FEDERAL SUBSISTENCE BOARD

RURAL DETERMINATION PROCESS PUBLIC COMMENT

BEFORE HEARING OFFICER

JACK LORRIGAN

Ted Ferry Civic Center
Ketchikan, Alaska
September 24, 2013
7:00 o'clock p.m.

Presenter: David Jenkins, Facilitator
Office of Subsistence Management

Beth Pendleton, US Forest Service
Federal Subsistence Board Member

Tony Christianson, Federal Subsistence Board Member

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MR. LORRIGAN:  Good evening. Thank you for coming tonight. As you know, you're here to give comment on the Federal Subsistence Board's request for public comment on the rural determination process. The criteria that are used to evaluate what is rural and what's nonrural.

I'd like to thank the community leaders who have enacted this. Lee Wallace, Willard Jackson, gunalcheesh, for helping arrange this fine turnout. I'd like to have Lee come up and give a welcome to everybody from Saxman, please.

MR. WALLACE: Thank you, Jack, and thank you members of FSB. I really want to thank the InterAgency Committee that really made the decision to come back to the Ketchikan area, the Saxman area. Originally this meeting was scheduled to be in Petersburg and it was in Saxman's best interest that it was held here locally so we could have a better turnout. As members of the Southeast RAC and the FSB know, a lot of times it's just been on my shoulders to attend the meetings that occurred for rural status.

So tonight, with the citizens of Saxman coming here and standing together, it's very meaningful to me and hopefully it's meaningful for the FSB based on testimonies and verbal comments, written comments to be turned in by the deadline of November 1st.

With that, I'd like to just thank each and every one of you for taking time out of your busy schedules to be here. I know earlier today we were asked -- there were a number of different conversations during breakouts. Finally in the Ketchikan/Saxman area the cohos are running. My son came home from work, and he's been out fishing quite a bit this past summer, and I said, son, it's okay, if you really want to go fishing, go fishing. I said you can submit your written comments by November 1st. But he chose, Dad, I'll show up here tonight and I'll go fishing tomorrow.

So, with that, I'm just going to close
and thank each and every one of you for showing up. We have a municipal leader, the mayor of Saxman here. I thank the city of Saxman, the Cape Fox Corporation for standing together on this issue of rural status for Saxman. A very important issue that we've been facing for a number of years. It really sounds like it may be still yet a number of years before it's actually settled. Maybe as late as 2017.

But we're here and we'll stand and we'll give presentations and we'll pray for the best and for a just outcome of rural determination. Haw'aa, gunalcheesh.

MR. LORRIGAN: Lee, is there an elder present tonight that could help kick this off with a blessing?

MR. WALLACE: I'm going to call on our pastor, Ed John, if he could come up with a blessing for us.

(Invocation)

MR. WALLACE: Jack, if I will, we're here from 7:00 to 9:00 p.m. tonight at this hearing and there is a number of people present. I would ask that we be respectful of your time, of your testimonies. It's a balance that we need to keep that everybody will be heard tonight that needs to be heard. Again, if you would be very respectful on your time on your presentation. Haw'aa, gunalcheesh.

MR. LORRIGAN: Thank you, Lee. Thank you, Reverend. Thank you again for coming. This is an opportunity for you to provide input to the Federal Subsistence Board's rural determination process. The Board is accepting comments until November 1st, 2013. Tonight will be one of a couple other opportunities for you to provide input on the process, either orally or with written comment.

My name is Jack Lorrigan. I'm the Native liaison for the Office of Subsistence Management. I'm originally from Sitka and I've also spent time here in Ketchikan. My grandmother was Nellie Burton. The grandmother that raised me was Blanche Isaacs Ohneck. I got my degree at Sheldon Jackson. Adopted into the Coho's, L'uknax.a'di. One of my names is Klei si'eesh from Angoon and Kaa Wootk' from Rudolph Walton side.
Thank you again for coming and allowing us on your land.

Tonight I'm here to serve as the hearing officer, so my job is to make sure everyone here who would like to make oral or written comments on the rural determination process is able to do so. This meeting has been scheduled to last until 9:00 o'clock this evening. In order to receive your comments, we have with us a court reporter, Salena Hile, who will record and transcribe your comments and will be available as a public record for later.

During the public comment portion of the meeting we will not be answering any questions. This will allow us time to take your testimony instead of getting bogged down in questions and answers. There are other opportunities for oral or written comments. Again, the deadline is November 1st. There are RAC meetings happening around the state of Alaska throughout the month of October and the comment period ends at the end of this month. Tribes do have the ability to request consultation on this process at any time, as do the corporations.

Because of the importance of your comments, it's necessary we follow certain procedures during the meeting. As you entered the room, we were asking you to sign a green testifier sheet. It is important that every person present sign in so we have a complete record of everybody who attended tonight. If you're attending this meeting or submitting comments on behalf of a group or organization, please indicate the name of the group or organization that you represent.

Let me emphasize that the principal purpose of the public hearing part of this meeting is to receive information and comments from you on the record. Please limit your comments to -- we've got about 21 people right now, so that's about five minutes per person for the night. I have Mr. Bert Adams. He's the Regional Advisory Council chair for the Southeast Region. He's agreed to be the timekeeper. Culturally, I'm uncomfortable telling elders when to cut their comments, so he's agreed to help me out with this and I thank him a lot for that.

If we run out of time, please submit your comments in writing prior to November 1, 2013. Handouts are available with addresses on the back table. I'd like
to have Federal Staff introduce themselves. We'll end
with the Board members and then you can give your
remarks. Steve, could you lead us off.

MR. KESSLER: Good evening. I'm Steve
Kessler with the U.S. Forest Service. I serve on the
Federal Subsistence Board's InterAgency Staff Committee.
I'm located in Anchorage, but I've lived many years in
Juneau, Yakutat and Sitka.

MR. LARSON: My name is Robert Larson.
I'm from Ketchikan. I live in Petersburg now with the
Forest Service. I am the Southeast Regional Advisory
Council's coordinator and work with the Southeast
Subsistence Council.

MR. REEVES: My name is Jeff Reeves. I'm
a subsistence biologist with the Forest Service in the
Prince of Wales and Ketchikan area.

MR. PELTOLA: Good evening. My name is
Gene Peltola, Jr. I'm the Assistant Regional Director
for the Office of Subsistence Management. I'm stationed
in Anchorage. Born and raised in Bethel, Alaska.

MR. LORRIGAN: Is that it for -- okay, go
ahead, Tony.

MR. CHRISTIANSON: Oh, they want us to
use the mic. Good evening, everybody. Thank you guys
for the nice attendance. My name is Anthony
Christianson, otherwise known as Tony Peele in the
village. In this big fighting hall here too. I've been
known to have a few rounds. Let's get it light here.

I'm also the mayor of Hydaburg besides my
Federal Board seat. I've been mayor for seven years and
I'm very interested in this rural determination process
and look forward to a final outcome for the community of
Saxman and for Ketchikan and look forward to all the
testimony you have tonight to provide and help us make a
decision in that determination.

Again, we're here tonight on a fact-
finding mission to hear what the public has to say about
the process that's been posted in the Federal Register
and now taking comments and public testimony and also the
opportunity to consult with the government on what its
process is and how they're going to look into the future
and make these determinations and create a system and
establish criteria so we don't have to go through several years of fighting through the system to try to make change. Again, I hope that the process tonight fits your needs and you feel that your comments are well received and we look for the best outcome for your community.

Thank you.

MS. PENDLETON: Good evening and welcome. My name is Beth Pendleton. I'm the Regional Forester for the U.S. Forest Service for the Alaska region. I'm located in Juneau. With Tony, I sit on the Federal Subsistence Board along with six other members that represent Federal agencies and the Department of Interior as well as rural subsistence users.

It's good to be here this evening and I know that we're kind of midway through a process, but your time, I know, is valuable and I'm grateful to be here to listen and to observe and to hear and feel the testimonies that you bring with regard to the criteria associated with the rural determination process.

Again, I appreciate you being here and I'm here to listen and to learn and better understand your issues and concerns, so thank you.

MR. LORRIGAN: Thank you. Now we have a PowerPoint presentation to present to you. The information in it will help the public understand what the Board is seeking and to do that would be Mr. David Jenkins, who is standing in the back of the room and I'll turn the meeting over to him.

DR. JENKINS: Good evening. Thank you for coming. I'd like to acknowledge the elders in attendance and also the Regional Advisory Council members who are here. My name is David Jenkins. I work for the Federal Subsistence Program. I'm an anthropologist and the policy coordinator for that program.

As Ms. Pendleton mentioned, the Federal Subsistence Program is made up of the Fish and Wildlife Service, BLM, Bureau of Indian Affairs, the National Park Service, and the heads of these agencies in Alaska as well as three rural members who sit on the Federal Subsistence Board and we're fortunate to have both Beth and Tony here to hear your concerns tonight. The Federal Subsistence program is responsible for managing subsistence on Federal public lands.
What I want to do tonight is to give you a brief overview of the Federal Subsistence Program and to provide some background and context for thinking about rural and nonrural status and its relationship to you all and to Saxman in particular. So I want to talk about background and give you a little bit of information about what has brought us here and I want to talk about the current Federal Subsistence Board process for determining rural status.

I'd like to give you some of the questions that the Board is interested in addressing to better understand rural status and talk about the resources available to you. Then finally how you can provide your comments to facilitate the process of the Board rethinking this whole rural determination.

So in December of 2010 the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and to ascertain or to figure out whether the methods used to determine rural status remained viable or useful. The Federal Subsistence Board elected to start that review with public input, with input from Regional Advisory Councils, with input from tribes and corporations. The Board is interested in developing recommendations to improve the process, which will then go to the Secretary of the Interior and the Secretary of Agriculture for their determination of how to change this process.

So a little background. This will be familiar to you, but I'll go through the background in any case. Title VIII of ANILCA is the legislation which provides the subsistence priority for rural residents in Alaska to harvest fish and wildlife on Federal public lands. Only those people who are residents of rural communities are eligible for the subsistence priority on Federal public lands. As you can see from the green areas of this map here, that's the extent of Federal public lands in Alaska, so it's quite extensive as indicated here.

Now Congress did not provide a definition of rural. What we do have is a paragraph in a Senate report that comments on Title VIII and indicates cities that Congress thought to be nonrural and these included Ketchikan, Juneau, Anchorage and Fairbanks. The Senate report provided examples of rural communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow and the Senate
report goes on to say and other Native and non-Native
villages scattered throughout the state.

Part of the background that we have to
work with is not simply ANILCA but a Ninth Circuit Court
determination of what the term rural meant or what
Congress meant by the term rural. What the Ninth Circuit
Court decided in 1988 was that rural refers to sparsely
populated areas and that hunting and fishing resource use
is only one indication of rural.

Let me just read you a sentence from that
Circuit Court's opinion. The court noted that Congress
did not limit the benefits of the statute, that is
ANILCA, to residents of areas dominated by a subsistence
economy. Instead it wrote broadly, giving the statutory
priority to all subsistence users residing in rural
areas. So we have ANILCA and we have the Ninth Circuit
Court ruling from 1988 and that provides sort of the
background for thinking about rural and nonrural status.

From this map you can see the areas that
are rural. Most of Alaska under these definitions are
considered rural areas and there are a few -- you can see
the dark spots. Those are the non-rural areas at this
point. You may be able to see these population figures
are not -- at the top we have Anchorage and Fairbanks and
Wasilla, Palmer and the Kenai area and the Juneau area.
These are all nonrural. The Ketchikan area too, which in
2000 had a little over 13,000 people.

Population alone, and I'll get into this
in a moment, is not the only indicator because you can
see Valdez down there with 4,000 people that's considered
a nonrural area. So population alone is not the only
criteria the Board is looking at when it's determining
rural status.

So I'll go through the current process
that the Board uses at this point. I'm going to talk
about how communities are grouped together initially and
then with that grouping then the Board considers
population size, but that's not enough. It also looks at
a series of rural characteristics. It makes these
determinations on a 10-year cycle based on the U.S.
Census. I'm going to talk a little bit about the
information that the Board uses to make these
determinations.

So the first issue, grouping of
communities. How are communities aggregated or grouped
together to figure out a population size. The criteria
the Board uses are these three. Do 30 percent or more of
working people commute from one community to another, do
they share a common high school attendance area and, finally, are the communities in proximity and road
accessible to one another. So these are the criteria
that the Board has developed to think about how
communities are economically, socially and communally
integrated. Once the Board makes that determination of
integration, then it can figure out a population size for
those communities.

So the question that the Board would like
you all to address is are these aggregation or grouping
criteria useful, do they make sense, do they portray what
rural communities are like in Alaska or not. If they're
not, are there other ways of thinking about how
communities are socially and communally and economically
integrated that are more accurate and more useful for
determining the rural status of a community.

So once the Board aggregates or groups
together communities, then the next question is
population. Right now the Board presumes that
communities with 2,500 people in them and below are
rural. Between 2,500 and 7,000 there's no presumption of
whether there's a rural or nonrural status. In other
words, the Board hasn't decided. Then above 7,000 the
Board presumes that it's a non-rural community.

So the Board is asking the question about
population numbers. Do these population figures make any
sense for thinking about rural communities in Alaska. Is
the 2,500 figure useful? Should we adjust the upper
figure of 7,000? Are they useful population figures?
The Board would like your input on that question too.

