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VOLUME I

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

UAA GORSUCH COMMON BUILDING
ANCHORAGE, ALASKA

MAY 9, 2012

Members Present:

- Dan Rosenberg, Alaska Department of Fish and Game
- Doug Alcorn, U.S. Fish and Wildlife Service
- Patty Brown-Schwalenberg, Chugach Regional Resource Commission
- Molly Chythlook, Bristol Bay Native Association
- Taqulik Hepa, North Slope
- Joeneal Hicks, Copper River Native Association
- Donald Honea, Tanana Chiefs Conference
- Sky Starkey, Association of Village Council Presidents
- Enoch Shiedt, Maniilaq Association
- Joel Saccheus, Kawerak
- Rick Rowland, Sun'aq Tribal

Executive Director, Crystal Leonetti (Acting)

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P R O C E E D I N G S

(Anchorage, Alaska - 5/9/2012)

(On record)

CHAIRMAN ALCORN: Good morning. We'll call the meeting to order at 9:07 a.m. We begin with a moment of silence on our agenda. Those of you that are here have your binders here, so we'll take a moment and have a moment of silence, please.

(Moment of silence)

CHAIRMAN ALCORN: Thank you. We'll move to the third item on the agenda, which is to seat alternates. I recognize one alternate here. I think the rest are -- oh, maybe two alternates. We have two here. We have a note from TCC appointing Don Honea for TCC and Sky Starkey is here for Myron. I see no other alternates here. Everyone else has been recognized prior to the meeting.

I'm going to ask our secretary to do a roll call since we don't have our executive director here. Dan, would you do that for us.

MR. ROSENBERG: Please answer if you're here or not. Association of Village Council Presidents.

MR. STARKEY: Present.

MR. ROSENBERG: Bristol Bay Native Association.

MS. CHYTHLOOK: Here.

MR. ROSENBERG: Chugach Regional Resources Commission.

(No response)

MR. ROSENBERG: Not here yet. Copper River Native Association.

(No response)

MR. ROSENBERG: Kawerak.

1 MR. SACCHEUS: Here.
2
3 MR. ROSENBERG: Aleutian/Pribilof
4 Islands Associations.
5
6 MR. DEVINE: Here.
7
8 MR. ROSENBERG: Sun'aq Tribe of Kodiak.
9
10 MR. ROWLAND: Here.
11
12 MR. ROSENBERG: Maniilaq Association.
13
14 MR. SHIEDT: Here.
15
16 MR. ROSENBERG: North Slope Borough.
17
18 MS. HEPA: Here.
19
20 MR. ROSENBERG: Tanana Chiefs
21 Conference.
22
23 MR. HONEA: Here.
24
25 MR. ROSENBERG: U.S. Fish and Wildlife
26 Service.
27
28 CHAIRMAN ALCORN: Here.
29
30 MR. ROSENBERG: Alaska Department of
31 Fish and Game is here.
32
33 CHAIRMAN ALCORN: We do have a quorum
34 by my count. All right. We're down to introductions.
35 I'll start by introducing myself. I'm Doug Alcorn with
36 the United States Fish and Wildlife Service chairing
37 the Council for today. I'll move to my right and we'll
38 go around and then we'll have the audience do
39 introductions.
40
41 MR. ROSENBERG: I'm Dan Rosenberg. I'm
42 with the Alaska Department of Fish and Game. I'm
43 sitting in for Dale Rabe today.
44
45 MR. SACCHEUS: Joel Saccheus, Kawerak.
46
47 MR. ROWLAND: Rick Rowland, Sun'aq,
48 Kodiak area.
49
50 MR. SHIEDT: Attamuk, Maniilaq

1 Association.
2
3 MR. HONEA: Don Honea, Jr., TCC.
4
5 MS. HEPA: Taqulik Hepa, North Slope
6 Borough.
7
8 MR. DEVINE: Peter Devine, Jr.,
9 Aleutian/Pribilof Island Association.
10
11 MS. CHYTHLOOK: Molly Chythlook,
12 Bristol Bay Native Association.
13
14 MR. STARKEY: Sky Starkey representing
15 AVCP. I'd like to ask Attamuk if he would be willing
16 to speak for the Native Caucus as an elder. Would you
17 be willing to do that during this meeting?
18
19 MR. SHIEDT: No, no, I'm okay.
20
21 MR. STARKEY: Would you do it, Molly?
22 Would you be willing to speak for the Caucus?
23
24 MS. CHYTHLOOK: Yes.
25
26 MR. STARKEY: Quyana.
27
28 CHAIRMAN ALCORN: Great. Thank you.
29
30 MS. CHYTHLOOK: Yes, I'll be willing to
31 speak for the Native Caucus. Thank you.
32
33 CHAIRMAN ALCORN: Let's go to the
34 audience. Vince, why don't we start with you and then
35 we'll work to the back.
36
37 MR. MATHEWS: Vince Mathews,
38 subsistence coordinator for Arctic, Kanuti and Yukon
39 Flats Refuges.
40
41 MR. GINNIS: Steve Ginnis, executive
42 director Fairbanks Native Association.
43
44 MS. KAAIHUE: Lisa Kaaihue, Alaska
45 Department of Fish and Game.
46
47 MS. DEWHURST: Donna Dewhurst, Staff to
48 the Council.
49
50 MS. FROTHINGHAM: Alyssa Frothingham,

1 technical support for Tanana Chiefs Conference.

2

3 MR. WOODS: Frank Woods, Bristol Bay
4 Native Association.

5

6 MR. YOUNG: Good morning. I'm Gary
7 Young with the Fish and Wildlife Law Enforcement Office
8 here in Anchorage.

9

10 MR. PRUSZENSKI: Good morning everyone.
11 Stan Pruszenski, Fish and Wildlife Service Office, Law
12 Enforcement.

13

14 MR. TAYLOR: I'm Eric Taylor. I'm with
15 the Division of Migratory Bird Management with U.S.
16 Fish and Wildlife Service here in Anchorage.

17

18 MR. OATES: I'm Russ Oates. I'm with
19 the Fish and Wildlife Service, Division of Migratory
20 Bird Management in Anchorage.

21

22 MR. HASKETT: Geoff Haskett, Fish and
23 Wildlife Service, Anchorage.

24

25 MR. TROST: I'm Bob Trost. I'm with
26 the Fish and Wildlife Service. I'm the Pacific Flyway
27 representative.

28

29 MR. ASHENFELTER: Roy Ashenfelter,
30 staff person for Kawerak.

31

32 CHAIRMAN ALCORN: All right. Thank
33 you. That's everyone in the room. We are down to Item
34 6, review and adoption of agenda. I would like to --
35 before we adopt the agenda I would like to offer Geoff
36 Haskett, our regional director, an opportunity to
37 address the group in the context of the last couple of
38 days meetings that we had and then today the business
39 that's before us. Geoff, if you'd come up.

40

41 MR. HASKETT: Thank you. I'm Geoff
42 Haskett, Regional Director, Fish and Wildlife Service
43 here in Anchorage. I got to thinking after we left and
44 closed up business the last couple of days that
45 tomorrow the meeting where real kind of world stuff
46 starts getting talked about and I was thinking it was
47 such a great session we had and on such a positive note
48 and I thought a couple of thoughts about how to make
49 sure that continues and just offer it up to the group
50 as just kind of a way forward.

1 I was thinking about a comment that
2 Frank had made about watching the Subsistence Board and
3 how they do their voting process and there's like a
4 long-standing criteria that's been set up there that
5 me, as a member of the Subsistence Board, I will always
6 vote yes to a RAC suggestion unless there's some
7 conservation or legal issue. So I think about 98% of
8 the votes I've done in the four years I've been here
9 has always been to support the RAC recommendation.

10
11 So I think about this group here and we
12 were talking about the kind of 2-1 votes and we had all
13 these different groups set up to kind of get at that
14 and figure out better ways to move forward, but we
15 haven't actually done that yet. So you have a meeting
16 today, you're going to look at proposals and we haven't
17 actually set the criteria. So the State, for instance,
18 when it votes, it's going to have its own
19 jurisdictional things it needs to look at and it's own
20 kind of set of legal requirements it needs to deal
21 with. Fish and Wildlife Service is going to have it's
22 own kind of mandates to look at. You all representing
23 different Native interests across the state are going
24 to have different interests.

25
26 It seems to me a group we didn't have
27 up there yesterday is one that needs to be comprised of
28 all three of those interests that takes a look at just
29 exactly the kind that Frank was talking about. Not to
30 be exactly like the Subsistence Board obviously. It
31 has it's own set of concerns people would have. But
32 come up with criteria that we all recognize and we're
33 going to have different interests, but how do you get
34 to yes. I mean how do you actually have criteria that
35 allows us all to look at it the same way so that we
36 don't let specific things stop us.

37
38 Now sometimes obviously there will be
39 issues that there may be a legal problem where we can't
40 move forward, but on those ones maybe we have a process
41 where you set up to go back and do what you need to do.
42 If there's a reason to change kind of legal requirement
43 of regs or whatever it is. I can't really think of all
44 the different possibilities, but what I'm suggesting to
45 the group is that I'd like to propose to have another
46 group in addition to what we did so far to come up with
47 something that helps this group kind of work
48 functionally in terms of how you look at the different
49 votes you do. So just kind of a proposal and a
50 thought.

1 Again, just to thank you all, everyone
2 sitting here at the table. I thought it was a really
3 good session. We're still not at the point I think
4 where we've resolved all the different issues. Clearly
5 we're not. We're still going to continue to talk and
6 figure that out, but it's a really, really good step in
7 the right direction. I'm just hoping the meeting today
8 will be like that too. If we have issues that we can't
9 completely resolve and set up ways to go ahead and make
10 sure that we can continue the dialogue and figure out
11 how we can get there and do those things.

12
13 Just a couple more thoughts I had after
14 last night to talk about for you all to consider. And
15 then, again, to thank you for giving us the opportunity
16 to work with you the last couple days. That's really
17 all I had, Doug, unless anybody has any questions or
18 comments for me.

19
20 CHAIRMAN ALCORN: Go ahead, Rick.

21
22 MR. ROWLAND: Morning, Geoff. Thank
23 you. Appreciate your comments. One thing that stood
24 out in my mind when I participated in the Federal
25 Subsistence Board process with voting on the proposals
26 is that I realized that there was a process that
27 created a little bit of confusion and I figured I'd
28 mention it here. One of the confusing points was that
29 when a proposal goes through the RAC process and it is
30 sent forward to the Federal Subsistence Board after the
31 RAC, I thought it was a little unique for the agencies
32 to come to the floor and make amendments to that
33 proposal and then it get jumbled up in the voting
34 process without those amendments going back to the RAC
35 and communicating those to them. I don't know if
36 you're aware of that happening, but it seems to cause a
37 lot of frustration because we spend all that time on
38 the RAC level discussing these minute details and then
39 it gets up on the floor and then either agency gets a
40 chance to make an amendment and doesn't even
41 communicate it to us, so I figured I'd get a chance now
42 to mention that.

43
44 MR. HASKETT: I'm not suggesting that
45 you adopt Subsistence Board procedures. I mean my
46 reaction to that one is the Board is set up to go ahead
47 and actually be able to make decisions. You could do
48 it in a way where it had to go back to the RAC, but I'm
49 afraid you'd never have a decision ever. I mean
50 whenever there would be a problem it would go back. So

1 you get the RAC to go ahead and tell you what the
2 positions are and you'd figure it out as well as you
3 can.

4
5 I'm not saying that's right or wrong
6 and I'm certainly not suggesting that this group here
7 adopt the procedures of the Subsistence Board. I'm
8 just saying there are procedures there that allow you
9 to move forward in some kind of consistent way and I
10 think that we can set up our own group representing you
11 all, representing the State, representing the Feds, and
12 come up with something that works for us the best we
13 can.

14
15 CHAIRMAN ALCORN: Taqulik, go ahead.

16
17 MS. HEPA: Thank you, Geoff. I just
18 want to echo some of the comments made yesterday for
19 your involvement as a regional director. I think
20 that's very positive. So I have a lot of hope that we
21 are going to move in a direction that will help the
22 AMBCC become successful. I think one of the biggest
23 hurdles just on that note from the last couple days is
24 I think that we're all going down different roads, but
25 we need to find ways to bring together. And it goes
26 back to the vision or to the goals that we're trying to
27 all work toward. I know just from experience on
28 sitting on this Council that the Native Caucus views
29 the AMBCC one way. The Fish and Wildlife Service views
30 it a different way and the State and we have a lot of
31 common things, but we really need to address that
32 particular issue, so we're all working toward the same
33 thing and we understand where we're all coming from.

34
35 Thank you.

36
37 MR. HASKETT: If I may, I think that's
38 exactly what I'm talking about. We're never going to
39 get a process that ensures we're going to have
40 agreement on everything because we're going to have
41 some laws that are going to be of concern. We're going
42 to have -- there's going to be differences. You can't
43 not have differences. What you really need to do is
44 figure out exactly what you're saying. How do you move
45 forward when you have those, how do you figure out a
46 way to not always just say no, how do you figure out a
47 way to explore and for all sides to figure out, you
48 know, the best way to move forward and the different
49 things and I think we can get there. I have a lot of
50 confidence we can do that.

1 CHAIRMAN ALCORN: Molly, you had your
2 hand raised and then Sky.

3
4 MS. CHYTHLOOK: Thank you Mr. Chair. I
5 guess another issue that I would like to request is --
6 I'm thinking of when we were going through that survey
7 process and to the point where eventually you called to
8 cancel the survey, migratory bird survey project, but
9 while we were going through the process we would hear
10 this is what the Regional Director told us, this is
11 what the Regional Director wishes.

12
13 My request would be that if anything
14 that serious that would affect our regions, I would
15 request that you either come to us in person to tell us
16 that so we can hear it firsthand or write a letter so
17 that everything that we're hearing about your
18 directives would be a lot more clearer to us in that
19 respect.

20
21 Thank you.

22
23 MR. HASKETT: And again if I may. I
24 think what I've decided, as much as I possibly can, I
25 think I mentioned my travel schedule. I'm in D.C. half
26 the time. I'm just in lots of different places, but if
27 I can, I'll try and come to as many of these meetings
28 as I can just to continue that dialogue, at least for
29 portions of it. I'm only going to be able to be here
30 this morning for today. I have something I have to do
31 this afternoon.

32
33 But, yeah, I think that's a good
34 request. I'm glad you brought up the harvest survey
35 because there came a couple times in this meeting and I
36 kind of kept myself from making comments on it, but I
37 want to let you know where we are now on that.
38 Actually after the meetings we had with you and after a
39 letter we had from Cora Campbell from the State that
40 said here's our way forward, we're actually doing
41 exactly what the State had requested that we do on the
42 harvest survey and what we agreed to, Molly, with you
43 in a subsequent meeting where we're not just doing
44 single species, we're not -- I mean we are looking at
45 the whole plethora of different species out there and
46 going forward and trying to figure out the best way
47 forward.

48
49 We are looking at the whole plethora of
50 different species out there and going forward and

1 trying to figure out the best way forward. We're still
2 trying to figure out what that is, but we actually are
3 working with everybody. So I think we're in a fairly
4 good place there and I promise before we make any
5 decisions we'll make sure we're having discussions with
6 you all.

7

8 CHAIRMAN ALCORN: Sky, did you
9 have.....

10

11 MR. STARKEY: I just wanted to thank
12 Geoff for his idea and I -- the deference aspect of the
13 Federal Subsistence Board to the Regional Councils
14 comes from Section .805 of ANILCA, which actually lays
15 out three reasons for not deferring to the Council;
16 conservation, doesn't serve the needs of subsistence
17 users and is inconsistent with the law, I guess. I
18 can't remember the third actually. Anyway.....

19

20 MR. HASKETT: That's it.

21

22 MR. STARKEY: Is that right? I think
23 there's some real potential for us to think about there
24 and maybe a way to build a similar structure into the
25 bylaws. So I will definitely think about that. I
26 appreciate that suggestion.

27

28 CHAIRMAN ALCORN: Thank you. Seeing no
29 other hands raised. Thanks, Geoff. Appreciate it.

30

31 MR. HASKETT: Again, thanks for the
32 opportunity to be able to work with you the last couple
33 days and I'll be here this morning if anybody has any
34 more questions or comments for me. Actually what I'm
35 doing this afternoon is I'm having dental work all
36 afternoon in a dentist chair, so I'm actually not
37 looking forward to this afternoon at all, but such is
38 life, right. So thank you. Appreciate it. Have a
39 good meeting.

40

41 CHAIRMAN ALCORN: Okay. We're at the
42 point where we're going to take a look at the agenda
43 and adopt it, amend it if necessary. For the record,
44 Patty just walked in. Thanks, Patty, for sitting at
45 the table with us.

46

47 MS. BROWN-SCHWALENBERG: Thank you. I
48 have to apologize. I was slogging through water in my
49 basement again this morning and lost track of time.

50

1 CHAIRMAN ALCORN: All right. Thanks,
2 and sorry to hear that, but thanks for showing up
3 anyway with your galoshes on. We're at Item 6, review
4 and adoption of agenda. Does anyone have any
5 suggestions or revisions? A motion would be in order
6 to adopt the agenda as it's written.

7
8 MS. HEPA: Move to adopt the agenda.

9
10 CHAIRMAN ALCORN: We have a motion. Do
11 I have a second.

12
13 MS. CHYTHLOOK: I'll second the motion.

14
15 CHAIRMAN ALCORN: Okay. Motion and
16 second to adopt the agenda. No revisions offered.
17 Anyone oppose.

18
19 (No opposing votes)

20
21 CHAIRMAN ALCORN: Seeing none, the
22 motion carries. The agenda is adopted as written and
23 we will move to Item 7, the invitation for public
24 comments. Is there anyone in the public in the
25 audience that would like to address the Council. Ron
26 -- or Roy, excuse me.

27
28 MR. ASHENFELTER: Thank you. My name
29 is Roy Ashenfelter. I'm a staff person for Kawerak.
30 It's my first time attending an AMBCC process and I
31 appreciate that. What I have -- and some of these
32 issues are going to take a while to work out and I
33 understand that. But what I have here is that as far
34 as edible parts, that's a non-issue from what I've
35 learned very quickly on the first day. It's a minimum
36 on sport hunters to eat the breast and we, as other
37 hunters, subsistence hunters, could eat whatever we
38 want. The question in relation to that is more the --
39 and it's on the agenda fortunately. It has to do with
40 the parts and I might be confused on this. The parts
41 on -- the inedible parts, you know, I think that needs
42 to be worked out.

43
44 Fall hunt subsistence, it's not legally
45 a term yet, so it's fall hunt hunt. There's a sport
46 hunt going on that we, as subsistence hunters --
47 anyway, so that needs to be worked out.

48
49 The definition of indigenous
50 inhabitants. I thought that was somewhat figured out,

1 but I didn't quite make quality notes on that one.

2

3 And then the last one -- not the last
4 one, but the one that I -- the legal transport of
5 migratory birds to be excluded to excluded areas. I
6 think it was somewhat of a definition for that,
7 somewhat of an explanation from law enforcement on
8 specific things that they look for in terms of who can
9 qualify for birds that are taken from an area to
10 another area and that the way it was explained to me
11 is, for example, if you have an elder living here in
12 Anchorage and a person brings that person a duck,
13 that's okay. The dilemma then reaches out to where
14 more than other people that are in that room might not
15 be eligible to eat the same duck even though they're
16 residents of Anchorage and may have been born and
17 raised in that same village, visiting the same person
18 that's in the hospital or, you know, maybe not in the
19 hospital, but residing in a place that needs care.

20

21 So, anyway, just a few notes that I
22 hope that maybe we can touch on and, if not, you know,
23 I'll continue -- my goal is to continue to try to come
24 to the AMBCC meetings. I find it very worthwhile and
25 engaging because I am a subsistence hunter and I really
26 enjoy subsistence hunting for birds. I take that role
27 very seriously because, you know, I don't -- I feed a
28 lot of people with the outcome of the success that I've
29 had in hunting. It's not always successful, but
30 whenever I do it and have had success that more than
31 just my family eats. That it's very much a shared
32 process and I want that message to be encouraged.

33

34 Oh, one other thing if you don't mind.
35 I don't know if there's a time limit. The one thing
36 that I thought that maybe we could come out with some
37 ideas in the future for how to incorporate subsistence
38 hunting in the fall time is maybe declare -- maybe have
39 a declaration type thing. Just an idea. When the fall
40 hunt comes around and if processes move forward, a
41 subsistence hunter could just say that he's -- declare
42 himself as a subsistence hunter and a sport hunter
43 could declare themselves as a sport hunter.

44

45 Look at Nome. There are very serious
46 sport hunters in Nome. Very serious. They wouldn't
47 consider themselves a subsistence hunter, which is
48 good. And then there's a whole big population in
49 comparison to that minimum population of sports hunters
50 in Nome that are subsistence hunters. Therein lies the

1 dilemma with enforcement for us that are subsistence
2 hunting in the fall time. So that ends my comments.

3

4 Thank you.

5

6 CHAIRMAN ALCORN: Thank you. Are there
7 any other comments.

8

9 MR. STARKEY: Roy, can I ask a question
10 or two.

11

12 MR. ASHENFELTER: Yeah.

13

14 MR. STARKEY: First of all, thank you
15 for your participation and thank you for participating
16 the last few days and for your history of participation
17 for many, many years on these issues. I was wondering
18 just from your perspective do you think it would be a
19 good idea to start to build tribes and regional tribal
20 organizations and individual tribal governments into
21 the management of this process? For example, issuing
22 permits to tribal members for transfer and to invite
23 other people back to communities and some of the other
24 things that we've been talking about that might be
25 issues where people want verification. Would you think
26 it would be a good idea for your region to include
27 tribes in doing that or Kawerak?

28

29 MR. ASHENFELTER: I would need to think
30 about that. I think the reality is that all of us that
31 have families outside Nome get requests from our own
32 families that have been here in Anchorage, that are
33 residents of Anchorage, that want to eat what they know
34 we're getting. Whether it's seal meat, whether it's --
35 you know, all the foods that they grew up with but
36 don't have a chance to get here in Anchorage. Seal
37 oil. A lot of other things besides birds that they
38 know as the season goes on that these resources are
39 being caught and are available.

40

41 So, yes, the idea would be, yes, and
42 how to work that into the system would be really good.
43 It's happening already. It's just a matter of how do
44 we make sure that law enforcement, I think that's the
45 issue here, could understand what we're doing and why
46 we're doing it. There seems to be questions in their
47 -- the way I understand law enforcement, they could
48 speak for themselves on this, is transporting game that
49 is not legal. For example, Spectacled Loon is one.
50 Those issues would have to be worked out and I think by

1 and large that the Native community want to conserve
2 all resources. The message is very clear that when a
3 species, whatever it is, is limited and the data is
4 there, that the Native community by and large will make
5 an effort to conserve that.

6

7 I'll give you an example. Swan. Swan
8 was an endangered species for a long time and it was a
9 valued food resource. Now there's millions of swans.
10 The dilemma with the swan is you can see them half a
11 mile away because it's white laying against the tundra
12 and they're easy to get. They fly slow.

13

14 So, anyway, just an example that, yes,
15 I think given the dilemma and the reality that food is
16 being delivered to our families outside of where we
17 live, I think we can work on that.

18

19 MR. STARKEY: Thank you.

20

21 CHAIRMAN ALCORN: Molly, go ahead.

22

23 MS. CHYTHLOOK: Thank you, Mr. Chair.
24 And thank you for giving us your insights of the issues
25 that we've been dealing with. You've given us a little
26 bit more understanding of the importance. I guess my
27 question is, you mentioned that there's a definite
28 recognition of sport hunters that hunt for birds in
29 your area, are those resident hunters or are those non-
30 resident? Are they coming in to harvest birds? My
31 second question would be I'm sure that if they're not
32 from Nome and they're coming in to hunt for birds, are
33 they transporting their harvest to wherever they came
34 from? Thanks.

35

36 MR. ASHENFELTER: I believe -- and this
37 is probably a better answer for the Department because
38 they're the ones that get the data on -- the
39 information on forms we fill out for the birds we
40 catch. As far as the numbers, whether they're sport
41 hunters or residents or non-residents coming in, the
42 way I see it most of them are residents of Nome, been
43 living in Nome. Some of them are quite new to Nome.
44 After 30 days you're a resident of wherever you're at.
45 So most of the hunters, sport hunters that I see live
46 and reside in Nome.

47

48 I can't tell you the number of bird
49 hunters that would go to Nome to do sport hunting for
50 birds. The reason it would be low is because the

1 volume of birds and access is not the same as the Yukon
2 or maybe other areas of Alaska. We have a good quality
3 road system in Nome, but most of those hunters that
4 come into our area are sport hunters for game, for
5 moose, for bear. So that's the majority of it. Hardly
6 anyone spends a lot of money trying to go out to an
7 area to hunt ducks.

8

9 CHAIRMAN ALCORN: Thank you, Roy. Any
10 other questions.

11

12 (No comments)

13

14 CHAIRMAN ALCORN: We appreciate your
15 comments. Steve, come to the mic and identify
16 yourself, please.

17

18 MR. GINNIS: Good morning. My name is
19 Steve Ginnis. I'm the executive director of the
20 Fairbanks Native Association. Mr. Chairman, I know
21 that later on in your agenda you'll be discussing
22 Proposal No. 3 and I didn't know if this was the time
23 to address it or not. If it's not, then I'd like to
24 address another issue.

