyway Council actually
20 met on the 19th it went pretty smoothly. I attended the
21 actual Council meeting. I didn't attend any of the
22 committee meetings.

23
24 As you know, the Migratory Bird Co-
25 management Council recommended three proposals for
26 consideration at the Flyway Council and that was to
27 continue the provision to allow the possession and
28 subsistence use of up to 20 Yellow-billed Loons caught
29 inadvertently in subsistence fishing gillnets on the North
30 Slope. The second one was under the methods and means
31 section, add a prohibition of baiting and shooting over a
32 bated area. Under the third one, it was changing the
33 excluded area in the interior, expanding the Fairbanks
34 North Star Borough area to the central interior, and then
35 there's a big legal description about where that was, which
36 you've all gone through in the April meeting.

37
38 The Pacific Flyway Council did approve
39 these recommended changes to the regulations that were
40 presented by this body. The next step is they would go to
41 the Service Regulations Committee. The Service Regulations
42 Committee meeting was held July 26th and 27th and that's
43 comprised of four Fish and Wildlife Service regional
44 directors and the assistant director for migratory birds
45 and they act on the recommendations that are preferred by
46 all the Flyway Councils, which there are four, plus AMBCC.

47
48 I thought it was interesting to note that
49 the process -- the regulations process, which I wasn't
50 totally familiar with, is that the recommendations actually

1 come from the villages to us, they go to the Pacific Flyway
2 Study Committee, then they go to the Flyway Council, then
3 they go to the Service Regs Committee. After that they go
4 to the Fish and Wildlife Service and then the Secretary of
5 Interior, then they can be put in the Federal Register. So
6 it's a pretty lengthy process and people really dedicate a
7 lot of time and energy into making sure that those
8 regulations are fair and accurate before they even consider
9 sending it up to the next step.

10

11 Once again at the SRC our regulation
12 changes were approved. Apparently it's the first time that
13 all the proposals put forward by all the Flyway Councils
14 were approved 100 percent, which I guess that's unusual, so
15 that was pretty cool.

16

17 I guess the final thing that I want to talk
18 about was I was really impressed with the impact that our
19 board or our council had or the presence we had at both of
20 those meetings. The people that are involved in the upper
21 levels of decision-making want to see this process work and
22 they were actually responsible for the creation of the
23 AMBCC and they want it to succeed and they take a certain
24 amount of pride in the fact that they had a hand in
25 approving the creation of this body. It's a unique co-
26 management regime and they're really supportive of it.

27

28 Even though they are supportive I just
29 think it's really important that we continue to have a
30 presence at those meetings. Not just Fred but people from
31 the villages. I understand the earlier meetings were a
32 little more exciting and it was really important to have
33 people like Ralph and Herman at those earlier meetings
34 because it was such a new concept, but now I think it's
35 still just as important. There's a turnover of
36 representatives at both the SRC and the Flyway Councils, so
37 there's a continuous education process that needs to go on.
38 I think we need to continue to stress that the reason we're
39 here is for the conservation of migratory birds and to
40 preserve the traditional harvest methods that the villages
41 have. That message cannot be said enough as far as I'm
42 concerned.

43

44 So I'd just like to thank the AMBCC for
45 allowing me the opportunity to participate in this process.
46 If you have any questions, I'll be around the rest of the
47 day. Thank you, Mr. Chairman.

48

49 CHAIRMAN ALCORN: Thank you, Patty. Any
50 questions of Patty. I see two hands. I'll go with Mike

1 first and then Herman.

2

3 MR. SMITH: Thank you, Mr. Chairman.
4 Patty, I just want to thank you for the great report. You
5 did a great job, thanks.

6

7 CHAIRMAN ALCORN: Herman.

8

9 MR. SQUARTSOFF: Mr. Chairman. Yeah,
10 Patty, I want to echo Mike on that. You did a heck of a
11 better report than we did in the past. But it was an honor
12 for me to be able to go down there in the past with Austin.
13 I was down there with Ralph Andersen and then Joeneal. I
14 think you did a lot better than we did coming back with a
15 report anyway for the Council. You did a great job. She's
16 right, we need to be down there. It makes a lot of
17 difference. Like she said, it's a big turnover. The
18 education part is the big part. Coming from us that kick
19 in the proposals makes a lot of difference for them down
20 there on their decisions. Thank you.

21

22 CHAIRMAN ALCORN: Thanks, Herman. Taqulik.

23

24 MS. HEPA: I just wanted to echo those same
25 comments from Mike and Herman, but especially to thank you
26 for supporting the proposal of the Yellow-billed Loons, the
27 proposal that came from the Fish and Game Management
28 Committee. Thank you.

29

30 MS. BROWN-SCHWALENBERG: It was an honor
31 and I was really also impressed with the respect for
32 traditional knowledge that these people that really have no
33 experience with or no prior experience with it have. They
34 really do respect what the villages think and say and I
35 thought that was pretty vital in the passing of the Yellow-
36 billed Loon proposal.

37

38 CHAIRMAN ALCORN: Joeneal.

39

40 MR. HICKS: Just a short comment. In
41 Marine Corps language, arrrgh!

42

43 CHAIRMAN ALCORN: Thank you, Patty. I
44 would like to echo my appreciation of Patty going down
45 there. She made it down there -- you probably all don't
46 know this story, but she showed up in her tank top and
47 shorts, it was hot, and her clothes, her business attire,
48 didn't show up. Her suitcase was routed someplace in South
49 America or someplace, so she had the benefit of going
50 shopping and getting some new clothes for the meeting.

1 But she did a great job and the two points
2 that I really think are important, the first point is it is
3 very important for the SRC to associate what we do with a
4 face. I can't emphasize the value of having a real person
5 down there that is a subsistence user or represents
6 subsistence users. That's the first comment that I would
7 make. Every time Ralph or Herman or Austin or Patty has
8 been there they've been well-received and it really adds
9 something tangible to what we do here. It's just not a
10 paper process. It involves real people. That's the first
11 point.

12
13 The second point is I encourage all of you
14 if you have an opportunity to rotate through this
15 representation role. Take advantage of that. It's an
16 opportunity to go to Washington, it's an opportunity to see
17 the Fish and Wildlife Service, the inner-workings of the
18 Fish and Wildlife Service and how they work with our
19 partners. Our partners being the states, who also have a
20 predominant role in advising the SRC and this Council as
21 well. So take advantage of that if you have an opportunity
22 as you're elected by your peers.

23
24 With that we'll move on to new business,
25 Item 10. We will start in A. This is one of three
26 sections of the agenda that we're going to ask the audience
27 to step out. This will be an executive session. We're
28 going to talk about the fiscal report, which is our budget.
29 We're going to talk about Staff performance as well, and
30 we're going to talk about a task that the Council gave to
31 Staff, which was developing congressional briefing
32 information. That is executive session material that we'll
33 cover, so we're going to ask that the audience step out and
34 we will continue. We'll take a short break. Mike.

35
36 MR. SMITH: Mr. Chairman. If I might
37 suspend the rules for a moment to add a couple things to
38 the agenda that came up during my review of the meeting and
39 I just wanted to maybe talk a little bit about. One would
40 be the SEIS that was being developed. Last meeting we took
41 an action to include the subsistence harvest within the
42 National SEIS and I was just curious as to the process of
43 that. Then, at our last action meeting when we took a vote
44 on that duck stamp proposal, at that time you didn't have
45 the authority to vote yea on that proposal or not and I
46 just wanted to find out how we could get you that authority
47 to be able to vote on that proposal.

48
49 CHAIRMAN ALCORN: So you're requesting two
50 additional discussion items. So we have a motion to

1 suspend the rule of the day. Do we have a second.

2

3 MR. ROBUS: Second.

4

5 CHAIRMAN ALCORN: We have a motion and a
6 second. We've heard the two items. Do I hear any
7 opposition from including those items. And I'm going to
8 suggest that they be included under other reports, Items C
9 and D.

10

11 MR. ROBUS: SEIS will be Bob's report.

12

13 CHAIRMAN ALCORN: Okay. SEIS, we'll ask
14 Bob to talk about that, so we'll give you a little more
15 time and add the SEIS. Thanks, Matt. And then we'll add
16 an Item C, which is duck stamp question. All right.

17

18 MR. SMITH: Thank you, Mr. Chairman.

19

20 CHAIRMAN ALCORN: We had a motion and a
21 second. If I hear no opposition, seeing none, that motion
22 carries to suspend the rule of the day to modify the
23 agenda.

24

25 I have a hand. Bill.

26

27 MR. OSTRAND: Before you break, I just
28 wanted to point out we have the classroom next door, so the
29 audience can go sit there and relax.

30

31 CHAIRMAN ALCORN: Okay, thanks. Take a
32 moment, get a cup of coffee, a doughnut, then we'll
33 reconvene in about five minutes. Before you all leave I've
34 been reminded by our executive director that I need a
35 motion to go into executive session.

36

37 MR. ROBUS: So moved.

38

39 CHAIRMAN ALCORN: I have a motion. Do I
40 have a second.

41

42 MR. AHMASUK: Second.

43

44 CHAIRMAN ALCORN: No opposition. Motion
45 carries.

46

47 (Off record)

48

49 (On record)

50

1 CHAIRMAN ALCORN: I'm going to ask for a
2 motion to take us out of executive session and to pick up
3 the rule of the day.

4
5 MR. AHMASUK: So moved.

6
7 MR. ROBUS: Second.

8
9 CHAIRMAN ALCORN: I have a motion and a
10 second. Do we have any opposition for going back to the
11 agenda.

12
13 (No comments)

14
15 CHAIRMAN ALCORN: Hearing none, we're back
16 on the agenda and we do have a floating agenda item to ask
17 Bob Trost to come to the microphone and give us a report on
18 the Pacific Flyway Council and any other observations he
19 may have from other Flyway Councils or the SRC and I
20 believe we've asked him to talk about the SEIS for
21 migratory bird hunting. So, Bob.

22
23 MR. TROST: Thank you all. It is a
24 pleasure to be here again. I would like to add my comments
25 of support for our continued cooperative efforts in
26 management of migratory birds to those that you heard this
27 morning. I think the participation of this group and the
28 Pacific Flyway and in the Service Regulations Committee
29 process has been real important and I think we're
30 establishing a good foundation that will lead us forward to
31 the future, so I look forward to continuing to work with
32 this group and participate in your meetings as time allows.

33
34 I'm just going to be very brief here. I
35 don't think your intent was for me to give you a lot of
36 details on things. I will mention the fact that, as you
37 know, we base a good deal of our decision-making process on
38 management plans and those management plans are
39 cooperatively developed generally with the Flyway Councils
40 and as this group begins to mature more and more in
41 conjunction with your technical folks as well for their
42 input in how these things function. As Tom mentioned
43 yesterday, right now we are redoing what's called the
44 Eastern Tundra Swan Plan, which includes those swans that
45 nest on the North Slope and across through Canada and
46 migrate to the eastern seaboard of the United States.
47 We'll be meeting in Minneapolis in a few weeks to undertake
48 that process. In addition, the Flyway is updating the
49 Western Arctic Lake Goose Plan, the Dusky Canada Goose Plan
50 and two Sandhill Crane Plans, one called the RMP and one

1 called the Lower Colorado River Valley. Those probably are
2 not as germane to your interest.

3
4 In addition, we do have an issue on one of
5 our plans for Tulle White-fronted Geese and I don't know
6 how familiar the group is with this particularly small
7 segment of the White-fronts that nest in interior Alaska,
8 but these birds are recognized as a separate group and
9 they're a little bit larger and darker. There's not very
10 many of them.

11
12 An issue that we've brought before this
13 Council many times it seems in the past few years is
14 there's problems, increasing problems with depredations on
15 agricultural land, particularly in Washington, Oregon and
16 California, associated with many of the goose populations
17 that nest in Alaska. So we spend a good deal of time in
18 trying to strike a balance between the need to maintain
19 these populations of geese and then needs of some of these
20 agricultural folks to not suffer a great financial loss, I
21 guess you'd say, at the hands of too many of these birds.
22 It turns out right now one of the problem is with White-
23 fronts in southern Oregon and the very northern part of
24 California and our concern is for these Tulle Geese that
25 are mixed in with those White-fronts at this time of year
26 and this is in the spring when they'd just be beginning
27 their return trip back.

28
29 So this December we're going to have a work
30 group and we're going to examine some of the specifics
31 about how we are going to be sure that we protect the
32 interests of both those Tulle geese and White-fronts in
33 general and still afford these farmers some increased
34 harvest opportunity to help them drive down their goose
35 depredation problems that they're having. So just to let
36 you know that is an issue that we're dealing with.

37
38 On the flyway as well, a major change that
39 has taken place here within the last year and a half or two
40 years is the flyways have expanded from dealing only with
41 game birds and now have a separate technical committee that
42 deals with what would traditionally be non-game birds. The
43 particular note to this group I think is the fact that that
44 non-game bird group contains a great many species which are
45 subjected to subsistence harvest here in Alaska. This
46 technical committee that deals with things like Yellow-
47 billed Loons, for example, or Bar-tailed Godwits, that
48 group will also now be reviewing the subsistence harvest
49 proposals on behalf of the Pacific Flyway Council and then
50 passing their input on along as well. So there will be

1 another technical group that kind of gets involved in this.
2 The reason that the Service, I believe, and the states have
3 agreed to this expansion is this idea that more and more I
4 see a sort of coalescing of all the migratory bird programs
5 together, so what has been a traditional division between,
6 quotes, game and non-game is slowly being eliminated from
7 our management sort of scenario and how we do business.
8

9 I'm not going to spend any time at all
10 talking about the AI business other than the Lower 48, just
11 for your information, are deeply involved as well in the
12 Pacific Flyway and they're taking large numbers of samples
13 both from hunter shot birds and from live bird trapping
14 prior to the onset of our hunting seasons. Our hunting
15 seasons in the south generally start about the third or
16 fourth week in September.
17

18 Then I'm going to devote here just a minute
19 or two perhaps to the EIS and that is one thing that we've
20 talked about. At this point I'm not even sure that it's a
21 supplemental environmental impact statement or it's an
22 environmental impact statement. In fact, that's one of the
23 things that the solicitors will give us their opinion on
24 here shortly. I have suspicion it's going to turn out
25 just to be an environmental impact statement.
26

27 This group and several other groups as well
28 as individuals wrote to suggest that subsistence harvest
29 should be considered in an EIS that would address all
30 aspects of the hunting of migratory birds. In addition,
31 there's an interest in having the separate process we have
32 for the Lower 48 tribes, the tribal regulation process for
33 seated lands included in this EIS. In addition, there's a
34 desire to include the special regulations by which we allow
35 hunting on the National Wildlife Refuge System to be
36 included in this EIS. Right now the bulk of the public
37 comments that we have received are in favor of including
38 all those aspects in this next round.
39

40 The process is at the stage where we have
41 received the public scoping comments, we have consolidated
42 those and summarized them. Now we're scheduling a meeting
43 with the Interior Department solicitors to consider the
44 ramifications of what amounts to a fairly wide broadening
45 of the scope of what was traditionally just the sport
46 hunting EIS to a much broader hunting EIS for migratory
47 birds. Depending on what sort of advice we get from the
48 solicitors, and at this point in time I will offer you my
49 opinion that says I think we will broaden the scope. I
50 think this will be a comprehensive document because I think

1 the belief is that we would have to do these other aspects
2 anyway. So I think the idea is going to be we are going to
3 go forward.

4
5 As I indicated, it turns out there's every
6 probability at this stage that I can't get out of it, I'm
7 likely to end up being the person that's responsible for
8 getting this done. The time line will probably be in
9 general on an EIS at least three years in development. So
10 we would look probably to have the draft on the street in
11 about three years' time and it might well be another 18
12 months until we would have a final based on what we put in
13 the draft.

14
15 I, of course, have been party to your
16 discussions and understand some of the sensitivities about
17 language and things like that and I will assure you I will
18 do my level best to make sure that those kinds of things
19 are carried over as we develop this EIS and we look forward
20 and, of course, will hope that you'll give this a careful
21 review and give us some feedback and input as we go through
22 this process.

23
24 But basically I would look to have a draft
25 in the two to three year time frame from right now and
26 probably a final within five years. One of the reasons it
27 takes a while is there are some required periods of review.
28 Also it's difficult in something that's of this sort of
29 scope to get the solicitors to have enough sufficient time
30 to go through all the various legal ramifications of it.
31 So we'll do the best we can and move it as fast as we can.
32 I would answer any questions you might have.

33
34 CHAIRMAN ALCORN: Let me ask for you to
35 clarify for some folks that may not be real familiar with
36 bureaucracy. What's the intent of an environmental impact
37 statement and why are we doing it.

38
39 MR. TROST: Environmental impact statements
40 are required for Federal actions which have the ability to
41 impact the scope, sort of the resource, or economic
42 impacts. Then it's required in the National Environmental
43 Policy Protection Act, NEPA as it's called, so under those
44 guidelines you have to do an environmental impact statement
45 to cover anything that's considered a major management
46 decision by the government that can impact both the
47 resource and the economics and that's really why it's
48 required. So it's a legal requirement to go through this
49 process. We've done it twice before, in 1975 and in 1988,
50 and we can get you a copy of the one we did in 1988 which

1 will give you a fairly good feel for this.

2

3 Things have changed dramatically since
4 1988. One of the major things, of course, being the treaty
5 amendment, which as now formalized subsistence harvest in
6 '97. Consequently, the old EIS is badly out of date. It
7 no longer gives us the legal protection we need in order to
8 continue to offer hunting seasons and the opinions of our
9 solicitors. Consequently, we need to update this.

10

11 CHAIRMAN ALCORN: Thanks, Bob. I'll take
12 any questions now. I see Caleb, Mike and Herman.

13

14 MR. PUNGOWIYI: Two questions or maybe a
15 statement first on this EIS. I guess my concern would be
16 that if this comes out as totally new information or
17 something that was not included before, that it waves kind
18 of a red flag to people saying that this is an increased
19 take, that it was not done before. So I want to make sure
20 that you include historical data or information that this
21 is something that's been going on for a very long time and
22 not something that's new.

23

24 The other question I had, does the Council
25 ever address predator issues, whether it's gulls, ravens or
26 foxes?

27

28 MR. TROST: Predation is not one of those
29 things we manage under the harvest regulation process, so
30 we would not address predation generally in this EIS.

31

32 CHAIRMAN ALCORN: Okay. We'll go to Mike.

33

34 MR. SMITH: Bob, thanks for taking your
35 time and sorry to have kept you here this long. A couple
36 quick questions. Who is the EIS team made up of?

37

38 MR. TROST: At the present time, I'm a
39 little hesitant to say this although I've been told that I
40 will be designated the lead. The team will likely be
41 comprised of my fellow flyway representatives. So the four
42 flyway representatives that each of us has an area of
43 responsibility will likely comprise the base team and in
44 addition we will probably have Ron Kokel, who is our
45 regulations specialist, will also probably be a member.

46

47 MR. SMITH: And could you explain to me a
48 little bit how the flyway councils, and you may not know
49 the answer to this question, how they're going to recognize
50 tribal hunting and fishing regulations on tribal lands.

1 MR. TROST: I don't know. It will be the
2 prerogative of each state how they individually deal with
3 that under their own regulatory process. The Federal
4 government has a process by which, in the Lower 48, we
5 recognize the rights of the tribes to have separate
6 regulations on seated lands as long as they fall within the
7 treaty requirements. When they adhere to the treaty
8 requirements, we will allow a tribe which comes in and asks
9 for special regulations for tribal lands to have, for
10 example, increased bag limits, increased season lengths,
11 things of that nature. They do not have the same
12 privileges and rights that you do under the amendment.
13 That is specific to those Natives in Alaska.

14
15 MR. SMITH: But they have other Federal
16 Indian law rights that allow the regulation to be
17 recognized.

18
19 MR. TROST: They do. Right. And as you
20 well recognize there is a great deal of controversy
21 depending on the particular geographic area about whether
22 or not the state can or cannot regulate some of the aspects
23 of these things.

24
25 MR. SMITH: My next question, one of the
26 reasons I asked you up here, Bob, is I was concerned about
27 during the course of this process and certainly during the
28 course of the last three, four, five years that we've been
29 in existence and you guys have been aware of us and so on
30 and so forth, during your discussions on conservation
31 issues how often, if ever, does the subsistence harvest
32 come into those discussions?

33
34 MR. TROST: I think it's always there.
35 It's probably predicated on the species more than anything
36 else. If it's an area, for example, like Brant where we
37 believe the subsistence harvest is a substantial portion of
38 the overall harvest.....

39
40 (Tape malfunction)

41
42 MR. TROST:very carefully into
43 consideration. If it's something like mallards where your
44 harvest of mallards is frankly a pittance in the national
45 scheme of things, then we don't probably consider it
46 greatly.

47
48 MR. SMITH: Thank you.

49
50 CHAIRMAN ALCORN: Herman, you had your hand

1 raised.

2

3 MR. SQUARTSOFF: Yeah, Mr. Chair. I don't
4 have a question. I'd just like to thank Bob for his time
5 coming here to our meetings all the time and then the
6 support that we get from him down there in the flyway
7 meetings and the SRC. He's able to utilize what he gets
8 here and then from us down there. I've been to three or
9 four of them and been able to watch him and he really
10 supports us up here to make sure that this process we have,
11 the Co-management Council, really works. So I thank you,
12 Bob.

13

14 MR. TROST: I thank you too, Herman. I'm a
15 big believer in this process and I'll continue to do my
16 best to represent your interests as well.

17

18 CHAIRMAN ALCORN: Any other questions for
19 Bob. Thanks.

20

21 MR. SMITH: Can I just follow up real
22 quick.

23

24 CHAIRMAN ALCORN: Okay. We have a follow-
25 up and then I have Myron.

26

27 MR. SMITH: Do the Flyway Councils operate
28 under the general restrictions of the Department of
29 Interior and the policies of the Department of Interior or
30 do you guys have your own or how does that work?

31

32 MR. TROST: The Flyway Councils, much like
33 this group, are considered government-to-government
34 relations and, as such, do not fall under the guidance of
35 the FACA legislation and act, so it's not a Federal
36 Advisory Committee. It's actually a government-to-
37 government. There is a memorandum of agreement between the
38 Flyway Councils and the Service that specifies what the
39 Flyway Councils will provide to the Service and what the
40 Service will provide to the Flyway Councils by way of
41 support. In our cases, there is no financial obligation on
42 the part of either side. The Flyway Councils are
43 independent. They fund themselves and the Service funds
44 its portion of its commitment to it. Unlike this group
45 where there is some Federal crossover money, the Flyway
46 Councils and the Service maintain a complete separation
47 financially.

