

1 FEDERAL SUBSISTENCE BOARD TRIBAL CONSULTATION

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PUBLIC MEETING

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Dena'ina Convention Center

9

Anchorage, Alaska

10

December 1, 2011

11

1:00 p.m.

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14

15 FEDERAL BOARD MEMBERS OR REPRESENTATIVES PRESENT:

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18 Tim Towarak, Chairman Federal Subsistence Board

19 Geoff Haskett, U.S. Fish and Wildlife Service

20 Wayne Owen, U.S. Forest Service

21 Gene Virden, Bureau of Indian Affairs

22 Sue Masica, National Park Service

23 Bud Cribley, Bureau of Land Management

24

25 Kristin Holzinger K'eit - Moderator

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39 Recorded and transcribed by:

40

41 Computer Matrix Court Reporters, LLC

42 135 Christensen Drive, Suite 2

43 Anchorage, AK 99501

44 907-243-0668/sahile@gci.net

1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 12/1/2011)

4  
5 (On record)

6  
7 MS. K'EIT: I'm so happy to be here  
8 this afternoon. My name is Kristin Holzinger K'eit. I  
9 am the deputy regional director for the Bureau of  
10 Indian Affairs here in Alaska Region for the Native  
11 Services Program, and I am also often the alternate to  
12 the BIA Regional Director, Mr. Gene Virden, on the  
13 Federal Subsistence Board. It's been a wonderful  
14 position I've been in to be the alternate to our  
15 Regional Director for four or five years now and I am  
16 very happy to be your moderator/facilitator this  
17 afternoon.

18  
19 I'm going to -- I'll just let you know  
20 kind of the process we're going to use this afternoon  
21 and I'll go into more details momentarily. Just a  
22 reminder, based on your agenda, we are having this as a  
23 tribal consultation session. I'm sorry I wasn't able  
24 to join you this morning, I had to fill in for one of  
25 our staff who had an injury and I was doing some  
26 training in the transportation session but I heard it  
27 was a fantastic session for many, many people to be  
28 able to express concerns and issues about traditional  
29 foods and resources throughout Alaska. I understand  
30 there was some concern that not everybody may have had  
31 as much time as they needed, so with this afternoon  
32 being a tribal consultation, government-to-government  
33 consultation between the Federal Subsistence Board and  
34 your tribal governments, we won't be having that  
35 similar time limit and so as you need to you'll have  
36 opportunity to express your comments and concerns as we  
37 talk about consultation with the Federal Subsistence  
38 Board.

39  
40 Before we get into some of the other  
41 details of the afternoon and the program, I'm going to  
42 give an opportunity to the Chairman of the Federal  
43 Subsistence Board to provide some welcoming comments  
44 and opening comments to you, that is, Mr. Tim Towarak,  
45 and he is -- we have our Board members sitting at these  
46 tables, kind of in the front so you can see them, and  
47 they're in a central location, and Mr. Towarak over  
48 here on your left, I'll turn the mic over to him for a  
49 bit.

50

1                   CHAIRMAN TOWARAK: Thank you, Kristin.  
2 I think most everyone knows that I'm Tim Towarak, I'm  
3 from Unalakleet in the Norton Sound. And I'm on my  
4 second year of serving as the Chairman for the Federal  
5 Subsistence Board. It's been an interesting process  
6 for me because of some of the mandates that came down  
7 from the new Secretary of the Interior under Obama's  
8 Administration of opening up our process, the  
9 Subsistence Board process more to tribes, and part of  
10 the process that we're going through -- should I go up  
11 there?

12  
13                   (Microphone unplugged)

14  
15                   CHAIRMAN TOWARAK: I noticed earlier  
16 that there was all kinds of problems with that  
17 microphone when you were sitting on the floor so I  
18 think you'll be able to hear a little bit better from  
19 me standing up here.

20  
21                   One of the mandates that I feel very  
22 proud to represent for the Secretary of the Interior is  
23 to -- other than consulting with tribes is to defer as  
24 much of our decision making to our Regional Advisory  
25 Councils. In all of our subsistence Board meetings,  
26 our official meetings, we have our Regional Advisory  
27 Councils, I think there are six or seven of them.....

28  
29                   MS. K'EIT: Ten.

30  
31                   CHAIRMAN TOWARAK: Ten. Ten different  
32 regions throughout the state. And each region has a  
33 Chairman that we have sit with us during our  
34 deliberations, and we ask for their recommendations on  
35 how we should vote. So as we go through this tribal  
36 consultation process, please remember that each one of  
37 you have a Regional Chairman for your Regional Advisory  
38 Council that you could always call and talk with and  
39 ask them to pass information on to us, but we'll get  
40 more into that this afternoon, and hopefully by the end  
41 of the day we'll have a lot of suggestions from all of  
42 you on how we can improve our communications between  
43 the Federal Subsistence Board and all the tribes  
44 throughout Alaska. It's going to be an inters -- we've  
45 already could see that it's going to be an interesting  
46 process because there are 223 tribes and we need to  
47 figure out how to reach every single one of those  
48 tribes during the process that we have. So your  
49 Regional Advisory Councils are important in our  
50 process.

1 (Wireless microphone plugged in)

2

3 I'm not going to talk any more but I do  
4 want to make one announcement, is that, one of the  
5 recommendations that I think the AFN Board made was to  
6 increase the number of Alaskans that sit on the -- I  
7 mean interception users that sit on the Subsistence  
8 Board, and the Secretary of the Interior has authorized  
9 us to advertise and select two people from the state to  
10 join our five member Board, along with myself, so  
11 there's six of us, so we're interviewing six people  
12 tomorrow, all day tomorrow, and should have a fairly  
13 good idea of who we're going to be selecting within the  
14 next week or so. So we will get -- I think we had 30  
15 applications for those two seats. The Staff has  
16 narrowed it down to six people that we're interviewing  
17 tomorrow.

18

19 So welcome to our tribal consultation  
20 process and I'd like to make sure that you understand  
21 that it's an informal process. We are having minutes  
22 taken and there will be minutes available to you, but  
23 we would prefer that everybody feels very comfortable  
24 and come up to the mics and let us know what you feel  
25 about the tribal consultation process.

26

27 Again, welcome to our meeting.

28

29 (Applause)

30

31 MS. K'EIT: Next we're going to take a  
32 moment and have an opportunity for the Federal  
33 Subsistence Board members that are here this afternoon  
34 to introduce themselves and they'll tell us what agency  
35 they work for and represent on the Federal Subsistence  
36 Board. And the hand mic is right behind Crystal.

37

38 MR. OWEN: Good afternoon, and it's  
39 good to be in Anchorage. I'm the director of wildlife,  
40 fisheries and subsistence management for the U.S.D.A.  
41 Forest Service, Alaska Region.

42

43 MR. VIRDEN: Good afternoon. My name's  
44 Gene Virden, I'm the BIA Regional Director. I was  
45 appointed to that position at the end of January of  
46 this year. And it's been a learning experience for us,  
47 especially from me coming from the Minnesota Chippewa  
48 Tribe down in Minnesota, but all together I've been up  
49 here a little over 14 years so I at least have lived  
50 here and have been out in the Bush quite a bit. This

1 year we went to several RAC meetings, but I'll just  
2 introduce myself because we've got a lot to do here.  
3 I'm with, as I said, the BIA, and I'm a Board member.

4  
5 MR. HASKETT: Hello, I'm Geoff Haskett.  
6 I'm the Regional Director of the Fish and Wildlife  
7 Service. Glad to be here.

8  
9 MR. CRIBLEY: I'm Bud Cribley. I'm  
10 with Bureau of Land Management, and I'm the State  
11 Director for BLM here in Alaska. I'm very glad to be  
12 here and look forward to this afternoon's comments.  
13 Hopefully they will be as valuable to us as the tribal  
14 listening session that we did last year in January as a  
15 part of the last large Subsistence Board Meeting. It  
16 was very educational and I appreciate you folks taking  
17 your time to come out and visit with us and express  
18 your views on the consultation process and subsistence  
19 hunting and fishing.

20  
21 MS. MASICA: Good afternoon. My name  
22 is Sue Masica. I'm the Regional Director for the  
23 National Park Service based here in Anchorage. I look  
24 forward to hearing the comments this afternoon as I  
25 enjoyed the comments this morning.

26  
27 MS. K'EIT: Thank you, Board members.  
28 Next I want to bring to your attention, for anybody  
29 that may not have been able to pick up a copy this  
30 morning or may be new to this session this afternoon,  
31 we have several copies of different materials at the  
32 table along the wall over there by the water fountain.  
33 I'll just highlight these real quick.

34  
35 One is a copy of the Federal  
36 Subsistence Board's Draft Interim Consultation --  
37 Tribal Consultation Protocol. So there's that draft  
38 copy over there.

39  
40 We also have a flow chart, kind of a  
41 circular flow chart there, that's part of the protocol  
42 that shows the process that the Federal Subsistence  
43 Board goes through and the regulations go through as  
44 they're published and put out there for public comment  
45 and made available for tribes and the public to comment  
46 on and look to make changes to.

47  
48 Another important document is the  
49 Executive Order 13175, most of you know of this  
50 Executive Order as the government-to-government

1 consultation, or the Tribal Consultation Executive  
2 Order. This is the one from 2000 that President  
3 Clinton, former President Clinton published. We also  
4 have a copy of President Obama's November 2009  
5 memorandum, which is a reinforcement of this Executive  
6 Order, so that's a real good tool for you to have a  
7 copy of.

8

9

Two more things.

10

11

We have a list of the Federal  
12 Subsistence Board members. So in case you don't  
13 remember their names next time you see them, or you  
14 want to write them a letter or call their office, we  
15 have the Board Chair, Mr. Towarak, and all the Board  
16 members and their offices. And we also have a good  
17 handy map that shows the 10 Regional Advisory Councils,  
18 the regions that each Council represents. So if you  
19 have any questions about where those are marked out  
20 across the state.

21

22

So continuing in the afternoon, we're  
23 going to have a short, short presentation from Jean  
24 Gamache. She is the Alaska Native Affairs Liaison for  
25 the National Park Service, and her goal this afternoon  
26 in her time is to give you some background about how we  
27 got to this point today, how we developed the Draft  
28 Interim Protocol for tribal consultation to use by the  
29 Federal Subsistence Board. And with that I'll turn it  
30 over to Jean and just direct you to our presentation  
31 slide here.

32

33

MS. GAMACHE: Good afternoon. Can

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As Kristin mentioned my name is Jean  
Gamache, I'm the Alaska Native Affairs Liaison with the  
National Park Service, and I'm new, actually to  
Department of Interior, eight months with the Park  
Service. Prior to that I worked with the US  
Environmental Protection Agency, both in San Francisco  
and in Anchorage, so many of you might be familiar with

1 the GAP program, that was the program that I worked in  
2 for many, many years. Working in Department of  
3 Interior is very different, it's been very challenging  
4 but incredibly interesting for me, personally, and I  
5 have a much greater appreciation of kind of the  
6 learning curve that people have when they're coming in  
7 to figuring out who does what within the Interior  
8 family of agencies. So I thought it might be helpful  
9 to go over, very quickly, the -- as Kristin mentioned,  
10 how we got to where we are today with these protocols.  
11 And I just want to highlight -- because there are --  
12 there have been a couple of different tracts that have  
13 been moving forward over the last couple of years.

14  
15                   So just to clarify, there's another  
16 document that was handed out this morning, it has a  
17 photo in the upper left corner, I don't know if  
18 everybody got a copy of that. This is Department of  
19 Interior's brand new, hot off the press, consultation  
20 policy, this is Interior-wide. So this policy became  
21 final this morning. This has been in the works for  
22 more than a year and a half, and I know representation  
23 from Alaska included Sam Thomas, who I think is sitting  
24 in the back of the room and Evelyn Thomas from Crooked  
25 Creek, and I'm sure that they would have additional  
26 information if you'd like to ask any questions on that.  
27 So this is a different consultation protocol than what  
28 we're going to be talking about this afternoon.

29  
30                   So what we're talking about this  
31 afternoon's protocol for the Federal Subsistence Board  
32 process.

33  
34                   Kristin held up the letter from  
35 Chairman Towarak that had the interim protocol  
36 attached. This is the document that we are looking for  
37 comments on from you, and it's really important that we  
38 get your feedback on this because this will shape the  
39 direction that the consultation effort takes place in  
40 the future.

41  
42                   So let me actually start paying  
43 attention to my PowerPoint here.

44  
45                   There we go.

46  
47                   You heard a little bit about the  
48 Executive Order on consultation that President Clinton  
49 issued. You've heard a little bit about President  
50 Obama reaffirming that responsibility. But just to

1 take it back much, much further, the responsibility to  
2 -- we have a trust responsibility as a Federal  
3 government to Federally-recognized tribes. Part of our  
4 effort to meet that responsibility is accomplished  
5 through consultation with tribes. And so the basis for  
6 these protocols is actually based in hundreds of years  
7 of history, hundreds of years of government-to-  
8 government relationships between the Federal government  
9 and Federally-recognized tribes throughout the country.  
10

11 This language that's on the PowerPoint  
12 actually comes from the National Protocol that was just  
13 finalized this morning and it gives, I think, a good  
14 overview of the basis, the legal basis for our  
15 consultation protocols and policies.  
16

17 So when do we consult?  
18

19 If there are issues that affect tribes  
20 in a significant way then Federal agencies should be  
21 consulting with you. If there are issues that you  
22 would like to bring to Federal agencies that you're  
23 concerned about then, by all means, bring those to us  
24 and we'll work with you to make sure that we consult  
25 with you effectively on those issues.  
26

27 Let's see -- oh, did I go the wrong way  
28 here -- see, I can't see this from where I'm standing,  
29 sorry.  
30

31 Okay.  
32

33 Effective consultation is not merely  
34 we're here and we listen, it's information -- it's  
35 creating an effective opportunity so that input can be  
36 provided by tribes and the agencies take that  
37 information and utilize it as we make decisions about  
38 the issues that are being discussed. So it's an  
39 effective opportunity for tribal input for working  
40 collaboratively with the Federal agencies as issues are  
41 moving forward, and for decision making processes to  
42 include tribal input as those decisions are achieved.  
43

44 So following the direction that was  
45 given by President Clinton by President Obama, the  
46 Federal Subsistence Board took action and following,  
47 actually the consultation that I understand occurred in  
48 January of this year, the Federal Subsistence Board  
49 created a workgroup that included representatives from  
50 tribes as well as several of the Native liaisons within

1 the agencies as well as Staff who work on subsistence  
2 issues. That workgroup developed an interim protocol.  
3 That interim protocol was adopted by the full Board  
4 during its July meeting of this year, and that's the  
5 protocol that we are looking for comments on. This is  
6 intended to be a living process. We want to make sure  
7 that this protocol will work effectively for the Board  
8 cycle. And so we definitely want to -- we want your  
9 input, we want to make sure that this is going to work  
10 effectively, we want to make sure that when we are  
11 doing outreach, when we're trying to make contacts with  
12 tribal representatives that we can do that effectively.  
13 So that's when it becomes very important for us to know  
14 what's going to work for you, and then we can try to  
15 help make that happen.

16  
17 This is the -- the first paragraph  
18 that's actually included in the Tribal Consultation  
19 Protocol, and hopefully everyone has a copy of it, this  
20 is the first page, this is just the first paragraph  
21 that's included on here.

22  
23 And then lastly this is a list of  
24 resources and we can email this to people, we can make  
25 this available if anybody wants to take a look at some  
26 of these resources that outlines consultation policies,  
27 kind of provides information on the history and the  
28 background on what we've been talking about, and what  
29 we're going to continue talking about.

30  
31 So, again, just to start moving into  
32 the discussion, what we're looking for from you is  
33 information, guidance, how will consultation work  
34 effectively for you in the subsistence management  
35 process. So the Federal Subsistence Board takes  
36 action, we have a regulatory cycle that we go through  
37 every year, we want to make sure that we are including  
38 tribal consultation effectively into that process; and  
39 so that's what we're looking for here this afternoon.  
40 What works for you. How can we connect with you.  
41 What's the most effective way to talk to -- get the  
42 information to you. I know that you -- many times  
43 tribes are overwhelmed with the number of requests and  
44 the amount of information that you receive on a daily  
45 basis. Is there a mechanism, is there a way that we  
46 can connect with you more effectively. Tell us how  
47 that works, because if we don't know then we can't try  
48 to make it happen.

49  
50 So hopefully this helps.

1                   If anybody has any questions I'd be  
2 happy to answer. Otherwise I'm going to turn it back  
3 over to Kristin.

4  
5                   Thank you, everyone.

6  
7                   MS. K'EIT: Thank you. In case you  
8 went to the table and you found that there weren't  
9 copies of documents you were looking for, we will have  
10 -- or we do have a sign-up sheet there that we can  
11 either email you copies of these things or we can put  
12 them in the mail to you, whichever format you prefer.

13  
14                   The next thing I'd like to do as we  
15 talk about the interim protocol for tribal  
16 consultation, we did have a small group of tribal  
17 government representatives throughout Alaska that  
18 worked together to develop the draft that we could use  
19 for this past fall cycle. And so with that I'd like to  
20 have Crystal help facilitate that process, if you were  
21 on that tribal working group, if you wouldn't mind  
22 standing, she could kind of point you out and introduce  
23 you.

24  
25                   MS. LEONETTI: (In Yup'ik). My English  
26 name is Crystal Leonetti. I'm the Alaska Native  
27 Affairs specialist for U.S. Fish and Wildlife Service,  
28 and I'm on the Federal Subsistence Board tribal  
29 consultation workgroup formulating this protocol,  
30 hopefully to make sense for the Federal government and  
31 for tribes. And I would like to introduce the rest of  
32 the workgroup. I'll have Della introduce herself and  
33 then I'll have the rest of the workgroup stand.

34  
35                   MS. TRUMBLE: Thank you, and, good  
36 afternoon. My name is Della Trumble. I'm from the  
37 Agdaagux Tribe in King Cove. I've had the honor of  
38 helping with this process this summer at a time when a  
39 lot of our tribal members have been out fishing,  
40 subsistence gathering in the summer, so it's been a  
41 good process. We did go through meeting with the  
42 village corporations. But it's a good thing for all  
43 tribes, I think, to seriously look at because it's for  
44 you and us as tribal governments, to be able to create  
45 a process that's going to work for us in the future.  
46 We hear many times that, you know, this hasn't worked,  
47 so we've got to figure out how we make it work.

48  
49                   With that, thank you.

50

1 MS. LEONETTI: Okay. And the rest of  
2 the workgroup members, if you could please stand and  
3 I'll just introduce you and -- in the interest of time  
4 so we can get into this conversation.

5  
6 Jean Gamache, National Park Service.

7  
8 Pete Probasco, Office of Subsistence  
9 Management.

10  
11 Lillian Petershore, U.S. Forest  
12 Service.

13  
14 Nancy Swanton, National Park Service.

15  
16 Glen Chenn, BIA.

17  
18 Brenda Takeshorse, Bureau of Land  
19 Management.

20  
21 Andrea Mederios from Office of  
22 Subsistence Management.

23  
24 Am I missing anybody else that's in the  
25 room -- we have several other workgroup members that  
26 aren't here with us today.

27  
28 Richard Peterson from Kasaan.

29  
30 Rosemary Ahtuanguaruak from Nuiqsut and  
31 Barrow.

32  
33 Shauna Larson from Chickaloon.

34  
35 George Yaska from Huslia and Fairbanks.

36  
37 I think -- oh, John Andrew from  
38 Kwethluk.

39  
40 And Bobby Andrew from Eko -- or Ekwok  
41 and Dillingham.

42  
43 So those are your workgroup members and  
44 we're here to gather information from you. This  
45 consultation protocol that you have in front of you, we  
46 have -- this workgroup has drafted the preamble, the  
47 introduction and the goals. And then we left the  
48 consultation protocol like a fill in the blank because  
49 we want to hear from tribes, what will work best for  
50 you, so please pay attention to, especially, that

1 consultation protocol section and let us know how you  
2 would like to do government-to-government consultation.

3

4                   Okay, thank you, Kristin.

5

6                   MS. K'EIT: Thank you, Crystal. I'm  
7 not going to ask you to spell your Yup'ik name. But  
8 for the rest of you when you come up and introduce  
9 yourself and you provide comments this afternoon,  
10 please give us your name and the spelling and also tell  
11 us which tribe you are speaking on behalf of and  
12 representing this afternoon. And let us know,  
13 sometimes your tribal name, your traditional tribal  
14 name is different from the village name where you're  
15 located so make sure to let us know if those are  
16 different and we'll be able to help our court reporter,  
17 who's doing the minutes today, match up locations with  
18 traditional tribal names and that type of thing.

