BOARD MEMBERS PRESENT:

Mitch Demientieff, Chairman
Dave Allen/Gary Edwards, U.S. Fish and Wildlife Service
Niles Cesar, Bureau of Indian Affairs
Fran Cherry/Curt Wilson, Bureau of Land Management
Judy Gottlieb, National Park Service
Jim Caplan, U.S. Forest Service
Keith Goltz, Solicitor
PROCEEDINGS

(On record)

CHAIRMAN DEMIENTIEFF: This morning we're going to consider the last of our 2000 research projects. Do we have anybody on-line, hello?

MR. BOYD: I haven't heard anybody beep in.

CHAIRMAN DEMIENTIEFF: Yeah, I didn't hear anybody either but I just wanted to ask anyway. At this time we're going to go ahead and call on Mr. Kreuger and Mr. Brelsford, I think is going to assist, to go over and outline the final round of projects. Go ahead, Chuck.

MR. KREUGER: Thank you, Mr. Chairman. Today we are coming to the Board looking for decisions on three items. The first is going to be on the FY2000 projects. We're going to recommend approval of four additional projects for the Unified Fisheries Resource Monitoring Program. Second, Taylor's going to provide an update on a revision of the schedule for the FY2001 program, next year's program. And then, third, I will be coming back to speak specifically about initiating the FY2001 process and requesting to be given permission to move some of the information that we were able to gather from the Regional Advisory Councils out as a part of that process.

So unless there's any questions I'll move ahead right to the first decision item.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. KREUGER: Okay. Today we hope to conclude the third and final round of proposals for the Year 2000 Unified Fisheries Resource Monitoring Program. I thought it might be useful just to review a bit where we are in the program.

The program has reviewed over 160 proposals since December of 1999, and if this current package is approved, the program will include 46 projects with budgets totalling 5.6 million dollars. The Department of Interior will have contributed or committed 3.5 million dollars or 63 percent and the U.S.D.A. Forest Service 2.1 million or 37 percent.

In this total program, the stock status and trends projects, these would be sort of the biology projects, make
up about three-quarters or 77 percent and the traditional ecological knowledge and subsistence harvest monitoring make up the balance at 23 percent. Important projects will be conducted in all regions. The Arctic projects on sheefish and char to the Yukon region, not only on salmon but northern pike and white fish to Southeast Alaska on sockeye salmon.

So anyway, this part of the program, I believe, has delivered on the commitment on the part of the Secretary of Interior, Bruce Babbitt and Secretary of Agriculture, Dan Glickman, to build on the existing expertise in Alaska Department of Fish and Game, Alaska Native organizations and other groups through Section .809 cooperative agreements.

The total of the program going to non-Federal partners is 78 percent. Rural organizations and local hires having 38 percent. Alaska Department of Fish and Game 40 percent. And the balance 22 percent to Federal field stations.

The third and final round of proposals is what we seek your approval of for this year. We have, today, four projects that the committee has discussed in relationship to criteria that are associated with some of the things we talked about on Monday. Federal jurisdiction, conservation, allocation issues, data gaps, and the significance of the resource to subsistence harvest. We have recommended for funding, one project in Bristol Bay focused on Lake Clark and three projects in Southeast Alaska.

The first project in Lake Clark, and these are summarized in this handout that says third round on it. It's entitled Population Assessment of Lake Clark sockeye salmon. This is a cooperative project between the National Park Service and the U.S.G.S. Biological Resources Division. The intent is to identify major spawning aggregations in the Lake Clark watershed based on radiotagging and genetic characteristics. The lake has had a widely fluctuating population of sockeye and the salmon are important food for the villages of Newhalen, Iliamna, Nondalton and Point Alsworth. The project is recommended for approval at 78,000, an additional 150,000 is needed and if such funds became available the committee recommended funding the balance.

Letters of support for the project were received from Dan O'Hara from Bristol Bay Regional Advisory Council,
Eleanor Johnson from Kijik Corporation and Jan Konigsberg.

The first of the Southeast projects is the Claywalk Lake sockeye salmon stock assessment. It's a cooperative project between the Forest Service and Alaska Department of Fish and Game. It's to estimate sockeye escapement, juvenile abundance and it also will include collection of data on lake productivity, size and age data and estimates of marine survivability. And this one is characteristic of all the Forest Service because they're fairly large and they really embrace having, in this one, five projects really molded into this one focused on Claywalk Lake.

Salmon abundance has dropped in this system from 63,000 to 10,000 fish or less over the past 20 years and it is recommended for funding at $560,000 over three years.

The third project is Falls Lake sockeye salmon stock assessment. Here the adequacy of abundance of sockeye salmon from meeting spawning escapement and subsistence needs has been raised by State and Federal resource managers, by the Regional Advisory Council, and the organized village of Kake. The project with Alaska Department of Fish and Game will estimate spawning escapements, fry densities and in-lake productivity for Falls Lake.

And it's recommended for funding at $413,000 over three years.

The last project is a traditional ecological knowledge project. It's entitled Traditional Subsistence Territory Mapping of Southeast Alaska Native Tribes. This project will develop complete descriptions of traditional tribal territories for each tribe in Southeast Alaska. At this point in time it's recommended for funding over three years. It will critically review and summarize existing documentation, including taped and written archives maintained by the tribes. This multiyear project would have contracts with three tribes per year as well as some funding for the Alaska Department of Fish and Game Subsistence Division and some staff time for the Juneau Forestry Sciences Lab. The project received support from the Southeast Regional Advisory Council at its Douglas meeting.

And it's recommended for funding at $480,000 over three years.

In the past couple weeks, the Southeast Regional
Advisory Council members were also surveyed and were generally pleased with the projects that were proposed in this third round and have accepted them all. There were helpful comments provided that will guide the development of the more detailed investigation plans for these projects.

Mr. Chairman, we seek then your approval and the Board's approval for these four projects.

CHAIRMAN DEMIENTIEFF: Any questions or comments. Yes.

MR. THOMAS: Thank you, Mr. Chairman. With regard to the Klawock system and most systems in general, did the comment with reference to compatibility of species on given systems with regard to predation, habitat and food, did those comments reach you?

MR. KREUGER: There were comments provided at the Douglas meeting or the ones that just in the past two weeks.

MR. THOMAS: Okay. Also I was one of the ones surveyed and those were my questions. And something else I noticed in the language of the management plan or the considered plan, is that, I think the language that's used should warrant some elaborations rather than generalize on what your approaches are going to be and any aspect, what it's counting or -- in every aspect of monitoring, I think should have elaborated language so that anybody that reads it will have a vivid description of what they're reading.

Those are my suggestions, thank you, Mr. Chairman.

MR. KREUGER: The intent on all of these projects, including that one, is to have a detailed investigation plan that would lay out, very specifically, exactly the type of data and how it would be collected.

MR. THOMAS: Thank you.

MR. BRELSFORD: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Taylor.

MR. BRELSFORD: In relation to the first question posed by Mr. Thomas, asking whether the review comments concerning predation had, in fact, become part of
the record I wanted to say, specifically that, yes, they have. Those were recorded in the summary of remarks from the Southeast Regional Council members and that then becomes part of the development of the investigation plan, the more specific planning for the projects.

MS. GOTTlieb: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTlieb: Thank you. Unfortunately, Dan O'Hara is not here but we have heard him speak at several of our previous meetings very much in support of the Lake Clark sockeye salmon studies so we're pleased that it is up for approval today.

Thank you.

CHAIRMAN DEMIENTIEFF: Is there anybody on-line? We have no request for public testimony at this time. If there are no questions I guess we're ready for a Board action. Terry, did you guys have any comments -- you guys haven't looked at this package or have you?

MR. HAYNES: Mr. Chairman, we have no comments. We support what's being proposed here.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. CAPLAN: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. CAPLAN: I would move that we adopt these proposals and move ahead with them.

MR. EDWARDS: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded -- who seconded that, Gary -- okay. Discussion. Hearing none, all those in favor of the motion, please, signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)
CHAIRMAN DEMIENTIEFF: Motion carries.

MR. WILSON: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. WILSON: I think these guys did a heck of a job getting all these projects up and operating in the amount of time they had to do it in and I think the Board owes them -- the two of them, specifically, and the people who worked with them a debt of gratitude.

CHAIRMAN DEMIENTIEFF: Yes, that's very much for sure. I mean it's just amazing they could get -- I guess you guys can finally get some sleep now or the projects will be beginning -- well, maybe you'll get to hibernate next winter.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: I agree with all that but I think this should be a precedence and we should expect it in every case.

CHAIRMAN DEMIENTIEFF: Okay. You had additional briefings?

MR. KREUGER: Yes. What we'd like to do now is turn to the second decision item and that being the revision of the FY2001 project schedule and Taylor will take care of that.

MR. BRELSFORD: Thank you, Mr. Chairman. This will be the goldenrod sheet that you have before you. And on the front side it says Proposal to revise the schedule and on the back side, just for reference, is the schedule that you had previously approved. So as we turn to the need to make some changes for next year, I do hope you'll hold the thought that we've worked very hard to-date to get it right.

What we've identified as a critical issue and therefore come before you to ask for a revision has to do with the fact that our original expectation of developing projects with the tribes, with the Federal field stations, with the fisheries organizations during the period April 1 through June 30th has turned out to be quite unrealistic. We were not able to get the issues identification and
information priority setting exercise concluded during the winter meetings as quickly and as effectively as we had hoped. As a consequence we are late in announcing the submission process for projects for next spring. And rather than compound the concern in the villages about short deadlines, no opportunity to effectively participate and so on, we come to you to ask for a rather substantial extension of the opportunity for all of our partners to become aware of the project proposal process, to extend technical assistance visits and meetings as we can and then to have a submission deadline that really does allow a much more effective opportunity for the participation.

So specifically, our recommendation to you is to extend the project proposal period through the fall, through November 15th of 2000 rather than June 30th. And secondly, the other change that then follows is that in order for the Regional Councils to have a full opportunity to review those packages, and again not be squeezed into this, we propose a second Regional Council convention, similar to what we did last year in -- this year in January, we would convene again with all Councils together in early February as an occasion to review and consider the public input, the consultation that their Council members have been able to conduct in their regions and then they would be able to operate in public session offering their formal recommendations that would then come to the Board for decisions.

So let me turn to the table, the sort of series of deadlines to sort of highlight a few things. What you would notice is that we would announce/initiate the proposal process in the next week in a fuller, more public fashion. Initial submissions would be due by September 15th, these one page proposal forms. Those would be screened and the promising proposals, the one which recog -- which respond to management issues before the Federal Board, they are within our jurisdiction, they are technically sound, they have appropriate partnerships and capacity building commitment, those pre-proposals would be asked -- we would ask those parties to develop the full proposals and that deadline then would be November 15. So this gives an opportunity in the fall, rather than in the spring to ask for project development.

The draft plan would be developed by Staff and made available on December 15th. The Councils, the public, the fisheries organizations, the tribes would have six weeks, from December 15th to February 1st, to review the draft annual plan. And then in the first part of February we
would convene the Councils in this convention format and solicit their formal recommendations, compile that information and bring it to the Board for a decision in late February. This would be roughly the schedule that we used on the second round of proposals this year. So it's not ideal, it's a little late in relation to the season, the field research season but we feel like it's simply out of the question to rush the project development process this year and to lose out on effective participation on the part of the communities.

So I believe that kind of highlights the cause -- the reasons for which we're asking a change. The change that we would ask of you, the special -- the particular implication in terms of a new Regional Council conference in early February. And with that, I would be happy to answer any questions that you might have.

CHAIRMAN DEMIENTIEFF: Any questions for Taylor regarding the revised schedule.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. EDWARDS: Taylor, I guess I'd ask you that, given that, so many of these projects are regionally specific, would, in fact, convening all the Councils at one time; is that the most sort of efficient way to get input from individual Councils as they view the implications of what decisions are being made, and particularly given the cost associated with that, could maybe that money be better spent actually doing more projects.

MR. Brelsford: Well, thank you for the opportunity to clarify. We did evaluate the format of this convention and we recognized immediately that there would have to be regional caucuses as was done before. For example, the three northern Regional Council, North Slope, Northwest Arctic and Seward Peninsula look at an area that shares some common resources; they would sit in caucus to review the projects for that portion of the state. Similar for the Yukon and Kuskokwim Rivers, we have several Councils that share responsibilities and interests in that area and they, too, would sit in a caucus. For the Southeast, it's relatively self-contained and that Council would probably sit separately. In the Gulf of Alaska, Copper River, we would want the parties together. In Kodiak/Aleutians and Bristol Bay, we would want the parties together. So in referring to it as a Regional Council
conference I was over simplifying a bit, but we believe the
best answer for effective interaction would, in fact, be
these regional caucuses based on river systems for the
fisheries management areas that we work with.

CHAIRMAN DEMIENTIEFF: Yes, Judy.

MS. GOTTLIEB: Thanks, Taylor and Chuck. I
have a few concerns. First of all would be the assistance
that your group or others in the field will provide to the
RACs. I mean it's come to my attention from some of the
discussions this week that some RACs were more prepared to
submit proposals or more familiar than others. And so I'm
very concerned that we all provide whatever assistance is
needed and giving this extra time will certainly help. But
perhaps you could discuss what status of your staff is or
hand out a new organization chart or how we plan on helping
out some of the regions.

MR. KREUGER: The staff that we have is
what you see at this point. So very definitely that this
extension in the process will allow us the time, hopefully,
to gain some staff so we can do that. One of the key --
certainly key functions of the staff is going to be able to
try to help interface, help those partners that need
assistance and development of pre-proposals or
understanding the process or even shaping the question for
an investigation. That's the type of function, in part,
anyway, fisheries information services hopes to provide.

MR. BRELSFORD: I can add to that for the
benefit of the Board members, that we hope to have
cooperation from the fish biologists that have currently
hired into the Office of Subsistence Management in some
measure in the upcoming months. We hope to fill the field
positions in the fisheries information service program,
certainly by late summer and have that group of -- that
cadre of staff available in the local areas. And I think
we want to build on the relationships with some of the
partners and some of the tribal associations and other
fisheries groups that we currently have. I used the
language to say that we need to intensify our outreach and
technical assistance. And I think we do have some specific
resources to draw upon to do that. We will have more and
more people to call in to this effort by late summer and
early fall but we can't wait until then, we need to
initiate those efforts starting as soon as possible.

MS. GOTTLIEB: Mr. Chairman.
CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: So for now, if the RAC Chairs had questions they should contact the two of you? Okay, thanks. My other concern is, as we all know, we did this in a very short period of time and we did as well as we could and we did fine, but I am interested and I know you've started an evaluation of what has been done and how we did it, and my concerns, specifically involve the accountability then or evaluating how the projects, that we've now funded, how are they doing, are they getting the results that we needed, so on and so forth, so I look forward to your further actions on evaluating on what is to be accomplished, how we've done and what changes to the system we may need to make.

MR. BRELSFORD: If I may, Mr. Chairman. Let me simply mention that we have, from within the interagency group that had reviewed projects, identified a lead to work with each partner in developing the investigation plans. These are fairly substantial detailed documents for project operation and we have had peer review of those. I think from the standpoint of scientific substance, we have been able to move forward to ensure that each project is really well organized and well conceived.

