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ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

April 9, 2009

Volume 2 of 2

Taken at:  
Kaloa Building  
1689 C Street  
Anchorage, Alaska

Council members present:

Molly Chythlook	Bristol Bay Native Assoc.
Joeneal Hicks	Copper River Native Assoc.
Sandra Tahbone	Kawerak, Inc.
Peter Devine	Aleutian/Pribilof Islands Assoc.
Herman Squartsoff	Sun'aq Tribe of Kodiak
Mike Pederson	North Slope Borough
Randy Mayo	Tanana Chiefs Conference
Ida Hildebrand	
Patty Schwalenberg	Chugach Regional Resources Comm.
Dale Rabe	Alaska Department of Fish & Game
Doug Alcorn	U.S. Fish and Wildlife Service

1           MR. ALCORN: Okay. Thank you all for coming.  
2           And I'm going to ask you all to take your seats.  
3           We're going to pick up the agenda from yesterday.

4           We have a new court reporter, Britney is her  
5           name, introduce her to you all. And I've asked her  
6           to stop us if she needs us to slow down, clarify or  
7           identify ourselves.

8           I don't see any new faces here other than  
9           Britney, so I think we'll just move into the agenda,  
10          pick up where we left off yesterday. We are on item  
11          11, new business. We held off taking action on  
12          items A and B, proposals 1 and 2, because we were  
13          waiting for Sky to return from a different meeting  
14          he was attending. He's here now. So we will follow  
15          the process that's in front of tab 1 in your binder  
16          that has how we go through each of the -- each of  
17          the proposals and consider them one at a time.

18          And we begin with an introduction of proposal by  
19          the proponent. And I'll give Sky the floor to  
20          introduce proposal number 1. Sky.

21          MR. STARKEY: Thank you, Mr. Chairman, while the  
22          proposal seeks to amend the regulation to allow the  
23          use of a boat, and -- so --

24          MR. ALCORN: Can I interrupt you? We need a  
25          motion to bring on the floor.

1 MS. TAHBONE: I make the motion, Mr. Chairman.

2 MR. DEVINE: Second.

3 MR. ALCORN: We have a motion and second which  
4 brings proposal number 1 on the floor. I'll turn it  
5 over to Sky. I'm sorry, Sky.

6 MR. STARKEY: So the proposal seeks the -- the  
7 use of boats. And I think the particular issue's  
8 with scoters. There was some questions on the  
9 proposal in terms of Fish and Wildlife, what kind  
10 of -- what, kind of, migratory waterfowl people were  
11 talking about asking for in the -- in the proposal.  
12 And in your briefing book you see that Tim Andrew  
13 prepared an introduction in the history issues  
14 related to utilization of motor boats. And  
15 basically Tim focused on scoters.

16 So beyond that, Mr. Chairman, I don't have more  
17 to say. And we'll address the questions as they  
18 come up as best I can.

19 MR. ALCORN: Okay. Thank you, Sky.

20 We have the second and third steps in this  
21 process we do simultaneously, as patterned after  
22 yesterday. So I'll invite the Alaska Department of  
23 Fish and Game and U.S. Fish & Wildlife Service  
24 technical representatives come to the table,  
25 identifying yourselves for Britney.

1           We'll begin with Eric, since we started with him  
2           yesterday, we'll start with Eric.

3           MR. TAYLOR: My name's Eric Taylor. I'm with  
4           U.S. Fish & Wildlife Service, Division of Migratory  
5           Bird Management.

6           Good morning Mr. Chairman, good morning council.

7           The proposal -- the -- addresses the current  
8           prohibition that currently reads: Using any type of  
9           vehicle, aircraft or boat for the purpose of  
10          concentrating, driving, rallying or stirring up any  
11          migratory bird; except boats, may be used to  
12          position a hunter.

13          So that's a current prohibition and the current  
14          regulations as it reads. If this proposal was  
15          passed, the regulation would add: In the  
16          Yukon-Kuskowkwim Delta a person may use a boat to  
17          pursue and harvest waterfowl.

18          So that is what I have based my comments on this  
19          morning in terms of current proposal. So in  
20          essence, if passed, this regulation would allow  
21          residents of the Yukon-Kuskokwim Delta to herd  
22          flightless ducks and geese or chase waterfowl  
23          capable of flight.

24          The Fish & Wildlife Service is concerned that  
25          concentrating and shooting particularly flightless

1 birds could result in significant take of a  
2 particular species. We are particularly concerned  
3 with several species that are vulnerable to  
4 potential harvest because they are currently in  
5 decline or they're currently a protected species or  
6 they've not met their population objectives.

7 In specific I'll just go through these. And the  
8 figures that I will cite come from the 2008 Pacific  
9 Flyway data book that's put together by the Pacific  
10 Flyway Council. Black Brant, currently the  
11 three-year average is 138,000 birds. That's 8  
12 percent below the population objective, as  
13 identified in the Yukon-Kuskokwim Goose Management  
14 Plan, as well as the Pacific Flyway data book, which  
15 is 150,000.

16 Emperor Geese, the current three-year average,  
17 73,000. That's 51 percent below the population  
18 objective in terms of the Pacific Flyway book in the  
19 Yukon-Kuskokwim Delta Goose Management Plan, which  
20 is set at 150,000. Cackling geese, currently the  
21 three-year average is 193,000. That species is 23  
22 percent below the population objective, which is  
23 set, again, in both documents at 250,000.

24 As Sky mentioned, the proposal has been  
25 additional information was provided by Tim Andrew

1 relative to scoters, which may be the species of  
2 interest. I have two population estimates for  
3 scoters. It's a bit more complicated, but I'll try  
4 to go through it.

5 This is based on the breeding pair continental  
6 survey that the Fish & Wildlife Service does in  
7 Alaska as well as throughout the North American  
8 breeding area. The Alaska breeding population of  
9 scoters, and in this case it's important to say that  
10 we don't separate out the three species of scoters,  
11 they're all combined, so Black, Surf Scoters and  
12 White-winged Scoters are all combined. The Alaska  
13 breeding population is of 385,000. And that's again  
14 the three-year average, that's the estimate. That's  
15 two percent above the 1955 to '07 average, which is  
16 377,400.

17 So again, the important point is, based on our  
18 estimate in Alaska, the breeding population for  
19 scoters is two percent above that 50-year average.

20 However, continental-wide the breeding  
21 population estimate is around 928,000 birds. That's  
22 31 percent below the 1955 to 2007 average, which  
23 during that time period, the average was 1,350,000.  
24 So despite Alaska showing a slight increase, the  
25 continental-wide, and certainly I think management

1 agencies, as well as the Sea Duck Joint Venture, has  
2 been scoters, along with many other species of sea  
3 ducks, are of concern.

4 In terms of other species that could be  
5 harvested on the Y-K Delta, long-tailed ducks, the  
6 breeding population in Alaska, the three-year  
7 average estimated at 44,700. That's 81 percent  
8 below the 1955 to 2007 average of 228,000. If you  
9 look continental-wide for long-tailed ducks, the  
10 breeding pair population or the breeding estimate is  
11 a 156,955. That's 57 percent below the 1955 to '07  
12 average, which was 385,000.

13 And finally in terms of scaup, other species  
14 that occur, breeds on The Y-K Delta that could be  
15 harvested for Alaska, the breeding population is  
16 estimated, three-year average at 1,048,000. That's  
17 14 percent above the 1955 to '07 average. So Alaska  
18 our estimates for the last three years is 14 percent  
19 above the 1955 to 2007 average of 919,000.

20 However, just like with scoters, the breeding  
21 population over all in the continent is estimated  
22 at, for the last three years, 3,479,000. That's 32  
23 percent below 1955 to '07.

24 So again there's a difference between Alaska and  
25 relative to the continent. But overall scaup have

1           been a species of serious concern to the Fish &  
2           Wildlife Service in terms of their decline.

3           In addition, as I mentioned, to those species  
4           that are in decline or have not met their population  
5           objective, species, particularly Spectacled Eider,  
6           which occur on the Y-K Delta, could be subjected to  
7           additional harvest as a result of this proposal.

8           Finally, the last issue or concern that the  
9           Service has is that this proposal would allow the  
10          take of flightless birds, birds that are in their  
11          summer molt period. That's a period of typically  
12          four to six weeks. It's been recognized as one of  
13          the most energetically costly time periods in the  
14          annual cycle of birds. They replace their entire  
15          wing feathers as well as portions of their body  
16          plumage.

17          Typically they reduce anywhere from 80 to 90  
18          percent of their fat reserves during that time  
19          period. The result of the fat decline is because of  
20          increased metabolic rate and because of the cost  
21          associated with regenerating the feathers.

22          Also it's no surprise, the birds have lost their  
23          primary defense mechanism, that is they are  
24          incapable of flight, and therefore subject to  
25          additional harvest and herding.



1           Finally, the other potential impact of this  
2           proposal would be inefficient shooting associated  
3           with chasing birds from a boat. And we would  
4           probably expect higher rates of wounding and may  
5           result in increased loss and waste of birds.

6           That concludes my summary of my comments.

7           MR. ALCORN: Dan?

8           MR. ROSENBERG: Thank you, Mr. Chair, members of  
9           the council. In reading Mr. Andrews' briefing on  
10          proposal one, it's a little unclear to me if this  
11          proposal is directed primarily at scoters and that  
12          period from May 15 to June 15, or the intent is over  
13          the entire course of the summer season, as Eric  
14          addressed. So I wasn't really sure what I was  
15          commenting on, if this includes all populations  
16          throughout the Delta or are they really focused on  
17          Black Scoters.

18          Secondly, it makes it sound, in my  
19          interpretation, is that this practice is already  
20          going on. So the question is not whether there will  
21          be additional harvest or not, the question is just  
22          if the current rate of harvest is acceptable. And I  
23          may be wrong on that, but that's how I read this,  
24          was that this practice is going on and this proposal  
25          is really just to make this practice legal.

1           But Eric addressed the overall population thing,  
2           so I'm just going to talk mostly about what I know a  
3           little bit about Black Scoters, which nest in  
4           Western Alaska and the Seward Peninsula Selawik area  
5           and the largest population on the Yukon-Kuskokwim  
6           Delta and also in the Bristol Bay region the north  
7           side of the Alaskan Peninsula, up around Kvichak and  
8           Nushagak River drainages in that area.

9           The population estimate in those areas from some  
10          recent Fish & Wildlife Service survey is dedicated  
11          to looking at the breeding population of Black  
12          Scoters for all those areas is something in the  
13          neighborhood of 110,000 birds. And the harvest just  
14          on the Yukon-Kuskokwim Delta is in the neighborhood  
15          of 7,000 birds.

16          Now, there are -- those are breeding birds.  
17          There are more birds on the Yukon-Kuskokwim Delta.  
18          There are non-breeding Black Scoters that go there  
19          briefly in the spring. And what happens is you've  
20          got, Black Scoters nest relatively late. And the  
21          Black Scoters that breed on the Yukon-Kuskokwim  
22          Delta, you know they come from, perhaps, as far  
23          south as Oregon. We've had birds go to Oregon from  
24          there. Probably throughout the Gulf of Alaska,  
25          definitely from Kodiak and all along the north side

1 of the Alaska Peninsula where these birds winter.  
2 And they move, up to -- they leave Kodiak in mid to  
3 late April, early May, spend about three weeks or so  
4 before they get to the Delta, which is usually  
5 towards the end of May, and then go about either  
6 nesting or they soon depart. So presumably these  
7 birds are being hunted on these river systems just  
8 prior to nesting, in staging prior to nesting.

9 Now, Black Scoters in the winter are generally  
10 at their lowest weight, their worst body condition  
11 in late winter right before they depart these  
12 wintering areas. So they need to put on weight.  
13 And they probably do put on some weight, like when  
14 they leave Kodiak, those staging areas, like Pilot  
15 Point, Egegik Bay, these areas, Kvichak and then the  
16 Kuskokwim shoals and then on to the Y-K Delta.

17 So, it's probably a vulnerable time for these  
18 birds if they are being harassed just prior to  
19 nesting at a time when they need to either maintain  
20 or put on additional weight. And if they are,  
21 indeed, nutritionally compromised at that point in  
22 their lifecycle that can affect their nesting  
23 success.

24 Now if, indeed, there are fewer than a 100,000  
25 birds, breeding birds on the Delta and if -- and the

1 populations do seem to have declined substantially,  
2 there's figures that they've declined as much as 67  
3 percent since the 1970s, and there's no indication  
4 that -- there's some indication now that they have  
5 stabilized, but we don't know the longevity of that,  
6 whether this is just an interim period in a further  
7 decline or whether it's a reversal, we really don't  
8 know.

9           So again my concern is that, you know, that  
10 there are breeding birds there. Now these are  
11 case-selected species that we've talked about with  
12 common loons the other day, or Yellow-billed Loons.  
13 Not as extreme case as Yellow-billed Loons because  
14 scoters don't live as long, they lay more eggs and  
15 they breed at two to three years of age. And they  
16 may not breed every year. So the limiting factor in  
17 population growth to these types of species --

18           Well, one more thing before I get to that.  
19 Scoters are -- they're -- their sex ratios are  
20 heavily skewed in favor of males, they've got a lot  
21 more males in the population than females. And  
22 these populations are limited in their growth by  
23 adult female survival. So if you may be  
24 compromising breeding success, but also if you may  
25 be harvesting a relatively high proportion of adult

1 females, it makes population recovery very  
2 difficult. And being a very long and protracted  
3 period, even without additional mortality. So  
4 that's just something to keep in mind as we address  
5 this.

6 MR. ALCORN: Thanks, Dan. Any questions of --

7 MR. SQUARTSOFF: Yeah, Mr. Chair, I've got a  
8 couple here for both of them.

9 Eric, I didn't get to really clearly hear, if  
10 you could repeat what the current methods were, I  
11 didn't --

12 MR. TAYLOR: Current methods?

13 MR. SQUARTSOFF: Yeah, for the ducks about the  
14 motorboat --

15 MR. TAYLOR: You want me to read the regulation?

16 MR. SQUARTSOFF: Can you read the regulation?

17 MR. TAYLOR: Sure. The prohibition reads at  
18 present, using any type of vehicle, aircraft or boat  
19 for the purpose of concentrating, driving, rallying  
20 or stirring up any migratory bird, except boats may  
21 be used to position the hunter.

22 MR. SQUARTSOFF: Thank you. I didn't catch that  
23 last part. I didn't know if you were reading the  
24 sports one or the --

25 MR. TAYLOR: No. That's the current regulation.

1 MR. SQUARTSOFF: Thank you.

2 Also you mentioned that the scaup were 14  
3 percent above, that was from what, '55 to '07,  
4 something?

5 MR. TAYLOR: Uh-huh.

6 MR. SQUARTSOFF: Then you were talking about the  
7 scoters, and you said they were below and you  
8 mentioned there was concern about the scaup at that  
9 time because it was below, whatever. I got confused  
10 on that there.

11 MR. TAYLOR: Okay. Let me go through the  
12 scoters again with you. Because there's two  
13 estimates for scoters.

14 MR. SQUARTSOFF: Yeah, I didn't know if you were  
15 talking about the scaup being low or the scoter when  
16 you said there was a concern. I'm curious why there  
17 was a concern about the scaup if they were reporting  
18 14 percent above.

19 MR. TAYLOR: That's for Alaska. In Alaska our  
20 estimates are 14 percent above that 1955 to 2007  
21 estimate. However, continental-wide, when you look  
22 at the entire North American breeding range of  
23 scaup, they're 32 percent below the 1955 to '07.

24 Scoters are very similar in the sense of that  
25 discrepancy, where Alaska we're showing a slight

1           increase, two percent above that 1955 to 2007  
2           average. But again, as Dan mentioned, you know,  
3           continental-wide they're 31 percent below. So  
4           Alaska data are showing a slight increase, but  
5           continental-wide there's concern.

6           MR. SQUARTSOFF: Right. Okay. And then --  
7           okay. Then -- or no, I think -- I don't know if you  
8           or Dan mentioned about the chasing of the birds  
9           increases the -- increase of waste of the birds, I  
10          think you mentioned that.

11          MR. TAYLOR: Right.

12          MR. SQUARTSOFF: Because I kind of disagree with  
13          that, because if you can get in there and get at  
14          them ducks, you're going to have a lot of less waste  
15          because you're going to get your cripples.  
16          Especially Surf Scoters, they have a tendency, when  
17          they're crippled, they have a tendency when they're  
18          crippled just to come up with just their beak  
19          showing. And if you're there right away, you'll get  
20          them. And if you're not, you won't. Then you'll  
21          have that waste. But if you're able to move in  
22          right away and get them, you'll be able to get them.

23          MR. TAYLOR: The basis of my statement, just to  
24          clarify, is that shooting from a moving boat as it  
25          moves into the -- a flock of birds, it's -- that's

1           lifting off the water would, at least at first  
2           light, seem to be more difficult than if one was  
3           standing still. The combination of a moving boat,  
4           as well as a moving bird makes it a more difficult  
5           target.

6           MR. SQUARTSOFF: Yeah, we've had that. We do  
7           pretty much, almost close to the same situation,  
8           what they're asking for, because we'll get up to the  
9           birds, you know, and then cut the motor and shoot  
10          them because we know we're going to be able to get  
11          them easier or we'll be within range and we won't  
12          have any cripples and if we have the boat, we can  
13          get them right away. Thanks, Eric.

14          Dan, I have just a couple for you. You  
15          mentioned, let's see, I've got it. The birds aren't  
16          being harassed, they're being harvested. So, I  
17          mean, I want to clarify, it's a little offensive to  
18          me.

19          MR. ROSENBERG: No, I apologize.

20          MR. SQUARTSOFF: We're harvesting them. We're  
21          not harassing them. That's two different things.

22          MR. ROSENBERG: Okay.

23          MR. SQUARTSOFF: And some of the White-winged  
24          Scoters I see don't leave the Kodiak area. I've  
25          seen them up there in Raspberry Strait, Kupreanof in



1 June or July. So not all of them leave, there are a  
2 few that stay.

3 MR. ROSENBERG: Now, are you talking about  
4 White-winged or Black Scoters?

5 MR. SQUARTSOFF: White-winged scoters.

6 MR. ROSENBERG: There are very few White-winged  
7 Scoters on the Delta, mostly it's Black-winged  
8 Scoters. And the White-winged Scoters are from  
9 Kodiak. Now there are White-winged Scoters that do  
10 leave and return fairly quickly. In other words,  
11 as -- as they may go up to a breeding area and spend  
12 only a few weeks in that breeding area.

13 For example, White-winged Scoters from Prince  
14 William Sound, males, not females now, will depart  
15 the Sound in late spring, might go up to -- up to  
16 Northern Canada, and some may return in June to  
17 molt. They're not there very long. As soon as  
18 incubation starts, they often depart.

19 And there probably are some Black Scoters. But  
20 most of the Black Scoters, for instance, from  
21 Kodiak, a lot of those that are non-breeding, end up  
22 on the Kvichak shoals between Nushagak and the  
23 Kvichak over there.

24 MR. SQUARTSOFF: Right. There's a decent flock.  
25 Okay. Yeah, thank you.

1 MR. ALCORN: Okay.

2 MS. TAHBONE: I just wanted some clarification  
3 from each of you. At the current level of harvest  
4 is there concern at the current level being  
5 harvested right now?

6 MR. TAYLOR: For what species, Sandra?

7 MS. TAHBONE: The species that you spoke about.

8 MR. TAYLOR: Well, for populations that have not  
9 met their management objective and for populations  
10 that are showing a decline, you know, the service  
11 is, you know, the regulations are set to try to get  
12 those populations to recover. In essence the  
13 current population harvest is not a concern at the  
14 present time.

15 However, nonetheless, the service is trying to  
16 determine what factors are responsible for keeping  
17 species below their management objective.

18 MS. TAHBONE: So your answer is no, at the  
19 current, level there's no concern?

20 MR. TAYLOR: That's correct.

21 MR. ALCORN: I have a hand raised in the  
22 audience. Stan, are you going to address the  
23 question or is this another -- something else?

24 MR. PRUSZENSKI: I'd like to address her  
25 question and supplement or add to --

1           MR. ALCORN: I'd like to invite Stan Pruszenski,  
2 he's our special agent in charge of Fish & Wildlife  
3 Service.

4           MR. PRUSZENSKI: Stan Pruszenski with U.S. Fish  
5 & Wildlife, Office of Law Enforcement. I'll spell  
6 it for you later.

7           Just one comment with Sandra's question. And  
8 then with the Alaska Department of Fish and Game's  
9 initial comment was that -- it was mentioned that --  
10 and Sky had mentioned that this is an ongoing  
11 practice. So what we would be doing would be  
12 legalizing an ongoing practice.

13           As we all know now, the current practice of  
14 pursuing and chasing, driving and rallying is  
15 illegal. So if we are going to now legalize an  
16 activity that is prohibited, we have to assume right  
17 now that there is some level of compliance, so there  
18 are some people out there that are not doing this  
19 activity, because it's prohibited. So when we say  
20 that the current level of harvest would be  
21 maintained if this proposal goes through, I don't  
22 necessarily know if that's the case or not. We  
23 would potentially assume that if an illegal activity  
24 now becomes legal, then more people would be  
25 participating in that activity, so to say that

1           7,000 - I think that was the scoter harvest - if  
2           7,000 is the current harvest, if that would be  
3           maintained if this method was legalized.  
4           That's all I had.

5           MR. STARKEY: Can I ask a question?

6           MR. ALCORN: Sure, you may.

7           MR. STARKEY: Do you mind, Stan? I'm just  
8           trying to get clear on how enforcement approaches  
9           the current regulations with hunters in a boat. Do  
10          you have to be completely without forward movement  
11          in a boat and not -- to not get -- how does that  
12          work? How do you guys enforce this regulation?  
13          What do you see as the problem that they're trying  
14          to address in terms of enforcement?

15          MR. PRUSZENSKI: The problem --

16          MR. STARKEY: Do you think people are going full  
17          speed down the river, chasing ducks and shooting  
18          them, or what's happening? What, from your  
19          perspective, is the issue that people are trying to  
20          address here?

21          MR. PRUSZENSKI: First of all, I'm not trying to  
22          fix any problem with enforcement, I'm trying to  
23          enforce the regulations as they currently are.

24          MR. STARKEY: I'm just trying to see how they're  
25          enforced.

1           MR. PRUSZENSKI: The current regulations I see,  
2           pretty much, are in two parts. One is what we're  
3           doing to the birds, the harvest or the hunter,  
4           chasing, driving, rallying, concentrating; those are  
5           all prohibited. The second portion of that  
6           regulation is that you can use a boat to position a  
7           hunter. So you, as a boat operator and a hunter in  
8           the boat, you can drive and you can operate that  
9           boat and you can be positioned by the boat. But  
10          that does not mean that you can drive, concentrate,  
11          pursue, rally birds. I mean, that's the illegal  
12          part of it.

13          MR. STARKEY: So if you're going down the  
14          Kuskokwim River and you see some scoters or some  
15          other ducks and they take off and you want to follow  
16          wherever they go to try to get another shot at them,  
17          that's illegal?

18          MR. PRUSZENSKI: You're following the birds, are  
19          they being driven by you?

20          MR. STARKEY: They take off and go down the  
21          river --

22          MR. PRUSZENSKI: As they typically would.

23          MR. STARKEY: Right. And you follow down, you  
24          see them, you're going down, you're hunting. And  
25          maybe they haven't quite landed or they're getting

1 ready to take off and you're moving and you shoot;  
2 that's a violation, right?

3 MR. PRUSZENSKI: I would have to see that in --  
4 I'd have to see what the birds are doing. If we're  
5 pursuing the bird downriver, I would say yes. I  
6 know from my activity on the river, I mean, they fly  
7 and they go several bends and they may stop. So if  
8 we're in the boat and we're going down the slough or  
9 the river for miles and miles and miles and the bird  
10 is still flying, then I would say at that point, you  
11 know, we've got an issue.

12 MR. STARKEY: Okay. It's kind of ambiguous,  
13 though --

14 MR. PRUSZENSKI: It's a case-by-case, certainly.

15 MS. TAHBONE: So, Stan, I'm assuming, like,  
16 herding is driving, that's what driving is? Like  
17 when you herd, that would be under drive, right?

18 MR. PRUSZENSKI: Right. Typically that would be  
19 flightless birds as opposed to -- okay, I wouldn't  
20 say that herding is Sky's --

21 MS. TAHBONE: Well --

22 MR. PRUSZENSKI: -- down the river with a  
23 couple --

24 MS. TAHBONE: I'm just saying with the -- when  
25 we were -- when our council was discussing there,

1 and several of the council members had time in the  
2 Yukon-Kuskokwim area they went out hunting, so they  
3 observed the technique strategy. And so they were  
4 saying it was like herding. So I was just wondering  
5 under which one of these would that fall under,  
6 concentrate, drive? Be more like the drive.

7 MR. PRUSZENSKI: Drive -- driving.

8 MR. ALCORN: Okay. I'm -- Patty's had her hand  
9 up for awhile. This is kind of diverging. We have  
10 a technical --

11 MR. PRUSZENSKI: I didn't mean to open Pandora's  
12 box.

13 MR. ALCORN: We can invite Stan, if you have  
14 questions pertaining to the issues Stan is talking  
15 about, I'll be glad to bring him up. But let's have  
16 Eric and Dan answer questions.

17 Is your --

18 MS. TAHBONE: He didn't -- Eric answered, but  
19 Dan didn't answer my question.

20 MR. ALCORN: Okay. Let's get an answer to your  
21 question from Dan.

22 MR. ROSENBERG: And this was your question about  
23 harvest?

24 MS. TAHBONE: At the current harvest levels are  
25 you concerned?

1           MR. ROSENBERG: For Black Scoters, yes.  
2 Concerned that I just think we need to look at it  
3 more all the time, to follow it closely.

4           MS. TAHBONE: At what point are those concerns  
5 and anticipation of further regulations going to  
6 come before this council?

7           MR. ROSENBERG: Concern that I just think we  
8 need to look at the -- just -- Fish & Wildlife  
9 Service just started flying some surveys dedicated  
10 to try to get a population estimate of Black  
11 Scoters. They've been doing it now for four years,  
12 I believe. They've come up with a more refined  
13 estimate that still has noise in it, still has  
14 variations for Black Scoters in Western Alaska and  
15 on the Delta.

16           And now we've got some of those numbers and  
17 we've got some harvest estimates coming out with new  
18 harvest surveys that hopefully will give us better  
19 harvest estimates, so hopefully we'll have better  
20 population estimates. I think that's something that  
21 we need to look at in the future. Because we have a  
22 population that apparently has been going down  
23 significantly over time. And we don't know why.  
24 And it could be because of ten different things all  
25 interacting, it could be because of one thing.



1 MS. TAHBONE: So through this analysis with what  
2 you're providing here today, did you look at any  
3 possible, like, possible increase in harvest and  
4 what that increased percentage would be and how it  
5 would impact? Do you have any of that kind of  
6 information?

7 MR. ROSENBERG: I don't even -- from pursuing a  
8 practice that's already ongoing, I don't know. Now,  
9 Stan made the point that it's going to potentially  
10 increase harvest. This is very nebulous information  
11 to work from. I cannot come up with an estimate.

12 MS. TAHBONE: Even if, providing at a worst-case  
13 scenario, if it increases by so much, it's going to  
14 have this kind of impact, and it could possibly  
15 increase by so much and it will -- I mean, you know,  
16 that type of information would be really helpful for  
17 me to be able to provide a better --

18 MR. ROSENBERG: Yeah.

19 MS. TAHBONE: -- decision.

20 MR. ROSENBERG: That can be done through a  
21 population modeling exercise, which I have not done.  
22 In the future, if that's something that the council  
23 finds important, we can do that.

24 MR. ALCORN: The question Sandy is asking is  
25 very complex, from my very rudimentary understanding

1 of population modeling, and there's lots of factors  
2 that drive the ultimate population number up or  
3 down, and Dan alluded to that. Eric did raise his  
4 hand when you were speaking, so I'm assuming Eric's  
5 going to respond to the question or -- okay.

6 MR. TAYLOR: Yeah. Sandy, I just went through  
7 the list that I gave in terms of potential concerns.  
8 And I realized there is one particular species that  
9 is closed to harvest on the Y-K Delta, and yet we're  
10 still seeing birds occur in the subsistence harvest  
11 survey, and that's Emperor Geese. So we are very  
12 concerned about the harvest of the closed species.

13 MR. ALCORN: Thanks, Eric.

14 Patty, thank you for being patient.

15 MS. BROWN-SCHWALENBERG: That's okay.

16 Eric, can you explain the services and look at  
17 population objective versus population average  
18 between 1955 and 2007, if the average is down -- I  
19 mean, how do those two compare, or is it the same  
20 thing? If they don't meet the -- I mean, if they're  
21 below the average does that mean it doesn't meet its  
22 population objective, or is that just something you  
23 need to start looking at?

24 MR. TAYLOR: There are four species of geese  
25 relative to -- in terms of population objective that

1 I've mentioned for the Y-K Goose Management Plan and  
2 the Pacific Flyway Council. And the species that I  
3 mentioned were Emperor Geese and Cacklers here,  
4 relative to their population as well as brant  
5 population objective and that they have not met what  
6 both the signatories of the Goose Management Plan  
7 feel were appropriate objectives as well as the  
8 Pacific Flyway Council.

9 And so there's harvest regulations that are set  
10 that try to get those populations back to population  
11 objective. So we're still allowing harvest, with  
12 the exception of Emperor Geese, but for brant and  
13 cacklers we're still allowing harvest, but  
14 nonetheless, we're still recognizing that they  
15 haven't met their population objective.

16 MS. BROWN-SCHWALENBERG: What about scoters? I  
17 think the proposal is specifically scoters, isn't  
18 it, Sky?

19 MR. STARKEY: It's focused on the scoters.

20 MS. BROWN-SCHWALENBERG: But could it be  
21 other --

22 MR. STARKEY: It's worded broadly. But when Tim  
23 answered the questions that were asked to get more  
24 specific, then he focused it on scoters.

25 MS. BROWN-SCHWALENBERG: So you have two percent

1           increase in Alaska but a 38 percent decrease  
2           continental-wide, so what's the population objective  
3           for scoters and is it being met?

4           MR. TAYLOR: Just to correct the record, it's  
5           actually only 31 percent --

6           MS. BROWN-SCHWALENBERG: I'm sorry.

7           MR. TAYLOR: That's all right.

8           -- 31 percent below the 1955 to 2007 average.

9           I don't think, I might ask Bob Trost to correct  
10          me if I'm wrong, but I don't believe there's a  
11          population objective set for scoters for the  
12          continent; is that correct?

