MEMBERS PRESENT:

Anthony Christianson, Chairman
Charles Brower
Rhonda Pitka
Karen Mouritsen, Bureau of Land Management
Greg Siekanic, U.S. Fish and Wildlife Service
Bert Frost, National Park Service
Lynn Polacca, Bureau of Indian Affairs
Wayne Owen, U.S. Forest Service

Ken Lord, Solicitor's Office
PROCEEDINGS
(Anchorage, Alaska - 2/23/2018)
(On record)

CHAIRMAN CHRISTIANSON: I'll call the meeting to order this morning. One of our first orders of business is we're going to have a short executive session. And so we're waiting for Charlie to come in so the Board is going to -- we will convene the meeting now and ask that everyone clear the room for a few minutes so we can have a short executive session. Sorry for waiting until you were all comfortable.

(Laughter)

(Off record)

(Executive session)

(On record)

CHAIRMAN CHRISTIANSON: Okay, we're back on, and welcome back to the meeting this morning. And excuse us for the executive session, we just had a personnel issue we wanted to discuss this morning and so we will get back on and hopefully everybody's back on line. I know we're recording here that the meeting started at 9:00 a.m., this morning, and yesterday when we left on the agenda we were on Number 6, policy issues.

So with that I'd call up the potential revisions to the Federal Subsistence Board policy.

Chris McKee.

MR. MCKEE: Good morning. Thank you, Mr. Chair and members of the Board. Hopefully I won't take up too much of your time this morning.

I just wanted to -- I think that the closure policy is on Tab 4, page 1 of your binders, if you just want to get a general overview of that. I'm not going to necessarily address all of that policy, I just want to kind of give an overview about some things that have occurred in the program since that policy was adopted.
So in August of 2007 the Federal Subsistence Board clarified policies addressing Federal closures to hunting, trapping and fishing on Federal public lands and waters in Alaska. And in this policy it set forth a process for periodic review of regulatory closures, and, specifically required that closures be reviewed at least every three years and the policy has been implemented over the last decade as the Federal Subsistence Management Program has continued to develop. Due to programmatic changes there may now be a need to revise the existing closure policy to reflect these developments.

Specifically, in 2009 the Program changed from an annual wildlife and fisheries regulatory cycle to the current biennial cycle and as a result of these changes many of the closures have been reviewed during, quote/unquote off cycle years with others being reviewed during the regulatory cycle, resulting in a staggered review process. And, in addition, some regulatory proposals have addressed areas and species that involve existing closures, and as a result these closures were reviewed as part of the regular process further complicating the closure review and regulatory process further.

The existing closure policy requires that at least one-third of all closures be reviewed each year as well.

As a result of the changes to the regulatory process this has become impractical to implement due to the biennial cycle and, as I said before, rather complicated to track.

In addition, the closure policy states that, quote, all future closures will be reviewed by the Federal Subsistence Board but this has not what's taken place from a practical standpoint. Again, while the Board has reviewed regulatory proposals that called for closures to be rescinded, review of other closures has begun and ended with a review by the affected Regional Advisory Councils.

So, in other words, we've taken closure reviews to the Councils, given them an overview of the biological situation and gotten their decision on how they would like to see the closure proceed, either status quo, which is to maintain the closure, rescind
the closure or some kind of a modification, somewhere in between that. Now, I'm talking specifically of wildlife closures, not fishery closures.

So with that in mind, the following -- I've got a couple of suggested changes, and it's totally up to the Board's discretion to decide how you want to move forward.

But the first suggestion would be to have all the closures be reviewed every four years, instead of every three years. So all completed closure reviews will be presented to the affected Councils during the Council meetings to coincide for the call for proposals for that cycle. This change could be recommended so that closure review analysis are brought before the affected Councils at a time when they have the opportunity to submit proposals if they feel that a closure is no longer warranted. This also allows the public to be updated on the status of closures at Council meetings and also allows for publicly generated proposals to open closures as well. Reviewing closures every four years also provides a realistic amount of time to pass to review data for any changes to biological conditions for the species subject to the closure.

So that's the first suggested option. Do all the closures every four years.

The second suggestion would be to do half of all the closure reviews every four years. So this would ensure a more even work load and allow for easier incorporation of additional closures in the event that more are adopted by the Board in subsequent regulatory cycles.

So I'll give you an example.

In the wildlife, well, we have, I'd say, off the top of my head, we have about 30 closure reviews -- 30 wildlife closures that we have on our review cycle. So under this proposal my Staff would start writing the actual closure reviews this year, half of them, say if we have 30, they'll be doing 15 closure reviews, the actual writing, gathering of analysis, going through the review process, present them to the affected Councils in 2019 at the beginning of the wildlife cycle, get their take on it, whether
they -- how they feel about it, continue the closure, open the closure or some other option, and then we can move forward with generating proposals, if they want to open or modify the closure in some manner. So we would present them in 2019, the first half, get whatever the decision is. And then we'd do the second half at the beginning of 2021 for the 15 through 30, and then we come back to the first half in 2023. So the first couple of cycles will be every two years but eventually we'll do half of them every four years. And so that way we'll also being closure reviews, for wild -- and, this is, again, just for wildlife, but we'd be doing closure reviews every wildlife cycle.

So as a result, right now, as an example, they're so staggered, that at any one cycle we generally have been doing, if I had to guess off the top of my head, probably between five and eight or nine closure reviews, any particular year, just because of the way the closures have come up. And, again, when we have proposals that call for proposals -- proposals that call for rescinding closures it kind of resets the clock on the review process and so they become staggered.

If we did it this way, there will always be closure reviews coming up every cycle for fisheries and wildlife, the public would get an opportunity to review those closures, not only at Council meetings, but eventually at the Board meetings.

Because another suggestion to go along with the original policy was that during the wildlife and fisheries regulatory Federal Subsistence Board meeting, so for wildlife it's going to be this April, and for fisheries it's every January, during their [sic] year. The Staff from OSM will present an overview of all the closure reviews conducted during that regulatory cycle, it'll allow the Board to be kept up to date on the biological conditions in the areas of closure and to allow the Board to ask questions of Staff if they want -- if you so desire, and it would also let you know, kind of give you an update about how the affected Councils have come down on the closures as well.

So I keep thinking of the NEPA process because if -- my preferred alternative would be number 2, to do half of them every four years, just so we
always have wildlife closures coming up for review by
the Councils and then this overview by the Board during
the affected fisheries or wildlife cycles.

So that's kind of where we're at right
now. It's been very -- it's become rather staggered
just because, again, you know, when you have a cycle
that's every two years and closure reviews are to be
reviewed every three years, it just -- the numbers just
don't match up. And we also -- we may have done a
third of all closures at the beginning of this policy
but, again, we have not been consistently doing a third
of all the closures every three years, it just --
because of the way that the regulatory process has met
out.

So if we did do -- if we changed the
policy to kind of go towards what I'm talking about
now, we'd have a lot more closure reviews coming up on
a very regular basis. The Board would be able to see,
even if we didn't have a proposal, the Board would be
able to at least get an overview of what's going on
with the closures, get an update on the biological
conditions and, again, see how the Councils have come
down on the closure reviews and their rationale for
either maintaining them, rescinding them or some other
kind of modification.

So that's pretty much all I had and I'd
be happy to answer any questions that I can.

Thank you.

OPERATOR: Questions from the phone,
please press star one and record your name.

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

Karen.

MS. MOURITSEN: Yeah, thank you. I can
see how you're trying to make this into a more regular
cycle. I do see that.

I did have a question when I read this
on the number 2, it says half of all closure reviews
would be completed every four years, so I don't know I
guess I got confused. Is it a -- so is it an eight
year cycle or a four year cycle -- you're trying to get
to a four year cycle after you do some staggering to
work up into it, then.....

MR. MCKEE: Right. It's.....

MS. MOURITSEN: .....it'll be a four
year cycle?

MR. MCKEE: Correct. It's -- it's
easier to understand in your mind than it is to
sometimes -- for me to actually say it. So, again,
I'll try to.....

MS. MOURITSEN: Okay. Okay.

MR. MCKEE: .....because I kind of went
over that rather quickly.

MS. MOURITSEN: Okay.

