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FEDERAL SUBSISTENCE BOARD

PUBLIC MEETING

VOLUME II

MARRIOTT HOTEL

Anchorage, Alaska

December 7, 2005

8:30 o'clock a.m.

MEMBERS PRESENT:

- Mitch Demientieff, Chair
- Judy Gottlieb, National Park Service
- Niles Cesar, Bureau of Indian Affairs
- Dr. Wini Kessler, U.S. Forest Service
- George Oviatt, Bureau of Land Management
- Gary Edwards, U.S. Fish and Wildlife Service
- Keith Goltz, Solicitor

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P R O C E E D I N G S

(Anchorage, Alaska - 12/7/2005)

(On record)

CHAIRMAN DEMIENTIEFF: We're going to ask everybody to please excuse themselves for a little while, we're going to go into executive with the Board, Staff Committee and our attorney. So if everybody else could please excuse themselves we'll get started and get to work.

(Off record - 8:30 a.m.)

(Executive Session)

(On record - 9:30 a.m.)

CHAIRMAN DEMIENTIEFF: Okay, we're going to call the meeting to order. I just want to explain to people what we were doing. And procedurally we had to be clear on how we're going to proceed, it's not like we were discussing the merits of the issues in our executive session, we were actually going through a little bit of Board training of how we're going to go ahead with dealing with this because we want to make sure that we're doing the issue justice and we're considering it in a fair manner, so trust me we weren't conspiring as far as, you know, as discussing merits of the issue, we were discussing procedure and how we're going to get these issues discussed and there will be ample opportunity for everybody to participate in terms of Council members and what not.

And so I'm going to call these names that were not here yesterday, it doesn't look like I see any of them here.

Mike Williams.

(No comments)

CHAIRMAN DEMIENTIEFF: Ray Sensmeier.

(No comments)

CHAIRMAN DEMIENTIEFF: Harold Napoleon.

(No comments)

1 CHAIRMAN DEMIENTIEFF: And Art Ivanoff.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: Okay, I declare
6 that public testimony is over, okay, so we're ready to
7 move on in the agenda.

8

9 State comments.

10

11 MR. REGELIN: Thank you, Mr. Chairman.
12 The State of Alaska is pleased that the Federal
13 Subsistence Board is undertaking this review.

14

15 We realize that communities are not
16 static and their characteristics can change over time.

17

18 We believe that a detailed analysis of
19 all of the communities that were preliminary identified
20 is warranted and recommend that we go through and
21 complete all 10 of these communities and areas on for
22 further analysis and will make specific comments on
23 individual areas at a later date.

24

25 Thank you.

26

27 CHAIRMAN DEMIENTIEFF: Of course, you
28 will have the opportunity to discuss them, case by case,
29 which is where we're trying to go, that you will have
30 opportunity to participate in that discussion.

31

32 Okay, thank you.

33

34 Council recommendations. Mary.

35

36 MS. GREGORY: Yeah, I just want to thank
37 the people who came and testified on their own behalf and
38 also that I agree with them.

39

40 That being a Yup'ik person from my Yup'ik
41 community, the community of Bethel, because we do a lot
42 of hunting and fishing right in the Bethel city and
43 surrounding villages. What they said is what I'm living.
44 Like I told you, I eat mostly Yup'ik foods, I had two
45 breakfasts here and then tired of the food already
46 so.....

47

48 (Laughter)

49

50 MS. GREGORY: I would urge you to

1 consider the testimonies very carefully before you make
2 the decision in, what, a year or six months, and I will
3 continue to advocate for the rights of my people,
4 especially my elders and those young people that will
5 take over when we're gone.

6
7 Thank you.

8
9 CHAIRMAN DEMIENTIEFF: Grace, do you have
10 a comment.

11
12 MS. CROSS: I do. What I don't hear, I
13 think is coming from the Staff Committee, is the reasons
14 why some communities grew.

15
16 I think it's very important that the
17 Board will seriously take into consideration why have
18 some of those communities grown substantially. I could
19 just see Nome being part of the agenda 10 years from now
20 because we're getting a new hospital, which means a whole
21 bunch of new people are going to come in, there'll be
22 doctors, nurses and other professionals that will be
23 coming in with their families and start residing in Nome
24 increasing the population of Nome. However, the most
25 important thing is having a new hospital in Nome is not
26 going to change the status of our subsistence users.
27 Those are the people who are not going to be hired as
28 doctors, those are the people who are not going to be
29 hired as X-ray technicians, these are the people that are
30 not going to be hired as nurses. The people that we're
31 talking about that are subsistence users are not going to
32 be hired by the new hospital. They will remain
33 subsistence users, and there will be other people that
34 will grow up that will remain subsistence users.

35
36 So the change in number doesn't
37 necessarily mean anything. So I think it's very
38 important that the Board remembers that.

39
40 To me, it's very important for you to
41 look into why has a certain community grown so much. And
42 does that growth impact subsistence users or are the
43 subsistence users remaining in the same condition they
44 were despite of the new growth.

45
46 The new school in Nome brought an influx
47 of people but it didn't change many of us subsistence
48 users. There weren't no more new jobs. Because most of
49 the people that I know that are subsistence users are
50 seasonal workers to begin with and a lot of seasonal jobs

1 are ending because of lower construction, because there's
2 no more monies coming from anywhere.

3
4 But I just wanted to point that out. So
5 to me one of the most important things you need to look
6 at is the reason for growth and how that is impacting the
7 subsistence community, if any.

8
9 Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Yes, of course,
12 and we have to remind ourselves that these are just
13 opening comments, and we can engage in terms of when we
14 discuss the individual communities.

15
16 Gerald.

17
18 MR. NICHOLIA: Yeah, thank you. I have a
19 few concerns considered in the Fairbanks North Star
20 Borough and the Delta area.

21
22 First off, at our meeting, we would like
23 to see the whole Fairbanks North Star Borough stay
24 nonrural but if it expands to include Tok, Eagle and
25 those other areas, we'd like to see those areas stay
26 rural because of their location.

27
28 And concerning Delta, we pretty much
29 wanted to leave Deltana, Healy Lake, Dot Lake and those
30 other outlying areas out of that grouping.

31
32 And from what we did, we tried to put Big
33 Delta and Delta Junction and Ft. Greely together but I
34 have these two documents here, one from Nat Good and one
35 from Rick Johnson, they're saying that Delta and Ft.
36 Greely ain't the same as Big Delta and Delta Junction, so
37 if this one from Nat Good could be taken into
38 consideration on that i'll be good enough for me.

39
40 CHAIRMAN DEMIENTIEFF: Thank you, Gerald.
41 I don't know if we have those on the record but you just
42 brought those?

43
44 MR. NICHOLIA: I got this one from email
45 from Vince. But I emailed Nat Good and then he emailed
46 me back with his comments right here.

47
48 CHAIRMAN DEMIENTIEFF: Is that new
49 material?

50

1 MR. BOYD: Yes.

2

3 CHAIRMAN DEMIENTIEFF: Okay, we need to
4 get that to -- get those copied and distributed and put
5 on the record, I'd appreciate that because we need to
6 have a look at those when we get there.

7

8 Thank you, very much. Go ahead.

9

10 MR. ALVAREZ: Thank you, Mr. Chairman.
11 My name is Randy Alvarez. I'm Chairman of the Bristol
12 Bay RAC.

13

14 And at our last meeting in Dillingham,
15 October 6th and 7th, we briefly discussed the
16 rural/nonrural determination. But we also did not submit
17 a recommendation.

18

19 Thank you.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. John.

22

23 MR. LITTLEFIELD: Thank you, Mr. Chair.
24 It's my understanding we will have the opportunity to
25 address each community in order as they come up. So what
26 I would like to do now is just briefly describe some of
27 the actions that were taken by the Regional Council and
28 set the tone for the other discussions.

29

30 We met in Wrangell in October and at that
31 time we had had the Decennial Review given to us and in
32 there noted that there was no deference to be accorded to
33 the Councils, so we took a position on that and sent a
34 letter that was dated October 28th, we sent that to the
35 Federal Subsistence Board, and I'd like to go over that
36 at this time. And our deference was based -- we believe
37 that deference is due the Councils for the following
38 reasons.

39

40 If you read Section .805(c) of ANILCA, it
41 says:

42

43 That the Secretary in performing his
44 monitoring responsibility pursuant to
45 Section .806 and in exercise of his
46 closure and other administrative
47 authority over the public lands shall
48 consider the report and recommendations
49 of the Regional Advisory Councils
50 concerning the taking of fish and

1 wildlife on public lands within the
2 respective regions for subsistence uses.

3
4 The Secretary may choose not to follow
5 any recommendations which he determines
6 is not supported by substantial evidence;
7 violates recognized principles of fish
8 and wildlife conservation or would be
9 detrimental to the satisfaction of
10 subsistence needs.

11
12 If a recommendation is not adopted by the
13 Secretary he shall set forth a factual
14 basis and reasons for his decision.

15
16 In our opinion, the Council, the
17 classification of a community as rural or urban
18 determines whether any of those community's residents are
19 eligible to undertake subsistence in any manner.

20
21 Excuse me a second here.

22
23 In essence a rural determination is an
24 issue of taking. If you have no rural classification you
25 cannot take any fish or wildlife under the Federal
26 Subsistence Regulations. With a rural classification, a
27 community may be authorized to engage in subsistence
28 harvesting, i.e., the taking referenced in .805(c). For
29 these reasons the Council believes that the Section
30 .805(c) deference is due to the Council recommendations
31 concerning the Decennial Review rural determinations and
32 requests that the Section .805(c) procedures be followed
33 as they are with other Council proposals on regulatory
34 proposals concerning taking.

35
36 In many respects the Council
37 recommendations concerning rural determinations which is
38 Section 1.5 -- 36 CFR 242.15 is rural determinations are
39 very similar to the Council recommendations that we make
40 on customary and traditional use which is .6 [sic],
41 they're both in the same section, Part B. As with rural
42 determinations, customary and traditional findings allow
43 or disallow a possibility that subsistence taking may
44 occur.

45
46 Recommendations for positive C&T findings
47 means that a community's residence may be authorized to
48 engage in subsistence harvesting under Federal
49 regulations. Negative C&T findings mean that no
50 Federally-authorized subsistence harvesting will take

1 place.

2

3 That's one of the points that I'd like to
4 make in the general statements.

5

6 And the other was, perhaps just to set
7 the tone a little bit, is I think we need to, again, look
8 at the definition and everybody should be clear, it was
9 mentioned in the Decennial Review that the definition in
10 .803 as listed, and I'm not going to read all of it, but
11 the key part is in the first sentence where it says:

12

13 Subsistence uses mean the customary and
14 traditional use by rural Alaska
15 residents.

16

17 And to me that's the standard of that.
18 We're talking about customary and traditional use, which
19 is also determination, and we're talking about rural
20 residents; that's what we're talking about. And how we
21 define those is in your regulations and we're going to
22 follow those and they're defined, I don't have any
23 problem with that. But I just wanted to say for the
24 record that those are the standards that we should
25 operate by. As other Council Chairs have indicated, that
26 they had support for their speakers, I have to say that
27 personally I agreed with most of them, too, but we have a
28 job to do here as Council Chairs to represent the
29 Council's will and also operate within those regulations,
30 so that's what I'll try to do.

31

32 Even though I sympathize with Native
33 issues, I'm a Native, I know where I'm from, I know my
34 history, I'm going to try to confine my comments on all
35 of these communities within the regulations and so that's
36 what I'd ask -- I guess it's my bureaucrat speech, I
37 wanted to make it. I felt sorry for some of those people
38 and I really emphasize with them and I'd like to make
39 them know that, I do, but I'm going to try to make my
40 comments confined to the regs.

41

42 So with that, that's it, Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: And we appreciate
45 that because we have to stay focused, it's just too
46 important. So appreciate your comments, John.

47

48 With that, we're going to go on to the
49 Staff Committee recommendation and Pete will give that.

50

1 MR. PROBASCO: Mr. Chair. If you will,
2 before we go to Staff Committee recommendation, we did
3 have some Chairs that could not make it due to travel and
4 weather and so our coordinators want to read the
5 Council's recommendation into the record and so they're
6 ready to do that, Mr. Chair.

7
8 CHAIRMAN DEMIENTIEFF: Okay, who do we go
9 to first?

10
11 MR. PROBASCO: Let's go with Michelle.

12
13 CHAIRMAN DEMIENTIEFF: Okay.

14
15 MS. CHIVERS: Thank you, Mr. Chair. The
16 Chair of my Council was unable to make it due to weather,
17 so I will go ahead and read into the record what the
18 Council recommendation was for Kodiak/Aleutians.

19
20 CHAIRMAN DEMIENTIEFF: You're going to
21 have to get a little bit closer to that mic and speak up.

22
23 MS. CHIVERS: Sorry. The Kodiak
24 Aleutian's Council heard public testimony from seven
25 people and formed the following two recommendations for
26 the Board to consider.

27
28 The first recommendation is the Council
29 recommends withdrawal of Kodiak from the list for further
30 analysis. The actual population does not meet the
31 threshold for consideration. The present population is
32 300 persons fewer than when the census was taken. The
33 Council also noted that a change in the numbers of people
34 or other change in demographics does not change the moral
35 need for subsistence for Kodiak.

36
37 The second recommendation is for Adak.
38 The Council recommends that because of the recent
39 tremendous changes in the population, Adak be given rural
40 status without further study.

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN DEMIENTIEFF: Thank you. Who
45 else do we have Pete.

46
47 MR. PROBASCO: Donald.

48
49 CHAIRMAN DEMIENTIEFF: Donald.

50

1 MR. MIKE: Thank you, Mr. Chair. Donald
2 Mike. I'm the Regional Council Coordinator for the
3 Southcentral region.

4
5 The Southcentral Regional Council met
6 October 25th through the 27th in Kenai and developed
7 their recommendations on the rural determination review.
8 The Southcentral Council's recommendation endorses
9 further analysis of the communities listed as proposed by
10 the Board.

11
12 Thank you, Mr. Chair.

13
14 CHAIRMAN DEMIENTIEFF: Thank you.
15 Anybody else.

16
17 MR. PROBASCO: And Barbara.

18
19 CHAIRMAN DEMIENTIEFF: Okay.

20
21 MS. ARMSTRONG: Thank you. For the North
22 Slope Council.

23
24 It recommends that Prudhoe Bay be
25 analyzed as part of the rural determinations review
26 process and further recommends a nonrural determination.
27 Prudhoe Bay is an industrial complex which does not have
28 a school, store or family homes and should not be
29 considered rural. A few people live there year-round,
30 but virtually all of the people there are oil company
31 employees who work at Prudhoe Bay, but reside elsewhere.
32 The Council noted that some outsiders claim residency in
33 one of the villages during the summer because of the
34 benefits associated with that.

35
36 Thank you, sir.

37
38 CHAIRMAN DEMIENTIEFF: Thank you.
39 Anybody else.

40
41 MR. PROBASCO: I believe that's it, Mr.
42 Chair.

43
44 CHAIRMAN DEMIENTIEFF: Okay.

45
46 MR. PROBASCO: I'll go to the.....

47
48 CHAIRMAN DEMIENTIEFF: Thank you, all.
49 And thank you for helping us out with that Pete, so go
50 ahead with the Staff Committee.

1 MR. PROBASCO: Thank you, Mr. Chair. In
2 your folders, Board Members, is the Interagency Staff
3 Committee recommendation. I will not go through it in
4 detail, but just highlight the majority/minority opinion.
5

6 The majority recommendation of the Staff
7 Committee recommends that the Federal Subsistence Board
8 approve for further analysis the 10 communities and areas
9 proposed by the Board on July 18th of 2005. With the
10 addition of an evaluation of the rural/nonrural
11 characteristics of the Ketchikan area and of Prudhoe Bay.
12

13 The majority believes these communities
14 should be advanced for further analysis rather than
15 limiting further review. If these communities do not
16 warrant a change in status they should be determined
17 through a full analysis and Board consideration.
18

19 The minority recommendation was there is
20 agreement on inclusion of most of the 10 communities and
21 areas that were proposed for analysis by the Board. The
22 minority of the Staff Committee recommends that the Board
23 remove Kodiak, Sitka, Saxman from the Ketchikan area
24 being included in No. 9, and Deltana from the group being
25 described in 10 from the list of communities that will be
26 further analyzed during the review of rural
27 determinations.
28

29 Along with the majority, the minority
30 also concurs and recommends that the communities and
31 areas of Ketchikan, but excluding Saxman and Prudhoe Bay
32 be added to the review list.
33

34 Both the majority/minority opinion, Mr.
35 Chair, provide justifications for the recommendations as
36 noted in your folders.
37

38 Mr. Chair.
39

40 CHAIRMAN DEMIENTIEFF: Thank you, very
41 much. At this point we're ready to move on to Board
42 deliberations.
43

44 Niles.
45

46 MR. CESAR: Mr. Chairman. In order to
47 get the process on the table for discussion, I move to
48 add the communities listed in the Staff report dated
49 11/21/05, which were approved in July by the Board and
50 found on Pages 2 and 3, numbered 1 through 10 and to

1 consider those items paragraph by paragraph.

2

3 CHAIRMAN DEMIENTIEFF: There's a motion,
4 is there a second.

5

6 MR. EDWARDS: Second.

7

8 CHAIRMAN DEMIENTIEFF: Moved and
9 seconded. Tom, can we go through those communities based
10 on the motion? I just want to list them so we know the
11 order that we're going to go.

12

13 (Pause)

14

15 CHAIRMAN DEMIENTIEFF: I'm going to ask
16 Tom if he'd list the communities that are in this motion
17 and please understand that these are not -- that we still
18 can bring up other communities by separate motion, but
19 these are the ones that we are going to start with and
20 we'll discuss and if we have additional requests for
21 other communities we will deal with those separate, case
22 by case, but these are the communities that we are going
23 to deal with.

24

25 MR. BOYD: Mr. Chair. I will go through
26 these items one through 10 in order.

27

28 1. Kodiak.

29

30 2. Sitka.

31

32 3. Adak.

33

34 These three communities have changed in
35 population, and, therefore, were included as recommended
36 for further analysis.

37

38 4. Fairbanks North Star Borough.

39

40 5. Kenai area.

41

42 6. Seward area.

43

44 These three were listed for further
45 analysis to examine -- or to determine whether to exclude
46 places and to examine the rural/nonrural status of those
47 places independently.

48

49 7. Wasilla area.

50

1 8. Homer area.
2
3 9. Ketchikan area.
4
5 10. Delta Junction, Big Delta, Deltana
6 and Ft. Greely as an aggregate.
7
8 Mr. Chair.
9
10 CHAIRMAN DEMIENTIEFF: Okay. So we will
11 begin our discussion with Kodiak and we're open for Board
12 discussion at this time.
13
14 MS. GOTTLIEB: Mr. Chair.
15
16 CHAIRMAN DEMIENTIEFF: Judy.
17
18 MS. GOTTLIEB: I was wondering if we
19 could ask Larry to be available for specific questions
20 about analysis.
21
22 CHAIRMAN DEMIENTIEFF: I arranged that
23 yesterday.
24
25 MS. GOTTLIEB: Okay, thanks.
26
27 CHAIRMAN DEMIENTIEFF: Okay. I mean I
28 already spoke it on the record that he's going to be
29 available and so that's why he's here and then we
30 confirmed it before we adjourned last night, or yesterday
31 afternoon.
32
33 MS. GOTTLIEB: I have one general
34 question for him.
35
36 CHAIRMAN DEMIENTIEFF: Go ahead.
37
38 MR. BUKLIS: Mr. Chairman.
39
40 MS. GOTTLIEB: Thank you. Larry, I was
41 wondering when we talk about further analysis, if we need
42 more information on any of these communities, what kind
43 of monetary resources or Staff resources, or what kind do
44 we have available and what further information might we
45 be looking at to be available to us for the Proposed
46 Rule?
47
48 MR. BUKLIS: Mr. Chairman. We would be
49 using the team of people that have worked in support of
50 the Board to this point. And that team of Staff from OSM

1 and one BIA anthropologist would, for communities
2 proposed for further analysis that were approved by the
3 Board for rural/nonrural analysis, we would be looking at
4 community characteristics; information on economic
5 development; infrastructure; use of fish and wildlife;
6 educational institutions; transportation, those
7 characteristics that were mentioned in the regulations on
8 communities.

9
10 For communities that are proposed and
11 then approved by the Board on some of the grouping
12 issues, we would be looking at the guidelines -- we would
13 be applying the guidelines the Board has charged us with
14 for the review. Those being proximity and road-
15 connectedness of the proposed places; whether they share
16 a high school attendance area; and the commuting
17 information of workers between places from the Year 2000
18 census information. That would be the set of guidelines
19 we'd apply to look at the grouping questions. We've been
20 not able to do that completely to this point in the
21 preliminary review because the commuting data was not yet
22 available from the Census Bureau.

23
24 CHAIRMAN DEMIENTIEFF: Okay, and Larry
25 and Pete are both going to be real handy to us because if
26 we do have questions such as this.

27
28 Gary.

29
30 MR. EDWARDS: I'm just going to start the
31 discussion.

32
33 CHAIRMAN DEMIENTIEFF: Carry on.

34
35 MR. EDWARDS: In effort to get the
36 discussion started I'm going to make a motion, Mr.
37 Chairman, that with regards to Kodiak that we proceed
38 with further analysis of its rural and nonrural status.

39
40 CHAIRMAN DEMIENTIEFF: There is a motion.

41
42 MR. OVIATT: I'll second that motion.

43
44 CHAIRMAN DEMIENTIEFF: Okay, good. Yes,
45 John.

46
47 MR. LITTLEFIELD: Thank you, Mr. Chair.
48 I also have a question for Mr. Buklis that has to do with
49 the latest report that was given out, distributed
50 yesterday, and it has a statement on the first page, Page

1 1 under the introduction.

2

3 About three-quarters of the way down and
4 the paragraph starts with regulations.

5

6 MR. EDWARDS: John, which report are you
7 referring to?

8

9 MR. LITTLEFIELD: I'm referring to the
10 one that we're discussing right now, so if you're on Page
11 2, just flip back to Page 1, the November 21st, 2005
12 report that we received yesterday.

13

14 Anyway, it says the regulations require
15 that the Board periodically review rural determinations
16 and so forth and then the sentence there that gets to me
17 is, it says, this review makes use of population data
18 from the Year 2000 U.S. Census, but not any changes that
19 may have since occurred. Changes after 2000 will be
20 captured in the next Decennial Review using data from the
21 2010 U.S. Census. And my reading of the regulations
22 under 36 CFR 242.15(a)(4), specifically contradicts that
23 statement.

24

25 The statement says, and I'll look at
26 that, it says, the population data from the most recent
27 census conducted by the United States Bureau of Census as
28 updated by the Alaska Department of Labor shall be
29 utilized in this process.

30

31 So I think it's important that we address
32 this question and say we're going to use the most
33 available data because I believe that's what the
34 regulations say.

35

36 Mr. Chair.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. Larry.

39

40 MR. BUKLIS: Yes, Mr. Chair, I think that
41 was a question for me and -- if I may?

42

43 CHAIRMAN DEMIENTIEFF: Proceed.

44

45 MR. BUKLIS: I took it as a question for
46 me.

47

48 I understand, Mr. Littlefield, what
49 you're saying there, that Part B talks about rural
50 determinations and that Subpart 4 talks about utilized in

1 this process, and then when you go to Part B it talks
2 about the periodic review, and that's what we're about
3 now. And in Part B, it talks about a 10 year review
4 cycle commencing with publication of Year 2000 U.S.
5 Census. The U.S. Census has been published, and, in
6 fact, we've been waiting and waiting for the census data
7 that comes -- I'm sorry, the commuting data that comes
8 out of that census. And there's a research agency which
9 compiles census data into commuting code data, which,
10 even this summer wasn't available to us yet, in 2005, and
11 so we are now ready to move forward with the analysis,
12 including the grouping questions but we did not propose
13 in our development of method to use interim population
14 data from Department of Labor Statistics somehow coupled
15 with census data from five years ago on commuting
16 patterns.

17
18 We're trying to take a standard base,
19 which is Year 2000 U.S. Decennial Census for the Part B
20 review.

21
22 CHAIRMAN DEMIENTIEFF: John.

23
24 MR. LITTLEFIELD: Thank you, Mr. Chair.
25 And I understand that, but if any community was submitted
26 for review then it would have to use the updated data,
27 and throughout your report you flop back and forth.