25

26 CHAIRMAN ALCORN: Okay. When we go
27 through the discussions of the proposals we typically
28 have comment on those proposals when we're going
29 through them, so if you want to hold those comments,
30 you're welcome to do so and then you can provide your
31 other comment now.

32

33 MR. GINNIS: Okay. Thank you. Mr.
34 Chairman, I just wanted to -- I wasn't here the last
35 two days in your consultation meetings, but what I
36 gather from it, I think it's a good start. You know, I
37 really truly believe in co-management and co-management
38 means different things to different people. In my
39 view, I view it as a group of people jointly managing a
40 resource and if done properly, both sides of the issue
41 will prevail.

42

43 However, one of the things I
44 recognized, Mr. Chairman, over the years of my
45 involvement, and I've been involved in the Native
46 community for some 40 years, and I've been involved in
47 everything from protecting our way of life, what they
48 call subsistence, to education. I've served on the
49 Eastern Regional Council, State Advisory Fish and Game
50 Boards, been involved in fisheries, et cetera. One of

1 the things that's been very frustrating for me over the
2 years is that every time we try to move something
3 forward there's always some regulation or some law that
4 is cited that prevents us from getting there. That's
5 been a real frustration for me. Why can't we present
6 the law that's going to prevent us from doing certain
7 things and work towards amending those laws so that it
8 really does protect the indigenous people of the state.
9

10 So that's been one frustration for me
11 over the years of being involved. There's always a law
12 or regulation that somebody brings up and say, oh, no,
13 you can't do that. I always say, well, hell, let's
14 amend that thing so that it does work for us, so it
15 does protect us, so that we are moving forward. When
16 you run into these kind of obstacles, that you will
17 find a way to make it work.
18

19 Over the years, from my ancestors to
20 where we are today, my view is that we've been totally
21 overregulated to the point where our activities are
22 getting more and more limited. It's all related to
23 loss or regulation. I just bring this forward and not
24 in a negative way, but in a positive way to say, okay,
25 yeah, this is going to kind of prevent us from doing
26 this, but let's find a way to make it work and not just
27 hide behind the regulation and the law and just say
28 this is it, let's move on to the next thing.
29

30 So I just offer that to you. I
31 appreciate you all trying to work together. I also
32 fully understand that agencies have their view on
33 certain things. The people that sit on this Council
34 have their own view of certain things. How you close
35 that gap and how you work together to close that gap is
36 what's going to benefit the indigenous people of this
37 state.
38

39 I thank you, Mr. Chairman.
40

41 CHAIRMAN ALCORN: Thank you, Steve.
42 Any questions of Steve.
43

44 MR. ROSENBERG: No, I was just going to
45 say thank you, Steve. You weren't here the last two
46 days, but you might have just summed it up for
47 everybody. So, thank you.
48

49 CHAIRMAN ALCORN: Anyone else want to
50 address the Board.

1 (No comments)

2

3 CHAIRMAN ALCORN: Okay. Thank you for
4 your comments. We're going to go to Item 8, adoption
5 of Council action items from October 2011 meeting.
6 Would that be from the April 2012 meeting, not the
7 October meeting? We adopted the October meeting at the
8 last meeting. We'll correct that and we'll say this is
9 the April 2012 meeting.

10

11 MR. ROWLAND: Mr. Chair. Make a motion
12 to adopt the April 11 and 12, 2012 meeting minutes.

13

14 CHAIRMAN ALCORN: All right. We have
15 motion. Do we have a second.

16

17 MS. HEPA: Second.

18

19 CHAIRMAN ALCORN: Okay. We have a
20 motion and second. Is there any discussion.

21

22 MS. CHYTHLOOK: Question.

23

24 CHAIRMAN ALCORN: The question has been
25 called. Does anyone oppose adopting the action items
26 as they're written here.

27

28 (No opposing votes)

29

30 CHAIRMAN ALCORN: Seeing none, they are
31 adopted and approved. Thank you. All right. As is
32 customary with our agenda structure, we always take
33 time to hear regional meeting updates and issues of
34 concern. So we can go around the table if you like.
35 Joeneal, we can start with you if you'd prefer, if you
36 have anything to say.

37

38 MR. HICKS: No, I don't, Mr. Chair. We
39 haven't had a meeting. Good morning, everyone.

40

41 CHAIRMAN ALCORN: Thank you. Don, I
42 don't mean to put you on the spot, but if you have any
43 report of discussions and activities in your region,
44 you're welcome to share those with us.

45

46 MR. HONEA: Thank you, Mr. Chair. I
47 don't at the moment, but on the Proposal No. 3 there
48 that I did want to thank Steve for his comments and his
49 view. I have to concur exactly. My way of thinking
50 also. It seems like we come up against some of the

1 issues that's already been imposed upon us and I think
2 that it's kind of a fight right off the bat to start
3 trying to defend some of the things that we should have
4 been allowed to vote on or something.

5
6 But, no, I don't. I just wanted to
7 thank Steve. Since he's the author of Proposal No. 3,
8 when the time comes I'd like to introduce him if the
9 Council had any questions.

10
11 Thank you.

12
13 CHAIRMAN ALCORN: Thank you, Don.
14 Taqulik.

15
16 MS. HEPA: Thank you, Mr. Chair. The
17 only concern that I have is the funding. We have no
18 yet received our funding. I know there was some
19 dialogue back and forth because of some issues. Our
20 department receives several funding from the Federal
21 government and in these different grants or co-
22 management agreements there's these issues that are
23 popping up. I think for the future of this
24 organization for all the regions that I think it's
25 going to become a challenge and it's something that we
26 need to be cautious of to make sure that things run
27 smoothly. It may be the Borough that is in a little
28 bit of a situation, but it is going to become a problem
29 if we don't get the funding before September 30.

30
31 Thank you.

32
33 CHAIRMAN ALCORN: Thanks. Based on
34 that comment I'm going to ask Donna. Is she in the
35 room?

36
37
38 UNIDENTIFIED SPEAKER: She's baking a
39 cake.

40
41 CHAIRMAN ALCORN: Baking a cake. Okay.
42 Maybe when she comes back we'll ask her if she can
43 comment on that. I know that a month ago we were
44 expecting those grants to be processed through our new
45 system and we were expecting that those would be made
46 by now, so I'm surprised by your comment and we'll see
47 if she has any status or update for those of you -- can
48 I ask, is anyone else having that same or similar
49 problem now or have you gotten your grants made?
50

1 MR. HICKS: If I may, Mr. Chair. Yes,
2 we are having that particular problem, especially with
3 the ASAP part. They are just having a hard time
4 getting into it or fixing it. I guess they're probably
5 just new to the system, but, yes, they are having a
6 very hard time with that.

7
8 CHAIRMAN ALCORN: Enoch, you're having
9 a problem?

10
11 MR. SHIEDT: Yes, the problem -- I'm
12 having a big-time problem with it. The problem that
13 comes with it is there's too many people on ASAP that
14 this person has to have this and they don't communicate
15 in the Federal. That's what I'm finding out. I said
16 why and yet I got EPA, I've got so many different
17 things at Maniilaq that they all go ASAP. In the end,
18 after I address it all, they say, oh, you guys are in
19 the system. The person starts -- I never get it. I
20 never get it. Three, I never get it. There's too many
21 people involved and they're not communicating on the
22 Federal. They're blaming us for it.

23
24 CHAIRMAN ALCORN: Okay. I'll see what
25 we can do. It is a new system that we have been
26 implementing since the end of last fiscal year and then
27 all throughout this fiscal year. We're trying to make
28 that as smooth as possible, so I will again ask Donna
29 if she can pursue that and get a report back to us.
30 Recognizing fully that the fiscal year is almost three-
31 quarters of the way gone and it is unacceptable, so
32 we'll do what we can.

33
34 MR. ROSENBERG: Russ has something to
35 add.

36
37 CHAIRMAN ALCORN: Russ, do you want to
38 come and use the mic, please.

39
40 MR. OATES: Doug, I don't have a lot of
41 light to shed, but I was checking up on those with Paul
42 Matusewic, our admin person that inputs those into the
43 new FBMS system and as of last week he had input all
44 the ones that he had gotten from Donna, so they've gone
45 into the black box and hopefully it's not a black hole.
46 All the ones that Paul received have been put in.
47 Donna would have to tell you specifically which ones
48 those are.

49
50 CHAIRMAN ALCORN: Okay, thanks. Peter,

1 do you have a report.

2

3 MR. DEVINE: Yes. Thank you, Mr.
4 Chair. I don't really have anything to report. I'd
5 just like to apologize for not being at our spring
6 meeting. We've had staff turnover. My coordinator
7 left and decided Hawaii was better, so they assigned
8 three people to do her job and for some reason there's
9 a lack of failure to communicate. So I will throw out
10 my own personal email address. It's
11 buffalopeter@hotmail.com and maybe I'll start getting
12 information. I had to plan for this meeting while in a
13 meeting in Oregon. You know, you find out in the hall
14 that there's meetings coming up and it's like what the
15 heck is going on here.

16

17 APIA, you know, pretty upset with them.
18 We're having our spring meeting in their building, but
19 for some reason they didn't see to make sure their
20 representative was there, you know, to help facilitate
21 it. So I've still got to go over there this afternoon
22 and ball them out, but hopefully we'll get things back
23 on track.

24

25 CHAIRMAN ALCORN: Thanks. Molly, do
26 you have a comment or a report.

27

28 MS. CHYTHLOOK: Yeah, I have a report.
29 Thank you, Mr. Chair. Molly Chythlook from Bristol
30 Bay. In spite of no budget and encouraged to know that
31 we'll get funded eventually, we had our spring YKC
32 meeting. Our regional YKC meeting, Yaquillrit Kelutisti
33 Council, which means keepers of the birds, we had our
34 regional meeting coinciding with the RAC so that the
35 people that were there, the RAC representatives, could
36 attend our RAC. We also had Crystal come over to
37 introduce her. When I introduced Crystal, I told the
38 members that she was going to be there to help us for
39 two years and she corrected me and said, no, it's only
40 going to be a couple of weeks or a couple of months.
41 But she has been a good information person as far as
42 getting information that is needed, especially before
43 our regional meeting. She's been very prompt with
44 that.

45

46 2011-12 we had our Bristol Bay region
47 migratory bird surveys for 2010 information and we're
48 wrapping that survey up with about 16 communities, so
49 we're good with that. That's about all I have.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN ALCORN: Thank you, Molly.
4 Patty, do you have a comment or a report.

5

6 MS. BROWN-SCHWALENBERG: More of a
7 comment. We haven't had much activity in the Chugach
8 region since my last written report in April. We did
9 receive our grant like the following Tuesday or
10 Wednesday after the meeting in April and we were able
11 to draw down about half of the funds, so it seemed to
12 be working at least in one case.

13

14 I've been getting questions about the
15 executive director position. Is that going to get
16 posted soon or how is that process going to work or are
17 we going to have any input into the position
18 description and that process?

19

20 Thank you.

21

22 CHAIRMAN ALCORN: Well, you can. I was
23 going to give that as an update whenever it was my
24 turn, so I'll hold my remarks. Sky, do you have a
25 report or comment.

26

27 MR. STARKEY: The only report that we
28 have that's in addition to everything that was reported
29 earlier is that I believe with Ron and Bob and Geoff
30 yesterday Myron agreed that there would be a WCC
31 meeting the first week of June.....

32

33 CHAIRMAN ALCORN: Yeah, June 5th.

34

35 MR. STARKEY:to talk about
36 depredation issues in Oregon and to work through the --
37 that will be a meeting of the WCC, Waterfowl
38 Conservation Committee, in Anchorage to work through
39 some of the issues that we heard yesterday about
40 depredation in Oregon.

41

42 Thank you.

43

44 CHAIRMAN ALCORN: And that meeting is
45 going to be in the
46 Office of Subsistence Management board room on the
47 second floor in the Fish and Wildlife Service's Tudor
48 Road building. So that will be on the 5th, Tuesday,
49 5th of June.

50

1 MR. STARKEY: Thank you, Doug.

2

3 CHAIRMAN ALCORN: So the report for the
4 Fish and Wildlife Service is, I'm sure that you're all
5 interested to know about Fred and his status. Fred is
6 healing. Healing slowly, but he's healing. I've spoken
7 with him on a number of occasions. He is somewhat
8 quarantined to his home because of the nature of his
9 medical condition, so I've not gotten to see him but
10 once in the six weeks or thereabouts since his
11 operation. He sends his regards.

12

13 In response to the question that Patty
14 asked, I have been asked to take a look at a short list
15 of applicants. We actually conducted interviews for
16 the Office of Subsistence Management Native liaison
17 position and it's thought that that -- there might be
18 qualified candidates on that list that applied.
19 Crystal and I and Pete Probasco conducted interviews
20 and we have done a short list. We are down to a short
21 list and I had intended to engage the executive
22 committee, which is represented by Myron Naneng and
23 Dale Rabe from the State and myself, to conduct
24 interviews on that short list. That's the strategy at
25 this point.

26

27 We're trying to expedite it simply
28 because of Crystal's interim nature of her appointment
29 to the position. But if there's a desire of this board
30 to look at the actual position description and edit
31 that, that would postpone any interviews and selection
32 process, but that's certainly the prerogative of this
33 board. So I would defer to the board if we want to try
34 to fill that position soon, we would have to have that
35 discussion very quickly, the position description.

36

37 So, Patty, you're the one that made
38 that suggestion. I wonder if you have a comment.

39

40 MS. BROWN-SCHWALENBERG: I would prefer
41 us to be able to have input into the position
42 description and I also think that the skill set for the
43 executive director is a little bit different than a
44 skill set for a Native liaison that we should advertise
45 for. I understand the length of time that's going to
46 put this off, but I think it's important enough that we
47 actually have the ability to choose from a pool of
48 people that are applying for this position.

49

50 Thank you.

1 CHAIRMAN ALCORN: If that's the will of
2 the board, we can do that. It will postpone filling
3 that position and it would require one of two things.
4 It would require a longer commitment from our regional
5 director to leave Crystal in that position or we would
6 have that position vacant. I don't see Geoff. Oh,
7 there he is. So the question is right now, in filling
8 the executive director position, Patty has mentioned,
9 and I think it's probably supported by the rest of the
10 board, to have input in the position description and
11 then to advertise for the position because of the skill
12 set perhaps being different than the skill set that was
13 called for in the OSM Native liaison position.

14
15 So I said if we did that -- we could do
16 that. If we did, it would postpone filling the
17 position. It takes time to do the advertisements and
18 then it would also either leave that position vacant or
19 leave Crystal in it longer and that's something you've
20 expressed a concern about, getting her back to her job.

21
22 MR. HASKETT: So my immediate reaction
23 to that is, it's been advertised -- actually Sky and I
24 had some discussion about this before. I'm not sure
25 where he is in the process. I need to find out. We
26 could look at changing the PD, but I think it works
27 well enough at least for now. What was asked for was a
28 two-year detail to see how it works out as kind of an
29 experiment. I need Crystal back to do all the
30 government-to-government stuff she's been doing. So we
31 could maybe come up with someone else for a while if we
32 did that, but I guess I'd urge you let's move forward
33 and get it filled. Maybe we could get a couple
34 representatives from this group to be involved in the
35 interview process with us to make sure we get the right
36 person and that may address whatever the concern is.
37 We can certainly slow it up, but I think that's a
38 mistake to do that.

39
40 CHAIRMAN ALCORN: Rick, do you have a
41 thought.

42
43 MR. ROWLAND: Yeah. We're doing
44 regional reports and we're drifting into forming the
45 job description for the executive director and I just
46 wanted to point that out.

47
48 CHAIRMAN ALCORN: Yeah, and this
49 discussion is in the context of my report and that was
50 the one thing I was reporting on. So we are burrowing

1 into the reeds a bit. We can hold that thought and
2 maybe we can come back and finish our regional reports.
3 I appreciate that. So why don't we hold the thought
4 and we'll move to Dan. Any comments or State report
5 that you'd like to offer.

6

7 MR. ROSENBERG: No, very simple. Dale
8 Rabe sends his regrets again for not being able to be
9 here. He is still rehabbing his broken ankle and
10 dislocated ankle. So I just wanted to pass along
11 Dale's regrets.

12

13 MR. HASKETT: May I?

14

15 CHAIRMAN ALCORN: Yeah, come to the mic
16 though. It would be better.

17

18 MR. HASKETT: Sorry. I should know
19 that. I'm not following protocol. Sorry. And this is
20 probably not the time, you're right, to talk about
21 this, but let me go back and check and see where we are
22 and whether it's closed or not. I have no clue who's
23 applied or hasn't applied. If we don't have the right
24 set of applicants, I'm more than willing to go ahead
25 and re-open it too. I mean there's any number of
26 different ways we can go ahead and approach this. Let
27 me find out where we are in the process and get that
28 back to you all.

29

30 CHAIRMAN ALCORN: I can tell you where
31 we are in the
32 process.

33

34 MR. HASKETT: Okay.

35

36 CHAIRMAN ALCORN: Where we are is that
37 we're looking at the certificate of eligible candidates
38 or applicants for the OSM Native liaison position. We
39 did not advertise for the executive director position.

40

41 MR. HASKETT: One more thought I have
42 for the group. I think what I'm hearing is there may
43 be people that didn't realize that it was a possibility
44 for this when we advertised that and maybe we ought to
45 look at re-opening it to make sure we get all the right
46 people. So if that's the question, I can certainly go
47 back and figure out how to do that. We'll just have to
48 figure out how to fill in for -- you know, I'd bring
49 Crystal back if that's what we'd do.

50

1 CHAIRMAN ALCORN: Sky, if you'd like to
2 comment directly, but I would like to finish the
3 reports. Go ahead and then we'll come back to this
4 topic later if we need to.

5
6 MR. STARKEY: I just want to suggest
7 that after we finish the regional reports and while
8 Geoff is here because I think it's very important that
9 we address this while he's here and I know he's going
10 to take off at.....

11
12 MR. HASKETT: 11:00.

13
14 MR. STARKEY:11:00. That we have
15 a very short Native caucus to discuss this issue and
16 come back with a position so that we can take advantage
17 of Geoff being here.

18
19 CHAIRMAN ALCORN: Fair enough. Joel,
20 would you like to provide an update.

21
22 MR. SACCHEUS: Thank you, Mr. Chair. I
23 got a few things here from Kawerak. One thing about
24 the Duck Stamp. The local people up in my area they
25 say they don't have enough money and they don't have --
26 lots of the people don't have hunting licenses to do
27 that. Some of the hunters are asked if they have a
28 Duck Stamp and they say Duck Stamp for what. I told
29 them about it. Some of the people might need them in
30 other areas. The Duck Stamp, I told them, they might
31 enforce it in the future. One thing about that is if
32 there are enforcement people coming and checking their
33 areas, a lot of the local people don't like enforcement
34 to show up. Like where I'm from, Elam, there's
35 protection or state troopers. When they come to the
36 villages, it scares lots of the people and they call
37 each other with the VHF or phone about it. That's one
38 thing I wanted to bring up about the Duck Stamp. It
39 might be exempt in the future. I'm not too sure.

40
41 One thing about this issue needing to
42 educate the local people in the area, like the IRA
43 Corporation about the AMBCC meetings. That's very
44 important because some of the people don't know I'm
45 coming down here for AMBCC in my area about it, but I
46 think it's very important that people know.

47
48 One thing Myron talked about yesterday
49 was that since we hunt in the spring, we don't hunt in
50 the fall up in Elam, in my area, like the white geese

1 and the Brant. They all pass different way, I guess,
2 through the ocean and very rarely we see a white goose
3 or a Brant. I caught one or two and they were pretty
4 skinny, just like in the spring time -- summer time.

5
6 Getting these ducks and geese to our
7 Nome hunting area is very important to the people, I
8 think. Like our relatives, sisters, aunts, it's a very
9 important thing in our diet up and down the coast of
10 Alaska to other villages besides mine, I think.

11
12 Thank you.

13
14 CHAIRMAN ALCORN: Thank you, Joel.
15 Rick.

16
17 MR. ROWLAND: Rick Rowland from Sun'ag
18 Tribe, Kodiak. We haven't had our village reps meeting
19 yet. We just got our funding a week and a half ago.
20 Everyone was pleased. We had to resubmit some more
21 paperwork for the fourth time and we finally got the
22 money and they believed me that it was coming, but
23 there was a bit of frustrations leading into those
24 financial. We are also going to have our meeting at
25 the end of this month to coincide with another meeting
26 that's going to be taking place in Kodiak in an effort
27 to save funding.

28
29 A couple of things that we're going to
30 have to talk about are those two proposals that we put
31 in and that had difficult times, as well as developing
32 hunter values. That was one of the concerns of the
33 last meeting we had. It's the hope that those hunter
34 values will be presented to non-residents and
35 commercial hunters when they come into the area that
36 the residents are hunting in.

37
38 The Duck Stamp requirement is a big
39 concern for the community because for all the years
40 that we've been in the villages we've thought that it
41 was something that needed to be done and then we
42 finally realized that -- well, the elders say that we
43 were tricked. We're working on getting more
44 information and educating everyone on the process and
45 learning the appropriate way to do the proposals.

46
47 Another thing that's important too that
48 we have to connect is that along with the migratory
49 birds there's the egg collections too, which is an
50 important part of our community. Everybody thinks

1 about geese and ducks, but we also have the terns and
2 the kittiwakes and the gulls that come into the north
3 gulf coast that a lot of the eggs are used.

4
5 When the migratory birds, such as the
6 geese or the ducks, time collections are adjusted, it
7 also affects our times that we're allowed to collect
8 seagull and tern and gull eggs -- or kittiwake eggs.

9
10 So we look forward to having the
11 meeting and look forward to a report of the great
12 progress we had on this last couple days to them and
13 what their response is.

14
15 So thank you.

16
17 CHAIRMAN ALCORN: Thank you, Rick.
18 Dan, you had a question.

19
20 MR. ROSENBERG: Yeah. Thanks, Rick.
21 At that meeting will you also be able to review the
22 harvest surveys?

23
24 MR. ROWLAND: Yes, that's our
25 intention, is to make a report on that information from
26 the last three gatherings that we've had here and then
27 have the discussion about that data that came out and
28 communicate what their thoughts are about it.

29
30 CHAIRMAN ALCORN: Perfect. Thanks.
31 That was just sort of a friendly reminder.

32
33 CHAIRMAN ALCORN: Thank you, Rick.
34 Enoch, do you have a report or a comment.

35
36 MR. SHIEDT: I don't have much. The
37 only thing I got is we finally worked out the funding
38 issue. I'm getting calls from my village about the
39 Duck Stamps and where they stand. They're still
40 worried about it. These are just phone calls. I would
41 try to set up a scheduled meeting. They, like I said
42 earlier, stated in the other meeting we had that they
43 wanted to have it this fall and that's what their plans
44 are.

45
46 I'm going to do a migratory bird survey
47 and I've been communicating with the villages to do the
48 migratory bird survey and they want to know why they're
49 going to go stats to do the survey. One of my villages
50 is only 80 homes and if I get 75, I'm just going to do

1 60 homes. What they're saying is what's \$200 and that
2 way you could talk to all the people in the village to
3 see what their catch is. One elder told me this is the
4 way probably could compare how true is the stats versus
5 the house-to-house survey. The guy is well older than
6 me, well over 20 years, and he's the one that called me
7 and said the difference might make a big difference for
8 our better if we keep house-to-house survey. He called
9 me. When he was in Kotzebue, he went to my house. I'm
10 known for that.

11
12 The other one is my campers. I had
13 three phone calls last night at my hotel. We're going
14 camping. There's no Duck Stamps. What are we going to
15 do again if the troopers come when they're in camp. I
16 don't know how to answer it anymore. I just say, and
17 I'm going to say it again, they're worried and they
18 don't want to lose what equipment they have;
19 snowmachine, boat, motor and what they have in their
20 camp. That's the guy -- what he's saying. Last year
21 when they landed there, that's the threat they get from
22 the State trooper for not having Duck Stamps. I talked
23 to him and it's okay.

24
25 For your information, I would like to
26 be kept updated to see what's going on. I'm going to
27 throw my home email to you all. It's very simple,
28 a.shiedt@yahoo.com. My CO just called me up last night
29 and he said I probably will get a small contract to
30 keep going to these meetings. Not only to migratory
31 bird, the others and the seals and stuff like that.

32
33 On the migratory bird survey, they want
34 to have it again in all the villages and they wanted to
35 know why are we hand-picking a few of the villages.
36 How come we never do all the villages. Even they
37 weren't done. We haven't done it since I left. Let's
38 put it this way, quite a while. You know that. They
39 would like to see it because people from Noatak -- on
40 the geese nesting area I reported one time that they
41 were really destroying the nesting. The bears were
42 destroying the nesting area and they're seeing a lot of
43 birds in the -- I mean lots of bears in the flats again
44 and they will probably destroy the nesting area again.
45 Last year I get a call from Kivalina saying they never
46 seen so many geese at Kivalina. The same geese we're
47 talking about. Maybe hopefully they're relocating due
48 to the disturbance they're getting.

