MEMBERS PRESENT:

MIKE FLEAGLE, CHAIR
NILES CESAR, Bureau of Indian Affairs
GARY EDWARDS, U.S. Fish and Wildlife Service
JUDY GOTTLIEB, National Park Service
DENNY BSCHOR, U.S. Forest Service
GEORGE OVIATT, Bureau of Land Management

SARAH GILBERTSON, State of Alaska Representative
KEITH GOLTZ, Solicitor's Office
KEN LORD, Solicitor's Office

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CHAIRMAN FLEAGLE: Good morning. I'd like to call the Board meeting to session here. And first of all I'd like to start out with Board member introductions. I'm Mike Fleagle, Chairman, from Anchorage. I'll start on my left.

MR. CESAR: Niles Cesar. The Bureau of Indian Affairs, Juneau.

MR. OVIATT: George Oviatt. Representative for the Bureau of Land Management.

MS. GOTTLIEB: Judy Gottlieb with the National Park Service.

MR. GOLTZ: Keith Goltz, Solicitor's office.

MR. PROBASCO: Good morning, Pete Probasco. I'm from the Office of Subsistence Management. I'm currently the acting assistant Regional Director.


MR. BSCHOR: Good morning. I'm Denny Bschor. I'm with the U.S. Forest Service stationed in Juneau, Alaska.

MS. GILBERTSON: Good morning. Sarah Gilbertson with the State of Alaska, Department of Fish and Game.

CHAIRMAN FLEAGLE: Thank you. I show that we have all members of the Board present. I'd like to take an opportunity to have everybody else that are at the table with a microphone to introduce themselves as well. Let me start at the table behind me over here.

MR. USTASIWSKI: I'm Jim Ustasiwski with the Department of Agriculture.

MR. KESSLER: Steve Kessler with Forest Service.
MR. BERG: Jerry Berg, U.S. Fish and Wildlife Service.

MR. KLEIN: Steve Klein, Office of Subsistence Management.

MR. JACK: Carl Jack, OSM.

MR. LORD: Ken Lord with the Solicitor's office.

MS. SWANTON: Nancy Swanton with the National Park Service.

MR. RABINOWITCH: Sandy Rabinowitch, National Park Service.

MR. CHEN: Good morning. My name is Glenn Chen, Bureau of Indian Affairs.

MR. ARDIZZONE: Chuck Ardizzone with BLM.

CHAIRMAN FLEAGLE: Thank you. Now, we'll start over here.


MS. WRIGHT: Amy Wright with Eastern Interior Regional Advisory Council.

MR. WEYIONUANNA: Cliff Weyionuanna, Chairman of the Federal Subsistence Game Board for the Seward Peninsula. Good morning.

MR. HAYNES: Terry Haynes, Department of Fish and Game.

MR. ONEY: Good morning. Raymond Oney, Yukon-Kuskokwim RAC member.

MR. HOLMES: Pat Holmes.

Kodiak/Aleutians RAC member sitting in for Vince Tutiaff.

MR. CARPENTER: Tom Carpenter. Southcentral RAC, Cordova.

MR. ADAMS: (In Tlingit) In the Tlingit language that means good morning. I'm Bert Adams, Sr.,
from the Southeast Regional Advisory Council.

CHAIRMAN FLEAGLE: Good morning, thank you. Pete.

MR. PROBASCO: Yes, Mr. Chair. And Mr. Raymond Stoney is also here but we also, on the opposite side of the wall there, the Guide Board is meeting, and so Raymond is going to be bouncing back and forth.

Mr. Chair.

CHAIRMAN FLEAGLE: Okay, thank you, Pete. And I want to welcome everybody in the audience. We have Staff and public members as well.

The purpose of the meeting today and tomorrow is to take action on proposed changes to the rural determinations of several communities based on the Decennial Review. And the first action before we do any Board consideration will be public testimony, and we already have a pretty good stack of testimony sign-up sheets coming in. We'll address those in a moment.

First I'd like to look at the agenda that we have before us. The first item on the agenda is to review that agenda. Board members is there any discussion on the agenda.

(No comments)

CHAIRMAN FLEAGLE: Hearing none, we'll go ahead and move forward with the agenda as presented.

Item 2 is Staff presentation of the report on recommendations and comments received on Proposed Rule. Pete Probasco.

MR. PROBASCO: Thank you, Mr. Chair. And Larry Buklis throughout this process of dealing with the rural/nonrural determination process has had the lead and so I'm going to turn the mic over to Larry Buklis.

CHAIRMAN FLEAGLE: Larry.

MR. BUKLIS: Thank you, Mr. Chairman. Good morning, my name is Larry Buklis. I'm with the Office of Subsistence Management. And the work that we
have compiled in our November 27th, 2006 report is the work of many people and I'll speak for the group in coordinating it, but I share the credit with many people.

The Board issued a Proposed Rule on August 14th, 2006 seeking recommendations and comments on proposed changes to the rural or nonrural status of several Alaska communities and areas. Briefly, the proposed changes, in the order they appear on your meeting agenda for today are:

1. The Kodiak Area, including the city of Kodiak, the Bill Bay area, the Coast Guard Station, Women's Bay and Bells Flats is proposed for change in status from rural to nonrural. Places excluded from this grouping which would thereby remain rural in status are Chiniak, Pasagshak, Anton Larsen, Kalsin Bay and Middle Bay, and villages and communities not connected by road to the city of Kodiak.

2. The Ketchikan Area, is proposed to be expanded to include all areas on the road system connected to the city of Ketchikan except Saxman as well as Pennock Island and an expanded portion of Gravina Island. No change is proposed in the nonrural status of the Ketchikan area. Saxman, under the Proposed Rule would remain separate and rural.

3. Adak, is proposed for change in status from nonrural to rural. Adak, a remote community in the Aleutian Islands has undergone a substantial decrease in population from more than 4,600 people in 1990 to less than 200 people in 2005 which warrants a change in status.

4. Prudhoe Bay, is proposed for change in status from rural to nonrural. Prudhoe Bay is an industrial enclave built for the sole purpose of extracting oil, currently with no permanent residents and without characteristics typical of a rural community.

5. Point MacKenzie is proposed to be
grouped with the nonrural Wasilla/Palmer area, and to thereby change its status from rural to nonrural. Available information indicates that Point MacKenzie is economically, socially and communally integrated with the Wasilla/Palmer area.

6. Fritz Creek East, not including Voznesenka, and the North Fork Road area are proposed to be grouped with the nonrural Homer Area, and to thereby change in status from rural to nonrural. Again, available information indicates that these areas are economically, socially and communally integrated with the Homer Area.

Seventh, and lastly, Sterling is proposed to be fully included in the nonrural Kenai Area. Sterling has been part of the nonrural Kenai Area since 1990. However, for the 2000 census the Sterling census designated place was expanded, such that a significant portion now extends beyond the current boundary of the Kenai Area. This expanded portion would change in status from rural to nonrural with inclusion as proposed.

Mr. Chairman, full verbatim copies of Council recommendations and all written comments received are provided for reference at this meeting, as are transcripts from Board public hearings and relevant portions of Council meetings. Those are available in front of the Board members, State liaison, Council Chairs. We also have reference copies on the side table to my right for A set of these materials is available for public reference. A report by OSM, dated November 27, 2006, summarizes main themes from recommendations, comments, and testimony on the Proposed Rule received through October 27, and presents some considerations in response. I will highlight key points from that report in this presentation, and that report is available to all of you.
Five of the 10 Councils had comments or recommendations to the Board on the Proposed Rule. Those were the Councils for the Southeast Alaska, Southcentral Alaska, Kodiak/Aleutians, Eastern Interior Alaska and North Slope regions. Council Chairs or their designees will present those recommendations and comments later in your meeting agenda.

I'll move on now to summarize the Board's public hearings.

The Board held public hearings in Kodiak on September 20th and 21st, in Saxman on September 25th, in Ketchikan on September 26th, and Sitka on October 10th, all in 2006, in response to public requests.

For Kodiak, the Board heard 85 testimonies at the public hearing in Kodiak. Testimony was entirely in support of continued rural status of Kodiak. A wide spectrum of the Kodiak community testified. The basic theme of the testimony was that Kodiak is rural and has become more rural since 1990, when the original status determination was made. Testifiers questioned what has changed since 1990 that would now make Kodiak nonrural. Many people testified that population should not determine whether or not Kodiak is rural. Throughout the hearing, many emphasized that Kodiak's socioeconomic dependence on subsistence and commercial fisheries is a rural characteristic. People overwhelmingly described Kodiak as being in a state of economic downturn. The economic downturn has led to an increased dependence on subsistence.

In addition to the downturn of commercial fishing, fuel prices have increased, which has led to increases in shipping costs. The cost of living in Kodiak, particularly for food, housing, and electricity, was said to be among the highest in the state.
Many people commented that Kodiak is isolated. They explained that weather and distance make travel difficult. The ferry takes at least 12 hours and flights are often cancelled or turned back due to bad weather. Many people spoke of days without mail and empty grocery store shelves.

A considerable number of people testified against the proposed grouping of places into a nonrural Kodiak Area. Separate status classifications would be divisive and confusing for the community. Several people commented that the Coast Guard Base is an enclave, and that it should not be grouped with Kodiak City.

Several people referred to Kodiak as the hub of the Island economy including the outlying villages. They stated that the small population increase in Kodiak is proportional to the out-migration from the villages, which is related to the overall economic downturn of the Island economy. They said there is frequent movement between the villages and Kodiak for economic, education, and medical reasons.

Many testified that subsistence is essential to their physical, spiritual, and cultural health. Numerous Alutiiq residents described the importance of subsistence to their cultural identity, family cohesion, and sense of community in Kodiak and across the Island. The average per capita subsistence harvest of 155 pounds was said to be more than is taken by residents of nonrural areas; over one hundred plant and animal species are gathered.

Saxman

The Board heard 28 testimonies at the public hearing in Saxman. Testimony was entirely in support of continued rural status of Saxman. Saxman was described as a rural community, independent from
Ketchikan, regardless of the road system connecting what was said to be two distinct communities. Testifiers emphasized the importance of subsistence foods and traditions to their way of life, and the separateness of Saxman from Ketchikan.

People reported that no significant demographic changes have taken place in Saxman to warrant a change in Federal status from rural to nonrural. Children of families who grew up in Saxman would like to remain in the village permanently, but many have no choice but to move to Ketchikan, due to limited space for housing.

Saxman is said to be an independent community with its own tribal government, village corporation, mayor, places of worship, and fraternal organizations. Interactions with the community of Ketchikan do not take away from the village way of life. Saxman residents question the integration of the communities given differing socioeconomic status. The current criteria are said to not reflect relevant issues.

Subsistence foods are essential for a healthy way of life. Food, clothing, shelter, and handicrafts are culturally and economically important with regard to traditional harvest. Stories, ceremonies, and dances are connected to the gathering of subsistence foods. People testified about the important ties their traditional food provides to the way their ancestors lived in the past.

Three residents of the Waterfall subdivision testified, requesting that their area remain rural in status. Comparison was made to Saxman. It was noted that it is 17 miles from Waterfall to the center of Ketchikan City, there is no government aid for things such as road plowing, the population of the area is on the order of 100 people, and it is six
The Board heard 33 testimonies at the public hearing in Ketchikan. Testimony was entirely in support of having Ketchikan's status changed from nonrural to rural. People emphasized that they do not want to take anything away from Saxman residents, they simply want to be rural as well.

Gathering subsistence foods is important not only for nutrition, but also to culture, which is passed on to young children and family members. Gathering of subsistence foods also contributes to materials necessary for art. Regalia and other cultural products are instrumental in keeping the culture alive. The community is very diverse. People who originated from outlying villages came to Ketchikan for economic purposes.

The island community is very isolated, and Ketchikan residents testified that cost of living is expensive, making it difficult to survive without supplementing their income with subsistence foods. The pulp mill closing was a substantial impact, with approximately 500 jobs lost. Declines in logging and in commercial fishing have followed. The cost of living has increased, while wages have not. These declines make Ketchikan more rural now than when the initial determinations were made. The tourism industry shuts down completely for the winter.

There was testimony that the entire area should be treated the same, that Ketchikan and Saxman and the outlying areas along the road system should all be rural. The outlying areas were said to be as rural as Saxman. It was pointed out that the Staff analysis notes that the road was extended beyond the current nonrural boundary, when actually the road
beyond the current nonrural boundary was upgraded from gravel to a paved surface. The rural/nonrural issue was said to have divided friends, neighbors, and communities.

Some noted that Ketchikan is similar to Kodiak, others that it is similar to Sitka. Residents testified that Ketchikan was misjudged when it was classified as nonrural.

Sitka

The Board heard 86 testimonies at the public hearing in Sitka. Testimony was entirely in support of continued rural status for Sitka. Some testifiers focused on their personal experience, some on cultural identity or way of life, others on Sitka’s demographic characteristics, its subsistence orientation, or the determination process itself. Testifiers represented a wide range of Sitka residents. A number of people presented technical information concerning Sitka’s community characteristics based on work they do for the City of Sitka or the Sitka Tribe of Alaska. Most segments of the Sitka community were represented.

Testifiers spoke repeatedly of their high level of subsistence use, and reliance on fish and wildlife, as a way of life. Non-Natives emphasized their family decisions to live in Sitka because of the ability to live a subsistence way of life. Natives emphasized cultural heritage. Persons with technical information pointed to Sitka’s high dependence on fish and wildlife and documented harvest levels. Many people spoke of sharing food with others. Many testifiers spoke of their own lives and the importance of subsistence hunting and fishing to them and their families, that subsistence was a central family focus and a reason why they lived in Sitka. Tlingit elders and other Tlingit
testifiers emphasized the central place that subsistence harvest and use of fish and wildlife has in maintaining their culture.

Testifiers pointed out that Sitka is an island community with poor ferry service and limited air service. Food is barged in. A number of testifiers stated that there has been no change in the character of the town that would make it a less rural place. The cash economy situation has worsened, particularly since the closure of the pulp mill in 1993. Average monthly wage was said to have declined from $3,500 to $2,600, and population has been static compared to growing urban areas. Tourism is a seasonal business.

A number of testifiers believed that the use of threshold population levels in making rural determinations is in error. One person repeated detailed testimony on this point that he originally made in the hearings held in 1990. City officials provided information showing that Sitka is a very expensive place to live. Economic characteristics of the community were outlined. School enrollment was said to be decreasing.

I'll turn now, Mr. Chairman, to a brief summary of the written Comments.

The Board received written comments from approximately 300 individuals, and from 31 organizations, agencies, and government representatives, as well as 11 resolutions from city, borough, and tribal governments and organizations. Almost all who commented requested a rural determination for their community. Virtually all of the written testimony from individuals came from Sitka, Kodiak, Ketchikan, and Saxman.

The State of Alaska, the Alaska Federation of Natives, and the Alaska Outdoor Council provided written
The State of Alaska did not provide comment on the rural or nonrural status of any community. Instead, the State delineated what it perceives as "significant factual errors and procedural inconsistencies in the Federal Subsistence Board’s decennial review of rural determinations." Given the scope and detail of the State’s comments, and the State’s role in dual-management and in relation to the Board and Federal Subsistence Management Program through the Interim Memorandum of Agreement, detailed response is provided in Appendix B of the OSM report, and I won’t go through that here.

The Alaska Outdoor Council provided testimony on its view that the Board’s process is not consistent and is not based on objective criteria. Additionally, the AOC commented against the continued rural status of several of the road-connected communities, and of Kodiak.

The Alaska Federation of Natives provided testimony in favor of all areas currently classified as rural to remain rural and for Ketchikan’s designation to be changed to rural. AFN noted that Title VIII of ANILCA, although racially neutral, was enacted to protect the subsistence rights of Alaska Natives.

Comments from Sitka, Kodiak, Ketchikan, and Saxman expressed similar main themes. People from all four communities commented that economic downturns have made their communities more, not less, rural since 1990. The primary theme in the comments is that these communities are rural because they possess significant characteristics of a rural nature. Many people said dependence on the subsistence way of life is the characteristic that makes their community
rural. They said this dependence includes communal harvests and sharing of fish and wildlife resources.

Comments from these four communities include descriptions of mixed cash–subsistence economies. Increased dependence on subsistence harvests was widely noted due to increasing fuel prices, which has led to increased costs for transportation, food, and heating. Rising fuel costs have increased the isolation of these island communities. Most people said that subsistence is essential to their physical, spiritual, and cultural health and the survival of their community. The social and economic importance of subsistence harvests of fish and wildlife was repeatedly emphasized. The use of population thresholds is not well supported. Most people commented that the character of their community cannot be evaluated by the number of people who live there.

Briefly I'll highlight sources of information for the four places.

Sitka

All comments, with one exception, supported the continued rural status of Sitka. Written testimony in support of Sitka remaining rural was submitted by 149 individuals. Resolutions in favor of rural status for Sitka were submitted by the City and Borough of Sitka, the Sitka Municipal Assembly, and Sitka Tribe of Alaska. Organizations that submitted comment in favor of continued rural status for Sitka included the Shee Atika Corporation, the Sitka Conservation Society, and Organized Village of Kake.

Kodiak

All comments supported the continued rural status of Kodiak. Written testimony in support of Kodiak remaining rural was submitted by 56 individuals.
Over 1,700 people signed a petition for Kodiak to remain rural, submitted by Woody Island Tribal Council. Resolutions in favor of rural status for Kodiak were submitted by the Kodiak Island Borough, Kodiak Chamber of Commerce, Sunaq Tribe of Kodiak, Kodiak Democratic Party, RuralCap, Senior Citizens of Kodiak, Woody Island Tribal Council, and Natives of Kodiak. Organizations, governments, and government representatives that submitted testimony in favor of continued rural status for Kodiak included the City of Kodiak, Representative Gabrielle LeDoux, Senator Gary Stevens, Alaska Mental Health Trust Authority, Afognak Native Corporation, Kodiak Area Native Association, Kodiak Fish and Game Advisory Committee, Kodiak Historical Society, Kodiak Kiwanis, Kodiak Rural Roundtable, and Southeast Intertribal Fish and Wildlife Commission.

Ketchikan

All comments, with three exceptions, supported changing the status of Ketchikan from nonrural to rural. Written testimony in support of Ketchikan becoming rural was submitted by 72 individuals. A resolution in favor of rural status for Ketchikan was submitted by Alaska Native Brotherhood and Alaska Native Sisterhood, Grand Camp. Kuiu Tlingit Nation submitted testimony in favor of rural status for Ketchikan.

Saxman

All comments, with the exception of two individuals from Ketchikan, supported the continued rural status of Saxman. The two people from Ketchikan said the two communities should be classified the same, either both rural or both nonrural. Written testimony in support of Saxman remaining rural was submitted by 11 individuals. Organizations and governments that submitted testimony in favor of continued rural status for

In regard to other communities, one comment was submitted for the Homer Area, two for the Kenai Area, and one for the Delta Junction Area. Senator Gary Stevens submitted a letter in support of the continued rural status of the Fritz Creek East and North Fork Road areas near Homer. The Kenaitze Indian Tribe IRA requested rural status for Sterling near Kenai. A resident of Kasilof, near Kenai, expressed concern about continued nonrural status for Kasilof, but was not opposed to nonrural status for Sterling. The Ahtna Tene Nene Subsistence Committee commented that Fort Greely should not be considered rural because it is a transient military community.

Mr. Chairman, I will conclude my summary by highlighting some points made in the final section of the Staff report on considerations in response.

The grouping of communities and areas.

Communities and areas that are economically, socially, and communally integrated are to be grouped for evaluation purposes. The resulting groupings are evaluated based on population size and rural or nonrural characteristics. The Board directed Staff to use three indicators in the evaluation of groupings, which was subject to public comment in an earlier stage of the process. Those indicators are proximity/road connectedness; secondly shared high school attendance area; and the commuting of 30 percent or more of the workers from one place of interest to another.

Places in a grouping need not be economically, socially, or communally homogenous in order to be included. Portions of a nonrural grouping may
appear more rural than other portions of the grouping, but may still be combined or joined in one area.

Population

Federal subsistence regulations identify presumed rural and presumed nonrural categories in terms of population size, and specify that population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process. Whether or not individuals are eligible to, or choose to, participate in subsistence activities, or are in the military, or have citizenship status, or are more transient than others, does not mean that those individuals should be discounted from the population estimate for a community or area of interest.

Population Thresholds

The presumptive status of communities and areas based on population size, which I just referenced, is a starting point in making rural/nonrural determinations, subject to the consideration of community characteristics.

Testimony at the time of the initial determinations, and again during this first decennial review, has challenged the appropriateness of the derivation of the 7,000 threshold from the Ketchikan population level. The point made is that the 7,000 level was the approximate size of Ketchikan City at the time of ANILCA passage, but that the greater Ketchikan area had a population of about 11,000 at that time. The concern is that the area population of 11,000 should have been taken to represent Congressional intent, since the approach as implemented requires grouping of economically, socially, and communally integrated places.
Whether the regulations should describe a threshold of 11,000 derived from the Ketchikan Area, or 7,000 derived from the City of Ketchikan, has no effect on the outcome of this decennial review. Existing regulations give the Board sufficient latitude to deviate from the presumption thresholds as warranted. Communities and areas of all sizes were given adequate consideration, and multiple opportunities were provided for review and comment. None of the communities or areas, as grouped and proposed by the Board for change in status, were in the population range of 7,000 to 11,000.

However, further evaluation of the 7,000 versus 11,000 population threshold, given the requirement for the grouping of economically, socially, and communally integrated places, would respond to the concern that has been raised, and may bring a more broadly shared interpretation of Congressional intent for application to future decennial reviews.

Community Characteristics

There are no specific quantitative thresholds for the characteristics, nor a requirement for a certain portion to be of a particular type. Rather, whether the characteristics of a community or area are indicative of rural or nonrural status is a collective assessment that, in the end, rests with Board judgment.

Consistency of Approach for Sitka and the Kodiak Area

Some questions have arisen as to whether adequate review was provided for Sitka, given that it was not assigned by the Board for further Staff analysis in December 2005. The initial steps in the review process winnowed down the number of communities and areas proposed for further analysis from the potential scope
of about 300 to 10. The public comment period in the fall of 2005, and the Board public meeting of December 2005, provided further information and feedback on the first phase of the review, with the Board seeking to learn more and being open to making adjustments to the list for further analysis.

Based on public comments and Council recommendations, and testimony at the December 2005 Board public meeting, the Board added to, and removed from, the list proposed for further analysis in making its assignment to Staff. In the case of Sitka, the prevailing view of the Board was that sufficient information had been obtained to preclude the need for further Staff analysis.

For the Kodiak Area, however, grouping questions were also at issue. The assigned analysis for the Kodiak Area examined how the area had been grouped in 1990, and examined grouping considerations for the current review, as well as rural/nonrural status. The relevant point here is that, in the Board’s judgment, it did not have sufficient information on the grouping and status of the Kodiak Area at that point in the process to forgo assigning further Staff analysis in December 2005.

Mr. Chairman, that concludes my presentation.

CHAIRMAN FLEAGLE: Thank you, very much Larry. Appreciate that explain of the process. Before I take Board questions I do have one request of a testifier that has to be out of here by 9:30 and it's now 9:20 so I'm going to break the proceedings to go ahead and move to public testimony.

