

1 FEDERAL SUBSISTENCE BOARD TRIBAL CONSULTATION

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PUBLIC MEETING

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Egan Convention Center

9

Anchorage, Alaska

10

October 20, 2011

11

1:00 p.m.

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15 FEDERAL BOARD MEMBERS OR REPRESENTATIVES PRESENT:

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18 Tim Towarak, Chairman Federal Subsistence Board

19 Geoff Haskett, U.S. Fish and Wildlife Service

20 Steve Kessler, U.S. Forest Service

21 Gene Virden, Bureau of Indian Affairs

22 Sue Masica, National Park Service

23 Ted Murphy, Bureau of Land Management

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P R O C E E D I N G S

(Anchorage, Alaska - 10/20/2011)

(On record)

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

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

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

Thank you.

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

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

Welcome to this tribal consultation process. You will hear a little bit more about it from Crystal. She's going to give an explanation of what kind of process we hope to use. At a Board meeting maybe three or four months ago the Board reviewed a need for the consultation process brought on by an Presidential Order by President Obama.

1 Every Federal agency will develop a
2 communication system with tribes. I know there's been
3 some consternation and there's probably going to be
4 some discussion about corporations being considered
5 tribes. For your information, the Federal Subsistence
6 Board has no authority over -- or we can't change that.
7 We've been given an Executive Order by President Obama
8 to develop a consultation process. The Executive Order
9 guides our direction and we have no choice but to
10 listen both to tribes and to corporations as tribes.

11
12 You are free to express your comments
13 and your feelings about that, but I think the proper
14 people to talk to about that would be our legislative
15 congressional representatives, Senator Murkowski,
16 Senator Begich or Representative Don Young. They have
17 the capability of changing that. We don't. So I just
18 wanted to explain that.

19
20 With that, I'm going to turn the rest
21 of this meeting over to Sue. I've been asked by the
22 two co-chairs of AFN to go back to AFN. They're going
23 to nominate new co-chairs at 1:30 and they asked me to
24 chair that. They wanted a neutral person to do it and
25 I felt pretty good being in a neutral position to do
26 that, so I'm doing it as a favor to both Albert Kookesh
27 and the other co-chair.

28
29 So, with that, feel free to speak and
30 we really want to hear from the tribes. I don't see
31 any corporation people here, so we probably won't be
32 hearing from them, but if you want to speak on behalf
33 of a corporation, you're welcome to. It's an open
34 floor discussion and we wanted to make it as
35 comfortable as possible for everyone.

36
37 Perhaps we ought to just ask each of
38 the Board members that are here to stand up and
39 introduce yourself so that you know who the Board
40 members are. Starting with Sue -- or let's go around
41 the other way.

42
43 MS. K'EIT: Thanks, Tim. I'm Kristin
44 Holzinger K'eit. I work for Bureau of Indian Affairs
45 and I'm often the alternate to the Federal Subsistence
46 Board for our regional director.

47
48 Thank you.

49
50 MR. KESSLER: Hi, I'm Steve Kessler.

1 I'm with the U.S. Forest Service. I'm representing
2 Regional Forest Beth Pendleton, who is our Board member
3 on the Federal Subsistence Board.

4
5 MR. HASKETT: Geoff Haskett, Regional
6 Director of Fish and Wildlife Service.

7
8 MR. VIRDEN: Gene Virden, Regional
9 Director of Bureau of Indian Affairs, Alaska.

10
11 MR. MURPHY: I'm Ted Murphy, alternate
12 for Bud Cribley, State Director of BLM.

13
14 MS. MASICA: I'm Sue Masica. I'm the
15 Regional Director for the National Park Service.

16
17 CHAIRMAN TOWARAK: Thank you. I should
18 point out too that we have Pat Pourchot from the
19 Department of Interior, Secretary's Office, here in
20 Anchorage. With that I will turn the rest of the
21 meeting over to Kristin. I will return as soon as I'm
22 done over there. I want to spend the rest of the
23 afternoon over here too.

24
25 MS. K'EIT: Thank you, Tim. Just a
26 couple announcements before we move forward. Most of
27 you are familiar with the Egan Center, but just a
28 reminder restrooms are back behind you there in that
29 south direction and we do have coffee this afternoon
30 and hot beverage, I think tea, over there. If anyone
31 needs a place to sit, I've got a few seats here and if
32 you're worried about getting out quick, there's a red
33 exit sign marked behind me. Be sure to make yourself
34 comfortable. When you do take the time to make
35 comments or pose any questions, be sure to introduce
36 yourself, including your name and what organization you
37 may be representing this afternoon.

38
39 We are going to have on our agenda a
40 brief PowerPoint, just a few pages or so, to kind of
41 give you the background on this process for the Federal
42 Subsistence Board and where we're at now. I want to
43 remind you that there will be another in-person
44 consultation session at our BIA Tribal Service
45 Providers Conference. That session will be December
46 1st. It's a Thursday. It will be in the afternoon and
47 it will be highlighted on the agenda for this
48 subsistence session, the BIA subsistence program.

49
50 With that I will go ahead and turn

1 things over to Jean Gamache and have her introduce
2 herself. Thanks, Jean.

3

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

12

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

22

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

36

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

44

45 One of the things I do want to mention
46 though is that the protocol is intended to be kind of a
47 living document. As we develop this, we want to make
48 sure that it works effectively for everyone. We want
49 to make sure it works effectively for the Federal
50 Subsistence Board process, we want to make sure the

1 timing is correct, that we get information out
2 appropriately and effectively and that's where it's
3 going to be very important for us to get feedback from
4 you so that you can tell us how we should be getting
5 information to you, how should we be interacting with
6 you to make sure that you have the opportunity to have
7 the discussions that you need so that you can provide
8 guidance and direction to the Federal Subsistence Board
9 in this process.

10

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

19

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

29

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

44

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

48

49 MS. K'EIT: Any questions out there?
50 Feel free if you have questions come up during this

1 time to raise them. I'd like to have Michael Haller
2 just raise his hand over there and introduce himself.
3 He and I are going to do a tag team facilitation this
4 afternoon and comments and questions will be coming
5 from all of you seated here and we also have some folks
6 that have called in and we'll be including them in the
7 conversation. But I'll turn it over to Michael.

8

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

17

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

31

32 Thank you.

33

34 Nate Soboleff, are you there?

35

36 (No comments)

37

38 Melanie?

39

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

42

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

48

49 MELANIE: Okay, Kristin.

50

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

5
6 MS. AHTUANGARUAK: Rosemary
7 Ahtuanguaruak. I'm from Barrow. I've been part of the
8 working group.

9
10 MS. TRUMBLE: Good afternoon. My name
11 is Della Trumble and I'm also part of the working
12 group. I work with the Agdaadux Tribe in King Cove and
13 also part time with King Cove Corporation, which is an
14 ANCSA corporation, so I think this has been beneficial
15 working with this group and representing tribes and as
16 the co-chair with Crystal Leonetti.

17
18 MR. NICOLAI: Ilarion Nicolai from
19 Kwethluk. I'm a member.

20
21 MR. WAGNER: My name is Louie Wagner.
22 I'm from Metlakatla Indian Community. I serve on our
23 community council there. My granddaughter is here with
24 me. She attended the elders/youth conference. We were
25 attending the AFN there and Albert Kookesh announced
26 that the meeting was going to take place here, so I
27 wanted to come here.

28
29 I have a -- I just wanted to make sure
30 everyone here is aware of the Mackenzie Mine that's
31 going in on the Unuk River and the Eskay Mine that was
32 on the Unuk River and operated for 12 years was shut
33 down approximately two years ago and was right on the
34 river. I'll come back and talk a little more on it.

35
36 Thank you.