MR. MCKEE: So, again, let's just
assume that we have 30 -- for wildlife, we have about
30 wildlife closures, so beginning in 2019 when the
call for wildlife proposals go out, what the wildlife
Staff will do, we'll review 15 of those closure
reviews, half of them. They'll have the closure review
analysis ready to present to the affected Councils,
that's 2019.....

MS. MOURITSEN: Uh-huh.

MR. MCKEE: .....and whatever happens
with those is whatever happens, either.....

MS. MOURITSEN: Yeah.

MR. MCKEE: .....they're closed, open
or whatever. And then during the next wildlife cycle,
in 2021, we'll take the second half so.....

MS. MOURITSEN: Got it.

MR. MCKEE: .....and then after that,
2023.....

MS. MOURITSEN: Okay. Okay.

MR. MCKEE: .....we'll come back to the
first half that we did in 2019. So it eventually will
get to.....

MS. MOURITSEN: Okay.

MR. MCKEE: .....every four years. But
to start off with it'll be the first half one, start
off with, and then the second half two years after
that.

MS. MOURITSEN: Yeah.

MR. MCKEE: But once we're on the
second half it'll be back to every four years. It's
very wordy.

I apologize but there's no more brief
way to state it than the way I just explained it. So I
hope I clarified some things a little bit.

MS. MOURITSEN: I'm clear now.

CHAIRMAN CHRISTIANSON: And currently
we haven't really reviewed these closures so it would
bring something before us to keep us, you know, a
little more informed on what is actually out there and
not open, I guess, for the users.

MR. MCKEE: Correct. I mean we've --
we've -- again, the wildlife closure analysis, that
process has kind of ended with the Councils. Now, I
will say that the closure review analysis go through a
similar review process that regulatory proposals go
through. Field Staff review them, the ISC reviews
them, so in that sense the ISC and the Board's --
acting as the Board's support Staff have seen them, but
we haven't brought it before the Board at their
meeting. The closure reviews have been brought up at
Council meetings, and understandably, sometimes, if
we're having a Council meeting in Shungnak or some
other small -- small area, there's not going to be a
lot of public participation. The ability to bring them
up at the Board meeting so, you know, we have a good
attendance at the Board meetings, people will be able
to be aware of all the closures that are going on.
Because unless you, like, open up the reg book and look
through the regs to see which areas are closed, you're
probably not going to even really be aware of it.
So it's kind of something that's kind of been going a little bit under the radar and I think to be able to bring it up to review by the Board at a public meeting will kind of, you know, kind of bring that forward to the public so they're a little bit more aware of it.

MR. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Go ahead.

MR. BROWER: So all the closures in the Park and the Refuges will be still on, they won't be deleted, they will just stay in there as a record saying there's no hunting unless provided by Park or Refuge.....

MR. MCKEE: Well.....

MR. BROWER: .....because they won't be studied by OSM in the future?

MR. MCKEE: I'm speaking only to the closures that are in the Federal Subsistence regulations. Yeah, this doesn't change any Park or Refuge specific closures that are not related to the Federal Subsistence regulations.

And I also should say that just because OSM is reviewing these closures, the ability to anybody in the public or a Council at any time to bring up a proposal to open a closure is always available. This is just kind of an internal OSM process to make sure that these are being brought before the Councils, and then, again, brought before the Board at the appropriate fisheries or wildlife cycle but anybody can bring up a -- can submit a proposal at any time.

MR. BROWER: Thank you.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: So on that point, if people bring things up out of cycle, how do you avoid getting things out of cycle again, getting sort of everything out of whack?

MR. MCKEE: Yeah, that's another consideration. So we would get -- in the past when
we've gotten proposals to open up closures, it's always kind of a reset the cycle. I'm not sure -- that occurred before I got to the program, I'm not sure what the reasoning for that was other than the fact that we're bringing up this specific species and area and so it gets reviewed as part of the regular review process. I would be of the mind to not let that affect the change in cycle. I mean it might end up being that we get a proposal one year and if we just consistently always review those proposals, depending on when they come up, it won't make a difference whether it was brought up through the proposal process, we would continue to review them if we -- if we review them regardless of whether they came up in a proposal or not then we will continue to have this consistent review process.

Otherwise, you're right, it could easily get staggered again and become quite complicated.

MR. FROST: So just a follow up. So a specific closure could be reviewed sooner than four years if it was brought up through the public process, but you would sort of keep it on their -- I don't know what -- it's not a biennial, whatever the four year.....

MR. MCKEE: Quadrennial, I'm not sure what the term is.

MR. FROST: .....yeah, the quad -- the quadrennial review system, right.

MR. MCKEE: That would ensure the public process still takes place but it wouldn't change -- I wouldn't be of the mind to change our internal process. We'd still continue to keep reviewing them.

MR. FROST: So some proposals could get reviewed more than once every four years, they could get -- they could conceivably be reviewed every year if people continued to bring them up, right?

MR. MCKEE: In theory every wildlife cycle -- in fact, I can give you a perfect example -- two examples. One, that you're going to bring up -- both of which you'll bring up at your April meeting. The Unit 23 caribou closure, if the Board decides to
vote for some type of closure, that's going to be put on -- that will be added to our closure review process and so is Red Sheep, Cane Creek, that closure. But as you know, Red Sheep, Cane Creek has been a subject that's come up repeatedly during the wildlife cycle. And I suspect that if Unit 23 is closed down to caribou hunting that would come up on a regular basis, too, just because of the nature of the closure.

So I would expect that some closures will be fairly common in terms of how often they come up for review, depending on how the Board comes down on them. But it wouldn't change our internal process.

MR. OWEN: Mr. Chair.

CHAIRMAN CHRISTIANSON: Wayne.

MR. OWEN: Maybe a naive question, but, you know, your example highlighted it for me. This is a good bureaucratic process but I'm not sure I see it matching up with biology very well. So you gave some great examples. In Southeast four years is too long to wait for deer because deer populations, you know, you never know where, up or down, depending on a lot of other things.

I'd like to hear, you know, have Staff talked about biological sort of way to do this, or, you know, something like that, you know, I'm just.....

MR. MCKEE: Yeah. It.....

MR. OWEN: .....concerned about the biology part.

MR. MCKEE: .....it's a good point. It would be -- the problem with that is it's difficult to have a biological standard for these closure reviews because deer is different from muskox, it's different from caribou, et cetera, et cetera.

It's a good point, however, I would say that separate from the bureaucratic process that I've been describing, if some biological condition comes up, I'll use deer in Southeast as an example, a heavy snow year, the population is hammered, that kind of stuff, the ability for the public or an agency, or whoever to submit a proposal to change regulations or a special
action for that matter is still available. I mean OSM,
as a practice, we don't submit proposals except for
kind of housekeeping things, unit descriptions, those
kind of things. We don't drive the proposal process.
So even if something drastic happened biologically, we
would still not be submitting any kind of proposal to
change anything, it would still be a public driven
process. And so if something like that happened with
deer and the Forest Service thought that it was --
there was a situation that needed the Board's attention
in the regulatory cycle, it would still be perfectly
acceptable and advisable for the Forest Service to
submit a proposal to change deer regulations.

I mean the bureaucratic process that
I'm describing is more -- is kind of a housekeeping
thing to make sure that we continue to review these
things so they just don't kind of flounder and nothing
happens with them, but it doesn't preclude the public
or other agencies from submitting proposals to change
regulations if so needed.

MR. OWEN: So, Mr. Chairman, I'm also
interested in the roll that of the in-season manager in
the things being described here, if I could hear from
Staff.

MR. MCKEE: Well, there are a variety
of delegation of authority letters for in-season
managers to, you know, close seasons or make sex
restrictions, closures to various users. There's -- I
can't remember off the top of my head how many
degregation of authority letters we have for wildlife
but there's quite a few of them. So.

MR. OWEN: So the change being proposed
here would not in any way affect the authority of the
in-season manager?

MR. MCKEE: No. We're not -- we're not
making any, again, if there was some change to the
scope of delegation, that was something that would be
done by this Board, it wouldn't be OSM that would do
it.

MR. OWEN: Thank you, Mr. Chair. Thank
you, Staff.

