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FEDERAL SUBSISTENCE BOARD

PUBLIC MEETING

VOLUME I

MARRIOTT HOTEL

Anchorage, Alaska

December 6, 2005

8:30 o'clock a.m.

MEMBERS PRESENT:

- Mitch Demientieff, Chair
- Judy Gottlieb, National Park Service
- Niles Cesar, Bureau of Indian Affairs
- Dr. Wini Kessler, U.S. Forest Service
- George Oviatt, Bureau of Land Management
- Gary Edwards, U.S. Fish and Wildlife Service
- Keith Goltz, Solicitor

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

2  
3 (Anchorage, Alaska - 12/6/2005)

4  
5 (On record)

6  
7 CHAIRMAN DEMIENTIEFF: I'd like to  
8 welcome everybody here today. If I appear to be stressed  
9 out it's because I am. We arrived yesterday in Anchorage  
10 and I had to go right into ER, I got an allergic reaction  
11 and if I appear to be in a lot of pain, it's probably  
12 because I am. So I apologize but the importance of the  
13 issue leads me -- sometimes we have to make sacrifices, a  
14 lot of people would call in sick but then sometimes we  
15 just have to make sacrifices. I'm coherent so we don't  
16 have that to worry about and I got the lawyer fully under  
17 my feet in case he starts acting up again.

18  
19 (Laughter)

20  
21 CHAIRMAN DEMIENTIEFF: We are here today,  
22 it's not a decision point today, but it's part of the way  
23 the Board does diligence. We're here today to give  
24 opportunity for people and for us to learn and share with  
25 each other as much information as we can. With any luck  
26 at all we'll get done today, we're prepared to be here  
27 tomorrow, although, well, probably 99 percent of us are  
28 prepared to be here tomorrow, I wouldn't really look  
29 forward to it so I'm going to try to see if I can guide  
30 us through and get done today because fortunately they  
31 accommodated me and got my feet elevated and stuff and so  
32 I shouldn't be in that much pain but it is extremely  
33 uncomfortable, but we will do diligence. We will let  
34 people have the opportunity to talk.

35  
36 So with that, we're going to call on  
37 Larry Buklis to do the Staff report and rest assured that  
38 we are going to allow people the opportunity to speak and  
39 we're going to be patient with that process because we're  
40 on basically a factfinding mission. We want as much  
41 information so that when we get to a decision point we  
42 can do that.

43  
44 Larry.

45  
46 MR. BUKLIS: Thank you, Mr. Chairman.  
47 I'll be providing a presentation on the Staff report. As  
48 shown on your agenda, the Staff report is entitled  
49 Decennial Review of Rural Determinations, Summary of  
50 Comments and Recommendations Received on Proposed Further

1 Analysis and Related Considerations, and that report is  
2 dated November 21st, 2005. It should be in your blue  
3 folders along with the agenda and along with the  
4 Interagency Staff Committee recommendation on the issue.  
5

6 The Federal Subsistence Board sought  
7 comments from July 28th through October 28th of this year  
8 on communities and areas proposed by the Board for  
9 further analysis in the Decennial Review of rural  
10 determinations. The regulations which guide us in the  
11 rural determinations are outlined in this current Staff  
12 report, and I'll just paraphrase a little bit from the  
13 first page of the Staff report on those regulations.  
14

15 A community with a population below 2,500  
16 is considered rural, unless it possesses  
17 significant characteristics of a nonrural  
18 nature or is considered to be part of a  
19 nonrural area.  
20

21 A community with a population of more  
22 than 7,000 is considered nonrural unless  
23 it possesses significant characteristics  
24 of a rural nature.  
25

26 And communities with a population between  
27 2,500 and 7,000 are evaluated based on  
28 characteristics, such as diversity and  
29 development of the local economy; use of  
30 fish and wildlife; community  
31 infrastructure; transportation; and  
32 educational institutions.  
33

34 Finally, communities that are  
35 economically, socially and communally  
36 integrated are to be grouped for  
37 evaluation purposes. Direction from the  
38 Board is that we are to use proximity or  
39 road connectedness; shared high school  
40 attendance areas; and level of workers  
41 commuting between places as indicators of  
42 this community grouping.  
43

44 There's a lot of statistics related to  
45 rural determinations and a lot of thresholds and  
46 perspectives and it can be confusing. One way to look at  
47 it, in summary, is that when we look at the current rural  
48 determinations, which date back to 1990, and the current  
49 year 2000 census information on populations, we find only  
50 two communities or areas in Alaska with populations

1 greater than 7,000 are currently considered rural; those  
2 are Kodiak and Sitka.

3

4                   Only three with populations below 7,000  
5 are currently considered nonrural, those are the Seward  
6 area, Valdez, and Adak.

7

8                   Earlier this year an initial review was  
9 conducted with an emphasis on what has changed since  
10 1990. This review found that the status of most Alaska  
11 communities should remain unchanged. More information on  
12 that initial review can be found in our OSM report dated  
13 July 15th, which I think you've received in the past at  
14 your prior meeting, and we have additional copies here if  
15 you'd like one for reference.

16

17                   The Board met in July and proposed 10  
18 communities and areas for further analysis. Those are  
19 Kodiak, Sitka and Adak as to their rural/nonrural status  
20 and the Fairbanks North Star Borough, the Kenai area,  
21 Seward area, Wasilla area, Homer area, Ketchikan area,  
22 and the Delta Junction vicinity for evaluation of  
23 grouping issues.

24

25                   The current Staff report presents a  
26 summary of written public comments and Council comments  
27 and recommendations and a discussion of considerations in  
28 assigning further analysis, all of which is intended to  
29 assist the Board in its evaluation. I should note that  
30 at your places are binders and there is an additional  
31 binder on the side table for general public reference and  
32 an ACE binder outside for general public reference; those  
33 binders contain full text of written public comments and  
34 transcripts from those portions of Council meetings  
35 dealing with the Council's recommendations on the rural  
36 review. This is part of the administrative record.

37

38                   I would like to note that these binders  
39 include copies of written comments received after the  
40 public comment period. Those comments are not summarized  
41 in the written Staff report, nor in my presentation but  
42 they are in your binders.

43

44                   Now, to move to the written public  
45 comments during the public comment period. The Board  
46 received comments from over 165 individuals and  
47 organizations and 15 resolutions from city, borough and  
48 tribal governments and organizations. Almost all  
49 commenters advocated for a rural designation for the  
50 communities of their interest. People perceive benefits

1 from a rural designation, primarily in the priority for  
2 subsistence uses, and many commenters refer to ANILCA  
3 .804 situations either directly or indirectly.  
4 Commenters hold that community characteristics are the  
5 critical factor and that population size is either a  
6 lesser consideration or should not be a criteria at all.  
7 A number of people noted that community populations often  
8 fluctuate according to the seasons and the economy, and  
9 expressed concern about the affect of transient residents  
10 on a community's rural status.

11  
12 The central theme of the comments is that  
13 Federal recognition and protection of the subsistence way  
14 of life is crucial. Loss of a rural designation would  
15 directly harm individuals and community's physical and  
16 spiritual well-being and would erode their cultures.

17  
18 I will now briefly summarize the written  
19 public comments, again, a more complete summary is  
20 provided in the written report.

21  
22 For Kodiak.

23  
24 Seven comments were received regarding  
25 Kodiak. Additionally resolutions from the Ketchikan  
26 Indian Community, Natives of Larsen Bay, and Shoonag  
27 Tribe of Kodiak requested that Kodiak retain its rural  
28 designation and that hearings be held in Kodiak.

29  
30 Six commenters and the resolutions noted  
31 that many residents depend on subsistence foods for  
32 cultural, health and economic reasons. The average  
33 household harvest of subsistence resources is said to be  
34 about 150 pounds per year. Much of the modest population  
35 growth may be due to elders and their family members who  
36 move from small villages to town for better health care.  
37 The economy is shaped by geographic isolation. Many  
38 goods must be brought by ship or air, which is costly.  
39 As in previous decades employment is primarily seasonal.  
40 The rising cost of fuel and food increases the importance  
41 of subsistence harvesting of resources.

42  
43 One commenter supports a nonrural  
44 determination for Kodiak based on the Board's criteria.

45  
46 For Sitka.

47  
48 53 comments were received. Additionally  
49 resolutions from the Central Council of Tlingit and Haida  
50 Indian Tribes of Alaska, the Ketchikan Indian Community,

1 and the city and borough of Sitka supported Sitka's rural  
2 status and requested that the Board hold public hearings  
3 in Sitka.

4

5                   One commenter supports a nonrural  
6 determination for Sitka based on the Board's criteria.

7

8                   Commenters focused on the following  
9 issues and concerns. Sitka's tribal ancestors selected  
10 the community's location because of the bountiful natural  
11 resources. Sitka has the largest harbor system in  
12 Alaska, more than 1,500 boats ply area waters for  
13 personal use and subsistence gathering throughout the  
14 year. Sitka's average wild food harvest consumption is  
15 approximately one pound per person per day, 375 pounds  
16 per year. 95 percent of households consume fish caught  
17 under subsistence or personal use regulations. The cost  
18 of living in Sitka is quite high, and people need to  
19 supplement store-bought food with foods they can hunt,  
20 fish and gather. Sitka has two grocery stores and one  
21 fuel dealer.

22

23                   Between 1980 and 2000 the average monthly  
24 wage decreased approximately 25 percent. Since 2000 the  
25 average monthly wage has increased by only \$27. Sitka  
26 has a limited number of full-time jobs, most are  
27 seasonal. Many people are leaving the community due to  
28 the increased cost of living. Losing the subsistence  
29 status would exacerbate this problem.

30

31                   Sitka's population has only increased by  
32 247 persons since 1990, an increase of less than three-  
33 tenths of one percent per year. More than a third of  
34 Sitka's residents are members of Sitka Tribe of Alaska.  
35 Sitka's subsistence use area is approximately 5,300  
36 square miles located on several islands which makes  
37 Sitka's population density very low. There are a large  
38 number of summer businesses that hire people from outside  
39 the state who live in Sitka for only a few months a year.  
40 Sitka is a remote community. It is the only community on  
41 the island and is accessible only by water and air. A  
42 ferry trip ticket to the nearest urban area, Juneau,  
43 requires four days and costs \$200 for a roundtrip ticket.

44

45                   The Ketchikan Area.

46

47                   The Board received 74 comments regarding  
48 Ketchikan city and outlying communities other than  
49 Saxman. In addition the Ketchikan Indian Community, the  
50 city of Ketchikan, the Greater Ketchikan Chamber of

1 Commerce, Alaska Native Brotherhood and Alaska Native  
2 Sisterhood, Camp No. 14, and the Ketchikan Gateway  
3 Borough submitted resolutions requesting a rural  
4 determination for Ketchikan and requesting a formal  
5 hearing in Ketchikan.

6  
7                   Commenters focused on the following  
8 issues and concerns. Population size should not be the  
9 primary criteria when determining a community's rural r  
10 nonrural status. Ketchikan possesses the  
11 characteristics of a rural community similar to Craig and  
12 Wrangell and should be classified as rural. Ketchikan is  
13 a remote community located on an island and is dominated  
14 by extensive land uses such as forestry and by large open  
15 undeveloped spaces.

16  
17                   Tourism is Ketchikan's only viable  
18 industry and it is very seasonal. Unemployment is high  
19 during the off season. Local timber and fishing  
20 industries are a fraction of what they were and jobs in  
21 town are seasonal, low paying and offer no benefits.  
22 Many residents of the Ketchikan area live off of the land  
23 and must hunt and fish to provide for their families.  
24 Subsistence harvest methods and limits make more  
25 economical use of gas and time.

26  
27                   The waterfowl community 20 miles north of  
28 Ketchikan should retain its rural status. The area does  
29 not have grocery stores, schools, road maintenance or  
30 other services, and many families in the area rely on  
31 subsistence resources. Other outlying areas on the road  
32 system such as North and South Tongass are rural as well.

33  
34                   The Hydaburg Cooperative Association  
35 wrote in opposition to a rural designation for Ketchikan.  
36 The letter stated that HCA is obligated to protect their  
37 customary and traditional areas. A rural designation for  
38 Ketchikan would put added stress on HCA's subsistence  
39 foods which are already insufficient.

40  
41                   One commenter supports a nonrural  
42 determination for Ketchikan and the surrounding  
43 communities based on the Board's criteria.

44  
45                   Saxman.

46  
47                   32 comments were received regarding  
48 Saxman. There were also resolutions from the Ketchikan  
49 Indian Community and the city of Saxman in support of  
50 retaining Saxman's current rural status.

1                   Commenters stated that Saxman is not  
2 socially or economically integrated into the city of  
3 Ketchikan or the Borough. Saxman was, is and always will  
4 be a place apart. Saxman has its own municipal and  
5 tribal governments and social infrastructure. Health  
6 services are provided by an island wide indian health  
7 service clinic. Other tribal services from the Ketchikan  
8 Indian Community are denied to Saxman residents.

9  
10                   Saxman does not have police protection  
11 from Ketchikan Police Department but is under the Alaska  
12 State Trooper's jurisdiction.

13  
14                   The communities do share electric and  
15 telephone utilities. They share a post office because  
16 the U.S. Postal Service closed the one in Saxman.  
17 Sharing the same high school does not prove that the  
18 communities are socially integrated.

19  
20                   Saxman began as a Native village and  
21 still is. It is more reliant than its neighbors on the  
22 traditional noncash economy. The criteria of 30 percent  
23 of working people commuting to a neighboring community  
24 ignores the larger 70 percent who are not fortunate and  
25 have only seasonal work.

26  
27                   A few Ketchikan residents, while  
28 commenting primarily on their community's status, noted  
29 that they believe that either the whole area should be  
30 deemed rural or that Saxman should be included in the  
31 Ketchikan nonrural area.

32  
33                   One other commenter supports a nonrural  
34 determination for Saxman based on the Board's criteria.

35  
36                   The Seward area.

37  
38                   Four comments were received from  
39 residents of Moose Pass requesting that Moose Pass not be  
40 grouped with the Seward area and providing justification.

41  
42                   Additional single comments were received  
43 on Ninilchik and areas to the north and south, on the  
44 Delta Junction vicinity and on Adak.

45  
46                   In terms of broader points of interest --  
47 points of comment, the Alaska Federation of Natives  
48 submitted a resolution which requests the Board t  
49 maintain the rural status of those communities currently  
50 under review and to hold public hearings in the 10

1 subject community areas.

2

3 The Angoon Community Association IRA  
4 Council submitted a resolution which declares that  
5 defining rural preference is a community issue rather  
6 than a statewide issue.

7

8 United Fishermen of Alaska encourages the  
9 Board to carefully review the characteristics of each of  
10 the listed communities and areas noting that granting  
11 rural status to larger communities has the potential to  
12 impact other users.

13

14 An individual commenter requested that  
15 the Board uniformly apply concrete standards when  
16 determining whether communities are rural and recommended  
17 that the only criteria should be population threshold,  
18 community proximity and common road access.

19

20 In terms of Council comments and  
21 recommendations, five of the 10 Regional Advisory  
22 Councils provided comments or recommendations to the  
23 Board on this issue during the September/October meeting  
24 cycle. Those were the Southeast, Southcentral,  
25 Kodiak/Aleutians, Eastern Interior and North Slope  
26 Councils. Council comments and recommendations are  
27 summarized on Page 10 of the Staff report and Council  
28 Chairs or their designees will address those  
29 recommendations later in your agenda.

30

31 Finally, Mr. Chairman, I will summarize  
32 the last part of the Staff report, which deals with  
33 considerations in your assigning further analysis. The  
34 purpose of this report and my presentation on it is to  
35 assist the Board in its evaluation, not to intercede  
36 between the Board and the sources of comments and  
37 recommendations. Many comments and recommendations  
38 advocated for communities to be removed from further  
39 analysis, most notably that Sitka, Kodiak and Saxman  
40 should remain rural in status without further review. I  
41 will speak to those now.

42

43 Sitka was proposed for further analysis  
44 because it's population increased further above 7,000  
45 between 1990 and 2000 which was a criteria for  
46 considering further analysis in the Board's approved  
47 methodology for this review. The population of Sitka  
48 increased by 247 people to 8,835 in year 2000 making it  
49 26 percent above the 7,000 threshold.

50

1 Kodiak was proposed for further analysis  
2 because it also increased in population further above  
3 7,000. The population for the Kodiak area increased by  
4 625 people to 12,855. The Kodiak area in 2000 was 84  
5 percent above the 7,000 threshold and 46 percent larger  
6 than Sitka.

7  
8 For both Sitka and Kodiak, the Board will  
9 need to consider population size relative to the 7,000  
10 threshold and the information received on community  
11 characteristics in deciding upon whether to assign these  
12 for further analysis.

13  
14 Taken in isolation from its surrounding  
15 area, Kodiak City had a population of 6,334 in year 2000,  
16 which was down 31 people from the 1990 level. However,  
17 again, the Federal regulations require that "communities  
18 or areas which are economically, socially and communally  
19 integrated shall be considered in the aggregate."

20  
21 The proposed further analysis would  
22 address how to best define the Kodiak area and the  
23 population data and community characteristics associated  
24 with that area.

25  
26 For Saxman, it is not population size or  
27 growth that led to it being proposed for further  
28 analysis, rather, it is its potential grouping with the  
29 Ketchikan area by which it is surrounded. Saxman is in  
30 immediate proximity and connected by road to the  
31 Ketchikan area and does share a common high school  
32 attendance area. Those are two of the three criteria  
33 identified by the Board for this evaluation of potential  
34 grouping of communities in this review. The third  
35 criteria, commuting levels of workers between communities  
36 has yet to be analyzed. The Board will need to consider  
37 the merit of conducting further analysis of the potential  
38 grouping of Saxman with the nonrural Ketchikan area or  
39 deciding that Saxman should retain its current status quo  
40 separation from the Ketchikan area and rural status for  
41 the proposed rule stage without further analysis.

42  
43 One Council recommended that Adak,  
44 currently considered nonrural, be removed from the list  
45 for further analysis on the rationale that the  
46 information now available is sufficient to justify a  
47 change in status to rural. However, further analysis,  
48 even if brief, would contribute to the proposed rule  
49 stage should the Board determine that a change may be  
50 warranted.

1                   Mr. Chairman, there were two additions to  
2 the list proposed for further analysis that rise up from  
3 the comments and recommendations we received. These are  
4 to add analysis of rural/nonrural status for Ketchikan  
5 and for Prudhoe Bay. I'll speak to each of those now and  
6 then conclude.

7  
8                   Ketchikan was one of the communities  
9 named in the Legislative History of ANILCA as an example  
10 of a nonrural place in Alaska. The population of the  
11 Ketchikan area increased by 180 people to 13,639 in year  
12 2000 as compared to 1990. The Ketchikan area is proposed  
13 by the Board for further analysis, but this is not for  
14 examination of its rural/nonrural status, on the  
15 contrary, the Board has proposed that the further  
16 analysis examine whether to include Saxman and areas of  
17 further growth and development outside of the current  
18 nonrural boundary to the north and south within the  
19 Ketchikan nonrural area. If so aggregated, the  
20 population of the Ketchikan area would be over 14,000,  
21 which is double the 7,000 threshold.

22  
23                   Taken in isolation from the surrounding  
24 area, Ketchikan city had a population of 7,922 in year  
25 2000, which was down 341 people from the 1990 level.  
26 However, as I noted previously, the regulations require  
27 that areas be considered in the aggregate when found to  
28 be communally, socially, economically integrated.

29  
30                   One Council recommended that Prudhoe Bay,  
31 currently considered rural, be further analyzed. The  
32 Council characterized Prudhoe Bay as an industrial  
33 complex with most people present on a transient basis.  
34 Although the vary small population of Prudhoe Bay would  
35 typically be indicative of a rural community the  
36 characteristics of an industrial complex associated with  
37 oil development may warrant further Staff analysis and  
38 Board consideration.

39  
40                   Finally, a number of comments and  
41 recommendations included a request for public hearings in  
42 potentially affected communities so that the Board could  
43 receive direct testimony in those places. Public comment  
44 periods, public meetings of the Board in Anchorage and  
45 Council meetings in some of the potentially affected  
46 communities are all part of this ongoing review process.  
47 Whether and when to hold the additionally requested  
48 hearings would be at the discretion of the Board.

49  
50                   Mr. Chairman, that concludes my

1 presentation of the Staff report.

2

3

Thank you.

4

5

6

CHAIRMAN DEMIENTIEFF: Well, of course as we move on in the process you'll be available to answer questions that may come up?

7

8

9

MR. BUKLIS: Yes Mr. Chairman, I will.

10

11

12

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50

Thank you, Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Yeah, John, we  
2 also have a history of being as flexible as we can but  
3 today would probably be the day. Now, wherever we are in  
4 the process, if we get additional requests for testimony  
5 we will work to accommodate that. So that's just one of  
6 the ways we operate also. We'll be as flexible as we  
7 can, but this is really the opportunity for the original  
8 round of, you know, testimony.

9  
10 John.

11  
12 MR. LITTLEFIELD: Okay, thank you, Mr.  
13 Chair. I will let them know that today's the day, but I  
14 would note for the record that all of the information  
15 that I've seen and I presented to them yesterday during  
16 their meeting states that the Board will take testimony  
17 today and tomorrow, so I will get that to them and make  
18 sure that they get here this afternoon. But I think the  
19 public assumes that they can testify tomorrow, that's  
20 what the list server put out on the web page.

21  
22 CHAIRMAN DEMIENTIEFF: Yes, tomorrow is  
23 if we don't complete our work today, then we'll go  
24 tomorrow. But if we complete our work today then we will  
25 do it, tomorrow is an option at this point, so I would  
26 encourage them to get their information here today and we  
27 will just work to accommodate.

28  
29 Okay, Lee Wallace.

30  
31 MR. WALLACE: Thank you, Mr. Chair. Lee  
32 Wallace from Saxman, Organized Village of Saxman, Saxman  
33 IRA. I'd like to thank you, Mr. Chair, and Board members  
34 and RAC members that are in attendance today.

35  
36 Yesterday I attended a meeting at the BIA  
37 office and it was suggested that we do a short version  
38 and a long version or possibly two versions, I'm going to  
39 go through both actually because I think it's very  
40 important. I'll be to the point on my short version and  
41 I will go and carry on with my longer version that I  
42 prepared.

43  
44 First of all, Saxman should have never  
45 been put on this list. We're a small rural Native  
46 community, just three miles south of Ketchikan. The  
47 question is, what has changed since 1990? What has  
48 changed since 2000? Very little with the fact of the  
49 population size.

50

1                   Recently, I conducted a survey to gather  
2 some data that was part of the criteria and the best  
3 available data that this Board has right now is the 2000  
4 Census Data, and that census data is 431 people living in  
5 the community of Saxman.  
6

7                   My findings of recent, going door to door  
8 with a Staff member from the Organized Village of Saxman,  
9 we found that there was approximately 330 people residing  
10 in the village of Saxman. A decreased of about 100  
11 people. A far cry from the threshold that you guys use  
12 as a criteria to determine rural status.  
13

14                   And with that make up of the small  
15 village of Saxman, we are a customary and traditional  
16 user, the history of it, going back generations. It's in  
17 our genes, we continue to practice customary and  
18 traditional use, gathering of food from the land and from  
19 the sea.  
20

21                   Criteria 2. Yes we do share a high  
22 school, the Ketchikan High School. But is there really  
23 integration in that setting. One only has to look at the  
24 data of the dropout rate of the Native students in the  
25 area. It's not unlike any other stats that you find in  
26 any other large community like Ketchikan, that we attend,  
27 it's alarming. In my longer version I'll go into more  
28 data.  
29

30                   Is there real social integration in  
31 Criterion 3. Again, we are a very separate community.  
32

33                   At this time I'd just like to have a show  
34 of hands, who on the Board here have been to Saxman,  
35 could I just have a show of hands -- who has been to  
36 Saxman? One, two, three, so four, and the rest haven't.  
37

38                   In the afternoon, I hopefully will be  
39 able to show this DVD, it's a short 13 minute version of  
40 introduction to the community of Saxman, what we portray  
41 and what we are. We're an Alaska Native Village,  
42 predominately made up of Tlingit people, Haida people,  
43 Tsimshians and American Natives. I would just like to  
44 have the opportunity that if we are afforded the time to  
45 view the short DVD I'd greatly appreciate it.  
46

47                   Again, that data that I spoke of of the  
48 population, the commuting data, I found that  
49 approximately 75 individuals from the village of Saxman  
50 commute to outside the Saxman area for employment.

1                   Let me go ahead and switch to the longer  
2 version where I could add a little more detail to this.  
3 Again, you just heard the Staff report, with their  
4 review, again, they're there for assisting you and you  
5 guys will ultimately make that decision and hopefully  
6 there is some data that was helpful for you and there was  
7 some data that was helpful for Saxman's view on retaining  
8 rural status.

9  
10                   Out of that population that I just quoted  
11 you, about 75 percent of us are Alaska Native/American  
12 Indian decent. And why is that important? Again,  
13 because as indigenous people of the land we subsist and  
14 we live off the land. Very important. Spiritually,  
15 emotionally and it's just one of those inherent rights  
16 that we continue to use. I'll give you a short example  
17 of traditional upbringing, going back to my father  
18 William Wallace, who, at the time he was married to my  
19 mother, he continued to go down to his uncle's house to  
20 assist and help him chopping wood and gathering food, and  
21 my mother asked him, why are you doing that, you know,  
22 you're married, you have a family now, he said I was  
23 raised that way, that's the way my father raised me,  
24 that's the way my grandfather raised me. You know, I'm  
25 in a little different situation, I grew up under the  
26 household of my father, and this past summer I went  
27 through a knee surgery and I wasn't able to go out and  
28 gather my sockeye, actually a lot of us didn't have  
29 sockeye this year, there was a scarce amount of sockeye,  
30 so my nephew, again, being raised in a traditional way,  
31 he gathered some shrimp and coho for me, and without that  
32 help and assistance from my nephew who was raised in a  
33 traditional way, I wouldn't have that food today.

34  
35                   Again, traditional and customary use,  
36 very important to our people spiritually, emotionally and  
37 for our survival.

38  
39                   I want to bring forth this document that  
40 the U.S. Forest Service had published in 2005, there's a  
41 Tlingit word in there, and it's translated, Our Food, Our  
42 Tlingit Way of Life. Let me repeat. Our Food is Our  
43 Tlingit Way of Life. It's very important to our people,  
44 both the Haida, Tlingit, Tsimshian individuals, and of  
45 course other indigenous people of the northern part of  
46 Alaska. I want to read an excerpt here if I could in the  
47 preface from 1983 by Richard G. Newton, a couple  
48 paragraphs, please bear with me.

49  
50                   According to Webster's Collegiate

1 Dictionary subsistence is the minimum food or shelter  
2 support life. Let me repeat. Subsistence is the minimum  
3 food or shelter to support life. Tlingit people have  
4 learned how to survive the weather and keep body and soul  
5 together. We have special regard for fish and other  
6 animals we use for food. We know and respect the weather  
7 and the waters, fish streams, hunting grounds, berry  
8 patches were more than means of filling our minimum daily  
9 requirements.

10

11 For us subsistence food is a tangible  
12 link to the past with a way of life that is quickly  
13 fading.

14

Why is it fading?

16

17 Agencies making decisions for a small  
18 group of people in Saxman and for other areas.

19

20 So the decision you're making today, if  
21 you do make it today, I just hope that it's thoughtful,  
22 just, and honorable. Honorable for all. Honorable for  
23 the village of Saxman and honorable for you as a Board  
24 and of a people.

25

Getting back to the reading here.

27

28 In transition to modern day laws required  
29 children to attend school, this was good, and encouraged  
30 children to learn things about the world but parents  
31 could not take the children out of the school and  
32 attendance at traditional places of higher learning, the  
33 bays, the fish streams, the mountains was limited to  
34 summer vacations. At school and in the larger towns and  
35 cities they younger Tlingit began to partake in Western  
36 ways and in the cash economy. More money was needed to  
37 survive, more money than one could make living in  
38 villages. Now days young people are trying to remember  
39 the words of their grandparents, they are learning our  
40 subsistence ways, the interest in our traditional  
41 traditions is growing, not only because Indian food taste  
42 good, it's because it's one of the only ways our culture  
43 can survive.

44

45 So this battle of Saxman retaining its  
46 rural status is very important. It gives us that edge to  
47 have the priority to go out and gather the food that we  
48 need and require for our spiritual, emotional and well-  
49 being.

50

1                   Again, before you have Interagency Staff  
2 Committee recommendations, please review those and  
3 consider those. In the document on the maps, Figure 6 in  
4 your packet there, if you'd turn to Figure 6, what you're  
5 viewing there or what you're about to view, as soon as  
6 you find the page, you have area of Ketchikan. The two  
7 darker shaded areas, the smaller one being Saxman, one  
8 square mile, population of 330 people. You have the  
9 city of Ketchikan. And the rest of the area that's in  
10 slash is the Ketchikan Gateway Borough. Three different  
11 municipal governments. If anybody's not familiar with  
12 what happens in the area, there's been numerous times  
13 where the municipal governments tried for unification.  
14 Every time it was brought forth to Saxman, Saxman  
15 adamantly refused, we want to remain separate and  
16 different and I would say at no time would we want to  
17 unify governments with the two other municipal  
18 governments.

19  
20                   Also in that area you have two Federally-  
21 recognized tribes. You have the Organized Village of  
22 Saxman, and you have the Ketchikan Indian Community. So  
23 there is a very distinct group of governments in the area  
24 and we want to retain that and we will.

25  
26                   Some other data that I personally mailed  
27 to each Board member was the ADF&G report, Saxman  
28 Household Harvest Survey Information, did all of you guys  
29 receive this? I'm getting nods from some and maybe none  
30 from others. I see the Chair did receive it and I think  
31 another person did. Again, it's data from Alaska Fish  
32 and Game and it's titled Saxman Household Harvest Survey  
33 Information. Again, in the summary there's a lot of  
34 subsistence use that's demonstrated in this document and  
35 this was gathered in the year 2000 and, again, nothing  
36 has changed. We continue to use our traditional and  
37 customary use of gathering food and other items that we  
38 need for our cultural ways.

39  
40                   The survey that I just recently conducted  
41 with a Staff member, I'd like to have this distributed to  
42 everybody up here, it's the summarization and findings of  
43 going through each and every household and I had a  
44 questionnaire that I asked every household that I did  
45 attend. Again, this was 93 percent of the people that I  
46 polled and so ultimately I missed about eight houses in  
47 the village of Saxman. I was planning on finishing it  
48 but this large snow storm came and I was getting ready  
49 for this trip to Anchorage and this is data that I'd like  
50 to submit for the record and if someone could distribute

1 these to the -- thank you.

