FEDERAL SUBSISTENCE BOARD

WORK SESSION

Gordon Watson Conference Room
ANCHORAGE, ALASKA

August 8, 2018

MEMBERS PRESENT:

Anthony Christianson, Chairman
Charles Brower
Rhonda Pitka
Karen Mouritsen, Bureau of Land Management
Greg Siekaniec, U.S. Fish and Wildlife Service
Bert Frost, National Park Service
Gene Peltola, Bureau of Indian Affairs
David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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CHAIRMAN CHRISTIANSON: Welcome everybody to the meeting here today, work session from the Federal Board. Before we get started we'll do roll call now.

MR. DOOLITTLE: Thank you, Mr. Chair. Okay, National Park Service, Herbert Frost.

MR. FROST: Here.

MR. DOOLITTLE: BLM, Karen Mouritsen.

MS. MOURITSEN: Here.


MR. SIEKANIEC: Here.


MR. SCHMID: Here.

MR. DOOLITTLE: BIA, Gene Peltola.

MR. PELTOLA: Present.

MR. DOOLITTLE: Public Member, Rhonda Pitka.

MS. PITKA: Here.

MR. DOOLITTLE: Public Member, Charlie Brower.

MR. BROWER: (In Inupiaq).

MR. DOOLITTLE: Chairman Anthony Christianson.

CHAIRMAN CHRISTIANSON: Here.
MR. DOOLITTLE: Dawn Collingsworth, on line or present.

(No comments)

MR. DOOLITTLE: Ken Lord.

MR. LORD: Here. And I believe Dawn's on line.

MR. DOOLITTLE: Alrighty.

I'd like to recognize the State, Ms. Jill Klein and Mark Burch.

Okay.

MR. BURCH: I think Ryan Scott may be on the phone as well.

MR. DOOLITTLE: Ryan Scott, okay.

Alrighty, we have a quorum.

CHAIRMAN CHRISTIANSON: All right, quorum established. We'll review and adopt the agenda.

MR. BROWER: So moved, Mr. Chair.

CHAIRMAN CHRISTIANSON: Motion's been made to adopt the agenda.

MR. FROST: Second.

CHAIRMAN CHRISTIANSON: Second. Any discussion.

MS. PITKA: Just a question.

CHAIRMAN CHRISTIANSON: Question.

MS. PITKA: Are you going to allow some testimony.

CHAIRMAN CHRISTIANSON: Yes. I'll allow some limited public testimony under information exchange. So what I'll say now since she asked it, is could you please sign up with the Staff here, somebody will raise their hand and we can get a list of that
going so we can do that and we'll try to keep it --

thank you.

So we are still under -- any

discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Call for the

question.

MR. BROWER: Question.

CHAIRMAN CHRISTIANSON: Question is
called, all in favor say aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same

sign.

(No opposing votes)

CHAIRMAN CHRISTIANSON: Motion is

unanimous.

Okay. We'll open the floor to Board

members now, if they want to have any information

exchange.

MR. SIEKANIEC: Thank you, Mr. Chair.

So in our brief discussion earlier today of things that

are kind of going on and around the state and

particularly may be more towards Kenai, like, Rhonda,
you said, well, you just can't imagine we don't ever

spend hours and hours talking about the Kenai, so I

thought we better start today with the Kenai a little

bit.

I had a pretty nice day here a week or

so ago on the Kenai River. We signed a memorandum of

understanding with the Ninilchik Traditional Council

and we actually met right out on the river and what you

see on the screen up there is their subsistence net in

the water, fishing, while we were preparing to sign the

memorandum of understanding. And as you can tell it

was quite a spectacular day out there, this just shows,

again, a photo of them setting their net, getting it

put in and if you remember, I believe the net is 50
foot long, you know, the prior photo shows that it takes up a very small sort of spot within the Kenai River and as you can tell this is Darrel, he kind of -- Darrel Williams, he runs -- he's with the Resource Environmental Department Director for NTC, but he kind of runs the net, and I'm just standing there with him, they were starting to take sockeye out of the net while we were there. And here we are signing the actual memorandum of understanding with Greg Encelewski as well as Ivan and myself, and you can tell they are in a very high spirited sort of perspective, that they have managed to bring this project to this level of having even a memorandum of understanding on how they will conduct business with the Fish and Wildlife Service relative to in-season management decisions. Now you can see also here the photos with Andy Loranger, the Refuge Manager and Jeff Williams, the fisheries resource manager, and the rest of the crew there, that were out on the river that particular day.

Now, how this memorandum of understanding is intended to work is to have a, you know, very open communicative process around the idea of what's going on with the river relative to any actions that need to be taken by the in-season manager.

As I mentioned a little bit this morning, they've been fishing it, and I found it a little more current information, they've taken approximately 1,200 sockeye off of the Kenai River. They had taken about 600 and some off of the Kasilof River. And we are just issuing an emergency order closing it because it does not look like the escapement goal will be met for the Kenai River and we had great dialogue with Ivan and Greg and Jeff around this issue and they are in agreement that it's the right thing to do in order to put conservation in place relative to the performance of the river as a whole and thinking about the future.

So, with that, I just wanted to, you know, show that the fruits of some of the work of the Board, you know, do come through, you know, they do get delivered on and we do have some, you know, great opportunities for relationships that are really strong and working well and Ninilchik is just one of those little places and we managed to put it in place and have a little moment of celebration right out there on the river.
So, with that, thank you, Mr. Chairman.

CHAIRMAN CHRISTIANSON: Thank you for that update. It's good they're catching fish.

Any other Board members have anything they'd like to share.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none. Did we get a list going -- yeah.

MR. LORD: Mr. Chair, I was incorrect, Dawn is not on line, she's got other obligations.

CHAIRMAN CHRISTIANSON: Okay.

MR. SCHMID: Mr. Chair. And I just sent her an im message, she will be calling in here shortly.

CHAIRMAN CHRISTIANSON: Okay.

MR. LORD: Mr. Chair, I'd like to correct my correction, I just got a text from her saying she is on line.

(Laughter)


MS. COLLINGSWORTH: I think I'm muted, but, hi.

(Laughter)

MR. DOOLITTLE: Are people going to speak?

CHAIRMAN CHRISTIANSON: Yep. I'm opening the floor up now for the information sharing from the public.

(No comments)

CHAIRMAN CHRISTIANSON: Oh, they must have stepped out for a second.
(Pause)

CHAIRMAN CHRISTIANSON: Okay.

MS. PITKA: Should we do a couple of introductions because there are some new Board members.

CHAIRMAN CHRISTIANSON: Sure, Rhonda, sounds good.

New, Board members, do you want to introduce yourselves while we wait.

MR. SCHMID: Thank you, Mr. Chair. My name's Dave Schmid. I'm serving as the Regional Forester for the Forest Service here in Alaska. It's not my first time around the block. I was -- lived up here, mostly in rural Alaska, for about 24 years, and so it's good to be back and it's been a great welcome home for me.

Thank you.

MR. PELTOLA: And, Mr. Chair, good afternoon all. Gene Peltola, Jr., new Federal Subsistence Board member now with Bureau of Indian Affairs. Came off of almost 34 year career with the Fish and Wildlife Service here in Alaska. Born and raised in Bethel.

CHAIRMAN CHRISTIANSON: Welcome aboard, guys. Thank you for that Rhonda.

All right, we have Bruce Thomas.

MR. THOMAS: Good afternoon, Mr. Chair, members of the Board. I'm here to have a letter requesting tribal consultation with the FSB Board, including the US Fish and Wildlife Service, Director Greg Siekaniecz, to consult with the CATG on the selection of a new OSM, ARD position, and the future of OSM Programming.

Mr. Chair, we thank you for your fair and effective leadership, commitment, dedication and service on the Federal Subsistence Board. We understand the US Fish and Wildlife Service is currently in the process of seeking a new Assistant Regional Director for the Office of Subsistence
Management. We, the Council of Athabascan Tribal Governments, request tribal consultation with the FSB, including the US Fish and Wildlife Service, Director Greg Siekaniec, to consult on the selection of the new OSM ARD and the future of OSM Programming. The implementation of ANILCA, namely ANILCA, Title VIII, through the Office of Subsistence Management, affects our daily lives and our well-being as indigenous peoples who's lives are of this place, our traditional territories now being managed by the US Fish and Wildlife Service as National Wildlife Refuges. It is clear that those directly and most affected by this selection should be afforded meaningful tribal consultation as required by statute.

The Council of Athabascan Tribal Governments, the Council is a tribal consortium founded in 1985 on the principles of tribal self-governance. The Gwich'in and Koyukon Athabascan peoples of the Yukon Flats live in remote villages, whom united to form the Council, Arctic Village, Beaver, Birch Creek Canyon, Chalkyitsik, Circle, Fort Yukon, Rampart, Stevens and Venetie. Our traditional territories include the Yukon Flats, a 55,000 square mile area encompassing what is now the Yukon Flats National Wildlife Refuge, and a portion of the Arctic National Wildlife Refuge, stretching from the White Mountains in the south to the Brooks Range in the north, from the Western edge of the Yukon Flats and the Trans-Alaska Pipeline, east of the United States Canada border is of significant historic culture and of geographic importance to the tribal governments. Since time immemorial, the tribal governments and people have lived within these lands and the resources herein. The traditions of our grandparents live on through our ability to hunt and fish which include the ceremonies that accompany these cultural practices. As Native peoples, access to our traditional food resources is critical for our culture, health, well-being, economic security, and food sovereignty. The Council advocates for Alaskan hunting and fishing management, policy and regulations to provide for Alaska Native food security. Community well-being and traditional ways of life.

We ask for legislation to protect Alaska Native hunting and fishing rights.

Our intent is to continue our ancestral ways of life within our traditional territories through
effective partnerships with the Federal government, through funding and other agreements. Since 2004 the Council has had an annual funding agreement under Title V of the Indian Self-Determination and Education Assistance Act with the US Fish and Wildlife Service successful negotiation of the AFA for selected programs, functions, services and activities of the Yukon Flats National Wildlife Refuge, yielded the first agreement of its kind in the history of the nation. The first AFA for selected PFSAs of a Federal conservation unit by a tribal entity. This groundbreaking work set a self-governance precedent across the country. Through the AFA the Council has implemented selected PFSFA (ph) of the Yukon Flats National Wildlife Refuge, namely cooperative moose management planning, education and outreach programming, harvest data collection, logistical maintenance of the only logistical outpost in the Refuge and Refuge information technician staffing.

Alaskan tribal governments and intra-tribal organizations should have a meaningful and active role in the implementation of the Title VIII of ANILCA as clearly delineated in the legislation and in the 2010 review of the Federal Subsistence Management Program. We now seek meaningful consultation in the process of OSM ARD. The ARD is a critical position to the purpose of OSM and the Federal government, more broadly, to implement ANILCA as well as a Federal trust responsibility to tribal governments in Alaska.

We assert the newly elected ARD must have a set of minimum qualifications, knowledge and experience to effectively protect Alaska Native subsistence hunting, fishing and way of life as clearly mandated by ANILCA, Title VIII. Minimally, the ARD should have lived in rural Alaska within their lifetime, preferably being an active Federally-qualified subsistence user and also preferably be an Alaska Native. The ARD should have life-long knowledge of customary and traditional uses of fish and wildlife in Alaska as well as life-long knowledge of the complexities of fish and wildlife regulatory management in Alaska.

The Council appreciates the recommendations from the 2010 review that have been implemented but acknowledges the full intent of ANILCA, Title VIII is not being fulfilled as documented by the
Department of Interior in the 2010 review. We still
have a great deal of work to do together,
cooperatively, and in good faith. Together tribal
governments and tribal organizations the Federal
Subsistence Board, the Federal agencies can create a
future in which the full intent and purpose of ANILCA,
Title VIII is realized. A future in which Alaska
Native peoples are not criminalized for practicing our
ancestral ways of life, to provide healthy livelihoods
and foods for our families and communities.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you for
that Bruce. Appreciate that letter. Could you make
sure we get a copy of that.

MR. THOMAS: I'll send it to you.

CHAIRMAN CHRISTIANSON: All right,
appreciate your testimony. Any questions, anybody, for
Bruce.

(No comments)

CHAIRMAN CHRISTIANSON: Appreciate you
taking the time and coming.

MR. THOMAS: Thank you.

CHAIRMAN CHRISTIANSON: And just, I
think, for clarity, I think he requested tribal
consultation. I guess we'll have to have Staff get
with him and then we can arrange that.

Karen Linnell.

MS. LINNELL: Thank you, Mr. Chair and
Members of the Board. For the record my name is Karen
Linnell. I'm the Executive Director of the Ahtna
InterTribal Resource Commission.