So once the Board has grouped communities
together and ascertained population size, then it asks
questions about rural characteristics and these are the
characteristics that the Board looks at. It looks at use
of fish and wildlife in an area, looks at the economic
development diversity of a community or a grouping of
communities, it looks at local infrastructure, it looks
at transportation networks and educational institutions
and uses these characteristics to try to figure out rural
status of particular communities. So it goes community
by community and looks at each of these characteristics
in making its determination.
So again the question the Board asks are these characteristics useful for thinking about rural status. Do they reflect what it means to be rural in Alaska. If not, what are better characteristics that the Board could use for thinking about in ascertaining or figuring out rural communities.

Finally the Board looks at rural status every 10 years based on the census data. So every 10 years the U.S. conducts a census and the Board uses that process to gather population figures, to gather other kinds of characteristics that I've just gone through and the question the Board would like you to ask is whether or not it should continue to have a 10-year cycle or are there some other cycles or have no review at all. We'd like some information on that.

The Board also makes out-of-cycle determinations in special circumstances when people request the Board to review a rural determination finding, for example, and it's done so on the Kenai Peninsula.

Then finally, as I mentioned, the Board gets its information from the U.S. Census as augmented or influenced by and with additional information from the Alaska Department of Labor. So those are the two information sources required by regulation for the Board to look at.

So should there be a 10-year review or not and, if not, is there some better rationale for thinking about a review of rural status; 10 years, 20 years, 50 years. The Board is interested in your opinion on this issue.

Finally, are there other comments that you'd like to make. Is there other information that we haven't -- or questions that we haven't been asking and information that you would like to give the Board. It would be helpful for the Board to understand in determining rural and nonrural status.

So we have a number of ways for you to get information to the Board. One is in this public forum. You can submit your comments online. You can give your comments directly to one of the staff members here if you've got them written out. You can mail them in or you can fax them in. Here's the information that we have.
So this goes through what I just mentioned. You can provide comments. Thank you very much. We look forward very much to your comments through the rest of the evening.

I thank you for your attention.

MR. LORRIGAN: Thank you, David. So we have a stack of cards growing here. So when I call your name, please step forward to the microphone or it will be passed to you. Please begin your presentation by stating your full name and please assist the court reporter by spelling your name if you need to. If you are affiliated with an organizational group, please say so. So your comments are accurately captured, please speak clearly and into the microphone. If you're called to speak and choose not to speak or provide short remarks, you may not cede your time to another speaker. The time is now 7:35. I'd like to open the public hearing section of this meeting.

The first speaker I'd like to call is Mr. Willard Jackson. I'd also like to apologize beforehand, since there's so many people here and we have a limited amount of time, we don't want to offend anybody and please understand it's not our intent.

MR. JACKSON: Gunalcheesh. I want to welcome the shaade hanis, Harvey Shields, Chuck Denny, Milton Jackson, Martin Perez, Sr., Nel Klaus (ph), Aunt Lizzy Denny, Sarah Abbott, my sister Martha Ann Denny. My grandmother -- I am from Saxman. I was raised in Saxman. We came into Saxman in 1892. We migrated there from Tongass along with the Cape Fox. The movement occurred because of things that were happening on Tongass and other places. Dleit kaa was moving into the area. White man was moving into the area, so we had to move.

The village of Tongass and Cape Fox moved together two miles south of Ketchikan. It didn't have a name at the time. William Saxman, who was on Tongass Island with Sheldon Jackson, built a small church there, Presbyterian. William Saxman moved with five of our tribal brothers from Tongass Island in search of another place to live. In their journey coming this way, their canoe capsized and they drowned. They were never found. Later on in that process, the tribal leaders, the shaade nakx'i and Nel Klaus and Sheldon Jackson chose to move us two miles south of Ketchikan.
When you go to Saxman and you come in Saxman, you can see the city hall. That city hall is one of the very first buildings built in the community. It was a church. Around that church all the shaa'ed naxx'i built their family houses around there. They wanted their children to learn. Assimilation is what we were looking at at that particular time in moving into white man's culture. Change.

Once again change is happening at this regional board level in making decisions, just like Sealaska did, and who is going to be left out. Sealaska ratified that and allowed others to come in. I was in Anchorage, along with Lee, and testifying on behalf of Saxman when the Board chose to go on recess and in less than a half an hour came out and made a decision and that decision was to leave Saxman out.

If you look at the history of Saxman, from the time they came from Cape Fox, it's one of the oldest villages along the Tongass in the Southeast area. I truly believe that the history of this council, regional council, can change history and change direction to a tribe of only 400 that are striving for a better life for their children and their grandchildren and yet the ones unborn.

I would say to the Board please review what was said over the last few years from the time the decision was made and where Saxman is at today.

Gunalcheesh. Thank you very much.

MR. LORRIGAN: Gunalcheesh. Thank you very much. Are there folks on the phone? Could we have people on the line please introduce yourself.

MR. THOMAS: Sam Thomas, Craig Tribal Association.

MR. LORRIGAN: Thank you, Sam.

Anybody else?

(No response)

MR. LORRIGAN: We're picking up some background noise here at the meeting. If there's anybody else online, we can hear it. So if you'd please mute your phone or dial it down a little bit. We're picking
it up on this end. Thank you for attending.

Next I have Joe Williams, Jr.

MR. WILLIAMS: Good evening. My name is Joe Williams, Jr. I was born here in Ketchikan, raised in Saxman. First of all, thank you very much for coming here to the community of Ketchikan. My preference would be to have this hearing right in our small community of Saxman and perhaps sometime in the future it will happen once again.

It's kind of interesting to see all that has transpired over the last couple of years because of one vote and that one vote decided that Saxman would no longer be considered as a rural community. What that cost Saxman is thousands of dollars, a lot of heartache that we could not afford. All because of one vote.

Years ago I remember my father speaking to folks from Federal Department of Fish and Game and they wanted my dad to give them a quarter for a fishing license. My dad refused to. The reason he refused to, what was told him is that this was so that we know how many Natives are fishing. He said, well, I'll tell you how many Natives are fishing here in Saxman, but you don't need to do that. My father didn't give the quarter, but they took his name down.

The reason that he resisted was because of the fact that that information was going to be used against us and here we are today, less than 60 years away from that particular time period, and that information is being used against us now because of the subsistence.

It's kind of interesting to hear other elders years ago would talk about the lifestyle. It was an inherent right. It's an inherent right. Inherent is something that is given to me by my ancestors. Inherent is something that's given to me by my father, by my mother. I inherited that right to have it. Subsistence lifestyle is an inherent right.

It really concerns me when members of our village are taken to court because they have six or seven fish too much, yet when I go to the airport I see boxes and boxes and boxes of salmon leaving this community of Alaska. Why aren't they taken to court I'm asking myself.
Saxman is a place of which I choose to live. It's by my choice. I'm not forced to live there. I chose to come back to my community and live. I chose to raise my children because of the lifestyle that Saxman presents and part of that lifestyle is being able to go fishing at any time, to be able to go hunting at any time, to get clams at any time and to do that. Yet now it really concerns me that those who do that a lot more than I do -- right now I'm 70 years of age. It's hard for me to go out fishing now. It's harder for me to go out and pick the berries like we used to.

But, you know, one of the most exciting things is when a young boy comes and leaves some fish on my front porch. That's the way it was. That's the way it was and the white man doesn't understand that. He thinks that we're lucky that we do that. It isn't luck. That's the way we were raised, a subsistence lifestyle. Please know I am very eternally grateful for the young men that do that for me because I just cannot do that anymore because it's somewhat of a challenge for me. Because of one decision a couple years ago we're now fighting for our life as far as our way of living.

I remember when I was tribal president for 12 years I had an opportunity to visit with Senator Ted Stevens. I said, you know, Senator, you need to get this from where it is today. You talk about a government to government relationship with the Federally recognized tribes and yet we, as a Federally recognized tribe, have to deal with a committee of the Federal government. I'm not sure that that is a government-to-government relationship. I would prefer, as I told him, that the Federally recognized tribe, as a government, decides how this is going to work. We police ourselves more severely, okay.

A good example of that -- and I'll close with this. Years ago, I couldn't have been seven or eight years of age, and I went fishing at a creek, which is right now right close to Saxman. I decided I'd get as much fish as I can drag and that's exactly what I did. When I took it to my grandmother, my grandmother was upset with the fact that I got so much fish. Well, I was a pretty proud little boy because I got this for my grandmother. As the days passed, other members in the community said, Joe, you better not catch so much fish, it's not good. These are relatives in today's world are no longer alive, but they scolded me for catching so much fish.
I'm sharing this with you because this is the way life was then and this is the way life should be today, where our small community of Saxman can police ourselves. Again, it was a decision that was made without any serious consultation with the Federally recognized tribe of Saxman, without any one person coming to Saxman and saying tell me how it is. After the decision was made, here you are.

For that I am grateful, but to see this lifestyle slipping from my hands in my lifetime is a pretty shameful thing. Pretty shameful thing. For that I'm pleading with your Board to take a serious look and that is when someone picks up a hand of sand, hang onto that hand of sand as tightly as they can and no matter how tight they hang onto that sand, drips of it -- some of the grains will fall out and that's what's happening now. The grains of what we are accustomed to is slipping from my hands. Will it ever return? That is the decision that's in your hands.

So give honor where honor is due to our Tlingit people of Saxman.

Thank you.


Again, I hate to limit people, but we have a limited amount of time.

MR. JOHN: I have one that I am going to be reading. It's a testimony to the Federal Subsistence Board on 9/24/2013 submitted by the Saxman elders and the people here, the Saxman elders. And I also have one that I want to put in personally. This represents Saxman right now and the elders.

I want to thank everyone that is here tonight and I hope that what we're doing tonight will have some positive results. We have been provided notice that the Federal Subsistence Board is asking for comment on rural determination. For the record, our names are printed and signed to this testimony. I have that sheet at the back here.

We want to give this testimony. Alaska is unique among all the states because of the land and waters teaming with natural resources that are essential food sources for us. These are critical food services, provide food and materials for our nutrition, spiritual,


culture and traditional use. The Federal subsistence regulations require that rural or nonrural status of communities or areas be reviewed every 10 years. I might add just that in the past possibly more than 10, 20 years I don't think Saxman has grown, 400 and something people.

We believe the 10-year period for small and modest communities like Saxman are taxing and demanding and difficult, especially since in 1990 Saxman passed and became a rural community through two decades and through this time there has been no major change in our community and its characteristics. Saxman places a huge value on the rural status and would like the Federal Subsistence Board to protect Saxman as a rural community. After all, this is the designation of the Federal Subsistence Board that gave to Saxman for two decades.

The Federal Subsistence Board's first question asking whether it is suitable to use population thresholds as a guide for determining rural is not the best measure. Population threshold should not be used because any number selected is arbitrary and random. Currently an unfairness is occurring because Saxman falls under current regulations that if the population is less than 2,500 is rural. Saxman population is 411. However, the Federal Subsistence Board wishes to view Saxman as nonrural.

When the Alaska Native Lands Claim Settlement Act in 1971 occurred, Congress expressed a clear intention that Alaska Native subsistence interest be protected. Congress then passed another act, the Alaska Native Interest Lands Conservation Act in which this regulatory law spoke to the use of the customary and traditional consumption.

It is common knowledge the original people who first lived in this great land of Alaska used everything that comes from the earth and waters; the fish, the cedars, the ferns, the deer, the seal, the seagulls and rice and much more to bringing the resources used in our homes to consume and to heal ourselves and to thrive because God placed us here. It is hard to believe that a small community like Saxman is not to be protected by these acts of Congress that it passed. Please reestablish this for Saxman and make us the rural community we should be.

Another question you have is in number five, are the aggregation criteria useful in determining
rural and nonrural status. The word aggregation is not a word the average Alaskan would use. The Federal Subsistence Board has placed Saxman to be economically, socially and communally integrated and it's considered to be in the aggregate with neighboring community. This is far from the truth.

Saxman isn't a community integrated by any means. It is a small, separate and distinct village wanting to do something better for its grandchildren, whether a school was created along with churches, fraternal organizations, a water system, and Head Start program, and a place where our traditional customs have been kept alive. I might mention I am a pastor of a church out there in Saxman. We are self-reliant. We have our own government in Saxman and protection from a village public safety officer.

What characteristics make a specific area rural. Here are four comments on this. A rural community like Saxman is to have its own geographical area separating it out from another area. Saxman has its own city limits. The Saxman area encompasses one square mile of land. The city limits designate that we are segregated and delineated and distinct from any other place. This is a boundary that determines where our city starts and where it ends. Within this boundary we are self-reliant with our own municipal government that incorporated in 1929.

In 1934, the Indian Reorganization Act established our very own tribal government for Saxman. We are not mixed in with any other Federally recognized tribe or municipality. Rural characteristics oftentimes means the area is quiet, it is private, without industry or businesses or major, three or four main highways that we don't have keeping the metro area alive in the day as well as night. It is a place without taxi cabs and businesses going for 24 hours a day, seven days a week. Saxman is quiet and private.

We would like to protect our slower pace of life and would be against congested traffic or taxis, ambulances, sirens and traffic continually are moving. Our homes are few, mixed in between the forest, mountains and ocean. We want to protect this rural character. The housing subdivisions are small and haven't occurred except for three in Saxman's lifetime.

With your permission, I'd like to read...
what I have here for myself. This was for our Saxman elders here. Do I have your permission to read what I have personally.

MR. LORRIGAN: If you could make it short. We're running out of time.

