MEMBERS PRESENT:

- Anthony Christianson, Chairman
- Rhonda Pitka, Public Member
- Sara Boario, U.S. Fish and Wildlife Service
- Thomas Heinlein, Bureau of Land Management
- Sarah Creachbaum/Eva Patton, National Park Service
- Gene Peltola, Bureau of Indian Affairs
- Greg Risdahl, U.S. Forest Service
- Ken Lord, Solicitor's Office

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PROCEEDINGS

(Teleconference - 5/19/2022)

(On record)

MS. DETWILER: Thank you, Operator. This is Sue Detwiler, Assistant Regional Director for the Office of Subsistence Management. We're about to begin in the meeting, the Federal Subsistence Board meeting on Fisheries Temporary Special Action Request FSA22-05. And first I want to make sure that court reporter, Tina, is -- is the recording started.

REPORTER: Tina is here and recording, Sue.

MS. DETWILER: Great, thank you. Okay. I will go through and start with a roll call of the Board members. And we'll start with National Park Service, Sarah Creachbaum.

MS. CREACHBAUM: Good afternoon, Sue, I'm here.

MS. DETWILER: Great, thank you. Bureau of Land Management, Thomas Heinlein.

MR. HEINLEIN: Good afternoon.

MS. DETWILER: Good afternoon.

Fish and Wildlife Service, Sara Boario.

MS. BOARIO: I'm here Sue.

MS. DETWILER: Thank you, Sara.

Forest Service. Greg Risdahl, I understand you're stepping in for Dave Schmid.

MR. RISDAHL: Yes, that is correct, and I am here.

MS. DETWILER: All right, thank you, Greg.
Bureau of Indian Affairs, Gene Peltola.

MR. PELTOLA: Good afternoon all, present.

MS. DETWILER: Thank you, Gene.

Public Member Rhonda Pitka.

MS. PITKA: Hi, I'm here.

MS. DETWILER: And Public Member Charles Brower. I understand Charlie is not able to make it to today's meeting but I just want to confirm, Charlie, are you on.

(No comments)

MS. DETWILER: And Chair Anthony Christianson.

(No comments)

MS. DETWILER: While we're waiting for the Chair to join us I'll continue on to legal counsel, Department of Interior, Ken Lord and Mike Routhier.

MR. LORD: Ken Lord's on.

MS. DETWILER: Thanks, Ken.

USDA Office of General Council, Jim Ustasiewski.

(No response)

MS. DETWILER: I believe Jim may be trying to call in. Liaisons to the Board starting with the Alaska Department of Game, Ben Mulligan, Mark Burch.

MR. MULLIGAN: Good afternoon, this is Ben, and I know Mark's online as well.

MS. DETWILER: Okay. Thank you, Ben and Mark. And Regional Advisory Council Chairs. Start with Region 2, Southcentral Regional Advisory Council, do we have Greg Encelewski on.
MR. ENCELEWSKI: You do, that's me, thank you.

MS. DETWILER: All right, hi, Greg. Thank you.

And Region 9, Eastern Interior, Sue Entsminger.

MS. MCDAVID: Hi, Sue, this is Brooke McDavid, Council Coordinator for Eastern Interior. Sue will not be able to join today so I will be here in her stead.

MS. DETWILER: Okay, thank you. And do we have any other Regional Advisory Council Chairs who are on the call today.

(No comments)

MS. DETWILER: Okay. Moving on to Department of Interior Field Special Assistant for Alaska, Sara Taylor, are you on.

(No response)

MS. DETWILER: Okay. All right, Chair Christianson, have you joined us?

(No comments)

MS. DETWILER: It sounds like Tony may still be trying to call in. Rhonda Pitka, I think the Board usually defers to you as the second Chair after -- if -- if Tony is not -- if the Chair is not available. So we do have a quorum -- well, we do have a quorum of six out of eight members, once Tony comes on we'll have seven, and so I will pass it off to you now that we have a quorum.

MS. PITKA: Great.

MR. LIND: Sue, this is Orville. Tony's still trying to call in just so you know.

MS. DETWILER: Oh, thank you, Orville.

MS. PITKA: Okay, so it looks like we're at review and adopt the agenda. This calls for a
motion, I believe.

MR. RISDAHL: The Forest Service makes the motion to adopt the agenda.

MS. PITKA: Thank you. Can I get a second on that motion.

MR. PELTOLA: BIA, second.

MS. PITKA: Thank you, BIA. Sue, can we get a roll call vote on the adoption of the agenda. Thank you.

MS. DETWILER: Sure. The motion is to adopt the agenda and I'll start with the maker of the motion, Greg Risdahl.

MR. RISDAHL: Yes.

MS. DETWILER: Sarah Creachbaum, National Park Service.

MS. CREACHBAUM: Yes, please.

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

MS. BOARIO: Yes.

MS. DETWILER: Gene Peltola, BIA.

MR. PELTOLA: Aye.

MS. DETWILER: Thank you.

Thomas Heinlein, BLM.

MR. HEINLEIN: Yes.

MS. DETWILER: Okay.

Public Member Rhonda Pitka.

MS. PITKA: Yes.

MS. DETWILER: And, Chair Anthony Christianson, have you been able to join us yet.
(No comments)

MS. DETWILER: Okay, the motion does pass. And I would also like to note, Madame Chair, that for the -- well, I may be a little bit out of order here but I did want to mention with the Board in the proc -- or the agenda in the process of being adopted now that the Office of Subsistence Management did, on Tuesday, May 17th, receive a request for reconsideration of the Board's earlier action at it's April regulatory meeting to approve Fisheries Proposal 21-10 and we have not had time to analyze this request yet and so it will not be part of our presentation or on the agenda today.

So thank you for that.

CHAIRMAN CHRISTIANSON: Thank you, Sue. And just for the record Anthony Christianson is here. Thank you.

MS. PITKA: Hi, Tony, this is Rhonda. So we just finished reviewing and adopting the agenda and now we're on to No. 3 so take it away. Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Rhonda, I appreciate you picking that up and sorry for my tardiness I was having trouble getting on.

All right, welcome everyone, and we are on No. 3 on the agenda so go ahead, Sue, you have the floor.

MS. DETWILER: Thank you. So we'll start out with the presentation of the -- introduction of the Staff analysis and meeting materials, and that will be Justin Koller. And I would also like to add that the meeting materials are also on the Federal Subsistence Board's website. So I'll hand it off to Justin, thank you.

MR. KOLLER: Thank you, Sue. Good afternoon, Mr. Chair and members of the Board. My name is Justin Koller and I'm a Fish Biologist at the Office of Subsistence Management. I'm here today to present Fisheries Temporary Special Action Request FSA22-05 concerning the recently adopted Lower Copper River subsistence salmon fishery.
This temporary action request is administrative in nature and does not request changes to the approved Lower Copper River salmon fishery therefore there is no analysis for this special action request.

We provided four documents to you, the special action request, the temporary delegation letter, the proposed language -- regulatory language, and the news release regarding your action on FP21-10 at the wildlife regulatory meeting.

As a reminder, during the April wildlife regulatory meeting, the Board was presented with an analysis for FP21-10 concerning the proposed Lower Copper River subsistence salmon fishery. The proposal was adopted to provide a meaningful opportunity and priority for Federally-qualified subsistence users and provide additional opportunity for those residing in Cordova.

We are now in front of you again in recognition of the fact that your actions from the wildlife regulatory meeting will not be published in the Federal Register in time for this fishery to begin on its proposed start date of June 1st. This temporary special action request asks this Board to temporarily enact the newly authorized fishery and to delegate authority to the in-season manager to implement the fishery for the 2022 season. This special action and delegation of authority would both expire upon the Final Rule being published in the Federal Register.

In short this temporary special action is necessary to enact and implement this newly authorized fishery for the 2022 fishing season.

