FEDERAL SUBSISTENCE BOARD TRIBAL CONSULTATION

PUBLIC MEETING

Egan Convention Center
Anchorage, Alaska
October 20, 2011
1:00 p.m.

FEDERAL BOARD MEMBERS OR REPRESENTATIVES PRESENT:

Tim Towarak, Chairman Federal Subsistence Board
Geoff Haskett, U.S. Fish and Wildlife Service
Steve Kessler, U.S. Forest Service
Gene Virden, Bureau of Indian Affairs
Sue Masica, National Park Service
Ted Murphy, Bureau of Land Management

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC
135 Christensen Drive
Anchorage, AK 99501
907-243-0668/sahile@gci.net
PROCEEDINGS

(Anchorage, Alaska - 10/20/2011)

(On record)

MS. K'EIT: Good afternoon, everybody. This is Kristin K'eit and I'm on the other side of the room if you're looking around. If you wouldn't mind finding a seat and getting settled here in the next minute or two, we will be getting started.

As you can see, the microphone I'm talking on we have similar ones around the room for you to use and we really need folks to use a microphone when they are commenting to make sure that our transcriber over here near the PowerPoint screen can hear you when you provide your comments. We'll be able to remind you throughout the session. There are Federal Board members and Staff interspersed throughout the room that can help folks with the microphones as well.

In just a moment we will go ahead and have our Chair of the Federal Subsistence Board do some welcoming remarks and then we'll move forward with our activities for the afternoon.

Thank you.

CHAIRMAN TOWARAK: Good afternoon. My name is Tim Towarak. I'm the Chairman of the Federal Subsistence Board. I've been on about a year, almost a year. I want to welcome all of you. We asked to put this meeting in a circle so that we could feel free to talk amongst each other.

A point of process. When you want to speak on your microphone, you need to press the button right in front of you and the red light will come on and this red light will show which speaker is on.

Welcome to this tribal consultation process. You will hear a little bit more about it from Crystal. She's going to give an explanation of what kind of process we hope to use. At a Board meeting maybe three or four months ago the Board reviewed a need for the consultation process brought on by an Presidential Order by President Obama.
Every Federal agency will develop a communication system with tribes. I know there's been some consternation and there's probably going to be some discussion about corporations being considered tribes. For your information, the Federal Subsistence Board has no authority over -- or we can't change that. We've been given an Executive Order by President Obama to develop a consultation process. The Executive Order guides our direction and we have no choice but to listen both to tribes and to corporations as tribes.

You are free to express your comments and your feelings about that, but I think the proper people to talk to about that would be our legislative congressional representatives, Senator Murkowski, Senator Begich or Representative Don Young. They have the capability of changing that. We don't. So I just wanted to explain that.

With that, I'm going to turn the rest of this meeting over to Sue. I've been asked by the two co-chairs of AFN to go back to AFN. They're going to nominate new co-chairs at 1:30 and they asked me to chair that. They wanted a neutral person to do it and I felt pretty good being in a neutral position to do that, so I'm doing it as a favor to both Albert Kookesh and the other co-chair.

So, with that, feel free to speak and we really want to hear from the tribes. I don't see any corporation people here, so we probably won't be hearing from them, but if you want to speak on behalf of a corporation, you're welcome to. It's an open floor discussion and we wanted to make it as comfortable as possible for everyone.

Perhaps we ought to just ask each of the Board members that are here to stand up and introduce yourself so that you know who the Board members are. Starting with Sue -- or let's go around the other way.

MS. K'EIT: Thanks, Tim. I'm Kristin Holzinger K'eit. I work for Bureau of Indian Affairs and I'm often the alternate to the Federal Subsistence Board for our regional director.

Thank you.

MR. KESSLER: Hi, I'm Steve Kessler.
I'm with the U.S. Forest Service. I'm representing Regional Forest Beth Pendleton, who is our Board member on the Federal Subsistence Board.

MR. HASKETT: Geoff Haskett, Regional Director of Fish and Wildlife Service.

MR. VIRDEN: Gene Virden, Regional Director of Bureau of Indian Affairs, Alaska.

MR. MURPHY: I'm Ted Murphy, alternate for Bud Cribley, State Director of BLM.

MS. MASICA: I'm Sue Masica. I'm the Regional Director for the National Park Service.

CHAIRMAN TOWARAK: Thank you. I should point out too that we have Pat Pourchot from the Department of Interior, Secretary's Office, here in Anchorage. With that I will turn the rest of the meeting over to Kristin. I will return as soon as I'm done over there. I want to spend the rest of the afternoon over here too.

MS. K'EIT: Thank you, Tim. Just a couple announcements before we move forward. Most of you are familiar with the Egan Center, but just a reminder restrooms are back behind you there in that south direction and we do have coffee this afternoon and hot beverage, I think tea, over there. If anyone needs a place to sit, I've got a few seats here and if you're worried about getting out quick, there's a red exit sign marked behind me. Be sure to make yourself comfortable. When you do take the time to make comments or pose any questions, be sure to introduce yourself, including your name and what organization you may be representing this afternoon.

We are going to have on our agenda a brief PowerPoint, just a few pages or so, to kind of give you the background on this process for the Federal Subsistence Board and where we're at now. I want to remind you that there will be another in-person consultation session at our BIA Tribal Service Providers Conference. That session will be December 1st. It's a Thursday. It will be in the afternoon and it will be highlighted on the agenda for this subsistence session, the BIA subsistence program.

With that I will go ahead and turn
things over to Jean Gamache and have her introduce herself. Thanks, Jean.

MS. GAMACHE: Thanks, Kristin. Sorry for the technical difficulties here. We're trying to make a copy of the interim protocol. As Kristin mentioned, my name is Jean Gamache and I'm the Alaska Native Affairs liaison for the National Park Service. I'm just going to go over very quickly some background information to help provide the context of what we're talking about here today.

Back in 2004 and 2005 Congress included some language in an appropriations bill that carries forward and is still in effect today and it basically directs all Federal agencies to consult with ANCSA corporations. What you see on the screen here is the actual language that was included in the bills. If anyone is interested in having this available as a reference, I'd be happy to email it and we can distribute it and make that available.

So the director of OMB and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order 13175. In response to that direction and in response to President Obama's direction that the Federal government needs to begin consulting effectively. The Federal Subsistence Board took action earlier this year by creating a working group that would develop some language. It was very important to make sure that we had the consultation protocols in place for the 2012-2014 regulatory cycle. That's why we have an interim protocol that will take us through this cycle.

The next steps are going to include some revisions and redrafting based on comments that we received back from people from organizations, from tribes. Then these interim protocols will go through a review process again and will be taken up by the Federal Subsistence Board during its January meeting and hopefully become final and adopted.

One of the things I do want to mention though is that the protocol is intended to be kind of a living document. As we develop this, we want to make sure that it works effectively for everyone. We want to make sure it works effectively for the Federal Subsistence Board process, we want to make sure the
timing is correct, that we get information out appropriately and effectively and that's where it's
going to be very important for us to get feedback from
you so that you can tell us how we should be getting
information to you, how should we be interacting with
you to make sure that you have the opportunity to have
the discussions that you need so that you can provide
guidance and direction to the Federal Subsistence Board
in this process.

So the next two pages, this is actually
the interim protocol and I had to split it in two. I
know this is really small writing. We're in the
process right now -- that was the technical difficulty
earlier. We're trying to get some copies of this
protocol for everyone so that you can take a look at it
and you'll have it in front of you as we're talking
here today.

It basically gives just a brief
overview of the intent and the congressional mandate,
the direction we've been given as Federal agencies.
Then it goes into some detail about correspondence,
notification, getting information out to ANCSA
corporations throughout the 2012-2014 regulatory cycle
for wildlife. Again, I know that print is really
small, but don't worry, we'll get copies here in just
like two minutes and we'll get those to you.

One thing I do want to mention though
is that this is a protocol to consult with ANCSA
corporations, regional and village. This is not taking
the place of the government to government relationship
that we have with Federally recognized tribes. It is
in addition to and it's going to be something that I
think all Federal agencies are going to have to walk
through and figure out how do we make it work
effectively. So just to note that this is not
government to government. It does not change the
relationship or the dynamic that we -- the
responsibility that we have to Federally recognized
tribes. It's another component of effort that the
Federal government is going to be doing.

With that, if anyone has any questions,
I'd be happy to try and answer, otherwise I'll turn it
back over to Kristin.

MS. K'EIT: Any questions out there?
Feel free if you have questions come up during this
time to raise them. I'd like to have Michael Haller just raise his hand over there and introduce himself. He and I are going to do a tag team facilitation this afternoon and comments and questions will be coming from all of you seated here and we also have some folks that have called in and we'll be including them in the conversation. But I'll turn it over to Michael.

MR. HALLER: Thank you, Kristin. I'm Michael Haller. I'm with the Bureau of Ocean Energy Management and it's a pleasure to be with you today. I didn't play hockey previously, but she hired me for this gig, so I guess I'm muscle. We all need to behave ourselves and share. That's what she told me to say. Anyway, we'll have a good meeting, I'm sure. Thanks, Kristin.

MS. K'EIT: Thank you. Again, I'll just repeat what I said earlier. When it comes to your time that you want to provide a comment or a question, make sure you introduce your name and what organization you're representing. What I'd like to do to make sure everyone has an opportunity to speak is we'll start basically in a clockwise fashion to my left and go around the room here and let our tribal representatives or ANCSA corporation representatives speak and actually I'll start with those on the phone if they would like to go ahead and introduce themselves and make any comments. I know we have at least two folks on the line. Go ahead, Nathan or Melanie.

Thank you.

Nate Soboleff, are you there?

(No comments)

Melanie?

MELANIE: I'm here. I don't have any comments.

MS. K'EIT: Okay. Well, if you happen to be able to get in touch with Nate there in the building, just let him know when he has a chance to come back on to let us know and we'll give him an opportunity.

MELANIE: Okay, Kristin.
MS. K'EIT: Thanks. So I'll just be starting on my left here if anyone is ready to go and just signal with your microphone or raise your hand there.

MS. AHTUANGARUAK: Rosemary Ahtuangaruak. I'm from Barrow. I've been part of the working group.

MS. TRUMBLE: Good afternoon. My name is Della Trumble and I'm also part of the working group. I work with the Agdaadux Tribe in King Cove and also part time with King Cove Corporation, which is an ANCSA corporation, so I think this has been beneficial working with this group and representing tribes and as the co-chair with Crystal Leonetti.

MR. NICOLAI: Ilarion Nicolai from Kwethluk. I'm a member.