MR. JOHN: I've always been known to be a short preacher. I got short by the microphone. First I'd like to thank you for giving us time to speak on the issue and the issues of subsistence. As a people of Native origin and other races, we in Saxman as a community and people wish to express our appreciation and thankfulness for the privilege that we have of harvesting fish and also meat for our lifestyle and food for traditional use. For the month ahead we put the food supply and we look at the fishing industry.

I might mention that I am the son of a fisherman that was well known commercially. My dad's name was Ronald John, Sr. He had the boat Saint Peter. He was known as one of the top fishermen or highliner. A man from Hoonah said to me one day -- you probably know him, the Claudia H. captain. When my dad died, I was in Sitka and I went to the hospital as a minister to pray for the sick that were there and I walked into the room and he looked at me and he said are you the son of Ronald John. I said, yes, I am. There was another man from Sitka and he pointed at me and he said his dad was a highliner among the highliners and that came from a highliner fisherman from Hoonah, the Claudia H. Captain.

So as a commercial fisherman, I know and understand the abundance of fish that we have in the areas and the way the regulations are put forth, but I also know a lot about subsistence fishing that we have for our people and how it is their lifestyle to bring in a harvest and have food that they can preserve for the winter months.

The Federal government and also one time the State government promised to protect the right to harvest by subsistence use for our Native people. If that be true, I believe the focus and the agenda should be on the people who gather the food supply to ensure that right be protected and that it be kept and that we do everything possible to see that that lifestyle and that way of life be kept and protected.

The present use of subsistence is a
reflection of a people and the food supply and their way of life and it is also a regulation of the Federal government or the State government in seeking ways to preserve it and protect the use of subsistence for the people like we have in Saxman. I might ask whether it be a broken promise that the next generation will begin to wonder how much truth is there to what the government promises and as a change over the years with something else added to it and something taken out.

I believe if it is turned around the other way, the Native people would keep their word. When my grandfather said to me a good man is known for what he says and a handshake. Nothing needed in writing. But our Federal government went the other direction. They have to have everything in writing, but yet they make changes as time passes. It seems like a trend that continues on.

I believe and feel that if there's a way to protect the lifestyle of subsistence use, I'm asking you to really consider Saxman and reconsider the people that are there rather than the closeness of another community where they have their stores, they have different things there. All we have in Saxman is one store and it is by far in population way below the standard that you show of the number of people.

The economy there also is very low and I believe that with the way things are going for the people many times I've heard -- and it's heartbreaking. I pastor a church and I heard people tell me I used to get food stamps but now they're going to take it way. They said all I have left is subsistence fishing and hunting and that is coming from parents. I think about their children. So I say to you it was heartbreaking for me to hear that because I could understand the need that they were going through both as a man and a former fisherman and also as a pastor. My heart went out to them.

I'd like to say in closing that this past summer I had some fishermen that I was acquainted with give me a call and they called me up and said, Pastor John, I have a few fish here and I'm wondering do you know anybody that can use it. I said, yes, I do. They said when will you pick it up. I said I'll be right out the door as soon as I hang up the phone. I went down to meet them, took the fish, cleaned it, filleted it, put it in some bags and took it up to people that I know could use it. Some were widows, some were sick, some were
hurting, some were suffering in one way or another, unable to fish anymore. So I did everything I could to try to make sure that they had something in their freezer because somebody showed some kindness.

Tonight I'm asking that you would also show your kindness to the people that are behind me from Saxman and let us really get back to considering the people before we start talking about the dollar signs or population or the areas that might connect. If the roads weren't there right now, I don't know how long Ketchikan would last, but I know the people out there in Saxman know the way to keep that food and have a supply on hand.

Again, I'd like to thank you for giving me the time. If I went over a little bit, I'm asking you just take it.

Thank you.

MR. LORRIGAN: Thank you, Reverend.

MR. JOHN: Who do I give this to? Anybody here?

MR. LORRIGAN: Can you hand it to the -- actually I'll take it. Cal, can you grab that from him, please. Isabella McGilton. You're not an elder.

MS. MCGILTON: My name is Isabella McGilton Williams. My parents are Ivan Williams and Florence McGilton. I live with my grandma Patricia Williams. We are from Saxman. My grandma is from the Saanyaa Kwaan of old Cape Fox Village. She's from the Brown Bear House. I am nine years old. I am in the 4th grade.

Saxman is a small village with few people living in a few homes. We have one church. We have one Head Start school. We have our own senior citizen housing for our older people. We have city hall where my parents pay for water and sewer. We have a tribal office that helps us and we don't go to Ketchikan for help. Our way of life is to include fish. If you stayed with me for one month, you would find out how much we eat fish.

I am learning about my culture and I hear or read about our connections to the land. I know it is true. Saxman is unique because of my grandma's people
who came from Cape Fox Village. We have lots of totem
poles. Saxman starts out in one spot and ends one mile
from the start. It is quiet compared to a bigger city.
I'm glad I live in a small village like Saxman.

Thank you for letting me share how
Saxman's size is up to be rural.

MR. LORRIGAN: Thank you, Isabella.

(Applause)

MR. LORRIGAN: George Suckinaw James.
Again, we're trying to keep people to five minutes if we
can do it, please.

MR. G. JAMES: I'm going to try to outdo
Ed. No.

MR. LORRIGAN: Thank you, sir.

MR. G. JAMES: Thank you, Mr. Chairman.
(In Tlingit) I have several comments. I'll cut it short.
I have some printed, so I won't have to go over all of
them. You can read it in your spare time. To make us
here in Ketchikan nonrural, whoever does that will be
committing genocide. The person that commits genocide
will be served with anywhere from $1 million to $5
million. If you hurt us in part or in whole, under the
Genocide Convention, which the United States is a party
to, you can be held liable and spend as much as 20 years
in jail.

The following laws here that I have that
are Federal law that even the State of Alaska has got to
abide by it. The grandfather's clause in part, Black's
Law states, provisions in a new law or regulation
exempting those already in part or existing situation
which is being regulated. An exception to a restriction
that allows all those already doing something to continue
doing it even if they would be stopped by the new
restriction. So what our grandfathers did we still can
do.

One thing that should be brought out, the
reason why the state of Alaska came into existence, they
believed that they purchased Alaska from Russia. That
never happened. Alexander I of Tsarist Russia,
communication statements stated merchants must now trade
through the established forts and settlements. In
response to the claim, Secretary of State John Quincy Adams on behalf of the United States President James Monroe declared in diplomatic communications that this Territory was not part of the Russian Empire and asserted that the Natives were independent tribes inhabiting an independent territory. These diplomatic communications gave full citations under the Law of Nations as to why Russia did not acquire the region of Alaska. They haven't. We know that.

The United States asserted that the Alaska Native Nations essentially possess the title and dominion with full sovereignty and independence as any European nations under the Law of Nations. We haven't signed nothing away. This placed the sovereignty of the Alaska Native nations on equal footing as any European nation. Us Native Nations were considered masters of our own destiny. This is what -- this came from the United States, the forefathers of this so called country. They're the ones that said we're free and independent and we had title. We still do.

One of the things that probably the state of Alaska a lot of people don't know is Northwest Ordinance of 1787. It said Article II assured that utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent -- got that underlined -- and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

One thing that our people have to realize too that indigenous people to Alaska were above the State under the Superfund Amendments and Reauthorization Act called SARA. It recognized the Indian tribes as co-trustee of the environment. Do you know what environment? It means every living thing, including us. Then a broad power for (indiscernible) reporting water resource emergency. Furthermore, testimony from tribes carry the weight of rebuttable presumption when determining the loss and restorations. Rebuttable presumption means that if we think that you hurt us $10 billion worth, that's what we'd be getting. What we said is what we'd be getting. They manage to define any tribe as any tribe, band, nation or other organized group or committee, including Alaska native village, but not
including any Alaska native village corporation. This is taken from a 5,000-page document.

There's several laws here that pertain to us that recognize our inherent rights.

MR. LORRIGAN: Mr. James, could you summarize.

MR. JAMES: Yes, I will. I've got one more to go. I'll cut it short and I'll just hand this over to whoever will take it. This would be the last one. There's a whole host of Federal laws here, several pages.

Rights of Indians is not impaired by boundaries. This is Public Law -- R.S. 1839, Public Law 980213, nothing in this Title shall be construed to impair rights of person or property pertaining to the Indians in any Territory, so long as such rights remain un-extinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe embraced within. It states here too, you can't do that without our consent. You can't pass law for us unless we give you permission. This is Federal law.

So I just wanted to let you know that these laws are here and I'll hand it to whoever will take them and I'll make time for somebody else because I understand that we can also write in too.

Thank you.

MR. LORRIGAN: Thank you, sir.

Don Westlund.

MR. WESTLUND: My name is Donald Westlund. I live at 15067 Lizzy Lane. It's 15 miles north Tongass. It's approximately nine miles from the city limits of Ketchikan. Saxman is approximately less
than one mile from the city limits of Ketchikan. I ask you who is more rural. I believe I am. Not showing any disrespect for Saxman. I understand their situation, but Saxman is tied to Ketchikan. The borough of Ketchikan. Not necessarily the city, but the borough. They vote in the borough's elections, the borough bus goes to Saxman City Hall. It stops five miles from my house. Saxman has two legislative.....

OPERATOR: Please pardon the interruption. Your conference contains less than three participants at this time. If you would like to continue, press *1 now or the conference will be terminated.

MR. LORRIGAN: I apologize for that, sir. Please continue.

MR. WESTLUND: That's okay. Saxman has to legislative designated seats on the Ketchikan Fish and Game Advisory Committee. They get the power from Ketchikan city. Like I said, they vote in all of the elections. They pay borough taxes. They are tied to the borough of Ketchikan. We live on an island. We talk about inherent rights to subsistence. Where is mine? My ancestors, my father taught me how to fish.

You should consider the criteria that was used in 2007. I think it was just in determining that Saxman was nonrural at the time. If you want to change that and make Saxman a nonrural community, then you should also consider the Ketchikan Gateway Borough outside of the city limits of Ketchikan. It has a population of between 2,500 and 7,000. That population is outside of the city limits. The definition you give for the community, I believe it says, you know, the country outside the city. So that's where I live, outside the city.

I too eat and share fish and game. Any excess fish that I have I give to seniors and they designate -- I have that donated to the senior center and the pioneer home. So I do too also make sure that the elders of the community have fish and game when I have excess.

Again, no disrespect to Saxman, but we live on an island and that's the way it should be looked at, as being rural. I mean, by God, the only way to get here is by plane or by boat. All of our supplies come by
boat. Everybody buys their groceries from the same store. We're a community. So if you're going to rule Saxman is a rural community, then Ketchikan is also a rural community.

Thank you.

I'll cut it short because I have other obligations.

MR. LORRIGAN: Thank you, sir. If you have something written, you can hand it to Cal at the back table.

MR. WESTLUND: I don't have anything written.

Thank you.

MR. LORRIGAN: Thank you.

Debra James.

MS. D. JAMES: Thank you, Mr. Chairman. This is my husband Charles Murphy James. He's 77 and we have been living in Saxman since he brought me up here in 1997. He's been living in Ketchikan since 1957 when his large extended family moved over here from Craig and Klawock.

Since I arrived in July of 1997 with my husband I have learned a lot. We live in Saxman. We have lived in Saxman since I arrived. Every summer we have spent fishing and putting up fish and canning and smoking and freezing. We also pick and can various varieties of berries and pick beach asparagus and jar it. In the fall, it's time to hunt and put up deer. Nothing goes to waste on the deer. What we cannot eat we use for traditional Native crafts.

I, myself, am an eighth Native American from down south and I've been adopted into my husband's clan and been given two different names. Every winter is spent crafting and gathering together with family and other social events with Native people, such as potlucks, memorials, weddings and funerals. We also bring our subsistence foods to share. The only things we buy at the store in Ketchikan are staples such as rice, flour and sugar that we cannot get in any other way.
We live on my husband's small Social Security check. Ninety percent of our food is subsistence gathered. Now that my husband and I are older we must rely on younger relatives and friends to provide the deer and fish that we need.

Please reconsider your ruling that Saxman is no longer rural. The people have not changed their way of living despite the change of status of Saxman. We are a small, separate community who rely on hunting, fishing and gathering and our Native traditions. No one I know in Saxman considers themselves a part of Ketchikan and have as little to do with Ketchikan as possible.

Please reconsider your ruling and allow Saxman people to continue their subsistence and traditional ways of living.

My husband added this. All Natives should be considered rural when it comes to subsistence no matter where they live. Our younger Natives go out and gather subsistence food for us older ones and we give them a little money for their gas. This should not be a crime. This happened recently in Hydaburg with a person being charged for accepting gas money from the elders.

When a Caucasian moves into Alaska, he automatically receives more rights than a Native who have lived here all of his or her life and this is not right. I've lived in small villages all over the country and I have never been to one that is as unique as Saxman. I have been accepted into the community there and I live as a part of the community there. It's vastly different from any other town or even a large village.

I beg the Board to reconsider their ruling.

Thank you.

MR. LORRIGAN: Thank you. Is Franklin James the gentleman who was here? It's 8:30 and we have roughly a half hour of limited time. We might go a little over. But try to condense our testimonies.

Thank you.

MR. F. JAMES: Thank you, Mr. Chairman. My name is Franklin H. James, Sr. Tlingit name Aanke (ph), which means town by myself. I am the first shareholder from Shaakan Kwaan (ph) and I am speaking
under the umbrella on AB Camp 14, which I'm a counselor.
Mr. Chairman, if I make some errors in speaking, I
apologize. I just had a triple bypass and five weeks of
radiation. My doctor told me not to get mad or excited,
so I'll try to behave.