We would like to recommend two minor adjustments. One on the draft regulatory language, and one on the temporary delegation of authority letter. These are recommendations merely to align the special action regulation language with other current regulations. On Page 2 of the draft regulatory language, Item D, instead of beginning outside the Copper River main stem, the proposed language should begin, excluding the areas described in Section A. On the delegation of authority letter under the first bullet of delegation we recommend it simply read Copper River instead of Copper River main stem. Again, these
are recommendations merely to align the special action regulation language with other current regulations.

Thank you, Mr. Chair.

I'm available to answer questions related to the request or supporting documentation.

CHAIRMAN CHRISTIANSON: Thank you. Thank you, for that. Any questions from the Board.

(No comments)

CHAIRMAN CHRISTIANSON: All right, at this time we'll go ahead and allow for public testimony. I know usually, you know, it's not listed on the agenda but due to this varying viewpoints on this, I'm hoping on the line today we do have some public that would like to testify to this proposal -- special action. And, Operator, if there is at this time I would like to entertain opening the line for anybody who would like to be recognized at this time for public comment on this action.

Thank you.

OPERATOR: Yes, sir. If you would like to make a public comment please press star, followed by one. Please make sure your phone is unmuted and record your name when prompted. If you wish to withdraw your comment you can press star, two. Please allow a moment for comments to come in.

Thank you.

(Pause)

OPERATOR: Our first comment comes from Karen, your line is open.

MS. LINNELL: Thank you, Mr. Chair. This is Karen Linnell, with the Ahtna InterTribal Resource Commission. And.....

CHAIRMAN CHRISTIANSON: Welcome today.

MS. LINNELL: Thank you. I see that there's already amendments to their special action request and things like that but I'd also like to say
that I believe, you know, that there's a request for reconsideration that has been filed and that I think the Staff analysis on that reconsideration request should go forward before moving on this special action request because it may be more difficult to move forward with this.

Once again I want to talk about the process that was brought forward when 21-10 was brought before the Board at your last meeting. It seemed so innocent to include comments that were received after the deadline but those comments were solicited by Staff, they were brought forward, they were form letters and then the -- the joint meeting that was held and the information that was shared there and with the new membership and things like that there was a -- what I heard now, was not an official vote of Southcentral RAC, as Staff isn't taking it as an official vote, but that it was -- but when they discussed it they voted it down and then there was emails received from other members who were not in attendance that tend to -- that said, oh, we would have voted in favor of it had we been there. Well, it's just like Congress and everybody else, if you're not there you don't have a say.

And I feel the same way with the Federal Subsistence Board. If the Regional Directors are not in attendance they should not be able to appoint an alternate when Members of the Public, such as yourself, and Ms. Pitka and Mr. Brower, when they're absent, you have nobody to fill your seat in your absence. Had you been at the meeting or had the other individual -- Federal Board member who was absent had somebody step up in -- in to vote for them, I think it was Chris McKee that stepped in to vote for BLM, it would have been a tie vote if you had been there or had Mr. McKee not been there -- or able to participate in the vote. Today I see Forest Service isn't there but they're counted as part of the quorum because there's an alternate sitting in for Mr. Schmid. I'm trying to look at the CFR and I don't see anywhere in there that allows for alternates and so if Mr. Lord can tell me where I can find that information that would be helpful.

But, you know, the other thing again is the omission of public input in the process with the RACs and being able to talk to the RACs because you had
so many new RAC members over the last two years with 
the Federal appointments finally happening all at once. 
And so I think those new members had the right to know 
and understand what was going on. And during that time 
there was not additional Staff analysis to take into 
consideration, the things that had happened in the last 
two years with the declining fish returns and -- and 
you’ve also got new Board members, new Federal Board 
members. U.S. Fish and Wildlife Service, the National 
Park Service, and BLM, all are brand new and should 
have been able to hear public comments on these issues 
throughout the whole thing and so, for me, it was not a 
just carried on -- to think -- it's been two years 
since things -- and things change. And so I just 
wanted to point that out. And I think there's a 
definite inequity in this.

And I'd like to say that, at what point 
does providing for reasonable opportunity for success 
in subsistence harvesting taken into consideration. 
When you consider that 92 percent, according to the 
State community harvest assessment, on their website, 
which was done in 2014, was that 92 percent of the 
households in Cordova eat salmon. So, to me, it's not 
a pressing need if 92 percent of their homes use 
salmon. And so those are things that we feel should be 
taken into consideration and they have alternative 
areas to harvest their subsistence resources for 
salmon. The residents of Copper River do not. We have 
one river. One intake. And so for -- I just want you 
to reconsi -- take that into reconsideration and ask 
that you defer this until you look at the request for 
reconsideration.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, 
Karen. Any questions for Karen from the Board, or 
comments from Staff -- I think she had a question there 
as well.

MR. LORD: Mr. Chair, this is Ken.

CHAIRMAN CHRISTIANSON: Yes, Ken, you 
have the floor. Thank you.

MR. LORD: Yes, so just to answer 
Karen's question about Board members and having 
substitutes -- sorry about that, I dropped the paper --
it does say in Section 10 of our regulations that -- which deal with Board authorities that each member of the Board may appoint a designee.

MS. LINNELL: Okay. And where are the -- where's the designee for the Public members?

MR. LORD: The regulations do not speak to that.

MS. LINNELL: Exactly. So Mr. Chair, Mr. Christianson can appoint somebody to fill Mr. Brower's vacancy today because it's not -- it doesn't say that it can't and it doesn't say that it can.

MR. LORD: Well, what it says is that each Board member may designate a designee. It does not give that authority to the Chair.

MS. LINNELL: So when Mr. Brower's not present he should appoint somebody to fill his seat before he -- before the meeting or -- because it happens quite often. It happens quite often.

MR. LORD: It isn't -- so the public members have never done so but in a strict reading of the regulations it says that they could.

MS. LINNELL: I find it -- I find that, you know, this should have been brought to those members so that they can fill their vacancy when they're not there and I would hope somebody would reach out to Mr. Brower and ask him to appoint somebody to fill his seat right now during this vote.

MR. LORD: Mr. Chair, I'm going to have to correct myself. I just reread that sentence. What it says is each Federal agency member of the Board may appoint a designee, it does not speak to the public members, my mistake.

MS. LINNELL: Oh, so just because it doesn't speak to it doesn't mean that it can't happen though, correct? It doesn't restrict it from happening?

MR. LORD: I'm going to defer on that question. We would have to discuss that internally about the best ways to approach that.
MS. LINNELL: Well, I'd say that Mr. Brower has the authority to appoint somebody until it's proven otherwise that he can't. And just for your consideration, Ms. Pitka and Mr. Christianson, that should you not be able to attend that you send an email to the Tribal Liaison or OSM and tell them who your designee will be for that meeting.

CHAIRMAN CHRISTIANSON: Yeah, thank you for your points there Karen and we'll take that into consideration. Like Ken has stated, you know, that's probably something they're going to really have to look at here because, you know, we were under the assumption that, you know, we weren't the same as the Federal Board in that we could appoint somebody and so I think that's a good point of clarification that we need to probably clear up for policies and other sakes. But probably for today as we do move forward we'll probably have to hold the conversation. I know it bears a lot of weight to whether this special action can or cannot pass, but as far as the current policy has been we haven't been putting somebody in as an alternate to us in our absence even though, you know, it does make and bears a big difference on how we do fair and some of the votes that are cast past, present and in the future. So I'd just be careful -- you know, like today, just want to keep it back to the point of the special action and who we do have here and, again, I hope that's a place we can get some clarification in the future.

