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FEDERAL SUBSISTENCE BOARD MEETING

TELECONFERENCE - ALASKA

June 22, 2022

MEMBERS PRESENT:

- Rhonda Pitka, Public Member
- Charles Brower, Public Member
- Sara Boario, U.S. Fish and Wildlife Service
- Steve Cohn, Bureau of Land Management
- Grant Hilderbrand, National Park Service
- Gene Peltola, Bureau of Indian Affairs
- Greg Risdahl, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Teleconference - 6/22/2022)

(On record)

MS. DETWILER: Thank you, Operator. This is Sue Detwiler, Assistant Regional Director for the Office of Subsistence Management within Fish and Wildlife Service. Today's meeting -- this is the Federal Subsistence Board meeting with an action item to address Wildlife Temporary Special Action Request WSA22-02. And I want to make sure that the court reporter has begun recording, Tina.

REPORTER: Yes, I have. Go ahead, Sue.

MS. DETWILER: Okay, thank you. And so I will go through the roll call now and make sure we have a quorum and I will start with National Park Service. I understand Grant Hilderbrand is sitting in for Board Member Sara Creachbaum.

MR. HILDERBRAND: Yeah, that's correct. Grant Hilderbrand is on for the Park Service. Thank you.

MS. DETWILER: Thank you. Bureau of Land Management, Steve Cohn.

MR. COHN: Hello, yes, this is Steve Cohn. Thank you.

MS. DETWILER: Thank you. Fish and Wildlife Service, Sara Boario.

MS. BOARIO: I'm on, thank you.

MS. DETWILER: Thank you, Sara.

U.S. Forest Service. I understand Greg Risdahl is sitting in for Dave Schmid.

MR. RISDAHL: Yes, that is correct, this is Greg.

MS. DETWILER: Thank you, Greg.

Bureau of Indian Affairs, Gene Peltola.

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1 MR. PELTOLA: Present.

2

3 MS. DETWILER: Thank you, Gene.

4

5 Public Member Rhonda Pitka.

6

7 MS. PITKA: Hi, I'm here.

8

9 MS. DETWILER: Thank you, Rhonda.

10

11 Public Member Charlie Brower.

12

13 MR. BROWER: (In Inupiat)

14

15 MS. DETWILER: Thank you, Charlie.

16

17 Chair Anthony Christianson.

18

19 (No comments)

20

21 MS. DETWILER: The Chair is having a
22 little trouble signing on. While we're waiting for him
23 we'll move on to legal counsel. Department of
24 Interior, Ken Lord, and Mike Routhier.

25

26 MR. LORD: Ken Lord is here. And I
27 understand that Mike is calling in now.

28

29 MS. DETWILER: Thank you.

30

31 USDA Office of General Counsel, Jim
32 Ustasiewski.

33

34 (No response)

35

36 MS. DETWILER: Liaisons to the Board
37 starting with Alaska Department of Fish and Game, Ben
38 Mulligan and Mark Burch.

39

40 MR. BURCH: Hello, this is Mark Burch.
41 Ben Mulligan will not be online today.

42

43 MS. DETWILER: Okay, thank you, Mark.

44

45 And Regional Advisory Council Chairs,
46 the two affected Regional Advisory Councils, Western
47 Interior Jack Reakoff, are you on.

48

49 MR. REAKOFF: Yes, I'm here.

50

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1 MS. DETWILER: Thank you, Jack.

2

3 Region 10, North Slope, Gordon Brower,

4 are you on.

5

6 (No comments)

7

8 MS. DETWILER: Waiting for Mr. Brower.

9

10 Moving to Department of Interior Field

11 Special Assistant for Alaska, Sara Taylor, are you on.

12

13 (No response)

14

15 MS. DETWILER: Okay. So we do have a

16 quorum, we have seven of eight Board members online

17 right now. And Board policy is if the Chair is not on,

18 which he is currently not, then Rhonda Pitka is next in

19 line to take over the Chair, so I will hand it to you,

20 Madame Chair.

21

22 ACTING CHAIR PITKA: Good morning

23 everyone. I hope you can hear me. Can you hear me

24 okay.

25

26 MS. DETWILER: Yes.

27

28 ACTING CHAIR PITKA: Oh, okay, good.

29 So I am on my phone right now and I'm having trouble

30 staying connected to Teams. So, Sue, where are we at

31 on the agenda?

32

33 MS. DETWILER: So we just finished the

34 roll call and so the next step would be for you to open

35 the meeting and review -- actually review and adopt the

36 agenda.

