

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME I
7

8 EGAN CONVENTION CENTER
9 ANCHORAGE, ALASKA

10
11 DECEMBER 12, 2006
12 8:30 o'clock a.m.
13

14 MEMBERS PRESENT:

15
16 MIKE FLEAGLE, CHAIR
17 NILES CESAR, Bureau of Indian Affairs
18 GARY EDWARDS, U.S. Fish and Wildlife Service
19 JUDY GOTTLIEB, National Park Service
20 DENNY BSCHOR, U.S. Forest Service
21 GEORGE OVIATT, Bureau of Land Management
22
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24
25 SARAH GILBERTSON, State of Alaska Representative
26
27 KEITH GOLTZ, Solicitor's Office
28 KEN LORD, Solicitor's Office
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P R O C E E D I N G S

(Anchorage, Alaska - 12/12/2006)

(On record)

CHAIRMAN FLEAGLE: Good morning. I'd like to call the Board meeting to session here. And first of all I'd like to start out with Board member introductions. I'm Mike Fleagle, Chairman, from Anchorage. I'll start on my left.

MR. CESAR: Niles Cesar. The Bureau of Indian Affairs, Juneau.

MR. OVIATT: George Oviatt. Representative for the Bureau of Land Management.

MS. GOTTLIEB: Judy Gottlieb with the National Park Service.

MR. GOLTZ: Keith Goltz, Solicitor's office.

MR. PROBASCO: Good morning, Pete Probasco. I'm from the Office of Subsistence Management. I'm currently the acting assistant Regional Director.

MR. EDWARDS: Gary Edwards representing U.S. Fish and Wildlife Service.

MR. BSCHOR: Good morning. I'm Denny Bschor. I'm with the U.S. Forest Service stationed in Juneau, Alaska.

MS. GILBERTSON: Good morning. Sarah Gilbertson with the State of Alaska, Department of Fish and Game.

CHAIRMAN FLEAGLE: Thank you. I show that we have all members of the Board present. I'd like to take an opportunity to have everybody else that are at the table with a microphone to introduce themselves as well. Let me start at the table behind me over here.

MR. USTASIWSKI: I'm Jim Ustasiwski with the Department of Agriculture.

MR. KESSLER: Steve Kessler with Forest Service.

1 MR. BERG: Jerry Berg, U.S. Fish and
2 Wildlife Service.
3
4 MR. KLEIN: Steve Klein, Office of
5 Subsistence Management.
6
7 MR. JACK: Carl Jack, OSM.
8
9 MR. LORD: Ken Lord with the Solicitor's
10 office.
11
12 MS. SWANTON: Nancy Swanton with the
13 National Park Service.
14
15 MR. RABINOWITCH: Sandy Rabinowitch,
16 National Park Service.
17
18 MR. CHEN: Good morning. My name is
19 Glenn Chen, Bureau of Indian Affairs.
20
21 MR. ARDIZZONE: Chuck Ardizzone with BLM.
22
23 CHAIRMAN FLEAGLE: Thank you. Now, we'll
24 start over here.
25
26 MR. BROWER: Harry Brower, Jr., North
27 Slope Regional Advisory Council. Good morning.
28
29 MS. WRIGHT: Amy Wright with Eastern
30 Interior Regional Advisory Council.
31
32 MR. WEYIONUANNA: Cliff Weyionuanna,
33 Chairman of the Federal Subsistence Game Board for the
34 Seward Peninsula. Good morning.
35
36 MR. HAYNES: Terry Haynes, Department of
37 Fish and Game.
38
39 MR. ONEY: Good morning. Raymond Oney,
40 Yukon-Kuskokwim RAC member.
41
42 MR. HOLMES: Pat Holmes.
43 Kodiak/Aleutians RAC member sitting in for Vince
44 Tutiakoff.
45
46 MR. CARPENTER: Tom Carpenter.
47 Southcentral RAC, Cordova.
48
49 MR. ADAMS: (In Tlingit) In the Tlingit
50 language that means good morning. I'm Bert Adams, Sr.,

1 from the Southeast Regional Advisory Council.

2

3 CHAIRMAN FLEAGLE: Good morning, thank
4 you.

5

6 Pete.

7

8 MR. PROBASCO: Yes, Mr. Chair. And Mr.
9 Raymond Stoney is also here but we also, on the opposite
10 side of the wall there, the Guide Board is meeting, and
11 so Raymond is going to be bouncing back and forth.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: Okay, thank you, Pete.
16 And I want to welcome everybody in the audience. We have
17 Staff and public members as well.

18

19 The purpose of the meeting today and
20 tomorrow is to take action on proposed changes to the
21 rural determinations of several communities based on the
22 Decennial Review. And the first action before we do any
23 Board consideration will be public testimony, and we
24 already have a pretty good stack of testimony sign-up
25 sheets coming in. We'll address those in a moment.

26

27 First I'd like to look at the agenda that
28 we have before us. The first item on the agenda is to
29 review that agenda. Board members is there any
30 discussion on the agenda.

31

32 (No comments)

33

34 CHAIRMAN FLEAGLE: Hearing none, we'll go
35 ahead and move forward with the agenda as presented.

36

37 Item 2 is Staff presentation of the
38 report on recommendations and comments received on
39 Proposed Rule. Pete Probasco.

40

41 MR. PROBASCO: Thank you, Mr. Chair. And
42 Larry Buklis throughout this process of dealing with the
43 rural/nonrural determination process has had the lead and
44 so I'm going to turn the mic over to Larry Buklis.

45

46 CHAIRMAN FLEAGLE: Larry.

47

48 MR. BUKLIS: Thank you, Mr. Chairman.
49 Good morning, my name is Larry Buklis. I'm with the
50 Office of Subsistence Management. And the work that we

1 have compiled in our November 27th, 2006 report is the
2 work of many people and I'll speak for the group in
3 coordinating it, but I share the credit with many people.

4

5 The Board issued a Proposed Rule on
6 August 14th, 2006 seeking recommendations and comments on
7 proposed changes to the rural or nonrural status of
8 several Alaska communities and areas. Briefly, the
9 proposed changes, in the order they appear on your
10 meeting agenda for today are:

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1. The Kodiak Area, including the city of Kodiak, the Bill Bay area, the Coast Guard Station, Women's Bay and Bells Flats is proposed for change in status from rural to nonrural. Places excluded from this grouping which would thereby remain rural in status are Chiniak, Pasagshak, Anton Larsen, Kalsin Bay and Middle Bay, and villages and communities not connected by road to the city of Kodiak.

2. The Ketchikan Area, is proposed to be expanded to include all areas on the road system connected to the city of Ketchikan except Saxman as well as Pennock Island and an expanded portion of Gravina Island. No change is proposed in the nonrural status of the Ketchikan area. Saxman, under the Proposed Rule would remain separate and rural.

3. Adak, is proposed for change in status from nonrural to rural. Adak, a remote community in the Aleutian Islands has undergone a substantial decrease in population from more than 4,600 people in 1990 to less than 200 people in 2005 which warrants a change in status.

4. Prudhoe Bay, is proposed for change in status from rural to nonrural. Prudhoe Bay is an industrial enclave built for the sole purpose of extracting oil, currently with no permanent residents and without characteristics typical of a rural community.

5. Point MacKenzie is proposed to be

1 grouped with the nonrural Wasilla/Palmer
2 area, and to thereby change it status
3 from rural to nonrural. Available
4 information indicates that Point
5 MacKenzie is economically, socially and
6 communally integrated with the
7 Wasilla/Palmer area.
8

9
10 6. Fritz Creek East, not including
11 Voznesenka, and the North Fork Road area
12 are proposed to be grouped with the
13 nonrural Homer Area, and to thereby
14 change in status from rural to nonrural.
15 Again, available information indicates
16 that these areas are economically,
17 socially and communally integrated with
18 the Homer Area.

19
20 Seventh, and lastly, Sterling is proposed
21 to be fully included in the nonrural
22 Kenai Area. Sterling has been part of
23 the nonrural Kenai Area since 1990.
24 However, for the 2000 census the Sterling
25 census designated place was expanded,
26 such that a significant portion now
27 extends beyond the current boundary of
28 the Kenai Area. This expanded portion
29 would change in status from rural to
30 nonrural with inclusion as proposed.

31
32 Mr. Chairman, full verbatim copies of
33 Council recommendations and all written
34 comments received are provided for
35 reference at this meeting, as are
36 transcripts from Board public hearings
37 and relevant portions of Council
38 meetings. Those are available in front
39 of the Board members, State liaison,
40 Council Chairs. We also have reference
41 copies on the side table to my right for
42 A set of these materials is available for
43 public reference. A report by OSM, dated
44 November 27, 2006, summarizes main themes
45 from recommendations, comments, and
46 testimony on the Proposed Rule received
47 through October 27, and presents some
48 considerations in response. I will
49 highlight key points from that report in
50 this presentation, and that report is
available to all of you.

1 Five of the 10 Councils had comments or
2 recommendations to the Board on the
3 Proposed Rule. Those were the Councils
4 for the Southeast Alaska, Southcentral
5 Alaska, Kodiak/Aleutians, Eastern
6 Interior Alaska and North Slope regions.
7 Council Chairs or their designees will
8 present those recommendations and
9 comments later in your meeting agenda.

10
11 I'll move on now to summarize the Board's
12 public hearings.

13
14 The Board held public hearings in Kodiak
15 on September 20th and 21st, in Saxman on
16 September 25th, in Ketchikan on September
17 26th, and Sitka on October 10th, all in
18 2006, in response to public requests.

19
20 For Kodiak, the Board heard 85
21 testimonies at the public hearing in
22 Kodiak. Testimony was entirely in support
23 of continued rural status of Kodiak. A
24 wide spectrum of the Kodiak community
25 testified. The basic theme of the
26 testimony was that Kodiak is rural and
27 has become more rural since 1990, when
28 the original status determination was
29 made. Testifiers questioned what has
30 changed since 1990 that would now make
31 Kodiak nonrural. Many people testified
32 that population should not determine
33 whether or not Kodiak is rural.
34 Throughout the hearing, many emphasized
35 that Kodiak's socioeconomic dependence on
36 subsistence and commercial fisheries is a
37 rural characteristic. People
38 overwhelmingly described Kodiak as being
39 in a state of economic downturn. The
40 economic downturn has led to an increased
41 dependence on subsistence.

42
43 In addition to the downturn of commercial
44 fishing, fuel prices have increased,
45 which has led to increases in shipping
46 costs. The cost of living in Kodiak,
47 particularly for food, housing, and
48 electricity, was said to be among the
49 highest in the state.

50

1 Many people commented that Kodiak is
2 isolated. They explained that weather
3 and distance make travel difficult. The
4 ferry takes at least 12 hours and flights
5 are often cancelled or turned back due to
6 bad weather. Many people spoke of days
7 without mail and empty grocery store
8 shelves.

9
10 A considerable number of people testified
11 against the proposed grouping of places
12 into a nonrural Kodiak Area. Separate
13 status classifications would be divisive
14 and confusing for the community. Several
15 people commented that the Coast Guard
16 Base is an enclave, and that it should
17 not be grouped with Kodiak City.

18
19 Several people referred to Kodiak as the
20 hub of the Island economy including the
21 outlying villages. They stated that the
22 small population increase in Kodiak is
23 proportional to the out-migration from
24 the villages, which is related to the
25 overall economic downturn of the Island
26 economy. They said there is frequent
27 movement between the villages and Kodiak
28 for economic, education, and medical
29 reasons.

30
31 Many testified that subsistence is
32 essential to their physical, spiritual,
33 and cultural health. Numerous Alutiiq
34 residents described the importance of
35 subsistence to their cultural identity,
36 family cohesion, and sense of community
37 in Kodiak and across the Island. The
38 average per capita subsistence harvest of
39 155 pounds was said to be more than is
40 taken by residents of nonrural areas;
41 over one hundred plant and animal species
42 are gathered.

43
44 Saxman

45
46 The Board heard 28 testimonies at the
47 public hearing in Saxman. Testimony was
48 entirely in support of continued rural
49 status of Saxman. Saxman was described
50 as a rural community, independent from

1 Ketchikan, regardless of the road system
2 connecting what was said to be two
3 distinct communities. Testifiers
4 emphasized the importance of subsistence
5 foods and traditions to their way of
6 life, and the separateness of Saxman from
7 Ketchikan.

8
9 People reported that no significant
10 demographic changes have taken place in
11 Saxman to warrant a change in Federal
12 status from rural to nonrural. Children
13 of families who grew up in Saxman would
14 like to remain in the village
15 permanently, but many have no choice but
16 to move to Ketchikan, due to limited
17 space for housing.

18
19 Saxman is said to be an independent
20 community with its own tribal government,
21 village corporation, mayor, places of
22 worship, and fraternal organizations.
23 Interactions with the community of
24 Ketchikan do not take away from the
25 village way of life. Saxman residents
26 question the integration of the
27 communities given differing socioeconomic
28 status. The current criteria are said to
29 not reflect relevant issues.

30
31 Subsistence foods are essential for a
32 healthy way of life. Food, clothing,
33 shelter, and handicrafts are culturally
34 and economically important with regard to
35 traditional harvest. Stories,
36 ceremonies, and dances are connected to
37 the gathering of subsistence foods.
38 People testified about the important ties
39 their traditional food provides to the
40 way their ancestors lived in the past.

41
42 Three residents of the Waterfall
43 subdivision testified, requesting that
44 their area remain rural in status.
45 Comparison was made to Saxman. It was
46 noted that it is 17 miles from Waterfall
47 to the center of Ketchikan City, there is
48 no government aid for things such as road
49 plowing, the population of the area is on
50 the order of 100 people, and it is six

1 miles to the nearest small grocery store.

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Ketchikan

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The Board heard 33 testimonies at the public hearing in Ketchikan. Testimony was entirely in support of having Ketchikan s status changed from nonrural to rural. People emphasized that they do not want to take anything away from Saxman residents, they simply want to be rural as well.

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Gathering subsistence foods is important not only for nutrition, but also to culture, which is passed on to young children and family members. Gathering of subsistence foods also contributes to materials necessary for art. Regalia and other cultural products are instrumental in keeping the culture alive. The community is very diverse. People who originated from outlying villages came to Ketchikan for economic purposes.

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The island community is very isolated, and Ketchikan residents testified that cost of living is expensive, making it difficult to survive without supplementing their income with subsistence foods. The pulp mill closing was a substantial impact, with approximately 500 jobs lost. Declines in logging and in commercial fishing have followed. The cost of living has increased, while wages have not. These declines make Ketchikan more rural now than when the initial determinations were made. The tourism industry shuts down completely for the winter.

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There was testimony that the entire area should be treated the same, that Ketchikan and Saxman and the outlying areas along the road system should all be rural. The outlying areas were said to be as rural as Saxman. It was pointed out that the Staff analysis notes that the road was extended beyond the current nonrural boundary, when actually the road

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1 beyond the current nonrural boundary was
2 upgraded from gravel to a paved surface.
3 The rural/nonrural issue was said to have
4 divided friends, neighbors, and
5 communities.
6

7 Some noted that Ketchikan is similar to
8 Kodiak, others that it is similar to
9 Sitka. Residents testified that
10 Ketchikan was misjudged when it was
11 classified as nonrural.
12

13 Sitka

14
15 The Board heard 86 testimonies at the
16 public hearing in Sitka. Testimony was
17 entirely in support of continued rural
18 status for Sitka. Some testifiers
19 focused on their personal experience,
20 some on cultural identity or way of life,
21 others on Sitka s demographic
22 characteristics, its subsistence
23 orientation, or the determination process
24 itself. Testifiers represented a wide
25 range of Sitka residents. A number of
26 people presented technical information
27 concerning Sitka s community
28 characteristics based on work they do for
29 the City of Sitka or the Sitka Tribe of
30 Alaska. Most segments of the Sitka
31 community were represented.
32

33 Testifiers spoke repeatedly of their high
34 level of subsistence use, and reliance on
35 fish and wildlife, as a way of life.
36 Non-Natives emphasized their family
37 decisions to live in Sitka because of the
38 ability to live a subsistence way of
39 life. Natives emphasized cultural
40 heritage. Persons with technical
41 information pointed to Sitka s high
42 dependence on fish and wildlife and
43 documented harvest levels. Many people
44 spoke of sharing food with others. Many
45 testifiers spoke of their own lives and
46 the importance of subsistence hunting and
47 fishing to them and their families, that
48 subsistence was a central family focus
49 and a reason why they lived in Sitka.
50 Tlingit elders and other Tlingit

1 testifiers emphasized the central place
2 that subsistence harvest and use of fish
3 and wildlife has in maintaining their
4 culture.

5
6 Testifiers pointed out that Sitka is an
7 island community with poor ferry service
8 and limited air service. Food is barged
9 in. A number of testifiers stated that
10 there has been no change in the character
11 of the town that would make it a less
12 rural place. The cash economy situation
13 has worsened, particularly since the
14 closure of the pulp mill in 1993.
15 Average monthly wage was said to have
16 declined from \$3,500 to \$2,600, and
17 population has been static compared to
18 growing urban areas. Tourism is a
19 seasonal business.

20
21 A number of testifiers believed that the
22 use of threshold population levels in
23 making rural determinations is in error.
24 One person repeated detailed testimony on
25 this point that he originally made in the
26 hearings held in 1990. City officials
27 provided information showing that Sitka
28 is a very expensive place to live.
29 Economic characteristics of the community
30 were outlined. School enrollment was
31 said to be decreasing.

32
33 I'll turn now, Mr. Chairman, to a brief
34 summary of the written Comments.

35
36 The Board received written comments from
37 approximately 300 individuals, and from
38 31 organizations, agencies, and
39 government representatives, as well as 11
40 resolutions from city, borough, and
41 tribal governments and organizations.
42 Almost all who commented requested a
43 rural determination for their community.
44 Virtually all of the written testimony
45 from individuals came from Sitka, Kodiak,
46 Ketchikan, and Saxman.

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48 The State of Alaska, the Alaska
49 Federation of Natives, and the Alaska
50 Outdoor Council provided written

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testimony in regard to areas under analysis and the Board process itself.

The State of Alaska did not provide comment on the rural or nonrural status of any community. Instead, the State delineated what it perceives as "significant factual errors and procedural inconsistencies in the Federal Subsistence Board's decennial review of rural determinations." Given the scope and detail of the State's comments, and the State's role in dual-management and in relation to the Board and Federal Subsistence Management Program through the Interim Memorandum of Agreement, detailed response is provided in Appendix B of the OSM report, and I won't go through that here.

The Alaska Outdoor Council provided testimony on its view that the Board's process is not consistent and is not based on objective criteria. Additionally, the AOC commented against the continued rural status of several of the road-connected communities, and of Kodiak.

The Alaska Federation of Natives provided testimony in favor of all areas currently classified as rural to remain rural and for Ketchikan's designation to be changed to rural. AFN noted that Title VIII of ANILCA, although racially neutral, was enacted to protect the subsistence rights of Alaska Natives.

Comments from Sitka, Kodiak, Ketchikan, and Saxman expressed similar main themes. People from all four communities commented that economic downturns have made their communities more, not less, rural since 1990. The primary theme in the comments is that these communities are rural because they possess significant characteristics of a rural nature. Many people said dependence on the subsistence way of life is the characteristic that makes their community

1 rural. They said this dependence
2 includes communal harvests and sharing of
3 fish and wildlife resources.

4
5 Comments from these four communities
6 include descriptions of mixed cash-
7 subsistence economies. Increased
8 dependence on subsistence harvests was
9 widely noted due to increasing fuel
10 prices, which has led to increased costs
11 for transportation, food, and heating.
12 Rising fuel costs have increased the
13 isolation of these island communities.
14 Most people said that subsistence is
15 essential to their physical, spiritual,
16 and cultural health and the survival of
17 their community. The social and economic
18 importance of subsistence harvests of
19 fish and wildlife was repeatedly
20 emphasized. The use of population
21 thresholds is not well supported. Most
22 people commented that the character of
23 their community cannot be evaluated by
24 the number of people who live there.

25
26 Briefly I'll highlight sources of
27 information for the four places.

28
29 Sitka

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31 All comments, with one exception,
32 supported the continued rural status of
33 Sitka. Written testimony in support of
34 Sitka remaining rural was submitted by
35 149 individuals. Resolutions in favor of
36 rural status for Sitka were submitted by
37 the City and Borough of Sitka, the Sitka
38 Municipal Assembly, and Sitka Tribe of
39 Alaska. Organizations that submitted
40 comment in favor of continued rural
41 status for Sitka included the Shee Atika
42 Corporation, the Sitka Conservation
43 Society, and Organized Village of Kake.

44
45 Kodiak

46
47 All comments supported the continued
48 rural status of Kodiak. Written
49 testimony in support of Kodiak remaining
50 rural was submitted by 56 individuals.

1 Over 1,700 people signed a petition for
2 Kodiak to remain rural, submitted by
3 Woody Island Tribal Council. Resolutions
4 in favor of rural status for Kodiak were
5 submitted by the Kodiak Island Borough,
6 Kodiak Chamber of Commerce, Sun aq Tribe
7 of Kodiak, Kodiak Democratic Party,
8 RuralCap, Senior Citizens of Kodiak,
9 Woody Island Tribal Council, and Natives
10 of Kodiak. Organizations, governments,
11 and government representatives that
12 submitted testimony in favor of continued
13 rural status for Kodiak included the City
14 of Kodiak, Representative Gabrielle
15 LeDoux, Senator Gary Stevens, Alaska
16 Mental Health Trust Authority, Afognak
17 Native Corporation, Kodiak Area Native
18 Association, Kodiak Fish and Game
19 Advisory Committee, Kodiak Historical
20 Society, Kodiak Kiwanis, Kodiak Rural
21 Roundtable, and Southeast Intertribal
22 Fish and Wildlife Commission.

23
24 Ketchikan

25
26 All comments, with three exceptions,
27 supported changing the status of
28 Ketchikan from nonrural to rural.
29 Written testimony in support of Ketchikan
30 becoming rural was submitted by 72
31 individuals. A resolution in favor of
32 rural status for Ketchikan was submitted
33 by Alaska Native Brotherhood and Alaska
34 Native Sisterhood, Grand Camp. Kuiu
35 Tlingit Nation submitted testimony in
36 favor of rural status for Ketchikan.

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38 Saxman

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40 All comments, with the exception of two
41 individuals from Ketchikan, supported the
42 continued rural status of Saxman. The
43 two people from Ketchikan said the two
44 communities should be classified the
45 same, either both rural or both nonrural.
46 Written testimony in support of Saxman
47 remaining rural was submitted by 11
48 individuals. Organizations and
49 governments that submitted testimony in
50 favor of continued rural status for

1 Saxman included Alaska Native Brotherhood
2 and Alaska Native Sisterhood Camp No. 15,
3 Organized Village of Saxman, and Kuiu
4 Tlingit Nation.

5
6 In regard to other communities, one
7 comment was submitted for the Homer Area,
8 two for the Kenai Area, and one for the
9 Delta Junction Area. Senator Gary
10 Stevens submitted a letter in support of
11 the continued rural status of the Fritz
12 Creek East and North Fork Road areas near
13 Homer. The Kenaitze Indian Tribe IRA
14 requested rural status for Sterling near
15 Kenai. A resident of Kasilof, near
16 Kenai, expressed concern about continued
17 nonrural status for Kasilof, but was not
18 opposed to nonrural status for Sterling.
19 The Ahtna Tene Nene Subsistence
20 Committee commented that Fort Greely
21 should not be considered rural because it
22 is a transient military community.

23
24 Mr. Chairman, I will conclude my summary
25 by highlighting some points made in the final section of
26 the Staff report on considerations in response.

27
28 The grouping of communities and areas.

29
30 Communities and areas that are
31 economically, socially, and communally
32 integrated are to be grouped for
33 evaluation purposes. The resulting
34 groupings are evaluated based on
35 population size and rural or nonrural
36 characteristics. The Board directed
37 Staff to use three indicators in the
38 evaluation of groupings, which was
39 subject to public comment in an earlier
40 stage of the process. Those indicators
41 are proximity/road connectedness;
42 secondly shared high school attendance
43 area; and the commuting of 30 percent or
44 more of the workers from one place of
45 interest to another.

46
47 Places in a grouping need not be
48 economically, socially, or communally
49 homogenous in order to be included.
50 Portions of a nonrural grouping may

1 appear more rural than other portions of
2 the grouping, but may still be combined
3 or joined in one area.

4
5 Population

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7 Federal subsistence regulations identify
8 presumed rural and presumed nonrural
9 categories in terms of population size,
10 and specify that population data from
11 the most recent census conducted by the
12 United States Bureau of Census as updated
13 by the Alaska Department of Labor shall
14 be utilized in this process. Whether or
15 not individuals are eligible to, or
16 choose to, participate in subsistence
17 activities, or are in the military, or
18 have citizenship status, or are more
19 transient than others, does not mean that
20 those individuals should be discounted
21 from the population estimate for a
22 community or area of interest.

23
24 Population Thresholds

25
26 The presumptive status of communities and
27 areas based on population size, which I
28 just referenced, is a starting point in
29 making rural/nonrural determinations,
30 subject to the consideration of community
31 characteristics.

32
33 Testimony at the time of the initial
34 determinations, and again during this
35 first decennial review, has challenged
36 the appropriateness of the derivation of
37 the 7,000 threshold from the Ketchikan
38 population level. The point made is that
39 the 7,000 level was the approximate size
40 of Ketchikan City at the time of ANILCA
41 passage, but that the greater Ketchikan
42 area had a population of about 11,000 at
43 that time. The concern is that the area
44 population of 11,000 should have been
45 taken to represent Congressional intent,
46 since the approach as implemented,
47 requires grouping of economically,
48 socially, and communally integrated
49 places.

50

1 Whether the regulations should describe a
2 threshold of 11,000 derived from the
3 Ketchikan Area, or 7,000 derived from the
4 City of Ketchikan, has no effect on the
5 outcome of this decennial review.
6 Existing regulations give the Board
7 sufficient latitude to deviate from the
8 presumption thresholds as warranted.
9 Communities and areas of all sizes were
10 given adequate consideration, and
11 multiple opportunities were provided for
12 review and comment. None of the
13 communities or areas, as grouped and
14 proposed by the Board for change in
15 status, were in the population range of
16 7,000 to 11,000.
17

18 However, further evaluation of the 7,000
19 versus 11,000 population threshold, given
20 the requirement for the grouping of
21 economically, socially, and communally
22 integrated places, would respond to the
23 concern that has been raised, and may
24 bring a more broadly shared
25 interpretation of Congressional intent
26 for application to future decennial
27 reviews.
28

29 Community Characteristics

30
31 There are no specific quantitative
32 thresholds for the characteristics, nor a
33 requirement for a certain portion to be
34 of a particular type. Rather, whether
35 the characteristics of a community or
36 area are indicative of rural or nonrural
37 status is a collective assessment that,
38 in the end, rests with Board judgment.
39

40 Consistency of Approach for Sitka and the 41 Kodiak Area

42
43 Some questions have arisen as to whether
44 adequate review was provided for Sitka,
45 given that it was not assigned by the
46 Board for further Staff analysis in
47 December 2005. The initial steps in the
48 review process winnowed down the number
49 of communities and areas proposed for
50 further analysis from the potential scope

1 of about 300 to 10. The public comment
2 period in the fall of 2005, and the Board
3 public meeting of December 2005, provided
4 further information and feedback on the
5 first phase of the review, with the Board
6 seeking to learn more and being open to
7 making adjustments to the list for
8 further analysis.

9
10 Based on public comments and Council
11 recommendations, and testimony at the
12 December 2005 Board public meeting, the
13 Board added to, and removed from, the
14 list proposed for further analysis in
15 making its assignment to Staff. In the
16 case of Sitka, the prevailing view of the
17 Board was that sufficient information had
18 been obtained to preclude the need for
19 further Staff analysis.

20
21 For the Kodiak Area, however, grouping
22 questions were also at issue. The
23 assigned analysis for the Kodiak Area
24 examined how the area had been grouped in
25 1990, and examined grouping
26 considerations for the current review, as
27 well as rural/nonrural status. The
28 relevant point here is that, in the
29 Board's judgment, it did not have
30 sufficient information on the grouping
31 and status of the Kodiak Area at that
32 point in the process to forgo assigning
33 further Staff analysis in December 2005.

