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FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME I

GORDON WATSON CONFERENCE ROOM  
U.S. FISH AND WILDLIFE SERVICE  
ANCHORAGE, ALASKA

April 15, 2014

MEMBERS PRESENT:

- Tim Towarak, Chairman
- Charles Brower
- Anthony Christianson
- Bud Cribley, Bureau of Land Management
- Geoff Haskett, U.S. Fish and Wildlife Service
- Deb Cooper, National Park Service
- Bruce Loudermilk, Bureau of Indian Affairs
- Beth Pendleton, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Anchorage, Alaska - 4/15/2014)

(On record)

CHAIRMAN TOWARAK: I'd like to call this meeting back to order. I started off on the wrong foot this morning by calling the meeting to order. I forgot that we were going to have the tribal consultation and the village corporation consultation which took place. We ended at about 11:45. I'm going to call the meeting back to order and bring us back to the point where we were this morning before where I was corrected. We had changed the agenda to add a couple of things. One, a briefing on the Governor's [sic] shutdown, and another to have an executive session to happen at the adjournment tomorrow. And we did not -- for the Board, we did not have a motion to accept the agenda as it is.

MR. C. BROWER: So moved, Mr. Chair.

MR. HASKETT: Second.

CHAIRMAN TOWARAK: You heard the motion and the second.

Discussion.

Go ahead, Tony.

MR. CHRISTIANSON: Mr. Chair. We also, just for the sake of the agenda, I would like to make a motion to move some of the proposals from the non-consensus to the consensus agenda. I'll read those proposals off. Those proposals would be 08;

Proposal 36

Proposal 41

Proposal 27

Proposal 44 needs some language change on Page 5, the word needs to be striked from opposed to support.

CHAIRMAN TOWARAK: Is there a second to that motion.

1 MR. C. BROWER: Second.  
2  
3 MR. CHRISTIANSON: No, I said non-  
4 consensus to consensus. Gene, did I say that  
5 backwards, I didn't mean to. These are going.....  
6  
7 MR. PELTOLA: Going from the agenda to  
8 the consent.  
9  
10 MR. CHRISTIANSON: Yes, that's what I  
11 said, non-consensus to consensus.  
12  
13 CHAIRMAN TOWARAK: Okay. The motion on  
14 the floor and it was seconded by Charlie is to move the  
15 three or -- three is it, what is it?  
16  
17 MR. CHRISTIANSON: Mr. Chair. It would  
18 be to move Proposal 08, Proposal 36, Proposal 41,  
19 Proposal 27 to the consensus agenda.  
20  
21 CHAIRMAN TOWARAK: Okay. Those four to  
22 the consensus agenda so that there's no debate. And  
23 the second was done by Charlie. And I would like to  
24 hear the rationale.  
25  
26 MR. CHRISTIANSON: The rationale is, is  
27 that, they were all supported by all the agencies.  
28  
29 CHAIRMAN TOWARAK: Okay.  
30  
31 MR. CHRISTIANSON: And I think we have  
32 Staff here, too.  
33  
34 CHAIRMAN TOWARAK: Go ahead, Chuck.  
35  
36 MR. ARDIZZONE: Mr. Chair. The opinion  
37 of the RACs, the ISC and the State are all consistent,  
38 all the same. Those would normally go on the consensus  
39 agenda. It's just when we did the agenda they got put  
40 on the wrong page. So it's just a shifting to where  
41 they should be.  
42  
43 CHAIRMAN TOWARAK: Were you testing the  
44 Board.  
45  
46 (Laughter)  
47  
48 MR. ARDIZZONE: Yeah, and Tony caught  
49 it.  
50

1 (Laughter)  
2  
3 CHAIRMAN TOWARAK: Okay. Is there any  
4 other discussion on the motion.  
5  
6 (No comments)  
7  
8 CHAIRMAN TOWARAK: Is there a call for  
9 the question.  
10  
11 MR. SHIEDT: Question.  
12  
13 CHAIRMAN TOWARAK: Okay. All -- I  
14 think it has to be a Board member.  
15  
16 (Laughter)  
17  
18 MR. C. BROWER: Question.  
19  
20 CHAIRMAN TOWARAK: Question's been  
21 called for by Charlie. All those in favor of the  
22 motion say aye.  
23  
24 IN UNISON: Aye.  
25  
26 CHAIRMAN TOWARAK: Those opposed, say  
27 nay.  
28  
29 (No opposing votes)  
30  
31 CHAIRMAN TOWARAK: Motion passes  
32 unanimously.  
33  
34 Is there -- I need a little hand here,  
35 did we have a motion to accept the agenda as adopted.  
36  
37 REPORTER: Yes.  
38  
39 CHAIRMAN TOWARAK: Okay. Did we vote  
40 on that.  
41  
42 MR. HASKETT: No.  
43  
44 MR. PELTOLA: No.  
45  
46 CHAIRMAN TOWARAK: No, okay. Any  
47 further discussion on the motion to accept the agenda  
48 as amended.  
49  
50

1 (No comments)  
2  
3 CHAIRMAN TOWARAK: Not hearing any, all  
4 those in favor of the motion say aye.  
5  
6 IN UNISON: Aye.  
7  
8 CHAIRMAN TOWARAK: Any opposed, say  
9 nay.  
10  
11 (No opposing votes)  
12  
13 CHAIRMAN TOWARAK: Motion passes  
14 unanimously.  
15  
16 We've got an announcement. I'm going  
17 to ask Gene to make this announcement.  
18  
19 MR. PELTOLA: Yes, hello, Gene Peltola,  
20 OSM. On behalf of the Chair, as seating becomes more  
21 limited here in the room we do have two other  
22 conference rooms available in this building here which  
23 are set up with videoconferencing. So if we have any  
24 Federal or State Staff who are not essential to the  
25 discussion at the time, they could participate and view  
26 the proceedings up in those conference rooms so you  
27 could make more seats available for members of the  
28 public.  
29  
30 CHAIRMAN TOWARAK: Okay. We did  
31 information sharing this morning. We are now down to  
32 Item 4, which is Board discussion with the Council  
33 Chairs or their designees.  
34  
35 Are there any questions from the Board  
36 regarding -- or any communications you would like to  
37 have directly with the Chairs at this point.  
38  
39  
40 (No comments)  
41  
42 CHAIRMAN TOWARAK: And it goes vice  
43 versa, if there are any questions from the Chairs to  
44 the Board, this is a good time to bring it up.  
45  
46 Ralph, do you have a question.  
47  
48 MR. LOHSE: I don't have a question but  
49 if this is the Board discussion with the Council  
50 Chairs, I thought this was a good time to bring

1 something to the Board's attention.

2

3 And that's, you know, listening to  
4 everything this morning on tribal consultation and  
5 rural and I totally agree with everybody on the value  
6 of good food for our cultural and our health and things  
7 like that. But I want to remind the Board that you're  
8 dealing with an Act of Congress that says the  
9 subsistence should be preserved for rural Alaskans,  
10 Native and non-Native. And I hate to see, sometimes,  
11 in all of the need that's in the Native community, I  
12 hate to see the rural residents that are non-Native  
13 left out of the discussion. And I'd just like to bring  
14 that to your attention, that in that discussion,  
15 remember that it deals also with us rural residents who  
16 are non-Natives and that has to be taken into  
17 consideration also.

18

19 CHAIRMAN TOWARAK: Thank you. And I  
20 think there was a presidential mandate that we insert  
21 tribal consultation into the Federal process.

22

23 MR. LOHSE: And I think that's  
24 wonderful.

25

26 CHAIRMAN TOWARAK: And then we still  
27 have the common standard public hearing that we have  
28 for everyone and it's all inclusive.

29

30 Any further discussion between the  
31 Chairs.

32

33 MR. ROCZICKA: Mine's just sort of a  
34 quick question, clarification, I guess. It's been a  
35 few years since I sat in Lester's chair here, but this  
36 would be for items that are not on the agenda; would  
37 that be correct?

38

39 CHAIRMAN TOWARAK: The next topic will  
40 be public comment period on non-agenda items; is that  
41 what you're asking.

42

43 MR. ROCZICKA: Well, as far as from the  
44 Chairs and so forth.

45

46 CHAIRMAN TOWARAK: Oh, from the Chairs,  
47 it's open.

48

49 MR. ROCZICKA: Yeah.

50

1 CHAIRMAN TOWARAK: It's an open  
2 discussion on anything you would like.

3  
4 MR. ROCZICKA: Well, what I wanted to  
5 bring up can be covered under an agenda item later on  
6 down, it would have been specific to the special  
7 actions that are on the Kuskokwim so I can wait until  
8 then.

9  
10 CHAIRMAN TOWARAK: Bert.

11  
12 MR. ADAMS: Thank you, Mr. Chairman. I  
13 just want to acknowledge the fact that I wasn't here  
14 this morning and I noticed some people missed me so  
15 that made me feel good.

16  
17 (Laughter)

18  
19 MR. ADAMS: I am recovering from ear  
20 surgery as we speak and so the doctor has asked me to  
21 be limited in what I do. So I'm happy to only have a  
22 half a day today so I can go back and maybe get some  
23 rest and then be fresh for tomorrow and the next day.

24  
25 Anyhow, I wanted to explain that.

26  
27 I also want to make a comment in  
28 regards to Saxman's, you know, rural determination, or  
29 C&T issue. I wanted to go on record to say that the  
30 Southeast Regional Advisory Council has always  
31 supported Saxman in their effort to be recognized as a  
32 rural community and we will continue to do so as  
33 vigorously as we possibly can.

34  
35 So, just for the record, you know, I  
36 would like to make that comment.

37  
38 Another thing that I would like to  
39 announce is that in March Southeast Alaska Regional  
40 Advisory Council and Southcentral had a joint meeting  
41 here in Anchorage and to me that was one of the most  
42 productive RAC meetings that I have ever been to  
43 because of the fact that we had common interests that  
44 we addressed and even though, you know, we differ in  
45 many ways, you know, I think we had some common grounds  
46 that we could really support each other on and I think  
47 that was a very beneficial meeting for not only the  
48 RAC, but I think Ralph can attest it was so with  
49 Southcentral as well.

50

1                   So I just wanted to make those  
2 comments, Mr. Chairman, and I thank you for this  
3 opportunity.

4  
5                   CHAIRMAN TOWARAK: Thank you. And  
6 welcome to the meeting and we wish you Godspeed on your  
7 health.

8  
9                   MR. ADAMS: Thank you.

10  
11                  CHAIRMAN TOWARAK: Go ahead, Mr. Ivan.

12  
13                  MR. IVAN: If we could be allowed,  
14 that's just my question.

15  
16                  CHAIRMAN TOWARAK: Okay. I'll give you  
17 that opportunity. The next item on the agenda is  
18 public comment period on non-agenda items but we'll  
19 make an exception and maybe start with you and then  
20 open it to the public on non-agenda topics.

21  
22                  Before we do that, though, I have been  
23 requested and I'm going to ask if there's any  
24 objections, if we could ask Myron Naneng, who is the  
25 president of AVCP, the heart of the Kuskokwim in  
26 Bethel, to address the Board at this point. He's got a  
27 flight to catch and I've agreed to have him take the  
28 table for a few minutes before he leaves.

29  
30                  Are there any objections.

31  
32                  (No objections)

33  
34                  CHAIRMAN TOWARAK: Not hearing any, the  
35 table is yours -- the floor is yours Myron.

36  
37                  MR. NANENG: Thank you, Mr. Chairman.  
38 Members of the Federal Subsistence Board. Chairman of  
39 the Regional Advisory Councils.

40  
41                  There's two topics I want to comment  
42 on.

43  
44                  One, I'd like to thank the Office of  
45 Subsistence Management for putting together an .804  
46 assessment. I think that it's a long time coming and I  
47 wish that it had been done earlier. And under the  
48 Federal law there's rules and regulations that we all  
49 have to try and abide by but when the Federal agencies  
50 are not carrying out their responsibilities, like doing

1 an .804 assessment when there's low numbers of  
2 resources returning to the river systems, mainly  
3 chinook salmon in this case, none of our people would  
4 have to be criminalized. A year ago, in 2102, 60-plus  
5 fishermen were cited. In essence the State converted  
6 it to a traffic violation. There was no .804  
7 assessment at that time. No declaration by the Federal  
8 agencies that chinook salmon was closed. You know,  
9 only the State of Alaska was the one that raised the  
10 very concern that there was low returns of chinook  
11 salmon on the Kuskokwim River but the people needed  
12 food. I even asked the Governor at that time, the day  
13 before the citations were issued to allow our people on  
14 the Kuskokwim River an opportunity to fish for the  
15 other salmon stocks. We got a cold shoulder from the  
16 Governor's office, as well as the Department of Fish  
17 and Game. And I think that the .804 assessment, if it  
18 had been done, would have restricted it to rural  
19 Federally-qualified users, which I know will be the  
20 agenda item that will be raised at this meeting from  
21 one of our villages. And I hope that in the future if  
22 there is any resource both land, air and especially the  
23 land and the waters are low in numbers, that an  
24 assessment be made to insure that the Federally-  
25 qualified users are the ones that have first priority.

26  
27 I just heard a mention that not only  
28 the Native people are the ones in rural Alaska that  
29 need subsistence because it's a Federal mandate. If  
30 it's a Federal mandate let's follow those rules to make  
31 sure that .804 assessments are done so that the  
32 qualified people that need the food will be able to  
33 access those resources.

34  
35 On another matter, this morning we had  
36 a meeting with Tanana Chiefs to talk about the Yukon  
37 River. I know on the Yukon River, even if you did not  
38 -- even if you did not harvest any chinook salmon last  
39 summer, you probably wouldn't even meet the escapement  
40 objectives or the escapement goals or even the treaty  
41 obligation that the US government has with Canada. You  
42 wouldn't have met it at all. So the villages are  
43 talking about imposing a moratorium on their own to  
44 avoid chinook salmon. But where are the other Federal  
45 agencies that also know that they have impacts on these  
46 returning salmon, or potentially returning salmon when  
47 they're out in the Bering Sea. You know it seems like  
48 the first people that are given the strict conservation  
49 burden are the people that live on the river system.  
50 Shame on us. Don't we all live in the US. Aren't all

1 those laws applicable to everyone, regardless if  
2 they're commercial or non-commercial. But it seems  
3 like the poorest people that rely on these food sources  
4 are the ones that are heaviest hit by the rules and  
5 regulations that are made by different agencies that  
6 are supposed to find ways to protect and perpetuate the  
7 resources. You know, sometimes I get a little  
8 frustrated at some of the things that they ask us to do  
9 as a Native community. We want a conservation easement  
10 on your lands in perpetuity and we'll pay you a million  
11 dollars for it. But when you go to other states where  
12 Federal agencies want a conservation easement, we'll  
13 pay you \$20 million for 20 years, but they want the  
14 Native community to put their lands into conservation  
15 easements in perpetuity, and that's not fair to the  
16 Native community. And I think that the people on the  
17 Yukon are going to work together and we've got AVCP and  
18 Tanana Chiefs that are going to work together for  
19 implementing a moratorium chinook salmon. The other  
20 salmon will still be available for use for subsistence.

21

22                   And I know the Federal agency cannot --  
23 or the US Fish and Wildlife Service or the other  
24 agencies that are sitting on the table cannot tell NOAA  
25 to say, you know, we really have a conservation  
26 concern, can we find a way to reduce bycatch. You  
27 know, that's part of the solution. But I think it  
28 needs to be -- the message needs to be sent strongly.

29

30                   If our Native community is willing to  
31 go on a moratorium on the Yukon River, I'm sure they,  
32 too, can be willing, or fine ways to substantially  
33 reduce any bycatch that have an impact on the returning  
34 chinook salmon on the river.

35

36                   And on the Kuskokwim, we're going to  
37 have to work together to do that.

38

39                   And as we all know with other resource  
40 management concerns that come up, I sit on the  
41 WaterFowl Conservation Committee. We work with Fish  
42 and Wildlife Service, State of Oregon, California and  
43 Washington, and guess who the people that they rely on  
44 to help increase those numbers, it's the people who  
45 live in the villages who utilize these migratory birds  
46 during springtime and falltime to try and help increase  
47 the numbers. And our success in increasing the numbers  
48 can be a factor that impact other users in other parts  
49 of the country. Like for instance, today, we're trying  
50 to work with the Oregon farmers who's lands are being

1 impacted by the large number of cackling Canada geese  
2 but there are other things that we can't control, like  
3 the climate. It seems to be having an impact on where  
4 these birds winter. Where before they used to winter  
5 in California and now a large number of them winter in  
6 both in Oregon and Washington.

7  
8 But these are things that we try to  
9 work together, as a Native community, as partners, co-  
10 managers.

11  
12 And, you know, it's getting to the  
13 point where I think the Native community needs to be  
14 sitting at the table at every Council or committee that  
15 has some determination on what the harvest is, what the  
16 science is, because our people live out there in the  
17 villages and they know the environment and they know  
18 what may be causing the declines. You know, when you  
19 sit in Anchorage or elsewhere you don't see what kind  
20 of winter we've gone through, what kind of summer we're  
21 going through, what floods have occurred and all these  
22 environmental factors.

23  
24 So I appreciate the fact that an .804  
25 assessment is being made. And AVCP's on record in  
26 support of Napaskiak's proposal. For fishing on the  
27 Yukon, if there is any harvestable surplus, and I think  
28 it's not only because we want to eat but it's also to  
29 keep our families together, strong, and our cultures  
30 alive.

31  
32 So with that, thank you very much, Mr.  
33 Chairman.

34  
35 CHAIRMAN TOWARAK: Thank you. Are  
36 there any questions of Mr. Naneng from the Board, or  
37 the RAC Chairs.

38  
39 Go ahead.

40  
41 MR. HASKETT: Thank you, Myron. So I  
42 want to make sure I understood this correctly. So is  
43 AVCP on record for supporting the analysis on the .804,  
44 too?

45  
46 MR. NANENG: Yes. I think that, you  
47 know, in the past we've requested an assessment of how  
48 much salmon goes out of the Bethel airport. There's  
49 large substantial numbers of salmon going out of Bethel  
50 for many years and we've requested that. So based on

1 that, I think that with the low numbers of chinook  
2 salmon, the .804 and recognizing Federally-qualified  
3 users would be the best thing at this time while we're  
4 going through the process of rebuilding the numbers of  
5 chinook salmon.

