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FEDERAL SUBSISTENCE BOARD
RURAL DETERMINATION PROCESS PUBLIC COMMENT
BEFORE HEARING OFFICER
TOM KRON
Best Western Kodiak Inn
Kodiak, Alaska
February 10, 2015
7:00 o'clock p.m.

Presenter: Palma Ingles, Facilitator
Office of Subsistence Management

Recorded and transcribed by:
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P R O C E E D I N G S

(Kodiak, Alaska - 2/10/2015)

(On record)

MR. KRON: Welcome. Thank you all for coming. I wanted to particularly welcome our community leaders, tribes that have come, and all the other key participants. Thanks to everyone for coming to the meeting tonight.

This is an opportunity for you to provide input to the Federal Subsistence Board on the rural determination process. Specifically, the Board at the direction of the Secretaries of Interior and Agriculture is seeking your comment on a proposed rule on how the Board will make rural determinations in the future. The Board is not currently seeking comments on which communities are rural or nonrural.

PUBLIC: Tom, they can't hear you.

PUBLIC: Tom, your microphone's cut out.

MR. KRON: I'll just get closer to the mic.

For those of you in telephone land, can you hear me or do I need to start again? Mitch, could you hear me?

MR. SIMEONOFF: This is Mitch. I can hear you fine.

MR. KRON: Okay. The Board is not currently seeking comments on which communities are rural or nonrural. That part of the process will not come until after this rulemaking is completed. The Board is accepting comments on this proposed rule until April 1st, 2015.

Tonight will be an opportunity for you to provide oral or written comments.

My name is Tom Kron, and I am the information resources and administration chief for the Office of Subsistence Management here in Alaska. Tonight I'm here to serve as the meeting facilitator, so my job is to make sure that everyone here who would like to make

1 oral or written comments on the proposed rule is able to
2 do so. The meeting has been scheduled to last until 9:00
3 o'clock tonight in order to receive your comments.

4

5 We have with us Court Reporter Salena
6 Hile, Salena, who will record and then transcribe your
7 comments.

8

9 During the comment portion of the
10 meeting, we will not be answering any questions, allowing
11 us time to listen and to hear your comments. Those
12 comments will then be forwarded to the Federal
13 Subsistence Board.

14

15 In addition to hearing from the public,
16 those people that send in their comments, tribal and
17 ANCSA corporations, there will also be public meetings
18 held in addition to this meeting in Barrow, Ketchikan,
19 Sitka, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and
20 Dillingham.

21

22 Because of the importance of your
23 comments, it is necessary that we follow certain
24 procedures during the meeting. As you entered the room,
25 Karen Deatherage asked you to sign in and gave you an
26 opportunity to pick up these cards. If you'd like to
27 testify, please fill out one of the blue cards and give
28 them to Karen, and then she will bring them up to me.

29

30 It is important that every person present
31 sign in and complete a record of all persons who attend
32 or participate in the meeting. If you plan to make oral
33 comments tonight, again you'll need to fill out the blue
34 card.

35

36 I expect that we may have people on the
37 phone that want to testify as well, and we will take
38 their testimony as well. When the people on the phone
39 testify, they need to make sure that they spell their
40 name for us and tell us what their affiliation is to make
41 sure since we won't have blue cards for them.

42

43 Also, again, kind if reenforcing, if you
44 attend this meeting or submit comments on behalf of a
45 group or organization, please indicate the name of the
46 group or entity that you represent.

47

48 Let me emphasize that the principal
49 purpose of the public comment part of this meeting is to
50 receive information and comments from you on the record.

1 Please limit your comments to five minutes. If you run
2 out of time, please submit your comments in writing prior
3 to April 1st, 2015. Handouts are available which provide
4 information about where to send them. You could also get
5 this information off the website.

6
7 Palma Ingles, who is an anthropologist
8 with OSM will be presenting a PowerPoint presentation
9 next. When she finishes, if people have questions, she
10 and I will work together to try to answer them as best we
11 can. Maybe Carl can help.

12
13 But again, emphasize again, if people
14 want to testify, we'd like you to do so, and please give
15 your cards to Karen, and she'll bring them up to me.

16
17 So next Palma's going to present a
18 PowerPoint presentation.

19
20 Thank you.

21
22 MS. INGLES: Good evening. Thank you for
23 coming. We appreciate your comments. I know we've done
24 part of this before, and we've had very good
25 participation.

26
27 In 2010 when the Secretaries of Interior
28 and Agriculture directed the Federal Subsistence Board to
29 conduct a review of the rural determination process, we
30 went through everything and we solicited comments.
31 That's why last year at our meetings we solicited
32 comments at that time. All those comments -- let me go
33 to my next slide -- were -- the comments were correlated
34 and we had a total of 475 comments that we received the
35 last time around. So for tonight, I'm going to answer
36 some basic questions, the who, what, where and when of
37 this process.

38
39 So who? Who is you. We're very excited
40 that you're here, and we want your comments. The
41 comments that we received last year, based on what we
42 were doing at the time for designating -- or directing
43 the rural determination process, all the comments came
44 from individual citizens, members of the Regional
45 Advisory Councils, tribes, Alaska Native corporations,
46 and other entities or organizations such as borough and
47 city governments.

48
49 So the what. Do you agree-- what we're
50 interested in tonight is knowing if you'll agree or

1 disagree with changing the current regulations on rural
2 determination as proposed by the Secretaries. This rule
3 would be effective statewide, so whatever the proposed
4 rule will be, we'll do it throughout the State. So after
5 the Board, and that's the Federal Subsistence Board,
6 meets in June or July of 2015 and makes its
7 recommendation to the Secretaries, a final rule will be
8 published which may or may not differ from the proposed
9 rule.

10

11 So the reason this proposed rule was
12 initiated was based on all the -- when we did the
13 analysis of the 475 comments that we received, and turned
14 those over to the Secretaries, they looked at what we had
15 done, and we decided, you know, we -- okay, let's revamp
16 the process. What do we need to do from here. Rural
17 determinations are important, because only residents of
18 areas identified as rural are eligible to harvest under
19 Federal subsistence regulations on Federal public lands
20 in Alaska.

21

22 Under current regulations the Board
23 aggregates communities or areas that are economically,
24 socially and communally integrated. They evaluate a
25 community's rural or nonrural status using guidelines
26 defined by the Secretaries. And the original guidelines
27 had things in it such as population thresholds, economic
28 development, some of those type of factors. And under
29 the new proposed regulation, which I'll show you in a
30 minute, the Board would evaluate a community's nonrural
31 status using a broad array of relevant information and
32 rely heavily on the recommendations of Regional Advisory
33 Councils. And one of the things that we're trying to do
34 is set this up so we can recognize that there's regional
35 differences throughout Alaska. So the proposed
36 regulatory change would increase flexibility in the
37 decisionmaking process, and recognize the unique nature
38 of Alaska communities.

39

40 So we put this up as an example. You're
41 not -- I know you can't read it. I can't even read it
42 looking at my screen. But the reason we put this was to
43 say under the old -- or rather than say old, the current
44 process, we had all these different criteria we went
45 through, you know, how many people are in your community?
46 We had a population threshold. If you passed above that,
47 you were no longer considered rural. We had things in
48 there like are you on a road system? Do you have
49 schools? So we had all this criteria. So it gave you
50 this very long list of criteria.

1 The new proposed rule would be fairly
2 short and sweet. And so instead of using only population
3 thresholds, rural characteristics, aggregation of
4 communities, and various information sources such as
5 looking at census data, things like that to get our
6 population thresholds, and attempting to apply those
7 standards statewide, the Board would be relying on the
8 Councils and the public to provide information to the
9 Board and make rural determinations on a regional level.

10
11 The proposed rule would eliminate the
12 mandatory 10-year review cycle. So the way we have
13 it set up now is every 10 years we go through, we look at
14 the criteria that's established and we say, okay, you
15 know, do these communities, have they -- is their
16 population too high? And that -- I did some of the
17 analysis on the comments last year, and that was a huge
18 concern was, you know, if our community -- if a mine
19 opens up and it brings a lot of people into a community,
20 do we now have too many people to qualify to be
21 subsistence users? And a lot of the communities felt
22 like they were out of control. You know, they -- it
23 wasn't their fault if a mine moved in and brought 200
24 people to work there.