We have an MOA with the Department of
Interior. From that, we submitted Proposals WP17, 18
and 19 that would allow us to issue hunt permits on
Federal lands within the DOI purview. Since then the
-- that was to allow us to issue Federal permits,
subsistence registration permits for moose and caribou
to Federally-qualified Ahtna Tribal citizens in order
to get Ahtna youth, especially young men back out on
the landscape to continue customary and traditional
Ahtna hunting practices and cultural activities. The
proposals were submitted because the Ahtna people
continue to not meet their subsistence needs under
current State and Federal subsistence regulations. The
Federal Office of Subsistence Management modified these
proposals to, instead, establish a community harvest
system on Federal lands to be managed by AITRC and open
to all Federally-qualified subsistence users living
within the Ahtna traditional use territory subject to a
framework to be established by the Federal Subsistence
Board. This framework was also supposed to address how
other non-Ahtna communities would become part of the
Ahtna community and hunt for moose and caribou, which
serves only to replicate the currently dysfunctional
system under the State community harvest system. That
system is swamped with, not only non-Natives but urban
residents that -- and they're non-Federally-qualified.
This is not what the eight Federally-recognized tribes
had requested. OSM continues to state that the tribal
membership cannot be used as an eligibility criteria
for participation in Federal subsistence hunts, even
the Ahtna community hunt for the moose and caribou.

Alaska Natives were promised by
Congress and the State of Alaska representatives and
policy makers during negotiations of ANCSA that the
State and the Secretary of the Interior would take care
of subsistence hunting and fishing rights for Alaska
Natives within the existing statutory regulations and
authorities. For almost a half a century we've
continued to wait patiently for those promises to be
kept. AITRC expected the US Department of Interior
agencies would honor the memorandum of agreement signed
by Deputy Secretary of the Interior in November of
2016. We also expect that someone in the Federal
government to oversee the implementation of the MOA
between DOI and AITRC. During the past two years,
since the MOA was signed, AITRC expected that the
rulemaking by DOI agencies called for in the MOA would
have been completed by November of 2017, as identified
in the MOA as incumbent upon the Federal government.
To-date we have seen no proactive engagement by the
Federal government to honor this most recent promise to
make Federally-recognized tribes -- to the Federally-
recognized tribes of the Ahtna region.

The Federal agencies you lead are not
fulfilling the promises made by the US government. The agencies you lead are shirking the Federal trust responsibility to Federally-recognized tribes in the Ahtna region. The agencies you lead are failing to effectively implement the intent of ANILCA, Title VIII with respect to providing for the continuation of Alaska Native ways of life and to effectively include Alaska Natives in the management of Federal lands and waters and Alaska Native lands.

AITRC requests identifying a single point of contact within the Department of Interior, but outside of the office of Subsistence Management, to implement the MOA on behalf of the Federal government and the new DOI.

Rulemaking by the Department of Interior has not been accomplished within the timeframe identified in the MOA with AITRC. The Secretary of Interior should develop rulemaking to establish an AITRC managed tribal harvest program to provide maximum opportunity for the continuation of Ahtna tribes hunting way of life and the right to self-determination through providing AITRC with the authority to manage the taking of wildlife according to the customary and traditional knowledge and practices of the Ahtna people, as called for in the MOA. Such rulemaking would provide for statutory changes that would, one, allow AITRC to issue Federal registration permits on behalf of the Federal government; two, allow letters of delegation from the Federal Subsistence Board directly to AITRC to manage community hunts for moose and caribou on behalf of the Ahtna tribal citizens; and, three, establish congressional legislation to allow Ahtna -- for Ahtna tribal hunts of moose and caribou on Ahtna Corporation lands, Alaska Native allotments and Federal public lands and the administration and management of those hunts by AITRC.

Since our last meeting, we submitted the special action request as requested by this Board using the language in the motion made by Ms. Mouritsen and we've been attempting to meet with the agencies and the affected agencies and the RACs and those meetings have not been set up. We met with our local offices of BLM and National Park Service on our own but they have no authority either without the regional offices and we talked through what we're trying to do. We're doing what you folks ask and we're still being met by
roadblocks. We met with OSM Staff and asked what are
the parameters, what do we need to put into the
framework and we were told that we can't provide you
any framework, we can't give you any sideboards, so we
put in a request of what we want. In the initial
request it said, well, we need more information before
we can call a meeting with the affected agencies, so we
provided the additional information and then we were
told that, no, not the motion that Ms. Mouritsen made,
but a comment following the motion, that expected that
we would file the special action request after we come
up with the framework but that was not what the motion
was, and I -- our special action request that we did
put in said that we wanted it -- we put that in as a
placeholder and that we expect that we would get
together with the agencies to form that framework.
We've submitted a framework that is asking for the moon
and the stars and we understand that, but that's when
we thought we'd come together and work with the
agencies to come up with something that would work for
all of us. I'm not going to negotiate myself down
before I even walk in the door. And so that's where
we're at. And that's something that our dearly
departed leader, Roy S. Ewan, said, is we often
negotiate ourselves down before we even walk out the
doors to go and talk to them and so we're not just --
the week before he passed he was talking to us about
it, and talking to young people in our community about
what was promised when he was there during the
negotiations of ANCSA and what was promised when he was
there when he was in Colorado meeting with 30-something
National Park members when they were going through D2
legislation to form the Wrangell-St. Elias National
Park and the expansion of Denali National Park, he was
there. And so, you know, we're experiencing heavy loss
with his departure, but we're not going to drop the
ball, we're going to continue to carry on with his --
with what he thought was going to happen in his
lifetime, to see that our subsistence needs and hunting
and fishing rights were protected.

And so, you know, we've heard that
ANCsA extinguishes aboriginal rights, well, aboriginal
rights are unfettered rights to hunting and fishing.
It means that there are no regulations; that we
continue to do it the way our ancestors did. Tribal
rights to hunting and fishing were not extinguished and
that's something that we're trying to exert here by
continuing and moving forward here, are still our
sovereign right under a form of regulation. And coming up with that framework to make it happen is something that we've been attempting to do, attempting to work within the system.

Again, just sadly disappointed in as far as we've gotten trying to work through this process. I don't want to see another State community harvest hunt. The community hunt where we set a quota for Ahtna people's needs and then open it up to everybody in the state and that's kind of what was asked of us at one of our meetings, set a quota and then, oh, wait, no, you can't you have to invite your neighbors to participate too, I don't know what their needs are, I know what my people's needs are, but I don't know what my neighbors needs are, they're not a part of our community as a whole, as the Ahtna people, so why replicate something that's dysfunctional.

I thank you for your time.

CHAIRMAN CHRISTIANSON: Thank you, Karen. Are there any questions for Karen here.

(No comments)

CHAIRMAN CHRISTIANSON: This is an open dialogue.

(No comments)

CHAIRMAN CHRISTIANSON: I think we have you on a status update later on in the meeting so I appreciate you taking the time to come and share with us.

MS. LINNELL: Yeah, I do want to say that I agree with the gentleman from CATG, Bruce, that tribal consultation should happen in the selection of the newest OSM assistant Regional Director. I think that it needs to be a lifelong Alaskan that understands folks, cross-cultural communication is something, I think, that was previously lacking and we were able to address some of that, but just the understanding of the landscape and the people, it is important, an important piece with folks and many of your Board members rotating in and out with new assignments and reorganization, having that kind of longevity and
support for this Board and the important decisions that
they make regarding our fish and wildlife and their
sustainability and the health of the populations is
important so thank you so much.

CHAIRMAN CHRISTIANSON: Thank you,
Karen. And I just want to let you know that the Staff
is still committed to try and move this forward. You
know, we recognize there are some really tough hurdles
that we have to get by on both sides and that the Staff
is committed to try to find some solution to the
problem that we have with trying to make this work for
Ahtna and for the program.

Seth Weaver.

MR. WEAVER: Hello. My name is Seth
Weaver. I'm born and raised in Anchorage, Alaska and
third generation Alaskan and my family has a homestead
in Sterling, Alaska.

I didn't prepare to come and address
you guys today but I figured it would be a good
opportunity as I was speaking to other individuals in
the building. But I'd like to specifically speak to
FP06-09 that allows a subsistence fishing for the
residents of Hope, Ninilchik and Cooper Landing, that
they're able to -- actually Greg, his slides, today,
are specifically attached to this FP06-09. I'm
concerned that the elements of FP06-09 aren't in
accordance or in alignment with ANCSA, ANILCA and the
purpose is of the Refuge. I support fully subsistence
rights and subsistence fishing for indigenous peoples
of Alaska but I worry that when residents come up from
other parts of America, for instance, and they move to
these communities, they're labeled as rural
automatically, and their rights are elevated above
indigenous people's rights as a result.

And I see that as a concern because the
Kenai National Wildlife Refuge was specifically
intended for recreation and for education and here we
are having subsistence fishing, for instance, occurring
on a Refuge that was specifically intended for
something that it was not. Every other Refuge in
Alaska specifically has subsistence as an intent for
that Refuge, this one is unique in a sense that it does
not. It is also unique in the sense that it is the
only Refuge intended for recreation and education. And
so there was a clear intent by Congress when they created these Refuges in ANILCA to specifically have language in there to clarify their uses, and today we have the opposite in effect.

Because of that, residents of Hope, Ninilchik, and Cooper Landing were unable to subsistence fish in the Russian River, for instance, the Kasilof and the Kenai. They had to come before this Board to submit FP06-09 to get C&T and have the capability use determination issued by Fish and Wildlife for this Refuge. I just see that as a potential for litigation, honestly, because of purposes aren't being fulfilled and they're being misaligned through the lens of ANILCA.

And I'd like to have some clarification on this specific proposal and how those uses specifically align to Executive Orders and Proclamations that dedicated those Refuges originally.

I'd also be interested in seeing why the intent of Congress can be superseded by this Board. I sympathize with subsistence fishing because I fully support it, but I start to question management of these lands when they are specifically outlined in a way that aren't being managed today and this Refuge is a large Refuge, it's accessible by a large population of Alaska.

And I come to you in a unique position. I wouldn't consider myself a Native Alaskan because I'm not indigenous I would say, but I was born and raised here and I have deep ties to the lands and my heart weeps when I see people come from Miami, for instance, and they go to Hope, for instance, and they can participate in a subsistence program that Native people who actually have thousands of years of roots here, they can't participate in that program. I see that as a smear to subsistence -- to clear-cut subsistence rights and I see it as a big problem, specifically in the Kenai National Wildlife Refuge. I know you guys are all aware that the rural determinations need to be looked at and how communities need to be looked at and how they're labeled as rural and non-rural, it's a little arbitrary and how residents of Hope, Ninilchik and Cooper Landing can be considered rural is a stretch when you have residents -- when they can just go to Fred Meyers, for instance, it's right down the road,
and you have people in legitimately rural areas who
don't have those same rights and I see it as a problem.

And, again, I didn't expect to come and
testify before you guys so I'm not as prepared as I
should be but I just hope that you guys can see how,
you know, the implementation of ANILCA is being a
little misguided here, specifically for this Refuge,
and specifically for this Proposal FP06-09 and the C&T
determination as a result of that.

I'll be pursuing emergency orders or
something like that, special actions to clarify this,
but I see this as a problem, specifically because the
intent of that Refuge is not being managed with --
appropriately today with the resources that are in
place -- the intent of Congress is being overruled here
through agency law and I see that as a problem. And
I've spoken with Mr. Ellis this morning, actually,
about this to a great extent and I just hope that you
guys can look at this closer and try to align ANILCA in
a more appropriate way to uphold subsistence rights for
the people who legitimately need them and the people
who legitimately don't need them.

So I appreciate your time.

CHAIRMAN CHRISTIANSON: Thank you,
Seth. Anybody have any questions for Seth.

MR. LORD: I'd like to respond.

CHAIRMAN CHRISTIANSON: All right,
Ken's going to respond.

MR. LORD: Thank you for your comments.
I'd like to offer up one clarification, and I think
it's a key one to one of your points there.

You are correct that in Title III of
ANILCA there are purposes of the Refuges listed. The
Kenai National Wildlife Refuge does not have
subsistence listed as a purposes, that is correct. On
the other side of that coin is Title VIII of ANILCA,
which says that the rural priority will apply on all
public lands, and public lands are defined as all
Federal lands. Years ago we took that question before
the District Court of Alaska and said, hey, you know,
this Refuge looks different and the judge told us, no,
public lands in Title VIII means all public lands, including the Kenai National Wildlife Refuge. So we have taken that issue to the courts, which -- and once the judge makes that decision it's binding on this body. So that issue has been addressed as far as anything we can do about it.

MR. WEAVER: Well, Mr. Ellis is unaware of that. I'd be interested to see what court case that was because from his perspective, frankly, it's unclear, and that's within the Federal agency.

But, you know, I understand, but the intent of Congress, again, is being overruled, but I'm all for subsistence fishing, but I can -- there was a clear intent, originally, when the Refuges were put out and every other Refuge in Alaska, the subsistence fishing was a clear intent, this Refuge was not a clear intent and I don't think that question has been resolved, but I appreciate what you just said, Mr. Lord.

CHAIRMAN CHRISTIANSON: Thank you, Seth. And we'll look forward to seeing some special actions from you regarding the situation.

So that concludes that part of it, so I'll thank you guys, appreciate the public.

That moves on to action on Regional Advisory Council annual reports. Carl Johnson.

MR. JOHNSON: Thank you, Mr. Chair. And good afternoon, Mr. Chair, Members of the Board. It's a pleasure to see the new members of the Board, welcome.

My name is Carl Johnson, I'm the Council Coordination Division Chief with the Office of Subsistence Management. In that role, one of the things I do is, put loosely, oversee pretty much all things related to Regional Advisory Councils. In this case we're talking about the annual reports of the Councils to the Board.

