MEMBERS PRESENT:

Tim Towarak, Chairman
Dan Sharp, Bureau of Land Management
LaVerne Smith, U.S. Fish and Wildlife Service
Deb Cooper, National Park Service
Beth Pendleton, U.S. Forest Service
Gene Virden, Bureau of Indian Affairs

Telephonically
Bertrand Adams - Southeast RAC
Rosemary Ahtuangaruak - North Slope RAC
Louis Green - Seward Peninsula RAC
Jack Reakoff - Western Interior RAC
Richard Wilson - Bristol Bay RAC

Judy Caminer - Southcentral RAC

Ken Lord, Solicitor's Office

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC
135 Christensen Drive, Second Floor
Anchorage, AK 99501
907-243-0668/sahile@gci.net
CHAIRMAN TOWARAK: Good morning. Good morning, I'm going to call this meeting to order. I'd like to begin with introductions. I'm Tim Towarak, I'm the Chairman of the Board and we'll go out this way in a circle here, to my right.

MS. SMITH: I'm LaVerne Smith, the Deputy Regional Director for the Fish and Wildlife Service.

MR. BROWER: Good morning. Charlie Brower from Barrow.

MS. PENDLETON: Good morning. Beth Pendleton, Regional Forester for the U.S. Forest Service located in Juneau.

MS. COOPER: Hi, I'm Deb Cooper, Associate Regional Director for resources, Park Service.

MS. YUHAS: Good morning. I'm Jennifer Yuhas. I am the State's Federal subsistence liaison team leader.

MR. CHRISTIANSON: I'm Anthony Christianson and I'm from Hydaburg.

MR. SHARP: Dan Sharp with Bureau of Land Management. I'm sitting in for Bud Cribley who's out of state.

MR. VIRDEN: Good morning. Gene Virden, Bureau of Indian Affairs, stationed in Anchorage.

MR. LORD: Good morning. Ken Lord with the Solicitor's Office, Department of Interior.

MR. PROBASCO: Good morning. Good morning, Tim. I'm Pete Probasco, the Assistant Regional Director for the Office of Subsistence Management.
CHAIRMAN TOWARAK: Thank you. Welcome to our meeting. Item No. 2 on the agenda is corrections or additions to the agenda, Pete, do you have anything.

MR. PROBASCO: Thank you, Mr. Chair. And I just wanted to let the Board members know that we also have quite a few people on line that have called in to listen to this meeting. And so if you will all help me to remember to keep them involved in the meeting as well.

Corrections or additions I have to the agenda, at the end of the meeting, or towards the end of the meeting we'll have to go into executive session to deal with a personnel matter as it affects one of the Regional Advisory Councils, so, Mr. Chairman, I would ask that we do that at the end of the meeting. And, in addition, I'm going to ask Carl Johnson to come up after we do the MOU update and under other business, and talk about the Council nomination process as it affects both the Staff Committee and the Board, we'll be looking for a date for the Board to meet to address the recommendations from the panelists.

So, Mr. Chair, those are the two items that I have at this time.

CHAIRMAN TOWARAK: Any other items from other Board members.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, then we will continue on to Item No. 3, information sharing.

MR. PROBASCO: Mr. Chair, maybe we -- we've got numerous Council members, both in the audience and Chairs on line, maybe we want to give them an opportunity to introduce themselves, if we may.

CHAIRMAN TOWARAK: Sure. The table's open for any of the Regional Advisory Council members attending.

MR. WILSON: Mr. Chair. Richard Wilson, Bristol Bay RAC.

MR. PROBASCO: Thank you, Richard.
MR. WILSON: Yes, good morning. I have a short window here for joining you folks here this morning so when you give me an opportunity I'll put in a few comments and I'll be done.

MR. PROBASCO: Okay. Jack, you're on line.

(No comments)

MR. PROBASCO: Rosemary.

(No comments)

MS. H. ARMSTRONG: They're all muted is the problem, so I'm not sure.....

MR. PROBASCO: Okay. I guess the operator has everybody muted, so, Operator, would you correct that so people on line can identify themselves.

OPERATOR: Please standby I'll open up all the lines.

(Pause)

OPERATOR: At this time all lines are open.

MR. PROBASCO: Thank you. Let's start from the top again, Jack, are you there?

MR. REAKOFF: Yes, I am and I'm just introducing myself and I'll be here all day.

MR. PROBASCO: And, Jack, is the Chairman for the Western Interior. We also have Rosemary.

MS. TEPP: Rose Tepp with the Kenaitze Indian Tribe.

MR. PROBASCO: Try again, please.

MS. TEPP: Rose Tepp with the Kenaitze Indian Tribe.

MR. PROBASCO: Okay, thank you. Bert, are you on line.
MR. ADAMS: I sure am, Mr. Chairman, thank you. Bert Adams, Chairman of the Southeast Regional Advisory Council. I need to let you all know that I can only be here for maybe two and a half or so hours and then I have to go to another meeting.

MR. PROBASCO: Thank you, Bert. Let's try again for Rosemary, North Slope RAC.

MS. AHTUANGARUAK: Rosemary Ahtuangaruak.

MR. PROBASCO: Thank you. Are there any other Regional Advisory Council members that I've missed.

MR. KAYOTUK: Good morning. Lee Kayotuk. Good morning, Board and the Chair. Lee Kayotuk from Kaktovik, Alaska.

MR. PROBASCO: Thank you.

MR. GREEN: Good morning, this is Louis Green for the Seward Peninsula RAC in Nome.

MR. PROBASCO: Good morning, Louis.

MR. SMITH: Mr. Chairman. This is Tim Smith. I am the Vice President of the Seward Peninsula RAC and I'm here in Nome.

MR. PROBASCO: Okay, thank you.

MS. CAMINER: Good morning. This is Judy Caminer.

MR. TUTIAKOFF: Good morning. This is Vince Tutiakoff, with the Kodiak/Aleutians, vice Chair.

MR. PROBASCO: Thank you, Vince. Okay, I'm going to stop on line and we're going to go to our audience.

MS. CAMINER: Hi, this is Judy Caminer. I'm representing the Southcentral RAC for Ralph Lohse.

MR. PROBASCO: Mr. Chair, I believe that's all the Council members I have on my list as well as in the audience.
CHAIRMAN TOWARAK: Thank you.

MR. PROBASCO: No, wait, we've got Gloria.

CHAIRMAN TOWARAK: Welcome Gloria.

Welcome to Pat Pourchot, too, also, from the Secretary's office.

We're going to open the floor for any public comment on non-agenda topics, non-agenda items.

MS. CAMINER: Hi, this is Judy Caminer. I'm not sure if this is the right time to say this, I just got tapped to be here yesterday so I'm not as prepared as I would like to be for our meeting.

Understand there is some discussion -- we had some discussion at our RAC meeting in March about changing the delegation of authority for some in-season management on the Kenai National Wildlife Refuge and we discussed changing that, perhaps, for one of the moose seasons. But we hear that there may be some other discussions going on having to do with changing it for all species, and I didn't know whether that was going to be on today's agenda; I don't see it, but the RAC would certainly like to be involved in those discussions because we did not have that more complete conversation during our RAC meeting. So I was just wondering what the status might be of that.

CHAIRMAN TOWARAK: Go ahead, Pete.

MR. PROBASCO: Thank you, Mr. Chair. And thank you Judy. You categorized it very well. Where it's at, there was the initial request as the Southcentral RAC reviewed it and a subsequent letter was drafted requesting that of the Board. Where it's at now is that letter will go to the Staff Committee to comment and discuss and then based on the Staff Committee's meeting a recommendation would be developed for the Board to act on.

MS. CAMINER: And, if I may, that would also include another discussion with the RAC hopefully?

MR. PROBASCO: Well, probably what it would be would be notification. If the Board wants to hold off giving that authority, then it would be in the fall meeting, but if the Board wants to give some
authority to the Refuge manager then -- for this coming
hunting season then the Board would have to act on it.
So it’s going to fall in the Board’s court on how they
want to deal with that issue.

MS. CAMINER: Okay, thank you very
much.

CHAIRMAN TOWARAK: Any other topics for
non-agenda items.

(No comments)

CHAIRMAN TOWARAK: If not then we will
go back to Richard Wilson in Bristol Bay since you
hardly have any time, you have the floor.

MR. WILSON: Mr. Chair, thank you.

Richard Wilson, Bristol Bay RAC. We had quite a
discussion on this in March on the policy, and one of
the things we would’ve liked to seen at this moment
would have been to be there with you folks. This type
of communication, we’re not really in favor of. Our
Council Chair, which is Molly Chythlook, you know,
suggested that if we could somehow have funding
available so that we can do face to face with -- to
help out with this policy would be great. And that was
-- that’s just a very brief summary of our intent here.

Like I said there were a lot of issues
that we’d like to discuss at a later time here so that
was just one of the biggest things that we wanted to
put out there, to have funding available so that we can
also participate at the table there.

Thank you.

CHAIRMAN TOWARAK: Thank you, Richard.

Notes have been taken with regards to your comments.

Anything else from anyone on line or
off line.

(No comments)

CHAIRMAN TOWARAK: Not hearing any then
we will proceed.

MR. SMITH: Mr. Chairman.
Mr. Chairman.

Mr. Chairman. Yeah, this is Tim Smith in Nome. I just wanted to bring up the issue of chum salmon bycatch in the pollock trawl fishery. That's still an ongoing discussion by the North Pacific Fishery Management Council. They extended their analysis period and they're going to take it up again in June and I would like to see the Federal Subsistence Board stay engaged in that discussion because that's such a big issue for people in our area. We've had shortage of chum salmon for 30 years now and trawl bycatch is at least a component of the problem. So I just wanted to bring that up so that we, you know, follow that through until the final decision is made by the Council, probably sometime this winter.

Mr. Chair.

Chairman Towarak: Do you want to answer that.

Mr. Probasco: Thank you, Mr. Chair. We are staying on top of this. I do have a Staff member, Mr. Don Rivard has been assigned. He's been attending all meetings and keeping the Board informed as well as the Staff Committee with briefings. This summer this issue, the next meeting is scheduled in Kodiak, and it's not an agenda item but we anticipate it being an agenda item this coming fall.

Mr. Chair.

Chairman Towarak: Thank you. Any other public comments on non-agenda items.

Mr. Adams: Mr. Chairman.

Chairman Towarak: Go ahead.

Mr. Adams: Bert Adams here.

Chairman Towarak: Go ahead, Bert.

Mr. Adams: Can you hear me okay?

Chairman Towarak: We hear you very well.

Mr. Adams: Okay, because I got you on the speaker phone and I'm trying to work from the
computer and talk at the same time.

Anyhow I'd like to just maybe address some issues of concern here.

As many of you might know, particularly people in Southeast Alaska, the herring in Sitka, I guess is a very short run, they were there and then gone. And, of course, you know, that will cause some, you know, grave concern that you might be hearing about in the future. I don't know, but there must be a pattern that is also up and down the coast because here in Yakutat we've had a very short run or, you know, of herring, and it was very limited, it was just here and gone again just like in Sitka. We all know herring, you know, is the basis for all of the other species, you know, that -- I am subsistence fishing, you know, for king salmon and by this time, it's been about a month now, we should have had, you know, a pretty good number of king salmon, however, since April 19th I've only caught three so far, two in the first two days that I had my net set out and then there was a long period of quietness and then this morning I was able to catch one. We have been targeting the Dry Bay kings and the first two kings, you know, were, of course, the Dry Bay king salmon. But I've noticed that way as far back as April 19th, that those king salmon were ready to go up to the Alsek River already because the eggs in them were just about ready to spawn and I thought that was kind of unusual that early and -- and, you know, the herring, not the herring but the eulachons also haven't been showing up like they have in the past. The Situk River has been dry for years. There's only one river that really produced very much eulachons and even that was, you know, a very short run as well. And, you know, the Yakutat Salmon Board had a four year grant to survey, you know, about 18 or 19 rivers all the way from Yakutat to the Dry Bay area. Occasionally I will go down and it's a slight think, and I would go down and accompany, you know, the surveyors and it looks pretty grim, you know, for eulachons and then I'm really disappointed with the return of the herring this year. So I am sure, you know, the consequences will shortly follow and they're already showing.

Another point of interest in regards to the king salmon, the past four or five years or so the returns into the Situk River for kings has been watched very closely and they've been having a hard time meeting their escapement. So last year there was a
closure on a small portion of the Situk River that
would allow some of the kings, you know, to make it up
river to their spawning areas and they did barely make
the escapement. And so it's going to be a few years
before that starts showing up again, however, the years
previously that there has been a shortage when they
haven't been meeting their, you know, escapement goals,
is, I think, starting to pay off right now -- I mean
starting to show right now, not pay off, but to show,
and I'm really concerned about that.

I can't think of anything more, you
know, at this point, Mr. Chairman. Maybe something
will pop up later as the meeting goes on, but I thank
you for this opportunity to share this.

Gunalcheesh.

CHAIRMAN TOWARAK: Thank you, Mr.
Adams.

MS. TEPP: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead.

MS. TEPP: Yeah, this is Rose Tepp with
the Kenaitze Indian Tribe. I am chairperson. As you
know we've been rural, non-rural, rural and non-rural.
One of the things that I want to make a complaint about
right now is in the Kenai River. It seems to me that
the dipnetters have more rights than the Kenaitze
Indian Tribe.

We've always voluntarily pulled our
net, little tiny 60 foot net if there was any kind of
escapement discrepancy in the Kenai. So, you know, the
Kenai, with our history, the Kenaitze people have never
hurt the fish run in the Kenai River and we're non-
rural. So I'm still at that point of asking the Board
to look at the ISER report of community within a
community. The Kenaitze Indian Tribe have never hurt
the run. History-wise you can look back and look at
the data and look at that.

So with that I'll listen for the rest
of the day. And if I need to make a comment I will
step in.

CHAIRMAN TOWARAK: Thank you. Mr.
Malutin.
MR. MALUTIN: Good morning, Tim. And, good morning, Pete, nice to see you again, haven't seen you for a long time. Tell Eileen hi from Bertha.

Anyway, I'm here as the Chairman of the Sun'aq tribe from Kodiak, and the first thing I want to do is make a clarification that the Sun'aq Tribe, I am the Chairman and there's 1,700 members and when people do come here to speak, when they talk about Kodiak, please let themselves to what village they're speaking for because too many times we're included in some of the things that go on in the villages, which is really good and it's right for that village but it really doesn't fit in our village. So I just would like to make that point clear.

And another thing that I'd really like to do is, since I don't know all of you, but I know some of you, and I'm only here for food for the table, that's all I'm here for, and not for money for the pocketbook. And when I hear about different people talking about bycatch, all that food for the table that is being dumped overboard, doesn't make any sense at all. Common sense has to prevail in every single thing we do. And it would be really nice if this Board could start looking into it really heavily especially on the halibut or some of the other resources that are being dumped that could be utilized in some manner, some place, so think about that.

And I'm also here -- we got a notice from -- I got it yesterday in an email and also it's very unclear because there wasn't even an address to where this meeting was going to be and when I got here this morning I was supposed to have had the information from Bob, he didn't give it to me, so I called him in Kodiak and I got it this morning, I mean when I got here. So the next time you send out your information please include your address on the email, I would appreciate that. Everybody makes a mistake. I think I made one too once, so whoever made the mistake, that's okay, we could accept that.

(Laughter)

MR. MALUTIN: Another thing I'm not really clear because we got the notice so late is one of the things we don't want to see is more regulations upon anything that we are trying to get for the table and now I'm seeing and hearing that there may be
something in line of seaweed and everything on the beach that's edible for us. Just to give you an example, you could come to Afognak any time to our island and you could live there forever without going to town. But if we get people putting these regulations on us and saying that -- I'm not even sure this is true or not but I read it on the email somehow and I might have misread it, but I don't think I did, that they're talking about putting regulations on seaweed now, and if that's in fact -- is that on the agenda today?

CHAIRMAN TOWARAK: No, not that I know of.

MR. MALUTIN: Okay. Funny it was on the email that I got. But sometimes I make mistakes and maybe it was.

So, anyway, I just want to reiterate that please, please, please protect us from anything that we have that we are trying to get on the table.

And one of the things I want to say is I've been going to the regional meetings for the RAC and this format of this meeting is so much more open and better than the RAC meetings that I've attended, I wish you could give some better guidance to your RAC committee meetings wherever they're at so that I don't have to fill out a piece of paper every time I want to talk. And the Aleut way is the Aleuts never did shake hands and the Aleuts never sent Christmas cards and the Aleuts never send flowers and the Aleuts never wrote anything on paper.

Thank you.

(Laughter)

MR. PROBASCO: It's good seeing you Iver.

MR. GREEN: Mr. Chairman, this is Louis.

CHAIRMAN TOWARAK: Go ahead, Louis.

MR. GREEN: I'd just like to reiterate a couple of comments that were made on bioescapement goals, biological escapement goals with salmon.
The Nome subdistrict has suffered for 30 years. They lowered the escapement goals somewhere in the past, I'd like to make sure that this is on the record that they need to reevaluate those on a more, what would you say, consecutive -- loss of words there.

The other one is the bycatch, hearing that by that man there just before me, I didn't catch his name, sorry. You know, in the bycatch and the trawler industry they're allowed to catch more than -- they're allowed to catch and waste more than we're allowed to catch in subsistence so I just wanted that on record.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Green. Further comments.

(No comments)

CHAIRMAN TOWARAK: We have a note here that Sally Bibb from the National Marine Fisheries is on line. Ms. Bibb, have you any comments -- do you have any comments.

MS. BIBB: Thank you, Mr. Chairman. No, I don't have any comments. I'm listening to your meeting because I'm interested in your discussion of the tribal consultation by the Board and as it relates to our efforts to develop a tribal consultation policy within the National Marine Fisheries Service and how the North Pacific Fishery Management fits into NMFS' tribal consultation responsibilities. So I'm listening to learn more about your process and I appreciate the opportunity to have the meeting accessible by phone.

CHAIRMAN TOWARAK: You're welcome and thank you for listening in. The next item on the agenda will be the tribal and ANCSA Corporation consultation policy.

MR. GREEN: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead.

MR. GREEN: This is Louis, again, from Nome. I'd like to thank Sally Bibb for her efforts in the North Pacific Fisheries Management Council meeting on that 30,000 bycatch hard cap that we'd done
resolutions for up here. Not all the tribes up here agreed with what was done -- where they'd undone the request because there was supposedly 20 tribes that had said it was okay, the Nome tribes did not, and so I wanted to make that clear, that whoever brought that into the picture was not speaking for us.

Thank you.

CHAIRMAN TOWARAK: You're welcome. Are you babysitting at the same time?

MR. GREEN: Sometimes I'm Mr. Mom, Mr. Chair.

(Laughter)

CHAIRMAN TOWARAK: Thank you. Ms. Pendleton.