49
50 We're not getting disturbed only just

1 by foxes. We're getting disturbed and they're
2 destroying them from the bears and these are the ones
3 I'm getting calls about at this time of the year. I
4 mean the bears are hungry again and they're going to
5 really destroy them again. The pictures that were
6 given to me by Theodore, it's my fault when I printed
7 them and they were being distributed among the board
8 and I never got them back. I mean they destroyed the
9 nest. I mean they didn't just take the eggs. They
10 destroyed the nest too just by trampling them. I mean
11 they were just harassing them.

12
13 CHAIRMAN ALCORN: Thank you, Enoch.
14 So, Sky, you had said you wanted to have a caucus
15 before we discuss options or you wanted to have -- is
16 that what you wanted?

17
18 MR. STARKEY: If everybody in the
19 Native Caucus agrees, I think it would be good to take
20 a short one while Geoff is still here.

21
22 CHAIRMAN ALCORN: Taqulik, you had a
23 comment.

24
25 MS. HEPA: Yeah, just for the record,
26 under regional reports, very interested to see how the
27 birds are healthy-wise. I know last year we had an
28 abundance of White-Fronted Snow Goose, all kinds of
29 birds all over the place. One of the concerns that we
30 have on the North Slope is the increase of Snow Goose.
31 We have a big colony that's forming on the Ikpikpuk
32 River, but the good news is that bears have found them,
33 so they've been helping with the problem. I just
34 wanted to say that for the record.

35
36 Thank you.

37
38 CHAIRMAN ALCORN: Thank you. Let's
39 take a break. We'll let the Native Caucus meet in this
40 room. Do you want to meet in this room?

41
42 MR. STARKEY: Yeah, it doesn't matter.

43
44 (Off record)

45
46 (On record)

47
48 CHAIRMAN ALCORN: If people would come
49 back to their seats so we can reconvene. Sky, do you
50 want to report out for the Caucus.

1 MR. STARKEY: Thank you, Mr. Chairman.
2 I will do so. First of all the Caucus wants to really
3 express gratitude and full support for Donna and
4 everybody really acknowledges just her value, her
5 historical perspective and her understanding of what's
6 going on. I just wanted to express that first.

7
8 (Applause)

9
10 And then in terms of the issue of the
11 executive director position, this is how the Native
12 Caucus would like to see us proceed on that issue.
13 Recognizing that Crystal is only there temporarily and
14 there are other callings for her and that she won't be
15 able to stay there perhaps for the indefinite future.
16 What the AMBCC Native Caucus would like to see would be
17 a committee formed for a path forward on how to deal
18 with the vacancy in the executive director position.

19
20 Rick has volunteered Mike Peterson,
21 Patty and myself. We'd like to see a Federal and State
22 representative on that. Molly made the observation
23 that when an executive director position like this is
24 up for consideration in any board, it's usually a board
25 discussion about how to move forward and not one
26 partner in a board.

27
28 So that's what our suggestion is, that
29 we have a committee on how to move forward. We're
30 willing to engage in that whenever need be. We're all
31 committed to moving forward and that we just proceed
32 that way. In the interim, if it's necessary for
33 Crystal to transfer back, we suggest that it would be
34 an appropriate move to contract with Patty and her
35 organization. Patty has already been doing a lot of
36 work in terms of organizing. So for those certain
37 functions that might need to take place in the interim
38 that Patty and Chugach be contracted with to perform
39 those functions that are appropriate in the interim.

40
41 So that's our suggestion.

42
43 Thank you.

44
45 CHAIRMAN ALCORN: Okay. I think that's
46 doable. Geoff and I talked -- well, there's Geoff
47 right there. Did you want to speak to that or do you
48 want me -- go ahead.

49
50 MR. HASKETT: Thank you. So you

1 actually didn't do what I thought you were going to do,
2 so I need to think about it a little bit. Remember the
3 way this happened was we had a request after our last
4 meeting and Julie Kitka saying would you consider
5 trying to send your person over on a trial basis to try
6 this out and we would like you to do it for a year or
7 two. I said, okay, we'll send our person over for two
8 years. Maybe we should go ahead and try that out.

9
10 So I'm fine with the committee. I'm
11 not sure I'm willing to do a contract right now. I
12 mean we had a position advertised and it's a position
13 that, you know, we're going to have. I'm willing to
14 consider any number of different things, but I don't
15 want to hold this up forever. Crystal will need to
16 come back. I guess I'd ask your committee to meet as
17 soon as possible. We have our discussions soon because
18 I'm kind of in a -- kind of stuck in an in-between
19 place here right now.

20
21 So I need to go back, talk to my
22 deputy, figure out work load, figure out what to do
23 about Crystal. I'm not sure when the time was when she
24 was finished. I think it comes up pretty soon. Like I
25 said, I've got an offer on the table to set somebody
26 else up in a detail. I'd have to look at the
27 contracting part and figure out what the deal on that
28 is. So we'll get back to you.

29
30 CHAIRMAN ALCORN: Patty, go ahead.

31
32 MS. BROWN-SCHWALENBERG: Would you
33 consider amending our current grant agreement and
34 adding those responsibilities on temporarily, something
35 like that perhaps.

36
37 MR. HASKETT: Yeah, I'll consider
38 anything. This is just way different than anything I'd
39 pictured we'd agree to so far. So it's possible. I'm
40 not saying no. I just need to go back and talk to my
41 folks and figure out work load. We'd probably have
42 additional conversations with Patty and figure out how
43 that would work out. I'd say get your committee
44 together as soon as possible, so I think we need to
45 move fairly quickly on this. Let's just figure out the
46 best way forward.

47
48 So I'm not prepared to say yes yet, but
49 I'm willing to consider anything. Let's just keep it
50 moving forward and make sure we get the right person in

1 the job to do this. I'm still committed to that two-
2 year period of time to have someone to make sure how it
3 works and that kind of thing and I expect it's going to
4 work out positively, but I'm going to stick to what we
5 originally agreed to and that part of it anyway.

6

7 CHAIRMAN ALCORN: Okay, thanks. I'll
8 be the Federal representative on that committee. You
9 said the State -- suggested the State have a
10 representative as well?

11

12 MR. STARKEY: They're invited if Dan
13 thinks that's appropriate.

14

15 MR. ROSENBERG: I'm sure the State will
16 have a representative. Before I commit an individual
17 let me confer with Dale and see where we're going to go
18 with this. I'm sure we'll have somebody.

19

20 CHAIRMAN ALCORN: Okay. And heeding
21 Geoff's advice, meeting as soon as possible would be
22 the best thing because it does take a long time. If we
23 do go the Federal advertisement, it takes quite a while
24 to do that, so we need to get together soon. I'll be
25 back next Wednesday back in the office. So any time
26 after that we can start discussions. Thank you all.
27 That takes care of our regional reports and discussion
28 of that item.

29

30 That takes us into old business and the
31 discussion of the proposals. Before we get there I
32 wonder if I might offer this as a strategy for these
33 discussions. When we had the discussion at the last
34 meeting, it was formal, on the record. There were
35 reading of reasons for support or not supporting
36 proposals into the record and it was very procedural.

37

38 I'm wondering if you all might see that
39 it might be advantageous to not be on the record and
40 have it more as a discussion of the issues associated
41 with those proposals, how we can get to yes in a more
42 informal way. That way we can invite more participation
43 by those in the audience rather than just this board.
44 It seems to me that that might be better for the
45 dialogue aspect of this. If that meets with your
46 approval, we could just have Nathan turn the mikes off
47 and we can just move on and discuss it that way. Would
48 anybody oppose that?

49

50 MR. ROWLAND: (Raises hand)

1 CHAIRMAN ALCORN: Rick, you'd like it
2 on the record?
3
4 MR. ROWLAND: Yes.
5
6 CHAIRMAN ALCORN: Okay. Well, since we
7 have one person opposing it, we'll keep it on the
8 record. Nathan, you don't get a bye. We'll keep it on
9 the record. We do have a formal process. Peter.
10
11 MR. DEVINE: Yes, Mr. Chair.
12 Aleutian/Pribilof Island Association also opposes
13 shutting off the mikes. That's what the two-day
14 workshop before the meeting was for, I thought, you
15 know, to help us get our feelings and our dialogue out.
16 If we're going to reinvent the wheel, you know, let's
17 not start with spokes.
18
19 CHAIRMAN ALCORN: Okay. So we have two
20 voices opposed to that suggestion. So we'll stay on
21 the record. We do have a process that we go through.
22 I don't have the process in front of me in the binders,
23 but I do have the binder from the past meeting that
24 does have the process laid out. Bear with me while I
25 find it.
26
27 MR. ROSENBERG: Doug, while you're
28 looking at this let me just bring this back again. Our
29 goal here is to get to yes as best we can. I guess my
30 belief is what Doug mentioned, is that I somehow think
31 that we might have a better dialogue and a better
32 ability to get there if we're off the record for other
33 people perhaps in the audience. There's a lot of
34 issues here that we need to bring up. So I just want
35 to reiterate that one more time. If our goal is to get
36 to yes, I think it might be easier for everybody to
37 freely speak and get there off the record. I just
38 wanted to reiterate that.
39
40 MS. HEPA: Mr. Chair.
41
42 CHAIRMAN ALCORN: Taqulik, go ahead.
43
44 MS. HEPA: I agree and I also
45 understand Rick and Peter's concern and I respect that.
46 Maybe we could do a little bit of both and suspend the
47 rules and allow open and free participation from the
48 participants or the audience that's here, not so much
49 in a formal meeting setting, but to have it recorded.
50

1 CHAIRMAN ALCORN: That's a fair
2 suggestion. Frank, we're not taking comments yet, but
3 we'll get there, so hold your thought. We do have this
4 process, the formal process we have, and I'll read it
5 briefly because I don't believe it's in your binders.
6 It's a number of steps.

7
8 The introduction of the proposal or the
9 petition by the AMBCC Staff, the Alaska Department of
10 Fish and Game Staff analysis, the U.S. Fish and
11 Wildlife Service Staff analysis, the Technical
12 Committee analysis, then we take public comments, and
13 then we have Council discussion. It says following
14 presentations of all proposals and petitions the Native
15 component of the AMBCC will caucus to determine the
16 positions and then the final is the AMBCC takes action
17 without discussion on proposals and petitions in the
18 order presented. So that's our formalized process that
19 we've adopted.

20
21 So introduction of the proposal without
22 having the executive director here, would anyone offer
23 to present the proposal. We can have the region
24 present the proposal, which is what we've done
25 traditionally. So we are on Proposal No. 3, request to
26 amend eligibility standards for invitational hunting
27 and that would fall to Don or we could also allow
28 Steve, since he submitted the proposal, to present the
29 proposal to the board.

30
31 MR. HONEA: Thank you, Mr. Chair. As
32 kind of an introduction to this, we did meet in our
33 spring meeting and we unanimously passed this
34 particular resolution. If any of the members or the
35 public had any questions on this, I'd like to invite
36 Steve if you guys have any questions on it.

37
38 MR. ROSENBERG: Mr. Chair, may I just
39 for the record. I assume this is the same identical
40 proposal that we received last April. Are there any
41 changes to it?

42
43 CHAIRMAN ALCORN: The same.

44
45 MR. ROSENBERG: The same. Thank you.

46
47 CHAIRMAN ALCORN: All right, Steve.
48 Would you like to
49 come and speak to it and present it.

50

1 MR. GINNIS: Thank you, Mr. Chair. I
2 think I've already presented this proposal to all of
3 you and I don't know if it's necessary for me to do it
4 again. I guess I just wanted to -- it's pretty clear-
5 cut. As you can see, there is a resolution that was
6 attached to this proposal that was passed by my board
7 of directors on the 19th of July of 2011. I just want
8 to show this board that this is not an issue for Steve
9 Ginnis even though it does affect me. This resolution
10 was passed by my board because we have a lot of Native
11 people that live in Fairbanks.

12
13 The issue was raised about whether or
14 not they have opportunities to actually harvest
15 waterfowl, then finding out that now we're in an
16 excluded area we weren't eligible to go out there and
17 hunt. So my board became very concerned about this, so
18 the resolution was passed. It also gave me the
19 authority -- the board gave me the authority to speak
20 on behalf of the board in regards to this proposal.
21 That's why I come before you.

22
23 It's pretty straightforward. All we're
24 attempting to do here is giving the Native people in
25 Fairbanks the opportunity to go out from whatever part
26 of the region they come from, be able to go out there
27 and harvest waterfowl. The exception being -- the
28 change in this is just simply that as long as you're a
29 registered tribal member of a tribe out there in the
30 included area that you're eligible to go out there and
31 hunt waterfowl. That's pretty much what this issue is
32 about.

33
34 I think, Mr. Chairman, another part of
35 this thing that I think somewhere along the way needs
36 to be addressed is having to do with -- even if I was
37 able to go out there and hunt these birds that, as I
38 understand it under the law, I can't bring my harvest
39 back. That, to me, just doesn't make any logical sense
40 at all. Why would I want to go out there and hunt them
41 if I can't bring them home, you know. So that's
42 another part of this thing.

43
44 There's a lot of elders that live in
45 Fairbanks and they come from all over the state of
46 Alaska. At least from the Interior, we have a lot of
47 people that are in Fairbanks due to medical reasons.
48 They have relatives like in Fort Yukon that want to
49 send some birds over to them, but it's not legal.
50 That's another part that I think needs to be somewhere

1 along the line addressed because our elders has
2 historically for as far back as I can remember have
3 been relying on these birds. Way before even the
4 treaty was passed. Of course, it was illegal, I guess,
5 but we did it anyway. At that point, at that time,
6 there was no issue of transporting birds to your loved
7 ones in the urban area.

8

9 But this one here is pretty clear cut
10 and I know that -- I already hear the comments on it
11 coming from the agencies that there's some legal
12 ramifications here to this proposal. I fully
13 understand that. These legal ramifications can be
14 addressed. I think any people that have like minds can
15 come to some reasonable resolution to this problem
16 here.

17

18 I also heard people say, well, you're
19 taking the responsibility away from a tribal
20 government. That's not our intent here. My intent is
21 just to simplify it. I mean it's like right now
22 legally I can go out there and hunt them as I
23 understand it as long as I get approval through my
24 village council, which would require me to contact my
25 own tribe to see if it's all right for me to go out to
26 my own homeland to go hunting. That just doesn't make
27 any sense to me.

28

29 I'm a former chief of my tribe. I was
30 born and raised in Fort Yukon. I have lived there the
31 majority of my life. The very issues that we're
32 dealing with here, some of these type of issues, is
33 what I've been fighting for on behalf of my tribe for
34 many years. Now that I'm working in an urban setting
35 somehow I'm being disconnected, you know, from what
36 I've been practicing ever since I was a child. We have
37 effectively bought into this type of a notion with this
38 urban/rural term, you know, urban/rural term,
39 urban/Indian or Native living in urban area or your
40 rural Native living in a rural area.

41

42 I'm Indian to the core and no matter
43 where I live I'm an Athabaskan Gwich'in Indian and I
44 speak my language fluently. I understand my culture
45 fully. I come from a strong family that has a strong
46 tie to the land. I feel like I should be able to
47 continue that type of a lifestyle regardless of where I
48 live. So this proposal comes before you in that light.
49 Let's not discriminate against each other of something
50 that we're all culturally, you know, related to, these

1 resources.

2

3 You know, interestingly enough with
4 moose I don't have a problem. I can go out as long as
5 I've got a hunting license, I can go out on the Yukon
6 Flats and hunt moose and bring it home. When it gets to
7 these migratory birds, fish is the same thing, you
8 know. If I went out and fished on the Yukon Flats, I
9 can't bring that fish home. There was a guy in Fort
10 Yukon that was cited for doing that.

11

12 So that's why I keep saying these rules
13 and regulations really do get frustrating. So those
14 rules and regulations, yes, they have their purpose,
15 but we need to find a way to make them work for the
16 benefit of the indigenous people of the state.
17 Otherwise we're just going to continue that divide.
18 We're going to continue that divide when we're all
19 trying to unite ourselves as one people. We will
20 continue down that road and we're playing right into
21 it.

22

23 So I hope that you will all consider
24 this proposal seriously. I appreciate the fact that it
25 was referred to the Invitation Committee when it could
26 have just stopped dead in its tracks. It was referred.
27 I think it's worthy of consideration.

28

29 I also know the definition under the
30 current -- or the bill through Murkowski's bill that
31 was passed to approve this treaty, there's a language
32 problem in that thing. I think that can be corrected.
33 You get the right forces behind it. That language can
34 be corrected. If you're all going to be on one side
35 and the Native people are sort of going to be on the
36 other side of it, the likelihood of that being changed
37 is probably remote. But it plays right into what I'm
38 talking about right here.

39

40 So there's -- and I understand these
41 issues and I don't come into here being naive that
42 somehow today everything is going to be okay, so
43 tomorrow I'm going to jump in my boat and go out on the
44 Yukon Flats this weekend and go bird hunting. I know
45 there's processes that it has to go through. I just
46 appreciate the fact that you're giving us this
47 opportunity.

48

49 I do have a board meeting next week and
50 when I get back I'll prepare a report for them and kind

1 of let them know what's going on here and they might
2 send me back down again to speak to you all again.
3 With that, I appreciate the opportunity.

4

5 Thank you.

6

7 CHAIRMAN ALCORN: Thank you, Steve.
8 Any questions of Steve on the proposal?

9

10 (No comments)

11

12 CHAIRMAN ALCORN: Okay, thanks, Steve.
13 Frank, you raised your hand. Were you going to speak
14 to this particular proposal? We'll get to that in a
15 moment. We do have -- the next step is the Alaska
16 Department of Fish and Game Staff analysis of the
17 proposal. Dan.

18

19 MR. ROSENBERG: Yeah, I have nothing to
20 add from the last time we heard the proposal. I mean
21 at that time. We don't have any technical conservation
22 concerns with the proposal. Again, a lot of what Steve
23 brought up was things that we discussed in the last
24 couple days in how we can get from here to there and
25 what we need to do to address those things. There are
26 administrative types of actions that need to be taken,
27 legal and administrative. But from a technical
28 position we don't have any comments or concerns I
29 should say.

30

31 Thank you.

32

33 CHAIRMAN ALCORN: Thank you. I'll
34 speak for the U.S. Fish and Wildlife Service Staff
35 analysis. There are no technical concerns, but the
36 same concerns did arise last time when we discussed it.
37 We had some subsequent conversations following the
38 AMBCC meeting with that paradigm, how do we get to yes.
39 I think that there are some things that I'd like to
40 offer in discussion at some point if at whatever point
41 we suspend the rules and we can start listing some
42 things and it might help for the purposes of the
43 discussion. I don't know that it would be beneficial
44 to go back and repeat all the reasons why we were not
45 able to support it from the last meeting, but if you're
46 interested in hearing that, I can do that, but it will
47 just take a little bit of time. Okay.

48

49 The analysis from the Technical
50 Committee I presume has not changed. Does anyone here

1 speak for the Technical Committee in its analysis?

2

3 MR. ROSENBERG: Did anybody bring that
4 record that we had last time?

5

6 CHAIRMAN ALCORN: Donna, do you happen
7 to have a copy of that analysis. Let me take a moment
8 and let me go through this whole binder here.

9

10 (Pause)

11

12 CHAIRMAN ALCORN: Okay, we have it.
13 Anybody on the technical committee like to present this
14 information? I'm not sure it's appropriate for me to
15 read it as Chair. I'd like somebody from the Technical
16 Committee to read it.

17

18 Thank you, Dan.

19

20 MR. ROSENBERG: This is not it, I don't
21 believe.

22

23 CHAIRMAN ALCORN: No, that's not it.
24 Could anyone summarize? Here's what I'm going to
25 suggest. It's 11:15. We could break for lunch. We
26 can find that document because I think it's critical to
27 the discussion. We can run over to the office and I
28 can get a copy. I thought it was in this binder.

29

30 (Pause)

31

32 CHAIRMAN ALCORN: In the interest of
33 time, we'll continue on until the lunch break and then
34 we'll go get it. For now I believe the Service's
35 position was consistent with the Technical Work Group
36 analysis on that particular proposal. So now, getting
37 to yes. We can have that discussion of what those
38 issues were and perhaps how to rectify those issues.
39 Let me get to the proposal in my binder.

40

41 Taqulik, heeding your suggestion to
42 suspend the rule of the day. I don't know if it's
43 appropriate -- it might be appropriate now to suspend
44 the rule of the day. I would entertain a motion to
45 that effect.

46

47 MR. ROWLAND: I have a comment first.

48

49 CHAIRMAN ALCORN: Okay. Rick, go

50 ahead.

1 MR. ROWLAND: Along with the Technical
2 Committee there was the Invitation Committee that met
3 as well, so there were two different group discussions
4 that occurred. I don't believe that there was any
5 documents formed from the invitation discussion. So
6 those two, when you talk about the technical, then we
7 need to talk about the Invitational as well.

8
9 CHAIRMAN ALCORN: Is there anyone here
10 from the Invitation Committee that participated in that
11 discussion? Oh, Rick, you were. Okay. We'll hear
12 your report too. Let's go ahead and hear your report
13 and then we'll suspend the rule of the day if anyone is
14 still in favor of that.

15
16 MR. ROWLAND: Thank you, Mr. Chair.
17 Peter Devine and I were called to discuss this proposal
18 in the Invitation Committee. In our discussions after
19 review of the proposal a lot of topics are covered in
20 this proposal. From taking a close look at it after
21 discussing between each other, we decided that the main
22 issue of this was that -- we believe that the tribal
23 organization, as Mr. Ginnis mentioned, has the
24 authority to make the decisions on what happens in
25 their area.

26
27 The other thing that we noticed was
28 that the resolution that supported this amendment was
29 with the Fairbanks Native Association and it didn't
30 make sense that a proposal was being resolved by what
31 we believed was Native association over a tribal
32 decision. So that's what led us to think that it's
33 important that the tribe and the tribal members work
34 out their concerns and issues in their community.

35
36 Also quite possibly the Native
37 association is a recognized State of Alaska agency,
38 association, so that would create an additional mix to
39 putting authority over -- an association recognized by
40 the State over a tribe, so it would cause more
41 confusion.

42
43 This proposal has a lot of different
44 issues related to it and the other one was transporting
45 from one area you could hunt to the other area that you
46 can't hunt. It should be specifically dealt with
47 individually. Not only for that region, but the whole
48 topic. So those were the two main reasons that we met
49 and discussed and thought that this was something that
50 should not be decided on by us as migratory birds

1 because there's two of those issues occurring. One is
2 the transport of all that from rural to a non-rural and
3 then the leveling of a State association over a tribe.
4 So that's it.

5

6 MR. ROSENBERG: Mr. Chair.

7

8 CHAIRMAN ALCORN: Go ahead, Dan.

9

10 MR. ROSENBERG: I just wanted to make
11 sure I -- because my recollection was that I think also
12 we brought that up, but I wanted to make sure I
13 understood correctly. As I recall, we decided or we
14 discussed at least that we needed to decide this for
15 all included areas as far as the transport goes. Is
16 that what you're saying?

17

18 MR. ROWLAND: Well, when we had that
19 meeting.....

20

21 MR. ROSENBERG: I'm sorry. Just sort
22 of a general overall statewide, if you will,
23 perspective on how this should occur as opposed to
24 doing it region by region. Did I understand that
25 correctly.

26

27 MR. ROWLAND: In our discussion at the
28 Invitation Committee, after we were done talking about
29 this we were asked what our suggestions were on
30 carrying from a rural to a non-rural and then in
31 responding to that it was discussed that it's a bigger
32 issue than just migratory bird. It has to be all
33 Migratory Bird Co-Management Council. It has to be a
34 discussion on quite possibly all the tribes in Alaska.

35

36 CHAIRMAN ALCORN: Okay, thanks, Rick.
37 So I would entertain a motion to suspend the rule of
38 the day so that we can have a little bit more of a
39 dialogue. Before we do that though, Frank, you said
40 you had a comment about the proposal as presented.
41 Come to the mic and identify yourself for the record,
42 too.

43

44 MR. WOODS: Yeah, Frank Woods. I just
45 had a -- you answered my question. You read the
46 protocol and outlined the process to proceed today. I
47 just want to say that it's a big issue and I think that
48 we deal with this statewide, like Dan said, and it
49 would be good to suspend the rule for public dialogue
50 or internal investigation in executive session or

1 whatever you want to call it that we all come to the
2 yes conclusion before we go forward. With that I'll --
3 yeah.

4
5 CHAIRMAN ALCORN: Okay. Taqulik,
6 you're on. Thank you, Frank.

7
8 MS. HEPA: I'd like to suspend the
9 rules to have an open dialogue that will be recorded
10 motion.

11
12 CHAIRMAN ALCORN: Thank you. Do I have
13 a second.

14
15 MS. CHYTHLOOK: I'll second the motion.

16
17 CHAIRMAN ALCORN: I have a second. Is
18 anyone opposed to the motion to suspend the rule.