13          MR. TROST: Actually, there is one. It's in the  
14          North American Waterfowl Management Plan, but I  
15          don't know it right off the top of my head.

16          MR. TAYLOR: I don't either, Patty.

17          MR. TROST: But I know that we are below it. I  
18          can say that.

19          MS. BROWN-SCHWALENBERG: Okay. Then my next  
20          question is what is the population distribution of  
21          scoters? Is it just the western half of the  
22          continent or do they occur in the eastern coast as  
23          well, or where are they?

24          MR. TAYLOR: In terms of all three species?

25          MS. BROWN-SCHWALENBERG: Yeah.

1           MR. TAYLOR: I might ask for additional  
2 expertise here, because I don't have range maps in  
3 front of me. But Black Scoters, White-winged  
4 Scoters, as well as Surf Scoters, if I remember  
5 correctly, their breeding range is throughout  
6 subarctic North America, throughout almost all  
7 provinces, if I'm not mistaken, all the way to  
8 the -- I'm not for sure if they breed in Nova Scotia  
9 or not, but they certainly breed as far east as  
10 Quebec.

11           MS. BROWN-SCHWALENBERG: As far south only as,  
12 like, Oregon is that --

13           MR. ROSENBERG: White-winged Scoters used to  
14 breed down into North Dakota and that far south, but  
15 they no longer do. Now their southern distribution  
16 of White-winged Scoters is probably in Alberta,  
17 Manitoba Area, Saskatchewan, that area. But Black  
18 Scoters are Alaska, Canada. The furthest south in  
19 Alaska is probably, there's probably some in, maybe  
20 even the Copper River drainage, but not very many.  
21 But The majority are in the Bristol Bay, Yukon Delta  
22 and Selawik. And then there's some across the top  
23 of the Arctic Coastal Plain and then Canada.

24           So scoters are -- and of course Black Scoters  
25 also go -- there may be Black Scoters wintering in

1 Alaska in the Aleutians. And then Surf Scoters are  
2 throughout Interior and Coastal Alaska and into  
3 Canada.

4 MS. BROWN-SCHWALENBERG: Okay.

5 MR. ROSENBERG: There's some that winter on the  
6 Atlantic coast that come up that way and some that  
7 winter on the Pacific coast. So they sort of meet  
8 halfway, in a very rough sense.

9 MS. BROWN-SCHWALENBERG: Then I just had one  
10 question for Sky or whoever can answer this. What  
11 actually is the method, I mean, it's called herding  
12 or whatever. But what are they actually doing, what  
13 speed do they go, how often is this occurring? I'm  
14 not familiar with herding flightless birds. So, I  
15 mean, we don't do that in the Prince William Sound.  
16 So I'm not sure -- do you know the answer to that  
17 question?

18 MR. STARKEY: I don't know. I don't know.

19 MS. BROWN-SCHWALENBERG: Because I know we, as a  
20 council, put that regulation in place. And we did  
21 it for a reason. But at the same time, I don't want  
22 to shut down an opportunity for a hunt that's  
23 already -- you know, it puts us in a difficult  
24 position, because I don't feel like I understand the  
25 harvest method very well.

1           MR. STARKEY: I don't -- I've joined a hunt.  
2           And what I've seen is what I was trying to describe  
3           where the birds fly and people, you know, follow  
4           them.

5           MS. BROWN-SCHWALENBERG: But they don't --

6           MR. STARKEY: But I haven't seen anything that I  
7           would be called herding but Frank might help.

8           MR. ALCORN: Let me call on Frank. He's had his  
9           hand up. If there are no other questions at this  
10          time from the Council, let me ask Frank to come to  
11          the table. Before you come up, are we through  
12          asking the two agency -- do you still have more  
13          questions?

14          Okay. Frank, is your comment directly related  
15          to her question?

16          MR. WOODS: Yes.

17          MR. TAYLOR: Do you mind if I just address  
18          Patty's question real quick just to clarify, because  
19          I think --

20          MR. ALCORN: Since you have the floor, you're  
21          welcome to.

22          MR. TAYLOR: This proposal would allow both the  
23          shooting of flight birds that are capable of flight.  
24          So the scenario that Sky talked about where a boat  
25          was going downriver, a flock would get up and a boat

1           could chase it until you get within range and then  
2           shoot the birds as they're flying, as the proposal's  
3           also written, they also could herd flightless birds  
4           that are flightless for four to six weeks that  
5           typically group together, most waterfowl species, or  
6           many waterfowl species, because it's a time when  
7           they've lost their defense mechanism of flying, will  
8           herd together. Typically geese do that, many sea  
9           ducks do that, like long-tailed ducks, for example.  
10          So this proposal would also allow herding of  
11          flightless birds into a group and then harvesting  
12          them, so.

13                 MR. ALCORN: All right. I'm going to invite  
14                 Frank Woods to the table.

15                 You were going to address Patty's question,  
16                 right, Frank?

17                 Identify yourself.

18                 MR. WOODS: Frank Woods, BBNA subsistence. I  
19                 appreciate the deliberations here. It's a  
20                 complicated topic. It has a lot of ramifications  
21                 throughout the state, I think. Mainly for Yukon  
22                 Delta's proposal, I thank them for bringing it  
23                 forward, because this is not only an existing  
24                 practice, but I think in regulation it says  
25                 positioning yourself with a motorized boat.



1           And especially on coast, I can tell you for  
2           Togiak and our coastal villages where there is no  
3           rivers or there is no cover, you have to position  
4           yourself with a boat to get the birds. And it is  
5           probably even going to come right down to  
6           eventually, you know, it's the discretion of the  
7           officer and how they read, interpret the language.  
8           I think this is where Y-K is bringing it up that,  
9           you know, that we don't want to leave any big holes  
10          out there for enforcement to have a broad -- make it  
11          easier for at least a user, subsistence user to go  
12          out and harvest and make it easier for them to  
13          distinguish on how they interpret the law.

14          But, you know, like Patty, she said we don't  
15          want to discourage any -- or opportunity for people  
16          to harvest. And -- and if I heard the scientists  
17          right this morning got two of the best bird guys in  
18          the state, you know, we don't have a decline in  
19          population in Alaska, but nationwide we do in the  
20          Pacific Flyway and the council has been really  
21          active in that management along with this council.  
22          That's our job.

23          Alaska is doing their part. And if we look at  
24          the big picture, maybe you can elaborate on that,  
25          but a harvest -- you know, especially the Y-K in

1 Alaska since I've been involved, they've always  
2 taken conservation measures to increase the  
3 population, the brant, you know, the nesting  
4 sanctuaries that they had for years. I know U.S.  
5 Fish & Wildlife is doing a whole bunch of work with  
6 foxes and nesting and actually doing predator  
7 management in that arena eliminating foxes to help  
8 increase the nesting of this.

9 I think that the concern here is, is that we  
10 might introduce a legislation or law that would be  
11 looked -- frowned upon. I wish I could go out and  
12 show you how to -- I mean, you got to go out there  
13 and actually do it. And a lot of people that go out  
14 there and do it, it's posturing yourself and  
15 positioning yourself to get to the best  
16 effectiveness of the bird.

17 On the other hand, somebody's talking about  
18 nesting birds. Native people, they don't want to  
19 harvest nesting birds, but there are some  
20 opportunities where, you know, I've heard elders say  
21 that at some point in time that they will harvest a  
22 few -- it's taboo in our area to harvest any nesting  
23 birds, let's put it that way. But there are times  
24 when people have to subsist. And migratory birds  
25 are when they've had a long winter, a shortage of

1 red meat, and it's an opportunity to put food on the  
2 table, and that's all we're doing.

3 But there are some times when -- I've heard of  
4 that practice before, actually catching, you know,  
5 goslings, basically, young geese. And, you know, I  
6 couldn't imagine doing it, because it would be  
7 against my -- my grandmother didn't raise me that  
8 way. You catch them, you know, in the fall and  
9 springtime when they're adults only.

10 Anyway, with that, I hope I answered your  
11 question. It's positioning and there's a whole -- I  
12 mean, you could position yourself in different ways.  
13 If I shot something and I need to position myself to  
14 get in front of the herd, then I'll run up against  
15 and -- herd, flock anyway. Okay.

16 (Laughter)

17 MR. ALCORN: All right. Thanks. We're going to  
18 appreciate that, Frank. And we did -- I believe  
19 there were other questions of the two agency  
20 analysts that we have, Bob Trost has raised his  
21 hand.

22 Is this to address the specific question, Bob?

23 MR. TROST: I would like to try.

24 MR. ALCORN: Come to the table and introduce  
25 yourself, if you would.

1           MR. TROST: My name's Bob Trost. I'm with the  
2 Fish & Wildlife Service, and I'm the Pacific Flyway  
3 representative.

4           Just briefly, one of the things that I wanted to  
5 point out about this proposed regulation is, I think  
6 most of you recognize that a lot of the ways in  
7 which we capture birds to mark them are based on  
8 some traditional hunting methods. In fact, we've  
9 tried to learn all we can from you folks and how to  
10 go about doing that.

11           I'll illustrate, early on in my career I was  
12 asked to analyze all the scaup data from Alaska. I  
13 took a look at it. And it turns out that in the  
14 early days they used this same technique that they  
15 had learned by folks who used to hunt to drive  
16 flightless scaup into areas to band.

17           So when you talk about the magnitude, it's not  
18 an issue, I don't think, of someone chasing the duck  
19 down the river in a boat. They caught 20, 50,000  
20 birds at one fell swoop by using this particular  
21 technique, because birds were molting and are  
22 flightless at that time of year, can be very  
23 susceptible to harvest.

24           So this can be a very effective means to take  
25 very large numbers of birds. And that, I think, is

1           where the conservation concern comes in here. We  
2           have real practical records of being able to take  
3           tens of thousands of birds at a single time using  
4           this methodology. Thank you.

5           MS. BROWN-SCHWALENBERG: Thanks, Bob.

6           MR. STARKEY: Can I ask Bob a question?

7           MR. ALCORN: You're certainly welcome to.

8           MR. TROST: To point out, Russ just said, these  
9           were captured to be banded and released, not to be  
10          harvested.

11          MS. TAHBONE: Not to harvest, but to capture as  
12          many as you could?

13          MR. TROST: Right.

14          MR. ALCORN: Bob, there are a few questions, I  
15          think, from the board, if you'd stay at the table.  
16          Sky?

17          MR. STARKEY: I just wanted to ask Bob, because  
18          I'm familiar with his expertise in these things.  
19          These Black Scoters --

20          MR. TROST: Scoters.

21          MR. STARKEY: -- are they just Pacific Flyway?  
22          Are they --

23          MR. TROST: They winter on both coasts, but  
24          they're predominantly western in their distribution.

25          MR. STARKEY: Why do we hear an average that

1 uses the years 1955 and 2007?

2 MR. TROST: Because that is the period of time  
3 in which we have done a standardized survey. It  
4 began in 1955, and that was through the most current  
5 year somebody had available to them.

6 MR. STARKEY: So if you took the last ten-year  
7 average, what's that look like?

8 MR. TROST: In general for almost all of the sea  
9 ducks and for all of the boreal nesting diving  
10 ducks, the general population trend is downward.  
11 And --

12 MR. ALCORN: Ask and you shall receive.

13 MR. TROST: Yeah, now if I could just read my  
14 own table.

15 They were down 31 percent overall in that  
16 period. And the Alaska region truthfully is down in  
17 the last -- from the last year 12 percent and  
18 from -- it would appear, the most recent ten-year  
19 average in that neighborhood, down ten percent.

20 One of the things this group obviously struggles  
21 with is when is an issue of a conservation concern  
22 and when is it just a regulatory stumbling block, so  
23 to speak. And in the case of these particular  
24 groups of birds there is the potential to take very  
25 large numbers of them, which is a concern because,

1 as a group, their populations are not doing well  
2 right now.

3 And we don't believe that is directly related to  
4 harvest. We think this is part of the global  
5 warming and changing environment thing that they're  
6 facing. But this group of birds as a whole is just  
7 not doing as well as we would like.

8 MR. ALCORN: Any other questions of Bob before  
9 we -- thanks Bob.

10 Are there any questions of the two biologists  
11 from the agencies before we move to the --

12 Okay. The technical committee is the next to be  
13 invited to the table to provide their analysis of  
14 their.

15 MR. OSTRAND: Bill Ostrand with Fish & Wildlife  
16 Service. I'm presenting the report from the  
17 technical committee. The technical committee report  
18 is in your binders, if you haven't seen it. So the  
19 technical committee agreed that it wasn't sufficient  
20 data, or they were not aware of data available to  
21 evaluate the potential impacts of legalizing driving  
22 birds as a harvest method.

23 The group did agree that for -- there were  
24 conservation concerns and maybe potential negative  
25 impacts and should the regulation be passed, the

1 committee suggested there may be two possible  
2 approaches to avoid negative impacts.

3 The first would be to develop a list that would  
4 be closed to harvest via this method. And the  
5 second is the flip side, develop a list that would  
6 be open to harvest via this method of take. Tom  
7 wrote the, and Russ volunteered to come up with  
8 those lists.

9 Then the discussion moved on and the committee  
10 discussed those points that seemed unclear to them  
11 and developed questions to ask of AVCP. I'll read  
12 you those questions.

13 One is: What are the species that are  
14 traditionally taken by this method? Are motorized  
15 or nonmotorized craft used for driving birds? And  
16 number three, are the harvested birds flightless  
17 molting birds, young broods or other groups of  
18 birds?

19 And I was directed to finalize these questions  
20 and send them to AVCP and then I was to route them  
21 to the committee and then distribute them to you  
22 all.

23 I didn't hear back from Tim, but Tim did later  
24 submit his brief on the proposal. And I believe he  
25 answered two of the three questions. He did not,



1           you know -- in answer to number one, he identified  
2           what species are principally taken and he did  
3           indicate that motorized boats are used for this.  
4           But we didn't get an answer to the third question:  
5           Are the harvested birds flightless, molting birds,  
6           young broods or other groups of birds.

7                        So -- so that's our report.

8                        MR. ALCORN: All right. Thank you.

9                        Any questions of the technical committee?  
10           Cochair? Hearing none, thanks, Bill.

11                       I'm going to ask Stan, if you would come to the  
12           table, there were some discussions that I thought  
13           maybe we could cut short. And Dale has expressed an  
14           interest in asking questions regarding this  
15           proposal, so I'll turn it to Dale.

16                       MR. RABE: Be more than happy to get it started,  
17           Mr. Chairman.

18                       Stan, the -- some of my questions will, without  
19           a doubt, sort of fall into a legal interpretation  
20           and I recognize that your role is enforcement. So  
21           to that extent, you're required to sort of interpret  
22           what the intent was to the language.

23                       And as such, the prohibition has been read a  
24           couple of times but the relevant words in that  
25           prohibition talk about using a boat to concentrate,

1 drive, rally or stir up any migratory birds. And  
2 the amended language refers to, other than the  
3 geographic, that a person may use a boat to pursue  
4 and harvest waterfowl.

5 And I'm really curious, in terms of what does it  
6 mean from an enforcement standpoint, not given the  
7 legal interpretation that we may need to go through  
8 to get to this point, what does it mean to you to  
9 use a boat to pursue and harvest waterfowl that's  
10 different from the current regulation?

11 MR. PRUSZENSKI: Stan Pruszenski with Office of  
12 Law Enforcement, Fish & Wildlife.

13 I think this is similar to the question that  
14 Sandy had, in that pursuing, in my view, would be --  
15 would be driving. So if we're pursuing it, again,  
16 is this something that the hunter and the boat are  
17 doing or is this something that is happening to the  
18 bird? Am I pursuing it in my boat, a stationary  
19 bird? Am I pursuing it using my boat to get to that  
20 bird, positioning myself closer to that bird? Or at  
21 what point does that bird now become the pursued,  
22 and run and be chased and -- and rallied or  
23 concentrated in -- in Bob's instance, that they were  
24 actually being concentrated.

25 And this comes to a point that, yes, the Fish &

1 Wildlife Service -- I am not an attorney, but I do  
2 have the responsibility to pretty much have the  
3 first impression of the regulations for the service.  
4 So my office and officers interpret the regulations  
5 and do the best we can with trying to figure out  
6 what this body was trying to do to conserve birds  
7 and/or to make a -- a method of harvest legal.

8 This one, in my view, the difference between  
9 pursuing, if we legalize that, there's a very --  
10 there's a very fine line and then it becomes very  
11 obvious when we have changed from a pursuit to these  
12 other methods that are illegal and that presumably,  
13 under this amendment, would still be illegal.

14 So we can legalize pursuit, but then I'm not  
15 sure that the regulated public will have a clear  
16 understanding of what's illegal and what's legal.  
17 And certainly officers will, as has been mentioned  
18 earlier today, will have the discretion, have the  
19 ability, the authority, the requirement, to  
20 interpret it more than what's in black and white in  
21 the regulation.

22 So I guess, in my view, you know, the simpler,  
23 the better, for both the regulators and the  
24 regulated public. If we're having these debates,  
25 you know, about the words, I can't imagine what some

1 hunter in an 18-foot Lund boat going down the river  
2 is -- you know, am I pursuing this or now am I  
3 driving it or rallying it? That's --

4 MR. RABE: Thank you. And you're getting to  
5 exactly the point. Because conceptually this is  
6 something that -- that is to go forward, I -- and it  
7 may be that in our process we can deal with wording  
8 changes outside of a decision on the concept. But  
9 the term "to pursue waterfowl," to me, could simply  
10 mean the same thing as the word "to position," "to  
11 position a hunter." I mean, that is pursuing  
12 wildlife.

13 And that's -- I would think we need, at the very  
14 least, to get a better discussion of what is the  
15 range of activity that is the intent here and the  
16 scope. And there's -- there's this issue, there's  
17 the issue of -- of the species and potentially the  
18 time frame that -- that still seems to be unresolved  
19 in the simple words that are put forward in this  
20 proposal. That to me, if -- if adopted would -- the  
21 intent would be to open it up for everything during  
22 the entire period and it would be up to a legal  
23 interpretation of what the word "pursue" means,  
24 where it's different than harassing.

25 So thank you. Your explanation was helpful.

1 MR. ALCORN: Thank you.

2 Any other questions of Stan?

3 Okay. Molly and then Patty.

4 MS. CHYTHLOOK: Yeah, I don't know if any of  
5 your law enforcements have ever ticketed anybody.  
6 And if they did, they -- they probably would -- I  
7 don't know how they came to determine, you know, all  
8 these. I don't know, I'm not a hunter. But I've --  
9 in my -- in my lifetime, I've gone with my dad and  
10 my brother. And there's a difference between  
11 positioning yourself in the open water, like -- like  
12 the Bay, Bristol Bay, like between Togiak and  
13 Nushagak, all that open water.

14 I -- to position yourself to harvest like eider  
15 ducks that used to fly along the coast, and  
16 positioning yourself in the boat. I've sat in boats  
17 when my dad or my brothers would position themselves  
18 to harvest those eiders. And then -- then going  
19 moving to Aleknagik where we have rivers that aren't  
20 open and -- and going with, even today with my  
21 husband, going up -- up these rivers, Muklung River  
22 and -- and seeing these ducks take off, what -- what  
23 do you do? Just stop and not -- not go after  
24 these -- go after birds anymore? Because if we did,  
25 then we'd -- we'd be considered, I guess, pursuing.

1           Because there's not only that group, there's  
2 other -- other ducks, you know, along the way. And  
3 so, if -- if when we're going up these rivers and  
4 one group of ducks take off and -- in flight, we  
5 know that up ahead around the bend are other --  
6 other ducks. So we're not pursuing this one -- one  
7 group, or we're not -- it would be hard as a law  
8 enforcement -- if I was a law enforcement, I think  
9 I'd have a hard time giving a ticket to -- to  
10 hunters unless I -- unless I was in there in the  
11 skiff with them, you know, just present there.

12           So we need -- we need to have a clarification on  
13 these. Unless your law enforcement are going to be  
14 sitting there when they write a ticket to explain to  
15 these hunters what exactly they're -- they're doing,  
16 the process of why, you know, they were ticketing  
17 for pursuing, or whatever else, they think they're  
18 ticketing the hunters for. Thank you.

19           MR. ALCORN: Thank you.

20           Patty?

21           MS. BROWN-SCHWALENBERG: I was going to ask a  
22 similar question. Also, we didn't, we don't have  
23 the actual proposal in our -- we got this additional  
24 information from Tim, but where is the actual  
25 language?

1 MR. ALCORN: It's not in your binder?

2 MS. BROWN-SCHWALENBERG: No.

3 MR. ALCORN: It's -- flip that page over, I  
4 think you have it there.

5 MS. BROWN-SCHWALENBERG: No, the next one is  
6 the -- oh, okay.

7 MR. ALCORN: Okay. Herman and then Randy. Stan  
8 did raise his hand, he was going to respond to the  
9 question.

10 MR. PRUSZENSKI: I believe there were questions  
11 in there that --

12 MR. ALCORN: Okay. You can respond to that  
13 question and then I'll --

14 MR. PRUSZENSKI: Well, thank you for the  
15 appreciation of the hard job that my folks have. It  
16 is difficult. And unfortunately, I think for my  
17 officers to have to describe and explain the  
18 regulations when they're sitting there trying to  
19 write a ticket to an individual, that's too late for  
20 everybody to understand what the rules and what the  
21 regulations and what's legal and what's not. That's  
22 way too late. We need to know what it is way before  
23 we get to that position.

24 Our officers have written citations for -- for  
25 prohibiting the -- this method of take, using boats

1 to pursue and drive and rally. We've had a citation  
2 issued in Minto Flats up in the Interior. And we've  
3 had citations issued down on Johnson Slough south of  
4 Bethel, just this past spring.

5 MS. CHYTHLOOK: Were these for flightless birds  
6 or just ducks that were flying?

7 MR. PRUSZENSKI: These were, I can't answer the  
8 Minto Flat birds, whether those were flightless at  
9 this time. This was Fourth of July weekend, so I  
10 would have to have the biologist say whether they  
11 were flightless at that time or not.

12 The Johnson Slough citations, those were not.  
13 Those were earlier in the season. And, in fact, we  
14 were attempting to get to areas in the Delta over  
15 near the tundra villages where there are quite a few  
16 black scoters that do concentrate themselves when  
17 they are flightless. We've had information over the  
18 last several years of harvest over there.

19 So that's actually where we were attempting to  
20 get to. But weather was such that we weren't able  
21 to get there. So in our travels to where we were  
22 trying to get, we came across these other violations  
23 and dealt with those as we needed to.

24 MR. ALCORN: I'm needing a break. I don't know  
25 about the rest of you. I'd like to -- okay. If



1           it's not going to take long.

2           MR. PRUSZENSKI: I'll come back.

3           MR. SQUARTSOFF: Addressing both Molly and Stan.  
4           You know, Stan, I'm going to use the word follow,  
5           what Molly was saying she was doing. It would be  
6           hard for your enforcement guys, they'd have to be  
7           observing for a while these people pursuing or  
8           following these ducks instead of, where they could  
9           just come right up on and see somebody going after a  
10          duck and thinking they're chasing them or harassing  
11          them and write a citation. They should be able to  
12          observe it for a while before they do anything, is  
13          the point I want to get across.

14          MR. PRUSZENSKI: It's very different on the  
15          slough when you're going like this. And the birds  
16          stay kind of within the corridor of the slough, as  
17          opposed to in the country where you may be where  
18          it's wide open ocean where the birds may take off.  
19          And if they go around the point, you, as the hunter,  
20          do you go around the point with them or do you break  
21          it off and look for other opportunities?

22          MR. SQUARTSOFF: Oh, I'll go around. If we've  
23          got some particular ducks, we'll follow them. But I  
24          want to make sure that the point across is that they  
25          shouldn't consider somebody harassing or something

1           soon as they see them. I mean, like in the --  
2           specially in the slough, or something like that,  
3           they come upon them, you know, oh, hey, look, these  
4           guys are harassing these ducks, chasing them, or  
5           whatever. Things like that need to be taken into  
6           consideration.

7           MR. PRUSZENSKI: Right. The process --

8           MS. CHYTHLOOK: It's not even following.  
9           We're -- when I was in the skiff with my husband and  
10          my brothers, we were traveling, and the ducks were  
11          just taking off in front of us.

12          MR. PRUSZENSKI: I actually believe that several  
13          years ago when this proposal was initially brought  
14          in, that was the, you know, the intent was that if  
15          you're traveling, incidental to your travels, a bird  
16          pops up, that's when you're able to harvest that.

17          MS. CHYTHLOOK: But my understanding earlier was  
18          that when, you know, I think it was you that made  
19          the comment, if -- if -- when -- from Sky's  
20          questioning was when you're traveling and ducks take  
21          off and you're still traveling, sounds like your  
22          determination was that they were pursuing.

23          MR. PRUSZENSKI: I think there's a difference  
24          between -- what would a good term be? Startled. If  
25          you come around the corner and you startle these

1 birds and they attempt to fly and you take them at  
2 that point, that's not prohibited, as I read the  
3 regulations.

4 MS. CHYTHLOOK: That's also different,  
5 there's the rivers, you know, the winding rivers and  
6 then the Kuskokwim River that's straight.

7 MR. PRUSZENSKI: You may startle it a quarter  
8 mile away.

9 MS. CHYTHLOOK: Just because you're still  
10 traveling, it doesn't mean that you're still  
11 pursuing that flock of birds that were startled.

12 MR. PRUSZENSKI: This is where Herman is  
13 correct, my officers, the Refuge officers are going  
14 to have to observe that and say, no, they weren't in  
15 fact, traveling. The birds went over to this side  
16 of the river, so they went over there, that's not --

17 MS. CHYTHLOOK: And upon traveling, you see  
18 another group of birds.

19 MR. PRUSZENSKI: I guess I would say that most  
20 people in this area of the river travel on this side  
21 of the bank, because it's deeper. The birds are on  
22 this side, so we divert over there. My question to  
23 the officers is, you know, did you ask them why did  
24 they divert? Everyone always goes on this side of  
25 the bank, now they're over here. Are they chasing

1 the birds? Well, yeah. That's where the birds  
2 went, so that's where they move their boat. So at  
3 that point I would say that they're --

4 MR. SQUARTSOFF: Following them.

5 MR. PRUSZENSKI: Or pursuing.

6 MR. ALCORN: Let's -- Randy, you had your hand  
7 raised.

8 MR. MAYO: Up in our region that, we're unclear  
9 as to this proposal that -- but what I'm gathering  
10 here is that the intent of this proposal is, you  
11 know, like with the other speakers are saying that  
12 up in the Yukon Flats, you know, that this -- like  
13 what Molly was describing, that's what we engage in,  
14 you know. But it sounds like this harassment and  
15 driving birds and the language is being inserted  
16 into this proposal from these communities and kind  
17 of confusing the issue for us, you know, for me.

18 And -- but it's becoming clear to me as to  
19 what's happening here that, you know, up in our  
20 region that when you come upon black ducks that you  
21 do -- you can motor up to them quietly and position  
22 yourself, as opposed to trying to take long range  
23 shots and, you know, further in, you know, wounding  
24 birds and waste. If you can get up close to them  
25 and take them without wasting them, you know,

1           that's -- that's what I do, as a hunter. And that's  
2           the practice in my community, position yourself with  
3           the boat so you're not out of range shooting at them  
4           and having them taking pellets and flying off later  
5           on and dying, you know.

6           That's, you know what we're -- we don't -- you  
7           know, we don't drive and round up flightless birds  
8           like Mr. Woods was explaining earlier. You know, in  
9           our area we don't do that. Maybe what you're  
10          talking about up in my region, maybe that might have  
11          been a couple of isolated incidents by, if it was  
12          some young Native hunters not really well versed in  
13          our contemporary traditional hunting methods, I  
14          think that's probably what happened, you know.

15          But just listening to the going back and forth  
16          here it's kind of kind of clear to me what's going  
17          on here. So what I gather out of this proposal,  
18          without the maker of the proposal being here,  
19          that -- that this would just formalize an ongoing  
20          practice. So that's what I am getting out of this  
21          debate here.

22          And if so, then -- because this is what we do in  
23          our area, you know. We're not harassing, we're not  
24          driving. You know, this is a takeoff of us getting  
25          our food and meeting or needs, you know. You know,

1 the contemporary day and age, you know.

2 MR. ALCORN: Thank you for your comments.

3 We can take up this discussion. Stan's willing  
4 to come back to the table. We will recess until  
5 10:30. And I would like to invite those of you that  
6 have enjoyed donuts and coffee for the last couple  
7 of days, please contribute, because these are not  
8 hosted by the Fish & Wildlife Service. Donna and  
9 Bill take money out of their pockets to buy these  
10 for us. So please pay your fair share. I would  
11 recommend over a couple days about \$5. The cup is  
12 over there. So please contribute.

13 10:30.

14 (Whereupon, a brief recess was taken, after  
15 which the following proceedings were had at  
16 10:39 a.m.:)

17 MR. ALCORN: I'm going to ask members to take  
18 their seats. We'll reconvene, take up our  
19 discussion of Proposal Number 1. We were asking  
20 Stan Pruszenski to answer questions regarding law  
21 enforcement components of this potential.

22 Any questions of Stan before we have council  
23 discuss its proposal? Peter?

24 MR. DEVINE: It's not a question to Stan, but  
25 it's just a comment that, you know, as an avid

1 hunter, I've used this practice myself for 32-plus  
2 years. And we don't use it on all species of duck.  
3 The freshwater ducks, you know, go into rivers, so,  
4 you know, they're pretty easy to get. But in the  
5 open ocean, we do pursue sea ducks. And, you know,  
6 harvest them with that method. But, you know,  
7 that's only in the open seas.

8 And sometimes, you know, if we can stage a  
9 hunter on a point or something, you know, try to  
10 drive toward the birds, but we do use that method in  
11 our area.

12 MR. ALCORN: Thanks, Peter.

13 I have a question to Stan. The proposal, the  
14 way the proposal reads, the language that would  
15 change and it would say in the Yukon-Kuskokwim Delta  
16 a person may use a boat to pursue and to harvest  
17 waterfowl. So the proposal is for all waterfowl  
18 species, but the analysis and the brief that Tim  
19 wrote focuses on scoters.

20 So if this were to be a species-specific,  
21 scoters or other species, if it evolved into that  
22 kind of a regulation, would it cause problems from  
23 an enforcement perspective?

24 MR. PRUSZENSKI: On the Yukon-Kuskokwim where I  
25 think birds probably tend to commingle more than

1           maybe what Peter was talking about, you know,  
2           freshwater ducks going up the rivers and then sea  
3           ducks being out on the open ocean, that would be  
4           fairly easy to distinguish and we would know which  
5           birds we're pursuing.