19

20                   So as we start the process and move  
21 forward looking for comments and ideas and so forth, we  
22 do have one microphone here, towards kind of the left  
23 middle of the room on a stand, we have one here on your  
24 right towards the middle, so we're going to ask you to  
25 come to the microphone and provide your comments there.  
26 And, again, this is your time to help the Board reach  
27 the goal of hearing what you want to tell them about  
28 consultation subsistence on the Federal Subsistence  
29 process and help them to understand and help give them  
30 input so they can make good decisions.

31

32                   And we have someone here, go ahead,  
33 sir.

34

35                   MR. ANDREW: Thank you. I was just  
36 wondering if there's any time restrictions?

37

38                   MS. K'EIT: No time restrictions.

39

40                   MR. ANDREW: Okay. I'm not going to  
41 take up a whole bunch of time.....

42

43                   MS. K'EIT: But, you know, I guess if  
44 you go on for half an hour I might have to cut you off  
45 but otherwise.....

46

47                   (Laughter)

48

49                   MS. K'EIT: .....please, you know, give  
50 us all your ideas, all your comments, all your

1 information.

2

3

Thank you.

4

5

MR. ANDREW: Okay. My name is Timothy Andrew. I'm the director of Natural Resources for the Association of Village Council Presidents. Although AVCP is not a tribe, but we are a tribal consortium, we have 56 villages in our region and all of them are subsistence dependent villages. They derive their living off the land and the water and gather the resources off of the land from both village corporation and also Yukon National Wildlife Refuge lands as well. BLM lands is another area that people derive their subsistence resources from.

16

17

I am glad to see that the Department of Interior has taken great strides in developing a consultation policy and appreciate all the work the group has put into it. But it is our hope that the Department of Interior and its Staff throughout the National Wildlife Refuge systems will take to heart this document and take it extremely serious and consult with the tribes because every action, every regulation, every permit issued to non-tribal interests affects their way of life. We've had several instances within our region where the Refuge office issued some transporter permits, hunting guide permits in areas that the Refuge thought that people didn't utilize to moose hunt or to use that area as a subsistence resource area and what these situations led to was user conflicts. And, you know, for many of the people that are in this room user conflicts is not a good thing for any of the parties and it's more -- it's probably more disturbing to the customary and traditional subsistence users whenever you have conflicts with somebody else trying to come in and hunt the resources for their trophy value while people are still out there trying to gather the food to feed their families.

40

41

And, you know, the Regional Advisory Councils are not necessarily tribal members and this is thanks to FACA, so, you know, some of the Regional Advisory Councils are made up of perhaps tribal members but they're not tribally authorized. And this is something that AVCP was pushing for, to try and make that change on the subsistence management revisions, to try and make the Regional Advisory Council -- trying to make the Regional Councils tribally authorized.

50

1                   But, in short, I just hope and pray  
2 that both the OSM Federal -- the Fish and Wildlife  
3 Service and other functions within the Department of  
4 Interior will take to heart this document.

5  
6                   Thank you.

7  
8                   MS. K'EIT: Thank you, Timothy. Next,  
9 to my left here.

10  
11                   MR. HUNTINGTON: Yeah, I'm Orville  
12 Huntington. I'm director of Tanana Chiefs Conference  
13 Wildlife and Parks Department. I've also worked with  
14 George Yaska who actually helped write the plan with  
15 Crystal Leonetti so I was really appreciative of all  
16 they've done and the work they've done.

17  
18                   Usually the way these things run is  
19 when you do something like that in Federal government  
20 -- I've worked both sides of the Federal government. I  
21 was a wildlife biologist for 14 years and then I've  
22 also been working with Huslia Tribe, because I live in  
23 Huslia, so I work with the tribe all the time and I'm a  
24 tribal member there.

25  
26                   I think -- I don't want to put in place  
27 a bureaucracy for the Refuge or the Park Service or  
28 anybody else, you're asking a lot of Staff that have --  
29 you're always asking them to do more with less, and  
30 I've talked to some of the Refuge managers, and I  
31 really have concerns that we don't get bogged down and  
32 we don't bog down the system with tribal consultation.

33  
34                   Tribal consultation should be done but  
35 it needs to be done in a way that's clear, that both  
36 parties understand that -- I don't know why you put  
37 substantial up there, but to us it has to be  
38 significant, it has to -- significantly impact the  
39 tribe, like if you wanted to consult with us, say it's  
40 some endangered species on the bluffs below Huslia,  
41 well, we know there are no endangered species there, so  
42 that would just be a waste of our time. But if you  
43 went up there and you looked around Nogahabara Sand  
44 Dunes and you started digging around and looking for  
45 stuff like those little arrowheads and stuff, we'd say  
46 leave them alone, those are our ancestors stuff, you  
47 don't have to be touching that. We don't have to have  
48 it moved out of that area. There's graves up there and  
49 places that we really protect. Those are the things  
50 that you should consult with us on.

1                   As far as fish and wildlife management,  
2 I think, it's really complicated because the State's in  
3 there. And a lot of times the State has more lenient  
4 rules and that's why we lean on them so much, because  
5 the Federal bureaucracy is so tied that they can't give  
6 us the regulations we need. And so that's why -- at  
7 least in Huslia, anyway, we live in the middle of a  
8 Refuge, but our choice is to work with the State  
9 because their fish and game regulations are more  
10 liberal for us in the village. It may not be the case  
11 for Austin Ahmasuk, or somebody that lives in a place  
12 where it's all State land, maybe they want some Federal  
13 oversight.

14  
15                   So anyway those are just my humble  
16 thoughts.

17  
18                   Thanks.

19  
20                   MS. K'EIT: Thank you. Next.

21  
22                   MS. ROBERTS-HYSLOP: Hi. My name is  
23 Julie Roberts-Hyslop. I'm Chairwoman for the Native  
24 Village of Tanana. And with me I have my tribal  
25 constitution, which was originally adopted in 1934 and  
26 amended in 1989.

27  
28                   But:

29  
30                   We the members of the sovereign Native  
31 village of Tanana in order to establish  
32 a more perfect tribal government, to  
33 preserve and exercise the tribe's  
34 inherent sovereign rights and powers,  
35 to conserve and develop tribal lands  
36 and resources pursuant to tribal law  
37 and custom and Federal law and to  
38 establish justice, make for ourself  
39 this amended constitution.

40  
41                   You know, this, to me, is a very, very  
42 important document. It gives us certain rights and  
43 powers. And as a tribal member, that's -- I'm that  
44 number 1, a tribal member, and then I'm a State  
45 citizen, a Federal citizen and all the rest; but, to  
46 me, tribal consultation with the tribe, if you're going  
47 to be consulting with us, we need to make sure that you  
48 make really good efforts to work with us. There's a  
49 lot of things out there that's happening that you're  
50 totally unaware of.

1                   Wanton waste was mentioned this  
2 morning, big time. We see in our area, when it comes  
3 moose hunting season, hundreds of boats go through our  
4 area. They trespass on our land and they hunt and then  
5 they also when -- when it's time for them to transport  
6 their meat, you see very little meat being transported  
7 back to where they came from. And so to me, you know,  
8 having laws made for us, it works sometimes good for  
9 us, but also works against us. And so we really need  
10 to make sure that if you really want to consult with us  
11 you got to make a really good effort.

12  
13                   And I know there's very few of you, and  
14 probably none of you has ever been to my village, and  
15 probably have never been to hardly any of our villages  
16 to where we actually live. So if you really are  
17 serious about consultation come out to our villages,  
18 look and see and learn to how we live and how we have  
19 to survive out there.

20  
21                   That's all I have to say, thank you.

22  
23                   (Applause)

24  
25                   MS. K'EIT: Thank you, Julie. Good  
26 comments we're having and we're just really excited to  
27 hear ideas of how to consult, how better, what helps  
28 you express your ideas to us, how can we better hear  
29 them, what are some good processes. So I'll go to my  
30 right here.

31  
32                   MR. ROWLAND: Cami. My name is Rick  
33 Rowland from Shun'aq Tribe of Kodiak, and I haven't  
34 seen only but a few people from Kodiak.

35  
36                   We've had discussions about this  
37 subsistence and consultation, and we're happy that  
38 we're able to come and express our concerns and  
39 comments.

40  
41                   One of the -- well, I got a couple. To  
42 start off, I'd like to say the phone rings both ways,  
43 not only does the tribe have to request consultation  
44 from the but it would be greatly appreciated if there's  
45 some issue related to a specific area or a certain  
46 species of some sort, either of a tree or a mammal or  
47 something to do with Indian roads or something, call  
48 that local tribe up, because generally when a Federal  
49 law is put in place it's blanketing over a mass area  
50 and we, as tribes, there are over 200 tribes in the

1 state of Alaska, we have different regions, we have  
2 people that don't have trees on their land, we got  
3 people that live just mainly on the coastline, so one  
4 thing might affect one person in one way but different  
5 in the other. So, please, give us a call in our  
6 different areas.

7  
8 We have important concerns about all of  
9 the food that's related to the land, the air and the  
10 water, and these things are important when putting your  
11 regulations together. But you have to remember is that  
12 this is your tribal consultation policy, not the tribal  
13 consultation policy of the tribe. Each individual  
14 tribe in this area has their own method of  
15 communicating, which is different so please don't  
16 forget that this is your tribal consultation and I  
17 personally honor it and will follow the guidelines that  
18 you've set down when initiating consultation, but  
19 please know that there will be methods that might be  
20 variant from yours and we'd appreciate that respect in  
21 this regard to consultation.

22  
23 Also I'd like to mention one last thing  
24 is that this movement forward in subsistence is related  
25 to our foods and it relates to our way of life. And  
26 we're at a point now if you -- someone mentioned it  
27 today, about the suicide rate, in the state of Alaska,  
28 one of the things that is occurring is that quite  
29 possibly our lifestyle as Alaska Natives is being  
30 regulated away from us and our youth have no reason to  
31 live, and so you people on that Federal Subsistence  
32 Board that are creating the regulations, quite  
33 possibly, could change some existence in this world and  
34 do good. And so I challenge you to remember that we're  
35 having a very hard time out in the outlying areas and  
36 we're working very hard to keep our lifestyle, and it's  
37 time to quite arguing and start working proactively.  
38 Creating a proactive system to where we are managing  
39 appropriately for the care of those species. Because  
40 if we don't then the consultation policy that we've  
41 made could have been a better process if we would have  
42 done it right. We have to make sure this is right  
43 because we have a big job here today.

44  
45 And then about the consistent, across  
46 the management of the trees and of the fish and of the  
47 birds, there's a wide variety of ways that these  
48 species are managed. Some are managed one way, some are  
49 managed another, but it all affects us. And so if we  
50 created this consultation policy, we should be able to

1 make it better to utilize those subsistence items to  
2 where we won't have to have a dire outlook on our  
3 future.

4  
5 So thank you for letting us speak today  
6 and appreciate you creating this for us to be able to  
7 find a way to talk to with you but also please remember  
8 we, too, have our own tribal consultation.

9  
10 Thank you.

11  
12 MS. K'EIT: Thank you, Rick. And,  
13 next, to my left.

14  
15 MR. LANG: Good afternoon. Thomas  
16 Lang, Sr., from Metlakatla, Alaska. I represent the  
17 Tsimshian Tribe, I'm the tribal elder representing the  
18 tribe and also I'm appointed by my elected council --  
19 the tribal committee to take care of these types of  
20 businesses. Behind me is one of our councilmen, Louie  
21 Wagner, who's accompanying me for this special session.

22  
23 You might remember me, I'm Louie from  
24 last year, we raised a little cane about because you  
25 were cutting off our eulachon fishery on our one river  
26 down there, the Unuk River, it was to be closed down to  
27 fishing, shut down to fishing, no fishing at all. And  
28 we got the Board, I think, you took an action to where  
29 you weren't going to shut it down if the fish showed up  
30 en mass we'd fish it, if they didn't show up, there was  
31 a weak run or no fish showed up, we wouldn't fish it.  
32 And following that meeting we had another meeting in  
33 Metlakatla with the council and the Forest Service in  
34 our division, the South Tongass Forest, has a new man,  
35 Mr. DeFreest, a new appointed man, and he came to  
36 Metlakatla and met with us and we told him what  
37 happened, and the following week, in the newspaper, he  
38 made an announcement to close the area. Now, my tribe  
39 wants to know, my clan wants to know, and my council  
40 wants to know, what powers do you have that were given  
41 to you by the presidential proclamations, you talk  
42 about the two Democrat Presidents that made  
43 proclamations, what powers do you have? You made an  
44 action and the Forest Service in our area overrode it,  
45 they shut it down to fishing at all. Now, Louie's  
46 going to attend -- he's our fisherman too, his family's  
47 been doing this from time immemorial all the way back  
48 through history, his family has been our eulachon  
49 fisheries and he'll testify to what happened, but what  
50 our tribe wants to know is are we wasting our time

1 consulting with you, what powers do you have? That  
2 action you took was easily overridden by a man putting  
3 a notice in the paper and shutting it down, our  
4 division, who has the power, who runs the rivers. You  
5 have Bureau of Land Management, you have the Park  
6 Service, you have Forest Service and the State, all  
7 fighting over who's running the deal there and  
8 meanwhile the Indians are getting pushed out. the same  
9 thing's happening on your big rivers, the Yukon,  
10 Kuskokwim, they're pushing out the Natives, while these  
11 boards take over and run it; to what end, I don't know.

12  
13 But my tribe wants to know. My clan  
14 wants to know. My Council wants to know. About this  
15 power, that action you took last year, do you have the  
16 power over, or does he have the power to override you?  
17 Somebody's got tell me an answer. You had an attorney  
18 here last time. We want to know, because if we're just  
19 going to come up here and consult and talk and nothing  
20 happens, we're wasting a lot of money and we don't have  
21 money to waste, there's hard times.

22  
23 I want an answer from the Board. The  
24 Chairman.

25  
26 MS. K'EIT: Would the Board mind  
27 addressing that to your knowledge, or perhaps someone  
28 on Staff that was the -- that was the.....

29  
30 MR. LANG: They're pointing now.

31  
32 MS. K'EIT: That was the Unuk River  
33 eulachon fishery in Southeast.

34  
35 MR. LANG: Take your authority.

36  
37 MR. KESSLER: I'm Steve Kessler with  
38 the U.S. Forest Service. I serve on the InterAgency  
39 Staff Committee and assist the Regional Forester.

40  
41 The Board, as you say, did not take the  
42 action that was requested last year.....

43  
44 MR. LANG: Yeah, they did.

45  
46 MR. KESSLER: .....to close the  
47 eulachon fishery in the Unuk, but throughout the entire  
48 state of Alaska we have local managers that are  
49 delegated authority for in-season actions so that they  
50 can take so-called emergency and temporary actions to

1 modify fisheries and so that was the authority that the  
2 district ranger used to close that fishery. It's  
3 authority that the Board has delegated to in-season  
4 managers.

5  
6 MR. LANG: This Board delegated that  
7 authority to him to do that after.....

8  
9 MR. KESSLER: That is correct. The  
10 Board.....

11  
12 MR. LANG: .....after they decided not  
13 to do it?

14  
15 MR. KESSLER: .....the Board has  
16 delegated authority across the entire state to in-  
17 season managers for temporary and emergency actions  
18 associated with fisheries management.

19  
20 MR. LANG: Well, in that case we have a  
21 feeling then that this is all a waste of time if the  
22 Board's going to do anything they want our consultation  
23 doesn't mean anything. We called for an action, we had  
24 an action, and they closed it down anyway.

25  
26 (Applause)

27  
28 MS. K'EIT: Thank you, Mr. Lang. We're  
29 sorry for that disappointment and frustration with that  
30 process. And before we go on, I wonder if Steve or  
31 Wayne could talk about what would be the tribe's next  
32 step. I mean the Board said we're not going to close  
33 it, we're going to leave that authority with the in-  
34 season manager, locally there, and when the numbers  
35 came in, that in-season manager said the numbers are  
36 too low, we're going to close it and that was not what  
37 the tribe was wanting to have happen as a traditional  
38 resource, eulachon, grease, eulachon; Steve, maybe you  
39 can provide, what do they call that, you know, a next  
40 step or is there an appeal or anything?

41  
42 MR. KESSLER: Well, it's incumbent upon  
43 the in-season managers to consult with the tribes, and  
44 also to discuss each individual situation with the  
45 Regional Advisory Council, that's right in the  
46 delegation that there's going to be discussion, I  
47 believe it says with the Chairman of the Regional  
48 Advisory Council and with the Alaska Department of Fish  
49 and Game. The authority is to close, to change harvest  
50 limits and also to open up, if the situation arises if

1 there's plenty of fish. So the reason that the -- that  
2 this fishery was closed is because there were multiple  
3 years where the eulachon fish had not come back to that  
4 river. And so that's why that proposal came before the  
5 Board, and that's why the in-season manager took the  
6 action to close it that season. Now, as it turned out  
7 there were some fish that came back in Unuk River this  
8 year, but if I remember correctly the in-season manager  
9 determined that it was not enough to open a fishery.  
10 There was some commercial fishery in the area and some  
11 availability of fish in other areas but not  
12 specifically in the Unuk.

13

14 So the key here is communication. And  
15 it's like you did, you had a communication, the  
16 district ranger came to Metlakatla, you had those  
17 discussions, I suggest you keep having those  
18 discussions, because there's -- there's two priorities,  
19 there's one for subsistence uses and then there's also  
20 the priority for conservation of the resource. And so  
21 the local in-season manager is trying to balance those.

22

23 MR. LANG: (Not at microphone)

24

25 MR. KESSLER: Well, based on -- I'm  
26 sorry, based on the previous, I think it was four  
27 years, where essentially no fish showed up, the in-  
28 season manager determined that it was incumbent upon  
29 himself to not open a fishery. Four years of no fish  
30 means that the next year, even if there are some fish,  
31 probably to continue that population over the long-  
32 term, it's probably not wise to open that fishery. And  
33 I believe that's sort of the thought process that the  
34 local in-season manager, the district ranger in this  
35 case, went through.

36

37 But, again, every year needs to be  
38 looked at as its own year, and we'll see what happens.  
39 And I really do encourage the continuation of  
40 communication between the tribe, tribal members and the  
41 in-season manager, the district ranger. That's what  
42 this is all about.

43

44 MS. K'EIT: Thank you, Steve.

45

46 MS. TRUMBLE: I think, if I can address  
47 that. If you look at the protocol, the draft protocol,  
48 if you look on number 5, it's on Page 4, there's a  
49 section called special actions, and I think this is  
50 really an important area that it almost makes it a

1 mandate that the agencies need and should consult with  
2 the tribes before they take actions because this is  
3 where we get the finger pointing and not working  
4 together and the distrust, I think. And I think this  
5 is a section that we can really look at to help with  
6 your concerns.

7

8 MR. LANG: But the Board did take  
9 action and then (not at microphone).....

10

11 UNIDENTIFIED VOICE: Use the mic Tom.

12

13 MS. K'EIT: Okay, thank you all, Forest  
14 Service for responding, Della for pointing that out,  
15 and also I know that -- you know, as Wayne is here  
16 representing Beth Pendleton, the Regional Forester, you  
17 know, she's the top of that Forest Service chain of  
18 command for Alaska and for Southeast so I know that  
19 she'll be getting these comments, she'll be reading  
20 them, hearing about them, so she'll be hearing your  
21 concerns and we can work with Wayne to see that the  
22 agency is continuing that government-to-government, one  
23 on one process so that we can provide you some recourse  
24 for the future on the subject.

25

26

27 MR. OWEN: And I'd encourage you to  
28 come speak to me personally so I can personally carry  
29 that message back to the Forest Service when we have a  
30 break or afterwards or something like that. So,  
31 please, feel free to do that and I will make it my job  
32 to take care of your voice, back to her.

33

34 Okay, so, thank you.

35

36 MS. K'EIT: And also Wayne will be --  
37 he'll have copies of the transcripts from today.  
38 Because I know our next speaker here is on the same  
39 topic, would you be okay with that?

40

41 MR. SANDERSON: I was going to just say  
42 that, I'm going to let my good friend go ahead and  
43 speak before I do, they're pretty much on the same  
44 page.