Now, the action on this originates in Section .805, where Congress directed -- provided the opportunity for Councils to prepare annual reports to the Secretary, now our Secretarital regulation
subsequently modified that to be a report to the Board. Those reports are encouraged to include, identification of current and anticipated subsistence uses of fish and wildlife populations within the region, an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region; a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs and the recommendations concerning policies, standards, guidelines and regulations to implement the strategy.

In addition to that, other duties the Regional Advisory Councils have are to participate and provide comment on other or any matters related to subsistence uses of fish and wildlife within their region.

So over time what you've seen here is a development of annual reports that encompass a lot of subject matter and I'm going to get into some of those subjects broadly here shortly.

Just a quick overview, particularly to benefit our newer Board members on how we come to this process, we look at our annual reports as a fiscal annual report so it's a report on the previous year that it's just completed. So at our fall meeting cycle, the Councils are asked to identify issues they would like to include in their annual reports, with that input, the Staff write a draft annual report that the Councils then review, modify and approve at their winter meetings. Staff principally from OSM, but also from other offices and other agencies, draft those responses, which are then collated, reviewed by the InterAgency Staff Committee and then are before you now.

In addition to that, the Secretarial Review, which was mentioned earlier during the information exchange, one of the items in there related specifically to insuring that the Secretaries are informed if other departmental rulemaking or activities impact subsistence. So sometimes there are things that do come up through the annual report process, which are elevated to the Secretaries per that directive.

Now, there are some kind of general overall themes that are in this year's annual reports,
and some of them are fairly common. You'll see them again, time and time again, and increasingly funding is one of them. This year several Councils raised concerns specifically about funding related to travel, the ability for Council members to travel to State Board of Game, Board of Fisheries meetings, to support their Council's recommendations on State regulatory processes, travel for Staff to attend and be in person at meetings. The opportunity to conduct meetings in non-hub communities, which can be extremely expensive in some areas, in many cases doubling the cost of a meeting. Funding for the Fisheries Resource Monitoring Program. Funding for other wildlife -- for wildlife research, particularly Southeast Council mentions the need for additional funding for wolf research in Unit 2. And then training for new Council members. Actually providing the opportunity for people who are newly appointed to the Councils, to come into Anchorage and to be trained on everything they need to know to be effective Council members, rather than just getting a quick overview before their first meeting.

Another theme that shows up quite frequently are other agency projects or actions that may have or are affecting subsistence resources. The Cooper Landing bypass for the Southcentral Council. Refuge Staffing for the Kodiak/Aleutians. Both the Western Interior and Northwest Arctic expressed concerns about the Ambler Road and what impacts it would have on subsistence resources, namely caribou. The Eastern Interior Council commenting on the National Park Service proposed rule, they're doing right now, to reverse their October 2017 rule.

MR. FROST: '15.

MR. JOHNSON: Excuse me, 2015. I knew as I was saying it, that it was wrong, because that was inside the window of the Congressional Review Act, if that had been the case, or outside.

BLM Central Yukon and Bering Sea Western Interior RMP for the Western Interior Council. And then a military toxic site along the Umiat River expressed -- the North Slope Council expressed concerns about that.

User conflicts or potential illegal activity affecting subsistence activities is another
theme. Non-Federal users in the Russian River Federal
fishery. Low flying aircraft in the Northwest Arctic
region. Commercial sale of Yukon caught salmon strips,
subsistence salmon. Unit 23 caribou conflicts, two
Councils discussed that, both Northwest Arctic and
North Slope. The so-called domino effect where, when
resources are low in one region, users from that region
go to an adjacent area and then push other users out
and then that pushes other users. And then caribou
deflection in Anaktuvuk Pass.

Consistent with other years there are a
variety of very unit specific wildlife concerns that
are mentioned, and I'm not going to go over all of
those but they range anywhere from moose to an
increasing concern, several Councils mentioned about
status of snowshoe hare and willow ptarmigan. Other
common ones are caribou and chinook salmon are
mentioned frequently in these annual reports.

And another big theme that has come up
again this year that has been fairly consistent
recently is collaboration and cooperation between this
program and others, whether it's with tribes, through
the tribal consultation process or it's among other
agencies that have jurisdiction over activities that
affect subsistence resources. So some examples, for
example, the Southcentral Regional Advisory Council
wanted an update on the status of formation of the
Ahtna local advisory committee, which was part of the
MOA that was mentioned earlier during information
exchange. Appreciation by the Kodiak/Aleutians Council
to the Sunaq Tribe, and the Kodiak Soil and Water
Conservation District for their efforts in combating
evasive species.

State and Federal agency Staff
attending meetings. Again, a common theme.

And the role of the Regional Advisory
Councils and kind of a historic understanding of how
they came to have the role they do in making
recommendations to the Board.

And, again, the Eastern Council, being
very appreciative of the efforts that this Board has
supported in developing a pilot hunter education
program in the Eastern Interior Region.
So that's a quick overview.

Now, typically -- I'm just going to give you a quick overview of the sort of responses that we try to give and that this year's annual report replies do provide.

First of all we endeavor to provide specific substantive responses, rather than kind of your standard canned agency non-response response. We really want to give the Councils good information. And even if it's, in many cases, an issue that's outside of this Board's jurisdiction, we want to make sure that we provide them the tools necessary to address the issue. Again, reference to Northwest Arctic and concern about low flying aircraft. We give them information on how to submit a report, what kind of information to include in the report and, who, specifically, they can contact, via email and phone, to make those reports.

A lot of the fish and wildlife concerns that are expressed by the Councils, the response we try to give them is what is the current status of that population, what is some recent research, what are some trends, and what are some recent management actions that have been taken regarding those fish and wildlife, and not only Federal management, but also State management, so the Council has a good comprehensive understanding of what is going on with that particular issue.

With the funding, quite frankly the response typically is, we support your desire to do X, whatever it is, more travel, non-hub communities, whatever, but unfortunately this is the status we're in right now with regard to funding and we will let you know if anything changes and we encourage you to come up with creative solutions. You know, one example in the past was a request was made by the Kodiak/Aleutians Council to have a meeting in Unalaska and funding-wise we really couldn't do that, but the Council coordinator worked with another agency to get additional funding for that and that was kind of a solution that was made that allowed to accommodate that request but also recognizing the funding limitations we had for that.

Cooperation and collaboration.

Typically any of those we provide the Councils information on currently how we do things, for example,
tribal consultation. And one of the examples of that, this year, and a couple of the Councils, when they ask about tribal consultation, we provide by providing information about a recent tribal consultation engagement session that the OSM Native Liaison, Orville Lind, conducted in the Southeast region and how that model is going to be applied to other regions and if the Council's interested we could do the same thing with tribes in their region. Or we'll provide them information on how to better reach out to and other agencies to get those Staff present or to make reports on whatever the issue is they're looking for and we promise that we'll provide them the Staffing resources to help them make those connections.

Which leads me to one of the supplemental handouts I provided you. And that is, a lot of times, these annual report replies make a lot of representations. You, the Board, are telling these Councils, we will provide you this resource, we will make this happen, we will contact this agency or we'll forward this to the Secretary. So one of the things we want to make sure is we don't lose track of whatever it is that's in these replies so that we made sure they're followed up on.

Now, when you look at that, there was nothing in the replies this year where we said we're going to elevate this issue to the Secretaries. In many cases, for example, with the Western Interior Council's comments on both the Ambler Road project and with some BLM RMP processes, in both cases, the Council had already submitted a direct comment letter to the agency on that so there was really no necessary followup. There are no items where we specifically say we will refer to another agency for action. Now, some responses we refer to another agency to provide the response. Several in the Kodiak/Aleutians Council annual report reply were referred to Refuges for them to provide information or the Marine Mammals Program or the Migratory Birds Program, so they're coming from those specific expertise offices.

But the other followup, there are several items here and I've gotten them broken down by Council so you can see them, so you can kind of keep track of what other things that, in these replies, the Board is representing to the Councils that it will do. And a lot of it is directing Staff, encouraging
followup, encouraging monitoring of a particular issue, like the Umiat Military Waste site in the North Slope region, and encouraging Federal land management agencies to do X, Y or Z. So, for example, in the Eastern Interior, with what I mentioned earlier, their concern about the domino effect, the reply to the Eastern Interior, the issue on that, is, we'll encourage Federal land management agencies to consider this when they're designing future research projects.

And one of the things we were -- the Staff were not able to find, any research on that particular issue, and it definitely is an issue of concern, that crosses into a lot of issues, more broadly into what we call user conflicts. So it may be something that could be useful for somebody to conduct research on in the future.

So that's a quick overview. I'm not going to get into the specifics on a point by point, play by play on every single region's annual report replies.

I do have one other supplement that I provided to you and this is alternative proposed language to replace one response in Kodiak/Aleutians.

Now, this was one of those issues that the Office of Subsistence Management asked another program to respond to, in this case the Refuge's Program, because this is, again, an area of their expertise and their decisionmaking. So the original draft response is on the second page of that annual report reply, this is issue number 1, so you can see what language was originally reviewed by the InterAgency Staff Committee and then you can see before you the replacement language. Now, typically we take whatever it is that the other office is giving and we just take it verbatim and bring it in and you'll see with the lead up letter we've referred this issue, we, the Board, referred this to the National Wildlife Refuge System Alaska Region which provides this response. So if this is what Refuges would like to replace then my suggestion would be we stay with consistent practice and just take their new language, if that's what the Fish and Wildlife Service member would like to have come from the Refuges and then just insert that in as a replacement for the response on issue number 1.
MS. PITKA: Which did you say that was on?

MR. JOHNSON: That's on the second page of the Kodiak/Aleutians annual report reply. It's issue number 1.

MS. PITKA: Thank you.

MR. JOHNSON: So at this time I would like to proceed as the Board wishes, if there is some specific things you would like to ask me of, regarding any of the annual report replies, I can do that, or if Board members have particular language changes they would like to insert or discuss, we can just proceed with discussing those as needed.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you for that presentation, Carl.

Any questions for Carl.

(No comments)

CHAIRMAN CHRISTIANSON: Nobody has a problem with him inserting that new language for issue number 1.

(No comments)

CHAIRMAN CHRISTIANSON: Well, we'll consider it a matter of getting it done. All right, I think this should just take a motion.

MR. SIEKANIEC: So moved.

CHAIRMAN CHRISTIANSON: Motion's been made to accept the report on the annual replies.

MR. FROST: Second.

Discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Call for the
question. Okay, Rhonda.

MS. PITKA: I was just going to express that I'm really appreciative that we no longer use those canned responses and that a lot of thought and effort has been put into the responses to the Regional Advisory Councils. You know, we depend very heavily on their input into the matters at hand.

Thank you.

MR. JOHNSON: And through the Chair, I'd like to thank Member Pitka for that, and I can't leave without recognizing the incredible amount of work that goes into these replies from pretty much every division at OSM has a piece in this, in addition to, we received responses from Forest Service, from BLM, and then also as previously mentioned from offices of Fish and Wildlife Service, and the timing is challenging because, you know, the Staff who are working on these are also starting to get new proposals coming in on the fisheries cycle. So a lot of the folks who were writing these responses are also getting started on writing proposal analysis. And every year we do this, I think we put out a much better and better product. If we have room for improvement, it's there, but I just want to recognize there's a lot of incredible work that went into this and really high quality work and I'd just like to thank the Staff for all the work they did. And I know that the Board appreciates it.

So, thank you.

CHAIRMAN CHRISTIANSON: Thank you, Carl. Thank the Staff as well.

Call for the question.

MR. BROWER: Question.

CHAIRMAN CHRISTIANSON: Question's been called. All in favor of accepting the annual report replies signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same sign.
(No opposing votes)

CHAIRMAN CHRISTIANSON: Motion carries unanimously. Thank you very much Carl for your presentation.

MR. JOHNSON: Thank you, Mr. Chair.

Members of the Board.

CHAIRMAN CHRISTIANSON: Next we have wildlife delegation of authority request revision, Chris McKee.

MR. MCKEE: Thank you, Mr. Chair. For the record my name is Chris McKee, I'm the Wildlife Division Supervisor at OSM and kind of helping me out here is Tom Whitford, the ISC member with the Forest Service in case you guys have any further questions.

I believe this is Item number 4 on your agenda. This is the current existing delegation of authority letter for the Craig Ranger District in reference to deer and wolves. And we have put the suggested changes to this letter in tract changes so you can see specifically what we're talking about under Item number 3, the second bullet that deals with the scope of delegation for wolves.

It currently reads that they may close a Federal hunting and trapping season when the combined Federal and State harvest quota is reached for wolves and we're suggesting changes to read, you may close, reopen or adjust the Federal hunting and trapping season for wolves.

So for the most part the main reason we're doing this is to give the Federal land manager the maximum amount of regulatory flexibility to respond to changes on the ground for the biology. Right now they can only close the season so if conditions change and there are more wolves available for harvest, they can't really do anything if they've already closed it, so this would allow them some flexibility to reopen once they've closed, and then also if they decide that they would like the existing season for hunting and trapping to somehow be different, either within the existing frameworks for both the hunting and trapping, that they can adjust those seasons as they see fit. So really this is just kind of adding that, the
flexibility would need to respond to on the ground changes.

