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

(Laughter)

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

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

Larry.

MR. BUKLIS: Thank you, Mr. Chairman.

I'll be providing a presentation on the Staff report. As shown on your agenda, the Staff report is entitled Decennial Review of Rural Determinations, Summary of Comments and Recommendations Received on Proposed Further
Analysis and Related Considerations, and that report is dated November 21st, 2005. It should be in your blue folders along with the agenda and along with the Interagency Staff Committee recommendation on the issue.

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

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

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

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

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

There's a lot of statistics related to rural determinations and a lot of thresholds and perspectives and it can be confusing. One way to look at it, in summary, is that when we look at the current rural determinations, which date back to 1990, and the current year 2000 census information on populations, we find only two communities or areas in Alaska with populations...
greater than 7,000 are currently considered rural; those
are Kodiak and Sitka.

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

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

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

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

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

Now, to move to the written public
comments during the public comment period. The Board
received comments from over 165 individuals and
organizations and 15 resolutions from city, borough and
tribal governments and organizations. Almost all
commenters advocated for a rural designation for the
communities of their interest. People perceive benefits
from a rural designation, primarily in the priority for
subsistence uses, and many commenters refer to ANILCA
.804 situations either directly or indirectly.
Commenters hold that community characteristics are the
critical factor and that population size is either a
lesser consideration or should not be a criteria at all.
A number of people noted that community populations often
fluctuate according to the seasons and the economy, and
expressed concern about the affect of transient residents
on a community's rural status.

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

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

For Kodiak.

Seven comments were received regarding
Kodiak. Additionally resolutions from the Ketchikan
Indian Community, Natives of Larsen Bay, and Shoonaq
Tribe of Kodiak requested that Kodiak retain its rural
designation and that hearings be held in Kodiak.

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

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

For Sitka.

53 comments were received. Additionally
resolutions from the Central Council of Tlingit and Haida
Indian Tribes of Alaska, the Ketchikan Indian Community,
and the city and borough of Sitka supported Sitka's rural status and requested that the Board hold public hearings in Sitka.

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

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

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

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

The Ketchikan Area.

The Board received 74 comments regarding Ketchikan city and outlying communities other than Saxman. In addition the Ketchikan Indian Community, the city of Ketchikan, the Greater Ketchikan Camber of...

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

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

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

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

One commenter supports a nonrural determination for Ketchikan and the surrounding communities based on the Board's criteria. Saxman.

32 comments were received regarding Saxman. There were also resolutions from the Ketchikan Indian Community and the city of Saxman in support of retaining Saxman's current rural status.
Commenters stated that Saxman is not socially or economically integrated into the city of Ketchikan or the Borough. Saxman was, is and always will be a place apart. Saxman has its own municipal and tribal governments and social infrastructure. Health services are provided by an island wide Indian health service clinic. Other tribal services from the Ketchikan Indian Community are denied to Saxman residents.

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

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

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

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

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

The Seward area.

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

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

In terms of broader points of interest -- points of comment, the Alaska Federation of Natives submitted a resolution which requests the Board to maintain the rural status of those communities currently under review and to hold public hearings in the 10
subject community areas.

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

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

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

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

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

Sitka was proposed for further analysis because it's population increased further above 7,000 between 1990 and 2000 which was a criteria for considering further analysis in the Board's approved methodology for this review. The population of Sitka increased by 247 people to 8,835 in year 2000 making it 26 percent above the 7,000 threshold.
Kodiak was proposed for further analysis because it also increased in population further above 7,000. The population for the Kodiak area increased by 625 people to 12,855. The Kodiak area in 2000 was 84 percent above the 7,000 threshold and 46 percent larger than Sitka.

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

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

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

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

One Council recommended that Adak, currently considered nonrural, be removed from the list for further analysis on the rationale that the information now available is sufficient to justify a change in status to rural. However, further analysis, even if brief, would contribute to the proposed rule stage should the Board determine that a change may be warranted.
Mr. Chairman, there were two additions to the list proposed for further analysis that rise up from the comments and recommendations we received. These are to add analysis of rural/nonrural status for Ketchikan and for Prudhoe Bay. I'll speak to each of those now and then conclude.

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

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

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

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

Mr. Chairman, that concludes my
presentation of the Staff report.

Thank you.

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

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

CHAIRMAN DEMIENTIEFF: Okay. Then one central theme that I got from listening to the analysis of public comments is requests for public hearings in affected communities. And how we do that is we need to advance it by midyear next year to get a Proposed Rule so we know exactly what communities that will be affected. And we have a history in our process of going there and doing that. For example, on the Kenai, we went to every community when we had a very large issue come up on the Kenai to do that, so we do have a history. It's part of our process and part of our process that we actually welcome, so I just want to point that out, but we do have to have a Proposed Rule so we know how to focus people's testimony. And when we get to that point, although, I can't make promises, very much we're going to be interested in going there, and like I said we've done that in the past.

Okay, with that we're going to open up public testimony.

The first person we have is Lee Wallace.

MR. LITTLEFIELD: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Oh, John.

MR. LITTLEFIELD: Thank you, Mr. Chair.

A matter of process, just for the members of the public, is there a sign-up list and is there a cut off date for any people who want to sign-up for testimony. I notice there are some people in the Alaska Native Halibut Subsistence Working Group Meeting that takes place all day today, they've indicated they have at least three resolutions they'd like to present and if they need to testify or if there's a cut off date I would like to get word to them.

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

John.

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

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

Okay, Lee Wallace.

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

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

First of all, Saxman should have never been put on this list. We're a small rural Native community, just three miles south of Ketchikan. The question is, what has changed since 1990? What has changed since 2000? Very little with the fact of the population size.
Recently, I conducted a survey to gather some data that was part of the criteria and the best available data that this Board has right now is the 2000 Census Data, and that census data is 431 people living in the community of Saxman.

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

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

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

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

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

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

Again, that data that I spoke of of the population, the commuting data, I found that approximately 75 individuals from the village of Saxman commute to outside the Saxman area for employment.
Let me go ahead and switch to the longer version where I could add a little more detail to this. Again, you just heard the Staff report, with their review, again, they're there for assisting you and you guys will ultimately make that decision and hopefully there is some data that was helpful for you and there was some data that was helpful for Saxman's view on retaining rural status.

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

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

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

According to Webster's Collegiate
Dictionary subsistence is the minimum food or shelter to support life. Let me repeat. Subsistence is the minimum food or shelter to support life. Tlingit people have learned how to survive the weather and keep body and soul together. We have special regard for fish and other animals we use for food. We know and respect the weather and the waters, fish streams, hunting grounds, berry patches were more than means of filling our minimum daily requirements.

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

Why is it fading?

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

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

Getting back to the reading here.

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

So this battle of Saxman retaining its rural status is very important. It gives us that edge to have the priority to go out and gather the food that we need and require for our spiritual, emotional and well-being.
Again, before you have Interagency Staff Committee recommendations, please review those and consider those. In the document on the maps, Figure 6 in your packet there, if you'd turn to Figure 6, what you're viewing there or what you're about to view, as soon as you find the page, you have area of Ketchikan. The two darker shaded areas, the smaller one being Saxman, one square mile, population of 330 people. You have the city of Ketchikan. And the rest of the area that's in slash is the Ketchikan Gateway Borough. Three different municipal governments. If anybody's not familiar with what happens in the area, there's been numerous times where the municipal governments tried for unification. Every time it was brought forth to Saxman, Saxman adamantly refused, we want to remain separate and different and I would say at no time would we want to unify governments with the two other municipal governments.

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

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

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

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

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

MR. WALLACE: Right.

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

MR. WALLACE: Thank you, Mitch.

CHAIRMAN DEMIENTIEFF: Yeah.

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

CHAIRMAN DEMIENTIEFF: I'm sorry, Gary.

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

MR. WALLACE: Yes.

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

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

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

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

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

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

Let me give you a little more detail on the dropout rate of our high school students that attend Ketchikan High School. And I can only speak of experience. I have two children that have gone through the Ketchikan High School system, my daughter who attended and finished high school, out of her class there were 11 people that started grade school with her. Out of that there was only two individuals in her class from Saxman that graduated. The rest of them dropped out.

Several years down the road my son went through the system and there was nine individuals in his class from Saxman that started school together. I have vivid pictures of him going off to kindergarten catching the school bus, along with all the rest of the kids of his age. Again, two students out of nine. An alarming rate
is the drop out rate, those are only two years. You
know, if Saxman remains on the list, certainly you must
gather that educational data from the education system
and you'll find that the data I'm giving you is not way
off, it's very close.

