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FEDERAL SUBSISTENCE BOARD

WORK SESSION MEETING

OSM CONFERENCE ROOM  
ANCHORAGE, ALASKA

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

MEMBERS PRESENT:

- Tim Towarak, Chairman
- Charles Brower
- Anthony Christianson
- Bud Cribley, Bureau of Land Management
- Timothy Jennings, U.S. Fish and Wildlife Service
- Sue Masica, National Park Service
- Eufrona O'Neill, Bureau of Indian Affairs
- Wayne Owen, U.S. Forest Service
  
- Ken Lord, Solicitor's Office
- Dawn Collinsworth, USDA Office of General Counsel
  
- Kelly Hepler, State of Alaska Representative
  
- Recorded and transcribed by:  
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1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 6/18/2013)

4  
5 (On record)

6  
7 CHAIRMAN TOWARAK: Good morning. My name  
8 is Tim Towarak. I'm the Chairman of the Federal  
9 Subsistence Board. I think with Charlie coming in we  
10 finally got everyone here that's expected. I'd like to  
11 -- Sue will be a little bit late but we have someone  
12 sitting in for her.

13  
14 Your agenda is on the first page. I'd  
15 like to start off with introductions and we'll start with  
16 my left and go around the table.

17  
18 MS. O'REILLY-DOYLE: Good morning. I'm  
19 Kathy O'Reilly-Dole. I am Acting Assistant Refuge -- or  
20 Acting ARD for the Office of Subsistence Management.

21  
22 MR. CHRISTIANSON: Anthony Christianson.  
23 I'm the rural Federal seat Board member.

24  
25 MR. MILLS: I'm Dave Mills with the  
26 National Park Service. Tim said Sue should be here in a  
27 couple minutes.

28  
29 MR. CRIBLEY: I'm Bud Cribley. I'm State  
30 Director, BLM Alaska.

31  
32 MS. O'NEILL: Eufrona O'Neill. Acting  
33 Regional Director for BIA.

34  
35 MR. JENNINGS: Yeah, good morning. I'm  
36 Tim Jennings. I'm Assistant Regional Director for the  
37 Fish and Wildlife Service sitting in on behalf of Geoff  
38 Haskett.

39  
40 MS. COLLINSWORTH: Good morning. I'm  
41 Dawn Collinsworth with the USDA Office of the General  
42 Counsel.

43  
44 MR. OWEN: Good morning. I'm Wayne Owen.  
45 I'm the US Forest Service Director for wildlife fish and  
46 subsistence and I'm sitting in representing the Regional  
47 Forester today.

48  
49 DR. JENNINGS: Good morning. David  
50 Jenkins. I'm the acting Deputy Assistant Regional

1 Director for OSM.

2

3 MR. LORD: Good morning. Ken Lord with  
4 the Office of the Regional Solicitor for Alaska region.

5

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

9

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

12

13 CHAIRMAN TOWARAK: Oh, let's introduce  
14 Charlie.

15

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

18

19 (Laughter)

20

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

25

26 CHAIRMAN TOWARAK: Thank you, Charlie.  
27 Welcome.

28

29 On the agenda we do have one deletion on  
30 11B. We're taking that off of the agenda but the rest  
31 remains. Are there any other changes that need to be  
32 made on the agenda.

33

34 (No comments)

35

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

38

39 (No comments)

40

41 MR. BROWER: So moved.

42

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

45

46 MR. CHRISTIANSON: Second.

47

48 CHAIRMAN TOWARAK: It's seconded. Motion  
49 passes.

50

1 For information exchange. I've got a  
2 couple of things that I wanted to point out.

3  
4 Katie John passed away last month and we  
5 attended her funeral and I had the Staff draft a letter,  
6 I've got a copy of the letter here for anyone that wants  
7 a copy, to recognize her input into subsistence. She was  
8 a very well known and well respected elder, a woman from  
9 the Yukon River around the Fairbanks area. The letter is  
10 fairly self-explanatory but we gave it to her family and  
11 extended our gratitude for the role that she played in  
12 the subsistence situation in Alaska.

13  
14 You have anything else?

15  
16 MS. O'REILLY-DOYLE: No. If the Board  
17 wants to do anything else in recognition (no microphone).

18  
19 CHAIRMAN TOWARAK: Okay. We'd like to  
20 open up the floor if there's any Board members feel that  
21 we need to -- we should be doing a little bit more or  
22 anything else to recognize Katie John's contributions to  
23 the subsistence issues in Alaska. And perhaps we could  
24 just leave it open for the day and if you have any ideas  
25 on what we might be able to do, please let us know here  
26 during the day.

27  
28 I'd like to ask Wayne to explain maybe  
29 the award that Tony received and like to recognize -- the  
30 recognition that he got.

31  
32 Wayne.

33  
34 MR. OWEN: Thank you, Mr. Chairman. I'd  
35 be more than happy to do that.

36  
37 The Forest Service and other Federal  
38 agencies every year give awards for what are called Rise  
39 to the Future and they have to do with fish management,  
40 excellence in fisheries management across the nation.  
41 And this last year was the first year they had a new  
42 category for tribal partners and so my Staff and I put  
43 together a nomination for Tony Christianson, our member  
44 from Hydaburg, and he was lucky enough, he was deserving  
45 enough to receive that honor and we supported his travel  
46 to Washington, D.C., to receive that award where he met  
47 with agency heads and Deputy Under Secretary -- or Acting  
48 Under Secretary Butch Blazer, and so it's a great source  
49 of pride for the Forest Service to have a partner in Tony  
50 Christianson, and I'd like us all to acknowledge this

1 wonderful accomplishment of his. And by the way, we've  
2 gotten a lot of good press out of Tony for this.....

3

4 (Laughter)

5

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

8

9 (Laughter)

10

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

12

13 (Laughter)

14

15 CHAIRMAN TOWARAK: Congratulations, Tony.

16

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

22

23 MS. O'REILLY-DOYLE: Probasco.

24

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

27

28 (Laughter)

29

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

33

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

35

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

40

41 MS. O'REILLY-DOYLE: Thank you.

42

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

45

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

49

50 I'll open the floor for any other

1 information exchange that Board members would like.

2

3 MS. BURKE: Mr. Chair.

4

5 CHAIRMAN TOWARAK: Yes.

6

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

11

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

23

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

41

42 So thank you so much.

43

44 CHAIRMAN TOWARAK: Thank you. In  
45 conjunction with that we're going to try to coordinate  
46 between all seven Board members to see if we could fit  
47 into their schedule and have at least one Board member to  
48 make these presentations of the 20 year awards. So if  
49 you have a particular region that you would like to  
50 attend, please give that information to Kathy.

1 MS. O'REILLY-DOYLE: Uh-huh.  
2  
3 CHAIRMAN TOWARAK: Further exchange  
4 information.  
5  
6 (No comments)  
7  
8 CHAIRMAN TOWARAK: Not hearing any then  
9 we will continue on with Item No. 4, public comments.  
10 This is a work session and I was asked if we should have  
11 public comments and I would like to open the floor for  
12 anyone on any of the agenda topics, if there are anyone,  
13 either on the phone or in the public that.....  
14  
15 MS. O'REILLY-DOYLE: We have three.  
16  
17 CHAIRMAN TOWARAK: We have three people  
18 who would like to make.....  
19  
20 MS. O'REILLY-DOYLE: There's one in  
21 person and two on the phone.  
22  
23 CHAIRMAN TOWARAK: .....comment -- okay.  
24 We have Floyd Kookesh. Mr. Kookesh would you like to  
25 address the Board at this point or -- he talked with me  
26 on the way up and asked if he could speak specifically to  
27 the ETJ on the petition from Kootznoowoo and I'm willing  
28 to have him address the Board at that time when it's --  
29 it's toward the end of the agenda.  
30  
31 We also have Mr. Naoroz from Kootznoowoo  
32 on the phone, I assume.  
33  
34 MR. OWEN: The phone's not on.  
35  
36 REPORTER: The phone is on.  
37  
38 MR. OWEN: Oh.  
39  
40 CHAIRMAN TOWARAK: Do we have Mr. Naoroz  
41 on the phone?  
42  
43 MS. O'REILLY-DOYLE: Where -- where's  
44 Andrea.  
45  
46 MS. WHITEHOUSE: She just went and  
47 checked the system.  
48  
49 CHAIRMAN TOWARAK: Okay, it sounds like  
50 we don't have the phone hooked up so we'll give them a

1 couple of minutes.

2

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

5

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

8

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

12

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

17

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

22

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

25

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

28

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

32

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

36

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

39

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

42

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

45

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

48

49 CHAIRMAN TOWARAK: Okay, thank you.

50



1 SARA: Thank you.  
2  
3 CHAIRMAN TOWARAK: And anyone else?  
4  
5 (No comments)  
6  
7 CHAIRMAN TOWARAK: If not then we will  
8 proceed. We've had a couple of people walk in and I'd  
9 like to have Ms. Masica and Pat to introduce yourselves.  
10  
11 MS. MASICA: Sue Masica from the National  
12 Park Service. Sorry I'm late I had a dentist appointment  
13 this morning.  
14  
15 MR. KRON: Oh, man.  
16  
17 MR. POURCHOT: This is Pat Pourchot with  
18 the Office of the Secretary of Interior here in  
19 Anchorage.  
20  
21 CHAIRMAN TOWARAK: Thank you. Welcome to  
22 our meeting. We will continue on. Item No. 5 on our  
23 agenda is the OSM budget briefing. Kathy.  
24  
25 MS. O'REILLY-DOYLE: Thank you. So thank  
26 you, Mr. Chair. I do have some handouts that I'm going  
27 to pass around here so that you can follow along with  
28 this.  
29  
30 So just to give you a bit of an overview.  
31 One of the things after the Secretarial Review -- one of  
32 the things the Secretary wanted to see is that we did an  
33 annual -- OSM did an annual budget briefing to the Board  
34 to let you know what the status was and give you a little  
35 idea as to what the priorities were, where we might be  
36 trying to find some cost savings. And the other thing on  
37 the budget briefing is one of the things in the  
38 Secretarial Review, the Secretary asked us to take a look  
39 at the budget and see if there was a possibility for a  
40 single line item for subsistence and we will cover that  
41 a little bit later in the briefing under Secretarial  
42 Review, which is Item No. 6 on your agenda. But I  
43 thought that this would be good to give you an overview  
44 of the budget process and how the funding, you know,  
45 comes to us, you know, from the President's budget and --  
46 to OSM and then in turn how the funds are spent once it  
47 comes to OSM to give you a little bit better idea to  
48 prepare you for the discussion in the next agenda item.  
49  
50 So the first handout is basically direct

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

10

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

35

36                   So if you'd turn to the next one.

37

38                   Basically a chart showing.....

39

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

41

42                   MS. O'REILLY-DOYLE: Yes.

43

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

45

46                   MS. O'REILLY-DOYLE: Yes.

47

48                   MS. O'NEILL: Is the 10 million, or the  
49 dollar amount at the bottom of the page, is that the  
50 total amount of funding you get in addition to what you

1 pass out here or what's the total amount that you're  
2 distributing?  
3  
4 MS. O'REILLY-DOYLE: I can show you --  
5 that's indicated.....  
6  
7 MS. O'NEILL: That's later?  
8  
9 MS. O'REILLY-DOYLE: Yeah.  
10  
11 MS. O'NEILL: Okay, all right.  
12  
13 MS. O'REILLY-DOYLE: Good question.  
14  
15 MS. O'NEILL: Okay.  
16  
17 MS. O'REILLY-DOYLE: And if I don't  
18 answer that in the other slides, please ask me again.  
19  
20 Okay.  
21  
22 So on the next page you'll see the total  
23 OSM budget by fiscal year and you can see the declining  
24 trend in the budget. And the table on the bottom of this  
25 page, as you can see, is color-coded. The blue, it shows  
26 the total amount that we've received in OSM from 2005 to  
27 2013, and this is the amount that's reflected in that  
28 chart above.  
29  
30 Yes.  
31  
32 MS. COLLINSWORTH: We don't all have  
33 colored copies, these.....  
34  
35 MS. O'REILLY-DOYLE: You don't have color  
36 -- oh, I'm sorry, you were supposed to all get colored  
37 copies.  
38  
39 MS. COLLINSWORTH: That's okay, we can  
40 share.  
41  
42 MS. O'REILLY-DOYLE: Okay. The color  
43 copy -- or the color blue is under total so who --  
44 okay.....  
45  
46 MS. COLLINSWORTH: We're shaded grey.  
47  
48 MS. O'REILLY-DOYLE: You're shaded grey,  
49 all right.  
50

1 (Laughter)

2

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

6

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

15

16 So, Sue, did you have a question?

17

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

23

24 MS. O'REILLY-DOYLE: Yes.

25

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

29

30 MS. O'REILLY-DOYLE: Exactly.

31

32 MS. MASICA: Thank you.

33

34 MS. O'REILLY-DOYLE: Exactly.

35

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

46

47 If you'd flip to the next slide, and we  
48 are getting into just the OSM budget. So OSM 39 percent  
49 of our budget is for Staff, travel and operations. 37  
50 percent is for the Fisheries Resource Monitoring Program.

1 16 percent is for common services and program support.  
2 Three percent is for the liaison cooperative agreement  
3 that we have with the State of Alaska. And five percent  
4 is for the Partners Program.

5  
6 So some of the things that we've been  
7 doing in OSM with the decreased budgets, I just wanted to  
8 -- we've been trying to keep the FRMP project as whole as  
9 possible because that supports the research and the  
10 information needs that we have and in order to get you  
11 the best information for making your decision. So we've  
12 tried to keep that as whole as possible. Where we have  
13 found some cost savings is in the Staff travel and  
14 operations part. What we have been trying to do there is  
15 -- tried to keep some of the Regional Advisory Council  
16 meetings in regional hubs where we can, because travel  
17 costs are definitely less if we can get people to  
18 regional hubs. We have been looking at cost analysis on  
19 some of these meetings where the RACs have wanted to get  
20 them into smaller communities and seeing if that's a  
21 possibility and wherever possible we try to accommodate  
22 them in the smaller communities. But in terms of cost  
23 savings we try to keep them in the regional areas.

24  
25 Another thing that we have been doing,  
26 too, is we have reduced the amount of Staff that we're  
27 sending to some of these meetings. We have our Council  
28 coordinator that always goes to the meeting and we  
29 usually try to send someone from our leadership team as  
30 well. During times where we have fisheries analysis and  
31 wildlife analysis, we have been trying to send a  
32 biologist -- a fisheries biologist or wildlife biologist  
33 to the meeting as well, especially where it's the analyst  
34 that's reviewing the proposals that's coming from that  
35 Council.

36  
37 We have had to limit additional people  
38 going to the meeting and what we're trying to do is  
39 improve our teleconference capabilities at some of these  
40 meetings but all of you know that that can be quite a  
41 challenge in some of these communities in terms of the  
42 reception, the power. It isn't the best solution but it  
43 is one that we're trying to improve upon so that we can  
44 have the resources that the RAC needs to address their  
45 questions. So we try to keep everyone on line during,  
46 you know, their meeting but we haven't been able to send  
47 all the people to the meetings.

48  
49 The other thing that I think is important  
50 to note on this pie chart as well is the Partner's

1 Program, we have \$600,000 allocated for the Partner's  
2 Program and what I don't know if it's commonly known is  
3 a lot of the Partner's Program projects help support the  
4 FRMP research projects, so they're somewhat knitted  
5 together. So it's not like you can just cut the  
6 Partner's Program and you have a clean savings because  
7 maybe the Partner's Program funding to them is helping to  
8 support an FRMP project. So if they weren't funded you  
9 would have to spend more on the actual FRMP dollars. So  
10 it's knitted together a bit in terms of not being able to  
11 just say we're just going to cut this area because we  
12 would have to consider what projects that affected as  
13 well.