We have actually initiated several of the projects, they're underway, including the weir project on the Kewthluk River, it's been fabricated, they've identified the location. The project, I think, great importance, gathering together a working group of Alaska Native representatives, of Department of Fish and Game reps, and a Federal representative to talk about a statewide strategy on harvest monitoring; that project is underway and is working extremely well. So I believe we have some tools for accountability in the design of projects and monitoring the early implementation of those projects. And I guess we would be happy to report on an ongoing -- from time to time for the benefit of the Board.

And I would say, finally, that in the event that we find problems, I think we would consider it a responsibility of Staff to bring that to the attention of management and of the Board. We don't have problems of that sort to bring to you to-date. So far we're able to proceed, I think, actually quite effectively considering the range of parties, the range of projects that we're initiating.

Thank you.
MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes, Bill.

MR. THOMAS: I find the discussion here very interesting because, you know, the RACs are limited to at least two meetings a year, we've never exceeded that. And we bring a phenomenal amount of information to this forum. Now, with your considerations about the cost and the justifiability, consider every component of Federal subsistence management limited to two meetings per year, that includes the Boards, the Staff Committee, everybody else, consider the effectiveness impacted by a schedule like that. So to culminate the information and the talents of 100 people is far greater than that of 12.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: If you'll recall this past Monday when we were meeting with the RAC Chairs, we did offer that as a discussion point, do we need more than two meetings a year for the RACs? Now, having this schedule, you folks, I suggest you folks just digest it and if you feel like you need more meetings, you know, to participate fully in this process, well, that's something that we're entirely open to, and I believe we said that on Monday. So now that you see if we do approve the revised schedule, you see you need something else from us to get your RACs together, we're more than open to that, we welcome that.

MR. THOMAS: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: You know, we've said over and over that you're the strength of our program and we'll give you every opportunity to meet. Taylor.

MR. BRELSFORD: Mr. Chairman, on that point I'd like to highlight our hope that in the third year of the resource monitoring program we could start a little earlier, get the effective project development work in during the winter and early spring with the Councils and the tribes during the winter meetings, if you will, so that a special convention would not be needed as part of that third year. That's our hope at this point. What we're suggesting to you here is really the fix on a problem that would cause real harm if we didn't make the change. But I think we would -- we see it as a fix for the second year and we would hope to come up with a schedule for the third year that would not rely on a special statewide convention
as a permanent feature of the program.

We're learning a lot as we go, I promise. So we'll be back with more specific plans for year three as soon as we can kind of get the picture of that.

CHAIRMAN DEMIENTIEFF: Yeah, that's fine. And of course, we're still open to where we have multiregional concerns. We're still open to accommodating that concern as well, I mean just because we don't have a statewide meeting. Personally, I like the revised schedule, it just gives people, like you say, more time to participate. We're rush, rush, rush this last year to get things going. This is a much better schedule.

Any further discussion. We're ready for a motion to approve the revised schedule if somebody's so inclined.

MS. GOTTLIB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Judy.

MS. GOTTLIB: I move that we approve this revised schedule presented to us today.

MR. CAPLAN: Second.

CHAIRMAN DEMIENTIEFF: Moved and seconded, discussion. Hearing none, all those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries. That completes our decision points this morning?

MR. KRUEGER: No, we got one more.

CHAIRMAN DEMIENTIEFF: Okay.

MR. KREUGER: This one relates really to the first box that's on that canary color sheet, I guess we call it, goldenrod colored sheet and that's the May 15th, 2000 initiation of the pre-proposal process.
What we'd like to do to initiate that as part of -- besides sending out instructions and things like that would be also to send out the results of the winter Regional Advisory Council meetings where we asked them to identify issues and information needs important to Federal subsistence fisheries management.

We prepared a draft document that records these issues and those suggested information needs and we've sent that around for review and we'd like to use that document and that information to help guide then the development of the resource monitoring program for 2001. It does list those concerns and suggestions that were provided at the winter meetings of the Regional Advisory Councils of February and March.

The pre-proposals then, for the projects, we'd like to have them take a look at that and then address those issues and information needs. We anticipate that this document will be something that will continue to change over time but that the program, in general, will be guided and built on, the foundation that's established by these issues and information needs and guided, thus, by the Regional Advisory Councils.

This document that we have, in hand, at this point, is not intended to be an all inclusive statement of information needs for subsistence fisheries management on Federal lands in Alaska. Rather, this list represents just simply a first attempt at systematically documenting issues related to Federal subsistence fisheries. We know that new issues will arise and that some information needs may not have been identified or may simply have been missed.

Thus, the contents of the document really need to be open to review and revision at any time. And we do have planned a revision planned for every year that would be conducted at the winter Regional Advisory Council meetings.

Because these information needs change over time and because we desire that the program would be responsive to new emerging information needs, we believe the document should be used as important guidance but that the project topics not be restricted to solely those topics that have been identified in the document. Obviously, if there was a new topic brought up then we would require adequate justification to ensure that that topic is appropriately related to the Federal program.

Thus, what we're asking here is for your approval
to provide -- what I intend to do is revise that document over the next 10 days and have that as a part of the package that would be sent out in this pre-proposal process.

Thank you.

Comments.

MR. THOMAS; Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: That report is really consistent with the ambitions of the Southeast Council because we knew with the magnitude of existing regs to consider and the process needed for any consideration to change, would need more time than that so we find that very consistent.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. GOTTLIB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIB: I then move that we ask Staff to send this out with -- as background information with the request for next years proposals.

CHAIRMAN DEMIENTIEFF: Second to that.

MR. CAPLAN: Second.

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

IN UNISON: Aye.

CHAIRMAN DEMIENTIEFF: Those opposed, same sign.

(No opposing votes)

CHAIRMAN DEMIENTIEFF: Motion carries.

That completes our business this morning. Good. I just want to let you know how we're going to proceed this
afternoon. I encourage everybody to get here early so we can begin promptly at 1:00 to try to -- having said that, I'll probably be late. But we'd like to begin promptly at 1:00 so we can move right in to public testimony. It's limited this afternoon. We're going to abbreviate -- we're going to cut off public testimony at 3:30 and enter with Department comments, with Regional Council recommendation and with the Staff Committee recommendation. As far as we understand that there may be a lot -- what we're going to do this afternoon is we're going to ask the RAC Chairs to go ahead and move back into the audience, we're going to shorten up the room. We'll give you opportunity, RAC Chairs if you want -- let me know, and I'll make sure that you get an opportunity to testify, however, the only RAC Chair since it's a Southcentral issue that will participate in the Board deliberations will be you, Ralph.

MR. LOHSE: I have to stay up here?

CHAIRMAN DEMIENTIEFF: Yeah. You could send for your vice chair if you want, and I wouldn't blame you if you did. But I mean just to give you every opportunity -- Southcentral every opportunity to participate since it's your issue. So that's how we're going to run it and if anybody else wants to participate just let me know and I'll give you the opportunity to go up and testify.

Bill.

MR. THOMAS: Thank you, Mr. Chairman. I'm not as up to speed on this particular issue as I need to be but considering the character of the agenda for this afternoon, I want to alert the Chairman from Southcentral, that the rest of the Chairs will be in support of whatever his efforts are as he goes along in this process. And so if he needs to contact us for a brief caucus of any kind he can feel welcome to do so.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: So with that, that completes our morning's work. We'll go ahead and recess now until 1:00 p.m., this afternoon and they're going to realign the room so you need to get your stuff off here because we're going to shorten it up.
CHAIRMAN DEMIENTIEFF: We'll go ahead and reconvene the meeting of the Federal Subsistence Board.

Good afternoon. We are here today to hear testimony and respond to the Kenaitze Indian Tribe Petition to the Federal Subsistence Board to declare the entire Kenai Peninsula Rural under Title VIII of ANILCA.

There is a long history to this request. I would like to bring to your attention a handout that provides a chronology of when the Federal subsistence program first considered rural determinations and brings us forward to our purpose here today.

The chronology, I won't go through it but we all know the history of the issue but for those of you that are interested in it, it is available, it's available at the back table and I think it's a good reminder of how many opportunities that we've had to speak to this issue. We have also prepared other materials for you. I would like to particularly refer you to the blue covered packet available on the front desk. It includes the Kenaitze Tribal Petition, the Proposed Rule published in February 2000 soliciting public comments, the Staff analysis of February 2000, a summary of public comments on the Proposed Rule and the interagency Staff Committee recommendation to the Board. And I think these are important documents, we don't know how many people are here to testify so if you want to get those because when you hear the reports they're going to refer to this packet for the depth of the issue so they'll be constantly referring -- our reports will be brief in nature so you need to take a look at that stuff.

Before we begin I want to let you know how I intend to proceed this afternoon:

Following my opening remarks, a brief Staff report and a summary of public comments received to-date will be provided. I want to follow that with opening the floor to hear public testimony. Now, when I allow public testimony, I have instructed Staff at the front table to have each person wishing to testify to declare whether they are in support or opposed to the request to make the entire Kenai Peninsula rural. Then, I will call individuals forward, I will be alternating testimony so that we hear both positions equally over the time allotted. Since there have already been years of discussion and testimony on the issue, I am going to limit the total time available and we will take no more public testimony after 3:30 p.m. If we get done sooner, well, then we'll go ahead and proceed with
the rest of the decision-making process. At 3:30, I will allow the Department of Fish and Game to offer comments, followed by the Southcentral Regional Council and Staff Committee recommendations. Then I will limit further discussion to Board members and the Southcentral Regional Council Chairman so that we can reach a decision without interruption.

So I will thank you for working with us on making this as smooth as we possibly can this afternoon. And with that, we'll go ahead and hear the Staff report. Peggy.

MS. FOX: Thank you, Mr. Chair. The Federal Subsistence Board decided in May of 1999 that special circumstances, including new information received in public testimony and accompanying the Kenaitze Indian Tribe's request warranted an out of cycle review of the Board's 1990 rural determinations for the Kenai Peninsula.

Between May and November of 1999, Office of Subsistence Management Staff prepared an analysis of the Kenai Peninsula rural determinations. At the direction of the Board, the analysis did not endeavor to change the rural determination process the Federal Subsistence Board followed in 1990. The 1990 measures were used, both, to aggregate communities and to categorize communities as rural or non-rural. However, updated population, subsistence harvest and socio-economic data were substituted for the information available in 1990. After completing this exercise the analysis concluded that almost all the Kenai Peninsula communities that were determined non-rural in 1990 appeared to have non-rural characteristics in 1999.

The analysis received two separate reviews. First the draft analysis was submitted for review by three anonymous peer reviewers and the Alaska Department of Fish and Game, Division of Subsistence. Staff Committee members and other agency staff also provided internal review comments. There was considerable consistency in the substantive comments made by the three peer reviewers and the Division of Subsistence by the Alaska Department of Fish and Game. Their comments focused on concerns with methodology and particularly on aggregation. Some revision was made to the analysis and then that analysis was made to the public in February of 19 -- of 2000. A summary of the public comments received on that analysis will follow my report.

Other concerns about the 1990 rural determination
process raised by the institute of socio-social and economic research also needs to be mentioned. The ISER report prepared in support of the Kenaitze's request for a rural determination for all Kenai Peninsula communities questioned the Board's rural determinations on the Kenai Peninsula. The report focuses on the Board's 1990 determinations that Sitka, Kodiak and Saxman were rural following requests for reconsideration for these communities. In 1990 the Federal Subsistence Board did not declare Kodiak, Sitka and Saxman to be rural following the same process that was used statewide. These three communities were reconsidered after initial non-rural determinations because the information submitted with the request for reconsideration and testimony from local residents persuaded the Board.

Although the Kenaitze Indian Tribe also submitted a request for reconsideration of Kenai Peninsula rural determinations and the Board heard public testimony supporting the request, the Board declined in 1991 to reconsider these decisions.

In their consideration, in 1990, when the Board heard testimony in support of changing preliminary rural determinations to include Sitka, Saxman and Kodiak, the Board found that these communities have distinct and cohesive Native populations. Both Sitka and Kodiak were isolated island communities unconnected to the road system. Lastly all three communities were highly dependent on subsistence resources and served as a hub of subsistence trade.

In 1998 and '99 the ISER report and other information offered to support the Kenaitze Indian Tribe's request suggested that many of the same measures of rural character in Kenai Peninsula communities as in Sitka, Saxman and Kodiak, both in 1990 and in subsequent years. In addition to their testimony at the 1998 public hearings, Kenaitze Tribal members stated that they had fished and hunted on the Kenai Peninsula all their lives. It was also noted that there had been disruptions among the Kenaitze and the younger generation learning about harvesting fish and wildlife resources because a lot of the Natives in the older generation went away to school. Others emphasized that since the beginnings of the cannery industry, the oil industry and the tourism industry, Kenaitze culture and traditions have survived.

This persuaded the Board to reconsider the non-rural status and conduct an out of cycle review of Kenai
Peninsula rural determinations.

Within the Federal subsistence management program, the customary and traditional use determination process has not formally addressed how to deal with enclave populations of subsistence users within a larger population of non-subsistence users. The problem of enclave communities is relevant to the current request for the Kenai Peninsula. ANILCA does not provide a priority for tribal groups. Members of the Kenaitze Indian Tribe would like to have the subsistence opportunities given to rural residents under Federal law and to be able to continue their long history of subsistence uses on the Kenai Peninsula. However, while a number of members of the Kenai Indian Tribe -- Kenaitze Indian Tribe live in Kenai, they do not constitute a territorial or geographic enclave. Other members of the tribe live throughout the Peninsula and elsewhere in Alaska and other states.

Regardless of the outcome of the Kenaitze's request, the rural status of Kenai Peninsula communities will be reviewed along with the other communities statewide after the 2000 census data become available.

It is clear from reviewer comments that problems in the review process will make it necessary to develop a new methodology for the next review. It is hoped that data gathered for the Kenai Peninsula revaluation will prove useful in conducting the statewide review.

And that concludes my Staff report, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Thank you, Peggy. Okay, we're about to begin the testimony. Again, please limit your comments to three minutes.

MR. BOYD: Helga's prepared to do a summary of written comments.

CHAIRMAN DEMIENTIEFF: Okay. We also have a summary of the written comments. Helga.

MS. EAKON: Thank you, Mr. Chair. For the record my name is Helga Eakon, interagency Staff Coordinator.

Of the people who gave oral testimony at the March 1, 2000 public hearing of the Federal Subsistence Board at Kenai Alaska. Those who supported the Kenaitze Indian Tribe's request spoke in favor of the importance of
subsistence to the survival of the Dena'ina people. The Kenaitze Indian Tribe submitted a written solution and their attorney stated that simple justice and equal protection under law dictate that this Board's decision on the rural status of the Kenai Peninsula should be based on the same criteria, including the special factors that it relied upon in declaring Sitka and Kodiak rural.

People who opposed the designation of the Kenai Peninsula as rural who generally included sport and commercial fishing organizations testified that the detrimental impacts that would be created by such a determination would far outweigh any benefits perceived by those who advocate for the reclassification and that road-connected communities should not be designated rural. The theme of ANILCA as unconstitutional, that the Kenaitze Tribe request is decisive and the potential economic harm to commercial and sport fisheries as well as to the tourist industry echoed the testimony heard in the 1998 hearings.

Of the written comments received on the Proposed Rule, those who supported a rural designation for the entire Kenai Peninsula also commented -- one also said that there should be a non-rural classification for the Kenai Peninsula north of Katchemak Bay and a rural classification for communities on the south side of the bay.