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

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

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

I'm going to close. But, again, you
know, as you guys make your decision, I would only ask
that it be honorable for all, be just and correct and
very thoughtful. And if by chance is Saxman is left on
the list for consideration, I would, again, formally, ask for a formal hearing like what happened in November of 1990. When the Federal Subsistence Board made their hearing in 1990, with the testimony that they heard and the people that showed up, it was all that testimony that ultimately brought Saxman’s rural status that we attain right now and we desire and we want to retain that for our cultural livelihood.

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

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

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

Are there any other questions.

Ms. Gottlieb: Mr. Chair.

Chairman Demientieff: Judy.

Ms. Gottlieb: Thank you, Mr. Chair. And thanks very much for your testimony. I wondered if you could talk just briefly about the survey that you did on
harvest and about the extend of the diversity of use of
resources and maybe a little bit about where people go to
get those resources, how close or how far from Saxman?

MR. WALLACE: Well -- most recently I did
fail to mention in my report and it's in the summary,
and that testimony that our community members gave was
very important.

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

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

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

MS. GOTTLIEB: Thank you.

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

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

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

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

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

Thank you.

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

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

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

And I hope that answered your question.

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

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

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

So in that sense, Mitch, the U.S. Forest Service did not support our views.
CHAIRMAN DEMIENTIEFF: Thank you, very much. Anybody have any further questions.

(No comments)

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

Thank you, very much.

MR. WALLACE: Thank you, Mr. Chair.

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

(Laughter)

MR. HAMANN: Hamann.

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

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

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

My view of subsistence may vary some from most people because when I think of subsistence I see people, I don't think of places and zip codes. To me, subsistence is a way of life, not where you live, although in some cases they can be tied together. My personal opinion, if you wake up in the morning planning your next hunt as opposed to getting ready to go to your 8:00 to 5:00 job, you might be a subsistence user.
If you plan your meals around what you were able to harvest from the land as opposed to what Costco and Safeway may have on sale, you might be a subsistence user.

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

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

That's all I have. Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

(No comments)

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

Thank you.

Rosalie Tepp.

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

The Kenaitze Indian Tribe has come before this Board on many occasions over the past years in its efforts to have the Kenai Peninsula declared rural within the meaning of ANILCA .803 and .804. The Board's earlier decisions declared large portions of the Kenai Peninsula to be nonrural, including the entire Kenai Peninsula area, which incorporates Kenai, Soldotna, Sterling, Ninilchik, Salamatof, Kalifornsky, Kasliof, and Clam Gulch. This area comprises the primary hunting and fishing grounds for members of the Kenaitze Indian Tribe who are the direct descendants of DeNaina Athabascan Indian indigenous to the Kenai Peninsula.
The Kenaitze have occupied the Cook Inlet region for centuries. Now, as before, the Kenaitze live primarily along the coast of Cook Inlet in the Kenai area of the Kenai Peninsula. Throughout our history we have pursued a way of life centered upon subsistence hunting and fishing. Hunting and fishing for subsistence uses of wild natural resources have always played and continued to play an essential role in meeting the nutritional, spiritual and cultural needs of the Kenaitze. Subsistence hunting and fishing is an integral component of the subsistence way of life of the tribe and its members.

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

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

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

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

In 1990 the Board made a primary determination that the Kenai area of the Kenai Peninsula as well as Homer and Seward area was a nonrural area whose residents were therefore ineligible for subsistence priority. Kenai [sic] filed a petition for reconsideration of the determination in February of 1991 and the Board denied that petition in May of 1991. In September of 1995, the Southcentral Regional Council recommended to the Board that it determine the entire Kenai Peninsula to be rural. In 1998 Kenaitze Indian Tribe requested the Regional Council to again recommend to the Board that it determine the entire Kenai Peninsula...
to be rural. Following public hearings and Regional Council adopted Kenaitze's request and again recommended to the Board that it determine the entire Kenai Peninsula to be rural. The Board took up the matter in its May 1999 meeting, which at the time agreed to undertake an out of cycle review of the rural status of the Kenai Peninsula. The Board, thereafter, solicited public review and comment on the issue and determined the entire Kenai Peninsula to be rural. Thereafter, two requests for reconsideration were filed with the Board, the filing of these requests did not suspend the operative effective of the Board's final determination that the Kenai Peninsula is rural. In August 2000 the Board directed its Staff to prepare an analysis of the issues raised by the request for reconsideration. The new Staff analysis became available June 1st, 2001 and the Board met on June 28th, 2001 to decide the request for reconsideration. At the meeting, the Board determined contrary to its determination of May 4, 2000 that the Kenai, Homer and Seward areas are nonrural. The Board's action was characterized as based on new information including population data from the 2000 Federal census. The Board established its June 28th, 2001 determination as a part of the Final Rule on May 7th, 2002 and added the Kenai, Homer and Seward areas to the list of the communities and areas determined to be nonrural. This determination was made effective immediately and the residents of those areas on the Kenai Peninsula, including Kenaitze members were thereby deprived of their eligibility for the .804 subsistence priority.

Since then Kenaitze has followed the Board's review of the rural/nonrural status of Alaska communities. We offered our comments urging the Board to adopt ISER's dissertation referenced methodology and reject the status quo approach that has been used by the Board for the past decade in making rural, urban determinations. The status quo method relies upon population sizes for primary classifications — excuse me, while the ISER method relies on population density and per capita harvest. Although Kenaitze falls outside the rural designation under either method, the ISER method would at least allow a co-resident community like Saxman to qualify for rural priority. The possibility for a particular group to be classified as a co-resident community on to the adoption of two definitions, populations and community. The ISER report assesses populations defined as a set of people identified by geographic or community boundaries.
The ISER report explained that any identifiable population may be legitimately assessed for rural or nonrural classification under our system subject to availability of information. A geographic area is a bounded space described as lines connecting a series of geographic coordinates and visually represented as a closed polygon on a map. A community is human population forming a distant segment of society by virtue of common government, common interests, a pattern of sharing, participation, fellowship and other factors.

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

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

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

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

Therefore, this methodology held out hope that this rural/nonrural assessment could be made of the Kenaitze as a distinct community. If the Board were to follow definitions of population and community like those
in the ISER report, Kenaitze would establish that it is a
core-resident community entitled to subsistence priority.

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

Thank you.

CHAIRMAN DEMIENTIEFF: Any questions.

(No comments)

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

MS. TEPP: Yeah, thank you.

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

(Off record)

(On record)

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

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

CHAIRMAN DEMIENTIEFF: 23, 24. As we
come up to testify, I would really appreciate it that
we'll give you the time to make your statement without
trying to restrict you, but in terms of written things
that want to go in, we do review those, they get
extensive review. What we'll need to do is get copies of
them as opposed to discuss them during the testimony and
that we will get them to the recorder. Everything that's been brought up before, just bring them forward and we'll make sure we get those to the recorder, so it's not like they just go into the abyss, we do review them. So I'll just ask you to be polite to all the other people that wish to testify and make sure that we give them the time so that they have an opportunity to talk, too.

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

Rita Smagge

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

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

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

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

Nevertheless, our hope and faith has been rekindled through the revitalization of our language, our Headstart children, our youth, young adults and some of our elders are learning the language. The language that was suppressed by the schools and the church. In
learning the language it is inevitable they will also
learn the history, customs and traditions, in essence,
they are preparing themselves to be the future cultural
bearers of the Tribe. This is our hope.

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

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you, very
much. Any questions.

(No comments)

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

MS. SMAGGE: Yes.

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

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

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

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

In Saxman, I was born and raised in this
community and now am a leader in the community and one of
the things, in my comment to you by written letter, is
the fact that in Saxman, the only thing that has changed
is the population. And to me the growth of that
population tells me that there are just that many more
people subsisting in our community.
You heard a very good written report, verbal report given by our President Lee Wallace, and I support that emphatically.

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

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

In my letter to you, I had stated that this Board is usurping the authority of a Federally-recognized tribe. I recognize, of course, and I stated it in the letter as well, I recognize, of course, that you are following what ANILCA is requiring of you, but in my heart and my belief is this, that this Board is usurping the authority of a Federally-recognized tribe. Federally-recognized tribe, as you are keenly aware has a government to government relationship with the United States government.

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

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

The Ketchikan Gateway Borough went on record and passed a resolution which you have before you that supports Saxman being continued rural. The city of Saxman went on record passed a resolution which you have before you supporting Saxman as a rural community. We, as a rural community, have established relationships as a
Federally-recognized tribe, as a rural community with agencies such as the United States Forest Service. You extinguish the opportunity of us continued being rural, how is that going to affect our relationship with the United States government as far as the United States Forest Service is concerned?