28
29 You use some 2004 figures that are listed
30 in the report, the Decennial Review, some 2000, and I
31 think there needs to be consistency there. If you're
32 going to use some of those numbers in the report to
33 justify something then you need to use -- they should all
34 be the same. And if we look at the -- oh, let me see if
35 I can find an example real quick here, perhaps on Page 18
36 of the first Decennial Review, we talk about using ADCA
37 data from 2005 in the middle of the page and then we're
38 also talking about using figures that are from the 1980
39 census, 1990; so I think there needs to be some
40 uniformity here and we need a statement from the Board
41 that we will either use the latest data or not or take it
42 out of our analysis, and I think that's only prudent.

43
44 Mr. Chair.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. And I
47 just want to explain the process, if the motion fails,
48 that means that Kodiak comes off the list for further
49 review, so we have to understand that. I just want to
50 make sure everybody's clear.

1 Yes, Larry.

2

3 MR. BUKLIS: Mr. Chairman. Regarding
4 that July report on Page 18, the reference source is a
5 Year 2005 publication, but the statistics are rates and
6 numbers and percentages from Year 2000.

7

8 Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Further discussion. Yes, John.

12

13 MR. LITTLEFIELD: Mr. Chair. I
14 distributed a graph that had to do mostly with Sitka but
15 I was asked by the residents of Kodiak if I could include
16 them but I did not have my program with me that I did
17 this on, and I'm wondering if it's appropriate now to go
18 over this graph because the Kodiak people asked me to do
19 it and I think it shows some statistics that you may want
20 to look at.

21

22 CHAIRMAN DEMIENTIEFF: Kodiak is on the
23 table, go ahead.

24

25 MR. LITTLEFIELD: Okay, thank you, Mr.
26 Chair.

27

28 You have 10 sheets in front of you, you
29 should have, that were originally graphs, a spreadsheet
30 that I started to put together for a PowerPoint and I
31 heard we weren't going to have PowerPoint presentations,
32 and then subsequently to that I put it in the wrong
33 computer so I couldn't make the changes to Kodiak. So
34 what I'd like to do is kind of just briefly go through
35 these and it's going to concern Sitka, too, because it's
36 one of these communities. The original graphing was from
37 Sitka and all the communities below, from 2,500 because
38 I'll explain why I think 2,500 is a key number to you
39 folks.

40

41 So if you were looking at -- and I
42 misspelled communities, I know, so somebody doesn't have
43 to tell me that. But on Page 1, if you'll look at those
44 communities, those are the communities above 2,500
45 residents up to Sitka. I was asked to include Kodiak,
46 which is the next community above that, in other words,
47 it would fit right into that little slot there where
48 there's nothing there and if you could graph that right
49 now, what you would enter right there, the number for
50 Kodiak would be above the 10,000 number, it would be

1 12,855. And while you're doing that you can move
2 immediately to the left and put Ketchikan as 13,639.

3
4 Now, these figures come from Appendix 1
5 in the first Decennial Review, so they're the numbers
6 that you've all been acquainted with before. I haven't
7 changed them in this particular instance.

8
9 This just shows the population of those
10 communities. And if we do a line graph here, you'll
11 easily see that Ketchikan starting way up at the top and
12 it goes way down. And the average amount is on the
13 right-hand side of all these graphs. So the average is
14 4,673 residents and you can see that it dips down a
15 little bit to the smallest community of Kotzebue and then
16 heads upward to the largest community of Ketchikan which
17 is 16,369.

18
19 Now, on the next page, Page 2, I show the
20 population changes from 1990 to 2004, and this is what we
21 talked about earlier, I included the latest data, and
22 this population data comes off the web page that's
23 referenced in the book on Page 18, it's the community
24 database on line, and it's easily available and all it
25 takes is a click of a mouse to get this information. And
26 if you will add for Kodiak to the left of Sitka, and I
27 only had the 2000 data because I don't have that on line
28 access, but they were plus 625, so your little bar graph
29 would be 625 immediately to the left of Sitka.
30 Immediately to the left of that below the zero line would
31 be Ketchikan at minus 429. And, again, if you look at
32 this you see that there was an average population change
33 for these communities, and, again, they're all above
34 2,500, an average gain of 694, that's what it says on the
35 right-hand side.

36
37 Okay, let's go to graph three. Graph
38 three is those numbers in the form of a percentage in
39 relationship to the percentage of the community residents
40 that they had in 1990, how much have those communities
41 grown. So immediately to the left of Sitka on Kodiak,
42 you can put 5.1 percent, because that's the growth of
43 Kodiak. Immediately to the left of that in the Ketchikan
44 column, which would be a little off the screen, it's
45 minus 3.2 percent. And, again, you'll see the average
46 growth of all of these communities was 20.5 percent.

47
48 I reference an ISER number here but it's
49 simply a number that you're probably not going to use but
50 it's just for comparison, and it shows the 30 square mile

1 rated density. And if you would add Kodiak to the left
2 of Sitka, the density for Kodiak is 174 on this graph,
3 and the density of Ketchikan would be 207 immediately to
4 the left of that. And there was no data that I could
5 find on the communities of Nome and Bethel. And, again,
6 the average density is about 130 persons per square mile.
7 Yesterday you heard lots of testimony about Sitka being
8 two, but this was just to show some previous report.

9
10 If you look at the next graph, Page 5,
11 Kodiak city to the left, and this is similar information
12 in a different format, Kodiak city and Kodiak Road would
13 be 2.21, just below Sitka to the left of Sitka. And the
14 Ketchikan log value would be 2.32.

15
16 And Page No. 6 is the use of fish and
17 wildlife. And the amounts for Kodiak city/Kodiak Road is
18 160, 160 pounds per capita. And the amount in Ketchikan
19 is 34 pounds per capita, but I have a little note there
20 that Saxman is 211, in your considering your groupings so
21 that may be -- but we'll talk about that later in
22 Ketchikan. So the Kodiak value is 160, the average for
23 all of the communities above 2,500 is 224.

24
25 The next one is a food production log
26 which basically shows you that these are going to track
27 the same no matter which analysis you look at, whatever,
28 the use of food and fish and wildlife is similar. Kodiak
29 city is 2.20, and -- city and road, I lumped them
30 according to what you guys had described in your
31 analysis, 2.20. The Ketchikan is 1.54. And I might add
32 later that -- maybe I should do it now. If we were
33 looking at Girdwood, and the reason I picked Girdwood --
34 let me go back one screen, excuse me, or not a screen,
35 but one -- let's go back to No. 5. What I did is I
36 picked Girdwood because it just happened to be at the
37 very top of the list of nonrural areas. For no other
38 reason. There's communities that are not rural that have
39 higher and lower values, but I just picked Girdwood. So
40 if you were looking at five, if you want to note on the
41 top of Page 5 is where I put it, that Girdwood is 2.56
42 and it gives you some relationship to where this graph
43 is.

44
45 On the top of Page 6 you can put Girdwood
46 at 18 pounds per person. In other words, we're looking
47 at rural area right now and including Girdwood, which is
48 not, and you will see that Girdwood is 18 pounds compared
49 to the others.

50

1 The next, chart seven, Girdwood has a
2 country food production of 1.26, again, way below the
3 average.

4
5 Some other data that was on Page 18 of
6 the Decennial Review concerned poverty line data and this
7 information is on the web page but it does concern 2000
8 so it's the latest data on eight. You would add Kodiak
9 at 6.6 percent and Ketchikan at 6.5 percent. And the
10 average of all these communities is nine percent.

11
12 The next graph is per capita income as
13 shown on Page 9. Kodiak is 22,195, and Ketchikan is
14 23,994. And the average of those communities is 23,511.

15
16 Graph No. 10 is the unemployment
17 percentages in these communities. Kodiak is 5.2 percent
18 and Ketchikan is 7.6 percent. Again, the average
19 unemployment is 10.6 percent.

20
21 So without dwelling on them too much,
22 what I did was tried to give you some information on the
23 characteristics of the communities that were referenced
24 on Page 18 of the Decennial Review because they did quite
25 a -- they did a full paragraph on Unalaska, and they
26 talked about all these community characteristics and at
27 the end of the paragraph they made a statement, that, in
28 summary, Unalaska continues to be a regional hub
29 community that is rural in character and further analysis
30 does not appear necessary. So I got to wondering, well,
31 why couldn't we have done a paragraph on every one of
32 these communities above 2,500 similar to what we did with
33 Unalaska and then make a statement to the Board that,
34 based in summary, Valdez continues to be a regional hub
35 that is not rural in character -- in other words, one
36 paragraph could have been prepared for each of these
37 communities. It could have been done for Sitka and
38 Kodiak and Ketchikan as well, and that would have given
39 the Board the information that's easily available, it's
40 nothing new, it's out there, it's on the internet, it's
41 on the ISER pages, the State use of fish and wildlife,
42 it's not a secret. We could have used this.

43
44 If you'll look on Page 18 of the original
45 Decennial Review, it talked about transportation, and as
46 Mr. Buklis talked about the ADCA 2005, it says,
47 transportation to and from Unalaska is by air, barge and
48 bimonthly ferry. Well, I did the -- I looked on the web
49 page and you find out that in Kodiak they also have one
50 airport, a barge line and a ferry line, it's exactly the

1 same. So on Page 1 underneath all of these communities I
2 went into a little further analysis trying to address all
3 the things that were listed on Page 18.

4

5 So for Kodiak you would put A, B and F,
6 they have air service, they have barge service, and they
7 have ferry service.

8

9 If you look at Ketchikan, they're the
10 same, they have one airport, a barge service, a ferry
11 service.

12

13 So let's go to the right now. Sitka is
14 the same, one airport, one barge, one ferry.

15

16 Bethel has two airports, two runways and
17 barge service.

18

19 Seward, a nonrural area is a little
20 different. They have two runways, they have barge
21 service, ferry service, railroad and truck. They're
22 distinctively different and they're a nonrural area.

23

24 Barrow has one airport, barge service --
25 seasonal barge service.

26

27 Unalaska as listed on Page 18 has one
28 airport, a barge, and ferry service.

29

30 Nome has two airports with barge service.

31

32 Petersburg has an airport, a barge and a
33 ferry, just like all these other communities.

34

35 Kotzebue has two airports, and a barge
36 service. Two airports being runways, different sized
37 paved runways.

38

39 Valdez, again, another nonrural is a
40 little bit different. It has an airport, barge, ferry,
41 but it also has trucking. There's trucking companies
42 running in there.

43

44 So what I'm saying is this information
45 was easily available, we could have made a paragraph on
46 each of these communities that could have included the
47 transportation just like it did here. This is good
48 information on Unalaska for you to make your decision, it
49 could have well been done for all the other communities.
50 There was some other information in here that was

1 mentioned about school facilities and the poverty -- the
2 reason I brought up the poverty in all these others, is
3 those are characteristics that were mentioned on this
4 page. I was unable to find on the State web page a lot
5 of those, but I think most of you will realize that we
6 have University of Alaska systems in most places with
7 distance learning in most of these areas. I was able to
8 find out that like in Seward they have AV-TECH, but
9 generally almost all of these communities have a
10 university. Sitka is a little different, they have SUA.

11
12 And another criteria that I looked at in
13 here was whether they had roads.

14
15 If you'll look at these communities
16 starting with the far left, Ketchikan it has no road.

17
18 Kodiak, no road. 140 miles of road on
19 the island.

20
21 Sitka has no road system, no road access,
22 14 miles of road in the community.

23
24 Bethel, again, no road access, 22 miles
25 of road.

26
27 Seward is on the road, has truck access.

28
29 Barrow, they have, again, no road access.

30
31 Unalaska, no road access, it's in the
32 analysis.

33
34 Nome, no road access.

35
36 Petersburg, no road access.

37
38 Kotzebue, no road, but they do have 26
39 miles of gravel road.

40
41 And then you get to another nonrural
42 area, Valdez, which is on the road system and has truck
43 access.

44
45 Another comparison had to do with the
46 number of people who had commercial fishing licenses.

47
48 Again, starting on the left, Ketchikan
49 had 401 fishing permits owned by the residents.

50

1 Sitka 767 -- excuse me, Kodiak 767.

2

3 Sitka 586.

4

5 Bethel 200.

6

7 Seward 80.

8

9 Barrow 7.

10

11 Unalaska 50.

12

13 Nome 60.

14

15 Petersburg 469.

16

17 Kotzebue, I didn't have any data for

18 them.

19

20 Valdez was 49.

21

22 The point I'm trying to make here, Mr.
23 Chair, and sorry for taking all this time but hopefully
24 we won't have to go through this again on Sitka and the
25 others, is, there was a paragraph on Page 18 of the
26 Decennial Review which was the Staff's attempt to give
27 the Board enough information to make a reasonable
28 decision, and it only included the communities of Barrow,
29 Unalaska, Petersburg and Valdez and Kotzebue. It did not
30 include any information on the rest of the communities,
31 so based upon that they're making a recommendation that
32 the Board, at the end of the sentence, in summary,
33 Unalaska continues to be a regional hub community that is
34 rural in character and further analysis did not appear
35 necessary.

36

37 In the case of Kodiak, and I'm going to
38 argue as in Sitka, that very same statement could have
39 been read to the Board as support for Kodiak maintaining
40 their rural status. It's sufficient in my reading for
41 you to -- and the information is there, it's nothing new,
42 I'm not showing you something that's not available, you
43 could make that statement and then if there was problems
44 later in the proposal stage that somebody wanted to
45 contest this or something, Kodiak would join forces with
46 you in supporting their rural characteristics.

47

48 And that's my point here. That perhaps
49 the initial review would have had a different outcome had
50 we done a little further analysis. I think a paragraph

1 for each community above 2,500 was all that was required
2 and to make a statement at the bottom for all of the
3 communities other than Unalaska. And I think that that's
4 missing in this discussion. And the reason I bring this
5 up is you had people here from Kodiak yesterday, as well
6 as Sitka and Saxman who are under great stress, they
7 think their rural status is going to be taken away and
8 they see it as being threatened.

9
10 A little bit more work on the Staff's
11 part, because you guys get paid for this, quite frankly,
12 we don't, could save thousands of dollars for these
13 people to travel here to town to testify. And you're
14 telling them that you're going to put Kodiak on the list,
15 which means that they're going to have to spend 10's of
16 thousands of dollars in their behalf of time and
17 volunteer, they don't get paid for this, to defend
18 themselves in the proposal stage and I think that's
19 something that the Board needs to be reasonable about.
20 You need to decide whether it's reasonable, given the
21 information that's presented, and the people from Kodiak
22 brought this forward, they haven't changed. There's been
23 no information to the Board from anybody that says Kodiak
24 has changed in its nature, and Sitka as well. So there's
25 no information to the contrary. Your review can stand as
26 it is. You can say I reviewed it and I like it just as
27 it is for every community and that's defensible.

28
29 But only a paragraph.

30
31 And that's what I'm saying, Mr. Chair, it
32 would have been much easier for Staff to do this, present
33 this, it would have been cheaper, less stressful for
34 everybody involved, and perhaps could have drawn some
35 different conclusions.

36
37 So I'm going to have a similar
38 presentation on Sitka that, you know, this data is out
39 there, and other than graph No. 1, the only one that
40 shows any kind of divergence at all, and if you look at
41 that it goes immediately up to the left in kind of a
42 linear scale because we're talking about one factor,
43 population, which you can graph like this, but in every
44 other respect, these communities are very similar to one
45 another; they're rural in nature, they haven't changed.
46 Or in the case of Valdez and Seward, they're nonrural,
47 you can see that the trucking and all these others that
48 are mentioned on Page 18, they are different. And these
49 growth, you know, we're talking about a growth in the
50 community of Seward of 2,000 residents as compared to 625

1 in Kodiak which is a far bigger area, 217 in Sitka.

2

3 I mean you need to look at these in
4 perspective. So I guess that's all I have for now, Mr.
5 Chair, thank you very much for accommodating me.

6

7 CHAIRMAN DEMIENTIEFF: I appreciate your
8 work you've done and Larry may have some response to it,
9 but rather than go through -- it's clearly apparent that
10 the work that you've done in terms of your analysis, but
11 as we go through these other areas, this is a matter of
12 record, we can apply your logic to other issues upon your
13 request and the text of that will go into the discussion
14 and then you can just tailor your remarks specific to, in
15 the case of Sitka, so we don't have to go through this
16 again, we'll just apply is what we can do, okay.

17

18 I mean we'll just note that on the record
19 and it will go into the record and then you can tailor
20 your remarks to other areas of concern.

21

22 MR. LITTLEFIELD: Okay, thank you, Mr.
23 Chair, that was my request that you simply consider this
24 as well as consider the testimony.

25

26 CHAIRMAN DEMIENTIEFF: It is.

27

28 MR. LITTLEFIELD: And we're hoping that
29 the Board will use that to make a reasonable decision.
30 That's all my request is.

31

32 Thank you, Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Larry, did you
35 have something.

36

37 MR. BUKLIS: Mr. Chairman. All I would
38 say is that I don't think that what we've heard is in
39 conflict with the review process at all and I respect Mr.
40 Littlefield's testimony, it was very helpful. And this
41 is the kind of information and maybe, additional, we
42 would pursue in further analysis.

43

44 The issue I would speak to briefly is
45 that it's an issue of whether and when to involve the
46 public and the Councils. The charge from the Board as
47 they launched this method, and the method was to review
48 and comment, earlier this year actually, but once under
49 way the method was for communities that are nonrural but
50 decrease in size on down below 2,500, that's the kind of

1 a situation we would propose for further analysis, and
2 then hear back before we pursue the further analysis,
3 hear back if there's something we need to know about that
4 situation. That's the case for Adak.

5
6 For communities that are rural in
7 classification currently but grow, grow over 7,000 for
8 the first time, or go further over 7,000 if they already
9 were, that's a situation that the Board had set in their
10 guidelines to us, bring that to our attention, we will
11 propose that situation for review, but we won't engage
12 the Staff on that until we've heard back from the
13 Councils and the public, and that's what this is about.

14
15 And what you're hearing here is the kind
16 of thing we would do if we were so charged to do it.

17
18 The other approach would be to have us go
19 fully into the analysis unchecked and then report back
20 fully. The Board implemented this checkpoint on the
21 process, and it does come with a cost of time and effort
22 and money, we understand that, but it's meant to be a
23 public process.

24
25 And then secondly the discussion on Page
26 17 and Page 18 of the July report dealing with those
27 intermediate size communities, there's a paragraph on
28 Adak, it was intermediate size and dropped below 2,500,
29 well below it. Then there's those six you've mentioned
30 several times, the six rural places, Bethel, Barrow,
31 Unalaska, Nome, Petersburg, Kotzebue that were
32 intermediate and remained intermediate size, and the
33 charge from the Board was is there something about those
34 communities that we need to know about and propose for
35 further analysis or is it sufficient as it is, and our
36 assessment for review, which is what this is about, was
37 we know of no reason to pursue further analysis on those.
38 And on Unalaska, because of its significant population
39 change, the other things that we've heard, we gave more
40 treatment to that in our review, should the Board or the
41 public want to add it to the list, we didn't think it
42 warranted it but we gave it fuller treatment to get more
43 information out on that because it did stand out as
44 having had some changes there which you've pointed out.
45 And then Valdez was intermediate, remains intermediate,
46 was nonrural and we're not proposing to review it
47 further.

48
49 Thank you, Mr. Chairman.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Gerald.

3
4 MR. NICHOLIA: Yeah, I just had one
5 comment here is that to rely on the State Community
6 Database for information, even in Tanana and the 42
7 villages in the TCC region, it's very inaccurate. It
8 doesn't portray the population, transportation,
9 infrastructure or nothing. I wouldn't rely on that
10 community database because I had a tough time just
11 changing it for our transportation program in Tanana.
12 It's very inaccurate.

13
14 CHAIRMAN DEMIENTIEFF: Very good
15 information. To get the ball rolling, I'll just say
16 where I'm going to go and I'm going to vote against the
17 motion. And my reason is because of the excellent
18 testimony that we had, that they are a subsistence
19 community. And we had previous discussion, some years
20 back, I think that -- and I explained to the Board what
21 happened to us, that people moved in on top of us.

22
23 Nenana at one time was Fairbanks before
24 that bridge was built. 20,000 people lived there, in a
25 little Indian village until they got the bridge built and
26 then they moved -- you know, the railhead on into
27 Fairbanks and people moved on in to Fairbanks because it
28 was closer to the gold fields.

29
30 In this case, the Coast Guard Base, you
31 know, there are things that have moved in on Kodiak, but
32 from the strong testimony that was presented, there is no
33 doubt in my mind that there has been any change in terms
34 of the core community, that they are a subsistence
35 community. There's no reason for a biological concern
36 that I'm aware of. And I just feel very strongly that by
37 nature it is still the same community and for that reason
38 I intend to vote against the motion.

39
40 MR. EDWARDS: Mr. Chairman.

41
42 CHAIRMAN DEMIENTIEFF: Yes, Gary.

43
44 MR. EDWARDS: Yesterday we heard a lot of
45 very articulate and often times passionate testimony from
46 folks that have come a long distance to bring to us why
47 they feel their communities ought to remain rural or why
48 they should become rural, and I guess what I'm wrestling
49 with is, is as we go through this, you know, what is the
50 relevancy of a lot we heard.

1 You know, a year and a half or so ago
2 when we went down this direction to take on this review,
3 we hired some folks which I think we spent way over
4 \$100,000 to take a look at this issue, and these were
5 people who were trained in this and they spent a lot of
6 time wrestling with that in trying to figure out how best
7 we could go about doing this. And they reached the same
8 conclusion that we heard yesterday, that subsistence is
9 not about how big or how small your subsistence is or
10 where your kids go to school, or where you drive to work
11 or who you interact with or what's your rate of
12 employment or unemployment, they came to the conclusion
13 that it's about, and, again, what we heard is the
14 importance of subsistence to the community, how much the
15 dependency the community has for their subsistence needs.

16
17 And the reality -- we rejected that
18 information and we went down a different path and said,
19 mainly for legal reasons, that we were not able to look
20 at that. And now it seems to me is, because I heard very
21 little about population yesterday, I heard some about
22 concerns that Kodiak, you know, has the Coast Guard Base
23 and some others, but the essence of what we heard and
24 Mary certainly echoed it, too, is the dependency and the
25 importance of subsistence. I think the report used the
26 expression country home food production or something like
27 which is more of an agriculture term. But I guess maybe
28 I would ask our legal counsel, you know, to address that
29 issue so we don't, maybe, get more caught up in the
30 emotion of it but try to look at this and try to look at
31 it from a consistent standpoint.

32
33 CHAIRMAN DEMIENTIEFF: Keith.

34
35 MR. GOLTZ: The statute plainly says
36 rural. And that means that the gateway to subsistence is
37 geography, not history. Historic patterns can be
38 accommodated, but only after this Board has determined
39 that an area is rural.

40
41 And in making that determination, the
42 theater of our concerns is defined by regulation. And
43 that regulation focuses on numbers. And to some, such an
44 approach is going to seem remote and frankly unresponsive
45 to what we heard yesterday but ours is a government of
46 limited powers and until the rules are changed, the
47 latitude of this Board is going to be limited.

48
49 CHAIRMAN DEMIENTIEFF: Thank you.
50 Further discussion. Judy.

1 MS. GOTTLIEB: Mr. Chair, maybe a
2 question for Keith then. But the regulation and talking
3 about characteristics does include use of fish and
4 wildlife.

5
6 MR. GOLTZ: It's a factor. And it can be
7 folded into the analysis, but the focus and the
8 parameters are set by numbers, that's our starting point.

9
10 CHAIRMAN DEMIENTIEFF: You're talking
11 about population?

12
13 MR. GOLTZ: Population. Area. Density.
14 The historic concerns, the ones that motivated much of
15 the testimony that we heard yesterday are important, but
16 most of that importance has an impact later, after the
17 area considerations have been considered.

18
19 This may mean that much of the testimony
20 has little relevance to our consideration. But many of
21 the arguments that we heard are better directed to the
22 legislators, and not to the Board.

23
24 John made a pretty good statement on
25 that, and I concur with his introductory remarks.

26
27 CHAIRMAN DEMIENTIEFF: John.

28
29 MR. LITTLEFIELD: Thank you, Mr. Chair,
30 and thank you Mr. Goltz.

31
32 I guess what I'd like to do then is to
33 refer the Board to that section, .15, and you're well
34 aware, Mr. Goltz, certainly more than I am, this whole
35 regulation, from Part A to Part C needs to be read in
36 whole, together and in context.

37
38 Now, when you get down to it, if you --
39 well, let me go through this a little bit, let's start
40 with No. A, it says the Board shall, you don't have any
41 deference there, the Board shall determine if an area or
42 a community in Alaska is rural; that's your job, you're
43 going to do that. You've already done that, so we're
44 just reviewing that. But it says you shall.