MS. PENDLETON: Thank you, Mr. Chair. I wanted to just refer back to a comment that Chairman Adams from the Southeast RAC made with regard to the herring issues in Southeast Alaska and some of the other fisheries. And just to note that on May 15th in Sitka the Sitka Tribe of Alaska will be hosting a regional summit to discuss these concerns about the sac roe herring fishery and the state supply for subsistence users. There will be representatives from the U.S. Forest Service and the subsistence program, Terry Suminski and Jack Lorrigan who will be attending that. And I just wanted to get that on the record and also we expect that our local district ranger, Carol Goularte or her staff will also be there. So I just wanted that on the record and Bert to know that there will be some folks there involved in those issues.

Thank you.

CHAIRMAN TOWARAK: Thank you. Just a side comment from myself. I'm from the Norton Sound and so are Louis and Tim Smith on line, but we typically, in years past, harvested 5,000 tons of herring in the commercial fishery and in the last 20 years we haven't had a fishery so we've got an unutilized species in the Norton Sound of 5,000 ton of herring, just the opposite situation of Sitka, which is rather interesting. So I've always invited people from Southeast to send us their tree limbs and we'll plant them for them.
CHAIRMAN TOWARAK: Any other comments from anyone.

MR. ADAMS: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead.

MR. ADAMS: This is Bert here again. That comment that you just made was -- a suggestion was made by one of our, I think, tribal members at one of our recent meetings, so that might come to reality sometime.

CHAIRMAN TOWARAK: You know my number.

MR. ADAMS: Okay.

(Laughter)

MR. PROBASCO: Thank you, Mr. Chair. As we move to the next agenda item just a couple things, on this agenda item dealing with the corporation and the Tribal Consultation Policy, the Chairman will give an opportunity for both the tribes and the public, as well as, after that, the Regional Advisory Councils, to testify, so if you plan on testifying please fill out a card. They're out on the front table so we can better manage the meeting as we proceed.

So, thank you, Mr. Chair.

CHAIRMAN TOWARAK: Thank you. If we don't have any other comments in regards to our non-agenda items, we will proceed then on to the next item on the agenda, tribal and ANCSA Corporation Consultation Policies.

(No comments)

CHAIRMAN TOWARAK: And I should probably include a general comment about -- I know there's been a lot of angst about having ANCSA Corporations listed as tribes and for the information of the public and those listening, I pointed out before
that this Board has not had a choice about whether or
not we wanted to include tribal corporations -- I mean
ANCSA Corporations as tribes, it was a directive, it
has come down through Congress and we have no other
choice but to accept the decision that was made to list
corporations as tribal members. So they're included in
all of our comments, and I just wanted to point that
out if the discussion comes up.

Go ahead, Pete.

MR. PROBASCO: Thank you, I've got to just do a little meeting management here. For those on
line, we're going to mute and if you want to speak when
we get to the testimony part you will have to hit star
one, so the operator's going to mute you now and then
when we get to that point in time where the Chair will
ask for people on line to speak, you need to hit star
one.

Thank you.

CHAIRMAN TOWARAK: Go ahead, Crystal,
you have the floor.

MS. LEONETTI: (In Yup'ik)

(No comments)

MS. LEONETTI: Let me try again, (In
Yup'ik)

CHAIRMAN TOWARAK: Good morning.

MS. LEONETTI: All right, in Yup'ik,
that means what's up.

I am Crystal Leonetti, I'm the Alaska
Native Affairs specialist for U.S. Fish and Wildlife
Service and also the co-Chair of the Federal
Subsistence Board consultation workgroup and currently
I am also acting in the AMBCC, Alaska Migratory Bird
Co-Management Council executive director position.

I'd like to start by introducing a new
employee at Fish and Wildlife Service. Dustin, can you
stand up. Dustin Carl is a biology student at UAA and
he's part of the ANSEP program and he started work with
me on Monday and he's getting a crash course in what a
Native liaison does for Federal government. He's
originally from Kipnuk, so during the breaks I hope you'll take the time to introduce yourselves to Dustin.

This is a historic week for Alaska Native peoples, and really exciting, because today we're talking about a tribal consultation policy for the Federal Subsistence Board and also the last two days the Alaska Migratory Bird Co-Management Council has been talking about how to make co-management something more meaningful for Alaska Native people and it was a really positive meeting, really collaborative and cooperative, so we're looking forward to some great changes happening for this week, and looking forward to a great future.

To start with I just want to acknowledge and recognize the workgroup members and InterAgency Staff Committee members that have been working on this for the past year.

Della Trumble is the co-Chair with me, and she represents the Agdaagux Tribe of King Cove and the King Cove Village Corporation. John Andrew is from the Organized Village of Kwethluk. Lillian Petershoare is the Native liaison at U.S. Forest Service. Rosemary Ahtuangaruak is from Barrow and Nuiqsut and she's on the phone with us today. Jean Gamache is here with us today, the Native liaison from National Park Service. And if you're here in the room when I read your name, if you can stand and raise your hand so people know who you are that'd be great. Nancy Swanton is from the National Park Service. Shawna Larson is from the Native Village of Chickaloon. Richard Peterson is from the Organized Village of Kasaan. And Pete Probasco and Andrea Medeiros from Office of Subsistence Management. Brenda Takeshorse is the Native liaison at Bureau of Land Management. George Carlson Yaska, Jr., is from Huslia and Fairbanks. Bobby Andrew is from the Native Village of Ekwok. Glenn Chen and Pat Petrivelli from Bureau of Indian Affairs. And InterAgency Staff Committee members Jerry Berg from U.S. Fish and Wildlife Service; Sandy Rabinowitch from National Park Service; Dan Sharp from Bureau of Land Management and Steve Kessler from U.S. Forest Service. So when you have the chance thank them for their hard work over the past year, they've really been respectful of each other, working hard and making this something that works for everybody and that's been a big task for all of us.
I'm going to give you an overview of the process that the workgroup used. I'm going to give you an overview of the policy, plus the three appendices and I'm going to talk a little bit about the ANCSA Consultation Policy and then some recommendations from the workgroup to the Board; and then a proposed schedule going forward for further developing implementation guidelines for this consultation policy.

So to give you a very brief overview of the process the workgroup used and there's a handout being handed out now, there have been 16 consultations including those that we consulted in the last wildlife cycle where we also were asking tribes and corporations about the consultation policy; so a total of 16 consultations. Five letters from the Federal Subsistence Board Chair, Tim Towarak, to all the tribes and corporations, first letter being sent in December of 2010. There's been three workgroup meetings and then two additional meetings where we also had InterAgency Staff Committee with us. And we had 19 written correspondences that were received on the final draft policy that's before us today from the regional ANCSA Corporations, village ANCSA Corporations, Federally-recognized tribes and Regional Advisory Councils. And all those letters and comments we went through line by line, sentence by sentence and incorporated into the policy what we could and what we haven't incorporated into the policy will be incorporated into the implementation guidelines. So if you don't see it in the policy yet, that's where you'll see that.

So if you'll look at the policy itself, it says, currently, April 27, 2012, draft at the top of the page. And I'd just like to point out a few overarching principles that we used to develop this policy. First, the policy is simple, general and broad and this reflects the DOI, the Department of Interior policy. We also used the principle that there is no need to regurgitate the Department level policy since we need to follow those anyway. What we attempted with this new policy format is to utilize the Department of Interior and USDA policies as the base and then focus this policy on Federal subsistence management and its unique nature. The only place we reiterated to be clear is under topics for consultation. And we also decided that keeping this policy simple, general and broad allows the Board and tribes to remain flexible and adapt to what makes sense for meaningful
consultation based on the scope and issues being consulted about.

So I'm going to point out a few things in the policy that I think are really strong parts of the policy that help us go forward. First of all the quote at the top of the page from Lillian Petershoare:

Tribes and Alaska Native peoples have been this land's first conservationists and first multiple use land managers.

Also you go to the first paragraph of the preamble and this is where, when I have presented this at various meetings and events, like Tanana Chiefs Conference, et cetera, that's the first thing people read and they gain immediate acceptance to this policy so I'm going to read that paragraph because it's important.

The Federal Subsistence Board recognizes that indigenous tribes of Alaska are spiritually, physically, culturally and historically connected to the land, the wildlife and the waters. These strong and ancestral ties to the land, wildlife and waters are intertwined with indigenous ceremonies, such as songs, dances and potlatches. The customary and traditional way of life has sustained the health, life, safety and cultures of Alaska Native peoples since time immemorial.

To effectively manage the Federal Subsistence Program, the Board will collaborate and partner with Federally-recognized tribes in Alaska to protect and provide opportunities for continued subsistence uses on public lands.

It's a really good statement.

The last sentence of the preamble on Page 2 reads:

The intent of this policy is to describe a framework under which the Board and Federally-recognized tribes
in Alaska may consult on ANILCA Title VII subsistence matters under the Board's authority.

Under the background I want to read that last sentence of the first paragraph to you.

The Board distinguishes the deference to Federal Subsistence Regional Advisory Councils from the tribal government to government relationship enjoyed by Federally-recognized tribes and this policy will not diminish in any way either the consultation obligations towards Federally-recognized tribes or its deference obligations to the Federal Subsistence Regional Advisory Councils.

So a high level of respect to both of those.

I'm not going to read the goals to you, but the goals were the foundation on which we wrote this policy. This is about relationships and that's the basis of the goals.

Some major points under the consultation section on Page 3.

No. 1 is communication. And the first sentence says:

It is the Board's intention that information sharing between tribes and the Board and Federal Staff will occur early and often.

And then on Line 11, I want to make sure that everybody knows:

For in-season management decisions and special actions, consultation is not always possible but to the extent practicable two-way communication will take place before decisions are implemented.

The second section there is roles and responsibilities.
Board members are responsible for implementing this policy and insuring its effectiveness. The Native liaison in the Office of Subsistence Management is the key contact for the Board's consultation with tribes. The Native liaison will also assist Federal land managers and tribes with their consultations as requested and as needed. Federal land managers and Staff have a local relationship with tribes and will maintain effective communications and coordination.

So the roles and responsibilities are centrally located in Office of Subsistence Management but everybody has a responsibility.

Under topics for consultations. That includes everything listed in both USDA and Department of Interior policies, so we outlined those which are:

- Regulations, policies and guidance documents, budget and priority development and agreements

On Page 4 on timing.

Timing of consultation will respect both the Federal Subsistence Management cycle and the tribal timeframes for doing business.

Under methods.

No single formula exists for what constitutes appropriate consultation.

Again, this is laying out the framework that this policy is flexible and adaptable to certain situations that may arise.

And then the sentence on Line 13 there.

Consultation may be prompted by a Federally-recognized tribe in Alaska or by the Board.
There's a section here on accountability and reporting, and it says:

That on an annual basis the Board will evaluate whether the policy has been implemented and is effective and what progress has been made towards achieving the seven goals outlined in this policy, thereby making this document a living document and can be changed by the Board as needed to make consultation most meaningful for tribes.

And then under training.

Training on this policy for Federal Staff will conform to the requirements of the Department of Interior and Department of Agriculture consultation policies.

And the last sentence there:

A list of possible venues for training is included in Appendix C, venues for training.

And the last section in this policy is Alaska Native Corporation consultation. It says: refer to the supplemental policy, which I'll cover next.

Before I move on to that, does the Board have any questions so far.

(No comments)

MS. LEONETTI: Okay, if not I can move on to the ANCSA Corporation Consultation Policy.

So many of you may be aware that the Department of Interior is currently in the midst of their process to develop an ANCSA Corporation Consultation Policy at the Departmental level. They are finalizing a public comment period and consultation period on the development of that policy and their hope is to finalize that and have the Secretaries sign that ANCSA Corporation Consultation Policy within the next several months. Because we don't know what that final
policy is going.....

CHAIRMAN TOWARAK: Crystal, there's a little confusion here. We're trying to keep up with you but we seem to be missing some documents in what's been handing out to us. So if we could take about a five minute break, I'd like to see us get a copy of that. So we'll take a 10 minute break.

(Off record)

(On record)

CHAIRMAN TOWARAK: If we could reconvene please.

(Pause)

CHAIRMAN TOWARAK: The Board members have been distributed a full set of copy of the documents so we're ready to reconvene.

Crystal go ahead.

MS. LEONETTI: All right, I was just getting into the ANCSA consultation but actually before I do that, I need to talk about the three appendices, so you should have copies of Appendix A, Interim Implementation Guidelines; Appendix B, Federal Subsistence Management Program Annual Regulatory Process At a Glance; and Appendix C, Venues for Training.

On Appendix A, the note at the top of the page in the header is explaining what this document is and how it will be further developed. So it says:

The Board is directing the consultation workgroup to continue the development of the guidelines with agency field manager input. The workgroup will present a more developed guideline at a future Board meeting.

So I'm going to go through this interim implementation guidelines and then I'll talk about the schedule for -- the proposed schedule for further developing the guidelines.

This is for fiscal year 2012 and 2013,
the consultation schedule for the regulatory cycle.
This is outlining where consultation will be regularly
scheduled. So number 1:

The OSM Native liaison will notify
tribes and ANCSA Corporations and on
request made to OSM Native liaison
facilitate consultation on regulatory
proposals among the appropriate
parties. They will prepare written
summaries of consultations; insure
appropriate coordination with the
Federal Subsistence Program; and
maintain records of consultation for
the program.

No. 2.

The OSM Native liaison will coordinate
consultation with tribes and ANCSA
Corporations when team review analysis
are available. They'll insure a
written summary -- that a written
summary is prepared of the results of
consultation and appropriate
coordination within the Federal
Subsistence Program.

No. 3.

In coordination with OSM's Subsistence
Regional Advisory Council coordinators
and Council Chairs, insure opportunity
for tribal and ANCSA Corporation input
at Council meetings and summarize
pertinent input in writing and insure
appropriate coordination within the
Federal Subsistence Program.

No. 4.

Opportunity is provided for
consultation with tribes and ANCSA
Corporations at Federal Subsistence
Board meetings.

No. 5.

Consultations may also be requested by
tribes and ANCSA Corporations at any
time.

So the intent of doing it this way is that the consultations on proposals occurs before the Regional Advisory Council meetings and that way the discussion that occurs during those consultations can be taken into account as the Regional Advisory Councils develop their recommendations to the Board.

So that's the interim implementation guidelines.

The next appendix is Appendix B, which is something that our workgroup put together for an at a glance description of the annual regulatory process. And this is just more of an educational component for tribes and ANCSA Corporations or even the general public who hasn't previously been involved with Federal Subsistence processes previously so it's a nice reference.

Appendix C is venues of training and that's a list that can be added to or changed as needed, but those are possible venues for training when training is eventually developed and rolled out.

Okay.

So for ANCSA Corporation Consultation Policy, beginning that discussion, I'll start over. Department of Interior is in the midst of developing their consultation policy. They are finishing or maybe finished just recently, the comment period -- the open comment period in the Federal Register on that consultation policy, they had in-person consultations in Anchorage and in Fairbanks a few weeks ago and we anticipate that the Secretary will sign a final consultation policy in the upcoming months ahead. When that's finished then the Federal Subsistence Board will have a model to work from. Because it's not finished yet, we felt like it was better to wait for the Department of Interior ANCSA Consultation Policy to be finalized before we moved forward with an ANCSA Consultation Policy.

In a nutshell, the draft Department of Interior Consultation Policy, it says that it will conform to its Tribal Consultation Policy and will consult with ANCSA Corporations as appropriate or as allowable. So it still maintains the Federal trust
responsibility with Federally-recognized tribes but complies with the law that requires Federal agencies to consult with ANCSA Corporations and keeps it at a level that's appropriate for ANCSA Corporations. So that's what the draft policy says and when that's finished the workgroup will then work on the Federal Subsistence Board ANCSA Corporations Consultation Policy. In the meantime we are required to consult with ANCSA Corporations and as such we'll use the interim implementation guidelines to consult with ANCSA Corporations in the same way that we consult with tribes.

Okay.

So recommendations and proposed schedule. Recommendations and there's a few bullets there. These are recommendations for you, the Board, to consider.

In a letter from AHTNA Incorporated, there was a request to be added -- for them to be added to the consultation workgroup. The workgroup recommends to the Board that future membership be reevaluated so that a more inclusive and fair membership is considered, such as a formal nomination process for tribal and ANCSA Corporation workgroup members. And because we already have seven tribal representatives on the workgroup, tribes and corporations could renominate their current representatives as well.

That's one recommendation.

The second one is that there be a process for delegation of authority for consultation purposes. This discussion is in regards to, for example, if a regional Native non-profit wants to represent tribes or certain tribes that they provide services to in consultations with the Federal Subsistence Board then what does the Federal Subsistence Board need from those tribes that are being represented in order to consult with them at that level. For example, would the village, the tribal council need to provide you with a resolution saying that their Native regional non-profit represents them at these -- at any Federal Subsistence Board consultation. So that's something for you to consider.

The third bullet is in reference to
.809 agreements and that those be included or some guidelines be included on .809 agreements in the implementation guidelines.

The fourth bullet is to provide guidance on consultation initiated by the tribe or ANCSA Corporation. So in other words, if a tribal or an ANCSA Corporation asks the Federal Subsistence Board for consultation on a certain subject matter how are you going to respond and address that and that's what we need to decide on how that will be included in the implementation guidelines.

The fifth bullet is a request, actually in a couple different letters from ANCSA Corporations and tribes to create a website that's accessible to tribes and corporations with information on consultation topics. So this could be maybe a subset of the OSM website with specific consultation information or it could be a separate website. That was a request that there be a one stop shopping for Federal Subsistence Board consultation topics.

CHAIRMAN TOWARAK: Crystal for the sake of the new Board members and even myself, would you review what .809 means?

MS. LEONETTI: My very limited understanding of that is in ANILCA, .809 agreements can be used by tribes to carry out functions of subsistence management and so basically there would be dollars allocated to tribes to carry out those functions. Does anybody -- Ken.

MR. LORD: Maybe I can help you with that one. Section .809 of ANILCA authorizes the Program to enter into cooperative agreements with tribes or other entities for the purposes of enabling the Program, whether it's management or entering or engaging in wildlife or fisheries studies, those sorts of things. Anything related to the function of the Program.

CHAIRMAN TOWARAK: Is there anyone here that knows of a particular .809 program that's existing in Alaska?

MS. THOMAS: Again, just for introduction my name is Belinda Thomas and I'm from the tribe of Northway, acting president. We currently just
ended an .809 agreement with the U.S. Fish and Wildlife Service and so that was a new experience for us and I was going to talk a little bit more later on the details of that through testimony.

CHAIRMAN TOWARAK: Thank you.

MR. LORD: So, Mr. Chair, many of the agreements that we enter into through our Fisheries Monitoring Program are cooperative agreements under the authority of .809.

CHAIRMAN TOWARAK: Thank you. Go ahead, continue, Crystal.

MS. LEONETTI: Okay, thanks. I appreciate questions like that as we go through because I know this is a lot of material to cover in one sitting.