14

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

25

26                   And then if you flip to the final page,  
27 I repeated the chart but just the trending of our total  
28 budget for OSM is a 15 percent decline since 2005 and  
29 then the second chart is OSM Staffing by fiscal year. So  
30 you can see we've gone from 50 -- about 50 employees in  
31 2005 and we're getting close to about 30 in '12. We do  
32 have quite a few vacancies right now and I'm sure all of  
33 -- most of you are aware of the sequestration issues and  
34 the hiring freeze. We're experiencing a hiring freeze at  
35 US Fish and Wildlife Service, I think all of DOI is under  
36 a hiring freeze. I'm not sure if Forest Service is as  
37 well or not. But one thing that we are doing with all of  
38 our vacant positions right now is we need to request  
39 waivers and those waivers come through D.C. So anything  
40 that we have in terms of a vacancy we need to submit that  
41 and get it improved and the Assistant Regional Director  
42 position that Gene Peltola was just selected for, that  
43 went through a waiver process. Steve Fried will be  
44 retiring here at the end of the month, his position has  
45 been a waiver -- has been submitted to refill his  
46 position. And Helen Armstrong, who retired at the end of  
47 last month, and she was our lead anthropologist, a waiver  
48 has not been submitted -- forwarded yet, to D.C. for her  
49 position. So one thing that we're looking at is creative  
50 solutions for how to continue to operate OSM, how to

1 support the Board and how to support the rural residents.  
2 So I have started discussions with some of the agencies  
3 and looking at creative ways to possibly get some  
4 anthropology needs met in terms of doing details. Maybe  
5 having other agencies, you know, we share Staff, you  
6 know, take a look at how we can be creative to get the  
7 work done and to get the expertise that we need to  
8 prepare the analysis for you.

9

10 So is there any questions on that?

11

12 MR. OWEN: Mr. Chairman.

13

14 CHAIRMAN TOWARAK: Go ahead, Wayne.

15

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

28

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

31

32 MR. OWEN: Thank you.

33

34 CHAIRMAN TOWARAK: Any further questions  
35 or comments.

36

37 MS. MASICA: One question.

38

39 CHAIRMAN TOWARAK: Sue.

40

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

47

48 MS. O'REILLY-DOYLE: Uh-huh. The initial  
49 cuts that we took with the sequestration, the things that  
50 were targeted right now was reduced funding for the State

1 liaison position. Reduced funding for the Partner's  
2 Program this year. We were fortunate that we had some  
3 funds available at the end of last year so we did some  
4 forward funding for the Partner's Project so those will  
5 not be funded fully through this year's budget because we  
6 were able to do some forward funding because we  
7 anticipated that there would be some cuts this year so we  
8 prepared ourselves for that.

9  
10 Staffing is -- is a big one in terms of  
11 how the sequestration has hit because of not only the  
12 funding but also the hiring freeze and looking at, you  
13 know, how we can be creative. One thing that we have  
14 done, we have two new Staff that we have brought in from  
15 other divisions and programs within the US Fish and  
16 Wildlife Service because their positions in their current  
17 spots, one was in Refuges and one was in Fisheries, their  
18 positions were slated to be discontinued because of the  
19 sequestration so we were able to bring, you know, their  
20 talent into OSM and now they're on our Staff. So we're  
21 working within the agency to see, you know, how we can  
22 shift things and keep everyone employed, as well.

23  
24 Thank you.

25  
26 CHAIRMAN TOWARAK: Go ahead.

27  
28 MS. O'NEILL: The budget will always be  
29 with us.

30  
31 (Laughter)

32  
33 MS. O'NEILL: And I speak more in my  
34 experience in other capacities and being a member of this  
35 Board, but in making those allocations and decisions, are  
36 you basing them upon the performance standards that we've  
37 seen in the past relative to the effectiveness of the  
38 work being performed in supporting this Board or are you  
39 just following general guidelines relative to trying to  
40 keep Staff -- I mean I'm familiar with that one but --  
41 maybe I'll back up.

42  
43 MS. O'REILLY-DOYLE: Okay.

44  
45 MS. O'NEILL: Are there performance  
46 standards in place relative to this budget that measure  
47 how responsive the OSM is to the Board? For example, are  
48 we receiving the type of answers we need from the various  
49 research programs to assist us in making decisions. That  
50 would be one performance measure. So do we have those



1 standards in place and have the budget decisions based --  
2 are based upon those standards?

3

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

19

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

24

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

39

40 Does that address your question?

41

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

44

45 (Laughter)

46

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

49

50 MS. O'REILLY-DOYLE: Okay.

1 MS. O'NEILL: When you said we set the  
2 priorities, what -- who determines the priorities for the  
3 research?

4  
5 MS. O'REILLY-DOYLE: Yeah, David, do you  
6 want to answer this.

7  
8 DR. JENKINS: David Jenkins. Yes, I'll  
9 try to answer that. We ask the Regional Advisory  
10 Councils for advice on the kinds of information needs  
11 that they would like. So in some ways it's a bottom up  
12 process so some of the priorities bubble up from the  
13 Regional Advisory Councils and what they perceive to be  
14 missing information; and so that's part of it. It's like  
15 the RAC system, in general, we try to get information  
16 from local peoples first. And so we're responsive to  
17 what they would like to see and then we put out a call  
18 for proposals, generally, and then it goes through the  
19 process that Kathy was beginning to describe. And then  
20 once we've filtered those proposals we send them back out  
21 to the Regional Advisory Councils for their review, and  
22 after that, with their review, it comes back to the Board  
23 for your approval and then ultimately it's the ARD's  
24 decision to fund particular programs.

25  
26 So it has a broad priority setting bottom  
27 up process.

28  
29 MS. O'NEILL: And has the Board generally  
30 found itself in a position of having the answers that it  
31 wants over the years based upon that established priority  
32 system?

33  
34 DR. JENKINS: Well, I guess we can ask  
35 the Board, has the Board found it's questions answered?

36  
37 (Laughter)

38  
39 DR. JENKINS: This is actually a good  
40 question and your question about performance measures is  
41 an excellent one and when we get to the Secretarial  
42 Review we can raise that again because I think you're  
43 spot on, that there needs to be something there.

44  
45 CHAIRMAN TOWARAK: Go ahead, Wayne.

46  
47 MR. OWEN: Yes, I think maybe the  
48 question might also, or rather be do the RACs find that  
49 they're getting the information they need, you know, so  
50 if we pursue this I wouldn't want it to be us sitting at

1 this table saying, yeah, we know what we need to know, I  
2 would encourage us to ask the RACs if they're getting the  
3 service from the research in the FRMP that they need.

4

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

9

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

19

20 CHAIRMAN TOWARAK: Go ahead, Pat.

21

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

25

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

27

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

30

31 (Laughter)

32

33 CHAIRMAN TOWARAK: Thank you, Pat.

34

35 Further questions or discussion.

36

37 MS. O'REILLY-DOYLE: Nope.

38

39 CHAIRMAN TOWARAK: That concludes  
40 our.....

41

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

44

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

49

50 DR. JENKINS: You can see the briefing in

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

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

24  
25 And so far the Board has implemented  
26 three of the Secretaries recommendations. We have two  
27 rural Board members. The Board has expressed its intent  
28 to expand deference to Regional Advisory Councils to  
29 include customary and traditional use determinations.  
30 And the Board also adopted a new policy on executive  
31 sessions, to limit those or minimize the use of executive  
32 sessions.

33  
34 Now we've got several other items that  
35 we're working on that haven't been completed. The  
36 memorandum of understanding which will be talked about  
37 later today, the rural determination process, which will  
38 also be talked about later today.

39  
40 One of the items the Secretary asked us  
41 to look at was the customary and traditional use  
42 determination process, and the customary and traditional  
43 use determination process is a way of recognizing uses of  
44 fish and wildlife in particular regions. It's not an  
45 ANILCA requirement, and it was a requirement that was  
46 adopted from the State when the Federal Program took on  
47 fish and wildlife management -- subsistence management in  
48 the early 1990s. So the Southeast Regional Advisory  
49 Council has asked that a comprehensive assessment of  
50 customary and traditional use be made and that the eight

1 factors that we use in determining customary and  
2 traditional use be conducted so we really sort of  
3 understand what it is we are doing, why we adopted it  
4 from the State, and whether it continues to have any kind  
5 of efficacy using these eight factors. The Southeast  
6 factors suggested using what's called an .804 analysis to  
7 apportion resources rather than these customary and  
8 traditional use factors. So we intend to have a fuller  
9 briefing at the fall RAC meetings on this topic and to  
10 get the RACs recommendations on whether they would like  
11 to continue to use this process or some different  
12 process.

13

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

16

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

33

34                   The Secretaries also requested that the  
35 Director of the Fish and Wildlife Service, under  
36 departmental procedures, review -- no, pardon me. Let me  
37 say, at the request of the Director of the Fish and  
38 Wildlife Service and under departmental procedures to  
39 review and submit recommendations for departmental  
40 consideration of the annual budget of OSM, which you just  
41 were given a briefing of. Okay. So this is the Boards  
42 -- the Secretary's asking the Board for recommendations  
43 on this budget. So the Board presented recommendations  
44 in their letter to the Secretary in April 2012 and  
45 identified a variety of needs, some of which have been  
46 fulfilled and Kathy already mentioned that budget  
47 reductions were discussed; cutting funding to support the  
48 State of Alaska in the liaison program; reduce the funds  
49 for the Partner's Program and reduce the funds for the  
50 Fisheries Monitoring Research Program. And we intend to

1 continue to keep the Board updated on all of these budget  
2 issues as the unfold. And part of the question that was  
3 just posed by Ms. O'Neill was about performance measures  
4 and this is part of where the Board could make  
5 suggestions, if the Board would like to see performance  
6 measures implemented, this is in your -- it's part of  
7 your responsibility to submit those recommendations. So  
8 this is the opportunity to do that.

9  
10                   So another element the Secretaries would  
11 like to see the Board look at was to make sure the  
12 Secretaries were informed when non-departmental  
13 rulemaking entities develop regulations that adversely  
14 affect subsistence users. And, we, at OSM, intend to  
15 assign a Staff member to collect information that can go  
16 to the Board and then could be passed on to the  
17 Secretaries when non-departmental rulemaking entities  
18 make rules that adversely affect subsistence users. One  
19 example, which is not in the United States, but there's  
20 a question of mining in Canada that affects Southeast, or  
21 potentially affects Southeast subsistence users, and the  
22 RAC's asked the Board to send on this information to the  
23 Secretaries and asked the Secretaries to send it on to  
24 the Secretary of State. So this is the sort of  
25 information that we expect to continue to pass up to the  
26 Secretaries and we'll continue to gather that  
27 information.

28  
29                   In another area is the Secretary has  
30 asked the Board to use ANILCA Section .809 cooperative  
31 agreements with local tribes and other entities in  
32 fulfilling Subsistence Program elements and Section .809  
33 of ANILCA authorizes the Program to enter into these  
34 agreements. There seems to be some confusion about .809  
35 agreements. There is no pot of money which is .809  
36 monies, this is simply authority that allows --  
37 authorizes the Program to enter into cooperative  
38 agreements and we have entered into many such cooperative  
39 agreements.

40  
41                   So the Board -- so these are the kinds of  
42 things of that the Secretaries asked the Board to  
43 consider. And in the Board's previous response there  
44 were five actions identified in the Secretaries letter to  
45 the Director of the US Fish and Wildlife Service, and I  
46 want to give you a brief update on those as well.

47  
48                   So senior Fish and Wildlife Service Staff  
49 met with the Deputy Assistant Secretary for Policy  
50 Management and Budget to discuss modifying the budget to

1 include a line item. And out of those discussions there  
2 were no changes recommended, that is, no line item was  
3 recommended. So this is something that the Board could  
4 also provide some guidance on. The Fish and Wildlife  
5 Service Deputy Alaska Regional Director discussed budget  
6 issues with the Board, if you recall, in May of 2011, and  
7 the Assistant Regional Director did again in March of  
8 2012 and will continue to update the Board on budget  
9 issues.

10  
11 Senior Fish and Wildlife Service Staff  
12 have coordinated with the Deputy Assistant Secretary of  
13 Policy Management and Budget to conduct an evaluation of  
14 the Subsistence Program. And as Kathy pointed out,  
15 subject to increasing budget declines and the current  
16 budget climate and as Kathy mentioned, we're committed to  
17 protecting core management functions, including the  
18 Regional Advisory Councils, despite our declining budgets  
19 and we'll keep you updated on those efforts.

20  
21 I mentioned Section .809 cooperative  
22 agreements. They continue to be a priority. This is how  
23 a lot of our monies are distributed through the FRMP  
24 Program.

25  
26 And, finally, the Board was asked to be  
27 involved in hiring the Assistant Regional Director for  
28 OSM and Board members were asked to provide input and as  
29 you know Gene Peltola was selected and he will come on  
30 board in early August.

31  
32 Thank you. That's the end of the  
33 briefing on the Secretarial Review.

34  
35 CHAIRMAN TOWARAK: Sue.

36  
37 MS. MASICA: Thank you, Mr. Chairman.  
38 Thank you, David, for that briefing.

39  
40 You know on the third bullet, the one  
41 with the sort of the review and evaluation of the  
42 Subsistence Program. I think the characterization in the  
43 summary is a little bit off from what the actual  
44 directive was. If you go to the memo that the Secretary  
45 signed to the Assistant Secretary for Policy Management  
46 and Budget. It talked about an evaluation in concert  
47 with all of the involved bureaus and I think number 3 was  
48 between Fish and Wildlife Service and the Department, and  
49 I think the intent of the review recommendation was sort  
50 of an inter-disciplinary look across all the bureaus who

1 were involved in the Federal Subsistence Program. And  
2 that's something, once Gene gets here, that maybe we  
3 could sit down and talk about because I think with the  
4 amount of Staff decline that you all have experienced and  
5 the amount of budget decline we've all got to think about  
6 how we do our business in a completely different way and  
7 I think putting sort of the collective intellectual power  
8 of many people who are involved in this, into that  
9 conversation, rather than OSM thinking you all have to  
10 solve it yourselves could be very beneficial. And, I  
11 mean, you know, I know we, in the Park Service, every  
12 time we have a change in leadership in a major functional  
13 area we have an independent team come in from different  
14 parts of our organization to look at that, to give that  
15 new leader a review of sort of what's working well,  
16 what's not working so well, what are some budget  
17 flashpoints potentially, and that might be something that  
18 could be illustrative in helping all of us figure out,  
19 how do we continue to support subsistence users and this  
20 whole bottom up process, but in a way that is cognizant  
21 of the resources to do it are not what they once were.

22

23 Thank you.

24

25 CHAIRMAN TOWARAK: Any further discussion  
26 on the budget process.

27

28 (No comments)

29

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

34

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

44

45 Thank you.

46

47 MR. BERG: Thank you, Mr. Chair. I'm  
48 Jerry Berg with Fish and Wildlife Service and I have  
49 Sandy Rabinowitch and Steve Kessler here with me. We are  
50 part of the Federal work group that's worked on the MOU



1 for the past couple years, in addition to Kathy and  
2 before her, Pete, and then we worked with our State  
3 counterpart, Jennifer Yuhas, on the State side.

4  
5                   So we'll just kind of give you a broad  
6 overview to begin with.

7  
8                   As David had mentioned this was part of  
9 the Secretarial Review and that action item specifically  
10 was to review, with Regional Council input, the MOU with  
11 the State to determine the need for the MOU or the need  
12 for potential changes to clarify Federal authorities in  
13 regard to the Subsistence Program. So that was the  
14 directive from the Secretarial Review. So we, initially,  
15 you know, with Board guidance, we initially went out to  
16 the Regional Advisory Councils and asked for their input  
17 and review of the MOU in 2011 and 2012. We received  
18 their input and we went through the MOU and made as many  
19 changes as we could and addressed every comment that we  
20 had from all the Regional Councils and we presented that  
21 draft to the Board last July, so just about a year ago we  
22 presented that revised MOU draft. And at the time we had  
23 yet had a chance to go out to the State Advisory  
24 Committees, and so the Board agreed to allow more time  
25 for that to occur over the past year. And so that was  
26 done and we received a number of comments from the State  
27 Advisory Committees and we addressed, included a lot of  
28 their comments and addressed them, if we didn't include  
29 them, as to why we did or didn't include them, and so  
30 that's the draft that you have in your book under Tab --  
31 what tab is that Sandy?