And, so, Tom, if there's anything you'd like to add to that, feel free.

MR. WHITFORD: Yeah, one thing that I wanted to add to the record is currently the Federal wolf hunting season is 91 days longer than the State wolf hunting season and the wolf trapping season is 16 days longer than the State wolf trapping season.

That's it.

CHAIRMAN CHRISTIANSON: Thank you. Any questions for the Staff.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you, guys. I think we need direction, we'll take an action on this one, and we'll do it in a form of a motion to accept the amended language to allow for the delegation of a letter of authority to include opening as well as closure.

MR. SCHMID: Yes, Mr. Chair. I would move to adopt the proposed modified language and the Craig District Ranger delegation of authority letter as written on Page 2 which states:

You may close, reopen, or adjust the Federal hunting and trapping season for wolves.

CHAIRMAN CHRISTIANSON: Motion on the floor.

MS. PITKA: Second.

CHAIRMAN CHRISTIANSON: Second by Rhonda.

Any further discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, call for the question.
MR. BROWER: Question.

CHAIRMAN CHRISTIANSON: Question's been called. All in favor of the motion signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same sign.

(NO opposing votes)

CHAIRMAN CHRISTIANSON: Motion carries unanimously.

Thank you.

Next, we'll call on Theo, update on the subsistence regulations.

MR. MATUSKOWITZ: Good afternoon, Mr. Chair, and Members of the Board. I'm Theo Matuskowitz, Regulation Specialist for OSM. This is going to be short and sweet.

The wildlife regulations that you addressed in the April meeting, they've been reviewed throughout the various Federal agencies here in Alaska. We are currently awaiting for them to move forward to the Washington office for surname processing through Fish and Wildlife and Department of Interior. The same goes for the regulations, the specific fishery regulations for the Cook Inlet. And then the rulemaking for the Tongass National Forest Submerged Lands, what we're referring to as Tongass II because it's the second round, exact same thing we done before, the Forest Service has basically finished up the majority of their work and they are reviewing the listings that they've identified and as soon as that is done, we'll move forward with the proposed rule on that action.

And those are the three current rulemaking actions we have at this time, and their status.

Are there any questions.
(No comments)

CHAIRMAN CHRISTIANSON: Any questions for Theo.

Bert.

MR. FROST: So just in terms of process, remind me, you're anticipating getting this done by the end of the year so they become effective January 1st; is that right, or is it a quicker process than that?

(Laughter)

MR. MATUSKOWITZ: The wildlife regulations, are you referring to those or what, what.....

MR. FROST: Take your pick.

MR. MATUSKOWITZ: Wildlife regulations were supposed to be effective July 1st of this year.

MR. FROST: So they're not.

MR. MATUSKOWITZ: No, they are not. The Cook Inlet regulations, we do not have a timeframe for those. The Tongass II rulemaking, the court did not assign us a deadline, however, we do have to issue quarterly reports to the court on the status of that action. And the last action, of course, was the final rule from the first batch of Tongass listings and now we're in the second batch so we'll be reporting to the court on the status of that also.

MR. FROST: So back to the wildlife regs. So we're status quo, what was done last year until these new regs -- are they going to be -- let's say the surnaming process miraculously gets done in a couple of weeks, would they -- how soon could they go into effect after the Federal Register notice is published?

MR. MATUSKOWITZ: Well, they would go into effect upon publication. However, if the surname would get done today, I would say probably it would require an additional two months to get through the process in Washington until we got permission to send
them to the Federal Register for publication, takes approximately 10 days with the Federal Register and like I said they're effective upon publication.

MR. SIEKANIEC: Thank you, Mr. Chair. Theo, we were talking earlier, remind me, again, what regulations were we anticipating that would be in place this time that is creating some awkwardness for us that we may need to think about taking a different action right now as an interim step?

MR. MATUSKOWITZ: That would be the Unit 2 deer and then the moose in Berners Bay and Unit 23, those actions are problematic with the delay in publications of these regulations.

MR. SIEKANIEC: Thank you, Mr. Chair. Thanks, Theo. Unit 23, what's the status of the hunt up there, you know, if we don't do anything right now and it just carries through this fall?

MR. MATUSKOWITZ: The regulations, as existed prior to the Board action in April are still in effect.

MR. SIEKANIEC: So they go in effect from what had been published two years ago, two years and.....

MR. MATUSKOWITZ: Correct.

MR. SIEKANIEC: Which means it's an open.....

MR. MATUSKOWITZ: Yes, there's no change from what the previous regulations were.

MR. SIEKANIEC: And what's not getting implemented is what we asked the working group to get together and kind of design the next step in, you know, trying to resolve some of the user conflicts and various things going on up there?

MR. MATUSKOWITZ: That is correct.

MR. SIEKANIEC: So I guess my question is, what can we do, as a Board, in the interim of not having those regs hitting the Register and becoming timely, is there an emergency action we could put in
place, I mean I'm trying to figure out what the process
would be, I'm looking a little bit at Tom, and
obviously Theo and folks.

MR. MATUSKOWITZ: Yeah, the only
process existing within the regulations would be a
special action.

MR. SIEKANIEC: Special action.

MR. MATUSKOWITZ: Yes.

MR. SIEKANIEC: Does the Board design
their own special actions or respond to a quick special
action designed by OSM, or is this like new territory
for us?

MR. DOOLITTLE: Through the Chairman,
to Mr. Siekaniec, yes, this would be relatively new
territory. But the development of special actions, you
know, through, and cooperation with the Board, as
issues arise to accommodate, you know, users that are
-- for example, we may have deer hunts or caribou hunts
that -- again, that the final administrative action has
been made by the Board, but, again, the enforceability
of those actions aren't -- aren't enforceable until the
publication in the Federal Register. And much of the
signatures are that as a matter of courtesy and
professionalism of going through the process of making
sure everybody's aware of what those regulations are,
but, still if they're not met on time, we may have to
field issues that are arising on a need basis. What
those issues will be will be forthcoming. Our office
has been receiving phone calls about that. But also
please remember that it's important that the existing
past regulations are still enforceable and that these
are revisions of existing regulations.

Thank you.

MR. SCHMID: So, Mr. Chair, maybe a
basic or naive question, back to Mr. McKee -- no, got
the wrong guy -- Theo. So is this process not typical
as far as getting published in a timely manner or is
this something unique?

MR. MATUSKOWITZ: Yes, it's -- this is
not typical.
In the 16 years I've been with the Program, we have missed a deadline once, I think it was in 2007, however, these last two cycles, the prior fish cycle we missed by I think it was around nine months, and then this cycle obviously is ongoing, it should have been published by the 1st of July. So, yeah, it's very slow now.

MR. SCHMID: Thank you.

MR. PELTOLA: So with that being said, if we have not had -- surname haven't proceeded with the regulations passed by the Board in our April work session, so what have we done to inform the public with regard to the HandyDandy? Has anything new gone out at all or did we hold off on it?

MR. MATUSKOWITZ: No, it's being held off because we cannot issue the new public booklet because the changes would not be valid until the CFR is published. So any time -- and we have, obviously, been contacted by members of the public, and we inform them that, you know, the changes that the Board made in April are not valid yet until publication within the CFR and as soon as they are we will be doing outreach, which is, you know, television, newspapers, radio, you know, various social media, news releases, with the new public booklet.

MR. PELTOLA: And with that being said, though, in absence of responding to direct inquiries from public members or Federally-qualified users or non-Federally-qualified users, well, we haven't done any other type of outreach with regard to this regulatory, the new regulatory regs, so we haven't had any outreach, we're just responding to inquiries, correct?

MR. MATUSKOWITZ: No -- yes -- if I understand your question, no, we haven't done anything special to advertise the fact that we're still waiting to publish them.

MR. PELTOLA: Thank you.

MR. SIEKANIEC: Thank you, Mr. Chair. Theo, thanks for the information. So I'm also now thinking that I'm going on to the, like the fisheries work, and the Cook Inlet revisions, and the idea that
we had indicated to the Ninilchik project or effort, that we would have something in place from the regulation standpoint, that also would be not timely for next year, we would have to create another special action around that?

MR. MATUSKOWITZ: I really hope it does not go into that. The regulations are done. They've been reviewed by both OSM leadership Staff, by the ISC, we're simply waiting on surnames, which......

MR. SIEKANIEC: Okay.

MR. MATUSKOWITZ: .....obviously we don't have control over.

MR. SIEKANIEC: Mr. Chair. So I guess I'm looking again at maybe Tom, I mean what recommendation would you have to satisfy, one, the very immediate concerns, with like Unit 23 and such, and then, of course, we have a little bit of time on the regulations for fisheries, but, still, want to make sure that we get those ready in a timely manner.

MR. DOOLITTLE: Well, the thing I think we need to be is just probably, you know, direct with the individuals involved in the surname process and then also, you know, talking about, you know, how -- and getting a better understanding of what's going on, so we can start to move our regulatory process forward in a more smooth fashion in the future.

MR. SIEKANIEC: Mr. Chair. Thanks, Tom. But are we better than just letting the existing ones stay in place until we actually get them published in the Federal Register; is that kind of what I'm hearing from you?

MR. DOOLITTLE: That's what we have to do. I mean that's the -- they're the regulations that are in place right now. Unless there's forthcoming, you know, temporary special actions that would be put into place where we could troubleshoot, you know, some issues that might be oncoming until those approvals are made.

MR. SIEKANIEC: I think that's what I was trying to ask. Are we better trying to do a temporary special action or just let the existing
regulations ride it out?

MR. PELTOLA: Thank you, Mr. Chair.

There are two routes to take, One, is accept what is now the status quo, which means we go back to what is in the existing regulations book. Or, two, we could potentially, and this would require clarification from Mr. Lord, as the legal counsel, we have within regions delegations of authority to various land managers and agencies and just -- and I know that there's some varying verbiage in each of those delegation letters based on the region but if the intent of the program was to get to a place closer to what has been passed by this body in the April meeting, could we not utilize that delegation of authority from the in-season manager to execute that authority delegated by the Federal Subsistence Board to mirror an action similar to what was passed in the April meeting.

And the reason I say that, because I know there's some variations, but if we look at this Craig delegation letter itself, it stipulates that delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10, you know, and such, which states: the Board may delegate to agency field officials the authority to set harvest, possession limits, define harvest areas, specify methods and means, specify permit requirements and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.

That would give the in-season manager authority, if the Board chose to do so, to emulate the intent of the Federal Subsistence Board's actions in April.

MR. DOOLITTLE: That would be -- it seems on the surface that would be a good idea and also it could be more timely and reactive than probably what the Board could do through a temporary special action process, because the key is with these things is that they may come up in an add-need basis with a quick reaction to serve our constituents.

CHAIRMAN CHRISTIANSON: Do we have a similar letter with Unit 23?

MR. PELTOLA: We would have to look at each of the individual delegation letters because they
do vary but in those areas of potential need, we may have something similar in place and my understanding of the delegation is that when an in-season manager or the Federal Subsistence Board receives a special action request, OSM validates it, they write an analysis, make a recommendation to the Board and such, that's the process, but with in-season management decisions, an in-season manager can take an action, they just have to articulate and justify of why that action is taken for the administrative record and there is not necessarily a multiple page document which is prepared and presented to the Board for consideration.

MR. SIEKANIEC: And if the Board takes a special action it also involves an element of public input, you have to have a hearing in some manner?

MR. DOOLITTLE: On a temporary special action, on an emergency special action that's optional.

MR. SIEKANIEC: Emergency would be optional.

MR. DOOLITTLE: Yes.

MS. PITKA: I was just going to ask for clarification on this surname process, what is that, and where is it? Is this.....

MR. DOOLITTLE: There's two parallel circuits, one goes through the Department of Interior -- goes from -- after it leaves OSM goes to the Solicitor's of both the Forest Service and the Department of Interior, and then it will move up a variety of different folks all the way up, you know, to headquarters, and then it goes to -- once all those approvals are made by both sides, then it goes into the Federal Register. So it needs, Theo, what, 20 different signatures.

MR. MATUSKOWITZ: On DOI side.

(No comments)

MR. MATUSKOWITZ: On USDA side, I haven't been able to identify exactly how many it is, but it's at least a dozen on the USDA side. DOI is.....
MR. DOOLITTLE: In the 20 range?

MR. MATUSKOWITZ: .....20, yeah.

MR. DOOLITTLE: Okay.

MS. PITKA: So is there a friend we can phone to get this moving.

(Laughter)

MR. PELTOLA: One thing I would like to point out is that we have two different type of delegation of authorities, one being fishery, which are limited to emergency special actions and a lot of our wildlife delegation authority allow the in-season manager to take temporary actions over 60 days, although if it goes beyond 60 days then a public hearing has to be held in the affected area.

CHAIRMAN CHRISTIANSON: Chris.

MR. MCKEE: I'd just like to point out that currently there is not an existing delegation of authority for caribou in Unit 23.

MS. PITKA: That's an issue.

(Laughter)

MR. MCKEE: So sorry, Gene.

(Laughter)

MR. LORD: Mr. Chair, could I request a five minute time out.