2

3 And I was told that there was time to  
4 submit other resolutions to the Board members and since I  
5 arrived here in Anchorage a couple days ago I did receive  
6 some faxes from the Organized Village of Kasaan with a  
7 resolution in support of Saxman retaining its rural  
8 status. I'm not going to take the time to read them.  
9 And also received a fax from the Craig IRA.

10

11 CHAIRMAN DEMIENTIEFF: We can get copies  
12 of those and we'll take the time to read them. You know,  
13 it will be a matter of record.

14

15 MR. WALLACE: Right.

16

17 CHAIRMAN DEMIENTIEFF: But, of course, we  
18 have quite a few other people that want to testify so  
19 we'll just get them copied and get them distributed and  
20 trust us we will take the time to read them, and if we  
21 have questions we will call you back up.

22

23 MR. WALLACE: Thank you, Mitch.

24

25 CHAIRMAN DEMIENTIEFF: Yeah.

26

27 MR. WALLACE: I was asked.....

28

29 CHAIRMAN DEMIENTIEFF: I'm sorry, Gary.

30

31 MR. EDWARDS: Yeah, I have one question  
32 on the document that you passed out.

33

34 MR. WALLACE: Yes.

35

36 MR. EDWARDS: You have some figures in  
37 there about people commuting. Of the, I guess, 330  
38 people, how many of those actually work?

39

40 MR. WALLACE: How many of them actually  
41 work is 75 of them that commute for -- well, actually,  
42 no, that's incorrect. 75 commute out of the village and  
43 there's some employment that's in the village which I  
44 didn't gather that data.

45

46 MR. EDWARDS: I was just trying to see,  
47 you know, you drew the conclusion that 24 percent of the  
48 population commutes but that -- in order to really come  
49 up with that percentage you need to actually identify the  
50 number out of the 330 that actually go to work each day,

1 I would think.

2

3 MR. WALLACE: Correct. And I didn't get  
4 the complete data but there was more data than what you  
5 guys initially had, and, I mean if you guys were going to  
6 kind of wait until the 2000 census data to disseminate  
7 all that information, but, yes, possibly the survey could  
8 have been a little more complete and would have had that  
9 data, but this is certainly giving you a better picture  
10 of what's going on in Saxman. It's giving you the makeup  
11 of Saxman, again.

12

13 I mean there's a municipal government, a  
14 second class city. You have the Organized Village of  
15 Saxman, a Federally-recognized tribe. The BIA term is  
16 small and needy, but with this recent survey we became  
17 smaller, smaller and needier, but I'm not -- as the  
18 president of the organization I am pushing for more or  
19 less of -- more of self-reliance, pushing for economic  
20 development in the community which is lacking, and  
21 hopefully be working with the municipal government and  
22 the ANCSA Corporation of Cape Fox Corporation.

23

24 Some civic groups in the Organized  
25 Village of Saxman. You have ANS, Alaska Native  
26 Sisterhood, Camp 15, and Alaska Native Brotherhood, Camp  
27 15, and you have Tlingit-Haida Community Council. What  
28 you don't see there is organizations like the Lion's  
29 Club, you don't see organizations like the Moose, you  
30 don't see organizations like Boy Scouts of America.  
31 We're all Native groups. Again, it's a 75 percent  
32 population is Native. And we don't have a McDonald's and  
33 we don't have an Outback and we don't have the Olive  
34 Garden, a small little village without a whole lot.

35

36 Let me give you a little more detail on  
37 the dropout rate of our high school students that attend  
38 Ketchikan High School. And I can only speak of  
39 experience. I have two children that have gone through  
40 the Ketchikan High School system, my daughter who  
41 attended and finished high school, out of her class there  
42 were 11 people that started grade school with her. Out  
43 of that there was only two individuals in her class from  
44 Saxman that graduated. The rest of them dropped out.  
45 Several years down the road my son went through the  
46 system and there was nine individuals in his class from  
47 Saxman that started school together. I have vivid  
48 pictures of him going off to kindergarten catching the  
49 school bus, along with all the rest of the kids of his  
50 age. Again, two students out of nine. An alarming rate

1 is the drop out rate, those are only two years. You  
2 know, if Saxman remains on the list, certainly you must  
3 gather that educational data from the education system  
4 and you'll find that the data I'm giving you is not way  
5 off, it's very close.

6  
7                   So why the dropout rate? Is there  
8 integration with the drop out rate like that? Yes, we go  
9 there, but we're not integrated. The learning system,  
10 the learning curriculum isn't geared for Native students  
11 and so there is a large drop out rate. If there truly  
12 was integration there would be a curriculum change, and  
13 with that curriculum change you would see a higher  
14 graduation rate happening in a lot of the Indian  
15 communities throughout the area. So, no, there is no --  
16 the criteria you're trying to use, you know, you have to  
17 think about that and think of the data that's in there.  
18 Is there integration, no, there is no integration.

19  
20                   Socially criteria three, are we really  
21 integrated economically, socially and communally? With  
22 the possible loss of 100 people, Saxman has its own water  
23 system, water and sewer system. Right now we've been  
24 maxed out as far as capacity for water and sewer so a lot  
25 of our people cannot, even if they want to stay in the  
26 village, they can't stay there so they move out of the  
27 Saxman area, they possibly move to the Ketchikan and the  
28 Ketchikan Gateway Borough. Socially, again, with Saxman  
29 being a predominately Native village, again a community  
30 that practices customary and traditional use and cultural  
31 activities, the cultural bearers (ph) and the leaders,  
32 they're culturally practicing their ways, we are called  
33 upon at many times to assist Ketchikan in their ways.  
34 Our elders are used for consultants, for teachers,  
35 they're called upon for their knowledge of the past.

36  
37                   As far as integration and socialization,  
38 I would think that leaders in the village of Saxman,  
39 whether it be municipal or tribal government, the leaders  
40 are the forefront and, yes, we integrate into the Western  
41 ways of Ketchikan, Ketchikan Gateway Borough and the  
42 State ad Federal governments. There's integration in  
43 that small way. But a lot of the grassroots people, no,  
44 there isn't no social integration, both in the schools  
45 and the communities.

46  
47                   I'm going to close. But, again, you  
48 know, as you guys make your decision, I would only ask  
49 that it be honorable for all, be just and correct and  
50 very thoughtful. And if by chance is Saxman is left on

1 the list for consideration, I would, again, formally, ask  
2 for a formal hearing like what happened in November of  
3 1990. When the Federal Subsistence Board made their  
4 hearing in 1990, with the testimony that they heard and  
5 the people that showed up, it was all that testimony that  
6 ultimately brought Saxman's rural status that we attain  
7 right now and we desire and we want to retain that for  
8 our cultural livelihood.

9

10 Okay, I want to thank you for this time  
11 and I hope I didn't take up too much time but I think  
12 that we have a couple more individuals from Saxman that  
13 may be testifying and I thank you for your time.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you, very  
18 much. I really appreciated your testimony. A lot of the  
19 information, of course, we have, and we do have a  
20 process, a lot of us depend upon our Staff Committee  
21 people who analyze a lot of the stuff and they work very  
22 well with their individual Board members, so I assure you  
23 that those things are getting considered. I even enjoyed  
24 -- even though bringing back painful memories, the help  
25 that you got having had two different knee surgeries  
26 through the years, if it wasn't for the help of my  
27 community, there's no way I could have made it, including  
28 my wife and I, both shot two big moose, and I could kneel  
29 down by them and cut them up but I couldn't even pack  
30 them in the boat even though they were from here to you,  
31 I had to call my brother-in-law, luckily I had a cell  
32 phone, to come down and load my boat up just so I could  
33 make it back. And those are the kind of things that  
34 people do for each other.

35

36 With regard to your DVD, I understand  
37 that the hotel is willing to set up a showing station for  
38 you here. If you could arrange that for the lunch break,  
39 I assure you I will stay and I'm sure others will too, so  
40 that will give opportunity for other people.

41

42 Are there any other questions.

43

44 MS. GOTTLIEB: Mr. Chair.

45

46 CHAIRMAN DEMIENTIEFF: Judy.

47

48 MS. GOTTLIEB: Thank you, Mr. Chair. And  
49 thanks very much for your testimony. I wondered if you  
50 could talk just briefly about the survey that you did on

1 harvest and about the extend of the diversity of use of  
2 resources and maybe a little bit about where people go to  
3 get those resources, how close or how far from Saxman?  
4

5 MR. WALLACE: Well -- most recently I did  
6 fail to mention in my report and it's in the summary,  
7 too, is that, the final EIS on the Gravina timber sale,  
8 and that testimony that our community members gave was  
9 very important.

10  
11 Again, to refresh your mind, if you look  
12 at Saxman and you look at the map and just two little  
13 islands away is the Gravina Island, more specifically,  
14 Bostwick Inlet. It's been termed as our pantry. A lot  
15 of our subsistence users go to that area for fish and  
16 game and berries, and bark gathering, shellfish, crab,  
17 just to mention a few. It's a very important area for  
18 Saxman. And also in the -- I don't know if you guys got  
19 the colored map but here's the colored map that the ADF&G  
20 had gathered for survey users and we have in color the  
21 red areas is what Saxman users have identified as areas  
22 in which we go and gather food and fish.

23  
24 It's not conclusive because I'm  
25 originally from Hydaburg, another small village, and  
26 every summer if I get a chance, I go over to the Hydaburg  
27 area to get my sockeye. And why is that important?  
28 Again, raised in a traditional manner we all had  
29 traditional areas that we used and we respected that and  
30 we respected other clan members areas. And one would get  
31 permission to go to an area.

32  
33 I have a story going back to my  
34 grandfather's day, and he's the founder of Hydaburg. And  
35 at some point he was up gathering food up at the Sitka  
36 area and he retained permission to go up there and gather  
37 and camp. This one group of individuals, a different  
38 clan came to him and they took him in the middle of the  
39 night with handguns in hand, brought him to a traditional  
40 clan house, he says the hairs of his back were like  
41 standing up because things were getting pretty touchy  
42 there. It wasn't until that the other clan members  
43 received information that yes, indeed, he received  
44 permission to gather food in that area, you could know  
45 the distance from Hydaburg to Sitka, quite a vast area to  
46 travel, very different group of people. A different  
47 nation. But there was enough respect there that he did  
48 receive permission to gather food in some other people's  
49 area and it was granted and it was solved once they  
50 received the right information.

1 I hope that answered your question.

2

3 MS. GOTTLIEB: Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. John,  
6 you had something.

7

8 MR. LITTLEFIELD: Thank you, Mr. Chair.  
9 Thank you for your presentation, Mr. Wallace.

10

11 I have two questions, one's fairly easy I  
12 would suppose and the other is, is just I'd like to get a  
13 feeling of what you think about something.

14

15 The first question is, if they were to  
16 not take Saxman off the list and you would presume that  
17 the community would have to do mount a defense for the  
18 next section on the Proposed Rules, could you tell me how  
19 many people Saxman has available to do that in your  
20 administration? I think there's only several people.

21

22 And then the second question would be,  
23 you're surrounded by the Tongass National Forest, and if  
24 you could care to comment on any of the relationships  
25 that the Forest has with Saxman on issues of a rural  
26 nature?

27

28 Thank you.

29

30 MR. WALLACE: Okay, your first question,  
31 again, the BIA terms us as a small and needy tribe, we're  
32 very small, very needy. Our main staff is comprised of  
33 two individuals, tribal administrator and a secretary do  
34 the bulk of the Council's work. Once we meet at a  
35 council table, we decide things and we push it forward to  
36 our staff and they do a lot of our work, and they do a  
37 great job, but, again, we're small and very needy. As  
38 you see we only have 330 people, tribal members, in our  
39 organization, we're growing but it's a slow process.

40

41 The second question, we're surrounded by  
42 the Tongass National Forest. Again, we rely heavily on  
43 use of the land. There's areas which, you know, are  
44 termed National Parks, you know, can't go in those areas  
45 anymore. One of which would be in East Beam Canal, Misty  
46 Fjords area. We have a traditional and customary use of  
47 individuals that live in Saxman and Ketchikan, you know,  
48 it's not unlike the struggle that you have up in the  
49 Glacier Bay area with tribals and clans that use that as  
50 a customary and traditional use area. Again, there's a

1 high value and high use of living off the land. Again,  
2 it's on Federal lands and Forests.

3  
4 Again, I can't over-emphasize the  
5 importance of the comments that were in the Gravina  
6 Island EIS Volume II, there were about 12 pages of  
7 testimony of pretty much the same people that testified  
8 with the 32 that was mentioned, and, of course, those are  
9 only summarization of what was mentioned in the 32  
10 people, but, again, full detail, I guess would be in  
11 order.

12  
13 And I hope that answered your question.

14  
15 MR. LITTLEFIELD: I guess what I was  
16 trying to get at, maybe I didn't make myself real clear,  
17 was, for instance, the Gravina Island sale, was the  
18 Forest Service, as an agency supportive of your requests,  
19 did they look at those 30 people or 32 people testifying,  
20 the comments coming from a rural community? I'm trying  
21 to get some feeling whether the Forest Service has been  
22 supportive of your rural status and how you've been able  
23 to work with them?

24  
25 MR. WALLACE: Well, the Forest Service  
26 went forward with their recommendation for a timber sale  
27 on Gravina Island. Of course, Saxman, Metlakatla were  
28 minorities in opposition to the timber sale. There was  
29 great support for the timber sale from the community of  
30 Ketchikan Gateway Borough as they were the largest  
31 property owners on Gravina, and of course there was a lot  
32 of support from the city of Ketchikan, Organized Village  
33 of Saxman were against it, and, again they did go forward  
34 with the timber sale and then it was pulled back. OVS  
35 celebrated when they pulled back their ROD.

36  
37 Another opposition that the Organized  
38 Village had was the -- everybody's familiar with the  
39 bridge to nowhere to Gravina -- from Ketchikan to  
40 Gravina. Again, Organized Village of Saxman was opposed  
41 to that. What that opens up is a hard link to Gravina  
42 and there's a road system that goes all the way to  
43 Bostwick. Again, Bostwick was termed as our pantry of  
44 our people. With the added hard link and the road system  
45 to Bostwick, it would put a stress and strain on and  
46 competition of our tribal peoples for hunting and  
47 gathering purposes.

48  
49 So in that sense, Mitch, the U.S. Forest  
50 Service did not support our views.

1 CHAIRMAN DEMIENTIEFF: Thank you, very  
2 much. Anybody have any further questions.

3  
4 (No comments)

5  
6 CHAIRMAN DEMIENTIEFF: Again, we thank  
7 you for your comprehensive testimony, and I thank you. I  
8 compliment you on your preparedness because we're taking  
9 the time to listen to all the testimony in detail, and  
10 the fact that you show up here that prepared speaks  
11 volumes for your own personal leadership and I thank you  
12 for that.

13  
14 Thank you, very much.

15  
16 MR. WALLACE: Thank you, Mr. Chair.

17  
18 CHAIRMAN DEMIENTIEFF: This person has a  
19 good of writing as me, we can't read his last name, we  
20 think it's Denny Hamann, 1200, some kind of street in  
21 Wasilla.

22  
23 (Laughter)

24  
25 MR. HAMANN: Hamann.

26  
27 CHAIRMAN DEMIENTIEFF: Hamann, okay well  
28 you can just put it on the record, please, we'd  
29 appreciate it.

30  
31 MR. HAMANN: Thank you, Mr. Chair. My  
32 name is Denny Hamann. I live at 1200 Oat Street,  
33 Wasilla. I'm speaking on my own behalf, although I am  
34 vice Chair of the Mat-Valley Fish and Game Advisory  
35 Committee.

36  
37 Mr. Chair. Board members. My  
38 recommendation is that any of the communities up for  
39 review, that are on the highway system should be deemed  
40 nonrural, especially the Wasilla, Kenai, Seward, Homer  
41 and Fairbanks areas.

42  
43 My view of subsistence may vary some from  
44 most people because when I think of subsistence I see  
45 people, I don't think of places and zip codes. To me,  
46 subsistence is a way of life, not where you live,  
47 although in some cases they can be tied together. My  
48 personal opinion, if you wake up in the morning planning  
49 your next hunt as opposed to getting ready to go to your  
50 8:00 to 5:00 job, you might be a subsistence user.

1                   If you plan your meals around what you  
2 were able to harvest from the land as opposed to what  
3 Costco and Safeway may have on sale, you might be a  
4 subsistence user.

5  
6                   If 80 percent of the gas you buy goes in  
7 a snowmachine, four-wheeler, boat, airplane rather than  
8 an SUV or a mini-van, and you had more than two options  
9 of where you could get that gas, you might be a  
10 subsistence user.

11  
12                   You can see where I'm going with this.  
13 The bottom line is if you must tie subsistence to a place  
14 then I would recommend you look very hard at the people  
15 who live there as opposed to how many of them are there  
16 or where they are.

17  
18                   That's all I have. Thank you.

19  
20                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
21 questions.

22  
23                   (No comments)

24  
25                   CHAIRMAN DEMIENTIEFF: Thank you. And I  
26 think we all understand that people, wherever they live,  
27 still have a dependence on the resource, so I appreciate  
28 your comments.

29  
30                   Thank you.

31  
32                   Rosalie Tepp.

33  
34                   MS. TEPP: Good morning. My name is  
35 Rosalie Tepp. I'm the Kenaitze Indian Tribal Chairperson  
36 and I'm testifying on behalf of the Kenaitze Indian  
37 Tribe.

38  
39                   The Kenaitze Indian Tribe has come before  
40 this Board on many occasions over the past years in its  
41 efforts to have the Kenai Peninsula declared rural within  
42 the meaning of ANILCA .803 and .804. The Board's earlier  
43 decisions declared large portions of the Kenai Peninsula  
44 to be nonrural, including the entire Kenai Peninsula  
45 area, which incorporates Kenai, Soldotna, Sterling,  
46 Ninilchik, Salamatof, Kalifornsky, Kasliof, and Clam  
47 Gulch. This area comprises the primary hunting and  
48 fishing grounds for members of the Kenaitze Indian Tribe  
49 who are the direct descendants of DeNaina Athabascan  
50 Indian indigenous to the Kenai Peninsula.

1                   The Kenaitze have occupied the Cook Inlet  
2 region for centuries. Now, as before, the Kenaitze live  
3 primarily along the coast of Cook Inlet in the Kenai area  
4 of the Kenai Peninsula. Throughout our history we have  
5 pursued a way of life centered upon subsistence hunting  
6 and fishing. Hunting and fishing for subsistence uses of  
7 wild natural resources have always played and continued  
8 to play an essential role in meeting the nutritional,  
9 spiritual and cultural needs of the Kenaitze.  
10 Subsistence hunting and fishing is an integral component  
11 of the subsistence way of life of the tribe and its  
12 members.

13  
14                   Subsistence hunting and fishing provides  
15 a link to the past, the acts of harvesting, preparing and  
16 using and the sharing of fish and wildlife in accord with  
17 tribal customs and traditions are vital cultural,  
18 spiritual, nutritional and social elements of the  
19 identify of the Kenaitze. Subsistence is a core  
20 characteristic of the Tribe's economy, culture and way of  
21 life.

22  
23                   Section .804 of ANILCA directs that the  
24 taking of fish and wildlife on the public lands for  
25 nonwasteful subsistence uses shall be accorded priority  
26 over other uses.

27  
28                   16 USC 3114, Section .803 defines  
29 subsistence uses as customary and traditional uses by the  
30 rural Alaska residents.

31  
32                   16 USC 3113, since only rural residents  
33 are eligible for the subsistence priority Kenaitze has  
34 resisted all efforts, both by the state of Alaska and by  
35 the Federal government to classify its members who reside  
36 on the Kenai Peninsula as ineligible for the subsistence  
37 priority mandated by .804.

38  
39                   In 1990 the Board made a primary  
40 determination that the Kenai area of the Kenai Peninsula  
41 as well as Homer and Seward area was a nonrural area  
42 whose residents were therefore ineligible for subsistence  
43 priority. Kenai [sic] filed a petition for  
44 reconsideration of the determination in February of 1991  
45 and the Board denied that petition in May of 1991. In  
46 September of 1995, the Southcentral Regional Council  
47 recommended to the Board that it determine the entire  
48 Kenai Peninsula to be rural. In 1998 Kenaitze Indian  
49 Tribe requested the Regional Council to again recommend  
50 to the Board that it determine the entire Kenai Peninsula

1 to be rural. Following public hearings and Regional  
2 Council adopted Kenaitze's request and again recommended  
3 to the Board that it determine the entire Kenai Peninsula  
4 to be rural. The Board took up the matter in its May  
5 1999 meeting, which at the time agreed to undertake an  
6 out of cycle review of the rural status of the Kenai  
7 Peninsula. The Board, thereafter, solicited public  
8 review and comment on the issue and determined the entire  
9 Kenai Peninsula to be rural. Thereafter, two requests  
10 for reconsideration were filed with the Board, the filing  
11 of these requests did not suspend the operative effective  
12 of the Board's final determination that the Kenai  
13 Peninsula is rural. In August 2000 the Board directed  
14 its Staff to prepare an analysis of the issues raised by  
15 the request for reconsideration. The new Staff analysis  
16 became available June 1st, 2001 and the Board met on June  
17 28th, 2001 to decide the request for reconsideration. At  
18 the meeting, the Board determined contrary to its  
19 determination of May 4, 2000 that the Kenai, Homer and  
20 Seward areas are nonrural. The Board's action was  
21 characterized as based on new information including  
22 population data from the 2000 Federal census. The Board  
23 established its June 28th, 2001 determination as a part  
24 of the Final Rule on May 7th, 2002 and added the Kenai,  
25 Homer and Seward areas to the list of the communities and  
26 areas determined to be nonrural. This determination was  
27 made effective immediately and the residents of those  
28 areas on the Kenai Peninsula, including Kenaitze members  
29 were thereby deprived of their eligibility for the .804  
30 subsistence priority.

31  
32 Since then Kenaitze has followed the  
33 Board's review of the rural/nonrural status of Alaska  
34 communities. We offered our comments urging the Board to  
35 adopt ISER's dissertation referenced methodology and  
36 reject the status quo approach that has been used by the  
37 Board for the past decade in making rural, urban  
38 determinations. The status quo method relies upon  
39 population sizes for primary classifications -- excuse  
40 me, while the ISER method relies on population density  
41 and per capita harvest. Although Kenaitze falls outside  
42 the rural designation under either method, the ISER  
43 method would at least allow a co-resident community like  
44 Saxman to qualify for rural priority. The possibility  
45 for a particular group to be classified as a co-resident  
46 community on to the adoption of two definitions,  
47 populations and community. The ISER report assesses  
48 populations defined as a set of people identified by  
49 geographic or community boundaries.  
50

1                   The ISER report explained that any  
2 identifiable population may be legitimately assessed for  
3 rural or nonrural classification under our system subject  
4 to availability of information. A geographic area is a  
5 bounded space described as lines connecting a series of  
6 geographic coordinates and visually represented as a  
7 closed polygon on a map. A community is human population  
8 forming a distant segment of society by virtue of common  
9 government, common interests, a pattern of sharing,  
10 participation, fellowship and other factors.

11  
12                   Community boundaries commonly defined by  
13 governmental jurisdictions such as municipal orders or  
14 local tribal membership rules. Communities also may be  
15 indicated by measure of economic or social integration,  
16 such as commuting pattern for work, for our purposes a  
17 society is a group of people broadly distinguished from  
18 other groups by mutual interests, participation and  
19 characteristic relationships, shared institutions and  
20 common culture.

21  
22                   Culture may be defined as socially  
23 transmitted behavior patterns, arts, beliefs,  
24 institutions and other products of human work and  
25 thoughts shared within a particular period class,  
26 community, or population.

27  
28                   Population is a flexible concept,  
29 innumerable populations are potentially definable in  
30 Alaska. As we have stated above, the general rule of  
31 aggregation, this aggregation for initial assessment is  
32 that any identifiable population may be legitimately  
33 assessed as rural or nonrural designation subject to  
34 availability of information.

35  
36                   Under this approach, members of the  
37 Kenaitze Tribe living on the Kenai Peninsula might  
38 qualify as a community because it is a set of people with  
39 a common government tribe, common interests with  
40 subsistence, a pattern of sharing. One of the uses and  
41 definitions of community above, in other words, we still  
42 practice all those in all villages, we are a community  
43 within a community. The Kenaitze people still share with  
44 other communities, like Ninilchik, Tyonek, every other  
45 village in the state of Alaska.

46  
47                   Therefore, this methodology held out hope  
48 that this rural/nonrural assessment could be made of the  
49 Kenaitze as a distinct community. If the Board were to  
50 follow definitions of population and community like those

1 in the ISER report, Kenaitze would establish that it is a  
2 co-resident community entitled to subsistence priority.

3  
4 Kenaitze, again, thus, urges the Board to  
5 adopt the ISER recommended methodology as it would allow  
6 the Kenaitze, as well as other communities that are being  
7 recommended for further assessment to establish their  
8 rural/nonrural status independently from the larger  
9 population aggregates on the Kenai Peninsula.

10  
11 Thank you.

12  
13 CHAIRMAN DEMIENTIEFF: Any questions.

14  
15 (No comments)

16  
17 CHAIRMAN DEMIENTIEFF: Again, I  
18 compliment you on your preparedness, and I did it before  
19 but we had massive hearings one year on the Kenai on a  
20 very important matter, and I just want to again thank you  
21 for your hospitality to the program and the Board by your  
22 community because it was pretty well appreciated plus we  
23 got to eat better than we normally would.

24  
25 MS. TEPP: Yeah, thank you.

26  
27 CHAIRMAN DEMIENTIEFF: We're going to  
28 have to take a break right now, so we'll continue on with  
29 testimony shortly.

30  
31 (Off record)

32  
33 (On record)

34  
35 CHAIRMAN DEMIENTIEFF: It's already  
36 pretty apparent to me that we're going to be here  
37 tomorrow. We're going to complete public testimony today  
38 but I'm pretty sure we're going to be here tomorrow,  
39 we've got 19 more people.

40  
41 MR. BOYD: It's probably closer to 23 or  
42 24.

43  
44 CHAIRMAN DEMIENTIEFF: 23, 24. As we  
45 come up to testify, I would really appreciate it that  
46 we'll give you the time to make your statement without  
47 trying to restrict you, but in terms of written things  
48 that want to go in, we do review those, they get  
49 extensive review. What we'll need to do is get copies of  
50 them as opposed to discuss them during the testimony and

1 that we will get them to the recorder. Everything that's  
2 been brought up before, just bring them forward and we'll  
3 make sure we get those to the recorder, so it's not like  
4 they just go into the abyss, we do review them. So I'll  
5 just ask you to be polite to all the other people that  
6 wish to testify and make sure that we give them the time  
7 so that they have an opportunity to talk, too.

8

9 The testimony forms, for other people  
10 coming in, they're right here, and they bring them to us,  
11 and like I said, we will work with people's schedule,  
12 anyway they're here, right here at the table, right  
13 outside the door and they get them into us.

14

15 Rita Smagge

16

17 MS. SMAGGE: Good morning. My name is  
18 Rita Smagge. I am a Kenaitze Indian Tribe member, and  
19 I'm also a tribal council member and a newly appointed  
20 tribal court judge.

21

22 I have testified before this Board and  
23 the Southcentral Regional Advisory Council on several  
24 occasions and can truthfully state that our circumstances  
25 and needs have not changed. The Kenaitze people are the  
26 direct descendants of the DeNaina Athabascans indigenous  
27 to the Kenai Peninsula that have occupied the Cook Inlet  
28 region for centuries.

29

30 Historically we have pursued the way of  
31 life centered upon hunting, fishing, gathering and  
32 sharing, thus sustaining a tribal cycle that nourishes  
33 body, mind and spirit. To this day the cycle has not  
34 been broken or extinguished. Although numerous attempt  
35 through self-serving politics and economics have tried to  
36 minimize and destroy this way of life, it has not. It is  
37 inherent.

38

39 One could lose hope and become  
40 discouraged when you look back and realize that it's been  
41 over 20 years since the Tribe began its pursuit for its  
42 customary and traditional inherent rights, and that  
43 virtually nothing has changed. But we continue to go  
44 through the motions and jump through the hoops.

45

46 Nevertheless, our hope and faith has been  
47 rekindled through the revitalization of our language, our  
48 Headstart children, our youth, young adults and some of  
49 our elders are learning the language. The language that  
50 was suppressed by the schools and the church. In

1 learning the language it is inevitable they will also  
2 learn the history, customs and traditions, in essence,  
3 they are preparing themselves to be the future cultural  
4 bearers of the Tribe. This is our hope.

5  
6 In closing, I would urge the Board to  
7 adopt the ISER recommended methodology as it would allow  
8 the Kenaitze, as well as other communities to establish  
9 their rural/nonrural status independently from the larger  
10 population aggregate on the Kenai Peninsula.

11  
12 Thank you.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you, very  
15 much. Any questions.

16  
17 (No comments)

18  
19 CHAIRMAN DEMIENTIEFF: Thank you, very  
20 much. Do you have a written statement that you want to  
21 be in the record?

22  
23 MS. SMAGGE: Yes.

24  
25 CHAIRMAN DEMIENTIEFF: Okay, just -- we  
26 need somebody back there to gather, Michelle, maybe you  
27 could, right here, if you could just give it to her,  
28 she'll turn it in.

29  
30 Okay, we do work -- we try to be  
31 accommodating to give people their chance to speak, the  
32 next one is Joe Williams. We're taking them out of  
33 sequence but he does have another conflict, so it's just  
34 something we normally do. Go ahead, Joe.

35  
36 MR. WILLIAMS: Mr. Chairman. Members of  
37 the Board. My name is Joe Williams.

38  
39 I am from the city of Saxman. I'm  
40 elected Mayor of the city of Saxman. I'm here in support  
41 of my tribal brother President Lee Wallace of the  
42 Organized Village of Saxman.

43  
44 In Saxman, I was born and raised in this  
45 community and now am a leader in the community and one of  
46 the things, in my comment to you by written letter, is  
47 the fact that in Saxman, the only thing that has changed  
48 is the population. And to me the growth of that  
49 population tells me that there are just that many more  
50 people subsisting in our community.

1                   You heard a very good written report,  
2 verbal report given by our President Lee Wallace, and I  
3 support that emphatically.