45

46 MS. K'EIT: Thank you. Okay, go ahead.

47

48 MR. WAGNER: My name is Louie Wagner,  
49 I'm a councilman from Metlakatla, we're a Tsimshian  
50 Tribe down there of about 1,500 people that live on the

1 island and another 500 approximately living off the  
2 island for work. But back in 2001, the Federal  
3 Subsistence Board ruled that my brother, my son and  
4 myself would be able to fish the eulachons and as long  
5 as their were fish there we could continue fishing them  
6 and if there wasn't we agreed we wouldn't wipe them  
7 out, and then all of a sudden get word last minute that  
8 the Board has a proposal to close the river  
9 indefinitely to our eulachons and this is a huge  
10 concern for all the villages within the Ketchikan area.  
11 There's so many people throughout Ketchikan that rely  
12 and expect to have this fish, and this has been going  
13 on a long time. And when this -- the Board passed this  
14 in 2001 and I was reading in there and it says, these  
15 rulings are final and then this has changed somehow  
16 after, and it doesn't seem to make sense to me that  
17 that ruling was so easily overturned later that -- and  
18 I was told at the time, the gentleman is no longer with  
19 us, he served on the Board, he told me it that it would  
20 take an Act of Congress to change that ruling that the  
21 Board had taken at that time in 2001, and -- and  
22 speaking of transcripts, I've been trying to get  
23 transcripts from the meetings we've been attending and  
24 we've yet to receive them, we ask, we get promised  
25 we'll be sent the transcripts and we don't receive any.

26  
27                   And there's also -- I'm glad to see on  
28 this here for the consultation that -- we need help  
29 with our subsistence and we will -- we do need help now  
30 and I was wondering how long it will take before we can  
31 get help from the Federal Subsistence Board to talk  
32 with the Canadian authorities on that MacKenzie Mine  
33 that's going in on the Unuk River, that's going to be  
34 devastating to that little river there, with all their  
35 waste going into the river and every bit of it will go  
36 in there. I've asked Scott Walker in Ketchikan for  
37 some help to at least voice the concerns of the people  
38 and he told me, oh, I don't think we can help you. I  
39 just asked them -- you know, this concerns everyone, it  
40 doesn't just concern me. There's crab up there,  
41 there's shrimp, there's salmon, there's halibut, and  
42 it's all going to be destroyed. So been working  
43 together -- we've been working and talking with  
44 Sealaska people, KIC people, Cape Fox, everyone, we're  
45 trying to get together as a group to voice our concerns  
46 over this mine going in on the river. It's going to be  
47 seven miles right from the border and right on the  
48 river. They're going to build a bridge over the river  
49 and run the trucks and all the ore over the river and  
50 back on around the mountain to Stewart to load on ships

1 so that's a huge concern.

2

3                   And another area that we're going to  
4 need help from the Board is to try to find out why our  
5 seafood in our area, our clams, cockles, they're -- for  
6 about a year now they've been PSP in them and this is  
7 really unusual, first time it's ever went on this long.  
8 And I speak from personal experience. We just went  
9 through with the symptoms of that PSP, my family and I  
10 and I went to a place where we always get our cockles  
11 and clams, it's really clean, but there's something  
12 going on with the water that's affecting this. And  
13 when we do the consultation I'd like to see if you  
14 could look into -- maybe the EPA could do a little bit  
15 better, instead of like the canneries, like how they  
16 have to discharge their waste, in the old days they  
17 just dumped the heads, tails, bones and the eagles, the  
18 halibut, dogfish everything would come in and eat this  
19 stuff up, it was clean. In the last 10 years or more  
20 with the EPA regulations, they -- stuff goes down to  
21 the bottom and it floats up later, just blood red and  
22 really stink, very toxic, and I know they're down there  
23 diving and checking all the time but their new way is  
24 not working for our area to keep our water clean and  
25 keep our seafood edible.

26

27                   So this consultation is going to be  
28 really important on getting the help that's promised.

29

30                   And going back to the meeting that we  
31 had, Tommy mentioned, with the Forest Service last  
32 spring, it was very disappointing. They came and they  
33 kind of just told us what they wanted us to hear, we  
34 tried to talk to them and they didn't really listen. I  
35 told them about the eulachons that came in in all the  
36 areas there and I asked them to give a report on the  
37 Unuk River, and he wouldn't give me one, he said he  
38 couldn't say anything about it. That was Jeff  
39 DeFreest, and the Regional Forester. So they really  
40 have to improve on their consultation with the  
41 villages, so -- well, there's probably more but too  
42 much to remember.

43

44                   MR. LANG: They just showed up.

45

46                   MR. WAGNER: The eulachons.

47

48                   MR. LANG: They showed up.

49

50                   MR. WAGNER: Yeah, they showed up and

1 it was a lot more than what the Forest Service was  
2 saying, there was a lot and they ran a while on that  
3 river and this year I'm going to be on the river and  
4 monitor it myself. I've been staying away because like  
5 I said before, you know, there's enough there, it's  
6 going to be impossible not to fish them and bring them  
7 home to the people. So it's been easier to stay off  
8 the river, but not this year.

9

10 With that mine issue and I hope we can  
11 get some help from our government agencies because  
12 we're moving ahead getting together with as many tribes  
13 as we can to protect our resources in our area.

14

15 This consultation's going to be really  
16 important but it has to go both ways and not just come  
17 and tell us what they think we want to hear.

18

19 So thank you very much.

20

21 MS. K'EIT: Thank you, Louie. Geoff,  
22 did you want to reply?

23

24 MR. HASKETT: Well, we might have moved  
25 past it already. I was going to go back to your  
26 question and just some clarification because I didn't  
27 understand it at first.

28

29 So actually what you were asking was  
30 you came before the Board, I remember the discussion  
31 really well where the proposal was to temporarily close  
32 and your position was, well, if you do it temporarily  
33 it's always going to be closed and everything gets  
34 reversed, I remember there was long discussion about  
35 that, and the Board had a long discussion and the  
36 decision actually by the Board was to not closed, but  
37 the decision's always subject to if there's a  
38 biological or resource problem. So the question,  
39 really, I think that you were asking is, that a  
40 decision was then made to do something different but  
41 before -- you believe, that it happened before there  
42 was any proof that something different had happened  
43 that we'd called for, so the question is, is the Board  
44 actually able to make decisions, the answer is yes, but  
45 I already heard the Forest Service representative say  
46 that he'll listen to you personally to take up that  
47 question so the specific question, was it done too  
48 early is what you were asking; is that correct? Or did  
49 I just confuse us even more?

50

1 MS. K'EIT: Or why at all?  
2  
3 MR. LANG: (Not at microphone)  
4  
5 MR. HASKETT: I mean the Board made a  
6 decision.....  
7  
8 MR. LANG: (Not at microphone)  
9  
10 MR. HASKETT: The Board made a decision  
11 to go ahead and not close it subject to unless fish did  
12 not show up, if there was like a problem, I remember  
13 that part of the discussion, too, so that the question  
14 really is, is that someone else made a decision, which  
15 they had the authority to do if it's the proper time to  
16 do it, whether they did it too early, before they  
17 really knew the fish weren't coming.  
18  
19 MR. LANG: (Not at microphone)  
20  
21 MR. HASKETT: Okay, so.....  
22  
23 MR. LANG: (Not at microphone)  
24  
25 MR. HASKETT: I understand the  
26 question, I just wanted to make sure I did. But I just  
27 wanted to point out that I did hear the representative  
28 from the Board say that he would personally talk to you  
29 all about that and sort that out so -- well, at least I  
30 understand it now, so thank you.  
31  
32 MS. K'EIT: Thank you, Geoff. And one  
33 thing I want to follow up on, is maybe Pete you can  
34 help me with this question, Metlakatla Indian Community  
35 is asking for copies of transcripts and I know this was  
36 brought up at our meeting in October, Louie brought it  
37 up there, and so who would he talk to directly to make  
38 sure that happens; who would be the good contact?  
39  
40 Sorry. Pete has an injury he's  
41 recovering from too.  
42  
43 MR. PROBASCO: We'll make sure you get  
44 them. I was under the understanding that they were  
45 delivered. We work very closely with the Forest  
46 Service, Robert Larson, and we'll just double up on  
47 you, and you'll get them.  
48  
49 Okay.  
50

1 MR. WAGNER: Thank you.

2

3 MS. K'EIT: Thank you, Pete. Thank you  
4 for your patience over here, please go ahead.

5

6 MR. SANDERSON: No, thank you, Ma'am, I  
7 appreciate that. Chairman Towarak and the Board, and  
8 our Native liaison, Crystal. Well, I'm glad to be able  
9 to get a chance to speak again. My two minutes, if it  
10 was two minutes this morning, just didn't sit well with  
11 me at lunch time, so I kind of blew it off and I'm good  
12 now.

13

14 My name is Rob Sanderson, Jr. I'm from  
15 the Haida Nation, Hydaburg, Alaska. I want to make it  
16 clear that I'm not speaking for them, I'm just letting  
17 you know that's where I'm from. I'm here representing  
18 the Central Council and Tlingit/Haida Indian Tribes as  
19 the second vice chairman. And I also sit on the KIC  
20 Tribal Council, the Ketchikan Indian Community Tribal  
21 Council, and I'm not speaking for them, I'm here for  
22 Tlingit/Haida, just for protocol here.

23

24 I've been in tribal politics for about  
25 15 years now. I have -- I'm trying to use my words  
26 correctly here. I would just have to say that it gives  
27 me heartburn from where I've been and to where I'm at  
28 now on the process of consultation. To me consultation  
29 is just a made up word. We're invited to meetings,  
30 we're invited to consult with whatever agency that may  
31 be, State, Federal. The agencies that I'm speaking of,  
32 they have years, months to get what they want to tell  
33 us, what they want to say to us. Their minds are  
34 already made up. We may be lucky to get a month to  
35 react, to get back what we think about their process or  
36 how they want to put things to us as tribal members.  
37 And I hope that'll change.

38

39 I would ask any of you at that table,  
40 has anything changed in subsistence? Has anything  
41 changed?

42

43 That's what I thought.

44

45 It's easy to sit at these tables and  
46 listen to us, leave and sweep everything away. We have  
47 a lot of young, up and coming Native leaders that are  
48 educated that are going to be taking this fight to you  
49 guys and we're going to be dependent on our young  
50 people to keep this fight up. I'm not saying I'm old

1 but, you know, I'm putting my time in. You know, I'm a  
2 believer that when you get to a certain position you  
3 try not to hold on to it too long, let others have a  
4 chance at it. That's just for the tribal members.

5  
6 The Regional Advisory Councils, I have  
7 a problem with that. Yes, they're made up of tribal  
8 members. They give advice to the Federal Subsistence  
9 Board. But my problem lies with the Regional Advisory  
10 Councils. We have members that are making decisions on  
11 other tribal lands, other tribal member's lands and  
12 seas, that just doesn't -- you know, you have Saxman,  
13 Ketchikan, and I'm just using these names, you have  
14 let's say Hydaburg, Ketchikan, Saxman, Craig, Klawock  
15 making decisions like on Hoonah, Yakutat, you know,  
16 those should be tribal decisions, not Federal and not  
17 the Regional Advisory Council recommendations. Those  
18 come from the tribes, not the Regional Advisory  
19 Councils, there's something very wrong with that and I  
20 don't bite into that nor will I ever.

21  
22 You know the tribes have -- we're  
23 called Federally-recognized tribes for a reason. For a  
24 reason we're called Federally-recognized tribes. The  
25 State does not recognize that, the state of Alaska does  
26 not, they're not our friend. Yes, there's probably a  
27 bunch of Federal agencies listening to our comments, I  
28 call them dishwashers so they can take back our  
29 comments to those that are in the higher ups. What we  
30 need is the people that are actually making these  
31 decisions for our people here to listen to us. We have  
32 a very good working relationship with the Forest  
33 Service in Southeast Alaska, you can get those good  
34 working relationships if you work towards it.

35  
36 The United States Fish and Wildlife  
37 Service, I really have a bone with them to pick. We  
38 have a bunch of our -- several of our young men sitting  
39 in Federal penitentiaries now because they were  
40 entrapped by the United States Fish and Wildlife law  
41 enforcement branch, we are a kind, we're a loving and  
42 giving people. They made friends with families,  
43 they're invited into their homes, they're this and  
44 that, they're made to feel like one of the tribal  
45 members, in the end they entrap our young men to sell  
46 them sea otter pelts. Yes it was wrong to do that, or  
47 whatever it may be. But the case is they're still  
48 sitting in Federal penitentiaries, that's wrong, that's  
49 terribly wrong. How would you like it if we befriended  
50 you in that fashion; I don't think that would work too

1 well. That needs to stop. Where's the law enforcement  
2 branch of the United States Fish and Wildlife Service  
3 now when they really need to hear our concerns? I was  
4 at a meeting here in Anchorage two weeks ago, you had  
5 NMFS, NOAA, United States Fish and Wildlife Service,  
6 they're not on the same page, their laws. It's no  
7 wonder our men are sitting in prison, they can't even  
8 figure out their own laws. They admitted it to us, you  
9 know, their laws are different, we got to figure it  
10 out. I asked a gentleman, what's your take, he didn't  
11 have an answer; you damn near have to have a lawyer to  
12 take you out fishing and hunting now because the law  
13 has changed so much. Excuse me for that little word  
14 there, I -- I used to be real hot-headed but over the  
15 years, it comes from a lot of consultation from the  
16 elders, they don't want me to go anywhere, they just  
17 want you to put the word out there a little better, so  
18 I just want that to be clear.

19

20 (Applause)

21

22 MR. SANDERSON: And another thing I  
23 want to touch on what Louie and them were talking about  
24 down in Ketchikan in the Metlakatla area and the mining  
25 that's going to be happening there behind Ketchikan and  
26 up and down Southeast Alaska, to the Federal and State  
27 agencies that are here listening to us, please take  
28 note of this. These mines, some of them are going to  
29 be the biggest in the word, open pit mines, and we know  
30 what flows down hill. We have the largest king salmon  
31 river systems in Southeast Alaska glacially fed, they  
32 need those waters to survive, king salmon, our  
33 eulachons. Once these poisons, mine tailings get into  
34 these smaller systems and work their ways into the  
35 Unuk, the Nase River and all those, the Stikine River  
36 in Southeast Alaska, it's going to go into the most  
37 pristine waterways in the world, which I call Southeast  
38 Alaska. Yes, there should be outrage, but there's  
39 none. We're starting a grassroots organization in  
40 Ketchikan to try to combat this.

41

42 It's to my understanding, and correct  
43 me if I'm wrong, that the Canadian government, or the  
44 British Columbian government does not have to, by law,  
45 to consult with the United States or the state of  
46 Alaska on this issue, but we're the ones that are going  
47 to be on the receiving ends of huge, huge mines. And  
48 these discussions that were brought up in Ketchikan  
49 some of these damns that they're talking about,  
50 building to hold back these tailings are up to 800 feet

1 high. That's 200 feet higher than the Space Needle. We  
2 live in probably the wettest climate in North America,  
3 you know, we live in a very unstable region of the  
4 world, too, we're part of the Ring of Fire. And what  
5 if these dams, they don't hold, you know, it's going  
6 to be catastrophic. And I don't know, you know, they  
7 won't be actually mining until 2017 but they are  
8 building large power plants up there along the border  
9 in Canada behind Ketchikan. So, you know, I can talk  
10 about this all day, but there's just a couple other  
11 things I want to touch on. That's just for your  
12 information, hoping that, again, you can bring this  
13 into the consultation process.

14  
15 We're in serious trouble if we do not  
16 heed this warning because it's coming, and it's not  
17 just Southeast Alaska, it's all of Alaska.

18  
19 There's a lot of sick animals out  
20 there, marine, salmon, you know, they're finding a lot  
21 of seals with cancerous growths on them. There's a lot  
22 of whales found on beaches in Southeast Alaska, dead.  
23 They don't know if they're getting hit by tour ships or  
24 not.

25  
26 And my last comment here is about tour  
27 ship waste that is being dumped into our waters. You  
28 know they're saying they're still not doing it but I  
29 firmly believe that they are. Louie touched on the  
30 shellfish poisoning. We had the highest readings ever  
31 recorded in the world in Ketchikan this summer. One  
32 little clam would have put a person underground,  
33 believe me it would have. And we're getting readings  
34 yet in Ketchikan, which is not very -- something's  
35 wrong, it shouldn't be happening at those high levels  
36 yet. And, again, to those agencies I'm pleading with  
37 you, help us determine what is going on with shellfish  
38 poisoning. We have a lot of people -- all Southeast  
39 Alaska dependent on marine life one way or another,  
40 whether it be marine mammal, shellfish, salmon,  
41 halibut, the list goes on.

42  
43 I put myself in this position -- well,  
44 I didn't put myself in this position, I've had good  
45 people put myself -- help me get to where I'm at,  
46 people that care. I'm a single father of a brilliant  
47 son. I taught him in a way that I felt would be best  
48 as a single father, learning from my struggles. I  
49 taught him to live and to be educated highly to survive  
50 in the Western world. He is now going back finding --

1 he knew where he was coming from along anyway, he's a  
2 Haida boy, he's part Haida, half Athabaskan, well,  
3 maybe not half but somewhere around there. But anyway  
4 he's a good ball player too, he's going to only get  
5 better, he's a freshman and a six foot freshman, so he  
6 made the sophomore -- freshman/sophomore team in K-High  
7 so I look for him to do bad things to Juneau when he  
8 gets to be a sophomore and all that stuff and when he  
9 gets to be a junior and senior so -- maybe I'm putting  
10 too much pressure on him but I'll leave that to his  
11 uncles.

12  
13                   Anyway I don't have any more here,  
14 there's a lot more I can talk about but we really need  
15 to fix this process called consultation. And I agree  
16 with the gentleman over here that spoke about working  
17 together, we really need to do that. But that's not  
18 going to happen if we pick and choose our fights one at  
19 a time -- the goals, it's there, our needs are  
20 different, so once we start identifying what we really  
21 need and what we can work on to better and advance our  
22 cause as tribal people, I think we're going to be all  
23 better off.

24  
25                   In my Native language, Howa, means  
26 thank you very much.

27  
28                   (Applause)

29  
30                   MS. K'EIT: Thank you, Rob.

31  
32                   MS. LEONETTI: Rob, thank you for  
33 spending time and taking your time. I'm Crystal  
34 Leonetti, Alaska Native Affairs Specialist at Fish and  
35 Wildlife Service.

36  
37                   And Rob asked, what has changed in  
38 subsistence and so I'm not sure because I've only been  
39 doing my job for about a year and have been involved  
40 with the Federal Subsistence Program for about a year,  
41 but I believe that we are in a pivotal time right now  
42 and as tribal representatives you have an opportunity,  
43 this moment, right now, in this room to shape how  
44 consultation -- Bobby's here -- hi Bobby, Bobby Andrew  
45 is also on the workgroup, thank you, hi. To -- so we  
46 have an opportunity now to shape how Federal  
47 subsistence is going to change. So that's my answer  
48 Rob, is right now let's spend some productive time  
49 telling the Board how you would like this consultation  
50 protocol to read.

1                    Would you like to do consultation on a  
2 case by case basis.

3  
4                    Would you like it to fit in to the RAC  
5 process and the RAC schedule.

6  
7                    How would you like to do consultation.

8  
9                    So help us write that in a way that  
10 helps you.

11  
12                    Thanks.

13  
14                    MS. K'EIT: Thank you, Crystal. Della.

15  
16                    MS. TRUMBLE: I just wanted to make a  
17 couple comments and not only to reinforce what Crystal  
18 is saying because I think this is important. You made  
19 the comment that the RAC Boards are comprised not of  
20 tribal members, there are some tribal members on those  
21 boards, however, you need to be a resident within a  
22 region to be a member on the RAC board. So like  
23 Crystal said, take this opportunity so this allows for  
24 you as tribal members or tribal councils to be able to  
25 do what you would like done as far as consultation is  
26 concerned.

27  
28                    Timeframes, I think, was brought up.  
29 And last -- with the consultation with the corporations  
30 as maybe 60 days not being long enough, but we also  
31 heard from Staff that that can have affect on decisions  
32 being made by the Board because there's cycles, one  
33 year are wildlife and the next year is fish, so think  
34 about how that can work into this process also.