MR. DOOLITTLE: And just a point --
this is Tom Doolittle, Deputy Assistant Regional Director for OSM. And just a point of clarification to Chris, it's on the temporary emergency special actions, since they're short-lived, this is only for the permanent proposed regulations.

MR. MCKEE: Correct. I mean there's still nothing to preclude people from putting in special actions if the conditions warrant as well.

MR. SIEKANIEC: I think I'm pretty well following this, but you said something earlier about you thought this would help reduce Staff load, but it looks like you're going to be -- or not Staff load, but it would take some pressure off of some of the work that was required but it feels like you're adding into a cycle again some additional work and is that going to cause an issue, I guess?

MR. MCKEE: It -- I'm really not -- we're really not adding any additional work because we're already doing closure reviews and we're bringing them before the Councils at the beginning of the wildlife cycle, the call for proposals goes out in January 2019. For instance, we would have, already, if we don't change anything would be bringing up the proposals that we reviewed three years previous. We might have a few more proposals to do but from a realistic standpoint it's really not any additional burden on Staff. What really -- what really this will do is bring it a little bit more forward in the public process and more than will come up more often but it -- I mean, I have, you know, four biologists on my Staff, I don't see it being a burden on them at all.

MR. SIEKANIEC: Okay. So it doesn't jam it all into one.....

MR. MCKEE: No.

MR. SIEKANIEC: .....year in any.....

MR. MCKEE: No.

MR. SIEKANIEC: .....way that hurts it. Excuse me. One more, Mr. Chair.

So you also described that in the past we have not -- or the process hasn't worked the way
that, I guess, it was laid out in the policy, it
stopped kind of at the Regional Advisory Committee
level and.....

MR. MCKEE: Correct.

MR. SIEKANIEC: .....they have actually
instituted closures or openings, I guess I'm.....

MR. MCKEE: They have either -- so when
we do a closure review -- I should have -- I wish I had
an example of a closure review analysis for you to take
a look at it. Our conclusion at the RAC meetings are
-- there's three possible conclusions, either rescind
the closure, status quo, that is, keep the closure in
place or some kind of modification in between, that's
what we present to the Councils. In the past, the
Councils have either made a decision to do nothing and
maintain the status quo or put in a proposal to open up
a closure or something in between. I've never seen
something in between, I've never seen a modification of
that, but that's where it's ended, in the time I've
been with the program, since 2011. We haven't brought
them before the Board. And, of course, the Board has
never submitted proposals to open up closures.

MR. SIEKANIEC: Okay. Okay. That was
my next question. So no proposal has ever been made
that needed to come to the Board?

MR. MCKEE: I would have to look back
in the past to see that but off the top of my head, in
the time I've been here I can't think of something
where the Council has brought some proposal before the
Board for them -- a closure opening for them to do, but
that's still an option.

And, again, this would -- this would
allow more of them to come up on -- during a given
wildlife or -- and I'm also speaking of fisheries
closure reviews as well, I'm just speaking wildlife
because that's what I know, but that would allow more
of them to come up for a review in any given cycle and --
and then for us to be able to review them before the
Board at the cycle, it would be in a much more broad
public meeting, it would make them -- you know, those
closures kind of more aware to folks, rather than just
kind of existing in regula -- I mean they're there for
everybody to see in the regulation but I don't think a
lot of people go and look at the CFR. I mean I do but I get paid to do it, so.

CHAIRMAN CHRISTIANSON: Wayne.

MR. OWEN: Thank you, Mr. Chair. Point of clarification. Did I hear -- I'm curious to how many closures are there existing, I thought I heard you say 30-something, but....

MR. MCKEE: Yeah, I would -- I have a -- I have my closure review table, an older version of them that I have to kind of keep track of it, and I would say off the -- off the top of my head I would say -- and we -- and this is the wildlife side, I can't speak to the fisheries side, I think we have somewhere around 30 closures.

MS. HARDING: It's in your book.

MR. MCKEE: Oh, it is.


MR. MCKEE: But, again, they've come up -- you know, we haven't always done a third of them every year. I have a feeling that we might have done a third of them at the beginning of this policy but, again, that was years before I started, just because of the way it -- the way the process has happened, we've had some come up in proposals and that's restarted the clock and it's just -- between that and, you know, changing to a biennial cycle and doing reviews every three years it's kind of led to this staggered process, which has gotten quite messy so -- and, again, in other cases that we've had I've had Staff start a review analysis, complete it and then it just kind of lies there in the files for a year before we can bring it to the Councils unless there's some other new biological information. So if we did it this way, Staff will be finishing them and have the latest data and be available for the Board in a more timely manner.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: Thanks. So I got confused.

When you're talking about when you bring them to the Councils, the RACs, they can't open or close, they can
just recommend to the Board, right, so when you say
that -- so you have a closure in place, it comes up for
review for some reason, they say we want to keep the
status quo, then that never moves forward to the Board;
is that correct?

MR. MCKEE: Now, that -- and, again,
that's -- I mean I see that as kind of the way -- it
keep -- yes, that's correct, and so nothing happens.

MR. FROST: So nothing happens.

MR. MCKEE: Yeah, and nobody's really
made aware of it unless they go to a Council meeting.
And so, again, even if the Board -- even if a Council
was to say, no, we don't want to change anything, under
-- what I'm asking the Board to change is that we would
still bring those closure reviews before the Board to
make you aware that they're there and.....

MR. FROST: So we.....

MR. MCKEE: .....that this is how the
Council's came down on them.

MR. FROST: So we could sort of --
what's the word I'm looking for, sort of reemphasize
it, we still think this closure is appropriate or -- or
not, whatever the.....

MR. MCKEE: Correct. And your
reasoning and rationale will be on the record and --
and the public will be made aware of it at the meeting
and, again, on -- on the record so.....

MR. FROST: Okay, thanks.

MR. MCKEE: .....I think it's -- and it
would be up to the Council -- the Councils would have
to submit a proposal. I mean we wouldn't -- we would
help them generate a proposal if they wanted to open --
or to make some change but it would still be generated
by the -- by the Councils themselves. Or if a member
of the public was at a RAC meeting and said, boy, I
think this should be open they can submit that as well.

CHAIRMAN CHRISTIANSON: Any additional
questions.
(No comments)

CHAIRMAN CHRISTIANSON: I think we might need to make a motion if we're going to change the policy here.

(Pause)

MR. MCKEE: Just really quickly. I mean I see this -- based on what I put before you, you'd have two options. You can either keep things the way they are, you can have us review all of them every four years, or do half of them every four years.

So just to review the options.

(Pause)

CHAIRMAN CHRISTIANSON: The floor is open.

MS. MOURITSEN: Well, now -- now I need to clarify. So the paper here where you had the following suggested changes, number 1 is -- there's number 1, which is review them all every four years and number 2 is do half every four years on the two year staggered cycle. That's two different options or that's -- is number 2 a subset of number 1?

MR. MCKEE: No, they're two different options.

MS. MOURITSEN: Oh.

MR. MCKEE: So we do all -- we bring -- and I'll give you a real world scenario.

Number 1, we would -- we'd -- the next wildlife cycle in 2019 we would bring -- we would do all the closure reviews, bring them all before the affected Councils, and.....

MS. MOURITSEN: And.....

MR. MCKEE: .....and again we'd do it again in 2023.

MS. MOURITSEN: Okay.
MR. MCKEE: Option 2, we do half of them and, you know.

MS. MOURITSEN: And then number 3, on your list, which is where you're talking about you or your Staff would come and present them, that is regardless of whether we decide to do all of them all at once or on the two year staggered?

MR. MCKEE: Correct. I have that.....

MS. MOURITSEN: Okay. Okay.

MR. MCKEE: .....as kind of number 3. It might be a little confus -- it looks as if -- it reads as if I'm saying something -- oh, this is another option.....

MS. MOURITSEN: Uh-huh.

MR. MCKEE: .....but really what I'm doing is reemphasizing what the original policy what we said we'd be doing anyway. It just -- it was -- it was a little more vague, it said it would be reviewed by the Board and there was really no indication further what that meant. So number 3 is really.....

MS. MOURITSEN: Uh-huh.

MR. MCKEE: .....just reemphasizing the fact that we would still bring them before the Board whatever closure reviews.....

