FEDERAL SUBSISTENCE BOARD

WORK SESSION MEETING

OSM CONFERENCE ROOM
ANCHORAGE, ALASKA

June 18, 2013
9:00 o'clock a.m.

MEMBERS PRESENT:

Tim Towarak, Chairman
Charles Brower
Anthony Christianson
Bud Cribley, Bureau of Land Management
Timothy Jennings, U.S. Fish and Wildlife Service
Sue Masica, National Park Service
Eufrona O'Neill, Bureau of Indian Affairs
Wayne Owen, U.S. Forest Service

Ken Lord, Solicitor's Office
Dawn Collinsworth, USDA Office of General Counsel

Kelly Hepler, State of Alaska Representative

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CHAIRMAN TOWARAK: Good morning. My name is Tim Towarak. I'm the Chairman of the Federal Subsistence Board. I think with Charlie coming in we finally got everyone here that's expected. I'd like to -- Sue will be a little bit late but we have someone sitting in for her.

Your agenda is on the first page. I'd like to start off with introductions and we'll start with my left and go around the table.

MS. O'REILLY-DOYLE: Good morning. I'm Kathy O'Reilly-Dole. I am Acting Assistant Refuge -- or Acting ARD for the Office of Subsistence Management.

MR. CHRISTIANSON: Anthony Christianson. I'm the rural Federal seat Board member.

MR. MILLS: I'm Dave Mills with the National Park Service. Tim said Sue should be here in a couple minutes.

MR. CRIBLEY: I'm Bud Cribley. I'm State Director, BLM Alaska.

MS. O'NEILL: Eufrona O'Neill. Acting Regional Director for BIA.

MR. JENNINGS: Yeah, good morning. I'm Tim Jennings. I'm Assistant Regional Director for the Fish and Wildlife Service sitting in on behalf of Geoff Haskett.

MS. COLLINSWORTH: Good morning. I'm Dawn Collinsworth with the USDA Office of the General Counsel.

MR. OWEN: Good morning. I'm Wayne Owen. I'm the US Forest Service Director for wildlife fish and subsistence and I'm sitting in representing the Regional Forester today.

DR. JENNINGS: Good morning. David Jenkins. I'm the acting Deputy Assistant Regional
MR. LORD: Good morning. Ken Lord with the Office of the Regional Solicitor for Alaska region.

CHAIRMAN TOWARAK: Thank you. We'll call the meeting to order and the next item on the agenda is the reviewing of the agenda. I'd like to -- pardon.

MS. O'REILLY-DOYLE: Charlie can introduce himself.

CHAIRMAN TOWARAK: Oh, let's introduce Charlie.

MR. BROWER: (In Inupiaq) Me no speak English.

(Laughter)

MR. BROWER: Good morning. I'm Charles. I'm Charles, I'm from Barrow, Alaska, one of the rural representatives on the Federal Subsistence Board. Good morning.

CHAIRMAN TOWARAK: Thank you, Charlie. Welcome.

On the agenda we do have one deletion on 11B. We're taking that off of the agenda but the rest remains. Are there any other changes that need to be made on the agenda.

(No comments)

CHAIRMAN TOWARAK: Are there any objections to the adoption of the agenda.

(No comments)

MR. BROWER: So moved.

CHAIRMAN TOWARAK: There's a motion to approve the agenda with deletion of 11B.

MR. CHRISTIANSON: Second.

CHAIRMAN TOWARAK: It's seconded. Motion passes.
For information exchange. I've got a couple of things that I wanted to point out.

Katie John passed away last month and we attended her funeral and I had the Staff draft a letter, I've got a copy of the letter here for anyone that wants a copy, to recognize her input into subsistence. She was a very well known and well respected elder, a woman from the Yukon River around the Fairbanks area. The letter is fairly self-explanatory but we gave it to her family and extended our gratitude for the role that she played in the subsistence situation in Alaska.

You have anything else?

MS. O'REILLY-DOYLE: No. If the Board wants to do anything else in recognition (no microphone).

CHAIRMAN TOWARAK: Okay. We'd like to open up the floor if there's any Board members feel that we should be doing a little bit more or anything else to recognize Katie John's contributions to the subsistence issues in Alaska. And perhaps we could just leave it open for the day and if you have any ideas on what we might be able to do, please let us know here during the day.

I'd like to ask Wayne to explain maybe the award that Tony received and like to recognize -- the recognition that he got.

MR. OWEN: Thank you, Mr. Chairman. I'd be more than happy to do that.

The Forest Service and other Federal agencies every year give awards for what are called Rise to the Future and they have to do with fish management, excellence in fisheries management across the nation. And this last year was the first year they had a new category for tribal partners and so my Staff and I put together a nomination for Tony Christianson, our member from Hydaburg, and he was lucky enough, he was deserving enough to receive that honor and we supported his travel to Washington, D.C., to receive that award where he met with agency heads and Deputy Under Secretary -- or Acting Under Secretary Butch Blazer, and so it's a great source of pride for the Forest Service to have a partner in Tony Christianson, and I'd like us all to acknowledge this
wonderful accomplishment of his. And by the way, we've
gotten a lot of good press out of Tony for this.....

(Laughter)

MR. OWEN: .....and we put you up for
another award based on that award.

(Laughter)

MR. OWEN: So we're going to milk it.

(Laughter)

CHAIRMAN TOWARAK: Congratulations, Tony.

As you know our previous Director left
for a different position and his replacement has been
appointed. There was a news release a couple of weeks
ago, sent out, that Gene Peltola will be replacing
Peter.....

MS. O'REILLY-DOYLE: Probasco.

CHAIRMAN TOWARAK: .....yeah, Probasco --
Pete Probasco, I already forgot his name.

(Laughter)

CHAIRMAN TOWARAK: I shouldn't have but
I -- but Gene will be coming on in August so he will be
with us probably for our fall Board meeting.

MS. O'REILLY-DOYLE: Uh-huh.

CHAIRMAN TOWARAK: And I'd like to thank
Kathy for filling in in the interim. She's done a very
good job of keeping things moving and we appreciate your
efforts.....

MS. O'REILLY-DOYLE: Thank you.

CHAIRMAN TOWARAK: .....in keeping the
Federal Subsistence Board on board.

But I'd like to make one announcement,
we've been requested that if you have your cell phones
please turn them off during the sessions.

I'll open the floor for any other
information exchange that Board members would like.

MS. BURKE: Mr. Chair.

CHAIRMAN TOWARAK: Yes.

MS. BURKE: Good morning, everyone. I'm Melinda Burke. I'm the Council coordinator for Northwest Arctic and Western Interior filling in for my boss, Carl Johnson, who's out today.

We have eight Council members who are coming up on 20 years of service in their regions and we have one who will be coming up next year as well. And we wanted to discuss with the Board, starting to plan some gifts and some recognition for those members in this fall's Council cycle. As you go upon your meeting today, later as you discuss budget and scheduling, if there's going to be any of the Board members or Staff Committee members traveling to any of the regions where some of these Council members need to be recognized, hopefully they would be available to present at the meeting.

So let me just go ahead and go through the list really quick. From the Southeast Council we've got Ms. Patricia Phillips and we have Ralph Lohse from the Southcentral Council. From Bristol Bay we've got Daniel O'Hara, Peter Abraham. YK-Delta, we've got Harry Wilde, Sr., Western Interior Ray Collins and Jack Reakoff. And from the North Slope we've got Harry Brower, Jr. Elmer Seetot from Seward Penn for next year. And I also have -- just like everything else there's not a lot of money, there's not any money for the purchase of gifts so I'm going to have an envelope here, I'm going to put it back here by Tom and Steve on this table and if anybody'd like to contribute we're going to be starting to plan some gifts so I'll have the list out there available and as you discuss later, if there's any Board or Staff Committee members who will be at these meetings it'd be great if they could present that.

So thank you so much.

CHAIRMAN TOWARAK: Thank you. In conjunction with that we're going to try to coordinate between all seven Board members to see if we could fit into their schedule and have at least one Board member to make these presentations of the 20 year awards. So if you have a particular region that you would like to attend, please give that information to Kathy.
MS. O'REILLY-DOYLE: Uh-huh.

CHAIRMAN TOWARAK: Further exchange information.

(No comments)

CHAIRMAN TOWARAK: Not hearing any then we will continue on with Item No. 4, public comments. This is a work session and I was asked if we should have public comments and I would like to open the floor for anyone on any of the agenda topics, if there are anyone, either on the phone or in the public that.....

MS. O'REILLY-DOYLE: We have three.

CHAIRMAN TOWARAK: We have three people who would like to make.....

MS. O'REILLY-DOYLE: There's one in person and two on the phone.

CHAIRMAN TOWARAK: .....comment -- okay. We have Floyd Kookesh. Mr. Kookesh would you like to address the Board at this point or -- he talked with me on the way up and asked if he could speak specifically to the ETJ on the petition from Kootznoowoo and I'm willing to have him address the Board at that time when it's -- it's toward the end of the agenda.

We also have Mr. Naoroz from Kootznoowoo on the phone, I assume.

MR. OWEN: The phone's not on.

REPORTER: The phone is on.

MR. OWEN: Oh.

CHAIRMAN TOWARAK: Do we have Mr. Naoroz on the phone?

MS. O'REILLY-DOYLE: Where -- where's Andrea.

MS. WHITEHOUSE: She just went and checked the system.

CHAIRMAN TOWARAK: Okay, it sounds like we don't have the phone hooked up so we'll give them a
couple of minutes.

REPORTER: The phone is hooked up and working, they're muted from Andrea's computer.

CHAIRMAN TOWARAK: We'll also have the Organized Village of Saxman who.....

MS. O'REILLY-DOYLE: Andrea's back. So if they want to speak just to the ETJ do you just want to allow them to speak at that same time, too, then.

CHAIRMAN TOWARAK: Okay. Mr. Naoroz, are you on the phone and are you available to make comments now or would you like to do the same as Mr. Kookesh and address the Board when we bring up the ETAG, ETJ topic?

MR. NAOROZ: Mr. Chairman. I am on the phone, I don't know if you can hear me but I would like to wait until the time that you bring up the subject in general.

CHAIRMAN TOWARAK: Okay. We will give you the floor when the subject comes up.

MR. NAOROZ: Okay. I'll be on hold until then.

CHAIRMAN TOWARAK: Okay, thank you very much. And we have the Organized Village of Saxman on the phone too.

MS. MEDEIROS: Lee Wallace actually was on (no microphone) listen only, and it looks like he left there too.

CHAIRMAN TOWARAK: Is there anyone else that would like to address the Board from the public.

MS. MEDEIROS: We have a Sara (no microphone) from Doyon Limited and her line is open.

CHAIRMAN TOWARAK: Sara, are you on the phone, would you like to address the Board?

SARA: Nothing here. Was just calling in for listening.

CHAIRMAN TOWARAK: Okay, thank you.
SARA: Thank you.

CHAIRMAN TOWARAK: And anyone else?

(No comments)

CHAIRMAN TOWARAK: If not then we will proceed. We've had a couple of people walk in and I'd like to have Ms. Masica and Pat to introduce yourselves.

MS. MASICA: Sue Masica from the National Park Service. Sorry I'm late I had a dentist appointment this morning.

MR. KRON: Oh, man.

MR. POURCHOT: This is Pat Pourchot with the Office of the Secretary of Interior here in Anchorage.

CHAIRMAN TOWARAK: Thank you. Welcome to our meeting. We will continue on. Item No. 5 on our agenda is the OSM budget briefing. Kathy.

MS. O'REILLY-DOYLE: Thank you. So thank you, Mr. Chair. I do have some handouts that I'm going to pass around here so that you can follow along with this.

So just to give you a bit of an overview. One of the things after the Secretarial Review -- one of the things the Secretary wanted to see is that we did an annual -- OSM did an annual budget briefing to the Board to let you know what the status was and give you a little idea as to what the priorities were, where we might be trying to find some cost savings. And the other thing on the budget briefing is one of the things in the Secretarial Review, the Secretary asked us to take a look at the budget and see if there was a possibility for a single line item for subsistence and we will cover that a little bit later in the briefing under Secretarial Review, which is Item No. 6 on your agenda. But I thought that this would be good to give you an overview of the budget process and how the funding, you know, comes to us, you know, from the President's budget and -- to OSM and then in turn how the funds are spent once it comes to OSM to give you a little bit better idea to prepare you for the discussion in the next agenda item.

So the first handout is basically direct
support of Federal Subsistence Program. What we did is
we asked all the agencies that are represented here on
the Board, in terms of how much -- what the funds are
that each agency is targeting at direct support of the
program. And you'll see across the board, the BLM, Park
Service, Bureau of Indian Affairs and the US Forest
Service and then US Fish and Wildlife Service and OSM, I
did not put the amount here because that's covered in the
subsequent slides, and there's more detail to that.

So if you'd turn to the second slide.

This is our attempt to simplify an explanation of how the
funding flows from the President's budget to OSM. So
basically the President's budget comes down to our
headquarters office at US Fish and Wildlife Service and
then you can see on the sides, we get a funding stream
through the Fisheries Program and we also get a funding
stream through the Refuges Program. That, in turn, works
its way to the Alaska region of US Fish and Wildlife
Service, and from there funds are allocated from the
Fisheries budget and from the Refuge budget to OSM. Once
the funding gets to OSM then, in turn, we fund target
some of those funds back to different programs to help
administer the Subsistence Program. For instance, common
services helps with IT Staff, budget and regional office
costs. Fisheries it's distributed to the different
fishery stations to provide assistance with fisheries.
Refuges, Refuge Information Technicians, administration,
subsistence coordinators, and fisheries techs and law
enforcement, it assists with some of the activities that
we have with subsistence. You can also see on this chart
that everything is color-coded on the end, and this is
important for deciphering some of the handouts that I've
provided you.

So if you'd turn to the next one.

Basically a chart showing.....

MS. O'NEILL: Just one question.....

MS. O'REILLY-DOYLE: Yes.

MS. O'NEILL: .....please, on this chart.

MS. O'REILLY-DOYLE: Yes.

MS. O'NEILL: Is the 10 million, or the
dollar amount at the bottom of the page, is that the
total amount of funding you get in addition to what you
pass out here or what's the total amount that you're distributing?

MS. O'REILLY-DOYLE: I can show you -- that's indicated.....

MS. O'NEILL: That's later?

MS. O'REILLY-DOYLE: Yeah.

MS. O'NEILL: Okay, all right.

MS. O'REILLY-DOYLE: Good question.

MS. O'NEILL: Okay.

MS. O'REILLY-DOYLE: And if I don't answer that in the other slides, please ask me again.

Okay.

So on the next page you'll see the total OSM budget by fiscal year and you can see the declining trend in the budget. And the table on the bottom of this page, as you can see, is color-coded. The blue, it shows the total amount that we've received in OSM from 2005 to 2013, and this is the amount that's reflected in that chart above.

Yes.

MS. COLLINSWORTH: We don't all have colored copies, these.....

MS. O'REILLY-DOYLE: You don't have color -- oh, I'm sorry, you were supposed to all get colored copies.

MS. COLLINSWORTH: That's okay, we can share.

MS. O'REILLY-DOYLE: Okay. The color copy -- or the color blue is under total so who -- okay.....

MS. COLLINSWORTH: We're shaded grey.

MS. O'REILLY-DOYLE: You're shaded grey, all right.
(Laughter)

MS. O'REILLY-DOYLE: So what I wanted to focus on for the purpose of this briefing was the 2012 numbers.

So the regional program support would be in green and the OSM retained is in purple, so that would be the last column. So in answer to your question, as you can see, if you flip back one page, you can see the OSM is the blue and then the green amount is what -- okay, I'll get -- just -- the green amount is what goes to common services, fisheries, Refuges, and law enforcement and then the purple is the amount retained.

So, Sue, did you have a question?

MS. MASICA: Yeah, Kathy, I just want to make sure that I'm clear, so for that green amount, that million 990, that's not just the regional office, that's actually money that's going to your -- to some of your field units as well as.....

MS. O'REILLY-DOYLE: Yes.

MS. MASICA: ......support for program -- programmatic support that occurs here in the regional office, it's a combination of both?

MS. O'REILLY-DOYLE: Exactly.

MS. MASICA: Thank you.

MS. O'REILLY-DOYLE: Exactly.

So if you'd turn to the next slide, and you'll see the pie chart -- I apologize for you that don't have the colored copies because that was intentional to help you follow along here, but you can see the total amount in blue, once, again, is the 12 million, and this is the pie chart to show how the funds are distributed. So 84 percent is with OSM, nine percent goes back out to fisheries, five percent Refuges, one percent law enforcement, and one percent is common services.

If you'd flip to the next slide, and we are getting into just the OSM budget. So OSM 39 percent of our budget is for Staff, travel and operations. 37 percent is for the Fisheries Resource Monitoring Program.
16 percent is for common services and program support. Three percent is for the liaison cooperative agreement that we have with the State of Alaska. And five percent is for the Partners Program.

So some of the things that we've been doing in OSM with the decreased budgets, I just wanted to -- we've been trying to keep the FRMP project as whole as possible because that supports the research and the information needs that we have and in order to get you the best information for making your decision. So we've tried to keep that as whole as possible. Where we have found some cost savings is in the Staff travel and operations part. What we have been trying to do there is -- tried to keep some of the Regional Advisory Council meetings in regional hubs where we can, because travel costs are definitely less if we can get people to regional hubs. We have been looking at cost analysis on some of these meetings where the RACs have wanted to get them into smaller communities and seeing if that's a possibility and wherever possible we try to accommodate them in the smaller communities. But in terms of cost savings we try to keep them in the regional areas.

Another thing that we have been doing, too, is we have reduced the amount of Staff that we're sending to some of these meetings. We have our Council coordinator that always goes to the meeting and we usually try to send someone from our leadership team as well. During times where we have fisheries analysis and wildlife analysis, we have been trying to send a biologist -- a fisheries biologist or wildlife biologist to the meeting as well, especially where it's the analyst that's reviewing the proposals that's coming from that Council.

We have had to limit additional people going to the meeting and what we're trying to do is improve our teleconference capabilities at some of these meetings but all of you know that that can be quite a challenge in some of these communities in terms of the reception, the power. It isn't the best solution but it is one that we're trying to improve upon so that we can have the resources that the RAC needs to address their questions. So we try to keep everyone on line during, you know, their meeting but we haven't been able to send all the people to the meetings.

The other thing that I think is important to note on this pie chart as well is the Partner's
Program, we have $600,000 allocated for the Partner's Program, and what I don't know if it's commonly known is a lot of the Partner's Program projects help support the FRMP research projects, so they're somewhat knitted together. So it's not like you can just cut the Partner's Program and you have a clean savings because maybe the Partner's Program funding to them is helping to support an FRMP project. So if they weren't funded you would have to spend more on the actual FRMP dollars. So it's knitted together a bit in terms of not being able to just say we're just going to cut this area because we would have to consider what projects that affected as well.