35  
36                    And I think another comment is, in  
37 listening, is as we go through this process we've been  
38 asking that a number of the Board members take turns, I  
39 think, with different regions as they consult, so that  
40 they're able to be a part of that process. We just  
41 haven't figured out how best that's going to work,  
42 whether it's telephonic, videoconference and things,  
43 but this is an opportunity -- like Crystal said, an  
44 opportunity to make this work because that's what we  
45 hear, is that it's not working.

46  
47                    MS. K'EIT: Thank you, Della. Just to  
48 take about one minute to expand on what she said.

49  
50                    We tried out this draft protocol this

1 fall, this is the year to start the wildlife regs, to  
2 make changes to those, to make them better, work better  
3 and we had 10 teleconferences before the Regional  
4 Advisory Council to just meet with tribes and hear  
5 their concern by telephone. A couple comments and  
6 things for you to think about in how that worked or did  
7 not work. One thing I observed, I was on, I think nine  
8 of those teleconference calls, and Gene was on several  
9 and each Board member was on two -- one, two or more,  
10 and one thing we found was just the time. There wasn't  
11 enough time beforehand for tribes to know about the  
12 call, to read through that big thick book of  
13 regulations and be ready. The other thing was tribes  
14 are getting so many requests for consultation. We had  
15 one young woman, I believe she was calling in from Fort  
16 Yukon and she said, when I worked for the Fort Yukon  
17 tribe we got dozens, dozens of consultation requests  
18 every single day by email or fax, so that's -- now  
19 that's a drawback. Another one was just what someone  
20 said, I think it was Julie, from Tanana, said, you  
21 know, call us, find out what works for us. And Rick  
22 from Shun'aq said, you know, the phone works both ways.  
23 So let those things help you, you know, formulate some  
24 good specific ways we can do better and how we can do  
25 better and how we can help that process better.

26

27 So I'll go over here, next, thank you.

28

29 MR. ANDREW: Thank you. First of all  
30 I'd like to acknowledge my fellow Natives that are  
31 here. And every region of the state is sitting in this  
32 building and we have the same common goals here. My  
33 name is Nick Andrew, Jr., I'm the tribal administrator  
34 for the Native Village of Marshall. Marshall's on the  
35 lower Yukon River and the lower Yukon River is part of  
36 the entire Yukon River which interconnects many tribes.  
37 We have Yup'ik, Athabascan peoples on the river.

38

39 And for those of you who fight for your  
40 way of life, this is not a new battle. This battle  
41 that we've been entrenched in is what our ancestors --  
42 we've all stood before committees and pleaded our cases  
43 and I'd like to see the people sitting there take notes  
44 because we've sang and danced to the same tune for over  
45 100 years in Alaska, and we'd like to see what we say  
46 from our hearts be acknowledged and acted upon.

47

48 Subsistence on the lower Yukon River,  
49 we are salmon dependent people. We have the most  
50 restrictions than any other river system in the state

1 of Alaska in regards to our traditional and customary  
2 food sources. The Yukon River is at the turning point  
3 where our net sizes are restricted. And at this time  
4 the 7.5 inch mesh king salmon nets that were made into  
5 policy are killing more fish than the regulators know.  
6 I know this because I fish the rivers every summer. I  
7 can count maybe 200 fish I've killed myself, trying to  
8 harvest enough king salmon to dry and to freeze, these  
9 restrictions have good intentions yet they're doing  
10 more harm than good. In the past we were able to use 8  
11 1/4, 8.5, even 9 inch gear, and that made more sense  
12 because we weren't killing any fish. And that made  
13 more sense because we weren't killing any fish. But  
14 that decision has to be reviewed and studied before it,  
15 you know, continues to be policy. Nowhere else in  
16 these United States are people more dependent on wild  
17 game and fish, and, that, in itself's a political  
18 statement.

19  
20 Trust responsibility. That means the  
21 government has policy to listen to our concerns.  
22 Checkmate. It's time. There's so much rhetoric that  
23 goes on and it is true what we're saying to the  
24 policymakers and the Federal and State regulators is  
25 taking too long. In the meantime our people are  
26 becoming criminalized just to feed themselves and the  
27 real criminals are in the Bering Sea. The pollock  
28 fishery that kill millions of salmon headed for the  
29 rivers, not just the Yukon River, the Kuskokwim, the  
30 Southeast -- excuse me -- and, you know, it doesn't  
31 make any political sense that we should beg and plead  
32 for leniency because we only take a fraction just to  
33 feed ourselves. Wanton waste is a big issue on the  
34 sporthunters and that was brought up by my brother Tim  
35 and a couple other people here. You know it's  
36 heartbreaking to find moose with their heads missing,  
37 with a leg or hindquarter missing and it's becoming  
38 more common. And if an Alaska Native did that we'd be  
39 spending time in jail. And the transporters that come  
40 in are getting very secretive and very crafty in their  
41 efforts to hunt their trophies. And this has to stop.

42  
43 Ladies and gentlemen, the Plains  
44 Indians faced a humanitarian crises in their day with  
45 the buffalo, the Plains Buffalo. That same tragedy is  
46 going to come forward to Alaska in salmon and probably  
47 other species that we're dependent on. That's why it's  
48 important now for us to resolve these issues today  
49 versus tomorrow when these stocks are going to be  
50 depleted to the point where we're unable to harvest

1 these fish and game for our subsistence purposes. And  
2 my fellow Natives in Alaska are a going political  
3 force, that was proven when Senator -- or excuse me,  
4 Lisa Murkowski won her seat, largely to the Native  
5 vote.

6  
7 And another thing before I leave is  
8 silence is as good as consent, meaning, you have to  
9 fight for your subsistence rights. It's in our  
10 Constitution. The young lady from Tanana read that.  
11 Every village tribal constitution has that language to  
12 protect our subsistence ways of life.

13  
14 (Applause)

15  
16 MR. ANDREW: And with that, thank you  
17 very much.

18  
19 MS. K'EIT: Thank you, Nick. Next.

20  
21 MR. (IN TLINGIT): (In Tlingit)

22  
23 Ladies and gentlemen, thank you. If I  
24 say something that is offensive it's not my intention.

25  
26 Gunalcheesh.

27  
28 (In Tlingit)

29  
30 Thank you for giving me time today.

31  
32 (In Tlingit)

33  
34 To speak with you.

35  
36 (In Tlingit)

37  
38 It is very difficult times in our way  
39 of life.

40  
41 (In Tlingit)

42  
43 My first language was Tlingit.

44  
45 (In Tlingit)

46  
47 When I went to school -- first of all  
48 Tlingit was my first language at home and they taught  
49 me how to speak English in school.

50

1 (In Tlingit)  
2  
3 That's why I still think in the Tlingit  
4 way. I think of my ancestors way of life and their  
5 thoughts.  
6  
7 (In Tlingit)  
8  
9 How they thought.  
10  
11 (In Tlingit)  
12  
13 The way that things are happening now,  
14 how they address these things.  
15  
16 I'll switch to English because there's  
17 a lot of things I would like to say.  
18  
19 I'll admit to all of you, that many of  
20 you, the ones that I've heard speak, know the laws of  
21 the US government, noted fishery laws and so forth more  
22 so than I do. And that's one reason why I don't speak  
23 too much in regards to what is happening today. But as  
24 I listen to each individual speaking I'm thinking,  
25 those are my thoughts. That's what I'm thinking.  
26  
27 I was trained by my clan leader, Austin  
28 Hammond, (In Tlingit), that was his Tlingit name, he  
29 spoke many times to the U.S. Forestry, the Fish and  
30 Game testimonies and I went with him during those  
31 times. Before he began to speak he would establish the  
32 fact that this is our land. And he had a Chilkat  
33 blanket and explained what the Chilkat blanket meant  
34 and how we -- it represented a land base of ours  
35 showing that this belongs to us and would ask -- and  
36 this history went back thousands of years ago, and he  
37 would ask the Fish and Game, when did you claim this  
38 land, when is your -- how old is your deed to this  
39 land, how long ago.  
40  
41 And as I sit here to what the dialogue  
42 and the consultation, I hear different things, I hear  
43 different temperaments, I heard different aggressions  
44 being spoken, and it hurts me inside because that's --  
45 it's addressed to all of us and we should feel those  
46 things because it makes it more meaningful of why we're  
47 here today.  
48  
49 I apologize for not explaining who I  
50 am, I'm (In Tlingit).

1 My Tlingit name is (In Tlingit), I come  
2 of the (In Tlingit) Clan, and my name comes from the  
3 Raven House.

4  
5 (In Tlingit)

6  
7 My father comes from Hoonah and he's of  
8 the (In Tlingit) Clan.

9  
10 (In Tlingit)

11  
12 My mother is from Dry Bay. They call  
13 us the (In Tlingit) what does that mean. They called  
14 us people who are among the Athabascans. Our history  
15 shows that we were Athabascans before we became  
16 Tlingits, so we're in relation to Tlingits, some of us  
17 may not want to hear that, but I'm proud of it.  
18 Because I know my history and I know how far back it  
19 goes, and so what I'm saying here and trying to  
20 establish here, I have a right to say something in  
21 regards to our ancestral roots and our right to defend  
22 our rights to do what we would want to do in our own  
23 country. It seems ironic to me when we talk  
24 government-to-government, because if we were truly  
25 recognized as a government and as a real people, we  
26 wouldn't have to be tiptoeing around with another  
27 country coming to us and say this is what we're going  
28 to do to your lands. I think the tables need to be  
29 reversed and we should be regulating what they're doing  
30 on our land.

31  
32 (Applause)

33  
34 MR. (IN TLINGIT): So that reminds me  
35 of our history of our people, when the Russians came to  
36 our country and we had a battle with them, and we  
37 retreated and they thought we -- we didn't retreat we  
38 just pulled ourselves back and they thought we gave up  
39 and so they started drafting up regulations this is  
40 what you're going to do, this is when you're going to  
41 do it and this is how you're going to do it. I don't  
42 know how they learned how to read or write but they  
43 were very intelligent people, they could speak Russian,  
44 they knew how to speak Chinese when the Chinese came,  
45 some of our people know how to speak Filipino, speak  
46 English. How many Americans know how to speak some of  
47 our own languages, probably not very many. So when  
48 that happened the clan leaders looked at it and then  
49 they, no, this is what you are going to do, this is our  
50 country, this is how much animals you can trap, or how

1 many animals you can kill, this is how much fish you  
2 can get, we were regulating. This is consultation,  
3 right?

4

5 (Applause)

6

7 MR. (IN TLINGIT): Because I feel like  
8 many of the speakers I've heard and this is very, very  
9 important, our people always felt that if I don't get  
10 an answer from what I say today and I got a response, I  
11 feel good about that, but if I don't get a response  
12 from the people who have the power to write things down  
13 on paper and make it law, and our lives are changed,  
14 it's very disrespectful to make your laws and change  
15 them and not consult with us and say, okay, this is  
16 what you got to -- this is the new law today.

17

18 I mentioned earlier, I was raised on  
19 subsistence food I'm not a young man and I don't feel  
20 like an old man, I got a lot of gray hair though, my  
21 friend over here from Haida country talked about his  
22 son being on the basketball team, I'm almost 62 years  
23 old and I've run basketball with 21 and 20 year old  
24 kids, I manage a basketball team, and I could probably  
25 say the reason why is because I ate our foods when I  
26 was younger. I don't know how I do it, sometimes I ask  
27 myself what am I doing on this floor playing with these  
28 young guys, but they get mad at me because they think  
29 they're going to outrun me but they don't.

30

31 (Laughter)

32

33 MR. (IN TLINGIT): So what am I saying.  
34 Our way of life is a law. It's like when I drop this,  
35 if I let go of this paper it's going to fall down to  
36 it, when we can't get our own natural foods there's an  
37 inner desire that drift -- that goes towards that to  
38 what our body needs; that's the law and that's what we  
39 need.

40

41 I have some foods in my house, smoked  
42 salmon, smoked moose meat, different things of that in  
43 the freezer, but it's not enough to share because I'm  
44 regulated to only take what I need, and that's so, in  
45 our way of thinking, is so selfish. But the way I see  
46 it is the reason why we're battling is not because --  
47 it's because fish -- commercial fishermen,  
48 sportsfishermen, charter fishermen want it all. We're  
49 not making any big money off of this. There's some of  
50 those charter boats make thousands, I don't know

1 hundreds of thousands because they wouldn't be crying  
2 so hard if they weren't making that much money, we  
3 don't do this for money, we do it to feed ourselves so  
4 we can feel healthy, it's a spiritual thing. I heard  
5 it earlier, our foods are spiritual to us.  
6

7 With that said I will say, I believe I  
8 read on the -- I think I read that in this conference  
9 honoring our past.....  
10

11 MS. K'EIT: Respecting.....  
12

13 MR. (IN TLINGIT): .....and thinking  
14 about the future. I read that but I didn't think and  
15 -- and then the other part is that how did we get here  
16 today. I was sitting here listening to that very  
17 carefully but I didn't hear anything about how we got  
18 here today. We have a word in Tlingit, (In Tlingit),  
19 what does that word mean, (In Tlingit).  
20

21 (In Tlingit)  
22

23 How were our ancestors and what are we  
24 today and what must our grandchildren become.  
25

26 I thank you so much.  
27

28 Before I get down, Douglas -- I heard a  
29 lot about mining, and I heard, I think, is that the  
30 Treadwell Mill [sic] in Douglas Island, millions of  
31 tons of mercury, they used to crush the rock and so you  
32 got the sandy beach right -- you've heard of Sandy  
33 Beach in Douglas?  
34

35 MS. K'EIT: Uh-huh.  
36

37 MR. (IN TLINGIT): We had children, or  
38 our high school or school kids test that particular  
39 Sandy Beach and it went off the richter scale there's  
40 so much mercury in that sand, not only our children but  
41 all children go there to play on that sandy beach, it's  
42 contaminated. They say, oh, we're going to protect  
43 this, we're going to do our job, I always think to  
44 myself whenever they say they're going to do this and  
45 they're going to -- this is good for you, I always say  
46 well I better put up my caution flag because I know  
47 deception is the key for me in politics. If you can  
48 deceive the other person to believe you that you're  
49 doing the right thing, that's why we have to do our  
50 homework, that's why we need to understand where we

1 came from, who we are today and what our children must  
2 become.

3

4 I appreciate your.....

5

6 MS. K'EIT: Can you remind me your name  
7 and your tribe you're representing?

8

9 MR. (IN TLINGIT): (In Tlingit).  
10 Spelled underline K-I-N-K-A-D-U-N-E-E-K, and I'm a  
11 council member of Douglas Indian Association.

12

13 MS. K'EIT: Gunalcheesh.

14

15 MR. (IN TLINGIT): There's also mining  
16 going on up in Canada on the Taku River, many things,  
17 you know, that are happening against our people.

18

19 Someone talked about the buffalo. What  
20 is our main source of food, what was the main source of  
21 food for the Lower 48 Indian was buffalo, salmon is our  
22 main source of food for many of us. If they can get  
23 rid of all that salmon, they think they're going to  
24 change our lives, we're going to become Americans.

25

26 I love America. I'm thankful to be an  
27 American, but we do have rights and we didn't come here  
28 to this country to become Americans, we've been here  
29 for thousands of years.

30

31 Gunalcheesh.

32

33 (In Tlingit)

34

35 Thank you so much for listening to me  
36 today.

37

38 (Applause)

39

40 MS. K'EIT: Thank you. Della wants to  
41 comment, and we have some groups lining up and there  
42 was a question about break time and, you know, looking  
43 at my watch it's about 10 after 3:00 but I don't want  
44 to lose people's thoughts. My opinion, I would  
45 encourage people to take a break as they need to, I've  
46 heard the door opening and people going and getting  
47 water, coffee, et cetera, if the Board doesn't mind  
48 that's what I would recommend. Any objection?

49

50 MR. MAYO: Excuse me. Could I call a

1 point of order here, this is supposed to be a tribal  
2 consultation and yield the floor to the tribal people  
3 and, you know, this is our time for you to listen and  
4 we talk, you know, there's a lot of people that want to  
5 speak here.

6

7 MS. K'EIT: I understand, yes, thank  
8 you. So I'm encouraging people to take their breaks on  
9 their own rather than taking a full break where  
10 everybody leaves and I want to make sure -- Della keeps  
11 -- one of our working group members keeps flagging me  
12 and then we'll go here to my left.

13

14 MS. TRUMBLE: I thank you for your  
15 comment because I figured okay I'll stick my neck out  
16 here because this group has done a lot of work on your  
17 behalf and working with people from your region, and  
18 it's important that we walk away with something. We  
19 meet again next week in trying to get a final draft for  
20 the Board to make a decision and it's important that  
21 you do this and focus on this because it's for you,  
22 it's for all of us here and in the future.

23

24 So, I think, you know, and be  
25 respectful of people standing behind you for a half  
26 hour and 45 minutes and giving people time but it's  
27 important for us sitting here to learn, of what's going  
28 to work for everybody.

29

30 Thank you.

31

32 MS. K'EIT: Thank you, Della. Next.

33

34 MS. KAZINGNUK: My name is Karen  
35 Kazingnuk, I live in Little Diomedede. I represent  
36 Native Village of Diomedede but this is what I got on  
37 paper.

38

39 This is my first meeting for the  
40 subsistence, first time I ever been to this sort of  
41 meeting.

42

43 October 2011 diseased outbreak seals  
44 were posted in our community. After reviewing the fax  
45 sheets and fliers members have been concerned. On  
46 November 26th a hunter brought an unusual oogruk, it  
47 was given to the U.S. Marine Advisory Program in Nome.  
48 Biologist Gay Sheffield came to Diomedede yesterday by  
49 helicopter and picked up a seal and other samples. The  
50 female walrus was also caught reported by the hunters

1 to the -- by the hunter to be un-nourished. No samples  
2 were taken besides the meat wasn't brought home for  
3 cooking. Diomedes is a very strong subsistence based  
4 community. As we all know last spring the hunt for  
5 seals was a short season. There were no reports during  
6 the spring hunt with sick seals or walruses. Some  
7 hunters think that the construction of the school  
8 reduced hunting efforts this fall. Residents depend on  
9 traditional hunting to survive with Anika Store shelves  
10 have been empty and lack of meat orders, many people  
11 depend on walrus and oogruk. The Native Village of  
12 Diomedes is eager to cooperate with organization and  
13 agencies to learn what -- hire a local to collect  
14 samples especially during the annual spring hunt. This  
15 allows to keep track of number of sick sea animals,  
16 document conditions and report in our communities,  
17 agency involved. Diomedes is located is perfect for  
18 studies to completed because of the sea mammals  
19 migrating through here.

20

21                   We may not be current activity --  
22 active hunting as much as we used to. Maybe it is for  
23 the better due to the current conditions of the seals.

24

25                   We were informed that by the end of  
26 December NOAA (ph) will get back report as to what  
27 happened to the seal. The traditional food is our  
28 harvest from the sea; birds, seal, walrus, polar bear,  
29 fish, whale, crab and seaweed. We are worried our  
30 traditional subsistence activity will die due to the  
31 health of our sea life.

32

33                   Just yesterday helicopter went to  
34 Diomedes and what's her name, the Fish and Game lady,  
35 Gay Sheffield, went down and pick up the seal. That  
36 was some sort of sick seal of something.

37

38                   UNIDENTIFIED VOICE: Do you want a  
39 number to call and talk to somebody about this?

40

41                   MS. KAZINGNUK: Yeah, if it will help.

42

43                   UNIDENTIFIED VOICE: Somebody in NOAA.

44

45                   MS. KAZINGNUK: NOAA.

46

47                   UNIDENTIFIED VOICE: You'll be able to  
48 find NOAA and they'll do the Sustainable Marine  
49 Department.

50

1 MS. KAZINGNUK: Okay. Thank you. I  
2 didn't know who to bring this up but this is a good  
3 meeting. I like this meeting.

4  
5 MS. K'EIT: Thank you, Karen.

6  
7 (Applause)

8  
9 MS. K'EIT: Next.

10  
11 MR. MAYO: (In Native)

12  
13 English, this is Randy Mayo, First  
14 Chief, Steven's Village Tribal Government.

15  
16 You know Steven's Village is located up  
17 there in the Yukon Flats. We're surrounded by Yukon  
18 Flats Fish and Wildlife Refuge and over on the Pipeline  
19 side it's BLM Utility Corridor lands. And our tribe  
20 has a long history, you know, based on the traditional  
21 form of governance going back to a strong cultural  
22 identity and ties to our lands and the resources we  
23 live off of like everybody else in the room here.