MR. WAGNER: My name is Louie Wagner. I'm from Metlakatla Indian Community. I serve on our community council there. My granddaughter is here with me. She attended the elders/youth conference. We were attending the AFN there and Albert Kookesh announced that the meeting was going to take place here, so I wanted to come here.

I have a -- I just wanted to make sure everyone here is aware of the Mackenzie Mine that's going in on the Unuk River and the Eskay Mine that was on the Unuk River and operated for 12 years was shut down approximately two years ago and was right on the river. I'll come back and talk a little more on it.

Thank you.

MR. SHARP: Good afternoon. My name is Dan Sharp. I'm the subsistence coordinator for Bureau of Land Management and serve on the InterAgency Staff Committee.

MS. TAKESHORSE: Hi, I'm Brenda Takeshorse, Native liaison, BLM.

MR. LEONARD: Thom Leonard, shareholder and communications manager for Calista Corporation.

UNIDENTIFIED VOICE: Hi, my name is Anthony (ph). (Away from microphone)
MR. JUSTIN: Good afternoon. I'm Wilson Justin representing Cheesh'na Tribal Council from Chistochina, which is in the Copper River region. We do have a very active government-to-government program in all of our activities, but we were curious about the issue of the AHTNA Region being a merged corporation with villages, like NANA, and we were just curious about how the new draft protocol would operate with AHTNA as a merged regional corporation with all of its former village corporations. So a bit of curiosity brought us here.

Thank you.

MR. BAINES: Good afternoon. I'm Michael Baines from Sitka, Alaska. I'm the tribal vice chairman on the Sitka Tribal Council.

MS. SYKES: Hi, I'm Carrie Sykes. I work for Tlingit-Haida Central Council. I'm glad to be here. We were listening to AFN just right before lunch and they were talking about the new leadership committee and how they were providing a potential seat at the table for the tribes, so that's really good to hear. Given that, I'm also very curious about this government-to-ANCSA consultation. I've seen where you had a little bit of information about the intent and the mandate and a little bit about communications.

I'm just really curious about how this is all going to work. How is this going to fit in -- you said it's not replacing government to government. How is it going to fit in with the existing relationship of the Federal Subsistence Board with the Regional Advisory Councils? So I just want to find out more about how we're going to put all these pieces together and how we can get better collaboration between the tribes and ANCSA and be more effective in dealing with the Federal agencies.

MR. ROCZICKA: Greg Roczicka. I'm vice-chair of the Yukon-Kuskokwim Delta Regional Subsistence Council. I'm also here for Orutsararmiut Native Council, which is the tribal governing body for Bethel. I'm here as well to -- just out of curiosity. I know there's another one of these sessions scheduled for the BIA Providers Conference that's supposed to maybe speak more directly to the tribal interest, but I also wonder a great deal on the tribal consultation being conducted with ANCSA corporations on the same
basis as Indian tribes.

MR. SAMPSON: Walter Sampson. I'm the vice-president of lands for NANA Regional Corporation. I also sit as the chairman for the Regional Advisory Council.

MS. K'EIT: Do we have anyone at the back of the room who would like to introduce yourselves or provide any information, questions.

MR. HALVERSON: I'm Lowell Halverson. I'm one of the vice presidents of the Central Council Tlingit-Haida Indians of Alaska.

MS. K'EIT: Thank you, everyone. We can go right into comments. I guess I did hear the question, folks are curious about this government-to-ANCSA-corporation consultation. I would say that it's a process that we and the Federal agencies are also learning about and trying to formulate and develop. Again, I'll really iterate again what Gene had said earlier, that it's not replacing our government-to-government consultation, it's not replacing the requirement, the intent and the purpose of that process, the government-to-government consultation.

It is a process that is referred to on the screen, the PowerPoint screen up here. It's a process that Federal agencies are being required to conduct just to summarize or repeat this was appropriations language that had the sentence that's up there as it was amended for Federal agencies to consult with ANCSA corporations.

Just my experience in the past few months has been, as I've spoke with some of the ANCSA corporation representatives, they have adamantly said they in no way intend to replace or take place of that government-to-government relationship. They really want to see just the opportunity for them as land managers on behalf of Alaska Natives to have the opportunity to consult with government agencies as they're conducting activities that may affect shareholder land and shareholder resources.

That's just a little of my experience and the background that I've been able to see. If Crystal there would like to add.
MS. LEONETTI: Thanks, Kristin. Sorry I didn't introduce myself earlier. I thought we were just going around the table and introducing tribal or corporation members. So I'm Crystal Leonetti. I’m the Alaska Native Affairs specialist for U.S. Fish and Wildlife Service. Geoff is my boss. I am also co-chairing the workgroup for the Federal Subsistence Board, who is doing the heavy lifting on trying to come up with the long-term consultation protocols and Della and I co-chair that together.

I'd just like to acknowledge all of the members of that workgroup that are in the room right now. If you could raise your hand. I know there's a bunch of us here. So you can see that there's Federal Staff people on that workgroup as well as tribal representatives on that workgroup. We're undergoing a long effort to analyze the interim protocols as they've been carried out for this fall cycle of wildlife proposals. We're also analyzing all the comments that came to the Federal Subsistence Board back in May and January of this year, as well as conducting these two consultations.

This one during the week of AFN to specifically consult with ANCSA corporations as required under this law. The second one during the BIA Tribal Service Providers Conference on December 1st specifically to consult with tribes on a government-to-government basis to help us to develop those protocols for the Federal Subsistence Board.

The way the current interim protocols are, there's a separate one for ANCSA corporations and a separate one for tribes and that's to distinguish between the Federal trust responsibility to tribes and the requirement to consult with ANCSA corporations. Today is to talk about that interim protocol for consulting with ANCSA corporations and determine how to go forward correctly and in a good way for the Federal Subsistence Board to consult with ANCSA corporations.

Thank you.

Hopefully that answered that question, Greg.

MS. K'EIT: Thank you, Crystal. I would definitely like to open it up for comments or other questions if there's any other questions, but
comments on this time on the draft protocol or suggestions for the process. I'd also like to check in on the phone to find out if our Sealaska representative, Nate Soboleff, has made it back.

(No comments)

MS. K'EIT: Okay. Let's go ahead and start taking comments. Geoff, you have something.

MR. HASKETT: Just a clarification. I want to make sure everybody understands it's not just the Federal Subsistence Board that we're doing this for. It's actually for Federal agencies across Alaska.

MS. K'EIT: Correct. Primarily we do want a protocol for the Federal Subsistence Board, but many of you know that the Board is made up of many Federal agencies and the Department of Interior and Agriculture. Thank you. Not to leave you out, Forest Service. Sorry. But we also often get the question from other Federal agencies, non-Interior, non-Agriculture, how do you do this, do you have any suggestions, do you have any processes we can take and work from. Your comments are appreciated.

Would anybody like to go?

Okay, Mr. Wagner.

MR. WAGNER: I was wondering how that's going to work when we have the rural areas and nonrural areas. How will that work with the corporations that are in the nonrural areas?

MS. K'EIT: Good question. Thank you. It would still be -- the process would be consultation with the corporation based on their authority or their responsibilities, so whatever their land management or resource management authorities and responsibilities are, that's what we would be preferring to consult with them on. If there are tribal government issues that they raise, I would see that we would need to step back from the issue or the topic and make sure that we take that time to consult with the tribal government that's affected.

Does that answer your question?

MR. WAGNER: I think so. Thank you.
MS. K'EIT: Thank you. Other comments or questions. Della.

MS. TRUMBLE: I think maybe it's a question of clarification also. Some of our Native lands, village lands are on private and some of them are within Federal boundaries, so that's the question. Is there a difference in regards to that?

MS. K'EIT: I would look to my Board member colleagues to assist with answering that question, but definitely it would be what are the resources that the corporation is managing and has ownership of whether it's within a Federal Park or Refuge or outside of that.

Steve, for Forest Service.

MR. KESSLER: This is Steve Kessler with the Forest Service. Maybe I can answer that question if I understand it correctly. The resources that the Federal Subsistence Board has jurisdiction over for wildlife are on the Federal lands. They have to be Federal lands, acre for acre Federal lands. For fisheries, it's a little bit different because for the fisheries the Federal Subsistence Program exerts jurisdiction within the external boundaries of the conservation areas.

So if, for instance, there's a Fish and Wildlife Refuge and also for the National Forest, like the Tongass National Forest, the program exerts jurisdiction within the outside boundaries of that area for those fisheries. In the case of the Bureau of Land Management lands, those aren't conservation areas unless it's like Wild and Scenic River, in which case there is jurisdiction within the entire Wild and Scenic River boundary.

So when you talk about Native corporation lands, it's different for wildlife and fisheries. For wildlife there is no jurisdiction on corporation lands and for fisheries there may be if it's within the external boundary of a conservation unit, such as a Refuge or wilderness area or something like that. So it does differ. Corporation lands might be included or might not. Was that the question?

MS. K'EIT: Any other comments or questions. Gloria.
MS. STICKWAN: My name is Gloria. I work for AHTNA Corporation. This consultation, is it only going to cover fish and wildlife? It's not going to cover anything else under ANILCA, such as Section .809?

MS. K'EIT: Thank you, Gloria. That's Gloria Stickwan. Our primary purpose for this afternoon was the protocol for government-to-ANCSA-corporation consultation for the Federal Subsistence Board to use. I think based on the turnout we have, we have a good turnout, people seem to be a little hesitant to share at this point or perhaps they're more interested in sitting back and listening for a bit. I would check with the other Board members. I would think we could be open to hearing comments on other issues as long as we have the time and we're not taking away from the protocol or this process.

Board members, any comments. Steve.

MR. KESSLER: Just a comment about Section .809. Section .809 is a key part of what the Federal Subsistence Program is, so I think it would be very much appropriate for a discussion consultation on that issue.

MS. K'EIT: Geoff.

MR. HASKETT: I think it would be fine for us to cover other issues if there's time, but I think we better make sure we cover the protocols first to get that done. If there appears to be no conversation on it, then that's fine, we can go ahead and close it off. I think we need to cover what we're here to do first.

MS. K'EIT: Okay. Any other Board members, any comments. BIA, BLM, Parks. Seeing none. Does anyone want to comment on the government-to-ANCSA consultation protocol right this moment?

MS. NORTON: Over here, ma'am.

MS. K'EIT: Oh, you're behind the PowerPoint.

MS. NORTON: I can't see you.

MS. K'EIT: Yeah, I can't see you
either. There you are. Okay, great. Please introduce yourself and who you're with.

Thank you.