MS. MOURITSEN: Yeah.

MR. MCKEE: .....we did at the appropriate regulatory cycle for either fisheries or wildlife and it's more just to infor -- information so you know where the area was, what species and how the Councils came down on it and it would give the opportunity for the Board to -- to give their input on that closure for that species and area.

MS. MOURITSEN: Mr. Chairman. I would make a motion that we adopt this policy change to review these closures on a four year cycle and that we adopt -- we do it, you know, on a staggered four year cycle, so -- so that's number -- which is option number 2 on the paper.
CHAIRMAN CHRISTIANSON: Motion on the floor to support the recommendation by Staff to stagger the closures on a two year basis.

MR. BROWER: Second.

CHAIRMAN CHRISTIANSON: The motion's been seconded.

Any discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Any opposition to the motion.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, motion carries.

With that we're moving on to number 7, 2017 Regional Council appointment vetting and charter revisions so we'll call up Carl Johnson at this time.

MR. JOHNSON: Thank you, Mr. Chair. Members of the Board. And thank you for this opportunity. My name's Carl Johnson. I'm the Council Coordination Division Chief for the Office of Subsistence Management. And what I'll be discussing is in Section 5 of your materials.

Both of these subjects are very different so I'm going to cover each of them separately, give the Board opportunities to question and discuss each one but they both start with the charters so that's where I'll start, is with the charter revisions.

Now, the Federal Advisory Committee Act requires that all Federal Advisory Committees renew their charters every two years. So for this program, that means the Regional Advisory Councils, are renewing their charters every two years on the odd number years. So we just had new charters signed and adopted by the Secretary on December 2017.

Now, the most relevant part of the charter revision is in paragraph four, description of
duties found in the charter. Now, prior to this new
charter revision, the description of duties were based
exclusively on language found in Section .805 of ANILCA
and then also in the Secretarial regulations, paragraph
.11 for DOI regulations, that's 50 CFR 100, for
Agriculture regulations, that's 36 CFR 242. And
paragraphs A through E were the language that was
derived from .805 and paragraphs F through H are from
those secretarial regulations.

A new addition that was made this year
begins with Paragraph I. Paragraph I relates to two
Secretarial orders issued by the Secretary last year
pertaining to enhancing opportunities for recreational
activities on Federal public lands, and then Paragraph
J relates to a series of Executive Orders going back to
the Clinton Administration related to essentially
efficiency. Government efficiency and, you know, work
force distribution, organizational efficiency.

And so the reason why your InterAgency
Staff Committee wanted this to be brought to your
attention is the addition of these new provisions are
not derived from the authority for this Board or the
Regional Advisory Councils but from external
authorities. And there is some caveat language at the
beginning of paragraph four, you'll note that it says,
Council duties and responsibilities, where applicable,
are as follows. So the, where applicable, is new
language inserted in reference to these new provisions,
Paragraph I and Paragraph J.

And I will just stop at that. I'm sure
the Board has a variety of questions and I'll let the
questions kind of lead the discussion further on this
particular point.

CHAIRMAN CHRISTIANSON: Thank you,
Carl. Any questions for Carl in regards to the
charter.

(No comments)

CHAIRMAN CHRISTIANSON: And I think he
noted that there was an addition, I.

MR. JOHNSON: Yeah, so Paragraph I and
J are the two new paragraphs that are part of the
Regional Advisory Council charters and I was informed
by my contacts in D.C., that this is not going to be unique to the Regional Advisory Councils, this language is going to be inserted into all Department of Interior FACA committees. So any other Alaska FACA committees, for example, BLM has some, Park Service Subsistence Resource Commissions, this language will also be inserted into their charters when they are next renewed.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Thank you, Mr. Chair. Carl, could -- have you given any thought to so what does this mean in regards to the subsistence program when we suddenly start talking about outdoor recreation, hunting, fishing, recreational shooting, I mean that's not normally a subsistence perspective that this Board sort of deals with or applies. Is that what you're trying to get at when you said as applicable? Is that what you're -- the language you're using that would allow us to have the opportunity to stand up and say we have nothing to report on some of these, our activities did not generate these types of opportunities, am I anywhere close to thinking about this right?

MR. JOHNSON: Through the Chair. Thank you, Mr. Siekaniec. I think it's worth noting that's -- that's a very valid point. Both of these Secretarial Orders, there is a provision where the orders cite the statutory authority behind the orders. I think it's worth noting that neither of these Secretarial Orders cite the Alaska National Interest Lands Conservation Act as authority relating to their activities. So given that we are a law based, regulatory based program, the activities that the Regional Advisory Councils should be following would be those that are in the law that created them, which is ANILCA. I'm not certain it would be even appropriate for the Regional Advisory Councils to engage in anything related to Paragraphs I or J. I think that's where the, where applicable, language is and that is that's an instruction from, and, again, I can only guess, because the explanations have been very vague on the insertion, but that is -- would be then for the FACA committees themselves to determine whether or not that language is applicable to their authorized duties and responsibilities.
CHAIRMAN CHRISTIANSON: Rhonda.

MS. PITKA: So then the Regional Advisory Councils will not have to do infrastructure or energy transmission? That is -- okay.

MR. JOHNSON: Through the Chair. Ms. Pitka. Yes, I think since Regional Advisory Councils were created by Congress, and, thus far, Congress has not yet given them directive to engage in those activities, that would be, I think, a correct assessment.

CHAIRMAN CHRISTIANSON: Any other questions for Carl.

(No comments)

CHAIRMAN CHRISTIANSON: Statements.

Bert.

MR. FROST: Yeah, I got a question for Ken.

(Laughter)

MR. SIEKANIEC: Mr. Solicitor.

(Laughter)

MR. LORD: I was trying to stay under the radar here today.

MR. FROST: I mean, you know, I don't know how these charters were created originally but I'm just wondering, things come and go -- well, I think you said charters remain pretty static, but I assume things have come and gone over the years and I guess does this -- does this -- I guess in terms of a legal precedence, what sort of just sort of this being mandated to put into the charter, does that put the -- is there any risk there, is there any legal worries?

MR. LORD: Bert, thanks for asking that. No, I -- Carl sent this to me when it first came out and we reviewed it pretty carefully. It doesn't change anything -- as far as I can tell, it doesn't change how the Councils do business, it doesn't -- it's
really just not applicable to this program. And like Carl said, it's going into all the FACA charters nationwide, we don't have any say in it, so, no, I'm not concerned about it at all.

There are -- okay, but you asked -- part of your question was about changes to the charters. Only on very rare occasions have we changed charters, such as when we increased membership in the charters -- or in the RACs to include sport and commercial users, but it's not common that we change them from one cycle to the next.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Thank you, Mr. Chair. So, Ken, on that statement with -- I'm still trying to get myself back in when it comes time to report on an annual basis on activities, are we going to intend to report not applicable because of our affiliation -- legal obligation under ANILCA, or are we going to look through these and say, oh, well, we did do some things that created greater collaboration with states, tribes, and/or territories because of our activities with the, you know, InterTribal Fish Commission, or the Yukon Panel or the, you know, Ninilchik Traditional Council; how do you -- yes, maybe, or do we just stay silent and say this really is not applicable because we operate under ANILCA.

MR. JOHNSON: Mr. Chair, I'd like to take a first stab at that.

A lot of those activities the Regional Advisory Councils already engage in, are a part of their existing mandate under Section .805. Section .805 has some pretty broad language about the Councils being a public forum for discussion of subsistence issues, they give recommendations on management plans and as part of their regular process where they engage in discussion on regulatory proposals. They invite discussion with tribal governments, Alaska Native entities, and also State and Federal agencies. So their current mandate includes those activities.

So I would not say that reporting them would have anything related to the new language but their existing mandate.
CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: Have the RACs seen this and have the RACs, what are the RACs perspectives on this, I guess would be -- I'd be interested to hear?

MR. JOHNSON: Thank you. Through the Chair. Thank you, Mr. Frost. There was one North Slope -- yes, all the RACs are seeing this. We always include the charter in the Regional Advisory Council meeting books, so it's always there for the public to see what the Council's mandate is. I will note that there was -- at the North Slope Regional Advisory Council, one Council member on the record threatened to resign over this language because he thought it was inappropriate for the missions of the Council. But other than that I haven't heard any specific response or reaction.