6           If we were running up the rivers or the sloughs  
7           or in some of those large freshwater ponds on the  
8           Delta where birds are commingled in lots of times of  
9           the year, and if we start to pursue birds and  
10          shooting, I don't know if, one, the enforcement  
11          folks would be able to distinguish which birds are  
12          being shot at and/or if the hunters would be able to  
13          distinguish which birds are being shot at. So I  
14          think there would be a potential for disagreements  
15          and conflicts between the public and the enforcement  
16          officers as to what actually was going on.

17          MR. ALCORN: Thanks.

18          I have no further questions.

19          Anyone else have other questions? All right.

20          We have --

21          MR. STARKEY: I've got a question.

22          MR. ALCORN: Okay. Sky.

23          MR. STARKEY: Can you talk about the particular,  
24          not the people involved, but the circumstance for  
25          which people were cited on the Johnson, over



1 Johnson? What was the circumstance, was it the  
2 flighted birds, you said?

3 MR. PRUSZENSKI: Again, I think this was fairly  
4 early in the season last year and there were  
5 flighted birds, Johnson Slough. Again, just -- I  
6 was not the officer involved. I saw reports, you  
7 know, ten months ago, maybe or so. So I don't know  
8 the particulars of it, but they were, again, driving  
9 birds.

10 MR. STARKEY: I'm really -- I'm having, myself,  
11 just having a hard time distinguishing driving. Do  
12 you mean herding, or do you mean that the birds were  
13 in flight, they were in a boat following the birds  
14 and shooting?

15 MR. PRUSZENSKI: Correct.

16 MR. STARKEY: That's it?

17 MR. PRUSZENSKI: Correct.

18 MR. STARKEY: That's -- thank you, by the way.

19 Mr. Chairman, I did talk to Tim over the break  
20 to get clarification. I was understanding the  
21 proposal right. It doesn't have to do with herding,  
22 I think, which was what Bob was talking about. It  
23 does have to do with particularly scoters and sea  
24 ducks. And it does have to do with the ability to  
25 be in a boat and following birds and being able to

1 hunt them on the run, pursuing them. And it's only  
2 flighted birds.

3 But that is the proposal. I mean that's -- if  
4 that clarifies. I think that's why in the suggested  
5 regulatory language it was maybe used to pursue and  
6 harvest. And I don't -- maybe pursue is too broad  
7 of a word for enforcement. I, you know, don't know  
8 how to capture. But if it was driving, is -- is the  
9 technical term. And it's actually, driving is  
10 considered you're in a moving boat, you're following  
11 a bird, probably, I'm imagining on the slough, they  
12 were probably moving up the slough, the birds were  
13 in front flying and they were on the move and there  
14 was somebody in the boat that was not -- they  
15 probably weren't technically positioning in a  
16 stationary -- they were probably --

17 MR. ALCORN: Moving birds.

18 MR. STARKEY: I don't know if other regions do  
19 that, or maybe that's exactly what happened up the  
20 Minto. But anyway, that is the clarification.

21 MR. ALCORN: Thanks.

22 Any questions for the questions of Stan? Okay.  
23 I'm going to -- we will take public comments and  
24 then the council will then have discussion of this  
25 proposal before we call for questions.

1           Any comments from the audience? Jon, come and  
2 identify yourself to the -- at the table, please.

3           MR. DYASUK: How much do I have?

4           MR. ALCORN: Be -- I mean, say what you need to  
5 say. Be as brief as you can be, but I'm not going  
6 to cut you off.

7           MR. DYASUK: My name is Jon Dyasuk. I work as a  
8 liaison in the refuge in Togiak, the Togiak Refuge.

9           You know, one thing we were talking about a  
10 little while ago is this proposal. And since I work  
11 as a contact person for the villages in my region, I  
12 hear a lot of stories. And the stories that --  
13 that -- what Molly had just said is the way that we  
14 do. But one thing that I knew is that in other  
15 different regions, you see that Pete Abraham our  
16 chief from Togiak, he's originally from Nelson  
17 Island. So in the region when he was growing up, it  
18 was different, you know, that was 70, 80 years ago.  
19 And when they -- in their region, including my  
20 grandmother, she was born in Oscarville, that's  
21 where she's from.

22           And little while ago when Donna and I were  
23 talking about how we harvest the birds. You know,  
24 imagine this is a pond and long time ago, this is  
25 when they used to have a hard time, imagine

1           yourself, all from -- from here all the way over  
2           here, you guys are all old. Imagine yourself like  
3           that. What they used to do is the pond is right  
4           here, the younger people, my age kind of group, you  
5           know, like 60s and 50s and 40s and 30s, herd from  
6           here all the way to the side over here. There's a  
7           big net over here, super big net right over here on  
8           this side. And they herd all night long until they  
9           get to that, over to this side completely, and they  
10          got stuck into the net.

11                 And then the people that take all these  
12          waterfowl kill all these birds, and then distribute  
13          all the waterfowl to the elderly people, people that  
14          have no -- women that have no husband, they stack  
15          those up equally, each and every one of them.  
16          That's what they did.

17                 The people my age that have wives and children  
18          and everything else that are well-to-do, they give  
19          themselves the very least. In some stories that old  
20          man is sitting and the waterfowl piles up to the  
21          point where he cannot be seen anymore. And these  
22          are the stories that came from Pete Abraham.

23                 You know, at times when I -- because I work for  
24          the service, I'm always neutral. I don't take no  
25          sides, whichever might be. And that always has

1           been. And sometimes when we see these methods that  
2           were once we used are being used now by the  
3           biologists, the USGS cannot capture birds when  
4           they're going to be putting transmitters on the  
5           waterfowl, they use nets like we did. You know,  
6           they raise it up or they put a buoy on each of  
7           the -- each of the -- on each of the -- on each of  
8           the net. The buoys over here with the net going up  
9           like that. They're the same kind of methods that we  
10          used, you know, that if you leave the net overnight,  
11          you capture all kind of marine birds. You know,  
12          only the marine birds, everything that the Eskimo  
13          take, shore birds including. And what we do is when  
14          we leave that up like that, it captures almost just  
15          about everything. And that's what our people did.  
16          These are the methods that they had.

17                 And then the new times came, you know, that the  
18          motorized skiff. And to talk about my grandmother,  
19          she moved from Oscarville to Osviak, you know, Cape  
20          Newenham area, Cape Peirce Area. She moved there.  
21          And then the method that they take are different in  
22          my region now, that I call my region, which is  
23          Togiak.

24                 And when you look at -- imagine this is nothing  
25          but Emperor Geese, nothing but in the ocean. It's

1           like this, nothing but -- nothing but Emperor Geese  
2           that are sitting here. When -- when you run from my  
3           village all the way down straight, you go a hundred  
4           miles or so, I'm talking about my cousin Frankie,  
5           when he ran into the -- to the Emperor Geese, the  
6           Emperor Geese takes off like this. Like this, take  
7           off like this, like that, all the way through like  
8           that. It doesn't fly up. It takes off like that  
9           and keep on doing that. And all of a sudden you're  
10          right in the middle of the birds.

11                 One of the methods that Frank had used, is  
12          shotgun including -- have you ever seen a dip net  
13          before? You guys have seen the dip net, right?  
14          They use dip net and hold it like this and you ran  
15          into the birds like that. And you keep on holding  
16          the dip net until it becomes full. And flop it  
17          back. And you take another one and pick it up and  
18          hold it like that again until it become full again.  
19          And you keep on doing that. And that is when the  
20          Emperor Geese are migrating to Y-K Delta.

21                 My grandmother, when she was alive, she used to  
22          tell us, no, you're not going to do that. We waited  
23          for her to pass away, we waited to the point where  
24          she'll die, the method that we were doing. But her  
25          grandmother -- I mean, her younger sister was still

1           alive living in Bethel. This is the time when our  
2           cousin used to come over and say, well, my sister  
3           wants, you know, my mother - this is when two  
4           cousins were talking to reach other - my mother  
5           wants, you know, Emperor Geese before others do,  
6           before other -- other people in Y-K Delta get birds,  
7           we -- she wants one. So that's what we did.

8                     This is long before I started working for the  
9           service. That was almost 23 years ago. And the  
10          people that were now 23 years old, there were people  
11          that were almost my age, 50, 60 years old, they're  
12          gone now. And when we pursued the waterfowl, they'd  
13          take off like that. And we use the dip net and also  
14          the shotgun. You shoot everywhere. And then we did  
15          that after she passed away, because she used to tell  
16          us that you cannot pursue the waterfowl. You take  
17          it in the stationary -- stationary -- you know,  
18          imagine this is a boat. You ran up like that and  
19          then stopped and you turn around. And then you --  
20          you hunt the waterfowl.

21                    But at times when you are too excited and also  
22          you keep on going, especially in the Togiak Bay, you  
23          can see that it's wide open area. What happens,  
24          that the skiff when it's coming through here and the  
25          birds start taking off like that, you're right in

1 the middle of it. These are the methods that the  
2 villagers did at -- at one point.

3 And then when we become same age as our  
4 grandmothers were, our attitude changed. We, just  
5 like my grandmother used to say, well, Cape Peirce  
6 and Cape Newenham, you don't commercially fish  
7 there. And then my grandmother was still alive, we  
8 didn't do that. We never commercial fished in that  
9 area. And then when she passed away, my cousin,  
10 Frank, went over there and commercial fished over in  
11 that Cape Peirce, Cape Newenham area.

12 And then overnight he got 200 sea birds, Murres,  
13 and then he came home and said: Well, you know, my  
14 grandmother was right, our grandmother was right.  
15 You know, we cannot do that. At that point he  
16 wanted to develop a marine sanctuary in Cape  
17 Newenham, Cape Peirce area for that reason, just so  
18 that the others -- other people in different areas  
19 will have the opportunity to hunt waterfowl and also  
20 marine birds. And because of that attitude that he  
21 had, he was voted out, almost same day, same day  
22 that he make that suggestion, he's make a sanctuary  
23 in my area, in fact, he was kicked out because he  
24 had the tendency to be overly protective of the  
25 resource that he takes. He always say I've



1           experienced it, you know, I don't want people to do  
2           that like I did, to capture the marine birds like we  
3           did before. I don't want that to happen. Because  
4           I'm taking other people's opportunity to hunt in the  
5           different region.

6                     And like when my grandmother was alive, because  
7           she's from Y-K Delta, she used to tell us that:  
8           Well, one of the things that you have to remember  
9           all the time, to think about others in the different  
10          areas for that region, limitation of our activities,  
11          including marine mammals. We were very capable of  
12          taking all of everything we need, of bowhead, the  
13          walrus. Because Togiak is a place where the walrus  
14          live right there and would stay there in the  
15          summertime.

16                    And all these things that our grandparents would  
17          tell us that: Hey, don't take them. Other people  
18          in the northern counterparts are the one that dwell  
19          on them. So what we did was we limit ourselves from  
20          doing that.

21                    So talking about the use that we had before, you  
22          can take it either I'm supporting it or I'm not  
23          supporting it. I'm just telling you a story that,  
24          the methods that had existed before until the  
25          motorized vehicle came around. But in time of need,

1           when people need to -- having a hardship, you know,  
2           that, it happened this winter. You probably heard  
3           about that little town called Emmonak this winter.  
4           Long time ago that used to happen in same area where  
5           Molly was talking about, which is Alakanuk, Kipnuk  
6           area, on that side used to face starvation.

7                     In fact, the waterfowl is the one that normally  
8           saved people those days, because it's not like  
9           Interior. It's not like upper regions where --  
10          where -- it gets harder and harder from Bristol Bay  
11          on up toward, it gets harder and harder. It was  
12          harder those days. Other regions from Cape Newenham  
13          on up used to face super hardships. Because I go up  
14          with my grandparents, I know all these stories. I  
15          heard them and I've seen them.

16                    Like what Molly had said, I think it was  
17          yesterday when we -- they were talking about there  
18          wasn't no stores in those day. The area, complete  
19          regional area is a store. So people just take  
20          certain species of birds, certain species of land  
21          animals and certain species of marine mammals, this  
22          is what they did.

23                    And at times when you encounter people then,  
24          other people came. The people that stayed behind  
25          are the ones that disappeared into our culture.

1           That's why sometimes when you -- when you see  
2           people, Eskimo people, sometimes you see them as a  
3           Native and they look like I am. But next  
4           generation, sometimes when they intermarry all of a  
5           sudden it's a blonde and blue-eyed kid came out. No  
6           different from -- I think my grand -- my grandchild  
7           is fairer than you are. He's blonde and blue-eyed.

8           And here it is, I'm 59 years old and I'm talking  
9           for my grandkid. I sure like to see that my  
10          grandchild had the opportunity to hunt later on just  
11          so that, you know, that I sure like to see that he  
12          have the same principle I might have, same attitude,  
13          thinking about others in different regions.

14          See what happened, when Frank chased those  
15          birds, when they start folding going like that in  
16          the open sea, hundred miles out of Cape Newenham,  
17          Cape Peirce, he harassed and stressed those birds  
18          out. They become really stressed out. And his  
19          cousin, our cousin, the one, my grandmother's sister  
20          that lived in Bethel area, requested: I want marine  
21          birds before others did. She was dying then, but  
22          when that happens, you know, we did that only one  
23          time, you know, that -- like when we talk about our  
24          own counterpart, like our cousin, our relatives,  
25          sometimes we like to voice for them, just because I

1 work for the refuge, I have to disperse information  
2 to you guys so you guys will have it in record.

3 I'm not supporting either way. I'm just telling  
4 you what I have seen and what I have heard and what  
5 I have seen. And these are the experiences I had  
6 with the marine birds. And to take it lightly, I  
7 think if this passes, you know, that in a lot of  
8 ways, it might tumble down to a younger generation  
9 that may not have a same kind of insight I had. And  
10 if it passes, others -- other village members, like  
11 my village will say, well, if they could do it, we  
12 should do it, too. And they're going to stress the  
13 marine birds all the way through. And I think  
14 that's what's going to happen.

15 And people who make these proposals will have  
16 tougher time later on. They're going face a  
17 shortage, they're going to have -- the population  
18 will not be there anymore, including the North Slope  
19 and all other regions will have a tougher time.  
20 Because when I talk about marine birds, I'm talking  
21 about all the marine birds that migrate all the way  
22 to the area.

23 So the people that might support the reason  
24 behind this, you know, it's going to -- they're  
25 making this proposal, probably not knowing that --

1           what repercussions they're going to have. That's  
2           one of the things that you will have to always  
3           remember, is think about others, especially from my  
4           region.

5           If this should happen, it should only pertain to  
6           certain areas, not to other areas. Because if it  
7           should happen, you know, that, as you get older,  
8           you -- usually stops. You don't hunt as much as you  
9           did before. But the younger generation, if you want  
10          it, you keep on telling them, I want a certain  
11          species, like the story that I was talking about, my  
12          aunt, my mother's aunt, the one that requested: I  
13          want a sea bird before others did.

14          And that's why that Frank had, Frank, my cousin  
15          had to pursue birds like that, drive right into the  
16          middle of the birds and then start killing and  
17          taking as much as he could. And he, himself, after  
18          he got all those marine birds, it didn't even last  
19          him one day, because he gave it all away, because  
20          that's the method that we -- we did. It was a  
21          method that took care of the elderly people and  
22          women that have no husbands. That's what they did  
23          those things for.

24          And I think it should be allowed at certain  
25          point, at certain times when there's going to be a

1 hardship, because if a person of my -- a person that  
2 is not from -- that come from -- not come from my  
3 own race will face hardship.

4 I know that when -- when some couples, because  
5 you have seen a lot of women that moved over here to  
6 Anchorage, they come home with husband. There's  
7 hardly any Eskimos here. But when they do come  
8 home, they try to the life we did, like we have,  
9 always have lived. And they face hardships. And to  
10 prevent people from becoming thieves, we, able men  
11 in my village, used to pursue waterfowl like that.  
12 Especially for a younger -- younger generation, they  
13 may not have ability to hunt themselves, and also  
14 they do that, they did that to women that have no  
15 husbands with lots of kids, you know, it happens in  
16 the villages like that.

17 And Frank pursuing waterfowl like that, he  
18 didn't really want to do that, did not want to hunt  
19 waterfowl like that. But he have no choice, he does  
20 not have no -- doesn't have a choice. He -- he's an  
21 able man. He's almost my age.

22 MR. ALCORN: Thank you, Jon. I'm going to need  
23 to have you wrap up, if you could.

24 MR. DYASUK: That's what I'd like to transmit  
25 the information to you guys, so you guys could

1           decide what needs to be decided.

2           MR. ALCORN: All right. Thank you for your  
3           comments.

4           I have one more comment from the audience, one  
5           hand here. Frank?

6           MR. WOODS: Keep it real short. Frank Woods.  
7           Keep it real short.

8           Method and means have changed, our culture has  
9           changed. Like you said, some of the problem might  
10          be with young, inexperienced hunters. About 10  
11          years ago, maybe more than that now, 15 years ago, I  
12          knew we were catapulted in the 21st century when I'm  
13          driving up a skiff, like Molly said, driving up the  
14          river. And there's a bunch of ducks right next, on  
15          the next slough right up, so I pull up alongside,  
16          start shooting like heck. And I'm wondering, what  
17          the heck? They're still sitting there. Then two  
18          guys stood up, started screaming, waving their arms.  
19          They were decoys sitting in the middle of the river.

20          So, to our embarrassment, we got scolded pretty  
21          hard for --

22          AUDIENCE MEMBER: How did they taste?

23          (Laughter)

24          MR. WOODS: Anyhow, I like the draft language.  
25          And our recommendation for subsistence is pursue.

1           Because an analogy, if I'm seal hunting and I'm  
2           driving a skiff and I see a seal pop up on the  
3           shoot, I'm going to pursue that seal until I get it.  
4           And that same thing's happening with subsistence. I  
5           know the means and method have changed and our legal  
6           definitions have got to be defined a little more.  
7           But, you know, pursue is -- and chase and harass is,  
8           like enforcement says, a real fine line. And you  
9           almost have to have a video camera to decipher that.

10                  But as a traditionalist like Jonny, I'll make it  
11           real short, we have a -- we don't waste, at least  
12           in -- I've been taught. You know, and that's up to  
13           our generation to keep that tradition going.

14                  With that, I'll shut up. But you guys got a  
15           tough job ahead of you.

16                  MR. ALCORN: Thanks, Frank.

17                  Any other comments from the audience?

18                  Did you have a question to Frank or to Jon?

19                  MR. MAYO: No.

20                  MR. ALCORN: We're going to have council  
21           discussion as soon as I close the opportunity from  
22           the audience. I don't see any other hands.

23                  So I will now engage in step 6 of this process,  
24           which is council discussion, before I call for the  
25           question. And you had your hand raised, Randy, then



1 Sky had his hand raised.

2 MR. MAYO: I just wanted to comment on the  
3 discussion going on around here. That, you know, if  
4 we can -- some of the -- on the scientific  
5 biological side and on the, you know, traditional,  
6 you know, hunter viewpoint, and that's a side I come  
7 from. I'm a traditional person. And, you know, I'm  
8 not a scientist, you know. I don't learn by, you  
9 know, going back on numbers and figures on paper.

10 But the point I want to make is that, you know,  
11 that -- that the inherent cultural and spiritual  
12 practice, as far as where I'm from, and we  
13 personally haven't changed, the means and methods  
14 over the years have changed but, you know,  
15 traditionally we're conservationists. We don't take  
16 more than we need in our area. We're not  
17 sportsmens. You know, what we take is in a  
18 culturally, spiritually relevant manner. But the  
19 methods and means have changed throughout that time.  
20 But as far as I'm concerned, you know, the main core  
21 traditional value for us, where I'm from, hasn't  
22 changed, you know.

23 The other part that I want to make, too, is  
24 that, you know, there's -- seems to me like there's  
25 a big focus on what scientists call subsistence

1 take, you know. But what about all the other  
2 factors out there in the world? Is this such a  
3 concentrated focus on some of those areas, too, you  
4 know, that -- whether it's industry, pollution or  
5 loss of habitat where they over-winter, you know,  
6 that, you know, there's one set of rules and -- for  
7 one side and for the people out here getting  
8 something to eat seems like there's a big focus on  
9 our activity, you know. So I just wanted to point  
10 that out, too.

11 But speaking to this proposal that, also the  
12 other discussion around the table here, that I see  
13 what this proposal is getting at. And we engage in  
14 the same thing where I'm from, too. It's been  
15 ongoing. So those are just a couple of comments I  
16 wanted to make, from what I've been gathering here.

17 MR. ALCORN: Thank you.

18 Sky, you had your hand raised?

19 MR. STARKEY: I want to call just for a brief  
20 five-minute recess before we go to deliberations,  
21 not to caucus, but to get a sense of things.

22 MR. ALCORN: We can do that after discussion.  
23 I'd like to conclude discussion.

24 MR. STARKEY: What do you mean by discussion?

25 MR. ALCORN: Well, discussion before I ask if

1 we're ready for the question.

2 MR. STARKEY: I'm not talking about the  
3 question. I want to see if I can save some time.

4 MR. SQUARTSOFF: I follow him on that, too,  
5 Mr. Chair. I think we should caucus so all know  
6 what we're --

7 MR. ALCORN: So are we -- do you want to caucus  
8 now or do you want to continue discussion?

9 MS. BROWN-SCHWALENBERG: Are we asking for a  
10 caucus?

11 MR. STARKEY: No, I'm asking for just a  
12 five-minute break. I'm talking five minutes.

13 MR. ALCORN: Okay. We'll recess for five  
14 minutes. We'll be back at 11:20. Promptly.

15 (Thereupon, a brief recess was taken, after  
16 which the following proceedings were had at  
17 11:23 a.m.:)

18 MR. ALCORN: Let's have everyone take their  
19 seats again. Thank you for being prompt. We will  
20 continue discussion of item 11 B, Proposal Number 1.  
21 Anyone have any comments?

22 MR. STARKEY: With the permission of the Chair,  
23 I'd like to move and ask unanimous consent that we  
24 defer this proposal in order to work out some of the  
25 issues that have been raised until the next

1 regulatory cycle.

2 MR. ALCORN: Do I have a second?

3 MR. SQUARTSOFF: I second it.

4 MR. ALCORN: I have a first and a second. I'll  
5 take discussion of the proposal, not the proposal to  
6 do the reg, but the proposal to table until the next  
7 regulatory session.

8 MR. SQUARTSOFF: Defer.

9 MR. ALCORN: Defer.

10 Any discussion?

11 Sandy?

12 MS. TAHBONE: Yeah. Within that, can we kind of  
13 outline the information that's going to require us  
14 to be able to make a -- make the decision? Have a  
15 little bit of discussion on that?

16 MR. ALCORN: I think that's a fair question.

17 Would anyone like to offer what kind of  
18 additional information discussion would be needed  
19 during the course of the next year?

20 Sky?

21 MR. STARKEY: I'm comfortable that I understand  
22 the issues. I'm comfortable that I understand what  
23 I need to work with. And I will definitely be  
24 encouraging AVCP and, as well as myself to be  
25 keeping the Native caucus apprised of all the

1 discussions and apprised and get there -- it's not  
2 just an AVCP issue, obviously.

3 So, you know, this will have to be something  
4 that we'll further discuss. I'm hopeful that what  
5 we'll maybe do is be able to put this on the work  
6 session agenda for December and then be able to talk  
7 about it, further flesh it out, see what other  
8 questions there are, and then have it ready and  
9 further refined for the April meeting.

10 MR. ALCORN: This is for the work session that  
11 we approved yesterday?

12 MR. STARKEY: No. As an agenda item for  
13 December, but not as a take-action item.

14 MR. ALCORN: Got it. Got it.

15 MS. TAHBONE: I would like some -- within the  
16 analysis provided to us, a percentage or level of,  
17 if there's a species of concern, what is an  
18 acceptable harvest level, what are current with the  
19 best harvest information that we have with those  
20 species that they're targeting or harvesting with  
21 the methods and means that they're proposing, if we  
22 have that information available to us so we can  
23 include that within our deliberations.

24 MR. ALCORN: I'm not sure if that exists. I can  
25 defer to Eric, Russ or Dan, see if that information

1 can be generated.

2 Russ, would you come to the table and identify  
3 yourself.

4 MR. OATES: Russ Oates, Fish & Wildlife Service.

5 I would just say that that is no small task I --  
6 I can't guarantee. It involves modeling. It  
7 involves using the best estimates that we have.  
8 We've just been through a similar process in working  
9 with Steller's Eider with regard to the situation  
10 for the hunt on the North Slope.

11 And it -- for the one species, it consumed tens,  
12 if not hundreds of staff hours to try to get this  
13 analysis going. And, you know, there's some -- all  
14 I'm saying is we'll do the best we can. There's  
15 probably some species that we can get better  
16 information than what we have now, but it's not a  
17 small task.

18 And, you know, I guess I'll have to ask my  
19 supervisor about what our highest priorities are at  
20 the time. We'll do what we can. I'm speaking for a  
21 fair number of people that have a lot on their plate  
22 already. So just be advised, it's not a small task.

23 MR. ALCORN: Thanks.

24 Bob?

25 MR. TROST: One quick caveat, too.

1 MR. ALCORN: Identify yourself.

2 MR. TROST: Bob Trost, Fish & Wildlife Service,  
3 Pacific Flyway representative.

4 Just a quick caveat, I think, to the question  
5 that Sandra asked to begin with. That is it would  
6 also be appropriate to define the scope of this,  
7 particularly if you get into impacts, whether this  
8 applies to a single region or if it would be  
9 statewide. Because in the course of this discussion  
10 I've heard a great many other regions say, well, we  
11 do something similar. So it's important for this  
12 group to decide what the geographic scope of this is  
13 going to be, in order to make those kind of  
14 assessments.

15 MR. ALCORN: I'm not quite sure, then, how we  
16 would respond to that suggestion. I think the  
17 question that Sandy is asking is, an analysis of  
18 potential impacts; isn't that right Sandy?

19 MS. TAHBONE: Yes.

20 MR. TROST: Yes, and you had to define the  
21 potential impact area.

22 MR. ALCORN: So do you want to define your -- do  
23 you want to refine your request?

24 MS. TAHBONE: Like, when we're going to  
25 deliberate on whether or not, and the two staff

1 analysts from both ADFG and Fish & Wildlife, they  
2 had concerns, but they weren't able to provide us,  
3 it was like "maybe's" or "could be's," so if we had  
4 some, you know, more. Like you're taking 10 percent  
5 now, and if it increases up by 15, 20 percent, you  
6 know, just so we can have some, like, just a level  
7 of --

8 MR. ALCORN: As much information as we can  
9 conceivably put together, given the tasks that Russ  
10 has identified. Whatever seems reasonable, we will  
11 try to provide.

12 MS. TAHBONE: We know that it's occurring. I  
13 mean, they're using these methods and means, and  
14 they're being cited for using these methods and  
15 means. So we know to some extent that it's  
16 occurring. But I'm not, you know, sure if it comes  
17 on line that it's going to require in-season  
18 management to -- or whatever -- however they're  
19 going to propose to monitor the harvest of this take  
20 or utilizing these methods and means. Because, you  
21 know, within other management tools that are used  
22 with other species, you know, not birds but other  
23 ones, they ask your types, you know. I mean, you  
24 know, if it's somewhere down the line, you know, if  
25 it's an issue, you know, if we're going to ask, was



1           this bird taken by this method, so if -- you know,  
2           so there's all kinds of different ways we can gather  
3           information. Anyways, I'm rambling.

4           MR. ALCORN: All right.

5           Eric, did I want to respond to that?

6           MR. TAYLOR: Eric Taylor, Fish & Wildlife  
7           Service, Migratory Bird Management.

8           I just want to follow up on comments from  
9           Sandra, Bob Trost and Russ Oates. If this proposal  
10          is going to go and consider other regions, it would  
11          be crucial to have a list of species that would be  
12          taken by this method. As Russ mentioned, he didn't  
13          mention my name specifically, but he looked at me,  
14          because I will be doing the work.

15          It's no small task to assess and provide the  
16          types of estimates that Sandra is requesting, which  
17          I think are reasonable, but that takes a significant  
18          amount of work in terms of looking at subsistence  
19          harvest, looking at fall harvest, looking at  
20          populations and looking at geographic-specific  
21          populations within specific geographic areas.

22          Another point I would like to make in terms of  
23          method, we've heard, what I've heard anyway is a  
24          wide range of methods of take where the person from  
25          the Interior, Mr. Mayo, said he approaches the flock

1 slowly. That, to me, is acceptable in the current  
2 regulations, as they are written now. Versus,  
3 another method may be out in the open ocean where  
4 birds are pursued, they land, they are pursued  
5 again. Or that example that Stan gave where a group  
6 of birds are on one side of the river where the deep  
7 channel is, the birds move over to the shallow  
8 channel and the person then turns their boat and  
9 follows after them.

10 So we would like an idea of the description of  
11 the methods, in terms of what it actually will be  
12 used, to help us assess what would be the essential  
13 take of that, using that sort of method.

14 MR. ALCORN: Thanks. I think I heard Sky say  
15 you're willing to work to provide some of that  
16 information?

17 MR. STARKEY: I think we have a couple of  
18 choices. I think we can either try to identify  
19 everything that needs to happen right here in this  
20 discussion or we can --

21 MR. ALCORN: We don't have to do that, Sky.

22 MR. STARKEY: To me it doesn't seem, aside from  
23 Sandra's suggestion, which I fully understand and  
24 support, that we get a better feel for the concerns  
25 that we seem to hear repeatedly in terms of what the

1 impact of any particular subsistence practice, is it  
2 going to be on migratory waterfowl. And now what  
3 really concerns me, frankly, about hearing the  
4 report is that we are all of a sudden being told  
5 about continent-wide conservation issues in a very  
6 broad sense without understanding anything in the  
7 report about what that has to do with our impact on  
8 any particular aspect of the continental-wide  
9 harvest goal.

10 So to me that's not -- it's not nearly enough  
11 information, if you're going to talk about  
12 continental-wide goals and, you know, we need to  
13 understand what -- our part. It's confusing to me  
14 to hear, you know, talk about a continent-wide goal  
15 and averaging versus an Alaska goal, Alaska  
16 averaging that's higher, and yet we're still having  
17 concerns. So I fully support what Sandra said, but  
18 I also believe that we can probably, you know,  
19 identify what we need to talk about and figure it  
20 out and do that.

21 MR. ALCORN: I agree. We don't need to resolve  
22 that here. But we do -- we do need to understand  
23 the question. And I think that we're getting a  
24 better feel for that and we would continue to do  
25 that after we've taken action on this.