24  
25 And, you know, I used to sit on the  
26 Eastern Interior Advisory Council but I got off of that  
27 Board as a tribal official to sit on that Board and  
28 have surrounded tribal communities coming forward to  
29 submit regulatory proposals, you know, to, you know,  
30 tribal officials sitting out on the floor submitting  
31 testimony and any type of written form to, you know,  
32 try to participate in this format but it was not  
33 meaningful. You know, listening to a lot of the  
34 frustration here and also the powerful statements made  
35 in our traditional languages, that the original  
36 government policy of destroy the Indian but save the  
37 man has never worked and never will. This is testimony  
38 right here in the room here despite, you know, Federal  
39 laws that have been passed with or without us, you  
40 know, land claims and then ANILCA, that, you know,  
41 we're not going anywhere and the terminology given to a  
42 God-given inherent sacred right that kinship with these  
43 resources we live off of is far powerful than these  
44 man-made laws we're dealing with and what you folks are  
45 struggling with to understand where we're coming from.

46  
47 So this little opening here of  
48 consultation will never be meaningful unless the  
49 regulatory agencies, you know, start taking the  
50 traditional knowledge and, you know, taking that and

1 incorporating it into the Western-based scientific  
2 knowledge and biology. Because when I sat on that  
3 Board, you know, the agencies would come back with  
4 their scientists and biologists and argue against the  
5 traditional people so it was like this all the time.  
6 You know, we, up in the Pipeline Corridor there, the  
7 BLM administered lands, under Section 30, we, you know,  
8 took issue with that, that Section 30 was dealing with  
9 impacts to our subsistence resources caused by the oil  
10 pipeline and the road and our written testimony was not  
11 based on Western scientific biological data and it  
12 wasn't in that format, so the answer we got back was,  
13 you know, basically the agencies don't recognize that  
14 kind of documentation. So unless that is incorporated  
15 up front and taken into full consideration, this is not  
16 really consultation in this narrow scope we're dealing  
17 with here today.

18  
19                   You know, I listened to the frustrated  
20 gentleman here and then one of you guys got up and gave  
21 him a big answer based on, you know, your Western laws  
22 and regulations, so, you know, for this group here I  
23 think you really need to take that into consideration.  
24 Even me being here as the First Chief of our tribal  
25 government, to me, this is not real government-to-  
26 government, so hopefully the working group will take,  
27 you know, this one small bit of advice into full  
28 consideration and that, you know, our Native liaisons  
29 within these agencies, you know, be able to do their  
30 jobs and run these things up the chains within each one  
31 of you agency heads here. So, you know, we will watch  
32 with interest as how this all, you know, shapes up  
33 here.

34  
35                   You know one of the other inequities is  
36 the funding. You know, I, like a lot of tribes here  
37 don't have the resources to fully interact in this  
38 system here and just trying to keep up with all of  
39 these things it's pretty hard. So, you know, those are  
40 just some of the things that I'd like to comment on.

41  
42                   I also serve as the chairman of the  
43 Council of Athabaskan Tribal Governments, a 10 member  
44 inter-tribal in the Yukon Flats and we will also  
45 submit, you know, more pointed testimony to this  
46 narrowed down issue. But the other point, that all of  
47 these powerful statements that we are here, we're not  
48 going anywhere and, again, that policy of destroy the  
49 Indian but save the man, you know, we're living proof  
50 here that that has not worked and never will work and,

1 you know, just take these things into consideration as  
2 you agency people try to figure us out and where we're  
3 coming from.

4

5 So, thank you.

6

7 (Applause)

8

9 MS. K'EIT: Thank you, Randy. That's  
10 pretty key, you know, the point coming out that it  
11 really takes time to understand where people are coming  
12 from and their history and just perhaps the Native  
13 liaisons can often be a vehicle to help get the needs  
14 lifted up, raised up the flag pole.

15

16 Next.

17

18 JOSEPH: Thank you. My name is  
19 Joseph.....

20

21 MS. K'EIT: Can you spell that?

22

23 JOSEPH: I'm with Napakiak Corporation.

24

25 MS. K'EIT: Is that the village  
26 corporation or the.....

27

28 JOSEPH: Napakiak.

29

30 MS. K'EIT: .....or the tribal  
31 government?

32

33 JOSEPH: Napakiak Corporation.

34

35 MS. K'EIT: The village corporation.

36

37 JOSEPH: The village, yes. First, we  
38 brought this issue four years ago and when we went to  
39 the mic like this in Fairbanks they send us a -- all of  
40 a sudden the whole conference come to a complete stop  
41 and they send us two lawyers to confront the question  
42 that we were trying to present at that time. I'm  
43 really happy that even if it's a far-fetched SB [sic],  
44 I'm glad that the agencies versus user is being  
45 recognized and we need more vote on the user side,  
46 that's the way it's got to work.

47

48 And another thing is that maybe my  
49 question is, if you can answer that, and put it to the  
50 table, if the enforcement section of ANILCA had ever

1 been tried and where and what location of the affected  
2 area of that Title VIII, and you got to remember that  
3 my buddy from Copper Valley is not part of that Title  
4 VIII and I'm questioning where -- when this had been  
5 put to the test to -- of that Title VIII, when it had  
6 worked and how did it work because here is where I'm  
7 coming from. The people that are fishing for  
8 subsistence are being halted completely before they  
9 even question people out there catching the commercial  
10 areas. That's where I'm coming from. And I'd like to  
11 see that answered.

12

13 And I thank you very much.

14

15 MS. K'EIT: Thank you, Joseph. Next,  
16 Sam.

17

18 MR. THOMAS: Sam Thomas. Tribal  
19 president for the Craig Tribal Association.

20

21 I wanted to comment on the opening  
22 slide on what constitutes consultation, the "may  
23 effect" portion of that slide and identifying that what  
24 may affect tribal member or tribe. I think it should  
25 identify shall or should affect that tribal member.  
26 And then go -- because you have a short, intermediate  
27 and long-term effects when there's effects by an action  
28 taken by a body, so I think that needs to be spelled  
29 out a little better on the effect part.

30

31 And back to the policy itself that was  
32 handed out for mark-up, the policy, just for  
33 grammatical, I think tribes and tribal should be  
34 capitalized throughout the entire document. Just so  
35 we're not an afterthought.

36

37 And identification on the special  
38 actions and the monitoring. I think it goes back to  
39 some of the comments that have been identified here  
40 today, that we're here for a reason, this should be  
41 documented, the minutes should be dispersed at the next  
42 meeting so people know what the possible outcome should  
43 be and give some direction to the Federal Subsistence  
44 Board to act on specific topics, that way it's just not  
45 a listening session. I seem to hear that consistently  
46 in the testimony. And it goes back to the Federal  
47 Subsistence Board, should be acting on the best  
48 interest of the tribal members and the users of the  
49 subsistence; they shouldn't be there on personal  
50 interest or interest of the agencies, they're supposed

1 to be representing there for a purpose.

2

3 I want to highlight a little bit more  
4 on the -- I had it all marked a second ago.

5

6 On the monitoring, I think on the  
7 action plans that are identified within the monitoring  
8 component of that, I think it needs to be spelled out  
9 what those actions are going to be, how they're going  
10 to be dealt with at the level that the Federal  
11 Subsistence Board deals with them. I'm going to use  
12 one example, in Southeast Alaska and probably a good  
13 effective or possible effective way to consult with  
14 tribal governments and subsistence users of the  
15 Southeast Region, back in the early '70s there was sea  
16 otters that were introduced by State and Federal with  
17 no management plan. Today those sea otters are  
18 escalating at a rapid rate from anywhere from 13 to 21  
19 percent depending on the year of reproduction and  
20 they're depleting resources that we are used to,  
21 accustomed to establish a way of life that we've been  
22 accustomed to from time immemorial. So back to the  
23 Federal Subsistence Board, the people of Southeast  
24 Alaska would be seeking effective consultation with the  
25 tribes and tribal people of Southeast Alaska to one,  
26 sponsor, or to advocate for the legislation that's been  
27 put forth by Congressman Young that's been -- I'm not  
28 sure if you can do that being the Federal Subsistence  
29 Board but I'm sure you could do it in other ways, but  
30 we feel that our ways of life have been hindered by  
31 those non-traditional marine mammals that were put  
32 there. So we would be seeking assistance in some  
33 capacity.

34

35 The language has been targeted for  
36 animal activists -- the biggest clause in the Marine  
37 Mammal Protection Act is significantly altered, you  
38 know, from our way of thinking, significantly altered  
39 is when you shoot the mammal, that's altering it's  
40 life, so we feel we should be able to sell those pelts  
41 as a raw pelt. I think the delegation and/or  
42 Congressman Young has emphasized that in his language,  
43 that that's the way it should be, identified. And we  
44 do have peoples that have been arrested for, they felt  
45 significantly altering them, whether they're sewing  
46 them together as a blanket or what not.

47

48 But those are my comments and I'm sure  
49 I have more and I'd like to see a more glorified  
50 version of this, filling in the blanks and brought back

1 for further consultation.

2

3 Thanks.

4

5 MS. K'EIT: Okay. Sam, one question,  
6 the -- he was referring to Page 4 of the draft protocol  
7 and number 7 is monitoring. You mentioned maybe more  
8 specific details on what that monitoring will look  
9 like. Do you have any suggestions you want to offer?

10

11 MR. THOMAS: Yeah. Whether or not you'd  
12 take it for what it is -- I don't want to take up time,  
13 but I could write them down.

14

15 MS. K'EIT: You could write it.

16

17 MR. THOMAS: Okay.

18

19 MS. K'EIT: Okay, thank you.

20

21 MR. THOMAS: Thanks.

22

23 MS. K'EIT: Okay.

24

25 MR. WOODS: Frank Woods from Bristol  
26 Bay Native Association and I appreciate your efforts  
27 today.

28

29 Speaking on the consultation process,  
30 we have 229 recognized -- Federally-recognized tribes  
31 in Alaska. Each one of those tribes should have a  
32 consultation process for themselves. If anything adopt  
33 -- the consultation process the Federal -- U.S. Fish  
34 and Wildlife Service has put in place today and modify  
35 it to your advantage. Alaska is in a unique situation.  
36 We've been a state since '59, that's before my time.  
37 In 1999 I had no interest in game management, Federal  
38 management, I just wanted to subsist and shoot  
39 everything that ran around. There's a whole process  
40 that's happening. We have a voice. And thank God we  
41 still have a voice. The Board sitting before you,  
42 Federal Subsistence Board, their number 1 mandate is  
43 what -- number 1 mandate is rural preference and out of  
44 that rural population there's 82 percent Native  
45 population so when I speak to the Board, most boards I  
46 say you might as well say when you say rural, you say  
47 Native because that's who we're trying to help feed.  
48 My job is to help people in my region meet them  
49 subsistence needs. And if that doesn't work we bring  
50 it to these Boards, the RAC, Board of Game, Board of

1 Fish, so that consultation process is real important.  
2 And if we develop our own, and how we relate to  
3 different agencies, that's what we need to do.

4  
5                   You know, it behooves me, we live in a  
6 day -- we live in a Democratic society, where each one  
7 of us can stand up and understand and attend enough  
8 meetings to understand regulation, Federal law, each  
9 one of us has a right to give input and change that  
10 law, so we got to be proud, we have a voice today, not  
11 only in this Board, but right now, right now what I'm  
12 speaking, I'm speaking for 31 villages. That's  
13 important. How powerful is that, we have a right and a  
14 voice today.

15  
16                   Under ANILCA, Title VIII, it also says  
17 rural preference subsistence priority. We're here  
18 because subsistence is important to each one of us and  
19 look how big -- we could go on for days.

20  
21                   I'll end with, all the Federal  
22 regulators and all the meetings I intend I bump into  
23 the same conflicting mandate. Do you know what  
24 conflicting mandate that is? It's 50 CFR 135.25, do  
25 you know what -- I made up my own, you cannot regulate  
26 common sense.

27  
28                   (Laughter)

29  
30                   MR. WOODS: I say that because when I  
31 sit on the National Marine Mammal Commission, the  
32 Department of Commerce has a conflicting mandate with  
33 the U.S. Fish and Wildlife Service and the U.S. Fish  
34 and Wildlife Service has a conflicting mandate with  
35 National Marine Fisheries, for God's sake, you can't  
36 sit down and sort that thing out, where are we in this  
37 country. We attend meetings -- to attend a meeting to  
38 mandate a conflicting mandate for God's sake, it  
39 behooves me.

40  
41                   But I tell you where we can go with  
42 this, at every board we sit on, and every meeting we  
43 attend we want to get something out of it, and I pray  
44 to God that we streamline it because not only is it  
45 harder to make a living in rural Alaska today, it's  
46 harder to live there. And that's in everywhere in the  
47 country and we compete, Native people have been giving,  
48 giving and giving, we are accommodating people. We  
49 share our resource with the sportsman, industry, be it  
50 commercial, sports, or recreational, so our own land,

1 the Federal government manages 240-some million acres,  
2 million acres, the size of Minnesota for God's sake,  
3 we're visitors on our own land. When the State Parks  
4 classifies me in their land use plan as a visitor,  
5 Denali National Park, if I'm a land withholder [sic] in  
6 that park and I need to go get a moose to feed my  
7 family, that's a conflicting mandate. Under the  
8 Federal subsistence rule that should be changed. I  
9 don't know how, I don't care, but if I need to I'll  
10 help change that in our region. And I can only speak  
11 for my region in Bristol Bay, I can't speak for Arctic  
12 Slope, I can't speak for anybody else but I tell you  
13 what I work hard to help protect that because my  
14 grandmother's 88 years old and that's who I hunt and  
15 fish for today because when I see her eyes light up  
16 when I bring her a chunk of walrus or beluga skin or  
17 help pick her berries and I sit down and I share that  
18 food with her. There's nothing else that matters.

19  
20 And so with that I'll shut up and we  
21 have a big job before us and have a nice day.

22  
23 Thanks.

24  
25 (Applause)

26  
27 MS. K'EIT: Thank you, Frank.

28  
29 MR. NICKERSON: Thank you. My name's  
30 Don Nickerson, I'm from Klawock, Alaska. I'm the vice  
31 president of our tribal organization.

32  
33 You know I stand here -- first of all  
34 I'd like to thank you for hearing us. You know, as  
35 long as I can remember subsistence has never been  
36 resolved. You know it seems like we've been  
37 consultating and consultating, you know, to resolve the  
38 subsistence issues we have at hand. If you take a look  
39 at that piece of paper you handed out, the United  
40 States Federal government and the State of Alaska  
41 regionalized 10 regions in Southeast Alaska. You know  
42 I feel the way we are set up right now, you know, to  
43 work with the Federal government and United States of  
44 America is not working otherwise we wouldn't be  
45 consultating. As it is right now on Prince of Wales  
46 Island we are responsible for 7/10ths of one percent of  
47 our resources that we traditionally harvest, 7/10ths,  
48 the rest is commercialized to fishermen, charter boats  
49 and sportfishermen. Although we are treated like  
50 criminals, you know, I think we need to quit

1 consultating. A gentleman said awhile ago, you know,  
2 we are educated enough to know what we feel, know what  
3 we need to speak for, and know what we need to resolve.  
4 You know consultation to me has gone nowhere. If you  
5 take a look at these 10 regions, I think it's  
6 important, every tribe here lives in those 10 regions,  
7 all of our regions are very unique, let alone we have  
8 to live by one book of regulations. You know, before  
9 ANCSA the law of our land and our food was very simple,  
10 very simple; take what you need and love and respect  
11 Mother Nature, that was the balance. As it is now the  
12 Native people, their percentage is under my foot and  
13 the commercialization of our resources is way up here  
14 past my height. There is no balance there.

15  
16                   You know I am here to speak, not only  
17 not only the pain of my grandparents and my ancestors,  
18 you know, but I'm speaking to protect the resources  
19 that I'd love my children and their children to have.  
20 As it is now I firmly believe the Federal Subsistence  
21 Board should be consultating with the state of Alaska.  
22 They need to get a balance there, you know, because  
23 these resources are getting wiped out, you know, they  
24 need to work together to not only protect these  
25 resources. You know you guys are under the direction  
26 to have a government-to-government relationship. We  
27 are the government. We lost that somewhere down the  
28 road. You know, maybe in ANCSA. You know ANILCA isn't  
29 effective. We sent resolutions, letters and everything  
30 to ANILCA it got us nowhere, let alone our resources  
31 have diminished. They have diminished. Our herring is  
32 gone. Our sea cucumber is gone. The sea urchins are  
33 gone. You know what else is there. In my eyes and my  
34 heart, you know, if you take that away, that is our  
35 culture, that is why we celebrated our song, our dance  
36 and our stories, our food, that is why. We can't share  
37 those good stories, you know, because we are allowing  
38 the State to economically develop these resources that  
39 we no longer have control over.

40  
41                   I firmly believe this consultation, you  
42 know, is set up to fail. I would highly recommend, you  
43 know, that we go back and we talk with our tribes and  
44 our clans and let them know that this Federal  
45 Subsistence Board and the state of Alaska need to  
46 consultate. We should be sitting here with a panel of  
47 10 working with the Subsistence Board, not just two  
48 that you guys are recommending. I think there should  
49 be one from each region. Every region is unique. Does  
50 every region have a voice at this table? No, they

1 don't. You know if we want to work together,  
2 government-to-government, I think our needs need to be  
3 met and the only way that we can do that is together --  
4 do that together like we did in the olden days. We  
5 always took care of each other. We always listened to  
6 each other. Now we're pleading for our survival, our  
7 livelihood, our culture. That's all we have now is  
8 song and dance. We are barely surviving.

9  
10 I think it's important that you take a  
11 look at the economy. The cost of living. How much is  
12 fuel in the Interior to go hunting. How much bullets  
13 are there. How many of the people understand the  
14 regulations of the Federal subsistence; it's an English  
15 book. There needs to be a better translation, that way  
16 we are not treated like criminals. We are not  
17 criminals. We are the indigenous people. We are the  
18 only ones, all we have is our food, our culture, our  
19 song and our dance. Nobody wants to step outside the  
20 doors. We live the Western culture 100 percent, a lot  
21 of us do, our lives are getting shortened. It is  
22 getting shortened.

23  
24 You know, I highly recommend if you  
25 want to get this resolved, we regionalize into those 10  
26 regions. You listen to the people, you know, maybe we  
27 need to get Larry Echo Hawk and Ken Salazar up here,  
28 let them know that it is successively failing. It's  
29 imperative that we go back to our people and say you  
30 know what we have to work together, these are  
31 important. It may not be important to the state of  
32 Alaska, you know, it's important to us, we are the  
33 indigenous people, though, we are being treated as  
34 second class citizens. It is time for us to step up as  
35 one and become a unity of one to get these issues  
36 resolved. It should not even be an issue.

37  
38 Right now we have to protect our food  
39 and our subsistence rights. Subsistence did not come  
40 around until 1971. '71. That's 40 years ago. In 1971  
41 we had so much, our rivers were full, berries were  
42 everywhere, water was clean, air was clean. We don't  
43 have those things. You know what you're darn right,  
44 our natural resources are going to disappear, you know,  
45 there's such a big picture here, it's not only our  
46 resources, you know, it's our water quality, it's our  
47 air quality, the abuse that goes on with our children,  
48 you know, we need to stop it. It's a very big picture.  
49 It's not only just connected to our food, you know,  
50 it's our culture, it's tradition. It's all we have.

1 I think it's important that you take  
2 these words and you do go back. I think it's important  
3 that you do -- I don't even want to say consultate, it  
4 needs to be a government-to-government relationship.  
5 Consultation will continue as long as we do not resolve  
6 our subsistence issues and believe you me, I hate that  
7 word subsistence. It does not exist in our vocabulary.  
8 You go to any of our elders, they will tell you, what  
9 is subsistence, it's a tricky word. It's a tricky word  
10 that is set up to fail as an indigenous people.

11  
12 I think it's important that we get  
13 together as one and we start protecting our resources  
14 because if we don't have that we no longer exist as an  
15 indigenous people.

16  
17 Thank you.

18  
19 (Applause)

20  
21 MS. K'EIT: Thank you.