48

49 MR. SMITH: So you do fall under the
50 general tribal consultation policies of the Department of

1 Interior and stuff like that.

2

3 MR. TROST: Yeah. It's just considered a
4 government-to-government relation.

5

6 MR. SMITH: Thank you.

7

8 CHAIRMAN ALCORN: Myron, you had your hand
9 raised.

10

11 MR. NANENG: I just wanted to say quyana'
12 to Bob for his support and, as you stated, to really watch
13 out for the terminologies because I don't want to be
14 labeled something that I'm not.

15

16 MR. TROST: I will keep that in mind for
17 sure.

18

19 CHAIRMAN ALCORN: Thanks, Bob. We
20 appreciate it. It's now noon. We're going to adjourn
21 until 1:00. We'll reconvene at 1:00. Thank you.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN ALCORN: I'd like to call the
28 Council back to order. We are still in new business. We
29 are down to Item C. We did have some discussion regarding
30 Items A and B in executive session. I would entertain and
31 recommendations or motions from the board. Oh, A through
32 C, correct. I was looking at the wrong agenda. Based on
33 our discussions in executive session, are there any
34 recommendations from the Council.

35

36 Herman pressed his microphone button first.
37 I'll go to Herman and then Mike.

38

39 MR. SQUARTSOFF: Mr. Chair. With our
40 discussion we had on the financial, I'd so move that we
41 form an ad hoc committee on the financial to look it over.

42

43 CHAIRMAN ALCORN: I have a motion. Would
44 you like to be more specific on what the charge of the
45 committee would be, Herman, before I ask for a second.

46

47 MR. SQUARTSOFF: I'm trying to remember
48 everything we discussed. Whatever we discussed on it that
49 we wanted to bring up.

50

1 CHAIRMAN ALCORN: I'm looking for more
2 specificity, Herman. Mike, would you like to help him out.

3
4 MR. SMITH: Mr. Chairman, I can certainly
5 try. I think the intent of the co-management body and the
6 committee would be to -- I'm not sure of the correct
7 terminology to use in this regard because of what we were
8 talking about in the executive session. That the committee
9 would be charged with reviewing the existing budget and
10 recommend possible changes to that budget for consideration
11 by this body. I understand what you're trying to get at,
12 Doug, but I don't want to say anything specific either, you
13 know.

14
15 CHAIRMAN ALCORN: All right. Let me see if
16 I can help. My understanding based on the discussion and
17 for the audience who wasn't in the executive session we
18 have a line item budget that we review based on the
19 allocation, based on the budget that we have made available
20 to this Council and there are I don't know how many line
21 items in it, five or six, and I would suggest that the
22 discussions of our budget be in the context of those line
23 items that the sideboard set for establishment of this ad
24 hoc committee, to look at those individual line items and
25 come back with recommendations to the Council.

26
27 MR. SQUARTSOFF: Right. And then also I
28 think we discussed they be defined a little bit more, each
29 line item.

30
31 CHAIRMAN ALCORN: And provide more detail.

32
33 MR. SQUARTSOFF: Right, more detail.

34
35 CHAIRMAN ALCORN: So, having that in our
36 discussion, would you like to make a motion, Herman.

37
38 MR. SQUARTSOFF: I'll pertain that motion
39 again, Mr. Chair.

40
41 CHAIRMAN ALCORN: We have a motion. Do we
42 have a second.

43
44 MR. SMITH: Second, Mr. Chairman.

45
46 CHAIRMAN ALCORN: We have a motion and
47 second to establish an ad hoc committee to look at the
48 budget as presented annually in the context of those line
49 items that have been presented to us and to request more
50 specificity for each of those line items from the Staff, is

1 that right, Herman?

2

3 MR. SQUARTSOFF: Yeah. And then, Mr.
4 Chair, I also suggest we wait until we get down to that
5 particular time on 13 with the committees, we do it then.
6 Would that be all right or do you want to do it now?

7

8 CHAIRMAN ALCORN: We have a motion to
9 establish a committee. We can wait until Item 13 to name
10 members to the committee, but I'm going to entertain the
11 motion at this point just to establish that committee with
12 the sideboards that you've laid out in your motion. Do I
13 hear any discussion.

14

15 (No comments)

16

17 CHAIRMAN ALCORN: Hearing none. Is anyone
18 opposed -- I have a hand raised. Myron.

19

20 MR. NANENG: Thank you, Mr. Chairman. I
21 think one of the issues to talk about when you talk about
22 the budget and they do this, we need to get clarity as to
23 what the executive director for AMBCC is doing with the
24 issues that are being brought forward because you, as his
25 supervisor, can dictate to him what can be worked on and
26 what can't be worked on. I think we need to get that
27 clarified as part of the issue as we deal with this in
28 specifying what the executive director can do.

29

30 CHAIRMAN ALCORN: Okay. Can I offer that
31 the other portion of our discussion was regarding
32 performance and performance of the Staff as a whole for the
33 AMBCC and that not be necessarily part of the discussion
34 for budget, but the charge to the ad hoc committee we're
35 establishing for budget look at the budget and at the
36 discussion of performance be taken up separate. Can I just
37 offer that or, Myron, do you have a different idea?

38

39 MR. NANENG: One of the things that we do
40 is we outline the budgets and their duties that they will
41 work on under those budgets that are established and it
42 becomes part of the document and performance can be
43 considered to be a different document as compared to what
44 we outline as to the purpose of the utilization of those
45 funds.

46

47 CHAIRMAN ALCORN: Okay. I think I'm
48 tracking you. Mike.

49

50 MR. SMITH: Yeah, Mr. Chairman, if I might,

1 and just to make sure I'm tracking him right. Correct me
2 if I'm wrong, Myron, but I think what he was kind of trying
3 to get at is the various job responsibilities of the FTE's
4 in this budget as well and that has to be part of any
5 discussion on the budget as the responsibility of those FTE
6 positions.

7
8 CHAIRMAN ALCORN: In the context of budget
9 and managing budget, what is this budget paying for, what
10 are the services being provided at the first line item,
11 which is staffing. So that's the context that I'm
12 understanding your comment. I think that would be clear to
13 the ad hoc committee to be able to look at that, at least
14 that component of the functioning of the co-management
15 staff.

16
17 MR. SMITH: Mr. Chairman. I think it would
18 behoove the committee to intentionally leave out any of the
19 performance questions or anything like that when they're
20 discussing that because that's kind of, you know, not part
21 of the discussion.

22
23 CHAIRMAN ALCORN: Right. Let me see if I
24 can characterize it. We would ask the ad hoc committee to
25 look at the roles and responsibilities of those individuals
26 in those positions as opposed to performance, assessing
27 performance. Okay. Do we all understand that. I see
28 nodding heads. Does anyone disagree with the motion.

29
30 (No comments)

31
32 CHAIRMAN ALCORN: The motion carries by
33 consensus. Were there any other elements of our
34 discussions that we need to take action on.

35
36 MR. SMITH: Mr. Chairman. Do you remember
37 us needing action on anything else?

38
39 CHAIRMAN ALCORN: I don't have anything
40 else written down. Okay. Seeing no hands raised, we're
41 going to move on then. We're going to drop down now to new
42 business Item D, regulations discussion, moving subpart D
43 to subpart C. This was introduced by me, the Chair. I'll
44 take a minute to just explain what it is that I think I see
45 as something that might benefit this Council.

46
47 If you turn to Tab 9 in your binders, Tab 9
48 is the Federal Register notice of the final rule for the
49 2006 subsistence harvest season. There is a lot of
50 information that we publish every year in the regulation-

1 making process we discuss and one of the things that has
2 come back now for about three years consistently is the
3 list of birds that we open annually as a part of our
4 regulations.

5
6 This recommendation is to begin to think
7 about, as a Council, moving some of our annual regulations
8 out of subpart D 92.30. Moving portions of our regulations
9 out of subpart D into subpart C. What that does is it
10 makes them permanent regulations. It does not mean that
11 they cannot be reassessed or discussed whenever we deem it
12 necessary, but it avoids us having to go out for public
13 comment and debate on the list of birds that we open every
14 year. That's what I'm suggesting that we do, make it part
15 of our permanent regulations. Then it no longer becomes
16 debatable in the public arena so to speak unless we bring
17 it to our own attention or it's brought to our attention by
18 public comment.

19
20 It also is kind of a housekeeping
21 recommendation because it reduces our costs by having less
22 text, fewer pages that we publish every year in the Federal
23 Register multiple times with proposed rules and then
24 subsequent to that final rules. It would reduce our cost
25 potentially from \$1,500 to maybe \$3,000 a year and we've
26 already had this discussion of budgets and how tight
27 budgets are, so that would be another \$1,500 to \$3,000 that
28 we could use for better purposes other than printing ink.

29
30 So those are my recommendations. Another
31 portion of the regulations that would be put in subpart D,
32 at least as I understand it, I thought these were annually
33 discussed, were the methods and means because they're
34 published in 92.20, which is subpart C. Once we've agreed
35 to our methods and means and those are stable, which by my
36 estimation they are pretty stable. I'm not sure we've had
37 a whole lot of discussion in the past year or two on that.
38 Those would also be put in subpart C and not necessarily
39 then having to be printed and discussed. Donna.

40
41 MS. DEWHURST: (Away from microphone)

42
43 CHAIRMAN ALCORN: Yeah, that's what I was
44 thinking in our discussion in the workshop yesterday. But
45 they're printed, so I don't know if that's just a
46 technicality that we no longer need to print them or
47 whatnot. Anyway, that's my suggestion for discussion.
48 Just to follow Robert's Rules of Order as the Chair, I'll
49 make a motion that we discuss this and that we move at
50 least the list of birds to subpart C if we have a second

1 and then we can have discussion on it.

2

3 MR. ROBUS: Second.

4

5 CHAIRMAN ALCORN: I have a motion and a
6 second. I'll entertain discussion. Austin, Mike and then
7 Matt.

8

9 MR. AHMASUK: Under at least two bird
10 families there's a reserved space. The same with the
11 Sandhill Crane and looks like under Black Oyster Catcher.
12 What does that mean?

13

14 CHAIRMAN ALCORN: Donna, would you like to
15 come to the microphone.

16

17 MS. DEWHURST: Donna Dewhurst. That's just
18 purely a Federal Register phenomena. They do that all the
19 time. I don't know why they do that, but they always want
20 a reserved spot. The interesting thing is they didn't put
21 in all the families. I asked why do some families get it
22 and not others and they said we think some families are
23 more subject to change. They arbitrarily picked which
24 families. It doesn't mean anything and we haven't been
25 able to get rid of it. Believe me, I've tried, saying why
26 do we need to pay for this reserve line on these, but
27 that's something that unfortunately is a D.C. thing, purely
28 bureaucratic anomaly that they put in every single year.

29

30 CHAIRMAN ALCORN: Thanks, Donna. Did you
31 want to follow up, Austin.

32

33 MR. AHMASUK: Thank you, Mr. Chair. Do we
34 pay for each line?

35

36 MS. DEWHURST: We're paying for each line.
37 That's how we're billed, line by line. We pay by line and
38 column. It's kind of interesting how we're billed on that.

39

40 CHAIRMAN ALCORN: Thanks, Donna. Mike, you
41 had your hand raised.

42

43 MR. SMITH: Thank you, Mr. Chairman.
44 Donna, why could we not include in this motion the specific
45 regulations as well?

46

47 MS. DEWHURST: It's my understanding those
48 can't be because we technically have to open a season every
49 year. The seasons are closed until we open them and that
50 has to be an annual thing, is my understanding. We don't

1 have an option on that. That basically follows part 20,
2 which is the fall regulations have to do the same thing.
3 So that one we don't have an option on, but the bird list
4 could potentially be moved over.

5
6 MR. SMITH: Follow up, Mr. Chairman. Thank
7 you. I can understand that in regards to the opening and
8 closing dates, but there are other things within the
9 region, specific regulations that may or may not have to do
10 that, closed areas, things of that nature.

11
12 MS. DEWHURST: Potentially, yes, we could
13 all look at that. Potentially, yes. So I know what you're
14 talking about where there are some tweakings. We could
15 move those into permanent regs because those closures would
16 be permanent. So that is a good point, Mike. There are
17 some small things we could shift and just keep the dates in
18 the annual regs.

19
20 MR. SMITH: Yeah, if the intent is to make
21 it as amenable as possible.

22
23 MS. DEWHURST: That's a good suggestion.

24
25 MR. SMITH: Thank you, Mr. Chairman.

26
27 CHAIRMAN ALCORN: Herman, did you have a
28 question or comment. Okay. Austin.

29
30 MR. AHMASUK: Mr. Chair. A couple species,
31 Tundra Swan and Yellow-billed Loon, they have exceptions
32 that we've already taken action on. How is it that those
33 exceptions -- wouldn't we list those exceptions separately?

34
35 MS. DEWHURST: Right now there's
36 replication. The same exceptions are listed in the open
37 list and in the closed list, so it would be closed except
38 for this and then the mirror image is in the open list and
39 says they're open except for this. It's a lot of
40 duplication. What we've talked about is just having an
41 open list and writing it so that the exception is still
42 there but only from the point of view it's open except for
43 whatever. Instead of having it in both places but mirror
44 image language, which has confused folks.

45
46 This issue has come up three or four years,
47 especially from our prior solicitor. She was the first one
48 that raised it to my attention that she really didn't like
49 us having two lists and doing this flip-flop language.

50

1 CHAIRMAN ALCORN: Thanks, Donna. Any other
2 questions. Caleb.

3
4 MR. PUNGOWIYI: For my own understanding,
5 are we talking about moving the whole subpart D into
6 subpart C?

7
8 CHAIRMAN ALCORN: No. My suggestion is to
9 move the list of birds into subpart C. Fred.

10
11 MR. ARMSTRONG: In addition to the
12 solicitor's comments, she also indicated that we're
13 supposed to make regulations that are simple and easy for
14 the public to read and we were creating more of a confusion
15 by publishing the closed list/open list with certain
16 exceptions, that we're confusing.

17
18 CHAIRMAN ALCORN: Austin.

19
20 MR. AHMASUK: So then does it make sense to
21 remove the exceptions if we move the bird list to C and
22 merely indicate the closures in subpart D.

23
24 MS. DEWHURST: We wouldn't really be
25 gaining. The main issue that solicitors had problems with
26 and not just the solicitor, I've had a lot of questions
27 over the years, is the birds that aren't on either list.
28 Like let's say Marble Godwit technically is closed but it's
29 not listed specifically on the closed list and it's not on
30 the open list. We always call those the limbo birds.
31 Technically they're closed but they're not on either list.
32 I've had calls from the public, this bird, can I hunt it or
33 not. It's not on either list. Going to just a single list
34 would eliminate some of that confusion. We'd just say
35 these are the birds that are open. If it's not on the
36 list, it's closed.

37
38 The caveat that the migratory bird folks
39 suggested was to put some language in there saying in some
40 cases birds aren't on the open list for population reasons
41 and if their populations increase, they will be added back.
42 That would be a case like Emperor Geese aren't on there
43 now. It doesn't mean they can't ever be put on it if the
44 populations would improve. So putting that caveat in there
45 to explain to folks that if all of a sudden we want to put
46 Emperor Geese back on the list and they're like they've
47 never been on it, that's explaining to them it's a
48 population reason.

49
50 So I don't see it as limiting us legally.

1 We would have the same flexibility to change the list
2 whether it was on the permanent regs or the annual regs.
3 The difference is the public doesn't get to weigh in on it
4 every single year. They would only weigh in on it if we
5 proposed a change.

6

7 CHAIRMAN ALCORN: Mike and then Molly.

8

9 MR. SMITH: Thank you, Mr. Chair. That
10 explains a little bit, I think, about why we have the
11 closed list to begin with. Why we decided we needed to
12 make a closed list was for those birds that were in
13 conservation concerns that were on our list were hunted and
14 harvested by our people but for conservation purposes were
15 on that closed list, with the full intention that once that
16 population rebounded we were able to take them back off
17 that list and put them onto the harvestable list. I would
18 just want to make sure that that is maintained as well.

19

20 CHAIRMAN ALCORN: The way I understand it,
21 it's our prerogative to look at all birds every year we can
22 make those recommendations. Mike.

23

24 MR. SMITH: If I might then, would that
25 necessitate then a review by this body every year of the
26 closed list then to assure that they get back on the open
27 list once the populations come up?

28

29 CHAIRMAN ALCORN: Are you looking at me for
30 an answer? I would entertain anyone from the floor, anyone
31 from the agencies to maybe talk about that specifically.

32

33 MS. DEWHURST: I think if there was a
34 concern, we get reports every year from Russ and company on
35 population status and if anything reached across that
36 threshold then we would have that ability to bring it up
37 and say maybe we should be moving these species. In
38 general, populations don't rebound that quickly. It's
39 usually a slow progression so we usually have plenty of
40 lead time to anticipate something is going up. Like Brant
41 right now appear to be going up. How long they're going to
42 continue is hard to say.

43

44 MR. SMITH: Mr. Chairman. The reason I
45 bring that concern up is I don't want to get in a situation
46 where we're having to fight possibly a national effort to
47 prohibit us from putting a bird on the list that was
48 originally on our list but was removed because of
49 conservation concerns. I just don't want to end up in a
50 situation of having to have a huge battle down the road to

1 put Emperors back on the list because they don't show up on
2 the list now. I don't want anybody to start thinking that
3 we're just trying to add to the list when, in fact, we're
4 just trying to get back to where we originally were.
5 That's what's causing me some concern about this process.
6 If we end up with one list, then that's the position we'll
7 be in, of having to fight to expand the list that included
8 a bird that wasn't on there anymore.

9
10 CHAIRMAN ALCORN: Let's be clear on my
11 motion. My motion was to move the list of birds that we
12 have identified as open from part D to part C. My motion
13 didn't address the part that we have published right now
14 92.31, which are the birds that are closed to harvest.

15
16 MR. SMITH: So we would maintain both
17 lists.

18
19 CHAIRMAN ALCORN: Yes. I'm suggesting that
20 we still have a discussion even though it may lead to
21 confusion. There are still birds that we intend to open,
22 as you describe, when the status of those birds is
23 sufficient to support harvest. These birds that are closed
24 were closed early on. We identified them because many of
25 these same species were listed as closed to harvest under
26 the Goose Management Plan. We were trying to maintain some
27 connection to the Goose Management Plan so there was not a
28 lot of confusion in that regard. So my motion did not
29 suggest that we eliminate that 92.31 list. Herman.

30
31 MR. SQUARTSOFF: Yeah, Mr. Chair. Mike is
32 on the right track on that where we won't lose anything,
33 but 92.31 should have been defined a little more. As I
34 recall, these birds are on the endangered and threatened
35 list. That's why they were put on there. When they do
36 rebound back, then we'll be able to harvest them. That was
37 the intention of the Council in the past. I think it
38 should be defined a little more instead of just closed to
39 subsistence. That's the reason they're closed, because
40 they're endangered and threatened, these birds that are on
41 there right now.

42
43 CHAIRMAN ALCORN: Austin and then Myron.

44
45 MR. AHMASUK: Thank you, Mr. Chair. Could
46 possibly some sort of preface statement that precedes the
47 listing, a statement or paragraph to the effect of
48 characterizing how these listed bird species for open would
49 be treated, such that possibly we would include birds that
50 we intend to have on there at some point?

1 CHAIRMAN ALCORN: Well, Donna is our expert
2 in writing these regulations. Let's see if she has a
3 response to that comment.

4
5 MS. DEWHURST: One of the options I thought
6 of was -- and my main thinking was trying to eliminate
7 having the two lists because that was the main concern
8 expressed by the solicitor. If we did away with the closed
9 list, have an open list and then below this say these birds
10 have demonstrated C&T but populations don't currently --
11 you know, the status doesn't currently allow it. The
12 problem is that would limit us. Number one, the list would
13 be pretty big. If we miss something, like some obscure
14 shorebird or something that we didn't put in that C&T list
15 and suddenly wanted to harvest it, it would be harder to
16 put on the list. If we did that, we'd have to make sure we
17 had everything included and it might be a fairly long list
18 of birds that have demonstrated C&T but aren't on it
19 because of conservation concerns. So I wasn't sure if we
20 wanted to go there because I was afraid that might limit us
21 in the future. If we didn't come right out and say these
22 are the birds we have C&T for, then if Marble Godwits
23 rebounded and were doing really well, we could just say in
24 the analysis that year we have good demonstrated C&T, the
25 birds have rebounded and we'd like to put them back on the
26 open list.

27
28 CHAIRMAN ALCORN: Thanks, Donna. I saw a
29 couple hands over here. Mike.

30
31 MR. SMITH: Thank you, Mr. Chairman. So
32 back to the motion. The motion is to incorporate .32 into
33 the permanent regulations, leave .31 as is, but Donna
34 you're suggesting we might get rid of that list?

35
36 MS. DEWHURST: That's another option.

37
38 MR. SMITH: Part 31, the closed list, has
39 date-specific regulations in it, which would cause us
40 problems. For example, the gathering eggs. So I'm not
41 sure if we would need to adopt another regulation to keep
42 those species closed from egg gathering.

43
44 CHAIRMAN ALCORN: Let me offer this. Well,
45 Myron, go ahead and you can say your piece.

46
47 MR. NANENG: Thank you, Mr. Chair. Looking
48 over the regulations that were printed on February 26, in
49 subpart D 92.31, in addition you may not gather eggs for
50 Cackling Canada Geese and Black Brant. Then you have

1 region specific regulations. There it says that special
2 Black Brant and Cackling Goose hunting closures, thou shall
3 not gather eggs. It's still there. It just seems to be a
4 duplication. If you're talking about saving money, save
5 money that way. Why duplicate it.

6
7 For some of these regulations that are
8 there, you know, it seems like some other requirements are
9 additionally being put on the subsistence users, that Fish
10 and Wildlife are saying it's costing them more money to put
11 them in there. If it's costing you more money, remove
12 them. The way that you can deal with some of these is by
13 working with the regional organizations and imagine a body
14 in that region to address these concerns. That's why I
15 stated earlier regulations should not be in place unless
16 you work with the regional bodies, the subsistence users,
17 to deal with the issues that you're dealing with.

18
19 So I would suggest and recommend that you
20 remove all those duplications and before you put them on
21 regulations work specifically with the regions. I know
22 there's some issue that we'd like to see as statewide
23 procedures, like enforcement that we talked about with the
24 Goose Management Plan. Those are some of the things that
25 could possibly be stated within the regulations. So I'd
26 offer that suggestion and that thought to be carried
27 forward because I think we're already dealing with some of
28 these issues where they do not necessarily have to be
29 printed and it will save some money for us to be able to do
30 our work.