6

7 CHAIRMAN TOWARAK: Mr. Smith.

8

9 MR. SMITH: Myron, I was just wondering  
10 how do you think that the closure on subsistence  
11 fishing on the Yukon would affect trawl bycatch in the  
12 pollock trawl fisheries?

13

14 MR. NANENG: Well, we've had reduction  
15 in opportunities on chinook salmon since about 1994,  
16 it's been building up. They've imposed windows to give  
17 them an opportunity for the salmon to pass by in order  
18 to -- like about 20-some-odd years that this program  
19 has been in place, both by working with the Feds, as  
20 well as the State where they've only given the people  
21 on the river system a window of opportunity to fish,  
22 meaning that it's probably closed from 12:00 midnight  
23 on Monday and it probably wouldn't open until midnight  
24 on Wednesday and then you're open for at least 12 hours  
25 and then closed for 12 hours. What has also been  
26 imposed on the Yukon is that if they know that a large  
27 number of chinook salmon are coming in from the north  
28 mouth they'll close north mouth and tell people they  
29 can fish on south mouth. And that run, either on the  
30 south mouth or the north mouth depends on the  
31 predominate one that has been happening at the mouth of  
32 the river area during the wintertime.

33

34 So the restrictions on the Yukon River  
35 has been there for a quite long period of time and  
36 there has not been any commercial fishing for chinook  
37 salmon, which was the life blood of many of our people  
38 on the Yukon Delta for many years and they haven't done  
39 that for at least the last five years.

40

41 CHAIRMAN TOWARAK: It was pointed out  
42 by the Staff that the .804 process is only for the  
43 Kuskokwim at this point.

44

45 MR. NANENG: We understand that. But I  
46 think that .804 should, at some time, be brought into  
47 the Yukon, too, as well.

48

49 MR. LORD: A question.

50

1 CHAIRMAN TOWARAK: Go ahead.

2

3 MR. LORD: Myron, a few years back the  
4 pollock fishery told us they were going to try  
5 different ways to try and reduce that bycatch, I know  
6 that maybe 2010 or 2011 there was a pretty substantial  
7 drop but I haven't heard much since then, have you been  
8 following it and do you know if they've had any  
9 successes.

10

11 MR. NANENG: Based on the numbers that  
12 we looked at recently there's a slight increase in the  
13 bycatch that happened in A season. There's two seasons  
14 that occur with the trawl fleets, one that's done  
15 during the A season and the B season. And recent  
16 reports say that there's been an increase in bycatch  
17 during the A season. The B season is during the  
18 falltime, and A season is sometimes during the early  
19 months of the year.

20

21 CHAIRMAN TOWARAK: Any further  
22 questions.

23

24 (No comments)

25

26 CHAIRMAN TOWARAK: Not hearing any,  
27 then thank you for your presentation, Mr. Naneng and we  
28 will -- your statements have been put on our record.

29

30 MR. NANENG: Quyana.

31

32 CHAIRMAN TOWARAK: With that we will  
33 move officially into the public comment period on non-  
34 agenda items. Any topic that -- go ahead, Mr. Brower.

35

36 MR. H. BROWER: Harry Brower for the  
37 record. Thank you, Mr. Chair.

38

39 I wanted to bring up some concerns from  
40 our North Slope Regional Advisory Council regarding our  
41 appointments to the RAC itself. We've been waiting  
42 quite some time for our appointments, new appointments  
43 to our Council and they've not been selected yet. And  
44 it's getting a little burdensome for just a few members  
45 of our Council making recommendations into regulations  
46 which affect all of the North Slope, not just the few  
47 in our area and that's becoming to be a situation that  
48 we're having to deal with. And trying to communicate  
49 accordingly with the impacted communities when we don't  
50 have that representation there we're having to look at

1 other information that gets gathered either by Staff or  
2 other agencies that are attending the meeting, meetings  
3 of the North Slope Regional Advisory Councils.

4

5                   So having representation is very  
6 important from each of our communities and that's one  
7 concern that I needed to bring up in regards to our  
8 Council.

9

10                   There's another thing about, Mr. Chair,  
11 in regards to non-agenda items, is the mentoring  
12 younger students to become interested into this  
13 program, this Federal Subsistence Program. I've had  
14 some communications with our coordinator, Eva, and  
15 other Staff members of the agency in regarding to  
16 trying to speak to the schools about mentoring and  
17 seeking out young students, our high school students  
18 that are interested into progressing into science  
19 fields, or wildlife management specifically. To get  
20 their interest in pursuing this type of education, to  
21 help mentor young students into this Federal  
22 Subsistence Management Program. It takes a lot of a  
23 person to learn. I mean I've been on the Federal  
24 Subsistence Program for 20 years and I still continue  
25 to learn the process, changes are being made on an  
26 annual basis and can't keep up with all those changes  
27 when we have to rely on some of the information that we  
28 are provided and learning more of ANILCA itself and how  
29 that's interpreted and in times of need.

30

31                   So these kinds of changes are occurring  
32 and I'd like to see some programs be initiated into the  
33 school programs to learn about our Federal Subsistence  
34 Program.

35

36                   The other thing is, it's kind of  
37 misleading when we talk about the Federal Subsistence  
38 Board, okay, just the title. It's fragmented when I  
39 look at it. It's not the Federal Subsistence  
40 completely, we're missing migratory birds, we're  
41 missing marine mammals, so we don't even address those  
42 in this forum, they have to be brought out into a  
43 different forum to address those issues of concern  
44 regarding marine mammals or migratory birds, so it's  
45 fragmented in the sense that there needs to be some  
46 clarification into the program of how much this Board  
47 is going to be addressing, what resources need to be  
48 clearly spelled out. You know everybody don't receive  
49 those regulatory -- regulation booklets that says that  
50 these agencies manage these resources.

1                   So those are the type of concerns that  
2 I have to voice out, Mr. Chair, and hopefully somehow  
3 they get addressed in a sense that it becomes  
4 meaningful for our constituents.

5  
6                   Thank you, Mr. Chair.

7  
8                   CHAIRMAN TOWARAK: Thank you, Mr.  
9 Brower.

10  
11                   With regard to the appointment, on the  
12 last day we have a discussion on the late Secretarial  
13 appointments and right about the same time we were  
14 going to also being discussing with the Staff the  
15 effects that the government shutdown has had on the  
16 Federal Subsistence Program, and I think some of your  
17 issues will be probably brought up during that time.

18  
19                   We had a briefing for the rural members  
20 of this -- the Board yesterday and we -- I, personally,  
21 believe that there's going to be a solution to the late  
22 appointments and the need for having a full advisory --  
23 Regional Advisory Council all the time, and the  
24 solutions that we're looking at looks like will point  
25 towards having a full RAC for every region once the  
26 changes take place.

27  
28                   With regards to some of the education  
29 programs, we've heard reports on some of the agencies  
30 that have various ones but, you're right, I think  
31 specifically for subsistence we don't have any  
32 particular program that addresses -- go ahead.

33  
34                   MR. PELTOLA: Thank you, Mr. Chair.  
35 Gene Peltola, ARD of OSM.

36  
37                   Mr. Brower. Here, earlier on, this  
38 fall, Geoff Haskett, the Regional Director for Fish and  
39 Wildlife Service and myself with National Fish and  
40 Wildlife Foundation, Rasmusson and some others and  
41 that's one area that we discussed where we could  
42 potentially initiate a program to get to Alaska Native  
43 students and get more involvement in the fisheries  
44 realm, the wildlife realm and hopefully if this program  
45 flies we could bring those into the Federal Subsistence  
46 Program. Right now we have a proposal before the  
47 National Fish and Wildlife Foundation Board of  
48 Directors for consideration for funding. If that does  
49 come through, which there is a lot more than a little  
50 light at the end of the tunnel, they're seriously

1 considering the funding for that, they could  
2 potentially, based on their organization interests have  
3 specifically targeted the YK Delta, more specifically  
4 the Kuskokwim drainage where not only the Fish and  
5 Wildlife Service but the ANSEP Program with the  
6 University of Alaska, we could potentially fund  
7 internships for students with regard to the ANSEP  
8 Program and place them in projects which occur in the  
9 field, whether it be a weir, whether it be a  
10 subsistence monitoring program, engage and foster that  
11 interest and hopefully do a couple things.

12

13                   The secondary result is we may get more  
14 people into these programs like you were talking about  
15 and we'll have more rural and Native alike  
16 representation in the future.

17

18                   That's significant funding. I mean  
19 we're talking hundreds of thousands of dollars  
20 potentially for that particular purpose.

21

22                   MR. HASKETT: And the only thing I  
23 would add to that is we expect that this will be  
24 successful and if it is then I think we could expand it  
25 at some point because both NFWF, well, NFWF primarily  
26 at this point, they're interested in seeing us be  
27 successful here so we may be able to expand to other  
28 geographic areas, too. We don't have it yet but we're  
29 very positive where this is going to end up.

30

31                   MR. H. BROWER: Follow up, Mr. Chair.

32

33                   CHAIRMAN TOWARAK: Go ahead.

34

35                   MR. H. BROWER: Thank you for your  
36 comments and I sure appreciate it. And once the  
37 program is initiated and following through, I think  
38 expanding it to other regions would be very helpful,  
39 and meaningful. I think that's what's needed within  
40 our own state, we have a dual management system and  
41 there's a lot of people that are not really educated on  
42 both ends of how each of the managing agencies differ  
43 in their lands that they manage the resources on. So  
44 that needs to be expressed in ways that, you know, --  
45 like I said it's taken me 20 years to know what I know  
46 today and I'm not going to claim that I know everything  
47 as well, either, I'm still learning and that's the most  
48 important thing, I continue to learn new things and new  
49 approaches to move forward with wildlife resources.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: You're welcome. Do  
4 we have any -- oh, go ahead.

5

6 OPERATOR: We do have a comment on the  
7 phone line. Hi, your phone line is now open if you'd  
8 like to make.....

9

10 MR. KORTH: yeah, I'd like to testify  
11 against proposition WP14-48 regarding moose hunting on  
12 the Coleen River and the Sheenjok River area and the  
13 Innoko River in the Arctic National Wildlife Refuge.  
14 Yeah, what I'd like to say is it's not a good proposal,  
15 it's too extreme. And I think there's much better ways  
16 to manage the moose than to shut the area down like  
17 that and just give out five permits. Me, and my wife  
18 and my family, we've been living up there for 40 years  
19 and with this, there's only five permits given out to  
20 these areas and if we don't get one of these permits,  
21 we don't get a moose, and so then we won't be able to  
22 eat. I mean if the caribou aren't there. And our  
23 daughters that were almost born out there and raised  
24 out there if they wanted to come out and hunt they  
25 won't be able to do it. And my wife is Native and so  
26 she's kind of shocked at this proposal. And it would  
27 affect us big time.

28

29 But that's what I'd like to testify to,  
30 is against that, you know, and I think it's very bad.  
31 I put in a proposal to the State Game Board one year to  
32 just shorten the season. I realize there is a decline  
33 in the moose but it's not that bad that you have to  
34 take drastic measures to shut down the area. And then  
35 my proposal was just to shorten the season and then I  
36 think that would reduce the take of the moose and then  
37 make it later in the year, too. That would cut down on  
38 the floaters which take a lot of moose.

39

40 And so I -- I guess that's my say-so.

41

42 CHAIRMAN TOWARAK: Thank you. Would  
43 you state your name and who you're representing for our  
44 records.

45

46 MR. KORTH: Okay. My name is Hemimo  
47 Korth, H-E-I-M-O, first name, Korth K-O-R-T-H is the  
48 last name and we live around eight months of the year  
49 we live on the Upper Coleen River in the Arctic Refuge  
50 and we're representing ourself. I'm speaking for me

1 and my wife and my kids, too.

2

3 CHAIRMAN TOWARAK: Thank you, very  
4 much. And for your information our Staff has reviewed  
5 that proposal that you were commenting on they are  
6 recommending that we oppose that proposal and unless we  
7 hear anything otherwise that's how we will probably  
8 come on record.

9

10 MR. KORTH: Okay. Well, thank you very  
11 much and I appreciate it and good day.

12

13 OPERATOR: There are no other comments  
14 on the phone at this time.

15

16 CHAIRMAN TOWARAK: Thank you, very  
17 much. We will -- I apologize to Mr. Ivan, but let's  
18 give the floor to Mr. Ivan at this point to talk about  
19 tribal consultation.

20

21 MR. IVAN: First of all, Mr. Chairman,  
22 thank you for this opportunity on behalf of the Akiak  
23 Native Community members that could not be here to  
24 testify.

25

26 For the record my name is Ivan M. Ivan.  
27 I'm the Chief of Akiak Native Community. Our address  
28 is Post Office Box 52127, Village of Akiak, A-K-I-A-K  
29 Alaska 99552; our telephone number is (907) 765-7112,  
30 that's the main office. And I'm here to testify on  
31 behalf of Akiak.

32

33 The statement before you is a  
34 collective statement of the Federally recognized  
35 sovereign tribes of Akiachak Native Community, Akiak  
36 Native Community, organized Village of Kwethluk, and  
37 Tuluksak Native Community, hereinafter tribes, on the  
38 spiritual, cultural, customary and traditional use of  
39 subsistence resources time immemorial.

40

41 I'd like to make a preface remark. I,  
42 myself was born in 1945, and if my math is right I'm 68  
43 years old. I was born when the local communities  
44 controlled their resources by themselves. The fish and  
45 wildlife and the game. And I was born to a fishing  
46 life, we moved to fish camp in early spring, right  
47 after river breakup and we fish for -- we call it king  
48 salmon, I believe it's chinook, I'm not quite used to  
49 that yet, and also red salmon, they call that other one  
50 dog -- not dog fish, but chum, chum salmon and silver

1 salmon and other fish on the river. But that's the  
2 number one food that kept us alive for many, many  
3 years, even through my parents and grandparents.  
4 That's the only thing that they put away for the long  
5 cold winters where our eating habits become for days in  
6 this longer days of the light -- daylight.

7  
8                   We're getting very desperate for the  
9 last several years, whereby some of our elders that are  
10 not able to fish, widowers, foster children that are  
11 used to eating king salmon, we're beginning to be --  
12 and the outlook right now is confusing from all  
13 different sides, Kuskokwim Fishing Managing Working  
14 Group, I don't -- it used to be where that board  
15 allowed a little bit of commercial fishing and  
16 protecting subsistence but today's it's during policies  
17 and State of Alaska recently got incorporated -- our  
18 tribe was recognized by Secretary of Interior 1939 and  
19 our tribal councils work with those original  
20 secretaries in all matters that affect the Native  
21 community members and we worked together, they allowed  
22 us to live our life but today it's getting so complex  
23 and we're getting desperate. It's the fish that we --  
24 it's why I'm here, otherwise I wouldn't be.

25  
26                   We add what we can around -- but this  
27 statement before you, Akiak Native Community signed  
28 onto this collective statement and I'm not going to  
29 read all of it but I'm going to make some general  
30 comments to it.

31  
32                   We'd like to consult with Secretary of  
33 Interior directly basically to let him know of our --  
34 as was done in the past to do consultation with him,  
35 directly with him because that was how our  
36 organization, Akiak Native Community was a business  
37 corporation, but Akiak IRA Council have a constitution  
38 bylaws with the Secretary of Interior approved for us.  
39 And the majority -- the main agreement is to work with  
40 -- to do all things for the common good, which we have  
41 done, or have the right to do in the past and to guard  
42 and foster Native life, art and positions, and Native  
43 customs.

44  
45                   And as I stated, we have little -- it's  
46 called subsistence now but it's our way of life. I  
47 don't know what to call it, but it's our way of life  
48 where we get food for ourself. And it's -- they're  
49 very conservative elders, make sure we don't waste any  
50 part of the fish whatsoever, or throw it away or do

1 anything with it. We're dependent on it culturally,  
2 traditionally and our body is addicted to it, it's the  
3 health food that keeps us healthy, especially our  
4 children and grandchildren who are now addicted to --  
5 no fault of their own, but by tradition. And our  
6 people believe that these resources were created by God  
7 and they believe, and control that resources as much as  
8 they can without any waste.

9  
10                   Some of these comments here are that we  
11 are sovereign tribes and have worked with Secretary of  
12 Interior, US Government in the past and I understand  
13 there's an Article 25 of the Universal Declaration of  
14 Human Rights, Section 1, everyone has a right to a  
15 standard of living adequate for the health and well  
16 being of himself and his family, including food. And  
17 the UN Declaration says indigenous people have the  
18 right to maintain and give up their political economic  
19 and social system and institution to be secure in their  
20 enjoyment of their own means of subsistence and  
21 development and to engage freely in all of their  
22 traditional and other economic activities.

23  
24                   And we should not be deprived of a food  
25 resource that keeps us alive.

26  
27                   And also recognizing the Katie John  
28 case, which is the law of the land, be fully  
29 implemented on the Kuskokwim River. And understanding  
30 what Myron Naneng spoke to, those fishermen that were  
31 cited, that the State of Alaska recognized that the  
32 Inupiaq have a spiritual connection and relationship  
33 with the chinook salmon, State of Alaska versus Felix  
34 Flynn.

35  
36                   Our tribes would like to begin to work  
37 with Secretary of Interior, be allowed to conduct  
38 subsistence activity for chinook salmon, despite the  
39 restrictions imposed by US Fish and Wildlife Service or  
40 the Alaska Department of Fish and Game, and have been  
41 in the past -- our activities have been forever in the  
42 past. And if any of our people are cited, we would  
43 like to -- we will try them in the local tribal courts  
44 under our jurisdiction of any citations. And the  
45 tribes would nullify like fish weir agreements that  
46 were made with US Fish and Wildlife Service, including  
47 science camp in other tributaries of the Kuskokwim  
48 River, more specifically located at Kwethluk and  
49 Tuluksak Rivers and close any activities on these  
50 rivers that produce salmon and try to protect them from

1 rafting, sportfishing on these rivers.