37
38 MR. SHARP: Good afternoon. My name is
39 Dan Sharp. I'm the subsistence coordinator for Bureau
40 of Land Management and serve on the InterAgency Staff
41 Committee.

42
43 MS. TAKESHORSE: Hi, I'm Brenda
44 Takeshorse, Native liaison, BLM.

45
46 MR. LEONARD: Thom Leonard, shareholder
47 and communications manager for Calista Corporation.

48
49 UNIDENTIFIED VOICE: Hi, my name is
50 Anthony (ph). (Away from microphone)

1 MR. JUSTIN: Good afternoon. I'm
2 Wilson Justin representing Cheesh'na Tribal Council
3 from Chistochina, which is in the Copper River region.
4 We do have a very active government-to-government
5 program in all of our activities, but we were curious
6 about the issue of the AHTNA Region being a merged
7 corporation with villages, like NANA, and we were just
8 curious about how the new draft protocol would operate
9 with AHTNA as a merged regional corporation with all of
10 its former village corporations. So a bit of curiosity
11 brought us here.

12
13 Thank you.

14
15 MR. BAINES: Good afternoon. I'm
16 Michael Baines from Sitka, Alaska. I'm the tribal vice
17 chairman on the Sitka Tribal Council.

18
19 MS. SYKES: Hi, I'm Carrie Sykes. I
20 work for Tlingit-Haida Central Council. I'm glad to be
21 here. We were listening to AFN just right before lunch
22 and they were talking about the new leadership
23 committee and how they were providing a potential seat
24 at the table for the tribes, so that's really good to
25 hear. Given that, I'm also very curious about this
26 government-to-ANCSA consultation. I've seen where you
27 had a little bit of information about the intent and
28 the mandate and a little bit about communications.

29
30 I'm just really curious about how this
31 is all going to work. How is this going to fit in --
32 you said it's not replacing government to government.
33 How is it going to fit in with the existing
34 relationship of the Federal Subsistence Board with the
35 Regional Advisory Councils? So I just want to find out
36 more about how we're going to put all these pieces
37 together and how we can get better collaboration
38 between the tribes and ANCSA and be more effective in
39 dealing with the Federal agencies.

40
41 MR. ROCZICKA: Greg Roczicka. I'm
42 vice-chair of the Yukon-Kuskokwim Delta Regional
43 Subsistence Council. I'm also here for Orutsararmiut
44 Native Council, which is the tribal governing body for
45 Bethel. I'm here as well to -- just out of curiosity.
46 I know there's another one of these sessions scheduled
47 for the BIA Providers Conference that's supposed to
48 maybe speak more directly to the tribal interest, but I
49 also wonder a great deal on the tribal consultation
50 being conducted with ANCSA corporations on the same

1 basis as Indian tribes.

2

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

7

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

11

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

15

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

27

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

35

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

46

47 That's just a little of my experience
48 and the background that I've been able to see. If
49 Crystal there would like to add.

50

1 MS. LEONETTI: Thanks, Kristin. Sorry
2 I didn't introduce myself earlier. I thought we were
3 just going around the table and introducing tribal or
4 corporation members. So I'm Crystal Leonetti. I'm the
5 Alaska Native Affairs specialist for U.S. Fish and
6 Wildlife Service. Geoff is my boss. I am also co-
7 chairing the workgroup for the Federal Subsistence
8 Board, who is doing the heavy lifting on trying to come
9 up with the long-term consultation protocols and Della
10 and I co-chair that together.

11
12 I'd just like to acknowledge all of the
13 members of that workgroup that are in the room right
14 now. If you could raise your hand. I know there's a
15 bunch of us here. So you can see that there's Federal
16 Staff people on that workgroup as well as tribal
17 representatives on that workgroup. We're undergoing a
18 long effort to analyze the interim protocols as they've
19 been carried out for this fall cycle of wildlife
20 proposals. We're also analyzing all the comments that
21 came to the Federal Subsistence Board back in May and
22 January of this year, as well as conducting these two
23 consultations.

24
25 This one during the week of AFN to
26 specifically consult with ANCSA corporations as
27 required under this law. The second one during the BIA
28 Tribal Service Providers Conference on December 1st
29 specifically to consult with tribes on a
30 government-to-government basis to help us to develop
31 those protocols for the Federal Subsistence Board.

32
33 The way the current interim protocols
34 are, there's a separate one for ANCSA corporations and
35 a separate one for tribes and that's to distinguish
36 between the Federal trust responsibility to tribes and
37 the requirement to consult with ANCSA corporations.
38 Today is to talk about that interim protocol for
39 consulting with ANCSA corporations and determine how to
40 go forward correctly and in a good way for the Federal
41 Subsistence Board to consult with ANCSA corporations.

42
43 Thank you.
44
45 Hopefully that answered that question,
46 Greg.

47
48 MS. K'EIT: Thank you, Crystal. I
49 would definitely like to open it up for comments or
50 other questions if there's any other questions, but

1 comments on this time on the draft protocol or
2 suggestions for the process. I'd also like to check in
3 on the phone to find out if our Sealaska
4 representative, Nate Soboleff, has made it back.

5
6 (No comments)

7
8 MS. K'EIT: Okay. Let's go ahead and
9 start taking comments. Geoff, you have something.

10
11 MR. HASKETT: Just a clarification. I
12 want to make sure everybody understands it's not just
13 the Federal Subsistence Board that we're doing this
14 for. It's actually for Federal agencies across Alaska.

15
16 MS. K'EIT: Correct. Primarily we do
17 want a protocol for the Federal Subsistence Board, but
18 many of you know that the Board is made up of many
19 Federal agencies and the Department of Interior and
20 Agriculture. Thank you. Not to leave you out, Forest
21 Service. Sorry. But we also often get the question
22 from other Federal agencies, non-Interior, non-
23 Agriculture, how do you do this, do you have any
24 suggestions, do you have any processes we can take and
25 work from. Your comments are appreciated.

26
27 Would anybody like to go?

28
29 Okay, Mr. Wagner.

30
31 MR. WAGNER: I was wondering how that's
32 going to work when we have the rural areas and nonrural
33 areas. How will that work with the corporations that
34 are in the nonrural areas?

35
36 MS. K'EIT: Good question. Thank you.
37 It would still be -- the process would be consultation
38 with the corporation based on their authority or their
39 responsibilities, so whatever their land management or
40 resource management authorities and responsibilities
41 are, that's what we would be preferring to consult with
42 them on. If there are tribal government issues that
43 they raise, I would see that we would need to step back
44 from the issue or the topic and make sure that we take
45 that time to consult with the tribal government that's
46 affected.

47
48 Does that answer your question?

49
50 MR. WAGNER: I think so. Thank you.

1 MS. K'EIT: Thank you. Other comments
2 or questions. Della.

3
4 MS. TRUMBLE: I think maybe it's a
5 question of clarification also. Some of our Native
6 lands, village lands are on private and some of them
7 are within Federal boundaries, so that's the question.
8 Is there a difference in regards to that?

9
10 MS. K'EIT: I would look to my Board
11 member colleagues to assist with answering that
12 question, but definitely it would be what are the
13 resources that the corporation is managing and has
14 ownership of whether it's within a Federal Park or
15 Refuge or outside of that.

16
17 Steve, for Forest Service.

18
19 MR. KESSLER: This is Steve Kessler
20 with the Forest Service. Maybe I can answer that
21 question if I understand it correctly. The resources
22 that the Federal Subsistence Board has jurisdiction
23 over for wildlife are on the Federal lands. They have
24 to be Federal lands, acre for acre Federal lands. For
25 fisheries, it's a little bit different because for the
26 fisheries the Federal Subsistence Program exerts
27 jurisdiction within the external boundaries of the
28 conservation areas.