32  
33                   MR. RABINOWITCH: Seven.

34  
35                   MR. BERG: Tab 7. So the revised draft  
36 that's in your book is a revision that includes all the  
37 RAC comments -- it includes either changes suggested by  
38 the RACs or we addressed why we didn't include their  
39 change from the Regional Councils, from the ACs, and from  
40 the Subsistence Resource Commissions that the Park  
41 Service administers. So what's what we have before you  
42 in the revised draft today.

43  
44                   We also received a letter from AFN, or  
45 actually, I guess we didn't receive it, but the letter  
46 went to Secretary Salazar, it was a letter from AFN dated  
47 January 17th, 2013, and basically that letter is  
48 summarized in the briefing document that says that AFN  
49 does not believe there's a need for an MOU between the  
50 State and Federal Programs, State and Federal

1 governments, and then it goes on in more detail in their  
2 letter.

3

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

13

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

16

17                   Welcome, you have the floor.

18

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

24

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

40

41                   MR. HEPLER: Are you done?

42

43                   MS. YUHAS: Do you have anything to add?

44

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

47

48                   I appreciate your time this morning.  
49 This was meant to be, Mr. Chairman, I'm assuming more of  
50 an informal, even though we're on the microphone and, you

1 know, we're following Robert's Rules of Order, but this  
2 is meant to be more of a candid exchange, you know,  
3 between the Board and between the State. We don't get  
4 the same opportunity when you go through a normal Board  
5 meeting, so my comments will be in that context, Mr.  
6 Chairman.

7  
8 It's rather ironic this is the same table  
9 that I spent many, many hours with Sandy and others  
10 working on the original MOA and that was.....

11  
12 MR. RABINOWITCH: A long time ago.

13  
14 MR. HEPLER: .....a long time ago, yeah,  
15 actually I had hair like Sandy at that time and  
16 unfortunately I don't now.

17  
18 (Laughter)

19  
20 MR. HEPLER: But, you know, Pat, I think  
21 you even had more hair at that time.

22  
23 (Laughter)

24  
25 MR. HEPLER: And we've evolved a long  
26 ways. I never thought, when I sat at that table then,  
27 that we'd seriously be sitting here now with two separate  
28 systems, but we do and it's probably a reality, I don't  
29 see it changing, and so I think the commitment that the  
30 State has to this process is still strong and I don't  
31 want the Board or people listening to -- when you listen  
32 to Jennifer's comments to say we're backing out of this  
33 agreement, that's not our intent.

34  
35 And even in the face of things we've been  
36 working with Kathy on the budget, we understand  
37 sequestration, what it means, you know, we're potentially  
38 facing 90 percent -- up to a 90 percent cut in money  
39 coming to the State and so that, in itself, would give  
40 us, you know, pause and say, well, then we don't have the  
41 monies to continue on with this Program.

42  
43 But the heart of this Program isn't  
44 necessarily us sitting around the table, it's working,  
45 you know, with people in the villages and, you know, the  
46 RACs and the ACs because that's how we do our management,  
47 that's what's important to us, that's a commonality that  
48 we see between the two Programs, and that's not going to  
49 change. We've had a lot of internal discussions about  
50 the pro's and cons, we've talked about, do we need the

1 agreement at all, you know, a little bit like what AFN's  
2 saying but from the State perspective. We cross things  
3 like, you know, ongoing discussions we have present land  
4 managers, you know, whatever the topic of the day may be,  
5 soon the situations compendiums, you know, and so we have  
6 an MOU -- and those compendiums, you know, there's a lot  
7 of tension at times between us, does that blow over into  
8 this thing. We've had discussions, you know, around  
9 predator control and endangered species, you know, with  
10 Geoff and Fish and Wildlife Service and earlier with  
11 Wayne, you know, how we do research in some of the  
12 wilderness areas. Even with all that said, we understand  
13 the importance of this.

14

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

34

35                   MS. YUHAS: Can I add to that.

36

37                   MR. HEPLER: Uh-huh.

38

39                   MS. YUHAS: Mr. Chairman. The original  
40 intent of the Secretaries, as was stated many times, was  
41 that we review this for necessity, and I know that the  
42 Solicitor's probably waiting for me to chime in on the  
43 necessity portion that we've discussed with him a few  
44 times, but it's the State's determination that since we  
45 have master MOU's with the agencies themselves and since  
46 we are committed to the data sharing and working together  
47 and having an agreement to make things easy for the  
48 users, this is a superfluous document, that is, the words  
49 on the paper are still very long. Several of the ACs and  
50 a few of the RACs wanted it more simplified and we -- we

1 did our job, in the working group, to attempt to make  
2 things more simplified, it's still a very lengthy  
3 document with portions of it that different agencies,  
4 different signatories, and different members of the Staff  
5 working group don't all interpret the same way. And the  
6 State believes that if we're going to place signatures on  
7 a document it should be very simple to understand what  
8 that means so that those agreements can be kept. This is  
9 still not as simple to understand as the users would like  
10 and as the signatories would like.

11

12 CHAIRMAN TOWARAK: Thank you. I'd like  
13 to open the floor for any questions from the rest of the  
14 Board, or comments.

15

16 Go ahead, Anthony.

17

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

49

50 CHAIRMAN TOWARAK: Any other comments

1 from the Board.

2

3 Go ahead.

4

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

7

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

16

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

24

25 CHAIRMAN TOWARAK: Thank you. Go ahead.

26

27 MR. OWEN: Mr. Chairman, thank you.

28

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

47

48 CHAIRMAN TOWARAK: It's my understanding  
49 that the current MOU is still in existence and will be  
50 for.....

1 MS. O'REILLY-DOYLE: November '14.  
2  
3 CHAIRMAN TOWARAK: .....until this coming  
4 November or.....  
5  
6 MS. O'REILLY-DOYLE: Of '14.  
7  
8 CHAIRMAN TOWARAK: Oh, November of 2014,  
9 that's everyone's understanding so if we didn't do  
10 anything, you know, that MOU stays in place. I just  
11 wanted to point that out.  
12  
13 Go ahead.  
14  
15 MR. HEPLER: Thank you, Mr. Chairman.  
16 That was something I wanted to point out because just  
17 listening to some of the tenor of some of the Federal  
18 responses initially, the State's not saying, we're not  
19 going to sign an MOU, we presently have a signed MOU  
20 that's worked effectively for a number of years, in a  
21 business sense as well as in a partnership sense. You  
22 know, and I appreciate, Wayne, your comments, because,  
23 you know, we met together with Kathy and, you know, her  
24 sub-group the other day, we talked about, you know, we  
25 understand first of all that the RACs had input on this,  
26 and we understand normally when that happens the Board  
27 wants to accept those, just like the ACs. So we're not  
28 saying no to those things, we're saying right now we're  
29 not ready to sign a brand new one, we're still committed  
30 to the process. And I hope I'm not -- that's clear  
31 enough. And we're certainly open, moving into, you know,  
32 before we get into '14 -- of November '14 of looking at  
33 some other work and seeing some other ways we can  
34 potentially redraft this thing, so we're not saying no to  
35 that at all, we're just saying right now.  
36  
37 Along with that, you know, we also have  
38 signatories on the -- besides the State of Alaska, is we  
39 have both our Board of Fish and Board of Game, and  
40 they're still up in the air whether they should even be  
41 signatories in this agreement or not and so this isn't  
42 just, you know, us coming in and signing this thing. So  
43 one way to make this maybe cleaner in the future is you  
44 may find the State of Alaska is the only signatory and  
45 maybe those boards are not. So there's things or some  
46 policy calls like that that, you know, we work through.  
47 But there, again, to be clear, we're not saying we're  
48 tearing this agreement up and we're not supporting it  
49 anymore, that's not at all the message that Commissioner  
50 Campbell wants to pass on to the group.

1 CHAIRMAN TOWARAK: Go ahead.

2  
3 MS. YUHAS: Mr. Chairman, thank you. To  
4 address two points we looked through several of the  
5 options when we looked at the necessity of the agreement.

6  
7 The relationship is obviously necessary  
8 and Kelly has stated a few times that we're committed to  
9 the relationship.

10  
11 In looking at the agreement it's  
12 currently signed by all of the members of the Federal  
13 Board, the Commissioner of the Alaska Department of Fish  
14 and Game and both of our Board Chairs. We looked, not  
15 only, at whether the Chairman of the Board of Fish and  
16 Board of Game should sign this but who is the agreement  
17 really with. If it's to be an operating agreement  
18 between OSM and Fish and Game, should those signatories  
19 be OSM and the Department, without the Board Chairs.  
20 Should it be at a Staff level. Should it be at the  
21 current Board signatory level. We looked at several  
22 options of what is the necessity for a sort of document  
23 to be signed.

24  
25 What -- the version that you have before  
26 you, to answer Mr. Owen's question, we didn't bring you  
27 a new document and that was on purpose. The question was  
28 raised at the MOU working group level, at the ISC level,  
29 and at the State signatories level, and I offered several  
30 times to come up with a new creation. We thought that  
31 this juncture was not the time for that, to throw another  
32 piece of paper at you unless the Board decided to make a  
33 motion to assign that work to us.

34  
35 CHAIRMAN TOWARAK: I appreciate you  
36 earlier -- both of you earlier commenting that the users  
37 are the ones that will be affected regardless of whether  
38 we sign an MOU or not, or whether we continue working  
39 under this MOU. In all of the public meetings that I've  
40 attended as the Chairman of the Board here, invariably I  
41 get comments from our Regional Advisory Council members  
42 that this whole issue of subsistence in Alaska is very  
43 confusing and I think this MOU helps in defining the  
44 roles that we both play, both with the State of Alaska  
45 and I think in my mind it's being -- it's meant to work  
46 -- for us to work together as much as possible on behalf  
47 of all of the users. And I think it's with that intent  
48 that we, as Board members, have gone along with looking  
49 at the MOU and taking everyone's consideration into what  
50 the MOU should include. And I think with that, I'd be



1 willing to sign the MOU right now and, you know, if the  
2 Board feels that we should have one in place, I think we  
3 should do it. But I'm open to other comments.

4

5 Mr. Christianson.

6

7 MR. CHRISTIANSON: Through the Chair.

8 And I agree with you, Mr. Towarak.

9

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

44

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

47

48 CHAIRMAN TOWARAK: Ms. Masica.

49

50 MS. MASICA: Thank you, Mr. Chairman. I

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

19

20 CHAIRMAN TOWARAK: Wayne.

21

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

29

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

35

36 CHAIRMAN TOWARAK: Go ahead.

37

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

40

41 I wanted to speak briefly to the  
42 alternative of leaving the existing MOU in place as a  
43 fallback and caution that I think we've had our best  
44 people from both sides working on this for a couple of  
45 years and it's been really hard work, it's been vetted  
46 through the Council systems, both the State and the  
47 Federal Advisory Committees and Councils, and if we think  
48 that somehow we're going to make some differences, you  
49 know, process-wise for the MOU and then vet this back  
50 through the Councils and the Committees, I'm not sure we

1 could do that in another, a little over a year, before  
2 the existing MOU expires. So my preference or  
3 recommendation would be to continue to build on the good  
4 work that's already been done and to see where those  
5 differences lie with the State, to see if the State would  
6 be willing to share a little bit more specifically in  
7 terms of what keeps them from signing the MOU and see if  
8 we can move this forward.

9

10 CHAIRMAN TOWARAK: Go ahead, Ms. Yuhas.

11

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

16

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

26

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

47

48 CHAIRMAN TOWARAK: You know I think this  
49 is the first time we've actually had a public sit down  
50 with the full Board and the parties involved from the

1 State and I think it's a good discussion. I appreciate  
2 everyone's position, and I appreciate your position from  
3 the State's standpoint. We're not -- I don't think we're  
4 in a position right now to sign a document. And I'm  
5 interested in signing a document but I think we still  
6 have the process moving on and having listened to your  
7 position, or the State's view, I think we will leave this  
8 document as it is and have it brought up in a future  
9 Board meeting, where this Board will consider whether or  
10 not we will authorize signatures on the document.

11

12 Go ahead, Anthony.

13

14 MR. CHRISTIANSON: Mr. Chairman, Anthony  
15 Christianson.

16

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

35

36 Thank you.

37

38 CHAIRMAN TOWARAK: Go ahead, Ms. Yuhas.

39

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

42

43 Some of that short list is in the review  
44 document. That short list doesn't seem so short when we  
45 look at what the implications are. The major points that  
46 the AC's that took the time to make a motion and write  
47 about this to the Board and to the State, several of them  
48 discussed it but as you see some of the RAC meetings,  
49 only a few of them actually made a motion and took the  
50 time to write. Their overarching principles were,

1 specifically, that they wanted the document to be  
2 binding, which we were unable to do with input from the  
3 Solicitors and Department of Law, that the document  
4 cannot, in fact, be binding, and that it be significantly  
5 simplified. The Staff working group used the old  
6 template. People had put a lot of effort into that and  
7 were highly invested into the template, it was familiar.  
8 When we look at what simplification means to the ACs, and  
9 through their discussion, a few of the RACs commented  
10 similarly, that the document be significantly reduced.  
11 That opening preamble, for example, is one of the issues  
12 of contention and confusion. AFN reported that it was  
13 their thought that preamble stated that the Federal  
14 Program gave its responsibility away to the State and the  
15 other end of the spectrum was people reading that same  
16 preamble saying, that paragraph says the State gives its  
17 authority to the Federal Board. It says neither.

18  
19 In plain language, what it would read, if  
20 the document was simplified, is that both programs  
21 realize we operate under differing guiding documents and  
22 we would like to proceed recognizing that. That'd be  
23 simplified rather than the three paragraphs we have. So  
24 to bring something to the Board in August that the State  
25 might entertain signing, you know, as -- as -- we --  
26 we've seen the value in ceremony for the document, you  
27 know, we heard comments around the state that the  
28 document is useless, the document is unnecessary, well  
29 the document has ceremony, and ceremony has value, we  
30 recognize that, that's what you've brought up today as  
31 well, but those specific points on the short list would  
32 look significantly different in this document, it  
33 wouldn't simply be removing a few words.

34  
35 MS. O'REILLY-DOYLE: Kelly.

36  
37 MR. HEPLER: Mr. Chairman. I mean  
38 Jennifer I'm going to put a little different spin on it.

39  
40 It's more than ceremony to me. I think  
41 it's more than ceremony to the Commissioner. Yeah.  
42 We're locked together in saying subsistence is a priority  
43 for the State. This is one way, as Tony said, that the  
44 people in the villages see it that way. On the other  
45 side, of course, we can say it's Federal intrusion into  
46 some State things and then we get into longer discussions  
47 there, so it's more than ceremony. If it wasn't then  
48 we'd be signing the document right now and, you know,  
49 we'd be moving forward.

50

1                   There's other pieces. You know, I mean,  
2 Tony -- first of all, Mr. Chairman, I appreciate your  
3 willingness to wait. I mean, you, by signing this, is  
4 going to put us all at kind of this line drawn between us  
5 and that's not what we're trying to do so I appreciate  
6 your sensitivity on that.

7  
8                   Another part of this discussion, Tony,  
9 that we probably need to have is, you know, I can't speak  
10 for the Board of Fish and Board of Game very well, but  
11 the very least, it may be beneficial that we can work out  
12 a deal where Ted could come up from the Board of Game and  
13 sit down with Tim and talk -- because the Board of Game,  
14 in particular, I think, have had some concerns about how  
15 this -- you know, we can sign it but then how it's  
16 implemented actually during discussions and actions that  
17 the Board takes and what that means and moving over to  
18 the State side, into the regulatory side, and maybe  
19 there's some ways we can improve how those discussions  
20 happen and maybe reduce a little bit of the tension and  
21 concern about signing, too. There's some of that stuff  
22 behind the scenes that I think maybe between now and  
23 August that maybe we can try to work on.