34
35 Mr. Chairman, that concludes my
36 presentation.

37
38 CHAIRMAN FLEAGLE: Thank you, very much
39 Larry. Appreciate that explain of the process. Before I
40 take Board questions I do have one request of a testifier
41 that has to be out of here by 9:30 and it's now 9:20 so
42 I'm going to break the proceedings to go ahead and move
43 to public testimony.

44
45 If you want to testify today at the
46 meeting, please fill out one of the cards that you saw at
47 the sign-up table outside on the way in and those will be
48 brought forward with your name on it and we'll put them
49 into the mix for testimony. We're going to establish a
50 cut off time to testify as noon today so if you know of

1 somebody that isn't present at the meeting but would like
2 to testify before us let them know that they have until
3 noon to turn in a card and given the number of testifiers
4 that we've already got present and anticipating more,
5 we're going to establish a five minute time limit, which
6 Pete Probasco over here will regulate for me. And as
7 always when a person testifies, I'd like to remind people
8 to be courteous and respectful of the Board and other
9 members of the public that you might be testifying on an
10 issue that is not in synch with somebody else's beliefs,
11 I mean we have some real controversial matters that have
12 to be addressed by the Board, a lot of heartfelt
13 considerations. I just prefer that we keep the testimony
14 to the issue and to avoid personalities and conflicts. I
15 think that I'd also like to request of the Board that we
16 share the same respect to the public and other testifiers
17 when we do ask, I'd like to make sure that we have a
18 mutual respect for each other, it just lends to a better
19 process, I believe.

20

21 With that, I'm going to go ahead and call
22 up our first testifier. And when you come up, come up to
23 the table up here and push the microphone on/off button
24 before you begin speaking and when you start speaking
25 your time will start. And with that we have Vic Fisher.

26

27 MR. FISHER: Mr. Chairman, thank you, for
28 the Board, for giving me a chance to testify early
29 because I do have another meeting to go to. My name is
30 Victor Fisher. I'm with the University of Alaska-
31 Anchorage Institute of Social and Economic Research.

32

33 Four years ago we had a contract to
34 prepare a study on the methods for rural/nonrural
35 determination for Federal Subsistence management in
36 Alaska. The report was done mainly by Dr. Robert J.
37 Wolfe. I was the project director. And I'm testifying
38 mainly because I was advised because the issue of Kodiak
39 is before you.

40

41 The methodology that we analyzed and
42 proposed to the Board to use as a basis for making
43 determinations such as those before you was reviewed at
44 length, debated at length and it was decided not to adopt
45 it. However, I do want to -- and I might mention that
46 one of the issues of concern was the relationship of the
47 methodology to the Kenai Peninsula situation and the
48 potential impact on the Kenaitze case. The report is in
49 the hands and on the web of the Federal Subsistence Board
50 or the Staff and so I will not go into detail. I just

1 want to quickly tell you from table of content that the
2 major portions of the study and these were closely worked
3 on with Staff and the various agencies involved, were
4 analysis and definitions of rural concept. There were
5 focus groups on discussing rural concept. There were
6 different measures analyzed. The principal measures that
7 seemed to be relevant to the methodology as it was
8 emerging were country food production and density.

9
10 We dealt with issues of aggregation and
11 disaggregation of populations, and then focused on the
12 most pertinent methodologies for identifying rural and
13 nonrural population. There were two methodologies that
14 came to the floor. Discriminate analysis assessment and
15 criterion reference assessment and then we had
16 conclusions and recommendations.

17
18 What I want to bring out mainly is that
19 the first approach of discriminate analysis assessment
20 looked at Kodiak city, to say nothing of Kodiak rural,
21 Kodiak city came out tentatively rural under our initial
22 analysis. As we pursued that further, looking at country
23 food production, the -- and I'm just going through this
24 very quickly here, the Kodiak city as well as Kodiak road
25 came out -- it came out as rural and that was the
26 application of the criterion referenced assessment
27 method, and I'll be glad to get into those if you wish,
28 sort of what they mean. But I just want to say that
29 under a very strict scientific approach, Kodiak city as
30 well as Kodiak road came out -- was classified as rural.

31
32 I'll be glad to answer any questions if
33 you wish, to go into details, as to what those
34 assessments meant.

35
36 CHAIRMAN FLEAGLE: Okay, thank you, Mr.
37 Fisher. Board members, questions.

38
39 (No comments)

40
41 CHAIRMAN FLEAGLE: Thank you, appreciate
42 your testimony.

43
44 MR. FISHER: Thank you for giving me the
45 earlier time.

46
47 CHAIRMAN FLEAGLE: You bet. Enjoy the
48 rest of your day.

49
50 I'd like to call Larry back up to the

1 table. And, now, based on Larry's report, Board members,
2 it looked like we had a couple gearing up for questions,
3 are there questions on Larry's presentation.

4

5 Gary.

6

7 MR. EDWARDS: Larry, at the end of your
8 presentation you talked about the regulations and
9 criteria that the Staff used in doing the analysis, both
10 to determine -- to look at whether communities were rural
11 or nonrural or also to look at whether communities should
12 be aggregated, and you mentioned the three criteria with
13 regards to aggregation. And I guess my question is in
14 addition to those three criteria that you identified,
15 were there other criteria or considerations that were
16 applied and, if so, were those applied consistently
17 across all communities and if not, why not?

18

19 MR. BUKLIS: Mr. Chairman. Mr. Edwards.
20 We did apply the Board's guidance on the three criteria
21 for grouping in the work that led up to our June 2006
22 Staff report to you. In that, we reviewed the assigned
23 areas and grouping questions and where there was an
24 unambiguous outcome, using the three criteria, we
25 advanced a recommendation in the Staff work where there
26 was some uncertainty in the outcome we developed
27 alternatives to group or not group. And I think that was
28 done consistently.

29

30 An exception that I'm aware of is that
31 for Saxman, in relation to the Ketchikan area, the three
32 criteria were applied and they were unambiguous to group,
33 but in addition to that recommendation which would follow
34 and which would follow for the other areas where we
35 applied these guidelines, for Saxman we also developed an
36 alternative to not group. And I think that that was done
37 in recognition of the situation surrounding Saxman, that
38 back in 1990 it was an issue, and the Board, I believe,
39 in the Proposed Rule back then, proposed to be grouped,
40 and in the end in the Final Rule separated it from
41 Ketchikan area. And in your charge to us in December of
42 2005 there was some Board discussion about whether to
43 assign Saxman to us as part of the Ketchikan grouping
44 questions and Ketchikan status issues. And in
45 recognition of that awareness of the issue surrounding
46 it, we developed sort of a best case that could be made
47 for an alternative view, but it was not consistent with
48 application of criteria, they were unambiguous in that
49 case.

50

1 But other than that, I think there were
2 no other exceptions. And where you had alternatives back
3 in the June report, it's because there wasn't complete
4 certainty in the application of the criteria.

5
6 Mr. Chairman.

7
8 MR. EDWARDS: So we didn't apply those
9 criteria to those additional considerations to
10 communities like Point MacKenzie or Fritz Creek or even
11 Sterling, which were -- or at least currently right now
12 are rural?

13
14 MR. BUKLIS: Mr. Chairman. Yes, that's
15 correct, we did not. And as you go back to the write up
16 for that alternative view on Saxman, it wasn't a write up
17 that questioned the analysis under the three criteria in
18 that case, they weren't ambiguous or confounded, it was
19 rather, looking beyond and looking at ways in which ones
20 could see it in a separate place, but it wasn't within
21 the criteria.

22
23 MR. EDWARDS: Thank you.

24
25 CHAIRMAN FLEAGLE: Board members, other
26 questions.

27
28 (No comments)

29
30 CHAIRMAN FLEAGLE: It looks like that's
31 it, Larry, thank you, once again for the report.

32
33 Board members are there any announcements
34 that anybody would like to make, Staff, anybody, before
35 we proceed with the rest of public testimony. I forgot
36 to ask that early on.

37
38 (No comments)

39
40 CHAIRMAN FLEAGLE: No, okay. All right.
41 So we're going to go ahead and resume public testimony.
42 And once, again, if you want to testify please fill out a
43 card at the table, at the sign-up table on the way in.

44
45 Next, we have Libby Watanabe. And
46 forgive me if I said the name wrong, I know I'll be
47 corrected if I did. Libby.

48
49 MR. SKAN: Mr. Chairman.

50

1 CHAIRMAN FLEAGLE: Dewey.
2
3 MS. SKAN: Libby is in transit and I
4 think she should be landing here now from Sitka. She'll
5 probably be here shortly.
6
7 CHAIRMAN FLEAGLE: Okay, thank you.
8 Dewey Skan announced that Libby is not present yet. I'll
9 go ahead and set that card aside. The next name we have
10 is Lee Wallace.
11
12 MR. WALLACE: Good morning.
13
14 CHAIRMAN FLEAGLE: Good morning.
15
16 MR. WALLACE: Okay, under the time
17 pressure to get the five minutes in there. Lee Wallace
18 from the Organized Village of Saxman, Saxman IRA
19 president.
20
21 I wasn't expecting to be the first one up
22 after -- I was hoping Kodiak would get up first, since
23 they were first on the agenda. But, again, I -- you know
24 when I originally came up here and I was reading through
25 all this material and I know it's been a long process for
26 the Board and I respectfully thank you for the time, and
27 I would respectfully ask that you come out favorably with
28 the right decisions for all our communities concerned in
29 this rural status today.
30
31 You know, looking at the Federal
32 Register, back in 1990 when this whole process was
33 formed, and the community, our area, and the emphasis on
34 what changed since 1990, that was the charge and the
35 direction to go from, is what has changed since 1990.
36 And you heard numerous testimonies from Saxman,
37 individuals from Saxman and others looking at it, nothing
38 has changed since 1990. The population is well under the
39 threshold of what determines what's rural and nonrural.
40 In this statement here in the Federal Register, is
41 population is a fundamental distinguished characteristic
42 between rural and nonrural, fundamental. So we have been
43 and will remain under that threshold. Even if we had
44 great gains in economic and a gain in the village of 431
45 people, if we doubled our size we'd still be way below
46 the threshold and it would probably remain to be a
47 majority of 70 percent Alaska Native residents in that,
48 it's just the way it would be. You talk to the Board
49 analysts and primary efforts to distinguish between rural
50 places and nonrural places are heavily reliant on

1 population size, it's part of your charge, to take a look
2 at that population and we are, again, well below the
3 threshold.

4

5 Highlighted from the Federal Register,
6 there are no large national retailers found in rural
7 communities. Now, you're not going to find Wal-Mart in
8 Saxman, you're not going to find KMart, you're not going
9 to find Costco there. You will find it in a nonrural
10 area. But to follow those, I want to read through a
11 testimony that I did have and I want to get through this
12 because officially we haven't submitted a resolution.
13 There was a lot of statements and letters written to the
14 Board.

15

16 Good morning, Chairman Michael Fleagle
17 and distinguished members of the Federal
18 Subsistence Board. Thank you for the
19 opportunity to present testimony
20 regarding Saxman and the rural
21 designation we currently enjoy and plea
22 that it may not be eliminated.

23

24 Again, my name is Lee Wallace, I'm the
25 president of the Saxman IRA Council. I
26 am honored to be here to testify on
27 behalf of the Saxman area Council and the
28 Saxman tribal citizens. Saxman is
29 located on the west side of Revello
30 Island and is several miles south of
31 Ketchikan. In 1886 Tlingit people from
32 the old villages of Tongass and Cape Fox
33 wanted a new site to construct a central
34 Bureau of Indian Affairs school and
35 Presbyterian church. By 1894 the new
36 village site of Saxman was chosen and
37 construction of the school and houses
38 began immediately.

39

40 I'm here today, not standing alone, but
41 due to the efforts and sacrifices of
42 tribal and community leaders who came
43 before me and who believe in emphasizing
44 tribal sovereignty and continued
45 viability of tribal and city governments.

46

47 I thank the Federal Subsistence Board for
48 providing our community with the
49 important opportunity to address rural
50 subsistence status for Saxman and not

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eliminating from, but retaining rural status of Saxman.

Again, 1990 rural determination process, December 17, 1990 the board adopted a final rural and nonrural determinations for Alaskan communities and the community of Saxman was granted rural status. The community of Saxman has, through the Federal process, enjoyed several years of rural status and we need to recognize that subsistence for Saxman did not evolve 16 years ago, however, we all know the facts that traditional use of harvesting, gathering and living from the water and land is a way of life for the Tlingit, Haida and Tsmishian peoples. To traditionally partake of food from the land and water is an enormous part of our culture and it represents a very personal value amongst our people. To traditional harvest and use natural resources we are accustomed to is critical to our culture and by changing our rural status it would significantly impact each family member, elder to infant in Saxman, thereby placing us at risk.

I would like to highlight a few important facts regarding Saxman, I hope that the facts present argument and any thought of grouping communities in areas of Ketchikan. We understand that communities that are economically, socially and communally integrated are to be grouped for evaluation purposes. It is the opinion of our tribe that should grouping characteristics be on the table then Saxman would request a delay in the ruling of the Federal Subsistence Board.

65 years ago Native leaders from Saxman, such as Joseph C. Williams, Sr., acted in 1941 to form the tribal organization in accordance with the Federal Indian Reorganization Act of 1934. These early leaders dedicated big commitment of time and their resources to make Saxman a distinct, independent, political and community as undisputed inhabitants of

1 Saxman. This action was accomplished in
2 order to form a better tribal community
3 that would secure the rights and powers
4 inherent in our sovereign status to
5 preserve our cultural and tribal
6 identity, to promote the social and
7 economic welfare of our tribal citizens
8 and protect and develop common resources
9 and safeguard individual rights. The
10 tribal members of Saxman in 1941 wanted
11 to, and today continue to possess the
12 inherent right of self-government with
13 entitlement to Federal benefits, services
14 and protections because of the special
15 trust relationship with the United
16 States.

17
18 This action established and protected
19 because of the special trust relationship
20 with the United States, this action
21 established and prescribed that Saxman is
22 a separate, distinct and tribal community
23 for those having common bond of residents
24 in the tribal community of Saxman. Thus,
25 for 65 years Saxman has remained
26 independent from any other community and
27 has formally committed to assume
28 responsibilities for the administration
29 of programs, services funded by the
30 Federal government through Bureau of
31 Indian Affairs for Saxman tribal members
32 only, independent and separate from
33 Ketchikan.

34
35 Saxman provides an employment training
36 program, tribal family youth service
37 program, general assistance, higher
38 education and vocational funding, a home
39 improvement program and Indian child
40 welfare assistance program and elderly
41 assistance program for the Saxman tribal
42 citizens only.

43
44 The tribal administration office
45 independently and separately meet the
46 obligation of its own audits.....

47
48 CHAIRMAN FLEAGLE: Excuse me.

49
50 MR. WALLACE:financial records.....

1 CHAIRMAN FLEAGLE: Excuse me, Lee. We do
2 have the written letter in front of us and I've kind of
3 allowed you to run over your time quite a bit, can I just
4 ask you to summarize your views, please.

5
6 MR. WALLACE: Okay. I do thank you and I
7 know I did get the copy to you. I apologize for everyone
8 for going over -- it's one of those things which a lot of
9 the Native groups, on important issues, we put aside our
10 time limits and I know you definitely have to have time
11 limits, I apologize, but in summarization, really nothing
12 has changed in Saxman since the 1990 ruling.

13
14 Yes, we are three miles down the road and
15 there's been criteria that's been changed to come up with
16 this review. You know, I want to emphasize that ANILCA
17 and ANCSA, were all incorporated and that's what you
18 should be going by as your guideline, is to protect the
19 Alaska Native lands and their peoples and their way of
20 lives, and I would just ask that you go by that and just
21 pray for a just ruling on this Board.

22
23 Thank you.

24
25 CHAIRMAN FLEAGLE: Okay, thank you, Lee,
26 appreciate the testimony.

27
28 Do we have questions. Judy.

29
30 MS. GOTTLIEB: Thank you, Mr. Chair. And
31 thank you, Lee, for being here today. We do have your
32 statement, your letter in front of us, but I think the
33 key paragraph is one that you didn't have a chance to get
34 to and that has to do with economically, socially and
35 communally integrated to the Ketchikan area. As you know
36 that's important because what is in our regulation is,
37 you mentioned population, but regulation guidelines that
38 say a community or area with a population of 2,500 or
39 less shall be deemed rural unless such a community or
40 area possesses significant characteristics of a nonrural
41 nature or is considered to be socially and economically
42 part of an urbanized area.

43
44 So I was hoping you could just maybe
45 explain a little bit more about the paragraph you have in
46 your statement about these characteristics and
47 integration to Ketchikan, please.

48
49 CHAIRMAN FLEAGLE: Lee.

50

1 MR. WALLACE: Yes.
2
3 CHAIRMAN FLEAGLE: Go ahead and answer
4 the question, I'm sorry, just recognizing you.
5
6 MR. WALLACE: Okay. I was just trying to
7 find that one page that you were referring to Judy.
8
9 MS. GOTTLIEB: On Page 4 there.
10
11 MR. WALLACE: Okay, there it is.
12 Economically, socially, communally integrated from
13 Ketchikan -- Saxman tribal government, services and
14 activities are -- for enrollment tribal members and
15 persons residing and retaining a residence in Saxman
16 integration means that there is bringing together parts
17 to make or complete a whole and remove the legal, social,
18 communal and economical barriers that make part separate.
19 It is clear that Saxman remains non-integrated and cannot
20 be grouped with Ketchikan.
21
22 We may do business away from Saxman but
23 that does not make us integrated to Ketchikan, Seattle or
24 any other place. Saxman, Alaska has been a self-
25 directed, self-ruled, self-sufficient, and self-governed
26 community for decades.
27
28 That really kind of summarizes what the
29 question is, we've got our own governments there and our
30 own municipal government, Federal government and it's
31 true that a lot of our people go into -- there's a large
32 percentage that go into Ketchikan and other areas for
33 employment because there is high unemployment rate,
34 there's a lot of object poverty in rural areas, as you
35 all know and Saxman is no different.
36
37 That answered your question, I hope.
38
39 CHAIRMAN FLEAGLE: Other questions, Board
40 members.
41
42 (No comments)
43
44 CHAIRMAN FLEAGLE: Hearing none, we
45 appreciate your testimony, Lee, thank you.
46
47 MR. WALLACE: Thank you.
48
49 CHAIRMAN FLEAGLE: Would you go ahead and
50 turn the microphone off, thank you. Next we have Willard

1 Jackson.

2

3 (Pause)

4

5 CHAIRMAN FLEAGLE: All right, we'll give
6 a couple minutes and see if we can round him up.

7

8 Willard Jackson.

9

10 MR. JACKSON: Good morning. My name is
11 Willard Jackson. I'm from the community of Ketchikan.
12 I'm a Ketchikan Indian Community tribal council member.
13 I'm also a descendant of the TantaKwaan Teokweidi who's
14 also connected to the Saanya Kwaan, Cape Fox, Saxman. My
15 grandmother Alice Harris moved into the Saxman area in
16 1886. Mr. Lee Wallace was correct in that the history of
17 Saxman, Saxman was named after William Saxman, who was
18 then one of the missionaries and school teachers on
19 Tongass Island where my grandmother is originally from of
20 the Tongass people, which you, as Forest Service, took
21 the name Tongass National Forest.

22

23 Once again history is repeating itself
24 when you look at the 1971 Land Claims Ketchikan was left
25 out and once again we're repeating history again,
26 Ketchikan is being left out. When you look at Tongass
27 and Ketchikan, I am a Teokweidi brown bear of the Tongass
28 people, I'm one of the (In Tlingit) speaker of the house,
29 bear people. The history of the Tongass people is over
30 10,000 years old and we were left out of the 1971 land
31 claims, and it looks again like my grandchildren are going
32 to be left out for the subsistence off the great land
33 that our ancestors have left us to be caretakers of.

34

35 When you come into Ketchikan, if you come
36 in there now, the tourist season is over, and if you come
37 into Ketchikan, you come in there now you're going to see
38 all the windows boarded up. That tourist season of
39 740,000 tourists that came through this year and with
40 that new dock facility coming in for another tourist boat
41 to come in, which will bring a million people in, none of
42 that money stays in the community. Those shops are owned
43 by the great tourist industry, the great ships that come
44 in there.

45

46 My mother, Esther Shea, went to boarding
47 school in Sheldon Jackson. Sheldon Jackson in 1886
48 through 1887, south of Ketchikan, which was then renamed
49 Saxman after William Saxman, and if you follow your
50 history and know your history, William Booth was coming

1 through to find land for our brothers and sisters of Old
2 Metlakatla. during the time in 1886, 1885 there were a
3 lot of things happening on the border of Canada. The
4 U.S. government was through placing our people in Lower
5 48 in their encampments, moving them off their land and
6 putting them on reservations so they started coming this
7 way.

8
9 My grandmother often times told the story
10 of the gathering of food on Tongass Island, which they
11 renamed in 1886 Ft. Tongass 90 men from the U.S. Army put
12 a post up there and renamed that island and still named
13 that Ft. Tongass.

14
15 Our people, the Tlingit people, the
16 Tongass people came off of Prince of Wales and were
17 moving across after we came out of the ice age, we ended
18 up on Prince of Wales, right where Hydaburg area is right
19 on down to Long Island, Forrester Island, moved across to
20 Duke Island. Duke Island is now being questioned again
21 in the drilling and mining that's going to be taken away
22 from us once again.

23
24 I shared last night with my grandson, I
25 talk to him as often as I can because I'm speaking for
26 him today, my time in this world is short as many you
27 sitting at this table are, a great life is going to
28 happen for our grandchildren and children if things are
29 brought to this table in the proper manner and the proper
30 respect of whose land you're on.

31
32 Nowhere in history has the Tlingit people
33 signed a treaty with the U.S. government, nowhere in
34 history have any of these villages of the great state of
35 Alaska, have we signed a treaty with the U.S. government.
36 I wear my 82nd Airborne hat which I earned in Vietnam,
37 which I'd done two tours of, proudly, was wounded there
38 twice, and wear it proudly and, yet, in saying that my
39 tribe, my community is possibly going to be left out
40 again. If you ever get the opportunity to go into a
41 Native home and sit with the grandchildren, and I have 12
42 of them and during the springtime when the seaweed is
43 being picked and dried and shared, you can come in and
44 sit with my grandchildren when I bring the seaweed out,
45 it's like eating popcorn, they'll eat and they'll eat,
46 their body just screaming out for that food, screaming
47 out for it, they want more and they want more. I have a
48 four year old grandson, his name is Daniel, he is as
49 white as a sheet but he's my grandson and I love him very
50 much. He'll sit with his grandmother, when she boils her

1 king salmon heads and he'll eat and he'll eat and he'll
2 eat, that's during the summertime.

3

4 During the subsistence hunting or
5 fishing, just like this \$100 bill, it's not going to go
6 in my pocket, this \$100 just like we go subsistence, it's
7 going to go in my family and my village's pocket, it's
8 going to be shared.

9

10 What are we sharing when we choose not to
11 recognize a tribe, we shared this morning, and I shared a
12 prayer of the gathering of our great nations being
13 protectors of Mother Earth, the Creator gave us, be
14 stewards of, we're all connected to Mother Earth, provide
15 for us and if we're not careful it comes back on you,
16 just like I do, I struggle with cancer and it's from
17 eating the improper foods that I chose to put in me,
18 knowing that when I was growing up in the village of
19 Saxman and now I'm living in Ketchikan and sitting on the
20 beach as a young man, gathering with my elders and eating
21 stinkheads and the (In Tlingit) on the beach, or
22 fermented eggs, that it was going into my body to fight
23 the disease, and knowing that today that I can't go back
24 to those things.

25

26 CHAIRMAN FLEAGLE: Excuse me, Willard,
27 can I get you to summarize your comments to the Board,
28 please, we're well over the time limits. Thanks.

29

30 MR. JACKSON: I would just like to say to
31 the Board, I appreciate what you're doing. I think that
32 for all purposes in this world and this life, we're not
33 the only ones here, there are others coming, you know,
34 what are we going to leave them.

35

36 Thank you, very much.

37

38 CHAIRMAN FLEAGLE: Okay, thank you for
39 your testimony. Board members, questions.

40

41 (No comments)

42

43 CHAIRMAN FLEAGLE: Hearing none, we
44 appreciate you. I'd like to take a 10 minute break.

45

46 (Off record)

47

48 (On record)

49

50 CHAIRMAN FLEAGLE: All right, good

1 morning, we're back in session, the Federal Subsistence
2 Board Day 1 of a two day meeting at the Egan Center in
3 Anchorage. And I had one person wave at me right when we
4 broke the last time, and he says I thought you were going
5 to be talking about guide license fees and I said, no,
6 you're in the wrong hall.

7

8 (Laughter)

9

10 CHAIRMAN FLEAGLE: So if you want to talk
11 about guide license fees or guides or anything, next
12 door, the State of Alaska's Big Game Commercial Services
13 Board is meeting. That's the newly formed guide board
14 that several people in Alaska, the Chair included, worked
15 on trying to get reestablished so we could get a handle
16 on the guiding and outfitting issues that we have in
17 Alaska. So they're on a big task. They were established
18 with a two year sunset, and I think that two years is
19 just about up but hopefully they'll get continuing. But
20 anyway that's the deal there, next door, so if you want
21 to be listening to guide discussions it's next door.
22 Hopefully none of our people got lost over there.

23

24 (Laughter)

25

26 CHAIRMAN FLEAGLE: The other announcement
27 I want to make is that I just wanted to clarify in case
28 there was a misunderstanding, I don't intend to shut off
29 public testimony at noon. We're only setting noon as the
30 deadline to sign up to testify. So if you know of
31 anybody that wants to testify at this meeting, please
32 have them sign up before noon and we will continue to
33 hear testimony until we're done with testimony, there's
34 no intention to cut off testimony. We do have a lot of
35 interest in the meeting and so we do have the five minute
36 time limit, and I've allowed the last couple of speakers
37 to exceed that, rather by quite a bit, I am going to try
38 to ask if you would please try to keep your comments
39 within the five minutes. If you're on a subject that the
40 Board members feel compelled to hear the rest of, I can
41 have them request additional time, I think that would be
42 appropriate. But I'd like to just remind people to try
43 to stay within the five minutes. I know these are some
44 real heartfelt issues that you're presenting to the Board
45 here and we do want to hear your opinion.

46

47 Other announcements, Board members.

48

49 (No comments)

50

1 CHAIRMAN FLEAGLE: Staff.

2

3 (No comments)

4

5 CHAIRMAN FLEAGLE: All right, hearing
6 nothing we'll go ahead and move in. Next on our list is
7 Iver Malutin.

8

9 MR. MALUTIN: Thank you. And I really
10 appreciate the opportunity to be able to speak and thank
11 you, Mike, and the Board for devoting all your hard time,
12 well earned time to take the opportunity to listen to our
13 problems.

14

15 And I'm going to talk a little bit
16 different about what I talked about before, I'm going to
17 try to, and be on a little bit of a different note and
18 I'm going to go back and I'm going to refer to the one
19 book that was put out by the Alaska Native Foundation by
20 Amil Notti (ph) in 1976. And they had some really good
21 people that put the book together and one of them was
22 Nancy YarDavis and the reason I want to use her name is
23 to show you that during the 1964 earthquake she was in
24 charge of -- in Anchorage, of Old Harbor and Ahkiok
25 people and she noticed when she got in Anchorage that she
26 could never keep them together, they always separated,
27 they always separated. Okay, that's the same thing with
28 all our people and all our lands. So that means if, just
29 say if Kodiak went for urban, for example, that means
30 that the land that I -- I was born in Kodiak, and if we
31 went urban people from Ouzinkie and Port Lions could come
32 to Kodiak and they could fish and I have to stay on the
33 beach and watch them and here I'm the only person that
34 was born in Kodiak, they were born in the other places
35 and they're moving out of the area, they're doing
36 something totally, totally different than Nancy was
37 telling us about, and that's what's happening.