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

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

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

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

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

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

(Laughter)

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

Thank you.

(Applause)


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

MR. WILLIAMS: Gunalcheesh.

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

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

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

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

Thank you for the question.

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

(Laughter)

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

(Laughter)

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

(Laughter)

MR. EDWARDS: Mr. Chairman.

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

CHAIRMAN DEMIENTIEFF: Well, wait.

MR. WILLIAMS: Okay.

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

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

(Laughter)

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

(Laughter)

CHAIRMAN DEMIENTIEFF: You had one closing comment?
MR. WILLIAMS: Yes, I did.

CHAIRMAN DEMIENTIEFF: Go ahead.

MR. WILLIAMS: So you're well fed tonight, Mr. Chairman.

(Appause)

CHAIRMAN DEMIENTIEFF: Is there an issue here?

MR. EDWARDS: Yes there is, give them both to me.

(Laughter)

MR. WILLIAMS: The rest of you who has not received it, now, you know at times how we feel when we're left out, okay, so I have nothing else.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Rick Johnson.

MR. JOHNSON: Good morning, Mr. Chairman. Board members. I'm speaking to you this morning on behalf of the Delta Greely Fish and Game Advisory Committee, and that will be a hard act to follow and I apologize for not bringing my canned salmon in.

But anyway, I'd like to keep my comment focused on two areas, and one is in support of the Interagency Staff recommendations on excluding the Deltana area from the grouping with Big Delta, Delta Junction and Ft. Greely. And then also to testify regarding further analysis of grouping Big Delta, Delta Junction and Ft. Greely.

Regarding the Interagency Staff Committee's recommendation to exclude Deltana, I'd like to thank the Eastern Interior Alaska Council for their work regarding that issue. I'd just like to say in support of that that the Deltana area is as equally rural as Healy Lake, Dry Creek in those areas of population density, lifestyle and the availability of foods, both commercially and wild stock also.

Regarding the grouping as an issue. The Council, the Fish and Game Advisory Council from our
community was somewhat perplexed regarding the inclusion of Ft. Greely. The people that reside on that institution can't even hunt in the subsistence hunts, and they'd like you to consider that.

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

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

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

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

CHAIRMAN DEMIENTIEFF: Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Gerald.

MR. NICHOLIA: Yeah, thank you. I just have a couple questions. At our meeting we were requesting -- I talked to Nat Good, the reason that we put Big Delta and Delta and Ft. Greely together is -- I'd like to hear just straight from you, from Delta is that -- is there like a big significant difference in like subsistence users between Delta and Big Delta compared to Deltana?
MR. JOHNSON: The Deltana area is a rather large area, in fact, part of the Deltana area goes further east than Healy Lake. And there are a lot of people that reside in that area that are just as rural as Healy Lake. So to answer your question directly, yes, now, not exclusively. There are exceptions.

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

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

I'm not sure if that answered your question.

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

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

CHAIRMAN DEMIENDIEFF: Well, thank you very much for your comments. Of course being from Nenana I know lots about Delta, a long association and with your Advisory Committee in particular. In one of my life's I was a regional coordinator for Alaska Department of Fish and Game and I was the Staff to all of the Interior Advisory Committees. And I still remember to this day the first time I went to a Delta Advisory Committee and here I am the only Indian in this room, in a sea of White and it was a little bit intimidating but I just, you know, people are very pragmatic there just like other rural people and very, very sociable. I mean they're uncomfortable right away, right away, so I just compliment your community's work because even though I'm not in that life anymore, I still keep track of what people do around the state, actually. So keep up the good work.
MR. JOHNSON: Thank you, Mr. Chairman. And I'll carry your comments back.

MR. GOTTLIEB: Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Judy.

MR. GOTTLIEB: Thanks for testifying today, I just had a couple other questions.

MR. JOHNSON: I live in the Deltana area.

MR. GOTTLIEB: Thanks. And also, could you describe perhaps, you mentioned fish and caribou, can you describe some of the other resources that might be commonly hunted or fished or gathered there?

MR. JOHNSON: Moose. We have one of the more healthy populations of moose in the area, in the Interior, I think even the state of Alaska as a result of the Fish and Game Advisory Committee's work with Mr. Demientieff and his Staff over the years. Moose, a lot of waterfowl, wildfowl. Sheep in the area is hunted when available by the permit process.

CHAIRMAN DEMIENTIEFF: Other questions or comments.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you, very much.

MR. JOHNSON: Thank you.

CHAIRMAN DEMIENTIEFF: Appreciate it.

Next person is Darrel Williams, he's actually got two requests put in, if you could just combine them both in one statement.

MR. WILLIAMS: Good morning, Mr. Chairman. Members of the Board. My name is Darrel Williams, I'm from Ninilchik Traditional Council. I think I've seen everybody here before. And I do have two different issues today.

And I think what I'll start with is the support for the Kenai Peninsula Kenaitze Tribe.
Ninilchik Traditional Council wants to show this support as a united front for the Kenaitze Indians. One of the things that we have to remember here is that most of these people are related, they're family and we've actually touched on this issue before where these people get together and they do things as a group.

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

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

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

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

My other testimony I wanted to give today was for the rural determination for Happy Valley and Calm Gulch. Happy Valley falls into the Homer rural determination and Clam Gulch falls into the Kenai
determination. Being's that Ninilchik is located
essentially between these two areas, I would like to
suggest that maybe Ninilchik should be considered the
core community instead of Kenai and Homer. Part of what
I base this information on is went I went through here is
first of all, representing the Tribe, we have tribal
members in both communities. It's essentially an
outlying area of Ninilchik. There is several points of
the determination that are present in these communities.
One is the school, for instance, the school is located in
Ninilchik, it is a K-12 school, and the majority of the
employees at the school also live at Ninilchik, Clam
Gulch or Happy Valley and so it's a much smaller commute.
So there are jobs available, there is also fish
processing and commercial fishing and my goodness there's
an awful lot of halibut charters there where there's
actually local business and a lot of people from Clam
Gulch and Happy Valley utilize this industry. For
instance, Clam Gulch actually has a manufacturing plant
there where they manufacture septic tanks, that's what
they do. They actually have a way of making an economy
for themselves.

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

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

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

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

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

Thank you. Any questions.

Comments.

(No comments)

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

MR. WILLIAMS: Thank you, Mitch.

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

MR. WILLIAMS: Thank you.

CHAIRMAN DEMIENTIEFF: Mary Ann Miles [sic]. You have to be patient with me today, if you see me grimacing, I'm not disagreeing with or trying to send
any negative body language to people who are testifying, I just am uncomfortable so if you see that it's not me, I'll guarantee you. Good to see you.

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

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

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

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

The Senate amends to the House Bill provided for the protection of the Native people's interest in and use of subsistence resources on public lands. The Conference Committee, after careful consideration believes that all Native interests in subsistence resource lands can and will be protected by the
Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in the manner which would protect Native subsistence needs and requirements by closing appropriate lands into entry by nonresidents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives.

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

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

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

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

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

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

The Cook Inlet is one area that would be appropriate.

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

Thank you.

Questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you, very much.

MS. MILLS: You're welcome.

CHAIRMAN DEMIENTIEFF: John Reft.

MR. REFT: Mr. Chair. Members of the Board. Thank you for this opportunity to speak today. I don't know if it would be out of line, Mr. Chair, but could I order a private pot of coffee during -- I give lengthy testimony, I might get dry -- no, I'm kidding.
MR. REFT: You're lucky because I left my folder with all my papers in a cab coming here so I've just got to speak, which won't be very lengthy.

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

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

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

And basically if you don't keep our status rural, you kind of put us into a situation where
we only have three alterNatives. One is to submit to
your decision and go down with our tails behind us. Or
we can go to court and not accept your decision. And the
third thing would be to make criminals out of us because
we need our way of life, we don't want that.

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

Thank you.

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

MR. REFT: Yes.

CHAIRMAN DEMIENTIEFF: Okay. And then
what else was I going to -- oh, the other point, this
meeting is not a decision point meeting, we're just
merely appreciating the people that are testifying
because we're educating ourselves on this issue. We're
probably about six months out from a Proposed Rule, and
then it will probably be another six months review of
that Proposed Rule and we'll do diligence in terms of
whenever that happens. But we're a year away probably from getting to a decision point, at least, a year away, December '06, so that's our timeframe, just so you know.

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

CHAIRMAN DEMIENTIEFF: Thank you. Merle Hawkins.

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

CHAIRMAN DEMIENTIEFF: No, we've got them.

