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P R O C E E D I N G S

(Anchorage, Alaska - 7/11/2011)

(On record)

CHAIRMAN TOWARAK: Good afternoon. I'm going to call this work session to order.

OPERATOR: Excuse me. This is the operator. Do you want to join the main conference live?

DR. WHEELER: Hey, Sherry, we're ready to get the meeting started.

OPERATOR: (Indiscernible - away from microphone).

CHAIRMAN TOWARAK: Thank you. I will now call this work session to order. The first item on the agenda is introductions and I'm going to start with our complete right here. We've got a lot of fill-ins, so I'm going to ask everyone to introduce themselves and who they represent.

MS. COOPER: My name is Deb Cooper, associate regional director for the National Park Service, Alaska Region.

MR. KESSLER: Hi, my name is Steve Kessler. I'm the subsistence program leader for the Forest Service for the Alaska Region and I'm representing regional forester Beth Pendleton, who hopefully will be here a little bit later. Thank you.

MR. BELL: Good afternoon. Larry Bell. I'm the assistant regional director for external affairs for U.S. Fish and Wildlife Service in the regional office in Anchorage, here today representing our regional director Geoff Haskett.

DR. WHEELER: Continuing the tradition of actings, I'm Polly Wheeler. I'm here acting for Pete Probasco, who is the ARD for Subsistence.

CHAIRMAN TOWARAK: I'm Tim Towarak. I'm from Unalakleet. I'm the Board Chair.

MR. GOLTZ: My name is Keith Goltz. I'm here representing the Solicitor's Office.

1 MR. VIRDEN: Hi. My name is Gene Virden.
2 I'm the BIA regional director, Alaska.

3
4 MR. CRIBLEY: I'm Bud Cribley. I'm state
5 director for the Bureau of Land Management here in
6 Alaska.

7
8 DR. WHEELER: Mr. Chair. I think I'll
9 have the Staff introduce themselves as and if they come
10 up to the table. Mr. Chair.

11
12 CHAIRMAN TOWARAK: You're first.

13
14 MR. ARDIZZONE: Good afternoon. I'm
15 Chuck Ardizzone. I'm the acting deputy ARD for
16 Subsistence.

17
18 CHAIRMAN TOWARAK: Thank you for those
19 introductions. As you can see, we've got a lot of people
20 filling in. Perhaps you could give us an update on Pete
21 Probasco.

22
23 DR. WHEELER: For those of you that may
24 not have heard, Pete had an accident out at his cabin in
25 Lake Louise this past weekend and he fell off a ladder,
26 which was on scaffolding, and he fell pretty far, so he
27 separated his pelvis and he's in the hospital right now
28 and expected to -- he was supposed to have had surgery
29 today, but we haven't heard from his wife, so we don't
30 know really what the status of that is. We will keep
31 people informed as we know. At this point, just because
32 of the amount of pain and everything else he's enduring,
33 he's requested that there not be visitors. We will let
34 you know as soon as we know anything and we'll keep you
35 posted. It's probably going to be a fairly lengthy
36 recovery, so we'll see. Pete's tough, but even this kind
37 of brought him down, I think.

38
39 CHAIRMAN TOWARAK: Thank you. I was
40 remiss in introducing the State people. Would you
41 introduce yourselves, please.

42
43 MR. FLEENER: Thank you very much, Mr.
44 Chair. I'm Craig Fleener, the deputy commissioner for
45 the Alaska Department of Fish and Game. We have with us
46 Jennifer Yuhas, here to my right, one of our team
47 members, and George Pappas. I don't think there's
48 anybody else from the State.

49
50 Thank you, Mr. Chair.

1 CHAIRMAN TOWARAK: I apologize for
2 skipping over you. The next item on the agenda is to
3 review the agenda. Are there any agenda topics that
4 anyone would like -- the Board would like to present at
5 this time? Otherwise I'd entertain a motion to approve
6 the motion -- approve the agenda. Go ahead.

7
8 DR. WHEELER: Mr. Chair. There's been a
9 request that there be an update on the -- there's a
10 wildlife special action that the Board will be
11 considering probably towards the end of this week dealing
12 with Kenai moose, potential changes to the hunting
13 regulations for moose in Unit 7 and 15, and we could put
14 that under other business if the Board would be so
15 inclined.

16
17 CHAIRMAN TOWARAK: Are there any
18 objections.

19
20 (No comments)

21
22 CHAIRMAN TOWARAK: Not hearing any, we
23 will include the review under other business in item 9 on
24 Kenai.

25
26 MR. BELL: Mr. Chairman. Move to approve
27 the agenda as amended with the special action request on
28 Kenai moose Unit 7 and 15 to be added to other business.

29
30 MR. KESSLER: Second.

31
32 CHAIRMAN TOWARAK: You heard the motion
33 and a second. Any discussion.

34
35 (No comments)

36
37 CHAIRMAN TOWARAK: Not hearing any. All
38 those in favor of the motion say aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN TOWARAK: Any opposed say nay.

43
44 (No opposing votes)

45
46 CHAIRMAN TOWARAK: Motion passes
47 unanimously. Item number 3 is information exchange.

48
49 DR. WHEELER: I don't have any other
50 information except for the fact that Pete's out, I'm in

1 as of Saturday, so we'll be reviewing -- I'll be meeting
2 with Staff this week after we get done with Federal
3 Subsistence Board meeting to kind of develop a plan for
4 the next three months or so. So we will certainly keep
5 you, Mr. Chair, and the rest of the Board apprised as to
6 how we're moving forward, recognizing that we've lost
7 some key Staff in the past couple of months, so we're
8 going to move forward as best we can, Mr. Chair. There
9 may be questions that come up and you all will be the
10 first to know.

11

12 CHAIRMAN TOWARAK: Thank you. Any
13 information exchange from the rest of the Board.

14

15 (No comments)

16

17 CHAIRMAN TOWARAK: Not hearing any, then
18 we will proceed to public testimony, opportunity for non-
19 agenda items. Go ahead.

20

21 MR. FLEENER: This is actually part of
22 information exchange. I just wanted to notify the Board
23 that I will be the Department's permanent representative
24 to the Federal Subsistence Board. I really look forward
25 to working with you guys and it's interesting to be back
26 working with the Federal Subsistence Board from this
27 perspective and at some point in time I'd like to sit
28 down with you folks and others who are involved in the
29 Federal Subsistence Board and talk about my experiences
30 as a RAC chair and on the RAC for so many years and what
31 I'm doing in this position and how we can keep and build
32 a good and better relationship and continue going that
33 direction.

34

35 As many of you know, I have a distinct
36 interest in hunting and fishing in Alaska. Having grown
37 up in Fort Yukon and serving in a capacity similar to
38 this one and working with subsistence for so many years
39 and so I really am excited and a little bit anxious.
40 It's definitely a different eat for me. The last time I
41 participated in an official capacity with the Federal
42 Subsistence Board I didn't need reading glasses and now
43 I do, so times have definitely changed for me. One thing
44 that I do relish is the opportunity to work together with
45 so many people who have a lot of similar interests.

46

47 Thank you for the opportunity to work
48 with you.

49

50 CHAIRMAN TOWARAK: Thank you and welcome.

1 Item number 4 then is public testimony opportunity for
2 non-agenda items. Is there anyone from the public that
3 would like to address the Board on any other topics that
4 we don't have on our agenda. For those in attendance we
5 have -- the rest of the agenda includes a Board
6 discussion on nonrural determination for the community of
7 Saxman. We have a work session tomorrow to get an update
8 from tribal consultation work group, we have an update of
9 wildlife hunting closures and then we have a review of
10 threshold analysis of the request for reconsideration of
11 the Ninilchik customary and traditional use determination
12 and then the new item on Kenai.

13

14 If we don't have any testimony from the
15 public, we will then move on to item 5, which is the last
16 topic for today.

17

18 I will turn the floor over to Polly.

19

20 DR. WHEELER: Thank you, Mr. Chair.
21 Before Pete went on his extended sick leave he had asked
22 me to address the rural determination issue for the Board
23 and I agreed to do that, so now I'm sitting wearing two
24 hats, I guess, but so be it. I do have a one-page, both
25 sides handout that already needs corrections, so I will
26 walk you through that.

27

28 I know that the Board had a meeting on
29 April 6 specifically as sort of a rural determinations
30 101 and this continues that discussion because there
31 still seems to be -- it's a complicated issue and
32 confusing issue, so I'll do my best to clarify rather
33 than get people more confused, but by all means if you
34 have questions as we move through this than please ask
35 them.

36

37 There's really two main components to the
38 rural determinations process. There's basically methods
39 and there's communities. The methods part of the rural
40 determinations process is in subpart B of the
41 regulations, which means that only the Secretaries of the
42 Interior and Agriculture can change those regulations.
43 The Board can make recommendations to the Secretaries,
44 but only the Secretaries can decide to change the methods
45 by which the Board approaches rural determinations.

46

47 In your packet there's three items.
48 There's a lot more than three items, but there's three
49 items having to do with rural. The first item is the
50 actual regulations, the subpart 100.15 in the rural

1 determinations process. The next item is the transcript
2 from the last meeting where Saxman was discussed and you
3 may want to bring this up later when you talk about
4 Saxman specifically. The third item is the final rule
5 from May 7, 2007 that is the final rule for rural
6 determinations for the communities based on the last
7 decennial review process.

8
9 So I'm just going to speak to the
10 regulations specifically. Again, the methods for dealing
11 with the rural determination process are in subpart B.
12 Again, the Board can make recommendations to change this
13 part of the regulations, but only the Secretaries can
14 actually make those changes. It's similar to -- right
15 now there's a final rule for the last year. One of the
16 recommendation that came out of the secretarial review
17 was to expand the Federal Subsistence Board to include
18 two new members representing rural Alaska subsistence
19 interests. That's in subpart B. That's sort of how the
20 Board is structured.