4  
5                   Now, the question before you is Saxman  
6 rural or is rural not rural? My question to you, as you  
7 heard from our tribal President and now you're hearing  
8 from me, what has changed in the community of Saxman  
9 since the last time you heard from us? Nothing.

10  
11                   We are still, you know, it just  
12 absolutely appalls me the fact that we have to do this  
13 every 10 years. Please understand I was born a full  
14 blooded Tlingit Indian raised in Saxman and when they  
15 bury me within the next 20, 25 years I will still be a  
16 full blooded Tlingit Indian, nothing will have changed  
17 from the time that I was born until the time that they  
18 bury me. I will still be a full blooded Tlingit Indian  
19 subsisting, of which God has given us in our community in  
20 the greater area of Saxman.

21  
22                   In my letter to you, I had stated that  
23 this Board is usurpting the authority of a Federally-  
24 recognized tribe. I recognize, of course, and I stated  
25 it in the letter as well, I recognize, of course, that  
26 you are following what ANILCA is requiring of you, but in  
27 my heart and my belief is this, that this Board is  
28 usurpting the authority of a Federally-recognized tribe.  
29 Federally-recognized tribe, as you are keenly aware has a  
30 government to government relationship with the United  
31 States government.

32  
33                   And with that being said, it would be  
34 just like saying Whitehorse, you have to decide whether  
35 you're Canada or whether you're part of Alaska. Now, how  
36 absurd is that?

37  
38                   In the same manner, with this is that  
39 recognized, of course, by law, you're asking us, are you  
40 still rural in Saxman? My opinion, ladies and gentlemen  
41 of this Board, is to say we leave that up to the  
42 Federally-recognized tribe, they truly have the  
43 authority.

44  
45                   The Ketchikan Gateway Borough went on  
46 record and passed a resolution which you have before you  
47 that supports Saxman being continued rural. The city of  
48 Saxman went on record passed a resolution which you have  
49 before you supporting Saxman as a rural community. We,  
50 as a rural community, have established relationships as a

1 Federally-recognized tribe, as a rural community with  
2 agencies such as the United States Forest Service. You  
3 extinguish the opportunity of us continued being rural,  
4 how is that going to affect our relationship with the  
5 United States government as far as the United States  
6 Forest Service is concerned?

7  
8                   So my request of you is this, is to  
9 continue to leave Saxman as it is, as a rural community.

10  
11                   One more time, my request to you is, is  
12 to continue to leave Saxman as a rural community.

13  
14                   You know, we have spent thousands of  
15 dollars today just to be here in front of you. I support  
16 President Lee Wallace in inviting you to come to our  
17 community, because when you will be in our community I  
18 promise you, you will be well fed with subsistence food,  
19 you're not going to get that today.

20  
21                   I want you to know that President Lee  
22 Wallace and myself were here on behalf of our people,  
23 we're here supporting our people because they are unable  
24 to have the thousands of dollars it cost us to be here.

25  
26                   And I want to say in closing, that that  
27 reminds me of we're doing this for our people. I want to  
28 share a little story with you.

29  
30                   In our community of Saxman a couple of  
31 years ago we had the Tlingit-Haida Housing Authority that  
32 was putting new roofs on HUD houses in our community and  
33 because in our community of Saxman we receive an enormous  
34 amount of rainfall, just so you know, that's right around  
35 the average of 13 feet of rain every year, so with that  
36 in mind, when it's not raining it's very important to  
37 that particular contractor to get the roofs repaired as  
38 the contract so stated. So he instructed his work force  
39 to stay on the roof during lunch and just take a half an  
40 hour lunch. Well, as that occurred, you know, three  
41 workers were on the roof and on the roof they began to  
42 talk about politics and that's why we're here today,  
43 we're talking about politics, and in the politic  
44 discussion this one man got up and he was so angry with  
45 all that was being said, he said I'm doing this for my  
46 people, and he stood up and he jumped off the roof and  
47 killed himself and those two other guys, well, they were  
48 totally shocked at what he did. So this Tlingit boy, he  
49 just stood up and he said, I'm doing this for my people,  
50 he grabbed a hold of my White man and he threw him off

1 the roof.

2

3 (Laughter)

4

5 MR. WILLIAMS: So ladies and gentlemen of  
6 this Board, Mr. President and I, we're here doing this  
7 for our people.

8

9 Thank you.

10

11 (Applause)

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Any  
14 questions. John.

15

16 MR. LITTLEFIELD: Thank you, Mr. Chair.  
17 Mr. Williams, that was very good testimony, in our  
18 language, Gunalcheesh, Yuukatongi.

19

20 MR. WILLIAMS: Gunalcheesh.

21

22 MR. LITTLEFIELD: But what I'd like to  
23 ask you, is you're a great speaker and everything,  
24 obviously, but one of the standards that we're talking  
25 about here is rural, that's a word, rural. So I guess I  
26 want to ask you if you consider yourself, even though  
27 you're from a -- you're the Mayor of a nonrural area, do  
28 you consider yourself to be a rural person or an urban  
29 person?

30

31 MR. WILLIAMS: I've grown up in a rural  
32 community and that's my mentality, it has not left. I've  
33 grown up being a Tlingit Indian, that's my mentality, and  
34 it has not left.

35

36 There's a lot of tugs and pulls in the  
37 political arena, of which this is part of it, and that  
38 requires me as a Tlingit, living in a rural community,  
39 coming to try and fit into this White man's world,  
40 because this White man's world is making decisions for  
41 how I and people within our community live.

42

43 As I stated, I was born a full blooded  
44 Tlingit Indian living in a rural community, and I will  
45 die full blooded Tlingit Indian living within a rural  
46 community; that's my mentality of today.

47

48 Thank you for the question.

49

50 CHAIRMAN DEMIENTIEFF: Any other

1 questions or comments.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: Well, let me just  
6 say I, also hope to be buried at home, but I'm not in a  
7 rush. I hope that you don't limit yourself to just 20 or  
8 25 years. As someone that I've worked with and a friend  
9 for a long time, I hate to hear those kind of things  
10 because it kind of puts you on the clock, like, you know.

11

12 (Laughter)

13

14 CHAIRMAN DEMIENTIEFF: And I do have one  
15 minor correction, I am going to get my subsistence food  
16 tonight because I stay in a room with cooking  
17 accommodations and I'll guarantee you I bring it with me,  
18 so that's one minor correction I have to make.

19

20 (Laughter)

21

22 CHAIRMAN DEMIENTIEFF: You'll get your  
23 invitation in the mail.

24

25 (Laughter)

26

27 MR. EDWARDS: Mr. Chairman.

28

29 MR. WILLIAMS: If I could, Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Well, wait.

32

33 MR. WILLIAMS: Okay.

34

35 CHAIRMAN DEMIENTIEFF: Gary's got a  
36 question, I think.

37

38 MR. EDWARDS: I do just want to make sure  
39 if we accept that invitation we're not going to get  
40 thrown off the roof if we come out.

41

42 (Laughter)

43

44 MR. WILLIAMS: I'll give you my word, you  
45 will not even come close to a roof to be thrown off of.

46

47 (Laughter)

48

49 CHAIRMAN DEMIENTIEFF: You had one  
50 closing comment?

1 MR. WILLIAMS: Yes, I did.  
2  
3 CHAIRMAN DEMIENTIEFF: Go ahead.  
4  
5 MR. WILLIAMS: So you're well fed  
6 tonight, Mr. Chairman.  
7  
8 (Applause)  
9  
10 CHAIRMAN DEMIENTIEFF: Is there an issue  
11 here?  
12  
13 MR. EDWARDS: Yes there is, give them  
14 both to me.  
15  
16 (Laughter)  
17  
18 MR. WILLIAMS: The rest of you who has  
19 not received it, now, you know at times how we feel when  
20 we're left out, okay, so I have nothing else.  
21  
22 Thank you, Mr. Chairman.  
23  
24 CHAIRMAN DEMIENTIEFF: Rick Johnson.  
25  
26 MR. JOHNSON: Good morning, Mr. Chairman.  
27 Board members. I'm speaking to you this morning on  
28 behalf of the Delta Greely Fish and Game Advisory  
29 Committee, and that will be a hard act to follow and I  
30 apologize for not bringing my canned salmon in.  
31  
32 But anyway, I'd like to keep my comment  
33 focused on two areas, and one is in support of the  
34 Interagency Staff recommendations on excluding the  
35 Deltana area from the grouping with Big Delta, Delta  
36 Junction and Ft. Greely. And then also to testify  
37 regarding further analysis of grouping Big Delta, Delta  
38 Junction and Ft. Greely.  
39  
40 Regarding the Interagency Staff  
41 Committee's recommendation to exclude Deltana, I'd like to  
42 thank the Eastern Interior Alaska Council for their work  
43 regarding that issue. I'd just like to say in support of  
44 that that the Deltana area is as equally rural as Healy  
45 Lake, Dry Creek in those areas of population density,  
46 lifestyle and the availability of foods, both  
47 commercially and wild stock also.  
48  
49 Regarding the grouping as an issue. The  
50 Council, the Fish and Game Advisory Council from our

1 community was somewhat perplexed regarding the inclusion  
2 of Ft. Greely. The people that reside on that  
3 institution can't even hunt in the subsistence hunts, and  
4 they'd like you to consider that.

5  
6                   Regarding the perceived economic growth  
7 of the community since the 2000 census, we have  
8 experienced a tremendous downturn in the population as a  
9 result of the BRAC realignment of Ft. Greely. We are  
10 just now starting to come back from that decline with a  
11 New Missile Defense Base, but it's coming back with a  
12 very, very different nature than the former Army Base.  
13 Many, many of the people that have cause for community to  
14 grow are contractors from out of state, they're National  
15 Guard as opposed to permanent Army and there's a highly  
16 transient nature to that population growth.

17  
18                   I'd also like the Board to consider that  
19 Big Delta and Delta Junction is not unlike those  
20 communities along the Parks Highway. Again, when it  
21 comes to population densities and economics and the  
22 available of commercial and subsistence foods.

23  
24                   Our committee reviewed a summary report  
25 on the analysis and recommended methodology for  
26 determining rural versus nonrural and this was a report  
27 done by Robert J. Wolfe and the Council would like to  
28 encourage the Board to further analyze, you know, just  
29 how many of our community members do have freezers full  
30 of salmon from Chitina and caribou from the Nelchina  
31 Herd. I guess we call that the criterion referenced  
32 assessment.

33  
34                   With that Mr. Chairman, I'll close my  
35 comments and make myself available for any questioning.

36  
37                   CHAIRMAN DEMIENTIEFF: Questions.

38  
39                   (No comments)

40  
41                   CHAIRMAN DEMIENTIEFF: Gerald.

42  
43                   MR. NICHOLIA: Yeah, thank you. I just  
44 have a couple questions. At our meeting we were  
45 requesting -- I talked to Nat Good, the reason that we  
46 put Big Delta and Delta and Ft. Greely together is -- I'd  
47 like to hear just straight from you, from Delta is that  
48 -- is there like a big significant difference in like  
49 subsistence users between Delta and Big Delta compared to  
50 Deltana?

1 MR. JOHNSON: The Deltana area is a  
2 rather large area, in fact, part of the Deltana area goes  
3 further east than Healy Lake. And there are a lot of  
4 people that reside in that area that are just as rural as  
5 Healy Lake. So to answer your question directly, yes,  
6 now, not exclusively. There are exceptions.

7  
8 MR. NICHOLIA: So what you're trying to  
9 say is there is a difference between the residents of  
10 Deltana and Delta and Big Delta?

11  
12 MR. JOHNSON: Largely, yes, not  
13 exclusively. The nature of our community is that we have  
14 the city of Delta Junction, which is a second class city.  
15 And the Big Delta area used to be what we now call the  
16 Deltana area. I noticed with a recent State election  
17 realignment that that terminology at the local level  
18 began to be used. The Big Delta area is now commonly  
19 referred to as a smaller community eight miles down the  
20 road towards Fairbanks. It's on the highway whereas much  
21 of Deltana is not.

22  
23 I'm not sure if that answered your  
24 question.

25  
26 MR. NICHOLIA: It kind of does. I was  
27 expecting to see Nat Good here.

28  
29 MR. JOHNSON: I wish he was here but he's  
30 moved out of the community and is now in Southeast  
31 somewhere.

32  
33 CHAIRMAN DEMIENTIEFF: Well, thank you  
34 very much for your comments. Of course being from Nenana  
35 I know lots about Delta, a long association and with your  
36 Advisory Committee in particular. In one of my life's I  
37 was a regional coordinator for Alaska Department of Fish  
38 and Game and I was the Staff to all of the Interior  
39 Advisory Committees. And I still remember to this day  
40 the first time I went to a Delta Advisory Committee and  
41 here I am the only Indian in this room, in a sea of White  
42 and it was a little bit intimidating but I just, you  
43 know, people are very pragmatic there just like other  
44 rural people and very, very sociable. I mean they're  
45 uncomfortable right away, right away, so I just  
46 compliment your community's work because even though I'm  
47 not in that life anymore, I still keep track of what  
48 people do around the state, actually. So keep up the  
49 good work.

50

1 MR. JOHNSON: Thank you, Mr. Chairman.  
2 And I'll carry your comments back.  
3  
4 MR. GOTTLIEB: Mr. Chairman.  
5  
6 CHAIRMAN DEMIENTIEFF: Judy.  
7  
8 MR. GOTTLIEB: Thanks for testifying  
9 today, I just had a couple other questions.  
10  
11 One, where do you live actually?  
12  
13 MR. JOHNSON: I live in the Deltana area.  
14  
15 MR. GOTTLIEB: Thanks. And also, could  
16 you describe perhaps, you mentioned fish and caribou, can  
17 you describe some of the other resources that might be  
18 commonly hunted or fished or gathered there?  
19  
20 MR. JOHNSON: Moose. We have one of the  
21 more healthy populations of moose in the area, in the  
22 Interior, I think even the state of Alaska as a result of  
23 the Fish and Game Advisory Committee's work with Mr.  
24 Demientieff and his Staff over the years. Moose, a lot  
25 of waterfowl, wildfowl. Sheep in the area is hunted when  
26 available by the permit process.  
27  
28 CHAIRMAN DEMIENTIEFF: Other questions or  
29 comments.  
30  
31 (No comments)  
32  
33 CHAIRMAN DEMIENTIEFF: Thank you, very  
34 much.  
35  
36 MR. JOHNSON: Thank you.  
37  
38 CHAIRMAN DEMIENTIEFF: Appreciate it.  
39 Next person is Darrel Williams, he's actually got two  
40 requests put in, if you could just combine them both in  
41 one statement.  
42  
43 MR. WILLIAMS: Good morning, Mr.  
44 Chairman. Members of the Board. My name is Darrel  
45 Williams, I'm from Ninilchik Traditional Council. I  
46 think I've seen everybody here before. And I do have two  
47 different issues today.  
48  
49 And I think what I'll start with is the  
50 support for the Kenai Peninsula Kenaitze Tribe.

1 Ninilchik Traditional Council wants to show this support  
2 as a united front for the Kenaitze Indians. One of the  
3 things that we have to remember here is that most of  
4 these people are related, they're family and we've  
5 actually touched on this issue before where these people  
6 get together and they do things as a group.

7  
8                   And it's been interesting because part of  
9 this group activity has changed over the last 20 years.  
10 The scary part about it is, when we talked to our elders  
11 in our community, we're starting to see that a lot of  
12 these activities are going to end in one generation of  
13 people. That's an awful lot of pressure in a growing  
14 area.

15  
16                   The rural determination is the process  
17 that's used to evaluate this but the thing that we have  
18 to remember is that subsistence is more than a rural  
19 determination, it's a culture and lifestyle in a Native  
20 community, and it affects all the Native Alaskans here  
21 and especially in areas like where we have ourselves and  
22 the Kenaitze Indians who are blood relatives and they  
23 want to be able to do these kind of activities like they  
24 have for a very long time. It makes it really difficult.  
25 We would like to be able to see the Kenaitze listed for  
26 further review and be able to get more information on  
27 this.

28  
29                   We have information ourselves on a lot of  
30 different issues, everybody here knows that, and if we  
31 could get this listed we'd be happy to make a lot of this  
32 information available and be able to pursue this  
33 systematically.

34  
35                   In conclusion of the Kenaitze support,  
36 the one thing the Ninilchik Traditional Council would  
37 like to make clear is that Legislation has been made to  
38 support these processes for Native subsistence rights.  
39 This process has started and we have every intentions of  
40 continuing this clear to the end. And essentially as  
41 ourselves, we're looking at different issues that may one  
42 day put us in a very similar position as Kenaitze is now  
43 and the same thing being as it is a family issue. We'd  
44 like to see these things addressed. And essentially  
45 that's what I need to say for Kenaitze.

46  
47                   My other testimony I wanted to give today  
48 was for the rural determination for Happy Valley and Calm  
49 Gulch. Happy Valley falls into the Homer rural  
50 determination and Clam Gulch falls into the Kenai

1 determination. Being's that Ninilchik is located  
2 essentially between these two areas, I would like to  
3 suggest that maybe Ninilchik should be considered the  
4 core community instead of Kenai and Homer. Part of what  
5 I base this information on is what I went through here is  
6 first of all, representing the Tribe, we have tribal  
7 members in both communities. It's essentially an  
8 outlying area of Ninilchik. There is several points of  
9 the determination that are present in these communities.  
10 One is the school, for instance, the school is located in  
11 Ninilchik, it is a K-12 school, and the majority of the  
12 employees at the school also live at Ninilchik, Clam  
13 Gulch or Happy Valley and so it's a much smaller commute.  
14 So there are jobs available, there is also fish  
15 processing and commercial fishing and my goodness there's  
16 an awful lot of halibut charters there where there's  
17 actually local business and a lot of people from Clam  
18 Gulch and Happy Valley utilize this industry. For  
19 instance, Clam Gulch actually has a manufacturing plant  
20 there where they manufacture septic tanks, that's what  
21 they do. They actually have a way of making an economy  
22 for themselves.

23  
24                   So there is some commuting to the  
25 outlying areas, there's no doubt about that. However, it  
26 is a -- you know, to put Clam Gulch and Kenai together is  
27 -- it's a 30 mile distance, it's an awful long way to be  
28 able to go to the store and what not.

29  
30                   And I looked up the information on the  
31 Department of Labor website, and personally we're a  
32 little perplexed at the numbers that showed up there,  
33 showing that Happy Valley was nearly as large as  
34 Ninilchik, which, if anybody's ever been there, it's  
35 really not. And the same thing, if we could have this  
36 further evaluation done of this, we could look at those  
37 numbers more objectively and get better information.

38  
39                   Local harvest and consumption of food,  
40 down in this area there's a lot of gardens, people grow  
41 their own, we don't necessarily have large agricultural  
42 projects. But what we do, specifically with the Tribe,  
43 is we manage 64,000 acres of land down there. We have a  
44 permitting system in place to be able to allow people  
45 access to this area to be able to harvest for subsistence  
46 and traditional needs. We keep very precise records of  
47 who comes and who goes. That includes DNR, the State  
48 Troopers and everybody else. And the same thing, if we  
49 could get this listed for more review, we can look at  
50 those numbers. I thought I'd be more succinct to try to

1 get listed before going over points.

2

3

4 So essentially another -- just to touch  
5 on that, not really to get too far into detail, what we  
6 have seen in our permitting system from the combined  
7 group of Happy Valley and Clam Gulch as we have seen an  
8 increase in use, people coming to us and saying, can we  
9 get a permit to go out and hunt ptarmigan, or can we get  
10 a permit to go out and pick berries, can we get a permit  
11 to go out and hunt bear, can we get a permit to go moose  
12 hunting; all those kind of issues and we have those  
13 things defined. But we've actually seen an increase in  
14 use over the last two years. So it may be some really  
15 good information to look at if we can get this listed for  
16 some further determination.

16

17

18 So simply to conclude, the information  
19 that we have suggests that there are aspects of both Clam  
20 Gulch and Happy Valley that may in deed lead to a  
21 positive rural determination. I understand that Clam  
22 Gulch is considered at this time rural -- or I'm sorry,  
23 they're considered nonrural and would like to get their  
24 rural determination reevaluated. And Happy Valley, you  
25 know, is being considered to be made nonrural. So as a  
26 representative of the Tribe and the community, we'd like  
27 to see these items listed for further determination and  
28 we would be more than happy to be able to cooperate and  
29 give as much information as we can to help this process.

29

30

Thank you. Any questions.

31

32

CHAIRMAN DEMIENTIEFF: Questions.

33

Comments.

34

35

(No comments)

36

37

CHAIRMAN DEMIENTIEFF: If not, keep up  
38 the good work, we're real proud of the work that your  
39 Council has done.

40

41

MR. WILLIAMS: Thank you, Mitch.

42

43

CHAIRMAN DEMIENTIEFF: Okay, we'll go  
44 ahead and move on.

45

46

MR. WILLIAMS: Thank you.

47

48

CHAIRMAN DEMIENTIEFF: Mary Ann Miles  
49 [sic]. You have to be patient with me today, if you see  
50 me grimacing, I'm not disagreeing with or trying to send

1 any negative body language to people who are testifying,  
2 I just am uncomfortable so if you see that it's not me,  
3 I'll guarantee you. Good to see you.

4

5 MS. MILLS: Thank you. My name is Mary  
6 Ann Mills, I'm a Council member and chief tribal judge  
7 for the Kenaitze Indian Tribe. And I'd like to thank  
8 Ninilchik for their support and we also support Ninilchik  
9 in the subsistence.

10

11 Restrictions on subsistence rights of the  
12 Kenaitze tribal people continues to cause us hardships  
13 and continues to negatively impact the lives of our  
14 people comparable to that of human rights violations.  
15 The first foundation documents submitted to Congress  
16 entitled Alaska Natives and the Land compiled in 1968 by  
17 the Federal Committee concluded that there is no dispute  
18 that the right of the Alaska Natives to go up on Federal  
19 lands for the purpose of taking fish and game should  
20 continue.

21

22 Senate 35, the Final Bill considered by  
23 the Senate in 1971 contained a subsistence provision and  
24 included that the Natives did not need to own the land  
25 they used to harvest subsistence resources, and  
26 determined this was to be one of the reasons the land  
27 should remain in Federal ownership, so to ensure the  
28 protection of Native subsistence rights. The committee  
29 stated that Native livelihood depends upon the biotic  
30 resources of millions of acres and it was clear that the  
31 Senate felt it would not be difficult to protect the  
32 existing subsistence rights of the Alaska Natives.

33

34 In haste to produce the 1971 settlement  
35 before the end of the session of Congress, the Senate  
36 yielded to the House position that no legislation was  
37 needed on subsistence in ANCSA legislation because the  
38 Secretary of Interior has the authority through existing  
39 administrative powers to protect the rights of Natives.  
40 The Conference Committee explained its decisions in the  
41 following words:

42

43 The Senate amends to the House Bill  
44 provided for the protection of the Native  
45 people's interest in and use of  
46 subsistence resources on public lands.  
47 The Conference Committee, after careful  
48 consideration believes that all Native  
49 interests in subsistence resource lands  
50 can and will be protected by the

1 Secretary through the exercise of his  
2 existing withdrawal authority. The  
3 Secretary could, for example, withdraw  
4 appropriate lands and classify them in  
5 the manner which would protect Native  
6 subsistence needs and requirements by  
7 closing appropriate lands into entry by  
8 nonresidents when the subsistence  
9 resources of these lands are in short  
10 supply or otherwise threatened. The  
11 Conference Committee expects both the  
12 Secretary and the State to take any  
13 action necessary to protect the  
14 subsistence needs of the Natives.  
15

16 However, there has never been steps taken  
17 to carry out the Congressional mandate by any of the  
18 Secretaries of Interior to ensure the subsistence rights  
19 of the Kenaitze tribal people's, nor has the disclaimer,  
20 State of Alaska, taken efforts to preserve our rights to  
21 subsist and studiously ignored any mention of the Alaska  
22 Natives as a special class of peoples. The United States  
23 Congress has the power to set up a resource management  
24 regime for the Alaska Natives and confirm their right to  
25 subsist on the public lands of Alaska. Congress derives  
26 its authority from Article I from the U.S. Constitution,  
27 which gives Congress authority to regulate commerce with  
28 the Indian Tribes and treating making powers of the  
29 President confers similar authority.  
30

31 A few individuals unfamiliar with Indian  
32 Law may argue Native preference is somehow objectional or  
33 invidious to ask Congress to pass racial legislation  
34 benefitting only Indians. This argument is based on a  
35 complete misunderstanding of the provisions of the U.S.  
36 Constitution which gives all Indians a unique status.  
37

38 In a July 1977 report prepared by Stuart  
39 Udal entitled the Alaska Natives and their subsistence  
40 rights, a discussion of the Constitutional questions  
41 state:  
42

43 Since the Alaska Natives use subsistence  
44 resources to supply both physical and  
45 cultural needs, Congress clearly has the  
46 authority to set up a subsistence system  
47 giving preference to the Natives which  
48 satisfy the U.S. Constitution and is tied  
49 rationally to the fulfillment of  
50 Congress' unique obligations towards

1 Indians.

2

3 When this authority is combined with the  
4 power Congress also has under the  
5 property clause to regulate the use of  
6 the renewable resources of the public  
7 lands, there can be no doubt where the  
8 issue is concerned, a faithful burden  
9 rests on the Congress of the United  
10 States. Only Congress has the power to  
11 establish a workable subsistence system  
12 for Alaska Natives, which can withstand  
13 any challenge from any corridor.

14

15 I request the Federal Subsistence Board  
16 support the Kenaitze Indian people through remanding the  
17 subsistence burden of our people upon Congress of the  
18 United States and request the Secretary of Interior to  
19 withdraw an adequate place on Federal lands of the Kenai  
20 Peninsula and classify them in a manner that would  
21 protect the Kenaitze Indian Tribe's subsistence needs.

22

23 The Cook Inlet is one area that would be  
24 appropriate.

25

26 Because this is a Federal Subsistence  
27 Board public meeting, I will not address any of the  
28 international rights possessed by the Kenaitze, and all  
29 of the other indigenous peoples of Alaska, but, instead  
30 reserve all rights reserved.

31

32 Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.

35 Questions.

36

37 (No comments)

38

39 CHAIRMAN DEMIENTIEFF: Thank you, very  
40 much.

41

42 MS. MILLS: You're welcome.

43

44 CHAIRMAN DEMIENTIEFF: John Reft.

45

46 MR. REFT: Mr. Chair. Members of the  
47 Board. Thank you for this opportunity to speak today. I  
48 don't know if it would be out of line, Mr. Chair, but  
49 could I order a private pot of coffee during -- I give  
50 lengthy testimony, I might get dry -- no, I'm kidding.

1 (Laughter)

2

3 MR. REFT: You're lucky because I left my  
4 folder with all my papers in a cab coming here so I've  
5 just got to speak, which won't be very lengthy.

6

7 Our status in Kodiak, when we talked with  
8 the Council there and gave our testimony, which you all  
9 have a copy of. They agreed with us that our status was  
10 to remain rural. And, now, here, I'm kind of confused  
11 because their recommendation to you is to keep us rural,  
12 but it may change here, we don't know until this hearing  
13 is over.

14

15 But the devastation that would be created  
16 by changing us to urban status to rural, I mean a  
17 traditional way of life where we've grown up, you know,  
18 living off the land, we're sea people, too, we're  
19 surrounded by water, an island, the second largest island  
20 in the U.S., and we've got an abundance of game on that  
21 island and fish surrounding us, and when we go out we  
22 share. I mean we take care of our elders, and widows,  
23 whoever, you know. And that's our Native way of living.  
24 But even here in the ANMC Hospital, when the people come  
25 in sick there, they have to have what they found out,  
26 they have to provide them their Native way of food even  
27 in the hospital to get them well, to make them happy.

28

29 Well, we're no different. We have been  
30 handed down this trait from our grandfathers to our  
31 fathers to us, you know. There's no going back on it and  
32 we have the abundance of food over there, it's our  
33 traditional way of life, your word is subsistence, but  
34 this is what we need to survive. We don't need the rural  
35 status changed because your census from '90 to 2000  
36 basically it hasn't changed at all. And in the last  
37 three, four years, I think it would be less if you even  
38 took it now because of the people that are leaving the  
39 island villages due to the lack of the small boat fishing  
40 industry that has collapsed. They're looking for jobs,  
41 most of them going to school or working in a village.  
42 And they're infiltrating Kodiak and a lot of them to  
43 Anchorage, so if you took another census, I'm sure it'd  
44 be a lot different than it was in 2000, and, we,  
45 according to our knowledge is that we haven't exceeded  
46 the number, we are a little bit under it and our status  
47 hasn't changed.

48

49 And basically if you don't keep our  
50 status rural, you kind of put us into a situation where

1 we only have three alterNatives. One is to submit to  
2 your decision and go down with our tails behind us. Or  
3 we can go to court and not accept your decision. And the  
4 third thing would be to make criminals out of us because  
5 we need our way of life, we don't want that.

6  
7                   When we were a territory everything was  
8 fine, you know, we hunted, we fished, we had a good life,  
9 then statehood comes in, all the permits and tags and  
10 stamps and licenses, we complied with everything that the  
11 State required, there was no question about it. But,  
12 now, if you take away our way of life that's devastating.  
13 And I just can't see how we can exist with that, with the  
14 price of fuel and gas and remote island, the freight  
15 costs, we are the second highest place to live in the  
16 U.S., and that's a 250 mile island out in the gulf of  
17 Alaska. It's as remote as you can get. It's even hard  
18 to fly in and out of there most of the time, with  
19 weather, you know, conditions, but we know how to  
20 survive. We've been taught this and that's our way of  
21 living, we don't step on anybody's toes. We just work  
22 together and do our thing and times are changing, I mean  
23 the fishing is gone, it's gone from a small boat fishery  
24 to a large boat. Kids are no longer growing up and  
25 stepping into the shoes of their father on a boat and  
26 working for a living. They either have to migrate out of  
27 there, go to school, get educated and find jobs. There's  
28 no pride anymore in being a commercial fisherman and  
29 captain in the small boat business because it's just not  
30 there. We're simply deteriorating little by little, but  
31 all we ask is to remain where we are and that's to keep  
32 our status as rural.

33  
34                   Thank you.

35  
36                   CHAIRMAN DEMIENTIEFF: Thank you. A  
37 couple things. If you find your paperwork, get it to us  
38 and we'll make sure it gets in the record because  
39 everything gets reviewed.

40  
41                   MR. REFT: Yes.