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

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

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

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

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

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

The Tribe, we own our tribal building,
which is located 2960 Tongass Avenue, and we didn't
receive that land until recently when we decided to build
a clinic and a medical center and other administration
offices, and we got that land from the Coast Guard and
that was the first piece of land that we owned. Our
other tribal building is at 429 Deermount (ph), which was
originally owned by the Alaska Native Brotherhood and
Sisterhood and we lease the land from them that our
building sits on and support each other.

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

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

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

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

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

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

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

Also, looking at the testimony booklet over here, there was another 21 letters from Ketchikan residents in support of Ketchikan for rural status. A lot of them live on North or South Tongass. The waterfall area was on -- is on South -- on North Tongass, about 20 miles out of town. There's no stores or no buildup of anything. It's a rural area. So I'd like to take -- you to take that in consideration. I would also ask that the October testimony of myself and Rob Sanderson from the Regional Advisory Council, that the transcript of our testimony be entered into the record. There's also an AFN resolution that supports the communities. I'd like that to be part of our record.
And other than that, Ketchikan also did submit resolutions of support for Saxman to stay rural, and also for Sitka and Kodiak. You have to realize that Southeast Alaska is all islands, and all the areas are very isolated. Any goods that you bring into the area have to be flown at very high cost, or brought in by barge. So everything is more expensive there.

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

CHAIRMAN DEMIENTIEFF: Any questions. Go ahead, Grace.

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

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

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

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: .....you had something, or.....

MS. GOTTLIEB: Sorry.

CHAIRMAN DEMIENTIEFF: .....go ahead.

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

MS. HAWKINS: Yeah, the tribe is willing to do that. We can look -- we have a couple grant writers, and we can work with other Federal agencies to get a self-monitoring grant or -- and we do do surveys in the community regarding housing, because we provide
housing for our membership. Right now we're working on
building 24 housing units for the community. It's under
fair housing, which means it can be utilized by anybody
in the community, but it's being worked on by the tribe,
Ketchikan Indian Community, and Tlingit and Haida
Regional Housing Program. So that's going to benefit all
of the community members.

CHAIRMAN DEMIENTIEFF: John.

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.
CHAIRMAN DEMIENTIEFF: We appreciate it.

MS. HAWKINS: Thank you.

CHAIRMAN DEMIENTIEFF: I think we've gone about as far as we can go this morning. We will continue as close to 1:00 o'clock as we can for the rest of the testimony.

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay. We'll go ahead and call the meeting back to order. If I call people and they're not here, we'll give them -- still give them a chance, because some people may be late getting back. Carrie James.

MR. BOYD: There she is.

CHAIRMAN DEMIENTIEFF: Okay.

MS. JAMES: Can you hear me?

CHAIRMAN DEMIENTIEFF: Yeah.

MS. JAMES: Good afternoon, Chair and Board members and RAC members. My name is Carrie James, and I am a tribal council member from Ketchikan Indian Community. I am also the grand second vice president of Alaska Native Sisterhood for Grand Camp. I am the president of Alaska Native Sisterhood, the Ketchikan Camp, and I'm a delegate for the Ketchikan Chapter for Tlingit and Haida Indian Tribes of Alaska.

Today I'm speaking in the capacity of a tribal member for KIC. KIC, we have been working on -- we're requesting to get put on the list for further analysis, and we have six resolutions supporting this, one being from KIC. A resolution of the Tribal Council of the Ketchikan Indian Community requesting recognition of Ketchikan as a rural community for subsistence purposes, and requesting for a formal hearing on this topic, and providing for an effective date.

We have a resolution from the City of Ketchikan. A resolution from the Ketchikan Gateway Borough, and from the Alaska Native Brotherhood, Alaska Native Sisterhood, Camp 14. We also have a resolution
from Grand Camp supporting Ketchikan seeking rural status. And we have a resolution from the Ketchikan Chamber of Commerce. There were 54 original testimonial letters, but as our vice president, Merle Hawkins of our tribe said before, that there was another additional 21 that they came up with of testimonials.

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

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

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

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

Ketchikan does possess significant characteristics of a rural nature as Ketchikan is dominated by extensive land uses such as forestry and by large open spaces of undeveloped land defined as rural.
Ketchikan is a small, isolated settlement located on an island, not accessible by land, also defined as rural. Ketchikan is recognized as a rural community under various Federal programs. Many Native and nonNative residents in Ketchikan have adopted the subsistence way of life to supplement their diet and have identical values regarding nutrition derived from fish and wildlife available to them.

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

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

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

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

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

Regarding unemployment. Ketchikan's annual unemployment rates average 8.4 percent, which is higher than the statewide average of 7.5. The greater unemployment rates largely stem from the pulp mill closure in 1997. The Greater -- excuse me. Like the other census areas that rely heavily on the fishing
industry, Ketchikan had an unemployment rate of 7.6 percent in 1999, the lowest level since 1991. Like the rest of Alaska, there is a large variation in monthly unemployment rates. This is due to the seasonal nature of the economy based on natural resources and tourism.

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

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

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

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

MS. JAMES: I found it.

CHAIRMAN DEMIENTIEFF: .....and it will get recorded.

MS. JAMES: Okay. I found the letter.

CHAIRMAN DEMIENTIEFF: Oh, okay.

MS. JAMES: And it says, dear Subsistence benefitted from gathering subsistence foods for other 70 years and my family for generations. Without these foods we would get sick because of the wonderful elements in these foods. For instance, if you don't eat black seaweed, you can get goiter. There are so many medicinal qualities to our foods. That is why I believe you can ill without them. Our designation as a rural community will insure our way of life from being over-harvested or wiped out completely.
My grandmother owned a sockeye creek at Carta Bay. My grandfather owned a sockeye creek in Tlakas Bay, means a sheltered place. It was law that no one could use that creek without your permission. That was the way of making sure that there was no over-fishing in these areas and these creeks were well cared for.

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Uh-huh.

MS. GOTTLIEB: I've always considered places like Anchorage and Juneau and Fairbanks and Ketchikan to be nonrural back in 1980 back in 1980 when they passed ANILCA. Can you clarify for us what is it about Ketchikan that's specifically changed since 1980 so that now it should be considered rural?
MS. JAMES: Well, it started with the pulp mill closure, the low fishing prices, and there's tourism industry. There's a lot of people that come into Ketchikan that do not reside in Ketchikan. And that money does not stay in Ketchikan from the tourism industry. There's people coming in from Ketchikan from other communities that are looking for work, and these jobs are lower paying. The pulp mill used to be our main -- one of our main employers, and with that closed, Ketchikan really hurt economically. I hope that answers your question.

MS. GOTTLIB: Yes, thank you.

MS. JAMES: Are there any other questions?

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

MS. JAMES: Okay. Thank you.

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

MS. JAMES: Yes.

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

MS. JAMES: Yes.

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

MS. JAMES: Thank you very much.

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

The comment, the -- Bruce Jaffa has a --
he's got a conflict later on this afternoon, so I've taken him out of sequence so he can make sure his testimony gets in so he can get about the rest of his business.

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

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

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

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

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

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

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

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

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

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

There's a clear separation between Seward
and Moose Pass. They are not one community. They're not
tied together. There has been resistance at times when
the Seward community has tried to expand like all
communities tend to want to do, and I believe it is
separate now and forever will be.

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

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

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

CHAIRMAN DEMIENTIEFF: Questions? Go
ahead, Gary.

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

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

Most of the people probably either work
for transportation in the Highway Department, Alaska
Railroad. We have a couple stores, a couple -- a
restaurant, government jobs. We have many people who
work for the Forest Service. And, in fact, they are --
the Forest Service is building their office, or renewing
their office in Moose Pass area at their facility on
Kenai Lake so that those people that work for the Forest
Service can actually work in the community in Moose Pass.
They do commute to Seward currently. I would guess that
to be about 12 people. So by next year those people will
return to where their actual work in the forest. The
rest of the community are either contract people that
work for themself -- we have several cabinet builders,
some artists, quite a few artists actually. There's some
summertime employment, tourism based, and, of course,
construction workers that travel with their work. I
think that -- I'd say 25 to 30 percent probably have a
job in Seward of some sort and the balance elsewhere.

CHAIRMAN DEMIENTIEFF: Judy, did you have
something?

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

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

CHAIRMAN DEMIENTIEFF: Any other
questions?

(No comments)

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

MR. JAFFA: Thank you.

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

MR. JAFFA: You've got that right.

CHAIRMAN DEMIENTIEFF: Matt Kookesh.