So if you'd turn to the next page you can see the 37 percent that goes to the FRMP, this is broken down into how the funds were spent in 2012. And the FRMP, just as a refresher is a competitive grant program, so these projects are submitted, they compete and the best projects are selected through the Technical Review Committee. So this is how the funds kind of are allocated. There's 42 percent to the State of Alaska, 28 percent goes to Federal agencies, 19 percent goes to Native and 11 percent is for private.

And then if you flip to the final page, I repeated the chart but just the trending of our total budget for OSM is a 15 percent decline since 2005 and then the second chart is OSM Staffing by fiscal year. So you can see we've gone from 50 -- about 50 employees in 2005 and we're getting close to about 30 in '12. We do have quite a few vacancies right now and I'm sure all of -- most of you are aware of the sequestration issues and the hiring freeze. We're experiencing a hiring freeze at US Fish and Wildlife Service, I think all of DOI is under a hiring freeze. I'm not sure if Forest Service is as well or not. But one thing that we are doing with all of our vacant positions right now is we need to request waivers and those waivers come through D.C. So anything that we have in terms of a vacancy we need to submit that and get it improved and the Assistant Regional Director position that Gene Peltola was just selected for, that went through a waiver process. Steve Fried will be retiring here at the end of the month, his position has been a waiver -- has been submitted to refill his position. And Helen Armstrong, who retired at the end of last month, and she was our lead anthropologist, a waiver has not been submitted -- forwarded yet, to D.C. for her position. So one thing that we're looking at is creative solutions for how to continue to operate OSM, how to
support the Board and how to support the rural residents. So I have started discussions with some of the agencies and looking at creative ways to possibly get some anthropology needs met in terms of doing details. Maybe having other agencies, you know, we share Staff, you know, take a look at how we can be creative to get the work done and to get the expertise that we need to prepare the analysis for you.

So is there any questions on that?

MR. OWEN: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead, Wayne.

MR. OWEN: Thank you, Mr. Chairman. This is an illuminating briefing and consistent with the budget trends that the Forest Service has experienced and the subsistence line item. I would have liked, however, to have seen a briefing that included the funding from all Federal agencies, you know, this was interesting enough but it would have been nice to share with everyone, you know, sort of the same boat that everyone else is in so we can see a total picture of the Federal funding to the Subsistence Programs throughout Alaska, you know, and the straits that we are all in. Maybe sometime in the future we can get that briefing.

MS. O'REILLY-DOYLE: Thank you. That's an excellent suggestion.

MR. OWEN: Thank you.

CHAIRMAN TOWARAK: Any further questions or comments.

MS. MASICA: One question.

CHAIRMAN TOWARAK: Sue.

MS. MASICA: The consequences of the sequester for OSM principally in the personnel arena or were there other areas as a result of the sequester that you all ended up having to reduce further? Did the FRMP get hit at all as a result of the sequester? I know it's been going down but.....

MS. O'REILLY-DOYLE: Uh-huh. The initial cuts that we took with the sequestration, the things that were targeted right now was reduced funding for the State
liaison position. Reduced funding for the Partner's Program this year. We were fortunate that we had some funds available at the end of last year so we did some forward funding for the Partner's Project so those will not be funded fully through this year's budget because we were able to do some forward funding because we anticipated that there would be some cuts this year so we prepared ourselves for that.

Staffing is -- is a big one in terms of how the sequestration has hit because of not only the funding but also the hiring freeze and looking at, you know, how we can be creative. One thing that we have done, we have two new Staff that we have brought in from other divisions and programs within the US Fish and Wildlife Service because their positions in their current spots, one was in Refuges and one was in Fisheries, their positions were slated to be discontinued because of the sequestration so we were able to bring, you know, their talent into OSM and now they're on our Staff. So we're working within the agency to see, you know, how we can shift things and keep everyone employed, as well.

Thank you.

CHAIRMAN TOWARAK: Go ahead.

MS. O'NEILL: The budget will always be with us.

(Laughter)

MS. O'NEILL: And I speak more in my experience in other capacities and being a member of this Board, but in making those allocations and decisions, are you basing them upon the performance standards that we've seen in the past relative to the effectiveness of the work being performed in supporting this Board or are you just following general guidelines relative to trying to keep Staff -- I mean I'm familiar with that one but -- maybe I'll back up.

MS. O'REILLY-DOYLE: Okay.

MS. O'NEILL: Are there performance standards in place relative to this budget that measure how responsive the OSM is to the Board? For example, are we receiving the type of answers we need from the various research programs to assist us in making decisions. That would be one performance measure. So do we have those
standards in place and have the budget decisions based --
are based upon those standards?

MS. O'REILLY-DOYLE: That's an excellent
question. And in terms of specific performance measures
-- are you aware of any? I'm -- I'm not aware of any, I
am currently acting. I'm -- I'm not aware that we have
specific performance measures, but one thing that we have
been striving to do is making sure that the analysis that
you receive on the -- the proposals -- the wildlife and
the fisheries proposals is not compromised. That is one
of the reasons that we're looking for creative solutions
in addressing refilling the anthropologist position
because we realize that that's a key position in
providing answers on the analysis. It's an element
that's very important to this program. And -- and we're
looking for other ways to make sure that those -- that is
-- that that need is being met.

MS. O'NEILL: I think that's an admirable
measure, however, I think another measurement that would
be important is also to look at how the research actually
supports the questions of the Board.

MS. O'REILLY-DOYLE: And in answer to
that I'm not sure if you are familiar with the Technical
Review Committee. What is happening right now, we have
received the -- the grant proposals from all the
principle investigators and what's going on right now is
there's a Technical Review Committee that we have set
priorities in terms of the research that we're looking
for for this upcoming cycle. The Technical Review
Committee is made up of experts in their areas, they come
from different agencies. I believe we have some from the
universities as well. And they are charged with
reviewing that -- those proposals to see that the
research needs that are priorities are met in terms of
forward funding the next set of proposals.

Does that address your question?

MS. O'NEILL: Well, I have another
question. When you said we.....

(Laughter)

MS. O'NEILL: And I apologize, I will
only pursue this a little bit longer.

MS. O'REILLY-DOYLE: Okay.
MS. O'NEILL: When you said we set the priorities, what -- who determines the priorities for the research?

MS. O'REILLY-DOYLE: Yeah, David, do you want to answer this.

DR. JENKINS: David Jenkins. Yes, I'll try to answer that. We ask the Regional Advisory Councils for advice on the kinds of information needs that they would like. So in some ways it's a bottom up process so some of the priorities bubble up from the Regional Advisory Councils and what they perceive to be missing information; and so that's part of it. It's like the RAC system, in general, we try to get information from local peoples first. And so we're responsive to what they would like to see and then we put out a call for proposals, generally, and then it goes through the process that Kathy was beginning to describe. And then once we've filtered those proposals we send them back out to the Regional Advisory Councils for their review, and after that, with their review, it comes back to the Board for your approval and then ultimately it's the ARD's decision to fund particular programs.

So it has a broad priority setting bottom up process.

MS. O'NEILL: And has the Board generally found itself in a position of having the answers that it wants over the years based upon that established priority system?

DR. JENKINS: Well, I guess we can ask the Board, has the Board found it's questions answered?

(Laughter)

DR. JENKINS: This is actually a good question and your question about performance measures is an excellent one and when we get to the Secretarial Review we can raise that again because I think you're spot on, that there needs to be something there.

CHAIRMAN TOWARAK: Go ahead, Wayne.

MR. OWEN: Yes, I think maybe the question might also, or rather be do the RACs find that they're getting the information they need, you know, so if we pursue this I wouldn't want it to be us sitting at
this table saying, yeah, we know what we need to know, I
would encourage us to ask the RACs if they're getting the
service from the research in the FRMP that they need.

CHAIRMAN TOWARAK: I've got a question, you know, we increased our Board members by two and how
did we do that with the budget, was it just shifting
funds from one source to the Board?

MS. O'REILLY-DOYLE: Yes. During the -- after the Secretarial Review we did do some estimates as
to what the different things were, what we thought it
would cost to fully implement some of the things
identified in the Secretarial Review. We did identify
additional dollars to assist with the travel for the
Board -- the new Board members and we did not receive
additional funding for that so that has just been assumed
in our travel budget.

CHAIRMAN TOWARAK: Go ahead, Pat.

MR. POURCHOT: I would just add that the
compensation for the public members comes out of my
budget so.....

MS. O'REILLY-DOYLE: Thank you, Pat.

MR. POURCHOT: .....I don't know how
we're doing that, I guess we -- suck it up.

(Laughter)

CHAIRMAN TOWARAK: Thank you, Pat.

Further questions or discussion.

MS. O'REILLY-DOYLE: Nope.

CHAIRMAN TOWARAK: That concludes
our.....

MS. O'REILLY-DOYLE: Thank you, Mr.
Chair.

CHAIRMAN TOWARAK: .....discussion on the
budget briefing. We will continue on to Item No. 6, a
status report on implementing Secretarial recommendations
for the Federal Subsistence Management Program.

DR. JENKINS: You can see the briefing in
your books and I'm going to follow through this, but
partly -- it's Agenda Item 6. And as you know the
Secretary of Interior and Agriculture asked for a review
of the Federal Subsistence Program, and you can see the
letter from the Secretary, it's in blue in that agenda
tab, and the Secretary asked for 10 items to be reviewed
and then also a report on the implementation of those
items. So I'm going to give you an update on the
implementation.

So this letter came from the Secretary in
December of 2010 with the concurrence -- from the
Secretary of Interior with the concurrence of the
Secretary of Agriculture and these 10 actions were
intended to provide a more responsive and more effective
subsistence program. The Secretary also sent a letter to
the director of the US Fish and Wildlife Service at the
same time and noted that five of the actions involved
programs under your direction, and you have copies of
both letters in your packet. The Secretaries also asked
for a status report and the Board provided its first
status report in April of 2012, you've got a copy of that
letter as well.

And so far the Board has implemented
three of the Secretaries recommendations. We have two
rural Board members. The Board has expressed its intent
to expand deference to Regional Advisory Councils to
include customary and traditional use determinations.
And the Board also adopted a new policy on executive
sessions, to limit those or minimize the use of executive
sessions.

Now we've got several other items that
we're working on that haven't been completed. The
memorandum of understanding which will be talked about
later today, the rural determination process, which will
also be talked about later today.

One of the items the Secretary asked us
to look at was the customary and traditional use
determination process, and the customary and traditional
use determination process is a way of recognizing uses of
fish and wildlife in particular regions. It's not an
ANILCA requirement, and it was a requirement that was
adopted from the State when the Federal Program took on
fish and wildlife management -- subsistence management in
the early 1990s. So the Southeast Regional Advisory
Council has asked that a comprehensive assessment of
custumary and traditional use be made and that the eight
factors that we use in determining customary and
traditional use be conducted so we really sort of
understand what it is we are doing, why we adopted it
from the State, and whether it continues to have any kind
of efficacy using these eight factors. The Southeast
factors suggested using what's called an .804 analysis to
apportion resources rather than these customary and
traditional use factors. So we intend to have a fuller
briefing at the fall RAC meetings on this topic and to
get the RACs recommendations on whether they would like
to continue to use this process or some different
process.

There are other recommendations that the
Board has not yet addressed.

One was to review, also with Regional
Advisory Council input, and present recommendations for
changes, Parts A and B of the CFRs, which were adopted
from the State. The idea here is that the Secretaries
would like to ensure that Federal authorities are fully
reflected in Parts A and B of the CFRs. We have not yet
begun a review of these Parts A and B, with a couple of
exceptions, and the exceptions are the rural
determination process, which is under the Secretary's
purview and the C&T determination process. So those two
we begin to look at. But the Secretaries asked us to
look at all of Parts A and B and we are currently trying
-- considering an inter-Agency work group in order to
look at those regulations and see if they continue to
have some -- continue to reflect State authorities as
fully as possible. So we've begun that process.

The Secretaries also requested that the
Director of the Fish and Wildlife Service, under
departmental procedures, review -- no, pardon me. Let me
say, at the request of the Director of the Fish and
Wildlife Service and under departmental procedures to
review and submit recommendations for departmental
consideration of the annual budget of OSM, which you just
were given a briefing of. Okay. So this is the Boards
-- the Secretary's asking the Board for recommendations
on this budget. So the Board presented recommendations
in their letter to the Secretary in April 2012 and
identified a variety of needs, some of which have been
fulfilled and Kathy already mentioned that budget
reductions were discussed; cutting funding to support the
State of Alaska in the liaison program; reduce the funds
for the Partner's Program and reduce the funds for the
Fisheries Monitoring Research Program. And we intend to
continue to keep the Board updated on all of these budget
issues as the unfold. And part of the question that was
just posed by Ms. O'Neill was about performance measures
and this is part of where the Board could make
suggestions, if the Board would like to see performance
measures implemented, this is in your -- it's part of
your responsibility to submit those recommendations. So
this is the opportunity to do that.

So another element the Secretaries would
like to see the Board look at was to make sure the
Secretaries were informed when non-departmental
rulemaking entities develop regulations that adversely
affect subsistence users. And, we, at OSM, intend to
assign a Staff member to collect information that can go
to the Board and then could be passed on to the
Secretaries when non-departmental rulemaking entities
make rules that adversely affect subsistence users. One
example, which is not in the United States, but there's
a question of mining in Canada that affects Southeast, or
potentially affects Southeast subsistence users, and the
RAC's asked the Board to send on this information to the
Secretaries and asked the Secretaries to send it on to
the Secretary of State. So this is the sort of
information that we expect to continue to pass up to the
Secretaries and we'll continue to gather that
information.

In another area is the Secretary has
asked the Board to use ANILCA Section .809 cooperative
agreements with local tribes and other entities in
fulfilling Subsistence Program elements and Section .809
of ANILCA authorizes the Program to enter into these
agreements. There seems to be some confusion about .809
agreements. There is no pot of money which is .809
monies, this is simply authority that allows --
authorizes the Program to enter into cooperative
agreements and we have entered into many such cooperative
agreements.

So the Board -- so these are the kinds of
things of that the Secretaries asked the Board to
consider. And in the Board's previous response there
were five actions identified in the Secretaries letter to
the Director of the US Fish and Wildlife Service, and I
want to give you a brief update on those as well.

So senior Fish and Wildlife Service Staff
met with the Deputy Assistant Secretary for Policy
Management and Budget to discuss modifying the budget to
include a line item. And out of those discussions there were no changes recommended, that is, no line item was recommended. So this is something that the Board could also provide some guidance on. The Fish and Wildlife Service Deputy Alaska Regional Director discussed budget issues with the Board, if you recall, in May of 2011, and the Assistant Regional Director did again in March of 2012 and will continue to update the Board on budget issues.

Senior Fish and Wildlife Service Staff have coordinated with the Deputy Assistant Secretary of Policy Management and Budget to conduct an evaluation of the Subsistence Program. And as Kathy pointed out, subject to increasing budget declines and the current budget climate and as Kathy mentioned, we're committed to protecting core management functions, including the Regional Advisory Councils, despite our declining budgets and we'll keep you updated on those efforts.

I mentioned Section .809 cooperative agreements. They continue to be a priority. This is how a lot of our monies are distributed through the FRMP Program.

And, finally, the Board was asked to be involved in hiring the Assistant Regional Director for OSM and Board members were asked to provide input and as you know Gene Peltola was selected and he will come on board in early August.

Thank you. That's the end of the briefing on the Secretarial Review.

CHAIRMAN TOWARAK: Sue.

MS. MASICA: Thank you, Mr. Chairman. Thank you, David, for that briefing.

You know on the third bullet, the one with the sort of the review and evaluation of the Subsistence Program. I think the characterization in the summary is a little bit off from what the actual directive was. If you go to the memo that the Secretary signed to the Assistant Secretary for Policy Management and Budget. It talked about an evaluation in concert with all of the involved bureaus and I think number 3 was between Fish and Wildlife Service and the Department, and I think the intent of the review recommendation was sort of an inter-disciplinary look across all the bureaus who
were involved in the Federal Subsistence Program. And that's something, once Gene gets here, that maybe we could sit down and talk about because I think with the amount of Staff decline that you all have experienced and the amount of budget decline we've all got to think about how we do our business in a completely different way and I think putting sort of the collective intellectual power of many people who are involved in this, into that conversation, rather than OSM thinking you all have to solve it yourselves could be very beneficial. And, I mean, you know, I know we, in the Park Service, every time we have a change in leadership in a major functional area we have an independent team come in from different parts of our organization to look at that, to give that new leader a review of sort of what's working well, what's not working so well, what are some budget flashpoints potentially, and that might be something that could be illustrative in helping all of us figure out, how do we continue to support subsistence users and this whole bottom up process, but in a way that is cognizant of the resources to do it are not what they once were.

Thank you.

CHAIRMAN TOWARAK: Any further discussion on the budget process.

(No comments)

CHAIRMAN TOWARAK: Thank you. Then we will continue. Item No. 7 is status report on the MOU between the Federal Subsistence Board and the State of Alaska and discussions of next step.

MS. O'REILLY-DOYLE: I just wanted to add this will be done in two parts, this briefing. We're going to have part of the team that worked on the MOU provide you the initial briefing and then Kelly Hepler and Jennifer Yuhas are here from the State of Alaska to address the Board as well. And then we'll have opportunity for discussion and, you know, interaction between the Board and the ones that have been briefing you and with the State.

Thank you.

MR. BERG: Thank you, Mr. Chair. I'm Jerry Berg with Fish and Wildlife Service and I have Sandy Rabinowitch and Steve Kessler here with me. We are part of the Federal work group that's worked on the MOU
for the past couple years, in addition to Kathy and
before her, Pete, and then we worked with our State
counterpart, Jennifer Yuhas, on the State side.

So we'll just kind of give you a broad
overview to begin with.

As David had mentioned this was part of
the Secretarial Review and that action item specifically
was to review, with Regional Council input, the MOU with
the State to determine the need for the MOU or the need
for potential changes to clarify Federal authorities in
regard to the Subsistence Program. So that was the
directive from the Secretarial Review. So we, initially,
you know, with Board guidance, we initially went out to
the Regional Advisory Councils and asked for their input
and review of the MOU in 2011 and 2012. We received
their input and we went through the MOU and made as many
changes as we could and addressed every comment that we
had from all the Regional Councils and we presented that
draft to the Board last July, so just about a year ago we
presented that revised MOU draft. And at the time we had
yet had a chance to go out to the State Advisory
Committees, and so the Board agreed to allow more time
for that to occur over the past year. And so that was
done and we received a number of comments from the State
Advisory Committees and we addressed, included a lot of
their comments and addressed them, if we didn't include
them, as to why we did or didn't include them, and so
that's the draft that you have in your book under Tab --
what tab is that Sandy?

MR. RABINOWITCH: Seven.

MR. BERG: Tab 7. So the revised draft
that's in your book is a revision that includes all the
RAC comments -- it includes either changes suggested by
the RACs or we addressed why we didn't include their
change from the Regional Councils, from the ACs, and from
the Subsistence Resource Commissions that the Park
Service administers. So what's what we have before you
in the revised draft today.