2

3                   And the US Fish and Wildlife Service  
4 and ADF&G, including any and all entities must ask for  
5 permission to enter the traditional subsistence  
6 hunting, fishing and gathering sites of the tribes,  
7 including private land and we will conduct test  
8 fisheries of the chinook to collect data closest to the  
9 communities to determine the strength of the runs and  
10 timing to insure optimal escapement and harvesting for  
11 present and future generations. And they're  
12 proclaiming to direct the Secretary of Interior and  
13 Agriculture and State to implement the government to  
14 government relationship based on Presidential  
15 Administrative Order on the consultation with tribes  
16 and ANCSA Corporations, including the requirement of US  
17 Fish and Wildlife to consult with tribes, Secretary  
18 support the tribes by implementing the trust  
19 responsibility when members are cited during the  
20 restrictive period of closure on salmon. And the  
21 Secretaries direct US Fish and Wildlife to support and  
22 work with the tribes to conduct test fisheries for  
23 chinook salmon closer to communities. And the  
24 Secretaries work with tribes to direct the North  
25 Pacific Fisheries Management Council to have a  
26 moratorium on high seas for a period of time in order  
27 for the salmon species to increase.

28

29                   We will do everything we can to try and  
30 protect the salmon as its our livelihood. Without it  
31 we are going to be in hard bad times as far as diets,  
32 spirituality and who we are. And I'm presenting this  
33 as the Chief of Akiak Native Community and other  
34 villages can speak for themselves through this document  
35 as they are separate other sovereign tribes to make  
36 those comments for themselves.

37

38                   But it's been a confusing, very  
39 confusing, unsure future for our fishing. And we take  
40 -- traditionally what we take and the drying season is  
41 the one that keeps us, does not -- prevents spoilage of  
42 fish with bad weather and maggots and stuff, we'd like  
43 to fish early and put it away.

44

45                   That's my comments for the record. And  
46 we will forward this -- I believe they're working now  
47 administratively to forward this to the Secretary of  
48 Interior and ask for tribal consultation.

49

50                   We're unsure if we're going to eat

1 salmon, we're told that there's no fish. We're part of  
2 the environment and our cultures have all the knowledge  
3 necessary to keep the chinook salmon healthy and up to  
4 numbers. They've done that for many years. They've  
5 taught us and we're learning.

6

7 I thank you very much for this  
8 opportunity to speak to you. Our interest is keeping  
9 the salmon alive and well so that our younger children,  
10 grandchildren enjoy it in the next coming years. We'd  
11 like to protect it now and also use it at the same time  
12 as we have done for so many years.

13

14 Thank you, very much.

15

16 CHAIRMAN TOWARAK: Thank you, Mr. Ivan.  
17 Are there any questions of Mr. Ivan, from the Board.

18

19 (No comments)

20

21 MR. IVAN: I believe your Staff passed  
22 this along. I hope there's enough copies, otherwise  
23 we'll try to make more. But this is a message that my  
24 village and tribe asked me to deliver.

25

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

27

28 CHAIRMAN TOWARAK: Thank you, very  
29 much. And we have enough copies for the Board members,  
30 I think, and we will insert that into the record.

31

32 MR. IVAN: Thank you. If there's  
33 questions I will try to answer them.

34

35 (No comments)

36

37 CHAIRMAN TOWARAK: Thank you, Mr. Ivan.

38

39 Go ahead, Mr. Andrew.

40

41 MR. ANDREW: Thank you, Mr. Chairman  
42 and members of the Federal Subsistence Board. RAC  
43 Chairs. Guests. Staff.

44

45 For the record my name is Timothy  
46 Andrew. I'm the director of Natural Resources for  
47 AVCP. And I'd just like to continue on and elaborate  
48 further the concerns that Myron had about the .804  
49 process.

50

1                   There are other situations that exist  
2 beyond salmon that the .804 process is not being  
3 initiated on Federal conservation units. Like, for  
4 example, within the AVCP area we have several units, we  
5 have the Bureau of Land Management lands, we have the  
6 Yukon Delta National Wildlife Refuge, we have the  
7 Togiak National Wildlife Refuge. And the Yukon Delta  
8 National Wildlife Refuge alone consists of 19 million  
9 acres of land, it's a pretty good size area versus the  
10 Calista Corporation lands, which is about 13 million  
11 acres. So we're surrounded by a lot of Federal land.  
12 And we have a lot of our lives -- our gathering, our  
13 hunting and fishing is affected by Federal policies.

14  
15                   We have situations where we have  
16 shortages of game resources, like, for example, the  
17 caribou. The Mulchatna Caribou Herd. Back in, I  
18 believe it was 1996, that that population was up to  
19 220,000 animals that were roaming, largely between the  
20 Kuskokwim River and parts of Game Management Unit 9 in  
21 the bay area. And 17 and 13, I believe, 19 and parts  
22 of 21 area, Game Management Units. But within a short  
23 -- short 12 year period that game population crashed  
24 down to about 30,000 animals or maybe even less today.  
25 And we had come to the Board through a special action  
26 request, I believe it was the summer of 2012, to  
27 initiate an .804 closure, to make sure the closure --  
28 or the hunting opportunity be limited to Federally-  
29 qualified users in the Yukon Delta National Wildlife  
30 Refuge. But we were subsequently denied. Because the  
31 Federal management system had given deference to the  
32 State management system and the State's data,  
33 indicating that subpopulations of the Mulchatna Caribou  
34 Herd were on the increase, while the Western part was  
35 not doing very well. But nonetheless there is a  
36 significant decrease in population. Genetic diversity  
37 is of concern. And people's ability to feed their  
38 families is a big concern as well.

39  
40                   And we also have a situation in the  
41 Kanektok River that are surrounded by the Yukon Delta  
42 National Wildlife Refuge to the north and also with the  
43 Togiak National Wildlife Refuge. They have a limited  
44 moose population in the area and that area is primarily  
45 made up of village corporation and also Federal  
46 conservation -- Federal conservation units and they'd  
47 like to participate in the hunt. But whenever you have  
48 a hunt that when you take into consideration the State  
49 hunt, it has to be open to everybody, all across the  
50 State of Alaska. And while Federal conservation units

1 are a different story, I mean you can take it to where  
2 -- where people that have closest proximity to the  
3 resource and also rural -- rural people are able to  
4 participate in that hunt, in fact, I believe Mr. Lohse  
5 -- and I'm sorry if I've.....

6

7 MR. LOHSE: I've heard worse than that.

8

9 (Laughter)

10

11 MR. ANDREW: .....Lohse had indicated,  
12 that it is the Federally-qualified users that have that  
13 priority and they reside in close proximity to the  
14 resource and they have to have access to that first.

15

16 On the lower Kuskokwim side we have the  
17 former moose moratorium area. We have -- each year 100  
18 permits are being issued, there's 1.200 or more permits  
19 that -- I mean people apply for. And I'm not sure how  
20 many of that consists of outside the area but there,  
21 there's a limited resource with an extremely high  
22 demand, not only from the local people but perhaps also  
23 people from outside the area so it -- you know, this  
24 .804 situation does not exist only in salmon, it exists  
25 in other resources that we have out there and it likely  
26 exists now and likely in the future.

27

28 And I just beg that the Federal  
29 Subsistence Management System really takes a look at  
30 those situations and look at them quite seriously for  
31 people -- how it impacts the local people that reside  
32 in close proximity.

33

34 Thank you, Mr. Chair. That concludes  
35 my testimony.

36

37 CHAIRMAN TOWARAK: Thank you. Are  
38 there any questions of Mr. Andrew.

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: Thank you. I'm  
43 going to add one more lower Yukon/Kuskokwim executive,  
44 Mr. -- the -- Mr. Guy, is the President CEO for  
45 Calista.

46

47 MR. GUY: Thank you, Mr. Chairman and  
48 members of the Board and Staff of the Fish and Wildlife  
49 Service.

50

1 I wasn't expecting to speak at this  
2 time but having been apprised or notified of the  
3 opportunity I couldn't pass up the time.

4  
5 Calista Corporation currently does not  
6 have an official stand on the matters -- subsistence  
7 matters that are facing this Board. But historically  
8 the Calista Board has been very supportive of our Title  
9 VIII and the rural subsistence priority that's in place  
10 right now and you have to operate under. But having  
11 said that, the Calista Board has recently approved a  
12 regional committee that is working on this issue right  
13 now. This regional committee has the participation of  
14 -- invited participation of all the 56 tribal entities  
15 of the Calista AVCP region, all the village  
16 corporations in the Calista AVCP region, the major non-  
17 profits serving those villages and the inhabitants of  
18 those communities, AVCP, AVCP Housing Authority and  
19 YKHC, including Calista Corporation.

20  
21 That regional committee met in February  
22 and directed the formation of a smaller committee to  
23 work towards coming at a reserve position on this very  
24 -- this matter that's facing you, rural subsistence. So  
25 we'll be doing that process this year and coming back  
26 with a unified position in November.

27  
28 Having said that, there are items that  
29 have come from that meeting, my own experience, and we  
30 do a lot of -- Calista Corporation has a committee that  
31 travels out to the region, about 15 communities per  
32 year and we've been doing that for the last 10, 12  
33 years. And in all that time we've gotten a lot of  
34 comments concerning subsistence and ANCSA and I'd like  
35 to make some general comments regarding that.

36  
37 Historically nobody in our region that  
38 I've talked to agreed with Section 4(b) of ANCSA that  
39 reported to do away with our hunting and fishing  
40 rights. Nobody that I've ever asked or talked to  
41 acknowledged that they agreed with that provision of  
42 ANCSA because subsistence, when you look at it, it's  
43 hard -- it's how you provided for your family, how a  
44 person made a living and nobody can take that away from  
45 anybody and that was the case in my region. When I was  
46 a little boy I was told that nobody from Washington  
47 could come and take away our hunting and fishing  
48 rights.

49  
50 The first item -- or the first effort

1 to do away with our hunting and fishing rights was the  
2 spring bird hunting. I was a little boy but I heard  
3 stories about people shooting at planes that tried to  
4 interfere with that food gathering, you know, the birds  
5 were the very first items that -- a resource that came  
6 after a long and hard winter before fishing happened,  
7 so that was a very important food source for us. And  
8 when I was a little kid those men would come back and  
9 tell stories about shooting shotguns at planes that  
10 tried to prevent them from getting that food source.  
11 Subsistence is very important, you know, us Native we  
12 cannot tell non-Natives not to farm, not to seek a  
13 career in work, in any kind of work situation, and  
14 that's how we see subsistence, you know, it's a way for  
15 us to provide for our families and to be productive  
16 human beings.

17  
18 I'm a Yup'ik or I grew up knowing that  
19 I was a Inupiaq, while being taught that I was a  
20 Inupiaq, and in our system we don't become that -- that  
21 translates into a real human being, we don't become a  
22 real human being just by being born, we have to work at  
23 it, and one of the ways of working at it is to lead a  
24 very productive life, subsistence being part of that.

25  
26 So beyond providing for your family,  
27 subsistence activities really goes to the heart of our  
28 being, that process of becoming a real human being.  
29 And that was the -- I guess you could say the spiritual  
30 part of our activities to subsist from the land, not  
31 only from the land but from the rivers and oceans. So  
32 in our way it's a very direct attack on the core of our  
33 being when we're told that we cannot engage in  
34 activities that make us who we are.

35  
36 Something has to be done. In the last  
37 40-plus years that we've been living under ANCSA, our  
38 people have seen major mismanagement, not only from the  
39 State but from the Federal side. A comment earlier a  
40 lot of what -- that what I -- that I heard a lot from  
41 the villages, you know, generally in our system we see  
42 a whole, we don't see this as dissected. And this  
43 gentlemen made a comment that we have Federal agencies  
44 that aren't part of what should be your discussion.  
45 Subsistence is not only this Board, but subsistence is  
46 also being handled in the marine mammal, the North  
47 Pacific Fisheries and other Acts that touch upon our  
48 way of life and it should not be dissected, it's got to  
49 be a whole. So one thing I guess I could ask for you  
50 is to request that all the Federal agencies that touch

1 upon subsistence come together and start acting as a  
2 whole because that's the only way that you can  
3 effectively manage the fisheries and the animals and  
4 whatever's under your jurisdiction and that goes to the  
5 State too. We cannot continue in this vein. Because  
6 our people see major mismanagement having been contin  
7 -- continue to occur to the -- so that it's in danger,  
8 not only our livelihood but our way of becoming that  
9 real human being.

10

11 Thank you for your -- thank you for the  
12 opportunity to make some comments today.

13

14 CHAIRMAN TOWARAK: Thank you, Mr. Guy.  
15 Does anyone have any questions for Mr. Guy.

16

17 Go ahead, Tim.

18

19 MR. SMITH: Does Calista have a uniform  
20 position on chum salmon bycatch in the Federally-  
21 managed groundfish fisheries?

22

23 MR. GUY: In the sense that it should  
24 be managed as a whole, yes, we do. It cannot be  
25 managed separately on its own without impacting the  
26 river system or any other habitat or the lifecycle that  
27 the salmon goes through. It should be managed in  
28 conjunction with the impact it has on everywhere the  
29 salmon goes, not only at the headwaters, not only at  
30 the feeding grounds, but the in between, those areas  
31 too; that's the only way that it can be managed  
32 correctly, appropriately.

33

34 CHAIRMAN TOWARAK: Mr. Lohse.

35

36 MR. GUY: This item is very important,  
37 not only to Calista, but probably to every other Native  
38 Corporation. You know, ANCSA had four parties to it,  
39 the State of Alaska, the Federal government, the oil  
40 companies and the Natives. In terms of subsistence the  
41 State and the Federal government promised us, you know,  
42 we did not voluntarily give up our subsistence hunting  
43 and fishing rights, it was forced upon our people. But  
44 upon that force, the State and Federal governments  
45 promised us that they would pass these rural  
46 subsistence priority laws. The State broke its promise  
47 right away, obviously. The Federal government has been  
48 slow to come to protect that right. And it's still not  
49 doing it effectively. It's time that they should step  
50 up to the plate and do it effectively and the only way

1 that it can do it effectively is to combine it, not  
2 only managing it out at the ocean but also on the river  
3 collectively.

4

5 MR. SMITH: Just one followup. Did you  
6 plan to propose a specific number limiting chum salmon  
7 bycatch to the North Pacific Fishery Management  
8 Council. That decision is coming up fairly soon, is  
9 Calista going to come up with a specific number for  
10 them.

11

12 MR. GUY: That one, we'd have to talk  
13 with AVCP about -- the AVCPs the one that's been active  
14 in participating in that process. So if it came up  
15 from the Calista region, we would probably come up  
16 through the AVCP organization, with our support.

17

18 CHAIRMAN TOWARAK: Mr. Lohse, you had a  
19 question.

20

21 MR. LOHSE: Yeah, I have a question.  
22 At our last meeting that we had joint with  
23 Southeastern, we got a presentation about a pretty big  
24 mining operation that they're talking about putting  
25 right in the middle of the Kuskokwim right there with a  
26 lot of barge traffic and roads and everything else,  
27 which looked to me like it could have a pretty big  
28 impact on salmon resources, or just on subsistence  
29 resources in the area. Do you have any -- do you, as a  
30 group, have any strong feelings one way or the other as  
31 to how that's going to affect subsistence in your area.

32

33 MR. GUY: Our operator has had a very  
34 active study of that resource in the Crooked Creek  
35 drainage. The project site is about 12, 14 miles off  
36 of the Kuskokwim River behind the village of Crooked  
37 Creek, in the Crooked Creek tributary, they've done a  
38 very good -- I'm not fully apprised of all the data but  
39 they have -- but I know that they have a very good  
40 study and data toward that, and I don't think that --  
41 from what I've heard, the impact would be detrimental.

42

43 MR. LOHSE: I had that feeling about  
44 the mine itself, the impact from the mine itself  
45 wouldn't be so bad, but I was wondering about the -- I  
46 mean daily barge traffic up and down the river that --  
47 that that's basically the life source of the area and  
48 then roads that actually open up part of the area. I  
49 feel like they can probably control their mine loss but  
50 I know that something like that really has an impact on

1 the lifestyle of the people that surround it.

2

3                   Which brings me back to the first  
4 question that I was going to ask, and that was, you  
5 know, what is the reaction to no resource being  
6 available. You're talking about king salmon  
7 particularly and there is no resource available at this  
8 point in time, I mean things can be done to change it  
9 in the future but there is no resource available at  
10 this point in time, so what is the alternative for the  
11 local people.

12

13                   MR. GUY: Yeah, well, the alternative  
14 has to do with the Act itself, too, ANCSA. One of the  
15 things that our people embraced about ANCSA was its  
16 promise for enabling us to continue to lead productive  
17 lives through jobs. And even that promise was  
18 basically broken by the other three parties to that  
19 Act, the State, the Federal government and the oil  
20 companies. First the oil companies basically promised  
21 the Natives that they would hire 20 percent Natives in  
22 the Alyeska. They never reached 20 percent in the  
23 whole -- up to the State -- State of Alaska got a -- a  
24 lot of oil revenue opened up, Prudhoe Bay, got title to  
25 103 million (ph) acres, and Federal government got  
26 title to the rest of the acreage in Alaska, a lot of  
27 acreage. Now, the part of the Federal and State  
28 promises were that there would be an economy or an  
29 infrastructure in place for all the village  
30 corporations and regional corporations to operate  
31 effectively and competitively. A corporation can only  
32 operate effectively and competitively and grow and in  
33 jobs if there's an infrastructure in place, otherwise  
34 no business can really compete and grow in that jobs if  
35 it's not in -- if it doesn't have that environment, and  
36 that environment has never been put in place in rural  
37 Alaska. You know, businesses benefit from and grow and  
38 add jobs in rural -- in rural Alaska. And basically  
39 through the largest of State government putting in the  
40 infrastructure, whether it be major road projects or  
41 other -- other projects that make it easier -- not  
42 easier, but to lower the cost of doing business. You  
43 know, urban businesses benefit from that, rural  
44 businesses are left out.

45

46                   That's why we have so many of our  
47 people shopping in urban businesses or, you know,  
48 ordering their goods and services through the mail  
49 order catalogs or the phone because they find it  
50 cheaper to do that. But when you do that you're not

1 putting money into your own local economy, you're not  
2 allowing your village corporations to get the benefit  
3 of that income and without the benefit of that income,  
4 because they don't have the cost -- because they have  
5 such a high cost of doing business, they cannot grow  
6 and thereby add jobs. But that's the problems of ANCSA  
7 that we embraced. It would allow our people to have  
8 jobs and also subsist.

9

10 I think that's the general feel that we  
11 have out there now.

12

13 In our travels throughout the region a  
14 lot of people recognize that they need both, that they  
15 need a balance of both, subsistence activities and  
16 jobs.