25
26 So instead, changes to rural status would
27 be based on proposals submitted to the Federal
28 Subsistence Board.

29
30 So the new regulation proposed by the
31 Secretaries looks like this. Rural determin -- so it
32 would have a number and then it would say, the rural
33 determination process. (a) The Board determines which
34 areas or communities in Alaska are nonrural. Current
35 determinations are listed as, whichever -- how it would
36 be listed. And then (b) would say, all other communities
37 and areas are therefore rural.

38
39 So what we're asking you for tonight is
40 to tell us, do you agree with these changes, and if so,
41 why? Or do you disagree with these changes, and once
42 again, if so, why?

43
44 And so with that, we'd like to open it up
45 to public comment. Oh, any questions before we start on
46 the public comments. And, sorry, Carl. That's why we
47 keep Carl around. He keeps us prompted.

48
49 Yes.
50

1 MR. HANSZ: What's going to be the
2 criteria for the.....

3
4 MR. KRON: Come on up to the mic, please.

5
6 MR. HANSZ: As I look at this, the one
7 question I have is in regards to current determinations
8 are listed at whatever code it will be at, what are the
9 criteria going to be for deciding who is on that list?
10 And I've seen a rough draft list of that, but who is
11 going to be determining that and how often will that list
12 change?

13
14 MS. PALMA: The final decision will be
15 made by the Secretaries. It will be proposed by the
16 Board, and then the Secretaries -- am I correct, Carl?
17 I think that's the way? Well, I'm going to get some help
18 from our resident lawyer.

19
20 MR. JOHNSON: I am not a lawyer for
21 purposes of this meeting. Let's make that clear.

22
23 (Laughter)

24
25 MR. JOHNSON: So to answer your question,
26 that determination of that, that refers to that other
27 regulation, that will be the next part after this part is
28 done. Right now it's just going to refer to a list
29 that's elsewhere in the regulation. So the first part
30 will be to actually either adopt this proposed rule or
31 modify it depending on what the public says about it.

32
33 And then who's going to determine what
34 those are. Well, there's going to be a rural
35 determination that will be made that's just kind of a
36 list that will be put out there. But then any future
37 changes to that will be made by the public, just like with
38 our regulatory process with changing the fish and
39 wildlife regulations. Anybody could submit a proposal to
40 change the rural status of a communities. And it would
41 also be done whenever a proposal is submitted. There
42 won't be a regular time that it's done. It won't be done
43 every 10 years or 5 years. It will be just done whenever
44 somebody thinks a change needs to be made.

45
46 And then since the written criteria will
47 be eliminated from the Secretarial regulation, you know,
48 that means there won't be those criteria in regulation
49 that would apply statewide. Instead each region, and
50 kind of driven by the Regional Advisory Council members,

1 because we consider them to be sort of the regional
2 experts on subsistence, they would develop their own
3 factors with public input. And I know, for example, here
4 in Kodiak you had your rural round table, and the Sun'aq
5 Tribe, a lot of folks that are really involved and think
6 long and hard about this, they could provide to the
7 Council their recommendations as to what they think are
8 the relevant factors in determining what communities are
9 nonrural and then that recommendation would go to the
10 Board.

11
12 So it would really be kind of an open
13 process based on regional needs moving forward if this
14 process as proposed were adopted.

15
16 MR. HANSZ: Okay. I just -- because to
17 answer to your question is really difficult to do
18 theoretically without knowing what the determination is
19 and what standards you're going to use for determining
20 it.

21
22 So anyways, thank you.

23
24 MR. JOHNSON: And I think also to respond
25 to that, I think what the Board heard and what the
26 Secretaries heard the last time around is that people did
27 not like these rigid criteria. And a lot -- we heard
28 this a lot here in Kodiak, too., you know, we're an
29 island region. People live on islands, islands are
30 different because they're isolated geographically. It's
31 a lot different than a rural community that's on the
32 mainland like up in the Northwest Arctic where there's
33 much more opportunity to be connected to transportation
34 and other things like that. So we're different here, and
35 these criteria don't work here. So I think that's what
36 the Board really heard.

37
38 And so it's kind of a mixture of comfort
39 and discomfort where we're uncomfortable with having
40 these rigid criteria, so it's nice we won't be subject to
41 them, but on the flip side people are curious about what
42 the process will be without the rigid criteria. So I
43 think the message there is it really will be up to the
44 people and their Council to define that for themselves.

45
46 MS. PALMA: And just to add a comment, if
47 a particular region looks at the criteria we were using
48 before and said, that has worked really well for us, they
49 can keep it, you know. So that Regional Council could
50 still go by the same criteria when they propose to the

1 Board whether or not a community would be rural or
2 nonrural. But what we're trying to do is because we
3 recognize that there are so many differences throughout
4 Alaska, is put some of the control back and give people
5 a more public voice, you know. Why is Kodiak set up the
6 very same way as North Slope, you know, so we're trying
7 to look at this and see if this should be changed.

8

9 Thank you.

10

11 MR. KRON: Are there any other questions
12 before we start the testimony.

13

14 MR. SIMEONOFF: Yeah, this is Mitch in
15 Akhiok. I'm in the rural Village of Akhiok, but the
16 Federal Public lands are up in the north end of the
17 island. How does that affect the villages that are not
18 adjacent to Federal public lands?

19

20 MR. KRON: Basically the rural
21 subsistence users have the priority, but that priority is
22 on Federal lands. In your case it might be Refuge lands.
23 In other parts of the State it might be park or BLM lands
24 or Forest Service lands. But again it's a rural
25 priority, but it's -- the places where we can provide
26 that priority are on those Federal lands. So if you
27 happen to be next to State lands, for example, you would
28 have a priority, but you wouldn't be able to use it on
29 those State lands.

30

31 MR. SIMEONOFF: Yeah, we've got to think
32 long and hard about this then if we have a rural priority
33 that we can't use. What words are we going to put in
34 there that will make it work out here.

35

36 MR. KRON: Yeah, Mitch, we have somebody
37 else here in the room, so we'll let him ask his question,
38 and then if you have more questions, feel free to jump
39 in. Thanks.

40

41 MR. PARKER: Garrick Parker. I have two
42 questions if I can. Who appoints the Council members,
43 and are these Regional Councils going to be given
44 guidelines or minimum requirements that they have to meet
45 as far as these Federal standards go?

46

47 MR. JOHNSON: Well, I'll be happy to
48 answer that question. For those on line, my name is Carl
49 Johnson. I'm with the Office of Subsistence Management.

50

1 I'm actually the person in the office
2 who's in charge of the nominations and appointment
3 process. So every year we put out a call in the fall,
4 and it goes through early winter for people to apply on
5 the Council. So anyone could apply on the Council. You
6 do not have a Federal rural subsistence user to serve on
7 a Council. People from Anchorage and Fairbanks can serve
8 on a Council. People can nominate someone to serve on a
9 Council. And then those applicants, you know, go through
10 a review process and recommendations. The Federal
11 Subsistence Board makes recommendation to the Secretaries
12 of the Interior and Agriculture, and that's who actually
13 appoints those people to the Councils. They're appointed
14 by the Secretaries.

15
16 And as for the guidance, essentially the
17 guidance would be -- right now there is not a current
18 plan to tell the Regional Councils how they're going to
19 make nonrural determinations. What they would have to do
20 though is they would have to develop a record that would
21 justify their recommendations, and allow the Federal
22 Subsistence Board in its obligation to make
23 administrative decisions that are not arbitrary and
24 capricious, they would have to -- the Councils would have
25 to come up with criteria in defining what community is
26 nonrural or rural that the Board could legally accept.
27 So it wouldn't just be a, you know, we think Kodiak's
28 nonrural any more, so that's it, you know. There would
29 have to actually be a record justifying that. And I
30 think that definitely in this region from what I've seen,
31 there are some people who pay a lot of attention and have
32 some very thoughtful ideas on what defines a rural area,
33 and I think that would guide this Council very well in
34 making its decisions.