29
30 So if, for instance, there's a Fish and
31 Wildlife Refuge and also for the National Forest, like
32 the Tongass National Forest, the program exerts
33 jurisdiction within the outside boundaries of that area
34 for those fisheries. In the case of the Bureau of Land
35 Management lands, those aren't conservation areas
36 unless it's like Wild and Scenic River, in which case
37 there is jurisdiction within the entire Wild and Scenic
38 River boundary.

39
40 So when you talk about Native
41 corporation lands, it's different for wildlife and
42 fisheries. For wildlife there is no jurisdiction on
43 corporation lands and for fisheries there may be if
44 it's within the external boundary of a conservation
45 unit, such as a Refuge or wilderness area or something
46 like that. So it does differ. Corporation lands might
47 be included or might not. Was that the question?

48
49 MS. K'EIT: Any other comments or
50 questions. Gloria.

1 MS. STICKWAN: My name is Gloria. I
2 work for AHTNA Corporation. This consultation, is it
3 only going to cover fish and wildlife? It's not going
4 to cover anything else under ANILCA, such as Section
5 .809?
6

7 MS. K'EIT: Thank you, Gloria. That's
8 Gloria Stickwan. Our primary purpose for this
9 afternoon was the protocol for government-to-ANCSA-
10 corporation consultation for the Federal Subsistence
11 Board to use. I think based on the turnout we have, we
12 have a good turnout, people seem to be a little
13 hesitant to share at this point or perhaps they're more
14 interested in sitting back and listening for a bit. I
15 would check with the other Board members. I would
16 think we could be open to hearing comments on other
17 issues as long as we have the time and we're not taking
18 away from the protocol or this process.
19

20 Board members, any comments. Steve.
21

22 MR. KESSLER: Just I guess a comment
23 about Section .809. Section .809 is a key part of what
24 the Federal Subsistence Program is, so I think it would
25 be very much appropriate for a discussion consultation
26 on that on that issue.
27

28 MS. K'EIT: Geoff.
29

30 MR. HASKETT: I think it would be fine
31 for us to cover other issues if there's time, but I
32 think we better make sure we cover the protocols first
33 to get that done. If there appears to be no
34 conversation on it, then that's fine, we can go ahead
35 and close it off. I think we need to cover what we're
36 here to do first.
37

38 MS. K'EIT: Okay. Any other Board
39 members, any comments. BIA, BLM, Parks. Seeing none.
40 Does anyone want to comment on the government-to-ANCSA
41 consultation protocol right this moment?
42

43 MS. NORTON: Over here, ma'am.
44

45 MS. K'EIT: Oh, you're behind the
46 PowerPoint.
47

48 MS. NORTON: I can't see you.
49

50 MS. K'EIT: Yeah, I can't see you

1 either. There you are. Okay, great. Please introduce
2 yourself and who you're with.

3

4 Thank you.

5

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

13

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

22

23 MS. K'EIT: Thank you, Dolly.

24

25 Any other comments.

26

27 Steve.

28

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

36

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

44

45 Then we take comments on that proposed
46 rule. Those comments come in the way of regulatory
47 proposals. What sort of proposals do people have,
48 tribes, ANCSA corporations, individuals. Anyone can
49 make proposals. Then once that period of time is
50 closed for receiving those proposals, we publish a book

1 and we distribute that widely across Alaska. Yeah, a
2 book just like this one. We receive comments on all of
3 the proposals in that book.

4
5 Those proposals then have someone who
6 goes through an analysis of each of those proposals.
7 The analysis could be anywhere from two or three pages
8 to maybe 20 or 30 pages, and that information is
9 presented to our Regional Advisory Councils. We have 10
10 across the state. Each of the Regional Advisory
11 Councils hears all of the information, looks at the
12 proposals and then comes to a recommendation for the
13 Federal Subsistence Board.

14
15 The Board also -- again in a public
16 meeting just like the Regional Advisory Councils were
17 public, the Board, in a public meeting, takes all the
18 information, recommendations from the Councils and
19 deliberates on a final determination of what the new
20 regulation should look like, whether it would be
21 supported, opposed or maybe modified.

22
23 So when we're talking about
24 consultation, it's mostly consultation in that arena
25 with these sort of four big steps; the proposed rule,
26 the proposed regulatory changes, the Federal
27 Subsistence Regional Advisory Council meetings and the
28 Board meeting.

29
30 I think what we really want to talk to
31 you about, both to the tribes and the ANCSA
32 corporations, is how can we most effectively integrate
33 consultation into that process? Or does the process
34 maybe need slight modification. We don't really think
35 it needs much of a modification. It's been in place
36 for about 20 years and seems to work well, but how can
37 we respect the thoughts of tribes, the thoughts of
38 ANCSA corporations as we're going through this process
39 with the Board and with the Regional Advisory Councils.

40
41 I don't know if that triggers any
42 thoughts in anyone, but if it does, that's what we
43 really want to consult with you on and have a
44 discussion on it.

45
46 Thank you.

47
48 MS. K'EIT: Thank you. Steve. Walter.

49
50 MR. SAMPSON: Walter Sampson. I think

1 I'm more confused on the explanation of the process
2 that you're trying to take us through here. The issue
3 in regards to managing resources under the State rules
4 they claim to manage. The process that you're taking
5 us through in regards to regulatory process for
6 proposals I can understand, but at what point in time
7 would the Federal system really manage resources, not
8 manage people. Basically that's what's happening
9 today. The Federal system manage people. The State of
10 Alaska manage resources based on their regulations.
11 Maybe I'm confused. Somebody can clarify that.

12

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

22

23 (No comments)

24

25 Greg, would you go ahead, please.

26

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

38

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

40

41 MS. NORTON: You asked me what ANCSA
42 corporations would like in this consultation. I stated
43 that you come and speak to my board of directors
44 because I answer to my board of directors. When I told
45 them that I was coming to this meeting, they're like,
46 oh, really. I'm like, yeah. So my board of directors
47 are subsistence users; they hunt, they fish, they
48 gather berries, they live off the land. You asked me
49 what would we like. I would like it if one of you
50 could come to my office and talk to my board of

1 directors during a regular board of directors meeting
2 so I won't misinterpret anything. That's what you
3 asked and I'm telling you what I would like.

4
5 Thank you.

6
7 MS. K'EIT: Thank you, Dolly.

8
9 Gloria.

10
11 MS. STICKWAN: I have a question about
12 the working group that was formed in June. I don't
13 think it was -- I think it was formed at that special
14 meeting. Is there an opportunity for other
15 corporations to be a part of the working group or is it
16 -- it just seemed like it happened rather quickly.

17
18 MS. K'EIT: Crystal or Della, would you
19 be willing to speak to that question about how the
20 working group was formed and is there opportunity for
21 others to join?

22
23 MS. LEONETTI: So the workgroup was
24 formed by the Federal Subsistence Board at its May 2011
25 meeting and they asked a workgroup, which would be made
26 up of equally Federal Staff and tribal leadership.
27 Right now the workgroup has an equal number, seven
28 Federal Staff and seven tribal leaders. That workgroup
29 was formed, I guess, right towards the end of May and
30 we've been working together since that time to develop
31 the protocol.

32
33 I guess it's not an exclusive
34 membership, but we have the workgroup formed and we
35 have those tribal leadership people coming to Anchorage
36 for two in-person meetings. We are very open to
37 talking with people throughout this process to try to
38 gather as much information as possible and present
39 something reasonable to the Federal Subsistence Board
40 that would work.

41
42 I wouldn't say that membership is --
43 the workgroup is closed or open, but it's already
44 pretty set, I guess I would say, but we want to reach
45 out and work with as many people as possible throughout
46 this process. I know I've answered lots of phone calls
47 and gotten some letters from tribes and we will take
48 all of that into consideration as we go forward.