So the next thing on this -- on my report is the proposed schedule for writing the implementation guidelines. And as directed by Board members, I've set out a proposed schedule for bringing in field level managers from the various Federal agencies involved in the Management Program to help develop those implementation guidelines in a way that makes sense to, of course both tribes and ANCSA Corporations and the Federal agencies, in a way that makes sense on the ground level as well as the Federal Subsistence Board level. So this is just a proposed schedule that I developed and, I guess, to go through that there would be a couple of rounds of comment periods and then a teleconference to wrap up and finalize the implementation guidelines and hopefully be finished by August 31st with that so that we can present it to the Board at their next -- whenever their next meeting would be.

And that's -- I have a couple more notes that I heard from this morning.

Richard Wilson from the Bristol Bay Regional Advisory Council reiterated what the Bristol Bay RAC submitted in writing, is to have funding available to make the government to government meetings in person if possible and so I guess my question to the Federal members of the Board is how the RACs would go about seeking funding for that. I guess just saying it here is a start, but then is there some way we can
redirect them to go forward with seeking funding in the future to help them out a little bit with that. And you can either answer that now or later.

But then my next note is to -- well, Tim's already got this covered, make sure tribal and ANCSA representatives that are here and on the phone have a chance to speak about the policy.

Thank you.

CHAIRMAN TOWARAK: And for the information of those listening on line we do have a public hearing process and, Crystal, if you could sit where you're at, I think that's the next phase.

MR. PROBASCO: Yep, it is. Unless there's questions to Crystal.

(No comments)

CHAIRMAN TOWARAK: Okay, we will then go on to the public and tribal comments and, Pete, go ahead.

MR. PROBASCO: Thank you, Mr. Chair.

The first person to testify on what Crystal has presented is Mr. Iver Malutin.

MR. MALUTIN: Thank you, Mr. Chair and everybody here. And, you know, looking at the compilation of the Board and I'm trying to think back when ANCSA was formed December 18th, 1971, I don't remember seeing any of you, so maybe you're going to have a learning project. And just for your information, this is something that I'm not sure how it happened, I would like to know how it happened, because it was kind of a silent thing that happened unexpectedly, we didn't expect it and it just happened, do you know how it happened, number 1?

CHAIRMAN TOWARAK: Crystal, go ahead, you could probably give the best description.

MS. LEONETTI: Iver, are you asking about, in particular, the ANCSA.....

MR. MALUTIN: No.

MS. LEONETTI: .....Corporation
consultation?

MR. MALUTIN: Just the law of how the Federal government made the -- I mean how they made this law in Washington, D.C., who made it and when and how did it happen?

MS. LEONETTI: I think I understand. So the requirement for Federal agencies to consult with ANCSA Corporations was put into law in 2004, originally only for the OMB, Office of Management and Budget and it was a line inserted in the appropriations bill of 2004 that said the Office of Management and Budget will -- is required to consult with Alaska Native Corporations on the same basis as Indian tribes. And then in 2005 the appropriations act, that one line was amended to add, then it would read: The Office of Management and Budget and all Federal agencies are required to consult with Alaska Native Corporations on the same basis as Indian tribes under Executive Order 13175.

MR. MALUTIN: Thank you. That explains it. Anyway, just for your benefit there is 125 ANCSA Corporations, all profit making corporations, totally, totally contrary to the work that the tribes do and now we have ANCSA Corporations that have fishing boards, that have all kinds of businesses related to fishing out there getting all kinds of fish and they're selling them to make money because that's how they have to survive, under the state law of Alaska they're incorporated as a business. And saying that, here we are trying to get the same fish that they're throwing overboard to put on our table, it doesn't make sense.

Okay.

There's 229 -- these numbers might not be -- they're pretty close, 229 tribes in Alaska, and if you -- and there's 12 regional corporations, they're the parent corporations, Arctic Slope being the biggest and BBNC and then it goes right down to NANA; even my little village of Afognak is No. 6 in Alaska right now. But the thing that I'm trying to get across, there's going to be a lot, a lot of problems because of what I just said. And in many cases -- but don't get me wrong, because it's not going to happen all over. A lot of people are going to be amenable, they're going to merge, they're going to do everything together because they're good people. And in most cases on Kodiak
Island, the ANCSA Corporation leaders and the tribal leaders don't even talk to each other. One or two villages do pretty good, but the rest of them are separated and this is what you're going to be facing in the future.

So let's see, what else did I -- you know something I'm not going to say any more, I'm just going to listen and I think it'd be better if I listened than talk because I don't really know a heck of a lot about what I'm talking about, except I could tell you what the ANCSA and tribes are if you need help. I'm trying to teach the borough and the city and the Coast Guard in Kodiak the same thing and they're still having trouble.

Thank you.

CHAIRMAN TOWARAK: Thank you. Go ahead, Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Next is Belinda Thomas from Northway.

MS. THOMAS: Thank you, very much. As I said before my name is Belinda Thomas and the president in terms of a land exchange that I'm going to talk about here briefly. And just a little background, Northway is very close to the Canadian border, we have family on both sides. We hunt and share the same resources. And incidentally we are very lucky to have the U.S. Fish and Wildlife Service Refuge put right next to us and so we're life long neighbors with that agency.

I wanted to talk just a little bit -- I'll try to be as brief as I can, it's a complicated issue, but I think I can move fast through it.

The tribal consultation process has been of interest to me since I was just a grade school student. I had a wonderful mentor, a tribal lady by the name of Rosemary Maher, Morris Thompson and others, and I always wanted to be right here with you and working through a process that can involve into a wonderful process. And so I wanted to first start by saying I thank you to the U.S. Fish and Wildlife Service for engaging in government to government consultation with us. Having said that any time you do a process the first part is getting engaged. The
The second part is we learn good things and we learn some areas that we have to improve in. And I'm fortunate enough that I can sing my Native songs, I can go out and hunt. I'm very fortunate to have been brought up by Mr. Danny Thomas and the tribe of Northway and the Upper Tanana villages. I also received a bachelor's degree in business administration and I've had a wonderful time working with some prestigious companies as a client or someone who provided service for BP, ConocoPhillips, Doyon, and so I've had a wonderful array of experiences which have led me to my role with tribal consultation.

The tribe of Northway ranges between 200 and 300 people. We are in the area near Canada, we're known as Scottie Creek Deng'h. And this area is very important to us because of culture ties, resources, it is a wonderful habitat for some very rare birds. The Chisana Caribou Herd, who, the Canadians just replenished and did a project and coordinated with us, they migrate there as well and our folks are still there. In fact, we have still artifacts, graves, very important ceremonial, ritual things that have happened there, for instance, my grandfather, the late Chief Walter Northway who died at 120 years old, give or take a few years, one of the things he said was, he grew up in Scottie Creek, he ate off the land, he always exercised and he always was a person who tried to be inclusive and work issues out and for that, you know, I respect him greatly.

The challenge that we have right now is the policy that Ms. Leonetti outlined is a good policy, it is good steps. I've had direct experience, very recent experience, and I want to correct a few things in a positive way because I think at the end of this you have to hear me that this consultation process is important, it will work but we're going to hit bumps. The policy that Ms. Leonetti talked about was to give the tribe or the most affected tribe as much notice as possible. In a land exchange it didn't happen. And what this land exchange is, is there's 400 square acres right bumped up to the border between Canada and Alaska and it plays a strategic role because as the gas pipeline develops and eventually we are able to tap into that resource it's going to be important to be able to connect Canada and Alaska and it's going to be good for Alaskans, it's going to be good for all of us if we do it properly. This strategic piece of land is only two miles long, believe it or not, but the
important aspects of it from a tribal point of view, I think -- I hope that you -- I hope I'm able to convey it properly, our culture is there, the hunting is there, we share our resources, Native and non-Native alike, very loving tribe. And within that our history shows that that area produces great artifacts, arrowheads, they have quoted it as providing 10,000 years of history and that area right there produces, it is well known for being one of the best producing areas, so there's lots there.

And we didn't get the proper notice but we're first out of the gate. So January, give or take, the 10th, we received a letter from the U.S. Fish and Wildlife Service through the Tok National Wildlife Refuge letting us know that there was a land exchange in process and that they wanted to engage in government to government consultation with us and please let them know if we were interested and we did, we notified them. And as we learned, we had one public scoping meeting in Northway, and culturally my folks can be shy but as you get to know them, they're outgoing. I was extremely proud of them because that community hall was filled as if we were having celebration and potlatch. And within that the tribe met three times without any agency to talk about the different impacts of the cultural resources and then how could we be a positive factor to a big national project and then how could we develop and how could others, you know, be participating in this once in a lifetime project. And so when the consultation occurred our tribe worked very hard to give some ideas of our cultural differences. We tell a lot of stories and within those stories are important learnings and I've had the privilege of being able to translate what my elders are telling me into Western language, if you will, and showing them the connection and the similarities and the abilities to be positive and make things move forward. And then at that meeting we did ask for the .809 agreement. We felt in that area, since we were from Scottie Creek and that land exchange was there, that we would be the cultural experts and so an elder, Dolly Northway and myself, entered a cooperative agreement with U.S. Fish and Wildlife and we are pleased that they accepted us as an agency to provide the expertise. We then talked about our concerns and I won't -- there's so many. One is, who are you going to do the land exchange with and they were going to do the land exchange with a company called The Texas Conservation Fund. And the Texas Conservation Fund is a privately owned fund but they do
resource management and they have similar goals as a tribe, as you -- and as U.S. Fish and Wildlife would have, our concern was that we have always followed ANILCA and Title VIII, Title XI in terms of a process, and my colleague will talk more in detail about that legal piece of it, but we have grown through history and through practice to follow that process, NEPA, all of it, to make sure that you're well informed, you have opportunity to discuss and mitigate issues and then have opportunity then to work those issues out, for everybody, if possible. And within the cooperating agreement, we had the public scoping meeting, 40 written comments, our tribe is only 150 to 200 and then we attended the Tok scoping meetings and provided more in-depth information and then entered the agreement and provided cultural knowledge of graves, an old village that is on that lower hillside. In Native traditional way there are some things you don't get into detail with but for purposes of learning we share those things. And my grandfather, Chief Walter Northway, he was chosen to be the leader for many reasons. A rich man in our culture is someone who can provide learnings, encouragement, and sometimes they are gifted with the ability to explain to us an occurrence or maybe something's happened and they're able to foresee or interpret for us. And my grandpa Walter was that person and he went up into those mountains there by Air (ph) Hills and he performed his traditional chief ceremonial ritual there. And that's how important this area is. That's how important government to government consultation is, is because as people develop plans and ideas, if they don't get all the stakeholders there and they don't get all the information there, by accident or by oversight you may miss things. And when you talk about the tribe, the core of us is, you know, we believe in our ties with the land and the resources. And one of the things my grandfather taught me was -- and it took me a long time to learn this, through oral conversation, he said you're valued just as much as that rock, and just as much as that fish, in all of the things that you do you make sure that you respect and you take care of things and you do the things necessary and there's much more teaching to all that. And so what we learned was to take care of the land, it'll take care of us. Be generous and it will come back to you, be good and you'll receive good things. And so we believe in those kind of spirituality things.

In the land exchange there is much to gain and much to possibly lose. The EA, which is an
environmental assessment, which is supposed to be brief, that's what we were cooperating with the U.S. Fish and Wildlife Service on, it has a whole bunch of topics, one is cultural resources impact and other things. An EA is supposed to be used to determine if maybe there is enough here that would cause us to slow things down and do an EIS, Environmental Impact statement. And that way the tribe's issues are taken care of, investor issues and U.S. Fish and Wildlife and agency issues are taken care of. In this case the draft EA, after everything that we had provided resulted in four lines. I sat with the elders and then the people that were at the table were good people, some from Anchorage, some from Tok, different backgrounds, different educational levels, everybody was trying to understand each other. And the EA is important because at the end of the day the tribe provides input but it really is the agency who makes the decision. And what you hope is you've developed that relationship with the agency that they properly represent, you know, the needs of that area. And we ended up, after a couple of meetings, we ended up disengaging in that .809 agreement. A very difficult decision to make. And I had to go back to the elders and consult and then I have a bag, plus this of just nothing but details of the different laws U.S. Fish and Wildlife, the conservation plan, the map of the exchange, the government to government summaries, the policies on that and then also something which is important to me, is the Native American Policy of U.S. Fish and Wildlife Service's and in there they also say Alaska Native. And so I tried to map all this stuff together with help and at the end of the day, I could not continue representing the tribe in that cooperative agreement because it was moving way too fast and there was a cultural gap in terms of we told the stories and the importance and a consultant was in there helping us and the consultant could not bridge what we were saying to the Western term, and so there's very specific things you have to say to trigger an EIS. And so in this tribal consultation process, I think there's a lot of consideration that has to happen.

One, we have to really define government to government in tribal consultation. And in my experience only, we need to make sure that U.S. Fish and Wildlife Service, or whatever agency, Federal agency looks at the current policies that they already have written, look at their responsibility, and trust responsibilities and define it and be able to
articulate that and then also to look at any
significant laws that exist or might be impacted, like
ANCSA, ANILCA, and under ANILCA Title VIII, and Title
XI, very vital, and then within the process there are
cultural norms and values on both sides or whatever
diverse culture is there, and as you're talking and
trying to go through this very fast process, that's a
bit of a challenge but it's something that can be
worked through.

The process defined there is a
beautiful process if you follow it. But I'm not sure
who the agency is who's responsible for making sure
that the process is followed. What if it's not. And
what if all cultural resources and all facts and all
information have not been compiled and at the end the
decision is made that no EIS is needed.

The land exchange has cultural value to
the tribe. It has meaningful value to U.S. Fish and
Wildlife because it's a natural habitat, beautiful, you
see rare animals that you wouldn't see around Alaska.
And it has great interest to ExxonMobil, a private
investor, who has a lot of financial resources. And
information that I've gained in the public, not from
consultation, prior to our engagement, was that the
donation to U.S. Fish and Wildlife Service was a half a
million dollars, and so that creates a lot of
motivation to make things happen. And in this
instance, history showed us that ANCSA -- or ANILCA,
Title XI has always been precedence but this half a
million dollar donation, government to government
consultation and the pressure of the natural resources
have created a new process called land exchange. And
in this land exchange the rules aren't as black and
white as ANILCA and I think it needs some serious,
serious consideration. We are, again, the most
affected tribe for that land exchange. We have engaged
in an .809 agreement. We have worked with ExxonMobil
as a broker of that project. And then we have
adequately provided cultural resources that we believe
are significant that would trigger an EIS. The land
exchange, someone has circumvented the tribe's ability
to have input into consultation because no matter what
we do, the facts that we provide, the information that
we provide in this project, as an example, APP has
pulled back a little bit, a couple of years, but the
land exchange has not. The land exchange as I
understand it as of today is still scheduled and on an
accelerated fast-track because of an EA and because
they're not using Title XI.

And so I just share with you that tribal consultation is very positive, it will get better and better. I feel positive about Crystal's input. And then I think you'll hear a little bit more of the legality that this land exchange is creating. And I guess from a Federal perspective, during this land exchange, which is interesting to me, is when it gets transferred from U.S. Fish and Wildlife, it is transferred to private ownership, and originally we heard that it would only be two weeks because as a tribe we like Federal regulations, we heard it was just going to be two weeks and now we're hearing two months that it will actually be in the Texas Conservation Fund ownership, and so we asked what does that mean for our hunting rights. And we understand they're going to do something unique and transfer back to U.S. Fish and Wildlife and preserve our hunting. I asked the question, what if the Conservation Fund decides not to give that land back. And then afterwards the Conservation Fund, located in Texas, will own the access right-of-way for that area and we asked to see the draft lease so that we would make sure that, like, you know, the grave isn't run over or that ceremonial hill or that ability to continue culture while still being pro-development can happen. And an area of improvement in this whole process is at the very beginning we asked for the information, is the tribe impacted, we had to file a Federal -- we had to file a FOIA through our attorney which required them to give us our information. We did receive the FOIA, and U.S. Fish and Wildlife did waive our copy fees of $4,000 so we want to thank them for doing that and so we were able to get the copies of all this information. There is a solicitor's opinion that is not being given to us which would have fallen under the FOIA, as I understand.

And so I give you a story with complicated items and areas that need to be worked on. Process is going to be good, but at the end of the day, the Northway Tribe isn't going to have a lot of input on this land exchange. And in terms of timeline, the folks at U.S. Fish and Wildlife are nice people, and my tribe, we're nice people, but at the end of the day, you know, the money pushes -- it makes serious motivation to bypass a very, very important process, not only government to government, not only tribal consultation, but also ANILCA was provided to the
unique tribes of Alaska and I think we need to pay
attention to that.

So I wanted to thank you very much and, again, I'm looking forward to this process as it
develops and improves. And the Northway Tribe is going
to do its best to continue to participate. Mr. Chair,
there are some holes in this process and there are
greater impacts. If that happens here it will happen
in other places.

So thank you for your time.

CHAIRMAN TOWARAK: Thank you. If that was brief, I don't know what long is.

MS. THOMAS: Complicated issue.

CHAIRMAN TOWARAK: It is.

MS. THOMAS: And it took me about
seven.....

CHAIRMAN TOWARAK: And thank you for.....

MS. THOMAS: .....seven weeks.....

CHAIRMAN TOWARAK: .....explaining it very well. And we hope you continue to monitor our
attempts in developing a consultation policy that will work. That's been our utmost concern is that it will work. And we have had discussions about who is going to eventually be responsible for making sure it happens. And in subsistence issues, we, the Board members, feel that we're going to have to carry that responsibility. And it's still in the process but overall responsibility on subsistence issues will be with this Board.

I point that out because it was good to hear about your -- the land exchange and we've referred to .809 and we're interested in hearing more about -- or seeing that program continue because we know it goes directly to tribes. But in this particular case we have no jurisdiction over land exchange and I think it's a direct agency responsibility.

LaVerne, have you got.....

38
MS. SMITH: Thank you. I'd just like to say on behalf of the Fish and Wildlife Service, thank you so much for sharing those thoughts.

It is an issue that we still very much feel is very open and we would like to have additional consultation with, with the tribe and we would like to continue discussing. We actually had a meeting yesterday morning with our Regional Director and our Chief of Refuges and basically discussed how we can set up some additional consultation. So I think we would like very much to address some of the concerns and perhaps just provide some more information, but also try to figure out what are the issues we really need to make sure are addressed so we're very open to that.

MS. THOMAS: Certainly, thank you. And just one more followup. I think the land exchange, and this is just my opinion, the land exchange has a direct tie to subsistence, this is the Tetlin National Wildlife Refuge Comprehensive Plan September 2008, it went through a formal process and I would encourage everybody that has an interest in that to read this. It talks about some very specific birds in the area. Some extinct animals, some very delicate flora in terms of construction. It talks quite a bit about things and it hits it right on.

And then Ms. Smith, also just wanted to let you know that the tribe did talk with your office and three of your folks will be coming to our traditional hunting area called TenMile, which is near Scottie Creek and we're going to spend a night together just doing dancing, talking, visiting and exploring how we can both be partners and work together.

Thank you.

CHAIRMAN TOWARAK: Thank you for that. Do we have another -- go ahead.

MR. PROBASCO: Yes, Mr. Chair. We have a few more that would like to testify and I'm sure there's people on line as well. The next person is Lisa Wade. Lisa.