45
46 And you shall use the following
47 guidelines and they spell them out, one through six,
48 that's the guidelines you will use. And it's not
49 discretionary so you have to follow those guidelines.
50 But let's look at those guidelines.

1 1. Community of 2,500 or less shall be
2 deemed rural; shall be deemed rural unless it -- and
3 those are key words, these things are -- you need to key
4 in on the key words, unless they possess significant
5 characteristics of a nonrural nature or is considered to
6 be socially or economically part of an urbanized area.

7
8 So you have this number of 2,500 and the
9 regulations say every community below 2,500 is rural
10 unless the community possesses significant
11 characteristics of a rural nature or is considered -- and
12 that's a key number.

13
14 The next statement, No. 2 says,
15 communities or areas with populations above 2,500, but
16 not more than 7,000 will, again, a word you can't debate
17 what it says, will be determined to be rural or nonrural;
18 go back to A, the Board shall determine, so it's telling
19 you that anything above 2,500 you shall determine that.

20
21 Go down, and before we go to 3, which
22 I'll talk about in a minute, let's go down to 5, as was
23 just mentioned by Ms. Gottlieb, it says, a community or
24 area characteristics shall be considered, it doesn't say
25 maybe or the population is the most -- or the number 1,
26 it says shall, you have to include the community
27 characteristics, of which population is but one factor.

28
29 This sets a key here, this 2,500 number,
30 everything below is presumed rural, the 2,500 above shall
31 be determined, you're presumed rural, you're presumed
32 nonrural if you're above 7,000 but you're no different at
33 2,501, 6,999 or 7,002, you're still, the Board must
34 determine those, they've made the determination.

35
36 So if we're looking at this, I think that
37 the Board is clearly directed in No. 5, community or area
38 characteristics shall be considered, so the information
39 that was given on community characteristics, I have to
40 disagree with Mr. Goltz, I think is very relevant and
41 population is relevant too but it is only one part of the
42 mix here.

43
44 CHAIRMAN DEMIENTIEFF: Keith.

45
46 MR. GOLTZ: We're getting in deep waters
47 here and I wish the State Attorney General was here
48 because we've chased a curious squirrel around the tree.

49
50 The State started with this program and

1 they started with a definition which is very much like a
2 lot of people seem to be arguing for now and that's that
3 they would study the landscape in historic terms, see
4 where subsistence is taking place and then make their
5 determination on that basis. The precepts that the State
6 was using were tested in the Ninth Circuit in the
7 Kenaitze Decision, and the Ninth Circuit Court of Appeals
8 basically said, no, you're not supposed to run your
9 program about how people are using the landscape, you're
10 supposed to run your program based on the nature of the
11 landscape itself.

12

13 So that's the basis. That's the
14 motivating impulse behind the regulations.

15

16 I don't know how useful it is to parse
17 out to exact quantity how much these characteristics are
18 going to influence our analysis of the numbers. I think
19 the important thing is that the record be complete and
20 that we not focus on subsistence uses as the basis for
21 our decision. The basis for our decision is the
22 geography of the land, what are the areas, how many
23 people are in that area. The way the Ninth Circuit
24 approached it is to say that the term rural is a word of
25 common understanding, look at the dictionary and proceed
26 from there. Well, we know it's not going to be quite
27 that simple, but our focus unfortunately at this point is
28 not on common human concerns.

29

30 I think in all of us we would like to
31 respond positively to much of what we heard yesterday but
32 that is not our focal point here. We're setting the
33 thresholds, we're setting the path to Title VIII
34 subsistence, we are not allocating that subsistence unit
35 now.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. John.

38

39 MR. LITTLEFIELD: Thank you, Mr. Goltz
40 for mentioning a point that I was hoping you would bring
41 up, and that's the Kenaitze Decision, it said rural is
42 rural and you don't need to tie numbers to it or anything
43 like that. And so I did look in the dictionary, I have
44 Webster's Third New International Dictionary and I popped
45 all these numbers out, what does rural mean, and you're
46 going to find that it means something of what was said
47 yesterday.

48

49 1. Definition of rural is living in
50 country areas and engaged in

- 1 agriculture pursuits
2
3
4 2. Characterized by simplicity and
5 lacking in sophistication. We're
6 a rustic people
7
8 3. Of or relating to characteristics
9 of people who live in the country
10
11 4. Of or relating to associated with
12 typical lives in the country
13
14 5. Of or relating to or constituting
15 a tenement and land adapted for
16 agriculture, pastoral purposes as
17 opposed to urban.

18 Three of these talk about country, so I
19 said, well, what does country mean.

20
21 Country says:

- 22
23 1. It's an expansive land that's
24 undefined but usually considered
25 a region or district or area
26 marked by some distinguishing
27 feature
28

29 In the case of Kodiak they're on an
30 island surrounded by water, distinguishable.

- 31
32 2. The land of a person or origin's
33 birth or residence or citizenship
34

35 Many of these people yesterday talked
36 about being born there. I know you had a member here
37 that said he was born in the '30s and talking about this
38 is my country, I can speak best about it.

- 39
40 3. The people of a state or a
41 district, country people.
42

43 In other words, those are people from
44 Kodiak as well as Sitka.

- 45
46 4. Rural regions as distinguished
47 from a city or town or other
48 thickly inhabited or built up
49 area; like taking a walk in the
50 country. A region of the ocean;

1 country rock.

2
3 We won't get into that one. But I would
4 say yesterday there was a testifier that said in the form
5 of Jeff Foxworthy, I guess, he was asking you some
6 rhetorical questions and I can't remember all of them, I
7 started to write them down and one of them, I think, was
8 way of life, whether I spent all my time dreaming about
9 hunting or something like that, how much my gas was and
10 how long had it been since I'd been to the food to get
11 stores [sic], well, I remember the exact day I had beef
12 the last time, I remember that day, I went to a
13 fundraiser.

14
15 I'm sure many of these people can say the
16 same thing. The statistics from the Tribe were 97
17 percent of the communities eat subsistence foods.

18
19 I spend most of my money on gas commuting
20 back and forth to my camp.

21
22 And I'm going to go hunting tomorrow if I
23 get back tonight.

24
25 So, yes, I'm a country boy, I'm a rural
26 person in Sitka, and I think those people that talked
27 yesterday said the same thing. That relates to the
28 definition of rural, that's the standard; customary and
29 traditional of rural.

30
31 Thank you, Mr. Chair.

32
33 CHAIRMAN DEMIENTIEFF: You had follow up.

34
35 MR. GOLTZ: I don't know how long we want
36 to continue this exchange. But let me hopefully
37 summarize by telling the Board this.

38
39 To the extent that you rely on numbers
40 and data as they relate to the landscape and to
41 population density you're defensible. To the extent you
42 relate to how people use that land we become less and
43 less defensible. I'm not saying you can't fold other
44 things into the record, but the Ninth Circuit points me
45 in the direction of numbers.

46
47 CHAIRMAN DEMIENTIEFF: Okay. I think it's
48 not necessarily declaring but I think some Board members
49 need to come forward and discuss the issues that Keith
50 was talking about and let's just kind of focus on that

1 right now. I feel like we have all the information, all
2 the tools to make a decision, and that's what I was
3 hoping to start because I want to get John home tomorrow,
4 and I want to go home tomorrow. We're going to have to
5 meet out on the street if we continue this tomorrow
6 because we need to get this done.

7

8 MR. CESAR: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Go ahead.

11

12 MR. CESAR: If our Chairman will quit
13 speaking the Board members will start to engage.

14

15 (Laughter)

16

17 MR. CESAR: I was paying very close
18 attention to what Keith was saying in terms of focusing
19 on the geography. I mean not the uses, necessarily, but
20 location, isolation, those kinds of things that typically
21 you would find in a rural setting, and all of them, when
22 you begin to think about it, apply to Kodiak. I mean it's
23 isolated, I mean it is very difficult to get in and out
24 of, it's population growth or decline is in somewhat
25 related to both the geography out there, that it's hard
26 to get in and out of. Some people, because it's so
27 isolated leave there.

28

29 So those kinds of things lead me to
30 believe that, in fact, is a rural area. And I wonder to
31 myself what benefit we gain from examining the geography
32 again. I mean if we're looking at not the use but where,
33 the geography, I don't know, maybe there is some benefit.
34 But I am not clear that I see the benefit of reviewing
35 that geography again.

36

37 MR. EDWARDS: Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Go ahead.

40

41 MR. EDWARDS: As one who argued very
42 strongly for using another method to try to get us to
43 where we're going and also spending numerous hours of
44 arguing the Ninth Court Decision with our good Counselor,
45 is why I thought it was severely flawed, and also after
46 doing what mr. Littlefield did, spending hours and hours
47 trying to look up rural on the internet and finding that
48 it's a very elusive terms and it varies throughout the
49 country, and under very legal laws, it's a very elusive
50 thing to do.

1 But saying all of that, it still seems to
2 -- where I get concerned about, I guess, is that we set
3 ourself down on a course, I guess to some extent to use
4 my grandmother's saying, we've made our bed, so to speak,
5 and now we have to sleep in it, but it seems like we
6 don't want to sleep in it, I guess that bothers me. I
7 think that we need to be consistent with the direction
8 that we said. I do, hopefully, that as we add these
9 things to the list, we're not making any final decisions.
10 I recognize there's costs associated with that but I
11 think that will allow us to be in a much better place.

12
13 Again, I think rural is an elusive term.
14 I just came back a couple weeks ago from pheasant hunting
15 with some friends that I have in Nebraska whose closest
16 neighbor is a mile away, their closest airport they want
17 to fly is 100 some miles drive, if they want to go to the
18 store it's 35 miles, my sense is if they were in Kodiak
19 they would not think, Kodiak, for example, was rural. So
20 in many ways, rural is in the eyes of the beholder, I
21 don't think that's what we're arguing here. But I just
22 think we set a course and I think we need to follow that.

23
24 CHAIRMAN DEMIENTIEFF: Niles, is it all
25 right if I acknowledge other Board members, I mean I hate
26 to dominate the mic.

27
28 (Laughter)

29
30 CHAIRMAN DEMIENTIEFF: Go ahead.

31
32 MR. OVIATT: Well, I, too, have struggled
33 with this and I stand kind of in the cord with Gary, that
34 we have, I think, made our bed and I think these are
35 guidelines that we need to put these things forward and
36 hopefully in that further study it will help us
37 understand and better define, especially in the Kodiak
38 area, we may be able to better define that whole area.

39
40 So I guess I'm probably going to vote in
41 favor of the motion.

42
43 CHAIRMAN DEMIENTIEFF: Thank you.
44 Anybody else.

45
46 DR. KESSLER: Mr. Chair.

47
48 CHAIRMAN DEMIENTIEFF: Yes.

49
50 DR. KESSLER: Yes, I plan to vote in

1 favor of the motion, too. Everything I've heard the last
2 two days shows me that these are very complex matters and
3 there are sources of information that, for example, that
4 Mr. Littlefield's brought to our attention that we need
5 to look at. There's all to be gained, I think, by taking
6 a careful look, setting a solid record and allowing
7 ourselves to draw a conclusion that has the benefit of
8 the full light of analysis and information, so I am
9 inclined to vote in favor of the motion.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. Does
12 the State have comment?

13

14 MR. REGELIN: (Shakes head negatively)

15

16 CHAIRMAN DEMIENTIEFF: Okay, I assumed
17 you'd let me know if you did.

18

19 MR. REGELIN: Yes.

20

21 MS. GOTTLIEB: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MS. GOTTLIEB: In the case of Kodiak, I
26 thought we heard excellent and relevant testimony
27 yesterday particularly on the changes in the economy
28 since 1990, some of the persisting Exxon Valdez impacts,
29 changing in population. I'm hoping that with further
30 analysis, looking at Appendix 7 we have Kodiak city at
31 about 6,300 or maybe less now, I don't know, and then
32 other breakdowns, that we could have more information
33 before us to make perhaps the final decision.

34

35 I think it would also be interesting and
36 we're not sure if these population numbers reflect people
37 who are citizens of the U.S. or not and whether that
38 would or would not have a bearing on our program. I
39 think we have heard about reduced transportation
40 opportunities and I think that's one of the aspects we
41 ought to look at as well.

42

43 So I understand what Keith is saying
44 about numbers. If we are only using population numbers,
45 that's why Kodiak is on the list. But I think that's a
46 starting point for this discussion only and other
47 characteristics do need to be looked at as well. And I
48 think we did hear quite a few characteristics and
49 information including figures on the amount of use and
50 some of the infrastructure challenges an island

1 community, such as Kodiak and its outlying areas have and
2 the Coast Guard Station

3
4 CHAIRMAN DEMIENTIEFF: Thank you.
5 Anybody else.

6
7 (No comments)

8
9 CHAIRMAN DEMIENTIEFF: If not, we're
10 going to proceed on with a vote. I think we've discussed
11 this as far as we can go. Tom, let's just go roll call.

12
13 Go ahead and repeat the motion.

14
15 MR. BOYD: Mr. Chair. Mr. Edwards moved
16 to add Kodiak to the list for further review and it was
17 seconded by Mr. Oviatt.

18
19 MR. OVIATT: I vote in favor.

20
21 MR. BOYD: Mr. Edwards.

22
23 MR. EDWARDS: I vote yea.

24
25 MR. BOYD: Ms. Gottlieb.

26
27 MS. GOTTLIEB: I vote in favor.

28
29 MR. BOYD: Mr. Cesar.

30
31 MR. CESAR: I vote no.

32
33 MR. BOYD: Ms. Kessler.

34
35 DR. KESSLER: Yes.

36
37 MR. BOYD: And Mr. Chair.

38
39 CHAIRMAN DEMIENTIEFF: I vote no. Motion
40 carries, four to two, Kodiak will advance.

41
42 Okay, who do we have next, Tom.

43
44 MR. BOYD: Sitka.

45
46 CHAIRMAN DEMIENTIEFF: Sitka.

47
48 DR. KESSLER: Mr. Chair. To get the
49 discussion going I move to advance Sitka for further
50 analysis.

1 CHAIRMAN DEMIENTIEFF: There is a motion,
2 is there a second.

3
4 MR. EDWARDS: Second.

5
6 CHAIRMAN DEMIENTIEFF: Discussion. John.

7
8 MR. LITTLEFIELD: Mr. Chair. I'd like to
9 go over the Council recommendations concerning Sitka.

10
11 The Council recommends that Sitka be
12 removed from the list of communities to receive further
13 analysis in the rural determination process. The Council
14 believes that Sitka's rural status and the community's
15 dependence on subsistence are clearly established and
16 that further analysis is not needed. The Council
17 requests that a rural determination be held in the
18 community to facilitate community's understanding of this
19 issue and participation in the decision-making process.

20
21 The Council considered the following
22 information in developing its recommendation.

- 23
24 1. Sitka was considered to be a
25 rural place by Congress in 1860
26 [sic] at the passage of ANILCA.
27 Sitka was not one of the
28 communities, Anchorage, Juneau,
29 Fairbanks and Ketchikan
30 identified as an urban place.
31
32 2. Sitka's census was 7,803 in 1980,
33 above the 7,000 threshold when
34 ANILCA was passed.
35
36 3. In 1986, the Joint Board of Fish
37 and Game determined Sitka was a
38 rural place. The Joint Boards
39 considered community data and
40 public testimony at that time,
41 and the majority membership of
42 each Board was required to make
43 this determination.
44
45 4. Sitka continued to be a rural
46 community by the State of Alaska
47 when the State fell out of
48 compliance after the State
49 Supreme Court and the McDowell
50 Decision. This classification

1 was accepted by the Federal
2 program at the inception of the
3 Federal management of wildlife in
4 '91 and fisheries in 2000.

5
6 5. Sitka's population growth has
7 been minor from 1980 to 1990 and
8 from 1990 to 2000. The growth
9 was 785 people, or 10 percent
10 during the first time period, and
11 247, or three percent during the
12 second time period. That's .3
13 percent a year or less.

14
15 6. Sitka had a comprehensive
16 household survey done by the
17 State of Alaska, Division of
18 Subsistence in cooperation with
19 the Sitka Tribe of Alaska in '88
20 and '97.

21
22 And I won't go over this, read this
23 completely, but it certainly shows that Sitka's
24 subsistence harvest provides a higher than average
25 American consumption of food. In other words, we eat
26 more food than most people normally get, and it's all
27 wild foods, and the data is stable.

28
29 7. Sitka residents are unified in
30 the support of the rural
31 classification. City and Borough
32 resolutions and letters, Sitka
33 Tribe of Alaska letter, Alaska
34 Native Brotherhood and Sisterhood
35 resolutions, State of Alaska Fish
36 and Game Advisory Committee
37 recommendations, and as noted by
38 the testimony yesterday.

39
40 8. The nonNative Sitka grew up
41 around the Sitka Indian town.
42 The Sitka Native population
43 includes member of Sheekwaakaan
44 as well as members of other
45 tribes who live in the area.

46
47 9. Sitka was the center for
48 industrial logging at the time
49 ANILCA was passed, and this is an
50 economic activity continued

1 through the mid-1990s. An
2 industry presence in Sitka
3 included large scale logging
4 operations and some management
5 activities, a major pulp mill and
6 small timber milling operations.
7 These industrial businesses have
8 been closed with the loss of
9 hundreds of well paying
10 industrial jobs. Sitka also lost
11 many of the Federal government
12 jobs that managed timber harvest
13 in the Tongass National Forest.
14 Sitka has become more of a rural
15 community since closure of the
16 pulp mill and virtual elimination
17 of logging activities staged from
18 Sitka. Seasonal engagement with
19 tourism has increased,
20 particularly with the rapid post-
21 1985 increase in cruise ship
22 visitation in Southeast. Charter
23 boat fishing has also increased,
24 and both of these endeavors
25 compliment the subsistence
26 activities.

27
28 For those reasons, Mr. Chair, the Board
29 supported not adding Sitka to the list because Sitka
30 meets the definition of rural which is a remote and
31 isolated place.

32
33 Mr. Chair.

34
35 CHAIRMAN DEMIENTIEFF: Thank you.
36 Further discussion.

37
38 DR. KESSLER: Mr. Chair.

39
40 CHAIRMAN DEMIENTIEFF: Wini.

41
42 DR. KESSLER: I'd like an opportunity. I
43 just really appreciate all the information Mr.
44 Littlefield is providing. But to me it speaks more
45 strongly of the need to proceed because it will put Sitka
46 and this information in a much stronger position in my
47 view.

48
49 The presentations we've heard these last
50 two days and the written submissions as well have brought

1 forward many points that have important bearing on this
2 review process, and I'd like to commend and recognize the
3 committed effort of everybody who helped to assemble this
4 information and bring it to our attention for use in this
5 process. And I truly am confident that these perspectives
6 we heard in the case of Sitka will be well supported and
7 substantiated as the full body of information is
8 objectively examined in the analysis that is central, in
9 my view, to this review process.

10
11 It's very important, I think, that all
12 the relevant facts be afforded a chance to be
13 systematically examined and documented in the record as
14 this will provide the strongest possible basis for
15 conclusions to be drawn and defended and decisions to be
16 made. And, again, clearly as Mr. Littlefield's
17 demonstrated, in my view, there are many sources of
18 information that merit consideration, but this needs to
19 be done in a comprehensive systematic method instead of
20 piecemeal. It needs to be done systematically.

21
22 So with that in mind I'm simply not
23 comfortable with dropping Sitka at this juncture because
24 it would require drawing conclusions without the benefit
25 of that systematic consideration of the full body of
26 information which is clearly substantial.

27
28 I think it would be contrary to the
29 principle and spirit of informed decision-making and if
30 we were to diminish Board's access to the full and
31 complete information and I also think in a way it would
32 do a disservice to those who have labored to assemble the
33 information which deserves to be examined carefully.

34
35 Moreover, I think there's an element of
36 risk associated with the notion of dropping Sitka at this
37 early juncture. When the Proposed Rule is issued next
38 year it's very possible that Sitka, as a community over
39 7,000, that that threshold, like it or not it is a
40 threshold, will be a target of intense interest and
41 scrutiny, so I think it's better to have the advantage of
42 a solid record of information that will come from an
43 analysis.

44
45 Thank you.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

48
49 MR. EDWARDS: Mr. Chairman. Dr. Kessler
50 said that so well all I'm going to say is sort of ditto.

1 I agree. I mean I think Sitka is a community that can --
2 from everything we have heard, from what I know of it and
3 all I think, can make a very compelling argument, but I
4 do think that the process is important and I think we
5 need to go through the steps.

6

7 MS. GOTTLIEB: Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MS. GOTTLIEB: Thank you. I appreciate
12 everybody's comments and I certainly appreciate all the
13 testimony and the work that's gone into this particular
14 issue.

15

16 Sitka's population was and has been over
17 7,000 but from the extensive information I think we've
18 already received, I don't believe that there's been
19 changes other than that small, I think it's three-tenths
20 of one percent increase per year in population. So
21 previously this Board determined it to be rural and it
22 sounds like the numbers, the characteristics have not
23 changed very much in that case.

24

25 The infrastructure, as we heard has
26 changed tremendously over the years because of the
27 closure of the mill, cruise ships coming in, that changes
28 the economy significantly and the price of fish have gone
29 down quite a bit too. I think it was interesting, as was
30 pointed out that, not only the Mayor, as well as the
31 tribal government has come in very unified, that the
32 whole town is very unified that it's rural in their minds
33 per our definition or perhaps most of the definitions,
34 and the RAC has supported this.

35

36 They have limited services. We've heard
37 about the transportation issues and infrastructure and
38 the road system. Also the Coast Guard Base.

39

40 I think, while it's on the list, again,
41 because of its population, we also have the opportunity
42 through our regulation to look at the unless clause; and
43 I'm not sure what further information we would be
44 collecting with further analysis and maybe we need to
45 speak to that more specifically but I know the Mayor had
46 already provided some density information and some
47 information on the decline on school attendance and so on
48 and so forth and the ferry service.

49

50 So I think with respect to Keith's

1 guidance, geography and nature of landscape, while,
2 people in Sitka are really fortunate by virtue of
3 geography to have an abundance of resources, and the same
4 could be said of the landscape that's happened to provide
5 a great variety of resources and people have made use of
6 it.

7
8 CHAIRMAN DEMIENTIEFF: Thank you. John,
9 you had something.

10
11 MR. LITTLEFIELD: Thank you, Mr. Chair.
12 I was just listening to Dr. Kessler's comments, and she
13 said we would clearly subst -- you know, we clearly have
14 substantial data, which is the standard here, substantial
15 evidence to support our case. Apparently she said we've
16 got lots of it and she thinks we'll probably do okay, but
17 to be -- and we appreciate that.

18
19 We think we will win if this goes there.

20
21 But you've just dismissed the fact of
22 causing these communities thousands and thousands of
23 dollars, and that's why I appealed to your reasonableness
24 here that you're causing the communities to spend a lot
25 of money that the Federal program should be absorbing,
26 not the communities of Sitka, Saxman, Ketchikan and
27 Kodiak. And so I'm just saying that we asked -- one of
28 the things that the Council did was to ask this Board,
29 and it was in the letter, and I have a response to that,
30 to ask this Board to provide and identify relevant data
31 to help those communities out. Like Saxman has two
32 people. And we got a response back from OSM, I don't
33 want to read it, but basically said you can't help us
34 because you're ruling on us. But that doesn't solve the
35 question of Saxman and Sitka, that, where are they going
36 to get the money to do this. And I think if you can
37 reasonably say to anybody in a court, it's clearly
38 substantial, that's what you said, and we'll be able to
39 do it and you said, ditto, that's cool, you can defend
40 that, and so I just asked you to be reasonable, you're
41 causing a great amount of grief to people here by the
42 decision to include Sitka and I hope that it does not
43 succeed.

44
45 CHAIRMAN DEMIENTIEFF: Niles.

46
47 MR. CESAR: Thank you, Mr. Chair. I
48 agree with Judy.

49
50 I think that for those reasons, of

1 economy, of change in the economy and how that money is
2 earned, I believe that there is not a substantial
3 increase in anything or a difference in anything except
4 the population in terms of numbers. I believe that a lot
5 of the new jobs that are in Sitka are, in fact, at the
6 hospital. They're a different types of jobs. Although
7 we heard yesterday that brings in a lot of new people, or
8 people who change the dynamic of it, I believe in Sitka's
9 case, a lot of those people, in fact, are other Native
10 Alaskans who come in and take over those kind of jobs and
11 I hope where we're headed with this new schools and new
12 hospitals, and I was struck yesterday by that, that our
13 own people are getting educated and we will not be hiring
14 folks, we will have our own doctors like we're getting,
15 our own teachers will come in, and I believe that's where
16 we should be headed. And I think that's really what I
17 support.