Several public commentors including the Cooper Landing Fish and Game Advisory Committee and the State of Alaska, Department of Fish and Game stated that the Board should wait until after publication of the 2000 US census results are in and that, after which a statewide review should be done.

I should also mention that the attorney for the Kenaitze Indian Tribe did submit a letter in opposition to the Proposed Rule and urged the Board to find that the Kenai Peninsula should be rural. It's rural characteristics are comparable to those of Sitka, Kodiak and Saxman, which the Board previously found to be rural.

That concludes a summary of comments, Mr. Chair.

CHAIRMAN DEMIENTIEFF: Okay, thank you. As I call you forward you'll get a -- Tom's light will -- begin to blink his light to let you know at about two and a half minutes into your testimony so that you'll know it's time to begin to summarize to keep within our three minute limit.
And so with that, we'll call up our first person to testify which will be Eva Lango, I can't read the writing. I think it will pick up your voice, go ahead and sit down.

MS. LANGO: Okay. Could I start now?

CHAIRMAN DEMIENTIEFF: Yes.

MS. LANGO: I'm just here again to verify for all of fishing subsistence with the Kenaitze Indian Tribe. And I've been here before and I would like to just say that it was always our life that we depended on, commercial fishing and Kenaitze Indian net to be used and it is being used for the needy and for people that really needs some fish resources. So I'm glad to be here today to speak for my many people, and I want to thank the Board and everyone for being here today.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Bill Stockwell.

MR. STOCKWELL: Mr. Chairman, members of the Board, Staff and members of the public, my name is Bill Stockwell and I'm the chairman of the Cooper Landing Fish and Game Advisory Committee. Our committee has 10 members and one alternate and represents the various user groups in our area. We have taken up the rural/non-rural determination of the Kenai Peninsula on two occasions and sent the Southcentral Council and the Board letters dated December 5th, '98 and February 23rd, 2000 on our concerns.

We oppose the request to reconsider the Kenai Peninsula rural/non-rural determination at this time. Our issue is not with who is rural or non-rural, our issue is with the process. We feel that the process must be fair, equal and understandable to all. This out of cycle request does not fit that requirement because it is limited in area and scope and does not meet the requirements of Part A paragraph 15 rural determination process. 6(B) requires special circumstances for out of cycle determinations. We found no major changes in the Kenai Peninsula, various community and infrastructures or fish and wildlife conservation and use that would warrant the unnecessary out of cycle determination just as the 2000 census has started.

We request that this determination wait until after the 2000 census is complete and the rural/non-rural determination for the entire state can be done as a whole.
This out of state cycle process for only the Kenai Peninsula now could alter and skew the later results for the rest of the state which would be an unwanted and unwarranted outcome.

That's the end of my testimony, thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Jenna Herrmann.

MS. HERRMANN TESTIMONY: Hello, I'm going to say the speech for Jenna Herrmann.

Good afternoon my name is Jenna Herrmann. I'm a Kenaitze tribal member from Kenai, Alaska. I grew up in Levelock, Alaska, a very small Native village in Bristol Bay, Alaska. When I was growing up I learned how to live a subsistence life from my parents and my grandparents. That's the way we lived there.

There was really no other way to live. My dad hunts and is also a commercial fisherman, which means that he fished a lot. I cleaned and smoked fish and helped clean moose and ducks. I remember that some of my best times as a child were during fishing and hunting trips. We moved to Kenai when I was 10 years old, I'm now 14. Subsistence is important to me because I want it passed down through the family and I want -- would like to get a chance to teach my grandchildren about it some day. My dad, brother and my brother's children still live in Levelock. All of them with -- oops, I'm sorry. All of them still live a subsistence live still and I want my nieces and nephews to grow up with the opportunity to experience that. That's why it is important to me.

Thank you for your time.

CHAIRMAN DEMIENTIEFF: Thank you. Jesse VanderZanden.

MR. VANDERZANDEN: Chair, members of the Board my name is Jesse VanderZanden. I'm the executive director of the Alaska Outdoor Council and I am here testifying on behalf of Carl Rosier president of the Alaska Outdoor Council.

The Alaska Outdoor council is a non-profit organization comprised of nearly 2,000 individual members and 45 member clubs and a collective membership over 10,000. Our mission is to ensure the sound scientific
management of Alaska's fish and wildlife resources and the common use of and equal access to them.

I appreciate the opportunity to comment on the proposal today to designate the Kenai Peninsula as rural for the purposes of implementing the Federal subsistence priority as prescribed in ANILCA. The Alaska Outdoor Council is opposed to the designation and concurs with the U.S. Fish and Wildlife Service's Staff analysis that "....there are problems in both methodology and data availability for making rural determinations." Further, the analysis went on to say, "At the present time there is not sufficient evidence that Seward, the aggregated Kenai/Soldotna area, or the aggregated Homer area exhibit rural characteristics to recommend that their non-rural determinations be changed to rural."

In addition, the State of Alaska, in a letter to Mitch Demientieff, Chair, Federal Subsistence Board, stated "the State supports this outcome, and does not believe that additional rural designations are justified for the Kenai Peninsula."

It has been estimated that if the Kenai Peninsula is designated rural, approximately 40 to 50,000 residents would fit the category of subsistence users and therefore entitle them to priority use of the resources. Scientifically, our concern is that this may well jeopardize the sustainable abundance and biologically sound harvest level for Kenai Peninsula salmonid species. In addition, the balance of use; sport, personal use, and commercial that folks have worked so hard to accomplish, would be lost with little to no road map to guide it back into balance. Is there room for improvement under the current system? Yes. Do we have to start at ground zero to make it better? No.

With regard to Title VIII of ANILCA, it was intended to address the needs of people commonly believed to rely mainly on fish and game for their family's food and materials. Part (2) of the findings of ANILCA state, "The situation in Alaska is unique, in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses." The perception was subsistence users were only rural residents and as a result, the rural priority was promoted and became Federal law. It turned out to be a standard that only depended on where you lived, not how you lived. As the Alaska Supreme Court noted in
the 1989 McDowell case, the rural priority was extremely crude.....

CHAIRMAN DEMIEN Tieff: Hello, I'm sorry, your time is up. We've been trying to signal you. You've got the rest as a written comment that you'd like on the record.

MR. VANDERZANDEN: Yes. I have some comments for the record and I appreciate the opportunity.

CHAIRMAN DEMIEN Tieff: Yeah, right here, the gentleman over here. Thank you.

MR. VANDERZANDEN: Thank you.

MR. VANDERZANDEN (REST OF COMMENTS): .....as a means of accommodating people who relied on their own resource harvests for food and that that rural priority discriminated against Alaskans who were resource dependent but lived on the wrong side of the arbitrary rural-urban line. For these and other factual reasons, the Alaska Outdoor Council has consistently opposed the rural subsistence priority.

As previously touched on above, designating the entire Kenai Peninsula could hold significant economic disruptions. Why? Because, as the Federal Staff reevaluation of rural determinations show, the Kenai Peninsula runs on the cash economy. It is no different than many other places now considered non-rural or urban around the state. Should the subsistence priority be exercised as it operates under Federal law and preempt other fish and game resources uses, it could easily impair other enterprises that people really do depend on for their livelihoods.

To summarize, the Alaska Outdoor Council opposes the petition to designate the Kenai Peninsula as rural for the purposes of implementing the Federal subsistence priority under ANILCA because it poses a risk to the resource and a risk to resident's livelihoods.

Thank you for the opportunity to comment and I would welcome any questions you may have.

CHAIRMAN DEMIEN Tieff: Jacqueline Comeaux.

MS. COMEAUX: Hello. Okay, I'm Jacqueline Comeaux. I'm 11 years old. I'm not the kind of human that
will go fishing for a sport, I'm the kind of human that goes fishing for the family. That is one of the reasons that subsistence is the most important thing in the world to me.

Some people go hunting for a sport. I will not and could not like a sport like that. What about the moose and caribou. In a few years there will be no more on the earth. They might be in zoos but the animals in the zoos will get mean and angry. They do not belong in the zoos or behind bars, they belong in the woods and the parks. And what about the bears and all the other animals plus more need to be free.

Subsistence teaches respect for animals and plants on the earth. Please drive safe and thank you for listening.

CHAIRMAN DEMIENTIEFF: Thank you. Helene Hartfield. I'm sorry, I just can't read some of the writing.

MS. HATFIELD: Helene Hatfield.

CHAIRMAN DEMIENTIEFF: Hatfield, thank you.

MS. HATFIELD FOR RUTH BOOSTER: I'm reading this on one of my elders that could not be here. It is her testimony. Her name is Ruth Booster.

Subsistence. We lived on subsistence when we came to Alaska over 40 years ago. We would not have survived without it. We have harvested and canned caribou and moose. We caught salmon and smoked some and canned some. We pickled -- I mean, we picked salmon berries, low bush and hi bush cranberries, made jams and jellies and sauces, froze some for muffins. Times were hard but life was wonderful.

It's different now but it's still God's country and let's keep it that way. Ruth Booster.

Thank you, very much.

CHAIRMAN DEMIENTIEFF: Thank you. Margaret Moonin.

MS. MOONIN: Good afternoon. My name is Margaret Moonin and this is my son. I have never known my family's history. We're Natives from the Lower 48 and I
never knew what my great-grandmother was. I was never told. We never learned subsistence. My son is an Alaska Native and I intend for him to learn his history. I have no history but he does. And I don't feel -- I feel very strongly about him keeping the knowledge that his family and his ancestors learned. And for us to take that away from him is wrong.

For many years they took that away from my ancestry and I have none.

The Natives of this community, the Dena'ina, they used subsistence for thousands of years without the loss of fish, without the caribou disappearing and now we worry about them going away. It wasn't the Dena'ina that used subsistence to make the caribou runaway. It wasn't the Dena'ina that used the subsistence to make the salmon start to disappear. The respected all animals. It was their way of life. They respect the earth.

I've learned so much working with the Kenaitze from the elders, from the people I work with. They have such a glorious respect for the earth that I never knew because I was never taught my history. My son deserves that and I want him to learn that and I ask that you reconsider so that he can know what subsistence is about.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

Bernadine Atchison.

MS. ATCHISON: My name is Bernadine Atchison. I'm a Dena'ina from the (In Native), a tribal member of the Kenaitze Indian Tribe, a descendant from my ancestors who have lived in this country of Alaska for over 20,000 or as our elders say, since time and memorial.

Subsistence is existence as it was for our ancestors, so is it for us today. Subsistence, as an intricate part of our culture, it is mental, physical, environmental and spiritual. It is a part of every season of the year, every cycle of the month, our daily food and the essence of life that we experience with every breath we take.

On August 11th, 1978, President Carter signed into law the American Indian Religious Freedom Act, Public Law 95-341. The intent of this legislation is to ensure to the American Indian his right to believe, express and practice
his religion and his traditional way. Respecting the earth and our bodies by providing traditional food has a religious significance because of the power to heal through sustenance. Public Law 95-341 goes on to say that whereas the religious practice of the American Indian, as well as Native Alaskans and Hawaiians are an intriguing part of their culture, tradition and heritage. Such practices forming the basis of Indian identity and the value system. That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditions -- traditional religion of the American Indian, Eskimo, Aleut and Native Hawaiians. Our subsistence has the power to heal.

After European contact and the goldseekers of the late 1800s and early 1900s the impact of their negligence to the land and natural resources resulted in the 1918 and 1919 influenza epidemic. This epidemic remains to be the greatest human disaster in Alaska and recorded history. Up to 75 percent of the Dena'ina people died on the Kenai Peninsula. This was the result of miners leaving campfires unattended which destroyed thousands of acres of wilderness, subsistence foods and Europeans who overharvest marine life for a profit.

The abuse of our land created stress on the immunities of the indigenous people affecting them physically, emotionally, environmentally and spiritually.

Today, the battle to retain our inherent right of freedom to believe, express and exercise the gathering of our subsistence food has created the same stress on the indigenous people of Alaska. Alaska Natives per capita has the highest percentage of mental health, poverty, homeless, welfare, imprisonment, suicides, cancer and disease and the list goes on than any other ethnic group in the United States.

Our culture is subsistence.

CHAIRMAN DEMIENTIEFF: I'm sorry, but your time is expired. If you would like to leave your written testimony with the recorder it will be recorded into the record. Thank you.

MS. JULIESON FOR MR. MINKLER: Good afternoon. This afternoon I would like to read a letter from Archie Minkler who cannot speak today.
We have been back and forth on this same issue for quite a while and I think that's too long. The Ninth District Court made the Kenai Peninsula a rural area. By not complying with the court's decision the State Committees and subcommittees are not following the law of the United States. What's the use of having the law if nobody follows the law? The laws are made for the people by the people. The State determines what rural is just for funding that best meets the State's economic welfare. How can the State justify all the different rural fundings they receive on the Kenai Peninsula for the State use and not classify the Kenai Peninsula as rural, that makes no sense. The government of the United States made a settlement with the Alaskan Natives, this was called ANILCA, Title VIII.

I work for the Kenaitze Indian Tribe IRA and we have an educational moose hunt where we are allowed one moose to harvest in one year. How are we able to teach our youth all they need to know just once a year? If any of you have ever been hunting how long and how many times did it take you before you learned how to properly take care of a moose, and in a traditional way? We teach our youth because there is no subsistence harvest here with the exception of special permit. I feel if there was subsistence the parents, uncles, grandfathers would teach their own youth their traditional ways. With only harvesting one moose how are we to provide the families that need the meat, are we to give them just one taste of jerky or a small bite of hamburger meat? Even with the road kills a good portion of the moose is wasted from where the moose was hit and there is only so much meat on a moose so only a few families a year are lucky to get any.

Moose hunting I understand needs to be regulated but the people that live here year-round are restricted to certain geographic locations where everyone is confined to a small hunk of land where they're more likely are about 500 hunters in a small five mile radius and this is only for one month. This is not to mention the bull moose horn restrictions. It's almost like we have to tranquilize them, run up with a measuring tape to see if they are the right size before we shoot them, also how many moose are in that hunting zone that actually fit the requirements?

My grandmother lives down Beaver Loop which is about four miles from the airport in downtown Kenai. She has her own water well and sewage because there is no city water or sewage that reaches her. Throughout the years I have seen all kinds of wildlife on Beaver Loop. We cannot drive down Beaver Loop without seeing at least one moose or
some sort of wildlife.

There is enough fish and game here to meet the needs of everyone.

CHAIRMAN DEMIENTIEFF: Excuse me, ma'am, your three minutes have expired. If you'd like to leave your letter with the Recorder, it will be entered into the record. Thank you.

MS. JULIESON FOR MR. MINKLER (REST OF COMMENTS): Look how many road kills there were this year on the Peninsula not to mention all the moose that starved.

Properly managed we could harvest enough moose to meet the needs of the families that live here year-round and maintain a healthy moose population. The same for the fish. There is enough for everyone with a proper plan. On a State level in 1989 the commercial use was 95 percent, the sport was one percent, the subsistence was four percent. That's not a high ratio. We're not trying to take all the fish and game, we just want to provide for our families a nutritious and healthy diet especially for the families who are not as fortunate as most to purchase healthy foods. A fact that I do want to point out is in 1957 there were only six cases of diabetes in the Native populous as compared to 1988, there were 610 cases and still its climbing. A large reason is the Native populous is not able to harvest their traditional foods.