We also received a letter from AFN, or
actually, I guess we didn't receive it, but the letter
went to Secretary Salazar, it was a letter from AFN dated
January 17th, 2013, and basically that letter is
summarized in the briefing document that says that AFN
does not believe there's a need for an MOU between the
State and Federal Programs, State and Federal
governments, and then it goes on in more detail in their letter.

So I think, that's just kind of a broad overview, I think, of where we've been and how we got to where we are today and without going into more detail, into the revisions themselves, or into the letter with AFN, maybe I'll just turn it back to you, Mr. Chair, to see if you want to go into some of those more details now or maybe if you'd rather hear from the State of Alaska at this point, before we get into more discussion about where the Board wants to go from here.

CHAIRMAN TOWARAK: I think it's important that we hear from the State, if you're available.

Welcome, you have the floor.

MS. YUHAS: Thank you, Mr. Chairman. For the record Jennifer Yuhas. I am the State of Alaska's representative to your Program in the form of the liaison team leader and I have with me Mr. Kelly Hepler who is the designee for the Commissioner to the Program.

I toiled with these folks for the last couple of years rearranging many of the words on the paper in front of you that we circulated for your review. In meeting with the State's signatories it is not the State's plan to place new signatures on the newly revised document. The reason for that is, while we have toiled very hard on this document, it does not reflect significant changes which were asked for by the AC's and which would make the document so appealing and necessary to warrant new signatures. The meat of this agreement is held in the data sharing protocols and the day to day operations and how we operate with the Office of Subsistence Management, and it is our goal to continue to refine those agreements with the Office of Subsistence Management for the benefit of the users.

MR. HEPLER: Are you done?

MS. YUHAS: Do you have anything to add?

MR. HEPLER: Thank you. For the record, Kelly Hepler, Assistant Commissioner.

I appreciate your time this morning. This was meant to be, Mr. Chairman, I'm assuming more of an informal, even though we're on the microphone and, you
know, we're following Robert's Rules of Order, but this is meant to be more of a candid exchange, you know, between the Board and between the State. We don't get the same opportunity when you go through a normal Board meeting, so my comments will be in that context, Mr. Chairman.

It's rather ironic this is the same table that I spent many, many hours with Sandy and others working on the original MOA and that was....

MR. RABINOWITCH: A long time ago.

MR. HEPLER: ...a long time ago, yeah, actually I had hair like Sandy at that time and unfortunately I don't now.

(Laughter)

MR. HEPLER: But, you know, Pat, I think you even had more hair at that time.

(Laughter)

MR. HEPLER: And we've evolved a long ways. I never thought, when I sat at that table then, that we'd seriously be sitting here now with two separate systems, but we do and it's probably a reality, I don't see it changing, and so I think the commitment that the State has to this process is still strong and I don't want the Board or people listening to -- when you listen to Jennifer's comments to say we're backing out of this agreement, that's not our intent.

And even in the face of things we've been working with Kathy on the budget, we understand sequestration, what it means, you know, we're potentially facing 90 percent -- up to a 90 percent cut in money coming to the State and so that, in itself, would give us, you know, pause and say, well, then we don't have the monies to continue on with this Program.

But the heart of this Program isn't necessarily us sitting around the table, it's working, you know, with people in the villages and, you know, the RACs and the ACs because that's how we do our management, that's what's important to us, that's a commonality that we see between the two Programs, and that's not going to change. We've had a lot of internal discussions about the pro's and cons, we've talked about, do we need the
agreement at all, you know, a little bit like what AFN's saying but from the State perspective. We cross things like, you know, ongoing discussions we have present land managers, you know, whatever the topic of the day may be, soon the situations compendiums, you know, and so we have an MOU -- and those compendiums, you know, there's a lot of tension at times between us, does that blow over into this thing. We've had discussions, you know, around predator control and endangered species, you know, with Geoff and Fish and Wildlife Service and earlier with Wayne, you know, how we do research in some of the wilderness areas. Even with all that said, we understand the importance of this.

And so I want to leave with you, I think, because I'm not sure where the Board's going to go with this, more conversations or not, Mr. Chairman, but the point I want to leave with you is the fact we're sitting here, we want to talk, it's not bad news that we're saying we don't want to sign a brand new agreement, we think the existing program is good, we think -- we saw the life blood of dealing with the RACs and dealing with the ACs, is, you know, how we implement this thing and that's with the joint protocols and things like data sharing, what we do in subsistence, you know, when you have discussions on the Kuskokwim, so we're still talking to each other, so the users don't see this division between the Federal side and the State side, those are incredibly important to us, what we do on the Yukon. We think some of those could probably be, you know, refinshed a little bit, take the data sharing, we want to put our efforts there but -- so with that said, Mr. Chairman, I appreciate the opportunity.

MS. YUHAS: Can I add to that.

MR. HEPLER: Uh-huh.

MS. YUHAS: Mr. Chairman. The original intent of the Secretaries, as was stated many times, was that we review this for necessity, and I know that the Solicitor's probably waiting for me to chime in on the necessity portion that we've discussed with him a few times, but it's the State's determination that since we have master MOU's with the agencies themselves and since we are committed to the data sharing and working together and having an agreement to make things easy for the users, this is a superfluous document, that is, the words on the paper are still very long. Several of the ACs and a few of the RACs wanted it more simplified and we -- we
CHAIRMAN TOWARAK: Thank you. I'd like to open the floor for any questions from the rest of the Board, or comments.

Go ahead, Anthony.

MR. CHRISTIANSON: Okay, through the Chair. Well, I guess I see, as we looked at the budget earlier and we're looking at the agreement now, it seems like a pretty good reason to sign it is there's a lot of funding exchanging hands between the two outfits, and generally when you do business you have some level of agreement besides a cooperative agreement, but an overarching agreement. And if I was to stand on the side of AFN, which kind of probably speaks for the public seat that we're sitting in, maybe there shouldn't be one, but in my mind I think it's been a longstanding agreement and it'd probably be good, in the best interest for the public and for all of those Regional Advisory Councils that took the time to go through this process and put their work and effort into it, to feel like it was validated through some type of agreement that ultimately comes out of the work they put into it. And, yeah, it kind of is a funny read when you look through it, but it isn't that long and it isn't that hard to understand that we're going to share information and we're going to put our best foot forward as far as partnership goes and an exchange of resources and stuff, and I think it's probably more important now, in this day and age, with the funding and the things we're talking about, trying to share resources, that something does come of this agreement, and not just keep pushing it off to the side, but to figure out how we're going to make it work, you know, and I think it's important. I know we have a lot of things to consider as we look at the agreement itself, but, you know, I just don't think the RACs work should be put to the wayside.

CHAIRMAN TOWARAK: Any other comments
from the Board.

Go ahead.

MR. JENNINGS: Yes, Mr. Chair, Tim Jennings with the Fish and Wildlife Service.

For the record I'd like to echo some of the comments that Anthony made. We think, from the Fish and Wildlife perspective, the memorandum has broad scale benefit. It does knit together the program across agencies and with the State. And while there may be other individuals agreements and MOUs with individual agencies and the State, this is the unifying document for the Federal Subsistence Program.

Also the changes that have been recommended have come through the Councils and through a public process and those have been widely vetted. We think the changes are fairly modest, but yet could add some benefit to the existing MOU. So, you know, from the Fish and Wildlife perspective, we'd like to go on record of supporting the MOU and moving forward.

CHAIRMAN TOWARAK: Thank you. Go ahead.

MR. OWEN: Mr. Chairman, thank you.

I have to agree with Mr. Jennings and Mr. Christianson, that I think from the Forest Service's perspective there is a lot of value in having this relationship. This is not just a bureaucratic document, it's a way of doing good business and if the State is, you know, it's their prerogative to sign or not, but if there is an improvement to the document that could be made that they would find acceptable to sign, I would certainly like to see the State, rather than just saying, no, to say this is what we could sign, you know, to bring that forward, you know, in the manner that respects the input of the RACs and respects this process and brings the State's input fully in, you know, and I don't know what the process would be to request a State version, or a State draft of an MOU, and if we could circulate that to the RACs to do it, but I think this process and this document is important enough to not walk away from it at this point.

CHAIRMAN TOWARAK: It's my understanding that the current MOU is still in existence and will be for.....
MS. O'REILLY-DOYLE: November '14.

CHAIRMAN TOWARAK: .....until this coming November or.....

MS. O'REILLY-DOYLE: Of '14.

CHAIRMAN TOWARAK: Oh, November of 2014, that's everyone's understanding so if we didn't do anything, you know, that MOU stays in place. I just wanted to point that out.

Go ahead.

MR. HEPLER: Thank you, Mr. Chairman. That was something I wanted to point out because just listening to some of the tenor of some of the Federal responses initially, the State's not saying, we're not going to sign an MOU, we presently have a signed MOU that's worked effectively for a number of years, in a business sense as well as in a partnership sense. You know, and I appreciate, Wayne, your comments, because, you know, we met together with Kathy and, you know, her sub-group the other day, we talked about, you know, we understand first of all that the RACs had input on this, and we understand normally when that happens the Board wants to accept those, just like the ACs. So we're not saying no to those things, we're saying right now we're not ready to sign a brand new one, we're still committed to the process. And I hope I'm not -- that's clear enough. And we're certainly open, moving into, you know, before we get into '14 -- of November '14 of looking at some other work and seeing some other ways we can potentially redraft this thing, so we're not saying no to that at all, we're just saying right now.

Along with that, you know, we also have signatories on the -- besides the State of Alaska, is we have both our Board of Fish and Board of Game, and they're still up in the air whether they should even be signatories in this agreement or not and so this isn't just, you know, us coming in and signing this thing. So one way to make this maybe cleaner in the future is you may find the State of Alaska is the only signatory and maybe those boards are not. So there's things or some policy calls like that that, you know, we work through. But there, again, to be clear, we're not saying we're tearing this agreement up and we're not supporting it anymore, that's not at all the message that Commissioner Campbell wants to pass on to the group.
CHAIRMAN TOWARAK: Go ahead.

MS. YUHAS: Mr. Chairman, thank you. To address two points we looked through several of the options when we looked at the necessity of the agreement.

The relationship is obviously necessary and Kelly has stated a few times that we're committed to the relationship.

In looking at the agreement it's currently signed by all of the members of the Federal Board, the Commissioner of the Alaska Department of Fish and Game and both of our Board Chairs. We looked, not only, at whether the Chairman of the Board of Fish and Game should sign this but who is the agreement really with. If it's to be an operating agreement between OSM and Fish and Game, should those signatories be OSM and the Department, without the Board Chairs. Should it be at a Staff level. Should it be at the current Board signatory level. We looked at several options of what is the necessity for a sort of document to be signed.

What -- the version that you have before you, to answer Mr. Owen's question, we didn't bring you a new document and that was on purpose. The question was raised at the MOU working group level, at the ISC level, and at the State signatories level, and I offered several times to come up with a new creation. We thought that this juncture was not the time for that, to throw another piece of paper at you unless the Board decided to make a motion to assign that work to us.

CHAIRMAN TOWARAK: I appreciate you earlier -- both of you earlier commenting that the users are the ones that will be affected regardless of whether we sign an MOU or not, or whether we continue working under this MOU. In all of the public meetings that I've attended as the Chairman of the Board here, invariably I get comments from our Regional Advisory Council members that this whole issue of subsistence in Alaska is very confusing and I think this MOU helps in defining the roles that we both play, both with the State of Alaska and I think in my mind it's being -- it's meant to work -- for us to work together as much as possible on behalf of all of the users. And I think it's with that intent that we, as Board members, have gone along with looking at the MOU and taking everyone's consideration into what the MOU should include. And I think with that, I'd be
willing to sign the MOU right now and, you know, if the
Board feels that we should have one in place, I think we
should do it. But I'm open to other comments.

Mr. Christianson.

MR. CHRISTIANSON: Through the Chair.
And I agree with you, Mr. Towarak.

That I think it is about the users, like
Jennifer and Kelly stated, and it's a perception, you
know, and the seat that we sit here and we represent is
the perception of the people, and that's why I think it's
important because once we start to diverge or even look
like we're diverging away from an agreement there's a
perception out there that things aren't working well and
that it's going to continue to go away. And when you're
from rural Alaska, like we are, and we represent these
seats, that means a lot to the people on the land. I
mean it means more than anything about it and when we're
creating areas of trust in partnerships that we have over
the last, I don't know what, we've been running this 20
years now, I've been involved 10 as far as a fishery
manager and working on the ground, a lot of trust was
built between the State and tribes and Federal agencies
through these cooperative agreements and working
relationships and waiting for the day when we're going to
come under a unified umbrella of management, I mean
that's always been the case. I think this really pulls
a lot of that completely apart. I mean it totally
throws, at the lowest level, it throws a wrench in
people's view of where the process was heading and where
it's going to head now. And, quite frankly, I think
that's 'why some of the comments and feedback is just to
scrap it and walk away from it and just seek a different
alternative, which is probably soul management of the
resource on Federal land and that's the feedback we hear,
like Towarak's talking about, as we're out at these
meetings and we're talking to rural residents, that's the
feedback. That's not my comment, that's what's happening
out there on it as they watch this and hear it and listen
to what it is and get a feel for it, it's like a lot of
work was for not.

So I agree with Mr. Towarak, I think we
should move forward with an agreement.

CHAIRMAN TOWARAK: Ms. Masica.

MS. MASICA: Thank you, Mr. Chairman. I
echo what's been said previously. I was going back to the
ingformation in the previous tab which has the Secretary's
letter, which our charge was to review with RAC input,
the MOU, determine either the need for the MOU, which
I've heard largely from the Board members, that
people are supportive of that, or the need for potential
changes, which is what we've heard from the RACs, and so
I would encourage us to go ahead and proceed with signing
that and then if that's not acceptable to the State, then
figure out where we're at. But, you know, we started
with a budget briefing, it talked about the amount of
Staff that's gone down, and the amount of time that
people are spending on working on this and I just sort of
wonder, you know, four years later we're still
negotiating over that and will we be doing that for
another four years and is that the most important and
constructive use to helping subsistence users of the time
that's been spent today.

                    CHAIRMAN TOWARAK: Wayne.

                    MR. OWEN: Mr. Chairman, thank you. You
know I feel like I need to acknowledge the amount of work
that the State has put into this, you know, they have a
lot -- within their system a lot of competing interest
and different opinions and I think Ms. Yuhas has done an
admirable job in trying to balance that and work with our
Staff to make this happen.

                    Having said that and feeling that this is
important and that if the State's not ready to sign, you
know, it's not like we can make them sign, however, if it
comes to a vote the Forest Service will support signing
the agreement as it is now.

                    CHAIRMAN TOWARAK: Go ahead.

                    MR. JENNINGS: Mr. Chair. Tim Jennings
with the Fish and Wildlife Service.

                    I wanted to speak briefly to the
alternative of leaving the existing MOU in place as a
fallback and caution that I think we've had our best
people from both sides working on this for a couple of
years and it's been really hard work, it's been vetted
through the Council systems, both the State and the
Federal Advisory Committees and Councils, and if we think
that somehow we're going to make some differences, you
know, process-wise for the MOU and then vet this back
through the Councils and the Committees, I'm not sure we
could do that in another, a little over a year, before
the existing MOU expires. So my preference or
recommendation would be to continue to build on the good
work that's already been done and to see where those
differences lie with the State, to see if the State would
be willing to share a little bit more specifically in
terms of what keeps them from signing the MOU and see if
we can move this forward.

CHAIRMAN TOWARAK: Go ahead, Ms. Yuhas.

MS. YUHAS: Thank you, Mr. Chairman. I
know that this is the Board's time to discuss the issue
for the first time. The State signatories and State
Staff have had multiple opportunities to do this.

As you are discussing the specifics of
the document, as written, even though I was part of the
effort to metal the words on the paper, there are several
points in there where we have said, you know, we're
willing to put this before the Board for their review but
there are a couple of sections in there that the
Solicitors are aware of that we have said we've been
informed by our Department of Law we cannot sign if those
sections are still in there.

One of those, I was part of inserting
into the document, it's the reference to the predator
management policy that you have. The State contests that
policy and hopes that you revise it, therefore, our
signatories cannot place their signature on the document
while that reference is still in there. That's something
the Staff working group put out for circulation, but it
can't remain in the document, due to feedback we received
from Department of Law after it was circulated, you know,
in my opinion and in several of the public's opinion, it
seemed harmless but it actually has weight. So in order
to discuss what the Board's wishes are for signing
something now, you may require more personal review of
the document in front of you. The working group put that
before you to show you what our work was, but it doesn't
necessarily mean this is exactly what everyone is happy
with. I've heard that term several times in RAC and AC
meetings, are you happy with this. A lot of the sections
received a shrug, well, we'll put it out for review, it
didn't mean we were happy with it.

CHAIRMAN TOWARAK: You know I think this
is the first time we've actually had a public sit down
with the full Board and the parties involved from the
State and I think it's a good discussion. I appreciate everyone's position, and I appreciate your position from the State's standpoint. We're not -- I don't think we're in a position right now to sign a document. And I'm interested in signing a document but I think we still have the process moving on and having listened to your position, or the State's view, I think we will leave this document as it is and have it brought up in a future Board meeting, where this Board will consider whether or not we will authorize signatures on the document.

Go ahead, Anthony.

MR. CHRISTIANSON: Mr. Chairman, Anthony Christianson.

So, I guess, Jennifer, there is a short list of things that the State would like to see removed, maybe that's something that could be forwarded if we're going to put this off to our next meeting, that that could be something we could have to look at and consider and maybe reducing it, like you were saying, to two signatories between the State and the Office of Subsistence Management, and then you know taking out some of the paragraphing in there that doesn't relate or is a problem for the State. That might be something that we could use to consider if that is -- I mean because there is a lot of agency heads here that have to have that same, like you said you have to look at it and scrutinize whether they can sign something that doesn't include that. So if there's a short list that could be made available of what the State would sign, that would probably be beneficial to us as we probably look at it at our August meeting. I think that is the timeframe.

Thank you.

CHAIRMAN TOWARAK: Go ahead, Ms. Yuhas.

MS. YUHAS: Thank you, Mr. Chairman and Member Christianson.

Some of that short list is in the review document. That short list doesn't seem so short when we look at what the implications are. The major points that the AC's that took the time to make a motion and write about this to the Board and to the State, several of them discussed it but as you see some of the RAC meetings, only a few of them actually made a motion and took the time to write. Their overarching principles were,
specifically, that they wanted the document to be
binding, which we were unable to do with input from the
Solicitors and Department of Law, that the document
cannot, in fact, be binding, and that it be significantly
simplified. The Staff working group used the old
template. People had put a lot of effort into that and
were highly invested into the template, it was familiar.
When we look at what simplification means to the ACs, and
through their discussion, a few of the RACs commented
similarly, that the document be significantly reduced.
That opening preamble, for example, is one of the issues
of contention and confusion. AFN reported that it was
their thought that preamble stated that the Federal
Program gave its responsibility away to the State and the
other end of the spectrum was people reading that same
preamble saying, that paragraph says the State gives its
authority to the Federal Board. It says neither.