18
19 I believe that Sitka has made its case
20 for remaining rural. I don't believe that further
21 analysis is going to discover anything new and I maintain
22 that -- or at least it's my opinion that we don't want to
23 get stuck in an analysis paralysis. You know, how much
24 analysis is enough analysis, and who's going to pay for
25 it.

26
27 I believe that Sitka's made its case and
28 I intend to make a motion, if it's appropriate at this
29 moment, to remove Sitka from the list.

30
31 CHAIRMAN DEMIENTIEFF: We already have a
32 motion on the table, if it fails Sitka's off.

33
34 MR. CESAR: I hear you, you're right, I'm
35 sorry.

36
37 CHAIRMAN DEMIENTIEFF: Okay. Now, if
38 you'd just get off the microphone we could proceed on.

39
40 (Laughter)

41
42 CHAIRMAN DEMIENTIEFF: Gerald.

43
44 MR. NICHOLIA: Yeah, thank you, Mitch. I
45 was just wondering if there's a Coast Guard Base there,
46 if you do include that Coast Guard Base, do you guys
47 offer the military subsistence priorities?

48
49 MR. BOYD: Mr. Chair.

50

1 CHAIRMAN DEMIENTIEFF: Tom.

2

3 MR. BOYD: I think the short answer is
4 that the members of the military are citizens of the
5 community, they are included, and if a community is rural
6 where military personnel reside, they are afforded the
7 subsistence priority along with their neighbors.

8

9 CHAIRMAN DEMIENTIEFF: We do have
10 precedence in that area, though. Both in the State
11 system in the past, where we have segregated out,
12 segregated, that's not a real good word, we have
13 separated like in the case of Nenana. Clear Air Force
14 Base, they do not have -- they did not have subsistence
15 use of the resources in that area.

16

17 And I think probably Terry could speak
18 better to this or.....

19

20 MR. HAYNES: Mr. Chairman. I was just
21 going to remind everyone that even if military bases are
22 included with the rural community, the individuals have
23 to be residents of Alaska before they qualify for the
24 subsistence qualify. So they would have to have been a
25 resident there for 12 months in order to qualify.

26

27 That's an important distinction.

28

29 MR. BOYD: Mr. Chair.

30

31 CHAIRMAN DEMIENTIEFF: Tom.

32

33 MR. BOYD: Terry's correct. I didn't
34 elaborate but there are some situations where military
35 members of a particular base or facility have not been
36 granted a customary and traditional use determination.
37 So I mean there are variations on this theme.

38

39 But I think the principle here is that
40 when dealing with the question of whether or not a
41 community is rural, we include all residents of the
42 community in that consideration.

43

44 CHAIRMAN DEMIENTIEFF: I was not doing my
45 duty. I need to get on the record that I ruled Niles'
46 motion out of order because we do have -- I mean it just
47 needs to officially go on.

48

49 Gerald, you had something.

50

1 MR. NICHOLIA: Yeah, I was just kind of
2 going to say if you include military to the rural
3 priority, it will be like a disservice to the real
4 Federally-qualified user that's living in that area.

5
6 CHAIRMAN DEMIENTIEFF: Okay, again, we
7 ought to probably focus on Sitka which is a little
8 different. I think we're going back to Kodiak is what
9 we're doing -- oh, yeah, go ahead, John.

10
11 MR. LITTLEFIELD: Mr. Chair. Just some
12 history there. I did propose a couple years ago, I put a
13 proposal in to remove the people in the Sitka Coast Guard
14 Base from the program and it was based upon the history
15 of this program, which has, I believe, Tatalina Air Force
16 Base, some others that are not -- there are some listed
17 where rural determinations, that I saw at the time, it
18 may be different now, but I got so much flack over that
19 that I had to pull that because I got called every name
20 in the book and I had to tell that Commander there that,
21 you know, I was a Vietnam Veteran, American Legion
22 member, VFW post commander, but there was a lot of strife
23 over there.

24
25 But the way the regulations read, or as
26 Mr. Haynes said, you need to qualify as a rural resident,
27 which is under the dictionary, and I still don't believe
28 they qualify then, because the rural residence says
29 you're going to come back and you plan to be here, your
30 domicile, but that's a really iffy point. So we'd like
31 to not see those numbers used against us and you've
32 recognized them, I think, as other searches, but I don't
33 think we want to go there.

34
35 CHAIRMAN DEMIENTIEFF: Okay. Are we
36 prepared to vote now?

37
38 MR. CESAR: I'll for the question on the
39 motion.

40
41 CHAIRMAN DEMIENTIEFF: Great. Okay.
42 Wayne.

43
44 MR. REGELIN: Thank you, Mr. Chairman. I
45 feel like very strongly that we've started a process and
46 I'm not sure why we would want to stop and not have a
47 full analysis of Sitka and I guess I just feel like it's
48 smart business to do a full analysis and do the job that
49 we started out to do rather than curtail it right now.
50

1 I don't understand -- I understand we had
2 a lot of testimony, but when you look at the law, I don't
3 understand how we can not go through a full analysis.

4
5 Thank you.

6
7 CHAIRMAN DEMIENTIEFF: Go ahead.

8
9 MR. OVIATT: Mr. Chairman. I think Dr.
10 Kessler explained my views very well and I support what
11 she has said. And I think we have an opportunity to
12 address the changes in Sitka that have happened and
13 through this analysis put this to bed once and for all,
14 otherwise, because of the threshold it could come back
15 before this Board in 10 years from now. And I just think
16 we have an opportunity to really put this to bed through
17 this analysis and so I'm going to vote in favor of the
18 motion.

19
20 CHAIRMAN DEMIENTIEFF: Yeah, I think,
21 really we know a lot about Sitka, I think that analysis
22 work, as it's been pointing out in testimony, has been
23 done, and as I've said before that I know more about
24 Sitka from 35 years ago is the first time I ever went
25 there and it's the same community, it's the same
26 community that it was 35 years ago. A little difference
27 in the dynamics but we've gone all through that, the
28 economic dynamics I'm talking about. But we've gone all
29 through that.

30
31 But every time I go to Sitka, when I go
32 to a public function I'm eating the same foods I was
33 eating 35 years ago. When I go to my friend's homes, I'm
34 eating the same foods I was eating 35 years ago. When I
35 go to the restaurants I'm eating, even though it's in the
36 commercial market, I'm eating the same foods that I was
37 eating 35 years ago. The fact of the matter is, is that,
38 they haven't changed so I really agree that there's no
39 reason to go back and take these people through all this
40 at tremendous expense when we know that Sitka is the same
41 Sitka that we've always known it to be.

42
43 Just a little bit of change in income,
44 but that's a progressive community, and in losing a
45 source of income, you know, the economics has to
46 diversify and that's exactly what the community of Sitka
47 did, and I think it's very important that we keep those
48 things in mind.

49
50 And so with that I think if there's no

1 more comments, is somebody ready to call the question.
2
3 MS. GOTTLIEB: Mr. Chair.
4
5 CHAIRMAN DEMIENTIEFF: Yes.
6
7 MS. GOTTLIEB: I'd just like to make one
8 more comment and that is to remind us that the
9 Interagency Staff Committee did also bring out several
10 very relevant factors particular the geographic isolation
11 of Sitka that also leads me to believe that we have a
12 solid record for making a decision right now.
13
14 CHAIRMAN DEMIENTIEFF: Are we ready to go
15 to a vote?
16
17 (Board nods affirmatively)
18
19 CHAIRMAN DEMIENTIEFF: I see head's
20 nodding.
21
22 Tom, would you call the roll.
23
24 MR. BOYD: Yes. Dr. Kessler.
25
26 DR. KESSLER: Yes.
27
28 MR. BOYD: Mr. Cesar.
29
30 MR. CESAR: No.
31
32 MR. BOYD: Ms. Gottlieb.
33
34 MS. GOTTLIEB: No.
35
36 MR. BOYD: Mr. Edwards.
37
38 MR. EDWARDS: Yes.
39
40 MR. BOYD: Mr. Oviatt.
41
42 MR. OVIATT: Yes.
43
44 MR. BOYD: Mr. Chair.
45
46 CHAIRMAN DEMIENTIEFF: I vote no. Motion
47 fails, three to three and Sitka's off the list. Next
48 community. We're going to press on as long as we can
49 here, we're not going to take a break. If somebody needs
50 to step outside for a minute, just go and do it because

1 we've got a lot to do and we've already done lots today,
2 but we do need to get done today, that's the bottom line,
3 so I'm going to press on as far as we can.

4

5 Go ahead.

6

7 MR. BOYD: Mr. Chair. The next community
8 is Adak. Mr. Chair, the recommendation, Adak was
9 proposed for further analysis because it's population
10 decrease is now below the 2,500 threshold.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Is
13 there a motion.

14

15 MS. GOTTLIEB: Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 MS. GOTTLIEB: I move that we remove Adak
20 from further discussion.

21

22 CHAIRMAN DEMIENTIEFF: Is there a second
23 to that.

24

25 MR. CESAR: I second.

26

27 CHAIRMAN DEMIENTIEFF: It's been moved
28 and seconded, discussion on the motion.

29

30 MS. GOTTLIEB: Mr. Chair.

31

32 CHAIRMAN DEMIENTIEFF: Yes.

33

34 MS. GOTTLIEB: I guess I should have said
35 from further analysis. But I think it's clear and we've
36 discussed for years informally how the population has
37 declined significantly because of the withdrawal of the
38 Naval Base, so I think it would not warrant any more
39 population numbers analysis. I think we have the current
40 and the 200 data.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Niles,
43 if you could direct traffic for me, I've got to step out
44 for just a minute.

45

46 MR. CESAR: Yes, sir. Further comment.

47

48 MR. EDWARDS: Well, I mean certainly if
49 you look at Adak and what's taken place with the
50 population, I think that one can certainly make a

1 reasonable argument that it's reduced significantly, I
2 think, from over 5,000 people to probably less than 100
3 now, but as I have said on the previous two ones, I think
4 we have started down -- we originally started down a
5 road, I'm concerned already with our inconsistency of our
6 approaches to things, and I think that Adak, that we
7 ought to consider it for further consideration and
8 further review. I think by the very nature of it and the
9 subsistence requirements out there, I don't think that
10 there's anything to be gained or lost by not going
11 forward.

12
13 As I mentioned to people on the Board,
14 right now the caribou season on Adak is seven days a
15 week, 24 hours a day, 360 days a year, shoot as many as
16 you want. The others, the marine mammals have certain
17 restrictions with their subsistence foods, and we do
18 have, I think, migratory birds, subsistence out there, so
19 I don't think it's a big issue one way or the other, but
20 for consistency and to try to keep us going down the
21 direction that I think we should be going I'm going to
22 vote no on the motion.

23
24 MR. CESAR: Further comment.

25
26 DR. KESSLER: I'll just apply the same
27 principle I did in my previous comments. That I think
28 there's everything to be gained by looking at the
29 information and coming to the conclusion. I think the
30 conclusion is going to be pretty straightforward in this
31 case but nonetheless I think it's important to follow
32 through with process and examine the information and draw
33 the conclusion based on that.

34
35 So I'd prefer to keep it on the list.

36
37 Thanks.

38
39 MR. CESAR: Further comment.

40
41 MS. GOTTLIEB: Mr. Chair.

42
43 MR. CESAR: George first.

44
45 MR. OVIATT: Thank you, Mr. Chair. I,
46 too, think that we ought to follow the process and we
47 ought to keep it on the list. The analysis would be
48 short. I don't think it would be too detrimental to the
49 community either.

50

1 MR. CESAR: Judy.

2

3 MS. GOTTLIEB: Thanks. Well, I was just
4 wondering, and maybe Larry could fill us in. I mean what
5 other analysis would we do on Adak, for example, besides
6 what already has been done?

7

8 MR. BUKLIS: Mr. Chairman. The
9 population change is the most significant feature, and
10 beyond that we might describe the characteristics of the
11 community as it had been as a middle-sized -- in that
12 middle strata of population size, but I think it would
13 be, as was mentioned by the Board member, a very brief
14 and straightforward analysis.

15

16 I'm not sure at this point what we would
17 do beyond verifying the population change numbers and
18 perhaps describing the characteristics somewhat. But it
19 would be a very brief analysis.

20

21 MR. CESAR: Further comment.

22

23 (No comments)

24

25 MR. CESAR: I don't think we can go to a
26 vote until our Chair comes back.

27

28 I support Judy's motion to remove Adak
29 from the list for the very reasons she talked about.
30 That the most significant thing, as Larry has said is the
31 population, if that is not a dramatic population drop
32 then there is no such thing, and I think the analysis, as
33 Larry has talked about will not demonstrate anything.

34

35 And to me, they have made the case, and I
36 think it should be removed from the list and so that's
37 how I intend to vote.

38

39 MS. GREGORY: Mr. Chair.

40

41 MR. CESAR: Yes.

42

43 MS. GREGORY: If the population was
44 filled by somebody that came from outside of the area and
45 they left, the people who live there have done their
46 subsistence gathering all this time, before, during and
47 after whoever populated it, it never changed.

48

49 I know, I'm from a village. Our village
50 life never changes. Every year we go and get our own

1 food, whether there's lots of people in our village or
2 not, and I think that's what Adak is. I don't know, it's
3 a remote area. It qualifies already because it's in a
4 remote area, no access to it, no road system.

5
6 CHAIRMAN DEMIENTIEFF: Thank you. Larry.

7
8 MR. CESAR: No, I'm sorry, I just wanted
9 to comment. I think I'm the only one that has any
10 experience on Adak that means anything. I was there 30
11 months from '64 to '67, and if that doesn't fit rural
12 with the leaving of the military, nothing does.

13
14 CHAIRMAN DEMIENTIEFF: Larry.

15
16 MR. BUKLIS: Thank you, Mr. Chairman. I
17 wanted to follow up on my response of a moment ago. The
18 way the process is laid out, further analysis is sort of
19 the route to the Proposed Rule stage for change items.
20 So I wanted to make clear for the record that, as I
21 understand the motion that's on the table, remove it from
22 the list for further analysis, and implicit would be to
23 advance it to the Proposed Rule stage for change in
24 status. Because if we simply remove it from analysis, we
25 need to make explicit you meant, also that the status
26 would be changed without further analysis and moved to
27 Proposed Rule as rural.

28
29 Thank you.

30
31 MS. GOTTLIEB: Mr. Chair.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MS. GOTTLIEB: Thank you for that
36 clarification, Larry. Yes, that was my intent and maybe
37 I need to amend the motion and would move that we remove
38 this from further analysis because of the clear data we
39 have on population right now and put it on the list as
40 being a rural community because of its geographic
41 isolation.

42
43 CHAIRMAN DEMIENTIEFF: We have an
44 amending motion, is there a second.

45
46 MR. CESAR: I guess I viewed that as a
47 clarification to the motion as opposed to an amendment.

48
49 CHAIRMAN DEMIENTIEFF: A clarification.

50

1 MS. GOTTLIEB: Yes.
2
3 MR. CESAR: Yes.
4
5 CHAIRMAN DEMIENTIEFF: Okay. That was
6 your intent?
7
8 MS. GOTTLIEB: Yes.
9
10 CHAIRMAN DEMIENTIEFF: And the consent of
11 the second, we all have that understanding, okay, so we
12 do have that -- just the main motion in front of us.
13
14 John.
15
16 MR. LITTLEFIELD: Mr. Chair. I have to
17 apologize I had to leave the room and it's my
18 understanding you're putting a motion on the floor in
19 some kind of a negative or something like that, it sounds
20 to me like that.
21
22 It was my understanding when we started
23 this morning that the process was going to be we were
24 going to, number 1, we were going to recommend that
25 Kodiak is on the list, and I think that you should do
26 that in every case even though you may want to oppose it,
27 then you vote against it so the record is real clear, and
28 I think that's what Mr. Buklis is trying to say. If you
29 make the motion to put Kodiak on the list, if you're in
30 favor of it, you would vote yes, if you're opposed you
31 vote no, it's not trying to figure out the vice-versa.
32 So I would think that a motion in the positive method
33 would be helpful.
34
35 MR. EDWARDS: I think what Larry was
36 saying is that I don't think that that applies in this
37 case given that, depending on how the motion would go,
38 because Adak currently is identified as nonrural, and I
39 think by doing what you suggested won't get, I mean where
40 Judy wants to go.
41
42 MR. LITTLEFIELD: She wants to remove it.
43
44 MR. EDWARDS: No, she doesn't.
45
46 CHAIRMAN DEMIENTIEFF: No, she wants the
47 status changed right here, so that is a positive motion.
48
49 Okay, that is the motion before us.
50

1 Any further discussion.
2
3 (No comments)
4
5 CHAIRMAN DEMIENTIEFF: Hearing none, roll
6 call.
7
8 MR. BOYD: Dr. Kessler.
9
10 DR. KESSLER: No.
11
12 MR. BOYD: Mr. Cesar.
13
14 MR. CESAR: Yes.
15
16 MR. BOYD: Ms. Gottlieb.
17
18 MS. GOTTLIEB: Yes.
19
20 MR. BOYD: Mr. Edwards.
21
22 MR. EDWARDS: No.
23
24 MR. BOYD: Mr. Oviatt.
25
26 MR. OVIATT: No.
27
28 MR. BOYD: Mr. Chair.
29
30 CHAIRMAN DEMIENTIEFF: Yes. Motion
31 fails, three, three so it will remain on the list for
32 further review, okay, move on.
33
34 MR. BOYD: Mr. Chair. The next several
35 six items deal with generally and area and whether or not
36 to exclude or include particular communities within a
37 grouping in that area. So the first set of that is the
38 Fairbanks North Star Borough, and the question is whether
39 to continue using the entire Borough as a nonrural area
40 or separate some outlying areas for further analysis.
41
42 Mr. Chair.
43
44 CHAIRMAN DEMIENTIEFF: Thank you. Is
45 there a Board motion.
46
47 (No comments)
48
49 CHAIRMAN DEMIENTIEFF: I guess the first
50 question I would have is do we have any requests from

1 outlying areas of Fairbanks for a change or comments from
2 the area?

3

4 Larry.

5

6 MR. BUKLIS: Mr. Chairman. I think you
7 had a Council recommendation from the Eastern Interior
8 Council. But in terms of the origin of this, it was
9 advanced by the Staff in our initial review and brought
10 forward by the Board as proposed because we, in looking
11 at the groupings we had, we realized it's not so much
12 that there was a substantial change in the North Star
13 Borough, rather we wondered if the current use of the
14 Borough boundary, while an easily recognized boundary and
15 well established and well defined is overreaching what
16 was necessary to define a nonrural area, and whether some
17 of the outlying areas could be defined as separate and
18 thereby be separate from the nonrural rural.

19

20 So it was more a matter of analytical
21 detail rather than people coming forward and requesting
22 it. But the Eastern Interior Council did have a
23 recommendation on your proposed review.

24

25 CHAIRMAN DEMIENTIEFF: Having clarified
26 that, is somebody prepared to make a motion.

27

28 MR. EDWARDS: Mr. Chairman. I am
29 concerned that we have set up a process that is going to
30 make it very difficult from this point on for people to
31 make motions. Because the way we have it with the three
32 to three vote, there's no advantage for one to make a
33 motion, given sort of the direction that Board members
34 appear to be going on this, so I'm just suggesting we may
35 want to look at another approach.

36

37 CHAIRMAN DEMIENTIEFF: It's a matter of
38 process. We have a process we have to go by it.

39

40 MS. GOTTLIEB: Mr. Chair.

41

42 CHAIRMAN DEMIENTIEFF: Yes.

43

44 MS. GOTTLIEB: May I make a motion,
45 please.

46

47 CHAIRMAN DEMIENTIEFF: Sure.

48

49 MS. GOTTLIEB: I would propose that we
50 would keep Fairbanks North Star Borough on the list for

1 further analysis because I don't think we've heard enough
2 information to make a decision at this point in time.

3

4 CHAIRMAN DEMIENTIEFF: Thank you. Is
5 there a second to the motion.

6

7 DR. KESSLER: I'll second.

8

9 CHAIRMAN DEMIENTIEFF: Okay. Discussion.

10

11 MS. GOTTLIEB: Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Yes.

14

15 MS. GOTTLIEB: I did have a couple of
16 comments that I hope we can find out more information on
17 and that had to do with some of the school information
18 that we heard -- I'm sorry, I'm getting mixed up with the
19 other one, sorry, no, sorry.

20

21 CHAIRMAN DEMIENTIEFF: Okay, so we're
22 clarified again that a vote in favor of the motion, we
23 vote in favor of the motion, if it turns out against the
24 motion then the motion fails -- or, yeah, they get
25 removed for further analysis, yes.

26

27 No further discussion.

28

29 Oh, I'm sorry, Gerald.

30

31 MR. NICHOLIA: Yeah, thank you, Mitch.
32 One of our main concerns is that if the Borough expands
33 and it encompasses the other surrounding villages that we
34 wouldn't like that. But another thing is, too, is that
35 you got to consider the access to other resources that
36 the Borough has compared to subsistence resources,
37 because they have stores right down the road there and if
38 they're considered nonrural it will affect other outlying
39 areas that are considered rural.

40

41 I wouldn't want to impose -- I wouldn't
42 want to see you guys impose so much hardships on the
43 outlying areas like in Delta, Deltana, and other areas
44 that was -- that they're trying to encompass that whole
45 area as a group, so I'd be very careful.

46

47 MR. EDWARDS: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Gary.

50

1 MR. EDWARDS: I mean regardless of what
2 the Borough does, that will have no -- isn't that true,
3 it will have no bearing on what our ultimate decision
4 might be, whether they want to annex the whole northern
5 part of the state or not? That won't have any bearing on
6 our decision; is that correct?

7
8 CHAIRMAN DEMIENTIEFF: That's correct.
9 Go ahead, Keith, you had something?

10
11 MR. GOLTZ: It won't determine the
12 decision but it could be a factor.

13
14 CHAIRMAN DEMIENTIEFF: Okay. You know
15 since Fairbanks is a suburb of Nenana I know quite a bit
16 about it and the area. And they do -- those people in
17 that area are strictly sport, and I'm talking about the
18 satellite communities that this motion would affect, and
19 I do know that for a fact.

20
21 I think if some of the smaller of the
22 communities wanted to appeal, which we don't have
23 requests from them, I think I would be inclined to look
24 at that, but I know most of those people, when they're
25 out hunting or gathering, they don't do it in their own
26 area, they go -- except for maybe berries, they go to
27 outlying areas, Nenana, towards Minto, you know, those
28 are areas that they use for gathering their resources.
29 So in other words, nothing has really changed. And
30 unless we get a specific request from the outlying area,
31 outside of Fairbanks, I mean we get them all the time, so
32 I mean nothing has changed. So I just don't know why we
33 would want to exhaust our resources without a request
34 from the area and why would we want to do that. We know
35 nothing has changed.

36
37 So anyway I intend to vote against the
38 motion for that reason and not waste our resources to ask
39 questions, do work for something that's not even being
40 requested by the locals.

41
42 MR. CESAR: Pete, could I get a
43 clarification, have we had any requests for study in that
44 area?

45
46 MR. PROBASCO: Mr. Chair. Mr. Cesar.
47 The request to include North Star Borough was forwarded
48 from the Board when we met with you in July. As far as
49 public comments, I don't believe we had any Fairbanks
50 specific.