38

39 And another thing ANCSA wasn't really,
40 really the final answer to what we were really looking
41 for. Even before that, let me go back a little, when the
42 Russians sold Alaska to the United States, there was a
43 very, very big problem and that was that in this book it
44 says that the United States will take all the Russian
45 citizens that wanted to become Americans and they could
46 immediately become a citizen of the United States, but
47 not the Natives. And I have to apologize because I'm
48 speaking from my Native heritage now, when before I
49 didn't, so we were already put into a different category.
50 And it wasn't until 1926, when we were finally recognized

1 and we were citizens of the United States. And not only
2 that I was in the Army in 1951, I was fighting for our --
3 not fighting for our country, I would have fought for our
4 country if they sent me to Korea but they chose not to do
5 that, but, anyway, I was in the Army and I wasn't even
6 able to vote, not until statehood.

7
8 So there's a lot of things that in the
9 past that were inequities, and then we have another one
10 today, and that's this number that you have, that 7,000.
11 There was really absolutely no justification for numbers,
12 absolutely no justification for a number and the
13 traditional way of life or their lifestyle. And it's
14 another unsolved problem that you have to solve, and I
15 don't think this thing should be at all with numbers, it
16 shouldn't be. And I believe in my own mind, the way that
17 I was born and raised, that every single Native should
18 have the opportunity to get their traditional foods on
19 their traditional lands. That's just what I believe.

20
21 Okay. Also just one little thing I'd
22 like to throw in right now, just an incidental. Jim Fall
23 did a study on subsistence halibut in the Kodiak area and
24 if my numbers are right I think Kodiak harvested about
25 380,000 of subsistence halibut in 2005, and get the
26 numbers correct you could get a hold of Jim and he could
27 give you more information than I have.

28
29 So I guess one of the things I'd like to
30 reiterate, there's a testimony of a young Coast Guard lad
31 in Kodiak, when we were there, of all the testimonies we
32 had, the one that really stuck in my mind was this little
33 Coast Guard kid that was testifying on behalf of his
34 friends that were single Coast Guard people that lived in
35 Kodiak that didn't like Kodiak, they didn't want to be a
36 part of Kodiak, and they didn't want to be part of --
37 counted as Kodiak. So somehow we have to differentiate
38 or somehow we have to think about those people so that
39 those numbers aren't counted, if in fact they don't want
40 to be. And I think there's all kinds of different areas
41 that will be directed into showing you that many areas
42 where they shouldn't be counted and that's another thing.
43 I'm just trying to hit the number part of it a little
44 better so we could somehow, maybe in the future, get the
45 guidelines to where the Federal Subsistence Board will
46 have a good foundation on making a determination.

47
48 Just on Saxman. I'll speak for Saxman a
49 little bit, I was down there, and to me I didn't see any
50 more of a rural community than I did at Saxman. I went

1 all over, I went to every house, I looked at it and for
2 somebody to say Saxman shouldn't be rural because Kodiak
3 is nonrural that is totally, totally non-permissible.
4 Each one has to be decided on their own fact and
5 foundation. And I really, really hope that you'll
6 remember that.

7
8 So I'm going to -- I think I'm within my
9 five minutes and I see the light so I'm going to just
10 end, I had more things here one more thing I want to read
11 you, and this is from Larry Mercurief.

12
13 Whatever the actual situation may be, we
14 reserve the right to speak and decide for
15 ourselves. It is not the place for you
16 or the Sierra Club to decide what is
17 right or wrong for us. What we eat is a
18 sincere two way exchange of ideas and
19 philosophies so that we may understand
20 and accept the best what different
21 cultures have to contribute to the
22 survival of everyone. We cannot do it if
23 there is force or if people speak for us
24 out of ignorance.

25
26 Thank you, and appreciate your time.

27
28 CHAIRMAN FLEAGLE: Thank you, Iver. Hang
29 on, let's see if there's any questions, Board members.

30
31 Gary.

32
33 MR. EDWARDS: Iver, thank you for your
34 testimony and the other ones I know you gave here not too
35 long ago and also in Kodiak.

36
37 But I'm just trying to understand that
38 you, personally, the subsistence harvest that you do,
39 where does that occur and are you doing that under the
40 State or Federal permit?

41
42 MR. MALUTIN: I'm doing it under the
43 State permit for the simple reason is I've never seen a
44 Federal permit. And as I understand it, the State is
45 managing the program with Federal funding.

46
47 CHAIRMAN FLEAGLE: Judy.

48
49 MS. GOTTLIEB: Mr. Chair, thank you. And
50 thank you, Iver, for your testimony. I know you've been

1 a player in this arena for many, many years and I always
2 appreciate your historical perspectives and you were
3 actively involved in the 1990 decision that the Federal
4 Board made and you continue to be really actively
5 involved.

6
7 I guess I just -- maybe this is more of a
8 statement rather than a question, I think what you
9 brought up from that historical perspective is that part
10 of the reason we're here, ANILCA, has all come about
11 because of many compromises or many consensus decisions
12 that were made over the years that got to ANCSA, that got
13 to ANILCA, that got to where we are and I think that's
14 always good to keep in mind that maybe nobody was exactly
15 happy to have what we have at this point in time but it
16 is the law and we try to uphold it as best we can.

17
18 So thank you very much for reminding us
19 of history.

20
21 MR. MALUTIN: I'm really glad you said
22 that because that gives me another opportunity to say
23 something.

24
25 (Laughter)

26
27 MR. MALUTIN: And what I did forget is
28 Afognak is totally, totally encompassed by Federal water
29 and land and as a person that would be in a nonrural
30 area, I would not be able to go to my home land and hunt
31 and fish like these other people are talking about in
32 Saxman and Ketchikan. The people from Ouzinkie and
33 Afognak and Port Lions would be able to go and do that
34 and I'd have to stay on the beach and watch them, that
35 doesn't make sense.

36
37 So thank you for your time.

38
39 CHAIRMAN FLEAGLE: Other questions.

40
41 (No comments)

42
43 CHAIRMAN FLEAGLE: All right, thank you,
44 Iver. Next up we have Geraldine Watson. And if somebody
45 would keep an eye out for Libby Watanabe, and let me know
46 when she arrives, I got her card on hold. Please.

47
48 MS. WATSON: I come before this
49 commission today and I request to speak on behalf of one
50 of our tribal members, Gary Watson, who is my husband,

1 first, because my testimony kind of coincides with his,
2 so when it's his turn to speak then I'll come up and give
3 my testimony. I'll be reading his testimony today
4 because he doesn't feel well and -- anyway -- but I'd
5 like to start off by introducing:

6

7 This is Gary Watson, Sr., an Alutiiq born
8 and raised in Kodiak.

9

10 CHAIRMAN FLEAGLE: Hold it, can I
11 interrupt you just for a moment, just to explain to the
12 Board members. We do have two testimony cards, one from
13 Geraldine and one from Gary and she's proposing to speak
14 on behalf of Gary.....

15

16 MR. WATSON: First.

17

18 CHAIRMAN FLEAGLE:and herself, and
19 she's going to do him first. Okay, go ahead, thank you.

20

21 MS. WATSON:

22

23 I am Gary Watson, Sr., an Alutiiq born
24 and raised in Kodiak. I have come before
25 this commission three times independently
26 and now I come before you as Gary Watson,
27 Sr. a council member for the Sun-aq '
28 Tribe of Kodiak with approximately 1,500
29 members. We are one of 236 Federally
30 recognized tribes in Alaska and one of
31 500 Federally recognized in the United
32 States.

33

34 It is my responsibility to our people,
35 the Alutiigs of Kodiak to look out for
36 the best interests of our membership as
37 we are a Federal government and are
38 members, are dual citizens of the United
39 States. They are tribal citizens first
40 and U.S. citizens secondly.

41

42 We have equal footing under the law as
43 dual citizens, which is unique in this
44 country, as there are no other people who
45 can be members of two governments under
46 the United States Constitution.

47

48 My question to you is have you thought
49 about the historical treaty rights, and
50 when I speak of historical treaty rights

1 I'd like to remember that there's the
2 letter of the law and the spirit of the
3 law, and what was the ethic
4 responsibility when the Federal
5 government was developing the treaties
6 between the Native American people and
7 the United States.
8

9 Have you thought about the historical
10 treaty rights and agreements with both
11 State and Federal government and how a
12 decision to make Kodiak be recognized as
13 an urban community versus the rural
14 community that we know we all are is
15 unethical and contrary to all that we
16 have worked for in our relationship with
17 your government, which now narrows down
18 to your commission.
19

20 Have you thought about your
21 responsibility to the preservation of our
22 cultural heritage and how living a
23 subsistence lifestyle is very high on the
24 list when it comes to what is significant
25 to our culture.
26

27 As it's been said before to vote us as
28 urban is cultural, economic and social
29 genocide to the Alutiiq people and our
30 way of life, which we have lived for
31 thousands of years.
32

33 It's important that you do your homework
34 and review the historical treaties and
35 agreements made in statehood so that your
36 decision will be in alignment with what
37 we have agreed to in this public law 280
38 state. Our people have worked hard and
39 long to continue to preserve our culture
40 and way of life, we do not wish to change
41 it as we do not wish to change your way
42 of life or culture.
43

44 It boils down to pure respect of
45 differences and remembering that our
46 subsistence lifestyle is vital to our
47 survival and it's also our inherent
48 right. So it's important to realize that
49 the numbers have nothing to do with
50 what's ours because of our heritage.

1 What's been ours for thousands of years.
2
3 I realize that in the Western world
4 numbers mean everything, but in tribal
5 country we live a very simple lifestyle
6 and our values and our way of life are
7 respectful, hardworking and pure.
8 Numbers mean nothing.
9
10 We hunt, fish and provide for our
11 families and elders and teach the youth,
12 the elders teach the youth to keep on
13 passing the skills necessary to smoke
14 salmon, salt fish, dry fish, halibut,
15 cod, hunt deer, bear, ducks, goat, seal,
16 elk, berries, plant lore for medicinal
17 purposes and all other means of food that
18 we subsist on. Grass and other weeds to
19 do our traditional basket weaving,
20 picking glass to make beads for our
21 headdresses and other regalia and more.
22 These skills are not something that just
23 anyone can do and do well, they are truly
24 an art, no different than the foods that
25 you are used to. For an example, scampi,
26 lasange, spaghetti, fettucini and all of
27 the other foods that are your food
28 sources. We cannot go to the store and
29 buy the foods necessary to continue our
30 way of life as it has been for thousands
31 of years. As hunting and fishing are
32 learned processes, as is putting the game
33 and fish up once it is caught.
34
35 I will not waste your time today
36 explaining how each food source is taken
37 care of, I just hope that you will take
38 my word that the art has been passed on
39 through many generations and if it's lost
40 then it's gone forever just.....
41
42 CHAIRMAN FLEAGLE: Excuse me.
43
44 MS. WATSON:
45
46 like our language, which we are
47 working on revitalizing now with less
48 than 30 elders who fluently speak the
49 Alutiiq language.
50

1 CHAIRMAN FLEAGLE: Excuse me, can I get
2 you to just summarize the.....
3
4 MS. WATSON: I'm almost done.
5
6 CHAIRMAN FLEAGLE: Okay, thank you.
7
8 MS. WATSON:
9
10 Our language was almost extinct and we,
11 who have worked so hard to bring it back
12 into the household, through the school
13 system and other ways hope that it's not
14 too late.
15
16 Is it your wish to Westernize Alaska to
17 the place that the cultures are so
18 blended that there's nothing left to the
19 uniqueness of the Alaska Native people.
20
21 That's my testimony.
22
23 CHAIRMAN FLEAGLE: All right, thank you.
24 That testimony was on behalf of Gary. Is there any
25 questions on that testimony.
26
27 (No comments)
28
29 CHAIRMAN FLEAGLE: Thank you, you can
30 begin with your testimony, Geraldine.
31
32 MS. WATSON: Okay. My testimony is a
33 reiteration of what was testified in Kodiak and I would
34 like to say:
35
36 Cami.
37
38 My name is Geraldine Harris Watson. I
39 was born in raised in Kodiak. My blood
40 line is Alutiiq, Russian, Finnish and
41 Norwegian, the makings of the best
42 fishermen in the world. However, my
43 culture is full-blooded Alutiiq as I was
44 raised in the Alutiiq way on this island
45 and the maternal side of my family being
46 Alutiiq.
47
48 If you were to understand our culture,
49 the Alutiiq culture is a matriarchal
50 society, in other words, the women rule,

1 they are the boss and they are the
2 teachers of all that we value, our way of
3 life and they teach us the difference
4 between right and wrong.

5
6 Our men, all male offspring, are raised
7 to work and provide subsistence for our
8 families.

9
10 Throughout history and today our main
11 livelihood is fishing and hunting and
12 it's still our main means of living,
13 having a subsistence livelihood where all
14 sources of fish, seagull eggs, ducks and
15 all other forms of foods that we have
16 subsisted on for thousands of years. Not
17 only is it our means of livelihood, as
18 the cost of living in Kodiak is too high
19 to live on what one makes working, it's
20 also our way of life, our culture,
21 something that is more important and
22 should be taken into consideration with
23 all respect that you, as a Commission,
24 have as people who make decisions that
25 affect other cultures, lives and means of
26 survival.

27
28 You are here appointed Commissioners to
29 listen to us and learn about our way of
30 life, what's important to us and to
31 determine and make a decision that
32 affects how we survive from this day
33 forward. We know what's best for our
34 community, for our culture and our way of
35 life.

36
37 And it's pertinent that you take what we
38 have to say to heart and try to place
39 yourselves into our lives and understand
40 our perspectives and what the outcome of
41 your decision, repercussions have on our
42 future. We are people of the sea, the
43 land and the sky, the aboriginal people
44 of this land.

45
46 And we have lived here for thousands of
47 years with no intention to leave unless
48 we are forced to because we can no longer
49 afford to live here because our way of
50 life has been taken away from us through

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economic, cultural and social genocide.

Depending on the outcome of the decision you are about to make, we will have to consider moving so we can support our families, that is not our wish. We wish to stay in Kodiak, continue to teach our children, grandchildren our way of life, culture and our subsistence way of life.

We did not invite the Coast Guard into Kodiak, though we appreciate their services and give them the same respect we do to anyone who chooses to live there. We did not invite non-Natives or any other ethnic group who has chosen to move here in hopes that they can benefit from the wonderful Kodiak archipelago, and once again we still treat those people and entities with the same respect that we are treating you with today.

It's not our place to ask anyone to leave, however, it is our place to ask you decision-makers not to take away what's ours and what has been ours for thousands of years, our culture, which includes our subsistence way of life. Our way of life and the future of our children and grandchildren and their children and grandchildren.

Please, I come before you pleading that you take all that has been said and realize that those of us who come before you who are pleading our case are few, however, we speak on behalf of all, all of the Alutiiq and the Alaska Natives and the Natives of this wonderful place called Kodiak.

Quyana, Sinuk. Thank you, very much. And thank you from the bottom of my heart.

CHAIRMAN FLEAGLE: Thank you, Geraldine.

Questions.

Gary.

1 MR. EDWARDS: Thank you, Ms. Watson, for
2 your testimony. I guess I would ask you the same
3 question that I asked Iver, as it applies to your family,
4 where does your subsistence harvest take place and are
5 you doing that under a State or a Federal permit.

6
7 MS. WATSON: We do all of our subsistence
8 out in the Antons area, and that's State -- State permit,
9 we didn't know anything about a Federal permit.

10
11 One of the things that we would like to
12 take a look at are obtaining tribal permits, as we are a
13 sovereign nation and so that's something that we will be
14 taking before our tribe and working with your government
15 so that we can obtain that as another option to be able
16 to continue to subsist.

17
18 I was just asked by Mr. Watson if I would
19 go ahead and include that we do support Saxman as
20 remaining rural status also, and that's on behalf of the
21 Sun'aq Tribe of Kodiak.

22
23 CHAIRMAN FLEAGLE: Thank you for your
24 answer. And just as a follow up, you know, based upon
25 your answer, what do you think would actually change if
26 this Board would determine that from a Federal standpoint
27 that Kodiak was no longer rural?

28
29 MS. WATSON: For one, I mean it's like I
30 said in Mr. Watson's testimony, which both of us worked
31 on together, I think that it's really important that each
32 one of you go out and go subsistence fishing, hunting and
33 see what the process is that is involved in smoking,
34 drying, salting, taking care of the deer, the elk and all
35 of the other -- the berries and everything else that we
36 subsist on so that you can see that even if you were to
37 go and make smoked salmon, and you take one of our elders
38 and make smoked salmon, I can guarantee you that ours
39 will sell before yours will if it were something that
40 were salable because it's an art form that has been
41 passed on through generations. It's not something that
42 you can take and stick in a smoker that is going to taste
43 exactly like what's been traditionally done and.....

44
45 CHAIRMAN FLEAGLE: Excuse me, Geraldine.
46 The question was, what would change if Kodiak's status
47 went to nonrural.

48
49 MS. WATSON: The change would be that our
50 culture, the cultural aspect of our being will change.

1 Our traditions will change. We'll become more of the
2 Western melting pot and that's something that our people
3 are working hard not to become and we're not saying that
4 we don't want to be like you, there are a lot of things
5 that we're very similar in but there are also things that
6 are very different, and we want to be able to retain our
7 difference, retain our traditions, and be able to
8 continue to live as the Native people that we are.

9

10 Does that make sense in terms of
11 subsistence.

12

13 CHAIRMAN FLEAGLE: Well, I think Gary's
14 satisfied that -- I don't think that you have a true
15 understanding of the question. The question.....

16

17 MS. WATSON: Okay, ask Gary and see.....

18

19 CHAIRMAN FLEAGLE:the first
20 question was you harvest -- your subsistence harvest is
21 done under a State permit currently. If the Federal
22 status was to change your -- you would still be able to
23 participate in the State system, and he was asking what
24 would change in your subsistence patterns since you're
25 using the State permit, right, Gary, does that
26 characterize it?

27

28 MR. EDWARDS: (Nods affirmatively)

29

30 CHAIRMAN FLEAGLE: Would you like to
31 answer that.

32

33 MS. WATSON: Okay. I was tutored by
34 somebody and basically what I was saying was exactly the
35 same thing that I was tutored to say and that is
36 genocide. It will -- the result will be that we will
37 have cultural genocide.

38

39 CHAIRMAN FLEAGLE: Okay, thank you,
40 appreciate.....

41

42 MS. WATSON: That's -- I mean.....

43

44 CHAIRMAN FLEAGLE:your testimony.

45

46 MS. WATSON:it's as simple as that.
47 There's no other way to look at it. And that is why
48 we're here, we're trying to prevent that from happening.
49 We want to retain our Native heritage and for it to last
50 and to go on for another hundreds of thousands of years.

1 CHAIRMAN FLEAGLE: Right, thank you.
2
3 MS. GOTTLIEB: Mr. Chair.
4
5 CHAIRMAN FLEAGLE: Hang on, we do have
6 another question.
7
8 MS. WATSON: Okay.
9
10 MS. GOTTLIEB: Thank you. Thanks very
11 much. Actually it's more of a comment on these questions
12 because our job is to provide an opportunity for rural
13 residents to engage in subsistence. Our decision is on
14 rural not whether people are taking this opportunity or
15 not, so I'm just a little confused about the need to put
16 people on the spot for these kinds of questions.
17
18 CHAIRMAN FLEAGLE: Okay, point noted,
19 thank you.
20
21 Next -- and I'd appreciate if members of
22 the audience don't have outbursts that would affect the
23 Board's process or the testifier as well.
24
25 MS. WATSON: I hope that you didn't
26 perceive anything that I said as an outburst.
27
28 CHAIRMAN FLEAGLE: No, no, no, the.....
29
30 MS. WATSON: Okay.
31
32 CHAIRMAN FLEAGLE:audience, there
33 was a guy jumping up and down in the audience when you
34 were talking.
35
36 MS. WATSON: Okay.
37
38 CHAIRMAN FLEAGLE: Let's respect the
39 process.
40
41 MS. WATSON: I just -- this is something
42 that, like I said in the Koniag region, we have worked
43 very, very hard and it's been a lot of, a lot of people,
44 a lot of elders, and those of us that are coming up that
45 are working to preserve what we have left, and we don't
46 want anything else taken away. And I hope that you, as a
47 Commission will respect that.
48
49 CHAIRMAN FLEAGLE: Okay, thank you. Now,
50 in regards to the issue that Ms. Gottlieb raised, about

1 whether the questions were pertinent to the discussion,
2 I, as Chair, do find that the questions are pertinent as
3 we will be making our determinations in the -- excuse me,
4 deliberations -- too many D words here, and I will allow
5 the questioning to continue that Mr. Edwards has
6 developed that track there so -- next up we have Carol
7 Daniel.

8
9 MS. DANIEL: Good morning, my name is
10 Carol Daniel and I'm general counsel to the Alaska
11 Federation of Natives. I'm here today to offer testimony
12 on behalf of AFN. We, earlier, submitted written
13 comments and I won't repeat those comments here today,
14 except to say that we continue to stand by those comments
15 and oppose changes to the rural status of the Kodiak
16 area, Sitka, and like communities that are currently
17 rural.

18
19 What I'd like to focus on today and
20 submit additional comments on is in response to the
21 InterAgency Staff majority recommendation that Saxman be
22 added to the Ketchikan area.

23
24 AFN strongly opposes grouping Saxman with
25 Ketchikan. The Southeast Alaska Regional Advisory
26 Council's recommendation and the Proposed Rule itself
27 call for Saxman to be excluded from Ketchikan. Many
28 relied on those facts during the comment period and in
29 the hearings, a change at this point, at the last public
30 hearing before adopting a Final Rule we feel is unfair.
31 Many may have decided to forego comments on the Proposed
32 Rule since it did not call for a change in Saxman's
33 status.

34
35 The second point I'd like to make is that
36 the Board initially determined that Saxman was rural when
37 the program began in 1990. As far as we can see very
38 little has changed since then. The demographics are
39 essentially the same. Saxman was not then socially and
40 economically integrated into the city of Saxman [sic] or
41 in the Borough and it's still a separate and distinct
42 community with its own municipal and tribal governments
43 and its own unique social infrastructure.

44
45 We recognize that the regulations require
46 the Board to review the rural/nonrural status of
47 communities every 10 years but it should be a review, not
48 a complete new determination.

49
50 A community or area with a population of

1 25,000 [sic] or less is determined to be rural unless it
2 possesses significant characteristics of a nonrural
3 nature or it is considered to be socially and
4 economically part of an urban area. As the minority
5 Staff recommendation points out the three grouping
6 criteria established by the Board are not contained in
7 ANILCA, they're simply guidelines for determining whether
8 a community is socially and economically integrated into
9 a larger urban area. We submit that some of the criteria
10 are not particularly helpful in making that evaluation
11 for communities like Saxman which possess unique social
12 and economic characteristics that distinguish it from its
13 neighbors and those characteristics are not captured in
14 the grouping criteria being considered, focusing solely
15 on those three criteria to the exclusion of all the other
16 unique characteristics that define Saxman is unreasonable
17 in light of the stronger social and economic indicators
18 that lead to a conclusion that Saxman should be grouped
19 with Ketchikan.

20

21 In fact I would like to just mention and
22 reiterate the report, the UAA ISER report mentioned by
23 vic Fisher this morning concluded under a scientific
24 analysis that Saxman was rural. It rejected relying on
25 these three criteria. And as Chairman Wallace, from
26 Saxman commented this morning, Saxman is a small close-
27 knit tribal community, it's socially and politically
28 separate from Ketchikan. It provides employment and
29 training programs, tribal, family and youth service
30 programs, general assistance, higher education,
31 vocational funding, a home improvement program, ICWA (ph)
32 assistance program, an elderly assistance program, all
33 exclusively for tribal members of Saxman, as all of its
34 past grant awards from the EPA, the Administration of
35 Native Americans, the juvenile justice, and the Native
36 American Housing Assistance Self-Determination Act are
37 awarded to the Organized Village of Saxman tribal
38 government to support activities in Saxman. Clearly the
39 Departments of Justice, HUD, BIA and the EPA all consider
40 Saxman as a distinct self-governing tribal community.

41

42 While Saxman and Ketchikan do share the
43 same school system, that is but one of your factors. It
44 does not prove that the two communities are socially
45 integrated. In fact, Saxman students have not integrated
46 well into the high school in a meaningful way. The drop
47 out rate in 2004 was approximately 80 percent. None of
48 the residents of Saxman are employed as teachers or
49 administrators or sit on the school board. Saxman
50 students, for the most part, maintain their social

1 relationships in the community of Saxman.

2

3 Another factor, the people of Saxman are
4 heavily dependent upon subsistence, not only in an
5 economic sense, but as a people, traditional harvest is a
6 cultural and spiritual matter for the tribal community.
7 Saxman's average per capita harvest is 217 pounds and
8 that's substantially more than many of the rural
9 communities around the state.

10

11 We wholeheartedly agree with the minority
12 Staff's conclusion with respect to the commuting data.
13 While greater than 30 percent of Saxman workers may
14 commute to Ketchikan for employment there are other
15 indicators that suggest distinctions between the two
16 communities. Compared to surrounding areas, Saxman
17 residents have a higher unemployment rate, lower per
18 capita income and higher percentage of people with
19 incomes below the poverty level than in Ketchikan. And
20 while commuting data may be useful for bedroom
21 communities where residents settle in those communities
22 because of its proximity to an urban area, Saxman's
23 existence is not dependent upon whether there are
24 employment opportunities in Ketchikan or services in
25 Ketchikan but we submit that Saxman would continue to
26 exist were Ketchikan to entirely disappear.

27

28 In conclusion, while consideration of the
29 limited grouping factors the Board has selected may lead
30 to the conclusion that Saxman should be included in the
31 Ketchikan area, we believe there are stronger indications
32 that it is not socially and economically integrated with
33 Ketchikan and that it should remain separate from the
34 Ketchikan area. We urge the Board to carefully consider
35 the unique social and economic characteristics of Saxman
36 that set it apart from its neighbors and conclude that it
37 should retain its rural status.

38

39 As a matter of process, if the Board
40 decides contrary to -- if the Board decides to take away
41 the rural status we submit that it should go through
42 another rulemaking because it's simply unfair to have
43 sought comments on a Proposed rule that excluded Saxman
44 and today to change that to a nonrural status.

45

46 Thank you.

47

48 CHAIRMAN FLEAGLE: Thank you, Carol.

49 Questions, Board members.

50

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Do you have a copy of
4 your testimony that you can provide in written form?

5

6 MS. DANIEL: Mr. Chairman, I don't, but I
7 can provide it by the end of the day. I didn't realize
8 you would be taking anything in writing so I didn't
9 prepare written comments but I'll provide them later as
10 well as the AFN Convention resolution.

11

12 CHAIRMAN FLEAGLE: Thank you. All right,
13 thank you. Next up on our list is Thomas Schwantes.

14

15 MR. SCHWANTES: Mr. Chairman. Members of
16 the Board. My name is Thomas Schwantes, I live on Kodiak
17 Island.

18

19 I have been in Alaska for 43 years.
20 Shortly after arrival in Alaska in 1963 my family lived
21 at Sitkho Bay at the New England Fish Company cannery.
22 My father fished commercially. My mother and older
23 siblings worked at the cannery. I was befriended by a
24 Native fellow by the name of Matthew Kookesh, a Tlingit
25 Indian from Angoon who took me under his wing and taught
26 me the Native ways. He taught me how to harvest salmon,
27 halibut and other shellfish and so on and to put those
28 aside for future use.

29

30 He also taught me a really important
31 lesson and instilled in me the importance of taking care
32 of the elders and others who are unable to take care of
33 themselves and harvest these resources for themselves.
34 Over the past 35 years I have lived in numerous
35 communities in Alaska and with the exception of one or
36 two they would all be classified as rural or Bush
37 communities.

38

39 I have been married to an Alutiiq
40 descendent for nearly 35 years now. We live a
41 subsistence lifestyle.

42

43 I live in Kodiak in Bells Flats for the
44 past 26 years and I can assure you that it's as rural as
45 rural can be. We have no city water, no city sewer
46 system, we have one small convenience store and we deal
47 with brown bears in our backyard on a regular basis. We
48 live a subsistence lifestyle and always have. We harvest
49 salmon, halibut, cod, herring, as well as other rockfish.
50 We also harvest deer, elk, and goat to provide for

1 ourselves and for the needs of other members of our
2 community.

3
4 I am strictly opposed to the
5 reclassification of Kodiak as nonrural for a number of
6 reasons.

7
8 First of all, you will affect the
9 lifestyle of those living there and limit their
10 subsistence use. There'll be a number of families who
11 will be affected. Kodiak may have a population of over
12 7,000, however, we are still rural and as rural as can
13 be.