35
36 But that's kind of where things are right
37 now as far as the future plans. There's not any plans at
38 this time to put either into regulation or policy
39 guidance telling the Councils how they have to do it,
40 because again, as Palma noted, the intention here is to
41 allow the people on the Council of that region to define
42 for themselves what they consider to be rural or
43 nonrural.

44
45 I hope that answered your questions.

46
47 MR. KRON: Other questions. Mitch, did
48 you have any other questions for us.

49
50 MR. SIMEONOFF: No, I don't. Thank you.

1 MR. KRON: Any other questions in the
2 room.

3
4 MR. HANSZ: Red is on. My name is Brian
5 Hansz. I'm just curious. So the rural determination
6 process as it has been now almost is being swapped around
7 to where all the criteria is going to go onto the
8 nonrural; is that correct, what you just said, more or
9 less what that statement says?

10
11 MS. PALMA: I wouldn't classify it as
12 turning it upside down and saying what's nonrural. We're
13 looking at -- we're trying to give control back to the
14 regions. And, yes, we would -- each region as Carl just
15 mentioned would work with their Regional Advisory
16 Councils to decide what the criteria is. I mean, as I
17 say, when I analyzed a lot of the comments the last time,
18 one of the real troubling issues was the population
19 threshold. At one point, if you passed over 7,000
20 people, you were definitely considered nonrural. And so
21 this gives a better -- I don't want to say better, but a
22 different process for looking at it.

23
24
25 MR. HANSZ: Roger that. And you had said
26 about the population threshold that Kodiak was actually
27 over, even though there's only one supermarket in this
28 town, nowhere else on this island really. But the --
29 yeah, and you said that -- you already said that you
30 haven't determined the criteria that you're going to
31 classify nonrural as yet.

32
33 But some of the things to consider, the
34 population of those communities. Will the numbers of
35 those people possibly have sway or determine -- in their
36 determination of being nonrural, because across the
37 political boundaries of the State, the whole population
38 centers are the nonrural, seem to get a whole lot of
39 political sway with this. And that's it.

40
41 MR. JOHNSON: And I'll respond to that,
42 too. And going back to another thing that we heard a lot
43 during this last process, and I'll try to stand so some
44 folks can see me a little bit better. One of the things
45 we heard from many communities was this notion that it's
46 unfair for a community defined by outside forces
47 impacting it. So, for example, here in Kodiak, unfair
48 for Kodiak for the coast guard base to be included as
49 part of its population, because that's not something the
50 community chose to do. Or in some of the other

1 communities where there's a lot of mineral resource
2 development, it's unfair for the folks in Kotzebue or
3 Ambler to be impacted by outside mining development,
4 because that wasn't something that the community chose to
5 do.

6
7 So the idea of the nonrural is that -- it
8 is sometimes difficult to define rural, but everybody can
9 -- they knew nonrural when they saw it, they had an
10 understanding of what nonrural meant. And in some cases
11 it might be, you know -- it's hard to say, but despite
12 the fact that some of those nonrural areas are powerful
13 politically, I think that the folks in Fairbanks would
14 find it difficult to convince the Eastern Interior
15 Regional Advisory Council that they're now a rural area
16 that should get a Federal subsistence priority. And in
17 the end, that will be the thing that will really matter
18 will be convincing the Council that it's -- whether it's
19 a rural or nonrural area.

20
21 But primarily the focus will be let's
22 define what's nonrural, because that will be easier. And
23 then everything else can be rural. And just like you
24 were saying, yeah, there are some things that should be
25 considered, population and all that, but that
26 will be the opportunity you'll have under this new
27 process will be for you to bring to the Council, if there
28 was a proposal submitted say to change an area from
29 nonrural to rural. Like a good example is under the
30 current system in Southcentral Region, you have Moose
31 Pass deemed nonrural, because it's aggregated with
32 Seward. Well, Moose Pass is I guess relatively speaking
33 close to Seward, but it's not really, but yet it's lumped
34 in with Seward. So somebody in Moose Pass would now be
35 able to submit a proposal to the Southcentral Council and
36 say, you know what, we're rural; we should be changed to
37 rural. And then allow the Southcentral Council to, you
38 know, review that and come up with a decision that makes
39 sense for their region.

40
41 Anyway, thank you.

42
43 MS. PALMA: Just very quickly to follow
44 up on what Carl said. One of the criteria that we have
45 in place right now is the aggregation of communities, and
46 that concerns people a whole lot up here, because there
47 are -- the State and the Federal Governments are always
48 looking at building new roads. So if you had a small
49 communities and they just happened to put a road through
50 your area because they're trying to get to a mine, for

1 example, and how you've lost your rural exemption. We
2 don't want to see that happen, you know, so this is --
3 this gives the Regional Advisory Councils an opportunity
4 to defend that even though they're on the road system and
5 they're connected to something that may be nonrural, that
6 community could still potentially stay rural.

7

8 MR. KRON: Any other questions.

9

10 (No comments)

11

12 MR. KRON: Okay. When I call your name,
13 please step forward to the microphone. Please begin your
14 presentation by stating your full name, and please assist
15 the recorder in spelling your name. If you are
16 affiliated with an organization or group, please say so,
17 so that your comments are accurately captured. Please
18 speak clearly and also speak clearly into the microphone.
19 If you are calling to speak and choose not to speak or
20 provide short remarks, you may not cede your time to
21 another speaker. The time is currently 7:33, and I'd
22 like to open the public hearing section of this meeting.

23

24 The first speaker will be Patrick Holmes.
25 He will be followed by Ms. Natasha Hayden.

26

27 MR. HOLMES: Good evening, Mr. Chairman.
28 H-O-L-M-E-S, Patrick, like in Sherlock. I'm nowhere near
29 as bright.

30

31 But I normally would be speaking for the
32 Kodiak Rural Round Table of which I've been a part of for
33 many years, but we haven't had a chance to meet, and I'll
34 probably dig out our comments from the last hearing and
35 route them around to the folks in our community and see
36 if they still agree with those, because in my mind and I
37 suspect many of the others, just flipping the whole thing
38 around the opposite way.

39

40 I don't have a problem with numbers in a
41 community but I do the numbers that were chosen to deal
42 with Kodiak I thought was too low. And I think some of
43 the things that we suggested before, geographic
44 isolation. If a community is not geographically
45 isolated. and if they have multiple airports, multiple
46 hospitals, multiple shopping centers, all the things that
47 we were criticized because we had one of, but we had one
48 of because we're geographic isolation.

49

50 So I wouldn't see any problem about with

1 coming up with definitions of what's urban. I think the
2 different criteria in there were quite applicable. I
3 think the little over-diligence on lumping together and
4 aggregating, because as I mentioned in my previous talks,
5 probably 40 to, depending on the season and the year, 60
6 percent of the coast guard base folks don't qualify as
7 residents, and they don't qualify either for State or
8 Federal subsistence. So really those things should have
9 been weighted.

10

11 So it's much easier to define what's
12 urban in my mind. Certainly Fairbanks, Juneau,
13 Anchorage, there's no doubt, because they all have
14 multiples whatever.

15

16 And the thresholds as far as numbers,
17 there's already -- our committee brought out some things
18 from the Department of Health and Social Services, some
19 other reviews, can't remember exactly, probably some of
20 the sprighter, younger minds will, that have some
21 threshold numbers that define rural for all the other
22 Federal agencies. And so those numbers would probably
23 work out just fine from my perspective and most of the
24 people in the round table, and I would just bet our
25 Council.

26

27 I believe that the aggregation, that's
28 got to be taken with a bit of grain of salt, but then the
29 question of not of whether Indian, that's, what, 10 miles
30 from Anchorage, you know, that's probably a pretty fair
31 aggregation, because you're only going to be 15, 20
32 minutes from town, and be able to get to all those other
33 things that really in my mind identify urban.

34

35 I think getting rid of the dicentennial
36 review, that was one of the things our committee
37 recommended. Every single RAC recommended it. It's just
38 a total bother. I think having a procedure for if we go
39 in and define geographic areas that are urban, then I
40 think certainly the little village there on the road to
41 Seward should have a way to go to the Council and say,
42 hey, you know, we're rural and have that accepted.