MR. LORRIGAN: Gunalcheesh.

MR. F. JAMES: But anyway, you know, a
lot of you guys -- I see one sitting up there, one elder
sitting there -- that was around while we were a
territory. Just before we became a state, I'm not going
to mention names, we had a senator that flew to all the
Native villages telling them don't become a reservation.

Don't become a reservation or you'll be second class
Indians. If you ask me today, we are still second class
Indians.

So what did that senator get for
traveling. The only one that was smart was Metlakatla.
Now when you go back, you know, you take a look at all
our villages in Southeast. I'm sure the BLM, if they're
here, the Forest Service, they got the same report I got.
They stated all recognized villages will have subsistence
rights. When I got that, my computer went down and
they're bringing it back to life, poor thing. I didn't
have a doctor at hand right away. Anyway, I would have
printed it out so you guys can see it. I'm going to have
a whole report. Right now my brain and my fingers are
not working together on typing and I can't type, but I
want to bring the full report and give it to you, what
Ken Salazar said just before he retired. He said
recognized villages.

Saxman is a recognized village. They
should never be tampered with. I'm going to tell you
why. My Ketchikan was named Kichxaan. My grandfather
was one of the first white settlers here in town in this
place and they changed it. But before white man or
immigrants set foot in Ketchikan, Saxman was a village
then and it still is a village today. You can't be like
that priest that took that Indian out of the village to
make him a priest. When he was standing there, put the
cross on his forehead, you're no more Indian, you're now
priest.

They've been doing stuff like this to our
people too long. Every year we have to argue for 10 or
12 fish to take home. Travel all the way up the river
for 10 fish. Ship these people out to Klawock or
someplace to get two or three pounds of bacon. You can't buy it in Ketchikan. You can't buy it in Juneau. You
Guys heard me speak on this before up there in Juneau and Anchorage. But that's what they're doing to us, shipping
us all the way up river. Cheaper to buy it at Phillip's.

You take a look at -- I heard a person speak today, Ketchikan should be a rural area. Make the whole state of Alaska rural. Take a look at Petersburg. That's the one you guys should be fighting with. That is the richest country in Alaska if not the whole U.S., yet they don't tamper with them saying you should be nonrural. They're playing games with Saxman and I think that's a bunch of bologna.

Not too long ago -- these guys know my case. So do they. I won it, but five days we're still not done. We're still not -- things have got to clear up. But the idea is my term was up and I said if you guys let me work with you, I guarantee they'll never buy me again on the rural status. We'll stay rural forever. I recall Mr. Wallace heard at that time, but since then my (indiscernible) retired.

But getting down -- I didn't want to speak too long because I can't. I would like to -- I guess the deadline you say is November 1st. I was kind of out of commission here, in the hospital all summer, but I would like to get a letter out to you guys on yein. They're trying to make a hard hat diver out of me. A long time ago we used to use sticks. One pointed end of a hook and bring it up. Get three or four hundred yein on a tide. Now you can't find yein any place around Craig and Klawock, Ketchikan. You have to go way away to try to find it. That has to come to a stop.

They made fun of us when I was a kid when I was cleaning it. Turn it inside out. Look at those people, how can they eat that slug or that big worm until the dollar sign hit their eyes. No matter what it is on our foods, when it hits their eyes, I'll tell you same way as our herring roe on kelp. Everything is taken away from us.

Another thing I really want to hit you guys with is on sockeyes. My background, I've been a skipper all the way from the Bering Sea, Aleutian Islands, all the way down to here and through Canada when we used to be able to halibut fish in Canada and all the way down to Oregon. I dragged, I trawled. I skippered
herring. I got all kinds of background in fisheries. I know that 12 months out of the year on all our subsistence foods that we need to eat to survive that our people did.

So I'd like to draft something to you guys on that when I get a chance. What gets me on the reds, they go by the book. They must have learned it in Texas. They go by the book. They open the season by the book for sockeyes and close it by the book. Even Mike Douville knows it. He's a fisherman from way back. I knew him since he was a little kid. The weather dictates the travel of the fish. It tells you. If it's more or less northerly winds, northeasterly winds, northwesterly winds, you're going to be able to fish offshore. It's going to be late. Yet they'll close it. Then got over abundance and all they do is waste all our money going up the river to Cutler Bay, to Yes Bay, and they're slowly closing off all our areas.

I'd really like to get you guys -- you guys have got to get updated on this stuff here and I know very well this young fellow knows what I'm talking about because he heard me speak. To me, like I say, I apologize because right now I have a hard time speaking and I lost my voice, but that will come back. But, anyway, gunalcheesh.

Mr. LORRIGAN: Thank you, sir. You sound very good to me tonight.

Ms. N. DEWITT: Thank you. Mr. Chairman, Board members. As stated, my name is Nora DeWitt. I'm a resident of Saxman. I serve on the Saxman Tribal Council. My tribal name is (in Tlingit) of the L'eeneidi Dog Salmon Clan out of Juneau. I was adopted by my father-in-law and married into the DeWitt family and was captured and brought to Saxman. I married in 1971 and I moved to Saxman in 1973.

In living in Ketchikan, I wasn't happy and I wanted to go back home to Nevada, but Joe Williams, Sr., a fine man, was mayor and tribal council president of Saxman, offered my husband a home and we moved to Saxman. You know, when we moved to Saxman my spirit knew this was where I belonged. My spirit knew the land and I found home. I've lived here ever since and I have not had the desire to move back to Nevada. I have been
welcomed into the Cape Fox people. I dance with them, I
sing with them, we gather, we celebrate and it's a good
thing.

I began working for the Organized Village
of Saxman as a volunteer secretary/treasurer in 1978. I
worked for the city of Saxman starting in 1981 and I
served as city clerk, as the Saxman finance officer,
acting city administrator and eventually becoming the
city administrator and my term ended in 2005.

The reason I say these things is because
I want you to know that I know what I'm saying when I
share the following. Saxman has significant
characteristics. It is not aggregated into Ketchikan.
Saxman has its own infrastructure. Saxman has its own
tribal government named the Organized Village of Saxman
and Saxman has a government-to-government relationship
with the Federal government that is required.

We are identified in the Federal Register
as a tribal government. We have our own ANCSA village
corporation called Cape Fox. We are identified to local
organizations, to the city of Ketchikan, to the Ketchikan
Gateway Borough, to the South Tongass Fire District, to
Tlingit and Haida Central Council, to Ketchikan Tribal
Council as our own community, as our own tribe.

We cannot even receive services from the
Ketchikan tribal community or Ketchikan Tribal Council
because we are Saxman. Their funds will serve only their
membership and that's Ketchikan. We cannot receive
services from their tribal programs. The only way we
receive services from them is through their clinic and
that's because of a Federal moratorium that was placed on
our village that would not allow us to have our own
clinic, at which time we wanted our clinic to be SEARHC.
So we had to go with Ketchikan Indian Community and form
the tribal health clinic that's there.

The Ketchikan School District recognizes
Saxman as its own community and asks us to serve on their
advisory board to give them information and assist with
the needs of our students out there in Saxman. I'm sorry
to say that although the school district serves our
younger students when it comes to higher education, it's
not the same.

As the gentleman spoke earlier in
speaking about how far out north he lived, the difference
is he's a neighborhood. He's a neighborhood of the overall Ketchikan area. We are not a neighborhood. We are our own city. We are our own tribe. Our city has its boundaries, its municipal boundaries, and our tribe has its village boundaries. The municipal boundaries are a little bit wider than the tribal boundaries, but we have our own boundaries. Let me tell you, people know when you enter Saxman. We know if you belong.

Saxman has its own clan structure that is specific to Saxman and it is observed and it is paid attention to, just as Ketchikan has theirs. We know what it is and our clan leaders are expected to follow it and we are expected to do what our clan leaders request us to do.

As a guest of the clan, and that's what I am because I'm not a member of the clan, I respect them and I abide by whatever their wishes are. I might add that Saxman once had its own chief and it had chiefs of both the Eagle and both the Raven moiety.

Saxman is sought out as a favorite tour site and named specifically the Village of Saxman. Saxman creates its own job force, mainly seasonal jobs, but over half the community works during the season with Cape Fox Tours for our tour program.

Saxman has it's own water and sewer services and let me tell you that has been a battle through the years. You don't know how many times the borough has tried to take our water. Has tried to make us feel like we need their water to survive because we can't take care of our own. Thankful to the city fathers, they maintain an independence there and we have our own services.

Many of our projects and such are funded through Federal and State funding and that's specifically to the city of Saxman and specifically to the Organized Village of Saxman, which again maintains our autonomy.

Having a road connecting doesn't mean we are integrated to Ketchikan. We are not rural. This is unfair and should not count against our small community. This does not diminish Saxman as Saxman does have its own identity. As I said, we are municipal and we are tribal.

As far as the rural characteristics go, subsistence is our way of life out there. The foods are
hunted and gathered and they not only feed the body, but it feeds the spirit. It builds healing and it is a sacred resource and we value and cherish it. Sometimes the younger man, as mentioned before, just dropped fish off at our door and that's the way of life. They help us. I'm a widow and my nephews and my neighbors they bring the fish to me and they offer it. It brings tears to my eyes because these boys, these young men think about me and I appreciate it.

You know, I've witnessed many 40-day parties and I know what a 40-day party means and some of you folks do too. I'm not going to go into it because of time. I've also witnessed year parties and that's another tradition that we have. In fact, we have a one year party this weekend and one of our elders, who presently is a widow, she's working with the clan to put the party on. It's being planned and it's been worked on for months and months and months.

Food has been prepared and put away and gifts saved and all the things that went into the year party to help her to heal and the clan to heal and it will be this weekend. Yet they took time to come here when they should be working on their party. They're here because subsistence to them is their way of life and they'll be here to stick up for it.

My own loss is with the loss of my husband. His clan was the Naanyaa.aayi and they planned and they hosted a party and I was allowed to participate because I was the widow. We planned, we talked protocol, we had dinners, we fed people all with our traditional food. We sewed and we sewed and we sewed. We made gifts. That was all a part of the year party, the healing process.

When we could set out our best for the opposite clan to pay them for carrying us during our time of mourning, that's the best thing you can do. You set it out for them and you treat them like royalty and you lay it all out there because they carried you when you had nowhere to go. That's our way of life. That's what Saxman does. That's why we have those traditions and they are recognized.

Saxman is unique and it isn't a part of Ketchikan. It stands on its own. It's based on its own criteria of being itself, a city, a village and a tribe. Therefore I call upon you to reconsider your decision and
designate Saxman's rural status back as nothing was changed. We are still the same.

Thank you.

MR. LORRIGAN: Thank you. We have approximately 17 more testifiers and we're going to go past 9:00 o'clock. We cannot go past 10:00. We have to cut it off at 10:00, so I really beg people to try to keep your comments as short as you can. I know everybody wants to testify and I appreciate that, but time is limited. I'd like to ask if there's anybody on the phone still.

MR. THOMAS: Yes, Sam Thomas is still here.

MR. LORRIGAN: Sam, do you have comments you could give very briefly.

MR. THOMAS: No, I'll reserve them. Thanks.

MR. LORRIGAN: Thanks. Harvey Shields.

MR. SHIELDS: Thank you, Mr. Chairman, Board members. My name is Harvey Shields. My Tlingit name is (in Tlingit). I was born and raised in Saxman, 63 years next month. I was born and raised on subsistence hunting and fishing with my parents and many other members of my family. Graduated from KI here and subsistence was what I was brought up on.

When we had -- times were hard back then. Our parents taught us how to put up subsistence for the winter. Gunalcheesh, Auntie Liz, for being with us this evening. Auntie Liz and Martin Perez, Sr., one of our true last elders of our community. My mother taught us to go down to keep the fire going in our smokehouse that we put up. Had fish hanging there. I thought we were being punished, but to understand later on she was teaching me how to put up fish for the winter. I miss that.

I say that because I can't teach my nieces and nephews what my parents have given me as the songs and dances that we do to this day, nor can I teach that to my grandkids because subsistence ain't there. When we got a home in Saxman, I moved out there and the first thing I built was a smokehouse. That was over 20-
something years ago and I haven't used it to this day because our subsistence was taken from us. No fish to put up for the winter, put up for one year parties and things like that, but I do go hunting and I share that when I get enough to share.

You've heard a lot of comments on everything that we wish we could get back and hold onto. Holding on to our songs and dances. I'm the clan leader of the Saanyaa Kwaan Cape Fox Dancers. To hang onto that and not let that go, of what my aunts and uncles has taught us to carry on. My dad is from Sitka. My mother is from Wrangell. So, with that, I've learned a lot about subsistence from my aunts and uncles.

My Uncle Joe Williams, when they used to go out on a big -- he's a seiner. He'd bring a whole bunch of fish in for the community. I miss that because that's where the work began, but we sure enjoyed it come wintertime. Now we don't see hardly any smokehouses within the community going. I just hope at some point that things will turn for the betterment of our community that we could get that status back for all of us. And all communities, we all mean well to help our elders and to move forward with everything that's there.

With that, I thank you for the time this evening for hearing not only myself but other members of our community that has spoken.

Gunalcheesh.

Thank you.


MS. ABBOTT: I'll just comment on some of the things that -- my name is Sarah Abbott. My husband was Tom Abbott and we used to get a lot of fish. We had a smokehouse. Now we don't have a smokehouse because we don't get no fish anyway. But I'd like to thank Nora for speaking for us and also Winona because it's important for us for our subsistence way of life. I think this past year I put up about 17 cases of seal meat. What I do is just hand them out to the elders. Even if I am an elder I try to help the ones that -- some can't eat it and some can.