MS. PITKA: So the consequence of not having this language included in the charters, that's been mandated, is that the Regional Advisory Councils would not be chartered, right, they would cease to exist; is that right?

MR. JOHNSON: Well, technically -- through the Chair. The Federal Advisory Committee Act would prohibit them from operating without a renewed charter. So that wasn't really something that was ever under consideration.

Certainly we would have -- had we were given more time to respond to it, would have perhaps tried to discuss with personnel at the appropriate level, as to whether or not it was appropriate for our charters, but we found out that the language -- like within a week or so before the charters were to be issued. So that's -- I think probably possibly some of the main challenges, despite the where applicable language, in this new charter provisions, is, some confusion with the Councils over whether or not their obligations will include these, but also the public itself also wondering then whether or not these are things that should be discussed at the Council meetings. So my suggestion would just be that as a program we consistently message to the Councils the role of this new language in their operations.

CHAIRMAN CHRISTIANSON: Okay, Lynn and
then Greg.

MR. POLACCA: I guess more clarification then, you know, I guess with this where applicable for the I and J, is that going to be a decision that's going to be left up to each individual RAC to make that or is there going to be any kind of guidance going down from here, is that needed, from the Board?

MR. JOHNSON: Through the Chair. Thank you, that is an excellent question. I would not leave that up to the individual Regional Advisory Councils. I think it should be a consistent message and I think the best place for that message would be to come from the Federal Subsistence Board. Since the Regional Advisory Councils report to the Board, it should be the Board communicating to the Councils what their duties and responsibilities are.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Thank you, Mr. Chair. So now I think we're getting to where I've been trying to get at, you answer a couple of questions ago, the Regional Advisory committees already report, do they report under what you could read in here and say yes the Regional Advisory committee supported something that allowed or promoted a greater collaboration with states already, or I think Lynn got to the point, or do we need to provide them with that type of guidance so that we can report back under some of these. Because, you know, I know this Secretary, he's going to want to see us reporting back relative to this new language in the charter.

MR. JOHNSON: Through the Chair. Again, I think the problem -- I think the program and the Board has to decide whether or not this language is applicable to the Regional Advisory Councils. Because, again, the way it was described to me by the folks in D.C., is the where applicable language is what determines based on the, whether it's a discretionary or statutory mandate of the applicable FACA committee, whether or not they will be participating in those new provisions and what they require. So I don't think that the existing legal authority that guides the Regional Advisory Councils from either Secretarial regulations or ANILCA provide direction for them to
participate in Paragraphs I and J, and, therefore, would not be applicable for this discretionary language that was added at Paragraph 4.

MS. MOURITSEN: I guess I -- Mr. Chairman. I guess I have maybe a -- a little more nuance to view of how we ought to address this because these things are very important to our Secretary and our Administration and there's aspects within these Secretarial orders that are applicable and I know, what I've learned so far, this Board, and this OSM and the RACs and everyone are doing, so I think we should message -- we need to be very careful about our message, but it should be something along the lines of we have this mission that's described before this in this charter and that there are -- message that there are some aspects of these Secretarial orders that are consistent with our mission and we're going to -- to the extent they're consistent certainly try to do these things, like increasing outreach to tribal governments. But I don't think we -- I think we should think very carefully before we just say, sorry, Mr. Secretary, we're going to ignore these certain sections.

I'm not saying do things that aren't within our authority, of course, I don't want us to do that, but that's my observation.

MR. DOOLITTLE: I'm Tom Doolittle, Deputy Assistant Regional Director for OSM. Thank you, Mr. Chair.

Ken, if you could weigh in, it just seems that the lens of ANILCA is the applicability for what the program operations go under. ANILCA wasn't specifically mentioned relative to the Secretarial order, but that seems like what we could do, under that lens, where applicable, may be a direction of consideration.

And that's kind of a question to you, also, Ken.

MR. LORD: Yeah. Well, yeah -- sure. The RACs functions are driven by that lens. But I hear what Greg and Karen are saying, in that, when we do have situations where something might fit into one of these categories, maybe -- I don't know, Carol, if you've thought about how we would report back, but I
wonder if that could just be paragraph in the annual reports from the, you know, from the Councils to the Secretary -- or to the Board and the Secretaries about, you know, anything they might have done that sort of fits these categories.

MR. JOHNSON: Through the Chair. I think given the current reporting systems that are in place, the location -- the place that would make the most sense to make this report back would actually be in the FACA database. The FACA database, which is administered by GSA has certain fields where the Councils describe activities at their meetings, what kind of recommendations they've made to their agency that they report to. So it would make sense to enter a field into the FACA database that says, please state activities that were in support of Secretarial Order, Paragraph I, and then please state activities that relate to Paragraph J of these various executive orders and then so there could be places where under Paragraph I, just based on the Title VIII mandates where we say, you know, the RAC -- the Council engaged in these activities that are supportive of Secretarial orders and then most likely I can't really conceive of any under Paragraph J and then there you would just enter in that field, not applicable.

But that would make the sense.

But I have no idea if that is what they're planning on doing. I certainly have not been given any directive from D.C., as to how to report back.

I wouldn't think the annual reports would be a good way of communicating that information because the annual reports stop with the Federal Subsistence Board. They don't go to the Secretary. The Secretary has delegated to receive those reports to the Board on the Secretary's behalf.

MS. MOURITSEN: Thank you. Mr. Chairman. Or the Board, I have a question, does the Board, itself, ever do some kind of summary report of all the great things the Board and this Program has done over a certain period of time and, if so, some of this could be discussed -- all the good things are done through these RACs could be discussed, including some of the things that might be also applicable under these
I don't know if there's some kind of annual or a periodic report.

Well, I was wondering, is there something that even goes wider than a FACA database, something that goes to the public that, you know, just the interested public could see all the great and interesting things this program does.

Maybe we should have something like that.

MR. DOOLITTLE: Yeah, I think one thing, too, as far as annual reporting from the RACs are a good -- are a venue that are provided to the Board from each RAC. And so in the annual reporting structure, is reminding of what aspects the RACs may address and that annual report may be a relevant way of getting that information to the Board and something that is also a piece of public information, as a matter of public record.

MS. PITKA: As far as I know the Regional Advisory Councils structure their own reports because it's the direct link to the Board. It's the direct link that doesn't go through regulation or proposal, so that's the way that they're able to communicate those things that aren't in those other two venues to the Board.

And I do know that this Program has quite the public relations campaign so a lot of this stuff does go out to the public.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Thank you, Mr. Chair. So I'm just kind of looking at this and I get down to the end of J, and it's statement is at the conclusion of each meeting or shortly thereafter provide a detailed recommendation meeting report, including meeting minutes to the designated Federal Officer. Are -- again, I'm a little reluctant to use the, yeah, that's not applicable, knowing this Administration and this Secretary and their keen interest on, you know, they gave us guidance like this because they expect us to be looking at it and figuring out a way how we
interact with them in some manner.

You know that seems to be getting pretty pointed.

MR. JOHNSON: Through the Chair. So that actually relates to there was a well, I'll back up just for a second. So one of the things we do internally, at OSM, is at the conclusion of each meeting, the leadership team representative creates a summary report of the Council meeting activities. And it's circulated within OSM and then also to the InterAgency Staff Committee, to just kind of give a highlight of what action items were taken. So this is a practice we've already had internally for some time.

Now, before the institution of this new charter, and as part of this FACA review process the DOI underwent last year, they provided us a new form that's called a FACA meeting summary and it has specific fields of information they want provided to them and then the DFO, Designated Federal Official, which in our program, is the Council coordinators, then had to transmit that to D.C., within 30 days. Now, at the time we were told that this was just a one time thing, we're doing this because we're finishing up this FACA review. When I saw this new language you just cited in the new charters, when they came out, I contacted my contacts at D.C., and I said, so this report that's referenced at the end of Paragraph J, is this new FACA meeting summary form you gave us and she said yes. So essentially all it is -- and the ironic thing is it's information that's already reported via the FACA database, but the answer was well, they just wanted it in an easier accessible form. So we have this new FACA meeting summary form that essentially captures in a different format information we have already collected internally.