14
15 I cannot jump in my car and drive to
16 Costco or to Home Depot or other areas. A ferry ticket
17 cost me about \$440, if I add a state room that jumps it
18 up to about \$650 for a round-trip. If I need to get on
19 an airplane in a hurry to get to Anchorage for medical
20 reasons or anything else, I'm looking at about \$550 for
21 one person for a round-trip. There are times when due to
22 ferries being in repair that we have no ferry service for
23 months. And as you well know Kodiak can go for days
24 without plane service due to inclimate weather
25 conditions.

26
27 While we are still able to harvest some
28 of the fish and game we are accustomed to under the
29 nonrural status, the rising cost of fuel will greatly
30 increase the cost to harvest these items if we cannot do
31 so under the current subsistence regulations.

32
33 One of my big concerns I have is if you
34 designate part of the island as nonrural and another part
35 as rural you will be dividing our communities and will
36 certainly create conflict between them. You will create
37 an enforcement nightmare. If an individual resides in a
38 village as well as in Kodiak, which some do, what status
39 will they fall into rural or nonrural. What about the
40 family who lives in Middle Bay who's just over the line
41 that you're proposing, whose husband because of his work
42 situation at the fire department in Kodiak is required to
43 live within the city limits, where is that family going
44 to fall, rural or nonrural. And then who is going to
45 spend, what agency is going to spend valuable time trying
46 to enforce these regulations that are based strictly on
47 numbers and really make no sense.

48
49 In 1990, as you are aware, this Board
50 classified Kodiak as rural and the people there have

1 lived a rural lifestyle since then. The Board chose to
2 classify Kodiak as rural even though the population at
3 that time was estimated at 12,229, far above this 7,000
4 number you're talking about. Today little has changed.
5 The people still live a subsistence lifestyle. It is
6 their custom to live off the lands and sea, so to speak.
7 The Office of Subsistence Management, the very Staff
8 which provides input to the Federal Subsistence Board,
9 found that while there was a slight increase in
10 population on the Kodiak road system in 2000, that
11 dropped off by 2005 to an estimated 12,466, a mere
12 increase of 237 people over that which it was in 1990
13 when this Board found Kodiak to be rural.

14

15 CHAIRMAN FLEAGLE: Excuse me, Thomas,
16 your time is up, can I have you summarize your comments,
17 please.

18

19 MR. SCHWANTES: You can. I would submit
20 to you that by splitting our community on the island, you
21 are opening Pandora's box. You have no idea of the
22 problems that may result because of this action, I,
23 therefore, strongly urge you to use caution, wisdom,
24 listen to the people whose lives in these communities you
25 will affect by these changes.

26

27 The rural designation has not created a
28 shortage of fish and game. On the contrary, fish and
29 game stocks and wildlife are thriving. There is no
30 reason to restrict the subsistence lifestyle of the
31 people of this island. I urge you to leave Kodiak
32 designated as rural after all it is every bit as rural as
33 it was in 1990 when this Board made that original
34 decision.

35

36 Thank you.

37

38 CHAIRMAN FLEAGLE: Okay, thank you,
39 appreciate your testimony. Questions, Board members.

40

41 (No comments)

42

43 CHAIRMAN FLEAGLE: Thank you. I'd like
44 to remind folks that we do have a deadline to sign up to
45 testify and that is 12:00 noon, today, we will hear
46 testimonies until we complete the list that we've been
47 given. Just to give you an idea of where we're at we've
48 heard eight testimonies out of 34 so far so we've got
49 quite a bit of testimony scheduled for today. Once again
50 the time, the deadline to sign up is noon.

1 With that we'll call up our next
2 testifier and that's Julie Knagin. I hope I said that
3 right.

4
5 MS. KNAGIN: Thank you. I testified
6 before in Kodiak but I'm here again today because I feel
7 so strongly about this issue and want to emphasize again
8 what I spoke on before with additional comments to that.

9
10 Thank you for this opportunity to speak
11 before you today, appreciate your patience in listening
12 to all of us.

13
14 My name is Julie Knagin. My husband
15 Dennis and I were born and raised on our beautiful island
16 of Kodiak. We have lived our traditional way all of our
17 lives and we would like to continue that. There
18 shouldn't be a problem on whether a community is rural or
19 nonrural when it comes to continuing our traditional way
20 of life. We lived in the village of Afognak and moved
21 into Kodiak in 1960 because we didn't want to send our
22 children off to a boarding school or possibly even
23 outside of the state of Alaska to go to high school, we
24 wanted to be with them during the important times of
25 their growing years. I don't think we should be
26 penalized or deprived of our traditional way just simply
27 because we wanted to enjoy that time with our children
28 going to school. We deserve to continue that way, the
29 way we always have regardless of where we live. Our way
30 of living has nothing to do with populations or whether
31 it's rural or nonrural.

32
33 Why don't you put yourselves in our shoes
34 and try to visualize how you would feel if something
35 that's been a part of your life was being threatened. We
36 ask that you respect our rights as lifelong citizens of
37 state of Alaska and lifelong residents of Kodiak Island
38 to continue the quality of life that we have been used
39 to. Our traditional way of life, which you refer to as
40 subsistence, is from the land, sea and air, none of which
41 ends up at airport glass cases or on their walls.

42
43 Again, I want to say moving from one
44 place to another shouldn't change how we live, after all
45 it is our right our children and grandchildren continue
46 that same traditional way as we have taught them. We
47 talk about the importance of our culture and traditions
48 and how we need to pass this on to our youth. How can we
49 expect to pass on this traditional way if it is taken
50 away from us.

1 We ask you to please take these
2 testimonies very seriously because your decisions will
3 affect the quality of our lives.

4
5 I remember a favorite saying that we've
6 had and heard for so many years, when the tide is out the
7 table is set.

8
9 Thank you.

10
11 CHAIRMAN FLEAGLE: Thank you. Hang on,
12 let me see if there's questions, Board members.

13
14 (No comments)

15
16 CHAIRMAN FLEAGLE: Okay, it looks like
17 you're free, thank you. Up next we have -- maybe I'll
18 read the list as we have it for the next several people
19 so you kind of know where you're at. I'm going to call
20 Myrtle Olsen, then Ellen Simeonoff, Tommy Johnson, Pat
21 Holmes, Heather Parker, Charlie Reft; this will be the
22 order for the next several minutes anyway.

23
24 Myrtle Olsen.

25
26 MS. OLSEN: I want to say good morning to
27 all of you, and it was great for me to be asked to come
28 to this.

29
30 I'm from Kodiak. I've lived there all my
31 life but one year, and that's 80 years. Anyway, Kodiak
32 is surrounded by water, or an island, and you have the
33 sea, the beaches and all that and that's what I've been
34 used to. My mother has, my mother's mother and it goes
35 on back on my mother's side. But my father came from
36 Norway and he loved the sea, too. So we subsisted -- I
37 have subsisted, my family, all my life and my
38 grandchildren -- my children and my grandchildren, they
39 do too. I have a little grandson who say to me, let's go
40 dig crams.

41
42 (Laughter)

43
44 MS. OLSEN: Yeah, and by the way I used
45 to get a subsistence clam license and fishing license,
46 too, from Fish and Game, that was quite a few years ago,
47 I always got one.

48
49 Now, anyway, we had lots of fish put
50 away, daddy salted it, salmon and herring and cod fish.

1 When I was 10 or 11 there was a lot of TB going around in
2 Kodiak, tuberculosis, and I happen to get it, and
3 Norwegian cod liver oil was what -- well, we've had that
4 all our lives, in fact, I'm still taking it, in capsule
5 though. So, yeah, we always -- in the afternoon mom
6 would always have company and have tea and the smoked
7 salmon, that was always a treat, it was always on the
8 table it seemed like, and today it's a big treat for me.
9

10 So a year, when I was 18 years old, World
11 War II was on and I spent a year away from Kodiak, didn't
12 see the ocean, I missed it. But there was other things
13 for me to look at and keep my interests going. But my
14 mother sent me a package and then things didn't -- you
15 didn't fly your packages, they came by boat or train, so
16 my mother sent me this package, it was three jars of
17 different flavors of jellies, high bush cranberry was
18 one, and then some smoked salmon, and then she put my
19 favorite gum in the package, spearmint gum, the flavor
20 mixed up with the smoked salmon, I said don't ever do
21 that mom again, but it was a treat, it was a big, big
22 treat. So coming back, when I got to Seattle with my
23 husband, we lived in the Calhoon Hotel (ph) and it was
24 pretty close to out to the piers and I started walking
25 down, I could smell the ocean, it was just drawing me
26 there, that's the way I felt, that's all I wanted to do
27 was just smell the ocean I'd been away from it for a
28 year, and I'll never forget that, how good it was. So
29 I've known the ocean, know the beaches.

30
31 At home here, in Kodiak I know many
32 people, that are not just the Natives, they go out when
33 the eulachon are up on the beach, they all go out, they
34 have a wonderful time, they have their bonfires and they
35 get their -- you have to wait for a certain time for
36 their eulachon. And this is the way Kodiak is, you can't
37 take that away from us. I mean you can't help it,
38 because the ocean is there.

39
40 And my children, I have seven children,
41 my boys used to go out and get rabbit and ptarmigan and
42 ducks, I used to drive them out to the willow bushes and
43 that's subsistence. I know I'll always get fish or
44 something, that's -- it's good health food, and if you
45 are on a low income there's nothing better than having
46 canned things on your shelves.

47
48 So I guess most of our people know it, I
49 didn't even know what spaghetti was until I was in high
50 school when my friend invited me to their house, I said,

1 I wonder why my mother doesn't make spaghetti, she didn't
2 know.

3
4 So I am truly a Kodiak girl and I believe
5 in subsistence.

6
7 Thank you.

8
9 CHAIRMAN FLEAGLE: Thank you, any
10 questions.

11
12 (Applause)

13
14 (No comments)

15
16 CHAIRMAN FLEAGLE: Thank you, appreciate
17 your testimony. Next, we have Ellen Simeonoff.

18
19 MS. SIMEONOFF: It's Ellen Simeonoff and
20 I'm from Kodiak. And true to my nature I'm not
21 completely organized, nor is everything well planned, but
22 it's all here and hopefully it all comes out.

23
24 I also work for the Woody Island Tribal
25 Council as the director of the Environmental and Natural
26 Resource Department, and I want to ask you because this
27 sounds really funny to me, how does this sound, I feel
28 like I'm echoing, does it sound okay?

29
30 CHAIRMAN FLEAGLE: You sound okay up
31 here.

32
33 MS. SIMEONOFF: Okay, it sounds strange
34 to me.

35
36 So essentially I'm representing myself,
37 my children, my extended family, my community. I was
38 born in Kodiak. I was raised between the city of Kodiak
39 and the remote area of Uganik Bay. I am in strong
40 support of Kodiak retaining its rural status. I
41 recognize that this is a very controversial issue, that
42 you have a tremendous responsibility sitting in front of
43 you, and I hope that you look to your hearts when you
44 make your decision.

45
46 This is a life issue, it's a human issue,
47 it's more about perception and values than it is about
48 numbers. It's about respect for people, respect for
49 nature, respect for all life. And so with that I'm going
50 to say that having lived in Kodiak all my life, you know,

1 and as an adult, when this decision was made previously,
2 there really are no significant changes in the community.
3 A handful of difference in population. Economically
4 speaking it is much harder to get by in our community.
5 We've spent, most of us on the Kodiak Rural Roundtable,
6 other members of the community have spent the better part
7 of over a year now researching information to back this
8 up, this information up, I mean looking at cost of living
9 indexes, population statistics, economics, researching,
10 everything. We've evaluated it through and through
11 thoroughly. We don't see any justification, whatsoever,
12 to change the rural status.

13

14 And as far as the inherent nature of our
15 community, subsistence has been a way of life in Kodiak
16 since before recorded time. It is the way of my family,
17 it was the way I was raised, only I didn't know it was a
18 specific way of life, it just was. It was just the way
19 we lived. Not just fishing and hunting, not just living
20 off of the beach, but growing our own food as well.
21 Eating plants. You know, my father -- when I was a
22 child, one of my first memories with my father is him
23 peeling pushkee (ph) and getting me to try it. I mean
24 there are things that are just basic to everyday life for
25 people in Kodiak, island-wide, that there may not be in
26 an urban community such as New York city that was maybe
27 there many hundreds of years ago, but isn't present
28 today.

29

30 You know in September Judy asked many
31 people the question over and over again of what is rural
32 to you, what defines rural because it's not necessarily a
33 population figure, and I guess before I get to that I'd
34 like to state that I -- that there are certain issues
35 within our community, whether it's a transportation
36 issue, because we are an island, we are separate from the
37 mainland Alaska, mainland USA, and it is incredibly
38 expensive to travel to and from, even within the last
39 year airfare, you know, if you purchase it two weeks out
40 in advance, was maybe \$212 to \$250 on ERA, now you're
41 looking at \$350 to well over \$500 just to get from Kodiak
42 to Anchorage. It's cheaper for me to travel from
43 Anchorage to Honolulu with the same amount of advance
44 notice, because my sister is getting married next April
45 and she researched, she started looking up, well, what's
46 it going to cost, because I have a family of five, I have
47 four children, and it cost more for us to travel -- she
48 thought, okay, this is like six, seven months out, it
49 cost more to price that ticket from Anchorage to Kodiak,
50 Kodiak, Anchorage than it did Anchorage to Honolulu,

1 scary but true. So she wrote ERA a very serious letter
2 complaining about how ridiculous that was.

3
4 But there are just several things, the
5 cost of fuel is incredibly expensive, the cost of living
6 is incredibly expensive. It cost me \$2,000 a month just
7 to heat my home, have electricity, pay for the rent, have
8 basic phone service and basic internet and cable, 2,000
9 even, you know, in the summertime I can get by maybe with
10 1,800 a month. So to say that economically it isn't
11 expensive to live there, and that's not including
12 groceries or anything else or fuel for our vehicle, et
13 cetera, et cetera or shoes for your children, clothing,
14 is ridiculous, as far as, you know, economically nothing
15 has -- it has changed, it's worse, it's much more
16 difficult than it was back in 1990 or 1989.

17
18 So again I'd emphasize the extreme
19 isolation which also leads to medical issues. We don't
20 have the same medical services that anyone in Anchorage
21 here does, and frequently and continually people travel
22 off island to receive those medical services. If they
23 have life threatening issues they have to leave, they
24 don't -- those options really aren't available there.

25
26 CHAIRMAN FLEAGLE: Okay, can you.....

27
28 MS. SIMEONOFF: And so you want me to
29 summarize.....

30
31 CHAIRMAN FLEAGLE: Your time is up, would
32 you just wrap.....

33
34 MS. SIMEONOFF:I was going to go
35 back to.....

36
37 CHAIRMAN FLEAGLE:up your comments,
38 please.

39
40 MS. SIMEONOFF: Okay. Subsistence is a
41 way of life in Kodiak and leading back to what makes us
42 rural, you know, the community is so small that you see
43 the same people all the time, whether you know them
44 personally, whether they're your family, whether they're
45 your friend or not, you see these people as you drive
46 down the road, sometimes five times a day. You see them
47 in the grocery store, sometimes three times a day and
48 that could be because it's such a small community that
49 you choose to go back and you aren't really concerned
50 about your list, you know, because it's only a few

1 minutes away and you will -- I have, I've witnessed the
2 same people go back in the afternoon that were there with
3 me in the morning as -- and it's, what in the heck is
4 wrong with all of us.

5
6 You know, I walk down the road and I
7 typically like to walk three to seven miles, you know,
8 about five days a week or more and just through that
9 walking down the street, you know, along our bike path,
10 the same stretch, most of the time, for the last eight
11 years or more, you get to know people, they wave at you.
12 I have half the people that drive by me wave at me
13 whether they know me or not, and pretty soon they do know
14 me because of that. You know if someone's speaking on
15 the radio station pretty much everyone listening knows
16 who is speaking. If Iver calls in, we all know it's
17 Iver, you know, I mean there's no mistaking that. If
18 Margaret's husband calls in to sing happy birthday to
19 her, I know it's Margaret's husband. It's a very small
20 community, I mean it's not -- and sharing is a way of
21 life, you know, I explained -- and I know I'm not
22 summarizing very quickly but that's me and I apologize.

23
24 CHAIRMAN FLEAGLE: Would it be safe to
25 say that you support Kodiak remaining rural.

26
27 MS. SIMEONOFF: I support our rural
28 status.

29
30 (Laughter)

31
32 MS. SIMEONOFF: And I don't believe -- as
33 far as -- I'm going to answer your questions before, you
34 know, you have a chance to ask them, whether you want to
35 or not Mr. Edwards. Is that, you know, what would
36 change, fundamentally, I mean this sets a precedent for
37 change with the State rules and regulations. It changes
38 a large number of other things and we do have that
39 documented. We have a year looking at what could change,
40 what would change and how this impacts our community.
41 And if you want this information I'll be happy to present
42 it to you in writing. There are -- and it's not about
43 whether or not this decision would make, you know, would
44 really change our lives, you know, under different
45 regulations. It is about whether or not this is a review
46 process or you're making a new determination and it
47 should be a review process.

48
49 And that there has -- nothing has
50 significantly changed to the rural nature of our

1 community whatsoever.

2

3 CHAIRMAN FLEAGLE: Okay, thank you.
4 Board members, questions.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Appreciate your
9 comments.

10

11 MS. SIMEONOFF: Thank you.

12

13 CHAIRMAN FLEAGLE: All right. I do have
14 indication that Libby Watanabe is now present, maybe it's
15 Watanabe -- Libby.

16

17 MS. WATANABE: Good morning. I see a few
18 familiar faces. I'd like to take a moment to introduce
19 myself to you. I'm the Alaska Native Sisterhood Grand
20 First Vice President as well as the Alaska Native
21 Sisterhood Camp 4 First Vice President of Sitka. Our
22 local camp is located in Sitka. And I'm also the
23 Chairwoman if the Alaska Native Sisterhood Ground Camp
24 Subsistence Committee.

25

26 I'd like to take this opportunity to
27 provide you with a little bit of history regarding the
28 Alaska Native Sisterhood. The ANS, also known as the ANS
29 was founded in 1923 in Wrangell and has approximately 26
30 chartered ANS camps throughout Alaska, Washington and
31 California. According to our ANS constitution, the
32 purpose of this organization is to enhance, protect and
33 defend the basic rights of Alaska Natives to further the
34 efforts made in civil rights, health, safety, welfare and
35 our cultural preservation. The purpose of the ANS will
36 become evident throughout my testimony and illustrates
37 how our support for the retention of rural status for the
38 communities of Sitka, Ketchikan and Saxman are directly
39 related and intertwined.

40

41 I am here to testify on Southeast
42 communities and criteria related to rural and nonrural
43 status. At the October Grand Camp Convention two
44 resolutions were considered by convention delegates and
45 ground officers and then unanimously passed. These
46 resolutions are No. GCR16-06 titled Support Sitka, Alaska
47 as a Rural Community; and GCR49-06 titled Rural Status
48 for Ketchikan, and are attached to this testimony in
49 draft form for the record.

50

1 These resolutions support the communities
2 of Sitka, Ketchikan, and Saxman to a certain degree to
3 retain their rural status. At this time my testimony
4 will focus on the community of Saxman because I have
5 previously testified in person and in writing in support
6 of retaining the rural status of Sitka.

7
8 The Alaska National Interests Lands
9 Conservation Act of 1990, otherwise known as ANILCA,
10 Title VIII, Section .801(3) recognized that the
11 continuation of the opportunity for subsistence uses of
12 resources on public and other lands in Alaska is
13 threatened by increasing populations, increasing
14 pressures on resources and then it continues on as many
15 of you know. And I believe the intent was to protect
16 rural communities such as Saxman.

17
18 The methods the Federal Subsistence
19 Board, also known as the FSB, is using to determine
20 rural/nonrural status is not so easily definable when
21 discussing rural communities. Part of the criteria for
22 Ketchikan/Saxman is the grouping analysis. The factors
23 that the FSB should consider in the grouping analysis is
24 this, is Saxman economically, socially and communally
25 integrated with Ketchikan, if the answer to this question
26 is no then Saxman should most definitely be considered as
27 a separate and a distinct community that is not directly
28 integrated with Ketchikan.

29
30 The OSM rural determinations decennial
31 review analysis of communities and areas as assigned by
32 the Federal Subsistence Board June 23rd, 2006 clearly
33 demonstrates the distinction of these two communities.

34
35 To recap some of these issues, Saxman has
36 its own municipal city of Saxman and tribal government,
37 the Organized Village of Saxman, there are two Federally
38 recognized tribes, Ketchikan Indian Corporation, also
39 known as KIC and the Organized Village of Saxman [sic].
40 These two tribes are recognized by the Federal government
41 as distinctly unique and separate tribal entities.
42 Saxman has its own water and sewer systems illustrating
43 an independent community, Saxman has its own cultural
44 hall as well as a HeadStart program, including its own
45 facility and staff. Saxman residents cannot receive
46 health, general assistance, higher education, adult
47 vocational services, Indian Child Welfare Act, Housing
48 assistance services, or other tribal services from KIC.
49 Saxman does not receive police protection from the
50 Ketchikan Police Department. The people of Saxman have

1 voted numerous times against unifying the government with
2 the city of Saxman [sic] this illustrates the intent of
3 Saxman residents to remain an independent and self-
4 sufficient community. Saxman is a predominately Alaska
5 Native village with approximately 70 percent of the
6 residents with Alaska Native ancestry. The poverty level
7 is 12 percent in Saxman versus 6.5 percent in Ketchikan.
8 Saxman has almost twice the poverty level as Ketchikan
9 and removal of their rural status and/or the right to
10 subsistence hunt and fish would negatively impact the
11 residents of Saxman, including the ability to feed
12 themselves and their family using traditional food
13 gathering practices, similar to that which our ancestors
14 practiced.

15

16 And if some of you recall from my
17 testimony in Sitka, what we're talking about is a
18 traditional way of life, and not only is it traditional
19 it's very, very healthy. When you go out and gather
20 traditional foods and even when you preserve them it
21 takes a lot of physical activity and so while you're
22 being physically active, at the same time you're
23 gathering foods that are highly nutritious and it's a
24 very healthy lifestyle.

25

26 The higher unemployment rates of 22.2
27 percent in Saxman versus 7 percent in Saxman per the
28 Central Council data indicates that obtaining and
29 retaining gainful employment in the Saxman area is
30 challenging. Again, removal of the rural status and/or
31 the right to subsistence hunt and fish would negatively
32 impact the residents of Saxman.

33

34 Lower per capita income of \$15,642 per
35 person in Saxman versus \$24,290 in Ketchikan also
36 indicates the challenges, in not only obtaining gainful
37 employment but obtaining employment that provides
38 adequate financial resources to support one's self.

39

40 Again, all these issues regarding the
41 poverty level, higher unemployment rates and lower per
42 capita income indicate a challenging living environment.

43

44 Removal of the rural status of Saxman
45 would most definitely, negatively impact a community
46 whose current living conditions are challenging under the
47 best of conditions.

48

49 So why do people live there.

50

1 CHAIRMAN FLEAGLE: Excuse me.
2
3 MS. WATANABE: In speaking with some of
4 the local residents.....
5
6 CHAIRMAN FLEAGLE: You've over exceeded
7 your time limit, can I have you summarize your comments
8 please.
9
10 MS. WATANABE: Sure.
11
12 CHAIRMAN FLEAGLE: Thank you.
13
14 MS. WATANABE: Time flies when you're
15 having fun. My written testimony continues in that very
16 similar vein, and it references some of the public
17 testimony that some of you did hear in Saxman.
18
19 To wrap things up, the Alaska Native
20 Sisterhood Grand Camp respectfully requests that the FSB
21 maintain Saxman as a separate community from Ketchikan
22 and rural recognition attributed to the rural
23 characteristics reviewed in this testimony. If the rural
24 status of Saxman and Ketchikan are changed to nonrural
25 status, I'd like the record to reflect that the public
26 did not have the opportunity to review and comment on the
27 new recommendations and that the FSB should not consider
28 this change prior to receipt of public review and
29 comment.
30
31 I believe this process is called due
32 process with regard to public proceedings and does not
33 seem like an out of line request. So on behalf of the
34 Alaska Native Sisterhood Grand Camp, I would like to say,
35 Gunalcheesh, for conducting these hearings in our
36 communities, to listening to our testimony and for your
37 consideration of these extremely important issues to our
38 members, which are Alaska Native as well other members,
39 ANB and ANS is not limited to Alaska Natives but we
40 welcome and encourage all people to join our
41 organizations to strive to achieve the goals of our
42 wonderful organizations.
43
44 Again, thank you very much.
45
46 CHAIRMAN FLEAGLE: Thank you. Questions
47 from Board members.
48
49 (No comments)
50

1 CHAIRMAN FLEAGLE: Okay, we don't have
2 any, thank you.

3
4 MS. WATANABE: Thank you.

5
6 CHAIRMAN FLEAGLE: Once again I want to
7 announce that the cut off time to sign up to testify is
8 12:00 noon, and we do at this time have 37 total sign ups
9 and we're about to start with number 13, so we're about a
10 third of the way through. The next person is Tommy
11 Johnson.

12
13 MR. JOHNSON: Can I use this side here?

14
15 CHAIRMAN FLEAGLE: You may.

16
17 MR. JOHNSON: Okay, I usually only come
18 up to do Karoke at a mic but I'll try this.

19
20 (Laughter)

21
22 MR. JOHNSON: My name's Tommy Johnson,
23 Jr. I'm a council member for the Sun'aq Tribe of Kodiak.
24 I am of Alutiiq, Tlingit and Swedish heritage but I'm all
25 Native by heart.

26
27 I'm a commercial fisherman and I've
28 relied on subsistence food pretty much all my life, I'm
29 26, so I'll try to give you a more youthful perspective.
30 I've grown up to respect our lands and resources because
31 I know they will take care of us like they have for
32 generations. And I don't want my kids to think that
33 subsistence is McDonald's or Pizza Hut, because all this
34 ruling in the long-run, this will affect our youth more
35 because they can't practice the traditional Native
36 harvesting. And then a lot of the Native foods are not
37 only used for food they're used for medicine and clothing
38 as well. And there's hardly little or no waste we have
39 from these resources, just about everything gets used.
40 And I know people that don't shop at grocery stores
41 during the year because they store everything in the
42 freezer, they only have to go to get like the bear
43 essentials.

44
45 I know that a lot of the harvest areas
46 that are within the Kodiak city limits that many elders
47 subsist off of during the year because they don't have
48 the means or the ability to travel anywhere else out of
49 town.

50

1 And we've had our lands taken from us and
2 now we might be able to harvest from the lands that were
3 rightfully ours to begin with and we are trying to
4 preserve our Native culture and heritage and we don't
5 want it to disappear completely because I know this
6 ruling will affect the township of Kodiak and I'm afraid
7 that we will lose our close knit ties that keeps the
8 community together.

9
10 So subsistence kind of seems to keep
11 everybody close and in contact with one another and we
12 don't need to sever those ties. So if you take something
13 from us, what are we going to get back in return. And I
14 strongly support keeping or rural status and that's all I
15 have.

16
17 CHAIRMAN FLEAGLE: Thank you, very much
18 for your testimony, Tommy. Do we have questions from
19 Board members.

20
21 (No comments)

22
23 CHAIRMAN FLEAGLE: Thank you.

24
25 MR. JOHNSON: Thanks.

26
27 CHAIRMAN FLEAGLE: Up next is Pat Holmes.

28
29 MR. HOLMES: Good morning, Mr. Chairman,
30 members of the Subsistence Board. Let me turn this down,
31 this hearing device works much better than my own. I
32 flew up from Seattle yesterday, we were down visiting my
33 wife's folks and saved up for that event, but this is
34 important enough for me to come back on my own hook to
35 testify.

36
37 The questions that were being raised a
38 few moments ago on Buskin Federal permits, State permits
39 are good ones because at our hearing in Kodiak at the
40 first evening session, some of the Board members didn't
41 know that the Buskin was a Federal fishery.

42
43 Okay, now, how does this work. The State
44 manages the fishery, both the Buskin waters off the mouth
45 approximately I'd say three-quarters of a square mile and
46 all the waters around Afognak are judged by the Fish and
47 Wildlife Maritime Refuge as to being Federal waters.
48 However, the Federal permit requires that the -- or the
49 Federal law, subsistence regulations, requires that a
50 person have the State permit to fish in those waters.