MS. WADE: (In Native)

Good morning, Mr. Chairman, and Board members and all my relations in the room and on the
phone.

My name is Lisa Wade and I'm from Chickaloon, Alaska, from the Water Clan, and I am currently residing at Moose Creek. And I'm also the health and social services director for my tribe. And today I'm here representing Chickaloon Village Traditional Council, the governing body for the Federally-recognized Chickaloon Native Village.

I would like to ask today on behalf of our traditional council that our written comments be entered into the record in their entirety. I provided them earlier.

Our traditional territorial lands and waters are the Matanuska Watershed with our tribal headquarters located in Sutton and Chickaloon, Alaska. Because we are located on the road system we have been systematically discriminated against by the Federal government and this Board, which denies our fundamental right to practice our subsistence, culture and traditions. This denial of our fundamental human rights is the unwillingness of this Board and the Department of the Interior to recognize our rights as indigenous people, promoting a rural preference instead of a tribal preference. We have asked the United Nations to investigate this blatant violation of our human rights and urge this Board to honor its human rights obligations to our tribe and other tribes similarly situated.

This policy that you are considering today will make these violations worse and further disenfranchise our tribe and our tribal citizens.

CVTC opposes the proposed policy and requests that it be rejected wholesale as written and as presented today. This policy violates the basic tenance of Federal Indian Law and would infringe on our human rights particularly our right to self determination. We hold that dear. Our right to consultation and our right to free, prior and informed consent, guaranteed by the United Nations Declaration on the rights of indigenous peoples which was signed by President Obama December 2010.

This Board cannot consult with ANCSA Corporations on the same basis as tribes. This Board in doing so would violate both the Federal trust
responsibility to Alaska Native Tribes and Executive Order 13175. ANCSA Corporations are simply not tribes. They have no traditional attributes of sovereignty and they're often an impediment to tribal self determination. Allowing the State chartered corporations to consult on the same basis as tribes will diminish and undermine our consultation rights.

Mr. Ivers -- Mr. Ivers, sorry, I forgot your last name, this is my take on how this policy came through from my perspective.

This policy was an effort to extend to ANCSA Corporations a right that belongs solely to tribes. It was an ill-legitimate ill-conceived effort by the former Senator Ted Stevens to circumvent long-established Federal Indian Law and Policy. He snuck it through in a budget rider in order to undermine our tribal sovereignty.

CHAIRMAN TOWARAK: Could I interrupt you for a second. This -- I tried to explain this before we started the consul -- or the review of the consultation process.

MS. WADE: I understand.

CHAIRMAN TOWARAK: But we don't have any authority in determining the difference between tribes and corporations.

MS. WADE: I understand but.....

CHAIRMAN TOWARAK: It's an issue that we are, by law, are -- we have no choice but to consider both tribes and corporations so that issue is off the table. And if you have issues like that that you would like to -- you're going to have to take it up with the United States Congress.

MS. WADE: I'm very close to being finished. We have a different take on this matter, and I would like to be heard on this, I am very close to being finished.

CHAIRMAN TOWARAK: You can be heard at the U.S. Congress, this body does not have any authority to change that.

MS. WADE: Then this body should allow
me, as a tribal person, to be heard on this matter that affects my tribal people, it doesn't.....

CHAIRMAN TOWARAK: But we won't.....

MS. WADE: .....hurt to listen.

CHAIRMAN TOWARAK: .....we won't be able to do anything with it.

MS. WADE: Okay.

CHAIRMAN TOWARAK: We could listen to you, I'm willing to grant that, but as far as following up on your recommendations we don't have that authority.

MS. WADE: Okay. Well, I just would appreciate if you would hear my comments.

CHAIRMAN TOWARAK: If it's relating to this tribal consultation process the floor is open for that and that only. If you're going to take us into a Congressional argument, this is not the place to do it.

MS. WADE: I'm not taking anyone into an argument. I would like our perspective as a tribal people to be heard here today. I appreciate that this was recognized as a historic event, that 16 tribes were consulted with out of 229 and I appreciate that 20 tribes, we would be the 20th, gave our perspective on this matter out of 229 tribes. Today I have taken the time to come down here, I would like to put these comments on record and I would like to be heard.

CHAIRMAN TOWARAK: We're here to listen to the tribal consultation process as it relates to subsistence, and we don't have jurisdiction over anything else beyond that. So if you're going to be talking about Congressional issues, this is the wrong place to do it, you need to be talking to Senator Begich and Senator Murkowski and Representative Don Young, that's how far up it is. We're down here at the local level and we have no authority over the big stuff.

MS. WADE: And I agree with that from one perspective but I also would say that you're here to discuss something and I want you to understand from our tribal perspective what this means to us as a
tribal people. And whether you.....

CHAIRMAN TOWARAK: You're going to have
to do it under.....

MS. WADE: .....you can.....

CHAIRMAN TOWARAK: .....our terms then.

MS. WADE: Sir.

CHAIRMAN TOWARAK: Our terms are to
discuss the tribal consultation policy as it relates to
subsistence, Federal subsistence. And I'm going to ask
our legal counsel to consult on whether or not what I'm
saying is right.

MR. LORD: Mr. Chair, that is correct.

There was a great deal of discussion within the
solicitor's office about this issue. And that rider
that you mentioned is clear, and Crystal summarized it
very nicely, better than I could have actually, she
could put me out of a job, that ANCSA Corporations will
be consulted with on the same basis as tribes. Now,
what does that means exactly. That means that we will
sit down with ANCSA Corporations and talk to them in
the same way that we talk to tribes, it doesn't speak
to how much weight we give that consultation and our
advice to this Board and other agencies is that when
weighing how much -- how much to consider, an entities
input into a process, you can also weigh its interest.

So if a particular corporation, an
ANCSA Corporation, for example, has less interest in a
subsistence issue than a tribe does, which would seem
to be the case most of the time you can weigh that
accordingly. So that has been our advice on how this
process would move forward.

I hope that helps.

CHAIRMAN TOWARAK: And we will concede
the floor to you as long as you restrict it to
discussions on subsistence related to issues. That's
the only jurisdiction we have.

MS. WADE: I will wrap up with one
final statement since I'm only allowed to speak to what
you would like to hear.
Corporations will never be spiritually, culturally or historically connected to the land, the wildlife, the waters like tribal people are.

And I just urge you not to go down this path, and I'm sure at some point we will be discussing this in multiple venues. Today I wanted you to hear from us what this means to us as tribal people.

And I apologize if it's something that you think you didn't need to hear and I apologize to my relations if I spoke out of turn, but I can tell you this greatly impacts us as tribal people and so I appreciate that you gave me the floor to at least speak to what I did.

I would honor you by giving you the floor to speak to whatever you wanted to if you came to my tribe and that right there is the difference. We call it (In Native) respect.

CHAIRMAN TOWARAK: You, as a tribe, and I'm a tribal member also, I know that tribes have a lot more power than this Federal Subsistence Board, you've got government to government abilities that we don't or -- we do in terms of subsistence but in all other issues, we don't have any say on the real government to government relations between the tribes and the Federal government. So we appreciate -- I understand what you're saying and I've heard, you know, through other venues a lot of discussion about the angst between tribes and the corporations but I think the real problem, in my judgment, from watching how it takes place, it's a local issue. If you can't get together with your corporation that's something that you need to work on. We -- on the -- getting back to subsistence, are restricted to discussing the topics on our agenda today.

So I apologize for having to cut you off but we're also restricted on time. We don't have the authority to be listening to the big issue of corporations versus tribes. We're merely subsistence hunters and fishermen and users and that's what we're concerned about right now. And if you have any comments relating to the tribal consultation process that we reviewed this morning, we would be glad to hear that.

MS. WADE: Well, I would say that this
directly ties to subsistence because when a corporation

can determine in consultation with you how subsistence

rights are going to be implemented then that is a

direct impact on my people.

CHAIRMAN TOWARAK: We have the ability

to weigh people's opinions, you know, we could -- we'll

-- if a question came between you -- your tribe and the

corporation in your region, if there's a conflict we

will weigh what is being said by both and that's all we

could do.

MS. WADE: See my problem comes in that

once this door is opened, years down the road this

comes back to haunt us, it's happening now. I work in

health care, it happens to me all the time, where the

corporations have authority, they have the funding,

they have all of the tools at their disposal and the

tribes are scrambling, I'm scrambling to keep people

alive. You all have heard what the suicide rates are,

subsistence is directly tied to that. All of these

things are connected together, just as we are all

connected as people to this place, these are connected

issues. To separate them out and to say we're only

hearing this is part of the problem. So, you know,

whether it's appropriate for this venue or not, whether

my views were appropriate for this venue or not, these

issues are related for us as tribal people.

CHAIRMAN TOWARAK: I understand that.

In my community our tribe and our village corporation

get along very good together, they work hand and hand

and they are more effective in doing that.

Corporations do not have a government to government

relationship with the Federal government, they're a

State institute and they operate under State laws. The

tribes have a direct relationship with the Federal

government that the corporations don't have. So I

think the tribes have got more authority in Federally-

related issues than corporations do. You know, that's

-- that's my take. I think we're getting a little bit

off of my focus -- and our focus as a Board for

subsistence and how it relates to tribal consultation.

So I apologize for interfering your statement but I

need to -- it's my responsibility to focus our

responsibility as a Federal Subsistence Board on issues

that we have control over and if it gets into areas

that we're not -- we don't have any authority then I

will bring us back to focus a little bit more on what

we're doing and I hope you understand that.
MS. WADE: (In Native) Thank you.

CHAIRMAN TOWARAK: Do you got a comment, go ahead.

MR. STAUFFER: Mr. Chairman. I also signed up. I am Geoffrey Stauffer, I'm the attorney for Chickaloon Native Village and I signed up to follow Lisa. Is it all right if -- I ask you your permission to give my comments now.

CHAIRMAN TOWARAK: If it's related to the subsistence issue, our tribal consultation process.

MS. STAUFFER: Absolutely. They are abs.....

CHAIRMAN TOWARAK: I will allow you five minutes.....

MR. STAUFFER: Absolutely.

CHAIRMAN TOWARAK: .....if we could because we've got a lot of other people that would like to be up here.

MR. STAUFFER: Absolutely and I thank the Chair for the time.

In Chickaloon's view, you know, our comments that were submitted to you and to the Department of Interior on this issue, on the issue of tribal consultation and consultation with the ANCSA Corporations, we pointed out extensively in those comments and I hope you'll take a look at those, of the failures of the Federal consultation process as it exists now. It absolutely does not fulfill the duty that this Board and the Federal government, the Department of Interior, of you have, towards tribes. That duty, that duty of care that you have, your responsibility, your trust responsibility as a Federal Board, that trust responsibility, it extends to you when you consult with tribes, the right of consultation is an inherent fundamental right of tribes, it is not an inherent fundamental right of corporations which are statute created. As you said they are State -- they're State corporations, chartered under the State. So we ask and our comments point this out, that we be really careful about the language that you use, that you don't conflate tribes and corporations. This budget rider
that went through that put this language in, on which no tribe was consulted, and no public process was followed in that to allow tribes to have any say in that, the language of that budget rider conflates tribes and corporations, and as a Board when you're considering these issues, when you're considering subsistence you don't have to work to continue this confusion. You can help tribes, you can help corporations by remembering and using language that distinguishes those. And I understand in the policy that part of the way that you try and distinguish that is by calling government to government consultation when it's with tribes and I forget the term, but I think it's just consultation or a Federal consultation when it's with corporations. We don't think that goes far enough. We think you need to really draw the line clearly between tribes and corporations. Corporations are -- corporations do not have the traditional attributes of sovereignty and they can't. When corporations are allowed to consult on the same basis as tribes, tribes just don't have the resources, they don't have the money, they don't have control of the land anymore, that's all been transferred to the corporations. The tribe will be necessarily -- their self-determination will be impeded by that if you're not very careful about distinguishing between those two.

I want to point out, the tribe has raised this as a human rights issue, under the UN declaration on the rights of indigenous people, which President Obama signed and extends to this Board and to the Department of Interior, indigenous peoples Article III have the right to self-determination, by virtue of that right, to freely determine their political status and freely pursue their economic, social and cultural development. And the right of consultation is in here. That right of consultation belongs to tribes. It is in Article XVIII and it does not extend to corporations, it belongs solely to tribes.

We feel that even in how this issue was developed with this Board, there's a problem with the process. In coming to a consultation process, 16 consultations for 229 tribes is not enough. Consultation needs to be meaningful, it needs to be defined as you -- there's been several cases, multiple cases of Federal agencies saying, well, we wrote you a letter, that's enough, we've consulted. It's really important that, I think, as you go forward that you
define each of these terms to make it meaningful, otherwise tribes will just be pushed to the side and their rights will be impeded by this. And as a Board, we'd urge you to fulfill your responsibility to tribes, that trust relationship you have is with tribes.

CHAIRMAN TOWARAK: Thank you. And that's good advice, I appreciate what you're saying and that's why we have the solicitor's office sitting with us in all of our meetings to guide us down the right path.

So, Crystal, you had a comment.

MS. LEONETTI: I want to thank you for your comments. I just want to make sure that the Board is clear, that what's in front of you today is not the ANCSA Corporation Consultation Policy, it's simply the Tribal Consultation Policy. The ANCSA Corporation Consultation Policy will come later after the Department of Interior has finished their consultation policy, this is the Tribal Consultation Policy.

Also want to make sure that you're clear that many, many more tribes were consulted with than just 16. I think 19 written comments were received, but we consulted, at the generosity of BIA, at their Tribal Service Provider's Conference, there were more than, I think, 500 people in the room, and I don't know the exact number of tribes that we consulted with that day but it was many, as well as the 12 teleconferences that we held prior to the fall Regional Advisory Committee meetings. So there were a lot of tribes that were consulted with in order to develop this policy.

I just wanted to make sure that that's clear to the Board.

CHAIRMAN TOWARAK: Yeah, I wanted to point out, too, that since it's baseball season, you know, I think we're in the first half of the first inning in this process and hopefully by the time we get to the end of the inning -- the game, we will be consulting with all 225 [sic] tribes in the state.

Thank you for your comments.

MR. STAUFFER: Thank you.
CHAIRMAN TOWARAK: And thank you for being here. We will continue then, Pete.

MR. PROBASCO: Thank you, Mr. Chair, and thank you, Crystal, for that.

Help me with the last name here, Robert Brean.

MR. BREAN: Brean.

MR. PROBASCO: Robert, thank you.

MR. BREAN: Thank you, Mr. Chairman. Members of the Board. Appreciate the opportunity to share some comments with you.

I'm glad that my colleague, Belinda Northway, was able to give you some of her thoughts and opinions about how consultation process can be improved upon and maybe some examples of consultation gone awry.

I have handed out a written comment packet to each of you, it is actually a letter from Din e'h, LLC to David Hays, Deputy Secretary of Interior, and it's our comments on the Tribal Consultation process that the Department of Interior is currently going through, and it will be the basis of my comments.

Let me step back a moment. My name is Robert Brean. I am the president of Tanacross Incorporated. Those of you that have ever driven the Alaska Highway, you know where that's at, it's near Tok Junction. I am also a tribal member of the Tanacross Tribe and I'm here also speaking on behalf of the tribal council of Tanacross. In addition to that I'm the general manager for Din e'h LLC, which is a conglomerate that was put together by the four village corporations in the upper Tanana regions, to include Northway, Tetlin, Tanacross and Dot Lake. Collectively we own over 100 miles of right-of-way on the proposed gas pipeline project going to Alberta, and I'll get to that in a moment.

But I wanted to first talk about the draft document that you all are reviewing today and I wanted to give my compliments to the participants so far and the drafters of that document. I think it is a great, great start on a meaningful process. My hat is off to those people who have worked on that.
I particularly appreciate the sections where there is discussion about the policy also upholds the Congressional mandate to implement the provisions of the Alaska National Interests Land Conservation Act of 1980, PL66-487, which with its implementing regulations defines the roles and responsibilities of the Department of Interior and Agriculture in administering the subsistence management of fish and wildlife on Federal public lands. I think that's a powerful statement and not one to be overlooked.

I think Crystal has aptly covered the important points of the policy. One thing that I wanted to add was in the back under definitions, the definition of consultation. Before I go to that, you know, my preference would have been that that word would be consent rather than consultation but we are where we are today. But I think that statement about what consultation means is important. The process of effective meaningful government to government communications and coordination between the appropriate Federal agency and tribes conducted, and here's the operative word, before, the Federal government takes action or implements decisions that may affect tribes. That one singular word is a very powerful word, and I'll explain why I feel that way.

In the background of the policy I thought it did a great job of talking about the connection between ANCSA and ANILCA and back in the day, and some of us were there when it went down, the selected lands by regional and Native Corporations was a mere, a small percentage of traditional lands lived upon by the traditional people in the state of Alaska. We took what we could get and that was the land base of ANCSA but it was clear in Congress that the relationship between ANCSA and then what the Federal government selected in terms of National Interest Lands was absolutely critical. The relationship based upon government to government relations; the relationship based upon subsistence use of resources on those lands; the Title VIII provision in ANILCA; the establishment of this Board; and the other provisions in ANILCA made it very clear by law that there was a direct connection between the relationship between the Alaska Native Claims Settlement Act and ANILCA and the rules of engagement that would govern any activity on public lands in the state of Alaska, vis-a-vis land claims and other applicable laws.
And I emphasize that because, Mr. Chairman, while I appreciate that this Board's primary duty is to look at specifically Title VIII of ANILCA and its application to situations in the state, my personal opinion is I don't think that you can look at Title VIII in a vacuum. Particularly because there are other things that are currently happening as we speak relative to ANILCA that will ultimately end up right here on your table because of botched processes by Federal agencies, one having to do with Title XI, which has to do with gas pipeline rights-of-way. My prediction is in the future, in the next 20 years we'll be looking at all kinds of corridors that will criss-cross this state, corridors that will involve railroad extensions, fiber optic cables, water lines, power lines, railroad beds, gas lines, oil pipelines, all of which are governed by Title XI of ANILCA and all of which will impact subsistence resource use areas, and ultimately will land at this table as a result.

So it seems to me, Mr. Chairman, that it's incumbent upon this Board to recognize other actions under the jurisdiction of ANILCA that will affect the use of subsistence resources by Native people that will ultimately come to your jurisdiction. And I know I'm kind of being vague and nebulous but I'm going to get down to the specifics of it, Mr. Chairman, if you'll allow me your indulgence.

Basically the way we see it in our region, and I mentioned who I represent because we are one of those regions where our village corporations and our tribal councils are working hand and glove, we don't have differences of opinion on this issue, nor do we have differences of opinion on subsistence use in our region, however, we are being set upon by Federal agencies and ExxonMobil to circumvent Federal law, ANILCA, that was put in place and clearly governs how National Interest lands and Federal lands are to be handled and adhered to in the state of Alaska.