21
22 So the Secretary -- you remember, Mr.
23 Chair, the Board made a recommendation on that final rule
24 what it should look like and that went to the Secretary
25 where, my understanding is, it's now sitting with the
26 Secretary for him to make the final call on that. So
27 those are all those things that the Secretary can do.
28 The Board is delegated the authority to make regulatory
29 changes and also to look at the communities in the rural
30 review process and we'll talk about that in a little bit.

31
32 The current regulations -- and, again,
33 this is just a one pager in your packet. It's Section
34 100.15. It describes the parameters for rural and by
35 that I mean the population parameters, so that is less
36 than 2,500 is considered rural, 2,500 to 7,000 is
37 nonrural or rural depending on community characteristics,
38 and then above 7,000 is presumed nonrural unless it
39 possesses -- unless the community possesses
40 characteristics of a rural nature. So that's in Section
41 100.15.

42
43 The other elements of the rural
44 determination process that are in regulation is general
45 guidelines for the process to be used for evaluating
46 rural status including community or area characteristics
47 to be considered. Also, this section of the regulations
48 also directs the Board that communities or areas shall be
49 considered in the aggregate, meaning they will be lumped
50 together in some way.

1 The regulations in this section also
2 direct that rural determinations shall be reviewed on a
3 10-year cycle, that they may be reviewed out of cycle
4 pending special circumstances, and that once a community
5 has changed from rural to nonrural a five-year waiting
6 period must be enacted before the status changes.
7

8 Mr. Chair, just as an aside, that's where
9 the community of Saxman is right now. The decision,
10 again, was made in May or was published in May 2007, so
11 the five-year waiting period for the community to get
12 into compliance will end in May of 2012. So while the
13 regulations direct the Board to aggregate communities or
14 areas based on social, economic or political integration,
15 a mechanism for doing so is not in regulation. Rather
16 the Board has a lot of latitude to look at how that's
17 actually done. So that's more in policy not in
18 regulation.
19

20 In 2000, the last decennial review, the
21 Board provided specific guidelines for evaluating whether
22 or not communities or areas were integrated and in the
23 handout there's 1, 2 and 3. The questions that the Board
24 looked at or the guidelines that the Board provided at
25 that time were are the communities in proximity and road
26 accessible to one another, do they share a common high
27 school attendance area and do 30 percent of the working
28 people commute from one area to another. All three of
29 those criteria were considered in total, so they weren't
30 -- it wasn't just one was considered, they were a package
31 deal.
32

33 In 2000, the Federal Board used the
34 following specific community characteristics. Again, to
35 bring you back to the regulation, number 5 of the
36 specific regulation says community or area
37 characteristics shall be considered in evaluating a
38 community s rural or non-rural status. The
39 characteristics may include, but are not limited to use
40 of fish and wildlife, development and diversity of the
41 economy, community infrastructure, transportation and
42 educational institutions.
43

44 So they say the Board can include these
45 but they're not limited to these. Again, there's a fair
46 amount of discretion on the Board which some could argue
47 is a good thing to have in regulation. It's good to have
48 some latitude in regulation. On the other hand you could
49 maybe refine things a little bit too.
50

1 So in 2000 the Federal Board used economy
2 and when they looked at economy they looked to wage
3 employment, percent unemployment, per capita income,
4 diversity of services, cost of food index and number of
5 stores of defined large national retailers. That was
6 what they looked at, the package of things they looked at
7 under economy.

8
9 They looked at community infrastructure,
10 including the cost of electricity, fish and wildlife use,
11 they looked at the variety of species used per household,
12 percentage of households participating in fish and
13 wildlife use, level of average harvest per capita for all
14 subsistence resources combined and level of average
15 harvest per capita of salmon and large land mammals only.
16 They also looked at transportation and educational
17 institutions present in the community or area.

18
19 So, Mr. Chair, with that, just general
20 review again. There's methods and there's communities.
21 The methods are in subpart B, that's Secretarial purview
22 not Board purview, but the Board can provide direction.
23 So, for the upcoming decennial review the Board may
24 decide to retain the existing process by following the
25 current regulations, which I just reviewed, so therefore
26 we wouldn't need any regulatory changes.

27
28 Alternatively, the Board could recommend
29 to the Secretaries, that would be Interior and
30 Agriculture, to change the process, which would mean
31 changing the regulations. Should the Board opt to change
32 the regulations, it needs to articulate which sections it
33 proposes to change and why it wants to change these
34 regulations. Again, this is a Board recommendation,
35 which would then go to the Secretary.

36
37 The process for recommending changes to
38 the existing regulations for rural determinations is
39 anticipated to take approximately two years and I've
40 outlined the steps or we've outlined the steps that we
41 thought might need to be undertaken in order for that
42 change to occur. Then once the regulations are changed,
43 if the Board decides to go down that route, the Board can
44 proceed with the rural determination process under the
45 new regulations.

46
47 Mr. Chair, I'm raising this in the
48 context of the Saxman discussion because, as was
49 mentioned at the May meeting, there was some interest in
50 potentially staying the decision on Saxman, and this is

1 going to be a larger discussion this afternoon. If the
2 Board opts to go down that road because of the
3 Secretarial review or whatever else, it may want to look
4 at changing the regulations also. If the regulations are
5 changed, we need to know what the time frame would be,
6 potential time frame would be for changing those
7 regulations should the Secretaries agree to the changes.
8

9
10 The second part of the rural
11 determinations, Mr. Chair, is communities and that is
12 within your purview, within the purview of the Board.
13 The current determinations for nonrural communities or
14 areas are included in regulation at 100.23. The Board
15 can recommend two options for engaging in the rural view
16 on this end or at least two options, I guess. Publishing
17 existing findings for nonrural communities and request
18 proposed changes, much like the Board does with wildlife
19 or fisheries regulations. Put a call out there for
20 changes to the regulations or proposed changes to the
21 regulations and see what the Board gets back.
22 Alternatively, the Board can direct the Staff to do
23 advance Staff work to examine certain communities, which
24 was the route that was chosen at the last -- during the
25 last decennial review.

26 So hopefully, Mr. Chair, this provided
27 some clarity, not adding further complication. But, if
28 you want, I can take some questions if you have them or
29 you can move into your discussion of Saxman.

30
31 Mr. Chair.

32
33 CHAIRMAN TOWARAK: Are there any
34 questions from the Board regarding the explanation of
35 where we're at with rural and nonrural determination? Go
36 ahead, Mr. Kessler.

37
38 MR. KESSLER: Polly, just to be sure
39 we're clear here, the process that you laid out has
40 aggregation first and then the determination of rural or
41 nonrural. Is that how it operates? So you aggregate
42 communities as is shown about two-thirds down the page
43 and then once you aggregate then you figure out who
44 actually is rural and nonrural, is that right?

45
46 DR. WHEELER: That's correct.

47
48 CHAIRMAN TOWARAK: Are there any comments
49 from anyone else.

50

1 MR. BELL: Mr. Chairman. Larry Bell,
2 Fish and Wildlife Service. Not a comment or question to
3 Polly, but maybe an effort to get the discussion going.
4 The original motion to have this put on the agenda to
5 begin discussion about Saxman arose from Regional
6 Director Geoff Haskett at a previous meeting, so I feel
7 it's maybe a little bit incumbent on Fish and Wildlife
8 Service to maybe lay the issue out a little bit and get
9 some discussion going so the Board might determine what,
10 if anything, it wants to do next.

11
12 I'm certain in making that recommendation
13 to look at Saxman that Mr. Haskett was not in any way
14 offering that the Board had failed to do its diligent
15 work in making the previous determination and that we're
16 certain that the work done by that Board appropriately
17 followed the criteria laid out before it and made a
18 rational decision and one that I think was well-founded
19 on fact using the criteria.

20
21 So I don't think that was the effort, but
22 I think the effort was to see if there are other
23 opportunities for Saxman as there continue to be requests
24 both from the Regional Advisory Committees and members of
25 that community and even recent visits by Regional
26 Director Haskett to the area to perhaps see what, if any,
27 options might exist.

28
29 So, I think as I look at that, Mr.
30 Chairman, a couple things come to mind. One is, of
31 course, if you continue to apply the same criteria, you
32 can expect to get the same results, but a lot has changed
33 in the five-year waiting period in which Saxman has been
34 waiting to implement the nonrural status that they were
35 last given. Not the least of which is the Secretaries'
36 direction to the Federal Subsistence Board to begin
37 considering and adopting processes that might include
38 Regional Advisory Council input and information along
39 those lines.

40
41 I've tried also to analyze this from an
42 out-of-cycle perspective. I think if we look at it as an
43 out-of-cycle request, at least in my opinion, it makes no
44 sense only because of the timing, if nothing else, of
45 trying to complete an out-of-cycle request in the midst
46 of trying to begin the new review under the 2010 census
47 results. By the time that information rolls in, it would
48 approximately coincide with the time it would take to do
49 an out-of-cycle review and, quite frankly, I'm not
50 certain that we could meet a threshold for justifying an

1 out-of-cycle review.

2

3 So, with that, Mr. Chair, maybe we can
4 get some discussion from other Board members and then
5 I'll just continue to build and add on that and see where
6 the Board ends with the end of this discussion. Also
7 recalling that, of course, we're not here to make a
8 decision on this today. Simply begin a discussion and if
9 there needs to be a later decision, we could perhaps
10 address that at a different meeting after public
11 notification.

12

13 Thank you, Mr. Chairman.

14

15 CHAIRMAN TOWARAK: Thank you. Polly, you
16 might want to review the process that we would need to
17 use in order -- if the Board wanted to do a stay on the
18 Saxman decision.