42  
43                   CHAIRMAN DEMIENTIEFF: Okay. And then  
44 what else was I going to -- oh, the other point, this  
45 meeting is not a decision point meeting, we're just  
46 merely appreciating the people that are testifying  
47 because we're educating ourselves on this issue. We're  
48 probably about six months out from a Proposed Rule, and  
49 then it will probably be another six months review of  
50 that Proposed Rule and we'll do diligence in terms of

1 whenever that happens. But we're a year away probably  
2 from getting to a decision point, at least, a year away,  
3 December '06, so that's our timeframe, just so you know.

4  
5 MR. REFT: Thank you, Mr. Chair. That's  
6 enlightening.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you. Merle  
9 Hawkins.

10  
11 MS. HAWKINS: Good morning. Merle  
12 Hawkins representing Ketchikan Indian Community. I'm the  
13 vice President of the Tribe. Did you all receive this  
14 packet of information from Ketchikan, it has all our  
15 resolutions, if anybody else needs any, we do have more?

16  
17 CHAIRMAN DEMIENTIEFF: No, we've got  
18 them.

19  
20 MS. HAWKINS: Okay. I'd like to thank  
21 the Interagency Staff for their recommendations to have  
22 Ketchikan have further analysis and we support that and  
23 also for the Regional Advisory Council of Southeast  
24 Alaska for supporting Ketchikan for our quest.

25  
26 My main point is that Ketchikan has not  
27 been analyzed and a lot of the numbers and information  
28 that I've come across is inaccurate.

29  
30 Ketchikan Indian Community is a tribe  
31 Federally-recognized with about 5,125 members. It was  
32 originally a Tlingit fish camp and then it became a  
33 Tlingit village, and then because of the richness in  
34 resources in the area in 1900 it became the city of  
35 Ketchikan, become incorporated and so people immigrated  
36 into the area because of the resources, the nonNative  
37 people. And as they did that they took on the values of  
38 the Natives realizing how important the fish and the game  
39 of the area are and when I made my presentation to the  
40 Ketchikan Gateway Borough, that was one of the questions  
41 that came up, was that if I realize that this would  
42 include all the members of the community would get rural  
43 status for Ketchikan, and I know our population number is  
44 like 13,000 for the city and the Borough and I said, yes,  
45 I realized that but as Native people this has been going  
46 on since Columbus first came here, that when the people  
47 first came to the America's they did not know about the  
48 foods and how to prepare them, how to gather them and  
49 they wouldn't have survived without Natives to show them  
50 the ways, and so this is the way it's always been. So as

1 people immigrate into our area they take on the values of  
2 the Natives, and so that was a point that I would like to  
3 get across.

4  
5                   Ketchikan Indian Community Tribe, we have  
6 our own social services program, which includes a summer  
7 youth camp where we take the youth out into the  
8 wilderness and teach them the values of being Native and  
9 how to gather plants, how to prepare fish and game and  
10 tell them the stories. We recently started an elders  
11 program which includes a food bank where we distribute  
12 salmon and bear meat and other things to the elders and  
13 the thing about this bear meat is, the bear meat is  
14 gathered by sportsfishermen or outfitter guides who take  
15 people out hunting for black bear, and to them it's more  
16 of a sport, they have no interest in eating this meat and  
17 so the Alaska Native Brotherhood and Sisterhood started  
18 collecting this meat and distribute it to the elders and  
19 other community members who will utilize it for food.

20  
21                   Ketchikan Indian Community also operates  
22 a hatchery that is right in the center of the community  
23 and we distribute the salmon because it's a very short  
24 creek and we make it up their way, that we distribute the  
25 salmon to the elders and for special events.

26  
27                   Because Ketchikan is isolated, it's on an  
28 island, our airport is on a different, on Gravina Island,  
29 which the Forest Service, Department of Natural Resources  
30 Mental Health and other agencies have wanted to develop.  
31 There's a Coastal Zone Management, the Ketchikan Gateway  
32 Borough handles the land on Gravina and with all the  
33 proposed timber sales in that area, that area especially  
34 Bostwick Inlet was utilized by many community members of  
35 Ketchikan for subsistence food. There's crab and salmon  
36 and many resources there, the beach asparagus. So our  
37 community members -- and there's information that I've  
38 come across that the community of Ketchikan, the members  
39 of the community as a whole only use 35 pounds of fish  
40 and game resources per year, and I know that that number  
41 is inaccurate and it's very low, so I see a need for  
42 further analysis.

43  
44                   The Tribe, we own our tribal building,  
45 which is located 2960 Tongass Avenue, and we didn't  
46 receive that land until recently when we decided to build  
47 a clinic and a medical center and other administration  
48 offices, and we got that land from the Coast Guard and  
49 that was the first piece of land that we owned. Our  
50 other tribal building is at 429 Deermount (ph), which was

1 originally owned by the Alaska Native Brotherhood and  
2 Sisterhood and we lease the land from them that our  
3 building sits on and support each other.

4  
5                   So other information, I found it kind of  
6 disturbing that Hydaburg opposes Ketchikan, that was the  
7 only letter received that I know of that opposed  
8 Ketchikan to get rural status. I guess the reason it  
9 upset me so much is originally my grandmother and  
10 grandfather were from Hydaburg and before that they were  
11 from a village, and when the Tongass National Forest was  
12 named as a Forest in 1902 and 1905, our land, their  
13 village site was taken from them so they moved the Hyda  
14 villages to Hydaburg, three Hyda villages, so the Natives  
15 could get education and health care. But I still  
16 identify with Hydaburg as the village of where my culture  
17 comes from. And that is very common. We have many  
18 tribal members in our Tribe that are from the villages on  
19 Prince of Wales Island, and I guess that's why it upsets  
20 me also, Klawock and Craig and Hydaburg, there are many  
21 tribal members in Ketchikan that have immigrated into the  
22 Ketchikan area for job and economic reasons. Ketchikan  
23 has always been an economic regional area from its  
24 inception because it's centrally located.

25  
26                   And so other information I'd like to look  
27 at, I am a Federal worker, I work seasonally for the U.S.  
28 Forest Service at the Southeast Alaska Discovery Center  
29 and I've had that job for nine seasons now. I do get a  
30 25 percent cost of living allowance because it's an  
31 isolated community as do all the Federal workers that  
32 live in Ketchikan. So Ketchikan, under many Federal  
33 programs is considered rural because it's isolated.

34  
35                   The only statistical information that  
36 I've been able to come up with is about the sea otter  
37 harvest, harbor seals and halibut. But I do want to look  
38 in this packet of information, the Alaska Community  
39 Database Community Information I've been told is the  
40 information that is used for decision-making, and as I  
41 look through this a lot of the information is inaccurate.  
42 It talks about the pulp mill and that's another  
43 consideration, the economy of Ketchikan has changed since  
44 1997. The pulp mill closed down. Was open in about  
45 1959, and that was a loss of a lot of jobs, so the  
46 economy of Ketchikan has changed so the major employment  
47 now is tourism, which stated is seasonal and the jobs are  
48 not very high paying as they were at the pulp mill. Also  
49 the loss of the Longevity Bonus Program for our elders in  
50 the community, we have a large membership of elders in

1 the Tribe and also in the community because there is a  
2 Pioneer's Home in Ketchikan.

3

4 It says 22 percent of the population is  
5 Alaska Native of the community of Ketchikan.

6

7 Under economy and transportation, it says  
8 401 area residents hold commercial fishing permits. I  
9 really believe that that number is inaccurate also. We  
10 get 800,000 visitors come in on the cruise ships to  
11 Ketchikan every year, it costs \$28 million to build one  
12 mile of road that went from the Bear Valley area over to  
13 the other end of town and that was so the community  
14 members could get from one end of the community to the  
15 other without going through downtown where the tourism  
16 industry is based. 28 million for one mile of road is  
17 pretty expensive, and that's about how you have to  
18 develop any land in Ketchikan, you have to drill or fill  
19 because it's muskeg or it's mountainside. They are  
20 opening up the Gravina Island area where they proposed to  
21 build a bridge and a vote was taken in support of that.  
22 The Tribe never took a position on that but that would  
23 have an impact because they want to build up that area.  
24 That was an important subsistence gathering area for  
25 Ketchikan.

26

27 We have sea otter taking statistics for  
28 Ketchikan, other information. The Pacific halibut in  
29 Alaska, the harvest of halibut in 2003, we have  
30 information on that.

31

32 And so that about concludes my  
33 presentation. I would just like to thank the Board and  
34 the Interagency Staff for their recommendations to  
35 analyze Ketchikan for further information, because it was  
36 never -- it's never been analyzed.

37

38 Also, looking at the testimony booklet  
39 over here, there was another 21 letters from Ketchikan  
40 residents in support of Ketchikan for rural status. A  
41 lot of them live on North or South Tongass. The  
42 waterfall area was on -- is on South -- on North Tongass,  
43 about 20 miles out of town. There's no stores or no  
44 buildup of anything. It's a rural area. So I'd like to  
45 take -- you to take that in consideration. I would also  
46 ask that the October testimony of myself and Rob  
47 Sanderson from the Regional Advisory Council, that the  
48 transcript of our testimony be entered into the record.  
49 There's also an AFN resolution that supports the  
50 communities. I'd like that to be part of our record.

1                   And other than that, Ketchikan also did  
2 submit resolutions of support for Saxman to stay rural,  
3 and also for Sitka and Kodiak. You have to realize that  
4 Southeast Alaska is all islands, and all the areas are  
5 very isolated. Any goods that you bring into the area  
6 have to be flown at very high cost, or brought in by  
7 barge. So everything is more expensive there.

8  
9                   So I'd like to thank you for your time,  
10 and I'm available for questions.

11  
12                   CHAIRMAN DEMIENTIEFF: Any questions. Go  
13 ahead, Grace.

14  
15                   MS. CROSS: When I worked for the State  
16 of Alaska, the agencies where I worked used to save money  
17 by having our employees in Ketchikan travel to Seattle to  
18 come to Anchorage, because there was substantial savings  
19 in doing that way versus going direct from Ketchikan to  
20 Anchorage. I just wanted to point that out.

21  
22                   MS. HAWKINS: Oh, yeah. Yeah, it does  
23 take at least five hours to fly up here from Ketchikan,  
24 and you include your time to get early to the airport,  
25 and then time to get to your hotel, it's an all-day  
26 process just to get here.

27  
28                   CHAIRMAN DEMIENTIEFF: Thank you. And  
29 thank you for taking the time. John.....

30  
31                   MS. GOTTLIEB: Mr. Chair.

32  
33                   CHAIRMAN DEMIENTIEFF: .....you had  
34 something, or.....

35  
36                   MS. GOTTLIEB: Sorry.

37  
38                   CHAIRMAN DEMIENTIEFF: .....go ahead.

39  
40                   MS. GOTTLIEB: Thanks for providing us  
41 with such good information. You mentioned your concern  
42 about the 35 pounds per household figure being pretty  
43 low. Is that something perhaps your group, you know,  
44 might take on to try to get some updated information?

45  
46                   MS. HAWKINS: Yeah, the tribe is willing  
47 to do that. We can look -- we have a couple grant  
48 writers, and we can work with other Federal agencies to  
49 get a self-monitoring grant or -- and we do do surveys in  
50 the community regarding housing, because we provide

1 housing for our membership. Right now we're working on  
2 building 24 housing units for the community. It's under  
3 fair housing, which means it can be utilized by anybody  
4 in the community, but it's being worked on by the tribe,  
5 Ketchikan Indian Community, and Tlingit and Haida  
6 Regional Housing Program. So that's going to benefit all  
7 of the community members.

8

9

CHAIRMAN DEMIENTIEFF: John.

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MR. LITTLEFIELD: Thank you, Mr. Chair.

Ms. Hawkins, you mentioned something about, you know, the immigration into what I consider to be a regional hub area. In other words, most of the communities that we're looking at that are above 2500 population have a regional hub status, and Ketchikan would be one of those. The immigration that's from the outlying communities, for instance, of Wrangell, Petersburg, Craig, Klawock, do you have any feel for what's done over the last 10 years, 15 years or recent years? Because I think it may have changed the character of things both out in the villages as well as in town.

MS. HAWKINS: No, I don't think I have the information to answer that, other than my personal knowledge, that I worked for the Forest Service for a couple summers interviewing elders from the various villages of Prince of Wales. I went over there and spent two weeks and interviewed folks in Hydaburg and Craig and Klawock, and also people in my community of Ketchikan that are tribal members that are originally from those communities. And I must have interviewed at least 30 people in the community of Ketchikan that are -- that were elders, and had knowledge of their villages. And the information that the Forest Service was working on, because we were gathering information on sacred sites, because as tourism and other economies continue to grow, we're trying to figure out ways to protect our village sites and sacred sites.

CHAIRMAN DEMIENTIEFF: Thank you. Any other questions or comments?

(No comments)

CHAIRMAN DEMIENTIEFF: If not, I thank you very much, and again thank you for taking that long time just to get her to help us out.

MS. HAWKINS: Okay.

1 CHAIRMAN DEMIENTIEFF: We appreciate it.  
2  
3 MS. HAWKINS: Thank you.  
4  
5 CHAIRMAN DEMIENTIEFF: I think we've gone  
6 about as far as we can go this morning. We will continue  
7 as close to 1:00 o'clock as we can for the rest of the  
8 testimony.  
9  
10 (Off record)  
11  
12 (On record)  
13  
14 CHAIRMAN DEMIENTIEFF: Okay. We'll go  
15 ahead and call the meeting back to order. If I call  
16 people and they're not here, we'll give them -- still  
17 give them a chance, because some people may be late  
18 getting back. Carrie James.  
19  
20 MR. BOYD: There she is.  
21  
22 CHAIRMAN DEMIENTIEFF: Okay.  
23  
24 MS. JAMES: Can you hear me?  
25  
26 CHAIRMAN DEMIENTIEFF: Yeah.  
27  
28 MS. JAMES: Good afternoon, Chair and  
29 Board members and RAC members. My name is Carrie James,  
30 and I am a tribal council member from Ketchikan Indian  
31 Community. I am also the grand second vice president of  
32 Alaska Native Sisterhood for Grand Camp. I am the  
33 president of Alaska Native Sisterhood, the Ketchikan  
34 Camp, and I'm a delegate for the Ketchikan Chapter for  
35 Tlingit and Haida Indian Tribes of Alaska.  
36  
37 Today I'm speaking in the capacity of a  
38 tribal member for KIC. KIC, we have been working on --  
39 we're requesting to get put on the list for further  
40 analysis, and we have six resolutions supporting this,  
41 one being from KIC. A resolution of the Tribal Council  
42 of the Ketchikan Indian Community requesting recognition  
43 of Ketchikan as a rural community for subsistence  
44 purposes, and requesting for a formal hearing on this  
45 topic, and providing for an effective date.  
46  
47 We have a resolution from the City of  
48 Ketchikan. A resolution from the Ketchikan Gateway  
49 Borough, and from the Alaska Native Brotherhood, Alaska  
50 Native Sisterhood, Camp 14. We also have a resolution

1 from Grand Camp supporting Ketchikan seeking rural  
2 status. And we have a resolution from the Ketchikan  
3 Chamber of Commerce. There were 54 original testimonial  
4 letters, but as our vice president, Merle Hawkins of our  
5 tribe said before, that there was another additional 21  
6 that they came up with of testimonials.

7  
8 I have here a position statement from  
9 Ketchikan Indian Community. Residents of the Ketchikan  
10 area must be able to continue to live the  
11 customary and traditional use of area resources by  
12 gathering, preparing, and sharing subsistence foods, and  
13 the quality of life that this provides. Many of our  
14 citizens and elders are unemployed, underemployed, or  
15 have lost their longevity or other benefits. Subsistence  
16 foods supplement their diets not only in a healthy way,  
17 but economically. Our membership must be able to  
18 continue to teach their youth cultural and customary  
19 respect and uses of natural resources.

20  
21 A majority of our tribal members and  
22 ancestors immigrated into Ketchikan from their  
23 traditional homelands or villages, and still have strong  
24 traditions of family food gathering.

25  
26 Our position and the U.S. Constitution  
27 guarantees its citizens the pursuit of happiness, food,  
28 shelter, safety. When this does not come to fruition,  
29 the citizens may alter the government to acquire these  
30 God-given rights. A good quality of life exists for our  
31 tribal members, and especially our elders when they live  
32 a life rich with traditional Native foods and/or  
33 subsistence foods which includes the gathering,  
34 preparation, and sharing with their families, exercise  
35 their inherent right to gather subsistence foods, and  
36 their subsistence foods are protected from over-  
37 harvesting, and they have priority of the resources of  
38 the area.

39  
40 The Ketchikan Indian Community contends  
41 that population should not be the criteria for the  
42 decision of rural status for the Ketchikan -- for  
43 Ketchikan. Rather it should be by customary and  
44 traditional use, which has been a way of life for the  
45 people of Ketchikan for generations.

46  
47 Ketchikan does possess significant  
48 characteristics of a rural nature as Ketchikan is  
49 dominated by extensive land uses such as forestry and by  
50 large open spaces of undeveloped land defined as rural.

1 Ketchikan is a small, isolated settlement located on an  
2 island, not accessible by land, also defined as rural.  
3 Ketchikan is recognized as a rural community under  
4 various Federal programs. Many Native and nonNative  
5 residents in Ketchikan have adopted the subsistence way  
6 of life to supplement their diet and have identical  
7 values regarding nutrition derived from fish and wildlife  
8 available to them.

9  
10 Subsistence harvest of all resources are  
11 less than five percent of the total impact, and all  
12 residents of Ketchikan have demonstrated conservation of  
13 the use of food harvested and our good stewardship of the  
14 habitat they harvested from.

15  
16 I implore the Federal Subsistence Board  
17 to continuously improve their efforts to support  
18 individuals in leading healthy lifestyles by making it a  
19 priority to have areas available for harvesting of  
20 subsistence foods. Being a part of on-going monitoring  
21 to insure desired outcome and the satisfaction of the  
22 people served and their families.

23  
24 And the Ketchikan Indian Community  
25 further requests that the Federal Subsistence Board add  
26 Ketchikan to the list of further analysis, which I  
27 appreciate was in the letter here, so that Ketchikan can  
28 be considered for redesignation from nonrural to rural.  
29 This is necessary to allow Ketchikan to demonstrate its  
30 inherent right and customary and traditional use of  
31 natural resources.

32  
33 I have here, it's from the Ketchikan  
34 Gateway Borough Economic Overview, the population in 2003  
35 was 13,548 people. Ethnicity, in 2002 the population was  
36 15.6 percent all or part Alaska Native, and 6.5 percent  
37 of the population in 2000 were below poverty level.

38  
39 The Ketchikan Gateway Borough is home to  
40 2.3 percent of the State's population, primarily  
41 Tlingits. This represents 16.6 percent of the Borough's  
42 total population, which is only slightly below the  
43 statewide average of 15.9 percent of the population.

44  
45 Regarding unemployment. Ketchikan's  
46 annual unemployment rates average 8.4 percent, which is  
47 higher than the statewide average of 7.5. The greater  
48 unemployment rates largely stem from the pulp mill  
49 closure in 1997. The Greater -- excuse me. Like the  
50 other census areas that rely heavily on the fishing

1 industry, Ketchikan had an unemployment rate of 7.6  
2 percent in 1999, the lowest level since 1991. Like the  
3 rest of Alaska, there is a large variation in monthly  
4 unemployment rates. This is due to the seasonal nature  
5 of the economy based on natural resources and tourism.

6  
7 I have here the statistics of our tribe.  
8 Currently we have 5,161 members of our tribe. 215 of  
9 those members are under five. 1,088 of those members are  
10 6 to 18 years old. 270 are between the ages of 19 and  
11 21. 855 are between the ages of 22 and 30. And 805 are  
12 the ages of -- between the ages of 31 and 40. 884  
13 members are between the ages of 41 and 50. 518 members  
14 are between the ages of 51 to 60. And 270 are between  
15 the ages of 61 to 65. And we have 169 members that are  
16 over the age of 66.

17  
18 The tribe is willing to do surveys with  
19 fish -- on the fish and wildlife, and we're asking for a  
20 public hearing in Ketchikan.

21  
22 I have one testimony that I would like to  
23 read, and this is from one of our esteemed elders, Erma  
24 Lawrence, who is 93 years old. All right. I just had it  
25 here. Excuse me a moment, please.

26  
27 CHAIRMAN DEMIENTIEFF: You can -- if you  
28 can't find it right now, you can -- we'll still allow it  
29 to be a transcript.....

30  
31 MS. JAMES: I found it.

32  
33 CHAIRMAN DEMIENTIEFF: .....and it will  
34 get recorded.

35  
36 MS. JAMES: Okay. I found the letter.

37  
38 CHAIRMAN DEMIENTIEFF: Oh, okay.

39  
40 MS. JAMES: And it says, dear Subsistence  
41 Board members, as a resident of Ketchikan, I have  
42 benefitted from gathering subsistence foods for other 70  
43 years and my family for generations. Without these foods  
44 we would get sick because of the wonderful elements in  
45 these foods. For instance, if you don't eat black  
46 seaweed, you can get goiter. There are so many medicinal  
47 qualities to our foods. That is why I believe you can  
48 ill without them. Our designation as a rural community  
49 will insure our way of life from being over-harvested or  
50 wiped out completely.

1 My grandmother owned a sockeye creek at  
2 Carta Bay. My grandfather owned a sockeye creek in  
3 Tlakas Bay, means a sheltered place. It was law that no  
4 one could use that creek without your permission. That  
5 was the way of making sure that there was no over-fishing  
6 in these areas and these creeks were well cared for.

7  
8 I depend on these foods even now at 93  
9 years old. I have to rely on other people to bring these  
10 foods to me. Young people go out to gather foods just  
11 for the elderly. There should not be a restriction on  
12 gathering for these elders who are still able. The  
13 elderly depend on these foods which keep them healthy and  
14 alive. Gathering activities have included my whole  
15 extended family, which are activities that are essential  
16 for the spiritual, emotional and well being of all  
17 people. I have also become more dependent on subsistence  
18 foods on a daily basis since the economy in Ketchikan has  
19 been on the downturn with the closing of the mill and the  
20 price of the salmon remaining at an all time low for  
21 years.

22  
23 Please preserve this way of life by  
24 correctly designating Ketchikan as a rural community.  
25 Thank you. Sincerely, Erma Lawrence, Haida leader.

26  
27 I myself, I rely on subsistence food, and  
28 I grew up that way all my life, fishing and putting up  
29 food, and I'm passing this on down to my children, too,  
30 and I just ask that you guys consider Ketchikan for  
31 further analysis, and please, we would request to have a  
32 public hearing in Ketchikan.

33  
34 And that's all I have right here to say  
35 right now.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Any  
38 questions.

39  
40 MS. GOTTLIEB: Mr. Chair.

41  
42 CHAIRMAN DEMIENTIEFF: Uh-huh.

43  
44 MS. GOTTLIEB: I've always considered  
45 places like Anchorage and Juneau and Fairbanks and  
46 Ketchikan to be nonrural back in 1980 back in 1980 when  
47 they passed ANILCA. Can you clarify for us what is it  
48 about Ketchikan that's specifically changed since 1980 so  
49 that now it should be considered rural?

50

1 MS. JAMES: Well, it started with the  
2 pulp mill closure, the low fishing prices, and there's  
3 tourism industry. There's a lot of people that come into  
4 Ketchikan that do not reside in Ketchikan. And that  
5 money does not stay in Ketchikan from the tourism  
6 industry. There's people coming in from Ketchikan from  
7 other communities that are looking for work, and these  
8 jobs are lower paying. The pulp mill used to be our main  
9 -- one of our main employers, and with that closed,  
10 Ketchikan really hurt economically. I hope that answers  
11 your question.

12  
13 MS. GOTTLIEB: Yes, thank you.

14  
15 MS. JAMES: Are there any other  
16 questions?

17  
18 CHAIRMAN DEMIENTIEFF: If not, thank you  
19 very much. And if there's things that you want to submit  
20 for the record, even though they're on the record, but I  
21 know we didn't read all of them, just give them to the  
22 recorder over there, and he'll add it to the record.

23  
24 MS. JAMES: Okay. Thank you.

25  
26 CHAIRMAN DEMIENTIEFF: I mean, you read a  
27 lot of it, so that's on the -- will be on the transcript.

28  
29 MS. JAMES: Yes.

30  
31 CHAIRMAN DEMIENTIEFF: Okay. But I think  
32 we have most of the other resolutions.

33  
34 MS. JAMES: Yes.

35  
36 CHAIRMAN DEMIENTIEFF: And as long as we  
37 have them all. Okay. Thank you very much.

38  
39 MS. JAMES: Thank you very much.

40  
41 CHAIRMAN DEMIENTIEFF: If we could out of  
42 courtesy to the testimony people, and I know people are  
43 pretty heavily dependent upon cell phones these days, but  
44 we all kind of turn them off out of courtesy, because  
45 they can be distracting, particularly when somebody's  
46 testifying. So if you can, keep them out. We've got  
47 some of the Board members there in cell phone withdrawals  
48 right now, but we do keep them off.

49  
50 The comment, the -- Bruce Jaffa has a --

1 he's got a conflict later on this afternoon, so I've  
2 taken him out of sequence so he can make sure his  
3 testimony gets in so he can get about the rest of his  
4 business.

5  
6 MR. JAFFA: Thank you, Mr. Chairman,  
7 Board Members. I appreciate your procedural tolerance  
8 for my schedule. I'm a resident of Moose Pass and have  
9 resided there since 1975. I've been a resident of the  
10 State since '7 -- well, off and on resident since '71,  
11 coming to Southeast. I've been in all parts of the  
12 State. I've hunted, fished, shared food, enjoyed the  
13 beauty and bounty of our State.

14  
15 I've got a fairly simple task here,  
16 because what we're asking in Moose Pass is for the set  
17 aside of the current condition, and to be removed from  
18 the Seward area for review so that the Moose Pass area  
19 can be further analyzed. We believe that the analysis,  
20 the methodology that was used originally was somewhat in  
21 error. It needed to have a more pointed focus on the  
22 makeup of the Moose Pass community.

23  
24 Moose Pass is one of the oldest  
25 communities on the Peninsula. It has the history of  
26 consumptive use in fish and large game. Many of us who  
27 live there have come there by choice, and part of that  
28 choice was because of the availability of subsistence  
29 type foods. Berry picking. We do -- we use the whole  
30 area.

31  
32 I moved from Cooper Landing in 1980 when  
33 Cooper Landing was designated as a nonrural -- or as a  
34 rural area. We moved 12 miles away to a house that my  
35 wife and I built, and somehow we moved from the country  
36 to the city. It doesn't quite make sense. We actually  
37 moved to a smaller area, more remote. Our proximity to  
38 the highway is no different. We still have a major  
39 highway running by our house, the Seward Highway. We  
40 come to Anchorage for supplies. We used to drive a big  
41 SUV to get supplies for our kids when we could, but fish  
42 and game was always an important and vital part of our  
43 diet, as well as the experience that we were able to  
44 share with our friends and families.

45  
46 Today, we're -- actually I'm becoming one  
47 of the older members in the community. And a lot of  
48 people are now contributing to our well-being with local  
49 fish and game. We have always tried to share in the  
50 burdens of the community and the benefits of the

1 community with all of our neighbors. We are now becoming  
2 the recipients.

3  
4 So it's very important to us that the  
5 subsistence classification of the area be maintained to  
6 allow our personal uses of those resources that are  
7 available to us. We don't travel outside the community.  
8 This is not big game hunting. And I'm not trying to  
9 define what subsistence is, but we are in fact using our  
10 local resources for local needs. And I believe that's  
11 the basis of what subsistence is about.

12  
13 We have a close tie with the U.S. Forest  
14 Service which surrounds our community, and in fact our  
15 designation a rural or nonrural, subsistence or  
16 nonsubsistence is critical to our relations with the  
17 Forest Service. The forest permits by their regulations  
18 certain activities to happen on their properties for  
19 subsistence use, and without that designation, we as  
20 residents of the forest are denied certain opportunities.

21  
22 Part of your designations -- or  
23 methodology is to anticipate or to review how and where  
24 people use the highways the schools, public  
25 transportation, where they work. The Moose Pass  
26 community has been very active in community activities  
27 for a long, long time, and as a community gets together,  
28 participates very strongly. Our voting record is in the  
29 80 percent. Our community activities, which are all  
30 voluntary, are well supported.

31  
32 The -- there was a letter in March of 19  
33 -- March of 2005 that was sent to your -- to the Board  
34 with 40 signatures on it. I know that's incomplete,  
35 because I'm not on it. And I think there were a lot of  
36 other people who weren't on it that would support this  
37 role, support the set aside of your evaluation for  
38 further consideration.

39  
40 Our three children did go to Seward High  
41 School, because the Kenai Peninsula is the taxing  
42 organization that the State has set up and basically  
43 distributes the money for public education, but in fact  
44 many people today are educating -- we have a one through  
45 eight school, but beyond that, many of our parents are  
46 now educating their children at home, because they do not  
47 want to send their kids into Seward.

48  
49 There's a clear separation between Seward  
50 and Moose Pass. They are not one community. They're not

1 tied together. There has been resistance at times when  
2 the Seward community has tried to expand like all  
3 communities tend to want to do, and I believe it is  
4 separate now and forever will be.

5  
6 So considering the two communities tied  
7 together for school purposes or job purposes is  
8 inaccurate. Our actual ties are more to Anchorage than  
9 they are to Seward. And, for instance, this morning it  
10 took us an hour and a half to get to town. There are  
11 many communities that you can get on plane, even rural  
12 communities, and be into town in an hour. So we're no  
13 more tied to a city than Tyonek or Bethel.

14  
15 As I said, I think I have a simple task.  
16 I'm just asking for your separation for Moose Pass. And  
17 I speak for the community. The president of our local  
18 community wasn't able to come today, but as a past  
19 president of that organization, he's asked me to speak  
20 for him. And we have other community that would like to  
21 be here, but duty calls. I think I was selected.

22  
23 I'd be available for any questions.  
24 Otherwise I appreciate your time.

25  
26 CHAIRMAN DEMIENTIEFF: Questions? Go  
27 ahead, Gary.

28  
29 MR. EDWARDS: Yes, as far as employment  
30 there in Moose Pass, you know, I don't know what  
31 percentage of the population, you know, works on a daily  
32 basis, but where does most of the employment occur?

33  
34 MR. JAFFA: Well, at one time -- well,  
35 we've been there for 30 years, and I think it's certainly  
36 changed in those 30 years. I've worked myself, I'm not  
37 the typical Moose Passer possibly, but I work statewide.  
38 I've worked in construction. I've been in most of the  
39 small dots on the map, coming back to Moose Pass. So I'm  
40 no more a Sewardite than an Anchorite than a Barrowite.