31
32 CHAIRMAN ALCORN: Let me offer this. Since
33 I made the original motion and whoever seconded I'll ask if
34 you'll consider this a friendly amendment, and I think it's
35 in the spirit of what you're getting at, Myron. We won't
36 publish another proposed rule until next spring sometime.
37 So I would amend the motion, rather than be very specific
38 and say we will move this list to subpart C, that we would
39 charge Donna and Fred with looking through our regulations,
40 our Federal Register notices, and look for redundancies and
41 look for efficiencies and to report back to us in the
42 spring meeting with recommendations on how we can make this
43 clearer and how we can make it shorter so it's more easily
44 understood and then they would report back to us and then
45 we would decide in the spring meeting on how best to go
46 about that. I don't know who seconded the motion, but I
47 consider that a friendly amendment. Who seconded it? Does
48 anybody disagree with that amendment?

49
50 (No comments)

1 CHAIRMAN ALCORN: With that amendment --
2 Fred, you had a comment.

3
4 MR. ARMSTRONG: After you get the motion
5 and amendment. I take it it might be more appropriate to
6 just put it in a proposal form and that way we can have --
7 put it on the agenda to discuss it, instead of next spring
8 we come back and report and we have to go through another
9 year when we could just address it this year and perhaps
10 take it up next cycle.

11
12 CHAIRMAN ALCORN: That's another approach,
13 that we would submit it as a proposal, that all the regions
14 get it when we get our list of proposals sometime in early
15 January and then that gives you all an opportunity to
16 discuss it with your regional fish and game committees,
17 come back at the spring meeting and then we would be
18 prepared to take action. Austin.

19
20 MR. AHMASUK: I just have an observation.
21 I didn't realize that we pay for each line. For instance,
22 92.33 region specific, an example of what I would consider
23 in reducing the cost, it says special Tundra Swan closure.
24 We don't need to say special Tundra Swan closure, just say
25 Swan closure. And we don't need to say that it's all
26 hunting and egg gathering. If you specify that it's a
27 Tundra Swan closure in 9-D and 10, that includes Tundra
28 Swan eggs too. With that in mind I can see -- and that's
29 probably a good example of where cost savings could occur.

30
31 CHAIRMAN ALCORN: Thanks for that
32 observation. I think those are the kinds of efficiencies
33 we would be charging the Staff with. Fred has recommended
34 a proposal and I think that probably makes sense. It's
35 consistent with our process. So, as the maker of the
36 motion I would also consider that a friendly amendment to
37 the amended motion.

38
39 I'll restate it for those that might be
40 unclear. Mike and then Herman.

41
42 MR. SMITH: Mr. Chairman. Were you
43 intending that amendment to include the closed list or just
44 the open list?

45
46 CHAIRMAN ALCORN: At this point I would ask
47 the Staff to go back and look at gaining efficiencies.
48 Efficiencies are really a secondary benefit. The primary
49 benefit is to simplify. That, to me, is our goal. If it's
50 simple and easily interpreted, that's what I would like to

1 shoot for. One thing that has concerned me is looking at
2 this long list of species every year. Just for example,
3 whenever I get a proposed rule package from Fred and Donna,
4 it's 35-plus pages that I have to go through and review
5 before I surname it and that's just a process. But I think
6 we can gain some efficiencies by making it more simple and
7 that's my goal. Before I go to Russ I want to exhaust any
8 comments from the Council. Herman.

9

10 MR. SQUARTSOFF: Yeah, Mr. Chair. Who is
11 going to do the proposal, Fred?

12

13 CHAIRMAN ALCORN: I would say that it would
14 be a proposal from the Fish and Wildlife Service and we
15 would ask Fred to help develop that as a Staff.

16

17 MR. ARMSTRONG: Right. Okay.

18

19 CHAIRMAN ALCORN: I saw a hand in the
20 audience. Russ, would you like to come to the mike,
21 identify yourself.

22

23 MR. OATES: Yes, my name is Russ Oates.
24 I'm with the U.S. Fish and Wildlife Service. At the risk
25 of plowing old ground and maybe revisiting old discussions,
26 I was just wondering why the simplest approach would not be
27 to have in the permanent regs a list of all the species
28 that under ideal population conditions could be harvested.
29 Then in your annual regs just have the short list since
30 that's the list that has potential to change more
31 frequently of those species that have closures or some
32 other sorts of restrictions. It just seems to me to be the
33 simplest approach. If we're all successful in what we're
34 attempting to do to manage at some point in time, the long
35 list of species that have traditionally been used will all
36 be open and in the annual regs there will be zero in the
37 list of current year closures.

38

39 CHAIRMAN ALCORN: That's exactly the
40 pattern or the framework that I'm looking for.

41

42 MR. OATES: The question about the reserved
43 item in here, there's three families that have reserved in
44 there. I seem to remember in the dim recesses of my mind
45 when I was taught the rules for developing outlines,
46 hierarchal outlines, that you can't have an A without a B
47 and you can't have a 1 without a 2. In the three instances
48 I see here they're all number 2's. I think it's just some
49 kind of bureaucratic rule of outlines.

50

1 CHAIRMAN ALCORN: Thanks for that
2 observation. I think I'm ready to call the question. I'll
3 restate the motion and I believe whoever did second it, if
4 you disagree, then say so. The motion is to charge Staff
5 with preparing a proposal that the Fish and Wildlife
6 Service will submit during our open request for proposal
7 period which occurs, I think, in the latter part of
8 November, early part of December. It will be distributed
9 to the regions as a proposal. The regions will vet it
10 through their normal processes and we will come back in the
11 spring to consider recommendations from the Staff for ways
12 to make this more simple and shorter and more clearly
13 understood.

14
15 Does anybody disagree with the motion. I
16 see a hand raised for discussion. Austin.

17
18 MR. AHMASUK: Mr. Chair. In the vein of
19 Russ's comments, it would seem to me in terms of
20 simplifying that the region specific regs are just openers
21 and closures but they currently have species tied with
22 them. It seems to be another way to simplify that.

23
24 CHAIRMAN ALCORN: Thanks. It sounds like
25 you might be a good volunteer to be on that committee or
26 help do that review. Do I hear any opposition to the
27 motion. I'm going to call the question.

28
29 (No comments)

30
31 CHAIRMAN ALCORN: Seeing none, the motion
32 carries. We'll have a proposal presented by the Fish and
33 Wildlife Service. Let's move on to the next agenda item.
34 Myron.

35
36 MR. NANENG: Mr. Chairman. I would request
37 that for any regulations that are going to be presented on
38 an annual basis that we take a look at them and see what
39 part of the regulations that are being publicized where
40 we've all agreed that it should be printed and should be
41 part of it.

42
43 Like the first required license and stamps,
44 I don't think we really have had any real good discussion
45 on that. It seems like somebody said, oh, it's required by
46 State law or it's required by Federal law, but as a co-
47 management body I think we need to work together to make
48 sure that these things are agreed to by the co-management
49 body because right now on a consensus basis, even though we
50 make a proposal that would benefit the species or even an

1 opportunity for hunting by our subsistence users, more
2 often than not there's no consensus.

3
4 I would request that we take a look at that
5 because as far as I can recall there's never been any
6 discussion about requiring State hunting license, State
7 stamps, and those are issues that I'd like for us to be
8 able to talk about because it's impacting our subsistence
9 hunters out in the villages.

10
11 CHAIRMAN ALCORN: Okay. We did, Myron, add
12 at the beginning of the day a discussion of terminology. I
13 don't know if that discussion is the same issue you're
14 raising now. If it's not the same issue, then it's a point
15 of order. At some point we need to have that discussion,
16 but at this point in the day with the agenda the way it is,
17 it's a point of order. So I would suggest that maybe we
18 talk about that at the break or something and figure out
19 how we want to go about that.

20
21 So let's go on through the agenda. We just
22 completed Item 10(D). The next item is Item 10(E),
23 variable closed season dates. This is another agenda item
24 that I asked Fred to put on the agenda for discussion.

25
26 I'll introduce it by saying my counterpart,
27 Stan Pruszenski, is the regional agent in charge.
28 Basically he's the assistant regional director for law
29 enforcement in the Fish and Wildlife Service. He and his
30 staff were working with Taqulik to do some outreach work in
31 the North Slope this spring, to visit some villages and
32 discuss the migratory birds subsistence harvest season, and
33 basically to inform the folks that were out there about the
34 hunt.

35
36 Stan came back to me and reported this as
37 one of his concerns and I think it's shared by Taqulik,
38 that there are times when -- based on the season closures
39 we have published for that particular region, there are
40 times when spring or summer come late and winter still has
41 things frozen up up there when the birds may be arriving,
42 so when the birds arrive late, they nest late and the hard
43 and rigid dates for the closure created some hardships on
44 some of those hunters. In fact, they were up there doing
45 some of their outreach work in some of the villages and the
46 birds were not even there yet and the closure was within a
47 day or two of coming into effect. So that created, in Stan
48 Pruszenski's assessment of the situation, a need for us to
49 have this discussion.

50

1 So what I'm suggesting, and I'll make this
2 in the form of a motion, too, just for discussion sake, I
3 would move that the Council -- we charge the Staff to
4 engage with each of the regional representatives to discuss
5 the need for and the potential for establishing variable
6 season closure dates as we have used in the Y-K Delta,
7 using the Y-K Delta as a model, and the model being that
8 there are biologists, refuge biologists, RIT's and folks
9 from the villages on AVCP that are in constant and regular
10 communication to determine when the birds are pairing up
11 and going on their nest and the nesting season begins and
12 when the appropriate time is to start the closed season.

13
14 So my recommendation is to charge Staff
15 with making contact with each of the regional
16 representatives, you all, and having you have the
17 discussion on whether or not that model could work, should
18 be applied in your respective regions. That's a
19 long-winded motion, but I'll leave it at that and see if
20 there's a second for discussion.

21
22 MS. HEPA: Second.

23
24 CHAIRMAN ALCORN: I have a second from
25 Taqulik. Now I'll entertain any discussion of the concept.
26 Caleb, Matt, Mike. Mike, go ahead.

27
28 MR. SMITH: Thank you, Mr. Chair. It seems
29 to me that might be a cumbersome way to build in the
30 flexibility we need to address this issue. I'm not sure
31 that -- it just seems kind of cumbersome when, in fact,
32 what we need is just the flexibility to have a range of
33 dates upon which the opening can occur. I think Tom
34 mentioned a week or two week period there is probably all
35 they really need to accommodate any fluctuations in the
36 weather. I'm not sure that going to each individual region
37 and checking out opening and closing dates would be the
38 most effective way to achieve that when, in fact, maybe we
39 just need a simple regulatory change that says these are
40 the dates but can be extended two weeks one way or the
41 other depending on weather conditions at the discretion of
42 the biologist or whatever.

43
44 CHAIRMAN ALCORN: Caleb.

45
46 MR. PUNGOWIYI: Something along that line
47 but a little bit different somebody had mentioned earlier
48 and that is on the regulations for Northwest Arctic there
49 is a season for waterfowl egg gathering and a season for
50 seabird egg gathering. The gulls are listed under the

1 seabird but they lay eggs the same time as the waterfowl
2 and there's some confusion among the people whether they,
3 in fact, can gather sea gull eggs the same time they're
4 gathering waterfowl eggs. If you read the regulations,
5 they're not supposed to but that's when they're available.
6 So we need some clarification. Or maybe the intent here
7 was to recognize that there are murre and others that lay
8 eggs later and the egg gathering is later for them, but not
9 necessarily for the gulls. So either we work it within our
10 region or perhaps adjust the regulations to recognize the
11 gull take.

12

13 CHAIRMAN ALCORN: Matt and then Fred.

14

15 MR. ROBUS: Mr. Chairman. I guess my
16 original thought was a question regarding your motion and
17 that is you suggested that the various regions think about
18 whether this would be an appropriate scheme for them. How
19 then would that be implemented? Would a region come
20 forward with a proposal for the springtime meeting to enact
21 that type of thing for their region, was that your thought?

22

23 CHAIRMAN ALCORN: Well, I hadn't really
24 thought out the mechanism to make this happen. What I was
25 wanting to do is put this on the table for discussion. The
26 motion is to have the Staff to engage with the regional
27 representatives to see if it's even desirable. If it's not
28 desirable, then we wouldn't even entertain a proposal. The
29 way our system is set up that we do receive proposals from
30 regions to effect change in their regulations, that doesn't
31 change.

32

33 I think the short answer is, yes, we would
34 solicit proposals from regions after they've had the
35 discussion with Staff to basically look at the Y-K Delta
36 model, see if it's a workable model in other regions.

37

38 MR. ROBUS: Follow up.

39

40 CHAIRMAN ALCORN: Go ahead.

41

42 MR. ROBUS: It's a follow up but to a
43 different part of the series of discussions. Mike
44 mentioned his perception of it being a cumbersome system,
45 but the thing about the Y-K Delta is that there is this
46 ongoing system of watching the progression of the season
47 and being able to communicate to know when nesting
48 initiates. Mike, I was wondering as you were speaking how
49 would that happen in a region elsewhere where that's not an
50 ongoing system. You mentioned at the very end of your talk

1 a biologist. Who were you thinking would be in control of
2 making that call?

3

4 MR. SMITH: Thank you, Mr. Chairman. I'm
5 not sure it would work in our region because we don't have
6 the goose management body that the AVCP region has. So
7 that's why I was concerned about this process and how it
8 works. The reason I said biologist is just by virtue of
9 the fact of what happens out in the Bethel area. They talk
10 with their bird council, they talk with the biologist and
11 they kind of get together and make that decision. One, I'm
12 not sure we have those biologists in all the regions to
13 begin with.

14

15 Secondly, we haven't set up that type of
16 arrangement in our region ever. I'm not sure how that
17 would get set up or whether or not the people up there are
18 interested in doing it at all. Certainly it would be an
19 added responsibility on their part to be able to make
20 adequate suggestions on openings and closures. It would
21 entail a little bit of work on their part to come up with
22 those determinations. That's why I was suggesting just a
23 little flexibility built into the regulation to allow that
24 to occur within a certain time frame but not necessarily in
25 an on-paper process that may or may not work in all
26 regions.

27

28 So I'm not sure how the other way would
29 work either now that we're thinking about it because I
30 don't know who would make that decision in our region that
31 doesn't have the type of system Myron has set up.

32

33 CHAIRMAN ALCORN: Let me offer a little
34 clarity. I'm not looking for a solution here. I'm not
35 looking for a particular region to say I've already got a
36 proposal for the answer. What I'm trying to do is
37 accommodate what I perceived as a need. If you don't have
38 the infrastructure or there's no desire, if you're
39 satisfied with what we have, maybe we just leave it
40 unchanged. No change is okay. Or offer those other
41 solutions because this body ultimately is going to hear the
42 recommendation, vet it and then make a decision on that,
43 but we're not ready to make a decision on any region today
44 because we haven't even entertained a proposal yet. That's
45 my suggestion, is we just entertain the discussion at this
46 point.

47

48 MR. SMITH: No, Mr. Chairman, I didn't
49 anticipate us making any decisions today either. I was
50 just trying to figure out how this was all going to work in

1 the long run. I appreciate the need to build that
2 fluctuation into the process. I want to build that
3 flexibility into it. I would love to be able to build the
4 mechanisms that Myron has and the relationships he has with
5 his counterparts in the Federal and the State departments,
6 but we currently don't have that. Most regions don't have
7 that type of arrangement. So I'm not sure how this will
8 work.

9
10 Actually, neither one will work now that I
11 think about it. If it's just offered as a flexible time
12 frame, then somebody has to make that decision and it's
13 going to fall back on apparently the biologist because
14 they're going to be the ones most closely attuned to it.
15 But we don't talk and we don't have this built-in working
16 relationship that Myron has, so I'm not sure how either one
17 is going to work.

18
19 CHAIRMAN ALCORN: Let me offer this.
20 Hearing the discussion -- frankly, there really is no need
21 to pass this motion. Every region has the prerogative to
22 submit a proposal when we have the request for proposals
23 and we can address it in an ad hoc way. Maybe the fact
24 it's applicable in some cases and not applicable in others,
25 the best approach is just to take it one region at a time
26 when the region feels compelled to submit a proposal. So
27 no action at this point doesn't change anything. We would
28 just proceed with they way they are.

29
30 MR. SMITH: Mr. Chairman, if I might. That
31 doesn't really get us where we want to go either because
32 the region by region issue like that is such that we need
33 to make those decisions at the beginning of the spring
34 harvest and it has to be done quickly, it has to be done in
35 a very constricted time frame, so I don't think we have the
36 ability to submit proposals unless they're on an emergency
37 basis or something like that.

38
39 CHAIRMAN ALCORN: Just to comment on that
40 statement, Mike. If a proposal were received this
41 December, it would be a proposal not for the 2007 season
42 but it would be a proposal for the 2008 season and it would
43 be vetted regionally through our normal process in the
44 spring, we would make a decision on each of those
45 individual proposals and if we took action and passed the
46 proposal, it would then go through the rule-making process
47 and it would be instituted in the 2008 season.

48
49 MR. SMITH: Mr. Chairman. But then the
50 weather patterns might have changed but we don't need it in

1 2008. Part of this discussion is to allow the flexibility
2 to harvest those birds when they become available.

3
4 CHAIRMAN ALCORN: I think you're making my
5 point for me though, Mike, that it would be variable.
6 Taqulik.

7
8 MS. HEPA: I just wanted to say that this
9 case did come up on the North Slope and I was encouraged to
10 hear that the law enforcement officer, as well as the
11 hunters from Wainwright, identified this as a potential
12 problem and it was brought to Doug's attention as well as
13 to our regional management body and to our Staff. Talking
14 about this during the workshop as well as here has given me
15 some clear direction of how we could help resolve it.
16 Looking at the variable seasons, such as the ones
17 established in the Y-K Delta, have given me that direction.

18
19 But I'm especially pleased to hear that --
20 my first initial thoughts were I wasn't sure how the
21 Council was going to deal with this because they were
22 pretty adamant in the beginning about setting those 30-day
23 closures. And to know that they are flexible with those
24 dates is real pleasing to me that they're trying to
25 accommodate the needs of the local people.

26
27 CHAIRMAN ALCORN: I have a hand from Herman
28 and then Fred. If you'll yield, then I'll call on Fred.

29
30 MR. ARMSTRONG: Mr. Chair. Maybe just to
31 move this forward. As Staff, we could contact the regions
32 and see if they want to engage in this discussion. If so,
33 we'll bring in our migratory bird staff as well as the
34 State and they can discuss it. It's not going to apply to
35 all regions. To move it forward we can do that.

36
37 CHAIRMAN ALCORN: Herman, did you have a
38 statement.

39
40 MR. SQUARTSOFF: Yeah, Mr. Chair. I've got
41 about two or three if you don't mind patiently waiting.

42
43 CHAIRMAN ALCORN: Go right ahead.

44
45 MR. SQUARTSOFF: The first one I'd like to
46 probably ask you to probably withdraw your motion since you
47 did suggest at the end here all the regions have the option
48 to put in a proposal whenever and we are going to submit a
49 new one this coming proposal time and I mentioned that
50 yesterday and we're kind of fine tuning ours down a little

1 bit to where we're allowing us a week or two in there.
2 Over the three years it's down to a point where we pretty
3 much got it to when the egg gathering time is. You know,
4 kind of suggest it to Caleb a little bit. What we did is
5 we kind of simplified ours when we made our proposal. We
6 put in there the hunting and egg gathering of these birds.
7 And then we had a separate section in there egg gathering
8 time and that's the one that we're changing now on our
9 proposal is that egg gathering time. Everything sounded
10 good to me yesterday, but after listening to all of it now,
11 I think we'll stick to where we're at and we're going to
12 put a set date in there.

13
14 To confuse things a little more, we're also
15 tacking on to that proposal a regional list of birds
16 instead of having this big long one that we kind of defined
17 what we do actually harvest and gather off of down there.
18 Thank you.

19
20 CHAIRMAN ALCORN: This motion is now the
21 property of this board. It's not my property. So I don't
22 even know if I have the power to withdraw it. I can call
23 the question. I'll ask Myron for one last comment.

24
25 MR. NANENG: Yes, just one comment. I
26 think over the years in the Y-K Delta that we, as human
27 beings, can set certain dates and whatnot, but nature
28 itself is controlling everything. Regardless of what date
29 we place on regulations, it's never going to happen because
30 the birds have their own timetable. When nature calls,
31 they come up and migrate. If it's cold, they don't show up
32 like everybody anticipates on a certain date. When they
33 leave, they leave. Like Molly said yesterday, sometimes
34 they bypass the region. I've had reports from Bristol Bay
35 that the birds were migrating from the north to the south
36 this past spring and that's the function of nature. I
37 don't believe we really need the regulation when nature
38 itself is regulating us. Sometimes I think that, jeez,
39 we're putting more burden on our people than trying to
40 resolve issues.

41
42 CHAIRMAN ALCORN: Thanks, Myron. Caleb has
43 his hand up.

44
45 MR. PUNGOWIYI: Again, for a moment, Cliff,
46 since I haven't been on the Council before, why is there an
47 August 31st closure date or a season ending date for these
48 regulations.

49
50 CHAIRMAN ALCORN: I can answer that, but

1 I'll let Fred answer that.

2

3 MR. ARMSTRONG: When the powers that be
4 reviewed the treaties, the Japanese, the Russian, the
5 Mexican, the Canadian, they had to look at most stringent
6 parts of each of the treaties and try to accommodate them
7 in the protocol amendments. I think it was the Mexican
8 treaty that defined a hunting period, so we had to adhere
9 to that. The most stringent aspects of it had to be
10 incorporated into this and one of them was the number of
11 days the season could be open. Ours ended up being 122
12 days, but they came back and said, well, there's another
13 season you have to adhere to and that's the crow season,
14 which is an additional two days, so our season is 124 days
15 long. We had to be within the time constraints of the
16 closure, which is March 10th to September 1st and that
17 would be the spring and summer season that we had an
18 opportunity to regulate, so that's why we have that.
19 Initially we thought we could open it from March 11th to
20 August 31, but we had to adhere to the other treaty that
21 says for only an X number of days.

22

23 CHAIRMAN ALCORN: I'd like to stay focused
24 on the motion. Mike, do you have a comment that pertains
25 to the motion.

26

27 MR. SMITH: Yes, Mr. Chairman. Thank you.
28 I was just looking at that particular section of the
29 Mexican treaty and it does say the establishment of closed
30 season for wild duck from 10th of March to the 1st of
31 September except in the state of Alaska. Then it goes on
32 to say we are allowed to take them year around assuming
33 it's consistent with customary and traditional uses. So I
34 think maybe we interpreted it wrong because certainly the
35 Mexican treaty says except for Alaska now. So maybe we
36 don't need a closed date.