49
50 MS. K'EIT: To clarify, the workgroup

1 is working on protocol both for Federal government to
2 tribal government protocol and Federal government to
3 ANCSA corporation protocol. Della and then Sue.

4

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

16

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

21

22 MS. K'EIT: Walter.

23

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

32

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

36

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

48

49 I think one of the challenges that the
50 Board is struggling with and is why we're reaching out

1 in this forum and we'll do that again in December
2 during the BIA Service Providers Conference, which is
3 we don't want to drown the good intent of consultation
4 and outreach with so much process that it then is not
5 meaningful for people to have an opportunity to engage
6 with the decisions that ultimately come before the
7 Federal Subsistence Board. The objective is to have
8 meaningful and constructive engagement on a government-
9 to-government basis and also with the corporations.

10

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

20

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

30

31 Anyone else?

32

33 MS. SYKES: Kristin.

34

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

36

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

48

49 I'm just wondering how this fits in
50 with how you're going to deal with consultation to the

1 tribes and is that all going to be at the RAC meeting?
2 I just don't understand how you're putting it together.

3
4 MS. K'EIT: Thank you, Carrie. I'll go
5 ahead and answer that question. Just as what Carrie
6 read, the same type of process in this past cycle when
7 we just recently finished up the RAC meetings. In
8 fact, yesterday was the end of the last set of meetings
9 for the fall wildlife proposals. At each of the RAC
10 meetings we had a report out either by a tribal
11 representative or ANCSA representative and/or a Federal
12 agency representative.

13
14 Basically I'll describe what we did
15 this fall. We had 12 consultation teleconferences for
16 the proposed changes to the wildlife regulations. The
17 proposed changes that were in the books like this or
18 what was online, that went out earlier this year.
19 Those consultations were by teleconference. Letters
20 were sent out. Crystal described some of the -- I'm
21 sorry if it's repetitive for you -- letters of
22 invitation for the opportunity to consult went out.

23
24 We held the teleconferences. As there
25 were tribal representatives or ANCSA corporation
26 representatives on those teleconference, we asked for
27 volunteers, who would be willing to report out the
28 results of the teleconference. In a couple of cases we
29 had a tribal representative that was willing to report
30 to the RAC. In other cases, it was a Federal agency
31 Staff member.

32
33 They would take the notes from the
34 person who was the notetaker for that conference, that
35 consultation teleconference, they would take those
36 notes, write them up, make sure everyone on the call
37 that wanted to had a chance to review the notes, agreed
38 with what they said, and then one or both of those
39 representatives reported out together at the RAC
40 meeting. Then the RACs will take that consultation
41 information as well as their own discussion during the
42 RAC meeting as well as public comments that they heard
43 during the RAC meeting and any written comments that
44 they'd received throughout the process and the RAC
45 formulates their decision.

46
47 At the Board meeting, in this case in
48 January when the Board makes the decision on the
49 proposals put out in this book and all the comments and
50 such received, then the Board has the opportunity to

1 hear the RACs proposed either support or opposition to
2 a proposal in here applicable to them and the Board
3 makes a decision based on all the information presented
4 to them.

5

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

11

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

21

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

32

33 All these questions we don't know.
34 This is, I think, for the Federal Subsistence Board
35 really hard because this precedent hasn't been set yet.
36 There isn't a Federal process for ANCSA corporations to
37 do consultation with the exception, I think, of Forest
38 Service who has some kind of written documentation of
39 how to do government-to-ANCSA-corporation consultation.
40

41

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

48

49 So that's what we want to hear from
50 you.

1 MS. K'EIT: Thank you.

2

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

19

20 Thank you.

21

22 MS. K'EIT: Thank you, Carrie.

23

24 Dolly.

25

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

39

40 Thank you.

41

42 MS. K'EIT: Thank you, Dolly.

43

44 Walter.

45

46 MR. SAMPSON: I think there is a
47 process that's put in place already as far as the
48 Regional Advisory Council is concerned. Where there is
49 a lack is participation from the smaller communities
50 where the Regional Advisory Council is meeting at the

1 hub level. If there's a way through the process that
2 you can put in place as far as getting people in to
3 participating, either introducing proposals or
4 commenting on proposals from some of the communities
5 that would love to participate, I think that's where
6 it's lacking. You have Regional Advisory Councils in
7 place that provides for a process for proposals to be
8 taken through.

9

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

24

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

28

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

40

41 In looking at that, it does seem like a
42 lot and that's been -- how do we put this together so
43 it's going to be effective because it's going to allow,
44 I think, for an opportunity not only from the tribal
45 standpoint but the ANCSA corporation landholder
46 standpoint for that consultation process, the ability
47 to do it. The piece of it I think that is confusing is
48 just where we are now, is starting and trying to figure
49 out how we are going to do that to make it the most
50 effective and be able to do that. I think that in and

1 of itself is a big step in how we do it to be most
2 effective to do, I think, what we as Alaska Native
3 people would like.

4
5 The question, how do we do this, it did
6 help, I think, with one of the Kodiak-Aleutians
7 actually, their Refuge manager did reach out to the
8 communities and say this is going on, call in, it's
9 important.

10
11 One of the other ideas that came is
12 working. A lot of us regions do have non-profits that
13 have resource departments as maybe getting a hold of
14 small villages or communities that don't have internet
15 or some of the access to the information that we need
16 to be able to get them the information to participate.

17
18 But those are just some of the thoughts
19 or ideas on how to do it. Anything that we can figure
20 out to do this is going to help a lot.

21
22 MS. K'EIT: Thank you, Della.

23
24 Anybody else.

25
26 Walter.

27
28 MR. SAMPSON: Thank you for that
29 explanation. In think in order for the Regional
30 Advisory Council to be effective in what it was
31 supposed to or intended to do, because the Regional
32 Advisory Council represents the region, maybe in order
33 to get more effectiveness in places is to try to create
34 a subregional type of council where the three
35 communities in one subregion can come together to
36 review proposals, to take positions on those proposals
37 and make those recommendations to the Regional Advisory
38 Council. That's an extension of a process that you're
39 giving the folks at the subregional level an
40 opportunity to comment on proposals.

41
42 It's just a thought.

43
44 MS. K'EIT: Sue.

45
46 MS. MASICA: So, Walter, if I can ask
47 you a question following up on that. The process we
48 used this cycle we did a consultation, the Board with
49 all the tribes in an entire region. Are you suggesting
50 that one of the things maybe the Board could consider

1 would be rather than one break it into say three or
2 four smaller ones per region, that that might be more
3 effective?

4

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

14

15 MS. K'EIT: Thank you, Walter.

16

17 Does that stir up any thoughts for any
18 other folks.

19

20 Steve.

21

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

35

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

44

45

46 The issue in regards to the protocol of
47 having a consultation with ANCSA corporations, that's
48 fine. I mean in a way you are consulting with ANCSA
49 corporations because you are extending that opportunity
50 to a subregional site. That's an opportunity for those

1 that are not just in a tribal entity but also the ANCSA
2 corporations can participate through that process.
3 Maybe I'm confusing you more than me, I think.

4

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

18

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

28

29 MS. K'EIT: Thank you, Walter.

30

31 Sue.

32

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

43

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

1 process need to change fundamentally.