41  
42 Most of the people probably either work  
43 for transportation in the Highway Department, Alaska  
44 Railroad. We have a couple stores, a couple -- a  
45 restaurant, government jobs. We have many people who  
46 work for the Forest Service. And, in fact, they are --  
47 the Forest Service is building their office, or renewing  
48 their office in Moose Pass area at their facility on  
49 Kenai Lake so that those people that work for the Forest  
50 Service can actually work in the community in Moose Pass.

1 They do commute to Seward currently. I would guess that  
2 to be about 12 people. So by next year those people will  
3 return to where their actual work in the forest. The  
4 rest of the community are either contract people that  
5 work for themself -- we have several cabinet builders,  
6 some artists, quite a few artists actually. There's some  
7 summertime employment, tourism based, and, of course,  
8 construction workers that travel with their work. I  
9 think that -- I'd say 25 to 30 percent probably have a  
10 job in Seward of some sort and the balance elsewhere.

11  
12 CHAIRMAN DEMIENTIEFF: Judy, did you have  
13 something?  
14

15 MS. GOTTLIEB: Yes, thanks. I was partly  
16 going to ask about Seward also, but also what kinds of  
17 fish and wildlife that your community does use say from  
18 the forest area?  
19

20 MR. JAFFA: Well, we have -- we've been  
21 blessed by having all the game, almost all the game  
22 that's available in the state, and I think that certainly  
23 moose is the primary meat for the larder, and hence the  
24 name Moose Pass. But we also get quite a bit of fish out  
25 of the Kenai Lake, Trail River, Trail Lake. There are --  
26 of course, Seward beckons, the harbor of Seward, and I  
27 don't think any of us can stay away from the silvers.  
28 But primarily in the upland country it's moose. And  
29 berries. Yeah.

30  
31 CHAIRMAN DEMIENTIEFF: Any other  
32 questions?  
33

34 (No comments)

35  
36 CHAIRMAN DEMIENTIEFF: Well, thank you  
37 very much for your testimony.

38  
39 MR. JAFFA: Thank you.

40  
41 CHAIRMAN DEMIENTIEFF: And I felt we used  
42 to tease people in Anchorage here, they're only an hour  
43 away from Alaska.

44  
45 MR. JAFFA: You've got that right.

46  
47 CHAIRMAN DEMIENTIEFF: Matt Kookesh.

48  
49 MR. KOOKESH: Good afternoon. I had a  
50 couple of resolutions, Mitch, that I'd like to turn in to

1 -- are you listening? All right.

2

3 I represent Southeast Alaska Intertribal  
4 Fish and Wildlife Commission, and I also sit on the  
5 Alaska Native Halibut Working Group. And yesterday we  
6 adopted three resolutions through the Halibut Working  
7 Group that I'd like to just turn in.

8

9 But I'd like to just briefly -- just read  
10 the resolution just real briefly. I'm not going to read  
11 it all, but basically we're just supporting Saxman,  
12 Kodiak and Sitka to be rural communities. So I'll turn  
13 that in before I leave.

14

15 Mr. Chairman, Federal Subsistence Board.  
16 Thank you for giving us this opportunity to testify on  
17 this very important issue. As I mentioned, I'm from  
18 Southeast. I live both in Angoon and in Juneau. I'm an  
19 advocate for tribes and rural communities that depend on  
20 subsistence and commercial resources.

21

22 As you remember, most of you remember,  
23 the criteria for rural determination, it's over 20 years  
24 old, and I think it needs to be changed. And you guys  
25 are the ones that should change it. And as you also  
26 remember, under ANCSA, we were promised under ANILCA that  
27 you would protect our subsistence forever. And as we're  
28 going down this road of rural determination, I see a  
29 threat to our Native communities, especially our tribes.

30

31

32 And I think one of the biggest drawbacks  
33 when you guys adopted the State's subsistence program is  
34 that you adopted everything. You adopted the whole  
35 problems along with it. Rural determination is one of  
36 them. The existing regulations were the other ones. And  
37 I thank you guys for changing some of the regulations as  
38 -- because a lot of the regulations still do not reflect  
39 our way of life. A case in point in Southeast is the  
40 deer. I've got six deer right now, and I'm going to get  
41 probably another six more before the year's over, so I'm  
42 going to be breaking the law here, because it's not  
43 reflecting my harvest methods.

44

45 The rural determination when you guys  
46 adopted it brought communities such as Petersburg kicking  
47 and screaming to the table. I remember that. So by  
48 using the State's standard for rural, you're going to be  
49 constantly bringing communities into this program. And  
50 once they get into it, then they don't want to leave.

1 But some of these rural communities are impacting the  
2 resources, especially around Prince of Wales and around  
3 Juneau.

4  
5 I just got a call from Hoonah before I  
6 left. You know, there's a lot of people going over there  
7 to hunt. And it's okay to go over there to hunt in  
8 another person's back yard and get six deer. That's  
9 okay. That's all right. But when you take three, four  
10 proxies, state proxies with you, you're walking away with  
11 20-something deer. And it really bothers the communities  
12 when that happens.

13  
14 I think this 10-year cycle is a bad thing  
15 for tribes. I think it's -- the criteria of 2500 people,  
16 7,000, road connected. I think those are totally  
17 irrelevant. One of the things I would like you to do is  
18 consider adding tribes to the criteria so we don't have  
19 to go through this process every 10 years.

20  
21 I have a -- feel like I have a  
22 responsibility to tribes, and so do you. You have the  
23 trust responsibility though. No matter what you call  
24 rural or urban, a tribal entity within an urban area has  
25 rural characteristics. They're high harvesters. They  
26 have harvest methods that are different than a nonNative  
27 community. And I just mentioned one of them. Some of  
28 the guys that hunt deer that have gone from Angoon or  
29 come from Hoonah have the same practices I do, even  
30 though they're living in Juneau.

31  
32 The other characteristics that a tribe  
33 has that should be considered rural is that they do what  
34 it says in ANILCA, the most economical and feasible way  
35 to harvest, that's how they harvest, and that's why we do  
36 things different. So most of our urban Native people or  
37 tribal members violate State regulations.

38  
39 But because they're road connected or  
40 live by a population of 2500 is -- to me it's just not  
41 responsible to the tribes. It's time to have pockets of  
42 rural within urban settings, meaning tribes. So no  
43 matter what action you take to cover ANILCA intentions,  
44 we all remember it as still a Native legislation. That  
45 was the intent of it. It's time to adopt Federal  
46 standards in order to protect our Native people, our  
47 tribes.

48  
49 This new rural determination should fall  
50 under tribal consultation and not meetings like this.

1 I've had to come a long way just to come to testify to  
2 this meeting. I'd just ask you guys to use your tribal  
3 consultation, follow the executive orders. Sit down with  
4 these tribes. Protect them. Exercise your trust  
5 responsibility, because we gave up a lot under ANCSA  
6 thinking things would happen under ANILCA, and here we  
7 are like a knee jerk.

8

9 Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Any questions.

12

13 MR. EDWARDS: Yeah.

14

15 CHAIRMAN DEMIENTIEFF: Gary.

16

17 MR. EDWARDS: I guess I would just kind  
18 of like to -- maybe you could elaborate a little bit  
19 more. I mean, given the language in ANILCA, how would  
20 you suggest we do what you're suggesting?

21

22 MR. KOOKESH: Well, you guys know best  
23 how to change Federal law. I mean, I would just put -- I  
24 mean, if you're going to put 2500 people in the rural  
25 determination, why couldn't you put tribes in there,  
26 urban tribes. That's all I'm suggesting.

27

28 CHAIRMAN DEMIENTIEFF: Through the years  
29 there's been very many things that the Board wanted to  
30 consider or was brought to us. And I made this statement  
31 before, and it's just the way it is. We don't get to  
32 make the laws. Our job is to implement them. That's a  
33 totally different arena, and that's the job that we do.  
34 So I'm just letting you know that we don't get to change  
35 the laws. You won't see any of this Board lobbying in  
36 front of Congress or anything like that.

37

38 MR. KOOKESH: Right.

39

40 CHAIRMAN DEMIENTIEFF: It just -- that  
41 just doesn't happen. We just have to implement what we  
42 get.

43

44 MR. KOOKESH: Well, I almost didn't come  
45 up here to do this testimony because of what you just  
46 said, but it has to be said.

47

48 CHAIRMAN DEMIENTIEFF: Yes, and I thank  
49 you very much for taking the time.....

50

1 MR. KOOKESH: All right.

2

3 CHAIRMAN DEMIENTIEFF: .....because I  
4 know the effort that it takes to get here to this arena.  
5 I quite frankly have to do the same thing. It's five  
6 hours no matter whether I drive on a good road or fly by  
7 the time I get to Anchorage -- I mean Fairbanks. And  
8 it's just six of one and half a dozen of another. So I  
9 know the effort that it takes to get here, and I've been  
10 hearing it in other people's testimony as well. So we  
11 really appreciate you taking the time and the effort.

12

13 Mary, did you have something for us?

14

15 MS. GREGORY: Yeah, I just want to be on  
16 record for supporting this gentleman, because any law can  
17 be changed. There's no such thing as can't. And in the  
18 United States of America, where all the opportunities are  
19 plenty, we -- you sure can change the law. You can make  
20 recommendations just like our Regional Councils can make  
21 recommendations to you to make your job better. I  
22 appreciate what this man's testimony. And I'm in support  
23 of it. And I want to be known, put on the record as a  
24 person who supports it. And it should be people-wise,  
25 not number-wise to make the determination.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you.

30

31 MR. LITTLEFIELD: Mitch.

32

33 CHAIRMAN DEMIENTIEFF: Yes.

34

35 MR. LITTLEFIELD: Matt, I just wanted to  
36 make a clarification. You got a telephone call from  
37 Hoonah about folks coming over there. I hope it wasn't  
38 my brother Kermit, but was over there, but his wife's a  
39 shareholder, so I just wanted to clarify that.

40

41 MR. KOOKESH: It wasn't.

42

43 CHAIRMAN DEMIENTIEFF: Okay. Thank you

44 very much.

45

46 MR. KOOKESH: Thank you.

47

48 CHAIRMAN DEMIENTIEFF: Thank you again.

49 Okay. Mayor Marko Dapcevich. Hope I didn't abuse your  
50 name. Mine gets abused all the time.

1 MR. DAPCEVICH: No, you didn't, Mr.  
2 Chairman. Thank you. I'm going to pass this around.  
3 It's an over-sized picture, but all I've got is my  
4 laptop, so I wanted you to take a look while I'm talking  
5 here.

6  
7 My name is Marko Dapcevich as you so  
8 eloquently said. And I'm the mayor of Sitka. I was born  
9 in Sitka in 1969, and have been a resident ever since.  
10 I've been on the City Council for the last five years,  
11 and I just was elected mayor this last year. My family  
12 moved to Alaska in 1928, and my father, John Dapcevich,  
13 who I'm sure many of you know, moved to Sitka in the 60s,  
14 and he was mayor there himself for 12 years.

15  
16 I always come to these things with a  
17 presentation, and I listen to the testimony in front of  
18 me, and you almost just want to throw it away. And I  
19 heard the mayor of Saxman today testifying, and the first  
20 thought that went through my mind was, wow, Saxman has to  
21 fight this battle, and we're a lot bigger than Saxman.

22  
23 And then it occurs that basically the  
24 theme of what I was going to talk about today was  
25 perspective. And what you're looking at on that picture  
26 is our state highway. And that's just under seven miles  
27 from downtown Sitka. And what you'll see there is you'll  
28 see my car and you'll see a sign that says, the end, and  
29 you'll see a bunch of trees beyond it, because that's as  
30 far as you can drive. And so it's perspective. Saxman  
31 at least can commute to Ketchikan. We, on the other  
32 hand, can go that far. And so the thing is, is that  
33 you're going to hear a lot about numbers and population  
34 and unemployment, and you're even going to hear some of  
35 it from me, but that's not what this is all about.

36  
37 So I want to ask you guys a question  
38 right now and give you the next 45 minutes while I speak,  
39 just kidding, to answer it. And that question is, what  
40 is the largest city in America.

41  
42 And with that I'm going to go on to why  
43 I'm here today and why this is so important, because this  
44 rural subsistence lifestyle is the lifestyle of myself,  
45 my family, my friends, and my community. And that's why  
46 it's also important to Sitka. I came almost 1,000 miles  
47 today on my day off, which I get one a week, to talk to  
48 you guys today. That's how important it is to me.  
49 Excuse me.

50

1 I'm going to start my presentation today  
2 with what our government relations director prepared for  
3 me to say, which I submitted first thing this morning for  
4 the record, and I'm not going to read the whole thing.  
5 I'm just going to summarize some of the points that she  
6 made, and then I'm going to talk about what I'd really  
7 like to talk about. I find it mostly pretty boring, but  
8 it is important in the consideration of this matter, so  
9 I'm just going to read right through it real quick. Or  
10 not so quick.

11  
12 In 1980 Sitka's population was 7,803,  
13 above the 7,000 threshold when ANILCA was passed. At  
14 that time, Sitka was not identified as urban. Twenty-  
15 four years later Sitka's population has increased by less  
16 than 1,000 to 8,805 in 2004. In the 1990 census, at  
17 8,588, and the 2000 census at 8,835, there was an  
18 increase of 247, or .28 percent per year. Between the  
19 2000 census and the 2004 census, Sitka population has  
20 dropped to 8,805. Since 1990 and 2004, the population  
21 has only increased .18 percent per year. The population  
22 number in Sitka are flat or declining and dropped between  
23 2003 and 2004 by over one full percent, 92 people.

24  
25 Over the last 10 years, '94 to '03,  
26 Sitka's average birth rate was 127 per year, the average  
27 death rate is 50. The population has increased by an  
28 average number of 15 per year, not the 77 the birth/death  
29 ratio would suggest. If you do the math, that's 52  
30 people per year packing their things and leaving Sitka.

31  
32 With 4,710 square miles, each of Sitka's  
33 8,805 residents could occupy over one-half square mile.

34  
35 Bet's '94 report states, and don't ask me  
36 what this report is, quote, Sitka's a community of  
37 diverse origins with several subgroups using resources in  
38 a variety of ways. Tlingit culture has traditionally  
39 been defined largely by it's relationship to the  
40 environment. For many nonNatives in Sitka, resource  
41 harvesting is a crucial element in the adaptation of life  
42 to Alaska. The vast majority of Sitkans have appreciated  
43 in resource gathering use throughout Sitka's history,  
44 unquote.

45  
46 Sitka's extensive use of fish and  
47 wildlife has been well documented over many years. The  
48 details stated by Division of Subsistence of the  
49 Department of Fish and Game entitled subsistence harvest  
50 and use of salmon and selected nonsalmon species, Sitka,

1 dated July 2002 is included with Sitka's comments, which  
2 you all have, and you also have a resolution from the  
3 City and Borough of Sitka, and several letters from the  
4 city administrator.

5  
6 Sitka has continued to experience  
7 economic decline since the loss of its largest employer,  
8 Alaska Pulp Corporation, in 1993. That was 400 jobs,  
9 mine being one of them. Wage and salary employment  
10 averaged 4,278 jobs in '04 compared to 4,358 jobs in '03.  
11 Sitka's increased unemployment rate of 6.6 percent marks  
12 the third consecutive year of increase.

13  
14 Sitka's access to transportation is very  
15 limited. There is virtually no road system beyond the 14  
16 miles of road that run north to south from town. The  
17 Alaska Marine Highway System barely serves Sitka with  
18 less than one-third of the service provided to the rest  
19 of the mainland ports in Southeast Alaska. There is  
20 limited jet service, but it is costly. The only other  
21 commercial transportation service to the rest of the  
22 world is by barge, but it has become more erratic over  
23 the last few years.

24  
25 As these trends continue, subsistence  
26 will become increasingly more important to Sitkans.

27  
28 I would like to thank the Southeast  
29 Alaska Regional Subsistence Council for its  
30 recommendation that Sitka be removed from the list of  
31 communities to receive further determination in the rural  
32 determination process.

33  
34 And as I said before those were the  
35 statements -- or a summation of the statements the  
36 government relations director prepared for me today, and  
37 it's all stuff that you've heard before, and I'm sure  
38 you're going to hear it again. It's just numbers to me.

39  
40 But that's not the reason why I came all  
41 the way up here on my day off. I came here to tell you  
42 about Sitka and how we are a rural community. Rural is  
43 not just a number, just like Sitka's not like anywhere  
44 else in the world. Rural is an adjective. It's a  
45 location. It's in proximity to. It's an attitude. It's  
46 a way of life. It's isolation. It's small. It's not  
47 being a city. It's being in the boondocks. There is a  
48 reason Sitka is often referred to as the rock, or  
49 Sitkatras (ph) by the kids that live there. Rural is  
50 subjective, and rural is a matter of opinion.

1                   But right now it's your opinion that  
2 counts, and that's why I'm here. But your opinion should  
3 reflect common perception or the opinion that people who  
4 live in that community or the people that come to visit  
5 that community. If I were to ask you all today how big  
6 Seattle is, what would your answer be? A million? Maybe  
7 2 million. I'm guessing that's what it would be, because  
8 that's what has been the answer that I've been getting  
9 from everybody else that I ask. But the truth is, is the  
10 population of Seattle is just over 500,000, but the  
11 perception of Seattle, what you see when you fly in, or  
12 when you're there, the outlying areas, the traffic, the  
13 malls, the department stores, is much different. It's a  
14 much larger place. And such is the difference between  
15 rural and urban.

16  
17                   We don't have a Wal-Mart in Sitka. We  
18 don't have a department store in Sitka. We don't have a  
19 7-11. We have two and a half grocery stores. You hear  
20 earlier today two, but one of them is kind of like a  
21 little mini market. We have one fuel supplier. The  
22 white pages in our phone book has less than 25 pages. We  
23 have two coffee shops. And we don't have a new car  
24 dealership in Sitka. We have one pharmacy. We have one  
25 business supply store. The high school kids ride the bus  
26 with the junior high school kids in Sitka. We have one  
27 computer store. If you need a part for your car or your  
28 plumbing breaks after six or on a Sunday, you're just out  
29 of luck until the next day. This is just a way of life  
30 in a rural community, and this is Sitka.

31  
32                   As you know, I'm the mayor of Sitka, and  
33 seldom do I get a chance to speak on behalf of my  
34 community and its residents, and speak for such a large  
35 majority, if not all of them. Today is the only day of  
36 my political career when I will not offend one person in  
37 Sitka by what I say.

38  
39                   The opinion in Sitka to meet rural  
40 designation has superseded any consensus I've ever seen  
41 in my town. The Assembly unanimously supported this. We  
42 have a very diverse assembly representing a very diverse  
43 community, and unanimous votes are rare, and so such  
44 unity in our town.

45  
46                   Among other organizations that have  
47 supported this in Sitka is Sitka Tribe of Alaska, Alaska  
48 Native Brotherhood, Alaska Native Sisterhood, Shiataka  
49 (ph) Corporation, the fish and game advisory board, and  
50 the Southeast Alaska Regional Advisory Council. It's not

1 a controversial issue, and all of Sitka is behind this.

2

3 Sitka is a rural town, and when people  
4 come to Sitka, they use words like small, little,  
5 isolated, quaint, village, community, and, yes, even  
6 rural to describe our town. They don't call Sitka a  
7 city, and neither do the people that live there.

8

9 Subsistence in our community is  
10 important. Many people feed their families on deer and  
11 fish all year long. I've been one of these families.  
12 When things were tough, we could not afford to go to the  
13 grocery store and buy our meat. We lived on subsistence.  
14 This summer we went out on my boat with three friends and  
15 set a subsistence set. This year my subsistence harvest  
16 helped feed three families. As I said earlier, being  
17 rural is not a number.

18

19 People describe things in degrees. For  
20 example, if we put our hand in a bowl of water, we might  
21 describe it as cold, warm or hot. It's basically degrees  
22 that are relative to our perception. It might be a  
23 little different for every person, but as a rule, it can  
24 be described to the majority of others.

25

26 The Census Bureau describes an urban area  
27 as over 1,000 people per square mile. A rural cluster is  
28 500 to 1,000 people per square mile. And the Census  
29 Bureau also says in addition, under certain conditions,  
30 less densely settled territory may be part of each urban  
31 area or urban cluster. The Census Bureau classification  
32 of rural consists of all territory, population and  
33 housing units located outside of urban areas and urban  
34 clusters. The rural component contains both places and  
35 nonplaced territories. Geographical entities such as  
36 census tracts, counties, metropolitan areas and territory  
37 outside of metropolitan are often split between urban and  
38 rural territory, and the population and housing units  
39 they contain often are partly classified as urban and  
40 partly classified as rural. And the best I get out of  
41 that is it's pretty much no set definition of what rural  
42 means. And Sitka has less than two people per square  
43 mile.

44

45 So I hope you can see the analogy to the  
46 bowl of water. We're not even close to being close to  
47 being warm on the scale, let alone hot. We're an ice  
48 cube. We're right down there at the bottom. Two people,  
49 500, 1000. It's a pretty steep curve.

50

1 I want to thank you for your time and  
2 consideration in this matter, and I'd like to ask you in  
3 your deliberations to consider what rural really means.  
4 What rural really means to the people who live that  
5 lifestyle and to the people who need that lifestyle, the  
6 people who live in Sitka. And the perception of what who  
7 come to Sitka see. It is a small town that lives an  
8 outdoor lifestyle and feeds themselves on fish and game  
9 that surrounds them. A town that lives in isolation with  
10 no road system to connect us to the outside world. A  
11 community with expensive and isolated transportation. A  
12 community that relies solely on barges and air freight  
13 for the transportation of goods. A town that any  
14 reasonable person looks at and says, what a nice little  
15 rural community, because that's what it is.

16  
17 As the mayor of Sitka and a lifelong  
18 resident, living a rural lifestyle in Sitka, I ask you to  
19 please remove us from that list.

20  
21 And I'd like to share a story with you  
22 real quick, too. And you're probably thinking at this  
23 point, he really hasn't been real quick about anything.  
24 Sitting in the airport on my way up here, a gal came up  
25 to me and asked me where I was going, and I told her I  
26 was going up to Anchorage to testify before you fine  
27 folks. And she used to be my neighbor in the trailer  
28 court. And she says, you know, basically, well, if we're  
29 not rural any more, it's not going to hurt us any. And I  
30 said, well, this isn't about being rural. It's about  
31 subsistence really. And she said, well, I'll still be  
32 able to go to Redoubt and get my sockeye, won't I? And I  
33 said, not necessarily. And she says, well, how about my  
34 halibut, and I said, no, probably not. And she said,  
35 wow, this is a really big deal. And this is a gal that  
36 I've known for quite a few years, and she goes out and  
37 she feeds herself all year long from her little 15-foot  
38 aluminum skiff on halibut from the Sound and sockeye from  
39 Redoubt. And I could probably talk to 100 people and  
40 give you 90 similar things. But this is basically what  
41 it's about.

42  
43 And finally, I'd respectfully request  
44 that if you cannot see to removing Sitka from that list,  
45 to please schedule hearings in Sitka, so that you can  
46 come and hear first hand what the people think about  
47 their rural designation. So thanks for hearing us out,  
48 and good luck in your deliberations.

49  
50 So, the question, anybody got any

1 answers? The largest city in America?  
2  
3 UNIDENTIFIED VOICE: (Indiscernible, away  
4 from microphone)  
5  
6 MR. DAPCEVICH: Anybody else want to  
7 guess that?  
8  
9 UNIDENTIFIED VOICE: L.A.  
10  
11 MR. DAPCEVICH: L.A.? And that's the  
12 point of what I'm talking about right there. I'm the  
13 mayor of the largest city in America, but I'm talking  
14 about area. I'm talking about the land that we live on.  
15 Most people think about the amount of people that live  
16 there. And that's the difference between a rural and  
17 urban. So thank you again for your time.  
18  
19 UNIDENTIFIED VOICE: (Indiscernible, away  
20 from microphone)  
21  
22 MR. DAPCEVICH: You got it? I'll buy you  
23 a cup of coffee if that's not against the law. Or maybe  
24 the person that guessed L.A. can buy it.  
25  
26 CHAIRMAN DEMIENTIEFF: Well, they brought  
27 us fish. You won't have any trouble getting me to go to  
28 Sitka as I've told you before. I've always had real  
29 close connections with Sitka, and my daughter graduated  
30 from Sheldon Jackson. I've had kids go to Edgcombe that  
31 I've gone to visit. You wouldn't have to twist my arm to  
32 get me to go there, I'll guarantee you that.  
33  
34 Thank you.  
35  
36 MR. DAPCEVICH: Okay. Thank you.  
37  
38 MS. GOTTLIEB: Mr. Chair.  
39  
40 CHAIRMAN DEMIENTIEFF: Oh, go ahead.  
41  
42 MS. GOTTLIEB: Thank you for your really  
43 thorough testimony. And I know you mentioned the  
44 closures of the mill and how that affected the community  
45 deeply. I wondered though if you could talk a little bit  
46 about how the cruise ship industry has now affected the  
47 community, or has recently affected the community?  
48  
49 MR. DAPCEVICH: Okay. At this point, I'd  
50 like to separate myself. I'm up here speaking on behalf

1 of the City and Borough of Sitka, which at this point  
2 I've just concluded. Now I'll give you my personal  
3 perception on that.

4  
5 As I stated, I was one of the people that  
6 lost my job at the mill. The last year I worked out  
7 there, I made \$50,000. That was in '93. I think last  
8 year was the first year I broke that mark again on just  
9 one job.

10  
11 The cruise ship industry has brought a  
12 lot of money into Sitka since that time. It's an  
13 industry that has grown, and many would argue that it's a  
14 good industry, and it is. But what it's done to our  
15 economy hasn't necessarily been as positive an impact as  
16 what it might reflect. For example, we've seen a lot of  
17 our businesses change into different businesses. So in  
18 other words you're less likely to be able to go buy a  
19 dress for your wife, because all they're selling now are  
20 totem poles and tee shirts that say Sitka, Alaska, which  
21 makes you even more dependent on the outside world. A  
22 lot of those stores obviously are low-paying jobs, and a  
23 lot of those stores now that used to be open all year  
24 long are closed in the wintertime, which makes those jobs  
25 seasonal.

26  
27 So, yeah, I would say that probably the  
28 best thing that the cruise ship industry does for Sitka  
29 is generates a lot of our sales tax, and it does create  
30 seasonal jobs which are good for a lot of the college  
31 kids that come back, but the majority of the better  
32 seasonal jobs are probably in the fishing industry,  
33 either on a boat or working in the fish plants.

34  
35 CHAIRMAN DEMIENTIEFF: John.

36  
37 MR. LITTLEFIELD: Thank you, Mr.  
38 Chairman. You have to go back into your mayor mode here  
39 for these questions.

40  
41 MR. DAPCEVICH: Okay.

42  
43 MR. LITTLEFIELD: Earlier Dr. Kessler had  
44 asked a question of what's changed because Ketchikan was  
45 listed in the legislative history as an example of an  
46 urban area. I'm going to make that question to you is,  
47 Sitka was not mentioned as an example of an urban area in  
48 1980. What's changed that would make it be considered an  
49 urban area?

50

1 MR. DAPCEVICH: Is this a trick question?  
2 Because I don't have an answer.

3  
4 MR. LITTLEFIELD: No, I just wanted --  
5 what I'm trying to do is, Dr. Kessler asked that question  
6 of the Ketchikan people, because they're being -- they're  
7 asking to get on the list to be considered. And so  
8 conversely I'm saying, is there anything that in your  
9 mind or that you think that has changed since 1980 that  
10 would make us become more urban? In other words, because  
11 that's what we're talking about. What's changed since  
12 1980, 1990. So if you could kind of summarize what big  
13 changes, or none if you see them.

14  
15 MR. DAPCEVICH: You know, I mean, trying  
16 to make that argument is pretty tough, but I would say  
17 that the one significant change that I've seen in Sitka  
18 is, aside from, you know, economics and all that, I mean,  
19 there's more people working to make less money. I don't  
20 know if that's good or bad. There's -- I guess people  
21 tend to dress a little better, because we've gone from a  
22 blue collar economy to a service economy. You know, but  
23 really Sitka is still Sitka. It hasn't changed much.  
24 There's been some challenges in our economy and the work  
25 force and that kind of thing, but I really couldn't make  
26 a justification for us being urban. Sorry.

27  
28 CHAIRMAN DEMIENTIEFF: Anybody else?

29  
30 (No comments)

31  
32 CHAIRMAN DEMIENTIEFF: Thank you once  
33 again.

34  
35 MR. DAPCEVICH: Okay. Thank you.

36  
37 CHAIRMAN DEMIENTIEFF: Franklin James.

38  
39 MR. JAMES: Thank you, Mr. Chairman, and  
40 Federal Subsistence Board members. Yes, my name is -- my  
41 Tlingit name, first given name is Ankhe (ph), which means  
42 town by myself. I'm representing Cape Fox Corporation.

43  
44 And it may -- Mr. Chairman, it may seem  
45 like I'm drifting a little away from the rural and  
46 nonrural and subsistence, but when I come back, you'll  
47 see the ties that I have to it.

48  
49 You know, I have been a skipper for over  
50 40 years, fishing all the way up from Togiak, Aleutian

1 Islands, all the way down to Seattle. And when I fished,  
2 I was the best. And I, for no reason or whatever, lost  
3 my market, you know, got stuck with all my gear. So when  
4 I come down to this area, you're going to see my ties  
5 that I have.

6  
7                   The earlier people that gave their  
8 testimony, I truly support Lee Wallace, president from  
9 Saxman, Mayor Joe Williams from Saxman, John Reft from  
10 Kodiak, Kookesh from Angoon.

11  
12                   You know, like I say, I'm going to drift  
13 a little way for a while, and then come back, but you'll  
14 see the ties.

15  
16                   About 14 years ago I wrote a letter to at  
17 that time Senator Murkowski, who's your governor today,  
18 expressing to him what's going to happen down the line.  
19 I told him within the next 10 years to 15 years you're  
20 going to see the Natives weeded out of all phases in the  
21 fisheries. And the government of Alaska only caters to  
22 the rich. Processors and resorts will get IFQs. Natives  
23 will lose all their markets, eventually have to quit.  
24 After they weed out the Natives, I expressed to our  
25 governor, they'll take off the limits on the 58-foot  
26 boats, and any size. Now, I'd like to have one of those  
27 big boats. I would have plugged it, because my average  
28 year was around 350,000 to 450,000 a season. It was  
29 nothing to get 1.2 or 1.3 million pounds of fish. The  
30 Senator said, no way, that will never happen. I'd really  
31 like to know today, you look at what's happening today to  
32 see if I was right or wrong on that letter I wrote to the  
33 Senator.