19
20 (No comments)

21
22 CHAIRMAN ALCORN: Okay, we're
23 suspended. We can keep our mikes on. What this will
24 do, I think it will allow a little bit more dialogue
25 with folks involved. I'm going to turn my mic off
26 because I want to go to the flip chart. I guess I'll
27 leave it on. I want to go to the flip chart and I want
28 to put a thing or two up on the flip chart just so that
29 you can see what it's going to take for the Fish and
30 Wildlife Service to get to yes. Some of it has to do
31 with the reasons we weren't at yes the last time and
32 then some have to do with perhaps some explanations.

33
34 What you heard Geoff say today was that
35 when we get a proposal, we have to compare it to
36 standards by which we have -- or criteria by which we
37 judge it and the first criteria, is it legal. As a
38 subset of that or kind of a spin-off of that, if it
39 translates into a regulation, is it enforceable. Then
40 the other criterion we apply, is there conservation
41 issue or concern.

42
43 So we engage all of our Staff. That
44 includes me as a manager of my program. We include
45 Stan Pruszenski as a manager of the law enforcement
46 program. We include the chief of the refuge program
47 because they also have land holdings and they have law
48 enforcement staff in that and we have legal counsel as
49 a part of that discussion. So we look at all the
50 treaties in the law that we have in place and then we

1 asked, you know, is this -- if it translates into a
2 regulation, is it something that's going to be clear
3 and enforceable. If it's not, then we can't find
4 ourselves in a position to say yes.

5
6 Then we ask the technicians, the Eric
7 Taylors and the Russ Oates of our organization, what's
8 the status of the potential impact on birds and what's
9 the status of birds if it's associated with an
10 individual population or species. If there's no
11 conservation concern and we find that it's legal and
12 enforceable, then we can get to yes. That's kind of
13 the process that we go through to look at proposals.

14
15 So last cycle, last month when we had
16 the proposal, we looked at it from the perspective of
17 the first issue that we had and I think we've discussed
18 that at length now for the last few days and that is
19 the definition of indigenous inhabitant. We've kind of
20 applied that as a standard in saying is this providing
21 an exclusive right to a class of individuals and we
22 were concerned that it said that a registered tribal
23 member related to a family with a prior history can
24 participate in a hunt, so it sort of set up three
25 classes of individuals.

26
27 One, somebody that would be tribal
28 member. Second, or related to a family member, and
29 then, or had a prior history. So it didn't comport --
30 it wasn't consistent with the definition of an
31 indigenous inhabitant. An indigenous inhabitant is
32 defined in the treaty protocol language and so that was
33 the standard by which we were making that assessment.

34
35 UNIDENTIFIED SPEAKER: Could you write
36 that down.

37
38 CHAIRMAN ALCORN: Could I write it
39 down? Writing it down -- it comes right out of the
40 proposal. The proposal says -- correct me now if I'm
41 wrong, Steve, but this is the way we read the proposal.
42 It said a tribal member could participate or immediate
43 family member or anyone that can show prior waterfowl
44 harvest. That's the way I read the proposal.

45
46 Eric. You can come to the mic. It's
47 open.

48
49 MR. TAYLOR: I'm Eric Taylor. I'm with
50 Fish and Wildlife Service. Doug, the only correction I

1 would make is that it does not say immediate family, it
2 says related. So that's a difference from the current
3 regulations. It says related to a family.

4
5 CHAIRMAN ALCORN: Oh, okay. Yeah, I
6 read immediate family member in the preceding sentence.
7 It says -- well, I'll just read the whole thing.
8 Participation by residents in excluded areas. In cases
9 where it is appropriate to assist indigenous
10 inhabitants and meeting their nutritional and other
11 essential needs or for the teaching of cultural
12 knowledge to or by their immediate family members --
13 that's where I got the immediate family members --
14 residents of excluded areas who are registered tribal
15 members -- that's the first qualifier -- to a village
16 within the included areas or individuals residing in
17 the excluded area who are related to a family residing
18 within the included area. So it's related to a family
19 member residing in the included area. I apologize for
20 being sloppy. I'm sure you can't read it from beyond
21 two or three people back.

22
23 And then the third criterion is related
24 to a family residing within the included area or can
25 show prior waterfowl harvest in the included area prior
26 to amending the convention for the protection of the
27 migratory birds. So prior to the treaty amendment. Is
28 that right, Steve?

29
30 MR. GINNIS: Yeah. Can I respond to
31 the State now?

32
33 CHAIRMAN ALCORN: Okay. Please do,
34 yeah. Well, Eric's got the mic and then we'll ask you
35 to come up.

36
37 MR. TAYLOR: Just two more, Mr. Ginnis,
38 if you could clarify. I think this came up in the
39 Technical Committee. Patty, I think you were there.
40 I'm not for sure if you can help me out here. At least
41 if I read the proposal correctly, and maybe this was
42 your intent or it wasn't your intent, but it seems to
43 remove the village approval and remove the village
44 permit aspect of this. I don't know if that's what you
45 intended or not. At least I don't read that in the
46 immediate proposal. I think that was a concern if I
47 remember correctly from the Technical Committee.

48
49 Thank you.
50

1 CHAIRMAN ALCORN: Joeneal and then
2 Steve.

3
4 MR. HICKS: I'm directing the question
5 towards Steve first. Steve, would you be amenable to
6 amending your proposal to reflect our concerns here?
7 The other thing is I know the law references indigenous
8 inhabitants. In other words, both non-Native or Native
9 as long as they live within the community, permanent
10 resident or whatever. I'm looking at the related
11 family residing in the included area. I mean, to me,
12 just that word alone could relate to both Native or
13 non-Native. I mean basically a non-Native who is a
14 permanent resident of a village, then there's a
15 resident that lives in Fairbanks or Anchorage has to
16 have some kind of family relation with it, so I don't
17 see how that could really be a particular problem as to
18 what is termed indigenous inhabitants in here.

19
20 CHAIRMAN ALCORN: I'll get to it in a
21 minute. Go ahead, Steve, if you wanted to address
22 that.

23
24 MR. GINNIS: Okay. Well, first of all,
25 I guess trying to understand the law, regulations, I
26 felt that it was important to define what I'm talking
27 about here. So if you just look at this in terms of a
28 definition, that's what this thing is trying to
29 address. I could have wrote it in another way where I
30 could have just said simply tribal members, but you
31 also have relatives that live in an urban area of a
32 tribal member that lives out there in the village.

33
34 So it's trying to meet the needs as I
35 view it. That's why all this stuff is in here. Now,
36 if you want to -- if you have some proposed language to
37 change it, I'm good with it.

38
39 I also wanted to just kind of address
40 this Invitation Committee's concern over the 501c,
41 State recognized 501c Native organization basically
42 trumping a tribal decision. I just want to clarify
43 that the Fairbanks Native Association represents tribal
44 members from all over the State of Alaska, so when
45 we're bringing this thing forward, we're representing
46 those folks, those Native peoples that live there in
47 Fairbanks. There's no intent on our part to trump any
48 tribal council or tribal decisions that go on out in
49 the TCC region. We are part of the Tanana Chiefs
50 Conference. We are part of AFN. We participate in

1 decision-making that affects all of our Native people.

2

3

4

5 So this is in no way an attempt to
6 override a tribal government out in our region. We
7 recognize -- that why you're a member of FNA. We
8 recognize that these folks that live in Fairbanks come
9 from some village. They're affiliated with some
10 village. There's no Native person that lives in
11 Fairbanks that's going to rescind their tribal
12 membership in the village they come from. Like for
13 myself, I'm a tribal member of Gwichyaa Zhee Tribal
14 Government. I will never rescind my tribal membership
15 because I live in Fairbanks, but I would be a member of
16 FNA.

16

17

18 The bylaws read that as long as you're
19 a 1/4 Native and have resided in the Fairbanks North
20 Star Borough consistently for 30 days, you're a member
21 of FNA. Somebody has to represent those people there
22 and that's what we do. Just to clarify, we're not
23 trying to trump any tribal decision here in any way,
24 shape or form. This come to us from the membership.
25 We have our annual meetings. We just had one in March
26 where we have elections and those people that attend
27 those meetings raise issues and concerns. So we're
28 obligated to follow up on those issues and concerns
29 that are raised at our annual meeting. So I just
30 wanted to clarify that part of it.

30

31

32 Again, this proposal here is not
33 intended in any way, shape or form to take anything
34 away from a tribal government. I'm a strong advocate
35 of tribal sovereignty and have always been and will
36 continue to do so, but that's not what we're trying to
37 do here. What we're trying to do here is trying to
38 find a way for those Natives that live in an urban area
39 to continue to participate in the harvest of these
40 birds. So that's basically what this thing is all
41 about.

41

42

43 This transportation part of it, that's
44 another issue that should be discussed at some other
45 point. So all I was trying to do in this thing was try
46 to -- because I know under rules and laws there's
47 always definitions. Who are we talking about. That's
48 why this thing is written that way. Now if you have a
49 way to address people that are residing -- family
50 members that are residing in an excluded area, then I
51 think -- anyway, I'll just leave it there.

1 I hope that we come to some resolution
2 here about how to address this. I fully understand
3 your legal enforcement and your conservation concerns.
4 I tried to address that in this -- this is a pretty
5 simple form. The question was asked here if it would
6 have any effect on the bird populations it currently
7 is. My view is no because even before the treaty was
8 approved people were hunting them anyway. The same
9 people that's going to be -- that's been hunting them.
10 So that's why I say I don't think there's going to be a
11 conservation issue here. It's based on my own
12 historical understanding in the interior about what's
13 been happening way before this treaty was even enacted.
14 That's where this stuff comes from. It's not something
15 that I just kind of dreamed up that there's not going
16 to be any kind of impact.

17
18 Anyway, on this language here if
19 there's some way that will address the intent of it,
20 I'm good with it. You know, the enforcement part of it
21 too is another concern. I mean you heard it from this
22 gentleman over here of this whole issue of Duck Stamps
23 not being available to those people out there and yet
24 they're out there harvesting them. They're risking
25 getting arrested.

26
27 So enforcement works both ways, you
28 know, in my view. First of all, when I was the chief
29 of Fort Yukon when we lived on the refuge, so when
30 certain things are going to be enforced out there what
31 I suggest to those agencies is to come meet with me,
32 explain their rationale behind it so that I can share
33 it with my membership. Then there's not this
34 misunderstanding and this unwelcomeness kind of
35 atmosphere. It's incumbent upon these agencies when
36 they begin enforcement in any area to come talk to the
37 people about it so they're fully aware of it. A lot of
38 times it's just something they're going to drop in.
39 That riles up the folks big time. So that's why I say
40 this enforcement stuff can be a two-way street.

41
42 So, with that I'll stop.

43
44 CHAIRMAN ALCORN: Thanks, Steve. Any
45 -- Taqulik.

46
47 MS. HEPA: I wanted to go back to where
48 you were headed to see, you know, what were some of the
49 reasons why you couldn't say yes.
50

1 CHAIRMAN ALCORN: That's where I'm
2 going. So in this particular issue, going back to the
3 senate's definition of indigenous inhabitants, what
4 caused us problems were the status of a tribal member
5 and related family members residing in included area
6 and not actually immediate family members because
7 immediate family members are actually defined. Related
8 family members could be broader than that. So actually
9 immediate family members is a more precise term that's
10 actually described in the letter of submittal. Then
11 showing prior waterfowl harvest is a criterion that's
12 not expressed in the treaty or the letter of submittal.

13

14

15 Sky.

16

17 MR. STARKEY: Well, I don't want to be
18 too technical about it, but I believe showing prior
19 waterfowl harvest is consistent with the treaty because
20 indigenous inhabitants is defined as those with
21 legitimate subsistence needs. So I believe that's one
22 instance where you could certainly make a good argument
23 that that is consistent with the treaty although I'm
24 not sure that we need to get into the weeds with that
25 on this proposal.

26

27 CHAIRMAN ALCORN: I appreciate that.
28 These are extremely complicated legal issues and we
29 have one attorney here and I'm no attorney, so what I
30 say cannot be used against me. But that's the way we
31 were reading it and that's the way we were -- you know,
32 this was in council with out legal counsel. If you go
33 back and look at Page 9 of the treaty protocol, it
34 actually makes a provision for the invitation and
35 that's what this whole discussion is predicated on, I
36 think, is the paragraph that describes what is
37 allowable.

38

39 I'll read it. It says in recognition
40 of their need to assist their immediate families in
41 meeting their nutritional and other essential needs or
42 for the teaching. This is Page 9 of the letter of
43 submittal. I don't know if you all have that, if you
44 have your black binders. Or for the teaching of
45 cultural knowledge to or by the relatives, Natives
46 residing in excluded areas in Alaska may be invited to
47 participate in the customary spring and summer
48 migratory bird harvest within the designated
49 subsistence harvest areas around the villages in which
50 their immediate families have membership. Such

1 participation would require permission of the village
2 council and an appropriate permit issued through the
3 management body implementing the protocol. Immediate
4 family includes -- then it's defined -- children,
5 parents, grandchildren, grandparents and siblings.
6

7 So that's the paragraph that we were
8 working on. Now you'll note that this paragraph says
9 Alaska Natives. We asked our legal counsel this seems
10 to provide an exclusive opportunity, exclusive right.
11 What was pointed out to me was when the senate reported
12 this out in the congressional record -- I don't know --
13 if you don't have this reference material, I have it
14 right here.

15
16 It defines indigenous inhabitant and it
17 says the United States understands that the term
18 indigenous inhabitants as used in Article 24(b) of the
19 protocol means a permanent resident of the village
20 within a subsistence harvest area regardless of race.
21 In it's implementation of Article 24(b) the United
22 States also understands that where it is appropriate to
23 recognize a need to assist indigenous inhabitants in
24 meeting nutritional and other essential needs or for
25 the teaching of cultural knowledge to or by their
26 family members, there may be cases where with the
27 permission of the village council and the appropriate
28 permits immediate family members of indigenous
29 inhabitants -- which was defined -- may be invited to
30 participate in the customary spring and summer
31 subsistence harvest.

32
33 So while Secretary of State Warren
34 Christopher intended for it to be an Alaska Native
35 exclusive right, the senate, when they ratified the
36 committee, said this is our understanding of it and we
37 will define indigenous inhabitants and then we'll say
38 immediate family members of indigenous inhabitants can
39 be invited back. So it's broader than tribal
40 membership. That's the issue with that criterion. So
41 if it were immediate family members of indigenous
42 inhabitants, the permanent residents in those included
43 areas, then that resolves that portion of our proposal.
44

45 MR. WOODS: So the recommendation for
46 amendment would be to include that language you just
47 stated as indigenous inhabitants of related -- or
48 family members of indigenous inhabitants are eligible
49 to participate in the spring hunt, correct?
50

1 CHAIRMAN ALCORN: Well it would be
2 immediate family members, not related family members
3 because immediate family members was defined and
4 indigenous inhabitants was defined.

5
6 Molly.

7
8 MS. CHYTHLOOK: Thank you, Mr. Chair.
9 You know, if I translated that from English to Yup'ik,
10 when I'm with my family and we meet people that don't
11 know that these are my sons, these are my sisters, you
12 know, the first thing that I normally say is (in
13 Yup'ik), which means I am related to -- and then I'd go
14 -- after I say (in Yup'ik) I go a step down and say
15 this is my son, this is my daughter, this is my sister.
16 So related, there falls in my language, I don't know
17 how it is with the other, would just define immediate.
18 So I don't know how I would separate that immediate
19 from related if I would go to explain that term to my
20 people.

21
22 CHAIRMAN ALCORN: So could I ask you a
23 question.

24
25 MS. CHYTHLOOK: Yes.

26
27 CHAIRMAN ALCORN: Is your use of the
28 word related larger than what was defined by the
29 senate?

30
31 MS. CHYTHLOOK: Well, I just gave you
32 an example. For instance, if you came to my house and
33 you see a bunch of people in my house and you ask me
34 about so and so and you didn't know that was my son, I
35 would say (in Yup'ik). These are related to me and
36 then I would define that (in Yup'ik) to son, daughter,
37 grandson and so on.

38
39 CHAIRMAN ALCORN: So it's broader.

40
41 MS. CHYTHLOOK: Yes, it's broader to
42 define immediate.

43
44 CHAIRMAN ALCORN: Sky and then Enoch.

45
46 MR. STARKEY: Let Enoch go.

47 MR. SHIEDT: I didn't raise my hand.

48
49 MR. STARKEY: Again, this is a legal
50 point, but I do want to sort of suggest that the treaty

1 language actually -- the letter of submittal actually
2 says that immediate family includes children,
3 grandparents, siblings. It doesn't say it's limited
4 to. In a legal analysis, what you look at is a very --
5 it's very careful to be -- careful about the way you
6 look at things. If you are writing a statute and you
7 want to enclose a class of people, then you use the
8 terms is limited to. If you want to make sure that the
9 term is broad but not limited to a class of people, you
10 say includes. That ensures that those people are
11 included, but it doesn't necessarily restrict your
12 interpretation to only the people that are within that
13 class. So that's very important to be extremely
14 careful about the way you look at things. Again, I
15 think this is a place where we need to be careful about
16 being restrictive in looking at these terms.

17
18 For example, as a matter of policy, it
19 would seem like the State and Feds and everybody would
20 agree that at the very least you would want the term to
21 include grandchildren, right? I mean you'd want to be
22 able to invite your grandchildren out. Well, if you
23 read this very narrowly, then maybe that wouldn't --
24 you might be able to stretch it by saying includes
25 children, meaning children of your children, but I just
26 think it's important that we take this in the context
27 of reading the law a little more broadly than the
28 narrowest interpretation to sort of accommodate what
29 the practices are out in the village.

30
31 I don't know that we need to fight
32 about that at this point in time. It seems to me that
33 one resolution for this would be to not use the term
34 related, but use the term immediate, but not
35 necessarily define it in terms of only those people.

36
37 Steve, I understand that it may not
38 feel appropriate to you to have to ask permission for
39 your tribe, but that is pretty clear in here. One way
40 to allow that we could adopt a regulation that might
41 get us on the right path would be to allow village
42 councils to do one of two things at their own option.
43 Either issue individual tribal permits to come out and
44 hunt to people or families or to just allow a village
45 council to adopt a resolution, provide it to a regional
46 body, the regional body provides it to the Fish and
47 Wildlife Service that says, in general, we agree that
48 we want the immediate family members of our village
49 members and residents, permanent residents, to be able
50 to come back out and hunt.

1 That's actually suggested in the
2 solicitor's opinion, which I think is quite helpful.
3 It gives tribes another option. That way that might
4 alleviate if Steve goes to his council and they adopt a
5 resolution it might alleviate them needing to get an
6 individual permit to come out if their tribe just
7 agreed as a matter of principal that was something that
8 they wanted them to do.

9

10 Thank you.

11

12 MS. HEPA: And just from a traditional
13 perspective that our hunting parties or people that we
14 go out with are related to our other value of family
15 ties and it's not defined. So if you go in this one
16 area, you're going to have a family group that uses
17 this particular area. If someone else tries to come in
18 and hunt in that area, you'll be told that this is for
19 our family. We don't want to overfish it. If your
20 family moves into this area, then we have some
21 problems. So we have some traditional rules that we
22 follow as well that is related to family ties.

23

24 CHAIRMAN ALCORN: Rick, go ahead.

25

26 MR. ROWLAND: Us down in the Kodiak
27 area along those lines and me, personally, when I was
28 looking at this proposal a couple things came to mind.
29 One was about the quarter blood quantum and that's
30 going to be an issue that will come up eventually
31 because we've discussed that. And then one of the
32 other things was that nowadays more and more people are
33 moving to the city because there's not enough money to
34 be made in the villages to provide for the family.

35

36 So, for example, a lot of us that have
37 been educated have moved out of the village and now we
38 always want to go home to hunt, but in order to go home
39 to hunt we have to make sure that we check in with the
40 local elders to see if it's okay. Because say, for
41 example, there's 10 of us that live out and then
42 there's only two hunters in the village that are
43 hunting for the community. If the 10 of us come in and
44 take all of the birds, will those two individuals in
45 the community have enough birds to provide for the
46 community elders.

47

48 So one of the methods that's used is
49 we'll ask where we can go or what we can do. Some
50 places are even off limits to us even though we're

1 tribal members and we go back home. One of the main
2 things was for survivability of that community in the
3 rural community for those that choose to stay there and
4 live that lifestyle because even though I came out and
5 got an education I live out in this world, I still look
6 at those guys back at home that hunt and provide as
7 being successful and I don't want to take that away
8 from them.

9

10 CHAIRMAN ALCORN: Okay. It's about
11 five to noon and maybe this is a break point. Frank,
12 I'll give you the last word and then we'll break for
13 lunch and then we'll come back.

14

15 MR. WOODS: First thing is the common
16 practice -- this is, in my mind, a (indiscernible)
17 proposal. The State already permits ceremonial --
18 issues those permits through a process. So does the
19 Federal system. Through a cultural, educational and
20 ceremonial permit, because I know up in Barrow there
21 are people living here in Anchorage that go up and
22 participate in the whale hunt. In that practice, I
23 think the language that they are asking is to include
24 that provision. In my mind, it's already what Sky read
25 and you read, Doug. It's already in my mind that those
26 provisions are already in place and we've just got to
27 clarify those. So is that -- I'll leave it at that for
28 lunch to chew on a little bit.

29

30 CHAIRMAN ALCORN: Okay. And I get the
31 last word since I'm the Chair. I appreciate what you
32 said, Sky. I think that that's a nuance in legal
33 interpretation that I'm not aware of and I think that
34 was a constructive way to say that. So I wrote down
35 that the term includes. The question is how should we
36 interpret it versus limit it to. So there are two ways
37 that attorneys and legislators, I presume intend for
38 meanings to be either broader or more constricted. I
39 put just as an action item that we'll ask -- and not
40 necessarily ask for a legal opinion, but we'll ask if
41 this is an appropriate way to look at that. It's a new
42 way to think about it, so I appreciate that.

43

44 So let's go have some lunch and we'll
45 get back at 1:00.

46

47 Thank you.

48

49 (Off record)

50

1 (On record)

2

3 CHAIRMAN ALCORN: It looks to me like
4 we probably have a quorum back, so I'm going to go
5 ahead and call us back to order and see if we can pick
6 up discussion from where we left off. We left off with
7 the one item that the Fish and Wildlife Service was
8 having trouble approving the proposal as it was
9 written. I don't know where we are on that. We've
10 suspended the rule, so can anybody remind me or recap
11 kind of what -- I mean I think we were working with
12 Steve or talking to Steve.

13

14 MS. HEPA: You mentioned that you would
15 go back and ask your solicitor about the word includes.

16

17 CHAIRMAN ALCORN: Yeah. And that would
18 address the issue of related versus immediate family
19 member and how we interpret immediate, whether it's a
20 broad or a limiting or an open interpretation I
21 suppose. We can do that and I will commit to doing
22 that.

23

24 MR. ROSENBERG: Okay. So we had that
25 limited to and then we discussed a couple different
26 ways of approaching this as far as whether we would
27 allow village councils to issue individual permits or
28 the Council can provide a blanket permit to allow all
29 members to be eligible to come back and hunt. We went
30 through that. Then I think that's kind of where we
31 were at when we left it off. Rick brought up the point
32 of, you know, allowing a mechanism, of course, where
33 people aren't allowed to just come in and possibly --
34 you know, the courtesy of asking the council for
35 permission so you weren't taking food away from people
36 within the village essentially. You brought that up
37 and then Frank came back, you know, talking about the
38 cultural permits that the State issues and the Feds, so
39 that's kind of where we were. We had sort of left it
40 with those two options or both those options.

41

42 CHAIRMAN ALCORN: Okay. Go ahead, Sky.

43

44 MR. STARKEY: I also wanted to just
45 acknowledge that Steve came up and essentially said
46 that he understands -- and I hope I'm not putting words
47 in Steve's mouth. I hope he'll correct me if I am. He
48 understands that the proposal may not be exactly right
49 as written, but he'd like to see us try to get as far
50 as we can get in accomplishing what his intent in

1 writing the proposal was.

2

3 CHAIRMAN ALCORN: Okay, thanks. Tell
4 me if I'm sort of placing this discussion in the right
5 context. I'm going to turn to our procedural
6 regulations. Those were the regulations that we
7 published back in 2002. We talked about them at the
8 last meeting and it was a section in the procedural
9 regulations that said that the Council would develop a
10 process for inviting and it's my sense that that's what
11 we're doing, correct?

12

13 The question is -- I mean we have the
14 proposal that was referred to the committee. The
15 committee is now this full Council. We're having a
16 discussion, but really what we're trying to figure out
17 is the best process, statewide process, for inviting
18 and a policy that would apply to all regions if they
19 adopted those, I presume. I'll get to that section if
20 I can find it. Here it is and I'll just read it.

21

22 Participation by residents in excluded
23 areas. In cases where it is appropriate to assist
24 indigenous inhabitants in meeting their nutritional and
25 other essential needs or for the teaching of cultural
26 knowledge to or by their immediate family members,
27 residents of excluded areas may participate in the
28 customary spring and summer subsistence harvest in a
29 village's subsistence harvest area with the permission
30 of the village council. Eligibility for participation
31 will be developed and recommended by the co-management
32 council and adopted or amended by regulations published
33 in subpart D of this part.