17

18 CHAIRMAN TOWARAK: Thank you very much  
19 for your presentation, Mr. Guy. And we're digressing a  
20 little bit from our subsistence topic, but it's related  
21 and I agreed. Because of the volume of work that we  
22 have to do, I think we're going to try to proceed with  
23 some of the other issues that we have facing us in the  
24 next couple of days so.....

25

26 MR. GUY: Thank you for this  
27 opportunity, Mr. Chair.

28

29 CHAIRMAN TOWARAK: Thank you for your  
30 time.

31

32 We have -- I bended the rules a little  
33 listening to some of the people that weren't here this  
34 morning and I know there's one person that we didn't  
35 recognize and we'd like to give her an opportunity to  
36 give us any information from the State, Jennifer, any  
37 information that you would like to exchange with the  
38 Board at this point.

39

40 After she is done, I would like to take  
41 a 10 minute break and then we're going to jump into the  
42 rural process preview.

43

44 MS. YUHAS: Thank you, Mr. Chairman.  
45 For the record my name is Jennifer Yuhas and I am the  
46 State's Federal subsistence liaison team leader, and I  
47 have with me Mr. Doug Vincent-Land, who is our active  
48 liaison seat, which would be the non-voting Board  
49 member seat at the meeting. We realize the room's a  
50 little cramped and we just want to make sure that Mr.

1 Vincent-Lang has a chance to do the information sharing  
2 and opening comments that we usually do. So I'll be  
3 standing down until its time to comment on other  
4 issues.

5

6

Mr. Chairman.

7

8

MR. VINCENT-LANG: Good afternoon. And  
9 let me begin by thanking you for the opportunity to  
10 address you today. Again, for the record, my name is  
11 Doug Vincent-Lang and I'm the director for the Division  
12 of Wildlife Conservation for the Alaska Department of  
13 Fish and Game.

14

15

I'm here today, all today and off and  
16 on through the rest of the course of the meeting due to  
17 other commitments, but, both Jennifer and Drew will be  
18 here and handle most of the wildlife proposals, with  
19 one exception, I'll come back and address the Red Creek  
20 proposal, something that we have some deep concerns  
21 about and I hope that we'll be able to reach a mutual  
22 accommodation on as we discuss it.

23

24

Also present we have Lisa Olson and  
25 Hiroko Ikuta from our Subsistence Division and they'll  
26 be here to answer questions if you may have throughout  
27 the course of your meeting.

28

29

With your indulgence, I'd like to just  
30 provide a few opening remarks and a couple of things  
31 the State is working on.

32

33

First, I think it's really important to  
34 remember that the State has an active -- it has a real  
35 seat -- a non-voting member of this Board. That's  
36 often forgotten. And, you know, although we're at the  
37 back table today, you know, we are a member of this  
38 Board and that was established in the original EIS that  
39 -- that founded the Federal Subsistence Board. And  
40 this seat really allows us an opportunity to address  
41 the Board on a wide variety of issues, from  
42 conservation to sustainability to allocation and to  
43 uses. While we may not always agree on a specific  
44 outcome, I think it's really important that we spend  
45 the time to listen and hear each other's concerns.  
46 Along this line we have OSM representation at all of  
47 our Board of Game and Board of Fish meetings, you know,  
48 we have them sitting at the front table and they get  
49 involved in a lot of the discussions and deliberations  
50 and we often ask them questions. And we seek their

1 input and value their input as we reach decisions. We  
2 also offer Federal agencies the opportunity to address  
3 our Boards during Staff reports, and, again, that  
4 informs our discussions. We hope that you'll listen to  
5 us as we come forward to the Board through our  
6 presentations with the goal of understanding and,  
7 hopefully, reaching mutual accommodations. I know  
8 that's sometimes difficult but, you know, that should  
9 be a good goal for all of us.

10

11                   Second, the State has been busy working  
12 hard to respond to the needs of our subsistence users  
13 across our state by creating harvest opportunity across  
14 our great state.

15

16                   And let me give you a few examples.

17

18                   The Alaska Board of Fish recently  
19 authorized new gear types in the Kuskokwim and Yukon to  
20 improve the opportunity to harvest salmon in spite of  
21 some of the reduced chinook salmon abundances we have.

22

23                   The Department has initiated a chinook  
24 initiative using State general fund dollars on the  
25 order of millions of dollars to better understand and  
26 respond to the low chinook abundance numbers.  
27 Information on this initiative can be found on our  
28 Department website and I'd encourage you to take a look  
29 at it and peruse it, there's a lot of information on  
30 the good work that we're doing across the state.

31

32                   The Alaska Board of Game recently  
33 authorized increased opportunities for moose, bears,  
34 wolves and furbearers all at the request of users. And  
35 I've been involved in these discussions as we've moved  
36 across the Kuskokwim and Interior Alaska and last year  
37 across the Interior, Unit 13, and we've -- I can say we  
38 have significantly expanded harvest opportunities for  
39 those species as we've moved across the state.

40

41                   The Board of Game also recently  
42 approved expanded use of snowmachines to hunt caribou,  
43 wolves and wolverines in Western Alaska. This was in  
44 direct response to local users that requested that  
45 their traditional practices of using snowmachines to  
46 harvest these animals be accommodated through the Board  
47 process and the Board heard them loud and clear,  
48 deliberated and approved that and that approval occurs  
49 now in Western Alaska, both on State and Federal lands  
50 across Western Alaska.

1                   And we also have seen -- we've also  
2 initiated a lot of new and expanded survey work for  
3 wildlife, which is really yielding a lot more data to  
4 inform our Board decisions and, hopefully, your  
5 decisions as we move forward.

6  
7                   We've also seen some real and concrete  
8 successes in our intensive management program. I think  
9 one of them that you've seized the opportunity on is  
10 the South Alaska Peninsula Herd. Based on these  
11 successes we plan to continue and, where, appropriate,  
12 expand our intensive management efforts. Given the  
13 allocation of benefits of these programs, the  
14 Federally-qualified and their reliance on actively  
15 managed populations for meeting subsistence needs, I  
16 urge you to reconsider your decision to not partner  
17 with the State on active management programs. Speaking  
18 of active management, as I said, the State remains  
19 committed to an active management approach, including  
20 habitat manipulation and predator control. We do not  
21 support the so-called passive management strategy  
22 that's being employed by the US Fish and Wildlife  
23 Service and National Park Service on their lands. We  
24 feel that, in our opinion, this fails subsistence users  
25 by failing to actively manage to meet their needs. We  
26 view this as an abrogation of your responsibility to  
27 provide for subsistence first and foremost.

28  
29                   We're thankful to the Chair for raising  
30 this issue but disappointed in the Board's ultimate  
31 action. The Board's decision to not endorse active  
32 management, we feel, was contrived based on a flawed  
33 Staff analysis. We also note that the decision was  
34 without the benefit of an EIS that should have been  
35 conducted, given the public interest that was at stake  
36 and the controversy that was present. It is our  
37 opinion that the Board does have the authority to  
38 endorse active management if you so wish, and we note  
39 that many users and RACs desperately want active  
40 management on Federal land.

41  
42                   Also the Federal Subsistence Board  
43 needs to fully recognize that not all allowed  
44 opportunity for the State authorized take of predators  
45 constitutes predator management as is often relayed.  
46 Much subsistence harvest of wolves, coyote and bears  
47 occurs under State general hunting permits and is in  
48 response to harvestable surpluses based on users  
49 request. We do also note that the quality of fur is  
50 best determined by the subsistence user. Many

1 handicrafts and trims are made from hides that may not  
2 be used for other items but are still very important to  
3 the user. Simply put, it is not for the Board to  
4 project Federal agency values on the subsistence user.

5  
6                   On a related note we understand that  
7 both the National Park Service and the US Fish and  
8 Wildlife Service are considering instituting  
9 independent regulatory programs that'll allow them to  
10 supersede valid State hunting regulations that provide  
11 for subsistence based solely on value considerations.  
12 We are opposed to this and urge you to not restrict  
13 valid State regulations for reasons not founded or  
14 based in conservation.

15  
16                   On another note we understand that  
17 budgets are tight and we are very concerned with the  
18 unfair targeted reductions to the State program. Given  
19 what the State brings to this Board, we urge you to  
20 reconsider these reductions. For everyone's benefit,  
21 you made a decision last year to cut all department  
22 liaison funding, even though the State is a Board  
23 member, as I said, and our data is critical in the  
24 decisions facing this Board. Without our data and  
25 associated analysis, in many cases you would have no  
26 data to make informed decisions. This loss of funding  
27 coupled with recent issues related to data  
28 confidentiality is impacting our ability to share  
29 critical data to inform your decisions. It is  
30 compromising our ability to operate under our Joint  
31 MOU. As a result of your funding decisions, the  
32 Department Staff involvement in your process has and  
33 will continue to be reduced and remaining effort will  
34 be targeted strategically based on our priorities, not  
35 yours.

36  
37                   This said, perhaps even more  
38 disturbing, this year we just got word that important  
39 funds granted to the State for monitoring the South  
40 Alaska Peninsula Caribou Herd will be cut this upcoming  
41 year. Just recall for a second. We, the State, not  
42 you, took the necessary actions through an intensive  
43 management program, to rebuild this population. Once a  
44 harvestable surplus was identified, you took this  
45 surplus and provided a more liberal hunt than even the  
46 State recommended. Now, you cut the funding to the  
47 Department necessary to monitor this very population.  
48 Bluntly put, we consider this irresponsible and quite  
49 frankly disappointing.

50

1                   Let me end by saying the State will  
2 continue to manage populations for sustainability  
3 including employing an active -- adaptive, active  
4 ecosystem management approach that recognizes humans as  
5 a part of the ecosystem. We will continue to provide  
6 opportunity for subsistence users, we'll continue to  
7 recognize subsistence harvest opportunities even when  
8 this body does not, for instance, the use of artificial  
9 lights to take bears out of dens, up in the Yukon, and  
10 despite the unfair cuts to our program, we will do our  
11 best to represent the users and conservation before  
12 this body with the resources we are able to allocate to  
13 a process that does not fully recognize the status  
14 afforded to us under ANILCA and the creation of this  
15 Board.

16  
17                   As I said, Staff time will be afforded  
18 where it can be -- most effectively meet our mission,  
19 and our obligations will continue to lie first with  
20 sustainability and harvest opportunity, including that  
21 for subsistence users.

22  
23                   Again, thank you very much for the  
24 opportunity to comment and good luck in your meeting  
25 and deliberations and we look forward to working with  
26 you.

27  
28                   CHAIRMAN TOWARAK: Thank you. Are  
29 there any questions or comments regarding the topics on  
30 the table.

31  
32                   MR. HASKETT: Don't look at me.

33  
34                   (Laughter)

35  
36                   CHAIRMAN TOWARAK: Go ahead.

37  
38                   MR. ADAMS: Thank you, Mr. Chairman.  
39 And, Mr. Lang, Jennifer was going to introduce you to  
40 me a little bit earlier but we never got around to it.

41  
42                   I really believe that -- I'm going to  
43 act like a broken record here again, but I've repeated  
44 this over and over again and for your benefit, since  
45 you're kind of new to the process, I'll let you know  
46 where I stand. ANILCA mandates that the State, in its  
47 original intent is to manage the subsistence resources  
48 in the state of Alaska. However, you know, the State  
49 came out of compliance because of Constitutional issues  
50 and, you know, the resources, they really belong to

1 everyone. And so because of coming out of compliance  
2 with ANILCA the Federal government had to take over,  
3 you know, the subsistence issues on public lands. And  
4 I've always proclaimed that, you know, if the State  
5 wants to, you know, really take over honestly, you  
6 know, the management of the subsistence issues or  
7 resources in the state of Alaska they need to come in  
8 compliance. And I know that a lot of people, you know,  
9 are not too happy with the State, and, you know, a lot  
10 of people aren't too happy with the Feds, a lot of  
11 complaints about the way that we manage things. But,  
12 anyhow, I believe, you know, there is a place for every  
13 government entity that we are familiar with, local,  
14 tribal, regional, State, Federal, you know, they all  
15 play a part. When you leave one of them out of the  
16 system then bad things happen. And one of the most,  
17 you know, important things that we have to deal with,  
18 you know, every day, and I see this happening in my  
19 region, is this dual management issue. The State  
20 thinks that they have the best management team in the  
21 country and the Feds believe that they do. And I know  
22 in our Regional Advisory Council we try our best to try  
23 not to confuse, you know, the subsistence users because  
24 they are the ones who are being affected by every  
25 action that we make from this level, and from your  
26 level. And there needs to be, you know, better  
27 cooperation between the State and the Federal -- that  
28 MOU I thought was great but, you know, there was some  
29 issues that both sides had about it and I understand  
30 now that, you know, they ironed that out.

31  
32 But I really think, you know, that if  
33 we want our governmental systems to really work and  
34 cooperate with one another that they all take their  
35 proper role. And my comment is that the State can have  
36 it. You can come in compliance with ANILCA.

37  
38 MR. VINCENT-LANG: Well, first off,  
39 I've been around for a long time. I think I've been  
40 around at the State agency now for 34 years so -- and I  
41 have a long history of going back on subsistence issues  
42 so I do hear what you're saying.

43  
44 But I do note that we are out of  
45 compliance with ANILCA but that doesn't mean the State  
46 doesn't take its subsistence responsibilities that we  
47 have for providing subsistence for all our users very  
48 seriously, you know, we actively manage our populations  
49 to provide for, not only opportunity, but a reasonable  
50 opportunity to actually harvest animals out on that

1 landscape. And if we're meeting our subsistence needs  
2 for everyone, by default, rural people are largely  
3 meeting their needs.

4  
5 I will also add that I was very happy  
6 to hear Mr. -- Mr. Guy, from the Calista Corporation  
7 realizing that the quality of life in rural Alaska is  
8 not only dependent upon subsistence but it's also  
9 dependant upon quality of life in those villages. I've  
10 spent this last year, more time in villages talking  
11 about economic development opportunities, realizing  
12 that even though you have animals out there that may be  
13 harvested, without some kind of economic base,  
14 including the ability to develop resources, people are  
15 leaving the villages. So it's a larger picture than  
16 just subsistence and harvest opportunity. And that  
17 includes things like our Governor is trying to propose  
18 with Roads to Resources and a variety of other things.  
19 Assuring that there's an opportunity for people to stay  
20 in those villages and then harvest animals.

21  
22 So -- we -- we remain committed, I  
23 assure you, to providing for subsistence uses for  
24 everyone.

25  
26 MR. ADAMS: Followup. I'll keep it  
27 short.

28  
29 CHAIRMAN TOWARAK: Okay, if we could.  
30 I'd like to move the meeting on before we get too close  
31 to 5:00 o'clock.

32  
33 MR. ADAMS: I just want to make a final  
34 comment here for Mr. Land. I'm glad that you're on  
35 board. And I think one of the things that really  
36 changed our relationship with the State is this little  
37 redhead right here.

38  
39 (Laughter)

40  
41 MR. ADAMS: She's fantastic. And it's  
42 been great, you know, working with her, not only on a  
43 regional level but in this atmosphere and so I need to  
44 put that on record and say that.

45  
46 Thank you.

47  
48 MR. VINCENT-LANG: Well, recognizing  
49 that, you know, we just -- the Wildlife Division just  
50 contributed money to keep her on board on this program

1 even though you guys cut the funding.

2

3 (Laughter)

4

5 CHAIRMAN TOWARAK: Go ahead.

6

7 MS. MORRIS LYON: Thank you, Mr.

8 Chairman. I just have to say because a lot of what you  
9 mentioned here today has to do with Bristol Bay and it  
10 has to do with a caribou herd that we have struggled  
11 long and hard to bring back so that we can use it once  
12 again for subsistence, much less anything else.

13

14 And I also just want to go on record,  
15 in addition to what you've said, we have really  
16 appreciated the predator control that you have  
17 initiated out there, it has made a difference, we have  
18 seen it already. And we encourage others to continue  
19 to beat the bush because it's worth the effort.

20

21 The other part is that we have  
22 struggled now for several years with getting the  
23 information we need at the RAC level in order to make  
24 informed decisions, because surveys on animal  
25 populations, be it moose or caribou or whatever have  
26 not been readily available to us or current. In some  
27 cases we're using information that's three and four  
28 years old, so if we're having further cuts from my area  
29 for that information, I would like it to be known that  
30 we are not going to be happy about it, we are not  
31 probably going to be willing to sit still for it  
32 because we're already behind in our information needs  
33 and I hope that other avenues, in order to afford us  
34 this information, are being made readily available at  
35 this same time.

36

37 CHAIRMAN TOWARAK: My understanding is  
38 that there still is the MOU process that is -- and it  
39 -- it's been set aside, I think, but I don't think  
40 we've completed a full cycle of wanting to put together  
41 or at least have the Board consider an MOU between the  
42 State and the Federal Subsistence process. I think we  
43 realize the importance of the information that you and  
44 your biologists, and all of your Staff present, and we  
45 use a lot of your information to make our decisions and  
46 if we didn't have that information it would be a  
47 detriment to our process, I think. So I'm -- I'm  
48 hoping that we'll still be able to work something out  
49 and -- and I hear the message from the RACs that, you  
50 know, we don't have current information to help make

1 educated decisions. So I'm in support of all of that.

2

3 With that, I'd like to take a five  
4 minute break before we get right into the rural  
5 determination process.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN TOWARAK: I'd like to  
12 reconvene the meeting if we could.

13

14 (Pause)

15

16 CHAIRMAN TOWARAK: Okay. I'm going to  
17 call the meeting back to order, we've got all of our  
18 Board members in the room so in the interest of time --  
19 Jack, did you have a comment.

20

21 MR. REAKOFF: Mr. Chair. The Council's  
22 down this side of the table didn't get to speak.

23

24 So I will reiterate a pressing issue is  
25 this appointment problem and the remedy that may have  
26 been developed is not in consultation with the  
27 Councils. And so one thing that I feel that this Board  
28 needs to do is we have the Department of Interior  
29 position that Pat Pourchot has, I feel that that should  
30 be the appointing voice for the Federal Subsistence  
31 Regional Council members. This Board could make  
32 recommendations, that office should make that  
33 appointment and DC should be cut completely out of the  
34 loop.