1           MR. SQUARTSOFF: Mr. Chair, I'd like to call for  
2 a question on this point.

3           MR. ALCORN: All right. I had one hand raised  
4 before you made that suggestion.

5           Dale, you raised your hand and Joeneal. They've  
6 not had their discussion.

7           MR. RABE: Just briefly, my concern, I think,  
8 was targeted when Stan was up here, was that I'm  
9 having a difficult time interpreting what -- how the  
10 language relates to -- to implementation in the  
11 field in terms of changes and practices, whether  
12 we're talking about something substantially  
13 different than what is currently allowed or whether  
14 or not these are relatively minor changes. And it's  
15 a fine line between what's currently being enforced  
16 and some other traditional ways of doing it that may  
17 or may not have any significant impacts on harvest.

18           That, to me, is the first level of the  
19 clarification that's needed before I think staff  
20 could even do a reasonable assessment. And I would  
21 admit that any assessment is going to likely be very  
22 difficult to try and figure out the population  
23 effects. But there were a lot techniques discussed.  
24 And through all of that, it wasn't clear to me, and  
25 still is not clear, what the language is really

1           trying to do.

2           In some sense, it could be interpreted as  
3           basically just opening it up and say, in a very  
4           liberal sense, anything in a boat is fair now, you  
5           know, there are no issues of harassment or other  
6           things like that. And -- and I think those things  
7           need to be clarified in terms of what the proposer  
8           intended the modification to establish this change.

9           MR. ALCORN: Thank you.

10          Joeneal, you had your hand up.

11          MR. HICKS: Yes. I just wanted to say that,  
12          well, absent the originator of the proposal to  
13          specifically ask questions and stuff like that,  
14          there's still some remaining issues that I would  
15          like to question him about. It seems to me like,  
16          stuck between a rock and a hard place here as to  
17          making a good decision here. So in that regards,  
18          you know, I'm kind of reluctant to say yes and also  
19          say no. I mean --

20          MR. ALCORN: Well, we have -- the motion is to  
21          defer, which would maybe help resolve --

22          MR. HICKS: Yes. Okay. I'm getting to that.

23          MR. ALCORN: I'm sorry.

24          MR. HICKS: It's just that I just don't feel  
25          comfortable with the particular proposal at this

1 particular point.

2 In regards to, say, fair chase, if that's what  
3 we're talking about, I'm not also an advocate for  
4 that either. I don't necessarily see chasing ducks  
5 or herding ducks as, you know, in my opinion as  
6 something that is a way of subsistence activity.  
7 Although I do know that it occurs, but I'm not a  
8 hunter in the particular area where the area  
9 proposal is for, Prince William Sound. So I have no  
10 idea just how it is that they operate.

11 But I do know that it occurs up in the Delta  
12 area Wood-Tikchik Lake area. I do know that it  
13 happens up there. But, again, I'm not very familiar  
14 with that particular process, so I can't really  
15 speak to that effect.

16 Now, like I said, I don't live in the area, so  
17 again, I'm -- I'm just guessing, I guess, you could  
18 say at this point, whether I should say yes or no.

19 The other thing, too, if it were to go statewide  
20 or even be adopted, I mean, there hasn't even been  
21 any discussion as to -- well, let's say if it was  
22 adopted, I mean, it would grow bigger than it  
23 already is today. And there's no -- I haven't heard  
24 any discussion as to the dangers or the side effects  
25 to it. In other words, there's people running

1           around with shotguns and boat going 30 miles an  
2           hour, whatever, like that, if that's the case, I  
3           mean what about somebody shooting each other's head  
4           off? That could happen. I mean, you're chasing a  
5           duck and you're shooting like this, you could shoot  
6           the driver's head off with the shotgun without even  
7           realizing it. I mean, there's no discussion to that  
8           effect.

9           Like I said, I just don't feel comfortable with  
10          it. So that's my comment.

11          MR. ALCORN: All right. Thank you.

12          Are we ready for the question on the motion to  
13          defer action on this until the next regulatory  
14          cycle? If no one opposes, I'm going to call for the  
15          question.

16          I'm going to call for the question for the  
17          motion to defer. Does anyone oppose deferring this  
18          until the next regulatory cycle? I see no one  
19          opposing it, so we'll consider this deferred until  
20          the next regulatory cycle.

21          Before we recess for lunch, we do have an  
22          individual from Yakutat who has asked to address the  
23          board. He is here to speak about the proposal that  
24          we approved last year, that is -- we approved the  
25          year before that was put in practice last year, the

1           egging on the Aleutian and the Arctic Tern colony, I  
2           believe. Would you like to come to the table and  
3           identify yourself and introduce yourself.     MR.

4           ADAMS: All right. Thank you for taking the time.  
5           My name is Bert Adams, Junior. I'm the general  
6           manager of the Yakutat Tlingit Tribe. I've been  
7           with the tribe for 11 years, and 6 years as the  
8           general manager. I was born and raised in Yakutat  
9           and I'm a Luknaxadi from the Dry Bay area.

10           I was asked to come in and talk to you guys  
11           about last year's, I believe it was last year's  
12           proposal, which our wildlife biologist submitted for  
13           harvesting Aleutian Arctic Tern eggs. And the way I  
14           understand them, from reading the minutes, it's the  
15           black sands specifically, not outside of that. And  
16           if I'm wrong, hopefully someone here can clarify  
17           that.

18           But to make it short, the tribe doesn't have an  
19           interest in continuing this proposal. And reading  
20           the minutes, it was approved by this council for a  
21           year-to-year, and this year was supposed to relook  
22           at it. And, from what I understand, the harvest  
23           survey is not supposed to start until this spring.

24           The reason we don't want to continue it is our  
25           wildlife biologist who put in the proposal who was



1 going to do the harvest surveys resigned about two  
2 weeks after you guys met last year. And our -- the  
3 tribe's plan was she would be doing the survey, we  
4 would pay for the survey through our dollars and  
5 salaries that pay her. And since we no longer have  
6 a wildlife biologist on staff, we can't continue  
7 with our obligation or in the agreement to do the  
8 survey.

9 Before coming here, because I know very little  
10 about what it entails, I did talk to our elders.  
11 I've talked to commercial fisherman who fish around  
12 that area. And I've talked to the district ranger  
13 of the Forest Service, and they do population  
14 surveys for that area. I frankly don't think there  
15 is really much of a harvest or an interest of a  
16 harvest, in talking to our elders.

17 The biggest reason, from what I understand is --  
18 is they're -- a lot of elders who like to harvest  
19 the eggs have passed on. And we don't really have a  
20 lot of elders in our community in the first place.  
21 And the younger generation, they don't really have,  
22 I don't know, the liking for this.

23 If I am wrong, then I will hear about it from  
24 our community if they wanted this to continue. But  
25 really in talking to the Forest Service and the

1           elders, it doesn't sound like there is much of a  
2           harvest in the first place. And I think this was  
3           not legal until you guys passed it last year. Is  
4           that right?

5           MR. ALCORN: We passed it two years ago, if I  
6           recall, because last year I think the egging  
7           occurred, if I'm not mistaken.

8           MS. TAHBONE: No, it's this year.

9           MR. ALCORN: Oh, then you're right. I am off by  
10          a year.

11          MR. ADAMS: So this year, '09, this spring we  
12          would be, according to the agreement, we would be  
13          doing the harvest surveys and then reporting back to  
14          you guys.

15          MR. ALCORN: So you are not anticipating any  
16          egging activity, then?

17          MR. ADAMS: I'm not anticipating any at all. In  
18          fact, this was not legal up until you guys passed  
19          it. And our biologist resigned two weeks after you  
20          guys passed it. So even the word out to our  
21          community that this is even a legal activity, I  
22          don't even think that word even got out. If it  
23          would have got out, it would have come in our tribal  
24          newsletter. And I looked back, a year back to this  
25          date and we had no -- no information giving it out

1 to our tribal members.

2 MR. ALCORN: Okay.

3 At this point I think that we're going to --  
4 it's not on the agenda to take this action item up.  
5 It was not submitted as a proposal. I think we're  
6 going to have to suspend the ruling today to  
7 consider this. And I would need a motion in order  
8 to do that.

9 Okay. Fred has pointed out that it is in the  
10 consent, but there are other regulations that are  
11 covered in the consent agenda for Southeast and we  
12 don't have a Southeast tribal -- or Southeast  
13 regional representative here, that's the problem.

14 So I'm going to ask if anyone is willing to move  
15 that we suspend the rule today so we can just have a  
16 discussion.

17 MS. TAHBONE: So move.

18 MR. STARKEY: Second.

19 MR. ALCORN: Okay. We have a motion and a  
20 second to suspend the rule today.

21 Anyone want to speak to that motion? All right.  
22 Hearing none, I'm going to ask anyone oppose the  
23 motion? No opposition.

24 Let's engage in a discussion. And maybe, if you  
25 have questions -- I forgot your name, I'm sorry.

1 MR. ADAMS: Bert Adams.

2 MR. ALCORN: Okay. Bert, thank you.

3 Any questions of Bert on this particular  
4 proposal? Frankly, I'm going to admit that I'm not  
5 -- I'm a little stumped on how we might go about  
6 this procedurally.

7 MR. STARKEY: Move to amend the regulations to  
8 delete the regulations as requested by the original  
9 maker of the proposal.

10 MS. TAHBONE: Is that a motion? We're in a  
11 motion right now.

12 MR. STARKEY: The motion's been adopted.

13 MR. ALCORN: So now we have another motion.

14 MR. STARKEY: I just move -- I mean, to me it  
15 makes sense. I don't see why we can't to it.

16 MR. ALCORN: Do we have a second?

17 MR. STARKEY: I'm moving to pull it from the  
18 consent agenda -- first of all, I'll just move to  
19 pull it from the consent agenda for discussion.

20 MR. ALCORN: Okay. I think that's the  
21 appropriate way to go about that. I do see Donna  
22 raising her hand.

23 MS. DEWHURST: I guess, because I'm the one that  
24 writes the regulations, do you want to actually  
25 remove it from this year, so that it never starts in

1 the first place, or do you want it to happen this  
2 year and remove it from next year?

3 MR. ADAMS: We're -- I want it to be removed so  
4 it doesn't start. Because according to the  
5 agreement we are supposed -- there's supposed to be  
6 a harvest this spring and the tribe is suppose to  
7 survey the harvest with our staff. We don't have  
8 the staff to survey the harvest for this spring. So  
9 my suggestion is that it be removed, so we don't  
10 have it.

11 MS. DEWHURST: It can be done --

12 MR. ALCORN: Donna, can you state your name for  
13 her?

14 MS. DEWHURST: Donna Dewhurst, Fish & Wildlife  
15 Service, D-E-W-H-U-R-S-T.

16 It can be done. It would be a rush, but your  
17 timing is about as tight as -- you're getting it in  
18 right under the wire. We could change the final  
19 rule, because it hasn't gone very far. And we'll  
20 just say that the tribe requested pulling it.

21 MR. ALCORN: Let me make something clear. The  
22 final rule for the 2009 season is already in surname  
23 mode, we're not going to pull it back. So if you're  
24 telling us that your, harvesters are not going to  
25 harvest, then that's between you and your

1 harvesters. It's a legal egging opportunity.

2 There was a commitment from the tribe, I  
3 believe, to work with the Forest Service, possibly  
4 the U.S. Fish & Wildlife Service to do monitoring.  
5 And we understand that that's probably not now going  
6 to occur.

7 MR. ADAMS: You're talking about monitoring --

8 MR. ALCORN: Monitoring the harvest.

9 MR. ADAMS: Yeah.

10 MR. ALCORN: Or developing the methodology and  
11 then monitoring. But if there's no harvest, there's  
12 obviously no need to monitor.

13 What we're considering here today is, and your  
14 request is to pull the proposal for the 2010 season,  
15 because that's what we're taking action for to make  
16 a recommendation.

17 And we have a motion on the table, or on the  
18 floor for consideration to -- to retract or pull  
19 back --

20 MR. STARKEY: The motion's only to pull out of  
21 the consent agenda so we can discuss action.

22 MR. ALCORN: Pull it back. We'll take that up  
23 when we get to item 11(e) after lunch. That's the  
24 motion. And I guess I would ask if everybody's  
25 ready for the -- to call the question --

1 MS. BROWN-SCHWALENBERG: It hasn't been  
2 seconded.

3 MR. ALCORN: I thought we had a second. I'm  
4 sorry.

5 MR. DEVINE: I'll second.

6 MR. ALCORN: Okay. Now we have a second.

7 All right. Discussion. Sorry, you got me  
8 confused.

9 All right. Are we ready for the question to  
10 pull this when we get to 11(e)?

11 MR. DEVINE: I just have one question. Where  
12 did the original proposal come from, you know, for  
13 us to act on it? I mean, was this just something  
14 that we included ourself?

15 MS. BROWN-SCHWALENBERG: No, Fish & Wildlife.

16 MR. ALCORN: I think Bert probably can answer.

17 MR. ADAMS: I think, the way we understand it is  
18 our wildlife biologist submitted the proposal to do  
19 the harvest and that the tribe would monitor the  
20 harvest.

21 MR. HICKS: That was several years ago, wasn't  
22 it?

23 MS. TAHBONE: I think it was last spring.

24 MR. ALCORN: Do you have an answer to that  
25 question? Come to the table and identify yourself.

1 MR. OATES: Possibly. Is it an appropriate time  
2 for me to provide a comment?

3 MR. ALCORN: If you can address the specific  
4 question how the proposal came.

5 MR. OATES: The proposal was submitted by the  
6 wildlife biologist representing the tribe.

7 MR. ALCORN: Okay. So we have an answer to that  
8 question.

9 Remember we have a motion and second to pull  
10 this out of the consent agenda. Are we ready for  
11 that question? Hearing no opposition, then I'm  
12 going call the question, all in support -- or anyone  
13 opposed to deferring this or pulling this out of the  
14 consent agenda? I see no opposition. We'll take up  
15 that particular item as a specific discussion when  
16 we get to that point.

17 Anyone have anything else to say before we  
18 recess for lunch?

19 Sandy?

20 MS. TAHBONE: I'd like to see the Chairman and  
21 the Chairman of the SOP committee prior to departing  
22 for lunch.

23 MR. ALCORN: You're welcome to.

24 All right. Let's stand in recess until one  
25 o'clock this afternoon. Thank you.



1                   (Thereupon, a brief luncheon recess was  
2                   taken, after which the following proceedings  
3                   were had:)

4                   MR. ALCORN: I'd like to ask you all to take  
5                   your seats. I know that Molly and Herman are going  
6                   to be a little bit late coming back. I'd like to  
7                   pick up where we left off with the discussion. The  
8                   rule of day is still suspended because we were  
9                   talking about the proposal and the issue that Burt  
10                  brought to our attention about the Yakutat project.

11                  And it's my determination that it's too late to  
12                  retract it from this year's regulation because we're  
13                  already in surname of the final rule. Herman and I  
14                  talked and he felt very uncomfortable with the  
15                  council taking action without a Southeast  
16                  representative here at this meeting, which we don't  
17                  have. He was very concerned about that.

18                  So I did look at the minutes from the meeting  
19                  when we did approve this a year ago, Wenona helped  
20                  me, she has those on her computer. And she found  
21                  that, in fact, we had approved, and Herman made the  
22                  motion, we had approved the proposal, caveated that  
23                  it would return to the council for rediscussion or  
24                  reconsideration and discussion annually until we  
25                  felt more comfortable with what the level of harvest

1 would be.

2 So given that we don't have another proposal for  
3 this coming season, it sunsets. It was a one-year  
4 proposal. It's in this year's regulation. And so  
5 the issue is moot. We don't have to take action.  
6 If we take no action, it sunsets after this year.

7 So I'm suggesting that we just continue to move  
8 on, we don't even need to take action. So I would  
9 entertain a motion to unsuspend the rule of the day  
10 and go back to the agenda as we have approved it.

11 MR. HICKS: So move.

12 MR. ALCORN: Oh, I'm sorry. I forgot Russ. He  
13 came to me before. And since we are in suspended --  
14 we've suspended the rule, Russ has asked, he has a  
15 commitment with his daughter, a family commitment  
16 later on today. And we've gone later than he had  
17 originally planned. And he has asked that he give  
18 his presentation that he scheduled under other  
19 business, 12(a). He has asked if he -- if we would  
20 allow him to do that now before we take action on 11  
21 and proposal number 2, 11(a) -- 11(b) excuse me.

22 Is there any objection to allowing him to do  
23 that now that -- even though we have the rule  
24 suspended?

25 Okay. Let's let him do that. Go through that,

1 Russ. And then we will pick up our discussion from  
2 that point.

3 MR. OATES: It will take about two or three  
4 minutes here to get set up. But this -- I forgot  
5 exactly how it's described in the agenda there, I  
6 think it's issues, something like that. But the --  
7 those of you that have been in this group for more  
8 than a year are familiar with the status review that  
9 Tom Rothe and I do at -- have done over the years at  
10 all of these meetings that we lovingly refer to as  
11 the Tom and Russ show.

12 But as everybody knows, Tom is not here, nor  
13 will he be back at another one of these meetings in  
14 an official capacity, I don't think anyway. This  
15 is, in fact, probably the last one of these that I'm  
16 going to do as well. I'll probably be here in the  
17 future, but sitting off in a corner somewhere.

18 But at any rate, this is basically, we just like  
19 to try to provide an overview of the status and some  
20 of the species that we've had a lot of management  
21 action on and some of the species that we have some  
22 concerns about. And so I just want to provide that.  
23 And I think you'll see Eric doing this presentation  
24 next time.

25 As a matter of fact, this is a modified, a

1 partially modified version of a presentation that  
2 was provided to the Kawerak Region just a couple of  
3 weeks ago. So, Sandy, I won't be offended if you  
4 take a nap while I do this.

5 MS. TAHBONE: In fact, I was going to go make  
6 some phone calls.

7 MR. OATES: That's fine. I've shortened parts  
8 of it. Expanded other parts of it to make it  
9 applicable to other regions. But it was all  
10 11th-hour kind of stuff, because Eric and I both  
11 have spent a lot of our office time lately working  
12 on the eider issue. And I just kind of pieced this  
13 together in odd moments. So it does not represent  
14 perfection, but Eric has begun revising the whole  
15 presentation. And there's some significant  
16 improvements that he has made that we're going to --  
17 you're going to see a little bit of evidence of, I  
18 hope. And then there's some of the old slides that  
19 Tom and I have shown before.

20 But at any rate, now that I've mumbled along,  
21 I'll go ahead and fire this thing up and get  
22 started. And I didn't even get all of my tables  
23 inserted in the presentation, so I've got a handout  
24 here for one of them, because I don't -- I couldn't  
25 get it, first of all electronically and then, second

1 of all, in the presentation.

2           Anyway having mumbled along, this is our usual  
3 status of geese, sea ducks and loons that we  
4 provide. One of the new wrinkles is we've explained  
5 to you all that we get most of our data from aerial  
6 surveys. And so in an effort to help you recognize  
7 us when we're out there flying around, these are the  
8 four U.S. Fish & Wildlife Service Migratory Bird  
9 Management survey aircraft that you may see while  
10 you're out in spring, summer, fall or winter, these  
11 four aircraft, and that we use to collect much of  
12 the data that you will see represented in the  
13 various charts and graphs that you're going to see  
14 here in this presentation. So anyway, those are the  
15 aircraft.

16           I'm just going to dive right in and start out  
17 talking about the species a little bit. Everyone is  
18 familiar with Emperor Geese and colors aren't  
19 showing real well here. But the wintering areas are  
20 in orange along the Alaska Peninsula, the Aleutian  
21 Islands, some around Kodiak.

22           The principal breeding area is the  
23 Yukon-Kuskokwim Delta, indicated by the star.  
24 Historically they bred on St. Lawrence Island and on  
25 the Seward Peninsula. We think maybe a small number

1 still breed there, but relatively insignificant.  
2 And there are small pockets of them that breed on  
3 the Chukotka Peninsula of Russia there.

4 The molting areas are principally -- well, the  
5 successful breeders and some of the unsuccessful  
6 breeders molt on the Yukon-Kuskokwim Delta.  
7 Unsuccessful breeders and sub-adult, some of them  
8 molt on St. Lawrence Island and the rest over in  
9 Russia. And the staging areas are the light gray  
10 that you can barely see along the north side of the  
11 Alaska Peninsula, which is where we do the principal  
12 spring survey as they gather up and migrate toward  
13 the breeding areas in the spring.

14 The population status, yellow line, yellow line,  
15 yellow bar with the black arrow pointing to is  
16 population objective. Based on -- and we use the  
17 spring survey that we do every year. And it's kind  
18 of been bouncing around, but relatively stable and  
19 level. We'd like to see the population increase and  
20 we've done a lot of studies on the species,  
21 primarily USGS, and they published some papers,  
22 they've done some population modeling that we refer  
23 to.

24 When Sandy Tahbone was asking us, well, what  
25 kind of harvest levels can a population sustain?

1           And we've had some modeling done on that. And  
2           they've looked at survival, monthly survival all  
3           across the year. And they found that two of the  
4           high months of mortality for these birds are in  
5           August and May, spring and fall.

6                     And so one of the things that they did was they  
7           looked at mortality of birds during that time  
8           period. And they did some modeling based on the  
9           reported subsistence harvest. And we know there's  
10          properly several thousand, despite the closed  
11          season, there's properly several thousand Emperors  
12          harvested every year. We have the data from the  
13          harvest survey.

14                    And we did some modeling and one of the things  
15          it showed was of the several thousand harvested.  
16          One of the models showed that 700 fewer were  
17          harvested, that the actual -- the population could  
18          actually begin to grow again. And, if I remember  
19          the number correctly, if -- over a ten-year period  
20          the population projection would be a 14 percent  
21          increase. So if we could get better compliance with  
22          the closed season on Emperor Geese we believe we  
23          could begin to recover the population.

24                    And our objective here in saying this is to have  
25          enough Emperor Geese so that we could actually open

1 the season again and it wouldn't have to be closed  
2 anymore. That's our goal here. It's not to just  
3 keep the season closed forever. We want to have  
4 this population restored to historical levels and so  
5 we can open the season and people can hunt them  
6 without fear of being in violation.

7 So we're going to be trying to improve our  
8 outreach program on this and increase outreach in  
9 the areas where we haven't done as much in the past  
10 and help people understand what we're trying to  
11 accomplish.

12 The study that I described that showed this  
13 mortality has been published in a peer review  
14 journal. I've actually got about 7 or 8 copies  
15 here, if folks would like to see the study and read  
16 the science associated with -- with the results.  
17 And I've got about 8 copies here, and I would say,  
18 feel free to -- council members, feel free to take a  
19 copy.

20 I'm going to switch to Black and Western High  
21 Arctic Brant now. Conversation I had with Sandy a  
22 week or so ago, she told me that, what we call  
23 Western High Arctic Brant or Gray-belly Brant, folks  
24 in the Kawerak area call them Brown Brant. So I was  
25 very pleased to learn something new there the other



1 day.

2 And I was, I think it's interesting to note that  
3 the local folks there were noticing the difference  
4 between the two brants and recently the Pacific  
5 Flyway has recognized the Brown Brant as a separate  
6 population. And -- let me see -- yeah, I can do  
7 this. The Brown Brant or Gray-belly or Western High  
8 Arctic nest principally on Melville and Prince  
9 Patrick Islands. And they nest in a separate area  
10 from the Black Brant, which nest all across on these  
11 islands here, the Canadian high arctic islands in  
12 the Northwest territories, the North Slope. And the  
13 principal breeding ground is on the Yukon-Kuskokwim  
14 Delta. A few birds also nest on Wrangell Island and  
15 the Russia mainland.

16 But these birds -- and maybe Sandy can tell me,  
17 because I don't know, do they migrate at a different  
18 time than the Black Brant or do they intermingle?

19 MS. TAHBONE: I don't know that.

20 MR. OATES: Okay. I'll bet somebody does back  
21 home.

22 MS. TAHBONE: Yep.

23 MR. OATES: Anyway, all the birds stage up in  
24 the Izembek Lagoon, which is a critically important  
25 area for these birds to feed and fatten up in

1 preparation for their migration flight. Most of the  
2 birds, the Black Brant spend the winter in the  
3 lagoons and bays on the Baja Peninsula and the  
4 Mexican mainland. And some of our people are lucky  
5 enough to actually get to go down there and fly the  
6 survey and count them in wintertime in January. I  
7 have to sit in my office in Anchorage during that  
8 time. But the Brown Brant principally spend the  
9 winter in Puget Sound.

10 Some of the other black spend the winter in  
11 Humboldt Bay and Morro Bay and other bays, like  
12 Yaquina Bay in Oregon and also in San Juan -- what  
13 do you call that? San Juan Island area up here.  
14 But most of them, the Black Brant are down here and  
15 most of the gray bellies are there.

16 And population status, I think that's the next  
17 slide -- oh, yeah. Another thing that we do, and  
18 it's really important, is to count the number of  
19 nests in the primary nesting colonies, five primary  
20 nesting colonies on the Youkon-Kuskokwim Delta. And  
21 over time those colonies have been declining, which  
22 is a cause for concern.

23 And we've been, there's a couple of issues here.  
24 One of them is the predators that, foxes and gulls  
25 and such, that feed on the eggs in the colonies.

1           And the other is human take of eggs, adults and  
2           disturbance in the colonies.

3                   And we've worked closely with the AVCP region  
4           and they have been actively involved in managing and  
5           reducing the human disturbance, particularly in the  
6           Kokechik Bay colony. And so there have been some  
7           successes there. But we're not totally there yet,  
8           but we've made progress.

9                   And we have been involved to some extent, too,  
10          with our cooperators with University of Nevada Reno,  
11          the Yukon-Kuskokwim Delta and USGS in doing some fox  
12          control in the colonies during the breeding season,  
13          which has been shown to be very beneficial to hatch  
14          success.

15                  And I think, for purposes of clarity, I'm just  
16          going to go to the next slide here, which is the  
17          result of the January winter survey. When the birds  
18          are congregated in their winter flocks in their  
19          wintering areas, they are much easier to get a  
20          winter count on. So we do aerial surveys in Alaska  
21          at Izembek Refuge where some over-winter, and in  
22          Mexico and the states of California, Washington and  
23          Oregon, in cooperation with the Fish & Wildlife  
24          Service do counts in the winter areas on the  
25          California, Washington and Oregon coast.

1           But this winter survey we have a population  
2 objective of 150,000 Black Brant, based on a running  
3 three-year average of a winter survey. And an  
4 interesting thing is the last several years the  
5 count has gone up and actually is approaching the  
6 objective. It's still -- the three-year average is  
7 still 15,000 or so below the objective.

8           And this is really unusual given the status of  
9 the colonies, which Dr. Jim Sedinger, who has worked  
10 on the black Brant on the Yukon Delta for over 30  
11 years has basically determined that the population  
12 is getting older and older and older. And as their  
13 young are -- as their nests fail at a high rate,  
14 basically you get an older and older age structure.

15           And he believes that if we don't increase the  
16 nesting success on the Yukon Delta colonies that  
17 ultimately that -- that population is going to start  
18 going down again. And the colonies are actually  
19 going to maybe dissolve in a sense that the birds  
20 will scatter and nest all across the tundra, where  
21 nest success is lower.

22           So we are kind of concerned about the Black  
23 Brant from that perspective, but we continue to work  
24 with our partners to try to manage the colonies and  
25 the predation.

1           The other -- Sandy was very interested in Brown  
2           Brant, which we didn't have this slide showing the  
3           population in the presentation we gave for Kawerak,  
4           so we wanted to put it in there today so we could  
5           show her that we did, indeed, have some information.  
6           It's a much smaller population. You're looking at  
7           maybe 12,000 birds or so, 10,000, 12,000 birds. And  
8           we count them principally in Washington where they  
9           spend the winter.

10           And normally there would be a lot of nervousness  
11           on the part of an agency with regard to having a  
12           harvest on these, but we keep a really close watch  
13           on that harvest in the state of Washington where all  
14           of them spend the winter. So Washington has been  
15           very good about minimizing the harvest and closing  
16           the season when necessary to protect those birds and  
17           ensure that they maintain a viable population.

18           So just to review quickly the issues, current  
19           population on the three-year average is about a  
20           138,000. This is Black Brant again. The objective  
21           is a 150,000. We're working with partners to try to  
22           address the decline in the Yukon Delta nesting  
23           colonies. There is continuing concern about  
24           degradation, loss of wintering and migration habitat  
25           along the Pacific Coast.

1           And one of the things that's happened now is  
2           it's now up to 40,000 birds in some years spend the  
3           winter at Izembek Lagoon. If you go back about 20  
4           years, there were zero or a few hundred birds  
5           spending the winter there. There's a couple of  
6           theories as to what's going on. One of them is that  
7           this could be a result of climate change and the  
8           warmer winters are not causing the birds to migrate.  
9           And the other theory is another, it could be climate  
10          change related, that the birds are not able to get  
11          themselves in the fat enough condition that they can  
12          actually make the migration.

13                 So we don't know which of those hypotheses or  
14                 what other hypotheses might be relevant to this  
15                 question. But the continuing increase in number of  
16                 birds that don't migrate and over-winter at Izembek  
17                 has definitely got us scratching our heads.

18                 Next species I want to talk about is Cackling  
19                 Geese.

20                 MR. BACON: Russ, can I ask a question?

21                 MR. OATES: Yes.

22                 MR. BACON: Joshua Bacon, North Slope Borough.

23                 It looks like you said a couple of times that  
24                 the colonies on the Y-K Delta are declining.

25                 MR. OATES: Yes.

1 MR. BACON: But the population is going up.

2 MR. OATES: At this point, that's correct.

3 MR. BACON: Was there any guesses as to why that  
4 is?

5 MR. OATES: Well, there have been some guesses.  
6 Let me see if I can remember the popular theories.  
7 One of the theories is that possibly the winter  
8 distribution has changed somewhat and there may have  
9 been some birds wintering somewhere that were not  
10 being counted. That's a possibility.

11 But as I was saying, the -- well, actually I  
12 didn't say, but one of the other factors is that  
13 given there's still some low level of recruitment,  
14 the fact that the harvest has been minimal in the  
15 wintering areas -- well, everywhere, the high  
16 survival rate is that -- well, the banding results  
17 show that these brant have among the highest  
18 survival rates ever recorded for geese. So they  
19 have a real high survival rate, and basically if the  
20 colonies continue to be nonproductive, we're going  
21 find out basically how old a brant can be and still  
22 reproduce, I mean, as the age structure gets elder  
23 and older.

