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ALASKA MIGRATORY BIRD  
CO-MANAGEMENT COUNCIL

Anchorage, Alaska

September 29, 2005  
9:00 a.m.

Members Present:

- Bob Leedy, U.S. Fish and Wildlife Service
- Matt Robus, Alaska Department of Fish and Game
- Austin Ahmasuk, Kawerak
- Myron Naneng, Association of Village Council Presidents
- Robert Sudam, North Slope Borough
- Peter Devine, Aleutian/Pribilof Islands Association
- Ralph Andersen, Bristol Bay Native Association
- Herman Squartsoff, Kodiak Area Native Association
- Patty Brown-Schwalenberg
- Fred Armstrong, Executive Director

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

2  
3 (Anchorage, Alaska - 9/29/2005)

4  
5 CHAIRMAN ROBUS: Good morning everybody. I'd  
6 like to call the meeting to order. At the outset I'd like to  
7 ask everybody the favor of turning your cell phone ringers  
8 off and we'll try to eliminate distractions and get through  
9 this as quickly and expeditiously as possible.

10  
11 My name is Matt Robus, I'm the Division  
12 Director for the Division of Wildlife Conservation, Alaska  
13 Department of Fish and Game and I'm chairing the Alaska  
14 Migratory Bird Co-Management Council for this year. And this  
15 is the annual fall meeting of the Council, following up on  
16 the work session that we had yesterday. And as the first  
17 order of business I'd like to call for a moment of silence.

18  
19 (Moment of Silence)

20  
21 CHAIRMAN ROBUS: Thank you.

22  
23 Okay, following the agenda that's been  
24 prepared by staff the first order of business is the seating  
25 of alternates and I believe we have several letters. Fred  
26 you want to list the situation.

27  
28 MR. ARMSTRONG: Thank you, Mr. Chair. We  
29 have three letters one from Kodiak Area Native Association  
30 appointing Herman Squartsoff as the representative. I'm not  
31 sure if you want to handle them separately or all at once.

32  
33 CHAIRMAN ROBUS: All at once, but why don't  
34 you list them anyway.

35  
36 MR. ARMSTRONG: And we have a letter from  
37 U.S. Fish and Wildlife Service designating Bob Leedy as the  
38 Service representative. And the last one is, we have a  
39 letter from North Slope appointing Robert Sudam as the  
40 alternate for this meeting here.

41  
42 CHAIRMAN ROBUS: Okay, thank you. Is there  
43 any objection from members to any of those appointments, if  
44 not we'll proceed with those people seated as alternates.

45  
46 (No comments)

47  
48 CHAIRMAN ROBUS: Seeing none we'll proceed on  
49 that basis. Welcome all to the privilege of sitting on the  
50 Council.



1 CHAIRMAN ROBUS: Here.  
2  
3 MR. AHMASUK: U.S. Fish and Wildlife Service.  
4  
5 MR. LEEDY: Here.  
6  
7 MR. AHMASUK: Mr. Chairman eight of 13  
8 members present you have a quorum.  
9  
10 CHAIRMAN ROBUS: Thank you, Austin. Next  
11 thing on the agenda is introductions and perhaps we can start  
12 with Myron and move around the table here and then to the  
13 audience.  
14  
15 MR. NANENG: My name is Myron Naneng. I'm  
16 the president of the Association of Village Council  
17 Presidents plus the Chairman of the Waterfowl Conservation  
18 Committee.  
19  
20 MR. DEVINE: Peter Devine, Regional  
21 representative for Aleutian Pribilof Region.  
22  
23 MR. ARMSTRONG: Good morning. Fred Armstrong  
24 the executive director for the Council.  
25  
26 MR. LEEDY: Bob Leedy Fish and Wildlife  
27 Service acting for Doug Alcorn.  
28  
29 MR. AHMASUK: Austin Ahmasuk Bering Strait  
30 Region representative.  
31  
32 MR. ANDERSEN: Ralph Andersen, CEO BBNA.  
33  
34 MR. SUDAM: Good Morning. Robert Sudam with  
35 the North Slope Borough Department of Wildlife Management.  
36  
37 MR. SQUARTSOFF: Yeah, Herman Squartsoff.  
38 Kodiak Area Native Association. And also to Ralph known as  
39 the Herminator.  
40  
41 MR. STANIK: Rob Stanik with the Department  
42 of Fish and Game Division of Subsistence.  
43  
44 MR. FISHER: Julian Fisher, Migratory Birds  
45 Management for the U.S. Fish and Wildlife Service.  
46  
47 MR. ROTHE: Tom Rothe, Waterfowl Coordinator,  
48 Alaska Department of Fish and Game.  
49  
50 MR. BOSS: Greg Boss, Fish and Wildlife

1 Service, Anchorage.

2

3 MR. HOLLAND: Bruce Holland with BLM State  
4 Office.

5

6 MS. EDGE: Jennifer Edge, I'm a student at  
7 the University in the Biology department.

8

9 MS. WENTWORTH: Cynthia Wentworth,  
10 Subsistence Harvest Survey Coordinator with Fish and Wildlife  
11 Service for the Alaska Migratory Birds Co-Management Council.

12

13 CHAIRMAN ROBUS: Okay, thank you everybody.

14

15 Next agenda item is the approval of the  
16 agenda. We've made some notes up here as to how we would  
17 like reorganize a couple of things but I ask first for any  
18 changes, additions, requests from the Council regarding the  
19 agenda.

20

21 MR. ANDERSEN: I move to approve the agenda.

22

23 MR. SQUARTSOFF: Second.

24

25 CHAIRMAN ROBUS: Before we do that perhaps I  
26 should describe what -- what I'm thinking in terms of  
27 changes.

28

29 MR. ANDERSEN: But we have to move first and  
30 got the second, right?

31

32 MR. SQUARTSOFF: Right.

33

34 CHAIRMAN ROBUS: Okay, right. Right, this is  
35 a formal meeting right. Okay, so the agenda's been moved and  
36 I believe seconded.

37

38 (Council nods affirmatively)

39

40 CHAIRMAN ROBUS: So discussion of the agenda.

41 Fred.

42

43 MR. ARMSTRONG: Mr. Chair, a number of  
44 changes. The first one is under old business, enforcement  
45 committee appointments. We could move that in with the  
46 committee appointments down we have at the bottom, No. 10.

47

48 Following No. 9, new business, the first  
49 thing on the agenda should be executive session to discuss  
50 personal and finance issues.

1                   A new item under SOP would be, after  
2 outreach, would be SOP Committee report. Tom Rothe will be  
3 asking for Council action.  
4  
5                   And after that BLM representatives will give  
6 a short presentation.  
7  
8                   And before the committee appointments, I  
9 think we should, you know, at every meeting the Native reps  
10 go into caucus to appoint their committee representatives.  
11  
12                   And after Council comments I neglected to put  
13 in the exchange -- gavel exchange for the incoming Chair  
14 and.....  
15  
16                   CHAIRMAN ROBUS: I'll make sure we don't miss  
17 that part.  
18  
19                   (Laughter)  
20  
21                   MR. ARMSTRONG: Those are the ones I've  
22 identified, I'm not sure if there's any more.  
23  
24                   CHAIRMAN ROBUS: I had one little  
25 modification of that, and, that is, after the executive  
26 session that Fred talked about there are a couple of  
27 situations where the regional organization is making some  
28 changes and we'd like to discuss those. And we'll do that on  
29 the record, in open session. The KANA situation and the  
30 Tlingit/Haida are the two I'm thinking about. So we'll do  
31 that before we get into the conservation initiatives.  
32  
33                   Any other proposed changes. Bob.  
34  
35                   MR. LEEDY: Mr. Chair, yes. I'd like to  
36 speak very briefly about the Service's proposal to develop a  
37 supplemental EIS on sporthunting and discuss it's relation to  
38 subsistence.  
39  
40                   CHAIRMAN ROBUS: Okay. And where would you  
41 suggest we put that?  
42  
43                   MR. LEEDY: Perhaps down just at the end of  
44 old business -- or new business.  
45  
46                   CHAIRMAN ROBUS: After the BLM presentation.  
47  
48                   MR. LEEDY: Yes, it won't take long.  
49  
50                   CHAIRMAN ROBUS: Okay. So we'll do the EIS

1 discussion at the very end of old business or new business  
2 rather. Myron.

3

4 MR. NANENG: Yes, Mr. Chairman. I think we  
5 need to take a position on the NPR-A issue because it affects  
6 some of the species of waterfowl that we're concerned about.

7

8

9 CHAIRMAN ROBUS: Okay. Perhaps that would be  
10 appropriate to deal with.....

11

12 MR. ARMSTRONG: After.

13

14 CHAIRMAN ROBUS: .....after the EIS  
15 discussion because we will have heard the BLM discussion for  
16 instance, does that make sense?

17

18 (Council nods affirmatively)

19

20 CHAIRMAN ROBUS: Any other suggestions.

21

22 (No comments)

23

24 CHAIRMAN ROBUS: Okay. Are there any  
25 objections from Council members to the agenda changes as  
26 specified.

27

28 (No comments)

29

30 CHAIRMAN ROBUS: Hearing none we'll adopt the  
31 agenda as modified.

32

33 Okay the next item on the agenda is approval  
34 of the May/June meeting action items and I believe it's under  
35 Tab 1.

36

37 MR. ARMSTRONG: Yes.

38

39 CHAIRMAN ROBUS: Herman.

40

41 MR. SQUARTSOFF: Yeah, Mr. Chair. The May  
42 one -- the May one is under Tab 1 and June's under Tab 2 on  
43 mine.

44

45 CHAIRMAN ROBUS: Okay. So I gather what  
46 we're doing here is we need to go through these quickly and  
47 just vote to approve the action items made at those spring  
48 and summer meetings. So let's take a moment just to review  
49 and refresh ourselves on what we did.

49

50 (Pause)

1 CHAIRMAN ROBUS: Okay, so I guess what I'm  
2 looking for is a motion to adopt the action items from those  
3 meetings.  
4  
5 MR. SQUARTSOFF: I'll so move.  
6  
7 CHAIRMAN ROBUS: It's been moved, is there a  
8 second.  
9  
10 MR. AHMASUK: Second.  
11  
12 CHAIRMAN ROBUS: Moved and seconded. Is  
13 there any discussion.  
14  
15 MR. AHMASUK: Mr. Chair.  
16  
17 CHAIRMAN ROBUS: Austin.  
18  
19 MR. AHMASUK: Under Page 5 of the May 18, we  
20 -- I nominated Mitch Simeonoff to the SOP, Mr. Squartsoff is  
21 his rep -- permanent replacement; is that right?  
22  
23 MR. SQUARTSOFF: (Nods affirmatively)  
24  
25 MR. AHMASUK: Okay. Maybe we just want to  
26 take note of that in our -- for the May meeting.  
27  
28 CHAIRMAN ROBUS: Right. We'd noted yesterday  
29 that there was that situation in the committee appointments.  
30 I guess what I suggest is we note that Mitch is not on the  
31 Council any more and leave kind of the formal membership to  
32 the Council appointment later this meeting. Okay, so we will  
33 note that.  
34  
35 Anything else.  
36  
37 (No comments)  
38  
39 CHAIRMAN ROBUS: Is there any objection --  
40 Myron.  
41  
42 MR. NANENG: The only thing that I would  
43 request is that you go through the minutes to make sure that  
44 there's correction in errors. Like on Page 3 of the June  
45 meeting where you made a comment about the press -- about  
46 setting a president.  
47  
48 (Laughter)  
49  
50 MR. NANENG: That's my comments thanks.



1 CHAIRMAN ROBUS: Oh.  
2  
3 MR. ARMSTRONG: I got it.  
4  
5 CHAIRMAN ROBUS: And, Peter, didn't you have  
6 a typo that you were concerned about yesterday.  
7  
8 MR. DEVINE: Yes. On the Page 2 the closure  
9 of Izembek Refuge, that should be Glasnap and not Glasnet, G-  
10 L-A-S-N-A-P.  
11  
12 CHAIRMAN ROBUS: Okay, so noted. Any other  
13 corrections or comments.  
14  
15 (No comments)  
16  
17 CHAIRMAN ROBUS: Okay, hearing none the  
18 action items are adopted.  
19  
20 Moving down the agenda the next item here is  
21 invitation for public comments. And I would ask that anybody  
22 that would like to make comments from the audience proceed to  
23 the table turn on the microphone and advise us.  
24  
25 (No comments)  
26  
27 CHAIRMAN ROBUS: Seeing nobody rushing to the  
28 table I will assume that there are no public comments right  
29 now. If we get to action items later there will be further  
30 opportunity to comment.  
31  
32 All right so we'll move into old business.  
33 First subject is duck stamp and State license resolutions.  
34 We discussed this yesterday at the work session I can outline  
35 the State's position if you would like. Is there any  
36 discussion from the Council on the subject to start with.  
37  
38 Robert.  
39  
40 MR. SUDAM: Thank you Mr. Chairman. I  
41 believe it was the May meeting Taqulik Hepa asked that this  
42 item be put on the agenda just so that Council continues to  
43 talk about it and figure out how to deal with the issue.  
44 Under Tab 4 are the various resolutions that the various  
45 Native groups have passed opposing the duck stamps or the  
46 requirement of duck stamps and licenses for subsistence  
47 hunting.  
48  
49 In our discussions yesterday it became  
50 apparent to me that to change the Duck Stamp Act in

1 particular will require a fair amount of effort by the Native  
2 community to lobby Congress to change that Act. Dealing with  
3 the requirement of the State licenses may be a little bit  
4 more problematic, and, so, Mr. Chairman, I look forward to  
5 hearing kind of the State's position on that.

6

7

Thank you.

8

9

CHAIRMAN ROBUS: Thank you, Robert. Yeah, I  
10 guess speaking for the State, as the State representative on  
11 the Council, as I mentioned yesterday, the people that I've  
12 talked to who represented the State and I think at least one  
13 person involved from the Federal side have expressed to me  
14 their opinion that State licenses were understood to be  
15 required -- a requirement during the Treaty negotiation. Now  
16 there's a couple of other people involved in the negotiations  
17 who have the opposite opinion and we heard from Mr. Starkie  
18 yesterday that he could understand how different people at  
19 those negotiations brought their own assumptions and in his  
20 opinion it wasn't thrashed out in detail. And we're kind of  
21 facing the consequences of that in this discussion now. But  
22 at any rate as the State representative I'm not empowered to  
23 do away with that State license requirement. That's going to  
24 require a policy change at the very top of State government.  
25 And I think it would be one laden with a fair amount of  
26 controversy.

27

28

As I pointed out yesterday all other forms of  
29 subsistence hunting under State regulation do require a State  
30 license and the policy is to be consistent with that  
31 requirement. And I understand as I say it that that's not a  
32 popular view amongst this group but it's the honest stating  
33 of the position of where the State is right now.

34

35

So I'm representing the State position and  
36 that is that the State hunting license should be required for  
37 hunters. Now, whether there's some way to modify that in the  
38 future it's unknown and it would be, I think, an arduous path  
39 to get there. We do have a low income hunting license which  
40 is not directly linked to subsistence hunters but certainly  
41 is available to a lot of rural subsistence hunters. And a  
42 lot of those people are required to have a license for other  
43 forms of hunting both Federal and State. And, therefore, in  
44 a way this may be -- there may be enough overlap there to  
45 make this issue a little less onerous than it would be in  
46 theory.

47

48

So that's the State position as best I can

49

50

represent it off the top of my head.

1 Herman.

2

3 MR. SQUARTSOFF: Yeah, Mr. Chair. Yeah, and  
4 also in our workshop, too, I think Myron you mentioned that  
5 there's a resolution going to be going through there at the  
6 -- what do you call it down there?

7

8 MR. NANENG: AFN.

9

10 MR. SQUARTSOFF: AFN in Fairbanks. And I  
11 also suggest that us here from our regions take these  
12 resolutions and stuff that we have and start contacting our  
13 local representatives and maybe we can get the ball rolling  
14 and get something changed on this on the license here in the  
15 state anyway.

16

17 Thank you.

18

19 CHAIRMAN ROBUS: Myron.

20

21 MR. NANENG: Yeah, thank you, Mr. Chairman.  
22 There's already a resolution that was passed at the AFN  
23 convention in 2004. I intend to bring it up during the  
24 Convention next month with the Legislative and Litigation  
25 Committee of the AFN.

26

27 CHAIRMAN ROBUS: Fred.

28

29 MR. ARMSTRONG: Thank you Mr. Chair. The AFN  
30 resolution is in your packets I think it's in the sleeve part  
31 in the front. In the front of one of your pockets. And  
32 basically AFN adopted this resolution, we contacted them  
33 prior to the meeting they were supposed to have a  
34 representative here but they admitted, it kind of fell  
35 through the cracks, but, you know, the resolution states they  
36 were supposed to take the lead and try to address the duck  
37 stamp issue. So I'm glad Myron's going to follow up with  
38 that at the AFN meeting next month.

39

40 CHAIRMAN ROBUS: Okay, thank you, Fred. Any  
41 other discussion on this item at this time.

42

43 Austin.

44

45 MR. AHMASUK: Thanks, Mr. Chairman. What  
46 would be the mechanics of a Duck Stamp Act Amendment as we're  
47 talking here, how would that go forward?

48

49 CHAIRMAN ROBUS: Bob, do you want to speak to  
50 that.

1 MR. LEEDY: Yes. My understanding is that in  
2 any Legislative process it must go through Congress, I mean  
3 this is a statutory change we're talking about. This is not  
4 a regulatory change that the agency's can affect on their  
5 own. So the smoothest path would probably be through your  
6 local representatives and congressional representatives and  
7 working with their staff and at that point with the Service  
8 perhaps upon their request to develop a bill.

9  
10 CHAIRMAN ROBUS: Further discussion. Myron.  
11

12 MR. NANENG: Mr. Chairman. I know that the  
13 -- or that the State or Federal representatives may not be  
14 able to take a position on this right now but we would  
15 hopefully see a letter of support in one form or another from  
16 one of the agencies. That would help us move this forward  
17 because it's going to have a big impact on the subsistence  
18 hunters out in the villages. And any kind of support that we  
19 can get from either the State or the Federal representatives  
20 to get this amendment moved forward we really would  
21 appreciate it.

22 Thank you.

23  
24 CHAIRMAN ROBUS: Okay, thanks. Well, this is  
25 not an action item at this meeting but obviously it's a  
26 discussion that's going to have to continue. It's something  
27 that I think is going to stay on the scope for sure.

28  
29 Let's move along to the next item on the  
30 agenda which is the Service regulations update. And we  
31 talked about this at the work session yesterday but just so  
32 we have it on the record at the meeting. I wanted to review,  
33 briefly, the same material.

34  
35 At the Service Regs Committee this July Fred  
36 and Doug Alcorn and myself traveled back to Washington D.C.  
37 and attended the SRC meeting. The SRC adopted all of the  
38 proposals forwarded by the AMBCC. And I guess one of the  
39 things to state on the record is that the SRC was especially  
40 appreciative of the fact that regulations were being put into  
41 effect as a result of Council action that addressed important  
42 conservation measures. And they asked us to pass their  
43 compliments back to members of the Council in general and  
44 also said that the proposals for protecting geese on the YK-  
45 Delta and the Cold Bay closure were especially significant in  
46 their eyes. So you guys, members here, I think should feel  
47 very good about what you've been able to put into effect for  
48 the next season. And the SRC really recognizes the Council  
49 and defers to the Council for it's opinions on those matters.  
50

1 I guess I won't go over the specific  
2 proposals one by one, we did yesterday, you recall what they  
3 were I think and so that was fairly smooth sailing through  
4 the SRC.

5  
6 While we were back there and this is not  
7 strictly related to the Service Regulations Committee but it  
8 was an associated meeting where several national level  
9 conservation groups had requested a meeting to talk about the  
10 subsistence migratory bird hunting issue. And they had  
11 unstated general concerns about our process and how the  
12 Council operates and what we're doing. And so we had the  
13 opportunity to go the main interior building and meet with  
14 these organizations and Paul Schmitt from the Service kind of  
15 facilitated the meeting. And between the three of us, Fred,  
16 Doug and myself I think we were able to answer in fair detail  
17 every concern that was brought up by this consortium or this  
18 gathering of conservation groups to where by the end of the  
19 meeting, we asked if they had any additional questions or  
20 concerns and they said, no, thank you for the opportunity to  
21 talk and we encouraged them to participate in this process in  
22 the future. We may see some of them at the spring meeting.  
23 They haven't been at this meeting but I think it was a pretty  
24 effective -- I mean it's better to meet somebody who has  
25 concerns and talk to them and fill them in rather than allow  
26 them to stay out there and worry about what's going on, so I  
27 think it was a good stroke.

28  
29 I will say that I think it's important to  
30 make sure that we have some representative from the regions  
31 to make those trips back to SRC. We did not have  
32 representation this year for a variety of reasons, but I  
33 think we, once again, we need to try to make sure that we've  
34 got somebody or with the backup to go to Flyway meetings and  
35 SRC meetings because I think that makes the case especially  
36 effective in front of the SRC in situations like the one we  
37 were in there at the Interior building.

38  
39 So I'll ask Fred if he has anything to add  
40 since he was involved as well.

41  
42 MR. ARMSTRONG: No, I think you captured  
43 pretty much what occurred during the SRC, and the meeting  
44 with the nongovernmental organizations. But I want to  
45 emphasize your comment you made about having a Council  
46 representative at the Flyway and SRC meeting, I think it goes  
47 a long way in explaining our culture and tradition during the  
48 spring and summer harvest of birds in Alaska. It really adds  
49 a lot when there's a representative there.

50

1                   Thanks.

2

3                   CHAIRMAN ROBUS: Thanks, Fred. Are there any  
4 questions or comments regarding the Service Regulations  
5 Committee actions.

6

7                   (No comments)

8

9                   CHAIRMAN ROBUS: All right, we'll consider  
10 that completed.

11

12                   Now, we're into new business. And the first  
13 item of new business is for the Council to go into executive  
14 session to discuss personnel and fiscal issues, so I would  
15 like to break here for a couple minutes. Ask the audience to  
16 give us a few minutes by ourselves and we'll come out in the  
17 hall and tell you when we're done

18

19                   Thanks.

20

21                   (Off record)

22

23                   (Executive Session)

24

25                   (On record)

26

27                   CHAIRMAN ROBUS: Call the meeting back to  
28 order, please.

29

30                   Okay, I'd like to briefly review the subjects  
31 covered in the executive session. We addressed the issues in  
32 two of the regions where at present we don't have contracts  
33 signed with regional partners and that's the Tanana Chiefs  
34 and Maniilaq organizations. What we decided to do was to  
35 direct Staff to prepare a letter to be sent from the Co-  
36 Management Council to each of those organizations expressing  
37 our concern at the situation and our strong interest in  
38 having representation from those regions restored. And also  
39 that both the Federal/State representatives on the Co-  
40 Management Council will work up through our chains of command  
41 to get the commissioner of Fish and Game and the Regional  
42 Director's office of Fish and Wildlife Service to follow up  
43 that letter with contacts to those organizations reinforcing  
44 the message. Our hope is that we can reestablish partners in  
45 both of those -- formal partners with signed contracts in  
46 both of those regions.

47

48                   We also discussed ways to loosen the  
49 requirements a little bit on the contracts with the regional  
50 organizations so that the under funding would be hopefully

1 less of an issue in terms of being able to accomplish the  
2 bare minimum requirements of the contracts.

3

4 So that's my summary of the executive  
5 session, does anybody want to add, clarify or contradict  
6 anything I said.

7

8

(No comments)

9

10 CHAIRMAN ROBUS: Okay. Now, next we'd like  
11 to move into two other regional situations. We have a letter  
12 from the Tlingit-Haida organization asking that the  
13 relationship as regional representative be moved from that  
14 organization to a new regional Fish and Wildlife Council, and  
15 I don't have the formal name in front of me but at any rate  
16 there's that formal request to change representation.

17

18 The second item is that KANA is in the  
19 process of sending us a letter notifying us that that  
20 organization would like to get out of the business of being  
21 the regional representative and move it to the Kodiak Tribal  
22 Organization. So we need to give some guidance to Staff --  
23 The Council needs to give some guidances as to how we'd like  
24 to handle each of those situations.

25

26 And I'd e ready to hear a motion on how to  
27 deal with the letter from Tlingit-Haida. Before we do that,  
28 Ralph, did you have something?

29

30 MR. ANDERSEN: No, I didn't, I was going to  
31 make a motion, Mr. Chairman. I move that we approve that the  
32 letter of September 16th from Courtney Garza, the chief  
33 business operations person at the Central Council of Tlingit  
34 and Haida Indian Tribes of Alaska.

35

36 I guess I'll do this one at a time unless,  
37 you know.....

38

39 CHAIRMAN ROBUS: I think that would be a good  
40 approach.

41

42 MR. ANDERSEN: Okay. So I move that we  
43 approve the letter just stated.

44

45 MR. SQUARTSOFF: I'll second it.

46

47 CHAIRMAN ROBUS: Okay, it's been moved and  
48 seconded we accept the Tlingit-Haida letter asking that we  
49 switch representation to a new organization. Any discussion.

50

1 Austin.  
2  
3 MR. AHMASUK: Just a question, is the  
4 Southeast Alaska Fish and Wildlife Commission the same thing  
5 as the Federal RAC or is it different?  
6  
7 CHAIRMAN ROBUS: My impression is it's  
8 different.  
9  
10 MR. ARMSTRONG: Yes.  
11  
12 CHAIRMAN ROBUS: Fred, do you have any  
13 details that you're aware of?  
14  
15 MR. ARMSTRONG: It's a different organization  
16 that they formed a few years ago that addresses all their  
17 natural -- their resource issues.  
18  
19 CHAIRMAN ROBUS: Okay, so it's been moved and  
20 seconded that we do that.  
21  
22 I guess what would happen here is that we'd  
23 need to -- if we take action positively on this, we would  
24 also need to direct Staff to have a bylaw change ready for us  
25 by the spring meeting and also we'd need to direct Staff to  
26 direct funding towards the new organization instead of  
27 Tlingit-Haida in the interim.  
28  
29 Ralph.  
30  
31 MR. ANDERSEN: That was the subject of my  
32 second motion.  
33  
34 CHAIRMAN ROBUS: Okay. So let's take the  
35 subject of the approval of the letter first. We'll take  
36 small steps. All right.  
37  
38 Is there any objection to acceptance of the  
39 letters that we're describing.  
40  
41 (No comments)  
42  
43 CHAIRMAN ROBUS: Seeing no objection the  
44 action of the Council is to accept the letter, to approve the  
45 letter.  
46  
47 Ralph.  
48  
49 MR. ANDERSEN: Mr. Chairman, I have a motion  
50 that we direct Staff to prepare bylaw amendments to



1 accommodate this change as outlined in the letter, and that  
2 Staff is also directed to proceed with the granting process  
3 with the Southeast Alaska Intertribal Fish and Wildlife  
4 Commission.