MS. LINNELL: Thank you, Mr. Chair. And, again, I would ask that you defer action on this until you hear and get the Staff analysis on the request for reconsideration. Because I feel that should this go forward now, the request for reconsideration would be -- would be defeated, or, you know, or not even -- yeah, it'd be stacked against it in other words.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Any other questions from the Board or comments.

OPERATOR: There are no comments on the phone, sir.

CHAIRMAN CHRISTIANSON: That was the
only public testimony for the day.

OPERATOR: At this time, sir, yes.

CHAIRMAN CHRISTIANSON: Thank you. Was there any other questions or comments from the Board for Karen.

CHAIRMAN CHRISTIANSON: Okay.

Hearing.....

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, go ahead, Gene, you have the floor.

MR. PELTOLA: Thank you, Mr. Chair. Actually it's not for Karen but for OSM Staff. With regards to the outstanding request for reconsideration, what would be a gross estimate on how long it would take to accomplish that task?

Thank you, Mr. Chair.

MS. LAVINE: Mr. Chair, this is Robbin.

CHAIRMAN CHRISTIANSON: You have the floor, Robbin, thank you.

MS. LAVINE: Thank you, Mr. Chair. For the record this is Robbin LaVine, Subsistence Policy Coordinator with the Office of Subsistence Management.

We did receive a request for reconsideration on Tuesday. And the Policy Coordinator, myself, and Fisheries Division lead will be meeting next week to validate and confirm the request. And we have not had a chance to assess, but one might expect that it would take about as long as a regular proposal analysis, certainly through the summer.

I would also remind everybody online that a request for reconsideration does not pause action that is it requesting the Board reconsider. So it wouldn't pause until the request for reconsideration is complete. It wouldn't pause Board action on Fisheries -- or the action the Board took on Fisheries Proposal 21-10. But changes could happen once the
Board reviews the full analysis, once it meets the threshold. And, additionally, the Federal Register would also have to public. I would -- I would believe also that we -- I'm not seeing lots of comments -- so if anybody on my team wants to jump in as well but it is my understanding that a request for reconsideration can be ongoing, it will not pause the implementation of the regulations until the Board takes action either in favor or in opposition. So we won't know until the Board has the RFR before them and the analysis is complete.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Robbin. Any questions for Staff, any more comments.

(No comments)

CHAIRMAN CHRISTIANSON: That concludes the public testimony, thank you. We'll go ahead and move on, hearing no more, to the summary of public comment.

MR. ROBERTS: Yes, hello, good afternoon, Chair and members of the Board. My name is Jason Roberts. I'm an Anthropologist with the Office of Subsistence Management and I'm going to provide a summary of the public comments regarding Fisheries Temporary Special Action Request 22-05.

A public hearing on this special action request was held on May 5th. The specific question asked during this meeting was should action be taken to ensure that the new Lower Copper River salmon fishery will be open to harvest by a dipnet and rod reel on its approved start date of June 1st. Nine members of the public provided testimony at this meeting specifically related to this special action, and an additional 19 commenters provided testimony on other issues. Much of the additional testimony focused on the merits or deficiencies of the original Fisheries Proposal FP21-10 without speaking specifically to this temporary special action.

So those in support of FSA22-05 cited previous delays in the regulatory process regarding this fishery, monetary investments already made in anticipation of the June fishery opening, the benefits
the fishery would have for the residents of the Cordova
area, and the role of special interests leading
opposition against the fishery opening.

Those in opposition to FSA22-05 stated
that more time was needed to evaluate the Copper River
fish runs and stock levels this year and that the Board
should consider delaying the opening of the fishery
until June 15th this year to allow people up river to
meet their subsistence needs. Other testimony against
FSA22-05 objected to the initial FP21-10 regulatory
process stating that the Chair was not present when the
vote was made to pass FP21-10. Those in opposition
also voiced concerns about public safety when opening a
fishery in an area of strong current.

This concludes OSM's summary of the
public testimony on FSA22-05, and my colleagues are
available to try and answer questions if you have any
questions.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you. Any
questions from the Board.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, you have
the floor.

MR. PELTOLA: Thank you, Mr. Chair. It's actually
not a question for the summary of the
public comments, it's just I was sent a message second-
hand that stipulated we had a member of the public
trying to call in to make a public comment when we had
that opportunity open but star, one wasn't working for
them.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Gene. Any other further questions for the public
summary. We'll move on to Regional Advisory Council
recommendations.

MS. DETWILER: So, Mr. Chair, this is
Sue. We have Greg Encelewski from Southcentral region
and we also have, from Eastern Interior, we have Brooke
McDavid speaking on behalf of the Eastern Interior Council.

CHAIRMAN CHRISTIANSON: Thank you, Sue. They have the floor.

MS. MCDAVID: Mr. Chair and members of the Board, for the record my name is Brooke McDavid and I am the Council Coordinator for the Eastern Interior Regional Advisory Council. Eastern Interior Chairwoman Sue Entsminger is not available to call in today, she is guiding some spring bear clients, but she did ask that I read a comment on her behalf and so I will read that now.

Sue writes: As a volunteer and the Chair of the Eastern Interior RAC, I first want to let you know that I do appreciate the work done by the Federal Subsistence Board but I would like to take the time to express some concerns.

I feel the need to express some serious frustrations for how the vote on the deferred Fisheries Proposal FP21-10 was handled during the April Board meeting. The creation of this new fishery has been a highly controversial topic and I really feel that the Board should have delayed the vote on the proposal until all Board members were present. In the absence of Chair Christianson it gave the vote of agency Board members more weight. Although I don't know how Chair Christianson would have voted, there is the potential that had he been present that FP21-10 might not have passed. A controversial proposal such as this one, having all Public Board Members present for the vote, including the Chair, is extremely crucial to ensure that representation on the Board is balanced. In the future, I really hope the Board will take this into consideration especially on controversial and divided topics such as this one.

As you are well aware FP21-10 was deferred by the Board and sent back to the Eastern Interior and Southcentral Councils. After several postponements of the joint meeting the meeting finally took place by teleconference this past March. The joint Councils were instructed that there would be no new Staff analysis presented at the joint meeting. We were instructed to take up the proposal as it was presented at prior meetings. We were also told that no
public comment was advertised for the joint meeting, therefore, no additional public comment was given to the joint Councils. In a situation like this the Board should have instructed OSM to do more work to prepare Council members for a possible different outcome. I really don't understand how presenting the same exact information and no new information could result in any other outcome than the previous recommendations provided by each Council.

The deferral was long enough that each Council had a significant number of new members at the joint meeting. I am very frustrated that we, as volunteers, were not provided more information before the joint meeting. The Board could have asked for the Staff to do a working group to give options to the two Councils. Without more work being done this is a tall order for the two RACs to compromise.

I, personally, did a lot of work calling many people I know from Cordova, including from the Eyak Corporation, the Forest Service and the proponents of this proposal. I have a long history of going to Cordova since 1975. My family have been traveling there and hunting deer and goats for many, many years. We have become dear friends with many people there. Through my ties with multi-generation families I have learned that some of the information presented to the Board by some people in regards to FP21-10 was not totally correct. I believe this is the kind of work that needs to be done by Staff.

When the Federal Board met to take up FP21-10 last month, it was not advertised there would be any public testimony for that meeting either but with several Board members absent when FP21-10 was taken up, including both the Chair and the Vice Chair, Mr. Peltola was appointed to temporarily Chair the meeting. He opened the meeting to public comments on FP21-10. Our Council believes strongly in public involvement but in this case there was no advertisement before the meeting that there would be additional public comment allowed to the Board. I have been contacted by many folks who were very upset that they did not know that public comment would be allowed. One person told me they called in but was in the wrong meeting room so they never had a chance to comment. These teleconference meetings have put the State and users that would like to comment in a big disadvantage.
I don't feel this is right. I don't feel it is fair to the people who may have wanted to comment. To me, it has the appearance of a black eye to the process. I know the Federal Board has a tough job but in sensitive situations like this one without an in-person meeting more work needs to be done prior to the meeting. It's vital the public knows there is an opportunity to comment and in this case they did not know ahead of time. I find this very frustrating.