MS. NORTON: My name is Dolly Norton. I'm president and CEO of Cully Corporation, Point Lay, Alaska. I'm here -- I'm very interested -- you guys have to excuse me for being late, but I thought we were being held at the Dena'ina Center. I was over there looking, searching for everybody over there, so that's why I'm late and I apologize for that.

However, this government-to-ANCSA-corporation consultation is a very good idea. However, I would actually prefer it if someone would come to one of my board meetings and discuss this with all of my board of directors instead of just me representing because they do have concerns and each one is different. Each person has their own opinion, so I would like that.

MS. K'EIT: Thank you, Dolly.

Any other comments.

Steve.

MR. KESSLER: Steve Kessler with the U.S. Forest Service. It might be helpful to just point out what we're trying to consult on here. We're trying to develop a protocol that's mostly associated with how we go about developing the rules under which to hunt and fish in rural Alaska. There's really four stages currently to that process.

The first one is that we publish a proposed rule in the Federal Register and that's just part of the administrative procedures that the Federal government uses. Always that proposed rule is to keep implementing the regulations, the hunting and fishing regulations that have been in place previously. So that's the first thing, we publish a proposed rule.

Then we take comments on that proposed rule. Those comments come in the way of regulatory proposals. What sort of proposals do people have, tribes, ANCSA corporations, individuals. Anyone can make proposals. Then once that period of time is closed for receiving those proposals, we publish a book
and we distribute that widely across Alaska. Yeah, a
book just like this one. We receive comments on all of
the proposals in that book.

Those proposals then have someone who
goes through an analysis of each of those proposals.
The analysis could be anywhere from two or three pages
to maybe 20 or 30 pages, and that information is
presented to our Regional Advisory Councils. We have 10
across the state. Each of the Regional Advisory
Councils hears all of the information, looks at the
proposals and then comes to a recommendation for the
Federal Subsistence Board.

The Board also -- again in a public
meeting just like the Regional Advisory Councils were
public, the Board, in a public meeting, takes all the
information, recommendations from the Councils and
deliberates on a final determination of what the new
regulation should look like, whether it would be
supported, opposed or maybe modified.

So when we're talking about
consultation, it's mostly consultation in that arena
with these sort of four big steps; the proposed rule,
the proposed regulatory changes, the Federal
Subsistence Regional Advisory Council meetings and the
Board meeting.

I think what we really want to talk to
you about, both to the tribes and the ANCSA
corporations, is how can we most effectively integrate
consultation into that process? Or does the process
maybe need slight modification. We don't really think
it needs much of a modification. It's been in place
for about 20 years and seems to work well, but how can
we respect the thoughts of tribes, the thoughts of
ANCSA corporations as we're going through this process
with the Board and with the Regional Advisory Councils.

I don't know if that triggers any
thoughts in anyone, but if it does, that's what we
really want to consult with you on and have a
discussion on it.

Thank you.


MR. SAMPSON: Walter Sampson. I think
I'm more confused on the explanation of the process that you're trying to take us through here. The issue in regards to managing resources under the State rules they claim to manage. The process that you're taking us through in regards to regulatory process for proposals I can understand, but at what point in time would the Federal system really manage resources, not manage people. Basically that's what's happening today. The Federal system manage people. The State of Alaska manage resources based on their regulations. Maybe I'm confused. Somebody can clarify that.

MS. K'EIT: Any takers? So we're here today for the Federal Subsistence Board process of consulting with ANCSA corporations and how will the work that the Federal Subsistence Board does, how will that affect ANCSA corporations and/or their shareholders and what process do we want to use, do the ANCSA corporations want to use to be consulted on these topics. Do any Board members want to answer Walter's question or comment there, any dialogue?

(No comments)

Greg, would you go ahead, please.

MR. ROCZICKA: Well, Steve's comments put a thought in my mind and then Walter kind of touched on it too, but I guess are you going through this process -- what are you looking for in the final product? When it comes out, of something that's actually useable? Are you going through the exercise just because it's in the appropriations language, so you're required to do it, but it's not really going to serve any purpose? Because ANCSA corporations, as private lands, are covered under State law. The Feds have no jurisdiction there.

MS. K'EIT: Greg, thank you. Dolly.

MS. NORTON: You asked me what ANCSA corporations would like in this consultation. I stated that you come and speak to my board of directors because I answer to my board of directors. When I told them that I was coming to this meeting, they're like, oh, really. I'm like, yeah. So my board of directors are subsistence users; they hunt, they fish, they gather berries, they live off the land. You asked me what would we like. I would like it if one of you could come to my office and talk to my board of
directors during a regular board of directors meeting
so I won't misinterpret anything. That's what you
asked and I'm telling you what I would like.

Thank you.

MS. K'EIT: Thank you, Dolly.

Gloria.

MS. STICKWAN: I have a question about
the working group that was formed in June. I don't
think it was -- I think it was formed at that special
meeting. Is there an opportunity for other
corporations to be a part of the working group or is it
-- it just seemed like it happened rather quickly.

MS. K'EIT: Crystal or Della, would you
be willing to speak to that question about how the
working group was formed and is there opportunity for
others to join?

MS. LEONETTI: So the workgroup was
formed by the Federal Subsistence Board at its May 2011
meeting and they asked a workgroup, which would be made
up of equally Federal Staff and tribal leadership.
Right now the workgroup has an equal number, seven
Federal Staff and seven tribal leaders. That workgroup
was formed, I guess, right towards the end of May and
we've been working together since that time to develop
the protocol.

I guess it's not an exclusive
membership, but we have the workgroup formed and we
have those tribal leadership people coming to Anchorage
for two in-person meetings. We are very open to
talking with people throughout this process to try to
gather as much information as possible and present
something reasonable to the Federal Subsistence Board
that would work.

I wouldn't say that membership is --
the workgroup is closed or open, but it's already
pretty set, I guess I would say, but we want to reach
out and work with as many people as possible throughout
this process. I know I've answered lots of phone calls
and gotten some letters from tribes and we will take
all of that into consideration as we go forward.

MS. K'EIT: To clarify, the workgroup
is working on protocol both for Federal government to tribal government protocol and Federal government to ANCSA corporation protocol. Della and then Sue.

MS. TRUMBLE: Maybe just a comment. We've done quite a bit of work, an extensive amount of work on the government to government. We understand that government to government is tribes to government. The ANCSA to government has been -- you know, they're different. We all understand we don't operate under the same jurisdictions and in many, many cases the ANCSA corporations are the landholders. So it's been a bit of a struggle trying to figure out how do we piece this in. There's been a lot of concern I think raised by many tribal members on how is it going to work.

So it's basically breaking new ground and all the help we can get and ideas and putting this together is what we're going to all need to be able to work together and pull this off.

MS. K'EIT: Walter.

MR. SAMPSON: On a different question, I guess, in regards to the ANCSA corporation and the tribal entity. The tribes who reside within that region are also the stakeholders of ANCSA corporations. Can someone describe for me that relationship or the difference between those tribes and ANCSA shareholders who are the same people, how you plan to work between those two groups?

MS. K'EIT: Before that question is answered, Sue, did you want to comment or respond to something?

MS. MASICA: I'll try to answer that and then somebody else can refine that and then one other point I was going to try to make. I think, Walter, the answer is we're trying to do both in that we have the government-to-government consultation, so that will be on a parallel path with the government-to-ANCSA-corporation consultation on the same subjects related to the jurisdiction of the Federal Subsistence Board. So there's not some issues go to one but don't go to the other. It's the same topics go through both processes.

I think one of the challenges that the Board is struggling with and is why we're reaching out
in this forum and we'll do that again in December
during the BIA Service Providers Conference, which is
we don't want to drown the good intent of consultation
and outreach with so much process that it then is not
meaningful for people to have an opportunity to engage
with the decisions that ultimately come before the
Federal Subsistence Board. The objective is to have
meaningful and constructive engagement on a government-
to-government basis and also with the corporations.

One of the challenges then in doing
that is with over 200 tribes in the state, so for the
Federal Subsistence Board to do consultation with that
many different organizations how can we do that most
effectively. Similarly with about 200 between regional
and village corporations trying to respect that each
one has its own voice. Then a process we don't make so
cumbersome that people aren't able to engage in a
meaningful way.

MS. K'EIT: Thank you, Sue. Well said.
Any other comments. As you're thinking about that,
I'll just remind you we do have a transcriber here
that's helping to capture your comments and questions
and responses, all of this will be used by the Board
and Staff to the Board as we develop the protocol, as
we develop ways to work with our Alaska tribes and
ANCSA corporations. So we are capturing the ideas, the
comments, the concerns.

Anyone else?

MS. SYKES: Kristin.

MS. K'EIT: Yes. Carrie, go ahead.

MS. SYKES: Carrie Sykes, Central
Council. I guess I'm just a little confused about how
this is all going to fit together. I understand that
there are two protocols that are going side by side on
these proposals. Without seeing the other one in front
of me right now, I guess I'm kind of confused about how
the tribal piece will fit with this piece. At the
bottom of this page for the interim protocol it talks
about ANCSA corporations and Federal agencies will each
appoint a representative to report the results of the
consultation to the RACs.

I'm just wondering how this fits in
with how you're going to deal with consultation to the
tribes and is that all going to be at the RAC meeting?
I just don't understand how you're putting it together.

MS. K'EIT: Thank you, Carrie. I'll go ahead and answer that question. Just as what Carrie read, the same type of process in this past cycle when we just recently finished up the RAC meetings. In fact, yesterday was the end of the last set of meetings for the fall wildlife proposals. At each of the RAC meetings we had a report out either by a tribal representative or ANCSA representative and/or a Federal agency representative.

Basically I'll describe what we did this fall. We had 12 consultation teleconferences for the proposed changes to the wildlife regulations. The proposed changes that were in the books like this or what was online, that went out earlier this year. Those consultations were by teleconference. Letters were sent out. Crystal described some of the -- I'm sorry if it's repetitive for you -- letters of invitation for the opportunity to consult went out.

We held the teleconferences. As there were tribal representatives or ANCSA corporation representatives on those teleconference, we asked for volunteers, who would be willing to report out the results of the teleconference. In a couple of cases we had a tribal representative that was willing to report to the RAC. In other cases, it was a Federal agency Staff member.

They would take the notes from the person who was the notetaker for that conference, that consultation teleconference, they would take those notes, write them up, make sure everyone on the call that wanted to had a chance to review the notes, agreed with what they said, and then one or both of those representatives reported out together at the RAC meeting. Then the RACs will take that consultation information as well as their own discussion during the RAC meeting as well as public comments that they heard during the RAC meeting and any written comments that they'd received throughout the process and the RAC formulates their decision.