In plain language, what it would read, if
the document was simplified, is that both programs
realize we operate under differing guiding documents and
we would like to proceed recognizing that. That'd be
simplified rather than the three paragraphs we have. So
to bring something to the Board in August that the State
might entertain signing, you know, as -- as -- we --
we've seen the value in ceremony for the document, you
know, we heard comments around the state that the
document is useless, the document is unnecessary, well
the document has ceremony, and ceremony has value, we
recognize that, that's what you've brought up today as
well, but those specific points on the short list would
look significantly different in this document, it
wouldn't simply be removing a few words.

MS. O'REILLY-DOYLE: Kelly.

MR. HEPLER: Mr. Chairman. I mean
Jennifer I'm going to put a little different spin on it.

It's more than ceremony to me. I think
it's more than ceremony to the Commissioner. Yeah.
We're locked together in saying subsistence is a priority
for the State. This is one way, as Tony said, that the
people in the villages see it that way. On the other
side, of course, we can say it's Federal intrusion into
some State things and then we get into longer discussions
there, so it's more than ceremony. If it wasn't then
we'd be signing the document right now and, you know,
we'd be moving forward.
There's other pieces. You know, I mean, Tony -- first of all, Mr. Chairman, I appreciate your
willingness to wait. I mean, you, by signing this, is going to put us all at kind of this line drawn between us
and that's not what we're trying to do so I appreciate your sensitivity on that.

Another part of this discussion, Tony, that we probably need to have is, you know, I can't speak for the Board of Fish and Board of Game very well, but the very least, it may be beneficial that we can work out a deal where Ted could come up from the Board of Game and sit down with Tim and talk -- because the Board of Game, in particular, I think, have had some concerns about how this -- you know, we can sign it but then how it's implemented actually during discussions and actions that the Board takes and what that means and moving over to the State side, into the regulatory side, and maybe there's some ways we can improve how those discussions happen and maybe reduce a little bit of the tension and concern about signing, too. There's some of that stuff behind the scenes that I think maybe between now and August that maybe we can try to work on.

And, you know, there are -- you know, the State -- I think it's only fair to ask the State if you're not willing to sign this then what are you willing to sign. You're saying it's important to you then what are you going to do. And so it's good to call us on that, Tony, that's absolutely the right thing to do. We need to be able to go back and what I'm hearing here and, you know, and I think with Kathy and the work group, if we could go back and we could work on some of those things, I want to think some more about the opportunity to, you know, and how to get Tim together, Mr. Chairman together with some of our side and talk about those things actually implemented. But, you know -- and, Jennifer, I'm not trying to necessarily disagree, I just think it's important and it is perception. And the last thing the State needs right now is a feeling they're walking away from subsistence because that's how, unfortunately, it would be read, and that's not what we're trying to do. But also I want to be sure, I mean, Tim, is that you keep talking about we're not willing to sign the MOU, we've signed the MOU, this is a revision of the MOU. And so part of this perception -- it's really important for the Federal agencies to be clear on that. I don't want -- I don't want something coming out of this saying the State's not signing this MOU, they're backing away from it, it can't happen that way, because if that
does happen that way then the line will start broadening
between us and we're all going to get into corners we
don't want to go into.

This is not meant to be that kind of
discussion at all. This is meant to be a celebrating how
we're working together and that's how I kind of view it.
The real work, I think, is on the implementation of those
protocols and that's where the nitty-gritty happens for
us, you know, it's kind of the day to day stuff, we deal
with Kathy and her Staff and, you know, Gene, when Gene
was a Refuge manager, people like that and those are real
important to us.

But we could do those even without this
MOU. So I think it's good to challenge us. I need to
think about the timeframe. I mean I listen to Jennifer
for some of those things but I think it's worthwhile
getting people back together, you know, and not to go
through another year and half of going back out again,
let's see what the State can do.

Mr. Chairman, thank you.

CHAIRMAN TOWARAK: Thank you. And if
there's no objections from the Board we will conclude the
discussion, if there aren't any other comments that
anyone else would like to make and shoot this back to the
group that have come so far with what we have in front of
us to fine tune it with -- if there's a way to do it and
I'd like to also suggest that maybe the legal counsel,
Mr. Lord, could meet with your Department of Law people
or do you have thoughts on that.

MR. LORD: I do, Mr. Chair. We've been
avoiding going down that path because if I start coming
to the table, then their guys have to start coming to the
table and things get expeditiously more complicated so we
were hoping that they could come up with a simplified
document that both the Department of Law and I could
review at the end of the process and we thought it might
speed things up that way, make it a little easier on
everyone.

MR. CRIBLEY: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

MR. CRIBLEY: Mr. Chairman. One
question. When does this current MOU expire?
CHAIRMAN TOWARAK: November of 2014.

MR. CRIBLEY: I guess maybe I would suggest based on the rate with which we progress on these types of items and stuff, that maybe we ought to focus on the next version as opposed to modifying the one that we're living under right now, and have further discussion of what we need to do and maybe that would -- because at that point we have to -- I mean if the MOU does expire then we have to do something, either do nothing or sign a new MOU as opposed to trying to cause something to happen that we don't have agreement on right now. Maybe that would be a better way to proceed on this and based on the rate with which we progress, maybe we'll be ready by the time this expires to have something in place that everybody could agree to, or be more comfortable with.

Just an idea or a thought.

CHAIRMAN TOWARAK: I think it's got merit.

MS. MASICA: I do, too.

CHAIRMAN TOWARAK: I feel the same. We are -- you know we're still moving forward, and we still have time, I think, to review and to get a little bit more input, I think, from the State and continue the process.

If there's no objections to that from this Board we will direct Staff to continue working on fine tuning the MOU and hopefully, you know, with the intent of having the State signing off on a final MOU, you know, before November 2014.

Go ahead.

MS. YUHAS: Mr. Chairman. I am happy to receive the assignment I've offered to do a few times already so we just required some formal discussion from the signatories on that.

Mr. Lord seems to be smirking just a little bit because I haven't brought up that point of the expiration yet so I'll bring that up now for the Board's discussion.

In the legal review at the State's side, we looked at when does the document actually expire or go
away. There's been some discussion about 2014 because that is five years from the signature. There's also provisions within the MOU that the clock is supposedly reset after a meeting of the signatories, that hasn't happened since the last one, but there's also a provision that five years from a meeting of the signatories or a review. The State has discussed and it is of the opinion, which seems to be in a little bit of disagreement with the Solicitor, that following this very public review process, it's been out to the RACs, there's been a work group assigned, that that would constitute a review and by another five years. The Solicitor said at one of our ISC meetings that that would only be true if the Federal signatories also agreed to that, because it's an MOU. We seem to read the paragraph to say five years from the meeting or a review. This is obviously a review. We think it's five years from this period of time.

CHAIRMAN TOWARAK: That's another issue that could be worked out, I guess.

MR. LORD: A review is done by signature, in other words if there's a review done and all the parties sign to say, yes, this is a review. So all I'm saying is that if the State and the Board agree that what we did today is the review, or on some other day and there's a signed document then the MOU's extended for another five years from that point. So all I'm saying is we need to get it in writing.

CHAIRMAN TOWARAK: Any further discussion. Mr. Berg, do you have anything?

(No comments)

MR. LORD: It's paragraph 8 under general provisions, subpart 5, right towards the end.

MS. O'REILLY-DOYLE: Mr. Chair. If I may question this, I want to make sure that our direction is clear on what we are tasked with doing and I'm seeing there's a couple things on the table right now. One is the -- the last one that Jennifer brought up in terms of if the parties here are agreeable with saying that this constitutes a review and the State is thinking this is clear that this constitutes a review, would -- would the Board and the State want to restart the clock and say we've had the review and now we have another five years on the existing agreement.
The other thing that I'm hearing is on the table for discussion is that the MOU, the State would make another draft of the MOU, which may or may not look like what is in front of you right now. A simplified version, as we've called it, in our discussions before, and that would be presented back to the Board and to the State signatories.

And my question for the Board as well is if we decide -- if you decide to go that route, would you like the RACs to have full review of that simplified version before it comes back to you, if so, we need to plan that because our RAC meetings start in August of this year, or else it would wait until the winter cycle. So I'm just trying to get some clarification on our direction.

CHAIRMAN TOWARAK: Does anybody have a.....

(Laughter)

CHAIRMAN TOWARAK: .....an anti-muddy description or -- Ms. Masica.

MS. MASICA: I guess the first question, does this constitute a review and, therefore, does that make this an extension. My personal assessment is, it does not, and I would not vote in favor of that.

CHAIRMAN TOWARAK: Go ahead.

MR. OWEN: In the view of the Forest Service, if this is a review it has not been concluded yet and the Forest Service would not vote at this point to sign that document.

CHAIRMAN TOWARAK: Any further comments.

(No comments)

CHAIRMAN TOWARAK: It's a good question. Kathy suggests that we ask this Board if you want the RACs to review a revised version of the agreement, or the MOU.

Go ahead.

MR. CHRISTIANSAN: I think that would just be the right thing to do seeing as they put work
into it and I have looked at it and put their comment and feedback into the document, that if it does change substantially, or even simplified, that they have an opportunity to look at that again.

MR. CRIBLEY: I would concur. I think particularly if there are substantive changes and there's a feeling of a need of that, definitely we need to have the RACs input into that, particularly seeing how we've asked them to put energy into this already. If we're taking a little bit different tact, they need to understand that and have input into that before we move forward with this.

CHAIRMAN TOWARAK: Okay. If there's no other objections then we will do that. I think it fits in with the Secretary's direction of deferring to the RACs as much as possible, so I think we will proceed in that -- with that, that the RACs will have full review of another document.

Any objections to that.

(No objections)

CHAIRMAN TOWARAK: Then we will proceed. Thank you very much for your participation.

I assume, Mr. Berg, then that concludes this discussion.

MR. BERG: Yes, I....

CHAIRMAN TOWARAK: Okay, go ahead.

MS. O'REILLY-DOYLE: I just was slipped a note here that the people that are monitoring on the phone are having difficulty hearing some people because maybe the mics aren't close enough so when you speak if you could pull the mics forward so that those that are trying to listen in and attend on line can hear what you're saying.

Thank you.

CHAIRMAN TOWARAK: Let's take a 10 minute break.

(Off record)
(On record)

CHAIRMAN TOWARAK: I'd like to call us back into session please.

(Pause)

CHAIRMAN TOWARAK: A couple of minor things here. With the wrap up of the Secretary's review, which we.....

MS. O'REILLY-DOYLE: That was on Item No. 6.

CHAIRMAN TOWARAK: Item No. 6, yeah. If there's no objections we're going to -- I'm going to ask the Staff to write another letter to the Secretary updating him after today's discussions, since we seem to have come to some consensus, if unfulfilled, but I'd like to direct the Staff to draft another letter to the Secretary explaining where we are today.

I'd also like to recognize Gloria Stickman. Gloria is part of the Southcentral Regional Advisory Council. I'd like to welcome her to our Board meeting.

We were on Item No. 7, the State's MOU and I think we've given direction to the Staff and this will be brought up again in a future Board meeting.

We will move on then to No. 8, status report on review of rural determination process, and discussions of next step.

DR. JENKINS: Mr. Chair. Board members.

In your packet you've got some dates indicating an overview of the rural determination process and its review and I'm going to speak a little bit to those dates and just give you an update on where we are.

If you recall at your January 2012 public meeting, the Federal Subsistence Board, following the recommendations from the Secretaries of Interior and Agriculture, elected to conduct a global, or a comprehensive review of the rural/non-rural determination process and the Board wished to start that review with public input. So this global review provided the Board rationale to stay its 2007 ruling, whose provisions would
have otherwise come into effect in May 2012. So the Board determined that the 1991 determinations would remain in place pending the outcome of its review of the rural determination process. Adak was the singular exception and that changed from non-rural to rural in 2007.

So in December of 2012, a Federal Register notice was published, in which the Board identified five elements in the rural determination process for public review. And these five elements are these. You heard them before but I'm going to go through them because these are the elements that the Secretaries have authority to change and the Board has to give advice based on public input to the Secretaries about whether any changes should be made to these elements.

So they're these:

- The population thresholds
- Rural characteristics
- Aggregation of communities
- Timelines
- Information sources

So in that Federal Register which you've already been given copies of it at an earlier Board meeting, I believe, or we've talked about these questions in any case, the Board posed eight general questions for public input concerning these five elements, and I'm going to go through these because these are the elements that the Board is going to have to make recommendations on. I'll just do it very quickly.

The first one is population thresholds.

If you recall a community or an area with a population below 2,500 will be considered rural. So the Board has asked the public, is this a reasonable population threshold below which a community is considered rural. And let me just briefly point out that this figure of 2,500 was adopted from the US Census and the figure of 2,500 was first adopted by the US Census in 1915. So the question is, is this figure still a viable figure 100 years later. Should we rethink this lower level. So a community or area between 2,500 and 7,000 there was no rural determination made and then we'd have to apply
characteristics to decide whether it was rural or not. And communities above 7,000 would be considered non-rural unless they possess significant rural characteristics. Now, if you remember the Board has already recommended to the Secretaries to change this 7,000 threshold to 11,000, and the Secretaries have not responded to that recommendation from this Board, pending the outcome of this rural status review.

So population thresholds, you've asked the public whether or not these are useful or viable thresholds to consider rural versus non-rural status.

Rural characteristics. There's a series of these that the Board has used and they're these: Use of fish and wildlife, development and diversity of the economy, community infrastructure, transportation and educational institutions. You've asked the public whether these are useful rural characteristics to think about. You've asked them about aggregation of communities, whether communities should be aggregated together to come up with a population figure. And right now the aggregation criteria are these. Do 30 percent or more of the working people commute from one community to another, do they share a common high school attendance area, and are they -- are the communities in proximity and road accessible. So you've asked the public are these useful characteristics.

The Board reviews rural determinations on a 10 year cycle. The question is whether or not the Board should continue to review these on a 10 year cycle or should there just be a general rural determination made and then communities should be evaluated at some point when they cross a threshold from -- a presumptive threshold from rural to non-rural. And this then gets to the problem of information sources, the 10 year review was based on the census, the 10 year census. Much of the information about aggregating communities came from the long form in the census, the long form is no longer used so we don't have that as a useful information source. Moreover, that long form function has been taken over by what's called the American Community Survey, the kinds of information that was gathered on the long form are now gathered differently and they're gathered on a one, or three or a five year cycle, depending upon the size of the community. So we're getting both qualitative and quantitatively different kinds of information that feeds into this idea of aggregation of communities. So that's why the information source question has been put to the
public, are there better sources of information that we can glean.

Okay, so these are the questions the Board has asked the public.

The next steps.

The public comment period opened in December, the end of December 2012, it closes November 1st, 2013. The RACs have been briefed and they will hold public -- as part of their meetings they will ask the public about this rural determination process and in addition we will hold evening sessions the evenings of a RAC meeting, which will not be part of the RAC meeting but will be a separate listening or hearing session in which the public can provide input to the Federal Subsistence Board on these questions that the Board has posed to the public about the rural process. And if you look in your packet you can see these forums for public comment and the dates, they correspond with all of the Regional Advisory Council meeting dates. The first one will be in Barrow on the North Slope and through October 29th, 2013, the last one will be in Dillingham. So this will be one of the mechanisms that we use to gather public information.

In addition, OSM has developed a fairly comprehensive outreach strategy in which we will present news releases and we're talking about radio announcements, some bulletins and newsletters to tribal organizations and corporations and also letters to municipalities and other stakeholders. So we are beginning a process of informing the public broadly about their opportunity to comment on the process of determining rural and non-rural status.

We're looking toward the publication of a final rule in 2017, so that's in March, so that's the date that we're working toward. In the interim, after the Board gets public comment and OSM Staff summarizes and analyzes that comment we'll present that to you and then you'll have the opportunity to recommend to the Secretaries changes, and then the Secretaries would need to publish a proposed rule on those process changes, which would also then go out to the public for further comment. So the process ends up getting fairly lengthy, fairly complicated and this is just the beginning of the process that I've laid out and I can talk to the other final rule -- the necessity for the final rules at a
later point, later Board meeting.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Are there any questions of David.

MR. OWEN: Thank you, Mr. Chairman. Yes, I have maybe a technical question on content analysis of public comment. Are -- is anyone's comment from the public weighted equally or do -- through this process, do comments or input from rural residents count differently? I'm not sure how we're going to sort of look at the people's input on the proposed rule.

DR. JENKINS: Thank you. We haven't made a determination as far as I know on how to weight, or whether we will weight public comment. It seems to me -- because we're talking about rural and non-rural -- I don't know why we call it non-rural -- but rural and urban characteristics, that everybody has the opportunity to weigh in and comment on this. But we haven't made a determination of relative weight.

CHAIRMAN TOWARAK: Any further questions.

(No comments)

CHAIRMAN TOWARAK: Thank you for that update. We will move on then to Item No. 9, the Alaska Board of Game letter to the Chair on predator management. Who's doing it?

MS. O'REILLY-DOYLE: Chuck Ardizzone.

CHAIRMAN TOWARAK: Go ahead.

MR. ARDIZZONE: Good morning, Mr. Chair, Board members. My name's Chuck Ardizzone, I'm the Wildlife Division Chief here. For your reference I'll be addressing materials found in Tab 9, they address the Board's Predator Management Policy.

Recently, Chairman Towarak received a letter from Ted Spraker, the Chair of Alaska Board of Game. The letter is in your materials printed on blue paper. It encourages the Board to begin a process of modifying application of the Board's Predator Management Policy. Additionally, it suggest that the Federal agencies should apply the policy consistently.
There's been a lot of public discussion on predator management and the Federal Subsistence Program over the years, which is one of the reasons the Board adopted the Predatory Management Policy in 2004. The Policy is also in Tab 9, it's the salmon colored document in that tab. As the Policy notes, predator control and habitat management are the responsibility and remain within the authority of the individual land management agencies. Ultimately the Policy is consistent with the programmatic EIS that established the parameters for the Subsistence Management Program and the regulations establishing the Federal Subsistence Board. The Secretarial programmatic EIS and the Secretarial regulations establishing the Board did not include predator control and habitat management as aspects of the Federal Subsistence Management Program. Additionally, the authority to conduct predator management and habitat manipulation was not delegated to the Board. These tasks were specifically left to the individual land management agencies and are subject to both NEPA and ANILCA, Section .810 analysis. Therefore, predator management by the Federal Subsistence Program is not authorized.

Agency mandates often differ, especially when regarding predator management. The Secretary of Interior described those differences in a letter to the Eastern Interior Regional Advisory Council and that is the orange document in Tab 9.

That's just a brief overview of what's in Tab 9. If there's any questions I can try and answer them.

CHAIRMAN TOWARAK: Are there -- go ahead, Ms. Masica.

MS. MASICA: Mr. Chairman, I don't have any questions per se, but I think the briefing provides good background to respond to the letter and would recommend that that be used to craft a letter that's the Board's response so that the record is clear that we had responded to the incoming letter that you had received.

CHAIRMAN TOWARAK: It seems to be fairly straight forward in answering the letter, are there any objections to me directing the Staff to respond to Board of Game letter.