5

6 MR. SQUARTSOFF: Second.

7

8 CHAIRMAN ROBUS: Okay, it's been moved and  
9 seconded to part action, is there any discussion on the  
10 motion.

11

12 (No comments)

13

14 CHAIRMAN ROBUS: I suppose instead of asking  
15 for objections I should ask for votes on these things so  
16 we'll do that. Herman, did you have some discussion?

17

18 MR. SQUARTSOFF: No.

19

20 CHAIRMAN ROBUS: Okay, so all in favor of the  
21 motion as described, please signify by saying aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN ROBUS: Any opposed.

26

27 (No opposing votes)

28

29 CHAIRMAN ROBUS: All right, motion carries.  
30 That'll be the action of the Council.

31

32 The next subject, Herman, did you have  
33 something.

34

35 MR. SQUARTSOFF: Yeah, if we're going to  
36 discuss Kodiak, I suggest we hold off on that because I'm in  
37 the process of working on it right now and meeting with the  
38 president of KANA and everything on this one.

39

40 CHAIRMAN ROBUS: Okay, that's fine. Hang on  
41 just a sec, I guess we would still like to arrive at the  
42 spring meeting with a bylaw change if we're going to be  
43 changing organizations out there. And my understanding that  
44 in the meantime KANA will still accept the contract and  
45 subcontract to the tribal organization.?

46

47 MR. SQUARTSOFF: Right.

48

49 CHAIRMAN ROBUS: Okay. Donna, did you have  
50 something.

1 MS. DEWHURST: Donna Dewhurst, AMBCC Staff.  
2 While I was gone this morning I was meeting with our  
3 contracting officers, and just making sure I understood the  
4 process, and one cleaner way to do this, in order to give the  
5 new grant and to sole source it, we have to publish it in the  
6 Federal Register that this is the partner. What we could do  
7 is if the Council would basically vote to approve it going to  
8 Kodiak Tribal now, I could just do one publication listing  
9 two new partners and that will get the ball rolling. As soon  
10 as the thing is done then we can basically cut loose KANA  
11 from the -- basically it would mean that KANA wouldn't have  
12 to hold the grant for a year if they don't want to.

13  
14 CHAIRMAN ROBUS: Herman.

15  
16 MR. SQUARTSOFF: Donna, I can't do that right  
17 now because I still didn't meet with Rita.

18  
19 MS. DEWHURST: Okay.

20  
21 MR. SQUARTSOFF: And we don't have the  
22 letter, you know, saying that they are going to do this yet  
23 it's just on the informal with the managers that I've been  
24 talking so.....

25  
26 MS. DEWHURST: Okay, well, it's up to you.

27  
28 MR. SQUARTSOFF: Yeah.

29  
30 MS. DEWHURST: Because if you think it's  
31 imminent and these guys would approve it then as soon as we  
32 got the letter we could start the ball rolling. So it's up  
33 to you in.....

34  
35 CHAIRMAN ROBUS: I think since KANA has  
36 expressed the willingness to still participate this year that  
37 we should go in that direction, but I will ask does this  
38 affect what we just adopted, where we've directed you  
39 guys.....

40  
41 MS. DEWHURST: No, it doesn -- it just means  
42 there'll probably be a lag in the actual grant until we can  
43 get the Federal Register publication. We cannot issue the  
44 grant sole source until we publish in the Register, and I, in  
45 all honest, have no idea how long that will take, probably  
46 only a few months but we have to publish.

47  
48 CHAIRMAN ROBUS: Okay. Fred.

49  
50 MR. ARMSTRONG: Basically what Donna's trying

1 to do is instead of publishing two Federal Register notices  
2 she wanted to just do one and, you know, there'd be a lag  
3 time longer than necessary.

4  
5 MR. SQUARTSOFF: Yeah, Mr. Chair.

6  
7 CHAIRMAN ROBUS: Yes, sir.

8  
9 MR. SQUARTSOFF: Yeah, how much time -- what  
10 I need to find out for sure then Donna, you know, before you  
11 do this.

12  
13 MS. DEWHURST: I mean if you could find out  
14 within the next month it would be great. I mean that's why  
15 I say, you know, if we can -- if we can get that going then  
16 we'd only have to do one Federal Register publication instead  
17 of two separate ones. And then once that's done it will be  
18 up to KANA whether or not they wanted to turn it over early.  
19 That would give them the option to get rid of the grant  
20 earlier than a year from now and we could just get KANA to  
21 close out and issue the new grant to the Kodiak Tribal as  
22 soon as the publication's over. It might make them happier,  
23 I guess, is what I was thinking. They wouldn't have to sit  
24 on it for a whole year.

25  
26 CHAIRMAN ROBUS: Right.

27  
28 MR. SQUARTSOFF: Yeah, Mr. Chair, yeah, I  
29 think I could have that done in that amount of time.

30  
31 Thank you.

32  
33 CHAIRMAN ROBUS: Ralph.

34  
35 MR. ANDERSEN: I was just going to say that  
36 without a letter from KANA it would put us in a really  
37 awkward position and I think we should hold off action on the  
38 KANA situation until we receive a formal letter. And perhaps  
39 we can expedite the process by holding a teleconference  
40 meeting to address that.

41  
42 CHAIRMAN ROBUS: Okay, we could do that if  
43 that's the fastest way. So let's leave KANA as the recipient  
44 for now and we'll work as fast as we can to make the switch.

45  
46 Okay, if there's nothing else we'll move on  
47 to Item 1 under new business. So we're going to move on to  
48 2007 conservation initiatives and I believe that Julian and  
49 Tom were going to kind of repeat the list that we talked over  
50 in the work session of items that we feel, as agencies,

1 should be considered by the Council this coming year.

2

3

(Pause)

4

5 CHAIRMAN ROBUS: Tom, before you begin I need  
6 to acknowledge that Patty has arrived, welcome, good to have  
7 the seat filled on the Council.

8

9

Go ahead, Tom.

10

11

12 MR. ROTHE: All right, Mr. Chairman, I wish  
13 I had been here yesterday, I had to go off to Toronto for  
14 other meetings so if I'm not aware of some of the things  
15 you've already talked about yesterday I apologize in advance,  
16 but I'll keep this really brief and defer to Julian to fill  
17 in other gaps.

17

18

19 I think the primary conservation issues that  
20 we'd like the Council to consider in the coming year are  
21 based on committee meetings, agency discussions about the  
22 status of certain populations and so we've got a fairly short  
23 list, I think, of things that we would hope the Council would  
24 take a look at and people would consider in developing  
25 proposals for the proposal period in November.

25

26

27 I think we all are aware of the situation  
28 with emperor geese and I'll defer that to maybe some  
29 discussion on the committee report dealing with the Emperor  
30 Goose Management Plan.

30

31

32 We believe that for cackling Canada geese  
33 we've got some harvest cutbacks that have been put into place  
34 this year and I think we'll all just kind of watch to see how  
35 that unfolds with the fall sport season. We'll get some more  
36 information on how that went. And next spring the AVCP  
37 region has some regulation changes that should help cacklers  
38 out. So I think there's nothing further that we may want to  
39 look at for now., If the cackler population does not come  
40 back starting next summer and maybe the summer after that  
41 then we're all going to start to be concerned again.

41

42

43 I think one of the active conservation issues  
44 we'd like people to think about is, is the population of  
45 Brandt, Pacific Brandt have declined, I think Russ gave you  
46 a pretty good report here the last couple of meetings on our  
47 concerns. We're at record low population levels.

47

48

49 We have the Pacific Flyway Council's endorsed  
50 restrictions for all the coastal states and those regulations  
are in place now. We got a report that Mexico has proposed

1 major restrictions in their hunt on the Baja Peninsula so  
2 we're kind of hoping to see those finalized, and see what  
3 comes out of that.

4  
5 And AVCP proposed two proposed two specific  
6 regulation changes to reduce hunting around brandt colonies  
7 and during the mid-summer brood periods. So those are really  
8 positive steps that we're hoping are going -- we're going to  
9 see some results in the January population index this year  
10 and in '06 and '07 hopefully.

11  
12 There is some discussion that I guess  
13 everybody ought to share in brandt conservation efforts and  
14 so we would encourage all the regions that the coastal  
15 regions particularly, to look at what they might consider for  
16 reducing harvest, at least for the short-term brandt to get  
17 that population jump started again.

18  
19 So we will be providing more information, I  
20 guess, and further discussing what's going on with brandt.

21  
22 And there's on other issue, I'm not sure of,  
23 from the May meeting in Barrow, the Council kind of endorsed  
24 the idea that Fish and Game would develop a proposal to  
25 prohibit baiting for the spring and summer season to address  
26 the rare possibility that somebody might put corn out there  
27 to attract birds and do something nontraditional, so we will  
28 bring you a proposal for a methods change that would not  
29 allow baiting as it's defined.

30  
31 So I think from the Committee and the agency  
32 Staff we would put brandt conservation as kind of our No. 1  
33 item for your consideration in the coming year and then I  
34 guess see where you want to go with other regulatory issues.

35  
36 I'm kind of on the spot here because I have  
37 no idea what you talked about yesterday but I'll just speak  
38 personally and as a Department Staff for saying that we've  
39 all wrestled with two communities, Delta Junction and Cold  
40 Bay as having potential issues involving whether people are  
41 qualified to hunt or not, or whether their hunts are  
42 traditional. I, personally, think the Council needs to  
43 figure out how grapple with those sooner, as soon as  
44 possible. I think Matt's expressed the opinion that these  
45 are situations that are ready to erupt into some incidents if  
46 we don't find a way to come to grips with them, so, I think  
47 there was a proposal that wasn't really considered in depth  
48 in the May meeting to do a limited closure of the agriculture  
49 area around Delta Junction. That would certainly reduce the  
50 risk of some controversial incident occurring there. And, in

1 general, the Council has wrestled a bit with how do we do  
2 inclusion/exclusion decisions based on criteria that we need  
3 to develop.

4  
5 So I would encourage the Council to take  
6 these on if you're ready because I sincerely believe that a  
7 controversial incident could pop up, particularly at Delta  
8 Junction. With Cold Bay, with the Izembek Lagoon closure, I  
9 think that reduces the risk of some major blow up, but I  
10 still think the decision is still there as to whether Cold  
11 Bay fits into a subsistence context for bird hunting.

12  
13 CHAIRMAN ROBUS: Okay, thank you, Tom. Do  
14 Council members have any questions or comments on those  
15 priorities.

16  
17 Myron.

18  
19 MR. NANENG: Mr. Chairman, thank you. I hope  
20 that when you start defining baiting that you don't consider  
21 placing a decoy as baiting a bird. So make that definition  
22 kind of restrictive to the point to where it's only -- using  
23 some -- the birds -- to feed the birds rather than trying to  
24 attract them or something to that effect. So I just wanted  
25 to keep that in mind because sometimes when you give one  
26 definition it tends to run away from you.

27  
28 CHAIRMAN ROBUS: I think I can speak for the  
29 State, that we are strongly in the support of the use of  
30 decoys as a technique for taking waterfowl.

31  
32 (Laughter)

33  
34 CHAIRMAN ROBUS: Any other comments from the  
35 Council.

36  
37 (No comments)

38  
39 CHAIRMAN ROBUS: Alrighty, thanks, Tom.  
40 Julian, did you have anything.

41  
42 MR. FISHER: Mr. Chair, I'm Julian Fisher.  
43 Fish and Wildlife Service, Migratory Bird Management.

44  
45 Yesterday Russ Oates went through the Fish  
46 and Wildlife Service conservation initiative ideas and I'll  
47 just reiterate those again today.

48  
49 Tom pretty much covered just about all of  
50 them, that is, with emperor geese, populations are growing,

1 slowly, and we continue to be concerned and we continue to  
2 support the measures that protect those birds with the  
3 current closures. We'd like to see beefed up outreach  
4 efforts to encourage continued compliance in the closure.

5  
6 We'd also like to see some predator control  
7 work and there could be some funding in 2006 to get that  
8 going. Emperors are -- it looks like they are slowly  
9 increasing and we hope that that continues.

10  
11 As with cacklers, there's a recognized  
12 concern throughout the Flyway that cacklers, that the  
13 improvement in numbers has declined and numbers actually  
14 going down a bit and as Tom alluded to, Oregon and Washington  
15 have taken measures to basically restrict their hunting, cut  
16 it in half, Mexico also it looks like they're approaching a  
17 50 percent reduction, that's their intent, and we hope that  
18 sticks. And very importantly here in Alaska sporthunt is  
19 restricted by 50 percent and the measures through AMBCC, the  
20 AVCP regulation changes and APIA changes -- or excuse me,  
21 just the AVCP changes should protect those birds  
22 significantly and we hope that that brings the birds back to  
23 where we want them to be.

24  
25 I'd like to emphasize that any conservation  
26 measures in the Fish and Wildlife Service view should be seen  
27 as measures that are taken to get the birds back on track.  
28 They're not meant as a permanent restriction in any way. But  
29 they're guidelines to help improve hunting opportunities in  
30 the future.

31  
32 As for brandt throughout the Flyway, folks  
33 are concerned about brandt, numbers are continuing to  
34 decline. But the Flyway has taken measures to reduce harvest  
35 in half. I think I mentioned just a minute ago that Mexico  
36 had taken measures to cut harvest in half, that was referring  
37 to brandt, not cacklers. And as Tom alluded to also, the  
38 measures that have been taken in APIA and AVCP are local  
39 measures to reduce harvest, but we would like to see a  
40 comprehensive statewide effort taken by all regions to  
41 discuss how they might conserve brandt in the long-run.

42  
43 The one issue that Tom didn't raise just now  
44 that Fish and Wildlife Service would like to address is the  
45 apparent ambiguity in some of the language regarding the use  
46 of boats to position the hunter. We feel there is some  
47 ambiguity in the language, and we would support modification  
48 to that language that would clarify that, yes, boats are okay  
49 to use, that they can bring the hunter close to the bird to  
50 -- we want to reduce the winging incidents as much as

1 possible. We want to make sure that birds aren't wounded,  
2 they're killed when intended to be shot. So we would support  
3 a change in language that would clarify that hunters can be  
4 brought close to the bird for a clear shot but that boats  
5 should not be used to drive, herd, or otherwise harass the  
6 birds. So I don't have any proposed language now but we  
7 would support a change that would clarify that issue.

8

9 And that's about all I've got on this.

10

11 CHAIRMAN ROBUS: Thanks, Julian. Questions  
12 from the Council.

13

14 MR. SQUARTSOFF: Yeah, Mr. Chair.

15

16 CHAIRMAN ROBUS: Herman.

17

18 MR. SQUARTSOFF: Yeah, Julian, the part you  
19 mentioned where herding, harassing and all that, that's  
20 already in our reg, I think, isn't it.

21

22 CHAIRMAN ROBUS: Fred.

23

24 MR. ARMSTRONG: If I may, Mr. Chair, I think  
25 you have -- like I explained yesterday, you have one reg that  
26 says you can position the hunter but whatever you use will  
27 not be in motion and we have ours, that just says position  
28 the hunter, so it's confusing and I think for consistency  
29 sake I think we should try to make them the same as possible.

30

31 CHAIRMAN ROBUS: Donna.

32

33 MS. DEWHURST: I got the regs right here just  
34 to clarify and I'll read them in for the record.

35

36 The two -- this is under the, not the annual  
37 regulations, but the general regulations of Subpart C, so it  
38 doesn't get published in the rules that come out annually.  
39 There's two.

40

41 There is a prohibition under methods and  
42 means. It says, using any type of vehicle, aircraft or boat  
43 for the purpose of concentrating, driving, rallying or  
44 stirring up of any migratory bird, except boats may be used  
45 to position a hunter is the way -- that's the actual reading  
46 right from the regs.

47

48 When that was developed, I was involved in  
49 that, the main justification that was given to be able to  
50 keep the boat motor on because the concern, there were



1 twofold expressed, one, is when you're out in a Zodiac or in  
2 a boat in marine waters it can be kind of dangerous to turn  
3 the motor off when you're in currents, and various things or  
4 dealing with surf. The other aspect that was brought up at  
5 the time was the aspect of wounded birds and to be able to  
6 chase them down with a motorized boat, to be able to get them  
7 once they are wounded. And that was the other concern, to be  
8 able to shoot from a boat with the motor still running, to be  
9 able to get wounded birds.

10

11 So those were the two that were brought up at  
12 the time when this was written for justifying not putting in  
13 there that the engine had to be shut off before shooting.  
14 Just to clarify, that's just some history.

15

16 CHAIRMAN ROBUS: Yeah, and since we're not  
17 dealing with a proposal at this point, I don't think we need  
18 to go into detail any further. This is a discussion that  
19 needs to happen between now and when we do proposals in the  
20 spring.

21

22 MS. DEWHURST: Yeah, I just wanted to provide  
23 the history and the actual reg so there wasn't speculation.

24

25 CHAIRMAN ROBUS: Very good. Bob.

26

27 MR. LEEDY: I would also like to add here  
28 that.....

29

30 REPORTER: Bob.

31

32 MR. LEEDY: Thank you. Bob Leedy. I'd also  
33 like to add that the Service has high hopes that we will be  
34 able to move forward on AMBCC adoption of the revised Emperor  
35 Goose Management Plan, which as I suggest, provides the basis  
36 for all the activities that we and other partners would work  
37 together to try to achieve.

38

39 Thank you.

40

41 CHAIRMAN ROBUS: Myron.

42

43 MR. NANENG: Yeah, thank you, Mr. Chairman.  
44 Myron Naneng, AVCP.

45

46 I'm just concerned about the fact that you're  
47 bringing up the boat issue or positioning the hunter with a  
48 boat and if you're going to be bringing it up I think it  
49 really needs to be scrutinized as to how the language is  
50 made. or put together. Because more often than not the birds

1 arrive during -- prior to break up and we're talking about  
2 spring and summer hunt, but right now within our region,  
3 summer hunts are -- because of the conservation concern,  
4 summer hunts are not done as much as they used to be. So if  
5 there's going to be further restrictions on the use of boats  
6 to go hunting for migratory birds, you seem to be talking  
7 more about when the birds are molting, rather than when the  
8 birds are arriving into the area during spring time. And I  
9 think that concern that I have is more seasonal than rather  
10 -- than saying that it should be applied throughout the time  
11 when the birds are there.

12  
13 Because the birds don't arrive at 1:00  
14 o'clock April 1st every year, they arrive depending on the  
15 snow and ice conditions. And sometimes the birds are even  
16 gone even before the end of August, for some of the species,  
17 like the black brandt, and I think if we're going to take a  
18 look at that further, coming up with regulations, we have to  
19 use common sense and make sure that, you know, we don't give  
20 any enforcer, law enforcement person or anyone out there an  
21 open book to restrict people from being able to hunt because  
22 they're in a boat.

23  
24 CHAIRMAN ROBUS: Julian.

25  
26 MR. FISHER: Thank you for your feelings on  
27 that. And I assure you that the purpose of any change that  
28 we would propose would not be to restrict hunters from taking  
29 birds, it would be more focused on a methods and means  
30 clarification with, what I think is probably the shared  
31 interest of the birds in the long-run that we all have.

32  
33 The intent of any change that we would  
34 propose would be to attempt to limit the nonlethal harm that  
35 a hunter might have, that is, winging. We do not intend to  
36 try to reduce the number of birds that are shot this way --  
37 or shot total. It would be a methods and means type of  
38 thing.

39  
40 I don't know if that clarifies that but.....

41  
42 CHAIRMAN ROBUS: Myron.

43  
44 MR. NANENG: Yeah, even experts within the  
45 shooting field know that there's not going to be 100 percent  
46 harvest of any bird regardless of whether you're sitting  
47 still waiting for the birds to fly by. You know, there's  
48 always some potential of loss of some birds even if you --  
49 and if you don't have a boat you might not be able to go  
50 across a creek or a river to go get the bird that you shot

1 down.

2

3

4 So are we going to be taking a look at boats  
5 and eventually taking a look at the position of the hunter  
6 because he's sitting behind a hill or some time and start  
7 further -- you know, these are some of the things that I feel  
8 are going to be eventually looked at that are going to be  
9 further restricting a subsistence hunter out in the villages  
10 and I don't want to see that. And even though it's written  
11 regulation and stuff like that I -- I cannot continue to feel  
12 that I'm going to jump in with every proposal that comes out  
13 from the agency without full involvement of the people that  
14 are going to be affected.

14

15

16 CHAIRMAN ROBUS: Okay, thanks. I think what  
17 we need to do here, rather than getting deeper and deeper  
18 into a discussion about a proposal that's not even in front  
19 of us is to have some language for a proposal developed and,  
20 then, at least we have something concrete to tweak and debate  
21 about and discuss.

21

22

23 So I would suggest we move on to committee

24 reports.

24

25

26

27

28

29

30

31

32

33

34 Do you have something that needs to be said  
35 on this issue, Herman?  
36  
37 MR. SQUARTSOFF: No, not really -- well, if  
38 we don't want to discuss this kind of stuff then they  
39 shouldn't bring these issues up because they do get us riled  
40 up on these things.  
41  
42 CHAIRMAN ROBUS: Well, let me clarify what  
43 we're doing here. The agencies are taking the opportunity to  
44 notify Council members about issues that we would like to  
45 deal with during the regulatory process. We are not at a  
46 point of being ready to debate the specifics, this is kind of  
47 a head's up. And so I understand that there's concerns, but  
48 you can imagine concerns that might not even need to be  
49 discussed, depending on what the proposal eventually turns  
50 out to be. So my suggestion is, now you know that this is an  
issue that we'd like to at least discuss. I think we can  
come back with some proposals that you can take to your  
regions and get input on and then we'll have something  
concrete to go back and forth on.

46

47

48

49

50

MR. SQUARTSOFF: Yeah, Mr. Chair.

CHAIRMAN ROBUS: Herman.

1 MR. SQUARTSOFF: Let me clarify myself, not  
2 being riled up, more the concerns that we have then, I guess.

3  
4 Thank you.

5  
6 CHAIRMAN ROBUS: Ralph.

7  
8 MR. ANDERSEN: Thank you, Mr. Chairman. I  
9 agree with a lot of the discussion here, especially from  
10 Myron, but, you know, being involved in the preparation and  
11 final adoption of what we have in front of us now in terms of  
12 regulations, that was a long and tough process to get to  
13 where we are as far as, you know, the current restriction.  
14 And I think that, you know, since -- and, you're right, since  
15 it's a statewide -- would be a statewide regulation, I mean  
16 the process in doing that, in changing that regulation would  
17 take a consensus from all of our regions. And I agree with  
18 you, that it's, you know, and I understand that this is the  
19 agency's opportunity to give us head's up on things, and it's  
20 also an opportunity for us to give them a head's up on  
21 things.

22  
23 CHAIRMAN ROBUS: Exactly.

24  
25 MR. ANDERSEN: That there is stiff opposition  
26 to further clarification because we have already been through  
27 that process. And creating more restrictions, I mean there's  
28 some concern in the Bristol Bay region that we're going to be  
29 restricted right out of our spring hunt. And it seems like,  
30 you know, if that's what you're asking for then -- you know,  
31 if you're going to be asking for a clarification and tighter  
32 restrictions then that's exactly where we're headed, like  
33 Myron was saying, I mean we're restricted a lot already.

34  
35 I don't want to say any more until there's a  
36 proposal and at that time I think it will give us all a  
37 chance to voice our opinions.

38  
39 CHAIRMAN ROBUS: I appreciate that, Ralph.  
40 And I guess if you back away from the specific subject and  
41 you think about the fact of how young our regulations are,  
42 there are bound to be -- I mean we've made a first  
43 approximation on these through a lot of debate and discussion  
44 and best judgment, there are bound to be things that come up  
45 that's, at least some parties feel, need to be adjusted. I  
46 don't think the agencies are interested in restricting  
47 subsistence hunting, but are interested in conservation  
48 issues, and so we need to bring something forward, I mean one  
49 or the other agency or a regional member needs to bring  
50 things like that to the Council so we can discuss them. It's

1 just, as you say, going to work a lot better once we have  
2 something specific to talk about.

3

4 I saw Austin next, I believe, and then I'll  
5 get to you.

6

7 MR. AHMASUK: Yeah, thank you, Mr. Chairman.  
8 I have a couple additional conservation issues that I  
9 mentioned yesterday. And that is the quick transition from  
10 the spring hunt to the fall hunt, and how the two regulations  
11 -- the seasons and methods and means and such are different  
12 than the spring season's methods and means and such, bag  
13 limits and such.

14

15 And so I submitted a couple of proposals to  
16 the Board of Game to change some things and would encourage  
17 other members to look at that as well. In our region,  
18 anyway, we're interested in seeing the regulations look  
19 fairly similar, particularly in terms of the methods and  
20 means, perhaps bag limits and such can be in place for the  
21 fall season but in terms of the methods and means that are  
22 employed in the spring and summer season, those are some  
23 things that we are seeking change on.

24

25 Thank you.

26

27 CHAIRMAN ROBUS: Okay, thanks, for reminding  
28 me. Steve.

29

30 MR. TUTTLE: Steve Tuttle, Fish and Wildlife  
31 Law Enforcement. If the enforcement committee becomes a  
32 reality this would be a topic that the Council could task to  
33 that committee to alleviate tying up the Council's time.

34

35 CHAIRMAN ROBUS: Okay, appreciate that, good  
36 idea.

37

38 Bob, you were waiting.

39

40 MR. LEEDY: Yes, Bob Leedy. Thank you,  
41 Steve. I think that is probably the ultimate solution here.  
42 And just because we bring this up now doesn't mean we demand  
43 action immediately by any means, we want to work this out so  
44 everyone's comfortable.

45

46 More importantly, I just want to state, our  
47 intent is not to change the regulation or make more  
48 restrictive regulations, just to make the existing regulation  
49 more clear.

50

1 CHAIRMAN ROBUS: Okay, thanks. With that I  
2 propose to move on to committee reports.

3  
4 (No comments)

5  
6 CHAIRMAN ROBUS: Seeing nobody -- oh, Myron,  
7 go ahead.

8  
9 MR. NANENG: One question that I have, I know  
10 that we're dealing with the legalization of the spring  
11 subsistence hunt and yesterday I believe Matt made a comment  
12 that it's during the fall time it's a sports hunt. As far as  
13 our people are concerned in the villages, it's not a sport  
14 hunt, it is a subsistence hunt and I don't see the spring  
15 hunt being any different than the fall hunt as far as the  
16 people in the villages are concerned.