At the Board meeting, in this case in January when the Board makes the decision on the proposals put out in this book and all the comments and such received, then the Board has the opportunity to
hear the RACs proposed either support or opposition to
a proposal in here applicable to them and the Board
makes a decision based on all the information presented
to them.

So while they are two different
processes, really in a way they're going along parallel
and they're even going along with a third leg or a
third arm of the RAC meetings and the RAC process.
Anyone like to add to that. Crystal.

MS. LEONETTI: That was a good
explanation. I mean that's what we're here to ask you,
is how should this go forward. I mean we tried this
process on for size during this fall cycle of wildlife
proposals. I mean I'll just say there wasn't very much
participation on these teleconferences. There was,
like she said, 12 teleconferences. Maybe this isn't
the right way to do it and that's what we're here to
find out.

When in the process should consultation
be done with ANCSA corporations and with tribes.
Should it be before the RAC meeting, should it be at
the RAC meeting, should it be during the proposed rule
stage, should it be -- you know, I mean it's wide open
right now. We can come up with anything in the world
we can dream up. What's going to work best for tribes,
what's going to work best for ANCSA corporations. Are
there ANCSA corporations that want to participate in
the Federal subsistence management processes.

All these questions we don't know.
This is, I think, for the Federal Subsistence Board
really hard because this precedent hasn't been set yet.
There isn't a Federal process for ANCSA corporations to
do consultation with the exception, I think, of Forest
Service who has some kind of written documentation of
how to do government-to-ANCSA-corporation consultation.

So this is new and it's not only new
but it's unique in the fact that this is five Federal
agencies and two Federal departments together trying to
do consultation on one program, Federal subsistence
management. So the sky is the limit. This is what
this time is set aside for, is to figure out how to do
it best.

So that's what we want to hear from
you.
MS. SYKES: Carrie Sykes again. I appreciate this opportunity. One thing I've heard from tribes in our region is that there's been so much consultation. You know, they're getting it from all different directions, so it gets really confusing and overlapping. A term that I've heard is consultation overload. So I think that may be the reason why you don't get as much participation as you would like to get. I think if it was clearer about the number of agencies that are involved with this effort that there might be a little more attention. I think if it was also in coordination with the RAC meetings where there was going to be decisions made instead of just consultation about consultation, I think that you might get more participation, but that's just something that I've heard from my region.

Thank you.

MS. NORTON: Hi. Dolly, Cully Corporation. Now if you are trying to figure out when to hold these meetings. I would prefer it if it's not during fish season, whale season, berry picking season, beluga whaling season. Those are the times that my subsistence users, my board of directors are out there hunting, fishing and preparing for the winter. Now the time that we are available is like between November and January, the coldest time of the year, because it's too cold to go out hunting or something like that. That's what I would suggest for my corporation. Other than that everybody else is busy during the other time subsisting.

Thank you.

MS. K'EIT: Thank you, Dolly.

Walter.

MR. SAMPSON: I think there is a process that's put in place already as far as the Regional Advisory Council is concerned. Where there is a lack is participation from the smaller communities where the Regional Advisory Council is meeting at the
hub level. If there's a way through the process that you can put in place as far as getting people in to participating, either introducing proposals or commenting on proposals from some of the communities that would love to participate, I think that's where it's lacking. You have Regional Advisory Councils in place that provides for a process for proposals to be taken through.

MS. K'EIT: Thank you, Walter. Any other burning comments out there? I'll just throw something out as food for thought. One of the comments that we'd heard during our teleconferences for consultation was from a tribal government representative and they said that the reason they were involved in the teleconference and were able to take the time to develop comments and provide them was because either a Refuge manager for Fish and Wildlife or a Park manager for one of the National Parks had taken the time to contact them by phone, talk with them about some of the proposals that were potentially going to affect their tribe and tribal members and then just have some dialogue on that.

Do any of you have ideas or comments on that or other suggestions that you think would be useful? Della.

MS. TRUMBLE: I think maybe two things. A comment first. I do sit on the Kodiak/Aleutians Regional Advisory Council as a co-chair and this question of why are we doing this and it's basically because of Executive Order. Two, it's a way -- because it's government-to-government in the essence of tribes as we understand it. I think the difference with this is ANCSA corporations being recognized as tribes. In essence, almost a tribal status because it's an opportunity to consult with ANCSA corporations in regard to this.

In looking at that, it does seem like a lot and that's been -- how do we put this together so it's going to be effective because it's going to allow, I think, for an opportunity not only from the tribal standpoint but the ANCSA corporation landholder standpoint for that consultation process, the ability to do it. The piece of it I think that is confusing is just where we are now, is starting and trying to figure out how we are going to do that to make it the most effective and be able to do that. I think that in and
of itself is a big step in how we do it to be most
effective to do, I think, what we as Alaska Native
people would like.

The question, how do we do this, it did
help, I think, with one of the Kodiak-Aleutians
actually, their Refuge manager did reach out to the
communities and say this is going on, call in, it's
important.

One of the other ideas that came is
working. A lot of us regions do have non-profits that
have resource departments as maybe getting a hold of
small villages or communities that don't have internet
or some of the access to the information that we need
to be able to get them the information to participate.

But those are just some of the thoughts
or ideas on how to do it. Anything that we can figure
out to do this is going to help a lot.

MS. K'EIT: Thank you, Della.

Anybody else.

Walter.

MR. SAMPSON: Thank you for that
explanation. In think in order for the Regional
Advisory Council to be effective in what it was
supposed to or intended to do, because the Regional
Advisory Council represents the region, maybe in order
to get more effectiveness in places is to try to create
a subregional type of council where the three
communities in one subregion can come together to
review proposals, to take positions on those proposals
and make those recommendations to the Regional Advisory
Council. That's an extension of a process that you're
giving the folks at the subregional level an
opportunity to comment on proposals.

It's just a thought.

MS. K'EIT: Sue.

MS. MASICA: So, Walter, if I can ask
you a question following up on that. The process we
used this cycle we did a consultation, the Board with
all the tribes in an entire region. Are you suggesting
that one of the things maybe the Board could consider
would be rather than one break it into say three or
four smaller ones per region, that that might be more
effective?

MR. SAMPSON: Thank you, Sue. Yes.
That's what the State of Alaska has. They have a
Regional State Advisory Council that review proposals
that come from the State. They also have subregional
advisory councils that also deals with those things and
give their input into the Regional Advisory Council.
So what I'm trying to say is to extend that process out
to the subregion so they have their input into the
process.

MS. K'EIT: Thank you, Walter.

Does that stir up any thoughts for any
other folks.

Steve.

MR. KESSLER: Walter, one of the things
that we've been sort of struggling with is what's
government-to-government, what's government-to-
corporation. I think that I'm hearing that you're a
strong proponent of the Regional Advisory Council
process. Do you consider that when tribes or
corporations bring information to the Regional Advisory
Councils and interact with the Regional Advisory
Councils, in your mind, is that sort of
government-to-government consultation or does that
government-to-government consultation have to happen
more with the Federal Subsistence Board than with the
RACs? Do you understand what I'm asking?

MR. SAMPSON: Now I'm more confused, I
guess. What I was hoping to do was to expand a process
that's in place. One of the things that come up even
at the Regional Advisory Councils is that because of
lack of funding for the Regional Advisory Councils to
meet, that only restricts us only to two meetings a
year. When those very proposals that might go through
before meetings would have a great impact on a region.

The issue in regards to the protocol of
having a consultation with ANCSA corporations, that's
fine. I mean in a way you are consulting with ANCSA
corporations because you are extending that opportunity
to a subregional site. That's an opportunity for those
that are not just in a tribal entity but also the ANCSA corporations can participate through that process.

Maybe I'm confusing you more than me, I think.

MS. K'EIT: I think the way Sue reiterated it, that was, I think, more clear on your suggestion. I think Steve's question was on a different offshoot. If I'm interpreting it right, Steve, you're question was when a RAC meets and they have tribes attend that meeting and comment or discuss a proposal, Steve was asking would tribal folks consider that government-to-government consultation with the RAC and the tribal government or more in this case between the RAC and the ANCSA corporation. Would you consider that consultation or does it need to be more directly with the Board as a whole or Federal agency heads individually?

MR. SAMPSON: I spoke to the fact that it's already been documented here under 2C where it says ANCSA corporation, Federal agencies will each appoint representatives to report the results of consultation to each of the 10 Federal Subsistence Regional Advisory Councils. I spoke on that part too. It's already in place. What I'm hoping to do is try to expand that even further to the subregional as part of a process.

MS. K'EIT: Thank you, Walter.

Sue.

MS. MASICA: I just wanted to make a comment more than anything. Carrie had commented about concerns with too much consultation. Too much might not be the right way to phrase it, but that there's just a lot of it and it's difficult to keep straight. I just wanted to affirm that that was something in the consultations with tribes and with ANCSA corporations that I participated in as a Board member this fall that message was reiterated on more than one occasion. I think that's what we're struggling for.

Dolly's suggestion of these are the three months when it's most -- you're most likely to be able to get our attention and our focus. That's the kind of feedback that's really helpful I think for the Board to try to think about, okay, how do we factor in the process which, as with so many governmental processes, is pretty overwhelming. And does the
process need to change fundamentally.

I think there are certain things the
way a rule -- you know, a regulation has to get through
the Federal system, there's some pieces of that that we
can't change, but there's a lot of pieces in between,
the big pieces that we do have some influence over and
that's what I think we're all struggling with. Or how
we might integrate consultation in a meaningful way and
still hit those major milestones that we have to hit in
order to get the regulations through so that people can
go out and hunt and fish who are Federally qualified
subsistence users because that's really the end point
we are all focused on, which is being able to keep that
subsistence activity alive and well.

Thank you.

MS. K'EIT: Thank you, Sue. Does
anyone have some suggestions for like maybe building
off of Dolly's suggestion that Sue referred to.

Wilson.

MR. JUSTIN: Thank you. Wilson Justin,
Cheesh'na Tribal Council. I wanted to comment just a
bit on a couple of, I think, some fallacies here that
should be spoken to directly.

Number one, there's been an enduring
criticism of the process in all the years that I've
participated. My participation goes back to about 1977
on behalf of AHTNA and the entire process of developing
language in ANILCA. One of the enduring criticisms
that I've heard over the years in interactions with the
Federal Subsistence Board is that there has never been
consultation with tribes. That's only a recent
phenomena that occurred this last few years.

So when you speak about the issue of a
director of the Office of Management and Budget and all
Federal agencies shall hereafter consult with the
Alaska Native corporations on the same basis as Indian
tribes, there's a bit of a misnomer there because the
actual -- what a tribe like Cheesh'na would consider
consultation with the Federal Subsistence Board in our
estimation has never occurred.