Well, the first thing that -- just as a little side note, the first thing that ExxonMobil did when they didn't get the answer from our conglomerate group was they immediately went to a single tribe, Northway, Belinda, the most affected tribe, in an attempt to cut them out of the herd, they wanted to get a different opinion from them. In fact, they offered them money to change their mind and to go along with the Fish and Wildlife Service land exchange process.
They turned the money down. They told them that we are standing with our sister tribes and corporations in the region. So there's an example, Mr. Chairman, of a large corporation with plenty of money not getting the answer it wants from a particular group and then going to another group to get a different answer in order to justify their actions that they've already taken. I predict that we'll see more of that often in many cases in the state of Alaska, where the private sector will work all of the angles and if there are plenty of angles they'll work them all in order to get the answer or a non-objection from a party that will justify their actions. So that's one thing that happened in the Upper Tanana region, and if you would recall some of the comments that Belinda made from Northway's perspective and that kind of emphasizes what I have to say here today as well.

But essentially the way we view it as that the ANCSA Corporations in our region have the responsibility to manage the lands and resources for the benefit of Native shareholders. So the economic development, the rural economic development, planning and implementation is every bit as much a part of the fiber of the tribe as is the use of subsistence and, in fact, our village corporations in our region view ourselves as a subsidiary of the tribe and we have a great working relationship. Other regions around the state don't have that and that's unfortunate but we are able to cut through a lot of red tape by having a good relationship, as you spoke to earlier, Mr. Chairman.

Without reading what I've already submitted in writing because I believe that it's a part of the record, I'd just like to focus on one section, which is Title XI of ANILCA.

The purpose of this land exchange that Belinda referred to, and this is on the bottom of Page 2, relative to the Fish and Wildlife Service and APP, and I'll call them who they are, ExxonMobil, the obligations of Title XI of the Alaska National Interest Lands Conservation Act, and give APP free control of the right-of-way development for the last two miles of the corridor in Alaska. The justification for processing the land exchange outside of the ANILCA was two-fold for the Fish and Wildlife and for Exxon. There was not enough time to comply with Title XI and meet AGIA deadlines and the parties lacked sufficient experience with Title XI process. ANCSA and ANILCA are
related. Section 17(d)(2) of ANCSA directed the Secretary of Interior to make the withdrawals of public lands that eventually became reserved under ANILCA. So there is a direct relationship between those two laws. Section .101 of ANILCA recognizes the importance of subsistence to rural residents of Alaska and the need to satisfy the economic and social needs of Alaska and its people. There's that connection again. The Congressional findings in ANILCA, Title XI, Section .11.01 recognize the need for a single comprehensive statutory authority for the approval or disapproval of applications for transportation routes through conservation units, such as the Tetlin National Wildlife Refuge. Section .1104 establishes the procedures for exercising that authority. Finally, the applicable laws on exchanges in ANILCA, Section .1302 are written with the presupposition that the purpose of an exchange is to acquire land for conservation units, not to convey it in furtherance of a private firm's interest in a development project.

I'll jump ahead, Mr. Chairman, because I want to get to the point of my presentation and that is that this consultation process is significantly important. And, like I said earlier, there are implications of other parts of ANILCA that will bring those chickens back to roost right here. They will create subsistence problems and issues if they're not properly vetted and if tribes, and I would just specifically talk about tribes because that's what we're talking about in terms of policy here. If tribes are not properly consulted prior to a Federal decision, as Belinda mentioned, the consultation efforts by the U.S. Fish and Wildlife Service were after the fact. The deal was done. ExxonMobil was giving 500 grand to the Fish and Wildlife Service for a land exchange. They were brokering a deal to circumvent Title XI of ANILCA, and they still are. There are people in this building working on that project right now. So how long will it be before they attempt to circumvent Title VIII of ANILCA.

We have a Federal agency that is the responsible legal steward of ANILCA and ANILCA establishes the rules of engagement for National Interest Lands in Alaska, it is specific to Alaska. Now, they do these land swaps all the time down in the Lower 48 but they brought it north and tried to do it in a way that circumvents Title XI of ANILCA. We've submitted a FOIA to the U.S. Fish and Wildlife Service
for all of the data, as Belinda said they were going to charge us four grand for that data, for a public action that required consultation with us. Fortunately, Fish and Wildlife Service waived that fee and gave us all the information that they could put their hands on. But I must say, Mr. Chairman, that the response to the FOIA is still incomplete. Now, one would think that if consultation occurred in a constructive manner, that two parties sit down, they talk about something they would unilaterally like to do together that benefits both parties. In this case, the deal was done, quite honestly, at the architectural direction of ExxonMobil to the Fish and Wildlife Service for a land exchange from the Tetlin Wildlife Refuge to the Naches River Refuge in Texas, which means nothing to us, has no value to us. And, in fact, the Fish and Wildlife Service didn't even approach the tribal council of Northway to see if they might want to be the steward of a land exchange, nor did they approach the village corporation of Northway to see if they were interested in exchanging waterfowl habitat, which is highly valued by the U.S. Fish and Wildlife Service, nothing, none of that, went right to Texas, spend the 500 grand that ExxonMobil gave us and let's do this land swap.

My reason for mentioning this, Mr. Chairman, is because that issue then ultimately comes back to bodies like this. And it also points to consultation process; one, that was bogus; went awry; was done absolutely wrong. Because as a result of the FOIA, Mr. Chairman, even though it is incomplete, and, in fact, it doesn't include the solicitor general's office opinion about why they should be able to circumvent Title XI of ANILCA, we know it exists but it's not included in the FOIA. We can prove by virtue of the FOIA material that we received from the U.S. Fish and Wildlife Service that this was a done deal before they even walked out the door to do consultation. Now, as a body that's got to cause you some alarm. Because the people participating in that process at the behest of ExxonMobil work in this building, in fact, there's a parallel meeting going on upstairs with the realty office about why this went awry, why it's continuing on, why the process hasn't been stopped, and why consultation isn't done properly. Particularly in the light of the fact that some three weeks ago the CEOs of the three oil companies and the Governor of the state of Alaska said that they were putting the Alberta project on hold and they were going to tidewater for an LNG project, which means that the
terms of AGIA are now off the table. There's no
requirement for ExxonMobil to have a piece of Tetlin
Wildlife Refuge to get their permit from FERC. There's
no project. There's no compelling reason for that to
occur. And I realize I'm getting a little afar but my
point here is that it would cause me -- if I were on
this Board it would cause me alarm to have the U.S.
Fish and Wildlife Service continuing to perpetrate a
land exchange that's no longer necessary in violation
of Title XI of ANILCA because when that happens it will
end up at this Board's table to deliberate the negative
impacts of a lack of consultation; a consultation gone
awry; a travesty; and a breach of Title XI of ANILCA.

I thank you, Mr. Chairman, for the
opportunity to make these comments.

And I realize that this is a little bit
of a different angle on your conversation here about
the consultation process, but I hope that it points out
the necessity for the kind of details that I see in
your draft that need to be in place in order to prevent
the kind of things that are currently going on right
now, from happening again. It gives clear rules of
engagement for all of the parties to come to the table
and participate. And I particularly like that word,
Mr. Chairman, before, Federal action takes place. In
this case we've got the Federal government responding
to a private for-profit corporation and their partner,
a Canadian corporation without meaningful consultation
with the tribes most affected by a land exchange in a
National Wildlife Refuge. It's unbelievable.

Thank you, Mr. Chairman, for the
opportunity to testify.

CHAIRMAN TOWARAK: Thank you, Mr.
Brean. And I think your presentation has kind of given
me, personally, a broader picture of the relationship
with our consultation process with other issues that
the Federal government is involved in and how it
eventually could affect our operation here as a Federal
Subsistence Board, and I appreciate your comments. And
for the record it's all being recorded and it will be
on record.

MR. BREAN: Thank you, Mr. Chairman.
Nice to see you again.

CHAIRMAN TOWARAK: Good to see you,
too, Bob.

MR. PROBASCO: Thank you, Mr. Chair.

We have three more people here in the audience that would like to testify and then we will go to the phone line.

So next is Gloria Stickwan. Gloria.

Gloria.

MS. STICKWAN: My name is Gloria Stickwan. I'm here to give comments on the Tribal Consultation Policy. When I called the office I was -- I drafted these comments for AHTNA, I asked about the ANCSA consultation, it wasn't finished, how can we write comments when it isn't finished. I was told to write comments on the tribal consultation and so that's what I did but I based it on an ANCSA concern, what our -- as a corporation, would be concerned about.

And so one of the things I wrote down there was that AHTNA is very concerned about -- the AHTNA Corporation Board has made subsistence a priority, they take it very seriously. And one of the things that we have done, that the Board has decided to do is to form an AHTNA -- Copper River/AHTNA InterTribal Conservation District and the reason it was done was because conservation district -- tribal districts now can focus on subsistence so we formed a tribal conservation districts with our member villages to be the leading entity into '13 to address subsistence matters. AHTNA C&T Committee will be dissolved and the new entity will be the Copper River/AHTNA InterTribal Conservation District. So that's one of the questions that Ms. Leonetti said was that resolutions may have to be brought before this Board, well, all of the villages in our area signed a resolution to form this tribal conservation district, and it's purpose and only purpose right now is to address subsistence matters. So they do have a signed resolution given to this tribal conservation district to represent them in subsistence matters in the future. But for this year, 2012, it will be the C&T Committee that works on subsistence matters. And I just wanted you to know that.

So I don't know if we'll have to write resolutions or not, I'm not sure how that -- what that process will be. We'll be making comments later on.
As we see the guidelines written, we'll be adding more comments.

I wanted to say that when I was rereading through the Tribal Consultation Policy, I saw cooperative agreements in there but I didn't see the word, Section .809 of ANILCA added in there and I wanted to make sure that word, Section .809 of ANILCA, is added into the Tribal Consultation, not just cooperative agreements. If there's any regulations that will affect AHTNA lands, regional lands, we want to make sure that this Federal Board does more than one attempt to contact AHTNA because it will concern our lands, our corporation lands, and we have a good relationship with our village, we have representatives on our board from each village, the C&T Committee and they represent their villages and with this tribal conservation district being formed it'll be made up of the tribes next year.

I just thought that somebody from AHTNA should sit on this working group in the future if at all possible. I wasn't sure what the process was in the beginning of how to get on this working group. I don't know if it was selected or it wasn't advertised -- I mean it wasn't in the register, I think it was just people volunteered, I'm not sure how it was formed, but there needs to be a process in place in the future for working groups being formed of how -- how do you get on one.

The other thing I thought, in the ANCSA -- the ANCSA Consultation Policy should include the Section .809 and comanagement should be a part of that. I would like to see comanagement of the resources, which includes reporting, research, research funding agreements, management plans, regulation and enforcement should be included in the Tribal Consultation Policy as well as the ANCSA Consultation Policy and all that -- that -- what that entails to be a part of that.

Those are my comments.

Thank you.

CHAIRMAN TOWARAK: Thank you, Gloria.

MS. STICKWAN: Can I say one more thing?
CHAIRMAN TOWARAK: Sure.

MS. STICKWAN: I just wanted to say the last time that we had a teleconference, I thought it worked really well that -- when we were able to talk about our wildlife proposals, it worked really well to be on the phone with the Federal agencies to talk about the wildlife proposals. The only thing is I noticed because of the -- it was because of the timing and because of the first year start up that more -- the information wasn't provided, that could have been provided, and I know it was -- probably because of the timing of the first year, but I would like to see more information, analysis of the proposals be given to the, you know, the proposals that are of most concern -- the proposals of most concern are the ones that we want analysis of, if we ask for that analysis of one particular proposal, I would like to see that done. I know we don't need analysis of every proposal because there are some proposals that have to do with things that we're not really concerned about, but the ones that we are concerned about, I would like to see an analysis given over the phone of those proposals during our consultation on proposals. But I thought it worked really well.

CHAIRMAN TOWARAK: Thank you, Gloria.

If you could stay there for a second. Could you explain to me how you determined the Conservation Unit [sic]?

MS. STICKWAN: We are just in the very beginning stages of -- all we did so far was form a corporation -- a non-profit and that's as far as we've gotten and we drafted bylaws which still need to be formally adopted so we've just -- we have not even begun to start what the mission is, you know, what our mission is, what it will entail, we just know in the beginning it's going to deal with subsistence and only subsistence but it will most likely branch out to other things that are allowed under the tribal conservation.

CHAIRMAN TOWARAK: In my mind I thought that was very innovative and I want to congratulate your region for going the distance, the planning that you folks have gone through.

MS. STICKWAN: Thank you.

CHAIRMAN TOWARAK: Appreciate that.
Any questions from anyone else.

(No comments)

CHAIRMAN TOWARAK: Thank you, Gloria, for your testimony.

Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Next is Mr. Timothy Andrew.

MR. ANDREW: Good morning, Mr. Chairman. My name is Timothy Andrew. I'm the director of natural resources for the Association of Village Council Presidents. We have 56 subsistence dependent tribes that reside within our region. Our region is also surrounded by the Yukon-Delta National Wildlife Refuge. So we are affected tremendously by decisions by this Board and also the recommendations of the Yukon-Kuskokwim Delta Regional Advisory Council and the U.S. Fish and Wildlife Service as well. And we really appreciate the Federal Subsistence Board, your Staff, the Fish and Wildlife Service embarking on the -- or the beginnings of developing this Federal -- or this Tribal Consultation Policy as it will affect our subsistence way of life, our food security issues that we have within the region.

I really appreciate the comments that were made by the people of Chickaloon and Northway and others that expressed concerns about the various parts of the Tribal Consultation Policy.

But within our region we have a very active Regional Advisory Council and many of the people that are selected to participate on the Regional Advisory Council are selected by primarily the Refuge Staff, recommendations to the Office of Subsistence Management, then forwarded on to the appropriate level of people that are in charge of selecting the Regional Advisory Council and then confirmed by the Secretaries. We feel that the Tribal Consultation Policy should also include a tribal consultation element in the selection of RACs because subsistence has always been a tribal issue, it's always been an Alaska Native issue. In fact, if you do a little research into the Congressional Record, statements by Morris Udall and various members of the communities that have jurisdiction over the ANILCA, or Title VIII of ANILCA,
many of them referred to the failures of the Alaska Native Claims Settlement Act and protecting subsistence for Alaska Natives and then the dire need for Congress to protect subsistence in perpetuity for Alaska Natives. So many of our people, which make up the majority of the Regional Advisory Council, you know, take their job seriously and we would like to at least have the opportunity for the tribes to select those people that make recommendation for, you know, this tribal, an Alaska Native issue, of subsistence.

And, Mr. Chairman, that concludes my comments and would be happy to answer any questions.

CHAIRMAN TOWARAK: Thank you, Mr. Andrew. Any questions of Mr. Andrew.

(No comments)

CHAIRMAN TOWARAK: You said -- I have a question, you said your regional non-profit, AVCP, is very active in nominating people to the Regional Advisory Council?

MR. ANDREW: No. AVCP is not involved in the nominating people. We've often communicated with people and try to encourage people to apply for the Regional Advisory Council. I just commented that the Refuge Staff and also people in the OSM are very active in selecting who these Regional Advisory Council are, and we'd just like to recommend that tribes be given the opportunity to forward names to support people by resolution because subsistence is so much of an important issue for us.

CHAIRMAN TOWARAK: Would you see a process and I'm kind of doing a little fishing here myself, say the nominating process go from the regional Staff through the regional non-profit to the Federal Subsistence -- upper levels that make the appointments?

MR. ANDREW: Yeah. We would just like to see a tribal involvement, or tribal consultation element with the RAC selection process. It would be probably most effective if perhaps your Staff, the Office of Subsistence Management Staff, were to perhaps go to the like the AVCP Convention or TCC Convention, where we'd have a gathering of the tribal council presidents, tribal officials in discussing this matter and perhaps refining it a little bit more to include
the tribal consultation process to have them involved
in the selection of RAC members.

CHAIRMAN TOWARAK: Crystal, do we have
anything in our current policy that reflects that?

MS. LEONETTI: We don't currently have
anything in the policy, although that could be
something added to the implementation guidelines. I'm
not sure exactly the mechanics of it but something we
could address in the implementation guidelines.

CHAIRMAN TOWARAK: Mr. Andrew, if I
could ask you, would you monitor that, as we get
information out, as we -- we're still on draft at this
point and we're going to continue, I think, on draft
for at least a year or close to a year, so if you could
monitor that for us. I think the regional non-profits
have a lot of creative people in their staff and I
think it would be wise to use the regional non-profits
on a statewide basis, so that's why I'm interested in
asking you to kind of monitor that process as we go
through it.

MR. ANDREW: Certainly, Mr. Chair. And
during the month of March we also had the gathering for
our salmon resources within the AVCP region called the
State of the Salmon, some of your Staff members were
there and we really appreciate their participation in
that process. That's another avenue that you can
possibly utilize as an outreach tool to gather public
comments on the Tribal Consultation Policy.

CHAIRMAN TOWARAK: Go ahead.

MR. LORD: Mr. Chairman. I may have
misunderstood. I think I heard two slightly different
processes being described here. I think, Mr. Andrew,
if I heard right, was describing a process where the
regional non-profits could write letters of support for
certain candidates and I don't think there's any
problem with that but I heard -- also heard, I think, a
process whereby the nominations panels, their
recommendations, would then go outside the Federal
government to be vetted and have more information, I
think that might raise some personnel issues that we'd
have to consider the implications of that before going
down that path.

CHAIRMAN TOWARAK: Go ahead, Mr.
Andrew.

MR. ANDREW: Thank you, Mr. Chairman.
AVCP has always recognized that we have the opportunity to provide comments on Regional Advisory Council members, but what we would like to see is a government to government tribal consultation in the selection of RAC members. Like, for example, if I were to apply to become a RAC member, I would -- in what I envision would be that I would have to gather at least one tribal resolution in my support for the Regional Advisory Council and I'd imagine I'd probably have to travel back to my home community or communicate with my home community or home tribe to gain that resolution, or perhaps a gathering of the tribes like, for example, AVCP Convention, supporting a slate of RAC members from various communities, various villages within our region.

But I would gladly monitor the progress to see if, you know, that's included in the process.

CHAIRMAN TOWARAK: And, I agree, I think it should be in terms of the scope of authority that we have, so we will continue monitoring it and work with Crystal on a process.

Any further questions.

(No comments)

CHAIRMAN TOWARAK: Thank you, Mr. Andrew.

MR. ANDREW: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Let's talk a minute here about process before -- so that the people on line -- I know we're getting close to lunch here and I assume that we're going to take a break for lunch or is it the desire of people to work through lunch.

(Board shakes head negatively)

CHAIRMAN TOWARAK: No. Take a lunch break.

(Board nods affirmatively)

CHAIRMAN TOWARAK: I think we will -- I
think this might be a -- do you just have one more?

MR. PROBASCO: Mr. Chairman, we have
one more person in the audience who'd like to testify
but I do know that there's a number of people on line
that would like to testify.

CHAIRMAN TOWARAK: Okay.

MR. PROBASCO: So if we're going to
take a lunch break we can take Linda next and then
finish that up and then go to the phone after lunch.

CHAIRMAN TOWARAK: Okay, let's do that.