43

44 Excuse me, my notes are really bad here.

45

46 I do think though, and I know the
47 Secretaries would never give it up, but I quite frankly
48 think that the Alaska Subsistence Board should be the one
49 making the decisions, and not necessarily the
50 Secretaries, because quite frankly they don't have a clue

1 on what Alaska is like, and not a clue on any of this
2 other than the different bureaucrats have come up with
3 things, written them down, and defined them. And
4 basically -- and I'm saying this from having probably
5 spent more time -- when we've had these review hearing
6 years, I've probably spent way more time working in
7 committees trying to find out community consensus, and
8 what folks think things should be, and how unfair the
9 process was. I've probably spent more time doing that
10 and most of my committee members than we did fishing or
11 actually doing our subsistence. I mean, you just totally
12 adopt a whole new profession to try to communicate what
13 our community has striving for.

14
15 And I guess I would close with going back
16 with an image for folks here of the passion that related
17 to this and how it was summarized. And when we had that
18 first rural review, and Johnnie Reft summed it up really
19 nice at the end and took a look at one of the Federal
20 bureaucrats that slept through most of it. We filled our
21 auditorium. We had over -- almost 450 people in our
22 auditorium at that, but what was reported was 47 people
23 spoke in Kodiak. There's a rural perspective of how many
24 people in our town turned out that you never see at a
25 meeting. Never see at a meeting. They're too shy, they
26 just don't speak in public. Versus what the Federal
27 bureaucrat summary was of that meeting, 47 people talked.
28 So anyway I would like to leave you with that image.

29
30 And that the Board is basically on the
31 right track on this. I think having the deference made
32 by the Regional Councils on saying -- you know, I suspect
33 that if we ended up getting 10 cutters moved to Kodiak,
34 a new airport built out at Chiniak, and a whole community
35 built between here and Chiniak, solid houses, then we'd
36 have to say, yeah, we're not rural any more. It would be
37 pretty darn hard to justify it, and I'd probably go down
38 and try to see if I couldn't live next door to Mitch,
39 because I just couldn't live here any more.

40
41 So thank you very much, and I'm glad
42 you're having this hearing, and I was so impressed with
43 the present Board's perspective on trying to make things
44 work for folks that are rather than the other way around
45 where some red neck that moved from Arkansas to Fairbanks
46 and lost his job after the pipeline was done, could be
47 arguing as to why I shouldn't be able to go and shoot an
48 extra deer if we had an extra deer available for
49 subsistence, or fish the Buskin. I mean, it's just none
50 of their business. And so I think just some very smooth,

1 basic rules, here's urban; everybody else is rural, and
2 then it will shake out really easily.

3
4 So thank you very much for coming this
5 evening.

6
7 MR. KRON: Thank you, Pat.

8
9 Again the next speaker is Natasha Hayden.
10 Tom's going to get our cable squared away here. And
11 after Natasha, Brian Hansz, if Brian would be ready. So
12 go ahead when you're ready.

13
14 MS. HAYDEN: Good evening. My name is
15 Natasha Hayden, H-A-Y-D-E-N. I'm from Kodiak, and I'm
16 also from the Native Village of Afognak's tribal council.

17
18
19 Just a little bit about myself. I was
20 born and raised here. My father came from the Afognak
21 Village, the old village before it was destroyed, and my
22 mother came here in 1965 from Ohio. We participated in
23 a subsistence lifestyle my entire life. My father took
24 us fishing to Afognak every summer, and we went hunting
25 in the fall for deer. And we'd go hunting at the drop of
26 a dime to go get some rabbits anytime during the winter.
27 Along with that we also learned how to process the fish
28 and the game. And I'm not talking about just a few dozen
29 here and there, you know. At times there would be
30 hundreds of them, and it would sustain our family
31 throughout the year, both -- we had freezers that were
32 filled with deer, and we had wall to wall cabinets that
33 were filled with canned fish.

34
35 So currently I still participate in a
36 subsistence lifestyle. I take my children fishing every
37 summer. We go hunting every fall. I don't have a whole
38 wall to wall cabinets filled with canned fish, but it's
39 something that my mother had passed on for me. And she
40 came here from Ohio as a white woman who had never
41 participated in a subsistence activity in her life, and
42 she fully embraced it as a lifestyle here. And it was
43 out of necessity to survive. We don't have that
44 necessity to survive at this point now, but it is deeply
45 ingrained in our family, in our lifestyle, and the
46 culture that comes along with that.

47
48 And I thank you for your time and that
49 you are coming here and your work and your efforts in this
50 process, because it is extremely important to me and who

1 I represent is the tribe
2 you guys are looking for comments on what you have up on
3 the screen.

4
5 I'm not going to speak to actual
6 criteria, because it seems to me that you guys are
7 looking for comments based on what you have up on the
8 screen right now, which is whether or not we agree with
9 that as a new regulation. And I'm just going to assume
10 that that's correct. I would speak to that as I would
11 agree with that if you were to include language that the
12 Board determines which areas or communities in Alaska are
13 nonrural based on recommendations of the Regional
14 Advisory Councils, tribal governments, ANCSA
15 corporations, and other relevant bodies who are -- need
16 to be given an opportunity to provide input. I think
17 that that needs to be included in that regulation there,
18 because as it stands in that form, I think it's too
19 vague, too wide open. The Board from my understanding is
20 the Federal Subsistence Board, and those are the members
21 that are not necessary Alaskan that are appointed by the
22 Secretary of the Department of Interior. And I believe
23 it needs to be written into that regulation that it is
24 going to be based on those recommendations.

25
26 I also think that, it was mentioned
27 earlier, that the rural determination process would only
28 come up for review if a proposal was submitted to request
29 that that be evaluated. I think that that should only be
30 in consideration if it is coming from a resident of the
31 community that is seeking to be evaluated. I don't
32 believe that a resident of Fairbanks should be able to
33 submit a proposal regarding the rural determination of a
34 community like Kodiak or elsewhere throughout the State.

35
36 And then since I realize that we're not
37 here to discuss the criteria, I would like to just say
38 that I agree wholeheartedly with everything that Pat
39 said, and I'm looking forward to an opportunity to
40 provide testimony on RAC criteria as you guys move
41 forward with the process.

42
43 So thank you very much.

44
45 MR. KRON: Thank you. Next we will take
46 Brian Hansz. Brian.

47
48 MR. HANSZ: I already said all my
49 comments I asked during the questioning.

50

1 MR. KRON: Okay. Then next we will take
2 John Reft from the Sun'aq Tribe. And following John,
3 we'll take anybody that wants to testify on the phone.

4
5 MR. REFT: Good evening. My name's John
6 Reft. I am the vice chair of Sun'aq.

7
8 And in Kodiak subsistence is one of the
9 most important things to us, not only as a tribe, but
10 residential status. This piece of land out here that's
11 Federal is so important to the survival of this town with
12 the expense to live, and food, what have you, in the
13 stores are so high that people cannot exist if we ever
14 lose our rural status here, and lose this piece of land
15 out here, because that's not only crab and salmon, it's
16 everything to us. And we argue off and on again. And
17 even the airport with the FAA, we had to go to DC to
18 fight for our rights when they had it basically cut and
19 dried they were going to cut off the Buskin River and
20 killed it off. That would have really killed off the
21 population in Kodiak, and the Native foods and
22 residential status of living. And we had to end up going
23 to the Secretary of Interior, besides Don and Lisa and
24 Mark, and all of them. And he gave them orders to come
25 back, talk to us and find out what the results would be
26 if we lost it. And instead of meeting with us once a
27 year and telling us, this is what's going to happen
28 whether you like it or not, we were meeting three times
29 a month until we got it cut and dried, and they switched
30 their tactics, because I said, if you went into Womens
31 Bay with the airport that's there now, and out to the sea
32 toward Puffin Island, that wouldn't hinder anything,
33 because Womens Bay and the head of the bay is nothing
34 detrimental to herring, salmon, or anything. And that's
35 why Buskin River was saved.

36
37 But it's not done easily when you're
38 fighting the Feds, let alone negotiating with the Feds
39 and the State on different problems that are detrimental
40 to your lifestyle. And this land out here that you see
41 now where the coast guard and military and everybody is,
42 that was our land before the war, and it was taken away
43 from us, and we have not been able to utilize it. And
44 all we ask down the line when the time comes that the
45 land's not utilized by the military, that we are able to
46 go back to our subsistence use of that land which is not
47 being used.