This also concerns me that this might e a precedent setting case to just start a new fishery that does not have the long-term customary and traditional history behind it. The Eastern Interior council opposed FP21-10 as did many people in the Southcentral region including people in Cordova, but the proposal was passed by the Board and now we are faced with a special action to hurry and open the fishery this year. For the life of me I don't understand the big rush to open this fishery this year. For something that's never been on the books before, what is the rush? Why are we doing this special action? Cordovans have ample opportunity to get fish. It seems like it would be better to wait to open this new fishery instead of opening it hastily.

I think all users have the right to know how the other Board member would have voted by taking this proposal up again. The proposal was too close (ph) to not involve the other board member.

In all due respect, I thank you for listening and I do appreciate all that you do.

Mr. Chair and members of the Board, that concludes the comment by Eastern Interior Chair.

Thank you.

CHAIRMAN CHRISTIANSON: Are there any questions from Brooke from the Board, comments?

(No comments)

CHAIRMAN CHRISTIANSON: And just, you know, Brooke, from the Board Chair here, you know, being able to miss and have my position held would be something that, like I said, we need to bring up here in policy and we can see, you know, moving forward how
we might find a remedy for that and come up with a solution that works for the public because I'm all about the public. And, you know, these processes moving forward, we try to provide as much public testimony between the tribal and corporate consultations as well as public testimony gathering sessions, and the -- the public testimony at some of these things becomes the discretion of the Chair and I have a tendency to lean towards almost always providing an opportunity for public testimony but it isn't a policy that we have, or is it anything that we, you know, entertain during this process, but just due to the nature and sensitivity of some of these issues I like to open the floor for those possibilities. And so we know it causes confusion and we've had the internal discussions about trying to create something that has a more ready available public process that we all know what's going to happen and when it goes and so we hear your concerns in that arena. And I just want to thank you for expressing those concerns today.

MS. MCDAVID: Thank you, Mr. Chair. I will pass that on to the Eastern Interior Chair.

CHAIRMAN CHRISTIANSON: Any other Board comments or questions. Does that bring us to.....

MS. DETWILER: Mr. Chair, I think.....

CHAIRMAN CHRISTIANSON: Sue.

MS. DETWILER: I'm sorry, I was just going to -- I didn't want Mr. Encelewski to not have an opportunity to speak on behalf of Southcentral Council as well.

CHAIRMAN CHRISTIANSON: No, he has the floor, thank you, Sue.

MS. DETWILER: Okay.

MR. ENCELEWSKI: Thank you, Mr. Chairman, Anthony. This is Greg Encelewski, and I really appreciate the chance to talk because this has really turned into a real convoluted, political, highly motivated, some disinformation, some -- some stuff that has -- I've never seen it in all the time I've been on the RAC.
I will, first of all, I want to reiterate the Southcentral Regional Council, the last time we met before our special joint meeting, we supported this action. We did have plenty of public comment. We had people come in -- as you know the RACs take public comments, we took it very seriously, we were in favor of providing a more meaningful opportunity for the underserved that didn't have the boats, the rest of it. It was highly taken into consideration. We very carefully considered the up river, down river, the fish up stream, the amount that was going to be taken, it's such a minute percentage, so, yes, we were in favor of it. There was a vote, there was some opposed, but the Southcentral supported it. We haven't met since then, they continue to support it.

I will go on to say that with the Eastern Interior and the Southcentral Council meeting, Sue and I tried to work so hard to make this work, come up with a compromise. I feel I was completely misled on what was going on, they had special meetings, they politicked our Board, they brought into our region, there wa so much politics about this, it was unbelievable and it turned pretty messy. There was -- I will agree with Sue, we had quite a turn over on the Boards, and by the time we reviewed this joint session we had four or five new members, some of them being even the first time were called and were coerced in how to vote. Even then, it was very slim and we had two members that were absent that had wrote letters that were in support of it so even that would have passed if they were there.

So what I'm trying to say is the Southcentral stands by their decision. We did have, do and probably still have the same support.

I think that this turned into a bad decision.

Sue and I had agreed and we thought that we had come to a compromise that it should go back to the Federal Board. I think you guys have done your job, you passed an action on a deferral, there's no reason in the world to defer it. It provides a meaningful needed opportunity for those people.

On the Kenai I know we had hundreds of
requests for reconsideration, they went on for years
and years. We still got a special action and we got to
fish until they were heard. And if it changes at that
time then, of course, it will be shut down and changed.

So I do know that the Federal Board
has, you know, in all fairness has tried to send it
back to the two Councils to work on, this is a very
polarized, very -- very -- hard decisions were made on
here. Some of the statements that were made today, I
would like to dispute but I'm not going to go there and
I'm not going to go into -- I think Sue's letter is --
a lot of it is personal there and some opinions,
they're so strongly heated, sometimes opposing opinions
got more time in public comment, they got more high
passionate testimony.

I do know that it provides a meaningful
use. I do know that it's not a conservation concern
from what we see at all. And so I want to be clear on
the record where the Southcentral RAC was, I tried to
stay within the FACA rules without losing my cool, this
thing really got heated, and we did a good job, we were
-- we treated it with respect but then everyone went
off on their own and did their own thing and politicked
and solicited people, that was totally out of the realm
of what we should be doing for our people in the
fisheries and I hate to see that divide and that bridge
made.

So I will gladly answer any questions
but I just felt I needed to talk to you and tell you
how I thought and how our RAC thought, and I'm standing
by for any questions.

CHAIRMAN CHRISTIANSON: Thank you, Mr.
Encelewski for calling in. Always appreciate your
point of view and if there's any questions for the
Board from you -- for you, I open up the floor at this
time.

MR. ENCELEWSKI: Thank you.

(No comments)

CHAIRMAN CHRISTIANSON: All right,
hearing no questions thank you Mr. Encelewski, for
providing your testimony and the point of view from the
RAC there. It has been controversial so we'll just do
our best here to come up with a plan.

So any other Board comments or questions, if not, we'll move on back to the public testimony. We do have somebody on the line. Operator, at this time could you recognize the public testifier online.

Thank you.

OPERATOR: Yes, sir. It comes from John, your line is open, sir.

(No comments)

OPERATOR: John Hopkins, your line is open, is your line muted?

(No comments)

OPERATOR: I'm getting no response from him, sir.

CHAIRMAN CHRISTIANSON: We'll give him one more second.

(Pause)

CHAIRMAN CHRISTIANSON: Hearing none, John, we'll just -- if he comes back on before we get towards the end here we'll go ahead and recognize him. At this time -- and I apologize about the beeping, my brakes are going out on my car so -- so we'll go ahead and move on to the next part of the agenda which I believe is tribal consultation.

MR. LIND: Thank you, Mr. Chair. Board members. My name is Orville Lind, Native Liaison for the Office of Subsistence Management. We will begin giving a summary on May 16th both tribal and ANCSA consultations.

A tribal representative from the village of Chickaloon stated that there should be a set aside ruling for indigenous peoples above and beyond what is now available. They are still competing with other interests such as commercial, sport and personal uses. The current management system doesn't conform with UN policies for the indigenous peoples. He
doesn't understand what the Lower Copper River rule/rural (ph) really does for the indigenous groups and that the indigenous Alaskans should be Federally-qualified subsistence users regardless of any current place of residence. And he stated also that this was a -- was not a real consultation and regulation has already gone into effect with the new ruling in contrary -- is contrary to the UN policies and it deprives indigenous groups of subsistence opportunities. He did mention that one potlatch can empty a whole freezer of fish and a potlatch requires a lot of fish. They share salmon far and wide. These sorts of tradition should be part of an equation determining allowable subsistence take.

