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VOLUME I

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

FALL MEETING

ANCHORAGE, ALASKA

SEPTEMBER 29, 2010

Members Present:

Myron Naneng, Association of Village Council Presidents
Chair

- Dan Rosenberg, Alaska Department of Fish and Game
- Russ Oates, U.S. Fish and Wildlife Service
- Mike Pederson, North Slope
- Patty Brown-Schwalenberg, Chugach Regional Resource Commission
- Enoch Shiedt, Maniilaq Association
- Olga Rowland, Sun'aq Tribal
- Molly Chythlook, Bristol Bay Native Association
- Joeneal Hicks, Copper River Native Association
- Sandy Tahbone, Kawerak, Incorporated
- Peter Devine, Aleutian/Pribilof Islands

Fred Armstrong, Executive Director

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(P R O C E E D I N G S)

(Anchorage, Alaska - 9/29/2010)

(On record)

CHAIRMAN NANENG: We'll go ahead and call the meeting to order. The time now is 9:01 a.m. and everybody has been noticed of this meeting in time. We'll start off with a moment of silence.

(Moment of silence)

CHAIRMAN NANENG: We'll go on to Item 2, seating of alternates. Fred, do you have alternates?

MR. ARMSTRONG: Thank you, Mr. Chair. We have Olga Rowland from the Sun'aq Tribe of Kodiak. She is a designated representative replacing John Reft. Her alternate is Mitch Simeonoff. They're both here. We have from the State of Alaska Dan Rosenberg as the alternate for Dale Rabe and Russ Oates as the alternate for Doug Alcorn.

CHAIRMAN NANENG: I believe, for the record, we need to have a motion to seat the alternates.

MS. TAHBONE: Make a motion to seat those stated by Fred, including Mike Pederson for North Slope.

CHAIRMAN NANENG: Is there a second.

MS. CHYTHLOOK: Molly Chythlook. I'll second that motion.

CHAIRMAN NANENG: Motion made and seconded. All in favor say aye.

IN UNISON: Aye.

CHAIRMAN NANENG: Those opposed say no.

(No opposing votes)

CHAIRMAN NANENG: Motion carried. The alternates are seated. With that we'll go ahead and do the roll call.

1 MR. OATES: So the new guy gets to do
2 the roll call, huh? Okay. The Association of Village
3 Council Presidents.
4
5 MR. NANENG: Here.
6
7 MR. OATES: Bristol Bay Native
8 Association.
9
10 MS. CHYTHLOOK: Here.
11
12 MR. OATES: Chugach Regional Resource
13 Commission.
14
15 MR. ARMSTRONG: Mr. Chair. Patty
16 called and she'll be arriving a little bit late.
17
18 MR. OATES: Copper River Native
19 Association.
20
21 MR. HICKS: Here.
22
23 MR. OATES: Kawerak, Incorporated.
24
25 MS. TAHBONE: Sandy Tahbone for
26 Kawerak.
27
28 MR. OATES: Southeast Alaska
29 Inter-tribal Fish and Wildlife Commission.
30
31 (No response)
32
33 MR. OATES: Anybody know anything about
34 them?
35
36 MR. ARMSTRONG: No. Mr. Chair, we're
37 going to have to take action to -- Donna, if you could
38 come to the mike and explain Southeast situation,
39 please.
40
41 Thank you.
42
43 MS. DEWHURST: Donna Dewhurst, Fish and
44 Wildlife Service. As per the motion from the last
45 meeting, we are in the process of working with
46 contracting and advertising for a new partner. The
47 advertisement will probably go on to grants.gov in the
48 next week and we'll be advertising it. I think it's 60
49 days. And working with CCTHITA has expressed interest.
50 I haven't heard from anybody else.

1 MR. OATES: Aleutian/Pribilof Island
2 Association.
3
4 MR. DEVINE: Here.
5
6 MR. OATES: Sun'aq Tribe of Kodiak.
7
8 MR. ROWLAND: Here.
9
10 MR. OATES: Maniilaq Association.
11
12 MR. SHIEDT: Attamuk, Enoch Shiedt
13 here.
14
15 MR. OATES: North Slope Borough.
16
17 MR. PEDERSON: Present.
18
19 MR. OATES: Tanana Chiefs Conference.
20
21 (No response)
22
23 MR. OATES: He was here yesterday.
24
25 CHAIRMAN NANENG: He's not here right
26 now.
27
28 MR. OATES: Okay. U.S. Fish and
29 Wildlife Service. I'm here. Alaska Department of Fish
30 and Game.
31
32 MR. ROSENBERG: Present.
33
34 CHAIRMAN NANENG: We do have a quorum.
35 Let's go around from the back and start introducing
36 yourself. The guests first. Bob.
37
38 MR. TROST: Bob Trost. I'm with Fish
39 and Wildlife Service and I'm the Pacific Flyway
40 representative.
41
42 MR. TAYLOR: Good morning. I'm Eric
43 Taylor. I'm with Fish and Wildlife Service in the
44 Migratory Bird Division here in Anchorage.
45
46 MR. YOUNG: Good morning. I'm Gary
47 Young with the Office of Law Enforcement here in
48 Anchorage, Alaska for the U.S. Fish and Wildlife
49 Service.
50

1 MR. BORTNER: I'm Brad Bortner. I'm
2 chief of Migratory Birds for Region 1 of the Fish and
3 Wildlife Service in Portland, Oregon.
4
5 MR. ANDREW: Good morning. Timothy
6 Andrew with Natural Resources with AVCP.
7
8 MS. DEWHURST: Donna Dewhurst, Staff to
9 the Council.
10
11 MR. BACON: Joshua Bacon, North Slope
12 Borough, Department of Wildlife Management.
13
14 MR. DYASUK: Jon Dyasuk, Togiak Refuge,
15 U.S. Fish and Wildlife Service.
16
17 MR. SCHAMBER: Jason Chamber, Alaska
18 Fish and Game.
19
20 MR. PETRULA: Mike Petrula, Alaska
21 Department of Fish and Game.
22
23 MR. KRAEGE: Don Kraege, Washington
24 State Department of Fish and Wildlife in Olympia,
25 Washington.
26
27 MR. YPARRAGUIRE: Dan Yparraguire,
28 California Fish and Game, Sacramento, California.
29
30 MR. ANGLIN: Ron Anglin, Oregon
31 Department of Fish and Wildlife, Wildlife chief in
32 Oregon, Flyway Council rep and also Council
33 representative to the AMBCC.
34
35 MR. MATHEWS: Vince Mathews, Yukon
36 Flats Refuge.
37
38 MS. GOLIA: I'm Annie Golia, BBNA
39 Natural Resources Program assistant.
40
41 MR. SIMEONOFF: Good morning. I'm
42 Mitch Simeonoff from the village of Akhiok on Kodiak
43 Island.
44
45 MS. ROWLAND: Olga Rowland, Old Harbor
46 Tribal Council, Sun'aq representative to the Alaska
47 Migratory Bird Co-Management Council.
48
49 MS. TAHBONE: Sandy Tahbone, Kawerak
50 rep.

1 MR. SHIEDT: Attamuk, Enoch Shiedt,
2 Maniilaq Association, subsistence coordinator.
3
4 MS. CHYTHLOOK: Molly Chythlook, BBNA,
5 Bristol Bay Native Association, Bristol Bay rep.
6
7 MR. MAYO: Randy Mayo, Stevens Village
8 tribal government and Tanana Chiefs representative,
9 tribal council member.
10
11 MR. OATES: Russ Oates, U.S. Fish and
12 Wildlife Service, Chief of Division of Migratory Bird
13 Management.
14
15 MR. ROSENBERG: Dan Rosenberg, Council
16 representative from the Alaska Department of Fish and
17 Game.
18
19 MR. NANENG: Myron Naneng with AVCP out
20 in Bethel and also chairman of the Waterfowl
21 Conservation Committee.
22
23 MR. ARMSTRONG: Good morning. I'm Fred
24 Armstrong, the executive director for the Council.
25
26 MR. DEVINE: Peter Devine from Sand
27 Point. I represent Aleutian/Pribilof Region.
28
29 MR. HICKS: Joeneal Hicks, Copper River
30 Native Association, Copper River, AHTNA Region.
31
32 MS. BROWN-SCHWALENBERG: Patty Brown-
33 Schwalenberg, Chugach Regional Resources Commission
34 representative for the Chugach Region.
35
36 MR. PEDERSON: Mike Pederson, North
37 Slope Borough, Department of Wildlife Management
38 representing Arctic Slope. I'm also the alternate for
39 Taqulik Hepa.
40
41 CHAIRMAN NANENG: We have the recording
42 secretary in the corner, too, so he's keeping notes of
43 everything we say. For the record, let's reflect that
44 Randy Mayo and Patty Brown are here.
45
46 Item No. 5, the adoption of the agenda.
47 This is an opportunity for members to add to the agenda
48 before we adopt it to be official. Go ahead.
49
50 MR. OATES: Yes, Mr. Chairman. I'd

1 like to make an addition to the agenda. Dr. Robert
2 Trost, the Pacific Flyway representative from the Fish
3 and Wildlife Service is here and he'd like to provide a
4 brief update on the status of the supplemental
5 environmental impact statement with regard to hunting.

6
7 CHAIRMAN NANENG: Would that be under
8 old business or new business?

9
10 MR. OATES: I think that's old business
11 because we've talked to this group about it in the
12 past.

13
14 CHAIRMAN NANENG: Okay. We'll put it
15 down as Item F. Any other.

16
17 MR. PEDERSON: Mr. Chairman.

18
19 CHAIRMAN NANENG: Go ahead.

20
21 MR. PEDERSON: On the agenda I'd like
22 to ask under new business that we delete Item No. A,
23 harvest survey methodology. Do we need to shift
24 direction?

25
26 CHAIRMAN NANENG: Okay. Request to
27 delete Item A. Go ahead, Patty.

28
29 MS. BROWN-SCHWALENBERG: Can I ask why?

30
31 MR. PEDERSON: After talking about this
32 and hearing about this, although I wasn't here
33 yesterday afternoon, I was briefed on it and having
34 been a member of the Harvest Survey Committee for
35 several years and working on the new harvest, the
36 revised current harvest survey that's been implemented
37 in 2010 and there's a lot of people in this room who
38 have worked with us on that. The objective of the
39 survey is to get baseline information on harvest and is
40 not designed to produce good harvest estimates of
41 species uncommonly harvest. The good estimates of
42 community harvested birds won't be attainable with a
43 specialized survey targeting specific species of
44 interest. I think there will be a loss of local buy-
45 in. There will be a loss of local ownership of the
46 results if the survey is outside the current AMBCC
47 process.

48
49 It's disappointing that the Fish and
50 Wildlife Service, Migratory Bird office circumvented

1 the current AMBCC Harvest Survey Program and
2 development of an entirely new survey without
3 involvement of the AMBCC and with no communication or
4 consultation with local communities where surveys take
5 place.

6
7 The Migratory Bird Office is suggesting
8 withholding funding for the survey and shutting down if
9 they don't get what I presume is their way. That's not
10 appreciated. These things will increase distrust of
11 Fish and Wildlife Service, the Migratory Bird Office,
12 especially by the North Slope representatives because
13 our relationship is already strained. Our position is
14 that any changes made to the current survey should be
15 made through the current working AMBCC processes.

16
17 CHAIRMAN NANENG: Russ.

18
19 MR. OATES: Yes, Mr. Chairman. I
20 appreciate Mike bringing his concerns here to the
21 table, but I think the discussion as proposed will
22 address some of those concerns and I think it
23 reinforces the need for us to have this discussion.

24
25 CHAIRMAN NANENG: Thank you. Yesterday
26 we had a discussion on this agenda item in the working
27 session and we were trying to postpone it to today's
28 session so that we would have an opportunity to have
29 public comments. We made our comments yesterday and
30 I'd like to be able to put this on the agenda so that
31 our position will be well stated on record. So if
32 there's no objections from the rest of the Alaska
33 Migratory Bird Co-Management Council, I'd like to have
34 this agenda item still in place because, Mike, we did
35 express the same concerns that you had during the work
36 session, but we need to have them on record.

37
38 So, if there's no objections, if we can
39 keep this agenda item, let them make the report and
40 then we can make our comments officially on record of
41 why we're opposing it.

42
43 MR. PEDERSON: Thank you, Mr. Chairman.
44 Then I withdraw my motion.

45
46 CHAIRMAN NANENG: Okay. Motion has
47 been withdrawn. Any other agenda items. Patty.

48
49 MS. BROWN-SCHWALENBERG: Mr. Chairman.
50 I would like to provide a report on the Izembek EIS,

1 but I would also request to do that after lunch. I
2 have some handouts, but they're at my office.

3

4 CHAIRMAN NANENG: Okay. Any other
5 agenda items.

6

7 MR. ARMSTRONG: Mr. Chair. There are
8 three items that are similar in nature and cover
9 similar topics. Item A under old business. Item E,
10 the overview of the Section 7 process. Item E in the
11 new business, endangered species section. The
12 executive committee felt that we could combine all them
13 three into one. Is that still going to move forward?

14

15 CHAIRMAN NANENG: Yes. Okay, Item A on
16 the old business, the regulations, and Item E on old
17 business and Item E on new business. Those two should
18 be combined. Those are ones that we discussed to put
19 forward because I think that part of the report that
20 you have on EIS on Izembek may fall into that. The
21 endangered species status in Section 7 are ones that --
22 as well as the overview of Section 7 process and how it
23 applies to AMBCC are two similar items. So if there's
24 no objections, Item E on old business and Item E on new
25 business will be combined.

26

27 MR. SHIEDT: I'll second. Attamuk.

28

29 CHAIRMAN NANENG: Any other agenda
30 items.

31

32 (No comments)

33

34 CHAIRMAN NANENG: If not, entertain a
35 motion to accept the amended agenda.

36

37 MR. HICKS: I so move, Mr. Chair.

38

39 CHAIRMAN NANENG: Motion made by Joe.
40 Is there a second.

41

42 MS. CHYTHLOOK: Molly Chythlook. I'll
43 make that motion. Oh, somebody made -- sorry.

44

45 CHAIRMAN NANENG: Yeah. Joe made that
46 motion. I think for the record we need to identify who
47 made the motion.

48

49 MR. HICKS: Joeneal Hicks, Copper River
50 Native Association.

1 CHAIRMAN NANENG: Joe made that motion.
2 Is there a second.

3
4 MS. TAHBONE: Discussion. Sorry, Mr.
5 Chairman.

6
7 CHAIRMAN NANENG: Okay. Is there a
8 second. You second for discussion?

9
10 MS. TAHBONE: Sandy Tahbone. Second
11 for discussion. We need to include committee reports.

12
13 CHAIRMAN NANENG: We can put that down
14 under new business as new committee reports if there's
15 no objections to that. Make it Item G.

16
17 MR. ARMSTRONG: Mr. Chair. May I ask
18 of Sandy, would you like that up earlier because of
19 some of the issues that relate to the survey.

20
21 MS. TAHBONE: I think it would be wise.
22 We should have all our reports prior to old business.

23
24 CHAIRMAN NANENG: So the committee
25 reports you'd like to have prior to Item 9?

26
27 MS. TAHBONE: Correct, Mr. Chair.

28
29 CHAIRMAN NANENG: So we'll put it under
30 8, committee reports. No objection from the rest of
31 the Council?

32
33 (No comments)

34
35 CHAIRMAN NANENG: If there's no
36 objections, we'll go ahead and move that up as an
37 agenda item, committee reports. So a motion has been
38 made to include that. If there's no objections, we'll
39 go along with the agenda as amended.

40
41 (No comments)

42
43 CHAIRMAN NANENG: So if there's no
44 objections we'll go on to Item Number 6, the approval
45 of the April 21-22 action items report.

46
47 MS. CHYTHLOOK: Mr. Chair. For the
48 record, we're going to keep the agenda open-ended so
49 that if by chance we need to add an agenda item or
50 topic we can as we go.

1 CHAIRMAN NANENG: I leave it up to the
2 desire of the rest of the Council. If there's no
3 objections, we can keep it open.
4
5 MS. CHYTHLOOK: An open-ended agenda.
6
7 CHAIRMAN NANENG: Yes.
8
9 MS. CHYTHLOOK: I so move.
10
11 CHAIRMAN NANENG: Motion made.
12
13 MR. DEVINE: Second.
14
15 CHAIRMAN NANENG: Seconded. Any
16 objections.
17
18 (No comments)
19
20 CHAIRMAN NANENG: So we'll keep it an
21 open-ended agenda for the AMBCC today. With that we'll
22 go back to Item Number 6. I do believe we've had an
23 opportunity to take a look at the reports that were
24 provided to us yesterday by our Staff. If you want to
25 review each one of the action items, that will be fine,
26 but we have it before you.
27
28 MR. PEDERSON: Mr. Chair. I'd like to
29 move to approve the action items from the April 21-22
30 AMBCC meeting.
31
32 CHAIRMAN NANENG: Motion made. Is
33 there a second.
34
35 MS. CHYTHLOOK: Molly Chythlook. I'll
36 second that motion.
37
38 CHAIRMAN NANENG: Any discussion.
39
40 (No comments)
41
42 CHAIRMAN NANENG: If there's no
43 discussion and no objections to accepting the report,
44 all in favor say aye.
45
46 IN UNISON: Aye.
47
48 CHAIRMAN NANENG: Those opposed say no.
49
50 (No opposing votes)

1 CHAIRMAN NANENG: Motion carried. Item
2 Number 7 then, regional reports. We'll start off with
3 Olga. Is there any reports from your region?

4
5 MS. ROWLAND: No, I don't have any
6 reports at this time other than myself and Mitch are
7 just getting on board with this. Thank you.

8
9 CHAIRMAN NANENG: Sandra.

10
11 MS. TAHBONE: Sandra Tahbone. I'll
12 just give a really brief report. We've been pretty
13 busy, but we've had some really tough times with our
14 staff. We've had some pretty major illnesses, so we
15 were really excited to have additional staff brought on
16 board, but unfortunately we were back down to two and
17 then one since our last meeting in April, but I'm happy
18 to report that we're back to three, so hopefully we'll
19 be able to get things moving. Our next scheduled
20 meeting for the Bering Strait/Norton Sound Migratory
21 Bird Council is November 17-18 in Nome. We've
22 completed the framework for the migratory bird tribal
23 ordinance and the council will be reviewing that at
24 that meeting.

25
26 We were also involved with the effort
27 regarding the Duck Stamp amendment, those issues, and
28 the Alaska State license requirements. We've been
29 really involved also with the secretarial review of the
30 subsistence program. I'm sure everybody else in here
31 has been pretty involved with that process as well.
32 Also with the Bering Sea trawl fishery effort, we've
33 been involved with that.

34
35 We continue to try to develop our
36 education outreach program. I had a good meeting with
37 U.S. Fish and Wildlife Service folks and we did put
38 together a draft program, but unfortunately we weren't
39 able to see that program come together. We really need
40 to be able to identify a coordinator to push that
41 effort forward. So I would encourage when we get down
42 to our budgeting line item that we can maybe have those
43 types of discussions.

44
45 Thank you, Mr. Chair.

46
47 CHAIRMAN NANENG: Thank you. Enoch.

48
49 MR. SHIEDT: Attamuk, Maniilaq
50 Association. I have nothing much to report. I was

1 away. I'm back, but I've been working with our hunters
2 on outreach on issues of migratory birds, especially
3 from the Slope, because we do see the eider ducks when
4 I went to Kivalina across the bay to our camp.
5 Otherwise everything is okay.

6
7 MS. CHYTHLOOK: Molly Chythlook,
8 Bristol Bay Region. I've got a written report that was
9 handed out. I think there's extra ones here at the
10 table. We had our regional meeting September 20th.
11 You can see it on the report here the agenda items that
12 were discussed. You also see the YKC yearly meeting
13 schedules. We just had our fall meeting and then we'll
14 have our spring meeting in March. Of course, the duck
15 stamp issue came up and we had one of our Togiak
16 National Wildlife person come in and give us an update
17 on that.

18
19 When we have our regional meetings to
20 encourage our regional reps to give reports regarding
21 their observations of migratory birds and other
22 resources, I developed a little questionnaire because
23 if they don't have anything to kind of follow their
24 train of thought, normally they'll just say our hunting
25 went okay and then you normally don't give a report.
26 So when you look at the written report you'll see areas
27 that the regional reps covered in their regional
28 reports and I jotted them down. You can just read the
29 regional report that I have and if you have any
30 questions, I'll be available.

31
32 Thank you.

33
34 CHAIRMAN NANENG: Randy.

35
36 MR. MAYO: Yeah, this is my second
37 meeting here and I officially have become the Tanana
38 Chiefs Conference regional representative to this
39 Board. We up in our region have been getting organized
40 and shifting our attention back to the tribal
41 representation and turning that perspective around. I
42 noticed in the executive director position write up and
43 report it kept referring to Native organizations and
44 Native groups, but we all have to realize that Native
45 organizations and Native groups are made up of tribal
46 governments and that we do have consultative status
47 with the Fish and Wildlife Service and somewhat of that
48 Federal Indian recognition.

49
50 So we have been working in our region

1 within to look at re-tribalizing our organization and
2 utilizing some of our trust, what little we have left
3 here, as Federally-recognized tribes in regards to
4 issues of hunting and fishing even though those rights
5 have been diminished throughout, you know, two pieces
6 of major legislation. It really put us in an advisory
7 capacity and the playing field is far from level here.
8

9
10 In our region, the communities are
11 getting really impacted now and we're realizing now
12 that this advisory capacity system is obviously to our
13 great disadvantage here. So those are some of the long-
14 term thoughts that we're trying to instill in the
15 upcoming leadership generation amongst our people.
16

17 Even though there's a lot of
18 deficiencies that we come to these forums here and try
19 to participate as Native people and subsistence hunters
20 and coming up against the partnership like at this
21 table, the State and Federal components, who base their
22 work on scientific, Western biological baseline data
23 work and come up with formulations.
24

25 We come here as Native people. You
26 know, I'm the representative for TCC, but I'm also a
27 tribal government council member and former president
28 of a Federally-recognized tribe. So these are some of
29 the trains of thought going on in our region that
30 people are realizing that we need to exercise our
31 tribal sovereignty despite legislation like Native
32 Claims Settlement Act and the different titles of
33 ANILCA.
34

35 Even though this is an advisory
36 committee I agreed to participate because I wanted to
37 further tribal sovereignty despite the legislation that
38 puts us in an advisory capacity to get that back up at
39 the forefront where it belongs.
40

41 So the short term in our region is to get
42 organized, get the bona fide tribal leadership back at
43 the table despite the obstacles of minimal funding and
44 we're spread out in our region trying to bring it back
45 together under the tribal flag here.
46

47 So in the long run, participating in
48 the secretarial review and some of those long term
49 efforts to re-tribalize and put the tribal governance
50 back where it belongs. People see what's going on
51 nationwide and it doesn't look very good for the tribal

1 governance with what's going on in the local senate
2 races and whatnot.

3
4 I just wanted to speak to the
5 disadvantage we're at like in regards to the harvest
6 survey. I wanted to speak to that a little later. Up
7 in our region for many years our tribal government had
8 started gearing up our young people to be the survey
9 takers in our community for the reason that the State
10 and Federal entities coming from without the community
11 will never ever get the real numbers because it doesn't
12 come from within the community. Being in the advisory
13 system, yeah, sure some agreements have been made, but
14 those agreements weren't made equally. It was just the
15 Native people volunteer and to agree with some of these
16 things.

17
18 Those are just some of the things we're
19 working on in our region.

20
21 Mr. Chair.

22
23 CHAIRMAN NANENG: Thank you, Randy.
24 Mike.

25
26 MR. PEDERSON: Our Regional Council
27 meeting met on September 8 and 9 in Kaktovik. Fred was
28 there as well as representatives from the Fairbanks
29 office. So for two days we mostly discussed migratory
30 bird issues. We heard about the 2011 regs. We had a
31 report from Fred on the workings of the AMBCC. We
32 approved the 2008 preliminary harvest estimates for our
33 region. We had to delay that from our last two
34 meetings because we basically ran out of time in our
35 previous meeting, so we finally were able to adopt the
36 2008 numbers.

37
38 We had a presentation on the Section 7
39 consultation process and how that affects our region
40 with additional conservation measures. We had a report
41 of outreach efforts from the Fairbanks office and a
42 brief report on Eider stuff from David Safine and
43 Neesha and Ted was there to ask some questions about
44 concerns that were brought up at the meeting.

45
46 One of our regional reps made a motion
47 for us not to deal with migratory bird issues for up to
48 six months. Since we had migratory bird people there
49 we went ahead and heard all their reports and it was
50 decided we're going to take a little break from

1 migratory bird issues for a few weeks. Our staff is
2 going to regroup and strategize on how to deal with
3 some of the issues that we've been dealing with over
4 the last several years in our region. I just want to
5 thank the rest of the Council members for all their
6 support in the past on some of our issues.

7

8 Separate of that, several duck hunters
9 have come up to me over the past several weeks since
10 the subsistence season ended and reported that they
11 were just not in the mood to go out and hunt birds
12 because of the Duck Stamp issue, so a lot of hunters
13 who normally hunt birds were not -- just didn't want to
14 go out there for fear of getting cited. Some of these
15 hunters were successful whaling captains, so they had a
16 little difficult time in providing for our customary
17 and traditional use of migratory birds. Other than
18 that, I think that covers it from my region.

19

20 Thank you.

21

22 CHAIRMAN NANENG: Patty.

23

24 MS. BROWN-SCHWALENBERG: Thank you, Mr.
25 Chairman. The Chugach Region tribes met in July and
26 the report was given on the progress of the Duck Stamp
27 initiative as well as the effort to increase the
28 subsistence season into the spring and winter. The
29 members present expressed again their concern about the
30 birds coming earlier in the spring and leaving later
31 and not having the opportunity to legally exercise
32 their subsistence hunts while the sport hunt is going
33 on, so we will continue to work on that initiative.

34

35 We discussed the harvest survey program
36 as well as the harvest surveys that were conducted in
37 the Chugach Region this season and it was difficult for
38 one of the communities to find someone to conduct the
39 surveys and we ended up having, I think, Fish and Game
40 come in and actually conduct the surveys on their
41 behalf. It's just such a small sample that they can do
42 in the villages because their populations of households
43 are like 30 households or so that it's not worth
44 someone to take that little bit of time to do those
45 surveys. So it's difficult to find someone to handle
46 that, especially since they don't have a natural
47 resource program or someone on the staff that could
48 assume that as part of their normal responsibilities.

49

50 Also discussed was enforcement and if

1 they were having any issues with enforcement regarding
2 Duck Stamp or any other concerns and there weren't any
3 in the Chugach region, although harvest was down this
4 year.

5

6 Thank you, Mr. Chairman.

7

8 CHAIRMAN NANENG: Joe.

9

10 MR. HICKS: Thank you, Mr. Chair. The
11 Copper River Migratory Bird Committee met on the 21st
12 of September, right after hunting season, and one of
13 our agenda items was to refine our bylaws. As I had
14 reported at the last meeting, we adopted bylaws and at
15 this particular meeting we went and refined some of the
16 issues that might relate to it.