If you want to testify today at the meeting, please fill out one of the cards that you saw at the sign-up table outside on the way in and those will be brought forward with your name on it and we'll put them into the mix for testimony. We're going to establish a cut off time to testify as noon today so if you know of
somebody that isn't present at the meeting but would like to testify before us let them know that they have until noon to turn in a card and given the number of testifiers that we've already got present and anticipating more, we're going to establish a five minute time limit, which Pete Probasco over here will regulate for me. And as always when a person testifies, I'd like to remind people to be courteous and respectful of the Board and other members of the public that you might be testifying on an issue that is not in synch with somebody else's beliefs, I mean we have some real controversial matters that have to be addressed by the Board, a lot of heartfelt considerations. I just prefer that we keep the testimony to the issue and to avoid personalities and conflicts. I think that I'd also like to request of the Board that we share the same respect to the public and other testifiers when we do ask, I'd like to make sure that we have a mutual respect for each other, it just lends to a better process, I believe.

With that, I'm going to go ahead and call up our first testifier. And when you come up, come up to the table up here and push the microphone on/off button before you begin speaking and when you start speaking your time will start. And with that we have Vic Fisher.

MR. FISHER: Mr. Chairman, thank you, for the Board, for giving me a chance to testify early because I do have another meeting to go to. My name is Victor Fisher. I'm with the University of Alaska-Anchorage Institute of Social and Economic Research.

Four years ago we had a contract to prepare a study on the methods for rural/nonrural determination for Federal Subsistence management in Alaska. The report was done mainly by Dr. Robert J. Wolfe. I was the project director. And I'm testifying mainly because I was advised because the issue of Kodiak is before you.

The methodology that we analyzed and proposed to the Board to use as a basis for making determinations such as those before you was reviewed at length, debated at length and it was decided not to adopt it. However, I do want to -- and I might mention that one of the issues of concern was the relationship of the methodology to the Kenai Peninsula situation and the potential impact on the Kenaitze case. The report is in the hands and on the web of the Federal Subsistence Board or the Staff and so I will not go into detail. I just
want to quickly tell you from table of content that the major portions of the study and these were closely worked on with Staff and the various agencies involved, were analysis and definitions of rural concept. There were focus groups on discussing rural concept. There were different measures analyzed. The principal measures that seemed to be relevant to the methodology as it was emerging were country food production and density.

We dealt with issues of aggregation and disaggregation of populations, and then focused on the most pertinent methodologies for identifying rural and nonrural population. There were two methodologies that came to the floor. Discriminate analysis assessment and criterion reference assessment and then we had conclusions and recommendations.

What I want to bring out mainly is that the first approach of discriminate analysis assessment looked at Kodiak city, to say nothing of Kodiak rural, Kodiak city came out tentatively rural under our initial analysis. As we pursued that further, looking at country food production, the -- and I'm just going through this very quickly here, the Kodiak city as well as Kodiak road came out -- it came out as rural and that was the application of the criterion referenced assessment method, and I'll be glad to get into those if you wish, sort of what they mean. But I just want to say that under a very strict scientific approach, Kodiak city as well as Kodiak road came out -- was classified as rural.

I'll be glad to answer any questions if you wish, to go into details, as to what those assessments meant.

CHAIRMAN FLEAGLE: Okay, thank you, Mr. Fisher. Board members, questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you, appreciate your testimony.

MR. FISHER: Thank you for giving me the earlier time.

CHAIRMAN FLEAGLE: You bet. Enjoy the rest of your day.

I'd like to call Larry back up to the
table. And, now, based on Larry's report, Board members, it looked like we had a couple gearing up for questions, are there questions on Larry's presentation.

Gary.

MR. EDWARDS: Larry, at the end of your presentation you talked about the regulations and criteria that the Staff used in doing the analysis, both to determine -- to look at whether communities were rural or nonrural or also to look at whether communities should be aggregated, and you mentioned the three criteria with regards to aggregation. And I guess my question is in addition to those three criteria that you identified, were there other criteria or considerations that were applied and, if so, were those applied consistently across all communities and if not, why not?

MR. BUKLIS: Mr. Chairman. Mr. Edwards. We did apply the Board's guidance on the three criteria for grouping in the work that led up to our June 2006 Staff report to you. In that, we reviewed the assigned areas and grouping questions and where there was an unambiguous outcome, using the three criteria, we advanced a recommendation in the Staff work where there was some uncertainty in the outcome we developed alternatives to group or not group. And I think that was done consistently.

An exception that I'm aware of is that for Saxman, in relation to the Ketchikan area, the three criteria were applied and they were unambiguous to group, but in addition to that recommendation which would follow and which would follow for the other areas where we applied these guidelines, for Saxman we also developed an alternative to not group. And I think that that was done in recognition of the situation surrounding Saxman, that back in 1990 it was an issue, and the Board, I believe, in the Proposed Rule back then, proposed to be grouped, and in the end in the Final Rule separated it from Ketchikan area. And in your charge to us in December of 2005 there was some Board discussion about whether to assign Saxman to us as part of the Ketchikan grouping questions and Ketchikan status issues. And in recognition of that awareness of the issue surrounding it, we developed sort of a best case that could be made for an alternative view, but it was not consistent with application of criteria, they were unambiguous in that case.
But other than that, I think there were no other exceptions. And where you had alternatives back in the June report, it's because there wasn't complete certainty in the application of the criteria.

Mr. Chairman.

MR. EDWARDS: So we didn't apply those criteria to those additional considerations to communities like Point MacKenzie or Fritz Creek or even Sterling, which were -- or at least currently right now are rural?

MR. BUKLIS: Mr. Chairman. Yes, that's correct, we did not. And as you go back to the write up for that alternative view on Saxman, it wasn't a write up that questioned the analysis under the three criteria in that case, they weren't ambiguous or confounded, it was rather, looking beyond and looking at ways in which ones could see it in a separate place, but it wasn't within the criteria.

MR. EDWARDS: Thank you.

CHAIRMAN FLEAGLE: Board members, other questions.

(No comments)

CHAIRMAN FLEAGLE: It looks like that's it, Larry, thank you, once again for the report.

Board members are there any announcements that anybody would like to make, Staff, anybody, before we proceed with the rest of public testimony. I forgot to ask that early on.

(No comments)

CHAIRMAN FLEAGLE: No, okay. All right. So we're going to go ahead and resume public testimony. And once, again, if you want to testify please fill out a card at the table, at the sign-up table on the way in.

Next, we have Libby Watanabe. And forgive me if I said the name wrong, I know I'll be corrected if I did. Libby.

MR. SKAN: Mr. Chairman.
1 CHAIRMAN FLEAGLE: Dewey.
2
3 MS. SKAN: Libby is in transit and I
4 think she should be landing here now from Sitka. She'll
5 probably be here shortly.
6
7 CHAIRMAN FLEAGLE: Okay, thank you.
8 Dewey Skan announced that Libby is not present yet. I'll
9 go ahead and set that card aside. The next name we have
10 is Lee Wallace.
11
12 MR. WALLACE: Good morning.
13
14 CHAIRMAN FLEAGLE: Good morning.
15
16 MR. WALLACE: Okay, under the time
17 pressure to get the five minutes in there. Lee Wallace
18 from the Organized Village of Saxman, Saxman IRA
19 president.
20
21 I wasn't expecting to be the first one up
22 after -- I was hoping Kodiak would get up first, since
23 they were first on the agenda. But, again, I -- you know
24 when I originally came up here and I was reading through
25 all this material and I know it's been a long process for
26 the Board and I respectfully thank you for the time, and
27 I would respectfully ask that you come out favorably with
28 the right decisions for all our communities concerned in
29 this rural status today.
30
31 You know, looking at the Federal
32 Register, back in 1990 when this whole process was
33 formed, and the community, our area, and the emphasis on
34 what changed since 1990, that was the charge and the
35 direction to go from, is what has changed since 1990.
36 And you heard numerous testimonies from Saxman,
37 individuals from Saxman and others looking at it, nothing
38 has changed since 1990. The population is well under the
39 threshold of what determines what's rural and nonrural.
40 In this statement here in the Federal Register, is
41 population is a fundamental distinguished characteristic
42 between rural and nonrural, fundamental. So we have been
43 and will remain under that threshold. Even if we had
44 great gains in economic and a gain in the village of 431
45 people, if we doubled our size we'd still be way below
46 the threshold and it would probably remain to be a
47 majority of 70 percent Alaska Native residents in that,
48 it's just the way it would be. You talk to the Board
49 analysts and primary efforts to distinguish between rural
50 places and nonrural places are heavily reliant on
population size, it's part of your charge, to take a look at that population and we are, again, well below the threshold.

Highlighted from the Federal Register, there are no large national retailers found in rural communities. Now, you're not going to find Wal-Mart in Saxman, you're not going to find Kmart, you're not going to find Costco there. You will find it in a nonrural area. But to follow those, I want to read through a testimony that I did have and I want to get through this because officially we haven't submitted a resolution. There was a lot of statements and letters written to the Board.

Good morning, Chairman Michael Fleagle and distinguished members of the Federal Subsistence Board. Thank you for the opportunity to present testimony regarding Saxman and the rural designation we currently enjoy and plea that it may not be eliminated.

Again, my name is Lee Wallace, I'm the president of the Saxman IRA Council. I am honored to be here to testify on behalf of the Saxman area Council and the Saxman tribal citizens. Saxman is located on the west side of Revello Island and is several miles south of Ketchikan. In 1886 Tlingit people from the old villages of Tongass and Cape Fox wanted a new site to construct a central Bureau of Indian Affairs school and Presbyterian church. By 1894 the new village site of Saxman was chosen and construction of the school and houses began immediately.

I'm here today, not standing alone, but due to the efforts and sacrifices of tribal and community leaders who came before me and who believe in emphasizing tribal sovereignty and continued viability of tribal and city governments.

I thank the Federal Subsistence Board for providing our community with the important opportunity to address rural subsistence status for Saxman and not
eliminating from, but retaining rural
status of Saxman.

Again, 1990 rural determination process,
December 17, 1990 the board adopted a
final rural and nonrural determinations
for Alaskan communities and the community
of Saxman was granted rural status. The
community of Saxman has, through the
Federal process, enjoyed several years of
rural status and we need to recognize
that subsistence for Saxman did not
evolve 16 years ago, however, we all know
the facts that traditional use of
harvesting, gathering and living from the
water and land is a way of life for the
Tlingit, Haida and Tsimshian peoples. To
traditionally partake of food from the
land and water is an enormous part of our
culture and it represents a very personal
value amongst our people. To traditional
harvest and use natural resources we are
accustomed to is critical to our culture
and by changing our rural status it would
significantly impact each family member,
elder to infant in Saxman, thereby
placing us at risk.

I would like to highlight a few important
facts regarding Saxman, I hope that the
facts present argument and any thought of
grouping communities in areas of
Ketchikan. We understand that
communities that are economically,
socially and communally integrated are to
be grouped for evaluation purposes. It
is the opinion of our tribe that should
grouping characteristics be on the table
then Saxman would request a delay in the
ruling of the Federal Subsistence Board.

65 years ago Native leaders from Saxman,
such as Joseph C. Williams, Sr., acted in
1941 to form the tribal organization in
accordance with the Federal Indian
Reorganization Act of 1934. These early
leaders dedicated big commitment of time
and their resources to make Saxman a
distinct, independent, political and
community as undisputed inhabitants of
Saxman. This action was accomplished in order to form a better tribal community that would secure the rights and powers inherent in our sovereign status to preserve our cultural and tribal identity, to promote the social and economic welfare of our tribal citizens and protect and develop common resources and safeguard individual rights. The tribal members of Saxman in 1941 wanted to, and today continue to possess the inherent right of self-government with entitlement to Federal benefits, services and protections because of the special trust relationship with the United States.

This action established and protected because of the special trust relationship with the United States, this action established and prescribed that Saxman is a separate, distinct and tribal community for those having common bond of residents in the tribal community of Saxman. Thus, for 65 years Saxman has remained independent from any other community and has formally committed to assume responsibilities for the administration of programs, services funded by the Federal government through Bureau of Indian Affairs for Saxman tribal members only, independent and separate from Ketchikan.

Saxman provides an employment training program, tribal family youth service program, general assistance, higher education and vocational funding, a home improvement program and Indian child welfare assistance program and elderly assistance program for the Saxman tribal citizens only.

The tribal administration office independently and separately meet the obligation of its own audits.....

CHAIRMAN FLEAGLE: Excuse me.

MR. WALLACE: .....financial records.....
CHAIRMAN FLEAGLE: Excuse me, Lee. We do have the written letter in front of us and I've kind of allowed you to run over your time quite a bit, can I just ask you to summarize your views, please.

MR. WALLACE: Okay. I do thank you and I know I did get the copy to you. I apologize for everyone for going over -- it's one of those things which a lot of the Native groups, on important issues, we put aside our time limits and I know you definitely have to have time limits, I apologize, but in summarization, really nothing has changed in Saxman since the 1990 ruling.

Yes, we are three miles down the road and there's been criteria that's been changed to come up with this review. You know, I want to emphasize that ANILCA and ANCSA, were all incorporated and that's what you should be going by as your guideline, is to protect the Alaska Native lands and their peoples and their way of lives, and I would just ask that you go by that and just pray for a just ruling on this Board.

Thank you.

CHAIRMAN FLEAGLE: Okay, thank you, Lee, appreciate the testimony.

Do we have questions. Judy.

MS. GOTTLIEB: Thank you, Mr. Chair. And thank you, Lee, for being here today. We do have your statement, your letter in front of us, but I think the key paragraph is one that you didn't have a chance to get to and that has to do with economically, socially and communally integrated to the Ketchikan area. As you know that's important because what is in our regulation is, you mentioned population, but regulation guidelines that say a community or area with a population of 2,500 or less shall be deemed rural unless such a community or area possesses significant characteristics of a nonrural nature or is considered to be socially and economically part of an urbanized area.

So I was hoping you could just maybe explain a little bit more about the paragraph you have in your statement about these characteristics and integration to Ketchikan, please.

CHAIRMAN FLEAGLE: Lee.
MR. WALLACE: Yes.

CHAIRMAN FLEAGLE: Go ahead and answer the question, I'm sorry, just recognizing you.

MR. WALLACE: Okay. I was just trying to find that one page that you were referring to Judy.

MS. GOTTLIEB: On Page 4 there.

MR. WALLACE: Okay, there it is.

Economically, socially, communally integrated from Ketchikan -- Saxman tribal government, services and activities are -- for enrollment tribal members and persons residing and retaining a residence in Saxman integration means that there is bringing together parts to make or complete a whole and remove the legal, social, communal and economical barriers that make part separate. It is clear that Saxman remains non-integrated and cannot be grouped with Ketchikan.

We may do business away from Saxman but that does not make us integrated to Ketchikan, Seattle or any other place. Saxman, Alaska has been a self-directed, self-ruled, self-sufficient, and self-governed community for decades.

That really kind of summarizes what the question is, we've got our own governments there and our own municipal government, Federal government and it's true that a lot of our people go into -- there's a large percentage that go into Ketchikan and other areas for employment because there is high unemployment rate, there's a lot of object poverty in rural areas, as you all know and Saxman is no different.

That answered your question, I hope.

CHAIRMAN FLEAGLE: Other questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Hearing none, we appreciate your testimony, Lee, thank you.

MR. WALLACE: Thank you.

CHAIRMAN FLEAGLE: Would you go ahead and turn the microphone off, thank you. Next we have Willard.
Jackson.

(Pause)

CHAIRMAN PLEAGLE: All right, we'll give a couple minutes and see if we can round him up.

Willard Jackson.

MR. JACKSON: Good morning. My name is Willard Jackson. I'm from the community of Ketchikan. I'm a Ketchikan Indian Community tribal council member. I'm also a descendant of the TantaKwaan Teokweidi who's also connected to the Saanya Kwaan, Cape Fox, Saxman. My grandmother Alice Harris moved into the Saxman area in 1886. Mr. Lee Wallace was correct in that the history of Saxman, Saxman was named after William Saxman, who was then one of the missionaries and school teachers on Tongass Island where my grandmother is originally from of the Tongass people, which you, as Forest Service, took the name Tongass National Forest.

Once again history is repeating itself when you look at the 1971 Land Claims Ketchikan was left out and once again we're repeating history again, Ketchikan is being left out. When you look at Tongass and Ketchikan, I am a Teokweidi brown bear of the Tongass people, I'm one of the (In Tlingit) speaker of the house, bear people. The history of the Tongass people is over 10,000 years old and we were left out of the 1971 land claims, and it looks again like my grandchildren are going to be left out for the subsistence off the great land that our ancestors have left us to be caretakers of.

When you come into Ketchikan, if you come in there now, the tourist season is over, and if you come into Ketchikan, you come in there now you're going to see all the windows boarded up. That tourist season of 740,000 tourists that came through this year and with that new dock facility coming in for another tourist boat to come in, which will bring a million people in, none of that money stays in the community. Those shops are owned by the great tourist industry, the great ships that come in there.

My mother, Esther Shea, went to boarding school in Sheldon Jackson. Sheldon Jackson in 1886 through 1887, south of Ketchikan, which was then renamed Saxman after William Saxman, and if you follow your history and know your history, William Booth was coming
through to find land for our brothers and sisters of Old
Metlakatla. During the time in 1886, 1885 there were a
lot of things happening on the border of Canada. The
U.S. government was through placing our people in Lower
48 in their encampments, moving them off their land and
putting them on reservations so they started coming this
way.

My grandmother often times told the story
of the gathering of food on Tongass Island, which they
renamed in 1886 Ft. Tongass 90 men from the U.S. Army put
a post up there and renamed that island and still named
that Ft. Tongass.

Our people, the Tlingit people, the
Tongass people came off of Prince of Wales and were
moving across after we came out of the ice age, we ended
up on Prince of Wales, right where Hydaburg area is right
on down to Long Island, Forrester Island, moved across to
Duke Island. Duke Island is now being questioned again
in the drilling and mining that's going to be taken away
from us once again.

I shared last night with my grandson, I
talk to him as often as I can because I'm speaking for
him today, my time in this world is short as many you
sitting at this table are, a great life is going to
happen for our grandchildren and children if things are
brought to this table in the proper manner and the proper
respect of whose land you're on.

Nowhere in history has the Tlingit people
signed a treaty with the U.S. government, nowhere in
history have any of these villages of the great state of
Alaska, have we signed a treaty with the U.S. government.
I wear my 82nd Airborne hat which I earned in Vietnam,
which I'd done two tours of, proudly, was wounded there
twice, and wear it proudly and, yet, in saying that my
tribe, my community is possibly going to be left out
again. If you ever get the opportunity to go into a
Native home and sit with the grandchildren, and I have 12
of them and during the springtime when the seaweed is
being picked and dried and shared, you can come in and
sit with my grandchildren when I bring the seaweed out,
it's like eating popcorn, they'll eat and they'll eat,
their body just screaming out for that food, screaming
out for it, they want more and they want more. I have a
four year old grandson, his name is Daniel, he is as
white as a sheet but he's my grandson and I love him very
much. He'll sit with his grandmother, when she boils her
king salmon heads and he'll eat and he'll eat and he'll eat, that's during the summertime.

During the subsistence hunting or fishing, just like this $100 bill, it's not going to go in my pocket, this $100 just like we go subsistence, it's going to go in my family and my village's pocket, it's going to be shared.

What are we sharing when we choose not to recognize a tribe, we shared this morning, and I shared a prayer of the gathering of our great nations being protectors of Mother Earth, the Creator gave us, be stewards of, we're all connected to Mother Earth, provide for us and if we're not careful it comes back on you, just like I do, I struggle with cancer and it's from eating the improper foods that I chose to put in me, knowing that when I was growing up in the village of Saxman and now I'm living in Ketchikan and sitting on the beach as a young man, gathering with my elders and eating stinkheads and the (In Tlingit) on the beach, or fermented eggs, that it was going into my body to fight the disease, and knowing that today that I can't go back to those things.

CHAIRMAN FLEAGLE: Excuse me, Willard, can I get you to summarize your comments to the Board, please, we're well over the time limits. Thanks.

MR. JACKSON: I would just like to say to the Board, I appreciate what you're doing. I think that for all purposes in this world and this life, we're not the only ones here, there are others coming, you know, what are we going to leave them.

Thank you, very much.

CHAIRMAN FLEAGLE: Okay, thank you for your testimony. Board members, questions.

(No comments)

CHAIRMAN FLEAGLE: Hearing none, we appreciate you. I'd like to take a 10 minute break.

(Off record)

(On record)

CHAIRMAN FLEAGLE: All right, good
morning, we're back in session, the Federal Subsistence Board Day 1 of a two day meeting at the Egan Center in Anchorage. And I had one person wave at me right when we broke the last time, and he says I thought you were going to be talking about guide license fees and I said, no, you're in the wrong hall.

(Laughter)

CHAIRMAN FLEAGLE: So if you want to talk about guide license fees or guides or anything, next door, the State of Alaska's Big Game Commercial Services Board is meeting. That's the newly formed guide board that several people in Alaska, the Chair included, worked on trying to get reestablished so we could get a handle on the guiding and outfitting issues that we have in Alaska. So they're on a big task. They were established with a two year sunset, and I think that two years is just about up but hopefully they'll get continuing. But anyway that's the deal there, next door, so if you want to be listening to guide discussions it's next door. Hopefully none of our people got lost over there.

(Laughter)

CHAIRMAN FLEAGLE: The other announcement I want to make is that I just wanted to clarify in case there was a misunderstanding, I don't intend to shut off public testimony at noon. We're only setting noon as the deadline to sign up to testify. So if you know of anybody that wants to testify at this meeting, please have them sign up before noon and we will continue to hear testimony until we're done with testimony, there's no intention to cut off testimony. We do have a lot of interest in the meeting and so we do have the five minute time limit, and I've allowed the last couple of speakers to exceed that, rather by quite a bit, I am going to try to ask if you would please try to keep your comments within the five minutes. If you're on a subject that the Board members feel compelled to hear the rest of, I can have them request additional time, I think that would be appropriate. But I'd like to just remind people to try to stay within the five minutes. I know these are some real heartfelt issues that you're presenting to the Board here and we do want to hear your opinion.

Other announcements, Board members.

(No comments)
CHAIRMAN FLEAGLE: Staff.

(No comments)

CHAIRMAN FLEAGLE: All right, hearing nothing we'll go ahead and move in. Next on our list is Iver Malutin.

MR. MALUTIN: Thank you. And I really appreciate the opportunity to be able to speak and thank you, Mike, and the Board for devoting all your hard time, well earned time to take the opportunity to listen to our problems.

And I'm going to talk a little bit different about what I talked about before, I'm going to try to, and be on a little bit of a different note and I'm going to go back and I'm going to refer to the one book that was put out by the Alaska Native Foundation by Amil Notti (ph) in 1976. And they had some really good people that put the book together and one of them was Nancy YarDavis and the reason I want to use her name is to show you that during the 1964 earthquake she was in charge of -- in Anchorage, of Old Harbor and Ahkiok people and she noticed when she got in Anchorage that she could never keep them together, they always separated. Okay, that's the same thing with all our people and all our lands. So that means if, just say if Kodiak went for urban, for example, that means that the land that I -- I was born in Kodiak, and if we went urban people from Ouzinkie and Port Lions could come to Kodiak and they could fish and I have to stay on the beach and watch them and here I'm the only person that was born in Kodiak, they were born in the other places and they're moving out of the area, they're doing something totally, totally different than Nancy was telling us about, and that's what's happening.

And another thing ANCSA wasn't really, really the final answer to what we were really looking for. Even before that, let me go back a little, when the Russians sold Alaska to the United States, there was a very, very big problem and that was that in this book it says that the United States will take all the Russian citizens that wanted to become Americans and they could immediately become a citizen of the United States, but not the Natives. And I have to apologize because I'm speaking from my Native heritage now, when before I didn't, so we were already put into a different category. And it wasn't until 1926, when we were finally recognized

34
and we were citizens of the United States. And not only
that I was in the Army in 1951, I was fighting for our --
not fighting for our country, I would have fought for our
country if they sent me to Korea but they chose not to do
that, but, anyway, I was in the Army and I wasn't even
able to vote, not until statehood.