17  
18 I just want to make that point.

19  
20 CHAIRMAN ROBUS: And it's a good point, and  
21 I trained for years not to say sporthunting but it's a term  
22 that's loosely used in the Service and in the Department to  
23 distinguish between the two types of seasons, and I didn't  
24 mean to imply that village uses during that time weren't just  
25 as important as during the summer.

26  
27 Okay, let's move on. The first committee in  
28 the blocks here is Harvest Survey Committee. Austin is the  
29 Chair, would you like to give a brief summary of where you're  
30 at.

31  
32 MR. AHMASUK: Thank you, Mr. Chairman. I  
33 would at the end here like to submit our meeting minutes.

34  
35 Since our last AMBCC meeting the Harvest  
36 Survey Committee met on April 27 and on August 9th, and we  
37 also met on September 20th, but I would like to submit our  
38 approved minutes of April 27 and August 9. On the committee  
39 are Ron Stanik Fish and Game; Russ Oates Fish and Wildlife  
40 Service, Robert Sudam North Slope Borough, Tom Rothe Fish and  
41 Game, myself, Rick Langto Fish and Wildlife Service, Jacob  
42 Isaac Yukon Delta National Wildlife Refuge and Taqulik Hepa.

43  
44 The meetings that we've had this year, and  
45 you heard some of what Cynthia mentioned regarding  
46 performance of the survey and things like that yesterday.  
47 We're primarily concerned with some problems that arose  
48 during administration of the survey for the 2004 survey  
49 period. And over those two days of meetings which were, via  
50 teleconference, we were able to work through some of the

1 issues of sampling methodology and what to do in certain  
2 instances if a village wasn't a part of the survey or there  
3 were issues of what to do with data and such; and those are  
4 the main substance of our meetings.

5  
6                   The summary of our April meeting is that the  
7 Koyukuk/Nowitna surveys have begun and are proceeding  
8 smoothly. The Bethel surveys are in Staff -- or were at that  
9 time in Staff training stages and they'll begin -- they've  
10 begun the surveys. And there was a methodology that was  
11 finalized to assist with the Bethel survey. And then I was  
12 to prepare a short presentation for the Council meeting at  
13 our May meeting, which I did. And then Fish and Game  
14 identified some data concerns and they were -- then they  
15 worked with Ms. Wentworth, Fish and Wildlife Service, on  
16 those data concerns.

17  
18                   So that was the substance of our April  
19 meeting.

20  
21                   These meetings were all via teleconference.

22  
23                   August 9th. We primarily looked at a couple  
24 things and that was the use of the data and how it was  
25 expanded to generate statewide estimates. We also talked  
26 about some OMB form issues, certification for our forms is  
27 coming up and Ms. Wentworth with the Fish and Wildlife  
28 Service subsistence was given some direction in that vein.

29  
30                   We, in our August meeting, went over the  
31 status of some of the funding agreements. And then also we  
32 looked at some issues that arose in regards to community  
33 listing, Fish and Game had -- was not entirely clear or --  
34 well, was not entirely clear as to what communities were to  
35 be a part of the survey and to be, you know, honest, the  
36 survey protocol that we have developed, which is not a  
37 complete canvassing of villages and is also a reduced effort  
38 in regions can be a little complicated in light of Council  
39 discussions and things of that nature.

40  
41                   Although in the end the community listing and  
42 budget revisions were made to address these concerns. And in  
43 the end there for the year 2005, 2004 harvest survey  
44 estimates have now been developed. They're still not  
45 complete. There's some questions as to -- that still remain  
46 as to some of the harvest survey numbers. Some regions of  
47 Alaska were not surveyed completely and so estimates were  
48 generated that came from or resulted from very few  
49 communities within a region being surveyed and then an  
50 estimate being generated from that. And so we're looking at

1 those issues.

2

3 But at this point, you know, there are  
4 harvest survey numbers that we can look at or that are there  
5 but they're not completely analyzed and there's some data,  
6 cleanliness issues, data qualifications that still need to  
7 occur.

8

9 In the future we would very much be  
10 interested in this Council's decision on communities that are  
11 included, you know, we're watching closely how this Council  
12 looks at excluding or including communities and constantly  
13 have to refine and adjust the survey protocol to that. Also  
14 to budget reductions that we continually face, how are we  
15 going to fund this, how are we going to fund surveys and  
16 such.

17

18 For the upcoming year it is expected that  
19 another survey will be done, and estimates can be run. It  
20 seems as though we're oiling this machine that helps us and  
21 gives us harvest survey estimates and so with this second  
22 time around now we're getting a little better at what happens  
23 in regions and getting a survey in place.

24

25 So with that, Mr. Chairman, thank you.

26

27 CHAIRMAN ROBUS: Thanks, Austin. As always,  
28 we appreciate the hard work that you and your committee have  
29 been doing.

30

31 Let's see, I'm not sure how we usually do  
32 this. Do you want to move for acceptance of your report?

33

34 MR. AHMASUK: Sure, Mr. Chairman. I would  
35 move to submit to the record the April 27 and August 9  
36 Harvest Survey Technical Committee meeting minutes.

37

38 CHAIRMAN ROBUS: Is there a second.

39

40 MR. ANDERSEN: Second.

41

42 CHAIRMAN ROBUS: It's been seconded. All  
43 right, is there any objection to accepting those minutes and  
44 Austin's report of the Harvest Survey Committee.

45

46 (No comments)

47

48 CHAIRMAN ROBUS: Seeing none, that's the  
49 action of the Council. Thanks, Austin.

50



1 Next up in terms of committee reports is the  
2 Exclusion Committee, and Sky, are you going to present that  
3 again today.  
4

5 MR. STARKIE: Thank you, Mr. Chairman. Sky  
6 Starkie. I will give the Exclusion Committee report which is  
7 found under Tab 7 of your white book. Unfortunately I called  
8 it Eligibility Committee report.  
9

10 We didn't take any minutes, we just have the  
11 report here. Again, the charge to the committee that we  
12 undertook, there may be more charges than one, but the one  
13 that we dealt with when we met in August was to determine a  
14 process for communities like Delta Junction and Cold Bay that  
15 are within a subsistence -- an area that the Council, under  
16 its current regulations has recognized as generally an area  
17 where subsistence uses occur and are thus -- the residents  
18 within that area are eligible to participate in the  
19 subsistence harvest. But when one looks at the language of  
20 the Treaty and the letter of submittal and looks at the term,  
21 customary and traditional use which modifies users and the  
22 goal of not expanding, significantly expanding the  
23 subsistence harvest, there is substantial support in the  
24 Treaty to exclude communities within an area that do not have  
25 customary and traditional use of summer and spring harvest of  
26 migratory birds for subsistence uses.  
27

28 So the committee determined and recommends a  
29 process. Under the process, a couple things are important to  
30 note, several things really. And basically they're  
31 summarized on the second to the last paragraph where it says:  
32

- 33 1. The intent of the Treaty is not to create  
34 new nontraditional subsistence uses or to  
35 create a significant increase in the  
36 subsistence harvest in Alaska  
37
- 38 2. It's not the intent of the Treaty to extend  
39 subsistence eligibility to permanent  
40 residents of communities within subsistence  
41 areas if such communities do not have a  
42 customary pattern of taking subsistence  
43 birds for subsistence uses.  
44
- 45 3. Eligibility for subsistence may be  
46 established through criteria defining a  
47 community's customary and traditional  
48 pattern of subsistence use for migratory  
49 birds.  
50

1           4.       Native villages located within subsistence  
2                    use areas are recognized in the letter and  
3                    thus the Treaty as having customary and  
4                    traditional uses, thus the AMBCC may  
5                    recognize all Native villages within an area  
6                    as eligible, while at the same time finding  
7                    other communities within that same area  
8                    ineligible under a criteria developed by the  
9                    Co-Management Council.

10  
11           5.       And I think this is an important point to  
12                    note.

13  
14                    All the customary hunting grounds of an  
15                    eligible village remains open to subsistence  
16                    harvest by permanent residents of that  
17                    village regardless of any eligibility  
18                    determination that the Council may make for  
19                    other communities located in or near the  
20                    traditional hunting grounds.

21  
22                    I think that last point's particular  
23                    important when the State suggests closing a hunting area  
24                    around Delta, which may be fine, but it would not be fine if  
25                    there was a village in the Interior that used those grounds  
26                    as their customary and traditional hunting grounds. That  
27                    part of the Treaty, I think, is quite clear, so that would  
28                    have to be looked at.

29  
30                    And I think the same would go for Cold Bay.

31  
32                    So the recommendation is then that the  
33                    Council take up a process whereby basically each region would  
34                    identify those villages within the region where there's  
35                    customary and traditional use and identify those communities  
36                    in the region where they believe there's not customary and  
37                    traditional use. Staff would then have to look at whether  
38                    there's any indication for those communities identified as  
39                    not eligible, whether there's any basis for making that  
40                    recommendation. For example, Delta Junction is in a  
41                    nonsubsistence use area, the State has already identified  
42                    that as a nonsubsistence area under criteria that are very  
43                    similar to identifying customary and traditional use. The  
44                    Council could rest on that finding and make a presumption  
45                    that Delta Junction would not be included as eligible to  
46                    permit residents of that community. And in developing the  
47                    criteria and the process, the Council could adopt, either in  
48                    whole or in part, parts of what the State and Federal  
49                    government do in their ANILCA and State preference  
50                    identifications and also look at the halibut program. Those

1 criteria are well developed. They seem to be well  
2 established and so once those criteria were developed, what  
3 you would -- basically the recommendation is you would have  
4 a list of communities that are -- and the Treaty language  
5 supports this, presumed as in because they have customary and  
6 traditional use, Native villages and other small communities  
7 where you believe that's true. Other communities would be  
8 presumed out. They could -- if someone from a community  
9 that's presumed out wants subsistence use they could petition  
10 the Council for exclusion -- inclusion back in, then you  
11 would have to assign Staff to, you know, make findings and  
12 make a recommendation as to whether or not there was any new  
13 evidence or other evidence that you made a mistake in the  
14 presumption and they would be allowed in. In other words,  
15 there would always be the chance to petition back in.  
16 Likewise, if someone from the outside decided they wanted to  
17 challenge whether another community that you presumed was in  
18 really should be eligible then you would probably have to  
19 take that up and look that over and either affirm that  
20 they're in or decide that you made a mistake.

21  
22 I guess the only other thing that I would  
23 mention, the community -- the committee really did not  
24 address a short-term fix for Delta and Cold Bay outside of  
25 the statewide process that we talked about.

26  
27 And that would conclude my report, Mr.  
28 Chairman.

29  
30 CHAIRMAN ROBUS: Thank you, Sky. Is there a  
31 motion for the acceptance of the Exclusion Committee report.  
32 Ralph.

33  
34 MR. ANDERSEN: Would that open it up to  
35 discussion.

36  
37 CHAIRMAN ROBUS: That's my intent.

38  
39 MR. ANDERSEN: Okay, so I move.

40  
41 CHAIRMAN ROBUS: Is there a second.

42  
43 MR. SQUARTSOFF: Second.

44  
45 CHAIRMAN ROBUS: Okay, so we're open for  
46 discussion. Ralph.

47  
48 MR. ANDERSEN: I appreciate your work, Sky.  
49 I have a couple of questions and concerns, though, maybe  
50 because it's -- maybe I just don't understand some of the

1 words that you use here.

2

3

4 The two recommendations that jump out at me  
5 are, one is, you know, like you were just explaining,  
6 undertaking a process to identify communities in the  
7 subsistence areas and to exclude them. And the other being  
8 that the Council adopt criteria, you know, C&T determination  
9 criteria, am I right so far?

9

10

MR. STARKIE: That would be correct.

11

12

13 MR. ANDERSEN: Okay. And I'm kind of  
14 wondering what you mean by deliberative process. Because --  
15 and the reason I'm raising that question, Sky, is because I'm  
16 worried that some of our regions might see this as something  
17 coming from the top down so that say South Naknek or King  
18 Salmon or one of those communities might be excluded for one  
19 reason or another or have the Council, this Council decide  
20 whether or not they're in or out without having an  
21 opportunity to talk with the regional body, you know, the  
22 Bristol -- the Agoolikglusti (ph) Council, without having it  
23 go through that process.

23

24

25 So I guess I am wondering if you could  
26 clarify what you mean by deliberative process. And why are  
27 you asking the AMBCC to undertake it and why not have the  
28 regional Councils -- or the regional management bodies  
29 develop a process of that kind? I guess that's one question.

29

30

31 The second question that I have is, you know,  
32 how would this go about being implemented? Would there be a  
33 petition involved? Would there be a written request  
34 involved? Could the request come from a regional Council,  
35 can the request come from -- say I got mad at Myron and  
36 decided that I should exclude Bethel, can it happen that way?  
37 Or can it -- you know, how do we go about -- how would this  
38 process work? And I guess I might be asking too much  
39 already.

39

40

41 Because it seems like if we're going to be --  
42 I think something like this really needs some real careful  
43 consideration, in criteria, especially considering the  
44 politics that's involved between some of the villages,  
45 especially, you know, in some of the -- maybe Delta Junction  
46 would be an example of a community asking to be included and  
47 there might be a petition or request to have them excluded,  
48 and I guess I would highlight the importance for the  
49 criteria.

49

50

And I hope there was some questions in there,

1 in all that, Sky, that you could respond to.

2

3

Thank you.

4

5

6

MR. STARKIE: Mr. Chairman. We did talk about there was two ways that we felt we could present this.

7

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One thought was that we should actually draft up some criteria and a process and present it, but I think we all came to the conclusion that that would be getting ahead of the Council, and the best thing that we could do would be to present a general concept, here the Council's ideas and then maybe come back with a specific set of proposed criteria and a process.

I think in terms of whether it's generated from the top or from the regional bodies, I think that the thinking was was that the regional bodies would be the bodies that would identify the communities within their area that they thought needed to be considered for exclusion. It would be -- it would come from the regional bodies. But that would not -- I don't think under any process that's public like this one, that would not exclude any member of the public from making a request to the Council to consider any community either in or out and then what you do with that is up to your own process, I guess.

But as I understand it, this whole Delta Junction issue has actually come from Delta Junction, from the Advisory Committee, their Fish and Game Advisory Committee and then I believe in Barrow there was some public comments from a couple individuals. I can't remember. It seems like there was some members of the public who also thought that Delta shouldn't be included. So I'm not sure that the Council would ever be insulated from proposals coming from outside. But certainly the initial cut, it was -- I think the intent was, it would come from the regional bodies, the initial identifications of where the Council would start.

In terms of whether -- who would identify the criteria, the customary and traditional use criteria or the criteria that you would look at for identifying a community's customary and traditional use, I think you asked whether or not that would come from a regional body or the statewide body. We didn't really address that. But my own thinking about that is that it would probably create some practical and legal problems if the criteria was not uniform across the state.

1 CHAIRMAN ROBUS: Ralph.

2  
3 MR. ANDERSEN: And I just want to clarify,  
4 you know, Sky, that I wasn't -- I'm not concerned about  
5 filtering requests or proposals, I mean that's not -- I mean  
6 I think proposals should be open to anyone. But I think that  
7 unless we have a clear process then, you know, those that are  
8 reasonable and unreasonable may make it through, I guess.

9  
10 MR. STARKIE: Yeah, Mr. Chairman. I agree.  
11 And if I could just step away a little bit from the  
12 committee, and we can talk about this as a committee, but if  
13 the Council were to direct the committee to make  
14 recommendations to deal immediately with Delta Junction and  
15 Cold Bay and step aside from the larger process, then, you  
16 know, we would take that on. I don't really think we've  
17 focused in on just how to deal with the immediate needs.

18  
19 CHAIRMAN ROBUS: Okay, thanks. Tom.

20  
21 MR. ROTHE: Mr. Chairman. Just maybe a  
22 comment or two from the Staff perspective. I guess one thing  
23 we've looked at is that the current Federal regulations say  
24 that any person may file a petition and I suspect the  
25 committee's aware that it'd be much more preferable to have  
26 a petition or the kick off come from the regional management  
27 bodies or the Council itself, rather than getting one from  
28 the public that you would have to deal with then. So just be  
29 aware, as Sky said, anybody can drop one in the hopper  
30 whenever.

31  
32 And then I think it would be good if the  
33 Council identified with how we would deal with one. You  
34 know, the Technical Committee met last year and we discussed  
35 a process where we would create an evaluation package on any  
36 proposed action that came in. We'd pull all the data  
37 together, look at what's available and offer that for the  
38 basis for your decisions. So I think we're capable of doing  
39 that if there's an action that gets triggered at some level.

40  
41 CHAIRMAN ROBUS: Myron.

42  
43 MR. NANENG: Yeah, thank you, Mr. Chairman.  
44 Myron Naneng, AVCP. I recommend that we take a look at the  
45 criteria that's mentioned in the report by the committee  
46 regarding the Halibut Commission and also the customary and  
47 traditional use criteria, and just have them in front of us  
48 so that we can take a look at how we can possibly use those  
49 criterias as part of the process to build up a system that's  
50 being asked of us today to consider regarding Cold Bay and

1 Delta Junction.

2

3

4 And I know that there's going to be  
5 opportunity for public comments once we've put that criteria  
6 together and present it to the people that would deal with  
7 some of the issues that we're asked to be dealing with.

7

8

9 CHAIRMAN ROBUS: Okay. I guess my question  
10 is if we want to do that as a Council, that's fine, but how  
11 do we actually do it. If we're not going to charge a  
12 committee with doing it, it means that we're going to have to  
13 stay linked together as a Council over the time between now  
14 and the spring time and do some homework and discussion and  
15 whatever. It seems that that's what committee's are good at  
16 doing. So do we want to charge this committee with  
17 developing a draft list of criteria that we would then accept  
18 and modify and tweak or whatever?

18

19

20 MR. ANDERSEN: And I think, Mr. Chairman, I  
21 don't mean to -- I'm sorry for jumping right in, but I think  
22 that the criteria, you know, needs to be vetted through the  
23 regions. That, you know, it's fine and dandy that the  
24 committee develops a draft set of criteria but I think that  
25 the process that we set up was to have the statewide, you  
26 know, the larger picture proposals run through the regions.

26

27

28 And on the same token, that if we're going to  
29 direct our committee to develop proposals regarding Delta  
30 Junction and Cold Bay, then I mean I don't want to set a  
31 precedent of having the Council direct committees to prepare  
32 proposals that affect specific regions. I think that Peter  
33 Devine and his Council should work on -- you know, work  
34 closely with the committee or something, but they need to be  
35 involved in the process and that whatever proposal comes from  
36 his group, and the same thing would apply to Delta Junction,  
37 that the Interior group really needs to be involved and the  
38 proposal should come from them because it affects their  
39 region specifically.

39

40

Thank you.

41

42

43 CHAIRMAN ROBUS: Okay, thanks. Austin, did  
44 you have something.

44

45

46 MR. AHMASUK: Yeah, thank you, Mr. Chairman.  
47 I, from the Harvest Survey Committee's perspective, would be  
48 very interested in criteria, as was mentioned regarding  
49 halibut registration. We have talked about how such methods  
50 that the halibut registration, the SHARK cards work and how  
51 they can greatly assist in harvest survey cost and

1 implementation.

2

3 And certainly would -- if other Council  
4 members agree, would forward that as one prime consideration  
5 for the committee.

6

7 CHAIRMAN ROBUS: Fred had something to say  
8 and then I'll get to you Robert.

9

10 MR. ARMSTRONG: Thank you, Mr. Chair. The  
11 committee's been around for a couple years and the initial  
12 charge was to create some criteria that it could present to  
13 the Council without regard to any of the communities in  
14 question. It's been a long process that the committee's been  
15 involved in. They've discussed criteria and for one reason  
16 or another they haven't been happy with it. Not only do --  
17 they want to be careful in their approach here because of the  
18 ramifications of excluding a community but political  
19 ramifications as well. So the plan was just to present the  
20 concept to the Council and then further discussions to hone  
21 it down, looking at Title VIII, the State criteria, halibut  
22 as Sky has mentioned, so we're a long way from being done  
23 yet. It's got to be done very carefully.

24

25 CHAIRMAN ROBUS: Yeah, I, as Chair, just  
26 wanted to make sure that we're just -- sitting on several  
27 boards and Councils like this, there's sometimes a tendency  
28 to take problematic issues and put it back in a committee and  
29 it just bounces back and forth, I want to make sure, and Tom  
30 knows what I'm talking about, I want to make sure that if we  
31 give it back to the committee that that's the right place to  
32 put it and that something can come out of it.

33

34 Robert.

35

36 MR. SUDAM: Thank you, Mr. Chairman. I guess  
37 I interpreted what you said a little bit differently than  
38 what Ralph did. I thought I heard you say that the committee  
39 would go back and work on the criteria, not necessarily come  
40 up with proposals of who to exclude or include. So I guess  
41 I'd like clarification on that first.

42

43 And then, second, we also have a motion on  
44 the table and I would suggest that maybe we go ahead and  
45 approve the committee's report and then take action on what  
46 we'd want to do next.

47

48 CHAIRMAN ROBUS: Okay, good suggestion. And  
49 I actually had a couple of questions/comments on the report  
50 itself so we need to get that done.



1 I think you did hear me correctly, in that,  
2 I'm not proposing that the committee, at this point, work up  
3 community specific proposals, but work on the framework  
4 within which those things would be judged.

5  
6 And if I could, in regard to the report, Sky,  
7 getting back to a question I had for you yesterday during the  
8 work session, if you look at that next to the last paragraph  
9 in the report, No. 4, it says Native villages located within  
10 subsistence use areas are recognized in the letter, and my  
11 question again is, is it that specific to Native communities?  
12 My understanding, you know, maybe this is a paraphrase for  
13 the letter and the Treaty saying that communities with a  
14 customary and traditional subsistence bird harvest are  
15 recognized.

16  
17 MR. STARKIE: Mr. Chairman. Let me go to the  
18 letter which is at Tab 1, I think, is it?

19  
20 CHAIRMAN ROBUS: Yes.

21  
22 MR. STARKIE: Okay. It says most villages  
23 areas within -- it says most village areas -- this is on the  
24 letter at Page IX, domestic implementation.

25  
26 I'm just taking this one sentence, it says  
27 most village areas within the Alaska  
28 Peninsula, Kodiak, Aleutian Islands, and  
29 areas north and west of the Alaska Range  
30 would qualify as subsistence harvest areas.

31  
32 So I think that's -- I mean it seems to me  
33 that.....

34  
35 CHAIRMAN ROBUS: I guess the point I'm trying  
36 to make is that I think it's the customary and traditional  
37 use that's the primary criteria and, although, I agree that  
38 most of those will be Native villages, it's not necessarily  
39 Native/nonNative related, it's related to the use of the  
40 resource.

41  
42 MR. STARKIE: Well, it is but -- yeah, but  
43 there's one other sentence, it's the third sentence down.

44  
45 It says, the term indigenous habitants of  
46 the protocol refers primarily to Alaska  
47 Natives.....

48  
49 CHAIRMAN ROBUS: Right.

50

1 MR. STARKIE: .....who are permanent residents  
2 of villages within designated areas of Alaska where  
3 subsistence hunting is customary and traditional.  
4

5 So I think if you take those two sentences,  
6 I'm going off the basis of what the -- that generally what  
7 the legal standard for a body like this to pass a regulation  
8 is that it has to be a reasonable interpretation of the law,  
9 it doesn't have to be the only interpretation but it has to  
10 be reasonable. So it seems to me that if you wanted to make  
11 a general presumption that not only Native villages, but  
12 Native villages and other, what you would call villages  
13 within an area were included, I think you would have  
14 sufficient support within the Treaty language to do that.  
15 Rather than having to undertake a village by village by  
16 village by village by village look at things.  
17

18 And so I know that one of the committee  
19 members, I believe it was -- let's see, I can't remember who  
20 it was actually, but one of our committee members expressed  
21 a lot of concern that he didn't want the villages in his area  
22 to have to, you know, go through an inclusion process.  
23

24 Who was it Fred?

25  
26 MR. ARMSTRONG: Mike.

27  
28 MR. STARKIE: Was it.....

29  
30 MR. ARMSTRONG: Mike Smith.

31  
32 MR. STARKIE: Okay. So, anyway, we took that  
33 into consideration and that's where we came with, well, you  
34 wouldn't really need to look at every village within an area,  
35 your major focus could just be on those places where you have  
36 a reason to believe, based on recommendations from the  
37 regional body that there's a need to look at whether those  
38 other places are included.  
39

40 CHAIRMAN ROBUS: Okay.

41  
42 MR. STARKIE: So did that answer your  
43 question?  
44

45 CHAIRMAN ROBUS: That clarifies your  
46 thinking. And I guess the other thing I'd like to say about  
47 this issue is that because of the complication and difficulty  
48 of the exclusion process, whatever that turns out to be, you  
49 know, we've tended to go towards these closure proposals and  
50 I think it's an especially important point that Sky has made

1 and that the committee is making that if you exclude a  
2 community that doesn't have customary and traditional use,  
3 you still allow the traditional use of the same areas by  
4 other communities that may. And by going after things the  
5 way we did at Izembek Lagoon, yes, we -- it's a conservation  
6 measure to avoid the harvest of brandt in the last half of  
7 August, primarily because of an incident that occurred with  
8 Cold Bay residents, if that community doesn't have a  
9 customary use, it kind of solves that problems partially, but  
10 if King Cove or other communities have traditional use at  
11 that time of that resource we've excluded them, and so the  
12 exclusion by community process really makes a lot of sense  
13 and preserves subsistence use elsewhere.

14  
15 Now, I'm using if a lot, Peter, because I  
16 don't want to allege things that I'm not sure of at this  
17 point. But that's an example of -- and in Delta, you know,  
18 we could be acing out Dot Lake if we close an area around  
19 Delta and Dot Lake has some traditional use there, they'd be  
20 excluded, whereas if we go after the community of Delta and  
21 examine its history, we could preserve uses by adjacent  
22 communities.

23  
24 So I think that's a really important point to  
25 keep in mind as we move forward here.

26  
27 MR. LEEDY: No, I'm good, thank you.

28  
29 CHAIRMAN ROBUS: Okay. Well, after that  
30 garbled statement by me, I suggest that we talk about  
31 accepting this report.

32  
33 Myron, do you have something before that.

34  
35 MR. NANENG: Yeah, I just want to make a  
36 comment.

37  
38 CHAIRMAN ROBUS: Yes.