17

18 One of the concerns that popped out of
19 the bylaws it was exactly what is the CRNA role as
20 administrator. In other words, what are they charged
21 with administering. What is their jobs in other words.
22 The issue that actually comes up is funding. After you
23 go through your budget and all that it doesn't leave
24 very much in direct expense for what CRNA can do, such
25 as look for more money in terms of grants. I mean it
26 costs salary and there's only so much money in it. So
27 how do you work around that. Anyway, the direction
28 given -- well, the committee made a direction to the
29 tribal administrator there to seek additional funding.
30 Again, where the salary is going to come from to pay
31 for that I don't know. The request made through me
32 here to increase our funding if you can for the next
33 year if money is available.

34

35 We also talked about the Duck Stamp and
36 there has been some confusion in our area specifically
37 for those that are 60 years and older. In other words,
38 they get a permanent hunting license. What is the
39 requirements? In other words, do they have to get a
40 State tag? Do they have to get a Federal tag? Do they
41 have to have one or either? That question has arose
42 again and I was asked to get clarification on it. So
43 if someone can make note of that and respond when they
44 are able to.

45

46 CHAIRMAN NANENG: I think that's a
47 question right now we can respond to.

48

49 MR. HICKS: Do you want me to finish my
50 report first?

1 CHAIRMAN NANENG: When you're done with
2 your report.

3
4 MR. HICKS: Also we had a youth hunting
5 camp. As you might remember again, at the last meeting
6 we began a youth hunting camp. We budgeted monies for
7 youths to go out with us. Not only to identify the
8 different species of migratory birds, but also to go
9 out during hunting season to learn how to skin, work
10 with caribou, moose, whatever it may be. Hunting camp
11 lasted for five days. There were 14 youths involved in
12 it with four adults. I was one of them. It was very
13 successful. We did get two caribou and we did get our
14 bull moose. So it worked out very good. We budgeted
15 for the same for 2011.

16
17 Lastly, again I had mentioned funding
18 and it was really stressed that we need to take a
19 really good look at it as to how we can get increased
20 funding. Salary-wise is what I'm saying. Who can we
21 get at CRNA, let's say budget 5,000 or something like
22 that so that they can look for additional monies. As I
23 said, the grant is pretty limited. Again, I have to
24 urge the Council here to increase our funding for our
25 area, that would be appreciated.

26
27 Thank you.

28
29 CHAIRMAN NANENG: Molly.

30
31 MS. CHYTHLOOK: Thank you, Mr. Chair.
32 Molly Chythlook. Responding to Joeneal's Duck Stamp
33 confusion, we have the same problem. We've had it --
34 I've been involved with Migratory Bird since I got
35 employed to Bristol Bay Native Association and on a
36 yearly basis it's been like every meeting. The
37 membership of our region is complying with the Duck
38 Stamp until the regulation changes, but where the
39 confusion is all the regulations to obtain a Duck
40 Stamp. So what I've done is I've gotten a hold of Dan
41 Rosenberg to chart out, because people are so visual,
42 and explain how the State and Federal Duck Stamp works.
43 I just talked to him a little bit yesterday and he's
44 having a time doing that. Hopefully he'll have
45 something in draft by spring meeting. If that gets
46 developed, we'll be willing to share whatever gets
47 developed from that.

48
49 Thank you.

50

1 CHAIRMAN NANENG: Maybe we can have
2 regional reports first and we can go back to that
3 question. Yes, Joe.

4
5 MR. HICKS: Mr. Chair. I just wanted
6 to add one more other thing to the Duck Stamp issue.
7 It was also a concern expressed that the State Duck
8 Stamp was not readily available. Although the Federal
9 Duck Stamp were available at the post offices, they
10 were not available at the vender agencies. Also the
11 State stamps, they were supposed to be given to the
12 vendor, but the vendor don't have them on hand. At
13 some locations the Federal Duck Stamp is not available
14 at the post office or it's supposed to be. The State
15 Duck Stamp is not available at the vendor agencies
16 where it's supposed to be. Why the State or the post
17 office can't issue a State Duck Stamp and a Federal
18 Duck Stamp at the same time I don't know. Well, you
19 get what I'm talking about.

20
21 MR. OATES: Mr. Chairman.

22
23 CHAIRMAN NANENG: Can we go back to
24 that question after we do the regional reports?

25
26 MR. OATES: I was just going to try to
27 get some clarification on the problem.

28
29 CHAIRMAN NANENG: I'll make my comments
30 regarding stamps anyway when it comes my turn. Peter.

31
32 MR. DEVINE: Thank you, Mr. Chair. Due
33 to the unavailability of our coordinator, who is in
34 Sweden, we did not have a fall meeting, but we're going
35 to have one as soon as we get back. There was really
36 no issues or concerns in our region except for the
37 Refuge calling when no -- this regulation that we made
38 for Moffet Lagoon, apparently that wasn't clear enough.
39 We closed off the lagoon, but there was some
40 tributaries that we need to list as being closed also
41 just for clarification. We'll put that in a proposal
42 for the spring.

43
44 One of the observations that we've had
45 in the region this year was the Herring Gulls were
46 laying eggs on May 23rd and the Fish and Wildlife
47 Service had a guy go out to the nesting area on August
48 4th and there was Arctic Terns still nesting. Usually
49 those should be the first ones in and gone, but there
50 seems to be a dramatic change in the nesting patterns.

1 There's a couple different colonies in that region.
2 We've got Herring Gulls, we've got Sea Gulls, we've got
3 Arctic Terns, but on August 4th when he was out there
4 everything was still there. You had adults, you had
5 sub-adults running around, you had brand new eggs in
6 the nests. So I don't know if anywhere else in the
7 region is having -- you know, seen this, but something
8 is happening with the birds.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN NANENG: Thank you, Peter.
13 Any regional reports from Fish and Wildlife or the
14 State.

15

16 MR. ROSENBERG: Dan Rosenberg, Alaska
17 Department of Fish and Game. No reports at this time.

18

19 MR. OATES: No reports from Fish and
20 Wildlife Service at this time.

21

22 CHAIRMAN NANENG: Since they're
23 supposed to be at the same equal level with the Alaska
24 Migratory Bird Co-management Council, that's why I
25 asked them if they have regional reports. For the AVCP
26 Waterfowl Conservation Committee regional reports, in
27 April of 2009 we met down in Portland, Oregon and the
28 major topic of that meeting was to discuss and review
29 the YK Delta Goose Management Plan. At that time we
30 negotiated language in there to be inclusive of our
31 villages. If they have any ordinances within their
32 communities regarding migratory bird hunting, that
33 those ordinances also be included where the village
34 takes a pro-active ability to be involved in monitoring
35 of the birds and not just at the regional level.

36

37 The agreement with Fish and Wildlife
38 Service was negotiated for almost a year. We finally
39 had an agreement that was in place of March of 2010 and
40 the language was adopted. I signed in April. Fish and
41 Wildlife Service was ready to sign and then another
42 issue came up with Oregon with Cackling Canada Geese,
43 where the population of Cackling Canada Geese are
44 impacting the farmers down in Oregon. Now we're having
45 to work with them to come up with a committee or
46 working group from our area to work with them on how to
47 deal with the agriculture or goose depredation issues
48 that they have down there. So we will be working with
49 them after our convention next week at AVCP and we'll
50 bring these issues up with many of our people in the YK

1 Delta during our convention.

2

3 The Goose Management Plan from our
4 region we renew every two years and we negotiate any
5 new issues that may come up regarding the migratory
6 birds that we've had issues with since 1984. There's
7 at least six species that we work on for arctic nesting
8 geese and the eider ducks and that we have an agreement
9 under the Goose Management Plan and the Duck Management
10 Plan.

11

12 On the Duck Stamp issues, we've been
13 working with our congressional delegation. Senator
14 Murkowski and Begich were two that introduced
15 legislation to exempt the Native hunters from being
16 required the Duck Stamp, but that proposed legislation
17 was to be referred to the Public Works Committee in the
18 Senate. We haven't heard where that proposed
19 legislation is at at this time. We've tried to work
20 with Fish and Wildlife Service on trying to request
21 that they don't make Duck Stamp requirement a priority
22 for hunters in the YK Delta.

23

24 One of the things I will state to
25 everybody, I was born a subsistence hunter, I will
26 never be a sports hunter, and I never grew up with a
27 Duck Stamp. That's the same sentiment that many of our
28 people have in the YK Delta. Buying a Duck Stamp at
29 \$15 per season, which will only last through half a
30 year or something like that. You'll be required to buy
31 another Duck Stamp before the summer is over and you'll
32 be out 30 bucks. That will be enough to buy at least
33 maybe a box of shells by that time. A box of shotgun
34 shells. Our people's position on that is that if we
35 can find a way to exempt our people from the Duck Stamp
36 requirement, we're going to work our hardest to make
37 that happen.

38

39 On the State hunting license, the State
40 of Alaska is saying that they are managers of the
41 resources during the sports hunting season. How much
42 money have they put back into the migratory bird
43 management other than just collecting licenses or
44 hunting license monies?

45

46 I've worked with waterfowl conservation
47 committees since 1984. The only presence that we have
48 had with the State is their representation at our
49 meeting, yet we've never seen any money put into the YK
50 Delta Goose Management Plan functions as far as I know.

1 As far as I personally know. So if they require State
2 hunting license of our people, they should put money
3 back into helping us managing the resource that we live
4 off of during spring time when they arrive and during
5 the fall time before they leave. That's our position.
6

7 Some of the other issues that we've had
8 to deal with within our region still ongoing is
9 education on lead shots. Some of the villages are
10 still using lead shots because that was the only shots
11 available within their communities. We've tried to
12 work with the vendors in those villages to try and get
13 them to change to steel shots. The majority of the
14 people in the villages would like to comply, but they
15 only buy whatever is available and whatever is cheap.
16 So that's an ongoing issue.
17

18 On the law enforcement issues too,
19 we've had some citations issued within our region. We
20 know of one from this fall where the person was issued
21 a citation for not having a State hunting license and
22 the use of a shotgun that had more shells it can hold
23 and, you know, where the plug may have been taken out
24 and saying it's not complying with whatever rule and
25 regulation that is to have a certain number of shots
26 within your shotgun. So those are some of the new
27 issues that we're having to deal with within our
28 region.
29

30 At times we kind of wonder -- I know
31 that the Federal law enforcement people also are
32 enforcing State hunting laws on Federal lands. More
33 often than not there's agreements between some of our
34 villages and the Federal agencies to do migratory bird
35 studies or monitoring, yet the State comes in during
36 the fall time and say that they're law enforcers. So
37 it kind of creates confusion on many of our people in
38 the YK Delta.
39

40 So those are issues that we're dealing
41 with and I think our efforts should also include trying
42 to have our fall hunt recognized as a subsistence hunt
43 because our people also use the migratory birds during
44 the fall time for subsistence purposes. They don't
45 have seven months out of the year to hunt birds. They
46 only have a very short opportunity, including the 30-
47 day closures that we have to live with within our
48 respective regions.
49

50 So I think we need to work with our

1 congressional delegation and also the solicitor who
2 included the Duck Stamp requirement without
3 consultation with the Alaska Migratory Bird Co-
4 management Council. At times we're put in the position
5 to try and explain to our member villages wide do they
6 include the Duck Stamp requirement in the regulations
7 when it was never agreed to by the Alaska Migratory
8 Bird Co-management Council. So these are some of the
9 issues that we're having to deal with in the YK Delta.
10

11 We had a meeting on Monday at the
12 Waterfowl Conservation Committee. As I stated, we're
13 going to be working with the state of Oregon,
14 Washington on the Cackling Canada Goose issues because
15 apparently the cacklers are now wintering in Oregon.
16 There's not enough rice in California. No, just
17 kidding. So we're having to deal with those population
18 issues that Oregon is dealing with, especially the
19 farmers, but we'd also like to request that if our
20 lands can be monitored within our region, in our
21 respective regions for migratory bird issues, I think
22 that we need to request the other state to work with us
23 to be able to have to monitor those lands as well for
24 the migratory bird issues as well. I know they're
25 trying, but I think that we need to work hard and work
26 together.
27

28 With that, that's the end of my report.
29 Enoch.
30

31 MR. SHIEDT: Yeah, since you mentioned
32 the Cackling Geese, a few of my hunters -- my
33 harvesters, they don't hunt, they harvest the birds,
34 they want me to be involved with our Cackling Geese
35 that migrate to your area and to Oregon. If somebody
36 is going to put it in regulation, they want me involved
37 also. So I want an invitation when you're going to
38 travel. I might not say anything, but I could listen
39 in and report to my people and see what's going on
40 because regulations put in place from an outside area
41 will affect us, so I need to be involved. That's why I
42 was calling you. They want me to be involved.
43

44 CHAIRMAN NANENG: Mike.
45

46 MR. PEDERSON: Mr. Chair. Joeneal
47 brought up a good point on the State licenses. In our
48 region, we've had trouble finding vendors and actually
49 one vendor this year was selling the 2009 license to
50 some people. But one of the things our aerial wildlife

1 biologists did was he let us know that he wasn't able
2 to get out to our communities prior to the beginning of
3 the subsistence hunt to sell the State licenses and he
4 requested to the office of law enforcement that they
5 hold off on enforcing the Duck Stamp issue until he had
6 an opportunity to get out to some of our communities,
7 so the State license too is an issue in our region.

8

9 Thank you.

10

11 CHAIRMAN NANENG: Sandy.

12

13 MS. TAHBONE: We also have a State
14 license issue in our region as well. I kind of did a
15 test run. I called up the local ADF&G office and said,
16 you know, where can I get a hunting license and a
17 Tundra Swan permit. So she put me on hold for a bit
18 and came back on. She said, well, you could just come
19 right down to the office and we'll get you one. I says
20 how about if I'm in Golovin. She put me on hold again
21 and she didn't have a current list of vendors and she
22 thought maybe he's not a vendor anymore, maybe he gave
23 his stuff to somebody else. The information is not
24 even available at the local ADF&G office. There
25 definitely needs to be more -- somebody needs to get on
26 the ball.

27

28 CHAIRMAN NANENG: Randy.

29

30 MR. MAYO: Yeah, Mr. Chair. I recalled
31 one thing in our region we had talked about dealing
32 with the lack of funding and what you mentioned about
33 that funding stream. Even if our people did buy Duck
34 Stamps, what kind of bang are we getting for our buck
35 besides deficient funding so tribal governments can't
36 even participate in the regulatory regime on an equal
37 basis. Not only at that level, but statewide and
38 nationwide. Obviously, when it comes to cultural and
39 spiritual inherent right the term subsistence had been
40 put on it, it's not a funding priority with nationwide.

41

42

43 You know, all of the hunting and
44 fishing and all of the fees collected that get put in
45 the pot, that when it comes to this kind of a work it's
46 not a priority in the way of funding. You know, our
47 region alone, like Joeneal Hicks mentioned, we need a
48 substantial increase. That's one of the things we're
49 looking at, is that funding stream, and how when it
50 comes to exercising our inherent rights it's not a

1 priority in the funding arena.

2

3 Thank you.

4

5 CHAIRMAN NANENG: Thanks. Any other
6 comments from the -- Molly.

7

8 MS. CHYTHLOOK: Molly Chythlook,
9 Bristol Bay. One thing that came out of a meeting
10 outside of our regional meeting was that our
11 subsistence coordinator brought up was that he's
12 invited the Fish and Wildlife Staff, like Fred and
13 Donna or Doug, to our regional meeting and thus far we
14 haven't seen them. I know it's time consuming. I know
15 it's fund related. We had Donna come to our Naknek
16 meeting one time, but it seemed like the Staff is
17 willing to come to our meetings when there's a problem
18 with birds of sorts. When there's no problem, they're
19 too busy, there's no money.

20

21 So, for the record, I'd like to at
22 least -- I've been with BBNA since 2006 and I haven't
23 seen our executive director at our meeting. So it
24 would be good to have our Staff at least come to our
25 meeting to introduce themselves and give us updates of
26 the bird issues.

27

28 I forgot to mention that Lili from Fish
29 and Game came, and I thank her, to explain the new
30 survey that Bristol Bay is going to be involved in in
31 2011.

32

33 Thank you, Mr. Chair.

34

35 CHAIRMAN NANENG: Quyana. Any other
36 comments from the Council members. Enoch.

37

38 MR. SHIEDT: I'd like to make one on
39 the Duck Stamp issue. The Duck Stamp issue should not
40 be for our spring harvest. It should be -- that's what
41 I'm getting from my people also when I met with them
42 and they hardly do any sport hunting in August, but for
43 their spring harvest they shouldn't have to worry about
44 Duck Stamp.

45

46 CHAIRMAN NANENG: Okay, thanks. Any
47 other comments. Sandra.

48

49 MS. TAHBONE: Just one. Within Molly's
50 report she provided regarding the observations of her

1 membership there. I know we do the same thing in our
2 region at our regional meetings. I had made a request
3 to Russ's shop to try to help us develop a format and
4 questions that would be useful to his program. So I
5 would like to have those discussions, maybe think about
6 sending it to the Technical Committee for review and
7 recommendations.

8

9 CHAIRMAN NANENG: Thanks. Any other
10 comments. One of the things that we'll do is that
11 we'll provide a copy of our Goose Management Plan to
12 everyone here so that they can have an idea what AVCP
13 Waterfowl Conservation Committee works with. We've got
14 population objectives and things that we do with Fish
15 and Wildlife Service and State of Alaska and working
16 with Washington and Oregon. I know that it impacts
17 other regions, but we'd like to be able to work with
18 the other regions on some of these waterfowl population
19 concerns. We don't want to be exclusive. We want to
20 be inclusive.

21

22 If there's no other comments, do you
23 have any response to the Duck Stamp question that was
24 raised earlier?

25

26 MR. OATES: Yeah, Mr. Chairman. I'm
27 going to ask our deputy special agent to answer the
28 question about the upper age limit. I know when you're
29 16 you're required to have it, but I don't know the
30 answer to the upper end. Gary Young is our deputy
31 special agent in charge for the region here.

32

33 CHAIRMAN NANENG: Okay, Gary.

34

35 MR. YOUNG: Mr. Chairman. Members of
36 the Commission. Thanks for the opportunity to address
37 you. As to the Duck Stamp, I'm sorry there's still
38 confusion out there. We've tried to work and we will
39 continue to get the correct information to everyone.
40 It is referenced in the spring -- the subsistence book,
41 but to clarify the Federal Duck Stamp is required for
42 anyone 16 years of age or older. There is no maximum
43 age where that stops. The State stamp as well, 16
44 years of age or older. They exempt 60 years of age,
45 veterans, and certain low income individuals from that
46 stamp.

47

48 MR. ROSENBERG: I just want to clarify
49 disabled veterans.

50

1 MR. YOUNG: Yeah, that's correct.
2 Sorry.

3
4 MR. SHIEDT: Enoch Shiedt. How about
5 some, like me, elders that are permanent hunting
6 license? I've got a real strong feeling that the Duck
7 Stamp issue should all fall in freely to come with it
8 because a lot of my older people that aren't working
9 can't afford it. Like Myron said, that's \$30. That's
10 enough feed for a month if you're lucky on harvesting
11 birds, that \$30 you could use somewhere. That Duck
12 Stamp issue should have nothing to do with our spring
13 harvest. That spring harvest is for the Natives, not
14 the sport hunting.

15
16 MR. YOUNG: Yes, sir. I don't disagree
17 with any of your comments except that Federal law
18 requires that stamp to be held by anyone hunting
19 migratory waterfowl after the age of 16.

20
21 MR. SHIEDT: Enoch again. Dan, maybe
22 how should we change the regulation where our elders
23 could get the Duck Stamp freely because it's handed to
24 them under the State. I think the Federal should
25 follow and say the Duck Stamp should be freely at
26 certain age when you've got your permanent hunting
27 license. Permanent means permanent.

28
29 MR. YOUNG: Yes, sir, and I do
30 understand. I would suggest if you're engaged with
31 talks with persons at higher levels than myself that
32 you would bring those concerns as well when you're
33 talking about other Duck Stamp issues.

34
35 CHAIRMAN NANENG: I think this is an
36 opportunity where we can bring it up to our
37 congressional delegation. Also contact like Tom
38 Strickland who was here the month of June, raised the
39 issue of the Duck Stamp with him at the time he was
40 here, so he was going to request the solicitor to
41 review the Duck Stamp requirement. That same letter he
42 stated that the best way to resolve it would be to
43 legislatively fix it, which was introduced by Senator
44 Begich and Murkowski. We don't know the status other
45 than that proposed legislation being referred to a
46 committee. We haven't heard anything beyond that, but
47 we're meeting with Senator Murkowski and Begich next
48 week when they're out in Bethel for AVCP convention, to
49 request an update from both of them.

50

1 MR. SHIEDT: Enoch Shiedt. So maybe a
2 proposal would be a lot stronger if it come from this
3 working group here.

4
5 CHAIRMAN NANENG: Go ahead, Joe.

6
7 MR. HICKS: Joeneal Hicks, Copper River
8 Native Association. You're a Federal representative?

9
10 MR. YOUNG: Yes, sir, that's correct.
11 I am assistant special agent in charge for the Office
12 of Law Enforcement for the U.S. Fish and Wildlife
13 Service.

14
15 MR. HICKS: Just to clarify for myself,
16 you're saying that a person who has a permanent hunting
17 license 60 years of age or older is exempt from the
18 State stamp but not the Federal. Is that a correct
19 statement?

20
21 MR. YOUNG: Yes, sir, that's correct.

22
23 MR. HICKS: Do you know why the post
24 office does not sell a State stamp and a Federal stamp
25 at the same time, or why even a Fish and Game office
26 doesn't have that ability?

27
28 MR. YOUNG: Good question. I know that
29 Federal Duck Stamps have traditionally been sold in the
30 U.S. Post Offices. They are a stamp and, therefore,
31 they will through those post offices. I don't know or
32 am aware of any state where post offices sell State
33 stamps. I can't answer your question very well, no.

34
35 MR. HICKS: Thank you.

36
37 MR. ROSENBERG: Dan Rosenberg, Alaska
38 Department of Fish and Game. There is some problems
39 with the distribution as far as there is no one-stop
40 shopping unfortunately in a lot of places for a Federal
41 stamp, a State stamp and a State license and that has
42 led to some problems.

43
44 One of the solutions that has been
45 discussed is trying to sell these through the village
46 council offices, but that's not a quick fix right now.
47 The State has distributed its stamps, 2010. Last spring
48 was the first year the State had distributed stamps in
49 time for the spring subsistence season to all 192
50 villages and then some of the larger cities and other

1 urban areas also even outside the subsistence zone. So
2 they were supposedly available, although I'm sure there
3 was some confusion in some villages and some places. I
4 don't doubt that at all. I did get reports from people
5 that they could not find stamps and vendors. I did go
6 back and clarify and found that vendors did have
7 stamps, so I'm not really sure where the problems all
8 were, but I don't doubt that there were some problems
9 and we're always working on trying to fix those.

10

11 CHAIRMAN NANENG: Fred.

12

13 MR. ARMSTRONG: As far as the Federal
14 stamp is concerned, I was directed to look into this.
15 The U.S. Post Office has the contract to sell the Duck
16 Stamps for the Duck Stamp Office nationally. We work
17 with the regional office here in Anchorage to ensure
18 there would be adequate inventories on hand at each of
19 the post offices. Unfortunately some of the post
20 masters aren't requesting stamps and an adequate supply
21 of inventory on hand and they run out. They've been
22 given direction to notify the U.S.P.S. regional office
23 and they could re-supply them, but that's still a work
24 in progress. I know that some of the communities are
25 basic similar situations every year. That's the deal
26 with Duck Stamp inventory.

27

28 CHAIRMAN NANENG: Russ.

29

30 MR. OATES: Yeah, Mr. Chairman. Russ
31 Oates, Fish and Wildlife Service. I guess one of the
32 things that we've done in the past is when people have
33 called us and said stamps were not available we've had
34 some shipped out. Any time anybody is aware of a
35 situation where people have sought to purchase Federal
36 Duck Stamps at a post office and they've not been
37 available, it's very helpful to us to let us know so we
38 can try and fix that. I don't know if this moment is
39 the time to do that, but if any of you representing the
40 regions here are aware of recent instances where people
41 sought stamps at a post office or any other vendor
42 that's supposed to carry them, please let us know
43 before this meeting is over so we can begin to address
44 that.

45

46 Thank you.

47

48 CHAIRMAN NANENG: Thank you, Russ. I
49 just want to reiterate one thing. It has been a
50 sentiment of our region and many of our villages. We

1 are subsistence hunters. We are not sport hunters.
2 This Duck Stamp requirement that has been imposed upon
3 us and at the time of the negotiations of the Migratory
4 Bird Treaty Protocol Amendment we did not consider the
5 Duck Stamp to be required and we raised that during the
6 negotiations and they said don't worry about it. It's
7 not going to be imposed upon you when the Migratory
8 Bird Treaty Protocol Amendment is adopted or ratified.
9 Now we're having to deal with it today.

10

11 By the fact that we're asking for Duck
12 Stamps for a spring migratory bird hunt that's been
13 negotiated by treaty between the Native community and
14 the U.S. government, the requirement to have a Duck
15 Stamp does not abide with many of the other treaties
16 that have been made with other Indian tribes. Do they
17 require Duck Stamps in Wisconsin for the treaty tribes?
18 No, they don't. Do they require Duck Stamps with other
19 treaty tribes in other parts of the United States? No,
20 they don't, as far as I know.

21

22 Here we're Alaska Natives and we're
23 working hard to negotiate a treaty to have our spring
24 and summer hunt recognized by the U.S. government and
25 being required to have a Duck Stamp. Are we being
26 singled out from this treaty to be required to have a
27 Duck Stamp? We raised that issue up at the time of the
28 negotiations and to be requesting Duck Stamps for our
29 regions and for our hunters are we giving up our rights
30 to be exempt? I think we've all got to keep that in
31 mind. We're here representing the subsistence hunters
32 from our villages.

33

34 I think that as a treaty that we
35 negotiated and when we were told that it was not going
36 to be a problem and requesting for these to be
37 available, for the treaty rights of our people in the
38 villages, I don't think it's right. I'm not going to
39 give up that right on behalf of my people in the YK
40 Delta. I've even requested to be cited for not having
41 a Duck Stamp because I think that it's not fair to our
42 people, especially after having gone through
43 negotiations over the years to have our spring and
44 summer hunt recognized by the Federal government and
45 the other nations.