So there's a lot of things that in the
past that were inequities, and then we have another one
today, and that's this number that you have, that 7,000.
There was really absolutely no justification for numbers,
absolutely no justification for a number and the
traditional way of life or their lifestyle. And it's
another unsolved problem that you have to solve, and I
don't think this thing should be at all with numbers, it
shouldn't be. And I believe in my own mind, the way that
I was born and raised, that every single Native should
have the opportunity to get their traditional foods on
their traditional lands. That's just what I believe.

Okay. Also just one little thing I'd
like to throw in right now, just an incidental. Jim Fall
did a study on subsistence halibut in the Kodiak area and
if my numbers are right I think Kodiak harvested about
380,000 of subsistence halibut in 2005, and get the
numbers correct you could get a hold of Jim and he could
give you more information than I have.

So I guess one of the things I'd like to
reiterate, there's a testimony of a young Coast Guard lad
in Kodiak, when we were there, of all the testimonies we
had, the one that really stuck in my mind was this little
Coast Guard kid that was testifying on behalf of his
friends that were single Coast Guard people that lived in
Kodiak that didn't like Kodiak, they didn't want to be a
part of Kodiak, and they didn't want to be part of --
counted as Kodiak. So somehow we have to differentiate
or somehow we have to think about those people so that
those numbers aren't counted, if in fact they don't want
to be. And I think there's all kinds of different areas
that will be directed into showing you that many areas
where they shouldn't be counted and that's another thing.
I'm just trying to hit the number part of it a little
better so we could somehow, maybe in the future, get the
guidelines to where the Federal Subsistence Board will
have a good foundation on making a determination.

Just on Saxman. I'll speak for Saxman a
little bit, I was down there, and to me I didn't see any
more of a rural community than I did at Saxman. I went
all over, I went to every house, I looked at it and for
somebody to say Saxman shouldn't be rural because Kodiak
is nonrural that is totally, totally non-permissible.
Each one has to be decided on their own fact and
foundation. And I really, really hope that you'll
remember that.

So I'm going to -- I think I'm within my
five minutes and I see the light so I'm going to just
end, I had more things here one more thing I want to read
you, and this is from Larry Merculief.

Whatever the actual situation may be, we
reserve the right to speak and decide for
ourselves. It is not the place for you
or the Sierra Club to decide what is
right or wrong for us. What we eat is a
sincere two way exchange of ideas and
philosophies so that we may understand
and accept the best what different
cultures have to contribute to the
survival of everyone. We cannot do it if
there is force or if people speak for us
out of ignorance.

Thank you, and appreciate your time.

CHAIRMAN FLEAGLE: Thank you, Iver. Hang
on, let's see if there's any questions, Board members.

MR. EDWARDS: Iver, thank you for your
testimony and the other ones I know you gave here not too
long ago and also in Kodiak.

But I'm just trying to understand that
you, personally, the subsistence harvest that you do,
where does that occur and are you doing that under the
State or Federal permit?

MR. MALUTIN: I'm doing it under the
State permit for the simple reason is I've never seen a
Federal permit. And as I understand it, the State is
managing the program with Federal funding.

CHAIRMAN FLEAGLE: Judy.

MS. GOTTLIEB: Mr. Chair, thank you. And
thank you, Iver, for your testimony. I know you've been
a player in this arena for many, many years and I always appreciate your historical perspectives and you were actively involved in the 1990 decision that the Federal Board made and you continue to be really actively involved.

I guess I just -- maybe this is more of a statement rather than a question, I think what you brought up from that historical perspective is that part of the reason we're here, ANILCA, has all come about because of many compromises or many consensus decisions that were made over the years that got to ANCSA, that got to ANILCA, that got to where we are and I think that's always good to keep in mind that maybe nobody was exactly happy to have what we have at this point in time but it is the law and we try to uphold it as best we can.

So thank you very much for reminding us of history.

MR. MALUTIN: I'm really glad you said that because that gives me another opportunity to say something.

(Laughter)

MR. MALUTIN: And what I did forget is Afognak is totally, totally encompassed by Federal water and land and as a person that would be in a nonrural area, I would not be able to go to my home land and hunt and fish like these other people are talking about in Saxman and Ketchikan. The people from Ouzinkie and Afognak and Port Lions would be able to go and do that and I'd have to stay on the beach and watch them, that doesn't make sense.

So thank you for your time.

CHAIRMAN FLEAGLE: Other questions.

(No comments)

CHAIRMAN FLEAGLE: All right, thank you, Iver. Next up we have Geraldine Watson. And if somebody would keep an eye out for Libby Watanabe, and let me know when she arrives, I got her card on hold. Please.

MS. WATSON: I come before this commission today and I request to speak on behalf of one of our tribal members, Gary Watson, who is my husband,
first, because my testimony kind of coincides with his, so when it's his turn to speak then I'll come up and give my testimony. I'll be reading his testimony today because he doesn't feel well and -- anyway -- but I'd like to start off by introducing:

This is Gary Watson, Sr., an Alutiiq born and raised in Kodiak.

CHAIRMAN FLEAGLE: Hold it, can I interrupt you just for a moment, just to explain to the Board members. We do have two testimony cards, one from Geraldine and one from Gary and she's proposing to speak on behalf of Gary.....

MR. WATSON: First.

CHAIRMAN FLEAGLE: .....and herself, and she's going to do him first. Okay, go ahead, thank you.

MS. WATSON:

I am Gary Watson, Sr., an Alutiiq born and raised in Kodiak. I have come before this commission three times independently and now I come before you as Gary Watson, Sr. a council member for the Sun-aq 'Tribe of Kodiak with approximately 1,500 members. We are one of 236 Federally recognized tribes in Alaska and one of 500 Federally recognized in the United States.

It is my responsibility to our people, the Alutiiqs of Kodiak to look out for the best interests of our membership as we are a Federal government and are members, are dual citizens of the United States. They are tribal citizens first and U.S. citizens secondly.

We have equal footing under the law as dual citizens, which is unique in this country, as there are no other people who can be members of two governments under the United States Constitution.

My question to you is have you thought about the historical treaty rights, and when I speak of historical treaty rights
I'd like to remember that there's the letter of the law and the spirit of the law, and what was the ethic responsibility when the Federal government was developing the treaties between the Native American people and the United States.

Have you thought about the historical treaty rights and agreements with both State and Federal government and how a decision to make Kodiak be recognized as an urban community versus the rural community that we know we all are is unethical and contrary to all that we have worked for in our relationship with your government, which now narrows down to your commission.

Have you thought about your responsibility to the preservation of our cultural heritage and how living a subsistence lifestyle is very high on the list when it comes to what is significant to our culture.

As it's been said before to vote us as urban is cultural, economic and social genocide to the Alutiiq people and our way of life, which we have lived for thousands of years.

It's important that you do your homework and review the historical treaties and agreements made in statehood so that your decision will be in alignment with what we have agreed to in this public law 280 state. Our people have worked hard and long to continue to preserve our culture and way of life, we do not wish to change it as we do not wish to change your way of life or culture.

It boils down to pure respect of differences and remembering that our subsistence lifestyle is vital to our survival and it's also our inherent right. So it's important to realize that the numbers have nothing to do with what's ours because of our heritage.
What's been ours for thousands of years.

I realize that in the Western world
numbers mean everything, but in tribal
country we live a very simple lifestyle
and our values and our way of life are
respectful, hardworking and pure.
Numbers mean nothing.

We hunt, fish and provide for our
families and elders and teach the youth,
the elders teach the youth to keep on
passing the skills necessary to smoke
salmon, salt fish, dry fish, halibut,
cod, hunt deer, bear, ducks, goat, seal,
elk, berries, plant lore for medicinal
purposes and all other means of food that
we subsist on. Grass and other weeds to
do our traditional basket weaving,
picking glass to make beads for our
headdresses and other regalia and more.
These skills are not something that just
anyone can do and do well, they are truly
an art, no different than the foods that
you are used to. For an example, scampi,
lasange, spaghetti, fettucini and all of
the other foods that are your food
sources. We cannot go to the store and
buy the foods necessary to continue our
way of life as it has been for thousands
of years. As hunting and fishing are
learned processes, as is putting the game
and fish up once it is caught.

I will not waste your time today
explaining how each food source is taken
care of, I just hope that you will take
my word that the art has been passed on
through many generations and if it's lost
then it's gone forever just.....

CHAIRMAN FLEAGLE: Excuse me.

MS. WATSON:

.....like our language, which we are
working on revitalizing now with less
than 30 elders who fluently speak the
Alutiiq language.
CHAIRMAN FLEAGLE: Excuse me, can I get you to just summarize the.....

MS. WATSON: I'm almost done.

CHAIRMAN FLEAGLE: Okay, thank you.

MS. WATSON:

Our language was almost extinct and we, who have worked so hard to bring it back into the household, through the school system and other ways hope that it's not too late.

Is it your wish to Westernize Alaska to the place that the cultures are so blended that there's nothing left to the uniqueness of the Alaska Native people.

That's my testimony.

CHAIRMAN FLEAGLE: All right, thank you. That testimony was on behalf of Gary. Is there any questions on that testimony.

(No comments)

CHAIRMAN FLEAGLE: Thank you, you can begin with your testimony, Geraldine.

MS. WATSON: Okay. My testimony is a reiteration of what was testified in Kodiak and I would like to say:

Cami.

My name is Geraldine Harris Watson. I was born in raised in Kodiak. My blood line is Alutiiq, Russian, Finnish and Norwegian, the makings of the best fishermen in the world. However, my culture is full-blooded Alutiiq as I was raised in the Alutiiq way on this island and the maternal side of my family being Alutiiq.

If you were to understand our culture, the Alutiiq culture is a matriarchal society, in other words, the women rule,
they are the boss and they are the teachers of all that we value, our way of life and they teach us the difference between right and wrong.

Our men, all male offspring, are raised to work and provide subsistence for our families.

Throughout history and today our main livelihood is fishing and hunting and it's still our main means of living, having a subsistence livelihood where all sources of fish, seagull eggs, ducks and all other forms of foods that we have subsisted on for thousands of years. Not only is it our means of livelihood, as the cost of living in Kodiak is too high to live on what one makes working, it's also our way of life, our culture, something that is more important and should be taken into consideration with all respect that you, as a Commission, have as people who make decisions that affect other cultures, lives and means of survival.

You are here appointed Commissioners to listen to us and learn about our way of life, what's important to us and to determine and make a decision that affects how we survive from this day forward. We know what's best for our community, for our culture and our way of life.

And it's pertinent that you take what we have to say to heart and try to place yourselves into our lives and understand our perspectives and what the outcome of your decision, repercussions have on our future. We are people of the sea, the land and the sky, the aboriginal people of this land.

And we have lived here for thousands of years with no intention to leave unless we are forced to because we can no longer afford to live here because our way of life has been taken away from us through
Questions.

Geraldine, you talked about economic, cultural and social genocide. Depending on the outcome of the decision you are about to make, we will have to consider moving so we can support our families, that is not our wish. We wish to stay in Kodiak, continue to teach our children, grandchildren our way of life, culture and our subsistence way of life.

We did not invite the Coast Guard into Kodiak, though we appreciate their services and give them the same respect we do to anyone who chooses to live there. We did not invite non-Natives or any other ethnic group who has chosen to move here in hopes that they can benefit from the wonderful Kodiak archipelago, and once again we still treat those people and entities with the same respect that we are treating you with today.

It’s not our place to ask anyone to leave, however, it is our place to ask you decision-makers not to take away what's ours and what has been ours for thousands of years, our culture, which includes our subsistence way of life. Our way of life and the future of our children and grandchildren and their children and grandchildren.

Please, I come before you pleading that you take all that has been said and realize that those of us who come before you who are pleading our case are few, however, we speak on behalf of all, all of the Alutiiq and the Alaska Natives and the Natives of this wonderful place called Kodiak.

Quyana, Sinuk. Thank you, very much. And thank you from the bottom of my heart.

CHAIRMAN FLEAGLE: Thank you, Geraldine. Questions.

Gary.
MR. EDWARDS: Thank you, Ms. Watson, for your testimony. I guess I would ask you the same question that I asked Iver, as it applies to your family, where does your subsistence harvest take place and are you doing that under a State or a Federal permit.

MS. WATSON: We do all of our subsistence out in the Antons area, and that's State -- State permit, we didn't know anything about a Federal permit.

One of the things that we would like to take a look at are obtaining tribal permits, as we are a sovereign nation and so that's something that we will be taking before our tribe and working with your government so that we can obtain that as another option to be able to continue to subsist.

I was just asked by Mr. Watson if I would go ahead and include that we do support Saxman as remaining rural status also, and that's on behalf of the Sun'aq Tribe of Kodiak.

CHAIRMAN FLEAGLE: Thank you for your answer. And just as a follow up, you know, based upon your answer, what do you think would actually change if this Board would determine that from a Federal standpoint that Kodiak was no longer rural?

MS. WATSON: For one, I mean it's like I said in Mr. Watson's testimony, which both of us worked on together, I think that it's really important that each one of you go out and go subsistence fishing, hunting and see what the process is that is involved in smoking, drying, salting, taking care of the deer, the elk and all of the other -- the berries and everything else that we subsist on so that you can see that even if you were to go and make smoked salmon, and you take one of our elders and make smoked salmon, I can guarantee you that ours will sell before yours will if it were something that were salable because it's an art form that has been passed on through generations. It's not something that you can take and stick in a smoker that is going to taste exactly like what's been traditionally done and.....

CHAIRMAN FLEAGLE: Excuse me, Geraldine.

The question was, what would change if Kodiak's status went to nonrural.

MS. WATSON: The change would be that our culture, the cultural aspect of our being will change.
Our traditions will change. We'll become more of the Western melting pot and that's something that our people are working hard not to become and we're not saying that we don't want to be like you, there are a lot of things that we're very similar in but there are also things that are very different, and we want to be able to retain our difference, retain our traditions, and be able to continue to live as the Native people that we are.

Does that make sense in terms of subsistence.

CHAIRMAN FLEAGLE: Well, I think Gary's satisfied that -- I don't think that you have a true understanding of the question. The question.....

MS. WATSON: Okay, ask Gary and see.....

CHAIRMAN FLEAGLE: .....the first question was you harvest -- your subsistence harvest is done under a State permit currently. If the Federal status was to change your -- you would still be able to participate in the State system, and he was asking what would change in your subsistence patterns since you're using the State permit, right, Gary, does that characterize it?

MR. EDWARDS: (Nods affirmatively)

CHAIRMAN FLEAGLE: Would you like to answer that.

MS. WATSON: Okay. I was tutored by somebody and basically what I was saying was exactly the same thing that I was tutored to say and that is genocide. It will -- the result will be that we will have cultural genocide.

CHAIRMAN FLEAGLE: Okay, thank you, appreciate.....

MS. WATSON: That's -- I mean.....

CHAIRMAN FLEAGLE: .....your testimony.

MS. WATSON: .....it's as simple as that. There's no other way to look at it. And that is why we're here, we're trying to prevent that from happening. We want to retain our Native heritage and for it to last and to go on for another hundreds of thousands of years.
CHAIRMAN FLEAGLE: Right, thank you.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN FLEAGLE: Hang on, we do have another question.

MS. WATSON: Okay.

MS. GOTTLIEB: Thank you. Thanks very much. Actually it's more of a comment on these questions because our job is to provide an opportunity for rural residents to engage in subsistence. Our decision is on rural not whether people are taking this opportunity or not, so I'm just a little confused about the need to put people on the spot for these kinds of questions.

CHAIRMAN FLEAGLE: Okay, point noted, thank you.

Next -- and I'd appreciate if members of the audience don't have outbursts that would affect the Board's process or the testifier as well.

MS. WATSON: I hope that you didn't perceive anything that I said as an outburst.

CHAIRMAN FLEAGLE: No, no, no, the.....

MS. WATSON: Okay.

CHAIRMAN FLEAGLE: .....audience, there was a guy jumping up and down in the audience when you were talking.

MS. WATSON: Okay.

CHAIRMAN FLEAGLE: Let's respect the process.

MS. WATSON: I just -- this is something that, like I said in the Koniag region, we have worked very, very hard and it's been a lot of, a lot of people, a lot of elders, and those of us that are coming up that are working to preserve what we have left, and we don't want anything else taken away. And I hope that you, as a Commission will respect that.

CHAIRMAN FLEAGLE: Okay, thank you. Now, in regards to the issue that Ms. Gottlieb raised, about
whether the questions were pertinent to the discussion, I, as Chair, do find that the questions are pertinent as we will be making our determinations in the -- excuse me, deliberations -- too many D words here, and I will allow the questioning to continue that Mr. Edwards has developed that track there so -- next up we have Carol Daniel.

MS. DANIEL: Good morning, my name is Carol Daniel and I'm general counsel to the Alaska Federation of Natives. I'm here today to offer testimony on behalf of AFN. We, earlier, submitted written comments and I won't repeat those comments here today, except to say that we continue to stand by those comments and oppose changes to the rural status of the Kodiak area, Sitka, and like communities that are currently rural.

What I'd like to focus on today and submit additional comments on is in response to the InterAgency Staff majority recommendation that Saxman be added to the Ketchikan area. AFN strongly opposes grouping Saxman with Ketchikan. The Southeast Alaska Regional Advisory Council's recommendation and the Proposed Rule itself call for Saxman to be excluded from Ketchikan. Many relied on those facts during the comment period and in the hearings, a change at this point, at the last public hearing before adopting a Final Rule we feel is unfair. Many may have decided to forego comments on the Proposed Rule since it did not call for a change in Saxman's status.

The second point I'd like to make is that the Board initially determined that Saxman was rural when the program began in 1990. As far as we can see very little has changed since then. The demographics are essentially the same. Saxman was not then socially and economically integrated into the city of Saxman [sic] or in the Borough and it's still a separate and distinct community with its own municipal and tribal governments and its own unique social infrastructure.

We recognize that the regulations require the Board to review the rural/nonrural status of communities every 10 years but it should be a review, not a complete new determination. A community or area with a population of
25,000 [sic] or less is determined to be rural unless it possesses significant characteristics of a nonrural nature or it is considered to be socially and economically part of an urban area. As the minority Staff recommendation points out the three grouping criteria established by the Board are not contained in ANILCA, they're simply guidelines for determining whether a community is socially and economically integrated into a larger urban area. We submit that some of the criteria are not particularly helpful in making that evaluation for communities like Saxman which possess unique social and economic characteristics that distinguish it from its neighbors and those characteristics are not captured in the grouping criteria being considered, focusing solely on those three criteria to the exclusion of all the other unique characteristics that define Saxman is unreasonable in light of the stronger social and economic indicators that lead to a conclusion that Saxman should be grouped with Ketchikan.

In fact I would like to just mention and reiterate the report, the UAA ISER report mentioned by Vic Fisher this morning concluded under a scientific analysis that Saxman was rural. It rejected relying on these three criteria. And as Chairman Wallace, from Saxman commented this morning, Saxman is a small close-knit tribal community, it's socially and politically separate from Ketchikan. It provides employment and training programs, tribal, family and youth service programs, general assistance, higher education, vocational funding, a home improvement program, ICWA (ph) assistance program, an elderly assistance program, all exclusively for tribal members of Saxman, as all of its past grant awards from the EPA, the Administration of Native Americans, the juvenile justice, and the Native American Housing Assistance Self-Determination Act are awarded to the Organized Village of Saxman tribal government to support activities in Saxman. Clearly the Departments of Justice, HUD, BIA and the EPA all consider Saxman as a distinct self-governing tribal community.

While Saxman and Ketchikan do share the same school system, that is but one of your factors. It does not prove that the two communities are socially integrated. In fact, Saxman students have not integrated well into the high school in a meaningful way. The drop out rate in 2004 was approximately 80 percent. None of the residents of Saxman are employed as teachers or administrators or sit on the school board. Saxman students, for the most part, maintain their social
relationships in the community of Saxman.

Another factor, the people of Saxman are heavily dependent upon subsistence, not only in an economic sense, but as a people, traditional harvest is a cultural and spiritual matter for the tribal community. Saxman's average per capita harvest is 217 pounds and that's substantially more than many of the rural communities around the state.

We wholeheartedly agree with the minority Staff's conclusion with respect to the commuting data. While greater than 30 percent of Saxman workers may commute to Ketchikan for employment there are other indicators that suggest distinctions between the two communities. Compared to surrounding areas, Saxman residents have a higher unemployment rate, lower per capita income and higher percentage of people with incomes below the poverty level than in Ketchikan. And while commuting data may be useful for bedroom communities where residents settle in those communities because of its proximity to an urban area, Saxman's existence is not dependent upon whether there are employment opportunities in Ketchikan or services in Ketchikan but we submit that Saxman would continue to exist were Ketchikan to entirely disappear.

In conclusion, while consideration of the limited grouping factors the Board has selected may lead to the conclusion that Saxman should be included in the Ketchikan area, we believe there are stronger indications that it is not socially and economically integrated with Ketchikan and that it should remain separate from the Ketchikan area. We urge the Board to carefully consider the unique social and economic characteristics of Saxman that set it apart from its neighbors and conclude that it should retain its rural status.

As a matter of process, if the Board decides contrary to -- if the Board decides to take away the rural status we submit that it should go through another rulemaking because it's simply unfair to have sought comments on a Proposed rule that excluded Saxman and today to change that to a nonrural status.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Carol. Questions, Board members.
CHAIRMAN FLEAGLE: Do you have a copy of your testimony that you can provide in written form?

MS. DANIEL: Mr. Chairman, I don't, but I can provide it by the end of the day. I didn't realize you would be taking anything in writing so I didn't prepare written comments but I'll provide them later as well as the AFN Convention resolution.

CHAIRMAN FLEAGLE: Thank you. All right, thank you. Next up on our list is Thomas Schwantes.

MR. SCHWANTES: Mr. Chairman. Members of the Board. My name is Thomas Schwantes, I live on Kodiak Island.

I have been in Alaska for 43 years. Shortly after arrival in Alaska in 1963 my family lived at Sitkho Bay at the New England Fish Company cannery. My father fished commercially. My mother and older siblings worked at the cannery. I was befriended by a Native fellow by the name of Matthew Kookesh, a Tlingit Indian from Angoon who took me under his wing and taught me the Native ways. He taught me how to harvest salmon, halibut and other shellfish and so on and to put those aside for future use.

He also taught me a really important lesson and instilled in me the importance of taking care of the elders and others who are unable to take care of themselves and harvest these resources for themselves. Over the past 35 years I have lived in numerous communities in Alaska and with the exception of one or two they would all be classified as rural or Bush communities.

I have been married to an Alutiiq descendent for nearly 35 years now. We live a subsistence lifestyle.

I live in Kodiak in Bells Flats for the past 26 years and I can assure you that it's as rural as rural can be. We have no city water, no city sewer system, we have one small convenience store and we deal with brown bears in our backyard on a regular basis. We live a subsistence lifestyle and always have. We harvest salmon, halibut, cod, herring, as well as other rockfish. We also harvest deer, elk, and goat to provide for...
ourselves and for the needs of other members of our community.

I am strictly opposed to the reclassification of Kodiak as nonrural for a number of reasons.

First of all, you will affect the lifestyle of those living there and limit their subsistence use. There'll be a number of families who will be affected. Kodiak may have a population of over 7,000, however, we are still rural and as rural as can be.

I cannot jump in my car and drive to Costco or to Home Depot or other areas. A ferry ticket cost me about $440, if I add a state room that jumps it up to about $650 for a round-trip. If I need to get on an airplane in a hurry to get to Anchorage for medical reasons or anything else, I'm looking at about $550 for one person for a round-trip. There are times when due to ferries being in repair that we have no ferry service for months. And as you well know Kodiak can go for days without plane service due to inclimate weather conditions.