24  
25                   And, you know, there are -- you know, the  
26 State -- I think it's only fair to ask the State if  
27 you're not willing to sign this then what are you willing  
28 to sign. You're saying it's important to you then what  
29 are you going to do. And so it's good to call us on  
30 that, Tony, that's absolutely the right thing to do. We  
31 need to be able to go back and what I'm hearing here and,  
32 you know, and I think with Kathy and the work group, if  
33 we could go back and we could work on some of those  
34 things, I want to think some more about the opportunity  
35 to, you know, and how to get Tim together, Mr. Chairman  
36 together with some of our side and talk about those  
37 things actually implemented. But, you know -- and,  
38 Jennifer, I'm not trying to necessarily disagree, I just  
39 think it's important and it is perception. And the last  
40 thing the State needs right now is a feeling they're  
41 walking away from subsistence because that's how,  
42 unfortunately, it would be read, and that's not what  
43 we're trying to do. But also I want to be sure, I mean,  
44 Tim, is that you keep talking about we're not willing to  
45 sign the MOU, we've signed the MOU, this is a revision of  
46 the MOU. And so part of this perception -- it's really  
47 important for the Federal agencies to be clear on that.  
48 I don't want -- I don't want something coming out of this  
49 saying the State's not signing this MOU, they're backing  
50 away from it, it can't happen that way, because if that

1 does happen that way then the line will start broadening  
2 between us and we're all going to get into corners we  
3 don't want to go into.

4  
5                   This is not meant to be that kind of  
6 discussion at all. This is meant to be a celebrating how  
7 we're working together and that's how I kind of view it.  
8 The real work, I think, is on the implementation of those  
9 protocols and that's where the nitty-gritty happens for  
10 us, you know, it's kind of the day to day stuff, we deal  
11 with Kathy and her Staff and, you know, Gene, when Gene  
12 was a Refuge manager, people like that and those are real  
13 important to us.

14  
15                   But we could do those even without this  
16 MOU. So I think it's good to challenge us. I need to  
17 think about the timeframe. I mean I listen to Jennifer  
18 for some of those things but I think it's worthwhile  
19 getting people back together, you know, and not to go  
20 through another year and half of going back out again,  
21 let's see what the State can do.

22  
23                   Mr. Chairman, thank you.

24  
25                   CHAIRMAN TOWARAK: Thank you. And if  
26 there's no objections from the Board we will conclude the  
27 discussion, if there aren't any other comments that  
28 anyone else would like to make and shoot this back to the  
29 group that have come so far with what we have in front of  
30 us to fine tune it with -- if there's a way to do it and  
31 I'd like to also suggest that maybe the legal counsel,  
32 Mr. Lord, could meet with your Department of Law people  
33 or do you have thoughts on that.

34  
35                   MR. LORD: I do, Mr. Chair. We've been  
36 avoiding going down that path because if I start coming  
37 to the table, then their guys have to start coming to the  
38 table and things get expeditiously more complicated so we  
39 were hoping that they could come up with a simplified  
40 document that both the Department of Law and I could  
41 review at the end of the process and we thought it might  
42 speed things up that way, make it a little easier on  
43 everyone.

44  
45                   MR. CRIBLEY: Mr. Chairman.

46  
47                   CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

48  
49                   MR. CRIBLEY: Mr. Chairman. One  
50 question. When does this current MOU expire?

1 CHAIRMAN TOWARAK: November of 2014.

2

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

17

18 Just an idea or a thought.

19

20 CHAIRMAN TOWARAK: I think it's got  
21 merit.

22

23 MS. MASICA: I do, too.

24

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

30

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

36

37 Go ahead.

38

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

43

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

48

49 In the legal review at the State's side,  
50 we looked at when does the document actually expire or go



1 away. There's been some discussion about 2014 because  
2 that is five years from the signature. There's also  
3 provisions within the MOU that the clock is supposedly  
4 reset after a meeting of the signatories, that hasn't  
5 happened since the last one, but there's also a provision  
6 that five years from a meeting of the signatories or a  
7 review. The State has discussed and it is of the  
8 opinion, which seems to be in a little bit of  
9 disagreement with the Solicitor, that following this very  
10 public review process, it's been out to the RACs, there's  
11 been a work group assigned, that that would constitute a  
12 review and by another five years. The Solicitor said at  
13 one of our ISC meetings that that would only be true if  
14 the Federal signatories also agreed to that, because it's  
15 an MOU. We seem to read the paragraph to say five years  
16 from the meeting or a review. This is obviously a  
17 review. We think it's five years from this period of  
18 time.

19

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

22

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

31

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

34

35 (No comments)

36

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

39

40 MS. O'REILLY-DOYLE: Mr. Chair. If I may  
41 question this, I want to make sure that our direction is  
42 clear on what we are tasked with doing and I'm seeing  
43 there's a couple things on the table right now. One is  
44 the -- the last one that Jennifer brought up in terms of  
45 if the parties here are agreeable with saying that this  
46 constitutes a review and the State is thinking this is  
47 clear that this constitutes a review, would -- would the  
48 Board and the State want to restart the clock and say  
49 we've had the review and now we have another five years  
50 on the existing agreement.

1           The other thing that I'm hearing is on the table  
2 for discussion is that the MOU, the State would make  
3 another draft of the MOU, which may or may not look like  
4 what is in front of you right now. A simplified version,  
5 as we've called it, in our discussions before, and that  
6 would be presented back to the Board and to the State  
7 signatories.

8  
9           And my question for the Board as well is  
10 if we decide -- if you decide to go that route, would you  
11 like the RACs to have full review of that simplified  
12 version before it comes back to you, if so, we need to  
13 plan that because our RAC meetings start in August of  
14 this year, or else it would wait until the winter cycle.  
15 So I'm just trying to get some clarification on our  
16 direction.

17  
18           CHAIRMAN TOWARAK: Does anybody have  
19 a.....

20  
21           (Laughter)

22  
23           CHAIRMAN TOWARAK: .....an anti-muddy  
24 description or -- Ms. Masica.

25  
26           MS. MASICA: I guess the first question,  
27 does this constitute a review and, therefore, does that  
28 make this an extension. My personal assessment is, it  
29 does not, and I would not vote in favor of that.

30  
31           CHAIRMAN TOWARAK: Go ahead.

32  
33           MR. OWEN: In the view of the Forest  
34 Service, if this is a review it has not been concluded  
35 yet and the Forest Service would not vote at this point  
36 to sign that document.

37  
38           CHAIRMAN TOWARAK: Any further comments.

39  
40           (No comments)

41  
42           CHAIRMAN TOWARAK: It's a good question.  
43 Kathy suggests that we ask this Board if you want the  
44 RACs to review a revised version of the agreement, or the  
45 MOU.

46  
47           Go ahead.

48  
49           MR. CHRISTIANSON: I think that would  
50 just be the right thing to do seeing as they put work

1 into it and I have looked at it and put their comment and  
2 feedback into the document, that if it does change  
3 substantially, or even simplified, that they have an  
4 opportunity to look at that again.

5  
6 MR. CRIBLEY: I would concur. I think  
7 particularly if there are substantive changes and there's  
8 a feeling of a need of that, definitely we need to have  
9 the RACs input into that, particularly seeings how we've  
10 asked them to put energy into this already. If we're  
11 taking a little bit different tact, they need to  
12 understand that and have input into that before we move  
13 forward with this.

14  
15 CHAIRMAN TOWARAK: Okay. If there's no  
16 other objections then we will do that. I think it fits  
17 in with the Secretary's direction of deferring to the  
18 RACs as much as possible, so I think we will proceed in  
19 that -- with that, that the RACs will have full review of  
20 another document.

21  
22 Any objections to that.

23  
24 (No objections)

25  
26 CHAIRMAN TOWARAK: Then we will proceed.  
27 Thank you very much for your participation.

28  
29 I assume, Mr. Berg, then that concludes  
30 this discussion.

31  
32 MR. BERG: Yes, I.....

33  
34 CHAIRMAN TOWARAK: Okay, go ahead.

35  
36 MS. O'REILLY-DOYLE: I just was slipped  
37 a note here that the people that are monitoring on the  
38 phone are having difficulty hearing some people because  
39 maybe the mics aren't close enough so when you speak if  
40 you could pull the mics forward so that those that are  
41 trying to listen in and attend on line can hear what  
42 you're saying.

43  
44 Thank you.

45  
46 CHAIRMAN TOWARAK: Let's take a 10 minute  
47 break.

48  
49 (Off record)

50

1 (On record)  
2  
3 CHAIRMAN TOWARAK: I'd like to call us  
4 back into session please.  
5  
6 (Pause)  
7  
8 CHAIRMAN TOWARAK: A couple of minor  
9 things here. With the wrap up of the Secretary's review,  
10 which we.....  
11  
12 MS. O'REILLY-DOYLE: That was on Item No.  
13 6.  
14  
15 CHAIRMAN TOWARAK: Item No. 6, yeah. If  
16 there's no objections we're going to -- I'm going to ask  
17 the Staff to write another letter to the Secretary  
18 updating him after today's discussions, since we seem to  
19 have come to some consensus, if unfulfilled, but I'd like  
20 to direct the Staff to draft another letter to the  
21 Secretary explaining where we are today.  
22  
23 I'd also like to recognize Gloria  
24 Stickman. Gloria is part of the Southcentral Regional  
25 Advisory Council. I'd like to welcome her to our Board  
26 meeting.  
27  
28 We were on Item No. 7, the State's MOU  
29 and I think we've given direction to the Staff and this  
30 will be brought up again in a future Board meeting.  
31  
32 We will move on then to No. 8, status  
33 report on review of rural determination process, and  
34 discussions of next step.  
35  
36 DR. JENKINS: Mr. Chair. Board members.  
37  
38 In your packet you've got some dates  
39 indicating an overview of the rural determination process  
40 and its review and I'm going to speak a little bit to  
41 those dates and just give you an update on where we are.  
42  
43 If you recall at your January 2012 public  
44 meeting, the Federal Subsistence Board, following the  
45 recommendations from the Secretaries of Interior and  
46 Agriculture, elected to conduct a global, or a  
47 comprehensive review of the rural/non-rural determination  
48 process and the Board wished to start that review with  
49 public input. So this global review provided the Board  
50 rationale to stay its 2007 ruling, whose provisions would

1 have otherwise come into effect in May 2012. So the  
2 Board determined that the 1991 determinations would  
3 remain in place pending the outcome of its review of the  
4 rural determination process. Adak was the singular  
5 exception and that changed from non-rural to rural in  
6 2007.

7  
8 So in December of 2012, a Federal  
9 Register notice was published, in which the Board  
10 identified five elements in the rural determination  
11 process for public review. And these five elements are  
12 these. You heard them before but I'm going to go through  
13 them because these are the elements that the Secretaries  
14 have authority to change and the Board has to give advice  
15 based on public input to the Secretaries about whether  
16 any changes should be made to these elements.

17  
18 So they're these:

19  
20 The population thresholds

21  
22 Rural characteristics

23  
24 Aggregation of communities

25  
26 Timelines

27  
28 Information sources

29  
30 So in that Federal Register which you've  
31 already been given copies of it at an earlier Board  
32 meeting, I believe, or we've talked about these questions  
33 in any case, the Board posed eight general questions for  
34 public input concerning these five elements, and I'm  
35 going to go through these because these are the elements  
36 that the Board is going to have to make recommendations  
37 on. I'll just do it very quickly.

38  
39 The first one is population thresholds.  
40 If you recall a community or an area with a population  
41 below 2,500 will be considered rural. So the Board has  
42 asked the public, is this a reasonable population  
43 threshold below which a community is considered rural.  
44 And let me just briefly point out that this figure of  
45 2,500 was adopted from the US Census and the figure of  
46 2,500 was first adopted by the US Census in 1915. So the  
47 question is, is this figure still a viable figure 100  
48 years later. Should we rethink this lower level. So a  
49 community or area between 2,500 and 7,000 there was no  
50 rural determination made and then we'd have to apply

1 characteristics to decide whether it was rural or not.  
2 And communities above 7,000 would be considered non-rural  
3 unless they possess significant rural characteristics.  
4 Now, if you remember the Board has already recommended to  
5 the Secretaries to change this 7,000 threshold to 11,000,  
6 and the Secretaries have not responded to that  
7 recommendation from this Board, pending the outcome of  
8 this rural status review.

9

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

13

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

29

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

1 public, are there better sources of information that we  
2 can glean.

3

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

6

7                               The next steps.

8

9                               The public comment period opened in  
10 December, the end of December 2012, it closes November  
11 1st, 2013. The RACs have been briefed and they will hold  
12 public -- as part of their meetings they will ask the  
13 public about this rural determination process and in  
14 addition we will hold evening sessions the evenings of a  
15 RAC meeting, which will not be part of the RAC meeting  
16 but will be a separate listening or hearing session in  
17 which the public can provide input to the Federal  
18 Subsistence Board on these questions that the Board has  
19 posed to the public about the rural process. And if you  
20 look in your packet you can see these forums for public  
21 comment and the dates, they correspond with all of the  
22 Regional Advisory Council meeting dates. The first one  
23 will be in Barrow on the North Slope and through October  
24 29th, 2013, the last one will be in Dillingham. So this  
25 will be one of the mechanisms that we use to gather  
26 public information.

27

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

37

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

1 later point, later Board meeting.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Are there any  
6 questions of David.

7

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

15

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

24

25 CHAIRMAN TOWARAK: Any further questions.

26

27 (No comments)

28

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

33

34 MS. O'REILLY-DOYLE: Chuck Ardizzone.

35

36 CHAIRMAN TOWARAK: Go ahead.

37

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

43

44 Recently, Chairman Towarak received a  
45 letter from Ted Spraker, the Chair of Alaska Board of  
46 Game. The letter is in your materials printed on blue  
47 paper. It encourages the Board to begin a process of  
48 modifying application of the Board's Predator Management  
49 Policy. Additionally, it suggest that the Federal  
50 agencies should apply the policy consistently.



1                   There's been a lot of public discussion  
2 on predator management and the Federal Subsistence  
3 Program over the years, which is one of the reasons the  
4 Board adopted the Predatory Management Policy in 2004.  
5 The Policy is also in Tab 9, it's the salmon colored  
6 document in that tab. As the Policy notes, predator  
7 control and habitat management are the responsibility and  
8 remain within the authority of the individual land  
9 management agencies. Ultimately the Policy is consistent  
10 with the programmatic EIS that established the parameters  
11 for the Subsistence Management Program and the  
12 regulations establishing the Federal Subsistence Board.  
13 The Secretarial programmatic EIS and the Secretarial  
14 regulations establishing the Board did not include  
15 predator control and habitat management as aspects of the  
16 Federal Subsistence Management Program. Additionally,  
17 the authority to conduct predator management and habitat  
18 manipulation was not delegated to the Board. These tasks  
19 were specifically left to the individual land management  
20 agencies and are subject to both NEPA and ANILCA, Section  
21 .810 analysis. Therefore, predator management by the  
22 Federal Subsistence Program is not authorized.

23

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

29

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

33

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

36

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

43

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

48

49                   (No objections)

50

1 CHAIRMAN TOWARAK: If not then we will  
2 request that the Staff respond to -- or draft a letter,  
3 at least, maybe for my signature to respond to the Board  
4 of Game Chair.

5  
6 Any questions.

7  
8 (No comments)

9  
10 CHAIRMAN TOWARAK: Any further  
11 discussion.

12  
13 (No comments)

14  
15 CHAIRMAN TOWARAK: Thank you, Mr.  
16 Ardizzone.

17  
18 The next item on the agenda is the  
19 regulatory cycle review.

20  
21 Mr. Kron.

22  
23 MR. KRON: Mr. Chairman. Members of the  
24 Board. The regulatory cycle review information is  
25 relatively short. It's included on Tab 10 from your  
26 briefing book.