I heard at one of these meetings I went to on the subsistence issue about the Kenai River. One of the speaks said the Kenaitze Tribes are new players on the river. How can anyone say that the Kenaitze Dena'ina have been fishing on the Kenai for thousands of years they definitely are not new players on the river. I do agree that the Kenaitze should sit on all the boards that pertain to the welfare of the river but is the Kenai River going to determine if the Kenai Peninsula is rural or non-rural, there is more to the Kenai Peninsula than just the river, what about all the land that surrounds the river? If the land is so developed how come people get lost on the land just about every year if the land is so developed wouldn't you think they would eventually run into a house or some sort of developed structure.

As an Alaskan Native I have never gave up my right to hunt, fish and gather for my culture and heritage nor will I ever. I just want to be sure in the future my descendants will learn the same hunting, fishing and
gathering skills my elders passed on to me. Hunting, fishing and gathering is a big part of my culture and heritage and without it we as Alaskan Natives will lose a valuable resource that makes up a large portion of our culture and heritage.

Thank you for your time.

CHAIRMAN DEMIENTIEFF: Carmen Ivanoff.

MS. IVANOFF: Thank you. Mr. Chairman, members of the Board and ladies and gentlemen.

I was born in Seldovia, Alaska. And until I would say 1942, we didn't just go to the store and get food. We harvested it ourselves. And never for just us, there was always three or four different elders or somebody who wasn't able to go get this food. And one of the commandments should have been; thou shalt not waste food.

We have never taken any more than we could preserve or use in a certain length of time. When we needed coal, we went to the coal beach, when we needed clams we went to the clam beach and when we needed a moose we went and got it. And we were all thankful for what was there.

But there's a clock that says it's hooligan time or it's time for moose or it's time for king salmon and that's when it -- this little clock just makes you start craving this certain type of meat or fish or clams at the time. And I would certainly like to be able to continue this way.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Amanda Sonju.

MS. SONJU: Yaghali Du. My name is Amanda Sonju or Ch'eviya meaning Whirlwind. I am a Dena'ina Athabascan from Nondalton better known as Nuvendaltin and Pedro Bay, which are small villages off of Lake Clark and Lake Iliamna. My family also extends to Ahtna Athabascans from Copper River.

My husband and I moved to the Kenai Peninsula in November of 1996. By choice, we built and live in a 12 by 14 white wall tent, 16.5 miles off of Funny River Road. Funny River Road is 17 miles long and begins in Soldotna. About Mile 10, we lose our fire protection service. We are currently waiting for our fire station to be built.
Some people would say Funny River Road is now paved. How can the area be considered rural? Even though the road is paved it does not change my way of living. For a month and a half in the spring I have to walk a half a mile to my place due to an extremely muddy road, which I am currently doing. When walking to and from my place, I have to carry a gun and watch for bears because they are just waking up from hibernation.

I have no running water, no electricity, and no phone. During these four years, I have continued experiencing a rural subsistence lifestyle. Where I am located I have lived side by side with our Alaskan wildlife. On April 29th we had a gaga, (brown bear) visit us and bit into my generator. In my front yard I have seen gughdi (moose), yaghdishla (black bear), nini (porcupine). I have many, many birds of all kinds such as shadow and echo, the two owls that visit us each year from fall to spring. I have continued to eat and learn about my traditional foods. Last year I learned how to clean and cook a porcupine. I have smoked fish in a real smoke house, thanks to the Kenaitze Indian Tribe. In Anchorage, I would not have had a chance to continue experiencing the rural subsistence life.

Our elder's teach us starting from childhood to respect all living creatures, land and waters. Through our programs, we continue to pass on knowledge, their knowledge and Alaskan culture.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, very much. Jack Ivanoff.

MR. IVANOFF: Hello, my name is Jake Ivanoff. And I'm here to support the Kenaitze Indian Tribe with the request that you have your status changed from rural -- excuse me, from non-rural to rural.

I grew up in Kenai and we had two houses, one on the beach and one in Kenai. All our fishing was governed by how much you could use. If you had too much, you always shared it, that's the way it was. And with your ruling today, it has to be, the way I see it, only one way, you can't change the way of life with our people. And there's many people that really depend on this. I, for one, would like to do all different types of fish, smoke fish, dry fish, clams, my wife stated, and with this ruling while we're here today, it's really important to our people not
Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, very much. James Showalter.

MR. SHOWALTER: Good afternoon. My name's James Showalter, I'm a Kenaitze Indian tribal member and on the tribal board of the Kenaitze Tribe.

To begin with, I notice you got this map of the Kenai Peninsula up here, which everybody notices is vast and you've got blocked in other areas which gives your little communities. They're within -- outside of those given areas, it's sparsely populated, wild, but yet I see it's blocked in as a non-rural area, which to me is untrue. It's a rural area, it's like the rest of the Kenai Peninsula.

As for subsistence use, I'm maybe one of the fortunate few that's still remaining in the Kenaitze Tribe that has seen subsistence in my childhood which was taken away from me and now we're trying to get it back for our people, our way of life, for our fish and game and gathering.

With that, there's a lot more I could say but it's -- I guess I'll just have to wait until next time. And I would hope, very deeply, that the Board does reconsider to make the Kenai Peninsula rural, not for just the Kenaitzes but for the whole Kenai Peninsula.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Marcia Colton.

MS. COLTON: (In Native) Hello my friends. Good afternoon Federal Board members. My name is Marcia Colton. I'm originally from Bethel and resident of Nikiski. In effort of Kenaitze Indian Tribe, I am on the policy council of Kenaitze Indian Headstart. My children attends the Headstart and have had and do practice of subsistence life and we plan to encourage the life of all nations of Alaska Native people and heritage to pass on to their younger generations.

As my understandings of the regulations and the
Kenaitze Indian Tribe Headstart, it indicates Alaska Native heritage is enforced to continue its practices of subsistence lifestyle. It also educates parents to participate. As a parent, myself, and being raised on subsistence growing up, to carry on all and any that I've learned -- what I've learned to pass on to my children is important to me.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Arthur Moonin.

MR. MOONIN: Hello. My name is Arthur Moonin. I have come in front of the Board once before and I did explain that I have not had chance to hunt and fish because I have no one there teach me. I now have a son and if you guys do make a non-rural, I'm sorry say but if it is that way I just might end up taking him out hunting and fishing anyways at the risk of being arrested or anything.

To me, I'd rather get wildlife meat and I don't really look forward to taking him to McDonalds and Burger King every night. I'd like to have him practice the dreams and the ways of my people. I am not Kenaitze, not Athabascan, I'm Aleut.

And right now there isn't very many -- much practice going on. I'd like to see it happen more often.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Nicole Harmon.

MS. HARMON: Good afternoon. My name is Nicole Harmon. I'm a Kenaitze tribal member from Kenai. I testified before you last year and I would like you, the Board, to please consider what rural subsistence means to me and everyone here on the Kenai Peninsula.

I have learned from my grandmother what types of greens and berries to pick and how to prepare them. I know how to prepare fish and I know how to cut fish with an ulu. I also cut and dry and smoke fish of all types for my consumption.

Although I am a teenager, I feel I must keep the tradition of the subsistence way ongoing and I want to pass the knowledge on to my children. I think that no one
should take away the rural subsistence rights. If you would please listen to what the Native people have to say about this, you will get a real answer.

Thank you for your time.

CHAIRMAN DEMIENTIEFF: Thank you. Emil Dolchok.

MR. DOLCHOK: Good afternoon, Mr. Chairman, Board members. I was born and raised in the village of Kenai. Fishing has always been a subsistence way of life to the Natives of this area and believe me it still is. Contrary to the complaints of the sport fishermen that we live in an urban area and are not dependent on the early run king salmon for our subsistence way of life. I have always believed and always will that we are living in rural surroundings with cranes, ducks, seagulls nesting just across Beaver Creek from my home. Also moose, caribou, black, brown bear, coyote, lynx and rabbits have come through my yard. Beaver and otter occasionally swim by. There are no hi-rise buildings anywhere around this area, no commuter trains or buses only taxi cab.

The one big reason the sportfishermen are against the Kenai area being reclassified as rural is they fear we would regain our subsistence privilege, and that right should never have been taken away from us in the first place, especially in taking the early run king salmon that we lifelong Kenai residents have waited through the long winter months for. These king salmon, that I feel belong to the year-round residents more so than the immigrant non-resident.

There are 939 Natives enrolled in the Kenaitze Indian Tribe. And as in all minority groups where many of them are dependent on welfare and food stamps. Regaining our rural status and being able to subsistence fish for our food would be a great step towards reclaiming our culture and heritage which has been unconstitutionally and deliberately taken away from us year-round lifelong Kenaitze Natives by the Alaska Board of Fisheries who were successfully lobbied upon by the Kenai River Sportfisherman Association. With no remorse, whatsoever, for the welfare and livelihood of the Native people living in the Kenai area. With only 13 percent of tourists that come to the area to fish exclusively we resident Natives are not hurting the economy at all. As the sportfishermen so claim, they have been misleading the public with these claims.
Why are we, the resident Natives of Kenai Peninsula as second class citizens when we have lived in this area forever. We are the original citizens of the Kenai Peninsula so why should we always be put on the backburner when it comes to allocating the take of salmon, especially the early run king salmon. That is why I, for one, am fighting to regain our subsistence priority. Personal regulations will not because in the event the salmon runs are low, we Natives will be, again, cut off, but as usual the sport fishermen would still be allowed to fish one way or the other.

CHAIRMAN DEMIENTIEFF: Excuse me, sir, your time's run out. If you want to leave the rest of your written comments with the gentleman over here.

MR. DOLCHOK: I was done, thank you.

CHAIRMAN DEMIENTIEFF: Okay, thank you.

Okay, Allan Baldwin.

MR. BALDWIN: Tom, I'd just ask if you'd just sit on your hands. I see your finger button is right on time.

Subsistence is something that you must live. It's as fundamental as the air we breathe and the water that we drink. The resources that we protect and harvest provide magnanimously more than sustenance. Jeff Richardson of the Alaska Center for the Environment said during his comments to the ITC conference this week, subsistence to Alaska Native people is more than any White man can comprehend.

A rural determination is crucial to the Kenaitze. And with this said I would ask this Board to instruct Staff to extent C&T to the Kenaitze Tribe, allowing us to legally fish during the 2001 fishery. And appoint a mutually agreed upon mediator to achieve consensus on the subsistence issues.

During the past three weeks the Kenaitze Tribe has participated in round-table discussions made up of KIT, commercial fishermen, sport fishers and this past meeting, just last Friday, a guide service owner. These round-table discussions will bring consensus and healing to the Kenai.

We have begun to deal with issues beyond your expectations and hopes in regard to subsistence issues on the Kenai.
Give the Kenaitze C&T. Please instruct your Staff to provide mediation on the issues. And come to the round-table discussions with the user groups mentioned above. Go beyond meaningful consultation by working with us to solve the problems the user groups have on the Kenai.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Archie J. Minkler.

MS. JULIESON: I'm sorry I'm not Archie, I'm Bonnie Julieson. I read his statement when I was up under my name. I'm Kenaitze. My family has been here for generations and generations and I am in support of the rural designation for the Kenai Peninsula.

There's many reasons and I'm sure you've all heard them before. And I would just like to ask this Board to give the Kenaitze the right to subsistence fish.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Mary Lou Battorff.

MS. BATTORFF: Good afternoon, Chairman, members of the Board. My name is Mary Lou Battorff. I am a Kenaitze tribal member from Kenai, Alaska.

As a subsistence gatherer person I am facing pressures concerning my cultural and traditions of food gathering. I have respected and depended on the resources of this land on the Kenai Peninsula for the past 28 years. The tradition in the food gathering depended on the seasons, spring begins with the snow disappearing and a gathering of green leaves from the willow bushes and other edible greens begin. Ice is gone from the beach on the Cook Inlet, clams, cockles are ready to be dug and harvested. Now, I have read in the local paper the razor clam limit will be reduced from 60 per day to 45 a day and 90 only in possession. That will be okay for someone that does not can or rely on them for winter or just to have something to feed their families when the money is not there to purchase goods from the store.

Spring and summer has begun, the time for the fish to swim to the river and must be caught and prepared for the winter, drying, smoking, salting and freezing. Fall also has the preparation of the late run salmon and greens,
tea and berries to pick and prepare for winter. Birds and moose also have to be caught and put away for the winter use.

My family, sons and grandchildren also incorporate wild game and fish in their diets and food purchased at the local stores. I have been teaching my grandchildren what to gather since they were very young. When my granddaughter was about three years old she was bored and it was in the middle of winter, she said, nanna let's go pick berries, I said, no, we can't it's wintertime. She said, well, let's go pick tea. She knew Hudson bay tea could be picked any time.

I feel that if we lose the rural subsistence designation we lose our traditions of the future generations.

Thank you for hearing my testimony.

CHAIRMAN DEMIENTIEFF: Thank you. Rita Smogge.

MS. SMOGGE: Good afternoon. My name is Rita Smogge. I'm the executive director for the Kenaitze Tribe and I'm also a tribal member.

Subsistence fishing has been practiced by the Kenaitze people for centuries. Every history will bear this out. In the late 1800s the Russian exploited for market rapidly declined and commercial fishing became the major economic pursuit. By then the Kenaitze had become coastal dwellers, drawn from the mountains by the salmon fishery. And though the Cook Inlet fishery brought numbers of new people, no new employment field for the Kenaitze came about. Their economic fortune spiraled downward with each passing year.

1882 - Alaska Packing Company established in Kasilof.

1892 1897 - Goldmining districts were laid for all of Cook Inlet. Father Bortnovsky, the Russian Orthodox Priest writings of the plight of the Kenaitze noted that prospectors were setting the woods on fire and driving the animals away.

Fish became important as food, especially after the decline of the caribou herds on the Kenai Peninsula.
1893 - collapse of the fur trading economy dealt a severe blow to the integrity of the Kenaitze culture....the old way of life was gradually diminished; chiefs could no longer support poorer relatives. Besides, status now came from acquiring wealth, not giving it away. By 1895, the Kenaitze were an impoverished people.

1896 - records of the Arctic Fish Company list employees, eight White cannery administration personnel, 35 White fishermen, 200 Chinese laborers, 20 Indians job title not listed.

By 1932 the Kenaitze population on Cook Inlet was approximately 650 down from the established estimated 3000 in 1805.

World War II brought abrupt changes to the Kenai area further. In 1971, 1,730,000 acres were removed for the Kenai National Moose Range. Hunting ceased to be a way of life and subsistence fishing became equally difficult. The highway paved the way to the Peninsula in 1947. In 1956 subsistence nets were barred in the Kenai River. On July 23, 1957 oil was struck in Swanson River. A published report of the Federal Field Committee for Developed Planning Alaska in 1968 noted that the Kenaitze were considered "a dispersed tribe without a village."

In 1970, the Kenai Peninsula Borough population 16,586 with only 3.2 percent classed as Indians. The 1980 census reports 1,738 Eskimos, Aleuts and American Indians. The Kenaitze tribal roll listed 400 in 1981 with approximately eight to nine percent of this voting membership holding commercial fishing permits.

Prior to the 1978 subsistence law, all non-commercial set net fishermen were called subsistence fishermen and this legislation also added the concept, customary and traditional.....