While we are still able to harvest some of the fish and game we are accustomed to under the nonrural status, the rising cost of fuel will greatly increase the cost to harvest these items if we cannot do so under the current subsistence regulations.

One of my big concerns I have is if you designate part of the island as nonrural and another part as rural you will be dividing our communities and will certainly create conflict between them. You will create an enforcement nightmare. If an individual resides in a village as well as in Kodiak, which some do, what status will they fall into rural or nonrural. What about the family who lives in Middle Bay who's just over the line that you're proposing, whose husband because of his work situation at the fire department in Kodiak is required to live within the city limits, where is that family going to fall, rural or nonrural. And then who is going to spend, what agency is going to spend valuable time trying to enforce these regulations that are based strictly on numbers and really make no sense.

In 1990, as you are aware, this Board classified Kodiak as rural and the people there have
lived a rural lifestyle since then. The Board chose to
classify Kodiak as rural even though the population at
that time was estimated at 12,229, far above this 7,000
number you're talking about. Today little has changed.
The people still live a subsistence lifestyle. It is
their custom to live off the lands and sea, so to speak.
The Office of Subsistence Management, the very Staff
which provides input to the Federal Subsistence Board,
found that while there was a slight increase in
population on the Kodiak road system in 2000, that
dropped off by 2005 to an estimated 12,466, a mere
increase of 237 people over that which it was in 1990
when this Board found Kodiak to be rural.

CHAIRMAN FLEAGLE: Excuse me, Thomas,
your time is up, can I have you summarize your comments,
please.

MR. SCHWANTES: You can. I would submit
to you that by splitting our community on the island, you
are opening Pandora's box. You have no idea of the
problems that may result because of this action, I,
therefore, strongly urge you to use caution, wisdom,
listen to the people whose lives in these communities you
will affect by these changes.

The rural designation has not created a
shortage of fish and game. On the contrary, fish and
game stocks and wildlife are thriving. There is no
reason to restrict the subsistence lifestyle of the
people of this island. I urge you to leave Kodiak
designated as rural after all it is every bit as rural as
it was in 1990 when this Board made that original
decision.

Thank you.

CHAIRMAN FLEAGLE: Okay, thank you,
appreciate your testimony. Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you. I'd like
to remind folks that we do have a deadline to sign up to
testify and that is 12:00 noon, today, we will hear
testimonies until we complete the list that we've been
given. Just to give you an idea of where we're at we've
heard eight testimonies out of 34 so far so we've got
quite a bit of testimony scheduled for today. Once again
the time, the deadline to sign up is noon.
With that we'll call up our next testifier and that's Julie Knagin. I hope I said that right.

MS. KNAGIN: Thank you. I testified before in Kodiak but I'm here again today because I feel so strongly about this issue and want to emphasize again what I spoke on before with additional comments to that.

Thank you for this opportunity to speak before you today, appreciate your patience in listening to all of us.

My name is Julie Knagin. My husband Dennis and I were born and raised on our beautiful island of Kodiak. We have lived our traditional way all of our lives and we would like to continue that. There shouldn't be a problem on whether a community is rural or nonrural when it comes to continuing our traditional way of life. We lived in the village of Afognak and moved into Kodiak in 1960 because we didn't want to send our children off to a boarding school or possibly even outside of the state of Alaska to go to high school, we wanted to be with them during the important times of their growing years. I don't think we should be penalized or deprived of our traditional way just simply because we wanted to enjoy that time with our children going to school. We deserve to continue that way, the way we always have regardless of where we live. Our way of living has nothing to do with populations or whether it's rural or nonrural.

Why don't you put yourselves in our shoes and try to visualize how you would feel if something that's been a part of your life was being threatened. We ask that you respect our rights as lifelong citizens of state of Alaska and lifelong residents of Kodiak Island to continue the quality of life that we have been used to. Our traditional way of life, which you refer to as subsistence, is from the land, sea and air, none of which ends up at airport glass cases or on their walls.

Again, I want to say moving from one place to another shouldn't change how we live, after all it is our right our children and grandchildren continue that same traditional way as we have taught them. We talk about the importance of our culture and traditions and how we need to pass this on to our youth. How can we expect to pass on this traditional way if it is taken away from us.
We ask you to please take these testimonies very seriously because your decisions will affect the quality of our lives.

I remember a favorite saying that we've had and heard for so many years, when the tide is out the table is set.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Hang on, let me see if there's questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Okay, it looks like you're free, thank you. Up next we have -- maybe I'll read the list as we have it for the next several people so you kind of know where you're at. I'm going to call Myrtle Olsen, then Ellen Simeonoff, Tommy Johnson, Pat Holmes, Heather Parker, Charlie Reft; this will be the order for the next several minutes anyway.

Myrtle Olsen.

MS. OLSEN: I want to say good morning to all of you, and it was great for me to be asked to come to this.

I'm from Kodiak. I've lived there all my life but one year, and that's 80 years. Anyway, Kodiak is surrounded by water, or an island, and you have the sea, the beaches and all that and that's what I've been used to. My mother has, my mother's mother and it goes on back on my mother's side. But my father came from Norway and he loved the sea, too. So we subsisted -- I have subsisted, my family, all my life and my grandchildren -- my children and my grandchildren, they do too. I have a little grandson who say to me, let's go dig crams.

(Laughter)

MS. OLSEN: Yeah, and by the way I used to get a subsistence clam license and fishing license, too, from Fish and Game, that was quite a few years ago, I always got one.

Now, anyway, we had lots of fish put away, daddy salted it, salmon and herring and cod fish.
When I was 10 or 11 there was a lot of TB going around in Kodiak, tuberculosis, and I happen to get it, and Norwegian cod liver oil was what -- well, we've had that all our lives, in fact, I'm still taking it, in capsule though. So, yeah, we always -- in the afternoon mom would always have company and have tea and the smoked salmon, that was always a treat, it was always on the table it seemed like, and today it's a big treat for me.

So a year, when I was 18 years old, World War II was on and I spent a year away from Kodiak, didn't see the ocean, I missed it. But there was other things for me to look at and keep my interests going. But my mother sent me a package and then things didn't -- you didn't fly your packages, they came by boat or train, so my mother sent me this package, it was three jars of different flavors of jellies, high bush cranberry was one, and then some smoked salmon, and then she put my favorite gum in the package, spearmint gum, the flavor mixed up with the smoked salmon, I said don't ever do that mom again, but it was a treat, it was a big, big treat. So coming back, when I got to Seattle with my husband, we lived in the Calhoon Hotel (ph) and it was pretty close to out to the piers and I started walking down, I could smell the ocean, it was just drawing me there, that's the way I felt, that's all I wanted to do was just smell the ocean I'd been away from it for a year, and I'll never forget that, how good it was. So I've known the ocean, know the beaches.

At home here, in Kodiak I know many people, that are not just the Natives, they go out when the eulachon are up on the beach, they all go out, they have a wonderful time, they have their bonfires and they get their -- you have to wait for a certain time for their eulachon. And this is the way Kodiak is, you can't take that away from us. I mean you can't help it, because the ocean is there.

And my children, I have seven children, my boys used to go out and get rabbit and ptarmigan and ducks, I used to drive them out to the willow bushes and that's subsistence. I know I'll always get fish or something, that's -- it's good health food, and if you are on a low income there's nothing better than having canned things on your shelves.

So I guess most of our people know it, I didn't even know what spaghetti was until I was in high school when my friend invited me to their house, I said,
I wonder why my mother doesn't make spaghetti, she didn't know.

So I am truly a Kodiak girl and I believe in subsistence.

Thank you.

CHAIRMAN FLEAGLE: Thank you, any questions.

(Applause)

(No comments)

CHAIRMAN FLEAGLE: Thank you, appreciate your testimony. Next, we have Ellen Simeonoff.

MS. SIMEONOFF: It's Ellen Simeonoff and I'm from Kodiak. And true to my nature I'm not completely organized, nor is everything well planned, but it's all here and hopefully it all comes out.

I also work for the Woody Island Tribal Council as the director of the Environmental and Natural Resource Department, and I want to ask you because this sounds really funny to me, how does this sound, I feel like I'm echoing, does it sound okay?

CHAIRMAN FLEAGLE: You sound okay up here.

MS. SIMEONOFF: Okay, it sounds strange to me.

So essentially I'm representing myself, my children, my extended family, my community. I was born in Kodiak. I was raised between the city of Kodiak and the remote area of Uganik Bay. I am in strong support of Kodiak retaining its rural status. I recognize that this is a very controversial issue, that you have a tremendous responsibility sitting in front of you, and I hope that you look to your hearts when you make your decision.

This is a life issue, it's a human issue, it's more about perception and values than it is about numbers. It's about respect for people, respect for nature, respect for all life. And so with that I'm going to say that having lived in Kodiak all my life, you know,
and as an adult, when this decision was made previously,
there really are no significant changes in the community.
A handful of difference in population. Economically
speaking it is much harder to get by in our community.
We've spent, most of us on the Kodiak Rural Roundtable,
other members of the community have spent the better part
of over a year now researching information to back this
up, this information up, I mean looking at cost of living
indexes, population statistics, economics, researching,
everything. We've evaluated it through and through
thoroughly. We don't see any justification, whatsoever,
to change the rural status.

And as far as the inherent nature of our
community, subsistence has been a way of life in Kodiak
since before recorded time. It is the way of my family,
it was the way I was raised, only I didn't know it was a
specific way of life, it just was. It was just the way
we lived. Not just fishing and hunting, not just living
off of the beach, but growing our own food as well.
Eating plants. You know, my father -- when I was a
child, one of my first memories with my father is him
peeling pushkee (ph) and getting me to try it. I mean
there are things that are just basic to everyday life for
people in Kodiak, island-wide, that there may not be in
an urban community such as New York city that was maybe
there many hundreds of years ago, but isn't present
today.

You know in September Judy asked many
people the question over and over again of what is rural
to you, what defines rural because it's not necessarily a
population figure, and I guess before I get to that I'd
like to state that I -- that there are certain issues
within our community, whether it's a transportation
issue, because we are an island, we are separate from the
mainland Alaska, mainland USA, and it is incredibly
expensive to travel to and from, even within the last
year airfare, you know, if you purchase it two weeks out
in advance, was maybe $212 to $250 on ERA, now you're
looking at $350 to well over $500 just to get from Kodiak
to Anchorage. It's cheaper for me to travel from
Anchorage to Honolulu with the same amount of advance
notice, because my sister is getting married next April
and she researched, she started looking up, well, what's
it going to cost, because I have a family of five, I have
four children, and it cost more for us to travel -- she
thought, okay, this is like six, seven months out, it
cost more to price that ticket from Anchorage to Kodiak,
Kodiak, Anchorage than it did Anchorage to Honolulu,
scary but true. So she wrote ERA a very serious letter
complaining about how ridiculous that was.

But there are just several things, the
cost of fuel is incredibly expensive, the cost of living
is incredibly expensive. It cost me $2,000 a month just
to heat my home, have electricity, pay for the rent, have
basic phone service and basic internet and cable, 2,000
even, you know, in the summertime I can get by maybe with
1,800 a month. So to say that economically it isn't
expensive to live there, and that's not including
groceries or anything else or fuel for our vehicle, et
cetera, et cetera or shoes for your children, clothing,
the ridiculous, as far as, you know, economically nothing
has -- it has changed, it's worse, it's much more
difficult than it was back in 1990 or 1989.

So again I'd emphasize the extreme
isolation which also leads to medical issues. We don't
have the same medical services that anyone in Anchorage
here does, and frequently and continually people travel
off island to receive those medical services. If they
have life threatening issues they have to leave, they
don't -- those options really aren't available there.

CHAIRMAN FLEAGLE: Okay, can you.....

MS. SIMEONOFF: And so you want me to
summarize.....

CHAIRMAN FLEAGLE: Your time is up, would
you just wrap.....

MS. SIMEONOFF: .....I was going to go
back to.....

CHAIRMAN FLEAGLE: .....up your comments,
please.

MS. SIMEONOFF: Okay. Subsistence is a
way of life in Kodiak and leading back to what makes us
rural, you know, the community is so small that you see
the same people all the time, whether you know them
personally, whether they're your family, whether they're
your friend or not, you see these people as you drive
down the road, sometimes five times a day. You see them
in the grocery store, sometimes three times a day and
that could be because it's such a small community that
you choose to go back and you aren't really concerned
about your list, you know, because it's only a few
1 minutes away and you will -- I have, I've witnessed the
same people go back in the afternoon that were there with
me in the morning as -- and it's, what in the heck is
wrong with all of us.

You know, I walk down the road and I
typically like to walk three to seven miles, you know,
about five days a week or more and just through that
walking down the street, you know, along our bike path,
the same stretch, most of the time, for the last eight
years or more, you get to know people, they wave at you.
I have half the people that drive by me wave at me
whether they know me or not, and pretty soon they do know
me because of that. You know if someone's speaking on
the radio station pretty much everyone listening knows
who is speaking. If Iver calls in, we all know it's
Iver, you know, I mean there's no mistaking that. If
Margaret's husband calls in to sing happy birthday to
her, I know it's Margaret's husband. It's a very small
community, I mean it's not -- and sharing is a way of
life, you know, I explained -- and I know I'm not
summarizing very quickly but that's me and I apologize.

CHAIRMAN FLEAGLE: Would it be safe to
say that you support Kodiak remaining rural.

MS. SIMEONOFF: I support our rural
status.

(Laughter)

MS. SIMEONOFF: And I don't believe -- as
far as -- I'm going to answer your questions before, you
know, you have a chance to ask them, whether you want to
or not Mr. Edwards. Is that, you know, what would
change, fundamentally, I mean this sets a precedent for
change with the State rules and regulations. It changes
a large number of other things and we do have that
documented. We have a year looking at what could change,
what would change and how this impacts our community.
And if you want this information I'll be happy to present
it to you in writing. There are -- and it's not about
whether or not this decision would make, you know, would
really change our lives, you know, under different
regulations. It is about whether or not this is a review
process or you're making a new determination and it
should be a review process.

And that there has -- nothing has
significantly changed to the rural nature of our
community whatsoever.

CHAIRMAN FLEAGLE: Okay, thank you.

Board members, questions.

(No comments)

CHAIRMAN FLEAGLE: Appreciate your comments.

MS. SIMEONOFF: Thank you.

CHAIRMAN FLEAGLE: All right. I do have indication that Libby Watanabe is now present, maybe it's Watanabe -- Libby.

MS. WATANABE: Good morning. I see a few familiar faces. I'd like to take a moment to introduce myself to you. I'm the Alaska Native Sisterhood Grand First Vice President as well as the Alaska Native Sisterhood Camp 4 First Vice President of Sitka. Our local camp is located in Sitka. And I'm also the Chairwoman if the Alaska Native Sisterhood Ground Camp Subsistence Committee.

I'd like to take this opportunity to provide you with a little bit of history regarding the Alaska Native Sisterhood. The ANS, also known as the ANS was founded in 1923 in Wrangell and has approximately 26 chartered ANS camps throughout Alaska, Washington and California. According to our ANS constitution, the purpose of this organization is to enhance, protect and defend the basic rights of Alaska Natives to further the efforts made in civil rights, health, safety, welfare and our cultural preservation. The purpose of the ANS will become evident throughout my testimony and illustrates how our support for the retention of rural status for the communities of Sitka, Ketchikan and Saxman are directly related and intertwined.

I am here to testify on Southeast communities and criteria related to rural and nonrural status. At the October Grand Camp Convention two resolutions were considered by convention delegates and ground officers and then unanimously passed. These resolutions are No. GCR16-06 titled Support Sitka, Alaska as a Rural Community; and GCR49-06 titled Rural Status for Ketchikan, and are attached to this testimony in draft form for the record.
These resolutions support the communities of Sitka, Ketchikan, and Saxman to a certain degree to retain their rural status. At this time my testimony will focus on the community of Saxman because I have previously testified in person and in writing in support of retaining the rural status of Sitka.

The Alaska National Interests Lands Conservation Act of 1990, otherwise known as ANILCA, Title VIII, Section .801(3) recognized that the continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by increasing populations, increasing pressures on resources and then it continues on as many of you know. And I believe the intent was to protect rural communities such as Saxman.

The methods the Federal Subsistence Board, also known as the FSB, is using to determine rural/nonrural status is not so easily definable when discussing rural communities. Part of the criteria for Ketchikan/Saxman is the grouping analysis. The factors that the FSB should consider in the grouping analysis is this, is Saxman economically, socially and communally integrated with Ketchikan, if the answer to this question is no then Saxman should most definitely be considered as a separate and a distinct community that is not directly integrated with Ketchikan.

The OSM rural determinations decennial review analysis of communities and areas as assigned by the Federal Subsistence Board June 23rd, 2006 clearly demonstrates the distinction of these two communities.

To recap some of these issues, Saxman has its own municipal city of Saxman and tribal government, the Organized Village of Saxman, there are two Federally recognized tribes, Ketchikan Indian Corporation, also known as KIC and the Organized Village of Saxman [sic]. These two tribes are recognized by the Federal government as distinctly unique and separate tribal entities. Saxman has its own water and sewer systems illustrating an independent community, Saxman has its own cultural hall as well as a HeadStart program, including its own facility and staff. Saxman residents cannot receive health, general assistance, higher education, adult vocational services, Indian Child Welfare Act, Housing assistance services, or other tribal services from KIC. Saxman does not receive police protection from the Ketchikan Police Department. The people of Saxman have
voted numerous times against unifying the government with the city of Saxman [sic] this illustrates the intent of Saxman residents to remain an independent and self-sufficient community. Saxman is a predominately Alaska Native village with approximately 70 percent of the residents with Alaska Native ancestry. The poverty level is 12 percent in Saxman versus 6.5 percent in Ketchikan. Saxman has almost twice the poverty level as Ketchikan and removal of their rural status and/or the right to subsistence hunt and fish would negatively impact the residents of Saxman, including the ability to feed themselves and their family using traditional food gathering practices, similar to that which our ancestors practiced.

And if some of you recall from my testimony in Sitka, what we're talking about is a traditional way of life, and not only is it traditional it's very, very healthy. When you go out and gather traditional foods and even when you preserve them it takes a lot of physical activity and so while you're being physically active, at the same time you're gathering foods that are highly nutritious and it's a very healthy lifestyle.

The higher unemployment rates of 22.2 percent in Saxman versus 7 percent in Saxman per the Central Council data indicates that obtaining and retaining gainful employment in the Saxman area is challenging. Again, removal of the rural status and/or the right to subsistence hunt and fish would negatively impact the residents of Saxman.

Lower per capita income of $15,642 per person in Saxman versus $24,290 in Ketchikan also indicates the challenges, in not only obtaining gainful employment but obtaining employment that provides adequate financial resources to support one's self.

Again, all these issues regarding the poverty level, higher unemployment rates and lower per capita income indicate a challenging living environment.

Removal of the rural status of Saxman would most definitely, negatively impact a community whose current living conditions are challenging under the best of conditions.

So why do people live there.
MS. WATANABE: In speaking with some of the local residents.....

CHAIRMAN FLEAGLE: You've over exceeded your time limit, can I have you summarize your comments please.

MS. WATANABE: Sure.

CHAIRMAN FLEAGLE: Thank you.

MS. WATANABE: Time flies when you're having fun. My written testimony continues in that very similar vein, and it references some of the public testimony that some of you did hear in Saxman.

To wrap things up, the Alaska Native Sisterhood Grand Camp respectfully requests that the FSB maintain Saxman as a separate community from Ketchikan and rural recognition attributed to the rural characteristics reviewed in this testimony. If the rural status of Saxman and Ketchikan are changed to nonrural status, I'd like the record to reflect that the public did not have the opportunity to review and comment on the new recommendations and that the FSB should not consider this change prior to receipt of public review and comment.

I believe this process is called due process with regard to public proceedings and does not seem like an out of line request. So on behalf of the Alaska Native Sisterhood Grand Camp, I would like to say, Gunalcheesh, for conducting these hearings in our communities, to listening to our testimony and for your consideration of these extremely important issues to our members, which are Alaska Native as well other members, ANB and ANS is not limited to Alaska Natives but we welcome and encourage all people to join our organizations to strive to achieve the goals of our wonderful organizations.

Again, thank you very much.

CHAIRMAN FLEAGLE: Thank you. Questions from Board members.

(No comments)
CHAIRMAN FLEAGLE: Okay, we don't have any, thank you.

MS. WATANABE: Thank you.

CHAIRMAN FLEAGLE: Once again I want to announce that the cut off time to sign up to testify is 12:00 noon, and we do at this time have 37 total sign ups and we're about to start with number 13, so we're about a third of the way through. The next person is Tommy Johnson.

MR. JOHNSON: Can I use this side here?

CHAIRMAN FLEAGLE: You may.

MR. JOHNSON: Okay, I usually only come up to do Karoke at a mic but I'll try this.

(Laughter)

MR. JOHNSON: My name's Tommy Johnson, Jr. I'm a council member for the Sun'aq Tribe of Kodiak. I am of Alutiiq, Tlingit and Swedish heritage but I'm all Native by heart.

I'm a commercial fisherman and I've relied on subsistence food pretty much all my life, I'm 26, so I'll try to give you a more youthful perspective. I've grown up to respect our lands and resources because I know they will take care of us like they have for generations. And I don't want my kids to think that subsistence is McDonald's or Pizza Hut, because all this ruling in the long-run, this will affect our youth more because they can't practice the traditional Native harvesting. And then a lot of the Native foods are not only used for food they're used for medicine and clothing as well. And there's hardly little or no waste we have from these resources, just about everything gets used. And I know people that don't shop at grocery stores during the year because they store everything in the freezer, they only have to go to get like the bear essentials.

I know that a lot of the harvest areas that are within the Kodiak city limits that many elders subsist off of during the year because they don't have the means or the ability to travel anywhere else out of town.
And we've had our lands taken from us and now we might be able to harvest from the lands that were rightfully ours to begin with and we are trying to preserve our Native culture and heritage and we don't want it to disappear completely because I know this ruling will affect the township of Kodiak and I'm afraid that we will lose our close knit ties that keeps the community together.

So subsistence kind of seems to keep everybody close and in contact with one another and we don't need to sever those ties. So if you take something from us, what are we going to get back in return. And I strongly support keeping or rural status and that's all I have.

CHAIRMAN FLEAGLE: Thank you, very much for your testimony, Tommy. Do we have questions from Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you.

MR. JOHNSON: Thanks.

CHAIRMAN FLEAGLE: Up next is Pat Holmes.

MR. HOLMES: Good morning, Mr. Chairman, members of the Subsistence Board. Let me turn this down, this hearing device works much better than my own. I flew up from Seattle yesterday, we were down visiting my wife's folks and saved up for that event, but this is important enough for me to come back on my own hook to testify.

The questions that were being raised a few moments ago on Buskin Federal permits, State permits are good ones because at our hearing in Kodiak at the first evening session, some of the Board members didn't know that the Buskin was a Federal fishery.

Okay, now, how does this work. The State manages the fishery, both the Buskin waters off the mouth approximately I'd say three-quarters of a square mile and all the waters around Afognak are judged by the Fish and Wildlife Maritime Refuge as to being Federal waters. However, the Federal permit requires that the -- or the Federal law, subsistence regulations, requires that a person have the State permit to fish in those waters.
There is no Federal permit because that is a delegated thing, at least in my understanding. The problem that arises is who will fish there in times of shortage and Iver pointed out those relationships.