2

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

16

17 Thank you.

18

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

22

23 Wilson.

24

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

29

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

39

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

48

49 Now we have spent a considerable time
50 and effort and money in pursuit of subsistence

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

14

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

31

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

44

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

1 Thank you.

2

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

9

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

20

21 Ten minute break? All in favor.

22

23 Okay.

24

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

27

28 Thank you.

29

30 (Off record)

31

32 (On record)

33

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

41

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

49

50 The other thing was, I know because of

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

9
10 The one thing I would like to see it
11 kept before the Regional Advisory Councils meetings
12 because it will give tribes and corporations an
13 opportunity to give input before the RAC meetings. If
14 you do it after the RAC meetings, it won't have any
15 effect, very little effect, because the RACs do listen
16 to the tribes. I sit on a RAC too and, you know, they
17 do listen to the tribes. When tribal members come to
18 the meetings and give public testimony, we listen to
19 them and we take into consideration what they say, so I
20 would like to see these meetings stay before the RAC
21 meetings.

22
23 The other thing is, I don't know how it
24 is in other regions, but some regions I know have
25 specific people that work on subsistence for their
26 area. Those are the people that you need to be
27 contacting. Those are the people that need to be
28 working with the Federal subsistence OSM.

29
30 I would suggest that you keep the two
31 -- like you did this summer, you had two meetings per
32 year with the ANCSA corporations and the tribes. Keep
33 it the way it is and if there's additional problems or
34 consultations that are needed with the 200 or more
35 tribes, then the tribes should themselves come forward
36 and say we want to work on a proposal, we want to have
37 more consultation, but it should be up to the tribes to
38 come forward and say we want more consultation.

39
40 But I thought it worked well. I just
41 wanted to say that it was a good process I thought. We
42 didn't have very many people online, so I don't know if
43 it's going to be like that in the future or not because
44 I know that certain people from each region work on
45 subsistence and not everybody does. Not every tribal
46 member does. It's like in our region, I can speak only
47 in our region. They pretty much leave it up to the
48 corporation to do it, to work on the -- you know, we
49 have our meetings and everybody gives their input, but
50 it's one person working on it. I don't know how it is

1 with the other tribes, but I think they do it the same
2 way. They have people working on subsistence and those
3 people are the ones that should be consulted.

4

5 That's just my suggestion.

6

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

8

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

11

12 Rosemary.

13

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

19

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

26

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

36

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

45

46 So I was kind of wondering as to where
47 the process you felt would start versus with the
48 consultation, is that first meeting more of a receive
49 information and then allowing your tribe to get
50 together and make some actions or is it that's when the

1 consultation is starting right now and then when you
2 come in with your response before the RAC that's where
3 your response is?

4

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

17

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

24

25 MS. AHTUANGARUAK: Thank you.

26

27 MS. K'EIT: Thank you for that
28 dialogue. That was great. Steve.

29

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

36

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

39

40 (Laughter)

41

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

49

50 MS. K'EIT: Thank you. Crystal.

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

7
8 So what I heard you say was keep a
9 couple of teleconferences with a rigid schedule so that
10 they're scheduled ahead of time and corporations and
11 tribes know when those teleconferences are. You didn't
12 say anything about the number of teleconferences that
13 there were for tribes, but there were a lot. There
14 were 10 teleconferences for tribes. They weren't as
15 well attended, so I I'm wondering if -- and then you
16 said something about there being other consultations on
17 special cases, like as needed. Maybe as requested by
18 tribes or by corporations. So I think what I heard you
19 say is that you would recommend keeping a set schedule
20 for some number of teleconferences, whatever that
21 number is, and that there also be the ability for
22 tribes and ANCSA corporations to request consultations
23 if they need it.

24
25 MS. STICKWAN: Yes, I wasn't involved
26 in the tribes and I didn't know there was 10 different
27 meetings because I'm not involved. I don't represent
28 the tribes. I represent the corporation. But, yeah, I
29 would say two set meetings per year and have those
30 meetings before the RAC meetings and then additional
31 follow up is needed. If there is additional follow up
32 needed, then that corporation or that tribe should be
33 the entity responsible for bringing forward their
34 concerns to you or whoever we could bring it to. I'm
35 not sure who we'd bring it to, but someone. There
36 should be a contact person that we would know who to
37 contact to say we have this consultation we want to
38 have about a proposal and it should be up to the tribe
39 or ANCSA.

40
41 MS. K'EIT: Great. Thank you. That's
42 a great idea also to have the one point of contact.

43
44 Pete.

45
46 MR. PROBASCO: Thank you, Kristin, and
47 thank you, Gloria, for the question. As far as the
48 point of contact, OSM is in the process and we hope to
49 soon have -- we're recruiting for a replace -- remember
50 Carl Jack retired as our Native liaison. I would

1 envision him being our point of contact -- or not him,
2 but the person that replaces Carl as our point of
3 contact for exactly what you're saying, Gloria.

4

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

9

10 MR. WAGNER: My name is Louie Wagner
11 and I've been sitting here and this consultation
12 doesn't make sense to me because the process that was
13 set up for the RAC Board and the Federal Subsistence
14 Board entitled everyone to get their comments in the
15 proposals. I don't think it excluded anyone. In our
16 community in Metlakatla we've had consultation with the
17 Forest Service and even at times that is hard. The
18 dollars aren't there and the weather doesn't cooperate
19 for them to come over to Metlakatla and meet with us.

20

21 So I like what this gentleman over here
22 said earlier. You said his name was Wilson?

23

24 MS. K'EIT: Wilson Justin.

25

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

38

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

48

49 I know that's an executive order, but
50 to me it doesn't make sense and it's not what the

1 Boards were set up for. It was to set up to help us
2 keep our subsistence way of life, not to keep taking
3 away and have new people coming into the state and
4 wanting to take away what we've done for generations
5 and thousands of years. That's what's scary.

6
7 A lot of us are fishermen and we're so
8 busy trying to keep our boats going and make our living
9 that we don't have time to pay attention to proposals
10 every year unless we hear about it and then we have to
11 get very concerned. It just feels like a lot of times
12 these things possibly slip through secretly and quickly
13 without the villages and the corporations knowing about
14 it. I think that's the most important part, is
15 everyone would know about it.

16
17 Thank you.

18
19 MS. K'EIT: Thank you, Louie. I have a
20 question for you, kind of to build on your comments.
21 One comment we received during the tribal consultation
22 teleconferences this fall was that I think the person
23 said they got the proposal book and a letter about the
24 phone call like back in June or that's when they first
25 saw it and then they had fishing season and then
26 berries came up and they were so busy, then all of a
27 sudden the date was upon them. In some ways, it was
28 like they almost got the information too soon and then
29 got busy with other stuff. Then other folks said,
30 well, it went to our chairman or our council president
31 and then we just got it this past week when someone
32 reminded that person or whatnot.

33
34 So do you have a suggestion for what
35 could be a better way to contact folks about the
36 proposals and about times for being consulted with and
37 to provide input, maybe some better ways or improved
38 ways of doing that. If you have any ideas, that would
39 be great.

40
41 MR. WAGNER: In our community, we do
42 have Tommy Lange, who is in charge of this process here
43 and this sort of thing. I've been included in it
44 lately, but only as long as I'm on council. Every two
45 years we change the mayor and the secretary if the
46 people were to vote for someone else and the same with
47 the council. We serve two-year terms. So it's easy
48 for us not to get the information that way.

49
50 Other than that I'm not sure unless

1 those like myself that's involved and really concerns
2 what I do for my way of life. I think us individuals
3 that come to the meetings and whatnot should always
4 stay on that list for the mailout.

5
6 I've been trying to get the transcripts
7 from January meetings on the Federal Subsistence Board.
8 I was promised they would be sent. From the tribal
9 leaders meeting that we had, Beth Pendleton was there
10 and we had -- I forget his name now, head forester in
11 Washington, D.C. over everyone, and we had the meeting
12 I think it was in here. It's really difficult even to
13 get the transcripts. So that part of the communication
14 back to the people is really needed.

15
16 Thank you.