34  
35                   And I'm going to skip a little bit.  
36 ANILCA. Twenty-five years ago -- 25 years later.  
37 Twenty-five years ago this month President Jimmy Carter  
38 signed an act that placed almost one-third of Alaska land  
39 area in Federal parks, refuge and the like, laying out  
40 our controversial new past for the next tune (ph) if a  
41 state. The day Carter signed that law is a day that will  
42 live in infamy said mining law attorney J.P. Tangden of  
43 Anchorage, who was in the thick of Washington lobbying  
44 against the law. It's all true. I'll wear a black arm  
45 band he said today. I also wear all black.

46  
47                   When you're wearing the black, you're  
48 going in mourning. That man that came to Alaska, we did  
49 not invite him or anybody else like him. Do you think  
50 he's wearing mourning just because he's wearing a simple

1 black band? Look what happened to us. When I was  
2 growing up as a kid, you'd never see us eat wieners,  
3 hamburger steaks from beef, rib steaks, roasts, pork  
4 chops, no. We grew up our Native way. We would like to  
5 know from you people. When I was growing up, I went to  
6 academy school. I couldn't figure how to eat that yucky  
7 food. It was hard to stay there when we're traditionally  
8 raised on sea cucumber, clams, abalone, seaweed, smoked  
9 fish, fermented eggs that everybody made fun of us when  
10 we ate.

11

12 Just because you're moving to the Lower  
13 48, my taste buds does not change. I love my foods. A  
14 few years ago in Seattle, just before Christmas, I took  
15 some guys, an old timer, he's deceased now, but I took  
16 him some seaweed, made a big box for him, some dry fish,  
17 some fish eggs, both on kelp, our kind, and on the  
18 branches. He says, you know, Frank, I'm going to push  
19 that turkey dinner aside, and this is going to be my  
20 Christmas dinner.

21

22 What I'm trying to tell you, our  
23 government, I don't know which direction they're looking,  
24 but to me they're looking east, they're looking west,  
25 they're looking north and south all at once, but they're  
26 going nowhere.

27

28 You know, when that guy made that  
29 comment, I would like to comment on what J.P. Tangden was  
30 saying about President Carter. Tanglon was saying that  
31 Mr. Carter was very bad. He said, disgrace. He's  
32 dishonoring himself. Now, if he's saying that, he must  
33 be talking about himself and everybody else there that  
34 made this laws that are taking our foods away from us,  
35 telling us when we can go out and catch this food,  
36 telling us how much we can catch. Sometimes we have to  
37 put \$80 in our gas tanks to get out and only can catch  
38 two red snapper. Now, how would you guys like it, you  
39 nonNatives, I don't want to see you eat any eggs for one  
40 month, no bacon for one month, no potatoes. How would  
41 you like that? I'm going to allow you two potatoes for  
42 this week. Yet you can tell us.

43

44 To me, when I look back at my parents,  
45 when they told us, you look at those people. They're  
46 eating wieners. They're eating pork chops. They're  
47 eating hamburgers. They're going to always be poor, and  
48 they'll always be sick. That's what's happening to our  
49 people today. Take away our foods, let our people die  
50 off early.

1                   You know, I'll get back to the rural and  
2 subsistence, but I don't know how many of your people  
3 know Chief Justice Burger. You know, after the  
4 settlement, the 1971 Settlement Act was passed, he  
5 travelled throughout the whole State of Alaska and the  
6 Lower 48, wrote a book, the Imminent Theft of Alaska. He  
7 was right.

8  
9                   And why I'm bringing this up, there was a  
10 young man there, he was a teenager, that got up and spoke  
11 to him. And this is what he said. He said, you know,  
12 these immigrants that are coming to Alaska, they only  
13 have one thing in their mind. Steal, steal, steal and  
14 steal. Pretty soon, they've got nothing else to steal  
15 from the Natives, so they're going to start stealing from  
16 each other. And I believed that when I listened to this  
17 young kind talking. I think that kid was about 17. If  
18 you looked in Judge Burger's, Chief Justice Burger's  
19 book, you'll find that in there, what I'm saying.

20  
21                   You know, when this guy here, that  
22 attorney from Anchorage said he was in mourning, you want  
23 to know my feelings? You know, my feelings to say that  
24 so many of our people get arrested just for going out and  
25 getting a couple of red snappers more than their limit,  
26 heck, it's cheaper to go to the supermarket to buy it  
27 than to go out there and get two red snappers or two ling  
28 cod. Shipping us out a mile off of Gravina Island to  
29 catch halibut? I want to see who passed that law. I  
30 want them to come on my skiff and pull my halibut gear  
31 one mile off Gravina. You're going to be in about 300  
32 fathoms of water. You know, this is getting ridiculous.  
33 Who are we saving that fish for? For years and years, we  
34 used to put halibut hooks and skates right off our house.  
35 Now they're driving us out in the ocean to compete with  
36 the black cod people.

37  
38                   I believe, you know, when I look back on  
39 our young days, listening to Mr. Kookesh speak about six  
40 deer, in our young days, that is our way. We hunted for  
41 all our people that couldn't get it. there was no limit.  
42 Now there's limits for everybody. You give a Native one  
43 thing, you've got to give a nonNative -- 30 nonNatives  
44 the same amount. Where's the justice around here?

45  
46                   When I was growing up, there was over 98  
47 percent of the fishermen in Alaska were Natives. I'd  
48 like to talk to the governor today. Less than five  
49 percent right now.

50

1                   You know, again going back to my young  
2 days, when I say my taste buds have not changed today.  
3 People made fun of us when you see our -- In the Japanese  
4 they say (in Japanese), hanging up on racks, which is  
5 herring roe on kelp. They say, how can those Indians eat  
6 stuff like that. Watching us clean our yane (ph), or  
7 eating our gumboots, eating our fermented eggs, our dry  
8 fish. Until they found out they can make money. That is  
9 all taken away from us. We can't -- for years and years  
10 since I was a little boy, I can go back into the latter  
11 part of the 40s, how we used to deliver fish eggs on  
12 branches, fish eggs on kelp, fish eggs, hair (ph) kind of  
13 fish eggs that we take to Petersburg, we take to  
14 Wrangell, we take to Ketchikan, take to Metlakatla. We  
15 can't do that today.

16  
17                   I want to know, a lot of you guys that  
18 recommend, just like our chairman said, he doesn't --  
19 they don't make the laws, but they sure can put a plug in  
20 there and kick somebody in the rear and say, yes.

21  
22                   But what I'd like -- I'd like you to come  
23 to my house. You eat my foods. Come eat it for one  
24 month. How long are you going to last?

25  
26                   Some people say, well, I need this, I  
27 need that. You don't see me going down south, say I want  
28 one-third of this orchard because I'm down here now, I'm  
29 an immigrant from Alaska. No. Yet they can come up and  
30 do that to us.

31  
32                   Right now you look at -- a lot of our  
33 abalone are nonexistent. We used to be able to go there  
34 and I can pick 3, 4, 5,000 in one low tide. Now you  
35 can't. You've got to get some deep sea hard hat diving  
36 to go down there and get some. They're nonexistent.  
37 They do not think when they come to Alaska. They don't  
38 think. Greed. That's all that's in the mind. Greed.  
39 Nothing from the heart. They are depleting everything in  
40 our waters. Big game is almost getting impossible to  
41 get. Our sea urchins, fast disappearing. It's almost  
42 past tense for us to have hooligan oil, because the Fish  
43 and Game puts so much restrictions on the people that  
44 used to go up the Unuk River, Chickman (ph) River and  
45 those places, and they came down and made it. Now we  
46 have to buy it out of Canada.

47  
48                   Why did these restrict -- are these  
49 restrictions always just on the Natives? When you guys  
50 -- the other people talk subsistence, talk traditional

1 subsistence, eat what I eat, not hand-selected.

2

3                   You know, when you talk about depleting,  
4 you look at Gashakes (ph). Gashakes used to be a big  
5 spawning area. They over-fished that and depleted that  
6 completely. There was a white man went -- they argued  
7 among themselves. They said, the herring moved from that  
8 spawning area, because you're fishing it too much. No,  
9 we depleted it. No, he said, we'll ask this old man,  
10 this old Tlingit there. He'll know. He looked like he's  
11 in his late 80s. Went over and asked him. Sir, he says,  
12 we need to ask you a question. He said, when you're  
13 fishing in the area too much, does the herring move and  
14 spawn in another area? He put his head down and thought  
15 for a while. Yes, they do move. The guy said, see, I  
16 told you. Yes, they move in boxes to Japan.

17

18                   So you can see what I'm getting at. Why  
19 do we have to always come and beg? That's something that  
20 has always been ours. Do we have to go into a civil war  
21 with you guys to get back what's rightfully ours? You  
22 took all of Alaska from us already. What more do you  
23 want?

24

25                   You know, I'm on the wind down, but a guy  
26 was talking, how has Ketchikan changed. It's just like  
27 Sitka, this one young that asked over there, how has  
28 Sitka changed? The same way as Ketchikan. Just a few  
29 years ago when I lost my market, I was still fishing.  
30 You could not find a place to tie up your boat, there  
31 were so many seine boats. The same way in Sitka when I  
32 swung up to Sitka area. You couldn't find a place. Now  
33 you go on there any given day during the summer, and you  
34 can count the seine boats under 10, 15 at the most. We  
35 used to tie up 10, 15 deep. The same way in Craig. So  
36 our economy's dying.

37

38                   And when we were commercial fishing, most  
39 of us Natives, you know, there's nothing for us to find.  
40 I'm looking to throw a king salmon overboard. I was the  
41 best out there in king salmon. It was nothing for me to  
42 get up to about 1500 to 2000 king salmon a day when I  
43 commercial fishing. And when you got big sets, you can't  
44 weed those fish out, they're dead. You guys know, we  
45 have a wanton waste act. You don't throw it back, but  
46 they try to arrest us, and you go ahead. I told the Fish  
47 and Game, you throw that fish overboard, and I'll turn  
48 you in. They wouldn't do it. They tried to tell us.  
49 You know what we do with that fish? We give it to all  
50 the old people. Now all these old people are deprived.

1 They can't get the foods like they used to. Most every  
2 Native so far that I know of, there's just a handful now  
3 that's left that's a commercial seiner. And we used to  
4 supply our people. Not even the old, the young that  
5 can't make it out.

6  
7                   And what I would like to say in my  
8 closing is that ideas, I don't believe that Saxman ever  
9 should be target and try to put in a nonrural area.  
10 That's been a village before you immigrants came.  
11 Ketchikan. My grandfather was one of the first white men  
12 to move into Ketchikan, or Kootchkan (ph), the Tlingit  
13 name then, right by the village. You can see his  
14 pictures all over, and you can tell, that's the only part  
15 I must hold of him, because I'm losing my hair, because  
16 he was bald-headed.

17  
18                   But the ideas, I'd like in closing there,  
19 I'd like the statements from Mr. Kookesh stating. I  
20 don't want you to make laws for everybody in the village.  
21 That should be made with the tribes. Meet with the  
22 tribes. Some of these meetings I go to, there's one  
23 Native, 20 nonNative. Who are they going to listen to?  
24 Meet with the tribes. Thank you.

25  
26                   Oh, I forgot to tell you, Mr. Chairman, I  
27 have all my papers typed in my computer, and I was just  
28 up here Saturday, and went back home, I turned it off.  
29 And it's all locked in there, so when I -- I had to order  
30 a part for the computer so I can pull it out. I'll email  
31 it up. I was going to email it, and I -- I will get it  
32 this here, I had to write it up, and I'm like you, I'm  
33 not a very good writer.

34  
35                   Hard to read my own writing, so, thank  
36 you.

37  
38                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
39 questions.

40  
41                   (No comments)

42  
43                   CHAIRMAN DEMIENTIEFF: Thank you very  
44 much for.....

45  
46                   MR. JAMES: Okay.

47  
48                   CHAIRMAN DEMIENTIEFF: .....taking the  
49 time and informing us. Appreciate it.

50

1 Olga Malutin I believe.

2

3 MS. MALUTIN: Camai. I'm here  
4 representing the Shoonag Tribe of Kodiak, a federally  
5 recognized tribe with a membership of just under 1500  
6 members. This is a relatively new name in our ancient  
7 time line as we have governed ourselves for over 7,000  
8 years. As you know, we all wear many hats in the Native  
9 community. I'm also here today as the matriarch of our  
10 family representing Fred, Aaron, Joe and Chris.

11

12 Gathering has been a family event that  
13 was fun work that enhanced our togetherness in a  
14 physically demanding manner. We've been consumers of  
15 organic food before it became vogue. It taught valuable  
16 lessons in being good stewards of our grandchildren's  
17 land and resources, sharing with our elders, senior  
18 parents and others who are unable to gather themselves.

19

20 Diabetes and obesity are rampant in  
21 America. We are getting larger, but our airline seats  
22 are getting smaller.

23

24 Some indigenous people, such as the  
25 Hawaiians, are going back to their traditional foods, and  
26 are reaping many benefits as a result. We all know the  
27 resulting financial drains on our health service  
28 providers with these medical difficulties. The money  
29 saved can be used in preventative health measures that  
30 benefit not only the individuals, but the community,  
31 state and nation.

32

33 Kodiak is an island. Therefore all  
34 things must be sent via planes or ships. With the  
35 current fuel costs, the cost of living goes up  
36 substantially. They are planning on cutting back our  
37 state ferry schedules and eliminating stops to Port Lyons  
38 altogether, creating further hardships.

39

40 At one time Kodiak was the busiest port  
41 in the nation, and is now experiencing critical  
42 difficulties in surviving at all. Our displaced  
43 fishermen have to be retrained to provide for their  
44 families. Fishing has been a way of life to our people  
45 from time immemorial with fathers passing their boats and  
46 gear down to their children. The resulting stress has  
47 also contributed to other problems, such as alcohol or  
48 drugs which provides a new set of problems that not only  
49 our families have to deal with, but our community  
50 infrastructures as well.

1                   The population numbers being used for  
2 Kodiak includes the U.S. Coast base. This is the largest  
3 Coast Guard base in the nation. The government  
4 recognizes the high cost of living in Alaska by providing  
5 a cost of living allowance known as COLA to their  
6 military and civilian personnel. The Coast Guard base is  
7 self-contained with a gas station, pool, commissary, and  
8 other military amenities. And, you know, we all know the  
9 prices are substantially discounted for providing such a  
10 service to our country. And yet with these discounted  
11 services they still get a COLA allowance.

12  
13                   Our bountiful wildlife is even used as a  
14 selling point in recruiting personnel, both for the  
15 military and private enterprise. Hunting and fishing are  
16 sport and entertainment, whereas to us it is an integral  
17 part of our diet, heritage and culture.

18  
19                   Our people have a saying, when the tide  
20 is out, the table is set. We are still unable to gather  
21 clams and other edibles from tidepools due to Exxon  
22 Valdez oil spill. I have yet to dig clams with my niece  
23 and nephews. The oil spill devastated Kodiak, and we are  
24 still dealing with the repercussions after all these  
25 years. And yet Exxon has paid a dividend to their  
26 shareholders every quarter since that event. We have yet  
27 to see our settlement for our losses. And regardless of  
28 any monetary settlement that we ever eventually do see,  
29 it can never cover the loss of some foods that have been  
30 a part of our diet for many years.

31  
32                   The population numbers for Kodiak also  
33 include our Filipino and Mexican-American communities  
34 which outnumber our own Alutiiq people. We are a  
35 minority of the minorities in our own land. And yet we  
36 have to come before you, hat in hand, to ask for use of  
37 the resources that have been available to us for  
38 thousands of years. This is a demeaning process for a  
39 proud people.

40  
41                   In Iver Malutin's testimony to the  
42 Aleutian Regional Advisory Commission hearing in Kodiak  
43 on September 23rd, he stated that as one of the directors  
44 on the State's Commission on Aging, their guidelines is  
45 to protect their lifestyle. How can we do that if we're  
46 unable to provide them with their traditional foods?

47  
48                   Shoonaq has worked hard to purchase the  
49 building we have now. It has provided a place for all  
50 Kodiak Island Natives to be proud of. In our planning we

1 have included a kitchen with a freezer. several freezers  
2 actually. This will be used to share our subsistence  
3 gathering for all our members in need. We've done this  
4 forever as a people and we will continue to do so.  
5 Please don't make criminals out of us for living our  
6 ancient culture.

7  
8                   The 10-year change in our Kodiak  
9 population is a mere 635 people. Of those people, many  
10 are from the villages due to a lack of economic  
11 opportunities to support themselves or their families.  
12 Their natural subsistence heritage also comes with them.  
13 Our Council immediately passed a resolution against  
14 changing our status. We've also sent three members here  
15 today to testify, because this issue is very important to  
16 us, and it's near and dear. This expense cuts into the  
17 services we are able to provide to our tribal members.

18  
19                   In closing, I'd like to thank you for  
20 listening to me, and I'd like to urge you to follow the  
21 RAC recommendations to keep Kodiak rural. I'd also like  
22 to thank the people, the tribes and organizations that  
23 supported Kodiak.

24  
25                   I'm also appreciative of the wise  
26 comments made by Mary Gregory in support of Mr. Kookesh's  
27 testimony. It isn't about numbers. It's about people,  
28 and we are first Alaskans. Quyana.

29  
30                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
31 questions. Judy.

32  
33                   MS. GOTTLIEB: Mr. Chair. Thank you very  
34 much for your testimony. I through that was really  
35 interesting that you're still not able to harvest some  
36 species as a result of Exxon Valdez. But I wondered if  
37 you might just also name for us for the record some of  
38 the species that you are harvesting from the Island or  
39 from the rivers?

40  
41                   MS. MALUTIN: Boy. Every kind of salmon,  
42 halibut, cod. We're blessed, we are people of the sea.  
43 On the land we have our berries. Our salmonberries, our  
44 blueberries, high bush, low bush cranberries. When they  
45 had the problem in Siberia, our Natives in Kodiak Island,  
46 if you recall, Alaska Airlines paid the freight to send  
47 things over to them. We gathered berries and shared.  
48 It's our culture. So in addition to that, there are  
49 many, many things. Wild celery. Too numerous to  
50 mention. And not only are they consumed, but they're

1 also made into things and used in the home and around the  
2 home.

3

4 CHAIRMAN DEMIENTIEFF: Yes.

5

6 MS. GOTTLIEB: Just another question kind  
7 of on the geography. When I look at the figures here,  
8 there are quite a high number of people not seeming to  
9 live in Kodiak City. And Chiniak is a fair distance  
10 away. And so can you just describe a little to us sort  
11 of who might live out in Chiniak? Do they go into Kodiak  
12 for jobs? Do they stay out there for the most part, and  
13 then maybe a little bit about Women's Bay also.

14

15 MS. MALUTIN: With Chiniak, it is kind of  
16 a mix. There are people that live out there, they  
17 commute to town for jobs. Some live out there, they've  
18 got a little post office, but they come into Kodiak quite  
19 frequently. They're at the end of our entire road system  
20 of 43 miles. And Bell's Flats or Women's Bay is outside  
21 of Kodiak, but they all commute to Kodiak, the majority  
22 of them all commute to Kodiak to work.

23

24 CHAIRMAN DEMIENTIEFF: Any other  
25 questions.

26

27 (No comments)

28

29 CHAIRMAN DEMIENTIEFF: Thank you very  
30 much.

31

32 MS. MALUTIN: Quyana.

33

34 CHAIRMAN DEMIENTIEFF: We're going to go  
35 ahead and take a short break right now.

36

37 The salmon that Joe Williams gave us,  
38 we're going to set it up on a table over there.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN DEMIENTIEFF: Okay. We'll go  
45 ahead and call the meeting back to order. We are going  
46 to finish public testimony today. And for the remaining  
47 testifiers, I'm going to ask them to be as brief as  
48 possible, and I will be so rude as to start cutting the  
49 testimony short if I get it too long. So I urge all the  
50 testifiers to get to their points, get to them right

1 away, and get us a copy of any documents that -- as  
2 opposed to talking about them, just give them a copy.  
3 Get a copy to us. We will circulate them and get them  
4 into the record. So I'm just going to ask people to be  
5 courteous to their fellow people. There's a lot of  
6 people that have conflicts tomorrow that are on this  
7 list. We need to get to it, but they need to have their  
8 say also. So that's the way it's going to go from here  
9 on out.

10

11 Delice Calcote.

12

13 MS. CALCOTE: Good afternoon. My name is  
14 Delice Calcote. I am a nontreaty Alutiiq. I'm from  
15 Afognak Island on my grandmother's side. I was raised on  
16 Kodiak and Afognak Island until the earthquake and tidal  
17 wave came along in '64 and the Small Business Bureau did  
18 not help the community of Afognak get reestablished. But  
19 the Borough of Kodiak allowed Port Lyons to become part  
20 of their Borough.

21

22 I want to talk about qualifying our  
23 communities to extinction. There was a boundary tribunal  
24 in 1821 through 1824 between Russia, England, Spain,  
25 America and France. This boundary tribunal determined  
26 that Russia could not claim dominion over Alaska. And  
27 Russia had told her subjects to leave us undisturbed in  
28 our fishing, our hunting and the occupation of our land.  
29 In the 1867 treaty between Russia and America, which is a  
30 transfer of like a fiduciary responsibility. It's  
31 further claimed in U.S. v Alaska in footnote 13 as a mere  
32 quit claim deed, and that Russia couldn't sell what it  
33 didn't own.

34

35 In the Statehood Act, Section 4, is the  
36 Federal promise in Section 4, 5 and 6, of the disclaimer  
37 of all rights, all of our land, all of our fishing,  
38 hunting, our trading rights were disclaimed by the feds.  
39 And that's a condition for statehood carried over in the  
40 disclaimer clause, Article 12, Section 12.

41

42 Then comes along the 1964 mandatory  
43 Borough Act, which didn't even follow your own -- the  
44 State's own borough making rules, and did a taking of  
45 tribal lands without their consent. Their whole borough  
46 act was done down in Juneau, it was not done by the local  
47 people. Another further taking.

48

49 We are not a party to statehood. We're  
50 not a party to the Treaty of Session. We're not a party

1 of ANCSA. There's 500 signatures, had no tribal  
2 authorization or resolutions behind them going and  
3 signing onto that document. And as we all know,  
4 presidential acts and executive orders don't need a dog  
5 and pony show of 500 people signing on a couple weeks  
6 later over at the University. Those folks had no  
7 authority to sign onto that things. Those tribes had --  
8 none of our tribes gave those guys permission to go sign  
9 that document. We're not a party of ANCSA. We're not a  
10 party of ANILCA.

11  
12 I resent questions that ask us what I eat  
13 or where I get it, because I know that this kind of  
14 information is going to be turned around on us, just like  
15 how it was, who's your leader. And the Russians went and  
16 shot them. I'm also from the area of Afognak, and every  
17 time we had to go to Afognak from Kodiak, my mom had us  
18 do prayers for those 20,000 or 50,000 that were  
19 slaughtered and left there on Whale Island.

20  
21 But further putting these qualifying  
22 rural or urban adjectives onto our communities is I  
23 believe an act of genocide and apartheid.

24  
25 And you talk about being justice? What  
26 about the Bolt decision? Why isn't that law -- why  
27 wasn't that law up here, applied to us? As we now study,  
28 and I've been studying law, I work for the Cook Inlet  
29 Treaty Tribes. They are a political subdivision of their  
30 tribes. They operate under that Section 7871. We are  
31 not a 501(c)(3) under the State of Alaska. We are  
32 not.....

33  
34 CHAIRMAN DEMIENTIEFF: Could I ask you to  
35 please keep your comments to rural determinations,  
36 because.....

37  
38 MS. CALCOTE: Yes.

39  
40 CHAIRMAN DEMIENTIEFF: .....we don't the  
41 time for a lot of these issues, and very many of them  
42 don't have to do with what we're considering at this  
43 time. So why don't you just summarize with your points.

44  
45 MS. CALCOTE: Sandra Day O'Connor noticed  
46 in her Supreme Court decision says that there's three  
47 jurisdictions: the Federal, the State and the tribes.  
48 In 1994, President Clinton came out with Executive Orders  
49 on government-to-government and policies to -- for  
50 consultation with the tribes.

1 I would like to ask a few questions, too.  
2 I would like to know how many Federal employees are on  
3 this Board? How many are getting a federal paycheck on  
4 this Board? How many are getting a State paycheck on  
5 this Board? And how many are representing the tribes,  
6 the tribal governments?

7  
8 I want to say that irreparable damages  
9 continue to mount up. And I believe that it is paramount  
10 to our health, to the continuation of international  
11 treaties, and that there's UN reports that are given  
12 every five years about us. About our subsistence. And  
13 they don't.....

14  
15 CHAIRMAN DEMIENTIEFF: Will you.....

16  
17 MS. CALCOTE: .....put subsistence.....

18  
19 CHAIRMAN DEMIENTIEFF: .....please  
20 summarize. The issues have nothing to do with us, okay?  
21 Within our mandate. And the issue is rural  
22 determination, so keep your comments to do that.  
23 Otherwise we'll have to move on to the next speaker.

24  
25 MS. CALCOTE: All right.

26  
27 CHAIRMAN DEMIENTIEFF: Be courteous to  
28 the people who are waiting to testify, and people have  
29 been waiting all day.

30  
31 MS. CALCOTE: I've been waiting all day,  
32 too. And my -- I'm part of the Exxon Valdez oil spill's  
33 class settlement where my subsistence money apparently  
34 went to the State. I do not find that that's an equal  
35 settlement. I reject any kind of urban and rural  
36 determination. My right follow me wherever I'm at. It's  
37 not because of where I domicile. I'm not a resident of  
38 the State of Alaska. I'm an nontreaty Alutiiq, and I  
39 object. I deny and protest anything to diminish what is  
40 -- which the State and its people and the Federal  
41 Government have approved in Article 12, Section 12 and in  
42 Section 4 of the Statehood Act.

43  
44 CHAIRMAN DEMIENTIEFF: That's enough. We  
45 need to move on. Mike Miller.

46  
47 MR. MILLER: Thank you, Mr. Chairman.  
48 Board members. I realize you've had a long day, and I  
49 guess it's going to continue for quite some time, so I'll  
50 try to be brief with my comments here.

1 My name is Mike Miller. I'm from Sitka.  
2 I'm a member of the Sitka Tribe. Just by way of  
3 introduction, some of the history of the things I've been  
4 involved with. I'm presently the chairman of the Sitka  
5 Marine Mammal Commission. I've represented the tribe for  
6 -- well, since actually, off and on since 1997 on issues  
7 such as herring, halibut, harbor seals, other marine  
8 mammals. So I've certainly been involved quite  
9 extensively at the State process, and also with halibut  
10 at the Federal process with North Pacific Council, quite  
11 extensively in protecting subsistence rights in Sitka.

12  
13 Sitka is certainly one of the most --  
14 it's one of the most studied communities I think in the  
15 State for numbers. It's something that we always have  
16 had to justify the numbers that we have there, so there's  
17 a very detailed record over the years of the harvest of  
18 subsistence use from Sitka, not just Sitka Tribe, but  
19 Sitka community also. So I'm just going to real briefly  
20 try to look at a couple things that we -- that have  
21 mentioned so far.

22  
23 Seals. Sitka's consistently one of the  
24 largest harvest of harbor seals in the State by  
25 community. It has been that way. There's been several  
26 years in the past year where it was the largest harvest  
27 of seals.

28  
29 Halibut. Halibut is one thing that we  
30 have fought for and fought for and fought for, and we  
31 have had quite a bit of success with the North Pacific  
32 Council in recognizing the subsistence fishery. It's  
33 interesting, because that's something that has been,  
34 along with seals and I'm sure with herring in a minute,  
35 that has been progressive surveys, such as 1987, 1996 and  
36 presently now, we're progressively surveying. We're very  
37 comfortable with the data that we get. And it's very  
38 interesting, because actually halibut, for example, one  
39 of the arguments that I made in working along with the  
40 State Division of Subsistence was based on the surveys  
41 from the previous years, 1987, 1996, we projected what  
42 that harvest was going to be once the fishery was  
43 recognized, the subsistence fishery, by the North Pacific  
44 Council, and we were right on, spot on with that. A lot  
45 of people doubted that those numbers were very accurate.  
46 But one of the things that's been really interesting to  
47 watch, you've seen the population kind of go up and down  
48 in Sitka a little bit, but the harvest of halibut has  
49 stayed consistent across the board. It's been very even  
50 numbers to work with. So certainly the patterns that

1 were in the 80s and 90s are continuing on to this day,  
2 and the surveys show that.

3  
4 Herring is also something that Sitka  
5 Tribe and myself representing them, we've been very  
6 active with the State Fish Board in documenting the  
7 herring harvest of Sitka and protecting that. We have an  
8 MOU with the State regarding the herring fishery. It's  
9 one of the largest single area of subsistence fisheries  
10 that happens in a short period of time in the State.  
11 Those herring eggs are the only place, it's the only  
12 place in the State you can get that now. It's right next  
13 to the road system -- in any large numbers anyway. It's  
14 right next to the road system in Sitka. Those eggs go  
15 everywhere around the State. It's very well documented  
16 that those things are going on in Sitka.

17  
18 So those are the -- I'd be glad to, if  
19 you want later, if you need to ask numbers or anything,  
20 I'd be glad to provide those to you. But the point I'm  
21 trying to make is, I've worked extensively with Jim Fall,  
22 Mike Turek, Matt Kookesh, the analyst from the North  
23 Pacific Council, and it's very interesting, and when I  
24 was telling them that I'm coming here to talk, because  
25 their big question from those analysts is why? The  
26 comments that I'm getting across the board, no one has  
27 said that they feel that Sitka should be -- remain on the  
28 list as a potential urban area. The information that  
29 I've got from the analysts that I've worked with is that  
30 Sitka has and continues to show all the characteristics  
31 of a rural harvest of its resources, and that's the thing  
32 we're working on.

33  
34 There's a couple effects that I would  
35 like to point out that if Sitka remains on the list, and  
36 certainly I'm asking that you consider removing Sitka  
37 from that list at this point. It's tough enough, you  
38 know. We have a tough time in Sitka protecting all these  
39 things, the staff time, you know, other people from the  
40 tribe will be talking about what a task that is on the  
41 tribe and the community itself. Certainly if we remain  
42 on the list, then it's just going to be all that much  
43 work that we have to do. And we certainly aren't seeing  
44 the patterns as I've said that would warrant remaining on  
45 the list.

