

Tribal Government and ANCSA Corporation Consultations and Engagement in the Federal Subsistence Management Program



Photo credit: Early lives of Alaska sockeye salmon accelerating with climate change | UW News

What is a consultation?

Consultation is a dialogue between Federal and Tribal representatives that takes place before a decision is made.

Consultation is necessary for a deliberative process that results in effective collaboration and informed decision making.

Why Have Tribal/ANSCA Consultations?

Good practice:

- ❖ Honors the government-to-government relationship we have with federally recognized Tribes – these are sovereign nations.
- ❖ Fosters positive relationships with Tribal governments, who help us achieve the mission of preserving and protecting Alaska's special places and resources.

And it's required, per DOI Consultation Policy EO 13175, among other things such as case law, and even the U.S. Constitution

OSM participates in three forms of consultations –

❖ *Tribal Governments*

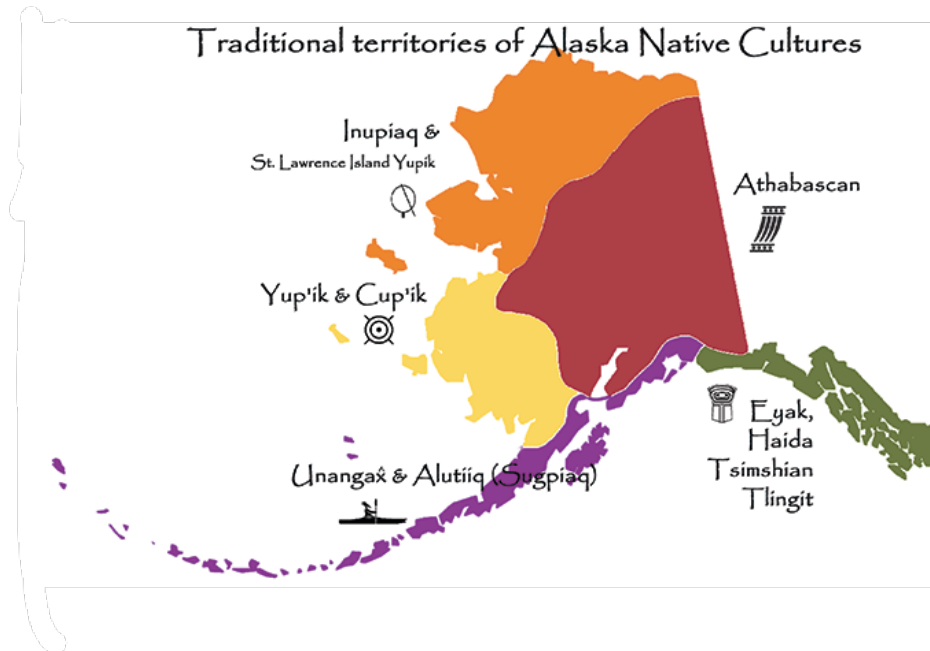
❖ *ANCSA Corporation consultations*

❖ *Informal Consultations*

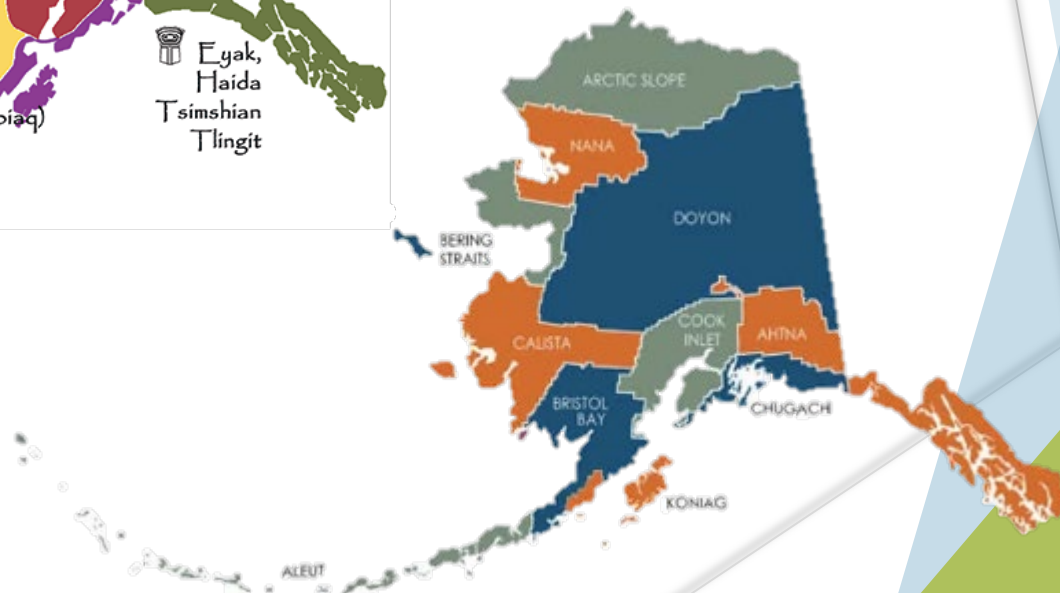


Who do we consult with?

229 Federally-recognized Tribes



12 ANCSA Corporations



Who do we consult with?

Tribal Governments

- Government to government
- Based on 200+ years of political interaction
- Federal trust responsibility to Tribes

ANCSA Corporations

- Government to corporation
- Congressionally mandated in 2004/2005 appropriations legislation

When is Consultation Required?

- ❖ DOI's Policy on Consulting with Tribes directs agencies/bureaus to consult with federally recognized Tribes when taking action that may have a **substantial direct effect on a Tribe**.
- ❖ Consultation is needed at the early stages when policies, programs, or other activities that may affect Tribes or corporations are being considered by the federal government.
- ❖ Consultation is an ongoing process that may require repeated meetings or other forms of communications as the process continues.

When Do We Consult?

- ❖ Annual Consultations on Regulatory Proposals and Closure Reviews
- ❖ Opportunity offered before a Regulatory Meeting
- ❖ Upon Request

Call for proposals

Proposals to change fish or wildlife regulations may be submitted Jan.-Mar. of even and odd years, respectively. Anyone (individual or organization) may submit a proposal to change a Federal harvest regulation.



Publication in the CFR

If approved by the Board, proposals become Federal regulation and are published in the Code of Federal Regulations.



Analysis of proposals

OSM staff analyze proposals for their potential effects on the wildlife/fish resource and subsistence use.