39  
40 MR. NANENG: Myron Naneng. I just want to  
41 make a comment on that line of thought where, you know, our  
42 people in the YK-Delta have traditionally used the waterfowl  
43 species regardless -- Arctic nesting geese as well as many of  
44 the ducks and geese that are out there, and right now because  
45 of voluntary conservation concerns, we have voluntarily taken  
46 up, not hunting these certain species because of conservation  
47 concerns. When it comes down to villages, or Native people  
48 that are within that area that may be customary and  
49 traditional using those species, you know, whatever  
50 conservation agreements that we have come up with, we'll

1 either allow them to hunt or, you know, if they voluntarily  
2 work together, will not -- will cause them not to hunt those  
3 birds, but it has to be a coordinated and cooperated,  
4 collaborative effort, you know, all those words combined, to  
5 try and conserve the birds.

6  
7                   And so even if that language of allowing  
8 Native people to hunt, you're still subjecting yourself to  
9 whatever conservation agreement that you have come up with,  
10 which we have been doing in the YK-Delta for quite some time.

11  
12                   We have customarily and traditionally used  
13 these migratory birds, but because of conservation concerns,  
14 the people in the villages have voluntarily worked and agreed  
15 to manage these waterfowl species to the point to where they  
16 can increase in numbers, just like the topic right before  
17 that we talked about. So I don't see that concern about some  
18 of the Native communities being excluded, it's just the fact  
19 that we may all voluntarily agree that we have a conservation  
20 concern and then we will take it upon ourselves together to  
21 try and work on it in an effort to rebuild the populations of  
22 the species of concerns.

23  
24                   And I just wanted to bring that up as  
25 something that we need to think about as we look at this  
26 eligibility thing.

27  
28                   CHAIRMAN ROBUS: Okay, thanks. So is the  
29 Council ready to approve the report at this point.

30  
31                   (No comments)

32  
33                   CHAIRMAN ROBUS: Is there any objection to  
34 approving the report as we've talked about it.

35  
36                   (No comments)

37  
38                   CHAIRMAN ROBUS: Seeing none, the report is  
39 approved.

40  
41                   Sky, first, and then Tom.

42  
43                   MR. STARKIE: I'd just -- Mr. Chairman, thank  
44 you. I wanted to just talk about Austin's question for just  
45 a second on the halibut criteria.

46  
47                   And there's really -- you know there's really  
48 a couple of -- there's like three different issues floating  
49 around here that are all related, honestly. There's this  
50 issue that we just talked about, which is communities like

1 Delta, and then there's the issue that Myron has raised a lot  
2 of times about individuals within places like Bethel, who are  
3 not Native, and right now we have this sweeping -- I think  
4 there's a sweeping, everybody's in presumption. The SHARK  
5 cards are really more related to the issue that Myron raises  
6 is in the issue of the communities.

7  
8 The way the halibut subsistence stuff works,  
9 they basically use the same criteria as the State uses to  
10 identify whether a community has customary and traditional  
11 use and they actually defer to -- they'll actually try to  
12 send it down to the Board of Fish first and then the Board of  
13 Fish will make a recommendation to them and so that's kind of  
14 the way they make the community determinations. The SHARK  
15 cards are more a model that you could really look at it for  
16 determining whether individuals within a community would be  
17 eligible, that's your SHARK card issue.

18  
19 The other thing that the SHARK card that's  
20 interesting is the SHARK card substitute for a State fishing  
21 license. You don't need a State fishing license to  
22 subsistence fish for halibut and it serves the same purpose  
23 as a fishing license in the sense that what you're doing is  
24 keeping track of harvest and you're allowing enforcement a  
25 way to determine who's eligible or not. So the SHARK card  
26 issues are a little -- they bleed into some other issues that  
27 are a little bit separate from the community issue here.

28  
29 CHAIRMAN ROBUS: Okay, thanks. Tom.

30  
31 MR. ROTHE: I just wanted to, I guess, remind  
32 us all that there's a couple things that are a little bit  
33 unique when we look at designing the process of how we start  
34 a consideration for excluding. One issue that we need to  
35 address as we work into this is that in the case of Delta  
36 Junction, the Tanana Chiefs Conference doesn't consider that  
37 one of their communities and it's a bit of a -- kind of a  
38 limbo jurisdictional thing. And I really appreciate that TCC  
39 doesn't want to be the initiator of an exclusion.

40  
41 So the flexibility that we have now that  
42 anybody may propose a petition actually works for us in this  
43 situation because people in Northway, Tetlin and Healy have  
44 asked us to come to a bird meeting at some point, perhaps  
45 this fall, to go over this with them and clarify a lot of the  
46 confusion about what the issues are and give us some idea of  
47 what they'd like to do so there's an opportunity here for a  
48 regional proposal to come up that may not necessarily have to  
49 go through TCC and we'll just have to see how that one plays  
50 out.

1                   So I just would encourage us to appreciate  
2 that in some cases the flexibility for starting the petition  
3 might be useful.

4  
5                   CHAIRMAN ROBUS: Okay, so where we're at is  
6 we've approved the committee report. Now, I guess we need to  
7 decide if we want to charge the committee for the next  
8 interim, between meetings, as to what they should work on and  
9 it sounds like developing criteria is going to be a big part  
10 of that.

11  
12                   Anybody want to chime in.

13  
14                   MR. ANDERSEN: So moved.

15  
16                   MR. SQUARTSOFF: Second it.

17  
18                   MR. STARKIE: May I just speak to that, Mr.  
19 Chairman.

20  
21                   CHAIRMAN ROBUS: Sure.

22  
23                   MR. STARKIE: Quite honestly developing the  
24 criteria is going to be pretty easy. The State and Federal  
25 criteria are very.....

26  
27                   CHAIRMAN ROBUS: Similar.

28  
29                   MR. STARKIE: .....very similar. I think what  
30 would really help this body is if you charged the committee  
31 to fully develop a process and criteria to lay the whole  
32 thing out, not just the criteria, because if we just provide  
33 you with a criteria then I think you are going to end up with  
34 this exchange committee, board committee.....

35  
36                   CHAIRMAN ROBUS: Back and forth.

37  
38                   MR. STARKIE: .....just go back and forth and  
39 so I don't believe it would be too big a charge for the  
40 committee to, you know, lay out the entire layout and entire  
41 straw process for you to look at and pick apart.

42  
43                   CHAIRMAN ROBUS: I'm very willing to have  
44 that happen. I know we've -- I think we've tried to go there  
45 before and perhaps now the thinking has evolved to the point  
46 that the committee can undertake that.

47  
48                   Ralph.

49  
50                   MR. ANDERSEN: Mr. Chairman. I withdraw my

1 motion. For the reason that by adopting the -- or approving  
2 the committee's report, we've also approved the committee's  
3 recommendations. And the committee's recommendations begin  
4 in the second paragraph.

5  
6 It says the committee recommends that the  
7 AMBCC undertake a deliberative process to identify  
8 communities within subsistence areas of Alaska that do not  
9 have a customary and traditional pattern of harvesting --  
10 boy, that's a long sentence -- must have been written by a  
11 lawyer.

12  
13 (Laughter)

14  
15 MR. ANDERSEN: And the second recommendation,  
16 I think, is the -- starts with the sentence the AMBCC could  
17 develop criteria for identifying communities with customary  
18 and traditional pattern of subsistence use of migratory  
19 birds. I think by adopting the committee report, we've also  
20 adopted those recommendations.

21  
22 CHAIRMAN ROBUS: So that the committee should  
23 feel like it's free to go ahead and develop that straw  
24 process to bring back to the Council.

25  
26 MR. ANDERSEN: That's what I would assume.

27  
28 CHAIRMAN ROBUS: Everybody okay with that.

29  
30 MR. SQUARTSOFF: Mr. Chair. I also withdraw  
31 my second on that motion.

32  
33 CHAIRMAN ROBUS: All right, on the most  
34 recent motion. So the committee report stands approved and  
35 the committee may now go ahead and develop a straw process.

36  
37 MR. STARKIE: And for a little clarification,  
38 Mr. Chair, at what point in time should this committee report  
39 be finalized so that it can go out, as Ralph requested, to  
40 review by the regional bodies, because that was your request  
41 that it get out there.

42  
43 CHAIRMAN ROBUS: That the report.....

44  
45 MR. STARKIE: So what's the timing on this  
46 for the committee?

47  
48 CHAIRMAN ROBUS: Not the report, but whatever  
49 is developed?

50

1 MR. STARKIE: Right.  
2  
3 CHAIRMAN ROBUS: It seems like -- should that  
4 be developed as a regulatory -- or as a proposal for the  
5 Council.  
6  
7 Tom.  
8  
9 MR. ROTHE: Mr. Chairman. Maybe  
10 clarification from Fred, are we talking about something  
11 that's eventually an amendment to the criteria in the  
12 regulations? If those five criteria that are there now need  
13 to be amended then it would have to get through as a  
14 regulatory issue.  
15  
16 MR. ARMSTRONG: You're correct, it does  
17 require an amendment.  
18  
19 I agree with Sky, we have to focus on the  
20 process, and as soon as the committee kind of develops a  
21 draft process they need to send it out to all the regions.  
22 I do know that there's going to be some concerns with some of  
23 the language in this process but I think the important thing  
24 is to get it out for discussion and perhaps shoot for next  
25 spring, the next spring meeting.  
26  
27 MR. ANDERSEN: Mr. Chairman.  
28  
29 CHAIRMAN ROBUS: Ralph.  
30  
31 MR. ANDERSEN: I'd rather not have the  
32 committee work directly with the regions, I'd rather see  
33 whatever criteria and other information or whatever else you  
34 come up with come through us first, because I mean we're here  
35 representing our regions and I think that we can carry the  
36 message back.  
37  
38 CHAIRMAN ROBUS: Yeah, I foresee that if the  
39 next time we deal with this as a Council is our meeting in  
40 the springtime, we will not -- I mean we need to find a way  
41 to review this with enough lead time that you all feel  
42 comfortable in taking action at that point or else it's going  
43 to go another half year to the fall meeting before we  
44 consider taking action. So we need to talk about.....  
45  
46 MR. ANDERSEN: Maybe it's a good thing it  
47 takes that long.  
48  
49 CHAIRMAN ROBUS: Okay. Well, if all the  
50 Council wants is for those criteria and proposed process to



1 come back for our consideration at the spring meeting.....  
2  
3 MR. STARKIE: Okay.  
4  
5 CHAIRMAN ROBUS: .....that would be the time  
6 envelope.  
7  
8 Bob.  
9  
10 MR. LEEDY: Well, it seems that in order to  
11 have the substantive discussion we'd like to be able to have  
12 at the spring meeting, it would be good if the regions could  
13 vet this before then. Now, I don't know when the various  
14 regional meetings will be set up but if there were a chance  
15 to get this in draft form out before the regional meetings,  
16 it seems like that might have value.  
17  
18 MR. ANDERSEN: I think that would be putting  
19 the process backwards.  
20  
21 CHAIRMAN ROBUS: Peter.  
22  
23 MR. DEVINE: Yes. I would like clarification  
24 on definition of a community.  
25  
26 MR. STARKIE: Mr. Chairman. A community  
27 could be any group of people living anywhere. You know, I  
28 mean a community could be Clear Air Force Bay, a community  
29 could be Delta Junction, a community could be Sand Point, a  
30 community could be Anchorage.  
31  
32 CHAIRMAN ROBUS: Peter.  
33  
34 MR. DEVINE: Then a community could also be  
35 one person.  
36  
37 MR. STARKIE: You're right. Right.  
38  
39 MR. DEVINE: You know, so if we could have  
40 that, you know, when we do our committee meetings, you know,  
41 so we know what definition we're using.  
42  
43 MR. STARKIE: Okay.  
44  
45 CHAIRMAN ROBUS: Fred.  
46  
47 MR. ARMSTRONG: The Council did define  
48 community as a community of one so it's one of our long  
49 discussions we had with rural residency requirements, so we  
50 did define that.

1 CHAIRMAN ROBUS: Myron, did you have a  
2 comment.  
3  
4 MR. NANENG: (Shakes head negatively)  
5  
6 CHAIRMAN ROBUS: Okay. All right, so are we  
7 to an end point on this discussion -- I guess not, Tom.  
8  
9 MR. ROTHE: Mr. Chairman. I beg your  
10 indulgence a little bit. That, again, as I mentioned as far  
11 as concerns about dealing with the harvest issues in a timely  
12 manner. Just the way I see this unfolding now is a committee  
13 may come up with criteria and a process for consideration at  
14 the spring meeting where the 2008 regulations would not  
15 necessarily deal with it. So we would be looking at trying  
16 to address these community problems at the earliest in the  
17 2009 regulations, and that's a couple of years of exposure  
18 for us if something pops up.  
19  
20 CHAIRMAN ROBUS: Good point. Ralph.  
21  
22 MR. ANDERSEN: I was going to say that --  
23 well, I guess I was going to ask Sky and Tom, because there  
24 seems to be some urgency. How soon can something like that  
25 be put together and circulated to members here and perhaps  
26 that can be a subject of a teleconference meeting.  
27  
28 CHAIRMAN ROBUS: Certainly. Sky, you want to  
29 take a stab.  
30  
31 MR. STARKIE: I don't think it's a monumental  
32 task, it's a matter of getting the committee together and  
33 getting some ideas out there and then putting pen to paper,  
34 but, you know, I don't see it as a problem to get it to you  
35 guys and if you wanted it for a teleconference, it's whatever  
36 your direction is and the timeframe is, I think that we'll be  
37 able to try to meet it.  
38  
39 I would suspect that you will have some input  
40 into the first things you see anyway so we'll need to revise  
41 things.  
42  
43 CHAIRMAN ROBUS: Well, perhaps we can leave  
44 the teleconference meeting possibility in the mix so that if  
45 the committee is able to churn something out fairly soon we  
46 can convene a teleconference, get the Council's views of it  
47 and then maybe be a little bit further ahead when we get to  
48 the spring meeting.  
49  
50 MR. STARKIE: Mr. Chairman, may I please.

1 CHAIRMAN ROBUS: Yes, sir.  
2  
3 MR. STARKIE: I don't think we'll do well  
4 with a nebulous sort of timeframe.  
5  
6 CHAIRMAN ROBUS: You need a.....  
7  
8 MR. STARKIE: I really don't. I just -- I  
9 mean I think the committee would work better if the body gave  
10 it some direction as to when it wanted something done.  
11  
12 CHAIRMAN ROBUS: Okay, any proposals.....  
13  
14 MR. STARKIE: I mean I'm not.....  
15  
16 CHAIRMAN ROBUS: .....for a timeline?  
17  
18 MR. STARKIE: .....I don't know -- excuse me,  
19 I don't know who the chairman of the committee is or  
20 anything, I don't quite understand how it works but.....  
21  
22 CHAIRMAN ROBUS: Fred.  
23  
24 MR. ARMSTRONG: I don't think the Exclusion  
25 Committee has a chair. We took it upon ourselves just to set  
26 up the teleconferences for the committee members, it's up to  
27 them to decide who would take the lead. Doug took the lead  
28 because we were the one who set up the teleconferences, but  
29 he indicated that he wasn't the chair.  
30  
31 I think for purposes of looking at a calendar  
32 timeframe, our open season for proposals is November 1  
33 through December 15. So I mean you could take that into  
34 consideration when you decide.  
35  
36 CHAIRMAN ROBUS: If we were to ask the  
37 committee to produce something in draft by December 15th we  
38 could line up for a teleconference probably early to mid-  
39 January; would that work for people?  
40  
41 MR. ANDERSEN: Isn't there another issue that  
42 we decided to handle by teleconference, earlier, previously?  
43  
44 CHAIRMAN ROBUS: Right, the transition from  
45 KANA to the tribal organization as the representative for the  
46 Kodiak region.  
47  
48 MR. ANDERSEN: Okay. And I wonder if we can  
49 address both issues at the same time. I wonder if a special  
50 meeting, I mean if we're gearing up for a special meeting,

1 that perhaps it would be good to have that meeting in  
2 Fairbanks.

3

4 CHAIRMAN ROBUS: A face to face meeting?

5

6 MR. ANDERSEN: (Nods affirmatively)

7

8 CHAIRMAN ROBUS: I think now we get into  
9 funding issues all of a sudden. And based on what we heard  
10 about budget yesterday, I don't think we have much stretch.  
11 It would take away from what the regions get probably.

12

13 I'm sorry, Myron, go ahead.

14

15 MR. NANENG: Yeah, thank you, Mr. Chairman.  
16 Myron Naneng. I think that we should just go ahead and  
17 request the Exclusion Committee to go ahead and put that  
18 criteria and process together. As soon as that criteria and  
19 process is put together then we can leave it up to the Chair  
20 to call the meeting and let them deal with it. And also I  
21 would like to have an opportunity within our region to take  
22 a look at what the criteria and the process are before we go  
23 back to just dealing with it at the AMBCC level, because  
24 there can be some villages or communities within our regions  
25 that will be impacted and I also would like our people to  
26 know that there is the potential. Because, you know, the way  
27 that we've seen other laws, even ANILCA, they're looking for  
28 ways to further restrict opportunities for some communities.  
29 And I can see this process going the same direction.

30

31 So that's why I don't want to be limiting it  
32 only to the AMBCC committee or group, I want our people in  
33 the villages to understand what the potential impacts are.

34

35 CHAIRMAN ROBUS: Okay. So I suggest that if  
36 the committee can aim at December 15th, then after that  
37 point, we'll also have the package of proposals and it might  
38 be a very good time to have a teleconference meeting of the  
39 Council to discuss exclusion process, head's up on proposals,  
40 and if it's time to deal with the KANA issue, we can do that  
41 at that same time.

42

43 If that's okay with people let's proceed in  
44 that direction.

45

46 Bob.

47

48 MR. LEEDY: Bob Leedy. Would there be any  
49 advantage to having an initial committee draft before the end  
50 of the proposal submission period? I mean it's an open

1 question to the group. I mean if you have the due date at  
2 the close of the proposal submission period that has the  
3 effect that Tom was talking about of putting this off another  
4 year, and that may be desirable, but I think it's worth  
5 thinking about.

6  
7 CHAIRMAN ROBUS: Sky, do you think we could  
8 move the deadline up so that we could have time to play with  
9 it before the end of the proposal process?

10  
11 MR. STARKIE: Honestly, Mr. Chairman, I don't  
12 know. You know, I can't speak for the rest of the committee  
13 members but I think if -- one way to address the Fish and  
14 Wildlife Service's concern, maybe the State's is just to  
15 generate the proposal, meaning if it's Delta and Cold Bay  
16 you're concerned about, I mean or if a region is concerned  
17 about an area, generate a proposal and then you've got it.  
18 And then if everything falls in line you can act on it, and  
19 if it doesn't, you can't.

20  
21 But does that make sense? Is that where  
22 you're going with that Bob?

23  
24 MR. LEEDY: Yes, that's what I had in mind  
25 for discussion at least.

26  
27 CHAIRMAN ROBUS: Tom.

28  
29 MR. ROTHE: Just curious, if I'm kind of  
30 reading the tea leaves right, if we're bound to the criteria  
31 in Federal regulations, any proposal that pops up real soon  
32 would have to be dealt with under those existing criteria and  
33 it seems to me for modifications, first you would have to --  
34 wouldn't you have to change the Federal regulations to change  
35 the criteria and then apply them to a decision, so I'm not  
36 sure we could get that done in.....

37  
38 MR. ARMSTRONG: Yeah.

39  
40 MR. ROTHE: .....this year.

41  
42 CHAIRMAN ROBUS: Bob.

43  
44 MR. LEEDY: No, my question was -- I think  
45 we're having difficulty -- I'm having difficulty  
46 understanding what proposal we're talking about. What I was  
47 talking about was, you know, a proposal for process and  
48 criteria and moving ahead on that. And as Sky says, it will  
49 either rise or fall on its own merits, depending on how we  
50 get the thing ironed out but at least it will be on the table

1 for discussion, you might say, in a formal sense.

2

3

CHAIRMAN ROBUS: Sky.

4

5

MR. STARKIE: And in response to Tom's question, I think he should check with Staff, but it seems to me that you can simultaneously change the criteria if -- once adopted, and then apply the criteria within the same regulations. I don't really see why you can't adopt and apply at the same meeting once they're formally adopted.

11

12

CHAIRMAN ROBUS: Fred.

13

14

MR. ARMSTRONG: Yeah, I just got clarification from Donna, that we can do that process apply them accordingly.

17

18

CHAIRMAN ROBUS: Herman.

19

20

MR. SQUARTSOFF: Yeah, Matt, I want to get clarified here, too, I thought we just had the -- I thought we were just going to charge the committee to work on criteria so we could get it out to the regions, that's what I thought Myron and Ralph wanted, not anything within proposals or anything.

26

27

CHAIRMAN ROBUS: I think the issue is is that because of the time lag between now and when our regulations are implemented, we've got a couple of issues that need treatment -- that need to at least be discussed and addressed earlier.

32

33

MR. ARMSTRONG: Announcement.

34

35

CHAIRMAN ROBUS: What's the problem with it?

36

37

MR. ARMSTRONG: Okay.

38

39

CHAIRMAN ROBUS: Fred.

40

41

MR. ARMSTRONG: There's a SUV out there with license plate BRDDOG, BirdDog blocking traffic, they're going -- it's blocking something, they want it moved right away.

44

45

(Laughter)

46

47

CHAIRMAN ROBUS: Okay. I'm not sure I can recap where we are. The opportunity's open for any region, agency or person to put together proposals specific to Delta, Cold Bay or any other community. Meanwhile, we've asked the

1 committee to produce a straw process for going through  
2 exclusions by the end of the proposal period. Do people want  
3 to bring that deadline earlier, is there a need to do that?  
4

5 (No comments)

6  
7 CHAIRMAN ROBUS: First of all, do people  
8 agree with what I just said?  
9

10 (Council nods affirmatively)

11  
12 CHAIRMAN ROBUS: December 15th is the end of  
13 the proposal process. But we could apply -- if we agreed  
14 with the process, that's what we could apply as we take up  
15 those proposals, I think.  
16

17 Peter.

18  
19 MR. DEVINE: Yes, Mr. Chair. How did this  
20 turn into a thing for anybody to write proposals, I mean it's  
21 an Exclusion Committee report, you know, and now we're.....  
22

23 CHAIRMAN ROBUS: I think we're just reminding  
24 people that that's always the case. Anybody can write  
25 regulatory proposals on any subject that the Council deals  
26 with. It's jut that those communities are places where those  
27 issues have come up.  
28

29 MR. DEVINE: Yeah, but we were just charged  
30 with coming up with a criteria, you know.  
31

32 MR. NANENG: Criteria and process.  
33

34 MR. DEVINE: Okay. But that's just criteria  
35 for proposals.  
36

37 CHAIRMAN ROBUS: That's what we're asking the  
38 committee to work on, right.  
39

40 MR. DEVINE: Yeah, okay, thank you.  
41

42 CHAIRMAN ROBUS: Yep. Herman.  
43

44 MR. SQUARTSOFF: Yeah, Mr. Chair. Yeah, so  
45 we have to do this between, what'd you say November the 1st,  
46 I think when the proposal time comes up, between the 1st of  
47 November and.....  
48

49 CHAIRMAN ROBUS: 15th of December.  
50

1 MR. SQUARTSOFF: .....the 15th of December,  
2 it has to be done before then, right?

3  
4 CHAIRMAN ROBUS: That's when any proposals  
5 need to be submitted for regulatory change next spring.

6  
7 MR. SQUARTSOFF: So then hopefully we could  
8 have this done before that, too, to be able to submit it  
9 then>

10  
11 MR. ARMSTRONG: If I may, Mr. Chair.

12  
13 CHAIRMAN ROBUS: Yes.

14  
15 MR. ARMSTRONG: Unless you adopt the SOP  
16 forms that we discussed yesterday, that will trigger out of  
17 cycle proposals.

18  
19 CHAIRMAN ROBUS: It would give us a way to  
20 deal with proposals.....

21  
22 MR. ARMSTRONG: Exactly.

23  
24 CHAIRMAN ROBUS: .....that don't fall within  
25 that window.

26  
27 MR. ARMSTRONG: Right.

28  
29 CHAIRMAN ROBUS: Myron.

30  
31 MR. NANENG: Yeah, thank you, Mr. Chair. I  
32 know that we're being put under pressure by both the State  
33 and the Feds regarding Delta Junction and Cold Bay issues,  
34 but this should be -- let's remind ourself that we just  
35 adopted the committee report that requests that we go through  
36 a deliberative process. I don't know how anybody else would  
37 define deliberative, but deliberative would mean to me that  
38 we thoroughly examine how we go through the process before we  
39 finalize it. And I don't think that we should place ourself  
40 under the gun, so to speak, to try and get through this --  
41 done, because there's a deadline on regulatory process or  
42 proposals, because, you know, at some point in the future  
43 when something like this comes up are we going to repeat it  
44 because somebody has a deadline and I don't think we need to  
45 do that.

46  
47 So if we charge the committee to come up with  
48 the criteria and the process, I think we should charge them  
49 in doing that and then we take the process and take a look at  
50 it because it's not necessarily going to impact just Cold Bay



1 and Delta Junction, but it, eventually, like I stated before,  
2 will impact other communities.

3

4 MR. ANDERSEN: Mr. Chair.

5

6 MR. NANENG: Otherwise, if we get done with  
7 it in a fast pace then we'll be stuck with it.

8

9 CHAIRMAN ROBUS: Okay. Ralph.

10

11 MR. ANDERSEN: Yeah, Mr. Chairman, I just  
12 want to follow up on what Myron just said. You know, because  
13 it seems like everything that we've done so far has been  
14 under a rush, crises, I mean we need to do this now, we need  
15 to do that now, we need this in place, we got to meet this  
16 deadline, jimny, what's the rush? You know, I mean why do we  
17 need to rush into something that's going to be so important  
18 that would allow communities or anybody to submit proposals  
19 to include or exclude any of us. I mean, you know, just as  
20 we were careful about the inclusion process, I think we need  
21 to take the same kind of care with the exclusion process.

22

23 I mean because I, like Myron, I mean the  
24 sense that I get every time I come to these meetings is that,  
25 geez, there's a rush to do everything and, you know, we've  
26 been in existence now for a number of years and we got our  
27 regulations in place and we're fine-tuning things now so, you  
28 know, maybe let's take a little -- you know, let's slow down  
29 a little bit and go about, you know, establishing these  
30 important things in a more careful way.