But what we miss most is our fish because that's our way of life and now we can't get it. This
year was pretty bad all over, but there are times when we
want to get it and then it's taken from us. The hardest
thing is when you know your family is trying to help you
and then it's taken from us.

Again, I'm glad that Nora touched on what
she talked about a few minutes ago. The same with my
brother Harvey. Subsistence way of life is kind of hard
for us because we don't get help from Ketchikan. We're
by ourself. We try very hard to be neighborly, but
sometimes it doesn't work. There's other people that
interfere with what we're trying to do good with and then
it disappears.

Anyway, I'm happy that these people are
talking for us. I would like to see us get our
subsistence back because it's important for my family.
We live on fish and deer meat most of the winter. Last
year we went through about 14 cases of sockeye and now we
can't get any. We didn't get any this year. The time
will come that I'm praying things will change for our
good in Saxman so we can show my grandchildren and my
great grandchildren our way of life. We teach them our
culture, but they don't know our way of life with the
fish and the deer meat and we try to show them when I
have the seal meat, I try to show them.

This is what I want to comment on. Thank
you.

I'm not a good speaker like some people.

Gunalcheesh.

MR. LORRIGAN: Thank you.

Haw'aa.

Melvin Charles.

MR. CHARLES: Gunalcheesh. My name is
Melvin Charles and I am (in Tlingit) and (in Tlingit) the
grandchild of the first house. Under our constitution
there should be no tax to the Indians. Under subsistence
comes necessary good health and common law right of
support, exclusive license on the resources, the majority
control or total control of our resources as to the
common people of the land. Majority or total control of
our resources. What are we harvesting? Nothing. We
cannot even get a little bit. Many of our people cannot
even get a portion of their food.

Almost every person that I know is on medications. A great number of people that I know are inflicted heavily with diabetes. Genocide are coming upon the common people of the land. I do not even like to tell anybody what I have. I am 73 years old. I cannot supply food for our people. If I did, I would be arrested. In the past, my girlfriend and I went out there and got 192 sockeyes in one set. Did we keep that much for ourselves? No, we did not.

Now we have greater pockets of people that did not get any abalone, they did not get any sea urchin. The sea urchin districts, the crab fisheries is all being controlled by the State. Where is the majority for the common people of the land? Where are we making any money? Even if a person -- if I had a child in a foreign country and he was a ruler of a foreign country and he come to this land, he'd have exclusive license as he is a (indiscernible). These I have read in the law books and they get license. There's no need to apply for a license.

In the past, it was 25 cents for a sport fishing license. For sport fishing, 25 cents. I always bought the 25 cents license so that I could qualify for the derby. Then suddenly the State said that we Natives have got to buy a $5 license. Instead of the sport fishing license for 25 cents, now it's changed to $5 before we could get our herring eggs and we had a small amount that we could get.

I said I came all the way from Ketchikan. I said I'm not going to go all the way back there with just a few pounds. I'm taking enough. I called up the State Ombudsman. I said do I have to buy a license to harvest my food. He said no. I said do I have to abide by the poundage that they're allowing me and he said no. He said that is your subsistence right. I said do I have to sign for a permit? The Ombudsman said no.

I had my double-headed raven hat. My friend over there in Craig would not go with me because I would not get a permit. I said I am not going to get a permit. I'm not going to get it. I said if you're with me, you're with me. You want to get a few pounds and settle for that, I said I'm getting what I can. We had an 18-foot skiff and we loaded that up and we only had a few inches on both sides clearance before we
submerged. The Fish and Game was coming right towards us just like a torpedo. I told my friend, I said put your camera on and record it. I had my double-headed raven hat with me and I put it right on my head and I looked at those Fish and Game coming by. They did not acknowledge us. They went right by and they could plainly see there was only two of us.

All I'm saying is every person that I know are on strong medications. I also said that I'm 73 years old and I take zero medications. Zero. Everybody that knows me knows that I live on my food. I would love to provide this for everybody that I can. Ketchikan has a right for a rural status. It is not their fault that they're inflicted. They cannot obtain that land. Ketchikan cannot gain all of their land back again. Any land that is given to the common people in trust cannot be infringed upon by other territory, county, borough, city or state and that is in the law.

The eulachons that come up, we cannot even touch them. Beautiful eulachons. The volcanic rock bed, the eulachons go up and there would be little puddles of volcanic rock where the tide goes out and the eulachons are there, yet we cannot touch them. Now we cannot even get any sea cucumbers. Why? It's overharvested. Nobody can get any abalone any more. Our herring fish is getting depleted. No more. Everywhere it's getting worse. Never in my life have I ever seen king salmon eating bowheads and crabs.

MR. LORRIGAN: Can you summarize, please.

MR. CHARLES: That's all.

Thank you.

MR. LORRIGAN: I apologize.

Thank you.

Mr. Sanderson.

MR. SANDERSON, JR.: Thank you, Mr. Chairman. My boy would like to say something. What would you like to say, Luke?

LUKE: Support Saxman.

MR. SANDERSON, JR.: He said support
Saxman. Good job, buddy. Do you want to sit down, baby? Okay. Thank you. Thank you for this opportunity to speak. I'll make it brief. I'd like to acknowledge the mayor of my hometown, Mr. Anthony Christianson. To the elders behind me, please excuse me. My back is turned against you. I'll be addressing the Board.

My name is Robert Sanderson, Jr. I serve on the executive committee of the Tlingit and Haida Central Council. We have a citizenship of 28,000 world wide, which is about 16,000 reside in Alaska. Every year in April the communities here in Southeast Alaska gather in Juneau for the Tribal Assembly. The Tribal Assembly passed a resolution supporting Saxman's rural subsistence status. About 19 communities, about 130 delegates.

What's not getting talked about right now is the criteria. We need to talk about the criteria. We need to have it put up on the screen so our members in the audience may see the criteria. Can everybody hear me okay? Okay. Thank you. We need to talk about criteria because that is what is going to get Saxman to where they need to be.

The rationale for these comments should address the following components of the current rural determination process: population thresholds, rural characteristics, aggregation of the communities, timeline and information sources. All ideas on how to improve the rural determination process consistent with ANILCA Title VIII and the Ninth Circuit Court of Appeals case law association with the definition of rural will be considered.

The Central Council supports Saxman in their rural status. What we need to do now is look at solutions on how to get that rural determination back to Saxman.

Over the years there has been a lot of issues that have been affecting our communities in Southeast Alaska and this ties into what I'm going to say about how it affects Saxman. Bycatch in the Gulf of Alaska of chinook and halibut. Tens of thousands of chinook king salmon are caught in the bycatch pollock fishery by massive trawlers. These fish are kicked off over the side. By law, they cannot keep them. Last week one trawler, one trawler, killed off 104 tons of halibut. Kicked off over the side in the Gulf of Alaska.
When we take one fish over the limit, we're cited, our gear is taken, often jailed. Sometimes our gear is not even returned. Our people should not have to go 40 miles to go set their gear to try and feed their families. They should be able to drop their gear right in front of their communities and head right on out and do what they need to do to support their families like the sport fishermen do. They really really need to do that.

Saxman is a village. They're their own village and we need to support that. One vote caused all this. One vote. Something needs to be done about this. To the powers that be, please hear our testimonies.

Listen to our elders and listen to what they have to say.

This resource is getting privatized. It really is. Pretty soon we're going to be nobody. That doesn't even go for -- that's not just for the tribes but it's just for your everyday population. It's run by big powerful corporations that run these fisheries. We need to understand that.

I'm not going to take too much more time, Mr. Chair. I realize we have a lot of people that want to speak, but, in closing, again, the Central Council supports Saxman's rural determination and getting it back.

Mr. Chair, those are my comments and I wish you all very well.

Thank you.

Haw'aa.

MR. LORRIGAN: Thank you.

Haw'aa.

Jaeleen Araujo.

MS. ARAUJO: Thank you for the opportunity to be here. My name is Jaeleen Araujo. My Tlingit name is (in Tlingit). I've also been given the name of (in Tlingit). I'm L'eeneidi, originally from Angoon. I'm here in my capacity as the vice president and general counsel for Sealaska Corporation. I'm here on behalf of our more than 20,000 tribal member
shareholders and I'm here in support of the community of Saxman and to provide some comments on the criteria so that Saxman's situation can be corrected and so that no other communities can be impacted the way Saxman has been impacted.

At the outset, I know this isn't what you're here to talk about, but I think it's important to state that Sealaska, as a general matter, supports a Native plus rural preference. I think we could avoid a lot of the problems we're having today if we didn't simply use the rural standard. Moving to an urban setting, which is what a lot of our people have had to do, including myself, doesn't make us any less Native. Having people who have come to move to our homeland, our beautiful homeland, shouldn't make us any less Native or entitled to our inherent rights to eat our traditional foods, to harvest our traditional foods.

But that's not what you're here to talk about and I know that requires a change in the Federal law, but I think it's important to get that on the record and I hope that the Board would consider making that recommendation to their agencies to support a change in that standard.

I also want to point out an important recent conversation that I had with a Federal employee. I won't name any names. I won't name the agency. But I thought it was an interesting off the record discussion after I testified at the September 11th meeting up in Anchorage. I had an employee say to me or ask me what does it really mean to Saxman to not be rural. Is it really a big deal. Does it really impact Saxman. When I look at the Federal and State standards, the regulations look exactly the same, so why -- maybe there's a little difference. Maybe they get a few extra days to hunt deer. Maybe they get a few extra fish. And I couldn't believe it. Yes, it makes a difference.

I'm here to say that, yes, the rural status makes a difference. It's all that we have to protect this right. It's not a Native preference. It's a rural preference, but that's all that we have and I want to make it clear that it is a difference that's very important to our rural subsistence users.

To go into the criteria, and I know that's what you're here to hear about, I want to first
touch on the population criteria. As others have stated, I think this is a very arbitrary criteria. It doesn't clearly identify communities that depend on our subsistence resources. You come into this problem that we're having here in Saxman where you have co-resident communities so that population becomes very arbitrary because you're lumping communities together.

If you look at the next criteria, aggregation, you run into the same problems. It's not a good criteria when you're looking at things like commuting to work. Think about commuting to work in Alaska. How many people do you know commute on a monthly basis, on a bi-weekly basis, on a weekly basis, on a daily basis to another community. How common is that in Alaska and why should that be looked at as a means to make a community nonrural.

High school attendance. Many of us live in communities that can't support a high school anymore. We don't have enough students to meet the criteria to get state funding. So, again, it's too common, so how can that be something to look at in terms of aggregating communities. Road access. How can the mere existence of a road mean the community is nonrural?

I think again I want to just emphasize that the primary and paramount criteria the Board should be looking at is the rural characteristics of a community. The use of the fish and wildlife resources, the cultural integrity of the community. The cultural practices of the community. Are there distinct social, political and communal characteristics in this community? If so, if they're distinct, then they should be looked at on their own and not lumped in with a neighboring community. As you've heard from all these residents here from Ketchikan and Saxman, they are distinct communities, so I think it's very important that we look at these social, political and communal characteristics.

Another thing I think the Board should think about as a characteristic is the existence of a Federally recognized tribe. Is there an active, intact tribe. This can be a factor to show cultural integrity and practices.

As a final comment on informational sources, right now it appears that the Board only looks at census information. I think there could be other sources of information that could be very helpful to the
Board. In particular, I think our tribes can be a significant source of information about subsistence users, about the types of resources that are used, about the number of users.

Even the information that was shared today at the RAC about the number of deer that were caught in the community, about the catch in certain streams, about the number of permit holders, the number of users. Even that kind of information I think is even more helpful than census data because it's just numbers that talk about how many people live here. What it doesn’t tell about the character of these people who live here.

I guess, in closing, I just want to say that I hope that you'll take to heart some of these comments and maybe a lot of it wasn't specific to the criteria, but I think it points to a lot of the actual rural characteristics of the communities and I hope it will steer you away from simply the population criteria and aggregating communities together.

On behalf of Sealaska we will submit more detailed written comments on this issue before the November deadline.

Thank you.

MR. LORRIGAN: Thank you, Jaeleen. We have roughly 40 minutes left to go. I don't know if we'll get through to everybody, but we'll try. We need the comments to shorten up. I'd like to get to everybody, but I don't know if that's going to be possible. Freddie Sched. I can't read the last name, S-C-H-E-D.

UNIDENTIFIED VOICE: Fred Seludo.

MR. LORRIGAN: Fred Seludo. If you can make it short, that would be great.

UNIDENTIFIED VOICE: Yes, it's written out. I'm reading this on behalf of Fred Seludo. Just for the record, I'd like to note that I'm reading this testimony on behalf of Fred Seludo, 2553 Eagle Avenue, Saxman, Alaska. My name is Fred Seludo. I'm Saanya Kwaan Tlingit. My mother's people come from the original Cape Fox Village, but moved to Saxman in 1893-1894. I'm
a fisherman and make a living for myself in my community
off the lands and waters surrounding Saxman. The ability
to do so helps our family every day, every year.

I have a few comments to make. It is
difficult to have us prove every 10 years Saxman is
rural. We have to show what makes us rural and why
subsistence is important to us when subsistence harvest
is only a very small portion of the overall take of
resource each year. I think the percentage told to me is
that subsistence use is only 1 percent take while sports,
charter and commercial fish take is the bulk of the use.
I think this is highly unfair. I think you should
reevaluate the small community like Saxman. Only where
there is major change to our size growth and economy.

