

FEDERAL SUBSISTENCE BOARD

WORK SESSION

VOLUME I

James M. Fitzgerald
U.S. Courthouse and Federal Building
Denali Conference Room
Anchorage, Alaska
February 22, 2018
10:30 o'clock a.m.

MEMBERS PRESENT:

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

Ken Lord, Solicitor's Office

Recorded and transcribed by:
Computer Matrix Court Reporters, LLC
135 Christensen Drive, Second Floor
Anchorage, AK 99501
907-243-0668; sahile@gci.net

P R O C E E D I N G S

(Anchorage, Alaska - 2/22/2018)

(On record)

CHAIRMAN CHRISTIANSON: Good morning, everybody. We'll go ahead and get this meeting started. I'd like to welcome everybody here. With that we're going to have a roll call.

MR. PELTOLA: Thank you, Mr. Chair. For the record, what I'll do is I'll call out the agencies. If you could please respond with your name so we have it documented in the administrative record. We'll go across the table.

Bureau of Indian Affairs.

MR. POLACCA: Lynn Polacca, Bureau of Indian Affairs.

MR. PELTOLA: National Park Service.

MR. FROST: Bert Frost, National Park Service.

MR. PELTOLA: Fish and Wildlife Service.

MR. SIEKANIEC: Greg Siekaniec, Regional Director, U.S. Fish and Wildlife Service.

MR. PELTOLA: I'm not a Board member, but Gene Peltola, Jr., ARD of the Office of Subsistence Management.

Mr. Chair.

CHAIRMAN CHRISTIANSON: Anthony Christianson, Board Chair.

MR. LORD: Ken Lord, Solicitor's Office.

MR. PELTOLA: U.S. Forest Service.

MR. OWEN: Wayne Owen, United States Forest Service.

1 MR. PELTOLA: Public member.

2

3 MR. BROWER: Magic Brower, public
4 member. Charles.

5

6 (Laughter)

7

8 MR. PELTOLA: Public member.

9

10 MS. PITKA: Public member Rhonda Pitka.

11

12 MR. PELTOLA: And BLM management.

13

14 MS. MOURITSEN: Hello. Karen
15 Mouritsen, acting State Director, BLM.

16

17 MR. PELTOLA: Mr. Chair. All Board
18 members are present.

19

20 Mr. Chair, if I may. We'll be starting
21 the Federal Subsistence Board work session. It's been
22 the policy of the Board not to receive public comment
23 or testimony at a work session, although that is up to
24 the discretion of the Chair.

25

26 Some of you may notice that we do not
27 have public comment cards in the back of the room. So
28 if there is an opportunity where you feel like you'd
29 like to provide some input to the Board, please
30 coordinate through one of the OSM Staff members and
31 we'll pass it on to the Chair.

32

33 In addition to, as part of this
34 meeting, yesterday we had an offsite training
35 opportunity for our newer and a refresher for some of
36 our more tenured Board members. No policy decisions
37 were made at this offsite, but based on exposure to
38 Board members we had some action items, which we'll
39 forward on to OSM on behalf of the program. I'd like
40 to go through a quick summary of those if I could, Mr.
41 Chair.

42

43 CHAIRMAN CHRISTIANSON: Proceed,
44 please.

45

46 MR. PELTOLA: Okay. During the
47 discussion about the structure of the program it was
48 suggested that an alternative to any given Board member
49 be their respective ISC member. We also had how to

50

1 involve a liaison in the ISC process for increasing
2 true representation to rural members in their affected
3 regions. And OSM was given direction to provide options
4 to increase the number of ISC members to be more
5 reflective of the public members on the ISC.

6
7 Currently we have one ISC member that
8 supports three public members, so we're asked to
9 provide options to the Board for consideration and
10 getting representation through the ISC process. We're
11 also directed to draft a Fisheries Resource Management
12 Program lobbying and information policy for the Board's
13 consideration and future offerings and calls. In
14 addition to Board of Game and Board of Fish comments
15 coming from the program via OSM, we're given direction
16 on how to address those through the ISC.

17
18 Board members were interested in
19 receiving electronic materials to prep for Board
20 meeting, so we're going to try to work with the Board.
21 Instead of printing out a booklet for them like
22 everybody up here at the table has, they'll get an
23 electronic version and each individual will utilize an
24 iPad per se to pull that information up.

25
26 One of the big items that OSM and the
27 program asked to do is per the Secretarial directives
28 are a review of 2010 to address item number 3 to the
29 policy of management and budget to lead an evaluation
30 in concert with the involved bureaus to the Federal
31 Subsistence Program, including the budgetary
32 requirements, organization and diversity within the
33 program.

34
35 That's what I have for the brief
36 summary action items from the offsite.

37
38 Mr. Chair.

39
40 MR. OWEN: Question.

41
42 CHAIRMAN CHRISTIANSON: Wayne.

43
44 MR. OWEN: Mr. Chair. On the last item
45 that was mentioned, does that pertain both to USDA and
46 Interior or just to Interior agencies?

47
48 MR. PELTOLA: Mr. Chair, if I may. The
49 way it is addressed was hopefully that would be
50

1 programmatic including the U.S. Forest Service.

2
3 MR. OWEN: Thank you, through the
4 Chair.

5
6 CHAIRMAN CHRISTIANSON: Any other
7 questions. Karen.

8
9 MS. MOURITSEN: I don't think so, no.

10
11 CHAIRMAN CHRISTIANSON: If there's no
12 more questions on the list we generated yesterday for
13 action today, I'll go ahead and open it up for
14 information exchange.

15
16 Karen.

17
18 MS. MOURITSEN: Hello, Mr. Chair. I
19 just wanted to make a formal announcement to everyone.
20 Where the facilities are and what we need to do if we
21 have a fire drill. So out the back of this room most
22 of you heard me say before are the restrooms. Through
23 the elevator lobby is a little room with filtered water
24 and a microwave, et cetera. The stairwell is right
25 there by the elevators.

26
27 If we had a fire drill, we'd go down
28 the stairwells, out the building. We'd meet on the
29 museum grounds on the far side of the gardens on the
30 museum grounds. You could get out this door here. It
31 will take you through kind of cubicle land, but if you
32 went around to the left, you'd get back to the elevator
33 and the stairwell also, but that's the direct route
34 right there.

35
36 I think that's the safety things I need
37 to announce.

38
39 CHAIRMAN CHRISTIANSON: Thank you. Is
40 there any other information that a Board member would
41 like to share?

42
43 MR. OWEN: Mr. Chair.

44
45 CHAIRMAN CHRISTIANSON: Mr. Owen.

46
47 MR. OWEN: The Forest Service would
48 like to request that Wildlife Proposal 18-11, which is
49 currently on the consensus agenda for the April meeting

50

1 be removed and put in cue for further consideration.
2 This is the result of decisions made at the Southeast
3 RAC a couple of weeks ago.

4
5 CHAIRMAN CHRISTIANSON: Okay.

6
7 MR. OWEN: Thank you, Mr. Chair.

8
9 CHAIRMAN CHRISTIANSON: Any other
10 additional information.

11
12 (No comments)

13
14 CHAIRMAN CHRISTIANSON: All right.
15 We'll move into review and adopt the agenda. If
16 there's any changes, additions, deletions, we'll need a
17 motion to accept the agenda.

18
19 MR. BROWER: So moved, Mr. Chair.

20
21 CHAIRMAN CHRISTIANSON: There's a
22 motion to accept the agenda as presented.

23
24 MR. OWEN: Second.

25
26 CHAIRMAN CHRISTIANSON: Second. Any
27 discussion.

28
29 (No comments)

30
31 CHAIRMAN CHRISTIANSON: Call for the
32 question. All in favor signify by saying aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN CHRISTIANSON: Opposed same
37 sign.

38
39 (No opposing votes)

40
41 CHAIRMAN CHRISTIANSON: Motion carries
42 unanimously. So we've already done information
43 exchange. If there's no other anything anybody wants
44 to share, we'll go ahead and move on to number 3, which
45 is recommendations on the 2018 Fisheries Resource
46 Monitoring Program. If we can have Jennifer and Karen
47 Hyer come up and present, please.

48
49 MS. HYER: Good morning, Mr. Chairman

50

1 and Board members. For the record my name is Karen
2 Hyer and I'm a fisheries biologist with the Office of
3 Subsistence Management.

4
5 MS. HARDIN: Good morning, Mr. Chair
6 and members of the Board. My name is Jennifer Hardin
7 and I'm the subsistence policy coordinator for the
8 Office of Subsistence Management.

9
10 MS. HYER: So today we're going to talk
11 about the Fisheries Resource Monitoring Program and the
12 Fisheries Resource Plan within that program, but before
13 we launch into that discussion I just wanted to point
14 out in your cover you'll see a copy of
15 Oncorhynchus. Another part of the Fisheries Resource
16 Monitoring Program is our Partners for Fisheries
17 Monitoring and these are two of our partners that ran a
18 summer camp out of Bethel this summer. So please, when
19 you have a moment, just have a look at their
20 accomplishments.

21
22 When the Federal government assumed
23 responsibility for management on Federal public lands,
24 the Department of the Interior and the Department of
25 Agriculture made a commitment to increase the quantity
26 and quality of information available for management of
27 subsistence fisheries on Federal public lands. The
28 Resource Monitoring Program was created in 2000. This
29 program was to identify and provide information needed
30 to sustain subsistence fisheries on Federal public
31 lands.

32
33 The Fisheries Resource Monitoring
34 Program is organized around six regions that correspond
35 to fish stock, harvest and community issues held in
36 common within an area. One of the main functions of
37 the Fisheries Resource Monitoring Program is to develop
38 the biannual Fisheries Resource Monitoring Plan. This
39 plan consists of fisheries research and monitoring
40 projects that provide information to manage subsistence
41 fisheries on Federal public lands.

42
43 Since its inception the Fisheries
44 Resource Monitoring Plan has funded \$117 million worth
45 of projects. The funds have supported projects
46 administered by the Federal and State government, rural
47 Alaskan organizations, non-profits and universities.
48 These projects have been spread through the six regions
49 of Alaska. When a project spans more than one region,
50

1 it is considered multi-regional.

2
3 Submitted proposals are reviewed for
4 their technical merit and scored by the Technical
5 Review Committee. The Technical Review Committee
6 members are the only ones that see the whole project
7 proposal. The proposals are then reviewed by the
8 Regional Advisory Council for their application to
9 important regional subsistence issues. Finally, the
10 Interagency Staff Committee provides comment concerning
11 the projects and then the Federal Subsistence Board
12 provides its recommendation about the plan.

13
14 The Technical Review Committee was
15 foundational to ensure the credibility and the
16 scientific integrity of the proposed evaluation
17 process. The Technical Review Committee consists of
18 senior technical experts from Federal and State
19 agencies. The Office of Subsistence Management's ARD
20 makes the Technical Review Committee appointments.

21
22 The current members consist of the
23 Bureau of Indian Affairs, the Bureau of Land
24 Management, the National Park Service, Fish and
25 Wildlife Service, the Forest Service and the Alaska
26 Department of Fish and Game with the Office of
27 Subsistence Management as the co-chairs.

28
29 The Technical Review Committee reviews
30 and scores every submitted proposal. They are
31 committed to an interdisciplinary approach striving for
32 a 50/50 split between biologists and anthropologists.

33
34 Some of the program's major policies
35 and funding guidelines are outlined on this slide.
36 Projects may be funded for up to four years. Studies
37 shouldn't be duplicate of existing projects. Whenever
38 possible Monitoring Program funding will be dedicated
39 to non-Federal agencies. Long-term projects are
40 currently considered on a case-by-case basis. In this
41 climate of declining Federal funds, it is imperative
42 that we are making the best decisions with the funding
43 that we have.

44
45 There are some activities that are not
46 eligible for funding and they include hatchery
47 propagation, mitigation, restoration and enhancement,
48 habitat protection, contaminant assessment evaluation
49 and monitoring, projects where the primary objective is

50

1 outreach or education such as science camps, technician
2 training, intern programs.

3
4 Five criteria are used for evaluation
5 of the projects. Strategic priority. Studies must have
6 a Federal nexus and be responsive to identified issues
7 and priority information needs. Technical quality of
8 the study design must meet acceptable standards for
9 information collection, analysis and reporting.
10 Investigators must show they are capable of
11 successfully completing the proposed study.

12
13 Collaborative partnerships and capacity
14 building are priorities of the Fisheries Resource
15 Monitoring Program. ANILCA Title VIII mandates that
16 rural residents be afforded a meaningful role in
17 management of subsistence fisheries. The Fisheries
18 Resource Monitoring Program offers that opportunity for
19 partnership and participation of local residents in the
20 monitoring research. The final one is application cost
21 of the proposal will be evaluated for reasonableness.

22
23 General budget guidelines are
24 established by geographic region. These are listed on
25 the slide. The budget guidelines provide an initial
26 target for planning; however, they are not final
27 allocations. They are adjusted annually as needed to
28 ensure quality projects are funded.

29
30 In 2018, 53 projects were submitted for
31 consideration totaling \$5.9 million based on the
32 average annual cost. Of these, the Technical Review
33 Committee recommended for funding 38 projects, totaling
34 \$4.68 million. We're going to switch to the slide that
35 has Table A and it will show you the projects that were
36 submitted. So these are the projects that were
37 submitted. They're also in the back of Tab 1.
38 Everything in green is what the TRC recommended for
39 funding.

40
41 In 2018, the Department of the Interior
42 is allocating \$1.5 million for the Fisheries Resource
43 Monitoring Plan and the U.S. Forest Service is
44 allocating \$616,000 for a total of \$2.1 million. This
45 slide shows the Department of Interior's allocation by
46 region for 2018. There's a table we'll show you after
47 this. The slide shows you the U.S. Forest Service
48 allocation by region.

49
50

1 This is the final projects in order
2 that we are recommending for funding. This is also in
3 the back of your book. That ends my presentation.

4
5 Any questions.

6
7 CHAIRMAN CHRISTIANSON: Thank you,
8 Karen.

9
10 MR. PELTOLA: Mr. Chair, if I may.
11 With regard to FRMP, it's not a requirement of the
12 funding process, but also there's a couple other
13 considerations with regard to potential final
14 allocation of funds with regard to FRMP. One, these
15 are all considered new starts in this fiscal year and
16 we're under a continuing resolution. We cannot make
17 final decisions until we get a budget.

18
19 Secondly, this is a granting process
20 and grants have to be reviewed and approved for
21 anything over \$50,000 per year, which the majority of
22 ours are. So those are two additional steps we have to
23 take into consideration before we finalize the list on
24 what potentially will be funded.

25
26 In addition to during the presentation,
27 of the money that comes through the Department of
28 Interior we're comfortable with stipulating up to \$1.5
29 million for new starts. Although that overall figure
30 could vary by the time we make a final decision and get
31 through the process as a whole.

32
33 The reason being is that at times we
34 have salary savings. They'll pay for a PCS or another
35 project does not run as much. So there may be a little
36 bit more funding available than I originally committed
37 \$1.5 million. Although prior to this point we weren't
38 comfortable making a firm commitment at a higher dollar
39 figure.

40
41 CHAIRMAN CHRISTIANSON: Greg.

42
43 MR. SIEKANIEC: Thank you, Mr. Chair.
44 Through the Chair, Gene. Something you said about the
45 continuing resolution. We know it won't be before
46 March 23rd. Does that put any projects in jeopardy of
47 being too late to start?

48
49 MR. PELTOLA: If I may, Mr. Chair. It
50

1 has been a continual and rightfully so appropriate
2 question coming to OSM, are we potentially going to get
3 funded, because a lot of these projects have to start
4 seasonally.

5
6 MR. SIEKANIEC: Yeah.

7
8 MR. PELTOLA: And within some regions
9 that season is a lot earlier than other regions. So
10 that could potentially be challenge.

11
12 MR. BROWER: Mr. Chair.

13
14 CHAIRMAN CHRISTIANSON: Charlie.

15
16 MR. BROWER: So there are 53 proposals
17 and 29 of them were continuous projects that were
18 funded before or they had a timeframe or their funding
19 was expiring or there's just continuation of more
20 funding?

21
22 MS. HYER: We do have projects in the
23 water. I don't know the exact number, but those are
24 funded for four years, so funding goes to those. The
25 53 projects were what were submitted for consideration
26 and of those, based on the five criteria, TRC
27 recommended 38 of those for funding. Unfortunately,
28 that total funding then is \$4.6 million and we don't
29 have \$4.6 million to fund all the projects. It's \$4.6
30 million for total funding and we have about \$2.1
31 million. So we can fund about half of them.

32
33 MR. BROWER: So what happened to the
34 other 24 that weren't budgeted or funded?

35
36 MS. HYER: These are for new starts,
37 projects that are new. The other projects are funded
38 for their duration from -- some projects are only for
39 two years, some are for four. It depends on what the
40 investigator has requested. But the ongoing projects
41 are funded with a different pot of money. It's the
42 same pot of money, but the money is allocated -- the
43 FRMP is allocated to the continuation projects first.

44
45 MR. BROWER: So some of the projects
46 that were funded with a timeframe of four years or more
47 and they continue over four years, do you continue to
48 fund them until they're completed?

49
50

1 MS. HYER: Excuse me. Can you repeat
2 that.

3
4 MR. BROWER: Out of these funded
5 projects that you have on a four year cycle, when their
6 term elapses and they're still not finished with the
7 proposal, do you continue funding them?

8
9 MS. HYER: Mr. Brower. When projects
10 are submitted, we fund up to four years. So if a
11 project is ongoing beyond four years, then they have to
12 resubmit. Of the 29 -- Jennifer just pointed out, the
13 29 projects -- of all the projects that were submitted
14 there were 29 that had finished their four-year funding
15 cycle and they're applying for continued funding, but
16 every four years they have to submit a new proposal to
17 us.

18
19 MR. BROWER: Do they still rank high
20 after some of those other proposals were ranking low
21 where maybe had the option to bring those lower ranking
22 proposals up and not continue with a previous project?

23
24 MS. HYER: The proposals -- the mere
25 fact that they're a continuation does not make them
26 rank higher than other proposals. Each proposal is
27 evaluated on the five criteria. So a continuing
28 proposal has the advantage that if an investigator has
29 been successful in the past, it's easy to point to the
30 last four years of success, but some of our
31 investigators have been very successful in other arenas
32 collecting funding that they can point to, their
33 success there or they run other projects in our
34 program.

35
36 So they can say, well, this is a new
37 project but I have the ability because I ran this other
38 project for four years or eight years or two years. So
39 they have that opportunity. But each project is judged
40 on its own merits and it's judged on the project
41 proposal that is submitted to us. It is not judged
42 higher because it's a continuing project.

43
44 MR. BROWER: Okay. Thank you. I was
45 just curious because some of the other proposals are in
46 need of a study, but due to lack of ranking they're
47 never seen. I believe some of our constituents out
48 there want to get something out of these projects to
49 see what's happening with the changing climate and
50

1 changing environment with the water and so on.

2

3 I noticed that Southcentral and
4 Southeast get a pretty big portion of the funding. Do
5 they have a project partnership or something in line
6 with those and the others that don't get the ranking
7 don't have that quality of partnership in place?

8

9 MS. HYER: Southeast is funded through
10 DOA funding, so that is a different pot of money than
11 the DOI funding. So the other regions are funded from
12 the DOI pot of money. Southcentral has a contribution
13 of both DOA and DOI money, so that's something to keep
14 in mind.