31

32 Thank you.

33

34 CHAIRMAN ROBUS: And I understand where  
35 you're coming from. I'll just say in a case like Delta,  
36 where there are practices occurring that may be -- may hurt  
37 the credibility of this whole process. The State feels that  
38 it's important to try to address that and if there's a  
39 community without a tradition that's participating in a high  
40 profile way in subsistence hunting it could hurt all of us,  
41 that's the pressure that we feel under. But I don't mean to  
42 stampede us into anything. I don't want to end up with a  
43 process that we regret later on down the road.

44

45 Robert.

46

47 MR. SUDAM: Thank you, Mr. Chairman. It  
48 seems like those two issues don't necessarily have to  
49 conflict. That it seems like there's an option to exclude  
50 Delta for a year while the Council develops the process and

1 the criteria, or two years or whatever it might be. But it  
2 seems like there's ways to deal with the concerns that the  
3 State have and still take our time in coming up with a  
4 criteria that don't apply just to Delta but that are  
5 statewide criteria.

6

7 CHAIRMAN ROBUS: Thanks. Herman.

8

9 MR. SQUARTSOFF: Yeah, Matt, with a follow up  
10 to Ralph and Myron here, we just got done, not 10 minutes ago  
11 before, stressed how very important it was to get this stuff  
12 out to the regions first, it'd have to come to us to get it  
13 to the regions and let them look at it, and now all of a  
14 sudden we get caught up in this, well, it's got to get done  
15 right now. So I think we need to get back to this importancy  
16 of the regions to look at it.

17

18 Thank you.

19

20 CHAIRMAN ROBUS: Ralph. And then I'd like to  
21 finish this up.

22

23 MR. ANDERSEN: Mr. Chairman. I think it's  
24 about time to move on because I think the important thing  
25 that we decided on this issue is to give these guys until  
26 December 15th and let's see where it takes us after that.

27

28 Thank you.

29

30 CHAIRMAN ROBUS: I'm willing to live with  
31 that. If there's no objection, that will be the guidance of  
32 the Council.

33

34 (No comments)

35

36 CHAIRMAN ROBUS: Okay. Now, we have an  
37 important question. Thank you, Sky.

38

39 It's 10 after Noon, we're most of the way but  
40 not all the way down through the agenda, would you guys like  
41 to keep pounding away here and try to get done in the early  
42 afternoon or do you want a lunch break now and come back and  
43 finish?

44

45 I see a couple of people wanting to move on.  
46 Okay. Unless people stand up and say they want lunch now  
47 we're going to keep on meeting.

48

49 MR. ARMSTRONG: Let's take 10 first.

50

1 CHAIRMAN ROBUS: You want to take a short  
2 break.  
3  
4 MR. ARMSTRONG: I was thinking of Ralph over  
5 there.  
6  
7 (Laughter)  
8  
9 CHAIRMAN ROBUS: All right, let's be back  
10 here at 20 after 12:00, that's 10 minutes from now.  
11  
12 (Off record)  
13  
14 (On record)  
15  
16 CHAIRMAN ROBUS: Okay, let's come back to  
17 order. All right, I've learned that there's no report from  
18 the Invitation Committee so we will dispense with that.  
19 Similarly there is no report from the Harvest Limitations  
20 Committee, so scratch that off your agenda for now.  
21  
22 And we're waiting for Tom Rothe to return to  
23 talk about the Emperor Goose thing.  
24  
25 Is there anybody here from the Outreach  
26 Committee that can make a report? Was it Cynthia that would  
27 -- somebody talked about it yesterday.  
28  
29 MR. ARMSTRONG: Donna's here but I think each  
30 of the members received a -- I'm not sure, but did you all  
31 receive a copy of the outreach report yesterday, it was a one  
32 page handout.  
33  
34 CHAIRMAN ROBUS: Yeah.  
35  
36 MR. ARMSTRONG: The Council could accept that  
37 as their report, and also the request was to Alex Panamaroff  
38 is no longer able to be on that committee and they're asking  
39 to have a replacement identified when you guys get to the  
40 committee appointments.  
41  
42 MR. ANDERSEN: Mr. Chairman.  
43  
44 MR. NANENG: Then, Mr. Chairman, in that case  
45 if we're all in agreement then we should accept.....  
46  
47 CHAIRMAN ROBUS: Yeah, Ralph.  
48  
49 MR. ANDERSEN: I move that we accept the  
50 AMBCC Outreach.....

1 MR. SQUARTSOFF: Second Myron's.....  
2  
3 MR. ANDERSEN: Oh, was it, I second it then.  
4  
5 MR. NANENG: I'll second it.  
6  
7 MR. ANDERSEN: I didn't hear you, I didn't  
8 see your light on so I thought you were talking side  
9 comments.  
10  
11 CHAIRMAN ROBUS: Okay, so one way or the  
12 other we've got the outreach report handout moved and  
13 seconded as the Outreach Committee report. So was there any  
14 discussion on that.  
15  
16 (No comments)  
17  
18 CHAIRMAN ROBUS: Any objection to the  
19 acceptance of this as the Outreach Committee report.  
20  
21 (No comments)  
22  
23 CHAIRMAN ROBUS: Seeing none, that is the  
24 action of the Council.  
25  
26 Okay, so we're still waiting for Tom. Do you  
27 want to, at this point, talk about the SEIS, Bob.  
28  
29 MR. LEEDY: Yes, I would like to do that.  
30 I'm handing out a copy of a Federal Register notice that I  
31 referenced yesterday. The title is Migratory Bird Hunting,  
32 Notice of Intent to Prepare a Supplemental Environmental  
33 Impact Statement on the Sporthunting of Migratory Birds.  
34  
35 This goes into a little bit of the history of  
36 this EIS that serves as the foundation for NEPA compliance  
37 for migratory bird hunting throughout the country. It's  
38 directed primarily at the fall and winter hunt. And without  
39 going into great detail here, after describing the various  
40 components of hunting in the country and why they are looking  
41 for this EIS, it says in particular, we seek comments on the  
42 following. I've bolded these in the back, and they're  
43 looking for comments on three things.  
44  
45 One of which is limiting the scope of the  
46 assessment to sporthunting. That is excluding Alaska  
47 migratory bird subsistence process. And because migratory  
48 bird subsistence process is the primary function of this  
49 group, the Service would be most interested in having the  
50 thoughts of either the Council as a whole or individuals, the

1 due date is January 6th so there is a little bit of time  
2 here. At the very least, one thing we might be able to do is  
3 you can submit written comments region by region or you could  
4 email our office at the Service and we could develop a  
5 compilation working with Fred and his Staff and/or you might  
6 consider including this as a brief topic of discussion in any  
7 further teleconferences.

8

9 But at the very least you need to know that  
10 we're -- this is a second revision of the EIS that was  
11 originally written in the mid-1970s, the last one was 1988,  
12 things have changed a lot in the world of migratory bird  
13 hunting management, and this is needed to protect hunting in  
14 the foreseeable future.

15

16 So with that, I'll leave it open to comments  
17 or questions.

18

19 CHAIRMAN ROBUS: Myron.

20

21 MR. NANENG: Yeah, thank you, Mr. Chairman.  
22 Myron Naneng. Like I stated earlier before I don't want the  
23 fall subsistence hunts to to be considered in any way, shape  
24 or form to be a sportshunting, and having it fall under the  
25 sportshunting criteria even though there is a section in  
26 there that says Alaska subsistence process. Because right  
27 now, the way things are already being implemented, they're  
28 already setting bag limits and stuff like that that impacts  
29 the Alaska subsistence hunting in the fall for people in the  
30 YK-Delta.

31

32 CHAIRMAN ROBUS: Bob.

33

34 MR. LEEDY: I understand and hear you  
35 clearly. On the other hand, Myron, I think they will have to  
36 address the fall and winter season nationally starting  
37 September 1 and that would include the Alaska harvest  
38 regulations beginning September 1. At this point, I don't  
39 see reason why they would refer to subsistence harvest in  
40 that section at all.

41

42 MR. NANENG: So in other words, we're now  
43 considered sporthunters?

44

45 MR. LEEDY: The protocol amendment addressed  
46 the period from March 10 to September 1 and the hunt that  
47 begins in September 1 is covered under the sporthunt  
48 regulations by terms of the Treaty.

49

50 MR. ANDERSEN: Mr. Chairman.

1 CHAIRMAN ROBUS: Ralph. And then Austin.  
2  
3 MR. ANDERSEN: Bob, can you help me try to  
4 understand something here.  
5  
6 I don't understand what's being asked, you  
7 know, on whatever page number this is.  
8  
9 MR. LEEDY: Right.  
10  
11 MR. ANDERSEN: You're seeking comments on why  
12 -- I mean I don't understand it. Why the Alaska migratory  
13 bird subsistence process is excluded, you're asking -- I mean  
14 is that the question that we're supposed to be answering  
15 here?  
16  
17 MR. LEEDY: I'm sorry, I probably rushed too  
18 much, and in particular you mixed a longer explanation  
19 yesterday, Ralph. But basically what they have laid out here  
20 under the supplemental information is hunting that occurs for  
21 birds across the country, under the terms of the Migratory  
22 Bird Treaty Act, and they break it basically into three  
23 different segments. One is the sporthunt, one is the tribal  
24 process on -- for Treaty Natives in the Lower 48, and the  
25 third component is the Alaska subsistence process.  
26  
27 So if this EIS is to address -- the question  
28 is whether this EIS is to address migratory bird hunting in  
29 totality in the country or whether it should focus on the  
30 sporthunting process and, therefore, address only a part of  
31 the migratory bird hunt management.  
32  
33 CHAIRMAN ROBUS: Ralph.  
34  
35 MR. ANDERSEN: What does it cover now?  
36  
37 MR. LEEDY: The focus -- like I say, the last  
38 time this was done in 1988, okay, and in 1988, there were  
39 still what were at that time some stymied or otherwise futile  
40 efforts to get a legal subsistence hunt, so subsistence  
41 hunting at that time was still illegal. The 1988 SEIS  
42 acknowledges the fact that subsistence hunting is occurring  
43 in Alaska regardless of the legality and it makes -- there's  
44 a brief discussion of it, Ralph, and it says we are moving  
45 forward to try to legalize it, so that's what's in the  
46 existing one.  
47  
48 CHAIRMAN ROBUS: Austin, you had a comment.  
49  
50 MR. AHMASUK: Yeah, thank you, Mr. Chairman.

1 The title of this notice is primarily impacts of  
2 sporthunting. It includes a rather substantial section on  
3 the Alaska subsistence process. In consideration of that  
4 this appears to be a migratory bird program document or an  
5 environmental protection agency document, it seems like a lot  
6 of information to digest at this moment, but how is it that  
7 this being a migratory bird program document, number 1, only  
8 concerns itself with sporthunting and this almost seems like  
9 some of the wording here in the subsistence process sort of  
10 jeopardizes findings, without these -- these one, two, three,  
11 four, five paragraphs, only very loosely mention it, don't  
12 characterize things as they should indicating, number 1 that  
13 the first subsistence season was in 2003 -- well, the first  
14 legal subsistence season was in 2003. I think that number 1,  
15 I foresee some -- some subsistence harvest as it's noted  
16 here, subsistence characterizations here kind of jeopardizing  
17 subsistence itself.

18  
19 I see that this is a 90 day notice, so it  
20 falls within, I suppose, the legal requirements for  
21 publishing this. My major concern is I see that -- or I feel  
22 that it potentially jeopardizes subsistence harvest and one  
23 how characterizes these things.

24  
25 MR. LEEDY: Yes. Let me back up just a  
26 little bit on the history. One reason this makes specific  
27 reference to sporthunting has to do with the origins of the  
28 original EIS. See this tears off of an EIS that was done  
29 when there was no legal subsistence hunting so it could only  
30 address sporthunting and distinguish that between other kinds  
31 of take for scientific purposes or whatever else,  
32 deprivation.

33  
34 And perhaps the question you're raising is,  
35 is I suspect and this -- this -- excuse me, this is being  
36 written -- will be written, and that's all this notice is is  
37 it's warning people ahead of time that we are going to start  
38 this SEIS process that will probably take about two years,  
39 okay, and this is asking to help refine the scoping document,  
40 you know, to help focus what they're going to ask the public  
41 to comment on to be included in the SEIS. And if you're  
42 concerned, we saw this in this form for the first time --  
43 understand that they are dealing with the -- just the legal  
44 season that was recently created, okay, and so the question  
45 I think they're trying to focus on is whether they should  
46 continue to just have this focus on sportharvest, probably  
47 with some sort of characterization of subsistence harvest  
48 that might include, for instance, some harvest numbers, just  
49 to provide relative magnitude compared to the sportharvest.  
50 Whether to do it like that and -- and hope that satisfies

1 everybody or to look at all legal harvest of birds in context  
2 so you can compare them and add them or whatever.

3  
4 Understand also that this is a national  
5 notice so everybody and their brother out there that cares to  
6 can express their own opinions on this. But because of that,  
7 Region 7, certainly would like to be able to respond in  
8 concurrence, you know, with our partners on the AMBCC here so  
9 we can try to do the right thing by subsistence harvest in  
10 Alaska.

11  
12 CHAIRMAN ROBUS: Robert.

13  
14 MR. SUDAM: Thank you, Mr. Chairman. I've  
15 got a fair number of concerns about this. I guess I don't  
16 know what the ramifications are at this point for including  
17 subsistence hunt in the supplemental EIS. It seems like, you  
18 know, based on your last statement, Bob, if the spring and  
19 summer hunt is included it basically puts up a target for  
20 people to throw things at, and has the potential to, you  
21 know, raise questions, to perhaps hurt subsistence hunting,  
22 hurt spring and summer migratory bird hunting in ways that  
23 perhaps this Council doesn't want to see.

24  
25 So I guess I'd like to know more about what  
26 the positive aspects are of including spring and summer hunt  
27 in the supplemental EIS and what are the potential down  
28 sides.

29  
30 CHAIRMAN ROBUS: Bob.

31  
32 MR. LEEDY: Okay. Well, I'm not sure I can  
33 answer those thoroughly. But there are pro's and con's,  
34 clearly. I think you're right that any time you mention  
35 something unique, like the Alaska subsistence harvest to  
36 people who really have no in-depth knowledge of it, you can  
37 raise questions in their mind that otherwise might not have  
38 been brought to their attention. That's probably the single  
39 biggest down side.

40  
41 On the other hand, if we understand that we  
42 are part of a continental migratory bird management system,  
43 the legality of a legal subsistence season was based largely  
44 on having a cohesive, you know, being a cohesive part of the  
45 broader system. Therefore, you could argue that you need to  
46 include all the component parts and it's an opportunity to  
47 brag on the headway that we're making, the changes that are  
48 occurring and, you know, regs and conservation of brandt and  
49 things like those kinds of examples.

50



1 I mean frankly, I don't know. It's kind of  
2 a coin toss with me, at least, I don't know how others in the  
3 Service feel about it, and that's why I, in particular, would  
4 like to hear from members of the Council, either as a group  
5 or independently so we can try to find a reasonable middle  
6 course.

7  
8 CHAIRMAN ROBUS: Tom Rothe.

9  
10 MR. ROTHE: Yeah, I guess I can concur with  
11 Bob's view that there's kind of two ways this can go.

12  
13 On the one hand, as part of a national  
14 cohesive system it is a chance to further affirm the  
15 subsistence and co-management process is a good thing.

16  
17 The bottom line is an EIS is there to review  
18 public policy and to assure everybody that the hunting of  
19 migratory birds is being managed properly. And if we're  
20 proud of it and we're confident that we can prevail in  
21 demonstrating that we've got a good system we'll come through  
22 this okay.

23  
24 But there are groups out there that are going  
25 to be not only recommending, yes, the Service should address  
26 subsistence but with the intent of raising concerns about  
27 swan hunting and who knows what else. So we take a gamble  
28 and we're going to take them on.

29  
30 But I can say as far as positive aspects go,  
31 if this gets developed and we get through this and it  
32 establishes an even more firm basis for the co-management  
33 process. That EIS is a great legal shield for fending off  
34 lawsuits and challenges, because once it's in place, for  
35 example, swan hunting has been attacked repeatedly, and that  
36 1988 EIS was the basis for making policies by the Service,  
37 and it's not just swans, but it's a variety of other subjects  
38 that have popped up to restrict or close hunting. So that  
39 EIS is a real important, maybe shield isn't the right word,  
40 but if you can get it in stone, it really helps perpetuate  
41 the system we've got.

42  
43 CHAIRMAN ROBUS: Donna.

44  
45 MS. DEWHURST: As far as the history of our  
46 program, we have never done a separate EIS when we started  
47 the program. We have only done environmental assessments,  
48 which is kind of one step down from EIS'. The way we got  
49 away with that was because we were under the 1988 EIS. So as  
50 I see it the one risk, if we would decide we shouldn't be

1 included, would be somebody down the road could say then you  
2 have to do your own EIS, so that's the one positive aspect I  
3 could see would be us preventing to have to go through  
4 basically the same process for just our program. Of course  
5 it'd be much smaller in scope and scale than this national  
6 EIS, but that would be the one risk of pulling out and saying  
7 we don't want to be part of this, we want to be separate.  
8

9                   Either way, if we do our own or we're part of  
10 this, at some point we probably have to put ourselves out as  
11 targets and just hope for the best, present it in the best  
12 light, but I don't see any way of avoiding it. Because I  
13 suspect if we try to pull out of this they're just going to  
14 say we have to do our own because we've never done one,  
15 bottom line.  
16

17                   CHAIRMAN ROBUS: I've got a proposed way to  
18 deal with this but I saw Myron ask to be recognized, so let's  
19 listen to him first.  
20

21                   MR. NANENG: Yeah, thank you, Mr. Chairman.  
22 I have a lot of concerns regarding the way this is brought  
23 forward. You know, we're supposed to be a co-management  
24 body, and, you know, I hear comments that, you know, there's  
25 a 1988 EIS statement that's being referred to, but as a co-  
26 management body we would need to have -- have been a better  
27 process to have been notified that this is going to be put  
28 forward. And also, you know, are we now going to be stating  
29 through this EIS statement that subsistence is only occurring  
30 between March 10th and September 1st, customarily and  
31 traditionally, is that what we're going to be stating, are we  
32 going to supporting that?  
33

34                   And one of the other questions that I have,  
35 we've been providing subsistence harvest for many years, for  
36 over 20 years, are those subsistence harvests limited only to  
37 the spring migratory bird hunt or is it inclusive of the fall  
38 hunts that our people have partaken on for many years, even  
39 before the existence of the Wildlife Refuges, the existence  
40 of the State of Alaska?  
41

42                   And the other thing, too, purposes of the  
43 Wildlife Refuge that were established in some of the regions,  
44 they were established to protect subsistence in perpetuity or  
45 are we going to now be considered sportshunters in these  
46 Wildlife Refuges even though we live in those areas and  
47 villages that have to -- that have to do whatever we --  
48 whenever we, in villages want to do something or develop  
49 something within the region, we're required to do something  
50 that's compatible with fish and wildlife purposes under 22(g)

1 of ANILCA. All these things just building up further,  
2 further, further, you can't do things within your own  
3 traditional lands.

4  
5 And this environmental impact statement  
6 calling the fall hunt that our people have done traditionally  
7 as being a sportshunting environmental impact statement is  
8 not acceptable. All the efforts that our people have done  
9 for conservation purposes shows there's lack of respect for  
10 it. Lack of appreciation by the fact this environmental  
11 impact statement is coming out and now our people are going  
12 to be called the sportshunters, which they never were. And  
13 it's an insult to the efforts that they have made, with the  
14 conservation efforts that they have made over the years.

15  
16 If it's to deal with the Federal regulations  
17 to meet the desires of those people that are may be -- that  
18 may be looking down in the Valley of Anchorage and people  
19 saying that people shouldn't be living down there in the  
20 Valley down on Fourth Avenue or even down in Seward Highway  
21 when they live up on the Hillside, you know, are we trying to  
22 meet their criteria, no, our people in the villages are no --  
23 shouldn't be subjected to be called sportshunters from  
24 September 1 to the days that the birds are gone for the  
25 winter.

26  
27 And, you know, it's an insult to our people.  
28 And, you know, I would have appreciated it if we would have  
29 had more notice to make comments prior to any proposal that  
30 may have come out to call us sportshunters. I'm not a  
31 sportshunter, I never was and I probably never will be  
32 because I don't take -- for moose that I hunt, I don't bring  
33 the antlers home. You know, you watch on TV, the biggest  
34 animal that's being hunted for by people that are hunting on  
35 the Outdoor Channel is how big the antlers can be, not what  
36 you can eat, and there's a big difference in how that message  
37 is being conveyed.

38  
39 And, you know, with all the restrictions and  
40 limitations that are being imposed upon our people, it's  
41 insulting to me that I would be called a sportshunters under  
42 the environmental impact statement and it will probably carry  
43 it forward and saying, oh, State of Alaska Law Enforcement  
44 Division, Fish and Wildlife Service Law Enforcement Division  
45 will say, you're not following the sportshunting regulations  
46 even though you're living in a Wildlife Refuge or an area  
47 that has been set aside for purpose of protecting these  
48 resources for subsistence purposes in perpetuity.

49  
50 So I just, you know, I just wanted to share

1 my thoughts regarding this environmental impact statement  
2 proposal, and I don't think our people in the villages will  
3 ever want to be called sportshunters.

4  
5 CHAIRMAN ROBUS: Bob.

6  
7 MR. LEEDY: Going back to your opening  
8 comment about not having earlier notice all I can do, I  
9 guess, is say that this came out in the Federal Register  
10 September 8th, we didn't get it until just a little bit later  
11 and, again, the idea here is this is sort of a notice of a  
12 notice and this really is pretty much the ground floor, I  
13 think, in terms of what we could do.

14  
15 As far as what you're called or how people  
16 interpret it, I think one of the things that would need to be  
17 considered is to whether the title would remain the same,  
18 which, you know, a supplemental environmental impact  
19 statement on sporthunter or if it would include tribal  
20 harvest and regulations in the Lower 48 and subsistence up  
21 here, it might very well say something this is supplemental  
22 EIS on hunting of migratory birds.

23  
24 And then finally in regard to the March 10,  
25 September 1, September 1 through the winter season, Myron, I  
26 mean you were part of the negotiation team, I was not, and  
27 clearly the protocol, the legal basis for what we're doing  
28 right now does address that spring and summer season and I  
29 really can't say anything more to than that other than I  
30 think I appreciate how you feel, but that is the law at the  
31 moment.

32  
33 CHAIRMAN ROBUS: Before going to Cynthia, let  
34 me break in here with the idea I mentioned. I mean the  
35 purpose here is to notify the Council members of this  
36 notification that this process is about to begin for the EIS.  
37 What I was thinking was is that we could ask Fred's Staff to  
38 remind all of you, say, December 1st, November 15th, we have  
39 until January to submit comments here, and so we could let  
40 you go away with this to think about and discuss with people  
41 at home, you can send in your own comments to the Service,  
42 but we would remind you and then get comments from you so  
43 that before the January 6th deadline, the Council could try  
44 to put together a position here and send it in. So it  
45 doesn't have to be decided right now, it is a lot to digest  
46 as Austin said. What we're trying to do is get the issue in  
47 front of you so that you're informed and then figure out a  
48 way to get a position put together in the near future.

49  
50 So with that as my tentative plan, I'll go to

1 Cynthia.

2

3 MS. WENTWORTH: I had a point of  
4 clarification. The fall harvest is included in the  
5 subsistence harvest survey, not in any kind of sportharvest  
6 survey, and the largest fall harvesters are the subsistence  
7 hunters on the YK-Delta. And all those numbers go into the  
8 statewide subsistence harvest total. And about 30 percent of  
9 the total annual subsistence harvest that we're keeping track  
10 of, about 30 percent is fall harvest.

11

12 MR. STARKIE: Mr. Chair.

13

14 MR. AHMASUK: Mr. Chair.

15

16 CHAIRMAN ROBUS: Yes, Sky, and then Austin.

17

18 MR. STARKIE: Mr. Chairman. I just wanted to  
19 pursue a couple of Bob's responses to Myron.

20

21 If this is a co-management body, I think the  
22 point was if the Service is considering an EIS that would  
23 include subsistence hunting of migratory birds. The message  
24 to the Service is don't publish the notice and then come here  
25 and ask for public comment from these co-management partners,  
26 but when you're considering doing the EIS, before you publish  
27 the notice come to the body and say you're going to publish  
28 the notice, that's the message, and that's the message to the  
29 Service. That would have prevented the kind of hard feelings  
30 you're seeing by incorporating subsistence users under a  
31 sporthunting title, and that's just a matter of respect for  
32 your co-management partners. And I -- you know, I don't  
33 think it's something to just take lightly and say we're  
34 giving you notice of the notice, it's a matter of important  
35 process.

36

37 Read the Treaty to your delight and you will  
38 find nothing in the Treaty that limits the effect of the  
39 Treaty to the spring and summer harvest, nothing.

40

41 In fact, the explicit words of the Treaty say  
42 migratory birds and their eggs may be harvested by indigenous  
43 inhabitants of the state of Alaska seasons and other  
44 regulations implementing the nonwasteful taking shall be  
45 consistent with the customary and traditional uses, it  
46 doesn't say the summer and fall -- summer and spring shall be  
47 consistent, it says seasons and bag limits shall be  
48 consistent. And I know that there's been a tendency to want  
49 to read this thing narrowly so that it doesn't impact the  
50 fall regulations and it may be the State and Federal position

1 but I do not believe it's AVCP's interpretation of the  
2 Treaty.

3  
4 And I think, you know, we're at least due the  
5 respect to know that there's a difference of opinion there  
6 and it's something -- an underlying issue that this Council  
7 needs to struggle with and not just go over and there's a lot  
8 of ways to deal with this fall harvest issue. I mean one  
9 thing that happens in the fisheries context is that the North  
10 Pacific Fishery Management Council meets with the State Board  
11 of Fish and tries to coordinate the Federal and State  
12 regulations in a way that makes sense.

13  
14 Austin's putting forward individual  
15 recommendations to try to harmonize some regulations in his  
16 area.

17  
18 But there's a lot of ways that this body  
19 could make its influence felt on the State Board of Game or  
20 at some point you're going to end up with a lawsuit that's  
21 going to force the issue. Some person is going to get cited  
22 for a State Board of Game migratory bird regulation and some  
23 lawyer like myself is going to say is challenge it and say,  
24 no, the State doesn't have jurisdiction to promulgate that  
25 regulation and there's a good argument there. And I'm not  
26 going to sit here and tell you that I know which way it'll  
27 come out but there's a good argument there.

28  
29 And to, you know, dismiss the kind of  
30 arguments that Myron is making as though they're settled, I  
31 think, is, you know, is not respectful of what our position  
32 is on these issues.