We continue to subsist and have to. If
I didn't fish, things would decline for my family and the
families that help bring fish too. The mere health of
our people will suffer. We've eaten fish our whole
lives. It's a traditional food for our people. Fish and
other ocean catch is the standard diet here. However, we
subsist on berries, greens, seaweed, deer and use certain
resources for healing and medicine. Take this away and
witness a culture suffer.

I provide fish for a few individuals
right now and it's their only food source because of
limited income or means. They wouldn't have any type of
food if it wasn't for my knowledge that they're in need.
Cancer is becoming a big disease amongst our people and
natural preventative cures are known among our people. We
gather these natural remedies from our land.

Another point. We take care of one
another in Saxman. State or Federal programs regulate
with rules, yet our traditional way of caring is
different. We don't have one another to fill out an
application. We know who we can call upon for help and
we know each other's expertise or talent in Saxman. We
rely upon one another to get things done. Emphasis is
placed on helping one another in Saxman. We are small in
size with a population of 411 people with fewer than 110
homes and a few paved roads to drive, have self-relying
governments, law endorsements, church, a boback (ph) and
a water system.

This is the final paragraph. I teach my
nieces, nephews and other young people about fishing. I
do this when I can. I believe it is necessary for them
to know I spoke today to have a rural status designation because it's our survival.

I want to thank you for hearing me out today. I've lived here all my life. Not much has changed each of the 10 years when you've granted rural status. It's important to know our historical link to the land, our cultural use and how we operate as a self-reliant community. We are independent and how we do things in Saxman is ours and ours alone. We're not gathered together or a collection of another community or they with ours.

If you lived in one of our houses, you'd see the vast difference of how we separate. You'd realize our dependence on fish. No law will eliminate our way of life to live as we've done for generations. We're fighting for our survival today. Thank you. I hope you learned that rural status for Saxman means our survival.

That's on behalf of Fred Seludo.

MR. LORRIGAN: Thank you.

Cheryl DeWitt.

MS. C. DEWITT: Cheryl DeWitt (in Tlingit). My name is Cheryl DeWitt. I am Tlingit, Paiute and Shoshone and I come from Saxman. I want to briefly reiterate some of the distinct characteristics of Saxman being a rural community very briefly. It was mentioned that we have a distinct community with a Federally recognized tribe, a second class municipality, an ANCSA corporation.

I also want to mention that we have First Responder services. We have a village patrol officer and we're currently working within our community to negotiate EMS and fire department services with the city and borough of Ketchikan.

I'm here today also to discuss the tangible characteristics in the rural determination process. For me, as a young person just completing my education, one of the aspects is having an education infrastructure within our community. Currently our children do go to Ketchikan for schooling. However, I remember when I was in high school I neglected to go to Ketchikan for high school.
when I was a junior primarily because it didn't fit the needs that I had and the upbringing that I had.

I opted to go to home school and I don't think that there is a mechanism to address or measure how many students are going to online schools and how many students are in correspondence schools, which I know in the past Saxman has had worked with the PACE school, which is out of Craig. We've had many students who successfully completed that program from grades elementary school through high school, which was independent studies. I really want to emphasize that although there are some people that do commute to Ketchikan, the educational institutions are nowadays home-based with the technology that we have.

With respect to specific recommendations on the rural determination process, I just want to highlight that we are talking about tangible characteristics, an infrastructure within the community. I also really want to highlight that the intangible characteristics of a community is what really makes the community. The ability to identify your role in society, your relationship with people and how the society functions in general and how that distinguishes one community from another.

I want to highlight that in Saxman what I'm talking about is not specifically just a legality of indigenous rights because I recognize that that discussion is beyond the scope of the folks that are at the table at the moment. What I'm talking about though is more than numbers. Is recognizing that, for me, to be able to learn from the land. If you want to talk about traditional ecological knowledge, that's one way to equate that in the college academic world, but for me to be able to identify relationships and identify, you know, my role as a person in a community, in a Tlingit community, is very very unique.

If I was just able to just go off to college and not have the background that I did and the support from the Native community, I don't feel like I would have been that successful in the things that I've done. That equates to not only just the community in terms of its geographical distribution, but the characteristics of being in a rural community.

Acknowledging that there is an identifiable culture, whether it be Native or non-Native,
I recognize is an ongoing debate in terms of ANCSA and in terms of ANILCA, but I just want to point out that it is an extremely important characteristic when we're talking about a rural determination process that we do consider what egalitarian societies have to offer and trying to navigate what that might look like in Alaska.

Thank you so much.

MR. LORRIGAN: Thank you. Ernestine Ellis. I'm Eagle Killer Whale of the Chookaneidi. My mother is Ernestine Blair. My grandmother is Mary Denny. My great-grandmother is Ernestine Young. My grandfather is Reynold Denny, Sr. of the Saanya Kwaan.

There used to be a time when every creature freely roamed the land, being available to all for sustenance and subsistence. Then along came certain people thinking that what they were doing was for the betterment of everyone and decided to say what we could and could not do with the things that were put here for all to share.

Now we have hungry homeless people because we are no longer learning how to live off of and enjoy the land. In Washington, D.C. area they have an issue with an overpopulation of deer with signs posted. No hunting, no fishing, no nothing. Go home. The solution that they are looking at to control half of this population is a dart filled with a birth control vaccine called PZP, which is developed by using pig ovaries. Then they wonder what to do with the other half.

Online I found an article written by Neil Torquiano from Channel 2 News stating Alaska ranks 28th when it comes to a report by the National Center on Family Homelessness. The study finds that more than 1.6 million children or 1 in 45 children were homeless in 2010. It shows an increase of 38 percent from 2007 to 2010 during the economic recession. The recession has been a manmade disaster for vulnerable children.

Said Ellen L. Bassuk, M.D., president and founder of the National Center on Family Homelessness. According to the report, Alaska had nearly 7,500 children living in the streets in 2010. The study finds that Alaska's children experiencing poverty suffer from asthma, ADD, ADHD or one or more chronic conditions. Alaska's students in the fourth and eighth grade were less than 25 percent proficient in reading and math.
according to the National Assessment of Education Progress.

In the State's report card, the State notes that Alaska does have an active State InterAgency Council on homelessness and ranks Alaska's 10-year plan to end homelessness as extensive. Vermont tops the list with the least number of homeless children and Alabama is ranked at the bottom of the list with the most number of homeless children.

There is an old Chinese saying: Give a man a fish and he will eat for a day. Teach a man to fish and he will eat for a lifetime. We need to passionately grab the other person by their hand and educate with the love of family and friends. If we start teaching our people to respect the land, they soon will be so busy they will have no time for alcohol and drugs and health issues will subside due to the activity level of personal subsistence.

The only way that we are going to beat the problem is by standing strong together. Use your knowledge and skills for the betterment of the people. Build a lasting legacy. Accept that your ultimate purpose is to help everyone become successful and always, always remember we are our ancestors.

Thank you.

MR. LORRIGAN: Gunalcheesh.

Henry Brannon.

MR. BRANNON: Hi. My name is Henry Brannon. I live in Saxman now, but before I lived there I lived over on Pennock Island and that's not considered rural either. I had to commute back and forth in open skiff, wind blowing through my hair, saltwater splashing on my face, living in a cabin completely off the grid, no electricity except for what I supplied with the generator that I could run one tank through a day. No address, no street, and yet I wasn't considered rural, you know. What the heck is that?

Your criteria for being rural is a bunch of hogwash, you know. How can you say a person is not rural when they're living out in the sticks, totally off the modern system. Now I live in Saxman and there's bears running up and down the street and wolves are
howling just over the rise. I don't use oil. I burn
exclusively wood and eat a lot of subsistence food. You
know, our pantry has got subsistence food in it, our
freezer has subsistence food.

I looked at your display up here the
first of the night and I thought, yeah, your population
criteria looks pretty accurate, you know. You've got
like three spots in the state that are nonrural, but then
you take this political formula you call aggregation and
use that to tie in people that are rural and make them
look nonrural on paper when they're totally rural and
it's just not right. I wonder why are you doing that
unless it's special interest, money related, you know,
for a big business to take everything and leave nothing
for the common person in Alaska by somehow coming up with
this formula to make a new reality to where people that
are really rural that are on paper nonrural.

If you just go outside and use your own
two eyes and the senses God gave you, you can plainly see
that the people in Saxman are rural, the people outside
the Ketchikan city limits are rural. The whole doggone
state is rural except for maybe those four cities inside
their city limits, you know, that your map showed at the
beginning of the night. All this extra stuff that you
use to cloud up the picture and distort the facts, it's
all hogwash.

That's all I've got to say.

MR. LORRIGAN: Thank you.

John Wallace.

MR. WALLACE: Good evening. My name is
John Wallace. I'm from Saxman. I'm really glad to hear
such a strong number of people speaking on behalf of
Saxman and fighting for what we really need, the way it's
supposed to be. I'm not a good public speaker. I kind
of was just going to fill time up. A lot of people spoke
words that I was thinking about speaking and I don't
really want to repeat them. It's just really important.
It's just the way we've been for years and years, whether
we're from Saxman or from different places.

Sorry, it's hard for me to put words
together all of a sudden. I didn't think I was going to
get my name called. I thought I was going to hit the
10:00 o'clock time limit. But as a young person, the
only male in my immediate family trying to provide for my
family, for myself and the elders and neighbors and just
the way we were brought up to be, it's really important
to me. Excuse me. I didn't think I'd get this way.

It's just really important and I'd really
hate to see it disappear. It can't disappear. I have a
really strong feeling that it won't disappear and they're
going to have a lot warriors if it did who are going to
go out and go and get their fish, go and get everything
that we need that's ours. I don't want to sound negative
that we're going to go get it no matter what, but I don't
want it to be that way.

I guess the one thing I thought of was
just like recently reading the newspaper about they're
going to take away food stamps, they're going to do a big
old cut. That and what we get off the land and water and
from around us is kind of what a lot of people in our
community of Saxman survive off. It's survival mode now.
It feels like we're fighting just to survive. So I don't
see why we have to fight for that. It just should be our
given right. It's all on paper. Just make you guy's
jobs easier and just keep us rural. I don't know why
such a big hassle.

Just do us right and keep us rural.

Thank you.

MR. LORRIGAN: Thank you, John. We're
getting really short on time. It's getting close to
10:00. I had a discussion with the Chairman and for
those people who cannot come to the RAC meeting tomorrow
-- are there people here who can attend the meeting
tomorrow that could testify tomorrow? Could you identify
yourselves, please.

MR. LEIGHTON: Ron Leighton.

MR. LORRIGAN: Anybody else?

MR. MONTEITH: Daniel Monteith.

MR. LORRIGAN: Okay. Anybody else?

MR. WALLACE: Lee Wallace.

MR. LORRIGAN: Anybody else?
MR. JAMES: Embert James.

MR. LORRIGAN: We're going to try to limit it to the people who are here tonight. So we have four more to go. I think we could do it. Albert White.

MR. WHITE: Gunalcheesh. (In Tlingit) My English name is Albert White. I'm originally -- I was raised in Saxman. My father wanted me to grow up the same way he did, so he brought us back to the community. It was a good time because there was a lot of subsistence and a lot of traditions going on, which is what I was able to pick up on.

In the time I grew up in Saxman I was able to spend time as a youth growing up in my culture and being able to serve my community. I was vice mayor at one time. Vice president of the IRA. I eventually had to move out of the community because there was no place else to live, at which point I ended up in Virginia, which is where I reside today. I try to get my kids home every summer and take them fishing and teach them the ways that I was raised.

Seeing the way our community has gone, it has been very frustrating, but I have had an opportunity to serve on the Cape Fox board of directors and in that time of me serving there I've learned a few things and I've also learned how Saxman, because of its location, always gets the short end of the stick.

Back when ANCSA was passed, there was a six-mile radius imposed on Cape Fox, which is the only six-mile radius in the entire state of all the ANCSA villages. Because of that six-mile radius it encompassed Saxman Native Village, the Organized Village of Saxman, and imposed or took away a right that Saxman had, which was its right to claim it 14(c)(3) lands. Because Saxman wasn't able to claim their 14(c)(3) lands, they lost out on 1,280 acres. Because they lost out on 1,280 acres, what ended up happening was people had to move out of the community. The community would have been much bigger today, probably allowing for a school. Because there is a road in Saxman, now they say that you can go to town to get your medical services yet Saxman is kind of isolated again through KIC and other things.

With that little bit of history, I'll go ahead and end there. I just wanted to basically state that there are some things that need to change here. I
don't want to pretend to have the answers. Some of the things I did hear tonight basically came down to the aggregation and how can that aggregation change to be able to recognize the rights of a community that is in a very unique situation and it has had its rights taken from it over and over again. This is just one more right that will put our people in a position to where they're going to try to figure out how they're going to be able to put food on their table. It will hurt an entire community of people.

With that, I'd like to end and thank you for your time.

Gunalcheesh.

MR. LORRIGAN: Thank you very much.

MR. ADAMS: I'm just standing in until he gets back. We have Diane Ames. Am I saying it right?

MS. AMES: No. I'd like to have my clan speak before I do if there's time. I'm just giving some opinions (indiscernible).

MR. ADAMS: Come forward, please.

MS. AMES: My name is Diane Ames. I've lived here since 1995 and I fell in love with it here because the community as a whole in Saxman very much so helps each other get by. I mean if somebody needs help, you might not know the person across the street and they come and help you. I've seen many -- I've seen this culture working, loving, playing together, joy, sadness. We work side by side to protect our way of life, feed the elders and our children.