1 DR. KESSLER: Mr. Chair.
2
3 CHAIRMAN DEMIENTIEFF: Yes.
4
5 DR. KESSLER: Could I have a little
6 explanation of the need for analysis that caused the
7 Board to put this forward on the list? There must be
8 some specific questions there that we need to address?
9
10 CHAIRMAN DEMIENTIEFF: Larry.
11
12 MR. BUKLIS: Mr. Chairman. Did you have
13 a specific question of me regarding the need for
14 analysis?
15
16 DR. KESSLER: I'm trying to get a better
17 feel for why the Borough is on the list for further
18 analysis, what are the particular needs for that
19 analysis? I'm trying to get a better handle on that.
20
21 MR. BUKLIS: Thank you. Mr. Chairman.
22 The Fairbanks North Star Borough is on the list because
23 it is a grouping, and back when the initial
24 determinations were made the North Star Borough boundary
25 was used as the , you know, area boundary. That is a
26 boundary of convenience. It's well defined, well
27 established independent of this program, but we note that
28 it is a very large Borough and encompasses a lot of
29 geography.
30
31 And in our initial review, we simply
32 raised the question of whether it would be worthwhile to
33 apply your guidelines of proximity and road
34 connectedness, shared high school attendance, and
35 commuting patterns to examine whether, in fact, the whole
36 Borough forms an aggregated area that is nonrural or
37 whether, in fact, some of the outlying areas, while part
38 of the Borough, politically and geographically are not
39 part of the aggregate for the purposes of this program.
40
41 And so not knowing now how that would go,
42 it's simply the question of whether that warrants further
43 examination.
44
45 DR. KESSLER: So at the time it was put
46 forward, the thought was people who were affected or had
47 opinions or needs on this would step forward and speak to
48 it and we have not had those folks step forward, correct?
49
50 MR. BUKLIS: That's correct. To the best

1 of my knowledge, unless there are some late comments I
2 haven't seen but to the best of my knowledge we have not
3 had public comment focused on this issue. We have had an
4 Eastern Interior Regional Council recommendation, and
5 I'll paraphrase it as I understand it, but Mr. Nicholia
6 can speak to it better than I, that we not further
7 examine the North Star Borough, we continue to use the
8 Borough boundary as the nonrural boundary, but, in fact,
9 the Council is concerned that if the Borough expand for
10 other reasons that we be careful not to necessarily
11 expand with it in our nonrural boundary definition.

12

13 Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Gerald.

16

17 MR. NICHOLIA: Yeah, that's correct,
18 Larry. And another thing I'd like to back up to is what
19 Mitch said, that whole area, even the Lake, Two Rivers,
20 Pleasant Valley there, they're all sport. They affect my
21 area in Tanana, they affect my area down Novi to go moose
22 hunting and everything, they adversely affect other
23 users. So I know for a fact they're all sport people.

24

25 CHAIRMAN DEMIENTIEFF: I think part of my
26 interest in going back to our decision to advance was to
27 see if there would be something put forward and so am
28 going to vote against the motion because of the fact that
29 we didn't generate any interest. So if nobody stepped
30 forward, then what's the use of taking our resources, and
31 that's the point I made a little bit earlier.

32

33 But that's what I was really interested
34 in. Because there are some little small areas in the
35 area but we tossed it out there and there was no
36 interest, so I'm ready to drop it out and vote against
37 the motion for that reason.

38

39 Anybody have anything else.

40

41 (No comments)

42

43 CHAIRMAN DEMIENTIEFF: Roll call.

44

45 MR. BOYD: Mr. Oviatt.

46

47 MR. OVIATT: I'm going to vote in favor
48 of the motion just for the sake of the process that we
49 have in place.

50

1 MR. BOYD: Mr. Chair.
2
3 CHAIRMAN DEMIENTIEFF: Tom.
4
5 MR. BOYD: So I can clarify, I should
6 have done this earlier, just to repeat, the motion was to
7 move to maintain Fairbanks or add Fairbanks to the list
8 for further review, and I just wanted to clarify that
9 that was Mr. Oviatt -- okay -- Mr. Edwards.
10
11 MR. EDWARDS: I vote in the affirmative.
12
13 MR. BOYD: Ms. Gottlieb.
14
15 MS. GOTTLIEB: Yes.
16
17 MR. BOYD: Mr. Cesar.
18
19 MR. CESAR: Yes.
20
21 MR. BOYD: Dr. Kessler.
22
23 DR. KESSLER: Yes.
24
25 MR. BOYD: Mr. Chair.
26
27 CHAIRMAN DEMIENTIEFF: No. Motion
28 carries.
29
30 It's about a quarter of 12:00 right now
31 and we got to do Kenai, I probably just ought to break
32 right now and go and get some lunch. We got to try to be
33 prompt getting back here because we really do have a lot
34 of work yet to do, but I don't want to get into Kenai and
35 then run into the lunch hour, plus that we can get a jump
36 on the restaurants if we get out right now.
37
38 Okay, so we'll recess until 1:15.
39
40 (Off record)
41
42 (On record)
43
44 CHAIRMAN DEMIENTIEFF: We've got a
45 request from one of our members as we reconvened, one of
46 our Regional Council members who has pressing business in
47 Fairbanks and he needs to get on the first available --
48 his last issue will be Delta, so we're going to take that
49 out of sequence and go right into Delta in order to
50 accommodate.

1 So maybe you could introduce the issue,
2 Tom.

3
4 MR. BOYD: Mr. Chair. The next item,
5 which would be Item No. 10 on Page 3 of the Staff report
6 that I referenced earlier deals with Delta Junction, Big
7 Delta, Deltana and Ft. Greely. And these were brought
8 into question to evaluate whether some or all of these
9 places, currently considered rural and not grouped,
10 should be grouped and their rural/nonrural status
11 evaluated collectively.

12
13 Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Okay, thank you.
16 Okay, is there any discussion on the issue that we need
17 to get in.

18
19 MS. GOTTLIEB: Mr. Chair.

20
21 CHAIRMAN DEMIENTIEFF: Yes.

22
23 MS. GOTTLIEB: Could I ask a question,
24 perhaps of Larry or others, just as a reminder, as to
25 sort of how did these particular communities come to be
26 grouped?

27
28 CHAIRMAN DEMIENTIEFF: Larry.

29
30 MR. BUKLIS: Mr. Chairman. As we did our
31 initial review for the Board, this was an area that came
32 to our attention that these communities are proximal,
33 connected by road, share a high school in Delta Junction
34 and we weren't certain of the level of commuting among
35 communities, but given the Board's guidance on how
36 grouping's are to be conducted, this area looked like it
37 may warrant further analysis as to whether it should be
38 considered a group or not, and so it's an open question.

39
40 And the further analysis would look at
41 whether it warrants being considered a group. If grouped
42 the four places that were mentioned would total a
43 population of over 3,600 using the Year 2000 census and
44 that would put it up in a range of not presumed rural,
45 nor presumed nonrural but we'd have to look at the
46 characteristics of that grouping to make an assessment as
47 to what the characteristics most look like.

48
49 CHAIRMAN DEMIENTIEFF: Gerald.

50

1 MR. NICHOLIA: Yeah, was there any
2 request specifically from any one of those four
3 communities to do this?

4
5 MR. BUKLIS: No, there wasn't a request
6 to do it. It was part of the initial Staff review that
7 the Board then endorsed and made a proposed area for
8 further analysis. And then this comment period was a
9 time for collecting that public comment. And as to the
10 public comment, we did receive we did receive, I believe
11 one public comment in writing about that and then the
12 Eastern Interior Council recommendation and we've had
13 testimony at this meeting.

14
15 Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Any
18 other discussion or is somebody prepared to make a
19 motion.

20
21 MR. EDWARDS: Mr. Chairman. For purposes
22 of discussion, I move that the communities of Delta
23 Junction, Big Delta, Deltana and Ft. Greely be evaluated
24 for the purpose of looking at whether they should be
25 grouped or not grouped for the purpose of determining
26 whether their rural or nonrural status.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. We
29 have a motion, is there a second.

30
31 MR. OVIATT: For point of discussion I'll
32 second the motion.

33
34 CHAIRMAN DEMIENTIEFF: Gerald.

35
36 MR. NICHOLIA: Yeah, thank you, Mr.
37 Chair. I'd just like to mention from looking at this map
38 here, is that, it may be wise to not group Deltana with
39 Delta Junction and Big Delta and Ft. Greely because from
40 what I've been hearing is that Deltana is just the same
41 as Healy Lake, Dot Lake and they don't have -- maybe
42 besides the road there, they don't have access, good
43 access to Delta Junction as Big Delta or Ft. Greely. And
44 to say something else, too, Dry Creek has better access
45 to the road than the people of Deltana.

46
47 So it would be very unwise to group
48 Deltana with these other three deals because of the
49 difference in the remoteness that they're in.

50

1 CHAIRMAN DEMIENTIEFF: Yeah, Gerald, I
2 think that that's probably why it's up for further review
3 so we can do that.

4
5 And also being familiar with the area,
6 and when we did Fairbanks I voted against that, but I do
7 know there are pockets of people there that are resource
8 dependent and we need to give them another opportunity.
9 There are people that live across the river from Delta,
10 and you know there's two times a year when they're not
11 going to be able to get access to town, so what are they
12 doing, what are they eating those two times a year during
13 break up and freeze up? You know they're using the
14 resource, so that's worth looking at from my point of
15 view.

16
17 And like I said, even though I voted
18 against Fairbanks, I am going to support the motion, and
19 then I've got agreement from the representative from
20 Delta, wherever he's at, we had a conversation and talked
21 further about it and they're willing to do more work to
22 help us to collect those paperworks.

23
24 And like I said, clearly the people
25 across the river, we know they're dependent upon the
26 resource, we know that. And so there may be other areas
27 in that area, but that's just further evaluation.

28
29 Go ahead, Judy.

30
31 MS. GOTTLIEB: Thank you, Mr. Chair. I
32 guess two quick comments.

33
34 I do know there is another high school in
35 that area, another school so I hope that would come out
36 in any further analysis.

37
38 And secondly, maybe just in the
39 particular wording of the recommendation, further
40 analysis of whether those four communities should be
41 grouped and the rural/nonrural status evaluated
42 collectively. I mean should the wording be, should be
43 grouped or not be grouped and their status evaluated,
44 whether it's as a group or then individually. You know,
45 it's almost, the way we have it as a recommendation, it's
46 almost concluding that the group would have to be
47 evaluated versus maybe it's not a group.

48
49 CHAIRMAN DEMIENTIEFF: Gerald.

50

1 MR. NICHOLIA: Yeah, I'd be very
2 carefully to -- like Deltana, they're really resource
3 dependent and then if you group these people together and
4 then you declare them nonrural, I think you'll be hurting
5 those people more than helping them out.

6
7 Thank you.

8
9 DR. KESSLER: Mr. Chair.

10
11 CHAIRMAN DEMIENTIEFF: Yes.

12
13 DR. KESSLER: Well, I think this is the
14 type of information that would become clear during an
15 analysis and that the effect of doing an analysis would
16 clearly be beneficial then, that type of information will
17 come to light and be taken into consideration.

18
19 MR. EDWARDS: Mr. Chairman.

20
21 CHAIRMAN DEMIENTIEFF: Yes.

22
23 MR. EDWARDS: Larry, all right, so on the
24 map in the Delta Junction vicinity, all eight of these
25 communities currently are rural, that's correct, right?

26
27 MR. BUKLIS: Yes, Mr. Chairman.

28
29 MR. EDWARDS: And then we're suggesting
30 that we're only looking at four out of the eight, and so
31 I guess maybe you explained but I just missed it, why,
32 for example, were only four looked at as opposed to all
33 eight? I mean what separates, you know, Delta Junction,
34 Healy, Dot Lake village and Dot Lake from the other four?

35
36 MR. BUKLIS: Mr. Chairman. I think
37 because the issue is centered on Delta Junction as the
38 center of an area there.

39
40 The proposed analysis would look at those
41 communities in immediate proximity to Delta Junction.
42 And the map you're looking at, Figure 10, in that
43 November report, those are census designated places
44 covering some geography, and it's not meant to say that
45 the population is uniformly distributed through those
46 grey scale areas, this is the census' way of drawing
47 boundaries on geography and attributing population to it.
48 But the center of the focus is Delta Junction, and the
49 proposal is that Big Delta, Ft. Greely and Deltana in
50 immediate proximity to Delta Junction be looked at in

1 their relation to Delta Junction and whether that should
2 be considered a group.

3

4 You're right, currently they're all
5 individual and rural. If we found some rationale for
6 grouping and if that put us into a population category
7 that was presumptively rural, then we would look further
8 at the rural/nonrural characteristics.

9

10 So in going back to the other Board
11 member's comment, it would hinge on the grouping analysis
12 and whether that put us at a population level where
13 rural/nonrural characteristics were called into the
14 question.

15

16 MR. EDWARDS: All right, I'm trying to
17 follow all that. But once we grouped them and if we
18 added up their population it's still going to be way
19 below the -- it's going to then be between the 2,500 and
20 the 7,000 threshold, right?

21

22 MR. BUKLIS: That's correct. And we
23 wouldn't presume rural or nonrural, it would hinge on
24 their characteristics.

25

26 MR. EDWARDS: But there are other
27 communities that have fallen within that character that
28 we have not taken a look at, right, you know, I mean
29 Valdez falls within the 2,500 to 7,000 but we started out
30 by really not considering anything in that threshold,
31 right?

32

33 Am I making sense?

34

35 (No comments)

36

37 MR. EDWARDS: I guess let me rephrase it.
38 So the fact that we group on their population then
39 becomes 3,500 or 4,000, whatever it is, then it's going
40 to require even another step and then another step after
41 that?

42

43 MR. BUKLIS: Mr. Chairman. There are
44 communities in that mid-sized range now that aren't being
45 proposed for further analysis, you're right. You
46 mentioned Valdez. It's in that range of 2,500 to 7,000,
47 it has a determination, that determination is nonrural.
48 And in our initial review and your proposed package that
49 led us to this meeting, there isn't a proposal to revisit
50 the nonrural status of Valdez. And we've heard no

1 testimony urging us to rethink that.

2

3 On the question of the grouping in and
4 around Delta Junction, the Staff work and the Board work
5 to this point indicates there may be reason for that area
6 to be considered a group now, and so the charge would be
7 to look at the proximity, the high schools, the commuting
8 patterns and report back as to whether it warrants
9 consideration as a group now to be added to the list of
10 communities that are groups in this program. If that
11 runs us up to a total up over 2,500 people, we wouldn't
12 presume that it's a rural group, but we'd have to look at
13 the characteristics of that group. That phase of the
14 work would be done at the same time as the grouping
15 analysis and we'd report to you the outcome of the
16 grouping and if it led us to that nonpresumptive size,
17 we'd also report what characteristics we found.

18

19 CHAIRMAN DEMIENTIEFF: Gerald.

20

21 MR. NICHOLIA: Yeah, thank you, Mitch.
22 From that email from Nat Good that you have before you,
23 you can see clearly -- he was on this Eastern Interior
24 Council before and he's on that Delta Advisory Committee,
25 and he clearly states in here that Deltana is way
26 different than Delta Junction and Big Delta and Ft.
27 Greely, and if you could get Rick up here to state that,
28 too, I believe he'll say the same thing, so I think
29 you'll be making a big mistake to include Deltana with
30 those other three groups.

31

32 CHAIRMAN DEMIENTIEFF: Okay, got it.

33 Niles.

34

35 MR. CESAR: Mr. Chairman. If we chose to
36 remove Deltana from the grouping, the other three would
37 go forward and would be subject to that review; is that
38 correct, Larry?

39

40 MR. BUKLIS: Yes, Mr. Chairman. In terms
41 of procedure, the Board has proposed that Staff further
42 analyze a grouping including four places. If your
43 direction is to -- if the motion is to proceed with
44 analysis, but of only three places, that would be our
45 charge. I would note that Deltana alone had a population
46 of over, I think, 1,500. So the remaining pieces would
47 be below 2,500 from the start.

48

49 MR. CESAR: And I guess that's where I
50 was headed, would that then change the dynamic of the

1 population to begin with, would that then have them fall
2 out, would it make sense to review the remaining three, I
3 guess.

4

5 MR. BUKLIS: Mr. Chairman. Purely on a
6 technical basis, you have given us guidelines on the
7 grouping of places, and the regulations say the
8 communities will be considered in the aggregate, and so
9 just on that part of the regulations we are to consider
10 communities in the aggregate. We have guidelines on how
11 to report to you on integration. Within that realm,
12 there's some basis for analysis, but if it gives us a
13 population total that's under 2,500, it would be presumed
14 rural unless there's something about the characteristics
15 that would indicate a nonrural nature.

16

17 For example, Prudhoe Bay is being
18 proposed for analysis and it's population is five people,
19 so a place can be small but have characteristics that are
20 nonrural. So I don't want to speculate in advance of the
21 analysis.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.

24 Gerald.

25

26 MR, NICHOLIA: Yeah, I'm just wondering
27 where you get all your data from saying that Deltana has
28 a population of 1,300 [sic], because what I heard from
29 Nat Good is that it's mostly sparse and mostly farmers
30 out there. And like I said if you got that data from the
31 Alaska State Community Database, like I said before, it
32 ain't very accurate.

33

34 CHAIRMAN DEMIENTIEFF: Larry.

35

36 MR. BUKLIS: Mr. Chairman. Yes, the
37 estimate is from the U.S. Census Bureau Year 2000, the
38 decade census and the census designated place they call
39 Deltana had a population of 1,570. And that population
40 is attributed to the geography shown on Figure 10 called
41 Deltana.

42

43 MR. NICHOLIA: Excuse me, but that's 2000
44 and this is 2005, and what Nat has been telling me is
45 that Rick is right, that there's been a lot of out
46 migration from the deal.

47

48 MR. EDWARDS: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Gary.

1 MR. EDWARDS: I guess I'm somewhat now
2 totally confused and I don't know enough about the
3 characteristic one way or another to know whether it
4 should be included or not so maybe that leads me to the
5 conclusion is that maybe it makes sense to do the
6 evaluation and then we'll at least -- at least I'll feel
7 more informed in making a decision, so I'm going to vote
8 in favor of my motion.

9
10 CHAIRMAN DEMIENTIEFF: No further
11 motions, then if we go ahead with this then Deltana's
12 going to be reviewed as well.

13
14 MS. GOTTLIEB: Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Yes.

17
18 MS. GOTTLIEB: So could I ask a question
19 again about an actual evaluation. The evaluation would
20 be whether these four communities should be grouped, if
21 the conclusion is that they should not be grouped then
22 each community would fall under population guidelines for
23 determination if it's rural or nonrural?

24
25 MR. BUKLIS: Yes, Mr. Chairman. That
26 would be the first step in the two-step process, would be
27 the grouping assessment, and then that may lead to an
28 evaluation of characteristics of a grouped set of
29 communities.

30
31 MR. EDWARDS: Then, I guess, Mr.
32 Chairman, I'm not sure exactly what you said was exactly
33 correct. I don't think that this vote will necessarily
34 mean Deltana would be reviewed per se, the decision is
35 going to make it be grouping, then that group would be
36 reviewed, not each one of these individually would be
37 reviewed; is that correct?

38
39 MR. BUKLIS: Yes, Mr. Chairman. My
40 understanding of the charge would be -- I'm not sure of
41 the exact motion, but Page 2 and 3 of the Staff report,
42 Deltana, Delta Junction area is on Page 3, if that moved
43 forward as proposed by you and shown on Page 3, the Staff
44 would look at those four named places, evaluate the
45 merit, the technical merit of grouping them, given your
46 guidelines to us, and if that put us in a nonpresumptive
47 zone of population size, then we would look at community
48 characteristics of that grouped place, like we do for
49 other groupings and report back to you on both
50 components.

1 The grouping assessment and the community
2 characteristics, if warranted.

3
4 CHAIRMAN DEMIENTIEFF: For the group?

5
6 MR. BUKLIS: For the group.

7
8 CHAIRMAN DEMIENTIEFF: Niles.

9
10 MR. CESAR: Mr. Chairman. If the first
11 step is to review whether they should be viewed as a
12 group and when you have that information, do you come
13 back to the Board at that point or do you move ahead
14 based on your evaluation and look at the community
15 characteristics then?

16
17 MR. BUKLIS: Mr. Chairman. The Staff
18 would report with an analysis of the whole package for
19 your Proposed Rule process. That's the process we're on.

20
21 CHAIRMAN DEMIENTIEFF: Gerald.

22
23 MR. NICHOLIA: Yeah, thank you. I'll
24 tell you right now is that Deltana is way different than
25 those other three because I've been out there and I've
26 visited those people. One is like a little community,
27 Delta -- Big Delta and Ft. Greely, and Deltana is just a
28 farming area with a bunch of people out there farming,
29 scattered out, in a remote area, they're not together
30 compared to Delta and Big Delta, it's different. It's
31 way different. I don't see how you could group them
32 together.

33
34 CHAIRMAN DEMIENTIEFF: You know, at some
35 point in time we are going to have to look at Delta
36 because we all know with the closing of Greely that that
37 economy is changing, and that's going to change the way
38 those people get their food, you know, that whole base
39 closure is there. And that is something that, you know,
40 we have to keep in mind.

41
42 But I agree with Gerald as far as
43 Deltana, that's not even, to run them through the
44 process, they are separate and distinct communities, even
45 though they're, you know, in the same area.

46
47 Gerald.

48
49 MR. NICHOLIA: My biggest worry in this
50 situation if Ft. Greely and Big Delta and Delta Junction

1 get declared nonrural with the inclusion of Deltana, is
2 that we'd be hurting Federally-qualified subsistence
3 users, and I'd very careful on this thing.

4
5 I know it's going to be reviewed and
6 stuff but they didn't put their trust in me to come up
7 here and have them excluded from the priority of
8 subsistence or being able to go out there and hunt and
9 stuff.

10
11 CHAIRMAN DEMIENTIEFF: Wini.

12
13 DR. KESSLER: Well, again, this question
14 about the grouping is exactly the one that needs to be
15 examined so that the information can come forward and we
16 can have clarity because at this juncture I would be very
17 uncomfortable with being asked to draw conclusions about
18 this one or that one without having the light of that
19 examination of the information.

20
21 So, again, I think there's just benefits
22 to be gained by proceeding and looking at, and letting
23 the facts that are being brought forward carry the day
24 through examination.

25
26 CHAIRMAN DEMIENTIEFF: Niles.

27
28 MR. CESAR: Unlike the other votes that
29 we've taken where I believe there is a preponderance of
30 evidence to guide my vote in the last ones, I don't have
31 that same level of confidence in this one and I believe
32 it's probably a wise idea to examine those four.

33
34 CHAIRMAN DEMIENTIEFF: Further
35 discussion.

36
37 MS. GOTTLIEB: Mr. Chair.

38
39 CHAIRMAN DEMIENTIEFF: Yes.

40
41 MS. GOTTLIEB: I think Gerald's done an
42 excellent job certainly of representing what the RAC has
43 said and from his own knowledge. I guess I just want to
44 make sure as we vote on this, that we're considering
45 whether some or all should be grouped, it's not sort of
46 an all or none, all four have to be grouped and all four
47 have to be decided upon. But maybe after further
48 analysis, maybe only two or three or none of the
49 communities get grouped, that all those options be -- is
50 that part of the motion?

1 MR. EDWARDS: Yeah, Mr. Chairman, at
2 least from standing, and maybe to Gerald. See, my view
3 is that, one, we're a long ways from making the decision
4 whether Deltana should even be in the group, and then
5 we're even a further longer away determining whether the
6 group status could change or not. So I think this is
7 just the very beginning of the process so I don't think
8 that in any way this sends a signal about anything about
9 what ultimately what will happen to Deltana in my mind.

10

11 MR. CESAR: Mr. Chairman. I agree with
12 Gary. I mean, you know, again, unlike some of the
13 others, this is a very preliminary evaluation for us to
14 see what are those -- or should they be grouped together
15 because it certainly wouldn't be my intent -- I would not
16 vote to declare them nonrural after just a review of the
17 grouping, that just wouldn't make any sense.

18

19 MR. NICHOLIA: Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Gerald.

22

23 MR. NICHOLIA: Mr. Chair, could you just
24 please clarify your motion for me.

25

26 CHAIRMAN DEMIENTIEFF: Gary.

27

28 MR. EDWARDS: I guess my motion was that
29 we would proceed with further analysis of whether the
30 communities of Delta Junction, Big Delta, Deltana and Ft.
31 Greely should be grouped for further evaluation of their
32 status as rural or nonrural.