The other thing I'll note in this language that you cited, that contradicts our standard practice, it's not the Regional Advisory Councils that provide the meeting minutes to the DFO, contrary to this language, actually it's the DFO that creates the meeting minutes. So I just want to clarify that contrary to this Charter directive, that's actually one of the Staff functions of the DFO, and one of their responsibilities in maintaining an administrative record under FACA is to create those meeting minutes.
So the charter is kind of conflicting a little bit, or confusing a little bit that part of FACA mandates for DFO.

CHAIRMAN CHRISTIANSON: Wayne.

MR. OWEN: Mr. Chair. I'm a little confused at this point. Are we going to come to a decision and a vote on this or is this an information.

CHAIRMAN CHRISTIANSON: Information.

MR. SIEKANIEC: Mr. Chair. Well, I have a question, so we're a FACA Council.

MR. LORD: No.

MR. SIEKANIEC: We're not?

MR. LORD: We're not.

MR. SIEKANIEC: So the appointments of our public members don't create a FACA?

MR. LORD: Correct.

MR. SIEKANIEC: Okay, good.

MR. LORD: They're hired as special.....

REPORTER: Turn your mic on Ken.

MS. PITKA: Your mic.

MR. LORD: Our public members are hired as special government employees.

MR. SIEKANIEC: Very good.

MR. LORD: And that solves that problem.

MS. PITKA: We're appointed. We're appointed by the Secretary of the Interior, with concurrence of the Secretary of Agriculture.

CHAIRMAN CHRISTIANSON: Bert.
MR. FROST: But going to Karen and Greg's point, doesn't matter who creates the report, if it's the one new pager or what, we should make a point that if things are talked about in the RAC meeting that fulfill actions that are in these issues we ought to highlight those for our benefit and for the benefit of the department so they understand how our work interacts with their priorities. I would suggest.

MR. SIEKANIEC: Uh-huh.

MR. FROST: And maybe we need, as a Board, need to give direction to the RAC coordinators or however we do that, that needs to begin as a result of the insertion of this language in the new charters.

CHAIRMAN CHRISTIANSON: My idea that would be, if we don't close anything. I don't know what activity the RAC would take that would fit into that but if we keep that opportunity open I guess that's an activity by the RAC that keeps it available?

MR. JOHNSON: Mr. Chair. And Mr. Siekaniec, I think in order to satisfy the Secretary's goals on adding this charter language, again, like I suggested earlier, in this new FACA meeting summary, we can just say, you know, the Council engaged in the following activities that benefit Secretary Order 3347 and 3356: Boom, and then just list those activities.

Again, I really -- I can't conceive of what normal RAC activities would benefit Paragraph J because it's not the role of the Regional Advisory Councils to make staffing recommendations, to tell OSM how to cut costs. In fact, the Councils want us to spend more money, not less, but we could do that.

CHAIRMAN CHRISTIANSON: Karen.

MS. MOURITSEN: I'm probably beating a dead horse here, but to keep beating it, I think that what the RACs are doing do satisfy this. They're talking about the most efficient and effective way to regulate subsistence hunting or subsistence fishing, and they're talking about somebody has a proposal, they'll do it a different way, a better way, they talk about it, that's what this -- the order is telling us to do, find a better -- talk about if there is a better way to do your regulations. And if you look at it like...
that, they're already doing it, and more power to them.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Mr. Chair. So the question, I think, is fair, do we, as a Board, give guidance to Tom here and say we expect to see, you know, in your report that you described, Carl, you know, an opportunity to make sure that they note, where appropriate, how they're meeting these two paragraphs that have been inserted.

CHAIRMAN CHRISTIANSON: Yep, that sounds reasonable, so I think that's just direction to Staff at this point to make sure we meet the obligation in the charter to report out those activities that are relevant to I and J, period.

Thank you, guys.

MR. JOHNSON: And, thank you. And, again, really a big part of this -- I think it was important that we have a consistent directive from the Board on the Councils on this issue, however they wanted to go.

So this brings us to the second points, which was the vetting of nominees that were presented by the Board last year as part of the 2017 cycle and it kind of relates to a point that Ms. Pitka was just saying about how she's appointed.

Now, I'm going to bring you back to the charters again, and the provision of the charter related to membership. Now, towards the end there's language in the Council's charter that says a vacancy on the Council will be filled in the same manner in which the original appointment was made. Which then kind of ties us into your regulations a little bit again. The Secretary has delegated to the Federal Subsistence Board to make nominations to the Secretary. There are requirements in the regulations that say you have to be knowledgeable of, you know, subsistence resources and uses in the region and the Board has adopted five points -- five different criteria that the Board uses to evaluate whether or not somebody is qualified under that Secretarial regulatory directive.

They are knowledgeable of fish and
wildlife resources in their region.

They're knowledgeable both of
subsistence uses and commercial sport uses. And this
is regardless of whether they are a subsistence or a
commercial sport use applicant.

They express good communication skills
and good leadership.

And the Board, using those criteria,
makes its recommendations to the Secretary and then
consistent with what Ms. Pitka just said, the
regulations also state that the Secretary of the
Interior will make appointments with the concurrence of
the Secretary of Agriculture. And for that program,
that latter authority has been delegated to the
Regional Forester, who, each year, prior to
transmitting our nominations packet to D.C., for
consideration, it is sent to the Regional Forester and
we get a written concurrence from the Regional Forester
on that package.

Now, from then, aside from those five
criteria that the Board deems important for
qualifications, the Secretary of Interior, through his
White House liaison, does vetting, and they look at,
you know, backgrounds and other factors that are
related to that person and see if they're appropriate
for appointment to a Council, you know, with their name
on a Secretarial appointment letter.

Now, prior to 2017, during a five year
period, we only lost one incumbent to that vetting
process, and that was in 2014, one of the names that
was forwarded to the Secretary for appointment, who was
an incumbent, was -- failed the vetting process and was
not reappointed. So during a five year period we had
one incumbent lost to vetting.

In 2017 we had six incumbents who were
not reappointed due to the vetting results. Four in
the Yukon Delta Council, and 2 in the Northwest Arctic
Council.

Now, unfortunately the way the vetting
process works, as you all understand, we are never
explained as to why somebody is not reappointed through
the vetting process. And we really don't have any
means of kind of cross-referencing that ourselves, you know, looking into databases and see what might show up.

So, again, your InterAgency Staff Committee wanted you to be aware of this. Don't know what there is to do about it, but just to bring it to your attention.

I'll answer any questions if the Board has any.

MR. BROWER: Just a question. So when there's evaluation, do they do a background check on these nominees and stuff, that's why some of them don't get reappointed for one reason or another?

MR. JOHNSON: That is correct. Through the Chair. Mr. Brower. Yes. And we do let nominees or applicants know that this is part of the process. We do have a two page info flier that combines a description of both the responsibilities and duties of Regional Advisory Councils and all evaluation process, the nominations panels, the ISC, the Board, going to D.C., and the D.C., will do background checks. We also let them know it's a confidential process so that, you know, nobody will know that they're applying or nobody will know why, you know, they didn't get appointed.

So people do know that and that is definitely a part of the process.

MR. BROWER: Thank you.

MR. FROST: So those -- did you have alternatives in the background, so are those positions vacant or what's going to happen with those positions that didn't get reappointed.

MR. JOHNSON: That's an excellent question. Through the Chair. Mr. Frost.

So we always try to send -- we call them alternates, although they're not appointed as alternates, but they're alternates for purposes of vetting. So if we have four vacancies and six highly qualified applicants, we'll submit four names as the primaries and then two names as alternates in the hopes that if somebody on the primary list fails vetting
process, at least one of those two or both of them in
the alternate list will make it. However, in both
cases, for both of these Councils there was an
insufficient number of alternates to make any of the
vacancies. So currently we have two vacancies on the
Northwest Arctic Council and five vacancies on the 13
member YK Delta Council. One of those vacancies is
related to a Council member who just recently moved out
of region, but four of them are related to the vetting.
Because we had only a sufficient number of seats -- a
number of applicants for the number of seats, and part
of that is also the result of Mr. Roczicka dying last
year, his seat was an additional vacancy, we didn't
have enough applications beyond that to fill those
seats.