22  
23 MR. GINNIS: Good afternoon. My name  
24 is Steve Ginnis, I'm from Fort Yukon. I'm a tribal  
25 member of the Gwich'in (In Gwich'in) tribal government.  
26

27 I wanted to address this document and  
28 then I wanted to address an issue that is concerning  
29 me.

30  
31 The preamble, the first sentence going  
32 down to -- from 28 down to 30, where it says, the  
33 United States has a unique legal and political  
34 relationship with Indian tribal governments which has  
35 been established through and confirmed by the  
36 Constitution of the United States, statutes, executive  
37 orders, judicial decisions and treaties. What I would  
38 like to suggest is that tribal constitutions be  
39 inserted in there as well. Because up here in our  
40 state the tribal constitutions of our tribal  
41 governments is the document that gives us that  
42 authority for government-to-government relationship.

43  
44 On the next page, down there Line 18  
45 through 19, it says the Board's intent is that this  
46 tribal consultation protocol will be consistent with  
47 the Department-wide consultation policies. This is kid  
48 of concerning to me. Because as I understand if you're  
49 saying Department there, I'm assuming that you're  
50 talking about the Department of Interior, and the

1 Department of Interior, as far as I know has numerous  
2 agencies under its umbrella and to make a statement  
3 that it's all going to be consistent is troubling to me  
4 because each and every one of these agencies here has  
5 different missions. So to say it's going to be  
6 consistent Department-wide is something I think you all  
7 need to take a look at, some way of addressing that  
8 issue.

9  
10 On the next part of it, the  
11 introduction, where it says by statute, the Board must  
12 defer to Council -- defer to Council recommendations on  
13 regulations unless they are A, not supported by  
14 substantial evidence. That wording concerns me as  
15 well. Because if you go -- and it's concerning me  
16 because just like the previous speakers have noted, our  
17 traditional knowledge is not being weighed as heavily  
18 as scientific data or you know what I mean by that. So  
19 it kind of goes against the grain of the next page  
20 where you're saying acknowledge and respect and use  
21 traditional ecological knowledge. So the statements  
22 are not consistent in our view.

23  
24 The other thing that I don't see this  
25 document addressing is having to do with funding. You  
26 know there's some tribes like the Council of Athabaskan  
27 Tribal Governments that have agreements with U.S. Fish  
28 and Wildlife out in our area through grants. And so I  
29 think this document, somewhere in it ought to address  
30 what that relationship is going to be in terms of  
31 funding.

32  
33 And then the last one I wanted to  
34 address was this regulatory process. And, you know,  
35 I'm curious to find out from step one to step six, how  
36 much time has evolved, you know, because I know that  
37 when you're doing regulatory changes it requires  
38 publishing it in the Federal Register and believe me  
39 that's a process in itself and it -- what it does is it  
40 gives everybody and their brothers an opportunity to  
41 weigh in on that proposal. And in many respects the  
42 issues that our Native people are trying to push  
43 through, because everybody and their brothers are  
44 weighing in on it, sometimes we get the really short  
45 end of the stick when it's all said and done. And  
46 there are -- there's nothing in here that I see that  
47 would address any kind of emergency regulation. And I  
48 think -- I'll give you an example of what I'm talking  
49 about when I'm talking about emergency regulation.

50

1 I happen to live in Fairbanks right now  
2 but my home was out in the Yukon Flats, I still have  
3 two houses there, I still vote out there, I just happen  
4 to live in Fairbanks. And as I was doing my annual  
5 waterfowl hunting this spring and I was told by the  
6 U.S. Fish and Wildlife Service in Fairbanks that it's  
7 illegal for me to do that. Now -- and I'm trying to  
8 address this through this regulatory process through  
9 the waterfowl council, and it's -- to me it's  
10 discriminatory to not allow me to go out and harvest my  
11 birds that I do annually for many moons before this  
12 treaty ever even was established. So the impact to  
13 that resource is not going to be as substantial as some  
14 folks might lead you to believe. So there needs to be  
15 a provision in this regulatory process where emergency  
16 regulations can be addressed. Because I certainly  
17 would like to go out there next spring. And if this --  
18 if I'm going to go through this process, hell will be  
19 two or five years from now before I actually go back  
20 out there again. But you know what I'm not going to --  
21 this time I'm just going to go out and do it because I  
22 think someone somewhere has to make a point about this  
23 and if it's going to be me, I'll do it.

24

(Applause)

25

26

27 MR. GINNIS: Now the issue that I  
28 wanted to speak to and I know all of you that are  
29 sitting right there are struggling with this very issue  
30 and that's customary trade.

31

32 And, you know, under -- as we all know,  
33 under ANILCA it gives us Native people authority for  
34 customary trade, which we have done for many, many  
35 moons, before even this law ever was established. But  
36 to begin to address that in a way of putting some kind  
37 of monetary value to it I think is absolutely wrong.  
38 Now, there's a few bad apples among us that are  
39 violating that particular law. My position on it is  
40 the law is the law. And if they're violating it, deal  
41 with it. But don't punish the rest of it and start  
42 putting some kind of mandatory -- monetary limit on  
43 that. I think that's absolutely wrong. Again, it goes  
44 contrary to what our people have been doing for moon.

45

46 When I go back to Fort Yukon, that's  
47 the other thing, is they told me because I live in  
48 Fairbanks I can't fish out there. And so what I do in  
49 July is I go back to Fort Yukon and I sit out there  
50 along the river bank and I wait for these fishermen to

1 come back and I barter, gas for fish. That's customary  
2 trade. And it's not like they're standing there  
3 weighing the fish and selling it to me by pound and  
4 this type of thing. They bring the fish in, it's in a  
5 tub, they say, yep, \$50 worth of gas, eat as much of  
6 that fish as you want and I get greedy too with it, I  
7 guess, take whatever they got there.

8

9                   But -- so I know that's something you  
10 all are struggling with, I would really encourage you  
11 to recognize the value that it has for some of us folks  
12 that happen to live in the urban area, that these walls  
13 that prevent us from exercising our own way of life.  
14 There has to be some other way, you know, to get your  
15 resource. The interesting thing about it is they don't  
16 bother me about moose hunting out there. I go out  
17 there every fall. But for some reason, moose hunting,  
18 fishing and waterfowl all has different approaches or  
19 regulations to it which doesn't make a damn bit of  
20 sense to me.

21

22                   So with that I appreciate your time and  
23 excuse my language but that's just the way I kind of  
24 speak once in awhile. So those are the challenges that  
25 you all are facing. And if you work with us we should  
26 be able to solve some of these problems, and I thank  
27 you for your time.

28

(Applause)

29

MS. K'EIT: Thank you, Steve.

30

31                   MR. AHMASUK: Thank you. My name is  
32 Austin Ahmasuk, I work for Kawerak, they're a tribal  
33 consortium in Nome for the Bering Strait Region as a  
34 land management specialist. Previously I was the  
35 subsistence director and I was asked specifically by  
36 the natural resource director to address this  
37 consultation policy.

38

39                   First of all, after reviewing this  
40 consultation policy, it's my opinion that we are not  
41 strengthening the consultation policy. The Department  
42 of the Interior or the Federal Subsistence Board is  
43 merely giving us status quo consultation. When I read  
44 the Presidential memo and the Executive Order, those  
45 Presidential memos, they give the Department and the  
46 Federal Subsistence Board, I assume, they ask you to  
47 strengthen the policy, not regurgitate what policy is.

48

49

50

1 I've been fortunate or unfortunate,  
2 whatever you want to call it, to be part of tribal  
3 consultation in Nome and I know how it works and it's  
4 my opinion that this policy simply allows for the same  
5 kind of status quo consultation that occurred in Nome  
6 that didn't really work. And presently the way the  
7 policy is worded it's my opinion that it merely gives  
8 tribes a special or a specific ear with agencies before  
9 decisions are made but not at the time decisions are  
10 made, which is the same thing that we already have.

11  
12 In the Federal Subsistence Board's  
13 draft protocol at the end there one of the first  
14 questions that was asked was, you know, how do we feel  
15 about the preamble. What I, in fact, did was I went to  
16 the back and I looked for disclaimers and I found two  
17 of them and that is the Federal Subsistence  
18 consultation policy references the Federal Advisory  
19 Committee Act and the Administrative Procedures Act.  
20 If -- and those -- the Administrative Procedures Act  
21 and the Federal Advisory Committee Act they are not  
22 addressed in the Executive Order, they are not even  
23 mentioned in the November 2009 memo from the White  
24 House. It appears to me that the Department of the  
25 Interior and the Federal Subsistence Board, you are  
26 giving -- you are adding in procedures that the  
27 President and the Executive Order has not asked you to  
28 do. And from my own experience the Federal Advisory  
29 Committee Act and the Administrative Procedures Act,  
30 they can be molded, crafted, manipulated in order to  
31 reduce the effective consultation. Because we know  
32 that if agencies are given the ability to manipulate  
33 procedures and rules and things like that, that APA and  
34 FACA do, that can actually destroy consultation. You  
35 know as they say the power to tax is the power to  
36 control. The power to enforce the Administrative  
37 Procedures Act and the Federal Advisory Committee Act  
38 is similar in nature, the power to control, which I  
39 don't believe should be part of the consultation.

40  
41 Okay, so in regard to your first  
42 question, you know, the preamble. The preamble, in my  
43 opinion, should set the stage for consultation. I  
44 don't think that this completely sets the stage. It's  
45 my opinion the preamble should set the stage for how  
46 consultation is formulated and all those background  
47 information but it should also inform and outreach. I  
48 believe that the preamble should also include the  
49 Alaska Constitution's disclaimer, Section 1212  
50 regarding Alaska Natives. I think that it's important

1 that the preamble also characterizes the unique nature,  
2 just beyond mentioning the Constitution beyond  
3 mentioning the treaties. Either specifically name them  
4 and lay out what that characterization of that special  
5 relationship is, or specifically cite those things. I  
6 think it's important to do that.

7  
8                   So, you know, Mr. Ginnis, he talked  
9 about an issue he had with the introduction and I'm  
10 glad that he brought it out. I have the same issue but  
11 I have a much, I guess, deeper and darker problem with  
12 that. You know, this consultation policy is how  
13 consultation will occur, and it's supposed to detail  
14 how it's supposed to be strengthened. In the  
15 introduction the Federal Subsistence Board, as you've  
16 drafted it in the protocol, the Department of the  
17 Interior, you've input ANILCA Section .805 criteria in  
18 the consultation policy and that seems peculiar because  
19 when the Federal Subsistence Board does its work, those  
20 are things that it considers. And so in terms of this  
21 consultation policy, in my mind, it confuses  
22 consultation. This consultation policy should clearly  
23 talk about how it's strengthened, and here's how it  
24 should be strengthened. It should be strengthened  
25 beyond what is normally occurring and what is status  
26 quo now, which is agencies come to a tribe and they  
27 talk about things. It should be that, but it should  
28 also be how tribes are also involved in the actual  
29 decision making process. And I have one where --  
30 actually I have lots but one really I think relevant  
31 point here and that is C&T determinations. C&T  
32 determinations are the foundation of every regulation  
33 that the Federal Subsistence Board does. There are  
34 nightmare examples of tribes, people proposing C&T  
35 determinations, never seeing the things taken up or  
36 being thrashed with such confusing criteria, confusing  
37 negotiations, confusing deliberation and very confusing  
38 and frustrating Board decisions regarding C&T  
39 determinations. I could, for instance, right now  
40 utilize every piece of traditional knowledge in my  
41 brain to propose a C&T determination for a fish or game  
42 resource in my area and because of the way the present  
43 process is, it's very likely the Federal Subsistence  
44 Board wouldn't enact my C&T determination, even if it  
45 was thoroughly and adequately researched as was my own  
46 experience, people in our area. So, you know, those  
47 are the kinds of things that need to be -- need to help  
48 inform the decision of the Federal Subsistence Board.

49  
50                   You know this consultation policy talks

1 about informing decisions. The Federal Subsistence  
2 Board can have a completely informed decision but do  
3 the wrong thing. Do something contrary to traditions.  
4 Do something contrary to a tribe's desires. Contrary  
5 to customary and traditional determinations. That's  
6 the reality. This policy needs to change that.

7  
8 So I think, you know, that this thing  
9 came out this morning, we need some time to comment on  
10 it. I know that folks back in my region they would  
11 really like to have more time to comment. You know, I  
12 think the letter should clearly articulate, you know,  
13 where comments can be made. Things of that nature.

14  
15 You know -- and the take home message  
16 is, you know, the consultation policy needs to clearly  
17 show how it strengthens the policy not simply  
18 regurgitates it.

19  
20 Thank you.

21  
22 (Applause)

23  
24 MS. K'EIT: Thank you, Austin.

25  
26 MR. VENT: Yeah, my name is Darrell  
27 Vent. I'm from the Huslia Tribal Council. I went down  
28 to Nulato, I think it was this spring, and met with the  
29 Federal Subsistence Board so I recognize some faces up  
30 there.

31  
32 We were discussing the subject of  
33 fishing on the Yukon River. I remember one time when I  
34 was a kid and one of my -- one of the elders told me,  
35 he said, whenever we changed our food value to a money  
36 value we were going to have some problems and I guess  
37 you can say that, you know, a lot of these issues that  
38 we're talking about has to deal with how we changed our  
39 food value to money values. So now we got a problem  
40 but now we're trying to learn how to solve it. It  
41 takes a little time. But I see a lot of places where,  
42 you know, we have intensive management, critical  
43 management, these things that try to address the issues  
44 that's already affected our people, which we should  
45 have learned from, now we're still continuing on doing  
46 this. It's making our people more confused, you know,  
47 not getting together, banding together and trying to  
48 solve these problems so we're all at a different level,  
49 we're not all at the same level across the state of  
50 Alaska. We got all kinds of different issues. And,

1 you know, putting out these policies, you know, is  
2 good, but you have to understand that we all come from  
3 different kind of -- that's why you have to go to each  
4 and different villages to find out which kinds of  
5 problems -- what is critical to these people. How are  
6 they going to survive, you know, what do you think 10  
7 years down the road is going to happen to them. You  
8 know these are things that people never really looked  
9 at because we didn't think -- that wasn't our thought  
10 process, our thought process we go out there and we  
11 subsistence, we use our land, we use our resources, but  
12 now we're competing for our resources. And some places  
13 they can't even, you know, use the resources because  
14 they're intensive management. Well, intensive  
15 management does mean like -- it doesn't mean that  
16 they're managing it. What it's saying is that we --  
17 under State law it says that's sustained yield. So it  
18 doesn't mean too much to how we manage things, it just  
19 says sustained yield. They can use as much of that  
20 resource as they want and don't have to give anything  
21 back or say that it's going to be useful for our Native  
22 people.

23

24                   With that said, you know, it comes back  
25 to the thought that's, you know, what my grandpa told  
26 me, he said it's going to create a lot of confusion, we  
27 traded our food value for a money value. Now we  
28 created a big problem.

29

30                   And we're still trying to resolve this  
31 but it's going to take a while before we really come to  
32 the table with you guys because we're all still trying  
33 to catch up to each other. We have people that have  
34 their own natural resource programs running. Our  
35 village, we're not that fortunate. We're still at the  
36 level of trying to get up, you know, just enough to  
37 survive in our world here.

38

39                   But addressing our issues is going to  
40 be different in other areas so I hope you'll be  
41 considerate, you know, and give us the time to look at  
42 these -- the information that you give us and we can  
43 come back and give you some information from our areas.

44

45                   I thank you.

46

47                   (Applause)

48

49                   MS. K'EIT: Thank you, Darrell.

50

1 MS. CANNON: (In Inupiat)

2

3 I just want to say my name is Caroline  
4 Cannon and my Inupiat name is (In Inupiat) and I'm (In  
5 Inupiat). (In Inupiat) is one of the oldest, the  
6 oldest northern habitat community of the north. It's a  
7 whaling community and I just want to stress that when I  
8 speak I speak for myself, and my elders, my  
9 grandchildren and the people of Point Hope that rely on  
10 the whale. And I've been through this process many  
11 times and, as earlier, I just want to thank that I have  
12 additional time. With two minutes I was trying to make  
13 my point, and I'm very happy that we have additional  
14 time because that didn't get near what I wanted to say  
15 or what's in my heart.

16

17 We've been through these processes,  
18 these meetings, I've been involved in the National --  
19 the tribal consultation or the conference that's being  
20 held and it's going to be held in D.C., three different  
21 times with the same voice, with the same issues that  
22 we've been talking about, offshore drilling, so I know,  
23 in fact, that consultation doesn't work. I know it's  
24 just a term, it's written black and white, but I know  
25 -- but by -- when that first conference took place,  
26 when the President actually met with the tribes it  
27 brought tears to my eyes. I can remember that day  
28 well. Because of the fact that knowing what could  
29 happen. We already knew. We have our own experts in  
30 our area. We have our professionals; our doctors, our  
31 scientists, and it's labeled as traditional knowledge.  
32 We already knew this thing could happen. The  
33 explosion, the oil spill. But, you know, our area is  
34 so unique and different, we're all created in God's  
35 image. All our statements are critical, we need to be  
36 heard. We need to be heard. It's our inherent rights.

37

38 And I just want to say that the storm  
39 that they just had, CNN, the world got a hold of it,  
40 that's just a bit, the tip of it, we were born and  
41 raised in the Arctic, that's what we've been talking  
42 about. I happened to be in D.C., when there was one  
43 inch of snow and they closed it down.

44

45 (Laughter)

46

47 MS. CANNON: Excuse me. In reality we  
48 still have to live. We still have to live.

49

50 My grandmother was -- my grandpa took

1 my grandmother from Point Hope to Barrow because that  
2 was the closest hospital at that time with a dog team,  
3 and there are respected whaling captains, successful,  
4 my parents were also. But what I want to say is that  
5 we've been saying we're not prepared, scientifically,  
6 regardless of what degree you have, how expert you  
7 could put it on piece of paper that you know we have  
8 technology to clean an oil spill, by all means no,  
9 there is no such way. It's a scary thought. Because  
10 we all talk about what's important to us about  
11 survival. The migrations of the fish, the whales, the  
12 oogrucks, the seals. I'm sorry. When that occurs, when  
13 there's an oil spill occurring in the Arctic with no  
14 infrastructures, Coast Guard, thousands of mile, and if  
15 there's an oil spill and it's windy, there's no way, no  
16 how, if they'll shut down D.C., could you imagine them  
17 trying to come to our villages. It's not going to  
18 happen, too late.

19  
20 I don't like to use the word, it's a  
21 scary word to say, genocide, but that's where we're  
22 heading, my friends. That is exactly where we're  
23 heading, if we don't stand together. We work with  
24 these people. We made our comments. We traveled two  
25 days to go make our comments with four hour difference,  
26 trying to stay awake because we know it's critical.  
27 We've gone, we've done everything that they asked us to  
28 do. You know right now we're seeing ships coming in,  
29 the northern passage, the northwest passage is  
30 occurring. Climate change is happening. Our hunters  
31 are seeing different kinds of stuff coming in from the  
32 ocean, plastics, different kind of mess that we did not  
33 make. Can you imagine what it's going to be like if  
34 that -- if they start drilling out there. You know  
35 they said they're going to close down -- there's a time  
36 that they're going to close down the activity, but I  
37 remember and I still can see it, I visualize it before  
38 we had CBs, before we had VHF's, before we had cell  
39 phones, our whaling captains, our whaling crews use  
40 those oars to say -- they waived it to communicate to  
41 say a whale is coming five miles down, they're very  
42 sensitive, they can hear and irregardless of what  
43 people say, how they portray it and say, we're going to  
44 do it this way, it's going to work; I'm sorry.

45  
46 When ANCSA was foremost -- excuse me,  
47 when ANCSA came about in '71, I was going to high  
48 school then. They were trying to educate us, trying to  
49 make us somebody who we weren't and they're still doing  
50 that today. I grew up and I want my grandchildren to

1 practice and tradition -- and the customary dances that  
2 we know are very important. There are several times we  
3 didn't catch a whale and there's no vitamins in Costco  
4 or anywhere, Walmart, or any pharmacy that will equal  
5 to the amount in the blubber or the muk-tuk that we are  
6 normally -- or our elders are accustomed to take.  
7 There is nothing on that shelf that will replace the  
8 oogruks, the seal, the whale, there is nothing. My  
9 father was known for -- he was a tribal doctor and a  
10 whaling captain and by all means, when I speak, I hear  
11 my parents, but what I'm afraid of and we know the  
12 social impact's going to occur, we're not even ready  
13 for it but they're coming in, they're coming in 2012,  
14 we're not prepared. It's a scary thought.

15  
16 That's why we need to continue to go  
17 make comments because if one occurs, it's going to  
18 affect all of us, all the way to Southeast. I'm sorry.  
19 We are strong people. We can be irregardless if we  
20 work together, and as tribes, 200-and some tribes, they  
21 stepped on us, they ran us over, tell us how, what  
22 should we do. And one time when I was in Wrangell,  
23 they told me how to -- what kind of clothing I should  
24 wear, that has to end.