CHAIRMAN CHRISTIANSON: Time out. We're going to take a recess for a second here, take five.

(Off record)

(On record)

CHAIRMAN CHRISTIANSON: Welcome back from our five minute recess. Famously five minutes.

All right, Theo, it looks like you have
something to share with us.

MR. MATUSKOWITZ: No, basically just still standing by for any further discussion or questions.

(Laughter)

MR. MATUSKOWITZ: I wish I had all the answers.

(Laughter)

CHAIRMAN CHRISTIANSON: All right. Rhonda.

MS. PITKA: Could we perhaps update the letter of delegation that we already have for Unit 23. Would that be in order or, in order to like move things along slightly for those folks up there, so we don't have this issue?

MR. MCKEE: Just to repeat what I said before the break, there currently is no delegation of authority letter for caribou in Unit 23.

CHAIRMAN CHRISTIANSON: Just for a matter of process here and a question, is that something that we can possibly do?

MR. PELTOLA: Mr. Chair, if I may. Do we have a delegation of authority with regard to wildlife in GMU 23, which doesn't contain caribou, do we have any wildlife delegation authority in GMU 23 for anything other than caribou?

MR. MCKEE: Yes. We have some for sheep, I believe. Maybe one or two others but for sure sheep, yeah.

MR. PELTOLA: So with that being said, my understanding of part of the discussion earlier, and I came in late in the discussion, is that the Board could direct OSM to do a modification of that delegation of authority letter to include caribou although there wouldn't be any particular public aspect of that action but could we not schedule a telephonic meeting of the Board to consider that change, make it available to the public so they could provide comment
on that particular subject matter as need be and then
the Board takes action via telephonic to approve the
modification for that delegation letter for Unit 23 to
include caribou?

And, Mr. Chair, one other thing that
Ken had mentioned, in absence of a delegation of
authority letter to a specific land managers, within
the Federal Program, there is a blanket delegation of
authority letter that goes to the ARD of OSM.

MR. LORD: That blanket letter is only
for emergency special actions and the ARD can only act
with the unanimous consent of the Staff Committee, and
it's only for wildlife actions.

CHAIRMAN CHRISTIANSON: Chris.

MR. MCKEE: Also we do have -- like I
said, we have existing delegation of authority letters
for sheep and muskox in Unit 23, however, the areas of
interest are very specific in those delegation of
authority letters and as near as I can tell they don't
include the areas that we'd be most concerned about, the
Noatak, lower Noatak.

CHAIRMAN CHRISTIANSON: Theo.

MR. MATUSKOWITZ: One thing I'll point
out is delegation of authority is an administrative
action, it is not regulatory in nature, so, once again
the Board can act on administrative issues without the
normal APA requirements that fall under rulemaking. So
I'll just throw that out there.

CHAIRMAN CHRISTIANSON: So, in essence,
Theo, we could make a new delegation letter and
administrate it out of our office to that manager out
there prior to the regulation being signed?

MR. MATUSKOWITZ: Correct. And if you
would want to, you know, based on the circumstances,
you could -- normally our delegation letters currently
say that this delegation will remain in effect until
rescinded by the Board, since this is kind of a special
deal, you could issue it just for this season or have
specific dates for it, that's within your purview as a
Board under Section .10 of the regulations.
CHAIRMAN CHRISTIANSON: So we'd be able to say something like until the Register's posted and becomes effective?

MR. MATUSKOWITZ: Yes, you could.

CHAIRMAN CHRISTIANSON: Yeah, I mean since we don't know what that date looks like, I mean effectively we could end that delegation at that point.

MR. MATUSKOWITZ: Upon publication of the next wildlife regulation.

CHAIRMAN CHRISTIANSON: Go ahead, Gene.

MR. PELTOLA: And, Mr. Chair, one thing I would like to point out is that, yes, a delegation of authority letter is an administrative action for the Program, although two years ago OSM approached the Board with regards to some very controversial and potentially contentious issues where we took the approach that the delegation of authority letters would be provided to the Board for consideration of those changes before implemented. Just a little recent history.

CHAIRMAN CHRISTIANSON: So what we'd, maybe for process, would want to look at maybe drafting are we at three issues right now that we need to deal with, Unit 2 deer, Unit 23 caribou, and there was one other, moose, Berners Bay, which isn't time sensitive, that's next year, so we can realistically look at two letters of delegation and since the Board needs to look at it, do we give them until tomorrow.

(Laughter)

CHAIRMAN CHRISTIANSON: No, I'm just looking at a timeline for the Staff to be able to draft that delegation letter, or do we come back on a teleconference and review it or what.

Greg.

MR. SIEKANIEC: Thank you, Mr. Chair. So this sounds like an approach we can take, but I'm just wondering though how easy is that going to be to convey to all the potential users that we're doing it through a delegation of authority letter and help that
manager be able to get that word out to make it something that's actually well known, where, I think people are used to waiting for the regulation book or -- I don't know, I just -- what's the likelihood of success that we're not going to have just a bunch of confusion, that's my concern.

CHAIRMAN CHRISTIANSON: It probably is a concern, but when we close it, it's closed, right, and if we're going to set regs then we're going to have to utilize our outreach tools, Mr. Orville.

(Laughter)

MR. MATUSKOWITZ: I would assume the process would be the same as we do for any special action as far as outreach. You know we have various tools that we can use, depending on the area, television, radio, newspaper, social media, news releases, it's a little bit different for different regions of the state but we would have to do the same thing, and it's still going to be some form of a special action in this case instead of coming directly from the Board, it'd be from the in-season manager, which, once, again, you know, normally we're going to do outreach to inform the public of those changes just as we do for any other special action throughout the state.

MR. SCHMID: Mr. Chairman. It was just brought to my attention that we've got another hunt as well and that's a moose hunt on the Dangerous River near Yakutat that would kind of fall under the same category of changes for this fall.

MS. MOURITSEN: Through the Chair. Theo, would you tell the public to just use the book from last year along -- except for these three situations. I don't understand how.....

MR. MATUSKOWITZ: Yes, we could say the -- you know, however you want to word it, you know, current public booklet remains in effect until the new regulations are published, however, you know, in unit such and such, you know, special actions to be done to effect, you know, whatever species, season, dates, area, so, you know, yes, we could address that.

MR. DOOLITTLE: And, Theo, it won't
take -- I mean the HandyDandy's ready to publish, correct?

MR. MATUSKOWITZ: That is correct.

MR. DOOLITTLE: And, so, and to get it out the door would take another month?

MR. MATUSKOWITZ: Yeah, we can put it on -- once the CFR publishes, literally that day it would be on the website and then probably between a week, two weeks for the actual printing and distribution of it statewide.

MR. DOOLITTLE: Okiedoke, and that's ready?

MR. MATUSKOWITZ: It's 100 percent ready to go.

CHAIRMAN CHRISTIANSON: Rhonda.

MS. PITKA: It just seems to me that we've gone through quite a lengthy, you know, public process on this and for it to be held up, you know, based on some signatures, it kind of circumvents that public process in my mind. I'm trying to put my mind around, you know, like how many other people need to be involved with this, you know, are there specific people that we can phone?

MR. MATUSKOWITZ: It.....

MS. PITKA: Because I've got my phone here.

(Laughter)

MR. FROST: Phone a friend, let's go.

MR. MATUSKOWITZ: The process -- or the list of people who approve this, it changes with every administration and sometimes it changes, depending on -- on the final rule and what offices they decide to send it through in DOI and other places. So, I mean, right now, believe it or not it's probably one of the best times that we have to have people in the right places to assist us with this because some of the key people that we work with in the Office of Policy
Procedures and Management in Fish and Wildlife Service are currently working in the Secretaries Office, so they are positioned in a great location to assist us in getting this stuff through, but, still, I mean, we don't make the rules, they don't make the rules, you know, it comes from higher and, you know, we can complain all we want and it's just going to -- you know, they tell us how it's going to do it and that's how we have to do it.

CHAIRMAN CHRISTIANSON: Steve.

MR. WIELECHOWSKI: Mr. Chair. Steve Wielechowski, Senior Advisor. I'm going to do a rare thing in the Federal government, this was my fault. I am the surname that held this up and it was completely unintentional. I went from a digital surname to an email and when Greg, during the break, flagged this for me, I pushed it through. My ask would be, if it -- if it's acceptable to you, if you can give me a week I think I can get this through to the Register this week.

This is my fault for it being held up, it just didn't hit my digital, it was in the old email system and I had updated and it wasn't communicated back to you so I think I can get this pushed through in a week if you could buy me that time so we don't have to kind of hodgepodge delegations of authority.

CHAIRMAN CHRISTIANSON: Thanks for the update, Steve, is that something the Board's willing to live with. I mean one of the bigger issues is Unit 23, I know Unit 2 deer is already open, August 1 for everybody. I don't know what the caribou season looks like.

MR. SIEKANIEC: Yeah, you're answering my question, I don't know, when was the caribou, Gene, you're familiar with that area up there, when's the caribou stuff start, get real active and really going?

MR. PELTOLA: I don't recall the start date.

MR. MCKEE: In terms of the non-resident, which is really what I'm getting most of the phone calls about, it begins August 1. Non-resident season for caribou in Unit 23 is August 1 to September 30.
MR. SIEKANIEC: So they're already operating under the existing, what do you call it, HandyDandy the existing regulation book, is what they're operating under right now, so I guess, Steve -- I'm inclined to take Steve up on his offer and say, you know what, if that's what they're already operating under because August 1st has passed then we can see if Steve, if you can't help us out and move that thing along and kick it out as quickly as we can.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: So that's great, but that's only one side of the ledger, right, do we have any idea where it is in AG?

UNIDENTIFIED VOICE: We're waiting on the Interior.

(Laughter)

UNIDENTIFIED VOICE: They were being so quiet.

(Laughter)

MR. SCHMID: Mr. Chair. I was going to let our Staff say that instead of at my first meeting.

No, I think in the past we've had issues with our -- we'll get it through AG and the signatures are stale by the time and we've had to go back through so I think the skids are fairly well greased if it does come through here that we would be on the same time line.

MS. PITKA: So the timeline is like one week from today, so that's Tuesday next......

MR. WIELECHOWSKI: Just give me -- so it takes -- if I can get it through this week it'll publish on the reading room this Friday. So I am going to do -- this was on me so I'm going to do my best to get it out.

MS. PITKA: I'd really appreciate that, thank you very much.

CHAIRMAN CHRISTIANSON: Thank you for
that rare moment, Steve, and we appreciate you taking
ownership. Truly do. I mean that is something that
more of us need to do so I appreciate that and it might
help our process here.

But if that doesn't happen, you know,
unforeseen.....

MR. SIEKANIEC: Thank you, Mr. Chair.

So, again, thanks, Steve, for helping us out with this
but I'm thinking, should we just prepare the delegation
of authority letter in light of two weeks from now
we're still not having a clear path forward and we need
to pull everyone together to have a Board action and
get it out or something.

I mean I don't know, I don't know how
we best cover this but we probably shouldn't leave one
rock kind of uncovered if it's an idea we need to look
at.

MR. DOOLITTLE: From a Staff
perspective, Greg, we'll work through a process for
sure at the direction of the Board, and to make sure
that we're -- we're covering all bases and to assist
Steve's office as well to the best of our ability so
we'll have everybody's back.

CHAIRMAN CHRISTIANSON: Sounds good.

So -- oh, Bert.

MR. FROST: So just a question, so I
think Rhonda made a good point, that this has already
gone through a lot of public discussion, do we need to
have another public input in terms of the delegation of
authority, because we're just basically sort of putting
something into action that's going to happen that we've
already -- everybody's agreed on and the public's
already done so can we -- do we have to -- can we sort
of skip that step or acknowledge that we've already had
extensive public discussion and all we have to do is
really do the Board action, which is agree on the
degelation letter. So I don't know if that's a Ken
question or a Tom question or a Theo question but it
seems like it's a little redundant. Sometimes we get
catched up in our own processes so much that we just
sort of lose the forest for the trees and we just are
trying to serve a short-term problem, it's going to be
served long-term when the regulations are done,
everybody's already seen them, they've already understands what they are. I'm not sure why opening up another public process on a delegation of authority would do much good other than confuse people.

CHAIRMAN CHRISTIANSON: Tom.

MR. DOOLITTLE: Yeah, you know, relative to the emergency and temporary special actions, emergency special actions wouldn't require a public, I mean it's always encouraged but emergency's are that, they're quick turnaround and to be reactive to a special need at that time. Temporary special actions do require the public input. The administrative action of a delegation of authority letter is just that, it's administrative, and that's held within the powers of this Board.

CHAIRMAN CHRISTIANSON: Okay, so just to recap here, we're going to have some letters drafted by the Staff at OSM that'll coincide with the waiting for signatures and the surnames and hopefully within two weeks we'll be -- either one or the other will be accomplished, the task.

Thank you, guys.

Any other discussion.

(No comments)

CHAIRMAN CHRISTIANSON: I think the Staff has direction here to develop letters of delegation and then we'll wait to hear from Steve. Thank you, Steve, for that.

Alrighty, thank you guys. Appreciate it Staff.

Update on the Fisheries Resource Monitoring Program. Pippa and Frank.