48
49 But then we have an alliance with the
50 coast guard. We go to meetings out there. They come

1 into our tribe downtown here meet with us. We've built
2 a great alliance with them for the good of their
3 personnel and for the local Native to work together
4 instead of fighting each other like we did when the navy
5 was here and the marines. It is a completely different
6 atmosphere, and it's great to work with them. And we
7 need this in order to survive together instead of
8 fighting each other like it was when the navy was here.
9 The best thing that ever happened to Kodiak was the coast
10 guard moving in and working with them.

11
12 And when we come to issues like the crab
13 and different things, I don't like to use names,
14 personnel directly, but I have been out there -- and I
15 utilize everything, you know, hunting, fishing, herring,
16 salmon, halibut. I'm in the area all the time and I know
17 what's going on, and if you don't have control over your
18 personnel when they're given pots and a skiff to go out
19 there, they can load up them skiffs like we've seen the
20 bow so high and heavy with tanner crab, and they're
21 having a heck of a good time, which you can't blame them,
22 but they're way over their limit, no control in my
23 opinion, but if they were under control and didn't take
24 so much and to around the corner once they get into the
25 coast guard area where you're not allowed, who knows what
26 happens, how much they utilize, how much they take. We
27 don't even go out there with our pots any more, it's
28 useless. But there is pressure.

29
30 Not only that on the crab and -- I don't
31 know if they do dungeness, but the flyway, the ducks that
32 are used out there for local natives, we've been hunting
33 them for years. We don't have them out there any more.
34 There's so much pressure on the road system now, the
35 ducks aren't even there once it opens and the shots ring
36 out, they're done, they're gone. And when you come down
37 to the emperor geese, the lack of them and where they are
38 put has got to be lifted in my opinion, because there's
39 so many of them out there that now when the bay freezes
40 over and ice and stuff, the whole thing is full of
41 emperor geese, the shores, everything, and do you know
42 what it does? It pushes the ducks that we've been
43 hunting out of the area, out to sea, because they're
44 taking up the food. I mean, the population of the ducks
45 -- or the emperor geese are getting so big. And you
46 think a duck's coming over, and you look and you see 75
47 or 100 something of them emperor geese coming over, flock
48 after flock. What do these little ducks that we shoot
49 to eat, where are they going to go? They get scared.
50 These are big birds that can drive anybody out, and we're

1 not allowed to utilize or keep them down.

2

3 Now, on the other hand, excuse me, the
4 sea otter population. I have watched that grow from when
5 I fished. When I was young up in the north end by Shuyak
6 Island, seeing a mother and little baby swimming around,
7 and we wondered what it was. A few years later, boy,
8 here they come. They grow, grow in the population and
9 they spread out. And they're over on the west side and
10 Raspberry.

11

12 And one of the most impacted spots I've
13 observed is Port Bailey. I went in there after an
14 agreement with the Fish and Wildlife out here at Buskin
15 to harvest sea otter, because they were getting so over-
16 populated, and those guys at Port Bailey just wanted them
17 thinned out. So we went in there and we hunted them, and
18 we had a market for the hides in Japan and Korea for 17
19 to 1800 a hide. Well, it sounded good and working with
20 them to keep the population down, so that they wouldn't
21 get overrun like Southeastern. And I was working with
22 the James brothers from Southeastern, same kind of
23 market. Then what they were saying was the population
24 got so big that they were running out of food. And then
25 here the result was they were dying off.

26

27 Well, that's going to happen to Kodiak.
28 And I told the Fish and Game -- or Fish and Wildlife
29 that. So in an agreement to go out and hunt them and to
30 process, you know, send out the furs. This is for money,
31 was a good thing. But I went out and we got 68 sea
32 otter, and I told my brother, you know, I just don't
33 trust the Fish and Wildlife. I said, we'd better take
34 these in and get them checked out and tagged and measured
35 and everything that's required and see what the status
36 is. We got in there, and I went out, and they said, oh,
37 man, we're glad you came in. And I said, yeah, what's
38 the problem? And they said, well, the agreement we made
39 that you could go for four hides to two hides for a
40 blanket is nullified. Yeah. Well, that's kind of what
41 I figured. Nullification. There we were. And I said,
42 now what's going to happen? And they said, well, we got
43 too much pressure. We're afraid of Greenpeace. So I
44 said, that's kind of ridiculous. I said, you know what's
45 going to happen, the over-population of the sea otter and
46 stuff. And they're detrimental to our clams already,
47 they're wiping them out. And then comes the king and
48 tanner crab, our shellfish is gone. We're not going to
49 be able to eat them, and I said, then what? He said,
50 well, we're sorry.

1 So I was stuck with the 68 furs after an
2 agreement to go out and do it and work with them to keep
3 the population down. And I wrote up my own requirements
4 on how to hunt, what to shoot, you know, no babies, no
5 this and that. And we come in and had them checked. And
6 the guy they sent down was a young guy, very nice. And
7 says, you're going to have to show me how to do this. He
8 says, we've never done sea otter before. And I said,
9 well, you've got a book? He says, yeah, but we never did
10 it. So we did all 68 sea otter.

11
12 And at the end of it he says, hey, what's
13 that book you got there? And I said, that's my own
14 requirements I wrote up for hunting sea otter for me and
15 my brother, what we do, what we don't do and why. He
16 says, you mind if I borrow the book, and I says, what
17 for? And he said, oh, just to read. It looks
18 interesting. And I said, no, I've got no reason to say
19 no, but I want it back here tomorrow morning. So he
20 brought it down to the boat the next morning, and he
21 says, thank you, I really appreciate this. He says, that
22 is very interesting. A couple years later, I look at the
23 requirements and stuff on the sea otter. It's what I
24 wrote, and he got the credit I suppose for writing it
25 out, and they're in regulations.

26
27 But, I mean, there's so many different
28 things, you know, that come up, and most of the time we
29 don't have any say so in them, because as bonifide not
30 only Native but residential status people, we're not
31 recognized, because we don't have the credentials that
32 the Feds and the States have, the officials,
33 even right here. We have taken items in in January where
34 there was soft king crab when I fished with Bugle and
35 Tonky, where it was so rough nobody wanted to fish,
36 blowing 70 to 100 miles an hour, popping out windows and
37 everything, but getting so much crab you wouldn't believe
38 it. When we find five soft-shelled ones in January, and
39 we bring them into Guy Powell, he was the head man of the
40 king crab industry in all its fame and glory. He says,
41 what are these? Soft king crab shells. What? They
42 don't get soft in January. Here's five of them,
43 three bags full, 12-pounders. He would not accept that.
44 He said, get them out of here; they don't soft shells in
45 January.

46
47 I mean, things like this are so
48 frustrating when we don't have the credentials and going
49 to school like you guys do. But it's frustrating. But
50 this is probably the only time that we ever have a say so

1 to voice our opinion in local status, knowledge. It's
2 something that should not be avoided, because we know all
3 these things, what's going on, what's happening out
4 there. We're there utilizing the subsistence fishery and
5 hunting. And if they would just have a little more
6 confidence in our word and listen to us more, maybe
7 things would be easier.

8

9 Thank you very much. I'm sorry to take
10 so much time, but there's just so much, you know, that
11 comes up.

12

13 MR. KRON: Well, John, if you would take
14 a look at the board, and if you could tell us if you
15 agree with the change or disagree.

16

17 MR. REFT: My basic personal opinion on
18 that is that if your status is rural, has been in there
19 for several years, and not urban, statewide it should be
20 that way, you're automatically included. That's my
21 personal opinion. I haven't asked the Council to speak
22 on their behalf, but I'm sure they would and go along
23 with me, because all of this 5 or 10 years seems to me to
24 be ridiculous, because we're so remote. Even the Japs
25 could not find us during the war. They tried to bomb us,
26 because of the submarine base here. They couldn't find
27 us. That's how much remoteness we have. And you don't
28 have access to us unless you have a boat or an airplane
29 to fly in. We don't have roads or anything. And our
30 Fish and Game does such a good job controlling our fish
31 and wildlife that we're not in jeopardy for any of that
32 stuff.