19

20 DR. WHEELER: Thank you, Mr. Chair. If
21 the Board were to go down that road, that would be --
22 there would be a directed final rule that would have to
23 be developed, but that would be a regulatory decision,
24 Mr. Chair. Because this is a work session and under the
25 Board's own guidelines the Board can't take regulatory
26 action unless in very specific circumstances. So that
27 would be a regulatory decision that would need to occur
28 in a public meeting.

29

30 So should the Board opt to think that's
31 the route they're going to want to go down, we would need
32 to have a publicly noticed public meeting or a properly
33 noticed public meeting and that could probably occur via
34 teleconference. We could have an open public line, that
35 sort of thing. So if the Board chooses to make a
36 regulatory decision, it needs to occur in a public
37 meeting.

38

39 CHAIRMAN TOWARAK: Are there any comments
40 or questions from other Board members regarding the
41 process?

42

43 (No comments)

44

45 CHAIRMAN TOWARAK: I've got a question.
46 I've read so much material here in the last couple of
47 weeks. Did I read somewhere where the State recognizes
48 Saxman as a rural community? Go ahead.

49

50 MS. PETRIVELLI: Mr. Chair. I'm Pat

1 Petrivelli, BIA anthropologist. Before the Federal
2 government took over management and the State did make
3 rural determinations, the State did recognize Saxman as
4 a rural community and the Federal Board did consider --
5 looked at the State determinations when they were making
6 their decisions in '91 and I think it was part of the
7 record for the Federal Board.

8

9 CHAIRMAN TOWARAK: As far as you know,
10 that's the current status?

11

12 MS. PETRIVELLI: The State doesn't --
13 with their current regulations, all subsistence users, it
14 doesn't matter if they're rural or nonrural, so they
15 don't make rural determinations anymore. It was just
16 when they used to make rural determination they did
17 Saxman as rural, but they don't do rural determinations
18 anymore.

19

20 CHAIRMAN TOWARAK: Right. I failed to
21 remember that. Thank you. Mr. Cribley.

22

23 MR. CRIBLEY: Mr. Chairman. This issue
24 came up at our last meeting. We had some discussion at
25 that meeting and there seemed to be interest on the part
26 of the Board to look at this particular situation in the
27 continuing concern on the part of the community of Saxman
28 about our reconsideration of the determination that had
29 been made.

30

31 We've had some discussions as far as what
32 the Board's options are on how we may deal with the
33 circumstance such as this and I think because the issue
34 has been brought up Fish and Wildlife Service has
35 expressed an interest in looking at this particular
36 issue.

37

38 I would recommend that we have kind of --
39 well, I hate to open this up, open this can of worms up
40 so to speak, and have additional review and an additional
41 public hearing on this to determine if we want to make a
42 decision to either uphold the determination that was made
43 or to pick a different alternative on how to deal with
44 the Saxman's rural determination issue. I think the
45 issue is worthy of discussion.

46

47 It was not a part of the original
48 determination to understand the full thinking and the
49 full -- and was not privy to the full Board discussion of
50 why they did decide to make it a part of or included as

1 a part of the community of Ketchikan, but I think it
2 would be worthwhile based on our current situation, the
3 current direction that the Secretary is going right now,
4 to look at this again and make sure this is the direction
5 that we want to go or at least to allow the Board to
6 consider that with the Board members that we have in
7 place right now and make a recommendation at that time.

8
9 CHAIRMAN TOWARAK: Thank you, Mr.
10 Cribley. I feel it's an opportunity for us to review it.
11 Would we have another opportunity after the 2010 census
12 numbers come out?

13
14 DR. WHEELER: Mr. Chair. There's two
15 processes at play here and I know we keep using review
16 and is it the subsistence review or the decennial review.
17 There's two processes. One is the stay in the Saxman
18 decision and, as I heard it earlier or as Larry, I think,
19 articulated, staying the Saxman decision in light of the
20 issues that have come out through the course of the
21 Secretarial review.

22
23 But separate from but related to that is
24 the decennial review based on the 2010 census. As I had
25 gone over earlier, sort of explained what's in
26 regulation. If the Board chose to recommend changes to
27 the regulation, that could be factored in in a review of
28 Saxman down the road, but they are two different but
29 related pieces. I don't know if Keith wants to jump in
30 here and clarify what I've just obfuscated.

31
32 MR. GOLTZ: I don't know if I can.
33 That's not the job of attorneys, to be clear, is it?

34
35 (Laughter)

36
37 MR. GOLTZ: I think what Larry Bell was
38 saying is that if it were simply a matter of decennial
39 reviewing, it wouldn't make sense to do it now because
40 we're so close to a whole new cycle. But if we're
41 looking at what the Secretary has asked us to do, which
42 might result in a change in our criteria, then it makes
43 a lot of sense not to whipsaw these people, to stay our
44 existing decision, and come out with some finality after
45 we determined what, if any, changes should be made to our
46 process. That's the way I hear it.

47
48 MR. BELL: Mr. Chairman. I disagree, I
49 think he did provide clarification. Oddly enough.
50

1 (Laughter)

2

3 MR. BELL: Here's what I look at. We
4 have a determination that's due to take effect in May of
5 2012 and during that same period of time we need to
6 respond to Secretarial directive to look at the process
7 for determining rural/nonrural, to give consideration to
8 including Regional Advisory Council recommendations. So,
9 in an effort to keep from having a former decision take
10 place in 2010, it might be prudent to just hold that
11 decision, see what the new Secretarial process looks like
12 under the directive and see if the standard would apply
13 and allow us to arrive at a different decision under that
14 guidance.

15

16 That said, there's probably a different
17 group of people that would be included in that because
18 there are a number of communities that are due to take --
19 their nonrural status would become effective in 2012. So
20 we might want to look at that collection rather than just
21 the single issue relative to Saxman. Saxman is what
22 we're here to talk about today and we can determine, if
23 we choose, how to apply the same standards across the
24 board to the other communities.

25

26 I think it's real important that -- it's
27 just the timing of it brings us to a decision point where
28 we can either implement in 2012 and take the nonrural
29 determination with some risk that shortly thereafter it
30 could be a different decision coupled with the bigger
31 review based on the 2010 census that could lead yet to
32 another change.

33

34 So I think it behooves the Board to give
35 some consideration to minimizing the effort put forward
36 on Staff to do this variety of administrative actions,
37 the effort put forward on the Board to take on a variety
38 of administrative actions that could all lead to
39 different determinations and back and forth and back and
40 forth.

41

42 So I just think that maybe giving some
43 serious thought to how we might limit those number of
44 actions, comply with the Secretaries order, look hard at
45 the criteria used with consideration of Regional Advisory
46 Council and those determinations and then make one
47 decision seems to me to be the prudent course of action.

48

49 Thank you.

50

1 MR. GOLTZ: Well, let me just reaffirm
2 one point. Saxman is the driver here today, but all
3 communities have to be treated equally under the same
4 criteria. So if we decide to change course, we decide to
5 change course not just with Saxman but with the others
6 that are listed on that sheet.

7
8 As long as I have the floor, let me just
9 add an historical footnote as how we got here. I don't
10 know if anybody else is left in the room or if I'm the
11 only one who was on the original committee. When we put
12 these rules together initially, we took the State's rules
13 and adopted them as closely as we could to the Federal
14 statute because we knew that in six months the State
15 would be taking us back and that six months has now
16 passed. We have to apply Federal criteria to the facts
17 that are in front of us now. We can't be bound by what
18 the State had done in the past.

19
20 CHAIRMAN TOWARAK: Mr. Kessler.

21
22 MR. KESSLER: Mr. Chairman. On our
23 agenda we had public testimony opportunity for non-agenda
24 items and this is an agenda item and I notice that we
25 have some representation here from Saxman and I was
26 wondering if we're going to have the opportunity for some
27 public testimony so we can hear directly from them.

28
29 CHAIRMAN TOWARAK: Yes, we will have an
30 opportunity for the public to testify. Go ahead, Mr.
31 Virden.

32
33 MR. VIRDEN: There is a lot of change
34 going on right now and to me it makes sense to stay this
35 decision for a period of time. One of the big things
36 that we're waiting for is the new policy of consulting
37 with tribes to come out from the Department of Interior.
38 I'm under the understanding that that really didn't
39 happen back in December of 2007 nor in July of 2008.
40 That's just another reason, I think, that's important to
41 hold this for a while and not flip-flop like was mentioned
42 earlier.

43
44 Thank you.

45
46 CHAIRMAN TOWARAK: Thank you. What would
47 be the proper process for us to go through to do that?

48
49 DR. WHEELER: Mr. Chair. In terms of
50 process, two things. One is -- again, this is a work

1 session, so under the Board's own guidelines, if the
2 Board were to -- if the Board is interested, what the
3 Board can do is decide to have a public meeting to
4 address this specific issue. That's not a regulatory
5 action. The Board can take that action at this meeting
6 and that will start the ball rolling. That's how it
7 would occur, then we'd publicly notice it. If the
8 meeting were to happen in person or via teleconference,
9 we can decide that down the road. We don't need to
10 decide that here. So that's one piece of it.

11
12 The other piece of it is, because there
13 are members of the public that are here that probably
14 want to testify to it, the Board can use this opportunity
15 as continuing to gather information. This is a work
16 session. The purpose of a work session is to gather
17 information, so it's completely appropriate to ask for
18 public comments. I don't know if we've got anybody
19 online, but there's probably people in the audience that
20 want to do that. So you could gather information. That
21 information can be used when you have a public -- if you
22 opt to go down that road, if you have a public meeting,
23 you can use that previously gathered information to help
24 you in your decision-making.

25
26 Mr. Chair.