37

38 ACTING CHAIR PITKA: Okay.

39

40 MS. DETWILER: So you officially open

41 the meeting and then, yeah, review and adopt the

42 agenda.

43

44 ACTING CHAIR PITKA: Okay.

45

46 MR. PELTOLA: Madame Chair, BIA.

47

48 ACTING CHAIR PITKA: Yes, go ahead.

49

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1 MR. PELTOLA: Thank you, Madame Chair.
2 Once you've called the meeting to order I was wondering
3 if you'd allow me the opportunity to make a motion for
4 consideration by the Board.

5
6 ACTING CHAIR PITKA: Okay. So let's
7 call this meeting to order at 1:20 p.m.

8
9 MR. PELTOLA: Okay, thank you, Madame
10 Chair. So Madame Chair, I would like to make a motion
11 for the Board's consideration to defer this meeting
12 until the July work session scheduled for the last week
13 of July, and with a second I will provide my rationale
14 and justification.

15
16 MR. BROWER: Second.

17
18 MR. PELTOLA: Thank you. Thank you,
19 Charlie. So, Madame Chair, before us, the Federal
20 Subsistence Board has another issue, to address the
21 potential closure on Federal lands to, and this policy
22 is just not one sub-group. I make my motion to defer
23 to the July work session for several factors.

24
25 1. The State of Alaska has statutory
26 authority that allows for administrative procedures
27 which may preclude the Board from taking action.

28
29 2. Our Federal land management
30 agencies have had requests put before them and I have
31 not seen an analysis nor a response to those requests
32 to take similar action. And there are administrative
33 tools available to the Fish and Wildlife Service, the
34 Park Service, and the Bureau of Land Management, the
35 impacted land management agency in this case, there are
36 administrative procedures that could be enacted at the
37 local conservation level which would preclude the
38 Federal Subsistence Board from taking an action and
39 being not necessary.

40
41 In addition to, by deferring to the
42 work session in the end of July there should be no
43 legal harvest occurring of the subject population.

44
45 And, thirdly, there is a point raised
46 in the OSM analysis which I would -- I think the Board
47 would definitely benefitted from further insight, if at
48 all possible, which would be, what is the impact of a
49 liberal bag limit adjacent to the core areas, which
50

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1 we're considering for closure under biological
2 concerns.

3
4 Thank you, Madame Chair, for the
5 consideration.

6
7 ACTING CHAIR PITKA: Okay, there's a
8 motion on the floor and a second. Right now we're
9 under discussion. Discussion on the motion. Does
10 anybody have any questions or comments on the motion.

11
12 MR. RISDAHL: Yeah, Madame Chair, this
13 is Greg Risdahl for the Forest Service.

14
15 ACTING CHAIR PITKA: Go ahead, Mr.
16 Risdahl.

17
18 MR. RISDAHL: Yes. I'd like Gene to
19 repeat the first reason, I didn't quite catch that.

20
21 Thank you, Madame Chair.

22
23 ACTING CHAIR PITKA: Okay, thank you.

24
25 MR. PELTOLA: I apologize for that.

26
27 ACTING CHAIR PITKA: Member Peltola.

28
29 MR. PELTOLA: Okay, thank you, Madame
30 Chair. Sorry, Greg. So I'll just run through them
31 real briefly again.

32
33 1. Is the State of Alaska has
34 statutory authority to take administrative action,
35 which may preclude the Board from taking a closure
36 action.

37
38 2. Our Federal Subsistence land
39 management agencies that impact the area have Federal
40 administrative procedures which would also could result
41 in the Federal Subsistence Board not taking up this
42 particular action, if they were to be implemented in a
43 timely manner.

44
45 Thirdly, is that there should be no
46 legal harvest occurring prior to the season, because
47 would be potentially acting upon it or administrative
48 procedures by either the State and/or Federal land
49 management agencies, being put in place prior to
50

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1 August.

2

3 And the last case scenario, the Board
4 would be addressing it the last week of July.

5

6 Thank you, Madame Chair.

7

8 MR. RISDAHL: Madame Chair, this is
9 Greg Risdahl with the Forest Service again.

10

11 ACTING CHAIR PITKA: Go ahead, Mr.
12 Risdahl.

13

14 MR. RISDAHL: Yes. I'd like Mr.
15 Peltola to explain the first reason a little bit more
16 in-depth for us so we understand what that means, that
17 the State of Alaska has administrative authority to
18 stop closing this, I'm not sure I understand that.