33  
34 In terms of whether or not we participate in  
35 the EIS, I mean that is an important question but it's the  
36 process issue that, I think, you know, is the big objection.

37  
38 Thank you, Mr. Chairman.

39  
40 CHAIRMAN ROBUS: Austin, did you still have  
41 something.

42  
43 MR. AHMASUK: Thank you, Mr. Chairman.  
44 Number 1, I think that everything that I've seen affirms in  
45 my mind that subsistence causes no jeopardy to continental  
46 migratory bird populations. What we do face, though, is at  
47 times extreme opposition to our ways of life and this, the  
48 EIS -- supplemental EIS notice is one of those things that  
49 for me, right now, I felt like something just slipped out and  
50 there is something out there that could potentially be a bomb

1 to us and so I would like -- I greatly desire for our  
2 Technical Committee to look at this supplemental EIS and  
3 would ask them to fetter out all the possible ways in which  
4 subsistence harvest could be characterized and thus  
5 jeopardized because I think that that's a possibility, you  
6 know, which I don't know for sure, but I think that it's out  
7 there, it's looming, and I think it greatly deserves the  
8 Technical Committee's attention.

9

10 So with that, Mr. Chairman, thank you.

11

12 CHAIRMAN ROBUS: Okay. So back to the  
13 question we're dealing with in the immediate future here.  
14 Now, that you've been informed, you know, each organization  
15 is certainly free to go and make comments to the Fish and  
16 Wildlife Service on your own, do you wish us to remind  
17 everybody 1 December or 15 November and ask for comments to  
18 try and put together an AMBCC comment to the Service?

19

20 Ralph.

21

22 MR. ANDERSEN: Before I answer your question  
23 there's some things I'd like to talk about. And, Sky, did a  
24 good job of saying the kinds of things I wanted to say. It  
25 takes two to co-management, it takes at least two to co-  
26 anything. You know, if you and I bought a house, Matt,  
27 somewhere, and we were co-owners of it, you know, how would  
28 you feel if I turned around and sold it on my own without  
29 your knowledge, without you being involved in it at all,  
30 maybe that's a poor example, but that's the best one I can  
31 come up with at the top of my head.

32

33 And we made a lot of progress on this  
34 Council, you know, I thought in starting to treat each other  
35 as partners, as equal partners. And, you know, Sky said some  
36 things that I agree with and one of them being that, you  
37 know, geez, just out of courtesy letting us know that these  
38 things are going to be published would have helped to satisfy  
39 my feelings. And it's always these -- you know we get  
40 notified of things and that diminishes our feeling of being  
41 co-equals, of being equals with you. We don't have the power  
42 of the Federal government behind us, you know, we don't have  
43 the power of your agency behind us. I mean and that's what  
44 causes us to feel distrustful. We don't trust you guys  
45 anymore, and that's the kind of feeling that you're  
46 generating here.

47

48 When you lump us in together with  
49 sportshunters, that -- I mean that causes another feeling of  
50 distress, it's like being an insult. You're not giving us

1 the kind of recognition and acknowledging our traditions like  
2 we thought you were. And we hope that this is only language  
3 that we're talking about here and not your policy.

4  
5                   You know, I know it's too late to -- I mean  
6 the notice has gone out, you've given us notice and that's  
7 pretty much water under the bridge. But I hope that you can  
8 carry the message back, Bob, that, you know, if we want to be  
9 partners, if we want to be co-managers in this and we want to  
10 work together, then let's really work together, then let us  
11 know when things are going to be happening that are going to  
12 affect our hunts. I mean it was something that I -- this  
13 whole concept of co-management, I've tried really hard, I've  
14 tried my best since I've been here to try to explain my  
15 thoughts of it. And it seems like every time I feel like I  
16 make some headway something like this comes along that kind  
17 of blows it out of the water, that makes me feel like all my  
18 efforts were for nothing, that you guys still don't get it,  
19 you know, that's what's frustrating.

20  
21                   You know, I mean this goes back like to our  
22 proposals, you guys come out with State proposals, statewide  
23 proposals and give them to us at this meeting and expect us  
24 to act on them, you know, that isn't co-management.

25  
26                   But, anyway, I'd suggest that -- I support  
27 Matt's suggestion of having -- rather than having -- hearing  
28 from us, let's have, you know, Staff draft something for us  
29 to react to, some comments on this, and I see Fred over there  
30 shaking his head like he doesn't want to but, you know, I  
31 think that it's important that we hear from our Staff level,  
32 who's housed in the same building as you, what their  
33 reactions to this are, so that it would give us an idea of  
34 where our Staff sits in terms of our co-management  
35 capabilities.

36  
37                   Thank you.

38  
39                   CHAIRMAN ROBUS: As Chair, I want to say  
40 something here and I'm going to be careful. The first time  
41 I appeared in the Legislature people said to make sure not to  
42 take it personally and I've tried to learn that and take it  
43 to heart and I'm trying to do that now as well.

44  
45                   I find the talk about distrust to be very  
46 distressing. Fish and Game and the Service went back to  
47 D.C., this year without any representation from the regions  
48 and we did the job conveying this Council's position in a  
49 fair, I mean we advocated for this Council and we helped the  
50 Council be successful in that venue, so I think we deserve a



1 certain level of trust.

2

3 I'll point out that had Region 7 not brought  
4 this EIS to your attention at this meeting, you might trust  
5 us a little more but you'd know less about what was being  
6 done at the national level with regard to environmental  
7 process. And instead of being distrustful of the agencies in  
8 this case, another way of approaching it might be to think of  
9 us, and in this case the Service in particular is the  
10 messenger that is informing you with enough lead time so that  
11 you can choose to respond to this with the comments that have  
12 been made here today.

13

14 If you found out after January 6th that this  
15 EIS was in process and that the Staff at the Washington  
16 office had asked the question, should subsistence bird  
17 hunting be involved or not and we'd not given you the  
18 opportunity at this meeting to become informed about it, what  
19 would the trust level be of us then.

20

21 You know, I understand that I represent an  
22 agency and that if my agency represents stuff that you don't  
23 like, that I get to take the hit on it and Bob is in the same  
24 position, but I do ask you to consider what we're trying to  
25 do as Staff members, intermediate levels in the  
26 organizations, to try to bring issues to you so that you get  
27 a fair chance at dealing with them. And I, frankly, think  
28 that talk about distrust and working ourselves up into  
29 thinking bad things about each other is a very disruptive,  
30 divisive approach. And if you can't trust us in the agencies  
31 after our performance here over the past few years, again, it  
32 distresses me very much.

33

34 Now, I intend to ask Fred's shop to ask the  
35 regions on December 1st, to remind you that we've got a  
36 month, at that point to work up an AMBCC approach and the  
37 Chair at that time can try to take comments from the region  
38 and advise the Fish and Wildlife Service at the national  
39 level whether they should include subsistence bird hunting in  
40 this EIS or not.

41

42 And, finally, I'll say that even at the  
43 Washington office, as imperfectly as the question may be  
44 being asked of you, at least the Washington office of the  
45 Migratory Bird Office is aware of the fact that there are  
46 some questions here as to whether or not to include  
47 subsistence bird hunting as an issue that would be up there  
48 on the target along with other forms of migratory bird  
49 hunting. So even if they're not asking the question in  
50 exactly the way you'd like them to, I think it's real

1 progress that this EIS that has to be done, they're deferring  
2 to the Council for advice on that subject.

3  
4 So I won't be the Chair at the time, but I  
5 believe that now you're equipped to go back and make comments  
6 to the Service on your own and we'll try to put together a  
7 consolidated position based on comments that we receive after  
8 we remind you on December 1st.

9  
10 Herman.

11  
12 MR. SQUARTSOFF: Yeah, Mr. Chair. A  
13 question, who put this out in the first place or where did it  
14 come from? And then I also like Austin's suggestion of  
15 letting the Technical Committee tackle this a little bit for  
16 the Council.

17  
18 Thank you.

19  
20 CHAIRMAN ROBUS: This is a national level EIS  
21 that's being done at the nationwide level by the Fish and  
22 Wildlife Service. It's a requirement of NEPA, the National  
23 Environmental Policy Act and it has been talked about at the  
24 SRC now for several years, possibly even when you or others  
25 from the Council have been there as something that was coming  
26 down the track and this year they've kicked it off and I  
27 guess if I'm deficient in anything as a representative, it's  
28 not bringing that detail back to the Council in a very vague  
29 form in previous years. This is the earliest formal warning  
30 that you could have gotten unless you'd been reading the  
31 Federal Register on September 9th, or whatever.

32  
33 MR. LEEDY: Matt.

34  
35 CHAIRMAN ROBUS: Bob.

36  
37 MR. LEEDY: Yeah, I really do think part of  
38 the problem here is the scale and the scope of migratory bird  
39 management. I think Matt pointed out very clearly that this  
40 is something that will be done nationally. We got this  
41 notice the same time that the other Flyway Councils did and  
42 the other Service regions did. And you've already seen in  
43 the process that we, as co-managers in Alaska, are still part  
44 of a national process. The AMBCC often has been referred to  
45 as sort of a fifth Flyway Council, and you -- we really got  
46 no more or no less advance notice on this than any other  
47 Flyway Council, and I think we just need to understand that  
48 -- I will carry the message back that we need to try to be as  
49 sensitive as possible to the things that people have  
50 mentioned here, but this EIS was deemed as overdue in

1 protecting rights of all hunters and that's why it's being  
2 done.

3

4 And we're sorry if it came across wrong, but  
5 we sincerely would like your input to feed back into the  
6 system.

7

8

CHAIRMAN ROBUS: Austin.

9

10

MR. AHMASUK: Thank you, Mr. Chairman. I'm  
11 glad that another Council member mentioned throwing this to  
12 the Technical Committee. I, as the Harvest Survey Technical  
13 Committee Chair, whenever that Technical Committee meets,  
14 would like to be informed. I think that it requires both  
15 committees to meet in joint session in consideration of  
16 harvest information being pulled up to potentially being used  
17 here. The committee is comprised of specific, you know,  
18 expertise in analyzing this information.

19

20

Granted it doesn't sit so well with us right  
21 now, I just want to say again that everything that I've seen  
22 from the harvest survey numbers, you know, we shouldn't fear  
23 because it rests on its own merit in our own eyes, however,  
24 nationally it looks, probably, squirrely.

25

26

So, you know, with that, whenever that  
27 committee meets, I think it's paramount that the Harvest  
28 Survey Committee meets also. This is the very first time,  
29 maybe the second time now, we used eiders for the eider  
30 stuff, this will be the second time now that we're going to  
31 be using harvest survey information from this survey for  
32 something of this nature. I think that it's a number 1  
33 priority for both committees and I'm certainly making it my  
34 priority to make sure that things are fettered out properly.  
35 So with that I'm hoping that something can be put into here  
36 that makes it sit well with all of us and that would be my  
37 number 1 priority on the committee.

38

39

CHAIRMAN ROBUS: Robert.

40

41

MR. SUDAM: Thank you, Mr. Chairman. First,  
42 Matt, I'd like to say thanks for your words, I think that  
43 they're good ones for us all to think about and contemplate.

44

45

Second, I'd like to say I'm pleased that Bob  
46 got the message and that he's going to pass the message on to  
47 Washington, that this is a Co-Management Council, and that  
48 it's not a Co-Management Council with Native groups and  
49 Region 7 but it's Native groups and the Fish and Wildlife  
50 Service and State of Alaska and so what happens in Washington

1 should be viewed as being something that we're all working on  
2 together and not just what happens here in Region 7. So I am  
3 glad to hear that.

4  
5 And thirdly, Austin's suggestion of getting  
6 the Technical Committee together to think about this issue,  
7 I think, is a really good one, however, we need to give the  
8 Technical Committee some really good guidance as to what  
9 they're going to do. Right now I'm on the Technical  
10 Committee and I'm not sure what that guidance is, so if we  
11 are going to ask those committees to meet we should give them  
12 very clear guidance.

13  
14 Thank you.

15  
16 CHAIRMAN ROBUS: Thanks, Robert. Any  
17 thoughts on that, Austin.

18  
19 MR. AHMASUK: Yeah, sure, thank you, Mr.  
20 Chairman. Well, we have here before us the EIS, well, the  
21 notice of the EIS forthcoming. The two major things are that  
22 we have -- it's migratory bird program that is doing this, it  
23 is required by EPA, there's some characterizations of  
24 subsistence harvest there that we need to make sure that it  
25 is correct. I also believe that the nature of how our  
26 regulations look need to be characterized to the national  
27 folks, that, you know, number 1 it poses what I think, you  
28 know, no jeopardy. But that the Technical Committee, I  
29 think, as well as the Harvest Survey Committee needs to  
30 address specifically how regulations, how harvest surveys --  
31 harvest -- migratory bird harvest looks and how it's  
32 characterized. And in terms of risks, which this EIS  
33 attempts to characterize pose no threat.

34  
35 So I hope that's clear enough. Actually  
36 there's three major parts of that EIS and those three are the  
37 things that I think should be investigated.

38  
39 CHAIRMAN ROBUS: Okay, thanks, Austin. So  
40 essentially you're talking about an analysis of what's stated  
41 here, kind of as a groundtruthing of this for making Council  
42 comments back to the Service?

43  
44 MR. AHMASUK: Yes.

45  
46 CHAIRMAN ROBUS: Bob.

47  
48 MR. LEEDY: That sounds like a good plan. I  
49 would like to point out again that the specific question  
50 being asked here is should subsistence hunting be built into

1 this EIS or not? Our comments will go in along with comments  
2 from across the nation and we don't know absolutely what the  
3 outcome will be. I would hate to put everybody to more work  
4 than was necessary to address the immediate need. And I'll  
5 add the caveat, however, that if people are uncomfortable  
6 about how subsistence has been characterized here, that we  
7 still need to make that point so that when the final scoping  
8 document comes out, they say something that is much more  
9 comfortable for us.

10

11 CHAIRMAN ROBUS: Fred, and then Myron.

12

13 MR. ARMSTRONG: Thank you, Mr. Chair. Every  
14 year after the Council meets in the spring and provides  
15 recommendations to the Service Regulations Committee on  
16 regulations, we at the Staff level conduct an EA on those  
17 regulations to ensure that there is no jeopardy to the  
18 survival of our listed species, threatened or listed species.  
19 That's the extent of the -- that was the extent of that in  
20 the past, however, now the scope has changed to where we have  
21 to do consultation with our other folks on the entire set of  
22 regulations, so it's better than scope. Bob's shop has to do  
23 the same thing with their sport regs. We have to comply with  
24 NEPA and that's -- our compliance is with the EA that we do,  
25 the environmental assessment, so we do that annually.

26

27 The question that, you know, the Tech  
28 Committee should be charged with is should the Service  
29 include a statement on the sport regs, should it be a summary  
30 or should it be a full blown section on our subsistence  
31 regulations, you know, and -- I mean that's the fundamental  
32 question. And so, you know, they also have to weight the  
33 pro's and con's of whether or not to exclude them or include  
34 them and provide a recommendation to the Council so that we  
35 can formulate the Council's response to this. That's how I  
36 see it would happen.

37

38 CHAIRMAN ROBUS: Okay, Myron, you were  
39 waiting.

40

41 MR. NANENG: Thank you, Mr. Chair. I think  
42 my major concern is still the fact that by stating the  
43 environmental impact statement that this is sporthunting  
44 regulation and the interpretation used by both the State and  
45 the Feds, saying that after September 1st it becomes a  
46 sporthunting program. As far as people in the villages are  
47 concerned it is not a sportshunting program.

48

49 And if any way, shape or form that starts  
50 adding to the interpretation or justification for the Feds to

1 start issuing citations to our people in the villages because  
2 they're trying to store food for the winter, you know, it's  
3 going to create a lot of problems. And all our efforts that  
4 we've tried to work on to put some conservation programs will  
5 be in jeopardy.

6  
7 And those are things that we have to keep in  
8 mind as we move forward with this because it's not going to  
9 be just a statement as an environmental impact statement,  
10 it's going to be how it's going to be implemented at the  
11 ground level where people are going to be impacted directly  
12 by how they implement this and how they view this. So keep  
13 in mind that if the Technical Committee and the Harvest  
14 Survey Committee work on this, that we are not trying to put  
15 any further restrictions, but trying to conserve the  
16 waterfowl that we're concerned of as well as protecting our  
17 subsistence use of these resources. And I think that needs  
18 to be the bottom line.

19  
20 CHAIRMAN ROBUS: Tom.

21  
22 MR. ROTHE: I think Donna's probably got it  
23 right that however this shakes out, either subsistence will  
24 be encompassed by a hunting EIS or there will be some  
25 pressure to maybe develop a full EIS for subsistence only.  
26 And I guess the Tech Committee can kind of evaluate some of  
27 the risks, we can look at how EIS are put together, what's  
28 involved, but I think it comes down to are we confident and  
29 proud enough to defend the system that we have and that we're  
30 working to improve, we'll have to do that eventually.

31  
32 And I did want to point out there's one more  
33 opportunity for influence. If you have strong feelings that  
34 we either should be part of this or should not be part of it,  
35 Russ Oates and I will be going to Pacific Flyway meetings in  
36 December, and they have also, you know, started to develop  
37 some ideas on whether Alaska subsistence should be in this  
38 thing. So if you all say, no, way, we don't want to be part  
39 of this, Russ and I can take that down as input for the  
40 Flyway states to think about, too, and our partners in Oregon  
41 and Washington and California, you know, may have some  
42 thoughts on whether we should be considered separately or  
43 not.

44  
45 CHAIRMAN ROBUS: What date is that Flyway  
46 study committee meeting?

47  
48 MR. ROTHE: We start our work session on  
49 December 12th.

50

1 CHAIRMAN ROBUS: Okay. So if we were to  
2 comment.....

3  
4 MR. ROTHE: Comments are due by January 6th,  
5 so our study committee would probably do a recommendation  
6 from the Chairman in Idaho to Councils somewhere, either by  
7 email or ask for an extension or something.

8  
9 CHAIRMAN ROBUS: So if we were to do a last  
10 call for input on the 1st of December, that would be pretty  
11 tight in terms of turning it around for you to take down  
12 there?

13  
14 MR. ROTHE: No. You know, right up to  
15 December 11th before we get on the airplane we can get the  
16 message.

17  
18 CHAIRMAN ROBUS: Okay. Ralph.

19  
20 MR. ANDERSEN: Thank you, Mr. Chairman.  
21 There's a couple things that I want to make clear, first,  
22 that I knew I'd get a reaction from the word distressed but  
23 the way I couched it was, you know, while we're making  
24 headway on some things, issues like this, and this was just  
25 using an example, the feeling of distress. And I think what  
26 -- and then you did a good explanation of why we're co-  
27 managers and I think you carrying the message for us back to  
28 Washington, D.C., to the Service Regulation Committee went a  
29 long way in showing the strength of our co-management and the  
30 process that we have here.

31  
32 But, again, it's just that, you know, a  
33 frustration.

34  
35 But I think getting back to the notice, I  
36 think Austin hit it pretty much right on the head with his  
37 suggestion that the Technical Committee take a look at the  
38 document in focusing on the characterization of and  
39 description of subsistence and how our group fits into it and  
40 our process fits into it, and develop a list of pro's and  
41 con's -- a list of the results of his analysis being pro's  
42 and con's of keeping it in and taking it out. So I think  
43 Austin you nailed it and if that's what you were talking  
44 about.

45  
46 And I guess I'd make that into a motion that  
47 the Technical Committee be given that direction.

48  
49 Thank you.

50

1 MR. SQUARTSOFF: I'll second it.

2

3 CHAIRMAN ROBUS: It's been moved and seconded  
4 that the Tech Committee be charged with developing advice on  
5 the Federal Register Notice regarding the SEIS, is there any  
6 objection to that motion -- discussion, sorry. Discussion  
7 comes before voting, that's right.

8

9

Bob.

10

11 MR. LEEDY: Yeah, Bob Leedy. Austin  
12 mentioned earlier, he felt that it would be important for the  
13 Technical Committee and the Harvest Survey Committee to work  
14 on this jointly and that makes a lot of sense to me, whether  
15 it's the full committee or some representatives from each  
16 because one of the major categories of information that would  
17 go in here, as he correctly identified, would be the harvest  
18 information.

19

20

CHAIRMAN ROBUS: Donna.

21

22

23 MS. DEWHURST: I just wanted to bring up the  
24 point and this is not -- it has to do with your motion but  
25 actually the actions that might come after the motion, after  
26 the Technical Committee meets. With rules, with Federal  
27 rules in the Federal Register, comments are a numbers game.  
28 Right now we have a Proposed Rule out. I'm the one that has  
29 to respond to the comments, so if I get a comment from an  
30 organization like National Audubon, I can't say it's from  
31 National Audubon, I just say I got one comment and this is  
32 what they said. Now, if we're dealing on a national basis,  
33 which we will be on the rule that Bob's talking about, as Bob  
34 said, they're going to get comments from the Lower 48, it's  
35 going to be a numbers again, whoever responds to those,  
36 they're going to say we got X number for and X number against  
37 to include subsistence as part of this. And just the point  
38 if you comment as a Council it's one comment because they  
39 can't -- whoever responds to this can't say it came from the  
40 Co-Management Council, it's just one comment and if they get  
41 50 comments that say, by God it should be included, it's 50  
42 against one. Comments are purely a numbers game. There's no  
43 way of weighting the comments when you respond.

43

44

45 Now, there can be subtle ways of doing it but  
46 reality you have to say I got so many for, so many against.  
47 So I would almost be inclined, if there is a strong feeling  
48 not to go this way and for us to perhaps do our own separate  
49 EIS, that each organization would comment separately versus  
50 as a Council because it would hold more strength in the way  
the Federal government does this system. To receive 12 or 14



1 or whatever comments that all said the same thing versus one.  
2 Even though the one represents everybody that doesn't really  
3 come out when they respond to it. That's just to let you  
4 know.

5  
6 So it's kind of more a numbers game.  
7

8 If you don't feel strongly and you think it  
9 should be included I wouldn't worry about that issue.

10  
11 CHAIRMAN ROBUS: Fred.

12  
13 MS. DEWHURST: This is just.....

14  
15 MR. ARMSTRONG: Thank you, Mr. Chair. I just  
16 wanted to clarify that. When we have a Proposed Rule and we  
17 receive comments Washington charges us with coming up with a  
18 draft response and that's how it goes forward to D.C. Me or  
19 my Staff are not responsible for those comments other than  
20 drafting them and I just need to clarify that.

21  
22 And you do have a motion on the floor, I  
23 think we should.....

24  
25 CHAIRMAN ROBUS: Yeah, and back to the  
26 motion, that was only for the Technical Committee -- I guess  
27 I'll ask Austin, are you satisfied that you can dovetail with  
28 that in terms of your committee or do you feel a motion  
29 adjustment is necessary?

30  
31 MR. AHMASUK: No, you mentioned December, we  
32 have tentatively scheduled a Harvest Survey Committee meeting  
33 for that week so beginning of December so it fits well.

34  
35 CHAIRMAN ROBUS: Okay. All right, so any  
36 other comments or discussion on the motion.

37  
38 (No comments)

39  
40 CHAIRMAN ROBUS: Let's vote on this one. All  
41 in favor of this motion please signify by saying aye.

42  
43 IN UNISON: Aye.

44  
45 CHAIRMAN ROBUS: Any opposed.

46  
47 (No opposing votes)

48  
49 CHAIRMAN ROBUS: All right, that's the action  
50 of the Council, it gives the Technical Committee something to

1 do.

2

3 Okay, the next issue would be -- we have a  
4 couple of committee reports here that have possible actions  
5 associated with them and the first of those is the Emperor  
6 Goose Committee and I gather that Tom is going to stand in  
7 for Russ on this one.

8

9

Mr. Rothe.

10

11 MR. ROTHE: Yes, Mr. Chairman. I just wanted  
12 to comment that the Technical Committee has been sitting  
13 around idle waiting for something to do.

14

15

(Laughter)

16

17

18 MR. ROTHE: And one of the things we were  
19 charged with some time ago was to look at the Emperor Goose  
20 Management Plan and a subgroup was formed to revise that.

21

22 I think Russ probably gave you a pretty  
23 decent briefing on yesterday on it so I'll sort of cut to the  
24 chase. But I do want to give Russ a lot of credit for being  
25 a spark plug and pushing the group to keep making progress,  
26 keep talking and meeting, and also to Chris Dau, who is the  
27 document mechanic that put lots of the data in there and did  
28 a lot of the wordsmithing.

28

29

30 So the committee has met several times and  
31 we've tried deliberately to involve all the affected regions  
32 that have emperor geese. Just as a reminder, this is the  
33 first Pacific Flyway Management Plan where we have also now  
34 kind of broadened the scope out to Co-Management Council  
35 participation. So this is kind of like the trial baby in  
36 this process.

36

37

38 Through our discussions, I think the report  
39 under Tab 6 has Russ' summary of the bullets, the key ideas  
40 that are contained in the management plan so I won't go over  
41 those other than to say that probably what people are mostly  
42 interested in is the harvest strategy currently reflects the  
43 no open seasons and exactly the same provisions that are in  
44 the YK-Delta Goose Management Plan.

44

45

46 The committee discussed this quite a bit and  
47 the bottom line is, is that, this population hasn't been  
48 responding and until it does start to show some growth, we  
49 didn't feel that we could work out a scenario where hunting  
50 was the right thing to do.

50

1                   So that's kind of, I think, the main bottom  
2 line for a lot of this.

3  
4                   What the committee would like to recommend to  
5 the Council is that we have this draft that's prepared and a  
6 lot of work went into updating it and what we think is --  
7 includes appropriate management strategies, tasks and  
8 assignments, and so we would -- the committee would like your  
9 endorsement of this management plan.

10  
11                   This is going to be, like I said, of both  
12 Flyway and Co-Management Council business. What we are  
13 trying to do is line up approval of this management plan to  
14 go forward through the Pacific Flyway starting -- it would be  
15 introduced to the Council at the March meeting and usually  
16 the Flyway Council adopts plans in their July meeting so  
17 there's a couple months of review period there.

18  
19                   So our hope is that if everybody's reasonably  
20 comfortable with the principles in this plan, to get an  
21 endorsement from the Co-Management Council put it into the  
22 Flyway system and come out in July with an approved plan.

23  
24                   This plan was last updated in 1994, it's got  
25 some old stuff in it so there's a real important need to get  
26 the update on the record and typically Flyway plans have a  
27 five year horizon so what we're talking about is things that  
28 should happen for the next five years.

29  
30                   CHAIRMAN ROBUS: Okay, thank, Tom. Are there  
31 any questions about the material that's in the book here  
32 regarding the Emperor Goose Plan.