MR. KOOKESH: Good afternoon. I had a
couple of resolutions, Mitch, that I'd like to turn in to
-- are you listening? All right.

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

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

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

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

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

The rural determination when you guys
adopted it brought communities such as Petersburg kicking
and screaming to the table. I remember that. So by
using the State's standard for rural, you're going to be
constantly bringing communities into this program. And
once they get into it, then they don't want to leave.
But some of these rural communities are impacting the resources, especially around Prince of Wales and around Juneau.

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

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

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

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

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

This new rural determination should fall under tribal consultation and not meetings like this.
I've had to come a long way just to come to testify to this meeting. I'd just ask you guys to use your tribal consultation, follow the executive orders. Sit down with these tribes. Protect them. Exercise your trust responsibility, because we gave up a lot under ANCSA thinking things would happen under ANILCA, and here we are like a knee jerk.

Thank you.

CHAIRMAN DEMIENTIEFF: Any questions.

MR. EDWARDS: Yeah.

CHAIRMAN DEMIENTIEFF: Gary.

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

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

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

MR. KOOKESH: Right.

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

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

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

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MR. KOOKESH: All right.

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

Mary, did you have something for us?

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

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. LITTLEFIELD: Mitch.

CHAIRMAN DEMIENTIEFF: Yes.

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

MR. KOOKESH: It wasn't.

CHAIRMAN DEMIENTIEFF: Okay. Thank you very much.

MR. KOOKESH: Thank you.

CHAIRMAN DEMIENTIEFF: Thank you again. Okay. Mayor Marko Dapcevich. Hope I didn't abuse your name. Mine gets abused all the time.
MR. DAPCEVICH: No, you didn't, Mr. Chairman. Thank you. I'm going to pass this around. It's an over-sized picture, but all I've got is my laptop, so I wanted you to take a look while I'm talking here.

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

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

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

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

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

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

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

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

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

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

Sitka's extensive use of fish and wildlife has been well documented over many years. The details stated by Division of Subsistence of the Department of Fish and Game entitled subsistence harvest 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.
But right now it's your opinion that counts, and that's why I'm here. But your opinion should reflect common perception or the opinion that people who live in that community or the people that come to visit that community. If I were to ask you all today how big Seattle is, what would your answer be? A million? Maybe 2 million. I'm guessing that's what it would be, because that's what has been the answer that I've been getting from everybody else that I ask. But the truth is, is the population of Seattle is just over 500,000, but the perception of Seattle, what you see when you fly in, or when you're there, the outlying areas, the traffic, the malls, the department stores, is much different. It's a much larger place. And such is the difference between rural and urban.

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

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

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

Among other organizations that have supported this in Sitka is Sitka Tribe of Alaska, Alaska Native Brotherhood, Alaska Native Sisterhood, Shiataka (ph) Corporation, the fish and game advisory board, and the Southeast Alaska Regional Advisory Council. It's not
a controversial issue, and all of Sitka is behind this.
Sitka is a rural town, and when people come to Sitka, they use words like small, little, isolated, quaint, village, community, and, yes, even rural to describe our town. They don't call Sitka a city, and neither do the people that live there.

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

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

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

So I hope you can see the analogy to the bowl of water. We're not even close to being close to being warm on the scale, let alone hot. We're an ice cube. We're right down there at the bottom. Two people, 500, 1000. It's a pretty steep curve.
I want to thank you for your time and consideration in this matter, and I'd like to ask you in your deliberations to consider what rural really means. What rural really means to the people who live that lifestyle and to the people who need that lifestyle, the people who live in Sitka. And the perception of what who come to Sitka see. It is a small town that lives an outdoor lifestyle and feeds themselves on fish and game that surrounds them. A town that lives in isolation with no road system to connect us to the outside world. A community with expensive and isolated transportation. A community that relies solely on barges and air freight for the transportation of goods. A town that any reasonable person looks at and says, what a nice little rural community, because that's what it is.

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

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

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

So, the question, anybody got any
answers? The largest city in America?

UNIDENTIFIED VOICE: (Indiscernible, away from microphone)

MR. DAPCEVICH: Anybody else want to guess that?

UNIDENTIFIED VOICE: L.A.

MR. DAPCEVICH: L.A.? And that's the point of what I'm talking about right there. I'm the mayor of the largest city in America, but I'm talking about area. I'm talking about the land that we live on. Most people think about the amount of people that live there. And that's the difference between a rural and urban. So thank you again for your time.

UNIDENTIFIED VOICE: (Indiscernible, away from microphone)

MR. DAPCEVICH: You got it? I'll buy you a cup of coffee if that's not against the law. Or maybe the person that guessed L.A. can buy it.

CHAIRMAN DEMIENTIEFF: Well, they brought us fish. You won't have any trouble getting me to go to Sitka as I've told you before. I've always had real close connections with Sitka, and my daughter graduated from Sheldon Jackson. I've had kids go to Edgecumbe that I've gone to visit. You wouldn't have to twist my arm to get me to go there, I'll guarantee you that.

Thank you.

MR. DAPCEVICH: Okay. Thank you.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Oh, go ahead.

MS. GOTTLIEB: Thank you for your really thorough testimony. And I know you mentioned the closures of the mill and how that affected the community deeply. I wondered though if you could talk a little bit about how the cruise ship industry has now affected the community, or has recently affected the community?

MR. DAPCEVICH: Okay. At this point, I'd like to separate myself. I'm up here speaking on behalf
of the City and Borough of Sitka, which at this point
I've just concluded. Now I'll give you my personal
perception on that.

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

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

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

CHAIRMAN DEMIENTIEFF: John.

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

MR. DAPCEVICH: Okay.

MR. LITTLEFIELD: Earlier Dr. Kessler had
asked a question of what's changed because Ketchikan was
listed in the legislative history as an example of an
urban area. I'm going to make that question to you is,
Sitka was not mentioned as an example of an urban area in
1980. What's changed that would make it be considered an
urban area?
MR. DAPCEVICH: Is this a trick question? Because I don't have an answer.

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

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

CHAIRMAN DEMIENTIEFF: Anybody else?

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you once again.

MR. DAPCEVICH: Okay. Thank you.

CHAIRMAN DEMIENTIEFF: Franklin James.

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

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

You know, I have been a skipper for over 40 years, fishing all the way up from Togiak, Aleutian
Islands, all the way down to Seattle. And when I fished, I was the best. And I, for no reason or whatever, lost my market, you know, got stuck with all my gear. So when I come down to this area, you're going to see my ties that I have.

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

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

About 14 years ago I wrote a letter to at that time Senator Murkowski, who's your governor today, expressing to him what's going to happen down the line. I told him within the next 10 years to 15 years you're going to see the Natives weeded out of all phases in the fisheries. And the government of Alaska only caters to the rich. Processors and resorts will get IFQs. Natives will lose all their markets, eventually have to quit.

After they weed out the Natives, I expressed to our governor, they'll take off the limits on the 58-foot boats, and any size. Now, I'd like to have one of those big boats. I would have plugged it, because my average year was around 350,000 to 450,000 a season. It was nothing to get 1.2 or 1.3 million pounds of fish. The Senator said, no way, that will never happen. I'd really like to know today, you look at what's happening today to see if I was right or wrong on that letter I wrote to the Senator.

And I'm going to skip a little bit.

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

When you're wearing the black, you're going in mourning. That man that came to Alaska, we did not invite him or anybody else like him. Do you think he's wearing mourning just because he's wearing a simple
black band? Look what happened to us. When I was
growing up as a kid, you'd never see us eat wiener,
hamburger steaks from beef, rib steaks, roasts, pork
chops, no. We grew up our Native way. We would like to
know from you people. When I was growing up, I went to
academy school. I couldn't figure how to eat that yucky
food. It was hard to stay there when we're traditionally
raised on sea cucumber, clams, abalone, seaweed, smoked
fish, fermented eggs that everybody made fun of us when
we ate.

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

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

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

To me, when I look back at my parents,
when they told us, you look at those people. They're
eating wieners. They're eating pork chops. They're
eating hamburgers. They're going to always be poor, and
they'll always be sick. That's what's happening to our
people today. Take away our foods, let our people die
off early.
You know, I'll get back to the rural and subsistence, but I don't know how many of your people know Chief Justice Burger. You know, after the settlement, the 1971 Settlement Act was passed, he travelled throughout the whole State of Alaska and the Lower 48, wrote a book, the Imminent Theft of Alaska. He was right.