Federal Subsistence Board

The Federal Subsistence Board (Board) meets in January for Fisheries proposals and in April for Wildlife proposals to make the final decision.



Review of Proposals

Analyses undergo multiple rounds of review, including by affected land managers, leadership within OSM, and the Interagency Staff Committee (ISC), which advises the Federal Subsistence Board (Board).



Public and Tribal Comments

Written public comments are accepted for all proposals and included in analyses. The public may also comment on proposals at Council and Board meetings. Consultations with Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations are also conducted and their comments are expressed at meetings.



Regional Advisory Councils

The Regional Advisory Councils (Councils) meet in Sept.-Nov. to provide recommendations on every proposal affecting their region.

Additional Opportunities for Tribal and ANCSA Corporation Engagement

- ❖ Regional Advisory Council Meetings
- ❖ Federal Subsistence Board Meetings
- ❖ Public Hearings and Listening Sessions
- ❖ Public Comment Periods
- ❖ Special Actions

What to Expect

Before Consultation, OSM will:

- ❖ Reach out and provide notification to include sufficient detail of the topic to be discussed
- ❖ Explain the purpose of consulting and determine if the Tribe/corporation is interested in consulting on this action
- ❖ Set a date that is most efficiently within the regulatory calendar AND respecting Tribal dates of importance, such as subsistence seasons to the extent possible
- ❖ Develop a format and draft agenda for the consultation collaboratively with the Tribe/ANCSA corporation
- ❖ Will ensure appropriate attendees:
 - Federal decision-makers
 - Official federally recognized tribal representatives
 - Federal staff support

What to Expect *(continued)*

During the Consultation, OSM will:

- ❖ Present the Program action and discuss the potential impacts to Tribes
- ❖ If the process is long-term, describe timeline and identify key decision points
- ❖ Ask if the Tribe or corporation needs more information
- ❖ Reach a consensus on when the Tribe or corporation can have their official comments to OSM (if they are submitting any)
- ❖ Offer to consult as needed

What to Expect (*continued*)

After the Consultation, OSM will

- ❖ Provide approved written summary to participating Tribes or corporations available on request
- ❖ Fulfill any commitments in a timely manner
- ❖ Incorporate knowledge shared during consultations into analyses and reviews presented to the Board

Consultations are an important part of the Federal Subsistence Board's decision-making process

Discussion, Questions, Comments



Feedback Welcome!