33

34 MR. CESAR: I'd like to call for the
35 question.

36

37 CHAIRMAN DEMIENTIEFF: The question has
38 been called for. Tom, do you want to call the roll.

39

40 MR. BOYD: Mr. Oviatt.

41

42 MR. OVIATT: In favor.

43

44 MR. BOYD: Mr. Edwards.

45

46 MR. EDWARDS: I vote in favor of the
47 motion.

48

49 MR. BOYD: Ms. Gottlieb.

50

1 MS. GOTTLIEB: Yes.
2
3 MR. BOYD: Mr. Cesar.
4
5 MR. CESAR: Yes.
6
7 MR. BOYD: Ms. Kessler.
8
9 DR. KESSLER: Yes.
10
11 MR. BOYD: Mr. Chairman.
12
13 CHAIRMAN DEMIENTIEFF: Yes. Motion
14 carries.
15
16 MR. CESAR: Gee, even when we agree it
17 takes us a long time.
18
19 CHAIRMAN DEMIENTIEFF: Yeah. I think the
20 thing about it is, too, because I do know the nature of
21 those people just like all the other people, have paid
22 great expenses to be here and I do agree with that that
23 we have to go there. We don't all have to go there, but
24 I will go and whoever else is available because we need
25 to learn as much as we can and the best way we're going
26 to do that is on the ground. I mean we'll just -- I mean
27 whoever's available whenever it's scheduled.
28
29 Gerald.
30
31 MR. NICHOLIA: Yeah, that's what I was
32 going to come to is that if you guys are going to do
33 this, I'd like for those four communities, I'd like to
34 request a public hearing there.
35
36 CHAIRMAN DEMIENTIEFF: Yeah, that's my
37 intent anyway. You know, I'm going to go everywhere we
38 have additional work to save the expense for those
39 communities. And, you know, we can just get a team of us
40 to go and whoever is available at the particular time
41 because I know all you folks are busy, whereas I have
42 nothing else to do but go to meetings -- no, that's a
43 joke. So we will go there to make sure that we get the
44 maximum from the people, people who would not otherwise
45 be available to go.
46
47 Okay, we're done with that and we're
48 ready to move on
49
50 MR. BOYD: Mr. Chair. The next item is

1 No. 5, Kenai area, and by that we mean this area was
2 placed -- concluded to be placed in the list for further
3 evaluation to evaluate whether to exclude Clam Gulch and
4 other similarly situated places.

5
6 I should point out that the Kenai area is
7 a complex of communities surrounding Kenai/Soldotna so
8 it's already nonrural and Clam Gulch is currently grouped
9 with that. And the evaluation would be whether to
10 exclude Clam Gulch from that grouping.

11
12 Mr. Chair.

13
14 MR. CESAR: Tom, if I could ask.....

15
16 MR. BOYD: I'm sorry.

17
18 CHAIRMAN DEMIENTIEFF: Go ahead.

19
20 MR. CESAR: Maybe I should just go back
21 to Larry, when you say other similarly situated places,
22 maybe Larry would go into that -- I'm sorry.

23
24 MR. BOYD: I would ask Larry to respond.
25 Thank you.

26
27 MR. BUKLIS: Mr. Chairman. For the Kenai
28 Peninsula communities groupings, Kenai area, which you
29 are on now, and upcoming the Seward area and then later
30 Homer area, the specific communities or areas that are
31 being proposed for further analysis, the circumstances
32 for potential merit and them being analyzed further grew
33 out of your out of cycle review for the Kenai Peninsula
34 in the late 1990s.

35
36 But in proposing them for further
37 analysis here, as we take up that analysis and look at
38 commuting levels in proximity, in high school patterns,
39 attendance areas, we didn't want to cut off what we might
40 uncover in doing that. So that phrase is meant to keep
41 open the options for bringing back to you what we find
42 for other similarly situated places in the margins of
43 these areas.

44
45 Clam Gulch is in that outer southern end
46 of the Kenai area, and as we examine its pattern we
47 wouldn't just stop there if we were finding something of
48 merit there, so it provides some flexibility.

49
50 CHAIRMAN DEMIENTIEFF: Further

1 discussion.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: Is somebody ready
6 to advance a motion.

7

8 MR. CESAR: Mr. Chairman, I move that we
9 move forward to evaluate whether Clam Gulch and other
10 similarly situated places should be excluded.

11

12 CHAIRMAN DEMIENTIEFF: There is a motion,
13 is there a second.

14

15 DR. KESSLER: Second.

16

17 CHAIRMAN DEMIENTIEFF: Discussion.

18

19 MS. GOTTLIEB: Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MS. GOTTLIEB: I'd say specifically on
24 this Clam Gulch, we did not hear a lot of testimony
25 during the last couple of days so I think it would be
26 good to have some further analysis.

27

28 CHAIRMAN DEMIENTIEFF: Yes. I agree. I
29 do know a lot of the people that live there in Clam
30 Gulch, like I know a lot of people on the whole Peninsula
31 and, you know, I think they could make the argument if
32 they chose to so I would support the motion to take
33 another look at that.

34

35 MR. CESAR: Mr. Chairman, I think for all
36 the reasons that you've laid out there as well as Judy I
37 would support this motion.

38

39 CHAIRMAN DEMIENTIEFF: Good. Is there
40 any discussion.

41

42 (No comments)

43

44 CHAIRMAN DEMIENTIEFF: If not, we'll go
45 ahead with the vote, Tom.

46

47 MR. BOYD: Mr. Chair, I'll start with Dr.
48 Kessler.

49

50 DR. KESSLER: I vote yes.

1 MR. BOYD: Mr. Cesar.
2
3 MR. CESAR: Yes.
4
5 MR. BOYD: Ms. Gottlieb.
6
7 MS. GOTTLIEB: Yes.
8
9 MR. BOYD: Mr. Edwards.
10
11 MR. EDWARDS: Yes.
12
13 MR. BOYD: Mr. Oviatt.
14
15 MR. OVIATT: Yes.
16
17 MR. BOYD: Mr. Chair.
18
19 CHAIRMAN DEMIENTIEFF: Yes.
20
21 MR. BOYD: Unanimous, Mr. Chair.
22
23 CHAIRMAN DEMIENTIEFF: It must have been
24 a nice lunch.
25
26 (Laughter)
27
28 CHAIRMAN DEMIENTIEFF: We're not all
29 quite touchy feely but.....
30
31 (Laughter)
32
33 CHAIRMAN DEMIENTIEFF: Okay, let's move
34 on.
35
36 The next one.
37
38 MR. BOYD: Mr. Chair. Item No. 6, is the
39 Seward area, and by that we mean this was included in
40 order to evaluate whether to exclude Moose Pass and other
41 similarly situated places.
42
43 Just to remind the Board, in the current
44 determinations, Moose Pass is aggregated with Seward and
45 this is called the Seward area with other communities,
46 and currently that would mean that Moose Pass is
47 nonrural, and the question that we would be looking at in
48 terms of whether Moose Pass should have been aggregated r
49 considered on its own.
50

1 Mr. Chair.
2
3 MR. CESAR: Mr. Chairman. We heard from
4 someone from Moose Pass yesterday raise the issue and
5 talk about their belief that they are separate from them.
6 And so I believe on the strength of that, we probably --
7 and at least his telling us that he represents and has
8 talked to a number of people in there, that it's probably
9 worthy of an evaluation.
10
11 CHAIRMAN DEMIENTIEFF: Do we have a
12 motion.
13
14 MR. OVIATT: Mr. Chairman.
15
16 CHAIRMAN DEMIENTIEFF: Yes.
17
18 MR. OVIATT: I move that the Seward area
19 be evaluated as to whether to exclude Moose Pass and
20 other similarly situated places.
21
22 CHAIRMAN DEMIENTIEFF: Yes.
23
24 MR. EDWARDS: Second.
25
26 CHAIRMAN DEMIENTIEFF: It's been moved
27 and seconded. And I think part of the testimony was
28 they're coming into Anchorage for bulk shopping. And I
29 don't know of anybody in any village that doesn't go to,
30 you know, Anchorage, Fairbanks, you know, we go there --
31 especially with today's prices we go there for bulk
32 shopping whereas before we used to do all of our shopping
33 at home, but I mean it's changed everybody. I mean
34 people fly in from the villages, they're carrying cases
35 and cases of groceries back to their village just because
36 it's -- even with air freight it's still cheaper for
37 them. So that's just one of the changes that we've had
38 in recent times and I agree, you know, we need to take a
39 look at that.
40
41 So I intend to vote for the motion as
42 well.
43
44 MR. OVIATT: Mr. Chairman. I believe, I
45 heard in the testimony, I agree with Niles that there's
46 enough concern, and the testimony he talked about, the
47 community of Moose Pass having their own arts and crafts
48 and those types of things, and I just think it warrants
49 this study and I'm going to vote in favor of it.
50

1 CHAIRMAN DEMIENTIEFF: Gary.
2
3 MR. EDWARDS: Mr. Chairman, every time I
4 drive through Moose Pass I always question, I ask myself
5 why is this not a rural community and hopefully this
6 additional work will either answer that question one way
7 or the other, so I intend to vote yes.
8
9 CHAIRMAN DEMIENTIEFF: Besides that,
10 we're going to be in the neighborhood on the other one
11 that we just voted on so we might as well drop in.
12
13 (Laughter)
14
15 CHAIRMAN DEMIENTIEFF: Okay, any further
16 discussion.
17
18 (Laughter)
19
20 CHAIRMAN DEMIENTIEFF: Hearing none, all
21 those in favor say aye.
22
23 IN UNISON: Aye.
24
25 CHAIRMAN DEMIENTIEFF: Those opposed,
26 same sign.
27
28 (No opposing votes)
29
30 CHAIRMAN DEMIENTIEFF: I think that train
31 had already left the station.
32
33 Okay, Tom.
34
35 MR. BOYD: Mr. Chair. The next item,
36 Item No. 7 is titled the Wasilla area, and the reason
37 it's on the list is to evaluate whether to include
38 Willow, Pt. MacKenzie and other similarly situated
39 places. In short, the specific communities I mentioned
40 are currently rural. So if we included them in the
41 aggregate of the Wasilla area in this case, they would
42 probably end p nonrural so that's -- it's going in a
43 different direction than the previous couple of motions
44 that you just considered.
45
46 CHAIRMAN DEMIENTIEFF: And the
47 recommendation is to.....
48
49 MR. BOYD: The recommendation is to
50 include the Wasilla area, to evaluate whether to include

1 Willow, Pt. MacKenzie and other similarly situated
2 places.

3
4 CHAIRMAN DEMIENTIEFF: And, again, the
5 outlying communities are rural at this time, right?

6
7 MR. BOYD: That's correct. The ones I
8 mentioned, that's correct, yes.

9
10 MR. EDWARDS: Mr. Chairman.

11
12 CHAIRMAN DEMIENTIEFF: Gary.

13
14 MR. EDWARDS: You know, the Mat-Su Valley
15 is probably -- and I think there's no question that it's
16 growing faster than any place in the state. The other
17 day coming into the meeting I was hearing on public radio
18 that it had the highest job increases in any of place in
19 the state, the new hospital's going out there now, so I
20 just think given all of that that it would really behoove
21 us to take a broader look at that.

22
23 And so I would move that we proceed with
24 further analysis of whether to include Willow, Pt.
25 MacKenzie and other similarly situations with that.

26
27 And I guess the other thing I should
28 mention if the bridge ultimately ever gets build, I mean
29 all those things are going to change so I think it would
30 be timely to do this now.

31
32 MR. CESAR: What bridge is that?

33
34 (Laughter)

35
36 CHAIRMAN DEMIENTIEFF: We do have a
37 motion, is there a second.

38
39 MR. CESAR: Second.

40
41 CHAIRMAN DEMIENTIEFF: Okay.

42
43 MS. GOTTLIEB: Mr. Chair.

44
45 CHAIRMAN DEMIENTIEFF: Yes.

46
47 MS. GOTTLIEB: I think this would be a
48 good example of where we certainly have a lot of
49 questions and probably a lack of data about these, at
50 least these two communities and possibly others so I

1 think it would be worthwhile to do more analysis.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4

5 MR. CESAR: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. CEDAR: Mr. Chairman, I feel the same
10 way Gary does when he goes past Moose Pass, every time I
11 go through those areas up in the Mat-Su I wonder how
12 could they be rural, so for the same reason we're looking
13 at one, I think we have good reason to look at these.

14

15 CHAIRMAN DEMIENTIEFF: Thank you.

16 Anybody else.

17

18 (No comments)

19

20 CHAIRMAN DEMIENTIEFF: Well, I do know
21 that there are the different communities in Mat-Su, and
22 to lump them, but we do need to take a look at it, I
23 agree with that. I, of course, travel through there all
24 the time and have family and friends and all over in
25 there and spend a lot of time with them. So I'll so agree
26 that let's take a look.

27

28 MR. CESAR: Mr. Chairman, if you had as
29 many friends and as many friends as you say you have all
30 over the state, you wouldn't have any time to come to
31 these meetings.

32

33 CHAIRMAN DEMIENTIEFF: My daughter says,
34 criminally it's just like you're a Governor or something.

35

36 (Laughter)

37

38 CHAIRMAN DEMIENTIEFF: When we were up in
39 Fort Yukon, Gary was grilling me about naming places all
40 over to the state that came to him, yep, yep, yep.
41 That's what you get for looking a long time. Well, I
42 think this train has also left the station so we're going
43 to go ahead and vote.

44

45 All those in favor signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN DEMIENTIEFF: Those opposed,
50 same sign.

1 (No opposing votes)
2
3 CHAIRMAN DEMIENTIEFF: Motion carries.
4
5 MR. BOYD: I think.....
6
7 CHAIRMAN DEMIENTIEFF: From now on when
8 we get tough issues, we're just going to open the meeting
9 with lunch.
10
11 (Laughter)
12
13 MR. BOYD: Mr. Chair. The next item is
14 No. 8, the Homer area. This is included to evaluate
15 whether to include Fox River, Happy Valley and other
16 similarly situated places.
17
18 Again, the specific communities I
19 mentioned are currently rural and if they were aggregated
20 with the Homer area they would probably end up nonrural,
21 so just so you know which direction this evaluation would
22 be looking.
23
24 Thank you, Mr. Chair.
25
26 CHAIRMAN DEMIENTIEFF: Discussion.
27
28 (No comments)
29
30 CHAIRMAN DEMIENTIEFF: Is there a motion.
31
32 MR. EDWARDS: Mr. Chairman, for purposes
33 of discussion I would move that we proceed as proposed to
34 do further analysis of whether to include Fox River,
35 Happy Valley and other similarly situated places in the
36 Homer area.
37
38 CHAIRMAN DEMIENTIEFF: There's a motion,
39 is there a second.
40
41 DR. KESSLER: Second.
42
43 CHAIRMAN DEMIENTIEFF: Okay.
44
45 MS. GOTTLIEB: Mr. Chair.
46
47 CHAIRMAN DEMIENTIEFF: Yes.
48
49 MS. GOTTLIEB: Could I ask a question. I
50 mean are we considering Ninilchik as a similarly situated

1 area or we would name it if we were considering it.

2

3 CHAIRMAN DEMIENTIEFF: Larry.

4

5 MR. BUKLIS: Mr. Chairman. We would name
6 that if we were considering it. I think that phrase was
7 added in this case, again, just to retain flexibility but
8 there isn't something about Ninilchik that we know of
9 that we haven't brought to your attention so I don't
10 anticipate that being included.

11

12 CHAIRMAN DEMIENTIEFF: I guess from my
13 point of view, we've been there and we've done the hard
14 work to get where we are now and we've been there in
15 person. So unless somebody can tell me something that's
16 extenuating change in the area, I would have to oppose
17 going in there.

18

19 I mean we did diligence, I'm sorry, but
20 we did.

21

22 So my point is, again, I ask the
23 question, is there something, extenuating circumstances
24 that would have us change?

25

26 MR. CESAR: Mr. Chairman. I'm a little
27 confused about that area, I don't know very much about
28 it. Currently Homer is considered nonrural, is that
29 correct, and Happy Valley and Deer Valley and all these
30 little valleys, are they rural or nonrural?

31

32 CHAIRMAN DEMIENTIEFF: Larry.

33

34 MR. BUKLIS: Mr. Chairman. They would be
35 considered -- they are considered rural. And if you look
36 at your figure, Figure 4 in your November report, there's
37 a map of the Homer area, and the crosshatching is the
38 current nonrural boundary recognized by this program, and
39 that's overlaid on to the census designated places with
40 their boundaries and names and so you can see how our
41 nonrural area relates to the census units. And so the
42 question is whether we should look further to the north
43 there along the highway that's known as Happy Valley
44 there and further to the east along Fritz Creek out to
45 Fox River area, whether we should examine the commuting
46 patterns and the high school attendance and the other
47 criteria related to grouping or not.

48

49 MR. CESAR: Mr. Chairman.

50

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. CESAR: Did I understand your
4 comments, I missed a little bit of it, that life hasn't
5 changed in that area so why are we going in there, is
6 that it?

7

8 CHAIRMAN DEMIENTIEFF: That's basically,
9 you know, why I intend to oppose the motion is because
10 life really hasn't changed in those communities and they
11 are not -- they have their own areas that they fish in,
12 they don't go, for example, like a lot of people do, like
13 I have people at home in Nenana that travel down to Homer
14 for fishing, they fish right there in their own little
15 area.

16

17 So just life hasn't changed that I know
18 of. And I think to go in there would be basically
19 spinning our wheels. We're going to go spend a lot --
20 again, it's one of those things we're going to go spend a
21 lot of time in -- maybe I could ask that of Terry, would
22 you feel comfortable in answering that question, is that
23 an area that you work in?

24

25 MR. HAYNES: Mr. Chairman. I've been
26 down there, I haven't spent extensive time but it
27 certainly seems like it's a significant shift in status
28 of those outlying areas if they were to lose their rural
29 status, and from my perspective I think you'd want to
30 make sure you had a pretty complete understanding of how
31 their situation resembled or differed from that of the
32 Homer nonrural area.

33

34 CHAIRMAN DEMIENTIEFF: But also
35 considering the fact that we've done that work already
36 and made the determinations, I just don't see why, unless
37 somebody has any information on how things have changed.

38

39 Larry.

40

41 MR. BUKLIS: Mr. Chairman. It's not that
42 I have special information on change, but going back to
43 the July report that led to your proposed package of
44 areas for further analysis, we did note that these -- and
45 as I mentioned a few minutes ago here, the three Kenai
46 Peninsula areas on your proposed list for further
47 analysis were areas that rose up in the Kenai Peninsula
48 out of cycle review process, and the Staff analysis back
49 at that time concluded that determinations should remain
50 unchanged at that time and that some of these questions

1 that arose in that process should be taken up at the next
2 Decennial cycle, which is this time.

3

4 So it sort of picks up on the Kenai out
5 of cycle review and picks up some unfinished business
6 that was put off to the regular Decennial cycle on some
7 of these boundary and grouping issues.

8

9 DR. KESSLER: Mr. Chairman.

10

11 CHAIRMAN DEMIENTIEFF: Yes.

12

13 DR. KESSLER: I feel it is an important
14 opportunity to bring that information to light and have
15 it examined and put it to rest, I think we should proceed
16 with analysis.

17

18 MR. OVIATT: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. OVIATT: I agree with Dr. Kessler,
23 that it is an opportunity to bring us forward and examine
24 it, especially the Fox River area, and just put this to
25 bed under good documentation.

26

27 CHAIRMAN DEMIENTIEFF: Okay. Then let me
28 understand this, now, we can get this done before a
29 Proposed Rule goes out?

30

31 MR. BOYD: Yes, Mr. Chair, that's
32 correct.

33

34 CHAIRMAN DEMIENTIEFF: Okay, so it
35 doesn't necessarily mean we have to go there for a
36 hearing, is there anything different, we get that
37 information and proceed on at that point -- okay,
38 understand.

39

40 Any other discussion.

41

42 MS. GOTTLIEB: Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Judy.

45

46 MS. GOTTLIEB: I think compared to some
47 of the other areas we've been talking about, we really,
48 at this public hearing or in the analysis have not gained
49 a lot of information so I think I would be more
50 comfortable with gathering that information and be better

1 able to make a decision when we have that in front of us.

2

3

CHAIRMAN DEMIENTIEFF: Tom.

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MR. BOYD: Mr. Chair. I know we said this earlier, probably much earlier, but just to make it fresh in the minds of the Board members. For several of these items that we've already covered, and this one, in particular, as well, it had been our intent when we started this process to have the evaluations of these aggregations done, however, because we were not able to obtain the census data regarding commuting we had to postpone this until this later step. Anyway, it was our hope that you would have had the information so you could have considered whether these would move forward. We just weren't able to do that.

CHAIRMAN DEMIENTIEFF: Thank you. Do we have any other discussion on the motion.

(No comments)

CHAIRMAN DEMIENTIEFF: Hearing none, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed,

same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

Next.

MR. BOYD: Item No. 9 is entitled the Ketchikan area and the focus of our proposal recommendation would be to evaluate whether to include Saxman in areas of further growth and development outside the current nonrural boundary of Ketchikan. And, again, this would focus on Saxman and these other areas that are currently rural with the question of whether they should be grouped with Ketchikan.

Mr. Chair.

CHAIRMAN DEMIENTIEFF: Okay, discussion.

Go ahead, John.

1 MR. LITTLEFIELD: Thank you, Mr. Chair.
2 I'd like to read the Council comments on Ketchikan as
3 well as Saxman at this time.

4
5 Ketchikan. The Council recommends adding
6 Ketchikan to the list of communities subject to further
7 analysis. The Council has supported consideration of
8 Ketchikan as a rural community through resolutions passed
9 in previous years. The Council believes that Ketchikan's
10 community characteristics may have changed since the
11 passage of ANILCA, with Ketchikan becoming more of a
12 rural place in recent years.

13
14 The Council supports Ketchikan's request
15 for rural determination to be heard in this community.
16 In making our recommendations, the Council considered the
17 following information:

- 18
19 1. Ketchikan is mentioned in the
20 Legislative history of ANILCA as
21 an example of an urban place and
22 the population of Ketchikan
23 Borough is well above 7,000.
24
25 2. Overall fish and wildlife harvest
26 levels per capita harvest
27 estimates for Ketchikan are not
28 readily available.
29
30 3. Adequate studies of hunting and
31 fishing patterns in Ketchikan
32 have not taken place because
33 Ketchikan has been classified as
34 an urban community.
35
36 4. At the time of passage of ANILCA
37 expectations were that Ketchikan
38 would grow as an urban center,
39 timber harvesting, saw mill, pulp
40 mill production and other
41 industrial productions would be
42 developed. These industries have
43 largely disappeared with the loss
44 of hundreds of well paying jobs
45 and Ketchikan's population has
46 not grown as expected.
47
48 5. Ketchikan may have more rural
49 characteristics at this time than
50 it did in 1980 when ANILCA was

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passed.

6. The analysis needs to take place that would closely examine Ketchikan's community characteristics so that the rural classification may be considered. This analysis should consider whether all or portions of the Ketchikan Borough would meet the standards for rural determination. A portion of the Borough is currently classified as rural and these are the out the road areas.
7. There may be geographically district enclaves, or populations, communities definable by interest or affiliation within the Borough that meet rural criteria as well as customary and traditional criteria.

Continuing on with the Saxman recommendations.

The Council confirms Saxman's rural request -- rural status and recommends that Saxman be taken off the list of communities requiring further analysis.

The Council reviewed information concerning Saxman and heard testimony from Lee Wallace representing the Saxman IRA. The Council requests that a rural determination hearing be held in Saxman to allow the community to understand the issue and to participate in the decision-making process.

The issues considered by the Council in developing this recommendation are:

1. Community was founded by Cape Fox Tlingit who moved to the present area over a hundred years ago. Saxman consolidated the Cape Fox population in one community where there was potential access to schools and services.

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2. The Cape Fox Tlingit maintain ties to the traditional community territories.
3. Saxman has had a separate community identify from Ketchikan since its foundation.
4. Saxman has become an enclave only as Ketchikan grew around it over the years.
5. Saxman maintains its own IRA, Indian Reorganization Act Tribal Government and its own city government.
6. Saxman is recognized as a small tribe by the Bureau of Indian Affairs.
7. The State of Alaska Joint Board of Fisheries and Game determined that Saxman was a rural community for the purposes of subsistence in 1986.
8. The State of Alaska continued to consider Saxman as a rural community until the State lost jurisdiction over subsistence hunting and fishing in 1991 and in 2000, respectfully.
9. There is no evidence showing that Saxman has assumed a more urban character since the initial State of Alaska rural determination -- or since the more recent Federal assumption of management responsibilities.
10. Saxman has consistently shown a subsistence harvesting pattern in Alaska Department of Fish and Game household surveys conducted in 1988 and 2000 and in other studies.
11. Saxman's overall harvest levels

- 1 on a per capita basis are
2 characteristics of a subsistence
3 community and shows strong
4 dependency on subsistence
5 harvest.
6
- 7 12. Saxman has a mixed subsistence
8 based economy, and the cash
9 portion of the economy
10 compliments the subsistence
11 portion.
12
- 13 13. Saxman's population of 431 is
14 well below the 2,500 person
15 threshold and the population has
16 been stable.
17
- 18 14. Most Saxman residents are from
19 families who have lived there for
20 generations.
21
- 22 15. Some Saxman Native Corporation
23 residents live in Ketchikan and
24 do not qualify for the Federal
25 subsistence provisions at this
26 time.
27
- 28 16. Some Saxman residents work in the
29 timber harvesting, saw mill, pulp
30 mill industries in the '80s and
31 '90s and these industries have
32 now closed down. There are fewer
33 industrial or urban employment
34 opportunities for Saxman and
35 residents at present time.
36
- 37 17. Seasonal tourism jobs have
38 increased in recent years and
39 culture presentations employe
40 some Saxman residents.
41
- 42 18. Seasonal tourism jobs provide
43 some of the cash needed to
44 support subsistence activities.
45
- 46 So the recommendation of No. 9, of the
47 Council, would be to include the Ketchikan area and
48 exclude the Saxman area. That would be our
49 recommendation.
50

1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: I think what we'll
4 do is deal with the two communities separately. It's
5 clear to me from the testimony that we've had, from all
6 the information that's gathered about Saxman, from my
7 point of view, there's no reason to make any changes
8 there. I think in dealing with Ketchikan I'll use my
9 arguments there, but clearly Saxman doesn't need to be
10 reviewed.