15

16 The other thing to keep in mind is that
17 once a proposal is submitted to us and the TRC reviews
18 it, those comments go back to the investigator
19 eventually and we often will say this is a good idea,
20 it's important to our RACs, but this proposal falls
21 short in these areas, so please beef up the proposal
22 and resubmit it.

23

24 We have had situations where
25 investigators have taken that and they have changed
26 their proposals and resubmitted to our program
27 successfully. We even have situations where the
28 investigators have taken our comments, upgraded their
29 proposal and submitted to other funding sources
30 successfully. So there is a feedback loop in the
31 process.

32

33 MR. BROWER: Thank you, Mr. Chair.
34 Thank you.

35

36 CHAIRMAN CHRISTIANSON: Good question.
37 Any other questions for the Staff. I've got two here.

38

39 Bert first.

40

41 MR. FROST: So you've got \$4.6 million
42 requested, \$2.1 million available. So these 18
43 projects here are these the ones that are being
44 forwarded for approval today out of the 39 that
45 passed the Technical Review Committee?

46

47 MS. HYER: Yes. Those are the projects
48 based on the \$1.5 million and then the \$600,000 from
49 the Forest Service. So that is where we'd start

50

1 funding.

2

3 MR. FROST: So this is basically the
4 cut line out of the 39 projects that were passed.

5

6 MS. HYER: That's correct.

7

8 MR. FROST: I assume those other ones
9 are in ranked priority too. So if other funds became
10 available or one of these dropped out you just keep
11 working down the list, is that right?

12

13 MS. HYER: That is correct.
14 Historically we have added projects as we know our
15 budget is more final or we have money because we
16 haven't spent it in other places, yes.

17

18 MR. FROST: Okay.

19

20 CHAIRMAN CHRISTIANSON: Greg.

21

22 MR. SIEKANIEC: Thank you, Mr. Chair.
23 Karen, Jennifer. For starters, I'd like to say thank
24 you. This took a lot of work. It takes a lot of
25 engagement by a lot of people to sort of develop a
26 process and then move your way through it and get to a
27 final recommendation. So for that I'd say thank you
28 and well done.

29

30 I do have some questions that seemed to
31 come up when I was reading through the information that
32 was provided. One of them in particular is along the
33 lines of the Regional Advisory Committee comments.
34 There seemed to be a fair number that were making
35 recommendations that were different than what the
36 Technical Review Committee had perhaps made. I did not
37 see any places that really were obvious where that
38 influenced anything.

39

40 Is that not intended to be an
41 engagement that has the opportunity for influencing the
42 outcomes? I'm thinking because of the deference that
43 goes to Regional Advisory Committees and how we might
44 think about that in this process.

45

46 MS. HYER: Mr. Chairman. Board
47 members. I do not think -- as far as deference, I
48 don't think the RACs have deference in the FRMP. I
49 thought that was the regulatory arena. I'm looking at

50

1 Ken for confirmation.

2

3

MR. LORD: That is correct.

4

5

MR. SIEKANIEC: Thank you. So the
6 sense I got from that writing was maybe that wasn't
7 real clear. Maybe that's one of those areas then we
8 need to sort of really add some clarity around when we
9 do go back to the Regional Advisory Committees because
10 they were very much making recommendations in there,
11 but there was no formal process for them to make a
12 motion on the record and to move it forward. So I
13 think that's a consideration.

14

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I also noticed that there were quite a
number that ended up being tied, same scores. We don't
get the scoring to see what the other ones look like.
So my question or maybe a thought is have we weighted
our criteria appropriately. If you're getting
everything jammed up and really, really tight scores,
you might need some additional separation by
reconsidering how you're weighing the criteria to help
you get more definition around the different projects.

25

26

27

I don't know if you have any thoughts
on that or not.

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MS. HYER: I think the scores being
tied is reflective of how important the projects are
and that there were a lot of good projects submitted.
I think it's worth taking note how many projects the
TRC recommended for funding. So those are all good,
sound projects. If they're not, they wouldn't be
recommended for funding. So that is the case.

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42

When we put the notice of funding award
out, we said that we would be -- I can't remember the
exact wording, but we would consider in the case of a
tie the actual cost of the project and lean towards the
cheaper project. So that was stated in our notice of
funding.

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44

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But in the North Slope for example, the
Regional Advisory Council was very interested in the
Nuiqsut project and they spoke to that. There were
three tied projects there and that is not the cheapest
project. We did reorder those projects because of that
RAC input. So that is one place that the RAC input
comes in very handy.

1 MR. SIEKANIEC: Thank you. So I also
2 noticed -- I understood this was the table that's being
3 recommended, but I also see in the Interagency Staff
4 comments associated with -- well, it's Project No. 18-
5 252. In the write-up, it says it's recommended that
6 it's not ready for funding, but yet it's in the list.
7 Is that just something that needs to be corrected?
8 Maybe it's just a process question.

9
10 MR. PELTOLA: Mr. Chair, if I may.

11
12 CHAIRMAN CHRISTIANSON: Yes.

13
14 MR. PELTOLA: If you look at what comes
15 out of the TRC, under the old system it used to be like
16 a red light/green light, recommended or not recommended
17 for funding. The product of the TRC is a ranking
18 associated based on the criteria. That establishes the
19 order so to speak that all the projects are placed on.
20 There are individual comments coming from the ISC when
21 they're conducted in their review and those are also
22 taken into consideration. Where those comments may
23 come into a more significant role is that especially if
24 there's a tie between projects.

25
26 If you look at the regions that we have
27 with regard to FRMP, each of those regions via the
28 program has been established with a certain percentage
29 of funding targeted to that specific region. Those
30 comments, whether it be from ISC or the RAC, those
31 become significant in the sense that -- if we go to
32 region X and we have \$400,000 and say there's three
33 projects which are -- in this case, like the list of
34 18, we can go down there and there's \$50,000 left.
35 That goes off to the side.

36
37 Once we get through all the regions,
38 then there's a pool of money so to speak that is not
39 allocated to a specific region. In those instances, we
40 go back to the overall list and take the highest ranked
41 project and if we have the next highest ranked project
42 or three or four of them on the same plane, then the
43 comments from the Regional Advisory Council plays a
44 significant role in addition to the comments from other
45 entities such as the Board and ISC could play a factor
46 there as well.

47
48 MR. SIEKANIEC: Thank you, Gene. So I
49 guess I'm still not certain. So 18-252 being
50

1 recognized as not ready to be funded, does it need to
2 remain on there or is what you said, does that clear up
3 some money to potentially reallocate for a different
4 project?

5
6 MR. PELTOLA: With this specific
7 example, I'm not sure what 18-252 is, but the ISC
8 comment, that it's not ready to go to the public per
9 se, is taken into consideration just like any other
10 comment is. Although the efforts of the TRC with
11 regard to the overall order of the projects within that
12 pool of 18 in this case has a lot more weight.

13
14 CHAIRMAN CHRISTIANSON: Jennifer.

15
16 MS. HARDIN: Through the Chair, Mr.
17 Siekaniec. I just want to note that the ISC, like the
18 RACs, are not privy to the full proposal package, so
19 they are making comments based on a review of the
20 Technical Review Committee's justification and an
21 abstract. The Technical Review Committee is the only
22 group that is able to evaluate the proposal packets in
23 their entirety.

24
25 MR. SIEKANIEC: Thank you, Jennifer. I
26 guess that just raises another question on kind of the
27 transparency of it. Why the Technical Review Committee
28 is the only one on there. You chair the ISC. Do you
29 also chair the TRC or are you on the TRC?

30
31 MS. HARDIN: Through the Chair. For
32 this round and the previous round I was co-chair of the
33 TRC because I was at that time the anthropology
34 supervisor and the co-chairs of the TRC are the
35 supervisor of the Anthropology Division and the
36 supervisor of the Fisheries Division of OSM. With the
37 change in staffing, that's why I was doing double duty.

38
39 Also regarding your first question,
40 because it's a competitive proposal process, the
41 proposal packets are confidential and they're not
42 shared outside of the TRC and the staff that do the
43 initial review of the packets for completeness. All of
44 the individuals who participate in that process sign
45 non-disclosure agreements and confidentiality
46 agreements. This is a requirement of our cooperative
47 agreement and contracting rules that we have to follow.

48
49 MR. SIEKANIEC: Okay. I appreciate

50

1 that. It seems like it just gets complicated when you
2 go to the ISC members, which represent Board members
3 here, for them to have the full understanding of how to
4 have the dialogue if they're not seeing the scoring as
5 well.

6
7 And as I already said, the scoring
8 related to what's causing all of those ties and
9 everything being really tightly lumped, which is an
10 indication of maybe very good projects. It may be also
11 an indication that that's why you might need to weight
12 things a little bit differently to give you some of
13 that clearer separation.

14
15 Thank you very much, Mr. Chair.

16
17 I appreciate the opportunity.

18
19 MR. LORD: The Chairman had to step out
20 to take care of some business, so I'm going to take
21 over leading the meeting. So lucky you guys.

22
23 (Laughter)

24
25 MR. LORD: So any other.....

26
27 MS. MOURITSEN: Mr. Chair.

28
29 MR. LORD: Yeah, please. You had a
30 question.

31
32 MS. MOURITSEN: Mr. Chair. Can I
33 follow up on Greg's question?

34
35 MR. LORD: Please do.

36
37 MS. MOURITSEN: Okay. Mr. Chair. I
38 had noticed the same project that Mr. Siekaniec brought
39 up, 252, and I had noted in the summary part for that
40 group of projects it said something like this project
41 is not ready to be funded, but it's kind of midway in
42 the ranking and it's on this table. But in the
43 individual little summary writeup it described the
44 project as being really strong and having a good
45 investigator and a method and it seemed like the only
46 thing the little summary said is that they didn't have
47 rural support for it. So I don't know if maybe the --
48 so maybe you have some -- I noticed that.

49
50

1 MS. PITKA: I have some insight.

2

3

MR. LORD: Rhonda, please.

4

5

MS. PITKA: I may have some insight on
6 that and I may be able to educate a little bit on this.
7 In those three communities you are not allowed to do
8 any research without the tribal council involvement.
9 Whether or not there was an actual formal letter of
10 support -- you know, one of the communities is Beaver
11 and another is Nulato and I'm familiar with both of
12 those communities pretty well. So in order to do
13 research in those communities, you would need to work
14 with the tribal council and work with them pretty
15 intimately. They may not have given a letter of
16 support.

17

18

MS. MOURITSEN: Thank you.

19

20

21

MS. HYER: Mr. Chairman/Solicitor, may
I add something?

22

23

MR. LORD: Please do, Karen.

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MS. HYER: I work in the north and so
that's where I'm most familiar. We have a project up
there, the Nuiqsut project, and it's a cooperative, but
the State is the lead on it. They made initial
contact, but until a project is funded it's hard to
engage communities because you don't want to give them
the impression that you're actually going to have this
project in their area.

34

35

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38

39

So sometimes initial contact is made
and a discussion takes place with the knowledge that
more discussion -- if the project is funded, more
discussion is going to have to take place. That may be
the case in this project too.

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But it's a lot of time and a lot of
money going to those communities and engaging those
people and a lot of investigators are unwilling to do
that until they know they actually have -- that the
project actually is going to go because it's
everybody's time and they don't -- they're very
conscientious of the relationships they have with these
people and they don't want to appear to be misleading
them.

1 So sometimes the TRC will come back and
2 say this needs to -- and Nuiqsut is one too where they
3 need a lot more outreach and they know that and they
4 will do that if the project is funded, but if it's not
5 funded they're going to move on and do some other
6 things. I don't know if that clarifies or not, but
7 that is one situation in another region that we have.

8

9 MR. LORD: Bert.

10

11 MR. FROST: Two comments unrelated to
12 each other, but just to follow up on this. So this
13 begs the question, as I understand it, in the five
14 criteria strategic importance is rated at something and
15 partnerships are weighted equally. Based on what you
16 just said, to me that seems exactly why they should not
17 be weighted the same.

18

19 Because if you don't want to go out and
20 put out those expectations, you have to have some
21 conversations I understand, but it goes back to the
22 conversation that the strategic priority may need a
23 higher weight over the partnership piece. The
24 partnership piece is important, but it may not be as
25 important as the strategic piece.

26

27 So I would just sort of throw that out
28 there to think about how those criteria are written and
29 how they're weighted potentially in the future. Not so
30 much for these projects. These projects -- I'm not
31 going to take issue with what's already been done, but
32 sort of in the future we should maybe look at the
33 process and see if there's a better way as Greg has
34 sort of indicated to maybe get the clumping undone. So
35 that's just a comment.

36

37 MS. HYER: I just want to follow up on
38 the particular project I was talking about because I
39 don't want to confuse community outreach with
40 partnership and capacity building because the
41 investigators help participate in partner and capacity
42 building and they have contacted local people that will
43 be working on the project.

44

45 They have also contacted students from
46 the area and they have made efforts to involve them in
47 the planning process, involve them in the execution of
48 the project, have them do some of their school work in
49 execution of the project and then bring them back to

50

1 the communities to report to them as they did on other
2 projects that we have up on the North Slope and that's
3 entirely different than engaging the communities in
4 discussions. So they have done a lot of partnership
5 and capacity building too along with initial contacts
6 of the communities.

7
8 That's all I had.

9
10 Thank you.

11
12 MR. FROST: I have a third question.

13
14 MR. LORD: Go ahead.

15
16 MR. FROST: So going back to my
17 original question about the project. So we have these
18 18 projects which are funded. I assume these are in
19 rank order from the best to the worst -- I mean the
20 best to the -- I mean there are 39 projects that have
21 all been forwarded to funding, so they're all great
22 projects, all right, but they're in rank order, right,
23 on this sheet for the 18 that are moving forward.

24
25 There are other ones that are still
26 available for funding, but we don't know what the next
27 one in line is. Do you have the 39 ranked from one to
28 the bottom so that the Board can see what projects are
29 next in the cue if funding becomes available?

30
31 MS. HYER: When it gets beyond the 1.5
32 I just look at Gene.

33
34 (Laughter)

35
36 MR. LORD: Good answer.

37
38 MR. PELTOLA: Yes, and we do have a
39 list from 1 to 39. If additional funds from Interior
40 that come through OSM are made available to support a
41 project for the two or the four year term as stipulated
42 for the project, then we do go further down that list.

43
44 The challenge that as a program that we
45 are faced is that -- I'd like to go back just a little
46 historically here. The last round we had -- in the
47 typical round we'll have closer to that 2 to 2.5
48 million dollar range for fresh starts. A byproduct of
49 having that list available is that the Board directed

50

1 us the last time around when we were under a different
2 FRMP structure to continue to fund down the list.

3
4 One of those byproducts is that we're
5 on a two-year FRMP proposal cycle. The projects are
6 typically two or four years or longer. Hence, this
7 round we have roughly \$700,000 or \$1 million less than
8 we typically would have because the Board chose to go
9 further down that list.

10
11 What we do is that with regard to --
12 and I stipulated earlier we do have that 1 to 39 list
13 available. As the ARD, when we have that list and,
14 say, if we get a phone call that says you actually have
15 an additional 300,000 for this year, then we look at
16 how far we can go down that list and continue to
17 support that project in the future and we make phone
18 calls based on that. Are you at the point where you
19 can still execute the roles and meet the objectives of
20 your proposal if we were to fund you. That does occur
21 on a fairly regular basis but not all the time.

22
23 In addition to -- another thing I just
24 want to bring to the Board's attention. At times say
25 we have -- let me think of a generic project. The
26 effects of carp on the Black River. I just made that
27 up so I don't put anybody on the spot. If we get a
28 proposal for that and it's slated to be \$80,000 a year,
29 if we have \$65,000 a year, we've done this in the past,
30 I call up the principal investigator because it
31 happened to be the next one on the list and say we have
32 an additional \$65,000 we're comfortable on putting out,
33 would you be able to execute your project as designed
34 with that amount of money. Typically we get a lot of
35 yeses, so then we go further down the list like that
36 when we can.

37
38 MR. FROST: Sorry, but my question is
39 can the Board see the list from 1 to 39 so that --
40 because we're being asked to approve this list, 1 to
41 18, but we don't know what's below. If you have to
42 make decisions below, the Board is not weighing in on
43 those 19 to 35. From my perspective, I can't speak for
44 the Board as a whole, but as for me I would like to see
45 the entire list so I can see how they're ranked in
46 order and so what the next projects -- with the caveat
47 that there may be some -- in terms of funding levels
48 and things like that, they may not be exactly right
49 down the list, but I don't know what those are right

50

1 now.

2

3 MR. PELTOLA: And we can make that list
4 available and apologize for not including you on the
5 booklet.

6

7 MR. FROST: All right.

8

9 MR. LORD: Jennifer.

10

11 MS. HARDIN: Thank you, Mr. Chair. I
12 just wanted to circle back to your comments, Mr. Frost,
13 about the criteria and thank you for those comments.
14 When Stewart Cogswell and I were before you in 2016
15 introducing this process, we said at that time that
16 this is a new process and we expect it to be improved
17 over time as it comes to life. So thank you for those
18 comments.

19

20 I do also just want to mention just as
21 a reminder that in the Fisheries Resource Monitoring
22 Program one of the objectives is to make sure that
23 these funds are distributed statewide, so there is a
24 geographic component to the ranking list. When you're
25 looking at the list of projects, you see them in ranked
26 order, but also there are geographic considerations.

27

28 The five criteria are weighted equally
29 and some projects do well and some did well in some
30 criteria and less well in others, so we're not able to
31 answer specific questions about the scoring, but there
32 are a number of considerations when you're looking at
33 the ranked list to keep in mind.

34

35 MR. LORD: Karen.

36

37 MS. MOURITSEN: Thank you, Mr. Chair.
38 And thank you for that Jennifer and Karen. I can see
39 this is a very complicated process, but very well
40 thought out and I was impressed when I was reading the
41 materials. I do have some questions kind of following
42 up on Bert.

43

44 So I like having these ranked lists in
45 case we get more money, in case we get less money, I
46 hope not, but I took the list of the 18 and then I
47 tried to mark them on the longer list. So I was able
48 to see -- I don't know if you can see my markings, but
49 it is geographically because there's projects for each

50

1 of these areas.

2

3 I was wondering how do you decide the
4 order? And maybe I shouldn't be focused on the order,
5 but I'm focused on the order in case -- like other
6 places I've worked, I hope this doesn't happen, but in
7 case we have to cut a couple off at the bottom. And
8 also we have Forest Service money versus DOI money.

9

10 So I was wondering how you decided what
11 areas to pull them from and then I would be interested
12 in what Bert is saying about -- I guess this is the
13 whole list -- how it would go order-wise while you keep
14 the geographic and other considerations in play.

15

16 Anyway, how did you decide how to
17 divide them up by area and which area to go to first?
18 Because I noticed some areas had three or four
19 projects. Some areas the amount would be smaller, but
20 they only have like two projects.

21

22 MS. HYER: The guide for the areas is
23 that table I showed you. And that's how we decide
24 percentages for the areas and that is -- that
25 allocation came when the original FRMP was decided. So
26 it is entirely possible to have a project that has a
27 score of -- because the scores were based 1 to 100, so
28 let's say one could have -- in the Yukon it could have
29 100 percent and in the northern region maybe an 85, but
30 that would be the top ranking in the northern.