37

38 CHAIRMAN ALCORN: Let me clarify. My
39 understanding what is germane to the motion is to talk
40 about what we all ultimately agreed to, which was a 30-day
41 closure period for the principal nesting season and that
42 phrase comes out of the treaty with Japan actually. The
43 treaty with Japan said, and we signed on to it, that we
44 would protect the birds during the principal nesting season
45 and we worked closely with Russ's office and Kent Wohl's
46 office, the shorebird and seabird experts, and we tried to
47 come up with a 30-day window of time that provided the
48 protection for what we call the principal nesting season.
49 That obviously is ignoring the start of the nesting season
50 and the tail end of the nesting season, but the peak of the

1 heavy activity for some birds, and in your case, Caleb,
2 it's split seabirds and waterfowl, I believe, in your
3 region. So we have a number of treaties that we're trying
4 to comply with is the short answer.

5
6 So this motion is to allow some
7 flexibility. With that, I would like to call the question.
8 The motion is to ask Staff to engage in discussions with
9 the regions, representatives from the regions, to explore
10 the need and the practicality of establishing a variable
11 closed season and a means to do that. That's dependant on
12 a model that I've already specified and that model is used
13 in the Y-K Delta. If there is a similar model that is just
14 as efficient and just as effective, then I would suggest we
15 consider that model, but that's the motion. I would like
16 to call the question. Does anybody oppose the motion as
17 stated and seconded.

18
19 (No comments)

20
21 CHAIRMAN ALCORN: Seeing no opposition, the
22 motion carries. We'll ask Staff to engage in a dialogue
23 with each of the regional representatives to explore the
24 possibilities. Mike, go ahead.

25
26 MR. SMITH: I just looked in the Japanese
27 treaty and it doesn't say anything in there either, so I'd
28 like to get clarification on where it is dictated we have
29 that closure.

30
31 CHAIRMAN ALCORN: We'll be glad to get you
32 that information. Myron.

33
34 MR. NANENG: Mr. Chairman. Since we're
35 talking about all the treaties and the efforts to take the
36 most restrictive, there was never any effort to take the
37 most restrictive language of any of the treaties for this
38 recognition of subsistence hunt. We're trying to get these
39 issues that recognize the Native subsistence hunt, like we
40 stated earlier, to the indigenous language was changed by
41 one senator and it wasn't agreed to by the International
42 Treaty Group. So there was never any intent to make it
43 restrictive. The 30-day closure was one that was agreed to
44 as part of the conservation effort in the Y-K Delta. It
45 was never in the treaty. And that was to conserve the
46 birds that we considered to be -- that we need to protect
47 for conservation purposes. It's silent on the 30-day
48 closures. There's nothing in the treaty that says we have
49 to have 30-day closures. So these are what I think our
50 people in the villages agreed to because they saw and

1 recognized that there are certain species that need to be
2 protected and I think we need to work from that angle.

3

4 CHAIRMAN ALCORN: Thank you, Myron. Well,
5 Mike has asked for it and I've consented to the request,
6 which is to get -- I'll ask Staff to provide information on
7 how and why we've interpreted the Japan treaty as such to
8 protect the birds during the principal nesting season and
9 then how that translated through our deliberations into a
10 30-day closure dating probably five years back now. But we
11 definitely have a record of those discussions and we'll ask
12 the Staff to provide that.

13

14 That concludes our discussion of new
15 business items. We're going to move to committee reports.
16 The first committee report under Item 11 is 11(A), the
17 Harvest Survey Committee, and I'll turn it over to Austin.

18

19 MR. AHMASUK: Thank you, Mr. Chair. What
20 I'll be reporting to you is actions and such that we took
21 in February 27 this year. The Harvest Survey Committee met
22 twice. Our first meeting this year was on February 27th
23 and then we met again this week, September 26th. I would
24 like to submit to the record, as I usually do, our agenda
25 for the meeting on the 26, our agenda for the 27th and then
26 just draft meeting minutes from the 27th meeting. Today
27 I'll just talk about what we talked about a few days ago on
28 the 26th.

29

30 Back in February of this year we had talked
31 about 2006 community listing, village region rotation and
32 the situation with the 2006 Northwest Alaska harvest
33 survey. We also discussed our protocol for release of 2004
34 data and then reviewed task and responsibility for data
35 collection management.

36

37 This afternoon Cynthia will give to the
38 Council a mix of preliminary harvest information and then a
39 mix of finalized data from previous harvest survey years up
40 to 2005. She'll be passing that around here shortly.
41 That's what we talked about back in February and then I'll
42 go through what we just talked about a few days ago.

43

44 The Harvest Survey Committee members are
45 under your Tab 10, I believe. A few days ago we had talked
46 about the 2006 Northwest Alaska survey, which is a harvest
47 survey for the Maniilaq region. It was one of the regions
48 that for whatever reasons wasn't able to come forth and
49 come to a contract. They've recently entered into a
50 contract with U.S. Fish and Wildlife Service to do a survey

1 and that's going to take place next month.

2

3 We had a pretty lengthy discussion on data
4 release protocols. What we did is we looked at the motions
5 and the directives from the Council on data release
6 protocols and we referred to directives that are in the
7 April 2006 meeting minutes. Here they are. We found that
8 there needed to be some clarification. What we attempted
9 to do in the spirit of that motion tried to clarify what
10 was the proper course of action when it came time to
11 release data.

12

13 The directives from that meeting appeared
14 to result in two things. The Council has ideas and
15 directives for preliminary data and then another kind of
16 data, just the data, which we think must mean final data.
17 We discussed what preliminary data is. It's basically data
18 that at any point which could become requested by anybody
19 is data that isn't final and then would be reviewed by the
20 Council, which could be the executive committee.

21

22 Then finalized data, the motion doesn't
23 describe it that way though, finalized data, which would be
24 data that's reviewed by the Harvest Survey Committee and
25 before it's sent to the requesting village. We also
26 discussed the protocols that appear to be in the directive
27 and that is that data is reviewed by the regional
28 management body and then consultation occurs. There was
29 need to understand how that must happen when a region
30 doesn't regularly meet or they don't have a regional
31 management body. What the Harvest Survey Committee did in
32 the spirit of trying to ensure that data, in whatever form,
33 when it's requested, that there's methods to address that
34 in.

35

36 In terms of that, the Harvest Survey
37 Committee thought it was appropriate that consultation can
38 occur with the regional management -- the co-management
39 body, whether it's the non-profit organization or such so
40 that some measure of consultation occurs when data is going
41 to be released.

42

43 So that, in a nutshell, kind of describes
44 that discussion. In terms of data that comes to this
45 Council, it can come at any point. It's internal
46 information necessary for our internal workings. Unless it
47 says it's final data, it's preliminary unless otherwise
48 prescribed. But in terms of getting harvest information to
49 the Council, we found that there was no specific directive
50 contained within the directive by the Council that it needs

1 to go through numerous steps before it ever comes to us
2 that it's necessary for our own decision making. And we'll
3 be looking at some of that information here shortly when
4 Cynthia passes around that information.

5
6 We also talked about the 2007
7 village/region rotation. What we decided was that we
8 should just continue with what we had detailed and
9 described in the past. We had worked out in the village a
10 rotation schedule and we're merely continuing with that.
11 In terms of that region rotation, as you are maybe aware,
12 \$300,000 is dedicated to the survey effort. Approximately
13 \$208,000 goes to the regions to conduct the survey. The
14 remainder goes to Fish and Game.

15
16 The way I understand it, Fish and Game and
17 Fish and Wildlife Service work out various technical issues
18 in terms of data management. The specifics of the
19 agreement I'm not totally aware of. However, Fish and Game
20 receive a certain amount of funds. It costs significantly
21 more to crunch the data and conduct the data management and
22 Division of Subsistence does their job and they don't get
23 totally funded but they do it anyway. There are detailed
24 budgets for each area. In terms of that item, the
25 committee merely offered continuing what we're already
26 doing.

27
28 In terms of OMB approval -- well, OMB
29 approval was another item we talked about. September of
30 this year an OMB package was submitted to the Office of
31 Management and Budget, which -- I think Cynthia could
32 probably answer this better than I can. The OMB package
33 has been submitted. The Federal Register notice -- that
34 package is going to be published there. A comment period
35 will ensue and then we expect within the next couple months
36 there will be word or final approval of the survey forms
37 and protocols and such. We reviewed information regarding
38 the Kodiak harvest survey data, which was a reanalysis of
39 1999-2000 harvest survey information. It analyzed aspects
40 of the Kodiak harvest survey information, the substance of
41 which was data in a form that predated our current survey
42 protocols. So, with that analysis, we looked at and heard
43 information in terms of how it can compare and how it does
44 compare.

45
46 We had also talked about a time line that
47 wasn't necessarily talked about in the Council directives
48 that we thought was appropriate for meeting the directives
49 of the Council in terms of data release. Based upon the
50 best available information we had at the time whereby Fish

1 and Game could reasonably -- after all survey forms are in,
2 they require approximately four to five months to compile
3 the data. Based upon that we had determined that it's
4 reasonable to expect in a February to March time frame if
5 you will that harvest survey data could be published in
6 some form whether it's preliminary or final. Hopefully a
7 final version by February or March time line.

8
9 With that, those are items that we talked
10 about a few days ago on the 26th. I would like to submit
11 to the record the agenda for that day and I would invite
12 Cynthia to come up and share information she has on harvest
13 survey information to date.

14
15 CHAIRMAN ALCORN: Thank you. Cynthia,
16 would you like to come up.

17
18 MS. WENTWORTH: Mr. Chairman. First I can
19 go over the data that Austin referred to, past data and
20 preliminary data from 2004 and 2005. We just got the 2005
21 data on Tuesday, so I don't have it to actually pass out,
22 but I'll be glad to e-mail it to the various regional
23 management bodies for review. I think as Austin said the
24 committee decided that all these data will go to the
25 regional management bodies for review. Right now it's
26 considered preliminary. After they've reviewed it this
27 winter it can be adopted as final at the AMBCC meeting this
28 next April.

29
30 If the regional management body doesn't
31 meet, to deal with that situation we went back to the
32 minutes of the April '06 meeting and in the minutes it says
33 that the regional management body can review the
34 information but they can't just have forever to review it.
35 In other words, if they don't meet, the Council can go
36 ahead and adopt it as final and what the committee decided,
37 Taqulik I think made the motion or I'm not sure if it was a
38 formal motion, it was more like a consensus, that the
39 regional management bodies would have this winter to review
40 their data and if they didn't meet this winter then the
41 data from their region could go ahead and be adopted this
42 next spring at the spring meeting.

43
44 What I have that I can distribute here --
45 again, this does not include the 2005, but I have data that
46 is up through 2004. Before 2004 it didn't come under the
47 purview of the Harvest Survey Committee, so I guess you
48 could consider it final data although the regions did
49 review it at the time, AVCP and so forth, BBNA, and
50 Kawerak, the main regions where we have this data from

1 before 2004. But then in 2004 I call it preliminary
2 because that's when it started to become under the purview
3 of the whole statewide methodology.

4
5 I'm going to go ahead and pass out the data
6 from the Y-K Delta and Bristol Bay. I have six copies here
7 and I'll be glad to get more copies for people who want it.
8 I think some of the Committee members already have this.
9 The other data I have here is for Bering Strait and the
10 Interior, Kodiak and Copper River Basin, so Michael you
11 definitely need a copy and Wenona needs a copy. You need
12 one for sure, Herman.

13
14 I have one other table. I managed to leave
15 it in my briefcase, but it has just one year's data, the
16 '04 data from other Interior, which was quite significant.
17 Sorry about that. The other Interior was an area that had
18 never been surveyed before under our contracts that we used
19 to do back in the '90s and those guys took quite a few
20 birds. Again, this is just one year's data, preliminary
21 data.

22
23 When we go to OMB approval issue, I've
24 spent the last few months, the better part of my time, just
25 on OMB approval. The renewal process turned out to be
26 quite a bit more complicated than the original approval
27 because they've developed a long set of guidelines for
28 making sure that this survey is statistically sound.
29 They've also emphasized confidentiality more, which, of
30 course, has always been really important to me. We don't
31 disclose anybody's name on this survey. That's always been
32 a policy of the survey, but now it's in the Federal
33 requirements that this information be kept confidential.
34 The guidelines emphasize a lot of stuff about making sure
35 that this survey is done in a scientific manner. In other
36 words, this is not a survey where you just go survey your
37 friends and ask them how many birds they took. You'll be
38 shot right down by OMB.

39
40 The thing that took me the longest, I spent
41 a whole week on the Yukon-Delta Refuge this summer working
42 on it, and that's figuring out the response rates for this
43 survey. One of the parts of this survey, not just the
44 survey forms, it's also filling out permission slips. Some
45 people didn't understand how important it is. To get OMB
46 approval now and in the future you have to be able to
47 demonstrate at least a 60 percent response rate. All of
48 these forms are OMB accountable forms. In other words, OMB
49 could come up here to Alaska and audit. When people say no
50 to the survey, each one of those permission slips is paid

1 for with government money, and a no to the survey is just
2 as important as a yes because that's the information we
3 need to calculate our response rates.

4
5 Again, you have to be able to demonstrate
6 at least a 60 percent response rate overall and we have
7 been able to do that. In '03 it was just barely. It was
8 like 62 percent. For this second go round I had to
9 demonstrate overall response rates for 2002, 2004 and 2005.
10 2002 the overall response rate was 71 percent and '04 it
11 was 63 percent and in '05 it was back up again to 73
12 percent. That's overall. The people who really helped us
13 get there were the Koyukuk Nowitna National Wildlife Refuge
14 and the North Slope Borough. Those guys had really good
15 response rates.

16
17 I'm especially impressed with the survey
18 that Taqulik did. Not that other people didn't do a good
19 job, too. Austin's survey was also just fantastic, but
20 Taqulik obviously did a very good job at outreach. She did
21 have some no's but on her permission slips where people
22 said no she even wrote why. She said things like, you
23 know, they're not home. Sometimes she wrote on there
24 active hunter but refused to participate. This is what
25 everyone should be doing on these surveys. I mean we had
26 other areas that just didn't do this at all and I'm really
27 kind of worried. I'm hoping that OMB won't come down and
28 say, hey, how come these areas didn't turn in their
29 permission slips.

30
31 The whole response rate thing is a function
32 of public outreach and just how accepted the survey is.
33 I'm going to go ahead and pass these out too just for your
34 information so you can see how important it is to keep
35 doing the survey properly and do a good job of documenting
36 all your paperwork. Thanks.

37
38 The rest of this OMB submittal that I had
39 to do, I had to talk about response burden and I had to
40 interview several people involved with doing this survey to
41 ask them if the response burden was accurate and so forth.
42 What the response burden is, is how much burden do you put
43 on the public by asking them all these questions. One of
44 the things we've done all along on this survey that first
45 was talked about -- first was insisted on on the Y-K Delta
46 back in the early '80s was don't ask us too many questions.
47 That's what response burden is, asking too many questions.
48 People in the Y-K Delta said just ask us what birds we take
49 and how many. Don't ask us how many hunters are in our
50 household and how far do you go and all that stuff.

1 Anthropologists do that stuff and I think that's great, but
2 we have to remember that that adds to response burden and
3 that's one reason we designed our survey the way we did.
4 We tried to keep response burden to a minimum, ask as few
5 questions as possible but still get the information that
6 you need.

7
8 Three years ago I only had to turn in one
9 page that had to do with response burden. This year I had
10 to turn in five. People are welcome to look at any of
11 this. Then I had to write a supporting statement. You
12 know, a long thing about the justification for doing the
13 survey, try to show what you're doing to avoid duplication,
14 some stuff that didn't apply, like impact on small
15 business, why don't we do the survey by e-mail, why don't
16 we do it electronically. I had to write why we don't do it
17 that way. I had to list names and addresses of several
18 people, including Austin and Taqulik here, as well as some
19 of the RIT's and some of the former employees, so if OMB
20 wants to talk to them about response burden, they can call
21 them up on the phone and talk about it.

22
23 I had to explain the assurance of
24 confidentiality and what the basis of that assurance is and
25 statute and agency policy. I said respondents are always
26 assured that no names are written on survey forms and that
27 information from the survey is confidential at the
28 household level. This is one of the instructions to the
29 surveyors, whether they are Service employees or
30 contractors, no names are to be placed on survey forms.
31 Then I explained where that is in the statute and where it
32 is in agency policy.

33
34 Of course, I had to describe all the
35 communities in our subsistence eligible areas in Alaska and
36 how many households are in the subsistence eligible areas.
37 Then I had to describe our different survey forms and how
38 many households we expected would be filling those out and
39 so forth and who would receive what forms. We have our
40 main form from Western Coastal Alaska and then we have our
41 Southern Coastal Alaska form and then our Interior form.

42
43 Then I had to give a whole long thing on
44 the budget that's been used for the survey for the last
45 three years. Then I had to explain all the statistical
46 methods that we use, which, of course, was quite a detail.
47 I had to actually show for 2004 all the villages and
48 households that were attempted and how many put themselves
49 in the high hunting category, how many in the low hunting
50 category and how many in the none category. This is where

1 data management helped us out. They had that information.
2 I had to show all that by region and village and so forth.
3 And then talk about all the people that helped design the
4 survey.

5
6 With all that I had to submit a draft 30-
7 day notice, which will go into the Federal Register when
8 this goes to OMB and that gives the public one more chance
9 to comment on this whole thing. Our OMB approval expires on
10 October 31st of this year, but there is a statement in this
11 Federal Register notice that says that as long as we're in
12 the OMB process you can continue to do the survey with that
13 October 31st expiration date. I don't want anyone out
14 there to get freaked out, like oh my gosh we're still
15 collecting forms in November and December and it says
16 October 31st on it. Don't worry about that because it's in
17 process.

18
19 Once this goes to OMB, I'm not sure exactly
20 when but I'm sure very soon now because I've gotten
21 clearance through our information clearance officer in
22 Washington, OMB might have it for a while. Once OMB comes
23 out and says, okay, this is the date, then we've got to
24 figure three years from that and make sure that date gets
25 put onto our form with a sticker. I know putting the
26 stickers on are kind of a pain, but we're really
27 short-budgeted and can't afford to throw all those forms
28 away because the forms cost almost a dollar a piece to
29 print and produce, so we have to put stickers over that
30 October 31st sticker and I can't design the stickers until
31 I know when that expiration date is going to be.

32
33 CHAIRMAN ALCORN: Thanks, Cynthia. So the
34 bottom line, the utility of this OMB approval process, even
35 as bureaucratic as it is, it's something that we as a
36 management entity, the Council, have to get done in order
37 to continue on with these statewide harvest surveys.

38
39 MS. WENTWORTH: Exactly. You have to. If
40 we come out with a response rate lower than 60 percent,
41 they could say, sorry, folks, you can't do a survey.

42
43 CHAIRMAN ALCORN: All right. Any questions
44 of Austin or Cynthia. We'll start with Mike and then
45 Herman.

46
47 MR. SMITH: Thank you, Mr. Chair. A real
48 quick question. What area are you surveying next year?

49
50 MS. WENTWORTH: I know we're serving the Y-

1 K Delta because they take about 50 percent of the spring
2 birds every year. Bering Strait region is up again, North
3 Slope, Bristol Bay, the Aleutians, Copper Basin and Cook
4 Inlet. Interior was this year, so they'll be up again in
5 2008.

6

7 MR. SMITH: Mr. Chairman. One additional
8 question. You mentioned that you used the same
9 stratification methodology that the State of Alaska uses
10 for stratifying the households in the communities.

11

12 MS. WENTWORTH: I didn't say it was the
13 same as the State's. No. It was the stratification
14 methodology that the Harvest Survey Committee came up with
15 back between 2001 and 2003.

16

17 MR. SMITH: But it was adopted from the
18 State process. It's classifying hunters as big hunters,
19 medium hunters and no hunters, that stratification.

20

21 MS. WENTWORTH: The State does do that but
22 we didn't model ours after the State. We came up with the
23 way we thought it would work best after meetings with a lot
24 of different people. You could say we borrowed some from
25 the National Harvest Information Programs, some from that
26 State concept, but basically we thought up our own. What
27 it is is the high hunters, the low hunters and the non-
28 hunters. It was pretty much decided at a meeting we had in
29 Bethel back in 2001. The high hunters are hunters taking
30 10 birds or more and low hunters between 1 and 10 birds and
31 non-hunters is zero.

32

33 MR. SMITH: How do you adjust that every
34 year because those guys change every year.

35

36 MS. WENTWORTH: Right. You just try to do
37 it based on your best knowledge. What statisticians have
38 told me is if someone doesn't get stratified correctly,
39 it's not the end of the world because, you're right, they
40 may hunt differently one year than they do the next year.
41 In the Harvest Information Program nationally a hunter will
42 say they didn't hunt the year before and then the next year
43 they'll hunt a bunch of birds but they're still in the non-
44 category but there aren't very many of those. Most hunters
45 who didn't hunt the year before usually don't hunt the next
46 year either, so it's fairly accurate. If it's not, that's
47 okay. The system still works.

48

49 MR. SMITH: Do you think that
50 stratification process adequately identifies the community

1 need?

2

3 MS. WENTWORTH: Yeah, I think it's really
4 good because it meets the concern that I heard of for many
5 years from the Native employees I worked with that when we
6 just did a simple random survey as we did up through the
7 year 2000, sometimes in a smaller village especially we'd
8 completely miss the active hunters. I always think of
9 Oscarville next to Bethel where they had 20 household when
10 I first did this job in 1989. All five seasons we came up
11 with zeroes for Sheldon Point because we surveyed
12 25 percent of the households, which was five households.
13 Naive me out there, I kept thinking what's going on because
14 people would tell me about all this hunting was going on in
15 Sheldon Point -- not Sheldon Point, but Oscarville, and I
16 thought what's the deal here, are these people lying to me
17 or what. Well, they weren't lying at all. We just
18 happened to draw five households that didn't hunt. But
19 when you stratify this way that won't happen. You make
20 sure you catch the active hunters.

21

22 CHAIRMAN ALCORN: Thank you, Cynthia. Let
23 me move to Herman now.

24

25 MR. SMITH: I have a follow up, Doug.
26 Thank you very much.

27

28 CHAIRMAN ALCORN: You've asked three in a
29 row now, Mike.

30

31 MR. SMITH: Thank you very much. But the
32 concern I have about that is it doesn't expressly talk
33 about the community need. What you're in fact doing is
34 identifying hunters and individual hunters and their needs
35 and then, in fact, that doesn't necessarily equate to the
36 community need for birds.

37

38 MS. WENTWORTH: But it does. It does. It
39 much more correctly approximates the community need and use
40 of birds because you get the hunters that are hunting for
41 the whole community, the most active hunters who are often
42 sharing their birds with the rest of the community.

43

44 MR. SMITH: But you don't stratify that.
45 You don't say the most active hunter who collected 10 birds
46 gave away three of them.

47

48 MS. WENTWORTH: You don't need to because
49 you get an estimate that's for the whole community.

50

1 CHAIRMAN ALCORN: Let me suggest that you
2 two, if you have specific questions on how this is
3 implemented that you can discuss this in the hallway later,
4 but time is moving on. We've already had one member move
5 on to another meeting. Caleb sent me a note. So I'm going
6 to try to move the conversation on. I apologize to Mike.