MR. FROST: So do those get reappointed
in the next cycle or do they stay vacant for a period
of two or three years until the -- I mean how does -- I
mean so is it the next year that they get -- do they
come up for reappointment in the next year because
they're vacant or do they have to wait for three years
when their cycle comes up again.

MR. JOHNSON: Good question, again.
Through the Chair. Mr. Frost.

So that brings us back to that charter
language, vacancies will be filled in the same manner
in which an appointment is made. So in this case, the
next available appointment process will fill that
vacancy with, among the available pool of applicants.
So in this case, we have I think it's eight or nine
seats that we have to fill for the YK Delta Council,
that's a combination of these vacant seats plus those
other terms that were expiring in 2018. Right now I
think we have 15 applicants so hopefully there'll be
enough to get us there, but we still run into the
problem of even though we may have 15 applicants for
that Council, the ISC and the Board, through its own
internal process might deem some of them not qualified.
Because under your criteria, if an applicant is not
qualified in any one of the five categories they're not
qualified, period.

And I think that's a wise choice. I
think it's good to have vacant seats rather than
unqualified applicants in the seats.
CHAIRMAN CHRISTIANSON: Any more discussion or questions for Carl.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you, Carl for your presentation.

MR. SIEKANIEC: Thank you, Carl.

MR. JOHNSON: Thank you.

MS. PITKA: I'm sorry, Carl, I just had a quick question. So does this affect operation of the Regional Advisory Councils by bringing the number from 13 down to 8, does it affect the geographic diversity of that Council, and will it affect their ability to conduct business, like voting, like having a quorum?

MR. JOHNSON: Through the Chair. Again, excellent questions, Ms. Pitka. So to your latter question, it doesn't affect quorum. Quorum is based on the number of actually appointed seats, not the number of seats available. So in this case, you know, the YK Delta Council can operate with a five member quorum because they currently have eight members.

But to your other point, it does cause a loss for the ability of that Council to represent its region, particularly a region like the YK Delta that has over 50 villages in it, and to only have eight people representing 50 villages is problematic. But, you know, it's just something they'll -- I'm sure they will, you know, do their best to think thoughtfully when they're reviewing fisheries proposals this fall and, you know, come up with a good recommendation as they can, but it does affect their ability to really represent the region.

MS. PITKA: Thank you for that answer.

CHAIRMAN CHRISTIANSON: Thank you, Carl.

MR. JOHNSON: Thank you.

CHAIRMAN CHRISTIANSON: Next we have tribal engagement presentation by Orville Lind.
MR. LIND: Good morning. Orville Lind.

Native Liaison for the Office of Subsistence Management.

CHAIRMAN CHRISTIANSON: Good morning.

MR. LIND: I wanted to share with you folks a little bit of background on the very first tribal engagement session which was held in Juneau last October.

Prior to that, in August, Melinda Hernandez, who used to work for OSM, contacted me and made a suggestion that there's got to be a way to increase the awareness of the Native liaison position and the Federal Subsistence Program. And with the assistance of Mr. Whitford and DeAnna Perry, who's the coordinator for Southeast, Melinda, who's the Tribal Programs Relation Manager out of Juneau and myself, in October, 30th, we come together -- the day before the Regional Advisory Council down in Juneau with the tribal engagement session. And the whole purpose for this session was to engage the tribes and to become more aware of our government to government consultation processes and then policies with the Federal Subsistence Board.

When we started to put this together the idea was to invite several tribes from the Southeast area and also from Southcentral idea -- me, being from the Alaska Peninsula, and not made it to Southeast very often I thought this would be a good start for myself, as my position, as the Native Liaison to work with the tribes that I'm really unfamiliar with down there in Southeast. So I was pretty excited about this whole concept of actually putting on a PowerPoint of the Native Liaison position with OSM.

So our audience actually, besides the tribes in Southcentral and Southeast we had Mr. Wayne, of course, present there and Mr. Whitford. We had numerous tribes from Ketchikan, Metlakatla. We had a couple of corporate members in attendance, along with Cordova over the internet -- or I'm sorry the VTC program. We all got to talk with them on the network.

So some of the topics we talked about, again, with introducing to some of the tribes at first hand the tribal consultation protocol and our
implementation guidelines, which at that time were pretty much unfamiliar with. As my job as the Native Liaison I'm the primary contact, as you know, for all 229 Federal recognized tribes. There are 567 Federal recognized tribes in the nation. So most of them are here in Alaska.

We also wanted to talk about, you know, opportunities and processes for the tribes to be aware that they can request consultations at any time on anything they wanted to talk about.

We wanted to make sure that they understood that as government agencies we have an obligation to hear their voice through Executive Order 13175.

Other things we wanted to share were just a quick background of the Regional Advisory Councils and why and how they were initiated.

We wanted to talk a little bit about -- to them about the Federal Subsistence Program and how -- I'll give a little background history of when 1993, when the Regional Advisory Councils were organized -- the Program has come a long way and I think that was one of the highlights is that now the tribes are becoming aware of their voices can be heard and through this Federal Subsistence Program, they can learn how the process works and get more involved.

We also talked a little bit about the cultural education harvest permits that some of them weren't aware of.

Also some of the hot topics again was the Fisheries Resource Monitoring Program stuff.

In our presentations we also invited the Southeast Regional Advisory Council Chair and Vice Chair, who were in attendance and -- and I think this -- this whole process, this whole session is really a model session to, again, repeat in other regions and I think that's our goal, it's certainly my goal as a Native Liaison is to go to different regions and do the same presentation and try to engage the tribes in becoming aware of what's out there.

We did have some feedback from the
First of all, I think the biggest topic was Regional Advisory Councils, and, again in several regions, the 10 regions we work with, are really stepping up to engage our youth, our school students, high school students, but not only them, the other young adults, 20s and 30s have been -- that have been out of school.

Another request by some of the tribes were to do more outreach. And OSM does, I think, a wonderful job, certainly a better job than we had been in the last 10 years, in the area of outreach. Right now we're working, with my position, we work with the Regional Advisory Council coordinators, which are doing an outstanding job in assisting myself or me with them in getting the news or releases that need to go out to the tribes and the corporations.

We also stepped up the program in communicating and working with the Refuge Information Technician Programs, which is really starting to prove very valuable and productive.

Some of the tribes were asking about the timeframe of when to do tribal consultations. We have guidelines to go by. Those guidelines, as you know, it's a living document, it can be changed with the request from tribes.

Also they wanted to know about what type of employment opportunities, you know, besides being a member of the Regional Advisory Council, what does the Federal Subsistence Program have to offer as far as internships, partnerships and what -- and what's out there.

We also talked about individuals within the tribes themselves. This was brought up by a tribal leader and I thought it was an excellent idea, that these tribes before consultation are set within the tribe to be their primary official speaker and have the knowledge what really they need to bring out at the Regional Advisory Council meetings.

And, again, along with holding sort of a little mock programs within the schools, within the high school.
We have been talking with the blessing of the ARD and the Deputy and some of the Regional Advisory Council coordinators that I wasn't aware of the Polycom program that are now set up in the high schools all over the state. Mr. Doolittle, through conversing with him, had got me really excited about a new way to outreach, we can step up within OSM, for whether it's Council coordination, whether it's my position as a Native Liaison talking with tribal members, tribal leaders, corporate leaders, even before our Regional Advisory Council meeting. So that idea of actually engaging the tribes even when we're not in their region or not at the Regional Advisory Council, we can still communicate with them through the VTC or the Polygram program out there.

Our communication efforts are increasing and we're getting much better at it.

One other thing that were -- a couple of other things that were brought up.

Again, we wanted to tell them about the RAC processes are very important and they're an open forum where people should be really comfortable in talking about their subsistence issues, you know, and, again, we need to tie in their local knowledge, TEK, part of it.

We still hear that we definitely need better maps, of course, bigger maps than what we have.

And, again, it was also brought up that the local people are very visual learners out there as you know, and so if we can provide maps on the screen, bigger maps when we talk about an issue that's involving Unit 23 and different parts of it and what not, I think we could save a lot of meaningless talk, shorten the meetings maybe, who knows.