If there is a ruling that Kodiak was nonrural, yes, people could fish there under State reg's, but what could happen there and at Afognak, if folks in the nonrural area said that they weren't getting enough fish, it would reopen a really allocative basket of hagfish, which are nasty little creatures, to give you a different analogy than worms, and create a divisive nature between relatives and friends that live in town and don't live in town. Julie Knagin is kind of one of my heros. I just love to go to the spirit camp and listen to her and Dennis' stories, and she hit the nail right on the head. The whole repercussions and what you're trying to get at as far as what happens if we lose Federal management. Designated deer hunter program would disappear. This was part of a compromise that the RAC and the advisory committee worked out on an informal basis. The two committees worked together very closely to solve allocative problems in Kodiak.

Often within the cyclic nature of things at times, not now, there will be more deer to harvest on Federal lands, the designated hunter program is much more difficult to abuse and is a great advantage, particularly to the folks that live in the villages as well as the folks in town, particularly since some of the access to Marmot Bay now is quite expensive. More and more people go to Federal lands.

So I think that touches on subsistence fishing and hunting and those are the two major effects.

Do you need more elaboration, Gary?

MR. EDWARDS: (Shakes head negatively)

MR. HOLMES: Okay, thank you. I would like to dwell on a couple of things here, personally, and then with the Chairman's grace, at the end if there's time I could sum up for the roundtable on any points that might have been missed in the Kodiak discussions.

Subsistence in Federal waters and lands, I want to say that I support that for Kodiak, Sitka, Saxman and that Saxman remain a separate entity from Ketchikan based on testimony I've heard and all that I've
read. And I'd also like to see Ketchikan be classified rural. And the question of rural to me has always been the question, the underlying point of subsistence, because rural and urban divide to me is the essence of the whole debate and conflict.

The word was part of a phrase brokered in a compromise by Senator Udall and Ted Stevens and to provide for traditional use of fish and game for local folks without prejudice of race. From my discussions with some retired geezers from the time period, grey beards and ladies who haven't aged much, past Board Chairman, lawyers and a couple folks in D.C., the phrase rural characteristics was left intentionally vague to provide the Board flexibility in their judgment. And while you're criticized by McKie Campbell and other folks for not being precise in the way you approach everything at times, I think that's a factor that's written into the regulations to allow you flexibility. And while folks might argue with you on occasion, that's your call.

The fundamental difference in this rural and urban perspective, to lawyers and professional bureaucrats and I know you folks are forced in a box by your lawyers in the Kenaitze Decision, the word is treated as a noun. The word originally defined so that it could not be criticized for ambiguity.

CHAIRMAN FLEAGLE: Pat.

MR. HOLMES: Criteria.....

CHAIRMAN FLEAGLE: Excuse me, I'm sorry. Your time is up but you said that.....

MR. HOLMES: Okay.

CHAIRMAN FLEAGLE: .....you wanted to -- Pat does have another card for the Kodiak Rural Roundtable, do you want to go ahead and use that testimony time now or do you want to summarize?

MR. HOLMES: I'll come back. Could I just hit on three points?

CHAIRMAN FLEAGLE: You may.

MR. HOLMES: Okay.
your testimony.

MR. HOLMES: In summary, I was just trying to answer the question from the other folks.

Okay, to summarize up the whole thing, Kodiak should remain rural and because our average harvest pattern for harvest per person are comparable to other rural communities. Our percentage of harvesting and sharing exceeds many rural communities such as Kotzebue and Sitka, Petersburg. And the number of species harvested is perhaps highest in the state. Larry's summary lists 100 species but Dr. Otto gave a published report to the Board that wasn't covered in your summary, I believe, of 201 species. Population is a factor of lesser degree to rural folks and should measure the actual number of residents of that community who harvest and share.

And I won't go into detail, I'll give you a table that I made and the rest of my written comments. But I did look at the question of numbers of residents and devised a table based on population from PFD checks and in relation to the Base, in 2005, only seven Permanent Fund chits, or checks were issued to people living on the Base, so I would contend as we did at our testimony in September, that folks on the Base don't use subsistence.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Pat.

Questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN FLEAGLE: Judy.

MS. GOTTLIEB: Thanks very much Pat for your testimony. I guess I just wanted to be then really clear about the Buskin River, which we heard a lot about when we were in Kodiak, that people certainly go there and use it quite a bit. So that is -- those are Federal waters there, but what I think I heard you say is that to be a Federal subsistence user one gets a State permit?

MR. HOLMES: Yes, ma'am, that's correct. And on the permit issue, if I could have two minutes, there is a large number of permits issued to folks who live on the Base, five years ago the RAC identified that
as a problem and we asked Fish and Game to screen it more
and it went from 200 down to 50 last year, permits. But
out of that 50 we only had seven people claim residence
through the Permanent Fund. And we would ask that if you
lump the Base in, or even if you don't, the Fish and
Wildlife Service has a moral obligation to do enforcement
on this issue in Kodiak because the State can't deny a
Coast Guard person a permit, but the customary and
traditional ruling from your Board says that someone
living on the Base may not fish salmon in Federal waters.
So that is part of your burden if you're lumping the Base
in with Kodiak.

Thank you, very much.

MS. GOTTLIEB: Mr. Chair, just one more
follow up then, Pat.

CHAIRMAN FLEAGLE: Yes.

MS. GOTTLIEB: Thanks. So when people
were asked before and said that they used the State
permit, they may well have been participating in the
Federal fishery, subsistence fishery.

MR. HOLMES: Yes, ma'am, as we pointed
out in our testimony in September, perhaps 70, correct me
Pete, 72 percent of the harvest of salmon, red salmon,
which is the target species in the Kodiak area comes from
the Buskin River and Afognak, basically Alitnik or
Afognak Lake, so the bulk of that catch does come from
Federal waters, and it's also -- I would have to commend
the Board for helping provide Fish and Game research
money to manage those fisheries because their funds have
totally dried up. And without that the RAC couldn't ask
and answer questions nor could Fish and Game on some of
these declines that we've seen.

Thank you.

MR. EDWARDS: Mr. Chairman.

CHAIRMAN FLEAGLE: Gary.

MR. EDWARDS: I mean maybe there's
somebody that knows for sure but I believe that actually
the Federal permit does allow you to fish there at the
mouth of the Buskin. In fact the Federal subsistence
regs are different than the State regs for those same
waters, in that, the Federal regs, I believe allow nets
to be set for 24 hours whereas under the State regs they
can only be set from like 6:00 in the morning to 10:00 in
the evening. And somebody who's more familiar with the
regs, but I believe that you cannot -- you can fish those
waters without getting a State permit and simply use a
Federal permit.

MR. HOLMES: Nope, you have to have the
permit, thank you. It says so right on that little --
your little flier that you have to have a permit. The
point is correct, Gary, that they can fish 24 hours a day
and that's a point that I expect the RAC to bring that
problem to you because years ago we had a serious problem
of people leaving their gear in the water and not tending
it, catching marine mammals and birds and just plain
wasting fish. Most people, even though they can abuse
that and fish early, don't, and that's just one of those
dichotomies of management that perhaps is in error, but
you cannot fish those waters unless you have a State
permit and that's in your regulations in that fisheries
book, I believe, it says you must have a permit.

CHAIRMAN FLEAGLE: Okay, we can get that
researched for us for deliberations if we so choose to go
there. Any other questions for Pat.

(No comments)

CHAIRMAN FLEAGLE: Hearing none, we
appreciate your testimony Pat. And at this time I'm
going to go ahead and call for a lunch break. But before
everybody gets up and leaves, I do need to announce that
the cut off to testify, to sign up to testify is noon,
and that's in seven minutes, so remember noon is the sign
up cut off time. and we'll stand down for lunch until
1:15.

I'll read like the next 10 or so.

Heather Parker, Charlie Reft, Dewey Skan, Lila Schwantes,
Gloria Stickwan, Rachael Schwantes, Linda Tyone, Jerome
Selby, Charles Edwards, Jr., David Case, Father Piasius
DeLucia.

UNIDENTIFIED VOICE: Thank you.

CHAIRMAN FLEAGLE: You're welcome. 1:15.

(Off record)

(On record)
CHAIRMAN FLEAGLE: Good afternoon, we're back in session, the Federal Subsistence Board, Day 1 of the meeting on rural/nonrural determinations.

We have closed the sign up time for public testimony so I've requested Staff take the testimony cards that we've received and produce them into a list so people can keep track of where we're at on the list, where we're going. We've got 39 total testimonies and we've heard 14 so that gives you an idea, we're just over the third way mark. And I heard some interest in trying to complete public testimony today so that we can have the evening to rest on the comments heard before deliberations tomorrow and so we'll strive for that. If it's not possible then we'll resume public testimony again tomorrow. I've got to get with Pete when he gets back in and find out what the timeline on the building, the room is, we'll get that clarified before we close for the day.

I think that's about all I have in the way of comments. Other Board members, announcements, comments.

(No comments)

CHAIRMAN FLEAGLE: Okay, thank you. With that we'll resume public testimony and I just want to remind testifiers and Board members, again, that the testimony period is the public's process, it's their opportunity to come forward with their concerns, their part of the process and as such I would like that to be as respectful of a process as possible for the testifiers and for Board members and the audience, too, if you would please respect the time that the testifier has. Keep the issues to the -- keep the comments to the issues at hand and not personalities involved. And I understand, again, recognize that many of these issues that people are testifying on are sincerely heartfelt and can be controversial, we just want to recognize that we do want to hear those comments and we're just looking for mutual respect between all parties.

So with those ground rules we do have a five minute time limit for testimony. Pete is keeping time on his hand watch over here. He gives me a notification when the time is up. I generally will ask, if you've run over your time, to consolidate your comments, and one way that you know that your time has been run over is my little light on my microphone will
come on because I'm just about to cut you off, so watch
for the light on the microphone and start summarizing and
we'll stay out of trouble.

So with that we're going to go ahead and
resume, and the next up on our testimony is Heather
Parker.

(Pause)

CHAIRMAN FLEAGLE: Do we have Heather
Parker -- okay, thank you.

MS. PARKER: Good afternoon, I hope you
had a good lunch, I didn't have such a great one since I
knew I was number 1 after lunch so I expect to have a
great dinner.

(Laughter)

MS. PARKER: Cami. Thank you for being
here and providing us this opportunity to speak to you.
You've already stated what an important dear to our heart
issue this is.

My name is Heather Parker. I'm the Chair
of the Sun'aq Tribe of Kodiak here today representing
1,476 tribal citizen members. I'm employed as the health
administrator of the Kodiak Area Native Association
serving 4,498 American Indian and Alaska Native
beneficiaries. I'm also here as a community member of
Kodiak at large.

I'd like to begin by referencing back to
the 1990 deliberations and decisions based on Kodiak that
the Board unanimously voted Kodiak a rural designation
based on its obvious rural characteristics. It wasn't by
record a tie or a challenging decision in that respect,
it was a unanimous ruling. Since that ruling there have
been no significant changes that we can find. Our island
community continues to exemplify a rural lifestyle.

Some of the things that I'd like to touch
on quickly and respect for the time and other speakers
are a few items like our isolation and remoteness that
others have talked about, up to $550 for a short notice
ticket. On average when I've had to travel with my
family for medical, two weeks notice, it's been
approximately 400 a person. So for my family of my
husband, myself and two children, that's $1,600 when we
need to travel. My husband has upcoming medical needs and we aren't able to keep our children at home for approximately 10 days so we'll need to all four travel, it's not an option to leave the children behind to reduce the budget to do that.

Another significant factor that I see is our population growth is estimated by statistics at about 1.8 percent since the last ruling, and when we look across at other urban areas, the number that I think that I've seen for Wasilla are based on about 315 percent population growth, numbers in excess of 200 percent for Homer, and across the board urban areas that really show true characteristics of change in population.

We have a high cost of food. I've referenced a lot of these types of statistics in my September testimony so I really -- it belabors me to repeat them here for the sake of time and would be happy, as others have offered, to provide that in writing but I think the statistics have already been presented to the Board previously. We do have high cost of food, our milk by the gallon is $3 and more.

Our high cost of electricity is averaged at 16 cents per kilowatt hour. Our Alaska Native unemployment rate of our tribe is approximately 34 percent and when I bring these numbers, it's a quick comment and it's a short phrase but what it says to me is the representations as I sit here as, is that, my tribe and my organization that I represent has chosen that this is the most important thing that I can do to represent them today although we have many disparities in the Native community, what they need me to do is be here, present, on this issue which is something very basic to us as our subsistence traditional gathering.

So with that said I try not to have my voice quiver but I know the health needs and the other issues that we face that are detrimental but instead I'm talking about what we've done for our entire existence.

Culturally speaking our subsistence is our traditional way of life, it's not a past-time or a hobby for our members, it's not something that we have just picked up on the side, it's something that is just what we know. Our ancestors have lived a subsistence lifestyle and passed down these skills and traditions from generation to generation. We actively teach our way of life to our children that will, in turn, be passed on
to our grandchildren, our grandchildren's children. We have an innate respect that many of our community members have brought forth for the land and the sea. We gather fish, game and berries for personal use and we share and provide with our elders and also those that are ill and in the hospitals. Some of those are displaced here in Anchorage for large amounts of time based on our lack of medical facilities in Kodiak.

Our statistics show that fish and game prosper in our area and as an entire community we work together to assure this. When there are challenges we have systems like the RAC and our Native entities that work together as a community to ensure that that's not jeopardized. Subsistence plays a vital role in the health of our people and State and Federal officials that I meet with regularly have publicly acknowledged the role of subsistence in the field of behavioral, the Western diet that was introduced to our people has had a devastating impact on Alaska Native and American Indians as seen in the rapidly increasing numbers of our population being diagnosed with diabetes.

In somewhat closing before I get off with what I feel here in my heart, I just want to say to the Board, I appreciate your time and being here with us for these two days is taking away from your other duties and responsibilities, we all -- many of us in the audience sit on boards and councils, both statewide and national, we understand what it means to be here for two days and what that means to your desk when you get back, so I do appreciate the time.

In closing I feel that often times when I look back trying to summarize and speak for so many members from birth to the age of in their '90s, that often our children and our elders are the ones that can most eloquently and to the point not ramble on but really say how it is in very concise and few words. And I think that's based on children, their innocence, and elders, their years of experience and their knowledge base. And I want to thank the elders here, for me personally, my grandparents are from the Kodiak region, the villages in Kodiak and they were -- they passed on before I was even born so I relied on a lot of these members to share our way of life. And when I look back at the children, my children and the other tribal children and the other community children that aren't all Native but that work and live in -- just live a lifestyle together on an island, the remoteness that we have, I think back to that
book; All I needed to Know, I learned in kindergarten and
I have a kindergartner, so that’s real near and dear to
my heart, it means something when I read that because
we’re living that everyday at my household. And as I was
sitting at the hotel last night, I had been in one of our
villages yesterday and flew into Kodiak and up to
Anchorage last night, and I was thinking about the scope
of what we’re all doing here today and how it’s going to
affect many, many lives and I thought about what I was
doing Sunday night before I started my travels and it was
working on a homework activity for my kindergartner and
it was homework backpack that was entitled ABC, I like
Me, and what that had to do with subsistence might seem
off base, but what it comes down to is that it was an
activity dealing with the alphabet and basic school,
reading and learning skills, and it also touched on self-
estem and the last activity was writing in a journal,
drawing a picture about three sentences that he was to
complete and the only thing, after reading this book,
about ABC, I Like Me, was that the three sentences he had
to complete were to start with I am good at or I can, and
here’s what he chose to write.

First sentence. I am good at fishing.

Second sentence. I am good at duck
hunting.

Third sentence. I am good at sharing.

CHAIRMAN FLEAGLE: Thank.....

MS. PARKER: I did this in September and
I thought I wouldn’t do that here.

In closing, my last two thoughts. I am
very thankful for his ability to represent our children
here, that I could bring that forward without his even
being aware to make the enormous responsibility that you
at the table and us here have today.

And on behalf of the 1,476 tribal members
that I referenced and the 4,498 beneficiaries that I work
for, and have the opportunity to provide health services
to.

I’d like to thank you for the time and
for being here and you will be in my thoughts and my
prayers tonight as you deliberate on life changing
decisions for us ultimately.
CHAIRMAN FLEAGLE: Okay, thank you very much Heather, appreciate your testimony. Hang on let me see if there's questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Okay, thank you, we got it, appreciate it. All right, the next two names I held back because I didn't think they'd get that list produced so quickly but there is a list on the back of the room on the wall, on the door, that shows the testifiers and their number and like I said the next two aren't on the list because I held them back, so we'll be following that list.

Next up is Charlie Reft.

MR. REFT: Good afternoon. My name is Charlie Reft. I am Alaska Native. I reside in Kodiak and I currently live in Kodiak. I'm employed by Koniag Incorporated, which is the regional Native Corporation for the Kodiak area. I am employed as the manager of land and natural resources.

The Kodiak residents, Natives and non-Natives submitted good solid testimony and I feel this Board has a clear understanding of where we're coming from and are strongly opposing our current status [sic]. And I subsist, and, therefore, I also support our current status and oppose any change.

And I just want to be assured that this is not one more step by government agencies to take away our rights to subsist as Alaska Natives, and I fully support the community of Saxman.

That's all I have, thank you.

CHAIRMAN FLEAGLE: Okay, thank you, Charlie for your testimony, Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you, appreciate it.

Dewey Skan.
MR. SKAN: Good afternoon, and thank you for this opportunity. My name is Dewey Skan and I'm from Klawock. I'm a Tlingit Indian and our people have been on Prince of Wales Island for ten millennium.

I'm currently the president of Alaska Native Brotherhood Grand Camp and some of the things we've been involved in as we became strangers in our home land in 1912 when the (In Tlingit) started coming into our area and our people had to develop a new Tlingit word, which is (In Tlingit), that's the horizon people, that's the people that are coming in on these four masters, you know, go up into the Klondike and James Cook, you know, and people like that from the Lower 48, some of them from San Francisco going up to the gold mines so we had to develop a new word. And as that started transpiring in Western society, with the Spaniards and the Russians and those people coming up into our area we had to develop new words for them. Thus, as we became strangers in our own home land, our people had to organize in 1912, and organized Alaska Native Brotherhood to start rebutting some of these irrational acts that were affecting our people.

On the agenda at that time was health and education were the two things that were driving our people because we wanted our people to take care of each other and get an education and live on an even keel within the society. We brought Indian Health Service to Alaska, gained the right of our people to vote in our own home land. We brought the IRAs to Alaska. And in 1929 the convention at Haines, Alaska Native Brotherhood and Sisterhood in conventions, voted to sue the Federal government because of all the stuff that is happening in our home land, and that took about 50 years to come to pass. And during all this 50 years, you know, our people, our grandparents and our parents were massaging Congress, you know, our state is 375 million acres and we got Federal control of 60 percent, the State has 22 percent and the ANCSA Corporations, our people own 12 percent and private ownership is 6 percent, and still we always have to come before, you know, committees like this trying to protect ourselves and our people.

But I come before you with due respect because, you know, the Tlingit culture is based on respect and if you don't have respect then you're at war and we don't want any deliberations in these kind of arenas.
But because of the Alaska Native Brotherhood and Sisterhood, we put a lot, a lot of money to the bottom line of Alaska because of our activities and education and health and my comments will be mostly information and concerns as the brotherhood, president of the Grand Camp, which in other entities is called chapters.

I support Ketchikan, Kodiak, Saxman and Sitka, and I support Kodiak at the tribal and subsistence issues chairman of RuralCap and on that board I represent the 24,000 Tlingits and Haidas of Southeastern Alaska. And one concern I have, where I was talking about rural, when you talk to other societies they think it spells Native and it doesn't because there's 104,000 Natives, aboriginal people that live in the state and overall about 250,000 people in rural Alaska, there's more of all other racial [sic] of rural Alaska than us so I stand before you to, you know, champion their rights also.

We have smokehouses in our villages and if you look at all the Tlingit villages from Yakutat and Metlakatla, they're all by a river or a creek, that's our refrigerator. I do not support transient populations, they shouldn't be counted in these deliberations. And that's why Klawock, in my home town, we've been fighting off the borough system for 25 years because we don't want to be consolidated if it's to someone else's ideals.

When we're addressing issues that concern Natives and non-Natives alike, the rural preference, we, as a Native people cannot just sit back and allow for Federal registration [sic] do and destroy that is, you know, what is so important and priceless to us and that's Title VIII of ANILCA.

The 70/30 split, I'm trying to figure that out. It was a program that was introduced by the State of Alaska and from what I could remember, it was rejected and adopted by OSM [sic], I don't know why. I'm trying to catch up here.

What someone mentioned, about the State of Alaska is not too happy with the deliberations here, so I'll kind of try to rebut that. We, in Southeast, the Tlingit, Haida and Tsimshian people are very concerned that something is very wrong with the Southeast RAC and its ability to affectively serve our people. This is in no way the fault of the RAC, they are not the ones that we are talking about. We, who are on the inside and the
outside, see it as a fault of the Federal Staff and the State of Alaska in its attempt to diminish the RACs effectiveness. The State of Alaska had an opportunity to manage the fisheries and game in our state and we supported that. I worked at Legislature for eight years, as you know eight Senators and 12 representatives held up the whole state from voting on the issue. And now they're involved in this Federal management program and they're causing the program to fail in our opinion. The State of Alaska had their chance. Now they should step back and let the RACs do their job. The State of Alaska should take a back seat and go back and work through their own legislative process to get the management of the fish and game program back if they are serious about remanaging their own field programs. And I mention this because in 1992 we were at a similar hearing here and the Kenaitze people, they were like they were on trial and we weren't very comfortable with it, there was three of us Tlingit people from Klawock and so we got on the agenda and they were trying to create five non-subsistence use areas in the state, and Ketchikan and Juneau are two of them. In our opinion if that happens then the Ketchikan people, who we are supporting today and the Juneau people, but go to the outlying villages and create, you know, undue pressure on the resources. So we objected to that and it took us two days to find out that they wanted Kenai to be a sportsmen's playground. so we got that stopped.

Marine jurisdiction, in order for Federal subsistence Title VIII of ANILCA to be 100 percent effective, there needs to be a management plan that includes both the marine waters and the public lands especially when it comes to the fisheries program. And I mention that because under the Federal program, halibut has to be 32 inches long and under the State, they catch ping-pong paddles and everything that could barely swim and they get into the breeding grounds at the ocean where I live and that's really detrimental to the resource, because the charter boats, they don't care if it has a tail on it, they'll harvest it.

CHAIRMAN FLEAGLE: Okay, Dewey, you've gone over your time, can I have you summarize or finalize your comments, please.

MR. SKAN: Yes, I'm just about through, Mr. Chairman.

CHAIRMAN FLEAGLE: Thank you.
MR. SKAN: And if you treat me mean I'll tell your wife.

(Laughter)

CHAIRMAN FLEAGLE: I'll tell her first.

(Laughter)

MR. SKAN: But I just have two more comments, Mr. Chairman.

I understand there are six voting members that are sitting up there and if you'd raise your hand I'd like to see who you are. Okay. And something I've been hearing and looking at some of the documents that's kind of sending up a red flag, they're talking about minority Staff and majority Staff. If majority Staff has implemented a strategy to give to you then I really wouldn't approve of that or appreciate that because there's six voting members and these people are supposed to be doing the research to give the information to you to advance our cause, so that minority Staff, I heard that a couple times, and, you know, as someone who's been in this arena for a long time I don't appreciate that, if there's a majority of the Staff trying to ramrod stuff down that's detrimental to our people, you're going to hear from us.

In wrap up, Mr. Chairman, I congratulate you. A lot of times you're going to be called upon to break a tie sometimes, you know, everybody's watching you. We had a friend there for 11 years called Mitch Demientieff and we appreciated his efforts on behalf of everyone in Alaska. And to wrap up I just want to stand before you as the Grand President of Alaska Native Brotherhood who brought so much to this state, our own state and subsistence issues, tribal chairman for Alaska and that's why I'm stepping out of the Indian parameters and I'm supporting my friends from Kodiak in their efforts to remain rural.