27  
28 Of the 10 Regional Advisory Councils, the  
29 majority, or 8 of them have recommend to the Board that  
30 you move the wildlife proposal meeting from January to  
31 the spring. And, again, we've tried to accommodate the  
32 Councils as much as possible on this issue and, again,  
33 Jack and I both worked with Board members and, again,  
34 through -- through the schedules have come up with April  
35 15th through 17th next spring for the wildlife regulatory  
36 cycle review meeting. A three day meeting. And, again,  
37 this will be on proposals that we currently have. Staff  
38 are working on the analysis for those, they'll be  
39 reviewed by the Councils, the Councils will make  
40 recommendations this fall to you. And, again, looking at  
41 rather than January, a meeting in April to deal with  
42 that. And, again, it's all included in the briefing.

43  
44 We still have not dealt with the  
45 fisheries Board meeting, which would be a year from this  
46 coming January, so basically a year and a half out. And  
47 what -- what I have proposed is to work with Staff and  
48 the Staff Committee this summer and come to you, to the  
49 Board, with a recommendation later this fall after we've  
50 had a chance to do that. We have not been able to do

1 that as present.

2

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

5

6 CHAIRMAN TOWARAK: Go ahead, Ms. Masica.

7

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

13

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

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN TOWARAK: Any further questions.

26

27 (No comments)

28

29 CHAIRMAN TOWARAK: Thank you, Mr. Kron.

30

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

33

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

38

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

1 that to you for your consideration and hopefully adoption  
2 for the Tribal Consultation Policy.

3

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

10

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

36

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

39

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

45

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

49

50                   And on the rural determination process,

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

10

11 Mr. Chair.

12

13 CHAIRMAN TOWARAK: Thank you, Jack. Are  
14 there questions or comments.

15

16 (No comments)

17

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

32

33 Jack.

34

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

38

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

47

48 CHAIRMAN TOWARAK: Any direction from any  
49 of the Board members.

50

1 (No comments)

2

3 CHAIRMAN TOWARAK: One of the discussions  
4 we've had is that when we include tribal consultation  
5 with our regular meetings there's a lot of confusion as  
6 to what that means and for the Staff, if there's ways  
7 that we could isolate the tribal consultation to the  
8 tribes outside of the meeting, that would probably be  
9 more preferable.

10

11 Tony or Charlie, you have any thoughts on  
12 that.

13

14 Go ahead.

15

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

38

39 CHAIRMAN TOWARAK: Go ahead.

40

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

43

44 I wanted to share an experience that we  
45 had in the ETJ process with tribal consultation. When  
46 the Board came to Juneau we were working with the former  
47 ADR [sic] to set up a tribal consultation with the Board  
48 that would be private because the Angoon Community  
49 Association, the tribal government specifically requested  
50 a private meeting with the Board and the former ADR told

1 us no, that would not happen, because the Board did not  
2 have private meetings and we resolved it by having  
3 representatives of the Secretaries of Interior and  
4 Agriculture in town to have a private meeting with that  
5 tribe. But I had personally made, you know, a plea to  
6 the -- to Pete Probasco to have that private meeting with  
7 the Board and was told simply that this Board did not  
8 have private meetings, that the nature of the -- you  
9 know, and it's not like he was just shutting me down, is  
10 the nature of this Board is public and he said, you know,  
11 having a private consultation was not consistent with the  
12 mission of this Board.

13

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

20

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

28

29 CHAIRMAN TOWARAK: Go ahead, Sue.

30

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

37

38 MS. SWANTON: Not at the last meeting.

39

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

44

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

47

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

50

1 MS. MASICA: Okay.

2

3 CHAIRMAN TOWARAK: Mr. Lord.

4

5 MR. LORD: Mr. Chair. Two things.

6

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

14

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

25

26 CHAIRMAN TOWARAK: So what do we do?

27

28 (Laughter)

29

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

41

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

45

46 MR. LORRIGAN: Mr. Chairman. We have a  
47 policy director from the Secretary of Interior to consult  
48 with tribes on a government to government basis, the  
49 Board represents the government in this case, I -- I  
50 would offer that maybe during the Board meeting that



1 tribes are invited up, the public can still be in  
2 attendance, but maybe have, you know, tribal council only  
3 time period during the Board meeting set aside.

4  
5 I don't know, it's just an idea, but it  
6 would give the appearance that the tribes are receiving  
7 the stature they're accorded by law.

8  
9 It's just one idea.

10  
11 MR. CRIBLEY: I guess I have a question  
12 for Ken in regards to what he stated. And all the  
13 Federal agencies are obligated to do consultation in all  
14 of the decision making processes that we do, and I guess  
15 are you saying there's a distinction between how this  
16 Board functions as representing the Federal government as  
17 opposed to say any one of us as individuals, managers --  
18 Federal land managers consulting with a tribe. Because,  
19 you know, typically when we're doing consultation it's  
20 not a public meeting, we bring them in, take -- you know,  
21 and do our -- go through the consultation process and  
22 consider that in our decision making. And it's not, you  
23 know, the documentation processes could be -- I don't  
24 know that it's necessarily documented but I won't get  
25 into those details. But I guess are you saying there is  
26 a distinction on how this Board does consultation as  
27 opposed to how we, as Federal managers, do consultation  
28 and that we're requiring to do, as a Board, in a public  
29 forum; that's where my -- I guess clarification.

30  
31 MR. LORD: Well, what I neglected to  
32 mention was that this Board also has an obligation to  
33 defer to the Regional Advisory Councils on much of its  
34 decision making and we need to be able to show on the  
35 record that that's what's happening. The Regional  
36 Advisory Councils come first in the way this process,  
37 this specific process is set up, and we don't want to be  
38 legally vulnerable to an argument that we have not met  
39 that obligation.

40  
41 MR. BROWER; Mr. Chair. But that's not  
42 considered a tribal consultation, right, Ken?

43  
44 MR. LORD: I'm sorry, Charlie.

45  
46 MR. BROWER: But that's not considered a  
47 tribal consultation when you go with the Advisory  
48 Council?

49  
50 MR. LORD: Well, that's correct. The

1 deference to the Regional Advisory Councils is what we're  
2 required to do under statute but that does not mean that  
3 we cannot -- neither the Board, nor the Regional Advisory  
4 Council can't engage in discussions with the tribes to  
5 inform that decision making process.

6

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

27

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

31

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

33

34 MR. LORD: So.....

35

36 MS. SWANTON: But sometimes -- sometimes.

37

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

40

41 Now, if we could figure out a way to have  
42 a transcript made of the tribal consultation that was  
43 done in private, that we could make -- I don't know how  
44 we'd make that part of an administrative record without  
45 making it public. I'd have to think about whether that's  
46 possible, I don't think it is. But maybe there is some  
47 way of getting at this that might be palatable, but I  
48 just can't think what that would be off the top of my  
49 head.

50

1 CHAIRMAN TOWARAK: Based on the  
2 discussions that we've had so far, Jack, do you think we  
3 could ask you to take the discussions that we've had  
4 today and maybe get together with Mr. Lord and/or -- I'd  
5 be curious to see in -- as in the case of the individual  
6 directors, whether we, as Board members, can individually  
7 meet with tribes and then convey that, whatever message  
8 we get during that consultation, to the Board, and  
9 deliberation process. But we -- we need guidelines, I  
10 guess before we make a determination on how we do our  
11 tribal consultation.

12  
13 So is there any objections from the Board  
14 on asking the Staff to clarify the questions that have  
15 been brought up today?

16  
17 MR. BROWER: Mr. Chairman, just a  
18 question.

19  
20 CHAIRMAN TOWARAK: Go ahead.

21  
22 MR. BROWER: When you're doing a  
23 government to government tribal consultation means  
24 government to government, right, so these are elected IRA  
25 Councils, are elected by the members would represent them  
26 as a government so they're at that stature as a  
27 government to government -- Federal government to  
28 government consultation; is that right?

29  
30 CHAIRMAN TOWARAK: That's my  
31 understanding and that they do need to represent the  
32 formal tribal organization. As individuals -- I don't  
33 think individually the tribes have government to  
34 government con.....

35  
36 MR. BROWER: It also states, Mr. Chair,  
37 in the Policy, that if the Council appoints -- they might  
38 have that representation at the tribal consultation  
39 coming from a tribe, right, they're appointed by the  
40 Council?

41  
42 CHAIRMAN TOWARAK: I'm assuming that  
43 that's possible.

44  
45 In your case, Tony, your tribe through a  
46 formal meeting has designated you as a spokesperson for  
47 the tribe.

48  
49 MR. CHRISTIANSON: For specific topics  
50 only. That's correct, you know, it would be specific to

1 a topic, or like if you're going to a meeting or  
2 something, you know, you give them enough head's up and  
3 they designate you either through a letter or a  
4 resolution to speak on behalf of the tribe on that  
5 specific topic or topics or general area.  
6

7 CHAIRMAN TOWARAK: And I assume, Jack,  
8 that the Staff distributes information to tribes that are  
9 being affected by any rule, regulation?  
10

11 MR. LORRIGAN: Mr. Chairman, that's  
12 correct. We try to have consultation early and often as  
13 directed by the Policy so we try to get the information  
14 to them as quickly as possible, with as many facts as  
15 possible to allow them time to go through their  
16 government processes of figuring out how they want to  
17 proceed with it.  
18

19 MR. CHRISTIANSON: Yeah, if you look  
20 through the implemented guidelines, I mean there's a  
21 whole process established for what we're just asking the  
22 question here, to notify tribes early, get their input  
23 and establish consultation process prior to meetings and  
24 then presenting that stuff to the Regional Advisory  
25 Councils to consider, so I don't know if most of the  
26 consultation would be prior to even coming to our level.  
27 I mean so I think the discussion is mainly about how do  
28 we deal with the consultation once it gets to our level  
29 if that request is put forward to meet with this Board as  
30 a whole, that's the one component I see missing here that  
31 we're discussing, is that, and how does that look. I  
32 mean we're coming back to how does that look when they  
33 come to our table, how do we consult with them.  
34

35 And I don't think the tribes were mad at  
36 the last time that they got -- had to do it in public,  
37 you know, I don't see anywhere in here where it says the  
38 tribes wanted anything private, you know, in fact, I  
39 think they would want it the other way around, they want  
40 everybody to know what's going on unless it has to do  
41 with specific cultural properties or trade secrets or  
42 whatever have you.  
43

44 MS. MASICA: Mr. Chairman. What I was  
45 recalling, and this is where I started earlier, I was  
46 just confused. When we first -- when we had the interim  
47 Tribal Consultation Policy, I guess it was, we had a  
48 January Board meeting where the first day was spent  
49 doing tribal consultation separate from the initiation of  
50 the Board meeting and then we -- I'm just wondering --

1 and then last year we moved to where we integrated the  
2 consultation into the Board meeting as each proposal was  
3 undertaken. Am I remembering that part correctly, Kathy,  
4 you're looking at me.....

5

6 MS. O'REILLY-DOYLE: Hum.

7

8 MS. SWANTON: Yes.

9

10 MS. MASICA: Is that right?

11

12 MS. SWANTON: Yes.

13

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

16

17 MS. MASICA: Yeah.

18

19 MR. CRIBLEY: Right.

20

21 MS. MASICA: Yeah, with each proposal.

22

23 MS. PETRIVELLI: It was about the policy  
24 though.

25

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

28

29 MS. PETRIVELLI: It was about the policy.

30

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

43

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

48

49 MR. LORRIGAN: Mr. Chairman. I believe  
50 that will happen. Ms. Leonetti will be back, like I

1 said, in the next week or two and then we'll reconvene  
2 the work group and hammer out these questions and  
3 probably -- hopefully have a better answer for you in  
4 August.

5  
6 CHAIRMAN TOWARAK: Okay. Then is there  
7 further discussion that you wanted, or are we.....

8  
9 MR. LORRIGAN: Not from me, Mr. Chairman.

10  
11 CHAIRMAN TOWARAK: Okay. Are there any  
12 questions from the Board on tribal consultation, we will  
13 hear more in August and get better direction.

14  
15 (No comments)

16  
17 CHAIRMAN TOWARAK: Okay. I'm being told  
18 that it's lunchtime. There's a -- I want to read  
19 something here; the White Moose Espresso Deli and  
20 Catering barbecue outside the tent today, hamburgers and  
21 cheeseburgers, red potato salad, \$6.00.

22  
23 (Laughter)

24  
25 MS. O'REILLY-DOYLE: It's right here.

26  
27 CHAIRMAN TOWARAK: Lunch is available  
28 right outside the door for those of you that are  
29 interested.

30  
31 We will take a -- will an hour do it for  
32 us, or do we need longer than an hour. Let's reconvene  
33 at 1:15. It's five after 12:00. We will reconvene at  
34 1:15.

35  
36 MS. O'REILLY-DOYLE: And if I may, one  
37 more plug, if anyone wants to contribute to the gifts for  
38 the RAC members that have been with us for 20 years, that  
39 envelope is here as well, if you want to do that during  
40 lunch.

41  
42 CHAIRMAN TOWARAK: 1:15.

43  
44 (Off record)

45  
46 (On record)

47  
48 CHAIRMAN TOWARAK: I'd like to reconvene  
49 our meeting.

50

1 (Pause)  
2  
3 CHAIRMAN TOWARAK: We've still got one  
4 more Board member coming in but I think we'll go ahead  
5 and get started. We've got a couple of announcements but  
6 we'll start first with a presentation by Sue.  
7  
8 MS. MASICA: The microphone is shorter  
9 than I am even.  
10  
11 (Laughter)  
12  
13 MS. O'REILLY-DOYLE: And that's on the  
14 record.  
15  
16 (Laughter)  
17  
18 MS. MASICA: Some facts are irrefutable.  
19  
20 (Laughter)  
21  
22 MS. MASICA: So I wanted to -- I'm sorry  
23 I didn't get to do this this morning and like I said I  
24 had a dentist appointment and I was a little bit late.  
25 But I wanted to recognize two members of my Staff who are  
26 retiring and they have really given a lot of service to  
27 the ISC and the Board over the years and they're both  
28 going to go on to greener pastures this summer.  
29  
30 Sandy Rabinowitch has been doing Board  
31 work for what, Sandy, about 20 years or so, more than  
32 that?  
33  
34 MR. RABINOWITCH: Close. Close.  
35  
36 MS. MASICA: Yeah. And, Nancy, how long  
37 for you, eight.  
38  
39 MS. SWANTON: Eight, uh-huh.  
40  
41 MS. PATTON: You're retiring, Nancy.  
42  
43 (Laughter)  
44  
45 MS. MASICA: This wasn't supposed to be  
46 the official announcement.  
47  
48 (Laughter)  
49  
50 MR. CRIBLEY: It is now.

1 (Laughter)  
2  
3 MS. MASICA: But I wanted to make sure we  
4 recognized both of them for their service to the Board  
5 and to the ISC and so I have a little certificate of  
6 recognition and appreciation for both of them. But  
7 thought given the support and the work that they've done  
8 with so many people here, in front of the Board, we'll  
9 appropriately do something at the Park Service down the  
10 road, but wanted to acknowledge that today. So if I  
11 could do that.  
12  
13 MS. O'REILLY-DOYLE: Anybody got a cell  
14 phone camera.  
15  
16 MS. MASICA: But I wanted to thank you  
17 for all of that.  
18  
19 MS. O'REILLY-DOYLE: Let's see the  
20 plaque.  
21  
22 MS. MASICA: Logos of all the agencies  
23 are on there.  
24  
25 (Applause)  
26  
27 CHAIRMAN TOWARAK: Thank you. Now.....  
28  
29 MS. O'REILLY-DOYLE: Where's Jack.  
30  
31 CHAIRMAN TOWARAK: .....we've.....  
32  
33 MS. O'REILLY-DOYLE: So we're on this one  
34 now, 12.  
35  
36 CHAIRMAN TOWARAK: Back to our agenda we  
37 are on No. 12, support of rural Federal Subsistence Board  
38 members update. Jack.  
39  
40 MR. LORRIGAN: Good afternoon, Mr.  
41 Chairman and Board members.  
42  
43 I guess it's been a year since Tony and  
44 Charlie have come on and I wasn't at the retreat that you  
45 all had, I guess it was in Juneau, but I believe you had  
46 discussions about how the two new members would be  
47 supported in the Board process. So what we're doing  
48 right now is Helen Armstrong was Staff support for Tony  
49 and Charlie until she retired a couple weeks ago and the  
50 discussion has led to the present situation where right



1 now I am the point of contact for all three of you. I  
2 think originally this position was delegated to the  
3 Chairman. As the Native liaison it also seems to fit in  
4 being able to converse with Charlie and Tony also in the  
5 capacities that they serve.