31

32 So we take that and we take the top
33 ranking in the Yukon and we just start at the top and
34 move down based on the score and then we know how much
35 money we have and we know what percentage goes to each
36 region. For example, just to make things simple, let's
37 say we're putting 100,000 into northern, maybe we have
38 two projects and they total 95,000, then we'll take
39 that extra 5,000 and put it in the kitty because we
40 don't have a \$5,000 project.

41

42 MS. MOURITSEN: Okay.

43

44 MS. HYER: Of course all my numbers are
45 totally artificial.

46

47 MS. MOURITSEN: Sure, sure.

48

49 MS. HYER: But if something is on the

50

1 line and maybe it's \$10,000 more and we think we can
2 absorb that in that region, we'll move it in. Last
3 time Southcentral didn't have any good projects and we
4 didn't put any projects in Southcentral because there
5 was nothing that the TRC felt met their criteria, so
6 that does happen too. This go around we had good
7 projects in every region. So we have to adjust as we
8 see what projects we have to work with.

9
10 MS. MOURITSEN: Thank you for that. A
11 question I was thinking about earlier when Mr. Brower
12 asked one of his questions. I saw a couple places in
13 here where there were ties and both the RACs and the
14 ISC were saying if there's a tie and push came to
15 shove, they recommended a certain one of them. I think
16 the ones I remember they both agreed on the one.

17
18 Then there was another one in here
19 where the top ranking one the RAC was making comments
20 because it was one of these projects that had been, I
21 guess, reapplied for a number of times and they'd been
22 doing it for a number of years. Evidently very
23 successfully. But a RAC comment was maybe we should
24 think about not doing that one for a while.

25
26 So I was just wondering how as you go
27 through this list like this and you're looking at the
28 amount of money in every region and the rankings, are
29 you also considering what those comments that either
30 the RAC or the ISC's made.

31
32 MS. HYER: The Regional Advisory
33 Councils engage very early on in this process and they
34 help direct the priorities. That's really where their
35 strength of recommendation comes in is with the
36 priorities. But we do consider that and we have had
37 situations where the Regional Advisory Councils have
38 said we feel like we've been over-surveyed here and we
39 don't want this project and we have pulled projects.

40
41 It is a little bit difficult because
42 it's not a motion and so it may be one RAC member
43 expressing his own opinion and not all the RAC members.
44 I don't attend every RAC meeting, so I don't exactly
45 know what was said for individual projects, but that
46 does happen. We do try to accommodate our RACs.

47
48 Mr. Brower's comment earlier was about
49 a specific project that the RAC has continued to
50

1 express concern about. We have worked with an
2 investigator. They have submitted twice. They haven't
3 been successful. And we are looking at other ways to
4 approach that issue because we know that it is very
5 important to the North Slope RAC and every time we go
6 up there we talk about it.

7
8 So not every project is meant to be an
9 FRMP project, but we do take very seriously the
10 concerns of our RACs.

11
12 MR. PELTOLA: Mr. Chair, if I may. In
13 addition to Charlie's question about a particular
14 project, we have a lot of long-term, long-running
15 projects that compete every four years. At times those
16 proposals evolve over time and they change. Sometimes
17 they come up with a higher rank and also at times they
18 come up with a lower rank even if it's a very similar
19 project and that's based on the five criteria which
20 were first presented to the Board when we initiated the
21 discussion.

22
23 Board Member Frost's comments is that
24 the advantage of a two-year cycle is that we have an
25 opportunity to learn from their experience and we can
26 modify the criteria if it still meets the regional
27 intent of the design of the program. So there is an
28 opportunity to do that.

29
30 The FRMP process now is different than
31 it was two years ago, which is different than it was
32 two years prior to that. So there is an opportunity
33 for the program to evolve. The challenge that we are
34 faced with by our involvement, that's OSM's involvement
35 in the process is to ensure that evolution of the
36 program still meets the original intent of the funding
37 source, which was stipulated when the program was
38 created.

39
40 MR. SIEKANIEC: Mr. Chair. Thanks,
41 Gene. I think Jennifer also kind of reiterated that
42 this is a new process and again I want to compliment
43 everyone. New processes are hard to get figured out so
44 they're operational as well as you want them.

45
46 I think there was another statement
47 that was made in the information that was provided that
48 I just want to follow up a little bit on. There was a
49 statement by the ISC committee that because of a
50

1 continued reduced Fisheries Resource Monitoring Program
2 project funding, allocative decisions may necessarily
3 result in increasingly conservative management of
4 important subsistence resources.

5
6 That's a big deal. I think that needs
7 to be sort of in our consideration of getting the
8 projects in place that really influence the ability to
9 make sure that we are providing the best opportunity
10 for subsistence that we can.

11
12 So, in line with that, I think
13 Jennifer's note that this new process needs to be
14 looked at, I think I would recommend at this point --
15 we talked a little bit yesterday about it. Maybe it's
16 time that we do an after-action review or make sure we
17 really understand what's coming out of this.

18
19 So that we approve these rounds today,
20 we get these in play, but we really take a look at does
21 the criteria need to be adjusted. Are we communicating
22 with the RACs in the appropriate way to give them the
23 understanding of how they actually interface with this.
24 Can we add any additional transparency. Because it
25 does still seem a little bit awkward to me that the ISC
26 is not fully privileged to what scoring is because
27 everything gets subjective at some point in time.

28
29 So that would just be my
30 recommendation. I don't know if that takes a
31 subcommittee of a mix of individuals. You know, I
32 think the in-season managers might be a great -- or an
33 addition to a review panel that has at least one in-
34 season manager so that you can ask the questions of did
35 this influence your decision-making and did you have to
36 become or restrict on allocative subsistence resources
37 because you didn't have information that was needed?

38
39 I think those are all very valid
40 questions and need to be given some consideration.

41
42 MR. PELTOLA: Mr. Chair, if I may. I
43 think this is the third FRMP round I've been exposed to
44 since coming to the program. We do go through the
45 agencies and we do go through other entities on how to
46 revamp the program.

47
48 As far as in-season managers, the
49 majority of our in-season managers are with the Fish
50

1 and Wildlife Service and I think to a lesser degree but
2 still a significant part is the National Park Service.

3
4 When this program, as we see it today,
5 was reviewed, Fisheries Ecological Service, who is
6 housed within the Fish and Wildlife Service, that house
7 the majority of our in-season managers in the Fish and
8 Wildlife Service, gave us six recommendations that they
9 wanted to see involved in this which you see before us
10 today. Five of those recommendations were accepted and
11 implemented into the program, so we do extensive
12 engagement when we look at structuring the program.

13
14 Honestly, the challenge we are seeing
15 today with regard to the FRMP is that years ago this
16 program used to have a significant higher funding level
17 with regard to FRMP and programmatically. It used to
18 be where the program used to fund a lot of projects
19 which did not even submit a project proposal. It was
20 non-competitive, discretionary at the will of the ARD.
21 We're not in that budgetary environment anymore and,
22 understandably, it's getting a lot more competitive
23 with regard to the dollars that we have available to
24 distribute.

25
26 It's not only with the FRMP. The other
27 aspect of our outflow coming from OSM on behalf of the
28 program is we have the Partners for Fisheries Program
29 and with that particular program -- it used to be a
30 \$2.5 million program prior to my arrival. We're now at
31 about the \$800-900,000 level with regard to that
32 program as well.

33
34 That is getting even more so
35 competitive with that particular program, which we're
36 seeing some similar things here with FRMP, that we used
37 to not have enough projects under that program. The
38 last round we were in, I guess for some, not a good
39 position, but for the program we had a lot of interest
40 in going after those dollars just like we do have with
41 FRMP here today.

42
43 Thank you, Mr. Chair.

44
45 CHAIRMAN CHRISTIANSON: Thank you.

46
47 Wayne.

48
49 MR. OWEN: Thank you, Mr. Chair. I

50

1 wonder, from the previous discussion, if it is now or
2 if we are coming close to the time when we should break
3 barriers between regions and fund rather the top
4 priorities for the entire state instead of one project
5 for Southwest and however many for Yukon. I just have
6 to wonder that when it gets to that point or are we
7 nearing that point.

8
9 MR. PELTOLA: Mr. Chair, if I may. One
10 thing that's specific about -- I mean you might hear
11 Staff talk about the blue book now and then. The blue
12 book is basically the direction for what the fund was
13 created for. Within that, with regard to the regions,
14 because we have a diminishing dollar to give out so to
15 speak, yes, we are funding less projects per region.
16 Although as specifically mentioned in the blue book
17 there are certain -- the program is not intended to be
18 a funding source specifically if you're one or two
19 regions. So that is specifically outlined.

20
21 My comment earlier about the beauty of
22 this program is that every two years we can evaluate
23 and look at the criteria and how we adjust things but
24 still try to maintain the intent of the creation of the
25 program itself. But that is definitely something we
26 can look at as long as we address the concerns and the
27 original funding source would be a comment I made.

28
29 We may be approaching that point where
30 even harder decisions have to be made about what gets
31 funded and what gets not funded with regard to the
32 requirements and needs of the Federal Subsistence
33 Program. I would say that, you know, we're going to
34 have a lot of people that are happy that get the letter
35 or the call saying we are going to fund your program or
36 we're going to have people that are upset.

37
38 I mean right now if you look at 39,
39 that means there's 21 projects and principal
40 investigators and regions that may not get a funding
41 dollar coming from this program. So, in a sense, that
42 competitiveness can increase the quality of the
43 projects that we're seeing in the long term.

44
45 It's definitely not one particular
46 segment of our applicants that have been beneficial.
47 We go through different cycles. For a period of time
48 we may have one particular department, agency or bureau
49 that is very successful in receiving fundings. Five,
50

1 six, seven years later it may change, but the changes
2 in principal investigators or potential support in the
3 region are not.

4

5 CHAIRMAN CHRISTIANSON: Lynn.

6

7 MR. POLACCA: I think Greg did bring up
8 a valid point. Now is kind of the time where we really
9 need to go back and actually take a look at our
10 guidance, our protocols as far as how we're actually
11 taking a look at the whole entire process for funding
12 and I think we're at that point now where we need to
13 figure out how to split these hairs now and where we're
14 starting to get these ties coming up and all and I
15 think we do need to sit down and come up with better
16 guidance.

17

18 I don't know where that lies, if that's
19 going to be another -- you know, referring back down to
20 the ISC or over to the office of OSM and having them
21 create guidance for us so that we can take a look at
22 and make a decision and say, okay, this is what we're
23 going to do and do that a lot more sooner than later
24 because we're starting to come into another funding
25 cycle now.

26

27 I'd rather see us at least get that
28 straightened out right now and that way we know we can
29 get that information out to all the people that are
30 requesting for funds so that they have clear guidance
31 on what they need to submit.

32

33 CHAIRMAN CHRISTIANSON: Just food for
34 thought for my idea. What do we do if one region gets
35 all the money? I mean I think that's why we've kind of
36 looked at it and as far as we know all across the
37 region there's needs for information. Subsistence
38 users are all across the state and we're chewing up a
39 process I've watched change since I've been here three
40 times.

41

42 I'd just like to take my hat off to the
43 Staff, you know, and that they've done I think the best
44 job with the tools that they have in the box to come up
45 with fundable projects.

46

47 Again, everything has room for
48 improvement and maybe we can give that guidance here
49 from this Board on how we'd like to see some of those

50

1 improvements and set a little -- I mean like I stated
2 yesterday maybe the Board has a couple priorities we'd
3 like to fund and the office staff has some priorities
4 that they could fund with the relationships they build.
5 But when we come to the Board at this stage of the
6 game, I'm going to have to trust the Staff

7
8 MR. BROWER: Mr. Chair. Just a
9 comment. I notice in reading through these proposals I
10 know we have six regions that we have funds for and
11 projects. In one, I want to take your country there,
12 Mr. Chairman, the Heidi Lake Sockeye Salmon Project
13 that's been funded since 2001 and it's been continuous
14 ever since this. And you have these other projects.

15
16 You know, salmon is not the only
17 subsistence source of fish throughout each region.
18 There's different species. And there's other folks in
19 each different regions that has a concern with their
20 fisheries that are coming to a change and they need
21 help too to understand what's happening, but they still
22 rank way low because there's no investigators, there's
23 no partnerships or whatever.

24
25 It seems to be like the majority, I'll
26 use salmon, when you have to look at all six regions.
27 Not all fisheries are salmon. There's broad fish,
28 grayling, cisco, Dolly Varden and so on. A major
29 concern to my reading is salmon so far.

30
31 I just wanted to make that known.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN CHRISTIANSON: Bert.

36
37 MR. FROST: Do we need to make a motion
38 to move forward?

39
40 CHAIRMAN CHRISTIANSON: Yeah. Rhonda.

41
42 MS. PITKA: I do have a comment. I've
43 got several. I feel like some of these projects
44 probably -- because of the importance to the management
45 of this resource could perhaps be funded in a different
46 manner versus being in a competitive manner. It
47 sometimes seems that we have several projects that are
48 so important to in-season management that perhaps there
49 may be a different process for that.

50

1 And I also think that because of the
2 importance we're attaching to the ISC recommendations
3 that me and Charlie Brower need ISC members in that
4 room. We currently have no one in that room except for
5 Orville and as wonderful and knowledgeable as Orville
6 is, that's quite important.

7
8 I also think that this discussion we
9 had over the last two days and I've made several of my
10 comments already well known. I really, really believe
11 that the FRMP partnership component of that program is
12 crucial. I have actually been involved with several
13 projects where there was no partnership with local
14 tribes that was meaningful at all and they were able to
15 come in and say they had a partnership because we
16 delivered gasoline in a boat.

17
18 So I truly, truly love the spirit of
19 this program and I'm fully in support of the
20 partnership component. Thank you.

21
22 CHAIRMAN CHRISTIANSON: Thank you,
23 Rhonda. Greg, you had one more. Bert, I mean.

24
25 MR. FROST: Well, I was going to make a
26 motion.

27
28 CHAIRMAN CHRISTIANSON: The floor is
29 open.

30
31 MR. FROST: I don't know if I can do
32 this right. I'm not very good at this. A motion to --
33 after the approval of this cycle is done is to do an
34 after-action or a review process. I wrote down three
35 things that we might want to look at. You know, how
36 the priorities are set. I mean review how the criteria
37 are, the five criteria are and how they're weighted in
38 relation to not only priorities but the partnerships,
39 the whole 10 yards. Look at how the five criteria are
40 evaluated.

41
42 Greater transparency in terms of both
43 for the RACs and the ISC. And then on Wayne's point,
44 maybe re-looking at the geographic distribution. Are
45 there different models that could take place so that
46 whether you change the percentages or you get rid of
47 the percentage? I think that's up for the review
48 committee to sort of decide. I think there's lots of
49 ideas out there that you could do that with.

50

1 CHAIRMAN CHRISTIANSON: That's a
2 motion.

3
4 MR. BROWER: Was that a motion or just
5 a recommendation?

6
7 MR. FROST: I don't know. I probably
8 made the motion incorrectly.

9
10 MR. PELTOLA: Mr. Chair. What I'd
11 recommend, just for ease and clarity in the
12 administrative record, if you would make a motion to
13 address this particular plan. After that is adopted,
14 disapproved, modified, whatever it may be, then make a
15 second motion to direct OSM to work with the affected
16 bureaus to review the criteria.

17
18 What we normally do anyway after a FRMP
19 round, to incorporate a look at the criteria and how
20 they're established and all the recommendations made.
21 So I would recommend that you split the motions up
22 into two segments. One, address, potentially approve.
23 Two, post-completion of the round and then direct OSM
24 in cooperation with the bureaus and affected party
25 members to look at those criteria and make
26 recommendations for consideration.

27
28 MR. OWEN: Mr. Chair.

29
30 CHAIRMAN CHRISTIANSON: Wayne.

31
32 MR. OWEN: I move that the Board accept
33 the recommendations of the 2018 Fisheries Resource
34 Monitoring Program as presented by unanimous consent.

35
36 CHAIRMAN CHRISTIANSON: We have an open
37 motion here. Is that a second to your original motion?

38
39 MR. FROST: Yes.

40
41 CHAIRMAN CHRISTIANSON: As stated by
42 Wayne. The original motion is to accept the 2018 FRMP
43 project list as presented by Staff. Any objections to
44 the motion.

45
46 MS. MOURITSEN: I have a question about
47 the motion. Do we need to either add to it or have a
48 different motion to ask OSM to show us the list of the
49 projects that are at the bottom going down from this
50

1 list?

2

3

MR. BROWER: A different motion.

4

5

6

MS. MOURITSEN: Is that a different

motion? Okay.

7

8

9

MR. LORD: I don't think that's a
motion at all. I think you just ask.

10

11

12

MS. MOURITSEN: Okay. Okay. Okay.

13

14

MR. PELTOLA: Mr. Chair, if I may.

15

16

17

Once again I apologize that was not
included. We have a printout and it is available and
we'll distribute it to the Board members.

18

19

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21

22

23

CHAIRMAN CHRISTIANSON: So we do have a
motion on the floor that's been seconded to accept the
FRMP 2018 Monitoring Program. It's been presented with
unanimous consent. Any objections to the motion as
presented.

24

25

26

(No objections)

27

28

29

CHAIRMAN CHRISTIANSON: Hearing none.
The motion carries unanimously.

30

31

32

MR. FROST: Now.

33

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MR. FROST: Make a second motion. So I
move that we instruct OSM to work closely with ISC to
do an after-action review of FRMP process, looking
specifically at priorities, transparency, geographic
distribution or any other things that they may deem
necessary to help improve the process.

40

41

42

MR. SIEKANIEC: Second.

43

44

45

CHAIRMAN CHRISTIANSON: The motion has
been made and seconded. Discussion.

46

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MS. HARDIN: I'm very sorry to
interrupt, Mr. Chair. I just wanted to ask if it would
be worthwhile to include the Technical Review Committee
in that after-action review since they have direct

1 knowledge with how the ranking process has gone for the
2 last two cycles.

3
4 CHAIRMAN CHRISTIANSON: Noted.
5 Concurrence on that.

6
7 MS. PITKA: I just have a quick note.
8 When you second a motion, can you please say I second
9 the motion.

10
11 MR. PELTOLA: We need to receive a
12 motion, Mr. Chair, from Greg Siekaniec.

13
14 MR. SIEKANIEC: I second the motion.
15 Thanks, Rhonda.

16
17 CHAIRMAN CHRISTIANSON: Call for the
18 question.

19
20 MR. BROWER: Question.

21
22 CHAIRMAN CHRISTIANSON: The question
23 has been called. All in favor signify by saying aye.

24
25 IN UNISON: Aye.

26
27 CHAIRMAN CHRISTIANSON: Opposed same
28 sign.

29
30 (No opposing votes)

31
32 CHAIRMAN CHRISTIANSON: Motion carries.
33 We will review the process this coming year. With that
34 we'll break for lunch. 1:30.

35
36 Thank you guys for your help.

37
38 (Off record)

39
40 (On record)

41
42 CHAIRMAN CHRISTIANSON: We'll go ahead
43 and reconvene. I truly apologize for being a little
44 bit late this afternoon. I'm dealing with some
45 personal stuff. We're again back on track. Before we
46 do get started today, this morning I kind of overlooked
47 a pretty serious situation and would like to take this
48 time to recognize Mike Bangs and his recent passing as
49 a Regional Chair for Southeast. I think there was

50

1 another person as well from another region that
2 was.....

3

4 MR. OWEN: Peter Abraham.

5

6 REPORTER: And Roy Ewan.

7

8 CHAIRMAN CHRISTIANSON: Peter Abraham
9 and Roy Ewan. So if we can just at this time take a
10 moment of silence and recognize those people who
11 dedicated themselves to volunteering for this exact
12 program and I feel the backbone of what provides us
13 with the information we need.