33  
34                   Myron.

35  
36                   MR. NANENG: Yes, Mr. Chairman. Myron  
37 Naneng. I made some comments yesterday regarding the Emperor  
38 Goose Plan and have made some suggestions to take a look at  
39 the traditional knowledge inclusion, because the nesting  
40 habits of the birds, the emperor geese have changed and  
41 that's based on observations from local people. And also  
42 trying to find ways to include the local knowledge,  
43 traditional knowledge as well to be part of the information  
44 gathering system in this Emperor Goose Plan.

45  
46                   I don't recall exactly the words that I used  
47 yesterday but I would like them to be incorporated into the  
48 plan.

49  
50                   CHAIRMAN ROBUS: Right. And Russ was here

1 for those discussions, so I guess I can ask, with that  
2 understanding, can we move forward towards endorsement by the  
3 AMBCC in your opinion?

4  
5 MR. NANENG: Yes.

6  
7 CHAIRMAN ROBUS: Okay.

8  
9 MR. SQUARTSOFF: I so move that we do that,  
10 Mr. Chair.

11  
12 CHAIRMAN ROBUS: It's been moved.

13  
14 MR. ANDERSEN: Second.

15  
16 CHAIRMAN ROBUS: Seconded to endorse the  
17 Draft Pacific Flyway Management Plan for the emperor goose as  
18 contained in the packet, is there any other discussion.

19  
20 MR. LEEDY: Mr. Chair.

21  
22 CHAIRMAN ROBUS: Bob, first, and then I'll  
23 get to Robert.

24  
25 MR. LEEDY: Yeah, Myron, are there are  
26 particular sources that you're recommending that they  
27 address, I mean to be able to move forward with this  
28 expeditiously it would be beneficial if you could provide the  
29 team, perhaps, with people to talk to or sources of  
30 information for them to include.

31  
32 MR. NANENG: Yes, we'll work with the Emperor  
33 Goose Committee, their tasty during springtime and not too  
34 tasty during the fall time, so I'm sure a lot of people in  
35 the villages would be willing to participate in providing  
36 information.

37  
38 (Laughter)

39  
40 CHAIRMAN ROBUS: Okay, Robert.

41  
42 MR. SUDAM: Thank you, Mr. Chairman. I would  
43 just like to make sure that in the motion that we're  
44 accepting the Goose Plan with the provision that a strategy  
45 be included that incorporates traditional and local knowledge  
46 into studies that are occurring out there or into management  
47 decisions. I just want to make sure that that's clear and on  
48 the record.

49  
50 CHAIRMAN ROBUS: Explicitly stated. Okay.

1 Ron Stanik.

2

3 MR. STANIK: If I could just make a note that  
4 Bill and I put together a proposal for the -- what was  
5 it.....

6

7 MR. OSTRAND: Traditional Ecological  
8 Knowledge on Emperor Geese.

9

10 MR. STANIK: Yeah, we did a whole huge thing  
11 on a proposal, and so I could reference that which includes  
12 interviews in communities and a whole list of literature and  
13 lots of stuff and so there's a good package already in  
14 existence for your reference.

15

16 CHAIRMAN ROBUS: Okay, thanks. Herman.

17

18 MR. SQUARTSOFF: Yeah, Mr. Chair. I think  
19 Russ noted a lot of that down too yesterday so.....

20

21 CHAIRMAN ROBUS: Right. Any more discussion.

22

23 (No comments)

24

25 CHAIRMAN ROBUS: All in favor of endorsing  
26 the Emperor Goose Plan as it's presently drafted with those  
27 intended additions signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN ROBUS: Any opposed.

32

33 (No opposing votes)

34

35 CHAIRMAN ROBUS: That's our action. All  
36 right, moving along, SOP Committee met and I believe that Tom  
37 is going to take a crack at that too.

38

39 MR. ROTHE: Right, Mr. Chairman, I'm -- I  
40 have the pleasure of providing a report on behalf of Doug  
41 Alcorn and others on the SOP Committee.

42

43 We had a good productive teleconference just  
44 recently to address the one charge from the Council that came  
45 up in May at Barrow and that was to try and develop some  
46 process to deal with proposals that are out of the normal  
47 call for proposal cycle. So we took a crack at it, Doug,  
48 Fred and I and Mike Smith discussed how we might kind of  
49 describe some procedures. And if you look under Tab 8, I  
50 guess the principle output from this, our suggestion to maybe

1 use two different kinds of proposal forms to help clarify  
2 background information for the Council to act.

3  
4                   Before we look at that, I'd like to say that  
5 the committee, I think, agreed on some principles. First of  
6 all, as much as possible we really would like to see all  
7 those proposals come in during the call period, between  
8 November and December, it's much easier for the Council to  
9 get that early look at things, get the regions to comment on  
10 proposals if the stuff comes in early. So that's our  
11 preferred approach to have them go through the normal cycle  
12 and have plenty of time for review.

13  
14                   But as we've seen recently there are  
15 circumstances where there are proposals that come up that are  
16 good ideas, there's a need for them to be acted on and then  
17 so the committee's main charge was to figure out how we deal  
18 with that. A good example would be AVCP proposals that were  
19 developed in April of this spring for brandt and cackler  
20 conservation. So those are important things that develop but  
21 if they come in after December it's fairly awkward.

22  
23                   So our recommendation for handling these is,  
24 in general, we haven't scratched out a specific SOP but I  
25 think we've got all the pieces together, is to call this type  
26 of a proposal a special action request, I'm not familiar with  
27 other precedence for that but that's what Mike suggested.  
28 Special action request is one where something comes in after  
29 the call for proposals deadline. But we do have time to  
30 consider it.

31  
32                   We discussed the idea of calling it an  
33 emergency proposal but in the legal context it would have to  
34 be a really important thing to be an emergency so we didn't  
35 want to get confused with a biological emergency but we did  
36 want to say these are important to require special action.

37  
38                   At that first form you see is a version of  
39 the proposal form but the most important criteria we felt the  
40 Council needed is that there were assurances on these short  
41 notices things that, first of all, that other people were  
42 aware of what the proposal idea is. In other words, there is  
43 some public notice that we want to do something quickly. And  
44 secondly that the regional management body has had a chance  
45 to take a look at this and have an opinion on it. As you  
46 will recall at the Barrow meeting we addressed the  
47 izembek Lagoon closure and that was a real scramble at the  
48 last minute because the proposal hit the table that day and  
49 there was some real concern that maybe the public didn't know  
50 about it or certainly APIA had talked about it.

1                   So what this form does is it says if you file  
2 something after December 15th and on up to some reasonable  
3 period before the next meeting, there are two additional  
4 questions at the bottom, actually three.

5  
6                   Why is this important enough to require a  
7 special action.

8  
9                   Has this been circulated to the public or at  
10 least noticed in the region that's affected.

11  
12                   Has your regional management body had a  
13 chance to look at this.

14  
15                   I think if proposals come in with that  
16 information described, then the Council can feel assured that  
17 this is not just totally coming out of the blue and we won't  
18 get in trouble by working on that.

19  
20                   So that's the primary way we would see as  
21 handling this.

22  
23                   Mechanically, for the Chair's purposes and  
24 for conducting business, we thought it could be handled kind  
25 of like the Board of Game handles changes of agenda requests.  
26 That given that Fred's -- Fred's got to do public notice on  
27 all of our meetings and it's got to contain a description of  
28 what will be done at those meetings. And so he can  
29 generically describe the subjects that the Council will deal  
30 with but there may not be a notice in there that raises a  
31 flag for a brandt hunt or that something's going to be  
32 changed. So with this form, then the Chair or the Council  
33 could handle this as an agenda change request and then the  
34 Council would, at the beginning at the meeting, affirm that  
35 this proposal is something they're comfortable in dealing  
36 with. And that's just kind of cross-checking everybody's  
37 feelings about it.

38  
39                   So that handles everything that comes in  
40 between December 15th and say right up against the May  
41 meeting.

42  
43                   We didn't really have a good solution for  
44 what happens if someone comes in and slaps one right on the  
45 table during the meeting, although, I would suggest the  
46 Council -- again, the criteria would be, is the public aware  
47 of this and has your regional committee discussed it, and  
48 even up at the last minute if, I think if those assurances  
49 are provided, I think the Council might feel comfortable in  
50 acting on one on a very short notice.

1                   So I guess our committee is recommending that  
2 you approve the special action request form and the revised  
3 proposal form as our official documents. And then I think  
4 Staff and the committee will try to draft up a little bit  
5 more thorough SOP statement later.

6  
7                   CHAIRMAN ROBUS: Thanks, Tom. Any questions  
8 or concerns or statements about this.

9  
10                  Ralph.

11  
12                  MR. ANDERSEN: Mr. Chairman. I move that we  
13 accept the report from -- which group is it?

14  
15                  CHAIRMAN ROBUS: The SOP.

16  
17                  MR. ANDERSEN: The SOP Committee.

18  
19                  MR. SQUARTSOFF: Second.

20  
21                  CHAIRMAN ROBUS: All right, moved and  
22 seconded, so now we can discuss it.

23  
24                  Austin.

25  
26                  MR. AHMASUK: Thank you, Mr. Chair. As I  
27 mentioned yesterday, may we include on the regular form some  
28 verbiage there that indicates the proposal should go to the  
29 regional body as we discussed in work session.

30  
31                  CHAIRMAN ROBUS: Tom, you want to respond.

32  
33                  MR. ROTHE: Mr. Chairman. I think we can  
34 make sure that that's in general SOP's and advice. There is  
35 already a description of the proposal process that includes  
36 that. It tells proposers your first step should be to go to  
37 that regional committee, so it's not on the form itself but  
38 it's in one of our previous process documents.

39  
40                  CHAIRMAN ROBUS: I had a comment on the  
41 special action form. First of all, I think that having an  
42 alternate process that allows us to squeeze in things that  
43 don't make the original proposal window is very important and  
44 we kind of felt that last year.

45  
46                  The last question, Tom, talks about, has it  
47 been reviewed and/or acted upon by the regional co-management  
48 committee, and just because I see the potential for some of  
49 these to cover multiple regions, I'm thinking about maybe  
50 inserting the word, appropriate regional management



1 committee, (S) in case it includes more than one. Do you  
2 have any feelings?

3  
4 MR. ROTHE: Yeah, that's just a typographical  
5 oversight. We are primarily concerned that the affected  
6 regions are the ones that get a crack at this and so with the  
7 Council's blessings we could make those changes.

8  
9 CHAIRMAN ROBUS: Do people prefer affected  
10 rather than appropriate, I guess both are ambiguous to a  
11 certain extent, but maybe affected is the right way to go.

12  
13 Myron.

14  
15 MR. NANENG: Yeah, thank you, Mr. Chairman.  
16 Tom, I think that even if those regions are not affected by  
17 any of proposed regulations at least they have to be notified  
18 or informed of the proposal. Because one history that I know  
19 is that every time we come up with some conservation measure  
20 under the Goose Management Plan everybody else always says,  
21 we're not a part of it, so it would be courtesy regardless of  
22 who's affected or not to be provided a copy of any proposed  
23 rule.

24  
25 CHAIRMAN ROBUS: Right. Tom, do you want to  
26 respond.

27  
28 MR. ROTHE: Yeah, I think that's a given that  
29 as soon as Fred gets this stuff he's going to whip it out to  
30 all of the Council members to make sure everybody's got a  
31 head's up.

32  
33 CHAIRMAN ROBUS: Further discussion. Herman.

34  
35 MR. SQUARTSOFF: No, I just wanted to echo  
36 Myron there, that's good that we support each other on these  
37 anyway, on these proposals.

38  
39 Thank you.

40  
41 CHAIRMAN ROBUS: Okay, it's been moved and  
42 seconded, no further discussion.

43  
44 (No comments)

45  
46 CHAIRMAN ROBUS: All in favor of adopting  
47 these two forms as the way we do business, and with that  
48 implement a special action process that allows us to  
49 incorporate what are essentially later proposals into the  
50 process, all in favor of that, please signify by saying aye.

1 IN UNISON: Aye.

2  
3 CHAIRMAN ROBUS: Any opposed.

4  
5 (No opposing votes)

6  
7 CHAIRMAN ROBUS: All right, we've adopted it.  
8 All right, so the next order of business is a presentation by  
9 the Bureau of Land Management, Bruce Holland is here from the  
10 Bureau, and has patiently waited to this point, and the  
11 Bureau has asked to be able to make a presentation on some of  
12 their activities. So welcome Bruce.

13  
14 MR. HOLLAND: Thank you, Mr. Chairman. And  
15 thanks to the Council for making time for us today. My  
16 intent here today is to introduce myself, the purpose I'm here  
17 and to give you a little bit of update and planning. My name  
18 is Bruce Holland. I'm the special status species biologist  
19 in the State Office for BLM-Alaska.

20  
21 My purpose here is to really to use this  
22 forum as a way to use proactive information sharing, and  
23 recognized ignorance is a dangerous thing. BLM manages 89  
24 million acres extending from the North Slope to the northern  
25 part of Southeastern Alaska and pretty much spanning east to  
26 west. We have a lot of stuff going on, I look at the maps,  
27 of all the regions and there is a BLM management unit  
28 somewhere out there so our management actions could influence  
29 what you're doing and your actions could influence what we're  
30 doing and we'd like to be proactive in sharing that  
31 information. We'd like to be able to contribute where we can  
32 and we'd like to incorporate where it's appropriate. If  
33 there's things that we can do in our planning and management  
34 process that will facilitate accomplishing your goals, we'd  
35 like to at least know about it and analyze it relative to the  
36 broader management goals that BLM undertakes as part of our  
37 regulatory process.

38  
39 So I promised Matt I would be brief, so  
40 that's my brief introduction and purpose.

41  
42 I'd like to give you a little bit update on  
43 where we're at in planning. We have six ongoing planning  
44 documents in the state. Northwest NPR-A, National Petroleum  
45 Reserve-Alaska, the ROD was signed a year ago, we're in court  
46 right now, Ninth Circuit oral arguments were earlier in the  
47 month. Don't know where that's going to come down.

48  
49 Northeast NPR-A. The final EIS was done this  
50 winter, 2005, the Record of Decision is currently back in the

1 Washington Office.

2

3 We have Kobuk/Seward, which is primarily the  
4 Kobuk Peninsula and Seward area is currently in preparation.  
5 I think we're writing the existing condition section right  
6 now.

7

8 Moving down to the Glennallen area, the East  
9 Resource Management Plan, the Draft is published and out for  
10 public comment right now. Final sometime next year.

11

12 Ring of Fire extending from Southeast Alaska,  
13 Yakutat area out in -- the planning area actually extends out  
14 to the Aleutian Pribilofs, excuse my pronunciation, I've only  
15 been here a year so you can yell at me later, and it consists  
16 of a large number of small management areas. I think the  
17 biggest one that BLM manages in any one place is 40,000  
18 acres.

19

20 The Bay Planning area which is similar and  
21 encompasses BLM managed lands around Bristol Bay area is --  
22 they're still drafting alternatives. It will be awhile.

23

24 There's a series of planning efforts in the  
25 Interior, including an environmental assessment to amend a  
26 Resource Management Plan in the White Mountain Country and  
27 there will be another EIS for the RMP for the Fortymile  
28 Country.

29

30 And those are what we know.

31

32 The South NPR-A planning effort is under way  
33 and doesn't have a real -- it's schedule will be as it comes.  
34 We're in between. We've done our scoping meetings and  
35 published the notice of intent and I don't know how soon or  
36 when to expect products out of that.

37

38 And that kind of sums up my purpose. If  
39 there's questions about any one of those plans I can answer  
40 them to the best of my ability.

41

42 CHAIRMAN ROBUS: Bruce, what was the last,  
43 the final plan that you talked about, that you don't have  
44 products yet for?

45

46 MR. HOLLAND: The South NPR-A.

47

48 CHAIRMAN ROBUS: Okay.

49

50 MR. HOLLAND: For those of you who don't

1 know, the National Petroleum Reserve was divided up into  
2 three planning units consisting of the Northwest, Northeast  
3 and then the South planning area. The Northwest and  
4 Northeast are primarily from the foothills north, and then the  
5 south would encompass the foothills of the Brooks Range.

6  
7 CHAIRMAN ROBUS: Thank you. Robert.

8  
9 MR. SUDAM: Yeah, Bruce, when do you expect  
10 the ROD to be out for the Northeast NPR-A?

11  
12 MR. HOLLAND: I would say soon but I answered  
13 that the same way last February.

14  
15 (Laughter)

16  
17 MR. HOLLAND: I think our expectation is that  
18 it will be signed in the next couple of months and December  
19 is a possibility.

20  
21 Currently there's -- you know, when we were  
22 trying to sign it last year it was to allow a least sale the  
23 following year that could be acted on, right now I think the  
24 industry isn't interested in a lease sale that happens in  
25 March. So December is a reasonable expectation, that's just  
26 my observation. The ROD will be signed in D.C., I think last  
27 I heard it will be signed at an Assistant Secretary level.  
28 It may be signed by the Washington Office. So what they do  
29 and I say are not necessarily the same thing.

30  
31 MR. SUDAM: Thank you.

32  
33 CHAIRMAN ROBUS: Are there any other  
34 questions or comments by Council members.

35  
36 (No comments)

37  
38 CHAIRMAN ROBUS: I guess not. Bruce, I'd  
39 like to express appreciation for a land manager other than  
40 the Fish and Wildlife Service being here. I think it's  
41 important and it's good to see you representing your agency  
42 here. These are public meetings but all too often we don't  
43 have resource managers here for a lot of jurisdiction, so  
44 that's a good thing.

45  
46 MR. HOLLAND: If I may, thank you, Mr.  
47 Chairman. Again, it is our intent to have a consistent and  
48 -- well, a consistent present and I'll try and be here as  
49 often as they can drag me out of my cubicle and it will  
50 probably be on a regular basis, it will be myself until

1 something changes and then we'll let you know.

2

3 CHAIRMAN ROBUS: Okay, thanks. Let's take 10  
4 minutes and be back here at five after 2:00, and then I  
5 believe Robert is next on the agenda.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN ROBUS: Okay, I believe the next  
12 thing on the agenda, before we get out of new business,  
13 Robert Sudam asked to talk a little bit about NPR-A issues.

14

15 MR. SUDAM: Thank you, Mr. Chairman. Bruce  
16 just talked about the Northeast NPR-A briefly, and that area  
17 contains one of the largest lakes in Alaska, Teshekpuk Lake,  
18 and the area to the north and to the east of Teshekpuk Lake,  
19 and Fred's going to point to it on the map right there, just  
20 below the W on Barrow, there you go, that Teshekpuk Lake area  
21 north and to the east has some of the most important molting  
22 area for many different geese, especially for Pacific black  
23 brandt.

24

25 Because BLM is thinking about opening that  
26 area up to oil and gas exploration and potential development,  
27 I've drafted a resolution that I would like to introduce to  
28 the Council for their consideration. And in large part this  
29 came about because of Myron's comments yesterday about his  
30 concerns about what oil and gas development might do to  
31 brandt from around Teshekpuk.

32

33 Should I go ahead and read the resolution for  
34 the record?

35

36 CHAIRMAN ROBUS: I'm uncertain. I suppose we  
37 could incorporate it in the record without reading it but if  
38 you'd like to. Is everybody okay with just using the hard  
39 copies that have been distributed.

40

41 (Council nods affirmatively)

42

43 CHAIRMAN ROBUS: Okay, so I don't think  
44 there's a need to do that, Robert.

45

46 If you haven't had a chance, please look  
47 through that now and then I'd entertain a motion if somebody  
48 wants to make it.

49

50 MR. ANDERSEN: Mr. Chairman, I move that we

1 adopt Resolution 2005-01.

2

3

MR. SQUARTSOFF: Second.

4

5

6

CHAIRMAN ROBUS: It's been moved and seconded. Discussion. Austin.

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MR. AHMASUK: Thank you, Mr. Chairman. On the whereas where it talks about 30 percent it uses the word up to 30 percent of the entire population can molt there in any give year. Are there other ways -- I don't know anything about this area, but when you say up to 30 percent, there's certain ways people can take that I suppose, are there other ways to think about that number, is that the number or are there other ways to characterize it.

CHAIRMAN ROBUS: Robert.

MR. SUDAM: Thank you, Mr. Chairman. Many of the Pacific black brandt that molt near Teshekpuk are failed breeders or nonbreeders. Many of the failed breeders come from the Yukon Kuskokwim Delta, so depending on how successful birds are on the Delta in any year influences how many brandt are molting up near Teshekpuk. So the more nests that get predated by foxes means there's more brandt at Teshekpuk. So I think that the highest percentage of brandt that have been counted around Teshekpuk molting is essentially 30 percent of the population in any one year and so that's what I was trying to get at. It's likely that over time the entire population of Pacific black brandt use the area.

CHAIRMAN ROBUS: Thanks. Any other discussion. Question. Austin.

MR. AHMASUK: Just one more thing, Mr. Chairman. On the signatory line there, I think it's standard for the Secretary of the Council to be listed there.

MR. SQUARTSOFF: There's a brief silence.

(Laughter)

MR. ARMSTRONG: It's called a lull.

CHAIRMAN ROBUS: Is that under the approved or attested part.

MR. AHMASUK: Under the attested part, our bylaws say the Secretary.

1 CHAIRMAN ROBUS: Okay, very good. Robert.  
2  
3 MR. SUDAM: Given that there's that change,  
4 I'd like to make another change in one of the whereas where  
5 I didn't word it very carefully. This is the second whereas  
6 above the first therefore be it resolved.  
7  
8 The whereas says permanent industrial  
9 facilities may negatively impact Pacific black brandt  
10 increasing the already declining population.  
11  
12 That's not very clear. What I was trying to  
13 say is it's causing -- it will cause the population to  
14 decline further. So since I have to make a change on the  
15 attested by, I'd like to go ahead and make that change as  
16 well. So essentially the increasing the already declining  
17 population to say causing the population to decline further.  
18  
19 Thank you.  
20  
21 CHAIRMAN ROBUS: Bob.  
22  
23 MR. LEEDY: While we're in an editing mode.  
24 Your third whereas, that should be population levels have led  
25 without the A, rather than lead, and you might say rather  
26 than current, that would be a place to put in declining  
27 population levels.  
28  
29 CHAIRMAN ROBUS: So were you incorporating  
30 both of those suggestions Robert.  
31  
32 MR. SUDAM: Yes.  
33  
34 CHAIRMAN ROBUS: Okay, so that whereas will  
35 now read:  
36  
37 Whereas declining population levels have led  
38 to additional restrictions and sport and  
39 subsistence hunting.  
40  
41 Any other comments.  
42  
43 (No comments)  
44  
45 CHAIRMAN ROBUS: Suggestions.  
46  
47 (No comments)  
48  
49 CHAIRMAN ROBUS: Okay. It's been moved and  
50 seconded. Discussion seems to be over -- Herman, do you have

1 something?

2

3

MR. SQUARTSOFF: No.

4

5

6

CHAIRMAN ROBUS: Okay. So with those three changes that have been made, Council members who support this resolution as modified, please signify by saying aye.

7

8

9

IN UNISON: Aye.

10

11

CHAIRMAN ROBUS: Any opposed.

12

13

(No opposing votes)

14

15

16

17

CHAIRMAN ROBUS: So the resolution carries and will be modified and sent. I suppose we need to figure exactly where to send it.

18

19

20

MR. ARMSTRONG: The Secretary of the Interior, it's already on there.

21

22

23

24

25

CHAIRMAN ROBUS: Okay. All right. Next on our agenda are committee appointments and I was going to pass a note here to Austin asking if you want to caucus for that purpose.

26

27

28

29

MR. AHMASUK: Mr. Chairman, can we just briefly go through committee assignments and what's expected of us to accomplish there.

30

31

32

33

34

35

36

CHAIRMAN ROBUS: Certainly. If you look under Tab 9, second page, lists the current roster of committee assignments, the one that we noticed yesterday was Mitch Simeonoff had been added to the SOP Committee at our spring meeting in Barrow, let's see are there any others that need to.....

37

38

39

40

MR. SQUARTSOFF: Also the Harvest Limitations he was on, I see.

41

42

43

44

45

CHAIRMAN ROBUS: Okay, Harvest Limitations. And then yesterday I mentioned the issue of at least revisiting the Flyway reps which should be here somewhere.....

46

47

48

49

50

MR. ARMSTRONG: They're at the bottom.

CHAIRMAN ROBUS: And then the Law Enforcement Committee is one that we're setting up and we had some names nominated at Barrow but that would be something to check just



1 to see if those are the same people that you would like to  
2 have, as a group, to have on it.

3

4 MR. AHMASUK: Then could we just restate the  
5 mission of the Law Enforcement Committee.

6

7 CHAIRMAN ROBUS: The mission of the Law  
8 Enforcement Committee.

9

10 MR. ARMSTRONG: Mr. Chair. The action item  
11 indicated that the Enforcement Committee would take a look at  
12 the AVCP proposal, and I think we have the wrong proposal in  
13 the book, the AVCP proposal in question was the law  
14 enforcement aspect of the Goose Management Plan be  
15 incorporated into our regulations. That was the one that was  
16 in question.

17

18 CHAIRMAN ROBUS: Right.

19

20 MR. ARMSTRONG: And so what the Council  
21 charged this committee to do was to take that proposal and  
22 see if you could work on it and come back to the Council with  
23 a similar proposal.

24

25 MR. AHMASUK: And is that an ad hoc committee  
26 that dies shortly after its work is done?

27

28 MR. ARMSTRONG: I think that the discussion  
29 yesterday was that it would be a standing committee.

30

31 CHAIRMAN ROBUS: That's correct. People felt  
32 that although this was the first task, that enforcement  
33 issues are likely to continue to occur and it would be a good  
34 idea to have an Enforcement Committee as a standing  
35 committee.

36

37 Okay, so if we're ready to break.

38

39 MR. AHMASUK: Yeah, we'd like to caucus.

40

41 CHAIRMAN ROBUS: Sure. So let's -- I suspect  
42 it's going to be at least, what, 20 minutes, 20 of 3:00 but  
43 if you have to go longer we'll certainly understand.