Now we have spent a considerable time
and effort and money in pursuit of subsistence
activities in conjunction with RACs in the subsistence arena in front of the Federal Subsistence Board, but by no means and by no stretch of the imagination are you going to convince Cheesh'na or myself that we ever had a consultative process with the Federal Subsistence Board. We always felt like we were the second rate neighbors down the street when it came to these meetings. So one of the reasons why curiosity brought us here is this very fact that over the years we never felt we were appropriately consulted with. Now we hear you have to do this consultation process with ANCSA corporations afoot, so it was a real curious phenomena to our thought processes.

Having said that, I do want to offer the comment on an obscure legal point. A number of years ago I was asked at a Cheesh'na Tribal Council meeting -- at that time I was with Mt. Sanford Tribal Consortium and we have a similar process in the health arena in a compacting negotiation phase, which kind of tends to lend itself to the consulting process. But I was asked by Cheesh'na does consultation mean that the United States government can compel you to come to the table and I said no. The consultation process under the United States government policy compels the Federal agency to come to the table. You, as a tribe, are not compelled to come to the table, but you, as a tribe, can certainly demand the agencies to come to your table. It's an obscure and very valid in my estimation legal point.

So the question I would ask at this arena and I am not speaking to or for on an AHTNA basis. AHTNA is the regional corporation that's in our area and I'm not speaking on a corporate basis, but I am speaking as a shareholder. I don't think that under this particular consultation process that AHTNA would be compelled to come to the table at your behest, but I would suspect that most certainly should AHTNA ask you to come to AHTNA's table that you would be bound to and that reinforces the young lady's request, which in no uncertain terms she said, you asked me, I told you, you come to my meeting.

To me, that reflects what I think is the ultimate consultation spirit and letter of the law that was intended. I don't mean this as a criticism. I've just been in this business a long time and we have a tendency to get good at what we're doing when you've spent enough time at it.
Thank you.

MS. K'EIT: Thank you, Wilson. I heard a hear hear on the record. There we go. I'm willing to offer the opportunity for a break if anyone feels it's necessary. If not, we can keep going forward and kind of build on Wilson's comments and the passion behind that.

Dan Sharp is providing a copy of the Federal Subsistence Management Program regulatory process at a glance. It's a flow chart type document that just gives a picture of how the Federal wildlife and fisheries regulations are distributed or changed and what the process looks like right now and hopefully this will give folks some ideas of where can tribes, where can ANCSA corporations get involved and that kind of thing. I'll give you some time to look at that. If you have questions, let us know. Raise your hand.

Ten minute break? All in favor.

Okay.

Let's take a 10-minute break and then we'll reconvene after that.

Thank you.

(Off record)

(On record)

MS. K'EIT: That was a great idea to take a break and have some discussion and do some networking there. Some folks have left. They had to head back to sessions or other meetings and events, but we're still here and we're hear to listen and I'd love to see some hands go up for comments and ideas and how do we do this better. Gloria.

MS. STICKWAN: I just want to state that I listened in on the teleconference call two times for AHTNA, called in and I was given an opportunity to talk about proposals that affected our area. The one thing about the phone call was there was echo in the background. I know that's nothing you can control, but sometimes it was hard to hear.

The other thing was, I know because of
Timing, but the analysis, if we could have gotten that a little bit earlier before the discussions, if we could have read it online, that would have been helpful. I was reading the analysis as we were talking and it was kind of -- you know, you can't read and talk at the same time. So if we could get it earlier. But I thought it was a good process and an opportunity to talk about proposals that affect your area.

The one thing I would like to see it kept before the Regional Advisory Councils meetings because it will give tribes and corporations an opportunity to give input before the RAC meetings. If you do it after the RAC meetings, it won't have any effect, very little effect, because the RACs do listen to the tribes. I sit on a RAC too and, you know, they do listen to the tribes. When tribal members come to the meetings and give public testimony, we listen to them and we take into consideration what they say, so I would like to see these meetings stay before the RAC meetings.

The other thing is, I don't know how it is in other regions, but some regions I know have specific people that work on subsistence for their area. Those are the people that you need to be contacting. Those are the people that need to be working with the Federal subsistence OSM.

I would suggest that you keep the two -- like you did this summer, you had two meetings per year with the ANCSA corporations and the tribes. Keep it the way it is and if there's additional problems or consultations that are needed with the 200 or more tribes, then the tribes should themselves come forward and say we want to work on a proposal, we want to have more consultation, but it should be up to the tribes to come forward and say we want more consultation.

But I thought it worked well. I just wanted to say that it was a good process I thought. We didn't have very many people online, so I don't know if it's going to be like that in the future or not because I know that certain people from each region work on subsistence and not everybody does. Not every tribal member does. It's like in our region, I can speak only in our region. They pretty much leave it up to the corporation to do it, to work on the -- you know, we have our meetings and everybody gives their input, but it's one person working on it. I don't know how it is
with the other tribes, but I think they do it the same way. They have people working on subsistence and those people are the ones that should be consulted.

That's just my suggestion.

MS. K'EIT: Great. Thank you, Gloria.

I'm glad to get that on the record and get lots of notes.

Rosemary.

MS. AHTUANGARUAK: A question I wanted to ask you. When you're getting the information prior to, are you considering that the consultation or is that a process of receiving information so your tribe can start considering your response?

MS. STICKWAN: This time the information was late because of the timing of the meeting and this is the first year of consultation. The timing wasn't right just because of how -- because this is the first year. I don't know if I'm answering your question.

MS. AHTUANGARUAK: That does help. For some of the processes I've been in, the reality is in Nuiqsut we were facing tremendous amounts of information and issues that we were having to deal with. We didn't have any control of the process. So one of the things that we started doing was put a cut off as to what we could deal with in our tribal meeting so if we didn't get the information prior to such and such a cut off date.

That first month we receive the information. The second month we discuss it as a tribal council and then the third month we present our response to that process because it gave us some time to look up additional information, look at additional resources to get more information, those kinds of things, as well as get our historical process together to bring more information into it.

So I was kind of wondering as to where the process you felt would start versus with the consultation, is that first meeting more of a receive information and then allowing your tribe to get together and make some actions or is it that's when the
consultation is starting right now and then when you come in with your response before the RAC that's where your response is?

MS. STICKWAN: When I was online, we had our position already stated. We already knew what we wanted to say. Our comments were written down, so we already had our position. I saw this process as a way of getting more information, the analysis, and to be able to talk with the Federal Board on their position and knowing what their position was on these proposals was really helpful I thought. I just thought it was a good way to know what the Board was thinking or to know what the Staff was thinking and to be able to talk about these proposals, I thought that was a good way of doing things.

You probably have a lot more meetings in your region than we do. We don't have marine mammals and all these other things that you do up there. So our position was already -- I thought of it as a consultation on getting more information since we already had our comments written.

MS. AHTUANGARUAK: Thank you.

MS. K'ELT: Thank you for that dialogue. That was great. Steve.

MR. KESSLER: Gloria, if you wouldn't mind just another follow up. You spoke about this as being a consultation, but would you consider this to be sufficient consultation or would you expect an additional consultation after the RAC meetings with the Federal Subsistence Board?

MS. STICKWAN: It depends if our proposal was approved or disapproved.

(Laughter)

MS. STICKWAN: I'm just being honest. There probably does need to be more consultation afterwards as well, but it's something that could be done individually I would think. You know, I could call back someone and talk to them. I would see that as another opportunity probably. But that I think would have to come from the AHTNA region.

MS. K'ELT: Thank you. Crystal.
MS. LEONETTI: Gloria, just might as well stay at the table for the rest of the day. Thank you again for all those comments about how the interim process went because that's kind of what we were trying to figure out, was if people utilized that well and if it worked okay or should we change it around.

So what I heard you say was keep a couple of teleconferences with a rigid schedule so that they're scheduled ahead of time and corporations and tribes know when those teleconferences are. You didn't say anything about the number of teleconferences that there were for tribes, but there were a lot. There were 10 teleconferences for tribes. They weren't as well attended, so I'm wondering if -- and then you said something about there being other consultations on special cases, like as needed. Maybe as requested by tribes or by corporations. So I think what I heard you say is that you would recommend keeping a set schedule for some number of teleconferences, whatever that number is, and that there also be the ability for tribes and ANCSA corporations to request consultations if they need it.

MS. STICKWAN: Yes, I wasn't involved in the tribes and I didn't know there was 10 different meetings because I'm not involved. I don't represent the tribes. I represent the corporation. But, yeah, I would say two set meetings per year and have those meetings before the RAC meetings and then additional follow up is needed. If there is additional follow up needed, then that corporation or that tribe should be the entity responsible for bringing forward their concerns to you or whoever we could bring it to. I'm not sure who we'd bring it to, but someone. There should be a contact person that we would know who to contact to say we have this consultation we want to have about a proposal and it should be up to the tribe or ANCSA.

MS. K'EIT: Great. Thank you. That's a great idea also to have the one point of contact.

Pete.

MR. PROBASCO: Thank you, Kristin, and thank you, Gloria, for the question. As far as the point of contact, OSM is in the process and we hope to soon have -- we're recruiting for a replace -- remember Carl Jack retired as our Native liaison. I would
envision him being our point of contact -- or not him, but the person that replaces Carl as our point of contact for exactly what you're saying, Gloria.

MS. K'EIT: That's great news. Thanks, Pete. So if any of you know folks that might be interested in that position, keep an eye out on usajobs.gov. Are there other comments?

MR. WAGNER: My name is Louie Wagner and I've been sitting here and this consultation doesn't make sense to me because the process that was set up for the RAC Board and the Federal Subsistence Board entitled everyone to get their comments in the proposals. I don't think it excluded anyone. In our community in Metlakatla we've had consultation with the Forest Service and even at times that is hard. The dollars aren't there and the weather doesn't cooperate for them to come over to Metlakatla and meet with us. So I like what this gentleman over here said earlier. You said his name was Wilson?

MS. K'EIT: Wilson Justin.

MR. WAGNER: That made a lot of sense to me on what he had to say. This lady Gloria here, I know where I personally ran into trouble was hearing about the proposals just about when they're ready to get passed by the Federal Subsistence Board and if you could extend the deadline to make sure all the villages and corporations, everybody that's involved with the process to make sure we all know these new proposals that are going to come out and possibly get passed because they really affect our villages and it's devastating because there's so many of us that still live off the land and water and it's our way of life.