6  
7 What we did, yesterday, is I arranged for  
8 your briefing, but I made available to you all the Staff  
9 and ISC members that were appropriate for the topics that  
10 were to be covered on the agenda, and one of the  
11 questions we had for the Board is if they had any  
12 thoughts of how they'd like to see the two new members  
13 supported. If this isn't going to work or if there's  
14 something that you'd like to see done different. So it's  
15 dialogue we'd like to see amongst yourselves about how  
16 you'd like to see the two new members supported, if you  
17 had any ideas. Right now the three public members don't  
18 have actings, and they can be supported by a lot of our  
19 Staff at OSM and the ISC has stepped up and made sure  
20 that the information they needed was provided. So with  
21 that I'd like the Board to talk about it.

22  
23 CHAIRMAN TOWARAK: I, for one, having  
24 come in -- I was going to say like the Lone Ranger,  
25 but.....

26  
27 (Laughter)

28  
29 CHAIRMAN TOWARAK: .....maybe Tonto would  
30 be a little more appropriate.

31  
32 (Laughter)

33  
34 CHAIRMAN TOWARAK: But I had to do a lot  
35 of reading to really get caught on and I think after  
36 having gone through the briefing yesterday, it's quite a  
37 bit different and a lot more -- it was valuable  
38 information for me and I'm assuming that Tony feels the  
39 same way. We're expecting Charlie any minute and I'm  
40 sure he felt the same. But getting briefed makes it a  
41 lot easier for us to understand what the issues are. We  
42 didn't discuss any solutions, you know, that's a Board  
43 responsibility. But being briefed and given the reading  
44 material before the meeting has really helped. And I  
45 appreciate Jack's efforts in getting that done.

46  
47 MR. CHRISTIANSON: Yeah, Anthony  
48 Christianson, through the Chair.

49  
50 Yeah, this has been the process we used

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

28  
29                                 So it's been a positive experience and I  
30 think we know, kind of where the line is, as far as the  
31 information we're sharing.

32  
33                                 And our brief meeting yesterday wasn't so  
34 brief.

35  
36                                 (Laughter)

37  
38                                 MR. CHRISTIANSON: In fact the briefing  
39 meeting was probably longer than the meeting today.

40  
41                                 (Laughter)

42  
43                                 MR. CHRISTIANSON: So I think it's  
44 important and just hopefully we continue to do that in  
45 the interim and I think it's working, and I thank the  
46 Staff here at OSM for making sure that the information is  
47 to us in a timely manner and I think we can do this for  
48 awhile until -- especially with the budget cut and stuff  
49 like that, you know, we want to streamline the process  
50 and make it as simple as we can for the Staff here and

1 also considering that we need to all start sharing in the  
2 load of work to keep this as cheap and as easy as we can.

3

4 So thank you guys.

5

6 CHAIRMAN TOWARAK: Go ahead, Mr. Lord.

7

8 MR. LORD: Why does it keep turning  
9 itself off.

10

11 CHAIRMAN TOWARAK: I have ultimate  
12 control.

13

14 (Laughter)

15

16 MR. LORD: All right. So I mean how --  
17 would you do anything differently if we have a wildlife  
18 meeting where there's going to be 60, 80 or 100  
19 proposals, you know, how would you handle that kind of  
20 work load, do anything different or just make your  
21 briefing longer?

22

23 MR. CHRISTIANSON: Well, I guess we've  
24 had the one proposal cycle that we did come to and  
25 there's the consensus and non-consensus, so they sent  
26 forward the information to us at that meeting and mainly  
27 the non-consensus where there's some difference of  
28 opinion or, you know, what's going to come before us was  
29 where they focused the briefing meeting on, is those  
30 topics. You know, and the other ones on consensus, was,  
31 you know, it's simple, everybody on the ISC agrees, the  
32 information is there and available if we needed to read  
33 it. But as far as the proposal stuff goes, you know, I  
34 think there's enough time well in advance that we can  
35 look at it and then formulate those questions and put it  
36 back to the Staff, that's kind of how it worked up to  
37 that meeting, is that we kind of looked at the  
38 summarizations and the information that the ISC had  
39 looked at it and come to either consensus or non-  
40 consensus on and more or less focused the effort on the  
41 ones that were needing to still be deliberated by the  
42 Board or find the Board support and so that's how we did  
43 it that time and it worked. I don't think it was an  
44 issue but, you know, we're trying -- like I said, with  
45 the budget, trying not to go in and have to read all of  
46 that information, you know, because it is a substantial  
47 amount of information if you're going to read all the  
48 proposals and then the history on the proposals and then  
49 start to go maybe to the RAC deliberation on the  
50 proposals and I mean we haven't never taken it that deep,

1 we just have to trust in the Staff that we have here that  
2 is looking at the information and coming up -- because  
3 there's set criteria that they have to use to get to a  
4 certain point with each proposal so trusting the Staff is  
5 what we have to do at this point.

6

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

13

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

16

17 (Laughter)

18

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

32

33 Thank you.

34

35 CHAIRMAN TOWARAK: Go ahead, Tony.

36

37 MR. CHRISTIANSON: And I'd also like to  
38 thank the Staff for the lunch they provided yesterday, I  
39 appreciated it.

40

41 (Laughter)

42

43 CHAIRMAN TOWARAK: Jack.

44

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

48

49 One of the ideas behind having the ISC  
50 members participate in the briefing was to relieve any

1 appearance that OSM was strictly controlling the  
2 information to the new Board members, it would be -- I  
3 would hope appear to be an unbiased flow of information  
4 to them so that people who had expertise in one topic  
5 could give them the information they needed.

6  
7                   So that's how I wanted it to appear  
8 anyway, and work.

9  
10                   And at the next Board meeting we're going  
11 to have a potluck and you all have to be here, so.....

12  
13                   (Laughter)

14  
15                   MR. CHRISTIANSON: Mr. Chair.

16  
17                   CHAIRMAN TOWARAK: Go ahead.

18  
19                   MR. CHRISTIANSON: And yesterday I had to  
20 do like a 20 minute speech while these guys took off and  
21 I think.....

22  
23                   (Laughter)

24  
25                   MR. CHRISTIANSON: .....it would only be  
26 fair that they get up and have to do the same thing at  
27 the next potluck.

28  
29                   (Laughter)

30  
31                   MR. OWEN: Speaking of potlucks, that  
32 brings up the topic that Jack mentioned, acting, for the  
33 rural members. Now, Mr. Chairman, you do not have an  
34 acting, but I am not the only one here, I think, sitting  
35 in today as acting for someone else. I don't believe  
36 that I remember when the whole rural seat thing came up  
37 that there were even provisions for acting. So does the  
38 Chairman or Council have an idea of how we might address  
39 that or deal with that?

40  
41                   CHAIRMAN TOWARAK: There's been no  
42 discussions about designating acting Board members on any  
43 of -- on all three of us, so I don't know if it's  
44 possible.

45  
46                   Tony.

47  
48                   MR. CHRISTIANSON: Well, I was just going  
49 to add to that. I think it was important that as they  
50 formulated the schedule of the meeting that it was kind

1 of hinging on our availability, you know, I think that  
2 was an important aspect of just trying to lay out that  
3 schedule and look out for the next year and a half or  
4 whatever and make sure that we're available because we  
5 don't have that person that can step in here and act on  
6 our behalf or for the public seats. I think that was a  
7 benefit to us in having that ability to look at our  
8 schedules and make sure that we could be here and  
9 available, and so we appreciate that about the scheduling  
10 that we are here because I wouldn't want to miss a  
11 meeting.

12

13 CHAIRMAN TOWARAK: Go ahead.

14

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

23

24 CHAIRMAN TOWARAK: Go ahead.

25

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

33

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

36

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

42

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

47

48 MR. LORD: There are not.

49

50 CHAIRMAN TOWARAK: Go ahead.

1 MR. LORD: The only -- the regulation  
2 says that the Board shall be Chaired by the Board members  
3 of their designees, but other than that it doesn't say  
4 anything else.

5  
6 CHAIRMAN TOWARAK: Go ahead, Jack.

7  
8 MR. LORRIGAN: Mr. Chairman. Would that  
9 be a question to address to the Secretary, to have him  
10 mull it over? No. You're sure. No, okay, nevermind.

11  
12 (Laughter)

13  
14 CHAIRMAN TOWARAK: I think I'd rather see  
15 us go to Obama.

16  
17 (Laughter)

18  
19 CHAIRMAN TOWARAK: I think it appears  
20 that -- I think we're going to always be here and I think  
21 short of dying in a plane crash or being sick, you know,  
22 those -- I think those would be the only reasons why we  
23 couldn't be here. So I think, you know, if there's a  
24 desire in the future, for some reason we're not able to  
25 make meetings, you know, I'm open to any suggestions.

26  
27 MS. O'NEILL: Perhaps just having some  
28 sort of plan relative to a short-term appointment or  
29 something, would that work for an alternative?

30  
31 MR. LORD: In the event that one of them  
32 falls ill for awhile or something like that, I hadn't  
33 thought about that, but Pat would have been the better  
34 person to answer that since their appointments are made  
35 through the Secretary's office.

36  
37 CHAIRMAN TOWARAK: Why don't we leave it  
38 as it is right now and ask Jack to do some research on  
39 what might be possible for the three of us designating a  
40 stand-in Board member, if there's no objections.

41  
42 Mr. Cribley.

43  
44 MR. CRIBLEY: Timing is terrible, I don't  
45 have -- it's not a matter of an objection. I guess I  
46 just -- I'm not really sure what we're looking for here  
47 or what Jack is looking for as far as feedback but I  
48 think it's absolutely critical that the three Board  
49 members are briefed before they come into the meeting. I  
50 mean the meeting would be non -- well, it wouldn't be

1 functional or it wouldn't meet its intent if they were  
2 not, and I appreciate the time that the OSM office and  
3 everybody is putting into that and I think it's  
4 absolutely critical. I realize that we're short of funds  
5 and Staffing and everything but I think the accommodation  
6 we need to figure out, or folks need to figure out how to  
7 make that happen but it has to happen.

8  
9 I mean we come in here -- if I didn't  
10 come in here with some background of what's going on here  
11 I'd sit here and not say a lot like I do but.....

12  
13 (Laughter)

14  
15 MR. CRIBLEY: .....and then also just to  
16 reiterate I think what Sue said, having sat on the Board  
17 before the new members came on and then afterwards,  
18 having that perspective, Alaska Native perspective in the  
19 decisions that we're making or the issues that we're  
20 discussing is totally invaluable. I think it just adds  
21 a lot of value to the dialogue that we're having and a  
22 perspective that we cannot bring to it and I think it's  
23 important that that be brought forward in the public  
24 setting so that it is realized that we are looking at it  
25 from a diverse set of viewpoints and taking those views  
26 into consideration in our deliberations and ultimate  
27 decision making. So I think the Secretary was brilliant  
28 in making that recommendation that the additional Board  
29 members be put on the Board and we should send her a  
30 letter and thank her for that and tell her that she's  
31 brilliant.

32  
33 (Laughter)

34  
35 MR. CRIBLEY: But I also think that we  
36 should -- the issue of, you know, if they're not able to  
37 -- or you're not able to make a Board meeting, I think we  
38 can handle that as it occurs, but with the understanding  
39 that the intent is that they will represent, they will be  
40 here at the Board meetings.

41  
42 And I will take exception there was a  
43 time, Tim, when you were late to a meeting, and if I  
44 remember correctly they took the newbie and put him as  
45 the Board Chairman.....

46  
47 (Laughter)

48  
49 MR. CRIBLEY: .....and if I also remember  
50 Bert Adams just had a field day with me leading me around



1 by the nose, you know, like I had a nose ring in  
2 explaining to me how a Board meeting should be  
3 conducted.....

4

5 (Laughter)

6

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

10

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

18

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

21

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

26

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

33

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

36

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

40

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

45

46 I know you're all familiar with this  
47 topic so, therefore, I'll sort of just jump to recent  
48 activities rather than go back to the beginning of the  
49 petition response process.

50

1                   On August 23rd, 2012 the Secretaries of  
2 Agriculture and the Interior conveyed their decision to  
3 Kootznoowoo Incorporate, the Alaska Native Village for  
4 Angoon regarding their petition. The Secretaries as  
5 recommended by the Southeast Alaska Subsistence Regional  
6 Advisory Council and the Federal Subsistence Board  
7 deferred decision on the Kootznoowoo petition for up to  
8 three years to facilitate a locally-developed solution.

9  
10                   An agreement was signed in September of  
11 2012 with the US Institute for Environmental Conflict  
12 Resolution, a third-party pseudo Federal agency, maybe  
13 more than pseudo, maybe a real Federal agency, to help  
14 facilitate a locally-developed solution. Two phases were  
15 established. Phase I, which was a situation assessment,  
16 and Phase II, then the collaborative problem solving, or  
17 the second step based on what we found out through the  
18 situation assessment.

19  
20                   Bureau of Indian Affairs committed funds  
21 for Phase I, for which we are grateful. Phase I began  
22 December 1, 2012 and is now complete, including the June  
23 6th, 2013 status report to the Secretaries, which I  
24 believe was reviewed by each of the Board members  
25 approximately one month ago. Components of Phase I  
26 included interviewing stakeholders, assessing readiness  
27 of the stakeholders to engage in collaborative problem  
28 solving, preparing a written assessment and then doing  
29 the briefing paper for the Board to meet the Secretaries  
30 reporting requirements.

31  
32                   Results of that Phase I work then would  
33 help to determine the need and process for Phase II.

34  
35                   So the Institute conducted over 30  
36 interviews from December 2012 to February 1st, 2013.  
37 They developed a draft situation assessment which was  
38 released for comment to all the interviewees and then  
39 released the final situation assessment with  
40 modifications dated April 12th of this year. And that  
41 situation assessment had two recommendations. Now, the  
42 specifics and the exact wording of those recommendations  
43 are in your briefing books. The entire situation --  
44 final situation assessment is under the Tab 13.

45  
46                   Those two recommendations were that the  
47 State of Alaska convene a multi-stakeholder collaborative  
48 working group addressing interception of subsistence  
49 sockeye near Angoon, develop recommendations for the  
50 annual Southeast Alaska purse seine fisheries management

1 plan, and that this all be done using third-party neutral  
2 facilitation.

3  
4 The second recommendation was to the US  
5 Forest Service to host regular meetings with the Angoon  
6 Alliance. The Angoon Alliance made up of the city of  
7 Angoon, the Kootznoowoo Incorporated and the tribe to  
8 coordinate and develop strategies associated with  
9 management and economic development related to the  
10 viability of Angoon and use a neutral facilitator or  
11 moderator.

12  
13 So if you recall in that petition there  
14 were pieces of that petition that had to do with  
15 extraterritorial jurisdiction, specifically, and there  
16 were other pieces that had to do with other management  
17 associated with Angoon. And so these two recommendations  
18 addressed both of those issues.

19  
20 So the next steps.

21  
22 Plan and implement Phase II. Phase began  
23 in mid-April when the Department of Fish and Game, Kelly  
24 Hepler, Jennifer Yuhas and the Forest Service, Wayne  
25 Owen, our district ranger Chad VanOrmer and fisheries  
26 biologist Ben VanAlen traveled to Angoon. They met with  
27 the Angoon Community Association, Kootznoowoo and city of  
28 Angoon to start talking about the next steps. And I  
29 won't be giving you that update on what actually is  
30 happening as far as Phase II, Wayne Owen and Jennifer  
31 Yuhas will be doing that following, I believe, public  
32 testimony.

33  
34 So if there are any questions for me, all  
35 the hard questions will go to Wayne and Jennifer, but I  
36 can do the easy questions.