33

34 And we try to work with them, but this
35 piece of Federal land out here is so important to this
36 town, not only Natives but the people that are classified
37 as residents, that it's unbelievable. And I do not ever
38 want to see it go down the drain.

39

40 Thank you very much.

41

42 MR. KRON: Thank you, John.

43

44 Okay. We will go next to the phone.
45 Does anyone on the phone want to testify. And again, if
46 you do, please spell your name for us, tell us who you
47 are affiliated with. And again we're taking public
48 testimony off the phone. So does anyone on the phone
49 want to talk.

50

1 MR. SIMEONOFF: Hello. This is Mitch.
2
3 MR. KRON: Go ahead, Mitch.
4
5 MR. SIMEONOFF: Yeah. Thank you for this
6 opportunity.
7
8 I just wanted to reiterate that we should
9 not let the Secretaries have final say on which
10 communities are rural or nonrural, but like Pat said,
11 they don't live up here and they don't have a clue about
12 our subsistence way of life here. I think that
13 determination should be with the Federal Subsistence
14 Board after consulting with the regional RAC.
15
16 Thank you.
17
18 MR. KRON: Thank you, Mitch. Is there
19 anyone else on the phone that would like to testify.
20
21 MS. WOLKOFF: This is Sharon. I joined
22 in late. I was wondering what was written on the board.
23
24 MR. KRON: Sharon, yeah, I'm sorry. I
25 will read it to you, and I think it's in some of the
26 written material on the website also.
27
28 This is the new regulation proposed by
29 the Secretaries. And under the definition of rural
30 determination process, (a) the Board determines which
31 areas or communities in Alaska are nonrural. Current
32 determinations are listed at Section .23. All other
33 communities and areas are therefore rural.
34
35 And again then we've got some questions
36 under that that those in the room have been able to see:
37 Do you agree with this change? If so, why. Do you
38 disagree with this change? If so, why.
39
40 So again that is what has been up on the
41 screen. And again we definitely would like to hear your
42 comments if you have any.
43
44 Thank you.
45
46 MS. WOLKOFF: Thank you. I believe we
47 should be rural, and we are very remote and like the
48 speaker before me said, they don't know, you know, what -
49 - how Alaskans are living up here. They're down in the
50 States and we just need to have a strong voice to let

1 them know that we'd like to keep our rural status so we
2 can continue our subsistence lifestyle.

3

4 Thank you.

5

6 MR. KRON: Thanks. And if you would
7 spell your name for us, please, so we can make sure we've
8 got it straight. And also tell us exactly which
9 community you're from.

10

11 MS. WOLKOFF: Sharon Wolkoff, W-O-L-K-O-
12 F-F. And I live here in Kodiak.

13

14 MR. KRON: Thank you, Sharon.

15

16 MS. WOLKOFF: Thank you.

17

18 MR. KRON: Anyone else on the phone that
19 wants to testify. And I'll come back to you again. We
20 have some more cards from in town here, but if you'd like
21 to testify over the phone, if you'd like to testify now,
22 you can.

23

24 (No comments)

25

26 MR. KRON: Okay. Hearing none, I've got
27 three more cards here that have come in from the meeting
28 room. We'll go through those and then I'm going to go
29 back to the phone. So if you decide you want to say
30 something, you're more than welcome to do so.

31

32 Tom Lance. If Tom could come up,
33 followed by Russ Pruitt. So, Russ, you plan to go after
34 Tom. Go ahead, Tom.

35

36 MR. LANCE: Good evening. My name is Tom
37 Lance, L-A-N-C-E. I'm with Sun'ag Tribe of Kodiak. I'm
38 the environmental coordinator, Natural Resources
39 Department coordinator. And I'm fairly new at this
40 position, and I'm here to learn about the process, what's
41 going on.

42

43 From what I see, any time we can take one
44 page of regulations and turn them into one paragraph is
45 a good thing.

46

47 And I would agree with much of what some
48 of the other comments were regarding this process as long
49 as the process is kept at the local level. Personally I
50 would agree with those changes that are proposed to -- I

1 just lost my train of thought. I'm almost with -- no, I
2 won't say it. Anyway, yeah, we need to keep it at the
3 local level. And Sun'aq Tribe probably would agree with
4 that, and Vice Chair John Reft spoke a little bit about
5 the kinds of concerns they have that are all tied in with
6 this whole process.

7

8 So thank you again for your time.

9

10 MR. KRON: Thank you, Thomas.

11

12 Russ Pruitt, and Russ will be followed by
13 Thomas Schwantes.

14

15 MR. PRUITT: Russell Pruitt, R-U-S-S-E-L-
16 L P-R-U-I-T-T, a 35-year member of the community. I'm
17 here for myself.

18

19 I'd like to say that I agree with these
20 new rulings if they keep us rural, which is what it
21 sounds like it's going to do. Fishing and hunting are
22 something that's a highly emotional thing for this
23 community. I've have been to the other ones over the
24 last 20 years, and if any of you were there, you could
25 tell really extremely emotional thing for all of these
26 people, and It's very deeply and done in our culture
27 here. So if that's what it does, keeps us where we can
28 all keep doing what we're doing, then I agree with it.

29

30 Thank you.

31

32 MR. KRON: Thank you, Russ.

33

34 Thomas Schwantes.

35

36 MR. SCHWANTES: Mr. Chairman. My name is
37 Thomas Schwantes. The last name is S-C-H-W-A-N-T-E-S.

38

39 I was a part of this process back in
40 2005, and it was not a pretty process. I totally
41 disagree with this change for the following reasons.

42

43 First of all, once an area has been
44 designated a rural area, it should remain in that status
45 without the members having to justify every few years why
46 they're rural. I mean, in Kodiak -- back at that time
47 Kodiak as I recall had the highest percentage of
48 subsistence users of any community in the state, and so
49 for us to have to go back and have justify every few
50 years is just ridiculous.

1 The other thing -- the other reason I
2 think that this is a really good process is this is going
3 to put the decisionmaking back in the hands of the local
4 people. Once this determination is made, you know, the
5 people are going to have the opportunity to come before
6 the Regional Councils every year and make comments and
7 discuss this. You know, if a change needs to be made
8 then it will come forward from the people.

9
10 So I totally agree with this. I think
11 it's a good change and I think it will be good for the
12 community.

13
14 Thank you.

15
16 MR. KRON: So just to clarify again,
17 looking up at the board, you agree with these changes, and
18 I'm hearing yes?

19
20 MR. SCHWANTES: Absolutely. Thank you.

21
22 MR. KRON: Thank you, Thomas.

23
24 Coming back to the phone, this completes
25 all of the cards that I have here. If other people would
26 like to testify, they can. But we'll ask once again if
27 there's anyone on the phone that wants to testify.

28
29 (No comments)

30
31 MR. KRON: I think we have another card
32 coming. And again I think we wanted to try to get
33 everybody to sign in so if Karen wasn't able to twist
34 your arm to sign in, please do so. It's sad for me to
35 hear that we had so many people at that first meeting
36 that Pat was talking about, and we didn't have this sort
37 of a system going then, because all those people needed
38 to be recognized in my opinion. So again please sign in
39 if you haven't done so.

40
41 For those of you on the phone, we're just
42 in a holding pattern here. I've got another blue card
43 coming up. Okay. Louis.....

44
45 MR. SCHWANTES: Tom, can I make a
46 clarification.

47
48 MR. KRON: Yeah. Please.

49
50 MR. SCHWANTES: I was told that I said I

1 disagreed.

2

3 MR. KRON: Yeah.

4

5 MR. SCHWANTES: I totally agree with it.

6 Thank you.

7

8 MR. KRON: I could guess, Thomas, who
9 told you that, but I didn't ask.

10

11 (Laughter)

12

13 MR. KRON: Okay. So we have Louis
14 Rocheleau. Please go ahead and pronounce and spell for
15 us, please.

16

17 MR. ROCHELEAU: Louis, L-O-U-I-S,
18 Rocheleau, R-O-C-H-E-L-E-A-U. I'm just here on my own
19 behalf trying to get familiar with the process, what's
20 going on here.