46

47 So I just wanted to share that
48 sentiment with all of you just because it's Federal law
49 and imposed upon us when we had requested if there's
50 going to be any future implications on our people and

1 today we're sitting here trying to find ways to address
2 that at the same time trying to get our treaty to be
3 recognized with the U.S. government and being required
4 to have a Duck Stamp. I don't think that's fair to our
5 people in any of our region and any of our villages.
6

7 I just wanted to share that with all of
8 you. I'm not going to request any of our people in the
9 YK Delta to buy Duck Stamps. The Federal law
10 enforcement can come and say that I incited our people
11 not to buy Duck Stamps because I believe that within
12 the treaty our treaty rights of not having been
13 required to have Duck Stamps in the past should be
14 recognized. So that will be my comment.
15

16 MR. SHIEDT: Yeah, he mentioned that
17 he's going to try to get our tribal governments to
18 issue Duck Stamps or have them available for mine. I
19 will write a letter to my tribal governments and my
20 villages not to accept the Duck Stamps to sell because
21 if they make them too available, that's another way
22 they could cite my people. So I'm going to recommend
23 to my village, IRA village and tribal governments.
24

25 CHAIRMAN NANENG: Sandra.
26

27 MS. TAHBONE: A quick question. What
28 types of reports do you folks put together regarding
29 citations? How do you report that information? Do you
30 do one for the spring and for the fall regarding -- do
31 you do anything specific for migratory birds? How do
32 you report your citations or your encounters?
33

34 MR. YOUNG: If a violation notice is
35 issued, that is made a record in a law enforcement
36 database that we maintain within the Fish and Wildlife
37 Service. We don't do specific reports for seasons at
38 the end of the fiscal year, which is the end of this
39 month. We may pull a report to see overall which
40 violations were documented throughout the year, not
41 just migratory -- we can't isolate per violation by
42 law. There's several different search parameters
43 within the database, but we don't normally do anything
44 other than an overall pending report of actions taken
45 throughout the year and that's maintained in an
46 internal database within the law enforcement office.
47

48 MS. TAHBONE: Can we get access to that
49 report?
50

1 MR. YOUNG: If it's a closed document,
2 as part of a closed investigation, they can be obtained
3 through freedom of information requests, yes.

4
5 CHAIRMAN NANENG: Any more questions
6 regarding Duck Stamps or any of the other regional
7 reports.

8
9 (No comments)

10
11 CHAIRMAN NANENG: If there's no
12 questions on Duck Stamps or other comments regarding
13 regional reports, let's take a 10 minute break before
14 public comments.

15
16 (Off record)

17
18 (On record)

19
20 CHAIRMAN NANENG: We're ready to get
21 back into session. Before we get into the public
22 comments I'd like to have Russ introduce someone that
23 works through the SBA.

24
25 MR. OATES: Mr. Chairman, thank you.
26 I'd like to take a moment to introduce and welcome the
27 Fish and Wildlife Service's Native liaison, Crystal
28 Leonetti. Could you raise your hand, stand up and look
29 around. I was just speaking with her briefly and she
30 said she wanted me to tell you all if you had any
31 problems at all with the Fish and Wildlife Service to
32 just give her a call.

33
34 (Laughter)

35
36 CHAIRMAN NANENG: I just want to add
37 that she replaces Carl Jack from our region.

38
39 MS. LEONETTI: It's a new position.

40
41 CHAIRMAN NANENG: It's a new position.
42 So Carl is still there, but he retired?

43
44 MS. LEONETTI: Retired, yes.

45
46 CHAIRMAN NANENG: Carl retired. It
47 seems like they gave her a new title. Okay.

48
49 MS. CHYTHLOOK: Mr. Chair. Could we
50 have her come up to the table and introduce herself and

1 have her tell us what her work is.

2

3 Thank you.

4

5 MS. LEONETTI: Thank you, Mr. Chair.
6 Molly. Thank you, everybody. My name is Crystal
7 Leonetti. My Yup'ik name is Cheskook (ph). I grew up
8 in Homer, Alaska. Born and raised here. My grandma
9 and grandpa are the late Harry Barnes and Daisy Barnes
10 from Dillingham. I came here from USDA Natural
11 Resources Conservation Service as the Alaska Native
12 liaison. I started at U.S. Fish and Wildlife Service a
13 month ago and my job is to administer the tribal
14 wildlife grants, facilitate government to government
15 consultation and advise the Regional Director when the
16 need arises and represent him if he needs me to do that
17 with Alaska Native relations.

18

19 Thank you.

20

21 CHAIRMAN NANENG: Quyana. Any
22 questions for Crystal. Randy.

23

24 MR. MAYO: I failed to ask you if you
25 have any cards, contact numbers.

26

27 MS. LEONETTI: Not yet. But my email
28 address is crystal_leonetti@fws.gov. Leonetti is L-E-
29 O-N-E-T-T-I.

30

31 CHAIRMAN NANENG: Molly.

32

33 MS. CHYTHLOOK: Thank you, Mr. Chair.
34 Crystal met with BBNA Natural Resources Department last
35 week just before the RAC meeting in Dillingham and what
36 she told us was with her job that she was going to be
37 going to different regions, introducing her job in
38 areas and explaining areas where she can help. I thank
39 her for coming to BBNA Natural Resources Department
40 last week.

41

42 It was good. Thank you.

43

44 CHAIRMAN NANENG: Quyana. And thanks,
45 Crystal, for introducing yourself. On the agenda we
46 have invitation for public comments. I'd like to
47 request Sky to come up and give the group an update on
48 what we've been working on with the Duck Stamp issue.

49

50 MR. STARKEY: Thank you, Mr. Chair.

1 Sky Starkey, counsel for AVCP. I just want to provide
2 an update for everyone. I've been trying to keep
3 everybody informed through emails. In April of this
4 year had a meeting with -- Mike Smith was there from
5 Tanana Chiefs and there was some other people there. I
6 can't remember all. We had a meeting with Assistant
7 Secretary Larry Echo Hawk from the Bureau of Indian
8 Affairs and his solicitor Pilar Thomas. She's the main
9 solicitor on Indian Affairs for the Department of the
10 Interior.

11
12 Among the issues that we raised was
13 this issue of Duck Stamps. We requested two things.
14 We requested that the Bureau of Indian Affairs and the
15 Department of Interior support legislation that would
16 make it clear that the Duck Stamp doesn't apply to
17 subsistence hunters in Alaska. Secondly we requested
18 that the solicitor's opinion that seems to require the
19 application of Duck Stamps in Alaska be reviewed.
20 After the meeting I drafted a lengthy and significant
21 legal memorandum to Pilar Thomas laying out all the
22 reasons why I thought and a legal analysis would
23 provide justifications for reviewing the solicitor's
24 opinion.

25
26 The solicitor's opinion, in my view,
27 makes a lot of -- there's a lot of weaknesses and it
28 doesn't look at the Migratory Bird Treaty and the
29 Hunting Act and the right as Indian legislation. It
30 looks at it -- the analysis looked at it as any other
31 statute and applied statutory construction principals
32 that would apply if it was having to do with income tax
33 or something else. When you come with an Alaska Native
34 hunting and fishing right, then you have to apply
35 Indian cannons of construction and if there's any areas
36 where there's uncertainty, the presumption is in favor
37 of the hunting and fishing right.

38
39 Then we also met with Senators
40 Murkowski and Begich and Representative Young, who all
41 were supportive of getting this exemption. I might say
42 that Geoff Haskett was also supportive of getting a
43 review on the solicitor's opinion saying the conflicts
44 that it caused in recognizing the need to at least have
45 a solid opinion on the issue. Subsequently Senator
46 Murkowski and Senator Begich introduced a piece of
47 legislation that would exempt the subsistence hunters
48 from the Duck Stamp Act. It's a very simple amendment.
49 That legislation hasn't gone anywhere, but there's a
50 bill introduced.

1 Then about a month ago we got the news
2 that indeed the Solicitor's Office has agreed to review
3 the opinion. That's good news. It's not often that a
4 Solicitor's Office will agree to review a solicitor's
5 opinion. They tend to give them deference, so it was
6 good and welcome news that it's under review at this
7 point in time.

8
9 So there's two avenues then. If the
10 solicitor's opinion comes out with a review and agrees
11 with the analysis that we did, that the Duck Stamp Act
12 doesn't apply, then that should alleviate any pressure
13 from the Federal enforcement people to at least to
14 enforce the Duck Stamp Act in Alaska. If the
15 solicitor's opinion stands after the review, then we'll
16 need legislation.

17
18 I did want to also mention a couple
19 other things. It would be really good to get some
20 clarity on this whole motion of whether or not the
21 State license or the State Duck Stamp is required for
22 the spring hunt. I have not seen anything either in
23 the regulations from this body or any legal analysis
24 that would require it.

25
26 I will try to do this over lunch, go
27 back and refresh my memory, but it seems to me there
28 were two solicitor's opinions that were written in the
29 history of this body. One of them had to do with the
30 Duck Stamp and two other issues. I think there was a
31 separate one on the issue of State hunting licenses and
32 State Duck Stamps. My recollection is that the
33 solicitor said that State hunting licenses and Duck
34 Stamps were not required and that would make a lot of
35 sense.

36
37 Migratory bird hunting is under the
38 jurisdiction of the Federal government and any State
39 laws have to be consistent with the requirements of the
40 Federal regime. So if the Federal regime doesn't
41 clearly require it, then it would not be clear that the
42 State licenses and Duck Stamps are required. But it
43 would be really good to get it clear.

44
45 I know that in the past -- it seems to
46 me that in the past it has been accepted by this body
47 that State Duck Stamps and licenses are not required
48 but that there should be a system in place that
49 provides a solid form of eligibility require -- showing
50 eligibility or showing that you're eligible and there's

1 a harvest information component to it. I know that in
2 the past the group has looked at something like the
3 SHARC cards that are for the subsistence halibut
4 fishing right, which is really very similar to this.
5 Halibut, like migratory birds, are covered by a Federal
6 treaty, so there is no State jurisdiction over halibut
7 fishing.

8
9 Now there is a -- it's called a tribal
10 rural halibut fishing right, just like migratory birds.
11 For that system a subsistence halibut fisherman is not
12 required to have a State fishing license or any other
13 State permission. What you are required to have is
14 what's called a SHARC card which shows that you're
15 eligible. Either that means you're either a tribal
16 member or you're a rural resident in the communities
17 that are designated rural for the purposes of that law.
18 And it has a reporting requirement which tracks
19 harvest. It seems to me that this body has looked at
20 that as a model that could be applied here to alleviate
21 any unclarity as to whether there needs to be a State
22 hunting license or a Duck Stamp.

23
24 I don't believe this body has ever
25 officially adopted any regulation which requires a
26 State hunting license or Duck Stamp and it may be that
27 because of the composition of the body and the
28 consensus aspect of it all that it would be difficult
29 to adopt regulation that says you don't need one, but
30 if you did have a regulation in place that says what
31 you do need is this registration card and like the
32 SHARC card, then that would be another way to go about
33 it.

34
35 So any of you who are from tribes where
36 there's this halibut right, if this SHARC card is
37 working for you and you feel comfortable with the way
38 the halibut stuff is working, then you might consider
39 that.

40
41 So we'll be in touch. I'll try to keep
42 you all posted as to how the solicitor's review goes
43 and how the legislation continues to progress. I can't
44 remember. It seems to me that all the bills that have
45 been introduced up to this point will die at the end of
46 this Congress and will have to be re-introduced -- is
47 it next year?

48
49 CHAIRMAN NANENG: Bills will stay alive
50 for two years and if there's no action then they die.

1 MR. STARKEY: Yeah, okay. So we'll
2 have to stay on top of that. That would be my report,
3 Mr. Chairman.

4
5 CHAIRMAN NANENG: Thank you, Sky. Are
6 there any questions for Sky. Mike.

7
8 MR. PEDERSON: Not really a question.
9 I just want to thank Sky and AVCP for moving this Duck
10 Stamp forward. I know that it's been a little bit
11 dormant for the last few years, but thanks for making
12 progress.

13
14 CHAIRMAN NANENG: Quyana. Any other
15 questions.

16
17 (No comments)

18
19 CHAIRMAN NANENG: If not, I'd like to
20 thank Sky for making the report and update on the Duck
21 Stamps.

22
23 MR. STARKEY: Thank you.

24
25 MR. SHIEDT: Enoch Shiedt, Attamuk
26 here. I'd like to thank Sky for all his work he did
27 for our people and thank Myron for representing your
28 region. Thanks.

29
30 CHAIRMAN NANENG: Any others who want
31 to make public comments. Tim.

32
33 MR. ANDREW: Thank you, Mr. Chairman.
34 Members of the Co-management Council. For the record,
35 my name is Timothy Andrew. I'm the director of Natural
36 Resources for AVCP. There's several things I'd like to
37 bring up. One, we had a Waterfowl Conservation
38 Committee meeting, as Myron had indicated, on Monday.
39 We had people from the Oregon Department of Fish and
40 Wildlife attend the meeting and they made a request to
41 review the cackler population objectives for the Goose
42 Management Plan. Attamuk earlier had indicated that
43 his hunters up there also rely on the cackler
44 population as well that migrate down into Oregon.

45
46 Perhaps there are other regions that
47 have cackler populations going to Oregon for the
48 winter. We'd like to take those into consideration so
49 that we don't underestimate the subsistence harvest of
50 cacklers as we carry out these meetings with the state

1 of Oregon. We don't want to exclude any other region
2 that may depend on them.

3
4 The other thing about the Duck Stamps,
5 this has been a really contentious issue in our region,
6 as Myron had indicated earlier. When we first got into
7 some situations with Fish and Wildlife and the State
8 wildlife troopers many years back, the spring hunt was
9 not an legal hunt. It was an illegal hunt for us out
10 there and for many of us all throughout the state of
11 Alaska before the Migratory Bird Treaty Protocol
12 Amendment. When you have an illegal hunt, you don't
13 need hunting licenses and Duck Stamps. People continue
14 to believe that to this day that they still don't need
15 hunting licenses and Duck Stamps to harvest waterfowl
16 in the spring.

17
18 I'd like to thank Sky and Myron and all
19 those who have traveled down to D.C. to address this
20 issue with our congressional delegation and also with
21 the Department of Interior as well.

22
23 The other comment I'd like to make is
24 earlier we had heard from Sandra requesting that the
25 Office of Law Enforcement -- about the type of report
26 that they do. I believe it should be a requirement for
27 this body to request law enforcement activity reports
28 from the Office of Law Enforcement and also from the
29 State wildlife troopers as well just to monitor what's
30 going on in various regions and various parts of Alaska
31 during subsistence hunt and also the fall hunt as well.

32
33 Those are my comments. Thank you, Mr.
34 Chair.

35
36 CHAIRMAN NANENG: Quyana. Any
37 questions for Tim. Molly.

38
39 MS. CHYTHLOOK: Molly Chythlook. Thank
40 you. We not only not have law enforcement reports, but
41 we also don't get migratory bird sports hunting reports
42 that I can recall. Maybe we do here and there, but if
43 subsistence harvests are required for reporting surely
44 we need reports of sports hunting also.

45
46 Thank you.

47
48 CHAIRMAN NANENG: Quyana, Molly.
49 Sandra.

50

1 MS. TAHBONE: Yeah, Mr. Chair. I'm not
2 sure if you can answer this. I'm not sure who your
3 chairman is of your committee, but how does the AMBCC
4 work within -- I don't see them as a signatory too, but
5 within our bylaws we're supposed to be part of
6 management agreements, management plans. So where does
7 AMBCC fit in this group?

8
9 MR. ANDREW: I'll leave that to Mr.
10 Chairman to elaborate on.

11
12 CHAIRMAN NANENG: You're putting me on
13 the spot there, Sandra. I'm the chairman of the
14 Waterfowl Conservation Committee for AVCP and sitting
15 today as chairman of the Alaska Migratory Bird Co-
16 management Council. The agreement that you're looking
17 at or the Goose Management Plan that you're looking at
18 was formed back in 1984 and there have been minor
19 changes to it in terms of some languages but the goose
20 populations are the ones that we deal with directly in
21 the YK Delta. I requested yesterday from Fish and
22 Wildlife Service and migratory bird office from Fish
23 and Wildlife to see if we can start including the
24 population numbers of all the other species that are
25 Alaska Migratory Bird Co-management Council may be
26 concerned about, like the Continental Flyway birds.

27
28 The Goose Management Plan that we have
29 specifically are for the Pacific Flyway species, what
30 they call the Pacific Flyways impacted birds that go to
31 Washington, Oregon, California, but we don't have any
32 information regarding the ones that go to mid-
33 continental areas or even the east coast for that
34 matter. I think that maybe if the Alaska Migratory
35 Bird Co-management Council want to be involved or be
36 considered and updated whenever we have our meetings of
37 the WCC, we'll send an invitation. But if we're going
38 to be signing off on the Goose Management Plan, it's
39 got to be inclusive of all the other birds from the
40 rest of the state that other parts of the state utilize
41 for subsistence purposes. I hope I answered your
42 question.

43
44 MS. TAHBONE: I guess the question is,
45 this was a prior -- this committee was in place prior
46 to the formation of AMBCC, so not knowing any history
47 of it. So did the AMBCC through their technical
48 committee receive a recommendation and approve or adopt
49 the plan?

50

1 CHAIRMAN NANENG: No, it has not. The
2 Waterfowl Conservation Committee was formed back in
3 1984 and that was at the time we were concerned about
4 the Cackling Canada Geese population being down to
5 about 24-25,000. Over the years we started including
6 the other four goose species or the other three goose
7 species, the Black Brant, the Emperors and the White
8 Fronts, into our plan because our people in the YK
9 Delta are the ones that were impacted by the
10 conservation plans. Eventually we added the Spectacled
11 Eiders and the Stellar Eiders to our management plan to
12 help rebuild the population as conservation concerns.

13
14 The Alaska Migratory Bird Co-management
15 Council was formed back after 1997, so this document
16 precedes Alaska Migratory Bird Co-management Council by
17 about 15 years. Also one of the objectives that we've
18 had with the policy that was initially indicated in the
19 Goose Management Plan is that we would work towards
20 recognition of the spring and summer hunt of the
21 subsistence hunt because that was one of the first
22 initial steps that we stated within the policy and
23 that's no longer one of the policy statements because
24 the Migratory Bird Protocol Amendment got adopted --
25 ratified in 1997.

26
27 But we still continue to work with the
28 states of Washington, Oregon, California on the four
29 goose species and populations and we exchange
30 information whenever they make requests for increased
31 harvest or other impacts on their lands on the
32 wintering grounds. So it's kind of like a two-way
33 communication document that we have with those states
34 where you see all the signatures being the U.S. Fish
35 and Wildlife Service and their respective regions and
36 the states that are involved down in California,
37 Washington and Oregon. This has been going on since
38 1984.

39
40 We used to have an annual review of the
41 Goose Management Plan. Now it's review of it for every
42 two years. If at some point the Alaska Migratory Bird
43 Co-management Council wants to be involved in our
44 meetings, we will send an invitation, but right now I
45 think that there's a concern about Cackling Canada
46 Geese that we have to address with Oregon and we can
47 invite the members of the Alaska Co-management Council
48 to sit in with us to hear of the concerns that they
49 have that we've been working with them over the years.
50 We've even attended meetings down in California, Oregon

1 and at times at Washington of the Waterfowl
2 Conservation Committee to share in common some of the
3 concerns that we have regarding conservation of these
4 birds.

5
6 So it's up to the Council if they want
7 to be signatories, but I think that if we're going to
8 be signatories let's include all the other species that
9 go to other parts of the continental USA for inclusion
10 if we have to. But this document that AVCP has been
11 working on since 1984 and I think it's been a working
12 document. From AVCP perspective, we're not ready to
13 change or give it up to anybody else because it helps
14 improve communication between the Service and the
15 states that we work with.

16
17 This was one of the original management
18 bodies regarding the four arctic nesting geese even
19 before the management bodies were created with the
20 protocol -- after the protocol amendment was ratified.
21 Sandra.

22
23 MS. TAHBONE: I just get a little
24 confused because it's my understanding it's this body
25 that is charged with developing regulations dealing
26 with subsistence. And then we have this other body
27 that's doing the same thing. How do we fit in this
28 process? The recommendations that are coming out of
29 this group, where do those -- do those recommendations
30 come to us or where do they go?

31
32 CHAIRMAN NANENG: At the time the
33 population objectives were -- if you look on Page 5,
34 population objectives, that was negotiated back in 1984
35 when the plan was called the Hooper Bay Agreement
36 negotiated with the Audubon Society, California,
37 Washington and Oregon. Because of our concerns at that
38 time that the population was down to about 25,000 of
39 Cackling Canada Geese, that's what our people agreed to
40 work towards as a goal to have the numbers go up to
41 250,000.

42
43 White-Fronted Geese, 300,000. That was
44 the original intent of the agreement. Today the White-
45 Fronted Geese number over 400,000. So the numbers have
46 increased substantially, so we're not concerned about
47 the White-Fronted Geese, but we know that California is
48 getting concerned. We're working with them to try and
49 address that.

50

1 The Pacific Black Brant our objective
2 still is 150,000 and we have been working with Fish and
3 Wildlife Service and also California and Mexico to try
4 and increase that as well as the other states where the
5 populations fly through to the wintering grounds as
6 well as to the spring -- their nesting areas and I know
7 that some of the failed nests of Black Brant go all the
8 way up to the North Slope to NPR-A area. The Emperor
9 Geese, we're still working on trying to get that
10 population to increase and people in the YK Delta have
11 substantially reduced their harvest of the Emperor
12 Geese. This document precedes by 15 years what this
13 body is now doing today. I know your question about
14 how can the Alaska Migratory Bird Co-management Council
15 be a party to signing this.

16

17 Fred.

18

19 MR. ARMSTRONG: Thank you, Mr. Chair.
20 The WCC acts as a regional management body. The
21 Pacific Flyway Council uses management plans to manage
22 some of their species. This is a management plan
23 that's worked with the flyway states, so it's separate.
24 AMBCC still has regional regulations and WCC is the one
25 that represents that region. Just like Bering Strait's
26 migratory bird group, the WCC is their regional group,
27 but they're using a management plan with the flyways to
28 work together to increase certain population of geese.

29

30 CHAIRMAN NANENG: Does that answer your
31 question, Sandra?

32

33 MS. TAHBONE: I mean I understand what
34 you're doing, but my question is regarding this body is
35 charged with the development, for recommendations and
36 management plans, so on and so forth. That's our job
37 as the AMBCC. So the question I have is where does
38 this committee -- who do they report to? I mean it's
39 like -- okay, for instance, right now we're looking at
40 -- we're trying to get at the Emperor Goose, developing
41 preliminary harvest regulations. So does that go to
42 this committee? How does it work?

43

44 CHAIRMAN NANENG: We reviewed the
45 proposals that come at the Waterfowl Conservation
46 Committee meetings and we report to our villages what
47 proposals have come forward as adopted by the Waterfowl
48 Conservation Committee. Before this plan is ultimately
49 adopted within our region we presented to all our
50 villages to have them comment and if they have no

1 objections, it's adopted by the region, by the
2 management body. As a management body represented by
3 the Waterfowl Conservation Committee.

4
5 This plan also was included as part of
6 the plan that goes to the Pacific Flyway Council. We
7 work with them to try and reach these objectives and if
8 there's any proposed changes we sit down and negotiate
9 with Fish and Wildlife Service or any other entity
10 within the flyway. Once everybody has had an
11 opportunity to review the Goose Management Plan they'll
12 sign off on it. It took us a little over a year to get
13 this more recent plan in place because we've had a
14 couple of issues.

15
16 One, we want our villages, if it have
17 any ordinances within their villages, to have those
18 ordinances recognized. The other thing too is that as
19 we were going through this latest document Oregon came
20 up with their concerns of wanting to decrease the
21 population objectives, but we're still working through
22 that process. We have not agreed to decrease it, but
23 we're going to be sitting down and working with them to
24 see what we can do to improve or amend the plan, but we
25 need to sit down and work with them.

26
27 If Alaska Migratory Bird Co-management
28 Council wants to say that they want to sign off on this
29 plan, this plan has been in existence since 1984 and I
30 don't think our villages are about to change that.

31
32 MS. TAHBONE: Mr. Chairman. Just one
33 thing further. So is there an overall statewide Goose
34 Management Plan? I guess would be my question to this
35 Council and to the Service.

36
37 CHAIRMAN NANENG: I think there can be,
38 but one of the things that we have not seen is that do
39 we have population information for the other flyways,
40 meaning the Continental or the Eastern Flyway birds.
41 According to the U.S. Fish and Wildlife Service and the
42 State of Alaska and the states that we're working with,
43 if you look at the back of the document it's the
44 Pacific Flyway states that have this agreement. I've
45 requested from Fish and Wildlife Service to start
46 providing information on other species that winter in
47 other areas of the Lower 48. Russ.

48
49 MR. OATES: To answer your question,
50 Sandy, there's not an equivalent to this document right

1 here statewide. The Fish and Wildlife Service does
2 collect information on goose populations in other
3 areas. Just to refer back to the population objectives
4 on page five of this document, these population
5 objectives, these exact numbers and virtually the exact
6 wording here are all found in the individual Pacific
7 Flyway management plans for these species and/or
8 populations.

9
10 So that is part of the agreement that
11 we agreed -- all entities involved in this document
12 here agreed, all the states agreed, the Fish and
13 Wildlife Service agreed. Well, State of Alaska is part
14 of the flyway. In the Waterfowl Conservation Committee
15 of AVCP agreed on these population objectives and they
16 were then written into the Pacific Flyway management
17 plans for these four different groups.

18
19 There are other management plans, other
20 flyway management plans for other populations of birds
21 that breed in Alaska. There's some Snow Goose
22 management plans, there's eastern population of Tundra
23 Swan, western population of Tundra Swan management
24 plan, Mid-Continent White-Fronted Geese management
25 plans. Typically these are signed off within the
26 flyways and the State of Alaska and the Fish and
27 Wildlife Service are involved in those plans, but the
28 states just typically sign those plans.

29
30 There's not really an equivalent
31 relationship at a regional level unless I'm missing
32 something that is comparable to this Yukon-Kuskokwim
33 Delta Goose Management Plan.

34
35 I'm going to give the opportunity if
36 it's okay, Mr. Chairman, if our Pacific Flyway
37 representative would like to add anything because I'm
38 sure I missed some of the finer points of this that may
39 be relevant. If that's all right with you,
40 Mr. Chairman.

41
42 CHAIRMAN NANENG: Before we go on,
43 Enoch, you had a question or you raise your hand.

44
45 MR. SHIEDT: I'll wait.

46
47 CHAIRMAN NANENG: Okay. Bob.

48
49 MR. TROST: Bob Trost for the Fish and
50 Wildlife Service. I am the Pacific Flyway

1 representative. I appreciate the discussion here. I
2 think what is envisioned in the long haul is that the
3 AMBCC would become a much more active partner in the
4 development of management plans overall. As Russ has
5 indicated, we do have some management plans that would
6 entail some activities in other flyways. For the vast
7 majority of the waterfowl populations we have or you
8 have far stronger ties to the Pacific Flyway than the
9 other flyways.