And I have a little gift for you, Mike, and I'll ask Libby to come up and give it to you.

Any questions.

CHAIRMAN FLEAGLE: Questions, Board members.
CHAIRMAN FLEAGLE: Thank you. And I want to make one clarification. I think on that majority/minority positions from the Staff Committee, that was because the Staff Committee couldn't come to a consensus so they had a majority position and a minority position come out of their deliberations and that's where that came from.

MR. SKAN: Okay. What part does that play in your decisions, I shouldn't be asking you questions, but this is America.

CHAIRMAN FLEAGLE: It is. They're recommendations that the Board may consider in its deliberations -- will consider, but, you know.

MR. SKAN: Yeah, thank you, Mr. Chairman. And I just have a gift for you, and I'll have our First Vice of Alaska Native Brotherhood Grand Camp [sic] give it to you -- do you have an office manager -- this one's for Mike -- an office manager or chief of Staff -- okay, that one's for you, and I'll give this one to Olga from Kodiak. And you may read it, Mr. Chairman, if you feel like it, but, you know, like I said, our culture is built on respect.

Thank you, very much.

CHAIRMAN FLEAGLE: Thank you, Dewey, appreciate your comments.

What it is, is a little poster that says Southeast Traditional Tribal Values, Our Way of Life, and there's a number of bullets, I'll let you guys read it at your pleasure if you'd like.

Up next I'd like to call Lila Schwantes.

MS. SCHWANTES: Good afternoon. I am Lila Schwantes from the Sun'aq Tribe in Kodiak. I'm grateful for the opportunity that I have to speak a few words to you today and tell you how I feel about this important issue.

First of all, I'd like to tell you that I believe that the U.S. Coast Guard Base population in Kodiak should not be included with the other population numbers and the reason I say that is because they are
pretty much a self-contained community in their own, they
are a gated community. And admission is obtained at
their gates. They'll either let you on or they will not
let you on. And so for that reason I think that they
should -- their numbers should be considered carefully or
separately.

In 1990 you determined that the Kodiak
community was rural. Since that time very little has
changed as many others have testified to you today. In
light of the economic changes, however, I believe that
more people are more heavily dependent upon subsistence
resources, especially in light of the steadily rising
fuel costs, which are just now starting to go down. I
believe that your 1990 decision was correct and that it
should still stand today.

It is interesting to me that areas of the
state can be categorized as nonrural because their
populations exceed 7,000 people, even without regard to
the resources that are available to them. I don't
believe that the characteristics of our community can be
determined by the number of people living there.

Subsistence is an inherent right of our
people. It may be regulated, yes, but should never be
taken from us. Our physical and cultural welfare
requires it. Please remember that many of our people
would not have much of a life without it. We are not
only rural, we are also remote. And because of our
remote location sometimes very inclement weather and acts
of nature that cause shipping and transportation to stop,
and when that happens our grocery stores empty very
quickly. It's very comforting at that time to know that
our pantry shelves are stocked with canned salmon and
venison and there are freezer shelves stocked with frozen
fish and meats and other subsistence foods.

And I didn't number my pages so give me a
minute here.

My family and I are avid subsistence
participants, this has been passed down through my
natural, my Native heritage. Subsistence is a wonderful
activity. Our harvest is always shared with elders and
family members.

I'd like to tell you a little bit about
my family history. My Athabascan greatgrandfather, Paul
Nomoff (ph) worked at the Karluk Weir on Kodiak Island,
and he taught his daughter Olga that you don't take more
fish than you need and you never waste it. Grandma Olga
passed that lesson on to her family. My mom put up ucala
(ph) and salt fish, she told me how they used to
waterproof shingles of their home with seal oil, how she
used to put up kegs of cod fish tongues, which was a
delicacy at that time, and I laughed when she told me
about going duck hunting for the first time and pulling
both triggers at the same time, knocking her to the
ground. When visitors dropped in at their remote island
home, there were bear skin rugs for them to sleep on.

When I was a kid we didn't have
refrigeration, but I remember the large keg of salted
salmon and cod fish behind the woodshed door which
provided delicious meals through the winter months.
Ducks and rabbits added variety as well as clams, (In
Native) and seagull eggs in the spring. Subsistence has
been our way of life forever.

You, who sit on this Board, have been
dowered with very much power, lifestyles and resources of
many lie in your hands. I am here today because I
cherish my lifestyle and these God-given subsistence
resources. I speak for myself but I also speak for those
who are not here. I speak for those who have preceded me
and I speak for those who are yet to come.

I plead with you to preserve the
subsistence rights and privileges, which have been ours
forever, and I pray that my children and my grandchildren
and their posterity will be able to enjoy the same
privileges and subsistence lifestyles which have been
available to me and my family. And I strongly urge you
to consider very carefully these vital issues and
encourage you to proclaim that Kodiak is indeed a rural
community, for that we are, and I would also encourage
you to also determine that our neighbors and friends of
Southeast, who are here today, will also be declared
rural communities.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Lila.

Board members, questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN FLEAGLE: Thank you.
MS. GOTTLIEB: Mr. Chair.

CHAIRMAN FLEAGLE: Judy, go ahead.

MS. GOTTLIEB: Thanks. Not a question, but -- for Lila, as well as for Heather, I know this is really dear to your hearts and to everybody's here and so we know it's emotional and difficult to speak in front of a group, but thank you very much for your statements, appreciate it.

CHAIRMAN FLEAGLE: Yes, thank you. All right, next up is Gloria Stickwan.

MS. STICKWAN: My name is Gloria Stickwan and I'm here to give a few brief comments that the Ahtna Tene Nene Subsistence Committee asked me to talk about.

CHAIRMAN FLEAGLE: Excuse me, Gloria, could you slide that microphone up a little closer.

Thanks.

MS. STICKWAN: the Ahtna Tene Nene Committee asked me to speak on a few words about the rural/nonrural determinations.

Specifically I want to talk to you about the Delta communities. We -- there was concern about military -- Ft. Greely being considered a part of the Delta communities, even though the Delta communities isn't in our area, they do have an impact in our hunting area and they asked me to make comments on that.

We don't think military bases should be considered as -- should be considered as one of the guidelines and looked at because we think that the military community is a transient community in itself. They're not really a community, they're a military base and so we don't think they should be considered when you do the guidelines.

We, too, are considered about the rural and nonrural determinations and criteria and guidelines that are being used. As communities grow and our areas grow we have a concern about, just like these other people here that are going through this right now, we know in the future that we will be going through that same thing in the future as our communities grow within the Glennallen area, so we have concern about the
criteria that are used and the guidelines that are being
used and we would like to see them improved upon or
redone or somebody to look at it, along with the public
again because the population being used is 2,500 to 7,000
-- right now in our area, community is 3,000 in the
Copper Basin so it's going to affect us some day in the
future and we're concerned about that.

And that's all I have, thank you.

CHAIRMAN FLEAGLE: Thank you, Gloria.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Okay, appreciate your
comments. Next up is Rachael Schwantes.

MS. SCHWANTES: I just had a few words.

I don't see very many young people here, not that you're
old, but, yeah.

(Laughter)

MS. SCHWANTES: Okay, my name is Rachael
Schwantes and I'm of Athabascan and Aleut decent. I am,
you know, one of those grandchildren you're all talking
about and I just wanted to say a few things for myself
and my siblings and those of my age also who will be
affected by this.

I have been living with subsistence foods
in my family like my whole life, and everybody that's
lived before me has been living with these subsistence
foods. I feel that fish and these berries, they don't
have preservatives in them and they're healthy and they
keep my body going and they're going to keep everybody's
body going and my posterity's body going and my parents
and my grandparents sitting over there, body's going, and
it's healthy and it's good.

And my next point is that subsistence
foods, as a kid, I live in a time where people are
becoming lazy. Kids my age they are addicted to games
and they just don't work hard. And as someone who has
taken part of subsistence fishing or just surviving off
the land, I feel that it's important to do this because
it teaches you how to live on your own and it teaches you
values, and it teaches you family-oriented values and it
teaches self-determination and how to work hard, which is
important especially in the adult world. I have had an array of classes and many, I've had students who don't have these values and I've had classes where students do. You don't only get these values just from subsistence but I feel that as me, and as a Native kid, as somebody who has had these opportunities, that I don't want this taken away. And so these classes that I've had with these different students, these students that didn't have these values set in their being, they don't do very well in class, they don't want to pay attention and all they want to do is just play their games and they don't really -- they just don't want to succeed in life, which, these kids that have had these same opportunities as I have living off the land, and they have this determination to do well, just whatever they're doing, they do do well in class, and they will be able to succeed in life.

Those kids that have family -- they say that kids that often join gangs, they mostly have a parent missing, they have this value in their family that is missing. And a family that goes out subsistence fishing or picking berries, they're doing this together and the kids won't leave that because they have that knit there, they have that close relationship, and those kids won't join gangs and they're not going to start doing drugs, which is really important, especially in the world that I live in today.

They say that a kid that has grown up with these values and it's part of their being, they're not going to depart far from it, and that's really important. And I feel that the subsistence fishing or the living off the land, or deer hunting, all these things bring value into my life and they bring values into everyone around me's life and it's important because this is what helps succeed those that do it.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Very good job, appreciate it. Questions, comments.

(No comments)

CHAIRMAN FLEAGLE: Thanks for the testimony. Up next is Linda Tyone.

MS. TYONE: Good afternoon everybody. I'm here today to speak on behalf of the Ahtna Subsistence Committee which is represented by one person
from each village in the Ahtna region and we have three elder advisors on there.

I'm here today to speak on the criteria that is used to determine rural versus nonrural.

I think we need to reevaluate that criteria, which was done over, what, going on 16/17 years ago. Back in the '90s there wasn't too many Native people involved in making these decisions and today, as people are getting more educated and more knowledgeable about the State run system and how things are run through different organizations, that the Native communities are more educated on the State system. So I think it's time to reevaluate your criteria on how you determine rural versus nonrural.

And I'd like to say that I support all the Native communities who are here today to fight for their subsistence because we've been fighting for this for all our lives and we will continue on fighting for our daily lifestyles and this is recommendation that we need to move forward and reevaluate what is being done here today.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Linda.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Appreciate your comments. Okay, up next we have, I think it's Jerome Selty -- Okay, Jerome you can correct your last name if I said it wrong, please.

MAYOR SELBY: Close, Mr. Chairman, it's Selby.

CHAIRMAN FLEAGLE: That's a B, it looks like a T.

(Laughter)

MAYOR SELBY: Well, one of those.

(Laughter)

MAYOR SELBY: Thank you, Mr. Chairman.
Members of the Board. I appreciate the opportunity to testify today.

First of all, I'd like to start out by thanking you folks for your service. Having been involved in public policy formation myself for over 20 years at the State, local and national level, the job you do up there sometimes I'm sure feels like a pretty thankless job and I, for one, certainly do appreciate what you're putting in trying to make these decisions which are sometimes pretty hard.

However, the good news from my perspective is, is this one should be pretty easy. Because from a good public policy perspective, this is as close to a slam dunk as I think a Board like you could ever face, and that's a fact that all of your evidence has come back, having completed your due diligence of examining whether Kodiak should remain rural or become nonrural has overwhelmingly come back rural. And from a good public policy perspective I think that makes this, in relative terms, an easy decision for you folks to leave Kodiak rural.

Now, there's a couple reasons that I say that and I'll elaborate on them just a little bit. But first of all I think that if you look at it in the big picture, good public policy needs to serve the public, it's kind of the first, underlying premise. And I think from all the testimony you've heard and from you folks coming to Kodiak and having seen Kodiak, I think Kodiak lifestyle and subsistence are as close to synonymous as you're probably going to find in Alaska, and that means as about as close as you're going to find in the U.S.

Now, clearly the public is going to be served by a policy that you folks adopt leaving Kodiak rural. I have to leave the question with you, who is served if you designate Kodiak nonrural.

Now, let's come back to the evidence. First of all you heard this morning that there's a scientific study, the results of which said Kodiak is rural. Your Staff, your InterAgency Staff Committee recommendation says, and I think they got it about right, Kodiak should be designated rural. You have resolutions from the city of Kodiak and the Kodiak Island Borough, both of whom give you numbers of reasons why they found in their deliberations that Kodiak should be rural. You've heard overwhelming public testimony from a number
of citizens. And let me tell you the amount of testimony you've gotten, this is a big issue, I can tell you because in most public hearings in the city of Kodiak and the Kodiak Island Borough, if we get six or seven people it's a big issue. So the fact that you folks have had whatever it is, 70. 80. 90 people, this is a big issue. And it's overwhelming that folks use subsistence and feel that Kodiak should be rural. The heavy use that you identify, your Staff identifies, 155 pounds per capita, rural. And there's no significant change from 1990 when you folks voted unanimously that Kodiak should be rural. And, in fact, if you look closely and by your own information there's a slight trend to more rural is really about the only change that you see there.

So I would submit that you folks really have an overwhelming amount of evidence to find that Kodiak should remain rural.

Now, when it comes to public policy formulation, most of the time when we look at it, we make a change when there's some overwhelming reason why a change needs to be made. And I would submit to you that you have no overwhelming, no over arching reason to make any change to Kodiak's rural designation here. In fact, the only thing that you have at all that raises the question is the 7,000 population arbitrary guideline number. And I say arbitrary because I don't know where that came from, but my suspicions are that some person sitting in a warm little office in Washington, D.C., some day picked out 7,000 as being a nice round number, now there may be more to it than that, but quite frankly unless you come out into the community, as you folks have done in Kodiak, 7,000 is a guideline is that says you should take a closer look and I don't think that anyone would argue you haven't taken a close look with all the effort that you've made here, and that's why I commend you on your due diligence, I think you've really looked at it, but I think in this case 7,000 doesn't mean anything, because what you have is a rural community and that's what should be found as a result of your effort here.

Now, there's no down side to keeping Kodiak rural that I can think of. But there's a big down side if you change us to nonrural. And let me just mention a couple of those.

Now, one of the main reasons that there's no down side from my perspective is, to keeping us rural,
is that you don't have any resources that anyone's
identified here as being in trouble. That would mean
that there'd have to be some serious thought and
decision-making made, but in this case that doesn't
exist. There is no resource in trouble.

So let's look at the down sides if you
change us to nonrural. First of all you have a number of
families who are going to immediately go into crises and
that means a couple of things. First of all the social
service agencies are going to take a big hit. We've got
to have more money for social services and more people
hired to take care of these folks. And secondly, your
law enforcement, you better have a lot of money available
for law enforcement because you're going to criminalize a
bunch of people who are mainly just trying to feed their
family. That's the net result of a nonrural designation
here. Because believe me if it's February and your
family is out of food, ask yourself what you are going to
do if the deer is standing out in the hillside behind
your house, are you going to wait until the August deer
season to feed your family or are you going to feed him
today. And that's what you're doing if you make it a
nonrural designation. And I think the answer is pretty
obvious what most folks are going to do in that
situation. So I would argue that you're going to have to
have a lot of legal backup to try to enforce. And also
there's the question then of, unanswered, no one's told
me what happens to Federal grants, some of which are
dependent upon a rural designation and there are State
grants that follow not far behind.

So I'm about done, Mr. Chairman, I
appreciate your time.

But the point being here is that there's
a lot of negativity that would happen. And I think more
impact on Kodiak's economy than any of us have figured
out with a nonrural designation. And all the evidence
that you've gotten clearly point to keeping Kodiak rural.

So I would simply urge you folks to do
the right thing, make a good public policy decision, keep
Kodiak rural.

Thank you.

CHAIRMAN FLEAGLE: Thank you, appreciate
the testimony. Questions. Judy.
MS. GOTTLIEB: Mr. Chair. Yes, thank you, Mr. Mayor for being here today. We know that you were out of town when we did have the hearing in Kodiak but I appreciate the written comments that the Borough turned in, as well as the city's and of course the roundtable and everyone who's testified.

I think one thing you had mentioned, perhaps, in your written comments had to do with the downturn in the Kodiak economy based on loss of fishing jobs that had taken place. I wondered if you would just be able to take a minute to fill everybody in on that.

MAYOR SELBY: Certainly. A couple different things have happened, we've had downturn in salmon over the past few years that have resulted in a number of -- much fewer number of fishing jobs for salmon fishing in the summer. We have a number of permits that because of the price of salmon, just didn't fish, which means no crewmembers for those folks that had those permits, so you've seen a fairly significant reduction in that regard.

More recently the crab rationalization in the Bering Sea, we had a number of boats, I think about 40 or so that participated in that fishery and because of the way that that was done, and there was an intentional effort to try to reduce the amount of fishing effort in that thing, but they got carried away with that and they made multiple layers of reducing effort. The net result of that is that most of the crewmembers in Kodiak who fish in that fishery lost their job. A number of the boats did not fish, and because of the advantages of co-oping, a number of the boats did not fish at all which means that several of the skippers would get together and fish jointly on one vessel as opposed to now sending out four or five vessels. So we've seen a significant impact that resulted from that.

And then we have hanging over our head the Gulf of Alaska rationalization that rationalizes all of the remaining species in the Gulf, which that's under consideration right now and we don't know where that's going, but if you track what's going on, when halibut IFQs came in, we saw significant reduction in the number of people who made money from halibut as well. Some kind of consolidation took place. So I think that just on the surface you can pretty well bet that if you rationalize the Gulf of Alaska, no matter how careful you are, there's probably going to be some consolidation that
takes place there. Now, we're trying to ask the Council
to not overdo that, to think about that and try to
minimize the consolidation but I think that you can
pretty well bet that there'll be some amount of
consolidation that would result from a Gulf
rationalization.

So it's multiple hits, if you will, in
the fishing industry.

MS. GOTTLIEB: Thank you.

CHAIRMAN FLEAGLE: Gary Edwards.

MR. EDWARDS: Maybe to follow up on that
question, can you kind of maybe look into your crystal
ball and where you see the community going over the next
couple of years. I noticed in the Anchorage Daily News
this morning there was an article titled Kodiak, the City
on the Edge, and it addressed some of the issues, but I
was just -- what do you think the implications of all
this is going to be and if you had to kind of predict,
without putting you on the spot, what do you think are
the consequences of some of these actions.

MAYOR SELBY: Well, we're trying to
minimize those consequences, I mean that's obviously what
we're very concerned with, both at the city and the
Borough level in terms of local government and local
community is concerned. But it's like I was just
describing, there's only so many of these hits that you
can absorb without it starting to have a downward impact
on your overall community. And that's what I think the
article that you were referring to was starting to impact
-- some of the folks who are running into trouble, and
it's folks who may have worked some of those crewmember
jobs that I just talked about, who now have no -- you
know, they don't have as much employment opportunity,
they may be able to go out and fish for awhile on cod or
something but, you know, they counted on moving from
fishery to fishery to fishery for enough employment
during a years time in order to really keep the family
financially viable. And so as a result you have some
families who were okay who now aren't okay.

So it's challenged for social folks
already, social service folks already. Our challenge, I
think as a community, is to try to diversify enough to be
able to pick up enough slack in other areas and create
jobs and, you know, there is a little bit of good news,
we have more tourism things going on, for example. It
doesn't off set what the down side is so far from the
fishing but that's the kind of thing is, the way we're
thinking, is that we've got to be able to do enough of a
diversification of our local economy to absorb the losses
that are occurring to us in the fishing industry,
otherwise, you know, there's just no question I think the
Kodiak population has to shrink, we can't support the
same number of families with the current scenario.

MR. EDWARDS: Thank you, very much.

CHAIRMAN FLEAGLE: All right, thank you
for your testimony.

MAYOR SELBY: Thank you.

CHAIRMAN FLEAGLE: Board members the next
testifier has indicated that he's not intending to
testify on the matters before this Board but on the
general basis of the act itself, is there any objection
to allowing that.

(No comments)

CHAIRMAN FLEAGLE: All right, hearing
none, Charles Edwardsen, Jr.

MR. EDWARDSEN: Hello. Welcome to the
crime scene. I witness in Washington, D.C., the creation
of ANILCA, Alaska Native Land Claims Settlement Act, and
the rest of the sellout amendments under Alaska Native
Claims Settlement Act. And so in making the
Constitution, it provides for Indians not to be taxed, it
also provides a Treaty under the Commerce Clause. More
importantly, under the Statehood Act, State of Alaska is
a disclaimer state. Do you know what a disclaimer is.
That the State of Alaska shall forever surrender any
fishing rights or titles to the land of Alaska Natives.
This is the supremacy clause of the Alaska's
Constitution. And as far as I'm concerned it has not
been amended lately.

And so these fishing rights and hunting
rights were supposed to last forever, and that's a very
long time. When did forever end. When rural was
created. The word, rural, came from FDR's administration
for the deployment of electricity in some place in the
Lower 48, so it just didn't -- it arrived in Alaska under
the direction of Byron Malant (ph), as the president of
AFN, Alaska Federation of Nothing. And so against the advice of legal counsel, I am disappointed by your Federal Staff who have not reviewed the Legislative history how rural was introduced in ANILCA.

I am disappointed that the case history is very blatantly clear, and the people of Alaska did not discriminate, State of Alaska and its governance discriminate. The people of Alaska had surrendered these rights.

And it took us, after the passage of Land Claims until 1997, that we finally won on a disclaimer defense, we quiet the title of State of Alaska at Point Lay. What does quieting the title of State of Alaska does, it gets us back to the Federal Compacting. For the prosecution of the war, World War II that is, not the one in Iraq, in the prosecution of World War II the United States government entered into compacts with the tribes of Alaska. Public Land Order 82 for the prosecution of the war, State of Alaska had challenged the ANCSA settlements selections at Barrow and at Point Lay. Who was the ultimate benefactor, the ultimate benefactor was the Native Village of Barrow, Native Village of Point Lay because we are a Federal enclave chartered by the United States in a compact for the prosecution of that war.

And so State of Alaska lost a navigability issue in Kuparuk. And so the Federal responsibility, the Federal trust responsibility has not sunsettied. And just because we want to satisfy commercialization of other species to steal from the inhabitants of the Native people, you are going to commit a crime of peace and a crime against humanity, of taking the food away from the mouth of the children that are not yet born. So I think it behooves you that there is a Federal supervision lawsuit to reinstatement of the State disclaimer clause on all of State action under the Quiet Title Act. So if the ruling for Kodiak is denied, we will enable them, with legal assistance, to quiet the claims of State intrusion.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Charlie.

Questions.

(No comments)

CHAIRMAN FLEAGLE: Appreciate the
testimony. Up next is David Case, who is already on his way, he's reading the list on the back.

MR. CASE: Thank you, Mr. Chairman. I decided not to back out today.

Thanks for the opportunity to testify. I appreciate it. I'm here as a private citizen, not representing anyone in particular although I've been asked to come by the people of Saxman. I couldn't help reflect sitting here this morning that, again, with all of you that this is a small state and we all sort of get to know each other after awhile or after 30 years, or after how many years your life happens to have passed here. Heather Parker and I were in the same village just yesterday near Kodiak, and now we're here in the same room talking about the same kinds of topics.

My point of being here, though, is to talk about Saxman a bit.