27
28 CHAIRMAN TOWARAK: Thank you, Polly. I
29 think what we'll do now then is to open the floor for
30 public testimony, but before we do that I want everyone
31 to know that I received letters from the Skagway
32 Traditional Council, a letter from the Alaska Federation
33 of Natives, a letter from the Hydaburg Cooperative
34 Association and a letter from the Organized Village of
35 Saxman in regards to Saxman's specific situation. I
36 assume the rest of the Board have received all of this.

37
38 DR. WHEELER: Yes, Mr. Chair, those
39 letters are all in the blue envelope in the right-hand
40 pocket. Mr. Chair.

41
42 CHAIRMAN TOWARAK: In a nutshell, each
43 one of these organizations have expressed an interest in
44 having the Federal Subsistence Board review the 2007
45 decision, which essentially is asking us to put a stay on
46 the original decision. With that said, I'm going to open
47 the floor for public testimony. If you would come up to
48 the mic and introduce yourself. You have discretion on
49 time. I don't think we're pressed for time today, but
50 you're welcome to come up and address the Board.

1 MR. WALLACE: Thank you, Mr. Chair. Lee
2 Wallace from the Organized Village of Saxman. I would
3 like to see if there is anybody online, especially from
4 Saxman. I know there's time constraints for individuals
5 that may have logged on and may want to give some
6 comment. I would check and see if there is anybody
7 online.
8
9 OPERATOR: Take questions from the phone?
10
11 DR. WHEELER: Yes, please, Sherry.
12
13 OPERATOR: Thank you. To ask a question
14 on the phone, please press star then 1. Please unmute
15 your phone and record your name when prompted. To
16 withdraw your request, press star 2. Once again, on the
17 phone, if you would like to ask a question, please press
18 star 1. At this time, we show no questions.
19
20 DR. WHEELER: Sherry, how many people do
21 we have online?
22
23 OPERATOR: You have eight parties online.
24 We do have one question coming through. One moment.
25
26 (Baby crying in background)
27
28 CHAIRMAN TOWARAK: We won't answer that
29 question.
30
31 (Laughter)
32
33 DR. WHEELER: Go ahead.
34
35 OPERATOR: Our question comes from Bert
36 Adams. Your line is open.
37
38 MR. ADAMS: Good afternoon folks, members
39 of the Board. I'm just here to listen in and to gather
40 information, but I just need to let you know that the
41 Southeast Regional Advisory Council has always supported
42 Saxman in their effort to retain their rural status. So
43 I can see we're going to be able to address this a little
44 bit later on and I just want you to know that I'm here to
45 listen in and to support their efforts. So just short
46 and sweet.
47
48 Thank you very much for allowing me to
49 say a few words.
50

1 CHAIRMAN TOWARAK: Thank you, Bert.
2
3 OPERATOR: We show no further questions.
4
5 CHAIRMAN TOWARAK: Go ahead, Mr. Wallace.
6
7 MR. WALLACE: Thank you, Mr. Chair and
8 Board members and acting Board members filling in. I've
9 been involved with the FSB process for a number of years,
10 since probably going back to 2006. I sat on the
11 Southeast RAC with Chairman Bert Adams and I've seen a
12 number of times in a number of meetings where you have
13 acting individuals sitting in, so I'm really not sure if
14 the process is a great one. I don't know if all that
15 information is shared and sometimes individuals have
16 different thought processes.
17
18 But here we are today at this work
19 session, Mr. Chair, and I think the rest of the Board
20 members, the official Board members I know I sent emails
21 out late Friday expressing my concern about what's
22 transpired.
23
24 I was able to participate at the May 4th
25 work session with a little bit of difficulty. The
26 individual sending out the announcement of the work
27 session said it's a listen only and I really disagreed
28 with that. We all know it's supposed to be a public
29 process, public input, nation to nation listening to your
30 tribal governments throughout Alaska because, really,
31 that's your real participants, the official participants
32 of the way of life.
33
34 Since 2006 I've been on a roller coaster
35 with the Saxman issue, whether we're going to be rural
36 status or lose our rural status. There's been some
37 meetings happening and some different ideas came out.
38 Most recently was the May 4th meeting. I listened
39 online, I gave public comment and testimony, I read the
40 transcripts.
41
42 Keith here said, yeah, you guys can't
43 make decisions at a work session like today, but it would
44 have to be at the July public meeting. Then on June 27th
45 I received an email again announcing of another work
46 session. When I read the transcripts of the May 4th
47 transcripts, you guys are announcing it's going to be a
48 public meeting and that's why I'm here today. Again,
49 Saxman, unlike -- just like any other small rural
50 village, we don't have enormous funds to travel, yet

1 alone to bring a class action suit to the Federal
2 government and the FSB system.

3
4 So I was sitting back here when you guys
5 start your work session and I wanted some input, but I
6 was patiently waiting. So I came up here. The village
7 council voted to send me up to testify at a public
8 meeting. I hear Polly, Dr. Polly, saying, well, official
9 public meeting. That's what I intended this to be, but
10 here we are at a work session.

11
12 So when from May 4th to June 27th did it
13 change from a public meeting to a work session again? I
14 wasn't given knowledge of that prior to having our tribe
15 book a flight up here, thinking I was going to be at a
16 public meeting.

17
18 Part of your agenda at the work session
19 also was to say let's limit our executive sessions. Once
20 you have executive sessions you're going to tell the
21 public what they're about and once you come out of
22 executive session you're going to give a summary. So I'm
23 taking that possibly that decision was made in executive
24 session and that was the public announcement, let's have
25 another work session on July 11th and 12th.

26
27 Granted, it's a very important decision
28 for Saxman. It's been on our agenda every since that
29 December ruling many years ago. I have to tell you folks
30 that that was probably the lowest part of my political
31 life, serving as president for our tribal people for nine
32 years. It was a hard trip home. When I got back home,
33 the people from Saxman met me. They met me with a
34 regalia and song. It was to lift my heart. It's been a
35 burden.

36
37 We're fighting for a way of life. You
38 know, decisions were made in D.C., decisions are made in
39 Anchorage, and I thank Pete for coming to Saxman. As I
40 did invite the past Board, let's come down to Saxman,
41 let's show you what Saxman is all about because a lot of
42 times individuals make decisions and they haven't even
43 been to a community.

44
45 One thing I want to briefly talk about,
46 what's changed since the decision. Some of the
47 regulations call for are you socially and economically
48 attached to this larger community of Ketchikan. One of
49 the criteria you folks used was, again, integration.
50 Yes, all of our students go to Ketchikan, but my question

1 to you and all of you is are we really integrated into
2 the school system. My answer is positively no.

3

4 We recently received 2010 data from our
5 neighboring tribe KIC and they're working directly with
6 the Ketchikan School District. For the 2010 school year
7 and it varies from year to year, but from 2010 we had a
8 66 percent drop-out rate. When I see a 66 percent drop-
9 out rate, I do not see integration. In some years it's
10 even larger, some years it's better, but on the whole
11 it's a large drop-out rate. To me, that says we're not
12 integrated with their school system.

13

14 So I would ask the Board when we're doing
15 this whole review period, the stats show that we're
16 really integrated. Merely just because we attend school
17 to a larger community, that's not integration.

18

19 Back in 2006, a year long process, the
20 tribe received an ANA grant to do strategic planning.
21 From that whole year of planning with help from the city
22 of Saxman and Cape Fox Corporation and interested
23 citizens, elders and youth of the community -- we knew
24 that drop-out rate was high with our students going into
25 Ketchikan.

26

27 One thought process to combat that would
28 be to have our own school in Saxman. So what we've
29 proposed throughout that year-long discussion period in
30 the community was to plan and a goal to have a charter
31 school in Saxman, K through 12. With the hopes of
32 integrating the Tlingit, the Haida, the Tsimshian
33 language, Native arts and language, sciences, math into
34 the system where we could have a higher success rate for
35 our children. We're currently not getting that now in
36 Ketchikan.

37

38 I think a lot of you would look at the
39 urban centers throughout Alaska and you'd see the same
40 issue of Alaska Natives, American Indians coming into the
41 urban center and not having a good success rate. Largely
42 because I believe it's a learning style difference. If
43 you guys consider looking at the different criteria, I'd
44 like you to examine that drop-out rate and say that's not
45 integration at all.

46

47 Again, with the Secretarial review
48 period, definitely one of the big bullet points was lack
49 of deference that was given to the regional RACs and
50 definitely there was no deference when Bert Adams and the

1 Southeast RAC gave their recommendation to the past Board
2 saying, you know, we're with keeping Saxman rural and not
3 integration of Saxman to Ketchikan.

4
5 Simply, if you look at the first -- one
6 of the criterias is population threshold. Mr. Chair, you
7 were asking about rural status from the State.
8 Definitely Keith could tell you there's all different
9 forms of the definition of rural and we all went through
10 that years down the road. The basic threshold, we're a
11 village of 400, mainly Tlingits, Haidas and Tsimshians
12 and American Indians in Saxman, 70 percent. So we're the
13 majority and our way of life is the majority of how we
14 conduct our lives.

15
16 Why is rural status so important to us.
17 When it really kicks in, when it's really important is
18 when stocks are low and you have priority over nonrural
19 citizens. A lot of our citizens who are hunters they
20 have that advantage of the large deer population on POW
21 and they were able to go to POW prior to all of the
22 Ketchikan and all the sport hunters who come up to Alaska
23 from the Lower 48 and other parts of Alaska to hunt deer,
24 so they do have that advantage and that's very important
25 to have that week long advantage to get over there before
26 there's a whole population of deer hunters.