10

11 On the YK Delta, I was just trying to
12 think. I don't believe with a possible exception of a
13 fringe of the Mid-Continent White Fronts that you would
14 be dealing with any species that would winter in large
15 numbers in any of the other flyways, but if you go to
16 the North Slope, for example, you would encounter
17 Tundra Swans, which winter in the Eastern Flyways and
18 for which we have management plans.

19

20 So at some stage, what I think Sandy is
21 getting at, is what is the involvement of the AMBCC in
22 these management plans and I would envision at some
23 stage that you would become a co-signatory on those
24 plans as they're revised and developed. The one that
25 you have in front of you, the YK Delta Management Plan,
26 has somewhat of a unique history. It duplicates
27 several of the Pacific Flyway Plans, as Russ has
28 indicated. It's entirely, it seems to me, to the
29 regional group and this body how they choose to deal
30 with that. I don't know whether I've helped this
31 discussion at all. Probably not. But if you have any
32 questions, I'd try to answer them.

33

34 CHAIRMAN NANENG: Enoch.

35

36 MR. SHIEDT: Sandy, do you have
37 questions for him?

38

39 MS. TAHBONE: Maybe not so much a
40 question just a statement. Our region has brought
41 forward our interest to start the process to develop
42 Emperor Goose Harvest regulations so we're ready to
43 move forward if the target levels are reached, if we
44 reach the 80,000 level. I still have not yet been
45 given a process other than to submit a regulation and
46 then it will be dealt with at that point, but it seems
47 we should have a plan in place and how we're going to
48 go about doing that. All we have dealing with the
49 issue is this, but it's the YK, it's not a statewide.
50 It doesn't include all the other regions that harvest.

1 MR. TROST: Curiously enough there is a
2 Pacific Flyway management plan for Emperor Geese. Off
3 the top of my head I can't tell you, but maybe some of
4 the gentlemen at the table here can, whether or not
5 there's a harvest strategy in that. But it is not
6 uncommon for us in our management plans to develop
7 harvest strategies that we impose under certain
8 population levels. In my way of thinking, that would
9 be the appropriate venue to do that and your contacts
10 for working with that would be Russ and Dan. That
11 would be the document that would make most sense to me.

12
13 MS. TAHBONE: Mr. Chairman. It's my
14 understanding that that's what this body is for. We
15 need to have our management plan in place and our
16 strategies in place according to our development and
17 our needs.

18
19 Thank you, Mr. Chair.

20
21 MR. SHIEDT: Chairman, I would like to
22 have a Native caucus on this issue, please.

23
24 CHAIRMAN NANENG: Do you have a comment
25 before we go off the record?

26
27 MR. OATES: Yeah. I just wanted to
28 mention in following a little bit with what Bob Trost
29 just said, we did have -- I think we talked about it a
30 little yesterday, we did have a subcommittee and a
31 technical committee that had representatives from the
32 regions within which Emperor Geese spend time at
33 various times of the year. We did take the existing
34 Pacific Flyway management plan and re-work it. Once it
35 was passed out of that committee it was sent back to
36 the Pacific Flyway and the Pacific Flyway adopted it at
37 that point in time as also the Pacific Flyway
38 management plan, but that was after the co-management
39 council subcommittee had revised the plan.

40
41 One other thing I'll mention. Prior to
42 AMBCC the interest of subsistence hunters, the State of
43 Alaska and the Fish and Wildlife Service at least
44 attempted to represent those interests when we worked
45 with other flyways other than the Pacific Flyway. An
46 example of that was the revision of the Mid-Continent
47 White-Fronted Goose Plan and about that time there were
48 some proposed changes in harvest regulations down in
49 Texas.

50

1 As a result of some studies in which we
2 had put some neck collars on mid-continent White-
3 Fronted Geese that fly down the Central Flyway and
4 winter in Mexico and Texas and Louisiana, we had
5 learned where some areas where these birds concentrated
6 in the winter area and there was a proposal by the
7 state of Texas to liberalize the hunting regulations
8 for White-Fronted Geese in this area. Because of the
9 information that we had from the subsistence harvest
10 survey we knew that White-Fronted Geese are an
11 important subsistence resource for Northwest Alaska and
12 Interior Alaska, so we opposed that liberalization of
13 harvest regulation during the fall hunt in that part of
14 Texas and we were successful in negotiating that they
15 would not increase the harvest of White-Fronts in that
16 area.

17
18 My State counterpart at that time was
19 Tom Rothe and I worked with the Central Flyway
20 representative Bob Trost counterpart in the Central
21 Flyway during the development of the management plan,
22 revision of the Mid-Continent Management Plan, to
23 ensure that we would not allow the interests of the
24 subsistence hunters in Interior Northwest Alaska to be
25 ignored in the management of Mid-Continent White-
26 Fronts.

27
28 So now that we do have an AMBCC and we
29 do have an active body here, I think it would be very
30 beneficial for the AMBCC to have representation in
31 these kind of activities negotiations in the future.

32
33 CHAIRMAN NANENG: Any more comments
34 before going into the Native caucus. Any one else that
35 wants to make public comments. Make it short. I'd like
36 to be able to be done with our Native caucus before
37 lunch time.

38
39 MS. NAVES: Lili Naves, Division of
40 Subsistence, Fish and Game. I would like to ask if the
41 agenda is still open.

42
43 CHAIRMAN NANENG: Yes.

44
45 MS. NAVES: Because we have the '09
46 draft report that I'd like to briefly introduce the
47 report and what to expect in terms of revision of the
48 report, so if you could please include that in the
49 agenda for an opportune moment, that would be nice.
50

1 CHAIRMAN NANENG: When we get to the
2 bird survey or survey methodology I think we can go
3 ahead and put that on. Sandy.

4
5 MS. TAHBONE: Mr. Chair. Maybe we
6 could include it within our committee report. Maybe we
7 could just ask Lili to come up at that time.

8
9 CHAIRMAN NANENG: That will be fine.

10
11 MS. NAVES: That would work. Thank
12 you.

13
14 CHAIRMAN NANENG: Any more comments
15 from the public.

16
17 (No comments)

18
19 CHAIRMAN NANENG: If not, I'd like to
20 close this session of the public comments and we'll
21 have a Native caucus before lunch time. I think this
22 is the only room that we can have Native caucus, so
23 we'll have to request everybody else to be excused.

24
25 MR. OATES: Mr. Chairman. Would the
26 balance of the group be excused for lunch at this time?

27
28 CHAIRMAN NANENG: Yes. And be back
29 here by 1:30.

30
31 (Off record)

32
33 (On record)

34
35 CHAIRMAN NANENG: We'll get back to
36 order again. Everybody was notified that we'd get back
37 to session at 1:30. On the agenda we have the
38 committee reports. I think we're done with the
39 discussions regarding this morning's session. I think
40 the first committee that's going to make their report
41 is the Harvest Committee.

42
43 MS. CHYTHLOOK: Mr. Chair. My note-
44 taker is not here. Oh, here she comes. I'll go ahead
45 and get started with the Subsistence Harvest Committee
46 report. I'd like to have the members that attended --
47 the ones that attended our last two meetings -- our
48 last two days of the Harvest Survey Committee were
49 Sandra Tahbone, Josh Bacon, Vince Mathews, Mike
50 Pederson, Liliana Naves, Jim Fall and myself. We had a

1 pretty good agenda. I want the people that attended the
2 meeting also give input. I'll just go down the items
3 we covered.

4
5 The very first one that we covered that
6 took some time and we developed a motion for was a
7 geographical scale of data reporting, pros and cons
8 reporting North Slope and Bering Strait at regional
9 level only. Sandra has the motion for that if she
10 could read that item.

11
12 MS. TAHBONE: Yeah, Mr. Chair. We're
13 recommending to the Alaska Migratory Bird Co-management
14 Council submit a request to both the North Slope and
15 Bering Strait Regional Councils to report regional
16 migratory bird subsistence harvest data at the
17 subregional levels and the request outline the benefits
18 and risks of reporting such. That was a recommendation
19 regarding that agenda item.

20
21 CHAIRMAN NANENG: So it's a form of a
22 motion and recommendation by the committee?

23
24 MS. CHYTHLOOK: Yes, it was a form of a
25 motion. We voted on it during our committee meeting.

26
27 CHAIRMAN NANENG: So now it's going to
28 be taken up by the Co-management Council in the form of
29 a motion to request as stated by Sandra.

30
31 MS. TAHBONE: Yes.

32
33 CHAIRMAN NANENG: So a motion has been
34 made by Sandra as a member of the Subsistence Harvest
35 Committee. Is there a second.

36
37 MR. DEVINE: I'll second, Mr. Chair.

38
39 CHAIRMAN NANENG: Seconded by Peter.
40 Any further discussion on the motion.

41
42 (No comments)

43
44 MS. CHYTHLOOK: Question.

45
46 CHAIRMAN NANENG: Russ.

47
48 MR. OATES: Yeah, Mr. Chairman. I'm
49 afraid that I don't understand what this is about, so
50 I'd appreciate some context.

1 CHAIRMAN NANENG: Sandra.

2

3 MS. TAHBONE: We can go ahead and ask
4 maybe Liliana to come forward and she could explain.
5 It's real basic.

6

7 MS. LILIANA: Liliana Naves, Department
8 of Fish and Game. So this has to do with the
9 geographic scale that the data is reported in the
10 annual reports. So the data in the reports always come
11 a table at the regional level for birds and eggs and
12 after that table there are tables for the subregions
13 within that region. So some regions has several
14 subregions. Other regions have one or two subregions.
15 But it happened that the North Slope and the Bering
16 Strait regions requested a couple years ago to not have
17 their data report at the subregional level and it does
18 request was motivated to not have the data at the hubs
19 reported at the community level.

20

21 Since the beginning of the program the
22 hubs were considered as a subregion in itself because
23 the hubs probably have harvest patterns that differ a
24 lot from the villages in the region. So for all the
25 regions that have a hub, Dillingham, Tok, Nome, Bethel,
26 Kotzebue, Barrow, and I'm missing one, they have
27 subregions that represent a group of similar villages
28 and the hubs are a subregion in itself. So for the
29 hubs the data is reported at the community level, so
30 the idea is to not have data at the community level for
31 the hubs reported for those two regions, but all the
32 other regions regularly have their data reported at the
33 subregion level.

34

35 One pro of having the data reported at
36 the subregion level is that it allows us to understand
37 better what is the harvest pattern within that region
38 and sometimes when there was something that needs to be
39 further investigated regarding the harvest pattern in
40 the region it's really insightful to have the data at
41 the subregion level.

42

43 A con is having the data reported at
44 the subregion level could focus on law enforcement
45 activities in those places. This is a problem that
46 myself, as a person that put the reports together, face
47 each year cause in the reports so far we have had for
48 North Slope and Bering Strait the data only at the
49 regional level, but every time that come the biological
50 assessment and that kind of thing, people want data at

1 the more refined scale. So we receive lots of those
2 requests at a finer scale than presented in the
3 reports.

4
5 Other points is that when I come to
6 Regional Council meetings at the regions I, in general,
7 bring the data at the subregional level because that's
8 a language that's much closer to geographical scale
9 that people are used to deal in their regions, so it
10 facilitates a lot of the communication and relaying the
11 results of the information at the villages and the
12 subregion level.

13
14 So currently you have data being
15 distributed at different scales depending on the
16 audience. I think it's a matter of trust building and
17 other simpler respects of the day by day to have the
18 data at the same geographical scale for other regions.

19
20 So this motion, correct me if I'm wrong
21 please, as I understand it, is to ask the AMBCC to
22 write a letter and send this to regions that would pass
23 this request to each village and they will have the
24 opportunity of giving their opinion on how they would
25 like their information to be distributed. Is that
26 right, Sandy?

27
28 MS. TAHBONE: The Regional Councils,
29 correct.

30
31 CHAIRMAN NANENG: Any questions.

32
33 MR. OATES: So that means that the Fish
34 and Wildlife Service for those regions would only be
35 able to see the regional level of information.

36
37 MS. NAVES: Currently that's what
38 happens. What comes in the report for North Slope and
39 Bering Strait is only the regional table, not the
40 subregionals. The idea is still at least bring to the
41 table again the discussion of have data at subregional
42 level for other regions including Bering Strait and
43 North Slope.

44
45 CHAIRMAN NANENG: Any more questions.

46
47 MR. OATES: I just want to clarify. So
48 if the Service was interested in patterns of harvest as
49 represented by the subregional levels for management
50 purposes would the Service -- you're just talking about

1 in the report, right?

2

3 MS. NAVES: Yeah. This is a situation
4 that I have right now, so I frequently get requests of
5 data at a more refined scale and we now are discussing
6 having this data request all channeled to Fred because,
7 as myself, I don't have authority for dealing with
8 those things. The idea is that, from my own
9 perspective, to have something that's standard for all
10 the regions and for all the agencies and the data. I
11 think it's a matter of trust building. It's really
12 weird to have different scales depending on the
13 audience. I think it just feeds this feeling of who
14 knows what and I don't think it's a good standard to
15 work on.

16

17 As I manage data and the database is
18 housed at Fish and Game, we get lots of those requests
19 and Fish and Game, Division of Subsistence, we have our
20 own policies for data release and confidentiality, so
21 we have had lots of this happen in the past and would
22 like to have this solved.

23

24 MR. OATES: So you're saying that the
25 proposal, if it passes, then would create this uneven
26 situation that you're referring to in terms of
27 reporting?

28

29 MS. NAVES: No, the uneven situation
30 already exists, so the proposed discussion is to have
31 the same level of geographical reporting for all the
32 regions. Currently we just have the regional level for
33 those two regions and the proposal is to bring it to
34 the villages the topic and ask their opinion and
35 present the pros and cons of having both the
36 subregional and the regional or only at the regional
37 and ask their input on the subject.

38

39 CHAIRMAN NANENG: Dan.

40

41 MR. ROSENBERG: Dan Rosenberg. Lili, a
42 point of clarification. As I understood the motion, it
43 was to report the data at the subregional levels for
44 the North Slope and the Bering Strait. What I hear you
45 saying is this is to go to those regions and request
46 that this be done. Is that correct? Which is correct,
47 I guess is my question.

48

49 MS. NAVES: I think Mike may have an
50 answer.

1 MR. PEDERSON: It's not for you guys to
2 go to the regions and present this. What we're asking
3 is that the Council make the motion for the AMBCC to
4 write a letter to us explaining the pros and cons of
5 how the reports are reported in there and then we'll
6 bring it to our Regional Councils for their
7 consideration.

8
9 MR. ROSENBERG: Thank you for
10 clarifying that, but as I understood the motion from
11 Sandy it was to report the data at the subregional
12 levels, so maybe that needs to be restated or maybe I'm
13 the only one that misunderstood that.

14
15 MR. PEDERSON: It's to report the data
16 the way it's currently reported in the reports, but our
17 two regions, the reporting is different because when we
18 were identifying how we wanted it to be showed up
19 that's what our Regional Councils chose to do. So it's
20 just in the report.

21
22 CHAIRMAN NANENG: Any more questions.
23 I have a question too. You mentioned regional hubs,
24 Nome, Kotzebue, Bethel, Barrow, Dillingham. Is the
25 request to separate the reports from those hubs from
26 the villages or is it inclusive of the harvest done by
27 those hubs in the harvest surveys?

28
29 MS. NAVES: At the beginning of the
30 harvest survey in 2004, they broke the state in regions
31 that pretty much followed the Alaska Native groups, the
32 10 regions. It's 12 regions, but the survey works with
33 10 regions because two of the regions are lumped. So
34 the regions are divided into subregions and the
35 division of the regions and subregions is in the back
36 of each yearly report, so they have a list of all the
37 villages that are under each region. For the '09 draft
38 report that's available here on the table, this starts
39 on Pages 64, so there's a list of all the regions, the
40 subregions within each region. The hubs are -- this is
41 the current state of things and we're not asking for
42 any change on that. The hubs are considered as a
43 subregion in itself because in general the hubs have a
44 lot of households. It is a much larger village. It
45 tends to have a lot of known Native residents and the
46 harvest patterns are very commonly different from the
47 villages.

48
49 So when we do the harvest estimate we
50 get -- we only expand harvest reported for the villages

1 within the subregion. This expansion is only done at
2 the subregional level, so harvest reported at the hubs
3 is not mixed with harvest of the villages during the
4 expansion process and this is the correct way of doing
5 things because we have harvest per household that's
6 very different in the hubs and in the villages. This
7 is how it is. The hubs are already a subregion in
8 itself. So Bethel is a subregion in itself. The YK
9 Delta is broken down into YK Delta south coast and
10 north coast, mid coast, lower Yukon, lower Kuskokwim,
11 central Kuskokwim and Bethel. So there's the seven
12 subregions in the YK Delta.

13

14 CHAIRMAN NANENG: So overall when you
15 compile the reports you're including the total harvest
16 of that region in the surveys when you present it to
17 this group or any other group and that would include
18 the hubs as part of that region?

19

20 MS. NAVES: Yes.

21

22 CHAIRMAN NANENG: I know how they do
23 the survey out in Bethel. They do it like subregional
24 type and then they compile them together.

25

26 MS. NAVES: So for the YK Delta usually
27 there is a first table for the whole region that is the
28 sum of the subregions. The central Kuskokwim is a
29 region that is small enough that if by chance the
30 subregion is not surveyed the average harvest of all
31 households in the other surveyed subregions is applied
32 to central Kuskokwim, but different region that --
33 subregion, sorry, that has lots of households is not
34 surveyed. Sometimes this precludes expansion at the
35 regional level because it's not good to expand a few
36 surveyed households to a bunch of not surveyed
37 households.

38

39 For the YK Delta in general there is a
40 regional table for birds and eggs and after that they
41 are tables for the seven subregions, so each subregion
42 has it's own table, one table for birds, one table for
43 eggs.

44

45 CHAIRMAN NANENG: One more
46 clarification and one more comment. I know that this
47 is not part of the Alaska Native Claims Settlement Act
48 issue, but there's a language within Alaska Native
49 Claims Settlement Act or in ANILCA that if your
50 population gets to be a certain number within some of

1 the regional hubs to about seven to ten thousand, then
2 that community will become excluded at some point in
3 the future from being able to harvest subsistence
4 resources. I'm afraid if that happens I hope they're
5 not inclusive of the migratory birds, that the Native
6 community who live in these regional hubs are not going
7 to be excluded in the future.

8
9 When we do surveys, I think you've got
10 to account for the fact that many of the people that
11 live like in regional hubs like in Bethel, at least 50
12 or 60, 75 percent of them are originally from the
13 villages. If the information is going to be used at
14 some point to restrict our people from being able to
15 hunt migratory birds, I don't think that would be
16 acceptable, but I'm raising that as a potential
17 concern. So I just wanted to share my thought on that
18 because I think that -- and I don't want Fish and
19 Wildlife Service or the regulatory agencies to start
20 using that as information to further restrict the
21 ability of our people to hunt migratory birds.

22
23 Sandra.

24
25 MS. TAHBONE: Dan was right. Boy,
26 you're right on the ball, Dan. When I wrote from my
27 notes to make it more easier to read because I had too
28 many maps on my notes because of the revisions we made
29 during the meeting, so I did say two reports, so you
30 were correct. So it's submit a request to the North
31 Slope and Bering Strait Regional Councils, approve the
32 reporting of regional migratory birds subsistence
33 harvest data at subregional levels.

34
35 So what we're doing is we're requesting
36 that the Bering Strait, Norton Sound Regional Councils
37 consider this request, that their information be
38 reported at subregional level versus the regional so
39 that information will be included in our annual
40 reports.

41
42 CHAIRMAN NANENG: Any more discussion
43 on the motion.

44
45 (No comments)

46
47 CHAIRMAN NANENG: If there's no more
48 discussion, there's a motion and second to adopt the
49 recommendation. All in favor say aye.

50

1 IN UNISON: Aye.
2
3 CHAIRMAN NANENG: Those opposed say no.
4
5 (No opposing votes)
6
7 CHAIRMAN NANENG: Motion carried. Do
8 we have any Technical Committee report?
9
10 MS. CHYTHLOOK: We're not done yet.
11
12 CHAIRMAN NANENG: Oh, okay.
13
14 MS. CHYTHLOOK: There was another
15 recommendation under this topic of the timeline for
16 making preliminary data available to Fish and Wildlife
17 and how this data can be used, published and this is
18 during the overall survey timeline. Sandy.
19
20 MS. TAHBONE: I believe this was a
21 directive to the subcommittee from the Council to take
22 this issue up. So the recommendation from the
23 committee is recommend the Alaska Migratory Bird Co-
24 management Council's draft migratory birds subsistence
25 harvest data may not be used in draft or final
26 rulemaking process or documents until AMBCC approves
27 the data.
28
29 I'll make that in the form of a motion,
30 Mr. Chair.
31
32 CHAIRMAN NANENG: Thank you. There's a
33 motion. Second.
34
35 MR. PEDERSON: I'll second that motion.
36
37 CHAIRMAN NANENG: Seconded by Mike.
38 Any further discussion on the motion. Any questions.
39 Go ahead.
40
41 MR. OATES: Russ Oates. My question is
42 what is the timeline from the point of collection until
43 the data is reviewed and made available?
44
45 MS. TAHBONE: Do we have extra copies?
46 There's a timeline that was adopted by this Council and
47 it's that same timeline. The usual Federal
48 representative was heavily involved in this whole
49 process of our adopting this timeline.
50

1 CHAIRMAN NANENG: Any other questions.

2

3 MR. OATES: I'm looking at the footnote
4 associated with this. It says the release of
5 information is always one to two years behind because
6 of duration timing required for data collection, et
7 cetera. So that's what we're talking about, one to two
8 years, correct?

9

10 MS. TAHBONE: Mr. Chairman. Those are
11 under the old process. Am I correct, Liliana? If you
12 could come to the.....

13

14 MS. NAVES: Liliana Naves, Fish and
15 Game. So this timeline was adopted in 2009 in the fall
16 meeting at Nome. So the idea here is that you have a
17 fair understanding what are the different phases of the
18 survey implementation and the survey is involving data
19 collection run over Federal and State and the yearly
20 calendar year. So data collection usually runs between
21 April from one year to March of the following year
22 because there are some regions that have a winter
23 survey. So the things that this table here, it
24 overlaps years, so January is right in the middle
25 there.

26

27 So the idea is that the draft report --
28 this part that is there in data analysis and review, so
29 the draft report is released somewhere between -- I'm
30 not sure. Here there is a release of yearly final
31 report, a draft report. What happens somewhere
32 between July and September, depending on how myself can
33 accommodate other things and producing the report. So
34 last year the report was available, I think, June or
35 July. This year the report was made available now late
36 September. So this is a draft report. This is the
37 first time that the draft numbers appear.

38

39 So starting now kind of September the
40 regions have up to the spring meeting to revise and
41 review the report and contact me if they find anything
42 that does not sound right or if they feel it's needed
43 to add footnotes. If there's something that doesn't
44 look right, I will check all the process that I entered
45 to that analysis and if there's no -- if I cannot find
46 a mistake there but things still seem unusual, show you
47 where the footnote to explain for that irregularity.
48 So during September and April I will expect contact
49 from each region as they have their Regional Councils
50 and they have questions on the data for their region.

1 So when the data is made available for
2 review for the partners, the draft data is always
3 distributed to Fish and Game and Fish and Wildlife
4 Service. This data has been used in the biological
5 assessments and Section 7, that kind of thing. This
6 motion is about I think not have -- that the draft data
7 cannot be used in rulemaking until the data is adopted
8 by the AMBCC in the spring meeting.

9
10 Just to give you an example, now you're
11 in 2011 and you're getting the draft 2009, by this
12 calendar here, this time table will explain why is the
13 two year difference. More than one year to collect the
14 data and to process, analyze and review the data. So
15 what this would cause is that, for instance, in 2011
16 would be working with 2008 data until the AMBCC adopts
17 the '09 data in the spring meeting of 2011. I don't
18 know if this will come in -- you'll start effect at
19 this meeting or not. I don't know how the '09 data
20 will stand there. The fact is that the report is
21 available here. I think the idea is that agencies will
22 have the opportunity to see the data but cannot use
23 that as draft before the communities give their
24 revision of the data. Maybe Molly and Sandy can
25 explain more on that.

26
27 CHAIRMAN NANENG: Dan.

28
29 MR. ROSENBERG: Dan Rosenberg.
30 Question, Lili. If there were some specific data that
31 somebody requested to be used, is it possible to have
32 that data reviewed separately and then if the AMBCC is
33 willing to release that data without releasing the
34 entire suite of data?

35
36 MS. TAHBONE: I think we're kind of --
37 the purpose behind the survey, gathering this data, the
38 way we gather it, the way we utilize it, you know, like
39 the Service is trying to use it to address other needs,
40 so I think we need to take a step back and realize that
41 we most likely will not be able to utilize this
42 process, this data the way we're currently -- what we
43 currently have in place to meet the other needs of the
44 Service. So those needs are going to have to be
45 addressed under a separate process. I think what you're
46 trying to get at, correct me if I'm wrong, but your
47 need of data quicker than we're able to give it to you
48 under this process, correct?

49
50 MR. ROSENBERG: Yeah, correct, I think.

1 Essentially what I was getting at is if there is a
2 certain subset of all the data that someone needs to
3 make an analysis of something and they request that
4 through the AMBCC, will it be possible under this
5 motion to still approve that subset of data and release
6 it prior to releasing the entire report.

7

8 CHAIRMAN NANENG: Mike.

9

10 MR. PEDERSON: We didn't discuss to a
11 certain extent that process, but what we did discuss is
12 AMBCC does have the resources to do a phone poll or a
13 special meeting by teleconference where the members
14 could address that type of request that you just
15 mentioned.

16

17 CHAIRMAN NANENG: Any other comments.

18

19 MS. NAVES: I think that discussion
20 started at the last AMBCC meeting. I think it was a
21 request of Austin Ahmasuk because there was some
22 questions about how the data was used in the last
23 biological assessment, so I think that was the request
24 that started this process, which would cause an
25 alteration to the time table. At the time this time
26 table was adopted I think there was an understanding
27 that the draft data would be available to all the
28 partners after the fall meeting and there would be a
29 modification of this time table.

30

31 MR. OATES: Is the current policy then
32 -- or the draft data are being used by the agencies.
33 Is that the case then?

34

35 MS. NAVES: That's right.

36

37 MS. TAHBONE: Mr. Chairman. We
38 currently don't have a policy on use, so that's what
39 this is, we're adopting a policy.

40

41 CHAIRMAN NANENG: Thank you. Any other
42 questions. I just have one. In the past, in the YK
43 Delta, when we're involved with the Goose Management
44 Plan, one of the things that we do is we hire local
45 people to do the surveys in their own respective
46 communities. What's the process today of doing that
47 survey? Is the State just sending out surveys and
48 expecting people to mail them back?