14

15 I know Mike Bangs personally. He was a
16 true advocate for sound resource management and
17 subsistence and I'm pretty sure the other guys were as
18 well. So at this time I'd just like to take a moment
19 of silence to recognize those fallen soldiers as I
20 would call them.

21

22 (Moment of Silence)

23

24 CHAIRMAN CHRISTIANSON: Thank you all
25 for your time in a moment of silence in recognizing
26 those who have passed.

27

28 With that, we also have one more item
29 here that we'd like to take care of before and if I
30 could call on Wayne to do a presentation here at this
31 moment.

32

33 MR. OWEN: Thank you, Mr. Chair. Tom,
34 could you come up. Yeah, that Tom. One of the great
35 pleasures as a supervisor is recognizing a career
36 service of somebody and I wanted to do this in front of
37 the whole crowd and recognize Tom for 30 years of
38 Federal service this year.

39

40 The Forest Service has a tradition of
41 giving a little lapel pin to folks, which is nice
42 because you're all dressed up.

43

44 MR. WHITFORD: A big cash award?

45

46 MR. OWEN: Yeah, there actually is.

47

48 (Laughter)

49

50

1 MR. OWEN: I don't know if I'd call it
2 big, but it's pretty good.

3

4 MR. WHITFORD: A dollar for every year?

5

6 (Laughter)

7

8 MR. OWEN: So in recognition of 30
9 years of service to the government of the United
10 States, I'd like to personally say -- you know, most of
11 you here remember Steve Kessler, you know, this great
12 guy who was here before. There was a lot of discussion
13 within this group and within the Forest Service about
14 who could replace Steve and I made a decision, first,
15 we weren't going to replace Steve. We were going to
16 get some new blood in this program and I, as a leader,
17 was going to take a chance on somebody that didn't know
18 anything about Alaska and that choice was Tom Whitford
19 and I am forever grateful that you turned out.

20

21 (Applause)

22

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

24

25 CHAIRMAN CHRISTIANSON: With that we
26 will move on. One more housekeeping. Gene.

27

28 MR. PELTOLA: Thank you, Mr. Chair.
29 Board members, you may find just prior to the break or
30 after the break we provided a list of the other
31 projects. Once again I apologize for not
32 including that in the packet. In addition, I wanted to
33 point out that the Southeast goes through a similar
34 process and they go down the list depending on
35 availability of funding as well.

36

37 Thank you, Mr. Chair.

38

39 CHAIRMAN CHRISTIANSON: Thank you.
40 With that, I think that brings us to number 4 on our
41 agenda this afternoon, which is the Federal Subsistence
42 Board Delegation of Authority to Federal Officials,
43 Section 2 in the meeting materials. Item A, discussion
44 on delegating Board authority to restrict the taking of
45 fish and wildlife on public lands for non-subsistence
46 uses or close public lands to the take of fish and
47 wildlife for non-subsistence uses. That will be
48 Jennifer.

49

50

1 MS. HARDIN: Thank you, Mr. Chair. For
2 the record, my name is Jennifer Hardin and I am the
3 Subsistence Policy Coordinator for the Office of
4 Subsistence Management.

5
6 As you are aware, the Office of
7 Subsistence Management solicited comments on the draft
8 revised delegation of authority letters for the
9 Kuskokwim area and the Cook Inlet area. Scott Ayers
10 and Gary DeCossas will be presenting those comments for
11 your consideration and action in just a few moments.

12
13 However, before moving to those action
14 items, I would like to present an information item for
15 your consideration. If you turn to Section 2, Page 7
16 of your meeting book, you will find a letter from the
17 Refuge Manager at the Yukon Delta National Wildlife
18 Refuge. Specifically, I'll be presenting information
19 related to number 2 on the first page of that letter.

20
21 The Refuge Manager of Yukon Delta
22 National Wildlife Refuge notes that both the existing
23 delegation of authority letter from the Board and the
24 draft revised letter allow the Refuge Manager to close
25 and reopen Federal public waters to non-subsistence
26 fishing but prohibit the Refuge Manager from specifying
27 methods and means, permit requirements or harvest and
28 possession limits for State-managed fisheries.

29
30 The Refuge Manager notes that the
31 inability to specify gear type for State-managed
32 fisheries can complicate conservation in management of
33 the Kuskokwim River Federal subsistence fishery.

34
35 Due to the nature of the mixed stock
36 fishery on the Kuskokwim River, there may be times when
37 the Refuge Manager closes the harvest of a particular
38 species to all but Federally qualified subsistence
39 users. However, unless the Federal manager closes the
40 harvest of all species to all but Federally qualified
41 subsistence users, non-subsistence users and also
42 Federally qualified subsistence users could still
43 potentially be able to harvest other species using any
44 authorized gear type under State regulations, including
45 potentially gillnets.

46
47 In this scenario, it is possible that
48 incidental harvest of the species of concern will
49 occur. This has in recent years been an issue of
50

1 concern related to chinook salmon conservation efforts.

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The Refuge Manager notes that if the Board was to delegate authority to in-season managers to restrict non-subsistence users by specifying allowable methods and means in State-managed fisheries, both Federally qualified subsistence users and non-subsistence users would be provided the opportunity to fish for other species while also protecting species of concern.

The Refuge Manager urges the Board to consider delegating authority to Federal managers that will enable them to specify authorized methods and means for non-subsistence users participating in State-managed fisheries.

That concludes my summary of the Refuge Manager's concerns. But if the Board would indulge me, I would also like to provide a bit of policy background related to this issue.

Section 815 of Title VIII of ANILCA authorizes the restriction of non-subsistence uses on Federal public lands when necessary for the conservation of healthy populations of Fish and Wildlife or the continuation of subsistence uses or for reasons of public safety or administration.

In addition, Federal subsistence regulations specify that the Board has the power to both restrict the take of fish and wildlife for non-subsistence uses on Federal public lands or close Federal public lands to non-subsistence for reasons outlined in Section 815 of ANILCA.

While it appears clear that the Board has the authority to restrict non-subsistence users participating in State-managed fisheries or hunts on Federal public lands, by specifying authorized methods and means of harvest, permit requirements or harvest and possession limits, the Board has generally not done so.

Questions about these sorts of restrictions have come before the Board on multiple occasions, most recently during the 2016 wildlife regulatory cycle and will be before you again in April of 2018 when you take up proposals to change wildlife

1 hunting and trapping regulations.

2

3

4 To my knowledge, the Federal
5 Subsistence Board has taken such an action only once
6 and it happened to be a restriction of methods and
7 means. In December of 2000, the Federal Subsistence
8 Board adopted Fisheries Proposal FP01-35, which closed
9 the Sarkar River system above the bridge in the
10 southeast area to the use of all nets by both Federally
11 qualified and non-Federally qualified users.

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12 This had the effect of prohibiting the
13 use of all nets in this area within both Federal and
14 State subsistence fisheries while allowing the State
15 rod and reel sport fishery to remain open. This
16 Federal subsistence regulation remains in place today.
17 Back in 2000 I would note that the Board had extensive
18 discussion on the record about potential problems
19 resulting if such actions were taken in other fisheries
20 areas.

22 Among other comments the Board Chair
23 noted that in other areas where such an action could
24 result in a larger user conflict, it would be a major
25 policy issue and, therefore, something that the Board
26 should take a closer look at.

28 Returning to the Yukon Delta National
29 Wildlife Refuge Manager's comments about potentially
30 delegating this authority to Federal Manager, currently
31 no Federal manager has been delegated authority from
32 the Federal Subsistence Board to specify methods and
33 means, permit requirements or harvest and possession
34 limits for State-managed fisheries or hunts.

36 However, Federal managers already have
37 the ability to temporarily prohibit certain gear types
38 by users under agency specific regulations. For
39 example, National Wildlife regulations at 50 CFR 36.42
40 and for the National Park Service those regulations are
41 found at 36 CFR 13.15.

43 That concludes my presentation.

45 As I stated earlier, this is not
46 currently an action item for the Board, but I'm happy
47 to answer any questions you might have.

49 CHAIRMAN CHRISTIANSON: Thank you,

1 Jennifer. Any questions from the Board to Jennifer as
2 it pertains to delegation of authority letters.

3

4 (No comments)

5

6 MS. HARDIN: Okay.

7

8 CHAIRMAN CHRISTIANSON: Thank you for
9 that presentation.

10

11 MR. AYERS: Mr. Chair. Members of the
12 Board. For the record, my name is Scott Ayers and I'm
13 a fisheries biologist at the Office of Subsistence
14 Management. My colleague Gary Decossas and I are here
15 today to speak with you again about the
16 fisheries delegation of authority letters, all but two
17 of which you finalized during the work session this
18 past July. The final two letters for approval are
19 those for the Kuskokwim and Cook Inlet areas.

20

21 Because each of these two letters has
22 followed a different path to this point, we're going to
23 present them to you separately. Gary will present the
24 Kuskokwim area letter first for your action, after
25 which I will present the Cook Inlet area letter for
26 your action.

27

28 MR. DECOSSAS: Thank you, Scott. Mr.
29 Chair and Members of the Board. For the record, my
30 name is Gary Decossas. I am the fisheries statistician
31 and Kuskokwim area fisheries biologist for the Office
32 of Subsistence Management. As Scott stated at the
33 beginning of his introduction, I'll be discussing the
34 fisheries delegation of authority letter for the
35 Kuskokwim area.

36

37 Before discussing the letter and the
38 comments received on the draft changes, I'll kind of
39 first go through a brief history of how we got to this
40 point just as a refresher for the Board.

41

42 During the Federal Subsistence Board
43 meeting in January of 2017 OSM presented the Staff
44 analysis for Fisheries Proposal 17-05. The proponent
45 of this proposal was Lamont Albertson. He requested
46 that Federal subsistence management plans, strategies,
47 fishing schedules, openings, closings and fishing
48 methods for the Kuskokwim area be issued independently
49 by the Federal Subsistence Management Program in

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1 consultation with appropriate agencies and entities.

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This proposal essentially removed the regulatory language about State regulations applying to the Kuskokwim area unless superceded by Federal special action. The OSM conclusion was to defer FP17-05 to allow time for the partnership project to be fully implemented and to revise the delegation of authority letter for the Kuskokwim area to address the proponent's concerns about communications and collaboration.

At the time, OSM had commenced updating the delegation of authority letters for all regions across the state especially since most of the letters, including the Kuskokwim area, were more than a decade old. OSM mentioned some specifics on what revisions could be included in the updated delegation of authority letter such as specific guidance about annual expectations for collaboration amongst identified stakeholders carrying out fisheries management decision-making processes and requirements for issuing special actions.

The board ultimately deferred FP17-05 until the next regulatory cycle or as requested by a member of the Kuskokwim River partnership project until the collaborative aspects of the partnership project are more established. The Board provided directive to update the delegation of authority letter for the Kuskokwim area as soon as possible as well as stressing the importance of the development of phase two of the Kuskokwim River Partnership Project.

All right.

So now that we're done with the refresher let's move on to the draft delegation of authority letter for the Kuskokwim area. A copy of this letter is in section 2 or tab 2, Page 1 through 5 of your books.

New language has been added to the opening section in sections 5(h), 6 and 7. You'll see the highlighted changes in your book. Related to the collaborative in-season management planning and decision-making and is highlighted in your books. The draft language is derived primarily from the OSM conclusion and justification provided in the analysis

1 of 17-05.

2
3 OSM Staff provided this updated
4 language to you at the July 2017 work session. During
5 the 2017 fall Regional Advisory Council cycle we asked
6 for feedback on the new language from the Western
7 Interior and Yukon-Kuskokwim Delta Councils. In
8 addition to this, we asked for feedback on the new
9 language from the Chair of the Kuskokwim River Inter-
10 Tribal Fish Commission. The co-Chairs of the Kuskokwim
11 River Salmon Management Working Group and the Yukon
12 Delta National Wildlife Refuge in-season fisheries
13 manager Ken Stahlnecker.

14
15 I will now provide a summary of the
16 comments received from each of these entities. The
17 Western Interior and Yukon Kuskokwim Delta Councils
18 took up this letter at their recent fall 2017 meeting.
19 Their comments are located in Section or Tab 2, Page 6
20 of your books. The Western Interior Council Chair
21 wanted assurances of the Council's representation in
22 the delegation of authority consultation process. He
23 also raised concerns about ensuring the delegation
24 letter would be updated if the Kuskokwim River
25 Partnership Project is finalized.

26
27 One Council member requested
28 information about the Inter-Tribal Fish Commission
29 consultation that would be occurring during this
30 process. Another Council member clarified that the
31 Council did have representatives on the State s
32 Kuskokwim River Salmon Management Working Group.

33
34 Following their discussion, the Council
35 affirmed that the letter, in this form, at this point,
36 is adequate and sufficient for what the needs are of
37 this Council. The Yukon-Kuskokwim Delta Council
38 engaged in a discussion on what changes would come to
39 the current process through the Partnership Project. A
40 Council member stated that the Council Chair or Vice
41 Chair should work with the Kuskokwim River Inter-Tribal
42 Fish Commission as Council members as they are involved
43 with the fisheries management for the Kuskokwim area.

44
45 No further comments regarding the draft
46 language in the revised letter was discussed by the
47 Yukon-Kuskokwim Delta Council.

48
49 The Chair of the Kuskokwim River
50

1 Inter-Tribal Fish Commission returned comments on the
2 draft language within the revised delegation of
3 authority letter. Their comments are found in the
4 supplemental documentation of your binder.

5
6 Many of the comments provided by the
7 Fish Commission revolve around the central theme of
8 ensuring the new delegation letter explicitly
9 references the memorandum of understanding between the
10 Fish Commission and the Fish and Wildlife Service. The
11 Fish Commission states that the new delegation letter
12 needs to recognize the new management model put in
13 place by the Commission and the Fish and Wildlife
14 Service's MOU.

15
16 The Fish Commission commented that the
17 new delegation letter should reflect that the goal of
18 the MOU between the Commission and the Fish and
19 Wildlife Service is to incorporate the State and to
20 management partnership in order to unify management.

21
22 The Commission states that the Board's
23 acknowledgment of this goal would demonstrate the
24 intent of the parties to move forward towards a unified
25 Tribal/State/Federal fishery management structure for
26 the Kuskokwim. Additional comments were made that
27 discussed the role of the State and the management of
28 the area. The new draft delegation letter still assumes
29 primary State management if an action is to supercede
30 to the disadvantage of achieving the mission and
31 mandates of ANILCA.

32
33 The MOU between the Fish Commission and
34 Fish and Wildlife Service establishes a new management
35 model where the State is not the primary manager and
36 where the perspectives and actions of the Fish and
37 Wildlife Service and Fish Commission, as informed by
38 the Regional Advisory Councils, are of essential
39 importance.

40
41 While there are cases where it is
42 appropriate for Federal management plans and actions to
43 mirror those of the State of Alaska, at the same time
44 those plans and actions can severely limit the ability
45 of the Federal Subsistence Program to exercise its
46 independent judgment to achieve the mission and
47 mandates of ANILCA.

48
49 The draft letter should be revised to
50

1 delegate Federal in-season managers to the latitude
2 necessary to meet subsistence program mandates, many of
3 which are incorporated in the MOU between the Fish and
4 Wildlife Service and the Fish Commission.

5
6 Finally, the Fish Commission did not
7 provide any recommendations on the meeting date for
8 addressing management strategies and management
9 entities. This would be the preseason meeting. Nor a
10 date for the recommended required written report to the
11 Board in the event that the decision is made to
12 implement Federal management of the fishery.

13
14 The co-Chairs of the Kuskokwim River
15 Salmon Management Working Group have yet to return
16 comments on the draft language for the delegation of
17 authority letter. However, the Board should consider
18 that the working group is not active during this time
19 of the year as they are primarily an in-season working
20 group. So receiving comments from this group is
21 particularly difficult until the working group
22 reconvenes again, which is usually in the spring.

23
24 The Yukon Delta National Wildlife
25 Refuge Manager, the Kuskokwim area in-season manager,
26 provided comments on the draft language found in the
27 revised delegation of authority letter. His comments
28 can be seen on Section 2, Page 7 and 8 of the Board
29 book.

30
31 The in-season manager recommended the
32 meeting date for addressing management strategies and
33 management entities to be between mid March and early
34 April, so that would be the preseason meeting that we
35 had discussed earlier.

36
37 He also recommended that the required
38 written report to the Board in the event that the
39 decision is made to implement Federal management of the
40 fishery should be due to the Board no sooner than June
41 1st. There's a lot of stuff going on before June 1st.

42
43 The in-season manager provided
44 additional comments about controlling State-managed
45 fisheries, but that discussion was already had with
46 Jennifer, so we've covered that.

47
48 So, now that we've gone through the
49 history of how we got to this point as well as a
50

1 summary of the comments provided by each of the
2 entities on the draft language in the authority letter,
3 the Board will need to discuss and take action on the
4 draft language.

5
6 Other than the draft language that is
7 generalized and found in all of the delegation of
8 authority letters, two important sections of the letter
9 that need formalizing are, one, the recommended meeting
10 date for the preseason meeting that addresses
11 management strategies and a discussion of the entities,
12 and a submission date for the written report to the
13 Board in the event the decision is made to implement
14 Federal management of the fishery.

15
16 So the two action items are the date
17 for the preseason meeting and the date, if there is a
18 Federal fishery, when that report should be due to the
19 board. Other than that, that covers about everything
20 in the Kusko.

21
22 Right now we'll go to Scott.

23
24 CHAIRMAN CHRISTIANSON: Yeah, we're
25 going to deal with each item separately. So thank you
26 guys for your presentation there. Anybody here have a
27 question from the Board.

28
29 Karen.

30
31 MS. MOURITSEN: Well, if I understand
32 the presentation correctly, which I might not, you
33 talked about the dates and the meetings, but the Refuge
34 Manager had this comment about the closing to
35 non-subsistence fishing with or without specifying the
36 methods. That's what Jennifer talked about.

37
38 Are we going to try to talk about that
39 and figure out an answer one way or another at this
40 time, he made the comment, or is that something we have
41 to figure out some other time?

42
43 CHAIRMAN CHRISTIANSON: Now is as good
44 a time as any.

45
46 MS. MOURITSEN: I just was wondering if
47 we were going to talk about it. I at the moment don't
48 -- I'd like to understand it more. So I don't have a
49 specific comment. I was just wondering if we were
50

1 going to address it.

2

3 MR. PELTOLA: In regard to the methods
4 and means with regard to the restriction of State
5 seasons?

6

7 MS. MOURITSEN: It just seems like the
8 Refuge Manager wrote about this issue and he made a
9 point about this. He was asking for this to be
10 considered. And I wonder if we ought to talk about it
11 and decide yes or no to accept his suggestion or decide
12 we have to research it further. I don't know what the
13 answer is, but it seems like we should address it
14 somehow.

15

16 CHAIRMAN CHRISTIANSON: Greg and then
17 Rhonda.

18

19 MR. SIEKANIEC: Thank you, Mr.
20 Chairman. I think this request for giving the manager
21 kind of what I would call the full basket of tools that
22 may be needed in order to implement a subsistence
23 fishery is kind of what this request is about.