17
18 MS. K'EIT: Thank you, Louie. Any
19 other comments, corporation, tribal folks. I know I
20 heard the idea maybe send the materials certified mail.
21 I know that maybe this is kind of silly, but it's
22 effective. I get a post card from ANMC when I need to
23 go to the dentist. You know, maybe we do post cards a
24 month before and remind people.

25
26 I see some heads nodding.

27
28 Other comments or ideas.

29
30 Steve.

31
32 MR. KESSLER: I was wondering if maybe
33 I could follow up with Dolly over there with sort of
34 just a question. You asked that you have your board
35 meets and you would like people to come to you and I'm
36 just curious what that means. Would you like a Board
37 member to come, someone knowledgeable about the
38 program, multiple Board members? What's realistic and
39 what would you expect so that there would be
40 consultation in your mind?

41
42 MS. NORTON: Okay. One comment one of
43 my board of directors made this morning was that the
44 Federal government makes rules and regulations without
45 talking to the subsistence users. They set dates of
46 when you can hunt even though with the change of
47 seasons, the change of weather, it's changing the time
48 we can go hunt and fish. So with setting all these
49 rules and regulations, you know, with the change of
50 weather, it changes. You know, the caribou, they know

1 when to go calve, they know when to migrate and it
2 changes every year.

3
4 For instance one year our village did
5 not catch caribou for two years, so there's our meat.
6 We had to barter or we had to go to the store and pay
7 \$40 for two pounds of hamburger. So you know what I'm
8 saying? I would like it if one of you would come to my
9 board of directors meeting so they can understand this
10 protocol and how to write a proposal consultation.
11 That's what I would like.

12
13 MS. K'EIT: Great. Thank you. I like
14 that point that she made of getting information or
15 assistance on how to write a proposal. I'd just point
16 that out. It was a question I asked on a few of the
17 tribal teleconference calls -- tribal consultation
18 calls, was what did folks think about the timing of the
19 process. Did they like this way of getting proposals
20 that had already been submitted and then commenting and
21 being consulted on those or would they like to be
22 involved earlier in the process.

23
24 There was a mixed response. Some folks
25 said, yeah, earlier. We want to submit proposals. We
26 want to be proponents. Others said, no, this works
27 well for us. So I think it was a mixed reaction. But
28 I like that comment Dolly had.

29
30 Anyone else. I'm so surprised. Maybe
31 it's the setup and we're all so far apart and we don't
32 have a feather or a talking stick. Greg.

33
34 MR. ROCZICKA: What you're hitting on
35 here is that it's because of the ANCSA corporation
36 component that you have here, because of an Executive
37 Order you've got something kind of stuck in where it
38 doesn't belong. For our region, as far as certainly at
39 the regional level, Calista Corporation, I don't think
40 it would be totally off the radar to comment on
41 proposals because that's something -- I don't want to
42 say responsibility, but they wouldn't presume to speak
43 at that level on proposals for villages. Also, you
44 know, being the profit-making and having everything
45 that way, so at the regional level it would. As far as
46 the villages, I'm speaking just from my region, I don't
47 know if it's the same in others, but the involvement
48 within both State and Federal regulatory processes has
49 pretty much evolved over time.

50

1 Some villages, if you take Kwethluk,
2 their state, municipality, their ANCSA corporation and
3 their tribal councils all meet as one. They don't
4 operate independently of each other. Other villages,
5 maybe St. Mary's or Mountain Village, something like
6 that, in some places it's municipal entity that kind of
7 responds to them. Others it's the tribe or the ANCSA.
8 It varies from village to village, but that's something
9 that's evolved over time for each village as far as
10 what you've got for leadership and a lot of times the
11 same individuals are sitting there from each.

12
13 Just trying to fit this whole thing in
14 there is -- and has the focus of this has to be ANCSA
15 corporation, somebody didn't really realize what they
16 were putting into an Executive Order. I guess I
17 couldn't help but offer I wish the same level of
18 interest by certain management agency exempts
19 themselves from Title VIII of ANILCA where you've got a
20 priority and said that their internal management
21 policies were in conflict, so that override the
22 priority status that was promised by Congress, but yet
23 here you've got an Executive Order going after an ANCSA
24 corporation. I'm referring to the responsibility of
25 the Fish and Wildlife Service that they should have to
26 manage their populations to provide for subsistence as
27 a priority over others.

28
29 As far as working its way in the
30 process, I think -- again, for our region at the
31 regional council level, we have a specific agenda space
32 set aside for ANCSA corporations and we do have people
33 that come in to represent and they will say they're
34 from the corporation or they're from the city or the
35 municipality.

36
37 What's been brought up as far as some
38 kind of -- to fulfill your executive mandate that you
39 have, you know, some kind of a specific letter of
40 invite perhaps to the ANCSA corporation that this is
41 occurring and this is your opportunity to provide your
42 input on a consultation level and the door is open for
43 you. I guess I wonder how much money and time you're
44 having to spend on this process like right here versus
45 what we hear at the RAC meetings on how funding is
46 getting more and more limited and we can't have
47 additional meetings that we would like to have or
48 perhaps travel to give our input at the State's
49 regulatory body when we have companion proposals
50 sitting in front of them, things like that. They're in

1 question of happening or cannot happen because of
2 limited funding and yet you have to spend this amount
3 of money going through the exercise you are here and
4 how extensive or ongoing it may be.

5
6 MS. K'EIT: Thank you, Greg. Lots of
7 good comments there.

8
9 Yes, Pat.

10
11 MR. POURCHOT: I just wanted to clarify
12 one thing. That policy for consultation with Native
13 corporations, that's not part of an Executive Order.
14 That's law. That was a rider on appropriation bill.
15 We don't really have any choice on following that law.
16 The tribal government-to-government consultation, that
17 was the Executive Order that's referred to up there.

18
19 MS. K'EIT: Thank you, Pat.

20
21 Any other comments, discussion.

22
23 Dolly.

24
25 MS. NORTON: Dolly Norton, Cully
26 Corporation. You know, everybody is talking about not
27 having enough money to have these meetings. Well, i'm
28 going to bring up the coastal zone management. The was
29 an opportunity for funding for us. We could have
30 gotten that coastal zone management for Alaska and used
31 the funding for subsistence meetings instead of holding
32 two a year. We could have quarterly meetings. You
33 know, how did your subsistence hunt go in this region,
34 how did it go in that region, but that's just my
35 thought.

36
37 Thank you.

38
39 MS. K'EIT: Thanks, Dolly. Other
40 folks. Discussion.

41
42 MR. ANDREW: Hi. My name is John
43 Andrew, Native Village of Kwethluk. I'm also a member
44 of the Regional Advisory Council out of YK. I have
45 many caps. I am speaking from my village perspective
46 to have the corporations consult at the same level as
47 the tribes. It separates our own community, our
48 village, like from my own village of Kwethluk. I sit
49 with the tribal council. In one community the
50 government says you can consult as a tribe or you can

1 consult as an ANCSA corporation. We're still one
2 community, one group of people. We're all in one
3 village. Why do they want us to separate us?

4
5 Both the corporation and the tribes --
6 the tribes works for the welfare of the community and
7 the corporation looks after your economic and the
8 resources. Both of them are working for your tribe.
9 That's a question I have.

10
11 Thank you.

12
13 MS. K'EIT: Thank you, John.

14
15 Della.

16
17 MS. TRUMBLE: Thank you, John. My
18 community, we work closely together, including the city
19 and the borough. We all work together. However, I am
20 aware that some regions the tribes and the corporations
21 do not work well together and that's why I'm trying to
22 figure out how do you structure something that allows
23 them to have to -- it almost forces them to start to
24 work together to be able to do this. I'm wondering is
25 there something we can create that will -- and it was
26 brought up I think also by creating the subcommittees.
27 Is that process going to work. But I am aware that,
28 yes, there are even some small communities that they
29 don't work together and how are we going to make that
30 work.