19

20 Thank you.

21

22 MR. PELTOLA: Sure. Thank you for the
23 opportunity. I do not want to speak on behalf of the
24 State of Alaska as they're an independent agency with
25 their own binding policies and regulations, although
26 most, if not all department managers have executive
27 order authority which can be utilized in-season,
28 similar to the Federal Subsistence Program's special
29 action authority, which could be utilized. So I was
30 not identifying, not only one entity, but a suite of
31 entities in the impact area that could take independent
32 administrative action to potentially preclude the Board
33 from having to take an action.

34

35 Thank you, Madame Chair.

36

37 MR. RISDAHL: Thank you, Gene.
38 Appreciate it.

39

40 ACTING CHAIR PITKA: Was that clear
41 enough for you, Mr. Risdahl?

42

43 MR. RISDAHL: Yes, I understood that.

44

45 ACTING CHAIR PITKA: Okay.

46

47 MR. RISDAHL: Basically the State has
48 the ability to take administration action that would
49 preclude the need for the Federal Subsistence Board to
50

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1 act.

2

3 ACTING CHAIR PITKA: Yes, thank you.

4 Does anybody else have any further questions or
5 comments about the motion.

6

7 MR. BROWER: Madame Chair, Charlie.

8

9 ACTING CHAIR PITKA: Yes, go ahead, Mr.
10 Brower.

11

12 MR. BROWER: Thank you, Madame Chair.
13 If you don't mind if I can ask our attorney to see if
14 we're in the right mode with what's being brought to
15 our attention, to defer to August, I believe.

16

17 ACTING CHAIR PITKA: I believe it's at
18 the end of July for our regulatory session. Ken
19 Lord.....

20

21 MR. BROWER: I mean -- excuse me, in
22 July.

23

24 ACTING CHAIR PITKA:are you on?

25

26 MR. LORD: I am on. Charlie, are
27 you.....

28

29 ACTING CHAIR PITKA: Can you -- okay.

30

31 MR. LORD:asking about -- yeah.
32 Are you asking about the procedural appropriateness of
33 deferring or are you asking something else?

34

35 MR. BROWER: That one, yes. Yes, sir,
36 Mr. Lord.

37

38 MR. LORD: Yeah, there's no problem
39 with the Board deferring a proposal.

40

41 MR. BROWER: I just want to be on the
42 safe side. Thank you.

43

44 ACTING CHAIR PITKA: Thank you for that
45 question, I appreciate the clarification.

46

47 Does anybody else have any further
48 questions or comments.

49

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1 MR. REAKOFF: Madame Chair, this is
2 Jack Reakoff, Western Interior Regional Council.

3
4 ACTING CHAIR PITKA: Mr. Reakoff.

5
6 MR. REAKOFF: I would like to remind
7 the Board that the Board has a statutory authority
8 under ANILCA to act on this special action request.
9 The dall sheep population is in crises, this needs to
10 be addressed sooner than later. The State of Alaska
11 cannot preclude the actions of the Board any more than
12 they can preclude the actions taken on the Kuskokwim
13 and Yukon River.

14
15 The dall sheep population is being
16 overharvested in the described units and action needs
17 to be taken sooner than later.

18
19 Thank you, Madame Chair.

20
21 ACTING CHAIR PITKA: Thank you, Mr.
22 Reakoff. I appreciate that comment. I think what
23 Member Peltola was trying to get at was we could
24 perhaps ask the State to do an administrative move that
25 would preclude us from taking an action. So if the
26 State does that action, then we wouldn't need to take
27 it up; was that correct, Mr. Peltola?

28
29 MR. PELTOLA: Madame Chair, thank you
30 for the opportunity to clarify. I was identifying that
31 there are multiple avenues to -- that could be taken,
32 one of those being the State of Alaska, the other being
33 our Federal land management agencies have similar
34 procedures in place on the Federal side that would
35 preclude a Federal closure, that those -- and this
36 being the Park Service, the Bureau of Land Management
37 and the Fish and the U.S. Wildlife Service for the
38 impacted lands in questions.

39
40 Thank you, Madame Chair.

41
42 ACTING CHAIR PITKA: Okay, so the sum
43 total of this would be that it would delay us taking
44 action for maybe a month, perhaps, and harvest won't
45 believe until I believe August something, right, is
46 there any -- is there any issue with us delaying taking
47 an action, though? I believe that Ken Lord said that
48 there wasn't but would it cause us scheduling issues or
49 anything else?

50

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1 Thank you.