35

36 (Laughter)

37

38 MR. REAKOFF: They've proven that they  
39 cannot.....

40

41 MS. ENTSMINGER: A solution.

42

43 MR. REAKOFF: .....they do not have the  
44 ability to make these appointments in a timely manner.

45

46 The Councils have a meaningful role in  
47 subsistence management. It's extremely stressful to  
48 have your application in and you're waiting to see if  
49 you're even going to a meeting. When we went to a  
50 meeting we had open seats, this can't keep going on.

1 And so I feel that this Board needs to make a formal  
2 recommendation to the Secretary of Interior to delegate  
3 that appointing authority to the DOI office, it won't  
4 be in your court, it'll be in that court, and that will  
5 fix this problem, and then those appointments can be  
6 made on time, on December 3rd.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN TOWARAK: But that's just like  
11 the tail wagging the dog.

12

13 MR. REAKOFF: Mr. Chair. I think that  
14 the Secretary of Interior -- if this Board approaches  
15 the Secretary of Interior and Agriculture with a remedy  
16 to resolve this issue they will listen to this Board.

17

18 Thank you, Mr. Chair.

19

20 CHAIRMAN TOWARAK: Okay. I had asked  
21 the Staff that they first need to go to the RACs with  
22 the plan and then the final decision will be made by  
23 this Board on whether or not those changes are made.

24

25 Okay. We will get back with our agenda  
26 here.

27

28 We had completed the public comment on  
29 a lot of non-agenda items that included some agenda  
30 items and we're going to try to keep from doing that  
31 again. And for a matter of control we will stick with  
32 the agenda.

33

34 The next item, No. 6, is the rural  
35 process review. And we're going to go through Item A  
36 and get a summary of the comments received following  
37 the Federal Register Notice of 12/31/2012 and then  
38 we'll have the presentation of the ISC options and then  
39 I would like to insert public comments after that.  
40 We've got three people from Kodiak that would like to  
41 be heard with regard to this issue since they're  
42 catching a flight tonight, I'd like to accommodate them  
43 at the beginning of those public comments. And then I  
44 had told the community of Saxman that they would have  
45 other opportunities to also make comments as we go  
46 through this process.

47

48 So if we could start the rural process  
49 review with the summary of comments.

50

1 DR. JENKINS: Mr. Chair. Let me just  
2 clarify the sequence. The way that we had outlined it  
3 was that I was going to provide you an overview and  
4 then as part of that overview we would provide the  
5 Regional Advisory Councils -- each of the Chairs could  
6 tell you what their Councils thought about the rural  
7 review process, after which we would provide a  
8 tribal/ANCSA Corporation review of how they responded  
9 to your request for information and then the larger  
10 public review, which Jeff Brooks would do.

11  
12 So I would start off and then the  
13 Council Chairs would provide us information and then  
14 Jack Lorrigan would come in and talk about Tribal and  
15 ANCSA Corporations and then Jeff Brooks would get to  
16 the public comment period, and then finally we would  
17 end up with Steve Kessler and Dan Sharp presenting the  
18 variety of alternatives that have come out of this  
19 public process to the Board.

20  
21 And that's how we had set it up and you  
22 said it a little differently and I'd like to follow  
23 your lead.

24  
25 CHAIRMAN TOWARAK: I said the same  
26 thing.

27  
28 (Laughter)

29  
30 DR. JENKINS: Okay. I'm glad we  
31 cleared that up.

32  
33 (Laughter)

34  
35 DR. JENKINS: My name's David Jenkins.  
36 I'm the policy coordinator for the Office of  
37 Subsistence Management. And in your supplemental  
38 materials, the first tab is the rural -- is the  
39 briefing for this Board. And I'm not going to read it,  
40 I'm just going to highlight a few areas.

41  
42 And let me point out that initially,  
43 the Alaska National Interests Lands Conservation Act  
44 asserts that the purpose of this title, Title VIII, is  
45 to provide the opportunity for rural residents to  
46 engage in a subsistence way of life, to do so. In  
47 drafting ANILCA, Congress failed to define the term,  
48 rural. This is why we are where we are now.

49  
50 We do have a Senate Report from 1980

1 which comments on Title VIII and provides examples of  
2 cities that are excluded from rural status and these  
3 are Ketchikan, Juneau and Anchorage and Fairbanks. And  
4 the report provides examples of communities that are  
5 rural, such as Dillingham, Bethel, Nome, Kotzebue and  
6 Barrow. The Senate Report indicates the dynamic nature  
7 of rural communities and the inevitability of change  
8 but change is not necessarily from rural to non-rural,  
9 it may be the other way around from non-rural to rural.  
10

11 I should point out that the Senate  
12 Report didn't specify which characteristics, if any,  
13 Congress used to distinguish between non-rural cities  
14 and rural communities and these characteristics -- nor  
15 such characteristics specified in ANILCA. Again, this  
16 is why we are where we are. We're trying to figure out  
17 what rural means.  
18

19 In 2009 the Secretary of Interior  
20 initiated a Subsistence Program Review, and the review  
21 concluded that the Federal Board should review the  
22 process for rural determinations with input from RACs  
23 and then the Board should make recommendations to the  
24 Secretary of Interior and Agriculture for any changes  
25 to the process of making rural determinations if this  
26 Board felt it was necessary to make those sort of  
27 recommendations.  
28

29 Now, if you'll recall at your 2012  
30 public meeting this Board elected to conduct a global  
31 review of the rural/non-rural determination process  
32 starting with input from Regional Advisory Councils,  
33 comments from the public and consultations with tribes  
34 and ANCSA Corporations. So with the review underway  
35 the Board stayed the 2007 final rule in which rural  
36 determinations would have otherwise come into effect in  
37 May 2012. Now, remember, this 2007 final rule was on  
38 the 2000 10 year review. So it took us seven years to  
39 make a final rule on the 2000 review, the every 10 year  
40 review. So the Board stayed that rule and the effect  
41 of staying that rule on 2000 was that the 1990/91 rural  
42 determinations would stay in effect. So the rural  
43 determinations that we're operating under right now  
44 were made in 1990 and 1991.  
45

46 In the Federal Register notice this  
47 Board asked for public comment on a number of questions  
48 and you'll hear about these. I'm not going to go  
49 through them in any detail.  
50

1                   Questions had to do with population  
2 thresholds 2,500; 7,000 are the key figures here.

3  
4                   Rural characteristics, such as use of  
5 fish and wildlife, development and diversity of the  
6 economy, community infrastructure, transportation and  
7 educational institutions.

8  
9                   Whether and how communities should be  
10 aggregated together in order to come up with population  
11 figures.

12  
13                   Timelines will come up, should we have  
14 a 10 year review, should there be a 20 year review,  
15 should there be no review.

16  
17                   What sort of information sources do we  
18 use. For the 1991 and the 2000 reviews we used  
19 predominately the US Census and we used information  
20 from the long form on the US Census, but the US Census  
21 no longer uses the long form so some of the information  
22 that we relied on is no longer easily accessible to us.  
23 There is now what's called the American Community  
24 Survey which gathers that same sort of information in  
25 one and three and five year increments. So we no  
26 longer have a 10 year snapshot available to us for some  
27 of the information from the US Census.

28  
29                   So these are the sorts of issues that  
30 the Board was interested in getting public and RAC and  
31 tribal responses to. So there was almost a year long  
32 public period for comment. Councils were briefed,  
33 meetings were held at Regional Advisory Councils. We  
34 held public meetings in Barrow, Ketchikan, Sitka,  
35 Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome  
36 and Dillingham. We received well over 500 comments.  
37 You conducted government to government consultations on  
38 this issue. So we've been spending a great deal of  
39 time trying to summarize the comments from all of these  
40 diverse sources and this is where we are now.

41  
42                   So at this point I would like to, if we  
43 could, Mr. Chair, ask each of the Council Chairs their  
44 Council's opinions on the rural review and how they  
45 perceive this process should be improved.

46  
47                   CHAIRMAN TOWARAK: Okay. Let's go  
48 ahead and start with Sealaska [sic] and then go around  
49 the table and -- pardon, Southeast.

50

1 (Laughter)

2

3 MR. ADAMS: Sealaska.

4

5 (Laughter)

6

7 CHAIRMAN TOWARAK: You just got moved.

8

9 MR. ADAMS: If you were at one of our  
10 ANB meetings you would be fined \$25 for making a  
11 mistake like that.

12

13 (Laughter)

14

15 MR. ADAMS: Thank you, Mr. Chairman.  
16 Mr. Jenkins.

17

18 The Southeast Regional Advisory Council  
19 has a few bullet points here in regards to rural  
20 determination.

21

22 One of the things that we have been  
23 disturbed about in the past is that the Board has not  
24 given Councils deference, you know, in regards to  
25 communities that are rural. And we really would  
26 encourage, you know, or demand that the Board, this  
27 Board give deference to Councils when it comes to rural  
28 determination. You know, they do all of the work.  
29 They know what's going on. I've always said that, you  
30 know, good government is local, it starts with the  
31 local and it works its way up, so that's where it  
32 starts, you know, with your local people.

33

34 The Councils are the most appropriate  
35 groups to determine the characteristics of a rural  
36 community in their own region and then evaluate the  
37 rural status criteria for all communities in their  
38 region.

39

40 So as I said earlier, you know, we  
41 better, you know, what's happening in our communities  
42 than anyone else.

43

44 Our statement is very strong as far as  
45 Saxman is concerned. It is a rural community. The  
46 intent of ANILCA, Title VIII, was to continue a way of  
47 life that existed before ANILCA was written. The  
48 community of Saxman existed before ANILCA was written.  
49 The residents of Saxman maintain a subsistence way of  
50 life that existed before ANILCA was written and their

1 rights under the law must be recognized and retained.

2

3                   Reliance on subsistence resources,  
4 history of use and cultural ties to the resources are  
5 critical to fulfilling the traditional values of a  
6 rural subsistence lifestyle. The criteria must include  
7 consideration of social and cultural characteristics  
8 that allow the Board to determine that communities like  
9 Saxman remain rural. We believe that if you look at  
10 the characteristics of a community, if they have all of  
11 the elements of being a rural community then they  
12 should be recognized as such.

13

14                   So the presumed rural determination  
15 population threshold is not necessary or appropriate  
16 for our region, okay. We have seen where population,  
17 you know, has played an important part as to whether a  
18 community should be rural or not and I believe that  
19 there is strong evidence that even Ketchikan is a rural  
20 community. They carry the same characteristics of  
21 being, you know, bona fide subsistence users and, yet,  
22 you know, they're considered non-rural.

23

24                   The aggregation or grouping of  
25 communities is arbitrary. It does not lead itself to  
26 an object, objective or rational rural determination  
27 process. Communities can be in close geographic  
28 community -- or proximity and it can still remain  
29 separate and distinct characteristics. And I think  
30 that's pretty much the case for Ketchikan and Saxman.  
31 Even though they are close together and the communicate  
32 one with another, they have roads that connect one  
33 another, you know, but we believe that, Saxman, is,  
34 indeed, a rural community and my personal opinion is  
35 that Ketchikan is as well.

36

37                   There should be no review or a change  
38 to a community's rural status unless there is a  
39 significant change to the characteristics of a  
40 community. The review process can result in  
41 unnecessary financial hardships to a community.

42

43                   So, Mr. Chairman, these are the issues  
44 that my Council, you know, talked about and they came  
45 out with these bullet points that identifies our  
46 position on the rural determination review.

47

48                   Thank you, very much.

49

50                   MR. ROCZICKA: Thank you, Mr. Chairman.

1 The YK Council kind of fell along with a lot of what  
2 we're hearing.

3  
4 Population, an arbitrary population  
5 number and the threshold that you currently have in  
6 place is really unrealistic for Bush Alaska, as a  
7 whole.

8  
9 It should be more based on something,  
10 if it's a primary way of life within the community in  
11 question and it should essentially be done away with,  
12 in population, it's not something to be considered,  
13 certainly for the Bush.

14  
15 And that although you have all these  
16 good criteria in place, you know, for your economic  
17 development, diversity and infrastructure and  
18 transportation and so forth they really do not apply to  
19 -- and I think were probably developed for counties in  
20 the Lower 48 and maybe a new structure needs to be  
21 developed for -- that's specific to Alaska and deals  
22 with the Alaska realities.

23  
24 The main concern, of course, that was  
25 brought out in public comment to the Council is this  
26 aggregation of communities. That put just a great  
27 sense of fear in our surrounding villages, with Bethel.  
28 I mean we're sitting 6,000 right now and if a couple of  
29 the close by communities get added in there and then  
30 we're over this presumptive 7,000 number that, you  
31 know, it just -- for this issue in the public eye it  
32 put a huge sense of fear in the people. Again, that  
33 was related by the fellow from Southeast, I guess the  
34 same thing would basically apply, that each are their  
35 distinct own community, separately recognized tribes,  
36 separately recognized government, that that aggregation  
37 of communities just does not fit. I mean it doesn't fit  
38 on the Kuskokwim and we've heard it doesn't fit in  
39 Southeast either.

40  
41 And with the timeline, of course, the  
42 10 year review, that should essentially be done away  
43 with. And do not make any changes unless there are  
44 significant developments within the community. Say if  
45 a large mine came in or something of that nature but  
46 even in that sense, you know, reflecting on it, that  
47 would not change the local people and the longterm  
48 residents of the area still having that reliance,  
49 dependence and practicing that way of life, it's been  
50 there for thousands of generations. So even in that

1 sense that criteria really does not fit Bush Alaska and  
2 the purpose for which a subsistence preference was  
3 created.

4

5                   So that's -- they have the other one in  
6 here, although I'm really not recalling the  
7 conversation but I see it written down, that it says  
8 using the US Census could be used to consider other  
9 rural characteristics and data such as percentage of  
10 the population that is dependent on the subsistence  
11 resources that are in the area and the use of the fish  
12 and wildlife resources for subsistence.

13

14                   And some of the major hub communities  
15 actually do not have that information. Bethel,  
16 fortunately for our region, although it had been a  
17 priority for Subsistence Division for many, many years  
18 to try to get some baseline data and get that  
19 quantified they were never successful in getting the  
20 funding from anywhere and we're actually very fortunate  
21 that we were able to get a Legislative appropriation to  
22 have that done in Bethel just last year so we did have  
23 that information just in time for this one as well as a  
24 proposal in front of the State Board to make us a non-  
25 subsistence use area, and it was -- it was extremely  
26 valuable in making it a slam dunk that Bethel is  
27 obviously still -- should not be a non-subsistence use  
28 area as well as maintaining its rural status and the  
29 dependence that people have, 95 percent of the  
30 households participate in subsistence activities where  
31 up in the close to 200s as far as pounds per capita and  
32 it's up in the 400, 500 when you're dealing with  
33 household, so all of that is there but I don't know if,  
34 say Dillingham has had one done, I believe Nome,  
35 Kotzebue, Barrow, I don't -- there may be some studies  
36 through other economic activities that have taken place  
37 around there but as far as getting some good solid  
38 baseline data that's comparative to other Division of  
39 Subsistence studies, those might not be there.

40

41                   So that's an outstanding need. I mean  
42 it's a good measure if it's there.

43

44                   So that's kind of a summary of our  
45 comment.

46

47                   CHAIRMAN TOWARAK: If there's questions  
48 from Board members throughout this process, feel free  
49 to just jump in and ask the question of individual  
50 Chairs.

1 Mr. Lohse.

2

3 MR. LOHSE: Thank you, Mr. Chairman.  
4 You took my by surprise twice on this one. One, I  
5 didn't see it on the agenda that I was going to have to  
6 make comments and number 2, I just took for granted  
7 you'd go clockwise and so I could get almost last.

8

9 (Laughter)

10

11

12 MR. LOHSE: So I'm going to have to  
13 kind of give it to you off the top of my head and a lot  
14 of things that have been said we also go along with.

15

16 We do believe every community needs to  
17 be evaluated on its merits. What does it, as a  
18 community, actually live. How does it live. What does  
19 it use. Is it using the stuff from the land.

20

21 We also believe that the Councils being  
22 actively involved with the communities and knowing the  
23 people and everything else should be given deference  
24 when it comes to deciding whether a community is rural  
25 or non-rural.

26

27 We don't even like to consider the idea  
28 of aggregation especially around education. Because as  
29 our communities grow up and change and the schools get  
30 smaller and the courses get different, we're getting  
31 more and more bussing, we're getting more and more  
32 communities connected together by education but that  
33 does not mean that they are -- you know, they're  
34 sharing the basketball team and they're sharing the  
35 hockey team because they don't have enough kids for  
36 their own hockey team but that doesn't mean that  
37 they're the same community. If we were going to kick  
38 out something, we'd say road connected. If you're in  
39 Southcentral Alaska, most of our communities are road  
40 connected. The fact that they're road connected does  
41 not make them one community. The fact that they have  
42 roads that go to large urban centers where they can go  
43 to Costco or Walmart or McDonalds, as we heard today,  
44 does not take away their rural status.

45

46 The other thing is we've dealt with in  
47 our area in the past is boom and bust. Oil. You know  
48 a gas pipeline, an oil pipeline or something like that.  
49 That changes -- or let's say even military, that  
50 changes a community temporarily but it doesn't change

1 the characteristics in that community and it didn't  
2 happen because of that community wanting to change.

3

4                   We don't think a 10 year cycle, or we  
5 don't think any cycle is actually a good cycle for  
6 reviewing rural determination. We think that, like has  
7 been expressed by a couple of other people, that there  
8 should be a major change that calls for a  
9 determination. And the first people that are going to  
10 see that that major change is there and see that maybe  
11 something has to be done is going to be the RAC. I  
12 mean if a community grows or develops a non-subsistence  
13 lifestyle the first people that are going to notice it  
14 are going to be the RAC, the people who live in the  
15 area. And if anybody -- actually if -- this didn't  
16 come up in our meeting but this would be my own  
17 personal opinion, is that, the entity that should call  
18 for an examination on rural would be the RAC. If the  
19 RAC didn't see enough of a change to ask for rural  
20 determination I don't think rural determination needs  
21 to be made. And, again, that's my own personal take on  
22 what we've said but the Council did not make that  
23 direct statement.

24

25                   What is this Donald, I'm sorry, I got  
26 to put my -- oh, this is from our fall meeting. Okay.  
27 So I'll see if I missed anything.

28

29                   Population threshold.

30

31                   We didn't come up with anything on  
32 population threshold. We basically said it shouldn't  
33 be used because we can see where in our area a  
34 community could grow despite the fact that it didn't  
35 have anything to do with it, or hasn't changed its  
36 characteristics so it needs to be analyzed if you're  
37 going to basically do that.