27
28 I guess for individuals who live up here
29 in the Anchorage area and the Kenai Peninsula you see
30 what happens when they open up the rivers for salmon
31 fishing. I mean that's kind of the picture you get from
32 deer hunters in POW. When I see those pictures of all
33 the individuals lined up against the river banks fishing
34 for salmon, that's a picture I see in POW and that's what
35 helps us when we have that advantage of having priority
36 to go receive our fish and game.

37
38 Again, you look at the fish and game and
39 wildlife that's taken, the past, it's in the history. We
40 have a larger than average take than say our urban area.
41 So we're much like any other village in Alaska of 400
42 people. Not nearly approaching 2,500 or 7,000 or 11,000.

43
44 Back when Saxman was founded, it was
45 really founded to give the children an education. At the
46 early history of Saxman there was a school for all grades
47 K through 12. The school building still stands in Saxman
48 and yet I think it was basically for funding when
49 Ketchikan moved in and Ketchikan got populated and there
50 was a road built. Push comes to shove, the funding of

1 the school went away and they said, well, the school in
2 Ketchikan is right there, so that's where everybody had
3 to go to school. I think with our strategic planning we
4 want to change that and, again, have our better success
5 rate for our children.

6
7 So there are some of the things you want
8 to look at. I guess if it wasn't really for Alaska
9 Natives in Alaska there wouldn't be no Title VIII. There
10 would be really no Title VIII if there wasn't Alaska
11 Natives.

12
13 I think, again, you look at population
14 thresholds and population in general. I think when you
15 look at population you should be looking at just mere
16 numbers. What happened is individuals got involved from
17 different agencies and let's put all this different
18 criteria in there. Really, Title VIII was there to
19 assist. What I see with the different criteria and the
20 regulations it's made it harder for villages and citizens
21 of villages to go out and conduct their way of life.

22
23 So I guess in closing I would say, yes --
24 first and foremost I would like to see the reversal of
25 the bad decision, of the broken decision back in 2006,
26 2007, but if that can't happen then definitely I'm in
27 favor of a delay. Again, there was mention of Obama
28 giving his directive to all his secretaries to come up
29 with a tribal consultation policies, so I question the
30 policies and the consultation process that was there
31 years ago when these regulations were formed.

32
33 I do see there was like 56 different
34 villages were received comments from, but that's only 56
35 and there's a whole lot more villages than 56 in the
36 state of Alaska. Maybe at that point in time back in the
37 '90s when it was conducted maybe there wasn't that real
38 good effort to have proper consultation and proper input,
39 so that led to the regulations that you see now. Well,
40 let's throw this criteria here and make it a little
41 harder for everybody to participate.

42
43 So I thank you for your time and I do
44 hope that the Board members will consider the regulation
45 changes are a hold or a delay in the Saxman 2012
46 deadline.

47
48 Gunalcheesh. Howa.

49
50 CHAIRMAN TOWARAK: Thank you, Mr.

1 Wallace. Are there any questions of Mr. Wallace from the
2 Board? I wanted to ask you on the 66 percent drop out,
3 is that K through 12 or just high school?

4
5 MR. WALLACE: The 66 percent is basically
6 -- the big measuring point for going through a school
7 system is high school graduation, so it is 66 percent for
8 2010. I'll give you another one. Years ago when my son
9 was going through graduation some time ago, there was 11
10 boys that started kindergarten with him. Out of that
11 class there was only two males that finished in that
12 year. So sometime between junior high and high school
13 that's where you see the drop-out rates most typically.

14
15 MR. BELL: Mr. Chairman. Larry Bell,
16 Fish and Wildlife Service. I just want to make sure --
17 first of all I want to thank you for coming today and for
18 your testimony and remind you that things that we hear
19 today certainly can be used as we decide or whatever we
20 decide in going forward. So certainly your time here has
21 not been wasted. I saw the Board listening very
22 attentively. Anything that you've told us can be used as
23 we proceed to make any decisions relative to this matter,
24 so thank you for offering that and for sharing with the
25 Board your wisdom on these matters.

26
27 I want to make sure though that I heard
28 you correctly in saying that you would support some kind
29 of a stay, but your preference would be for a complete
30 reversal of the 2007 decision. Did I understand that
31 correctly, sir?

32
33 MR. WALLACE: Yes, you did. Again, after
34 the secretarial announcement back in 2009 AFN, he said
35 the system is broken and I at that time was, like any
36 other Alaska Native, was overjoyed with that because we
37 believe it has been broken, is broken. It's in slow
38 repair. Most of us tribal citizens would say the system
39 to be repaired is very slow. There's been some small
40 changes in short times. Definitely we have a nice new
41 Chairman here and definitely there is some new members
42 that weren't there years ago.

43
44 The upcoming two rural seats to sit at
45 your Board, that's a plus. I've given input that if
46 those are rural seats, I'd like to see them Alaskan
47 Native, American Indian. Again, individuals that could
48 participate in Federal Subsistence Board priority status.

49
50

1 But, yes, you did hear me correctly.

2

3 MR. BELL: Thank you. Then in
4 considering perhaps a stay, if that's a direction the
5 Board chose to go, have you given any thought to what
6 length that stay might take place in, the duration of a
7 stay?

8

9 MR. WALLACE: I haven't really thought of
10 that too much, but I know, again, listening to the May
11 4th discussion, basically again there's the May 2012
12 deadline for us to lose our rural status. If we do hit
13 the 2012 deadline and we end up losing our rural status,
14 it's just going to be one of the worst decisions that
15 were ever made. I think you'll end up making outlaws of
16 law-abiding citizens because they're going to continue
17 their way of life. I can't really say that for sure, but
18 I think genetically you're just going to do what's been
19 done for hundreds and thousands of years. You just may
20 see civil disobedience. I wouldn't want to see that.

21

22 As far as timelines, you know, different
23 reviews are happening in the system. Southeast RACs
24 charged to do a review and so that's underway and
25 everything takes time. Just like today's meeting. I
26 thought I was coming up to a public meeting, so yet we're
27 again delayed again to make some other decision at a
28 public meeting again.

29

30 One of the letters I sent to Tim and to
31 the Board was -- and I did mention again that we're a
32 small, economically-hampered government, Organized
33 Village of Saxman. We operate on small needy funds. We
34 operate on like \$67,000 a year and that's to hire a
35 tribal administrator and operate our different programs
36 under the BIA. So one of the letters I referred to the
37 United Nations Declaration of Indigenous People that
38 President Obama signed. That would be our last resort
39 due to lack of funds to take this to court. It would be
40 taking it to a world court. If we end up losing our
41 rural status, you are taking away our way of life by
42 regulations and policy. That's an act of different
43 agencies from the United States government. So, yeah, we
44 would probably seek out help from the United Nations to
45 take this issue to a further level.

46

47 We did have an intern last summer
48 selected to go to the United Nations in Geneva and she
49 did some preliminary research and then there was
50 discussion of the United Nations indigenous rights of

1 people. Lo and behold at the meeting with President
2 Obama last winter in December he did announce that we're
3 going to sign that declaration and, by God, he did it.
4 I think right now as far as Indian country in America and
5 Alaska we have a friend in government, but we don't know
6 how long that's really going to last, if it's going to be
7 there at the next election. So there's the answer for
8 you.

9
10 MR. BELL: Thank you very much. I don't
11 have anything further for Mr. Wallace, Mr. Chair, but he
12 did raise a good point I think in talking about this
13 morning's executive session. So, for the record, I'd
14 just clarify that I did attend the executive session this
15 morning and matters discussed were limited to those
16 matters of attorney/client communication and nothing
17 beyond that was made and certainly no decisions were made
18 during that session. So we appreciate you bringing that
19 up, but I assure you that we did discuss only
20 attorney/client communication matters and had nothing to
21 do with any formatting of today's agenda nor changing it
22 to a work session instead of a public meeting. So I
23 appreciate you bringing that up and I'd just offer that
24 as clarification. Again, thank you for coming up and
25 your testimony today.

26
27 CHAIRMAN TOWARAK: Okay.

28
29 MR. GOLTZ: And I'd like to confirm that
30 too and I apologize if there was any confusion between
31 the public session and a work session, but your time is
32 well spent. Your eloquent testimony now becomes part of
33 the record and, as a matter of law, the Board will
34 consider it when they make their future decisions.

35
36 CHAIRMAN TOWARAK: Go ahead, Mr. Virden.

37
38 MR. VIRDEN: Lee, you know on the 66
39 percent drop-out rate, was there any studies done back
40 when -- before the last determination of nonrural from
41 rural? I understand the school part.

42
43 MR. WALLACE: Eugene, not to my
44 knowledge, there wasn't anything official. Most recently
45 KIC and their education department started working
46 directly with the Ketchikan School District. To be
47 honest with you, it was really hard getting facts and
48 data from the Ketchikan School District. When the new
49 superintendent came to the area, he made a point to come
50 out to Saxman and visit us and he's been out there a

1 number of times. So we have a working relationship with
2 him.

3

4 Once KIC wasn't getting any data, I just
5 simply made a phone call and an email to the
6 superintendent. I said, you know, you guys need to get
7 some data to KIC and, lo and behold, soon as I picked up
8 the phone and made the email he got the data to them, but
9 it was a dragging of the feet on the part of Ketchikan
10 School District to get him that data. So the data was
11 really not official, just that we knew that there was,
12 like any other area, was a large drop-out rate. Like I
13 say, different years varied, but that's a hard data in
14 2010, 66 percent.

15

16 CHAIRMAN TOWARAK: Go ahead, Mr. Kessler.

17

18 MR. KESSLER: Lee, thank you very much
19 for coming here. I think this has been very worthwhile
20 and I know the Forest Service, you've been just an
21 excellent spokesman for Saxman over many years. I do
22 want to apologize for Beth Pendleton not being here, the
23 Regional Forester. She was here this morning. She had
24 a medical emergency, so she asked me to sit in here for
25 her this afternoon. I will do my best to make sure that
26 she hears what you have said and I'll make sure she also
27 gets a direct copy of that transcript because I know that
28 being in Southeast Alaska it's really critical that the
29 Regional Forester has an understanding of the issues with
30 Saxman, a very important consideration there.