37  
38 CHAIRMAN TOWARAK: It doesn't appear that  
39 there's any questions.

40  
41 (No comments)

42  
43 CHAIRMAN TOWARAK: We will then move on  
44 to public testimony and I'm going to ask Mr. Kookesh if  
45 he could come up to the mic and be the first to address  
46 the Board.

47  
48 MR. KOOKESH: Thank you, Mr. Chairman.  
49 Kootznoowoo did want to be last but we'll just go ahead  
50 so you'll have to excuse me for my voice today, I have

1 some medical issues I'm dealing with. But thank you, Mr.  
2 Chairman Towarak and Board for allowing us to speak.

3

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

11

(Laughter)

12

13  
14 MR. KOOKESH: But anyway I'd like to  
15 introduce myself. I am Chairman of Kootznoowoo. I was  
16 just recently reelected back to the Board and I'm glad to  
17 have that opportunity to be able to continue this process  
18 and to finish it, to follow it all the way to the end  
19 hopefully and just make sure it all works out for Angoon.  
20 One of the reasons why we do this is, not only for our  
21 people but for our children, so we always keep that in  
22 mind when we're doing this.

23

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

37

Thank you.

38

39  
40 CHAIRMAN TOWARAK: Thank you, Mr.  
41 Kookesh. I'd like to ask if there's any Board members  
42 that have questions for Mr. Kookesh.

43

(No comments)

44

45  
46 CHAIRMAN TOWARAK: Thank you for your  
47 brief presentation.

48

(Laughter)

49

50

1 CHAIRMAN TOWARAK: We will turn the floor  
2 over to Mr. Naoroz then.

3  
4 MR. NAOROZ: Thank you, Chairman Towarak.  
5 Members of the Federal Subsistence Board.

6  
7 I'm trusting that you can hear me.

8  
9 CHAIRMAN TOWARAK: Yes, we could.

10  
11 MR. NAOROZ: Great, thank you. What I'd  
12 like to do is take a few minutes to describe the  
13 activities of the first year from Kootznoowoo's  
14 perspective, at least the highlights and to give you a  
15 progress report and the beginning of what I consider a --  
16 like a, if you will, a report card on the activities.

17  
18 I believe everyone who was part of the  
19 Board was present during the March meeting, though I may  
20 not have that correct, March of last year, so I'm looking  
21 at the year starting March 2012 and really ending March  
22 2013 and then a couple meetings beyond that just to bring  
23 you up to speed. The report card that Kootznoowoo  
24 prepared really has a number of areas to cover and I'll  
25 be really brief and I won't go into the sub-areas.

26  
27 But much like when we were children going  
28 to school, you know, we have to look at, you know, some  
29 expectations and so the expectations that I set up for  
30 the process and I've discussed with my colleagues, both  
31 at the State and the Federal management offices is really  
32 the following. Questions of professional planning, what  
33 I call language arts, or just basic communications. And  
34 the development of timely workable solutions in this  
35 process. Management actions and jurisdictional  
36 solutions. Developments in customary and traditional  
37 activities, some of which I heard the Board discussing  
38 earlier today. Science and how does that fit into our  
39 petition. A sector on National Monument awareness. So  
40 the Board knows in our last meeting there was a question  
41 asked of me, why are we talking about monuments and I  
42 think that points out a need for kind of a sensitivity in  
43 that area. The ability of the managers to follow  
44 direction of the Regional Advisory Council and the  
45 Federal Subsistence Board. Social responsibility is a  
46 general topic, in which there is the sub-areas of  
47 consideration; respectful of stakeholders to each other,  
48 et cetera, et cetera.

49  
50 But I have all this written out and I'll

1 be providing this to the Board after my comments.

2

3

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

13

14

So why do we say that?

15

16

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

27

28

Accordingly we offer these following

29 comments:

30

31

32 We were planning to meet with State and  
33 Federal managers last week. That did not happen. Our  
34 last meeting was in Angoon on April 2013, at which time  
35 the State of Alaska recommended that Angoon form a Fish  
36 and Game Advisory Group and go through the process  
37 basically starting over back in 2002, from our point of  
38 view. They did this in earnest with a trusting nod, that  
39 the State Board of Fish will, "get it right this time."  
40 In that meeting Mr. Kookesh addressed both Mr. Owen and  
41 Mr. Hepler with the same question. He asked both what  
42 the priority was under Title VIII of ANILCA and State  
43 law. They both responded subsistence. Our response was  
44 to have the ADF&G managers pick up these proposals and  
45 implement them. That would start to build an environment  
46 that would support local solutions. Instead we see that  
47 there's no changes to the Northern Southeast Seine  
48 Management Plan, and that a record pink salmon prediction  
49 has the same fleet poised for a record catch while more  
50 likely than not intercepting Angoon bound sockeye.

50

1                   In September of last year we met with the  
2 Southeast Regional Advisory Council in order to address  
3 our questions about moving forward and challenged them to  
4 stay involved in the process, which we seen a recent  
5 letter that they have done, so we're grateful for that.  
6

7                   We have met on several occasions with the  
8 Forest Service in their five year review of the Tongass  
9 Land Management Plan, and some of the work they do with  
10 the State of Alaska in creating a salmon management, they  
11 call it enhancement plan. We have monitored the decision  
12 of the courts and parties in the Lincoln Peratrovich  
13 case. We are encouraging the Forest Service to identify  
14 the Federal interests waters to include Title VIII  
15 subsistence rights. We have also requested the Forest  
16 Service consider rulemaking related to Section .506,  
17 which my Chairman mentioned earlier. Section .506  
18 provisions have made very little progress between us and  
19 the Forest Service in understanding what cooperative  
20 management could look like. We were told that the  
21 petition in some ways is designed to spell that out. So  
22 here we're caught in a Catch-22, which goes first, the  
23 cooperation or the petition.  
24

25                   Butch Blazer, who attended the March 2012  
26 hearing on behalf of the Secretary of Agriculture asked  
27 Kootznoowoo in a followup meeting, what do we want. A  
28 straight out question. We reviewed the highlights of the  
29 petition and our Chairman, Mr. Kookesh, told him that we  
30 wanted the Department to follow the law and that ignoring  
31 the law is breaking the law. We shared this with  
32 affected stakeholders in December 2012 when we met with  
33 the seiners.  
34

35                   Two surprises to us include the lack of  
36 more detailed reports by ADF&G and the lack of  
37 precautionary measures set forth in this -- to be  
38 recognized and set forth in this years fishery management  
39 plan. We have had several discussions with industry  
40 representatives, in fact, we were asked by other fishers  
41 if they could intervne in our petition, to which we  
42 informed them about the open collaborative process  
43 envisioned by the Secretaries and we reminded them that  
44 we were not in the allocation business but rather  
45 concerned about the priority and preference that exists  
46 for Angoon. These groups and communities were not  
47 interviewed by the Institute to my knowledge. We have  
48 fully participated in the interviews and follow up with  
49 the representatives of the US Institute of Environment  
50 Conflict Resolution, which provided us with individuals

1 who seemed generally concerned and good listeners.

2

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

5

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

12

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

24

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

28

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

35

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

46

47                   Chairman Towarak, I'm prepared to answer  
48 any questions you may have about the last year and how we  
49 see it.

50



1 CHAIRMAN TOWARAK: Thank you, Mr. Naoroz.  
2 I'll open the floor to the Board if you have any  
3 questions.

4  
5 (No comments)

6  
7 CHAIRMAN TOWARAK: It doesn't appear that  
8 there is -- well, go ahead, Mr. Christianson.

9  
10 MR. CHRISTIANSON: Well, I guess my  
11 question would be, I guess, to the Staff here, where are  
12 we at in the timeline, wasn't the timeline established to  
13 meet the next Board of Fish meeting, which was a three  
14 year cycle. If I remember that conversation correctly it  
15 was to get this work done before that next cycle came  
16 around so that these proposals could be put on that table  
17 for discussion.

18  
19 MR. OWEN: Mr. Chairman. I'd like to  
20 suggest that that's an answer that Jennifer and I respond  
21 to when we're -- after the public testimony because I  
22 think we can do that, but that may be tied up into other  
23 questions.

24  
25 Is that all right with you Tony?

26  
27 MR. CHRISTIANSON: Yeah, that's fine. I  
28 mean I was just asking a question that didn't think  
29 anybody was going to answer.

30  
31 (Laughter)

32  
33 CHAIRMAN TOWARAK: Go ahead.

34  
35 MR. OWEN: I think it's an important  
36 question and one that I'm ready to provide an answer for  
37 but I think I'd like to provide that answer in the  
38 context of some other comments and I'd rather not use  
39 this time to do that.

40  
41 CHAIRMAN TOWARAK: Okay, we will wait for  
42 your presentation. Any questions for Mr. Naoroz. Go  
43 ahead.

44  
45 MS. O'NEILL: Have you raised this issue  
46 of timeliness before -- I'm getting a head yes from  
47 across the table by Wayne, so you're going to address the  
48 timeliness of the response too in your presentation.

49  
50 MR. OWEN: Yes.

1 MS. O'NEILL: Okay, thank you.  
2  
3 CHAIRMAN TOWARAK: Thank you, Mr. Naoroz.  
4 If you would stay on the line we will continue the  
5 process by hearing the report from Wayne and Jennifer and  
6 then have a.....  
7  
8 MR. NAOROZ: Thank you, Chairman Towarak,  
9 I'll remain on line.  
10  
11 CHAIRMAN TOWARAK: .....a general  
12 discussion afterwards.  
13  
14 Thank you.  
15  
16 MR. KOOKESH: Thank you, Mr. Chair.  
17  
18 MS. YUHAS: That was the plan.  
19  
20 MR. OWEN: That could be a plan.  
21  
22 (Laughter)  
23  
24 MS. YUHAS: Thank you, Mr. Chairman and  
25 members of the Board.  
26  
27 As far as progress on State issues you  
28 received an update at your winter meeting that showed the  
29 funding and the studies, the genetic stock ID, the  
30 commitment on behalf of the Governor and you received a  
31 full write up on that, we didn't duplicate that for this  
32 meeting. The only new information that's transpired  
33 since the last time you met is our communications with  
34 Kootznoowoo at their office. We met with them two  
35 different times and we went out to Angoon, that was the  
36 cadre of myself, Kelly Helper the Assistant Commissioner  
37 and Hazel Nelson, our Subsistence Director, and the  
38 subsistence household surveys have been ongoing and we  
39 have collected more information. At the point in time of  
40 the Southeast RAC the subsistence director was concerned  
41 that we weren't collecting enough information to make a  
42 difference and she was given some time on that RAC  
43 meeting to appeal to the RAC members to talk to the folks  
44 that lived in Angoon about responding to the survey so we  
45 could collect that information. And we're very grateful  
46 that we were able to make some progress on that so the  
47 folks are sorting that information right now.  
48  
49 We had the first of several meetings in  
50 Angoon in April, as Mr. Naoroz stated and we thought that

1 that was highly productive. We went through the scope of  
2 the recommendations provided by the Institute. The State  
3 continues to have some difficulty with some of the  
4 phrasing of expectations surrounding the words, working  
5 group, there are many different expectations to what that  
6 means. In our interviews and in our discussions with the  
7 Forest Service and the Institute, we discussed that there  
8 has been in state on Federal and State sides of things to  
9 form new additive groups with specific titles and per  
10 diem and that people have an idea that this means a new  
11 group can be formed to override decisions by others, by  
12 RACs, by Advisory Committees, and Federal Subsistence  
13 Board and Board of Game, and that that wouldn't be the  
14 intent of the Department with regards to the  
15 recommendations section. And what we found was that we  
16 were having an impasse with the language, the way that  
17 it's printed it could still read to create those  
18 expectations. When we met in Angoon we heard from  
19 several members of the public before we even got to that  
20 portion of the -- it wasn't a set agenda, it was a  
21 listening meeting to find out what those folks wanted us  
22 to do, what directions to go in and to report some  
23 things, and surprisingly the community brought up the  
24 same concerns. who are these stakeholders and what weight  
25 will they be given and -- and -- and will this be a new  
26 group on top of the other things that overrides other  
27 things and -- and a lot of confusion associated with that  
28 language.

29  
30 We're very clear that as the  
31 recommendations read, aside from the briefing paper in  
32 yellow, on Page 4, that when it describes what is a  
33 collaborative problem solving, it does get more into an  
34 organic process that the Department was conveying to the  
35 folks in Angoon who were more satisfied with what we were  
36 discussing in that capacity.

37  
38 I was a little bit surprised by the  
39 testimony just now, it was new information at this  
40 meeting to hear that there was discontent with the  
41 suggestions that forming an AC and revisiting Board of  
42 Fish proposals could be beneficial. That was not the  
43 tone of the meeting in Angoon, and Mr. Kookesh is here,  
44 we discussed the possibility of replacing Board members  
45 on the Board of Fish with local residents from Angoon and  
46 Mr. Kookesh's name surfaced from the group as a possible  
47 nominee for the Board of Fish to replace an outgoing  
48 Southeast member. And the Department takes very  
49 seriously and conveyed to the group that the Board of  
50 Fish does allocate and that we should recognize that

1 there were encumbrances to previous proposals that ended  
2 dissatisfactorily to the folks in the community and that  
3 the Department has a responsibility to walk the public  
4 through that process. We made some analogies as to what  
5 that could mean -- analogies always fall short but when  
6 I've had to go to a different government entity I don't  
7 want my form back to say you didn't fill this out right,  
8 I want someone to explain to me what they're looking for  
9 so that I can have some resolve at the end of my visit  
10 and the Department has kind of used that analogy to  
11 discuss how could we walk any member of the public, in  
12 this specific instance, Kootznoowoo and the folks in  
13 Angoon who want a different resolve through the Board of  
14 Fish, how we could make that process more user friendly  
15 for them and assist with finding a local solution that  
16 then the Board of Fish could adopt.

17

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

26

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

42

43 CHAIRMAN TOWARAK: Okay?

44

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

47

48 CHAIRMAN TOWARAK: Okay. Mr. Owen.

49

50 MR. OWEN: Thank you, Mr. Chairman. I'd

1 like to first, you know, express my admiration for  
2 President Kookesh, who came here under some amount of  
3 difficulty on his part to participate in this  
4 conversation. I think it shows his dedication to this  
5 cause, you know, is not just a matter of some trivial  
6 little money or thing like that. I admire Floyd for what  
7 he is putting of himself into this.

8  
9 I'd also like to express my appreciation  
10 for my worthy colleague Peter Naoroz for acknowledging  
11 the improved trust and understanding that is coming out  
12 of this relationship, out of this working agreement. We  
13 have spent an awful lot of time and I don't think any  
14 member on any side of the table, the Forest Service or  
15 the State or the tribe or the corporation feels like  
16 we're where we would like to be. I think that I  
17 appreciate Floyd's agreement with me that we are in a  
18 much better place than we were a year ago, and so that's  
19 a great place to start.

20  
21 With respect to most of the rest of  
22 Peter's comments, I wish that I could disagree with most  
23 of it, and I'm afraid I can't. You know, specifically  
24 his comment that the process is moving too slow. The  
25 process is moving too slowly.

26  
27 Now, I will offer an explanation but not  
28 a justification for that.

29  
30 You know we all know that bureaucracy  
31 takes the time and the air that bureaucracy takes and we  
32 are moving into completely untrod country with this  
33 petition so people on various sides are justifiably  
34 cautious about moving forward, setting expectations  
35 beyond where they should be. With that said, the people  
36 of Angoon will go another year without their proper  
37 priority or preference -- priority for fish in their area  
38 without another year of moving closer to having that  
39 issue resolved.

40  
41 So the Forest Service -- well, let's just  
42 leave it at that.

43  
44 With respect to the meeting in April in  
45 Angoon, which was a very productive, in some ways,  
46 meeting, a very active, I was very grateful for the  
47 number of people from the community that came. It was a  
48 very frank and open conversation between all the party  
49 members. And without respect to specific things that  
50 might have been said or various emotions expressed, I

1 will share with the Board the two key things that I heard  
2 there.