24 So -- but. I'll ask, any other -- does the  
25 Flyway have anything to contribute to the --

1           MR. TROST: No, those are the most popular  
2 explanations.

3           MR. OATES: I agree, that is an interesting  
4 phenomenon. So, yeah, we don't, for sure have the  
5 answer at this point.

6           Cackling Geese, principally breed on the  
7 Yukon-Kuskokwim delta. Prior to the mid-'80s almost  
8 all of them wintered in the Central Valley of  
9 California. After the population decline through  
10 the '70s and early '80s, as the population began to  
11 recover, the birds shifted their wintering  
12 distribution and now they principally spend the  
13 winter in Willamette Valley of Oregon and Southwest  
14 Washington agricultural areas.

15           And this graph reflects how the population has  
16 changed over time, going back to the '60s when there  
17 was somewhere in the vicinity of 400,000 birds.  
18 And, frankly, throughout the Flyway, we had an  
19 over-harvest situation occurring and before the  
20 agencies and the subsistence hunters in the north  
21 got together and decided to fix this thing, the  
22 population got down in the 20,000 range, 20 to  
23 30,000 range.

24           This is the point that the Goose Management Plan  
25 was signed, Hooper Bay agreement came into effect,



1 the Goose Management Plan was signed, restricted  
2 harvest all up and down the Flyway. And the  
3 population began increasing again. Only this time  
4 they spent the winter in Oregon instead of  
5 California.

6 Right in here is when they began to liberalize  
7 the harvest in the south, principally to help deal  
8 with the resultant agricultural depredation  
9 problems. The farmers were complaining, because all  
10 these geese now are spending the winter there and  
11 they didn't have to deal with them before. The  
12 population kind of leveled off, going down again.  
13 And we again put restrictions on the harvest in the  
14 south. And maybe coincidentally, but we think our  
15 harvest restrictions had some effect on the  
16 populations now beginning to increase again as we  
17 head towards the population objective of 250,000.

18 I might add that down in the flyway there was an  
19 interest in reducing the population objective well  
20 below this number in order to cut down on the  
21 agricultural depredation problems. And it was the  
22 efforts of our subsistence partners in the north,  
23 principally on the Yukon-Kuskokwim Delta that enable  
24 to us hold the ground and keep the population  
25 objective at the 250,000-bird level in order to

1 ensure that there would be enough birds to maintain  
2 a subsistence harvest, because the Cackler at one  
3 time was the preferred subsistence harvest species  
4 on the Yukon Delta.

5 Just to give you a feel for where this  
6 depredation problem is going in Western Oregon, just  
7 March 31st, the state of Oregon, the Oregon state  
8 legislature passed a bill basically relating to  
9 geese and declaring an emergency. "There is created  
10 the task force on geese control. The state Fish &  
11 Wildlife director shall appoint nine members of task  
12 force to represent the interests of this state and  
13 federal aviation, agriculture conservation and  
14 academic interests. The purpose of the task force  
15 is to study issues raised by the increasing numbers  
16 of various species of geese in Oregon and to make  
17 recommendations regarding opportunities to control  
18 the geese population and its impacts pursuant to  
19 applicable state and federal laws."

20 So this issue is -- remains a burning issue.  
21 And it's one that we're going to be faced with  
22 dealing with and work with our partners down there  
23 in Western Oregon and Southwest Washington. So  
24 expect that we're going to be challenged as to why  
25 there should be 250,000 Cackling Geese.

1           I've provided copies of this document for the  
2           council and other interested folks. And I'll pass  
3           that around. So just to give you fair warning that  
4           this is -- this is an issue we're going to be  
5           dealing with.

6           I think I've pretty well covered the issues.  
7           And I probably don't need to read through this  
8           again. We are concerned about the availability of  
9           quality wintering habitat for Cackling Geese in the  
10          long term. We've had a terrible time trying to  
11          provide managed winter grazing for these birds  
12          that's so critical to them in Western Oregon and  
13          Southwest Washington, there's only 7,000 acres total  
14          of agency-managed winter range for geese in this  
15          area. And there's six other populations of geese  
16          that spend the winter down there, plus swans and a  
17          whole host of ducks. So we're concerned about the  
18          long-term wintering habitat as Willamette Valley and  
19          Southwest Washington lose habitat to development.

20          The next species I want to talk about, Pacific  
21          Greater White-fronted Geese. I've got two separate  
22          populations of White-fronts here, the ones I'm  
23          talking now are the ones that nest on the  
24          Yukon-Kuskokwim Delta and the Bristol Bay lowlands.  
25          This is the red arrow, they migrate down and spend

1 the winter principally in California. Some of the  
2 birds pass on down to Mexico.

3 And this is one of our success stories coming  
4 out of the Goose Management Plan. Another  
5 population that was over-harvested well into the  
6 '80s. Here you can see the decline from historical  
7 levels of half a million. We restricted the harvest  
8 here in the north and down south. And the  
9 population responded by expanding the yellow bar.  
10 Here is the population objective. And we blew the  
11 lid off of it and we're still going like crazy.

12 We are a victim of our own success because we  
13 have agricultural depredation problems in Oregon and  
14 beginning to happen in California as well. Current  
15 population, three-year average is 580,000. The  
16 objective is 300,000. We have the crop depredation.  
17 And the current harvest strategy is too  
18 conservative, we're not harvesting enough birds and  
19 they're continuing to increase and increase.

20 You may be aware that in the Eastern Arctic we  
21 had a population of Snow Geese that sort of got away  
22 from us, got away from our management. And some of  
23 the colonies are now are exceeding a million birds  
24 and they're destroying their own colonies where they  
25 nest, by overfeeding. So we don't want this to

1           happen.

2                   And I think we're asking the cooperation of our  
3 partners to the north here as we try to revise the  
4 harvest strategy for this population of birds so we  
5 can reduce the number and to a level that's  
6 acceptable and sustainable. One of the problems we  
7 have with managing harvest in California is that the  
8 Pacific White-fronts mix with the Tule White-front,  
9 there's only about 12 or 15,000 of those in the  
10 world. They look very, very much like the Pacific  
11 White-fronts. And about the only way you can tell  
12 them apart is to shoot them and measure them. And  
13 that's not a good way to manage these birds. So we  
14 have to have area closures down there to protect, in  
15 California to protect the Tules.

16                   The next population is a mid-continent  
17 population of white fronts. And these birds nest  
18 all across North America through the Central Arctic.  
19 The ones in Alaska here nest on the North Slope and  
20 in the Interior south of the Brooks Range. And  
21 these birds migrate all the way down to Texas,  
22 Louisiana and Mexico.

23                   And there was a period in time when we were kind  
24 of concerned about the population in Alaska. And we  
25 asked the folks down here, the hunters down here, to

1 restrict their harvest, and they did. And the birds  
2 seem to be relatively stable in Alaska.

3 Now, this is the continental population right  
4 here. And they are counted as they pass through the  
5 South Saskatchewan River here. And there's about  
6 800,000 of those birds at this point. So that  
7 population overall is quite healthy.

8 We're going to switch to ducks now. Actually, I  
9 think I might sit down. The Steller's Eider is the  
10 first -- Pacific population is the one I want to  
11 talk about. I think everybody's probably maybe  
12 heard more about Steller's than they ever want to  
13 hear, particularly the folks from the North Slope,  
14 but I apologize for that.

15 But at this point the species is closed to all  
16 hunting, both summer and fall, spring, summer and  
17 fall. And the population that's of concern is the  
18 breeding population on the North Slope, the red on  
19 the North Slope there. And these birds in the fall,  
20 they migrate down through the Bering Straits where  
21 they intermingle with the birds that nest in Russia,  
22 which is the red over to the left side, and spend  
23 the winter down on the Alaska Peninsula/Kodiak area  
24 and the Aleutians.

25 And while the breeding population in Alaska is

1 estimated only at 575 birds or so, the total  
2 population that winters, its Pacific population that  
3 winters along the Alaska Peninsula here, we count  
4 them in the spring with aerial surveys as they group  
5 up in the bays and lagoons, all the way from the  
6 Yukon Delta down to the Izembek area. That  
7 population is somewhere in the neighborhood of  
8 80,000 birds.

9 We believe that the wintering population has  
10 declined somewhat since the early '90s. But it  
11 seems to be, at this point, relatively stable,  
12 somewhere in the vicinity of 80,000 birds. But that  
13 represents birds that ultimately will breed  
14 principally in Russia and a small number of them on  
15 the North Slope.

16 Next species is a Spectacled Eider, which was  
17 listed as threatened in 1993. It breeds principally  
18 in Russia with smaller populations on the North  
19 Slope and Yukon-Kuskokwim Delta. Our historical  
20 data from the '70s to the early '90s indicates a 96  
21 percent decline on the Yukon Delta. And the  
22 total -- with a total Alaska breeding population in  
23 the tens of thousands, low tens of thousands. All  
24 of these birds migrate through the Bering Strait --  
25 oh, I overheated the projector.

1           Okay. But these birds spend the winter  
2 primarily in leads and cracks in the ice south of  
3 St. Lawrence Island.

4           MR. ALCORN: Can we take the binder out? Maybe  
5 that's stopping the fan.

6           How much more do you have?

7           MR. OATES: Well, I had another slide on  
8 Spectacled Eiders, I had some King Eider data,  
9 common identifier data. I can just talk about it  
10 without the visuals, if you want, and a little bit  
11 on scoters.

12          Okay. What I'll do then is I'll turn so I face  
13 you. And maybe I'll get Eric to come up and do air  
14 pictures for me. Just kidding.

15          But at this point in time we survey the  
16 Spectacled Eiders primarily on the breeding areas of  
17 the North Slope and the Yukon-Kuskokwim Delta. And  
18 our current opinion is the populations in both of  
19 those places are roughly -- are pretty much stable  
20 with the -- in the low tens of thousands, combined  
21 probably.

22          We also have, this winter we're able to get back  
23 out to the area south of St. Lawrence Island, do a  
24 winter count like we did about 8 or 10 years ago,  
25 maybe 10 years ago now. So we're hoping to get some



1 results to that. Numbers approaching the 350,000  
2 range, including all the Alaska breeding birds and  
3 all the Russian breeding birds, about 10 years ago  
4 when we last did this. But we were able to piece  
5 together the funding and get it done this year. So  
6 we're going to be very intrigued to compare the  
7 total number of Spectacled Eiders that were out  
8 there this winter with the data from some years ago,  
9 possibly get some trend information on winter  
10 populations.

11 The King Eiders nest all across Arctic Canada  
12 with a few of them nesting on the North Slope of  
13 Alaska. And when we do our spring surveys of  
14 Spectacled Eiders, the King Eiders are also breeding  
15 at that same time. So we're able to get a pretty  
16 good count on them as well. And we've been counting  
17 them with a fair degree of confidence since about  
18 1993. The first survey was in '92, it was flown too  
19 late.

20 But from '93 to 2007, I don't have the '8 data  
21 here, but it looks like the population, the small  
22 numbers in the vicinity of 15,000 or so birds,  
23 breeding birds. Looks like it's stable and slightly  
24 increasing on the North Slope. Again, that's a very  
25 small percentage of the total North American

1 population in King Eiders.

2 Common Eiders, we have, again, a small  
3 proportion of the total Pacific Common Eider  
4 population. The majority of them nest in the high  
5 arctic of Canada. And we've been doing a survey of  
6 breeding birds on the barrier islands of the North  
7 Slope since 1999. And we've been counting them on  
8 the Youkon-Kuskokwim Delta since 1986.

9 We're working on developing an eider survey, a  
10 Common Eider survey in the Kawerak region. I don't  
11 have any results from that yet. We probably have  
12 somewhere in the vicinity of two to 3,000 total  
13 birds, Common Eiders that spend summer on the  
14 Barrier Islands of the North Slope and somewhere in  
15 the vicinity of 2,000 on Yukon-Kuskokwim Delta.

16 We believe that historically the numbers on the  
17 Yukon-Kuskokwim Delta were considerably higher. We  
18 don't know if the declines were as great as what we  
19 perceive occurred on the Yukon Delta for Spectacled  
20 Eider, but we were pretty confident that they  
21 declined on the Yukon Delta as well.

22 I just want to talk a minute about Black  
23 Scoters. I think Eric described to some extent our  
24 interest in Black Scoters. And I was going to say  
25 I'm sorry I don't have a slide, but I guess that's

1           pretty irrelevant at this point, of the continental  
2           information. But I did, at the 11th hour, copy --  
3           make a photocopy of the data. And the column on the  
4           far right about -- it gives our best estimate of all  
5           scoter species combined, continental, what the  
6           population has done since 1955. And I'll provide  
7           that information just so you folks can see what --  
8           why we have some concern about scoters  
9           continentally.

10           But the principal areas that Black Scoters nest  
11           in Alaska, they nest all across Alaska, but the real  
12           concentration areas are Bristol Bay, Yukon-Kuskokwim  
13           Delta and smaller concentrations on the Seward  
14           Peninsula wetlands and the Kotzebue Sound wetlands  
15           in the vicinity of Selawik National Wildlife Refuge.

16           Because of the concerns that we have had  
17           continentally about scoters, we designed a specific  
18           Black Scoter survey, because it was one of those  
19           things that, whereas your distribution of  
20           White-winged and Surf Scoters is much broader at  
21           lower incidents, we actually have concentration  
22           areas of Black Scoters where we would guess probably  
23           90 percent of the Pacific population nests; that is  
24           we could actually feasibly develop and conduct a  
25           survey. And we've been doing that for some years.

1           And we haven't got enough years in. We've only  
2 got three or four, five years in at this point. Is  
3 it three, Eric? Four years?

4           Anyway, the Black Scoter survey, it's not enough  
5 time to really get any trends indicated. That takes  
6 a number of years of consistent effort to do that.  
7 But overall, the Alaska population, I think Eric  
8 mentioned, if you just look at the tundra areas  
9 that -- where all the scoters there -- well, most of  
10 the scoters nesting on the tundra areas are Black  
11 Scoters. It appears to be stable to slightly  
12 declining over 50 years. Again, that's  
13 Alaska-specific. Continentally we think scoters, in  
14 general, have experienced very significant declines  
15 over that same time period.

16           I think most folks were here when Karen Laing  
17 gave her presentation about Yellow-billed Loons. I  
18 was just going to say that we are involved in the  
19 Yellow-billed Loon survey work as well. We plan to  
20 continue to be. I was going to show you the data,  
21 but I don't think that's going to be possible.

22           But we do have some concerns about the  
23 continental population. Alaska is a smaller portion  
24 of the continental population, but -- but we do have  
25 some concerns. And we're going to continue to

1 monitor the population, try to get a better  
2 understanding of reported subsistence take of  
3 Yellow-billed Loons and work with local people that  
4 live in the areas that Yellow-billed Loons exist.

5 So not having the ability to show you any  
6 pictures or graphs, I think I'll probably stop at  
7 that. And if there are any questions, I'll do what  
8 I can with no graph to refer to.

9 MR. ALCORN: Thanks, Russ.

10 Any questions of Russ on the presentation?  
11 Okay.

12 Thanks. Appreciate that.

13 MR. OATES: Sorry about the technical failure.

14 MR. BACON: Actually, Russ, I have one question.

15 Josh Bacon. Is there any preliminary stuff on  
16 the Spectacled Eider survey? Has that been  
17 conducted yet, the winter?

18 MR. OATES: I think they're done. But as of a  
19 week ago, I'd heard that they were having some  
20 success. Eric, can you elaborate on that?

21 MR. TAYLOR: No. They just got done. They're  
22 in the process of writing the report now.

23 MR. BACON: But there was no surprises, it  
24 sounds like; there's a lot of birds there?

25 MR. TAYLOR: I can't tell you.

1 MR. OATES: I haven't heard anything.

2 They came back, right?

3 MR. TAYLOR: Yeah, they're back.

4 MR. OATES: Okay. I know that now for the first  
5 time.

6 Anyway, thank you for your attention. And we  
7 look forward to continuing to work with you folks to  
8 try to make sure that migratory birds remain for  
9 future generations.

10 MR. ALCORN: Thank you, Russ.

11 If you will all take your seat again. We have a  
12 motion and second on the floor to suspend the rule  
13 of the day or put it back on schedule. I don't --

14 MS. TAHBONE: Mr. Chair, just a quick question.  
15 Did we need to do anything regarding Southeast with  
16 their obligation to provide us with the report on  
17 their -- did we obligate them for providing their  
18 report, since they don't have the staff to -- or are  
19 we --

20 MR. ALCORN: Bert and Herman spoke about that  
21 right before they left for lunch. And Bert said  
22 he's going to attempt to do that. So they are going  
23 to try to get that -- so we have a motion and  
24 second. Anyone -- anyone oppose the motion to  
25 unsuspend the rule of the day?

1           Hearing none, seeing none, it will go back on  
2 the agenda as approved.

3           And we are now still on new business 11, item  
4 11(b), proposal number 2, the duck stamp exemption  
5 for subsistence hunters. And we will go back to our  
6 six-step process.

7           And I'll turn the floor over to Sky.

8           MR. STARKEY: Anybody want to move it?

9           MR. HICKS: I so move.

10          MR. PEDERSON: Second.

11          MR. STARKEY: I'm going to request that the  
12 proposal, the proposals be withdrawn, to be  
13 resubmitted by AVCP sometime, probably for the next  
14 April meeting. Rationale being that the -- probably  
15 nothing has really changed since the last time we  
16 described it, except that we may be getting some  
17 support for amending the federal Duck Stamp Act.  
18 And we just need to work through the -- we need to  
19 work through options for state licensing and state  
20 duck stamp issues before they're really going to be  
21 productive to be discussed. So that's the rationale  
22 for withdrawing at this point.

23          MR. ALCORN: Is that a -- form of the motion?

24          MR. STARKEY: I would like to move that.

25          MR. ALCORN: We've got a motion to -- TO retract

1           that.

2           MR. HICKS:    Second.

3           MR. ALCORN:    Proposal number 2 under 11 (B).

4           Do we have a second?

5           MR. HICKS:    Second.

6           MR. ALCORN:    We have a motion and second.

7           Any discussion?

8           Mike?

9           MR. PEDERSON:  Sky, I'd like to -- I know you  
10          kept us informed of what's going on relating to the  
11          issue, and since it's a concern in our region, I'd  
12          just like to be kept updated on your guys' progress.

13          MR. STARKEY:  Absolutely.

14          MR. ALCORN:  Any other discussion?

15          I will say that my regional director has  
16          expressed support for an exemption, if an exemption  
17          were to go before the Congress, if there were a bill  
18          introduced.  My regional director has stated that he  
19          would support that.  But I would note that I am not  
20          sure that if he has counseled with the director or  
21          not.  I just know that that is his personal  
22          decision.

23          Hearing no more comments, do we want to call the  
24          question?

25          No opposition to the question, then I will call



1 the question.

2 Does anyone oppose the motion to retract or  
3 withdraw the proposal 11(b)?

4 Hearing no opposition, the motion carries. It's  
5 withdrawn.

6 That concludes item 11 under new business, 11  
7 (a), (b), (c) and (d).

8 We are down to 11(e), the consent agenda items.  
9 And the consent agenda items are the suite of  
10 regulations that are currently in place in the  
11 regions. So by consent, if we were to pass this  
12 full suite of regional proposals or regional  
13 regulations (a) through (l), it would retain the  
14 regulations as -- as written into the 2009 final  
15 rule, with the exception of - and we talked about  
16 this just as we were breaking for lunch - the  
17 Yakutat proposal was not resubmitted, so it would  
18 not be grandfathered in, it would not roll over,  
19 would be the one exception to that. So that the  
20 other rule provisions would remain, plus those that  
21 we have passed this -- at this meeting.

22 So I would entertain a motion, or do we want  
23 to -- okay. I'll entertain a motion. Rather  
24 than entertain a motion, does anyone want to pull  
25 any of these items, (a) through (l) from the consent

1 agenda items?

2 Mike?

3 MR. PEDERSON: For the record, North Slope  
4 Borough would like to pull the 2009 regs because  
5 they are not approved yet by your higher-ups and  
6 we'd like to revert back to the 2008 regs.

7 MR. ALCORN: Okay. So by pulling them, we would  
8 have to take them up as a separate item, we'd have  
9 to do that immediately following approval of those  
10 that are in the consent. So Mike has asked to  
11 withdraw his region's proposal on item (i).

12 Are there any others that want to be  
13 highlighted?

14 Okay. A motion would be in order to approve the  
15 consent agenda items (a) through (l), excluding (i),  
16 the North Slope Borough proposal.

17 Do I have a motion?

18 MS. TAHBONE: So move.

19 MR. ALCORN: I have a motion to approve those  
20 consent agenda items for the 2010 regulations.

21 Do I have a second?

22 MR. RABE: Second.

23 MR. ALCORN: I have a second. Discussion?

24 MR. ARMSTRONG: There was a motion to  
25 (inaudible) --

1 MR. ALCORN: We've already dealt with that.

2 There was no motion. It was just a discussion.

3 Okay. We have a motion in second. Discussion?

4 I don't see any hands raised. I'm going to call for  
5 the question.

6 Anyone opposed calling the question? I don't  
7 see any opposition to that, so I'll call the  
8 question.

9 Anyone opposed to approving consent agenda items  
10 (a) through (l), excluding (i)?

11 Hearing no opposition, those we'll pass. Motion  
12 carries.

13 We will take up specifically item (i), the North  
14 Slope Borough.

15 And, Mike, would you like to state again what  
16 you'd like to see done for that?

17 MR. PEDERSON: As I understand it, this agenda  
18 item would allow the proposed 2009 regs to move into  
19 the 2010 year. We're opposed to the 2009 regs, so  
20 for our region, at least, we propose that we revert  
21 back to the 2008 regs for 2010.

22 MR. ALCORN: Would you like to make that a  
23 motion?

24 MR. PEDERSON: I so move.

25 MR. ALCORN: Do we have a second?

1 MS. TAHBONE: Second.

2 MR. ALCORN: We have a second.

3 Do we have discussion?

4 MR. RABE: I have a question in terms of  
5 background in terms of what are the differences  
6 between those two years, the really -- the focal  
7 point toward the motion?

8 MR. PEDERSON: They're listed on page 5, 11 and  
9 12 in here in red. Those are the changes based  
10 on -- based on the MOU that was signed.

11 MR. RABE: Okay.

12 MR. ALCORN: It was the Steller's Eider  
13 conservation.

14 MR. PEDERSON: The MOU is only for this year,  
15 that's my basis for it.

16 MR. ALCORN: And we've -- as we talked  
17 yesterday, we're going to develop a process so that  
18 we can develop an interim regulation, if necessary,  
19 dealing with section 7 consultation, deliberations  
20 internally. That is yet to be ironed out, how  
21 exactly that will work, but that's how that  
22 particular, the Steller's Eider particular  
23 conservation issue would be considered.

24 So any other discussion on the motion?

25 All right. We're ready to call the question.

1           Anyone opposed in calling the question?

2           I see no opposition, so I will call the  
3           question.  Anyone oppose the motion to accept the  
4           North Slope Borough regulations that date to 2008?

5           Hearing no opposition, motion carries.

6           That takes us through item 11, new business.

7           We are now to item 12, other business.  And  
8           we've already heard the first item (a), presentation  
9           by the Fish & Wildlife Service.  And we're down to  
10          item (b).  And that's the Goose Management Plan.  
11          And Myron Naneng had put that on the agenda.

12          Sky, are you prepared to talk about that?

13          MR. STARKEY:  I'll just tell everyone that on  
14          Tuesday, Wednesday and Thursday of next week AVCP is  
15          going to bring it's (inaudible) down to Portland  
16          where the State will also be there, along with the  
17          Flyway Council and the other states, and it's  
18          anticipated that we'll be -- our goal is to  
19          renegotiate and bring -- breathe new life back into  
20          the Y-K Goose Management Plan.  That's what that is.

21          MR. ALCORN:  Any questions?  Okay.

22          Thanks, Sky.

23          We're down to item (c), 2007 harvest surveys  
24          council approval, HSC, harvest survey committee,  
25          chair.  Who would that be that's going to present

1           this item?

2           MR. PEDERSON: That's Molly.

3           MR. ALCORN: Okay. We're going to postpone that  
4           discussion until she returns. I know she's on her  
5           way back.

6           Let's move to item (d), 12(d), standard  
7           operating procedure committee report. That's  
8           Herman.

9           Sandy did you have anything on? We'll postpone  
10          that.

11          Okay.

12          MS. TAHBONE: I can do the report, but I'd  
13          prefer that Herman be here. He's the chair, and he  
14          could defer it to me to provide the report, but he  
15          was at both meetings and we didn't have quorum, so  
16          I'd wait for Herman to come back.

17          MR. ALCORN: Okay. Hopefully he will come back.  
18          Let's postpone.

19          Item (e), the law enforcement committee report.  
20          Is there a law enforcement committee chair here or a  
21          member?

22          MR. HICKS: Yes, there is.

23          MR. ALCORN: Are you that chair?

24          MR. HICKS: Yes.

25          MR. ALCORN: Okay. Joeneal, thank you.

1 MR. HICKS: I knew you'd catch me off guard.

2 Okay. The report is kind of lengthy. I would  
3 ask that those who attended the committee meeting  
4 with me to put in their two cents also. But I'm  
5 going to run through what I've got. There's also a  
6 report in your booklet. I guess I'll start with  
7 that. Might be kind of repetitive when I give the  
8 report, so excuse me on that.

9 Anyhow, I'll read from the report in the book.  
10 We met on 18 February, '09. "A key component of  
11 successful relationship between law enforcement and  
12 the community is communication between officers and  
13 hunters. Therefore the Alaska Migratory Bird  
14 Co-Management Council adopts the following policies  
15 to improve communication and mutual respect.

16 Both the U.S. Fish & Wildlife Service's special  
17 agent and the Refuge law enforcement program shall  
18 be requested to attend the spring and fall meeting  
19 of the Alaska Migratory Bird Co-Management Council.  
20 At the spring meeting law enforcement will be  
21 requested to report on their plans for the upcoming  
22 season. At the fall meeting they will be requested  
23 to report on their accomplishments during the  
24 previous spring and summer season.

25 Regional Migratory Bird Councils are encouraged

1 to invite law enforcement officers to their  
2 meetings. These officers may be special agents,  
3 Refuge officers and/or state game officers.

4 New U.S. Fish & Wildlife Service law enforcement  
5 officers will undergo training in cross-cultural  
6 communication and local traditional ecological  
7 knowledge. A focus will be made about how each  
8 region is different.

9 Complaints on the behavior of special agents  
10 will be passed on to the special agent in charge and  
11 the representative of the Alaska Migratory Bird  
12 Co-Management Council of the region from which the  
13 complaint originated. The regional representative  
14 and a special agent in charge will discuss the  
15 complaint. The committee did not discuss the case  
16 in which the complaint was against a Refuge officer.

17 Outreach is needed to inform hunters that they  
18 should put down their weapon when approached by an  
19 enforcement officer. Doing so will improve  
20 communication and ensure the safety of both the  
21 hunter and the officer."

22 Anyhow, we met during the day and several things  
23 really came out of that particular meeting. One of  
24 them is outreach and education. That was deemed to  
25 be the most and the biggest factor in the efforts,



1           in other words I say efforts, because education --  
2           well, education outreach needs to be made at all  
3           levels in terms of getting the word out about law  
4           enforcement issues in general. Be it the duck stamp  
5           issue, be it the amount of harvest or just  
6           information gathering or just legal matters.

7           In so doing it is important that law enforcement  
8           officials have adequate orientation about the  
9           different cultures that they will be encountering.  
10          And it's a good example that they also learn -- it's  
11          a good idea that they also learn about CEK  
12          (phoentic). The law enforcement committee  
13          recommends that law enforcement officials be invited  
14          to council and region meetings, as we have just  
15          mentioned. The law enforcement committee also  
16          acknowledges that there are legislative issues that  
17          may need to be changing -- that may need changing,  
18          and find that although some are political and other  
19          issues involve public relations, such as the duck  
20          stamp issue. Which, for your information, as we are  
21          told by the law enforcement officer who attended  
22          that meeting -- I forget his name.

23                 MS. TAHBONE: Stan was there.

24                 MR. PRUSZENSKI: You're talking about the Alaska  
25          state trooper?

1 MS. TAHBONE: The state trooper.

2 MR. PRUSZENSKI: It will come to me.

3 MR. HICKS: Anyway, they attended our meetings  
4 and they said that beginning 2010 the issue of duck  
5 stamp will be enforced. And it's very important  
6 that regional councils and all that get that  
7 information out to their constituents, that if you  
8 do not have a duck stamp in possession, you will be  
9 cited. Pretty much giving you warning, like I said,  
10 2010 they will start issuing citations.

11 MS. TAHBONE: That's a the federal position, not  
12 the state. The state position is they're going to  
13 cite you now. That's a real big difference. The  
14 state troopers, the state law enforcement will cite  
15 you now, whereas the federal position, they won't  
16 start citing until 2010.

17 MR. PRUSZENSKI: Which is consistent with a --  
18 if I may?

19 MR. ALCORN: Stan, come identify yourself, if  
20 you would.

21 MR. PRUSZENSKI: Stan Pruszenski, Fish &  
22 Wildlife, Office of Law Enforcement. This past  
23 February I took over for Steve Oberholzer. Steve  
24 Oberholzer was the law enforcement representative on  
25 committee, so I took over for him and hope to be a

1 permanent member of that body.

2 Three years ago, again at the very, you know,  
3 middle of this whole duck stamp discussion, after  
4 the institution of the spring and summer regs in  
5 2002, Office of Law Enforcement and Fish & Wildlife  
6 Service had a policy of no enforcing, with the idea  
7 that a, you know, potential legislative fix was in  
8 the works.

9 That didn't seem to get a whole lot of traction  
10 at that time. So what we had done two years ago was  
11 to initiate a phase-in approach to enforcement of  
12 the requirement for federal duck stamps being a one  
13 year -- the first year would be oral, verbal  
14 warnings that the duck stamps are required, and  
15 methods where to find them and how to get them.

16 With that, Fred Armstrong and a lot of other  
17 folks within the Fish & Wildlife Service and other  
18 groups made a very concerted effort to make federal  
19 duck stamps more readily available in outlying areas  
20 and remote villages. That was fairly successful.  
21 That's still an ongoing process. I don't know if  
22 they are mailed out there in sufficient numbers  
23 automatically or if that's something that Fred has  
24 to, you know, kind of keep pushing or herding along.

25 That first year was oral and verbal warnings.

1 The second year was going to be written warnings.  
2 Again, no citation, just a written warning outlining  
3 the requirements to have a federal duck stamp, with  
4 the third year being written citations.