CHAIRMAN DEMIENTIEFF: Excuse me, but your time's expired. Do you have a written -- okay, just turn it into the recorder, please.

MS. SMOGGE (REST OF COMMENTS): .....to subsistence fishing. Before 1973, relatively few people living in Southcentral Alaska were aware that a formal, permitted subsistence fishery existed in Cook Inlet. Some publicity did encourage fishermen to get permits, but others simply ignored the regulations and continued to catch personal use salmon as they had for years. Thus,
before 1978, subsistence fishing received little or no
attention and is complex us patterns remaining unseen.

Today, most Kenaitze tribal members live in Kenai
or this immediate environs. Members of the Kenaitze Tribe
are, for the most part, descendants of the Dena'ina people
who formally inhabited areas in Cook Inlet. There is an
established long-term, consistent pattern of continuous use
and dependency among the Dena'ina people on the traditional
harvesting of fish and game. Salmon was the primary
subsistence resource then, as it is now. Salmon harvests
continue to be an important part of the Kenaitze life.

In 1986, the Kenaitze Indian Tribe filed suit
against the State of Alaska to protect and preserve the
rights of its members to engage in the traditional and
customary harvest of fish and game. Pursuant to the
mandate issued by the Ninth Circuit Court of Appeals in
October 1988, we entered a consent preliminary injunction
with the State so that we could have a fishery in the
summer.

The Tribe submitted a proposed preliminary
injunction to the Federal court on March 24, 1989. Before
submitting this proposal, the Tribe appointed a subsistence
task force to poll members regarding their traditional and
customary subsistence practices. The task force then
compiled the results of the poll and developed a plan for a
fishery which it presented to the tribal council. The
tribal council approved the plan. Although the poll
collected information on all resources traditionally
harvested by tribal members, we limited our plan to include
only four species of fish.

The Kenaitze have customarily and traditionally
used the beaches, rivers, and streams throughout the entire
central district of Cook Inlet. For purposes of the
preliminary injunction, the Tribe proposed a very limited
subsistence fishery in which subsistence fishing would
occur only at customary and traditional fishing areas
either closest to their homes or which are of particular
historic significance to them. In our proposal, we
emphasized that it was not to be construed as a limitation
on the subsistence rights of other Kenai Peninsula
residents.

Our proposal also included a request for a
cooperative net that could be used at historical fishing
sites and operated by tribal members. One of the primary
reasons we became involved in this lawsuit was our desire
to pass on our customary and traditional subsistence practices and values to our children. A cooperative net would allow tribal elders to have a place where they could pass on their knowledge in the traditional methods of harvesting, preserving and sharing of fish to younger members of the tribe. The tribe has responsibilities towards all its members. Most members are domiciled on the Kenai Peninsula. Some of our younger members, however live elsewhere and only return to the Kenai in the summer. When these younger tribal members visit, it is important for them to be able to observe the traditional fishing practices of the elder members.

From our prospective, this fishery is not intended to impose a limitation on the future subsistence rights of the tribe or its members or other Kenai Peninsula residents.

In closing, the Kenaitze believe that its experience for the past three summers proves that traditional fishing can be successfully accomplished in the villages and that its social and cultural benefits will accrue to the whole community.

Subsistence fishing is as necessary to our continuing tribal existence, as breathing is to us as individuals.

CHAIRMAN DEMIENTIEFF: Geneva Marinkovski. I'm sorry for abusing your names so much but I walk around with the name of Demientieff and mine gets abused every day.

MS. MARINKOVSKI: It's Marinkovski. Mr. Chairman, members of the Board, my name is Geneva Marinkovski. I am, too, against the non-rural determination. I was born and raised in the rural community of Selawik, Alaska. My parents taught me to live a subsistence way of life in the Inupiat culture. As my father would say, we live in a subsistence cycle.

Early spring we go out to Selawik Lake to hook for sheefish. The men are out hunting for caribou and geese. After the ice breakup we prepare for spring camping. We fish for white fish, pike. My mom taught me how to scale, cut, hang and store the catch for the winter months. Summer time we were out getting greens and rhubarbs, we cook all the rhubarbs and store them for the winter months. Fall time we prepare food and gear so that the men can go out moose hunting and bear hunting while me and my mother
and siblings are out berry picking.

My mom and dad made sure that we get enough food stored for our family and others for the winter months.

I can go on but this is just some of the examples of subsistence I learned from my parents.

In April 1982 I moved to the Kenai Peninsula area. I had to adapt to live and learn subsistence lifestyle. It is very hard because of the hunting and fishing restrictions and regulations we have to abide by. I would like to continue to live subsistence lifestyle in the Kenai Peninsula. I would like to pass on my subsistence skills to my children so they can continue to live subsistence cycles.

I, too, am urging the Board to reconsider its non-rural determinations because I know for a fact that the Kenai Peninsula is rural.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Elsie Hendryx.

MS. HENDRYX: Good afternoon. My name is Elsie Hendryx. I'm a member of the Kenaitze Indian Tribe.

I would like to urge the Board to designate the Kenai Peninsula as rural. I believe that it would be beneficial to the residents of the Kenai Peninsula for getting grants, contracts from the Federal government and even from State of Alaska, not only for the Kenaitze Indian Tribe but for the Kenai Peninsula Borough and the cities within the Kenai Peninsula.

With a rural preference we would be able to continue the traditional and customary lifestyle we have been accustomed to. Please designate the Kenai Peninsula as rural.

Thank you. And I also have a resolution that was from the Kenai Native Association. I'm Chairman of the Board for Kenai Native Association. I'll only read the part of the wherases.

Whereas the Kenai Native Association is a local Alaska Profit Corporation located in Kenai established in accordance with the Alaska Land Claims Settlement Act of
Whereas, all the Alaska Native tribes and villages facing increasing pressures concerning the preservation and perpetuation of our culture and tradition.

Whereas, the subsistence cannot be separated from our culture and tradition.

Whereas, as natural stewards of our ancestral lands and its resources we have respected and depended upon these resources in our inherited traditional way of life.

Whereas the Kenai Peninsula is a rural area by any reasonable definition of the term as determined in the following factors.

And there is seven factors here, however, I will not read it, I will present it to the Board.

CHAIRMAN DEMIENTIEFF: Okay, leave it with the recorder please.

MS. HENDRYX: Okay, thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

MS. HENDRYX (REST OF COMMENTS):

1. Employment is seasonal (commercial fishing, construction) for many Kenai Peninsula residents and this creates high rates of unemployment.

2. The communities of the Kenai Peninsula are isolated from each other and sparsely populated.

3. Many residents of the Kenai Peninsula depend upon subsistence lifestyle and their families have done so for generations.

4. The communities of the Kenai Peninsula (with the exception of the cities of Kenai-Soldotna-Homer) rely on private well and septic systems.

5. Kenai Peninsula residents do not have local access to specialized medical care and must rely on medical facilities in Anchorage and
the Lower 48 states.

6. The communities of the Kenai Peninsula are not linked by public transportation. The elderly and low income families find it difficult to commute to shopping areas.

7. Many Federal and State funding agencies including the Alaska Village Initiatives and the U.S. Department of Agriculture consider the Kenai Peninsula a rural area, and provide funding for projects to improve the well-being of rural Alaska communities.

Whereas, it is the conviction of the KNA Board of Directors that the preservation and fostering of traditional subsistence lifestyles for its members and all Alaska Natives residing on the Kenai Peninsula is the primary means for preserving and perpetuating our vital culture and traditions; and

Now, therefore, be it resolved, that the KNA Board of Directors fully supports and endorses the designation of the entire Kenai Peninsula as rural for purposes of subsistence; and

Be it further resolved, the KNA Board of Directors fully supports and endorses Title VIII of ANILCA (Alaska National Interest Lands Conservation Act) which grants rural preference to the residents of the Kenai Peninsula, thereby making them eligible to practice indigenous customary and traditional subsistence.

Passed this 17th day of February, 2000. Signed Richard Segura, President, Carol A. Segura, Secretary.

CHAIRMAN DEMIENTIEFF: Rosalie Tepp.

MS. TEPP: Mr. Chairman. Members of the Board, my name is Rosalie Tepp. I am a Kenaitze Indian Tribal member. I am the chairperson and I am going to read a resolution, is there any way that I could be allowed more time than three minutes?

CHAIRMAN DEMIENTIEFF: No, those are the guidelines we've established.

MS. TEPP: Okay, thank you, then with that I'll start.
A tribal resolution in strong support of the Kenai Peninsula borough being designated a rural area for purposes of subsistence.

Whereas, the Kenaitze Indian Tribe, IRA is a Federally recognized tribal government reorganized under the statutes of the Indian Reorganization Act of 1934, as amended for Alaska in 1936, and in accordance with the preamble of the tribal constitution, is responsible for the social welfare of its 1049 tribal members and 1,767 Alaska Native residents of the Central and Upper Southern Kenai Peninsula of Southcentral Alaska; and

Whereas, the Kenaitze Indian Tribe, IRA has established long-term goals which relate to the collective and individual, social, economic, and government concerns of its people; and

Whereas, the Kenaitze Indian Tribe, IRA the natural stewards of this land and its resources since time immemorial, have respected and depended upon the natural resources along the Cook Inlet Basin and its tributaries as our inherited, cultural way of life; and

Whereas the Kenai Peninsula is a rural area by any reasonable definition of the term as determined in the following factors, among others:

1. Employment is seasonal (commercial fishing, construction) and a lack of job opportunities thus creating a high rate of unemployment.

2. Many sparsely settled communities on the Kenai Peninsula are isolated from each other and many people in these communities have no close neighbors.

3. Many citizens living on the Kenai Peninsula have depended upon a subsistence way of life for generations, surviving on the abundant wild renewable resources for food for their families.

4. The communities of the Kenai Peninsula aside from the city of Kenai and Soldotna are not connected to a city sewer and water system and must rely on a well and septic system.
5. Kenai Peninsula residents must rely on the medical facilities located in Anchorage and the Lower 48 states for the most specialized medical care.

6. The closest urban center is Anchorage, over 150 miles away, during avalanche season the rural characteristics of the Peninsula become even more evident when the highway is closed. Grocery and department stores shelves empty rapidly.

7. There is no public transportation system within the Kenai Peninsula Borough, thus making it difficult for elderly and many low income families to commute to shopping areas, medical facilities, et cetera.

8. There are vast areas of wilderness and wildlife habitat with an abundance of fish and wildlife resources.

CHAIRMAN DEMIENTIEFF: Excuse me, ma'am, your time is up. Would you like to record a copy please with the Recorder?

MS. TEPP: Yes.

CHAIRMAN DEMIENTIEFF: Thank you, very much.

MS. TEPP (REST OF COMMENTS):

9. Many Federal and State funding agencies consider the Kenai Peninsula rural, with specifically designated programs or funding set aside for rural communities, for instance the USDA Forest Service Rural Fire Protection, Rural Development Program, Economic Recovery Program. The Natural Resource Conservation Service's Resource & Conservation Development Program, the Rural Development's Community Facility Loan Program, the Rural Utilities Service's Electric Telecommunications Program, its Water and Waste Programs; Rural Housing Services Rural Development Housing Programs and the Rural Transportation Planning Committee (to name a portion).
Whereas, it is the conviction of the Executive Committee/Tribal Council of the Kenaitze Indian Tribe, IRA that the preservation and fostering of a traditional subsistence lifestyle for its members and all Alaska Natives residing within the Kenai Peninsula Borough is the primary means of promoting and protecting the vital heritage of the Dena'ina Athabascans whose ancestors settled along the shores of the Cook Inlet Basin and its tributaries; and

Whereas, it has been determined that tribes with a cultural match are most successful economically, culturally and socially; and

Whereas, the loss of the tribe's traditional lifestyle will result in the loss of its cultural match, in effect, creating a people who may be referred to as fish out of water; and

Whereas the evidence presented over the past 10 plus years is overwhelming that the initial rural/non-rural determinations are not and have not been consistent with law; and

Whereas, the larger communities of the Kenai Peninsula are comparable to those of Sitka and Kodiak, both of which are determined rural, and the smaller communities of the Kenai Peninsula are comparable to Saxman, also determined rural in that a cohesive Native community exists in each community although not a distinct geographical community; and

Whereas, the ancestors of today's Kenaitze did not live in distinct geographic communities but rather lived semi-nomadic lives establishing harvest sites depending on the resource; and

Whereas, special circumstances exist which justify the reconsideration of the Board's rural/non-rural determinations as follows:

1. The Board's initial rural/non-rural determinations with respect to the Kenai Peninsula were made without any input from the Regional Advisory Council which had not yet been established; the Board's initial determination was based primarily on the State's non-rural determination of the Kenai Peninsula which the Ninth Circuit Court of Appeals flatly rejected in
Kenaitze Tribe v. Alaska, on the ground that it violated the definition of rural in ANILCA. A Board determination in violation of applicable mandatory law is a special circumstance justifying reconsideration at any time.

2. During the 1995 public hearings on customary and traditional use determinations for the Kenai Peninsula conducted by the Board as well as the Regional Advisory Council, a majority of the local residents who testified, agreed that the Board's 1991 rural/non-rural determinations were divisive, erroneous and should be reconsidered. See transcripts of 1995 Kenai hearings. The testimony taken during these public hearings, in addition to providing new and relevant information, also indicates that errors were made in the analysis that affected the way communities were aggregated.

3. The demographic and other information relating the Kenai Peninsula contained in the report of the Institute of Social and Economic Research (ISER) was not available at the time the Board made its 1991 rural/non-rural determinations. The ISER report provides compelling, if not conclusive evidence, that the Board's 1991 non-rural determinations with respect to the Kenai Peninsula violated the Board's own criteria for rural/non-rural determinations as well as the Ninth Circuit Court of Appeal's Kenaitze decision which rejected the State's approach to defining rural resulting in the entire Kenai Peninsula being declared rural.

4. The Council's recommendation to the Board, in and of itself, constitutes a special circumstance justifying reconsideration of the Board's non-rural determination. The Board is obligated to defer to a Council's recommendation, except in the limited circumstances described in subsection 805(c). See Memorandum to Acting Regional Solicitor, Anchorage, From Office of the Solicitor, Department of the Interior.
(April 11, 1995). Here, no justification exists for rejecting the Regional Advisory Council's recommendations.

5. The original determination was made without regard to the fact that Title VIII of ANILCA is Indian Legislation and, as such, it favors protection of the subsistence rights of the Kenaitze people. The term rural in ANILCA should then be given as broad a determination as applied to other Federal programs (stated previously) that extend rural benefits to the Kenai Peninsula.

Now, therefore, be it resolved by the Executive Committee/Tribal Council of the Kenaitze Indian Tribe IRA fully supports and endorses Title VIII of ANILCA (Alaska National Interest Lands Conservation Act) which grants rural preference to the citizens of the Kenai Peninsula Borough, thereby making them eligible to practice their indigenous customary and traditional subsistence way of life.

Certification. Rosalie A. Tepp, Tribal Chairperson, Kenaitze Indian Tribe, IRA, Esther Segura, Tribal Secretary Kenaitze Indian Tribe, IRA, March 1, 2000.

Voting for six, voting against zero, abstaining zero and one absent.

CHAIRMAN DEMIENTIEFF: Bill Thomas.

MR. THOMAS: Thank you, Mr. Chairman, members of the Board. I'm here representing myself and I speak in support of the petition to reconsider the designation for the Kenai Peninsula.