Let's take our -- if the people on line could bear with
me, we're going to reconvene at 1:30 and we will go
directly to our telephone testimonies. So if we could
take Linda Tyone, we will break for lunch right after
this and then we will come back at 1:30 and listen to
our teleconference testimonies.

Ms. Tyone.

MS. TYONE: Okay. My name is Linda Tyone. I'm from Gakona Village and I am also a
shareholder of AHTNA Incorporated. We are different, I
would say from all the other regions, except for maybe
NANA Corporation. Seven of our village corporations
merged with AHTNA, one corporation didn't merge with
AHTNA and that's Chitina, so AHTNA owns the majority of
the lands in the AHTNA region.

We own lands within the Wrangell-
St.Elias Park and Denali Park. So those Parks have
different rules in it, one is more friendlier and one
is not. We selected lands based on subsistence and
economics. We have a good working relationship with
our tribes. Like Gloria said earlier, the conservation
district that was formed includes all the eight
villages plus the village corporation, Chitina Village
and AHTNA, Inc., so it's a nine member board, or 10
member board. And so we will work all together on our
customary and traditional uses and so it's not on the
-- doing its own thing.

I'd also like to say, you know, we have
relatives from Tanacross, Tetlin, Dot Lake, Northway,
including Chitina, Chickaloon, and Eklutna, so, you
know, all people in Alaska have the same cultural
values so it's different in each region how you work at
it but we, you know, we're there for our people and the
food that we eat off the land.

We would like to be properly noticed on
stuff that happens within our region. There was a
meeting held in Cantwell last week and it was based on
Section .810 of ANILCA for the stand-alone gas
pipeline. I'm not sure where their notices went but as
land owners we were not notified of this meeting so,
you know, the tribes that are affected should be
notified plus the land owners that are the -- we don't
like to be notified at the last part of it to say, you
know, we'll either -- either you'll work with us or
we'll do imminent domain, which has happened before, so
we need to be notified, you know, before when everybody
ever is notified. You know, they act like regional
corporations are something different but they're not.
Some regions may not work with the tribes but our
tribes and ours work together so we should not be
singled out as Native Corporations. If other regions
have problems in their own areas they need to work that
out so -- because AHTNA, Inc., has put millions of
dollars into protecting our subsistence and that's the
top priority for our area. We don't call it
subsistence because that's not a -- we call it the
customary and traditional uses so everybody refers to
subsistence but we don't.

I'd like to thank you for giving us
this opportunity and that's all I have to say for now.

CHAIRMAN TOWARAK: Thank you, Ms.
Tyone. Are there any questions of Linda.

(No comments)

CHAIRMAN TOWARAK: And I appreciate you
taking time to come and talk to us and I'm impressed
with AHTNA's reaching out to the villages and also to
the tribes and working as a unit.

MS. TYONE: Well, I -- I forgot what
else -- I was going to say something, but with the
economy as it is now you don't hardly see any tribes
here. I mean they're having a hard time just to run
their own business in their own community. I think
tribal consultation should go to different areas within
the state to have the people -- to be involved. I
don't think this is a very good consultation today
because there's only a few tribes here and, you know,
I'm a tribal member and my village isn't here and no other villages from the AHTNA region are here. So I think, you know, there should be additional meetings besides one in Anchorage or -- maybe go into the rural areas and have meetings out there, they don't have money to come here. Most of them have to fly, some of them are on the road system, so that would be one suggestion for you guys to consider.

CHAIRMAN TOWARAK: We appreciate that. And, we, ourselves, have had the general discussion of reaching out and sending people out to our regions and to the communities if possible and we hope to come up with a plan. Later on in the agenda we have a discussion about the timing of our meetings and so forth. But we hear you and we're going to -- we're working on a process where it will reach out to all the tribes throughout the state. I might point out, and I agree with you that we don't have a very good representation of tribes here today but on record we've got 19 tribes that have responded to us so far but that's probably 19 more than a year ago so we hope we're making progress and we look to the future where we will be hearing more from the tribes.

MS. TYONE: Yeah, okay, thank you.

CHAIRMAN TOWARAK: We'll take a lunch break and return at 1:30 and we will hear the testimony over the teleconference.

(Off record)

(On record)

CHAIRMAN TOWARAK: We'll hear the folks over the teleconference testimony but I'm going to make an exception here for about five minutes to do his comments on the MOU.

MR. ANDREW: Thank you, Mr. Chair. And really appreciate the opportunity to testify on the MOU and really appreciate moving me up so that I may testify on this issue.

The MOU -- or excuse me, my name is Timothy Andrew, I'm the director of natural resources for AVCP and I'm testifying on behalf AVCP.

The MOU is an important -- a very
important document, we feel, because it has some
various points that the Federal Subsistence Board along
with the State of Alaska has chosen to take venture in
but we feel that there should be a tribal element to
the MOU or it should be perhaps the Federal Subsistence
Board, State of Alaska and a tribal MOU. The reason
why I say why we need a tribal MOU because 99 percent
of our populations in our villages within the Yukon
Kuskokwim-Delta are tribal members and are governed by
their tribal organization, tribal councils and whether
traditional or IRA. And if there's any way that we
could possibly make that work it would add an immense
amount of, probably, harmony the way we do things and
would encourage this Board to incorporate tribes into
the MOU with direct participation.

Thank you, Mr. Chair. Those are my
comments.

CHAIRMAN TOWARAK: Are there any
questions of Mr. Andrew on the MOU.

Go ahead.

MR. LORD: Thanks, Tim. That's an
interesting idea, how do you envision such a document
being constructed considering the number of tribes
there are in the state.

MR. ANDREW: I realize there's over 220
tribes in Alaska, not all of them are affected by the
Federal Management System. But in our area we have
probably about 40 villages that are encompassed in the
Yukon Delta National Wildlife Refuge. There's -- AVCP
is one of the organizations that tribes compact through
and then there's also the Kuskokwim Native Association,
which encompasses the middle part of the Kuskokwim
River. With so many tribes, I wouldn't be opposed to
the idea, you know, depending on various comments from
the various areas but for our region I would be opposed
to perhaps working with the Association Village Council
Presidents and ratification through the AVCP
Conventions that we hold annually.

CHAIRMAN TOWARAK: Any further
questions.

Go ahead.

MS. YUHAS: Thank you, Mr. Chairman. I
know that we're out of cycle here and that I should probably save my comments for the MOU brief but because Mr. Andrew will be leaving I figured this was the appropriate time.

I just wanted to mention that as many times as I've seen this on the agenda I think it's a bit misleading that we simply refer to it as the MOU, that it's on the agenda as MOU update. The MOU that we keep discussing is an agreement between the State and the Board on how we will do our data protocol, how we will relate, what documents we will transfer, and that it tends to lead a lot of the general public in the comments that I have heard that there's an MOU to address relating to everyone and it's really not the case. This MOU doesn't discuss the relationship that's special between the Board and tribes which is being addressed through the tribal consultation protocol without the State's input. While we respectfully listen we haven't contributed to that process because we recognize that that's an agreement on how the Board will relate to the tribes. And so I just wanted to clarify that the MOU that keeps appearing on the agenda is that document, in particular, and if there's a necessity for additional MOUs or additional agreements between the Board and other entities, that it would probably then be different.

CHAIRMAN TOWARAK: Okay, that's more food for thought.

Any further questions of Mr. Andrew.

(No comments)

CHAIRMAN TOWARAK: Thank you, Tim.

MR. ANDREW: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: And we will keep you abreast of the issue.

Okay, thank you for taking time to listen to Mr. Andrew, we will go back to our discussions on the tribal consultation process with Crystal Leonetti.

MR. PROBASCO: Thank you, Mr. Chair. This is the opportunity for those on line and I just wanted to just restate that first we'll let the non-RAC
members testify and I have a list of those and then
after they're completed I will ask the Chair to ask for
Regional Advisory Council comments. So this first go
around will be for the public that are on line and the
first person I have from Ruby to testify on the Tribal
Consultation Policy is Edward Sarten. Edward, are you
on line.

(No comments)

MR. PROBASCO: Edward are you there?

MR. SARTEN: Can't hear me, can you
hear me.

MR. PROBASCO: We got you now.

MR. SARTEN: Okay.

MR. PROBASCO: Would you like to
testify on the Tribal Consultation Policy?

MR. SARTEN: At this time I'll have to
decline, right now, other than I'm all for listening to
the tribes and things that they have to address and
I've been listening also on the information on tribal
council districts. And I would also like to do a
review of people looking at our food system out here in
rural Alaska, and that's basically that's all I'm
prepared to state at this time.

Thank you.

MR. PROBASCO: Thank you, Edward, and
thank you for calling in. Next, I have is Rose Tepp
from Kenaitze. Rose, are you on line.

MS. TEPP: Can you hear me?

MR. PROBASCO: I got you now, Rose, go
ahead.

MS. TEPP: Okay. I spoke this morning
on behalf of the Kenaitze Indian Tribe and mentioned
that we've been rural/nonrural -- rural and nonrural
again. And one of the research -- ISER report came out
and the Kenaitze Tribe wanted to be looked at as a
community within a community on the subsistence issue.

One of the things that I find kind of
ironic here in Kenai, Alaska, is that the dipnetters
are always preferenced before any other group and we,
the Kenaitze Tribe through their -- hello?

MR. PROBASCO: Go ahead, Rose.

MS. TEPP: Through our educational
fishwheel we take less than one percent from the
fishery here in the Kenai and I urge the Board to read
the ISER report. And on the -- I have concern on the
lady that testified over in Tok with the outfit from
Texas that is making deals with the State or Exxon or
whoever it is, that concerns me a lot because this
tribe didn't hear anything about it. Anything like
that that happens we're supposed to be consulted and I
find it disturbing that we, as tribal councils, don't
know anything about it.

MR. PROBASCO: Okay, thank you, Rose.

MS. TEPP: You're welcome.

MR. PROBASCO: The next person I have
is Tim Smith. Tim, do you want to speak on the Tribal
Consultation Policy before the Board.

(No comments)

MR. PROBASCO: Tim, are you there?

(No comments)

MR. PROBASCO: Okay, is Tim still on
line, Jeff?

JEFF: (Nods affirmatively)

MR. PROBASCO: Tim, can you hear us?

(No comments)

MR. PROBASCO: Okay. I'll go next, I
have Lee Kayotuk. Lee.

MR. KAYOTUK: Yes, I'm here. Good
afternoon to the Board and the Council. And for our
area on the North Slope for the tribe in consultation,
with the Federal government, before any changes that
are made or anything that would -- let the city of
village of Kaktovik know so that they would go through
the village of Kaktovik on a regular basis for anything that is changing on our area because we're right smack in the middle of ANWR and anything that deals with tribal or government issues would be important to our village before any changes in matter of definitions.

That's all I have for now.

MR. PROBASCO: Thank you, Lee. The last person I have to testify as a public member or a tribal member is Catherine Moses. Catherine, would you like to speak on the Tribal Consultation Policy.

(No comments)

MR. PROBASCO: Catherine, are you there?

(No comments)

MR. PROBASCO: Catherine, can you hear me?

(No comments)

MR. PROBASCO: Operator, are all lines open?

OPERATOR: Yes, all lines are open.

MR. PROBASCO: Okay. All right, Mr. Chair, if I may can we go to Council?

CHAIRMAN TOWARAK: Sure.

MR. PROBASCO: Okay. This will be the opportunity for Council members that are on line to speak on the Tribal Consultation Policy draft before the Board, and the first person I have is Vince Tutiakoff from Kodiak/Aleutians. Vince.

MR. TUTI AKOFF: Yes, good afternoon, this is Vince Tutiakoff, I'm the vice-Chair of the Kodiak/Aleutians.

I'm happy that we had this opportunity to sit with the Federal Board and discuss the process for having to do consultation issues and getting a policy. One of our Board members, or RAC members was pretty much involved, or was involved a lot in this
process of the policy that we have in front of us
today. Della Trumble from King Cove. And she is not
available today but I want to thank everyone for all
the comments and concerns regarding -- I guess, we, as
a RAC, we discussed this, really didn't get into the
issue of the ANCSA Corporations but it sounds like it's
an issue, may be in conflict, so it's going to have to
be something we're going to have to look at down the
road.

I guess I didn't have any more comments
other than that but we want to see it happen, though.

Thanks.

MR. PROBASCO: Thank you, Vince. Next
is Mr. Jack Reakoff. Jack.

MR. REAKOFF: The Western Interior
doesn't have any additional for the Tribal Consultation
Policy. Are supportive of the draft to date, but I
don't have any further comments on it.

Thank you.

MR. PROBASCO: Thank you, Jack. Next I
have Mr. Bert Adams, Southeast. Welcome back, Bert.

MR. ADAMS: Thank you. Can you all
hear me okay?

MR. PROBASCO: Yes, we can.

MR. ADAMS: Like Mr. Reakoff, I don't
have very much to say about tribal consultation. All I
can say is, you know, it's about time. I know that our
RAC has some issues with the ANCSA Corporations but,
you know, that's nothing that we can deal with at this
time. I think it's something that we need to take to a
higher level. But other than that, you know, that's
about all I have for the tribal consultation issue.

However, Mr. Chairman, I would like to
make a comment about the MOU because in a short while
I'm going to have to go here to another meeting.

CHAIRMAN TOWARAK: Why don't you go
ahead and take a few minutes to give us your thoughts
on the MOU.
MR. ADAMS: Okay, thank you, Mr. Chairman. It'll probably be less than a minute.

But our Council had some issues with the MOU too. I think that, you know, we should move on with this. I'm glad that there is something that is happening with the Federal -- the Feds and the State, you know, at least come to a meeting of the minds on subsistence issues. You know we have this issue of dual management that I hope this MOU will begin to solve. I know that it's going to take some work on both sides but I do believe that it can be done. The MOU, I think, is very critical, you know, to not only tribal governments and the Federal government and, you know, the regional corporations -- or the Regional Advisory Council but I'm really glad, you know, we are moving forward on this because, you know, there was an MOU that was previously, you know, signed off by both the State and the Federal when the State came out of compliance then, you know, things didn't go so well. I have to admire Ms. Yuhas because I've seen some information on meetings that were held and she was the only one from the State that was there and surrounded by all Federal people, so I was happy to see that that, you know, was there and I'm sure that she represented the State very well.

But like I said I have to run I teach a Tlingit class here in a few minutes, so unless anyone has any questions, you know, I have to go, Mr. Chairman.

CHAIRMAN TOWARAK: Thank you, Bert. You used two minutes so you're still on Indian time.

(Laughter)

CHAIRMAN TOWARAK: Thank you for your comments.

MR. ADAMS: Okay.

MR. PROBASCO: Take care, Bert.

MR. ADAMS: Thanks, bye.

MR. PROBASCO: Next I have is Mr. Raymond Stoney from Northwest Arctic. Raymond, are you on line.
I'm real pleased about these statements and the comments the public put out this morning. It takes about four hours, all of my time, and I'm very pleased, and I continue to support this consultation, you know, for a lot of people in Alaska, keep up the good work and I thank you guys very much.

Thank you.

MR. PROBASCO: Thank you, Raymond. And the last Council member that I have on the phone is Rosemary from the North Slope Council. Rosemary, are you still there.

MS. AHTUANGARUAK: Yes, Pete. I want to thank everyone who was involved in this process. It has been a very enlightening process.

I do want to note the difficulties I felt as a tribal person on this process. There were resources that were available to Federal employees working on this process that were not given to the tribal representatives. I mean if we had a resource of being able to talk with the tribal lawyer that would have been very helpful in some of this process. We also did not get to participate in all of these meetings in a face to face basis, which affected our ability to effectively communicate and that's very important when we're participating in this process. There's a lot we can do with teleconference but the void of not having that face to face interaction, being able to effectively say something when you need to say something without the technical difficulties of talking through a line of people is very difficult way to participate if there's an issue that they wanted to bring in this process. This is a very complex issue with multiple ramifications because of the reality we're trying to deal with our lands and waters and the people and the health in relations to the food. And if you separate the life, health and safety of the people and their food from the layers of issues that can implement these things you bring a lot more reasons for tribes to come to the table for failures of understanding the complex issue. I think that a lot of the discussion you heard today supplemented some of these concerns and has to be understood well.

I think that we really gave it a good effort and all of the entities that are involved in
dealing with the lands and waters and people need to be involved in this process. I thank everyone for the help that we received in this process and the testimony from the lives of the people that are going to be living with the decisions that come from this process.

Thank you.

MR. PROBASCO: Thank you, Rosemary.

And, Mr. Chair, before I turn it back over to you let me check one more time.

Is there anybody on line that would like to testify on the Tribal Consultation Policy that has not testified.

MR. NICK: Pete.

MR. PROBASCO: Yes.

MR. NICK: Yeah, this is Alex Nick, Council coordinator for YK. For your information Lester Wilde wanted to dial in this afternoon but unfortunately at this point Hooper Bay power is off and he said he would be dialing in as soon as it gets on.

MR. PROBASCO: Thank you, Alex.

Anybody else who would like to testify that's on the phone that has not testified.

(No comments)

MR. PROBASCO: Mr. Chair. I think we have Judy in the room.

CHAIRMAN TOWARAK: Judy, would you like the floor.

MS. CAMINER: Thanks. Judy Caminer sitting in for the Southcentral Regional Council. I think this was a good discussion today.

Our Council had, also, likewise, a very good discussion on the draft consultation procedures. We had been the beneficiary at our last March -- excuse me, our last fall meeting of hearing the results of the consultation that had occurred on the proposals we were reviewing and understanding it's just the beginning, but it was very valuable so we know it's a great start.
We provided specific, mostly editorial comments, to the policy, and while I don't see that those were actually incorporated, I believe the intent of what we were looking for is contained in the draft document.

Also if I might just make a quick comment on the MOU because I also can't stay the whole time. On the whole MOU process.....

CHAIRMAN TOWARAK: Go ahead.

MS. CAMINER: I believe what our RAC would want and no doubt all the RACs would want is to continually be provided presentations, update and provided the opportunity to give comments. So as long as, and I see it in the briefing paper, we are included in this discussion and genuinely sought after to providing our input, that's what we'd like and we do appreciate it that the Board does this. That's how the system works and that's what makes the system really strong so thank you very much.

CHAIRMAN TOWARAK: Thank you. Your comments on the MOU will be on record.

That takes care of, I think, all of the RACs, we will now go into Board deliberations regarding the Tribal Consultation Policy.

The floor is open for any questions or discussions that Board members would like to present at this time.

MR. PROBASCO: Mr. Chair, if I may. I'd just like to reemphasize a point that Crystal made, is that, this is an opportunity to look at the draft and, of course, it's up to the Board to hopefully adopt, but also keep in mind that this is a living document and that this is like, Mr. Chairman, said we're in the first inning and I think we'll see as we learn more that we will be developing it and editing it so, with that in mind, Mr. Chair.

CHAIRMAN TOWARAK: Go ahead, Ms.

Pendleton.

MS. PENDLETON: Thank you, Mr. Chair.