31

32 The other thing that I don't know if the
33 Regional Forester has had the opportunity to come to
34 Saxman and speak with you directly, but I'll suggest at
35 some point that that happen.

36

37 CHAIRMAN TOWARAK: Any further comments.

38

39 (No comments)

40

41 CHAIRMAN TOWARAK: I'd like to point out
42 too that I appreciate listening to Bert Adams. Ever
43 since I've become Chair we've spent a lot of time
44 deferring our decisions to the Regional Advisory Councils
45 and we will continue to do that and take their advice
46 very seriously in all the decisions that we make.

47

48 I also want to reiterate what's been said
49 in here is the executive session this morning was mainly
50 to train the Board on the process that we have available

1 to us with regards to Saxman. We didn't talk about the
2 issue of Saxman being rural or nonrural. We talked about
3 the legal processes that were restricted. Let me tell
4 you, there's a lot of legal walking that we have to do in
5 order to make the right decisions. We're trying to be
6 very careful. The executive session was not that long
7 this morning, but it was useful to us to help us make the
8 proper decision.

9
10 I too want to state that your testimony
11 will be very important in our deliberations. I think it
12 was worthwhile for your tribe to send you up to this
13 meeting. We're going to discuss this issue a little bit
14 further to decide what this Board wants to do, whether
15 we're going to ask for a stay on the decision or whether
16 or not we're going to let it just go. We're still at
17 that point.

18
19 Everything that I've read it sounds like
20 there hasn't been too many things changed in Saxman since
21 2000 compared to 2010 in terms of economic development,
22 in terms of the reliance of the local population's use of
23 subsistence foods and so forth. So, in my mind, that's
24 a fact. I think if we do go further and open up for
25 another public meeting, hopefully we'll be able to get
26 people on the telephone to express their opinions to us
27 with regard to Saxman specifically, with the
28 understanding that we have to include other communities.
29 I think this morning we discussed Prudhoe Bay is also in
30 that and a couple of others that are going to probably be
31 grouped into the decision with Saxman.

32
33 MR. WALLACE: Mr. Chair, if I could.

34
35 CHAIRMAN TOWARAK: Sure.

36
37 MR. WALLACE: Probably what happened in
38 Saxman today with the lack of call-in is we recently lost
39 an elder in the village and they're actually planning
40 right now for this evening and tomorrow for the services
41 of that elder. So I know, like many other villages, when
42 you lose an elder, you're losing a lot and this
43 individual was one of the few individuals that spoke the
44 Tlingit language and they're a big family in Saxman, so
45 I would believe that was the lack of possibly individuals
46 calling in.

47
48 Again, from what you just said before me
49 talking here was that there will be more discussion right
50 here at the table. If there is another public meeting

1 involving Saxman's issue, that would be published at
2 another date. Definitely I would encourage the Board to
3 move it to that point where there's actually public input
4 to assist in more comments and testimony.

5

6 Thank you.

7

8 CHAIRMAN TOWARAK: Thank you. We will
9 take that advice in determining a date, when it would be
10 worthwhile. We're going to probably rely a lot on Mr.
11 Adams, since he's the chair of the Regional Advisory
12 Council, to give us some direction in determining that if
13 that's the route that we decide. Mr. Virden.

14

15 MR. VIRDEN: Mr. Chair. If there is a
16 public meeting in the future regarding this issue, does
17 it have to be held in Anchorage or can we move it to
18 Juneau or Ketchikan?

19

20 CHAIRMAN TOWARAK: I think it's more of
21 an administrative decision. I know that there's been a
22 lot of discussion about our budget, but let me take that
23 question and work with the Staff.

24

25 DR. WHEELER: The other thing is, Mr.
26 Chair, is you can have the meeting by teleconference.
27 You don't always have to meet physically in the same
28 room. So if you had a meeting where everybody was on by
29 teleconference, people could be anywhere and that would
30 be the beauty of bringing people in.

31

32 CHAIRMAN TOWARAK: If it's possible, I
33 would like to see us meet somewhere closer to Saxman, but
34 we'll let you and Bert know about that decision after we
35 formalize our discussions here this afternoon.

36

37 I also want to point out that I did
38 receive your letter regarding today's process and our
39 Staff are working on an explanation for you. You should
40 receive it in the mail soon.

41

42 Are there any further questions of Mr.
43 Wallace? Thank you very much for coming and we
44 appreciate your time. We'll look forward to working with
45 you and if not on this issue, fisher issues.

46

47 MR. WALLACE: Thank you, Mr. Board and
48 thank you, Board members.

49

50 CHAIRMAN TOWARAK: Are there any public

1 members that would like to testify?

2

3 MR. WILLIAMS: Mr. Chairman, members of
4 the Board. My name is Darrel Williams. I am a rural
5 resident and I'm a subsistence user and I've got
6 subsistence permits in my pocket. Some of you know me,
7 some of you don't. Some things have changed since I was
8 here last.

9

10 I'd like to say that we support the
11 community of Saxman. I'm from Ninilchik. We've dealt
12 with this issue on and off over the last 12 years. It
13 seems like it keeps coming up. You know, we went as far
14 as even hiring a statistician, Dr. Wolf, to be able to
15 look at the status of what defines the community
16 characteristics when you approach a threshold.

17

18 You know, for example, if you have a
19 Coast Guard station that moves in next door, that's
20 really out of the control of the community and I really
21 wonder if this is an issue in the process that maybe the
22 Federal Subsistence Board may have an opportunity to look
23 at.

24

25 With that said, I am curious with the
26 Secretary's review. Is there something that the Federal
27 Subsistence Board plans to do about the rural
28 determination process as a regulatory basis or is that
29 really up for discussion?

30

31 CHAIRMAN TOWARAK: We've had prior
32 discussions regarding rural determination. We haven't
33 finalized our recommendations for the Secretary yet.

34

35 MR. WILLIAMS: Thank you, Mr. Chairman.

36

37 CHAIRMAN TOWARAK: Is that it?

38

39 MR. WILLIAMS: Yes, sir, that's it.
40 Well, I want to take the opportunity to be able to say
41 this and put it on the record because more than likely
42 when the public meeting comes around I may not be able to
43 attend the meeting that's going to be closer to where
44 they're at being from Ninilchik. The rural determination
45 process has been an ongoing issue for the last 10 years
46 I've been involved in this stuff, taking a look at it.

47

48 That's why I wanted to take the
49 opportunity to stand up and make a comment, provide our
50 support to the community, that they should maintain their

1 rural status and also point out that there's been a lot
2 of work done in the rural status determination over the
3 years. I know we've had some changes. I know the
4 Secretary has done some review. However, a lot of effort
5 has already been put into it and I think it's a matter of
6 record, going through the records and taking a hard look
7 at it would actually answer a lot of these questions. So
8 I just wanted to take the opportunity to do that.

9

10 Thank you.

11

12 CHAIRMAN TOWARAK: Any questions from the
13 Board.

14

15 (No comments)

16

17 CHAIRMAN TOWARAK: Thank you very much,
18 Mr. Williams. Go ahead.

19

20 MS. LEHR: Good afternoon. Thank you,
21 Mr. Chair. Members of the Board. My name is Aurora
22 Lehr. I'm with the Alaska Federation of Natives and I'm
23 also here personally as a great grandchild and grandchild
24 of Saxman, Naanyaa.aayi. My great grandfather was from
25 there. My grandmother and my mother both grew up there.

26

27 On behalf of AFN and to reaffirm our
28 position in the letter that's in your packet, we're
29 supporting the reversal of the decision in Saxman. In
30 light of the Board's discussion today, it does seem
31 procedurally anyway to perhaps stay the decision. It
32 would be prudent to stay the decision and not have to go
33 through the entire process again. Maybe if the Board
34 does decide to recommend to amend the review process, the
35 decennial review, and then Saxman could be reviewed again
36 at that time.

37

38 Again, I'd just like to, as a statewide
39 organization, we certainly would appreciate the Board's
40 consideration. Somebody had mentioned having the
41 criteria be applied consistently to all the different
42 communities, so I think that was very important to take
43 into consideration and also, as Mr. Virden mentioned, the
44 results of the Secretarial review, you know, with tribal
45 consultation and also deference to the Regional Advisory
46 Committees.

47

48 So I just wanted to say hello and we're
49 here supporting.

50

1 CHAIRMAN TOWARAK: Thank you. How do you
2 spell your last name?

3
4 MS. LEHR: L-E-H-R.

5
6 CHAIRMAN TOWARAK: Any questions of Ms.
7 Lehr?

8
9 (No comments)

10
11 CHAIRMAN TOWARAK: Thank you very much
12 for taking time to come in and we appreciate Julie's
13 letter if you'll let her know.

14
15 MS. LEHR: I will.

16
17 CHAIRMAN TOWARAK: Any other public
18 members want to make any comments.

19
20 (No comments)

21
22 CHAIRMAN TOWARAK: Do we have anyone on
23 the phone that would like to make any comments to the
24 Board?

25
26 MS. JACKSON: Thank you. I'm Janice
27 Jackson, the ANS, Alaska Native Sisterhood, grand
28 president. I wanted to let you know that we fully
29 support the village of Saxman. In fact, we passed
30 resolution 10-01 by all the delegates of the Grand Camp
31 Convention that was held in October 2010 in the village
32 of Saxman. I believe Lee Wallace, who is there, has a
33 copy of this resolution and I would like to submit that
34 through Lee.