Another tribal resident from the village of Kluti Kaah said that Fisheries Proposal 21-10 will only result in less indigenous people getting fish. By opening fisheries further down the river only reduces the fish availability for the Ahtna people in the Upper Copper River valley. He really doesn't want to see anyone fishing -- anyone else fishing on the river but the subsistence users, particularly down stream from the Ahtna areas and especially where fisheries have been opened a half a mile above and a half a mile below the Copper River along the highway. A lot more to it than just subsistence, it's culture, sense of identity. They're losing more than just their foods. Tribal governments care a lot about salmon, there's a lot of issues in the region. He says that they were really not properly informed of this meeting or properly consulted, especially on Fisheries Proposal 21-10. Their potlatch freezers have been really empty for about three years and it's embarrassing not to be able to provide proper subsistence foods to their communities.

Residents from the village of Tazlina stated that they are fully opposed to Fisheries Proposal 21-10 and the Federal -- or the Fisheries Special Action 22-05. There have been low fish runs recently and really not clear what the salmon runs will be this year, this summer and Eyak and none of the villages in the region are in favor of this special action.

An Ahtna member stated that the salmon counts are very low. And that they disagree with both the fishery proposal and the fisheries special action.
They don't know what the impact of this opening is going to create. Allowing public comments to be submitted after the cut off date was really unfair. The impromptu vote which was taken by Southcentral Regional Advisory Council was also not taken into account. The Federal Subsistence Board voting process was carried out inadequately. And an .804 analysis needs to be done for all communities that might fall under this opening. And in determining potential impacts of opening this fishery, the new RAC members were not allowed to get up to speed on this proposal and did not allow for appropriate public comment at the joint Eastern Interior, Southcentral RAC meetings. And Covid, you know, has created problems with the participation in RAC meetings and particularly public participation, customary and traditional -- you know at least one more -- one generation residents' customary and traditional use determination shouldn't be allowed to benefit Federal employees. Customary and traditional use determinations shouldn't be given to places, they should only be given to the local people there. People of the Copper River have no other river to go for for their salmon needs, it's just one river.

A resident from Kluti Kaah stated many tribes in the Copper River oppose this fishery because they have low fish populations already. The king salmon run is poor and overall salmon health is bad. Salmon are not as big as they used to be. There's not enough tribal heads, or true tribal representatives involved in these processes. Subsistence is decreasing out -- and is losing to commercial and personal use, not just using subsistence but an entire way of life. Shouldn't be allowed to make any rules unless signed off by the Secretary Haaland. The price of food and gasoline in the Copper region is very high. Tribal governments don't get any money from commercial, tourists, fishing industries, et cetera. It's getting very hard to live a subsistence lifestyle these days.

That concludes the tribal and ANCSA consultations on May 16th.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Orville, appreciate that. Operator, could you -- there's some Staff that can't reach the operator, can
you direct public to address star, one, please. Star, one. Thank you. And I'm just getting that message from Staff so thank you Operator.

Thank you, Orville.

If there's any questions for Orville from the Board, this is your opportunity to ask about the consultation process, thank you.

MS. PITKA: Orville, this is Rhonda.

MR. LIND: Yes, go ahead, Rhonda.

MS. PITKA: So this was on the special action request and there was also consultation available on -- on the original request that went through the meeting that was deferred, right, like there was consultation offered in all those places, and then also at the Regional Advisory Council meetings; is that correct?

MR. LIND: Yes, I believe so.

MS. LAVINE: Public Member.....

MS. PITKA: Okay, thank.....

MS. LAVINE: .....Pitka, this is Robbin.

MS. PITKA: Hi Robbin.

MS. LAVINE: Can I also add that there were original tribal consultations on the proposal held the summer that this proposal was submitted, I believe that would have been the summer of 2020. There were opportunities for public comment during the Council meetings that fall. And then prior to and during the Board meeting, at the beginning of the regulatory meeting in 2021.

Thank you. Through the Chair.

CHAIRMAN CHRISTIANSON: Any other questions for Orville and the tribal consultation process.

(No comments)
CHAIRMAN CHRISTIANSON: All right, hearing none, thank you. Thank you, Orville.

MR. LIND: Quyana.

CHAIRMAN CHRISTIANSON: Thank you, Robbin for that. We'll go ahead and move on now, Alaska Department of Fish and Game, State Liaison.

MR. MULLIGAN: Good afternoon, Mr. Chair. For the record this is Ben Mulligan at the Alaska Department of Fish and Game. Officially the Department is neutral on this proposal recognizing that it is primarily an administrative action to put in an effective date for the passing of FP21-10. As you guys know we opposed the original one but given the nature of this special action, like I said, we're neutral. And we appreciate the notification for the RFR and we look forward to commenting on it when it's available.

Thank you, sir.

CHAIRMAN CHRISTIANSON: Thank you. Any questions for the State, Ben Mulligan.

(No comments)

CHAIRMAN CHRISTIANSON: All right, hearing none, we'll go ahead and move on and open up the floor for Board deliberation, discussion.

MS. DETWILER: Mr. Chair, I think we also want to get.....

CHAIRMAN CHRISTIANSON: Oh, wait, I jumped right over the ISC, right, sorry.

MS. DETWILER: Yes.

CHAIRMAN CHRISTIANSON: I'm getting excited here, Sue, sorry. Yeah, I think this one's got everybody on edge, so, yes, we'll go ahead and move on to ISC recommendations.

Thank you.

MS. LAVINE: Thank you, Mr. Chair. Members of the Council. This is Robbin LaVine, Subsistence Policy Coordinator for the Office of
Subsistence Management and also the InterAgency Staff Committee Chair. I'm going to read you the InterAgency Staff Committee recommendation. But before I do I would like to address some of the technical challenges we are having right now bef -- with our meeting interface.

So I am aware that there are a number of people who are attempting to provide public testimony and I have lost contact with our Operator. So I'm going to pause for a moment and ask if our Operator is online and.....

OPERATOR: I'm here.

MS. LAVINE: .....listening to me now.

OPERATOR: I'm here.

MS. LAVINE: Ah, hello, it's good to hear you. Operator, we do have a number of people who I can see via meeting view attempting to join the cue and provide further public testimony. And I know that sometimes they drop off but in rural Alaska we have challenging phone service so sometimes people have a bad connection. Can you please remind the people who are listening.....

OPERATOR: Yes.

MS. LAVINE: .....if they would like to provide testimony, give them instructions, we will wait, and if we can, allow, I think there are at least two people who are trying to provide testimony, and then after that I will then come back with our InterAgency Staff Committee recommendation.

Thank you, Mr. Chair.

And Operator, please go ahead.

OPERATOR: That's star followed by one. Please make sure your phone is unmuted and record your name when prompted. Again, that is star, one to make a comment. Thank you.

(Pause)

CHAIRMAN CHRISTIANSON: Now, is this
just an awkward pause or are we waiting for someone online, this is the Chairman?

OPERATOR: Did you want to take the public comments now?

CHAIRMAN CHRISTIANSON: Yes, this would be their.....

OPERATOR: Okay.

CHAIRMAN CHRISTIANSON: .....time to provide an opportunity, so, yes, open the lines.

OPERATOR: Okay, first one comes from Michael. Thank you.

MR. MICKELSON: Hi, this is Michael Mickelson in Cordova and can you hear me okay?

CHAIRMAN CHRISTIANSON: Yes, Michael, welcome, you have the floor.