38

39                   The other thing is we said that the  
40 current US Census is not working.

41

42                   So all in all we decided that a  
43 subsistence priority can be taken away rather than a  
44 criteria of who can have a subsistence priority. In  
45 other words, look and see if something has changed that  
46 big.

47

48                   And we don't think that we should have  
49 to defend ourselves either.

50

1                   So with that, I think I pretty well  
2 covered the bases. Like I said, I got taken a little  
3 bit by surprise because I didn't see it on the agenda,  
4 but I think that with our joint meeting that we had  
5 with Southeastern we found we shared a lot of things in  
6 common and that's where we would come in on the Saxman.  
7 None of us could see why Saxman should be non-rural  
8 when we were discussing it.

9  
10                   MR. SMITH: I see from the record that  
11 we probably should have done a better job of  
12 establishing a record when we discussed this. There  
13 was a lot more discussion about this issue than is  
14 incorporated in this summary that we have here.

15  
16                   Primarily the RAC thought that we  
17 should be inclusive. They didn't really feel very  
18 comfortable about excluding people from subsistence  
19 opportunities. And, you know, we assume it's not going  
20 to affect our area because the only community that's  
21 the largest community on the Seward Peninsula is Nome  
22 which has a population of about 4,000 and it's growing,  
23 if anything it's losing population. But, and, then  
24 again history tells us in 1900 they discovered gold,  
25 the population shot to at least 20,000 maybe more, you  
26 know, depending on who you -- they didn't have good  
27 counts. But in 1914 that was all gone, people left.  
28 And what would have happened if Nome was ruled, or the  
29 area was ruled non-subsistence then. So we were really  
30 uncomfortable with excluding anybody and, you know,  
31 that's a problem with the way subsistence is defined by  
32 both the State and the Federal government. It doesn't  
33 really -- the one pattern doesn't fit very well to  
34 anybody. Subsistence is kind of an individual thing  
35 rather than a group thing.

36  
37                   So what we voted to do was to increase  
38 the threshold to 20,000 which would incorporate Kodiak,  
39 that seemed to be the community that was most likely to  
40 be subject to a non-rural determination and to oppose a  
41 10 year review. Have no review. And I guess we would  
42 echo what's been said previously, that the only time it  
43 needs to be considered is if there's an issue. If gold  
44 goes to \$5,000, which it certainly could do, Nome will  
45 have another boom and we don't want to be locked out of  
46 subsistence. If that happens, the same people that are  
47 subsisting today will still be subsisting through the  
48 whole new gold rush and it just doesn't make sense to  
49 exclude those.

50

1                   And so we're not really keen on  
2 excluding anybody from subsistence, or hunting and  
3 fishing.

4  
5                   CHAIRMAN TOWARAK: When you state that,  
6 you say you don't want to exclude anyone that's  
7 currently determined to be rural.

8  
9                   MR. SMITH: Well, what the members of  
10 the RAC talked about is just, you know, the idea of  
11 telling somebody that they can't go out and get food.  
12 They can't go out and hunt and fish for food is just  
13 not something that they feel comfortable with, and it  
14 doesn't really matter who they are. If they need food,  
15 they would not probably tell them they couldn't do it.

16  
17                   CHAIRMAN TOWARAK: That's basically  
18 what the State's doing right now, right.

19  
20                   MR. SMITH: Yes. And so are the Feds.  
21 If you're not a rural resident you're not eligible for  
22 subsistence hunting and fishing on Federal lands where  
23 it's restricted.

24  
25                   CHAIRMAN TOWARAK: Okay.

26  
27                   MR. REAKOFF: Mr. Chair.

28  
29                   CHAIRMAN TOWARAK: Okay, go ahead.

30  
31                   MR. REAKOFF: The Western Interior  
32 Council discussed this at our February 25 and 26  
33 meeting in Aniak.

34  
35                   The Western Interior probably has some  
36 of the smaller communities of all the regions. Most of  
37 the communities are 500 or less. But the Council feels  
38 that there needs to be clarification in regards to  
39 threshold needs and baselines, you know, aggregating  
40 communities is, I feel very bad about that, you know,  
41 the Saxman issue, I feel aggregating communities that  
42 have rural characteristics with other larger bodies of  
43 -- especially with road access, if a road is built  
44 between a rural community and it's had longstanding  
45 rural subsistence use and then they're connected to a  
46 new mine and a larger population base, they should not  
47 be thrown together with those communities. And so  
48 aggregation -- in fact, I've said it before to the  
49 Federal Board many years ago, that aggregation is, I  
50 feel, inappropriate to determine rural subsistence use

1 and eligibility.

2

3 Use of fish and wildlife should be the  
4 primary criteria. It's the most important criteria for  
5 determining rural subsistence use and whether that  
6 community's remaining a rural subsistence users.

7

8 There's a need that, you know, a fairly  
9 large percentage of the community needs to rely on fish  
10 an wildlife and so like Bethel's 95 percent, most rural  
11 communities, if they're truly subsistence they either  
12 are harvesting or sharing and so their use has a wide  
13 base.

14

15 And so diversity of the economy and  
16 infrastructure should not preclude rural status. For  
17 example, Galena is an educational hub, and that should  
18 not be treated as -- that should be treated as an  
19 enhancement to the region, not a detrimental factor and  
20 that goes along with some other very eloquent  
21 descriptions of aggregating for various economics of  
22 the current state for education.

23

24 The eight factors used in determining  
25 customary and traditional use provide a good base to  
26 determine whether a community is relying on fish and  
27 wildlife for subsistence. The eight criteria  
28 delineates longstanding use, handing down of knowledge  
29 and all those kind of things.

30

31 The Council didn't have a problem with  
32 evaluating communities on a timeframe of 10 years with  
33 the caveat that the Council can initiate a review if it  
34 feels it's appropriate, but that goes along with what  
35 Ralph is saying is that the Regional Councils are going  
36 to be the first ones to know if there's a problem. If  
37 we have like a huge mine built in the region and we  
38 basically might be very concerned about those users  
39 recreating and taking away the subsistence use of --  
40 they got one near Aniak that's possible and that could  
41 be a real impact to already a Federal drawing permit  
42 for moose and various allocation problems that we  
43 already have between subsistence users, fish, chinook  
44 salmon on the Kuskokwim River, this could -- the  
45 Council should be able to initiate a review at any  
46 time.

47

48 So, thank you, Mr. Chairman.

49

50 CHAIRMAN TOWARAK: We skipped someone

1 over here so we're going to go back to our counter  
2 clockwise process.

3

4 (Laughter)

5

6 MR. SHIEDT: It's okay with me, the  
7 more I listen, the more I learn.

8

9 Enoch here. This is the highlight of  
10 Northwest Alaska bullet points.

11

12 Our Council recommended that a  
13 presumptive rural threshold be increased. For while  
14 they didn't want to come out with a number but the  
15 number they came out with was 11,000.

16

17 The community that connected to the  
18 main road system, aggregation should not -- it should  
19 only occur with community that connects to the main  
20 road. Population increase as a result of external  
21 development should not be counted against existing  
22 communities and this is coming from -- there's a mine  
23 that's coming in upper Kobuk and if it's a real large  
24 mine the numbers might increase, real high numbers, we  
25 don't know and they don't want to be affected because  
26 of a mine, like connected -- like example, is Kodiak.  
27 What they were saying is the community of Kodiak, the  
28 Coast Guard, if Congress say, okay, that's enough,  
29 we're going to close it down and they'll completely  
30 turn on that that's what will happen -- that's why they  
31 wanted this one here for the mine, in case it  
32 increased.

33

34 Rural -- if there is no connection to  
35 the main system to the State then a community should be  
36 -- automatically be rural upon -- emphasis on spiritual  
37 and cultural importance of fish and wildlife, as well  
38 as traditional practices for each community area.

39

40 Availability of local employment median  
41 or income of communities. And when we read this  
42 discussions after this meeting, community is Kotzebue  
43 -- when our villages -- youngsters want to work in our  
44 communities, really increasing in high numbers in a  
45 hurry and that's why these are -- that they come up  
46 with.

47

48 The Council approved the current  
49 process of relying on the census data, eliminating the  
50 10 year review.

1                   And last of all, in rural communities  
2 there is a limited opportunity for local employment,  
3 that makes it difficult for families to survive and  
4 many are forced to spend large amounts of times in more  
5 urban areas of the state to make a living. The  
6 Northwest Arctic Subsistence Regional Advisory Council  
7 firmly believe that our regional people should live in  
8 urban villages -- areas, sorry, and the same priorities  
9 of the resources, if they live in the village  
10 yearround. If they are registered with the local IRA  
11 then they should be able to go back to their  
12 communities to harvest as a Federal qualified  
13 subsistence user. Because they feel that a lot of our  
14 youngsters are moving to Anchorage, other places, just  
15 to work and they're getting their education and they  
16 can go back, you know, to go work in the village,  
17 that's why they have to stay in places like Anchorage  
18 but they still want to live off the land and they are  
19 connected to the land and they are connected to the  
20 resources out there.

21  
22                   And personally -- my personally, I  
23 always say this in a meeting and I'm going to say it  
24 here again, I don't like to use the word, subsistence,  
25 because it barely make -- I'd rather use harvest,  
26 because we harvest resource -- for food on the table,  
27 we don't hunt.

28  
29                   Thank you.

30  
31                   CHAIRMAN TOWARAK: Okay, go ahead.  
32 You, go ahead, Kodiak.

33  
34                   MR. SIMEONOFF: Thank you, Mr.  
35 Chairman.

36  
37                   The Kodiak/Aleutians have submitted a  
38 letter to the Federal Subsistence Board dated April  
39 1st. I don't think it's in any of your binders and if  
40 you'll indulge me I'll read it and if you have any  
41 comments you can -- I believe there's a binder on the  
42 table with all the paperwork that was submitted to the  
43 Federal Subsistence Board.

44  
45                   But our letter from the  
46 Kodiak/Aleutians is dated April 1st.

47  
48                   The Kodiak/Aleutians Subsistence  
49 Regional Advisory Council met in Kodiak  
50 September 25th and 26th of 2013 to,

1 among other things received a  
2 presentation on Federal Subsistence  
3 Board's rural determination review  
4 process and provide feedback on that  
5 review.  
6

7 Additionally, members of the Council  
8 attended a public meeting on the public  
9 review where over 80 people attended  
10 and nearly 20 individuals from the  
11 greater Kodiak community testified.  
12

13 The Council submits this letter to the  
14 Board as a comment on the rural  
15 determination review process.  
16

17 Before discussing the different  
18 components on which the Board sought  
19 input it is worth noting a few things  
20 about what the Alaska Native Interests  
21 Land Conservation Act says and does not  
22 say about this rural determination  
23 process.  
24

25 Title VIII of ANILCA does not contain  
26 any of the following terms: US Census,  
27 decade, urban, non-rural determination  
28 or community. Rather, it stresses the  
29 rural status of individuals and  
30 residents. It mandates the  
31 continuation of opportunity of a  
32 subsistence way of life by residents of  
33 rural Alaska and the utilization of  
34 public lands in Alaska in a manner that  
35 causes the least adverse impact  
36 possible on rural residents.  
37

38 At its September 2013 meeting the  
39 Council voted to incorporate all public  
40 comments received at the Council  
41 meeting and the roundtable  
42 determination public hearing as its own  
43 comments. The following is a summary  
44 of those comments which include issues  
45 identified by the Kodiak Rural  
46 Roundtable. The Council also  
47 incorporates by reference any summary  
48 of any public comments at Kodiak rural  
49 determination hearing that may be  
50 prepared by the Office of Subsistence

1 Management.

2

3 Aggregation.

4

5 Aggregating communities together for  
6 the purpose of counting population is  
7 not appropriate and should only apply  
8 in relation to urban areas. The  
9 current criteria comes from efforts to  
10 subclassify rural communities into  
11 types based on administrative units,  
12 not to geography or land use. These  
13 criteria are not used to define  
14 urbanized areas, social and communal  
15 integration among communities is part  
16 of the subsistence way of life. To use  
17 that to count populations and thus deem  
18 an area non-rural punishes the  
19 communities for living a traditional  
20 way of life. Aggregation of  
21 communities should be completely  
22 eliminated for areas that have been  
23 previously deemed rural.

24

25 Population thresholds.

26

27 Populations should not be a primary  
28 factor in the Board' consideration.  
29 Transient workers should not be  
30 included in the community population  
31 count. But are considered, if included  
32 in the population data sources, i.e.,  
33 counting military personnel or  
34 transient fishermen during consensus.  
35 The current population thresholds are  
36 arbitrary and too low in many  
37 instances. The presumed non-rural  
38 populations should be set at no less  
39 than 25,000 if including transients.

40

41 Rural characteristics.

42

43

44 The rural characteristic factors should  
45 be given more weight than population.  
46 The criterias need to be consistent and  
47 not subject to Staff interpretive  
48 biases. Dictionary definitions are  
49 imprecise and vary with editions.  
50 Geographic remoteness should be a

1 primary factor in determining the rural  
2 characteristic of a community.

3  
4 Island and archipelago communities, as  
5 well as most Bush communities are  
6 incredibly remote by their very nature  
7 and should be deemed automatically  
8 rural because of difficulties of access  
9 to urban centers, transportation and  
10 centuries of reliance on subsistence  
11 resources. The five criteria currently  
12 utilized by the Board is identifying --  
13 in identifying a rural nature of a  
14 community is not adequate in that they  
15 are demographic only in nature and do  
16 not fully incorporate the culture and  
17 unique characteristics of a community.  
18 They do not adequately capture what  
19 constitutes a rural community. For  
20 specific guidance on this issue the  
21 Board should examine the Frontier  
22 standards recently adopted by the US  
23 Department of Health and Human  
24 Services, see this 77 FR 214, the term  
25 frontier is used to describe a  
26 territory that is characterized by low  
27 population size and density and high  
28 geographic remoteness. The area  
29 determined to be frontier or remote for  
30 purposes of receiving Federal services  
31 should be determined urban or non-rural  
32 by the Board.

33  
34 It is also worth nothing that the US  
35 Census Bureau which provided the  
36 primary data relied upon by the Board  
37 in making a rural determination employs  
38 a land use concept that defines urban  
39 areas based on population density.  
40 Under this approach census bureau  
41 urbanized areas are defined by  
42 populations of 50,000 or more people  
43 with a core population of at least  
44 2,500 people and a density of 1,000  
45 people per square mile. At least 1,500  
46 core residents must reside outside the  
47 institutional group quarters like  
48 military barracks or university  
49 dormitories. With this approach all  
50 populations outside the urban areas are

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deemed rural.

Other characteristics the Board should consider in identifying rural communities should include impact of weather on transportation to and from the community, length of time the community has existed, i.e., the thousands of years versus only a few decades, how supplies are delivered to the communities, barges versus road systems. Cost of living. Median income of the community. The reason why people chose to live there. External development forces that bring extra infrastructure and transient personnel into the community. Proximity to fish and wildlife resources. Use of subsistence resources, fish and wildlife inter-tidal species as well as access to those resources. Percentage of sharing of subsistence resources among community members.

It was also noted that the Board should examine the 12 criteria currently used by the State of Alaska in determining rural status. These criteria do not only incorporate demographic data in the decisionmaking, but also include examination of the percentage of users and extent of sharing. One example can be found in criteria no. 6, which discusses the variety of fish and game used by people in the community.

Kodiak has a substantial availability of resources and is within close proximity to those who use those resources.

These resources have sustained the residents of Kodiak for over 7,000 years. This factor is far more important than identifying the rural nature of a community than the number of people who live there.

Timing of review.

1 Title VIII of ANILCA does not require  
2 the Board to conduct a decennial  
3 review, it only requires that there  
4 should be a review.

5  
6 Once a community is determined rural it  
7 should remain rural unless a  
8 significant change in population  
9 warrants review. A significant change  
10 should be defined as a 25 percent  
11 increase in population from the last  
12 rural determination. The population of  
13 Kodiak has increased only 4 percent  
14 since the inception of the Federal  
15 Subsistence Management Program.

16  
17 Reviewing the rural status of a  
18 community every 10 years causes a lot  
19 of frustration, pain, confusion,  
20 turmoil and anxiety for the community  
21 undergoing the review.

22  
23 Information resources.

24  
25 The Permanent Fund Dividend Database  
26 could be utilized in counting residents  
27 of communities as it would provide a  
28 more accurate picture of the number of  
29 longterm residents. Additionally the  
30 Board should utilize tribal and Native  
31 association population database where  
32 available. It was also suggested that  
33 because this is a Federal action, only  
34 Federal data sources should be utilized  
35 such as the US Census Bureau, US  
36 Department of Agriculture, and US  
37 Department of Health and Human Services  
38 where rural definitions are already  
39 provided.

40  
41 Other issues.

42  
43 Outside of these criteria currently  
44 used by the Board there were other  
45 issues raised in the public meeting  
46 that warrant consideration. In many  
47 instances people have moved away from  
48 their village in order to seek work but  
49 still own homes in their villages and  
50 return there to engage in subsistence

1 activities. People should not be  
2 punished with losing their status as  
3 Federally-qualified subsistence users  
4 simply because they had to make a  
5 difficult choice to earn more income  
6 for their families.  
7

8 In closing the Council and the public  
9 could not express enough how important  
10 subsistence is to the way of life for  
11 the Kodiak community. People have  
12 grown up a subsistence way of life, it  
13 is part of their culture. They chose  
14 to live there because it provides them  
15 access to resources that allow them to  
16 maintain that way of life. The Kodiak  
17 Archipelago has and always will be  
18 rural because of its remote isolated  
19 location.  
20

21 In conclusion the Council thanks the  
22 Board for the opportunity to provide  
23 comments on the review of the rural  
24 determination process. This is a  
25 matter of utmost importance to the  
26 Council and is crucial in insuring that  
27 residents of this region continue to  
28 enjoy rural subsistence priority  
29 promised in Title VIII of ANILCA.  
30

31 If you have questions please contact me  
32 through Carl Johnson.  
33

34 (Laughter)  
35

36 CHAIRMAN TOWARAK: Thank you. Any  
37 questions from the Board.  
38

39 (No comments)  
40

41 CHAIRMAN TOWARAK: Thank you. Go  
42 ahead, Sue.  
43

44 (Chair Microphone interruption)  
45

46 MS. ENTSMINGER: You don't like me, uh.  
47

48 (Laughter)  
49

50 MS. ENTSMINGER: Our Council met in

1 November and we took this up and we went down them one  
2 at a time.

3

4                   For the population threshold, we voted  
5 to get rid of the 10 year process and go to an initial  
6 assessment and then on an as needed basis, if triggered  
7 by some unusual event, extenuating circumstances such  
8 as longterm population trends, up or down, spike in  
9 population, and then we agree that the population  
10 assessment should be measured using a five year running  
11 average to avoid evaluating a community on a temporary  
12 population. Kind of like what you guys have been  
13 talking about here today, such as pipelines or road  
14 developments. And this would avoid a determination  
15 being made on something that's temporary, like the boom  
16 and bust thing.