I think if that was improved, not to pass anything quickly before everyone is certain to know about it. Like the villages and corporations, maybe these proposals should be sent out certified mail and made sure everyone has them and then have a date set for time to respond to them. Because it is devastating if these things are passed and that can really hurt the community and the communities in the surrounding area.

I know that's an executive order, but to me it doesn't make sense and it's not what the
Boards were set up for. It was to set up to help us keep our subsistence way of life, not to keep taking away and have new people coming into the state and wanting to take away what we've done for generations and thousands of years. That's what's scary.

A lot of us are fishermen and we're so busy trying to keep our boats going and make our living every year unless we hear about it and then we have to get very concerned. It just feels like a lot of times these things possibly slip through secretly and quickly without the villages and the corporations knowing about it. I think that's the most important part, is everyone would know about it.

Thank you.

MS. K'EIT: Thank you, Louie. I have a question for you, kind of to build on your comments. One comment we received during the tribal consultation teleconferences this fall was that I think the person said they got the proposal book and a letter about the phone call like back in June or that's when they first saw it and then they had fishing season and then berries came up and they were so busy, then all of a sudden the date was upon them. In some ways, it was like they almost got the information too soon and then got busy with other stuff. Then other folks said, well, it went to our chairman or our council president and then we just got it this past week when someone reminded that person or whatnot.

So do you have a suggestion for what could be a better way to contact folks about the proposals and about times for being consulted with and to provide input, maybe some better ways or improved ways of doing that. If you have any ideas, that would be great.

MR. WAGNER: In our community, we do have Tommy Lange, who is in charge of this process here and this sort of thing. I've been included in it lately, but only as long as I'm on council. Every two years we change the mayor and the secretary if the people were to vote for someone else and the same with the council. We serve two-year terms. So it's easy for us not to get the information that way.

Other than that I'm not sure unless
those like myself that's involved and really concerns
what I do for my way of life. I think us individuals
that come to the meetings and whatnot should always
stay on that list for the mailout.

I've been trying to get the transcripts
from January meetings on the Federal Subsistence Board.
I was promised they would be sent. From the tribal
leaders meeting that we had, Beth Pendleton was there
and we had -- I forget his name now, head forester in
Washington, D.C. over everyone, and we had the meeting
I think it was in here. It's really difficult even to
get the transcripts. So that part of the communication
back to the people is really needed.

Thank you.

MS. K'EIT: Thank you, Louie. Any
other comments, corporation, tribal folks. I know I
heard the idea maybe send the materials certified mail.
I know that maybe this is kind of silly, but it's
effective. I get a post card from ANMC when I need to
go to the dentist. You know, maybe we do post cards a
month before and remind people.

I see some heads nodding.

Other comments or ideas.

Steve.

MR. KESSLER: I was wondering if maybe
I could follow up with Dolly over there with sort of
just a question. You asked that you have your board
meets and you would like people to come to you and I'm
just curious what that means. Would you like a Board
member to come, someone knowledgeable about the
program, multiple Board members? What's realistic and
what would you expect so that there would be
consultation in your mind?

MS. NORTON: Okay. One comment one of
my board of directors made this morning was that the
Federal government makes rules and regulations without
talking to the subsistence users. They set dates of
when you can hunt even though with the change of
seasons, the change of weather, it's changing the time
we can go hunt and fish. So with setting all these
rules and regulations, you know, with the change of
weather, it changes. You know, the caribou, they know
when to go calve, they know when to migrate and it
changes every year.

For instance one year our village did
not catch caribou for two years, so there's our meat.
We had to barter or we had to go to the store and pay
$40 for two pounds of hamburger. So you know what I'm
saying? I would like it if one of you would come to my
board of directors meeting so they can understand this
protocol and how to write a proposal consultation.
That's what I would like.

MS. K'EIT: Great. Thank you. I like
that point that she made of getting information or
assistance on how to write a proposal. I'd just point
that out. It was a question I asked on a few of the
tribal teleconference calls -- tribal consultation
calls, was what did folks think about the timing of the
process. Did they like this way of getting proposals
that had already been submitted and then commenting and
being consulted on those or would they like to be
involved earlier in the process.

There was a mixed response. Some folks
said, yeah, earlier. We want to submit proposals. We
want to be proponents. Others said, no, this works
well for us. So I think it was a mixed reaction. But
I like that comment Dolly had.

Anyone else. I'm so surprised. Maybe
it's the setup and we're all so far apart and we don't
have a feather or a talking stick. Greg.

MR. ROCZICKA: What you're hitting on
here is that it's because of the ANCSA corporation
component that you have here, because of an Executive
Order you've got something kind of stuck in where it
doesn't belong. For our region, as far as certainly at
the regional level, Calista Corporation, I don't think
it would be totally off the radar to comment on
proposals because that's something -- I don't want to
say responsibility, but they wouldn't presume to speak
at that level on proposals for villages. Also, you
know, being the profit-making and having everything
that way, so at the regional level it would. As far as
the villages, I'm speaking just from my region, I don't
know if it's the same in others, but the involvement
within both State and Federal regulatory processes has
pretty much evolved over time.
Some villages, if you take Kwethluk, their state, municipality, their ANCSA corporation and their tribal councils all meet as one. They don't operate independently of each other. Other villages, maybe St. Mary's or Mountain Village, something like that, in some places it's municipal entity that kind of responds to them. Others it's the tribe or the ANCSA. It varies from village to village, but that's something that's evolved over time for each village as far as what you've got for leadership and a lot of times the same individuals are sitting there from each.

Just trying to fit this whole thing in there is -- and has the focus of this has to be ANCSA corporation, somebody didn't really realize what they were putting into an Executive Order. I guess I couldn't help but offer I wish the same level of interest by certain management agency exempts themselves from Title VIII of ANILCA where you've got a priority and said that their internal management policies were in conflict, so that override the priority status that was promised by Congress, but yet here you've got an Executive Order going after an ANCSA corporation. I'm referring to the responsibility of the Fish and Wildlife Service that they should have to manage their populations to provide for subsistence as a priority over others.

As far as working its way in the process, I think -- again, for our region at the regional council level, we have a specific agenda space set aside for ANCSA corporations and we do have people that come in to represent and they will say they're from the corporation or they're from the city or the municipality.

What's been brought up as far as some kind of -- to fulfill your executive mandate that you have, you know, some kind of a specific letter of invite perhaps to the ANCSA corporation that this is occurring and this is your opportunity to provide your input on a consultation level and the door is open for you. I guess I wonder how much money and time you're having to spend on this process like right here versus what we hear at the RAC meetings on how funding is getting more and more limited and we can't have additional meetings that we would like to have or perhaps travel to give our input at the State's regulatory body when we have companion proposals sitting in front of them, things like that. They're in
question of happening or cannot happen because of limited funding and yet you have to spend this amount of money going through the exercise you are here and how extensive or ongoing it may be.

MS. K'EIT: Thank you, Greg. Lots of good comments there.

Yes, Pat.

MR. POURCHOT: I just wanted to clarify one thing. That policy for consultation with Native corporations, that's not part of an Executive Order. That's law. That was a rider on appropriation bill. We don't really have any choice on following that law. The tribal government-to-government consultation, that was the Executive Order that's referred to up there.

MS. K'EIT: Thank you, Pat.

Any other comments, discussion.

Dolly.

MS. NORTON: Dolly Norton, Cully Corporation. You know, everybody is talking about not having enough money to have these meetings. Well, i'm going to bring up the coastal zone management. The was an opportunity for funding for us. We could have gotten that coastal zone management for Alaska and used the funding for subsistence meetings instead of holding two a year. We could have quarterly meetings. You know, how did your subsistence hunt go in this region, how did it go in that region, but that's just my thought.

Thank you.

MS. K'EIT: Thanks, Dolly. Other folks. Discussion.

MR. ANDREW: Hi. My name is John Andrew, Native Village of Kwethluk. I'm also a member of the Regional Advisory Council out of YK. I have many caps. I am speaking from my village perspective to have the corporations consult at the same level as the tribes. It separates our own community, our village, like from my own village of Kwethluk. I sit with the tribal council. In one community the government says you can consult as a tribe or you can
consult as an ANCSA corporation. We're still one community, one group of people. We're all in one village. Why do they want us to separate us?

Both the corporation and the tribes -- the tribes works for the welfare of the community and the corporation looks after your economic and the resources. Both of them are working for your tribe. That's a question I have.

Thank you.

MS. K'EIT: Thank you, John.

Della.

MS. TRUMBLE: Thank you, John. My community, we work closely together, including the city and the borough. We all work together. However, I am aware that some regions the tribes and the corporations do not work well together and that's why I'm trying to figure out how do you structure something that allows them to have to -- it almost forces them to start to work together to be able to do this. I'm wondering is there something we can create that will -- and it was brought up I think also by creating the subcommittees. Is that process going to work. But I am aware that, yes, there are even some small communities that they don't work together and how are we going to make that work.

MS. K'EIT: John.

MR. ANDREW: Thank you, Madame Chair. In my village it's not much of a problem because like Greg brought up earlier in my community we have what they call a Kwethluk Joint Group consisting of the tribe, the corporation, the municipal government. They meet once a month on issues that are related to our tribal meets, community meets. In some of the other villages they don't do that, they're separate right within their own communities.

Thank you.

MS. K'EIT: Thank you, John and Della.

Gloria.

MS. STICKWAN: I guess I view this as
an opportunity for, like she said, for the corporations
and the tribes to work together, but I don't think this
act is saying the Federal Subsistence Board is trying
to make the ANCSA corporation be the spokesperson or
the tribe. It's just an opportunity for either the
ing the tribe or the corporation to be the lead or to work
together. It's not a mandatory thing for -- I don't
think the Board is trying to say ANCSA corporations are
now going to be the spokesperson for that region and
then we're going to have the tribes. It's just an
opportunity that the region has to work out for
themselves who is going to be the spokesperson for the
-- on subsistence for that region. That's something
that needs to be worked out in each region. It's just
an opportunity the way I see it and if I'm wrong then
somebody should tell me I'm wrong.

MS. K'EIT: No, you're not wrong.

Della.

MS. TRUMBLE: Maybe I need to rephrase
it and say it's an opportunity for them to be able to
work together.

MS. K'EIT: Exactly. Tim, welcome
back.

MR. TOWARAK: Thank you. I come from a
village of Unalakleet. Our tribe I think has an
enrollment of over 1,000 people. We've got a village
corporation that has 840 shareholders. Then the city
of Unalakleet, the official state population is 752.
We had the same problem. When the Claims Act came and
we incorporated the city shortly thereafter there was
jurisdictional problems. We all met together and
here's how we did it in Unalakleet. Any time a Federal
agency wants to contact Unalakleet, they go to the
tribe. If anybody from the State wants to do something
with Unalakleet, they go to the city. If a private
enterprise wants to do anything in the community, they
go to the village corporation and it's worked for 40
years.