24

25 I think the idea behind having the
26 ability to affect methods and means is -- I think last
27 year this Board we took it from the perspective of
28 we're asking you to go out and work with the Inter-
29 Tribal Fish Commission, the working group, State of
30 Alaska, all parties to try and reach a consensus-based
31 decision process that would hopefully keep you out of
32 the need for implementing a methods and means from a
33 directive from just the Fish and Wildlife Service.

34

35 But I hear the request. I mean you
36 could get yourself in a spot where, you know, things
37 aren't aligned and as the in-season manager you're
38 making decisions on a basis of timing when you're going
39 to allow for a subsistence harvest or take or
40 opportunity. If there are other things that are
41 jeopardizing that opportunity, it could rise to a level
42 of concern. That could be a tool that could prove to
43 be very effective for a person.

44

45 So I think it is important for us as a
46 Board to think about that as to whether or not we're
47 interested in that or whether or not we as a Board have
48 an opportunity to say we hear this concern but we
49 believe we have a process in place for you to be able
50

1 to utilize to address that, which might be the
2 emergency special action by way this Board would have
3 to act on their behalf. I think all that is sort of
4 part of the consideration.

5
6 CHAIRMAN CHRISTIANSON: Thank you,
7 Greg.

8
9 Rhonda.

10
11 MS. PITKA: I just had a question. Is
12 there another way to get to what he's saying here? Is
13 there another tool that Refuge Managers have to do that
14 same action without including it in this letter? From
15 what I understand, that particular language isn't
16 included in other letters of delegation.

17
18 I think what I'm trying to say is like
19 is there a particular reason that this particular
20 fishery would be singled out in that way? Is there
21 another way to get there?

22
23 CHAIRMAN CHRISTIANSON: I think part of
24 what the history was there was some activity and motion
25 at the time. I'll let Gene go ahead.

26
27 MR. PELTOLA: Thank you, Mr. Chair. If
28 you look at the request by reading what is brought
29 forth by the in-season manager and if you look at the
30 title on the agenda it addresses -- let me get the
31 wording correctly -- to restrict the taking of fish and
32 wildlife on public lands for non-subsistence uses or
33 close public lands to the take of fish and wildlife for
34 non-subsistence uses.

35
36 If you recall in Jennifer Hardin's
37 presentation, she mentioned two key regulations that
38 are in place for the two agencies where the majority of
39 our delegation of authorities lie. In this particular
40 situation on the Kuskokwim, it would be 50 CFR 36 under
41 the Refuge Admin. Act. We put that forth as a
42 potential for consideration by the Board looking at the
43 administrative history of similar actions.

44
45 When the Board had deliberated taking
46 such actions and that's a significant step by
47 restricting, in this case, the State fishery. That has
48 been a significant step that the Board has not wanted
49 to tread upon unless absolutely required.

50

1
2 Due to that administrative history we
3 brought forth a potential remedy such that if the in-
4 season manager wanted to utilize that specific
5 authority under 50 CFR 36, he or she or whoever the in-
6 season manager is can utilize that specific regulation
7 to prohibit a gillnet for the non-subsistence fishery
8 in question.
9

10 In regard to general season management,
11 and since we're talking about the Kusko we could revert
12 back to last season. We had periods where harvest was
13 not available and then periods where a period of
14 harvest was provided for. Through the delegation of
15 authority from this entity to the in-season manager,
16 the in-season manager was able to stipulate a
17 timeframe, potentially a locale and what gear types
18 were used for that subsistence harvest opportunity for
19 the Federally qualified user.
20

21 I'd just like to read here. Because of
22 that administrative history from this body in the past
23 and taking that significant step we want to ensure that
24 if you deliberate and consider that you had exposed to
25 there is potentially an additional tool that may be
26 utilized to get to that particular -- in this case, a
27 gillnet restriction.
28

29 MS. PITKA: So the answer's yes?
30

31 MR. PELTOLA: Yes.
32

33 MS. PITKA: Thank you.
34

35 CHAIRMAN CHRISTIANSON: Thank you,
36 Rhonda.
37

38 Any other questions from the Board.
39

40 MR. SIEKANIEC: Thank you, Mr. Chair.
41 I should know 50 CFR 36 having been a law enforcement
42 officer at one point in time and a manager, but that I
43 believe is for a hard closure only on Federal
44 properties. So, Ken, the waters that run through there
45 considered full Federal properties if that type of an
46 action was taken or am I putting you on the spot?
47

48 MR. LORD: You are putting me on the
49 spot a little bit, but my understanding is that in that
50

1 50 CFR 36 the word lands is defined in a way that it
2 only includes land and not water, so it's very
3 different than ANILCA in that way.

4

5 So it's potentially a problem.

6

7 MR. SIEKANIEC: Thank you, Ken. I
8 thought there was some relationship in there that
9 seemed like it would be an overreach for us to think
10 that that regulation would actually assist in this.
11 The other part where I would have headed with this is I
12 also think this is a subsistence in-season manager who
13 is trying to make decisions based on Title VIII and for
14 us to push off on that person the use of the Refuge
15 Administration Act seems kind of like out of character
16 of what I would want to see the Board do.

17

18 I would think the Board would want to
19 stay in sync with if you have this issue and you face
20 it, let us help you resolve it. And whether that comes
21 through a special action or you give him the delegated
22 authority, both of those seem to have the opportunity.

23

24 But us as a Board would need to realize
25 that if this really got to this point where we don't
26 have a unified approach that isn't addressing all of
27 the conservation issues and the opportunities that are
28 needed for the river, then we need to be willing to
29 make this in a sort of short order kind of -- you know.

30

31 I'm looking at Ken. Is that like a 24-
32 hour notice, an 18-hour notice, a 12-hour notice? But
33 something's got to happen quick because that's when
34 you'd get into that quick decision-making timeframe.

35

36 Thank you.

37

38 CHAIRMAN CHRISTIANSON: Thank you,
39 Greg. One thing today, I do have a request from both
40 the Fish Commission to maybe talk to this and also I
41 think Ken would probably have some insight to it.

42

43 I know the reason we did kind of put it
44 off to this meeting was to let some of the things they
45 had been trying to work out get worked out and maybe
46 this would be a good time to invite those
47 representatives forward and we could have a more frank
48 discussion on what that expectation is in the field to
49 make sure that we do meet those subsistence needs in a

50

1 timely manner and then maybe get an idea of where that
2 relationship is on the Kusko in relationship to this
3 delegation of authority letter.

4
5 So I would invite maybe the Fish
6 Commission up and Ken and anybody else who feels
7 they're a party to the delegation letter and give them
8 some time to address concerns or a position they may
9 have that affects our decision today. So I would
10 welcome you guys forward. We can go ahead and start.

11
12 MS. PELTOLA: All together?

13
14 CHAIRMAN CHRISTIANSON: Yeah. I think
15 we're all in the same river together. So I would
16 invite you guys to go ahead and provide us with
17 whatever information you have and we can go from there.

18
19 MS. PELTOLA: Thank you, Mr. Chairman.
20 For the record, my name is Mary Peltola. I'm the
21 interim executive director for the Kuskokwim River
22 Inter-Tribal Fish Commission. With me today are Anna
23 Crary and Sky Starkey, who are legal advisors.

24
25 Thank you very much for the opportunity
26 to provide the Fish Commission's perspective on this.
27 Before I begin I do want to share with you a very
28 illustrative graph showing our chinook runs since 1976.
29 I love this graph because it speaks a thousand words.
30 It shows what the history of the chinook run has been
31 since it has been monitored over time. The part that
32 is of concern to me are the last eight seasons. We're
33 now going into our ninth season of a very depressed
34 chinook stock, chinook return.

35
36 The graph does show that our returns
37 have seen years where they have been depressed, but
38 they bounce back quite quickly. The concern that the
39 Fish Commission has and users along the Kuskokwim,
40 subsistence fishermen along the Kuskokwim have is that
41 we are not seeing a recovery like we have in the past.
42 It's been a very slow, tedious recovery.

43
44 The other thing I like about this graph
45 is that it shows escapement and harvest over time. The
46 highest subsistence harvest the Kuskokwim has seen is
47 110,000 chinook. Last summer the Refuge reported
48 riverwide where the estimated take was about 9,000. So
49 this is a substantial reduction in food security, in
50

1 nutrition, in really the foundation of our subsistence
2 way of life on the Kuskokwim.

3
4 We have been very thankful to the Board
5 and to the Refuge for all of the help that we have been
6 given under Federal management. A lot of changes have
7 been made in a very short period of time that have been
8 very beneficial. Specifically, really taking a close
9 look at our escapement goals and working toward a more
10 precautionary management style as well as taking a
11 harder look at our forecasting methods.

12
13 In 2013, it was forecasted that the
14 Kuskokwim was supposed to get a very large run of
15 chinook, larger than any other of the rivers in Alaska,
16 and that year that did not hold true. That was the
17 worst return we've ever seen and it was unrestricted
18 under State management.

19
20 So we are very thankful that the
21 protections provided to the people who live along the
22 Kuskokwim have been honored by the Federal Subsistence
23 Board. And we do feel that there has been a good
24 working relationship. It's not perfect. It probably
25 never will be, but it's not a perfect triangle in my
26 opinion of State, Tribal and Federal.

27
28 This delegation of authority, even the
29 revised version, is a good example of the deference
30 that's provided to the State. I really think that
31 under the circumstances that we're in now, although I
32 was raised a fisherman and I'm optimistic and I think
33 fishermen and farmers are clinically optimistic. We
34 have to be. But we also have to live in reality. The
35 prospect of having a run like we had in 1994 where we
36 saw over 250,000 chinook return, that is not really
37 within the universe of possibilities in my mind in the
38 near future.

39
40 So the Fish Commission is really asking
41 you to seriously consider helping us devise a process
42 where we are not in a tenuous or ambiguous state every
43 year. This year I do really want to thank our Refuge
44 Manager Ken Stahlnecker because this year we have come
45 so much further in preseason planning.

46
47 I know that he has worked very hard to
48 get the temporary request for special -- the temporary
49 special action in place so that we are assured that
50

1 there will be Federal management next summer. This is
2 the furthest we've ever been in the month of February
3 and we are very grateful to be in this position.

4
5 What we would like to do however is
6 really cement this and have a secured sense that we
7 will be at the table even when we're in good years,
8 that we will have a seat at management because we
9 really feel that our participation should not be
10 limited to crisis, to times of crisis, and
11 incorporating us in disseminating information only when
12 the stocks are really low. We should be at the table
13 when they're high to make sure that they stay high, the
14 returns and the escapement and subsistence harvest.

15
16 I want to ask Anna and Sky if I've
17 missed anything.

18
19 MS. CRARY: I think you nailed it. Are
20 there other specific comments that you want to give the
21 Board?

22
23 MS. PELTOLA: We did submit our
24 comments and I do apologize that we didn't have a cover
25 letter, but I do want to provide any context that may
26 be missing in our comments regarding the old delegation
27 letter and the newer version. I think the recurring
28 theme is that it is a very different world on the
29 Kuskokwim for us compared to 16 years ago. I've
30 highlighted those already.

31
32 We do want to work toward a unified
33 Federal, State and Tribal management system. Our river
34 is not just comprised of Federal land. We have a large
35 section of the river that is buttressed by State land
36 and we do feel that we are one unified river. We have
37 33 communities on our river and we work very hard and
38 we are successful at really managing for the whole
39 river, headwaters on down to the mouth.

40
41 Over and over, even in the revised
42 letter of delegation, there's a theme that the State is
43 the manager and we feel that the Fish Commission has a
44 lot to offer both management structures. As you know,
45 all of you are very well aware of how quickly our
46 public servants climb up their career ladder.

47
48 We're so thankful that the Refuge
49 Manager is here for the second consecutive season.

50

1 Previously, in five chinook seasons, we had five
2 different managers and it's very challenging moving
3 forward when you have new people that you're working
4 with and not only to working with the Fish Commission,
5 but in some cases brand new to the State and brand new
6 to the region.

7
8 I've spoken to a number of these. I
9 think I should defer to the Refuge Manager or allow
10 questions if you have any.

11
12 CHAIRMAN CHRISTIANSON: Thank you for
13 that presentation, Mary. Anybody here have a question
14 for the Inter-Tribal Fish Commission?

15
16 MR. SIEKANIEC: Yeah.

17
18 CHAIRMAN CHRISTIANSON: Greg.

19
20 MR. SIEKANIEC: Thank you, Mr. Chair.
21 Thank you, Mary, for your comments and your thoughts.
22 I go back a year when we asked you, as the Tribal Fish
23 Commission representative, and Ken and I believe we
24 even asked the State at the time to sort of go back and
25 try and work towards what you just described, kind of
26 this very unified approach.

27
28 You made a few comments about how you
29 feel good that we're starting it early this year, but I
30 guess I'm looking for more of a sense. Last year on
31 the report out it looked like the discussions and the
32 management themes and the agreements it worked fairly
33 well. I'm trying to get the sense.

34
35 Is that how you feel still that with
36 the start for this year and people are coming to the
37 table genuinely with the interest of how do we figure
38 this out in a consensus-based or unified approach or
39 whatever words we want to toss at that that you have an
40 opportunity to sort of have a season where that gets
41 affected again pretty darn well?

42
43 MS. PELTOLA: Through the Chair. Yes,
44 Mr. Stahlnecker, we do feel encouraged and we do feel
45 like it's a good partnership, but again it's not a
46 perfect triangle. We do not have the same level of
47 deference that the State does. Granted, we have not
48 been monitoring with this kind of precision since 1976,
49 but we do have a lot of other kinds of knowledge and
50

1 observations and forecasting techniques that are very
2 well received among subsistence users and come with a
3 lot of credibility.

4
5 I believe that because of the
6 participation and the deference that we've been granted
7 we do have a much higher buy-in rate from subsistence
8 users. In 2012 we had 55 fishermen protest fish who
9 were prosecuted. Some of them did jail time. In the
10 last three years working with the Fish Commission there
11 have been moments where I did wonder if people were
12 going to protest and we did not see active protests.

13
14 I think that that speaks volumes. When
15 you go from at the upper end 110,000 chinook harvested
16 on the Kuskokwim to 9,000 without any kind of protest,
17 this summer we had the most restrictive run we've ever
18 had. Our in-season managers meet with the Refuge on
19 Tuesdays and almost every week except for two without
20 exception we had to say, okay, we need to come back on
21 Friday because these numbers are so low that we do not
22 feel we will even meet the lower bound of the
23 escapement range if we harvest on this.

24
25 There were two chances to fish in the
26 month of June. June is traditionally the time that we
27 put up fish because the weather is good, it's windy,
28 it's clear, it's warm and it's perfect for trying fish.
29 The blue flies aren't out yet, so they're not laying
30 maggots in the fish. This year the run was very late.
31 The river was exceptionally low. Lower than any of us
32 had ever seen it before, so it was very warm. It was
33 68 degrees and obviously miserable for fish. All of
34 our species were holding out in the bay and not wanting
35 to push up.

36
37 The Bethel test fish numbers were lower
38 than they had ever been. It was in the single digits,
39 the catch per unit effort, well into June. Still, even
40 though there were only two 12-hour chances to fish in
41 the month of June, we did not have compliance issues.
42 There was a lot of anxiety, there was a lot of unrest
43 and unhappiness and stress, but we're very proud of the
44 fact that we were able to maintain a well-managed
45 fishery. Because of our efforts we did make the
46 escapement range and that's a huge thing.

47
48 It was at the cost of some harvest, but
49 we're working through a lot of these things and I just
50

1 can't stress enough how even a limited -- in a limited
2 way we're helping to co-manage, but that just carries
3 so much weight on the river that people feel like their
4 voices are being heard.

5
6 Again, it takes a lot of manpower and
7 time and energy to go through this process every year
8 and I do hope that you reevaluate FP17-05 submitted by
9 Lamont Albertson, my predecessor, last year because we
10 do want more stability and also greater assurance that
11 we will be invited to the table to help manage during
12 all regardless of run strength.

13
14 MS. CRARY: Through the Chair. If I
15 may just supplement Mary's comment. I think that Mary
16 has provided a tremendous report of what last season
17 looked like on the ground and I think it speaks to many
18 of the Board's concerns that were expressed during the
19 January 2017 meeting regarding phase two of the rollout
20 of the Kuskokwim project and the collaborative
21 management agreements that would help implement that
22 phase of the project.

23
24 To your question, Mr. Siekaniec, about
25 relationships, I think the answer is, yes, things are
26 good and things are getting better but it's largely due
27 to the MOU executed between the Fish Commission and
28 Fish and Wildlife Service. The force and effect of
29 that MOU in bringing the Commission to the table as
30 essentially a co-management partner and establishing
31 those methods of communication and conflict resolution
32 have been incredibly successful, I think. You've seen
33 that firsthand and I think that Mary would also agree.

34
35 This just shows us that when the
36 Commission is there at the table as an actual co-
37 management partner what we are able to accomplish. And
38 speaking to Mary's desire that that be the case at all
39 levels of abundance and not just in dire straits such
40 as has been illustrated by the returns these past few
41 years. There is nothing in ANILCA or in the law that
42 requires deference to the State essentially in these
43 circumstances. There's nothing that prohibits having
44 the Commission at the table as a co-management partner.
45 I think in fact ANILCA would support that.

46
47 I think as illustrated last year and as
48 illustrated by the progress that's been made this year,
49 as Mary said this is the furthest that we have ever
50

1 been in this ongoing project. It's a measure of good
2 policy, of good conservation policy, good subsistence
3 policy and good management policy to make sure that the
4 Commission stays an active partner. That's really the
5 thrust of the comments that the Commission is providing
6 to you today on your draft delegation of authority
7 letter.

8

9

Thank you.

10

11

MR. STARKEY: Do you mind if I take a
12 shot too at answering the question, Mr. Chair.

13

14

CHAIRMAN CHRISTIANSON: Go ahead.

15

16

17

MR. STARKEY: So I guess the way --
18 we'll never look at everything that's happening.
19 You've got proposals in front of you that have to do
20 with the same relationship that you're trying to define
21 in the letter of delegation. You've got an MOU that
22 was signed that is also trying to get at that
23 relationship.

23

24

25

26

27

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33

As I sit back and listen and look at
this, I start to wonder does this river need a letter
of delegation because the foundation of the letter of
delegation essentially is we're going to sit back,
we're going to keep our managers sitting back, we're
going to engage once we've got a reason to and there's
the delegation to act within these boundaries under
these regulations, but I think the vision of the river
and the future is not that you're delegated that
authority, but that it's status quo.

34

35

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43

There should be firm guidance in the
regulation that the priority for subsistence is going
to be implemented on the river in public lands pursuant
to a strategy like in the MOU, which incorporates the
government-to-government relationship with the tribes
that everybody here, all the agencies here recognize.
Department of Interior recognizes it, Department of
Agriculture, everybody recognizes that that
relationship is there.

44

45

46

47

48

49

That should be firmly fostered. It
should be firmly the policy of the Board. It should be
reflected in the regulations. It should be reflected
in the delegation if there even is a need for a
delegation letter.

50

1 I don't think what we're trying to say
2 is there's no role for the State at all. There is a
3 role for the State because unified management is the
4 best management for the people and for the river and
5 for the fish.

6
7 As you read between the lines on all
8 these things, really look at the regulations. You
9 know, there's a very specific regulation that you all
10 talked about where basically everything the State does
11 is adopted unless there's something that says it's not.
12 That doesn't carve out a very big role for anybody
13 else. That's a pretty broad statement. Is that really
14 where you want to be. Is that the policy that you want
15 to continue to adopt and foster as a Board.