I'm not going to get into a lot of language here. I'd like to draw your attention to the interagency Staff Committee recommendation. With all due respect to the Staff Committee, in the past, have given us some very detailed effective and productive recommendations. I'm here to tell you that this one doesn't. You take a look at it and there isn't -- it looks like it's been written by the Outdoor Council is what it looks like.

And your charge is a Federal charge, a congressional charge. And the Division, on this issue is very much resembles that of the politics of the State. The
attitudes of the various user groups. That shouldn't be
the case.

ANILCA is not tribal law. It's a law that is
geographically oriented. It talks to areas that are rural,
rural generally means remote in one sense or another. So
by not meeting the challenge or meeting the test of the
Federal formula for determining rural and non-rural, is not
left up to the State. It's been specified, it's easy to
follow and I don't think that you folks need to subject
yourself in trying to tell with something that the State
Legislators should be dealing with. They file lawsuits
whenever they feel like it. I don't think you guys should
be pointing to that.

I think you should represent ANILCA in its existing
language with its existing intent.

There's been a lot of talk about process. Board
determination. Challenges. None of those challenges have
offered alternatives that would benefit. Any information
that came from a non-congressional direction has led to a
diluted or a non-effective way of applying Title VIII of
ANILCA.

ANILCA's very clear, it's very plain. It takes
away a lot of creativity.

CHAIRMAN DEMIENTIEFF: Bill your time's
expired.

MR. THOMAS: Turn me off.

CHAIRMAN DEMIENTIEFF: Thank you. Wayne
Wilson.

MR. WILSON: Hello. I was here in March to
give my testimony so I don't want to repeat everything I
said last time. Let me say is I'm Native, I've been around
here my whole life and my family lives of the land and the
sea or the water, and it's very important to them.

And listening to everybody here it's important to
them that they have their subsistence rights, too. So I
could sit here and bore you about stories and stuff but
you've heard them already so that's all I have to say.

I hope you make it rural, thank you.

CHAIRMAN DEMIENTIEFF: Thank you, very
much. There's been a little less testimony, I think, than we anticipated so what I'm going to do is we're just going to take a short break here. After the break we'll call for, see if there's anybody else that's signed up and then when we come back we'll have a summary by the Kenaitze Indian Tribal attorney. We'll have the Alaska Department of Fish and Game will summarize their comments. The Regional Council representative will give their recommendation. The Staff Committee will give their recommendation. And then the Board will resolve the issues.

Thank you, everybody. We'll take a five minute break or so.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: We'll go ahead and call the meeting back to order. There have been no additional requests for public testimony at this time. So that will be the end of the public testimony period. At this time we'll call on the attorney for the Kenaitze Tribe to summarize their concerns. It will be followed by the Alaska Department of Fish and Game comments.

MS. DANIEL: Thank you, Mr. Chairman, members of the Board, Staff and the general public. My name is Carol Daniel and I'm the attorney or one of the attorneys for the Kenaitze Indian Tribe.

We have filed extensive written comments and they're part of your packets. I realize that time is limited so I won't go into great detail on the written comments and will trust that you have those materials in front of you.

I would, today, like to strongly urge the Board to adopt the minority Staff recommendation and grant the Kenaitze Indian Tribe's request to reclassify all communities on the Kenai Peninsula as rural for purposes of Title VIII of ANILCA.

The first point I'd like to make is that this Board needs to make a decision. The Staff Committee recommendation, as I read it, the majority Staff recommendation is that this Board again defer consideration -- reconsideration of the Kenai Peninsula rural determinations until the year 2000 census data is available and a study of revised criteria and methodology to be used
The way I read the Staff recommendation is directly contrary to this Board's decision in May of last year. At that meeting the Board determined that special circumstances existed to reconsider the Kenai Peninsula rural determinations. The Board directed the Staff to reevaluate the 1990 rural determinations for the Kenai Peninsula communities for a decision at this meeting. The Federal Register notice that was published in February expressly stated that the purpose of the Proposed Rule was to start the process leading to a decision at this meeting. Instead the recommendation from the Staff appears to be, rather than making a recommendation for a decision, the Staff has once again recommended that the Board defer the decision. I would submit that this process has gone on long enough. It's been on the table since the fall of 1995. People have testified at hearing after hearing, at meeting after meeting, the Regional Council has three times recommended to the Board that the Kenai Peninsula be determined rural. So we need a decision, not another deferral.

The Board can undertake a study of revised methodology and revised criteria after the 2000 census data becomes available and we strongly encourage that. It can be included and used to revise -- to review all the communities in Alaska, including the Kenai Peninsula communities. But that's no excuse for not making a decision today about the rural status of the communities on the Kenai Peninsula.

To do so, I would submit, goes against the Board's earlier decision not to defer action until the census data is available and it seriously undermines the public process.

Secondly, I'd like to touch just a moment on the Staff analysis on reevaluation of the rural determinations. This Board, at its May 1999 meeting directed the Staff to reevaluate the Kenai Peninsula using the same rural determination standards and process that was used in 1990. It's clear to me that the Staff did not do so as pointed out in the January 2000 addendum prepared by Dr. Kruz to his 1998 ISER report. The Staff analysis does not consider the Kenai Peninsula communities in the same way that it considered communities such as Sitka, Kodiak and Saxman. Based on special factors, those communities were reclassified from non-rural to rural and as highlighted in
our written comments and the addendum to the ISER report, 
those same special circumstances apply equally on the Kenai
Peninsula.

   The 2000 census data will not provide any new
information on those special circumstances relative to
those special factors.

   In fact, this Board has more information before it
on the special factors for the Kenai Peninsula than it had
on any of those communities in 1990 for Kodiak, Saxman and
Sitka.

   And, again, if the facts change, it can be
corrected after the 2000 census data. The Board can
revisit it at that time.

   The third point is that the Board's decision, if
favorable, will not wreck havoc on the Kenai Peninsula.
Much of the public comment has focused on what a bad result
it would be to find the Kenai Peninsula rural and I'd just
like to make the point that public opinion is not among the
special -- the social and economic factors that the Board
is entitled to consider. The Board must consider the
statute itself and the regulations.

   But I realize it's a tough decision in light of
some of the strong public comments in opposition from
special interest groups on the Kenai Peninsula. So for
that reason I'd like to respond to the notion that
enforcement of a rural priority would cause economic harm
to the commercial and sport fishing industries or to the
tourist industry. I would submit that that's not the case.

   First, we're talking about hunting and fishing that
takes place on Federal public lands. The marine waters of
Cook Inlet where all the commercial fishing and a
considerable amount of the sport and personal use fishing
takes place in marine waters that are not Federally
reserved waters. So a Federal rural priority would not
apply to those waters. And most of the rivers on the Kenai
Peninsula, including large stretches of the Kenai River are
not within public lands. This, combined with the fact that
subsistence take is very small means that granting the
priority to subsistence users on the Kenai Peninsula will
not substantially effect other fisheries on the Kenai
Peninsula or the tourism industry.

   Second, before there can be any hunting or fishing
for any of these communities reclassified as rural there
has to be customary and traditional use determinations. And I would submit that many of these communities may not be able to meet the C&T determinations.

And finally, again, I'd like to emphasize that subsistence uses, when they've been allowed on the Kenai Peninsula have always accounted for a very small percentage of the harvest. A 1980 study indicated that it was less than one percent of a total harvest of over four million salmon.

The current personal use fisheries that are in place on the Kenai Peninsula are substantially the same subsistence fisheries that were put in place after the McDowell Decision by the State of Alaska. And under the McDowell Decision, those fisheries are open to all Alaskans not just the people who live on the Kenai Peninsula. And I would submit to you that the sport fishery industry and the commercial fishing industry are alive and well on the Kenai today.

The same is obviously going to be true if this Board grants a rural priority for the Kenai communities.

The fourth point I'd like to make is that Congress intended to protect the subsistence practices of people like the Kenaitze. Title VIII expresses an overriding congressional policy of protecting subsistence rights of Alaska Natives. In making the rural determination for Sitka, Kodiak and Saxman, this Board placed heavy emphasis on the intent of Congress. Congress intended to protect Native culture of which it is a primary and essential element for generation upon generation for as long as the people themselves chose to participate.

The Kenaitze, like the people of Kodiak, Saxman and Sitka have always followed a subsistence lifestyle. And I guess the point I'd like to make is the only way they'll be able to continue do so is if this Board declares the communities on the Kenai Peninsula to be rural. The law, Title VIII of ANILCA needs to be interpreted broadly to accomplish Congress' purpose. As we pointed out in our previous testimony and in written comments to this Board, the term rural in ANILCA should be given at least as broad an interpretation as it is given in all other Federal programs applicable to the Kenai Peninsula.

The Staff analysis does not explain how the Kenai Peninsula communities can be rural for every conceivable purpose but subsistence.
In closing, I'd like to urge the Board to find the Kenai Peninsula to be rural. Its rural characteristics are comparable to those of other places in the state of Alaska that have found to be rural. That's documented in the ISER report and the same special circumstances which led this Board, on reconsideration, to find Sitka, Kodiak and Saxman should be reclassified as rural, apply with equal force to the communities on the Kenai Peninsula.

And I guess I'll conclude my testimony with that and I'm willing to answer any questions if anyone has questions about our written testimony.

CHAIRMAN DEMIENTIEFF: I have just a comment, I think. I share with you your concerns, I think I speak for the Board, one way or the other we are going to decide this issue here, this afternoon. I already talked to the State representative who is going to speak next, but if I could ask you to just stay with us in case the Board needs to call on you for a resource.

Thank you.

MS. DANIEL: Thank you.

CHAIRMAN DEMIENTIEFF: Jim Fall, Department of Fish and Game.

MR. FALL: Thank you, Mr. Chairman. I really appreciate this opportunity to address the Board this afternoon. My name is Jim Fall, I'm the regional program manager for the Division of Subsistence for the Department of Fish and Game and I will be presenting the Department and the State of Alaska's comments for you this afternoon. I'll try to be brief because we've submitted substantial comments on this issue for this meeting and for past discussions on this topic.

I'd like to refer to the March 31st, 2000 letter to the Federal Board Chairman from Commissioner Frank Rue, which I believe is in your packet and which lists some points that we offered for your consideration this afternoon. I'll highlight these and then give a bit more detail on a couple of them.

First of all, the Proposed Rule and Staff analysis of the request to declare the entire Kenai Peninsula rural do not recommend changes to existing regulations at this time and the State supports this outcome and does not believe that additional rural designations are justified.
for the Kenai Peninsula.

Second, we recommend that the Federal Subsistence Board review the rural and non-rural designations for the Kenai Peninsula following the publication of the year 2000 US census data which would be consistent with your established procedures. At that point, updated information will be available and this is especially important given the rapid population growth and economic diversification that has taken place in the Kenai Peninsula over the last 10 years. And Attachment A of our submission gives some more background on that one.

Third, we support the Federal Subsistence Board's direction to Staff to develop an improved methodology for making rural determinations to be applied for the decennial review and we also offer detailed comments on the Staff report, especially relating to methodology and related issues. And that's attached as Attachment B. And we hope that in the development of the new and improved procedures, that our comments on the Staff analysis will be taken into consideration.

I'll skip the fourth point for a second in the letter and go on to number 5.

We believe that in applying the Federal standards for rural designations which this Board adopted, that the existing social economic and community characteristics of the Kenai Peninsula continue to justify aggregation of the road connected areas of the Peninsula and that new rural designations are not supported by the facts. And as we stated in previous comments, we believe that the analysis of extensive information by the joint board of Fisheries and Game provides good guidance for this body in making rural and non-rural determinations. Not only on the Kenai Peninsula but throughout the state.

And number 6, we attached some letters from earlier comments, Attachments F, G and H which give additional recommendations about the kinds of information and questions that we think are appropriate for this decision at this time. I won't go into details on those unless you wish.

The last comment that I'd like to address this afternoon and go into a little bit more detail on has to do with organization, the people who have come before you today asking for this change in the classification of the Kenai Peninsula. And our comments, I think, appropriately,
have focused on the Kenai Peninsula, overall, the predominant characteristics of the Peninsula, the dominate historical patterns of change that have occurred there.

The Department and the State of Alaska recognize that the Kenaitze Tribe has a long historic use of wild resources on the Kenai Peninsula. That's where they've always been, they didn't come from anywhere else.

Like other Alaska Native population which have been overwhelmed by rapid urbanization, the Kenaitze Tribe has become a subgroup within a much larger population in the Kenai/Soldotna area. Current Federal and State laws do not allow for the rural subsistence priority within urbanized areas, non-rural areas. And it's not possible to designate the Kenaitze Tribe as a separate rural population because the tribal members are geographically dispersed within the greater Kenai/Soldotna population. Given this situation, the State of Alaska has developed some special educational, fishery and cultural use permits as a means for recognizing and providing opportunity for cultural uses of wild resources by subgroups like the Kenaitze. And we are committed to providing opportunity for long historic resource use patterns through mechanisms such as these educational fisheries and cultural use permits.

And I'd like to give you a few more details on these because we haven't heard much about these this afternoon. And I'd like to mention, also, that two other members of the Department are here this afternoon to give some more background on these opportunities if you so desire, Doug McBride from the Division of Sportfish and Linda Branian from the Division of Commercial Fisheries.

First, the Educational Fishery Program which is adopted -- which is authorized under a Board of Fisheries regulation 5 AAC 93.200. And the purpose here is it's basically designed to meet educational and cultural goals that are not met through existing opportunities. The conditions of the permit are reviewed annually by the Department in consultation with the applicant and can be adjusted annually. We just issued seven permits for educational fishery programs for Southcentral Alaska for this coming year. Specifically, for the Kenaitze Tribe, the educational fishery has operated annually since 1989 and presently the permit allows the operation of a set gillnet by the Tribe in the Lower Kenai River from May 1st through October 15th. There's a 5,000 salmon total harvest associated with the educational fishery. In 1999, according to the report prepared by the Kenaitze Tribe, about 2,600 salmon were taken in the educational net and
over the long-term of the fishery, the range has been
between 2,100 salmon and 5,000 salmon with a mean of about
3,400 salmon. Within the guidelines of the permit, the
Tribe decides who fishes the net, when it is fished and how
the fish are distributed among users. The harvests are
reported weekly to the Department and as part of the
permit, the Tribe is required to submit an annual report to
address how its educational goals for the fishery were met
in that year.

In the Department's view, this is an exemplary
program, it's one of the best we have, annually. The
reports that are provided by the Kenaitze are just a prime
example of a well run program. It is very clear that the
program involves youth, it involves elders, it involves
teenagers, it involves most of the Tribe. The educational
opportunities that are provided are both formal and
informal. And it involves more than the Kenaitze Tribe.
In reviewing the report for last year, I noted that youth
associated with the Cook Inlet, with CIRI and with the Cook
Inlet Tribal Council were invited to participate and indeed
the Tribe, itself, has a lot of responsibility in running
this program and it does it very well.

When this was developed it was a new program, it
has evolved over time. It can continue to evolve. There's
-- because of the way it's set up, the permit must be
applied for annually and that gives us the opportunity to
talk with the Kenaitze about their goals for the future and
if, indeed, the current program is not meeting everything
that they would like it to do. We should talk about that
and we should think about ways to change it within the
guidelines established by the Board of Fisheries.