5 Last year was the first year, that was the  
6 verbal warning. This year, 2009, is the written  
7 warning. And then 2010 will be the -- the year for  
8 citations.

9 Again, with Sky and others' efforts apparently  
10 potentially gaining more traction that, you know, we  
11 may be coinciding or we may be all at the same place  
12 next year and we'll be fine. So this -- if that  
13 works out, that's fine. But otherwise, the service  
14 and -- is on this phased-in track.

15 MR. ALCORN: Thank you.

16 Anymore questions of Joeneal on the law  
17 enforcement committee?

18 Randy?

19 MR. MAYO: Yeah. Up in our region we went over  
20 these, you know, there was a couple of things that  
21 our region talked about. I don't know about every  
22 other region in the state. But in my community we  
23 do things a little differently. We have tribal  
24 government with different departments and whatnot.  
25 And, you know, at one time we had our tribal police,

1 not a state VPSO, but a full-blown tribal police  
2 officer in our community. We have our traditional  
3 land-use plan. So that the tribal government plays  
4 its rightful role in governments. And in trying to  
5 institute tribal rules and regs as law as far as We  
6 are allowed under this current situation we find  
7 ourself in with state and federal regs.

8 So, you know, we had problems locally where the  
9 protocol, maybe it wasn't known on the federal side  
10 of things. But there are some tribal governments  
11 out there with infrastructure you can interface  
12 with, you know. And not come in and get people  
13 paranoid and the perception of heavy-handedness.  
14 But that was, you know, one thing we talked about  
15 that I think some of us that are advanced in our  
16 tribal governments that this be, you know, inserted  
17 into some of these committee things, you know.

18 And the other thing that my group was, to put it  
19 bluntly, was pretty incensed over was that last  
20 bullet of when approached by law enforcement, it's a  
21 good idea to lay your gun down and kind of go, like:  
22 I give, you know, I surrender. And, you know, where  
23 is that thinking coming from? You know? So is that  
24 type of paranoid thinking just geared towards Native  
25 subsistence hunters or, you know, like what if that

1 was a suggestion to the Alaska Outdoor Council?  
2 What do you think that reaction would be? You know.

3 So I just have a real problem with some of these  
4 type of notions, you know. And -- but the real  
5 thing that concerned us in our region is where is  
6 this paranoia coming from and the kind of the mind  
7 set, you know.

8 You know, that -- you know, just before we had  
9 our meeting and when we saw that committee report up  
10 in Fairbanks, say, you know, gun owners and whatnot,  
11 to protect their Second Amendment right to bear  
12 arms. The whole city of Fairbanks, people were  
13 going around, you know, with their firearms in full  
14 view, exercising their right, right within the city,  
15 you know. So if you see where I'm coming from, is  
16 it like -- like a double standard here, is kind of  
17 what I'm kind of seeing.

18 In lieu of the fact that, again, there are some  
19 tribes out there that have tribal infrastructure  
20 that can interface with law enforcement and be a  
21 direct point of contact in the community, like every  
22 other government, you know.

23 Just again, for the record, that in my region we  
24 had a real problem with that -- that last bullet.  
25 It's kind of like, you know, racial profiling or

1 stereotyping, you know. So I just wanted to point  
2 that out that that was our position on the committee  
3 thing, you know.

4 And again, I -- I don't think any other hunter  
5 user group that -- that would, you know, even, you  
6 know, if you're not raising, you know, threatening  
7 an officer, I don't think that would go with any  
8 other group. But it sure keeps showing up in this.  
9 Of course it's, you know, one thing for subsistence  
10 hunters and the other thing for, you know, other  
11 people.

12 So would this, under the term "indigenous," so  
13 some, you know, other rural resident that is not of  
14 my race, would they be subject to the same thing?  
15 Or would the officer in the field go, well, he's of  
16 my race and can understand me, so, you know, I don't  
17 see a threat here?

18 MR. ALCORN: Is that a question of the  
19 committee?

20 MR. MAYO: No. That's our position from the  
21 Interior.

22 MR. ALCORN: Thanks.

23 MR. HICKS: Mr. Chairman?

24 MR. ALCORN: Joeneal?

25 MR. HICKS: I'm not sure exactly where that

1 particular complaint, if you want to say so, came  
2 from. But I do know that Alaska is a pretty big  
3 state. I do know there has been some encounters up  
4 north, or so, in regards to law enforcement  
5 officers. Just exactly who the law enforcement  
6 officers are, be it Fish & Wildlife Service, be it  
7 Fish and Game, be it state troopers, I don't know.  
8 But I guess you can say it's hard to determine how  
9 each of those officers approach a would-be  
10 subsistence hunter, especially out in the woods when  
11 there is a big question of: I don't know who you  
12 are and what are you doing, especially when you're  
13 carrying 30 ought 6, holding a .44 pistol and you've  
14 got a .38 tucked in your shirt. I mean it's like:  
15 Who are you? I mean, there's issues that we need to  
16 be careful about when you approach someone. That's  
17 a given.

18 If I was a law enforcement officer, I would take  
19 that into account before I would walk up to someone.  
20 But, yeah, I do understand you, Randy. I do hear  
21 you.

22 Anyhow just to continue a little bit more on the  
23 education part of it. The committee felt it was  
24 really important that brochures or posters be  
25 printed or posted at all public places, like post



1 office and stuff like that, that shows or explains  
2 what it means to be legal, and what is required of  
3 the United States subsistence harvester of migratory  
4 birds, you know, licenses and stamps, et cetera, et  
5 cetera. It needs to be made a big effort on the  
6 part of the council to get that particular word out.

7 MR. ALCORN: So is that a recommended action  
8 from the committee, then, to do that kind of  
9 outreach?

10 MR. HICKS: I believe it was. I believe it was.

11 MS. TAHBONE: Because, other than this being  
12 sent out, there's nothing basically out there.

13 MR. ALCORN: So that's a recommended action.

14 MR. HICKS: That concludes my report.

15 MR. ALCORN: Sandy, you had a --

16 MS. TAHBONE: Just regarding that last paragraph  
17 that was a safety issue. I don't know, maybe the  
18 way it's worded, maybe it needed more to it. But  
19 just, you know, weapons and the officer's training,  
20 I mean, maybe Stan might be able to add a little bit  
21 more to it. But just to decrease -- maybe, Stan  
22 might be able to -- because the law enforcement  
23 officer has his training, his protocols regarding  
24 his safety. And maybe Stan might be.

25 MR. PRUSZENSKI: I like where you're going, if

1           you don't mind.

2           MS. TAHBONE: And it's just to increase the  
3           level of safety. Because the officer doesn't know  
4           the intent of the individual he's approaching that  
5           has a weapon in his hand, and, you know, whether  
6           it's loaded, or whatnot. I mean, that's --

7           MR. ALCORN: Did you, were you going to comment  
8           on Sandy's comment or report?

9           MR. PRUSZENSKI: If they care for me to, I  
10          certainly can.

11          MR. HICKS: Go for it.

12          MR. PRUSZENSKI: What we had discussed at the  
13          meeting was, again talking about potential, you  
14          know, conflicts between user groups and enforcement.  
15          We had discussed an issue that occurred on the North  
16          Slope a year or so ago when, you know, the idea was  
17          that the user and officers, when they come in  
18          contact, of course, part of our protocol is to check  
19          for steel shot. And we'll have to see what's in the  
20          weapon if it's lead or steel. And there was a  
21          complaint that we had received from the North Slope  
22          that -- that there was an incident between a user  
23          and an officer where they had physically, you know,  
24          tussled over the weapon.

25          That discussion, you know, how can we avoid

1           that? The discussion that we had was it: Okay, I'm  
2           a, you know, I'm a federal law enforcement officer,  
3           I'm a federal conservation officer, identify  
4           yourself and say I need to, you know, talk to you  
5           about your hunting activities and check your weapon.

6                     At that point we would encourage someone to  
7           either give it to you or put it down. And then at  
8           that point, you know, any potential accidental  
9           discharge or any other accident arising from that  
10          weapon would be defused.

11                    I've done this business for, going on 29 years.  
12          And you're right, every time you go up to somebody,  
13          you're armed, they're armed. And, you know, that  
14          first couple of seconds is very critical, you know.  
15          How do you contact that person and how does that  
16          person interact with you? It can go very well or it  
17          can go very badly. Fortunately for me, I've only  
18          had a few bad cases. Most of them have gone very,  
19          very well.

20                    I can understand if there was an incident where  
21          someone was actually razzing with them, I know the  
22          officer was -- had a heightened sense of adrenaline  
23          and was probably getting into the situation as was,  
24          you know, the hunter. So at that point, you know,  
25          chances of things going bad are heightened. So if

1 we can put the gun down and step back and pretty  
2 much start the contact over again, I think everybody  
3 would be much safer.

4 Randy, I've been a hunter safety instructor for  
5 a number of years. And Hunter Alliance, or whatever  
6 group you had mentioned earlier, I haven't  
7 interacted with them very much, but I do know that,  
8 as a part of my hunter education courses, I deal  
9 with people, usually young hunters, that's the first  
10 thing I'm conscious of, is the weapon, be it a  
11 high-powered rifle or a shotgun or a BB gun. It's  
12 protect yourself, protect myself, let's put that  
13 weapon in a safe place in a safe manner.

14 So that's kind of where I thought we were going.  
15 I think that's where we were going. The language  
16 needs to be tweaked a little bit. I think that can  
17 certainly be done. But it's not a subsistence  
18 issue, a sport issue; it's a safety issue both for  
19 the user and for the officers.

20 MR. ALCORN: Thanks, Stan.

21 Herman?

22 MR. SQUARTSOFF: Mr. Chairman.

23 Stan, I recall we had discussed, too, a little  
24 bit about in order to help to avoid from being so  
25 stressful for it not be a forceful approach, but a

1 calm approach by the officer. And, you know, so it  
2 wouldn't instigate anything happening. I remember  
3 we discussed that, too. That's something else we  
4 got to work on.

5 MR. ALCORN: Any other -- Randy?

6 MR. MAYO: Yeah, I guess, you know, I'm not  
7 arguing that point. I guess just the way it was  
8 written. And that as far as protocol, those that,  
9 you know, when we had our tribal police, you know,  
10 chief of police and his deputy, we work real well  
11 with the, you know, local law enforcement, the  
12 troopers and Fish & Wildlife, that we had that local  
13 protocol developed, you know. Instead of officers  
14 coming into this community, they would go over to  
15 the tribal police department and contact our chief  
16 of police and go from there, you know. Then if you  
17 had to go out in the field -- you know, you clearly  
18 identify yourself and, you know, your intent, you  
19 know.

20 So I -- I guess in the future that, you know,  
21 we've got to revive our program and whatnot. And,  
22 you know, we'll be working on the protocol, you  
23 know, with law enforcement in our tribal  
24 departments, you know. Again, I know I realize, you  
25 know, a lot of communities don't operate that way,

1 but that's the way we operate, you know, with our  
2 tribal governments and its different departments,  
3 you know.

4 MR. ALCORN: Stan, are you going to respond to  
5 that?

6 Okay. Did you have your hand raised?

7 MR. SQUARTSOFF: No, sir.

8 MR. ALCORN: Sandy?

9 MS. TAHBONE: That was one of the things that  
10 was discussed at the community, too, was the  
11 presence in the community, the public relations and  
12 introductions of the officer. When they do go into  
13 the community, one of the first things they would do  
14 would be to, like we just said, the powers that be,  
15 to let them know that they are in the community and  
16 the reason why they're in the community enforcement  
17 effort, if -- you know, and their availability to be  
18 involved in any type of community to discuss that  
19 enforcement effort.

20 MR. ALCORN: Okay.

21 Do we have a recommendation from the committee  
22 for action? And if so, I would entertain a motion  
23 from the committee chair.

24 MR. HICKS: I so do.

25 MR. ALCORN: What's the action you're

1 recommending?

2 MR. HICKS: That the AMBCC make a concerted  
3 effort -- I don't know, budget -- budget -- well,  
4 parts of -- in parts of the report here, we realize  
5 that there does need to be some redrafting of the  
6 language in it. Meaning until it's redrafted, I  
7 don't want to make a motion to have that adopted as  
8 a particular policy.

9 Am I correct with that?

10 MS. TAHBONE: Yeah. I took notes during the  
11 meeting and mine are a little bit different than  
12 what's here, so there's some things that were left  
13 out here that we discussed. And it should be more  
14 of -- if the council is going to adopt policy, it  
15 should be worded in more of a -- more policy  
16 language, if you will. So maybe the committee can  
17 go ahead and work towards having that language  
18 drafted. And then we can circulate that to the  
19 regional councils for their review.

20 We didn't act like, you know, my council didn't  
21 act on it because they're -- it wasn't in -- I gave  
22 my report to the committee and they agreed that  
23 those were good ideas, and we can wait and see what  
24 written policy that this council would come up with.

25 MR. ALCORN: How it translates.

1           Maybe it's appropriate then to have the  
2           committee continue to work on it and put this on the  
3           agenda for the fall meeting. Is that --

4           MR. HICKS: Yes. That would be a good idea.  
5           But I again fall back on to the idea or I would  
6           entertain a motion to say that the council or AMBCC  
7           set aside funding - I can't give you a figure - of  
8           10, 15,000 or so, for education and outreach  
9           material, such as posters, pamphlets or whatever,  
10          detailing the upcoming hunts, let's say, that is  
11          regarding safety, duck stamp issues, et cetera, et  
12          cetera, that I had mentioned earlier.

13          MR. ALCORN: Let me do this for you. Rather  
14          than specify an amount, I'm not sure that we're  
15          settled on what the outreach materials are, but if  
16          there is consensus among the committee and we have  
17          an opportunity to vet it and get agreement, print  
18          it, I'm okay with printing it and distributing it.  
19          But I sense that there's a strong desire to have  
20          everyone have an opportunity to look at that, those  
21          materials. And absent a meeting that we have to  
22          discuss those and -- and you know, reach agreement  
23          on what that material would say, I'm hesitant to  
24          agree to print something, number one, I don't know  
25          what it says and, number two, I don't know what the



1 materials are going to be.

2 MS. TAHBONE: Whatever -- I would recommend  
3 whatever is going to be in our -- that's what the  
4 materials should say.

5 MR. ALCORN: So it would be just a reiteration  
6 of the rule?

7 MS. TAHBONE: Yeah. Because that's the law.  
8 And until it's changed --

9 MR. ALCORN: Put that in the form of a motion?

10 MS. TAHBONE: Yeah, until it's changed this is:  
11 You are a legal hunter when you -- and then whatever  
12 it is. And until we change the regulation, you  
13 know, we have to -- our hunters have to abide by  
14 those, you know. So I'd say whatever's in here.

15 MR. ALCORN: Do you want to take a crack at a  
16 motion, then?

17 MR. HICKS: So would it be fair to say that this  
18 council charges the law enforcement committee to  
19 come up with wordings for a brochure, poster?

20 MS. TAHBONE: I would go posters.

21 MR. ALCORN: We have the brochure that we sent  
22 out.

23 MR. HICKS: Or for adoption at the fall meeting?

24 MR. ALCORN: But we want to send it out this  
25 year, is what I'm hearing you say. So we don't want

1 to defer it until the fall. But if the motion that  
2 you're offering is clarified with what Sandy is  
3 describing, is describe the rule, what will be in  
4 the final rule, and then make the point that there  
5 are enforcement priorities. I guess that's a fair  
6 way to characterize that. Then I'm committed, as  
7 the money manager of the AMBCC, to say we'll print  
8 that material and distribute it. If you want to  
9 make a motion to that effect, I can support that.

10 MR. HICKS: Okay. I make a motion to that  
11 effect.

12 MR. ALCORN: Okay. I have a motion.

13 Do I have a second?

14 MS. TAHBONE: Second.

15 MR. ALCORN: We can clarify it in our  
16 discussion.

17 We have a motion and second to develop posters  
18 that would be printed -- developed and printed and  
19 distributed for this season and that they would  
20 articulate the, whatever is in the 2009 final rule  
21 and specify what those enforcement priorities are  
22 going to be.

23 Sandy?

24 MS. TAHBONE: Also, it might take several  
25 posters. Because what's really not showing up in

1           this. And I'm assuming that once they're approved,  
2           you need to -- what's closed? All the birds that  
3           are closed to harvest, I mean, as far as the one  
4           that, you know, how we had before, the Yellow-billed  
5           Loons, whatever's closed, the Emperor, because  
6           they're not showing up in this one.

7           MR. ALCORN: The problem with that, Sandy, is we  
8           have about 700 species that are closed and a hundred  
9           that are open.

10          MS. TAHBONE: I mean the ones that are normally  
11          in our --

12          MR. ALCORN: That are normally harvested in  
13          those regions but are closed?

14          MS. TAHBONE: That are closed. The ones that we  
15          have plans for, basically.

16          MR. WOODS: Used to have a supplementary --

17          MR. ALCORN: Frank, point of order. I need to  
18          hear comment. We're discussing it amongst the  
19          council.

20          Herman?

21          MR. SQUARTSOFF: Also on the poster what I think  
22          what Sandy might be getting at, too, I'm not sure,  
23          but we had a poster a few years back that I'd like  
24          to see back up again on the ones that are on the  
25          threatened list or included with that, and it has

1 the Spectacled Eider, Emperor Geese and all that.  
2 This is only showing the Steller's. I mean, if we  
3 could have that back on here again. I don't  
4 think -- I don't remember if we had it here, but I  
5 know we had a good poster. Fred might remember it  
6 was a good poster of that.

7 MS. TAHBONE: Also, duck stamps; where you get  
8 them, who to contact if you can't get them in your  
9 community. And same with license; vendors who you  
10 contact and -- if you can't get them.

11 MR. HICKS: There was a question raised about  
12 costs also. How much does it cost? I wasn't able  
13 to answer that.

14 MR. ALCORN: I have set aside money to deal with  
15 the Steller's Eider issue this year. And I believe  
16 that we're going to have a substantial amount of  
17 money to cover the cost.

18 MS. TAHBONE: I think it would be worth the  
19 effort, too, to the current policy, law enforcement  
20 policy with the federal side that people can expect  
21 to receive a written warning. It's not a citation  
22 and, you know, the 2008 year was the verbal, 2009  
23 you know, they can expect if they're not legal,  
24 regarding the duck stamp. Whatever the requirements  
25 to be legal, that they can expect to receive a

1 warning. And then the 2010, you know, if they can  
2 expect to be cited, so people are not, they  
3 understand what the law enforcement intent and  
4 effort will be for 2009.

5 MR. HICKS: Just one last comment. Stanley,  
6 what is the cost of a federal duck stamp?

7 MR. PRUSZENSKI: I believe this year it's still  
8 \$15.

9 MR. HICKS: And the state duck stamp is five  
10 bucks?

11 MR. PRUSZENSKI: Five.

12 MR. HICKS: And then the cost of the actual  
13 license?

14 MR. PRUSZENSKI: That varies.

15 MR. RABE: There's a couple of different  
16 options.

17 (Simultaneous speaking.)

18 MR. HICKS: So --

19 MR. ALCORN: Okay. Let's get a little control  
20 here, or we're going to make it really hard on our  
21 record keeper. Folks, just for point of order.  
22 Dale?

23 MR. RABE: Just to point in terms of what Sandy  
24 said in terms of that sequence, it was news to me,  
25 but I was listening carefully when it was discussed

1 earlier that apparently the State did not agree to  
2 the same period of implementation.

3 And, so I think to the benefit of the hunters, I  
4 think we want to be very careful about not putting  
5 something inaccurate that they might get caught  
6 because, depending on who it is that's doing the  
7 enforcement out there, there are different  
8 procedures that they may be following. Again, I'm  
9 not familiar with what coordination has occurred  
10 between the State and federal.

11 MR. SQUARTSOFF: Mr. Chairman, in our committee  
12 meeting, we had a state guy -- I forgot his name.

13 MS. TAHBONE: His name was --

14 MS. TAHBONE: Bernard Chastain.

15 MR. SQUARTSOFF: Stan can correct me if I'm  
16 wrong, or Joe, but he said they would not be  
17 enforcing the migratory bird as much, that's not  
18 going to be their priority. They have other  
19 priorities over that.

20 MS. TAHBONE: But --

21 MR. ALCORN: Sandy?

22 MS. TAHBONE: Sorry.

23 But that's not a statewide policy though or  
24 effort, law enforcement effort on the state side.  
25 Because it depends on which agent, person that you

1 spec to. It's different in our region, he's a  
2 gung-ho individual and he will cite you.

3 MR. ALCORN: Stan, you had a comment?

4 MR. PRUSZENSKI: Is it okay?

5 MR. SQUARTSOFF: Fine.

6 MR. PRUSZENSKI: Right. Very similar to how the  
7 Fish & Wildlife Service sets priorities, the state  
8 has the same issue, not enough bodies to go around  
9 for all the issues. If it's king salmon in the  
10 spring, it's not subsistence waterfowl, it's  
11 ComFish. So that's what they're doing.

12 Sandy's fortunate enough to have an officer in  
13 Nome in the spring that doesn't have to deal with a  
14 whole lot of commercial fish, so he's potentially  
15 looking for things to do.

16 I think where the state is going to come out is  
17 they're not as open to, you know, providing guidance  
18 like that to the field, in that we're giving -- you  
19 know, we're not enforcing this, we're going to do  
20 written warnings and then when we're going to do  
21 citations. Their idea is fairly black and white.  
22 It's the law and I'm sworn to uphold the law and  
23 it's a requirement.

24 Our tack was, you know, try to ease into this  
25 and gain voluntary compliance, because we're not

1 going to force our way into compliance. So we're  
2 trying to understand and make it known to the  
3 public, you know, what duck stamp funding goes for.  
4 And it's a good thing, and if you want to  
5 participate, this is how you participate, by buying  
6 a license.

7 So there has been coordination with the state,  
8 as can be expected. I mean, we don't see eye to eye  
9 on everything. But they understand where I'm coming  
10 from and they -- I understand where they're coming  
11 from. But you're right, Dale, that, you know, it  
12 may --

13 MR. RABE: Be careful of the message.

14 MR. PRUSZENSKI: It needs to be crafted  
15 correctly.

16 One other thing, too, when I was talking about  
17 the message, is that if we do do posters, what may  
18 be valid for Peter in his area is totally different  
19 than what Randy has in his area. To show spruce  
20 trees and mallard ducks out on Sand Point or further  
21 out isn't really relevant. There should be more  
22 local involvement. One poster doesn't fit all.

23 MR. ALCORN: Here's where I think we are on  
24 this. I believe that there's general support to  
25 develop outreach materials, including a poster, that



1 would state what our intentions are and state what  
2 the rules are. And I believe that work of the  
3 committee probably still needs to occur, so that we  
4 can refine what that message is. And if we can  
5 regionalize it, and if we can -- even if there's  
6 more coastal and an interior type of poster, even if  
7 it's more simple than 12 different regions, I'd like  
8 to defer to the committee to develop that material.  
9 But I will commit my program funds to support the  
10 printing, production and distribution of that.

11 So if we can agree to that -- is anyone opposed  
12 to me calling the question?

13 MR. STARKEY: I am not opposed, I just have a  
14 clarification. I would like to clarify that before  
15 any poster is published and sent to any region, that  
16 that region and their representatives approve the  
17 poster.

18 MR. ALCORN: I think that's fair. I think that  
19 was the understanding.

20 MR. STARKEY: I just wanted to clarify that  
21 point.

22 MR. ALCORN: Okay. It would be vetted with the  
23 regional representatives.

24 Okay. Are we ready to call the question?

25 MR. SQUARTSOFF: Question being called for.

1           MR. ALCORN: Question being called for. Anyone  
2           oppose the motion as stated, develop those outreach  
3           materials, having vetted through the regional  
4           representatives before they're distributed?

5           No opposition? We'll consider that an action  
6           item.

7           All right. We have one -- let's see, we have  
8           the harvest limitations committee report. Is there  
9           a chair for that committee?

10          Bill?

11          MR. SQUARTSOFF: Bill or Joe.

12          MR. ALCORN: Just so that you all know, I plan  
13          to take a break when we finish the committee  
14          reports, we're going to go back to the two that  
15          we -- so then, we'll take a break.

16          Bill, we are at the harvest limitations  
17          committee.

18          MR. OSTRAND: Yes. The committee doesn't have a  
19          chair, but with the committee's permission, I'll  
20          give the report; is that all right?

21          MR. ALCORN: All right.

22          OSTRAND: The harvest limitations committee was  
23          formed several years ago. And its task was to look  
24          into means of, when necessary, limiting the harvest.

25          Something that came up after the committee was

1           formed is the nationwide EIS that -- and I've been  
2           charged to write the subsistence section on that.  
3           And in lieu of that, I would have undergone some  
4           training in NEPA. And then last fall when I went to  
5           training, I contacted Dianna Whittington who works  
6           for Migratory Bird Management in Washington DC, and  
7           she gave me some advice on how we might approach our  
8           section in the EIS.

9           And her recommendation was that when we have the  
10          opportunity to revise our preferred alternative, we  
11          not only list the management tools that we might  
12          apply to manage the harvest of birds and subsistence  
13          season, but we also say when those tools might be  
14          used and when those tools might be rescinded.

15          So the exercise I did before the committee met  
16          was to list all of the methods that we already used  
17          to manage birds. And then the committee met and  
18          discussed those methods and we discussed when they  
19          might be applied and when they need to be rescinded.  
20          And it's in your binders, I think -- have you all  
21          found it? It's this document here.

22          In black is a paraphrase of the regulation  
23          that's either in effect now or has been in the past.  
24          And then in red beneath it is a description of the  
25          committee -- well, in brief, what the committee

1           decided on, when we might use this particular  
2           measure, and then when this measure would be  
3           rescinded.

4           And, in general, we say we might -- or for  
5           nearly all of these we would use the tool when there  
6           was a conservation concern and then when that  
7           conservation concern no longer exists, the  
8           regulation would be rescinded. But there are some  
9           exceptions.

10          It's rather a lengthy list, I could go through  
11          every one of them, but that would take quite a bit  
12          of time.

13          MR. ALCORN: Can you describe them sort of in  
14          principle how it would work? I think you just did  
15          that. Is there anything more that you can add?

16          MR. OSTRAND: There's a few exceptions, like we  
17          have an area closure for the Aleutian Pribilofs -  
18          Peter's not here - where there was a proposal to  
19          close Tundra Swan harvest. This is a little  
20          different, in that it's a local population and in  
21          conflict -- Peter's regional management body  
22          indicated that there was no traditional harvest of  
23          the species, so we closed the area. That's a little  
24          bit different than simply taking action because  
25          there's a conservation concern. And that closure's

1           likely to be permanent.

2           MR. ALCORN: Can I ask sort of a fundamental  
3           question? This is the harvest limitations  
4           committee, and if I recall the history of that  
5           committee was -- that committee was developed at the  
6           behest of the state of Alaska representative about  
7           four years ago, if I'm not mistaken.

8           MR. OSTRAND: Yes.

9           MR. ALCORN: They've not had a lot of activity.  
10          And I believe they've just begun having these  
11          meetings. And this is, this is associated with the  
12          internal development of the EIS. How is the  
13          committee taking over this particular function and  
14          how is it relevant?

15          MR. OSTRAND: These are the tools to limit  
16          harvest. So it seemed appropriate for this  
17          committee to take over it. It's also something that  
18          we need to describe in the environmental impact  
19          statement.

20          The -- what I've submitted already for the  
21          environmental impact statement just -- reflects what  
22          we've done in our annual EA. It's a version of  
23          that. And Diana Whittington recommendation was that  
24          I do something -- we do something more when we have  
25          the opportunity to revise our submission. And that

1           when we do so, we describe the tools, which was the  
2           task to the harvest limitations committee, to come  
3           up a list of tools that we would use to manage the  
4           hunt.

5           This will put side boards on the co-management  
6           council as well. So that -- I should be clear about  
7           that. When this would be incorporated into the  
8           environmental impact statement, if there was an  
9           interest in doing something outside of this list, it  
10          could be done, but it would require additional NEPA  
11          work, is my understanding. So this places side  
12          boards on our management tools. This then becomes,  
13          in essence, our toolbox.

14          MR. ALCORN: All right.

15          Well we have a recommendation from the  
16          committee. There's one -- in reading the  
17          recommendation, there's one, this is basically sort  
18          of writing in, writing in to the EIS, the existing  
19          frameworks that we have adopted over the history of  
20          the AMBCC with one exception, and that exception is  
21          actual limits, harvest limits, bag limits.

22          MR. OSTRAND: Yes.

23          MR. ALCORN: That's a specific provision that's  
24          specified in here that we've never considered or  
25          adopted --

1           MR. OSTRAND: And it has rather strict  
2           restrictions on that as well. I should point out  
3           what those are. First for bag limit to -- the  
4           example that was discussed at the committee meeting  
5           was an example where under no other circumstances  
6           would the species be allowed to be open, except if  
7           there was a bag limit.

8           And I think an example might be the Emperor  
9           Goose where you have a population that may be very  
10          slowly coming back. And if you open it to harvest  
11          without limits, it's just going to crash and go back  
12          down. But there is a potential to have some  
13          opportunity to harvest.

14          The constraints that the committee put on is  
15          that this would only happen when it's prescribed by  
16          a management plan. And currently there is no  
17          management plan that describes a bag limit. So  
18          there's much work to be done before this could ever  
19          happen.

20          MR. ALCORN: Thank you. Well, that Satisfies my  
21          questions.

22          Are there any other questions from the council?

23          MS. BROWN-SCHWALENBERG: I need to understand  
24          this a little better. When you said, Bill, that  
25          this was placing restrictions or side boards on the

1 council, for example, if we wanted to -- if another  
2 community wanted to be included, that's already in  
3 the excluded area, then that's something that has to  
4 go through EAs or EIS or a NEPA process, or is it  
5 just strictly --

6 MR. OSTRAND: No, it's covered in here.

7 MS. BROWN-SCHWALENBERG: I don't see that.

8 MR. ALCORN: Second -- third page: Communities  
9 were added without specific harvest restrictions.

10 MR. OSTRAND: What we haven't read is  
11 communities may be added to the list of eligible  
12 areas without special restrictions.

13 MS. BROWN-SCHWALENBERG: That's not specific to  
14 Prince William Sound, though, that's just broad.

15 MR. OSTRAND: Yeah, it's rather broadly written.

16 MS. BROWN-SCHWALENBERG: So that's anywhere?

17 MR. OSTRAND: Right. It was taken from regs for  
18 Prince William Sound, but it's written broadly here.  
19 It would be written broadly in a general document.