MS. KENNER: Hello, Mr. Chair. Members of the Board. We are Pippa Kenner and Frank Harris and we work at the Office of Subsistence Management and we are the co-Chairs of the Technical Review Committee for the Federal Subsistence Resource Monitoring Program and we're going to be describing that to you today.
So I'll have slide one come up, there we go.

Next slide, please.

We review the Monitoring Program every off year of the two year funding cycle. This is not an action item for the Board but the Board did request a review of this funding process. First, we'll supply some background so that you can better understand the program.

Next slide, please.

MR. HARRIS: Section .812 of ANILCA directs the Department of Interior and Agriculture cooperating with the State of Alaska and other Federal agencies to research fish and wildlife subsistence uses on Federal public lands and to seek data from, consult with and make use of knowledge from local residents engaged in subsistence. When the Federal government assumed responsibility for management of subsistence fisheries on Federal public lands in Alaska in 1999, the Secretaries of the Interior and Agriculture made a commitment to increase the quality and quantity of information available to manage subsistence fisheries.

Next slide, please.

The Fisheries Resource Monitoring Program was created as a collaborative InterAgency Interdisciplinary approach to enhance existing fisheries research and effectively communicate information needed for subsistence fisheries management on Federal public lands and waters.

In July 1999, the blueprint of the operational strategy was published by a subcommittee of the Federal Subsistence Board. This document directs most of what still occurs today.

The subcommittee developed the following 11 key attributes that the proposed organization should reflect.

The organization should be complimentary to existing information gathering activities and not duplicative.
It should be cost effective.

It should be scientifically sound and statistically correct in providing information.

It should provide an information base that is easily and freely accessible to all in a timely manner for analysis and interpretation while maintaining quality.

It should provide for technical analysis of data that is independent of and prior to policy interpretation.

It should be balanced in consideration of biological and socio cultural information types.

It should be interactive with ADF&G.

Seek opportunities for rural residents involvement and information gathering through local hires and cooperative agreements.

Flexible to use a variety of sources to gain information and to expand and contract based on program needs.

Should use a blend of field and centralized functions as required to accomplish the above principles.

It should also provide for each agency's information needs and be accountable to those Federal agencies responsible for subsistence fisheries management.

The organizational structure should contain three key structures.

A field component that conducts projects and is organized six geographic regions.

A central analysis and interpretation group located in Anchorage.

An InterAgency technical committee that ensures the organization remains focused on the information needs of subsistence fisheries management and provides oversight and strategic direction.
In particular, the InterAgency technical committee, now called the Technical Review Committee, would provide an overall strategic direction and oversight to the Subsistence Fisheries Information Program and would hold the program accountable to meeting the information needs of the Federal agencies for subsistence management. This committee would be solely focused on subsistence fisheries information, it would not be involved in the subsistence management regulatory process.

MS. KENNER: Okay. So as is demonstrated in this slide, it's a little small so I'll give you some help here, funds have gone mainly to the State of Alaska, to Federal agencies and then next to Alaska rural organizations, including tribes during the -- from 2016, the program started in 2000.

Next slide, please.

The blueprint also lays down the foundation of the geographical distribution of funds for the six regions, which are the Northern, Yukon, Kuskokwim, Southwest, Southcentral and Southeast regions. The goal of the distribution was to "provide for a proportional allocation of focus for a statewide information organization that functions to support subsistence fisheries management."

The recommendations for funding are used to quote, develop a balanced program that addressed statewide needs, not just those of the Yukon and Kuskokwim area.

Next slide.

MR. HARRIS: The subcommittee also developed six criteria to guide Federal agencies and allocations of funds. The geographic regions are organized to encompass Federal fisheries management areas. Allocations to geographic regions were modified slightly in 2005 when the multi-regional area was added and allocations for DOI funding and USDA funding were also separated because expenditures by each department must largely reflect their representative land management responsibilities.

The blueprint also identifies project types needed for subsistence fisheries management and
today these remain as harvest monitoring, stock, status and trends and traditional ecological knowledge.

MS. KENNER: Next slide, please.

Here we are going to present details of this process.

First, Regional Advisory Councils develop what we call priority information needs, or PINS. The Office of Subsistence Management writes and advertises a notice of funding opportunity, including the PINS.

For proposal submission a complete project package must be submitted on time. A proposal must align with the overall monitoring program and address the following five specific criteria.

Strategic priorities.

Technical and scientific merit.

Investigator ability and resources.

Partnership and capacity building and cost benefit.

To be considered for funding under the monitoring program, a proposed project must have linkage to Federal subsistence fishery management.

Frank.

MR. HARRIS: Key aspects of the Technical Review Committee proposal evaluation process include the following.

The TRC uses specific guidelines for assessing how and whether a proposed project has addressed each of the five criteria.

The TRC evaluates each criteria with a
rating scale between zero and 20.

Each agency produces one rating for individual proposals. Agencies with more than one TRC member jointly develop one rating for each proposal.

An agency does not score proposals that it has submitted.

And the TRC provides a single consolidated review of each proposal.

Next slide, please.

The contents of proposals must remain confidential.

Only the TRC can rank proposals in accordance with the criteria identified in the notice of funding opportunity.

Individual agency scores must remain confidential.

And transparency in this process is being able to answer questions about the program and the process.

The TRC evaluation process is confidential by design.

Go ahead, Pippa.

MS. KENNER: Next slide, please.

So what is the Technical Review Committee.

The TRC is a standing InterAgency Committee of senior technical experts that is foundational to the credibility and scientific integrity of the evaluation process for projects funded under the monitoring program.

The TRC is empowered to review and evaluate proposed projects and make recommendations consistent with the mission of the monitoring program for project selection.
Next slide, please.

Frank.

MR. HARRIS: The TRC met on July 20th to review the process and address the Board's questions concerning the ranking criteria, transparency, and geographical allocations of funds.

The TRC discussed and did not recommend any major changes but clarified a lot of ranking criteria.

The TRC discussed and did not make changes to the geographical allocation guidelines for funding. Specifically, the TRC recommended better descriptions in the notice of funding opportunity explaining how maximum points can be achieved in each ranking criteria.

And transparency was an issue for the Board and much of the funding process is guided by financial assistance regulations, not the TRC.

And as you can see on this timeline the process is going to continue after this, this is just an update. We're going to come up with a written report that will be reviewed by the ISC and then forwarded to the Board.

It's kind of hard to see on that but.

Thank you.

Any questions.

MS. KENNER: Next slide, please.

Next slide.

There we go.

MS. MOURITSEN: I don't understand what -- is this the review of the projects that you're considering right now? I wasn't quite.....

MS. KENNER: Thank you. My introduction wasn't quite clear, was it, this isn't an actually -- this is a status update of the review that
the Board requested but......

MS. MOURITSEN: Oh, okay.

MS. KENNER: .....that we do actually
do every off cycle anyway, in -- any.....

MS. MOURITSEN: Oh, okay.

MS. KENNER: .....every year off cycle
anyway.

MS. MOURITSEN: Gotcha.

MS. KENNER: So this would be the
written report of our review.

MS. MOURITSEN: Gotcha. Okay, thank
you.

CHAIRMAN CHRISTIANSON: Any questions
for Staff.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you.
Great presentation, guys.

Let's take 10 since we're almost done.

(Laughter)

CHAIRMAN CHRISTIANSON: A 10 minute
break. 10 minute recess you guys.

(Off record)

(On record)

CHAIRMAN CHRISTIANSON: Status update.
Proposed Ahtna InterTribal Resource Commission

Thank you.

MS. HARDIN: Thank you, Mr. Chair. For
the record my name is Jennifer Hardin, and I'm the
Subsistence Policy Coordinator for the Office of
Subsistence Management. And I'm here with Chris McKee, he's the Wildlife Division Supervisor and Theo Matuskowitz, our Regulation Specialist at OSM. And we're going to provide a brief status update about proposals to establish a community harvest system for moose and caribou that would be managed by the Ahtna InterTribal Resource Commission, or for short, for the purposes of this presentation, AITRC.

This is a reminder, the Board -- the Federal Subsistence Board deferred action on Wildlife Proposal WP18-19 during your April regulatory meeting. In addition to deferring action on the proposal until the Board's summer work session, which is this work session, the Board provided specific guidance on next steps.

The Board instructed OSM to use the deferral time to work with AITRC, the Regional Advisory Councils, Federal land management agencies, and ADF&G as necessary to, "cooperatively establish a framework for a workable community harvest system for moose and caribou in Units 11 and 13."

Board member Mouritsen made the motion that passed and she also stated an expectation that once the workable framework was developed, AITRC would submit a special action request for the Board's consideration. Following that meeting AITRC submitted a special action request to the Office of Subsistence Management for the Federal Subsistence Board on April 17th prior to developing a workable framework for the proposed community harvest system.

As a reminder, and for the public here, when the Office of Subsistence Management receives a special action request for the Board, we are obligated to validate the request before initiating the special action process and that special action process includes analyzing the request, consultations, public hearings if it's a temporary special action, Board deliberation and decision. So before we can do that we have to validate the requests that's received.

Special action request validation involves consideration of three questions.

First, we have to answer whether the requested actions fall within the Board's authorities
and mandates under Title VIII of ANILCA and the Federal Subsistence Regulations. We also have to determine if the requested actions are time sensitive and whether or not the requested actions could be deferred to the next regulatory cycle.

We often -- in order to answer these questions we often have to seek clarification from proponents and, in this case we sought clarification from AITRC related to their submitted special action request on April 25th, 2018. We asked for clarification on the basic facets of the proposed community harvest system, basically who, what, where, when and how many. We did explain, though, to AITRC, that their answers would only be used as a starting point for cooperative negotiations between AITRC and the affected agencies that the Board identified as well as the Regional Advisory Councils. But primarily the information was needed to determine if the requested actions fall within the Board's authorities so that we could validate the special action request that the Board received.

OSM has been communicating with AITRC about the clarification process through email and through an in-person meeting since that time. And AITRC submitted clarified information about the preliminary community harvest framework on May 25th.

Upon reviewing AITRC's clarification document, OSM made a preliminary determination that the proposed eligibility approach for the community harvest system does not align with the provisions of ANILCA, Title VIII, and is an action that is not within the Board's authorities under the Federal Subsistence Regulations. Specifically, AITRC requested to limit eligibility for participation in the community harvest system to all Federally-qualified tribal members residing within the Ahtna traditional territory. We notified AITRC on May 30th that their desire to limit participation in a Federal community harvest system to tribal members only does not align with Title VIII, which defines eligibility for the Federal subsistence priority based on rural residency and Federal regulations that indicate that community harvest system are established on a community basis.

We also conferred with the solicitor about our preliminary determination about AITRC's
proposed eligibility approach, and the solicitor concurred with our determination that limiting participation in a Federal community harvest system to tribal members does not align, again, with Title VIII or the Secretary's programmatic regulations in subpart A.

To-date OSM has been unable to validate the special action request submitted by AITRC because it requests a foundational action that falls outside of the Board's authorities.

With that, that concludes our brief status update and I'll turn it over to the solicitor in case he has anything he wants to add or we're happy to answer any questions.

MR. LORD: Thank you, Mr. Chair. Because we're talking about a validation process, what I'd like to do is touch briefly on Title VIII of ANILCA and its requirements, talk a little bit about the MOU and then sort of summarize where we are in the process.

As probably everybody in the room knows that Title VIII of ANILCA is the organic act under which this Board operates. It's the Bible that guides the process and it's something to which we have no ability -- we, the Board, has no ability to deviate from. Sections .803 and .804 in that title establish a priority for the use of wild renewable resources on Federal public lands for rural residents. Now, Congress chose that phrase, rural residents, very carefully. Earlier versions of Title VIII had a priority for Native Alaskans but Congress changed it. And, in fact, the courts have looked at that change as evidence of -- that leads them to the conclusion that Title VIII is not, in fact, Indian Legislation. So, again, rural residents is what Congress landed on and regardless of the history of how it got there, that's the law that guides us.

So keeping this history in mind, if we fast-forward to November of 2016, the Secretary's office, at that time, and lots of others, including the state of Alaska, wanted to do something to help the Ahtna people. That feeling was universal and hasn't changed. But during the negotiation of the MOU, there was some insistence on putting lots of language in the MOU about tribal members and benefits the tribal
members, which really was not something we could do under Title VIII. So the solution was to include a paragraph, to which to my way of thinking, is a key paragraph, is the key paragraph in the MOU, it's the one thing that made it legal, and that paragraph is found under Section -- Article III, Section 3a of the MOU, that section is entitled community harvest permits, not tribal harvest permits, but community harvest permit and it says; that while any permits issued under this section could be issued for the benefit of Ahtna tribal member communities, the parties agree and understand that the taking of fish and wildlife on Federal public lands must be implemented in a manner consistent with the statutory rural priority of Title VIII.

So with that paragraph in place, the then Deputy Secretary signed the MOU and implemented it.

Now, the vision, as you've already gathered from that title is that this would be a community harvest permit system, similar to the one we already have in place in regulation but on an expanded scale. That is Ahtna would be given an opportunity to issue community harvest permits to the eight communities within framework or sideboards established by the Board. So in other words, the Board might establish a broad season within which Ahtna could select a certain number of days to implement their season with some flexibility there. There would be flexibility on methods and means for them to pick, flexibility on harvest limits within, again, constraints imposed by the Board.