MR. SIEKANIEC: Are you talking about us?

(Laughter)

MS. PITKA: He didn't say any names.

(Laughter)
MR. LIND: And the last, but not least, we are talking now with the Council coordination to actually do a tribal engagement session in Western Interior and also with Bristol Bay. And it's getting closer to where we're going to do a test with Bristol Bay and to get with students there and do a mock Regional Advisory Council and have them actually do some proposals possibly and talk with OSM Staff while they're doing that.

So with that I thought it was a very good -- very good session. I think we're on the right track and organizing more future tribal engagements in different regions of the state. I think it's going to be beneficial to everyone, the local people, local providers, hunters, fishers and especially OSM and the Federal Subsistence Board.

And with that I will entertain any questions from the Board.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Orville for your presentation. And I know tribal governments really appreciate that consultation process and how open it's been to get feedback into things that pertain to them in the region and the take of fish and wildlife and also the inclusion of students, you know, with this new found issue of vetting people, you know, I think the next generation of young leaders are going to be where we're going to have to draw from because it seems like, you know, we have the same people going for these positions and it might be time to create that next pool and I think, you know, reaching out through these technologies to access those students is a really good idea and especially setting up mocks, it's situations and scenarios. I know in our school district we're trying to bring in actual living activities that affect our lives in the state and so our students are coming out of our system not so much college ready but life ready and I think you're on the right path, so I appreciate that work.

MR. OWEN: Mr. Chair. I would like to, at this point, express the personal gratitude of the Regional Forester Pendleton and myself for the engagement that happened in Southeast as well as the thanks of the Forest Service and the Tongass National
This was an excellent opportunity, an excellent example, actually, of bridging the great divide between the bureaucracy of what we do and the actuality of what we do. And so that was -- it was fantastic. And, Orville, if anything, undersold the accomplishments of that meeting. We understand that it's expensive to do these and it takes a lot of Staff time, for that we are grateful for that investment, and for the rest of the members of the Board, if you have an opportunity to bring one of these engagements to your region, do it.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Any other questions for Orville.

Lynn.

MR. POLACCA: Through the Chair. I guess just wanted to maybe see if we can possibly think about, as you go through this whole entire scenario of the mock scenario for the youth and all that, if you can kind of maybe get a report ready for us and all that, that way we can actually see how that's actually working out as all that. Because as Tony mentioned it is something that, you know, is going to be of concern, you know, who's going to be actually taking on those responsibilities, you know, within the next several years into the future, you know.

MR. LIND: Through the Chair. Thank you, Lynn. Absolutely. I feel one of the best learning curves is feedback and followup. And I would definitely be excited about giving a report on our Bristol Bay tribal engagement or Western Interior tribal engagement session. So, yes, you can expect it.

CHAIRMAN CHRISTIANSON: Thank you, Orville. Definitely appreciate your work.

MR. LIND: Qyuana. Thank you.

CHAIRMAN CHRISTIANSON: With that we have future meeting dates. I think this is just so we can inform everybody here that April 10th through 13th is the Federal Subsistence wildlife regulatory public
meeting.

July 18th to be announced, the Federal Subsistence Board work session.

And January 2019 will be the next fish and shellfish regulatory meeting.

And.....

OPERATOR: We have a question from the phone.

CHAIRMAN CHRISTIANSON: A question from the phone?

OPERATOR: Yes. From Melinda Burke, your line is open, please go ahead with your question or comment.

CHAIRMAN CHRISTIANSON: Go ahead, Melinda, you have the floor.

MS. BURKE: Hi. Thank you so much. I just wanted to throw in one other little thing about that session. Gunalcheesh. A huge thanks to my agency, to Orville, and to the Office of Subsistence Management Program for supporting that effort.

I just wanted to make one little note of as far as costs go for putting on something like this. It was extremely inexpensive to have this session. I think a couple of reasons it worked out very well was bringing in Orville just a day or a half a day early and holding it the day before the RAC meeting started and utilizing that technology that we did, I think, of course cost is always a concern when you try to do any extra efforts in outreach or communication, but we -- I think there's a lot of methodologies we can utilize to make these sessions affordable, doable and engage with the tribes as possible.

So I just wanted to express my thanks as well. Gunalcheesh to everyone for your support.
CHAIRMAN CHRISTIANSON: Thank you for that Melinda. Appreciate it.

Jennifer.

MS. HARDING: Thank you, Mr. Chair. Members of the Board. I did want to talk to you all about future meeting dates if possible. As Tony already -- Mr. Christianson already noted, the next regulatory meeting is a public meeting and it will be held at the Egan Center here in Anchorage April 10th through 13th. Just about six weeks from now, I guess, eight weeks.

And then typically, if necessary, you have a work session in July. And so I wanted to find out if it would be possible for you to pencil in to your calendars some potential dates, if that meeting was necessary, recognizing how full your schedules are and how quickly they fill up. So we wanted to find out if it would be possible to mark out a couple of days the week of July 9th for a possible work session.

And I've already seen one thumb's down.

So how about the week of July 16th.

I see one thumb's up, two thumb's up.

Okay.

All right.

(Laughter)

MS. HARDING: And we understand that July is quite difficult for folks.

How about the -- well, the week -- the first week obviously won't work because there's a holiday there. So, Mr. Frost, how does your calendar look in July.

MR. FROST: Except that one week I'm fine.

MR. HARDING: Okay.

MR. FROST: The week of the 16th.
MS. PITKA: So the week of the 16th is what works.....

MR. FROST: Does not work.

MS. HARDING: Does not work.

MR. FROST: Any other week works.

CHAIRMAN CHRISTIANSON: The week of the 23rd wouldn't work for me.

MS. HARDING: Okay.

MR. OWEN: The week of the 8th of July, I did my thumb down, the Forest Service has its Regional Leadership Team Meeting that week in Cordova and, both, the Regional Forester and I will be attending that.

MR. SIEKANIEC: And the week of the 16th it does not work for me in the latter half of the week.

MS. HARDING: Okay. So I will get back with you all on the work session. However, as you all know, because we discussed at length on Wednesday, our regulatory cycles are tied very closely to the public meeting that you have to make decisions on regulatory proposals and the Regional Advisory Council meetings. So after April, the next regulatory meeting will be July of 2019 -- I'm sorry, January of 2019 to discuss fish and shellfish regulations, and so I would like to throw out a couple of weeks in that month so that we can set our timeline for proposal analysis.

So the first week I have is January 28th and that would be of 2019.

CHAIRMAN CHRISTIANSON: There's nothing on my calendar that far out.

(Laughter)

MS. HARDING: That's right.

CHAIRMAN CHRISTIANSON: Anywhere closer to the end of the month is usually good though because that's usually when people are going -- holiday travel
is pretty calm and.....

MS. PITKA: January 28th.

MS. HARDING: The week of January 28th and then I can start working on a venue.

Thank you very much.

CHAIRMAN CHRISTIANSON: And so we'll just work on doodle a poll or whatever we do for the July meeting.

MS. HARDING: Yes. And we may have to push that to August -- no, we will do a doodle poll and we'll find some appropriate dates that work for everyone.

CHAIRMAN CHRISTIANSON: Maybe it's the front half of that week and everybody's available and we come in on Sunday.

MS. HARDING: Yeah. Depending on what transpires between now and then you may only need one to two days.

CHAIRMAN CHRISTIANSON: Okay.

MS. HARDING: Thank you, Mr. Chair and the Board.

CHAIRMAN CHRISTIANSON: Thank you, Jennifer for that.

Any other business the Board would like to attend to.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, I entertain a motion.

MR. BROWER: So moved.

CHAIRMAN CHRISTIANSON: To adjourn. A motion's been made to adjourn.

MR. FROST: Second.
CHAIRMAN CHRISTIANSON: Second. Any opposition.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none. Thank everybody for the wonderful meeting. Thanks to the Staff. Thanks to everybody in attendance and appreciate the good time we've had here this week in figuring everything out.

(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:

THAT the foregoing, Pages ___ through ___ contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, WORK SESSION, VOLUME II taken electronically by our firm on the 23rd day of February 2018 in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 26th day of February 2018.

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Salena A. Hile
Notary Public, State of Alaska
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