1 There is no Federal permit because that is a delegated
2 thing, at least in my understanding. The problem that
3 arises is who will fish there in times of shortage and
4 Iver pointed out those relationships.

5
6 If there is a ruling that Kodiak was
7 nonrural, yes, people could fish there under State regs,
8 but what could happen there and at Afognak, if folks in
9 the nonrural area said that they weren't getting enough
10 fish, it would reopen a really allocative basket of hag-
11 fish, which are nasty little creatures, to give you a
12 different analogy than worms, and create a divisive
13 nature between relatives and friends that live in town
14 and don't live in town. Julie Knagin is kind of one of
15 my heros. I just love to go to the spirit camp and
16 listen to her and Dennis' stories, and she hit the nail
17 right on the head. The whole repercussions and what
18 you're trying to get at as far as what happens if we lose
19 Federal management. Designated deer hunter program would
20 disappear. This was part of a compromise that the RAC
21 and the advisory committee worked out on an informal
22 basis. The two committees worked together very closely
23 to solve allocative problems in Kodiak.

24
25 Often within the cyclic nature of things
26 at times, not now, there will be more deer to harvest on
27 Federal lands, the designated hunter program is much more
28 difficult to abuse and is a great advantage, particularly
29 to the folks that live in the villages as well as the
30 folks in town, particularly since some of the access to
31 Marmot Bay now is quite expensive. More and more people
32 go to Federal lands.

33
34 So I think that touches on subsistence
35 fishing and hunting and those are the two major effects.

36
37 Do you need more elaboration, Gary?

38
39 MR. EDWARDS: (Shakes head negatively)

40
41 MR. HOLMES: Okay, thank you. I would
42 like to dwell on a couple of things here, personally, and
43 then with the Chairman's grace, at the end if there's
44 time I could sum up for the roundtable on any points that
45 might have been missed in the Kodiak discussions.

46
47 Subsistence in Federal waters and lands,
48 I want to say that I support that for Kodiak, Sitka,
49 Saxman and that Saxman remain a separate entity from
50 Ketchikan based on testimony I've heard and all that I've

1 read. And I'd also like to see Ketchikan be classified
2 rural. And the question of rural to me has always been
3 the question, the underlying point of subsistence,
4 because rural and urban divide to me is the essence of
5 the whole debate and conflict.

6
7 The word was part of a phrase brokered in
8 a compromise by Senator Udal and Ted Stevens and to
9 provide for traditional use of fish and game for local
10 folks without prejudice of race. From my discussions
11 with some retired geezers from the time period, grey
12 beards and ladies who haven't aged much, past Board
13 Chairman, lawyers and a couple folks in D.C., the phrase
14 rural characteristics was left intentionally vague to
15 provide the Board flexibility in their judgment. And
16 while you're criticized by McKie Campbell and other folks
17 for not being precise in the way you approach everything
18 at times, I think that's a factor that's written into the
19 regulations to allow you flexibility. And while folks
20 might argue with you on occasion, that's your call.

21
22 The fundamental difference in this rural
23 and urban perspective, to lawyers and professional
24 bureaucrats and I know you folks are forced in a box by
25 your lawyers in the Kenaitze Decision, the word is
26 treated as a noun. The word originally defined so that
27 it could not be criticized for ambiguity.

28
29 CHAIRMAN FLEAGLE: Pat.

30
31 MR. HOLMES: Criteria.....

32
33 CHAIRMAN FLEAGLE: Excuse me, I'm sorry.
34 Your time is up but you said that.....

35
36 MR. HOLMES: Okay.

37
38 CHAIRMAN FLEAGLE:you wanted to --
39 Pat does have another card for the Kodiak Rural
40 Roundtable, do you want to go ahead and use that
41 testimony time now or do you want to summarize?

42
43 MR. HOLMES: I'll come back. Could I
44 just hit on three points?

45
46 CHAIRMAN FLEAGLE: You may.

47
48 MR. HOLMES: Okay.

49
50 CHAIRMAN FLEAGLE: Go ahead and summarize

1 your testimony.

2

3 MR. HOLMES: In summary, I was just
4 trying to answer the question from the other folks.

5

6 Okay, to summarize up the whole thing,
7 Kodiak should remain rural and because our average
8 harvest pattern for harvest per person are comparable to
9 other rural communities. Our percentage of harvesting
10 and sharing exceeds many rural communities such as
11 Kotzebue and Sitka, Petersburg. And the number of
12 species harvested is perhaps highest in the state.
13 Larry's summary lists 100 species but Dr. Otto gave a
14 published report to the Board that wasn't covered in your
15 summary, I believe, of 201 species. Population is a
16 factor of lesser degree to rural folks and should measure
17 the actual number of residents of that community who
18 harvest and share.

19

20 And I won't go into detail, I'll give you
21 a table that I made and the rest of my written comments.
22 But I did look at the question of numbers of residents
23 and devised a table based on population from PFD checks
24 and in relation to the Base, in 2005, only seven
25 Permanent Fund chits, or checks were issued to people
26 living on the Base, so I would contend as we did at our
27 testimony in September, that folks on the Base don't use
28 subsistence.

29

30 Thank you.

31

32 CHAIRMAN FLEAGLE: Thank you, Pat.
33 Questions.

34

35 MS. GOTTLIEB: Mr. Chair.

36

37 CHAIRMAN FLEAGLE: Judy.

38

39 MS. GOTTLIEB: Thanks very much Pat for
40 your testimony. I guess I just wanted to be then really
41 clear about the Buskin River, which we heard a lot about
42 when we were in Kodiak, that people certainly go there
43 and use it quite a bit. So that is -- those are Federal
44 waters there, but what I think I heard you say is that to
45 be a Federal subsistence user one gets a State permit?

46

47 MR. HOLMES: Yes, ma'am, that's correct.
48 And on the permit issue, if I could have two minutes,
49 there is a large number of permits issued to folks who
50 live on the Base, five years ago the RAC identified that

1 as a problem and we asked Fish and Game to screen it more
2 and it went from 200 down to 50 last year, permits. But
3 out of that 50 we only had seven people claim residence
4 through the Permanent Fund. And we would ask that if you
5 lump the Base in, or even if you don't, the Fish and
6 Wildlife Service has a moral obligation to do enforcement
7 on this issue in Kodiak because the State can't deny a
8 Coast Guard person a permit, but the customary and
9 traditional ruling from your Board says that someone
10 living on the Base may not fish salmon in Federal waters.
11 So that is part of your burden if you're lumping the Base
12 in with Kodiak.

13

14 Thank you, very much.

15

16 MS. GOTTLIEB: Mr. Chair, just one more
17 follow up then, Pat.

18

19 CHAIRMAN FLEAGLE: Yes.

20

21 MS. GOTTLIEB: Thanks. So when people
22 were asked before and said that they used the State
23 permit, they may well have been participating in the
24 Federal fishery, subsistence fishery.

25

26 MR. HOLMES: Yes, ma'am, as we pointed
27 out in our testimony in September, perhaps 70, correct me
28 Pete, 72 percent of the harvest of salmon, red salmon,
29 which is the target species in the Kodiak area comes from
30 the Buskin River and Afognak, basically Alitnik or
31 Afognak Lake, so the bulk of that catch does come from
32 Federal waters, and it's also -- I would have to commend
33 the Board for helping provide Fish and Game research
34 money to manage those fisheries because their funds have
35 totally dried up. And without that the RAC couldn't ask
36 and answer questions nor could Fish and Game on some of
37 these declines that we've seen.

38

39 Thank you.

40

41 MR. EDWARDS: Mr. Chairman.

42

43 CHAIRMAN FLEAGLE: Gary.

44

45 MR. EDWARDS: I mean maybe there's
46 somebody that knows for sure but I believe that actually
47 the Federal permit does allow you to fish there at the
48 mouth of the Buskin. In fact the Federal subsistence
49 regs are different than the State regs for those same
50 waters, in that, the Federal regs, I believe allow nets

1 to be set for 24 hours whereas under the State regs they
2 can only be set from like 6:00 in the morning to 10:00 in
3 the evening. And somebody who's more familiar with the
4 regs, but I believe that you cannot -- you can fish those
5 waters without getting a State permit and simply use a
6 Federal permit.

7
8 MR. HOLMES: Nope, you have to have the
9 permit, thank you. It says so right on that little --
10 your little flier that you have to have a permit. The
11 point is correct, Gary, that they can fish 24 hours a day
12 and that's a point that I expect the RAC to bring that
13 problem to you because years ago we had a serious problem
14 of people leaving their gear in the water and not tending
15 it, catching marine mammals and birds and just plain
16 wasting fish. Most people, even though they can abuse
17 that and fish early, don't, and that's just one of those
18 dichotomies of management that perhaps is in error, but
19 you cannot fish those waters unless you have a State
20 permit and that's in your regulations in that fisheries
21 book, I believe, it says you must have a permit.

22
23 CHAIRMAN FLEAGLE: Okay, we can get that
24 researched for us for deliberations if we so choose to go
25 there. Any other questions for Pat.

26
27 (No comments)

28
29 CHAIRMAN FLEAGLE: Hearing none, we
30 appreciate your testimony Pat. And at this time I'm
31 going to go ahead and call for a lunch break. But before
32 everybody gets up and leaves, I do need to announce that
33 the cut off to testify, to sign up to testify is noon,
34 and that's in seven minutes, so remember noon is the sign
35 up cut off time. and we'll stand down for lunch until
36 1:15.

37
38 I'll read like the next 10 or so.
39 Heather Parker, Charlie Reft, Dewey Skan, Lila Schwantes,
40 Gloria Stickwan, Rachael Schwantes, Linda Tyone, Jerome
41 Selby, Charles Edwards, Jr., David Case, Father Piasius
42 DeLucia.

43
44 UNIDENTIFIED VOICE: Thank you.

45
46 CHAIRMAN FLEAGLE: You're welcome. 1:15.

47
48 (Off record)

49
50 (On record)

1 CHAIRMAN FLEAGLE: Good afternoon, we're
2 back in session, the Federal Subsistence Board, Day 1 of
3 the meeting on rural/nonrural determinations.

4
5 We have closed the sign up time for
6 public testimony so I've requested Staff take the
7 testimony cards that we've received and produce them into
8 a list so people can keep track of where we're at on the
9 list, where we're going. We've got 39 total testimonies
10 and we've heard 14 so that gives you an idea, we're just
11 over the third way mark. And I heard some interest in
12 trying to complete public testimony today so that we can
13 have the evening to rest on the comments heard before
14 deliberations tomorrow and so we'll strive for that. If
15 it's not possible then we'll resume public testimony
16 again tomorrow. I've got to get with Pete when he gets
17 back in and find out what the timeline on the building,
18 the room is, we'll get that clarified before we close for
19 the day.

20
21 I think that's about all I have in the
22 way of comments. Other Board members, announcements,
23 comments.

24
25 (No comments)

26
27 CHAIRMAN FLEAGLE: Okay, thank you. With
28 that we'll resume public testimony and I just want to
29 remind testifiers and Board members, again, that the
30 testimony period is the public's process, it's their
31 opportunity to come forward with their concerns, their
32 part of the process and as such I would like that to be
33 as respectful of a process as possible for the testifiers
34 and for Board members and the audience, too, if you would
35 please respect the time that the testifier has. Keep the
36 issues to the -- keep the comments to the issues at hand
37 and not personalities involved. And I understand, again,
38 recognize that many of these issues that people are
39 testifying on are sincerely heartfelt and can be
40 controversial, we just want to recognize that we do want
41 to hear those comments and we're just looking for mutual
42 respect between all parties.

43
44 So with those ground rules we do have a
45 five minute time limit for testimony. Pete is keeping
46 time on his hand watch over here. He gives me a
47 notification when the time is up. I generally will ask,
48 if you've run over your time, to consolidate your
49 comments, and one way that you know that your time has
50 been run over is my little light on my microphone will

1 come on because I'm just about to cut you off, so watch
2 for the light on the microphone and start summarizing and
3 we'll stay out of trouble.

4

5 So with that we're going to go ahead and
6 resume, and the next up on our testimony is Heather
7 Parker.

8

9 (Pause)

10

11 CHAIRMAN FLEAGLE: Do we have Heather
12 Parker -- okay, thank you.

13

14 MS. PARKER: Good afternoon, I hope you
15 had a good lunch, I didn't have such a great one since I
16 knew I was number 1 after lunch so I expect to have a
17 great dinner.

18

19 (Laughter)

20

21 MS. PARKER: Cami. Thank you for being
22 here and providing us this opportunity to speak to you.
23 You've already stated what an important dear to our heart
24 issue this is.

25

26 My name is Heather Parker. I'm the Chair
27 of the Sun'ag Tribe of Kodiak here today representing
28 1,476 tribal citizen members. I'm employed as the health
29 administrator of the Kodiak Area Native Association
30 serving 4,498 American Indian and Alaska Native
31 beneficiaries. I'm also here as a community member of
32 Kodiak at large.

33

34 I'd like to begin by referencing back to
35 the 1990 deliberations and decisions based on Kodiak that
36 the Board unanimously voted Kodiak a rural designation
37 based on its obvious rural characteristics. It wasn't by
38 record a tie or a challenging decision in that respect,
39 it was a unanimous ruling. Since that ruling there have
40 been no significant changes that we can find. Our island
41 community continues to exemplify a rural lifestyle.

42

43 Some of the things that I'd like to touch
44 on quickly and respect for the time and other speakers
45 are a few items like our isolation and remoteness that
46 others have talked about, up to \$550 for a short notice
47 ticket. On average when I've had to travel with my
48 family for medical, two weeks notice, it's been
49 approximately 400 a person. So for my family of my
50 husband, myself and two children, that's \$1,600 when we

1 need to travel. My husband has upcoming medical needs
2 and we aren't able to keep our children at home for
3 approximately 10 days so we'll need to all four travel,
4 it's not an option to leave the children behind to reduce
5 the budget to do that.

6
7 Another significant factor that I see is
8 our population growth is estimated by statistics at about
9 1.8 percent since the last ruling, and when we look
10 across at other urban areas, the number that I think that
11 I've seen for Wasilla are based on about 315 percent
12 population growth, numbers in excess of 200 percent for
13 Homer, and across the board urban areas that really show
14 true characteristics of change in population.

15
16 We have a high cost of food. I've
17 referenced a lot of these types of statistics in my
18 September testimony so I really -- it belabors me to
19 repeat them here for the sake of time and would be happy,
20 as others have offered, to provide that in writing but I
21 think the statistics have already been presented to the
22 Board previously. We do have high cost of food, our milk
23 by the gallon is \$3 and more.

24
25 Our high cost of electricity is averaged
26 at 16 cents per kilowatt hour. Our Alaska Native
27 unemployment rate of our tribe is approximately 34
28 percent and when I bring these numbers, it's a quick
29 comment and it's a short phrase but what it says to me is
30 the representations as I sit here as, is that, my tribe
31 and my organization that I represent has chosen that this
32 is the most important thing that I can do to represent
33 them today although we have many disparities in the
34 Native community, what they need me to do is be here,
35 present, on this issue which is something very basic to
36 us as our subsistence traditional gathering.

37
38 So with that said I try not to have my
39 voice quiver but I know the health needs and the other
40 issues that we face that are detrimental but instead I'm
41 talking about what we've done for our entire existence.

42
43 Culturally speaking our subsistence is
44 our traditional way of life, it's not a past-time or a
45 hobby for our members, it's not something that we have
46 just picked up on the side, it's something that is just
47 what we know. Our ancestors have lived a subsistence
48 lifestyle and passed down these skills and traditions
49 from generation to generation. We actively teach our way
50 of life to our children that will, in turn, be passed on

1 to our grandchildren, our grandchildren's children. We
2 have an innate respect that many of our community members
3 have brought forth for the land and the sea. We gather
4 fish, game and berries for personal use and we share and
5 provide with our elders and also those that are ill and
6 in the hospitals. Some of those are displaced here in
7 Anchorage for large amounts of time based on our lack of
8 medical facilities in Kodiak.

9
10 Our statistics show that fish and game
11 prosper in our area and as an entire community we work
12 together to assure this. When there are challenges we
13 have systems like the RAC and our Native entities that
14 work together as a community to ensure that that's not
15 jeopardized. Subsistence plays a vital role in the
16 health of our people and State and Federal officials that
17 I meet with regularly have publicly acknowledged the role
18 of subsistence in the field of behavioral, the Western
19 diet that was introduced to our people has had a
20 devastating impact on Alaska Native and American Indians
21 as seen in the rapidly increasing numbers of our
22 population being diagnosed with diabetes.

23
24 In somewhat closing before I get off with
25 what I feel here in my heart, I just want to say to the
26 Board, I appreciate your time and being here with us for
27 these two days is taking away from your other duties and
28 responsibilities, we all -- many of us in the audience
29 sit on boards and councils, both statewide and national,
30 we understand what it means to be here for two days and
31 what that means to your desk when you get back, so I do
32 appreciate the time.

33
34 In closing I feel that often times when I
35 look back trying to summarize and speak for so many
36 members from birth to the age of in their '90s, that
37 often our children and our elders are the ones that can
38 most eloquently and to the point not ramble on but really
39 say how it is in very concise and few words. And I think
40 that's based on children, their innocence, and elders,
41 their years of experience and their knowledge base. And
42 I want to thank the elders here, for me personally, my
43 grandparents are from the Kodiak region, the villages in
44 Kodiak and they were -- they passed on before I was even
45 born so I relied on a lot of these members to share our
46 way of life. And when I look back at the children, my
47 children and the other tribal children and the other
48 community children that aren't all Native but that work
49 and live in -- just live a lifestyle together on an
50 island, the remoteness that we have, I think back to that

1 book; All I needed to Know, I learned in kindergarten and
2 I have a kindergartner, so that's real near and dear to
3 my heart, it means something when I read that because
4 we're living that everyday at my household. And as I was
5 sitting at the hotel last night, I had been in one of our
6 villages yesterday and flew into Kodiak and up to
7 Anchorage last night, and I was thinking about the scope
8 of what we're all doing here today and how it's going to
9 affect many, many lives and I thought about what I was
10 doing Sunday night before I started my travels and it was
11 working on a homework activity for my kindergartner and
12 it was homework backpack that was entitled ABC, I like
13 Me, and what that had to do with subsistence might seem
14 off base, but what it comes down to is that it was an
15 activity dealing with the alphabet and basic school,
16 reading and learning skills, and it also touched on self-
17 esteem and the last activity was writing in a journal,
18 drawing a picture about three sentences that he was to
19 complete and the only thing, after reading this book,
20 about ABC, I Like Me, was that the three sentences he had
21 to complete were to start with I am good at or I can, and
22 here's what he chose to write.

23
24 First sentence. I am good at fishing.

25
26 Second sentence. I am good at duck
27 hunting.

28
29 Third sentence. I am good at sharing.

30
31 CHAIRMAN FLEAGLE: Thank.....

32
33 MS. PARKER: I did this in September and
34 I thought I wouldn't do that here.

35
36 In closing, my last two thoughts. I am
37 very thankful for his ability to represent our children
38 here, that I could bring that forward without his even
39 being aware to make the enormous responsibility that you
40 at the table and us here have today.

41
42 And on behalf of the 1,476 tribal members
43 that I referenced and the 4,498 beneficiaries that I work
44 for, and have the opportunity to provide health services
45 to.

46
47 I'd like to thank you for the time and
48 for being here and you will be in my thoughts and my
49 prayers tonight as you deliberate on life changing
50 decisions for us ultimately.

1 Quyana.

2

3 CHAIRMAN FLEAGLE: Okay, thank you very
4 much Heather, appreciate your testimony. Hang on let me
5 see if there's questions, Board members.

6

7 (No comments)

8

9 CHAIRMAN FLEAGLE: Okay, thank you, we
10 got it, appreciate it. All right, the next two names I
11 held back because I didn't think they'd get that list
12 produced so quickly but there is a list on the back of
13 the room on the wall, on the door, that shows the
14 testifiers and their number and like I said the next two
15 aren't on the list because I held them back, so we'll be
16 following that list.

17

18 Next up is Charlie Reft.

19

20 MR. REFT: Good afternoon. My name is
21 Charlie Reft. I am Alaska Native. I reside in Kodiak
22 and I currently live in Kodiak. I'm employed by Koniag
23 Incorporated, which is the regional Native Corporation
24 for the Kodiak area. I am employed as the manager of
25 land and natural resources.

26

27 The Kodiak residents, Natives and non-
28 Natives submitted good solid testimony and I feel this
29 Board has a clear understanding of where we're coming
30 from and are strongly opposing our current status [sic].
31 And I subsist, and, therefore, I also support our current
32 status and oppose any change.

33

34 And I just want to be assured that this
35 is not one more step by government agencies to take away
36 our rights to subsist as Alaska Natives, and I fully
37 support the community of Saxman.

38

39 That's all I have, thank you.

40

41 CHAIRMAN FLEAGLE: Okay, thank you,
42 Charlie for your testimony, Board members.

43

44 (No comments)

45

46 CHAIRMAN FLEAGLE: Thank you, appreciate
47 it.

48

49 Dewey Skan.

50

1 MR. SKAN: Good afternoon, and thank you
2 for this opportunity. My name is Dewey Skan and I'm from
3 Klawock. I'm a Tlingit Indian and our people have been
4 on Prince of Wales Island for ten millennium.

5
6 I'm currently the president of Alaska
7 Native Brotherhood Grand Camp and some of the things
8 we've been involved in as we became strangers in our home
9 land in 1912 when the (In Tlingit) started coming into
10 our area and our people had to develop a new Tlingit
11 word, which is (In Tlingit), that's the horizon people,
12 that's the people that are coming in on these four
13 masters, you know, go up into the Klondike and James
14 Cook, you know, and people like that from the Lower 48,
15 some of them from San Francisco going up to the gold
16 mines so we had to develop a new word. And as that
17 started transpiring in Western society, with the
18 Spaniards and the Russians and those people coming up
19 into our area we had to develop new words for them.
20 Thus, as we became strangers in our own home land, our
21 people had to organize in 1912, and organized Alaska
22 Native Brotherhood to start rebutting some of these
23 irrational acts that were affecting our people.

24
25 On the agenda at that time was health and
26 education were the two things that were driving our
27 people because we wanted our people to take care of each
28 other and get an education and live on an even keel
29 within the society. We brought Indian Health Service to
30 Alaska, gained the right of our people to vote in our own
31 home land. We brought the IRAs to Alaska. And in 1929
32 the convention at Haines, Alaska Native Brotherhood and
33 Sisterhood in conventions, voted to sue the Federal
34 government because of all the stuff that is happening in
35 our home land, and that took about 50 years to come to
36 pass. And during all this 50 years, you know, our
37 people, our grandparents and our parents were massaging
38 Congress, you know, our state is 375 million acres and we
39 got Federal control of 60 percent, the State has 22
40 percent and the ANCSA Corporations, our people own 12
41 percent and private ownership is 6 percent, and still we
42 always have to come before, you know, committees like
43 this trying to protect ourselves and our people.

44
45 But I come before you with due respect
46 because, you know, the Tlingit culture is based on
47 respect and if you don't have respect then you're at war
48 and we don't want any deliberations in these kind of
49 arenas.
50

1 But because of the Alaska Native
2 Brotherhood and Sisterhood, we put a lot, a lot of money
3 to the bottom line of Alaska because of our activities
4 and education and health and my comments will be mostly
5 information and concerns as the brotherhood, president of
6 the Grand Camp, which in other entities is called
7 chapters.

8
9 I support Ketchikan, Kodiak, Saxman and
10 Sitka, and I support Kodiak at the tribal and subsistence
11 issues chairman of RuralCap and on that board I represent
12 the 24,000 Tlingits and Haidas of Southeastern Alaska.
13 And one concern I have, where I was talking about rural,
14 when you talk to other societies they think it spells
15 Native and it doesn't because there's 104,000 Natives,
16 aboriginal people that live in the state and overall
17 about 250,000 people in rural Alaska, there's more of all
18 other racial [sic] of rural Alaska than us so I stand
19 before you to, you know, champion their rights also.

20
21 We have smokehouses in our villages and
22 if you look at all the Tlingit villages from Yakutat and
23 Metlakatla, they're all by a river or a creek, that's our
24 refrigerator. I do not support transient populations,
25 they shouldn't be counted in these deliberations. And
26 that's why Klawock, in my home town, we've been fighting
27 off the borough system for 25 years because we don't want
28 to be consolidated if it's to someone else's ideals.

29
30 When we're addressing issues that concern
31 Natives and non-Natives alike, the rural preference, we,
32 as a Native people cannot just sit back and allow for
33 Federal registration [sic] do and destroy that is, you
34 know, what is so important and priceless to us and that's
35 Title VIII of ANILCA.

36
37 The 70/30 split, I'm trying to figure
38 that out. It was a program that was introduced by the
39 State of Alaska and from what I could remember, it was
40 rejected and adopted by OSM [sic], I don't know why. I'm
41 trying to catch up here.

42
43 What someone mentioned, about the State
44 of Alaska is not too happy with the deliberations here,
45 so I'll kind of try to rebut that. We, in Southeast, the
46 Tlingit, Haida and Tsmishian people are very concerned
47 that something is very wrong with the Southeast RAC and
48 its ability to affectively serve our people. This is in
49 no way the fault of the RAC, they are not the ones that
50 we are talking about. We, who are on the inside and the

1 outside, see it as a fault of the Federal Staff and the
2 State of Alaska in its attempt to diminish the RACs
3 effectiveness. The State of Alaska had an opportunity to
4 manage the fisheries and game in our state and we
5 supported that. I worked at Legislature for eight years,
6 as you know eight Senators and 12 representatives held up
7 the whole state from voting on the issue. And now
8 they're involved in this Federal management program and
9 they're causing the program to fail in our opinion. The
10 State of Alaska had their chance. Now they should step
11 back and let the RACs do their job. The State of Alaska
12 should take a back seat and go back and work through
13 their own legislative process to get the management of
14 the fish and game program back if they are serious about
15 remanaging their own field programs. And I mention this
16 because in 1992 we were at a similar hearing here and the
17 Kenaitze people, they were like they were on trial and we
18 weren't very comfortable with it, there was three of us
19 Tlingit people from Klawock and so we got on the agenda
20 and they were trying to create five non-subsistence use
21 areas in the state, and Ketchikan and Juneau are two of
22 them. In our opinion if that happens then the Ketchikan
23 people, who we are supporting today and the Juneau
24 people, but go to the outlying villages and create, you
25 know, undue pressure on the resources. So we objected to
26 that and it took us two days to find out that they wanted
27 Kenai to be a sportsmen's playground. so we got that
28 stopped.

29
30 Marine jurisdiction, in order for Federal
31 subsistence Title VIII of ANILCA to be 100 percent
32 effective, there needs to be a management plan that
33 includes both the marine waters and the public lands
34 especially when it comes to the fisheries program. And I
35 mention that because under the Federal program, halibut
36 has to be 32 inches long and under the State, they catch
37 ping-pong paddles and everything that could barely swim
38 and they get into the breeding grounds at the ocean where
39 I live and that's really detrimental to the resource,
40 because the charter boats, they don't care if it has a
41 tail on it, they'll harvest it.

42
43 CHAIRMAN FLEAGLE: Okay, Dewey, you've
44 gone over your time, can I have you summarize or finalize
45 your comments, please.

46
47 MR. SKAN: Yes, I'm just about through,
48 Mr. Chairman.

49
50 CHAIRMAN FLEAGLE: Thank you.

1 MR. SKAN: And if you treat me mean I'll
2 tell your wife.

3
4 (Laughter)

5
6 CHAIRMAN FLEAGLE: I'll tell her first.

7
8 (Laughter)

9
10 MR. SKAN: But I just have two more
11 comments, Mr. Chairman.

12
13 I understand there are six voting members
14 that are sitting up there and if you'd raise your hand
15 I'd like to see who you are. Okay. And something I've
16 been hearing and looking at some of the documents that's
17 kind of sending up a red flag, they're talking about
18 minority Staff and majority Staff. If majority Staff has
19 implemented a strategy to give to you then I really
20 wouldn't approve of that or appreciate that because
21 there's six voting members and these people are supposed
22 to be doing the research to give the information to you
23 to advance our cause, so that minority Staff, I heard
24 that a couple times, and, you know, as someone who's been
25 in this arena for a long time I don't appreciate that, if
26 there's a majority of the Staff trying to ramrod stuff
27 down that's detrimental to our people, you're going to
28 hear from us.