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

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

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

When I was growing up, there was over 98 percent of the fishermen in Alaska were Natives. I'd like to talk to the governor today. Less than five percent right now.
You know, again going back to my young
days, when I say my taste buds have not changed today.
People made fun of us when you see our -- In the Japanese
they say (in Japanese), hanging up on racks, which is
herring roe on kelp. They say, how can those Indians eat
stuff like that. Watching us clean our yane (ph), or
eating our gumboots, eating our fermented eggs, our dry
fish. Until they found out they can make money. That is
all taken away from us. We can't -- for years and years
since I was a little boy, I can go back into the latter
part of the 40s, how we used to deliver fish eggs on
branches, fish eggs on kelp, fish eggs, hair (ph) kind of
fish eggs that we take to Petersburg, we take to
Wrangell, we take to Ketchikan, take to Metlakatla. We
can't do that today.

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

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

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

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

Why did these restrict -- are these
restrictions always just on the Natives? When you guys
-- the other people talk subsistence, talk traditional
subsistence, eat what I eat, not hand-selected.

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

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

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

And when we were commercial fishing, most of us Natives, you know, there's nothing for us to find. I'm looking to throw a king salmon overboard. I was the best out there in king salmon. It was nothing for me to get up to about 1500 to 2000 king salmon a day when I commercial fishing. And when you got big sets, you can't weed those fish out, they're dead. You guys know, we have a wanton waste act. You don't throw it back, but they try to arrest us, and you go ahead. I told the Fish and Game, you throw that fish overboard, and I'll turn you in. They wouldn't do it. They tried to tell us. You know what we do with that fish? We give it to all the old people. Now all these old people are deprived.
They can't get the foods like they used to. Most every Native so far that I know of, there's just a handful now that's left that's a commercial seiner. And we used to supply our people. Not even the old, the young that can't make it out.

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

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

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

Hard to read my own writing, so, thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much for.....

MR. JAMES: Okay.

CHAIRMAN DEMIENTIEFF: .....taking the time and informing us. Appreciate it.
Olga Malutin I believe.

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

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

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

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

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

At one time Kodiak was the busiest port in the nation, and is now experiencing critical difficulties in surviving at all. Our displaced fishermen have to be retrained to provide for their families. Fishing has been a way of life to our people from time immemorial with fathers passing their boats and gear down to their children. The resulting stress has also contributed to other problems, such as alcohol or drugs which provides a new set of problems that not only our families have to deal with, but our community infrastructures as well.
The population numbers being used for Kodiak includes the U.S. Coast base. This is the largest Coast Guard base in the nation. The government recognizes the high cost of living in Alaska by providing a cost of living allowance known as COLA to their military and civilian personnel. The Coast Guard base is self-contained with a gas station, pool, commissary, and other military amenities. And, you know, we all know the prices are substantially discounted for providing such a service to our country. And yet with these discounted services they still get a COLA allowance.

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

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

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

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

Shoonaq has worked hard to purchase the building we have now. It has provided a place for all Kodiak Island Natives to be proud of. In our planning we
have included a kitchen with a freezer. several freezers
effectually. This will be used to share our subsistence
gathering for all our members in need. We've done this
forever as a people and we will continue to do so.
Please don't make criminals out of us for living our
ancient culture.

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions. Judy.

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

MS. MALUTIN: Boy. Every kind of salmon,
ahalibut, cod. We're blessed, we are people of the sea.
On the land we have our berries. Our salmonberries, our
blueberries, high bush, low bush cranberries. When they
had the problem in Siberia, our Natives in Kodiak Island,
if you recall, Alaska Airlines paid the freight to send
things over to them. We gathered berries and shared.
It's our culture. So in addition to that, there are
many, many things. Wild celery. Too numerous to
mention. And not only are they consumed, but they're
also made into things and used in the home and around the home.

CHAIRMAN DEMIENTIEFF: Yes.

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

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

CHAIRMAN DEMIENTIEFF: Any other questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much.

MS. MALUTIN: Quyana.

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

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

(Off record)

(On record)

CHAIRMAN DEMIENTIEFF: Okay. We'll go ahead and call the meeting back to order. We are going to finish public testimony today. And for the remaining testifiers, I'm going to ask them to be as brief as possible, and I will be so rude as to start cutting the testimony short if I get it too long. So I urge all the testifiers to get to their points, get to them right
away, and get us a copy of any documents that -- as
opposed to talking about them, just give them a copy.
Get a copy to us. We will circulate them and get them
into the record. So I'm just going to ask people to be
courteous to their fellow people. There's a lot of
people that have conflicts tomorrow that are on this
list. We need to get to it, but they need to have their
say also. So that's the way it's going to go from here
on out.

Delice Calcote.

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

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

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

Then comes along the 1964 mandatory
State's own borough making rules, and did a taking of
tribal lands without their consent. Their whole borough
act was done down in Juneau, it was not done by the local
people. Another further taking.

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

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

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

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

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

MS. CALCOTE: Yes.

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

MS. CALCOTE: Sandra Day O'Connor noticed
in her Supreme Court decision says that there's three
jurisdictions: the Federal, the State and the tribes.
In 1994, President Clinton came out with Executive Orders
on government-to-government and policies to -- for
consultation with the tribes.
I would like to ask a few questions, too.

I would like to know how many Federal employees are on this Board? How many are getting a federal paycheck on this Board? How many are getting a State paycheck on this Board? And how many are representing the tribes, the tribal governments?

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

CHAIRMAN DEMIENTIEFF: Will you.....

MS. CALCOTE: .....put subsistence.....

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

MS. CALCOTE: All right.

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

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

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

MR. MILLER: Thank you, Mr. Chairman. Board members. I realize you've had a long day, and I guess it's going to continue for quite some time, so I'll try to be brief with my comments here.
My name is Mike Miller. I'm from Sitka. I'm a member of the Sitka Tribe. Just by way of introduction, some of the history of the things I've been involved with. I'm presently the chairman of the Sitka Marine Mammal Commission. I've represented the tribe for -- well, since actually, off and on since 1997 on issues such as herring, halibut, harbor seals, other marine mammals. So I've certainly been involved quite extensively at the State process, and also with halibut at the Federal process with North Pacific Council, quite extensively in protecting subsistence rights in Sitka.

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

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

Halibut. Halibut is one thing that we have fought for and fought for and fought for, and we have had quite a bit of success with the North Pacific Council in recognizing the subsistence fishery. It's interesting, because that's something that has been, along with seals and I'm sure with herring in a minute, that has been progressive surveys, such as 1987, 1996 and presently now, we're progressively surveying. We're very comfortable with the data that we get. And it's very interesting, because actually halibut, for example, one of the arguments that I made in working along with the State Division of Subsistence was based on the surveys from the previous years, 1987, 1996, we projected what that harvest was going to be once the fishery was recognized, the subsistence fishery, by the North Pacific Council, and we were right on, spot on with that. A lot of people doubted that those numbers were very accurate. But one of the things that's been really interesting to watch, you've seen the population kind of go up and down in Sitka a little bit, but the harvest of halibut has stayed consistent across the board. It's been very even numbers to work with. So certainly the patterns that
Herring is also something that Sitka Tribe and myself representing them, we've been very active with the State Fish Board in documenting the herring harvest of Sitka and protecting that. We have an MOU with the State regarding the herring fishery. It's one of the largest single area of subsistence fisheries that happens in a short period of time in the State. Those herring eggs are the only place, it's the only place in the State you can get that now. It's right next to the road system -- in any large numbers anyway. It's right next to the road system in Sitka. Those eggs go everywhere around the State. It's very well documented that those things are going on in Sitka.

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

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

One of the things, too, is that if Sitka was forwarded for this, I'm very much concerned that that would promote the State to look at nonsubsistence use areas. That raises such a quandary, because we do have
that huge herring egg harvest that happens right there in
Sitka, and a huge halibut harvest that happens right
there, and I'd hate to see that action be promoting
another battle for us to take on with the State.

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

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

So I certainly thank you for the time to
testify here today. Any questions, I'd be happy to
answer or later. Thank you.
CHAIRMAN DEMIENTIEFF: Judy.

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

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

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

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

CHAIRMAN DEMIENTIEFF: Thank you. John.

Oh. Go ahead, Gary.

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

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

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

CHAIRMAN DEMIENTIEFF: Your time's up, Mike.

(Laughter)

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

CHAIRMAN DEMIENTIEFF: John.
MR. LITTLEFIELD: Thank you, Mr. Chair.