11

12 So I think we'll just deal with Saxman
13 first.

14

15 DR. KESSLER: Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: Yes.

18

19 DR. KESSLER: I'd move to advance the
20 Ketchikan area for further analysis of that question,
21 whether to include Saxman. So I want to advance that
22 question for analysis and leave the motion at that.

23

24 I think that the question regarding the
25 areas of further growth and development should be
26 addressed in a separate motion.

27

28 CHAIRMAN DEMIENTIEFF: There is a motion,
29 is there a second.

30

31 MR. EDWARDS: Just for clarification,
32 what would that leave out?

33

34 DR. KESSLER: Okay, I think we
35 potentially have three things going on.

36

37 1. Is a possibility that Mr.
38 Littlefield's surfaced of whether
39 Ketchikan should be added to
40 examine the question of its
41 potential rural status.

42

43 That's one.

44

45 2. Whether we should advance
46 analysis on the question looking
47 at the relationship of Saxman to
48 Ketchikan.

49

50 That's the second one. And that's the

1 one my motion addresses. I think a third idea here is
2 advancing analysis to look at areas of further growth and
3 development in the Ketchikan vicinity outside the current
4 nonrural boundary. i think that's sufficiently distinct
5 from the very important question about Saxman that I
6 would suggest that that is dealt with separately.

7
8 CHAIRMAN DEMIENTIEFF: What I was asking
9 for in terms of the motion is just to leave Saxman as it
10 is and then deal with the situation of Ketchikan. Is
11 there a second to her motion.

12
13 MR. OVIATT: To further discussion I'll
14 second the motion.

15
16 MS. GOTTLIEB: Mr. Chair.

17
18 CHAIRMAN DEMIENTIEFF: Yes.

19
20 MS. GOTTLIEB: Could we repeat the motion
21 one more time, please?

22
23 DR. KESSLER: I move to advance the
24 Ketchikan area for further analysis of whether to include
25 Mr. Chairman, in the Ketchikan nonrural area.

26
27 CHAIRMAN DEMIENTIEFF: Gary, go ahead.

28
29 MR. EDWARDS: Mr. Chairman. I certainly
30 concur with the motion and I am going to plan to vote in
31 favor of the motion. I just don't see how we cannot,
32 given the situation. I certainly listened to all the
33 testimony yesterday and there were obviously some
34 persuasive arguments but I think the nature and the
35 relationship between the Saxman community and Ketchikan
36 needs to be looked at and reminded that every time the
37 DeNaina folks come in here I always leave with a, not
38 necessarily heart, but a concern that if, you know,
39 there's one group of Native people at least in my mind
40 that have ties to the subsistence lifestyle that goes way
41 back to prehistoric times it's those folks and we're not
42 able to sort of kind of reach down and separate that out
43 from the bigger community that they're in and I just
44 don't think that -- in this case, I think, we, at a least
45 a minimum need to take a look at this.

46
47 CHAIRMAN DEMIENTIEFF: Niles.

48
49 MR. CESAR: Mr. Chairman. I believe
50 Saxman's rural. You know, I believe that, I think it's

1 demonstrated it. But I am troubled by the very thing
2 that Gary talks about, which is, you have a community
3 which has another community who has grown up and kind of
4 like growing. And those familiar with that area know
5 that there really -- you know there's two ways to go,
6 either you further encroach on Saxman or you go back the
7 other way.

8
9 I think that in the final analysis I
10 would still vote for Saxman to be rural, but it would
11 help, I think, to get a clarification on whether, in
12 fact, there are some reasons -- I don't see them, that
13 they should be grouped in with Ketchikan. I don't know.
14 So I'm going to support the motion.

15
16 MS. GOTTLIEB: Mr. Chair.

17
18 CHAIRMAN DEMIENTIEFF: Judy.

19
20 MS. GOTTLIEB: There's just a few things
21 we have in our documents as well as things that we've
22 heard over the last few days, Saxman's population has
23 increased since 1990, but it's certainly well below the
24 2,500 threshold and we haven't had a lot put on the
25 record of sort of what's changed for Saxman itself.

26
27 We've got a lot of letters and testimony
28 that, Saxman, who kind of self-identified as being very
29 separate from Ketchikan, that they're not integrated very
30 much with Ketchikan except for some of the aspects as in
31 schools and work that they pretty much have to be, I
32 suppose. But to me that means they are very separate and
33 I also heard them say they have a separate city
34 government, separate medical services, separate, you
35 know, infrastructure, water, sewer those kinds of things.
36 And even though the school is shared, it doesn't sound
37 like it was kind of socially shared.

38
39 And I also guess, didn't hear, that --
40 from the Ketchikan testimony that they felt Saxman was
41 part of Ketchikan.

42
43 So those are just a few of the
44 observations from what we have in our written materials
45 and the information we gathered yesterday and today.

46
47 CHAIRMAN DEMIENTIEFF: Well, certainly I
48 intend to vote against the motion as is it's presented.
49 If there was an amending motion to delete Saxman I could
50 certainly support that and would vote the motion to go

1 revisit Ketchikan itself, but they have truly identified
2 themselves to be an independent community. So I intend
3 to vote against the motion. But I do want to go to
4 Ketchikan, I want to look at Ketchikan but I don't want
5 to worry the folks in Saxman, they just demonstrated
6 strongly that they're separate.

7

8

And that's all I can say.

9

10

DR. KESSLER: Mr. Chairman. Just to
11 clarify, I've already done the separation that you're
12 looking for. So that this motion only speaks to the
13 Saxman question, and then the further consideration of
14 the more Ketchikan questions would be done separately, so
15 I've already made that separation.

16

17

I'd like to speak to my motion. I really
18 believe we need to proceed with analysis to fully
19 understand and substantiate the question here at hand
20 which is the degree to which Saxman is or is not
21 integrated with the Ketchikan community. I mean that's
22 the question at hand or more specifically, in what ways
23 has that situation changed or very importantly not
24 changed from before.

25

26

I think that unlike some other cases
27 we're addressing in this review, this one does not have
28 the simplicity of a numbers threshold. It's more complex
29 that that. It requires an examination of a variety of
30 relationships within and between the Saxman and Ketchikan
31 communities. Those relationships will be an important
32 part of the analysis. But as Ms. Gottlieb pointed out,
33 we have been shown a lot of information that speaks to
34 Saxman's identity as a separate community. I think it's
35 very important, though, that that information be allowed
36 to carry the day and have the light of examination
37 through the process that is integral to this review.

38

39

CHAIRMAN DEMIENTIEFF: John.

40

41

MR. LITTLEFIELD: Thank you, Mr. Chair.
42 Of course, some of those comments I don't agree with.

43

44

I think Saxman is kind of a unique
45 community that's on any road system or anywhere where
46 it's surrounded by a rural area because it is an Indian
47 Tribe, it's unique. It has its own government. And they
48 made a request, which I did not get a response on that
49 Staff support that I thought was fair because there is a
50 trust responsibility to that village that is different to

1 Clam Gulch or Moose Pass or any of these other
2 communities.

3
4 You're a Federal Board and you're charged
5 with doing things in behalf of Indian Tribes. And I
6 think that you owe some deference to them, either if you
7 were to include them that you need to help them as they
8 asked, because they are a different entity than any
9 other. They area an Indian village that sits by
10 themselves, they're recognized by the BIA, this is a
11 different entity than what you're talking about.

12
13 So I fully support Saxman being rural. I
14 think it's rural. I think that they demonstrated that by
15 the evidence and you said what has changed, nothing's
16 changed. But if you do the analysis of Ketchikan for a
17 group, you kind of look at it anyway. But I think Saxman
18 should stand on its own as it is and recognizing those, I
19 would ask that you not include them. But if you should,
20 I would also ask that you review the question of Staff
21 support because it's kind of a unique question in
22 Saxman's case. And if the BIA, or the Forest Service or
23 other agencies specifically can help them then I would
24 ask that you give that help. But I think that this Board
25 could give them that help through Staff support because
26 they are unique too.

27
28 That's my perception on that. Thank you.

29
30 CHAIRMAN DEMIENTIEFF: Gerald.

31
32 MR. NICHOLIA: Yeah, I kind of back up
33 John a little, too, but another thing that this Board
34 doesn't consider is the cost involved of going out there,
35 and where is all the money going to come from, and do
36 these Board members just sit here and take testimony and
37 take what the Staff gives you without really
38 understanding the livelihood of the people.

39
40 And like I said before, is that if you do
41 the wrong determination and declare them nonrural, are
42 you really doing a service to the Federally-qualified
43 users.

44
45 MR. EDWARDS: Mr. Chairman.

46
47 CHAIRMAN DEMIENTIEFF: Gary.

48
49 MR. EDWARDS: I think I want to clarify
50 we're not making any determination as to whether Saxman

1 is rural or nonrural, the motion as I understand it is
2 that we would look to see whether it should be included
3 as part of the vicinity of Ketchikan, and at this point
4 that's only what we're doing.

5
6 CHAIRMAN DEMIENTIEFF: Niles.

7
8 MR. CESAR: Mr. Chairman. I agree with
9 Gary, I don't think and nor would I support moving
10 towards making Saxman nonrural. I think, if that, in
11 fact, were to happen it's a long ways away. And the
12 reason that I support this particular motion is I think
13 there are questions raised and questions that I don't
14 think that have been a examined enough to satisfy me in a
15 final analysis as a Board member. I mean I'm the guy
16 that's got to make this vote and I want to be satisfied
17 in my mind.

18
19 I believe that it is not -- my mind will
20 not change and I will still vote Saxman rural. I am very
21 familiar with my trust responsibility and Saxman is not
22 unique. Saxman is a tribe, there are many tribes who are
23 separate and apart from everybody else, you know, it is
24 unique in one factor and it's really not unique in that
25 factor. Eklutna, as Gary has pointed out to me before,
26 is Anchorage, you know, pretty much. And yet they are,
27 in fact, a separate unique Indian community.

28
29 We have others, is all I'm saying.

30
31 And I think that, at least, I do, review
32 these things in my mind as we go and I don't reach a
33 conclusion that they are or not being served their trust
34 responsibility in terms -- because the trust
35 responsibility for Native people in Alaska centers on the
36 land, I mean that's what we're about is the land. The
37 tribes will exist, have existed forever, will continue to
38 exist, but the trust responsibility lies with the
39 property.

40
41 CHAIRMAN DEMIENTIEFF: John.

42
43 MR. LITTLEFIELD: Thank you. I just had
44 one follow up and something got glossed over, no one gave
45 me the answer, and that was to the very first thing that
46 I brought up in the Regional Council recommendations that
47 I still think is very important, it's important for the
48 other Councils as well, and hopefully they would take a
49 position on it, and it's the position of our Council.

50

1 When you consider take you need to give
2 deference to the Councils. We have not got a decision
3 from anybody on this Board whether that is good, bad,
4 ugly or whatever except the two statements that were in
5 the Decennial Reviews, and I would like to get a feeling
6 of what the Board thinks on that because certainly it is
7 our belief that take is what due deference and
8 urban/rural is a take. So if you can answer that
9 question for me before it gets lost in the other things,
10 I would appreciate that.

11
12 MR. GOLTZ: .805 requires that the Board
13 give deference to the Councils on matters of take. The
14 common understanding of take is seasons and bag limits,
15 methods and means. What you're referring to, the issue
16 of rural is really a precondition for take.

17
18 So our conclusion has been that deference
19 is, in fact, due for taking recommendations but not for
20 the primary questions of rural determinations. And
21 that's the way the Board has been advised and that's why
22 you see that statement in the Staff analysis.

23
24 DR. KESSLER: Mr. Chair.

25
26 CHAIRMAN DEMIENTIEFF: Yes.

27
28 DR. KESSLER: There's one more concern I
29 wanted to address, and Mr. Nicholia raised this and Mr.
30 Littlefield, not just on this point but earlier in the
31 day, and that is the concern that communities that are
32 advanced to further study will incur a huge and costly
33 effort to search out new information, and I don't
34 envision that to be the case.

35
36 Rather, the review process so far has
37 uncovered a great amount of information that has bearing
38 on the questions at hand. There's a wealth of
39 information there. The problem is that information is,
40 at this point, some of it pretty raw, some of it still
41 disjointed. It takes many different forms. So the
42 purpose of an analysis is to bring order out of the
43 chaos, so to speak, to give structure to this wealth of
44 information so that a clear picture emerges of Saxman's
45 situation.

46
47 So I don't envision that there'd be a big
48 information seeking need that would be a significant
49 burden, rather it would be a service in bringing clarity
50 to Saxman's situation.

1 Thank you.
2
3 CHAIRMAN DEMIENTIEFF: Anybody else have
4 anything.
5
6 (No comments)
7
8 CHAIRMAN DEMIENTIEFF: Again, I realize
9 this train has also left the station but, you know, I'm
10 going to vote in the other direction just because I
11 believe Saxman doesn't need looking at and I've already
12 said that.
13
14 So all those in favor say aye.
15
16 IN UNISON: Aye.
17
18 CHAIRMAN DEMIENTIEFF: Those opposed, say
19 nay.
20
21 Nay.
22
23 (No opposing votes - other than Mr.
24 Chairman)
25
26 CHAIRMAN DEMIENTIEFF: It's one of those
27 I knew I was going to lose and I don't really mind losing
28 it because I want to go to Ketchikan to -- I want to look
29 at Ketchikan, a lot of things have changed there. But I
30 didn't want to revisit Saxman, that's all.
31
32 It can be done administratively also
33 before we ever go to a Proposed Rule, and it very well
34 likely because we've all heard the testimony and
35 understand that nothing's changed.
36
37 MR. CESAR: Mr. Chairman. This is one of
38 these votes that I hated to win, quite frankly, you know.
39 I didn't want to be on the prevailing side. But I think
40 the reason we're doing it is correct so that's what I
41 did.
42
43 CHAIRMAN DEMIENTIEFF: What else we got,
44 Tom.
45
46 MR. BOYD: Mr. Chair. I believe that Ms.
47 Kessler -- Dr. Kessler's motion was one part of perhaps
48 another and another, so I think it's a work in progress,
49 if you will, Mr. Chair.
50

1 DR. KESSLER: I have two more to propose.
2
3 CHAIRMAN DEMIENTIEFF: Go ahead.
4
5 DR. KESSLER: So let's take the second
6 one. I make a motion to advance the Ketchikan area for
7 further analysis of whether to include areas of further
8 growth and development outside of the current nonrural
9 boundary.
10
11 So it's analysis of whether, given the
12 growth and development occurring in that area, whether
13 additional areas need to be examined.
14
15 CHAIRMAN DEMIENTIEFF: Is there a second.
16
17 DR. KESSLER: It was the second part of
18 our.....
19
20 CHAIRMAN DEMIENTIEFF: Right. Is there a
21 second to that motion.
22
23 MS. GOTTLIEB: I'll second.
24
25 CHAIRMAN DEMIENTIEFF: Discussion.
26
27 MR. EDWARDS: Mr. Chairman. Again, Dr.
28 Kessler, I'm unclear exactly what that means and what
29 that would include so I'm trying to -- because, at least
30 it's my understanding that currently the whole area down
31 there, except for Saxman is currently nonrural; isn't
32 that correct?
33
34 CHAIRMAN DEMIENTIEFF: Larry.
35
36 MR. EDWARDS: I mean as rural -- no,
37 nonrural, excuse me, so I'm not sure what else gets
38 included in that or would that actually allow us to
39 exclude some other areas; I'm not sure what it means?
40
41 CHAIRMAN DEMIENTIEFF: Well, Staff has
42 looked at it, let's go ahead and call on Larry.
43
44 MR. BUKLIS: Thank you, Mr. Chairman.
45 The Figure 6 in your November report shows the Ketchikan
46 area as we currently define it and you've spoken to the
47 Saxman area, which, as Mr. Littlefield referred to as an
48 enclave, this second portion of the motion, this second
49 motion speaks to the boundary line that currently exists
50 along the North Tongass Highway and the South Tongass

1 Highway and whether the current boundary should be
2 expanded further along that road system to the north and
3 to the southeast from the current boundary.

4
5 That would be what we would look at.

6
7 MR. EDWARDS: And assuming then that
8 there are people that live out there?

9
10 MR. BUKLIS: Yes, Mr. Chairman.

11
12 DR. KESSLER: Mr. Chairman.

13
14 CHAIRMAN DEMIENTIEFF: Yes.

15
16 DR. KESSLER: I understand that there's
17 considerable growth going on there and expansion and
18 that's why this question came up.

19
20 MR. OVIATT: Mr. Chairman.

21
22 MS. GOTTLIEB: Mr. Chair.

23
24 CHAIRMAN DEMIENTIEFF: Yes.

25
26 MR. OVIATT: I'm going to support Dr.
27 Kessler's motion because I think that we do need to look
28 at those outlying communities further north and further
29 south or at least the people who live there and determine
30 if they're a part of Ketchikan or not, so I'm going to
31 support it, I believe we do need to have this study.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

34
35 MS. GOTTLIEB: I guess my question would
36 be, and not knowing the exact geography north or south
37 there, but if we reexamine the area currently nonrural we
38 would hopefully look at either expanding it or
39 contracting it or leaving it the same.

40
41 MR. BUKLIS: Mr. Chairman.

42
43 CHAIRMAN DEMIENTIEFF: Larry.

44
45 MR. BUKLIS: I know there's a third part
46 of the motion coming, but as it stands, the proposed work
47 in the report and the motion as I understood it, would
48 be, the Staff assignment would be to look at a grouping
49 issue of those areas outside of the current nonrural
50 boundary, and whether they should be included within the

1 nonrural boundary. I know the rural/nonrural status of
2 the whole area is another issue. But the issue, as I
3 understand this piece of it is, should the nonrural
4 boundary be examined to the north and to the southeast.

5
6 It wouldn't be a contraction. It's
7 whether these areas, not in the group now, are, in fact,
8 integrated and should be part of the group.

9
10 CHAIRMAN DEMIENTIEFF: Further
11 discussion.

12
13 MR. EDWARDS: Mr. Chairman.

14
15 CHAIRMAN DEMIENTIEFF: Gary.

16
17 MR. EDWARDS: I guess on that I'd say is
18 that, you know, being consistent -- trying to be
19 consistent with how we have addressed some of these
20 others, I plan to vote in favor of the motion.

21
22 CHAIRMAN DEMIENTIEFF: Yeah, I tend to
23 agree because we did get some evidence there are some
24 changes. I lost on Saxman, that's going to get included
25 somewhere in the mix, but I understand there are some
26 changes in the other areas that this is intended to
27 question so I intend to support the motion.

28
29 MS. GOTTLIEB: Mr. Chair.

30
31 CHAIRMAN DEMIENTIEFF: Judy.

32
33 MS. GOTTLIEB: I'm in agreement, it does
34 look like the population in the outlying areas from
35 Ketchikan has increased between 1990 and 2000 and so I
36 think that would be worth taking a look at.

37
38 CHAIRMAN DEMIENTIEFF: Anybody else.

39
40 (No comments)

41
42 CHAIRMAN DEMIENTIEFF: Hearing none, all
43 those in favor signify by saying aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN DEMIENTIEFF: Those opposed,
48 same sign.

49
50 (No opposing votes)

1 CHAIRMAN DEMIENTIEFF: Motion carries.
2
3 Wini.
4
5 DR. KESSLER: Ready to move on.
6
7 CHAIRMAN DEMIENTIEFF: Please.
8
9 DR. KESSLER: Okay. My third motion is I
10 move that Ketchikan be added to the list for analysis of
11 its nonrural status.
12
13 CHAIRMAN DEMIENTIEFF: There's a motion,
14 is there a second.
15
16 MR. EDWARDS: Could you restate your
17 motion.
18
19 DR. KESSLER: I move that Ketchikan be
20 added to the list to undergo further analysis, to undergo
21 analysis of its nonrural status.
22
23 CHAIRMAN DEMIENTIEFF: Is there a second.
24
25 MR. CESAR: I'll second.
26
27 CHAIRMAN DEMIENTIEFF: It's been
28 seconded.
29
30 Discussion.
31
32 MR. CESAR: Because it has been declared
33 nonrural and has been declared nonrural for, you know, a
34 lengthy time, it was mentioned in the legislation, in my
35 mind I'm trying to grapple with the change that's
36 precipitating our review of it again.
37
38 I'm just unsure. And what do we hope to
39 gain? Do we hope that this analysis will, like the other
40 analysis, show dramatic change or what is it that we're
41 looking at Larry?
42
43 CHAIRMAN DEMIENTIEFF: Larry.
44
45 MR. BUKLIS: Mr. Chairman. This wasn't
46 an analysis that was in your proposed package that went
47 out in July. Comment came back about the proposed
48 package and that comment included public comment and a
49 Council recommendation saying that -- or recommending or
50 asking that the Board reexamine the rural/nonrural status

1 of Ketchikan, but it's not something that's come out of
2 your initial proposed package. It's grown out of the
3 public comment, the Council recommendation and the Staff
4 Committee recommendation that Mr. Probasco summarized
5 recommended Ketchikan for further analysis.

6

7 MR. CESAR: Thank you.

8

9 MR. EDWARDS: Mr. Chairman.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. Gary.

12

13 MR. EDWARDS: Mr. Chairman. You know,
14 this was a community that, if I'm correct, was
15 specifically identified by Congress as characteristic of
16 a community of being nonrural. I recognize there has
17 been a population drop there but it is significantly
18 higher, as far as its existing population, than any of
19 the communities that we have looked at. Even using some
20 of the Chairman's -- RAC Chairman's own data in areas
21 such as wildlife use, it's only 34, which is just
22 slightly above Seward and way below the average of 224. I
23 just don't see any basis to proceeding to add that to the
24 list. So I'd vote against the motion.

25

26 CHAIRMAN DEMIENTIEFF: Anybody else.

27 John.

28

29 MR. LITTLEFIELD: Thank you, Mr. Chair.

30

31 In response to that a little bit, I think
32 one of the things that we talked about was the specific
33 lack of data which is in the State archives on Juneau,
34 Ketchikan, Fairbanks, Anchorage and all those other rural
35 [sic] areas, and we've gone on record before that we
36 believe that studies should be undertaken to look at
37 those because the 34 pounds is probably very light.

38

39 We held two meetings, I participated in
40 the focus group for the ISER study, we held two meetings
41 in Saxman and Ketchikan and only one person in any of
42 those meetings felt they weren't rural. And they were
43 all able to justify the criteria that are used in 16.
44 They all had characteristics of a rural community, and
45 given that the area is changing, I mean ANILCA
46 specifically talks about increasing pressure, well, I
47 think it deserves a look. I understand as well as you
48 do, that it has a tough fight, but it's something that
49 should be looked at. Are the characteristics worth
50 taking a look at this and asking whether it can be

1 included, and nothing precludes you from adding one, you
2 were considering adding Sitka to a nonrural area even
3 though it wasn't in there and no one has taken Barrow
4 out. I don't think it's static, it has a much tougher
5 threshold, I do agree to that.

6
7 But we need some better numbers, and I
8 think that those fish and wildlife use would increase.
9 That's my personal perception.

10
11 The Ketchikan Gateway Borough number
12 includes all of these areas. It includes the areas out
13 the road and everything so it's pretty expansive. We're
14 talking about Ketchikan and I think it's worth the
15 analysis to go ahead and take a look at it. And as the
16 six members of the Interagency Staff Committee, I'd like
17 to say, I'm happy to agree with them for once, they did
18 recommend that you take a look at this and I think it's
19 worthwhile use of government funds.

20
21 MR. EDWARDS: Mr. Chairman, if I may ask
22 Mr. Littlefield.

23
24 CHAIRMAN DEMIENTIEFF: Gary.

25
26 MR. EDWARDS: Was your Regional Advisory
27 Council, was it unanimous on this?