7
8 MR. SMITH: It's only 3:00 o'clock, Mr.
9 Chairman. If the other guy had something to go to, that's
10 his problem.

11
12 CHAIRMAN ALCORN: I understand that.
13 Herman, you had your hand raised.

14
15 MR. SQUARTSOFF: Yes, Mr. Chair. I just
16 want to thank Austin for all his work he's been doing, his
17 surveys, and then this committee he's on. I know it's got
18 to be kind of stressful and it sounds like it's really time
19 consuming. I want to thank him for that. And then Taqulik
20 for showing us how it's done up there and maybe we could
21 follow her example and then the work that Cynthia is doing.
22 Thank you.

23
24 CHAIRMAN ALCORN: Did I see a hand over
25 here. Myron.

26
27 MR. NANENG: There are days when I'm a good
28 hunter and there are days when I'm a bum shot. With the
29 survey, I may shoot about 25 shots, which is a box of
30 shells, and I may not catch a bird, but there is a
31 concerted effort to try and get something. But there are
32 other days when I may use 25 shots and have 15. So the
33 survey is just a sample of all this. There are days when
34 I'm a good shot and there are days when I'm a bad shot. I
35 think this applies to everyone that's out hunting in the
36 village.

37
38 CHAIRMAN ALCORN: Thanks, Myron. Are there
39 any other questions of Cynthia and Austin before we move to
40 the next agenda.

41
42 (No comments)

43
44 CHAIRMAN ALCORN: Okay. Hearing none.
45 Thank you, Austin and thank you, Cynthia. Let's move to
46 the 11(B) Outreach Committee report from Taqulik.

47
48 MS. HEPA: Thank you, Mr. Chair. My report
49 is going to be short. Unfortunately the Outreach Committee
50 did not meet between our last meeting and now. I'm hoping

1 that we could get together before the spring meeting. In
2 regards to the North Slope Outreach Committee, we did form
3 a committee or a planning group to do outreach on the North
4 Slope and we have developed an action plan. Members of
5 this committee consist of people and residents from the
6 North Slope as well as staff from the U.S. Fish and
7 Wildlife Service. So that seems to be doing very well.
8 It's good to hear from local people that the outreach is
9 really making a difference when you hear people talk about
10 some of the posters and radio announcements that have come
11 out as a measure to show that the outreach really has been
12 effective in the short period of time that we've been doing
13 that.

14
15 One thing I want to emphasize is the
16 outreach with the youth. The U.S. Fish and Wildlife
17 Service has been doing a duck camp on the North Slope with
18 our school district with the middle school kids over the
19 last couple years and this year in particular I got to sit
20 down with some of the kids and they were going over some of
21 the pictures that Neesha sent to them and without them even
22 knowing it, just going through the different pictures they
23 basically told me everything they learned during that one
24 week of summer camp that they went to. I was really
25 impressed. For such a short period of time, middle school
26 kids being very hard to deal with, they really did learn a
27 lot, so I was very impressed.

28
29 We were also participating Eider Journey.
30 Again, that's with high school kids doing Eider work up on
31 the North Slope and going to Izembek Lagoon to work with
32 the scientists and kids from that area. So, with that,
33 that's my report.

34
35 CHAIRMAN ALCORN: Thanks, Taqulik. Does
36 anyone have a question of Taqulik and the Outreach
37 Committee.

38
39 (No comments)

40
41 CHAIRMAN ALCORN: Seeing no hands raised,
42 we'll move to the Item C, which we appended, which is the
43 Law Enforcement Committee report. Joeneal, I believe you
44 offered that.

45
46 MR. HICKS: Thank you, Mr. Chair. I
47 believe at the fall '05 meeting a proposal from AVCP was
48 deferred. This is the wording. To defer this proposal
49 with the establishment of an enforcement committee and the
50 committee's charge would be to determine the meaningful

1 participation by tribes in enforcement. The proposal was
2 to incorporate law enforcement provisions of the Goose
3 Management Plan. It said it was hoped that this committee
4 can look into ways in which regional enforcement policies
5 can be established involving tribes and so forth.

6
7 Anyhow, we met yesterday and particularly
8 we wanted to establish what or actual roles and
9 responsibilities were going to be about or what the
10 committee's function would be. So, with that, I'll pass
11 out a paper there and this is what we came up with.

12
13 First, the Committee shall carry out tasks
14 assigned to it by this Council. Second, we would review
15 proposals and make recommendations to the AMBCC. Third, we
16 would recommend a meaningful role for tribes and regional
17 management bodies in law enforcement. Four, we would work
18 with regional management bodies to improve communication
19 and coordination on law enforcement issues. Five, review
20 the proposed regulations submitted by AVCP on law
21 enforcement and make recommendations to the AMBCC on that
22 proposal.

23
24 There was much discussion in regards to
25 what the role of the Fish and Wildlife Service, other State
26 law enforcement officials are in regards when it comes down
27 to dealing with issues in the village. In other words,
28 there are a lot of law enforcement issues that the
29 committee felt could be dealt with locally rather than
30 having State or Federal law enforcement officials come in
31 there and pretty much impact the entire village system. In
32 other words, make mean faces or people feeling disgruntled.
33 In other words, why are you here when we could deal with it
34 locally. That's where number four is talked about. In
35 other words, how can we establish better communication
36 between us and the Federal and State officials dealing with
37 these particular issues.

38
39 With that, if any of the Committee members
40 would like to chime in. For your information the Committee
41 members are myself, Charles Boyer, Matt, Myron, Al Cane,
42 Michael Reardon, Ralph Andersen and Steve Oberholtser.
43 With that, that's pretty much my report. We'll meet again
44 somewhere between January and March of next year to
45 actually deal with these particular issues and hopefully
46 come back with more of a full report.

47
48 CHAIRMAN ALCORN: Thank you, Joeneal. The
49 way I interpret this written report is basically you
50 discuss the roles and responsibilities and the scope of the

1 issues that you felt like the Committee was charged to deal
2 with and that's what you settled earlier this week when you
3 met for the first time. So you didn't have time to take on
4 any of these issues.

5

6 MR. HICKS: No.

7

8 CHAIRMAN ALCORN: That's the report. Did
9 any Committee members want to add to that report. Myron.

10

11 MR. NANENG: Thank you, Mr. Chairman. The
12 reason we brought up the AVCP proposal is in the past we've
13 had situations where law enforcement have come into the
14 villages and enforced certain restrictions that have been
15 adopted by the Waterfowl Conservation Committee. Some of
16 the issues and concerns that were raised were confiscation
17 of birds by law enforcement agents. There's a dual
18 process, some on State lands, that Fish and Wildlife or
19 State Fish and Wildlife protection officers are trying to
20 enforce that do not comply with some of the issues that
21 have been talked about by the Waterfowl Conservation
22 Committee under the Goose Management Plan.

23

24 Yesterday Al Cane, for the first time that
25 I have been with the waterfowl issues, we have a law
26 enforcement representative now that's going to be sitting
27 on the Law Enforcement Committee from the State and over
28 the years we've never had that. Every time a State law
29 enforcement officer comes around trying to enforce some of
30 the issues regarding the Goose Management Plan and the way
31 we handle it, someone from our village ends up saying we're
32 not going to cooperate unless you follow the procedure that
33 has been adopted by the region and that's to include the
34 tribal council at the village, the regional organization in
35 both the State and Federal agency. And this is to build
36 more cooperation between the users and those people that
37 are working together for conservation purposes, not
38 necessarily for law enforcement. That's the approach that
39 their villages in the region have had -- the reason why we
40 put some of these issues forward is for conservation
41 purposes and if people are not complying with them, then
42 we'll deal with it as a whole community, not just the
43 agencies that are out there to enforce it. So that's the
44 concept that we're sharing here under the AVCP proposal.

45

46 CHAIRMAN ALCORN: Thank you, Myron. Any
47 other questions of the Committee or Joe.

48

49 (No comments)

50

1 CHAIRMAN ALCORN: All right. Seeing none.
2 That concludes our committee reports. I'm going to call
3 for a break. Let's take a 10 minute break. We'll come
4 back at 10 after promptly.

5
6 (Off record)

7
8 (On record)

9
10 CHAIRMAN ALCORN: I'd like for the Council
11 members to take their seats. We're beginning to press the
12 clock here. We are down to Item 12(A), other reports.
13 2008 conservation initiatives, report by Russ Oates from
14 the Service and Tom Rothe from Alaska Department of Fish
15 and Game. Russ, I believe, has a PowerPoint presentation
16 for us with some status and trends information. Is that
17 right, Russ?

18
19 MR. OATES: That's correct, Mr. Chairman.

20
21 CHAIRMAN ALCORN: Okay. We'll turn it over
22 to Russ and let him go through his presentation. We'll
23 then ask Tom Rothe to provide any additional information
24 and then we will entertain questions.

25
26 MR. OATES: Yes, Mr. Chairman. Mr. Rothe
27 and I have integrated our slides together, so we'll have
28 sort of a tag team operation here if that's all right with
29 the Council.

30
31 I'll go ahead and get started since I have
32 the first part of this. With regard to conservation
33 initiatives, I don't think we're talking about anything new
34 right now. We just have the continuing conservation
35 efforts that we're all familiar with. So the main thing
36 that I would like to do is just bring you up to date on the
37 most recent population information that we have available.

38
39
40 I'll start out with Spectacled Eider. On
41 the Yukon-Kuskokwim Delta we monitor these birds using the
42 nest plot survey and just looking at the results of the
43 nest plot survey after the first column shows the dates
44 that we've been doing that survey and the second column
45 shows the calculated number of nests from that survey.
46 Just to generalize here our interpretation of this
47 information, it just suggests to us that the population is
48 basically stable to slightly increasing and it's nice to
49 see in the last two years anyway we've exceeded 3,000 nests
50 based on that survey, so that's good news. Consistent with

1 that, of course, the number of eggs has increased as well.
2 That's our current impression of what's going on with the
3 Spectacled Eiders on the Yukon-Kuskokwim Delta area.

4
5 We also do a survey on the North Slope of
6 Alaska. The individual that conducts that survey was
7 heavily involved in avian influenza work this summer and,
8 as a result, he hasn't provided me with a summary report
9 from that survey yet. I really don't know what to tell you
10 about how 2006 looked relative to earlier years on the
11 North Slope.

12
13 The Steller's Eider is another species we
14 also monitor as a result of its status and I have only
15 anecdotal information from the North Slope. We don't
16 typically pick up many birds in our aerial surveys up
17 there. I do know, as Taqulik indicated earlier, it was a
18 good lemming year, which means the Steller's Eiders are
19 probably going to nest and I do know that a number of
20 broods were reported in the Barrow area this year.
21 Taqulik, if you'd like to add anything to that at this
22 point, that would be fine.

23
24 MS. HEPA: Previous years we did get
25 several reports of nesting near Barrow. I personally got
26 to see some, so that was very encouraging.

27
28 MR. OATES: My understanding is that the
29 Secretary of Interior got to see some Steller's Eider
30 broods as well.

31
32 MR. SMITH: What's the correlation between
33 lemmings and birds?

34
35 MR. OATES: It's kind of a theory I guess
36 you'd say that lemmings provide alternative food for some
37 of the predators that would eat the ducklings or their
38 eggs, although increased lemmings attracts predators. The
39 idea is there are so many lemmings that the predators are
40 busy on them and for some reason the Steller's Eiders seem
41 to recognize this and nest in those areas.

42 MS. HEPA: I also heard a scientist give a
43 talk about Steller's Eiders nesting close to Snowy Owls, so
44 when there's a big year of lemmings you'll see an increase
45 in Snowy Owl nestings across the North Slope. That's
46 typically where you would find Steller's Eiders nest,
47 within the vicinity of a Snowy Owl.

48
49 MR. SMITH: You mentioned an increase in
50 nestings of Spectacled Eiders of over 30 percent. That's a

1 pretty steep increase. I was curious, is that -- I guess
2 I'm trying to get an idea on how much of an increase is
3 needed before we stop worrying about them.

4
5 MR. OATES: The sample sizes are typically
6 not huge, so the variability is large, so it's hard to say
7 30 percent and feel really comfortable, but I can't quote
8 you the exact recovery criteria and the recovery plan for
9 this species on the Yukon Delta, but there are specific
10 target levels of numbers of birds based on this index.
11 Once we reach those levels we will exceed the recovery
12 criteria and then the species could be considered for de-
13 listing. I think there's a rate component to the criteria,
14 but ultimately there's certain total numbers of birds that
15 the recovery team would like to see before they would
16 suggest to the Service to consider a de-listing action on
17 them.

18
19 MR. SMITH: Can you get that information
20 from your nesting surveys or from your population surveys?

21
22 MR. OATES: Well, the nesting surveys are
23 an index of the total numbers of birds and I didn't
24 anticipate the question. It's been so many years ago we
25 developed these criteria I can't recall what the
26 corresponding number would be, so I apologize for that.

27
28 MR. SMITH: No, that's okay. Thank you.

29
30 MR. OATES: The primary metric that we use
31 for monitoring Steller's Eiders because of the consistency
32 of their appearance in this location as the survey that's
33 done in the spring along the Alaska Peninsula, primarily
34 the north side of the Alaska Peninsula, and we've been
35 flying surveys of this area, and this represents not just
36 the birds that nest on the North Slope but also the birds
37 that nest in the eastern part of the breeding range in
38 Russia as well. So the numbers of birds, at least
39 historically, were quite large that were using this
40 migration staging/wintering area. So we have monitored
41 historically in years that we had the money to do the
42 survey and the weather didn't preclude it, we have
43 monitored the Steller's Eiders there.

44
45 Until recently, in the last few years, the
46 population appeared to be in a slow decline. The last
47 three years it popped up a little bit. In 2006 we had a
48 string of series, I believe, of low pressure systems coming
49 through there during the time period which we needed to do
50 the survey and the weather was so bad that we weren't

1 actually able to get the survey done in 2006. This is the
2 same graph you saw last year because we weren't able to put
3 the 2006 data point in there.

4
5 UNIDENTIFIED SPEAKER: Can I ask a
6 question?

7
8 MR. OATES: Yes.

9
10 UNIDENTIFIED SPEAKER: Under vertical axis
11 2.0, is it 4.0 or 40,000? Are those decimal points?

12
13 MR. OATES: Yeah, that would be 40,000,
14 60,000, 80,000, 100,000. Okay. Emperor Geese, I didn't
15 know what the composition of the group was going to be. I
16 think everyone here is pretty familiar with the range of
17 the Emperor Geese. The vast majority breed, of course, on
18 the Yukon Delta. Some birds breeding and molting in
19 Chukotka and migrating through St. Lawrence. A few birds
20 historically on the north side of the Seward Peninsula
21 wintering in the Aleutians and migrating along the Seward
22 Peninsula.

23
24 Just a quick view of the population of Jack
25 Divits to maintain a minimum population of 150,000 Emperor
26 Geese based on the spring surveys. With the hunting being
27 closed when the population is below 60,000 based on the
28 current three year running average and hunting being
29 considered to be reopened when the population reached
30 80,000 geese. Here's the current year's work, the spring
31 survey, which they popped up pretty good this last spring.
32 I believe that number is at 76,000. The current three year
33 running average is right about 59,000, so we still have a
34 ways to go, but at least they appear to be hanging in
35 there. We've had these little ups before. We hope we can
36 continue on the upswing with these birds.

37
38 Cackling Canada Goose distribution, Yukon-
39 Kuskokwim Delta is the only known breeding area of these
40 birds. Migrate up and down the coast. Historically used
41 to spend the winter in California. Now over 90 percent of
42 them spend the winter in the Walamath Valley in
43 southwestern Washington. The management objective for
44 these birds is to achieve a population of 250,000 as
45 measured by the three-year index of indicated breeding pair
46 from the Yukon Delta.

47
48 There's a few other items in here, too,
49 which I don't know that we really need to go over, but we
50 were trying to maintain an annual increase of five to 10

1 percent towards the population objective and redistribute
2 the birds some out of the Walamath Valley because of the
3 depredation problems that most of this group is pretty
4 familiar with. Some of you have met with agricultural
5 interests in western Oregon, southwest Washington, and
6 really have a good understanding of their concerns.

7
8 As you can see, we were making really good
9 progress until the late 1990's, at which time the birds
10 began to take a downward turn again. We did an analysis on
11 this and felt that that downward turn was real. As a
12 result of our working with the folks down on the flyway,
13 they have cut back their bag limits on Cackling Canada
14 Geese. As a result, it looks like they may be starting to
15 increase again. At least we're hopeful that that trend is
16 indicated. As you can see, in 2006 the number was 169,000
17 and change, so we are beginning to make progress again with
18 the Cacklers.

19
20 At this point, Tom is going to talk a
21 little bit about Cackler harvest. Take it away, Tom.

22
23 MR. ANDREW: (Question away from
24 microphone)

25
26 MR. OATES: I'm sorry, our Pacific Flyway
27 representative isn't here because I really haven't heard
28 anything in quite some time. How about you, Tom?

29
30 MR. ROTHE: No, I haven't heard that any
31 money is forthcoming.

32
33 MR. OATES: I know there was a concerted
34 effort on the part of agricultural interests in that area
35 with their Federal delegations, but I haven't heard of any
36 positive outcome.

37
38 MR. ROTHE: Okay. I just want to kind of
39 reiterate some of the things you've seen before to put the
40 harvest of these birds down south in particular in context.
41 As Russ mentioned, the red dots are the band recoveries for
42 Cackling Geese, so that's where they spend the winter for
43 the most part in western Oregon and southwest Washington.

44
45 Again, just to refresh everybody, we had a
46 closed season until 1994 and then everybody resumed
47 harvest. So the population was doing pretty well for a
48 couple years and then our concerns recently have been
49 because the population has sort of been flat. This year I
50 think we gained maybe seven percent on the breeding ground

1 index, which isn't much but it's something.

2

3

4 So if we look at what we tried to do with
5 harvest is follow the Pacific Flyway Management Plan and
6 this is linked to the Y-K Goose Plan. We got our
7 population goal and we tried to reduce harvest by about 50
8 percent, so we did that in Alaska by reducing our bag limit
9 in Unit 9(E) on the Alaska Peninsula, the Pilot
10 Point/Cinder River area where the birds stage in fall, and
11 Unit 18. Washington reduced their bag limit from four down
12 to two inside that special goose hunting zone and Oregon
13 did the same thing. California doesn't get any Cacklers
14 anyway anymore, so they didn't implement any changes to
15 hunting regs.

15

16

17 So this shows you kind of the history of
18 bag limits. We started out at two when we began again in
19 '94, went up to four per day so they could help address
20 their crop damage problems. Obviously, because of the
21 population graph, we learned that four was probably too
22 much, so we're back down to two birds per day inside that
23 special zone.

23

24

25 So if we kind of look at generally the two
26 components of harvest, subsistence harvest, we're missing a
27 couple years but Y-K Delta harvest is around 14,000. If we
28 look at Washington and Oregon, they had an unusually high
29 harvest in 2004, so last season with the bag limit
30 restrictions it came down about 27 percent, but harvest
31 jumps around. Like Myron says, some years you have -- some
32 days you have good days, some days you have bad days.
33 Well, the same thing with the years. The weather and
34 movements of birds affects the harvest. We're hoping that
35 reduction was a result of the regulation change and we'll
36 just have to hang in there. The 2006 season has the same
37 reduced limits and we'll see what they do this fall.
38 Hopefully those reductions in harvest there will help the
39 breeding population increase.

39

40

Russ is going to pick up with Brant now.

41

42

43 MR. OATES: I just want to talk about Brant
44 next. I think we talked about this a little bit before.
45 As a result of actions taken by the Flyway Council, based
46 on recent science, the Pacific Brant has been divided into
47 two populations, the Black Brant, the predominant group,
48 and the Western High Arctic. Just to let you know, that
49 was done and the Western High Arctic breed primarily on
50 Melville and Prince Patrick Islands in the Western High
Arctic of Canada. Most of them pass along the coast of

1 Alaska, migrate through Izembek, but then most of them
2 spend the winter in the Puget Sound area of Washington and
3 British Columbia. The major birds, the ones that nest on
4 the Yukon-Kuskokwim Delta and on the North Slope and Seward
5 Peninsula and Russia are what we call Black Brant.

6
7 I'm just going to briefly allude to this
8 because Tom has a little more in-depth explanation or
9 discussion that he would like to contribute today. The
10 population objective is 150,000 Black Brant based on a
11 running three-year average of the combined Pacific Flyway
12 winter survey. That is done from Mexico all the way up to
13 Alaska along the coast there, even though probably
14 85 percent of the birds actually go to Mexico for the
15 winter. An objective for Western High Arctic is 12,000.
16 It's a small group of birds.

17
18 We recently, as you know, went from what's
19 called a very restrictive harvest regime, which we went
20 into last year after the population went down, to a
21 restrictive harvest regime in the flyway. Based on that,
22 if you look on the chart there where it says winter count
23 three year, when the population drops below 110,000 on the
24 three-year running average, you have to go to the very
25 restrictive regime. You can return to the restrictive when
26 the population goes above 110,000 on the three-year
27 average. The last two lines show the running three-year
28 averages 2003-2005 was down to 104,834, but we had a good
29 reproductive year in 2005 on the breeding season and the
30 birds survived well to go to the wintering areas and the
31 count went up to 133,000, I believe it was, of Black Brant
32 and it brought the three-year average up to 115,500, which
33 is why the flyway requested to go back to the restrictive.
34 Here you can see that reflected. Despite this we're still
35 below our flyway objective for Black Brant of 150,000, but
36 it was encouraging that the birds seemed to rebound so well
37 during 2005.

38
39 We had a pretty good year on the colonies
40 again this year. The color is not very good on this, but
41 there's an orange line in there and a red line and the red
42 line we want to look at here is the red line that's the
43 highest. It starts out at the top and goes way down. I
44 can't really point here, but it comes back up. Here's the
45 Kokechik Bay colony here. As you can see, starting about
46 2000 the colony started doing worse and worse and it went
47 way down to somewhere in the vicinity of 500 birds. We
48 believe it was due in no small part to the conservation
49 measures that were enacted by this Council that the colony
50 has since rebounded very significantly up to nearly 5,000

1 nests this last year.

2

3 The second row down below the dates there,
4 the white row there, you can see in 2003 it was down to 655
5 and then 2004 1,996, 2005 3,985 and 2006 4,768. We feel
6 that was a real success story there.

7

8 MR. NANENG: I just want to make the
9 correction that it was not this Council that took the
10 action. It was the village of Hooper Bay working with Fish
11 and Wildlife Service that took that action to reduce all-
12 terrain vehicle impacts on the nesting ground and that's
13 what made the difference.