31
32 MS. K'EIT: John.

33
34 MR. ANDREW: Thank you, Madame Chair.
35 In my village it's not much of a problem because like
36 Greg brought up earlier in my community we have what
37 they call a Kwethluk Joint Group consisting of the
38 tribe, the corporation, the municipal government. They
39 meet once a month on issues that are related to our
40 tribal meets, community meets. In some of the other
41 villages they don't do that, they're separate right
42 within their own communities.

43
44 Thank you.

45
46 MS. K'EIT: Thank you, John and Della.

47
48 Gloria.

49
50 MS. STICKWAN: I guess I view this as

1 an opportunity for, like she said, for the corporations
2 and the tribes to work together, but I don't think this
3 act is saying the Federal Subsistence Board is trying
4 to make the ANCSA corporation be the spokesperson or
5 the tribe. It's just an opportunity for either the
6 tribe or the corporation to be the lead or to work
7 together. It's not a mandatory thing for -- I don't
8 think the Board is trying to say ANCSA corporations are
9 now going to be the spokesperson for that region and
10 then we're going to have the tribes. It's just an
11 opportunity that the region has to work out for
12 themselves who is going to be the spokesperson for the
13 -- on subsistence for that region. That's something
14 that needs to be worked out in each region. It's just
15 an opportunity the way I see it and if I'm wrong then
16 somebody should tell me I'm wrong.

17

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

20

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

24

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

27

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

43

44 I suggest that to other communities
45 that might have a war going on between the village
46 corporation or the city or the tribe. It's an equal
47 way to separate responsibilities. That doesn't mean
48 one has all the jurisdiction over tribes with the
49 Federal government. It's working out now where the
50 city and the IRA just like in Kwethluk are working

1 together for the common good of the community and it's
2 worked out very well especially during the pipeline
3 days when the State had all its money.

4

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

16

17 Rosemary.

18

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

22

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

26

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

35

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

45

46 What do you think of that idea?

47

48 Rosemary.

49

50 MS. AHTUANGARUAK: My thoughts are

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

12

13 MS. K'EIT: Great. Thank you.

14

15 MS. NORTON: I have a question.

16

17 MS. K'EIT: Dolly.

18

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

29

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

33

34 (No comments)

35

36 Board members, do you have any comments
37 or discussion you'd like to add this afternoon. It's
38 3:30. We have the room until 5:00. With the turnout
39 and the conversation, I'm not sure I expect everyone to
40 stay until 5:00. Geoff.

41

42 MR. HASKETT: Well, this was set up so
43 that we could learn and hear from people and I think we
44 learned a lot this afternoon. I don't think we have all
45 the answers yet. When I hear the discussions about we
46 need to come out and have specific discussions with
47 specific people, I understand that comment, but I
48 struggled a little bit because when you have over 200
49 tribes, 200 corporations. I mean it's physically
50 impossible for us to actually go everywhere.

1 I think we need to do it more than we
2 have. I think what we need to do is come up with some
3 kind of process, look at these kind of comments coming
4 in here where we can do both. We have a process where
5 it's efficient and it utilizes budgets and ways where
6 people are able to hear about things ahead of time and
7 are able to comment and are able to get their needs
8 covered and then we need to figure out other ways where
9 we are able to do more too when it's possible to do
10 that.

11
12 Again, I don't think we have all the
13 answers, but certainly there's lots of things we need
14 to go back and sort out and figure out how we can do it
15 better. Clearly we do need to do it better.

16
17 MS. K'EIT: Thank you, Geoff.

18
19 Any other Board member comments.

20
21 Gene.

22
23 MR. VIRDEN: Gene Virden. I work with
24 the Bureau of Indian Affairs. I'm a board member. I
25 think this process with the ANCSA corporations is a
26 good process. It can be modified as it needs to be,
27 but it creates the opportunity for more input so that
28 the Alaska Native subsistence users and rural
29 subsistence users will know of a proposal. I know I
30 was in the original meeting with the ANCSA corporations
31 and there was some tribes there too and it was kind of
32 like this at first, but then when they realized the
33 ANCSA corporations had really no interest in taking
34 over any authority of the tribal government, things
35 started moving forward.

36
37 I just think this input should really
38 flow through the RACs and some did this year. I went
39 to Dillingham and we had someone call in to the
40 consultation meeting prior and one of the Staff members
41 presented that to the RAC and it was something -- that
42 individual just was physically not able to get to the
43 meeting. So just a comment.

44
45 MS. K'EIT: Thanks, Gene. Building on
46 Geoff's idea of trying to develop a process and do it
47 better and then Gene's idea of using what process is
48 there for the RACs, not all the agencies but more of
49 them are starting to work on videoconferencing. I know
50 I've gone to meetings that Park Service and Fish and

1 Wildlife and they have the equipment set up and they
2 use that to work with their offices in rural
3 communities. I hate to say it, but BIA we're always a
4 little behind the curve after being off of email for
5 how many years and now we're catching up. We're
6 working on getting videoconferencing for our three
7 offices around the state.

8
9 That's something I've thought about,
10 could we make that available and as a mechanism to have
11 sessions of consultation with some of our villages.
12 We're using videoconferencing anyway. It's not always
13 the best solution, but sometimes it's better than not
14 doing anything at all and having patience with that
15 process maybe we can also start building into the
16 process some videoconferencing and agencies being able
17 to make available the resources that we have in that
18 way.

19
20 Dolly.

21
22 MR. NORTON: Now that's a very good
23 idea. However, in Point Lay we have very strong winds
24 and with those winds come power outages, our internet
25 gets cut off, we're on overload in the winter months,
26 so teleconferences via phone works because our internet
27 goes out because the satellite got moved because the
28 wind is too strong. We've been contemplating getting
29 wind generation up there to do the electricity, but
30 when it's -40 degrees and it breaks down, who is going
31 to go out there and fix it. No one. So the
32 videoconferencing is great, but you have to understand
33 during the three months that we are dormant is the
34 coldest and we do have phone services. So
35 videoconferencing we don't have that in Point Lay. So
36 teleconferences are the best way to get a hold of us.
37 Videoconferencing they have that at ASRC, but we don't
38 have that in the village, so that's my comment on that.

39
40 Thank you.

41
42 MS. K'EIT: Great. Thank you.

43
44 MS. AHTUANGARUAK: I also was involved
45 with the National Tribal Environmental Think Tank
46 Process in the Agency for Toxicology and Disease
47 Substances process related to the chemical toxins.
48 During those processes we did have some webinars, but
49 the reality of trying to do that in the arctic versus
50 trying to do it in a different setting -- it was a two-

1 hour conference. It took me four hours for the first
2 half hour.

3

4 MS. K'EIT: Thanks, Rosemary.

5

6 Other ideas.

7

8 Greg.

9

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

17

18 MS. K'EIT: Great. Thank you.

19

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

22

23 (Laughter)

24

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

28

29 MR. SAMPSON: No.

30

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

33

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

36

37 (Laughter)

38

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

42

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

46

47 MS. K'EIT: Great question. We have
48 our next consultation, the government-to-government
49 consultation, our Providers Conference, that's December
50 1st. Maybe the workgroup can talk about are you doing

1 anything in between now and then and then what the rest
2 of the timeline is. Refresh my memory.

3

4 MS. LEONETTI: Yeah, we're going to do
5 some stuff in between now and then. Just probably a
6 couple teleconferences to talk about how the fall cycle
7 of these consultations went, what we learned today
8 during this consultation, any other communication that
9 has come in via email or letter or phone call and we're
10 going to get it all out there in front of the workgroup
11 so we can all start thinking about it and then December
12 1st is that consultation. The week after the Providers
13 Conference is when the workgroup is going to convene in
14 person and really digest all that information, analyze
15 it and try to make something that the Board can
16 consider at their January meeting. I believe their
17 meeting is the 17th, 18th and 19th. Pete.