21

22 I guess my background, I'm just a Federal
23 subsistence hunter. I do State subsistence fishing as
24 well. And I married a Native gal, and we've got four
25 kids. I instill that lifestyle on them as well.

26

27 I guess as far as these changes, it was
28 confusing to me how it was laid out before. I guess
29 making this -- it's hard to agree or disagree when you
30 don't know what those determinations are going to be.

31

32 As far as, you know, I would agree with
33 a lot of people that have spoke, you know, as far as not
34 letting the final say being in the Secretary's hands,
35 that, you know, he's way out there in Never Never Land,
36 and we're here, you know, just living off of what we like
37 to do. So to have a Regional, you know, Advisory Council
38 that could actually take advice from community members
39 and act on that, because when you take away the emotion
40 of and separate out the Secretary from the community
41 members, and they're not able to listen to what they had
42 to say, they're just reading comments and stuff like
43 that, I think it could get lost in the translation.

44

45 So like I say, it's hard to say I agree
46 or disagree with this. I would say, you know, at this
47 point that I would agree with it only in the sense that
48 as long as we have the say of that rural determination,
49 it would -- but it's hard to say, you know, once -- when
50 it goes away, then we're left with just an agree or

1 disagree.

2

3 MR. KRON: Thank you, Louis.

4

5 MS. DEATHERAGE: I'm twisting their arms.

6

7 MR. KRON: Okay. Sam Rohrer.

8

9 MR. ROHRER: Thank you. For the record
10 my name is Sam Rohrer. It's S-A-M R-O-H-R-E-R. And I'm
11 representing myself. I'm also one of the Regional
12 Advisory Council members.

13

14 I, too, was part of this process back in
15 2005 when we went through this the last time. It was
16 challenging for Kodiak. We talked about the criteria,
17 you talked about the criteria, with the population cut-
18 offs, and so it was challenging for Kodiak, and basically
19 we were faced with having to prove why we're rural.
20 Well, we all in this room know why we're rural, but
21 sometimes putting that into words is a little bit
22 challenging. It's a whole lot easier to figure out who's
23 not rural as you pointed out. And so I support these
24 changes.

25

26 I have heard several people mention about
27 concerns that the final say would be with the
28 Secretaries. That's not what I read up there. What it
29 says is the Board, that's the Subsistence Board. So
30 that's comforting.

31

32 So I support these changes and I think
33 the biggest reason why is I like that -- I like the new
34 approach. We're all rural, and if you're going to say
35 we're nonrural, you have to prove why we're nonrural. It
36 puts the impetus on proving we're nonrural. So that's
37 good. I like that.

38

39 The only -- my only concern, I don't
40 think this will be a problem for the Kodiak and Aleutians
41 Council, but I do see this as being an issue for some of
42 the other Councils. I think they're going to get a lot
43 of proposals from areas over and over and over and over
44 that are nonrural trying to become rural. So I think a
45 lot of Councils will have to deal with that. I think
46 there will probably be a lot more paperwork, a lot more
47 time in Council meetings dealing with that. Again, I
48 don't foresee that being a problem with Kodiak and the
49 Aleutians since the entire -- everything's nonrural -- or
50 everything's rural except maybe Adak, something with

1 Adak, but I think that went away back when the military
2 base went away.

3

4 MR. HOLMES: Yes, it did.

5

6 MR. ROHRER: That did go away, right?

7

8 MR. HOLMES: Yes, finally.

9

10 MR. ROHRER: Yeah. Okay. That went away
11 when the military base out there went away. Anyways,
12 that's my comments.

13

14 Thank you, and thanks for taking the time
15 to do it. We appreciate it.

16

17 MR. KRON: Thank you, Sam.

18

19 Okay. The next testifier. Jake

20 Jacobson.

21

22 MR. JACOBSON: My name's Jake Jacobson,
23 J-A-K-E J-A-C-O-B-S-O-N.

24

25 I've been in and around Kodiak for 47
26 years. I've been sitting here this evening practically
27 dumbstruck. It's so refreshing to see government at any
28 level try to make things more simple and equitable.
29 That's how I perceive this to be, and I support it fully.

30

31

32 MR. KRON: Thank you, Jake.

33

34 Okay. That completes the cards I have.
35 I'm going to go to the phone again. Does anyone on the
36 phone want to testify.

37

38 (No comments)

39

40 MR. KRON: Hearing none, does anyone else
41 in the room want to testify. If you've got a card --
42 Pat. I see Pat's hand up.

43

44 MR. HOLMES: Well, Mr. Chairman. I'd
45 like to make a suggestion that you perhaps cogitate on
46 the method, because there's a lot of folks here that
47 haven't talked that are generally kind of shy about
48 speaking in public. And I was wondering either if we
49 could have a show of hands or if you need to have a time
50 tied to that they agree or disagree. Maybe we could have

1 the sign-up sheet and have one of the coordinators put
2 another column on the side, do you agree/ disagree, and
3 then folk could make a check beside their names as they
4 leave. And then in that way, because my tally is 1, 2,
5 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 people have testified,
6 but we have certainly more folks than that. So I would
7 just like to, being myself, like to get the chum and come
8 up with the biggest number that agree on this as
9 possible.

10

11 MR. KRON: Okay. Pat, I guess my
12 suggestion again, we are accepting written comments, too.
13 My request, my suggestion is that you wait over there at
14 the table as people go out and go ahead and do whatever
15 magic you're going to do, and you can turn it in to us.
16 It's not 9:00 o'clock yet.

17

18 Carl.

19

20 MR. JOHNSON: Additionally, on the
21 Federal Register notice, there are copies over there on
22 the table where Karen is standing, there are different
23 suggestions there on other ways. You can also submit
24 written comments, and so there's a lot of different
25 opportunities to do that. So I encourage to pickup one
26 of those, look at different ways you can provide written
27 comments. You have until April 1st, so you can give some
28 thought to it. You don't have to put anything out there
29 tonight. And that is available for those who are a
30 little less shy than Patrick. And that way, too, when
31 the anthropologists at the Office of Subsistence
32 Management are collating the public comments, they can
33 actually have substantive public comments that they can
34 go through rather than just the -- because we're just as
35 equally interested in knowing how many people this or
36 disagree with it as we are why they support it or
37 disagree with it. So that's an important part of the
38 process that we wouldn't be able to get from just a tally
39 vote.

40

41 MS. INGLES: But following up on Carl's
42 suggestion, we're happy to take your comment if you just
43 want to say I do agree or I don't agree. I mean, that's
44 just as important. That gets entered and it counts as a
45 number which I think is what Patrick is trying to
46 address.

47

48 MR. HOLMES: Yes, that's correct, because
49 really what we need to do is we had a hearing tonight,
50 and it just really will help a lot to give the Board so

1 many people showed up and everybody agrees or, if you
2 disagree, disagree, but just in terms of resource
3 politics, if you could just take a second and say, yes,
4 either here or something, because then it will show, gee,
5 instead of having what was 12 or 15 people, we had 30 or
6 25. It just makes for better numbers and better politics
7 and better information to the Federal Board. And so I'm
8 just sort of trying to encourage you to overcome that.

9
10 Myself, I'm going to go home, round up
11 the Rural Round Table group, get them together, get our
12 old notes out, re-do those, and everybody will send them
13 in like we did before so they get a pile of paper. And
14 I'd encourage you to do that, too.

15
16 But for a hearing, it's always good to
17 have folks say, yeah or no.

18
19 MR. JOHNSON: And I'll add to that, too,
20 again for those who might be shy to come up to the
21 microphone, we've got those blue testifier forms. While
22 there's a form on one side, it's nice and blank on the
23 other, so you can just go over to the table where Karen
24 is and you could either -- you could write out, I agree
25 with the proposed change, I disagree with the proposed
26 change, if you want to say why, great, if not. Just
27 print out your name so we know who provided the comment,
28 and that will also be an easy way that we could
29 accomplish Patrick's goal of getting as many comments
30 tonight as we can.

31
32 MR. KRON: So again, I guess my request,
33 Patrick, is if you would go over there at the table and
34 grab people like Tom, he looks like he's sneaking out.