25  
26 And, again, I just want to say I get  
27 touchy when it comes to this point, because my elders  
28 gave me a blessing, they pray for me when I'm on the  
29 road, when I'm at meetings because it's critical. It's  
30 sad to say, these are very scary times. We're not  
31 prepared. We're not. And we met with Salazar, Echo  
32 Hawk, I'm sorry, I'm crying, but I'm just saying that  
33 we've been through these meetings, it's about time they  
34 hear us for who we are. We were created in his image.  
35 He knew when he put the Inupiat up north where it's  
36 cold, he prepared those food, the nutrition food for us  
37 just so we can survive. We're talking about hundreds  
38 and hundreds and hundreds of years ago. That one whale  
39 we celebrate the first slush ice. There's a ceremony  
40 for that. Every son that you give birth to, there's a  
41 celebration. We have a three day feast. We  
42 acknowledge and recognize that young child. The older  
43 woman, the elderly women get gifts and then we (In  
44 Inupiat), we celebrate Thanksgiving and Christmas. But  
45 there was one time -- there was several times -- I'll  
46 take it back, there was two times that we did not land  
47 a whale and we can see the impact, the emotional -- the  
48 physical impact, it's a scary thought. People that  
49 never use became users because that circle is broken.  
50

1                   And I'm just going to say that our  
2 people are getting so overwhelmed with meetings after  
3 meetings after meetings with the oil industry and lies  
4 after lies after lies, but that's the truth my friend,  
5 and I appreciate at.

6  
7                   Tagu.

8  
9                   (Applause)

10  
11                  MS. K'EIT: Thank you, Caroline.

12  
13                  MS. TINKER: Hi, my name is Tina  
14 Tinker, and I work for the village of Aleknagik  
15 Traditional Council, the village.

16  
17                  I wanted to bring this up also on the  
18 consultations. Sometimes the state of Alaska will give  
19 you a call and they'll talk to you and they consider  
20 that government-to-government consultation, and I  
21 wanted to bring this up to the Federal, if you guys  
22 want to do government-to-government consultation I  
23 would like to suggest that you address the whole  
24 village council or the whole village itself. Because  
25 just a phone call to one person doesn't represent the  
26 whole village. And just one phone call doesn't  
27 represent a government-to-government consultation. And  
28 I wanted to bring this up.

29  
30                  Thank you.

31  
32                  MS. K'EIT: Thank you, Tina.

33  
34                  MR. HILL: I don't think I can match  
35 the eloquence and passion of some of our former  
36 speakers. I'm 66 years young. I'm sort of the  
37 elderly, I'm not the eldest. I'm from the community of  
38 Illiamna and I was asked to come out here on behalf of  
39 the Illiamna Village Council, and I do have some  
40 wisdom. I didn't live this long just by simply being  
41 lucky. I've learned how to live in the area and a lot  
42 of it was from being taught by my parents and  
43 grandparents.

44  
45                  I am (In Native) Clan, water clan, so I  
46 really have an issue with the pronunciation and seeing  
47 and hearing on this -- for this building, it should be  
48 Dena'ina, there's a little hook in the middle and  
49 that's the accent, Dena'ina, say it 500 times and  
50 you'll remember it.

1 (Laughter)

2

3 MR. HILL: Some observations. First of  
4 all I pretty much agree with everything I've heard so  
5 far today. I really am glad the council asked me to  
6 come in, just needed a warm body, I thought, but maybe  
7 I can make some observations.

8

9 We have a happening in our area, which  
10 is the mining exploration going on in our area so what  
11 you people are experienced with encroachments, we're  
12 seeing plus 150 percent. When the government  
13 organizations ask us questions -- well, first of all  
14 let me backtrack, right now I see someone using a  
15 computer here, it's going through the air to a  
16 translator which sends that to another translator but  
17 it sends it up to a satellite and bounces back down and  
18 someone over here is using a telephone and that has  
19 more memory than probably what they used in the first  
20 space shuttle, on that computer, and we're calling that  
21 communication. We can reach each other faster with  
22 words. We can tell each other things faster but are we  
23 really communicating. I don't see that.

24

25 I've listened to groups like this most  
26 of my adult life, the State and Federal governments  
27 come to the villages and they say we want to consult  
28 with you because we have some rules we're going to  
29 impose on you and we want to see how pissed off you're  
30 going to be.

31

32 (Laughter)

33

34 MR. HILL: Well, not really, but the  
35 only mistake I'm seeing and someone just alluded to is  
36 we get a telephone call and that's consultation. Be  
37 reminded that the loudest person in the village does  
38 not necessarily speak for that village. I mean you can  
39 could stop somebody on the street, they're really,  
40 really loud and very and very extensive vocabulary,  
41 okay, we've consulted. Well, our older way is when you  
42 consult you go to the community leaders and the  
43 decisions are based on consensus, you all agree, and  
44 that takes a lot of time. Everything these days is  
45 fast, fast, fast, fast, fast, we want the answer now,  
46 why don't you have it yesterday. It's still not  
47 communicating.

48

49 My grandmother told me what her parents  
50 said when they -- they wondered, you know, who are

1 these children that -- who are these people that act  
2 like children and they come to us and they have power  
3 over us. They're still acting like children.

4  
5 I don't want to use that S word, but  
6 I'm forced to, subsistence boundaries, what the  
7 government lays on the ground, a caribou's not going to  
8 stop there, a moose isn't going to stop there, should  
9 you seek -- I mean stop pursuing a fish because it's  
10 crossed a line in the middle of a lake. These areas  
11 need to be -- the areas, the boundaries need to be  
12 identified. There's one way you can use this current  
13 technology with a GPS, I mean they're accurate -- if  
14 you want to spend the money, they're accurate, you  
15 know, they're pretty close. Get these areas identified  
16 so we're not going to be criminals because we shot an  
17 animal and they crawled over into the edge of the  
18 boundary, and we got to sneak over there and pull it  
19 back into the legal part. It didn't work up in the  
20 Denali Park.

21  
22 With government being imposed without  
23 education it was almost an assumption that we existed  
24 in a vacuum before the Western world came here. Well,  
25 we didn't. As someone said we had our own scientists,  
26 doctors, lawyers. We had metallurgists, we had  
27 artists, linguists that could speak Yup'ik, Inupiat,  
28 Russian, Chinese, Filipino. There was one elder fellow  
29 that knew 13 languages. Still we're treated as if we  
30 have no base knowledge at all. Like nothing existed  
31 before the Western world came.

32  
33 This consensus, it clashes with the  
34 Western way of doing things because the Western way, if  
35 you ask me a question and I don't answer, the Western  
36 way is well you didn't say anything then you must be  
37 saying yes. Well, it's just the opposite. The elders,  
38 especially, you ask them a question, if they don't  
39 answer that usually means no. And it takes time. So,  
40 you know, keep that in mind.

41  
42 So one side has to change, either we  
43 have to go against all our training and our upbringing  
44 and give you a quick answer and hope our elders don't  
45 get after us.

46  
47 I'm only speaking for myself. I just  
48 come from an area, as a Dena'ina, I don't make claim to  
49 any authority, just myself speaking for -- but I happen  
50 to come from an area and was asked to sit in on this.

1 And I'm hearing a lot of really good things. But I've  
2 been involved, I've heard these things since I was  
3 probably 12 or 13 years old when I started learning to  
4 read the English language and started listening to the  
5 radio.

6  
7 Well, having lived as long as I have I  
8 probably could say a lot more and do a lot more things,  
9 but, subsistence, I used the word, but what that means  
10 to me is, as an example, when I go home, back to  
11 Illiamna, I'm going to go get my dried meat, my dry  
12 fish, open up a jar of bear fat and seal oil, sit down  
13 and have a good feed and I'll bet almost every one of  
14 you that come from the village are going to do probably  
15 something similar. When I eat those foods, I can  
16 literally feel it right in my body, it absorbs it,  
17 right down to my DNA, to my very soul. So when you  
18 outside people talk about subsistence, you really don't  
19 know what it means to us, this is our life, and we  
20 really would like to protect it. So let's not make  
21 this a one time thing here, I think it should be done  
22 again and soon.

23  
24 (Applause)

25  
26 MS. K'EIT: Before you -- can you tell  
27 us your name, sir, I didn't catch your name.

28  
29 MR. HILL: Catch your name. I  
30 deliberately withheld my name. I am (In Native), my  
31 name is (In Native), which just means lucky. My  
32 Western name is Larry Hill.

33  
34 MS. K'EIT: Gunalcheesh.

35  
36 MR. NORM: Hi, my name is Pat Norm and  
37 I serve as chief for the Port Graham Village Council on  
38 the Kenai Peninsula.

39  
40 I have a couple questions just for my  
41 understanding of this draft here. Is it consultation  
42 on the proposals that come in; is it consultation on  
43 the proposal process; is it consultation about how  
44 Advisory Committee members are appointed; how the  
45 Subsistence Board is appointed; you know, what's the  
46 scope, is it.....

47  
48 MS. K'EIT: Okay.

49  
50 MR. NORM: .....is it also that it's

1 not only consultation from the Subsistence Board and  
2 the agencies to a tribe, is it -- will it also include  
3 a tribe initiating consultation to you on a regulation  
4 that we feel is not working?

5

6 MS. K'EIT: Okay.

7

8 MR. NORM: Another point is on  
9 communication, you know, how the information is shared.  
10 I know in my tribe we get the proposal book, we get  
11 notices and everything but maybe some clarification on  
12 what the expectation is, is it that, that individual  
13 tribe responds or, like in my region we have a regional  
14 resources commission made up of the tribes and they  
15 have responsibility for fish and game and natural  
16 resources and that body, in our region would be the one  
17 responsible for responding, or one of them that could  
18 be responding up, at the same time a village might  
19 initiate contact. I think the tribal members on the  
20 Advisory Committees and maybe even up at the Board here  
21 need to be able to go out to all of their villages or  
22 to regional meetings of villages in their regions to  
23 get input and pass information on so it's not just a  
24 letter going out and then there's an expectation of a  
25 response to that, otherwise it's this type of a meeting  
26 where you're getting feedback from, you know, the  
27 communities that way.

28

29 So that's my questions, you know, what  
30 is the scope of this.

31

32 MS. K'EIT: Okay. Really this  
33 afternoon -- we really wanted to learn how tribes want  
34 the Board to consult with them, and especially on that  
35 process of changing the regulations, updating them,  
36 that kind of thing, and the idea that we tried out this  
37 fall was we had a tribal working group come together  
38 that said, okay, let's try tribal consultation this way  
39 about the wildlife regulation changes this year. In  
40 this round of it we -- there were already proposals  
41 submitted, draft proposals, people in groups submitted  
42 saying, we want to change the regulations this way and  
43 so those were put together and teleconferences were  
44 held inviting tribes in each of the 10 regions to  
45 consult with the Board about those proposed changes.  
46 So we want to learn how to make that process work and  
47 how to make consultation happen on both changing the  
48 existing regulations but also in helping tribes be  
49 involved in creating those proposals to change  
50 regulations, how to make them fit better for

1 traditional food needs.

2

3 MR. NORM: Okay, that clarifies one  
4 area but is it also consultation on regulations that,  
5 you know, around appointment of RAC members or  
6 Subsistence Board members or who sits on the main  
7 Federal Subsistence Board, I mean is it consultation up  
8 to that level so I heard comments on we should have one  
9 tribal member from 10 or 12 regions we have, I mean is  
10 that the scope of what you're thinking about, that we  
11 can initiate consultation to address those type of  
12 concerns that are above the proposal and fishing and  
13 hunting regulations?

14

15 MS. K'EIT: Well, so what I think would  
16 happen and I'll leave room for our folks here to  
17 respond also. Some of those processes like the Board  
18 members, that's in the law, that says the Department of  
19 Interior's Secretary and Department of Agriculture's  
20 Secretary will have their regional leaders be on the  
21 Board but then we've gotten that changed to have two  
22 rural users added to the Board and that was really, I  
23 would say was really through a process of consultation,  
24 where the Secretary initiated a review of the Federal  
25 Subsistence Program or the Secretaries, and a lot of  
26 input came in, especially from tribes, but we also got  
27 input from other tribal affiliated organizations,  
28 whether it's ANCSA corporation or another type of  
29 tribal consortium and so on. And that, I think,  
30 getting two rural users on the Board is an example of  
31 success where many, like someone mentioned, you know,  
32 many people united and said we really need this and the  
33 Secretary was very open and receptive and it went  
34 through a review process with the Board and it was  
35 changed.

36

37 We're not necessarily limiting or  
38 preventing consultation on that but keep in mind, I  
39 guess, where you want your energies and resources spent  
40 and that's, you know, I guess it's in my opinion, it's  
41 not -- nothing is off the table so to speak. But  
42 Crystal also wants to speak to your questions.

43

44 MS. LEONETTI: What you just said,  
45 nothing is off the table and I'll use Frank's CF -- 50  
46 CFR 32.4 common sense rule, if there's something you or  
47 any tribe wants to consult on you should contact the  
48 appropriate Federal agency and if you don't know who  
49 that appropriate Federal agency is, use your Native  
50 liaisons like me and Jean Gamache and Brenda Takeshorse

1 and Lillian to help you figure out who to send a  
2 request to to do consultation on that particular  
3 subject. So if it's something that's a Federal law,  
4 you know, there isn't a Federal agency that can consult  
5 on that, you have to go to Congress, but if it's a  
6 regulation, or policy or something that the Federal  
7 agency has enacted and you want to consult on it,  
8 contact us we'll figure out who you need to consult  
9 with.

10

11 MR. NORM: Okay.

12

13 MS. LEONETTI: This protocol in  
14 particular, we want to know what does the tribe want to  
15 consult on. Is it the regulations that are in place;  
16 do you want training on how to write a regulation  
17 proposal that would go through the whole process; I  
18 mean the door is wide open as far as we need to know  
19 what you -- what the tribe wants and how you want to do  
20 that.

21

22 MR. NORM: Well, I'd recommend it be,  
23 you know, up to everything, not just the proposals that  
24 are written and the process that you use to decide on  
25 them, but to also be able to consult on some of the  
26 requests on adding more tribal representation, you  
27 know, than the two that we got, which I'm thankful for,  
28 but you know that's my concern and I thank you for  
29 clarifying; that's helpful.

30

31 MS. K'EIT: Thanks, Pat, you've been  
32 waiting for awhile.

33

34 MR. FRANK: I'm glad to have more time  
35 even though most of the people have left, it makes you  
36 feel kind of strange when they have a watch when you're  
37 talking. I talked in Tlingit and I was going to give  
38 the reason why I did that. I just gave them my  
39 hometown and in the Tlingit way, you're what your  
40 mother is and my mother originated from Sitka, and  
41 married someone from Angoon.

42

43 I heard a -- we had a fish and game  
44 board for many years, I think they wrecked our way of  
45 life, we had no representative that are from villages.  
46 None. And subsistence, traditional way of life and  
47 customary use is what we had and that was supposed to  
48 be protected over commercial fishing but that never  
49 happened.

50

1 I'm on Admiralty Island, an elder that  
2 died, I'll use an illustration to tell this: Admiralty  
3 Island is like a plate, and one Caucasian or anybody  
4 else comes, Filipino, Germans use the plate but don't  
5 break it, and it's sad to say that, the Forest Service  
6 keeps giving more land to people who are mining on  
7 Admiralty Island, and we're afraid the tailings on the  
8 -- the poison that it has. I went to the gold mine  
9 that's on our island and there's pure fresh water  
10 running along the side (ph); contaminated water that  
11 has to go through a refinery, that's what you guys  
12 should be fighting, to protect us as a Native people.  
13 I went to Prince Albert and many of their men are dying  
14 from colon cancer, their mining is terrible there.  
15 Forest Service said their tailings are really safe, can  
16 do no harm; there's nothing that's 100 percent.

17  
18 I really like that lady that just spoke  
19 a few words because this is the feeling of my people in  
20 Angoon. My people say they should come to each village  
21 because it's a village right to live off the land. I  
22 shouldn't have come here to talk to you for what I was  
23 born into. Or get enough Board members where you can  
24 send someone to each village in Southeast, there's not  
25 that many, under 10, I believe, and go by the needs of  
26 the people on government-to-government.

27  
28 We went to D.C. not long ago. We went  
29 because of sacred grounds that was given to our  
30 regional corporation. Sacred grounds is where we go up  
31 and where we hunted and got our fish from, bays, but I  
32 don't know how it got into Sealaska's hands, graveyards  
33 and stuff like that. I don't want to take too much  
34 time but I thank you for the time and thank you for not  
35 watching your watch.

36  
37 (Applause)

38  
39 MS. K'EIT: And can I doublecheck, sir,  
40 is your name Wally Frank from Angoon.

41  
42 MR. FRANK: Yes.

43  
44 MS. K'EIT: Okay, thank you.

45  
46 MR. PHILLIP: Hello, my name is  
47 Roderick Phillip from Koliganek. I'm a tribal member  
48 there.

49  
50 And we got a question for the

1 Subsistence Board, when are we going to be recognized  
2 as indigenous people under the United Nations.  
3 Because I'd love to be part of that nation. Number 1  
4 reason, under United Nation International Covenant on  
5 civil and political rights, under Article I, Section 2,  
6 it states:

7

8 In no case may people be deprived of  
9 their own means of subsistence.

10

11 That's one powerful sentence there.

12

13 And if we get recognized as indigenous  
14 peoples under United Nations, we will not be deprived  
15 of subsistence.

16

17 Thank you.

18

19 MS. K'EIT: Thank you.

20

21 MR. SAMUELSON: You know, I've been  
22 listening to all the comments today and I heard youth  
23 to try to get involved and I was trying to get our  
24 youth to come over and make a correction on that  
25 statement up there, and if -- it says Federal agencies  
26 should consult with Federal -- I was trying to get her  
27 up to change the word take out should and will -- will  
28 consult with Federal recognized tribes.

29

30 Can you make that correction?

31

32 MS. K'EIT: We can.....

33

34 MR. SAMUELSON: And earlier today when  
35 I was -- I didn't have my time to make my comments, my  
36 two minutes, I think this would be a good time.

37

38 I remember words from my father-in-law  
39 about the lands in our region and the fish in the  
40 waters, he's not here with me but he's with me in  
41 spirit. He told me to always be careful whenever  
42 you're talking about the waters or the lands, if you  
43 are going to sit and fight over them, whatever's there  
44 will go away. And I look back in our history when our  
45 area had a whole bunch of ranger (ph) at one time, I  
46 asked home come they disappeared, people started to  
47 fight over them and they went away.

48

49 And we were talking about salmon  
50 fishing in our region, this year on the Kuskowkim

1 River, they closed the river for subsistence fishing,  
2 first time in years, I can't remember when they closed  
3 it before, closed it for three days, five days, it was  
4 almost one week, I think. And then they turn around  
5 and open up commercial fishing right after that  
6 subsistence closing. We asked some questions, who  
7 closed the river, did the State close it, the working  
8 group close it, the declaration came from the U.S.  
9 Federal government. So we invited U.S. Fish and  
10 Wildlife to our community in Napaskiak to try to let  
11 them explain how come you close the river for  
12 subsistence and yet you turn around a few days later  
13 and have a commercial fishery. I saw the document,  
14 they had to send this document all the way down to  
15 Washington, D.C., sign it, okay, it's closed as well.  
16 Why can't we have the Federal government and the State  
17 government work together and include the tribes in the  
18 decision to make a closure. We recommend maybe give us  
19 a three day advance before you decide to make an  
20 emergency closure on the Kuskokwim River. We were  
21 still kind of confused.

22

23 I was looking out there; how many  
24 people on the Boards know how to take care of a salmon.  
25 If I put a salmon on the table can you cut it up and  
26 put it away. I was asking our youth to come and ask  
27 that question. Probably not too many. So to truly  
28 understand subsistence you have to live that  
29 subsistence.

30

31 Subsistence is an all-year thing out in  
32 our area. When the spring bird comes food gathering  
33 starts. When the salmonberries are ready to pick,  
34 people are out there picking. When the fish are in the  
35 river they're working putting salmon up. But salmon's  
36 low numbers this year, I could see the tension on the  
37 water, people scrambling to try to catch that -- like I  
38 heard the other day, this morning, your family quota or  
39 poundage. Each family has X number of salmon to  
40 survive that winter. Usually I try put away, you know,  
41 50 salmon away for winter, this year I put only two  
42 king salmon in the freezer, then we had to supplement  
43 with silver salmon. So when we sit and talk about  
44 making these regulations, I like that word there,  
45 should, take it out and put will, try to consult with  
46 these tribes before we make those decisions on the  
47 wildlife.