44

45 (Off record)

46

47 (On record)

48

49 CHAIRMAN ROBUS: Okay, let's come back to  
50 order. Okay, the regional reps are back from the caucus so

1 I would ask for updates on committee appointments.  
2  
3 MR. AHMASUK: Thank you, Mr. Chairman. We  
4 made committee appointments, and I just realized that we did  
5 not select a Native vote during our caucus. I believe that's  
6 required as well.  
7  
8 CHAIRMAN ROBUS: In other words, somebody to  
9 potentially replace you at the front table for the next year?  
10  
11 MR. AHMASUK: That's right, uh-huh.  
12  
13 CHAIRMAN ROBUS: Okay. Well, let's proceed  
14 with committee stuff and are you looking to get out of that  
15 job?  
16  
17 (Laughter)  
18  
19 MR. AHMASUK: Okay, no caucus required.  
20  
21 (Laughter)  
22  
23 CHAIRMAN ROBUS: I assumed that somebody else  
24 would have brought it up if it was a problem.  
25  
26 MR. AHMASUK: Yeah, okay.  
27  
28 CHAIRMAN ROBUS: Okay. So let's just go  
29 through committee stuff.  
30  
31 MR. AHMASUK: Okay, sorry, Mr. Chairman. For  
32 the Technical Committee we have no changes.  
33  
34 CHAIRMAN ROBUS: Okay.  
35  
36 MR. AHMASUK: For the Harvest Survey  
37 Committee, we would like to replace Jacob Isaac with Tim  
38 Andrew.  
39  
40 CHAIRMAN ROBUS: Okay.  
41  
42 MR. AHMASUK: For the Standard Operating  
43 Procedures Committee we'd like to replace Mitch Simeonoff  
44 with Herman Squartsoff. And under that committee replace  
45 Mike Smith with an Interior or TCC representative, whomever  
46 that may be.  
47  
48 CHAIRMAN ROBUS: Okay.  
49  
50 MR. AHMASUK: For the Long-term Goals and

1 Objectives Committee we'd like to replace Ralph Andersen with  
2 Patty Schwalenberg, and add Charlie Brower.

3  
4 Also, Mr. Chairman, under that committee we  
5 would like to see that committee also address budget  
6 considerations and have some sort of hand in interacting with  
7 Fish and Wildlife Service Office in determining budgets and  
8 just talking about them as well.

9  
10 CHAIRMAN ROBUS: Okay.

11  
12 MR. AHMASUK: For the Flyway Council and  
13 Service Regulations Committee we'd like to have Ralph  
14 Andersen replaced with Myron Naneng and Mike Smith replaced  
15 with Herman Squartsoff. And we'd like to have two  
16 alternates, Charlie Brower and Patty Schwalenberg.

17  
18 Under the Emperor Goose Committee we have no  
19 changes or additions

20  
21 Under the Exclusion Committee we'd like to  
22 replace Mike Smith with an Interior or TCC representative, or  
23 whomever that may be.

24  
25 Under the Harvest Limitations Committee  
26 replace Mitch Simeonoff with Herman Squartsoff. And we named  
27 Tim Andrew there to be the AVCP Staff.

28  
29 CHAIRMAN ROBUS: Okay.

30  
31 MR. AHMASUK: Under the Invitation Committee,  
32 we'd like to, again, Mike Smith with the Interior or TCC  
33 representative, whomever that may be. And replace Ralph  
34 Andersen with Joeneal Hicks.

35  
36 And under the Outreach Committee we would  
37 like to replace AVCP Staff with Jennifer Hooper.

38  
39 We confirmed the appointments to the Law  
40 Enforcement Committee.

41  
42 CHAIRMAN ROBUS: As is?

43  
44 MR. AHMASUK: As is, yes.

45  
46 CHAIRMAN ROBUS: Okay, thanks very much.  
47 Regarding State committee appointments, Tom Rothe informs me  
48 he's already been participating on the Outreach Committee and  
49 so I think our unnamed ADF&G Staff slot is now named.

50

1                   On the Law Enforcement Committee I'm going to  
2 nominate Al Cain who is an enforcement person that works with  
3 our Department as a liaison with the Troopers. I will also  
4 try to have a Fish and Wildlife enforcement person from the  
5 State Troopers -- try to seek a name from them and nominate  
6 them, but I don't have a name at this point.

7  
8                   I guess, let's see, I note that there's a  
9 slot for two Federal representatives to the Enforcement  
10 Committee, Bob, do you want to address that?

11  
12                   MR. LEEDY: Yes, please. We'd like to put  
13 Steve Oberholtzer from law enforcement on there and Mike  
14 Rearden, Yukon-Delta Refuge Manager.

15  
16                   CHAIRMAN ROBUS: Okay, real good. Austin.

17  
18                   MR. AHMASUK: In caucus we did discuss the  
19 Law Enforcement Committee and we thought that it would be a  
20 good idea for actual enforcement persons and policy persons  
21 to be on the committee and if those persons that you named  
22 fill those two kind of slots, that suffices, but out of  
23 caucus that's one thing that we had hoped.

24  
25                   CHAIRMAN ROBUS: I'm sorry, say that again,  
26 you hoped that they were what kind of persons?

27  
28                   MR. AHMASUK: One law enforcement person, an  
29 enforcement officer, and then a policy type person,  
30 administration -- a lawyer or something of that nature.

31  
32                   CHAIRMAN ROBUS: Oh.

33  
34                   MR. AHMASUK: I don't suppose it would have  
35 to be a lawyer but someone who fills a role outside of  
36 enforcement, or an enforcement officer.

37  
38                   CHAIRMAN ROBUS: Okay. Al Cain is a retired  
39 Fish and Wildlife Protection officer who now works for our  
40 division so he has lots of experience with enforcement.  
41 Until and unless I get a name submitted from the Troopers,  
42 that's as close as I can get at this point to an enforcement  
43 person.

44  
45                   If you want a policy person for enforcement  
46 from the Division.....

47  
48                   MR. ANDERSEN: Well, I don't think we're  
49 looking at.....

50

1 CHAIRMAN ROBUS: Not for enforcement  
2 specifically?  
3  
4 MR. ANDERSEN: .....enforcement specifically,  
5 you know, just a policy person.  
6  
7 CHAIRMAN ROBUS: Well, I could put my name  
8 down for now.  
9  
10 Okay, I've got one additional committee issue  
11 and that is Bruce from BLM requested and suggested that he  
12 would like to serve on the Technical Committee and he thought  
13 that that would be particular useful with regard to any  
14 environmental assessment NEPA process issues, which I gather  
15 he's got a lot of experience with. Any comments or issues  
16 with Bruce joining on.  
17  
18 (No comments)  
19  
20 CHAIRMAN ROBUS: Okay, good, welcome Bruce.  
21  
22 MR. HOLLAND: Thank you.  
23  
24 CHAIRMAN ROBUS: Austin.  
25  
26 MR. AHMASUK: Thank you, Mr. Chairman. I  
27 guess the two Federal representatives on the Law Enforcement  
28 Committee, certainly Steve being an enforcement officer fills  
29 that role, and then not that Mike -- Mr. Rearden wouldn't be  
30 a sufficient or proper person, but someone whom would  
31 hopefully fulfill a broad policy type perspective would be  
32 good.  
33  
34 CHAIRMAN ROBUS: Bob.  
35  
36 MR. LEEDY: Well, I don't believe I could  
37 change the names at this point but we can take that back and  
38 talk. I mean the closest I can think of right off hand would  
39 be Doug Alcorn and Doug might be a real possibility and we'll  
40 talk about that. But I'd like to leave Mike on here  
41 temporarily, and remember when you speak of policy, I mean  
42 Mike basically sets policy on the biggest Refuge we've got  
43 and the Regional Director listens very closely to him. So  
44 he's a little bit higher power than you might otherwise  
45 think.  
46  
47 I will talk to Doug.  
48  
49 CHAIRMAN ROBUS: Fred.  
50

1 MR. ARMSTRONG: Just to clarify to Austin,  
2 that was taken into consideration when his name was brought  
3 forward.

4  
5 CHAIRMAN ROBUS: Okay, so are we done  
6 regarding committee assignments. Patty.

7  
8 MS. BROWN-SCHWALENBERG: The comment I have  
9 isn't regarding committee assignments specifically but  
10 committees in general. I think it would be helpful if, maybe  
11 in the reference book we put the list of the committees along  
12 with their missions or what they're tasked with because a lot  
13 of us didn't know some of the committees and what they were  
14 supposed to do and there's really nowhere where it's written  
15 down except maybe in the resolutions where they were  
16 established.

17  
18 Thank you.

19  
20 CHAIRMAN ROBUS: Okay. Fred, do you suppose  
21 it would be possible to put a synopsis of the committee  
22 responsibilities.

23  
24 MR. ARMSTRONG: I think we have enough  
25 problems just trying to keep the committee members listed.  
26 It's a living document, with us trying to keep track of the  
27 committees and their mission, that's kind of extremely  
28 difficult. We've seen the different committees change their  
29 scope and effects -- we'll make an attempt but we'll need  
30 help from the committees, too.

31  
32 CHAIRMAN ROBUS: Patty, do I gather that  
33 you're looking for pretty broad, short synopsis of what the  
34 committee's responsibilities are?

35  
36 MS. BROWN-SCHWALENBERG: Yeah, just one or two  
37 sentences, I thought maybe it would be in the motion when the  
38 committee was established or something like that so we kind  
39 of have an idea of what these committees are.

40  
41 CHAIRMAN ROBUS: Okay. Tom.

42  
43 MR. ROTHE: Quick question. The Emperor  
44 Goose Plan Committee wanted to clarify its status. Some of  
45 us think that it was actually an ad hoc committee that has  
46 done its job and -- but is there any understanding that the  
47 Emperor Goose Plan Committee is a standing committee that  
48 will continue or is it a temporary?

49  
50 CHAIRMAN ROBUS: Myron.

1 MR. NANENG: I would think that as long as we  
2 have some conservation concerns about the emperor goose that  
3 it would be a standing committee until such time that we take  
4 them off the conservation concern list, I think that they  
5 should be on, because your work is never done.

6  
7 CHAIRMAN ROBUS: Tom.

8  
9 MR. ROTHE: Yeah, I think we kind of  
10 originated out of the whole Technical Committee, so that  
11 would be one option, too, is to have the Technical Committee  
12 address the long-term conservation needs of emperors and  
13 others. We're just wondering if we need to continue to meet  
14 separately or not.

15  
16 CHAIRMAN ROBUS: Ralph.

17  
18 MR. ANDERSEN: Mr. Chairman. As I recall how  
19 we formed the Emperor Goose Committee or the purpose was to  
20 review the management plan and we're coming pretty close to  
21 getting that job done. You know, while I agree with Myron,  
22 I also think that, you know, if we're going to be  
23 establishing committees for various birds, then black brandts  
24 come to mind and those kinds of things, and I think our  
25 committee has pretty much met its task. And that if in the  
26 future, that, you know, if monitoring or additional work  
27 needs to be done regarding emperor geese, then the Technical  
28 Committee can make a recommendation to the Council.

29  
30 CHAIRMAN ROBUS: Yeah, I would tend to feel  
31 the same way that this specifically says that it's a  
32 management plan committee. When that management plan is  
33 authorized and put into effect, it seems like that specific  
34 job is done and there's enough of a crosswalk between that  
35 group and the Technical Committee group, I think, we'll  
36 obviously be keeping up with emperor goose conservation  
37 issues and we will have other plans that we will have to deal  
38 with, so I would tend to think that it's a single purpose  
39 committee and we'll make more of those in the future for  
40 various issues that come up.

41  
42 Myron.

43  
44 MR. NANENG: Yeah, I tend to disagree. We've  
45 had this issue with the emperor geese since 1985, about that  
46 timeframe, and it has still yet to go away and here we're in  
47 2005, over 20 years later.

48  
49 I know that the committee may have put a  
50 management plan together but there's going to have to be some

1 group, as far as I'm concerned, to be able to take a look at  
2 being able to be flexible regarding the plans, the management  
3 plans, that they have put together. And you definitely do  
4 need Native representation other than the fact that Fish and  
5 Wildlife and the State or somebody else is going to run with  
6 the program that has been adopted.

7  
8 CHAIRMAN ROBUS: Robert.

9  
10 MR. SUDAM: Yeah, I'd like to move that we  
11 change the name of the committee and just call it an Emperor  
12 Goose Committee and, that it maintains as a committee and the  
13 Council would give it direction as the Council sees fit.

14  
15 MR. ANDERSEN: I second that.

16  
17 CHAIRMAN ROBUS: Okay, it's been moved and  
18 seconded. Any discussion.

19  
20 (No comments)

21  
22 CHAIRMAN ROBUS: Any opposed to making that  
23 change in the committee name.

24  
25 (No comments)

26  
27 CHAIRMAN ROBUS: Did you want to say  
28 something, Bob

29  
30 MR. LEEDY: Not on this, no.

31  
32 CHAIRMAN ROBUS: Okay, so there's no  
33 objection, that will be the action of the committee. So,  
34 sorry, Tom, you're still on that committee as well as all the  
35 others.

36  
37 Bob.

38  
39 MR. LEEDY: Mr. Chair. I notice here that  
40 under the Outreach Committee there is an unnamed Fish and  
41 Wildlife Service Refuge Staff person required and I'm pleased  
42 to announce Wennona Brown who's been with us here, both  
43 through the outreach meetings we had last week and all this  
44 session.

45  
46 CHAIRMAN ROBUS: Okay.

47  
48 MR. LEEDY: Thank you, Wennona.

49  
50 CHAIRMAN ROBUS: Great. Any other committee



1 actions right now.

2

3

(No comments)

4

5

CHAIRMAN ROBUS: All right, thank you.

6

7

8

Moving on the agenda here, I believe we're to the point of  
inviting public comment, if anybody would like to step up to  
the mic, we're all ears.

9

10

(No comments)

11

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CHAIRMAN ROBUS: Okay, not seeing any move  
there. I understand we don't have any Staff reports at this  
point, Fred, or do we?

MR. ARMSTRONG: Probably about 60 seconds  
worth. First, I'll ask Donna to come up and give a brief  
announcement, and then Bill will follow her.

CHAIRMAN ROBUS: Okay.

MS. DEWHURST: Very brief. Copies of the  
Proposed Rule I think were passed out and in your books, the  
comment period ends November 21st, so a 60 day comment  
period. So letting you folks that want to comment, that's  
the comment period.

CHAIRMAN ROBUS: Thank you, Donna. Bill.

MR. OSTRAND: Just my usual comment, that the  
white binders are yours and if you'd leave me the black  
binders, if you do have a need for them, let me know and I'll  
make you copies or you can borrow one but please bring it  
back.

Also, status of waterfowl DVD, I put in each  
of your binders so you should be able to find it there. If  
you need extra copies I'll try and gather some, just let me  
know.

CHAIRMAN ROBUS: Yeah, one person was  
mentioning earlier that they wanted a copy but I forget who  
it was, was it you Ralph.

MR. ANDERSEN: (Nods affirmatively)

CHAIRMAN ROBUS: Okay. So we're set, thanks.

MR. ARMSTRONG: Okay. Continuing on, I know  
Cynthia's not here but I just wanted to thank her for setting

1 up the social we had last night and hopefully next spring  
2 we'll have a different sponsors. We're trying to get  
3 different groups involved in our Council here and that's one  
4 way to do it.

5  
6 Greg Bos was introduced earlier, he will be  
7 representing Refuges at all our meetings, he's the Refuge's  
8 representative.

9  
10 Other than that I just appreciate this short  
11 turnaround in the Co-Management Council agreements. I know  
12 that I've put a lot of people on short notice and I'm real  
13 sorry for that but looking at the outlook for '06 it didn't  
14 look good and I was just happy to get you guys funded, and,  
15 again, I apologize for the short notice, but the response was  
16 really good. We got quite a few of the contracts or the  
17 grants in place and I thank the other programs for allowing  
18 us to do this, it really helps our program in the long-run.

19  
20 As far as the next meeting, I think when we  
21 get to that I think we should have some discussion about  
22 where it should be held. Other than that, that's it, thanks.

23  
24 CHAIRMAN ROBUS: Thank you, Fred. And thanks  
25 to Staff for helping keep us right side up through these  
26 meetings, as usual.

27  
28 All right, so now we're down to Council  
29 comments, would anybody like to start that off.

30  
31 Herman.

32  
33 MR. SQUARTSOFF: Yeah, I'd like to start off  
34 by thanking you all and then for being able to be back on  
35 here again. Like I was telling Charlie the other day with  
36 all the cronies again, so I appreciate the good, warm welcome  
37 I got from everyone, that was pretty good.

38  
39 MS. BROWN-SCHWALENBERG: It was the fish.

40  
41 CHAIRMAN ROBUS: We appreciate the salmon.

42  
43 MR. SQUARTSOFF: Yeah, maybe it was the fish,  
44 Patty, yeah, it was the fish. But it's good to be back on  
45 board and like Ralph was saying, earlier we've made a lot of  
46 progress here in the last five years, you know, and we've got  
47 a good way to go here yet but things will work out good for  
48 us so. We're doing a good job, and you guys are doing great.

49  
50 So thank you.

1 CHAIRMAN ROBUS: Thank you, Herman. Anybody  
2 else.

3  
4 Myron.

5  
6 MR. NANENG: I just wanted to report to the  
7 AMBCC members that AVCP Waterfowl Conservation Committee had  
8 a meeting in April down in Portland, Oregon with the Oregon  
9 farmers and representatives and State of Washington, I don't  
10 think we had anyone from California. And the meeting was to  
11 meet with the farmers regarding goose depredation of farm  
12 lands. We also had an opportunity to meet with some of the  
13 State legislatures down there where they made the  
14 presentation to the State legislature regarding some of the  
15 goose issues.

16  
17 The other thing that I'd also like to do is  
18 also invite any of the waterfowl -- or AMBCC to the next  
19 Waterfowl Conservation Committee meeting that we will be  
20 having, it's either going to be November or December but  
21 we'll send a notification out to all the members.

22  
23 Last, but not least, I'd like to thank the  
24 Staff and the Chairman and members of all the committee for  
25 a good meeting, and I'm sure that the work on waterfowl issue  
26 is never going to be done. They've been around for thousands  
27 of years and we're only a blip in their existence.

28  
29 So thank you.

30  
31 CHAIRMAN ROBUS: Thank you, Myron. Anybody  
32 else.

33  
34 Ralph.

35  
36 MR. ANDERSEN: Thank you, Mr. Chairman. I  
37 first wanted to thank the committee, you and the committee,  
38 for considering my request to delay the meeting for a day.  
39 I really appreciate that. I started a new job, today is Day  
40 11, being the chief executive officer for BBNA is a big  
41 responsibility and I'm right in the middle of my transition  
42 period. one of the things I did in the transition was I  
43 found the bathroom so that.....

44  
45 CHAIRMAN ROBUS: That's good.

46  
47 MR. ANDERSEN: .....nobody could excuse me of  
48 being so dumb I couldn't find the bathroom.

49  
50 I'm glad to be here for this meeting. Again,

1 I want to make sure that it's clear that, you know, the  
2 comments that I made earlier were not attacks, I felt like I  
3 was doing my job, just as you are doing yours and the rest of  
4 us here are.

5  
6 I think it was a productive meeting, we've  
7 made another step. I think that every meeting that we have  
8 we move one step further in implementing the Treaty and  
9 protocol. I look forward to continuing to work with you.

10  
11 Thank you.

12  
13 CHAIRMAN ROBUS: Thanks. Other comments.

14  
15 (No comments)

16  
17 CHAIRMAN ROBUS: Well, as Chair, I appreciate  
18 everybody's hard work and attention and concentration on  
19 these issues over time. It's pretty hard to keep a process  
20 going when we only get to see each other a couple times a  
21 year, so I think we're doing pretty well in keeping this  
22 young process alive and it's due to the hard work of a lot of  
23 Staff and yourselves, so appreciate everybody's  
24 contributions.

25  
26 With that, I guess we'll move on and it's not  
27 on the agenda, the written agenda but it's my favorite part  
28 of the meeting and that would be what Fred and I penciled in  
29 here as the gavel exchange so with that I proudly and happily  
30 and with some degree of relief pass the gavel to the Federal  
31 partner and, Bob, have it.

32  
33 MR. LEEDY: And I'll make my comment here a  
34 little after the fact, I will gladly accept this on Doug's  
35 behalf, and I'll make sure he gets it as soon as possible.

36  
37 (Laughter)

38  
39 MR. ANDERSEN: And before we go, I think we  
40 all -- I wanted to express my thanks to Matt for serving a  
41 year as our chairman, he did an excellent job. You've kept  
42 our meetings moving and you kept us all on track, appreciate  
43 it.

44  
45 (Applause)

46  
47 CHAIRMAN LEEDY: We had quite a discussion  
48 earlier about having a meeting in Fairbanks. I think the  
49 previous assumption had been that the next meeting would be  
50 in Anchorage, but as I stated I see benefits to going to

1 Fairbanks. There are some potential downsides as well but  
2 perhaps having some unbelievers attend the meeting would be  
3 beneficial as well.

4  
5 So am I correct in, number 1, assuming that  
6 everybody here is most comfortable with a Fairbanks meeting.

7  
8 MR. NANENG: Mr. Chairman. I move that the  
9 date and place be set by the Chairman. So I think that will  
10 relieve every one of us from having to decide where we want  
11 to go.

12  
13 CHAIRMAN LEEDY: I will accept that on behalf  
14 of my boss, yeah, challenge.

15  
16 MR. ANDERSEN: I think we're letting him off  
17 the hook.

18  
19 (Laughter)

20  
21 CHAIRMAN LEEDY: Well, when would be the best  
22 time, Fred, that's something we can discuss here and should  
23 discuss here.

24  
25 MR. ARMSTRONG: Usually we meet the first or  
26 second week in May which allows the Staff to put together the  
27 recommendations in the form that's acceptable by the D.C.,  
28 format as well as begin our other process that we have to  
29 deal with.

30  
31 CHAIRMAN LEEDY: Okay, so assuming.....

32  
33 MR. ARMSTRONG: I would say no later than May  
34 15.

35  
36 CHAIRMAN LEEDY: Okay. Assuming a scheduled  
37 three days, just in case we need it for workshop and two days  
38 of meeting, would people prefer to meet on a Wednesday,  
39 Thursday, Friday, or a Tuesday, Wednesday, Thursday.

40  
41 MR. NANENG: Tuesday, Wednesday, Thursday.

42  
43 MR. ROBUS: Yeah, Tuesday through Thursday.

44  
45 CHAIRMAN LEEDY: Tuesday through Thursday,  
46 and I think let's try to go for the first week in May if  
47 people can make it.

48  
49 Sir.

50

1 MR. SUDAM: Thank you, Mr. Chairman. I'd just  
2 like to, again, express, concern about having meetings in  
3 early May for folks on the North Slope, that it's right in  
4 the middle of whale hunting. I know that any time a meeting  
5 is scheduled is difficult but I just feel like I need to kind  
6 of make that statement again, thanks.

7  
8 CHAIRMAN LEEDY: Thank you.

9  
10 MR. AHMASUK: I would echo the same for our  
11 region, whaling and spring hunting as well.

12  
13 CHAIRMAN LEEDY: Well, can we meet in April,  
14 Fred, or would it be better later?

15  
16 MR. ARMSTRONG: I mean we're open to that, we  
17 try to schedule it as late as possible because of the concern  
18 that it wasn't allowing enough time for regions to respond to  
19 proposals. But we're certainly open to earlier ones.

20  
21 CHAIRMAN LEEDY: Mr. Naneng.

22  
23 MR. NANENG: It may be the middle of our  
24 subsistence waterfowl hunting season so I'd have some  
25 concerns about early May.

26  
27 CHAIRMAN LEEDY: Ralph.

28  
29 MR. ANDERSEN: Mr. Chairman. Couldn't we  
30 consider a meeting sometime towards the later part of May.

31  
32 CHAIRMAN LEEDY: Would that meet the needs of  
33 the North Slope and Kawerak?

34  
35 MR. SUDAM: It would help.

36  
37 CHAIRMAN LEEDY: And Fred, would that put us  
38 into a pinch on the regulations process?

39  
40 MR. ARMSTRONG: Yeah, I was just informed it  
41 -- we're cutting it pretty close. Why don't we do this, why  
42 don't we send out a query to all the members for when they're  
43 available and then we'll try to compile that and shoot it out  
44 to you guys.

45  
46 MR. ANDERSEN: Would that also ask us to take  
47 into consideration travel to Fairbanks?

48  
49 CHAIRMAN LEEDY: You're saying, we would ask  
50 the question whether you would prefer Fairbanks or Anchorage,

1 so we could make the two queries, place and date, with  
2 limited options and try to make the best of an always  
3 difficult situation.

4  
5 Austin.

6  
7 MR. AHMASUK: One benefit of maybe moving the  
8 meeting forward is that maybe we could engage some university  
9 students in our process. That would seem good, at Fairbanks.

10  
11 CHAIRMAN LEEDY: Let me ask the question  
12 generally, early May's bad, late May puts a real bind on us  
13 for regulations, birds are starting to come depending on  
14 where you live in April, but would mid-April be reasonable?

15  
16 MR. ANDERSEN: Mr. Chairman. You know I  
17 lived on the North Slope for like 20 years and I was on the  
18 whaling crew, we started usually whaling around April 17th,  
19 somewhere in there, the late teens, and whaling usually ended  
20 in the late teens or early part of May.

21  
22 CHAIRMAN LEEDY: Okay.

23  
24 MR. ANDERSEN: Then after, like between May  
25 18th and May 30th is when everybody takes off to hunt geese,  
26 their spring geese hunting.

27  
28 CHAIRMAN LEEDY: Okay. Well, as Fred just  
29 suggested, one reason we were trying to have these a little  
30 later was to allow adequate time for review and discussion in  
31 the regions and if we had a meeting in early April, first  
32 half of April anyhow, you know, would that allow you, as  
33 regional representatives to have adequate discussion?

34  
35 (Council nods affirmatively)

36  
37 MR. ARMSTRONG: Okay.

38  
39 CHAIRMAN LEEDY: Okay, so we'll shoot the  
40 first week or two in April.

41  
42 MR. ANDERSEN: And I think that the reason we  
43 were asking for more time before is because just the number  
44 of proposals that we were looking at. And, you know, now it  
45 seems like we've -- in each of our regions we've developed  
46 our own process so that it's now a lot smoother.

47  
48 CHAIRMAN LEEDY: Okay. Well, we will send a  
49 query asking for best times, first or second week in April  
50 and we'll have further discussion of Fairbanks or Anchorage

1 as well.

2

3

MR. ROBUS: Move to adjourn, Mr. Chair.

4

5

MR. AHMASUK: Second.

6

7

CHAIRMAN LEEDY: Adjourned.

8

9

(Off record)

10

11

(END OF PROCEEDINGS)



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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 2 through 112 contain a full, true and correct Transcript of the ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL taken electronically by Nathaniel Hile on the 29th day of September 2005, beginning at 9:00 a.m. at the Department of Interior Conference Room 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 8th day of November 2005.

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