34

35 So that's what we're doing, right? I
36 mean do I.....

37

38 UNIDENTIFIED VOICE: Where is that?

39

40 CHAIRMAN ALCORN: This is in the
41 procedural regulations page 53518 of the Federal
42 Register Notice. You can just look at this if you
43 want, that last paragraph.

44

45 Roy, go ahead and identify yourself.

46

47 MR. ASHENFELTER: Yeah, my name is Roy
48 Ashenfelter, staff person for Kawerak. It seems to me
49 like you're at the point where you're rewriting the
50 proposal and that Fish and Wildlife Service is at the

1 point where there needs to be -- I see development of a
2 language. Tribal caucus needs to occur. Fish and
3 Wildlife probably needs to go through its thing on
4 legal enforcement and conservation concerns along with
5 the State of Alaska.

6
7 It seems to me you've reached enough
8 information to where you can -- and the other question
9 I have for Steve or anyone else is how quickly do they
10 want this? I know they would want it tomorrow, but if
11 it could be done in a way where everyone is at the
12 table together and it works for Alaska, including
13 Alaska Natives, that seems to me we're at that point
14 now where you can -- I'm just offering a suggestion.

15
16 I think there's enough baseline here to
17 -- you know, the reason for the caucus and the reason
18 for Fish and Wildlife is probably just to be brought to
19 the next meeting as a rewrite. If it is rewritten, at
20 the very least FNA would want to review it among their
21 own organization to make sure that whatever the
22 original intent of the proposal is still meets what
23 they want to try to do. So if the rewrite occurs, that
24 process needs to happen. That's my guess where you're
25 at right now.

26
27 CHAIRMAN ALCORN: Thank you. Roy. I'm
28 going to let Sky speak and then, Steve, I'll invite you
29 to the mic.

30
31 MR. STARKEY: My sense is that we're --
32 Roy's right. I guess I would want to get a sense
33 around the table if there's a feeling that we should
34 try to move as far forward on this proposal as we can.
35 Should we do that? If that's the case, I think maybe
36 before we decide how to address it by perhaps amending
37 the language of the proposal, I'd really like to hear
38 from enforcement because I want to understand their
39 sense of what needs to happen and I'd just explain.

40
41 I think the concept that might be
42 developing here and that would be that -- I mean in a
43 sense you could take the very language that's in the
44 regulation that people will be able to return to their
45 villages to participate in this hunt with a permit by
46 the council. So if that's the concept that we're sort
47 of working with, I'd like to hear what enforcement's
48 concerns are and what they need out of this so that we
49 can try to develop a proposal that will work if anybody
50 else thinks that would be appropriate.

1 CHAIRMAN ALCORN: Let me respond and
2 then we can listen to what Steve has to say and then
3 perhaps Stan can come up to the mic. My sense is of
4 where we are is one of the reasons why the Service
5 couldn't get to a position to support that proposal as
6 it was written is because we had yet to go through this
7 as a council, this process of devising this process.
8 It says eligibility for participation will be developed
9 and recommended by the co-management council. I think
10 that's what we're doing now. That's my sense. That's
11 one more way that we can get to yes from the agency's
12 perspective, the Fish and Wildlife Service's
13 perspective, if we knock out this task that we've
14 identified for ourselves.

15
16 MS. HEPA: So whether it's in a form of
17 a proposal, rewriting the proposal or coming up with
18 some guidelines to address that, two different avenues.
19

20 CHAIRMAN ALCORN: Okay. So what I was
21 doing earlier before we went to lunch, I was laying
22 out, again, the legal issues that we had with the
23 proposal and this was one more of those. It's
24 associated with this regulation. We can have that
25 discussion. So, Steve, if you wouldn't mind coming up
26 and contributing to this conversation and then, Stan,
27 if you can follow him if you wouldn't mind.

28
29 MR. GINNIS: Well, Mr. Chairman, I just
30 got some procedural things I wanted to say about this
31 process and then I wanted to get to this proposal here.
32 I don't know how you'll do these things, but being a
33 manager and being an executive director I have a nine-
34 member board. When I deal with issues regarding our
35 organization, I always come to the board with a
36 recommendation. I just don't throw it out there at
37 them and say we've got a problem here, you guys, we
38 need to solve it.

39
40 So what I'm suggesting to you, Mr.
41 Chairman, is that I think that this proposal was
42 referred to the Technical Committee, it was referred to
43 the Invitation Committee. They all had their
44 opportunity to chime into this proposal. I guess what
45 I'm suggesting is that you could really speed up the
46 process here if you would just come forward and say
47 these are the issues we have with it and this is our
48 recommendation as to how to fix it. It would really
49 speed up the process here from my view. I'm just
50 sharing my perspective.

1 This proposal here, like I said
2 earlier, you know, I know that governments like it
3 defined what it is we're trying to address. That's why
4 you have all this stuff written into this thing. Now I
5 have no problem with immediate family members.
6 However, in the Native community you have relatives
7 that are not really -- maybe not your blood relative.
8 In the Indian way of thinking, we're all related. We
9 might not be blood related, but we're all related. So
10 in our language when we speak, we say (in Gwich'in)
11 that means my relatives. That's how we address each
12 other when we have opportunities to speak to our people
13 because we know we're all one family. That's something
14 that Federal agencies and State agencies can't get
15 their head around. That's where we're coming from.

16
17 What plays into this then is the whole
18 enforcement aspect of it because it's too broad for
19 them. So it becomes a cultural issue here. We're
20 talking about a cultural issue here versus a western
21 view. Those type of things is what needs to be
22 incorporated into the mind set of enforcement people,
23 Federal, State agencies, so they understand what the
24 concept of immediate family and relatives mean to us.
25 That's being overshadowed now with this perception of
26 -- I mean with this whole enforcement aspect of this
27 proposal here.

28
29 I hope that you all kind of wrap your
30 head around what we mean when we're talking about
31 family. We're not just talking about our immediate
32 family, our blood relatives. We're talking about our
33 tribe as a whole. Our people as a whole. It's not a
34 difference, you know. There's no difference in it. In
35 the western world, yes, there is, but in a Native
36 concept it's a totally different view. We have a
37 totally different view about that. So as you're going
38 through this I hope that you would consider those as
39 you're going through this thing.

40
41 Amending this part here, can show prior
42 waterfowl harvest and included area prior to amending
43 the convention for the protection of migratory birds,
44 that language. That can be taken out of there. Again,
45 it was just trying to define that prior to this treaty
46 being enacted we were already harvesting these birds
47 and that was the intent of that. So if there's an
48 issue with that, I have no problem taking that thing
49 out of there. Immediate family members and related
50 families, that's important from my view.

1 So I hope that you'll move this thing
2 as far as you can move it. The final thing I wanted to
3 say is that when it's done that everybody is on board
4 with it. I don't want to see someone after the fact
5 that say, oh, we didn't understand it that way or we
6 need to change it again. We should make sure that
7 we're all on the same page as it relates to this
8 proposal when you get done dealing with it.

9
10 Because I know that's happened to our
11 people many, many times where people come to some kind
12 of consensus and then later on some agency or some
13 lawyer or somebody else will look at it and say, oh,
14 no, no, no, we can't do that. Then we go back to
15 starting all over again. So I hope that when you're
16 done with this thing that you're all on the same page
17 with it and that will be the final product to it.

18
19 Thank you.

20
21 CHAIRMAN ALCORN: Thank you, Steve.

22
23 MR. ROSENBERG: Can I ask Steve a
24 question.

25
26 CHAIRMAN ALCORN: Go ahead. Steve,
27 would you stay at the mic. Dan.

28
29 MR. ROSENBERG: Yeah, Steve, I just
30 want to clarify. You mentioned, and I understand what
31 you're saying, I think, is that any tribal -- you know,
32 that the immediate family, if I understand, includes
33 the whole tribe essentially.

34
35 MR. GINNIS: Exactly, yeah.

36
37 MR. ROSENBERG: And I understand that.
38 But the way it's written right now it goes well beyond
39 that. We're back to indigenous inhabitants and that's
40 another thing that we have to first determine before we
41 can get any further with that one because right now
42 it's not -- like someone used the example of Nome. We
43 were talking about Nome earlier, right. I mean anybody
44 that lives in Nome can invite people back under that
45 definition and how would that fit? It's an indigenous
46 inhabitant. It's not a tribal member right now.

47
48 MR. GINNIS: I understand that. And
49 that's language that I personally believe needs to be
50 corrected.

1 MR. ROSENBERG: Okay. I thought so.

2

3 MR. GINNIS: However that was inserted
4 into the legislation -- I mean I think if Native people
5 really understood what the intent of that language was,
6 that they would have opposed it right from day one
7 because that's -- from my perspective, I understand
8 this Bird Treaty Act as protecting the indigenous first
9 peoples of this state, is how I understood the intent
10 of this treaty. But with this language, yeah, it opens
11 it up to anybody and their brothers that have been here
12 20 years, 30 years, whatever years they might have -- I
13 don't know. There's no time frame there. Somebody
14 could say I'm indigenous to Alaska since I've been here
15 10 years or five years or whatever.

16

17 So, yeah, I think that that language --
18 if that language change is addressed, this wouldn't
19 even be an issue. This tribal membership, tribal
20 members, wouldn't be a big thing, but that's what's
21 confusing this whole thing, the language and the
22 legislation.

23

24 CHAIRMAN ALCORN: Thank you. And I
25 will comment that I agree that it is confusing and that
26 the insertion of the words indigenous inhabitant, while
27 it was intended to clarify, it did add complexity to
28 the work that we have to do without a doubt. It was not
29 the intent of the original negotiators. It was
30 inserted when the Congress -- when the Senate ratified
31 the treaty and then they defined it.

32

33 So from the agency's perspective, in
34 order to apply this as a Federal regulation, we have a
35 couple of layers of review that are required through
36 legal offices. One is local and then the other is at
37 Washington, D.C. at the U.S. Department of the interior
38 level for the full solicitor's office. It would just
39 be a non-starter to use those words. A non-starter to
40 approve something at this level knowing that it's going
41 to be kicked back to us when it gets to that Washington
42 office level. That was the reason why we were -- we
43 couldn't support it three weeks ago when we met.

44

45 So part of this discussion is to see if
46 there's a way to redo this from a policy perspective.
47 This particular proposal is the catalyst to have this
48 discussion at the policy level going back to this
49 procedural regulation point that I made earlier and
50 asked the question is this what we're doing. So it

1 does have indigenous inhabitant consistent with the
2 language of the senate. So it's all convoluted, but
3 it's where we have to live as a Federal agency.

4
5 So we're trying to honor the intent
6 that you had in your proposal and we're trying also to
7 honor the intent that the Congress had. We're walking
8 a -- you know, we're trying to balance on a pinhead
9 here. We're doing the best that we can and we're
10 trying to move that way. If you will be patient with
11 us and help offer your insights as we develop this
12 policy, I think that's going to be very helpful. In
13 the end, I think we'll have a product that, in fact, we
14 can all accept. It may not be perfect for any one of
15 the entities, but perhaps we can accept it. We were
16 not in a position to accept it three weeks ago and I
17 think we're moving toward that.

18
19 MR. GINNIS: Thank you, Doug. I fully
20 understand the issue here and how this senate
21 legislation is complicating, trying to get to where
22 we're trying to get here. I fully understand that. So
23 maybe trying to massage this thing in a way that people
24 will agree with it currently. I mean maybe not today
25 but someday massaging it so it meets its intent. But
26 at the same time, oh, I think folks need to really
27 think about how do we -- how can we work together to
28 change the intent of that legislation.

29
30 I think you can get a lot of people on
31 board to help you get there. Like Tanana Chiefs
32 Conference. I'm not speaking on their behalf, but I'm
33 sure they'll jump on board when they fully understand
34 what's going on here and how this thing has been very
35 complicated. AFN I'm sure will get on board with it.
36 People that can go to Washington, D.C. help advocate
37 changes in this law. Until that happens you've just
38 got to do the best you can and I understand the best
39 you can to massage this. I tried to address the points
40 I'm trying to make.

41
42 CHAIRMAN ALCORN: Thank you. It might
43 encourage you to know, Steve, that yesterday's meeting
44 we formed three or four
45 working groups and one of the working groups that was
46 formed was to look at that phrase, indigenous
47 inhabitant, and to see if there's resolution that can
48 be made given that, so that's a charge given to that
49 working group.

50

1 MR. GINNIS: Thank you.

2

3 CHAIRMAN ALCORN: Stan, would you like
4 to come to the mic and address Sky's comment or
5 question.

6

7 MR. PRUSZENSKI: Good afternoon. Stan
8 Pruszenski with the office of law enforcement. Just
9 one more thing, Doug. If we're in a kind of discussion
10 mode, would it be helpful to have Steve come back and
11 we can all discuss this.

12

13 CHAIRMAN ALCORN: Absolutely.

14

15 MR. PRUSZENSKI: I mean I don't want to
16 put him back, you know, on target here, but I mean if
17 we are discussing, let's discuss.

18

19 MR. GINNIS: I don't want to sit too
20 close, you might hit me.

21

22 (Laughter)

23

24 MR. PRUSZENSKI: Thanks. It's nice to
25 have friends out there.

26

27 MR. GINNIS: Nice to meet you.

28

29 MR. PRUSZENSKI: What does law
30 enforcement -- I think that was Sky's question. In a
31 perfect world for law enforcement, it's black and
32 white. If it's gray for law enforcement, it's also
33 probably gray for the regulated public as well. So
34 we've talked a lot about confusion and what does the
35 protocol, what does the amendments, what do the
36 regulations, what does the intent, what do all those
37 mean. As Doug mentioned, we're on a pinhead here
38 trying to figure out all that and trying to make
39 something work with all those side boards, all those
40 guidelines. How can we make one thing work with
41 umpteen different requirements.

42

43 At the end of the day when I'm out on
44 the Yukon River or my people are out on the Yukon River
45 and they contact a hunter with birds in his boat or her
46 boat, for this particular proposal my folks need to
47 know quickly and easily so we don't have to spend a
48 whole lot of time on the river in other people's way,
49 that that person is harvesting birds in the spring or
50 summer legally. So he is eligible either because he's

1 a permanent resident of the included area or he's been
2 authorized by the tribe and the quickest way would be
3 to have the permit, show me the permit and we go on our
4 way, black and white.

5
6 I don't need to know if this is the
7 policy-driving body, if he's the sibling or the
8 grandparent or the fourth cousin umpteen times removed.
9 If we agree that that's in the definition of immediate
10 family, then that's what it is and I just need to have
11 the verification that that person meets that criteria,
12 whatever it is.

13
14 CHAIRMAN ALCORN: Sky, go ahead.

15
16 MR. STARKEY: Stan, thank you for that.
17 If you are looking -- like if you were making a check
18 on a boat, if there's one person in the boat -- does
19 every person in the boat have to have a permit or could
20 it be just one person in the boat? Then the follow up
21 on that would be you come across hunters or a camp
22 let's say and there's a couple people shooting and the
23 others are just there, are you looking at the shooters
24 or everybody?

25
26 MR. PRUSZENSKI: Looking at the
27 shooter. That's the easy question, looking at the
28 shooters.

29
30 MR. STARKEY: The boat question, is
31 that a harder question? If there's one person that's
32 got the permit in there, is that okay?

33
34 MR. PRUSZENSKI: Let's say that that
35 person is from Fort Yukon, permanent resident of the
36 included area, so he's an eligible participant. He
37 doesn't need the permit. But if someone is from
38 Fairbanks and has been invited, he would presumably
39 need the permit to show because he's going to have --
40 all his other identification is going to say that he's
41 a permanent resident of Fairbanks. Under a normal
42 system, unless he's invited, unless he has the permit,
43 he wouldn't be eligible to participate, is that
44 correct? Is that the way you're.....

45
46 MR. STARKEY: I guess I'm just
47 wondering because of the practical implication of
48 somebody coming out and being in a camp or something
49 and bringing their kids along and all the kids don't
50 have a permit, but there's a person -- you know,

1 there's a couple of adults in the boat that are either
2 permanent residents or they've got the permit. I was
3 hoping to get an answer that.....

4

5 MR. PRUSZENSKI: I guess if I'm -- you
6 know, if Stan is invited out there and I bring my
7 daughters with me, the permit would probably say Stan
8 and his daughter Ann and his daughter Jordan.

9

10 MR. STARKEY: Okay. Thank you.

11

12 MR. PRUSZENSKI: I mean it could be
13 that simple. The other side of that question is, okay,
14 if we determine that you need to be invited and you
15 need to have a permit, so what's the outcome if you
16 don't have a permit. I mean that's the next step. If
17 you don't have a permit, is that okay, and we leave the
18 contact to go down the river and go visit someone else
19 or -- I mean that's the next expectation. If we say
20 they need a permit and they don't have a permit, then
21 what happens.

22

23 MR. GINNIS: If I could interject here.
24 You know, Sky, when I looked on the website, this co-
25 management group here, the website of a definition of
26 permanent resident, that's where -- reading that is
27 where I thought I was eligible to hunt out there
28 because under that permanent resident it defined your
29 voter registration, your residence, that type of thing.
30 When I read that, I felt I was qualified because I have
31 never changed my voter registration. I still vote out
32 in that district. I don't vote in Fairbanks. I still
33 have two homes in Fort Yukon. But in talking to the
34 enforcement folks, they said, no, you have to reside
35 there. The way I interpret that definition, there's a
36 difference in our opinions as to what that particular
37 definition. I talked to -- I forget what's his -- I
38 think he's here. Maybe he's not in here. It was --
39 Vince, what was his name?

40

41 MR. MATHEWS: Jimmy Lee.

42

43 MR. GINNIS: Jimmy Lee? I guess that's
44 his name, yeah. I don't know if he's still with the
45 agency or not. But that's who I talked to about this
46 thing. I told him there's a real difference of opinion
47 on that definition as it was defined on that website.
48 So other people that live in Fairbanks that also were
49 from Fort Yukon interpreted it the same way I did. As
50 long as you're voter registration was out there and you

1 had residence out there that you were eligible to go
2 hunt. Then I was told, no, that's not -- you have to
3 be a resident there. If you look at that website,
4 you'll see what I'm talking about there.

5
6 Just for your information, I was just
7 showing him my tribal ID card that proves that I'm a
8 tribal member of the Gwichyaa Zhee Gwich'in Tribal
9 Government. To me, it just seemed to me that as long
10 as I showed this to you that it should be sufficient
11 for me to practice what I've been practicing for all
12 these years.

13
14 MR. PRUSZENSKI: So I guess the
15 confusion around permanent resident and eligible
16 participant you need to be a resident of the included
17 area, of the rural area for a year. You said a few
18 minutes ago that it could be 5, 10, 20 years. It
19 actually doesn't have to be that long. It can be a
20 year. So if you're new to the village and you lived
21 there permanently for a year. And a way to show the
22 State or the Federal government that you are a
23 permanent resident is by voter registration, is by
24 vehicle registration, be it boat, ATV or cars, or other
25 ways to show that you are there permanently and that's
26 where you -- I think Ken mentioned it earlier this week
27 that that's where you intend to be. That's where you
28 intend to reside. You could leave for a while, but
29 then you need to show that you're coming back.

30
31 Your tribal card definitely said
32 Gwich'in, but it said an address in Fairbanks, that
33 your permanent resident was Fairbanks, so that is,
34 again, the disconnect between -- you're an Alaska
35 Native tribal member, but as it says now, if you're a
36 permanent resident of Fairbanks you're ineligible
37 because you don't reside permanently in the village.

38
39 MR. GINNIS: Okay. Anyway, I would
40 just say take a look at that definition that I was
41 referring to that's on that website.

42
43 MR. PRUSZENSKI: Is that our website?

44
45 MR. GINNIS: Yeah.

46
47 CHAIRMAN ALCORN: Yeah, and I think --
48 I was trying to dig through here. It seems to me that
49 we -- when we first started grappling with this issue
50 it was regarded as the preponderance of evidence. Does

1 the preponderance of evidence suggest or demonstrate
2 that you are, in fact, a permanent resident of an
3 included area. I think that's kind of the gist of it
4 anyway. So I think what Steve is describing is there
5 is a preponderance of evidence and he considers himself
6 a permanent resident and I didn't hear Stan argue to
7 the contrary. I think Stan said if you've got voter
8 registration and you've got vehicle registration,
9 you've got a home and you actually live there, I didn't
10 hear a real conflict, but I think we're getting off on
11 the purpose of what we're trying to discuss here.

12

13 So I don't think we need to resolve the
14 eligibility based on residency in this particular
15 discussion. We would like to perhaps carry on. Sky,
16 did you have any additional questions of Stan?

17

18 MR. STARKEY: No, I'm satisfied.

19

20 MR. PRUSZENSKI: I guess for us too --
21 I mean, Sky, I mean it's -- you know, we understand
22 that when we contact folks we try to make it as quick
23 and painless as it can be for all involved. We've
24 heard about being up at camp 30 miles upriver, so I
25 guess my idea is that whatever documentation we come up
26 with is something that that person would have. So the
27 hunter doesn't have to go back to the village, the
28 enforcement officers don't have to go any place else
29 other than right there and everything should be right
30 there. We should be able to make the contact as
31 productive as we can without any further cumbersome
32 follow up.

33

34 That goes to my thought of if there's
35 more people in the boat, then let's get all the
36 documentation before we leave the village and before we
37 go out hunting. If they're a minor and maybe minors
38 don't need the permit. I mean it all depends on what's
39 determined here.

40

41 CHAIRMAN ALCORN: I have Enoch and then
42 Taqulik.

43

44 MR. SHIEDT: Yeah, just to follow up on
45 your camp. Understanding that my campers, where they
46 camp, they don't camp more than two and a half months
47 out of the year. They just go there to gather and do
48 their thing as Natives. Birds, sea mammals and land
49 mammals. They've got permanent residence out in the
50 country. They just go there camping.

1 MR. PRUSZENSKI: No, I understood that.
2 I mean if you go up there for a couple days or a week
3 or however long you go, if the enforcement folks show
4 up and say we need permits and you don't have them, we
5 don't want everyone to have to leave the camp and go
6 back to the village and talk to the tribal council or
7 find out where they're registered and find the
8 information out there. We want it to be readily
9 available in the camp or in the field, wherever you're
10 hunting.

11
12 CHAIRMAN ALCORN: Taqulik.

13
14 MS. HEPA: That's not the way we go
15 hunting. We don't carry all that stuff. I don't think
16 anyone brings their ID to camp or out on the ice. You
17 know, we go out camping for weeks or months at a time
18 and we don't carry those types of stuff. I can't
19 imagine myself going back home and asking everyone to
20 bring these pieces of identification with them. But
21 there may be other alternatives like you going back and
22 talking to the tribe to see if they are invited, like a
23 central place for you to go back because we don't carry
24 identification to camp.

25
26 CHAIRMAN ALCORN: Okay. So let's go
27 back to what I was getting at when we entered that.
28 Thank you, Steve. Thank you, Stan. In looking at the
29 reasons why the Service was unable to support that
30 proposal as it was written, we've addressed this issue
31 of who might be invited. Also, the question is who
32 does the inviting. I think we talked about that a
33 little bit earlier. The language in the letter of
34 submittal says it gives great deference to the village
35 council. So the village council has a role to play
36 according to that paragraph. That role wasn't
37 described in this proposal. So, in getting to yes, I
38 think there would need to be a role described. Some
39 management entity, deciding entity, if it's the village
40 council, that would actually give those permits and
41 manage those permits if it's a permit, if that's the
42 acceptable procedure.

43
44 I will digress for a moment and suggest
45 that at the last meeting I offered an example of a
46 process and it was found to be very culturally
47 unacceptable and that was maintaining a roster or a
48 list in the village. It was both Myron and I think
49 Rose Fosdick said we're not going to do that. So I
50 think Steve's suggestion that we offer a solution. If

1 the suggestion is the Fish and Wildlife Service offer
2 the solution, that's an example of a solution that
3 wouldn't fly very far, so I think that the better way
4 is to actually have these discussions. My personal
5 opinion. I don't know how successful it would be for
6 me or my agency to try to write something and present
7 it as a solution.

8

9 So where we are is for the Fish and
10 Wildlife Service to get to a place where we can support
11 this. There needs to be some way, a deciding
12 authority, to issue a permit or issue whatever
13 permission, if it's a letter, any way to indicate that
14 that deciding authority has agreed that that individual
15 or that group of individuals is, in fact, invited to be
16 hunting in their area. So that was one reason why we
17 couldn't support it because it wasn't in the proposal.

18

19 I don't know where that leaves us, but
20 in trying to get to yes, do we want to discuss a
21 process that might be applicable for this proposal or
22 applicable for that statewide process that we
23 envisioned?

24

25 Rick, go ahead.

26

27 MR. ROWLAND: Yeah. While I was
28 looking at this proposal and thinking about it, glaring
29 in my mind was the fact that I was in a position to
30 make a decision in a tribal area where I'm not from.
31 Me being on this Council, I am not an elected official
32 of that area, so it's important to say that the tribal
33 members in their specific area have the responsibility
34 to make decisions for their tribe, not this body. I'm
35 sure there are laws and regulations that say that they
36 have that authority and I do not have the authority to
37 go and change things to affect their authority in this
38 -- one portion of this example. There are a few
39 different issues in this example. I'm going through
40 the definition here of how it should be proposed.