3

4                   Those were, specifically:

5

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

9

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

18

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

25

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

35

36                   And I'm happy to talk about a lever that  
37 I was able to pull in terms of economic development for  
38 the community of Angoon, which is part of the Forest  
39 Service's part of Phase II. Through District Ranger Chad  
40 VanOrmer, he was able to convince or build a level of  
41 trust with the tribal government to allo -- and provide  
42 a pathway for them to potentially expand outfitter and  
43 guide opportunities to provide income for people in that  
44 community, and that was a big change of perspective from  
45 that community. Chad worked on it hard, I played a part  
46 in getting Chad the money to do that from some external  
47 funds. So an example of one thing. And Peter will know  
48 that there are a number of other things that are going on  
49 in Angoon, whether it's power related or airport related  
50 that he is working on, sort of independent of this

1 process, but I think that it's probably fair to say that  
2 Angoon, ACA Kootznoowoo has the attention of the Forest  
3 Service, if not, the undivided attention.

4

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

7

8 Unique amongst Forest Service ranger  
9 districts, if you all know the hierarchy of structure in  
10 the Forest Service, ranger districts being the lowest  
11 level, Angoon is one of the most unique districts in the  
12 Forest Service in its level of staffing compared to its  
13 size. The preference and the expressed actions of the  
14 district ranger there is to, at every opportunity, to  
15 employ local employees rather than bringing somebody in from the  
16 outside and, Chad, has, in fact, won awards for -- Forest  
17 Service national awards for doing that.

18

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

26

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

29

30 MS. COLLINSWORTH: Timeline.

31

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

34

35 The timeline to getting toward a  
36 resolution by the end of the three years. We still  
37 believe as slow as we have been taking to start, that we  
38 are on schedule to have a resolution at the end of the  
39 three years. The natural frustration with the beginning  
40 was that we brought in the Environmental Conflict  
41 Resolution Team and they had a long process to sort of  
42 understand where all the pegs were and even for those  
43 folks that have worked for a long time in Southeast, that  
44 was a very productive and informative process. So we  
45 recognize that that seemed like we were treading water  
46 for that length of time. I will share with the Board and  
47 anyone else listening that the Forest Service and I  
48 believe the Fish and Game found that to be a very  
49 productive process, as has many of the stakeholders told  
50 me so.

1                               So having taken that first six months,  
2 nine months out to do that homework, that means that we  
3 have a lot of work to do in the next two and a half years  
4 to get over the finish line. I think the Forest Service  
5 is ready to do that and I hope that we are up to the  
6 challenge. God my mouth is dry, I should stop talking.

7

8                               (Laughter)

9

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

13

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

16

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

28

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

47

48                              MR. OWEN: I'd like to add to that. You  
49 know this is the Forest Service's experience, you know,  
50 not just in Angoon but, you know, let's specifically talk



1 about Angoon, where, we, the Forest Service, have, you  
2 know, a very evolved bureaucracy that has lots of manuals  
3 and forms and paperworks and processes that are not even  
4 written down and in order for us to be successful in a  
5 situation like this, in a community like Angoon or others  
6 around the country it is important for us to be there --  
7 I don't want to say, concierge, and I don't want to say  
8 guide them necessarily, but be there to help people who's  
9 jobs are fishermen, not bureaucrats to understand how to  
10 get through the process. So for us, in Angoon, it's not  
11 enough for Chad to go there and say -- Chad VanOrmer, the  
12 district ranger, and, say, yo, what do you want to do,  
13 you know, let us know. It's -- you know, and it's a fine  
14 line to balance and I can certainly understand where the  
15 Fish and Game is on this. They have a lot in the balance  
16 on this but, you know, it's a line that we practice  
17 walking all the time. And some communities -- you know,  
18 I'll just say Hydaburg, for example, where we have a long  
19 relationship, you know, and a fairly sophisticated  
20 relationship, those conversations are easier. In  
21 communities like Angoon or some other, you know, I mean  
22 just because we're talking about them, the capacity there  
23 is not, you know, where it is in other places. So it's  
24 incumbent upon us to be good mentors through bureaucracy  
25 and that's been hard for us. I'll just admit that's been  
26 hard for us. Lord knows with out Chad VanOrmer being  
27 there -- many other rangers have had that job and have  
28 failed and we are very grateful for Chad and his  
29 relationship but it's not easy, it's merely essential.

30

31 CHAIRMAN TOWARAK: Any further questions.

32

33 (No comments)

34

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

1 a look at something like that in developing a good  
2 communication system with the community.

3

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

9

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

15

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

33

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

41

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

49

50 And from the State side we gave a report

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

12

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

16

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

39

40 CHAIRMAN TOWARAK: Go ahead.

41

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

48

49 MS. YUHAS: Thank you, Member O'Neill,  
50 through the Chair.

1                   Prior to your arrival and acting status,  
2 we had laid out a lot of ground work for collecting  
3 specific bio information on the salmon stocks and so  
4 that's the specific information I was talking about.  
5 Part of that is the household surveys for our Division of  
6 Subsistence for use of salmon, but a lot of that is also  
7 genetic stock ID is the GSID, which type of salmon are  
8 they, where are they going, can we show it and who's  
9 catching them when, that was a missing piece of  
10 information to the puzzle that we had already committed  
11 to obtain funding for that we had not received funding  
12 for by the time of the petition, which we -- has been  
13 progressing, in our opinion, on its own path. To us it  
14 was independent of a petition. We had those plans before  
15 there was a petition.

16

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

19

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

25

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

28

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

30

31                   MS. YUHAS: Oh.

32

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

35

36                   (Laughter)

37

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

41

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

46

47                   MS. YUHAS: Correct. It will take  
48 several years to determine genetic stock ID based on life  
49 cycles of salmon.

50

1 CHAIRMAN TOWARAK: I think we have Mr.  
2 Naoroz on the phone and I'm assuming that he's trying to  
3 get on the line. Mr. Naoroz, are you available?

4  
5 MR. NAOROZ: Yes, I am. Can you hear me?  
6

7 CHAIRMAN TOWARAK: Yes, we could, go  
8 ahead.  
9

10 MR. NAOROZ: Okay, thank you.  
11

12 I think my progress report was accurate  
13 in many ways and stand by it. We will provide a copy to  
14 everyone. And you will see in the report card that it  
15 actually breaks down to very specific items that the  
16 score is quite good. But overall, you know, we're  
17 failing in terms of our progress. And the answer -- and  
18 the reasons may be understandable but in the terms of the  
19 timeframe and in terms of the urgency that Kootznoowoo  
20 feels in this matter and is petitioning the Secretary on,  
21 it's -- you know we don't have a passing grade.  
22

23 There were some things that were reported  
24 that were news to me and I'd just like to cover those  
25 real quick with the Board. I understood Wayne to say we  
26 had two and a half years left. That would mean that our  
27 process started a half a year ago and that's not how I  
28 read the Secretary's letter but maybe that's what the  
29 Secretary means and I just would like to have that  
30 articulated in writing to the Board and to Kootznoowoo.  
31

32 The idea that there weren't some good  
33 suggestions made was not my intention. There was quite  
34 a bit of discussion about gear size and requirements to,  
35 you know, for the commercial effort to, you know, that'd  
36 allow more fish to pass. There was a comment made by the  
37 State that, yes, that's what happens, in fact, in Bristol  
38 Bay and that should be an interesting thing to do in  
39 Angoon. But I never -- and I don't think anyone in the  
40 room expected that to wait until all the community  
41 members had gotten together and gone to the Board of Fish  
42 for that proposal. We understood that to be within the  
43 discretion of the Department. And maybe that's just  
44 plain wrong on our part. But that's not the -- so there  
45 were good things that happened in the meeting.  
46

47 I do not remember, and nor do my notes  
48 indicate, and I've looked at it, any mention about  
49 changing the Board of Fish to include Kootznoowoo's  
50 Chairman. And if there was it would be inappropriate, in

1 my mind, response to our petition. We were petitioning  
2 the Secretary to take action, not the Secretary to push  
3 for a Board of Fish appointment.

4  
5 So there are things, you know, that are  
6 worthwhile that came out in this meeting. There was  
7 clearly some misunderstandings.

8  
9 We did not understand any of the  
10 discussion, which we understood to be a listening  
11 session, to be direction for Kootznoowoo, the city and  
12 the tribe to get together on the State's part, but we had  
13 always understood that to come from the Federal  
14 government. And I think I accurately described the  
15 process in terms of, you know, starting all over again,  
16 perhaps with a friendlier Board of Fish. However, you  
17 know, we all have to make concessions. But one of the  
18 areas that I don't think there's any concession to be  
19 made is in the terms of how far behind we are in the  
20 genetic stock information. As I understand it we had --  
21 last year when we were talking in March we had quite a  
22 bit of data and since that time I've heard from the  
23 industry that that money was spent on different stocks  
24 and different streams.

25  
26 So, you know, I'm not sure exactly where  
27 all this ends up but, you know, I think getting the right  
28 information in a timely fashion is something that we  
29 should all expect and that means being able to speak  
30 bluntly, but politely to each other.

31  
32 Thank you, Mr. Chairman.

33  
34 CHAIRMAN TOWARAK: Thank you.

35  
36 MS. YUHAS: Thank you, Mr. Chairman. I  
37 appreciate the opportunity to answer to the Board for  
38 some of what I just heard.

39  
40 While the speaker might think that it's  
41 an inappropriate discussion with regards to the petition  
42 to discuss Board of Fish, there was quite a bit of  
43 discussion about the Board of Fish, an entirely different  
44 structure was proposed that we'd never heard before and  
45 there was significant discussion about nominating someone  
46 to the Board of Fish from Angoon, not as a solution to  
47 the petition, but as part of the discussion as a whole,  
48 which we do consider greater than simply the petition.

49  
50 With regards to ideas that came out of

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

20

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

27

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

31

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

36

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

40

41 (No comments)

42

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

48

49 Yes.

50

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

17  
18 MR. OWEN: I think a partial response to  
19 that, through the Chair, you know, based on your comment  
20 that, you know, even we don't necessarily understand the  
21 parts of it, I think part of the solution that we have  
22 will be dependent on the trust and confidence that we are  
23 building through this process. I can sit here and speak  
24 for the Regional Forester and for the Tongass National  
25 Forest and say this is our intention but we don't control  
26 all parts of our bureaucracy, so, you know, we are  
27 dedicated to this, we are making what efforts we can to  
28 translate that. There are a lot of cases where we in our  
29 own appraisal feel like we need to do better and I think  
30 that's -- you know, with -- without placing judgment on  
31 ourselves, you know, we reflect on this because this  
32 petition is important to us, to get it right and we  
33 evaluate whether we are doing it right, repeatedly, and  
34 some days we feel like we didn't and some days we feel  
35 like we're winning. And thank goodness for the  
36 relationship that we have with Peter and Floyd, you know,  
37 so they can have a little tolerance of our stumbling  
38 through this. It's an ongoing thing but I think it's,  
39 you know, frankly a great thing for the Forest Service to  
40 have this experience, to deal with something in this  
41 level of detail because this experience is going to help  
42 us in other places.

43  
44 CHAIRMAN TOWARAK: Go ahead, Jennifer.

45  
46 MS. YUHAS: Thank you, Mr. Chairman and  
47 Member O'Neill. I know that the question was originally  
48 posed to the community but I would like to follow along  
49 with Mr. Owen.  
50



1                   We can be doing more. We should be doing  
2 more. And the Department has taken that very seriously  
3 in our commitment to Angoon. And what we have done is a  
4 few of us in leadership positions are committed to seeing  
5 what that means so when you have a few watchdogs, for  
6 lack of a better word, trying to look at all of the  
7 moving parts, we don't want to be bureaucratic and say  
8 that's part of the petition, that's not part of the  
9 petition, is it economic development, is it Board of Fish  
10 process, is it the management plan. When an issue or an  
11 idea pops up there's a few of us to watchdog and then  
12 guide that idea where it's supposed to go. When someone  
13 comes up with an idea it's not our job as government  
14 officials to say, oh, right, that's not part of my  
15 process. It is part of our job if we're trying to assist  
16 this and do more for me to say, you know what that's not  
17 my role but I know where to go, let's go send an email  
18 right now and I'll copy two people in case I got the  
19 wrong guy, and make something happen and shepherd that  
20 idea to the right place. It's been a terrific  
21 opportunity to work with Forest Service and say, that's  
22 not us, that's them but let's call them together and  
23 figure that out. Or that belongs in economic  
24 development, that belongs in FRMP, let me help you go  
25 there.

26  
27                   So that's how we're taking it at the  
28 Department.

29  
30                   MR. NAOROZ: Chairman Towarak, Peter  
31 Naoroz here.

32  
33                   CHAIRMAN TOWARAK: Go ahead.

34  
35                   MR. NAOROZ: Yes, thank you. I think the  
36 level of engagement by Kootznoowoo and the record we're  
37 providing is the answer to the question. And I think,  
38 you know, the Board's responsibility is to cut through  
39 that bureaucracy at the end of the day. And that's a  
40 tough mission for you all to have. We're going to send  
41 you this report card like I suggested and we'll mark it  
42 draft and take a look at it, have your Staff take a look  
43 at it and, you know, I think you have to have a passing  
44 score in all sections in order for us to be successful.

45  
46                   Appreciate your leadership, Mr. Chairman.

47  
48                   CHAIRMAN TOWARAK: Thank you, Mr. Naoroz.  
49 And this issue will remain on our agenda as is necessary  
50 in the next two years and one month.

1 (Laughter)  
2  
3 MR. NAOROZ: If not sooner.  
4  
5 MR. OWEN: If not sooner.  
6  
7 CHAIRMAN TOWARAK: Thank you, very much  
8 all of you. And I appreciate the effort that we hear is  
9 going on and communication is key and we will expect  
10 reports in the future.  
11  
12 Thank you.  
13  
14 MS. O'REILLY-DOYLE: We still have that  
15 one right here.  
16  
17 CHAIRMAN TOWARAK: Okay.  
18  
19 MS. O'REILLY-DOYLE: This one right here.  
20  
21 CHAIRMAN TOWARAK: I thought we were all  
22 done.  
23  
24 (Laughter)  
25  
26 MS. O'REILLY-DOYLE: Almost. You're  
27 close.  
28  
29 CHAIRMAN TOWARAK: We've got another page  
30 in the back. We've got Item No. 14 is other business.  
31 And.....  
32  
33 MS. O'REILLY-DOYLE: David wanted to  
34 follow up.  
35  
36 CHAIRMAN TOWARAK: Go ahead.  
37  
38 DR. JENKINS: Thank you, Mr. Chair.  
39 Board members. I neglected to mention when I was talking  
40 about the rural review, but what really what it is is  
41 encouragement because the listening sessions in the  
42 evening of the RAC meetings really cry out for Board  
43 member attendance. So if a Board member doesn't attend,  
44 then a designee should perhaps be appointed, and so I'm  
45 really encouraging you to think about either attending or  
46 assigning somebody to attend these listening sessions  
47 starting in early August.  
48  
49 Thank you.  
50

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

10  
11 MR. BROWER: I can take both Barrow and  
12 Kotzebue.

13  
14 MS. O'REILLY-DOYLE: Well, you can't take  
15 them both because they're meeting at the same time.

16  
17 CHAIRMAN TOWARAK: Is there any other  
18 business.

19  
20 (No comments)

21  
22 CHAIRMAN TOWARAK: Any general comments  
23 from the Board.

24  
25 (No comments)

26  
27 CHAIRMAN TOWARAK: During my time, this  
28 is the first work session I've been in and I think it's  
29 been very valuable to me. It's been very informative.

30  
31 Item 15 is adjournment.

32  
33 MR. CHRISTIANSON: Motion to adjourn.

34  
35 MR. OWEN: Second.

36  
37 CHAIRMAN TOWARAK: You heard the motion  
38 and the second, any objection to the motion.

39  
40 (No objections)

41  
42 CHAIRMAN TOWARAK: The meeting is  
43 adjourned, thank you very much.

44  
45 (Off record)

46  
47 (END OF PROCEEDINGS)