Mr. Miller, one of the things that this Board and our
councils have always been concerned with is numbers. The
numbers of fish, the numbers of pounds of meat that are
taken, because we need those numbers to make sound
decisions. We make decisions, but the better the numbers
are, the better decisions we thing we can make. In 2004
and 2003 the City Tribe got the numbers for the North
Pacific Fisheries Management on halibut take in Sitka,
and I guess maybe if you could summarize maybe what was
the response rate? Were the people starting to trust the
program? Because we have some things where people don’t
turn in any data, but I think in Sitka, it shows that the
second year along on this working on subsistence that the
numbers I thought were impressive of the returns. If you
comment on that?

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

Well, just really briefly, 97.4 percent
of the households use subsistence. 1996. 97.4. From
1987 to '96, the over-all pounds went up to 205 from 100
and -- I think 170 or something. It was quite a bit of
increase So actually there's trends -- like on herring
eggs, the trend is going up, not going down, and again
that's -- to me that says that, you know, growing even
stronger, and it's certainly being better documented. So there's kind of a combination of things that happened. But again it's very consistent for what we expect.

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

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

CHAIRMAN DEMIENTIEFF: Thank you. Any other questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much.

MR. MILLER: Thank you again.

CHAIRMAN DEMIENTIEFF: Lawrence Widmark.

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

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

Board members. Mr. Chair. Just a little -- where the Sitka Tribe and the City has come from, we do have an MOU with the City of Sitka. I've been privileged to be around four mayors. I've been the tribal chair for about 12 years, and seen the history, the growing pains with the third of the population of Sitka is Native. We've come a long way of sharing
values, culture, and having an understanding of -- to share things that we agree on and also agree that -- or agree to disagree when we have to. We meet twice a year on things that happen in Sitka.

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

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

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

And there are times where we disagree with the Forest Service that these are subsistence areas. For example, northwest Baranof. We have taken the Forest Service to litigation on that. Ironically, the Forest
Service did not have a dispute resolution to work things out. And that was my thing with the different Sitka ranger districts over the years about we need to work this out informally, but if you don't leave us no choice, we have to go to court. So those are some of the things where the tribal council, my tribal citizens have put me forward to get that message out to the Federal Government about these are the protected areas where our subsistence lie. And again it's -- with the logging areas around Sitka, if you're not familiar with Sitka, it's been logged over since the 50s, 60s and 70s, and it gets very difficult to go out. It's been noticed that over the 10 years or so, the mill shut down, which was a very big part of our economy, and we have -- what we have left is -- of which our health consortium is one of our bigger employers. But that's not just Sitka, but it's also on a regional basis as well, too, in Southeast. And we have the school district. The Forest Service has been downgrading over the number of years as well, too. So as myself, being the elected tribal official, I also work with the school district. I've been working there a little over 15 years, and our enrollment has been going down steadily since 1990. Right now, Mr. Chairman, 1990 was around -- in the school, Sitka High School, not including with the other high school, Mount Edgecumbe High School, and we've got two universities or higher ed, Sheldon Jackson, that you named earlier, and UAS, Southeast in Sitka. In 1990 we had about 1850 high school students, and 1650 in 2000. And, Mr. Chair, in 2005, 1500. Sitka High School right now is looking at -- from a 4A division to a 3A division, because of the enrollment. You can guess as much as I can why has enrollment been doing down over the years. I don't know. But it seems kind of like with the economics, that if we -- the population is, yeah, we've grown like 200 and some people, but our enrollment has been going down, too. And we have some of our Federal agencies have been stepping down as well, too. With the food consumption, and listening to the other people testifying that Sitka is no different, being a Native community, Tlingit community which has a lot of history, not just a Russian history, but Tlingit history, being the first capital if you will in the old Russian days. Sitka people are a very proud
people. I think we're the only ones that celebrate Alaska Day if you will, and some of us don't even want to recognize that, but it's a real big deal in Sitka.

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

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

And finally, Mr. Chairman, Board members, I would -- a little confusion regarding processwise. This is my first one with the rural determination, and I wanted to let Board members know and the -- we, the Sitka Tribe, has built a very strong relationship with the National Park Service and the Forest Service since my tenure at Sitka Tribe. And I wanted to say that to our visiting guests from Washington, D.C., and having the agency, states because at times you work with this tribe, or you're not at battle with this tribe Yes, I think it's very important that you collaborate with the
agencies and where this tribe has gone, and hopefully a
model for others that subsistence, your customary and
traditional resources are very important, and we've
collaborated over the number of years.

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

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

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you.

Questions.

MS. GOTTLIEB: Mr. Chair.

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

MS. GOTTLIEB: Well, thank you very much,
and, yes, I know at Sitka National Historic Park we
really very much value the collaboration we have, and the
upcoming projects and ideas that we're working on. Sitka
Park is not one where subsistence activities take place,
however, there are other collaborations.

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

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

Thank you, Mr. Chairman.

CHAIRMAN DEMENTIEFF: Any other questions. John.

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

(Laughter)

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

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

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

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

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much.

MR. WIDMARK: Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: We appreciate it.

Jessica Perkins.

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

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

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

When the Office of Subsistence Management Staff recommended that Sitka be further analyze, that it remain on the list to look at further, they said that the question was because we're over 7,000, has the population grown any more? However, for communities between 2500 and 7,000, they found the determining factor was were changes in community characteristics known that may warrant a change in status. And what I'm asking is that the Board consider that, the Board consider whether changes in Sitka community characteristics are known that may warrant a change in status, because the Board has already determined 10 years ago that Sitka should be rural. So why does it matter if the population at this point has changed?
Now, if you want to look at the change in status in Sitka -- I mean, the change in population in Sitka, Sitka's population has grown three percent, 247 people. Okay. In 1990, the population was 8588. In 1995 it moves to 8873. In 2000 it dropped to 8835. And in 2004 it dropped again to 8805. The reason why I'm citing the 1995 and the 2004 numbers is because, according to the regulation, population data from the most recent census conducted by the United States Bureau of Census should be used as updated by the Alaska Department of Labor. So if you look at the most recent numbers from the Alaska Department of Labor, the 2004 population is 8805. And so that shows a steady decrease from 1995 through 2004.

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

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

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

The Coast Guard has 191 employees.

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

So again my point -- What I'm trying to ask you to do is to look at what changes in the community
characteristics are known that may warrant a change in status. And if you look at the numbers that were used in 1990 for some of these things compared to 2000, for instance, in 1990 the State brought forward to the Feds that the average consumption of wild food per person in Sitka was 150 pounds per person per year. And the 1996 numbers shows that the average is 206 pounds per person per year. So regardless of the numbers, people in Sitka are using more fish, more wildlife, in Sitka today than they were in 1990. That, according to your Federal criteria in the regulation says that, you know, Sitka's characteristics are rural. I mean, if they were rural in 1990 at 150 pounds a person, they still should be rural today at 206 pounds per person.

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

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

I'd also like to reiterated Chairman Widmark's comments regarding consultation. The Sitka Tribe has a very strong government-to-government relationship with the city, with the Park Service, with the Forest Service in Sitka, and we engage in consultation with what we call a capital C on lots of issues. Timber sales, permits, new regulations coming out, other things with those agencies daily. I mean, I get calls daily from those Federal agencies in my office saying, do you guys want to consult on this issue? This seems to affect you, does this -- do you want to consult on this issue?
But when it comes to a rural determination when it comes to the Federal Subsistence Board, what I have heard so far is that the tribes aren't entitled to consultation, because it's not Indian legislation, and because it doesn't uniquely affect Indian tribes. But I never read that in the executive order. The executive order says, Federal agencies shall consult with tribes on issues affecting them. And I'd like to ask the Board that if Sitka remained on the list, that Sitka Tribe be able to have government-to-government consultation if not with the Board as its own separate Federal agency, but at least individually amongst the agencies that sit on the Board.

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

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions. Gary.

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

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

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

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

If we're comparing and contrasting growth in Unalaska and why it wasn't recommended for further analysis and the growth in Sitka and why it is, the Board's guideline on the review process was that a community that is rural in classification, but increases over 7,000 or further over 7,000 if it already was, warrants further analysis, because 7,000 is a threshold level for presumptive nonrural. In the case of Unalaska,
it is in that middle sized category between 2500 and 7,000, and in that case it did not grow over 7,000 or further over 7,000, because it wasn't over 7,000 to begin with. And so the July 15th Staff report looks at Unalaska as a middle sized community in your criteria thresholds, and looks at some of its characteristics and concludes it doesn't appear to warrant further analysis at this time. Back in July the Board considered all this information and did not advance Unalaska for further analysis.

CHAIRMAN DEMIENTIEFF: John.

MR. LITTLEFIELD: Thank you, Mr. Chair. I don't know if this is the time to talk. I think Mr. --

I have lots of questions for Mr. Buklis on this particular point, but probably.....