20 MR. ALCORN: This, just for clarification,  
21 this -- the environmental impact statement is part  
22 of the National Environmental Policy Act process  
23 that government has to go through to describe the  
24 actions that it takes. And so through our  
25 regulatory process, what we're saying here is that



1           these are some -- these are the tools, as Bill  
2           described, these are the tools that we use to manage  
3           the hunt. Whether we expand the hunt or retract the  
4           hunt, these are the tools that we apply. And what  
5           you're referring to, Patty, is a method to expand  
6           the hunt.

7           MS. BROWN-SCHWALENBERG: Or either way. I mean,  
8           any action we take, is my question --

9           MR. ALCORN: So this is -- these are the tools  
10          that we are going to describe in the environmental  
11          impact statement.

12          MS. BROWN-SCHWALENBERG: Why are we including  
13          bag limits?

14          MR. OSTRAND: Well, it indicates where there  
15          would otherwise not be an opportunity to harvest.

16          MS. BROWN-SCHWALENBERG: We currently don't have  
17          this, right?

18          MR. OSTRAND: No, we don't have it. It's just  
19          allowing for the possibility in the future. And we  
20          place restrictions on how it could be applied. So  
21          it just doesn't happen out of the blue.

22          MR. SQUARTSOFF: Patty, I could help? Because I  
23          was on the committee. And the reason I agreed to  
24          that bag limit on the, like an example, Emperor  
25          Goose is if we did have a chance to harvest it, at

1           least we'd be able to get one or two, whatever,  
2           without letting it go right back down, crash down  
3           where we wouldn't even be able to harvest any. That  
4           was one of the reasons I agreed on the bag limit  
5           thing on it. Otherwise, I'm kind of really far away  
6           from having a bag limit on any of our stuff. But  
7           that's an opportunity for us to, chance for us to  
8           get back in and hunting again for geese, even if  
9           it's a few.

10           Joe seems like he's not remembering what was  
11           discussed.

12           MR. HICKS: I'm not sure with that either, but  
13           what -- if I remember correctly that we did not  
14           include that in here and we made something new, that  
15           we would have to kick in a new EIS?

16           MR. OSTRNAD: At least an environmental  
17           assessment.

18           MR. HICKS: Right, a new EA?

19           MR. OSTRAND: Yes.

20           MR. HICKS: And that's what we were trying to  
21           avoid, having to do an EA for every special action  
22           not in here.

23           MR. OSTRAND: Yes.

24           I was thinking of an example of a proposal that  
25           might be excluded by this. This past year I got a

1 call for somebody from the Lower 48 who is opposed  
2 to the harvest of owls and belongs to a group.

3 Let's say he submitted a proposal to the  
4 co-management council, which he could do, and his --  
5 he objected to the harvest of owls on moral grounds,  
6 and it wasn't a conservation concern. When these  
7 test apply here, and unless we wanted to do an EA,  
8 it would be rejected.

9 MR. ALCORN: Do we have any other questions of  
10 Bill?

11 MR. SQUARTSOFF: There's one more other thing on  
12 bag limits in here that and just pertains to North  
13 Slope only?

14 MR. OSTRAND: That's a community bag limit.

15 MR. ALCORN: Any other questions?

16 The chair would entertain a motion to adopt the  
17 recommendation, and you need to state that in your  
18 motion -- from the council.

19 MR. SQUARTSOFF: I so move.

20 MR. ALCORN: You need to state what that is.

21 MR. SQUARTSOFF: That we adopt the  
22 recommendations from the harvest limitations  
23 committee -- I so move that we adopt the  
24 recommendations from the harvest limitation  
25 committee, they incorporate, I think, the national

1 EIS, the set of management tools.

2 MR. ALCORN: Thank you.

3 Do I have a second to that motion?

4 MR. HICKS: Second.

5 MR. ALCORN: I have a motion and second.

6 Discussion?

7 Hearing no discussion, are we ready to call the  
8 question?

9 MR. HICKS: Question.

10 MR. ALCORN: Okay.

11 We are ready for the question.

12 Anyone oppose the motion as stated and seconded?

13 I hear none. So the motion carries.

14 Thank you, Bill. And we are going to -- stay  
15 right there. We have, I believe you are -- we have  
16 I thought -- let me find it. We have the harvest  
17 survey committee and we have standard operating  
18 procedures committee. Were you on either -- were  
19 you reporting on either of those?

20 MR. OSTRAND: I'm not reporting on the SOP  
21 committee.

22 Molly, are you prepared to report, or would you  
23 like Lilly to report?

24 MS. CHYTHLOOK: Well, the -- do we need the  
25 report that Lillian -- Lilly gave yesterday, the

1 overhead projector was --

2 MR. ALCORN: We don't need that. That was  
3 discussing the changed methodology. Is this for  
4 approval of that changed methodology? Or is this --  
5 2000.

6 MS. CHYTHLOOK: No.

7 MR. OSTRAND: No.

8 MR. ALCORN: Okay. We've had that data since  
9 the fall. So let me defer to the committee then,  
10 just so we understand what the recommendation is  
11 or --

12 MS. CHYTHLOOK: Okay. Did you have any  
13 recommendations?

14 MR. OSTRAND: Well, yeah, we -- it's -- we're  
15 presenting the 2007 data for approval to the council  
16 as a whole. The data have been circulated to the  
17 regions during the year for their review and  
18 comment.

19 MR. ALCORN: Is the recommendation from the  
20 committee to approve the 2007 survey results --

21 MS. CHYTHLOOK: Yes.

22 MR. ALCORN: -- that were distributed in the  
23 draft?

24 Yeah? You want to make that in the form of a  
25 motion?

1 MS. CHYTHLOOK: I'll make the motion to have the  
2 council approve the 2007 harvest data.

3 MR. ALCORN: Do we have a second?

4 MR. SQUARTSOFF: Second.

5 MR. ALCORN: We have a motion and second to  
6 approve the 2007 harvest survey report.

7 Any discussion?

8 Sandy.

9 MS. TAHBONE: I would like to offer an  
10 amendment. The Bering Strait Migratory Bird Council  
11 reviewed the Bering Strait data. They approved of  
12 the data, but they would like to have all totals  
13 combined for the region, so there's just one total,  
14 not in subregional.

15 MR. ALCORN: I don't know how we respond to  
16 that. Is there a certain protocol for reporting in  
17 the survey protocol? Do we have that?

18 MR. OSTRAND: If I might?

19 MR. ALCORN: Bill?

20 MR. OSTRAND: The committee asks the regions how  
21 they would like to have their data reported. And so  
22 earlier Bering Straits Region made a request that  
23 the data be reported as one data table for their  
24 region, so.

25 MR. ALCORN: Okay. I'm going to ask Liliana to

1           come to the table, since I was looking at her when I  
2           was asking the question.

3                     Would you come to the table, Liliana, and  
4           introduce yourself, maybe address the question.

5                     MS. NAVES: I'm Liliana Naves an in a Division  
6           of Subsistence of Fish & Game. My recollection  
7           after discussion at the harvest committee is that  
8           the final report, the data will be always report at  
9           the region level, unless geographic cooperation is  
10          not enough to allow for estimates at the region  
11          level. So if data is good for a certain  
12          subregional, but not for the whole region, that  
13          could be reported at subregional level on those  
14          cases.

15                    For Bering Straits, have very good cooperation  
16          there should not be an issue for that. (Inaudible)  
17          just some regions -- to be most like regions that  
18          are broken down several subregions and the,  
19          sometimes cooperation is insufficient (inaudible).

20                    MR. ALCORN: Let me make a statement. My  
21          observation of the utility of the harvest survey  
22          report, we, the council, is charged, when you read  
23          the treaty protocol amendment and then the  
24          transmittal language, the council is charged with  
25          establishing regulations that do not increase

1 harvest over -- over -- relative to the population  
2 levels of the birds. So that's our charge. And we  
3 designed a survey to answer that fundamental  
4 question.

5 Is that an accurate statement?

6 MR. OSTRNAD: Yes.

7 MR. ALCORN: So given that statement, given the  
8 proposed amendment to the report, does it detract  
9 from us answering that request if we're asked?

10 MS. NAVES: Having data at the subregional  
11 level would allow more specific, for instance,  
12 outreach activities, instead of spreading efforts  
13 over all the regions, go at subregional level. In  
14 some cases this may be (inaudible) and some not.

15 So if we have data at the region level and is a  
16 large region, for instance, Y-K Delta or Interior,  
17 that are regions that have a number of subregions  
18 and they are larger areas. Maybe more difficult to  
19 pinpoint where to concentrate, insert those efforts.  
20 But on the other hand, the original estimates give  
21 the overall picture.

22 From how the calculation is done, the -- when  
23 all the subregions were surveyed, the regional  
24 estimate is the sum of the subregions. So it's very  
25 simple, as from the harvest estimate. It would be



1 different for the confidence intervals, because the  
2 confidence intervals account for variation between,  
3 among all the subregions. But for the numbers, if  
4 all the subregions are assembled it's just the sum  
5 of them.

6 MR. ALCORN: So what I'm hearing you say, then,  
7 is that with the proposed amendment, that it doesn't  
8 detract from us answering the charge that we're  
9 given as a council?

10 MS. NAVES: I don't think so. The council and  
11 the harvest subcommittee may ask for subregion  
12 estimates that is needed.

13 What do you think of this, Bill?

14 MR. OSTRAND: Well, the dated --

15 MS. TAHBONE: I was just going to say that it's  
16 analyzed by subregion, but as far as reporting, it's  
17 reporting as one total.

18 MR. OSTRAND: What I was going to say is if we  
19 report it by region to the external entities that  
20 want to look at the data, we always have, as the  
21 partners in the ownership of the data, we always  
22 have the option to look at the data by the  
23 subregions, if we choose.

24 MR. ALCORN: Okay. So we have a motion and we  
25 have a recommended amendment and an offered

1 amendment. I guess we need to ask the original --  
2 originator of the motion and the seconder if they  
3 consider that a friendly amendment, they'll consent  
4 to that amendment.

5 MS. CHYTHLOOK: I consent.

6 MR. SQUARTSOFF: I do, too, Mr. Chair.

7 MR. ALCORN: We have a motion and a second.

8 It's been amended to report this harvest, 2007  
9 harvest survey report with the amended amendment as  
10 stated, I'm not going to restate it.

11 But are we ready to call the question?

12 MR. SQUARTSOFF: Question, Mr. Chair.

13 MR. ALCORN: Hearing no opposition to call the  
14 question, I'll ask is anyone opposed to the motion  
15 as stated and amended?

16 I have opposition.

17 MR. PEDERSON: Uh-huh. I'm -- I don't know how  
18 you guys want to do it, but I am not going to --  
19 representing our region, I can't approve that  
20 recommendation, because our region hasn't not yet  
21 met to go over this. We got this thing in  
22 mid-February, I think. And our next meeting ain't  
23 going to be until end of May or early June.

24 MR. ALCORN: Okay.

25 Sandy?

1 MS. TAHBONE: Could we do a phone pole, or  
2 something of that nature? I mean, after they do  
3 theirs and if they -- or what would -- would that  
4 work?

5 MR. PEDERSON: The other thing I think you can  
6 do, though, is couldn't you submit the report  
7 without the North Slope data?

8 MR. ALCORN: I suppose that's an option. You  
9 can offer that as an amendment, an amendment to the  
10 motion.

11 I call the question now, and so I think under  
12 Robert's Rules, if I've called the question and you  
13 have someone that opposes it, the motion fails. So  
14 we would need a motion, the motion would be in order  
15 to consider the harvest survey committee report and  
16 recommendation.

17 So do I have a motion?

18 MR. PEDERSON: I'll make a motion to -- with  
19 council to adopt the 2007 harvest survey data  
20 excluding the North Slope.

21 MR. SQUARTSOFF: Second.

22 MR. ALCORN: Okay. I have a motion and second.  
23 But now do I have a friendly amendment? I think  
24 we're going to get there.

25 MS. TAHBONE: I'd like to amend the motion to --

1 I forgot the -- I'm losing my --

2 MR. ALCORN: To report the --

3 MS. TAHBONE: To report the Bering Strait sum  
4 data as one total, combined total tabled, combined  
5 total.

6 MR. ALCORN: Is the proposed amendment agreeable  
7 to the maker of the motion and the seconder?

8 MR. PEDERSON: Yes.

9 MR. SQUARTSOFF: Yes.

10 MR. ALCORN: We have a motion made to approve  
11 the 2007 harvest survey report, excluding the North  
12 Slope data, and amending the final report to include  
13 regional level reported data for the Kawerak region.

14 Are we ready to call the question? I think I'm  
15 going ask for discussion.

16 MS. TAHBONE: Discussion, yep.

17 MR. ALCORN: Fred?

18 MR. ARMSTRONG: The principal reason why we  
19 managed to get the harvest survey results approved  
20 by the council is because other organizations, such  
21 as Pacific Flyway, need our data. And as soon as  
22 the council approves it, we can send them down  
23 there. North Slope is an important part of this  
24 whole process.

25 MR. PEDERSON: What I can commit to do is after

1 we leave, I can send an e-mail to all of you guys  
2 reporting our regional council's action. But this  
3 is an agenda item for us at our next meeting.

4 MR. ALCORN: When is that scheduled?

5 MR. PEDERSON: End of May, early June.

6 (Simultaneous speaking.)

7 MR. ALCORN: So do we -- do you want to offer  
8 that as an amendment then, to the motion, to say  
9 that once the North Slope, presumably, if they  
10 approve the report as final, that it would be  
11 appended to our final report?

12 MS. BROWN-SCHWALENBERG: Yes.

13 MR. ALCORN: Okay.

14 Is that agreeable to the first amendment maker  
15 and the two originators?

16 MR. SQUARTSOFF: Yes.

17 MR. ALCORN: Okay. We have agreement. I'm not  
18 going to restate it.

19 Question's been called for.

20 MS. TAHBONE: Is that just on the amendment or  
21 are we still in discussion?

22 MR. ALCORN: We're still in discussion.

23 Sandy?

24 MS. TAHBONE: There was some -- I don't know how  
25 to describe it, but regarding the report as it's

1           presented with the Alaska Department of Fish and  
2           Game Division of Subsistence right at the top in the  
3           state's emblem, right at the top, I think it would  
4           be, you know, I know they put the report together,  
5           but it just looks like it's their report, where I'm  
6           thinking it's our report, this council's report. Am  
7           I correct? Whose report is this?

8           MR. ALCORN: Well, that's a good question. They  
9           do this under contract.

10          MS. TAHBONE: But it's for us.

11          MR. ALCORN: For the U.S. Fish & Wildlife  
12          Service for the AMBCC, correct.

13          MS. TAHBONE: We adopt it as our report.

14          MR. ALCORN: Technically it's our report.

15          MS. TAHBONE: So I would like to see, however,  
16          it would be -- you know, the work was done by them,  
17          but it looks like it's their report. And I think it  
18          should be -- it -- when I look at it, or when people  
19          look at it, they should view it as our report. I  
20          don't know if it's just a, you know, move that  
21          around or whatever's --

22          MR. ALCORN: I'm not going to amend the motion.  
23          That's a friendly suggestion.

24          MS. TAHBONE: Yeah.

25          MR. ALCORN: Okay. And we're still in

1 discussion, so let me -- I think I see a hand from  
2 Liliana, I'll ask her to address that statement.

3 MS. NAVES: Liliana Naves, Fish and Game.  
4 Sandy, I completely agree with you there. Cannot  
5 emphasize enough how they did the data collection  
6 process, the results, this is AMBCC results. AMBCC  
7 adopted, and sometimes people approach the state as  
8 your results. And I make the point there of putting  
9 my name there, because I prepared those results so  
10 if people have questions that they know to whom  
11 direct.

12 I just have the standard cover for reports and I  
13 should have paid more attention to that. But again  
14 this is AMBCC data. It's AMBCC survey materials,  
15 it's not something that's from the state.

16 MR. ALCORN: So we can fix that?

17 MS. NAVES: Oh, easily.

18 MR. ALCORN: Okay.

19 Mike?

20 MR. PEDERSON: Couldn't we just use this thing  
21 as a cover of the report? It has all of our things,  
22 including the Fish and Game thing.

23 MS. NAVES: Yep, uh-huh.

24 MR. ALCORN: Let's -- I think we can fix that,  
25 without having to spend more time on the record to

1 that.

2 I have to call the question in a sequence here.  
3 The first question I need to call, is anyone opposed  
4 to the second amendment that Patty offered, which  
5 would be to append the final report to include North  
6 Slope information, presumably once it's approved by  
7 the North Slope committee? Anyone oppose that  
8 amendment?

9 Hearing none, the motion is amended the second  
10 time.

11 The first amendment was to report the Kawerak  
12 region at the region level, not the subregion level.

13 Anyone opposed to that amendment?

14 Hearing none, motion as originally stated is  
15 amended now twice to report this -- or to adopt this  
16 as a council final report with those amendments as  
17 stated.

18 Does anyone oppose the motion? All right.

19 Seeing none, motion carries. Thank you all.

20 We have one more committee report. Hang with  
21 me, one more committee report and then we will  
22 break.

23 Herman?

24 MR. SQUARTSOFF: Mr. Chair, sweet and short.

25 The SOP committee, we tried to meet twice to



1           establish a quorum. We couldn't do the charge that  
2           was given to us by the AMBCC council. But Sandy  
3           might have a little bit to add to it.

4           MS. TAHBONE: We were charged to -- I'll just  
5           make it sweet. I know you can tell by my jerky  
6           language this time of our meetings is usually where  
7           we're just so tired.

8           We did have a work session. We had a work  
9           session on February and then we also had a work  
10          session on Monday. And both times, like Herman  
11          said, we did not have a quorum. So the committee  
12          still needs to meet and we need to establish a  
13          quorum in order to take care of our business.

14          We did have some really good discussion within  
15          our work sessions, though. And one of the things  
16          that was brought out was each of our standing  
17          committees needs to be -- how does it state it  
18          within our -- the chair or the council by resolution  
19          adopted by the majority of the council may establish  
20          other standing committees whose -- it's my  
21          resolution, and within that resolution the  
22          committees need to clearly state the committees'  
23          purpose, duration and proposed membership.

24          And so we were wondering, we were saying, you  
25          know, where is the resolution that establishes the

1 SOP that would kind of, you know, I think there's  
2 only like one or two committees that have  
3 resolutions. So that's one of the things that we  
4 think each of the committees need to put together,  
5 is exactly what their purpose is.

6 And also one of the things that we were charged  
7 with was for bylaws, dealing with bylaws. And I  
8 would like to see a resolution because the SOP  
9 doesn't have a resolution, stating its purpose. If  
10 we could establish a bylaw and standard operating  
11 procedures committee to combine those. So I'm not  
12 sure if you wanted me to go through some of the  
13 other things that were raised or that we discussed.  
14 I don't -- I mean everybody's pretty tired.

15 MR. SQUARTSOFF: Mr. Chair, I've got one more.  
16 I did find the floppy disk that my alternate, we  
17 worked on it about four or five years ago. But it  
18 seems to be kind of like a little outdated thing.  
19 And it's got to go with one of the computers that we  
20 had back then. We've got a lot of material on it,  
21 but I don't think we're going to be able to use it.  
22 So --

23 MR. ALCORN: Well, with the committee not having  
24 a quorum, I just would consider this report good  
25 advice and information, but not a bonafide

1 recommendation. So I don't know that we could take  
2 action on it right now.

3 Thank you. And I am a member of that committee,  
4 I will apologize, I've missed portions of both of  
5 those meetings and will try to commit to attending  
6 those when the chair schedules another meeting.  
7 Sandy?

8 MS. TAHBONE: I would like to -- we have a lot  
9 of good information where I think we could develop a  
10 good agenda for the next committee meeting so we  
11 make some progress.

12 MR. ALCORN: Thank you for your report.  
13 Joeneal?

14 MR. HICKS: Yes, Mr. Chair.

15 Sandy, if you might also explain that there was  
16 a letter sent out --

17 MS. TAHBONE: Oh, yeah. There was -- at the --  
18 this was brought up at the -- where the -- at our  
19 Dillingham meeting there was directive to send out a  
20 letter to the partners. And it came up at the -- so  
21 did that ever get --

22 MR. PEDERSON: We got it.

23 MR. ALCORN: I found -- I'll explain it without  
24 airing too much dirty laundry, I found we were  
25 remiss in not getting that out. We developed it.

1           It was not sent. We did, after you pointed that  
2           out, and then I went, oh, you know, the light bulb  
3           went off, or went on, whichever way you want to look  
4           at it. I had an epiphany and I didn't recall  
5           sending it out or signing the letter.

6           So we looked and found them. They had been  
7           finalized and printed, but not signed and  
8           distributed. So I believe we did sign those and  
9           send those out shortly after our meeting in -- was  
10          that January when we met? When we met in my office  
11          a couple, three months ago, so -- but we did send  
12          those letters out.

13          You said you got one, Mike?

14          MR. PEDERSON: We got ours.

15          MR. ALCORN: We sent Mike one.

16          MS. TAHBONE: I haven't seen one yet.

17          MR. ARMSTRONG: Mr. Chair?

18          MR. ALCORN: Fred?

19          MR. ARMSTRONG: I think they were sent out, but  
20          I think some of them went to the wrong address. The  
21          addresses weren't updated.

22          MR. ALCORN: Right.

23          Joeneal.

24          MR. HICKS: Like the letter to CRA was the wrong  
25          address.

1           MR. ALCORN: We'll try to rectify that and  
2           resend those letters if need be.

3           MR. PEDERSON: I remember getting it because our  
4           grants department people in my office, they were  
5           confused about it. And I had to just say all it  
6           says is that if you don't return this agreement  
7           within a certain time of frame, that the money  
8           obligated to the partner organization is going to be  
9           made available --

10          MR. ALCORN: That's a different letter. The  
11          letter that I'm -- that Sandy's referring to is a  
12          letter that we agreed to write from the chair that  
13          expressed appreciation for participation from the  
14          regions and expressed a desire to have the regions  
15          that have not been regularly represented here to be  
16          more consistent --

17          MR. PEDERSON: I'm sorry. I never got it.

18          MS. TAHBONE: It was a motion to encourage  
19          participation in the council.

20          MR. ALCORN: Correct. So I will commit  
21          personally to ride Fred to make sure that it gets  
22          done.

23          All right. I apologize for that.

24          MR. SQUARTSOFF: If it don't happen, Mr. Chair,  
25          you won't see me here at the next meeting.

1 MR. ALCORN: All right. That concludes our  
2 reports to the committees. We're going to recess  
3 until 3:30. And we'll take up the final items, 13  
4 through 18 when we come back at 3:30. The earlier we  
5 restart, the quicker we get out.

6 (Whereupon, a brief recess was taken, after  
7 which the following proceedings were had:)

8 MR. ALCORN: I'll ask you all to take your seats  
9 once again.

10 We're down to item 13, invitation for public  
11 comment. We had a lot of good interaction and I'm  
12 going to invite this lady to the table, but I forget  
13 your name, so you'll have to introduce yourself for  
14 the record.

15 MS. STICKWAN: My name is Gloria Stickwan. I  
16 just wanted to say something about the duck stamp.  
17 I didn't get a chance to, or I was too slow or  
18 something earlier. But in our area we don't have a  
19 fall hunt under the feds since August, so I don't  
20 understand why we have to have a state stamp and a  
21 federal stamp, because it ends in August. So I  
22 don't think we really need to have, to purchase a  
23 duck stamp.

24 And I think that, you know, the duck stamp I  
25 understand goes for habitat to, I understand that's

1           what it's for. I'm not against that; I'm for that,  
2           but can't the U.S. Fish & Wildlife get funding for  
3           that to, I don't know, to enhance habitats for ducks  
4           instead of us having to buy a duck stamp.

5           You know, we have other customary traditional  
6           fishing that we don't have to buy a fishing license.  
7           And this whole Migratory Bird was set up so that we  
8           could have a hunt. And it seems like we're being,  
9           you know, being treated like the state and that we  
10          have to buy a duck stamp. And we're being -- I'm  
11          just opposed to the duck stamp and that funding  
12          could be pursued through elsewhere by the U.S. Fish  
13          & Wildlife.

14          And I think AFN would be -- resolution could be  
15          brought up by somebody on co-management to have a  
16          resolution by AFN saying that they're, you know,  
17          legislation should be sought by AFN and this group,  
18          that they do away with the duck stamp requirement.  
19          Because it's getting really expensive to go out  
20          hunting. You have to have money to get gear and  
21          shells and a good gun. And, you know, it's  
22          expensive to go out hunting.

23          So -- then if we could do away with the duck  
24          stamp, it would help. And with the economy the way  
25          it is, more people are going to be hurt by the

1           economy. I'm sure it's going to hit Alaska, from  
2           what I understand in reading the papers, that  
3           it's -- that it's going to be an added burden for  
4           people to buy duck stamps.

5                     And I know \$15 doesn't sound like a lot of  
6           money, but to some people that's food on the table  
7           or paying the bills. I mean, that's how bad it is  
8           in our area. Some people, they live with different  
9           families because they don't have their own place.  
10          There's hardship going on in rural Alaska in my  
11          area. Even, you know -- so that's what I'm --  
12          that's what I'm trying to say, is that, you know, if  
13          we can do away with the duck stamp, that will be  
14          good.

15                    And I used to serve on the co-management council  
16          as one of the -- I served with Herm over there when  
17          we first started. And I know what you're going  
18          through, some of the issues like the duck stamp was  
19          brought up when I was on the council. I commend you  
20          guys for keep going on. And I think you're forming  
21          a lot of committees and that's good, the work you  
22          guys are doing.

23                    MR. ALCORN: Thank you. Appreciate it.

24                    Herman?

25                    MR. SQUARTSOFF: I'd like to respond to you on



1           that. In my region we're going to start working  
2           with our legislators to try to eliminate the federal  
3           duck stamp and also the state license and state duck  
4           stamp. So we're going to start working on that.  
5           Hopefully we'll have something going on at next  
6           year, because we're going to get down to the wire  
7           where we're having the written citation this year.  
8           The following year it's going to be a citation. So  
9           I'm going to hopefully try to avoid that.

10           And I follow you on the expense. That 15, \$20  
11           for them stamps, could be used for fuel and  
12           ammunition also. You know, like you said, it  
13           doesn't sound like much, but that's a lot money that  
14           will help pay for that. So thank you for your  
15           considerations on that.

16           MR. ALCORN: Thank you, Gloria.

17           Are there any other comments from the audience?  
18           Oh, I have Frank.

19           MR. WOODS: I got to be the public.

20           MR. ALCORN: Maybe we ought to just give you a  
21           seat at the table.

22           MR. WOODS: I tell you what, this is the most  
23           interesting process I've ever seen in my life. I  
24           was pointing out earlier in the -- yesterday or two  
25           days ago when it started, it's -- it's great to see

1 the state and the feds and, you know, tribal  
2 entities in a co-management agreement and using  
3 ANILCA and the laws that pertain to the resource  
4 management working at its finest.

5 The methods and means that we use for  
6 subsistence at the omnibus bill that Obama put in  
7 and CFR 50.1099 in April 1st is going to turn into  
8 50 CR 1040 on April 15th. That's the rule.

9 MR. ALCORN: All right.

10 MR. WOODS: The federal rule, I wanted to throw  
11 something in there that, all the stuff, the  
12 enforcement and the racial profiling and -- and our  
13 means of how we subsist and live -- and Jonny,  
14 asked, you know, God bless him, he's one of the few  
15 traditionalists that we can actually listen to.

16 I'm more the -- I live in both worlds,  
17 basically. I think that I was in a generation  
18 where, for the Native people I could say, they went  
19 through the heartburn, my grandparents were born and  
20 raised traditionally in a house and they seen the  
21 first sailing ship come in. They've seen the  
22 federal government come in and start managing the  
23 resources. They've seen the development of  
24 statehood.

25 And then now this day and age we have dual

1 management in the state of Alaska. And this group  
2 has kind of broken all them barriers in looking at,  
3 yeah, but we don't have a dual management, we're all  
4 sitting at the same table -- and welcome to the  
5 show. And, you know, it's good to see Tanana Chiefs  
6 at the table, that we have representation from the  
7 Interior that we haven't had in the last couple  
8 years.

9 The one thing I'd like it push is I just read  
10 through your proposal and deliberation protocol.  
11 Majority, yeah, you guys know that and I spoke on it  
12 earlier on in the process as for a normal person  
13 coming off the street, we haven't had too many, I  
14 don't see too many public -- thank God we just had a  
15 lady come in here and speak on the duck stamp issue.  
16 But from the public looking outside in, this is a  
17 growing organization. We have to develop them  
18 enforcement rules. We have to develop the protocol  
19 to change policy and we have to do an EIS and a NEPA  
20 process to incorporate all that change.

21 I thank you for being really fair, Doug. I've  
22 seen you, you know, in the last couple years you've  
23 been ungodly fair.

24 MR. ALCORN: Get that on the record, would you.

25 MR. WOODS: But I haven't been in an argument

1 with you yet, so I don't know.

2 But I just wanted to point out that as just a  
3 public person coming off the street and watching  
4 this process, you know, it's really interesting that  
5 we are taking address and taking our own initiative  
6 to take our own Native stance forward, say this is  
7 how we live, this is what we want and actually  
8 getting our needs met. Because a lot regions they  
9 don't have that process. Let's put this way, we're  
10 the representation of our bigger villages, that  
11 where the smaller villages, I see a big need for  
12 education, you know. And getting them engaged in  
13 this process, because they're actually leaving it up  
14 to us when they're actually doing the subsisting and  
15 harvesting. And I guess that's our job.

16 Education is huge. We seen a presentation last  
17 year from Kodiak National Wildlife Refuge, Peter and  
18 Jonny. We have the least amount conflict in our  
19 region for enforcement to education, as much issues  
20 that come up, we still have that engagement process  
21 where you don't have the polarized, you know, sides,  
22 which is sometimes counterproductive.

23 But I'd like to caution you on the enforcement  
24 issue. I agree with Randy. I appreciate the  
25 enforcement committee working. I'd like to be a

1 part of that, because number one, as someone that  
2 works with state troopers, God bless their souls,  
3 they deal with the most negative impacts of all  
4 social ills in the world. Every time I deal with  
5 them on a search and rescue level, I have to  
6 educate -- every new state trooper, I have to  
7 educate him on our region. And it is region by  
8 region.

9 You know, number one, we have to introduce each  
10 other. Like what Sandy had said, if you meet with  
11 the leaders, if you meet with the, you know, get to  
12 know them, and at least they'll know who they're  
13 talking to. That process is real important. And  
14 enforcement, you know, they have their job. But as  
15 public, it's -- we don't want to get the, you know,  
16 the racial discrimination in play. And we don't --  
17 we want to keep our own.