But that's not what Ahtna has been proposing, either in the special action request or in WP18-19. Instead, they've proposed and continued to insist on a priority for tribal members, or at least a permit system for tribal members. And so we're faced with a situation where, at least, there's the potential for non-tribal members who are residents of these communities to have a different season, different bag limit, different methods and means than the tribal members, and that's something that we simply cannot do under ANILCA, Title VIII. Congress wouldn't -- that's not what Congress -- not something Congress imposed on us as the law.
And actually it's gone a little farther than that with time, OSM has been trying to reach out to Ahtna, which you've heard, is that, in fact, Ahtna has been expanding its request -- what was the phrase that Karen used, the pie in the sky or something like that, to something simply just beyond what we could possibly.....

CHAIRMAN CHRISTIANSON: The moon and the stars.

MR. LORD: The moon and the stars, thank you.

Beyond what we could possibly agree to.

So where does that leave us?

The bottom line is that despite the inclusion of that paragraph in the MOA, the idea of a -- or not despite the inclusion, but as indicated by the inclusion of that paragraph in the MOA, we've got a special action request in front of us that is simply legally deficient and the Board can't consider and can't take up.

Now, WP18-19 may be a different story.

Having gone through the process and having had the Regional Advisory Councils propose an alternative that, at least, potentially could meet the eligibility requirements under Title VIII there may be a path going forward that way.

That's all I have, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Ken, for that update.

And, again, as we work through this with the Staff, you know, we still -- and the office still wants to continue to try to find a solution to this, with whatever sideboards we've got to work through, you know, understanding where Ahtna's position comes from and, you know, me having a personal opinion and then the professional box that we find ourselves sitting in to try to help you get to where you want to go. And so we hope that we can continue to try to work forward in coming up with a solution that works for
both, you know, for Ahtna and its members but also recognizing that we have to work within the confines of ANILCA.

So just want to continue to express support for Ahtna in hopes that we can come to final terms on how we can move forward with your request.

UNIDENTIFIED VOICE: (No microphone) A meeting would be nice (no microphone) public meetings.

CHAIRMAN CHRISTIANSON: A meeting, okay, we will see what we can do there, as we continue to look forward to a positive outcome.

Do any other Board members want to make a comment.

(No comments)

CHAIRMAN CHRISTIANSON: And those affected agencies I believe are the ones that are listed inside of who you needed to contact to work with the land ownership, so I think they have that list.

Thank you.

MR. DOOLITTLE: And so relative to the temporary special action and from Mr. Lord's and the OSM report, relative to validation of that temporary special action, that it would not be valid as it's written, as an administrative action. It still lays for the question to the Board relative to the deferred special action and the movement forward from here because part of our -- at our last Board meeting, one of the things that was presented was, you know, moving on to here, you know, deferring special action further for clarification or the development of other proposals and the framework and meeting as Karen wants with -- that we definitely need to accommodate to come up with a framework, but, again, we still have to address within that the eligibility aspect of that, too.

CHAIRMAN CHRISTIANSON: Karen.

MS. LINNELL: Thank you, Mr. Chair. Just for clarification, I was going based off of the motion that was made to submit the request for a special action and within that motion it was that we
would work together with the agencies to develop that framework, and so we put in the request in order to meet the deadline for this meeting. And then within that -- a motion also that was made by the Board, and passed, is that we would work with the affected agencies to come up with that framework and once we submitted the request we've asked and requested meetings with the affected agencies and the Eastern Interior and Southcentral RACs and that meeting has not happened. So we were asked clarification questions for framework that wasn't built yet and then we -- upon asking for additional information we brought forward and ended up developing a framework that nobody likes, but that's not what we had intended. It was we were trying to work the system in the way that was told. And based on the motion, not a discussion that was held, the motion was the action item that the Board had directed and I was following that motion.

And I just, you know, moving forward and how to get things going, we asked for sideboards and they said we can't tell you sideboards, that's up to you to develop, we can't do that, and I was told that several times. So just to get to this, you know, I don't want to start all over again, I think we need to take this and move forward rather than delay again, at your next work session or something so that we don't stop the clock and start all over with a whole new process. Let's take this one and keep moving.

CHAIRMAN CHRISTIANSON: Thank you, Karen. And then so we'll take it back to one of the first times when we met and it was fully supported by the RAC and that is a deferred proposal that we can currently have in front of us but it had changed and morphed into something else that has criteria built into it that is inconsistent with what we have to apply to the proposal. And so like I said, the Staff, and I think the Board here would like to move forward and support Ahtna and if we could get back to the original proposal it might give us that launch pad, I think, we're looking for but it seems as though Ahtna has changed the direction it wants to go with that.

I'm asking.

MS. LINNELL: So we submitted the original proposals based on what we extracted from the MOA and then we were told that they needed to be
modified and they were modified at RAC meetings, and by
the ISC and brought forward again with those amendments
and we're just trying to adhere to that document and
trying to adhere to the motion that was put forward by
the Board. I feel like it's not us that are changing
direction, it's -- it's within this whole system that
we're getting moved around. Again, like I said, we
were asked to put forward this special action request
so that we could develop the framework and then we've
asked several times to have that meeting with the
agency folks and they said, no, we can't have a meeting
without you presenting something first and it was my
understanding that your Board had asked us to work with
those agencies to develop the framework, not for us to
present something and then have them, you know, turn it
around and change it, that we were to work together to
build that framework, and that piece hasn't happened.

You know I understand, you know, it's
just a -- quite a convoluted process, it's clear as mud
and I was asking for guidance to get through that
process and, again, it's just a back and forthing. If
we go back to the original proposals, fine, it's
something. You know, but to, you know, it's -- the
original -- the framework that we put in there, it was
a negotiating point for that meeting that we were
hoping that would happen. And so you have to start
somewhere and like I said you don't just start -- I
don't know, I'm done.

CHAIRMAN CHRISTIANSON: Greg.

MR. SIEKANIEC: Thank you, Mr. Chair.
Thank you, Karen. When you were speaking to us during
the public part -- I'm just trying to figure out and
make sure I have the scenario correct.

I thought I heard you express that in
the original proposal, that then became modified by the
Regional Advisory Committee and then presented to the
Board during our last discussion, that you were not in
agreement with that modification. And so I'm trying to
figure out which proposal then -- is it the original
one that you had submitted prior to the modifications
that you're speaking of is where you would like to
start. I'm trying to figure out if we, as a Board,
should like clear the slate here and say, okay, those
are no longer in play because there was no agreement
around any of those, and then go back to sitting down
with you and the affected agencies and OSM to try and
figure out, then, what is the proposal that needs to
come forward that will best meet your interests as well
within the framework then that we can work on.

That's what I'm -- thank you.

MS. LINNEL: I think that would be a
place to start. That's something that my Board had
approved when they put those proposals forward. With
this new process, although I'm Federally-qualified, I
do not reside in my home community in which I am a
tribal member and I would not be eligible to hunt on my
own lands in my own hometown because I live outside of
the boundaries of that community and that's why the
tribal membership piece is such an important piece to
this, it's not just me but we have many that move
closer to Glennallen, which is the hub, and where most
of the jobs are. Our villages and our tri --
communities are very small and so up until a few years
ago I was commuting 98 miles one way to get to work so
that I could work in my home community although I lived
at the south end, I can tell you my home's 120 miles
long. I lived in Kenny Lake and I was working in
Chistochina. And, still, my family and my in-laws,
everybody, from Mentasta all the way down to Chitina.
And with nieces and nephews and aunts and uncles in
both of those communities but, you know, trying -- I'm
still within the Ahtna traditional use territory, I'm
still Federally-qualified, but to make me ineligible to
participate in a hunt that I'm going to administer,
being -- you know, it's a bit of a -- a bit of a rub.
And then to ask for quotas or something and then to
manage around so that we can manage the hunt and then
ask us what our needs are, and then ask us to include
folks that we don't know what their needs are and have
no way to collect that information and what their
subsistence needs are is, again, another stretch. And
to include the other communities was one of the
statements, future communities that may want to
participate in that hunt, that would turn it into the
Ahtna community harvest hunt that is going on right now
within Ahtna -- or within the State hunt system and
then, again, fighting over that last moose rather than
providing for subsistence needs.

MS. HARDIN: Thank you, Mr. Chair. I
just wanted to point out just a couple of things.
First of all I wanted to really thank Ahtna for the
framework that they put together because -- because we had to validate the special action we required information to make sure that what was being requested was within the Board's authority and they provided great information. The only point that we could not determine was within the Board's authority to provide was limiting the community harvest system to tribal members only.

And to Mr. Siekaniec's question about a starting point, just want to keep in mind that the original proposal, and, Karen, I apologize, I'm not sure if that's what you were speaking to, if you wanted to start back with the original proposal, WP18-19, also required -- or requested items that are not within the Board's authority to provide, which is why the Regional Advisory Council modified the proposal to try to get closer to what the Ahtna InterTribal Resource Commission was trying to arrive at within the confines of Title VIII.

CHAIRMAN CHRISTIANSON: Thank you. Any other questions or discussion.

MR. FROST: So just to sort of continue on Greg's train of thought, I just -- so according to what Jennifer just said, the original proposals won't work, but the RAC proposals would work, and so if we cleared the slate of both the special action and the proposal, you could still use that RAC proposal as a starting point for new discussions.

MS. HARDIN: Thank you. Through the Chair. Mr. Frost. Yes, we could if AITRC was amenable to the eligibility aspect. The RACs, the Regional Advisory Council recommendation was to have a community harvest system that was open to all Federally-qualified rural residents of the identified communities.

MR. FROST: So I guess I mean that's sort of the situation we're in, is, it's either rural residents or we can't move forward and I don't know how we can go beyond that. So I think that's a discussion that Ahtna has to have with themselves on whether that's a workable model or not.

MS. LINNELL: Well, I guess it all depends on what the definition of community is and if you use the definition of community as defined under
BIA or what you pull out of the dictionary, which is a location, we define a community as our people and not a location. And it's up to -- there is also, in the MOA and in Section .8 that this Board has the authority to create new hunts and new permit systems and there's nothing that says that we have to stick within the community harvest permit system or this -- this specific system, specific framework, we can come up with something totally brand new and it's just a rolling up the sleeves and sitting together and coming up with that and what it would be.

MR. FROST: But just to -- I think just to hammer the point a little bit harder, I don't disagree that there could be a new model out there, but part of the model has to include rural residents, it has to be the broader group of people and whether that's a community or whether that's a community as the way you just defined it or whether it's a community in terms of the geographic-speak, Section .8 says it has to be rural residents, and so rural residents includes non-Native Alaskans that are living in rural communities. And, to me, that's sort of where the disconnect is occurring right now. And so as long as we don't get a -- if we continue to get models that don't include the larger umbrella, including all rural residents, I think we're just going to continue to have this discussion over and over and over again and we're not going to be able to move forward as I understand it.

MS. LINNELL: Thank you, Mr. Chair. So in our definition of community, we have my cousin who's married to a non-tribal member who provides for his family, his grandkids who are tribal members, you know, and then we have folks that have become a deep part of who each of our communities and those folks are part of who we are and inclusive. But to say that I have to include all Federally-qualified users who aren't a part of our community, who don't come to our potlatch, who don't mourn, who don't grieve, who don't share, who don't participate in the same customary and traditional lifestyle that we have, is like me coming to Anchorage and telling you, you know, I get to come to your house for dinner and we're not going to eat this type of food, we're going to eat this type of food because that's the type of food that we like, and -- and we're going to get it in the fashion that I choose, you know, and it's -- it's fast food versus, you know, gourmet.
You have to be a part of the community and how can we define that when you're saying all Federally-qualified users are going to be able to participate and that's not what we want.

They have other options.

They have the option, this is not precluding and eliminating their ability to participate in a hunt in our Ahtna traditional use territory on Federal lands, it's -- it's not precluding them or eliminating their opportunity to participate in the hunt under BLM or the hunt under National Park Service, this is an option that we're working on. Again, we go back to the Privacy Act as well, they are choosing to participate in that hunt. If they choose to participate then they're choosing to opt out of that privacy portion of it.

So, you know, I -- I don't know, I'm just at a loss now.

CHAIRMAN CHRISTIANSON: Any other questions.

(No comments)

CHAIRMAN CHRISTIANSON: I just have a comment. I hope that we do find a way forward for Ahtna and maybe considering, you know, like you said something is better than nothing at this point. And some of the questions, you know, you might want answered may get answered if you do operate the community hunt with everybody included and maybe additional funds might be available somewhere to help get the demographics of that hunt and who's participating and what it looks like for future framework and in the event we can change what a community definition is within our program. Because that was also a discussion we had as a Board, because community means a lot of different things to other different people. And so, you know, I see an opportunity here for Ahtna to move forward, you know, in hopes that we can get to where you eventually want to get but I think if we can get some opportunity for the people of your region, and then maybe learn from it as we move forward in a co-management scenario, some of those questions might get answered as far as need, demographics, who, when, where, and it might answer
some of the questions.

MS. LINNELL: Thank you, Mr. Chair.