35
36 I would also like to read the title and
37 the whereas. Resolution No. 10-01, sponsored by the
38 Saxman ANB and the Alaska Native Brotherhood Grand Camp
39 Subsistence Committee. The title is Re-qualifying and
40 Affirming the Traditional and Customary Hunting, Fishing
41 and Harvesting Rights of the Tlingits and Haidas
42 Originating from Saxman, Alaska Pursuant to Title VIII of
43 ANILCA.

44
45 Whereas, the Alaska Native Brotherhood
46 and Sisterhood Grand Camp is a fraternal organization
47 organized in the year 1912. It is dedicated to the
48 advocacy of civil rights, health, education, welfare,
49 employment, economic justice and citizenship; and
50

1 Whereas, the Federal Subsistence Board
2 decided on the 12-13 day of December, 2006 that the
3 Tlingit and Haida people residing at Saxman, Alaska were
4 ineligible to undertake customary and traditional
5 hunting, fishing and harvesting because the community of
6 Saxman was determined to be nonrural; and
7

8 Whereas, the Federal Subsistence Board
9 undertook a public review process and engaged consultants
10 to create a record in accordance with the Code of Federal
11 Regulations established on the basis that a community met
12 the criteria of being rural versus that of being urban;
13 and
14

15 Whereas, the record of decision was
16 primarily based upon Tlingits and Haidas residing at
17 Saxman, Alaska being eligible or ineligible due to their
18 community status rather than being eligible based on
19 their qualifications as individual Alaska Natives; and
20

21 Whereas, Title VIII of ANILCA is Indian
22 Law designed as part of a land settlement consideration
23 by the U.S. Congress in order to provide for and benefit
24 Alaska Natives; and
25

26 Now therefore be it resolved by the
27 Alaska Native Brotherhood and Sisterhood Grand Camp
28 meeting at Saxman, Alaska this October 4th-9th, 2010,
29 that the Grand Camp hereby joins the Saxman IRA and the
30 Tlingit and Haida people of Saxman, Alaska and their
31 petition to seek reconsideration of the Federal
32 Subsistence Board decision that this qualifies Alaska
33 Natives and rural students from benefitting from the
34 subsistence provision of Title VIII of ANILCA; and
35

36 Be it further resolved that the Grand
37 Camp asserts that Title VIII of ANILCA is Federal Indian
38 Law designed to benefit and settle land claims of the
39 Saxman people, which includes their ability to
40 customarily and traditionally hunt, fish and harvest
41 natural resources in their capacity as individual tribal
42 members and also as rural residents.
43

44 Be it further resolved that the Grand
45 Camp finds that the Federal Subsistence Board and the
46 State of Alaska has created a Code of Federal Regulations
47 which work to exclude the recognition of Alaska Natives
48 and beneficiaries of the law and have created regulations
49 which prefer qualification for rural residents to the
50 exclusion of Alaska Natives wherever they may reside; and
51

1 Be it finally resolved that the ANB and
2 ANS Grand Camp will support a petition and/or litigation
3 to the Secretary of Agriculture and the Secretary of
4 Interior that will affirm and establish the ability of
5 the people of Saxman, Alaska to benefit from Title VIII
6 of ANILCA as Alaska Natives in a manner that sets aside
7 the Federal Subsistence Board decision that qualifies
8 Alaska Natives originating from Saxman, Alaska as rural
9 residents.

10
11 This was certified and signed, adopted by
12 the ANB/ANS Grand Camp in convention at Saxman, Alaska
13 during the week of October 9th, 2010 by ANB Grand
14 President Willard Jackson and ANS Grand President pro tem
15 Dolores Cadiente and the ANB Grand Secretary Jeffrey
16 Jackson.

17
18 CHAIRMAN TOWARAK: Thank you, Ms.
19 Jackson. Are there any questions of Ms. Jackson in
20 regards to her resolution? Go ahead.

21
22 DR. WHEELER: Ms. Jackson, I'm not a
23 Board member. I'm just the acting head of the Office of
24 Subsistence Management right now. It's my understanding
25 that Lee does not have your resolution, but if you could
26 fax that resolution to OSM, we can make sure that all of
27 the Board members have it and then it becomes also part
28 of the public record.

29
30 MS. JACKSON: Okay, I sure will do that.

31
32 DR. WHEELER: I can give you our fax
33 number if you need it.

34
35 MS. JACKSON: Okay, I have a pen.

36
37 DR. WHEELER: Okay. It's 786-3898. If
38 you do that, we'll go ahead and make it into a PDF and
39 send it to each of the Board members. Mr. Chair.

40
41 CHAIRMAN TOWARAK: Thank you. Do we have
42 others that.....

43
44 OPERATOR: We have two additional. The
45 next comes from Bert Adams. Your line is open.

46
47 MR. ADAMS: Thank you, sir. Thank you,
48 Mr. Chairman. I just wanted to follow up on the comments
49 Lee had made and I really appreciate his being able to be
50 present there. His testimonies are always compelling, so

1 I'm happy that he's able to be there for this workshop
2 today.

3
4 And I just wanted to re-emphasize that we
5 are fully behind Saxman in their effort to retain their
6 rural status. We need to understand also the agenda
7 because it's going to talk about Saxman's nonrural status
8 determination. We need to really recognize that Saxman
9 still has their rural status and our purpose here is to
10 help them to retain it.

11
12 I also feel that a stay on this issue is
13 in order and that will give the Board time to look at the
14 process. You know, like for instance addressing the
15 aggregation issue and also to have a public hearing to
16 determine whether the regulation should be changed or
17 not. It's going to take time for that process to take
18 place, but then I think it would be appropriate, you
19 know, for a stay to occur at this time.

20
21 I also need to remind the Board you are
22 different than the ones who had heard this issue before.
23 One of the things I found out in the rural status issue
24 that the Board should give deference to the Regional
25 Advisory Councils when it comes to these kinds of
26 situations.

27
28 So I'm looking forward to working with
29 you all and seeing this happen. Saxman indeed does
30 deserve their rural status. Thank you for the
31 opportunity to have this issue, you know, re-investigate
32 it again.

33
34 In regards to Pete, give him my
35 condolences if you will, Polly. I remember a couple
36 years ago when I had a severe fall and I injured my hip.
37 I fell a long ways from my roof and I told myself and my
38 family that I was going to be up and running around in
39 two weeks. Well, actually it took six weeks and I'm
40 tough too. Anyhow, give him my condolences and let him
41 know that I'm supporting him in getting back on his daily
42 routine again.

43
44 Members of the Board and people present
45 there, I just want to thank you for this opportunity to
46 share these thoughts with you this evening or this
47 afternoon. Have a good day.

48
49 CHAIRMAN TOWARAK: Thank you, Bert.
50

1 OPERATOR: It comes from Carol Wallace.
2 Your line is open.

3
4 MS. WALLACE: Good afternoon. My name is
5 Carol Wallace and I'm calling from the city of Saxman and
6 the organized village of Saxman as a community member.
7 To the Board, thank you for giving us this opportunity to
8 share some of our commentary and also if I could just --
9 part of the reason why I wanted to be on the line was
10 because I think President Wallace thought that nobody
11 from home was on the line with him, but there are some of
12 us here, so we wanted to lend our support to this very
13 important issue.

14
15 I was prepared to give public testimony
16 when this meeting was scheduled to be a public hearing,
17 but since it has been changed to a work session my
18 comments will be brief and I'll reserve more extensive
19 comments for a public hearing, which I hope will occur.

20
21 A couple of things that I wanted to
22 request of the Federal Subsistence Board or am requesting
23 the Federal Subsistence Board to take the following
24 action. Revisit its prior decision and undertake a new
25 review of the 2007 decision to move Saxman status from
26 rural to nonrural. Since then new information has become
27 available as well as new directives from Secretary
28 Salazar and Obama's directive for tribal consultation.

29
30 At the time, Saxman was under review.
31 Community members requested the Federal Subsistence Board
32 review the criteria -- our community members from Saxman
33 requested the Federal Subsistence Board review the
34 criteria it was utilizing to make its determination,
35 which we believe did not accurately reflect the socio-
36 economic integration or lack of integration between
37 Ketchikan and Saxman.

38
39 New information has since become
40 available, some of which President Wallace pointed out,
41 especially around the social integration of our youth
42 with Ketchikan youth. That may help the Board more
43 clearly understand Saxman's unique identity, history
44 government and culture, which is distinct from Ketchikan.

45
46 I should note to you that the challenge
47 in our village and perhaps why there isn't a whole lot of
48 testimony today at this work session is that we perceive
49 our subsistence or customary and traditional harvest as
50 a way of life with physical, cultural and spiritual

1 implications. How do we summarize these things when the
2 criteria requires us to talk about our way of life
3 through socio-economic integration with Ketchikan? How
4 do you summarize the spiritual implications of our
5 harvesting, our customary ways by summarizing, you know,
6 how our kids go to school or the number of people who are
7 employed. It seems very difficult for our village
8 members to do so.

9
10 ANILCA Title VIII outlines preference for
11 subsistence use that are more consistent with the intent
12 behind prioritizing subsistence use on public lands not
13 fully reflected in the Federal Subsistence Board's rural
14 determination criteria. This should be changed. From my
15 perspective, the changes to the FSB criteria will not
16 bring the review process out of regulatory compliance,
17 which was discussed to some extent with your Staff
18 earlier in this meeting.

19
20 As you consider reviewing the criteria or
21 process utilized by your Board in determining a
22 community's rural or nonrural status, I urge you to
23 include meaningful consultation with the Regional
24 Advisory Council and with tribes. If you choose to hold
25 a public meeting, I request that you hold the meeting in
26 person at Saxman as many of our villagers are low income
27 without resources to travel or to participate in public
28 hearings.