41

42 I suggest that we clearly define what
43 the specific issues of this proposal is and then decide
44 whether or not we really should be having discussions
45 about this proposal. Like, for example, the authority
46 of flagging it back to the tribal council and saying
47 this is your responsibility to deal with this, but it
48 is also the responsibility of Fish and Wildlife or this
49 Council to talk about a plan for transporting. So we
50 have to figure out what the issues are in this and

1 identify them and then send whose issue it is to that
2 group and they deal with that specific issue and then
3 from that quite possibly the true proposals will come
4 shining through.

5
6 CHAIRMAN ALCORN: That's a good
7 suggestion. You're on, Sky.

8
9 MR. STARKEY: Do you think we need a
10 Native caucus for a few minutes on this proposal before
11 we.....

12
13 MR. DEVINE: Yes, I think that would be
14 very good.

15
16 MR. STARKEY: I'd like to suggest that
17 we take 15 minutes to do that.

18
19 CHAIRMAN ALCORN: Okay. We're in break
20 until about 20 minutes after.

21
22 (Off record)

23
24 (On record)

25
26 MR. HONEA:to represent our
27 community, to represent our proposals, who speak on it,
28 and for meeting each one of you and I just -- you know,
29 Sky asked me about this particular proposal, what would
30 you like to do. I'd just like to say that I would like
31 to see it go as far as possible. You know, I know
32 there's going to be a lot of differences in the
33 language and a totally different thing in transporting
34 and stuff like that, but I just -- I appreciate each of
35 your guys' view.

36
37 Thank you.

38
39 CHAIRMAN ALCORN: Thank you, Don, for
40 participating and especially for the prior two days. I
41 know it's been a long week already and we're going to
42 be wrapping up in a couple hours anyway one way or the
43 other. Taqulik, you said that you were going to report
44 out.

45
46 MS. HEPA: Yes. So we all agree from
47 the Native Caucus that we understand and support the
48 concept of Mr. Ginnis's proposal. So we think that
49 people, Alaska Natives, who were born and raised in our
50 regions have the right to go back and participate in

1 the subsistence hunt of migratory birds. There's no
2 question about that. So we all agree upon that.
3 Coming up with a solution from the Native Caucus, we
4 did not come to consensus. There was very good ideas
5 that came up, but we couldn't agree or come up with the
6 right solution. From what I understood was that maybe
7 you guys could come up with an answer that we can
8 consider and something to work from. It goes back to
9 his observation of the whole process, that the
10 executive director comes with some recommendations that
11 we can work from.

12

13 CHAIRMAN ALCORN: Patty, go ahead.

14

15 MS. BROWN-SCHWALENBERG: Thank you,
16 Doug. The reason being is because the regions and the
17 villages are so diverse and they approach these types
18 of issues in so many different ways that it was
19 difficult for us to try to agree on a method for
20 enforcement for one thing that would be acceptable to
21 everyone. We also respect the individual village
22 councils and how they would wish to approach it, so we
23 were kind of left in a quandary in that way.

24

25 Thank you.

26

27 CHAIRMAN ALCORN: I'll consent to
28 offering to do that, but I would like to request that
29 when it is presented that it is presented in a way that
30 it's presented with respect and it be received with
31 respect. It's not an attempt to try to write policy for
32 tribes. We're not trying to do that. What we would
33 try to do is write something that we would find,
34 something that we could embrace and then we can have
35 the discussion of whether or not that's even acceptable
36 or it could be applied statewide or each individual
37 village apply it in a way that's suitable for them, but
38 we would need some fashion of consistency so that it's,
39 you know, thinking about the statewide approach.

40

41 Taqulik.

42

43 MS. HEPA: Thank you. When you come up
44 with that, I think it would be also wise for you to
45 send it to each of the 12 regional management bodies
46 and the State for us to look at to share with our
47 people to come back to the table with some comments or
48 recommended changes and then we could have a better
49 discussion.

50

1 MR. ROWLAND: So, Doug, reflecting on
2 something I'm
3 familiar with in relation to making changes, there's a
4 process with the environmental impact statements that
5 involves the alternatives. So instead of figuring just
6 one way of doing it maybe there might be a sensible way
7 of figuring alternatives and also realizing in there
8 that similar process mentioned is that doing nothing is
9 an alternative. So we discussed the many different
10 ways of looking at things. Taqulik presented it well.

11
12 CHAIRMAN ALCORN: We have a new
13 representative, Frank Woods. Go ahead, Frank.

14
15 MR. WOODS: I just want to point out
16 like you said, the alternatives would be listed and
17 also I think the State has existing examples of how
18 them provisions are implemented. I know this is not
19 the Board of Game, Board of Fish, but it has similar
20 regulations to accommodate. It's like the in-holders
21 within Anchorage can apply for ceremonial permits to
22 hunt moose. That's what we want to help, that people.

23
24
25 So if there are examples out there that
26 are working and acceptable to the State, I think that
27 -- I know for a fact the Board of Game worked real hard
28 on implementing those provisions within non-subsistence
29 use area. So, with that, I'll.....

30
31 MR. ROSENBERG: May I?

32
33 CHAIRMAN ALCORN: Go ahead, Dan.

34
35 MR. ROSENBERG: Yeah. So just to help
36 me, who is going to write this thing then? Is this
37 going to be in the executive director's court and the
38 executive director then will solicit other people's
39 ideas and opinions and so on and so forth? Is that how
40 we plan on doing it? Do we have a time frame for this?

41
42 CHAIRMAN ALCORN: We do not have a time
43 frame. I was responding to the question or the request
44 for somebody to draft this and I certainly would not
45 make it a U.S. Fish and Wildlife Service exclusive
46 effort. That would be a recipe for failure from the
47 outset. I would hope that you would be willing to
48 participate. The executive director will probably
49 carry the water in the process of getting it done, but
50 it will certainly be all of us participating in the

1 development of that. This is a very comprehensive
2 issue -- complicated issue and comprehensive statewide.
3 It's something that we all need to have input to. I
4 think it needs to be done well and it will be iterative
5 and take time.

6
7 So, timewise I can't say. I'd just say
8 that when we get back, we've got a number of action
9 items from not only this week, but the last AMBCC
10 meeting. Frankly, Crystal and I have only met once or
11 twice very briefly since the last AMBCC meeting, so
12 we're going to have to kind of schedule that kind of
13 work out, but we will start making headway on that.

14
15 Steve, would you like to come to the
16 mic.

17
18 MR. GINNIS: Mr. Chairman I just wanted
19 to say thank you to all of you for taking the time to
20 try to flush this proposal out. I know it creates
21 controversy among user groups, tribes, agencies,
22 whatnot. I will look forward to whatever the draft
23 proposal will be and I will weigh into that as well.
24 But I know that, you know, it's taken a lot of your
25 time today and some things are not easy to resolve. I
26 just want to thank you for just taking the time to look
27 at this proposal and taking it seriously and
28 deliberating on it and trying to come to some resolve
29 on it.

30
31 I did sit in with the caucus and
32 listened to them and, you know, I agreed with the
33 complex issue here that we're trying to resolve. It's
34 an issue that doesn't only affect me personally, but
35 affects a lot of Native people that live in urban
36 areas. Some way, somehow, those people ought to
37 continue to have those same opportunities. The
38 transportation of this resource is another issue at
39 some point you all need to tackle.

40
41 So, with that, I thank you again and
42 I'll see you around the next go around, I guess,
43 whenever that will be. I look forward to continue to
44 work with you folks on this issue here. As far as my
45 board is concerned, I will report back to them that
46 this is an ongoing effort. It's not a dead issue.
47 It's going to be an ongoing effort and that you all are
48 working together to try to resolve this issue and
49 that's how I'll report back to them. With that, I'm
50 going to go back and get in my boat and I'm going to go

1 down the river.

2

3 Thank you.

4

5 MR. ROSENBERG: I'm just going to throw
6 out the suggestion that we at least have something for
7 the fall meeting then if we don't have any kind of
8 other dates around this thing just to give it some
9 definition so it doesn't just languish. Is that
10 acceptable to everybody? Is that workable, Crystal?
11 Are you worried about that?

12

13 MS. LEONETTI: Well, I wasn't privy to
14 the whole morning's discussion, but just to give
15 everyone an indicator of a big issue like this, the
16 good news is Federal Subsistence Board just adopted the
17 tribal consultation policy for Federal Subsistence
18 Board, so yeah for that. That took a good year. It
19 took a long process. Five letters from Federal
20 Subsistence Board out to all 229 tribes and 200 village
21 and regional ANCSA corporations. I think I counted up
22 there were 16 total consultations, all tribes invited
23 to those consultations. It was a long process. It was
24 a big process. Since this one particularly involves
25 village councils, meaning Federally-recognized tribes,
26 I would imagine that it's going to need to undertake
27 some kind of process that also gets input directly from
28 the tribes, all of them, which would indicate
29 government-to-government consultation.

30

31 So I think maybe a group of people
32 could work together to develop laying out a process for
33 doing that and having something available, some
34 feedback available by fall if that's how the Council
35 wants to approach it. I think that would be fair to
36 the Federally-recognized tribes.

37

38 MR. ROSENBERG: My point really was I
39 wanted to come up with some sort of reasonable
40 expectation so we all had an understanding of how long
41 this may or may not take. I wasn't trying to push it
42 to have it done by the fall meeting, but I was just
43 using that as an avenue to get to what can we
44 reasonably expect and is everybody satisfied with those
45 expectations.

46

47 MS. LEONETTI: So I guess just based on
48 that experience at the Federal Subsistence Board, I
49 would anticipate that if we want to do it right and
50 make it stick and work with law enforcement and

1 solicitors, et cetera, that it's going to take a good
2 year to make something that works. That's just in my
3 experience. I don't know if that's acceptable to the
4 Council or not. It's just what I would say would be
5 doable.

6

7 CHAIRMAN ALCORN: Let me say that this
8 discussion is 10 years in the making. We've talked
9 about it and talked about it, but this procedural
10 guideline was printed in 2002. It's now 2012. It's
11 been 10 years. It took a proposal to be the catalyst.
12 To rush it just for a fall meeting I think is, in fact,
13 rushing it.

14

15 I think what's more important is
16 quality and we can try to get something in draft by the
17 fall meeting and perhaps start vetting it, but to
18 expect any kind of final product or even a final
19 polished product might be too soon given the
20 consultation policy requirements that the Service is
21 under now and the AMBCC, given our past discussions now
22 for the past two days, I think we do want to make this
23 as inclusive as possible and that's what I'm hearing
24 Crystal say. So I think she's giving you a pretty good
25 estimate of what it's really going to take.

26

27 MR. ROSENBERG: Yeah. I mean it was
28 supposed to just -- originally Taqulik proposed it as a
29 recommendation, so I don't think anybody expected it
30 necessarily to be a final product, but just to get some
31 movement on it and have everybody aware of what the
32 process might be is valuable, I think.

33

34 CHAIRMAN ALCORN: Okay. Are there any
35 other thoughts on that particular discussion because I
36 do have something to add because we're still off the --
37 we still suspended the rule, so before we go back on
38 the agenda there was one other issue in getting us to
39 yes on that particular proposal. Going back and
40 reading this paragraph that I read earlier this morning
41 on Page 9 of the letter of submittal that says
42 recognizing the need for immediate family members to
43 assist and so on. It does say such participation would
44 require permission of the village council and an
45 appropriate permit issued through the management body
46 implementing the protocol and then it defines immediate
47 family.

48

49 So the issue of an appropriate permit
50 is something that -- the management body implementing

1 that is us. We are the AMBCC. That's who this is
2 referring to and it's an appropriate permit, so we need
3 to give some thought to that condition or that
4 provision that's being requested. So the question that
5 I would have, do you want us to give some thought to
6 that and offer it in the same exercise or do we want to
7 have a separate process to do that?

8
9 MS. HEPA: I think it's married. I
10 think it has to be together.

11
12 CHAIRMAN ALCORN: Okay. So you want us
13 to incorporate that idea in that.

14
15 MS. HEPA: Yes.

16
17 CHAIRMAN ALCORN: Is that the consent
18 of everyone here? I'll give you some time to think
19 about that. Okay, I'm seeing nodding. All right.

20
21 I think we've gotten -- made some
22 progress on that particular issue. I would entertain a
23 motion to go back on the rule of the day.

24
25 MS. HEPA: So moved.

26
27 CHAIRMAN ALCORN: We have a motion.

28
29 MR. HICKS: Second.

30
31 CHAIRMAN ALCORN: Second. Okay. So
32 that takes us back to the agenda. Bear with me, I've
33 got to get it back out. I believe it takes us to the
34 second proposal.

35
36 MR. ROSENBERG: May I make one more
37 comment before we get there.

38
39 CHAIRMAN ALCORN: Yes, you may. Go
40 ahead, Dan.

41
42 MR. ROSENBERG: The other side of the
43 invitation coin that we're going to get to is the
44 transport issue. If Crystal is going through this
45 village council consultation process or whatever and
46 they may also be -- village councils may also be
47 issuing some sort of document to go along with that.
48 We don't know yet. It might be worth trying to resolve
49 some of those issues at the same time.

50

1 CHAIRMAN ALCORN: Peter.

2

3 MR. DEVINE: Thank you, Mr. Chair. We
4 had a few alternates step in while we had the rule
5 suspended. Do we need to seat them before we proceed.

6

7 CHAIRMAN ALCORN: That's a good
8 observation. I think we probably -- it won't take long
9 to do that. Taqulik.

10

11 MS. HEPA: I agree, but as we continue
12 to meet, Donna, as you know, has provided a cake on
13 behalf of the AMBCC for Enoch, Attamuk, for his years
14 of service. We understand that he will be retiring
15 come June and there is a good possibility that we will
16 continue to see him at these meetings and we hope so,
17 but Donna is going to be passing out cake to celebrate
18 all the work that Enoch has done on behalf of his
19 people and this council.

20

21 CHAIRMAN ALCORN: So would we like to
22 take a 10-minute break and give Attamuk a standing
23 ovation. I think it's fitting at this point and then
24 we'll share some cake in his honor.

25

26 (Applause)

27

28 CHAIRMAN ALCORN: Let's take a quick
29 break and have some cake.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN ALCORN: We have a suggestion
36 to -- now that we're back on the agenda, the rule of
37 the day to recognize the alternates. So I'm going to
38 recognize Frank Woods for Molly. Molly said that she
39 was leaving with her husband Joe. For those of you
40 that are not aware, she's going back to conduct a
41 funeral for her sister, so our thoughts and condolence
42 are with her. I was unaware of that until she gave me
43 this. You might want to consider that tonight when you
44 have some private time.

45

46 Then we have our executive director
47 here, Crystal Leonetti, and Carol Brown is sitting in
48 for Sky Starkey, who was sitting in for Myron Naneng
49 for AVCP. I believe that's it. Don Honea had to leave
50 for TCC and Lisa is not here, so I assume there's no

1 representative for TCC at this point. So that's who we
2 have at the board right now.

3
4 Let's go on to the next item and that's
5 Proposal No. 5, request to legalize use of bird parts
6 for use in handicraft sales.

7
8 Looking at the time, it's now 3:30 in
9 the afternoon, third day of a long three days and I'm
10 wondering if the Council would like to proceed as we
11 did on the first proposal with a discussion or would
12 you like to do something more conscripted or how would
13 you like to proceed? Joeneal.

14
15 MR. HICKS: Mr. Chair. I'd refer that
16 to the proposer and see how they feel.

17
18 CHAIRMAN ALCORN: Okay, Rick, I'll
19 defer to you.

20
21 MR. ROWLAND: Thank you. I was
22 actually surprised to see that this was still something
23 that was going to be discussed and I was appreciating
24 that it's sitting here. I guess the thing that needs
25 to be changed in this is that on the back page in the
26 top sentence where it says edible it should mean
27 inedible. So this would allow the sale of handicrafts
28 used for migratory bird parts and there's a number of
29 different reasons why it should be allowed.

30
31 One other thing too is that after this
32 proposal was presented and discussed and was on the
33 floor, we received a list of birds that were eligible
34 for potential use and sale. Now seeing this again it
35 makes me wonder if there should be an explanation about
36 whether we can do this, what birds we could use and so
37 forth.

38
39 CHAIRMAN ALCORN: Thanks, Rick. My
40 apologies. I want to take us, since we went back on
41 the rule and I was trying to gather my thoughts, I
42 think I got us a little bit ahead and I appreciate your
43 presentation of the proposal, but I would like to take
44 us back to the last proposal. We had a process and
45 what we have failed to do was just to hear public
46 comment and I just wanted to ask that before we moved
47 on because we're not going to take action, but I did
48 want to hear public comment if there's any comment. I
49 know that Stan had asked to have a minute at the
50 microphone. Did you want to come back up, Stan.

1 MR. PRUSZENSKI: This is back to the
2 invitee issue?

3
4 CHAIRMAN ALCORN: Yes, it was.
5

6 MR. PRUSZENSKI: Thanks, Mr. Chair.
7 Stan Pruszenski with the Office of Law Enforcement,
8 Fish and Wildlife Service. Just a couple of things.
9 Steve is now gone, but when we had our dialogue earlier
10 here we were talking about the permit and one of Sky's
11 questions was -- you know, he was talking about
12 different people in the boat who may have needed the
13 permit under the system that we were talking about. It
14 sounds like that's off the table and we may be looking
15 at some other proposal in the future. Just to give you
16 my thoughts on that and how it may incorporate itself
17 into some new proposal.
18

19 We talked about several different
20 people in the boat, someone who was a resident of Fort
21 Yukon, someone who was a resident of Fairbanks, but
22 related to that person, potentially some other people
23 in the boat that weren't hunting. They were just along
24 for the boating experience. My idea is that if you're
25 hunting ducks under the AMBCC invitee process, those
26 people would need to have the permit or they would need
27 to be able to show that they are there harvesting birds
28 legally.
29

30 If they're in the boat and picking
31 flowers or looking for driftwood or doing anything else
32 not hunting, they don't need the permit. So I think
33 that's what Sky was asking for, is does everybody in
34 that boat need the permit. Clearly, if they're not
35 harvesting birds, they don't need the permit. I want
36 to make sure I left that impression with everybody.
37 That's enforcement's feeling, is that if you're not
38 hunting, you don't need the permit, clearly.
39

40 The second thing I think -- and this is
41 what, again, Steve and I visited with during the break
42 was that my view is that we look at it both ways. This
43 is enabling people to do something, but it also is a
44 mechanism for enforcement to be able to find abuses and
45 abusers. Taqulik mentioned that she would never have
46 carried this permit in the field. They don't want to
47 do that. It's too burdensome for them to carry it.
48

49 I guess my point is that it shows
50 enforcement folks that they are eligible to do that.

1 Someone who doesn't have the permit who didn't go
2 through the process, wasn't invited, our folks would be
3 able to easily identify those people and take
4 appropriate action. So it serves both purposes to show
5 that that person is eligible. Again, as least
6 burdensome as possible, but it also gives us a
7 mechanism to quickly and easily deal with people who
8 aren't eligible to be there.

9
10 The type of folks that I'm thinking of
11 are contractors or whatnot from Anchorage or Fairbanks
12 or any other place that go into the village and do work
13 on the school or do work on the communication towers or
14 do work on whatever it might be in the village that
15 spend days, weeks, months and become part of the
16 village and may go out and participate in activity when
17 they're not eligible to do that. Again, if the permit
18 was issued, our folks would be able to easily identify
19 those people and, again, deal with them in an
20 appropriate manner.

21
22 So those are just the two things that I
23 wanted to bring up. Again, it sounds like -- I mean
24 it's in the weeds and it addresses the proposal that we
25 were talking about in the past. As we go forward and
26 if I'm part of the process, that's something that I'll
27 be looking to try to incorporate into this proposal.
28 That's all I have.

29
30 CHAIRMAN ALCORN: Thanks, Stan.
31 Question from Peter.

32
33 MR. DEVINE: It's not really a
34 question. It was just -- you know, we're talking about
35 permitting and our various tribal cards and whatnot,
36 but I don't know if many people are aware this is kind
37 of like a permit. It's Alaska Native Harbor Seal
38 Commission hat. It shows that I am a seal hunter and
39 not only a seal hunter but a trained biosampler for the
40 Alaska Native Harbor Seal Commission. I mean it's a
41 way of hunters to be able to recognize each other, you
42 know, as being allowed to do something in that field.

43
44 CHAIRMAN ALCORN: Thanks, Peter. Any
45 questions or comments for Stan.

46
47 (No comments)

48
49 CHAIRMAN ALCORN: Thanks, Stan. Are
50 there any other comments about the prior proposal

1 before we move into discussion of the current proposal.

2

3 (No comments)

4

5 CHAIRMAN ALCORN: Okay. Hearing none,
6 we're done with that one. Thanks, Rick, for your
7 presentation of Proposal No. 5. You suggested that
8 there be a list of birds that could or would be
9 eligible under the proposal and some other things.
10 Would you reiterate that for me if you would.

11

12 MR. ROWLAND: So last meeting we talked
13 about this proposal and it failed. There was a list
14 of birds that were produced -- a list of birds that was
15 put on a piece of paper and passed out that said that
16 there's -- they could be used, but it wasn't clear
17 whether or not they could be used for selling. So I
18 don't know where that -- I don't have a copy of that
19 list. If this is legal, then that proposal wouldn't
20 make sense to be put in place. If it is legal to do
21 that, then the Fish and Wildlife Service should make an
22 explanation to the Native users who make handicrafts
23 what is okay. Does that make sense?

24

25 CHAIRMAN ALCORN: Well, okay. We could
26 certainly do that. We have -- going through that same
27 process that we went through earlier today and
28 describing why we couldn't support this and why the
29 State was unable to support this proposal. Probably
30 not fruitful at this time. We all, I think, are
31 familiar with those reasons. I think what works for me
32 in explaining that is this process that everybody
33 understand how we go through and we look at those.
34 Using this process we could do that. We could identify
35 the issues that we had with that original proposal and
36 what would help get us to yes. Is that what you're
37 asking us to do?

38

39 MR. ROWLAND: I have no idea why this
40 proposal is back on the floor. It was defeated. The
41 truth of the matter is that in our culture our people
42 made masks with feathers and then from researching it
43 other groups in Alaska made masks with feathers. I'm
44 sure that they bartered and sold and traded those masks
45 or regalia or whatever with other entities, but it
46 wasn't until rules and regulations started being posed
47 upon us that it became unallowed. So, fundamentally,
48 the community thinks that they should be able to make
49 the items and sell them. I know you have your
50 legal/non-legal, but that's after the fact of those

1 things were bartered, sold and trade. So we're at a
2 point thinking, well, we've always been able to do it,
3 but now we have this imposed upon us and now we're
4 stuck here and we can't do it because there's a legal
5 thing in place. So what is legal?

6

7 CHAIRMAN ALCORN: That's a good
8 question and we are working on that very question right
9 now. Ken Lord, who you all met over the last couple of
10 days, and I have talked about this and we will continue
11 to talk about it. We've talked about it with other
12 program managers, including Stan Pruszenski and what is
13 required for the enforceability standard that we have
14 to apply. We have five items here that we had
15 discussed that we felt like the board needed to have on
16 the table and discuss and come to some agreement on
17 which would help us get to yes. So I'd be willing to
18 share that with you all so that you have an idea what
19 those items are. Is that kind of where you're going
20 with your suggestion there, Rick?

21

22 MR. ROWLAND: So if -- I'm assuming
23 since we had our discussions yesterday about the
24 process and collaborating, then if there's some way
25 that this could lead to where it could be possible that
26 Natives could sell those, then that would be a good
27 idea because this comes from all the members of the
28 Kodiak area and we didn't realize at the time that it
29 was such an issue throughout the whole Alaska Native
30 community and we were surprised to see that it was and
31 glad that it was highly supported although it failed.
32 So if there's a way that we could make this possible,
33 this might be the catalyst that says, okay, here's what
34 you could do and then this agreement is made and we
35 accept the agreement. We could use this to build trust
36 maybe.

37

38 CHAIRMAN ALCORN: Good point. Joeneal.

39

40 MR. HICKS: I just wanted to point out
41 that I'm not sure if anyone here is able to answer the
42 question here, but I do know that there might be an
43 avenue that you might be able to use and that's what
44 they call the American Indian Religious and Freedom
45 Act. Also there's the NAGPRA Native American Graves
46 Protection and Repatriation Act, something like that,
47 that allows for the sale or barter or both of what
48 you're asking for. Like I said, is anybody familiar
49 with that that could probably shed some light on what
50 is allowable under those two acts. I'll throw that

1 out.

2

3

CHAIRMAN ALCORN: Carol.

4

5

MS. BROWN: I can give a little bit of information. NAGPRA, which is the Native American Graves Protection and Repatriation Act. That pertains to the return of artifacts that are held in institutions and museums to a tribe. So that's pretty much limited to -- it doesn't have anything to do with the ability to sell or make handicrafts from any birds or other animals.

12

13

14

15

With respect to the -- I forget, what was the other statute that you had mentioned.

16

17

MS. HEPA: Indian Religious.....

18

19

20

MS. BROWN: Indian Religious Freedom Act?

21

22

MR. HICKS: Yeah.