18 And that's why, as a Native person sitting on  
19 search and rescue committees, I make it a point to  
20 go and introduce myself to get that person, you  
21 know, because what they deal with is a whole  
22 different level of reality than the average person  
23 has to deal with. And as someone that has to deal  
24 with enforcing the law and pushing it to the limit,  
25 you know, they don't -- they kind of, you know, they

1 have a little bit of -- little bit of disadvantage  
2 of becoming a local -- on a local level. So that  
3 engagement is really huge.

4 I'd like to be a part of that. And I'd like  
5 what -- not Myron, but Sky answered my question, we  
6 want it approved by region about education outreach.  
7 So with that, I'll shut up and let you finish your  
8 meeting so we can all go home.

9 MR. ALCORN: Thank you, Frank.

10 Anyone else from the audience that would like to  
11 address the council? I see no one.

12 We're going to move down to committee  
13 appointments and assignments. The committee -- the  
14 list of committees is under, I believe it's tab 10.

15 MR. SQUARTSOFF: Mr. Chair? We did go over the  
16 committee assignments in September in Dillingham,  
17 but we did do a quick change right here with our  
18 Native group. I know you guys have to do changes,  
19 too, the ADF&G and all --

20 MR. ALCORN: Why don't we go through them very  
21 quickly. We can add names, it's never been a  
22 contentious issue. We can add names and invite as  
23 many partners to participate.

24 Let's just go, technical committee?

25 MS. CHYTHLOOK: Add Patty. And I think we're

1 deleting Tim Andrew.

2 MR. ALCORN: He's asked that his name be  
3 removed, okay.

4 MS. TAHBONE: Did he request to be removed?

5 MR. ALCORN: That's what I'm asking.

6 MR. SQUARTSOFF: No. But we put Patty in his  
7 place, because the reason being, Mr. Chair, he  
8 hasn't been coming, attending the meetings, so.

9 MR. ALCORN: I guess I am inclined to, if's he  
10 inclined to be involved, I'm inclined to leave his  
11 name on there, and let him make that decision.  
12 Frankly, we need as much help as we can get on this.

13 MR. SQUARTSOFF: Mr. Chair, we normally do that  
14 with the Native caucus and pick our people, so  
15 that's what we basically did. We've done that.

16 MS. CHYTHLOOK: Harvest survey committee, the  
17 only change we're going to need is the state under  
18 Tom Rothe.

19 Standard -- C standard, operating committee,  
20 again Tim Andrew is deleted and then you'll probably  
21 insert under Tom Rothe. And everybody else is okay.

22 Then D, long-term goals and objectives, we just  
23 need a replacement for Tom there.

24 Flyway Council is the same. Emperor Goose  
25 Management Plan Committee is the same.

1 Exclusive Committee is the same.

2 Harvest limitation is the same.

3 Invitation -- yeah, invitation committee, Tom  
4 Rothe needs to be replaced.

5 Outreach committee, Tom Rothe needs to be  
6 replaced.

7 And law enforcement, we've added Randy Mayo.

8 And then Budget Ad Hoc Committee is the same.

9 MR. ALCORN: Okay. Did the state have any  
10 additions or retractions?

11 MR. RABE: Well, I guess I want to just make a  
12 statement. I'm not going to ask to have any names  
13 changed on any of these at this point in time. But  
14 to put it on the record, that because of a number of  
15 new people representing positions here from the  
16 state and discussions that I've had, we feel it  
17 would be both useful and necessary to have internal  
18 discussions about representations on these various  
19 committees.

20 And so until we have a chance to meet and  
21 discuss some of those things, and it would be  
22 helpful if we had the charge of each one of these, a  
23 description, if that is available so that -- for  
24 myself and others, it may not be as familiar to be  
25 able to fully understand what each of these



1           committees is intended to do. And then I would be  
2           willing to commit, if we want before the next  
3           meeting, to provide a means when those decisions can  
4           be made or we can discuss it at the next meeting,  
5           whichever is most appropriate.

6           MR. ALCORN: Let me ask staff, ask Fred, is  
7           there any synopsis of the charges given to the  
8           council?

9           MR. ARMSTRONG: I don't know. I'll check with  
10          all the chairs.

11          MR. ALCORN: Okay. We'll canvass the chairs and  
12          see what we have. Some of these committees, if I  
13          recall, kind of evolved out of discussions of the  
14          council and sort of created them. So they might  
15          have to go back and pull that from the actual  
16          record.

17          Sandy?

18          MS. TAHBONE: As I stated within our SOP report,  
19          our bylaws require the committees to be formed via  
20          resolution, which within that resolution states the  
21          purpose, function, life, duration, makeup. And I  
22          believe those have not been done. So it's what I  
23          was requesting that each committee draft, and  
24          whatever information staff can provide, why they  
25          were formed, what was the intent of their formation

1 and forward that information on to the committee so  
2 it would help them in drafting a resolution.

3 MR. SQUARTSOFF: We did have a couple more  
4 changes we forgot. Molly's got them.

5 MS. CHYTHLOOK: Under invitation committee,  
6 Randy Mayo, scratching off TCC -- well, Randy's  
7 going to -- and under Budget ad hoc committee, Randy  
8 Mayo; scratching off Mike Smith.

9 MR. SQUARTSOFF: That's it.

10 MR. ALCORN: All right. Okay. There's no  
11 motion needed for adoption of that.

12 Eric?

13 MR. TAYLOR: Eric Taylor with Fish & Wildlife  
14 Service.

15 Mr. Chairman, Russ Oates asked that I replace  
16 him on the technical committee for Fish & Wildlife  
17 Service.

18 MR. ALCORN: Okay. Great. Thanks. All right.

19 MR. SQUARTSOFF: One more thing, Mr. Chair, I'd  
20 like to put Bill Ostrand on all the committees so he  
21 won't have to leave.

22 MR. ALCORN: He's not even here.

23 MR. SQUARTSOFF: He's right over there.

24 MR. ALCORN: Do you accept?

25 MR. OSTRAND: I have to respectfully decline.

1 MR. ALCORN: Well, we are down to council  
2 comments. And we open the floor for comments from  
3 the council chair to close the meeting out. And  
4 I will open the floor. Anyone have any --

5 Sandy?

6 MS. TAHBONE: If you recall, I didn't have my  
7 assistant with me and I was unable to carry my  
8 report with me, so I requested that I give my  
9 regional report during comments.

10 MR. ALCORN: I don't recall that, but I believe  
11 you.

12 MS. TAHBONE: I'll just do it really briefly,  
13 hopefully.

14 Like I stated earlier, the Bering Strait  
15 Migratory Bird Council met April 1st and 2nd in  
16 Nome. And one of the things that we asked of our  
17 council members is to provide us with their  
18 observations, and it's an observation and report.

19 So at the November meeting we had some  
20 discussion on that and we were trying to develop a  
21 tool that would be able to provide useful  
22 information for management purposes. And what we're  
23 looking at is information wherein we've had some  
24 real brief discussions with Russ about this, that  
25 was just really brief during the meeting.

1           What we're trying to do is we want to get out of  
2           the anecdotal, quote/unquote, and get into how we  
3           can utilize traditional local observation knowledge  
4           with western science. So we're trying to develop a  
5           tool. So hopefully we'll be able to come up with  
6           that within -- it's going to take some drafting, but  
7           we'll -- we're really excited about it.

8           Bill Ostrand came on behalf of this council and  
9           the work that we did -- and he did an excellent job.  
10          We made him stay for the whole duration and we're  
11          really glad he did, because he was able to answer  
12          quite a few of the councils on questions.

13          We also had reports given by Russ and Eric.  
14          They attended -- we had a telephonic presentation,  
15          they e-mailed the PowerPoint up and so I was  
16          clicking as they were talking. And that worked out  
17          really great. So if you need to cut some costs, so  
18          in the future we would request that all  
19          presentations be given telephonically and that you  
20          pass those savings onto us -- no.

21          MR. ALCORN: That's a great recommendation.

22          MS. TAHBONE: We invited the law enforcement to  
23          our meeting. And Steve was originally going to  
24          come, but in his stead with Mt. Redoubt and -- well,  
25          that's the excuse he used anyway. But Mike Wade was

1 in his stead. He's our local law enforcement and he  
2 did a great job. He did a really good job. And he  
3 was there for probably ninety percent of the  
4 meeting. And he provided a lot of really good,  
5 useful information.

6 So I really encourage the rest of the councils  
7 to invite law enforcement. We did not have state  
8 law enforcement there, but we will invite them at  
9 our next meeting. We currently have three bird  
10 programs going on at Kawerak. We've got, of course,  
11 our MBCC agreement and we're offering a stamp  
12 program through the MPRB. And we also do the avian  
13 influenza sampling. We'll be doing that again this  
14 spring.

15 We're looking to pull on two more projects, the  
16 Yellow-billed Loons ethnographic and also the data  
17 collection. So we're in the works for that. We  
18 have yet to sign the agreement for that.

19 The issues that the council's been working on is  
20 a gun safety program. And we're looking, we've  
21 started work with Alaska Department of Fish and Game  
22 with their program to get that going. And we're  
23 continuing to work the lead shot issue. The council  
24 did consider a recommendation from staff regarding  
25 submitting a state proposal to the one similar, if

1 not exactly the same, that the North Slope Borough  
2 did to ban the use of lead shot in Unit 22, but we  
3 need to -- there needs to be a little bit more  
4 detail. So staff is working on the proposal for  
5 council consideration at their November meeting.

6 We still continue to work on the duck stamp  
7 requirements. I won't go into that. Everybody  
8 knows what's going on there. And also the license  
9 requirements. And there was much discussion  
10 regarding dealing with two sets of regulations on  
11 law enforcement policies. And I won't go further  
12 into that, that's already been discussed pretty  
13 much.

14 And education outreach, that was one thing that  
15 we didn't get a chance to have any real discussion.  
16 It was later on on our agenda and, just like now,  
17 how we tend to start rushing, people have planes to  
18 catch, what have you. But we will be looking at a  
19 comprehensive education outreach program that's  
20 going to work best in our communities.

21 Because when you -- when I travel out to our  
22 villages, there is a lot of education outreach on  
23 the walls, lot of posters, you know. And a lot of  
24 it they just get, like, lost. So it's like what's  
25 going to work? And each community is different how

1           they respond to information. So that will be on our  
2           agenda next week. And that concludes my report --  
3           our next meeting is scheduled for November 17 -- 18,  
4           I believe.

5           MR. ALCORN: Okay.

6           Any other council comments? Randy?

7           MR. MAYO: Yes, Mr. Chair, I just wanted to say  
8           a couple of words here being the new member here  
9           that I guess I must have stepped out of the room and  
10          I was volunteered for this. But I'm looking forward  
11          to working with the group and during this process  
12          more and more, so I learned a whole lot here in the  
13          last couple of days, and I look forward to working  
14          with everybody.

15          MR. ALCORN: Thank you.

16          Dale?

17          MR. RABE: I basically follow in Randy's  
18          expression of being a new member and want to say  
19          that -- how enjoyable this meeting has been and how  
20          excited I am to be part of this group and to  
21          continue to participate and the patience everybody  
22          has shown me as I get up to speed on a lot of these  
23          topics and learn a lot of history of the  
24          organization and things like that. I look forward  
25          to the next meeting, and hopefully a long

1 association with the group.

2 MR. ALCORN: Let me say that I appreciate the  
3 collegiality that I sense that we are building here  
4 in this group. It's been -- I've been involved for  
5 over 8 years with the council and I think that we  
6 are, as -- as many groups go through, sort of the  
7 forming and the storming stages, and then I think  
8 we're at the performing level. And I think I'm  
9 heartened by the level of cooperation and the,  
10 frankly, the level of preparedness that every  
11 regional member brings to the table.

12 I really appreciate Randy being here from TCC  
13 and I appreciate Dale, the two new members being  
14 here, the fact that you've persevered two long days  
15 in your seats and this has got to be a real, you  
16 know, "drinking from the firehose" experience. I  
17 appreciate both of your insights and comments.

18 With that, I think that Herman said he would  
19 like to have the last -- oh, two more hands. I'm  
20 sorry.

21 Molly?

22 MS. CHYTHLOOK: I just want to thank everybody  
23 that's participated here. But, you know, there's  
24 that comment behind every good man is a good woman,  
25 but I think behind this council we have good staff



1           and that's why our -- that's why there's -- even  
2           though we've had struggles and kind of nitpicked  
3           each other, we've always come out positive. But I  
4           just want to thank the people like, you know, her  
5           with her laptop there, recording, and the people  
6           that sit along the sidelines, Donna, she's quiet and  
7           she sits along the side, but she -- she's  
8           contributed a lot to this council.

9                     And then Bill, we're going miss him when he  
10           leaves. And we're -- we hope that we'll get  
11           somebody as good as he's been working for this  
12           council. And that's the kind of person that we  
13           want, is somebody that will support and understand  
14           and work with this -- this council, because without  
15           that, without that support, this council is not  
16           going to work as well.

17                    And I want to thank the agencies here, both the  
18           federal and the state, because when -- when  
19           everybody works together and everybody's at the  
20           table, even though, you know, you're sitting off the  
21           side there, and you're able to answer -- or you're  
22           able to dialogue between my understand -- my  
23           misunderstanding and your understanding and vice  
24           versa and work those problems out, if we are able to  
25           go home with a clear mind to go back to our region

1 to express what we understood from this meeting to  
2 our regional council and then our regional council,  
3 try to make sure that they will understand and  
4 then -- and then they would be able to go back to  
5 their communities to explain.

6 And with the law enforcement, with each one of  
7 our -- or each time we have a regional council  
8 meeting, we make an effort to invite the law  
9 enforcement, because in the past, historically, when  
10 our law enforcements were called game wardens, they  
11 were -- they were not appreciated. They were  
12 misunderstood on both sides. But now that they're  
13 able to come to our council meeting, explain  
14 themselves, explain what they do, it makes a better  
15 dialogue and understanding between our council and  
16 the public that are attending our meetings. And  
17 they not only are invited to our regional meeting,  
18 but I think that, like the RACs and the advisory  
19 councils make an effort to invite them because  
20 they're, I guess the most misunderstood, because  
21 they were -- they've -- in our region it might be  
22 different in the other regions, but in our region,  
23 they were the most hated, most misunderstood people  
24 because of what they did at Togiak Round Island.  
25 And they -- I think because regional council making

1 an effort to work with them to invite them, it's  
2 made it easier for us and the people to understand  
3 them. And I appreciate Togiak National Refuge, Paul  
4 Liedberg that manages the council -- or the Togiak  
5 Refuge, because he is very misunderstanding -- or  
6 not -- he's very understanding to the people over  
7 there. And that's the kind of people that we really  
8 appreciate in our areas. Thank you.

9 MR. ALCORN: Thank you, Molly.

10 Patty, you had your hand raised?

11 MS. BROWN-SCHWALENBERG: Yeah, speaking as a old  
12 council member, we've come through developing the  
13 bylaws to what we are today, and we've come a long  
14 way. And what I like about this council is that  
15 it's kind of still an evolving process. And we can  
16 change -- we still have the ability and authority to  
17 change things that aren't working. I think at this  
18 meeting we've seen some things that aren't working  
19 as well as they could, not necessarily that we have  
20 to change the policy, but maybe the process. And it  
21 opens the door for more communication between, just  
22 not only the technical people and the regional  
23 management bodies, but the law enforcement. I mean  
24 make it more a holistic inclusion, you know,  
25 including as many people as you think are going to

1 be affected by some of these decisions that we make  
2 and some of the proposals that are submitted so  
3 that -- I think we can see now that it's a benefit  
4 that, you know, we're finding out there's more  
5 people out there that's being affected by the  
6 decisions that we make. And more people out there  
7 are seeing the decisions we make that affect them.

8 And that's part of the growth process, I think.  
9 I learned a lot at this meeting this time. It  
10 wasn't business as usual, it didn't seem to me. It  
11 seems like there's a lot more doors that have been  
12 opened these past couple days than there have been  
13 in the past, and that's exciting.

14 MR. ALCORN: Thank you.

15 Joeneal?

16 MR. HICKS: Yes, I want to say thank you for all  
17 the staff, the AMBCC. Good luck in becoming a  
18 Texan.

19 But anyway, as you all go your own separate  
20 ways, the summer or spring season is right upon us  
21 and we're also -- I have been told anyhow, and I'm  
22 sure others have been, but they're also expecting a  
23 very, very hot summer season, so as you go your  
24 separate ways be careful of fire out there, you  
25 know, the word is safety. So just be careful.

1 Thank you.

2 MR. ALCORN: Thanks, Joeneal.

3 All right. See no more hands.

4 Oh, Peter?

5 MR. DEVINE: Thanks, Mr. Chair. Sorry I wasn't  
6 here this afternoon, but I was over learning another  
7 important aspect of this. I got to go over and  
8 judge the goose calendar. Well, it was already  
9 scheduled, so I couldn't leave them with one judge  
10 less, so I had to go.

11 But the winner for the literature was a  
12 6th-grader from Kokhanok, last name Odiamond  
13 (phonetic). And then for the front page for the  
14 poster was a 6th grader from King Cove. So -- so it  
15 was pretty exciting to see all the art, you know,  
16 that was submitted. And, you know, it's pretty  
17 amazing. Some of them, K through 6th graders did  
18 better than the 12th graders, so I don't know who  
19 was helping who.

20 Seeing as how we're this far along on the  
21 agenda, I take it all the proposals passed easily.

22 MR. ALCORN: Well, we tabled and deferred some,  
23 but we got through them.

24 MR. DEVINE: Okay.

25 Yeah, thanks, you know, to all the council

1 members and participation from the audience and  
2 staff. I started this, must have been five years  
3 ago, and there was so much tension in this room that  
4 we couldn't even look at each other. Now, I mean,  
5 it's become a much better atmosphere, I think,  
6 because we're not coming to the table and just  
7 shooting our mouths off, we're coming and, you know,  
8 giving good dialogue and recognizing how each group  
9 and each region is, you know, stayed alive so long.  
10 So thank you.

11 MR. ALCORN: Thank you, Peter. We appreciate  
12 you working on the calendar panel as well. That's  
13 an important function.

14 I'm going to turn it over to my friend Herman,  
15 who is probably the longest standing member of the  
16 council.

17 MR. SQUARTSOFF: In that case, Mr. Chairman,  
18 I will resign. I'd like to also appreciate the  
19 council members, just about everybody here had a  
20 show of hands and showed up and I really appreciate  
21 Randy coming in now for TCC, it's great to have a  
22 rep from there. It's been awhile and we've been  
23 missing you guys and wanting to have somebody here.  
24 So it's great. Same with Dale, having Dale come in  
25 as, by next meeting he won't be a new member, he'll

1           be an old member. So that will be like what 5, 6  
2           months down the line.

3           MR. RABE: The honeymoon is over.

4           MR. SQUARTSOFF: Sorry, Dale. I'll be becoming  
5           chair at the fall meeting, at the end of the fall  
6           meeting and you'll be my right-hand man after that.  
7           So just pay attention to what I say and it will go  
8           well.

9           But -- and I also want to thank, like, everybody  
10          else, the staff members, Donna, Bill. I mean,  
11          they've been doing a tremendous job for us here, and  
12          Fred. And I don't know if Doug's been tweaking any  
13          arms, or anything like that, but they've been doing  
14          a great job. And, like I say, we hate to see Bill  
15          leave. I'd like to have him on every committee so  
16          he doesn't have to go. But he has reasons that he  
17          needs to move down to Texas, so we're going to  
18          really miss him a lot.

19          I also want to thank Bob over there again. He  
20          does a great job for us, you know, in the Flyway  
21          Council meetings and SRC on the tech committee  
22          meeting. He does a tremendous job for us. You  
23          know, Patty can vouch for me on that, I believe Mike  
24          can now. And the rest of you staff out there. And  
25          I apologize if I offended any of you that weren't

1 really well prepared for this meeting, some of the  
2 stuff I shot at you really quick. I kind of take  
3 advantage of that when things like that happen, so  
4 just remember me on the next meeting, and it  
5 probably won't happen. But I really appreciate it.

6 But on a good note, we do have a presentation we  
7 want to give here to a couple of people, so if you  
8 guys don't mind, I am going to go ahead and do that  
9 now.

10 If I could have Bill come over in the middle  
11 with me. Bill, if you don't mind.

12 Since -- since we don't have a power  
13 presentation, maybe we can have you stand on this  
14 table. We'd like to present this to you, Bill, on  
15 behalf of all the work you did for the AMBCC, we got  
16 a gift for you and a card on behalf of all the  
17 Native working groups and the AMBCC Council. So we  
18 really appreciate the work you have been doing for  
19 us. Like I say, we're going really miss you.

20 MR. OSTRAND: Well, thanks.

21 MR. SQUARTSOFF: There was an extra box of  
22 donuts up there, I was going to give them to you,  
23 but I see they're down on the table.

24 We appreciate the job you've been doing for us  
25 and a job well done. Hopefully we'll have somebody



1 to be able to fit your big shoes that you've been  
2 doing.

3 MR. OSTRAND: Thank you. I've been here since  
4 the beginning of the council and the last several  
5 years I've been mentally preparing my farewell  
6 address to the council, but I am going to another  
7 Fish & Wildlife job. I do want to thank the Native  
8 members of the council. I've learned a great deal  
9 from all of you and the others that sat there at  
10 this council, as well it's been a privilege to learn  
11 about your cultures and to get to know you  
12 personally. Thank you.

13 MR. SQUARTSOFF: Thank you, Bill.

14 We have one more for, I don't know if Patty  
15 wants to help me on this one or not. Tom Rothe's  
16 not here. I guess he retired for some reason, I  
17 don't know why, I don't remember him retiring unless  
18 he sent everybody an e-mail that I didn't get to  
19 see. But we also got a gift for him and a card.  
20 And I asked Lillian if she can go ahead and give it  
21 to him when he gets back from Hawaii trip. So maybe  
22 Lillian can come up and get that for him, if she  
23 doesn't mind.

24 He's done a tremendous job for us throughout the  
25 years, too, and all the technical stuff he did for

1 the committee here, not only here being on the tech  
2 committee, Flyway Council all that and then  
3 answering questions down in SRC with the tech  
4 committee. So Tom's done a great job for us, too,  
5 especially with the geese and all that. So we  
6 really appreciate the job he did. I wish he was  
7 here.

8 MR. RABE: Herman, what I can tell you is that  
9 when I had to get up and leave here during our last  
10 session, it was Tom calling, and then I chatted with  
11 him during our last break and he said to wish  
12 everybody well that's here and he went so far as to  
13 say he wished he were here, but he was sitting under  
14 a palm tree with a Mai Tai so I don't know whether  
15 we should really believe him.

16 MR. SQUARTSOFF: I'm going to give the gift and  
17 card to Lillian.

18 MR. ALCORN: That takes us to item 16, staff  
19 comments. Are there any comments from Fred, Donna  
20 or Bill?

21 MS. DEWHURST: Fred wanted me just to report on  
22 the grants and that Southeast Alaska has not signed  
23 their grant agreement this year and the Maniilaq is  
24 on year three of not signing their grant agreement.  
25 So everybody else has signed and cleared and

1 everything else, those are two problem children for  
2 this year.

3 MR. ALCORN: Any other staff comments?  
4 Fred?

5 MR. ARMSTRONG: In closing I'd like to thank  
6 Bill publicly for the work he's done for us, he's  
7 carried a load, quite a bit as we lose staff  
8 members, him and Donna have been able to pick the  
9 load up and keep things moving. And now that he's  
10 gone, we're down to just two. And we're going to  
11 have even more work contracts, harvest surveys and  
12 they'll have to bear with us. We should have at  
13 least five people working this program, we're down  
14 to two. Some things will get done, some won't, they  
15 will get done, but not as timely as you expect them.  
16 I can guarantee you that, like the letter that was  
17 supposed to be sent out. I was tasked with another  
18 job, focused on that and things kind of fell  
19 through.

20 It's important to -- that the council keep in  
21 mind that what you do here, the work you do here  
22 really translate into Federal Register notices or  
23 regulations, also can be proud of that. This gets  
24 nationwide attention and it's really good to be a  
25 part of a group that does work like this and work

1 with so many different cultures. And three distinct  
2 groups working together as well as we do here is  
3 really surprising, because five years ago the three  
4 groups sitting in a room together would just be  
5 there to argue. But it's just the opposite here.  
6 And I'm really thankful that you guys have put a lot  
7 of effort into making it a reality. That's about  
8 the end of my comments, Mr. Chair.

9 MR. ALCORN: Thank you.

10 We are down to item 17 where we look at the  
11 calendar, which is back behind tab 10, very last  
12 page in your binder. We need to set a date for our  
13 fall meeting; date, location. And that is either  
14 typically in the month of September or October. So  
15 I would leave it open to you all to look at your  
16 personal calendars to see if there are times that  
17 you might want to recommend.

18 MS. TAHBONE: Mr. Chairman, I'd like to invite  
19 the AMBCC to the Bering Strait region for their fall  
20 meeting.

21 MR. ALCORN: To Nome?

22 MS. TAHBONE: In Nome, Alaska.

23 MR. ALCORN: Do you have a date?

24 MS. TAHBONE: No.

25 MR. ALCORN: The week of September 28 --

1 MS. TAHBONE: Let me make a quick phone call  
2 here.

3 MR. ALCORN: It's open for me. Anybody have a  
4 conflict on that date? Monday would be a travel  
5 day, that's the 27th -- 28th.

6 MS. TAHBONE: Of September?

7 MR. ALCORN: Meeting dates would be the  
8 workshop, presumably the 29th and the actual meeting  
9 on Wednesday and possibly Thursday, the 30th and the  
10 1st of October.

11 MS. CHYTHLOOK: I second Sandy's motion.

12 MS. TAHBONE: I'm going to make sure the room's  
13 available. I'll find a place for us to meet.

14 MR. ALCORN: Those dates are okay?

15 MS. TAHBONE: Yeah.

16 MR. ALCORN: Is Nome okay with everybody?

17 MS. CHYTHLOOK: Yeah.

18 MR. ALCORN: Is it winter? All right. We have  
19 an offer to host us the week of the 28th.

20 MS. CHYTHLOOK: I thought she made a motion.

21 MR. SQUARTSOFF: No.

22 MR. ALCORN: We don't need a motion, just agree  
23 to it.

24 MR. RABE: Did you say the 29th would be a  
25 workshop?

1           MR. ALCORN: The 28th is typically our travel  
2 day. We usually precede our meeting with a  
3 workshop, a half day workshop. That would be the  
4 29th. So that allows some people to travel on  
5 Tuesday morning. We would schedule 1:00 to 5:00  
6 workshop, which is to sort of go over the agenda,  
7 have discussions off the record, interact with  
8 staff. The second day of the meeting, the actual  
9 first day of the full meeting would be September  
10 30th, Wednesday followed by, depending on the  
11 agenda, it would need a second day. The agenda  
12 would carry over to October 1st and either that  
13 afternoon or evening of travel or Friday evening  
14 travel.

15           MS. TAHBONE: I just booked the room, booked the  
16 boardroom.

17           MR. SQUARTSOFF: Mr. Chair, I want to, since  
18 Sandy beat me to the jump, I want to make an offer  
19 already for next year, I was hoping it would happen  
20 in Kodiak and we would meet on the 8th of October,  
21 that way we'll be able to do a fall hunt and moose  
22 hunt at the same time. Everybody here can see  
23 exactly what's happening. Keep that thought in  
24 mind. I'm dead serious, it's not a joke. First day  
25 you can be out there hunting.

1           MR. ALCORN: So I believe we have consensus on  
2 that date and location, Nome the week of the 28th of  
3 September. We'll ask staff to make those  
4 arrangements, coordinate with Sandy, thank her to  
5 offering to host us. The actual meeting dates would  
6 be the 29th half day, Wednesday the 30th and October  
7 the 1st.

8           There is one additional date we might want to  
9 discuss today, but I won't force it, that is we did  
10 talk about hosting a workshop to discuss options for  
11 fall and winter subsistence regulations and the  
12 processes by which we would do that and coordinate  
13 with Pacific Flyway Council and SRC. I have a  
14 couple of weeks that I would like to propose, and  
15 that -- let me propose these dates for the workshop  
16 simply because my fall schedules are very tight.  
17 But the week of August 24th or August 31st, those  
18 two weeks. That's a Monday, it would be some time  
19 during that week or the week of the 24th of August.  
20 There's a two-week window that I have available.

21           MR. SQUARTSOFF: I can't on either, Mr. Chair.  
22 I've got clients. I am -- I know I need to be here  
23 at that workshop.

24           MR. ALCORN: Well, all right. Let's do this,  
25 then, I don't know what other dates to offer as

1 alternates.

2 MR. HICKS: In July?

3 MR. ALCORN: July might work. Let me do this,  
4 let me let Fred kind of vet that, you all give your  
5 dates of availability, general dates that you would  
6 prefer and we'll try to schedule something. But  
7 e-mail your dates, when you have an opportunity, to  
8 Fred. If Fred doesn't get them from you in the next  
9 week or two, I'll ask him to remind you, but we'll  
10 begin to try to coordinate that some time in July,  
11 September, October. We need to get that done so  
12 that we can kind of fit into the regulation cycle  
13 for December.

14 MS. CHYTHLOOK: Why don't you have Fred e-mail  
15 us the dates.

16 MR. ALCORN: Proposed dates?

17 MS. CHYTHLOOK: Proposed dates.

18 MR. ALCORN: Okay. Fred, we'll have you e-mail  
19 a suite of proposed dates, three or four weeks that  
20 might work and we'll see which ones fit best.

21 MR. HICKS: Motion to adjourn.

22 MR. ALCORN: That leaves us with one last item  
23 and that's to adjourn. This meeting adjourned at  
24 4:25 p.m.

25 (Whereupon, the hearing was adjourned)



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REPORTER'S CERTIFICATE

I, Britney E. Dudley, Court Reporter, hereby  
certify:

That I am a Court Reporter for Arctic Court  
Reporters, LLC and Notary Public in and for the State of  
Alaska at large. I certify Hereby that the forgoing  
transcript is a true and correct transcript of said  
proceedings taken before me at the time and place stated  
in the caption therein.

I further certify that I am not of counsel to  
either of the parties hereto or otherwise interested in  
said cause.

In witness whereof, I hereunto set my hand and  
affix my official seal this 29th day of April, 2009.

\_\_\_\_\_

BRITNEY E. DUDLEY, RPR

Notary Public - State of Alaska  
My Commission Expires 4/25/2011