35
36 (Laughter)

37
38 MR. KRON: But anyway go ahead and get
39 people to sign, and we'd be happy to take the sign-up
40 list.

41
42 I've got Dan Rohrer, so, Dan.

43
44 MR. ROHRER: Dan Rohrer, D-A-N, of
45 course, and then R-O-H-R-E-R. And I'm representing
46 myself. I'm a life-long resident of Kodiak, born and
47 raised here, and I'm now raising my family here.

48
49 The part I want to speak to is what I see
50 in our community over the course of, well, my lifetime is

1 well. What's going to happen with that is we're going to
2 see population increase. And that's okay within reason,
3 but that fear in the community is if that population
4 increases even a little bit. We've stayed stagnant at
5 13,000 people for, you know, pushing 15, 16 years, so
6 that number feels safe, because we've been able to
7 convince them in the past. But what if we're at 14.5,
8 what if we hit 15? And so we end up sacrificing economic
9 development in our community at times for fear that we'll
10 lose our rural status. And the truth of the matter is we
11 need both. We need to maintain our rural status, but we
12 also need to be able to pursue economic development so
13 young families can stay here and raise their children.

14
15 Lastly, the concern that I have is
16 because my concern is this 10-year schedule that we've
17 been in defending ourselves for years, I don't want to
18 see outside individuals be able to come in and challenge
19 us, saying, no, no, no, we want to see Kodiak be urban,
20 and consequently we end up defending that every single
21 year for the rest of my life. And that's my fear. When
22 I asked the question earlier on who's going to make the
23 determination, it worries me that you could have a group
24 of disgruntled individuals who wanted -- I refer to it
25 often as the vocal minority, a vocal really adamant group
26 can come and be very aggressive, despite the fact that
27 the vast majority of all of Kodiak would say, absolutely
28 we're rural, of course we're rural. We have a hard time
29 describing what that means, but we know it when we see
30 it. And so my concern is that we don't end up in a
31 cycle of constantly defending it. And I don't know if
32 there's a way to write into the regulation that, you
33 know, it can't be -- you know, you can't challenge it
34 every six months for example. Or, you know, what are the
35 criterion for being able to challenge it. That's the
36 part that concerns me. I just don't want to see our
37 community -- we already spend an awful lot of time
38 worrying about how do we defend our rural status. I
39 don't want to see it be something we deal with all the
40 time.

41
42 So anyways, thank you. On its face, I
43 definitely agree with the changes. I'm just concerned
44 about that one nuance of it. So thank you for your time.
45 I appreciate it.

46
47 MR. KRON: Thank you. Anyone else want
48 to testify.

49
50 MR. HANSZ: You already got a slip from

1 me. Do I need another one?

2

3 MR. KRON: No. No. Just come on up.

4

5 MR. HANSZ: All right. Again, Brian
6 Hansz, B-R-I-A-N H-A-N-S-Z. I asked some questions
7 earlier on tonight.

8

9 In sitting here and listening to
10 everybody else, I guess I do agree, but again I'm still
11 hesitant without the criteria for the nonrural. In all
12 essence, this is -- everyone else said this is wonderful,
13 government, man, a page of regulations gone. But there's
14 still going to be a whole bunch of other regulations for
15 that determination of what is nonrural. And we're all
16 sitting here and we're all for it until one of those
17 categories of that determination puts us back at being
18 nonrural.

19

20 That would be my only hesitation, but
21 otherwise I agree with it 100 percent. Thank you.

22

23 MR. KRON: Thank you. Back to the phone.
24 Anybody on the phone want to testify.

25

26 (No comments)

27

28 MR. KRON: Anyone else in the room want
29 to testify.

30

31 MS. HAYDEN: (Indiscernible - away from
32 microphones) This is Natasha Hayden again. N-A-T-A-S-H-
33 A H-A-Y-D-E-N.

34

35 Speaking to what Dan was addressing regarding the
36 possibility that anybody could submit a proposal, and I
37 had mentioned this earlier, that would put in question
38 one's rural status. I would just like to make a
39 recommendation that those proposals can only go to the
40 Regional Advisory Council level to be reviewed, and if
41 that Council feels that it is warranted, at that point
42 that it could get passed on to the Subsistence Board. It
43 seems to me that might be a good way for the disgruntled
44 people that are just trying to rattle some cages to get
45 filtered out before it gets to the point where it's under
46 review by the Board.

47

48 Thank you.

49

50 MR. KRON: Thank you, Natasha.

1 Anyone else.
2
3 (No comments)
4
5 MR. KRON: Okay. I'm getting to my --
6 come on. I was going to read my closing comments, but
7 we're going to wait a minute. Garrick Parkson -- Parker.
8
9 MR. PARKER: Yeah, Garrick.
10
11 MR. KRON: Garrick. Okay.
12
13 MR. PARKER: Garrick Parker. That's G-A-
14 R-R-I-C-K P-A-R-K-E-R.
15
16 Do I agree or do I disagree. I would
17 have to say I both agree and disagree. I'm not really
18 sure who that Board is. I like the idea of the Regional
19 Councils being advisors of the Board, but what other
20 information is the Board going to consider. Is it going
21 to be just those Regional Councils, or is it going to be
22 some other criteria as well as what the Regional Councils
23 say.
24
25 I would agree to bring more local control
26 to this situation. So if that's the case, then I would
27 support it. But if that's not the case, then I would
28 have to -- I would say no. I would disagree on the
29 grounds that we just don't know what these regulations
30 are. The section blank-dot-23 is just whatever. And it
31 reminds me of let's pass it to find out what's in it, and
32 that scares me a great deal.
33
34 That's all I have to say.
35
36 MR. KRON: Okay. Anyone else want to
37 testify.
38
39 (No comments)
40
41 MR. KRON: So, Karen, do we have any more
42 cards?
43
44 Okay. I'm going to start my closing
45 remarks. If somebody else wants to testify, all they
46 need to do is jump up.
47
48 I've now called all persons who indicated
49 on speaker cards that they desired to make oral comments.
50 Is there anyone, anyone else that I've inadvertently

1 missed or omitted that wants to talk.

2

3 PUBLIC: I'll send in a written comment.

4

5 MR. KRON: Okay. Anyone on the phone
6 that wants to speak.

7

8 MR. SIMEONOFF: This is Mitch.

9

10 MR. KRON: Go ahead, Mitch.

11

12 MR. SIMEONOFF: Well, I'm just curious,
13 after this hearing here, will there be other
14 opportunities to submit comments other than written
15 comments by April, that we can -- can they attend the
16 Federal Board meeting and submit comments then as well?

17

18 MR. KRON: Yes, Mitch. Again as I noted
19 earlier, there are going to be a number of other public
20 hearings around the state at Barrow, Ketchikan, Sitka,
21 Bethel, Anchorage, Fairbanks, Kotzebue, Nome, Dillingham.
22 In addition you can submit your comments by April 1st.
23 And I think as you know, having been to a bunch of Board
24 meeting, people can come to the board meeting when
25 they're talking about it as well. So there's lots of
26 opportunity here, but again we wanted to make sure we
27 gave people an opportunity at this hearing.

28

29 MR. SIMEONOFF: Okay. That's what I
30 wanted to hear, to make sure that everybody has the
31 opportunity and I hope they take it.

32

33 Thank you.

34

35 MR. KRON: Okay. There being no further
36 comments, I'm closing the meeting. You may submit
37 written comments after this meeting until April 1st,
38 2015. All of the addresses and instructions for
39 submitting comments are included in the handout given out
40 to you when you came in the room. They're also available
41 on the web page.

42

43 Thank you all very much for participating
44 in this process tonight. The Federal Subsistence Board
45 is looking forward to comments on this issue from tribes,
46 ANCSA corporations, and the general public, and the
47 Regional Advisory Councils. After all comments are
48 received and evaluated, a final rule on the rural
49 determination process will be adopted by the Secretaries
50 of Interior and Agriculture.

1 The next step will be where the Federal
2 Subsistence Board makes the rural determinations based on
3 that final rule.

4
5 Thank you all for coming tonight.

6
7 (Off record)

8
9 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

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

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DATED at Anchorage, Alaska, this 20th day of February 2015.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/18