48

49 Thank you.

50

1 (Applause)

2

3 MS. K'EIT: Sir, can you remind us of  
4 your name just in case, for our court reporter.

5

6 MR. SAMUELSON: My name is Earl  
7 Samuelson.

8

9 MS. K'EIT: Thank you.

10

11 MR. SAMUELSON: Napaskiak, Alaska.

12

13 MS. K'EIT: Thank you.

14

15 MR. NEELAND: My name's Max Neeland.  
16 I live about some miles away from Earl Samuelson, I'm  
17 from Kwethluk, I'm a tribal member. We have John W.  
18 Andrew that gets involved with your work here, I think  
19 along with the other person from the Bristol Bay area.  
20 I'd like to thank the Kwethluk IRA Council, one of our  
21 council members is sitting here observing you, his name  
22 is Larry Nicholi, he's the vice president. Those are  
23 the people that send John W. to your table.

24

25 The only concern that we have is  
26 travel, travel reimbursement. I think that's the only  
27 thing that let's us not get to these meetings. It's  
28 the concern of all of our villages, even though they  
29 have the expertise, subsistence knowledge, traditional  
30 knowledge, if they don't have any sort of travel  
31 funding it's hard for them to travel out to places like  
32 here, here in Anchorage. So I guess one of our elders  
33 was going to speak about that, about having adequate  
34 travel funding for people that are going to represent  
35 the villages, the tribes, the tribal members, because  
36 like what Earl Samuelson said, subsistence is our way  
37 of life, all of the other Native people that spoke are  
38 speaking from their heart because they practice that  
39 all year.

40

41 One of our real needs that we have is  
42 fish, like our neighbor said here, I think we should  
43 not be the only ones that have to absorb the burden,  
44 the users. I think there's some other factors that are  
45 affecting the return or decline or escapement of our  
46 salmon species. We've been pointing out that it's out  
47 in the sea, the Bering Sea, the ocean trawling, maybe  
48 we should speak with the North Pacific Management  
49 Council on that issue, maybe that would help the  
50 Federal Subsistence Board take the issue on fishing --

1 or fish numbers, another agency, government-to-  
2 government, because last summer our people did get  
3 their annual quota or what they need, salmon,  
4 especially salmon.

5  
6 But on this protocol, I quickly  
7 reviewed it. It's, to me, acceptable, but I think all  
8 the tribes need to look at it. It's the first time  
9 that I took a look at it. I think this document needs  
10 to go out to the villages, to the tribes so that they  
11 could take a look at it and if they say yes I think  
12 that needs to be done.

13  
14 I thank you for your time.

15  
16 MS. K'EIT: Thank you, Max.

17  
18 MS. PLETNIKOFF: Good afternoon. Karen  
19 Pletnikoff, Aleutian/Pribilof Islands Association.  
20 Thank you for taking consortia comments.

21  
22 I've seen how difficult it is to define  
23 true government-to-government consultation and then  
24 implement it for 229 tribes. But this is the way we  
25 are going so I just want to warn you about something  
26 that's happening right now. EPA spent years and  
27 hundreds of staff hours developing their own  
28 consultation document and those staff hours could have  
29 been providing direct services to us as tribes, but  
30 when they came to the point of wanting to get feedback  
31 on a guidebook that's going to significantly impact  
32 Alaska Native Tribe's ability to participate in the  
33 general assistance program, they failed to properly  
34 implement their own policy. So I just want to  
35 encourage you guys to please not let our time be wasted  
36 and your time be wasted by failing to implement the  
37 policy you do develop despite the fact that it's  
38 probably going to be pretty difficult.

39  
40 Thanks.

41  
42 MS. K'EIT: Thank you, Karen. I think  
43 we've got our friend over here and then we'll have some  
44 time for the Board to respond or kind of share some  
45 thoughts and also Della from our working group -- oh,  
46 we have two there -- oh, we know you've gone already --  
47 no, just kidding.

48  
49 MR. WOODS: Yeah.  
50

1 (Laughter)

2

3 MR. WOODS: I would thank the Board for  
4 persistent and the champions here, you guys, today. As  
5 you heard, subsistence resources are, all over the  
6 state are in jeopardy, or people think they are. That  
7 their livelihood and their way of life is getting  
8 threatened, by development, by commercial and sports  
9 interest, recreational users. The land that we live  
10 on, each Board member should have the power to override  
11 the North Pacific Fisheries Management Council, EPA,  
12 Pete Probasco should be able to appoint somebody on the  
13 North Pacific Fisheries Management Council that says  
14 yes or no, and -- and, you know, it's true, in the  
15 Federal system, it says rural preference, subsistence  
16 priority, but it can't mandate it through that North  
17 Pacific Management Council because of conflicting  
18 regulation.

19

20 So with that I'd like to thank you for  
21 standing up, as you heard today, the main thing, I  
22 think the changes that could happen is each time you  
23 meet, go to the region that are affected by your  
24 decisions. The meetings in Anchorage, I know the  
25 budget cuts and I know all the issues that go around  
26 with holding meetings and getting public testimony, but  
27 as you seen today, and you'll see it everywhere you go  
28 in Alaska, as soon as you call a meeting of this  
29 magnitude people will step up to the plate.

30

31 Thanks.

32

33 MS. K'EIT: Thank you, Frank.

34

35 MR. KING: Hi, Kristin.

36

37 MS. K'EIT: Mark, hi.

38

39 MR. KING: My name is Mark King, I'm  
40 from Cordova, Eyak. I represent about 500 people, I'm  
41 the chairman of the council of the Native Village of  
42 Eyak. We come from the Copper River, the Gulf of  
43 Alaska and Prince William Sound.

44

45 And sitting here listening all day, a  
46 lot of the problems that I've heard that the people  
47 have, that they're worried about, oil development in  
48 the Arctic, we've gone through that. We had the Exxon  
49 Valdez Oil Spill. We've seen the otters move into our  
50 area and eat all our clams and crabs. We've been

1 through a lot of the problems that I was hearing here  
2 today.

3  
4 I think for our tribe one of the main  
5 issues that we're worried about is the increase in  
6 seals in our area, and conflicting with our salmon  
7 harvest, and the sea otters. I mean it's -- most of  
8 all of our subsistence clams, crabs, and everything  
9 that we had are already gone.

10  
11 But the other problem that we have is  
12 that our tribe has about 40 percent of our tribal  
13 members aren't quarter blood. And so we have a real  
14 problem with teaching our kids how to sew, hunt and  
15 fish legally. So we brought this up; Crystal came and  
16 Doug Burns and we brought this up and we thought that,  
17 you know, this information would be taken to  
18 Washington, D.C., and something would happen, but  
19 nothing's happening. So to manage sea otters, they're  
20 going to be continued to be managed in fear, in gray  
21 areas, not black and white, nothing that you could read  
22 and say, this is how it's going to be. If we see  
23 something that's, you know, we'll set up a sting  
24 operation, we'll come into your community and we're  
25 going to put some people in jail, and that's how we're  
26 going to manage sea otters. Well, we really don't  
27 appreciate that.

28  
29 So a lot of our people are in fear for  
30 harvesting mammals.

31  
32 Seals, National Marine Fisheries  
33 Service, that, you know, we haven't had any instances  
34 yet but I'm sure that's coming too.

35  
36 You know, I don't really want to sound  
37 like I'm complaining, these are just the facts.

38  
39 For us to harvest salmon, under  
40 subsistence, we have two ways to harvest; under State  
41 regulation and under Federal regulation. The first  
42 thing that we have to do is get our skiffs on a  
43 trailer, the trailer has to have a license on it, it's  
44 got to have brake lights and turn signals to get it to  
45 the water, you get it to the water, you got to have  
46 lights, flares, life jackets, survival suits because  
47 you're guaranteed as soon as you get out beyond the  
48 break water you're going to be stopped by the Coast  
49 Guard. You get past the Coast Guard you got a minimum  
50 of a 30 mile trip, 15 miles is the shortest way and 15

1 miles back. On your way out you can get by the  
2 Troopers, the State Troopers, you have to fish in the  
3 commercial area and compete with the commercial  
4 fishermen. You got to have a pair of shears or a sharp  
5 serrated knife to cut the tail on the fish. You got to  
6 have the paperwork, write-in-the-rain ink to fill out  
7 how many fish you caught. You're allowed five kings  
8 and 25 reds. You turn around to come back home, you're  
9 guaranteed to be stopped by the Troopers, just to get  
10 around Point Whiteshed, to get back into town.

11

12 That's under State regulations.

13

14 Federal regulations, you can fish in  
15 Eyak River, you can fish in Alagnak River, every river  
16 but the Copper River. You can fish with a fishing  
17 pole, a dipnet, and I think a gaff, very few people do  
18 that. And so anyway it's pretty difficult for us to  
19 harvest our subsistence fish.

20

21 And I was asked by some people to write  
22 a letter, an editorial to the Anchorage paper, and so  
23 in writing this letter I had to calm it way down, but  
24 maybe you'll get a chance to read the letter. But it  
25 really bothers us, you know, what we have to deal with  
26 in order to harvest our subsistence fish.

27

28 I'm also on the ATLC group, Alaska  
29 Tribal Leaders Committee with the Forest Service, and  
30 we are making some success there in government-to-  
31 government consultations in our region and hopefully in  
32 the future things will get better.

33

34 But, you know, we have all these  
35 complaints and we talk about them but it doesn't seem  
36 like anything ever happens. If just one time we could  
37 see something, you know, where there's some results of  
38 our complaints, you know, our questions are answered,  
39 but it just isn't happening. So I hope in the future,  
40 I know I -- I've been trying to get some answers to  
41 make it better for us but I'm just having a really hard  
42 time doing that. And a lot of our elders are passing  
43 on, a lot of them are already gone -- every Tuesday the  
44 women get together, of the week, and knit and sew and  
45 stuff like that, and so I go and visit them and talk to  
46 them. And I just hope that we can resolve some of  
47 these issues.

48

49 You know, subsistence it's part of our  
50 life and we really depend on those resources to

1 survive.

2

3 Thank you.

4

5 MS. K'EIT: Thank you, Mark.

6

7 MS. TRITT: Thank you. Kathy Tritt.  
8 I'm the second chief of Venetie and I'm representing  
9 the Venetie/Gwich'in Tribal Council members.

10

11 We do need training for the tribal  
12 consultation and we do need our subsistence, it's our  
13 way of life, and we do need a lot of meetings, train  
14 our people, use our elders and use tribal members from  
15 each region so our culture, tradition and resources  
16 will be protected. And it's very important for us, you  
17 know, we are the people of the land.

18

19 Thank you for listening to us.

20

21 (In Gwich'in)

22

23 I'm saying thank you and God bless you  
24 all. Thank you.

25

26 MS. K'EIT: Thank you, Kathy. This  
27 will be a good time if Board members would like to  
28 share any comments or thoughts about this afternoon,  
29 this day. Maybe as you gather your thoughts and as  
30 Crystal puts her boss on the spot, I was.....

31

32 MR. HASKETT: Okay, well, I'm pretty  
33 sure this has been a long day and a long afternoon and  
34 I think people have done a really, really good job of  
35 giving us very, very serious concerns and doing it in a  
36 way that I think conveyed just how serious this is to  
37 people; and we recognize that. We sat here and  
38 listened today and I know that's not enough, I know  
39 that we need to go forward and continue communications  
40 with people. It gets very difficult because you hear  
41 on one hand the people say, you know, we can't afford  
42 more consultation, more travel, but on the other hand  
43 make sure you're actually doing it with us in correct  
44 ways. So we need to listen to all of these different  
45 comments and figure out just kind of, you know, where  
46 to go next with this.

47

48 I just need to let people know our  
49 intent is to be very serious about making sure we come  
50 up with a process that does work and I recognize a lot

1 of people that maybe aren't sure they actually believe  
2 that, but, you know, hopefully you'll hang in there  
3 with us long enough to see us move forward with it.

4  
5                   So I don't want to take a lot more time  
6 other than to say thank you for spending the day, or  
7 the afternoon with us, and I appreciate very much your  
8 comments, and those of you who stayed this long, too,  
9 especially, so thank you.

10  
11                   MR. CRIBLEY: Just reiterate what Geoff  
12 just said as far as the appreciation of folks coming in  
13 and sharing with us; explaining how they see things,  
14 what their challenges and problems and expectations are  
15 and sharing that information with us so that we can  
16 take that forward to see how we can develop this and  
17 have effective consultation with the tribes so that  
18 they feel like they have a vested voice into the  
19 decisions that are being made by the Subsistence Board.  
20 And I think that's what's important.

21  
22                   A lot of issues were brought up here  
23 today, our scope and what we can effect change in is  
24 somewhat narrow and we can't solve everybody's problems  
25 or all those problems, but those that are within our  
26 authority or within the realm of what this Board deals  
27 with, we can try to do the best that we possibly can.  
28 And based on the information that we've been given here  
29 and the other work that we're doing we'll do our best  
30 shot at it.

31  
32                   So I thank you again.

33  
34                   MS. SWANTON: Thank you, I'm Nancy  
35 Swanton. I'm the InterAgency Staff Committee person,  
36 one of two from the Park Service. Sue Masica asked me  
37 to sit in for her, she had to leave for an appt -- a  
38 doctor's appointment actually that she couldn't skip,  
39 so I'm happy to do that.

40  
41                   I'm impressed with the willingness of  
42 everyone here to speak up, so share from your heart, as  
43 many of you said; that takes a lot of courage and  
44 strength and I appreciate that.

45  
46                   There is clear interest in effective  
47 working relationships along with some skepticism about  
48 whether this consultation protocol will be meaningful.  
49 I understand that. I'm on the working group trying to  
50 put this protocol together to address your interests

1 and concerns so that the Board then can work and you  
2 can be confident that the protocol is working for you  
3 so I am really interested in what you had to say.

4  
5 I think we were taken with reminders of  
6 the value of traditional knowledge and the importance  
7 of incorporating traditional knowledge into decision  
8 making, that the Board do that. I think goal number 5  
9 in the draft protocol highlights the importance of  
10 traditional knowledge. I understand someone felt there  
11 was a conflict with something on another page and I did  
12 mark that down and we'll talk about that.

13  
14 Examining the current draft -- we'll be  
15 examining the current draft of the protocol to see if  
16 it could be effective in strengthening the government-  
17 to-government relationship, as someone pointed out the  
18 memos and the Executive Order is mentioned.

19  
20 We'll indicate in the -- someone did  
21 mention that we should indicate in the Board's decision  
22 process on Page 3 of the draft protocol, that they'd  
23 like to see timelines associated with each step so they  
24 better understand where consultation might be able to  
25 fit in effectively.

26  
27 And over and over again we heard a  
28 letter is not consultation. A one way meeting is not  
29 necessarily consultation. So hopefully this protocol  
30 will help as we move forward to have true consultation  
31 with you to your satisfaction and to the betterment of  
32 the decisions made.

33  
34 Heard about a need for training for  
35 tribal consultation from one person. I shouldn't -- I  
36 should step this up, and that the protocol should  
37 somehow, somewhere address funding. There appears to  
38 be a clear recognition that funding is not limitless  
39 and how can we best use the funding we have to do what  
40 we need to do.

41  
42 And then it seems clear to me anyway  
43 from the discussion about special actions, that we need  
44 to elaborate a little bit more in the protocol as to  
45 what we mean by that. Just saying special actions  
46 doesn't mean that it's very clear that it means  
47 temporary and emergency situations and that that's an  
48 item up for consultation.

49  
50 Thank you, again.

1 MS. PETRIVELLI: Hello, my name's Pat  
2 Petrivelli and I'm the BIA subsistence anthropologist  
3 and Gene Virden had to step away because he had a prior  
4 commitment to meet with a tribe, and I'm sure he would  
5 just give his apologies for not being able to finish  
6 and listen, and I know he takes tribal consultation  
7 seriously. And as a Staff person I'll just keep  
8 reminding -- I get to work with the workgroup and I  
9 just always try to remember the common sense part and  
10 I'll try to do my best.

11  
12 MR. OWEN: I'm honored and humbled by  
13 your hearts and your words and it is my promise to this  
14 group, and everyone that left, too, that I will do my  
15 utmost best to represent what I heard here today to  
16 the Regional Forester so that she can work her level  
17 best, her level hardest with her colleagues on the  
18 Subsistence Board to make the Federal Subsistence  
19 Program better for you, the users.

20  
21 Thank you.

22  
23 MS. LEONETTI: I'm not a Board member,  
24 but I'm a co-chair with Della on the workgroup so thank  
25 you to all of you who sat here through the whole day,  
26 and through the whole afternoon and thanks to Frank for  
27 reminding me of 50 CFR 32.4, I think that was his  
28 common sense rule, so -- and everybody else who  
29 reminded me of what's most important, and thank you to  
30 the workgroup members who hung in there throughout the  
31 day and who's going to be here next week to work really  
32 hard on drafting something that we'll put forward to  
33 the Federal Subsistence Board.

34  
35 Also thank you to all the Fish and  
36 Wildlife Service -- my boss' Geoff and Larry, Pete and  
37 my other colleagues who stuck through here, Jerry, and  
38 Andrea who stuck through here for the full day, so  
39 thanks to everyone.

40  
41 MS. TRUMBLE: I was going to say it'll  
42 be easy to be on the end because I'd be after him but  
43 we'll save the best for last.

44  
45 I just want to say thanks to everybody  
46 because I think through the course of this morning and  
47 this afternoon, I think we learned a lot. And what  
48 was, you know, interesting to me, it was clear there  
49 were certain issues that were -- came up over and over  
50 again, maybe in different stories, but it's clear that

1 those are the areas that we need to work on. And I  
2 think as we work through this and I'm hopeful that  
3 tribes will work with us to make sure we do what's  
4 going to best work for you as tribal, in the future, to  
5 be able to do what -- you know, the best we can in the  
6 government-to-government consultation.

7  
8 And last but not least, I think, yeah,  
9 it's definitely a learning experience, but it's -- you  
10 need to tell us how to do this, and what's going to  
11 work for us, you know, for the Native community as a  
12 whole.

13  
14 Thanks.

15  
16 CHAIRMAN TOWARAK: I really appreciate  
17 everyone staying here to the last minute. I personally  
18 have felt, after finding out what President Clinton was  
19 doing and then watching President Obama open it up  
20 again to tribes, that this is an opportunity that the  
21 tribes shouldn't let go. I know, you know, throughout  
22 my life, I was born and raised in Unalakleet, we only  
23 had a tribal government until 1974, and our tribe was  
24 very active but then things changed, but I hope that  
25 the tribes get the message that we are trying to listen  
26 and we want to listen, we want the tribes to be an  
27 integral part of our process.

28  
29 With that I'm going to say one thing my  
30 grandfather told me, he was a preacher, he said God  
31 gave you two ears and one mouth, use them  
32 proportionately, and I hope you thought that we did  
33 that today.

34  
35 MS. K'EIT: Thank you, Tim. Yeah, I  
36 think another lesson learned that I'll work on  
37 reminding with Gene and the Board whenever I sit in for  
38 Gene is that there's no shortcut to consultation and  
39 this week I had a session on environmental justice in  
40 our environmental tract and we broke into groups  
41 talking about what are our priorities around  
42 environment and health and environmental justice and it  
43 was subsistence was number 1 because it's -- it affects  
44 every single part of our daily life, it's not just a  
45 food source, it's many times more than that.

46  
47 And then I also think about a comment  
48 in that session about government-to-government, you  
49 don't go to a foreign country necessarily, and not know  
50 their customs and their traditions and their way of

1 doing things; you go in there educated and informed and  
2 prepared to be respectful and not accidentally offend  
3 anybody because you didn't know what their traditions  
4 are.

5  
6                   So that's one of the thoughts I would  
7 leave our Board with. And I just really appreciate all  
8 of your time and all of your energy and I know that  
9 we'll be seeing many of you for many, many times more  
10 to come, and enjoy your evening and our closing session  
11 tomorrow of our Provider's Conference, and we look  
12 forward to working with you more.

13  
14                   Thank you, good night.

15  
16                   (Off record)

17  
18                   (END OF PROCEEDINGS)