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In fact, the letter of submittal does give Alaska Natives an exclusive right to do this. Based on that and because -- recall that I read the senate ratification language that defined indigenous inhabitant and said for the purposes of inviting hunters back to the villages. That clarification is

1 not in there for this particular practice, so it is not
2 as prescriptive.

3
4 So that means that we believe that this
5 can be an exclusive right for Alaska Natives to the
6 exclusion of other indigenous inhabitants. But there
7 are details that we'll have to work out, I believe.
8 One is the application of the treaty with Japan and it
9 does list, I think, 180-some-odd birds and you pointed
10 out, Rick, that we had a list at the last meeting.
11 There were 28 birds, I believe, that are not listed on
12 the Japan treaty that are not explicitly prohibited
13 from sale.

14
15 However, in looking at the Japan
16 treaty, again, I'm not a lawyer and I need to consult
17 with our solicitors, but I think it bears further
18 discussion. I guess I'll leave it at that. I can't
19 say how it would come out, but I think it bears further
20 discussion that might not be as restrictive as that
21 interpretation. So there might be that provision as
22 well to have that discussion.

23
24 I think there are other issues that
25 will need to be addressed before we would be at a point
26 where it would pass the enforceability standard that we
27 have to get by. One is what is a Native handicraft?
28 How do we define that? Does it include items? What
29 items would it include? Masks, for example, or any
30 list of things. Is it simply a feather that's been
31 clipped? I don't know. I mean that's something I
32 think you all would need to help define and that
33 certainly wouldn't be something that I would feel
34 comfortable or our agency would feel comfortable
35 defining, but that's something that we would need to
36 have discussed, I think, and agreed to by the Board.

37
38 Another thing that we would need to
39 define and I'm not going to venture to define it, but I
40 will leave it to the Board and that is that if it's an
41 exclusive right for Alaska Natives, I think we need to
42 define who an Alaska Native is. What defines an Alaska
43 Native. Is it a legal definition?

44
45 MS. LEONETTI: Yeah, I think it is in
46 one of the regs.

47
48 MS. BROWN: The definition of Alaska
49 Native is in this reference to 92.6, so it defines
50 Alaska Native in the regulations. It's not on there,

1 but this is the regulation that includes a definition.

2

3 CHAIRMAN ALCORN: Okay. I'll have to
4 look at that. We would have to basically, I think,
5 agree and adopt that definition for this purpose, for
6 this particular proposal, I think. Again, I'd have to
7 go back and look at that definition.

8

9 Another thing that we would need to
10 consider is that if it is one of the things that's
11 referred to, I think, in the letter of submittal is
12 it's authentic handicraft or authentic Native art or
13 something. I forget now the phrase. I can go back and
14 read it. Probably ought to so I don't just speculate
15 here. Let me find it.

16

17 I'll just read the whole paragraph
18 again. The provisions of Article 24(b) will be
19 implemented -- 24(b) is the paragraph. It's the
20 article in the treaty itself. Will be implemented so
21 that birds are taken only for food. Non-edible
22 byproducts of birds taken for nutritional purposes
23 incorporated into authentic articles of handicraft by
24 Alaska Natives may be sold in strictly limited
25 situations and pursuant to a regulation by the
26 competent authority in cooperation with management
27 bodies. Regulations allowing such harvest will be
28 consistent with the customary and traditional uses of
29 indigenous inhabitants for their nutritional and other
30 essential needs. The term handicraft does not include
31 taxidermy items. The protocol does not authorize the
32 taking of migratory birds for commercial purposes.

33

34 So that's the paragraph that we find
35 that we can be exclusive and pass sort of a legal test.
36 But the definition of Alaska Native, I understand we
37 have a definition of that. If that's been adopted by
38 the Council and would be applicable in this case, we
39 could apply that as a definition and then the term
40 handicraft or authentic articles of handicraft. I
41 don't know how we would define those and what they are,
42 but I would leave it to you all to try to do that. At
43 least to get us to yes, to get the Service to be able
44 to approve it. We would need to be able to know what
45 those items are and what type those items are.

46

47 MS. HEPA: Also the word commercial.
48 Commercial purposes needs to be defined.

49

50 CHAIRMAN ALCORN: Okay. Another

1 definition.

2

3 MS. HEPA: Because a lot of the
4 handicrafts that are sold by individuals are not made
5 for commercial purposes, like mass production, go out
6 and sell in the stores, multiples. It's different.

7

8 CHAIRMAN ALCORN: Good point, good
9 point. And the point is that it's very complicated.
10 That's why this proposal itself I think is actually
11 more complicated than the first proposal we dealt with,
12 but I think it's possible and I think we can get there
13 and I think it will take time to vet these things and
14 think them through, but I think we can get there.

15

16 And then the other item and you just
17 addressed it, Rick, was that the items, according to
18 this paragraph, are taken for food and that -- or the
19 birds are taken for food and they're not hunted for
20 commercial purposes. They're not hunted for their
21 feathers in other words. They're taken for food and
22 it's the inedible byproducts of those birds taken for
23 food that are eligible to be used in a commercial --
24 for commercial pursuits.

25

26 MS. HEPA: No, that they're eligible to
27 be used to be sold as a Native handicraft.

28

29 CHAIRMAN ALCORN: To be sold as an
30 authentic Native handicraft, okay.

31

32 MS. HEPA: Commercial is not the right
33 word.

34

35 CHAIRMAN ALCORN: Okay. I apologize.
36 To be used for the purposes stated here, authentic
37 article of handicraft. Okay. So that's our list and
38 our discussion. We talked as a group with the Fish and
39 Wildlife Service subsequent to this proposal and
40 subsequent to our last meeting and we wanted to come
41 prepared with this list of items that would need
42 resolution somehow by this board. I hope that's
43 helpful.

44

45 MR. ROWLAND: Yes, thanks, Doug. I'm
46 hopeful that we'll be able to have a written list
47 distributed to us when we decide to get together to
48 talk about that.

49

50 CHAIRMAN ALCORN: We can do that. So

1 how would you all like to proceed at this point in the
2 agenda and this point in this discussion. We do have a
3 process. I too, like Rick, was surprised to see it as
4 an action item. I don't know that that's an
5 appropriate place for it on the agenda because of these
6 issues, so I think it would be futile to try to run it
7 through the process again. I don't think we're there
8 yet. If we want to leave it there, I would say that
9 that's probably a place to leave it and move on through
10 the agenda. Do I see anyone wanting to continue the
11 discussion.

12

13 MR. ROWLAND: I have a question.

14

15 CHAIRMAN ALCORN: Rick, go ahead.

16

17 MR. ROWLAND: My question is similar to
18 Dan's, is that not only just leaving it at the place
19 it's at, but deciding where to send it to so that a
20 group could start taking a look at it and take a look
21 at that list and start giving answers to the list
22 before it comes back to the whole Council as a decision
23 process. I'm not going to suggest micro-managing to say
24 by fall or something.

25

26 CHAIRMAN ALCORN: Well, that's a good
27 suggestion and we do have the prerogative to form ad
28 hoc committees for these purposes. If that's the will
29 of the board, we could do that. I would need somebody
30 to offer that in the motion and we could form that.
31 Frank.

32

33 MR. WOODS: We formed the committees
34 yesterday I think under co-management principals. I
35 think this would fit -- would this fit under that
36 protocol and that committee? That committee is going
37 to deal with specifically, I believe, that issue. It
38 looks like to me that's the biggest issue on the table.
39 We don't fully understand our own procedural process
40 for proposals.

41

42 CHAIRMAN ALCORN: Well, it wasn't my --
43 I mean I volunteered for that committee. It wasn't my
44 sense that that was what we would be talking about this
45 proposal or issue. What my sense was was what we
46 talked about for two days, which was the co-management
47 aspect, working to build cooperative, co-managing,
48 fully functioning body and what that will look like and
49 how best to implement that over time. That's my sense
50 of the charge to that group.

1 Crystal and Patty.

2

3 MS. BROWN-SCHWALENBERG: Well, I was
4 just thinking what about the Technical Committee?

5

6 MR. ROWLAND: Make a motion to send
7 this proposal to the Technical Committee along with the
8 list that Doug mentioned to discuss how this would best
9 fit together to be brought back to the Council.

10

11 CHAIRMAN ALCORN: We have a motion. Do
12 we have a second.

13

14 MS. HEPA: Second, and then for
15 discussion. You know, that's -- I think it's part of
16 the responsibility of the AMBCC Staff to do the
17 research, to come to the table with information for the
18 Technical Committee to review. A lot of us around the
19 table are on many different committees and I know that
20 these committees are going to become active because we
21 have a lot to be -- a lot of work to be done. The
22 background information needs to be researched by the
23 Technical Staff of the AMBCC.

24

25 CHAIRMAN ALCORN: Thank you. I have a
26 motion and you made the second, right. A motion and
27 second. Discussion. Though we had a little bit of
28 discussion already.

29

30 MS. HEPA: Question.

31

32 CHAIRMAN ALCORN: Any further
33 discussion. Dan, go ahead.

34

35 MR. ROSENBERG: I mean I think we are
36 all in agreement on the policy perspective that we can
37 -- we support this idea and we can go through with this
38 thing. Now the question I think has come down to some
39 of the details, of course. Regardless, as I understand
40 it, there's at least 28 species that are free to
41 pursue, so to speak, that we all agree are illegal and
42 we don't have to further vet that at all so that we can
43 go ahead and still try and come up with these details,
44 like what is an authentic handicraft and so on and so
45 forth. In the meantime, you'll be looking into another
46 sort of ruling opinion, judgment on the treaty with
47 Japan as to whether that limits us to the other 187
48 species. Okay, good. So that we can work in
49 conjunction. Both can go on at the same time.

50

1 CHAIRMAN ALCORN: Peter, go ahead.
2
3 MR. DEVINE: Sorry I missed the
4 discussion. As far as authenticity, there are some
5 programs in place that proves that, you know, we are
6 Alaskan Natives, these are authentic. I mean register
7 with -- I have the silver hand seal. I put that on my
8 art, good to go. I would like to see that list of
9 species I could use. Instead of buying my feathers
10 from Blake Elk Leather, if I go out and shoot a pintail
11 or a mallard, you know, and put them on my hats, I'd
12 much rather do that.
13
14 MR. WOODS: Them are fake?
15
16 MR. DEVINE: These are imitation
17 feathers, Frank.
18
19 (Laughter)
20
21 CHAIRMAN ALCORN: I don't know the
22 answer to that, Peter, right now. So we can try and
23 get that information to you if it's available, if it's,
24 in fact, legal, I don't know. I think what I was
25 talking about is that the Japan treaty says it's
26 illegal to sell until it's basically legalized. So,
27 right now we've not gone through that process to
28 legalize it. As I understand it, even though we had
29 that 28 birds that weren't listed on the Japan treaty,
30 until we go through the deliberative process to
31 legalize it, I don't know that it's legal yet. But
32 that's just my impression. Does anybody else know
33 whether or not that's true, false? Stan, Gary, Bob
34 Trost? Stan.
35
36 MR. PRUSZENSKI: Stan Pruszenski,
37 Office of Law Enforcement, Fish and Wildlife. We've
38 talked about this obviously internally a couple of
39 different times and I won't -- what Doug just mentioned
40 I think is technically correct, but it didn't ring to
41 me as an easy way to understand it. We've got the
42 Japan treaty that has a list of birds and Doug is
43 right, it says that you cannot sell these birds. So
44 there's a list of birds. Under the Canada treaty
45 there's another list of birds that they don't
46 necessarily completely overlap, so these 20-some odd
47 birds are the ones that are not on the Japan treaty
48 where the Japan treaty says that you can't sell these
49 birds.
50

1 So our idea is that if it's not
2 specifically prohibited under the Japan treaty, it
3 could be open for handicraft use and sale. So that's
4 kind of where we're at now. The Solicitor's Office has
5 come up with, you know, the idea that he agrees with
6 that. We haven't seen anything formalized in writing,
7 but that's the premise and that's kind of where the
8 Service -- where we're going.

9
10 Have we provided the list? I thought
11 the list was out there. So I mean the idea would be
12 that the birds would be taken for nutritional purposes.
13 They'd be harvested to be eaten, so you can't go out
14 there and just get pintails for the feathers. You need
15 to go out there and get them and eat them, then the
16 byproducts could be utilized.

17
18 CHAIRMAN ALCORN: Not legal until we
19 make them legal.....

20
21 MR. PRUSZENSKI: Absolutely.

22
23 CHAIRMAN ALCORN:is what you're
24 saying. So I think we're still in that. We're still
25 developing the mechanism to make them legal.

26
27 MR. PRUSZENSKI: If you have anything
28 else for me, that's all I had.

29
30 CHAIRMAN ALCORN: Thanks, Stan. No,
31 that's it. So we have a motion and a second. We're in
32 discussion. Any further discussion. Okay, Roy, would
33 you like to come to the mic.

34
35 MR. ASHENFELTER: Roy Ashenfelter,
36 Kawerak staff. One of the things you might want to add
37 into your list of things to do is feathers taken from
38 already dead birds not listed. When I lived here in
39 Anchorage I was down there in Kenai and we found a dead
40 eagle. The first thing that came to my mind was taking
41 the feathers and I didn't want to get myself in
42 trouble, but the eagle was dead and the feathers were
43 fresh. So one of the things you -- I know this adds a
44 dilemma, but it's still important to work it out.
45 Anyway, that's a thought that came to my mind.

46
47 CHAIRMAN ALCORN: All right. I'm going
48 to pose the question. Does anyone oppose the motion as
49 stated.

50

1 MR. ROSENBERG: Restate the motion,
2 please.

3
4 CHAIRMAN ALCORN: Who made the motion?
5 Rick, would you restate your motion.

6
7 MR. ROWLAND: I move to send this
8 proposal along with the list of stuff that was
9 designated by Doug to the Technical Committee for them
10 to review and define and make a recommendation that
11 will be brought back to the Council to decide on the
12 proposal.

13
14 CHAIRMAN ALCORN: Does anyone oppose
15 the motion.

16
17 (No opposing votes)

18
19 CHAIRMAN ALCORN: Seeing no opposition,
20 then it carries. Thank you all for your discussion.
21 That takes us to Item E, proposal process. Crystal,
22 would you like to speak to that.

23
24 MS. LEONETTI: Absolutely. It's in
25 your packet. When I started this interim position on
26 March 19th, I called all the Council members around the
27 state, called the State of Alaska, Dale Rabe, and of
28 course talked to my colleagues at Fish and Wildlife
29 Service about the proposal process. It's in need of
30 clarification and perhaps revision. So that when a
31 proponent submits a proposal we can work with it, keep
32 it malleable, keep the intent of the proposal while
33 working with the proponent, but making sure it's
34 legally passable by AMBCC.

35
36 So when the proposal reaches AMBCC for
37 a vote, that those legalities are worked out, that it's
38 biologically sound and culturally appropriate. So that
39 when it is on the table at AMBCC for a vote, the intent
40 is still there in the proposal, but it's had a thorough
41 review and revision to make it sound. That's part of
42 that cooperative process that we're looking for and
43 would make it more of a co-management type process.

44
45 Vince Mathews, who's in the audience,
46 and I worked on a proposal process. Vince spent a day
47 in his office with a huge piece of paper and a bunch of
48 colored sheets of paper and worked out a cycle with a
49 whole bunch of arrows pointing in all different
50 directions and it was awesome. So what I did was I

1 tried to put that in like a chronological list of how
2 the proposal process could go as far as getting some
3 reviews from State, Federal, Native, biological, legal
4 and cultural. That feedback would go back and forth
5 between the proponent and the regional body, et cetera.
6

7

8 So that's what's in front of you on
9 this page and a half. This process would take longer
10 than three or four months, which is currently what you
11 have. Proposals are submitted between November and
12 December and then they come before AMBCC in April,
13 which is a short amount of time. This process, that's
14 laid out before you would take longer than that. My
15 suggestion is to make sure the process is cooperative,
16 there's a lot of back and forth communication, you have
17 a lot of experts looking at things and that the
18 proposals are malleable and that if the process is
19 meaningful and makes proposals passable, I guess, by
20 AMBCC, then taking longer to do that would be ideal.
21 If this is a good process, then we'll assign a time
22 line to it that makes sense.

23

24 Vince, do you have anything else to
25 add?

26

27 MR. MATHEWS: It's brought up at
28 different meetings about incorporating traditional and
29 ecological knowledge. That's reflected in here. So if
30 you have any questions about where that comes into the
31 process. This is a balancing act of Western Science,
32 TEK and a process to come with regulations to allow
33 proper management. Just so you get an idea on that.
34 Sometimes people don't realize that TEK can come in at
35 various viewpoints. That's all I had to add.

36

37 MR. ROSENBERG: Excuse me, Vince.
38 Where does it come in? Did you say -- is it
39 identified? I see where it is. Okay. Never mind. I
40 didn't see it.

41

42 MR. MATHEWS: There's more than that
43 step though when you really look at it. When you open
44 up a public process, you had quite a bit today from Mr.
45 Ginnis, from Robert, et cetera. So there's other
46 points in the process where it comes in and I think
47 sometimes we fail to point that out, that it is an
48 opportunity to incorporate that with respect and
49 understanding.

50

1 MS. LEONETTI: And one other thing that
2 I'd like to point out. This is much more labor
3 intensive as far as AMBCC Staff time, which currently
4 there's only two Staff members. So mailings, et
5 cetera, feedback, good back and forth dialogue and
6 coordinating that is time consuming and probably
7 requires more resources than we currently have, so
8 that's something else that the Council needs to
9 remember.

10
11 CHAIRMAN ALCORN: I'll get you in just
12 a second, Joeneal and Donna. I'm sorry. I did have a
13 comment on this. I've looked at this in draft and that
14 was one of my comments. It's fairly extensive and
15 labor intensive and I don't know how much it mirrors
16 the Office of Subsistence Management process, but
17 there's a significant difference in the fiscal and
18 Staff resources that OSM has versus AMBCC.

19
20 Right now, currently staffed and
21 budgeted, I'll be frank, we just do not have the
22 resources to do this. Not that I'm not supportive of
23 it but I think that somehow this either needs to be
24 incorporated into that budget that was discussed
25 yesterday, the 1.81 million dollar budget. I don't
26 know if it was, so that's my question. If not -
27 Patty's not here.

28
29 MS. LEONETTI: She'll be right back.

30
31 CHAIRMAN ALCORN: I'm not opposed to
32 the process at all. As a matter of fact, I am very
33 concerned with the current process we have that it
34 doesn't allow adequate time for internal vetting or
35 regional vetting. Essentially we have from the end of
36 the holidays, January 1st, until April 1st, so we have
37 three months to get that done and it is extremely,
38 extremely difficult to have in my agency's review
39 process going through all the different organizations
40 that have to review this thing. I would support
41 something along this line, but I would like to be able
42 to have a more thorough discussion about it. So, with
43 that, Joeneal.

44
45 MR. HICKS: Thank you, Mr. Chair. I do
46 agree with this particular format. Also what I think
47 is there's some areas that need to be changed in here.
48 You might recall several years ago or less than a year
49 ago we did somewhat of a format for the receiving of
50 proposals already. In other words, when a proposal

1 came in it was the responsibility of the AMBCC or the
2 Staff let's say to make sure that the proposal was
3 sound, to make sure that the proposal contained all the
4 documents that were needed. You might remember how
5 that particular process went. In other words, before
6 it was sent or published to the regional management
7 bodies, all of that document would need to be in place
8 or complete before being mailed out or whatever.

9

10 So, in other words, after the call for
11 proposals I think the analysis should come next in my
12 opinion, then 3, publish and distribute proposal. 4,
13 regional management body review. 5, Technical
14 committee review, then 6 and 7 just pretty much stays
15 the same, AMBCC meeting and then SRC. Open for
16 suggestions on that. And I do understand the Staff,
17 lack of Staff.

18

19 CHAIRMAN ALCORN: did you want to
20 respond to that comment, Crystal at all.

21

22 MS. LEONETTI: Can you do that again,
23 say which ones go first and second and third.

24

25 MR. HICKS: Well, as I had mentioned, I
26 do recall in the past that we had set up a particular
27 process that when a proposal came in the AMBCC Staff
28 that was in place at the time, I believe, or maybe it
29 wasn't, they were supposed to make sure the proposal
30 was all sound and carried all the documents, that it
31 was complete, let's say, and make sure there was data
32 or information contained therein. Meaning that after
33 the proposal or after the call for proposals came in
34 you received a proposal and then essentially it was up
35 to the AMBCC Staff to make the analysis on it. Was
36 that particular proposal good, bad, I guess. Just a
37 matter of language.

38

39 So in other words, 1 would be call for
40 proposals. 2, the analysis. 3, then publish and
41 distribute the proposal. 4, the regional bodies review
42 the proposal. 5, then have a Technical Committee
43 meeting for it. 6, the AMBCC review or meeting review,
44 and 7, it goes by the AMBCC SRC.

45

46 MS. LEONETTI: Thank you.

47

48 CHAIRMAN ALCORN: Thanks, Joeneal.
49 She'll take that into advisement. So what's the will
50 of the body? What would we like to do to move forward

1 with this.

2

3 MS. LEONETTI: Donna has something.

4

5 CHAIRMAN ALCORN: Donna, I'm sorry. I
6 was pointing at you, wasn't I. And I think the
7 question was what our former process was, right, what
8 we had agreed.

9

10 MS. DEWHURST: Donna Dewhurst, Fish and
11 Wildlife. Yeah, I've been in on the history of this
12 from the get go. This process is very much the OSM
13 process with some slight changes and I should know
14 because I worked there for six or seven years. We
15 discussed this early on. Probably most people don't
16 remember. This was back in 2003, 2004. At that time
17 we opted out of doing these intensive analyses because
18 we didn't have Staff then and that's when we had three
19 Staff people plus Fred and we didn't have adequate
20 Staff to handle it then. That was part of why we opted
21 out of doing the formal analysis that OSM does of every
22 proposal.

23

24 The other aspect that's a little
25 different and many of you are very familiar, the RAC
26 members, the RAC meetings are much more formalized and
27 have a lot more people. OSM typically sends anything
28 from six to ten Staff members to each RAC meeting.
29 I just have -- I mean over the years we -- when I first
30 started, we used to try to divvy up Staff and attend
31 every single regional meeting. Most of you know
32 recently we get to maybe one or two. Part of that is
33 staffing and budget and everything else.

34

35 So, yeah, if we went to something like
36 this, it definitely needs to be tweaked. My
37 recommendation would be to write down what our process
38 is now and maybe do a comparison and kind of look at
39 the two now because I think a lot of people don't even
40 understand our current process. There's a lot of
41 things in our current process that aren't being done
42 because we don't have the money or the Staff to even do
43 our current process. It's kind of paralleling the
44 harvest surveys. We had a model and we haven't even
45 been able to follow our model that we have now.

46

47 So before we leap into a newer, bigger,
48 more Cadillac model, I think we need to take it step by
49 step and also look back maybe at the history and the
50 discussions of why we did things the way we did them

1 originally.

2

3 MS. LEONETTI: Thanks. I've also
4 talked with Russ and Eric in our office and I wonder if
5 they have anything to add as well.

6

7 CHAIRMAN ALCORN: I see Russ's hand up
8 and then we'll call Mike to the mic.

9

10 MR. OATES: Good afternoon, everyone.
11 Russ Oates, Fish and Wildlife Service. Yeah, I just
12 was reviewing this and my comments are going to sound a
13 lot like the ones I made when we were talking about
14 existing needs the other day. I think this process is
15 -- I would say it's more thorough than what we've done
16 in the past and there's more iterations and
17 collaboration and back and forth, which I think is
18 certainly a very positive thing.
19 It does suggest an increased work load and a technical
20 support arena.

21

22 As you know, we do staff -- we have
23 someone involved in a Technical Committee and that can
24 be a fair amount of work depending on the proposals.
25 This process, I think adding the -- in the goal of the
26 reviews adding the options, alternatives and proposal
27 amendments considered is -- that's a really new step.
28 I think it provides for a more affirmative approach
29 rather than just saying, no, this won't work. I think
30 it provides a little more affirmative approach, but
31 with it, it takes a lot more consideration and more
32 opportunity to think about it. I think this really
33 emphasizes the point that I made yesterday or day
34 before, I can't remember which day it was we made that
35 list, but additional staffing to provide the
36 appropriate level of technical support and
37 consideration.

38

39 So, as I said that day, this is in
40 addition to our other functions. I think it's a more
41 proactive approach and a more positive approach, but to
42 do it correctly, you know, we're kind of doing triage
43 right now, so it would require additional support.
44 Eric may have something to add. He's been sitting on
45 the Technical Committee lately and doing most of the
46 responses. I haven't done much of this for a couple
47 years, so he may want to add to that.

48

49 CHAIRMAN ALCORN: Eric, did you want to
50 come to the table? I'm sorry, Mike, then we'll get to

1 you.

2

3 MR. TAYLOR: Eric Taylor, U.S. Fish and
4 Wildlife Service. My comments will be brief. You
5 know, the proposal process, we all want a more
6 iterative back and forth process. I think the reason
7 why, I think we want to increase the likelihood that
8 these proposals are successful. To do that, I think
9 there will be a need for a more thorough review, but,
10 as Russ said, that takes time and energy and resources.
11 This is the first opportunity I've had to look at this,
12 so I'd like to talk to Crystal a bit and provide some
13 feedback. But I do think this is a worthy goal and I
14 think improvements can be made on all aspects.