16
17 I mean if you look at the chart that
18 Mary has presented and you look at 2002 when you
19 adopted that policy and you looked at the way the river
20 was managed, I mean it may not have been anybody's
21 fault, but it wasn't managed very well.

22
23 The partnership hasn't succeeded in
24 getting the harvest levels up to where they need to be,
25 but they're making a statement. There were several
26 years before that that they didn't, so this is working.
27 I guess what we're trying to say in all our comments
28 between the lines is we think it's time for --
29 we're not going backwards. We're not going back to a
30 place where the tribes are going to be sitting on side
31 and watching the fisheries managed. That's the past.
32 We need to move into the future.

33
34 So is the Board, who didn't sign the
35 MOU but definitely has a role -- in fact the
36 subcommittee charter has been before the Board. I mean
37 we don't know where that is. It hasn't been
38 implemented. It would be a way to start to unify
39 management.

40
41 Our message is it's time for the Board
42 to start adopting policies and regulations also which
43 are consistent with the MOA/MOU that actually start to
44 enhance and foster this system and to start very
45 seriously looking at it in the context of the letter of
46 delegation and a special action request in the
47 regulations that you're adopting if the Board agrees
48 that this is the future and there's a role for the
49 tribes not only to be sitting at the table, but to be

50

1 implementing management tools for their members and for
2 their villages like they did at the beginning of this
3 process when the tribes actually helped distribute the
4 very small amount of harvest that was allowed.

5
6 So I think that's our main message is,
7 you know, let's not get ahead, let's not set the cart
8 ahead of the horse and these delegation letters and
9 stuff seem to be adopting a system that is in the past
10 rather than looking towards the future.

11
12 MS. PELTOLA: May I add one more thing,
13 Mr. Chairman.

14
15 CHAIRMAN CHRISTIANSON: Yes.

16
17 MS. PELTOLA: I understand the need for
18 the Feds and the State to cooperate and get along and I
19 understand that there are people who are strong
20 advocates for State's rights, but you also have a trust
21 obligation to the tribal members on the river and
22 Federally-qualified users and I think that this
23 modified letter of delegation does not really
24 acknowledge that. I think it emphasizes the desire to
25 be in very close partnership in cooperation with the
26 State and we are very much in the shadows of that and
27 that is not a comfortable place to be.

28
29 CHAIRMAN CHRISTIANSON: I would just
30 like to add on this letter I know that was part of the
31 reason we had put it off until this meeting was to see
32 if some of the relationships we're starting to build on
33 the ground out there could come to fruition before we
34 delegated that authority. Just like everything in my
35 mind coming from a tribal background, they do take a
36 little bit of time.

37
38 Right now the delegation letter is the
39 tool that the Board has to help that on the ground
40 situation on the Kusko and seeing that partnership
41 grow. I was fortunate this year to go out there and
42 seeing firsthand what you're talking about, the people
43 buying into the management system and I just hope that
44 continues to grow in the right direction for the
45 Kuskokwim and the managers out there.

46
47 Again, as the Board here, we're trying
48 to do the best we can with the tools we have at this
49 moment to our disposal and just hope to continue to
50

1 help that relationship flourish. I know that it would
2 be my wish that that is how it is, that we have on the
3 ground sovereign nations viewed on the same playing
4 field as everybody else with a relationship to the fish
5 and to the river.

6
7 Again, I think the Board has done what
8 it can within its power at this time to help support
9 what's happening out there and we will continue to do
10 that, I believe. If there's a stronger tool, let's
11 figure out what it is and let's exercise that and I'm
12 glad that you guys are here to present a position and
13 help us try to find another way to keep elevating this
14 very serious issue. I mean fish is a highly important
15 species for all of us and continually hope to see that
16 out there and again be at the table every year in
17 strong and weak runs.

18
19 Again, thank you guys for your
20 presentation.

21
22 If there's any other questions here. I
23 think I seen Bert's hand up.

24
25 MR. FROST: Just a quick point of
26 clarification. Who is the signators on the MOU/MOA?

27
28 MS. PELTOLA: U.S. Fish and Wildlife
29 Service and the Kuskokwim River Inter-Tribal Fish
30 Commission.

31
32 MR. FROST: So just two?

33
34 MS. PELTOLA: Yes.

35
36 MR. POLACCA: And BIA.

37
38 MS. PELTOLA: Thank you for that
39 clarification, Lynn. BIA as well.

40
41 MR. POLACCA: I guess one of the things
42 -- you know, going back to when this MOU was first
43 created and all that, it was really created out of a
44 need and all that to try to address really what was
45 going on, that relationship between the tribes out
46 there and then also the Refuge, our Federal partners
47 that are out there and the State.

48
49 I guess one of the things that we've
50

1 got to go back to, I really want to encourage you guys
2 to continue on with that. It does give you at least an
3 opportunity to be able to voice your concerns and try
4 to address some of the issues, but I do want to remind
5 on the Federal side that consultation is very critical
6 and very important and also the communication.

7
8 The decisions that are being made out
9 there, whether a special action, we make decisions,
10 adding language to gear types and all that, but it goes
11 back to having an understanding of how it's affecting
12 the people that are actually out there.

13
14 That's really the critical thing is
15 listening to the voices of the people that are out
16 there, the tribes that are out there and taking that
17 viewpoint. We should look at it, as Greg said, as a
18 basket of tools. Within our authority and all that we
19 have different ways of adding language into regulations
20 and special actions, things like that.

21
22 Also we have to be reminded that the
23 people that are out there are those baskets of tools,
24 the knowledge that they possess and all that. You guys
25 are out there in the forefront and I want to encourage
26 you to continue on with that consultation and all and
27 try to meet with people and talk to them and get the
28 word out.

29
30 I know that's what makes it a lot more
31 easier especially when we're faced with such difficult
32 times as was last year. I think a lot of the way that
33 things transpired there was a lot of upset people and
34 all, but you guys were able to keep that down. People
35 were unhappy, but it wasn't out of control and I think
36 that kind of goes back to your interaction as a
37 Commission and all that.

38
39 CHAIRMAN CHRISTIANSON: Thank you,
40 Lynn. I know, myself, after I went down to the river
41 and seen how they utilized the very little fish they
42 got I went home with a new and better understanding of
43 how to appreciate the resource in which area I come
44 from.

45
46 I mean it was an eye opener and the
47 willingness of the people to sit on the sideline and do
48 what was best for the resource and honor, because
49 that's our tradition, our word basically to do our best
50

1 to make sure resources are going to be available for
2 the next generation.

3
4 That was the feeling I got sitting in a
5 circle with an elder on the Commission and really
6 valued that moment in time and thank you guys very much
7 for that insight to what it is you have on the river
8 and the value you place on that resource.

9
10 It was again a good reminder for me
11 what our mission is here, to provide food for the
12 people on the land. You are the tool in the box that's
13 the most important. So really appreciate your work.

14
15 If there's no more questions for Mary
16 and them, I'd like to hear from Ken.

17
18 MR. STAHLNECKER: Thank you, Mr. Chair.
19 Members of the Board. My name is Ken Stahlnecker. I'm
20 the Refuge Manager for Yukon-Delta National Wildlife
21 Refuge. As such, the in-season manager for the public
22 waters of the Kuskokwim River.

23
24 I'll just make a couple of comments
25 related to the comments from the Fish Commission and
26 then I'll focus the rest of my discussion on the topic
27 of the scope of delegation. From my perspective, when
28 I lay the previous delegation of authority letter down
29 next to the new delegation of authority letter, the
30 striking changes to me were actually an expansion of
31 the intent, if you will, to include members like the
32 Inter-Tribal Fish Commission and the Kuskokwim River
33 Inter-Tribal Fish Commission.

34
35 I saw that as more of a step forward
36 towards solving the issues that we talked about last
37 year through the Partnership Program was to actually
38 include them more regularly. Just from my perspective
39 again moving into the future, whether we're under a
40 situation where we're looking at the need for Federal
41 management or State management, it would certainly
42 still be my intent, and everything I've understood from
43 the State is their intent as well that we move forward
44 even in those years as a partnership with three
45 members.

46
47 The next comments relate to the scope
48 of delegation, the topic that you all were discussing
49 previously. I'll start with thanking Jennifer Hardin
50

1 for her description, her explanation of my comments.
2 I'll start again with just another description of the
3 situation, but I sense that I don't need to do that
4 because I sense that folks really understood what the
5 issue was and it's still hard for me to get my head
6 around, so I applaud you for that.

7
8 The situation, as Greg said, we're
9 looking for kind of a full suite of tools in the
10 toolbox. The situation that presents itself has in the
11 past and will in the future is in a situation where
12 we're managing a mixed stock fishery where perhaps you
13 have one species like chinook salmon that we have a
14 conservation concern for. So as a Federal in-season
15 manager I may initiate a closure of the chinook fishery
16 to all but Federally qualified users.

17
18 Since the other species chum and
19 sockeye are not included in that closure and there's no
20 need to, it is possible that without a companion
21 closure from the State that, say, closes the entire
22 river to gillnets you could have folks participating in
23 a chum and sockeye fishery with gillnets incidently
24 harvesting chinook salmon participating as State users.
25 With my limited authority I can't influence that unless
26 I were able to initiate a closure to gillnets that
27 would apply to not only Federally qualified users but
28 those State users as well.

29
30 Now that has happened in the past.
31 Fortunately last year during 2017 -- again, we were
32 encouraged to go back and try to solve this issue
33 amongst ourselves and the State, our partners, kept a
34 gillnet closure in place throughout last season. So
35 the need for me to exercise an authority where I closed
36 the State users use of gillnets wasn't necessary.

37
38 It would be my hope that never in the
39 future would I need to do that, but in the event that
40 the State chose not to initiate or implement and
41 continue a gillnet closure in that situation, I guess
42 what I'm looking for is the authority through the Board
43 to be able to use that on a very limited measure or in
44 very limited times.

45
46 Again, Jennifer pointed out the
47 possibility of 50 CFR 36. I think our solicitor
48 mentioned that probably doesn't apply to the Federal
49 waters of the Kuskokwim, so that may not be a viable
50

1 solution to this. Again, just looking to try to
2 complete that suite of tools. Hopefully never have to
3 actually use it, but in that odd event that we would I
4 think it would be a useful tool to have.

5
6 CHAIRMAN CHRISTIANSON: Thank you, Ken.

7
8 Question. Greg.

9
10 MR. SIEKANIEC: Thank you, Mr. Chair.
11 Thanks, Ken. A different question I guess than maybe I
12 asked Mary, but it's sort of this year, the
13 relationships and the discussions, everybody is coming
14 to the table and you already have some dates that
15 you're talking about, you already have a run forecast
16 that you're thinking about, you have a special action
17 that you've already put together.

18
19 Are you getting the sense that you have
20 great involvement with all the parties that need to be
21 there and you have confidence that this is going to be
22 a year where you going to be at the table and having
23 the discussions that you need to have prior to the
24 season in order to implement as best you can
25 under these circumstances, a unified or cooperative
26 management, a collaborative management as you can?

27
28 MR. STAHLNECKER: Yes, I do feel that
29 way.

30
31 MR. SIEKANIEC: Thank you, Ken. And
32 thank you Mary, Anna and Sky as well for your thoughts
33 and presentation.

34
35 CHAIRMAN CHRISTIANSON: Rhonda.

36
37 MS. PITKA: Okay. So I think that
38 maybe I may have been a little bit confused about why I
39 guess an emergency special action wouldn't have been
40 able to work in that situation or if the MOU
41 is working, then the State, the Federal government and
42 the Fish Commission would not be on the same page on
43 those things. So I feel sort of hesitant to delegate
44 that particular authority because it is a large
45 authority to delegate and I take that very seriously.

46
47 I'm from the Yukon River and we have
48 had several, several years of no fishing on our river
49 at all. I think I take it very seriously when you say
50

1 things like that, like it will be a tool in your
2 toolbox, when there may be another way to do it.

3

4 CHAIRMAN CHRISTIANSON: Go ahead.

5

6 MR. PELTOLA: Mr. Chair, if I may.
7 Rhonda asked a question earlier. I responded based on
8 information provided by staff and then we had a follow-
9 up question by Board Member Siekaniec with follow up by
10 the solicitor. The way things played out I felt that
11 some people may feel that OSM had misled the Board, but
12 I wanted to get clarification on our comments.

13

14 If you read 50 CFR 36.42, it doesn't
15 talk about lands. It talks about the ability of the
16 Refuge Manager to close an area or restrict an activity
17 on an emergency, temporary or permanent basis. Part of
18 the guiding factors for the Refuge Manager are to take
19 into account public health and safety, resource
20 protection, protection of cultural or scientific
21 values, subsistence uses, endangered or threatened
22 species conservation and other management
23 considerations necessary to ensure the activity or area
24 is being managed compatible with the purpose of the
25 Refuge.

26

27 We go further down with regard to
28 emergency closures and restrictions aspect of it.
29 There are specific steps that have to be taken and one
30 of the potential closures is a motorboat closure or
31 restriction, which would imply management authority on
32 waters. So it does not mention lands. It mentions a
33 specific area and it mentions specific activities.

34

35 I just want to clarify that it may be
36 an appropriate tool for consideration to take and it
37 may not be necessary of keeping Refuge admin versus
38 Title VIII apart because the key factors are in there
39 to consider and this is a significant step to be
40 considered by the Board. It's not lands. It's
41 activity area, addressing subsistence and implies
42 management on water bodies.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN CHRISTIANSON: I'll go with
47 Bert and then Mary.

48

49 MR. FROST: Just another point of

50

1 clarification. A special action has been mentioned a
2 couple of times and, Greg, you just mentioned that
3 there's sort of one in the works ready to go. I assume
4 that's one of the tools. Can you sort of tell us about
5 what that special action is and what it would do and
6 what it wouldn't do in relation to what we've been
7 talking about.

8
9 MR. STAHLNECKER: Through the Chair,
10 Board Member Frost. The temporary special action that
11 is currently in play, it's being analyzed by the Office
12 of Subsistence Management and will come before this
13 Board in April, would seek a closure of the chinook
14 fishery to all but Federally-qualified users beginning
15 June 12th. That does not get to the level of
16 specifying gear type in it.

17
18 I think the more appropriate time to
19 need to use the gear type would be mostly in an
20 emergency situation, which again is why we're kind of
21 raising it in the context of this delegation of
22 authority. I've thought of the delegation of authority
23 to initiate emergency special actions, but not to the
24 extent where they begin to affect the gear type used by
25 anybody other than a Federally qualified user.

26
27 Again, it gets really complicated.

28
29 Did that answer your question, Bert?

30
31 MR. FROST: It answered my question.
32 Yeah, it's complicated. So let me just follow up.
33 Could a gear type proposal be part of that special
34 action as opposed to a delegation of authority? Could
35 a gear type restriction be part of that to sort of help
36 Rhonda have a better -- ease her pain over her
37 concerns?

38
39 MR. STAHLNECKER: Through the Chair. I
40 believe it could. Again, that would come before the
41 board and the Board would then be exercising that
42 decision.

43
44 MR. FROST: Right. Right.

45
46 CHAIRMAN CHRISTIANSON: So that would
47 happen under our special action, that we would have to
48 include the language of specific gear type in the event
49 of a closure.

50

1 MR. STAHLNECKER: Correct.

2

3 CHAIRMAN CHRISTIANSON: Then we'd have
4 to -- so maybe that might be something to consider as
5 we develop that special action that's on the plate that
6 maybe one of the proposals has that gear type listed.

7

8 MR. STAHLNECKER: Okay.

9

10 MR. BROWER: Mr. Chair.

11

12 CHAIRMAN CHRISTIANSON: Charlie.

13

14 MR. BROWER: I mean why go through the
15 problem of giving a gear type where maybe the option
16 might be one? Why go through the problem of making so
17 many special actions where you might come up with one
18 solution and one gear type for all. You don't have to
19 go back and forth and have that animosity between I
20 want this type for one fish, one type for the other,
21 where you can have one type only.

22

23 MR. STAHLNECKER: I'm not sure how to
24 answer that. The situation is more a situation of --
25 in order to best protect the chinook, we need to make
26 sure that there is not an ability for somebody to go
27 out using specifically gillnets to fish for chum and
28 sockeye and incidently catch a lot of chinook. So
29 really it comes down to being able to limit the use of
30 gillnets by other participants of the fishery other
31 than Federally qualified users.

32

33 I don't know if that helps, Mr. Brower.

34

35 MR. BROWER: I'm trying to digest what
36 you said.

37

38 CHAIRMAN CHRISTIANSON: Go ahead, Mary.

39

40 MS. PELTOLA: Thank you, Mr. Chair. My
41 comment was not to the gear type conversation. It was
42 not on that point. The comment that I wanted to make
43 sure that I let you know is that the Fish Commission
44 does support the Refuge Manager's request for temporary
45 special action and we are very appreciative that it has
46 been done this early in the season to give us that --
47 you know, to help us plan and help us communicate with
48 people who live along the river.

49

50

1 CHAIRMAN CHRISTIANSON: I guess maybe
2 to answer what Charles is looking at getting at is the
3 true issue we're looking at is that that delegation
4 includes the ability to limit other fishermen other
5 than the qualified subsistence users in a time when the
6 run is not adequate to serve everybody's needs.

7
8 So I think what we're looking at in
9 this delegation letter is specifically that he has the
10 authority to limit gear types in other fisheries that
11 we don't have management authority over. That's the
12 gist of the letter. That's what I think we're looking
13 at, giving the strength to the Refuge Manager here
14 underlying all of the partnerships, forecasted runs,
15 gear types, is that authority to limit people who are
16 currently under another management system, correct?

17
18 MR. STAHLNECKER: Yes, Mr. Chair,
19 that's correct. Again, the intent would be to only
20 exercise it on very, very limited, as needed, which
21 hopefully, as I mentioned, wouldn't ever raise its --
22 you know, even the need to do it. Just in that event.

23
24 CHAIRMAN CHRISTIANSON: Gene.

25
26 MR. PELTOLA: Mr. Chair, if I may. I
27 was taking notes and summarizing here. First off, if
28 you look on the agenda, this is not necessarily an
29 action item for the Board. We are asked to send the
30 delegation letter out to specific entities for a
31 review. What is required for the delegation of
32 authority letter to be implemented is that it be
33 reviewed, prepared, sent to Tony for signature. So
34 it's not an action item for the Board, although it
35 would be very appropriate for the Board to put in, as
36 you are, deliberate and provide comments to that.

37
38 Secondly, the discussion has evolved in
39 two different directions now. One is potentially to
40 expand the delegation of authority beyond emergency to
41 temporary action. That's the first thing. The second
42 thing is explicit ability to restrict a gear type for
43 the non-Federally qualified user on the Kuskokwim due
44 to concerns of a single species of concern.

45
46 Currently there are potentially two
47 ways to get to that. One is that the Board can expand
48 that authority via delegation although due to
49 administrative history that has been a very high bar.

50

1 Second, there's most likely applicability of 50 CFR 36
2 to go that direction and be a Refuge regulation because
3 those may be very well applicable to waters, areas and
4 activities.

5
6 And then the significance of those two
7 is that when we sent these delegation letters out for
8 review the expansion to a potential temporary ability
9 and the expanded delegation to limit either of those
10 two avenues, limit the gear type for a non-Federally
11 qualified user was not addressed by the Regional
12 Advisory Councils. They commented on the existing
13 delegation letters and the areas that the Federal
14 Subsistence Board has purview over.