29
30 In wrap up, Mr. Chairman, I congratulate
31 you. A lot of times you're going to be called upon to
32 break a tie sometimes, you know, everybody's watching
33 you. We had a friend there for 11 years called Mitch
34 Demientieff and we appreciated his efforts on behalf of
35 everyone in Alaska. And to wrap up I just want to stand
36 before you as the Grand President of Alaska Native
37 Brotherhood who brought so much to this state, our own
38 state and subsistence issues, tribal chairman for Alaska
39 and that's why I'm stepping out of the Indian parameters
40 and I'm supporting my friends from Kodiak in their
41 efforts to remain rural.

42
43 And I have a little gift for you, Mike,
44 and I'll ask Libby to come up and give it to you.

45
46 Any questions.

47
48 CHAIRMAN FLEAGLE: Questions, Board
49 members.
50

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Thank you. And I want
4 to make one clarification. I think on that
5 majority/minority positions from the Staff Committee,
6 that was because the Staff Committee couldn't come to a
7 consensus so they had a majority position and a minority
8 position come out of their deliberations and that's where
9 that came from.

10

11 MR. SKAN: Okay. What part does that
12 play in your decisions, I shouldn't be asking you
13 questions, but this is America.

14

15 CHAIRMAN FLEAGLE: It is. They're
16 recommendations that the Board may consider in its
17 deliberations -- will consider, but, you know.

18

19 MR. SKAN: Yeah, thank you, Mr. Chairman.
20 And I just have a gift for you, and I'll have our First
21 Vice of Alaska Native Brotherhood Grand Camp [sic] give
22 it to you -- do you have an office manager -- this one's
23 for Mike -- an office manager or chief of Staff -- okay,
24 that one's for you, and I'll give this one to Olga from
25 Kodiak. And you may read it, Mr. Chairman, if you feel
26 like it, but, you know, like I said, our culture is built
27 on respect.

28

29 Thank you, very much.

30

31 CHAIRMAN FLEAGLE: Thank you, Dewey,
32 appreciate your comments.

33

34 What it is, is a little poster that says
35 Southeast Traditional Tribal Values, Our Way of Life, and
36 there's a number of bullets, I'll let you guys read it at
37 your pleasure if you'd like.

38

39 Up next I'd like to call Lila Schwantes.

40

41 MS. SCHWANTES: Good afternoon. I am
42 Lila Schwantes from the Sun'aq Tribe in Kodiak. I'm
43 grateful for the opportunity that I have to speak a few
44 words to you today and tell you how I feel about this
45 important issue.

46

47 First of all, I'd like to tell you that I
48 believe that the U.S. Coast Guard Base population in
49 Kodiak should not be included with the other population
50 numbers and the reason I say that is because they are

1 pretty much a self-contained community in their own, they
2 are a gated community. And admission is obtained at
3 their gates. They'll either let you on or they will not
4 let you on. And so for that reason I think that they
5 should -- their numbers should be considered carefully or
6 separately.

7

8 In 1990 you determined that the Kodiak
9 community was rural. Since that time very little has
10 changed as many others have testified to you today. In
11 light of the economic changes, however, I believe that
12 more people are more heavily dependent upon subsistence
13 resources, especially in light of the steadily rising
14 fuel costs, which are just now starting to go down. I
15 believe that your 1990 decision was correct and that it
16 should still stand today.

17

18 It is interesting to me that areas of the
19 state can be categorized as nonrural because their
20 populations exceed 7,000 people, even without regard to
21 the resources that are available to them. I don't
22 believe that the characteristics of our community can be
23 determined by the number of people living there.

24

25 Subsistence is an inherent right of our
26 people. It may be regulated, yes, but should never be
27 taken from us. Our physical and cultural welfare
28 requires it. Please remember that many of our people
29 would not have much of a life without it. We are not
30 only rural, we are also remote. And because of our
31 remote location sometimes very inclimate weather and acts
32 of nature that cause shipping and transportation to stop,
33 and when that happens our grocery stores empty very
34 quickly. It's very comforting at that time to know that
35 our pantry shelves are stocked with canned salmon and
36 venison and there are freezer shelves stocked with frozen
37 fish and meats and other subsistence foods.

38

39 And I didn't number my pages so give me a
40 minute here.

41

42 My family and I are avid subsistence
43 participants, this has been passed down through my
44 natural, my Native heritage. Subsistence is a wonderful
45 activity. Our harvest is always shared with elders and
46 family members.

47

48 I'd like to tell you a little bit about
49 my family history. My Athabascan greatgrandfather, Paul
50 Nomoff (ph) worked at the Karluk Weir on Kodiak Island,

1 and he taught his daughter Olga that you don't take more
2 fish than you need and you never waste it. Grandma Olga
3 passed that lesson on to her family. My mom put up ucala
4 (ph) and salt fish, she told me how they used to
5 waterproof shingles of their home with seal oil, how she
6 used to put up kegs of cod fish tongues, which was a
7 delicacy at that time, and I laughed when she told me
8 about going duck hunting for the first time and pulling
9 both triggers at the same time, knocking her to the
10 ground. When visitors dropped in at their remote island
11 home, there were bear skin rugs for them to sleep on.

12

13 When I was a kid we didn't have
14 refrigeration, but I remember the large keg of salted
15 salmon and cod fish behind the woodshed door which
16 provided delicious meals through the winter months.
17 Ducks and rabbits added variety as well as clams, (In
18 Native) and seagull eggs in the spring. Subsistence has
19 been our way of life forever.

20

21 You, who sit on this Board, have been
22 endowed with very much power, lifestyles and resources of
23 many lie in your hands. I am here today because I
24 cherish my lifestyle and these God-given subsistence
25 resources. I speak for myself but I also speak for those
26 who are not here. I speak for those who have preceded me
27 and I speak for those who are yet to come.

28

29 I plead with you to preserve the
30 subsistence rights and privileges, which have been ours
31 forever, and I pray that my children and my grandchildren
32 and their posterity will be able to enjoy the same
33 privileges and subsistence lifestyles which have been
34 available to me and my family. And I strongly urge you
35 to consider very carefully these vital issues and
36 encourage you to proclaim that Kodiak is indeed a rural
37 community, for that we are, and I would also encourage
38 you to also determine that our neighbors and friends of
39 Southeast, who are here today, will also be declared
40 rural communities.

41

42 Thank you.

43

44 CHAIRMAN FLEAGLE: Thank you, Lila.
45 Board members, questions.

46

47 MS. GOTTLIEB: Mr. Chair.

48

49 CHAIRMAN FLEAGLE: Thank you.

50

1 MS. GOTTLIEB: Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Judy, go ahead.

4

5 MS. GOTTLIEB: Thanks. Not a question,
6 but -- for Lila, as well as for Heather, I know this is
7 really dear to your hearts and to everybody's here and so
8 we know it's emotional and difficult to speak in front of
9 a group, but thank you very much for your statements,
10 appreciate it.

11

12 CHAIRMAN FLEAGLE: Yes, thank you. All
13 right, next up is Gloria Stickwan.

14

15 MS. STICKWAN: My name is Gloria Stickwan
16 and I'm here to give a few brief comments that the Ahtna
17 Tene Nene Subsistence Committee asked me to talk about.

18

19 CHAIRMAN FLEAGLE: Excuse me, Gloria,
20 could you slide that microphone up a little closer.

21

22 Thanks.

23

24 MS. STICKWAN: the Ahtna Tene Nene
25 Committee asked me to speak on a few words about the
26 rural/nonrural determinations.

27

28 Specifically I want to talk to you about
29 the Delta communities. We -- there was concern about
30 military -- Ft. Greely being considered a part of the
31 Delta communities, even though the Delta communities
32 isn't in our area, they do have an impact in our hunting
33 area and they asked me to make comments on that.

34

35 We don't think military bases should be
36 considered as -- should be considered as one of the
37 guidelines and looked at because we think that the
38 military community is a transient community in itself.
39 They're not really a community, they're a military base
40 and so we don't think they should be considered when you
41 do the guidelines.

42

43 We, too, are considered about the rural
44 and nonrural determinations and criteria and guidelines
45 that are being used. As communities grown and our areas
46 grow we have a concern about, just like these other
47 people here that are going through this right now, we
48 know in the future that we will be going through that
49 same thing in the future as our communities grow within
50 the Glennallen area, so we have concern about the

1 criteria that are used and the guidelines that are being
2 used and we would like to see them improved upon or
3 redone or somebody to look at it, along with the public
4 again because the population being used is 2,500 to 7,000
5 -- right now in our area, community is 3,000 in the
6 Copper Basin so it's going to affect us some day in the
7 future and we're concerned about that.

8

9 And that's all I have, thank you.

10

11 CHAIRMAN FLEAGLE: Thank you, Gloria.

12 Questions.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: Okay, appreciate your
17 comments. Next up is Rachael Schwantes.

18

19 MS. SCHWANTES: I just had a few words.

20 I don't see very many young people here, not that you're
21 old, but, yeah.

22

23 (Laughter)

24

25 MS. SCHWANTES: Okay, my name is Rachael
26 Schwantes and I'm of Athabascan and Aleut decent. I am,
27 you know, one of those grandchildren you're all talking
28 about and I just wanted to say a few things for myself
29 and my siblings and those of my age also who will be
30 affected by this.

31

32 I have been living with subsistence foods
33 in my family like my whole life, and everybody that's
34 lived before me has been living with these subsistence
35 foods. I feel that fish and these berries, they don't
36 have preservatives in them and they're healthy and they
37 keep my body going and they're going to keep everybody's
38 body going and my posterity's body going and my parents
39 and my grandparents sitting over there, body's going, and
40 it's healthy and it's good.

41

42 And my next point is that subsistence
43 foods, as a kid, I live in a time where people are
44 becoming lazy. Kids my age they are addicted to games
45 and they just don't work hard. And as someone who has
46 taken part of subsistence fishing or just surviving off
47 the land, I feel that it's important to do this because
48 it teaches you how to live on your own and it teaches you
49 values, and it teaches you family-oriented values and it
50 teaches self-determination and how to work hard, which is

1 important especially in the adult world. I have had an
2 array of classes and many, I've had students who don't
3 have these values and I've had classes where students do.
4 You don't only get these values just from subsistence but
5 I feel that as me, and as a Native kid, as somebody who
6 has had these opportunities, that I don't want this taken
7 away. And so these classes that I've had with these
8 different students, these students that didn't have these
9 values set in their being, they don't do very well in
10 class, they don't want to pay attention and all they want
11 to do is just play their games and they don't really --
12 they just don't want to succeed in life, which, these
13 kids that have had these same opportunities as I have
14 living off the land, and they have this determination to
15 do well, just whatever they're doing, they do do well in
16 class, and they will be able to succeed in life.

17
18 Those kids that have family -- they say
19 that kids that often join gangs, they mostly have a
20 parent missing, they have this value in their family that
21 is missing. And a family that goes out subsistence
22 fishing or picking berries, they're doing this together
23 and the kids won't leave that because they have that knit
24 there, they have that close relationship, and those kids
25 won't join gangs and they're not going to start doing
26 drugs, which is really important, especially in the world
27 that I live in today.

28
29 They say that a kid that has grown up
30 with these values and it's part of their being, they're
31 not going to depart far from it, and that's really
32 important. And I feel that the subsistence fishing or
33 the living off the land, or deer hunting, all these
34 things bring value into my life and they bring values
35 into everyone around me's life and it's important because
36 this is what helps succeed those that do it.

37
38 Thank you.

39
40 CHAIRMAN FLEAGLE: Thank you. Very good
41 job, appreciate it. Questions, comments.

42
43 (No comments)

44
45 CHAIRMAN FLEAGLE: Thanks for the
46 testimony. Up next is Linda Tyone.

47
48 MS. TYONE: Good afternoon everybody.
49 I'm here today to speak on behalf of the Ahtna
50 Subsistence Committee which is represented by one person

1 from each village in the Ahtna region and we have three
2 elder advisors on there.

3

4 I'm here today to speak on the criteria
5 that is used to determine rural versus nonrural.

6

7 I think we need to reevaluate that
8 criteria, which was done over, what, going on 16/17 years
9 ago. Back in the '90s there wasn't too many Native
10 people involved in making these decisions and today, as
11 people are getting more educated and more knowledgeable
12 about the State run system and how things are run through
13 different organizations, that the Native communities are
14 more educated on the State system. So I think it's time
15 to reevaluate your criteria on how you determine rural
16 versus nonrural.

17

18 And I'd like to say that I support all
19 the Native communities who are here today to fight for
20 their subsistence because we've been fighting for this
21 for all our lives and we will continue on fighting for
22 our daily lifestyles and this is recommendation that we
23 need to move forward and reevaluate what is being done
24 here today.

25

26 Thank you.

27

28 CHAIRMAN FLEAGLE: Thank you, Linda.

29 Questions.

30

31 (No comments)

32

33 CHAIRMAN FLEAGLE: Appreciate your
34 comments. Okay, up next we have, I think it's Jerome
35 Selty -- Okay, Jerome you can correct your last name if I
36 said it wrong, please.

37

38 MAYOR SELBY: Close, Mr. Chairman, it's
39 Selby.

40

41 CHAIRMAN FLEAGLE: That's a B, it looks
42 like a T.

43

44 (Laughter)

45

46 MAYOR SELBY: Well, one of those.

47

48 (Laughter)

49

50 MAYOR SELBY: Thank you, Mr. Chairman.

1 Members of the Board. I appreciate the opportunity to
2 testify today.

3
4 First of all, I'd like to start out by
5 thanking you folks for your service. Having been
6 involved in public policy formation myself for over 20
7 years at the State, local and national level, the job you
8 do up there sometimes I'm sure feels like a pretty
9 thankless job and I, for one, certainly do appreciate
10 what you're putting in trying to make these decisions
11 which are sometimes pretty hard.

12
13 However, the good news from my
14 perspective is, is this one should be pretty easy.
15 Because from a good public policy perspective, this is as
16 close to a slam dunk as I think a Board like you could
17 ever face, and that's a fact that all of your evidence
18 has come back, having completed your due diligence of
19 examining whether Kodiak should remain rural or become
20 nonrural has overwhelmingly come back rural. And from a
21 good public policy perspective I think that makes this,
22 in relative terms, an easy decision for you folks to
23 leave Kodiak rural.

24
25 Now, there's a couple reasons that I say
26 that and I'll elaborate on them just a little bit. But
27 first of all I think that if you look at it in the big
28 picture, good public policy needs to serve the public,
29 it's kind of the first, underlying premise. And I think
30 from all the testimony you've heard and from you folks
31 coming to Kodiak and having seen Kodiak, I think Kodiak
32 lifestyle and subsistence are as close to synonymous as
33 you're probably going to find in Alaska, and that means
34 as about as close as you're going to find in the U.s.

35
36 Now, clearly the public is going to be
37 served by a policy that you folks adopt leaving Kodiak
38 rural. I have to leave the question with you, who is
39 served if you designate Kodiak nonrural.

40
41 Now, let's come back to the evidence.
42 First of all you heard this morning that there's a
43 scientific study, the results of which said Kodiak is
44 rural. Your Staff, your InterAgency Staff Committee
45 recommendation says, and I think they got it about right,
46 Kodiak should be designated rural. You have resolutions
47 from the city of Kodiak and the Kodiak Island Borough,
48 both of whom give you numbers of reasons why they found
49 in their deliberations that Kodiak should be rural.
50 You've heard overwhelming public testimony from a number

1 of citizens. And let me tell you the amount of testimony
2 you've gotten, this is a big issue, I can tell you
3 because in most public hearings in the city of Kodiak and
4 the Kodiak Island Borough, if we get six or seven people
5 it's a big issue. So the fact that you folks have had
6 whatever it is, 70. 80. 90 people, this is a big issue.
7 And it's overwhelming that folks use subsistence and feel
8 that Kodiak should be rural. The heavy use that you
9 identify, your Staff identifies, 155 pounds per capita,
10 rural. And there's no significant change from 1990 when
11 you folks voted unanimously that Kodiak should be rural.
12 And, in fact, if you look closely and by your own
13 information there's a slight trend to more rural is
14 really about the only change that you see there.

15
16 So I would submit that you folks really
17 have an overwhelming amount of evidence to find that
18 Kodiak should remain rural.

19
20 Now, when it comes to public policy
21 formulation, most of the time when we look at it, we make
22 a change when there's some overwhelming reason why a
23 change needs to be made. And I would submit to you that
24 you have no overwhelming, no over arching reason to make
25 any change to Kodiak's rural designation here. In fact,
26 the only thing that you have at all that raises the
27 question is the 7,000 population arbitrary guideline
28 number. And I say arbitrary because I don't know where
29 that came from, but my suspicions are that some person
30 sitting in a warm little office in Washington, D.C., some
31 day picked out 7,000 as being a nice round number, now
32 there may be more to it than that, but quite frankly
33 unless you come out into the community, as you folks have
34 done in Kodiak, 7,000 is a guideline is that says you
35 should take a closer look and I don't think that anyone
36 would argue you haven't taken a close look with all the
37 effort that you've made here, and that's why I commend
38 you on your due diligence, I think you've really looked
39 at it, but I think in this case 7,000 doesn't mean
40 anything, because what you have is a rural community and
41 that's what should be found as a result of your effort
42 here.

43
44 Now, there's no down side to keeping
45 Kodiak rural that I can think of. But there's a big down
46 side if you change us to nonrural. And let me just
47 mention a couple of those.

48
49 Now, one of the main reasons that there's
50 no down side from my perspective is, to keeping us rural,

1 is that you don't have any resources that anyone's
2 identified here as being in trouble. That would mean
3 that there'd have to be some serious thought and
4 decision-making made, but in this case that doesn't
5 exist. There is no resource in trouble.

6
7 So let's look at the down sides if you
8 change us to nonrural. First of all you have a number of
9 families who are going to immediately go into crises and
10 that means a couple of things. First of all the social
11 service agencies are going to take a big hit. We've got
12 to have more money for social services and more people
13 hired to take care of these folks. And secondly, your
14 law enforcement, you better have a lot of money available
15 for law enforcement because you're going to criminalize a
16 bunch of people who are mainly just trying to feed their
17 family. That's the net result of a nonrural designation
18 here. Because believe me if it's February and your
19 family is out of food, ask yourself what you are going to
20 do if the deer is standing out in the hillside behind
21 your house, are you going to wait until the August deer
22 season to feed your family or are you going to feed him
23 today. And that's what you're doing if you make it a
24 nonrural designation. And I think the answer is pretty
25 obvious what most folks are going to do in that
26 situation. So I would argue that you're going to have to
27 have a lot of legal backup to try to enforce. And also
28 there's the question then of, unanswered, no one's told
29 me what happens to Federal grants, some of which are
30 dependent upon a rural designation and there are State
31 grants that follow not far behind.

32
33 So I'm about done, Mr. Chairman, I
34 appreciate your time.

35
36 But the point being here is that there's
37 a lot of negativity that would happen. And I think more
38 impact on Kodiak's economy than any of us have figured
39 out with a nonrural designation. And all the evidence
40 that you've gotten clearly point to keeping Kodiak rural.

41
42 So I would simply urge you folks to do
43 the right thing, make a good public policy decision, keep
44 Kodiak rural.

45
46 Thank you.

47
48 CHAIRMAN FLEAGLE: Thank you, appreciate
49 the testimony. Questions. Judy.

50

1 MS. GOTTLIEB: Mr. Chair. Yes, thank
2 you, Mr. Mayor for being here today. We know that you
3 were out of town when we did have the hearing in Kodiak
4 but I appreciate the written comments that the Borough
5 turned in, as well as the city's and of course the
6 roundtable and everyone who's testified.

7
8 I think one thing you had mentioned,
9 perhaps, in your written comments had to do with the
10 downturn in the Kodiak economy based on loss of fishing
11 jobs that had taken place. I wondered if you would just
12 be able to take a minute to fill everybody in on that.

13
14 MAYOR SELBY: Certainly. A couple
15 different things have happened, we've had downturn in
16 salmon over the past few years that have resulted in a
17 number of -- much fewer number of fishing jobs for salmon
18 fishing in the summer. We have a number of permits that
19 because of the price of salmon, just didn't fish, which
20 means no crewmembers for those folks that had those
21 permits, so you've seen a fairly significant reduction in
22 that regard.

23
24 More recently the crab rationalization in
25 the Bering Sea, we had a number of boats, I think about
26 40 or so that participated in that fishery and because of
27 the way that that was done, and there was an intentional
28 effort to try to reduce the amount of fishing effort in
29 that thing, but they got carried away with that and they
30 made multiple layers of reducing effort. The net result
31 of that is that most of the crewmembers in Kodiak who
32 fish in that fishery lost their job. A number of the
33 boats did not fish, and because of the advantages of co-
34 oping, a number of the boats did not fish at all which
35 means that several of the skippers would get together and
36 fish jointly on one vessel as opposed to now sending out
37 four or five vessels. So we've seen a significant impact
38 that resulted from that.

39
40 And then we have hanging over our head
41 the Gulf of Alaska rationalization that rationalizes all
42 of the remaining species in the Gulf, which that's under
43 consideration right now and we don't know where that's
44 going, but if you track what's going on, when halibut
45 IFQs came in, we saw significant reduction in the number
46 of people who made money from halibut as well. Some kind
47 of consolidation took place. So I think that just on the
48 surface you can pretty well bet that if you rationalize
49 the Gulf of Alaska, no matter how careful you are,
50 there's probably going to be some consolidation that

1 takes place there. Now, we're trying to ask the Council
2 to not overdo that, to think about that and try to
3 minimize the consolidation but I think that you can
4 pretty well bet that there'll be some amount of
5 consolidation that would result from a Gulf
6 rationalization.

7
8 So it's multiple hits, if you will, in
9 the fishing industry.

10
11 MS. GOTTLIEB: Thank you.

12
13 CHAIRMAN FLEAGLE: Gary Edwards.

14
15 MR. EDWARDS: Maybe to follow up on that
16 question, can you kind of maybe look into your crystal
17 ball and where you see the community going over the next
18 couple of years. I noticed in the Anchorage Daily News
19 this morning there was an article titled Kodiak, the City
20 on the Edge, and it addressed some of the issues, but I
21 was just -- what do you think the implications of all
22 this is going to be and if you had to kind of predict,
23 without putting you on the spot, what do you think are
24 the consequences of some of these actions.

25
26 MAYOR SELBY: Well, we're trying to
27 minimize those consequences, I mean that's obviously what
28 we're very concerned with, both at the city and the
29 Borough level in terms of local government and local
30 community is concerned. But it's like I was just
31 describing, there's only so many of these hits that you
32 can absorb without it starting to have a downward impact
33 on your overall community. And that's what I think the
34 article that you were referring to was starting to impact
35 -- some of the folks who are running into trouble, and
36 it's folks who may have worked some of those crewmember
37 jobs that I just talked about, who now have no -- you
38 know, they don't have as much employment opportunity,
39 they may be able to go out and fish for awhile on cod or
40 something but, you know, they counted on moving from
41 fishery to fishery to fishery for enough employment
42 during a years time in order to really keep the family
43 financially viable. And so as a result you have some
44 families who were okay who now aren't okay.

45
46 So it's challenged for social folks
47 already, social service folks already. Our challenge, I
48 think as a community, is to try to diversify enough to be
49 able to pick up enough slack in other areas and create
50 jobs and, you know, there is a little bit of good news,

1 we have more tourism things going on, for example. It
2 doesn't off set what the down side is so far from the
3 fishing but that's the kind of thing is, the way we're
4 thinking, is that we've got to be able to do enough of a
5 diversification of our local economy to absorb the losses
6 that are occurring to us in the fishing industry,
7 otherwise, you know, there's just no question I think the
8 Kodiak population has to shrink, we can't support the
9 same number of families with the current scenario.

10

11 MR. EDWARDS: Thank you, very much.

12

13 CHAIRMAN FLEAGLE: All right, thank you
14 for your testimony.

15

16 MAYOR SELBY: Thank you.

17

18 CHAIRMAN FLEAGLE: Board members the next
19 testifier has indicated that he's not intending to
20 testify on the matters before this Board but on the
21 general basis of the act itself, is there any objection
22 to allowing that.

23

24 (No comments)

25

26 CHAIRMAN FLEAGLE: All right, hearing
27 none, Charles Edwardsen, Jr.

28

29 MR. EDWARDS: Hello. Welcome to the
30 crime scene. I witness in Washington, D.C., the creation
31 of ANILCA, Alaska Native Land Claims Settlement Act, and
32 the rest of the sellout amendments under Alaska Native
33 Claims Settlement Act. And so in making the
34 Constitution, it provides for Indians not to be taxed, it
35 also provides a Treaty under the Commerce Clause. More
36 importantly, under the Statehood Act, State of Alaska is
37 a disclaimer state. Do you know what a disclaimer is.
38 That the State of Alaska shall forever surrender any
39 fishing rights or titles to the land of Alaska Natives.
40 This is the supremacy clause of the Alaska's
41 Constitution. And as far as I'm concerned it has not
42 been amended lately.

43

44 And so these fishing rights and hunting
45 rights were supposed to last forever, and that's a very
46 long time. When did forever end. When rural was
47 created. The word, rural, came from FDR's administration
48 for the deployment of electricity in some place in the
49 Lower 48, so it just didn't -- it arrived in Alaska under
50 the direction of Byron Malant (ph), as the president of

1 AFN, Alaska Federation of Nothing. And so against the
2 advice of legal counsel, I am disappointed by your
3 Federal Staff who have not reviewed the Legislative
4 history how rural was introduced in ANILCA.

5
6 I am disappointed that the case history
7 is very blatantly clear, and the people of Alaska did not
8 discriminate, State of Alaska and its governance
9 discriminate. The people of Alaska had surrendered these
10 rights.

11
12 And it took us, after the passage of Land
13 Claims until 1997, that we finally won on a disclaimer
14 defense, we quiet the title of State of Alaska at Point
15 Lay. What does quieting the title of State of Alaska
16 does, it gets us back to the Federal Compacting. For the
17 prosecution of the war, World War II that is, not the one
18 in Iraq, in the prosecution of World War II the United
19 States government entered into compacts with the tribes
20 of Alaska. Public Land Order 82 for the prosecution of
21 the war, State of Alaska had challenged the ANCSA
22 settlements selections at Barrow and at Point Lay. Who
23 was the ultimate benefactor, the ultimate benefactor was
24 the Native Village of Barrow, Native Village of Point Lay
25 because we are a Federal enclave chartered by the United
26 States in a compact for the prosecution of that war.

27
28 And so State of Alaska lost a
29 navigability issue in Kuparuk. And so the Federal
30 responsibility, the Federal trust responsibility has not
31 sunsetted. And just because we want to satisfy
32 commercialization of other species to steal from the
33 inhabitants of the Native people, you are going to commit
34 a crime of peace and a crime against humanity, of taking
35 the food away from the mouth of the children that are not
36 yet born. So I think it behooves you that there is a
37 Federal supervision lawsuit to reinstatement of the State
38 disclaimer clause on all of State action under the Quiet
39 Title Act. So if the ruling for Kodiak is denied, we
40 will enable them, with legal assistance, to quiet the
41 claims of State intrusion.

42
43 Thank you.

44
45 CHAIRMAN FLEAGLE: Thank you, Charlie.
46 Questions.

47
48 (No comments)

49
50 CHAIRMAN FLEAGLE: Appreciate the

1 testimony. Up next is David Case, who is already on his
2 way, he's reading the list on the back.

3

4 MR. CASE: Thank you, Mr. Chairman. I
5 decided not to back out today.

6

7 Thanks for the opportunity to testify. I
8 appreciate it. I'm here as a private citizen, not
9 representing anyone in particular although I've been
10 asked to come by the people of Saxman. I couldn't help
11 reflect sitting here this morning that, again, with all
12 of you that this is a small state and we all sort of get
13 to know each other after awhile or after 30 years, or
14 after how many years your life happens to have passed
15 here. Heather Parker and I were in the same village just
16 yesterday near Kodiak, and now we're here in the same
17 room talking about the same kinds of topics.