15

16 I think people that are coming up with
17 proposals don't have the benefit of talking to me or
18 talking to a Ken Lord or others to say, you know, is
19 this even possible, can I do this, is it legal or if
20 it's not legal, what needs to be changed to fix it
21 because this is something that's really important to
22 us. If there's a regulation out there that's not
23 right, then what do we do to fix it. Or, you know,
24 this bird is really important to me or this customary
25 and traditional artwork is important to me.

26

27 If you're just writing a proposal on a
28 one-page form, it's kind of like a shot in the dark, is
29 this going to work or not, and you would really benefit
30 from sitting down with an attorney or a solicitor to
31 say this is what I want to do. If you have biological
32 concerns, we'd like to use this species for something
33 or we want to harvest more of this bird. It would be
34 good, you know, the opportunity to sit down with me or
35 Dan, for example, and say what's the population status,
36 what's the trend like, what's the distribution, is
37 there going to be a concern from you, can you provide
38 me the most recent report on your survey to say, hey,
39 we're seeing an upward trend on this population, what
40 you're proposing to do in this area is not going to be
41 a concern.

42

43 Similar when I went to Glennallen and
44 talked to Joeneal and the Regional Council there, there
45 was some really good feedback back and forth regarding
46 populations and I think that's the sort of thing that
47 Crystal's proposal process is trying to get at, which
48 I'm fully supportive of. You know, the key is to try
49 to make it as efficient, as effective as possible.
50 Clearly, you know, if I was sitting in Galena or Fort

1 Yukon writing a proposal, I think that person is going
2 to have real benefit if they have the opportunity to
3 get some feedback from the State and the Fish and
4 Wildlife Service.

5
6 I'm fully supportive of looking at this
7 and figuring out a way that we can provide more
8 support. As we said, we want to get to yes, we want to
9 get away from a 2-1 vote, we want things to be
10 collaborative in co-management and the best way to do
11 that is to increase communication between all three
12 partners.

13
14 I think this is one of the most
15 important things that this group should address because
16 I think by the time the proposals get here people will
17 be fully vetted and the chances of success are very
18 high as opposed to, oh, my gosh, you know, does it meet
19 this requirement, what does the proposal mean by, you
20 know, relative versus immediate family or what does it
21 mean by prior waterfowl.

22
23 I don't mean to pick on Steve, but
24 that's a good example of a proposal that went forward
25 that the Technical Committee, of which many people are
26 sitting around the table, were sitting there scratching
27 their heads going really good idea, it needs to happen,
28 but we see some problems with it. Well, those problems
29 can go away with increased communication.

30
31 Sorry, those weren't brief.

32
33 CHAIRMAN ALCORN: Thank you. But it
34 was thorough. Michael, would you like to come to the
35 microphone.

36
37 MR. PETERSON: Mike Peterson, North
38 Slope Borough. As somebody who has submitted proposals
39 for the last several years and seen them from the
40 beginning to the end, I think I like -- you know, after
41 some of the changes are made and agreeing with the
42 previous speakers, I think it would be a benefit to the
43 Council to deal with this because as many of you know
44 I've sat at the table as an alternate. One of the
45 hardest things we have to do in the spring meeting is
46 deal with all these proposals. The last meeting, as
47 you all know, was a very difficult process. So I think
48 this will make it a lot easier and I like it.

49
50 The only thing I would say is are we

1 skipping the PFC and just going directly to the SRC now
2 or was that an oversight?

3

4 MS. LEONETTI: Oversight.

5

6 MR. PETERSON: Okay. Thank you.

7

8 CHAIRMAN ALCORN: Thank you. That was
9 a good catch. Appreciate your comments, Michael.
10 Rick.

11

12 MR. ROWLAND: Thanks, Doug. I want to
13 thank Eric for coming up and mentioning that additional
14 step in there because I was thinking about it, but
15 didn't want to really stir the pot too much, but I
16 appreciate that, Eric. The connection is that in the
17 call for proposals quite possibly there should be
18 something else above that for an initiation and the
19 thought I wrote down a while ago was recommendation of
20 a regulation change. It's not necessarily a proposal.
21 It's someone's communication to a biologist or someone
22 on the Staff and saying, hey, this is the regulation,
23 here's how I want to change it, how do I do that to
24 initiate the process and then have the ability to
25 communicate with the agency to see if it's sensible and
26 then that way the proposal won't hit the floor, we have
27 to get here and say, hey, we already decided this.
28 This happened here and then it isn't going to work
29 because of this.

30

31 So before the call for proposal goes
32 out at any time someone could make a recommendation to
33 make a regulation change prior to the proposals and
34 then decide whether or not a proposal should really be
35 submitted or not. Then I think that it would help with
36 the future where somebody one year decides let's get
37 together and submit a thousand proposals. So it might
38 classify what is a proposal or what needs to be
39 proposed. So that's it.

40

41 CHAIRMAN ALCORN: Crystal, go ahead.

42

43 MS. LEONETTI: I think that's -- what
44 you just talked about and Eric. Initially what my
45 thought was was that a proponent had an idea for a
46 proposal, a regulation change, and would come to the
47 AMBCC Staff to work on development of that proposal and
48 thereby working on the proposal itself with AMBCC Staff
49 and vetting it with legal counsel, et cetera, would
50 then make a viable proposal from the very beginning and

1 not have to go through all these analyses and reviews.
2 That was the flow chart that I handed out the last
3 meeting and the Council asked me to further flesh out
4 with some of Vince's recommendations, so that's what
5 this is. But I think that's true, is that working with
6 the proponent from the very beginning to help develop
7 the proposal would head off a lot of issues at the
8 pass. That's a good idea.

9

10 CHAIRMAN ALCORN: All right. What's the
11 will of the board here for this particular agenda.
12 Frank, you had a comment.

13

14 MR. WOODS: I really like the idea of
15 the numbered system and how the proposal process gets
16 vetted. In both the RAC and the Board of Fish, Board
17 of Game, they have an idea, the proposal gets written,
18 it gets published, Staff analysis gets taken care of
19 and it gets back to the Regional Advisory or the AC
20 committee process, so it gets vetted twice there, then
21 the recommendation from that regional committee gets
22 put before the full board.

23

24 Right now it looks like in my mind what
25 I see is the AMBCC collects a proposal or an idea and
26 the burden of proof and everything is on this board.
27 The Regional Advisory Committee didn't have to vet it,
28 they didn't have to go through the laws, they didn't
29 have to go through the State analysis if it was
30 subsistence or commercial or however it looked and
31 didn't get any legal advice. It all comes to this
32 board and it's like, uhh, and it becomes this great big
33 mushroom cloud. The burden of proof is put here, where
34 in other systems I'm familiar with, you know, it's
35 procedural and it actually has a little less mountain
36 of burden of proof by the time it gets to the full
37 board. That's what I really like about this.

38

39 I think, you know, in our region, our
40 local refuges and U.S. Fish and Wildlife Service
41 officers, at least it would be open to come -- I would
42 say not act on it, but they would comment on it. Kodiak
43 Refuge is our biggest area. If we have a proposal
44 that's in front of us and we'd ask refuges from -- a
45 Staff analysis from that area. If that's a problem for
46 AMBCC, maybe it's a different Federal program and I
47 don't know if you can cooperatively ask them to help in
48 that arena or even contract the AF&G. We have
49 subsistence Lisa and I know Donna. At some point,
50 since we're co-managing, to address this before it gets

1 to this full board so we have all the issues at the
2 table without having to bring them up here. It creates
3 a big mushroom, as you've seen in the last two years.

4
5 That would be my recommendation, is to
6 figure out a more effective way to vet the issues and
7 bring them to the table before they become this great
8 big mountain when they get here.

9
10 CHAIRMAN ALCORN: So you don't feel
11 like this process does that, what you just.....

12
13 MR. WOODS: Other than Joe's
14 recommendations and Crystal wrote them down. Joe's
15 recommendations hit it right on the money. Prioritize
16 them in order. By the time they get to this full board
17 they have the full Staff analysis, they have at least
18 maybe a cooperative regional review and the proposer,
19 coming from the region, can actually address them and
20 help in that process.

21
22 CHAIRMAN ALCORN: So you think we're
23 kind of getting there with the way Joeneal.....

24
25 MR. WOODS: Yeah.

26
27 CHAIRMAN ALCORN: Okay. I was trying
28 to track you. It's late in the afternoon. I
29 apologize. So we have this proposal. Staff was asked
30 to take it a step further and I appreciate the work
31 Vince and Crystal put in on this. I, too, think that
32 it's a process that would serve us well given adequate
33 resources to fully implement it and implement it
34 correctly.

35
36 At this point, I don't know if an
37 action is appropriate or needed unless you're looking
38 for an action. Are you looking for an adoption?

39
40 MS. LEONETTI: Roy had his hand up and
41 so did Rick.

42
43 CHAIRMAN ALCORN: Oh, I'm sorry. Rick.

44
45 MR. ROWLAND: Yeah, thanks. I wanted
46 to say Donna made the suggestion of identifying the
47 current process and then mirroring it with this process
48 and seeing how closely they match. So I think it might
49 make sense to do that along with recommendations of
50 Joeneal and Eric's idea to have the recommendation of a

1 regulation change added initially. So put all that
2 together and take a look at it and see what we've got
3 and that might filter some things out.

4

5 CHAIRMAN ALCORN: Thank you. I have
6 Roy and then Russ. I'll ask Russ to come after Roy.

7

8 MR. ASHENFELTER: Thank you. Roy,
9 Kawerak staff. One of the things that was identified
10 early on by the people who work on proposals is the
11 added timeline that would be necessary to do this and I
12 didn't hear that here. So I think proposals come
13 before the -- it's admitted by a date in January and
14 they get reviewed in March, something like that. You
15 know, fairly quickly. That obviously leads to dilemmas
16 that currently exist.

17

18 So one of the things that would be a
19 consideration is the length of time you're now adding
20 to your proposal process, which is very necessary as
21 the guy pointed out about Board of Game, Board of Fish.
22 There's several steps in there before the proposal gets
23 before the Board of Game or Board of Fish. At the end
24 of the day, you still might have disagreements among
25 parties, but before you get there there's enough
26 dialogue to where you can make your arguments based on
27 what different agencies are saying or different people
28 are saying that would affect them. What we do in our
29 region is definitely not the same in other parts of
30 Alaska as far as hunting birds and simply because there
31 are different numbers and different species of birds
32 that are numerous in our part of the region that are
33 different than Yukon and different in Barrow, plus
34 eating habits.

35

36 Anyway, a very important consideration
37 is linked to time.

38

39 CHAIRMAN ALCORN: Thank you, Roy.
40 Russ, would you like to come to the mic.

41

42 MR. OATES: Yeah, Russ Oates again. I
43 just wanted to say I think before we actually adopt
44 anything I think we could agree to move forward on it,
45 but I think we need to think about it some more. There
46 have been a few suggested changes and I think we need
47 to -- I want to emphasize the importance of additional
48 capability to feed and provide technical support to
49 this because it's a lot more work than the current
50 system. It's better, but it's a lot more work. I'd

1 like to say that I think it's important that we get a
2 little more time to think about it and provide feedback
3 and work on it before we press the go button. That's
4 all.

5

6

Thank you.

7

8

CHAIRMAN ALCORN: I agree and based on
9 the recommendation that Roy made and the recommendation
10 that Russ made and my observation that this is
11 thorough, it's good, it's comprehensive, yet it's very
12 labor intensive and expensive. Right now we have no
13 resources additionally than what we've already looked
14 at and explored in the budget. So I think that that's
15 an appropriate approach that Russ has suggested and
16 that Roy also suggested, a timeline associated with
17 this.

18

19

Right now we're on a one-and-a-half-
20 year cycle from the time a proposal is submitted until
21 the time a proposal is enacted into regulation. It's
22 one and a half years. If we were to adopt this, it
23 would probably add another year, so it would be a
24 two-and-a-half-year process in my estimation. So
25 that's something we would need to consider and also
26 consider the cost associated with it. I would like to
27 see in the development of this an estimate of the
28 amount of staff time that would be associated with
29 these, with this process and with -- for example, how
30 much time would be spent on an average proposal and be
31 able to develop estimates of what the additional
32 staffing costs are actually going to be and then
33 incorporate this into the discussions that we've had in
34 the past two days about fully funding this program
35 because this is something that's desperately needed but
36 obviously underfunded. So that would be my
37 recommendation.

38

39

Roy and then I'll turn it over to
40 Frank.

41

42

MR. ASHENFELTER: Roy Ashenfelter,
43 Kawerak staff. I know we're in a rush here, but
44 anyway, in terms of cycle, it's important to have a
45 cycle go through. Not only after the proposal is done,
46 but a process so that whatever regulation is
47 implemented has a time to vet itself out in the field
48 and then it comes back again because people will have
49 gone through and hunted through that new regulation.
50 Part of this whole thing is not just people getting

1 upset right away and throwing another proposal in a
2 year later because the new cycle hasn't vetted itself
3 through.

4
5 So there's two things. One, the
6 process cycle itself. Two, the regulation that impacts
7 the change so that people who are now under new
8 regulation have a chance to work this thing through.
9 So one of the things you might want to consider is --
10 and it's okay to do this because Board of Game, Board
11 of Fish, it's a three-year cycle. You submit a
12 proposal for caribou. It doesn't come up for another
13 three years because the people who are hunting caribou
14 need to figure out what impact that has on them. The
15 game managers need to see how it works. The whole
16 dynamic needs to process itself through so when a
17 person submits another proposal it's three years later
18 and it has had a chance for every -- the staff
19 themselves, the game managers themselves in this case
20 may have a specific issue that they could see that
21 would tweak the proposal that was submitted three years
22 ago to make more manageable.

23
24 Anyway, the process is important. The
25 time cycle doesn't need to be rushed. It needs to be
26 vetted through so that whatever you do it's done in a
27 way that helps everybody.

28
29 CHAIRMAN ALCORN: Good point. Thank
30 you. So a feedback mechanism and an evaluation of
31 that. So thank you. Frank, did you have a comment?

32
33 MR. WOODS: Yeah, I did. I'd like to
34 thank Russ for pointing out the things and Ron. In this
35 whole realm we lack the funding and we lack the
36 timeframes and we lack the staff. Is it Bob, Pacific
37 Flyway Commission? Do they have a regulatory process
38 down there that works that isn't slow?

39
40 MR. TROST: It's actually, I believe, a
41 little faster than the one you're considering here.

42
43 MR. WOODS: Yeah, so maybe different
44 models. I'm just looking at different models and then
45 maybe even -- you know, in a time of a budget crisis at
46 the Federal system is utilizing the Federal Subsistence
47 Board OSM to some degree. Let's put it this way, I
48 went down and me and Patty attended the Native American
49 Fish and Wildlife Society. Collaboratively, there's
50 two things that are affecting, I think, regulation and

1 game management.

2

3 On a national scale, somebody brought
4 up traditional ecological knowledge and consultation.
5 That group down there mentioned that there was
6 actually, you know, litigation in those arenas and some
7 of the tribes down there won and the result of it is
8 TEK and tribal consultation. There's another lawsuit
9 that's called the Robertson -- on the sports gear
10 they're taxing. Yeah, Pittman Robertson. I'm just
11 looking for ways of acknowledging and gaining funds in
12 the arena of on a Federal side. How do we manage and
13 how do we adequately fund programs. We're trying to
14 outline the system, but we don't have anything to do
15 that.

16

17 In light of that, you know, it's hard
18 to sit here time and time again in every meeting I
19 attend, AF&G same way, they don't fund enough, we don't
20 have enough time, we don't have enough research, we
21 don't have enough staff. I sympathize with Doug in the
22 Federal system thanks to Crystal. On the safe side, we
23 have a system that as people are not frustrated with,
24 but they're used to doing with less. I think we're in
25 a time -- at least in my mind that this thing is only
26 going to get worse if we don't fix it now. You're
27 right, Doug. Even if it takes a three-year process,
28 let's do it right so the process, like in the Pacific
29 Flyway, is shorter, more efficient and doesn't cost as
30 much money. I guess that's my protocol.

31

32 What makes us unique -- I'm trying to
33 think this out in my head. Since we're a cooperative
34 management, we're a cooperative body, how do we
35 incorporate the State in this whole process. Are we
36 going to. Do we actually have them and give input and
37 solidify a proposal.

38

39 CHAIRMAN ALCORN: The state
40 participates in the technical review and participate on
41 the board and participates in the assessment of the
42 proposals.

43

44 MR. ROSENBERG: And the State submits
45 proposals. I mean we're involved in it all the way
46 around. I mean you're moving into a much more
47 sophisticated process here. You have to be a little
48 bit careful of what you wish for because you may end up
49 getting to the end of this thing and finding out I wish
50 we could just go back to the old simple way when we

1 just sort of hashed this out around the room. I'm not
2 even sure how many proposals we get every year on
3 average. We have four this year? Is it four, five?

4

5 CHAIRMAN ALCORN: Five.

6

7 MR. ROSENBERG: I mean this process
8 that we've gone through may be somewhat painful to
9 everybody and may not be as efficient as we would like
10 it, but I'm not so sure you want to throw that out for
11 something that is a three-year process just yet or
12 something that could take that much longer. I don't
13 know. I think there's good points to this whole thing.
14 In some ways, I guess I'd sort of think that a flow
15 chart that's sort of -- you know, if it gets to here
16 and go this way or go that way. If it gets to here, it
17 can go this way or go that way. There might be a more
18 streamlined way to move some of these things through
19 this process. Those that obviously hit a brick wall
20 right from the start might have to go a different
21 route, but I'd imagine there's some proposals that
22 could move through much more quickly where others might
23 have to go through -- you know, if it's clearly in
24 violation of some law and everybody agrees to that,
25 then maybe right off the bat we know where that's going
26 to go.

27

28 So I'm a little leery of jumping into
29 this just yet and I'd rather see Donna's idea of
30 comparing it to what we have now and then seeing --
31 identifying what's wrong with what we're doing right
32 now and seeing if there's more simple fixes to that.

33

34 CHAIRMAN ALCORN: Thank you, Dan.

35 Crystal.

36

37 MS. LEONETTI: So I think we're at the
38 point where we can move on because I wrote down all the
39 recommendations made around the room. Keeping these
40 two goals at the beginning of this intact because
41 something Myron asked for was for the proposal process
42 to be enabling, more enabling. To keep those two goals
43 and then figuring out what can we do with the resources
44 that we have now. I think with all those
45 recommendations that we just talked about and looking
46 at the length of time that it might take at the next
47 meeting, Staff could present something that's along
48 those lines. I think working with Donna and Eric and
49 Russ -- I would like to work with Native Caucus too and
50 the State on this, not just the Federal Staff, but make

1 sure that all parties are involved as we move forward
2 on a recommendation here.

3

4

5 This one is lengthy and costly and we
6 know we probably can't accomplish that with the
7 resources that we have, so I guess figuring out,
8 keeping those two goals intact, all the comments that I
9 heard and what can we do with the resources we have now
10 would be the goal for a presentation at the next
11 meeting.

12

13 MR. ROSENBERG: May I make one more
14 comment.

15

16 CHAIRMAN ALCORN: Please do.

17

18 MR. ROSENBERG: I think we also need to
19 keep the proposer in mind so it doesn't become so
20 onerous for someone to submit a proposal. I mean Steve
21 had the resources obviously to come down here to this
22 meeting, he came to our last meeting. There's a lot of
23 people out there that may not be able to do that, but
24 still may have some legitimate proposal that they would
25 like to introduce. They may not have the resources to
26 track this thing for a year and a half and keep on top
27 of it and so on and so forth. So I just think we have
28 to give some thought to people that are submitting
29 these proposals, especially in terms of enabling anyone
30 out there to be able to submit a proposal. They have
31 the right to do that.

32

33 CHAIRMAN ALCORN: Thank you. Taqulik.

34

35 MS. HEPA: Yeah, just one thing that I
36 appreciate through the Alaska Board of Game proposal
37 process is after the Staff analysis and their
38 discussion we usually get a phone call from one of the
39 Staff members saying, you know, they've talked about
40 it, there's reasons why we can't support it as written,
41 but can you consider this. So we have that type of
42 open dialogue before the Board of Game meeting to see
43 if we could come to resolution. So that might be very
44 helpful too. With some of the recent proposals that we
45 had would be a good example. We can't support it the
46 way that it's written, but can you consider this.

47

48 CHAIRMAN ALCORN: Okay. We have a
49 suggestion from our executive director. Does anyone
50 have a different perspective or are we all supportive

1 of that approach? Okay. We'll do that and we'll ask
2 Donna and Crystal to work and Crystal said that she
3 would work with both the State and the Native Caucus as
4 well to get input and see if we can come back with sort
5 of a revised approach.

6
7 I would also like to see us continue to
8 pursue this if there is a way to get adequate staffing
9 and capability to do this simply because I'm
10 dissatisfied with the current process. I think it was
11 a train wreck ready to happen and it happened and we
12 all are dealing with that even today.

13
14 Okay. Let's move on to the next item.
15 Let me ask Donna, do we have to be out of this room at
16 5:00.

17
18 MS. DEWHURST: Not that I'm aware of.

19
20 CHAIRMAN ALCORN: I was hoping you'd
21 say yes.

22
23 (Laughter)

24
25 CHAIRMAN ALCORN: Go find out.

26
27 MS. HEPA: And all his equipment, so we
28 have to keep that in mind.

29
30 CHAIRMAN ALCORN: We have what?

31
32 MS. HEPA: All his equipment has to be
33 out of here by 5:00.

34
35 CHAIRMAN ALCORN: Nathan, are you off
36 the clock at 5:00? Is that what I'm hearing?

37
38 REPORTER: Sure. Yes.

39
40 (Laughter)

41
42 CHAIRMAN ALCORN: New business, Item
43 11. Follow-up items from the spring gathering. Is
44 there someone that wants to report this out.

45
46 UNIDENTIFIED VOICE: It's in your book.

47
48 CHAIRMAN ALCORN: From the spring
49 gathering? Was there any action items for the Council
50 other than those four task forces? That's the only

1 action items? Okay. So not necessary then. Okay.
2 11(b), the harvest survey review. Russ, do you feel
3 like stepping up to the mic and providing an update on
4 that.

5
6 MR. OATES: Russ Oates, Fish and
7 Wildlife Service. Yeah, we could do this a couple of
8 ways. We could do the full version or we could do the
9 short version.

10
11 MS. HEPA: I think we need to get right
12 to the point.

13
14 CHAIRMAN ALCORN: Go for the short
15 version.

16
17 MR. OATES: Okay. In your folders,
18 you'll find the draft scope of work that Fred's shop
19 and my shop have been working on passing back and forth
20 and that is a draft still. There have been some fairly
21 substantial changes, I believe, since the last version
22 and I haven't had a chance to review it, so I don't
23 know where we are yet right now on it.

24
25 CHAIRMAN ALCORN: Russ, can I interrupt
26 you for a second. Do we have a report from Donna? I'm
27 sorry.

28
29 MS. DEWHURST: Yeah, it's a little
30 panicky. The lady at the front said the building gets
31 locked down at 5:00. We have to have all our stuff out
32 of here by 5:00 o'clock.

33
34 MS. HEPA: I told you.

35
36 MR. ROSENBERG: Tell Russ thank you.

37
38 (Laughter)

39
40 MS. DEWHURST: I'm sorry. Nobody
41 mentioned that to me before.

42
43 CHAIRMAN ALCORN: All right. This man
44 was up early this morning working on this.

45
46 MR. OATES: I'll cut to the chase.
47 We're going to proceed and I think it's going to be a
48 close approximate of what we've been talking about for
49 the last year. We kind of stalled out for a while, but
50 I think we're back going again. So I think we're going

1 to proceed and the scope of work is going to go out
2 very soon and hopefully we'll have a technical group up
3 and running by summer or fall. That's the hope.

4

5 CHAIRMAN ALCORN: Patty.

6

7 MS. BROWN-SCHWALENBERG: Since we
8 haven't had a chance to
9 really look at this, can we call you with questions or
10 comments?

11

12 MR. OATES: Well, I haven't really had a
13 chance to review this version of it and it's changed
14 structurally substantially. I haven't reviewed the
15 content yet, but I got it about a week ago and I
16 haven't had a chance. Yeah, you could call me. I
17 don't know that I'll have all the answers, but I'll do
18 the best I can.

19

20 CHAIRMAN ALCORN: Both Donna and Russ
21 are working on this.

22

23 MR. OATES: And Eric and Fred and.....

24

25 MR. ROSENBERG: When do you guys hope
26 to have this out by?

27

28 MR. OATES: FBMS. I need about two
29 hours to read it and comment on it.

30

31 CHAIRMAN ALCORN: We have a deadline of
32 early July that it has to be out.

33

34 All right. This takes us to adjourn --
35 we have invitation for public comments. Anybody have
36 anything to say.

37

38 (No comments)

39

40 CHAIRMAN ALCORN: Nothing. All right.
41 Thank you very much. Thank you for your patience. I'm
42 going to call this meeting adjourned.

43

44 (Off record)

45

46 (END OF PROCEEDINGS)