I suggest that to other communities
that might have a war going on between the village
corporation or the city or the tribe. It's an equal
way to separate responsibilities. That doesn't mean
one has all the jurisdiction over tribes with the
Federal government. It's working out now where the
city and the IRA just like in Kwethluk are working
together for the common good of the community and it's worked out very well especially during the pipeline days when the State had all its money.

MS. K'EIT: Thank you, Tim. That brings up an idea that someone brought to me during the break. They wanted to pose the idea or the question of what if the Board held their consultations that were joint corporation and tribal government consultations, that they were held at the same time, that people that went there would make it clear they're representing a corporation or a tribal government, but that they could be held at the same time unless one of them said, no, we want ours separate and this is when we want it to be. What do you all think of that idea?

Rosemary.

MS. AHTUANGARUAK: It's an idea that's good on paper but our practice has been it's not been something that's worked out in reality of resources.

MS. K'EIT: Thank you. When you say for the resources, do you mean like the time of people or the subsistence.....

MS. AHTUANGARUAK: Accommodations of the process. We don't have the funds to get people out to various meetings or to get representatives from various boards into our meetings. We don't have processes to get the feedback from these processes into our local community meeting processes to get the communication and follow up the process. So there's a whole realm of problems associated with that.

MS. K'EIT: Thank you. Any other comments. Okay, here's another one I'll throw out there that someone brought to me at the break and it was an idea of when the Board has the topic that they want to get some feedback on, what about the idea of developing the survey or questions or survey form and hiring high school students in the local community to survey folks, like informally survey elders or council members or corporation staff or board members.

What do you think of that idea?

Rosemary.

MS. AHTUANGARUAK: My thoughts are
that, yes, we do need to involve our youth, but we need
to have a local entity in charge of the process because
we need to be involved with receiving the information
and making sure our students know the process that they
need to bring into the process and understand the
subject clearly. We've got various levels of people
that are involved in various ways and having someone
with just a high school education going up against a
corporate leader is a very different process and you
need to know what we're dealing with in these
discussions.

MS. K'EIT: Great. Thank you.

MS. NORTON: I have a question.

MS. K'EIT: Dolly.

MS. NORTON: I believe that point of
contact, like what he was saying, per village or per
region or per tribal entity that is in the knowledge
that can butt heads with the corporate heads, that can
butt heads with the Federal and State heads, and the
tribal government heads and the corporate heads. I
think if we had someone, a point of contact, that had a
face and a name and that is not afraid to stand up and
fight for what's theirs, I think you could get very far
with that.

MS. K'EIT: Thank you. Does anybody on
the outskirts there want to provide any comments or ask
any questions.

(No comments)

Board members, do you have any comments
or discussion you'd like to add this afternoon. It's
3:30. We have the room until 5:00. With the turnout
and the conversation, I'm not sure I expect everyone to
stay until 5:00. Geoff.

MR. HASKETT: Well, this was set up so
that we could learn and hear from people and I think we
learned a lot this afternoon. I don't think we have all
the answers yet. When I hear the discussions about we
need to come out and have specific discussions with
specific people, I understand that comment, but I
struggled a little bit because when you have over 200
tribes, 200 corporations. I mean it's physically
impossible for us to actually go everywhere.
I think we need to do it more than we have. I think what we need to do is come up with some kind of process, look at these kind of comments coming in here where we can do both. We have a process where it's efficient and it utilizes budgets and ways where people are able to hear about things ahead of time and are able to comment and are able to get their needs covered and then we need to figure out other ways where we are able to do more too when it's possible to do that.

Again, I don't think we have all the answers, but certainly there's lots of things we need to go back and sort out and figure out how we can do it better. Clearly we do need to do it better.

MS. K'EIT: Thank you, Geoff.

Any other Board member comments.

Gene.

MR. VIRDEN: Gene Virden. I work with the Bureau of Indian Affairs. I'm a board member. I think this process with the ANCSA corporations is a good process. It can be modified as it needs to be, but it creates the opportunity for more input so that the Alaska Native subsistence users and rural subsistence users will know of a proposal. I know I was in the original meeting with the ANCSA corporations and there was some tribes there too and it was kind of like this at first, but then when they realized the ANCSA corporations had really no interest in taking over any authority of the tribal government, things started moving forward.

I just think this input should really flow through the RACs and some did this year. I went to Dillingham and we had someone call in to the consultation meeting prior and one of the Staff members presented that to the RAC and it was something -- that individual just was physically not able to get to the meeting. So just a comment.

MS. K'EIT: Thanks, Gene. Building on Geoff's idea of trying to develop a process and do it better and then Gene's idea of using what process is there for the RACs, not all the agencies but more of them are starting to work on videoconferencing. I know I've gone to meetings that Park Service and Fish and
Wildlife and they have the equipment set up and they use that to work with their offices in rural communities. I hate to say it, but BIA we're always a little behind the curve after being off of email for how many years and now we're catching up. We're working on getting videoconferencing for our three offices around the state.

That's something I've thought about, could we make that available and as a mechanism to have sessions of consultation with some of our villages. We're using videoconferencing anyway. It's not always the best solution, but sometimes it's better than not doing anything at all and having patience with that process maybe we can also start building into the process some videoconferencing and agencies being able to make available the resources that we have in that way.

Dolly.

MR. NORTON: Now that's a very good idea. However, in Point Lay we have very strong winds and with those winds come power outages, our internet gets cut off, we're on overload in the winter months, so teleconferences via phone works because our internet goes out because the satellite got moved because the wind is too strong. We've been contemplating getting wind generation up there to do the electricity, but when it's -40 degrees and it breaks down, who is going to go out there and fix it. No one. So the videoconferencing is great, but you have to understand during the three months that we are dormant is the coldest and we do have phone services. So videoconferencing we don't have that in Point Lay. So teleconferences are the best way to get a hold of us. Videoconferencing they have that at ASRC, but we don't have that in the village, so that's my comment on that.

Thank you.

MS. K'EIT: Great. Thank you.

MS. AHTUANGARUK: I also was involved with the National Tribal Environmental Think Tank Process in the Agency for Toxicology and Disease Substances process related to the chemical toxins. During those processes we did have some webinars, but the reality of trying to do that in the arctic versus trying to do it in a different setting -- it was a two-
hour conference. It took me four hours for the first half hour.

MS. K'EIT: Thanks, Rosemary.
Other ideas.
Greg.

MR. ROCZICKA: Just to reaffirm, it was mentioned a while ago too, but as far as any kind of teleconference that you want as far as consultation, I don't care who you're talking about in the village, don't put them in June or July. Even August with berry picking is a little tough, but people are at least wrapping down by then with the fish all put away.

MS. K'EIT: Great. Thank you.

MS. NORTON: But it's different in Point Lay.

(Laughter)

MS. K'EIT: Great. It's good to have humor too. Walter, are you just fiddling with the mike or do you want to make a comment?

MR. SAMPSON: No.

MS. K'EIT: You're all done for the day.

MS. MASICA: It's different in Kotzebue too.

(Laughter)

MS. K'EIT: Well, what do folks think about wrapping up. I see a little bit of a head nod there. Lots of head nods. Okay.

MR. SAMPSON: What's your time frame for all the comments and the process that you're doing to get to the final product?

MS. K'EIT: Great question. We have our next consultation, the government-to-government consultation, our Providers Conference, that's December 1st. Maybe the workgroup can talk about are you doing
anything in between now and then and then what the rest
of the timeline is. Refresh my memory.

MS. LEONETTI: Yeah, we're going to do
some stuff in between now and then. Just probably a
couple teleconferences to talk about how the fall cycle
of these consultations went, what we learned today
during this consultation, any other communication that
has come in via email or letter or phone call and we're
going to get it all out there in front of the workgroup
so we can all start thinking about it and then December
1st is that consultation. The week after the Providers
Conference is when the workgroup is going to convene in
person and really digest all that information, analyze
it and try to make something that the Board can
consider at their January meeting. I believe their
meeting is the 17th, 18th and 19th. Pete.

MR. PROBASCO: That's correct, Crystal.
It starts on the 17th and we have the 17th, 18th, 19th
and the 20th as a backup date.

MS. K'EIT: Thanks, Crystal. Della.

MS. TRUMBLE: I'm going to ask maybe --
Dolly, you had comments about why we were doing this
when we did it. We knew that through the course of
fishing, subsistence, berry picking. So I'm going to
put Pete on the spot maybe to kind of explain why we
are where we are and that this is definitely an ongoing
process.

MS. K'EIT: Go ahead, Pete. Thanks.

MR. PROBASCO: Thank you, Kristin.
Thank you, Della. You're correct, Della, this is an
ongoing process. We're currently working, as Kristin
pointed out, an interim protocol. Once we have gone
through this process, which we'll have the information
on December 1st, as Crystal is stating, we will go back
and continue working on that. A draft will be
developed. These drafts will be ultimately reviewed by
the Board, but it's not a completed process. There's
still opportunities for input and review a draft that's
based on the committee's recommendations.

MS. K'EIT: Dolly.

MR. NORTON: As a Federal Subsistence
Board of directors, I guess, when EPA has a suit
mandating that polar bears have this big buffer, does
this Board stand up for all the subsistence hunters and
go and speak on that? I'm just curious.

MS. K'EIT: Pete.

MR. PROBASCO: Thank you, Kristin and Dolly. I can see where people get confused, but when you look at Alaska and as it pertains to the Federal Subsistence Board, the Federal Subsistence Board deals with ANILCA, but then you also have other entities that deal with other subsistence resources, i.e. migratory birds, totally separate processes, and then marine mammals is a totally separate process independent of what this Federal Board deals with.

MS. NORTON: Okay. But does it stand up for the subsistence hunters is what I'm saying.

MR. PROBASCO: The answer is yes, but the way I'm answering your question is if it's specific to polar bears, the Board has acted as a conduit to share councils' concerns, but they're not the deciding body.

MS. NORTON: Who is?

MR. PROBASCO: As far as marine mammals, I'd have to defer to.....

MS. NORTON: So you're saying the polar bear is a marine mammal?

MR. PROBASCO: That's correct.

MS. NORTON: Okay.

MS. K'EIT: Thank you, Pete and Dolly.

Greg.