(No objections)
CHAIRMAN TOWARAK: If not then we will request that the Staff respond to -- or draft a letter, at least, maybe for my signature to respond to the Board of Game Chair.

Any questions.

(No comments)

CHAIRMAN TOWARAK: Any further discussion.

(No comments)

CHAIRMAN TOWARAK: Thank you, Mr. Ardizzone.

The next item on the agenda is the regulatory cycle review.

Mr. Kron.

MR. KRON: Mr. Chairman. Members of the Board. The regulatory cycle review information is relatively short. It's included on Tab 10 from your briefing book.

Of the 10 Regional Advisory Councils, the majority, or 8 of them have recommend to the Board that you move the wildlife proposal meeting from January to the spring. And, again, we've tried to accommodate the Councils as much as possible on this issue and, again, Jack and I both worked with Board members and, again, through -- through the schedules have come up with April 15th through 17th next spring for the wildlife regulatory cycle review meeting. A three day meeting. And, again, this will be on proposals that we currently have. Staff are working on the analysis for those, they'll be reviewed by the Councils, the Councils will make recommendations this fall to you. And, again, looking at rather than January, a meeting in April to deal with that. And, again, it's all included in the briefing.

We still have not dealt with the fisheries Board meeting, which would be a year from this coming January, so basically a year and a half out. And what -- what I have proposed is to work with Staff and the Staff Committee this summer and come to you, to the Board, with a recommendation later this fall after we've had a chance to do that. We have not been able to do
that as present.

So that's all I've got to say unless there are other questions from Board members.

CHAIRMAN TOWARAK: Go ahead, Ms. Masica.

MS. MASICA: With that discussion occurring this fall, do you think it would still be -- the '15 meeting, there would still be time to change that cycle if there's a way to do that, or is that too early to know?

MR. KRON: It -- it -- again, it's too early to know at this point in time. Again, we have to work with Staff here, as well as the Staff Committee and I'm not sure what the recommendation is going to be. But, again, our promise is to work on it this summer and come back to you with a -- with a recommendation to discuss this fall. And, again, I do not know what that recommendation will be.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Any further questions.

(No comments)

CHAIRMAN TOWARAK: Thank you, Mr. Kron.

We will move on then to Item No. 11, minus B. Jack Lorrigan is going to.....

MR. LORRIGAN: Good morning, Mr. Chairman, fellow Board members. I'm giving you a briefing on the tribal consultation work that's been done up to date.

The Board adopted a Tribal Consultation Policy and established a work group composing of members of the Federal Staff and tribal members from around the state and we have a near finished document. Ms. Leonetti was working on it, she -- we met in April to finish up incorporating comments we received from the RACs and tribes that had opportunity to comment. We had four RACs comment and the Sitka Tribe of Alaska actually wrote a letter with comments addressing the document. Ms. Leonetti's on a two month detail and she'll return, actually next week, and we should have that all finished up by your August meeting and should be able to present
that to you for your consideration and hopefully adoption for the Tribal Consultation Policy.

Once that's done, the work group will turn its attention to forming an ANCSA Consultation Policy with the same members. We've also added eight new members to our work group, which are incorporating members of different corporations around the state. So that's where that is right now.

The upcoming consultations on wildlife proposals, what we've done in the past is provide opportunity for tribes to consult on proposals that affect them or their area. Last year's models, we allowed for a consultation via teleconference for tribes to call in and comment or have dialogue on fisheries proposals that may affect them or their tribal members in the various regions of the state. Then the next day we had the opportunity for the corporations to call in and give them the same opportunity, the tribes were invited to listen in on that. So it allowed both organizations to give comment on any analysis, provide any feedback, get everybody's facts straight, give the analysts the chance to talk to tribal members who may have more information and have a document ready for the RACs. So the RACs had a chance to go over the proposals in their area, ones that are statewide and the ones that affect their region. Tribes from those areas are also able to attend RACs. Regional Advisory Councils are not a government to government entity so consultation doesn't occur with RAC -- Regional Advisory Councils, but if a Board member or appropriate Staff are available, tribes are available to call them aside and maybe have a consultation on the side at the meeting, but it's not with the RACs. We want to make sure that's clear.

So that's one or two opportunities for the tribes to have consultation.

And then they, again, have consultation at the Federal Subsistence Board when you take up the proposals for the regulatory process. And they can, for any -- any time they want, they can actually call up and ask for consultation at any time they want.

So those opportunities are being afforded the tribes, the meetings will be set up so that they've had a chance to have input throughout the state.

And on the rural determination process,
we anticipate having plenty of feedback, especially from communities that are going to be affected by any of the determinations that we -- we know the communities that probably will call in are a few in Southeast and some in rural Alaska that may be affected by some of the criteria as their populations have changed or whatever, so consultations, as I said before, will be available numerous occasions for those communities and the corporations, when they want.

Mr. Chair.

CHAIRMAN TOWARAK: Thank you, Jack. Are there questions or comments.
(No comments)

CHAIRMAN TOWARAK: In some of the discussions that we've had I wanted to point out something from the tribe's end, when we do recognize tribes at -- only the tribal governments have government to government capabilities so as individual tribe members address the Board, they, themselves have to identify themselves as speaking on behalf of the tribe. They have to be either designated or, in Tony's case, you were -- you're assigned the spokesperson for your tribe, so that's the recognition that we would need to take -- whenever we're having a tribal consultation request -- and I just wanted to make sure that those of us that represent tribal organizations have come to that conclusion.

Jack.

MR. LORRIGAN: Mr. Chair. We'd also like the Board to consider options for improving consultation with tribes during the meetings.

There was opportunities for tribes to meet at the last meeting and we were wondering if that was comfortable with the Board, the way it happened last time, if there's a process that could be improved that would give the tribes, I guess, the idea that they're actually coming and having a government to government dialogue with the Board, and if the Board had ideas or comments back to us to see how that may work better.

CHAIRMAN TOWARAK: Any direction from any of the Board members.
One of the discussions we've had is that when we include tribal consultation with our regular meetings there's a lot of confusion as to what that means and for the Staff, if there's ways that we could isolate the tribal consultation to the tribes outside of the meeting, that would probably be more preferable.

Tony or Charlie, you have any thoughts on that.

Go ahead.

MR. CHRISTIANSON: Yeah, Mr. Chair. I think, you know, as we discussed it, I think, you know, there was a little bit, from the Staff's point of view, a hard time deciphering when tribal consultation was happening and when public comment was being taken and so there might need to be a clear process put in place when we have our meetings to either, like you state, set aside that time so we could give our specific attention to the tribes that are being consulted with, so that it doesn't look like it's a general public testimony because they do give public testimony but they also, you know, I think one that -- special consideration when they're being consulted with and I don't know if that should be with the general public, because sometimes the topic isn't always something they want to share with the general public. So I don't know if we'd have to recess the meeting, if it's going to happen at specific Board meetings, or set a time within the meeting that we can go ahead and consult with those tribes, per their request, I think, you know, as we stated, something written or some type of letter or resolution designating those tribal representatives to consult with us at that time.

CHAIRMAN TOWARAK: Go ahead.

MR. OWEN: Mr. Chair. I agree with Anthony on this comment.

I wanted to share an experience that we had in the ETJ process with tribal consultation. When the Board came to Juneau we were working with the former ADR [sic] to set up a tribal consultation with the Board that would be private because the Angoon Community Association, the tribal government specifically requested a private meeting with the Board and the former ADR told
us no, that would not happen, because the Board did not have private meetings and we resolved it by having representatives of the Secretaries of Interior and Agriculture in town to have a private meeting with that tribe. But I had personally made, you know, a plea to the -- to Pete Probasco to have that private meeting with the Board and was told simply that this Board did not have private meetings, that the nature of the -- you know, and it's not like he was just shutting me down, is the nature of this Board is public and he said, you know, having a private consultation was not consistent with the mission of this Board.

So I actually happen to agree with Anthony that there should be that opportunity to have a reserved set aside time for tribal consultation, but I think that we would have to be clear, or the process would have to be clear to whether or not we could do it privately or how we would do it privately.

My suggestion had been, you know, we have executive sessions that are private and we'd simply publish to the public that there was a meeting and it was about this and, you know, it didn't necessarily have to have a transcript, you know, but that was not acceptable before. So if we move forward, I think I personally would like to have that clarified.

CHAIRMAN TOWARAK: Go ahead, Sue.

MS. MASICA: Mr. Chairman. My recollection is -- is how we've done tribal consultation prior to the Board meetings because of sort of the efficiency of the Board members making one trip, it's the day before the actual Board meeting has begun; is that correct, am I remembering that correctly?

MS. SWANTON: Not at the last meeting.

MS. O'REILLY-DOYLE: At our last meeting, at the Board's last meeting there was a time set aside actually during the meeting, during that time, and it was kind of in conjunction with public comments......

MS. MASICA: Oh, in the middle of the meeting.

MS. O'REILLY-DOYLE: .....so it was tribal consultation and then it was public comment.
MS. MASICA: Okay.

CHAIRMAN TOWARAK: Mr. Lord.

MR. LORD: Mr. Chair. Two things.

One is that I need to remind the Board that because it is a rulemaking body it's bound by the -- it's obligation's under the Administrative Procedures Act and, therefore -- and for that reason, any information that it relies upon when adopting a regulation has to be part of the administrative record and that plays into when we can and cannot have a private consultation.

The other point, or sort of to talk a little bit more about the last meeting. For those who weren't around the table, the tribal consultation ended up looking exactly like the public comment. Folks got up, gave their testimony, there was very little dialogue between the Board and the tribal representative and to an outsider just kind of watching, it wouldn't -- it sort of gave the impression that tribal consultation was on the same level and on the same plain as public comment, and I don't think that the optics were very acceptable.

CHAIRMAN TOWARAK: So what do we do?

(Laughter)

MR. CHRISTIANSON: So I guess Mr. Lord's saying that we wouldn't be able to take them and convene a meeting and bring them into a private setting and have a consultation process, so we'd probably still, from here forward, have to look almost exactly like what it did look like, but maybe putting it on the agenda or something as tribal consultation, recognizing it. I don't know how we would build that process into our meeting but, you know, pulling it apart from the public testimony, maybe moving it to a totally different area on the agenda from the public comment might help.

CHAIRMAN TOWARAK: Is there a need to set a policy at the Board level on how we conduct tribal consultation?

MR. LORRIGAN: Mr. Chairman. We have a policy director from the Secretary of Interior to consult with tribes on a government to government basis, the Board represents the government in this case, I -- I would offer that maybe during the Board meeting that
tribes are invited up, the public can still be in attendance, but maybe have, you know, tribal council only time period during the Board meeting set aside.

I don't know, it's just an idea, but it would give the appearance that the tribes are receiving the stature they're accorded by law.

It's just one idea.

MR. CRIBLEY: I guess I have a question for Ken in regards to what he stated. And all the Federal agencies are obligated to do consultation in all of the decision making processes that we do, and I guess are you saying there's a distinction between how this Board functions as representing the Federal government as opposed to say any one of us as individuals, managers -- Federal land managers consulting with a tribe. Because, you know, typically when we're doing consultation it's not a public meeting, we bring them in, take -- you know, and do our -- go through the consultation process and consider that in our decision making. And it's not, you know, the documentation processes could be -- I don't know that it's necessarily documented but I won't get into those details. But I guess are you saying there is a distinction on how this Board does consultation as opposed to how we, as Federal managers, do consultation and that we're requiring to do, as a Board, in a public forum; that's where my -- I guess clarification.

MR. LORD: Well, what I neglected to mention was that this Board also has an obligation to defer to the Regional Advisory Councils on much of its decision making and we need to be able to show on the record that that's what's happening. The Regional Advisory Councils come first in the way this process, this specific process is set up, and we don't want to be legally vulnerable to an argument that we have not met that obligation.

MR. BROWER: Mr. Chair. But that's not considered a tribal consultation, right, Ken?

MR. LORD: I'm sorry, Charlie.

MR. BROWER: But that's not considered a tribal consultation when you go with the Advisory Council?

MR. LORD: Well, that's correct. The
deference to the Regional Advisory Councils is what we're required to do under statute but that does not mean that we cannot -- neither the Board, nor the Regional Advisory Council can't engage in discussions with the tribes to inform that decision making process.

MS. MASICA: So I have a followup, Ken. If the Board were to meet in a non-public session with the tribe and do consultation and have the benefit of that input, and then during its public meeting, in considering a motion on an action, if any of that input were guiding a Board member's action that it were talked about -- it were disclosed -- you know, publicly put on the record during that part of the Board proceedings; would that cover us in terms of the Administrative Procedure's Act. Because I'm still struggling with Bud's question that, you know, we do consultation on a regular basis as a land managing agency with the tribe, those are generally private meetings, there's generally notes or something that's held, but that would be part of the administrative record, and then in announcing whatever decision we announce, articulating in our rationale or justification the benefit of that input, but it's not a word by word transcript, and so I'm just trying to understand the -- satisfying the public procedure's act, but trying to do effective tribal consultation.

MR. LORD: And the decision making that you're talking about is rulemaking decision making -- or rulemaking under the APA?

MS. MASICA: No, I wasn't.....

MR. LORD: So.....

MS. SWANTON: But sometimes -- sometimes.

MR. LORD: Sometimes it is. Well, I would be concerned about vulnerabilities there.

Now, if we could figure out a way to have a transcript made of the tribal consultation that was done in private, that we could make -- I don't know how we'd make that part of an administrative record without making it public. I'd have to think about whether that's possible, I don't think it is. But maybe there is some way of getting at this that might be palatable, but I just can't think what that would be off the top of my head.
CHAIRMAN TOWARAK: Based on the discussions that we've had so far, Jack, do you think we could ask you to take the discussions that we've had today and maybe get together with Mr. Lord and/or -- I'd be curious to see in -- as in the case of the individual directors, whether we, as Board members, can individually meet with tribes and then convey that, whatever message we get during that consultation, to the Board, and deliberation process. But we -- we need guidelines, I guess before we make a determination on how we do our tribal consultation.

So is there any objections from the Board on asking the Staff to clarify the questions that have been brought up today?

MR. BROWER: Mr. Chairman, just a question.

CHAIRMAN TOWARAK: Go ahead.

MR. BROWER: When you're doing a government to government tribal consultation means government to government, right, so these are elected IRA Councils, are elected by the members would represent them as a government so they're at that stature as a government to government -- Federal government to government consultation; is that right?

CHAIRMAN TOWARAK: That's my understanding and that they do need to represent the formal tribal organization. As individuals -- I don't think individually the tribes have government to government con.....

MR. BROWER: It also states, Mr. Chair, in the Policy, that if the Council appoints -- they might have that representation at the tribal consultation coming from a tribe, right, they're appointed by the Council?

CHAIRMAN TOWARAK: I'm assuming that's possible.

In your case, Tony, your tribe through a formal meeting has designated you as a spokesperson for the tribe.

MR. CHRISTIANSON: For specific topics only. That's correct, you know, it would be specific to
a topic, or like if you're going to a meeting or
something, you know, you give them enough head's up and
they designate you either through a letter or a
resolution to speak on behalf of the tribe on that
specific topic or topics or general area.

CHAIRMAN TOWARAK: And I assume, Jack,
that the Staff distributes information to tribes that are
being affected by any rule, regulation?

MR. LORRIGAN: Mr. Chairman, that's
correct. We try to have consultation early and often as
directed by the Policy so we try to get the information
to them as quickly as possible, with as many facts as
possible to allow them time to go through their
government processes of figuring out how they want to
proceed with it.

MR. CHRISTIANSON: Yeah, if you look
through the implemented guidelines, I mean there's a
whole process established for what we're just asking the
question here, to notify tribes early, get their input
and establish consultation process prior to meetings and
then presenting that stuff to the Regional Advisory
Councils to consider, so I don't know if most of the
consultation would be prior to even coming to our level.
I mean so I think the discussion is mainly about how do
we deal with the consultation once it gets to our level
if that request is put forward to meet with this Board as
a whole, that's the one component I see missing here that
we're discussing, is that, and how does that look. I
mean we're coming back to how does that look when they
come to our table, how do we consult with them.

And I don't think the tribes were mad at
the last time that they got -- had to do it in public,
you know, I don't see anywhere in here where it says the
tribes wanted anything private, you know, in fact, I
think they would want it the other way around, they want
everybody to know what's going on unless it has to do
with specific cultural properties or trade secrets or
whatever have you.

MS. MASICA: Mr. Chairman. What I was
recalling, and this is where I started earlier, I was
just confused. When we first -- when we had the interim
Tribal Consultation Policy, I guess it was, we had a
January Board meeting where the first day was spent
doing tribal consultation separate from the initiation of
the Board meeting and then we -- I'm just wondering --
and then last year we moved to where we integrated the
consultation into the Board meeting as each proposal was
undertaken. Am I remembering that part correctly, Kathy,
you're looking at me.....

MS. O'REILLY-DOYLE: Hum.

MS. SWANTON: Yes.

MS. MASICA: Is that right?

MS. SWANTON: Yes.

MS. O'REILLY-DOYLE: You mean with each
proposal?

MS. MASICA: Yeah.

MR. CRIBLEY: Right.

MS. MASICA: Yeah, with each proposal.

MS. PETRIVELLI: It was about the policy
though.

MR. CHRISTIANSON: That was in Juneau, we
had it up front.

MS. PETRIVELLI: It was about the policy.

MS. MASICA: That first -- I'm just
wondering, we've got the work group that's been working
on the implementation guidelines, maybe they could weigh
just sort of setting up the first day of the Board
meeting as a consultation day as an option that could be
set up and that the tribes who were interested in
consulting in advance, figure out how we might try to get
that lined up so we would know -- so people could know
when, you know, that they would do that, if some of these
legal issues could be resolved, might be a possible way,
and maybe the work group could sort of consider what
those options might be, come back to us maybe in August.

CHAIRMAN TOWARAK: Are there any
objections to asking the working group to review the
consultation process and come back to us in August with
a recommendation?

MR. LORRIGAN: Mr. Chairman. I believe
that will happen. Ms. Leonetti will be back, like I
said, in the next week or two and then we'll reconvene
the work group and hammer out these questions and
probably -- hopefully have a better answer for you in
August.

CHAIRMAN TOWARAK: Okay. Then is there
further discussion that you wanted, or are we.....

MR. LORRIGAN: Not from me, Mr. Chairman.

CHAIRMAN TOWARAK: Okay. Are there any
questions from the Board on tribal consultation, we will
hear more in August and get better direction.

(No comments)

CHAIRMAN TOWARAK: Okay. I'm being told
that it's lunchtime. There's a -- I want to read
something here; the White Moose Espresso Deli and
Catering barbecue outside the tent today, hamburgers and
cheeseburgers, red potato salad, $6.00.

(Laughter)

MS. O'REILLY-DOYLE: It's right here.

CHAIRMAN TOWARAK: Lunch is available
right outside the door for those of you that are
interested.

We will take a -- will an hour do it for
us, or do we need longer than an hour. Let's reconvene
at 1:15. It's five after 12:00. We will reconvene at
1:15.