14

15 MR. OATES: Okay. I'll accept that
16 correction, Myron. If you look at the bottom line it gives
17 you the total nests from 1992 to present and we're still
18 below what you might say is a recent term average, but it
19 does appear that we are making progress with the Brant.

20

21 There was a question yesterday in the
22 workshop about Mexico. I think Stanley Mack was asking that
23 question. Anyway, I stuck in this slide that shows the
24 areas that the Brant winter in Mexico and where we fly our
25 aerial surveys down there. The principal areas where
26 probably 80 percent of the birds that winter in Mexico go
27 to are San Catine (ph), Scammon Lagoon and San Ignacio.
28 These are the primary areas and these areas all have very
29 rich eogress beds in the marine environment there. That's
30 where most of them go. There's maybe 5,000 or so in
31 Magdalena and then 5,000 or so in Tiburon. There's a few
32 other areas down here that are pretty good, too. These are
33 just in the low thousands typically, but there's 20 to
34 30,000 from here up to here typically.

35

36 In years of El Nino, this San Catine, which
37 is a tiny little lagoon really, can have up to half of the
38 Brant in there. The eogress up there appears to weather
39 the ill effects of El Nino better than some of the other
40 areas. Anyway, I just thought since someone asked that
41 question about Mexico we'd put that in there for you.

42

43 I guess Tom at this point can talk more
44 about harvest. Go ahead, Myron.

45

46 MR. NANENG: One question. We had real
47 high water during the fall of 2004 and 2005. The floods
48 were higher than usual, up to six feet higher during the
49 fall storms last year and year before. There's a lot of
50 deposit of material or land onto those areas where the

1 birds nest and maybe that also contributed to the food
2 source to where those Black Brants primarily nest. So
3 there were two big storm consecutively that really impacted
4 not only the nesting areas but other areas of the coast
5 area of the Y-K Delta.

6

7 MR. OATES: I'm really not an expert on the
8 effects of those sorts of things, Myron.

9

10 MR. ROTHE: I'm going to just kind of
11 review with everybody the Brant harvest situation, but as
12 long as we're talking about breeding season, I wanted to
13 make a couple remarks. First of all, as Russ said, it's
14 really good news that the Kokechik Bay colony and the
15 Tutako colony are increasing. We had really good
16 production in 2005 and it looks like 2006 produced quite a
17 few birds, too. If everything goes right, those young
18 birds will start breeding in about two years, so those
19 colonies will hopefully continue to build.

20

21 One of the projects I think we briefed you
22 on before was the possibility of taking out arctic foxes
23 around the Brant nesting colonies, so we did pursue a
24 project this year. The USGS Alaska Science Center had some
25 money to do some experimental fox work, to look at possibly
26 helping out Spectacled Eiders and they combined efforts
27 with what we wanted to do with Brant. First of all, they
28 did aerial surveys to look for fox tracks as a way to index
29 the abundance of foxes because we felt like what we wanted
30 to do was remove foxes when there were a lot of foxes and
31 if there aren't that many then maybe wouldn't bother with
32 it.

33

34 So they tried some flying and photography.
35 It didn't work out very well because on hard-packed snow
36 the fox tracks don't show up well, but they're going to
37 keep trying to figure out a good way to get an idea of how
38 numerous foxes are in a given spring before the birds
39 arrive.

40

41 As Myron said, in the fall of 2005, there
42 was a really big flood tide. What that did was it seemed
43 to wipe out all the little mice on the tundra that's good
44 for fox food. I guess there was high water again this
45 fall. When the fox folks went out there to look, they
46 trapped mice and found very few, so that part of the
47 project they're going to continue trapping because of the
48 importance when there's lots of mice they probably prey on
49 birds less. So that's over the long term going to be an
50 important part of the study.

1 So they actually got down to business and
2 put out traps in the spring before the Brant arrived and
3 the Tutako colony was the biggest experiment. They removed
4 19 foxes. There was an ongoing effort to benefit Brant and
5 Eiders on Kigigak Island, so they removed seven foxes by
6 trapping on that island. What they found is that this year
7 none of the females were reproductive and that may mean
8 that in years where there's low numbers of mice on the
9 tundra and in the wet coastal areas maybe that's a place
10 where you don't have many breeding foxes. The bottom line
11 was there weren't that many foxes this year. They did trap
12 19. Jim Seddinger with University of Nevada, his job was
13 to monitor how productive the colony was and roughly he
14 estimates about 70 percent of the nests succeeded, so the
15 Tutako colony had another pretty good year.

16
17 So we just wanted to give you a report that
18 we're going to continue looking at the options of taking
19 foxes out because we want to keep Brant on a roll. We've
20 got a good number now and if we can keep building, maybe
21 for the first time in 20 years we can actually move toward
22 that population goal. So we've got some funding and we've
23 got some interest by the Service and USGS and everybody to
24 keep working on this.

25
26 I'll kind of switch gears here and take a
27 quick look at Brant harvest. Again, over the long term,
28 this is generally how the pie gets divided up among all the
29 users. As you know, Alaska subsistence is the largest
30 portion of the total harvest during the year. Again, in
31 deference to Stanley, Mexico has historically taken 18
32 percent of the total annual take of Brant. The fall and
33 winter harvests in the other states are fairly small.

34
35 Subsistence patterns, again, this is all
36 sort of preliminary information, but Brant harvest has been
37 variable and fairly steady since the mid '90s. If we look
38 at just the fall and winter harvest south of us, including
39 the fall season here, you can see that Mexico is the
40 biggest portion of that total of about 5,000 birds that are
41 taken by hunters down south. California and Washington are
42 probably the other biggest harvesters. This illustrates
43 that Mexico has been taking around 2,000 Brant per year and
44 we think their harvest is likely to decline some depending
45 on how this new management system works.

46
47 Russ mentioned the population objectives
48 and the harvest strategy levels that we're trying to follow
49 and there's this problem that our harvest strategy right
50 now has us flipping into very restrictive regulations when

1 we go below 110,000 average and that happened last year,
2 but now our average has popped up. We want to work on this
3 winter hopefully some way to do business by July is to
4 avoid bouncing up and down or in and out of that very
5 restrictive zone.

6

7 If we're lucky and the Brant produced well
8 this year and we're continuing an increase then it's not a
9 big deal, but if they take another dip and we have to
10 switch regulations again, it's going to confuse hunters and
11 make things really complicated for us. So the Service
12 Regulations Committee actually asked the Pacific Flyway
13 folks and all of us to take a look at this system and see
14 if there's a way that we can smooth out these regulation
15 changes.

16

17 So we have a flyway work session in early
18 December. We're going to bat some ideas around. We're
19 going to have to tie into the Waterfowl Conservation
20 Committee meeting at some point and see what their ideas
21 are. It may be something like once you go below that line
22 you stick with those regulations for a couple years and
23 hopefully that just builds up more birds so that you get
24 out of the hole. But I don't think anybody has any real
25 specific ideas right now.

26

27 MR. ANDREW: (Question away from
28 microphone)

29

30 MR. ROTHE: The dotted line is the annual
31 index, the annual counts Russell was talking about in
32 January. But what we really manage by is the three-year
33 average, so that's the dark line. So hopefully we'll stay
34 up there, but we do need to figure out a system so that in
35 the future if we get in this position again we won't have
36 to change regulations every year.

37

38 MR. OATES: Mr. Chairman. If I might just
39 add one thing to kind of end on a good note here.
40 Sometimes we don't talk enough about our successes, but I
41 just wanted to point out that the Pacific White-fronted
42 Goose has responded incredibly well to the management
43 efforts throughout the flyway and this year the index
44 exceeded 509,000 White-fronts and I just hope that folks
45 have enough access and opportunity to take advantage of
46 these birds because they're a big, wonderful bird and
47 there's plenty of them now. I hope folks in the western
48 part of the state have been able to take advantage of that.

49

50 MR. ROTHE: Mr. Chairman. Well, I don't

1 know if it's good news or not, but every time we succeed at
2 conservation we end up with too many geese as far as the
3 farmers are concerned and I just wanted to say we're
4 looking at that with White-fronted Geese. We now have the
5 same situation for Aleutian Geese. We have over 100,000
6 Aleutian Geese that are now eating lots of pasture land in
7 northwest California and coastal Oregon. The harvest on
8 Aleutian Geese is now being increased in California and
9 Oregon in particular.

10

11 MR. SMITH: Are you seeing any notable
12 changes in migration patterns? The reason I ask that, just
13 because of all the global warming and stuff. For example,
14 we're seeing salmon up in Barrow now and have never seen
15 salmon before.

16

17 MR. ROTHE: I'm not aware of any major
18 shifts that we could attribute to habitat or weather
19 patterns. There's some timing things, but it's hard to
20 tell whether that's just an annual thing or a trend.

21

22 CHAIRMAN ALCORN: Thank you. Are there any
23 questions of Tom or Russ. Tim. Would you come to the
24 microphone.

25

26 MR. ANDREW: Thank you, Mr. Chair. For the
27 record, Timothy Andrew with AVCP. The question I have for
28 both Tom and Russ is on the Pacific White-front Goose. I
29 mean the numbers are really impressive and I'd like to
30 thank everybody for whatever input they had to contribute
31 to the success of the White-front population being up
32 there. I was just wondering what are the factors that
33 drove the population to be where it is today.

34

35 MR. ROTHE: Tim, I can take a crack at a
36 couple ideas. Since 1984 we've had some hunting
37 restrictions and everybody has been very careful about
38 slowly increasing harvest as the population came up. But I
39 think one of the factors that plays into it are that White-
40 fronted Geese are spread all over the Y-K Delta and further
41 inland, so I think the harvest pressure that you see on the
42 coast doesn't necessarily apply to White-fronted Geese
43 there. Other than that, I don't know. Good production
44 continues.

45

46 MR. OATES: Mr. Chairman. I was just going
47 to say, yeah, I think even though the harvest pressure may
48 be spread out throughout the flyway, there was sufficient
49 pressure in the '70s and '80s to drive the population to
50 the 97,000 level and I attribute the recovery directly to

1 the conservation efforts on the part of the hunters on both
2 ends of the flyway. I think it's pretty clear to me
3 anyway. That's my opinion.

4
5 CHAIRMAN ALCORN: All right. Thanks. Any
6 more questions for the two agency representatives.

7
8 UNIDENTIFIED SPEAKER: It wasn't all that
9 good food they were eating down there in that valley?

10
11 CHAIRMAN ALCORN: Go ahead, Russ, do you
12 have an answer to that?

13
14 MR. OATES: They eat mostly rice down there
15 and I think -- I don't know that that's changed a whole
16 lot. If anything, there's less rice land now than there
17 was.

18
19 CHAIRMAN ALCORN: Okay. We are down to one
20 of the other appended items. It's 12(B), terminology.
21 This is an item that Myron asked to put on the agenda. Go
22 ahead, Myron.

23
24 MR. NANENG: Thank you, Mr. Chairman. Even
25 with the protocol amendment there was never a change in
26 status of Alaska Natives as being subsistence hunters. Any
27 document that's being produced by Fish and Wildlife Service
28 or the State or any regulatory agency should continue to
29 recognize Alaska Native people as subsistence hunters even
30 during the fall time.

31
32 As I stated this morning, we're always
33 getting ready for the next season and a majority of the
34 migratory bird hunt done by our people is during the fall
35 time to prepare for the winter. I don't think that we ever
36 considered ourselves to be sports hunters. I think the
37 agencies should recognize that and not start picking out
38 terminology because they say there's a date that's closing
39 the summer hunt.

40
41 The purpose of the Migratory Bird Treaty
42 Protocol Amendment was to lift the restriction of the
43 Native subsistence hunter from not being able to hunt to
44 being able to hunt during spring and summer. Yes, we all
45 know prior to that it was all policy. The Goose Management
46 Plan was one that was adopted to recognize the use of the
47 migratory birds during the spring time when they arrive.
48 Throughout the summer many of the people did gather some of
49 the birds for when they where molting and before flight as
50 part of their food source. Eventually, we would hope it

1 would happen again.

2

3 One of the other comments that I'd like to
4 make is the Migratory Bird Treaty Protocol Amendment was
5 also to recognize the least restrictive languages of the
6 treaties and it always seems that in dealing with the U.S.
7 government they're always looking for ways to further
8 restrict whatever gains that the Native community has had.
9 I think if we're going to be co-managing, let's not try and
10 continually place restrictive language. I know that some
11 people will say, well, it's the interpretation by the
12 solicitor. It's interpreted by people in Washington, D.C.,
13 but it's not interpreted by those people who live off these
14 resources for their very survival.

15

16 I'd make a motion right now that the fall
17 hunt not be considered a fall sports hunt. I put that out
18 on the table right now.

19

20 MR. HICKS: Second.

21

22 CHAIRMAN ALCORN: We have a motion and a
23 second to not consider the fall hunt a sport hunt or refer
24 to it as a fall sports hunt. I will entertain any
25 discussion now. Taqulik.

26

27 MS. HEPA: I think Myron is bringing up a
28 very good point. I'm not familiar with after the closing of
29 the subsistence regulations because we had a law
30 enforcement officer on the North Slope after August 31 and
31 he did bring it to my attention that he was hoping that
32 people were aware that the subsistence regulations are
33 closed and that they're sport hunting. He did bring that
34 to my attention and it did disturb me. I don't know what
35 his intentions were or where he was headed with that.

36

37 MR. NANENG: If I could further explain.
38 One of the things we've agreed to under the Goose
39 Management Plan is the conservation concerns do not end on
40 August 31st. The conservation concerns are year round for
41 the migratory birds that are considered to be low in
42 numbers. So it's an annual thing. It's not restrictive
43 between April 2nd to August 31st. Those conservation
44 measures are continuing throughout the fall and winter.
45 Throughout the years that we've been dealing with these
46 waterfowl issues and migratory bird issues with the other
47 states we've had a good working relationship with them and
48 they too, the other states, have recognized that this is a
49 fall subsistence hunt. At times I feel that those that
50 live out of state are a little more understanding than

1 those that we have to work with here. I'm sorry, but at
2 times that's how I feel.

3
4 We're all in this together and if we start
5 calling these people in the villages fall sports hunters,
6 any conservation concerns that we may bring up is going to
7 cause them to help deplete the resource that we are trying
8 to protect. With that, that's just a further explanation
9 and it's worked within the Y-K Delta for many years and I
10 don't want to see the end of that because we have a lot of
11 young people that are going out hunting right now so that
12 they can have food in their freezers during the winter
13 time.

14
15 CHAIRMAN ALCORN: Thank you, Myron. I saw
16 a hand from Matt, Herman and then I'll ask Cynthia to come
17 to the table.

18
19 MR. ROBUS: Thank you, Mr. Chair. I'm not
20 sure how I'm going to vote on this right now because I'm a
21 little confused about exactly what the motion means, but I
22 do want to state for the record that both in my discussions
23 about the fall season and the way the State of Alaska
24 addresses the fall season we have always fully recognized
25 that subsistence hunters hunt during that fall season.
26 Personally, I try not to use the word sport regulations or
27 sport hunt for the fall because being an Alaska game
28 manager I recognize that there are several different types
29 of hunts going on during the fall hunt that is controlled
30 by the regulations that go into effect September 1st in
31 Alaska. So I don't think I can vote for something if it
32 means that we're declaring that no hunting during the fall
33 season is sport hunting because sport hunting certainly
34 does occur from September 1st in Alaska, but not all
35 hunting that occurs during that season is sport hunting.
36 There's a heck of a lot of subsistence hunting and I
37 recognize that. I may abstain because I'm not sure that
38 the motion clarifies anything in my way of thinking. Thank
39 you.

40
41 CHAIRMAN ALCORN: Thank you, Matt. Herman
42 and then Cynthia.

43
44 MR. SQUARTSOFF: Yeah, Mr. Chair. Myron
45 brings up a real good point. Us down there in our area we
46 also do subsistence hunting. We consider all our hunting
47 subsistence hunting, but I do buy the license for the
48 season that comes up that they call a sports season. When
49 we're up here in our meetings here, this is migratory bird
50 subsistence, maybe I could kind of suggest that whenever we

1 have these meetings anything that pertains to all this, the
2 word sports shouldn't be brought in period because we're
3 dealing with subsistence. That might help clarify some of
4 this where we wouldn't have to worry about it. Like Myron
5 says and Matt says, he recognizes it as subsistence hunting
6 and there is sports hunting going on at the same time for
7 other people. Not everybody is a Native in the state of
8 Alaska, so there's two different things going on. Like
9 Myron says, we are subsistence hunters and always will be.
10 We teach it to our kids and everything else and this is the
11 way we should keep it. I'm not positive on what you mean
12 by your motion, so I'm kind of confused on it, too.

13

14 CHAIRMAN ALCORN: All right. Cynthia, come
15 to the microphone and identify yourself.

16

17 MR. NANENG: Mr. Chairman, can I respond to
18 his question why I made that motion?

19

20 CHAIRMAN ALCORN: Could I ask you to hold
21 it since I've already asked Cynthia to come to the table
22 and then you can, Myron.

23

24 MS. WENTWORTH: Mr. Chairman. I'm Cynthia
25 Wentworth, the subsistence migratory bird harvest survey
26 coordinator. The Fish and Wildlife Service and the Alaska
27 Migratory Bird Co-management Council do all recognize a
28 fall subsistence season. It's been that way for many
29 years. Our fall subsistence survey form looks like this.
30 Subsistence household survey. This is for western coastal
31 Alaska. The same thing for southern coastal Alaska, fall
32 subsistence survey. The same thing for Interior Alaska.

33

34 Our surveys have shown that up until 2000
35 of the 236,000 birds taken, 165,000 were taken in spring
36 and 71,000 taken in fall. OMB, as I talked about, approves
37 our survey and they have approved the fall subsistence
38 harvest survey form back in 2003 and I presume they'll
39 approve it again now. It is an official form, fall
40 subsistence. Thank you, Mr. Chair.

41

42 CHAIRMAN ALCORN: Thank you, Cynthia.
43 Myron, would you like to elaborate.

44

45 MR. NANENG: Yes, I'd like to respond to
46 Herman's question of why I raised that question. Yesterday
47 we heard from the avian flu coordinator's report that
48 they're gathering samples from fall sports hunters out in
49 the Y-K Delta and that report is going to be an official
50 document to someone. It's going to be called the Fall

1 Sports Hunt Avian Flu Study and that's an official Federal
2 document and I don't want that seen as being something
3 that's going to be used by the agencies to start confusing
4 our people saying that you're a fall sports hunter when, in
5 essence, they're gathering the information from the fall
6 subsistence hunter.

7

8 CHAIRMAN ALCORN: Thank you, Myron. Fred.

9

10 MR. ARMSTRONG: I think when you jumped on
11 her yesterday she said she apologized and said she was
12 going to change it.

13

14 MR. NANENG: I understand that she's going
15 to change it, but at the same time I want to make it
16 official by this co-management council that such documents
17 will recognize that the fall hunt is also a subsistence
18 hunt, not a fall sports hunt.

19

20 CHAIRMAN ALCORN: I'd like to make a
21 comment along this line. Deb did admit that she was
22 unaware of the sensitivities, I think, and said she'd make
23 the change in that and I do understand the sensitivities
24 that you have, Myron. My comment is along the lines of
25 where our purviews lie for the co-management council. The
26 way I understand the protocol amendment, it allows our
27 purview to establish regulations in what was formally the
28 closed season. As Fred mentioned earlier, I believe the
29 closed season was March 11 through August 31. So the
30 purview that we have for actually setting regulations is
31 that period of time and it doesn't necessarily cover the
32 fall season. Understanding the sensitivities that you've
33 expressed, there's a distinction that this council makes in
34 establishing regulations for a season and that's the spring
35 and summer season.

36

37 Frankly, I don't really know -- I mean I'm
38 fully supportive of the notion of acknowledging that
39 subsistence hunting does occur in the fall because, as
40 Cynthia pointed out, we have approved forms that make that
41 acknowledgment. We also, as Matt pointed out, have
42 acknowledgment that sport hunting does occur also. So I
43 don't know that I could support a motion that would refer
44 to all fall hunting as subsistence hunting because
45 certainly it's not. At this point, if your intention is to
46 refer to all fall hunting as subsistence hunting, then I
47 would oppose it. If your intention is to ask the Fish and
48 Wildlife Service to be more sensitive to the use of that
49 phrase, I'm certainly willing to support that motion. I
50 see a hand from Russ and a hand from Herman.

1 MR. OATES: Yes, Mr. Chairman. Just a
2 couple thoughts. I think Deb actually got trapped on this
3 thing by the way this whole avian influenza thing was set
4 up and funded. I was involved last August, a year ago,
5 when we were trying to write some language to persuade
6 Congress to provide money to fund avian influenza detection
7 effort. At that point in time there were several major
8 thrusts in vision one in which live birds were captured and
9 sampled. Another in which any birds that died off were
10 sampled. Another in which subsistence hunters were
11 surveyed and their birds sampled. Another in which fall
12 sport hunters were sampled. When I say fall sport hunters,
13 what was envisioned at that time, and this is just the
14 nucleus of an idea, is that hunters hunting as sport
15 hunters out of places like Fairbanks and Anchorage. At
16 that time we were not envisioning that the subsistence
17 hunters that were hunting during the fall period that
18 sampling of their birds would be funded under the sport
19 hunting pot of money. That was part of the subsistence
20 hunting part of the money.

21
22 But I think somewhere after this thing got
23 launched off to Congress, went to Washington, got turned
24 around and then all the hubbub of trying to put this
25 together, that basically anything that was sampled after
26 September 1st ended up in that one pot, that one category.
27 I think Deb was just totally naive to the sensitivities. I
28 don't think she hunts and I don't know how familiar she is
29 really to the whole subsistence issue. I think it was an
30 innocent mistake on her part.

31
32 Maybe it's as simple as saying -- this
33 concern that several have expressed about calling all
34 hunting that occurs in the fall subsistence hunting, maybe
35 you could just say all hunting in the fall by traditional
36 subsistence hunters will be referred to as subsistence
37 hunting and that would provide the separation that you're
38 looking for.

39
40 CHAIRMAN ALCORN: Thank you, Russ. Herman,
41 you had your hand raised.

42
43 MR. SQUARTSOFF: Yeah, Mr. Chair. Russ's
44 last notes there was what I was going to bring up. Myron,
45 if we can amend it to say all Native hunters out there, all
46 hunters are subsistence hunters, you know, and I think that
47 might be a lot better that way.

48
49 CHAIRMAN ALCORN: Molly and then Joeneal.
50

1 MS. CHYTHLOOK: I have a question for Russ.
2 He mentioned anybody from Fairbanks and Anchorage that go
3 hunt probably in the Yukon Delta area are considered sport
4 hunters. What if somebody originally from that location
5 goes -- that is now living in Fairbanks goes to that
6 location to hunt, now are they considered sports hunters?
7 How do you define between subsistence and sports except
8 that they live in urban locations?