First, I have a couple of things just to add to the testimony that you've had that maybe you haven't heard before. Saxman has a unique history, even under the Claims Act. It was, and is a rural village. Remember the Claims Act in order to qualify as a village, you had to be of rural character. And so in 1971 it was determined that Saxman was a rural village and of rural character. And in 1990, I think you reached the same conclusion under a different statute, that it was still of a rural character. And, nonetheless, it is within an area, well, near Ketchikan, which you have concluded to be nonrural, although from the testimony today I kind of wonder about that, too. But nonetheless it seems clear to me that Saxman, because of its history, which has been discussed here already and because of its status under the Claims Act to begin with, your determinations in 1990 and indeed the determinations that you apparently have made as recently as August of this year when the Federal Register publication indicated that Saxman would be considered to be rural. And, therefore, it became a surprise to Saxman to find out last Thursday and formally on Friday that there was a Staff recommendation against that recommendation, and they did not actually see that Staff recommendation, I am told, until yesterday. So that is why I think they are concerned and calling people to testify on their behalf because this doesn't seem to be fair, that this process would indicate an entirely different result and then at the last moment forecast something the opposite.
The testimony you've had before you all favors Saxman's continuation as a rural community under ANILCA. There was some testimony, I gather, that two or three witnesses which said that it should be treated the same as Ketchikan and we'd rather prefer that Ketchikan be rural too. But the overwhelming testimony is that Saxman is a unique place, and if you go there, and I go there, actually every year, I go to Ketchikan, turns out, for a meeting every year of the village corporation, and some of you have been to Ketchikan and Saxman, I gather, and I feel when I drive from Ketchikan to Saxman I drive to a different place. When I get out and walk around Saxman I'm in a different place. It does not have a grocery store that's nearby. You've heard all of the other ways in which the community seems to have a -- be a rural place, where people live as rural residents.

And that brings me, I think, to the criteria, as far as I can tell the majority recommendation is not based on any of the evidence that you've heard, it is based on a narrow reading, or desire to consistently follow these three criteria relating to where kids go to school, the road system and the -- and so it seems to me that these criteria really don't relate to what is a rural community. I mean they have some bearing on it but the other criteria you've heard discussed here today include things like the way people know each other, and so there's social interactions, that people know each other on the street and wave to each other, why isn't that a criteria to determine whether you live in a rural community. I live in a urban community. I don't know my neighbors. That's what an urban community is like. In a rural community you have different social interactions and community interactions than you do in an urban place. And that's the testimony I think that I've heard today, is that this community of Saxman has those attributes of a rural community, just as does, apparently, the overwhelming evidence is also the same for Kodiak and Sitka.

So I would encourage you -- well, we all are prone to this fault but I think it was George Bernerd Shaw and probably Keith can correct me if I'm wrong, who said that thoughtless of consistency is the hobgoblin of small minds, and we are all subject to those failures, I suppose.

But your job, of course, is to think with big minds. You've got a big job here and people are really depending, of course, on the right answer, the
right answer for their lives made from your decisions --
Based on your decisions. And I just don't see how these
criteria really help reach the conclusion that seems to
be the reality that people testify about in front of you,
and that I think is the point of the minority
recommendation, which seems to me to be more thoughtfully
reasoned and more supported by the evidence than the
majority recommendation.

So I hope you will consider Saxman's case
favorably as apparently it was considered in 1971 and
1990 and as recently as August 14th of 2006, and not
change its determination from rural to nonrural.

Thanks.
CHAIRMAN FLEAGLE: Thank you, David.

Questions.
(No comments)
CHAIRMAN FLEAGLE: Appreciate your
testimony. Up next is Father Paisius DeLucia.

FATHER DELUCIA: Good afternoon, Mr.
Chairman, and members of the Board. My name is Father
Paisius DeLucia. I'm an Orthodox priest.

I'm grateful to be here. I'm grateful to
the Sun'aq Tribe and Gary Watson for inviting me and
bringing me here to speak. I spoke at the meeting in
Kodiak kind of on a lark in a way. We were just coming
out of a performance at the main center there and found
ourselves in your meeting but it was very meaningful to
us and even though my story, in comparison to all the
others here today, is a small one, still I'd like to give
it.

I need the first couple of minutes just
to describe our operation, then I'll make our statement
and summarize and I should get underneath your light
there.

With my wife and two daughters, we came
and founded and direct a school for troubled youth at
risk in Kodiak, it's named St. Innocence Academy. We're
in the midst of our ninth year. We receive young men and
young ladies from Alaska and the Lower 48 states as well,
from the jurisdictional system, from jails, from
probation, and also from so-called good homes and we're
all together in one place. Our building was a run down
former metal fabrication shop. It's now a boarding
school and also our home. It's located right on the
ocean at Shahafka Cove, which is a popular silver salmon
site. This year we've increased and we're increasing
every year, we have 35 students and though that may not
seem like much, but if any of you consider what having 35
children is like you could probably appreciate it because
they're with us 24/7, 365, there's no break in our year.

So I really appreciate you bringing me
here, Gary, thank you.

(Laughter)

FATHER DELUCIA: This is also obviously a
large number of hungry mouths to feed. They come to us
in a myriad of states of disrepair, green haired, skin
pierced, tattoos, disconnected, maturity deprived and very
angry and rage filled individuals. The rage is one of
the worst things we deal with everyday.

We clean them up, calm them down, unplug
their iPods, reteach them how to dress, how to speak
properly, we teach respect for their neighbors, their
brothers, their own family members and most importantly
if we're succeeding, for themselves.

We use good cooking and I can humbly and
honestly state, without any bragging whatsoever for the
Federal record, that my wife is one of the most excellent
cooks for the entire world. So if that could be noted,
thank you.

(Laughter)

FATHER DELUCIA: We teach etiquette at
the table and throughout the house. Old fashion soul to
soul education based on really knowing reading, writing
and arithmetic, using as few electronic crutches as
possible. Sports is done the old fashioned way, based on
team work and team spirit rather than individual glories,
prayer when you rise up, prayer at noon for family and
friends, prayer in the evening, prayer before bed.
Confession of daily sins to relieve conscious of guilt
for a good night's sleep and we teach a full work ethic,
a job well done with no idle talking or attention
wandering, or at least we hope so, that's our striving.

We're not funded by our church, any
church or any benelovent organizations. We do receive an occasional wonderful gift now and then from the grace of God. We the students and the staff make our living as a team painting, sheetrocking, constructing, doing anything we can really in Kodiak. They have a wonderful reciprocal relationship with the town. All our proceeds are held in common. Our staff are all volunteers. And as I said an occasional donation will appear at times and we survive by the Lord's grace and mercy.

Now, besides the Russian Orthodox Church Heritage and St. Herman, we chose Kodiak for its rural character and unbounded rural opportunities. It's interesting that when Rachael came up to give her testimony, either I thought maybe I read hers or she looked at mine a little bit because the things that she was talking about in the formation of youth, I wanted to mention here as well, and that is instead of the couch potato, superstore, Disneyland mentality, it breeds boredom and despair. Our students are working for their food by hunting, fishing, gutting, rendering, butchering, preserving their food for the winter and throughout the whole year. This year at the end of the sportfishing season Fish and Game opened our front yard, our front yard is Shahafka Cove, and I have to thank Iver Malutin for that, I didn't realize it, for gillnetting. Our boys, with eagerness, launched the skiff and having been taught the construction of gillnets, and having been taught gillnetting ways by our neighbors, the Native Alaskans, we were able to catch 200 beautiful silver salmon in three attempts. You may say that's a lot of fish but if you do the math on it, feeding all 50 of us, that is staff and students together, it provides three fish meals a month. Therefore, halibut, cod, red salmon, and locally hunted deer help to complete the picture.

You can imagine having to purchase that amount of food at any Safeway. Many skills are learned in hunting, teamwork, awareness of your surroundings, awareness of yourself, survival skills, common sense and much more is called into play. For both the young men and the young ladies successful hunting and fishing presents a rite of passage to maturity.

Our school has an inspired service relationship with the town of Kodiak. We will work at times for no charge or even a small donation to help elders and others who are in need, if that need arises. This teaches our students etiquette and the benefits and beauty of generosity. This year we were blessed with 11 deer on our annual winter hunt and were able to share
some of that bounty with those whose financial means are hurt and have no possibility to harvest game.

Our students also sing and play music, that's where I met you, and act in the capacity of big brothers and sisters to many dysfunctional and emotionally hurting families in the town.

To keep our heating costs down in the big old building that we have, this year our heating costs were up at a thousand plus per month, the heating cost alone, we've acquired a new large wood stove boiler which if properly fed with driftwood will dramatically conserve fuel and reduce costs. With great gusto and joy our boys harvested 10 cords of driftwood firewood from remote island beaches using, again, the learned lore of neighboring Native Alaskans. We hope that the new source of help, this new source of help for our school with spiraling fuel costs would also not be affected by any limiting nonrural laws.

To summarize is this, Kodiak in its rural life, it's rural character of its peoples is a God-given miracle to us and it helps tremendously in the healing of a very sick disconnected from the land and from themselves modern generation who have been responding successfully to this medicine so far. If the sources of help are altered and we can no longer fish and hunt respectfully with the numbers necessary to support our students we will be forced to close our school. We have no funds to directly purchase the amount of food needed. It would also curtail, as mentioned, the above, the importance sources of growth to bring to our young people of this time out from their immaturity to responsibility.

Please keep subsistence open, and Kodiak rural. God bless you.

CHAIRMAN FLEAGLE: Thank you. Questions.

(No comments)

CHAIRMAN FLEAGLE: All right, appreciate the testimony and good luck with your school.

FATHER DELUCIA: Thank you.

CHAIRMAN FLEAGLE: Next is David Jensen.

MR. JENSEN: My luck to follow such a
dynamic speaker.

(Laughter)

MR. JENSEN: I'm from Ketchikan, which is right next to nowhere, you've all heard of the bridge to nowhere and if we're neighbors of nowhere we're probably rural.

(Laughter)

(Applause)

MR. JENSEN: And I'd like to speak, well, our tribe, Ketchikan Indian Community wants to support the position of Kodiak, Sitka and Saxman and we'd also appreciate a rural designation.

I've been thinking a lot about my grandfather lately. I heard his name spoken here today, his Tlingit name was (In Tlingit) from the whale clan from Angoon, and he was one of the last surviving members of this clan. And since his passing years ago we've discovered some other members of his family so you can imagine how happy we were to find out that there are surviving members of the whale clan, my grandfather's people. This past weekend my sons were out deer hunting, my two older boys both got their first deer in the same muskeg a year apart. When they were small they wouldn't -- or at they at least didn't want to have hot dogs or turkey, they preferred deer meat and fish. And right now my children are teaching their children what my parents were taught by their parents. It's our heritage, our identities as Tlingit people, the food we eat.

And I just want to make sure that you understand that it's the position of the tribe that we don't -- we're not just representing or speaking for the Native citizens of our tribe but the whole community of Ketchikan. And we too have a large government population, there's the Coast Guard, the Forest Service, the Navy, the Army and probably some that I don't even know about. But I recognize this process as part of a strategy that was begun a couple of hundred years ago and you might not consider it the same as I do but manifest destiny was to assume control of all the land from the Atlantic Ocean to the Pacific Ocean and where do you go once you get to the Pacific Ocean, the only way was north to Alaska.
And just to put a different name on it, on that manifest destiny, I'm wondering if groupings of community areas and populations and population density and the rest of these are just other names for manifest destiny. And these are all part of a concept of Western law which, in my experience, doesn't always have anything to do with justice and I know that you have to make your decisions based on your governing documents, just as I do at the tribal council table. I try to make all my decisions based on those governing documents whenever possible. And as a Christian man I'm compelled to judge the law, not only to keep the law, but to judge the law, and if the law doesn't apply justly to me I have to speak up or even violate that law.

And I've heard words that I thought about today, criminalizing our behavior, and we take that seriously. There was a time when I didn't fill out the application for the harvest permit, I didn't buy a fishing license or a hunting license and I didn't go get a subsistence permit for getting my sockeye. At that time I thought that if the government wanted to give me any paper they should make it soft and absorbent.....

(Laughter)

MR. JENSEN: .....with no inks (ph) or perfumes. But this is serious business. And in my decision-making at the tribal council or personal decisions, I always try to make it based on right and wrong, that's the ultimate decision-making for me, is it right or is it wrong, and I believe that Ketchikan should be designated rural, to me that's right.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Questions.

(No comments)

CHAIRMAN FLEAGLE: Appreciate the testimony.

MR. JENSEN: Thank you.

CHAIRMAN FLEAGLE: Up next we have Mayor Marko Dapcevich.

MAYOR DAPCEVICH: Thank you. I am Mayor Dapcevich from Sitka. I am the Mayor there and I came
here today mostly to thank you, first of all, for coming to Sitka and giving the community an opportunity to testify to you, and not only just coming to Sitka to hold hearings, but staying there until almost midnight so that you could hear the unanimous testimony of 86 people, that was very gracious of you and we, the people of Sitka, very much appreciate that.

Secondly, I would like to thank you for not reconsidering Sitka's status. You have no idea how much the people of Sitka appreciate that, as well as myself.

One other thing, and I know it's not really on your agenda for this meeting, but I think one thing that this Board may want to seriously consider is that 7,000 number that we've heard so much about today. Things change and one of the things that changes is population. In 1980 the world population was well under 5 billion, I don't know what it is now, we're well over 6 billion. I think it's safe to assume that if we don't change our definition of rural soon there will be no such thing as rural. Rural areas will become bigger proportionate to urban areas, and so maybe this Board should take that into consideration and maybe consider redefining that number or even giving it less credibility.

As the Mayor of Sitka, when I speak on behalf of the community my charter limits to me to what I can say in regards to the majority of the assembly, I have to respect that. So at this point I'm going to take my little name tag off here that says that I'm the Mayor and I'm just going to speak as a 37 year resident of Alaska.

Sitka is my home but so is Alaska. And I listened to the testimony today about Ketchikan and Saxman and Kodiak and I remember how fired up I was last year and how passionate I was and how important it was to me last year for Sitka and maybe we were a little short-sighted in mostly just dealing with Sitka and not taking opinions on the other communities which are our neighbors. I'm going to reflect back on what I said last year, Page 39 of your little book, and it says, and I'm quoting myself and something, I hope I don't misquote myself, but it says:

Rural is an adjective, it's a location, it's in proximity to, it's an attitude,
it's a way of life, it's isolation, it's small, it's not being a city, it's being in the boondocks. Rural is subjective and rural is a matter of opinion.

It's your opinion that counts and that's why I'm here but your opinion should reflect common reflection and the opinion that people who live in that community.

And I think what I meant to say was the opinion of the people that live in that community.

We can safely rule that out because we've heard from people in all of those communities and their opinion is clearly rural. We can look at opinion of people from outside of that community, and I have my own definitions of rural, which I testified to at length last year and I'm not going to be that lengthy this year. But there are things such as, well, the way I'm dressed. If I were to walk down the streets of Sitka, Kodiak, Saxman or Ketchikan I would stick out like a sore thumb.

(Laughter)

MAYOR DAPCEVICH: But I walk outside this door and nobody looks twice.

If I'm driving down main street in any of these communities and I see somebody walking down the street with a rifle slung over their shoulder I think nothing of it. But if I walk out here and see that I'm ducking in the first door I come across.

These are the things, really, that are perceptions from other people. So I would ask that when you do your deliberations, that you take the perception of other people. It's hard sometimes in your position, I know, because every other Tuesday I'm in your position as well, but I would ask you to think how, if you took somebody, anybody, a random person off the streets of Seattle or Portland, or San Diego or Phoenix or Tucson or Albuquerquee or Tampa or any urban area in America and took them to Kodiak, Ketchikan, Sitka, Saxman and said, this is an urban area, what do you think their response would be. I mean giggling probably at best. It's not an urban area.

Alaska's a different place, it always has been and hopefully it always will be. But still we're
not that different, urban is urban and rural is rural.

So I thank you very much for your time and, again, reiterate my thanks for the consideration that you've given Sitka and the time that you spent in that matter. And I'll throw one last thing at you, when I do my deliberations as an Assembly member in Sitka, I ask myself a question before I make a decision and that question is, what good can come of it, and then I go through that, so I would ask you before you decide to redetermine the nature of one of these communities, ask yourself what good can come of it. And then the other thing I do when I make my decision is I ask, when I vote yes or no, which way, when I vote, am I going to sleep well tonight. And so when you make your vote let that reflect your conscious and the right thing to do and may you sleep well at night.

So with that, thank you very much, and good luck in your deliberations.

CHAIRMAN FLEAGLE: Thank you. Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: All right, appreciate your comments. I feel like a good time has been reached for a break, 10 minute break, and the Board will resume testimony.

(Off record)

(On record)

CHAIRMAN FLEAGLE: All right, the Board is called back to session, resuming public testimony. And we have 12 testifiers remaining. I anticipate that to take us roughly an hour and a half and at that time we'll break for the evening and resume with deliberations right out of the chute tomorrow morning. So with that I'm going to call up the next testifier and that's Will Anderson.

MR. ANDERSON: Hello, my name is Will Anderson. I am president and CEO of Koniag Incorporated, the regional Native corporation for the Kodiak Island area. And first of all, I'd like to thank all of you, members of the Board, for listening so attentively to all the people that have testified, I know
that it can be very difficult to listen to hour upon hour of testimony, some of it redundant and to show each and
every person that testifies the same amount of respect,
and I'd like to say I really appreciate that.

In preparing for my testimony I spent
quite a bit of time reading through the transcripts of
the prior meetings that were held and going through
information on the internet that maybe other government agencies have put out or other organizations that provide
some kind of a measuring tool or subjective tools for measuring, you know, what is rural. And I found a number
of examples where Kodiak clearly comes out on the side of being rural. Things like, you know, the lack of
proximity to a major metropolitan area, higher
unemployment rates than urban areas, higher energy
prices, the lower use of internet services, lower rates
of educational attainment, you know, those sorts of
things, and so certainly there are a number of subjective
timber a lot of the facts and figures, you're all
familiar with them and a number of other people have
 testified to this type of information, instead I'd kind
of like to share with you a definition that I came across
that I really liked. And that definition read:

Rural is when you have a parade and
nobody is left to watch.

(Laughter)

MR. ANDERSON: And while this really is
meant to be humorous and I'm glad that you laughed, I was
afraid that nobody would laugh.

(Laughter)

MR. ANDERSON: But it's really not that
far from the truth. What makes a community rural in
nature, you know, can't be determined with mathematical
formulas and concise definitions. Being rural is as much
a reflection of a community's spirit as anything else.
It's when individuals within a community are willing to
get involved in important projects like putting on a
parade or protecting the community's subsistence rights,
that's when you know that you're dealing with a rural
community, and I hope it's not lost upon the Board.

The shear number of people who have come
from Kodiak to testify on this issue, you know, when you
live in an urban area you can get away with being anonymous, you can sit back and you can let others do the work for you but when you live in a rural community you have to get out there, you have to get motivated and become an activist and get all the members of the community to participate, and that's really what's happened here throughout this process.

Well, I was born in Kodiak but I've lived in a number of metropolitan, urban areas around the country. However, about a month ago I had the pleasure of moving back to Kodiak and we moved into a house that had four people that moved out of state and I moved in with a family of five so I need to get busy recruiting someone to leave Kodiak so we don't impact that population number that is so important to us right now.

But I can say that I really love getting back to a community with such a strong spirit. Kodiak really is unlike any other place I've ever lived. Things like, you know, driver's are courteous, you know, because that person trying to pull out into traffic is more than likely your neighbor or a relative and so you don't want to, you know, drive around aggressively or when you approach someone on a sidewalk, and I know you've heard these examples before but it's really true in Kodiak, that chances are you'll know that person's name, you'll know their spouse's name, you'll know how many kids they have, you know what the eldest is studying in college and you'll know what their pet's name is, and you'll really find that sort of thing in Kodiak.

And I really set out today to be very brief, I know that you have still a number of people behind me, so I'd just like to conclude by saying that, you know, now that you members of the Federal Subsistence Board have had an opportunity to listen to the testimony of the numerous members of the Kodiak community, I hope you will know to look past the numbers, which are primarily the population numbers that put Kodiak in a grey area and understand with the members of the community know to be an indisputable fact that Kodiak is a rural community and it deserves to keep its subsistence priority.

Thank you.

Questions.
CHAIRMAN FLEAGLE: Appreciate the testimony. Up next we have Oliver Holm.

CHAIRMAN FLEAGLE: All right, I'll set that card aside and give it one last call at the end of the list and give him one more opportunity.

Linda Freed.

CHAIRMAN FLEAGLE: We're moving now.

(Laughter)

CHAIRMAN FLEAGLE: Gary Patton. You need to turn the microphone on, there's an on/off button.

MR. PATTON: Okay, there we are. Yeah, this isn't my first time in front of you people.

We've heard a lot of testimony for a long time now, not just here today, not here last month. In the '70s a big study was done on, we, Alaska people. It was pretty well determined then what our needs were as far as subsistence is concerned, but we got a real problem here with this rural/urban divide thing here. And the issue is really a race issue, I mean that's what it gets down, is because it's our race that is losing something that they've had for tens of thousands of years, a reliance and dependency that cannot be questioned.

Our race is the one that is losing. You're taking from us something that we have had a reliance and dependency on for tens of thousands of years and you're giving it to someone that doesn't have a reliance and a dependency on it for the cost of fees and licensing, there's something really wrong with that. And I don't care if I happen to be residing here in Anchorage or if I'm back home in my area, I want access to my food.

Your own Statehood Act, under Article 4 said that these fishing rights and hunting rights would belong to our people forever. It also says that in your State Constitution, under Article 12, which I understand
has been amended, but I don't think you can amend the Statehood Act. You know those secured property rights of the Alaska original peoples are something that we cannot tolerate having somebody come in and take away from us, especially those of us along the coast of Alaska. We're beginning to be more aware of some of the loss and the Law of the Sea is one of the things that we would like to have implemented here right now. Something that's going to protect our customary and traditional rights from here and into infinity.

We heard about the cultural genocide here today earlier. We also heard last month that ANILCA was broken, and, yet we're proceeding as if it's not broken. These are the things that we should all be objecting to, this postage stamp extinguishment of our rights. I was at the hearings last month when it was with the Athabascans. This time it's with the Alutiiqs, and that isn't the way to handle this at all. And I would think that the Interior Department, the Bureau of Indian Affairs would be all here at our side protecting this thing for us in no uncertain terms because you are giving something that we have relied and depended on for centuries to somebody that has no reliance and dependency on it.

I would at least like to see you comply with the Law of the Sea if you're going to try to make some determinations here. Has the Law of the Sea been laid on the table here before you as of yet? My question to you. Are you aware of the Law of the Sea and what it says? Anyone up there.

(No comments)

CHAIRMAN FLEAGLE: It's your testimony, Gary.

MR. PATTON: Just my testimony, okay, well, I would like to testify here and get it on the table today that we would like to implement the Law of the Sea here to help protect us in our rights.

Thank you.

(No comments)
CHAIRMAN FLEAGLE: Okay, appreciate the testimony. Up next is Heather Kendall.

MS. KENDALL-MILLER: Good afternoon. Thank you for sitting through a long day and allowing the public to give testimony. My name is Heather Kendall-Miller. I work with the Native American Rights Fund. I'm an attorney that represents numerous tribes in the areas of subsistence. I'm here today to support the rural status of Sitka, Kodiak and for purposes of today's testimony, most in particular, Saxman.

You've already heard and I join in my colleagues Carol Daniels [sic] and Dave Case in their testimony, I think they already addressed and raised some legitimate points. I want to briefly add just a few more, and my points go to process.

I have testified before this Board in the past and I have done my best to emphasize the fact that what the Board does in its decision-making process is very important in the sense that the public has to have trust in the way that that process takes place. The last Board meeting that I was present at there was a lot of discussion about decision-making from the bottom up, instead of the top down, and that the whole Federal subsistence management system is designed to be a process that allows individuals and communities to offer their views and decision-making will take those views into consideration from the bottom up, not the top down.