MS. O'REILLY-DOYLE: And if I may, one
more plug, if anyone wants to contribute to the gifts for
the RAC members that have been with us for 20 years, that
envelope is here as well, if you want to do that during
lunch.

CHAIRMAN TOWARAK: 1:15.

(Off record)

(On record)

CHAIRMAN TOWARAK: I'd like to reconvene
our meeting.
CHAIRMAN TOWARAK: We've still got one more Board member coming in but I think we'll go ahead and get started. We've got a couple of announcements but we'll start first with a presentation by Sue.

MS. MASICA: The microphone is shorter than I am even.

(Laughter)

MS. O'REILLY-DOYLE: And that's on the record.

(Laughter)

MS. MASICA: Some facts are irrefutable.

(Laughter)

MS. MASICA: So I wanted to -- I'm sorry I didn't get to do this this morning and like I said I had a dentist appointment and I was a little bit late. But I wanted to recognize two members of my Staff who are retiring and they have really given a lot of service to the ISC and the Board over the years and they're both going to go on to greener pastures this summer.

Sandy Rabinowitch has been doing Board work for what, Sandy, about 20 years or so, more than that?


MS. MASICA: Yeah. And, Nancy, how long for you, eight.

MS. SWANTON: Eight, uh-huh.

MS. PATTON: You're retiring, Nancy.

(Laughter)

MS. MASICA: This wasn't supposed to be the official announcement.

(Laughter)

MR. CRIBLEY: It is now.
(Laughter)

MS. MASICA: But I wanted to make sure we recognized both of them for their service to the Board and to the ISC and so I have a little certificate of recognition and appreciation for both of them. But thought given the support and the work that they've done with so many people here, in front of the Board, we'll appropriately do something at the Park Service down the road, but wanted to acknowledge that today. So if I could do that.

MS. O'REILLY-DOYLE: Anybody got a cell phone camera.

MS. MASICA: But I wanted to thank you for all of that.

MS. O'REILLY-DOYLE: Let's see the plaque.

MS. MASICA: Logos of all the agencies are on there.

(Applause)

CHAIRMAN TOWARAK: Thank you. Now.....

MS. O'REILLY-DOYLE: Where's Jack.

CHAIRMAN TOWARAK: .....we've.....

MS. O'REILLY-DOYLE: So we're on this one now, 12.

CHAIRMAN TOWARAK: Back to our agenda we are on No. 12, support of rural Federal Subsistence Board members update. Jack.

MR. LORRIGAN: Good afternoon, Mr. Chairman and Board members.

I guess it's been a year since Tony and Charlie have come on and I wasn't at the retreat that you all had, I guess it was in Juneau, but I believe you had discussions about how the two new members would be supported in the Board process. So what we're doing right now is Helen Armstrong was Staff support for Tony and Charlie until she retired a couple weeks ago and the discussion has led to the present situation where right
now I am the point of contact for all three of you. I think originally this position was delegated to the Chairman. As the Native liaison it also seems to fit in being able to converse with Charlie and Tony also in the capacities that they serve.

What we did, yesterday, is I arranged for your briefing, but I made available to you all the Staff and ISC members that were appropriate for the topics that were to be covered on the agenda, and one of the questions we had for the Board is if they had any thoughts of how they'd like to see the two new members supported. If this isn't going to work or if there's something that you'd like to see done different. So it's dialogue we'd like to see amongst yourselves about how you'd like to see the two new members supported, if you had any ideas. Right now the three public members don't have actings, and they can be supported by a lot of our Staff at OSM and the ISC has stepped up and made sure that the information they needed was provided. So with that I'd like the Board to talk about it.

CHAIRMAN TOWARAK: I, for one, having come in -- I was going to say like the Lone Ranger, but.....

(Laughter)

CHAIRMAN TOWARAK: .....maybe Tonto would be a little more appropriate.

(Laughter)

CHAIRMAN TOWARAK: But I had to do a lot of reading to really get caught on and I think after having gone through the briefing yesterday, it's quite a bit different and a lot more -- it was valuable information for me and I'm assuming that Tony feels the same way. We're expecting Charlie any minute and I'm sure he felt the same. But getting briefed makes it a lot easier for us to understand what the issues are. We didn't discuss any solutions, you know, that's a Board responsibility. But being briefed and given the reading material before the meeting has really helped. And I appreciate Jack's efforts in getting that done.

MR. CHRISTIANSON: Yeah, Anthony Christianson, through the Chair.

Yeah, this has been the process we used
these last couple of meetings that we've come to, is to
come up a day early and sit with the Staff here in the
office and get the -- it was Helen prior to her
resigning, or retiring, and getting us the information
ahead of time in an email and getting us the documents
and then coming to a meeting like yesterday, where we
just sit and kind of get briefed on the topics, brought
up to speed on it. And it does make for a lot better
informed Board member, you know, we don't -- like they're
saying, we don't have that support Staff like you guys,
the agency people, to summarize things and kick us up a
notebook full of nice information that's readily
available for us to use and to formulate questions or
dialogue between the people that we have presenting to us
or the information on the table. So it's been a real
good process, I think, that we're starting to establish
for the support for our position, so hopefully we could
just continue to maintain it as is and Jack has offered
to continue to do that service for us and pull together
-- especially on some of the hotter topics, at least the
people who are working on it to get us caught up and
informed. And like Tim said, we're not really sitting
here formulating any kind of plan of attack or anything,
more or less just getting the information, because we
have talked with the people about, you know, how far we
can take our briefing meeting without crossing any kind
of ethical line there.

So it's been a positive experience and I
think we know, kind of where the line is, as far as the
information we're sharing.

And our brief meeting yesterday wasn't so
brief.

(Laughter)

MR. CHRISTIANSON: In fact the briefing
meeting was probably longer than the meeting today.

(Laughter)

MR. CHRISTIANSON: So I think it's
important and just hopefully we continue to do that in
the interim and I think it's working, and I thank the
Staff here at OSM for making sure that the information is
to us in a timely manner and I think we can do this for
a while until -- especially with the budget cut and stuff
like that, you know, we want to streamline the process
and make it as simple as we can for the Staff here and
also considering that we need to all start sharing in the
load of work to keep this as cheap and as easy as we can.

So thank you guys.

CHAIRMAN TOWARAK: Go ahead, Mr. Lord.

MR. LORD: Why does it keep turning

itself off.

CHAIRMAN TOWARAK: I have ultimate

control.

(Laughter)

MR. LORD: All right. So I mean how --

would you do anything differently if we have a wildlife

meeting where there's going to be 60, 80 or 100

proposals, you know, how would you handle that kind of

work load, do anything different or just make your

briefing longer?

MR. CHRISTIANSON: Well, I guess we've

had the one proposal cycle that we did come to and

there's the consensus and non-consensus, so they sent

forward the information to us at that meeting and mainly

the non-consensus where there's some difference of

opinion or, you know, what's going to come before us was

where they focused the briefing meeting on, is those

topics. You know, and the other ones on consensus, was,

you know, it's simple, everybody on the ISC agrees, the

information is there and available if we needed to read

it. But as far as the proposal stuff goes, you know, I

think there's enough time well in advance that we can

look at it and then formulate those questions and put it

back to the Staff, that's kind of how it worked up to

that meeting, is that we kind of looked at the

summarizations and the information that the ISC had

looked at it and come to either consensus or non-

consensus on and more or less focused the effort on the

ones that were needing to still be deliberated by the

Board or find the Board support and so that's how we did

it that time and it worked. I don't think it was an

issue but, you know, we're trying -- like I said, with

the budget, trying not to go in and have to read all of

that information, you know, because it is a substantial

amount of information if you're going to read all the

proposals and then the history on the proposals and then

start to go maybe to the RAC deliberation on the

proposals and I mean we haven't never taken it that deep,
we just have to trust in the Staff that we have here that
is looking at the information and coming up -- because
there's set criteria that they have to use to get to a
certain point with each proposal so trusting the Staff is
what we have to do at this point.

CHAIRMAN TOWARAK: In some cases it's
even worked both ways, where we've brought in our rural
perspectives and our opinions on some of the regulations,
you know, and we hope it's valuable to everyone. And
we'll plan to do it mostly through Jack and anybody else,
the rest of the Staff also.

MR. BROWER: Mr. Chair. Sorry I'm late.
I ran into a friend and kept eating sushi, sushi, sushi.
(Laughter)

MR. BROWER: But anyway, in support of
rural Board members, I think the Staff are working fine
with us, we get all the communication we need, and too
bad our other colleague, Helen, had to retire, but she
was a fine lady to work with, she provided us with all
the information and background that we needed to know.
And with Jack coming in, I think we'll have the same
support in the future. I enjoy these work sessions ahead
of time, and like Tony and Tim stated, I think it
highlights us of what we need to know and what to pursue
and ask questions for and I'm glad that we are getting
some support from the Staff preceding these meetings.
It's working out fine, I enjoy it.

Thank you.

CHAIRMAN TOWARAK: Go ahead, Tony.

MR. CHRISTIANSON: And I'd also like to
thank the Staff for the lunch they provided yesterday, I
appreciated it.
(Laughter)

CHAIRMAN TOWARAK: Jack.

MR. LORRIGAN: Mr. Chair. We were just
curious to hear from the rest of the Board if they had
any thoughts.

One of the ideas behind having the ISC
members participate in the briefing was to relieve any
appearance that OSM was strictly controlling the
information to the new Board members, it would be -- I
would hope appear to be an unbiased flow of information
to them so that people who had expertise in one topic
could give them the information they needed.

So that's how I wanted it to appear
anyway, and work.

And at the next Board meeting we're going
to have a potluck and you all have to be here, so.....

(Laughter)

MR. CHRISTIANSON: Mr. Chair.

CHAIRMAN TOWARAK: Go ahead.

MR. CHRISTIANSON: And yesterday I had to
do like a 20 minute speech while these guys took off and
I think.....

(Laughter)

MR. CHRISTIANSON: .....it would only be
fair that they get up and have to do the same thing at
the next potlatch.

(Laughter)

MR. OWEN: Speaking of potlucks, that
brings up the topic that Jack mentioned, actings, for the
rural members. Now, Mr. Chairman, you do not have an
acting, but I am not the only one here, I think, sitting
in today as acting for someone else. I don't believe
that I remember when the whole rural seat thing came up
that there were even provisions for acting. So does the
Chairman or Council have an idea of how we might address
that or deal with that?

CHAIRMAN TOWARAK: There's been no
discussions about designating acting Board members on any
of -- on all three of us, so I don't know if it's
possible.

Tony.

MR. CHRISTIANSON: Well, I was just going
to add to that. I think it was important that as they
formulated the schedule of the meeting that it was kind
of hinging on our availability, you know, I think that
was an important aspect of just trying to lay out that
schedule and look out for the next year and a half or
whatever and make sure that we're available because we
don't have that person that can step in here and act on
our behalf or for the public seats. I think that was a
benefit to us in having that ability to look at our
schedules and make sure that we could be here and
available, and so we appreciate that about the scheduling
that we are here because I wouldn't want to miss a
meeting.

                 CHAIRMAN TOWARAK: Go ahead.

                 MR. LORD: All right. Still, it is a
good question because legally the Board could proceed, if
a weather event say, for example, prevented you guys from
landing, a weather event, we'd still have a quorum of the
Board in that event and legally the Board could still
proceed, but maybe we don't want to so I'm thinking it's
a discussion we should have in advance in case that
situation ever does arise.

                 CHAIRMAN TOWARAK: Go ahead.

                 MR. CHRISTIANSON: I think then we could
probably teleconference. I mean I don't know if there is
something that would prohibit us from being on the phone
line but I would definitely be willing to if the weather
prohibited or some other event that might keep us from
traveling to the meeting, that we'd just teleconference
in.

                 CHAIRMAN TOWARAK: Anthony talked about
video conferencing too the other day.

                 Just a reflection that you should know
that, I think, all three of us having been appointed as
subsistence users, we take that -- our positions very
serious and I don't think we've ever missed any meetings
and I think we will continue that.

                 I'm not saying that we don't need
representatives or someone to sit in our place if we
can't be here, I don't know what the -- if there's any
regulations regarding that or not.

                 MR. LORD: There are not.

                 CHAIRMAN TOWARAK: Go ahead.
MR. LORD: The only -- the regulation says that the Board shall be Chaired by the Board members of their designees, but other than that it doesn't say anything else.

CHAIRMAN TOWARAK: Go ahead, Jack.

MR. LORRIGAN: Mr. Chairman. Would that be a question to address to the Secretary, to have him mull it over? No. You're sure. No, okay, nevermind.

(Laughter)

CHAIRMAN TOWARAK: I think I'd rather see us go to Obama.

(Laughter)

CHAIRMAN TOWARAK: I think it appears that -- I think we're going to always be here and I think short of dying in a plane crash or being sick, you know, those -- I think those would be the only reasons why we couldn't be here. So I think, you know, if there's a desire in the future, for some reason we're not able to make meetings, you know, I'm open to any suggestions.

MS. O'NEILL: Perhaps just having some sort of plan relative to a short-term appointment or something, would that work for an alternative?

MR. LORD: In the event that one of them falls ill for awhile or something like that, I hadn't thought about that, but Pat would have been the better person to answer that since their appointments are made through the Secretary's office.

CHAIRMAN TOWARAK: Why don't we leave it as it is right now and ask Jack to do some research on what might be possible for the three of us designating a stand-in Board member, if there's no objections.

Mr. Cribley.

MR. CRIBLEY: Timing is terrible, I don't have -- it's not a matter of an objection. I guess I just -- I'm not really sure what we're looking for here or what Jack is looking for as far as feedback but I think it's absolutely critical that the three Board members are briefed before they come into the meeting. I mean the meeting would be non -- well, it wouldn't be
Functional or it wouldn't meet its intent if they were not, and I appreciate the time that the OSM office and everybody is putting into that and I think it's absolutely critical. I realize that we're short of funds and Staffing and everything but I think the accommodation we need to figure out, or folks need to figure out how to make that happen but it has to happen.

I mean we come in here -- if I didn't come in here with some background of what's going on here I'd sit here and not say a lot like I do but.....

(Laughter)

MR. CRIBLEY: .....and then also just to reiterate I think what Sue said, having sat on the Board before the new members came on and then afterwards, having that perspective, Alaska Native perspective in the decisions that we're making or the issues that we're discussing is totally invaluable. I think it just adds a lot of value to the dialogue that we're having and a perspective that we cannot bring to it and I think it's important that that be brought forward in the public setting so that it is realized that we are looking at it from a diverse set of viewpoints and taking those views into consideration in our deliberations and ultimate decision making. So I think the Secretary was brilliant in making that recommendation that the additional Board members be put on the Board and we should send her a letter and thank her for that and tell her that she's brilliant.

(Laughter)

MR. CRIBLEY: But I also think that we should -- the issue of, you know, if they're not able to -- or you're not able to make a Board meeting, I think we can handle that as it occurs, but with the understanding that the intent is that they will represent, they will be here at the Board meetings.

And I will take exception there was a time, Tim, when you were late to a meeting, and if I remember correctly they took the newbie and put him as the Board Chairman.....

(Laughter)

MR. CRIBLEY: .....and if I also remember Bert Adams just had a field day with me leading me around
by the nose, you know, like I had a nose ring in
explaining to me how a Board meeting should be
conducted.....

(Laughter)

MR. CRIBLEY: .....and I appreciate that
and that will go into, you know, one of those memories
never to be forgotten and never to be repeated either.

But we did survive and we were able to
fill in before you were able to come in and clean up the
mess and get us back on track. But I think the way
things are going right now work well and I think -- but
I think it's critical that we continue to support the
briefings to the three of you to get you up to speed on
these issues and stuff.

So I'm not disagreeing with you in any
way, so I'll go on the record with that one.

CHAIRMAN TOWARAK: Thank you. It sounds
like we have consensus that we will continue as it is and
Jack will do a little bit research, maybe talk with Pat
about what's possible as far as fill in Board members.

Okay. We will go to our final agenda
topic, the status report on Kootnoowoo petition for
extraterritorial jurisdiction and discussion of the next
steps. And we'll start off with a briefing by Steve and
then we'll open the floor for public testimony and I
think we've got.....

MS. O'REILLY-DOYLE: Three of them, two
on the air and.....

CHAIRMAN TOWARAK: .....a couple of
people on the phone and one person in body in front of
us. So we will turn the floor over to Steve.

MR. KESSLER: Thank you, Mr. Chairman and
members of the Board. Again, I'm Steve Kessler with the
US Forest Service and a member of the InterAgency Staff
Committee.

I know you're all familiar with this
topic so, therefore, I'll sort of just jump to recent
activities rather than go back to the beginning of the
petition response process.
On August 23rd, 2012 the Secretaries of Agriculture and the Interior conveyed their decision to Kootznoowoo Incorporate, the Alaska Native Village for Angoon regarding their petition. The Secretaries as recommended by the Southeast Alaska Subsistence Regional Advisory Council and the Federal Subsistence Board deferred decision on the Kootznoowoo petition for up to three years to facilitate a locally-developed solution.

An agreement was signed in September of 2012 with the US Institute for Environmental Conflict Resolution, a third-party pseudo Federal agency, maybe more than pseudo, maybe a real Federal agency, to help facilitate a locally-developed solution. Two phases were established. Phase I, which was a situation assessment, and Phase II, then the collaborative problem solving, or the second step based on what we found out through the situation assessment.

Bureau of Indian Affairs committed funds for Phase I, for which we are grateful. Phase I began December 1, 2012 and is now complete, including the June 6th, 2013 status report to the Secretaries, which I believe was reviewed by each of the Board members approximately one month ago. Components of Phase I included interviewing stakeholders, assessing readiness of the stakeholders to engage in collaborative problem solving, preparing a written assessment and then doing the briefing paper for the Board to meet the Secretaries reporting requirements.

Results of that Phase I work then would help to determine the need and process for Phase II.

So the Institute conducted over 30 interviews from December 2012 to February 1st, 2013. They developed a draft situation assessment which was released for comment to all the interviewees and then released the final situation assessment with modifications dated April 12th of this year. And that situation assessment had two recommendations. Now, the specifics and the exact wording of those recommendations are in your briefing books. The entire situation -- final situation assessment is under the Tab 13.

Those two recommendations were that the State of Alaska convene a multi-stakeholder collaborative working group addressing interception of subsistence sockeye near Angoon, develop recommendations for the annual Southeast Alaska purse seine fisheries management
plan, and that this all be done using third-party neutral facilitation.

The second recommendation was to the US Forest Service to host regular meetings with the Angoon Alliance. The Angoon Alliance made up of the city of Angoon, the Kootznoowoo Incorporated and the tribe to coordinate and develop strategies associated with management and economic development related to the viability of Angoon and use a neutral facilitator or moderator.

So if you recall in that petition there were pieces of that petition that had to do with extraterritorial jurisdiction, specifically, and there were other pieces that had to do with other management associated with Angoon. And so these two recommendations addressed both of those issues.

So the next steps.