18

19 My point of being here, though, is to
20 talk about Saxman a bit.

21

22 First, I have a couple of things just to
23 add to the testimony that you've had that maybe you
24 haven't heard before. Saxman has a unique history, even
25 under the Claims Act. It was, and is a rural village.
26 Remember the Claims Act in order to qualify as a village,
27 you had to be of rural character. And so in 1971 it was
28 determined that Saxman was a rural village and of rural
29 character. And in 1990, I think you reached the same
30 conclusion under a different statute, that it was still
31 of a rural character. And, nonetheless, it is within an
32 area, well, near Ketchikan, which you have concluded to
33 be nonrural, although from the testimony today I kind of
34 wonder about that, too. But nonetheless it seems clear
35 to me that Saxman, because of its history, which has been
36 discussed here already and because of its status under
37 the Claims Act to begin with, your determinations in 1990
38 and indeed the determinations that you apparently have
39 made as recently as August of this year when the Federal
40 Register publication indicated that Saxman would be
41 considered to be rural. And, therefore, it became a
42 surprise to Saxman to find out last Thursday and formally
43 on Friday that there was a Staff recommendation against
44 that recommendation, and they did not actually see that
45 Staff recommendation, I am told, until yesterday. So
46 that is why I think they are concerned and calling people
47 to testify on their behalf because this doesn't seem to
48 be fair, that this process would indicate an entirely
49 different result and then at the last moment forecast
50 something the opposite.

1 The testimony you've had before you all
2 favors Saxman's continuation as a rural community under
3 ANILCA. There was some testimony, I gather, that two or
4 three witnesses which said that it should be treated the
5 same as Ketchikan and we'd rather prefer that Ketchikan
6 be rural too. But the overwhelming testimony is that
7 Saxman is a unique place, and if you go there, and I go
8 there, actually every year, I go to Ketchikan, turns out,
9 for a meeting every year of the village corporation, and
10 some of you have been to Ketchikan and Saxman, I gather,
11 and I feel when I drive from Ketchikan to Saxman I drive
12 to a different place. When I get out and walk around
13 Saxman I'm in a different place. It does not have a
14 grocery store that's nearby. You've heard all of the
15 other ways in which the community seems to have a -- be a
16 rural place, where people live as rural residents.

17
18 And that brings me, I think, to the
19 criteria, as far as I can tell the majority
20 recommendation is not based on any of the evidence that
21 you've heard, it is based on a narrow reading, or desire
22 to consistently follow these three criteria relating to
23 where kids go to school, the road system and the -- and
24 so it seems to me that these criteria really don't relate
25 to what is a rural community. I mean they have some
26 bearing on it but the other criteria you've heard
27 discussed here today include things like the way people
28 know each other, and so there's social interactions, that
29 people know each other on the street and wave to each
30 other, why isn't that a criteria to determine whether you
31 live in a rural community. I live in a urban community.
32 I don't know my neighbors. That's what an urban
33 community is like. In a rural community you have
34 different social interactions and community interactions
35 than you do in an urban place. And that's the testimony
36 I think that I've heard today, is that this community of
37 Saxman has those attributes of a rural community, just as
38 does, apparently, the overwhelming evidence is also the
39 same for Kodiak and Sitka.

40
41 So I would encourage you -- well, we all
42 are prone to this fault but I think it was George Bernerd
43 Shaw and probably Keith can correct me if I'm wrong, who
44 said that thoughtless of consistency is the hobgoblin of
45 small minds, and we are all subject to those failures, I
46 suppose.

47
48 But your job, of course, is to think with
49 big minds. You've got a big job here and people are
50 really depending, of course, on the right answer, the

1 right answer for their lives made from your decisions --
2 based on your decisions. And I just don't see how these
3 criteria really help reach the conclusion that seems to
4 be the reality that people testify about in front of you,
5 and that I think is the point of the minority
6 recommendation, which seems to me to be more thoughtfully
7 reasoned and more supported by the evidence than the
8 majority recommendation.

9

10 So I hope you will consider Saxman's case
11 favorably as apparently it was considered in 1971 and
12 1990 and as recently as August 14th of 2006, and not
13 change its determination from rural to nonrural.

14

15 Thanks.

16

17 CHAIRMAN FLEAGLE: Thank you, David.

18 Questions.

19

20 (No comments)

21

22 CHAIRMAN FLEAGLE: Appreciate your
23 testimony. Up next is Father Paisius DeLucia.

24

25 FATHER DELUCIA: Good afternoon, Mr.
26 Chairman, and members of the Board. My name is Father
27 Paisius DeLucia. I'm an Orthodox priest.

28

29 I'm grateful to be here. I'm grateful to
30 the Sun'aq Tribe and Gary Watson for inviting me and
31 bringing me here to speak. I spoke at the meeting in
32 Kodiak kind of on a lark in a way. We were just coming
33 out of a performance at the main center there and found
34 ourselves in your meeting but it was very meaningful to
35 us and even though my story, in comparison to all the
36 others here today, is a small one, still I'd like to give
37 it.

38

39 I need the first couple of minutes just
40 to describe our operation, then I'll make our statement
41 and summarize and I should get underneath your light
42 there.

43

44 With my wife and two daughters, we came
45 and founded and direct a school for troubled youth at
46 risk in Kodiak, it's named St. Innocence Academy. We're
47 in the midst of our ninth year. We receive young men and
48 young ladies from Alaska and the Lower 48 states as well,
49 from the jurisdictional system, from jails, from
50 probation, and also from so-called good homes and we're

1 all together in one place. Our building was a run down
2 former metal fabrication shop. It's now a boarding
3 school and also our home. It's located right on the
4 ocean at Shahafka Cove, which is a popular silver salmon
5 site. This year we've increased and we're increasing
6 every year, we have 35 students and though that may not
7 seem like much, but if any of you consider what having 35
8 children is like you could probably appreciate it because
9 they're with us 24/7, 365, there's no break in our year.

10

11 So I really appreciate you bringing me
12 here, Gary, thank you.

13

14 (Laughter)

15

16 FATHER DELUCIA: This is also obviously a
17 large number of hungry mouths to feed. They come to us
18 in a myriad of states of disrepair, green haired, skin
19 pierced, tatoos, disconnected, maturity deprived and very
20 angry and rage filled individuals. The rage is one of
21 the worst things we deal with everyday.

22

23 We clean them up, calm them down, unplug
24 their iPods, reteach them how to dress, how to speak
25 properly, we teach respect for their neighbors, their
26 brothers, their own family members and most importantly
27 if we're succeeding, for themselves.

28

29 We use good cooking and I can humbly and
30 honestly state, without any bragging whatsoever for the
31 Federal record, that my wife is one of the most excellent
32 cooks for the entire world. So if that could be noted,
33 thank you.

34

35 (Laughter)

36

37 FATHER DELUCIA: We teach etiquette at
38 the table and throughout the house. Old fashion soul to
39 soul education based on really knowing reading, writing
40 and arithmetic, using as few electronic crutches as
41 possible. Sports is done the old fashioned way, based on
42 team work and team spirit rather than individual glories,
43 prayer when you rise up, prayer at noon for family and
44 friends, prayer in the evening, prayer before bed.
45 Confession of daily sins to relieve conscious of guilt
46 for a good night's sleep and we teach a full work ethic,
47 a job well done with no idle talking or attention
48 wandering, or at least we hope so, that's our striving.

49

50 We're not funded by our church, any

1 church or any benevolent organizations. We do receive an
2 occasional wonderful gift now and then from the grace of
3 God. We the students and the staff make our living as a
4 team painting, sheetrocking, constructing, doing anything
5 we can really in Kodiak. They have a wonderful
6 reciprocal relationship with the town. All our proceeds
7 are held in common. Our staff are all volunteers. And
8 as I said an occasional donation will appear at times and
9 we survive by the Lord's grace and mercy.

10
11 Now, besides the Russian Orthodox Church
12 Heritage and St. Herman, we chose Kodiak for its rural
13 character and unbounded rural opportunities. It's
14 interesting that when Rachael came up to give her
15 testimony, either I thought maybe I read hers or she
16 looked at mine a little bit because the things that she
17 was talking about in the formation of youth, I wanted to
18 mention here as well, and that is instead of the couch
19 potato, superstore, Disneyland mentality, it breeds
20 boredom and despair. Our students are working for their
21 food by hunting, fishing, gutting, rendering, butchering,
22 preserving their food for the winter and throughout the
23 whole year. This year at the end of the sportfishing
24 season Fish and Game opened our front yard, our front
25 yard is Shahafka Cove, and I have to thank Iver Malutin
26 for that, I didn't realize it, for gillnetting. Our
27 boys, with eagerness, launched the skiff and having been
28 taught the construction of gillnets, and having been
29 taught gillnetting ways by our neighbors, the Native
30 Alaskans, we were able to catch 200 beautiful silver
31 salmon in three attempts. You may say that's a lot of
32 fish but if you do the math on it, feeding all 50 of us,
33 that is staff and students together, it provides three
34 fish meals a month. Therefore, halibut, cod, red salmon,
35 and locally hunted deer help to complete the picture.
36 You can imagine having to purchase that amount of food at
37 any Safeway. Many skills are learned in hunting,
38 teamwork, awareness of your surroundings, awareness of
39 yourself, survival skills, common sense and much more is
40 called into play. For both the young men and the young
41 ladies successful hunting and fishing presents a rite of
42 passage to maturity.

43
44 Our school has an inspired service
45 relationship with the town of Kodiak. We will work at
46 times for no charge or even a small donation to help
47 elders and others who are in need, if that need arises.
48 This teaches our students etiquette and the benefits and
49 beauty of generosity. This year we were blessed with 11
50 deer on our annual winter hunt and were able to share

1 some of that bounty with those whose financial means are
2 hurting and have no possibility to harvest game.

3

4 Our students also sing and play music,
5 that's where I met you, and act in the capacity of big
6 brothers and sisters to many dysfunctional and
7 emotionally hurting families in the town.

8

9 To keep our heating costs down in the big
10 old building that we have, this year our heating costs
11 were up at a thousand plus per month, the heating cost
12 alone, we've acquired a new large wood stove boiler which
13 if properly fed with driftwood will dramatically
14 conserve fuel and reduce costs. With great gusto and joy
15 our boys harvested 10 cords of driftwood firewood from
16 remote island beaches using, again, the learned lore of
17 neighboring Native Alaskans. We hope that the new source
18 of help, this new source of help for our school with
19 spiraling fuel costs would also not be affected by any
20 limiting nonrural laws.

21

22 To summarize is this, Kodiak in its rural
23 life, it's rural character of its peoples is a God-given
24 miracle to us and it helps tremendously in the healing of
25 a very sick disconnected from the land and from
26 themselves modern generation who have been responding
27 successfully to this medicine so far. If the sources of
28 help are altered and we can no longer fish and hunt
29 respectfully with the numbers necessary to support our
30 students we will be forced to close our school. We have
31 no funds to directly purchase the amount of food needed.
32 It would also curtail, as mentioned, the above, the
33 importance sources of growth to bring to our young people
34 of this time out from their immaturity to responsibility.

35

36 Please keep subsistence open, and Kodiak
37 rural. God bless you.

38

39 CHAIRMAN FLEAGLE: Thank you. Questions.

40

41 (No comments)

42

43 CHAIRMAN FLEAGLE: All right, appreciate
44 the testimony and good luck with your school.

45

46 FATHER DELUCIA: Thank you.

47

48 CHAIRMAN FLEAGLE: Next is David Jensen.

49

50 MR. JENSEN: My luck to follow such a

1 dynamic speaker.

2

3 (Laughter)

4

5 MR. JENSEN: I'm from Ketchikan, which is
6 right next to nowhere, you've all heard of the bridge to
7 nowhere and if we're neighbors of nowhere we're probably
8 rural.

9

10 (Laughter)

11

12 (Applause)

13

14 MR. JENSEN: And I'd like to speak, well,
15 our tribe, Ketchikan Indian Community wants to support
16 the position of Kodiak, Sitka and Saxman and we'd also
17 appreciate a rural designation.

18

19 I've been thinking a lot about my
20 grandfather lately. I heard his name spoken here today,
21 his Tlingit name was (In Tlingit) from the whale clan
22 from Angoon, and he was one of the last surviving members
23 of this clan. And since his passing years ago we've
24 discovered some other members of his family so you can
25 imagine how happy we were to find out that there are
26 surviving members of the whale clan, my grandfather's
27 people. This past weekend my sons were out deer hunting,
28 my two older boys both got their first deer in the same
29 muskeg a year apart. When they were small they wouldn't
30 -- or at they at least didn't want to have hot dogs or
31 turkey, they preferred deer meat and fish. And right now
32 my children are teaching their children what my parents
33 were taught by their parents. It's our heritage, our
34 identities as Tlingit people, the food we eat.

35

36 And I just want to make sure that you
37 understand that it's the position of the tribe that we
38 don't -- we're not just representing or speaking for the
39 Native citizens of our tribe but the whole community of
40 Ketchikan. And we too have a large government
41 population, there's the Coast Guard, the Forest Service,
42 the Navy, the Army and probably some that I don't even
43 know about. But I recognize this process as part of a
44 strategy that was begun a couple of hundred years ago and
45 you might not consider it the same as I do but manifest
46 destiny was to assume control of all the land from the
47 Atlantic Ocean to the Pacific Ocean and where do you go
48 once you get to the Pacific Ocean, the only way was north
49 to Alaska.

50

1 And just to put a different name on it,
2 on that manifest destiny, I'm wondering if groupings of
3 community areas and populations and population density
4 and the rest of these are just other names for manifest
5 destiny. And these are all part of a concept of Western
6 law which, in my experience, doesn't always have anything
7 to do with justice and I know that you have to make your
8 decisions based on your governing documents, just as I do
9 at the tribal council table. I try to make all my
10 decisions based on those governing documents whenever
11 possible. And as a Christian man I'm compelled to judge
12 the law, not only to keep the law, but to judge the law,
13 and if the law doesn't apply justly to me I have to speak
14 up or even violate that law.

15
16 And I've heard words that I thought about
17 today, criminalizing our behavior, and we take that
18 seriously. There was a time when I didn't fill out the
19 application for the harvest permit, I didn't buy a
20 fishing license or a hunting license and I didn't go get
21 a subsistence permit for getting my sockeye. At that
22 time I thought that if the government wanted to give me
23 any paper they should make it soft and absorbent.....

24
25 (Laughter)

26
27 MR. JENSEN: with no inks (ph) or
28 perfumes. But this is serious business. And in my
29 decision-making at the tribal council or personal
30 decisions, I always try to make it based on right and
31 wrong, that's the ultimate decision-making for me, is it
32 right or is it wrong, and I believe that Ketchikan should
33 be designated rural, to me that's right.

34
35 Thank you.

36
37 CHAIRMAN FLEAGLE: Thank you. Questions.

38
39 (No comments)

40
41 CHAIRMAN FLEAGLE: Appreciate the
42 testimony.

43
44 MR. JENSEN: Thank you.

45
46 CHAIRMAN FLEAGLE: Up next we have Mayor
47 Marko Dapcevich.

48
49 MAYOR DAPCEVICH: Thank you. I am Mayor
50 Dapcevich from Sitka. I am the Mayor there and I came

1 here today mostly to thank you, first of all, for coming
2 to Sitka and giving the community an opportunity to
3 testify to you, and not only just coming to Sitka to hold
4 hearings, but staying there until almost midnight so that
5 you could hear the unanimous testimony of 86 people, that
6 was very gracious of you and we, the people of Sitka,
7 very much appreciate that.

8

9 Secondly, I would like to thank you for
10 not reconsidering Sitka's status. You have no idea how
11 much the people of Sitka appreciate that, as well as
12 myself.

13

14 One other thing, and I know it's not
15 really on your agenda for this meeting, but I think one
16 thing that this Board may want to seriously consider is
17 that 7,000 number that we've heard so much about today.
18 Things change and one of the things that changes is
19 population. In 1980 the world population was well under
20 5 billion, I don't know what it is now, we're well over 6
21 billion. I think it's safe to assume that if we don't
22 change our definition of rural soon there will be no such
23 thing as rural. Rural areas will become bigger
24 proportionate to urban areas, and so maybe this Board
25 should take that into consideration and maybe consider
26 redefining that number or even giving it less
27 credibility.

28

29 As the Mayor of Sitka, when I speak on
30 behalf of the community my charter limits to me to what I
31 can say in regards to the majority of the assembly, I
32 have to respect that. So at this point I'm going to take
33 my little name tag off here that says that I'm the Mayor
34 and I'm just going to speak as a 37 year resident of
35 Alaska.

36

37 Sitka is my home but so is Alaska. And I
38 listened to the testimony today about Ketchikan and
39 Saxman and Kodiak and I remember how fired up I was last
40 year and how passionate I was and how important it was to
41 me last year for Sitka and maybe we were a little short-
42 sighted in mostly just dealing with Sitka and not taking
43 opinions on the other communities which are our
44 neighbors. I'm going to reflect back on what I said last
45 year, Page 39 of your little book, and it says, and I'm
46 quoting myself and something, I hope I don't misquote
47 myself, but it says:

48

49 Rural is an adjective, it's a location,
50 it's in proximity to, it's an attitude,

1 it's a way of life, it's isolation, it's
2 small, it's not being a city, it's being
3 in the boondocks. Rural is subjective
4 and rural is a matter of opinion.

5
6 It's your opinion that counts and that's
7 why I'm here but your opinion should
8 reflect common reflection and the opinion
9 that people who live in that community.

10
11 And I think what I meant to say was the
12 opinion of the people that live in that community.

13
14 We can safely rule that out because we've
15 heard from people in all of those communities and their
16 opinion is clearly rural. We can look at opinion of
17 people from outside of that community, and I have my own
18 definitions of rural, which I testified to at length last
19 year and I'm not going to be that lengthy this year. But
20 there are things such as, well, the way I'm dressed. If
21 I were to walk down the streets of Sitka, Kodiak, Saxman
22 or Ketchikan I would stick out like a sore thumb.

23
24 (Laughter)

25
26 MAYOR DAPCEVICH: But I walk outside this
27 door and nobody looks twice.

28
29 If I'm driving down main street in any of
30 these communities and I see somebody walking down the
31 street with a rifle slung over their shoulder I think
32 nothing of it. But if I walk out here and see that I'm
33 ducking in the first door I come across.

34
35 These are the things, really, that are
36 perceptions from other people. So I would ask that when
37 you do your deliberations, that you take the perception
38 of other people. It's hard sometimes in your position, I
39 know, because every other Tuesday I'm in your position as
40 well, but I would ask you to think how, if you took
41 somebody, anybody, a random person off the streets of
42 Seattle or Portland, or San Diego or Phoenix or Tucson or
43 Albuquerque or Tampa or any urban area in America and
44 took them to Kodiak, Ketchikan, Sitka, Saxman and said,
45 this is an urban area, what do you think their response
46 would be. I mean giggling probably at best. It's not an
47 urban area.

48
49 Alaska's a different place, it always has
50 been and hopefully it always will be. But still we're

1 not that different, urban is urban and rural is rural.

2

3 So I thank you very much for your time
4 and, again, reiterate my thanks for the consideration
5 that you've given Sitka and the time that you spent in
6 that matter. And I'll throw one last thing at you, when
7 I do my deliberations as an Assembly member in Sitka, I
8 ask myself a question before I make a decision and that
9 question is, what good can come of it, and then I go
10 through that, so I would ask you before you decide to
11 redetermine the nature of one of these communities, ask
12 yourself what good can come of it. And then the other
13 thing I do when I make my decision is I ask, when I vote
14 yes or no, which way, when I vote, am I going to sleep
15 well tonight. And so when you make your vote let that
16 reflect your conscious and the right thing to do and may
17 you sleep well at night.

18

19 So with that, thank you very much, and
20 good luck in your deliberations.

21

22 CHAIRMAN FLEAGLE: Thank you. Questions,
23 Board members.

24

25 (No comments)

26

27 CHAIRMAN FLEAGLE: All right, appreciate
28 your comments. I feel like a good time has been reached
29 for a break, 10 minute break, and the Board will resume
30 testimony.

31

32 (Off record)

33

34 (On record)

35

36 CHAIRMAN FLEAGLE: All right, the Board
37 is called back to session, resuming public testimony.
38 And we have 12 testifiers remaining. I anticipate that
39 to take us roughly an hour and a half and at that time
40 we'll break for the evening and resume with deliberations
41 right out of the chute tomorrow morning. So with that
42 I'm going to call up the next testifier and that's Will
43 Anderson.

44

45 MR. ANDERSON: Hello, my name is Will
46 Anderson. I am president and CEO of Koniag,
47 Incorporated, the regional Native corporation for the
48 Kodiak Island area. And first of all, I'd like to thank
49 all of you, members of the Board, for listening so
50 attentively to all the people that have testified, I know

1 that it can be very difficult to listen to hour upon hour
2 of testimony, some of it redundant and to show each and
3 every person that testifies the same amount of respect,
4 and I'd like to say I really appreciate that.

5
6 In preparing for my testimony I spent
7 quite a bit of time reading through the transcripts of
8 the prior meetings that were held and going through
9 information on the internet that maybe other government
10 agencies have put out or other organizations that provide
11 some kind of a measuring tool or subjective tools for
12 measuring, you know, what is rural. And I found a number
13 of examples where Kodiak clearly comes out on the side of
14 being rural. Things like, you know, the lack of
15 proximity to a major metropolitan area, higher
16 unemployment rates than urban areas, higher energy
17 prices, the lower use of internet services, lower rates
18 of educational attainment, you know, those sorts of
19 things, and so certainly there are a number of subjective
20 measurements. And rather than repeating in a lot of
21 detail a lot of the facts and figures, you're all
22 familiar with them and a number of other people have
23 testified to this type of information, instead I'd kind
24 of like to share with you a definition that I came across
25 that I really liked. And that definition read:

26
27 Rural is when you have a parade and
28 nobody is left to watch.

29
30 (Laughter)

31
32 MR. ANDERSON: And while this really is
33 meant to be humorous and I'm glad that you laughed, I was
34 afraid that nobody would laugh.

35
36 (Laughter)

37
38 MR. ANDERSON: But it's really not that
39 far from the truth. What makes a community rural in
40 nature, you know, can't be determined with mathematical
41 formulas and concise definitions. Being rural is as much
42 a reflection of a community's spirit as anything else.
43 It's when individuals within a community are willing to
44 get involved in important projects like putting on a
45 parade or protecting the community's subsistence rights,
46 that's when you know that you're dealing with a rural
47 community, and I hope it's not lost upon the Board.

48
49 The sheer number of people who have come
50 from Kodiak to testify on this issue, you know, when you

1 live in an urban area you can get away with being
2 anonymous, you can sit back and you can let others do the
3 work for you but when you live in a rural community you
4 have to get out there, you have to get motivated and
5 become an activist and get all the members of the
6 community to participate, and that's really what's
7 happened here throughout this process.

8
9 Well, I was born in Kodiak but I've lived
10 in a number of metropolitan, urban areas around the
11 country. However, about a month ago I had the pleasure
12 of moving back to Kodiak and we moved into a house that
13 had four people that moved out of state and I moved in
14 with a family of five so I need to get busy recruiting
15 someone to leave Kodiak so we don't impact that
16 population number that is so important to us right now.

17
18 But I can say that I really love getting
19 back to a community with such a strong spirit. Kodiak
20 really is unlike any other place I've ever lived. Things
21 like, you know, driver's are courteous, you know, because
22 that person trying to pull out into traffic is more than
23 likely your neighbor or a relative and so you don't want
24 to, you know, drive around aggressively or when you
25 approach someone on a sidewalk, and I know you've heard
26 these examples before but it's really true in Kodiak,
27 that chances are you'll know that person's name, you'll
28 know their spouse's name, you'll know how many kids they
29 have, you know what the eldest is studying in college and
30 you'll know what their pet's name is, and you'll really
31 find that sort of thing in Kodiak.

32
33 And I really set out today to be very
34 brief, I know that you have still a number of people
35 behind me, so I'd just like to conclude by saying that,
36 you know, now that you members of the Federal Subsistence
37 Board have had an opportunity to listen to the testimony
38 of the numerous members of the Kodiak community, I hope
39 you will know to look past the numbers, which are
40 primarily the population numbers that put Kodiak in a
41 grey area and understand with the members of the
42 community know to be an indisputable fact that Kodiak is
43 a rural community and it deserves to keep its subsistence
44 priority.

45
46 Thank you.

47
48 CHAIRMAN FLEAGLE: All right, thank you.
49 Questions.
50

1 (No comments)

2

3 CHAIRMAN FLEAGLE: Appreciate the
4 testimony. Up next we have Oliver Holm.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: All right, I'll set
9 that card aside and give it one last call at the end of
10 the list and give him one more opportunity.

11

12 Linda Freed.

13

14 (No comments)

15

16 CHAIRMAN FLEAGLE: We're moving now.

17

18 (Laughter)

19

20 CHAIRMAN FLEAGLE: Gary Patton. You need
21 to turn the microphone on, there's an on/off button.

22

23 MR. PATTON: Okay, there we are. Yeah,
24 this isn't my first time in front of you people.

25

26 We've heard a lot of testimony for a long
27 time now, not just here today, not here last month. In
28 the '70s a big study was done on, we, Alaska people. It
29 was pretty well determined then what our needs were as
30 far as subsistence is concerned, but we got a real
31 problem here with this rural/urban divide thing here.
32 And the issue is really a race issue, I mean that's what
33 it gets down, is because it's our race that is losing
34 something that they've had for tens of thousands of
35 years, a reliance and dependency that cannot be
36 questioned.

37

38 Our race is the one that is losing.
39 You're taking from us something that we have had a
40 reliance and dependency on for tens of thousands of years
41 and you're giving it to someone that doesn't have a
42 reliance and a dependency on it for the cost of fees and
43 licensing, there's something really wrong with that. And
44 I don't care if I happen to be residing here in Anchorage
45 or if I'm back home in my area, I want access to my food.

46

47 Your own Statehood Act, under Article 4
48 said that these fishing rights and hunting rights would
49 belong to our people forever. It also says that in your
50 State Constitution, under Article 12, which I understand

1 has been amended, but I don't think you can amend the
2 Statehood Act. You know those secured property rights of
3 the Alaska original peoples are something that we cannot
4 tolerate having somebody come in and take away from us,
5 especially those of us along the coast of Alaska. We're
6 beginning to be more aware of some of the loss and the
7 Law of the Sea is one of the things that we would like to
8 have implemented here right now. Something that's going
9 to protect our customary and traditional rights from here
10 and into infinity.

11
12 We heard about the cultural genocide here
13 today earlier. We also heard last month that ANILCA was
14 broken, and, yet we're proceeding as if it's not broken.
15 These are the things that we should all be objecting to,
16 this postage stamp extinguishment of our rights. I was
17 at the hearings last month when it was with the
18 Athabascans. This time it's with the Alutiqs, and that
19 isn't the way to handle this at all. And I would think
20 that the Interior Department, the Bureau of Indian
21 Affairs would be all here at our side protecting this
22 thing for us in no uncertain terms because you are giving
23 something that we have relied and depended on for
24 centuries to somebody that has no reliance and dependency
25 on it.

26
27 I would at least like to see you comply
28 with the Law of the Sea if you're going to try to make
29 some determinations here. Has the Law of the Sea been
30 laid on the table here before you as of yet? My question
31 to you. Are you aware of the Law of the Sea and what it
32 says? Anyone up there.

33
34 (No comments)

35
36 CHAIRMAN FLEAGLE: It's your testimony,
37 Gary.

38
39 MR. PATTON: Just my testimony, okay,
40 well, I would like to testify here and get it on the
41 table today that we would like to implement the Law of
42 the Sea here to help protect us in our rights.

43
44 Thank you.

45
46 CHAIRMAN FLEAGLE: Thank you, sir.
47 Questions.

48
49 (No comments)
50

1 CHAIRMAN FLEAGLE: Okay, appreciate the
2 testimony. Up next is Heather Kendall.

3
4 MS. KENDALL-MILLER: Good afternoon.
5 Thank you for sitting through a long day and allowing the
6 public to give testimony. My name is Heather Kendall-
7 Miller. I work with the Native American Rights Fund.
8 I'm an attorney that represents numerous tribes in the
9 areas of subsistence. I'm here today to support the
10 rural status of Sitka, Kodiak and for purposes of today's
11 testimony, most in particular, Saxman.