49

50 MS. NAVES: No, the surveys are done in

1 person and in a large majority of the cases it's hired
2 a local surveyor, but sometimes the local surveyor
3 system falls apart when we cannot get a local surveyor,
4 so we find another arrangement to do the surveyor,
5 which is not always sending someone of Fish and Game
6 and Fish and Wildlife Service there. So, for instance,
7 the YK Delta, the survey today is done on the same
8 system that was done in the earlier goose management
9 surveys. The RITs of the refuge are the main
10 coordinators of the survey and they have the local
11 surveyors in each village in the YK Delta. In most
12 cases the surveys are done in Yup'ik so it's not an
13 agency-driven survey.

14
15 We really make all the efforts to
16 partner with Native organizations in the different
17 regions. This is also a part of the capacity-building
18 efforts that we make and we work hard so that both the
19 Native parts and Fish and Game or Fish and Wildlife are
20 the other side of the contract successful because it
21 can just be successful working together and we go to
22 all extents to make sure that we get a successful
23 survey on a collaborative basis in each village.

24
25 CHAIRMAN NANENG: With the surveys that
26 may be done in the other parts of the state, I know the
27 process that's being done out in YK Delta. How
28 successful are you in terms of getting a close to
29 accurate survey if you don't have local surveyors? I'm
30 just asking that question before we adopt the policy so
31 that -- you know, looking at the time table sometimes
32 some villages are not participating while some of them
33 are not. Even in the YK Delta that's the case. It
34 gets frustrating when not every village is
35 participating. I'm just asking that question so that
36 when we vote for the time table that we have the same
37 expectations of what we have within the YK Delta.

38
39 MS. NAVES: In the YK Delta there is
40 only one survey -- one village that historically has
41 not agreed to participate in the survey. This year
42 we're working with Joe Izoluk (ph) and Lou Andrew to
43 select an alternate village until further discussions
44 can be entertained with this village that has
45 historically decided not to participate. So we're
46 working with field coordinators at each village to
47 select an alternate village when there is resistance.

48
49 CHAIRMAN NANENG: Molly.
50

1 MS. CHYTHLOOK: In Bristol Bay we have
2 31 communities and we have alternating years. After
3 the new assessment survey program was adopted, 2010
4 Bristol Bay was not surveyed but 2011 we're up for
5 survey project in probably 17 or so of our communities.
6 What we do is we train local research assistants from
7 each community that needs to be surveyed and our survey
8 returns for our communities have been up in the 85-95
9 percentile, so I think my region is pretty successful
10 in reaching a majority of the households.

11
12 CHAIRMAN NANENG: Sandra.

13
14 MS. TAHBONE: Yeah, the motion is just
15 use of data not trying to revise a time table or
16 anything other than use of data prior to the adoption
17 of this body.

18
19 CHAIRMAN NANENG: Restate your motion,
20 please. Liliana.

21
22 MS. NAVES: Sandy, I think it would
23 modify -- it will imply modification of the time table
24 because when it says there release of the data, the
25 data would be released only to the Native parts and
26 would not be released to the agencies, so that data
27 change.

28
29 MS. TAHBONE: When we release the -- I
30 mean when the drafts are available, I mean the partners
31 are -- all the partners get it. I mean when you --
32 because I mean you give -- I mean they're presented --
33 you know, we're presented draft data at public
34 meetings.

35
36 MS. NAVES: Okay. So I think I
37 understand what you're saying.

38
39 MS. TAHBONE: So all the partners get a
40 chance to review. But, you know, part of the process
41 is it goes out to the regions for their review and
42 adoption and then if there's anything we request you
43 take a look at or if we want footnotes and then it
44 comes for final approval.

45
46 MS. NAVES: Okay. I understand. Thank
47 you.

48
49 CHAIRMAN NANENG: Anymore discussion.
50 If not, the motion is to have this information provided

1 to everyone instead of the final -- the way I
2 understand it, instead of the final management tool
3 until such time that the reports are finalized. Is
4 that my understanding?

5
6 MS. TAHBONE: The recommendation is
7 that the Alaska Migratory Bird Co-management Council's
8 draft migratory bird subsistence harvest data may not
9 be used in draft or final rulemaking process documents
10 until AMBCC approves the data.

11
12 CHAIRMAN NANENG: The motion has been
13 made and seconded. If there's no discussion, all in
14 favor say aye.

15
16 IN UNISON: Aye.

17
18 CHAIRMAN NANENG: Those opposed say no.

19
20 (No opposing votes)

21
22 CHAIRMAN NANENG: The motion carries.

23
24 MS. CHYTHLOOK: Moving on. We had
25 several items that we didn't take any actions on. The
26 first one was survey incentive as requested by Bering
27 Straits. Mind you, we had a meeting for one full day
28 and half of two days and there was a lot of
29 discussions. The other one that we never took action
30 on was refresh procedures to select alternate villages.
31 The other one was which efforts can be made in
32 increasing village and household participation in the
33 survey. Then the other one was which efforts can be
34 made to increase accuracy of species identifications in
35 reported harvests. Number 12 was which efforts can be
36 made to reduce reporting errors and bias by households.

37
38 Is that correct, from the people that
39 were in attendance? There was no recommendations except
40 for maybe one.

41
42 CHAIRMAN NANENG: Sandra.

43
44 MS. TAHBONE: Yeah, I've got a
45 correction. We did address Items 6 and 10 together and
46 that was -- the recommendation is that we formed a
47 subcommittee to explore develop outreach program for
48 the harvest survey to include the purpose of it,
49 reporting results back to communities, the use of
50 information and also how we can address increasing

1 participation.

2

3 So we did address those two, so the
4 subcommittee is going to be reporting back and we're
5 planning on having a meeting in January so we can start
6 coming up with some recommendations to improve to see
7 that those are addressed.

8

9 11 and 12, Mike might be able to
10 address that one, but we're looking to do an evaluation
11 once our full rotation cycle is complete under our new
12 adopted program.

13

14 MR. PEDERSON: Just to add to what
15 Sandra and Molly said. The last few points that they
16 made, some of those concerns that were brought to the
17 Harvest Survey Committee have already been addressed in
18 the current revised harvest survey that began in 2010.

19

20 CHAIRMAN NANENG: Anything else.

21

22 MS. CHYTHLOOK: Yeah, I've got one more
23 that we need a recommendation motion. Briefing the
24 Fish and Wildlife White Paper. Sandy.

25

26 MS. TAHBONE: I believe we're going to
27 have a discussion on that later on on the agenda, but
28 the recommendation from the Harvest Survey Committee is
29 recommend that the Alaska Migratory Bird Co-management
30 Council defer to the Harvest Survey Committee the
31 request from the U.S. Fish and Wildlife Alaska Region
32 September 13th White Paper, subsistence migratory bird
33 harvest survey for their review and recommendation back
34 to this Council.

35

36 MR. PEDERSON: Mr. Chair. And the
37 point of that discussion was when we were at the Survey
38 Committee meeting the people who should have been in
39 the room were in a different meeting, so that's why we
40 wanted it to go back to the Survey Committee. So the
41 people who prepared the White Paper would have been --
42 well, at the next meeting they should be available to
43 present this back to us, so that's why that was that
44 recommendation to defer it back to the committee.

45

46 MS. TAHBONE: Also, Mr. Chair, that's
47 where the committee worked for the subject matter of
48 the White Paper. That's the work of the Harvest Survey
49 Committee, so I believe a good thorough review and some
50 really good recommendations regarding their objectives

1 would be in good order.

2

3 CHAIRMAN NANENG: Molly.

4

5 MS. CHYTHLOOK: Thank you, Mr. Chair.
6 During our -- I guess when we were discussing this it
7 was a good reminder that the Service needs to work from
8 the bottom up instead of the top down. I'd like to put
9 that in record.

10

11 Thank you.

12

13 CHAIRMAN NANENG: Any more discussion.
14 So it sounds like the recommendation on the White Paper
15 that was presented yesterday during the work session
16 would be reviewed and commented by the respective
17 working group organizations and comments will be
18 presented at the next meeting.

19

20 MS. TAHBONE: Mr. Chairman. We'll have
21 those discussions later on in our agenda and then we
22 could bring forward our recommendation.

23

24 CHAIRMAN NANENG: Any more discussion.

25

26 MS. CHYTHLOOK: Mr. Chair. We also
27 discussed the 2011 harvest survey and there was no
28 action on that knowing that the rotation -- unless,
29 Lili, you have -- do you remember what was discussed on
30 this one? Except that the rotations for Bristol Bay is
31 up in 2011 and the other -- well, there was another
32 region that will be involved in the 2011 survey.

33

34 MS. NAVES: Liliana Naves, Fish and
35 Game. So at the Harvest Survey Committee we took a
36 brief look at the rotation schedule for 2011. There
37 are copies there on the table. If not, they're in
38 here. This is the regular rotation schedule of the
39 surveys so far. The word that I have from Doug is that
40 we're going with the regular rotation schedule. So
41 this page there on the table has a list of the villages
42 with the regions that will be surveyed the next year as
43 well as all the villages in the rotation schedule. So
44 the regions for next year, according to the regular
45 rotation schedule is Aleutian/Pribilof, Bristol Bay, YK
46 Delta, Northwest Arctic, North Slope and Upper Copper
47 River.

48

49 So for some of those regions we already
50 have partnership for that collection in place. For

1 other ones, a completely open field and we'd like to
2 discuss with organizations at that region. There's some
3 people that have done the survey in the past that would
4 be pretty good candidate partners. So this is put in
5 there because we read an old rotation schedule of
6 villages or regions as subject adjustment depending on
7 funding and what a priority it is. So this reflects
8 the regular schedule and from this point now we
9 discuss, for instance, alternate villages and that kind
10 of thing. So this is available on the table. I don't
11 know, Molly, if you completed the report there. There
12 is the '09 draft report. Could I have a word on that?

13

14 CHAIRMAN NANENG: Sandra.

15

16 MS. TAHBONE: If I may. Bering Straits
17 is not slated for the 2011, so any issues -- if there
18 is a need for harvest survey work to be completed in
19 Bering Straits region, those funds are going to have to
20 come from outside of our usual pot of money.

21

22 CHAIRMAN NANENG: Any questions or
23 comments. The only comment that I have regarding
24 surveys that AVCP, under the Goose Management Plan, has
25 never put out any money to do any surveys. So we'd
26 leave that responsibility to the agencies, who are the
27 ones to do the survey and for them to hire people in
28 the villages to do surveys.

29

30 MS. NAVES: I can answer to that. The
31 data collection of the survey is never tied to the
32 grant and it does not depend -- to the AMBCC grant and
33 it does not rely on money from the local partners.
34 There is always a contract that's set specifically to
35 data collection that is sometimes done directly through
36 Fish and Wildlife Service and sometimes to Fish and
37 Game. So there is the AMBCC grant and if AMBCC
38 partners also do field work, there is a separate
39 contract or cooperative agreement that provides money
40 for the data collection. That's how it happens.

41

42 CHAIRMAN NANENG: Sandra.

43

44 MS. TAHBONE: Yeah, we do, however,
45 within our agreement, our contract with U.S. Fish and
46 Wildlife Service, we're set up on an option year. So
47 we're currently in our option year one. If the U.S.
48 Fish and Wildlife Service wants to take up option year
49 two, the language is there and it's all the villages
50 that will be surveyed are outlined within that

1 contract. So we have a contract in place if the
2 Service wants to pick up that option year two. It's
3 your prerogative.

4
5 CHAIRMAN NANENG: Any comments
6 regarding the schedules of the survey.

7
8 (No comments)

9
10 CHAIRMAN NANENG: I think I only have
11 one comment. You know, we've gone through this
12 situation before where the birds have declined in
13 numbers substantially where we've had to be put in a
14 position of starting to do some conservation work and
15 at times we don't necessarily have good numbers both on
16 the harvest survey or the information may come from
17 Fish and Wildlife Service that states that some birds
18 are low in numbers. It effects the ability of our
19 people to go hunting that spring or summer, which we
20 went through back in 1984 with the Cackling Canada
21 Geese. I know if we go through a rotation schedule of
22 harvest surveys it might skew the numbers to the point
23 where Fish and Wildlife might take it upon themselves
24 that they're going to close certain birds without
25 involving the region or the communities and I don't
26 want to see that happen.

27
28 MS. NAVES: I can comment on that. The
29 rotation is scheduled off of regions and the villages.
30 It just means that not all regions are surveyed every
31 year. The YK Delta is an exception because the birds
32 are so important and there's so many birds, so the
33 regular rotation schedule features YK Delta being
34 surveyed every year and the rotation schedule d it
35 just says that there are some regions that are not
36 surveyed every year because there is no money to do
37 other regions every year. Also there is no money to do
38 all the villages within a region a year that that
39 village is being surveyed.

40
41 Also the rotation schedule of both the
42 villages and the regions is a measure to minimize
43 burden in the communities so they don't get hammered
44 with multiple surveys every year, multiple years in a
45 row, but it doesn't result in skewing the data.

46
47 CHAIRMAN NANENG: Russ.

48
49 MR. OATES: Mr. Chairman. With regard
50 to your concern about the rotation. The Fish and

1 Wildlife Service also conducts migratory bird
2 population monitoring and information from there weighs
3 heavily on regulatory decisions. One of the things
4 that the Service tries to do when we meet with you
5 multiple times a year is to make sure that you're aware
6 well in advance of any concerns that we have of that
7 nature. I think the potential for surprises as a
8 result of this rotation is not really very large.

9
10 CHAIRMAN NANENG: Thank you. I hope
11 that it stays that way because I don't want to be
12 surprised next year that our people are close to a
13 certain species unless it's been agreed to by the AVCP
14 Waterfowl Conservation Committee. I'm just bringing
15 that as a concern because it's happened and I know it's
16 happened. To think that it's only targeted to YK Delta
17 but, in essence, it ends up being the whole state of
18 Alaska. That's the reason why I raised that concern.
19 Any more on harvest survey?

20
21 MS. CHYTHLOOK: Mr. Chair. That ends
22 our Harvest Survey Committee report unless the other --
23 Sandy.

24
25 MS. TAHBONE: We're going to give
26 Liliana the floor to present the draft 2009 data.

27
28 MS. NAVES: So the report -- I think
29 the pile is getting slim there on the table, but it was
30 there on the table and it has draft harvest estimates
31 for 2009. 2009 was right in the middle when we were
32 wrapping up the revision of the survey, so it was
33 decided that that year most of the efforts will be
34 transitioning off of the original survey methods to
35 revise the survey. The survey was conducted only in
36 three regions considered a priority, so the survey in
37 '09 was done only in the YK Delta, in the North Slope
38 and one subregion of Bering Strait/Norton Sound. So
39 there is new data only for those two regions and one
40 subregion of Bering Strait. There are some blank
41 fields there in the report. Those are things that are
42 to be included in the time frame between the draft and
43 the final report. I think the priority now is to make
44 the '09 numbers available and the Federal work will be
45 done before the final draft.

46
47 But there is one new feature in the
48 report. That is the harvest trends for the regions and
49 subregions, so they're in the report. There is for
50 Bristol Bay and the YK Delta, so they're harvest trends

1 at the regional and the subregional level. There's
2 some tacks that we'll be adding words to this graph.
3 The idea is to make it relay information in the reports
4 more effective and also facilitate communication with
5 the Regional Council. I think it's easier to read some
6 graphs than a bunch of tables spread across reports.
7 So this is something that's coming.

8
9 So this graph has information on
10 amounts of harvest at the region and subregion. The
11 contribution of each subregion within a region to the
12 total harvest in that region. It has harvest per
13 capita. It has information on the seasonal harvest and
14 the importance of the different groups of birds; ducks,
15 geese, swans, cranes, grouse so far. It will also have
16 information on the species that are more important in
17 each region and subregion. So this is something to
18 look at and hopefully you'll have the full set for the
19 final report.

20
21 I'm also working on adding the comments
22 that come in the comments field of the surveys,
23 catching up since 2004 up to 2009, but that's not ready
24 yet at this point. We're just finishing that, entering
25 that, because I had to come to all those surveys since
26 '04. The idea of doing this is to hopefully add a bit
27 of context to the numbers there and maybe can
28 understand a little bit why harvest some years is
29 higher in certain regions. Also I think is a way of
30 putting a voice of the people in the villages directly
31 in the report. So this is also to come, but not yet.
32 They're in the draft version.

33
34 So, as a last point, I have tried every
35 year to put a picture of people and birds harvest in
36 the cover of the report. The picture is not there yet.
37 The first year we had a person from the Kodiak area for
38 the '07 report, for the '08 report to have a picture
39 from the Bristol Bay area and for the '09 report I'm
40 hoping to have a picture from the YK Delta. I had
41 contacted the Refuge to ask them that, but have not
42 heard back yet. So extend my invitation to the AVCP if
43 you have kind of a nice picture of people of your
44 region with their spring harvest of birds, I'll be very
45 happy organizing for having that the cover of the final
46 report.

47
48 I have been told multiple times that in
49 some areas it's not customary to have pictures of
50 people with their harvest. I understand if that's the

1 case, but if you can work around that, that would be
2 great. I think the picture in the cover of the report
3 is just a detail, but it works as a window for the
4 reality that are behind those numbers. So I have made
5 an effort to keep that going.

6

7 Thank you.

8

9 Oh, I forgot something important. So
10 from now on I hope that the Regional Councils will have
11 the opportunity of meet during the winter and I'll be
12 looking forward to hear from each Regional Council,
13 mostly from the regions that have data collected in
14 2009, but also from the other regions if you have any
15 comment about the report, things that you'd like to see
16 in the reports and things that you think are not
17 working well or even mistakes that you find in the
18 draft, please contact me personally. We address these
19 concerns before the April meeting of the AMBCC, so have
20 everything straightened out. During the winter we'll
21 be ready to adopt the '09 numbers at the 2010 spring
22 meeting.

23

24 Thank you.

25

26 CHAIRMAN NANENG: Quyana, Liliana. The
27 Harvest Survey Committee is done with their report.
28 What about the Technical Committee? Anything from the
29 Technical Committee.

30

31 (No comments)

32

33 CHAIRMAN NANENG: None. Standard
34 Operation Procedures Committee.

35

36 MS. TAHBONE: Mr. Chairman. I think
37 the Harvest Survey Committee was the only committee
38 that met since our last meeting.

39

40 CHAIRMAN NANENG: Okay. Thank you.
41 Then we wouldn't have to go through the list of the
42 committees to ask for reports. As my grandson said one
43 time, the only reason why I moved with the grandparents
44 is because my mom didn't have any money and the only
45 reason why the committees didn't meet was because the
46 Service didn't have any money. So it just sounds that
47 way.

48

49 We'll go on with the agenda unless you
50 guys want a five minute break. What's the desire of

1 the Committee?

2

3 UNIDENTIFIED SPEAKER: Go on.

4

5 MS. TAHBONE: Break, Mr. Chair.

6

7 CHAIRMAN NANENG: Okay, go on. The
8 first person said go on, so we'll go on. Under old
9 business we've got the 2011 regulation and proposed
10 flyway SRC. Patty and Josh.

11

12 MR. ARMSTRONG: Mr. Chair. I think we
13 had combined the three topics together, so I think Josh
14 and Patty will go first and then we'll have the survey
15 report and the Section 7 people, endangered species
16 folks are here, and I'd like to get them in also.

17

18 CHAIRMAN NANENG: Okay. Josh and
19 Patty, you guys have the floor.

20

21 MS. BROWN-SCHWALENBERG: Thank you, Mr.
22 Chairman. We're going to start with Josh giving the
23 information that he provided at the meeting and an
24 overview from the North Slope perspective and then I'll
25 follow up. I would also like to invite the State and
26 Federal reps to add their comments to the Pacific
27 Flyway and SRC meetings as well when we finish.

28

29 Thank you.

30

31 MR. BACON: Thanks, Patty, and thanks,
32 Council and Mr. Chairman. So I was invited to go to
33 the Pacific Flyway Council meeting and the SRC meeting
34 to present the two proposals from the AMBCC, for the
35 most part in the place of Mike Pederson who usually
36 goes. The reason my boss wanted me to go or have
37 someone there is because both the proposals pertain
38 directly to the North Slope Borough and issues going on
39 up there with migratory bird harvest.

40

41 The two proposals are on tab 2 in the
42 booklet if you want to refer to them. As Fred said,
43 it's Patty, Fred, me and Dan and Russ Oates and
44 actually a lot of people in this room were present at
45 both these meetings.

46

47 At the Pacific Flyway Council meeting,
48 both proposals were presented. They were presented to
49 two committees. One was the Non-game Committee and the
50 other was the Study Committee. At both these

1 committees we saw pretty much overwhelming support for
2 both proposals and it went to the main council,
3 recommended as such. If I understood it correctly, the
4 main Pacific Flyway Council recommended that the
5 proposals be approved by the SRC, so that went very
6 well at the Pacific Flyway Council meeting.

7
8 At the SRC meeting in Washington, D.C.,
9 both proposals were presented again. I guess I didn't
10 do an overview of the proposals. I'm assuming that
11 everyone is familiar with them, but the one proposal
12 was the Yellow Billed Loon proposal allowing
13 subsistence fishers to keep up to 20 Yellow Billed
14 Loons that are inadvertently tangled in fish nets. The
15 second proposal was a reversion back to the 2008
16 regulations, which would negate regulations that were
17 put into place by Section 7 consultation regarding the
18 Stellar's Eiders. One of these regulations including
19 the shooting hours regulation for the Northern Region
20 on the North Slope.

21
22 So both these proposals were presented
23 at the SRC. The Yellow Billed Loon proposal was
24 accepted. There was a lot of concern early on and
25 before the meeting, as far as I understand, at the
26 spring SRC meeting about this proposal. Most of the
27 concern came from harvest estimates from the AMBCC
28 subsistence harvest survey 2005, 2007 and 2008. Some
29 of these estimates showed Loon harvest sometimes over
30 100 birds. As the regulation stands, it allows up to
31 20 Yellow Billed Loons kept from fishing nets.

32
33 These estimates were being used as
34 point estimates and maybe they weren't -- how do I
35 explain this. The statistical significance of them
36 wasn't looked at very well. After further review,
37 including communication with Liliana, the estimates
38 were seen as not being very powerful and thus probably
39 shouldn't be used to either accept or deny this
40 proposal of taking 20 Yellow Billed Loons.

41
42 So, after a lot of discussion the
43 Yellow Billed Loon proposal was accepted by the SRC, so
44 subsistence fishers on the North Slope will be -- it
45 will be legal for them to keep up to 20 Yellow Billed
46 Loons.

47
48 The second proposal, the one concerning
49 the reversion back to the 2008 regulations, thus
50 negating the conservation regulations that were put in

1 place by Section 7 consultation was denied. The reason
2 that I heard from the SRC, and feel free to add Patty
3 or Fred, for this rejection of it was that it was part
4 of the Section 7 and the SRC felt that it wasn't their
5 place to negate these special conservation regulations.
6 Essentially that their hands were tied in this
7 instance.

8
9 So that's a summary of what happened at
10 the Pacific Flyway Council meeting and the SRC meeting.
11 Recently we had a North Slope Borough Fish and Game
12 Committee meeting where I discussed this and told
13 everyone what happened, our members from every village,
14 and there was a lot of concern about the rejection of
15 the second proposal, the one to revert back to the 2008
16 regulations. I don't know if Mike wants to speak
17 anymore about that or if anyone else has anything to
18 say.

19
20 So that concludes I guess my
21 perspective on what happened at the Pacific Flyway
22 Council meeting and the SRC meeting.

23
24 CHAIRMAN NANENG: Thanks, Josh.

25
26 MS. BROWN-SCHWALENBERG: Thanks, Josh.
27 To clarify on the Yellow Billed Loon, I think there was
28 some confusion also on -- the regulation is -- excuse
29 me, the proposed regulation was to continuation the
30 provision to allow the possession and use of up to 20
31 Yellow Billed Loon that were inadvertently entangled in
32 fishing nets and that information of the estimate of
33 what was -- how many birds were entangled in the
34 previous years was being confused with the number of
35 Yellow Billed Loons that were actually harvested for
36 subsistence purposes, so I think that's part of the
37 reason why there were questions raised about the
38 Subsistence Harvest Survey Program, which we'll get
39 into in another part of the agenda.

40
41 The other activities that we conducted
42 while we were in Washington, D.C. was visiting the
43 congressional delegation and talking to them about the
44 migratory bird program, about the AMBCC's activities
45 and then Josh and I spoke with them about the Duck
46 Stamp issue as well as the review of the subsistence
47 management program in Alaska and the expansion of the
48 season to the fall and winter, so the Congressional
49 Delegation is aware of those issues. We did talk about
50 the bills that were existing in the Senate right now

1 and where they're at.

2

3 We also provided information to the
4 Non-Game Technical Committee as well as the Study
5 Committee on those other issues, the fall and winter
6 harvest and the Duck Stamp, for their information, so
7 they're interested in having us keep them apprised of
8 the developments on those two initiatives.

9

10 So I'd just like to ask Russ or Dan if
11 they would like to add some perspectives to the issue.
12 Thank you.

13

14 CHAIRMAN NANENG: Dan.

15

16 MR. ROSENBERG: Dan Rosenberg. The
17 Pacific Flyway Council supported both proposals
18 overwhelmingly. The proposal to keep 20 Yellow Billed
19 Loons inadvertently caught in fishing nets for
20 customary purposes and also the Pacific Flyway Council
21 supported the proposal to revert back to the 2008
22 regulations for Steller's Eiders on the North Slope.
23 So, when it went to the SRC, the SRC concurred with the
24 Pacific Flyway Council and the Yellow Billed Loons, at
25 least for this year. We don't know yet what will
26 happen for next year. They did not concur, as Josh
27 stated, on the Steller's Eider regulations and we will
28 get to that later. So just to make sure everybody
29 understood that. That's where that was left.

30

31 CHAIRMAN NANENG: Russ.

32

33 MR. OATES: Mr. Chairman. I'm Russ
34 Oates. Just a correction. Josh said that I was at the
35 meetings and, in fact, it was Eric Taylor representing
36 Region 7 of the Fish and Wildlife Service. Sorry, I
37 wasn't there, but I was in spirit, Josh.

38

39 (Laughter)

40

41 MR. BACON: Thanks, Russ.

42

43 MR. OATES: You've seen me there too
44 many times. So I guess I'd like to give the
45 opportunity to our Pacific Flyway representative and
46 Eric Taylor of Region 7 migratory birds, who were at
47 the meeting, if they have any perspectives they'd like
48 to offer at this point. Also, although Gary Young was
49 not at the meeting, if he has any perspectives he would
50 like to share on that particular regulation, I'd invite

1 him to do so. So if any of the three of you want to
2 offer anything about that now.

3

4 Okay. I guess Fish and Wildlife has
5 nothing to add at this point.

6

7 CHAIRMAN NANENG: Sandra.

8

9 MS. TAHBONE: I've got a question. Was
10 there any discussion regarding management plan for
11 Yellow Billed Loons?

12

13 MS. BROWN-SCHWALENBERG: I believe
14 there was during the Study Committee, but I don't think
15 that it came up at the actual Pacific Flyway Council.
16 Do you recall, Brad? No, I don't think it did come up
17 at the actual Flyway Council meeting.