18

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

22

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

24

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

32

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

34

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

46

47 MS. K'EIT: Dolly.

48

49 MR. NORTON: As a Federal Subsistence
50 Board of directors, I guess, when EPA has a suit

1 mandating that polar bears have this big buffer, does
2 this Board stand up for all the subsistence hunters and
3 go and speak on that? I'm just curious.

4

5 MS. K'EIT: Pete.

6

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

16

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

19

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

25

26 MS. NORTON: Who is?

27

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

30

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

33

34 MR. PROBASCO: That's correct.

35

36 MS. NORTON: Okay.

37

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

39

40 Greg.

41

42 MR. ROCZICKA: I'd have to point out
43 here from the process just described here with your
44 working group and so forth, if it gets past the
45 January, it's going to be doing so without any kind of
46 review of any interim protocol or final protocol or
47 whatever from the RACs. It jumped out at me from your
48 Item C you had here that the reports and results of the
49 consultation will occur during the fall of 2011
50 meetings and those meetings are all done and here's

1 your first consultation at this level that I'm aware
2 of. I mean we had it reported at the RAC that this was
3 going to be occurring here at AFN and then again in
4 December.

5
6 MS. K'EIT: I can clarify. We had two
7 teleconferences that were government-to-ANCSA
8 consultation on the fall wildlife proposals and then
9 from those two consultations either an ANCSA rep or a
10 Federal Staff member rep was to report at the fall RAC
11 meetings. So we staggered the consultations, both the
12 government-to-ANCSA and the government-to-government
13 consultation teleconferences so they could be held
14 before the RAC meeting for that region and then either
15 a tribal person on the phone or the ANCSA person on the
16 phone or a Staff member would report at the RAC meeting
17 what the comments were during the consultation
18 teleconference.

19
20 So this meeting today is the first in-
21 person consultation and it was more specific to the
22 protocol. The teleconferences held for the past about
23 six or eight weeks, I think, were specific to the
24 proposals.

25
26 MR. ROCZICKA: Are you going to be
27 drafting up some kind of document similar to -- I mean
28 it's going to lay out criteria of how you're going to
29 go through a process because that's what I'm looking
30 for and I haven't seen anything at all.

31
32 MS. K'EIT: Okay.

33
34 MR. ROCZICKA: If you're going to be
35 adopting that, then the RACs are not going to see it.
36 We won't have a meeting before January. The next set
37 of meetings for developing fisheries proposals will be
38 in January, February and March.

39
40 MS. K'EIT: Right. I'm going to let
41 Crystal speak to that, but, yes, we will have a time
42 for the RACs.

43
44 MS. LEONETTI: Sorry. I guess I didn't
45 finish the whole process. So the workgroup is going to
46 present some protocols or a protocol to the Federal
47 Subsistence Board at their January meeting and then
48 whatever changes the Board might make to the protocol
49 at that time will go out to the RACs for their review
50 and comment back to the Federal Subsistence Board for

1 their next meeting, which I'm going to Pete now and ask
2 him when that occurs.

3

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

18

19 MS. K'EIT: Thanks, Pete.

20

21 Dolly.

22

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

27

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

32

33 MS. NORTON: You can have a March
34 Madness.

35

36 (Laughter)

37

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

41

42 MR. PROBASCO: Sullivan Arena.

43

44 (Laughter)

45

46 MS. K'EIT: Great. So I think just to
47 go back to Walter's question about timeline and make
48 sure everyone knows you have six weeks if you want to
49 put some comments in writing, an email, letter,
50 whatnot, you can do that. We'll be doing the tribal

1 consultation at Providers Conference on December 1st.
2 You can go to biaprovidersconference.com, that's all
3 one word, and see our very draft agenda.

4
5 Just to put in a plug for that, we're
6 having our usual banquet in the middle of the week and
7 the planning committee has found a really great band to
8 have during the banquet, so that's pretty exciting. We
9 said get your dancing shoes ready. That will be -- I
10 think the banquet is at the Egan, but the conference
11 itself is at Dena'ina. So just look on the web there
12 for that information.

13
14 Anything else. Tim.

15
16 CHAIRMAN TOWARAK: I'd like to maybe
17 ask Pat to give this group an update on the process of
18 selecting two additional Board members.

19
20 MR. POURCHOT: Thank you, Tim. As
21 probably most of the people here know, the Secretaries
22 review of the subsistence program came out with a
23 number of actions that the Secretary of Agriculture and
24 Secretary of Interior wanted to see happen and the
25 Board took up a number of those already and has had
26 quite a bit of discussion on them. One of the more
27 important action items that required regulatory change
28 was their proposal to add two public members to the
29 Federal Subsistence Board, which, except for the
30 Chairman, consists of the heads of Alaska land
31 management and BIA agencies. The final regulation was
32 published in early September, I believe.

33
34 The Secretary called for nominations
35 and applications for those two public member slots. My
36 office here in Anchorage is taking those nominations
37 and applications now. The application period is open
38 until the end of this month, end of October. The hope
39 is the Secretary of Interior with the concurrence of
40 the Secretary of Agriculture would make selections in
41 time for new public members to be seated and hopefully
42 brought up to speed a little bit in advance of the
43 winter regulatory meeting in January.

44
45 MR. TOWARAK: Thank you, Pat.

46
47 MS. K'EIT: Great. Good question.
48 Steve gave me the email and the fax number if you want
49 to send in written comments. The email is the word
50 subsistence@fws.gov and the fax number is (907)786-

1 3898.

2

3

I think we're ready to adjourn.

4

5

Any last comments.

6

7

Oh, Louie.

8

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

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

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

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

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

MR. WAGNER: I just feel it's coming into our waters. It's American waters. It's crossing the border. The mine is going to be like seven to ten miles from the American border there. They had some really great pictures of the area there. It's possibly

1 a 50-year mining operation. I think they said they
2 plan on taking out 60 million cubic metric yards,
3 something like that. It was a pretty long word. Then
4 there's just going to leave this huge hole up there
5 when they're finished and let it fill with rain and the
6 runoff is going to be there forever. I know we have no
7 say over what they do on their land, but I feel we have
8 a lot to say what's going to come into our waters. I'd
9 like to hear something positive that we'll be protected
10 the best we can through our agencies.

11

12 Thank you.

13

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

16

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

27

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

42

43 Louie.

44

45 MR. WAGNER: Thank you. I appreciate
46 that. We've had the treaty over the salmon all these
47 years and I just feel anything coming from our
48 government and telling them that they're hearing from
49 the people that they're very concerned for their very
50 delicate little unique river there and the discharge

1 that's going to come out of that huge mine is going to
2 be devastating. It seems like they're been wanting to
3 have a big say in our salmon all these years and we
4 have the different species going up there, the king
5 salmon, the coho salmon, the chum, the pink and the
6 eulachon run and we have the migratory birds that are
7 up there, the bear and the moose. It just seems like
8 there's always government-to-government talk there
9 between the countries. Before it gets too far in their
10 permitting I think they need to hear from us that there
11 are big concerns coming from that.

12

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

23

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

38

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

48

49 I asked them how do the people on that
50 side feel about it and they said, well, they're

1 starting to come around. I said because of the jobs
2 they're promised and he said -- he didn't tell me yeah.

3

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

10

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

16

17 Thank you.

18

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

20

21 MR. SAMPSON: move to adjourn.

22

23 MS. K'EIT: Thanks, Walter.

24

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

28

29 Enjoy the rest of AFN.

30

31 (Off record)

32

33 (END OF PROCEEDINGS)