MR. MICKELSON: Okay. So I would like to kind of echo a lot of Karen Linnell's comments on -- on this process in terms of, you know, kind of what's going on and also that to reiterate there's no emergency here. We've never had this fishery. I'm a lifelong resident, a subsistence user and a commercial fisherman for the last few years and there's -- there's a lot of opportunity here to get fish in salmon fisheries as well as halibut and -- and other Federal subsistence fisheries that people can participate in. And there's some road system fisheries as well. So I'm really not sure what is so pressing about this. And I agree with the previous speakers that said that it's been really difficult for people from this area to be able to comment in these meetings. I've been trying to comment for like a half an hour and I'm just getting through and I know there's other people that just gave up because they got other things they're trying to do.

So, yeah, I would just really encourage you to, you know, look at the recommendations from -- from Ahtna and the Native Village of Eyak in regards to this fishery so thank you for your time.

CHAIRMAN CHRISTIANSON: Thank you for calling in Mike. Any questions from the Board for him.
CHAIRMAN CHRISTIANSON: All right, appreciate it. Operator, is there anybody else in the cue who would like to be recognized at this time, this is their opportunity. Thank you.

OPERATOR: Yes, sir. The next one comes from Gloria, your line is open.

MS. STICKWAN: Hi. I've been trying to testify and I haven't been able to. Thank you for allowing me to talk. I just want to say that this whole process has been confusing for the Southcentral people sit on the Council and Eastern Interior, during this second meeting that was held, which was a public meeting. Members of Southcentral said it was confusing to them because we were in a middle of a vote then we heard that we could have deferred this proposal or take -- took other actions and the Chair said he wouldn't allow it since we were already on a vote and that Eastern Interior had already voted and their vote was no. And our understanding at that meeting was that we weren't able to vote and then later on we were told you can vote on recommendations, which we did, and the vote was no. The Southcentral Council voted, no, they opposed this, and they opposed it because of the public testimony that was given. I think the fact that the Native Village of Eyak voted against this, they are Native people down there and they voted against it, and then the Ahtna people voted against it and the people on the Southcentral RAC and Eastern Interior who fish in the Copper River voted against it. And our concern was the low count of fish. There's a conservation concern here. There is a forecast of -- maybe we'll catch king salmon but that's a forecast -- you know, they're saying that -- you know earlier they said we're not going to meet our -- our king -- our escapement goal for king salmon and now they're saying a forecast that we are, but that's just a forecast, they don't -- they won't know until they -- the sonar count is done.

So because of those reasons and because the Council -- both Councils, in their second meeting, they came to a compromise, the compromise was no, both said no. And my understanding of the Federal Board is to take the deference -- the deference of the Councils unless it's detrimental to subsistence users. I don't -- I see this as a conservation concern for up river
fisheries. We're not going to get our fish this year again, most likely, it's a conservation concern for us. Right now is not the time to be opening a fishery when there's low counts of kings. We're going to have restrictions because of the kings most likely, up river, and that's a concern for all of us. I mean that's our -- there is no reason for this Federal Board to act on this today. Hearing the concern of conservation concern, hearing the testimony of all people that use fish on the Copper River say no.

And as -- as -- I differ with the Chair's opinion that we voted -- that we are in support of it, in the second meeting we said no and if that wasn't a public meeting, I don't know what is a public meeting. Why was the second meeting held if it wasn't for public -- a decision to be made, which we did, it was a decision made that -- compromise, and we did, we came to a compromise which you guys -- which the Federal Board asked us to do. The vote was no.

So I'm asking you guys listen to what we're saying. Think about what we're doing and at least, if you're not going to do that, take up that reconsideration and that's all I'm asking you.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Gloria. Any questions from the Board for Gloria. Appreciate you taking the time to call in today, too, Gloria.

(No comments)

CHAIRMAN CHRISTIANSON: All right, Operator, at this time was there anybody else in the cue who would like to be recognized for public comments.

OPERATOR: Again, if you would like to make a public comment that is star, one. Again, that is star, one. At this time there are none. Again, that is star, one if you would like to make a comment.

(Pause)

OPERATOR: There's one coming through, please let me get their name.
CHAIRMAN CHRISTIANSON: What'd you say, Operator, there's one more coming through?

OPERATOR: Yes, sir, it comes from Heath, your line is open, sir.

MR. KOCAN: Hi, can you hear me.

CHAIRMAN CHRISTIANSON: Yes, Heath, you have the floor. Thank you.

MR. KOCAN: Hi, thanks for letting me talk today. Yeah, I just wanted to say I'm a resident of Cordova Alaska and I'm in support of this special action. Thank you.

REPORTER: What about his last name?

MR. KOCAN: Kocan, K-O-C-A-N.

REPORTER: Thank you.

CHAIRMAN CHRISTIANSON: Any other questions, comments. Thank you for taking the time to call in today.

OPERATOR: There are none at this time, sir.

CHAIRMAN CHRISTIANSON: Thank you. Appreciate all the public comment and we apologize if we have had some issues with this. We know this process doesn't bode well for all of the interactions that we'd like to have and, you know, we just do our best to get through each of these meetings and provide as much opportunity for.....

OPERATOR: There's another one coming through, sir.

CHAIRMAN CHRISTIANSON: .....the public and -- okay -- and all.....

OPERATOR: Would you like.....

CHAIRMAN CHRISTIANSON: .....the users to have the opportunity, that's why I'm probably talking my breath off here to get opportunity for the line to be opened up, I don't want to miss anybody.
So, Operator, go ahead and open their line, they have the floor.

OPERATOR: And it comes from Jim, your line is open, sir.

MR. SIMON: Thank you. Thank you, Mr. Chair and members of the Board. My name is Jim Simon. I've spent most of my life living off of Copper River salmon. I'm originally from Nelchina, Alaska.

And I wanted to just follow and say I don't support action by the Board at this point in time on this special action until the request for reconsideration is analyzed and before you. I think the points that Gloria Stickwan just made are important given, you know, if you look at other rivers in the state of Alaska and how they're managed, you know, and they start to catch like chinook salmon in this Lower Copper River area with this new fishery this summer before the run can actually be properly assessed, you know, you could end up, even though it may be not thousands of chinook salmon in this new fishery, but it could make the difference as to whether or not people in the Upper Copper River district have any chance to harvest subsistence uses of chinook salmon. And I think that in the times of conservation for chinook salmon that we're in that start rushing this, you know, even the regulatory language has already had to be edited because this is being rush and so I don't support Federal Board action on this special action.

Thank you.

OPERATOR: I'm showing no further comment.

CHAIRMAN CHRISTIANSON: Thank you. Any questions from the Board.

(No comments)

CHAIRMAN CHRISTIANSON: All right, I appreciate you taking the time to call in today. Operator, is there anybody else in the cue who would like to be recognized at this time.

OPERATOR: I'm showing no further comments. I'm sorry, we do have another one from
Kathryn Martin, your line is now open.

MS. MARTIN: Good afternoon, thank you, Mr. Chairman. Are you guys able to hear me?

CHAIRMAN CHRISTIANSON: Yes, Kathryn, you have the floor.

MS. MARTIN: I just wanted to say I speak against this proposal and the Board even taking any action today.

As far as the, I'd say my culture, and my lifestyle, one of the things I've noticed, and I come from Mentasta and fish at Batzulnetas, which is the headwaters or the Copper River, when I was a little girl, Fish Creek is one of the spawning creeks for the salmon, the very first salmon that hits the Copper River, as a little girl, maybe 10 to 12 years old, I remember that creek being red, you couldn't even see the bottom of it. Now, I'm 51 years old, I go to that creek and you can't hardly see any salmon in there, you see more of the ground during the spawning time.

And one of the things -- sorry -- I feel like what's happening is that we're being regulated out of our culture, we're being regulated out of our way of life and the Federal Board really should think about this proposal and how it's going to affect -- I might be one person up river but there's many of us up there that depend on this fish and it's our way of life. It's what we live on.

I want to say thank you for that.

OPERATOR: I'm showing no further comments.