28
29 MR. LITTLEFIELD: Through the Chair, yes,
30 Mr. Edwards, we were unanimous on all of these
31 recommendations on Ketchikan, Sitka and Saxman,
32 unanimous, as well as the deference, and as well as
33 requesting support. If I remember right they were all
34 unanimous votes. I'll check the record here.

35
36 MR. CESAR: Mr. Chairman.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MR. CESAR: Ketchikan's a large area and
41 in as much as we don't have data, would you comment,
42 Larry, Pete on what's entailed with doing an analysis of
43 Ketchikan?

44
45 MR. BUKLIS: Mr. Chairman. Our approach
46 would be to gather, compile, analyze and report to you
47 available information that provides a profile of the
48 characteristics of the community, in this case,
49 Ketchikan, if you move in this direction, consistent with
50 the regulations. And we've talked about those elements

1 of the characteristics; economic development,
2 infrastructure, fish and wildlife use, et cetera. If
3 data aren't available to us we don't have a system in
4 place to mount a study to gather the data. It's a
5 compilation of best available information.

6
7 MR. CESAR: I guess that's where I was
8 kind of headed. I mean unlike a review of some other
9 places, it would seem to me, and, at least, from my
10 uninformed position, it would take a little more -- maybe
11 a lot more effort and resources to do this and can you
12 accomplish it in some time certain?

13
14 MR. BUKLIS: Mr. Chairman. Not within
15 the timeframe of this review process that we have laid
16 out. Our intent is to report back in the spring of the
17 coming year for a June Board work session, at which you
18 would develop a Proposed Rule for fall Council window
19 comment period and public comment for a December '06
20 decision meeting. I don't think we could plan, mount and
21 report on a subsistence use study in Ketchikan even if we
22 had the funds.

23
24 MR. CESAR: Again, Mr. Chairman, just to
25 follow up, I mean I guess that's where I'm going. I
26 don't want to have people in Ketchikan thinking that this
27 is going to be a quick deal and then we're going to come
28 to some decision on it. And I think in this particular
29 case it's going to take some time and resources and
30 everybody needs to understand that if we head in this
31 direction that that's what's called for.

32
33 MR. EDWARDS: Mr. Chairman.

34
35 CHAIRMAN DEMIENTIEFF: Gary.

36
37 MR. EDWARDS: I mean not knowing at which
38 direction this vote may go, I guess what I'm trying to
39 understand, assuming let's say that the motion passed,
40 then that doesn't make our other two things we voted on
41 somewhat moot because certainly if you would ultimately
42 reach the decision that Ketchikan was rural, then it
43 seems by assumption that the outlying areas, as well as
44 Saxman be also rural. I mean I can't imagine a situation
45 where we would find Ketchikan to be rural and Saxman
46 being nonrural, so I'm just trying to understand what the
47 implications and then what might -- again, not knowing
48 how the vote's coming out, and how we would proceed.

49
50 CHAIRMAN DEMIENTIEFF: Larry, and then

1 Pete.

2

3 MR. BUKLIS: Mr. Chairman. The sequence
4 would be to assess the recommended grouping and then the
5 characteristics of that group. The regulations call for
6 us to consider communities in the aggregate so we would
7 have to identify what the aggregate is, and then assess
8 its characteristics.

9

10 CHAIRMAN DEMIENTIEFF: Pete, did you have
11 something.

12

13 MR. PROBASCO: (Shakes head negatively)

14

15 MR. LITTLEFIELD: Mr. Chair.

16

17 CHAIRMAN DEMIENTIEFF: John.

18

19 MS. GOTTLIEB: Mr. Chair.

20

21 MR. LITTLEFIELD: Just a short comment.
22 Mr. Edwards asked the question whether the votes were
23 unanimous, I looked it up and, yes, they were all
24 unanimous on all of those recommendations.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

27

28 MS. GOTTLIEB: I had a question to the
29 maker of the motion, when you say add Ketchikan to the
30 list, do you mean the CDP area or the entire area that is
31 outlined as nonrural right now?

32

33 DR. KESSLER: The concerns I heard
34 expressed, people were feeling -- expressing the view,
35 brought forth information that the Ketchikan unit that is
36 now nonrural has changed in some ways that would merit an
37 examination to identify whether those changes were
38 sufficient to merit a possible change in status. So it
39 would be the current nonrural unit, examine its pertinent
40 information to inform ourselves on whether that change
41 has occurred and whether it might be a consideration.

42

43 And I would certainly not want to
44 presuppose any conclusions or outcomes here. I think
45 that we heard from people who thought that there were
46 things going on in the community that merited a closer
47 look. And, again, I think there's, as I've said before,
48 there's everything to be gained and nothing to be lost by
49 examining the full array of information. And I think,
50 therefore, that we should take that look. If there's one

1 pattern to my voting here, you might have noticed, is to
2 be inclusive. So, again, I think that by being inclusive
3 you allow the scrutiny, you allow the facts to be
4 brought, you allow the picture to be formed on which
5 conclusions can be drawn and then an informed decision-
6 process.

7
8
9

CHAIRMAN DEMIENTIEFF: Niles.

10 MR. CESAR: Mr. Chairman. It's my
11 understanding that Ketchikan being named in the
12 Legislation was not examined. I mean we did not do a
13 review of Ketchikan at all; is that correct?

14

15 MR. BUKLIS: Mr. Chairman. The reference
16 was that -- I think it's the Legislative history,
17 Ketchikan was mentioned or named as an example of a
18 nonrural place. And in terms of the program, the initial
19 rural/nonrural determinations in 1990 included Ketchikan,
20 we didn't skip it because it was -- we didn't skip any
21 review of its characteristics because it had been so
22 named. It was part of the assessment.

23

24 CHAIRMAN DEMIENTIEFF: So we all do
25 understand the one thing and we've heard Staff say that
26 this can't be done in this cycle, that it's going to be
27 taken care of independently, isn't that what I heard you
28 say Larry, I'm sorry?

29

30 MR. BUKLIS: Mr. Chairman. Of course we
31 stand at the direction of the Board, but what I was
32 trying to say is, the review that we are in the midst of
33 uses best available data to compile information and
34 report back to you. So if there's an expectation that
35 this program would mount a study to provide better
36 information than currently best available, that's not
37 part of the plan. Unless directed otherwise, our plan is
38 to stay on the calendar we're on and use best available
39 data to work through the review. If the best available
40 isn't as good as we would like, our direction is still to
41 work with the best available.

42

43 MR. CESAR: Mr. Chairman. It just seems
44 to me like we are building expectations here that may or
45 may not be realized and I'm concerned about that. That
46 if we're not really -- we're going to use the best
47 available data that we have and I guess I'm troubled by
48 that that we're not going to do up to date stuff to give
49 us some direction why we should be changing off of this
50 and I just don't know. I'm just troubled by that.

1 MS. GOTTLIEB: Mr. Chair.
2
3 CHAIRMAN DEMIENTIEFF: Yes.
4
5 MS. GOTTLIEB: I know I did hear an offer
6 by Ketchikan Indian Community that they would try to do a
7 study, which would hopefully be timely for our process so
8 maybe there's a way we can keep track of that.
9
10 MR. CESAR: Mr. Chairman.
11
12 CHAIRMAN DEMIENTIEFF: Yes.
13
14 MR. CESAR: Again, I would assume then
15 that any study that brings current information has to
16 include the community because we're talking about the
17 community as a whole, we're not talking about the Native
18 community only, we're talking about the community.
19 Because if we make a move in that direction it includes
20 the community.
21
22 CHAIRMAN DEMIENTIEFF: Yes. Gary.
23
24 MR. EDWARDS: Mr. Chairman. I'm still
25 trying to kind of work through this order. On the motion
26 that we made, or that was approved on Saxman, the motion
27 was that it be considered for whether it should be
28 aggregated or included with Ketchikan. Now, assuming we
29 do nothing with Ketchikan, if we act upon that motion in
30 the affirmative and say yes, then does that automatically
31 make Saxman nonrural because Ketchikan is nonrural or
32 would that actually automatically force us to look at,
33 then the broader question now, what does this new
34 aggregate look like? Because certainly if the decision
35 was to include Saxman then just by its consumption of
36 food changes the dynamics of Ketchikan because you're
37 going to be now dividing X amount of -- more pounds into
38 a larger number of people, so some things will change, so
39 I'm still trying to understand how this thing would
40 proceed. And that's why, I guess, I'm not totally
41 convinced if you do the aggregation first, make that
42 decision, and then I guess if this motion does pass, then
43 you would take a look at the whole thing, including
44 Saxman or what? I mean it seems to me maybe the more
45 logical thing to do first is to make the decision whether
46 Ketchikan is rural or nonrural and if you make the
47 decision that it's rural, then you don't have to do the
48 other two.
49
50 I mean I don't know, I'm just trying to

1 think through the whole process.

2

3 CHAIRMAN DEMIENTIEFF: I would think that
4 what we'd do is deal with it the way the Board has dealt
5 with the issue already, you know, we've established a
6 pattern of how we're going to deal with it. You have the
7 one rule that gives us the opportunity to move Saxman out
8 and then consider whether or not, and I -- I think this
9 is one of those that can be done administratively, you
10 know, prior to advancing the Proposed Rule. And I think
11 the request for information is certainly there and we
12 need to see if there's anything different.

13

14 So I guess I support the motion. But
15 we'll talk about that and find out how we're going to
16 deal with it, but my recommendation is that we deal with
17 it the same way we dealt with this now when we get to
18 that decision point on the Proposed Rule.

19

20 DR. KESSLER: Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Wini and then
23 Niles.

24

25 DR. KESSLER: I'm not struggling quite
26 the degree you are there Gary because my view we're
27 simply today deciding whether to study things or not.
28 And the questions that need to be studied are quite
29 different. I mean on the Saxman question, the basic
30 question is, one of the degree of integration or
31 nonintegration between two communities. That's a pretty
32 straightforward question.

33

34 The one on Ketchikan is, has there been
35 significant change in Ketchikan's situation that would
36 suggest that it, even though it's a community over a
37 major threshold, that you would have sufficient rural
38 characteristics to be considered as a possible rural
39 community, so it's quite a different kind of thing.

40

41 But the important thing being that what
42 we're doing is just deciding whether to study something
43 or not.

44

45 CHAIRMAN DEMIENTIEFF: Larry.

46

47 MR. BUKLIS: Thank you, Mr. Chairman. A
48 couple of comments that I'd like to respond to. One is
49 on the study component. While community partners may be
50 interested and prepared to join with resource agencies in

1 conducting studies, and that's a good thing, my
2 understanding and maybe the State could speak to it from
3 their experience as well, but a well planned, a well
4 conducted and well reported community harvest study for a
5 community as large as Ketchikan takes some time. And the
6 timeline that we are on with this review is ambitious and
7 full as it is, simply using best available data available
8 readily to us already.

9
10 We're coming upon the December/January
11 season, in the new year to get this draft report ready
12 for the Staff Committee review, we're looking at
13 March/April time period to wrap this up. We're looking
14 at just a few months in the new year and then we need to
15 be moving towards the draft report process, so I don't
16 think a community study, even with willing partners could
17 be completed well and be, you know, reliably reported in
18 these periods of weeks and months ahead. I think it's a
19 longer timeline for that kind of thing. And I don't want
20 to put a one year, two year, three year estimate on it,
21 but I think it's many months to a year or two and not
22 weeks.

23
24 And then secondly, the sequence of the
25 process, I think we would look at the grouping issues.
26 And for these grouping issues that we're talking about
27 and that you spoke to already on Saxman and the roaded
28 areas north and south of Ketchikan, like other areas you
29 spoke to, like Wasilla area, we're not -- your proposed
30 package to this point didn't raise questions about the
31 rural/nonrural status of Wasilla area as it exists, for
32 example, the question was should outlying areas like
33 Willow be included. We wouldn't reanalyze the Wasilla
34 area's rural/nonrural status. So using that as a
35 parallel, the Wasilla area is currently considered
36 nonrural. The question is a specific and small one.
37 Should that boundary now include an outlying area, that
38 inclusion would make that area nonrural, it would join
39 the nonrural area.

40
41 The Saxman and north and south roaded
42 areas of Ketchikan are parallel. The situation is,
43 should we analyze whether they should be included in that
44 nonrural area. It's not our decision, but that's the
45 analysis charge. To look at the criteria you've given
46 us, proximity, connectedness, high school attendance and
47 commuting patterns as to whether those indicators point
48 towards an aggregated area or not. To this point we had
49 not been questioning the rural/nonrural status of that
50 existing area or additional aggregations to it.

1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Anyway, getting
4 back to Gary's point and my earlier comment that that's
5 something that the Staff will look at in addition to
6 gathering that information, but we need to map out the
7 way we're going to proceed with it because Gary's points
8 are well taken.

9

10 So as part of your charge, if this motion
11 carries, then, you know, we would expect part of the
12 Staff recommendation to include mapping out the order of
13 dealing with the issues if this is approved, and even
14 with the other two as well.

15

16 Okay, Wini.

17

18 DR. KESSLER: I just have a question for
19 Mr. Buklis. The whole point of proceeding with further
20 analysis is to illuminate the situation, and, yet, what
21 I'm hearing suggested, if I'm understanding it right, is
22 that the question, if we move ahead to further analysis
23 on Ketchikan it's nonrural status, the timeline doesn't
24 allow that analysis to be done adequately; am I hearing
25 that, which would defeat the purpose of illumination, I
26 think, and that concerns me?

27

28 MR. BUKLIS: Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: Go ahead.

31

32 MR. BUKLIS: There are multiple
33 characteristics for communities in terms of rural and
34 nonrural. The one I'm hearing concern about is the
35 currently available and I haven't researched it myself,
36 but the per capita pounds of fish and wildlife use in the
37 community, and that that isn't a complete or current or
38 reliable survey and that situation is attributed to the
39 fact that it's been considered a nonrural area so it
40 hasn't been well studied. There are other
41 characteristics of communities, infrastructure, economic
42 development, educational institutions, we've talked about
43 those other features and I believe there are current data
44 on those dimensions for Ketchikan as there are for other
45 communities in Alaska, rural or nonrural. But the
46 component that is fish and wildlife use may be deficient
47 and I didn't want the Board, however they vote, to think
48 that we would mount a study to address that deficiency in
49 coming weeks, that's a longer timeline, and we didn't
50 have a plan to do it nor funding.

1 DR. KESSLER: May I continue then?
2
3 CHAIRMAN DEMIENTIEFF: Yes.
4
5 DR. KESSLER: So can you feel that given
6 the other parameters of interest and the information that
7 you will be able to provide to the Board a clear picture
8 on Ketchikan's situation with respect to meeting rural or
9 nonrural characteristics?
10
11 MR. BUKLIS: Mr. Chairman. The Staff
12 could take up the assignment and could conduct an
13 analysis and we can try our best to be timely with it.
14 What I can't predict at this point is whether the
15 component, which would rest on fish and wildlife use
16 characteristics would be satisfying to you, it might be
17 dated and might be widely recognized as a poor estimate
18 of the likely true level and I can't address that
19 shortcoming with our current program or timeline. But we
20 can deliver an analysis with what we have, and that's the
21 only aspect of the analysis that I understand there is
22 likely a deficiency to expect.
23
24 MR. CESAR: Mr. Chairman.
25
26 CHAIRMAN DEMIENTIEFF: Niles.
27
28 MR. CESAR: And I guess, you know, I mean
29 I intend to vote for the motion to have it studied, but I
30 just want to bring a dose of reality to this thing, that
31 if we're looking at a change, then we're going to have to
32 have that kind of data that Larry's talking about, and
33 that data does not come from a quick review. It's got to
34 have some kind of a study done. So the reality is, this
35 is not going to happen in a short period of time and I
36 just want the Board, at least in my opinion, that if we
37 head down this road we're headed down longer down than
38 this review cycle.
39
40 CHAIRMAN DEMIENTIEFF: Tom.
41
42 MR. BOYD: Mr. Chair. I don't want to
43 mislead here, but I'm concerned about the emphasis that
44 Mr. Cesar puts on the fact that we won't have sufficient
45 information in the category of fish and wildlife use. I
46 think what I'm hearing is there's some question about it.
47 We're going to look at it. It may be sufficient for
48 purposes of this analysis or it may not be. So I'm not
49 convinced in my mind from what I've heard today that it's
50 insufficient. But I'm not going to pronounce that it is,

1 either. It's just, you know, one of those things that's
2 been raised, we need to take a hard look at it. And I
3 don't want the Board to be misled that we absolutely need
4 this information now, we don't know that, that's all I'm
5 saying.

6
7 MR. CESAR: Yeah, fair enough and I
8 accept that. I mean I don't want to prejudge this thing
9 either. Let's see what it is, and what it is is what it
10 is.

11
12 CHAIRMAN DEMIENTIEFF: Judy.

13
14 MS. GOTTLIEB: Mr. Chair, thank you. I
15 guess what we've been looking at in almost all of these
16 circumstances is what's different since the last time the
17 Board faced these kinds of questions, and we did hear
18 testimony and we have some data on changes in Ketchikan
19 and so I think the issue is worthy of further study and
20 we'll make the best decision we can with the data we have
21 at the time, or do something else, but we'll make the
22 best decision we can at the time.

23
24 CHAIRMAN DEMIENTIEFF: Okay, are we ready
25 to vote. This one is a little bit more unclear, we're
26 going to go ahead, Tom, take a roll call.

27
28 MR. BOYD: Dr. Kessler.

29
30 DR. KESSLER: Yes.

31
32 MR. BOYD: Mr. Cesar.

33
34 MR. CESAR: Yes.

35
36 MR. BOYD: Ms. Gottlieb.

37
38 MS. GOTTLIEB: Yes.

39
40 MR. BOYD: Mr. Edwards.

41
42 MR. EDWARDS: No.

43
44 MR. BOYD: Mr. Oviatt.

45
46 MR. OVIATT: Yes.

47
48 MR. BOYD: Mr. Chair.

49
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. BOYD: Mr. Chair. I believe that
2 there was additional mention in testimony of Prudhoe Bay
3 and certainly that particular discussion is outside the
4 realm of the paragraph by paragraph motion that you
5 passed earlier. So if the Board wishes to bring that up
6 it would be in the form of a separate motion.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN DEMIENTIEFF: What's the
11 pleasure of the Board.

12
13 MR. EDWARDS: Mr. Chairman, I'm actually
14 willing to make a motion if we could.

15
16 CHAIRMAN DEMIENTIEFF: Go ahead.

17
18 MR. EDWARDS: My motion, I guess will
19 dictate my pleasure. Before I make my motion I did learn
20 something on this, I guess I never realized before, when
21 Staff brought this to me and said that we were going to
22 -- let me see how it went, that Prudhoe Bay would no
23 longer be rural, I says, well, it's certainly not urban,
24 and then I learned that urban is not really in our
25 vocabulary, it's rural or nonrural and so I guess if
26 you're not rural and you're not urban then you're
27 nonrural, but anyway I did learn that.

28
29 So I am going to make a motion that we do
30 add Prudhoe Bay to the list of communities for further
31 analysis of their rural or nonrural status, not their
32 urban status.

33
34 CHAIRMAN DEMIENTIEFF: Is there a second.

35
36 DR. KESSLER: I'll second it.

37
38 MR. CESAR: Under comment, Mr. Chairman,
39 my whole reason for being here, Gary, is to try to get
40 you more educated.

41
42 (Laughter)

43
44 MR. LITTLEFIELD: I think the word is
45 urban.

46
47 (Laughter)

48
49 MS. GOTTLIEB: Mr. Chair.

50

1 CHAIRMAN DEMIENTIEFF: Judy.
2
3 MS. GOTTLIEB: Mr. Chair. I'll note that
4 the Interagency Staff Committee did recommend that we add
5 Prudhoe Bay to the list of communities for further
6 analysis as well as the North Slope Regional Advisory
7 Council so I would support that motion.
8
9 CHAIRMAN DEMIENTIEFF: I also, for that
10 reason, support the motion. And it's something, quite
11 frankly, I didn't realize that people actually even lived
12 there. I know a lot of people go there but to live there
13 that's different, that's -- I'm curious.
14
15 A lot of these things are going to be
16 taken care of Staff analysis, you know, just because
17 we've scheduled them for further review, that is further
18 review, then we get a Proposed Rule and then we have to
19 find out a way of how we're going to develop that
20 Proposed Rule, so there we are.
21
22 But I think the issue would be fairly
23 well taken care of as far as it will be done by Staff, I
24 mean we just need to know, I mean that's Niles teaching
25 me also.
26
27 Further discussion.
28
29 (No comments)
30
31 CHAIRMAN DEMIENTIEFF: All those in favor
32 signify by saying aye.
33
34 IN UNISON: Aye.
35
36 CHAIRMAN DEMIENTIEFF: Those opposed,
37 same sign.
38
39 (No opposing votes)
40
41 CHAIRMAN DEMIENTIEFF: Motion carries.
42 What else do we have?
43
44 MR. BOYD: Mr. Chair, I believe that
45 concludes or exhausts all of the items that I'm aware of.
46
47 Thank you, Mr. Chair.
48
49 CHAIRMAN DEMIENTIEFF: Okay. Anybody
50 else got anything.

1 MR. CESAR: Mr. Chairman.
2
3 CHAIRMAN DEMIENTIEFF: Niles.
4
5 MR. CESAR: Mr. Chairman, I know we had a
6 discussion on Adak, and I was in the losing section of
7 that, so I just point that out and didn't know if anybody
8 had a brainstorm.
9
10 CHAIRMAN DEMIENTIEFF: A motion to
11 reconsider?
12
13 MR. EDWARDS: At one point I had a
14 brainstorm but after sort of discussing and reflecting
15 upon it, the storm went away so I'm going to leave it
16 stand as is.
17
18 CHAIRMAN DEMIENTIEFF: If there's no
19 motion on the prevailing party -- it must be what I want
20 to do, get this done and have a good dinner party. John.
21
22 MR. LITTLEFIELD: Mr. Chair. Just a
23 short comment.
24
25 First, I'd like to thank the Board for
26 doing their diligence and being reasonable as they
27 normally are and in this case, were, in my opinion. But,
28 there is one thing that keeps coming up and it's in the
29 back of my head, is that, these regulations are ripe for
30 change, 15 is ripe for change, and because it's Part B,
31 outside of the Regional Council's and you told us you
32 take no deference to us, I'm asking you, where'd our
33 lawyer go, how do we propose that these regulations be
34 looked at so that they may be made simple? How do we put
35 in there that we only want to look at them every 25 years
36 instead of every 10? How do we make changes to this?
37 And I think that's in your area and so we would like some
38 help and maybe we could help you craft a Part 15 because
39 that would be a Regional Council, you know, reviewing
40 policies. But it's something I think that should be
41 looked at and maybe you have some thoughts on that.
42
43 CHAIRMAN DEMIENTIEFF: Do you guys want
44 additional time to review that question?
45
46 (Laughter)
47
48 MR. LORD: Well, as you point out, John,
49 this is a Subpart B regulation, which means that it has
50 to be changed by Secretarial motion, the Board can't do

1 it. There is a process in place for proposals to go to
2 the Secretary for changes to those regulations, it would
3 basically involve a proposal coming to the Board, the
4 Board would review it and pass it along to the Secretary.
5 In turn the Secretary's office would then pass it back to
6 the Board for the Staff to develop a full analysis on it.
7 It would be a fairly lengthy process, but there is a
8 process in place.

9

10 CHAIRMAN DEMIENTIEFF: John.

11

12 MR. LITTLEFIELD: I submitted a hunting
13 license proposal and they told me it was Part B and
14 kicked it out. So if I was to submit a proposal to say
15 to change Part B, I would then get another letter from
16 OSM and say it's not in your purview and kick it out, I
17 want to get past that. I want to know how we can
18 actually cut to the chase and get that change made
19 because I've submitted, frankly, two proposals, hunting
20 proposals, and they were both kicked out, Part B, so that
21 won't work.

22

23 MR. LORD: Well, there are new policies
24 in place, I don't know when you did that, but we have
25 been working on a process to be able to make it happen.
26 We could talk about that off the record.

27

28 MR. LITTLEFIELD: All right.

29

30 CHAIRMAN DEMIENTIEFF: Okay, anything
31 else.

32

33 (No comments)

34

35 CHAIRMAN DEMIENTIEFF: If not, we are
36 adjourned.

37

38 (Off record)

39

40 (END OF PROCEEDINGS)

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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 123 through 237 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Nathan Hile on the 7th day of December 2005, beginning at the hour of 8:30 o'clock a.m. at the Marriott Hotel 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 15th day of December 2005.

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