2

3 MR. PELTOLA: Madame Chair, Bureau of
4 Indian Affairs.

5

6 ACTING CHAIR PITKA: Yes, go ahead.

7

8 MR. PELTOLA: Thank you. Yes, it would
9 defer the Board's potential action on this special
10 action request in the absence of any action taken by
11 the three land management agencies which may rectify
12 the situation and/or the State of Alaska. Not calling
13 out any one of those, but there are a suite of options
14 available. And at this time I'd commit that if there
15 is scheduling conflicts that the Bureau of Indian
16 Affairs would ensure that we had our member present to
17 address it during the July work session, it'd be an
18 agenda item in addition to the work session.

19

20 ACTING CHAIR PITKA: Thank you for that
21 clarification, I appreciate it. That makes it a lot
22 clearer for me. Does anybody else have any further
23 questions or comments, or discussion on this particular
24 motion.

25

26 MR. RISDAHL: Madame Chair, this is
27 Greg Risdahl with the Forest Service. Yeah, I just
28 have a question for Gene about the State's comments
29 that we've already seen regarding this closure. It
30 appears that the State was not backing this closure in
31 any way so I'm not quite sure where Gene is coming from
32 in that regard. Why would the State change its
33 position?

34

35 Thank you, Madame Chair.

36

37 MR. PELTOLA: Madame Chair, BIA.

38

39 ACTING CHAIR PITKA: Thank you, Greg.

40

41 MR. PELTOLA: Yeah, thank you, to
42 address that question.

43

44 ACTING CHAIR PITKA: Go ahead, BIA.

45

46 MR. PELTOLA: I am not advocating for
47 anybody, or any agency, Federal or State to take one
48 action or another. I was just simplify identifying that
49 there are other avenues available, one being the State
50

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1 route, one being the Federal route. Of particular
2 concern is the Federal route, is that, we have not
3 followed through on all those options available to the
4 Federal Subsistence Program via our land management
5 agencies looking at it independently prior to the
6 Board's consideration. And I was just trying to ensure
7 that we have our land management agencies looking at
8 options which are available to them before it comes to
9 the Board's attention. If we look at our recent action
10 of the Board considering closures, some people have
11 supported them, some people have opposed to them, but I
12 don't think that all options were extended throughout
13 the Federal Subsistence Program, via our land
14 management agencies, which are available to the Program
15 and not executed which would potentially preclude
16 something from coming to the Board. And, I, personally
17 and professionally, feel that we should utilize those
18 avenues before Board consideration and if those are
19 exhausted then the Board take action.

20

21 Thank you, Madame Chair.

22

23 ACTING CHAIR PITKA: Thank you, I
24 appreciate the answer. Are there any further
25 questions.

26

27 MS. BOARIO: Madame Chair, Fish and
28 Wildlife Service.

29

30 ACTING CHAIR PITKA: Yes, go ahead Fish
31 and Wildlife Service.

32

33 MS. BOARIO: Gene, could you speak to,
34 or others as well, to those procedures that could be
35 taken by the Federal agencies, and would those be
36 possible to be completed in time ahead of this year's
37 sheep season? I guess what's the timeframe to address
38 those, to take on those administrative procedures
39 you're referring to?

40

41 Thank you, Madame Chair.

42

43 MR. PELTOLA: Thank you, Madame Chair.
44 So with regard to any closure, if you look at ANILCA,
45 whether it be Title 2, Title 3, whatever title that
46 impacts our Federal land management agencies, each of
47 those conservation unit managers have the ability to
48 provide for biological concerns and also for protecting
49 subsistence resources similar mandates that the Federal
50

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1 Subsistence Board has. I don't think those have been
2 fully utilized within the Program before things have
3 been addressed to the Board level.

4

5 A lot of -- I shouldn't say a lot, a
6 portion of the harvest in question, it occurs by the
7 local subsistence user, the local State resident, local
8 meaning a State resident, and then the non-resident
9 user. There's a hierarchy involved with regard to
10 allowable uses on Federal lands with regard to the
11 Federal Subsistence Program. The effective utilization
12 of existing .810s, or other determinations give each
13 and every one of those land management conservation
14 unit managers the ability to impact special use
15 permits, or authorize uses and they vary slightly
16 between the agencies, whether it be the Fish and
17 Wildlife Service, the Park Service, and Bureau of Land
18 Management based on their mandates. Although there are
19 procedures in place allowing that local manager to take
20 -- he or she to take action to address a concern prior
21 to coming to the Federal Subsistence Board.