I'd like to mention, too, regarding hunting, that
there is a permit that we can award called permit to take
game for cultural purposes. And this is very short, I'd
just like to read to you what this regulation says.

It says: The Commissioner may issue a permit for
the taking of game, including deer, moose, caribou, black
bear, mountain goat, small game and furbearers for the
teaching a preservation of historic or traditional Alaskan
cultural practices, knowledge and values only under the
terms of a permit issued by the Department upon
application. A permit may not be issued if the taking of
game can be reasonably accommodated under existing
regulations.

In other words, here's another opportunity as with
the educational fishery to take a look at what is being provided for by general hunting provisions, personal use provisions and so forth and asking organizations and tribes, what can't you do in terms of your goals for cultural preservation and teaching of youth? What can't you do with existing regulations and what can we do to set up something to help you achieve those goals.

The Kenaitze have been issued permits for the taking of game for cultural purposes in 1995, '96, '98 and '99. They took a moose. I reviewed the 1998 report, in which, the Kenaitze did harvest a moose. It involved five youth in that taking of that moose. They were taught butchering techniques, the meat was used in tribal functions. Other parts of the animal, including the leg bones, the hooves, the hide were used in the Dena'ina winter programs that the Tribe runs. An excellent report was submitted with photographs to show that. We'd be the last ones to say that this is adequate for providing for the teaching of youth. The goal here is to supplement the hunting seasons and opportunities that are already there.

In addition, the Board of Game has adopted a regulation for the taking of big game for certain religious ceremonies which I can go into if you like except for to note that this program does not require an advanced permit out of respect for the religious traditions of Alaska Native people. It does request that after the animal is taken that a report be provided to the Department.

And over the years the Board of Game has adopted some other special permitting procedures for Alaska Native ceremonies such as the stick dance and the Nechelowia (ph) potlatch which takes place at Tanana which have special authorizations within regulation recognizing those cultural practices in addition to what people can already do.

I think with that, Mr. Chair, I would just close the State's comments at this time and see if there are any questions.

Thank you, very much.

CHAIRMAN DEMIENTIEFF: Thank you, Jim. The one comment, of course, restriction that we have is that it can only be done in rural areas, our -- you know, we've done similar types of things all over the state but we're restricted to the ANILCA standard. Are there any other questions of Jim or comments for Jim.
MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

MS. GOTTLIEB: Jim, I was wondering, we heard mentioned before about round-table discussions that were going on, are you or the State part of those discussions?

MR. FALL: Mr. Chair, I was not aware of those discussions, perhaps someone else in the Department has been involved but that was news to me.

CHAIRMAN DEMIENTIEFF: If there is no other questions, thank you, Jim, and if you and your Staff will hang on with us in case we need you for a resource. Thank you.

Okay, Southcentral Regional Council recommendation.

MR. LOHSE: Mr. Chair. As you know this has been before the Southcentral Regional Council since 1995, we've dealt with the issue, we've had public hearings on the issue. In 1995, September 28th, 1995, to be exact the Southcentral Regional Council at a public meeting in Anchor Point, Alaska, recommended to the Board that they find the Kenai Peninsula rural.

At our March 23rd, 1999 public meeting, the Regional Council reaffirmed its recommendation that the Board reconsider its 1991 non-rural determination with respect to the Kenai Peninsula and declare all of the communities on the Kenai Peninsula rural.

And on March 3rd, 2000 the Southcentral Regional Council unanimously passed a motion to recommend to the Federal Subsistence Board to leave the Regional Council's original recommendation stand.

So you can see that we've dealt with this a number of times and the opinion of the Council and the Council membership has changed over that time period, we've had some new members, we have a couple members now who are right from the Kenai. I'd like to actually read a little comment at this time to show how strongly some of those members feel about it.

This is by Fred Elvis. He's from Seldovia. And basically what he states is that the Kenai Peninsula is the homeland of the Kenaitze people. It's been invaded by
thousands of people through time and the Kenaitze's have seen their homeland taken away by State and Federal acts, laws to the point where they're being told, you have no more land or resources to give up so now you must give up your lifestyle. He has a copy of that in the public comment for the Court Reporter.

That shows how strongly some of us feel.

As a Council, we've given this our considered opinion. We're not saying that we're 100 percent right on it but we believe that ANILCA doesn't deal with popularity or economic impact, it doesn't even deal with opportunity, it doesn't deal with Native or non-Native. What the question before you deals with is a rural preference in the use of fish and game resources.

The question here, has been a lot spoken to this but it's not even if there are customary and traditional use patterns on the Kenai, the question that you have to face is whether the Kenai, as a whole, for all residents is a rural place to live as requested by the Kenaitze Tribe. In the considered opinion of our Council, it is a rural area. If we, as Council members, lived there as some of our Council does, we would all consider ourselves rural residents living in a rural area no matter where we lived on the Kenai in comparison to areas that we really consider urban areas.

We, as a Council, feel that ANILCA was put in place to provide for rural or local priority, if you want to call it that, in the use of subsistence resources. We feel that the Kenai Peninsula should have that priority.

CHAIRMAN DEMIENTIEFF: Thank you, Ralph. Staff Committee recommendation.

MS. FOX: Thank you, Mr. Chair. The interagency Staff Committee recommends that the Board defer the Kenaitze Tribal request to reconsider Kenai Peninsula rural determinations until the year 2000 census data and the results of a study of revised rural determination criteria and methodology are available.

There are concerns with the methodology and the available data that were used in making rural determinations for the Kenai Peninsula communities and areas and possibly other Alaskan communities. In particular, criteria used to aggregate communities were problematic. A defensible methodology for reviewing
statewide rural determinations is being developed and should be available when the year 2000 census data are available. Such a review of the criteria and methodology will be done by an institution devoted to research such as a university. Moreover, the review of statewide determinations will involve the Subsistence Regional Advisory Councils.

The motion to defer the Kenaitze Tribal request until Kenai Peninsula rural determinations can be reviewed, along with the rest of the state, was passed by a vote of 3-2. While recognizing the Kenaitze Indian Tribe's long-term uses of resources and cultural heritage on the Kenai Peninsula, the majority felt that the Tribe does not represent the characteristics of the communities as a whole for the purpose of determining whether the communities are rural or non-rural.

The minority favored granting the Kenaitze's request to find the entire Peninsula rural. The minority opinion is that the residents of Kodiak, Saxman and Sitka argued successfully that they are rural communities, even though the application of rural criteria in those communities was originally a denial of rural status. The minority feels that had the residents of the Kenai Peninsula been better organized to influence the Board through oral testimony, they, too, would have been granted rural status. The minority is also concerned that the Board may have erred in aggregating smaller communities or areas with the larger communities of Kenai, Soldotna, Homer and Seward.

CHAIRMAN DEMIENTIEFF: Thank you. With that, this becomes now the property of the Board.

MR. CESAR: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Niles, yes.

MR. CESAR: I would like to move that we reject the interagency Staff recommendation and adopt the minority Staff position which would accept the petition of Kenaitze Indian Tribe and find that all of the communities on the Kenai Peninsula are rural.

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

MR. CAPLAN: Second.
CHAIRMAN DEMIENTIEFF: Thank you. Before begin to debate, I want to -- I have a special little message for the Kenaitze Tribe. It's mostly personal in nature. It won't guide, however, my decision, but there is a personal message, I think, that's important to you.

1917 my little tribe in Nenana was you, 20,000 people moved in on top of us as the gold fields in Fairbanks were being developed. 20,000 people. It was a different time, though. It was different laws, you know, there wasn't all the great concerns, there weren't that many people. We sold them moose meat to build the railroad, that's how those times were. Fortunately for us, they built a bridge across the Tanana River and all those people moved into Fairbanks. I see a big highway coming from the Peninsula but I see more people coming in than leaving. Those people moved into Fairbanks, there are two villages there, Chena and Salchaket, of our four villages of my particular people and those were two of the villages that we were very close to.

When Fairbanks moved in on top of those two villages, those two villages were gone. There is no Chena village today. There's a Salchaket site but there's nobody there. There's a few remnants of the families of those people that are around. I'm related to some of them.

And for that, irregardless, of the Board decision today, I want to congratulate the Kenaitze Tribe for persevering because we lost half of our people in the early part of the century by people moving in on us. So I just congratulate you for persevering.

However, again, it's not going to be the deciding factor, it's not me -- were I to vote on my motions, you know, that would be the way I'd go but in this responsibility in this day, you know, I've got to decide this thing on the facts but I thought that that was a message that you needed to hear, win or lose in this decision.

With that, we'll begin the discussion.

Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. As I see it, the question before the Board today is whether or not the entire Kenai Peninsula is rural based on population and community characteristics as described in the Board's regulations for rural determinations of eligibility for the
subsistence preference under Title VIII of ANILCA.

Like you, Mr. Chairman, I don't question the longstanding culture and traditions of subsistence use by the Kenaitze or other tribal members on the Kenai Peninsula. However, use of fish and wildlife by communities is only one factor among several that the Board must consider in making its rural determinations.

A community must be rural in character, considered as a whole with respect to several factors if it is to be determined rural using the Board's regulatory guidelines.

An unfortunate consequence of urbanization as you've indicated yourself with regard to Fairbanks is also being seen on the Kenai Peninsula and that some members of Alaska Native tribes are currently not eligible for the rural subsistence priority provided for by ANILCA. Concerns have been raised about the community aggregation criteria in our regulations and their affect on the Board's rural determinations made for the Kenai Peninsula. The aggregation, methodology, in my view, is a reasoned process for communities in close proximity to each other or which even merge together are integrated socially, economically and communally.

As our public record shows, the methodology uses both population size and community characteristics to formulate its rural findings. For example, the aggregations of communities on the Kenai Peninsula known as the Kenai area has a population today of over 22,000 people. And it's economic diversity is even more -- is even greater today than it was 10 years ago. This same area exceeded 14,000 people when the Federal Subsistence Board made its original non-rural determination of this area in 1990.

In my review of the public record, I do not see anything new that would persuade me to change that determination for the Kenai area or the aggregated community of Seward or Homer. Nor do the comparisons made between the Kenai Peninsula and the communities of Saxman, Sitka and Homer [sic] provide compelling evidence to conclude a rural determination is appropriate for the Kenai Peninsula. In fact, that comparison and the additional information provided, even by the ISER report, has only raised new questions in my mind about whether the Board's decision in 1990 for Sitka, Kodiak and Saxman were, in fact, the correct one.
Once again, I do not question the longstanding culture and traditions of subsistence use of fish and wildlife by Alaska Natives on the Kenai Peninsula or elsewhere in Alaska. I also have a deep respect for the passion with which all Alaska Natives pursue their distinct subsistence cultures. Unfortunately, the remedy that many Alaska Natives still seek, under ANILCA, that is, to continue their subsistence lifestyle is not available to everyone.

I believe the Board does need to make a decision, as you've indicated, but I cannot support the current motion and will vote against it.

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, Mr. Allen.

MR. CAPLAN: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. CAPLAN: My name is Jim Caplan. I'm Deputy Regional Forester for the Forest Service here in Alaska. And I want to point out that the significant portion of the Kenai Peninsula are taken up by the Chugach National Forest and mention, as I have previously, of the close partnership that the Forest Service has with the Kenaitze people in helping to interpret, you know, past historic and pre-historic events and habitation and uses of that national forest.

And, therefore, I do hold them in the highest esteem. In many meetings with them, we have done a lot together and done well.

I also want to take a moment and commend the Staff for dealing with a difficult, very difficult issue, over which must testimony has been taken. And also commend the people on the Kenai who are beginning the process of community interaction, the round-tables, the mediated opportunities for community dialogue. Because if I were to address a remark to the people of the Kenai currently I would say, one of the reasons why you're before the Federal Board today is because you failed to honor your neighborliness, you failed to honor your neighbors, your relationships, your communities. And petitioning to a Federal Board for remedy is not self determination, it's giving up your power to someone else.
So as we go through this process, whether we vote up or down on rural, I would encourage that those round tables go on and that the people have the opportunity over time to resolve their disputes at the local level instead of escalating them to a level which doesn't necessarily take into account all the things that ought to be done.

Let me say that things have changed since 1990 and 1991. One of the reasons why I seconded the motion is because of the things that have changed. First, we have Regional Subsistence Advisory Councils and you heard Ralph give his presentation. Three different times they have voted in favor of rural designation for the Kenai. They weren't in place back then and we listen to them carefully now because they often convey to us the information from local people which is absent in many of these meetings. And although we don't defer to them on questions of rural designation, as a Board, nonetheless, they provide powerful persuasion to us over what we ought to do.

The second thing that's happened since the early days is that Sitka, Kodiak and Saxman were designated. And I want to point out that many of the reasons why they were is because there is a distinct enclave of Native folks within those communities. I visited those places and even have relatives living in one of them. My point, however, is, that in the case of the Kenaitze we do not have that distinct enclave and, therefore, I am not very well persuaded by their argument that they have been poorly treated in light of what happened with Sitka, Kodiak and Saxman.

The Kenaitze have petitioned us, starting in 1995, and they've made good arguments, this is also a change since 1990, about their concerns for the Kenai and their willingness to continue in a subsistence lifestyle. In addition, the Board has a lot of expertise now that it didn't have in 1990. Not speaking for myself, I'm a relatively new member only four years on the Board, but the folks around the table here have many, many years of experience now in processing petitions from people for customary and traditional uses. We've heard arguments that were never heard in 1990 and many people were able to bring that expertise to the table. And so it's a different Board, not only different individuals but a higher level of expertise.

In addition, I also respect other Federal agencies such as the Census Bureau. My sister agencies within the U.S. Department of Agriculture and others who refer to the
Kenai Peninsula as rural and provide services because of the rural nature of the communities on the Kenai. In many cases the infrastructure of those communities has been developed as a result of being treated as rural communities.

A few other points. I feel that the aggregations were accurate in 1990 and they're probably accurate today. And the reason simply is, when people live close to one another on a road system or within a cove in Southeast Alaska, where I'm from, they get back and forth. They find ways to communicate, to barter, to share wealth in one form or another. Either through employment or through subsistence resources. And I find that those aggregations are pretty persuasive. That people are going back and forth and that those communities are -- even though they have different names for different places, are successful aggregations.

The only one that I have a problem with is that, which joins Moose Pass with Seward. My sense is that the communities north of Seward are generally not a part of the Seward community. But I would await more information on that to arrive at a conclusion.

So as I said before, I think the aggregations made earlier by the Board were accurate.

I would have to say also that the population density has been pointed out by others on the Kenai Peninsula is extremely low. Part of the reason is is because of the availability of the National Wildlife Refuge, National Forest and the National Park, which are wild lands immediately proximate to the communities and are used by the people in the communities. In addition, the sea is there, the ocean is there and people make connection with that. So in many ways, the area is dominated by extensive, undeveloped natural resources and in the more intensively developed areas where people live, there is urban phenomenon, but this is in the context of a very, very wild piece of real estate.

And, therefore, what happens, I find, when I'm traveling and I've extensively traveled up and down the Kenai Peninsula is that the transitions from lands adjacent to the communities, the community themselves, can be quite abrupt. You don't see the transitions there that you do around Anchorage and other cities in the Lower 48 and other places, and that is, that you transition from forest to cultivated fields to towns to suburbs to cities, instead
the transitions along the Kenai for the most part are very abrupt. And what that indicates is there is not extensive urbanization around those communities.