46  
47 One of the things, too, is that if Sitka  
48 was forwarded for this, I'm very much concerned that that  
49 would promote the State to look at nonsubsistence use  
50 areas. That raises such a quandary, because we do have

1 that huge herring egg harvest that happens right there in  
2 Sitka, and a huge halibut harvest that happens right  
3 there, and I'd hate to see that action be promoting  
4 another battle for us to take on with the State.

5  
6                   So certainly -- I guess what it comes  
7 down to, what I'm talking about is numbers in the  
8 process. Excuse me. It's one thing I always forget is  
9 never to wear a sweater when I come testify. A little  
10 bit toasty. Certainly you look at numbers, and, you  
11 know, sometimes we fight numbers. We're a little bit  
12 frustrated with them and say, well, you know, the numbers  
13 are not all you need to look at. And I hope that you  
14 guys -- I'm sure that you do, but I'm just kind of  
15 reiterating that you can look at the population increase  
16 in Sitka and say, yes, there's a little bit of an  
17 increase. You cannot look at the population increase and  
18 say what kind of people make up that increase. You can  
19 look at the harvest numbers and really tell a lot about  
20 the community. And I'm saying very much from what I've  
21 seen, and I think the data that you can find would  
22 support that also, is that the numbers show that Sitka  
23 has all the characteristics of a rural community. I'd  
24 expect the numbers probably to go down in the near  
25 future, because we have economic problems. People can't  
26 afford to go out as much. We have a lot of problems just  
27 with the prices getting more expensive, so that's even  
28 increasing the burden on people there.

29  
30                   And lastly I'm going to reiterate what  
31 I'm saying is I really hope, you know, the people in  
32 Sitka, we work extensively surveying, asking them to be a  
33 part of the process. Begrudgingly they're coming along.  
34 And at the end of the day, I know we need to quantify  
35 things. We need to be able to come groups, you know,  
36 like yourselves and say this is what we know is what's  
37 happening. It's hard to get people to be interested in  
38 that process. When things are working good and I can  
39 show that we're making progress, they come along with it  
40 and it gets better and better. If this continues -- if  
41 Sitka continues on the list, I am afraid of the backlash,  
42 because I'm afraid of people then saying, well, no, the  
43 Federal things, maybe that's kind of working against us,  
44 and that -- right away when that happened with the State,  
45 we see people start working back away from the process  
46 again.

47  
48                   So I certainly thank you for the time to  
49 testify here today. Any questions, I'd be happy to  
50 answer or later. Thank you.

1 CHAIRMAN DEMIENTIEFF: Judy.

2

3 MS. GOTTLIEB: Thanks very much, Mr.  
4 Chair. Thank you also for your comments. when you say  
5 that the numbers do reflect rural characteristics, could  
6 you give us some examples perhaps?

7

8 MR. MILLER: Well, okay. I'm assuming  
9 that since Sitka was considered a rural community  
10 previously that the numbers, if they were the same based  
11 on the population back in 1987, and are the same in 1996,  
12 and the same now -- take halibut for example. We've been  
13 running at around the 160 to 170,000 range for halibut  
14 harvest in Sitka. Herring, the State set -- based on  
15 previous harvest, the State set the amount reasonably  
16 necessary between 105,000 pounds and 158,000 pounds. The  
17 latest surveys -- actually that's one that shows a marked  
18 increase. The highest level we had was 297,000 pounds  
19 two years ago. The seal across the board has shown these  
20 patterns. And so while I'm not a social economic person,  
21 I merely represent the tribe on these issues, it stands  
22 to reason to me that if they were consistent back in  
23 1987, 1996, if the numbers are the same now, I would come  
24 to the conclusion that it's still the same. So a lot of  
25 this is going just on the word as I'm working with the  
26 analyst from the state, that's the comments that they're  
27 marking, and I have no reasons to doubt them on that.

28

29 MS. GOTTLIEB: And I guess just one other  
30 follow-up question. We heard from a couple of the other  
31 communities about the price of fish having fallen over  
32 the years, and so is that the same situation in Sitka as  
33 well?

34

35 MR. MILLER: You're speaking of the  
36 commercial value of fish? The commercial value of fish,  
37 and that's interesting, because I've worked a lot on that  
38 issue, and it's progressively getting tougher and tougher  
39 for people to make it commercial fishing. You've seen  
40 the large companies use the excuse of having the tough  
41 fish market. They've consolidated their operations, and  
42 that typically has worked to cut people out of the  
43 fishery. You're getting a smaller and smaller group of  
44 the people that are haves, and a lot of the people that  
45 are left out as the have nots, so when you look across  
46 the board at fuel, insurance, those things are just  
47 shooting through the rough. So more and more people are,  
48 if it's something that's like a supplemental income, they  
49 can't afford to do it. It's only the people that really  
50 are set in the fisheries that could afford to do it any

1 more.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. John.

4 Oh. Go ahead, Gary.

5

6 MR. EDWARDS: Could you elaborate a  
7 little more on why you feel that -- let's say this Board  
8 would ultimately make the determination that Sitka was  
9 nonrural. Why do you feel that that has an implication  
10 for your halibut subsistence harvest?

11

12 MR. MILLER: Thank you. The -- I'm  
13 looking down the road at the battle that we've had with  
14 halibut subsistence. It's been very controversial,  
15 because -- a lot from the commercial industry. They've  
16 been, in spite of what a small percentage, we're 1.03  
17 percent of the over-all catch, the -- in Kodiak the drag  
18 fishery, they're by-catch in one season eclipsed what --  
19 and the stuff they dumped overboard eclipsed what the  
20 total catch for subsistence in the state was. So we have  
21 this kind of uneven battle just on that.

22

23 The one thing that I'm afraid is that --  
24 I don't think this is me, but.....

25

26 CHAIRMAN DEMIENTIEFF: Your time's up,

27 Mike.

28

29 (Laughter)

30

31 MR. MILLER: Okay. I'll try to summarize  
32 this. But, the one thing I'm afraid of is that you're --  
33 that would open the door for the next step for the State,  
34 which they've done in Juneau and Ketchikan, and that's to  
35 create a nonsubsistence use area around the community.  
36 There's a tremendous battle. Even with the halibut  
37 fishery now, the people in Juneau and Ketchikan, if they  
38 are tribal, they aren't allowed to fish in those areas,  
39 because it was just too controversial, even though  
40 commercial fisheries could to in there. It just -- we  
41 didn't have the ability to get that. We got some limited  
42 upcoming ceremonial fisheries in those areas, but it was  
43 a tremendous political battle to do that. And to me it  
44 just -- you know, it's a tremendous cap on our resources  
45 at the tribe to be able to get what we did, and to  
46 facilitate, I think that step for the State would be --  
47 it just would be a step in the wrong direction I feel.

48

49 CHAIRMAN DEMIENTIEFF: John.

50

1 MR. LITTLEFIELD: Thank you, Mr. Chair.  
2 Mr. Miller, one of the things that this Board and our  
3 councils have always been concerned with is numbers. The  
4 numbers of fish, the numbers of pounds of meat that are  
5 taken, because we need those numbers to make sound  
6 decisions. We make decisions, but the better the numbers  
7 are, the better decisions we think we can make. In 2004  
8 and 2003 the City Tribe got the numbers for the North  
9 Pacific Fisheries Management on halibut take in Sitka,  
10 and I guess maybe if you could summarize maybe what was  
11 the response rate? Were the people starting to trust the  
12 program? Because we have some things where people don't  
13 turn in any data, but I think in Sitka, it shows that the  
14 second year along on this working on subsistence that the  
15 numbers I thought were impressive of the returns. If you  
16 comment on that?

17  
18 MR. MILLER: Yeah. Thank you, Mr.  
19 Chairman. That just reminded me I actually do have notes  
20 here, which I should have been referring to I guess. The  
21 numbers are very impressive, and again I can't emphasize  
22 how important it is to keep people in the process and not  
23 alienate them. We fought very hard to keep the  
24 methodology of the surveying that we had with the North  
25 Pacific Council, very similar to herring egg survey, very  
26 similar to seal surveys. And it is a process that it's  
27 more face-to-face, it's not a permit card or anything.  
28 And people are a lot more comfortable in actually  
29 reporting what they harvested without fear of retribution  
30 as long as those numbers aren't used against them. The  
31 first sign that the numbers are going to get used  
32 against, the old stigma of the government's working  
33 against them is going to come right back. It pushes them  
34 away. We fought very hard to get that. The first year  
35 we had about a 60 -- I think about 65 percent tribal  
36 response on those halibut surveys. Last year we had over  
37 90 percent response for the -- about 500 tribal surveys  
38 in Sitka. It was the highest in the State. So certainly  
39 those processes can work, keeping people in the loop, but  
40 you have to, like I say, not give them the impression  
41 that you're somehow working against them. And so, you  
42 know, the Sitka -- even from.....

43  
44 Well, just really briefly, 97.4 percent  
45 of the households use subsistence. 1996. 97.4. From  
46 1987 to '96, the over-all pounds went up to 205 from 100  
47 and -- I think 170 or something. It was quite a bit of  
48 increase So actually there's trends -- like on herring  
49 eggs, the trend is going up, not going down, and again  
50 that's -- to me that says that, you know, growing even

1 stronger, and it's certainly being better documented. So  
2 there's kind of a combination of things that happened.  
3 But again it's very consistent for what we expect.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Any  
6 other questions. Mary, I'm sorry.

7

8 MS. GREGORY: I have one comment to make.  
9 I'm from Bethel. I'm a 99.9 percent subsistence harvest  
10 food eater. And I have tasted -- the Sitka people have  
11 shared their catch with me all the way from south to the  
12 southwest of Alaska. There's a man from Scammon Bay who  
13 lives in Sitka who shares his food with his sister, who  
14 shares her food with us. And those delicacies are very  
15 much appreciated from your area. And I just wanted to be  
16 on the record as saying that Sitka is a rural community,  
17 because they share their food with us, no matter where  
18 you are. They share it with other ethnic groups.

19

20 CHAIRMAN DEMIENTIEFF: Thank you. Any  
21 other questions.

22

23 (No comments)

24

25 CHAIRMAN DEMIENTIEFF: Thank you very  
26 much.

27

28 MR. MILLER: Thank you again.

29

30 CHAIRMAN DEMIENTIEFF: Lawrence Widmark.

31

32 MR. WIDMARK: Thank you, Mr. Chairman,  
33 Board members, and Council members, tribal leaders and  
34 Staff. My name is Lawrence Widmark. I'm from Sitka,  
35 representing the Sitka Tribe of Alaska.

36

37 I do want to echo some of the things that  
38 the previous people from -- the citizens from Sitka said  
39 already. I'm glad to see our mayor from Sitka. I'm most  
40 proud of that. You don't see a biggest town as Sitka  
41 having the mayor and the tribal chair come at the same  
42 meeting, especially at the Federal Subsistence Board.

43

44 Board members. Mr. Chair. Just a little  
45 -- where the Sitka Tribe and the City has come from, we  
46 do have an MOU with the City of Sitka. I've been  
47 privileged to be around four mayors. I've been the  
48 tribal chair for about 12 years, and seen the history,  
49 the growing pains with the third of the population of  
50 Sitka is Native. We've come a long way of sharing

1 values, culture, and having an understanding of -- to  
2 share things that we agree on and also agree that -- or  
3 agree to disagree when we have to. We meet twice a year  
4 on things that happen in Sitka.

5  
6 One of the things that I'm very proud of  
7 with our collaboration over the years is having our  
8 Congressional people, example, Senator Lisa Murkowski who  
9 comes to Sitka and listened to the city, and the first  
10 thing she says was, Sitka Tribe, Sitka Tribe, Sitka  
11 Tribe. And those were some of the things that I'm glad  
12 that the city -- I want to let the Board members know  
13 that -- some of the collaboration efforts as a community  
14 that we have, and I thought there was a little history.  
15 Then we have the city and with the two governments coming  
16 and meeting, and I just wanted to share that, that you  
17 don't see that very often, Mr. Chairman, Board members.

18  
19 I just wanted to -- just sort of briefly,  
20 I just didn't want to bore everything, because I know  
21 it's been a long day, but we do have, since the Staff did  
22 have recommendation, the tribe has sent its statements  
23 over the past year and a half, and we've gone through the  
24 Southeast RAC, that you all have.

25  
26 But one of the things that I wanted to  
27 end point I guess is the collaboration or the government-  
28 to-government we have dealing with confusion, but I'll  
29 save that for the end. But for some of those things that  
30 we dealt with, the example with the Forest Service and  
31 with our subsistence food, it's getting harder and harder  
32 to go and with the price of fuel, and for some of the  
33 people, like the elders, don't have that. And this lady  
34 mentioned about sharing food. We do that with our  
35 elders. It's very difficult where we're -- potential on  
36 the Tongass where things are up for sale for -- and the  
37 tribe has to say, hey, now, wait a minute, these are some  
38 of our foods, that our subsistence is going within. And  
39 it's getting very hard and harder to go out there and  
40 gather the foods in Sitka. Mr. Miller stated eloquently  
41 about working with the State with the herring eggs.  
42 That's just one part that -- what the Sitka Tribe does,  
43 and the community does. But it's very difficult at times  
44 when our harvesters and hunters have to go out of Sitka  
45 20, and the cost of fuel, if you have a boat.

46  
47 And there are times where we disagree  
48 with the Forest Service that these are subsistence areas.  
49 For example, northwest Baranof. We have taken the Forest  
50 Service to litigation on that. Ironically, the Forest

1 Service did not have a dispute resolution to work things  
2 out. And that was my thing with the different Sitka  
3 ranger districts over the years about we need to work  
4 this out informally, but if you don't leave us no choice,  
5 we have to go to court.

6  
7 So those are some of the things where the  
8 tribal council, my tribal citizens have put me forward to  
9 get that message out to the Federal Government about  
10 these are the protected areas where our subsistence lie.  
11 And again it's -- with the logging areas around Sitka, if  
12 you're not familiar with Sitka, it's been logged over  
13 since the 50s, 60s and 70s, and it gets very difficult to  
14 go out.

15  
16 It's been noticed that over the 10 years  
17 or so, the mill shut down, which was a very big part of  
18 our economy, and we have -- what we have left is -- of  
19 which our health consortium is one of our bigger  
20 employers. But that's not just Sitka, but it's also on a  
21 regional basis as well, too, in Southeast. And we have  
22 the school district. The Forest Service has been  
23 downgrading over the number of years as well, too.

24  
25 So as myself, being the elected tribal  
26 official, I also work with the school district. I've  
27 been working there a little over 15 years, and our  
28 enrollment has been going down steadily since 1990.  
29 Right now, Mr. Chairman, 1990 was around -- in the  
30 school, Sitka High School, not including with the other  
31 high school, Mount Edgecumbe High School, and we've got  
32 two universities or higher ed, Sheldon Jackson, that you  
33 named earlier, and UAS, Southeast in Sitka. In 1990 we  
34 had about 1850 high school students, and 1650 in 2000.  
35 And, Mr. Chair, in 2005, 1500. Sitka High School right  
36 now is looking at -- from a 4A division to a 3A division,  
37 because of the enrollment. You can guess as much as I  
38 can why has enrollment been doing down over the years. I  
39 don't know. But it seems kind of like with the  
40 economics, that if we -- the population is, yeah, we've  
41 grown like 200 and some people, but our enrollment has  
42 been going down, too. And we have some of our Federal  
43 agencies have been stepping down as well, too.

44  
45 With the food consumption, and listening  
46 to the other people testifying that Sitka is no  
47 different, being a Native community, Tlingit community  
48 which has a lot of history, not just a Russian history,  
49 but Tlingit history, being the first capital if you will  
50 in the old Russian days. Sitka people are a very proud

1 people. I think we're the only ones that celebrate  
2 Alaska Day if you will, and some of us don't even want to  
3 recognize that, but it's a real big deal in Sitka.

4  
5 But I wanted to -- we have a couple items  
6 that I wanted to share with the food consumption. Mr.  
7 Miller mentioned about halibut. And we've got the  
8 salmon, the deer, the crab, rockfish, shrimp, and  
9 herring, to name a few. And I wanted to read a quote by  
10 Mr. Herman Kitka, who's still around with us, who's been  
11 on the Southeast Board Council and has been an ally for  
12 -- an elder that we really look up at Sitka Tribe and in  
13 the community. And he stated, and quote, my family has  
14 lived in the Sitka area for more 800 years. The areas  
15 annual fish and shellfish harvest are vital to our way of  
16 life, a way of life that has been passed on from  
17 generation to generation during the entire time we lived  
18 in Sitka. The ability to continue passing the traditions  
19 of these elders to our children and grandchildren is  
20 fundamental to the continuation of Tlingit culture. Mr.  
21 Herman Kitka, Tlingit elder.

22  
23 I won't really go on, but with the  
24 surveys that Mr. Miller said on the consumption, it seems  
25 like we've been surveyed to death, if you will. But it's  
26 good. I think that the tribe has gone through many  
27 meetings, committee meetings, the establishment of the  
28 herring committee, the customary and traditional  
29 committee, the marine mammal commission within the  
30 tribes, that the resource that we have in Sitka and its  
31 region is very important to our community and also the  
32 Sitka tribe. And we work very hard for its protection,  
33 and the stewards of the land. And having the tribe work  
34 with the Federal Subsistence Board, the Southeast  
35 Regional to have these weir projects that the tribe has  
36 been working on for the past three or four years has been  
37 a great experience for the tribe and collaboration with  
38 the State and especially the Federal agencies.

39  
40 And finally, Mr. Chairman, Board members,  
41 I would -- a little confusion regarding processwise.  
42 This is my first one with the rural determination, and I  
43 wanted to let Board members know and the -- we, the Sitka  
44 Tribe, has built a very strong relationship with the  
45 National Park Service and the Forest Service since my  
46 tenure at Sitka Tribe. And I wanted to say that to our  
47 visiting guests from Washington, D.C., and having the  
48 agency, states because at times you work with this tribe,  
49 or you're not at battle with this tribe Yes, I think  
50 it's very important that you collaborate with the

1 agencies and where this tribe has gone, and hopefully a  
2 model for others that subsistence, your customary and  
3 traditional resources are very important, and we've  
4 collaborated over the number of years.

5  
6                   And it's stated by Mr. Kookesh numerous  
7 times about consultation, government-to-government, and  
8 that's where the confusion that I had, Mr. Chairman. I  
9 know you mentioned about implementation by this Boar.  
10 But I wanted to go through the chain of command, and I  
11 think I did that. I spoke with our district ranger at  
12 the Forest Service, I spoke with our superintendent at  
13 the National Historic Park Service, in trying to figure  
14 out how they can help me through this process, and having  
15 the government go through this consultation, because for  
16 people who stand here and sit before us, and trying to  
17 listen our concerns, there is some kind of trust  
18 responsibility. I think there's some kind of gap,  
19 whether you agree with me or not, but I need some kind of  
20 clarification where tribal leaders can go to, because I  
21 did try to work, and they did forward me to these people,  
22 and for the people who are making these decisions, I  
23 think that there's got to be a way, and I think it might  
24 have to go through Congress, but if there's nothing that  
25 we can do right now.

26  
27                   I echo what our mayor has said, that we'd  
28 be glad to host a hearing in Sitka. And we wouldn't do  
29 anything like Mr. Joe Williams did, but we would like to  
30 share our customary and traditional foods. We would love  
31 that. We've been doing that with different departments  
32 of the Federal Government, and we'd be -- we're very glad  
33 to host a public hearing at Sitka Tribe to hear the  
34 community's concerns.

35  
36                   Thank you, Mr. Chairman.

37  
38                   CHAIRMAN DEMIENTIEFF: Thank you.  
39 Questions.

40  
41                   MS. GOTTLIEB: Mr. Chair.

42  
43                   CHAIRMAN DEMIENTIEFF: Thank you very  
44 much. Oh, go ahead.

45  
46                   MS. GOTTLIEB: Well, thank you very much,  
47 and, yes, I know at Sitka National Historic Park we  
48 really very much value the collaboration we have, and the  
49 upcoming projects and ideas that we're working on. Sitka  
50 Park is not one where subsistence activities take place,

1 however, there are other collaborations.

2

3 I did just want to ask you since you  
4 mentioned Mount Edgecumbe, if there is any  
5 interrelationship between the public high school and  
6 Mount Edgecumbe, and if you thought any of the students  
7 are considered Sitka residents?

8

9 MR. WIDMARK: Mr. Chairman. Board  
10 members. Yeah, that's a very good question. I believe  
11 over the years that -- back in the 70s, if I may be  
12 there, there was generally a big board, a big wall, and  
13 we wouldn't -- there was something about, you know, kids  
14 being kids, and things where they were doing things, you  
15 know, basically to harm each other. But I think just  
16 recently both governments got together and -- the student  
17 governments, and working together on this, and trying to  
18 get some culture ties. The Sitka School District has  
19 come on line on cultural sensitism, and the Mount  
20 Edgecumbe students are, I believe from Sitka Tribe, from  
21 where I'm at when working with the staff and having  
22 culture events, Mount Edgecumbe is a very important piece  
23 to Sitka. They have come -- I mean, not just -- but they  
24 are very part of where they come from, they have  
25 different dance groups, they have participated the last  
26 month on Native -- in the month of November, Mr.  
27 Chairman, of Native American heritage month, and  
28 participated at the Sheldon Jackson High School. No  
29 matter where you go, they're there, and they're more than  
30 welcome within our community I think more than they ever  
31 have been.

32

33 Thank you, Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Any other  
36 questions. John.

37

38 MR. LITTLEFIELD: Thank you, Mr. Chair.  
39 Mr. Widmark, thank you for your words, and then I just  
40 wanted to ask what part of Joe Williams' wouldn't we  
41 follow? I would assume we would give them a lot of food,  
42 but we wouldn't throw them off the roof. That's what  
43 you're trying to say there, right?

44

45 (Laughter)

46

47 MR. WIDMARK: Thank you for reading  
48 between the lines. Mr. Chairman.

49

50 MR. LITTLEFIELD: Okay. And then I do

1 have a question for you, and it has to do with some of  
2 the things that was brought up by the previous question  
3 on Mount Edgecumbe. Mount Edgecumbe is a statewide  
4 facility. Sitka by virtue -- Sitka Tribe by virtue of  
5 being a member of the consortium is on the Board of the  
6 SEARHC, Southeast Alaska Regional Health Corporation, and  
7 I know they have grown quite a bit, I'm not exactly  
8 certain how many people they are, but there are some  
9 regional and statewide things that happen in Sitka, such  
10 as the Coast Guard. And I'm wondering if you could give  
11 me some idea of your feeling for the growth of SEARHC.  
12 We know it's grown quite a bit over the last few years,  
13 but I don't have those numbers right at hand, and maybe  
14 if you could help us on that, or -- I think it's probably  
15 double, but I'm not certain, but it's grown considerably  
16 is the point I'm trying to get out, and also the Coast  
17 Guard base, which is new since '80 has been brought upon  
18 us. And these are things outside of our control. But If  
19 you could comment about SEARHC a little bit?

20

21 MR. WIDMARK: Mr. Chairman. Board  
22 members. SEARHC has grown I think quietly, and they have  
23 grown I think expanse -- you know, it's just not the  
24 Sitka thing, but it's a regional thing. Whatever happens  
25 to SEARHC is from Ketchikan all the way up to, I'm not  
26 sure of Yakutat, but it's a regional thing. Sitka -- I'd  
27 be the first to say Sitka didn't know that SEARHC was --  
28 after the mill shut down, SEARHC was the highest  
29 employer. Until something hits you in the face that,  
30 wow, the mill's shut down, our jobs have been going,  
31 where are the people going, where is the housing going to  
32 go? What's -- you know, we thought fishing was going to  
33 be the next one. But SEARHC is a very big part in our  
34 community, but on our regional, Southeast regional.

35

36 If I may, just to touch on a little bit  
37 of the Coast Guard, I did speak with the previous  
38 commanders, and they weren't too happy about the Coast  
39 Guard not being part of the community, or thinking about  
40 the transition, if you will, because every two years  
41 they're gone. I did speak with one of the previous  
42 commanders about that, and after speaking about the rural  
43 determination, he understood, because we went over about  
44 do they hunt, does your employees hunt and fish, and he  
45 said, yes. And after we had that conversation for about  
46 an hour or so, he understood where the tribe was coming  
47 from on that issue. But that was just a sit down talk  
48 with previous commanders at Sitka. I won't speak for  
49 Kodiak.

50

1 CHAIRMAN DEMIENTIEFF: Any other  
2 questions.

3  
4 (No comments)

5  
6 CHAIRMAN DEMIENTIEFF: Thank you very  
7 much.

8  
9 MR. WIDMARK: Thank you, Mr. Chairman.

10  
11 CHAIRMAN DEMIENTIEFF: We appreciate it.  
12 Jessica Perkins.

13  
14 MS. PERKINS: Good afternoon, members of  
15 the Board. My name is Jessica Perkins, and I'm a staff  
16 person for Sitka Tribe. I'm hear speaking on behalf of  
17 the tribe.

18  
19 The issue today is rural determination,  
20 and I know you guys are all aware that there's Federal  
21 law and Federal regulations speaking to this, but what  
22 I'd like to talk a little bit about is the interpretation  
23 of the regulation as presented to you by the Office of  
24 Subsistence Management Staff, and present a different  
25 view of what the regulations say in hopes to maybe change  
26 your mind a little bit.

27  
28 The regulations regarding communities  
29 above 7,000 state that a community with a population of  
30 more than 7,000 shall be presumed nonrural, unless such a  
31 community or area possesses significant characteristics  
32 of a rural nature. Now, when this was first done in 1990  
33 by the Federal Government, this Board found that Sitka  
34 possessed significant characteristics of a rural nature.  
35 That's why Sitka is rural today.

36  
37 When the Office of Subsistence Management  
38 Staff recommended that Sitka be further analyze, that it  
39 remain on the list to look at further, they said that the  
40 question was because we're over 7,000, has the population  
41 grown any more? However, for communities between 2500  
42 and 7,000, they found the determining factor was were  
43 changes in community characteristics known that may  
44 warrant a change in status. And what I'm asking is that  
45 the Board consider that, the Board consider whether  
46 changes in Sitka community characteristics are known that  
47 may warrant a change in status, because the Board has  
48 already determined 10 years ago that Sitka should be  
49 rural. So why does it matter if the population at this  
50 point has changed?

1                   Now, if you want to look at the change in  
2 status in Sitka -- I mean, the change in population in  
3 Sitka, Sitka's population has grown three percent, 247  
4 people. Okay. In 1990, the population was 8588. In  
5 1995 it moves to 8873. In 2000 it dropped to 8835. And  
6 in 2004 it dropped again to 8805. The reason why I'm  
7 citing the 1995 and the 2004 numbers is because,  
8 according to the regulation, population data from the  
9 most recent census conducted by the United States Bureau  
10 of Census should be used as updated by the Alaska  
11 Department of Labor. So if you look at the most recent  
12 numbers from the Alaska Department of Labor, the 2004  
13 population is 8805. And so that shows a steady decrease  
14 from 1995 through 2004.

15  
16                   Now, I know we were just talking a little  
17 bit with Chairman Widmark about SEARHC and also about the  
18 Coast Guard base in Sitka, and I actually do have some of  
19 those numbers. SEARHC is the regional health care  
20 facility for Alaskan Native and American Indian  
21 beneficiaries for all of Southeast Alaska. It serves 18  
22 communities. There are currently 594 employees working  
23 at that facility. Now, in 2000 the average family size  
24 was 3.15, so that means approximately 1500 people being  
25 liberal. Other than in Sitka to serve a Federal  
26 responsibility to provide health care to Alaskan Natives  
27 living in Southeast Alaska. The reason why that facility  
28 is located in Sitka is because it was originally a War  
29 Department facility, a Public Health Services hospital,  
30 and it was easily -- and it was there, it was already a  
31 facility being operated, and it was converted into an IHS  
32 facility. So that's 1500 people.

33  
34                   The Forest Service, of course, the  
35 Tongass surrounds Sitka, has 83 people according to the  
36 2005 community profile of Sitka, employed in Sitka.

37  
38                   Mount Edgecumbe High School, again a  
39 state public boarding school, has 59 employees.

40  
41                   The Coast Guard has 191 employees.

42  
43                   So all those people are there serving,  
44 you know, a variety of, you know, what I characterize as  
45 a unique relationship to Alaska Natives in the area. The  
46 location of the national forest surrounding Sitka, and  
47 serving those needs.

48  
49                   So again my point -- What I'm trying to  
50 ask you to do is to look at what changes in the community

1 characteristics are known that may warrant a change in  
2 status. And if you look at the numbers that were used in  
3 1990 for some of these things compared to 2000, for  
4 instance, in 1990 the State brought forward to the Feds  
5 that the average consumption of wild food per person in  
6 Sitka was 150 pounds per person per year. And the 1996  
7 numbers shows that the average is 206 pounds per person  
8 per year. So regardless of the numbers, people in Sitka  
9 are using more fish, more wildlife, in Sitka today than  
10 they were in 1990. That, according to your Federal  
11 criteria in the regulation says that, you know, Sitka's  
12 characteristics are rural. I mean, if they were rural in  
13 1990 at 150 pounds a person, they still should be rural  
14 today at 206 pounds per person.

15

16 In the July 15th, 2005 report by your  
17 Staff, they did a one paragraph analysis of Unalaska.  
18 They went through Unalaska, they said there was a 43  
19 percent increase in the population there, and they said,  
20 you know, this might warrant further review. But instead  
21 of saying, let's put them on the list, they went through  
22 and they indicated -- said, how much country food are  
23 they harvesting? What's the unemployment rate? What are  
24 the -- you know, what's the average household? And they  
25 compared that very quickly in one paragraph to other  
26 rural communities.

27

28 What I don't understand is why the Staff  
29 didn't do that for other communities that were in that  
30 area, that were kind of -- if you're looking at what's  
31 changed, why couldn't they do that in one paragraph? The  
32 numbers are all available on the State web site, they're  
33 all available in the census data. Why couldn't they  
34 have done that for Sitka? Why do we have to further  
35 analyze Sitka's status when all of the numbers indicate  
36 that Sitka has the same characteristics it did in 1990,  
37 if not more rural characteristics today?

38

39 I'd also like to reiterated Chairman  
40 Widmark's comments regarding consultation. The Sitka  
41 Tribe has a very strong government-to-government  
42 relationship with the city, with the Park Service, with  
43 the Forest Service in Sitka, and we engage in  
44 consultation with what we call a capital C on lots of  
45 issues. Timber sales, permits, new regulations coming  
46 out, other things with those agencies daily. I mean, I  
47 get calls daily from those Federal agencies in my office  
48 saying, do you guys want to consult on this issue? This  
49 seems to affect you, does this -- do you want to consult  
50 on this issue?