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

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

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

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

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

MR. LITTLEFIELD: I'll grill him, Mr. Chair, but I did the quick math on Ms. Perkins' numbers, and it was 2,920 people that are working in Sitka and living in Sitka because of regional or outside activities. So there's at least -- there's a good portion of them because of things that are outside the City's control.
CHAIRMAN DEMIENTIEFF: Thank you. Any other comments or questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very much. Lisa Gassman.

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

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

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

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

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

The Sitka Economic Development Association submitted a letter which you have in your packet, and I just wanted to emphasize some of the points
that they brought out, which they learned from a McDowell study that was conducted, Sitka's economic profile. Between 1980 and 2004, the average monthly wage in Sitka adjusted for inflation has declined from $3,586 per month to $2,676 per month, a loss of 25.4 percent. They also pointed out a slow pace of monthly wage growth in Sitka, $27 over the years 2000 to 2004. We recently conducted a tribal needs assessment, and the income more often reported by our tribal citizens in that needs assessment of 235 tribal households was $12,500.

As far as the other thing I would like to focus on is transportation. Sitka, as you've heard a number of times today is an island community. We do have daily jet service and very sparse ferry service. We're not on the main line, and Sitka Tribe and tribal employees have participated in various work groups to try to increase the amount of service that we get in our community, but to date we haven't been successful. In fact, for the upcoming year we have even less ferry service than previous years. We average about two ferries per week coming into Sitka, compared to Petersburg, also considered rural, they have 12 ferries coming in. We don't have a deep water dock in Sitka.

Comparing again to other communities considered rural versus nonrural, Unalaska also has daily flight service, bimonthly ferry service for six months of the year to Kodiak. They have 10 docks, including a deep water dock for servicing vessels. And Petersburg also is accessible by air and water. They're on the mainline State ferry route, and as mentioned just a little bit ago, 12 ferries per week go into Petersburg. Those are considered rural, we would advocate that Sitka also is.

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

If Sitka stays on the list -- we would advocate first that it be removed, and that you follow
the recommendation of the Interagency Staff Committee,
the minority recommendation. But if it does stay on the
list, I'd just like to reiterate that we would like the
Board to come to Sitka to hold hearings on this issue.

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

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions.

(No comments)

CHAIRMAN DEMIENTIEFF: Thank you very
much. Herman Squartsoff.

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

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

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

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

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

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

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

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

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

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

And as small as Kodiak was, and the
Native population in there, they shouldn't have to be sitting here, or we shouldn't have to be sitting here right now, saying that, you know, we need to be kept rural. We shouldn't have to. This has always been our way of life.

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

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

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

So on that note, I think I'll pretty much -- that's pretty much all. I won't take up too much more time here, but Kodiak should not be considered urban, you know, especially the Native population. You should zero in -- the Coast Guard base is kind of like a reservation of its own. Sure, they participate in some of the things in the community and City of Kodiak, but they're their own -- they're the biggest Coast Guard base in the United States there in Kodiak. And then, sure, we do things
with them, but you need to zero in on that 14 percent of
that population in the City of Kodiak instead of thinking
of the 7,000. Thank you.

CHAIRMAN DEMIENTIEFF: Any questions.

Niles.

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

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

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

(Laughter)

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

CHAIRMAN DEMIENTIEFF: John.

MR. LITTLEFIELD: Thank you, Mr. Chair.

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

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

CHAIRMAN DEMIENTIEFF: Niles.

MR. CESAR: Just a clarification. As
usual, my staff corrected me. We do know more about the
clam testing. Thank you.

MR. SQUARTSOFF: Sounds good. I hope you
can give me that information before I leave. Thank you.

And, John, I do help in these camps. I
don't run them, but I do help and do the subsistence
stuff.

CHAIRMAN DEMIENTIEFF: Thank you.

MR. SQUARTSOFF: You're welcome.

CHAIRMAN DEMIENTIEFF: Very good
testimony.

MR. SQUARTSOFF: Quyanaduk (ph).

CHAIRMAN DEMIENTIEFF: Mike Williams.

Some of these people have left. Gary Watson.

MR. WATSON: Yes. Good evening, Mr.
Chair. Panel. My name is Gary Watson. I serve on the
Shoonaq Tribal Council.

As what all of us have been hearing
today, you know, subsistence is our way, always will be
our way. But I guess I have a hard time looking at the
numbers. We're already established that Kodiak City, or
to me, Kodiak Town, it was rural. Always has. Always
will.

If found out to my surprise also that the
Coast Guard base, which is a population of 3,000 or
better, you know, was added to our status, and I said,
well, how could that be, because the Coast Guard base as
everyone heard, excuse me, has its own commissary, has
daily flights to take to and from, their people to
Anchorage or whatever it be. We don't have that, you
know.

I want to give you a little incidence
that happened I believe last year, is we had a child, a
really bad accident where a child got ran over on top of
the ski chalet. And the base commissary -- I mean,
hospital was only four miles away. The parent took his
son there, thinking he could get help. Didn't happen.
His son died. So, you know, I have a hard time believing
that you guys brought the Kodiak Coast Guard base into
our arena.

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

CHAIRMAN DEMIENTIEFF: Thank you. Any
questions.

(No comments)

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

(No comments)

CHAIRMAN DEMIENTIEFF: Iver Malutin.

MR. MALUTIN: Thank you, Mr. Chairman.

And I'd like to thank the Federal Subsistence Advisory
Board to give me an opportunity to speak. My name is
Iver Malutin, and I'm an elder. I was born in 1931. I
was born and raised in Kodiak, so I can speak probably a
little different than the other testimony you heard from
Kodiak, since I was there since 1931. I represent the
Kodiak Area Native Association, and I am a member of the
Shoonaq Tribe.

And one of the things that we're really,
really talking about here is a God-given gift to the
indigenous people. And now we're here struggling to try
to keep this God-given gift to us. We don't want to lose
it. I had it all my life. And all of a sudden we have
come to meetings like this, because, number 1, we have
been impacted so heavily. In Kodiak in 1931 when I was
born, there was probably 300 people. As I remember later
on, there was 500 people and I was probably 10 years old.
Maybe two or three or four or five cars. In high school,
there was never any vehicle. We relied totally on
subsistence. When we needed fish, my dad would just jump
in the channel and five minutes away, he would go get
fish that we needed for supper.
If my older brothers and sister didn't make enough money working in wherever they worked, he would have to go duck hunting. And I went duck hunting with him several times where he would take maybe three shells, and he didn't hunt like the sportsmen hunt. He would normally wait until the ducks got together and he would shoot them. And he had a 10-gauge with brass shells, and I used to hold the skiff when he'd do that.

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

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

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

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

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

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

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

Thank you.

CHAIRMAN DEMIENTIEFF: Thank you. Any questions.

MS. GOTTLIEB: Mr. Chair.

CHAIRMAN DEMIENTIEFF: Yes.

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

MR. MALUTIN: Excuse me. I only have one
I was born with one ear, and I can't hear that good. But I managed to get in the Army because I got to where the doctor could -- I could hear him. He didn't give me a test. But anyway, I need you to speak a little bit louder so I can hear you.

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

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

CHAIRMAN DEMIENTIEFF: Thank you once again. Excuse me. Millie Stevens. Is Millie Stevens here?

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

My roots come from Sitka and Klukwan. That's my mother was born in Sitka and raised in Klukwan. So those of us in Southeast have family throughout Southeast and throughout the State.
It frightens me more than anything else. You know, Craig, we only have like 2,000 people there, and I understand that when and if we reach the 7,000 mark, I think what we're going to do is tell people they can't move on the island. They're going to have to go somewhere else. And that really saddens me. It makes me wonder who's next. Who's going to be impacted by this?

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

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

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

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

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

CHAIRMAN DEMIENTIEFF: Any questions.
CHAIRMAN DEMIENTIEFF: Hearing none.
Yeah, send our regards to Bill. He's been a long time valuable servant to the program.
Harold Napoleon.

CHAIRMAN DEMIENTIEFF: Art Ivanoff.

CHAIRMAN DEMIENTIEFF: That's it. We'll call these names in the morning, but I'm not going to be generous as we were today. We got a lot of information today, and did work. We'll use our three-minute drill tomorrow, because we still have a lot of work to do, and I know there's a lot of questions that are going to be asked. I know Chairman Littlefield, he did his usual supreme homework job, so he's got questions for everybody. But anyway I will call these four names that had to go. I think there's other meetings going on. They had a conflict. But I will make sure it's brief, because we've got to get to work.

Okay. That concludes our business for today. We'll be back at 8:30.

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA

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.

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