MR. ROCZICKA: I'd have to point out here from the process just described here with your working group and so forth, if it gets past the January, it's going to be doing so without any kind of review of any interim protocol or final protocol or whatever from the RACs. It jumped out at me from your Item C you had here that the reports and results of the consultation will occur during the fall of 2011 meetings and those meetings are all done and here's
your first consultation at this level that I'm aware of. I mean we had it reported at the RAC that this was going to be occurring here at AFN and then again in December.

MS. K'EIT: I can clarify. We had two teleconferences that were government-to-ANCSA consultation on the fall wildlife proposals and then from those two consultations either an ANCSA rep or a Federal Staff member rep was to report at the fall RAC meetings. So we staggered the consultations, both the government-to-ANCSA and the government-to-government consultation teleconferences so they could be held before the RAC meeting for that region and then either a tribal person on the phone or the ANCSA person on the phone or a Staff member would report at the RAC meeting what the comments were during the consultation teleconference.

So this meeting today is the first in-person consultation and it was more specific to the protocol. The teleconferences held for the past about six or eight weeks, I think, were specific to the proposals.

MR. ROCZICKA: Are you going to be drafting up some kind of document similar to -- I mean it's going to lay out criteria of how you're going to go through a process because that's what I'm looking for and I haven't seen anything at all.

MS. K'EIT: Okay.

MR. ROCZICKA: If you're going to be adopting that, then the RACs are not going to see it. We won't have a meeting before January. The next set of meetings for developing fisheries proposals will be in January, February and March.

MS. K'EIT: Right. I'm going to let Crystal speak to that, but, yes, we will have a time for the RACs.

MS. LEONETTI: Sorry. I guess I didn't finish the whole process. So the workgroup is going to present some protocols or a protocol to the Federal Subsistence Board at their January meeting and then whatever changes the Board might make to the protocol at that time will go out to the RACs for their review and comment back to the Federal Subsistence Board for
their next meeting, which I'm going to Pete now and ask him when that occurs.

MR. PROBASCO: Thank you, Crystal. We will have -- the Board hasn't landed on a spring date yet, but there will be a meeting. What I would add to what you said, Crystal, is that the Board will review the work in January. The Board may elect at that time to say, okay, we heard the comments, we have these comments, go do more work on it or it could go back out to the Councils. I think the next key date is it goes before the Board, the Board will look at the work and then the Board will determine and confirm the next steps. As far as the committee, we were looking at our cycle and we said we could take it back to the RACs for the winter cycle. That's not set in stone. It depends on where the Board thinks the committee is at.

MS. K'EIT: Thanks, Pete.

Dolly.

MS. NORTON: For the spring meeting, may I suggest during March Madness. Everybody loves basketball. They're here for state basketball. That's just a suggestion for your spring meeting.

MR. PROBASCO: Dolly, it would be nice, but, however, a lot of our RACs meet in the months of February and March, so that would be very difficult to do a March meeting.

MS. NORTON: You can have a March Madness.

(Laughter)

MS. K'EIT: I hear the corporation providing a comment on when they'd like to be consulted with. Thanks, Dolly.

MR. PROBASCO: Sullivan Arena.

(Laughter)

MS. K'EIT: Great. So I think just to go back to Walter's question about timeline and make sure everyone knows you have six weeks if you want to put some comments in writing, an email, letter, whatnot, you can do that. We'll be doing the tribal
consultation at Providers Conference on December 1st. You can go to biaprovidersconference.com, that's all one word, and see our very draft agenda.

Just to put in a plug for that, we're having our usual banquet in the middle of the week and the planning committee has found a really great band to have during the banquet, so that's pretty exciting. We said get your dancing shoes ready. That will be -- I think the banquet is at the Egan, but the conference itself is at Dena'ina. So just look on the web there for that information.

Anything else. Tim.

CHAIRMAN TOWARAK: I'd like to maybe ask Pat to give this group an update on the process of selecting two additional Board members.

MR. POURCHOT: Thank you, Tim. As probably most of the people here know, the Secretaries review of the subsistence program came out with a number of actions that the Secretary of Agriculture and Secretary of Interior wanted to see happen and the Board took up a number of those already and has had quite a bit of discussion on them. One of the more important action items that required regulatory change was their proposal to add two public members to the Federal Subsistence Board, which, except for the Chairman, consists of the heads of Alaska land management and BIA agencies. The final regulation was published in early September, I believe.

The Secretary called for nominations and applications for those two public member slots. My office here in Anchorage is taking those nominations and applications now. The application period is open until the end of this month, end of October. The hope is the Secretary of Interior with the concurrence of the Secretary of Agriculture would make selections in time for new public members to be seated and hopefully brought up to speed a little bit in advance of the winter regulatory meeting in January.

MR. TOWARAK: Thank you, Pat.

MS. K'EIT: Great. Good question. Steve gave me the email and the fax number if you want to send in written comments. The email is the word subsistence@fws.gov and the fax number is (907)786--
I think we're ready to adjourn.

Any last comments.

Oh, Louie.

MR. WAGNER: Before you adjourn, I would like to ask the question on the discharge of the mines into the Unuk River. Almost all the agencies here. I would like to see if they're going to do anything to protect our waters and the land. It's going to destroy that river.

MS. K'EIT: Agency folks. Did you say the Unuk River?

MR. WAGNER: Yes, the Unuk River. It's the Mackenzie Mine that's going to be put in operation there once they get their permittings done. I attended a meeting in Ketchikan two weeks ago and the people ahead of the mine gave their presentation there and they're going to try to have three more meetings possibly. They said they would keep monitoring the water quality and whatnot, but monitoring doesn't mean all that much. Disaster happens, it happens. It's too late. I would like to know if our government is going to do everything they can to protect our valuable land and river in that area. If something happens, it's going to affect everything within the Ketchikan area.

MS. K'EIT: Geoff, you raised your hand and then Steve.

MR. HASKETT: Geoff Haskett, Fish and Wildlife Service. This is the first I heard about it today when you mentioned it to me at the break. I don't actually know if we have any kind of nexus or authority, but I can give you my card. Just email me more information and I can pass it on to folks and just figure out what we have to do with it. I don't know the answer to it. It's the first time I've heard about it.

MR. WAGNER: I just feel it's coming into our waters. It's American waters. It's crossing the border. The mine is going to be like seven to ten miles from the American border there. They had some really great pictures of the area there. It's possibly
a 50-year mining operation. I think they said they
plan on taking out 60 million cubic metric yards,
something like that. It was a pretty long word. Then
there's just going to leave this huge hole up there
when they're finished and let it fill with rain and the
runoff is going to be there forever. I know we have no
say over what they do on their land, but I feel we have
a lot to say what's going to come into our waters. I'd
like to hear something positive that we'll be protected
the best we can through our agencies.

Thank you.

MS. K'EIT: Thank you. Steve, did you
want to comment?

MR. KESSLER: No, I think Geoff pretty
well covered it. The situation is these are Canadian
mines. I'm not real sure how we can influence what
happens in Canada and the downstream uses. The Unuk
River has importance subsistence uses, moose. I think
the Board has dealt with the eulachon runs there
recently. I just don't know how we could influence
that jurisdiction. Maybe the State government through
DNR, DEC have more of an ability than this Board. I'm
unclear, but it needs further looking into.

MS. K'EIT: Any other Board members.
Steve, perhaps you and Louie can exchange contact
information as well and then myself. Department of
Interior has an office here in Anchorage and it's
called the Office of Environmental Policy and
Compliance. A few years ago when this topic started
coming up, I had gotten some information and tried to
make sure that the Canadian government had the tribal
contacts for Southeast Alaska that were in that area
and they were attempting to contact tribes and do some
consultation on that subject. So I can help you
connect there and maybe get an update on what either
the Federal offices have been doing or even the State
department at the international level.

Louie.

MR. WAGNER: Thank you. I appreciate
that. We've had the treaty over the salmon all these
years and I just feel anything coming from our
government and telling them that they're hearing from
the people that they're very concerned for their very
delicate little unique river there and the discharge
that's going to come out of that huge mine is going to be devastating. It seems like they're been wanting to have a big say in our salmon all these years and we have the different species going up there, the king salmon, the coho salmon, the chum, the pink and the eulachon run and we have the migratory birds that are up there, the bear and the moose. It just seems like there's always government-to-government talk there between the countries. Before it gets too far in their permitting I think they need to hear from us that there are big concerns coming from that.

There was a good turnout for a short notice at the meeting there. Cape Fox had their representatives there, Sealaska, KIC. I was just on my way up to the river to do moose hunting with my granddaughter and my son and just happened to hear about it. Got a lot of calls, so we had to give up a beautiful day to stay in Ketchikan and attend that meeting that night. You don't have very many good days this time of the year, so that was the sacrifice that we made.

Like I said, the eulachons just came back last year and I honestly feel now that that mine, that KSM mine that's been up there operated for 12 years, shut down the last two years had something to do with that. There's a combination of a lot of things, I think. But the eulachons came back in great numbers last year. I went up to the Carroll Inlet and fished and I made one set and I filled my big skiff and that was great. I made grease. I stayed away from the Unuk because you're not supposed to fish up there. I don't know if I'd have been able to stop myself from fishing there. I've done it all my life. I stayed out of trouble and went up Carroll Inlet and the State of Alaska allowed us to fish the eulachons there.

It just shows how they just came back last year and it took two years after the closure of that KSM mine there and now we've got this huge Mackenzie one. They also have that other mine that's seven miles from the Mackenzie mine that's going to go down into the Nass River and you look at their pictures. Here's where the Unuk comes out and the Nass and they're very close. They're tied together just about on that mountain they're going to destroy.

I asked them how do the people on that side feel about it and they said, well, they're
starting to come around. I said because of the jobs
they're promised and he said -- he didn't tell me yeah.

MS. K'EIT: It would be good to talk
with you specifically or even Metlakatla has a council
and getting some of the Federal folks together that
might be able to provide you with the right directions
to go or the processes you can use to make sure that
there's government-to-government consultation on that.

MR. WAGNER: And I've been talking with
all the other tribes that I could talk to and ask them
for their support, that we need to all work together on
this and go at it as one so we're a stronger voice that
way.

Thank you.

MS. K'EIT: Sure. Thanks, Louie.

MR. SAMPSON: move to adjourn.

MS. K'EIT: Thanks, Walter.

Thank you everybody for staying and for
your comments and discussion. Make sure you write in
if you have anything else you'd like to add.

Enjoy the rest of AFN.

(Off record)

(End of Proceedings)
CERTIFICATE

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STATE OF ALASKA

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

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DATED at Anchorage, Alaska, this 31st day of October 2011.

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Salena A. Hile
Notary Public, State of Alaska

My Commission Expires: 9/16/14