I just wanted to acknowledge the working group. I think they've done a really good job
in pulling this together with broad representation. I believe that they have met the intent with this draft -- this working policy, this living document to help improve the effectiveness in our consultation, that it's meaningful and that we're getting -- we're having those consultations before, you know, we make a decision and we're weighing and we're considering that input. so I think I feel really good about the document that we have. I do think that as we move forward in developing, you know, more fully the guidelines that careful consideration be giving to insuring that those are implementable, they're practical; both practical and useable for the Board, and just as important for the tribes. Because people are busy and we just have to be very mindful that we're effective in that and when we reach out and that we are truly meaningful, just being aware of how impactful, given the workload of the Board and the number of issues that we take up, so we just need to really give thought to the practicality and insuring that we have something that's implementable.

And, then, finally, as we have talked about, that this is a -- it's a working policy and I think that the Board just needs to be very mindful that we do take that time to evaluate and that we seek input from the tribes on how it's working. And how we do that, if we're going to do that, quarterly, have some discussions at our meetings, we just need to be mindful of how we're going to consider how we can improve this consultation as we move forward. But overall I feel really good and I'm very supportive of where we're at right now with this draft.

Thank you.

CHAIRMAN TOWARAK: Thank you. Go ahead, Mr. Brower.

MR. BROWER: Thank you, Mr. Chair. I'm grateful for the working group on what they have done so far but listening to some of the people that were on the working group, I think it's to be noted that in order to have a better communication on the government to government consultation everyone has to be up front. They cannot keep anything behind from the tribal entities or the other agencies, they need to bring everything up front from the very start from now on, I think. What I just heard was there was a lack of communication, a lack of discussion, paperwork that
wasn't provided to some of the working group, and it kind of makes it hard for them to continue working on this issue like that. I think in the future for better consultation between any of the issues that they need to have everything up front.

Thank you.

But I'm grateful for what they've done so far and I think it's a draft and I think once there's some implementation and amendments to the progress that, you know, it'll be working out fine.

Thank you.

CHAIRMAN TOWARAK: Thank you, Charlie. And, Crystal, do you have any comments about the lack of information on some of the RAC Chairs.

MS. LEONETTI: My impression of what Rosemary was mentioning about lack of access was that the tribal members weren't able to have a tribal attorney at the table when our DOI solicitor was at the table and that felt, from the tribal perspective felt like it wasn't fair. And I think -- but as far as the paperwork, that was all -- everybody was all completely in the loop on paperwork, everybody had the same paperwork.

And then Rosemary made another point about, oh, about having teleconferences as opposed to meeting in face to face, so we did have two teleconferences of the workgroup, the people who are in Anchorage were able to meet in person in a room but the rest of the people from villages had to call in and that did make communication more difficult. That was just a lack of travel funds that caused that barrier. So I agree with her.

MR. BROWER: Mr. Chairman, thank you. And to what you were just saying, you know, there's hardly any transmittal of communication of what's happening with the Federal Subsistence Board that we don't get very much announcements up in the North Slope and it's pretty hard for us to comply or be sitting in these issues. And I think, you, as the Native liaison, need to go out and publicize it more often, too, so there'll be more interjection from the tribes.

Thank you.
CHAIRMAN TOWARAK: Any other comments Board members.

Gene. Mr. Virden.

MR. VIRDEN: Yeah, I would just also like to thank the workgroup for all the effort they put in and some of the ones, traveling from the village, all they go through just to get here to work on this and that didn't, they're doing an excellent job and I'd just like to thank them again.

CHAIRMAN TOWARAK: I personally feel the way I think -- I remember when we first had the major discussion about what do we want in our Tribal Consultation process it was a wide open door and I think we've come a long way in focusing on the process and I think we've got something that we could begin using hopefully soon and as long as it retains its ability to be changed.

And, Crystal, I think you've done a good job with the people on your committee to put this packet together and I appreciate that.

If we don't have any other Board comments and there isn't any -- or.....

MR. PROBASCO: A motion.

CHAIRMAN TOWARAK: Yeah, I guess we need in a motion form, approval of the draft.

MR. BROWER: I so move, Mr. Chair.

MS. PENDLETON: Second that.

CHAIRMAN TOWARAK: You heard the motion and the second, any discussion.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, is there a call for the question.

MS. PENDLETON: Call for the question.

CHAIRMAN TOWARAK: Question's been called for. Do you want to do a roll call.
Final action on the draft of the Federal Subsistence Board government to government Tribal Consultation Policy dated April 27th, 2012.

Mr. Christensen.

Mr. Oviatt.

Mr. Virden.

Mr. Towarak.

Ms. Cooper.

Ms. Pendleton.

Ms. Smith.

Mr. Brower.

Mr. Probasco: Motion carries unanimously, Mr. Chair.

And, I guess we're still working on the timeline that you've outlined for us and it sounds like we're going to have you on just about every Board
MS. LEONETTI: Thank you. It's a good moment so I'd like to say thank you to all the workgroup members and the Board for your support and looking forward to the next steps, this is really great.

Now, there were some recommendations, there were five bullets on the handout that I handed out earlier.

So the bottom four recommendations, we can -- the workgroup can go forward with as far as making sure there's something in the implementation guidelines that cover those. The first one, though, was a request to revise membership of the consultation workgroup, and so I'm looking for some direction from the Board on that.

CHAIRMAN TOWARAK: Personally I don't see any problem in you adding additional requests as in AHTNA's case. I don't see any problem with that. And I -- if it's not objectionable by any of the Board members I'd like to leave that discretion up to you, if you could.

MR. PROBASCO: Thank you, Mr. Chair. I think that would be a good action, I think some guidance though the workgroup would like, I don't think it'll happen but we may get a lot of requests to serve on the workgroup and so I think the intent, when we formed the first workgroup was to keep it in a form that had enough members to be effective and so I think if you leave that up to the workgroup, with that understanding that we want to have an effective workgroup then I think we can proceed.

CHAIRMAN TOWARAK: Is there any objections to.....

MR. BROWER: I just have one question.

CHAIRMAN TOWARAK: Go ahead.

MR. BROWER: Mr. Chairman. In regards to the nomination for tribal and ANCSA Corporations, so whoever wants to be on that working group can have a
MS. LEONETTI: Yeah, well, I think to be fair to all tribes and all corporations, it would be the best process would be to solicit for nominations from the tribes and from the corporations to request to have a person on the workgroup and that would be by a letter or a resolution from the tribe or the ANCSA Corporation. And I guess that's the process that would be most fair, as far as -- and publicly transparent.

MR. BROWER: Mr. Chair. I mean so you're going to write a letter to all 229 tribes and 19 corporations for a letter of nominee to see if anyone can volunteer to be on this working group or is it just interest of tribes and ANCSA Corporations, that they send the letter of intent to be working on the working group?

MS. LEONETTI: I think that's doable especially now that the Board has adopted a policy, we can inform all tribes and corporations that the policy is adopted by the Board and at the same time ask for nominations for the workgroup, if the Board thinks that's a meaningful way to go forward.

CHAIRMAN TOWARAK: My only concern would be some method of equalizing the representation from all the region. You know, perhaps you might want to restrict it to one per region for a tribe and one per region for an ANCSA Corporation, and that would give you two for each region at the max.

Does that sound fair to everyone?

MR. BROWER: Thank you.

CHAIRMAN TOWARAK: Is that enough direction?

MS. LEONETTI: That's good, thank you.

MS. COOPER: Mr. Chair. It was just brought to my attention the possibility that with potential membership of a ANCSA Corporation, whether or not there would be FACA considerations.
MR. LORD: I was hoping to avoid that issue, thank you very much.

(Laughter)

MR. LORD: That's something I think we should move -- I will look at it, but considering the importance of this issue to everybody involved, it's something I think we should -- I think we should move forward as planned and we'll do our best to make sure that there aren't any problems.

CHAIRMAN TOWARAK: Further discussion.

(No comments)

CHAIRMAN TOWARAK: Thank you, Crystal, for all the good work you did.

Go ahead.

MR. PROBASCO: We still want Crystal to be the Chair, right, one of the co-Chairs?

CHAIRMAN TOWARAK: I think the co-Chair system that you had developed worked well and I think it should be maintained.

MR. PROBASCO: And I'm sort of doing this tongue and cheek, I know that Crystal has a huge workload and I think we need to look at that but we'll report back to the Board either way.

CHAIRMAN TOWARAK: Thank you. Then we will proceed to the next item on our agenda, discussion on scheduling RAC and FSB meetings. I think you have starting -- is it regulatory cycle review packet.

MR. PROBASCO: Chuck.

CHAIRMAN TOWARAK: I think in general we're all familiar with it but let's take a minute to read through at least the issues portion.

(Pause)

CHAIRMAN TOWARAK: I'm sure that we're all -- I think, Mr. Ardizzone, you're going to walk us through the discussion that you put into this briefing paper.
MR. ARDIZZONE: Yes, Mr. Chair, it should only take an hour or two.

(Laughter)

MR. ARDIZZONE: No, I'll be brief. Everybody has the briefing in front of them.

During this past regulatory cycle we had a number of Councils request some changes to the fall meeting window and also to the time that the Board meets in January. They suggested that the meeting cycle could be moved into November after subsistence activities are finished in the fall and they also requested that the January Board meeting be moved to later into the year, possibly as late as April and May, and that's for a number of reasons. So what I did, based on a request from the Board, at the recent retreat, was go back through some of the history of where we are and I'll just go over that quickly so everybody knows how we got where we're at and I did make a few recommendations later on in the briefing.

So in 2003 a committee reviewed the regulatory cycle. The committee examined the historical timing of the Regional Council and Federal Subsistence Board activities and identified what was working well and where improvements could be made. The committee developed alternatives to address the issues and concerns that were brought up during the review. During the review one of the issues addressed was the timing of Regional Council and Federal Subsistence Board meetings. And because of the review several changes were implemented. The first change was the fall meeting was expanded. Historically the meeting window was approximately five to six weeks long and ran from early September to mid-October. The meeting window was expanded based on the review to mid-August to mid-October, adding approximately three weeks to the fall meeting window. However, since 2003 we have made an effort to allow meetings to occur later in October if possible. The second change was the effective date of the fish and shellfish regulations was moved from 1 March to 1 April. And the third change made from the review was the Federal Subsistence Board meeting for fisheries was changed from December and moved into January.

Historically the Federal Subsistence meeting for wildlife occurred in May, however, often
there were problems getting regulations published and
distributed in a timely manner. To insure that
regulations are published in the Federal Register and
in the handy-dandy and distributed prior to 1 July, the
effective date -- excuse me, it's recommended that the
Board could move the Board meeting for wildlife as late
as April, this would still allow Staff some time to
prepare materials for the Federal Register and the
handy-dandy and get the regulations out before July
1st. Additionally, if the Board so wishes, I believe
at least for the wildlife side of the house, we could
move the meeting cycle a little later into November,
especially if we move the January Board meeting to
later in the year. I would kind of link those two, you
wouldn't want to move the fall meeting window later and
not move the Board meeting because that would really
put a crunch on Staff.

For the fisheries side of the house,
the fish and shellfish meeting was usually held in
December and fish regulations were effective 1 March,
but based on the review in 2003 both those dates were
changed. The Federal Subsistence Board was shifted
into January and the effective date for fish and
shellfish regulation was changed to 1 April. Based on
the current effective date for fisheries of 1 April, it
is impractical to change the Federal Subsistence Board
meeting date any later than early January. Doing so
would not allow Staff the time to finalize regulations
and get them published in the Federal Register and in
the handy-dandy. Just as a side note in recent years,
moving the regulations through the surnaming process in
D.C., has taken considerably more time and that needs
to be accounted for if we're going to adjust the
meeting dates or effective dates. Currently the
effective date for the regulatory years are in
regulation in 50 CFR 100.25(a) and if the effective
dates are changed we would need to go through the
regulatory process to change the dates, so, therefore,
unless the Board desires to change the effective date
for fisheries, the current regulatory cycle should be
maintained.

And, I guess, I'm here to answer any
questions if I can and help facilitate any discussion.

Thank you.

CHAIRMAN TOWARAK: Go ahead, Pete.
MR. PROBASCO: Thank you, Chuck, that was a good summary. I would just add that we had numerous Council Chairs and Council members ask us to take a hard look at that and I think we can accommodate part of it, particularly on the wildlife cycle, but as Chuck said, the fisheries cycle would take a little more effort, on our part, if we wanted to make those changes, particularly in the effective date of the fish regulations. Keep in mind a lot of our subsistence fisheries are well on their way by early May, so we need to -- if the Board's desire is their action to be effective next immediate season then we need to take that into account.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: The floor is open for discussion or questions to Mr. Ardizzone.

Go ahead, Ms. Cooper.

MS. COOPER: Mr. Chair, just a question. Have the RACs actually been queried so that we can get a full understanding of where each of the RACs, what they would prefer, rather than just a few members or a couple RACs voicing interest?

MR. PROBASCO: Thank you, Mr. Chair. Ms. Cooper. No, they have not. We do have some Council Chairs on line and I think we should involve them in the discussion. But to get at the information you're talking about, the next opportunity would be this fall.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: I think we'll open the floor, if there's any comments from the Regional Councils.

MR. PROBASCO: Operator, would you please open the lines.

OPERATOR: All lines are open.

MR. REAKOFF: Mr. Chairman. This is Jack Reakoff, Western Interior Council.

CHAIRMAN TOWARAK: Go ahead, Jack.
MR. REAKOFF: This was an annual report topic in our letter to the Federal Subsistence Board outlining the need for the change, especially with the implementation of the tribal council process and just to generally streamline this whole Federal subsistence process.

I reviewed the recommendations by OSM and I feel that it's premature, as one of the Board members stated, none of the RACs have actually been asked of what their opinions are on this issue. I feel that all of the Regional Councils should be given an opportunity with different options, and, including all of the options, which would be moving the fisheries regulations publication and implementation to July 1, which frees the whole system up to move the dates around to where these meetings, the Federal Subsistence Board synchronize in early April, would be a preferred time for the meetings of the Federal Subsistence Board.

So I feel that there are some issues that need to be addressed. The looking at speeding up the D.C., publication process would be one of those. You know, the burden should be upon the process, not upon the users to accommodate the portion of the D.C., publication. The discussion should revolve around all subsistence Regional Advisory Council members, and that should be addressed in this fall meeting cycle so all the Councils can see what the issues are that Western Interior is bringing out and then adopt a stance to bring before the Federal Subsistence Board to better accommodate the subsistence Regional Advisory Councils, the Federal Subsistence users themselves and the Federal Subsistence Board and OSM Staff.

Those would be my comments at this time.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Reakoff. I've got a question. If dates were changed as he outlined as an example, would it affect our effective dates to be pushed back a year? I'm not -- I see a question mark on your brain.

MR. PROBASCO: Yeah, a big question.....

CHAIRMAN TOWARAK: I don't know if
that's clear enough but would -- let me just ask Chuck
or anyone on this table, if we rearrange all of our
meetings and made the effective dates a year later
would we be able to better accommodate people's
requests for timely meetings?

Go ahead, Pete.

MR. PROBASCO: Mr. Chair. I think the
key here is when you want to make regulations
effective. I think everything that Mr. Reakoff stated
is doable within our current system, it's just when do
you want the -- the big issues is fishery regulations,
when do you want them to become effective. If we moved
it to July 1 you would have existing regulations stay
in place for that first part of the season and then the
new regulations would kick in July 1. If there was
something of conservation concern or something of a
significant impact to subsistence users, we do have
other tools that would allow us to implement the
Board's direction prior to July 1, like you could do a
temporary special action or a special action, so we
have the tools to do it.

I think the key, I agree with Jack, I
wished we could go down to D.C., and do some arm
twisting and kicking to make things move faster but
once it leaves our office or leaves the Federal Program
it's out of our hands as far as timeliness so that's --
you know, it's just the way they work down there, so we
still have to consider that. But I do agree with you,
Jack. But everything Mr. Reakoff pointed to we can do,
it's just making the July 1 regulation -- or make that
effective date we'd have to go through the regulatory
process. Doable, fairly -- I don't want to say simple,
but it's very doable and it could be done expediently.

CHAIRMAN TOWARAK: Do we need action?

Go ahead.

MS. CAMINER: Thank you, Mr. Chair. I
don't mean to displace anybody on the phone, though, if
anyone else wanted to speak first.

CHAIRMAN TOWARAK: Go ahead.

MS. CAMINER: Okay. Well, thanks.
This did come up at our RAC meeting also and it's also
been my observation that over the years that many RAC
Chairs or meeting participants are unable simply to
attend the meeting because of the severity of the weather, we usually have that very cold snap that sits over the whole state, makes transportation either unsafe or if it is available, still a real hardship, I think, for people to leave home considering the damages that could occur while they're away. So that's certainly one of the reasons that our Council felt this work discussing. And I really believe our Council would prefer to see a variety of options sent around to all the Councils to be looked at, perhaps this fall, because there are more options than have been developed here, I'm sure. If you get a group of people together and come up with a mix of ideas, I think you could come up with several good ideas for all the RACs to consider and get full feedback to the Board. So I urge you, today, to maybe not make any final decisions on this but to look at receiving a wider variety of input.

I also think that -- and I'm glad Chuck brought this up, when you look at the schedule it looks like it takes about two and a half months between the fisheries meeting and the publication of the regs and wildlife four and a half months, so I think there is some flexibility in the wildlife schedule as is but I do think it's worth looking at a different effective date of the Federal fishing regulations. They're in place for two years anyhow so, you know, if you're worried about the start of the season it'll work out and there are ways, as Pete mentioned, in the interim.

I also felt like most of the reasoning for not changing it is the delay in Washington. Now, in the old days we did send a Staff person back to really walk these regulations literally through the labyrinth of how it is back there and that might be something that the Board could consider doing again. You have five regional directors represented here so they could speak with headquarters and try to get some help either from folks who work in D.C., to help on this package and I know Ken works hard to get it done, too and it's difficult, but the message to subsistence users could be perceived as it's much more important to not inconvenience people in Washington, than to have us try to come to a meeting at a time where we have to skip some of our hunting or fishing, and, that, I know, is not the message this Board wants to send to subsistence users.

So I think those are the main points that our Council was interested in covering. We are
very much interested in a change in the meeting
schedule because it's -- it is difficult for people to
miss some of their hunting season to come to the RAC
meetings.

So thanks for the consideration and I
hope you'll send this out to all the RACs and get some,
perhaps, better ideas.

CHAIRMAN TOWARAK: Thank you. And I
just looked at the agenda and it is just a discussion
on scheduling of RAC and FSB meetings, so I think we're
here to, I think, express our opinions of where we
should go.

Go ahead, Mr. Ardizzone.

MR. ARDIZZONE: Yes, Mr. Chair. I was
going to bring that up, this -- I thought my assignment
from the Board was just to review things, come up with
some possible ideas and we would move on further with
it. I don't think there was any -- I didn't believe
there was any decision to be made on this, it was just
to provide us with some more guidance on what to do.

CHAIRMAN TOWARAK: Okay. We will -- go
ahead.