Simply put, the incorporation of Saxman into Ketchikan Borough puts money into the hands of the Borough. It's not really going to help Ketchikan per se or the people in Ketchikan. They consider Prince of Wales rural, but they've got more roads than we do.

Why do they want to regulate something that has worked for years and years. Incorporation isn't going to help Ketchikan and it will really hurt Saxman.

I've been a resident of Saxman.

OPERATOR: Please pardon the interruption. Your conference contains less than three
participants at this time. If you would like to continue, press *1 now or the conference will be terminated.

MR. ADAMS: Sorry about that.

MS. AMES: Anyway, I've lived in -- I have known and I'm very close friends with a lot of members of the Saxman village and I now am a resident there because our son-in-law has gracefully given us a home to live in his home. We had to leave our rural place north of town and we moved up here. The people have welcomed me with open arms. I feel accepted there. The culture agrees with my soul. I just feel at home. I grew up in an area where we were subsistence all the time, growing our own food and raising cattle, et cetera, so I feel very at home here.

I'm learning to cook some of the Native foods and everything like that and I'm just having a blast at it. So I would hate to see this way of living be forgotten or cut apart. I think that incorporating Saxman is very, very wrong on so many different levels. We've heard what a lot of other people have said about jurisdictions and everything else, so I'm not even going to go there. I just wanted to let you know how happy I am to be living in Saxman at this time.

Thank you.

MR. ADAMS: Thank you for your testimony. We have Holly Churchill and then following her will be John Sherwood.

Is Holly Churchill here?

(No response)

MR. ADAMS: I guess not.

John Sherwood.

MR. SHERWOOD: Hello. My name is John Clint Sherwood. I grew up in Saxman and I was hoping that I would be able to speak before the elders here because I was going to ask everybody that fished within the last two months to stand up right now out of everybody that has got out and gotten fish. Went out and fished. Okay. Now, you see that. Now just imagine how many elders walked out of here because it's too late and
they've got to go to sleep. Imagine how many of them
would have stood up. Not very many.

Now we get 20 boats around us when we
pull in to the boat launch. Twenty boats around us. Me
and my cousin Tony are the only boat that the Coast Guard
zoomed right up to and asked for all our paperwork and
asked what we had. Twenty boats around us and not one of
them got pulled over. None of them. We didn't even get
nothing. We got like six crab, but we got pulled over,
you know. We got pulled over.

I've never been on food stamps my whole
life. Not one time. I never asked for nothing from the
State ever. At a young age, I don't want to admit it,
but I did deal. I used to sell weed. But then my cousin
took me out and he took me out on a boat and I went and
got myself a 6-horse and it took me two hours and
something to get to Boswick on a 6-horse and I was happy
to go out and get crab. I didn't care how long it took.
I got there, I got my crab and I was happy on a little
boat. I'd wait for another boat to drive by just so I
could catch his wave so I could go half a mile faster.
That was what I was proud of. I wasn't proud of selling
weed. I wasn't proud of having nice stereos, nice guns,
nice knives. I wasn't proud of that, but I had it all.
I had everything I wanted brought to me.

When I went out on that 6-horse I was
proud, you know. Start taking that away and what are we
going to have, you know. We're going to have a bunch of
people breaking the law to get a couple of extra fish for
the elders and for us just to try to even get gas money
to go back out, you know, but then we're selling it and
we can't sell it. But then how are you going to go back
out on the boat to be able to get more fish and more crab
and stuff for the elders, you know. You bring somebody
a fresh fileted halibut, fresh fileted king salmon,
they're going to hug you and they're not going to want to
let go. I felt proud when I did that. It's took a long
time for me to do that because everybody here knows me.
Everybody in Saxman knows me, that that's what I did.

You go to the bait stores, you go to any
store, anywhere that sells anything that has to do with
fishing and you see all these charter boats that got 20
halibut, right. We go set a skate and we get lucky if we
get three halibut, you know. But you've got all these
charter boats getting all these fish, but they don't get
pulled over all the time. Is that what we've got to do?
Do we got to get our own charter boats or what, you know?

We're just trying to provide for our family, but we're going to get pulled over right off the bat and we're going to get checked on everything we got when we don't even have enough to feed ourselves hardly, you know.

I wish everybody else was here so I could have them stand up, you know, because it is nice to get food for your elders and that's the way everybody was brought up, you know, and it should still be that way.

Thank you guys for your time.

MR. LORRIGAN: Thank you. It's 10:00 or close to it. We have people that are willing to testify tomorrow. I want to thank everybody for coming tonight. We really appreciate your comments and your time.

You may submit written comments by November 1st, 2013. All the addresses and instructions are on the paperwork on the back table. The Federal Subsistence Board is looking forward to the comments on this issue from the Regional Advisory Councils, tribes, ANCSA corporations and the general public. After all comments are received and evaluated, then the process moves into phase two where the Board may craft recommendations on the rural determination criteria to forward to the Secretaries of the Interior and Agriculture.

If the Secretaries take those recommendations and consider making changes, then there will be another public comment period on those proposed changes to the rural determination process. Again, gunalcheesh, haw'aa, for coming out tonight. Sir.

MR. LEIGHTON: Yes. Do you know what time tomorrow you're going to be reopening this here for further testimony on it?

MR. ADAMS: Ron, we'll try to take care of it as early as possible, so be there at 9:00 o'clock, okay.

MR. LORRIGAN: Thank you.
(Testimony from 9/25/2013 AM)

CHAIRMAN ADAMS: Folks, if you can take your seats, please, we'll get our meeting started this morning. We're going to call this meeting to order. However, last night there was testimony on rural determination and I was really impressed with the turnout and the testimonies that were given. However, we didn't finish the people who wanted to testify, so there was four individuals who didn't get their opportunity, so we decided we would take care of that first thing this morning. So I'm going to turn the mic over to Jack here and he will go ahead and finish that portion of their meeting last night.

So, Jack, go ahead.

MR. LORRIGAN: Thank you, Mr. Chairman. My name is Jack Lorrigan. I'm the Native liaison for the Office of Subsistence Management and I'm continuing in my role as a hearing officer for the rural determination comments on the process. Last night, due to the volume of people, we had decided on a five-minute time limit for people, so we'd like to extend that to this morning for people to try to keep your comments to five minutes, please.

I'd like to reemphasize that Ms. Beth Pendleton is in the audience as a Board member also and so we're still continuing on with your comments to the Board. So with that I'd like to....

CHAIRMAN ADAMS: Excuse me, Jack. I didn't mean to interrupt you, but I think it would be appropriate if you want that the Council go ahead and move into the audience and then Beth, is she here, if you want to come up here and sit among the group here. Is Tony here? Guess not. We'll have as much of the same setting as last night.

MR. LORRIGAN: All right.

(Pause)

MR. LORRIGAN: Okay. I guess we'll get started. First name I have is Daniel Monteith.

MR. MONTEITH: (In Tlingit) Gunalcheesh. My name is Daniel Monteith. Presently I reside in Douglas, Alaska. I'll try and be very brief and thank
you very much to the Regional Advisory Council for
allowing us to come in today and finish off our
testimonies.

Plain and simple, I'd like to ask the
Federal Subsistence Board to reinstate Saxman's rural
determination and subsistence priority because I believe
it's based on a previous decision that was based on
arbitrary data and weak scientific analysis. I ask you
today to please reverse this active ethnocide and that's
really what it is. A Federal policy and Board decision
of ethnocide.

I'll be brief on some of the things that
I prepared after the testimonies given last night. The
Tlingit people have been here since time immemorial. The
archeological records back this up that they've been here
for thousands of years.

There was a lot of testimony given last
night about the history of Saxman and many of the people
relocating to Saxman, the Saanya Kwaan and the Taan ta
Kwaan. Plain and simple, some of the things that elders
shared with me over 20 years ago, those elders who aren't
with us anymore, said that one of the reasons why they
came to Saxman was they were promised by the Federal
government and missionaries, medical assistants, and this
was in particular in the form of small pox vaccines
because in the 1860s small pox had gone through and had
a devastating impact on the Saanya Kwaan and Taan ta
Kwaan is going through a 30-year cycle, 1893-94. So they
were very concerned about that, particularly for their
young people.

They also came with the promise of a
mission. And finally, interestingly enough because the
Federal Subsistence Board used this against them, their
children going outside of Saxman to Ketchikan for high
school. They came with the promise of a school.

Over the past century after 1893-94,
there are so many ways in which Saxman, to any rational
social scientist has proved, their independent status, a
municipal government. They recognized by Congress in the
sense of the Indian Reorganization Act of having a tribal
IRA. Ketchikan Indian Corporation or Ketchikan Indian
Community as they're known today, both have separate
tribal governments and this should be recognized by a
Federal Subsistence Board. It's recognized by other
agencies and aspects of the Federal government.
Today Saxman continues to be recognized by the State of Alaska on many different levels, including being a second class municipality. Nora, I believe, covered many aspects of the municipality and all the services they represent. The government also represented under the Federal government by acts of the Indian Self-determination Act and so many grants and contracts they pursue today.

It should be clear to the Board that Saxman is an independent separate village from Ketchikan. Here, amongst specific suggestions with regard to rural criteria and aggregate grouping, first and foremost the process and criteria should be open, transparent and simple. Some of the things that transpired in the final decision I think are inexcusable and inexplicable.

The rural criteria should not be based on population thresholds, rather rural status should be based on historical, cultural, political, economic, social sources, both qualitative and quantitative sources. They should be holistic. This idea of -- and I think the Regional Advisory Council will talk about it more today. The idea of what are the characteristics in a qualitative sense.

Aggregate criteria should no longer be called that. What does that mean. That's something you get when you go to the rock dump or something for rocks or something. Aggregate should be referred to as grouping. I think most folks in Alaska understand the term grouping.

Plain and simple, communities should not be grouped unless they say they are. Arbitrary variables of commuting to different communities, high school attendance, place of employment, proximity to roads and concrete box retailers is a poor indicator of ruralness or grouping and should be abandoned for more, as I've already said, qualitative, political, economic, historical and social, cultural sources.

The Board should not review the status of communities every 10 years unless there's been a major demographic change. This 10-year cycle is exhausting to small communities, financially, physically and otherwise. It's also unwise in terms of Federal budget cuts.

Finally, the Board should trust the Regional Advisory Council. This one size fits all
criteria in process does not fit a state as culturally
and ecologically diverse as Alaska. (In Tlingit)
Gunalcheesh.

MR. LORRIGAN: Thank you.

Gunalcheesh.

Holly Churchill.

MS. CHURCHILL: (In Tlingit) My given
name is Holly Churchill and I'm a resident of Ketchikan.
However, over the past 58 years I have attended Saxman's
community to community events and have been graciously
invited to eat their Native foods and participate in
their Native dance, which is unique to Southeastern
Alaska. They're a very traditional tribal entity here in
this community. Tourism has increased here because of
their presence in a village on Revillagigedo.

Over the course of my lifetime I've
watched their health deteriorate. To my understanding --
I remember what my mother, Delores Churchill, had said to
me, that her grandmother had said to her on some of the
foods that have been introduced into our diets and she
never spoke any English, but my mom does and she used to
say look at those members of this tribe or that tribe
within the Haida Nation, they're drinking that cow's
milk, they're going crazy.

You know, there's just some things that
is so necessary for our DNA to be acquired and
accumulated into our systems, just as sciences to alcohol
to the Natives where we don't have the enzymes and it
doesn't come out of our systems as quickly as other
Caucasian societies that have had it in their systems for
hundreds of years. So our DNA requires us to have our
eulachons, which is the first amount of Vitamin D and our
seaweeds that give us our iodines and so on and so forth.

Those of us that might not be schooled in
the medical or health wise, but we are seeing an
increasing amount of people of our youths in this
generation with diabetes juvenile for no other reason
that should have any of these diseases that hadn't been
previously around, but also mental illness. Being a
mother that has a child that has a disorder, I know
directly that in the lack of our foods it is so important
and I see that out in Saxman.
Maybe we can't help our community here, Ketchikan, to get rural status because of Congress, but because of us, members that live here, we care about our people and we care about the people of Saxman and we would ask you to consider for them to be reinstated for rural status.

Thank you.

MR. LORRIGAN: Gunalcheesh.

Haw'aa.

Ronald Leighton.

MR. LEIGHTON: Good morning. Thank you for allowing me to come speak to you. Mr. Chair, I would like for you people to review the maps here. There's a purpose that I'm bringing these maps forward. I'm here on behalf of the Organized Village of Kasaan and we are here to support Saxman in their effort to continue their subsistence ways. We don't like the word subsistence, so we use customary and traditional use.

It's important to think on these maps here. Saxman is fighting to keep their rural status because you're saying Ketchikan, which is urban, links them together. Well, I'm here to say that we're using the wrong criteria. The urban and the rural should not be used. When you have people in communities such as Ketchikan that can demonstrate and have demonstrated for a number of years that they are not only dependent and have a need for their subsistence, they also can demonstrate that they have utilized this for a number of years. I think this is very important for the Board to understand and look at this as a process of their determination on who can retain a level of subsistence.

Personal use -- and this puzzles me up and I'll tell you why. The subsistence and personal use gatherers in the state probably only utilize about 1.2 percent, maybe 1.5 percent of the total resource. So I don't know why they have to sit down here and try to fight for this use. It's not depleting in any way any resource. It doesn't add to the depletion. Personal use is not as prioritized as subsistence and if you have subsistence users, they are a way of tattle-tailing on the over commercial harvest of certain resources. If we are there to gather and we're not getting our traditional customary levels easily, then there is a reason and the
reason is it's being overharvested or maybe there's a
disease or something in the system there that took this
out of the picture.