1 But when it comes to a rural  
2 determination when it comes to the Federal Subsistence  
3 Board, what I have heard so far is that the tribes aren't  
4 entitled to consultation, because it's not Indian  
5 legislation, and because it doesn't uniquely affect  
6 Indian tribes. But I never read that in the executive  
7 order. The executive order says, Federal agencies shall  
8 consult with tribes on issues affecting them. and I'd  
9 like to ask the Board that if Sitka remained on the list,  
10 that Sitka Tribe be able to have government-to-government  
11 consultation if not with the Board as its own separate  
12 Federal agency, but at least individually amongst the  
13 agencies that sit on the Board.

14  
15 And lastly, if Sitka does remain on the  
16 list, and again I'd like to reiterate that we'd request a  
17 public hearing be held in Sitka so that tribal citizens  
18 from Sitka Tribe and residents of Sitka can testify to  
19 the Board to further describe to you the rural  
20 characteristics.

21  
22 Thank you.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you. Any  
25 questions. Gary.

26  
27 MR. EDWARDS: Mr. Chairman. The  
28 information that you provided about Unalaska, where did  
29 you get that from?

30  
31 MS. PERKINS: It's on Page 18 of the  
32 Office of Subsistence Management report that was dated  
33 July 15th, 2005. It was the initial Staff recommendation  
34 regarding which communities should be further analyzed or  
35 not.

36  
37 MR. EDWARDS: Maybe if we could have  
38 Staff respond to that. Larry, can you respond to that?

39  
40 MR. BUKLIS: Yes, Mr. Chairman. Larry  
41 Buklis, Office of Subsistence Management.

42  
43 If we're comparing and contrasting growth  
44 in Unalaska and why it wasn't recommended for further  
45 analysis and the growth in Sitka and why it is, the  
46 Board's guideline on the review process was that a  
47 community that is rural in classification, but increases  
48 over 7,000 or further over 7,000 if it already was,  
49 warrants further analysis, because 7,000 is a threshold  
50 level for presumptive nonrural. In the case of Unalaska,

1 it is in that middle sized category between 2500 and  
2 7,000, and in that case it did not grow over 7,000 or  
3 further over 7,000, because it wasn't over 7,000 to begin  
4 with. And so the July 15th Staff report looks at  
5 Unalaska as a middle sized community in your criteria  
6 thresholds, and looks at some of its characteristics and  
7 concludes it doesn't appear to warrant further analysis  
8 at this time. Back in July the Board considered all this  
9 information and did not advance Unalaska for further  
10 analysis.

11

12 CHAIRMAN DEMIENTIEFF: John.

13

14 MR. LITTLEFIELD: Thank you, Mr. Chair.  
15 I don't know if this is the time to talk. I think Mr. --  
16 I have lots of questions for Mr. Buklis on this  
17 particular point, but probably.....

18

19 CHAIRMAN DEMIENTIEFF: We're going to  
20 continue with public testimony.

21

22 MR. LITTLEFIELD: .....I can after public  
23 testimony, and if he can come up later, I do have some  
24 significant questions on that. And just for a matter of  
25 information, the graph that I distributed to the  
26 Board.....

27

28 UNIDENTIFIED VOICE: (Indiscernible, away  
29 from microphone) distributed.

30

31 MR. LITTLEFIELD: Oh, you're still  
32 sitting on it. Okay. Anyway that specifically addresses  
33 what's happened on Pages 17 and 18 as well as later on I  
34 will talk specifically about what these regulations mean,  
35 so that hopefully we can do that tomorrow I guess.

36

37 CHAIRMAN DEMIENTIEFF: Mr. Buklis is  
38 available, and if that's a point Grace opened up today,  
39 and that was one of the questions I asked to make sure,  
40 to make sure that he's available to us. And you'll have  
41 ample opportunity under your Regional Council comment to  
42 grill him.

43

44 MR. LITTLEFIELD: I'll grill him, Mr.  
45 Chair, but I did the quick math on Ms. Perkins' numbers,  
46 and it was 2,920 people that are working in Sitka and  
47 living in Sitka because of regional or outside  
48 activities. So there's at least -- there's a good  
49 portion of them because of things that are outside the  
50 City's control.

1 CHAIRMAN DEMIENTIEFF: Thank you. Any  
2 other comments or questions.

3  
4 (No comments)

5  
6 CHAIRMAN DEMIENTIEFF: Thank you very  
7 much. Lisa Gassman.

8  
9 MS. GASSMAN: Good afternoon. My name is  
10 Lisa Gassman. I am from Sitka. I am the general manager  
11 for Sitka Tribe of Alaska. I am here today to testify on  
12 behalf of Sitka Tribe of Alaska and our tribal citizens,  
13 which total over 3,700. We only were able to bring up  
14 one counsel member here today, our chairman Lawrence  
15 Widmark, due to the cost of getting here. You have two  
16 staff members from the tribe before you testifying today,  
17 because we were here for other conferences.

18  
19 The tribe feels this is a very important  
20 issue, and if Sitka remains on the list, we do hope that  
21 you will hold the hearings in Sitka so you can hear from  
22 the other eight council members who are also elected by  
23 the tribal citizens, as well as our tribal citizens.

24  
25 Not to pick on Unalaska or Petersburg,  
26 but I know that those are communities that were found to  
27 possess characteristics of a rural community, so we  
28 wanted to show some comparisons between Sitka and those  
29 two locations as far as economy and transportation.

30  
31 Sitka's per capital income is \$23,622 per  
32 year. That came from the Alaska Community Data Base  
33 community information summaries. Unalaska, which is  
34 considered rural, per capita income is 24,676.  
35 Petersburg, also rural, 25,827. To show I guess a  
36 nonrural income, 27,341 for Valdez. So you can see with  
37 our 23,622, we're more in line with rural areas than  
38 nonrural.

39  
40 Residents living below the poverty level  
41 in Sitka, 7.81 percent. In Unalaska, theirs is 12.5  
42 percent. Petersburg is 5 percent. Valdez 6.2 percent.  
43 All of these statistics come from the Community  
44 Information Summaries. And again as far as residents  
45 living below poverty level, we're more in line with those  
46 rural communities than nonrural.

47  
48 The Sitka Economic Development  
49 Association submitted a letter which you have in your  
50 packet, and I just wanted to emphasize some of the points

1 that they brought out, which they learned from a McDowell  
2 study that was conducted, Sitka's economic profile.  
3 Between 1980 and 2004, the average monthly wage in Sitka  
4 adjusted for inflation has declined from \$3,586 per month  
5 to \$2,676 per month, a loss of 25.4 percent. They also  
6 pointed out a slow pace of monthly wage growth in Sitka,  
7 \$27 over the years 2000 to 2004. We recently conducted a  
8 tribal needs assessment, and the income more often  
9 reported by our tribal citizens in that needs assessment  
10 of 235 tribal households was \$12,500.

11  
12 As far as the other thing I would like to  
13 focus on is transportation. Sitka, as you've heard a  
14 number of times today is an island community. We do have  
15 daily jet service and very sparse ferry service. We're  
16 not on the main line, and Sitka Tribe and tribal  
17 employees have participated in various work groups to try  
18 to increase the amount of service that we get in our  
19 community, but to date we haven't been successful. In  
20 fact, for the upcoming year we have even less ferry  
21 service than previous years. We average about two  
22 ferries per week coming into Sitka, compared to  
23 Petersburg, also considered rural, they have 12 ferries  
24 coming in. We don't have a deep water dock in Sitka.  
25 Comparing again to other communities considered rural  
26 versus nonrural, Unalaska also has daily flight service,  
27 bimonthly ferry service for six months of the year to  
28 Kodiak. They have 10 docks, including a deep water dock  
29 for servicing vessels. And Petersburg also is accessible  
30 by air and water. They're on the mainline State ferry  
31 route, and as mentioned just a little bit ago, 12 ferries  
32 per week go into Petersburg. Those are considered rural,  
33 we would advocate that Sitka also is.

34  
35 There was a question earlier that asked  
36 what has changed to make Sitka more urban as opposed to  
37 rural. Our mayor wasn't able to make that argument,  
38 because there aren't changes that happened from then to  
39 now that support that. In fact as has been advocated  
40 earlier and explained by the previous speakers from  
41 Sitka, we had the mill closure in 1993, and the student  
42 population decrease that our chairman spoke about, a  
43 declining population from previous censuses to today's,  
44 an increase in the number of people who rely on  
45 subsistence foods for their food for the year, and,  
46 lastly, a decrease in the amount of transportation that  
47 we're able to do in and out of Sitka.

48  
49 If Sitka stays on the list -- we would  
50 advocate first that it be removed, and that you follow

1 the recommendation of the Interagency Staff Committee,  
2 the minority recommendation. But if it does stay on the  
3 list, I'd just like to reiterate that we would like the  
4 Board to come to Sitka to hold hearings on this issue.

5  
6 And that concludes my testimony. Thank  
7 you for your time today.

8  
9 CHAIRMAN DEMIENTIEFF: Thank you. Any  
10 questions.

11  
12 (No comments)

13  
14 CHAIRMAN DEMIENTIEFF: Thank you very  
15 much. Herman Squartsoff.

16  
17 MR. SQUARTSOFF: Thank you, Mr. Chair and  
18 Board. Herman Squartsoff from the Village of Ouzinkie.  
19 And I also represent the Kodiak Region on another  
20 subsistence Federal board. And I also represent that  
21 board down -- when I go down stateside to like Wyoming  
22 and these different places and D.C. But right now I'm  
23 representing Kodiak. Kodiak Tribal.

24  
25 One of the things that got me right here  
26 was when I came in, I seen this map in the packet here  
27 and it drew flags with me right away, seeing Ouzinkie and  
28 Ports Lions on there, you know, along with Kodiak, but I  
29 was told I didn't need to worry about, you know, they  
30 weren't included.

31  
32 But it does affect Ouzinkie and Port  
33 Lions if Kodiak became an urban city, you know, their  
34 rural status is pulled out of there. A lot of our people  
35 go there for economic reasons, to work and all that and  
36 everything else. And we do subsist out of that area.  
37 You know, we go in there, gather eggs, mamiyucks (ph),  
38 I'm going to use some of the Alutiiq words in here, and I  
39 know the lady up there was questions Olga a while ago on  
40 some of the stuff that are still harvested, but we do  
41 utilize that area for subsistence fishing and hunting.  
42 And if it did become an urban status, we'd lose out on  
43 that.

44  
45 But I want to go back a little bit on the  
46 history of Kodiak also. Kodiak originally was a small  
47 Native village, and it grew around that village. You  
48 know, that's, you know, why the population grew so much.  
49 But you still have only 14 percent of that community is  
50 the Native people, and it's still a small group that do

1 depend on this lifestyle.

2

3 I also teach down there in two different  
4 camps right now, and both of them are out of Kodiak. One  
5 is for the Native Village of Afognak, and one is for the  
6 Kodiak Area Native Association. I do the so-called  
7 subsistence, or what you guys call subsistence. I call  
8 it the traditional and cultural Native gathering and  
9 hunting. I don't call it subsistence. That's what it  
10 is, it's a traditional and cultural thing, you know, that  
11 we provide.

12

13 And I was also approached just recently  
14 to start teaching another group down there, that a lot of  
15 the younger children are interested in, about 20 of them,  
16 out of one of the other tribal down there in the City of  
17 Kodiak. And I'm going to do it. You know, I'm going to  
18 go out there and help them and teach them and show them  
19 the way of life that it should be, and the good food for  
20 them to eat.

21

22 And if I don't -- if we end up having it  
23 as a nonrural area, we'll lose this. We're trying to  
24 revive it back. We're trying to reach our young the way  
25 of life, our cultural traditional things. And if we  
26 don't do this, we're going to lose it. And we can't. We  
27 can't afford to lose it.

28

29 My diet in my house is only -- it's only  
30 85 percent of my diet is the subsistence food, and I envy  
31 the lady sitting up here saying that she had 99 percent.  
32 I was sitting there telling my friend, I need to go live  
33 with her for a while. She's eating better than me.

34

35 (Laughter)

36

37 MR. SQUARTSOFF: You can't get any better  
38 food than that, you know.

39

40 And I also teach in the school right now  
41 in the village for one hour a day, is all I get, but I'm  
42 also teaching subsistence, survival, and all that there.  
43 And I also have been able to be, and honored to have been  
44 able to teach one of the Navy's elite teams, the Navy  
45 Seals, down there for four years on this subsistence.  
46 We're calling it near coastal survival, and which it is.  
47 For us Natives it's a survival that we're fighting to  
48 keep, you know.

49

50 And as small as Kodiak was, and the

1 Native population in there, they shouldn't have to be  
2 sitting here, or we shouldn't have to be sitting here  
3 right now, saying that, you know, we need to be kept  
4 rural. We shouldn't have to. This has always been our  
5 way of life.

6  
7 I envy Matt on what he was saying also.  
8 I take it he's one of the providers in his village in the  
9 amount of deer he got. I'm not going to tell you how  
10 much I've gotten so far this year, or my son. We're  
11 providers also. And it's all about sharing and gathering  
12 is what it is. Sharing and gathering this stuff, you  
13 know, and providing for the people, the elders in the  
14 village.

15  
16 And the things you were asking about a  
17 while ago to Olga, you know, I still -- I started last  
18 year, I spent the winter in Kodiak last year. And I  
19 started harvesting the mamiyucks (ph), and to you that's  
20 the clams, you know. And people are still scared to eat  
21 them, because of the PSP level, but I figured, well, you  
22 know, it's been long enough. It's been since the oil  
23 spill, and the warmer El Nino temperatures, and that --  
24 both I believe had a combination and affected the PSP.  
25 But I've heard, man, I can't wait any more. I mean it's  
26 just -- so I tried them one night, and my son says, Dad,  
27 if you're still alive in the morning, I'll eat some with  
28 you tomorrow. And I'm here, so he did eat some with me  
29 the next day.

30  
31 But it's something that we need to keep  
32 passing on, you know, to keep it going down there and  
33 everything, and we also harvest out of the Kodiak area.  
34 We get a lot of ezshuwek (ph) out of there, the weenucks  
35 (ph), the heducks (ph), the meeyuk (ph), and the ooducks  
36 (ph), which are the sea urchins, the octopus, the sea  
37 lions, the seal. We gather a lot of berries, a lot of  
38 plant life. There's a lot of plant lore and stuff and  
39 everything. That was another thing I taught the Navy  
40 Seals, and I'm teaching to the kids.

41  
42 So on that note, I think I'll pretty much  
43 -- that's pretty much all. I won't take up too much more  
44 time here, but Kodiak should not be considered urban, you  
45 know, especially the Native population. You should zero  
46 in -- the Coast Guard base is kind of like a reservation  
47 of its own. Sure, they participate in some of the things  
48 in the community and City of Kodiak, but they're their  
49 own -- they're the biggest Coast Guard base in the United  
50 States there in Kodiak. And then, sure, we do things

1 with them, but you need to zero in on that 14 percent of  
2 that population in the City of Kodiak instead of thinking  
3 of the 7,000. Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Any questions.  
6 Niles.

7

8 MR. CESAR: Well, it's really not a  
9 question, just an observation. If Kodiak were to be not  
10 taken off the list, studied, and subsequently declared  
11 nonrural, then my assumption would be that places like  
12 Ouzinkie and the surrounding villages would be impacted  
13 also by the increased subsistence harvest so that they  
14 could feed their own family and tribal members who are in  
15 Kodiak.

16

17 MR. SQUARTSOFF: Definitely. That would  
18 impact us that way. And like I said, it would also  
19 impact the people moving in there, they wouldn't be able  
20 to do it. They'd have to go back out. And I also  
21 understand that you might be able to give me some  
22 information on some clam testing kits.

23

24 MR. CESAR: Well, the last one I used was  
25 the president of Tlingit-Haida. We went clam digging one  
26 time and he ate the first one, and his lips got numb, so  
27 we threw the rest away.

28

29 (Laughter)

30

31 MR. SQUARTSOFF: Well, I guess I got the  
32 wrong information. Sorry there, Mr. Cesar. Thank you.

33

34 CHAIRMAN DEMIENTIEFF: John.

35

36 MR. LITTLEFIELD: Thank you, Mr. Chair.  
37 Mr. Squartsoff, I'm really pleased to see that you're  
38 running these subsistence camp. We do a very similar  
39 thing for about 20 years in Sitka. So I was -- my  
40 question is, do you have any cultural or educational  
41 permits issued by the Federal Board that allows you to  
42 harvest outside of the regular limits, like we have that  
43 in Sitka, and I was wondering if you any of those that  
44 have been issued by the Federal Board.

45

46 MR. SQUARTSOFF: No, I haven't yet, but I  
47 have gotten some from the State for deer, and I'm going  
48 to be looking to them this for some for the elk over on  
49 Afognak.

50

1 MR. CESAR: Mr. Chairman.  
2  
3 CHAIRMAN DEMIENTIEFF: Niles.  
4  
5 MR. CESAR: Just a clarification. As  
6 usual, my staff corrected me. We do know more about the  
7 clam testing. Thank you.  
8  
9 MR. SQUARTSOFF: Sounds good. I hope you  
10 can give me that information before I leave. Thank you.  
11  
12  
13 And, John, I do help in these camps. I  
14 don't run them, but I do help and do the subsistence  
15 stuff.  
16  
17 CHAIRMAN DEMIENTIEFF: Thank you.  
18  
19 MR. SQUARTSOFF: You're welcome.  
20  
21 CHAIRMAN DEMIENTIEFF: Very good  
22 testimony.  
23  
24 MR. SQUARTSOFF: Quyanaduk (ph).  
25  
26 CHAIRMAN DEMIENTIEFF: Mike Williams.  
27 Some of these people have left. Gary Watson.  
28  
29 MR. WATSON: Yes. Good evening, Mr.  
30 Chair. Panel. My name is Gary Watson. I serve on the  
31 Shoonaq Tribal Council.  
32  
33 As what all of us have been hearing  
34 today, you know, subsistence is our way, always will be  
35 our way. But I guess I have a hard time looking at the  
36 numbers. We're already established that Kodiak City, or  
37 to me, Kodiak Town, it was rural. Always has. Always  
38 will.  
39  
40 If found out to my surprise also that the  
41 Coast Guard base, which is a population of 3,000 or  
42 better, you know, was added to our status, and I said,  
43 well, how could that be, because the Coast Guard base as  
44 everyone heard, excuse me, has its own commissary, has  
45 daily flights to take to and from, their people to  
46 Anchorage or whatever it be. We don't have that, you  
47 know.  
48  
49 I want to give you a little incidence  
50 that happened I believe last year, is we had a child, a

1 really bad accident where a child got ran over on top of  
2 the ski chalet. And the base commissary -- I mean,  
3 hospital was only four miles away. The parent took his  
4 son there, thinking he could get help. Didn't happen.  
5 His son died. So, you know, I have a hard time believing  
6 that you guys brought the Kodiak Coast Guard base into  
7 our arena.

8  
9 And just to sum it up really fast, I hope  
10 that you guys really take that into consideration and,  
11 you know, take us off, you know, this so-called status  
12 quo. Thank you.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you. Any  
15 questions.

16  
17 (No comments)

18  
19 CHAIRMAN DEMIENTIEFF: All right. Thank  
20 you very much. Ray Sensmeier.

21  
22 (No comments)

23  
24 CHAIRMAN DEMIENTIEFF: Iver Malutin.

25  
26 MR. MALUTIN: Thank you, Mr. Chairman.  
27 And I'd like to thank the Federal Subsistence Advisory  
28 Board to give me an opportunity to speak. My name is  
29 Iver Malutin, and I'm an elder. I was born in 1931. I  
30 was born and raised in Kodiak, so I can speak probably a  
31 little different than the other testimony you heard from  
32 Kodiak, since I was there since 1931. I represent the  
33 Kodiak Area Native Association, and I am a member of the  
34 Shoonag Tribe.

35  
36 And one of the things that we're really,  
37 really talking about here is a God-given gift to the  
38 indigenous people. And now we're here struggling to try  
39 to keep this God-given gift to us. We don't want to lose  
40 it. I had it all my life. And all of a sudden we have  
41 to come to meetings like this, because, number 1, we have  
42 been impacted so heavily. In Kodiak in 1931 when I was  
43 born, there was probably 300 people. As I remember later  
44 on, there was 500 people and I was probably 10 years old.  
45 Maybe two or three or four or five cars. In high school,  
46 there was never any vehicle. We relied totally on  
47 subsistence. When we needed fish, my dad would just jump  
48 in the channel and five minutes away, he would go get  
49 fish that we needed for supper.

50

1                   If my older brothers and sister didn't  
2 make enough money working in wherever they worked, he  
3 would have to go duck hunting. And I went duck hunting  
4 with him several times where he would take maybe three  
5 shells, and he didn't hunt like the sportsmen hunt. He  
6 would normally wait until the ducks got together and he  
7 would shoot them. And he had a 10-gauge with brass  
8 shells, and I used to hold the skiff when he'd do that.

9  
10                   We used to go across to the island and  
11 harvest the eggs from the eiders, from the seagulls.

12  
13                   And now with all the guideline that we  
14 have -- well, first of all, when the war came in, the  
15 western influence moved in. There was a big base at  
16 Kodiak. I don't know how many thousands of people moved  
17 in, and that was the beginning of the end of a lot of  
18 things that we had all our life. We had no boundaries.  
19 When the influence of all these people moved into Kodiak,  
20 the boundaries came in. And in Anchorage in 1947 when I  
21 was here, there was 50,000 people. Look at it today.  
22 Look at it. And anyway, that's exactly what's happening.

23  
24  
25                   And just to give an example, another  
26 example, some statistics from your people, and you have  
27 to believe them, because they came from the  
28 archaeologists from the Alutiiq museum in Kodiak. 7500  
29 years ago there were Natives in Karluk according to the  
30 archeologist from the Alutiiq museum. And their main  
31 diet was fish, seafoods. We are a coastal community  
32 people. There were not animals to eat on Kodiak Island  
33 like moose or caribou or deer. They were all planted  
34 later. But it was found in 7500 years ago they ate a lot  
35 of seafoods. We are a coastal community people.

36  
37                   And 1500 years ago at Siemka (ph) right  
38 out by the Buskin River where the airport is, the Alutiiq  
39 museum had another dig. They found that the Natives were  
40 making nets, salmon nets 1500 years ago. And they also  
41 found that 4500 years ago they were harvesting and  
42 preserving salmon by drying and salting.

43  
44                   So we are definitely that type of person,  
45 and, please, don't take his away from us today. Or not  
46 today, but in the future when the time comes when you're  
47 going to make a decision.

48  
49                   I'm not a good speaker, but I can state  
50 this over and over and over, without a laptop computer,

1 without a bunch of papers in front of me, because it's  
2 coming from my heart. And that's what's so important to  
3 us. As for me to come here to make my testimony, I don't  
4 like to be here, and I don't like to put you on the spot.  
5 And I'm not going to say that you did this to us or you  
6 did that to us or whoever, because I'm just not that type  
7 of person. But whatever you do, whatever your decisions  
8 are, if it impacts me to the extent that I can't get my  
9 traditional foods that were given to us that I say by  
10 God, then I'm going to take some other means and probably  
11 every Native in Kodiak Island will probably be in jails  
12 according to your guidelines. Because we are not going  
13 to stop. I don't think so. We've been with it too long,  
14 and I just don't think that would ever happen.

15

16 And I talked to all the different people.  
17 I talk to the Yup'iks, I talk to the Athabascans, and in  
18 their testimony they say to me the same thing. And  
19 Harvey Sampson said it all, and I'll end after his  
20 statements. I'm not going to say exactly what he said,  
21 but he said, damn it, all the land and all the resources  
22 were ours and we're fighting like hell to try to get a  
23 piece back. So, please, I know you are all really well-  
24 educated people, but you're not educated by our  
25 standards. You're educated by the standards of the  
26 Harvard, Yale, UCLA, Stanford. We're educated by the  
27 golden rule of common sense. And I know that most of you  
28 or all of you do have common sense or you wouldn't be  
29 here. So I take -- I put my hands in your trust that you  
30 are not going to take this God-given gift away from us.

31

32 Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Any  
35 questions.

36

37 MS. GOTTLIEB: Mr. Chair.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MS. GOTTLIEB: Thank you very much for  
42 your perspective, especially from 1931, and I think you  
43 bring up something which, you know, maybe the Board will  
44 grapple with at a future time, and that is these numbers  
45 that have been set in our criteria from ANILCA which is  
46 now about 25 years old maybe need some consideration over  
47 time as to whether they need some adjustment given just  
48 natural growth.

49

50 MR. MALUTIN: Excuse me. I only have one

1 ear. I was born with one ear, and I can't hear that  
2 good. But I managed to get in the Army because I got to  
3 where the doctor could -- I could hear him. He didn't  
4 give me a test. But anyway, I need you to speak a little  
5 bit louder so I can hear you.

6  
7 MS. GOTTLIEB: Yes, thank you. And I  
8 very much appreciate your testimony, especially your  
9 perspective from 1931 gives us a different suite of  
10 knowledge perhaps than we've been thinking about, and I  
11 think it might be important for us to consider that  
12 perspective in our criteria as the law that we work under  
13 ages as well.

14  
15 MR. MALUTIN: Okay. Mr. Chairman, if I  
16 may, I just thought of one thing. I talked to the  
17 Alaska Department of Fish and Game in Juneau and also  
18 Kodiak, and they told me unofficially, not with a  
19 resolution by your standards, but just from the word of  
20 mouth that I believe is that nothing has changed in their  
21 position from the first time they made the determination  
22 for Kodiak. I think it was 10 or 15 years ago the State  
23 of Alaska, Department of Fish and Game said that Kodiak  
24 should be rural. And in talking to them about two weeks,  
25 three weeks ago, they told me the same thing. As far as  
26 they were concerned, nothing has changed. The resource  
27 is really in really good shape. And in closing, I'd like  
28 to thank the Department of Fish and Game and the Fish and  
29 Wildlife for the really good work that they're doing in  
30 manage the resource. Even though I do have some  
31 disagreements, I think they're doing a hell of a job.  
32 Thank you.

33  
34 CHAIRMAN DEMIENTIEFF: Thank you once  
35 again. Excuse me. Millie Stevens. Is Millie Stevens  
36 here?

37  
38 MS. STEVENS: Thank you, Mr. Chairman.  
39 Members of the Federal Subsistence Board, different  
40 agencies, tribal members and guests. First of all, I  
41 would like to give you -- I would like to thank you for  
42 the opportunity for me to be here. I am from Craig,  
43 Alaska on Prince of Wales Island, and I am here to  
44 testify in support of the people of Sitka and Saxman.

45  
46 My roots come from Sitka and Klukwan.  
47 That's my mother was born in Sitka and raised in Klukwan.  
48 So those of us in Southeast have family throughout  
49 Southeast and throughout the State.

50

1                   It frightens me more than anything else.  
2 You know, Craig, we only have like 2,000 people there,  
3 and I understand that when and if we reach the 7,000  
4 mark, I think what we're going to do is tell people they  
5 can't move on the island. They're going to have to go  
6 somewhere else. And that really saddens me. It makes me  
7 wonder who's next. Who's going to be impacted by this?

8  
9                   It doesn't make any difference what our  
10 annual income is. We as indigenous people of this land  
11 crave our cultural foods. I lived in Seattle, Washington  
12 for eight years, and once a month my parents sent me a  
13 care package. And I shared that with other Alaskans that  
14 lived in the Seattle area. So it doesn't make any  
15 difference how well we dress, what kind of car we drive,  
16 what kind of job we have. Those of us that have been  
17 born and raised in this State love our cultural foods.

18  
19                   And before I forget, the one thing that I  
20 was going to say first, I bring greetings from my Uncle  
21 Bill Thomas. He very much wanted to be here. He's  
22 battling cancer. He left for Seattle yesterday, and he  
23 starts his chemo today. He will have five days of chemo  
24 and one day of radiation for two solid months. So he  
25 does send his greetings to each and every one of you, and  
26 is very sorry that he can't be here.

27  
28                   You use the word subsistence, and it's  
29 been mentioned by several tribal people that the word  
30 subsistence really isn't part of our vocabulary. As  
31 traditional people, it's been our way of life. And I  
32 know that you've heard this over and over and over and  
33 over again. And I do appreciate all that you've done for  
34 the people that like to get the so-called subsistence  
35 foods, whether they're tribal or nontribal. And I just  
36 would like to wish you all the very best of luck in you  
37 deliberations.

38  
39                   I don't have a written speech. I'm here  
40 speaking from my heart. I happened to be in Anchorage  
41 for other meetings and it was mentioned last week at the  
42 BIA providers conference that the Federal Subsistence  
43 Board was going to be here. I was also told that Sitka  
44 and Saxman were on that list, and I just would like to  
45 ask that they not be on that list.

46  
47                   And again I do appreciate your time and  
48 for listening to me. (In Native language) Thank you.

49  
50                   CHAIRMAN DEMIENTIEFF: Any questions.

1 (No comments)  
2  
3 CHAIRMAN DEMIENTIEFF: Hearing none.  
4 Yeah, send our regards to Bill. He's been a long time  
5 valuable servant to the program.  
6  
7 Harold Napoleon.  
8  
9 (No comments)  
10  
11 CHAIRMAN DEMIENTIEFF: Art Ivanoff.  
12  
13 (No comments)  
14  
15 CHAIRMAN DEMIENTIEFF: That's it. We'll  
16 call these names in the morning, but I'm not going to be  
17 generous as we were today. We got a lot of information  
18 today, and did work. We'll use our three-minute drill  
19 tomorrow, because we still have a lot of work to do, and  
20 I know there's a lot of questions that are going to be  
21 asked. I know Chairman Littlefield, he did his usual  
22 supreme homework job, so he's got questions for  
23 everybody. But anyway I will call these four names that  
24 had to go. I think there's other meetings going on.  
25 They had a conflict. But I will make sure it's brief,  
26 because we've got to get to work.  
27  
28 Okay. That concludes our business for  
29 today. We'll be back at 8:30.  
30  
31 (Off record)  
32  
33 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 2 through 121 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 6th day of December 2005, beginning at the hour of 8:30 o'clock a.m. at the Marriott Hotel in Anchorage, Alaska;

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

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

DATED at Anchorage, Alaska, this 15th day of December 2005.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/2008