CHAIRMAN CHRISTIANSON: I want to thank you for taking the time to call in today and give your heartfelt testimony, is there any questions from the Board.

(No comments)

CHAIRMAN CHRISTIANSON: Operator, you said there's no more in the cue.

OPERATOR: There's no more comments in
the cue.

CHAIRMAN CHRISTIANSON: I'll go ahead and turn it over to the ISC recommendation, thank you.

OPERATOR: I apologize, there is one more, one moment.

(Pause)

OPERATOR: The next comment is from Karen Linnell, your line is now open.

MS. LINNELL: Thank you, Mr. Chair, just one more thing to add that wasn't in the 2020 analysis. At the December Board of Fish meeting we were informed that the State management was going to reduce the chinook escapement goal from 24,000 and create a range of 21 to 31,000. I believe that they reduced and created this range so that they could not hit a stock of concern because they hadn't reached it several years and one more year of not reaching it would have put them into a stock of concern. And so I just wanted you guys to be aware of that, that change. And so it -- them making escapement goal this year might be the difference of that 3,000 fish because they lowered the lower bound. I think it's an important fact that you guys should know before you make a decision.

Thank you, Mr. Chair.

OPERATOR: I'm showing no further comment.

CHAIRMAN CHRISTIANSON: Thank you, Karen, for calling in and giving us that fact, thank you, appreciate it. Alrighty then we'll try the ISC, ISC recommendation, you're on.

MS. LA VINE: Thank you, Mr. Chair. Members of the Board. This is Robbin LaVine, the InterAgency Committee Chair, Policy Coordinator for OSM.

The InterAgency Staff Committee supports Fisheries Temporary Special Action Request 22-05 to implement Board action taken on this issue during the April public meeting. Approval of this special
action request will ensure Federally-qualified subsistence users have the opportunity to participate in this approved fishery in time for the 2022 fishing season rather than wait until the Federal Register publishes.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Robbin. That opens up the floor for Board discussion and deliberation.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: You have the floor.

MR. PELTOLA: Thank you, Mr. Chair. I have a question for Staff regarding process. So the Board -- just so -- could you can tell me if I'm correct in my assumption with process. So the Board met, passed the proposal, with an initial start date of June 1st, a special action request is required to initiate the fishery because it would not have time enough to publish for the regulation which was passed at the earlier Board meeting, if that assumption is correct then, if this special action proceeded -- or I should say succeeded, then the fishery can proceed starting June 1st; if this special action failed, then the Program would revert back to the original timeline with regard to publication in the CFRs for that reg to take effect; is that correct?

Thank you, Mr. Chair.

MS. LAVINE: Mr. Chair, this is Robbin.

CHAIRMAN CHRISTIANSON: You have the floor.

MS. LAVINE: Thank you, Mr. Chair. Through the Chair. Board Member Peltola, that is correct. If this does not pass then the regulations will go into effect once the Federal Register publishes, there is no certainty on when that will take place.

Thank you, Mr. Chair.
CHAIRMAN CHRISTIANSON: Thank you. Any other questions from the Board before we open the floor for Board action.

(No comments)

CHAIRMAN CHRISTIANSON: The floor is open for a motion.

MR. RISDAHL: Mr. Chair, this is Greg Risdahl, acting for Dave Schmid from the U.S. Forest Service. I'd like to make a motion to....

CHAIRMAN CHRISTIANSON: You have the floor.

MR. RISDAHL: Thank you, Mr. Chair. I'd like to make a motion.....

CHAIRMAN CHRISTIANSON: You have the floor.

MR. RISDAHL: .....to adopt FSA22-05 to enact temporary regulations for Fisheries Proposal FP21-10 until the Final Rule is published for the 2022 salmon fishing season scheduled to begin on June 1.

The Forest Service continues to support the original Southcentral Alaska Subsistence Regional Advisory Council recommendation to implement a salmon subsistence dipnet fishery in the Lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon, other than pink salmon, for the first two members of the household and 10 salmon for additional household members, and an additional [sic] harvest limit of five chinook salmon per household, as well as the OSM modification to require a 48 hour reporting period and additional modifications to include fishing by dipnet or rod and reel only, to delay the start of the season until June 1 and to prohibit dipnetting from boats.

Following a second I will explain why I intend to support my motion to adopt FSA22-05 to implement the Southcentral RAC's recommendation, OSM's modification and our additional modifications for FP21-10.

CHAIRMAN CHRISTIANSON: The floor is
open for a second.

MS. PITKA: I'm sorry, I didn't catch that last part, can you please repeat.

CHAIRMAN CHRISTIANSON: Yes, the maker of the motion, could you repeat your motion, please, thank you.

MR. RISDAHL: Yes, Mr. Chair. I move to adopt FSA22-05 to enact temporary regulations for Fisheries Proposal FP21-10 until the Final Rule is published for the 2022 salmon fishing season scheduled to begin on June 1.

The Forest Service continues to support the original Southcentral Alaska Subsistence Regional Advisory Council recommendation to implement a salmon subsistence dipnet fishery in the Lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon, other than pink salmon, for the first two members of the household and 10 salmon for additional household members, and an annual [sic] harvest limit of five chinook salmon per household, as well as the OSM modification to require a 48 hour reporting period and additional modifications to include fishing by dipnet or rod and reel only, to delay the start of the season until June 1 and to prohibit dipnetting from boats.

Following a second I will explain why I intend to support my motion to adopt FSA22-05 to implement the Southcentral RAC's recommendation, OSM's modification and our additional modifications for FP21-10.

MS. PITKA: Thank you. This is Rhonda, I'll second that motion.

MR. RISDAHL: Thank you, Ms. Pitka. First of all, I want to start by saying that I fully understand the concerns related to the establishment of a new opportunity for Federally-qualified users to harvest salmon in the Copper River when up river residents have expressed challenges in harvesting their subsistence salmon.

I also understand the issues that were raised in support and in opposition. I want to
clarify, however, that this special action submitted by OSM is to allow the in-season manager the ability to implement the dipnet fishery in time for qualified rural residents to harvest salmon this season beginning on June 1, 2022. This special action provides in-season management authority to the Wrangell-St. Elias National Park and Preserve superintendent and includes safeguards for conservation concerns that could arise. Through Board deliberation during the April Board meeting several modifications were made to the original proposal to address concerns expressed by Council members and the public which we have noted in our motion.

In addition, the Forest Service enforcement personnel are prepared to patrol the road corridor where the dipnet fishery will take place.

Finally, preliminary assessments indicated that the potential impacts from this fishery would be quite small while the benefits to many residents of Cordova that have limited access to salmon could be significant. Therefore, we feel it is important to implement this fishery allowing Federally-qualified subsistence users to benefit from the Board action taken in April 2022 rather than waiting until the regulation is published in the Federal Register.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. That opens up the floor for discussion, comments or deliberation.

MS. PITKA: This is.....

CHAIRMAN CHRISTIANSON: Call for the question.

MS. PITKA: .....Rhonda.

CHAIRMAN CHRISTIANSON: Rhonda, you have the floor.

MS. PITKA: Yeah, earlier, I believe Robbin mentioned that if there's a request for reconsideration then we don't need to -- I didn't quite catch the whole gist of that. Like if there's a request for reconsideration on a proposal then we could
still go forward with putting the -- putting the -- with putting this special action forward; was that correct? I'm not sure if I quite heard that correctly. I just wanted to make sure before I -- before I vote.

MS. LAVINE: Through the Chair, this is Robbin. And, Public Member Pitka, you are correct. The -- a request for reconsideration in process would not prevent Board action on the special action and would not postpone regulation from being implemented once the Federal Register is published.

Thank you, Mr. Chair.

MS. PITKA: Okay. So that could not be one of the reasons to oppose this special temporary action; is that correct?