MR. LORD: Mr. Chair. I thought a
little bit of explanation might be helpful with regard
to Federal Register publications. In the old days we
could walk things through in three weeks or something
like that but it's not just that we have changed how we
do things here, it's also that there are extra layers
of review that have been imposed in D.C., the last few
years that have really slowed things down, it's been a
frustration not just for this program, but for all the
agencies. So it's just -- I don't know if it's
impossible but it's nearly impossible to get things
published any quicker than six or eight weeks now,
maybe even longer.

CHAIRMAN TOWARAK: Go ahead, Ms.
Pendleton.

MS. PENDLETON: Mr. Chair. I
appreciated Judy's comments and perhaps one next step
could be to have the InterAgency Staff Committee work
with OSM on some options and a briefing paper that
could then go out to the RACs this fall and be fully
vetted with the RACs and then come back to the Board for a decision.

Thank you.

MR. PROBASCO: I think, Ms. Pendleton, what you suggested and sort of stems off what Ms. Cooper said, is the way I would think would be wise to proceed.

MS. PENDLETON: Uh-huh.

CHAIRMAN TOWARAK: Ms. Yuhas, go ahead.

MS. YUHAS: Thank you, Mr. Chairman. I just wanted to state that the State is pleased to see some of the suggestions come up in this draft. We've expressed previously a longstanding concern over the users needing to miss hunting and fishing seasons to attend the RAC meetings, but also as a coordinator who liaisons to the program, at times there have been hardships in the review process on behalf of the State. We've felt, as some of the RAC members have felt, that the material is produced in its final in a very short window, especially before a RAC meeting. And on my end, I don't just have one Board member to consult with but I have a team to assemble of all of our affected directors, the Commissioner's office and sometimes the D.C., office, and that window can be very narrow to coordinate the State's position prior to a RAC meeting to be able to fully explain that to the members or some of the instances where we have had a fully formed opinion, but it's been difficult to convey that to a RAC member who received their materials late. So we're pleased to see some of the suggested changes and appreciate the work that's been done on this.

CHAIRMAN TOWARAK: Just think what a Constitutional Amendment would do.

(Laughter)

MS. YUHAS: I think you remind me of that every meeting.

CHAIRMAN TOWARAK: Any further discussion.

(No comments)
CHAIRMAN TOWARAK: If not then you have
enough, I think, information to proceed and I think the
suggestion of Ms. Pendleton of getting the ISC and
review the options again and come up a plan for -- is
it the fall meeting?

MR. ARDIZZONE: Yes, Mr. Chair, I have
that written down.

Thank you.

CHAIRMAN TOWARAK: Thank you. We will
now go on to Item 7, the MOU update. Earlier we had
listened to both Tim Andrew and to Bert Adams and Judy,
thank you for being here.

We will start then from the beginning
and review the presentation.

MR. KESSLER: Good afternoon, Board
members, Council Chairs and others. I'm Steve Kessler.
I'm on the InterAgency Staff Committee representing the
Forest Service. And along with me is Sandy Rabinowitch
from the Park Service and Jennifer from the State of
Alaska.

So we're here to provide you the status
update on making revisions to the MOU between the
Federal Subsistence Program and the State of Alaska.
Hopefully everybody has a copy of this short briefing
paper. I won't go into a lot of detail of how we got
here today just on where we're heading, however, I do
want to point out to everyone that this review was
triggered by the Secretary's review of the Federal
Subsistence Program. In their December 2010 letter to
the Board, the Secretaries directed a review with RAC
input, and this is a quote, review with RAC input, the
December 2008 Memorandum of Understanding with the
State to determine, either the need for the MOU or the
need for potential changes to clarify Federal
authorities in regard to the Subsistence Program.

So the comments have been requested
from the Regional Advisory Councils and from, I know
some of the State Advisory groups, with those comments
the State, Jennifer, and Federal and that's Pete
Probasco, Sandy Rabinowitch, Jerry Berg and I were the
Memorandum of Understanding working group members,
we've met twice over the winter to review those
comments and others and developed proposed
modifications to the 2008 MOU.

A revised version of the MOU is being prepared for the Board's review, which will include notes, providing rationale for each recommended changes. It is anticipated that this will reach the Board in early summer.

So just any general questions about where we are before we move into this proposed schedule that's on your one page flier here?

(No comments)

MR. KESSLER: So as you take a look at this proposed schedule, this is consistent with the timeline we've spoken to the Board about previously. So from May 2012, that's this month, we, as a working group, planning on agreeing on a revised version of the MOU with notes providing rationale for each of the changes. June/July, this will be provided to the Federal Subsistence Board and to the State for your review and approval to move forward with Regional Advisory Council and Advisory Committees, as the State wants to have them review. We plan to have your approval, review and approval at a work session in June or July. In August through October, the draft MOU, revised MOU would go to the Regional Advisory Council and State Advisory Committees and they would review it and provide comments.

Do you want to say something, go ahead.

MS. YUHAS: Yes, that's just where I have my note as far as the timeline that we had agreed when we initiated this process that it would be sent to the RACs and the ACs and with our scheduling, a few will have the opportunity to see this in October, before November, but the majority of our Advisory Committees will commence in October and be meeting through November, December to look at the next version.

MR. KESSLER: Thank you. There's a question that we do need to address on consultation with tribes and corporations. If this is the same appropriate time to do that, sort of more of an early process rather than later on where you see in January, we would have consultation just before the final action is taken but whether there should be consultation with tribes and corporations during the similar time period
as with Regional Advisory Council and also something
else that we might want to have a little bit of
discussion around the table is whether there would be a
public opportunity for comment on this draft that we're
putting together also.

MS. YUHAS: Sorry to interrupt there,
Steve, we didn't actually have a meeting to prepare
prior to this and so a couple of my questions have
arisen just from Mr. Kessler's testimony but two of the
items here, this is a public document that's undergoing
a public review at the behest of the Secretaries and so
my expectation, from the State's perspective, would
be that all parties would, of course, have an
opportunity to comment on these as they're part of the
agenda.

I am a little confused, I know that
we're trying to make sure that it's known that there
will be tribal consultation on all of these issues but
I'm not sure that if it needs to be expressed in this
section. My understanding of the tribal consultation
process would be that it would be universally applied
to the things that are on the agenda so items before
you and items before the RAC would undergo the tribal
consultation process and if the Board and the RACs feel
the need to inform the State that this is yet another
document that is subject to the tribal consultation
process, I would think it would remain in the arena of
tribal consultation protocol. It seems a little
muddled, kind of peppering it in several areas.

MR. PROBASCO: Thank you. And I think
what Mr. Kessler alluding to, once we provide materials
to the Regional Advisory Council that is our public
process, which involves all of the entities so this
would be provided not only to the Councils, but also
the public as well. I think what Mr. Kessler is asking
for is clarification on how do we insert tribal
consultation because we developed this timeline prior
to what's been passed today. So I think that's what
Mr. Kessler's asking at this point, is where do we
insert tribal consultation, early in the process or
later.

MR. KESSLER: And as we, you know,
think about this, one way that tribal consultation
could occur is actually at the Regional Advisory
Council meetings but then who would the tribes or
corporations be consulting with, would we wish to have
a Board member at each of those meetings or anyway that discussion is something that perhaps you'd like to talk about a little bit, still today.

Just quickly going through the rest of this schedule, after we receive all of those comments from the Regional Advisory Councils, perhaps some tribes, corporations, public, I'm not sure how we would have to modify the schedule here based on the timing of the State Advisory Committee meetings, but the intent here is that the working group would take all of the comments they've received, review them all, see if we can come to resolution on an agreement on sort of a final draft, then bring that to the signatories, this is what I've shown November, December. The Board would meet separately from the State, have an opportunity to discuss the MOU and raise any additional issues that you might have with the working group. The working group would then work to resolve those issues and then hopefully it would all be ready for the January 2013 meeting of the Board where we would hope to be able to have both the Board meet and the State signatories together for some period of time there and sign it, or direct some changes and then agree to sign it based on those changes having been made.

So that's just sort of what the schedule would need to look like in order to have a finalized revised Memorandum of Understanding by January of 2013. Depending on how we incorporate Advisory Committees and others that might be difficult.

CHAIRMAN TOWARAK: Any questions from the Board.

(No comments)

CHAIRMAN TOWARAK: Pete.

MR. PROBASCO: Thank you, Mr. Chair. Board members, just to follow up on Mr. Kessler's question, I think we would want to use the opportunity of our Council meetings to also provide the opportunity for tribal consultation and I think Steve's suggestion of having Board representation at these Council meetings is important to meet that, so I think that's the type of direction we're looking for.

Mr. Chair.
CHAIRMAN TOWARAK: Any comments. Good idea. Bad idea.

(No comments)

CHAIRMAN TOWARAK: Personally I'd make time available myself to attend any of the meetings.

MS. PENDLETON: Mr. Chair. I was just going to support Pete's suggestion, I think that's a good idea. And we'll have a couple of items with this next round of RAC meetings, too, with the tribal consultation and I think it will be really important for the Board members to attend one or more of those, to be present for those consultations.

CHAIRMAN TOWARAK: And now that we've got kind of a broader distribution of our Board members, it doesn't hurt to look at regionally splitting up the attendance at these Council meetings. I know that there's concern about us developing regional biases, you know, looking at statewide issues but in this case I don't think there would be any cause for, on my part anyway, of concern about developing regional biases. If we -- it fits into also with the mandate at the last meeting, that we are helping the Secretary to look at his budget and it would be a form of cost savings rather than one Board member flying from one end of the state down to the other when we have regional members in that area already. I'm talking about Southeast and Barrow.

(Laughter)

CHAIRMAN TOWARAK: Would there be any objections to looking at doing something like that from the Board, to regionally spread ourselves throughout the state.

(No comments)

CHAIRMAN TOWARAK: If not then we will proceed with that plan.

MR. PROBASCO: Mr. Chair. Our next item that when we get to it, and I don't want us to go off the MOU yet but we are going to be asking the Board members to look at a summer date for a work session, one will require us into executive session to look at the Council nominations, which would be sometime in
July and then Steve spoke about having a work session to review the MOU. So we might want to look at trying to combine them, but I think we need to hear first what Mr. Johnson -- Carl Johnson would have on the Council nomination timeline and then take a look at our calendars.

Mr. Chair.

CHAIRMAN TOWARAK: Thank you. We'll proceed then. Go ahead, Mr. Kessler.

MR. KESSLER: Yeah, just one other issue is, and that is the question of whether we would open up a public comment period at the same time as essentially the Regional Advisory Council window for all those others who would want to provide comments to the Board besides RACs and tribes and corporations.

CHAIRMAN TOWARAK: I think it would be good to let them all know.

Did you have some comments?

MS. YUHAS: I had planned to save them for this portion and then brought them up under Mr. Andrew's testimony but I did think that we might want to, for the public's sake, provide a little more clarification in our agendas. Even back at the Department some folks have questioned the agenda to say what is this MOU, is this our MOU, which MOU is this, and we tend to refer to it as the MOU, but each of the agencies that are present have several MOUs with several different entities, sometimes between each other, sometimes with the State, sometimes with another entity and I just think it would be helpful if on our future agendas and our future reference we could refer to it as the MOU between the State and the Board.

CHAIRMAN TOWARAK: I think that's a good suggestion to give it a specific title.

MS. YUHAS: Or use its existing title. It has previously been the State/Federal Subsistence Board MOU.

CHAIRMAN TOWARAK: Yeah, I think it would clear everyone's mind, otherwise someone might turn it into a rap song.
Okay, any other discussion.

(No comments)

CHAIRMAN TOWARAK: We've got direction then.

Thank you very much. We will proceed on then. Looking at the agenda, do we want to take care of Mr. Johnson and the Council nomination process before we go into ending with the executive session.

MR. PROBASCO: I think that would be wise, Mr. Chair, and then we could take a break in between -- after this one.

CHAIRMAN TOWARAK: Right. Mr. Johnson, you have the floor for discussion on the Council nomination process.

MR. JOHNSON: Thank you, Mr. Chair. Members of the Board. My name is Carl Johnson, the Council Coordination Division Chief at OSM, and Melinda Hernandez, one of our Council coordinators is handing around to you, right now, what is identified as a draft Council nominations timeline for 2012.

Now, obviously a lot of this is already under way, over half of the nominations panels have already met and made their recommendations and are preparing their reports for the next phase, which would be consideration by the InterAgency Staff Committee. Now, these are just proposed timelines based on previous years cycles about how these things are spread out throughout the year. The key thing from what I have seen of the past is kind of the space in these in between the InterAgency Staff Committee meeting, when they meet and receive the panel's and discuss the reports and question the Council coordinators and myself, and then the time between that and when the Federal Subsistence Board would then meet, have a work session to go over the ISC recommendations. So typically that's around four weeks. So whatever the Board decides regarding when is appropriate date for it to have its work session, there would -- I would suggest need to be some coordination with the ISC so that they are able to also then schedule their meeting and coordinate the two meetings scheduled so there's an appropriate amount of time in between in order for the work to be accomplished to prepare for the Board.
MR. PROBASCO: So, Mr. Chair, as Mr. Johnson has laid out is our timeline. We're looking for a work session where we would encompass the nominations part which would be done in executive session and then open to the public, possible discussion of the MOU, and where the Board wants to go with that. So tackle both issues at the same work session in July.

Mr. Chair.

CHAIRMAN TOWARAK: Are there any questions or discussion on the dates.

MR. CHRISTENSEN: Mr. Chair.

CHAIRMAN TOWARAK: Go ahead, Mr. Christensen.

MR. CHRISTENSEN: So that work session would be July 27th on this timeline?

MR. PROBASCO: What Mr. Johnson provided was just based on the past. It could be July 27th or it could be a different date.

MR. CHRISTENSEN: Oh, okay, I was just looking at my calendar.

MR. PROBASCO: Yeah, we're trying to get you guys to give us that date.

MR. CHRISTENSEN: Oh, yeah, that's a conflict for me so I was just checking it out.

MS. COOPER: Mr. Chair. I understand that July 27th or something that late in July in would be a little too late for that MOU group, so we need to look earlier in July.

CHAIRMAN TOWARAK: Do you have any open dates in July, Mr. Christensen or does anybody have any conflict with earlier in July?

MR. CHRISTENSEN: The 16th through the 20th would be fine.

CHAIRMAN TOWARAK: It's open.

MR. CHRISTENSEN: Yeah. That's when I
go sockeye fishing but I'll make the sacrifice.

(Laughter)

MR. BROWER: I got to plan on doing my
(microphone off)

CHAIRMAN TOWARAK: Isn't that toward
the end of July, no, the 20th of July.

MR. BROWER: I think so.

CHAIRMAN TOWARAK: Go ahead, Mr.

Johnson.

MR. JOHNSON: Thank you, Mr. Chair.

Again, I'll just kind of mention this timeline is based
on previous year cycles and typically the amount of
time in between the compilation of the nominations
panel reports and the ISC meeting is around six weeks,
so, again, how we're kind of backing things up and
where we would ever put the meeting for the Federal
Board to discuss these issues, from what I -- my
experience in viewing this and talking with other
people, this is my first nominations cycle, is that the
work, that six weeks in between the panel reports being
completed and the ISC meeting is a pretty busy time and
I believe that that time is necessary to use in order
to prepare for an ISC meeting. So just wherever you
put the Board meeting, I think it's just important to
remember the amount of time that each step needs to be
so it could be pushed back but if it got too early in
July then I would be concerned -- if the Board held its
meeting fairly early in July I'd be concerned whether
or not the work that's required up to that point would
have enough time to be completed.

Thank you, Mr. Chair.

MR. PROBASCO: Mr. Chair. How about
July 18th.

CHAIRMAN TOWARAK: It's good for me.

MR. BROWER: Yeah.

MR. CHRISTENSEN: I'm here.

MR. BROWER: Yep.
MR. CHRISTENSEN: Mr. Chair.

CHAIRMAN TOWARAK: Go ahead.

MR. CHRISTENSEN: Is there a reason it couldn't be moved to the following week, first of August, too late? So it has to be within those two weeks?

MR. PROBASCO: Mr. Chair, if I may.

CHAIRMAN TOWARAK: Go ahead.

MR. PROBASCO: Keep in mind what we're trying to do, Mr. Christensen, is that we're trying to package both the discussion of the MOU and the nominations and the key is that we have to prepare whatever MOU document for the RAC meetings which start in August.

MR. CHRISTENSEN: The 18th is definitely better than the 27th.

CHAIRMAN TOWARAK: Go ahead, Mr. Virden.

MR. VIRDEN: Could we -- could you poll us when we get back to work, I mean do we need to do it today?

CHAIRMAN TOWARAK: Go ahead.

MR. PROBASCO: Mr. Chair. We can poll, Mr. Virden, but you know how that goes, too, is like everybody throws dates at us and then they rarely coincide and it's been real effective if we had everybody together to juggle their calendars, so it's a lot more work on my part, but I can do it.

CHAIRMAN TOWARAK: Why don't we say July 18th unless we hear otherwise in the next week.

Go ahead.

MS. SMITH: Mr. Chairman. I think that's a good idea to sort of pick a date and then let people check and get back to Pete. But we may also want to do a polling of the InterAgency Staff Committee to be sure that that date works for them because I think there may be some conflicts there as well.
CHAIRMAN TOWARAK: Okay. The Chair has decided that we're going to meet on the 18th of July.....

MR. PROBASCO: There we go.

CHAIRMAN TOWARAK: .....unless a major conflict comes up within the next three days.

MR. CHRISTENSEN: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Is that it?

MR. JOHNSON: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Thank you, Mr. Johnson.

MR. PROBASCO: Take a break before we go into executive session.

CHAIRMAN TOWARAK: Yeah, let's take a five minute break and then we will go into our executive session. And for the record let's get a motion on to go into executive session.

MR. BROWER: I so move.

MS. COOPER: Second.

CHAIRMAN TOWARAK: You heard the motion and a second and it will be after our 15 minute break.

MS. YUHAS: Thank you, Mr. Chairman. Since I won't be part of your executive session and I'll be leaving since I am not a real seat at the table here, just the non-voting consultation, I just wanted to leave you folks with a note that I have enjoyed working on the MOU working group that, although, as Mr. Adams pointed out, it's previously been a team of six Federal folks and four State people and I find myself the only one in the room and we've had some pretty diverse opinions, we've had some pretty pointed discussions but things have remained very respectful in keeping with the way that you run your meetings, we've been candid but there's been a lot of respect in those meetings and I have appreciated the working process.

CHAIRMAN TOWARAK: Thank you. And we appreciate your input into the process.
Is there any objection to the motion.

(No objection)

CHAIRMAN TOWARAK: The motion passes that we will have an executive session in 15 minutes.

(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

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

I, Salena A. Hile, Notary Public in and for the State of Alaska, do hereby certify:

THAT the foregoing pages numbered 2 through 103 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically on the 9th day of May 2012, beginning at the hour of 9:00 a.m. at the Gordon Watson Conference Room, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

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

DATED at Anchorage, Alaska, this 18th day of May 2012.

________________________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14