17

18                   The rural characteristics. The Council  
19 -- we did this by consensus. We wanted to remove  
20 education institutions from the list of currently  
21 considered rural characteristics, noting that whether  
22 it be a local school, boarding school or university  
23 satellite campus, that the staffing of these  
24 educational institutions is usually made up of  
25 transient people.

26

27                   We also agreed that some infrastructure  
28 is for temporary use, such as mining, development, or  
29 example the dew line site and should be evaluated  
30 carefully.

31

32                   The Council also was in consensus to  
33 add subsistence related activities, such as gardening,  
34 gathering and canning of foods to put away for the  
35 family and community for the year was indicative to  
36 rural characteristics.

37

38                   We also talked about the Subsistence  
39 Resource Commissions for the National Parks and had  
40 resident zone communities and we felt that they should  
41 also be rural characteristics because of the Parks that  
42 were created and a longterm history of lots of meetings  
43 to create these resident zone communities, and we don't  
44 think that should be taken away.

45

46                   On the aggregation we ditto everybody  
47 else for all the same reasons.

48

49                   And, again, this timeline, we think you  
50 should just do something initial and then just wait for

1 something that's eventuating.

2

3 Information sources. I think I covered  
4 that about some of the things that -- local government,  
5 school attendance numbers, property ownership taxes,  
6 Permanent Fund, harvest data for all these sources of  
7 information to determine the population and residence.

8

9 That's the short version.

10

11 CHAIRMAN TOWARAK: Thank you. Bristol  
12 Bay.

13

14 MS. MORRIS LYON: Thank you, Mr.  
15 Chairman.

16

17 Our RAC met on October 29th and 30th  
18 and I say that to preface my first overall comment that  
19 we had for the Board and that was that, due to the  
20 shutdown of the Federal government it cost a pretty  
21 good public process delay for comments in our area, we  
22 just happen to hit our timing in coincidence with that  
23 and the RAC recommended that the comment period be  
24 extended in our area.

25

26 The Federal Subsistence Board, one of  
27 the next overall comments the Board had is the Federal  
28 Subsistence Board should have criteria for determining  
29 why a subsistence priority can be taken away rather  
30 than criteria of who can have subsistence priority.  
31 Again, kind of alluding to what some of the others have  
32 said, why should we, as subsistence users, feel like we  
33 have to defend what we're doing instead of the other  
34 way, why don't you show us reason why you should be  
35 able to take that away from us.

36

37 And the RACs should be the first to be  
38 in control of -- we know our areas better, I mean,  
39 again, this is all things you've heard but I just want  
40 it on record that Bristol Bay was also in concurrence  
41 that the RACs should have a bigger say in who should  
42 and should not be users of the resource, in our areas  
43 anyway. We also alluded to the fact that regional  
44 evaluations would be important because we looked at  
45 areas such as Kodiak and Southeast, with the  
46 aggregation issue, which we did not specifically  
47 address, something that did not relate to us and it was  
48 something we didn't feel -- I mean why waste the time  
49 on it in our area.

50

1 Timelines, again, we felt, we wondered  
2 why it was necessary to conduct a review every 10  
3 years, decisions can be made concerning rural and non-  
4 rural and should be left in place unless there are  
5 significant changes to a community's status that  
6 warrants consideration by the Council and Board, again,  
7 something that I've heard many times already this  
8 afternoon.

9  
10 Population thresholds. The 2,500  
11 population thresholds should still be used, we felt  
12 that as a RAC. And without question those communities  
13 should be considered rural. Communities that were  
14 between the 2,500 and 7,000 threshold we felt was too  
15 much of a grey area and it should be clarified and  
16 raised. Also as far as a population limit would be  
17 taken into consideration.

18  
19 Information sources. We didn't feel  
20 like the census was at all working for the Bristol Bay  
21 region. We felt like information was coming too much  
22 from outside influences but should be coming from  
23 grassroots sources such as Native tribes, Native  
24 organizations, villages and that type of information  
25 which would be much more accurate. Just as I had  
26 mentioned before, you know, depending on what time of  
27 year the census bureau is there, you know, you don't  
28 know whether you have the school kids home in Egegik,  
29 or because now that that school's been closed down, if  
30 they show up there at a different time, you know, you  
31 don't have a proper evaluation of what that community  
32 census really should be when you're using somebody  
33 that's not familiar with the area anyway. And you also  
34 -- as was pointed out many times, the local people in  
35 our area, and I don't know that we're alone in this,  
36 don't appreciate outsiders coming in and questioning us  
37 and a lot of times they don't get the information they  
38 really need when that happens. So when you have, say,  
39 BBNA or one of our local organizations bringing their  
40 people in, we feel much more comfortable talking to  
41 them and giving them accurate information.

42  
43 We did put all of this in a form of a  
44 motion to present to the Board at our October meeting  
45 and it was agreed upon unanimously. That's all I have  
46 for you.

47  
48 CHAIRMAN TOWARAK: Go ahead.

49  
50 MR. H. BROWER: Thank you, Mr. Chair,

1 for the opportunity to provide the comments from the  
2 North Slope Regional Advisory Council.

3  
4 The Council met on February 19 and 20,  
5 2014.

6  
7 With regard to the population  
8 threshold. The discussion on rural characteristics  
9 that defined a village should be considered over  
10 population size or infrastructure.

11  
12 Rural characteristics.

13  
14 The Council questioned the rural  
15 criteria used for regions that were established as  
16 industrial complex, such as Prudhoe Bay in communities  
17 that are established to serve an industrial complex are  
18 not true communities but are built to support  
19 infrastructure of an oil and gas industry.

20  
21 The Council expressed concerns about  
22 increasing industrial development on NPR-A, which may  
23 change rural status based on roads, ports or other  
24 infrastructure and increased populations of people  
25 moving to the region to work on the oil and gas  
26 industry.

27  
28 The Council spoke to the challenges of  
29 how ANILCA is defined by rural and does not identify  
30 Native subsistence priority but yet may feel that  
31 traditional cultural aspect of their way of life are  
32 what define their relationship with subsistence and  
33 thus define the rural characteristics.

34  
35 And the other, the Council spoke of  
36 concerns about lack of clarity or transparency in how  
37 Federal Subsistence Board makes its final rule on rural  
38 status and we would like more information on that  
39 process.

40  
41 It is of concern in Barrow and subject  
42 of heated conversations in Barrow, in particular,  
43 because population size is growing. The Council asks  
44 how much weight the population is given over other  
45 rural characteristics that are currently considered.

46  
47 The Council referenced comments that  
48 they would like considered that were articulated by  
49 Senator Murkowski addressed at the fall 2013 Alaska  
50 Federal of Natives meeting that the importance of

1 subsistence include cultural and family, education  
2 aspects and morale values, self reliance and food  
3 security. Rural should be determined by the  
4 traditional characteristics of place rather than  
5 population size.

6

7 That's all that the North Slope  
8 Regional Advisory Council provided, Mr. Chair, and  
9 thank you.

10

11 CHAIRMAN TOWARAK: Thank you. David  
12 what's next.

13

14 DR. JENKINS: What's next is Jack  
15 Lorrigan coming up here and giving us a summary of the  
16 tribal and ANCSA consultations that were held. Yes,  
17 you wanted to.....

18

19 CHAIRMAN TOWARAK: Mr. Chair. I have a  
20 general question for the RAC Chairs.

21

22 I heard a number of them bringing up  
23 the point of a review should not happen unless there  
24 are significant changes and there were a couple  
25 examples I noted, one was a 25 percent increase in  
26 population for a community could be a significant  
27 change after its initial is rural. I don't recall very  
28 many more and I wanted to know if there was further --  
29 if the RAC Chairs could let us know if they had further  
30 discussion about what significant changes look like.

31

32 Thank you.

33

34 CHAIRMAN TOWARAK: Go ahead.

35

36 MR. REAKOFF: Mr. Chair. As I stated,  
37 Western Interior region has very small populations and  
38 my community has 13 people, a 25 percent.....

39

40 (Laughter)

41

42 MR. REAKOFF: .....is not a significant  
43 number.

44

45 (Laughter)

46

47 MR. REAKOFF: So I'd caution the Board  
48 on putting a percentage of increase, especially for  
49 small communities.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: Go ahead.

4

5 MR. LOHSE: Mr. Chair. I think what I  
6 tried to express was -- when I was talking about the  
7 Council -- giving the Council deference, I don't think  
8 it's something that can be measured, I think it's more  
9 something that can be felt. I think your RAC would  
10 feel that a community has changed more than be able to  
11 give you a measurement as to what changed in a  
12 community and that's why I really feel like the call  
13 for reexamining a community should be done by the RAC  
14 in the area that's there, because they would know if  
15 the community doesn't fit within what they consider  
16 rural status anymore.

17

18 And that would be my opinion.

19

20 And I think that would be the opinion  
21 of most of the people on my Council.

22

23 CHAIRMAN TOWARAK: Go ahead.

24

25 MS. MORRIS LYON: Thank you, Mr. Chair.

26

27 I was going to make the same comment  
28 that we heard Jack make and I was going to ditto, you  
29 know, what Ralph said. You know, we know, our  
30 subsistence is valuable to us. We're going to be the  
31 first to know if it's being shared inequitably and  
32 we're going to be the first to bring it to you. I  
33 think it takes a lot of time and these precious funds  
34 that we hear about away from things that we could  
35 actually put them towards, such as a moose count in my  
36 area.

37

38 (Laughter)

39

40 MS. MORRIS LYON: And, you know, I  
41 would just propose that it's only sensible to recognize  
42 the value that we have and recognize that we're going  
43 to be first to be able to bring to the Board concerns.

44

45 CHAIRMAN TOWARAK: Well, go ahead.

46

47 MR. ROCZICKA: Well, I'm not going to  
48 echo too loudly but.....

49

50 (Laughter)

1 MR. ROCZICKA: .....actually where we  
2 have a much greater concern and where you better spend  
3 your time is like the issue that's been brought forward  
4 by the YK RAC and actually was made a point of specific  
5 RFPs, request for proposals, where we see people that  
6 are quote/unquote Federally-qualified users because  
7 they happen to live in a community but yet we get  
8 reports of vast numbers of fish being sent out, boxes,  
9 boxes and boxes during chum and, you know, later on in  
10 the season, not too much, but for some for kings as  
11 well which were a concern, going out of Bethel, Aniak,  
12 McGrath airports. That you can -- we can't prove it  
13 but it's quite likely that they're ending up in some  
14 restaurant someplace or some market someplace and  
15 possibly a market in a foreign country someplace. So  
16 that's -- those are concerns that we had as far as  
17 concerns about use that are coming from the Regional  
18 Council. That's where you need to focus some effort if  
19 you want to address a major problem with subsistence  
20 management under the Federal.

21

22 CHAIRMAN TOWARAK: Sue.

23

24 MS. ENTSMINGER: Yeah, well, I want to  
25 ditto what Ralph and a bunch of them have said here.  
26 When you -- I don't think people like being put in a  
27 box and if someone said 25 percent that's putting them  
28 in a box and the public doesn't like boxes, period.  
29 Stay away from boxes. My recommendation is to stay  
30 away from that because it just creates an unnecessary  
31 regulation.

32

33 And, ditto, I mean well said, that's  
34 where you will find, you know in your area if there's a  
35 problem.

36

37 CHAIRMAN TOWARAK: Go ahead.

38

39 MR. H. BROWER: Thank you. The North  
40 Slope Regional RAC has had a lot of discussion over  
41 that question as well in terms of ours -- use Barrow as  
42 a community as an example. We're riding that  
43 borderline, you know, in terms of how the numbers have  
44 been derived within the previous program in determining  
45 the rural characteristics. Being at 7,000. If we'd be  
46 at that 7,000 and that's the limiting number that is  
47 being used or subjected, but then the population  
48 increased by 25 and now we're over that and we're going  
49 to be -- I mean taking scenarios into play we would be  
50 considered non-rural if that was the criteria that was

1 being used. But then a couple years, or several years  
2 pass by, a major accident happens, our population went  
3 down again, or people move out, and we're back to 6,999  
4 so does that mean we're going to have to ask the  
5 Federal Subsistence Board to consider that our  
6 community be rural again because of the numbers that  
7 we're dealing with now. Are these the kind of numbers  
8 that we should be looking to be working with or is  
9 there a different method that could be implemented as  
10 to what's been stated here.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN TOWARAK: Thank you. And --  
15 well, go ahead -- Simeon [sic] had his hand up earlier,  
16 then you Bert.

17

18 MR. SIMEONOFF: Kodiak is in kind of a  
19 unique situation because we have a transient  
20 population, you know, a Coast Guard base, and it's very  
21 important that we have it there and everybody's very  
22 appreciative of having a Coast Guard base, one of the  
23 largest in the nation, but it's a transient population  
24 that increases the population of Kodiak village itself.

25

26 You know, we were talking earlier about  
27 not denying a non-Native person the right to subsist if  
28 he lives in a non-rural area, but by the same token, we  
29 have a transient population that increases our  
30 population and if that's the case then we have a  
31 situation where numbers come into play where our  
32 population will increase to a size where Kodiak would  
33 be considered non-rural. If we did not use the  
34 transient population, and if using the numbers, Kodiak  
35 would be a rural community and it should be, just the  
36 simple fact that Kodiak is an island, and the cost of  
37 freight to Kodiak is astronomical, no matter which  
38 cargo carrier you use, the people of Kodiak are going  
39 to pay an arm and a leg to get their stuff there.

40

41 It's a beautiful place to live because  
42 it's, you know, abundance of food, abundance of  
43 subsistence.

44

45 But on the other hand we have the  
46 Buskin River system right there that both Kodiak, the  
47 Coast Guard base, Chiniak, Pasagshak and Antone Larsen,  
48 you know, all the people that come into Kodiak, if they  
49 have an opportunity, will use that river system for  
50 subsistence fishing. It's a hard hit area. It's the

1 hardest hit river system on Kodiak Island. If we -- I  
2 used the number 25 percent population growth, you know,  
3 I would think that the transient population of the  
4 Coast Guard raises the Kodiak population significantly  
5 and 25 percent might be high, it might put us in a box,  
6 but -- but when we talk about the availability of  
7 subsistence for our people and, you know, given the  
8 fact that we do not want to deny everybody, but  
9 Federally recognized people are seeing their system  
10 depleted and if it depletes far enough it'll be taken  
11 away and, you know, everybody suffers when that  
12 happens. And in order to prevent that from happening,  
13 you know, we might consider the fact that you're not a  
14 Federally-qualified user, we got to make compromises  
15 somewhere and we got to try to accommodate everybody  
16 but we don't want to prejudice ourselves or prejudice  
17 somebody else for the sake of subsistence.

18

19                   You know, common ground, compromises,  
20 you know, we got to look for those.

21

22                   I certainly would -- you know we have a  
23 situation in south Kodiak, you know, we have river  
24 systems that get hit pretty hard and that's not from  
25 subsistence use, it's not from -- it's a commercial  
26 operation that depletes the resource. You know if you  
27 look at any culture, the way of life has never been the  
28 cause of depletion of a resource, but, you know, just  
29 -- I'd just like to say that having a transient  
30 population makes it difficult to use the numbers.

31

32                   Thank you.

33

34                   CHAIRMAN TOWARAK: Okay. I'm going to  
35 -- how long are we allowed -- or are we -- do we have  
36 any restrictions on time for tonight.

37

38                   MR. PELTOLA: You're the Chair.

39

40                   (Laughter)

41

42                   CHAIRMAN TOWARAK: Can we go until  
43 midnight.

44

45                   (Laughter)

46

47                   CHAIRMAN TOWARAK: I've been doing this  
48 all day, we've been trying to accommodate people that  
49 have come into Anchorage from out of town, and we have  
50 three people from Kodiak that would like to address

1 rural determination and I'd like to give them the floor  
2 for a few minutes before they have to leave.

3

4 (Chair nods affirmatively)

5

6 CHAIRMAN TOWARAK: Brenda Schwantes.

7

8 MS. SCHWANTES: Good night.

9

10 (Laughter)

11

12 MS. SCHWANTES: Good afternoon, my name  
13 is Brenda Schwantes. I would like, first of all, to  
14 thank the Federal Subsistence Board for the opportunity  
15 to participate in redefining rural determination.

16

17 I've been a resident of Kodiak since  
18 1979, prior to that I lived in Ketchikan, Wrangell,  
19 Naknek, and then started my life in Kodiak.

20

21 In each of these communities my family  
22 and I practiced the customary and traditional use  
23 subsisting on moose, caribou, deer, elk, goat,  
24 ptarmigan, all salmon species, various rock fish,  
25 including red snapper, black cod, sole, flounder, and  
26 various other fish. Our family has gathered abalone,  
27 clams, mussels, snails, gumboots, scallops and so  
28 forth. We also enjoy huckleberries, salmonberries, low  
29 bush cranberries, high bush cranberries, black or  
30 crowberries, lingonberries, wild rosehips and various  
31 indigenous grains, like fiddlehead ferns, although I  
32 know those aren't at subject here. I'm just trying to  
33 paint a picture of a way of life.

34

35 In addition, we garden and cultivate  
36 rutabagas, turnips, radishes, cabbage, broccoli,  
37 cauliflower, potatoes, kale, swiss chard, peas,  
38 cucumbers, tomatoes, squash, garlic and various herbs.

39

40 Needless to say my pantry and freezers  
41 are filled with the many natural resources that we're  
42 accustomed to eating.

43

44 The Federal Subsistence Board's task of  
45 making recommendations to the Secretary of Interior is  
46 an opportunity, although sometimes I'm sure it feels  
47 like a burden, but it's an opportunity for the Board  
48 and the RAC to advocate for people in Alaska who have  
49 traditionally practiced harvesting subsistence or a way  
50 of life.