15
16 A lot of the delegation letter is under
17 the Secretarial regulation, but under those areas where
18 you as a Board have authority that's where it is
19 identified. So there are two potential expansions that
20 have not been reviewed by the Regional Advisory
21 Councils.

22
23 Thirdly, based on the presentation by
24 the members of the Kuskokwim Inter-Tribal Fish
25 Commission, I was asked by Staff to clarify because
26 some Staff heard that was there explicit request by the
27 Inter-Tribal Fish Commission to have the Federal
28 Subsistence Board revisit and act upon the 17-05
29 request from over a year ago.

30
31 Those are my three comments for
32 clarification.

33
34 CHAIRMAN CHRISTIANSON: Greg.

35
36 MR. SIEKANIEC: Thank you, Mr. Chair.
37 Gene, thanks. I think I followed what you were saying.
38 You said you've got two options that you see from a
39 delegation standpoint. I think I want to back up and
40 say there's a third option here, but it's not a
41 delegation. It's retaining the Board's authority to
42 act if needed under an emergency consideration when Ken
43 runs into that potential situation where he feels the
44 need to restrict gear is important for maintaining the
45 opportunity for subsistence on the river.

46
47 I think I'm at a place right now where
48 what I would like to see is -- this partnership worked
49 well last year. It sounds like it's got all the
50

1 makings of having a good start this year to continue
2 on. I know we've recently had more discussions with
3 the State. The State seems to be pretty keen on being
4 at the table. Sky, you're nodding your head. I
5 appreciate that.

6
7 I think I would like at this point to
8 recommend that we do not as a Board take action on that
9 in any way. We just recognize though that it is our
10 responsibility if this situation develops to be brought
11 into this discussion as an emergency action so that
12 we're ready to respond quickly and provide Ken and the
13 Commission likely -- I can't imagine that request would
14 come in without the Commission being side by side to be
15 honest -- that we're ready to do that and we sort of
16 approach it that way.

17
18 We retain that authority here as the
19 Board. I don't think this again goes back to needing
20 to use 50 CFR 36 as a management tool This is a
21 subsistence matter, Title VIII, and I think we should
22 live within that consideration.

23
24 Thank you, Mr. Chair.

25
26 CHAIRMAN CHRISTIANSON: Thank you,
27 Greg.

28
29 Any other discussion here. Karen.

30
31 MS. MOURITSEN: I think I can agree
32 with Greg that we should do that if we, as the Board,
33 could commit to addressing this very quickly. I want
34 to applaud the Refuge Manager and the Commission for
35 working very proactively to try to find a way to
36 address a problem that might arise. And so I applaud
37 the proactiveness.

38
39 I guess I can agree with Greg that
40 given the discussion about it and it hadn't been done
41 very often maybe we should let you all see if you can
42 keep making this partnership work, but that we commit
43 to just jumping on this if we need to really quickly,
44 but I applaud the thought of how you put this together.

45
46 CHAIRMAN CHRISTIANSON: Ken.

47
48 MR. LORD: I thought I'd jump in and
49 share a few perspectives. When the original letter of
50

1 delegation was written, the tool on the Kuskokwim to
2 make escapement while trying to get fish upriver for
3 the upriver people and trying to meet our needs, it was
4 simply opening and closing. It was windowed openings
5 and closings.

6
7 We've moved away from that paradigm
8 now. The situation is very different there. We now
9 have the Fish Commission. We've got a regulation that
10 clarifies that we have the authority
11 to restrict non-subsistence uses. We didn't have that
12 until 2012 or so. And we're now at a place where we're
13 using 804 analyses instead of those windowed openings
14 to try and strike that proper balance.

15
16 So we're at a place now where instead
17 of that blunt instrument of openings and closings we're
18 going to need more in the way of a few scalpels in our
19 tool belt. So for the Board it's just a question of
20 whether you want to retain those scalpels or whether
21 you want to give those to Ken.

22
23 CHAIRMAN CHRISTIANSON: Rhonda.

24
25 MS. PITKA: I was just going to say I
26 thought that we only had two action items and that was
27 whether the report was due in March or June 1st.

28
29 MS. MOURITSEN: I'm the one who
30 started.

31
32 MS. PITKA: Okay.

33
34 CHAIRMAN CHRISTIANSON: Sorry, Rhonda.
35 What I think we're doing is.....

36
37 MS. PITKA: Having a discussion
38 before.....

39
40 MR. SIEKANIEC: Kicking a dead horse.

41
42 CHAIRMAN CHRISTIANSON: Yeah, we're
43 kicking a dead horse here, thank you.

44
45 (Laughter)

46
47 CHAIRMAN CHRISTIANSON: But at the same
48 time we're trying to, I guess, reinforce a real
49 partnership I've seen on the ground out there that it
50

1 worked last year, worked this year. Again, OSM creates
2 delegation letters and I sign them. This one had some
3 things in it that we felt we wanted to see mature and
4 bring it to this for an open discussion.

5
6 I mean as far as I know it is a
7 critical species and things could be good, could be bad
8 and so here we are having a pretty frank, good
9 discussion to try to get us all on the same page.
10 Recognizing things are happening way sooner this year.
11 Potential issues may arise. What do we do when those
12 happen.

13
14 That's what this delegation letter kind
15 of spells out, whether we want to retain that authority
16 or we want to try to put it to the partnership and let
17 them exercise those and then apply to us for that
18 special or temporary. That's up to the Board's wishes
19 here. I think we're just kind of, like we said, going
20 around and around here.

21
22 My feeling would be to issue a
23 delegation of authority letter to the Refuge Manager
24 and stand by ready to assist if there is a situation on
25 the ground that we see needs our direct attention and
26 that's what we have email and teleconference for.

27
28 MR. PELTOLA: Mr. Chair, if I may. The
29 majority of our fisheries delegation letters were
30 actually reviewed earlier, more than a year ago, is
31 based on the Board's actions with regard to the
32 Regional Proposal 17-05, which was submitted during the
33 last fisheries round where the Board chose to take two
34 specific delegation letters out, send those out for
35 further review by the Inter-Tribal Fish Commission
36 Working Group and such and that action has occurred.

37
38 Now in order for -- and Greg and I were
39 having a side discussion. In order to implement the
40 delegation of authority letter which has gone through
41 that process, we finalize a draft, give it to Tony for
42 his signature and the delegation of authority letter is
43 complete.

44
45 MS. PITKA: With the two dates,
46 correct?

47
48 CHAIRMAN CHRISTIANSON: Yeah, the dates
49 for pre-season management planning and the report back.
50

1 I think we're getting a pretty good report back here,
2 so we appreciate that.

3
4 MS. PELTOLA: I have a question, Mr.
5 Chairman.

6
7 CHAIRMAN CHRISTIANSON: Mary.

8
9 MS. PELTOLA: Would you be
10 incorporating aspects of what we have brought forward
11 as a Fish Commission to this new delegation of
12 authority letter?

13
14 CHAIRMAN CHRISTIANSON: Do you have
15 specific aspects that you're speaking to?

16
17 MS. PELTOLA: All of our comments that
18 we submitted.

19
20 MR. PELTOLA: Mr. Chair, if I may.

21
22 MS. PELTOLA: We can provide specific
23 edits as well.

24
25 MR. PELTOLA: We did send them out for
26 comment and review based on -- we have had a draft, if
27 I understand correctly, within the booklet that
28 addresses what we felt we could provide for. There are
29 some aspects of the delegation of authority letter --
30 like the Yukon Delta Refuge made recommendations for
31 different segments of the delegation which are not
32 under the purview of the Board.

33
34 Now based on the comments we may not be
35 able to provide inclusion on each and every individual
36 entity's comments, but we try to incorporate those that
37 we feel are applicable within the authority of the
38 program in the delegation letter. I apologize for a
39 bureaucratic response.

40
41 (Laughter)

42
43 MS. PELTOLA: If I might, I just want
44 to reiterate that we feel strongly that the Fish
45 Commission should be referenced as a partner. The
46 working group has a different standing than we do.
47 They have a different kind of deference that's provided
48 to their advice by the State. We are not on par with
49 the working group.

50

1 There was something else. We can
2 provide specific edits within a very short window of
3 time, a couple days. The other thing I wanted to
4 mention is we would like for our memorandum of
5 understanding with the Federal Fish and Wildlife
6 Service to be referenced and taken into consideration
7 as well in this delegation of authority and resolution
8 models for resolving conflict.

9
10 That's what I just wanted to emphasize.

11
12 Thank you.

13
14 CHAIRMAN CHRISTIANSON: Thank you,
15 Mary. We're taking a look at that now. I was just
16 trying to look through the letter and see what
17 specifics were mentioned because I do see that the
18 Commission is mentioned in the letter a few places as
19 far as notification and prior. Again, I think we have
20 a budding relationship and I'm not too sure if this
21 letter is where we spell out the specifics of that or
22 not. I guess I would have to depend on the Staff. I'm
23 not that professional about what we can and can't put
24 into each letter, but again, like Gene stated, I think
25 he's looked at what is applicable to put into that
26 delegation letter and then we may have to look at what
27 that MOU or MOA is between the people on the ground and
28 maybe spell out some of those criteria that you're
29 looking for in an annual -- or whatever relationship
30 basis you have. So I'm not sure if the delegation
31 letter is the appropriate place or not. I'm not saying
32 it is or isn't, I'm just saying for the sake of process
33 let's get the delegation letter out and then let's find
34 a way to incorporate all the feedback that you're
35 giving us and then maybe we take this in another
36 direction as far as strengthening what it is happening
37 maybe getting some type of commitments on the ground or
38 understandings and go from there.

39
40 That's just a recommendation.

41
42 MR. PELTOLA: Mr. Chair, if I may. I
43 was given the draft and I think it's in the Board book
44 provided to our Board members, but for example is
45 you'll immediately notify the Board through the
46 Assistant Regional Director for the Office of
47 Subsistence Management and coordinate with the Chair or
48 alternate of the affected Councils, the Kuskokwim River
49 Inter-Tribal Fish Commission, local ADF&G managers and
50

1 other affected Federal conservation unit managers
2 concerning emergency special actions being considered.

3
4 In trying to differentiate between the
5 two entities, I think in -- and I can't speak to the
6 intent the way it was written, but to recognize the MOU
7 between the Fish and Wildlife Service versus the
8 relationship between the Federal Program and the
9 Kuskokwim River Salmon Management Working Group. It
10 says, the Kuskokwim River Salmon Management Working
11 Group will be notified of actions and decisions
12 whenever possible.

13
14 So there's an example of how things may
15 reflect -- although the MOU is specifically between the
16 Fish and Wildlife Service and the Inter-Tribal Fish
17 Commission, that is how I believe the authors of the
18 draft for Tony's consideration have tried to
19 incorporate that.

20
21 As for conflict resolution, since the
22 MOU is specifically with the Fish and Wildlife Service
23 and not necessarily the Federal Subsistence Board or
24 the Federal Subsistence Program, I might recommend that
25 the conflict resolution portion of the MOU be expanded
26 upon as opposed to the delegation of authority.

27
28 Thank you, Mr. Chair.

29
30 CHAIRMAN CHRISTIANSON: Thank you.

31
32 Any other discussion here, questions.

33
34 Rhonda.

35
36 MS. PITKA: I agree with what Gene
37 said. So did you mean mid-March and June 1st?

38
39 (Laughter)

40
41 CHAIRMAN CHRISTIANSON: Does mid-March
42 and June 1st work for you guys?

43
44 MR. SIEKANIEC: So be it.

45
46 CHAIRMAN CHRISTIANSON: March 15th and
47 June 1st to be inserted. Thank you, Rhonda, for your
48 specifics.

49
50

1 MR. SIEKANIEC: Persistence.

2
3 CHAIRMAN CHRISTIANSON: Thank you guys
4 for your presentation. Truly appreciate you guys
5 taking the time to share with us.

6
7 MR. PELTOLA: Mr. Chair, if I may.
8 There's still one item specific to the Kuskokwim River
9 Inter-Tribal Fish Commission and the Partnership
10 Project, whatever phase we're in. Staff wanted me to
11 ask for a clarification. Has the Kuskokwim River
12 Inter-Tribal Fish Commission specifically requested
13 that the Federal Subsistence Board take up action on
14 17-05?

15
16 Because the deferral, when the Board
17 addressed it a year ago January, was to let the process
18 play out or at any time that you deem that you want to
19 request this board -- there was commencement from this
20 body to revisit that and take action on it and some OSM
21 Staff felt that that was contained within your
22 presentation, that you wanted this body to take action
23 on 17-05.

24
25 MS. CRARY: Through the Chair. We're
26 not requesting that that proposal be acted on at this
27 time. We do understand that it's either January 2019
28 or if we make a request and we will either wait or we
29 will make a request.

30
31 Thank you.

32
33 MR. PELTOLA: If I may, Mr. Chair.
34 Part of the Staff thought that maybe it contained and
35 that's why we wanted to have clarification, like you
36 said, at any time or during the next fisheries
37 regulatory cycle, which is coming up.

38
39 CHAIRMAN CHRISTIANSON: Thank you.
40 Thank you, guys. Really appreciate that dialogue.
41 We'll take a 10-minute break. We'll vote on the dates
42 when we come back. We need a 10-minute break.
43 Everybody stand up, shake it out.

44
45 (Off record)

46
47 (On record)

48
49 CHAIRMAN CHRISTIANSON: Back to order.

50

1 Get the Chairman in order. Thank you, guys. Sorry for
2 the deliriousness. When we left we took a few minute
3 break here, we had some order of business here, so I'll
4 see if we can entertain a motion to insert.

5
6 MR. SIEKANIEC: Thank you, Mr.
7 Chairman. I understand that as far as the dates go,
8 Rhonda, we actually do need a motion. So I'm more than
9 willing to describe that unless you would like to.

10
11 MS. PITKA: I'll make a motion to
12 insert March 15th and June 1st into the letter of
13 delegation.

14
15 MR. BROWER: So moved. I mean second.

16
17 CHAIRMAN CHRISTIANSON: There's a
18 motion made and seconded to insert the dates of March
19 15th and June 1st into the delegation letter for the
20 Refuge Manager for YK.

21
22 MR. PELTOLA: Mr. Chair. For
23 clarification, that's for the convening date of March
24 15th and a reporting date of June 1st.

25
26 CHAIRMAN CHRISTIANSON: All in favor
27 signify by saying aye.

28
29 IN UNISON: Aye.

30
31 CHAIRMAN CHRISTIANSON: Opposed same
32 sign.

33
34 (No opposing votes)

35
36 CHAIRMAN CHRISTIANSON: Thank you. Now
37 we'll take Scott.

38
39 MR. AYERS: Thank you, Mr. Chair. Now
40 that we've wrapped up the initial letter that we were
41 discussing for the Kuskokwim area, the last letter for
42 your consideration today is the Cook Inlet area letter.

43
44
45 In your binders on Tab 2, Page 23,
46 you'll find the original 2002 Cook Inlet delegation
47 letter. This was the last revision to this letter for
48 the area until the revision we'll be discussing today.
49 The newly revised draft Cook Inlet letter starts on

50

1 Page 9 of Tab 2.

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The revised letter has the same administrative changes that you approved to all of the fisheries delegation letters during the July 2017 work session and there have been no additional changes made to this letter since then.

However, as part of the litigation settlement between the Ninilchik Traditional Council and the Federal Subsistence Board, the Departments of Interior and Agriculture and the U.S. Fish and Wildlife Service, the parties agree to, among other things, a review of the 2002 letter and any proposed revisions.

As stated in item number 3 of the commitment statement, the Board will engage in a further review of the Board's May 3rd, 2002 letter, which delegated authority from the Board to the Fish and Wildlife Service in-season manager to issue special actions in certain circumstances on Federally managed waters in the Cook Inlet Region, which includes the Kenai Peninsula.

The board will review the delegation letter's consistency with the Board's policy on providing tribal consultation when practical and with current conservation and subsistence fishing issues on the Kenai Peninsula.

As part of that review process, the Board will provide the Ninilchik Traditional Council with any revisions it may propose to the delegation letter with the understanding that the Ninilchik Traditional Council will provide any comments on the delegation letter and any proposed revisions by the Board within 30 days of receipt.

After receiving the Ninilchik Traditional Council's comments, the Board will send the delegation letter to the Southcentral Subsistence Regional Advisory Council for further review and consideration of any public comments proffered at the Council's meeting. The Board intends to complete its reconsideration process no later than the end of 2017. Obviously we've passed that date, but we're working on it here.

OSM Staff provided the Ninilchik

1 Traditional Council with copies of the 2002 letter and
2 the updated draft letter for their review asking them
3 to keep their comments to the highlighted scope of
4 delegation section. The Ninilchik Traditional Council
5 provided comment back to OSM, which are on Pages 14 and
6 15 of Tab 2 in your binder.

7
8 If it pleases the Board and with prior
9 approval from the Ninilchik Traditional Council, I'd
10 like to summarize their comments and suggestion
11 provided in their letter.

12
13 Okay. The Ninilchik Traditional
14 Council states that the current draft letter of
15 delegated authority fails to identify or establish a
16 clear framework for how in-season decisions are made
17 and, as such, confounds the spirit of the agreement.
18 Specific thresholds should be identified that would
19 trigger an in-season management decision to restrict or
20 close take.

21
22 Specific language should be added
23 stipulating that subsistence uses of a resource will
24 not be restricted until after all other non-subsistence
25 uses of that resource are restricted. Opportunity to
26 harvest resource by subsistence users should not be
27 restricted if that harvest is either negligible or
28 zero. Any closures of subsistence fisheries needs to
29 be based upon current subsistence harvest data.

30
31 The current draft letter references
32 specific terms such as current biological information
33 without providing definitions. These should be added.

34
35 Lastly, the Ninilchik Traditional
36 Council requested tribal consultation to further
37 discuss revisions that would include a framework for
38 in-season decision-making. Obviously that's going to
39 be separate from what's going on here today.

40
41 OSM then provided the Southcentral
42 Council with the letter and NTC's comments. The
43 Council took up the topic during their recent fall
44 meeting in Homer and their comments are located on Page
45 16 of Tab 2 in your binders. During a brief discussion
46 one Council member asked staff whether consultation or
47 communication with the Council or Council Chair was
48 included in the letter.

49
50

1 Another Council member asked staff for
2 clarification on what constituted non-subsistence
3 fishing in Federal Public waters of Cook Inlet. There
4 were no further comments provided on the draft letter.
5

6 At this point it's time for you to
7 discuss the draft delegation of authority letter for
8 the Cook Inlet area and decide whether you want to take
9 action on any of the comments provided by the Ninilchik
10 Traditional Council or support the revised letter as
11 it's currently written.
12

13 As a reminder, the litigation
14 settlement agreement between the parties states that
15 any decisions by the Board with respect to the
16 delegation letter following this reconsideration
17 process, including a decision not to change any aspects
18 of the current letter shall not be grounds for breach
19 of the agreement.
20

21 CHAIRMAN CHRISTIANSON: Shall not be?
22

23 MR. AYERS: Shall not be grounds.
24

25 That's my presentation.
26

27 CHAIRMAN CHRISTIANSON: Thank you,
28 Scott.
29

30 Any questions for Scott from the Board.
31

32 Bert.
33

34 MR. FROST: Point of clarification and
35 this is sort of the same question I think we brought up
36 during the last discussion. So we get these comments
37 back, but not everybody else has seen the comments, and
38 so it would be similar to the comments of the Fish
39 Commission, asking them to be incorporated in the
40 delegation letter. I don't know if this is the right
41 term, but after the fact or sort of out of sequence
42 without sort of full vetting of everybody else.
43

44 Is there a procedure or is there a
45 precedent where we would consider, you know, comments
46 either from Ninilchik or the Fish Commission to insert
47 into the delegation letters? I mean is there
48 precedent, have we done that in the past or has the
49 time passed and we just need to sort of deal with what
50

1 is in front of us and these issues should be brought
2 forward the next time for the delegation letter to be
3 revised again? I don't know.