MS. LAVINE: That -- through the Chair, this is Robbin. I believe you may make, you know, and refer to that as a reason why you might oppose, but it is not the -- a request for reconsideration in process on its own would not prevent these actions from going forward and would not prevent this -- the implementation of these temporary regulations, and the temporary delegation of authority letter and it wouldn't prevent implementation of this fishery once the Final Rule is published. That doesn't mean you can't come up with your own reasons why you might oppose and include the request for reconsideration as one of those.

Thank you, Mr. Chair.

MS. PITKA: Thank you for that clarification, I really appreciate it.

MR. PELTOLA: Mr. Chair, BIA.

CHAIRMAN CHRISTIANSON: Yes, go ahead, Gene, you have the floor.

MR. PELTOLA: Thank you, Mr. Chair. I was wondering if I could get a bit of guidance from legal Counsel on to the criteria which a Board member has to address if the Board votes in opposition to a take issue from a Regional Advisory Council.

Thank you, Mr. Chair.
MR. LORD: Mr. Chair, if I'm understanding the question. If the recommendation involves the taking of fish and wildlife, in other words not an administrative function, but it's the taking of fish and wildlife, then the Board is obligated to agree to that recommendation unless the -- unless it's not supported by substantial evidence, it violates recognized principles of fish and wildlife conservation or it would be detrimental to the satisfaction of subsistence needs.

CHAIRMAN CHRISTIANSON: Was that all you needed Gene.

(No comments)

CHAIRMAN CHRISTIANSON: Did that answer your question, Gene, sorry, I didn't hear you?

(No comments)

CHAIRMAN CHRISTIANSON: Hello?

MS. LAVINE: We can hear you Tony.

CHAIRMAN CHRISTIANSON: Okay, it got quiet there for a minute. So the floor is still open for discussion or deliberation, so I was just checking, any other questions, comments from the Board. We have a motion to support the special action with a second.

(No comments)

CHAIRMAN CHRISTIANSON: All right, hearing no more Board discussion, I'll just make a statement.

I just want to, you know, before we do vote, you know, just thank everyone in this one that it is a tough one, it is right down the middle here and -- and, you know, providing for a rural priority in the taking of fish and wildlife is the Board's parameters and so as we look at this one it's kind of got us all over the map and just hat's off to everybody, and the users on the river, I just, you know, hope that the opportunity is provided all summer so that you can meet your needs and can continue to maintain the lifestyles that we've all become accustomed to.
So with that I'll call for the question.

MS. PITKA: Question.

CHAIRMAN CHRISTIANSON: Roll call, Sue, thank you.

MS. DETWILER: Okay, this is Sue, and I'll start with the maker of the motion.

Greg Risdahl, Forest Service.

MR. RISDAHL: I support my motion.

MS. DETWILER: Thank you.

Thomas Heinlein, BLM.

MR. HEINLEIN: BLM supports the motion.

MS. DETWILER: Thank you.

Sara Boario, Fish and Wildlife Service.

MS. BOARIO: Fish and Wildlife Service supports.

MS. DETWILER: Thank you.

Sarah Creachbaum, Park -- National Park Service.

MS. PATTON: Thank you, Mr. Chair and members of the Board. This is Eva Patton, ISC member to the National Park Service Federal Subsistence Board Member Sarah Creachbaum. She just needed to leave for an appointment now. And her vote is to support for the reasons stated -- presented by the Forest Service's motion.

Thank you, Mr. Chair.

MS. DETWILER: Thank you, Eva.

BIA, Gene Peltola.

(No comments)
MS. DETWILER: Gene may have dropped off.

I'll move on to Public Member Rhonda Pitka.

MS. PITKA: Hi, I'm going to vote to oppose this motion. There's considerable conservation concerns on this river that were raised by both the public and Council members. I think the preseason estimates are fairly low. And also we do have a request for reconsideration in process and we should pause on this until that goes through, or doesn't. But, you know, we should follow some sort of coherent order.

Thank you, very much.

MS. DETWILER: Okay, thank you for that.

Moving back to BIA, Gene Peltola, have you joined us.

(No comments)

MS. DETWILER: Okay.

Chair Anthony Christianson.

CHAIRMAN CHRISTIANSON: Yeah, I'm on here and I'm going to -- yeah, this is a strong one to consider because if there is such a strong conservation concern and based on the things I'm hearing today with thresholds being lowered, user groups on the river being pitted against each other, upper and lower, you know, and in my optics of it, there seems to be a lot of other user groups that, you know, are in the system and we know how sensitive the comments get when we start to touch on those but in reality if we don't shed light on, you know, the big picture here, and continue to allow the user groups that we're supposed to prioritize, pit themselves against each other, then we're going to struggle to do our job continuously and so if this is if -- in the case I'd like to raise this up to, you know, an extremely high and alerted position of a conservation concern on the Copper River, whatever the action is today that we do take, if it's already going to pass based on the decision but it seems to me
that we need to take a really hard look at this really soon and if that threshold is being lowered, and there was some critical component to it that we do look into the situation going on with the numbers and the thresholds and if there is something of a critical stock that was supposed to be made throughout this process or under the State's management or the our management, that we really take a look at that and analyze what those facts, figures are so we can make the best decision here, not based on the emotional outpouring and who could do the best marketing out there and who could drive home the best scenario and what if's that there are, but that we use facts to base our information on. And if there's a lot of fish in there there shouldn't be a problem the rural subsistence users an additional couple fish with a dipnet to fish in that system if there's enough for commercial and every other user group in the state to enjoy that lifestyle and resource.

And so right now I'm going to vote no on this proposal, I think we need more time on it. But I want to be clear and articulate my point of view that the Federal subsistence priority on the river needs to be established sooner than later and that I'm just going to oppose at this time.

Thank you.

MR. PELTOLA: Mr. Chair.....

MS. DETWILER: Okay.

MR. PELTOLA: .....BIA.

CHAIRMAN CHRISTIANSON: Gene, you have the floor.

MR. PELTOLA: Yeah, I just got back online. I was dropped the question, so I apologize for that.

CHAIRMAN CHRISTIANSON: We just voted, Gene, you're the last one to vote on this.

MR. PELTOLA: Okay, thank you. I wanted to provide a comment and then I'm going to cast my vote.
But, normally, I am a strong proponent of process. The concerning words that I've heard today were about the Program's lack of continuity or lack of process with regard to public -- public speaking. I just experienced a, you know, a dropped call at a critical moment as a Board member so I don't think that this technology is working for us. Although I'm going to state the reasons for casting my vote.

And BIA votes to oppose in a sense that it would be minimizing the opportunity for one party over another and put preference on conservation along, more salmon up river, therefore, potentially more fish that might be available for harvest for up river residents.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Gene.

MS. DETWILER: Okay. Mr. Chair, this is Sue. So with the voting completed now, the vote of seven people -- seven Board members present was four in support of the motion to adopt and three opposed to the motion to adopt. So the motion is adopted.

CHAIRMAN CHRISTIANSON: Thank you, Sue. Thank you to the Board. Is there any other order of business today, Sue.

MS. DETWILER: No, I think that's it.

CHAIRMAN CHRISTIANSON: All right, if there's no other comments from the Board I want to thank the Staff, all the Board members, and all the people that called in to day to publicly testify to share your point of view and I just wish everyone the best fishing season this year and that everyone fills their needs and gets out there and enjoys the spirit of the land and just God Bless all of you, it's a hard job to try to figure out how we're all going to meet our needs and we just want to continue to do the best we can for the public and just thank you again, and the Staff, the Board members and all the people it takes all throughout the process to get this -- these issues before us as a Board so we can try to find solutions.

So thank you all and have a good day.
(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

UNITED STATES OF AMERICA

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 19th day of May 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 20th day of May 2022.

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