22

23 Thank you, Madame Chair.

24

25 MR. HILDERBRAND: Yeah, Madame
26 Chairwoman, this is the Park Service. This is Grant.
27 I appreciate, you know, the concerns and the options
28 that Gene with BIA is expressing. With that said, I
29 think we're inclined to oppose this motion. Realizing
30 this population spans the jurisdictions in multiple
31 agencies, I think this is a good venue to address this
32 and I think, at least speaking for Park Service, we
33 have the information we need in front of us to cast a
34 vote.

35

36 So, thank you.

37

38 MR. PELTOLA: Madame Chair, BIA.

39

40 ACTING CHAIR PITKA: Yes, go ahead.

41

42 MR. PELTOLA: Thank you, Madame Chair.
43 And I'm not set one way or another, whether to force --
44 try -- I'm trying to articulate why I think we should
45 take that vote, I'm not dead set on deferral.
46 Although, I think the highlight of my motion is that
47 traditionally our land management agencies have not
48 utilized those tools available to them precluding
49 something coming to the Board, I think the Federal
50

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1 Subsistence Board in certain situations should be the
2 last resort. I don't think some of our land management
3 agencies have fully utilized those tools.

4

5 And I don't want to prolong the debate
6 any longer, I've expressed my opinion, I'm fine if the
7 Board does not accept a deferral, that'd be fine, if
8 they accept the deferral. At this point I'd ask
9 another Board member to consider calling for question
10 and we could take a vote and move on.

11

12 MR. BROWER: I'll call question, Madame
13 Chair.

14

15 ACTING CHAIR PITKA: Thank you. Sue,
16 can we have a roll call vote, I heard question called.

17

18 MS. DETWILER: Yes. Yep, roll call
19 vote, the motion is to defer action on this proposal
20 until the July -- the Board's July work session which
21 starts on the 26th of July and I will start out with
22 the maker of the motion.

23

24 Mr. Peltola.

25

26 MR. PELTOLA: Support.

27

28 MS. DETWILER: Support.

29

30 Moving to National Park Service, Grant
31 Hilderbrand.

32

33 MR. HILDERBRAND: Oppose.

34

35 MS. DETWILER: Fish and Wildlife
36 Service, Sara Boario.

37

38 MS. BOARIO: Support.

39

40 MS. DETWILER: BLM, Steve Cohn.

41

42 MR. COHN: Oppose.

43

44 MS. DETWILER: Forest Service, Greg
45 Risdahl.

46

47 MR. RISDAHL: Oppose.

48

49 MS. DETWILER: Okay. Public Member

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1 Charlie Brower.

2

3 MR. BROWER: Support.

4

5 MS. DETWILER: And Member -- Public
6 Member and Acting Chair Rhonda Pitka.

7

8 ACTING CHAIR PITKA: Support.

9

10 MS. DETWILER: Okay. So it looks like
11 the support is 4 to 3, so the motion passes.

12

13 ACTING CHAIR PITKA: Okay, thank you.
14 So the motion passes so this special action is deferred
15 until our work session at the end of July.

16

17 MS. DETWILER: Correct.

18

19 ACTING CHAIR PITKA: Okay. Thank you
20 all for calling in and I look forward to seeing it on
21 the agenda.

22

23 MS. DETWILER: Okay. And did you want
24 to officially close the meeting now and accept a motion
25 for adjournment and close it out.

26

27 ACTING CHAIR PITKA: Yeah, can I get a
28 motion for adjournment.

29

30 MR. BROWER: Madame Chair.

31

32 ACTING CHAIR PITKA: Yes, Charlie.

33

34 MR. BROWER: Madame Chair. I so move
35 Madame Chair.

36

37 ACTING CHAIR PITKA: Thank you, very
38 much, Member Brower. Is there a second for the motion
39 to adjourn.

40

41 MR. PELTOLA: BIA, second.

42

43 ACTING CHAIR PITKA: Thank you. All in
44 favor say aye.

45

46 IN UNISON: Aye.

47

48 ACTING CHAIR PITKA: Okay. All
49 opposed, say nay.

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(No opposing votes)

ACTING CHAIR PITKA: Okay, motion passes, meeting has been adjourned. Thank you all for your time today, I really appreciate it. And thank you all for the excellent questions and all the time on this today. Okay, I will see you in person at our next meeting, I appreciate you all. Thank you. Bye.

(Off record)

(END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing, contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING taken electronically by our firm on the 22nd day of June 2022 via teleconference;

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

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

DATED at Anchorage, Alaska, this 22nd day of June 2022.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/22