29
30 I also request that you do not host the
31 public meeting during the middle of our harvest season.
32 Today there are very few members of our community who are
33 present on the phone for this work session largely
34 because we are in the middle of a harvest season. This
35 is our way of life and subsisting is something that is
36 very important and vital to our community. We are
37 getting our shelves ready for the winter.

38
39 In addition, the Cape Fox people's nakani
40 (ph) passed away, so our village is preparing for his
41 services this evening and tomorrow. I can assure you
42 that it is the harvest we put up last year and what we've
43 caught this summer, which will feed our entire community
44 over the next few days and that will sustain his widow in
45 the coming months.

46
47 My recommendation is that you delay the
48 implementation of the decision to have Saxman designated
49 as nonrural until the Federal Subsistence Board has
50 revised its review criteria to include many of the

1 suggestions and directives from Secretary Salazar along
2 with bringing its review process in compliance with
3 ANILCA Title VIII. At that time, the Federal Subsistence
4 Board should revisit its 2007 decision for Saxman's
5 nonrural determination and I think at that time you will
6 find that Saxman will meet the criteria for rural
7 priority.

8
9 Thank you for your time and I really
10 appreciate that everyone is rolling up their sleeves to
11 talk about this issue and certainly our entire community
12 supports President Wallace and all the comments he's made
13 and we appreciate the support that has been shared from
14 Skagway, Hydaburg, AFN, as well as Mr. Adams on the phone
15 today and the Alaska Native Brotherhood and Sisterhood.

16
17 Howa. Gunalcheesh.

18
19 CHAIRMAN TOWARAK: Thank you, Mrs.
20 Wallace. Any questions of the Board.

21
22 (No comments)

23
24 CHAIRMAN TOWARAK: Thank you for taking
25 your time for sitting in on our meeting. We appreciate
26 your presence. I'm assuming, Operator, that those were
27 the three.

28
29 OPERATOR: Yes. I'm showing no further
30 questions in the cue.

31
32 CHAIRMAN TOWARAK: Thank you very much.
33 Any new public members? If not, we will end our public
34 testimony. Let's take a five-minute break and then we'll
35 come back and resume our discussion.

36
37 (Off record)

38
39 (On record)

40
41 CHAIRMAN TOWARAK: I'll call us back into
42 session of our work session. We're still on the item of
43 the Board discussion on nonrural determination for the
44 community of Saxman. What are the wishes of the Board or
45 are there any further discussion on item number 5.

46
47 MR. BELL: Mr. Chairman. Point of
48 clarification. We had talked earlier about if we were
49 going to do something such as consider a stay or a delay
50 of the implementation of the May 2012 communities, I just

1 want to be clear what we're talking about. I'm looking
2 at the Federal Register Volume 72, No. 87, where the
3 decision was published in the Federal Register, reading
4 from the summary, we are changing Adak status to rural.
5 We are also adding Prudhoe Bay to the list of nonrural
6 areas. The following areas continue to be nonrural, but
7 we are changing their boundaries. The Kenai area, the
8 Wasilla/Palmer area, including Point Mackenzie, the Homer
9 area, including Fritz Creek East and North Fork Road, and
10 the Ketchikan area. We've also added Saxman to the
11 Ketchikan nonrural.

12

13 If we were to stay any of this, it's my
14 understanding, Mr. Chairman, that we would be staying
15 only the nonrural portion. Nothing would change in the
16 status on Adak. Now, again, I know we're not making a
17 decision today, but I'm trying to think about what our
18 process forward would be and want to be clear on what
19 communities would be affected by any further discussions
20 of a stay of nonrural status.

21

22 So is my understanding correct,
23 Mr. Chairman?

24

25 MR. GOLTZ: Yes, I believe it is. For
26 the record, this is Keith Goltz.

27

28 MR. BELL: That's all I had at this time,
29 Mr. Chairman, unless other Board members have something.

30

31 MS. COOPER: Thank you, Mr. Chair.
32 First, I too would like to apologize to Mr. Wallace for
33 the confusion on the status of today's work session and
34 assure you that your trip was not in vain. I just wanted
35 to start out with that.

36

37 Contemplating the input that we've heard,
38 it appears that we need to discuss at the next publicly
39 noticed Federal Subsistence Board meeting a stay of the
40 implementation of nonrural designation. Without the
41 benefit of hearing additional public comment today, I'm
42 hearing at least three changes that have occurred or have
43 yet to occur since the Federal Subsistence Board's
44 decision of 2007 concerning rural determination of
45 Saxman.

46

47 I just wanted to put those on the record
48 of what I'm hearing today and make sure I'm hearing
49 correctly. The first that I picked up, the first of
50 those changes, is the Secretarial review of the Federal

1 subsistence process and potential effects of that review
2 to rural determination during the next decadal review.

3
4 Secondly, I'm hearing just the proximity
5 or rather how close we are now to a new decadal review of
6 rural determination. So just how close we're getting to
7 that.

8
9 Thirdly, the drafting of DOI's tribal
10 consultation protocols, both for Federally-recognized
11 tribes as well as for the ANCSA corporations. Certainly
12 the educational system and drop-out rate by Saxman
13 residents could be considered as well.

14
15 As far as what's changed, I see those
16 three things as changes. It appears prudent to discuss
17 a stay of the implementation of the 2007 rural
18 determination until potentially all three of these
19 changes have been decided and/or implemented.

20
21 So just to throw that out for discussion
22 during the publicly noticed Federal Subsistence Board
23 meeting. I just wanted to make sure I'm on the same
24 page.

25
26 Thank you, Mr. Chair.

27
28 CHAIRMAN TOWARAK: Thank you, Ms. Cooper.
29 Any further discussion. Go ahead.

30
31 MR. BELL: Mr. Chairman. If you're
32 prepared, I'm prepared to make a motion. Mr. Chairman,
33 I'd like to make a motion that we have Staff prepare a
34 public notice for a meeting where the nonrural
35 determination for those communities listed in Federal
36 Register Volume 72, No. 87, be noticed at the earliest
37 convenience of the Board and that at that point in time
38 we take up the issue of that nonrural determination to
39 consider a stay of that determination until such time as
40 the Secretarial review component of rural/nonrural
41 determinations can be completed.

42
43 MS. COOPER: I'd like to second that
44 motion.

45
46 CHAIRMAN TOWARAK: You heard the motion
47 and the second. Is there any discussion on the motion.
48 In my mind, the motion is fairly clear to hold a future
49 meeting with regards to nonrural determination. Is there
50 a call for the question.

1 MR. BELL: Call for the question, Mr..
2 Chairman.
3
4 CHAIRMAN TOWARAK: The question has been
5 called for. All those in favor of the motion say aye.
6
7 IN UNISON: Aye.
8
9 CHAIRMAN TOWARAK: Those opposed say nay.
10
11 (No opposing votes)
12
13 CHAIRMAN TOWARAK: Motion passes
14 unanimously. That ends our agenda for the day. We are
15 scheduled to have a work session again in the morning at
16 8:30, starting with the update on tribal consultation
17 work group from Crystal Leonetti and Della Trumble. Go
18 ahead.
19
20 DR. WHEELER: Along those lines, Mr.
21 Chair, I do have a handout from Crystal and I will
22 provide them to the Board members and if you could take
23 a look at this tonight, my understanding is that is a
24 summary of the meeting that occurred in June. It's also
25 several draft protocols, one for government-to-government
26 consultation and one for government-to-ANCSA-corporations
27 consultation. They're draft protocols. Crystal is here
28 in the back of the room. She'll be here to speak to this
29 at 8:30 sharp tomorrow morning. Crystal, is Della going
30 to be here in person or is she on the phone?
31
32 MS. LEONETTI: Here.
33
34 DR. WHEELER: Okay, cool. And there's
35 extra copies for the public if you all are interested.
36 Mr. Chair.
37
38 One other thing, just as a logistical
39 issue, if you're interested in leaving your stuff here,
40 this room does get locked at night, so you can leave your
41 materials here and they'll be here when you get here
42 tomorrow morning.
43
44 CHAIRMAN TOWARAK: We will then recess
45 this work session until 8:30. Go ahead. Did you have a
46 comment?
47
48 MR. CRIBLEY: Yeah. Just on the motion
49 that we just passed, as far as the timing of that and
50 also the location of that meeting, when do we -- do we

1 discuss that here or does the -- who figures that one
2 out?

3

4 DR. WHEELER: I might punt that one to
5 Pete.

6

7 MR. CRIBLEY: Oh, okay.

8

9 (Laughter)

10

11 DR. WHEELER: You'll be getting polled
12 electronically and we'll look at our schedules. I'll say
13 that we've got a lot on our plate coming up, but I'm not
14 saying this in any way, just to alert people. I'm going
15 to be meeting with some staff later this week to kind of
16 look at what we've got ahead of us. Our next publicly
17 noticed meeting for the Federal Subsistence Board is in
18 January 2012. That's the wildlife regulatory cycle.
19 Between now and then we have 10 RAC meetings and we have
20 associated meetings with that. So we can look at our
21 calendars and we'll do some electronic polling with the
22 Board to see what your schedules look like.

23

24 MR. CRIBLEY: Just a question. Has the
25 Southeast RAC scheduled their meeting?

26

27 DR. WHEELER: They have and I don't know
28 offhand when it is. It's the last week in September in
29 Wrangell.

30

31 MR. CRIBLEY: Okay. Thank you.

32

33 CHAIRMAN TOWARAK: I'd also like to see
34 us consult with the community of Saxman and not schedule
35 it during their gathering time, as was pointed out in one
36 of the testimonies.

37

38 Further discussion. We will recess then
39 until 8:30 tomorrow morning.

40

41 (Off record)

42

43 (PROCEEDINGS TO BE CONTINUED)