12
13 You've already heard and I join in my
14 colleagues Carol Daniels [sic] and Dave Case in their
15 testimony, I think they already addressed and raised some
16 legitimate points. I want to briefly add just a few
17 more, and my points go to process.

18
19 I have testified before this Board in the
20 past and I have done my best to emphasize the fact that
21 what the Board does in its decision-making process is
22 very important in the sense that the public has to have
23 trust in the way that that process takes place. The last
24 Board meeting that I was present at there was a lot of
25 discussion about decision-making from the bottom up,
26 instead of the top down, and that the whole Federal
27 subsistence management system is designed to be a process
28 that allows individuals and communities to offer their
29 views and decision-making will take those views into
30 consideration from the bottom up, not the top down.

31
32 I am very concerned that the shift in the
33 Saxman status coming about as it has, so very recently,
34 is yet another example of decision-making from the top
35 down because I can find nothing in the record, nothing in
36 any of the materials provided that suggests a reason or
37 justification from departing from what has been the
38 understanding that Saxman would continue to retain its
39 rural status. The Proposed Rule that was issued on
40 August 14th states that Saxman would remain status -- or
41 I mean that Saxman's status would remain rural, and that
42 we propose no other changes in status, however, new
43 information could lead to changes not proposed at this
44 time. The Proposed Rule went on to discuss Saxman, in
45 particular, and the community characteristics that
46 supported its ongoing rural status. And as you've heard
47 today those community characteristics include the fact
48 that there's higher unemployment, that the subsistence
49 uses are much greater than they are in its neighboring
50 community of Ketchikan, that the community itself

1 maintains a separate government. That's the existing
2 information that's in the record, and we all can agree
3 that that's existing information. So what concerns me is
4 that there is no new information and there's no change
5 that can support a radical departure from rural status to
6 nonrural, there's nothing in this record to say that any
7 information about that community has changed in such a
8 significant way to justify now the change from rural to
9 nonrural. In fact the only thing that's offered in the
10 majority report to justify this is the statement that
11 groups should be treated consistently in a unified
12 manner. That seems to be the driving reason for the
13 change of this status, that groups should be treated
14 consistently in a unified manner.

15
16 Well, I suggest that that is not new
17 information. It's not any factual information that
18 justifies change. It's a policy shift. It's one that
19 we're going to treat all communities the same, and it
20 basically adds an additional criteria to the list of
21 other criteria that communities have to meet.

22
23 Now, as David Case said, if that's the
24 case then, then that should have been part of the
25 Proposed Rule that people could have testified to at the
26 appropriate time. The Southeast Council didn't have an
27 opportunity to address that. The community of Saxman
28 didn't have an opportunity to address that. The
29 community of Ketchikan didn't have the opportunity to
30 address that. That's a major shift, again, in policy
31 that says we're going to treat communities the same,
32 irrespective of the distinctive community characteristics
33 that you have established and that we have recognized in
34 the record that shows that your community is different.
35 Now, that's not a process that is fair or equitable to
36 the individuals that live in that community because they
37 didn't have their opportunity to come before you and say,
38 wait a minute, let us give you information that, again,
39 establishes why our community continues to be rural and
40 how nothing of significance has changed since the last
41 time around.

42
43 So, I, too, add my voice in urging this
44 Board to think first and foremost, is this something that
45 -- or a decision that's being made from the top down or
46 the bottom up, because if it's a decision from the bottom
47 up, then I submit to you that the testimony and the facts
48 that have been presented to you thus far substantiate
49 Saxman's ongoing rural status. And if you disagree with
50 me, then I ask you to consider then keeping you record

1 open and doing a proper rulemaking notice, one that
2 addresses the issue openly and clearly and does not just
3 make a decision that is not substantiated by the existing
4 record.

5

6 And I thank you.

7

8 CHAIRMAN FLEAGLE: Thank you, Heather.
9 Questions, Board members.

10

11 (No comments)

12

13 CHAIRMAN FLEAGLE: Appreciate the
14 comments. Okay, up next we have Steve Branson.

15

16 MR. BRANSON: Hello, I'm Steve Branson.

17 I am president of the Crewmen's Association, we're a
18 registered non-profit corporation of nearly 800 members
19 and roughly half of those members are Kodiak based
20 fishermen. I'm here today to speak on that half --
21 behalf.

22

23 Kodiak's economy is basically in decline.
24 Federally implemented fisheries privatization programs
25 have caused a dramatic decrease in employment and
26 opportunity among fishermen who are the basis of Kodiak's
27 economy. This, in turn, has had a domino effect
28 depriving fishery support businesses, eateries and local
29 government of the income enjoyed in the past. Incomes
30 are down and with the high price of fuel affecting
31 heating costs, transportation and freight charges
32 expenses are up.

33

34 Today's Anchorage Daily News had a story
35 titled more Kodiak people living on the edge. It points
36 out a 33 percent increase in direct assistance request
37 last quarter. Now, more than ever we need access to our
38 subsistence stocks.

39

40 The majority of our local members sport
41 and subsistence fish in their off time, we can't help it,
42 it's what we do. No one is as picky as a fisherman for
43 quality of fish and store bought product is almost never
44 as good as freshly harvested and to be paid a pittance at
45 the dock and charge an arm and a leg in the store is
46 downright insulting.

47

48 I suggest in the census numbers, the
49 removal of the Coast Guard personnel and their families
50 from those numbers.

1 And furthermore, Chiniak's population
2 should be averaged into Kodiak's tally. They do have
3 their own post office and grade school, I believe, but
4 they're really part of Kodiak. If our population is
5 still above the guideline, I suggest a new census to
6 prove the currency [sic] of data. We've seen somewhat of
7 an exodus of fishermen from town, now it's hard to find a
8 decent crewman, they've gone other places and they're
9 doing other things. And that's really affected the whole
10 social economic situation.

11
12 So if we're still above 7,000 people
13 after that, I suggest raising the guideline number to let
14 us remain rural. I agree with Sitka's Mayor that global
15 population growth will eventually deprive us all of rural
16 status and maybe a more generous definition of rural
17 would be in order. And if it's not to protect the
18 stocks, I don't see the point of stripping us of our
19 rural status. Just like commercial fisheries, tax, total
20 allowable catch limits based on sound science protect our
21 fish stocks, localized closures of subsistence fishing
22 areas could protect our threatened fish or game stocks if
23 necessary.

24
25 I've heard the argument that removal of
26 our rural status only affect Federal waters and lands but
27 the State government has a history of paralleling Federal
28 management programs and that's why we don't have a State
29 halibut fishery within three miles. Once the Feds remove
30 our subsistence privileges it's only a matter of time
31 before the State follows suit. And I foresee enforcement
32 problems if you outlaw subsistence fishing in Kodiak. My
33 grandfather was the county sheriff in Augusta, Maine, my
34 father was the head of NMFS enforcement in Kodiak, a
35 Federal marshall, and pretty darn strict, too. He always
36 assured me that he'd arrest me if I broke the law. He
37 checked my mother's tags when she shot a deer.

38
39 (Laughter)

40
41 MR. BRANSON: I know and abide by fish
42 and game laws, however, outlaw subsistence fishing in
43 Kodiak and I will break the law. I have a yard full of
44 raggidy nets and small boats in various stages of
45 disrepair.

46
47 The Crewmen's Association has a veritable
48 army of members I will draw from, many of them out of
49 work or classified as working poor. I will rally as many
50 volunteers as possibly and gladly have my nets and boats

1 confiscated. I'll be able to see my yard again, maybe,
2 and in jail we'll get three hots and a cot, I hope
3 salmon's on the menu.

4

5 Thank you.

6

7 (Laughter)

8

9 CHAIRMAN FLEAGLE: Questions.

10

11 (No comments)

12

13 CHAIRMAN FLEAGLE: Thank you. Up next is
14 Margaret Roberts.

15

16 MS. ROBERTS: Good afternoon, Mr.
17 Chairman. Members of the Federal Subsistence Board.
18 Staff. Members of the Regional Advisory Councils. Thank
19 you for allowing me to testify this afternoon. My name
20 is Margaret Roberts.

21

22 I'm a member of the Woody Island Tribal
23 Council on Kodiak Island. Last night I was trying to go
24 to sleep and the Tonight Show was on and Jimmy Carter was
25 on and it made me think of what we're doing here today.
26 If it wasn't for President Carter we wouldn't be having
27 some of these discussions, and I do thank him and all the
28 other people that did put together ANILCA that gave us
29 all of our subsistence rights. I admire him very much
30 for that.

31

32 I heard it mentioned earlier today by, I
33 think it was Pat and I just want to bring it up again.
34 I'm not sure if we have the right numbers maybe listed
35 for the amount of species. I think we have a lot more.
36 If you think of the land, air and water, I think we want
37 to include all the species that we possibly can.

38

39 This summer I think one of my fondest
40 memories that I keep going back to was when the tide is
41 out, our table is set, and it was a minus tide and we had
42 a retreat over on Woody Island and Herman Squartsoff from
43 Ouzinkie and a few of us were walking the beaches and we
44 were moving some of the rocks and had some of the
45 children with us and showing them where to find the
46 octopus and after we got the octopus Herman was teaching
47 the children what all you have to do with them. And we
48 got back up to Camp Woody, Swen Haakenson, Jr., who we
49 call fisherman, his children were there and they're quite
50 small, he has a brand new baby and children have no fear,

1 and here was this baby just sticking her little fingers
2 in this octopus and just -- would grab a hold of it and
3 she tried pulling it out and the noise that it would
4 make, it just tickled her so. That's been on my mind a
5 lot, I think, since we've been having some of these
6 subsistence hearings. Our children, over the years,
7 have really learned a lot.

8
9 Just last week I had an opportunity to go
10 to my grandson's school, we were invited to a luncheon
11 and all the kids were getting honored in one way or the
12 other, Kodiak is a wonderful, wonderful rural community
13 and always very conscious building self-esteem and here's
14 all these little kindergartners getting recognized, and
15 first graders and all of them were asked what they wanted
16 to be when they grew up, and, of course, most of the kids
17 were all saying that they were going to be teachers and
18 policemen and firemen and all of these wonderful things,
19 and my little grandson popped up and he wants to be a
20 cook. And you don't hear anybody like that, saying that,
21 and I think that comes a lot from growing up and being
22 surrounded with family and the community and the
23 gathering of hunting and fishing and subsistence
24 lifestyle.

25
26 So I'm pretty proud that my grandson
27 wants to be a cook someday and he's watched his grandma
28 prepare a lot of food.

29
30 Also sitting here today, I guess I've
31 lived in Kodiak all of my life and for over the past 30-
32 some years I've done a lot of advocating on behalf of
33 Kodiak and our people that live there. And it makes me
34 very proud to hear them here testifying as tribal
35 members, for the Sun'ag Tribe and for their subsistence
36 rights because we've had to fight, you know, for the very
37 existence of those tribal rights for so long and I just
38 really applaud that and applaud the leadership that has
39 been involved with these hearings and hope that you
40 really take into account their verbal and their written
41 testimony.

42
43 It was great to hear this morning the
44 recommendations of all the work that the Staff has done
45 in gathering all the written and the verbal testimony and
46 I fully support the recommendation for Kodiak remaining
47 rural status. Personally I also support Sitka and Saxman
48 nonrural as well.

49
50 Thank you, very much for allowing me to

1 speak today. Do you have any questions.

2

3 CHAIRMAN FLEAGLE: Thank you. We'll find
4 out. Questions, Board members.

5

6 (No comments)

7

8 CHAIRMAN FLEAGLE: Sounds good, thank
9 you. Up next we have Olga Malutin.

10

11 MS. MALUTIN: Cami. My name is Olga
12 Malutin. I'm here today on behalf of Sun'aq Tribe of
13 Kodiak. I also am representing the KANA beneficiaries of
14 which there are 4,998. I'm also here on the behalf of
15 American Legion Post 17, American Auxiliary Post 17.

16

17 I've testified to you several times and
18 it doesn't get any easier. I appreciate your time and
19 patience and respect to hear all the speakers. Please
20 keep your heart open to something that is so critical to
21 us and to everyone in the world and that's food. Our
22 food and water is a common denominator between all people
23 in the world.

24

25 Kodiak's unemployment rate at 34 percent
26 does not include fishermen or people who have exhausted
27 their unemployment benefits which include many cannery
28 workers.

29

30 Oh, I forgot one other thing, too, I'm
31 the matriarch for my family so I'm also speaking for my
32 brother, his daughter, his two sons, and our little one
33 that's on the way.

34

35 I have never been able to dig clams with
36 my nephews. Exxon has taken care of that. I've got
37 another niece or nephew on the way, I don't know that
38 I'll be able to teach that child or share. Many of our
39 fishing spots, our berrypicking that I went with my
40 grandmother, my mother, my aunts, are subdivisions. You
41 cannot fight progress and we realize this. But Kodiak is
42 rural, not only just being an island, but the high cost
43 of fuel and everything else that you heard today.

44

45 I have fond memories of our family
46 putting up for the winter. It was a great big day. The
47 whole family worked. We all had chores regardless of how
48 old you are. I don't know if any of you read the Village
49 Voices, but a month, an issue or two back, on the front
50 page was a four year old girl skinning a seal with her

1 grandmother with an ulu. This is how our people live.
2 It isn't subsistence it's traditional food, it's our
3 life, it's our culture, it's so much more than sustenance
4 for our bodies.

5
6 I want to touch the point about not
7 including the numbers from the Coast Guard Base. They're
8 a self-contained city. They get COLA which is cost of
9 living allowance, along with civil service personnel,
10 that's not available -- that cost of living index is not
11 taken into account when our students apply for funding.
12 I, myself, have been denied for that. The Coast Guard
13 Base, although they are an integral part of our
14 community, they're our heros and we live well together,
15 however, they are a transient population. And for those
16 of you who were able to come to Kodiak there was a Coast
17 Guard gentleman who did testify to the fact that not many
18 of the population on the Base utilized subsistence.

19
20 We also have the situation where Kodiak
21 in its beauty and splendor is now become a hot spot for
22 celebrities and people with money to fly in on private
23 jets or yachts, hunt, fish and leave. Sometimes they do
24 not utilize everything that they take. Tommy Johnson,
25 Jr., testified about how we used all parts of animals for
26 food, clothing, implements, and one other thing that in
27 this day and age of difficulties, parts of the animals
28 also are being utilized by our artists, which helps them
29 make ends meet.

30
31 I'd like to also mention again the fact
32 that if this comes through our gathering will take place
33 much farther away from where we're gathering now in
34 dangerous waters, endangering gatherers and the Coast
35 Guard personnel that would have to go out and try to save
36 them. Down the line, if this changes, we will have
37 problems with our grants and fundings and how this is
38 going to go. We have had a 33 increase, as the gentleman
39 before me had said, in social services, and I am well
40 aware of that because I work with many agencies and
41 things to try to help people. The sharing that goes on
42 helps a lot of these entities to function. Brother
43 Francis Shelter, Women's Resource and Crisis Center, the
44 Living Room, which is a halfway house and Salvation Army.
45 Yes, we have changed a lot but we are still -- excuse me
46 -- we still live by how we were brought up. We borrow
47 the land from our grandchildren, therefore, we must be
48 good stewards of the resources.

49
50 I know that when ANCSA came down the

1 pike, I was talking with an elder and they just shook
2 their head, they could not believe that -- they didn't
3 understand even the concept of owning land. It was like,
4 like I said, we borrow it from our grandchildren and we,
5 on our own, recognize each others hunting areas. If you
6 change our designation, we're going to have problems.

7
8 CHAIRMAN FLEAGLE: Okay, Olga, your time
9 is up, can I have you summarize, forward your statement
10 to a conclusion.

11
12 MS. MALUTIN: Yes. I wanted -- please
13 bear in mind when you are making your consideration that
14 there are lives and cultural and spiritual things that
15 you are and will be affecting. I also want to let you
16 know that I support our Alaska brothers and sisters in
17 Sitka, Ketchikan and Saxman.

18
19 Thank you.

20
21 CHAIRMAN FLEAGLE: Thank you. Questions,
22 Board members.

23
24 (No comments)

25
26 CHAIRMAN FLEAGLE: Hearing none,
27 appreciate your comments. Rod Arno.

28
29 MR. ARNO: Chairman Fleagle, Board
30 members, thank you for the opportunity to give public
31 testimony.

32
33 I'm Rod Arno, executive director of the
34 Alaska Outdoor Council and I did submit written
35 testimony. And the Outdoor Council is a statewide
36 organization made up of hunters, fishermen, trappers and
37 people who like to access Federal public lands.

38
39 From the testimony that I've heard here
40 today I think the entire state should be rural. There is
41 a lot of good reasons that we heard here from most of
42 those testifying why it's good to have your community or
43 your town rural. You get special Federal and State
44 grants, it's good for your youth, they have a good reason
45 to do something constructive, to be in hunting and
46 fishing, and you also get a priority to fish and game.
47 All of those are good reasons to have the rural
48 classification.

49
50 You also heard of the divisiveness that

1 the people on Kodiak would fear what would happen if you
2 had a split, a dual, rural and nonrural in the same area
3 and this Board's heard a lot of that occurring on the
4 Kenai Peninsula and the animosity that that causes.

5
6 As far as the Outdoor Council is
7 concerned on the five criteria that we too are concerned
8 a lot with the process. Use of fish and game, while
9 there's little doubt that there isn't a community in
10 Alaska that doesn't use fish and game, I've lived in the
11 same location in Palmer for 30 years, know all my
12 neighbors and have shared fish and game with those same
13 neighbors for three decades now but it's in a Federally
14 nonrural area.

15
16 Development and diversity of local
17 economy. Well, what kind of affect is that criteria
18 going to have when we look at the Illiamna area and the
19 development of resource development, are the villages
20 around the Pebble project now to fear development because
21 of the criteria then they'll lose their rural status.
22 Community infrastructure, transportation, educational
23 institutions. I mean if those are the criteria, are we
24 going to say, well, if you're rural Federally designated
25 now you certainly don't want to have those advantages in
26 your way of life because it'll jeopardize your priority
27 to fish and game.

28
29 The biggest concern and what ANILCA
30 addressed in Title VIII was competition from other users
31 of the fish and game resource. Well, at what point then
32 is the population and the number of these rural
33 classified communities now, at what point then does the
34 population become so large that there is not adequate
35 resources for subsistence food and use. If it's not
36 7,000, you know, what is that number. I mean if you look
37 at Kodiak in the 2000 U.S. Census with a population of
38 6,300 and it varies in different report but this is the
39 U.S. Census, you know, they're the 10th largest community
40 in the state. And Sitka is the fifth largest community
41 in the state. And the sixth is Ketchikan. Palmer is the
42 14th. So we're not just going on population. But then
43 how can the Board look at Adak and say that because of a
44 declining population and the population had nothing to do
45 with the rural population of subsistence and customary
46 users of the fish and wildlife resource, it had to do
47 with the Naval Base, so then as soon as the community's
48 losing population, then that's the criteria it can go
49 from nonrural to rural. And then income, we see that
50 same thing, if you look at the amount of unemployment in

1 Palmer is 10 percent, Ketchikan at 8 percent, Sitka at
2 7.8 percent, you know, I'm just -- I'm not seeing that
3 there's any consistency in this process that would say,
4 okay, you know, these group of people, even though that
5 they have Alaska Native heritage of hunting and fishing
6 for subsistence, then at what point are they not making
7 enough money or the population is decreasing or that they
8 would increase to the point that they would fall out. It
9 just seems that the inconsistency is a large concern.
10 And the idea of making it a welfare resource, that
11 whenever job opportunities decline then you can go ahead
12 and fall back into rural if you were in a nonrural area.
13 That's when I think back of what good can come of it and
14 I don't see that the criteria is getting at the intent of
15 ANILCA, which is to assure people who live a subsistence
16 lifestyle continue to do that in the face of increasing
17 populations.

18

19 And that's just something this Board's
20 got to deal with, and I appreciate the opportunity to
21 give public testimony.

22

23 Thank you.

24

25 CHAIRMAN FLEAGLE: Thank you, Rod. You
26 came in right at five minutes. Questions.

27

28 (No comments)

29

30 CHAIRMAN FLEAGLE: Rod's had a lot of
31 practice. Thank you. Up next is Pat Holmes for the
32 Kodiak Rural Roundtable.

33

34 MR. HOLMES: Mr. Chairman. Members of
35 the Board. Thanks for the time to address you. We used
36 to have a really neat radio show in Kodiak, and it would
37 start out with a humorous melodrama with phrases, tides
38 of turmoil and winds of discontent beat upon the rock of
39 Kodiak. And as you've seen when there's an issue that
40 comes to address the whole community we pull together
41 rather well to address what we feel should be improved.

42

43 I would like to note that Mr. Edwards
44 pointed out an error in my addition on that table so just
45 blow it off. Like Red, Green, I'm a man, I make
46 mistakes. I say the same thing to my wife all the time.
47 Of course she said my Christmas present is my phone bill
48 for all this politicking on rural.

49

50 So anyway I'm not going to hit on

1 everything I had planned to because I used up some of my
2 time, I'll just give you my speech and get it copied that
3 it relates to written comments that I submitted in
4 October and hope that you got to read those and not just
5 get a summary. And I was glad to find out who the author
6 was of the report. I think overall did a pretty good job
7 on the summary, there are a few things that are missing
8 in both, and perhaps one of the most important documents
9 was one I found when reading the minutes from back in
10 1990, and that was discussion -- a memorandum that was
11 sent to Alaska Region U.S. Fish and Wildlife Service,
12 Subsistence Coordinator, from Lauren Farmer. And the
13 title of the memo is Factors to Consider in
14 Rural/Nonrural considerations of Sitka, Kodiak and
15 Saxman, and I would suggest you folks dredge that up,
16 I'll get a copy of it for you, but I'll just try and hit
17 on some of the high points of it that still apply.

18
19 Joint Boards of Fish and Game determined
20 that Sitka and Kodiak were comparable to Dillingham, and
21 if you look at our catch rates and rates of sharing it's
22 quite similar. And advisory committees support distinct
23 ethnic groups. Were significantly cohesive to justify
24 inclusion in Alaska Native Claims Act as individual
25 corporations, poundage of food, et cetera.

26
27 One thing, each community is
28 comparatively isolated as an island, you've heard that a
29 lot. Not connected to the road system. It seemed in
30 1990 a lot of the discussion of road system
31 connectiveness related to whether or not they were
32 connected to large urban centers, and now it seems the
33 perspective is how towns relate to neighborhoods down a
34 gravel road. Anyway, also stated population increases
35 since '80 to '90 were not dramatic to change their
36 lifestyle and of course that's been true over the last 15
37 years. Congress did not hesitate to recognize Kodiak and
38 Sitka were entitled to special consideration in examining
39 this whole question. And Saxman, it also enjoyed current
40 population, same arguments. And then all of the unique
41 characteristics of Saxman as an individual community.

42
43 Anyway it was just an important
44 memorandum that people are bringing up the details on.

45
46 I'd like to say that Rural Roundtable
47 supports the Southeast RAC in its petition to review the
48 7,000 threshold.

49
50 We support that Kodiak, Sitka, Saxman

1 remain classified as rural and that Saxman be a unique
2 entity and that Ketchikan receive serious consideration
3 for rural classification.

4
5 Excuse me. I'm trying to do too many
6 things at once. Mentioned -- unanimous has been
7 mentioned several times.

8
9 One of the points in the original summary
10 for the preliminary discussion, the Board's of Fish and
11 Game are not unanimous and McKie Campbell took you to
12 task on that as to what it meant. I think that was just
13 basically the first response from the Boards on what the
14 rulings were in 1986. Jim Marcote (ph) went back in the
15 archives and looked for me and said that the actual vote
16 was a vote of 10/3 which was a significant majority and
17 so that perhaps could not be misconstrued with that at
18 all.

19
20 Oh, a lot of this is just small minor
21 details that need to be discussed and you can look at my
22 speech but I think what I'd like to just make one hope is
23 that when all this is said and done, that you folks do
24 take advantage of coming to Kodiak in the spring and
25 sharing in some of our subsistence activities and our
26 spirit camps, come to our spring potluck or the awakening
27 of the bear, and, you know, if you've got an ethical
28 problem about keeping fish, that's fine, we'll just --
29 I'll take it down and give it to some of the elders at
30 the Senior Center or some of the widows in my
31 neighborhood and they'd be delighted to meet you and talk
32 with you. And the awakening of the bear, you know, heck
33 bring a dozen donuts and join us or put five bucks at the
34 end of the table.

35
36 There's lots of nit-picky things that I
37 could address but I would have to say that we greatly
38 appreciate your attempts to try to arbitrate the
39 situation. The gentleman that spoke before me was quite
40 eloquent and everybody has a different perspective, and
41 we certainly appeal to your wisdom and judgment in your
42 decision-making process and hope that you'll leave Kodiak
43 rural.

44
45 So did that get me under five.

46
47 CHAIRMAN FLEAGLE: No, but you didn't
48 exceed my threshold so you did okay.

49
50 (Laughter)

1 CHAIRMAN FLEAGLE: Questions, Board
2 members.
3
4 (No comments)
5
6 CHAIRMAN FLEAGLE: Thank you, Pat. Up
7 next we have Andy Teuber.
8
9 (No comments)
10
11 CHAIRMAN FLEAGLE: Not here. So we'll
12 just pull that. Next up then is Gordon Pullar.
13
14 (No comments)
15
16 CHAIRMAN FLEAGLE: Same situation.
17 Gordon Puller.
18
19 (No comments)
20
21 CHAIRMAN FLEAGLE: Okay. Then I had a
22 couple of miscalls from earlier that I promised to call
23 at the end of the list, and, that once again is Oliver
24 Holmes.
25
26 MR. HOLMES: Mr. Chairman. Oliver asked
27 me to sign him in, he said he had the flu and was going
28 to try and make it in on the plane. I do have the basic
29 gist of what he has to say. When I was with the
30 Department I was secretary for the advisory committee for
31 five years and after I retired, I put six years on, and I
32 know what his standard comments are in relation to this
33 issue, if you would like.
34
35 CHAIRMAN FLEAGLE: I'd rather not have
36 you speak on his behalf, but if you have those comments
37 in writing we'd certainly accept those.
38
39 MR. HOLMES: I'll give a call and ask him
40 to fax them in.
41
42 CHAIRMAN FLEAGLE: Okay, good enough.
43 Linda Freed.
44
45 (No comments)
46
47 CHAIRMAN FLEAGLE: Not here again. All
48 right, that concludes our testimony list. I appreciate
49 everybody's comments. I think you have given us some
50 good insights, some good words of wisdom to go home and

1 chew on, as George was suggesting earlier, that he be
2 able to digest these overnight before we begin
3 deliberations. I'm going to turn to Board members for
4 closing comments before we adjourn for the day.

5

6 Niles.

7

8 MR. CESAR: Just a housekeeping question,
9 Mr. Chairman. Are we allowed to keep our books here
10 overnight?

11

12 CHAIRMAN FLEAGLE: Can we leave our mess?

13

14 MR. PROBASCO: This stuff that you --
15 these big books, leave them here, and Staff will take
16 care of them for you, okay.

17

18 CHAIRMAN FLEAGLE: Is the room going to
19 be dismantled for the evening or.....

20

21 MR. PROBASCO: We can keep stuff here,
22 Larry.

23

24 MR. BUKLIS: (Nods affirmatively)

25

26 CHAIRMAN FLEAGLE: Leave it, okay, you
27 can leave your stuff. Other comments, Board members.
28 Pete.

29

30 MR. PROBASCO: Mr. Chair. I just wanted
31 to let the Council Chairs know that as we go to each area
32 you will all be offered an opportunity to speak at that
33 time on each of those areas, so I didn't want you to go
34 home saying when is it our turn, but you each will get an
35 opportunity at each of those times.

36

37 Mr. Chair.

38

39 CHAIRMAN FLEAGLE: All right, thank you,
40 Pete. And with that we're concluding public testimony.
41 And Judy, a comment.

42

43 MS. GOTTLIEB: Well, I just wanted to
44 thank everybody in the audience, those who participated,
45 those who listened the whole day and we really appreciate
46 you being here and offering us your comments.

47

48 Thank you.

49

50 CHAIRMAN FLEAGLE: All right, that

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 125 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Computer Matrix Court Reporters on the 12th day of December 2006, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center 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 19th day of December 2006.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/2008