4
5 MR. PELTOLA: Mr. Chair, if I may. Oh,
6 go ahead, Ken. I'll follow you.

7
8 CHAIRMAN CHRISTIANSON: Yeah, Ken.

9
10 MR. LORD: I was just -- you asked
11 about precedent. This is a unique situation. We don't
12 normally have our letters of delegation reviewed in
13 this matter, so there's no precedent.

14
15 MR. FROST: All right. Good answer.

16
17 MR. PELTOLA: Mr. Chair, if I may. I
18 was going to mention some of the same is that with
19 regard to these delegation letters they're a byproduct
20 of directions from the Board to specific actions during
21 the last fisheries cycle and an additional step was
22 taken, which does not normally occur within the program
23 with regard to the delegation letter.

24
25 MR. POLACCA: Chair. I guess my
26 comment would be, you know, in the past, with what
27 transpired and all that with the Ninilchik and all and
28 the direction that we ended up taking two years ago,
29 you know, I would feel more comfortable if there was
30 that consultation that was actually carried out just so
31 that we don't end up in the same situation where we're
32 actually having to make another decision again to force
33 the hand of the in-season manager to issue that permit.

34
35 Are we going to end up in that same
36 predicament again? I think it's something that's
37 critical that we have to have that consultation carried
38 out and get the viewpoint of the tribe to make sure
39 that we don't end up down the road where we're going to
40 end up having to hear this back over midway through the
41 season.

42
43 CHAIRMAN CHRISTIANSON: Scott.

44
45 MR. AYERS: If I may. Through the
46 Chair, Mr. Polacca. One of the things that happened
47 during the January meeting was that we came up with the
48 framework moving forward for how to address all the
49 various different issues to get through the agreement

50

1 that was reached regarding the gillnet fishery and that
2 took place through some of the actions at that Board
3 meeting through Fisheries Proposal 17-10 and then the
4 remaining items were to happen through rulemaking,
5 which is a process that's currently ongoing.

6
7 Last summer we had a temporary special
8 action that initiated putting those remaining items
9 onto the books for that season so the fishery would
10 proceed, as anticipated. Because the rulemaking action,
11 which we will actually speak to next, has not yet
12 progressed all the way through its cycle. Another
13 temporary special action request has been submitted for
14 this season to get the fishery completely implemented
15 as agreed to by both parties.

16
17 So once those rules are on the books
18 that should alleviate any of the concerns that have
19 been raised to that point.

20
21 Thank you.

22
23 MR. POLACCA: Okay.

24
25 CHAIRMAN CHRISTIANSON: Thank you,
26 Scott.

27
28 Greg.

29
30 MR. SIEKANIEC: Thank you, Mr. Chair.
31 Maybe this is again a question for Ken. I'm trying to
32 think back of the agreement that we reached. Is there
33 anything in these requests that Scott pointed out and
34 read through that we haven't addressed either in the
35 MOU or in the regulations that have been worked on that
36 we've all had party to review and make sure that we
37 have covered. I mean are we missing something that is
38 why they're requesting these? It doesn't feel like we
39 have to me

40
41 MR. LORD: No. If you recall, we
42 created -- or OSM created sort of the spreadsheet of
43 things that were required under the agreement. We've
44 been going down that list to make sure we've checked it
45 all off. No, I'm not aware that we've missed anything
46 at all.

47
48 MR. SIEKANIEC: Okay. Some of these --
49 sorry, Mr. Chair.

50

1 CHAIRMAN CHRISTIANSON: Go ahead.

2

3 MR. SIEKANIEC: Some of these actually
4 are pretty complicated to try and even put into a
5 delegation of authority letter when they're asking for
6 identifying specific thresholds that will trigger
7 management decisions to close of take regarding a game
8 population or a fish stock.

9

10 Now we have some of those agreed to in
11 our regulations of numbers that trigger a closure of
12 whether the take is on chinook or whether it's on
13 sockeye. I don't know what you would get out of
14 putting these in here. I mean I don't know how you
15 would even put them in here. So I think everything we
16 have actually is covered by either our MOU and/or the
17 regulation.

18

19 Lynn, we have consulted with him as we
20 developed this MOU. We've gone back and forth a couple
21 of times. The feedback I'm getting from them is that
22 they're very, very pleased with the MOU and the
23 interaction with both the in-season manager as well as
24 the Refuge Manager at Kenai National Wildlife Refuge.

25

26 So I think I'm in a pretty good spot
27 that we stick with the original framework and we
28 continue to have our discussions and dialogue and
29 address what we've agreed to by way of the settlement.

30

31 CHAIRMAN CHRISTIANSON: I kind of
32 concur with that statement, Greg, as far as that. I
33 mean getting down into the specifics of those
34 thresholds and things inside of these delegation
35 letters, you know, kind of ties it to that when we have
36 outstanding agreements and that consultation and a
37 process and a checklist that we've incorporated.

38

39 That would be the same as I told the
40 Fish Commission we just talked to earlier about
41 injecting the comments into those letters. I think
42 that's just a thing that's happening on the ground
43 through a different avenue or a different agreement we
44 have in place, so I would agree with you on that point
45 that though we received these comments and they want
46 them in these letters, I don't know that that's the
47 appropriate place for them.

48

49 MR. SIEKANIEC: Thank you, Mr. Chair.

50

1 And I apologize, I meant to ask Scott too. So the
2 Southcentral Regional Advisory Council, they did not
3 request any changes even when you went back to them
4 with the thoughts that Ninilchik Traditional Council
5 had presented or did you not have that discussion with
6 them?

7
8 MR. AYERS: Through the Chair. No, we
9 presented Ninilchik's comments just as I did here to
10 you today and they had copies of the letter from the
11 Ninilchik Traditional Council and the comments they
12 provided are those that are summarized in your books.
13 They didn't have any additional recommendations or
14 comments regarding whether or not to implement any of
15 the suggestions.

16
17 MR. SIEKANIEC: Okay. If I'm not
18 mistaken, Greg is the Chairperson of that Council.

19
20 MR. AYERS: Through the Chair. Yeah,
21 that's correct.

22
23 MR. SIEKANIEC: Okay. Thank you. Not
24 this Greg, sorry. Encelewski.

25
26 CHAIRMAN CHRISTIANSON: Any other
27 questions for Scott.

28
29 (No comments)

30
31 CHAIRMAN CHRISTIANSON: Thank you for
32 your presentation, Scott. Do we need to insert dates
33 in this one, Rhonda?

34
35 (Laughter)

36
37 MS. PITKA: No. No, we do not. There
38 was an action item on whether or not to include the
39 comments though.

40
41 CHAIRMAN CHRISTIANSON: All right.
42 Thank you, Scott, for your presentation. Without any
43 opposition, I plan to sign the letter as presented to
44 the Staff here today. I don't believe we need an
45 action or a motion.

46
47 MR. AYERS: Thank you.

48
49 MR. SIEKANIEC: That's like record

50

1 time, Scott.

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CHAIRMAN CHRISTIANSON: All right.

That moves us on to regulatory issues. The Cook Inlet Area Federal Subsistence Fishery Regulation Revision. That brings up Theo and Scott. Welcome back, Scott.

(Laughter)

MR. MATUSKOWITZ: Board members, for the record, I'm Theo Matuskowitz, Regulatory Specialist for Office of Subsistence Management. Scott and I are here today to brief you primarily on the revision of the Cook Inlet fish regulations.

If you recall in January 2017 you directed OSM to revise these regulations primarily to address issues that arisen with the Kenai gillnet, to resolve those regulatory issues, but then at the same time to simplify and make the regulations a little bit more user friendly. So that's what we've done. This is in Section 3 of your booklets.

These draft regulations have been reviewed by the Interagency Staff Committee, the Solicitor's Office and of course Fisheries Division and other staff within OSM.

Primarily what we were looking at doing is breaking down the individual fisheries of the Cook Inlet, whereas before we basically had regulations built on top of regulations on top of regulations, so it was like a series of steps and it was obviously quite confusing. I mean those of us dealing with it, it was pretty tough to get through them let alone the public.

So we broke them all down and they basically stand alone. They're not tied in together where you have to go back and check other parts of the regulations to find out what you can or can't harvest in a certain fishery in the Cook Inlet, primarily on the Kenai.

A couple issues that have come up through the review process. There's been a few questions of like what exactly have you taken out. We really did not take out any of the regulations. What

1 was taken out was simply a repeat of the same
2 regulation over and over and over again. For example,
3 on the Kenai River in the fisheries there in one
4 section alone we made reference that you must mark the
5 fish prior to leaving the fishing site in three
6 different parts of that actual regulation.

7
8 So when we revised these, we have those
9 basic kind of overall regulations for that individual
10 fishery all up front so that the user can see, okay, I
11 have to do this, this and this as opposed to repeating
12 ourselves over and over again. So that's the only
13 thing that's been taken out of the regulations. It's
14 still in there, it's just not repeating itself.

15
16 Another issue that came up and part of
17 it addresses some of the issues that was spoken about a
18 little bit earlier that referenced the pending special
19 action for this season for the Kenai gillnet.
20 Basically that was being more specific to the location
21 of the gillnet on the Kenai in the Moose Meadows Range
22 area.

23
24 Originally we just kept it as general
25 as possible and then between Fish and Wildlife Service
26 and NTC they kind of worked together and agreed upon
27 specific language that both of them would like to have.
28 It will be included in the special action, so we went
29 ahead and took that language and we're going to use it
30 in the proposed rule.

31
32 The only other area that I expect we
33 will be getting comments on goes back to the very early
34 part of when we initiated subsistence activities on the
35 Kenai Peninsula. The original subsistence regulations
36 for the Kenai basically was a rod and reel fishery that
37 mirrored the State sport fishery and then the Board
38 basically doubled the daily take. That was the
39 original subsistence regs for the Kenai Peninsula.

40
41 Those regulations have stayed in effect
42 as the program has matured and the regulations have
43 changed and grown on the Kenai. Historically speaking,
44 if you go back into the transcripts, when the Board was
45 initiating dipnet and separate rod and reel fisheries
46 on the Kenai, which was the first step beyond the basic
47 rod and reel fishery mirroring the State, the Board was
48 adamant that they wanted this original set of
49 regulations to remain and to be separate. So that when
50

1 the Board had annual harvest limits and then annual
2 household limits, these rod and reel only limits, which
3 are daily take limits, were always separate.

4
5 Again, that was something the Board
6 spoke to and specifically said we want to keep this
7 separate. We have all these other regs, but this is
8 separate. So now that we've revised the regulations
9 and we've clarified and done away with annual harvest
10 limits and we only have the household limit, but we
11 still have this fishery for rod and reel only which has
12 daily limits but is not part of the household annual
13 limit. So that is something that we have at this time
14 and part of that was based on the intent of the Board
15 in previous years.

16
17 I strongly suspect that we will get
18 comments from the public requesting to either change
19 it, modify it or keep it as is. But that is one thing
20 that you will be dealing with once this proposed rule
21 goes through the public process and eventually we get
22 to the point of going to a final rule. If it's not
23 very clearcut as to what the public would like to do on
24 this, obviously you're going to have to decide which
25 direction you want to go; leave it as is, make a
26 modification or change it however you want.

27
28 But that is something that I'd probably
29 say is the only thing that I've seen up to this point
30 from all the different reviews and comments that we've
31 got that I suspect will be an issue that you will be
32 dealing with in the future.

33
34 So that's basically where we stand
35 right there. Are there any questions, comments, either
36 on this rulemaking or any other regulatory issues that
37 are pending?

38
39 MR. LORD: Mr. Chair.

40
41 CHAIRMAN CHRISTIANSON: Ken.

42
43 MR. LORD: I just want to give Theo
44 kudos. These regulations were ugly and we've been
45 talking about it for years about the need to clean them
46 up and try and make them more user friendly. He did a
47 great job of doing that. I know it was a lot of work,
48 so I just want to thank you.

49
50

1 MR. MATUSKOWITZ: Thank you, but I'll
2 point to Scott. He's done a heck of a job too, so I
3 appreciate his effort. He's done a lot of work on
4 this. I'm just sitting here looking pretty.

5
6 (Laughter)

7
8 CHAIRMAN CHRISTIANSON: Right on.

9
10 (Laughter)

11
12 MR. SIEKANIEC: So pretty.

13
14 (Laughter)

15
16 MR. SIEKANIEC: That's going to be the
17 statement of the day.

18
19 (Laughter)

20
21 MR. SIEKANIEC: Thank you very much for
22 your hard work on this and I appreciate really being
23 able to see the agreement with the Ninilchik Tribe
24 worked into the regulations. I also value you pointing
25 out how we put the Moose Meadows in there because I
26 know that was a big part of the discussion of keeping
27 the area targeting where they're successful primarily
28 at the sockeye fishery. So I was paying attention to
29 how are we going to do that. So I appreciate what you
30 and Carol and others and Jeff on sort of working with
31 Ivan and Greg to get that laid out.

32
33 The process now, have we now gone back
34 and consulted with NTC on these?

35
36 MR. MATUSKOWITZ: Through the Chair.
37 No. This is in draft form and the public process is
38 very clear that we have to follow. Basically we're
39 presenting it to you, the Board, where I suspect your
40 direction will be to continue the rulemaking process,
41 which will go through discerning process locally within
42 the agencies here in Alaska, go through the DOI process
43 and the newly instituted USDA process that has just
44 come around here in the last couple weeks. Then, when
45 it's published, that is when we will take comments from
46 the public, from NTC, et cetera.

47
48 At the same time I might add that's
49 when we'll officially take comments from the other
50

1 Federal agencies. I mean, yes, you can say whatever
2 you want now, but for the record we have to publish the
3 proposed rule and then those comments are accepted
4 officially and we have to address them in the preamble
5 of the final rule. So it's not just we'll talk about
6 it, no. We've got to have an administrative record as
7 to comments and why something was changed, why it was
8 not and in what the Board's decision and why it decided
9 on a certain course of action.

10
11 We'll obviously, as with the process,
12 be tribal consultation.

13
14 That's built into the process.

15
16 MR. SIEKANIEC: Thank you, Mr. Chair.
17 Thanks, Theo, for that answer. Ken, I think I'm
18 looking at you again. In our agreement is there
19 anything that says we need to consult with NTC before
20 we go out with these in any sort of public manner or
21 published manner? Because they asked for several
22 different things. I don't remember this being one
23 relative to the rule. It was just we had to get the
24 rule done.

25
26 MR. LORD: Of course they want tribal
27 consultation, but I don't think there's anything that
28 says that consultation has to occur before we go out
29 with a proposed rule necessarily. Just in the process.

30
31 MR. SIEKANIEC: Is there anything that
32 would say we can't consult with them ahead of time?

33
34 MR. LORD: No.

35
36 MR. SIEKANIEC: Yeah, that seems like
37 that would be good business for us in this case given
38 what we had to go through to get to the agreement.

39
40 MR. FROST: Good business.

41
42 MR. SIEKANIEC: That seems like it
43 would be good business.

44
45 CHAIRMAN CHRISTIANSON: Any other
46 discussion, questions for Theo, Scott.

47
48 MR. BROWER: I have one. Thanks, Theo.
49 In reading -- the ones in green are additional
50

1 negotiating agreements and implementation that's been
2 included in the draft highlighted on Page 9. I notice
3 that in Kenai gillnet salmon 2.2 additional harvest
4 limitation for fishery. It tells what's been taken and
5 then also may retain -- if the Alaska Department of
6 Fish and Game announce the optimal escapement goal for
7 early run has been met, otherwise must all be released
8 alive. What if some are not alive? On Page 9.

9
10 MR. LORD: We did have a provision that
11 dead fish can be retained for subsistence purposes. So
12 if they are alive, they must be released.

13
14 MR. BROWER: But they're still managed
15 by ADF&G?

16
17 MR. LORD: No. That's just if ADF&G
18 announce that goal has been reached.

19
20 MR. BROWER: Thank you.

21
22 CHAIRMAN CHRISTIANSON: Greg.

23
24 MR. SIEKANIEC: Thank you, Mr. Chair.
25 Again I'm just thinking of these coordination things.
26 Maybe this has already happened, Theo, like a
27 discussion between yourself as OSM and ISC member and
28 Jeff on the Kenai and Andy as far as Refuge Manager,
29 just to make sure we didn't omit something. So have
30 all those kind of discussions sort of been facilitated
31 and had?

32
33 MR. MATUSKOWITZ: That was a specific
34 thing I requested all reviewing parties to review
35 specifically. In the package that I sent out it
36 included the tables that Jennifer originally produced
37 with that list of items. Although I did not personally
38 work with the Refuge or in-season managers staff on the
39 Kenai, I did work with Carol and she specifically told
40 me that she was working with Refuge Staff and in-season
41 management to check on those issues.

42
43 MR. SIEKANIEC: Okay.

44
45 MR. MATUSKOWITZ: So I'm confident it
46 was done.

47
48 MR. SIEKANIEC: Thanks. I just want to
49 make sure -- Andy is one step outside of kind of the
50

1 in-season management just to make sure the Refuge
2 Manager is in that.....

3
4 MR. MATUSKOWITZ: He was the one who
5 brought up the issue initially about the location for
6 the Moose Meadows.

7
8 MR. SIEKANIEC: Moose Range Meadows,
9 okay.

10
11 MR. MATUSKOWITZ: Yes.

12
13 MR. SIEKANIEC: Very good. Thank you.
14 Well done.

15
16 CHAIRMAN CHRISTIANSON: Any other
17 questions.

18
19 (No comments)

20
21 CHAIRMAN CHRISTIANSON: All right.
22 Thank you guys for your presentation and your fine work
23 on this. Appreciate it.

24
25 (Pause)

26
27 MR. BROWER: We're working so fast,
28 should we stop for the day.

29
30 (Laughter)

31
32 MR. OWEN: If we finish early, my wife
33 is just going to send me shopping here.

34
35 (Laughter)

36
37 CHAIRMAN CHRISTIANSON: All right.
38 Well, looking at our agenda, that might not be a bad
39 idea.

40
41 MR. OWEN: Go shopping or what?

42
43 CHAIRMAN CHRISTIANSON: Go shopping.

44
45 (Laughter)

46
47 CHAIRMAN CHRISTIANSON: So, with that,
48 I'm going to take Charlie's recommendation and I'm
49 going to reconvene the meeting back at 8:30 here

50

1 tomorrow morning.

2

3

MR. BROWER: 9:00?

4

5

CHAIRMAN CHRISTIANSON: It says 8:30 in
6 the Board book. I think we did a good job today. We
7 had a lot of good discussion. Appreciate everybody's
8 input and the process and all the good work by the
9 Staff and their presentations and we'll see you here at
10 8:30 in the morning. Yesterday we had a long day, so
11 today we can have a short one.

12

13

Appreciate it, guys. Thank you.

14

15

See you all back here in the morning.

16

17

(Off record)

18

19

(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing, Pages 1 through ___ contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, WORK SESSION taken electronically by our firm on the 22nd day of February 2018 in Anchorage, Alaska;

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

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

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

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