18

19 CHAIRMAN NANENG: Enoch, go ahead.

20

21 MR. SHIEDT: Yeah, I've just got a
22 question for the North Slope. How did the idea of 20
23 Billed Loons came up the number to keep? Because my
24 area I know maybe more than 20 Billed Loons. What are
25 we going to do with the other birds that are accidently
26 caught on nets?

27

28 MR. PEDERSON: Mr. Chair. When we were
29 working on this proposal, we initially had a lower
30 number in mind that we were working with, but at the
31 AMBCC maybe three years ago, maybe four years ago when
32 we were working on this, they figured, well, let's go
33 ahead and make it a number that we could easily live
34 with, so they chose 20. We had, I think, our first
35 initial proposal was like 10 or something. As the
36 proposal moved forward, that number increased to 20.
37 We've never really met that.

38

39 CHAIRMAN NANENG: Enoch.

40

41 MR. SHIEDT: Yeah, I understand what
42 you're saying, but I hate to see a number come out for
43 our people, for all people to come out a certain number
44 because once they reach that, the officers could go
45 ahead and cite your people if you start coming out with
46 numbers. I mean we need to have a certain percentage
47 actually caught. I just want for a precaution. I
48 think you understand what I'm saying. If you come out
49 with a number and if over 20 is caught, your people
50 might be cited.

1 MR. BACON: If I could just add one
2 more thing. One thing that may become an issue in the
3 future when proposing this Yellow Billed Loon proposal,
4 as it was this year, is the harvest estimate numbers.
5 In the draft that Lilliana has provided, the 2009
6 estimates, on Page 47 it has an estimate for Yellow
7 Billed Loons. This is the problem. There's a point
8 estimate given of 51 Loons estimated harvested, but in
9 the footnote it shows that there were only four
10 reported harvested. So this 51 is an extrapolation.
11 If you look at the confidence intervals, there's very
12 high confidence intervals, so you get a range there of
13 between 4 and 27 birds that the actual number could be
14 in between. The only reason it couldn't be 0 to 4 is
15 because we know that there was four actually harvested
16 because that's what was reported.

17
18 So, statistically, this is a very weak
19 number and it's hard to have any confidence in it at
20 all. The statistical methods and the survey methods
21 aren't designed to get good estimates for these
22 resources that are harvested uncommonly in low numbers.
23 It's going to be tough to get a good estimate through
24 these methods. In order to get a very detailed
25 estimate that we can have a lot of confidence in of
26 Yellow Billed Loon take, we feel it's going to take a
27 specialized study to get at those numbers.

28
29 We also see -- I know I'm getting off
30 topic here -- a lot of value in these numbers that are
31 provided by this type of method, namely the most
32 commonly harvested birds. That's all I had to say
33 about that, I guess.

34
35 CHAIRMAN NANENG: Any more comments.
36 Go ahead, Dan.

37
38 MR. ROSENBERG: I just wanted to clear
39 up Enoch's concern and that was a specific North Slope
40 proposal. It was not for the entire AMBCC region.

41
42 MR. BACON: I'm sorry, Enoch, I didn't
43 address your question. That is a concern of ours as
44 well. If a year comes around where we have 20 Yellow
45 Billed Loons come into our office, which is also part
46 of the regulation, that fishers bring them in to us or
47 report that they're taken so we can document it. Once
48 we do go over 20 anyone else who keeps a loon that's
49 entangled in their net essentially will be -- it will
50 be unlawful, so it is something that we think about and

1 are concerned about as well.

2

3 CHAIRMAN NANENG: Any more comments,
4 questions.

5

6 (No comments)

7

8 CHAIRMAN NANENG: I would like to thank
9 Patty and Josh for their report. We'll take a break
10 now for about 10 minutes and come back.

11

12 (Off record)

13

14 (On record)

15

16 CHAIRMAN NANENG: Call back to order.
17 The time now is 3:02 p.m. and we have on the agenda the
18 overview of Section 7 process, how it applies to AMBCC
19 and the endangered species status Section 7. Gentleman
20 and lady, you have the microphone.

21

22 MR. SWEM: Mr. Chairman and Committee
23 members. My name is Ted Swem. I'm the branch chief of
24 the Endangered Species Program for the Fish and
25 Wildlife Service. Neesha Stellrecht is my colleague
26 there and works with me and I've asked her to come up
27 and sit with me. She knows some of the details that I
28 don't and her memory is better, so I thought if we have
29 questions, it might be of assistance to us all.

30

31 I'll be honest with you, I'm not
32 exactly sure what you had envisioned being presented
33 today. I've been on vacation and when I left for
34 vacation I was under the understanding that two people
35 in Russ's shop were possibly giving this presentation.
36 When I got back, I learned that I was giving it. So
37 I'm going to do the best I can and if you have
38 questions, if you think I'm not giving you the
39 information that you like, I would encourage you guys
40 to kind of indicate what it is that you do want to
41 learn from this presentation and we'll try to change on
42 the fly and make sure that we satisfy the desires of
43 the Committee.

44

45 I just wanted to give a little bit of
46 background on the Section 7 process. My understanding
47 is that you guys had a presentation at a previous
48 meeting from Sonja Jahrsdorfer, but she probably talked
49 exclusively about that process at the big scale and
50 didn't bring it down to the level of kind of

1 integrating that process with the management of the
2 subsistence hunt, which is obviously what's of interest
3 to you guys.

4
5 I'll give a little bit of background.
6 Endangered Species Act requires the Fish and Wildlife
7 Service to identify and protect species that may be at
8 risk of extinction and there are several portions of
9 the Act that my office is involved in. We help
10 identify species that may need protection under the
11 Act. if it's determined that they do, we then develop
12 and implement recovery programs to assist those species
13 and then probably the third major aspect of the program
14 is what's called Section 7, which is the regulatory
15 aspect of the Endangered Species Act. That's the teeth
16 of the Endangered Species Act that the public and users
17 of the resource at times feel.

18
19 Section 7 of the Act places a great
20 burden upon the Federal government. It basically
21 requires Federal agencies to work with the Fish and
22 Wildlife Service to evaluate and address the impacts of
23 any projects that the Federal government provides
24 funding for or provides permits for or engages in
25 themselves. That applies to this process because the
26 Federal government is very much involved in the
27 promulgation of the regulations that govern the
28 subsistence hunt. So that is considered -- under the
29 law, it's considered a Federal action that requires
30 consultation under Section 7 of the Act. So my office,
31 by virtue of having jurisdiction over northern and
32 western Alaska, parts of western Alaska, we conduct
33 that Section 7 consultation.

34
35 What that requires in this case is that
36 we evaluate the impacts of the subsistence harvest.
37 Let me add that we do the same thing for the fall hunt.
38 That's done out of Washington, D.C., but the Fish and
39 Wildlife Service also is required to do a consultation
40 on the impacts of the fall hunt across the country on
41 any listed or candidate species.

42
43 So, in Alaska, for the subsistence
44 hunt, my office does a Section 7 consultation where we
45 evaluate and try to address the impacts of the
46 subsistence harvest on species which are protected
47 under the ESA and Candidate Species. In this case,
48 that applies to Steller's Eiders, Spectacled Eiders,
49 Yellow Billed Loons and Kittlitz's Murrelets.

50

1 So Section 7 requires that we do a
2 couple of things in the process. The first thing and
3 the greatest burden is that the Fish and Wildlife
4 Service, in doing this consultation and the action
5 agency, it's called the Federal agency that is
6 conducting the action. In this case, it's the same
7 agency. The Fish and Wildlife Service is developing
8 the regulations for the hunt overseeing and being
9 involved in the AMBCC process and they're also doing
10 the consultation.

11
12 So the agency here, the Fish and
13 Wildlife Service, when doing these regulations, being
14 involved in the promulgation of the regulations, must
15 ensure that the hunt does not jeopardize the continued
16 existence of any of the species that we consult on.
17 Jeopardize has a very specific legal definition. It is
18 to appreciably reduce the likelihood of survival and
19 recovery of those species.

20
21 So, in other words, each year when
22 these AMBCC regulations are developed and implemented
23 to facilitate the subsistence hunt, the Fish and
24 Wildlife Service is required to evaluate the impacts of
25 that subsistence hunt to make sure that Steller's
26 Eiders and Spectacled Eiders and Yellow Billed Loons
27 and Kittlitz's Murrelets do not have their likelihood
28 of survival and recovery appreciably reduced by that
29 hunt. So that's the legal requirement we're under.

30
31 If it is determined that any of those
32 species likelihood of survival and recovery is
33 appreciably reduced, we have to work with, in this
34 case, the migratory bird management and the AMBCC group
35 to alter that proposal to ensure that action, to ensure
36 that the species is not jeopardized.

37
38 If it is determined that none of those
39 species are jeopardized, then we are also required to
40 work with the parties that are involved to minimize the
41 impacts of that harvest to those species to the extent
42 that we can. In my office we do hundreds and hundreds
43 of consultations a year. We normally work regularly
44 with the Bureau of Land Management, all their actions.
45 When they do an oil lease sale in the National
46 Petroleum Reserve, that's a Federal action, we consult
47 with them.

48
49 We consult with what formerly was
50 called the Minerals Management Service. If they do an

1 oil lease sale in the Chukchi Sea or something like
2 that and then when oil is developed there we consult
3 again and again. Our goal again is to prevent any
4 species from having their chances of surviving
5 basically be impacted by that project, so we are
6 required to do that again on the subsistence hunt in
7 the promulgation of those regulations.

8
9 The way that we do that, the way that
10 we evaluate the impacts to that is that we acquire all
11 the available information on the hunt, the way that the
12 hunt is regulated. In this case, for the subsistence
13 harvest, the first thing we look at is the regulations
14 that the AMBCC comes up with. So we look at the
15 regulations, then we look at all available information
16 that may help us assess how many Steller's and
17 Spectacled Eiders and Yellow Billed Loons and
18 Kittlitz's Murrelets may be taken in the process of
19 that subsistence harvest and there are several sources
20 of information that we can look at.

21
22 Of course, we have the harvest survey
23 reports. We have any TEK that's available. There are
24 older anthropological studies done by Steven Braun and
25 Associates and others that have evaluated subsistence
26 harvest. There are accounts that hunters have provided
27 to us. We have information from our biologists who
28 work in the field and on occasion we have information
29 from our agents who have encountered hunters and may
30 have seen any of those species. So we accumulate any
31 information that may help us assess or estimate what
32 the levels of harvest may be, how many of each of those
33 species are taken. First we have to make the
34 determination that that level of harvest will not
35 jeopardize the continued existence of those species and
36 then if the answer is no, it will not, then we work to
37 the extent possible to reduce those levels, those
38 numbers of those birds that are being taken during the
39 process of the hunt.

40
41 As probably everyone here knows, in the
42 last several years that's been challenging for everyone
43 involved, for the Fish and Wildlife Service, for the
44 AMBCC and for the subsistence communities, largely due
45 to concern for the possible impacts of subsistence
46 harvest to Steller's Eiders. So our greatest level of
47 concern has been for Steller's Eiders. As everyone
48 here is probably also aware, there's some concern that
49 the information on the harvest levels, the number of
50 Steller's Eiders that may be being taken, we're not

1 sure exactly how accurate those harvest assessments
2 are, how reliable that information is. So we feel like
3 we're flying a little bit blind. We're trying to make
4 our best assessments of impacts with the data that we
5 have in hand without knowing exactly how accurate those
6 assessments are.

7
8 So I guess that's a brief introduction
9 to the process.

10
11 CHAIRMAN NANENG: Molly.

12
13 MS. CHYTHLOOK: Thank you, Mr. Chair.
14 I've got a couple questions. Is subsistence harvest
15 the only harvest that you evaluate to, I guess, assess
16 whatever you do here?

17
18 MR. SWEM: No. There also is a Federal
19 level consultation on the impacts of the fall hunt as
20 well.

21
22 MS. CHYTHLOOK: I mean do you -- no,
23 subsistence hunters aren't the only ones that hunt. We
24 know that there's sports hunting. Do you evaluate
25 their harvest too?

26
27 MR. SWEM: Yes.

28
29 MS. CHYTHLOOK: And then the second
30 question is, I keep hearing the concerns of inaccurate
31 possible reporting even relating to surveys. Have you
32 guys discussed how you would improve this than what's
33 happening now with the survey project?

34
35 MR. SWEM: Yes, I think there are
36 discussions going on at several levels to try to figure
37 out how to best improve the harvest survey estimates.

38
39 MS. CHYTHLOOK: What are those -- I
40 guess what are those directions? If the subsistence
41 harvest project isn't working, what are the options to
42 get the satisfactory harvest concerns that you guys
43 have that you don't -- it sounds like the subsistence
44 harvest surveys you guys aren't trusting. So how would
45 you survey or do whatever so that you could trust
46 whatever numbers other than the subsistence survey
47 projects that's going on now?

48
49 CHAIRMAN NANENG: You have an answer to
50 that?

1 MR. OATES: Yeah. Molly, the process
2 that I described yesterday and will describe again
3 today, Endangered Species folks, Ted, was involved in
4 that process. One of the things I'm going to do is --
5 actually I'll show you the names of all the people that
6 participated. I think Sandy was interested in that
7 particular. What Ted was referring to was the process
8 that I talked about yesterday.

9

10 CHAIRMAN NANENG: Patty.

11

12 MS. BROWN-SCHWALENBERG: Just a
13 clarification. So your distrust of the figures in the
14 harvest survey reports is that you're not confident in
15 them because you think there's misidentification of
16 species or the number of birds people are reporting or
17 what exactly is the -- where does the level of
18 confidence go down?

19

20 MR. SWEM: First I'd like to clarify.
21 I don't believe I used the word mistrust. I said that
22 there's questions as to the reliability of information.
23 I think that there are some indications of
24 misidentification within the three of the four species
25 that we suggested within the Eiders and the Yellow
26 Billed Loons. There are harvest survey reports with
27 considerable number of birds and eggs being taken from
28 areas where we think it's unlikely that that number of
29 birds even occurred let alone could be harvested.

30

31 There's probably other sources of
32 possible bias that we could identify, but whether or
33 not those forms of bias are actually affecting the
34 numbers, I'm not knowledgeable enough to comment on. I
35 think, again, there's been questions about the
36 sampling, whether or not households or villages that
37 are reporting are -- the households are representative
38 of the village, whether the villages are representative
39 of the region as a whole. So I would consider those
40 sampling questions. Again, whether or not those are
41 real and manifest themselves in inaccuracies, I don't
42 know. But those have been brought up by others as
43 possibly affecting the reliability of those estimates.
44 Certainly there are indications of possible significant
45 misidentification.

46

47 MS. BROWN-SCHWALENBERG: Specific to
48 Yellow Billed Loons or Eiders or both?

49

50 MR. SWEM: Both. There are good

1 numbers of Eiders reported. One example is -- I may
2 have these years wrong and I don't have the information
3 in front of me, but several years ago there were 77
4 Steller's Eiders eggs reported taken from the Seward
5 Peninsula, where we don't believe this species has
6 nested for quite some time. There were significant
7 numbers of Steller's Eiders reported from the Yukon-
8 Kuskokwim Delta recently and we don't believe that the
9 species nests there in any significant numbers anymore.

10

11

12 For Yellow Billed Loons there was an
13 estimate from 2007, I believe, of over 1,000 Yellow
14 Billed Loons taken from the Bristol Bay region,
15 specifically, as I recall, St. Lawrence Island. In
16 discussions with hunters and others, we didn't feel
17 that those numbers were probably in line with what the
18 people were really taking. So there's some questions
19 about that. So we're trying to evaluate what the
20 impacts of the harvest is without knowing exactly what
21 the harvest is, so that's difficult.

22

23

CHAIRMAN NANENG: Sandra.

24

25

26 MS. TAHBONE: Yeah, I have a question
27 on your methods that you use when you make the analysis
28 of when you see that a bird is being harvested -- oh,
29 you say well that's probably not -- likely not so
30 because they're not known to nest in that area. What
31 are you basing that? What all are you putting -- what
32 all are you using to make that analysis?

32

33

34 MR. SWEM: I would say any and all
35 information that's available to us to assess the
36 distribution of these species. So, for example, with
37 Spectacled and Steller's Eiders they've been of
38 interest since the early '90s, so we've been working
39 with the people in the villages on the North Slope and
40 our colleagues on the Yukon-Kuskokwim Delta have been
41 working with the people in those regions for many years
42 to try as hard as we can using local knowledge as well
43 as the biologists that work for us and other
44 organizations to try to find those species and identify
45 if and where and how many are present.

45

46

47 As with the Yellow Billed Loon thing,
48 as you know from the meetings that we had starting in
49 Anchorage a few years ago, after those harvest survey
50 levels were high from the Bristol Bay region, we've
51 been working with the people in your communities to try

1 to figure out if people are really taking that number
2 of Yellow Billed Loons.

3
4 MS. TAHBONE: So I'm more interested in
5 the.....

6
7 MR. SWEM: Excuse me. Bering Strait.
8 I misspoke.

9
10 MS. TAHBONE: I'm interested on the
11 population side with the information that you're using.
12 I'm just like with climate change, migration and
13 breeding changes. So what are you bringing to the
14 table as far as looking at those numbers? What I'm
15 trying to say is how are you improving your ability to
16 get more accurate population surveys done?

17
18 MR. SWEM: For the Eider species, we
19 have an Eider recovery team, which includes
20 representatives from affected communities, the
21 scientific community, academia and others. Those
22 people help advise us on methods that we could use to
23 estimate population sizes. So, for the Eiders we've
24 been trying to count them and we've been trying to
25 improve our methods since maybe 1991 or '92. We admit
26 that they're difficult -- pretty much endangered
27 species management is made difficult by the fact that
28 before we start working with the species they're pretty
29 rare. They don't really get on the endangered species
30 list until they are pretty rare. Therefore, finding
31 them to count them tends to be pretty difficult.

32
33 When we use sampling or use aerial
34 surveys, like Russ's shop does for the Eiders and for
35 the Loons, we don't see many and that results in pretty
36 imprecise population estimates just because there's a
37 lot of time walking or a lot of time flying for a few
38 birds seen. Frequently they occur in clusters, which
39 means you see none on most survey strata and a few on
40 others and that also causes imprecision. So we
41 admittedly have imprecise estimates, but we're
42 constantly trying to find ways to better improve them.
43 I don't know if that answered your question.

44
45 MS. TAHBONE: It did in part. And then
46 I'm interested -- what are the numbers right now for
47 your population for Yellow Billed Loons?

48
49 MR. SWEM: We believe we have
50 reasonable estimates, pretty good estimates for the

1 number of Yellow Billed Loons which nest in Alaska and
2 maybe Russ or Eric Taylor can correct me if I'm a
3 little off base here, but I believe that we think for
4 Yellow Bills we're talking roughly 3,500 to maybe 4,400
5 Yellow Billed Loons nesting in Alaska. The majority of
6 those, as I recall, maybe 70 or 80 percent of those are
7 on the North Slope and the remainder are on the Seward
8 Peninsula.

9

10 Then we have some data from Russia.
11 The species also nests in Russia and Canada. We
12 believe that several thousand nest in Russia, but we
13 have pretty sketchy data from there and we believe
14 that, as I recall, our estimates are 10 to 20,000
15 nesting in Canada.

16

17 MS. TAHBONE: What's your target for
18 your population, your management objective?

19

20 MR. SWEM: We aren't to the point where
21 we have management objectives and I would add that
22 Yellow Billed Loons are not protected currently under
23 the Endangered Species Act. We were forced several
24 years ago through the Endangered Species Act or ESA has
25 a process where the public can petition the Service to
26 evaluate whether species qualify as threatened or
27 endangered. When they do, we are forced to work our
28 way through that process. I can no longer remember what
29 year it was, but it might have been roughly 2004, 2003.
30 The public, an environmental group, petitioned us to
31 evaluate Yellow Billed Loons. We went through that
32 process and the result of that was that they were
33 designated as a candidate species.

34

35 What that means is that the best
36 information available at the time suggested that
37 listing was warranted but it was precluded, which
38 basically is a fancy way of saying we're delaying the
39 ultimate decision. At the time we made that decision,
40 we didn't have much confidence in the information we
41 had. So we didn't really think we could with
42 confidence say the species doesn't need listing. We
43 didn't think we could say with confidence that it does
44 need listing. Therefore we were pretty comfortable
45 with middle of the road answer, which was that it
46 basically probably needs listing but not yet and we're
47 using the interval that the but not yet provides us.
48 Again, to work with the people in the Bering Straits
49 region and elsewhere to try to get better information.

50

1 MS. TAHBONE: So do you have your
2 population survey for our region set up yet or what are
3 going to be your efforts in the next five years say?

4
5 MR. OATES: I'm going to ask Eric if
6 there's any new effort on that. I know we've been
7 counting Yellow Billed Loons on the North Slope in our
8 aerial surveys since the mid '80s and recently we have
9 done some surveys on the north side of the Seward
10 Peninsula where they breed also, but I'm not -- I don't
11 have it at my fingertips at this moment any additional
12 work that's proposed or anything else that's planned at
13 this point. Eric is nodding that that's correct,
14 nothing.

15
16 MS. TAHBONE: Yeah, I'm just curious
17 because we do have nesting birds on the southern of our
18 region as well as out at the island, St. Lawrence
19 Island.

20
21 CHAIRMAN NANENG: Peter.

22
23 MR. DEVINE: Thank you, Mr. Chair. The
24 only concern I have listening to this discussion is you
25 went from our spring and summer hunt saying you were
26 compiling information from that and then you mentioned
27 a fall hunt. We're not recognized as having a
28 subsistence fall hunt. That is a sport hunt. So is
29 there a footnote saying which user group is using what?

30
31 MR. SWEM: I partly brought up the fall
32 hunt to make sure that everybody understood that the
33 actual sport hunters, meaning those people in the Lower
34 48 who hunt waterfowl for sport, are also subject to
35 the same requirements of the endangered species. The
36 impacts of that sport hunt are also evaluated and
37 subject to the same laws. So that was one purpose of
38 bringing that up.

39
40 In a more maybe direct answer to your
41 question, we look at the harvest survey data that are
42 provided to us and as best as I can tell from looking
43 at those data they include birds that may be taken by
44 subsistence hunters during the fall, during the
45 interval in which the fall regulations govern the hunt.
46 So our attempt is to, as best as we can, assess the
47 total number of all four of those species that might be
48 taken all through the spring, the summer and the fall
49 by subsistence and sport hunters in Alaska. So we're
50 trying to include all impacts from all hunters in all

1 seasons under both sets of regulations.

2

3 Did that answer your question?

4

5 MR. DEVINE: Yes.

6

7 CHAIRMAN NANENG: Randy.

8

9 MR. MAYO: Yeah, I just wanted to speak
10 in regards to survey data collection efforts by
11 different agencies, in particular what you're working
12 on. In my past experience, coming from right from the
13 community, even though I'm here on behalf of a regional
14 organization, that the only way you're going to get
15 real good information is through real co-management
16 efforts with the tribes and making it allowable for
17 tribes that have the capacity to enter into AFAs or any
18 compact and funding agreements to do some of this work.
19 If that were to happen, we wouldn't be sitting here
20 asking you for data. I'd pull out my tribal data and
21 compare it with yours and see whose number is the real
22 true number here.

23

24 This is the second meeting I've been
25 to, but I participated in a lot of other advisory
26 boards here. As far as I'm concerned, coming from the
27 Native side here and a tribal governance person, that
28 we're at the great disadvantage here and we're sitting
29 here asking you for your data that's not accurate. If
30 you say one little small area, you know, numbers
31 indicate 1,000 birds, people would be eating those
32 birds for breakfast, lunch and dinner. I know that
33 that kind of concept and model in this day and age
34 right now in this state is a way off, but that is what
35 the tribal governments are going to have to try to
36 achieve that level of technical proficiency based on
37 the traditional cultural knowledge of the species we
38 lived off through the millennia.

39

40 So I just wanted to make that point
41 that eventually this is where it's going to have to go
42 or we'll be sitting here for another 20 years while
43 species go extinct trying to -- without the inclusion
44 of real enhancing tribal technical resource programs to
45 help find out about these things and helping the
46 regulatory process through tribal ordinance, then
47 things may go by the wayside.

48

49 Thank you.

50

1 CHAIRMAN NANENG: Enoch.

2

3 MR. SHIEDT: Yeah, I've just got a
4 question. You said you were taking your surveys from
5 the spring hunt up in Slope -- in Nome area. You take
6 it in consideration to do a fall count where the Yellow
7 Billed Loons congregate together for the winter. See
8 how good are your numbers versus the winter
9 congregation, south versus the ones up north.

10

11 CHAIRMAN NANENG: Anybody have any
12 questions.

13

14 MS. TAHBONE: I was going to say, no,
15 they don't. The only surveys that they're doing in
16 Alaska are just up on the Slope and then they've done
17 up in the NANA region area and our northern area, which
18 is the Bering Land Bridge, the park. They had monies
19 to be able to do surveys. That's the only survey work
20 population. They don't do any type of fall work.

21

22 MR. SWEM: I'm trying to think. I'm not
23 aware of any place where the Yellow Billed Loons
24 concentrate in the fall or the winter. We know that
25 actually near St. Lawrence some hunters have told us
26 they see some numbers congregating for a few weeks late
27 September and early October. Counting them is
28 difficult and there's a gentleman out there who's
29 counted birds in the autumn, Paul Lehman, for many
30 years. Certainly we get his data and he's counting
31 birds that are flying past. Whether he's counting the
32 same birds again and again we don't really know. If
33 there are places where Yellow Billed Loons do
34 congregate in any time of the year, we'd like to hear
35 about that.

36

37 MS. TAHBONE: I was just going to say I
38 think his work is pretty much out of Gambell, I
39 believe, and the birds are on the other part of the
40 island. They're not that time of year, so he's not in
41 the right place to be counting birds.

42

43 I had a question. I'm trying to get
44 this straight. So your office, do you oversee the work
45 so you at Fish and Wildlife as far as the regs they
46 have to do the Section 7, so that's Doug's shop. Then
47 do you monitor it or who does the actual work or how
48 does it work? Who does what? Because you also, I
49 would believe -- are you responsible for like the
50 Bering Sea trawl survey? They had to do a Section 7, I

1 believe. Did they get that complete for that test they
2 just completed this last summer?

3

4 MR. SWEM: That was done by our
5 Anchorage field office. I guess you kind of asked two
6 questions. One was the Bering Sea trawl. My office
7 has not conducted that.....

8

9 MS. TAHBONE: So what does your shop
10 do? Our program, AMBCC is proposing the regs to the
11 Service, so if they -- because it's an action that
12 they're doing, so who does what? What does your shop
13 do and what does the regulatory proposal shop do?