I am very concerned that the shift in the Saxman status coming about as it has, so very recently, is yet another example of decision-making from the top down because I can find nothing in the record, nothing in any of the materials provided that suggests a reason or justification from departing from what has been the understanding that Saxman would continue to retain its rural status. The Proposed Rule that was issued on August 14th states that Saxman would remain status -- or I mean that Saxman's status would remain rural, and that we propose no other changes in status, however, new information could lead to changes not proposed at this time. The Proposed Rule went on to discuss Saxman, in particular, and the community characteristics that supported its ongoing rural status. And as you've heard today those community characteristics include the fact that there's higher unemployment, that the subsistence uses are much greater than they are in its neighboring community of Ketchikan, that the community itself
maintains a separate government. That's the existing
information that's in the record, and we all can agree
that that's existing information. So what concerns me is
that there is no new information and there's no change
that can support a radical departure from rural status to
nonrural, there's nothing in this record to say that any
information about that community has changed in such a
significant way to justify now the change from rural to
nonrural. In fact the only thing that's offered in the
majority report to justify this is the statement that
groups should be treated consistently in a unified
manner. That seems to be the driving reason for the
change of this status, that groups should be treated
consistently in a unified manner.

Well, I suggest that that is not new
information. It's not any factual information that
justifies change. It's a policy shift. It's one that
we're going to treat all communities the same, and it
basically adds an additional criteria to the list of
other criteria that communities have to meet.

Now, as David Case said, if that's the
case then, then that should have been part of the
Proposed Rule that people could have testified to at the
appropriate time. The Southeast Council didn't have an
opportunity to address that. The community of Saxman
didn't have an opportunity to address that. The
community of Ketchikan didn't have the opportunity to
address that. That's a major shift, again, in policy
that says we're going to treat communities the same,
irrespective of the distinctive community characteristics
that you have established and that we have recognized in
the record that shows that your community is different.
Now, that's not a process that is fair or equitable to
the individuals that live in that community because they
didn't have their opportunity to come before you and say,
wait a minute, let us give you information that, again,
establishes why our community continues to be rural and
how nothing of significance has changed since the last
time around.

So, I, too, add my voice in urging this
Board to think first and foremost, is this something that
-- or a decision that's being made from the top down or
the bottom up, because if it's a decision from the bottom
up, then I submit to you that the testimony and the facts
that have been presented to you thus far substantiate
Saxman's ongoing rural status. And if you disagree with
me, then I ask you to consider then keeping you record
open and doing a proper rulemaking notice, one that
addresses the issue openly and clearly and does not just
make a decision that is not substantiated by the existing
record.

And I thank you.

CHAIRMAN FLEAGLE: Thank you, Heather.
Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Appreciate the
comments. Okay, up next we have Steve Branson.

MR. BRANSON: Hello, I'm Steve Branson.
I am president of the Crewmen's Association, we're a
registered non-profit corporation of nearly 800 members
and roughly half of those members are Kodiak based
fishermen. I'm here today to speak on that half --
behalf.

Kodiak's economy is basically in decline.
Federally implemented fisheries privatization programs
have caused a dramatic decrease in employment and
opportunity among fishermen who are the basis of Kodiak's
economy. This, in turn, has had a domino effect
depriving fishery support businesses, eateries and local
government of the income enjoyed in the past. Incomes
are down and with the high price of fuel affecting
heating costs, transportation and freight charges
expenses are up.

Today's Anchorage Daily News had a story
titled more Kodiak people living on the edge. It points
out a 33 percent increase in direct assistance request
last quarter. Now, more than ever we need access to our
subsistence stocks.

The majority of our local members sport
and subsistence fish in their off time, we can't help it,
it's what we do. No one is as picky as a fisherman for
quality of fish and store bought product is almost never
as good as freshly harvested and to be paid a pittance at
the dock and charge an arm and a leg in the store is
downright insulting.

I suggest in the census numbers, the
removal of the Coast Guard personnel and their families
from those numbers.
And furthermore, Chiniak's population should be averaged into Kodiak's tally. They do have their own post office and grade school, I believe, but they're really part of Kodiak. If our population is still above the guideline, I suggest a new census to prove the currency [sic] of data. We've seen somewhat of an exodus of fishermen from town, now it's hard to find a decent crewman, they've gone other places and they're doing other things. And that's really affected the whole social economic situation.

So if we're still above 7,000 people after that, I suggest raising the guideline number to let us remain rural. I agree with Sitka's Mayor that global population growth will eventually deprive us all of rural status and maybe a more generous definition of rural would be in order. And if it's not to protect the stocks, I don't see the point of stripping us of our rural status. Just like commercial fisheries, tax, total allowable catch limits based on sound science protect our fish stocks, localized closures of subsistence fishing areas could protect our threatened fish or game stocks if necessary.

I've heard the argument that removal of our rural status only affect Federal waters and lands but the State government has a history of paralleling Federal management programs and that's why we don't have a State halibut fishery within three miles. Once the Feds remove our subsistence privileges it's only a matter of time before the State follows suit. And I foresee enforcement problems if you outlaw subsistence fishing in Kodiak. My grandfather was the county sheriff in Augusta, Maine, my father was the head of NMFS enforcement in Kodiak, a Federal marshall, and pretty darn strict, too. He always assured me that he'd arrest me if I broke the law. He checked my mother's tags when she shot a deer.

(Laughter)

MR. BRANSON: I know and abide by fish and game laws, however, outlaw subsistence fishing in Kodiak and I will break the law. I have a yard full of raggy nets and small boats in various stages of disrepair.

The Crewmen's Association has a veritable army of members I will draw from, many of them out of work or classified as working poor. I will rally as many volunteers as possibly and gladly have my nets and boats
confiscated. I'll be able to see my yard again, maybe, and in jail we'll get three hots and a cot, I hope salmon's on the menu.

Thank you.

(Laughter)

CHAIRMAN FLEAGLE: Questions.

(No comments)

CHAIRMAN FLEAGLE: Thank you. Up next is Margaret Roberts.

MS. ROBERTS: Good afternoon, Mr. Chairman. Members of the Federal Subsistence Board. Staff. Members of the Regional Advisory Councils. Thank you for allowing me to testify this afternoon. My name is Margaret Roberts.

I'm a member of the Woody Island Tribal Council on Kodiak Island. Last night I was trying to go to sleep and the Tonight Show was on and Jimmy Carter was on and it made me think of what we're doing here today. If it wasn't for President Carter we wouldn't be having some of these discussions, and I do thank him and all the other people that did put together ANILCA that gave us all of our subsistence rights. I admire him very much for that.

I heard it mentioned earlier today by, I think it was Pat and I just want to bring it up again. I'm not sure if we have the right numbers maybe listed for the amount of species. I think we have a lot more. If you think of the land, air and water, I think we want to include all the species that we possibly can.

This summer I think one of my fondest memories that I keep going back to was when the tide is out, our table is set, and it was a minus tide and we had a retreat over on Woody Island and Herman Squartsoff from Ouzinkie and a few of us were walking the beaches and we were moving some of the rocks and had some of the children with us and showing them where to find the octopus and after we got the octopus Herman was teaching the children what all you have to do with them. And we got back up to Camp Woody, Swen Haakenson, Jr., who we call fisherman, his children were there and they're quite small, he has a brand new baby and children have no fear,
and here was this baby just sticking her little fingers in this octopus and just -- would grab a hold of it and she tried pulling it out and the noise that it would make, it just tickled her so. That's been on my mind a lot, I think, since we've been having some of these subsistence hearings. Our children, m over the years, have really learned a lot.

Just last week I had an opportunity to go to my grandson's school, we were invited to a luncheon and all the kids were getting honored in one way or the other, Kodiak is a wonderful, wonderful rural community and always very conscious building self-esteem and here's all these little kindergartners getting recognized, and first graders and all of them were asked what they wanted to be when they grew up, and, of course, most of the kids were all saying that they were going to be teachers and policemen and firemen and all of these wonderful things, and my little grandson popped up and he wants to be a cook. And you don't hear anybody like that, saying that, and I think that comes a lot from growing up and being surrounded with family and the community and the gathering of hunting and fishing and subsistence lifestyle.

So I'm pretty proud that my grandson wants to be a cook someday and he's watched his grandma prepare a lot of food.

Also sitting here today, I guess I've lived in Kodiak all of my life and for over the past 30- some years I've done a lot of advocating on behalf of Kodiak and our people that live there. And it makes me very proud to hear them here testifying as tribal members, for the Sun'aq Tribe and for their subsistence rights because we've had to fight, you know, for the very existence of those tribal rights for so long and I just really applaud that and applaud the leadership that has been involved with these hearings and hope that you really take into account their verbal and their written testimony.

It was great to hear this morning the recommendations of all the work that the Staff has done in gathering all the written and the verbal testimony and I fully support the recommendation for Kodiak remaining rural status. Personally I also support Sitka and Saxman nonrural as well.

Thank you, very much for allowing me to
speak today. Do you have any questions.

CHAIRMAN FLEAGLE: Thank you. We'll find out. Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Sounds good, thank you. Up next we have Olga Malutin.

MS. MALUTIN: Cami. My name is Olga Malutin. I'm here today on behalf of Sun'aq Tribe of Kodiak. I also am representing the KANA beneficiaries of which there are 4,998. I'm also here on the behalf of American Legion Post 17, American Auxiliary Post 17.

I've testified to you several times and it doesn't get any easier. I appreciate your time and patience and respect to hear all the speakers. Please keep your heart open to something that is so critical to us and to everyone in the world and that's food. Our food and water is a common denominator between all people in the world.

Kodiak's unemployment rate at 34 percent does not include fishermen or people who have exhausted their unemployment benefits which include many cannery workers.

Oh, I forgot one other thing, too, I'm the matriarch for my family so I'm also speaking for my brother, his daughter, his two sons, and our little one that's on the way.

I have never been able to dig clams with my nephews. Exxon has taken care of that. I've got another niece or nephew on the way, I don't know that I'll be able to teach that child or share. Many of our fishing spots, our berrypicking that I went with my grandmother, my mother, my aunts, are subdivisions. You cannot fight progress and we realize this. But Kodiak is rural, not only just being an island, but the high cost of fuel and everything else that you heard today.

I have fond memories of our family putting up for the winter. It was a great big day. The whole family worked. We all had chores regardless of how old you are. I don't know if any of you read the Village Voices, but a month, an issue or two back, on the front page was a four year old girl skinning a seal with her
grandmother with an ulu. This is how our people live. It isn't subsistence it's traditional food, it's our life, it's our culture, it's so much more than sustenance for our bodies.

I want to touch the point about not including the numbers from the Coast Guard Base. They're a self-contained city. They get COLA which is cost of living allowance, along with civil service personnel, that's not available -- that cost of living index is not taken into account when our students apply for funding. I, myself, have been denied for that. The Coast Guard Base, although they are an integral part of our community, they're our heros and we live well together, however, they are a transient population. And for those of you who were able to come to Kodiak there was a Coast Guard gentleman who did testify to the fact that not many of the population on the Base utilized subsistence.

We also have the situation where Kodiak in its beauty and splendor is now become a hot spot for celebrities and people with money to fly in on private jets or yachts, hunt, fish and leave. Sometimes they do not utilize everything that they take. Tommy Johnson, Jr., testified about how we used all parts of animals for food, clothing, implements, and one other thing that in this day and age of difficulties, parts of the animals also are being utilized by our artists, which helps them make ends meet.

I'd like to also mention again the fact that if this comes through our gathering will take place much farther away from where we're gathering now in dangerous waters, endangering gatherers and the Coast Guard personnel that would have to go out and try to save them. Down the line, if this changes, we will have problems with our grants and fundings and how this is going to go. We have had a 33 increase, as the gentleman before me had said, in social services, and I am well aware of that because I work with many agencies and things to try to help people. The sharing that goes on helps a lot of these entities to function. Brother Francis Shelter, Women's Resource and Crisis Center, the Living Room, which is a halfway house and Salvation Army. Yes, we have changed a lot but we are still -- excuse me -- we still live by how we were brought up. We borrow the land from our grandchildren, therefore, we must be good stewards of the resources.

I know that when ANCSA came down the
pike, I was talking with an elder and they just shook
their head, they could not believe that -- they didn't
understand even the concept of owning land. It was like,
like I said, we borrow it from our grandchildren and we,
on our own, recognize each others hunting areas. If you
change our designation, we're going to have problems.

CHAIRMAN FLEAGLE: Okay, Olga, your time
is up, can I have you summarize, forward your statement
to a conclusion.

MS. MALUTIN: Yes. I wanted -- please
bear in mind when you are making your consideration that
there are lives and cultural and spiritual things that
you are and will be affecting. I also want to let you
know that I support our Alaska brothers and sisters in
Sitka, Ketchikan and Saxman.

Thank you.

CHAIRMAN FLEAGLE: Thank you. Questions,
Board members.

(No comments)

CHAIRMAN FLEAGLE: Hearing none,
appreciate your comments. Rod Arno.

MR. ARNO: Chairman Pleagle, Board
members, thank you for the opportunity to give public
testimony.

I'm Rod Arno, executive director of the
Alaska Outdoor Council and I did submit written
testimony. And the Outdoor Council is a statewide
organization made up of hunters, fishermen, trappers and
people who like to access Federal public lands.

From the testimony that I've heard here
today I think the entire state should be rural. There is
a lot of good reasons that we heard here from most of
those testifying why it's good to have your community or
your town rural. You get special Federal and State
grants, it's good for your youth, they have a good reason
to do something constructive, to be in hunting and
fishing, and you also get a priority to fish and game.
All of those are good reasons to have the rural
classification.

You also heard of the divisiveness that
the people on Kodiak would fear what would happen if you
had a split, a dual, rural and nonrural in the same area
and this Board's heard a lot of that occurring on the
Kenai Peninsula and the animosity that that causes.

As far as the Outdoor Council is
concerned on the five criteria that we too are concerned
a lot with the process. Use of fish and game, while
there's little doubt that there isn't a community in
Alaska that doesn't use fish and game, I've lived in the
same location in Palmer for 30 years, know all my
neighbors and have shared fish and game with those same
neighbors for three decades now but it's in a Federally	nonrural area.

Development and diversity of local
economy. Well, what kind of affect is that criteria
going to have when we look at the Illiamna area and the
development of resource development, are the villages
around the Pebble project now to fear development because
of the criteria then they'll lose their rural status.
Community infrastructure, transportation, educational
institutions. I mean if those are the criteria, are we
going to say, well, if you're rural Federally designated
now you certainly don't want to have those advantages in
your way of life because it'll jeopardize your priority
to fish and game.

The biggest concern and what ANILCA
addressed in Title VIII was competition from other users
of the fish and game resource. Well, at what point then
is the population and the number of these rural
classified communities now, at what point then does the
population become so large that there is not adequate
resources for subsistence food and use. If it's not
7,000, you know, what is that number. I mean if you look
at Kodiak in the 2000 U.S. Census with a population of
6,300 and it varies in different report but this is the
U.S. Census, you know, they're the 10th largest community
in the state. And Sitka is the fifth largest community
in the state. And the sixth is Ketchikan. Palmer is the
14th. So we're not just going on population. But then
how can the Board look at Adak and say that because of a
declining population and the population had nothing to do
with the rural population of subsistence and customary
users of the fish and wildlife resource, it had to do
with the Naval Base, so then as soon as the community's
losing population, then that's the criteria it can go
from nonrural to rural. And then income, we see that
same thing, if you look at the amount of unemployment in
Palmer is 10 percent, Ketchikan at 8 percent, Sitka at 7.8 percent, you know, I'm just -- I'm not seeing that there's any consistency in this process that would say, okay, you know, these group of people, even though that they have Alaska Native heritage of hunting and fishing for subsistence, then at what point are they not making enough money or the population is decreasing or that they would increase to the point that they would fall out. It just seems that the inconsistency is a large concern. And the idea of making it a welfare resource, that whenever job opportunities decline then you can go ahead and fall back into rural if you were in a nonrural area. That's when I think back of what good can come of it and I don't see that the criteria is getting at the intent of ANILCA, which is to assure people who live a subsistence lifestyle continue to do that in the face of increasing populations.

And that's just something this Board's got to deal with, and I appreciate the opportunity to give public testimony.

Thank you.

CHAIRMAN FLEAGLE: Thank you, Rod. You came in right at five minutes. Questions.

(No comments)

CHAIRMAN FLEAGLE: Rod's had a lot of practice. Thank you. Up next is Pat Holmes for the Kodiak Rural Roundtable.

MR. HOLMES: Mr. Chairman. Members of the Board. Thanks for the time to address you. We used to have a really neat radio show in Kodiak, and it would start out with a humorous melodrama with phrases, tides of turmoil and winds of discontent beat upon the rock of Kodiak. And as you've seen when there's an issue that comes to address the whole community we pull together rather well to address what we feel should be improved.

I would like to note that Mr. Edwards pointed out an error in my addition on that table so just blow it off. Like Red, Green, I'm a man, I make mistakes. I say the same thing to my wife all the time. Of course she said my Christmas present is my phone bill for all this politicking on rural.

So anyway I'm not going to hit on
everything I had planned to because I used up some of my
time, I'll just give you my speech and get it copied that
it relates to written comments that I submitted in
October and hope that you got to read those and not just
get a summary. And I was glad to find out who the author
was of the report. I think overall did a pretty good job
on the summary, there are a few things that are missing
in both, and perhaps one of the most important documents
was one I found when reading the minutes from back in
1990, and that was discussion -- a memorandum that was
sent to Alaska Region U.S. Fish and Wildlife Service,
Subsistence Coordinator, from Lauren Farmer. And the
title of the memo is Factors to Consider in
Rural/Nonrural considerations of Sitka, Kodiak and
Saxman, and I would suggest you folks dredge that up,
I'll get a copy of it for you, but I'll just try and hit
on some of the high points of it that still apply.

Joint Boards of Fish and Game determined
that Sitka and Kodiak were comparable to Dillingham, and
if you look at our catch rates and rates of sharing it's
quite similar. And advisory committees support distinct
ethnic groups. Were significantly cohesive to justify
inclusion in Alaska Native Claims Act as individual
corporations, poundage of food, et cetera.

One thing, each community is
comparatively isolated as an island, you've heard that a
lot. Not connected to the road system. It seemed in
1990 a lot of the discussion of road system
connectiveness related to whether or not they were
connected to large urban centers, and now it seems the
perspective is how towns relate to neighborhoods down a
gravel road. Anyway, also stated population increases
since '80 to '90 were not dramatic to change their
lifestyle and of course that's been true over the last 15
years. Congress did not hesitate to recognize Kodiak and
Sitka were entitled to special consideration in examining
this whole question. And Saxman, it also enjoyed current
population, same arguments. And then all of the unique
characteristics of Saxman as an individual community.

Anyway it was just an important
memorandum that people are bringing up the details on.

I'd like to say that Rural Roundtable
supports the Southeast RAC in its petition to review the
7,000 threshold.

We support that Kodiak, Sitka, Saxman
remain classified as rural and that Saxman be a unique
entity and that Ketchikan receive serious consideration
for rural classification.

Excuse me. I'm trying to do too many
things at once. Mentioned -- unanimous has been
mentioned several times.

One of the points in the original summary
for the preliminary discussion, the Board's of Fish and
Game are not unanimous and McKie Campbell took you to
task on that as to what it meant. I think that was just
basically the first response from the Boards on what the
rulings were in 1986. Jim Marcote (ph) went back in the
archives and looked for me and said that the actual vote
was a vote of 10/3 which was a significant majority and
so that perhaps could not be misconstrued with that at
all.

Oh, a lot of this is just small minor
details that need to be discussed and you can look at my
speech but I think what I'd like to just make one hope is
that when all this is said and done, that you folks do
take advantage of coming to Kodiak in the spring and
sharing in some of our subsistence activities and our
spirit camps, come to our spring potluck or the awakening
of the bear, and, you know, if you've got an ethical
problem about keeping fish, that's fine, we'll just --
I'll take it down and give it to some of the elders at
the Senior Center or some of the widows in my
neighborhood and they'd be delighted to meet you and talk
with you. And the awakening of the bear, you know, heck
bring a dozen donuts and join us or put five bucks at the
end of the table.

There's lots of nit-picky things that I
could address but I would have to say that we greatly
appreciate your attempts to try to arbitrate the
situation. The gentleman that spoke before me was quite
eloquent and everybody has a different perspective, and
we certainly appeal to your wisdom and judgment in your
decision-making process and hope that you'll leave Kodiak
rural.

So did that get me under five.

CHAIRMAN PLEAGLE: No, but you didn't
exceed my threshold so you did okay.

(Laughter)
CHAIRMAN FLEAGLE: Questions, Board members.

(No comments)

CHAIRMAN FLEAGLE: Thank you, Pat. Up next we have Andy Teuber.

(No comments)

CHAIRMAN FLEAGLE: Not here. So we'll just pull that. Next up then is Gordon Pullar.

(No comments)

CHAIRMAN FLEAGLE: Same situation. Gordon Puller.

(No comments)

CHAIRMAN FLEAGLE: Okay. Then I had a couple of miscalls from earlier that I promised to call at the end of the list, and, that once again is Oliver Holmes.

MR. HOLMES: Mr. Chairman. Oliver asked me to sign him in, he said he had the flu and was going to try and make it in on the plane. I do have the basic gist of what he has to say. When I was with the Department I was secretary for the advisory committee for five years and after I retired, I put six years on, and I know what his standard comments are in relation to this issue, if you would like.

CHAIRMAN FLEAGLE: I'd rather not have you speak on his behalf, but if you have those comments in writing we'd certainly accept those.

MR. HOLMES: I'll give a call and ask him to fax them in.

CHAIRMAN FLEAGLE: Okay, good enough.

Linda Freed.

(No comments)

CHAIRMAN FLEAGLE: Not here again. All right, that concludes our testimony list. I appreciate everybody's comments. I think you have given us some good insights, some good words of wisdom to go home and
chew on, as George was suggesting earlier, that he be able to digest these overnight before we begin deliberations. I'm going to turn to Board members for closing comments before we adjourn for the day.

Niles.

MR. CESAR: Just a housekeeping question, Mr. Chairman. Are we allowed to keep our books here overnight?

CHAIRMAN FLEAGLE: Can we leave our mess?

MR. PROBASCO: This stuff that you -- these big books, leave them here, and Staff will take care of them for you, okay.

CHAIRMAN FLEAGLE: Is the room going to be dismantled for the evening or.....

MR. PROBASCO: We can keep stuff here, Larry.

MR. BUKLIS: (Nods affirmatively)

CHAIRMAN FLEAGLE: Leave it, okay, you can leave your stuff. Other comments, Board members.

Pete.

MR. PROBASCO: Mr. Chair. I just wanted to let the Council Chairs know that as we go to each area you will all be offered an opportunity to speak at that time on each of those areas, so I didn't want you to go home saying when is it our turn, but you each will get an opportunity at each of those times.

Mr. Chair.

CHAIRMAN FLEAGLE: All right, thank you, Pete. And with that we're concluding public testimony. And Judy, a comment.

MS. GOTTLIEB: Well, I just wanted to thank everybody in the audience, those who participated, those who listened the whole day and we really appreciate you being here and offering us your comments.

Thank you.

CHAIRMAN FLEAGLE: All right, that
concludes what we have on our agenda then for today.

Tomorrow the Board will resume at 8:30 a.m., same location for deliberations and we will be taking up the areas by area starting with Kodiak and then moving to Ketchikan and then Adak, Prudhoe Bay, Point MacKenzie, Fritz Creek East and North Fork Road area, in the Homer area and Sterling.

And with that, the Board will recess until 8:30 tomorrow. Thank you, everyone.

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

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STATE OF ALASKA

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

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Joseph P. Kolasinski
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