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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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.


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


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.
MR. PELTOLA: Present.

MS. DETWILER: Thank you, Gene.

Public Member Rhonda Pitka.

MS. PITKA: Hi, I'm here.

MS. DETWILER: Thank you, Rhonda.

Public Member Charlie Brower.

MR. BROWER: (In Inupiat)

MS. DETWILER: Thank you, Charlie.

Chair Anthony Christianson.

(No comments)

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

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

MS. DETWILER: Thank you.

USDA Office of General Counsel, Jim Ustasiewski.

(No response)

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

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

MS. DETWILER: Okay, thank you, Mark.

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

MR. REAKOFF: Yes, I'm here.
MS. DETWILER: Thank you, Jack.
Region 10, North Slope, Gordon Brower, are you on.
(No comments)

MS. DETWILER: Waiting for Mr. Brower.
Moving to Department of Interior Field Special Assistant for Alaska, Sara Taylor, are you on.
(No response)

MS. DETWILER: Okay. So we do have a quorum, we have seven of eight Board members online right now. And Board policy is if the Chair is not on, which he is currently not, then Rhonda Pitka is next in line to take over the Chair, so I will hand it to you, Madame Chair.

ACTING CHAIR PITKA: Good morning everyone. I hope you can hear me. Can you hear me okay.

MS. DETWILER: Yes.

ACTING CHAIR PITKA: Oh, okay, good. So I am on my phone right now and I'm having trouble staying connected to Teams. So, Sue, where are we at on the agenda?

MS. DETWILER: So we just finished the roll call and so the next step would be for you to open the meeting and review -- actually review and adopt the agenda.

ACTING CHAIR PITKA: Okay.

MS. DETWILER: So you officially open the meeting and then, yeah, review and adopt the agenda.

ACTING CHAIR PITKA: Okay.

MR. PELTOLA: Madame Chair, BIA.

ACTING CHAIR PITKA: Yes, go ahead.
MR. PELTOLA: Thank you, Madame Chair.
Once you've called the meeting to order I was wondering
if you'd allow me the opportunity to make a motion for
consideration by the Board.

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

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

MR. BROWER: Second.

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

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

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

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

And, thirdly, there is a point raised
in the OSM analysis which I would -- I think the Board
would definitely benefitted from further insight, if at
all possible, which would be, what is the impact of a
liberal bag limit adjacent to the core areas, which
we're considering for closure under biological concerns.

Thank you, Madame Chair, for the consideration.

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

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

ACTING CHAIR PITKA: Go ahead, Mr. Risdahl.

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

Thank you, Madame Chair.

ACTING CHAIR PITKA: Okay, thank you.

MR. PELTOLA: I apologize for that.

ACTING CHAIR PITKA: Member Peltola.

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

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

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

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

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

Thank you, Madame Chair.

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

ACTING CHAIR PITKA: Go ahead, Mr. Risdahl.

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

Thank you.

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

Thank you, Madame Chair.

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

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

MR. RISDAHL: Yes, I understood that.

ACTING CHAIR PITKA: Okay.

MR. RISDAHL: Basically the State has the ability to take administration action that would preclude the need for the Federal Subsistence Board to
ACTING CHAIR PITKA: Yes, thank you. Does anybody else have any further questions or comments about the motion.

MR. BROWER: Madame Chair, Charlie.

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

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

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

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

ACTING CHAIR PITKA: .....are you on?

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

ACTING CHAIR PITKA: Can you -- okay.

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

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

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

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

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

Does anybody else have any further questions or comments.
MR. REAKOFF: Madame Chair, this is Jack Reakoff, Western Interior Regional Council.

ACTING CHAIR PITKA: Mr. Reakoff.

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

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

Thank you, Madame Chair.

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

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

Thank you, Madame Chair.

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

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

ACTING CHAIR PITKA: Yes, go ahead.

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

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

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

Thank you, Madame Chair.

MR. PELTOLA: Madame Chair, BIA.

ACTING CHAIR PITKA: Thank you, Greg.

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

ACTING CHAIR PITKA: Go ahead, BIA.

MR. PELTOLA: I am not advocating for anybody, or any agency, Federal or State to take one action or another. I was just simplify identifying that there are other avenues available, one being the State
route, one being the Federal route. Of particular concern is the Federal route, is that, we have not followed through on all those options available to the Federal Subsistence Program via our land management agencies looking at it independently prior to the Board's consideration. And I was just trying to ensure that we have our land management agencies looking at options which are available to them before it comes to the Board's attention. If we look at our recent action of the Board considering closures, some people have supported them, some people have opposed to them, but I don't think that all options were extended throughout the Federal Subsistence Program, via our land management agencies, which are available to the Program and not executed which would potentially preclude something from coming to the Board. And, I, personally and professionally, feel that we should utilize those avenues before Board consideration and if those are exhausted then the Board take action.

Thank you, Madame Chair.

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

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

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

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

Thank you, Madame Chair.

MR. PELTOLA: Thank you, Madame Chair. So with regard to any closure, if you look at ANILCA, whether it be Title 2, Title 3, whatever title that impacts our Federal land management agencies, each of those conservation unit managers have the ability to provide for biological concerns and also for protecting subsistence resources similar mandates that the Federal
A lot of -- I shouldn't say a lot, a portion of the harvest in question, it occurs by the local subsistence user, the local State resident, local meaning a State resident, and then the non-resident user. There's a hierarchy involved with regard to allowable uses on Federal lands with regard to the Federal Subsistence Program. The effective utilization of existing .810s, or other determinations give each and every one of those land management conservation unit managers the ability to impact special use permits, or authorize uses and they vary slightly between the agencies, whether it be the Fish and Wildlife Service, the Park Service, and Bureau of Land Management based on their mandates. Although there are procedures in place allowing that local manager to take -- he or she to take action to address a concern prior to coming to the Federal Subsistence Board.

Thank you, Madame Chair.

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

So, thank you.

MR. PELTOLA: Madame Chair, BIA.

ACTING CHAIR PITKA: Yes, go ahead.

MR. PELTOLA: Thank you, Madame Chair. And I'm not set one way or another, whether to force -- try -- I'm trying to articulate why I think we should take that vote, I'm not dead set on deferral. Although, I think the highlight of my motion is that traditionally our land management agencies have not utilized those tools available to them precluding something coming to the Board, I think the Federal
Subsistence Board in certain situations should be the last resort. I don't think some of our land management agencies have fully utilized those tools.

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

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

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

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

Mr. Peltola.

MR. PELTOLA: Support.

MS. DETWILER: Support.

Moving to National Park Service, Grant Hilderbrand.

MR. HILDERBRAND: Oppose.


MS. BOARIO: Support.

MS. DETWILER: BLM, Steve Cohn.

MR. COHN: Oppose.

MS. DETWILER: Forest Service, Greg Risdahl.

MR. RISDAHL: Oppose.

MS. DETWILER: Okay. Public Member
Charlie Brower.

MR. BROWER: Support.

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

ACTING CHAIR PITKA: Support.

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

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

MS. DETWILER: Correct.

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

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

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

MR. BROWER: Madame Chair.

ACTING CHAIR PITKA: Yes, Charlie.

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

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

MR. PELTOLA: BIA, second.

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

IN UNISON: Aye.

ACTING CHAIR PITKA: Okay. All opposed, say nay.
(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)
CERTIFICATE

UNITED STATES OF AMERICA )
) ss.
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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.

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