Plan and implement Phase II. Phase began in mid-April when the Department of Fish and Game, Kelly Hepler, Jennifer Yuhas and the Forest Service, Wayne Owen, our district ranger Chad VanOrmer and fisheries biologist Ben VanAlen traveled to Angoon. They met with the Angoon Community Association, Kootznoowoo and city of Angoon to start talking about the next steps. And I won't be giving you that update on what actually is happening as far as Phase II, Wayne Owen and Jennifer Yuhas will be doing that following, I believe, public testimony.

So if there are any questions for me, all the hard questions will go to Wayne and Jennifer, but I can do the easy questions.

CHAIRMAN TOWARAK: It doesn't appear that there's any questions.

(No comments)

CHAIRMAN TOWARAK: We will then move on to public testimony and I'm going to ask Mr. Kookesh if he could come up to the mic and be the first to address the Board.

MR. KOOKESH: Thank you, Mr. Chairman. Kootznoowoo did want to be last but we'll just go ahead so you'll have to excuse me for my voice today, I have
some medical issues I'm dealing with. But thank you, Mr.
Chairman Towarak and Board for allowing us to speak.

What I did this morning was I took my
notes and sent them to Peter so Peter's going to be
carrying the discussion. And I think as mentioned during
lunchtime, Tim said that Tlingits were long-winded
anyway, so with me not being able to talk, the meeting
will be shorter, and we did adopt Peter so he might have
Tlingit in him so it might get a little bit longer.

(Laughter)

MR. KOOKESH: But anyway I'd like to
introduce myself. I am Chairman of Kootznoowoo. I was
just recently reelected back to the Board and I'm glad to
have that opportunity to be able to continue this process
and to finish it, to follow it all the way to the end
hopefully and just make sure it all works out for Angoon.
One of the reasons why we do this is, not only for our
people but for our children, so we always keep that in
mind when we're doing this.

The next, I'll have our general manager,
Peter Naoroz. Peter's been with us seven years. And
Peter's also familiar with it, the first time he ever
heard me talk, I was talking to our Kootznoowoo board
more than once about .506 of ANILCA, because we have
consultation rights with the Secretary of Agriculture
since ANILCA was passed. It says the Secretary of
Agriculture shall consult and cooperate with Kootznoowoo.
We got the cooperate part. I don't know if tribal
consultation gets that part. But we have that for
Mitchell Bay, Kanalku and Favorite Bays. But with that
I'll introduce our general manager Peter Naoroz and let
him carry the discussion.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr.
Kookesh. I'd like to ask if there's any Board members
that have questions for Mr. Kookesh.

(No comments)

CHAIRMAN TOWARAK: Thank you for your
brief presentation.

(Laughter)
CHAIRMAN TOWARAK: We will turn the floor over to Mr. Naoroz then.

MR. NAOROZ: Thank you, Chairman Towarak. Members of the Federal Subsistence Board.

I'm trusting that you can hear me.

CHAIRMAN TOWARAK: Yes, we could.

MR. NAOROZ: Great, thank you. What I'd like to do is take a few minutes to describe the activities of the first year from Kootznoowoo's perspective, at least the highlights and to give you a progress report and the beginning of what I consider a -- like a, if you will, a report card on the activities.

I believe everyone who was part of the Board was present during the March meeting, though I may not have that correct, March of last year, so I'm looking at the year starting March 2012 and really ending March 2013 and then a couple meetings beyond that just to bring you up to speed. The report card that Kootznoowoo prepared really has a number of areas to cover and I'll be really brief and I won't go into the sub-areas.

But much like when we were children going to school, you know, we have to look at, you know, some expectations and so the expectations that I set up for the process and I've discussed with my colleagues, both at the State and the Federal management offices is really the following. Questions of professional planning, what I call language arts, or just basic communications. And the development of timely workable solutions in this process. Management actions and jurisdictional solutions. Developments in customary and traditional activities, some of which I heard the Board discussing earlier today. Science and how does that fit into our petition. A sector on National Monument awareness. So the Board knows in our last meeting there was a question asked of me, why are we talking about monuments and I think that points out a need for kind of a sensitivity in that area. The ability of the managers to follow direction of the Regional Advisory Council and the Federal Subsistence Board. Social responsibility is a general topic, in which there is the sub-areas of consideration; respectful of stakeholders to each other, et cetera, et cetera.

But I have all this written out and I'll
Chairman Towarak, Members of the Board.

The overview of the past year's activity would be remiss if I did not include kind of the fact that we are right now -- understanding that we're in an environment of increased trust and rapport as we move forward in trying to come to local solutions. However, we -- your petition -- or the Secretary's petitioner, basically if we were to write an article about this we would start the article with a headline saying; that the last year has really been a case of kicking the can down the road.

So why do we say that?

In part because this process has been going on since the summer of 2002. And we feel, and we'll give you some examples that this procrastinating behavior on the part of resource managers continues to this day. Hopefully before the three years the Secretary side comes and goes, our best efforts in finding a local solution will be successful. However, we must plan for the contingency that the Southeast Regional Advisory Council and the Federal Subsistence Board will need to report to the Secretaries the need for further action on their part.

Accordingly we offer these following comments:

We were planning to meet with State and Federal managers last week. That did not happen. Our last meeting was in Angoon on April 2013, at which time the State of Alaska recommended that Angoon form a Fish and Game Advisory Group and go through the process basically starting over back in 2002, from our point of view. They did this in earnest with a trusting nod, that the State Board of Fish will, "get it right this time."

In that meeting Mr. Kookesh addressed both Mr. Owen and Mr. Hepler with the same question. He asked both what the priority was under Title VIII of ANILCA and State law. They both responded subsistence. Our response was to have the ADF&G managers pick up these proposals and implement them. That would start to build an environment that would support local solutions. Instead we see that there's no changes to the Northern Southeast Seine Management Plan, and that a record pink salmon prediction has the same fleet poised for a record catch while more likely than not intercepting Angoon bound sockeye.
In September of last year we met with the Southeast Regional Advisory Council in order to address our questions about moving forward and challenged them to stay involved in the process, which we seen a recent letter that they have done, so we're grateful for that.

We have met on several occasions with the Forest Service in their five year review of the Tongass Land Management Plan, and some of the work they do with the State of Alaska in creating a salmon management, they call it enhancement plan. We have monitored the decision of the courts and parties in the Lincoln Peratrovich case. We are encouraging the Forest Service to identify the Federal interests waters to include Title VIII subsistence rights. We have also requested the Forest Service consider rulemaking related to Section .506, which my Chairman mentioned earlier. Section .506 provisions have made very little progress between us and the Forest Service in understanding what cooperative management could look like. We were told that the petition in some ways is designed to spell that out. So here we're caught in a Catch-22, which goes first, the cooperation or the petition.

Butch Blazer, who attended the March 2012 hearing on behalf of the Secretary of Agriculture asked Koottznowoo in a followup meeting, what do we want. A straight out question. We reviewed the highlights of the petition and our Chairman, Mr. Kookesh, told him that we wanted the Department to follow the law and that ignoring the law is breaking the law. We shared this with affected stakeholders in December 2012 when we met with the seiners.

Two surprises to us include the lack of more detailed reports by ADF&G and the lack of precautionary measures set forth in this years fishery management plan. We have had several discussions with industry representatives, in fact, we were asked by other fishers if they could intervene in our petition, to which we informed them about the open collaborative process envisioned by the Secretaries and we reminded them that we were not in the allocation business but rather concerned about the priority and preference that exists for Angoon. These groups and communities were not interviewed by the Institute to my knowledge. We have fully participated in the interviews and follow up with the representatives of the US Institute of Environment Conflict Resolution, which provided us with individuals
who seemed generally concerned and good listeners.

Several concerns on our part, however, have emerged from this phase of the process.

There are basically three concerns on our part and I'm hoping that Wayne and Kelly will speak to this. The first one being funding for Phase II and who the mediators will be. A second concern is the requirement of extra hurdles being set up -- set before the petition.

We were told that unanimity of the tribe, city and Kootznoowoo on numerous subjects were going to be required if the petition was to be successful. One of the item -- when I asked what unanimity meant they said, we'd really like for the three parties to be on the same page, otherwise this petition's not going to move forward. And I got more specific and asked, well, do we have to be on the same page with respect to the proposed airport? We understand that the requirements of unanimity, while well meaning, undermines the ability to achieve local solutions as requested by the Secretaries.

And so -- and then the final issue that hasn't been answered is where are we in the timeline of three years set forth in the Secretaries letter.

We see that, as I mentioned earlier, the timeframe as having begun in March 2012 when the RAC and the FSB met on the subject. We would like to understand where the Board sees us as you will be providing the Secretaries your recommendations and we would like to be responsive to you as well as the two Secretaries.

So, in summary, Chairman Towarak, we see the process as too slow. And the State and the Feds are not having enough meetings on the petition. The State is dragging their feet, despite what appears to be good intentions on the part of key representatives. The collaborative process as it exists today is locked with dead ends. We knew the State right folks would raise a fuss and there is every indication that they are poised to do so. At some point the Federal Subsistence Board will need to address the issue squarely.

Chairman Towarak, I'm prepared to answer any questions you may have about the last year and how we see it.
CHAIRMAN TOWARAK: Thank you, Mr. Naoroz.

I'll open the floor to the Board if you have any questions.

(No comments)

CHAIRMAN TOWARAK: It doesn't appear that there is -- well, go ahead, Mr. Christianson.

MR. CHRISTIANSON: Well, I guess my question would be, I guess, to the Staff here, where are we at in the timeline, wasn't the timeline established to meet the next Board of Fish meeting, which was a three year cycle. If I remember that conversation correctly it was to get this work done before that next cycle came around so that these proposals could be put on that table for discussion.

MR. OWEN: Mr. Chairman. I'd like to suggest that that's an answer that Jennifer and I respond to when we're -- after the public testimony because I think we can do that, but that may be tied up into other questions.

Is that all right with you Tony?

MR. CHRISTIANSON: Yeah, that's fine. I mean I was just asking a question that didn't think anybody was going to answer.

(Laughter)

CHAIRMAN TOWARAK: Go ahead.

MR. OWEN: I think it's an important question and one that I'm ready to provide an answer for but I think I'd like to provide that answer in the context of some other comments and I'd rather not use this time to do that.

CHAIRMAN TOWARAK: Okay, we will wait for your presentation. Any questions for Mr. Naoroz. Go ahead.

MS. O'NEILL: Have you raised this issue of timeliness before -- I'm getting a head yes from across the table by Wayne, so you're going to address the timeliness of the response too in your presentation.

MR. OWEN: Yes.
MS. O'NEILL: Okay, thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Naoroz.

If you would stay on the line we will continue the process by hearing the report from Wayne and Jennifer and then have a.....

MR. NAOROZ: Thank you, Chairman Towarak,

I'll remain on line.

CHAIRMAN TOWARAK: .....a general discussion afterwards.

Thank you.

MR. KOOKESH: Thank you, Mr. Chair.

MS. YUHAS: That was the plan.

MR. OWEN: That could be a plan.

(Laughter)

MS. YUHAS: Thank you, Mr. Chairman and members of the Board.

As far as progress on State issues you received an update at your winter meeting that showed the funding and the studies, the genetic stock ID, the commitment on behalf of the Governor and you received a full write up on that, we didn't duplicate that for this meeting. The only new information that's transpired since the last time you met is our communications with Kootznoowoo at their office. We met with them two different times and we went out to Angoon, that was the cadre of myself, Kelly Helper the Assistant Commissioner and Hazel Nelson, our Subsistence Director, and the subsistence household surveys have been ongoing and we have collected more information. At the point in time of the Southeast RAC the subsistence director was concerned that we weren't collecting enough information to make a difference and she was given some time on that RAC meeting to appeal to the RAC members to talk to the folks that lived in Angoon about responding to the survey so we could collect that information. And we're very grateful that we were able to make some progress on that so the folks are sorting that information right now.

We had the first of several meetings in Angoon in April, as Mr. Naoroz stated and we thought that
that was highly productive. We went through the scope of the recommendations provided by the Institute. The State continues to have some difficulty with some of the phrasing of expectations surrounding the words, working group, there are many different expectations to what that means. In our interviews and in our discussions with the Forest Service and the Institute, we discussed that there has been in state on Federal and State sides of things to form new additive groups with specific titles and per diem and that people have an idea that this means a new group can be formed to override decisions by others, by RAcs, by Advisory Committees, and Federal Subsistence Board and Board of Game, and that that wouldn't be the intent of the Department with regards to the recommendations section. And what we found was that we were having an impasse with the language, the way that it's printed it could still read to create those expectations. When we met in Angoon we heard from several members of the public before we even got to that portion of the -- it wasn't a set agenda, it was a listening meeting to find out what those folks wanted us to do, what directions to go in and to report some things, and surprisingly the community brought up the same concerns. who are these stakeholders and what weight will they be given and -- and -- and will this be a new group on top of the other things that overrides other things and -- and a lot of confusion associated with that language.

We're very clear that as the recommendations read, aside from the briefing paper in yellow, on Page 4, that when it describes what is a collaborative problem solving, it does get more into an organic process that the Department was conveying to the folks in Angoon who were more satisfied with what we were discussing in that capacity.

I was a little bit surprised by the testimony just now, it was new information at this meeting to hear that there was discontent with the suggestions that forming an AC and revisiting Board of Fish proposals could be beneficial. That was not the tone of the meeting in Angoon, and Mr. Kookesh is here, we discussed the possibility of replacing Board members on the Board of Fish with local residents from Angoon and Mr. Kookesh's name surfaced from the group as a possible nominee for the Board of Fish to replace an outgoing Southeast member. And the Department takes very seriously and conveyed to the group that the Board of Fish does allocate and that we should recognize that
there were encumbrances to previous proposals that ended
dissatisfactorily to the folks in the community and that
the Department has a responsibility to walk the public
through that process. We made some analogies as to what
that could mean -- analogies always fall short but when
I've had to go to a different government entity I don't
want my form back to say you didn't fill this out right,
I want someone to explain to me what they're looking for
so that I can have some resolve at the end of my visit
and the Department has kind of used that analogy to
discuss how could we walk any member of the public, in
this specific instance, Kootznoowoo and the folks in
Angoon who want a different resolve through the Board of
Fish, how we could make that process more user friendly
for them and assist with finding a local solution that
then the Board of Fish could adopt.

We hadn't heard, at that meeting, that
folks looked at that as going back to 2002 and scrapping
everything. That wasn't communicated at that meeting.
We thought that the suggestion was well received but it
was simply a suggestion. It was one option for working
through the process. They don't have to form an AC but
the Department is available to assist with that process
as we move forward.

I'll let my counterpart from the Forest
Service talk about some of the physical structure
manipulation, we're not saying the B word for getting rid
of the rock at the falls, but that was planned and has
not occurred. That was supposed to happen last month and
we had intended to make another trip from the Department
out to the community to listen again and see what folks
had cogitated on since the April visit. We've put that
off because the structure manipulation hasn't been
conducted yet and we're looking at when we could go at
another point in time this summer that would be
acceptable to the community where we would be assisting
rather than imposing or showing up when everyone's busy.
We want to be respectful of the community's needs
otherwise the trip would be wasted.

CHAIRMAN TOWARAK: Okay?

MS. YUHAS: I don't think I have much to
add at this time until there's questions, Mr. Chairman.

CHAIRMAN TOWARAK: Okay. Mr. Owen.

MR. OWEN: Thank you, Mr. Chairman. I'd
I'd also like to express my appreciation for my worthy colleague Peter Naoroz for acknowledging the improved trust and understanding that is coming out of this relationship, out of this working agreement. We have spent an awful lot of time and I don't think any member on any side of the table, the Forest Service or the State or the tribe or the corporation feels like we're where we would like to be. I think that I appreciate Floyd's agreement with me that we are in a much better place than we were a year ago, and so that's a great place to start.

With respect to most of the rest of Peter's comments, I wish that I could disagree with most of it, and I'm afraid I can't. You know, specifically his comment that the process is moving too slow. The process is moving too slowly.

Now, I will offer an explanation but not a justification for that.

You know we all know that bureaucracy takes the time and the air that bureaucracy takes and we are moving into completely untrod country with this petition so people on various sides are justifiably cautious about moving forward, setting expectations beyond where they should be. With that said, the people of Angoon will go another year without their proper priority or preference -- priority for fish in their area without another year of moving closer to having that issue resolved.

So the Forest Service -- well, let's just leave it at that.

With respect to the meeting in April in Angoon, which was a very productive, in some ways, meeting, a very active, I was very grateful for the number of people from the community that came. It was a very frank and open conversation between all the party members. And without respect to specific things that might have been said or various emotions expressed, I
will share with the Board the two key things that I heard there.

Those were, specifically:

A certain amount of frustration and uncertainty about the process moving forward, which in the course of human events is natural and to be expected.

The second thing that I heard from the community were a lot of ideas, very specific ideas on how to move forward, how to -- and a willingness to participate in a solution and it was not animosity amongst fishermen, there was not a them or us sort of mentality that you may have heard from some other quarters. There were people that had, here's an idea, here's an idea, and here's an idea.

And, to me, both of those things were very rewarding to hear. So for me that was a good meeting. It was a tough meeting at times, but I thought it was a very good meeting that needed to be had and I'm looking forward to additional meetings with the community.

I will say that for the Forest Service's part, we have our own little internal meetings about Angoon and the petition and what we can and can't do and how fast we can and can't move on that, that's not part of this record. I will say that, you know, there is some frustration internally about how fast we're able to move. I don't think any of my fellow bureaucrats at the table, you know, would not have an understanding of that, but we are moving forward.

And I'm happy to talk about a lever that I was able to pull in terms of economic development for the community of Angoon, which is part of the Forest Service's part of Phase II. Through District Ranger Chad VanOrmer, he was able to convince or build a level of trust with the tribal government to allo -- and provide a pathway for them to potentially expand outfitter and guide opportunities to provide income for people in that community, and that was a big change of perspective from that community. Chad worked on it hard, I played a part in getting Chad the money to do that from some external funds. So an example of one thing. And Peter will know that there are a number of other things that are going on in Angoon, whether it's power related or airport related that he is working on, sort of independent of this
process, but I think that it's probably fair to say that Angoon, ACA Kootznoowoo has the attention of the Forest Service, if not, the undivided attention.

I wanted to address for a moment Peter's reference to cooperative management.

Unique amongst Forest Service ranger districts, if you all know the hierarchy of structure in the Forest Service, ranger districts being the lowest level, Angoon is one of the most unique districts in the Forest Service in its level of staffing compared to its size. The preference and the expressed actions of the district ranger there is to, at every opportunity, to employee locals rather than bringing somebody in from the outside and, Chad, has, in fact, won awards for -- Forest Service national awards for doing that.

That's a small pat on the back for us. I will say, though there are opportunities to do much more. And, we, and, by we, I mean me, the Regional Forester, and me and my Staff and, me, and Chad VanOrmer are exploring other opportunities to expand cooperative management, not just for the community of Angoon but throughout Southeast Alaska.

And what was the thing I was going to answer to Tony.

MS. COLLINSWORTH: Timeline.

MR. OWEN: Timeline. Oh, timeline. Yes, thank you.