14

15 MR. SWEM: That's a good question and
16 that gets kind of to the heart of the interest of the
17 AMBCC. In theory and in -- it's more straightforward
18 in cases where the same agency isn't doing the action
19 and evaluating it. This is unusual and it's sort of
20 complicated. As I said, we normally work with other
21 separate agencies.

22

23 In this case, basically Doug Alcorn's
24 shop is responsible to describe to us what the action
25 is, provide us with as much information as they can on
26 what the hunt is all about and what their assessment,
27 best assessment of the impacts of the hunt are, and
28 then my shop's role in all that is evaluating our best
29 estimate of what that means to the species, whether or
30 not that may or may not cause jeopardy, does or does
31 not cause jeopardy to the species, and then we work
32 with them and hopefully the people that hunt in order
33 to develop measures to reduce the hunt.

34

35 So, for Steller's Eiders, the primary
36 concern has been for that species and our primary
37 concern has been for the potential -- for Steller's
38 Eiders to be taken in four villages on the North Slope.
39 So we've been working with the North Slope Borough and
40 with a group up there that calls themselves the
41 Migratory Bird Task Force, which includes the Native
42 Village of Barrow, the Village Corporation, UIC, the
43 Inupiat Community of the Arctic Slope, the Borough.
44 Anybody else?

45

46 MS. STELLRECHT: Its locals.

47

48 MR. SWEM: Its locals, its hunters, and
49 we're working with them to the extent possible to
50 identify what factors may be leading to Steller's

1 Eiders being taken during the process of the hunt and
2 trying to address those. So then we're basically
3 working with the hunters. We're also working with Doug
4 Alcorn's shop and the people in migratory bird
5 management to try to be able to let the hunt go forward
6 while also fulfilling our obligation to say that we
7 have insured that the hunt won't jeopardize Steller's
8 Eiders.

9

10 CHAIRMAN NANENG: Maybe Eric will make
11 a report regarding the populations of concern and their
12 wintering areas. It sounds like what we went through
13 back in 1984. The only people that really -- it
14 eventually added other parts of the migratory route of
15 the birds to be included in addressing the decline of
16 certain species. The way that my observation is the
17 way the report is made is that they seem to concentrate
18 on the areas where the hunters are located at of trying
19 to come up with Endangered Species Act implementation
20 and not knowing where the birds are wintering, similar
21 to what they did not know about the Spectacled Eiders
22 until about maybe 10 years ago, since '94.

23

24 You know, prior to '94 they never knew
25 where the Spectacled Eiders wintered until they did the
26 radio tagging and they found out they were south of St.
27 Lawrence Island. Are they also doing the same thing
28 with the species of concern, like the Steller's Eiders,
29 the Yellow Billed Loons? Are they doing the same thing
30 to find out where they winter and making sure that
31 other factors are not causing the decline because it
32 looks like deja vu 1990s here. They were pointing at
33 the local hunters for causing the decline. As we got
34 more information, other factors came into light that
35 the Service and other agencies became aware that the
36 local people are not the ones that are causing the
37 decline, but there's also some environmental impacts.

38

39 My question to you, Ted and Lisa, has
40 there been other studies in what may be perceived the
41 known wintering areas of these birds that may be
42 causing the decline?

43

44 MR. SWEM: Yes, I think there have been
45 to the extent that we can. The answer is slightly
46 different for the different species. As you noted
47 Myron, we didn't even know where Spectacled Eiders
48 wintered until 1994. Since then there's been some work
49 out there. It's not easy to work out there. Even
50 finding the birds is somewhat challenging and then

1 there are openings in the ice and it's difficult and
2 unsafe to land on the edge of the ice and work near
3 there. So there has been some sampling, trying to
4 figure out what the birds are eating and if there are
5 changes in the marine environment that may be affecting
6 Spectacled Eiders during the winter out there, so
7 there's been some research on that.

8

9 We are also, to the extent we can,
10 trying to assess other factors where they breed both on
11 the North Slope and the Yukon-Kuskokwim Delta. In
12 other words, other natural factors that are not man-
13 caused on the breeding grounds that might be affecting
14 Spectacled Eiders.

15

16 For Steller's Eiders, we know that they
17 winter in Cook Inlet around Kodiak Island and along the
18 Alaska Peninsula on both sides of it. We've known that
19 for quite some time. They molt in those areas and
20 after molt the birds kind of spread out and they hang
21 out in the nearshore waters, generally shallow waters,
22 and there's been work out there. We're aware of other
23 factors that affect them. There's some contaminant
24 issues near harbors and there's work on that. There's
25 work being done on disease and other things. To the
26 extent we can we're working on them and we're
27 prioritizing the work based on the guidance from the
28 recovery team that helps us identify those things that
29 we think might be affecting the populations and the
30 species.

31

32 Similarly for Yellow Billed Loons
33 there's been work on that species. Part of the work is
34 to try to identify where the Russian breeding, the
35 Alaska breeding and the Canada breeding populations go,
36 so there's been some satellite telemetry to figure out
37 where those birds are going. We're sampling birds to
38 see if they're picking up contaminants on the wintering
39 grounds because of their location on the food chain,
40 their diet. We believe that they were susceptible to
41 exposure to contaminants, so we've done some sampling
42 with birds on the North Slope that we know winter in
43 the Yellow Sea and near the Korean Peninsula, some of
44 the most polluted marine waters in the world. So we've
45 been looking and seeing if contaminant exposure is a
46 problem for them. We're trying to do exactly what
47 you're saying to the extent that we can.

48

49 CHAIRMAN NANENG: So ultimately
50 whatever you find as a report to the group may not

1 necessarily be we're trying to find ways to restrict
2 subsistence, but we're trying to help find ways to
3 increase the population and address other factors that
4 have impacted the decline of the populations. I hope
5 that is the case because we can't continually place the
6 people that use the resource as the sole source of
7 decline, more often than not what we seem to hear. So
8 I hope that other industries that have a direct impact
9 are also included as part of the effort to reduce their
10 impacts on these species as well.

11
12 MR. SWEM: Yes, we do do consultations
13 with industries and other sources of impact to these
14 species.

15
16 MR. PEDERSON: Mr. Chair.

17
18 CHAIRMAN NANENG: Yes.

19
20 MR. PEDERSON: When you met with our
21 management body a few weeks ago, maybe I missed it, but
22 I think I'm a little confused now. So when you do the
23 Section 7 consultations with the industry, say the
24 Chukchi with -- they used to be MMS, do you take into
25 account your conclusions from that process when you
26 guys are working on promulgating new regs for the
27 subsistence harvest?

28
29 MR. SWEM: Yes, and vice versa. When
30 we evaluate the impacts to the species, we consider
31 that in light of all the known impacts to the species.

32
33 CHAIRMAN NANENG: Pete.

34
35 MR. DEVINE: Thank you, Mr. Chair. I
36 just have a follow-up question. Last year we were told
37 there was 52 breeding pair in North America and I've
38 stated before that on Popof Island that I watched that
39 group grow from 200 to 600. I've been told that those
40 are the Russian population. Do we know how many
41 breeding pair in North America this year?

42
43 MR. SWEM: Which species are we
44 referring to?

45
46 MR. DEVINE: That's the Steller's
47 Eiders.

48
49 MR. SWEM: There was an aerial survey
50 conducted on the North Slope this summer. I'm not sure

1 of the results of that survey, but our best estimate
2 based on the past several years, but not including this
3 year because I haven't seen those data, was 500 and
4 some odd pairs nesting in Alaska, 576, but it has a 90
5 percent confidence interval that, as I recall, went
6 from 200 and some odd pairs to 900 and some odd pairs.
7 So the point estimate was 560 pairs. We were 90
8 percent certain that the data suggested the actual
9 number was somewhere between two and nine hundred
10 pairs, but I've not seen this year's data.

11
12 CHAIRMAN NANENG: More questions.
13 Sandra.

14
15 MS. TAHBONE: Just one more. So I know
16 what your shop does and I know what Doug's shop does.
17 Now what does AMBCC -- how are we involved in this
18 process?

19
20 MR. SWEM: The actual consultation
21 process is between a Federal agency and a Federal
22 agency in this case. AMBCC is not actually a Federal
23 agency. So we consult with Doug's shop over the whole
24 process on that. However, as I said, when we evaluate
25 the action, the hunt, and its possible impacts, one of
26 the things that we evaluate is the regulations that
27 govern that hunt and the AMBCC crafts those
28 regulations. So the first thing that we start with is
29 the regulations which govern the way the hunt is
30 conducted and that is what is provided by the AMBCC.
31 So you guys produce those regs. That's the first piece
32 of information we look at in evaluating the possible
33 impacts of that hunt.

34
35 MS. TAHBONE: But we're not necessarily
36 involved with the redesign of those regs. So we put
37 forward a proposal to the government and then in the
38 process, because of your analysis, it gets changed, so
39 how does that work, that change?

40
41 MR. SWEM: If I understand your
42 question correctly, I would say there's two separate
43 things going on. I think you are, in fact, involved in
44 the redesign of regulations because each year the AMBCC
45 develops regulations to govern -- you make a proposal
46 regarding the regulations for the next year's hunt. So
47 the AMBCC annually has an opportunity to develop
48 regulations that would minimize the impacts to those
49 four species and then we would evaluate those and all
50 other available information and make a determination

1 whether that allows our regional director to say that
2 in sum total that information, including the
3 regulations that you guys produce and the SRC approves,
4 plus any other information can allow him to say that he
5 has met his requirement that he must ensure that that
6 hunt doesn't jeopardize one of those species.

7
8 CHAIRMAN NANENG: If there's no other
9 questions, I'd like to thank you for the report and the
10 update of how your department impacts. I hope in the
11 future you'll come back with the review of proposal and
12 see how that process works between you and Doug
13 Alcorn's camp -- I mean office, so that we can have a
14 better understanding of what process you're going
15 through. I have an idea, but I think that we need to
16 see what the communication is between the two offices
17 so that we can also be involved in it.

18
19 You've got a final comment, Sandra?

20
21 MS. TAHBONE: I think they only covered
22 one thing. Are they part of that E?

23
24 CHAIRMAN NANENG: We combined them.

25
26 MS. TAHBONE: So he covered the
27 additional 2011 Eider conservation regulations? I
28 didn't hear.

29
30 CHAIRMAN NANENG: I think that Russ --
31 who's going to come up with that report, the 2011 Eider
32 conservation regulations?

33
34 MR. OATES: I think Fred was going to
35 do something on that one.

36
37 MR. ARMSTRONG: Ted's right, we do
38 produce the proposals that are submitted to the Service
39 Regulations Committee. They take a look at the
40 proposals based on recommendations from the Migratory
41 Bird division and give a yeah or nay on the proposals.
42 As for the initial regulations, that was part of one of
43 the proposals that was submitted and rejected by the
44 SRC to revert back to 2008 when we didn't have the
45 three additional regulations on the North Slope. That
46 being the shooting hours and the possession of
47 protected species and the requirement to show your
48 harvest to an officer when requested. Those were
49 additional regulations that were identified that were
50 deemed necessary to move the hunt forward and also at

1 the same time protect the Steller's Eider. That was
2 part of what the Endangered Species Act does to ensure
3 the continued survival of the species.

4
5 MR. ROSENBERG: Dan Rosenberg, if I
6 may. I think the question might be to Ted is how those
7 three regulations that Fred just mentioned that are
8 enacted for the North Slope. Those were enacted I
9 assume as a mechanism to appreciably reduce the
10 likelihood -- or to appreciably not reduce the
11 likelihood of more birds being taken to increase the
12 survival and recovery of the species. So how is it
13 arrived at that those three things would work better
14 than say more outreach or something else?

15
16 MR. SWEM: Well, first I'd clarify that
17 two of those regulations actually pre-existed and were
18 not new regulations, so they were merely a reiteration
19 to make sure that hunters were aware that possession of
20 closed species was a violation of the law and that a
21 law enforcement agent can ask to see a hunter's bag at
22 any time. So there was really only one new regulation.
23 That regulation was developed in internal discussions
24 within the Fish and Wildlife Service and also multiple
25 discussions with the North Slope hunters, although they
26 didn't agree with that regulation necessarily.

27
28 Actually I can't recall the genesis of
29 that one, but there was a bunch of discussions in which
30 there was pretty much a lot of discussion that
31 identification among the Eiders is very difficult on
32 the North Slope. So the one remaining regulation that
33 is new is the shooting hour regulation that applies to
34 four villages on the North Slope for the interval after
35 the sun begins to set and before September 1 because
36 starting September 1 there are already shooting hour
37 regulations. So this new regulation applies to four
38 villages for an interval that varies from 10 to 20 days
39 in the autumn and it applies every night from one half
40 hour before sunset to sunrise the next morning.

41
42 That regulation was developed under the
43 belief that after discussion with hunters that
44 identification between the Eider species, particularly
45 with hens and juveniles, the ducklings late in the
46 summer when most of the hunting is taking place at
47 least at Barrow, that identification among those
48 species is difficult at best even in good lighting
49 conditions.

50

1 So the reasoning was that if it's
2 difficult in good light to differentiate among these
3 species, and based on discussions with hunters that
4 misidentification among Eider species -- in other
5 words, difficulty in distinguishing King an Common
6 Eiders, which are very important subsistence species
7 and are open to subsistence harvest, and Steller's and
8 Spectacled Eiders, which are not important species and
9 are closed to harvest, if that identification was
10 difficult and was contributing to the problem, that
11 alleviating hunting when it was too dark to see would
12 hopefully reduce that hunting or reduce that accidental
13 harvest resulting from misidentification.

14
15 MR. ROSENBERG: Was there evidence that
16 that was occurring?

17
18 MR. SWEM: I don't think the
19 information we have is good enough -- oh, that
20 misidentification?

21
22 MR. ROSENBERG: That misidentification
23 was leading to a significant -- was leading to part of
24 the problem.

25
26 MR. SWEM: Hunters told us that they
27 had trouble distinguishing between the species and we
28 know that hunters -- we had information that hunters
29 were hunting after the sun was down when it was very
30 difficult to see.

31
32 MR. ROSENBERG: And were any hunters
33 cited for shooting Steller's Eiders?

34
35 MR. SWEM: Yes.

36
37 MR. ROSENBERG: At that time, because
38 of shooting hours, late in the evening?

39
40 MR. SWEM: No one was cited for
41 shooting in closed shooting hours. I believe that the
42 hunters that were seen with Steller's Eiders who were
43 hunting after sundown were cited for possession of
44 Steller's Eiders, for taking of closed species. They
45 were not taken for hunting during darkness.

46
47 MR. ROSENBERG: So there was evidence
48 that during what became the closed hours Steller's
49 Eiders had been previously taken during that time
50 period.

1 MR. SWEM: That's my understanding.

2

3 MR. ROSENBERG: Thank you.

4

5 CHAIRMAN NANENG: Any more questions
6 for Ted.

7

8 (No comments)

9

10 CHAIRMAN NANENG: If not, I'd like to
11 thank you for giving us a report and update. Yesterday
12 we had a discussion on the proposed harvest survey that
13 the Service wanted to present and I think we can take
14 the opportunity right now to deal with it and address
15 it and to comment on it so that we can get it out of
16 the way. So I'd like to ask Russ to present a White
17 Paper that was shared in the work session.

18

19 MR. OATES: Thank you, Mr. Chairman.
20 We need to fire up the apparatus here. I hope some of
21 you that took the handout yesterday still have it.
22 I've got additional copies here.

23

24 (Pause)

25

26 MR. OATES: I want to talk a little bit
27 about the Subsistence Harvest Survey. You folks have
28 received a copy. It's being called a White Paper right
29 now. I want to give a little bit of background on this
30 before we start talking about that White Paper. Mostly
31 background on the Subsistence Harvest Survey and give a
32 little history of what I call the current harvest
33 survey.

34

35 I think the emphasis on migratory bird
36 subsistence harvest survey recent emphasis arose from
37 an incident -- an event I guess you'd say that occurred
38 in the 1970s and the '80s, which was the rapid decline
39 of four species of arctic nesting geese that breed in
40 western Alaska. These four populations declined
41 rapidly and dramatically. There was wide recognition
42 throughout the Pacific Flyway from Alaska all the way
43 down to California that something was wrong and
44 something needed to be done.

45

46 In 1984, the parties -- well, actually
47 sat down before that, but the parties sat down, hunters
48 from the south, hunters from the north, State agency
49 wildlife people, Federal agency wildlife people, and
50 everybody agreed that there was too much harvest going

1 on in these four species of geese. So an agreement was
2 drawn up known as the Hooper Bay Agreement and it was
3 revised in 1985 and became what is now the Yukon-
4 Kuskokwim Delta Goose Management Plan.

5
6 Within this agreement there are a lot
7 of actions called for; outreach, education and one of
8 the main things was an agreement to reduce the harvest
9 of these four species of geese. In addition to
10 reducing the harvest, population objectives were
11 established to provide hopefully goals to reach in
12 terms of allowing the birds to increase to somewhat
13 near historical levels.

14
15 One of the things that was agreed also
16 was that the hunters from the north and the south would
17 be -- their harvest would be monitored. In 1985 the
18 Subsistence Harvest Survey on the Yukon Delta began on
19 a recurring basis and it's been done almost every year
20 since then. About 10 years later the survey was
21 expanded into Southwest Alaska and it continued.

22
23 Another important landmark in this
24 whole business is 1997 amendment to the Migratory Bird
25 Treaty Act. This started a lengthy public process and
26 one of the first outcomes of that was a notice of
27 decision published in the Federal Register which
28 described the implementation of the statewide
29 management body and identified the initial regions that
30 would have representation.

31
32 The management body became known as the
33 Alaska Migratory Bird Co-management Council. I can't
34 remember exactly what year it began meeting, but 2003
35 was the first year that subsistence hunting regulations
36 were promoted by this -- brought forth I should say by
37 this Council. At the same time, the harvest survey,
38 which was primarily a Western Alaska survey, was
39 revised and expanded into a statewide survey.

40
41 During that same year the Harvest
42 Survey Committee of AMBCC was formed. I forgot
43 yesterday exactly how the state review was initiated
44 and it's a little embarrassing because I was actually
45 part of the Harvest Survey Committee at the time the
46 Committee contracted with the State to do the review.
47 So the Survey Committee was concerned about how well
48 the survey was working to describe the harvest, so they
49 contracted with Alaska Department of Fish and Game
50 Subsistence Division and the survey was reviewed.

1 Department of Fish and Game published
2 this report in 2008 and it was an assessment of the
3 survey methods and implementation. In it, it had a
4 series of recommendations which it provided to the
5 Harvest Survey Committee. The Harvest Survey Committee
6 reviewed this document and produced a document known as
7 the Recommended Changes to the Design of the Migratory
8 Bird Subsistence Harvest Survey. The report to the
9 Migratory Bird Co-management Council from the Harvest
10 Survey Committee and that report was submitted on June
11 24, 2008. As a result of that, the survey was revised
12 and the new survey has been put into place and 2010
13 will be the first year that the new survey has been
14 implemented as it was designed.

15
16 In 2010, during the regulations
17 process, and I'll just briefly state how that works,
18 the flyways through the Flyway Council submit proposals
19 to the Service Regulations Committee, which is a
20 committee of four regional directors and chaired by the
21 assistant director of the Fish and Wildlife Service for
22 migratory birds. They act on these proposals. Those
23 that pass their muster are forwarded up to the
24 Assistant Secretary of the Interior for final action
25 through the Director of the Fish and Wildlife Service.

26
27 Similarly, the proposals that are
28 promulgated by the Alaska Migratory Bird Co-management
29 Council go forward through the same process to the
30 Service Regulations Committee. The AMBCC proposals are
31 acted upon by the Service Regulations Committee in
32 what's called a late season process which occurs in
33 late July. Typically if there are issues the Service
34 Regulations Committee always meets in June as well.
35 Typically Staff of the Fish and Wildlife Service at
36 that time will identify in advance for the Service
37 Regulations Committee, the SRC, any issues that they
38 see that might be upcoming for consideration in the
39 July SRC meeting.

40
41 The issue that really has precipitated
42 my presentation right here was related to a candidate
43 species, the Yellow Billed Loon, and it related to a
44 proposal from the North Slope Borough for continuation
45 of the 20 inadvertently taken Yellow Billed Loons.
46 Before the June SRC meeting, the 2007 and 2008 harvest
47 survey reports came out and information contained
48 within the harvest survey reports indicated that there
49 were a fair number of Yellow Billed Loons taken and the
50 actual number of loons reported was 28 and that's eight

1 more than the total limit that was in a proposal that
2 has been passed year after year. That's the actual
3 number reported. If you expand that, the 95 percent
4 confidence interval on that for 2008 was 28 to 182
5 loons.

6
7 This information, which at that point
8 in time was just taken directly from the report at face
9 value, was presented to the Service Regulations
10 Committee. Because of the level of concern that exists
11 nationally for Yellow Billed Loons and its current
12 status as a candidate species, it created a lot of
13 concern within the Service Regulations Committee
14 because of the nationwide concern for the species.

15
16 Based on that information, it was
17 pretty clear that the Service Regulations Committee,
18 assuming that this information was correct, was not
19 going to approve this proposal. So additional
20 information was received from the State regarding these
21 numbers of Yellow Billed Loons and it was apparent
22 based on the information that we received that these
23 numbers were probably quite high. At any rate, were
24 not really reliable measurements of the actual number
25 of Yellow Billed Loons taken.

26
27 Needless to say, this created
28 additional consternation at the Service Regulations
29 Committee, but upon assurance that this information was
30 not correct the Service Regulations Committee did
31 approve the proposal for Yellow Billed Loons. The
32 Region 7 Regional Director is one of the four Regional
33 Directors that serves on a Service Regulations
34 Committee. Given that the survey was called into
35 question at this late stage and at the point when this
36 regulation was strongly being considered, the Regional
37 Director was very concerned that he wanted to see this
38 situation addressed.

39
40 The Regional Director asked the
41 Division of Migratory Bird Management to work with its
42 partners to try to improve this harvest survey so the
43 information would be more reliable for purposes of
44 developing regulations. So the Service developed a
45 process by which to do this. The process began with
46 the Fish and Wildlife Service trying to identify
47 exactly what its management needs were so that we could
48 take those management needs and then go forward to work
49 with the partners and try to see if there was some way
50 we could improve the information.

1 The first thing we did to identify
2 these management needs was to have a meeting to define
3 the issues and there was a question yesterday about who
4 was involved in these meetings. I made this slide this
5 morning so that you could see exactly who attended at
6 least the first meeting and there's subsets of this
7 group attended -- or actually three meetings, September
8 2nd and 13th.

9
10 So in the initial meeting the attendees
11 were Geoff Haskett, our Regional Director, Doug Alcorn,
12 Assistant Regional Director for Migratory Birds, Steve
13 Klosiewski, who is Deputy Assistant Regional Director
14 for Ecological Services, and that also includes the
15 Endangered Species office. Stan Pruszenski, who is
16 basically the Regional Director for Law Enforcement for
17 the Fish and Wildlife Service, Bob Trost, the Pacific
18 Flyway representative who is here with us, Ken Richkus,
19 who heads the harvest survey group for the Fish and
20 Wildlife Service in Washington, D.C., whose harvest
21 survey covers several million migratory bird hunters in
22 the Lower 48 and Alaska that hunt under the fall
23 season, and also Fred Armstrong, Donna Dewhurst, Polly
24 Wheeler, who is the Deputy Assistant Regional Director
25 for Office of Subsistence Management, Joe Reynolds, a
26 highly respected Fish and Wildlife Service
27 biometrician, Bob Stehn, a biometrician for the
28 Division of Migratory Bird Management, Ted Swem, who
29 you just heard from, Endangered Species Office, Jolene
30 Fisher, who is one of the senior biologists in
31 Migratory Bird Management and myself.

32
33 So at that meeting Geoff Haskett, our
34 Regional Director, basically gave the group its charge,
35 told us to begin this process, so we basically during
36 that meeting we defined the issues and began to talk
37 about how we'd go about putting a group together that
38 could develop a survey that would be statistically more
39 reliable and provide better information, particularly
40 on candidate species, less common species, declining
41 species. I'll talk about the details of that later,
42 and one that was socially and culturally acceptable for
43 use by the hunters.

44
45 So the meetings on September 2nd and
46 13th were follow-up meetings to frame up the process
47 and focus the management needs a little bit better.
48 The attendance at those meetings was -- I don't have
49 attendance at all for the 13th of September. I did
50 have the list for the 2nd. Suffice it to say it was a

1 subset of the above group plus Gary Young, the
2 assistant special agent in charge, replaced Stan
3 Pruszenski and Eric Taylor also joined the group as
4 well.

5
6 After we identified the management
7 needs that we felt would be useful within a management
8 context, have some quantitative sort of a basis that
9 actually could be used, the goal then was to share this
10 information with the partners and I guess it was Doug
11 and Fred and Donna met with the State after this
12 document was finalized on the 13th of September and
13 then the notion was to share it with the Co-management
14 Council regional representatives here at this meeting.

15
16 Our goal is to establish a working
17 group composed of partners and that includes membership
18 from this group as well as agency people. If we need
19 additional expertise in survey and statistical or
20 biological experts or sampling and other cultures,
21 things like that, if we need that, we will add that to
22 the group. The goal of that group would be to review
23 the existing survey in light of the management needs
24 and identify specific quantitative targets for data and
25 then identify changes, if any needed, to meet those
26 targets and then supply a final report with
27 recommendations to the Service Regional Director.

28
29 The Regional Director told us that when
30 we brought him a report with a plan of action, that he
31 would do his best to support that and if it required
32 additional funding, he would go to Washington and seek
33 that funding. So that was the plan and that's why I'm
34 here today talking about this.

35
36 The management needs that we talked
37 about and that this group came up with, that's on the
38 handout. Each of these three is the first sentence, I
39 guess, of each of the line items there and there's a
40 little bit of text explaining further on each of these.
41 So the first is to monitor the harvest of migratory
42 birds of greatest importance to subsistence users.
43 We're going to need obviously some help in terms of
44 identifying what those species might be.

45
46 The notion here is it's not as
47 important to know precisely how many of the rarely
48 harvested species are taken. It's much more important
49 to know how many species such as White Fronted Geese,
50 Interior White Fronted Geese, Specific White Fronted

1 Geese or Black Scoters or Sandhill Cranes or Cackling
2 Geese or other Canada Geese because these are the ones
3 that supply the bulk of the subsistence foods. In many
4 cases, there are also species that are shared with
5 hunters in the Lower 48. So we felt that these were
6 the species that it was really important that we had
7 pretty good information on to compliment our survey
8 information and monitor the populations.

9
10 The second objective or management need
11 is to monitor harvest of species whose populations are
12 suspected or known to be declining or that are
13 particularly sensitive to harvest or that are protected
14 under the Endangered Species Act and that includes
15 Candidate Species. The example that I gave about the
16 Yellow Billed Loon proposal is an example of why we
17 feel that we need to do a better job on that.

18
19 What we don't want to have happen is
20 have inaccurate information jeopardize subsistence
21 hunting opportunity and that's precisely what happened
22 at the July SRC meeting. So we want to do a better job
23 so we don't run into that situation again.