If everybody was just personal use, you
guys wouldn't have to listen to us. We come to you
saying we're not getting our personal use levels. Well,
so what. You're not priority. So I'm saying it's very
important throughout the state to realize and I think if
you guys would sit there and think about this for a
while.

If I could demonstrate where my family
had utilized some land prior to 1906, prior to the Tongas
being formed, my chances of getting that land are pretty
good. Getting it turned over to a patent in my family
name. I'm saying you've got to look a little bit further
than that and say, okay, if you can demonstrate -- and
the reason why I put those maps there.

This is a map of Ketchikan 1900. If you
look on that map there, you could see the city blocks,
mission, the streets are downtown there, and off to the
left portion of that map there you could see where it
says Indian Village. I'm going to argue with you that
that Indian Village is still there. It might be obscured
and everything, but it is definitely still there. This
tells you that the people that were living here was
living off the resources.

They're still living off the resources.
They were taught by their parents' grandparents and goes
way back. And we have been teaching. I've taught my
kids. I'm still teaching my nieces and nephews. There
is one -- our own loader head out there in Kasaan, right
at the bottom of it it says we are borrowing the resource
from our grandchildren and that's very important to
understand.

I think if you use and change your
process of criteria and bring in the fact that if
somebody can demonstrate -- the gentleman yesterday from
Pennock Island says, you know, they don't consider me
rural, but I live off the grid. There is people like
that. They're tribal and non-tribal that depend on this
and can demonstrate that they need and depend on the
resources. It's important that -- it's not a
conservation issue by giving them this subsistence rural
preference. I would say a subsistence preference, a
gathering preference or maybe a cultural preference and
maybe all of them combined and put into your process of determination.

I feel it's important that you change the way in which you reach a decision. Right now under the State and stuff you could go and get a C&T finding, but you have to demonstrate in the state that you had utilized, you had need and you had ongoing long use of a resource. Then they'll put that down as, okay, he demonstrated -- they demonstrated that -- and they did it on a village level, they could do it on an individual level, but I think it's important that you be able to realize that people that live within larger communities do have a need to subsist. A need to the resources and a need to be heard. When the resources are being depleted or damaged for whatever reason, they need to be able to explain, wait a minute, we're not getting this needed resource.

I want to thank you for holding these meetings here. It's very important. It's obvious that the Secretary of Interior knew there was damage. He says we've got to get something fixed. I think this is going to be a major step in deciding what process you're going to put in place because you're going -- it would be the shotgun approach to management. A law enforcement officer looks over there and he sees 10 people. He says if I blast them with a shotgun, I'm going to get the guilty one that's amongst them.

By doing a community type thing and calling Ketchikan urban, it isn't fair to the people that are dependant on the resources. So I think you ought to throw that aside and come back through on individual.

MR. LORRIGAN: I'm sorry. Could you summarize.

MR. LEIGHTON: Sure, sure. If the individual -- if the Federal government could put together a form and this person here could fill it out, and you have boxes and checks and stuff like that, and they submit it to you and they say, okay, fine, we make a determination you are a true subsistence gatherer and put it in the form of an affidavit.

So, thank you.
MR. WALLACE: Mr. Chair. If you would, please. Last night I asked Joe Thomas's presence this morning. He's a Tlingit elder out in Saxman. I view myself as a Haida having the opportunity to live in a Tlingit village and I've had the humble experience of having 11 years being elected as tribal president of the Federally recognized tribe of OVS.

What we've been talking about here for years is our way of life. Part of our way of life is the spiritual aspect of it and part of that spiritual aspect is prayer and the medicines that we had. With that, I'm going to request that Joe Thomas have a prayer for us.

Thank you.

MR. THOMAS: Let's bow our heads. (In Tlingit) Heavenly Father, in the name of Jesus Christ, our Lord and Savior, we are speaking this morning about the foods that pertain to us, that help us to live, that help us to prosper and grow in health. We ask, Lord, this morning that all these things will be decided in the name of Jesus Christ in favor Lord of our people. Lord, we thank you for this opportunity.

In Jesus' name we pray.

Amen.

Gunalcheesh.

MR. WALLACE: Thank you for allowing that. It's important. Other important aspects throughout the years as I came before the FSB and the Southeast RAC. I made it a point to wear Indian medicine. Beth had complimented the necklace a couple times. Yesterday was one of them. I explained to her the meaning and the spirituality of the medicine that we receive from what is termed devil's club. It's the wrong name for the Indian medicine. It's the English version. So I gave her the Indian medicine this morning for her to wear and for her to have and for hopefully to get some of that medicine that we totally rely on in our way of life.

With that stated, my comments have changed, you know, throughout the whole process. We have received the nine questions and we've been going through
the village with those nine questions and we have been
meeting as a council and inviting Cape Fox Corporation,
the city of Saxman to partake in our issue with answering
those nine questions and we've had the fortune of
receiving a BIA grant to assist us with that and with
that we have the assistance of Dr. Dan Monteith.

We will be submitting probably about a
58-page written testimony before the November 1st
deadline. With that stated, there's been discussion of
you'll receive all this oral testimony, all this written
testimony, and I've seen some of the binders at FSB and
they're thick. The question is, who really reads those?
Do you guys really read them? I mean there is a
statement I believe in the Q&As and going through the
timeline and by a certain date the FSB would review all
comments received. Our question is, well, just really, in
fact, that's going to be a lot of data to read for Tony
and for Beth and for the other four members of the FSB.

With that, I would really like
consultation for the FSB and for Staff members to meet
with the Organized Village of Saxman before the November
1st deadline and I want to have that consultation with
some dialogue, meaningful dialogue. It's something
that's been put out there and I would formally request
that.

My testimony today changed. It changed
through sidebar conversations. It was changed by
testimony that I heard last night and it was changed a
lot by a personal phone call. Yesterday afternoon I was
called back to the office to tend to some business,
tribal business, and that's why I'm really fortunate that
this meeting did come to this area. When I'm traveling
away from Saxman, I'm in contact through my iPad, through
emails, through my texting. So I just got this new
request to take care of some tribal business, so I went
back to the office.

I received this personal phone call from
a family member. Yesterday the Council, a couple of the
councils mentioned the issue of cancer. When I received
that phone call about my sister-in-law, she's been
battling cancer and the care providers are saying, well,
you've got X amount of months. When we heard that news,
it was devastating as you might well know if you've
experienced that.

With that, I would almost personally say,
well, gosh, I'm really pretty much emotionally done for
the day, for the week, but what my sister is doing is
she's battling for her life and that puts it in
perspective for the Organized Village of Saxman, Saxman
IRA Council, a Federally recognized tribe. We have been
in a battle for our way of life to practice what we've
been doing since time immemorial as you've been hearing
in last night's comments.

Yes, we do demand and request that the
rural determination for Saxman be reversed. It's an
administrative thing that can happen. It's not a
congressional thing. We're not -- yeah, we may be trying
to change things legislatively and that takes time, but
really this decision can be handled with a stroke of a
pen or with a motion from the FSB or from the Secretary
of Interior or the Secretary of Agriculture. It really
can be an administratively thing done. Serving on the
IRA for the last 12 years we make decisions and sometimes
those motions come back to the table and those motions
can be changed.

With that, I know the FSB has a process
in the organization. Well, you go through the RFR and
then it has requirements that RFR has to meet. With that
all said -- my iPad keeps going off. Actually last
night's presentation it could have ended with the young
girl, the young 8-year-old girl. After hearing her read
her testimony, we should have all gone home instead of
being there till after 10:00 o'clock. I know the RAC
Council was here all day since 9:00 o'clock and here you
are after you were up until 10:00, so we didn't have to
be there.

Jamie made a comment on an unknown
person, unknown agency. How important -- is it really
important for Saxman's rural status? For the individual
making a decision like that really not being effected by
it, it probably doesn't mean a whole lot, but to us,
again, it's a way of life that we've been experiencing
since time immemorial and we want to continue that for
that young girl that was up here last night giving her
testimony. It's for her and her future generations, her
future children and grandchildren to enjoy what has been
ours since time immemorial. Unknown individual, unknown
agency.

The comment was Saxman really wasn't
hurt. It wasn't hurt legally yet, but, yes, Saxman has
been hurt ever since that decision to the vote that they
made years ago. A couple times individuals mentioned
that one vote changed things and, yes, it hurt us.

We're a Federally recognized tribe and we
operate on small funds, being a small and needy tribe.
That's the actual funding source that we receive in
Saxman. A small and needy tribe. The real thing about
being a Federally recognized tribe is that trust
responsibility that we have with the Federal government
and its agencies. That trust responsibility to manage
our land, our waters. What's really behind the battle
for Saxman is really a sovereign issue. If it didn't
really mean that much to us, we wouldn't even be battling
it, but it's important to us and that's why we're here.

You heard a lot about the history of
Saxman and where the people came from originally and that
will be further documented in our written documents.
Thresholds arbitrary. In my research and activity at
OVS, we recently applied for a USDA rural loan and to
apply for that rural loan and to be eligible for that
rural loan with the USDA out of the Sitka office, plain
and simple, it was 20,000. That's what they considered
rural. If USDA rural development is using 20,000 people
as a threshold, guess what. The only community in
Southeast would be Juneau that wouldn't be eligible for
that loan.

The Ketchikan Gateway Borough has applied
for that rural loan before and they've received funds
from the USDA. Beth, you're under the USDA being with
the Forest Service. In that loan process, that was the
criteria. That was the only thing mentioned. I hear
there was a brief paragraph on threshold. What happened
with criteria is somebody decided let's throw all this
different criteria and aggregation into the mix of it and
it was really unnecessary.

Plain and simple, the agency has got to
be fiduciary responsible to Federally recognized tribes.
By that, when you make decisions for Federally recognized
tribes, you're making it in the best interest of the
Federally recognized tribe. And that wasn't done.
There's two acts that you guys had to take into mind.
Alaska Native Claims Settlement Act and ANILCA Title
VIII. The intent of ANILCA is protect. There has been
no protection going on, not with the steady rules and
regulations that have been coming down the pike and the
heavy enforcement. This summer I heard of an individual
involved in the halibut subsistence. He was, to me,
harassed, profiled, and he was boarded four times in a
three-week period.

I'm going to summarize and close because,
yes, we will be submitting a final written report before
it's all said and done by November 1st. In closing, I've
been in my chapter of life serving as a public servant
serving with the Organized Village of Saxman for 12
years. I'm coming to the point where I want to go back
to my other chapter in life. You guys know that my real
avocation is being a carver. Without doubt, if there is
an unfavorable action that's not favorable to Saxman,
there will be a ridicule pole carved.

With all the different agencies that were
involved in the decision making, it would be -- when I
get into carving, it's pure pleasure. It doesn't seem
like work at all. It's in my DNA. I come from five
generations of carvers in my family. You know, you heard
from the mayor of Saxman last night and we have a totem
pole part that's visited by hundreds and thousands of
people. We have a ridicule pole of Secretary Seward.
It's really not my wish to do one for the FSB if there is
a determination like that. I'd like to maybe do the
opposite.

With that, I know we have a busy schedule
for the next day and tomorrow, so I'll close and thank
you for this time.

MR. LORRIGAN: Thank you. We'll close
public comment for this session on the rural
determination process. I'd like to invite the Board if
they have any closing comments.

MS. PENDLETON: Thank you. Last evening
and this morning were extremely helpful to me as a member
of the Federal Subsistence Board I think to gain a
greater understanding to hear the issues, the concerns,
the passion. It's brought some greater clarity for me.
I believe that the Board and as we continue through this
process has an important role to fulfill and I think a
big part of that has been this opportunity really just to
listen to gain greater understanding.

I just want to express my appreciation
and I know many of the folks are not here, but their
testimonies, everything from the little eight or nine
year old girl from the community of Saxman all the way up
to the elders are just greatly, greatly appreciated. I
thank all of those who provided comments. It's helped me
to gain a greater understanding.

Thank you.

MR. CHRISTIANSON: Anthony Christianson.
I too really appreciated last night and all the heartfelt
testimony. Coming from a rural village of exactly 411
people myself, we have a similar feeling about that and
culturally share a lot of values and to see the people
draw the strength to come forward and share their message
and try to help bring some insight to where Saxman sits
in this determination process was valuable for I think
the Board and the recorder and the public record to hear,
especially as you started to align down some of the
criteria and what it meant. The component missing is
that cultural aspect and the lifestyle that the community
lives and breathes every day.

So it was valuable for me to sit here and
hear your experiences and the things that Saxman feels
about it. It was also good to hear some of the other
Ketchikan residents that came out and had a different
opinion about it and that opinion really brought some
light to the whole process itself and I think this region
as a whole is different than other areas in Alaska. So
hopefully we can come to some consensus on this
determination process in favor of everybody.

Thank you.

MR. LORRIGAN: Thank you. I'll conclude
the public comment and I'll turn the meeting back over to
Chairman Adams.

(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

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:

THAT the foregoing pages numbered 2 through 70 contain a full, true and correct Transcript of PUBLIC HEARING IN RE: FEDERAL SUBSISTENCE BOARD RURAL DETERMINATION PROCESS, taken electronically by Computer Matrix Court Reporters on the 24th day of September in Ketchikan, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction 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 8th day of October 2013.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14