The timeline to getting toward a resolution by the end of the three years. We still believe as slow as we have been taking to start, that we are on schedule to have a resolution at the end of the three years. The natural frustration with the beginning was that we brought in the Environmental Conflict Resolution Team and they had a long process to sort of understand where all the pegs were and even for those folks that have worked for a long time in Southeast, that was a very productive and informative process. So we recognize that that seemed like we were treading water for that length of time. I will share with the Board and anyone else listening that the Forest Service and I believe the Fish and Game found that to be a very productive process, as has many of the stakeholders told me so.
So having taken that first six months, nine months out to do that homework, that means that we have a lot of work to do in the next two and a half years to get over the finish line. I think the Forest Service is ready to do that and I hope that we are up to the challenge. God my mouth is dry, I should stop talking.

(Laughter)

MR. OWEN: Thank you, Mr. Chairman. And I believe Jennifer and I would be happy to address any of your questions now.

CHAIRMAN TOWARAK: The floor is open for any questions. Go ahead.

MR. CHRISTIANSON: Well, I heard Mr. Naoroz make the statement about there was no change to the Southeast seine plan, is there any consideration that there is going to be some talk of a change or a process to get some type of -- I mean I know we had some success locally working with the Fish and Game to do some -- extend out some exclusion zones and things like that to try to stop some of the interception; is there anything like that in the plans for Angoon or the Fish and Game to work with the seining association to help plan for the next two years.

MS. YUHAS: Mr. Chairman. Member Christianson. Are there specific plans at this moment to articulate to you language changes to the plan -- No. Is the door open and remaining open, yes, for continued discussions for specific ideas to come to Fish and Game to discuss ways to amend that. It has been and it remains open. Much of the discussion in Angoon referred to the Secretaries direction that a local solution be found. There was some consternation on behalf of some of the members that this local solution would be something Fish and Game would impose on them, that we would think of it somewhere at a statewide level and then impose it on them. And we were very clear, Mr. Hepler, and Hazel Nelson gave quite a lengthy retort that a local solution must be borne from the local area and then it must be brought to us so that we can assist with the planning effort but we can't think of the local solution for the locals, it must be a local solution.

MR. OWEN: I'd like to add to that. You know this is the Forest Service's experience, you know, not just in Angoon but, you know, let's specifically talk
about Angoon, where, we, the Forest Service, have, you know, a very evolved bureaucracy that has lots of manuals and forms and paperwork and processes that are not even written down in order for us to be successful in a situation like this, in a community like Angoon or others around the country it is important for us to be there -- I don't want to say, concierge, and I don't want to say guide them necessarily, but be there to help people who's jobs are fishermen, not bureaucrats to understand how to get through the process. So for us, in Angoon, it's not enough for Chad to go there and say -- Chad VanOrmer, the district ranger, and, say, yo, what do you want to do, you know, let us know. It's -- you know, and it's a fine line to balance and I can certainly understand where the Fish and Game is on this. They have a lot in the balance on this but, you know, it's a line that we practice walking all the time. And some communities -- you know, I'll just say Hydaburg, for example, where we have a long relationship, you know, and a fairly sophisticated relationship, those conversations are easier. In communities like Angoon or some other, you know, I mean just because we're talking about them, the capacity there is not, you know, where it is in other places. So it's incumbent upon us to be good mentors through bureaucracy and that's been hard for us. I'll just admit that's been hard for us. Lord knows with out Chad VanOrmer being there -- many other rangers have had that job and have failed and we are very grateful for Chad and his relationship but it's not easy, it's merely essential.

CHAIRMAN TOWARAK: Any further questions. (No comments)

CHAIRMAN TOWARAK: I've got a comment, you know, it's just my observations having come from a community similar to Angoon. And I don't know if it will help issues any but one of the problems in a small community is confusion of who is doing what and whom are they talking with. And in my early days we had that problem and I looked for a solution and the solution I came up with was that if anyone comes to my village with a Federal issue they should talk to the tribe. If the State comes in and wants to talk a State issue they talk to the city of Angoon. If private enterprise, in case, the purse seiners wanted to have some discussions with Angoon, they go to the village corporation, which is another private enterprise. When we broke up our communications in that manner things got a lot clearer. Everybody knew their roles. And I would suggest taking
a look at something like that in developing a good
communication system with the community.

I don't know if that will help the
community any but just from things that I'm hearing
there's a lot of confusion on communication and I think
clarification of communication routes would make things
happen a lot faster.

MR. OWEN: Mr. Chairman. The paper from
the Environmental Conflict Resolution Organization
identified exactly the communication issue as being
essential to resolving to the eventual resolution of the
petition so you're exactly right.

I guess, you know, I would like to
address the sort of comment, and I've heard this going
around and I would disagree with the idea that unanimity
is essential to a final resolution. What I think that
we, we the Forest Service, feels that it will be
difficult to make a recommendation for a resolution to
the Secretaries if one of the parties in Angoon, one of
the political bodies representing the people of Angoon
are steadfastly against the solution. So if somebody's
sitting off on the sidelines and don't want to comment or
want to reserve their comment, you know, I think that's
fine. I think if we are at the end of three years and
we're proposing a solution or we're trying to implement
a solution and Kootznoowoo or the tribe or the city of
Angoon is saying we've got a problem with this then we
have done a bad job and we have not done what -- you
know, we have not done what we were tasked to do.

So the communication absolutely is the
important thing and sort of understanding, I think, who
are business is with. I think it's important for every
aspect of Angoon to be involved as I think the Fish and
Game feels the same way, but I don't think that
necessarily means we necessarily have to have the same
discussion with everybody.

MS. YUHAS: Thank you, Mr. Chairman. The
discussion on your agenda item is in regards to the
petition and the State has had many discussions that our
business is with the users. And while you have to
conduct business regarding the petition, we have many
ancillary issues on the side of that. We have economic
development, we have the fishery, in general.

And from the State side we gave a report
on our intent for solutions regardless of the petition, prior to the petition being signed, genetic stock ID, funding for various items that you saw on the big screen at that first Board meeting down in Southeast that we've continued to provide updates for; where the funding has come from, how far we've got, what we've done. Last years small run was difficult to collect as much information as we wanted to. But the State remains committed to those original ideas that we put on the wall that day. Those, in our mind, are aside from the petition. The petition is one discussion.

I appreciate the specifics that you gave with regards to communication because that orderliness may help things progress a little easier.

I also just wanted to let the Board know that when our cadre went out to Angoon it was beautiful and the people were gracious and we felt like guests. We thought we were coming there to do work but we really felt like guests. And even with specific lines of communication and specific goals of communication and specific business relationships, whenever you're in a community like that you have many side conversations. I got a chance to talk to Al Kookesh, III, not the junior, he's the III, but we had side conversations about grants and the FRMP process and some of the other things and we were able to take some side conversations from the meeting and exchange some emails and -- completely aside from the petition, completely aside from other things Fish and Game was doing, build a connection and be able to work on some of those issues. And the folks that went out there, Kelly Hepler and Hazel Nelson and I, we had some discussions back at the B&B that this was really productive from that end of things. It ties into the petition but it is aside from the discussion on the petition. We saw that as the first of many meetings to build that relationship, and we're committed to that.

CHAIRMAN TOWARAK: Go ahead.

MS. O'NEILL: You were describing some of the information that you were gathering, could you give some more specificity to that in terms of what information you're gathering. You said you were having some trouble last year, you know, I assume this is part of the commitment you made to gather that information.

MS. YUHAS: Thank you, Member O'Neill, through the Chair.
Prior to your arrival and acting status, we had laid out a lot of ground work for collecting specific bio information on the salmon stocks and so that's the specific information I was talking about. Part of that is the household surveys for our Division of Subsistence for use of salmon, but a lot of that is also genetic stock ID is the GSID, which type of salmon are they, where are they going, can we show it and who's catching them when, that was a missing piece of information to the puzzle that we had already committed to obtain funding for that we had not received funding for by the time of the petition, which we -- has been progressing, in our opinion, on its own path. To us it was independent of a petition. We had those plans before there was a petition.

MS. O'NEILL: And where are you in that study?

MS. YUHAS: Through the Chair, there are several. And so we initiated those after receiving the funding two years ago and those things take time, you know, life cycle of a salmon being, you know, three to eight years, don't have.....

I received a note I should be quiet because Peter's on line?

MS. O'REILLY-DOYLE: No, no, no.

MS. YUHAS: Oh.

MS. O'REILLY-DOYLE: He's trying to get in we'll work him into the conversation.

(Laughter)

MS. YUHAS: We're past initiation but in the front end of collecting our information on a multi-year study.

MS. O'NEILL: Thank you. But you said it may take more than three years to gather this data, or that's -- or I'm misunderstanding what you're saying as far as the time period for gathering this information.

MS. YUHAS: Correct. It will take several years to determine genetic stock ID based on life cycles of salmon.
CHAIRMAN TOWARAK: I think we have Mr. Naoroz on the phone and I'm assuming that he's trying to get on the line. Mr. Naoroz, are you available?

MR. NAOROZ: Yes, I am. Can you hear me?

CHAIRMAN TOWARAK: Yes, we could, go ahead.

MR. NAOROZ: Okay, thank you.

I think my progress report was accurate in many ways and stand by it. We will provide a copy to everyone. And you will see in the report card that it actually breaks down to very specific items that the score is quite good. But overall, you know, we're failing in terms of our progress. And the answer -- and the reasons may be understandable but in the terms of the timeframe and in terms of the urgency that Kootznoowoo feels in this matter and is petitioning the Secretary on, it's -- you know we don't have a passing grade.

There were some things that were reported that were news to me and I'd just like to cover those real quick with the Board. I understood Wayne to say we had two and a half years left. That would mean that our process started a half a year ago and that's not how I read the Secretary's letter but maybe that's what the Secretary means and I just would like to have that articulated in writing to the Board and to Kootznoowoo.

The idea that there weren't some good suggestions made was not my intention. There was quite a bit of discussion about gear size and requirements to, you know, for the commercial effort to, you know, that'd allow more fish to pass. There was a comment made by the State that, yes, that's what happens, in fact, in Bristol Bay and that should be an interesting thing to do in Angoon. But I never -- and I don't think anyone in the room expected that to wait until all the community members had gotten together and gone to the Board of Fish for that proposal. We understood that to be within the discretion of the Department. And maybe that's just plain wrong on our part. But that's not the -- so there were good things that happened in the meeting.

I do not remember, and nor do my notes indicate, and I've looked at it, any mention about changing the Board of Fish to include Kootznoowoo's Chairman. And if there was it would be inappropriate, in
my mind, response to our petition. We were petitioning the Secretary to take action, not the Secretary to push for a Board of Fish appointment.

So there are things, you know, that are worthwhile that came out in this meeting. There was clearly some misunderstandings.

We did not understand any of the discussion, which we understood to be a listening session, to be direction for Kootznoowoo, the city and the tribe to get together on the State's part, but we had always understood that to come from the Federal government. And I think I accurately described the process in terms of, you know, starting all over again, perhaps with a friendlier Board of Fish. However, you know, we all have to make concessions. But one of the areas that I don't think there's any concession to be made is in the terms of how far behind we are in the genetic stock information. As I understand it we had -- last year when we were talking in March we had quite a bit of data and since that time I've heard from the industry that that money was spent on different stocks and different streams.

So, you know, I'm not sure exactly where all this ends up but, you know, I think getting the right information in a timely fashion is something that we should all expect and that means being able to speak bluntly, but politely to each other.

Thank you, Mr. Chairman.

CHAIRMAN TOWARAK: Thank you.

MS. YUHAS: Thank you, Mr. Chairman. I appreciate the opportunity to answer to the Board for some of what I just heard.

While the speaker might think that it's an inappropriate discussion with regards to the petition to discuss Board of Fish, there was quite a bit of discussion about the Board of Fish, an entirely different structure was proposed that we'd never heard before and there was significant discussion about nominating someone to the Board of Fish from Angoon, not as a solution to the petition, but as part of the discussion as a whole, which we do consider greater than simply the petition.

With regards to ideas that came out of
the meeting and having to wait until someone goes to the Board of Fish, that is not what I had been discussing to the Board here today. That -- with regards to ideas coming out of the meeting, there was several ideas, that did not mean that there was any sort of a discussion from the group as a whole as to which one was specifically to move forward. Many ideas were thrown out in somewhat of a brainstorming capacity. It's not the expectation of the Department that we would sit back for three years and wait for someone to go do their own thing with the Board of Fish. As I discussed, we intend to have continued meetings and if the local solutions are an idea that everyone wants well enough to help guide, or to use some of Wayne's terminology, folks, through the process, on how to have the best outcome for that, but not to act on every brainstorming idea that came out of an initial meeting. That would be unworkable. Some of those ideas are in conflict with each other, we need further discussion.

MR. OWEN: And I misspoke because I'm old and time passes randomly by me. It is two years and one month before the petition is due. So that's counting from August, I believe, is that -- ish', let's just say two years and I'd consent to that change in the record, Peter is right.

CHAIRMAN TOWARAK: I'd like to know if Mr. Naorozi feels that there still is enough time to meet some of the deadlines?

MR. NAOROZ: Chairman Towarak, we're moving in that regard. We're making our best efforts and we know that, you know, only that way can we get everyone else to make their best efforts.

CHAIRMAN TOWARAK: Are there further questions from the Board, or any other discussions or any questions of the Staff.

(No comments)

CHAIRMAN TOWARAK: This is an ongoing process and we still have time, I think. If there are no further questions we will maintain or retain this issue on our agenda until we feel that all the issues are addressed.

Yes.
MS. O'NEILL: I just want to express a concern. The structure of a bureaucracy is our structure, meaning the Federal agencies and the State agencies that are here. I wonder if, and I'm concerned that we are providing, if you wish, a translator or a guide through our bureaucracies, and they're different and I challenge you all to say that BIA doesn't have one of the most bureaucratic structures here, but are we doing enough, and this is a question to the community, to provide some insight into that bureaucracy so that, very much like a translator, you understand and can work within -- work with us in that bureaucracy. And, frankly, sometimes I don't understand why the bureaucracy works the way it does. So that's a concern I have and a question, really, do we need to provide something more to assist in working with us.

MR. OWEN: I think a partial response to that, through the Chair, you know, based on your comment that, you know, even we don't necessarily understand the parts of it, I think part of the solution that we have will be dependent on the trust and confidence that we are building through this process. I can sit here and speak for the Regional Forester and for the Tongass National Forest and say this is our intention but we don't control all parts of our bureaucracy, so, you know, we are dedicated to this, we are making what efforts we can to translate that. There are a lot of cases where we in our own appraisal feel like we need to do better and I think that's -- you know, with -- without placing judgment on ourselves, you know, we reflect on this because this petition is important to us, to get it right and we evaluate whether we are doing it right, repeatedly, and some days we feel like we didn't and some days we feel like we're winning. And thank goodness for the relationship that we have with Peter and Floyd, you know, so they can have a little tolerance of our stumbling through this. It's an ongoing thing but I think it's, you know, frankly a great thing for the Forest Service to have this experience, to deal with something in this level of detail because this experience is going to help us in other places.

CHAIRMAN TOWARAK: Go ahead, Jennifer.

MS. YUHAS: Thank you, Mr. Chairman and Member O'Neill. I know that the question was originally posed to the community but I would like to follow along with Mr. Owen.
We can be doing more. We should be doing more. And the Department has taken that very seriously in our commitment to Angoon. And what we have done is a few of us in leadership positions are committed to seeing what that means so when you have a few watchdogs, for lack of a better word, trying to look at all of the moving parts, we don't want to be bureaucratic and say that's part of the petition, that's not part of the petition, is it economic development, is it Board of Fish process, is it the management plan. When an issue or an idea pops up there's a few of us to watchdog and then guide that idea where it's supposed to go. When someone comes up with an idea it's not our job as government officials to say, oh, right, that's not part of my process. It is part of our job if we're trying to assist this and do more for me to say, you know what that's not my role but I know where to go, let's go send an email right now and I'll copy two people in case I got the wrong guy, and make something happen and shepherd that idea to the right place. It's been a terrific opportunity to work with Forest Service and say, that's not us, that's them but let's call them together and figure that out. Or that belongs in economic development, that belongs in FRMP, let me help you go there.

So that's how we're taking it at the Department.

MR. NAOROZ: Chairman Towarak, Peter Naoroz here.

CHAIRMAN TOWARAK: Go ahead.

MR. NAOROZ: Yes, thank you. I think the level of engagement by Kootznoowoo and the record we're providing is the answer to the question. And I think, you know, the Board's responsibility is to cut through that bureaucracy at the end of the day. And that's a tough mission for you all to have. We're going to send you this report card like I suggested and we'll mark it draft and take a look at it, have your Staff take a look at it and, you know, I think you have to have a passing score in all sections in order for us to be successful.

Appreciate your leadership, Mr. Chairman.

CHAIRMAN TOWARAK: Thank you, Mr. Naoroz. And this issue will remain on our agenda as is necessary in the next two years and one month.
(Laughter)

MR. NAOROZ: If not sooner.

MR. OWEN: If not sooner.

CHAIRMAN TOWARAK: Thank you, very much all of you. And I appreciate the effort that we hear is going on and communication is key and we will expect reports in the future.

Thank you.

MS. O'REILLY-DOYLE: We still have that one right here.

CHAIRMAN TOWARAK: Okay.

MS. O'REILLY-DOYLE: This one right here.

CHAIRMAN TOWARAK: I thought we were all done.

(Laughter)

MS. O'REILLY-DOYLE: Almost. You're close.

CHAIRMAN TOWARAK: We've got another page in the back. We've got Item No. 14 is other business. And.....

MS. O'REILLY-DOYLE: David wanted to follow up.

CHAIRMAN TOWARAK: Go ahead.

DR. JENKINS: Thank you, Mr. Chair. Board members. I neglected to mention when I was talking about the rural review, but what really what it is is encouragement because the listening sessions in the evening of the RAC meetings really cry out for Board member attendance. So if a Board member doesn't attend, then a designee should perhaps be appointed, and so I'm really encouraging you to think about either attending or assigning somebody to attend these listening sessions starting in early August.

Thank you.
CHAIRMAN TOWARAK: Just for your information during our briefing yesterday, the three rural guys we're willing to, you know, and in Tony's case he's in Southeast already, and Charlie is in the North Slope area and there's direct flights between Fairbanks and Barrow, and I'm in Unalakleet and can cover the surrounding communities that -- Northwest Kotzebue area and also the YK area, so those are just suggestions that we have at this point.

MR. BROWER: I can take both Barrow and Kotzebue.

MS. O'REILLY-DOYLE: Well, you can't take them both because they're meeting at the same time.

CHAIRMAN TOWARAK: Is there any other business.

(No comments)

CHAIRMAN TOWARAK: Any general comments from the Board.

(No comments)

CHAIRMAN TOWARAK: During my time, this is the first work session I've been in and I think it's been very valuable to me. It's been very informative.

Item 15 is adjournment.

MR. CHRISTIANSON: Motion to adjourn.

MR. OWEN: Second.

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

(No objections)

CHAIRMAN TOWARAK: The meeting is adjourned, thank you very much.

(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

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

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

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Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/14