

## **OSM report for fall 2021 Council meetings**

Dear Madam Chair, members of the Council,

On behalf of OSM, I want to thank all Council members for your exceptional work that you do on behalf of your communities and user groups during these trying times. We value your expertise and contribution of your knowledge and experience to the regulatory process.

It has been very difficult for all of us dealing with the COVID-19 environment.

### Teleconferences

As you've learned from Chairman Christianson's letter dated August 20, 2021, we are holding all 10, fall 2021 Regional Advisory Council meetings via teleconference. This decision was made with the utmost consideration and concern for the health and safety of Council members, families, rural communities, the public, and staff who are all part of Council meetings. The health and safety of everyone is our highest priority. The DOI guidelines advise that people avoid travel and refrain from meeting in person to minimize risk and help prevent the spread of COVID-19. The Regional Advisory Councils are the foundation of Alaska's Federal Subsistence Management Program. The Federal Subsistence Management Program recognizes that in-person meetings are preferable; however, until we can ensure the safety of all participants, we will follow current guidance and hold all meetings via teleconference. We thank you for being willing to participate in the lengthy teleconference and appreciate your patience as we deal with the various technical issues that arise from the poor telephonic connections, the vast distances involved, and differing communication systems throughout the state.

### OSM staff changes

Since your last Council meetings in winter 2021, the following OSM staffing changes have occurred. We are very pleased to announce that Ameer Howard has joined OSM as our new Deputy Assistant Regional Director. Ameer previously worked in OSM as Policy Coordinator. We also are very pleased to see that a number of staff that worked at OSM for a while, grew with the program and got promoted. Katya Wessels was promoted from Council Coordinator to supervisor of the Council Coordination Division. Lisa Grediagin was promoted from Wildlife Biologist to supervisor of the Wildlife Division. Robbin La Vine was promoted from Anthropologist to Policy Coordinator. Additional good news is that three Wildlife Biologists positions at OSM were filled. Tom Plank came to us from the Bureau of Land Management (BLM) in Utah. Brian Ubelaker came to OSM from BLM in Anchorage. Kendra Holman came to OSM from the U.S. Army Corp of Engineers in Anchorage. We also had some departures at OSM through retirement and new opportunities. We bid a fond farewell to Donald Mike, Caron McKee, and Zach Stevenson. The OSM team is diligently working on building capacity and will be filling several new positions in our Anthropology, Council Coordination, Fisheries, and Regulatory divisions, along with adding additional Administrative support.

The application period is now open for two Subsistence Council Coordinator positions with OSM. These are GS-12 positions. The job announcements are posted on usajob.gov Please help us spread the word and help us find great candidate for these key positions in our Program. If you have any questions, call Katya Wessels at 907-786-3885.

#### Real ID for travel to Council meetings

Over the past two years we have been reminding Council members about the change in requirements for IDs at airports. Beginning May 3, 2023, every air traveler will need to present a REAL ID-compliant driver's license, or other acceptable form of identification (e.g. passport), to fly within the United States. This is applicable even when you fly on small bush carriers. Please note that all Council members will need to make sure that they have the required Real ID for travel to the fall 2023 Council meetings.

#### Lawsuit from the State of Alaska

As you were previously briefed, on August 10, 2020, the State of Alaska filed a lawsuit against the Federal Subsistence Board after it adopted Emergency Special Action WSA19-14. This special action allowed the village of Kake to engage in a community harvest of 2 antlered moose and 5 male Sitka black-tailed deer. Also included in the lawsuit was Temporary Special Action WSA20-03, which closed Federal public lands in Units 13A and 13B to non-Federally qualified moose and caribou hunters. As part of the lawsuit, the State asked the Court to issue two preliminary injunctions -- one to prevent the Unit 13 closure from taking effect and another vacating the Kake hunt and prohibiting the Board from allowing any additional emergency hunts related to the impacts of COVID-19. On Sept. 18, the U.S. District Court denied the State's request for a preliminary injunction on the Unit 13 closure. The Court found that, "Because the State has not demonstrated either a likelihood of success or serious questions on the merits of its claims, the court need not consider the remaining elements of the preliminary injunction analysis." Two months later, on November 18, the Court also denied the State's motion for preliminary injunction on the Kake hunt after Judge Gleason concluded that the State had not demonstrated a likelihood of success on the merits, raised serious questions on the merits of its claims, or demonstrated any likelihood of irreparable harm. While these rulings on preliminary injunction are encouraging, they did not resolve the litigation. Recent developments are that settlement negotiations between the Department of Justice, the DOI Solicitor's Office, the USDA Office of General Counsel, and the State proved unsuccessful. A Briefing was completed at the end of August of 2021, and we are now awaiting the Court's decision. Based on legal guidance, Program staff does not comment on any active litigation directed against the Federal Subsistence Board beyond what we have reported here.

I would be happy to answer any questions. Thank you Madam Chair, Council members.