1                   My recommendations, and this is what I  
2 think the Federal Subsistence Board is looking for, and  
3 I heard it from most of the RAC tonight and I'm glad  
4 that they are all supportive of these ideas, are:  
5 making it a system, a better system, rather than what's  
6 currently in place. And first, at the top of the  
7 priority would be looking at community characteristics.  
8 You can add four, five, six, seven, eight, nine,  
9 whatever and we heard them all tonight, with  
10 transportation, geographical location, community  
11 infrastructure that can all make strength of the  
12 community, you can put anything in there, the community  
13 characteristics that the Board would like, that would  
14 define what you think a rural community should look  
15 like. Some of those could be health services available  
16 or how far the community is from a larger hub.

17  
18                   So, second -- so the first one would be  
19 the community characteristics.

20  
21                   Second. Population threshold. Could  
22 be a secondary measure. The current population  
23 threshold, though, and the aggregation should be  
24 removed from a population count. I'm from Kodiak, did  
25 I say that, oh, yeah.

26  
27                   (Laughter)

28  
29                   MS. SCHWANTES: So, yeah, you know,  
30 boy, when the Navy was in Kodiak years and years ago  
31 there was a lot of people and same with Saxman and  
32 Ketchikan and so forth. Population should not be  
33 aggregated, I strongly feel that way, like a lot of  
34 people here do. So the population threshold could be a  
35 secondary consideration. That should be increased to  
36 probably 15 or 20,000.

37  
38                   And last once a community is determined  
39 rural it should not have to be reviewed. For example,  
40 Kodiak's population right now is actually decreasing if  
41 you look at the numbers. So unless you know you have  
42 to define some significant change, I don't think that a  
43 community should have to be evaluated every 10 years  
44 and we have to defend our rights to do what we've been  
45 doing before the Federal Subsistence Board came along.

46  
47                   And that is all I have to say and I'd  
48 like to thank you for your time and your patience.

49  
50                   CHAIRMAN TOWARAK: Thank you for your

1 patience.

2

3 MS. SCHWANTES: Thank you.

4

5 CHAIRMAN TOWARAK: Is Pat Holmes here.

6

7 MR. HOLMES: Mr. Chair. I don't have  
8 to go back until tomorrow so if one of the other ladies  
9 would like to speak that would be fine.

10

11 CHAIRMAN TOWARAK: Okay. How about  
12 Rebecca Skinner.

13

14 MS. SKINNER: My name is Rebecca  
15 Skinner. I was born and raised in Kodiak. And I'll  
16 keep my comments brief.

17

18 As has already been stated today,  
19 subsistence is a way of life and I think it's very  
20 difficult to capture that in a bullet point list or in  
21 boxes.

22

23 I think that the population threshold  
24 should be dropped.

25

26 I think that rural characteristics  
27 should be given more weight.

28

29 I'd like to see a geographic component  
30 added. Kodiak is a remote community and I think that  
31 needs to be considered.

32

33 I think the aggregation criteria should  
34 be dropped.

35

36 And for the review timeline I don't  
37 think that communities should be reviewed every 10  
38 years. I think if a community feels it should be  
39 reviewed because things have changed it should request  
40 the review, that can either come through the RAC, as  
41 has been requested, or at the very least vetted through  
42 the RAC, because I think the RAC is going to be most  
43 familiar with what's happening in that community.

44

45 That is all I have, thank you.

46

47 CHAIRMAN TOWARAK: Thank you. Were  
48 there any questions of either of these two ladies, from  
49 the Board, I forgot to ask.

50

1 (No comments)  
2  
3 CHAIRMAN TOWARAK: Thank you. Let's go  
4 ahead with Mr. Pat Holmes.  
5  
6 MR. ADAMS: Thank you, Mr. Chair -- oh,  
7 are you on.  
8  
9 MR. HOLMES: I don't know.  
10  
11 CHAIRMAN TOWARAK: Yeah, Mr. Holmes.  
12  
13 MR. ADAMS: I thought you said Adams.  
14  
15 (Laughter)  
16  
17 MR. ADAMS: I can't hear very well.  
18  
19 (Laughter)  
20  
21 MR. HOLMES: Turn the light on, okay,  
22 anyway, neither Bert nor I can hear very well and I was  
23 all set to let Bert go.  
24  
25 I am heartened by the similarity and  
26 context in the opinions among the RAC members, you  
27 know, their comments to you and that their parallels  
28 with Kodiak, I think, are so similar.  
29  
30 I'm also thrilled that this Board is  
31 taking such a proactive approach through Pat Pourchot's  
32 encouragement to determine what is rural for Alaskans,  
33 and it's nice to be finally asked that question. And  
34 it was really nice -- and I have a terrible memory as  
35 well as bad hearing -- but when Bud came down for our  
36 hearing and Tom Kron, who I've known for years and, of  
37 course, Glenn Chen, my favorite Minnesotan, because he  
38 certainly understands rural and BIA, and I will make  
39 some comments that are basically political because I  
40 think the previous review that was conducted by the  
41 previous Board back started in '97, I believe, '96, and  
42 went on, I really feel and it's only a supposition so  
43 this is not a liable statement, but I really feel that  
44 that whole process was driven by the Alaska Outdoor  
45 Council and by the so-called sportsmen that came up  
46 with the pipeline boom and they wanted to have what  
47 they felt was equitable allocation of resources and  
48 didn't want to see local folks, if there wasn't enough  
49 moose or caribou or bears, to go around, that everyone  
50 should have equal access to fly out and shoot the last

1 one.

2

3 I have spent most of my life in Alaska  
4 and I feel a little bit contrary that those who were  
5 here first, if we came down to one deer left on Kodiak  
6 I'd rather Mitch have it, or him give it to one of the  
7 widows down the street than just to see it go --  
8 somebody who just wanted to shoot one for its horns.

9

10 And so that whole process was very  
11 sticky and you could see it through the entire thing,  
12 you could read it on the Alaska Outdoor Council  
13 website. And I think that they had undue pressure on  
14 then the coordinator, Drue Pearce, and she did on the  
15 Board. And all the folks that went to that hearing  
16 that went on for a day and a half on the last time on  
17 Kodiak, and my good friend Bertrand was arguing about  
18 the inalienable rights of subsistence in Alaska, and my  
19 -- you know my heart went out to him and the Southeast  
20 RAC in what he was trying to say because most of the  
21 Board members were not listening, they had already made  
22 up their mind, they had already made up their mind  
23 about Sitka and Kodiak, and Kodiak, if we ever have to  
24 do this again, I was told by some of the OSM Staff that  
25 we contributed the largest volume of materials and  
26 poundage of anyone in the state and we feel very  
27 heartfelt about subsistence.

28

29 And if you think about it, our  
30 community has been there and I think if you're looking  
31 at rural, you need to look at how long that population  
32 has been in that are. Most places in Alaska, be it  
33 Sitka, Akhiok, Quinhagak, thousands of years, Kodiak --  
34 in the town of Kodiak, folks have been there, they  
35 found artifacts 7,000 years back. It was the first  
36 European community, modern community, whatever that is,  
37 in Alaska, Sitka was second, we're sister cities, very  
38 similar.

39

40 But in that process, that hearing we  
41 commented and commented and commented and Heather  
42 Parker -- yeah, Heather Reft-Parker one of our ladies  
43 and the mother of two gave such a passionate discussion  
44 at our hearing that we had back in '98, we filled our  
45 auditorium, it was never down on the Federal record but  
46 we had 487 people in that auditorium and something like  
47 47 or -- I don't know 40 to 80 that spoke. But we are  
48 so passionate about that.

49

50 But the Sun'aq Tribe and the other

1 tribal sources told people to come to that hearing. We  
2 had Father Piasis from St. Innocence, talk about  
3 somebody that could really keep you laughing the whole  
4 time, and we really had a good discussion, but it  
5 wasn't until the morning of the second day, about 10:00  
6 o'clock, you could tell, all of you are professionals,  
7 and you've been to meetings, and you can tell the pulse  
8 of how a meeting's going and it was consistently, on  
9 the Kodiak discussion and the Sitka one you could feel  
10 that it was not going our way. And around 10:00  
11 o'clock after they already had one break for coffee,  
12 the Chairman broke for coffee, had a little -- they had  
13 flip phones then, a little buzz, and they went back and  
14 had another meeting, off to the side, would never be  
15 allowed now, and then they came back and the folks that  
16 were saying, gee, Kodiak, it's just, there's no way  
17 it's just urban, there's too many people, you got to  
18 consider all the aviation and stuff, well, by golly  
19 said, well, you know, we've been listening and we  
20 really think -- we really think that you guys are rural  
21 and they went around the table, everyone that had  
22 talked for hours and commented that we were not rural  
23 were saying that we were rural, bingo, all over, done,  
24 out and we popped over, discussed Sitka and then we  
25 went to Saxman and I just about cried because it  
26 obviously was decided somewhere else how the decision  
27 was going to be made and I'm so heartened that you  
28 folks have gone through this process to ask about what  
29 criteria -- you're asking people that live in the Bush  
30 and rural Alaska, what do they think is rural, because  
31 that's the key phrase.

32  
33                   And it's not just the question of --  
34 you folks are well intended and subsistence has been  
35 assigned to you with your new job but please look at  
36 depths, at the notes from the hearings, you've heard  
37 our intensive letter that Mitch read, and I'm secretary  
38 so I helped Carl Johnson write it and we spent a lot of  
39 time, and I'm here not only talking about the RAC but  
40 our community and for that last effort in the '90s and  
41 culminating in 2000 and then also this year I was co-  
42 Chair of what's called Kodiak Rural Roundtable. And in  
43 Kodiak we have a very unique model and Mitch has been  
44 part of that. And when we have a subsistence problem  
45 or resource problem, we sit down as a community,  
46 regardless -- plug your ears Carl, wherever you are,  
47 but regardless of what Federal statutes are on people  
48 talking to other people if you're a RAC member, it's  
49 only four, can't get more than, you know, we talk to  
50 the Fish and Game Advisory Committee. Some of our

1 members are members of those Advisory Committees and we  
2 say, well, Mitch, what's your bottom line and Bert,  
3 what's yours and we figure out a solution. And if you  
4 want to go back and look at your records, the mountain  
5 goat solution that we came up to I think should make  
6 the Outdoor Council quite happy because we provided a  
7 continuation of the sporthunt on mountain goats when we  
8 could have had two-thirds of the island removed for  
9 totally -- just for subsistence but we chose, because  
10 it was important to our community, we came up with a  
11 pretty unique answer, and that was coming up with a  
12 differential registration, the State helped us solve  
13 that one, on other things the Feds have helped us. And  
14 right now we're doing really well. And sometimes  
15 things don't work and sometimes we bicker a lot. But I  
16 think you can go to the universities and wildlife  
17 management and see that they talk about the Kodiak  
18 model and people sit down and try to find answers. And  
19 I'm really appreciating what you folks are trying to  
20 do.

21

22                                   And I've left out most of my talk so  
23 let me give you one joke from Iver. He sends his  
24 greetings, Tim. And I'm sure if he would come he would  
25 probably regale you with hours of stories.

26

27                                   But one of Iver's comments on the  
28 importance of geographic remoteness is that -- he had  
29 at our hearing -- Carl missed that one, but he got the  
30 essence -- and it was during the war the Japs tried to  
31 bomb us two or three times and they couldn't find us in  
32 the fog.

33

34                                   (Laughter)

35

36                                   MR. HOLMES: And, you know, then one of  
37 my favorites, I've been collecting these for years and  
38 I'll try to find my whole list and send it to you, and  
39 I think you'll all agree; is, if it smells rural, it is  
40 rural.

41

42                                   (Laughter)

43

44                                   MR. HOLMES: You know if it sinks a  
45 little bit and you smell the fish, the tide's going  
46 out, wow, that's good. And I've seen tourists come up  
47 and go, (makes sound) but it smells rural and it is  
48 rural. I mean that's just a really fine criteria.

49

50                                   And, you know, if you want to have a

1 bureaucratic cone then I think you should maybe look at  
2 another criteria that I mentioned in my letter and  
3 that's a rural subsistence hub community, and I've  
4 heard it from several of your Council members and from  
5 some of the Board. And we have an interesting dynamic  
6 in Alaska, it's always been there, people go out in the  
7 summer to fish camp, they go out in the fall to hunt  
8 and fish, to their hunting and trapping places, and  
9 then they come back to the home village, or the home  
10 community. And we see even more of that nowadays  
11 because we've had the rationalization, the limited  
12 entry in halibut, and we calculated close to the loss  
13 of 1,000 jobs because of those things, and so we have a  
14 lot of highliners that benefitted from it and packed up  
15 and moved back to Malibu or Phoenix or whatever, but  
16 all those little places in town in our community are  
17 filled with people that have moved in. I was shocked  
18 to hear the village of Akhiok probably has 20 percent  
19 of the population that it used to have when I used to  
20 work there as a fishery biologist, and those folks have  
21 either baled out completely or they've moved into  
22 Kodiak as the closest community hub, just like you have  
23 in Bristol Bay and Nome, Kotzebue, Dillingham, Bethel,  
24 I mean folks go to the closest place where they've got  
25 relatives, where they can spend the winter, and then  
26 they go back to their villages or their fish camps.  
27 And so that's a big consideration, so if numbers are up  
28 or threshold numbers, all of the comments that you have  
29 from our RAC's letter are absolutely valid. Because  
30 I've talked to several base skippers and also having  
31 worked in commercial fisheries, I know 40 percent of  
32 our population is transient, there is no way they  
33 qualify for subsistence and so choosing absolute  
34 numbers, which might work really good for you if you've  
35 transferred up here from Malibu or Phoenix or from some  
36 other regional Federal hub, kind of a different thing  
37 than a subsistence hub.

38  
39 And so at the end of that what I'm  
40 going to do is leave you with a question or a bit of an  
41 Iver'ism and that is -- gosh, I sure hope I didn't lose  
42 it.

43  
44 (Pause)

45  
46 MR. HOLMES: Just one moment, please,  
47 I've been working some really long days.

48  
49 Okay. If there is another apocalypse,  
50 which does happen in Alaska every now and then, we have

1 volcanos like Katmai blow up, completely stops all boat  
2 traffic, all air traffic and we could very easily have  
3 multiple volcanos, I mean they've been going off in the  
4 Aleutians all year, we could have another little big  
5 bump like we had in '64 -- my first trip -- first time  
6 I lived in Kodiak was '63 and I went out to Shemya and  
7 nothing happened there, but it sure as hell happened in  
8 Anchorage and Prince William Sound and Kodiak, what if  
9 we had all those things at once, and we no longer have  
10 transportation, we no longer have roads to the State,  
11 we have no planes, we have no boats for weeks or  
12 months, what is going to happen and what defines rural  
13 and urban and that point because I know folks in  
14 Bristol Bay or Yakutat, they're going to get by, and  
15 Kodiak will get by because we know what to eat. I can  
16 go five minutes from my house and be down getting  
17 bidarkas and limpets and stuff off the rocks and  
18 catching rats at my neighbors house or whatever it  
19 takes to eat and, you know, we'll make out, we know  
20 what to eat and we know what to get, but I'd leave you  
21 with this one question, from those of you who live in  
22 Anchorage, what would you eat. What is the most  
23 numerous mammal, what's available to eat here in  
24 Anchorage, and I think that's what separates us from  
25 urban and rural.

26  
27                   And so I'll leave all my other little  
28 notes I've been taking at that point and I surely hope  
29 that you take the comments from our RAC and the other  
30 RACs because there's been hundreds and hundreds of  
31 hours gone into this discussion. And I think people  
32 throughout rural Bush Alaska thank you for being  
33 interested enough to ask.

34  
35                   Thank you, so much.

36  
37                   And I'd be glad to answer any other  
38 questions.

39  
40                   CHAIRMAN TOWARAK: Thank you, Mr.  
41 Holmes. Are there any questions.

42  
43                   (No comments)

44  
45                   CHAIRMAN TOWARAK: Before I go any  
46 further I'd kind of like to get a sense of where we're  
47 at with our agenda and we were scheduled, I think, for  
48 all day tomorrow and we also are scheduled through  
49 Thursday, so I'm assuming and let me get a sense from  
50 the Staff that we should have time in the next two days

1 to go through the rest of our agenda.

2

3 (Laughter)

4

5 DR. JENKINS: Mr. Chair. Are you  
6 asking that of me?

7

8 (Laughter)

9

10 CHAIRMAN TOWARAK: I am.

11

12 (Laughter)

13

14 CHAIRMAN TOWARAK: I'm looking at you  
15 or Chuck or -- I don't have a feel for it.

16

17 DR. JENKINS: I have every confidence  
18 that you'll get through your agenda.

19

20 (Laughter)

21

22 CHAIRMAN TOWARAK: Okay. So there's  
23 not a need for us to go very late tonight. We've had,  
24 I think, a plenty enough long day as it is right now.  
25 I'd like to -- if the guys from Saxman are going to be  
26 here tomorrow I'd like to hear from them and get their  
27 feel for what should be criteria for our -- and our  
28 recommendations to the Secretary before we get into the  
29 final deliberation process -- or the -- I guess it is a  
30 deliberation process of ISC alternatives.

31

32 DR. JENKINS: Yes, Mr. Chair, we have  
33 about a five minute summary of the ANCSA and tribal  
34 consultations and then maybe 10 minutes of the general  
35 public -- 500 comments that we got from the public if  
36 the Board would like to hear those before adjourning  
37 for tonight or start in the morning with those; that's  
38 up to you.

39

40 CHAIRMAN TOWARAK: I think if we come  
41 in fresh in the morning that that'd be a good time to  
42 start with that and then we would get to the Saxman  
43 comments and then into our deliberations.

44

45 So if there's any -- if there's no  
46 objections I'm going to adjourn this meeting to 8:30  
47 tomorrow morning.

48

49 VARIOUS VOICES: Recess.

50

1 MR. CHRISTIANSON: Motion to recess.  
2  
3 MR. C. BROWER: Second.  
4  
5 CHAIRMAN TOWARAK: Okay. Recess until  
6 8:30 tomorrow morning.  
7  
8 (Off record)  
9  
10 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 81 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME I taken electronically by our firm on the 15th day of April 2014, in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 27th day of April 2014.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/14