9
10 MR. OATES: I was referring specifically to
11 people that considered themselves sport hunters. What was
12 in the early thoughts on sampling the sport hunters, it was
13 to be things like having the check stations at places where
14 sport hunters typically hunt, like over on the Susitna
15 Flats near Fairbanks, and maybe hunters that are returning
16 to Fairbanks from Minto Flats that are sport hunters, who
17 declare themselves to be sport hunters. It wasn't an
18 attempt to redefine subsistence hunters as sport hunters.

19
20 CHAIRMAN ALCORN: Thanks, Russ. You want a
21 follow-up, Molly.

22
23 MS. CHYTHLOOK: Yes. With Deb's report
24 yesterday she mentioned -- I don't know where she was
25 getting the information from. I assume from the Yukon
26 Delta location, but she was referring to the information
27 she collected as sports, collecting them from sports
28 hunters.

29
30 CHAIRMAN ALCORN: Russ.

31
32 MR. OATES: I tried to allude in my earlier
33 comments I think Deb -- this is sort of a new arena for
34 her. I really don't think she understands the issue as
35 well as those of us that have worked with it for a long
36 time. I just think she didn't adequately understand what
37 she was saying there, frankly. I don't think there was any
38 intent to in any way diminish the importance of subsistence
39 hunting or in any way demean subsistence hunters. I think
40 it was utterly innocent.

41
42 CHAIRMAN ALCORN: Joeneal, then Mike, then
43 Myron.

44
45 MR. HICKS: I just want to say I understand
46 the dilemma that's created here. I've always considered
47 myself a subsistence hunter all my life. I've never
48 considered myself a sport hunter, whether it's big game,
49 small game, hunting ducks, whatever. It's always for
50 subsistence for me. Period. That's the bottom line.

1 Migratory birds, it's just another arena, let's say,
2 because we're confronted with that same particular question
3 when it comes to big game, such as moose and caribou. We
4 have a meeting that's coming up here on Friday, Saturday,
5 Sunday, Monday possibly, regarding just that, what
6 constitutes subsistence, what constitutes sport. I can
7 understand that and I can pretty much see the difference
8 between what's urban, what's rural, what's Bush, whatever
9 like that. There needs to be a fine line drawn somewhere
10 here that this is subsistence and this is not. Just a
11 comment.

12

13 CHAIRMAN ALCORN: Thank you, Joeneal.
14 Mike, you had your hand raised and then Myron.

15

16 MR. SMITH: Thank you, Mr. Chairman. I
17 don't think Myron was specifically picking on Deb. I think
18 that was just an example that came up in front of us at
19 this meeting. Secondly, I don't think Myron's intent is to
20 have all the fall hunting classified as subsistence
21 hunting. I think his intent was simply when the
22 Departments refer to the harvest of aboriginal people in
23 the fall time that they don't consider it sports hunting.
24 Myron can correct me if I'm wrong on any of that, but I
25 think that's kind of where we're at right now. We've got
26 assurances from the Department, from Doug and everybody
27 that -- of certainly the increased sensitivity we have to
28 such a classification. Having said all that, I'd like to
29 go ahead and call the question on the matter then.

30

31 MR. ROBUS: Can you restate the motion.

32

33 CHAIRMAN ALCORN: Myron had his hand
34 raised. I'd like for him to comment on the conversation
35 that he's heard so far and then restate the motion as Matt
36 requested, then I'll call the question.

37

38 MR. NANENG: You know, any official
39 document that comes out -- I'm not picking on Deb, but any
40 official document that comes from the agencies that we're
41 working with, like Fish and Wildlife Service, State of
42 Alaska. The fact of the matter that amending the Protocol
43 Amendment did not change our status as Alaska Natives. Did
44 they change us to be sports hunters because the deadline is
45 on August 31st? That's the dilemma that people out in the
46 villages have, do they automatically become sports hunters.
47 No, they didn't. They never were and never will be. It
48 wasn't just because Deb has a misunderstanding or probably
49 never learned the difference, it's because of the fact that
50 our people in the villages are never going to consider

1 themselves to be sports hunters. I know that it was a
2 dilemma that was put onto us by the now governor, the
3 former senator, to recognize all the indigenous people to
4 be all rural residents.

5
6 Looking at some of the language that's in
7 here that we are charged to do, it also states that there
8 shall not be an increase of migratory bird harvest by
9 people in Alaska. We were already set a limit. Three
10 percent of the total harvest. That was one of the
11 objectives of the people that we're negotiating with. I
12 don't want to have to be subject to any sport hunting
13 regulations that come out during the fall time for any of
14 my kids in the future. We never had to go through it. My
15 parents never had to go through it.

16
17 We've worked in the Y-K Delta with both the
18 agency as well as State of Alaska and the other states to
19 deal with conservation concerns and we work together on
20 that. Would that have happened if the Federal agency just
21 went out and said you're not going to hunt these species.
22 But one of the things that happened is everybody sat down
23 together and agreed there was a conservation concern. Not
24 just one group made it happen, but everybody worked
25 together. The results of the information that was just
26 provided by Russ and Tom of the geese and eiders, people
27 are working together to make sure that the species does not
28 get depleted and become an extinct resource because it not
29 only impacted the Y-K Delta, it impacts everyone in the
30 state.

31
32 I'm afraid that maybe my son who might
33 start hunting another three, four, five years from now will
34 get classified as a sports hunter when he's an Alaska
35 Native, 100 percent Alaska Native, and he has eaten
36 waterfowl ever since he was a little kid.

37
38 So any public document that comes out
39 regardless of a study that's being done for certain issues,
40 it doesn't change my status as being an Alaska Native and
41 having used the subsistence resource for many years. Our
42 people in the villages have made big sacrifices. You know
43 that, Russ. Mike knows that. People that have dealt with
44 the migratory bird issue. Tom knows that for the last 25
45 years or so. It's because they're willing to work together
46 to conserve this resource so our kids can have them in the
47 future. We've been willing participants to work with the
48 other states to conserve these. I think we have the same
49 common goal. However, I don't think I would want to be
50 recognized as a sports hunter during the fall time just

1 because the Migratory Bird Treaty Protocol Amendment, the
2 purpose of this was to lift the restriction of being able
3 to hunt during spring and summer. That was the only purpose
4 of it. It never changed our status at all and I cannot
5 overemphasize that. It never changed our status. Thanks.
6

7 CHAIRMAN ALCORN: Myron, would you restate
8 the motion. I'll ask for whoever seconded the motion to
9 concur with the restatement and then I'm going to call the
10 question. Before you do I'll allow one more comment from
11 Herman.
12

13 MR. SQUARTSOFF: Yeah, Mr. Chair. Before
14 you call your question I'd like to ask about that amendment
15 I mentioned earlier, if we could take that into
16 consideration. That was just to call all the Native fall
17 subsistence hunters, you know, that are out there, it's a
18 subsistence hunt for all the Native hunters, instead of
19 labeling the whole hunt subsistence only because there's
20 another category of hunters out there besides us. I'd like
21 you to take that into consideration and I think it would
22 make things a lot easier if we do something like that right
23 now.
24

25 CHAIRMAN ALCORN: I'd like to have the
26 original motion restated and then address the request for
27 an amendment to the motion.
28

29 MR. NANENG: Mr. Chairman. My motion was
30 that no document reflect that the Native people -- if you
31 guys don't want to accept it from other regions, I'll make
32 it on behalf of the people of Y-K Delta -- will not be
33 recognized or labeled as sports hunters during the fall
34 time. That's my motion.
35

36 CHAIRMAN ALCORN: I'm going to ask whoever
37 seconded the motion to.....
38

39 MR. HICKS: I was the one that seconded it
40 and it sounds okay to me the way it's written.
41

42 CHAIRMAN ALCORN: Okay. So then let me ask
43 you about Herman's suggestion to amend the motion. That's
44 a suggestion. It has to be approved by the maker of the
45 motion.
46

47 MR. SQUARTSOFF: Mr. Chair. That almost
48 sounds like the amendment anyway.
49

50 CHAIRMAN ALCORN: Then you're satisfied.

1 MR. SQUARTSOFF: Yeah, I am. It sounded
2 like he said it a little differently earlier.

3
4 CHAIRMAN ALCORN: I'm going to call the
5 question. I'm going to restate the motion as I heard it.
6 You correct me if I'm wrong, Myron. No official document
7 be released that refers to Native people as sports hunters
8 during the fall season.

9
10 MR. NANENG: Yes.

11
12 CHAIRMAN ALCORN: I'm going to call the
13 question. Does anyone oppose the motion as stated. I'm
14 going to oppose the motion as stated. I'll state my reason
15 for opposing the motion. First of all, this is a statement
16 that seems fairly nebulous and I think that it could have
17 policy ramifications in the future that I'm not prepared to
18 think comprehensively about at this point. I'm willing to
19 take the motion back to my agency and have discussions
20 because it has to do possibly with law enforcement policy.
21 It has something possibly to do with regulatory policy or
22 regulations. I'm not sure. So I don't know how to vote.
23 I can abstain and then that leaves it to my State partner
24 to abstain and I don't know where we end up with two
25 abstentions and one positive vote if that's the way it
26 turns out. I'm going to voice an opposition purely for the
27 sake of trying to understand it more, what the
28 ramifications are for my agency.

29
30 MR. SMITH: Matt, are you abstaining or are
31 you objecting?

32
33 MR. ROBUS: Are you following Robert's
34 Rules of Order or just talking any time you want?

35
36 CHAIRMAN ALCORN: The Rule of Order is that
37 I've called for any objection and I've voiced my agency's
38 objection. So I believe our process now requires a vote, a
39 roll call vote. So I'll allow a five-minute recess for a
40 Native caucus. I'm going to refer to the voting member to
41 call a caucus if you prefer one.

42
43 MR. AHMASUK: Thanks, Mr. Chair. I don't
44 believe there's a caucus necessary.

45
46 CHAIRMAN ALCORN: No caucus is necessary.
47 I'll call for the roll. Does the secretary or the
48 executive director call the roll? Fred, do you know.

49
50 MR. ARMSTRONG: He's voting, so I can.

1 CHAIRMAN ALCORN: We'll ask Fred to call
2 the roll.
3
4 MR. ARMSTRONG: Voting on the motion to
5 label document as Native, not to be labeled as sport. Fish
6 and Wildlife Service.
7
8 CHAIRMAN ALCORN: I oppose.
9
10 MR. ARMSTRONG: State of Alaska.
11
12 MR. ROBUS: May I state some thoughts as I
13 cast my vote, Mr. Chairman?
14
15 CHAIRMAN ALCORN: You may. I stated some
16 thoughts.
17
18 MR. ROBUS: I really wish that at this
19 point we could table this or take a pause to discuss it or
20 think about it, but if we can't and if we won't, as I've
21 previously stated, I've been careful for years not to refer
22 to hunting, especially by subsistence hunters, as sport
23 hunting. I think that even for people in this state who
24 are not necessarily subsistence hunting, the word sport
25 attached to hunting can diminish the importance of hunting
26 to all sorts of different cultures and backgrounds. Since
27 I don't believe the State agency that I'm representing here
28 uses sport hunting -- at least I've tried for decades in
29 various meetings with other agencies and other entities not
30 to use the term sport hunting within those very carefully
31 constructed sideboards, I believe that I can vote in the
32 affirmative for a motion that says that a document will not
33 be released that refers to Native hunters in the fall as
34 sport hunters because I wouldn't want to see a document
35 refer to any hunter in the fall as a sport hunter
36 necessarily. So that's the justification for my vote,
37 Mr. Chair.
38
39 CHAIRMAN ALCORN: Okay. We have one
40 positive vote.
41
42 MR. ARMSTRONG: Alaska Natives.
43
44 MR. AHMASUK: Yes.
45
46 MR. ARMSTRONG: The vote is two yes, one
47 no.
48
49 CHAIRMAN ALCORN: Okay. Motion carries.
50 This was a topic that you offered, Myron, terminology. Do

1 you have another motion or something else in mind that you
2 wanted to cover?

3
4 MR. NANENG: That was the main topic. One
5 of the things that I have a question on are the
6 interpretations that are being made on the Protocol
7 Amendment and the statement made this afternoon that the
8 most restrictive language is being incorporated with the
9 Migratory Bird Treaty Protocol Amendments. I think the
10 primary purpose of trying -- and I think there are some
11 precedents in the past where the least restrictive language
12 had been adopted even under the Federal government for many
13 of the treaties, treaties outside of the Migratory Bird
14 Treaty Protocol Amendment. To pick the most restrictive
15 language, it seems to be a trend that the agencies seem to
16 be picking on as their way of interpreting the Protocol
17 Amendment that was adopted in 1997. From the meetings that
18 we had, the effort was to try and remove the most
19 restrictive languages. That's why the spring migratory
20 bird subsistence hunt is now recognized. And to state that
21 the most restrictive languages from each of the treaties
22 will be utilized is not working in the spirit of removing
23 the restrictions -- restriction of recognizing the spring
24 migratory bird hunt.

25
26 CHAIRMAN ALCORN: I'm going to ask, do you
27 have a motion that you wanted to make, Myron?

28
29 MR. NANENG: Mr. Chairman. I move that we
30 look at the least restrictive languages of the Migratory
31 Bird Treaty Protocol Amendment, I mean the treaties,
32 because the primary purpose of why we're dealing with all
33 of this is to ensure that the waterfowl species or the
34 migratory bird species are available for the future
35 generation in perpetuity and that was the primary purpose
36 of it, as well as allowing the Native community in their
37 spring migratory bird hunt be recognized. That was the
38 primary purpose of it.

39
40 CHAIRMAN ALCORN: Okay. Let me restate
41 that then. In a nutshell, your motion is to take a
42 position as a Council to interpret the treaties more
43 liberally as opposed to more conservatively.

44
45 MR. NANENG: Yes. You know, as we deal
46 with each of the species that are of conservation concern,
47 we've been able to work with them within the flyways.

48
49 CHAIRMAN ALCORN: Do I have a second for
50 that motion.

1 MS. BROWN-SCHWALENBERG: I'll second, Mr.
2 Chairman, for discussion purposes.

3
4 CHAIRMAN ALCORN: All right. I have a
5 second. Now we can open the floor for discussion. Any
6 discussion. Mike.

7
8 MR. SMITH: Mr. Chairman. I need to talk
9 to Myron if I could. I'm wondering if we might not take
10 this opportunity to caucus and then go ahead and do our
11 committee assignments at that same time so that we don't
12 have to caucus later.

13
14 CHAIRMAN ALCORN: There's a request for a
15 caucus. I guess I'll turn to Austin.

16
17 MR. AHMASUK: Thank you, Mr. Chair. That
18 may be a good idea. There may be objection to the motion,
19 so that may be a good idea.

20
21 CHAIRMAN ALCORN: Thank you. I'm going to
22 ask you also, because I see another need for a caucus, a
23 Native representative caucus in Item 17 when we transfer
24 the gavel. I understand it's going to transfer to the
25 regional representative, so I think you need to have a
26 discussion on who that might be. So we'll ask for.....

27
28 MR. SMITH: Do we have other committee
29 assignments, do we have a list of those that we're needing,
30 Fred?

31
32 MR. ARMSTRONG: They're in your packet.

33
34 CHAIRMAN ALCORN: So we'll recess until the
35 regional representatives come out of the caucus.

36
37 (Off record)

38
39 (On record)

40
41 CHAIRMAN ALCORN:the motion that you
42 stated, Myron.

43
44 MR. NANENG: Yeah, Mr. Chairman. I said
45 least restrictive interpretation of the Protocol Amendments
46 on behalf of the Native subsistence hunter.

47
48 CHAIRMAN ALCORN: All right. Thank you.
49 And we had a second. I'll ask for continued discussion at
50 this point. Does anyone have any discussion. Mike.

1 MR. SMITH: Thank you, Mr. Chair. In
2 talking with Myron and stuff, I think the intent of -- I
3 support his intent of the resolution. We ran into some
4 problems with terminology. Once again, Myron's comments on
5 terminology come to bear here. He did not mean to convey
6 the thought that we would interpret the treaties as
7 liberally as possible. His intent, and correct me if I'm
8 wrong, Myron, is that whenever we do interpret portions of
9 the treaty, the protocols or whatever, that we interpret
10 those in the manner most favorable to the Native community,
11 which is a standard Indian law practice.

12
13 It oftentimes seems that as we discuss a
14 lot of these issues the interpretations and the perceptions
15 we receive from the Department are always the opposite,
16 that the treaties and the protocols are always interpreted
17 as to what we cannot do. I think the concept is that we
18 interpret those things as standards of Federal Indian law
19 in the least restrictive manner to the Native community
20 that they're affecting. So any ambiguity should be -- any
21 ambiguity in the question should be answered positively for
22 the Native community versus negatively.

23
24 CHAIRMAN ALCORN: I'm going to go back to
25 Myron because that's a little different than what I heard
26 Myron say. Myron, do you concur with that interpretation?
27

28 MR. NANENG: Yes, I do. You stated liberal
29 interpretation, which was not the intent. The intent was
30 to use the least restrictive interpretations of the
31 treaties on behalf of the Native community subsistence
32 hunters.

33
34 CHAIRMAN ALCORN: Okay. Thank you. Any
35 other discussion. Matt, you had your hand raised.
36

37 MR. ROBUS: Mr. Chairman. In our past here
38 there's been a solicitor's opinion on point, I think, from
39 late 2002 where it talks about the most restrictive
40 provision in any of these treaties controls what harvest
41 may be allowed. I consider that formal advice to the
42 Council from the solicitor. So it strikes me that that's
43 pretty directly in conflict with what this motion says. If
44 I'm wrong, I guess I'd like somebody to help me figure that
45 out.

46
47 CHAIRMAN ALCORN: I saw Austin's hand first
48 and then Mike.

49
50 MR. AHMASUK: Mr. Chair. I'll take another

1 stab at it, very similar to what Mike said earlier.
2 There's Indian law practice theory, perhaps tort laws or
3 court practice or court precedence that speaks to treaty
4 laws, treaty obligations. The one theory that we talked
5 about or that we're aware of is in terms of when treaties
6 are made between the government and tribes. The manner of
7 interpretation, as Mike described, is the governing
8 principal, least restrictive, in terms of the tribes as the
9 tribes understand it.

10

11 The other thing that we've talked about was
12 the fact that these are treaties between governments, not
13 tribal governments and the U.S. government, but separate
14 countries and that perhaps that theory, that law, the
15 precedent and our government should govern how policies and
16 such are handed down in terms of interpretations.

17

18 CHAIRMAN ALCORN: Mike and then Matt.

19

20 MR. SMITH: Mr. Chairman. Yeah, I wanted
21 to talk a little bit about what Matt said and I appreciate
22 that interpretation of treaty law and that is the standard
23 legal practices for treaty interpretation is you take the
24 most restrictive of those treaties, but I think that was
25 the question that we answered for the regional solicitor
26 was specific to a specific question. Had we asked the
27 regional solicitor to interpret the treaty and light of
28 Federal Indian law and policy, we would have gotten a much
29 different answer. I think that's where we're coming down.
30 Whether or not you need assurances from the solicitor that
31 would be the best thing to do. I mean that's the avenue we
32 should take. I'd be willing to entertain a motion to table
33 this until we get such opinion and then we could provide
34 that to you, Matt, and maybe help you make up your mind on
35 this issue.

36

37 CHAIRMAN ALCORN: I'll let Matt speak and
38 then we've had a recommendation to table and that would
39 have to go back to the originator of the motion and the
40 seconder. Matt.

41

42 MR. ROBUS: Mike ended up exactly in the
43 area where I was headed. We are now in an area totally out
44 of my experience and expertise or qualifications or several
45 other things. I just don't feel I can commit the vote of
46 the State of Alaska one way or the other on this until I
47 get legal advice from the Department of Law and/or the
48 solicitor. I would appreciate the chance to get the right
49 people looking at this rather than cast a vote that's
50 uninformed or not cast a vote because I'd be afraid of

1 being uninformed.

2

3 CHAIRMAN ALCORN: Thank you, Matt. My
4 intention to ask the maker of the motion and the seconder,
5 Austin has informed me that the seconder was Joeneal and
6 he's had to leave.....

7

8 MS. BROWN-SCHWALENBERG: No, actually, it
9 was me.

10

11 CHAIRMAN ALCORN: Oh, it was you, Patty?
12 Okay. Then I'm going to ask Myron to respond to Mike's
13 suggestion and I believe it's consistent with Matt's
14 suggestion.

15

16 MR. NANENG: When we follow Robert's Rules,
17 does the motion to table take precedence over the main
18 motion?

19

20 MR. SMITH: You have to address the motion
21 to table.

22

23 CHAIRMAN ALCORN: Did you make that motion?
24 I interpreted that as a friendly suggestion for an
25 amendment, so that's why I'm going back to the originator
26 of the motion, to see if you consider that a friendly
27 suggestion, friendly amendment.

28

29 MR. NANENG: I would consider that a
30 friendly suggestion. I know that Matt would have a tough
31 time voting on it without legal interpretation. Sometimes
32 legal interpretations are wrong. So maybe they'll give you
33 the correct legal interpretation next time. I'll accept
34 the motion to table.

35

36 CHAIRMAN ALCORN: Does the seconder concur?

37

38 MS. BROWN-SCHWALENBERG: I accept the
39 motion to table also.

40

41 CHAIRMAN ALCORN: It's not a motion. It's
42 just a request. At this point I'll entertain a motion to
43 table.

44

45 MR. SMITH: Mr. Chairman, so moved.

46

47 MR. ROBUS: Second.

48

49 CHAIRMAN ALCORN: We have a motion and a
50 second to table the original motion. I'm going to

1 paraphrase the motion. I believe the motion was to
2 interpret governing treaties in a least restrictive way
3 concerning Native issues. That's a paraphrase. The motion
4 is to table until we can get legal advice. I'm going to
5 ask the question. All in favor of tabling this motion so
6 the two agencies at least or any other representative that
7 would like to have legal council review this motion.
8 Anyone oppose the motion to table.

9

10 (No comments)

11

12 CHAIRMAN ALCORN: Seeing no opposition,
13 we'll table and pick it up at the next meeting if we have a
14 response. Myron, have we exhausted your list?

15

16 MR. NANENG: Yes.

17

18 CHAIRMAN ALCORN: So that concludes other
19 reports. We are at Item 13, committee appointments and
20 assignments.

21

22 MR. SMITH: We have duck stamps under other
23 reports as well.

24

25 CHAIRMAN ALCORN: Did we? I don't have it
26 on my note. So we have an Item C, duck stamps. Who
27 offered that?

28

29 MR. SMITH: I did.

30

31 CHAIRMAN ALCORN: That was Mike. Okay.
32 I'll turn it over to you, Mike.

33

34 MR. SMITH: Mr. Chairman. The reason I
35 brought this up was because in reviewing the minutes where
36 we had at least for the last couple of meetings had taken a
37 vote on possible duck stamp exemptions. You had indicated
38 during those votes that you didn't have the current
39 authority to vote in favor of such a motion and that we
40 would need to go through the proper channels to get you
41 that authority to vote. I wanted to know what the proper
42 process is. The way you put it in the minutes or at least
43 as reflected in the minutes, Doug Alcorn responded a
44 petition must go through the proper chain of command.