24
25 We consider these two objectives to be
26 the highest priority. The third objective would be to
27 estimate the total harvest to meet the current MBTA
28 requirements. There's language in the documents
29 associated with the amendment that indicates that the
30 amendment and the resultant regulations were not
31 intended to result in a net increase in the harvest of
32 migratory birds by subsistence hunters. The guidance
33 is not a whole lot greater than that, but it does say
34 the Service is supposed to monitor that harvest. Maybe
35 if we count everything everywhere all the time that's
36 harvested maybe that meets the intent. We feel that
37 monitoring the harvest of the species that are most
38 important to subsistence hunters really best meets the
39 spirit of this language.

40
41 At any rate, if we're able to refine
42 existing survey, find another way, whatever, if we're
43 able to accomplish objectives one and two and we still
44 have additional opportunity, then we'll try to estimate
45 the total harvest of everything everywhere, but we feel
46 that that is really a lower priority than the first two
47 items.

48
49 I guess what we would like -- I know
50 what we would like, is we would like this group to be a

1 part of helping us, the Fish and Wildlife Service, use
2 our funding most effectively to provide for the long
3 term subsistence hunting opportunity and protect that
4 opportunity by ensuring that these species are
5 conserved.

6
7 I know there's a lot of concern about
8 using this information to establish more regulations or
9 put more restrictions, but I want to remind this group
10 that in the past, in 1984, when we had serious
11 conservation problem, we got all the parties together
12 that had a stake in those four species of geese and we
13 sat down and we worked together and we made a huge
14 difference. Those populations now -- Myron refers to
15 the 25,000 cacklers that remained in 1984. That number
16 is almost 200,000 now. White Fronted Geese were down
17 to 97,000. That number is probably around 600,000 now.
18 That is because the hunters worked together all up and
19 down the flyway with the agencies and we were able to
20 accomplish this and now hunters can hunt White Fronts
21 as much as they want, Cacklers as much as they want.
22 That was because everybody showed some restraint when
23 they were down. We all agreed to make some sacrifice
24 when the numbers were down and it worked.

25
26 So monitoring this harvest along with
27 keeping good populations, survey information, are two
28 important ways of minimizing adverse impacts on hunting
29 opportunity because we know the better we do on these
30 surveys, the sooner we know we have a problem before we
31 dig ourselves a deep hole like we did with the Cacklers
32 down at 27,000. The purpose of this is for us to
33 ensure minimum impacts on subsistence harvest
34 opportunity. With that, I'm done. It might be a good
35 idea to turn the lights on now.

36
37 CHAIRMAN NANENG: Thanks, Russ, for the
38 presentation. Now I'd like to request any comments
39 from members of AMBCC. Peter.

40
41 MR. DEVINE: Thank you, Mr. Chair.
42 Where do we start. We've been arguing with this since
43 '05 about methodology. We keep getting shown formulas.
44 Well, the last two years we've been working on this. I
45 believe in our fall meeting last year we adopted a new
46 method, which is supposed to go into effect this next
47 year or this year and now we get shown a paper where we
48 want to change it again? I mean weren't our partners
49 here when we adopted that new list of methods?
50

1 MR. OATES: Well, we were. I think
2 kind of what precipitated this was -- I would call it a
3 crisis that occurred at the Service Regulations
4 Committee meeting because we nearly made a bad decision
5 because of bad information. It's a simple fact that we
6 have to meet the requirements with regard to Endangered
7 Species Act and Section 7 consultation and we have to
8 demonstrate that this hunt is not going to jeopardize
9 the Candidate Species or those Threatened Species. So
10 I think it's very much in the interest of this group
11 that we figure out a better way to monitor the harvest
12 because we're going to have to have that information,
13 the best information we can, to defend this hunting
14 opportunity. We need to understand truly if that hunt
15 or any hunt for that matter, we'd go through the same
16 process for the fall hunt, it's going to jeopardize
17 those species. The best way to do that is to have the
18 best information you can get.

19
20 MR. DEVINE: Mr. Chair. I think, going
21 back to what Randy was saying this morning, if you want
22 the best information, go to the tribal councils. I'm a
23 member there. As vice president of Shumagin
24 Corporation, I know who's using my land. I can
25 identify all 15 hunters, but the Service won't let me
26 do that because they've got some formula that they
27 developed. We could get true and accurate numbers if
28 you go through the tribal.

29
30 CHAIRMAN NANENG: Patty, do you have
31 any comments.

32
33 MS. BROWN-SCHWALENBERG: I would just
34 like to reiterate the comments that I made yesterday
35 regarding the procedure or the process by which this
36 occurred and that is the dissatisfaction with the
37 Subsistence Harvest Survey Program being aired at the
38 Pacific Flyway Council and at the Service Regulations
39 Committee without any consultation or discussion with
40 those of us that were at the meeting, to share with us
41 those concerns before they were discussed in open
42 session.

43
44 In addition, I think that the Fish and
45 Wildlife Service needs to respect the knowledge of the
46 AMBCC members and bring them into these conversations
47 before they're brought to us at an official meeting
48 because there's a lot of people around the table that
49 have a lot to offer about the Subsistence Harvest
50 Program that have been involved in it for a long time,

1 not even to mention the State of Alaska Subsistence
2 Division, which has been doing subsistence harvest
3 surveys for a long time.

4
5 The problems that Russ described aren't
6 new. These are things that we've been dealing with
7 over many years. We've conducted a lot of subsistence
8 harvest surveys regarding the Exxon Valdez oil spill
9 and those kinds of issues were occurring there as well,
10 misidentification of species and numbers. I think the
11 problem of expanding numbers across a region or across
12 an area when the harvest is only conducted in one or
13 two villages is something that needs to be looked at
14 and rectified, but I don't think that it should be done
15 in an exclusionary way. While I appreciate the fact
16 that the Fish and Wildlife Service is choosing to bring
17 the partners in, I just don't think that -- I don't
18 agree with the way that it was done initially.

19
20 Thank you.

21
22 CHAIRMAN NANENG: Mike, any comments.

23
24 MR. PEDERSON: I think I'll ask my
25 Technical Support Staff to come up and say a few
26 things. Thank you.

27
28 MR. OATES: I don't get to respond?

29
30 CHAIRMAN NANENG: Go ahead and respond,
31 Russ.

32
33 MR. OATES: I was just going to say --
34 respond to Patty that I think the Fish and Wildlife
35 Service -- we feel that we needed to understand what
36 our own needs were within our agency. We feel that we
37 are bringing the partners in to take advantage of your
38 knowledge and experience at an appropriate time.

39
40 I did want to make one other comment.
41 This is actually more in reference to Peter's concern.
42 One of the issues that we feel is very problematic, in
43 particular in the case of the loons, and that is we
44 believe the differences in the names that people call
45 the different species has created a significant problem
46 with the estimates of loons taken in certain parts of
47 the state. We think probably a large proportion of
48 species that were identified as Yellow Billed Loons
49 probably were not and it precipitated a lot of concern
50 on the part of our endangered species folks with regard

1 to Yellow Billed Loons.

2

3 One of the things we're doing right now
4 is interviewing hunters in a couple of the villages to
5 actually examine the birds and confirm what species are
6 being harvested. There was a study done recently
7 contracted by the Fish and Wildlife Service on the use
8 of Yellow Billed Loons on St. Lawrence Island. One of
9 the things that was pretty clear from that study was
10 that there's a lot of variation in local names that
11 people have for the different species of loons. That
12 confusion really causes problems when you're trying to
13 make assessments like this Section 7. When it comes
14 out on a harvest survey and it looks like 1,000 or more
15 Yellow Billed Loons were taken, given what we believe
16 we know about the population.

17

18 One of the reasons we had involvement
19 with harvest survey folks from down in the 48 is
20 they've been doing harvest surveys for quite a long
21 while as well. One of the things that they found is
22 that species identification is a major problem among
23 the hunters in the south and so one of the things they
24 routinely do is have a sample of the hunters provide a
25 wing from each duck or a tail fan from each goose that
26 they shoot and you amass that. There's probably, I
27 don't know, 160,000 or so wings that are sent in every
28 year and they're examined and species composition of
29 the harvest is derived from that. That's basically
30 independent verification. It doesn't involve a hunter
31 correctly identifying a species on a form.

32

33 So I think it would be extremely
34 valuable for us to begin to work on that, some sort of
35 independent verification. I have no idea what form
36 that might take. I think that would clear up a lot of
37 the concerns, particularly with those species such as
38 Loons and maybe Eiders or other species that people
39 have a lot of concern about because of either
40 inherently low or declining populations. Sorry, I
41 didn't mean to be long-winded there, Mr. Chairman.

42

43 CHAIRMAN NANENG: Next time make it
44 short.

45

46 (Laughter)

47

48 CHAIRMAN NANENG: Josh.

49

50 MR. BACON: Thank you, Mr. Chair.

1 Thanks, Mike, for inviting me up. I just had a couple
2 of things. Russ, I just wanted to ask you if you could
3 describe in detail the crisis that you were referring
4 to earlier that occurred in July that sparked this idea
5 of a complete revision of a harvest survey.

6
7 MR. OATES: Well, I sort of think I did
8 that, but I'll go through it again.

9
10 MR. BACON: Well, I mean that's fine.
11 Maybe I'll just give you my interpretation of it then.
12 The way I interpret it is that there was an estimate it
13 was from in the double digits up to 100 Loons was the
14 range estimate with a point estimate I think in the
15 80's. Eric, does that sound right?

16
17 MR. OATES: I have the information
18 right here. Point estimate for -- I actually don't
19 have a point estimate.

20
21 MR. BACON: I think it was in the 80's.

22
23 MR. OATES: 2008 data, the actual
24 number reported was 28. That was before expansion.
25 Point estimate is 102. So 95 percent confidence
26 interval is 28, which was actually reported, to 182.
27 The limit under that regulation is 20 total. Having
28 been there when this was initially established, nobody
29 believed that as many as 20 were being taken. In fact,
30 the number was believed to be probably less than 10.
31 The Service Regulations Committee, believing that that
32 was -- 10 was probably more based on what information
33 we had, double that number, so there really wouldn't be
34 any concern about exceeding it. So when this number,
35 even this range, the actual reported number before
36 expansion exceeded that, it caused a great deal of
37 alarm. The Service, because of the status of this
38 bird, the national level of concern was prepared to
39 close that to try to not, I guess, support that
40 continued take. So that is what caused the concern.

41
42 When we subsequently learned -- the
43 Service subsequently learned that there was reasonably
44 -- these numbers were biased high and there was
45 significant error in them, the Service Regulations
46 Committee went ahead and passed the regulation,
47 approved the regulation. So now it went to the
48 Secretary, Assistant Secretary signed it, made it a
49 regulation.

50

1 But, as I said, our Regional Director
2 sits on this committee and the amount of concern that
3 was raised over this issue translated into him
4 insisting that we try to improve this so that this
5 didn't happen again. We don't want to make a bad
6 decision and inappropriately compromise subsistence
7 hunting opportunity and we don't want to make a bad
8 decision and cause a population of birds to go extinct
9 or be significantly declining.

10

11 MR. BACON: Thanks. Was Geoff familiar
12 with the statistical methods used in this estimate and
13 that it wasn't really designed for uncommonly harvested
14 birds?

15

16 MR. OATES: I don't know at what point
17 he became aware of that. I don't know if it was before
18 that or if it was after that, but he's very aware of it
19 now.

20

21 MR. BACON: Thanks for that briefing.
22 You also mentioned that you want to identify the
23 species that are important to subsistence users.

24

25 MR. OATES: Yes.

26

27 MR. BACON: Wouldn't you be using
28 current surveys to do that?

29

30 MR. OATES: Not necessarily.

31

32 MR. BACON: Couldn't you use those?
33 Couldn't you use the current reports on harvest to do
34 that to see what the important species are?

35

36 MR. OATES: I think we could probably
37 get an indication, but if we've got people here that we
38 could just ask, that's another way.....

39

40 MR. BACON: We have good estimates with
41 good confidence intervals for most commonly harvested
42 species. I mean that's one thing that the survey does
43 really well, wouldn't you agree?

44

45 MR. OATES: I'm not going to make a
46 blanket statement yes. I think you'd have to look at
47 them a species at a time and examine the confidence
48 intervals. I have a statistician that could make that
49 assessment for you, but I'm not going to.

50

1 CHAIRMAN NANENG: Excuse me. I know
2 that you guys are talking about what happened at the
3 Flyway Council meeting and also the potential of the
4 mistake that may have been made at the presentation,
5 but the request is for us to deal with this proposal
6 from Fish and Wildlife Service and if you can stick to
7 that point, I'd appreciate it so that we can move on.

8
9 MR. BACON: Yeah, I could wrap it up
10 quick. The list of people in your group, I'm assuming
11 they're aware of the complete revision of the current
12 survey and have read the report describing the complete
13 revision, which included revisions on ID problems,
14 including a whole new customized color ID scale
15 specific to region along with updated color posters
16 with blank names so regional representatives could put
17 in local names along with Native language names.

18
19 MR. OATES: Yeah, Josh, I can't say
20 that they've all read the report, but I think they
21 understand that we don't think that that resolves the
22 problem of species identification and the need for
23 independent verification. It's pretty clear that the
24 revision is not going to provide adequate information
25 on these rare species. I think we made them aware of
26 that.

27
28 CHAIRMAN NANENG: Any comments.

29
30 MS. ROWLAND: Olga Rowland, Sun'aq,
31 Kodiak. So the harvest surveys that you had in place
32 yesterday you mentioned that as a result of working
33 with the tribal organizations in the state you were
34 able to turn the Cackling Geese problem around,
35 correct, and you mentioned that today as well.

36
37 MR. OATES: Together we were, yes.

38
39 MS. ROWLAND: Right. So that was
40 turned around. Was the use of the original harvest
41 survey reflecting that change in population?

42
43 MR. OATES: I'm not sure I understand
44 your question. The harvest survey was not being done
45 on an annual basis at that time. We were certainly
46 well aware that these species were important to the
47 local people. The basis for action, the metric that we
48 used, was actually winter surveys that were done in the
49 wintering areas. That was back in I guess you'd say
50 the good old days when Cacklers went to California.

1 There was -- the Cacklers were pretty isolated in those
2 days and you could fly around in an airplane and know
3 pretty well that you were counting the Cacklers and
4 they were all in an area.

5
6 Our friend from the state of
7 California, Dan Yparraguire, can provide more details
8 on that if they are needed. It was that population
9 information, the winter counts, that provided the
10 information that let us know those populations had gone
11 down. In the '60s, they were in the neighborhood of
12 400,000 Cacklers.

13
14 Nowadays we do surveys on the breeding
15 grounds because we know Cacklers are -- we know they're
16 pretty much all Cacklers there that are Canada Geese.
17 There's multiple different kinds of Canada Geese that
18 mix in the wintering grounds now, making it impossible
19 to count Cacklers and separate them from the other
20 populations.

21
22 MS. ROWLAND: So I have a question.
23 Are you telling us that the harvest surveys didn't have
24 any impact in your guys's decision that there was a
25 change in that population? You're saying that you did
26 the winter count.

27
28 CHAIRMAN NANENG: And I answered that
29 question. Prior to 1984 there was never any harvest
30 surveys as far as we know, but there was some
31 preliminary numbers that were provided by Fish and
32 Wildlife Service and maybe the State agencies of the
33 harvests that were done in the wintering grounds, but
34 not up here in Alaska.

35
36 MS. ROWLAND: Okay. Thank you.

37
38 CHAIRMAN NANENG: Sandra.

39
40 MS. TAHBONE: I'd just like to say that
41 our region recognized the issue that you guys were
42 faced several years ago and we've been bringing it to
43 the table and bringing it to the Service, but it keeps
44 falling on deaf ears. I think the Service needs to
45 take ownership of the position you found yourself in.
46 I agree, we need to move forward. Each of us as
47 partners need to take our role responsibly and use the
48 resources, but we need to do it in good faith and I
49 think this is a really good opportunity for the Federal
50 government to step forward and to be a real true

1 partner in this co-management. So I look forward to
2 the results of this request.

3

4 CHAIRMAN NANENG: Enoch, did you have
5 any comments.

6

7 MR. SHIEDT: Not really, but I just got
8 a question. Where did -- you know, your wings you
9 talked about that you were sampling. Did they come
10 from sport hunters or from Native harvesters?

11

12 MR. OATES: They come from people
13 hunting during the fall season no matter -- I don't
14 know if any of the tribal hunters submit wings. I'll
15 ask Bob Trost if he knows.

16

17 MR. TROST: The short answer is that I
18 don't know that they're tribal members, but we do get
19 parts from Alaska every year.

20

21 MR. SHIEDT: I get the feeling you were
22 telling us that we weren't identifying the birds
23 correctly, yet you're telling us that the Natives did
24 not submit the wings. So it wasn't us that were
25 misidentifying the birds we harvest. But that's what I
26 heard from you.

27

28 MR. OATES: Well, I'm not sure exactly
29 what you're saying there, but the hunters -- the fall
30 hunters, principally 99 percent of them probably from
31 the Lower 48, the average hunter, if they were asked to
32 tell you what they -- if they had six ducks in the bag,
33 a lot of them can't tell them apart and that's why we
34 ask them to send a wing in and we don't have to worry
35 about identification errors.

36

37 I have little doubt that hunters in
38 Alaska know one species from another, but part of the
39 problem is the names don't always match up. I call one
40 goose White Fronts. I think you call them yellow legs,
41 right? By providing a part or a picture or whatever we
42 know we're talking about the same thing. That's all
43 I'm talking about.

44

45 MR. SHIEDT: Okay. I get your point.
46 The reason why we call them yellow legs, your guys
47 ahead of you, when they were in Kotzebue they told us
48 these were the yellow legs, so we were misinformed from
49 the day one what kind of birds they were and that's the
50 way we identify them. I tell you, I'm 65 years old and

1 I've been harvesting birds since I was 6 and that's
2 what I was told I was getting. So who misinformed who?

3
4 MR. OATES: Well, that's the problem
5 with common names.

6
7 MR. SHIEDT: Yeah, but the names came
8 from you guys, not us, to start with, so don't point
9 the finger.

10
11 MR. OATES: Well, honest, Enoch, I
12 wasn't pointing any fingers. We just want to make sure
13 we're all talking about the same thing. That's all.
14 It's not blaming anybody for anything. It's just
15 communication.

16
17 CHAIRMAN NANENG: Molly, you've got any
18 comments?

19
20 MS. CHYTHLOOK: I've got several.
21 Thank you, Mr. Chair. I'll start off with the names.
22 We know we're from different regions. We have
23 different dialectal terms for our resources, so I know
24 that each of our hunters they've been hunting all these
25 -- they're not like people from out of state. The
26 reason why you collected wings, I don't know if you
27 collected wings from the right or the left wing, but
28 the hunters in our regions, because they've done it for
29 thousands of years, know what they're harvesting. The
30 problem with the terms, I think majority of it is
31 because each of our regions has different dialects.

32
33 I'm, I guess, in the same boat with
34 Peter and everybody else regarding our survey
35 assessment project that the Service was involved with.
36 There was a lot of time and money involved in it. It's
37 just started -- the project is starting one region or,
38 you know, in some regions in 2010 we haven't gotten the
39 information from. The whole survey project, including
40 trying to improve the identification of birds -- in
41 fact at our regional meeting we were brought a brand-
42 new poster so that we can identify the pet names, the
43 local names and the Yup'ik names to properly identify
44 each one of those birds so that we could take them to
45 our villages. So the Survey Assessment Project with
46 you guys's help is in the process and I'm hoping it's
47 going to work because we've put too much time in it.

48
49 What I've been hearing, for the reasons
50 of this White Paper, that two birds mainly are your

1 problems and you just got through telling us that
2 through a management plan of some sort you guys were
3 able to resolve three or four species. So why not do
4 the same thing for the Yellow Billed Loon and the
5 Steller's Eiders instead of upsetting the whole survey
6 program that is now in place?
7

8 I think the majority of the board
9 members that are sitting here we got bashed and so
10 you're going to be asking for partners. I don't know
11 if you're going to be asking for partners from in here
12 or from elsewhere. If the Service didn't trust
13 whatever we were doing, are you going to ask us back as
14 partners? I don't know what else to say. There's a
15 lot more that I could say, but I think we're losing
16 time here. I'm willing to stand here and see what the
17 process goes regarding this.
18

19 Thank you, Mr. Chair.
20

21 CHAIRMAN NANENG: Thank you. Randy,
22 you got any comments.
23

24 MR. MAYO: Well, the only comment I
25 have is I'll go back to speaking about the whole thing
26 here. My definition of what I've been seeing these
27 terms here, co-management and partners, the level of
28 playing field here isn't level because of the legal
29 standing of the agencies and the legal standing of this
30 body. I'm a tribal government guy and, sure, I'm here
31 on behalf of our regional non-profit, but until the
32 agencies and these bodies like this understand what
33 legal rights the tribes still retain in the areas of
34 trust and consultation.
35

36 You initiated your thing here within
37 your legal standing as a Federal agency obviously and
38 it's already on its way. We're an advisory board here.
39 You know, our legal standing as tribes have been
40 whittled down in this state by Native Claims and ANILCA
41 to where we're advisors in this system. I understand we
42 get one vote here, but what legal bearing does that
43 have in this whole set-up here in conjunction with the
44 treaty that the U.S. is entered into with these other
45 nations.
46

47 It goes right back to the inclusion and
48 particularly our area. I'm sitting here going how in
49 the world am I going to do outreach with 43 communities
50 in our region spread out all over the place on a little

1 shoestring budget. It goes right back to the
2 individual tribal governments in my case that we're
3 representative. I mentioned earlier that in our
4 regional meeting we're starting to look at turning that
5 around, that the regional isn't the central government
6 in our area. It works for the tribal governments.
7 That's what you guys have to understand.

8
9 It goes right back to -- somebody
10 mentioned doing household surveys when you go into the
11 tribal community. You know, when it comes from without
12 it will never work coming from outside of the
13 community. Like if you came to Stevens Village and
14 walked down the street and knocked on my door. It's
15 like, no, I'm not going to give you any information for
16 obvious reasons.

17
18 That's what we're going to start
19 working on, some of these long-term efforts in our
20 region that goes back to the tribal governments and any
21 tribal governments that have tribal natural resource
22 programs you need to give those recognition. They need
23 to be the real partners in this and supply -- trying to
24 get real results and a real partnership, you know.

25
26 CHAIRMAN NANENG: Any comments, Dan.

27
28 MR. ROSENBERG: No, but I'm ready to
29 make a motion.

30
31 CHAIRMAN NANENG: Before you do I'd
32 like to make a comment about the survey proposal. I've
33 given everybody an opportunity to make their comments
34 regarding the proposal by Fish and Wildlife Service. I
35 know back then when we started identifying the birds of
36 concern even when you traveled between two villages
37 that are 15 miles apart, neither of the villages called
38 the same bird the same thing. Like Hooper Bay and
39 Chevak are within 15 miles of each other and Chevak
40 calls doodungiak (ph) what we call at Hooper Bay layek
41 (ph) and then you go down to Lower Kuskokwim region
42 they called it luklukcha (ph) small goose. So I know
43 that there's an issue with identification with their
44 own communities within our villages.

45
46 We've been surveyed surveyed to death.
47 It seems like as one elder many years ago said the
48 archaeologists come to our areas and do archeological
49 studies and maybe it's our turn to go out there and do
50 archeological studies of them. That's a comment that

1 I've heard before that I'm just sharing. One of the
2 things is that our region will participate with the
3 surveys. However, if it's for the purpose of reducing
4 harvest of the birds that our people need, then I know
5 they're not going to be supportive of it. It's been
6 stated so by many of our people in the villages. If
7 there's efforts to reduce the harvest of migratory
8 birds by our people, our people are not going to abide
9 by it.

10
11 They always thought that using surveys
12 was to help justify the fact that you're using these
13 resources to continue your survival and live off the
14 resources, not to be used against you at some point in
15 the future. Based on that, I know that the Fish and
16 Wildlife Service would like to get good information on
17 the population of migratory birds, but if it's to
18 further restrict us at some point in the future, we're
19 not going to support it. It's not going to be
20 supported by many of our villages within our region.

21
22 I just want to let everybody know that
23 ultimately, even though we support the fact that we
24 need to monitor the resources, if it's going to be used
25 against us, we're not going to support it. That's my
26 comment.

27
28 MR. ROSENBERG: In light of this
29 discussion and discussions at the Harvest Survey
30 Committee yesterday and based on the fact that I think
31 the success of any successful survey is going to be
32 based upon building good partnerships and no matter how
33 well the survey is designed, it will not be effective
34 without good compliance, I would like to make a motion
35 that the Fish and Wildlife Service works within the
36 confines of the Harvest Survey Committee of AMBCC to
37 review and make recommendations to the Regional
38 Director and to the AMBCC on any changes to the design
39 of the current survey and any implementation of any new
40 survey design.

41
42 CHAIRMAN NANENG: There's a motion on
43 the floor.

44
45 MS. BROWN-SCHWALENBERG: I'll second.

46
47 CHAIRMAN NANENG: Seconded. Any
48 further discussion on the motion.

49
50 MS. CHYTHLOOK: Question.

1 CHAIRMAN NANENG: The question has been
2 called. All in favor say aye.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN NANENG: Those opposed say no.

7
8 (No opposing votes)

9
10 CHAIRMAN NANENG: Motion carried. Your
11 directive now is to work with the AMBCC to come up with
12 a survey plan and proposal that will be acceptable to
13 all groups.

14
15 MR. OATES: I will advise the Regional
16 Director of this motion. I'm not sure that the Service
17 is willing to operate within the constraints. I think
18 there's an interest in bringing some additional
19 biometrical and survey expertise into the process.

20
21 CHAIRMAN NANENG: I think we're open to
22 that. If there's other expertise, we're more than
23 willing to invite them to work with the group. Peter.

24
25 MR. DEVINE: Mr. Chair. Russ. I just
26 have one more question for you. You mentioned that two
27 of the four geese species are rebounding with anywhere
28 from 100 to 300,000 birds. What's the status on the
29 Emperors?

30
31 MR. OATES: I might have to get some
32 help here because I don't look at those numbers a whole
33 lot these days. My recollection is that they're
34 creeping upwards, but they're still well below
35 population objective, but they are creeping upwards.
36 I'll ask my waterfowl branch chief, Eric Taylor, to
37 correct me if I'm wrong on that. Okay, he says that's
38 okay.

39
40 CHAIRMAN NANENG: Thanks, Russ. What's
41 the desire of the Council, continue on with the meeting
42 or recess for the night?

43
44 MS. CHYTHLOOK: I think we should
45 recess for tonight.

46
47 CHAIRMAN NANENG: Okay. We'll recess
48 until 8:30 in the morning. I think waiting until 9:00
49 is too late, so we'll start at 8:30 tomorrow morning.
50

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(Off record)

(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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