Again, I think a lot of this stuff could have been ironed out had we had those meetings with the affected agencies and building that framework.

Again, we started out and had made the request and in that SAR request it says that we would meet with the agencies to work out the framework and that has never come to pass. And so we were asked to put something together and we did, on our own. And we asked for sideboards and there were none given, so we put forward something, expecting to have a meeting to work down to something and build the framework that you folks can pass.

And, so, you know, what comes first the chicken or the egg, we're trying to work this process and in the fashion that we were asked to. And had that special action request was just practically word for word from the motion and so we put in that and expecting to have a meeting with the affected agencies and the RACs to come up with the framework and that didn't happen so we submitted a framework.

MR. FROST: Can I ask a question.

MR. LINNELL: And I got to say that it was the AITRC Board who rejected the proposals as modified by OSM and the RACs, not the Staff. It wasn't me.

CHAIRMAN CHRISTIANSON: Go ahead.

MR. FROST: So when you say you want meetings with the agencies, so I assume that's the Park Service.....

MS. LINNELL: And BLM.

MR. FROST: .....and BLM, is fish part of this?

MS. LINNELL: No, they don't have -- the Refuge, Tetlin Refuge isn't included.

MR. SIEKANIEC: It's outside.....
MS. LINNELL: Yeah, there's a chunk of Tetlin Refuge in there but that was not -- from the original proposal, it wasn't there.

MR. FROST: Do you want to meet with the Park Staff, so when you.....

MS. LINNELL: We.....

MR. FROST: So I'm just trying to define, when you say meeting with the agencies, so what level of meeting with the agencies do you -- would you hope to get that's -- I mean do you want to have a meeting with me or do you want to have a meeting with Ben, and his Staff?

MS. LINNELL: If you can get to where we need to get with this framework, I want people who can help to make decisions. And when those decision are made and a framework is agreed upon then we can bring it forward here and say this is what we agreed upon. Not a -- if I have a Staff member at a lower level that comes up with an agreement and then it gets here to regional office or somewhere else and they decide that they don't like it, and they don't agree, and they have a different opinion or it goes to the solicitor and he finds out that he doesn't like it and it comes up to a different opinion, that's -- that's what I don't want. I want somebody that has the ability and the authority to help make a decision and move forward.

It's a dance we're doing.

MR. LORD: Karen, and this Board is that agency that has that authority, not the agencies employees, the biologists, they can help you with the biology and the background and that was the goal there, but in terms of decisionmaking, that's this body right here.

MS. LINNELL: Yes. It is this body in regards to the regulation. But it's these folks, as the manager, the land managers that will be there and helping to make those decisions, correct within -- they have their in-season managers and folks like that that have to also agree or participate in it.

MR. FROST: So can I propose a crazy
idea, Karen.

MS. LINNELL: A meeting.

MR. FROST: A meeting.

MS. LINNELL: Thank you.

MR. FROST: But the meeting would have to include and we'll have to -- and I think it would be good if Karen and I were there, so I don't know, Karen, if you.....

MS. PITKA: Other Karen.

MR. FROST: Uh?

MS. PITKA: Other Karen, Karen Mouritsen.

MR. FROST: Yeah, this Karen here.

MS. MOURITSEN: Yeah.

MR. FROST: Well, of course, that Karen too.

MS. MOURITSEN: Yeah, both Karens.

MR. FROST: But -- so both Karens, so the senior leadership from the Board, Karen and I, obviously the Park Staff and BLM Staff and then your folks and, you know, we set aside a day and we go out to Glennallen and we hammer something out as best we can and that way -- I think Karen and I have and, you know, maybe you said Mike with us from the solicitor's office to help us -- or you come, Ken, to help us make sure that we're not straying from ANILCA and we just pick a day and get -- and try to hammer something out. I mean I don't know if -- I hate to do meeting planning here at the Federal Board meeting but it seems like that's what we have to do and we'll have to sort of figure out and -- and OSM Staff has to be involved, I mean, and I don't know who on OSM Staff is that, but it's going to take some logistics to sort of figure out when that is but, you know, we pick a day and we just commit to it and hammer it out.

I'm willing to commit to that.
MS. MOURITSEN: I'm glad to commit to that also.

MR. DOOLITTLE: Well, and OSM, obviously, Karen, we're always committed to do that. But, again, I think one of the discussions that needs to occur is that we were moving, I thought, really forward and then we got into the eligibility box and I think that that discussion still needs to go back home and needs to be talked about, about where do we start so we move forward in -- even if we're taking small steps, we're taking steps rather than just totally not getting anywhere. And we've pretty well -- you know, we've told -- you know, OSM has made, you know, on the record and you have -- you know, in response to the process that we're going through, pretty clear that the eligibility issue is where we've stopped. So we still need to get that sorted out.

MS. LINNELL: And that can be sorted out when we meet. You guys, again, I asked for sideboards, got none. I asked for a meeting, got none. So that we can work this together and that was part of the motion that was made by Ms. Mouritsen is that we would meet with the affected agencies to build the framework, and that's what I want to get to.

MR. DOOLITTLE: Uh-huh.

MS. LINNELL: Is let's meet with the affected agencies and build the framework. I presented something because I did it on my own and you can't blame me for wanting to take care of my tribal members.

MR. DOOLITTLE: Not at all.

MS. LINNELL: Now, let's get back to the table and start working on a framework that's workable.

MR. SIEKANIEC: Thank you, Mr. Chair. So, Bert, I don't think you proposed a crazy idea at all, I think you proposed like the logical next step. Tom, thank you for bringing in the idea that it needs to have the right, you know, individuals, with OSM, as well as the agencies and, you know, Karen and Bert being willing to do that, I think, is very appropriate.

Karen, your last statement, that you made was, again, that the Board rejected the
modification, I think is something we still need to
sort of resolve here and it sounds to me like what we
should do, as a Board, is kind of, again, clear the
slate, with the expectation then that it would be Karen
and Bert and Karen, you, as well, with the appropriate
individuals to get together to start looking at what
you had made as an original recommendation and then
start working out, well, what are the things in there
that do not work according to what Title VIII would say
and where's the flexibility around what else you have
written in that MOU relative to a permit program.

MS. LINNELL: So the Board I was
talking about was the AITRC Board.

MR. SIEKANIEC: Right.

MS. LINNELL: Yeah. Yeah. And I think
BIA subsistence branch needs to be involved as well.

MR. SIEKANIEC: So I -- Mr. Chairman.
So I guess my question is, is, are you opposed to us
just saying let's clear the slate relative to what's in
front of us right now with this assignment, that we
would go out and try and create the right kind of
proposal to bring in so that the Board would have
something to take an action on because right now we
have nothing to change an action on, but we got these
kind of things hanging out there that everybody's
asking a few questions about but we don't have answers
to.

MS. LINNELL: So I thought that's what
you guys did with your motion at the last meeting.

MR. SIEKANIEC: Okay.

MS. LINNELL: Was make that assignment
and it just hasn't been carried out. With the motion
it was -- it was that we would work together with the
affected agencies and so, to me, I'm not sure how this
process works, again, starting over with a new special
action request because we wanted to try to get
something in place now that we're off cycle from the
wildlife proposals, and -- and -- or keep this one on
the table so that it can be implemented whenever it
gets printed, and move.....

(Laughter)
MS. LINNELL: .....and move forward.

I'm just teasing.

MR. WIELECHOWSKI: Yeah, that's all
right, I deserve it.

(Laughter)

MS. LINNELL: I got to say I admire you
for saying it was me, that's commendable, and I wish
other folks would do that too.

But, anyway, I'm not sure what the
cycle is now and how that would work because we'd end
up -- if you take no action on this we'd file the same
exact special action request to move forward so that we
could build the framework.

CHAIRMAN CHRISTIANSON: Well, if we --
I just think, though, through the discussion, though,
Karen, is if we file the same special action we're
going to have the same discussion because it has
criteria built into it that isn't something that we
could take action on as far as the eligibility
requirements that we have to place in our proposal.

MS. LINNELL: No, sir. The special
action request that I put forward was pretty generic
and open to meet subsistence needs and it said that the
framework would be built with AITRC and the affected
agencies, so it did not say tribal members only in that
request, it said Federally-qualified tribal members,
but it did not say tribal members only.

MS. HARDIN: Thank you, Mr. Chair.
Jennifer Hardin for the record. If AITRC wants to
revert back to the eligibility as defined in their
original special action request, that was Federally --
eligible participants would be Federally-qualified
tribal members from the eight Ahtna villages, and they
list the villages, along with other Federally-qualified
rural residents residing in those eight villages who
wish to participate under conditions and administration
of the hunt consistent with the framework.

So that was -- if AITRC -- again, the
framework.....

MS. PITKA: So is that the original
language?

MR. FROST: Yeah.

MS. HARDIN: Yes.

MS. PITKA: The original modified?

MS. HARDIN: This is the original special action request language. Through clarification, the eligibility component changed.

MS. PITKA: Okay.

MS. LINNELL: And that was because we were asked to develop a framework on our own without -- this was a request to have those meetings and to build that framework and, again, without guidance, without sideboards, we did what anybody would do and asked for everything in hopes we'd have that meeting and build it down. So I think rather than keep going around, we'll set up a meeting and finish what we started.

MR. FROST: But to try to get to Greg's point, we still have to deal with the special action and so I think -- so here's another proposal, you can call this a crazy idea or not, but another way is that we're going to -- the special action would be administratively returned, saying it doesn't -- because I don't think the way it's currently written that the solicitor's would agree that it includes all rural residents so it doesn't meet Title VIII, and so we can administratively say that we can't move forward on this proposal. And so that would take care of the current special action request.

And then I would suggest where we would start from was not from one of the original proposals, I don't even know what the numbers were but.....

MR. FROST: Right. But that we actually -- the starting point would be from the RAC's modification of that because that included the broader umbrella and so if we start with the RAC's modification of your original proposal, that gives us a place where the Federal Board can sign on to and hopefully then we can have the discussions on where we go from there.
MS. LINNELL: Actually the RACs wanted us to administer all the hunts, so -- and.....

MR. FROST: And I think that's the discussion we have to have. And I know you don't want to do that but our hands are sort of tied by ANILCA.

MS. LINNELL: This is not the only hunt. There are other hunts for them. There are -- the regular hunt -- this is just a portion that'll be cut out and -- and so -- I guess we can hammer out all the details when we meet and however you folks decide to handle these proposals and the -- and the special action request is up to you but we're going to meet and come forward with something that we all can agree on.

MR. BROWER: Just a question.

CHAIRMAN CHRISTIANSON: Just a question, Charles.

MR. BROWER: Will the RAC Chairs be included.

CHAIRMAN CHRISTIANSON: The RAC Chairs included?

MR. BROWER: Yes.

CHAIRMAN CHRISTIANSON: Steve.

MR. WIELECHOWSKI: Could I ask that the Staff members of the Congressional Delegation also get invited to that to observe?

CHAIRMAN CHRISTIANSON: Yep. The more the merrier. Do you guys want me there, too.

(Laughter)

MS. LINNELL: I'll even cook for you. Restaurants get closed in the winter so if we meet in the winter you got to eat somewhere.

(Laughter)

MR. FROST: So, Tony, one last question. So I -- just a word of caution, if we have a cast of thousands we're not going to get anything done,
I mean that's the bottom line. And so I think we have to be careful by -- I would like to say the more the merrier but I think that's counter-productive. I really think we have to have a smaller group to begin to have the discussion and that group could then get enlarged as those discussions evolve but if we bring everybody into the discussion to begin with, it's going to be what we're doing here and just going around and around and around, so I really think that we need to keep it as small as possible to begin with. Not trying to be exclusatory of anything, but just enable to make forward progress, I just -- I mean, you know, you get 10 people in the room and you got 35 opinions so.

CHAIRMAN CHRISTIANSON: Thank you. I think we've discussed this one, we have a plan of action, appreciate all the good discussion. Thank you, Staff, Solicitor, Bert, for your willingness to step forward.

Any other business on the agenda.

MS. PITKA: Other business.

CHAIRMAN CHRISTIANSON: Hum.

MS. PITKA: It says other business.

CHAIRMAN CHRISTIANSON: Yeah, any other business.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, motion to adjourn.

MR. BROWER: Adjourn or recess.

CHAIRMAN CHRISTIANSON: Adjourn this meeting.

MR. DOOLITTLE: No, we've got the executive session.

MR. LORD: That's a different meeting.

CHAIRMAN CHRISTIANSON: Different meeting.
Can I get a motion.

MR. PELTOLA: We're going into executive session, right?

CHAIRMAN CHRISTIANSON: Well, that's up to the Board as soon as we adjourn this one, I'll decide whether you guys want to go do the executive session today or in the morning.

MR. FROST: I'll make a motion to adjourn.

CHAIRMAN CHRISTIANSON: There's a motion to adjourn.

MR. SIEKANIEC: Second.

CHAIRMAN CHRISTIANSON: Second.

Any opposition to the motion.

(No opposing votes)

CHAIRMAN CHRISTIANSON: None heard. Motion carries to adjourn.

(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, contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, WORK SESSION taken electronically by our firm on the 8th day of August 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 14th day of August 2018.

______________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18