45

46 I guess I want to know how we might be able
47 to get -- would it be your new boss to do this? What is
48 the proper way to get you to be allowed to vote on that
49 question.

50

1 CHAIRMAN ALCORN: What was the context of
2 my response?

3
4 MR. SMITH: It was on a vote for the
5 exemption to the Duck Stamp Act. We would pass a
6 resolution here seeking an exemption and you said you could
7 not vote on that, you didn't have authority to do so and
8 that we needed to go through the proper chain of command to
9 get you that authority and I just kind of wanted to know
10 what that was and how we might be able to get your okay for
11 us to pursue that as a body.

12
13 CHAIRMAN ALCORN: All right. All I can
14 tell you is that this is a legal and a legislative issue.
15 The legality is or in reference to the legal side of this
16 is we asked our solicitor years ago now does the Duck Stamp
17 Act apply to this hunt that we make recommendations for and
18 the response was yes because there was no explicit language
19 in the Treaty Protocol Amendment language or the letter of
20 submittal or any of the senate ratification language that
21 addressed that issue or that inferred any kind of
22 supersedence of that Duck Stamp Act. Because of that we
23 have been told that we do not have the legal authority to
24 say that duck stamps are not required. It's kind of a
25 double negative way to say that duck stamps still apply.
26 That's the official position of the agency.

27
28 Going back to the question, does this
29 Council want to pass a resolution that makes that
30 statement, that they do not apply?

31
32 MR. SMITH: No. What we want to do is seek
33 an exemption.

34
35 CHAIRMAN ALCORN: Seek an exemption.

36
37 MR. SMITH: That was the intent of the last
38 vote we had on this, was just for us to seek an exemption.

39
40 CHAIRMAN ALCORN: Okay. Well, all I can
41 tell you is that I did not seek any additional chain of
42 command authority because I was not asked to by the Council
43 at that time. I can certainly make those questions known
44 at this point if that's what the Council asks me to do.

45
46 MR. SMITH: Mr. Chairman, if I might. I
47 would certainly appreciate that. If there is some process
48 by which we as a body can pass something that says all we
49 want to do is seek an exemption, we'll go back to the
50 legislature, do the legwork, but we need a motion out of

1 this body to do that effectively. We'll do all the
2 legwork. I have no problem doing the legwork. All I need
3 is you and Matt to be able to say go ahead and seek it if
4 you want. You didn't have the ability to do that the last
5 time. That was what I was trying to get at, is whether or
6 not we could get you to somehow say -- get somebody to tell
7 you it's okay for you to say go ahead and go back to
8 Congress and seek the exemption.

9

10 CHAIRMAN ALCORN: Thanks, Mike. Matt.

11

12 MR. ROBUS: I'd like to ask for some
13 clarification here at the end. Are you asking for the
14 ability to go back as the AMBCC to seek an exemption or to
15 go back as a representative of Tanana Chiefs to seek a duck
16 stamp exemption?

17

18 MR. SMITH: I want the AMBCC to go back and
19 do it. I can do it already.

20

21 CHAIRMAN ALCORN: You've made your request
22 and I would need that in the form of a motion before I
23 would entertain discussion of that concept for that
24 request.

25

26 MR. SMITH: Thank you, Mr. Chairman. I
27 move that U.S. Fish and Wildlife Service representative to
28 the Co-management Council seek approval to vote in the
29 affirmative on a resolution by this body to seek through
30 legislative channels an exemption to the Duck Stamp Act.

31

32 UNIDENTIFIED SPEAKER: Second.

33

34 CHAIRMAN ALCORN: Let me restate it to make
35 sure I wrote it correctly. The motion and second is to ask
36 the Fish and Wildlife representative to seek approval to
37 support a resolution by the AMBCC to seek an exemption to
38 the Duck Stamp Act.

39

40 MR. SMITH: For the harvest of migratory
41 waterfowl by -- see, this is where I'm going to get in
42 trouble -- by those authorized under the protocol. How's
43 that?

44

45 CHAIRMAN ALCORN: Okay. Let me say it one
46 more time. The motion and second is to ask the Fish and
47 Wildlife Service representative to seek approval to support
48 a resolution by the AMBCC to seek an exemption to the
49 Federal Duck Stamp Act for those that are authorized to
50 hunt under the protocol. Is that accurate?

1 MR. SMITH: Yes.

2

3 CHAIRMAN ALCORN: Okay. We have a motion
4 and second. Discussion. Matt.

5

6 MR. ROBUS: Mr. Chairman. Is there a way
7 we can do this without a motion? I may have to make a vote
8 that will be probably misinterpreted. I would be happy to
9 take the sense of the Council and go back and explore the
10 State position on this and I would suspect that you might
11 agree on the record to do the same thing without passing a
12 motion that would preclude me from having to cast a vote
13 which might signal an intention I don't have. Again, I
14 think doing this without a motion might be the most
15 effective way to get to the answers you seek without
16 creating a whole bunch of turbulence on the way there.

17

18 MR. SMITH: Mr. Chairman. I would agree,
19 but I think Mr. Chairman asked for a motion.

20

21 CHAIRMAN ALCORN: I'm certainly willing to
22 not take action on this and I'm certainly willing to report
23 back to this Council. It's a question that I can float to
24 Tom and take his advice on how we would address that, how
25 we'd pursue it and we might have an answer quickly, we
26 might have an answer very slowly depending on what avenue
27 we take. I guess I'll hear some more comments and then
28 I'll call the question.

29

30 MR. SMITH: I have no problem withdrawing
31 the motion as long as the intent of the motion is
32 conducted.

33

34 CHAIRMAN ALCORN: Then I've heard the maker
35 of the motion. Who seconded the motion? You support
36 withdrawal? I will commit just as an action item to follow
37 through on this motion as stated just to seek through my
38 chain of command what it takes and I'll report back in the
39 spring meeting. Matt.

40

41 MR. ROBUS: The motion was worded to
42 include just the Service. If you'd like, I'd be happy to
43 do the same thing in the State. Thinking back to the last
44 meeting, now we're going to be formally following through
45 to judge the foundation on which the votes were cast at the
46 last meeting. If you'd like, I'll commit on the State side
47 as well.

48

49 MR. SMITH: Mr. Chairman. I would love
50 that; however, Matt, I think you're in a little different

1 situation than Mr. Alcorn is. I understand that and I
2 thought I was appreciating that a little bit. I think you
3 are in a completely different situation. If we get an
4 exemption to the Federal Duck Stamp, the State Duck Stamp
5 is next in line. I can see where the State would not be
6 able to go along with that. That was the only reason that
7 I wanted to talk to Doug, pointed toward Doug, because he's
8 not under those constraints. However, if you want to do
9 that, I'd certainly appreciate the opinion of the State in
10 this issue. I mean I appreciate the fact that they may end
11 up saying wait a second, this might apply to State Duck
12 Stamps as well and, therefore, a whole different take is
13 going to appear on this thing. I just wanted to appreciate
14 that distinction and that's why I didn't ask you.

15

16 CHAIRMAN ALCORN: I'll commit to ensuring
17 that this is an agenda item for the spring meeting and I'll
18 try to have an answer by that. If we go the legal
19 solicitor's opinion route, then there's no guarantee when
20 we'd get that opinion. So right now I consider this motion
21 withdrawn.

22

23 All right. That takes us through Item
24 12(C). We are now at Item 13. We're at 5:20. I think we
25 can go through this relatively quickly. Are you all
26 willing to sit here with me and finish this up? Okay,
27 seeing heads nodding. Committee appointments/assignments.
28 I would ask that we add a name to the Harvest Survey
29 Committee. It's been pointed out to me that our harvest
30 surveys occur predominantly on National Wildlife Refuge
31 lands where the villages are on those refuges and there are
32 no folks involved in the refuge program on that Harvest
33 Survey Committee and it's been suggested that Wenona Brown
34 and she's graciously volunteered to offer her time and
35 expertise in resources to help that committee. So I would
36 like to nominate Wenona as a member of the Harvest Survey
37 Committee. I don't know if we need a motion to that
38 effect. If I don't see anyone opposing, then we'll just
39 ask Wenona to participate.

40

41 (No comments)

42

43 CHAIRMAN ALCORN: Seeing no objections.
44 Wenona, welcome aboard. Are there any other committees we
45 need to consider? Austin.

46

47 MR. AHMASUK: Mr. Chairman. We have a
48 series of appointments, nominations, whatever you want to
49 call it, for the Technical Committee. We just had a
50 question, is Bruce Holland a Fish and Wildlife Service or

1 Fish and Game person?

2

3 CHAIRMAN ALCORN: He's BLM.

4

5 MR. AHMASUK: He's BLM. Okay. All right.

6 We just wanted to ask that. Harvest Survey Committee, we

7 wish to add Molly Chythlook. Under the standard operating

8 procedures we have no additional appointments. Under the

9 Long-Term Goals and Objectives Committee, we wish to

10 replace Taqulik Hepa with Charles Brower.

11

12 MS. HEPA: Other way around.

13

14 MR. AHMASUK: Other way around. Excuse me.

15 Under the Flyway Council Service Regulations Committee we

16 wish to replace Mike Smith -- okay, I did it again. Take

17 off Herman Squartsoff and put in Mike Smith.

18

19 CHAIRMAN ALCORN: This is for Flyway

20 Council?

21

22 MR. AHMASUK: Flyway Council Committee

23 representative so that the primary representatives will be

24 Myron Naneng and Mike Smith. For the alternate

25 representatives, we wish to take off Charles Brower and put

26 in his place Taqulik Hepa.

27

28 Under the Emperor Goose Management

29 Committee we wish to replace Ralph Andersen with Molly

30 Chythlook.

31

32 Under the Exclusion Committee we wish to

33 place Mike Smith as the Interior representative.

34

35 Under the Harvest Limitations Committee we

36 wish to replace Enoch Schiedt with Caleb Pungowiyi.

37

38 Under the Invitation Committee we wish to

39 appoint Mike Smith as the Interior representative.

40

41 Under the Outreach Committee we wish to

42 replace Jennifer Hooper with Tim Andrew.

43

44 Under the Law Enforcement Committee we wish

45 to replace Charles Brower with Taqulik Hepa. Under the Law

46 Enforcement Committee again we wish to replace Ralph

47 Andersen with Molly Chythlook and we wish to add Caleb

48 Pungowiyi.

49

50 Under the Avian Influenza Subsistence

1 Sampling Committee no changes.

2

3 CHAIRMAN ALCORN: All right. We've heard
4 the recommendations.

5

6 MR. AHMASUK: I'm not done yet. Under the
7 ad hoc Budget Committee that was formed this morning we
8 wish to appoint Mike Smith, Myron Naneng, myself and Molly
9 Chythlook.

10

11 The Committee would like to appoint myself
12 as the Native representative and Herman Squartsoff as the
13 alternate.

14

15 CHAIRMAN ALCORN: You're talking about the
16 voting member.

17

18 MR. AHMASUK: The voting member, Mr.
19 Chairman, yes.

20

21 CHAIRMAN ALCORN: And taking over the
22 Chair.

23

24 MR. AHMASUK: That's right.

25

26 CHAIRMAN ALCORN: And who was the
27 alternate?

28

29 MR. AHMASUK: Herman Squartsoff. Those are
30 our Committee appointments, Mr. Chairman.

31

32 CHAIRMAN ALCORN: I'm not going to read
33 those again. I was writing them down and I think I have a
34 pretty accurate record. Is anyone opposed to the
35 recommendations. I'm going to call the question. Did you
36 have something you wanted to say, Taqulik, before I call
37 the question.

38

39 MS. HEPA: Unfortunately I have another
40 commitment at 5:30, but I just wanted to thank all the
41 Committee members, especially Myron, Herman and Austin for
42 their long-term participation, and Mike on this Migratory
43 Bird Co-Management Council. Their knowledge is so
44 valuable. And to thank Doug, you did a really good job
45 hosting the meeting today. And to Fred and Staff for doing
46 a good job. Thank you.

47

48 CHAIRMAN ALCORN: Thank you. Have a safe
49 trip. That takes care of Item 13. We are at Item 14,
50 invitation for public comments. I appreciate those of you

1 who have sat and listened to us go on and on and on all
2 day. Are there any comments.

3

4 (No comments)

5

6 CHAIRMAN ALCORN: These are all agency
7 folks. That's why they're here. Thanks. We are down to
8 Item 15, Staff reports. Fred, do you want to.....

9

10 MR. ARMSTRONG: Thanks, Mr. Chair. I'll
11 ask Bill to come up.

12

13 MR. OSTRAND: I just want to say I'm
14 pushing copies of the black book. If you need any for
15 yourself or your staff, feel free to take as many as you
16 need. I have a whole box.

17

18 CHAIRMAN ALCORN: Okay, thanks. Those are
19 available. Anybody that would like to have that as a
20 resource, I recommend you pick that up because I refer to
21 my black book fairly regularly. Any other reports, Fred.

22

23 MR. ARMSTRONG: Donna or Cynthia, do you
24 have anything?

25

26 (No comments)

27

28 MR. ARMSTRONG: Okay. On the Grant
29 Agreements we'll be sending out shortly, we finally got the
30 grant numbers. If you guys had a chance to review the
31 fiscal officers and if there's changes please give them to
32 Donna right away so she could make the changes and send out
33 the right documents.

34

35 The Committees that haven't met, I
36 encourage your involvement so that we can -- Staff time
37 gets pretty tied up with so many things going at once. The
38 earlier we know the better it is. I just appreciate the
39 effort of the Council this time around. We seem to get
40 better and better. I think we just have to remember we're
41 here as a group working together and not us versus them and
42 try to work in that vein. We've done a heck of a lot in
43 three years in terms of making regulations that are
44 regional in nature and we're going to continue to refine
45 them. That process is always there and your participation
46 is what allows that and your management groups. That's
47 pretty much it for now.

48

49 CHAIRMAN ALCORN: Thanks, Fred. We are at
50 a point, 16, Council reports. I'm going to consider that

1 Council comments. Does anyone have any closing comments or
2 reports they'd like to give from their respective regions.
3 Herman.

4
5 MR. SQUARTSOFF: Yeah, Mr. Chair. I'd like
6 to let you know that since we moved over to Shungnak things
7 have been going real well. We've been able to form a
8 regional council down there and we've had our two required
9 meetings. Even though we got our grant agreement signed
10 kind of late, we still managed to squeeze a couple meetings
11 in there before close out. We're going to have a couple
12 proposals coming out from down there that will be submitted
13 in that proposal time period, so you guys will be seeing
14 them coming from us. Also appreciate the job you did
15 chairing this go around, Doug. I'm glad things went fairly
16 smoothly for you. I appreciate everybody else on the
17 Council for being here, especially yesterday. I'm really
18 proud of everybody yesterday. Everybody was at the
19 workshop. I used to mumble and say if you aren't here,
20 keep your mouth shut. But everybody did well. Thank you.

21
22 CHAIRMAN ALCORN: Thanks, Herman. Any
23 other comments. Austin.

24
25 MR. AHMASUK: Thank you, Mr. Chair. Our
26 regional council met and they wanted to make sure I forward
27 these comments. Our regional council is aware that
28 citations for lack of State and Federal Duck Stamps are on
29 the rise in rural Alaska, as was noted in the September 16,
30 2006 article. They would like a status report from the
31 AMBCC on exempting duck stamps and we're probably going to
32 get that. They would also like to make the AMBCC and U.S.
33 Fish and Wildlife aware that duck stamps aren't always
34 available in post offices in our region. In several of our
35 communities they are not currently available. If the Fish
36 and Wildlife Service cannot exempt hunters, they urge the
37 AMBCC to combine the stamps.

38
39 This past summer numerous Puffins and
40 Auklets were washed ashore in an apparent Norton Sound
41 white die off. Members of our council noted a general
42 warming trend. Members from the Fish River area, White
43 Mountain, Golovin noted the occurrence of King Fishers,
44 Bald Eagles and one sighting of a Dolphin Gull. One
45 deformed gull egg was found in the Fish River area. In the
46 Wales and Shishmaref area Robins and Swallows were sighted,
47 which is not normal. Our council urges Fish and Wildlife
48 to enact programs to document changes in our ecosystem.

49
50 One hunter caught a Brant with a band and

1 the numbers and markings had completely worn off. They
2 urge Fish and Wildlife Service to place bands on birds that
3 will remain legible. One hunter in the Nome area harvested
4 a Godwit which was 18 years old and was originally banded
5 in Australia. Our council urges the Fish and Wildlife
6 Service to institute incentives for returning banded birds,
7 such as hats, and they were aware that that incentive was
8 something that was done in the past.

9
10 Our council is aware that co-management
11 agreements and Federal funding may be reduced and our
12 council strongly urges the AMBCC and Fish and Wildlife
13 Service to increase the amount of co-management agreements.
14 With that, thank you.

15
16 CHAIRMAN ALCORN: Thank you, Austin. Do
17 you want to submit that then to the Staff. Okay. Any
18 other comments.

19
20 (No comments)

21
22 CHAIRMAN ALCORN: I'd like to close this by
23 just saying it's really been an honor to chair this group.
24 This is my second go round as a chair. I think that this
25 Council is making good process in working together with
26 mutual respect and admiration for the positions that each
27 of us take as agency representatives or regional
28 representatives. I think that as I said earlier today I'm
29 in this for the long haul. My agency is in this for the
30 long haul. I'm sure that the State of Alaska and you all
31 are in this for the long haul because you've lived this
32 life all your life and I don't anticipate any change.
33 Every year it seems to get better for me and I think our
34 institutional knowledge is important.

35
36 I think as you turn your chairs over to new
37 replacements, it is so important to bring that person up to
38 speed and let that person know the history of this Council.
39 This Council is developing its own legacy in a sense and
40 its own history, so I think that's important.

41
42 I'm going to take this opportunity to turn
43 the gavel over to the incoming Chair, Austin, and I'm going
44 to allow Austin to adjourn the meeting.

45
46 Excuse me. I have one last order of
47 business and that is to pick a date and time for the next
48 meeting. I only have a 2006 calendar. Matt was one step
49 ahead of me. He has the calendar on his Blackberry. We
50 have typically met early in April if I recall or late in

1 March and that's to allow all the processing of the
2 regulation proposals to occur by the Technical Committee
3 and the other committees to meet and to be vetted in the
4 regions. So that time frame is what has worked for us.
5 The window is open. Mike.

6
7 MR. SMITH: Mr. Chairman. I'm just a
8 little concerned about schedules this year. I have a whole
9 bunch of Board of Fish meetings to go to this year and I
10 need to make sure I'm available for those meetings. I
11 believe Board of Fish meetings, the last one is toward the
12 end of February that I need to be concerned about, so I
13 would hope we could have the meeting end of March.

14
15 CHAIRMAN ALCORN: End of March has been
16 proposed. I know Matt and I have a North American that we
17 typically attend. It's a meeting of all the State Fish and
18 Wildlife agencies.

19
20 MR. ROBUS: Mr. Chairman. I have down that
21 the Pacific Flyway Council is on Tuesday, the 20th of
22 March, so I suspect that the North American is like the
23 21st through 24th or 25th.

24
25 MR. SMITH: So we should have our meeting
26 before the Flyway Council?

27
28 MR. ROBUS: The week before the Flyway
29 Council is Board of Game, so I have similar problems to
30 you.

31
32 CHAIRMAN ALCORN: We're pushing back now to
33 the fourth week of March or the first week of April.

34
35 MR. SMITH: Mr. Chairman. Don't we need to
36 get our proposals to the Flyway Councils at that meeting?

37
38 CHAIRMAN ALCORN: No. We actually consider
39 the SRC meeting as the late season regulation meeting,
40 which is the last full week of July. That would leave us
41 ample time if we needed to meet in between. So we have a
42 proposal for the last week of March, first week of April.
43 Does anybody know of any conflicts. Fred.

44
45 MR. ARMSTRONG: Just a reminder. The
46 earlier you push back into March and February and stuff
47 like that, you have a shorter time to meet and vet the
48 proposals, so keep that in mind when you select a date.

49
50 CHAIRMAN ALCORN: Herman and then Matt.

1 MR. SQUARTSOFF: Mr. Chair. I don't know
2 when I'll be able to -- I have to check the church calendar
3 when our poska (ph) comes up for Easter. I need to be home
4 for that. I'll check it and find out.

5
6 CHAIRMAN ALCORN: Matt.

7
8 MR. ROBUS: Mr. Chair. I'm kind of
9 concerned about the number of days of meetings right before
10 that last week of March and it might be better from my
11 standpoint and probably for Tom's to push it until early
12 April if that works for other members.

13
14 CHAIRMAN ALCORN: The first week of April
15 starts on April 2nd, which is the very first day of our
16 spring subsistence waterfowl season. That date has been
17 proposed, the week of April 2. I know Herman you might
18 have a problem.

19
20 MR. SQUARTSOFF: I'm thinking Easter is
21 April 11th this year. We've got the whole week before
22 that. The second sounds good.

23
24 CHAIRMAN ALCORN: Is anybody opposed to
25 scheduling the week of April 2nd. We'll pick that date.
26 We also have regularly met in Anchorage. It's a matter of
27 cost savings. It costs about twice the amount of money to
28 meet any place other than Anchorage. Does anybody have a
29 preference? Let me just suggest that we continue to meet
30 in Anchorage. It's a hub for all of us and it's the least
31 expensive. It really is a matter of saving about \$10,000,
32 which is a significant amount of money. At this point I'm
33 going to recommend Anchorage.

34
35 I'm going to turn the gavel over to my
36 esteemed colleague, Austin. You can adjourn the meeting.

37
38 MR. AHMASUK: Thank you, Doug. The last
39 time I took this gavel in hand I never actually chaired
40 meetings throughout the year, so hopefully it will be a
41 little different. I want to thank you, Doug, for your
42 chairmanship throughout this past year. I know it's been a
43 hard one and I'm looking forward to seeing what this
44 Council can do in the year and years to come. With that,
45 are we ready to adjourn.

46
47 MR. NANENG: So moved.

48
49 MR. SMITH: Second.

50

1 MR. AHMASUK: Moved by Myron, seconded by
2 Mike. The meeting is adjourned here at 5:40.
3
4 (Off record)

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 108 contain a full, true and correct Transcript of the ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL taken electronically by Nathaniel Hile on the 28th day of October 2006, at the Department of the Interior in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 20th day of October 2006.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08