Also since the time that the Board first made the decision on the Kenai, the ISER report, which I believe was put out in 1998, although, it did not follow the pattern that the Staff Committee did, nor was it the pattern that was established in regulation, necessarily, by the Board, was persuasive on some matters.

First of all what -- for the criteria that they reviewed with respect to the uses of fish and game, levels of employment and the seasonality of employment, transportation systems and their ability to move people around, what I found was that even though many of the comparisons were with some of the communities, Kodiak, Sitka, and Saxman, that the notion that somehow the communities on the Kenai were comparable in almost every respect to the subsistence lifestyles of people in those other communities. I found that a compelling argument. Not that each specific element of their argument was compelling because perhaps it missed the point to some degree but that overall, the idea that the people in the communities of the Kenai were living a subsistence lifestyle was pretty persuasive.

Where I'm conflicted at the moment is about the future. And I realize that the Board is being asked to make a decision today and it is based on evidence presented today and all the work that's gone on up until now. What I'm concerned with is if we make a decision to render the Kenai rural today, then after the 2000 census and a revision to our criteria, they are then rendered non-rural, I think it would be doing a disservice to the people there. And I'm mindful of that and yet, very willing, at this point to support a rural designation for the Kenai Peninsula and I would support the motion as proposed.

CHAIRMAN DEMIENTIEFF: Additional discussion. Niles.

MR. CESAR: Thank you, Mr. Chairman. I believe most of my comments are in line with the minority Staff Committee report. I think that in 1990, I'm persuaded, had just a few elements been different, that Kenai would have been designated rural, I believe that's true. And I'm ashamed to say it but I was here in '90, not on that particular vote, but I've had a long history of discussions with the folks on the Kenai Peninsula and, I,
like Jim, had been down there many times and I am persuaded
at this point that the Kenai Peninsula should be designated
rural. I believe that we have, within our ability, and
certainly we're going to be looking at this again and
seeing whether we are going to change designations for
certain communities and that may, in fact, come back and we
will have to make a different determination.

But we've been at this a long time, many years.
And, you know, I just, for one, feel like the Kenaitze
petition should be adopted and that, to make them wait,
another year or two years, does not fall, in my mind, in
the view or the scope of reasonableness. And I believe,
obviously from my testimony, that I will vote in support of
the petition.

CHAIRMAN DEMIENTIEFF: Fran.

MR. CHERRY: Mr. Chairman, first I would
like to apologize to this Board for only being able to be
here today for this important decision. I think as you all
are aware I was forced to be in Fairbanks dealing with a
death of one of our employees up there and I do apologize
to the Board.

Considering the motion has been in front of us for
quite some time now I'd like to make the following
comments. One thing that I would like to point out is I
think the attorney for the Kenaitze Natives pointed out was
that the direction we did give to the Board last May was
that we do come up with a decision not another delay and
study, and I think the proposal as stated by the Staff
would initiate another delay.

Having said that, though, I'd like to go further
and say, the Staff Committee has correctly pointed out that
the process and criteria are flawed and they do need to be
changed, especially with our increased knowledge and
information that we now have. It's unfair, however, for
the people of the Kenai to wait additional time while we
develop that new criteria.

Also if the motion is approved, the Kenai should be
restudied along with all of the other communities with the
new criteria and new information when the 2000 census data
is available.

Thank you.

CHAIRMAN DEMIENTIEFF: Judy.
MS. GOTTLIEB: Mr. Chairman, thank you. I have reviewed the population number from 1990 for those specific Kenai Peninsula communities classified as non-rural. I also looked at the new analysis, the testimony, the comments, heard the testimony both in Kenai and here today. I do not find that the communities in question possess significant characteristics of a rural nature. I do see problems with the methodology and the data availability for making a rural determination and we hope to correct those with the future work we plan to do.

I don't believe that the Kenai Peninsula communities are comparable to those island communities previously found to be rural. I was very pleased to hear about the round-table discussions which are getting started and encourage your efforts and hope that can be as inclusive as possible.

Historical occupation and customary and traditional affiliation all support the Kenaitze Tribe's claim to the harvest of natural resources on the Kenai Peninsula, unfortunately the Tribe's current residence patterns does not allow for an easy way to enfranchise the petitioners as rural residents. Since tribal members are geographically dispersed rather than concentrated in a specific community or location, we have no choice but to apply the population criteria to the combined Kenai/Soldotna area. Regrettably, to protect the rights of all legitimate rural residents in the state, I cannot support the motion.

Thank you.

CHAIRMAN DEMIENTIEFF: Basically, actually, Jim stole most of my reasoning so I'm not going to be redundant in that stuff. I mean believe me we didn't huddle up on making our speeches it was pretty much what I was going to follow-up with.

But in addition, I think, you know, in making what I think was a mistake in 1990, I think we've compounded that mistake through the years. And part of that has been under my leadership, you know, in holding you up the last couple of years from getting a Board decision. And the reason I did is because I wanted to make sure that the Regional Advisory Council did diligence. We approached an issue and when was that, '95, the C&T determinations on the Peninsula, where the Regional Council kind of threw us to
the wolves without going down there and conducting a
hearing. I was still smarting from that. And so I made
sure that the Regional Council went down there and did
diligence, which they did and I'm very proud of them. And
once they did that, then I was supportive last year of
moving this thing on to a Board decision, and I apologize
for the Board for having to keep this in the air until
basically into the next century and I know we're going to
redo this stuff again in the not too distant future.

But I'm going to vote to support the motion as made
by Mr. Cesar.

Is there any other comments -- yes, sir.

MR. LOHSE: Mr. Chair, I'm sorry if our
Council threw you to the wolves. That wasn't any
intention. But I can, at least, say that I wasn't the
Chair at that time. So I'd just like to ask one question
and I'm going to ask it on behalf of the two members of our
Southcentral Regional Advisory Council who reside on the
Kenai and I'll just ask it of all of you people who are
going to be making the vote.

Most of you live in Anchorage. If you, as an
Anchorage resident, moved to those urban areas of the
Kenai, would you be moving to town or to the country? And
I'll just let it go like that.

CHAIRMAN DEMIENTIEFF: Further discussion.
Niles.

MR. CESAR: Mr. Chairman, I call for the
question.

CHAIRMAN DEMIENTIEFF: The question has
been called for. We're going to have a roll call vote.
You'll record the vote and we'll start with Mr. Cesar.

MR. O'HARA: Would you restate the motion?

CHAIRMAN DEMIENTIEFF: I'll call on the
maker of the motion to restate it. No, basically the
motion was to reject the Staff Committee report and to.....

MR. CESAR: Adopt the minority Staff
Committee recommendation which would find in favor of the
Kenaitze petition which would therefore make all
communities on the Kenai Peninsula rural.
I vote yes.

MR. BOYD: Mr. Allen, Fish and Wildlife Service.

MR. ALLEN: I vote no.

MR. BOYD: Mr. Cherry, Bureau of Land Management.

MR. CHERRY: I vote yes.

MR. BOYD: Ms. Gottlieb, National Park Service.

MS. GOTTLIEB: No.

MR. BOYD: Mr. Caplan, Park Service.

MR. CAPLAN: Yes.

MR. BOYD: Mr. Demientieff, Chair.

CHAIRMAN DEMIENTIEFF: Yes. That's four votes to two in favor, the motion is carried.

That completes our business of this Federal Subsistence Board. However, I'd like to call on Mr. Dan O'Hara before we adjourn who's got a little special request that he wanted to make for us.

MR. O'HARA: Thank you, Mr. Chairman. When we -- Dan O'Hara, Chair of the Bristol Bay Council, when we began the Councils in 1990, I believe it was, we had a coordinator by the name of Helga Eakon who helped us and our Councils in rural Alaska have a deep appreciation for these coordinators who help us. We call them all times of day and night to help us on issues and when you look at the book that we have been given, you know, it's about four inches thick and a lot of work goes on there. I know our present coordinator right now, Mr. Chairman, Cliff Edenshaw, is doing a lot of work with handling two Councils.

But Helga Eakon was our first coordinator and then she went on to other responsibilities and the Bristol Bay Regional Council would like, at this time, Mr. Chairman, to give Helga this certificate of appreciation. Thank you.

MS. EAKON: Mr. Chair, you caught me by
surprise but I say thank you very much, it was a pleasure.

CHAIRMAN DEMIENTIEFF: Okay, that's it.

MR. THOMAS: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Yes.

MR. THOMAS: I'd like the Chairs to remain here.

CHAIRMAN DEMIENTIEFF: Okay, good. And with that.....

MS. TEPP: Mr. Chairman, could I say the Kenaitze Indian Tribe would like to thank you for listening to us and your very hard work. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. And with that, the Board has completed its business this week and we shall adjourn the meeting.

ADDITIONAL WRITTEN COMMENTS FOR THE RECORD, REQUESTED TO BE ADDED TO THE RECORD BY MS. DANIEL, ATTORNEY.

November 11, 1998

Kenaitze Indian Tribe IRA

My name is Liisia Johansen Shaw. I was born in Bethel, Alaska in 1949 and have spent most of my life on the Kenai Peninsula. My father was Alexander Johansen, a Dena'ina Athabascan man who was born in Kenai, Alaska in 1919, and lived a traditional subsistence life. My father taught me and my brothers and sisters how to survive from the land and its resources. We did not waste anything and were taughts respect for the land. The land was like a religion for my father. He said that if you take care of the land and resources there would always be plenty for everyone.

Different seasons meant different kinds of subsistence. We were always putting up for the winter it seemed like.

Spring meant hooligan fishing in the Kenai River, digging clams at Clam Gulch and king salmon were running. We shared with our family members and smoked king in the early spring. Hooligan and clams were put up in the freezer. The garden was planted with potatoes, lettuce, cabbage, radishes, spinach, turnips and rutabagas. We took care of our garden all spring and summer, and harvested the vegetables in the fall for winter months.
In the summer the reds were running and we canned, smoked, salted and froze fish for days. This was for the winter months.

In the fall we fished silvers and our whole family picked berries. My mother and I made jelly, syrup and cranberry catsup by the case.

While the whole family was picking berries my father and brothers were grouse and moose hunting. In the early days we always got our moose and we shared fresh meat with my grandmother. My whole family was busy butchering moose and wrapping and freezing it for the winter.

In the winter months we ice fished for trout and hunted rabbits. We trapped beaver, wolverine and rabbits for the furs and meat.

I still practice a subsistence lifestyle and I have taught my children everything my father and aunts and uncles taught me. It is harder now because fish and game regulations limit us to certain areas and there are many restrictions on the Kenai River. My family fishes the Kenaitze Indian Tribe's Educational Net and we still pick berries in the fall. But because of the urban designation imposed on the Kenai Peninsula living our cultural lifestyle has become almost impossible. My family fully supports the Kenai Peninsula being designated a rural area.

From: Joan Corliss
732 O Street, Apt. 1
Anchorage, Alaska 99501
Phone 279-1567
4/25/00

Dear Rita or Sasha,

Enclosed is my written testimony for the Federal Subsistence Board hearing here in Anchorage, May 3 and 4, 2000

Hope to see you at the annual "We the People" March 5/3/00.

Sincerely, Joan Elva Corliss.

Testimony for Federal Subsistence Board Hearing May 3 and 4, 2000, Anchorage, Alaska
In the matter of designating the Kenai Peninsula as rural in regard to subsistence I wish to testify that historically my ancestors have subsisted and utilized the land, fish, game and berries on the Kenai Peninsula for centuries.

My Indian Athabascan ancestors were industrious and known for their ways of traveling long distances, living off the land and establishing summer fish camps and winter hunting camps. They knew where the berries and life saving herbs grew and how to preserve fish, meat and other food stuff to sustain them through the winter months. The clothing they made from tanned hides and furs are coveted to this day.

I remember my mother Alice Hedberg Brown who was born in 1912 in Kenai telling stories of her mother Anastasia Nultna Hedberg's amazing abilities to live off the land, preserve supplies for winter and make wonderful warm clothes from moosehides and fur as well as knit and do beautiful needle work. She was also very wise in the use of indigenous healing herbs. My grandmother Anastasia knew where they grew and how to harvest them and use them to heal and save lives. Which she did more than once. My grandfather John "Moosemeat" Hedberg got his nickname because he always got his moose and was willing to share. My grandparents had a 160 acre homestead at Nikiski and my mother had a Native Allotment at Puppy Dog Lake between Nikiski and Kenai.

My mother and dad fished commercially on the Kenai Peninsula and my parents and brothers and I have gone to Kenai for our yearly supply of salmon and clams ever since I can remember. This tradition has been passed on to my daughter, Rebecca Lyon, son Ron Naanes and my granddaughter Sunny Remmy, who with me are all proud members of the Kenaitze Tribe.

The Kenai Peninsula, Kenai and Nikiski in particular, are my ancestral homeland and historically a rural area with subsistence rights.

Signed this Tuesday, the 25th day of April, 2000. Joan Elva Corliss.

May 2, 2000

To who it may concern,

I am a tribal elder of the Kenaitze Indian Tribe IRA on the Kenai Peninsula. To us the net is a very important aspect to the tribe. Myself, along with others think that the net
needs to stay because for example it has always been and hopefully always be, it has been a tradition for a long time and is used for great educational purposes for our growing youth who will soon enough be the one to take care of it in the future. Some tribal members need the fish for food to last them because of their financial status. Others need the net just to go out and have a good time, which for some is needed for possibly just a family gathering. The subsistence net is one of few foundations for the tribe and without it what will the elders get to eat in the winter were [sic] most elders are unable to support themselves so they need the fish from the net to live off of. With volunteers to work the net are able to fish for the not so fortunate ones. So in conclusion I would like to say that without the net our tribe would be in lots of hurt without it.

Thank you sincerely, Katherine Juliussen.

Jennifer Showalter
911 Mission Avenue
Kenai, Alaska 99611

May 3, 2000

RE: Rural Priority for Kenai Peninsula

To whom it may concern:

My name is Jennifer Showalter and I am a tribal member of the Kenaitze Indian Tribe IRA. I am writing this letter in support of the rural preference for the Kenai Peninsula. I have lived on the Kenai Peninsula most of my life and feel that part of my life has revolved around a subsistence lifestyle.

Growing up in this area we lived off of moose meat, salmon, any fish we were able to get, clams and berries. This lifestyle is one that I am proud of as well as learning from. I am proud of my Native heritage, and what to continue to learn about it and share it with my children.

Currently, we are only able to go sport fishing (which many Native people do not do) and this also includes clamming. We are able to go sport hunting during specific times during the year in which there are people from the entire State of Alaska fighting over hunting areas as well as out of state hunters, and we are able to go berry picking. Many of our traditions are based on our ability
to go subsistence hunting and fishing. It is important for
our people and our culture to continue this tradition.

Sincerely, Jennifer Showalter.

(END OF PROCEEDINGS)

* * * * *
CERTIFICATE

UNITED STATES OF AMERICA )
STATE OF ALASKA )

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

THAT the foregoing pages numbered 02 through 243 contain a
full, true and correct Transcript of the FEDERAL SUBSISTENCE
BOARD PUBLIC MEETING, VOLUMES I, II and III, taken
electronically by me on the May 2 through 4, 2000, at the Regal
Alaskan Hotel, Denali Room, Anchorage, Alaska;

THAT the transcripts are 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 10th day of May, 2000.

Joseph P. Kolasinski
Notary Public in and for Alaska